

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM T. SMITH,
Appellant,
vs.
DIRECTOR, NEVADA DEPARTMENT
OF PRISONS, JACKIE CRAWFORD
AND ROBIN L. BATES, NEVADA
DEPARTMENT OF CORRECTIONS,
Respondents.

No. 39179

FILED

OCT 14 2002

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

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

On October 9, 2001, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. Appellant filed a reply. On January 30, 2002, the district court denied appellant's petition. This appeal followed.

In his petition, appellant challenged the loss of 159 days of statutory good time credits that resulted from his guilty plea at a prison disciplinary hearing. Specifically, appellant claimed that he was denied due process of law because the prison director did not review and approve

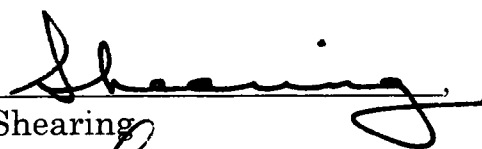
the forfeiture of his statutory good time credits pursuant to NRS 209.451(3). As evidence of his claim, appellant alleged that the director's signature was either missing or forged on the document approving his loss of credits. Appellant requested the restoration of his credits.


We conclude that the district court did not err in denying appellant's petition. Appellant's claim lacks merit. Although NRS 209.451(3) states that a forfeiture of credits may only be made by the director of prisons, NRS 209.132 states that "[t]he director may delegate to an assistant director, manager, warden or employee of the department the exercise or discharge in the name of the director of any power, duty, or function vested in or imposed upon the director." In addition, "[t]he official act of any such person acting in the name of the director and by his authority shall be deemed an official act of the director."¹ Thus, appellant was not entitled to the restoration of his credits simply because the director's signature was missing or forged. Moreover, appellant failed to demonstrate that the director's signature was forged on the document approving his loss of statutory good time credits.

¹See NRS 209.132(2).

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.³


_____, J.
Shearing


_____, J.
Leavitt


_____, J.
Becker

cc: Hon. Michael R. Griffin, District Judge
Attorney General/Carson City
William T. Smith
Carson City Clerk

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

³We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.