

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JEFF JONES,
Appellant,
vs.
QUENTIN BYRNE, WARDEN,
Respondent.

No. 73077

FILED

MAY 15 2018

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

ORDER OF AFFIRMANCE

Jeff Jones appeals from an order of the district court granting in part and denying in part his petition for a writ of habeas corpus or, in the alternative, writ of mandamus filed on November 24, 2015, and supplement filed on March 14, 2016. Eleventh Judicial District Court, Pershing County; Jim C. Shirley, Judge.

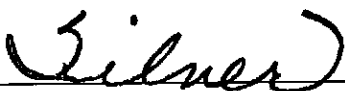
Jones contends the district court erred by denying his claim that the repeated denials of his parole by the Board of Parole Commissioners have violated his rights to procedural due process. Jones has “no protectable liberty interest sufficient to invoke the Due Process Clause.” *Anselmo v. Bisbee*, 133 Nev. ___, ___, 396 P.3d 848, 850 (2017) (internal quotation marks omitted); see *Greenholtz v. Inmates of Neb. Penal & Corr. Complex*, 442 U.S. 1, 7 (1979) (“There is no constitutional or inherent right of a convicted person to be conditionally released before the expiration of a valid sentence.”).


Jones’ reliance on *Graham v. Florida*, 560 U.S. 48 (2010), is misplaced. *Graham* did not announce juveniles had a constitutional liberty interest in release on parole. Rather, it simply held imposing a sentence of life without the possibility of parole on a juvenile, non-homicide offender

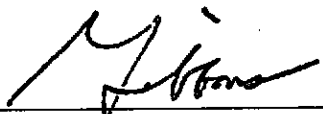
violates the Eighth Amendment. *Graham*, 560 U.S. at 74. Jones was not sentenced to life without the possibility of parole, and we note *Graham* specifically left it to “the State, in the first instance, to explore the means and mechanisms” to ensure juvenile, non-homicide offenders have “some meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation.” *Id.* at 75. *Graham* thus does not afford Jones relief. We therefore conclude the district court did not err by denying this claim.

Jones also contends the Board considered inapplicable factors in denying his parole. This claim was not raised below, and we decline to consider it on appeal in the first instance. *Davis v. State*, 107 Nev. 600, 606, 817 P.2d 1169, 1173 (1991), *overruled on other grounds by Means v. State*, 120 Nev. 1001, 1012-13, 103 P.3d 25, 33 (2004). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Jim C. Shirley, District Judge
Pershing County Public Defender
Attorney General/Carson City
Pershing County Clerk