

IN THE SUPREME COURT OF THE STATE OF NEVADA

RANDAL N. WIIDEMAN,

No. 35896

Petitioner,

vs.

THE SIXTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA, IN AND FOR
THE COUNTY OF PERSHING, AND OFFICE
OF THE ATTORNEY GENERAL,

Respondents.

FILED

MAY 10 2000

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

ORDER DENYING PETITION

FOR WRIT OF PROHIBITION

This is a proper person petition for a writ of prohibition or, in the alternative, habeas corpus challenging the jurisdiction of the respondent district court and the authority of the Attorney General.

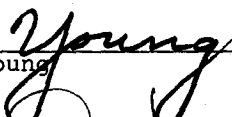
Petitioner claims that four of six charges pending against him in the Sixth Judicial District Court in Pershing County allege crimes occurring in Clark County and that therefore the Sixth Judicial District Court lacks jurisdiction to conduct proceedings against him. This claim is factually belied by the charging document petitioner has attached as an exhibit to his petition: the criminal information expressly alleges that each of the charged offenses occurred while petitioner was incarcerated at the Lovelock Correctional Center in Pershing County. Petitioner also claims that the Attorney General may not prosecute him independently of the local District Attorney. In fact, NRS 228.170(2) provides that "[t]he attorney general may investigate and prosecute any crime committed by a person: (a) Confined in or committed to an institution or facility of the department of prisons." There is no legal support for petitioner's claim. We conclude further that the claims presented in this petition fall within the ambit of NRS 209.451(1)(d)(2) and (3) and constitute sanctionable conduct


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pursuant to the statute.¹ Pursuant NRS 209.451(3), the Director of the Department of Prisons shall determine what forfeiture, if any, is warranted.

We have reviewed the documents on file with this court, and we conclude that our intervention by extraordinary writ is not warranted. NRS 34.330. Moreover, petitioner has not demonstrated that he is entitled to habeas relief from this court. NRS 34.360. Accordingly, we deny this petition.

It is so ORDERED.²


_____, J.
Young


_____, J.
Agosti


_____, J.
Leavitt

¹NRS 209.451 provides in pertinent part as follows:

1. If an offender:

...

(d) In a civil action, in state or federal court, is found by the court to have presented a pleading, written motion or other document in writing to the court which:

(1) Contains a claim or defense that is included for an improper purpose, including, without limitation, for the purpose of harassing his opponent, causing unnecessary delay in the litigation or increasing the cost of the litigation;

(2) Contains a claim, defense or other argument which is not warranted by existing law or by a reasonable argument for a change in existing law or a change in the interpretation of existing law; or

(3) Contains allegations or information presented as fact for which evidentiary support is not available or is not likely to be discovered after further investigation,

he forfeits all deductions of time earned by him before the commission of that offense or act, or forfeits such part of those deductions as the director considers just.

²We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.

cc: Hon. Richard A. Wagner, District Judge
Attorney General
Robert Bayer, Director,
Nevada Department of Prisons
Jackie Crawford, Warden,
Lovelock Correctional Center
Randal N. Wiideman
Pershing County Clerk