

IN THE SUPREME COURT OF THE STATE OF NEVADA

VICTOR VASQUEZ A/K/A VICTOR
VAZQUEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 39391

FILED

JUN 05 2002

JANETIE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Ruben*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

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

On January 28, 1997, appellant filed a proper person motion for return of personal property.¹ On February 11, 1997, the district court orally granted appellant's motion for the return of personal property but excluded the money seized and ordered that the money seized be sent to the victims as partial payment towards restitution. The district court entered a written order on November 19, 1997. Appellant filed a timely appeal docketed in this court as Docket No. 30148. On May 22, 1997, appellant filed a proper person motion for an order directing the LVMPD to mail all of his personal property to him. On August 14, 1997, the district court summarily denied appellant's motion. Appellant filed a timely appeal docketed in this court as Docket No. 30572. On appeal, this court determined that the district court had improperly denied appellant's

¹Appellant sought the return of the following items: \$221.31 in currency, 1 citizen watch, 1 gold ring, 1 gold chain with charm, 1 pair brown snakeskin boots, 1 pair black Levi's, 1 black belt, 1 wallet with miscellaneous papers, 1 Motorola beeper, and 1 black leather coat.

motion for return of personal property as it related to the \$221.31 because appellant had never been informed prior to entry of his guilty plea that he would be required to pay restitution. This court further construed appellant's May 22, 1997 motion to be a petition for a writ of mandamus and ordered the district court to grant the writ compelling the LVMPD to comply with the prior order directing the return of the requested personal property.² The record on appeal indicates that the district court complied with that order on July 14, 1998.

On February 27, 2002, appellant filed another proper person petition for a writ of mandamus in the district court. The State opposed the petition. On March 15, 2002, the district court granted appellant's petition in part and denied appellant's petition in part.³ This appeal followed.

In his petition, appellant argued for the return of property confiscated at the time of his arrest. In addition to the property he requested returned in his prior motion, appellant also requested the return of one additional piece of jewelry, three handguns, one shotgun, one black long-sleeved shirt, 2 gun magazines, and one holster. Appellant further argued that if the property could not be returned that he should be compensated for a loss that he estimated to be nearly \$6000. Based upon our review of the record on appeal, we conclude that the district court did

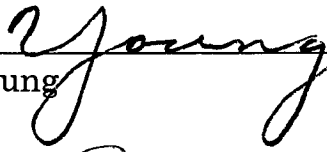
²Vasquez v. State, Docket Nos. 30148, 30572 (Order of Remand, June 22, 1998).

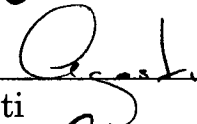
³The district court granted appellant's petition as it related to the return of the currency and appellant's wallet with miscellaneous papers.


not abuse its discretion in granting appellant's petition in part and denying appellant's petition in part.⁴

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.⁵ Accordingly, we

ORDER the judgment of the district court AFFIRMED.⁶


_____, J.
Young


_____, J.
Agosti


_____, J.
Leavitt

cc: Hon. Lee A. Gates, District Judge
Attorney General/Carson City
Clark County District Attorney
Victor Vasquez
Clark County Clerk

⁴NRS 34.160; NRS 34.170.

⁵See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

⁶We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.