

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KARISMA GARCIA,
Appellant,
vs.
BRUCE STROUD, WARDEN,
Respondent.

No. 72575

FILED

NOV 14 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Karisma Garcia appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

Garcia argues the district court erred in denying a February 4, 2016, petition, in which Garcia challenged a prison disciplinary hearing that resulted in the loss of statutory good time credits. Garcia asserted the prison did not provide sufficient information regarding the alleged offenses, there was insufficient evidence presented at the disciplinary hearing, and the hearing officer improperly relied upon statements made by confidential informants.

When a prison disciplinary hearing results in the loss of statutory good time credits, the United States Supreme Court has held that minimal due process rights entitle a prisoner to: (1) advance written notice of the charges, (2) a qualified opportunity to call witnesses and present evidence, and (3) a written statement by the fact-finder of the evidence

¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).


relied upon. *Wolff v. McDonnell*, 418 U.S. 539, 563-69 (1974). In addition, some evidence must support the disciplinary hearing officer's decision. *Superintendent v. Hill*, 472 U.S. 445, 455 (1985). In reviewing a claim that the "some evidence" standard was not met, the court must determine whether there is any evidence in the record to support the disciplinary hearing officer's conclusion. *Id.* at 455-56. Significantly, reviewing courts are not required to examine the entire record, independently assess the credibility of witnesses, or weigh the evidence. *Id.*


A review of the record before this court demonstrates Garcia is not entitled to relief. Garcia received written notice of the charges against him, including specific descriptions of acts of sexual harassment the informants asserted Garcia committed. The information obtained from the confidential informants was found to be reliable, the information was corroborated, and the investigating officer testified as to the truthfulness of the confidential information contained in the investigative report. In addition, the hearing officer found the confidential informants had been reliable in the past and safety considerations prevented the disclosure of the informants' names. Under these circumstances, Garcia failed to demonstrate he did not have sufficient notice of the charges, *see Wolff*, 418 U.S. at 564, or the hearing officer's reliance upon confidential informants' statements was improper, *see Zimmerlee v. Keeney*, 831 F.2d 183, 186-87 (9th Cir. 1987).


In addition, the disciplinary hearing reports contain allegations regarding statements and actions by Garcia that the hearing officer concluded amounted to sexual harassment. Accordingly, there was some evidence provided at the hearing in support of the charges. *See Hill*, 472 U.S. at 455. Therefore, the district court did not err in denying this claim.

Next, Garcia asserted the transfer to administrative and disciplinary segregation following the disciplinary hearing was improper. This was a challenge to Garcia's conditions of confinement and a petition for a writ of habeas corpus is not the proper vehicle to raise such challenges. *See Bowen v. Warden*, 100 Nev. 489, 490, 686 P.2d 250, 250 (1984). Therefore, the district court properly denied this claim.

Having concluded Garcia is not entitled to relief, we
ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Linda Marie Bell, District Judge
Karisma Garcia
Attorney General/Carson City
Eighth District Court Clerk