

IN THE SUPREME COURT OF THE STATE OF NEVADA

KEITH R. REESE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 38311

FILED

MAR 01 2002

ORDER OF AFFIRMANCE

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

This is a proper person appeal from an order of the district court denying appellant's post-conviction motion for the return of seized property.

On October 10, 2000, the district court convicted appellant, pursuant to a guilty plea, of transport of a controlled substance (Count I) and possession of a controlled substance with intent to sell (Count II). The district court sentenced appellant to serve a term of 15 to 60 months for Count I, and a concurrent term of 12 to 36 months for Count II in the Nevada State Prison.

On June 26, 2001, appellant filed a proper person motion for the return of seized property in the district court. The State opposed the motion. On July 12, 2001, the district court denied appellant's motion. This appeal followed.

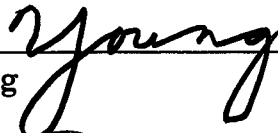
In his motion, appellant contended that the police seizure of \$2075.00 upon his arrest violated due process. He also contended that he was not formally notified or provided a hearing before forfeiture.

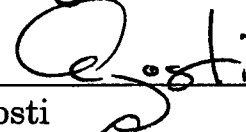
Our review of the record on appeal reveals that the district court did not err in denying appellant's motion. The State filed a forfeiture complaint on April 5, 2001. At the time that appellant filed his


motion, it appears that the forfeiture proceedings regarding the property at issue were ongoing in the district court. Thus, appellant's entitlement to the property will be adjudicated in the forfeiture proceedings. Appellant should raise his claims in the context of that action.<sup>1</sup>

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.<sup>2</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Young

  
\_\_\_\_\_, J.  
Agosti

  
\_\_\_\_\_, J.  
Leavitt

cc: Hon. John S. McGroarty, District Judge  
Attorney General/Carson City  
Clark County District Attorney  
Keith R. Reese  
Clark County Clerk

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<sup>1</sup>See NRS 179.1156 et. seq.

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