

IN THE SUPREME COURT OF THE STATE OF NEVADA

DANNY DAVIS,

No. 37331

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FILED

DEC 05 2001

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

ORDER OF AFFIRMANCE

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

On August 15, 1989 the district court convicted appellant, pursuant to a guilty plea, of one count of sexual assault. The district court sentenced appellant to serve a term of life in the Nevada State Prison with the possibility of parole. No direct appeal was taken.

On October 30, 2000, appellant filed a proper person petition for a writ of habeas corpus in the district court. The State opposed the petition. Appellant filed a reply. 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 February 1, 2001, the district court denied appellant's petition. This appeal followed.

In his petition, appellant contended that his due process rights were violated because his parole revocation hearing was held after the sixty day time period prescribed by NRS 213.1517. Appellant did not support this claim with specific factual allegations, which if true, would entitle him to relief.¹ Appellant failed to provide all of the relevant dates or documentation of the events necessary to demonstrate that his parole revocation hearing was held after the sixty day time period prescribed by NRS 213.1517. Appellant merely made the unsupported, conclusory assertion that the parole revocation hearing was held "beyond the 'sixty day rule'." Therefore, we conclude that the district court did not err in denying appellant's petition.


¹See Hargrove v. State, 100 Nev. 498, 686 P.2d 222 (1984).

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.² Accordingly, we

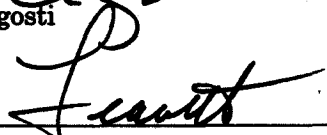
ORDER the judgment of the district court AFFIRMED.



Young J.



Agosti J.



Leavitt J.

cc: Hon. Donald M. Mosley, District Judge
Attorney General/Carson City
Clark County District Attorney
Danny Davis
Clark County Clerk

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