

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTOPHER ANTHONY JONES,  
Appellant,  
vs.  
STATE OF NEVADA PAROLE BOARD,  
Respondent.

No. 55041

**FILED**

JUN 09 2010

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY H. Anderson  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court dismissing a petition for a writ of mandamus.<sup>1</sup> Eighth Judicial District Court, Clark County; Michael Villani, Judge.

In his petition, appellant claimed that he was entitled to a parole hearing on May 6, 2008. Appellant already raised this claim in a petition for a writ of habeas corpus, which this court rejected. Jones v. State, Docket No. 52503 (Order of Affirmance, May 13, 2009). The doctrine of law of the case prevents further litigation of this claim and cannot be avoided by a more detailed and precisely focused argument. See Hall v State, 91 Nev. 314, 316, 535 P.2d 797, 799 (1975). Therefore, the district court did not err in dismissing this claim.

In addition, appellant claimed that a parole hearing on July 22, 2008, should not have been conducted in absentia. NRS 213.130 was

<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

amended in 2007 to specifically provide for the right to be present at a parole hearing. 2007 Nev. Stat., ch. 528, § 10.5, at 3261-62. However, at the time the hearing was conducted in this case, the provision requiring a prisoner to be present was suspended. 2008 Nev. Stat. 24th Special Session, ch. 6, § 2, at 7. Because parole is within the legislative authority, the legislature may determine how the amendments to NRS 213.130 apply. See Pinana v. State, 76 Nev. 274, 283, 352 P.2d 824, 829 (1960), receded from on other grounds by In re Application of Shin, 125 Nev. \_\_\_, \_\_\_, 206 P.3d 91, 97-98 (2009). Therefore, the district court did not err in dismissing this claim, and appellant failed to demonstrate that a writ of mandamus should issue. NRS 34.160; NRS 34.170; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

Cherry, J.  
Cherry

Saitta, J.  
Saitta

Gibbons, J.  
Gibbons

<sup>2</sup>We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.

cc: Hon. Michael Villani, District Judge  
Christopher Anthony Jones  
Attorney General/Las Vegas  
Eighth District Court Clerk