

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD ALLEN SHRADER,
Appellant,
vs.
RONALD PIERINI, SHERIFF,
Respondent.

No. 38581

FILED

MAY 23 2002

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

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court dismissing a post-conviction petition for a writ of habeas corpus.

We have reviewed the record on appeal and for the reasons stated in the attached order of the district court, we conclude that the district court properly dismissed appellant's petition. Therefore, briefing and oral argument are not warranted in this case.¹ Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Young J.

Young

Agosti J.

Agosti

Leavitt J.

Leavitt

¹See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

cc: Hon. David R. Gamble, District Judge
Attorney General/Carson City
Douglas County District Attorney/Minden
Richard Allen Shrader
Douglas County Clerk

FILED

1 CASE No. 00-CR-0109B

NO. _____

2 DEPT. No. 1

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DOUGLAS COUNTY
DISTRICT COURT CLERK

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BY: [Signature] DEPT.

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IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

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IN AND FOR THE COUNTY OF DOUGLAS

8

9 RICHARD ALLEN SHRADER,

10 Petitioner

11 vs.

**ORDER DISMISSING PETITION FOR
WRIT OF HABEAS CORPUS (POST
CONVICTION)**

12

13 SHERIFF RONALD PIERINI,

14 Respondent.

15 _____/

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17 On May 5, 2001, Petitioner Richard Allen Shrader, filed a Petition for Writ of
18 Habeas Corpus (Post Conviction). On May 30th, 2001, this Court directed the
19 Respondent, Douglas County Sheriff Ronald Pierini, to file an Answer. Respondent
20 filed his Answer on June 20th, 2001. On June 26th, 2001, Respondent filed a Motion to
21 Quash Subpoenas and a Request for Submission on July 9th. This Court issued
22 Orders on July 11th and 13th quashing the Petitioner's subpoenas. On July 19th,
23 Petitioner filed a Response to the Motions to Quash Subpoenas. Based on that
24 Response, this Court allowed Petitioner to proceed to issue subpoenas to two
25 individuals. On September 18, Respondent filed a Second Motion to Quash
26 Subpoenas.

27 A hearing was held on the Petition on September 25, 2001. Petitioner appeared
28 without counsel, while Respondent was represented by Michael McCormick, Douglas

1 County Deputy District Attorney. After considering the Petition, Answer and other
2 Motions, this Court enters the following Findings of Fact and Conclusions of Law.

3
4 **Findings of Fact**

5 Petitioner was found guilty at trial In the East Fork Justice Court on August 31,
6 2000, of one count of Threatening or Obscene Letters or Writings, in violation of NRS
7 207.180, and one count of stalking, in violation of NRS 200.575 (1)(a). Petitioner
8 waived his right to counsel during trial. At sentencing on September 27,2000,
9 Petitioner was sentenced to six months in jail on each count to run consecutive, with
10 nine months suspended for one year.

11 On October 18, 2000, Petitioner filed a direct appeal to this Court, claiming that:

- 12 1. the evidence did not support his conviction;
- 13 2. that his ability to subpoena witness was restricted;
- 14 3. that Judge En Earl was biased against him and favored the victim;
- 15 4. that the Judge would not allow him to adequately question the witnesses;
- 16 5. that his right to appeal was hampered by lack of access to certain items,
- 17 6. that he was denied the right to a jury trial.

18 On November 17, 2000, this Court entered an Order Dismissing the Appeal. In
19 that Order, this Court held that although the appeal was not timely filed, the Court had
20 reviewed the issues raised and found substantial evidence to justify the decision.

21 On January 26, 2001, Petitioner filed a notice of appeal to the Nevada Supreme
22 Court. That appeal was dismissed on February 22, 2001 noting that the district court
23 has final appellate jurisdiction over cases that arise from justice court. On May 5,
24 2001, Petitioner filed a Petition for Writ of Habeas Corpus (Post Conviction). In that
25 petition, the following issues were raised by Petitioner:

- 26 1. That he was denied due process because he is not guilty of the crimes.
- 27 2. That his right to appeal was taken.
- 28 3. That there were partial and biased fact finders.

- 1 4. That his right to subpoena witnesses was taken.
- 2 5. That his right to confront witnesses was limited.
- 3 6. That the Justice of the Peace defamed and slandered Petitioner.
- 4 7. That the terms of the sentence are unclear.
- 5 8. That he was denied equal protection because Petitioner believes victim lied.
- 6 9. That petitioner had no legal counsel.

7

8 **CONCLUSIONS OF LAW**

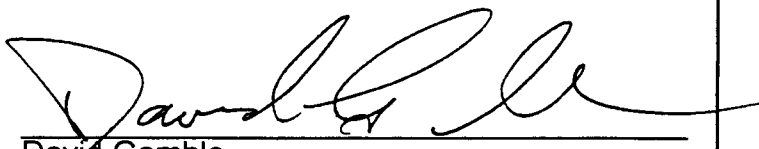
9 This Court finds that there was substantial evidence presented to the Justice
10 Court to find Petitioner guilty of Stalking and Threatening Letters. Petitioner was not
11 unduly restricted in his ability to examine witnesses nor in his ability to subpoena
12 relevant witnesses. Petitioner clearly waived his right to counsel. All other issues
13 raised by Petitioner have already been raised in his appeal and therefore cannot be
14 considered in this Petition. NRS 34.810. All claims that "are appropriate for a direct
15 appeal must be pursued on direct appeal, or they will be considered waived in
16 subsequent proceedings." *Franklin v. State*, 110 Nev. 750, 751, 877 P.2d 1058, 1059
17 (1994).

18 **THEREFORE, IT IS HEREBY ORDERED** that the Petition for Writ of Habeas
19 Corpus (Post Conviction) is hereby dismissed and the Writ discharged.

20

21 Dated this 26th day of September, 2001.

22

23 

24 David Gamble
25 District Court Judge, Department I

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