

IN THE SUPREME COURT OF THE STATE OF NEVADA

RAYMOND LEE MCDONALD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56125

FILED

NOV 08 2010

TRACE K. LINDEMAN
CLERK OF SUPREME COURT
BY A. New
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus.¹ First Judicial District Court, Carson City; James Todd Russell, Judge.

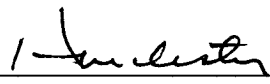
In his petition, filed March 18, 2010, appellant claimed that the procedures utilized by the psych panel and parole board violated his due process rights. Appellant's claims were not cognizable in a post-conviction petition for a writ of habeas corpus. To the extent appellant challenged the denial of parole, parole is an act of grace of the State and there is no cause of action permitted when parole has been denied. See NRS 213.10705; Niergarth v. Warden, 105 Nev. 26, 28, 768 P.2d 882, 883 (1989). To the extent appellant alleged a denial of his procedural due process rights, these claims fell outside the scope of habeas corpus relief, as appellant was lawfully confined pursuant to a valid judgment of

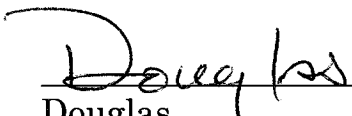
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

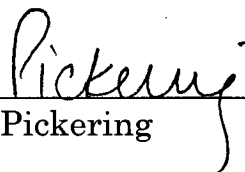
conviction, and even the establishment of due process violations by the psych panel would not demonstrate that appellant was unlawfully confined. See NRS 34.360.

Moreover, as a separate and independent ground for affirming the order of the district court, we note that appellant's claims (1) of due process violations by the psych panel, (2) that NRS 213.1214 is vague and ambiguous, (3) that application of NRS 213.1214 to appellant constitutes an ex post facto violation, and (4) that he was denied a timely parole hearing, lacked merit. See NRS 213.142; California Dept. of Corrections v. Morales, 514 U.S. 499, 504 (1995) (noting that the ex post facto clause is aimed at laws that "retroactively alter the definition of crimes or increase the punishment for certain acts," and concluding that changes in the parole certification process did not increase the punishment attached to respondent's crimes (quoting Collins v. Youngblood, 497 U.S. 37, 43 (1990))); Sheriff v. Burd, 118 Nev. 853, 857, 59 P.3d 484, 486-87 (2002) (noting that a statute is void for vagueness only if it "fails to define the criminal offense with sufficient definiteness" (emphasis added)); Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. James Todd Russell, District Judge
Raymond Lee McDonald
Attorney General/Carson City
Carson City Clerk