

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN WITHEROW,
Appellant,
vs.
R. WARREN LUTZOW, CHIEF,
DIVISION OF PROBATION AND
PAROLE,
Respondent.

No. 38767

FILED

MAY 31 2002

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 mandamus.

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 denied appellant's petition. Therefore, briefing and oral argument are not warranted in this case.¹

ORDER the judgment of the district court AFFIRMED.

Young J.
Young

Agosti J.
Agosti

Leavitt J.
Leavitt

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

cc: Hon. William A. Maddox, District Judge
Attorney General/Carson City
John Witherow
Carson City Clerk

REC'D & FILED

1 Case No. 01-00881A

2 Dept. No. 2

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ALAN GLOVER
BY Alan Glover CLERK
DEPUTY

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6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

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IN AND FOR CARSON CITY

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JOHN WITHEROW,

ORDER DENYING PETITION
FOR WRIT OF MANDAMUS

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Petitioner,

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vs.

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R. WARREN LUTZOW, Chief, Division
of Probation & Parole,

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Respondent.

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This matter comes before the Court pursuant to a Petition for Writ of

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Mandamus filed by John Witherow ("Petitioner") on June 22, 2001. The Court

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has read the court file and the law applicable to the issues raised in the Petition.

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The Court, deeming itself fully advised of the matter, hereby enters its Judgment

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as follows:

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Petitioner brings the present petition demanding that Respondent, R.

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Warren Lutzow, Chief of the Nevada Division of Probation and Parole, adopt by

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regulation, standards to assist in formulating a recommendation regarding the

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revocation of parole pursuant to NRS 213.10988. Petitioner further states that any

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attempt to locate said regulations have been futile. As such, Petitioner believes

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Respondent has failed to comply with the provisions of NRS 213.10988 which

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mandate promulgation of such regulations.

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Petitioner has obviously spent more time filing petitions with this Court

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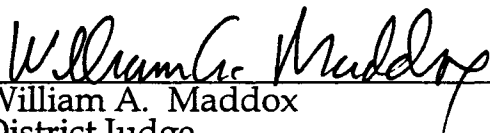
than conducting legal research. Pursuant to NRS 213.10988 regulations

1 regarding the granting and revocation of parole and probation have been
2 promulgated in NAC 213.500 - 213.630. As such, Petitioner's charge against
3 Respondent is without merit.

4 JUDGMENT

5 NOW, THEREFORE, IT IS HEREBY ORDERED that Inmate John
6 Witherow's Petition for Writ of Mandamus is DENIED.

7 DATED this 10th day of October, 2001.

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9 _____
William A. Maddox
District Judge

10 cc: Petitioner
11 Attorney General
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