

IN THE SUPREME COURT OF THE STATE OF NEVADA

ERIC ZESSMAN,

No. 35195

Appellant,

vs.

NEVADA STATE BOARD OF PAROLE
COMMISSIONERS,

Respondent.

FILED

FEB 22 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Bloom*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying appellant's post-conviction petition for a writ of habeas corpus.

On June 1, 1999, a parole violation hearing was held where appellant pleaded not guilty to the parole violation charges against him. Appellant was found guilty of one of the charges and was given three years in the Nevada State Prison. Appellant's appeal, in the form of a petition for writ of mandamus, was denied by this court. *Zessman v. Nevada State Board of Parole Commissioners*, Docket No. 34342 (Order Denying Petition for Writ of Mandamus, July 23, 1999).

On August 10, 1999, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to conduct an evidentiary hearing. On November 24, 1999, the district court denied appellant's petition based on procedural deficiencies. This appeal followed.

The district court dismissed appellant's petition on the ground that the district court was without personal jurisdiction over a properly-named respondent. We conclude that the district court erred in dismissing appellant's petition on this ground. In the petition, appellant stated that he was imprisoned in the Southern Nevada Correctional Center and served a copy of the petition on the Nevada Attorney General. Thus, appellant sufficiently complied with the procedural

requirements.¹ Nevertheless, based upon our review of the record, we conclude that the district court could have properly denied appellant's petition because he failed to substantively demonstrate that he was entitled to relief.²

Having reviewed the record on appeal and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.³ Accordingly, we affirm the order of the district court.

It is so ORDERED.

Young J.
Young
Rose J.
Rose
Becker J.
Becker

cc: Hon. Kathy A. Hardcastle, District Judge
Attorney General
Eric Zessman
Clark County Clerk

¹See generally, Pangallo v. State, 112 Nev. 1533, 930 P.2d 100 (1996) (determining that this court will dismiss an appeal if the petitioner failed to meet the relevant substantive statutory requirements of NRS Chapter 34 and not merely because of minor procedural infirmities); see also Dunn v. U.S. Parole Comm'n, 818 F.2d 742, 744 (10th Cir. 1987) ("So long as the petitioner names as respondent a person or entity with power to release him, there is no reason to avoid reaching the merits of his petition.") (quoting Lee v. United States, 501 F.2d 494, 502-03 (8th Cir. 1974)).

²See Hargrove v. State, 100 Nev. 498, 686 P.2d 222 (1984); Morrissey v. Brewer, 408 U.S. 471 (1972).

³See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975), cert. denied, 423 U.S. 1077 (1976).

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES ANDERSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 35105

FILED

JAN 07 2000

JANETTE M. BLOCH
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

NO. 35105

ERIC ZESSMAN,
Appellant,
vs.
NEVADA STATE BOARD OF PAROLE
COMMISSIONERS,
Respondent.

MARSHALL ALBION CLAFFEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 35213

MARSHALL ALBION CLAFFEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 35214

GEORGE TOLIVER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 35262

THOMAS E. BARNES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 35264

00-00271
00-00272
00-00273
00-00274
00-00275
00-00276
00-00277


ROBERT DEAN CHARLTON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 35286

ORDER RE: RECORDS ON APPEAL

Having reviewed the documents on file in these proper person appeals, this court has concluded that its review of the complete records is warranted. See NRAP 10(a)(1). Accordingly, within one hundred and twenty (120) days from the date of this order, the clerk of the district court shall transmit to the clerk of this court a certified copy of the complete trial court record in each of the above-identified appeals. See NRAP 11(a)(2) (each complete record shall contain every paper, pleading and other document filed, or submitted for filing, in the district court, as well as any previously prepared transcripts of the district court proceedings).¹

It is so ORDERED.


_____, C.J.

cc: Attorney General
Clark County District Attorney
James Anderson
Eric Zessman
Marshall Albion Claffey
George Toliver
Thomas E. Barnes
Robert Dean Charlton
Clark County Clerk

¹The records shall not include any exhibits filed in the district court.