

IN THE SUPREME COURT OF THE STATE OF NEVADA

FERRILL JOSEPH VOLPICELLI,  
Appellant,  
vs.  
JACK PALMER,  
Respondent.

No. 59698

**FILED**

JUL 25 2012

TRAGIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY: *[Signature]*  
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.<sup>1</sup> Sixth Judicial District Court, Pershing County; Michael Montero, Judge.

In his petition filed on May 4, 2010, appellant claimed that he was entitled to 60 days of meritorious credits pursuant to NRS 209.449 for his completion of a paralegal studies program through correspondence coursework while incarcerated. He contended that the Nevada Department of Corrections' (NDOC) refusal to award him credits and to apply those earned credits to his life sentences violates the Due Process Clause and the Equal Protection Clause of the United States Constitution

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<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).

because he received approval to enroll in the program and another inmate received credits for the same course.

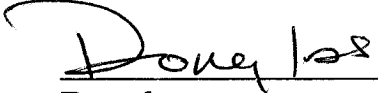
We conclude that appellant failed to demonstrate that he was entitled to credit for the completion of the paralegal program. The provisions of NRS 209.449(1) apply only to programs of “vocational education or training” or “other programs approved by the Director.” At the time that appellant enrolled in the paralegal program, NDOC Administrative Regulation 563.05 (2004) described a “vocational education or training” program as a “certified program of vocational education and training which is listed in the curriculum which is maintained by the [Offender Management Division].” Appellant’s paralegal program was not listed in the curriculum, nor did appellant demonstrate that the paralegal program through Ashworth University was approved by the Director of the Department of Corrections for meritorious credits.<sup>2</sup> To the extent that appellant argued that he was entitled to receive credits for educational coursework under NRS 209.4465(2), he failed to show that he completed the program in the manner required by NDOC’s regulations. Because appellant failed to demonstrate that he was entitled to meritorious credits

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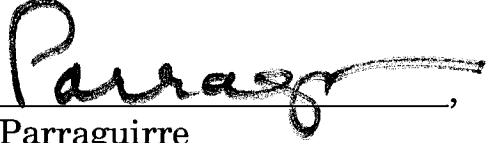
<sup>2</sup>The fact that appellant received “approval” to participate in the program did not mean that the program was administered by the Director or that the program was approved for the purpose of receiving meritorious credits.

for the completion of the paralegal program, we conclude that the district court did not err in denying the petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Michael Montero, District Judge  
Ferrill Joseph Volpicelli  
Attorney General/Carson City  
Pershing County Clerk