

IN THE SUPREME COURT OF THE STATE OF NEVADA

SCOTT V. RULAND A/K/A STEVEN  
JOSEPH SCHMIDTS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 40387

FILED

SEP 16 2003

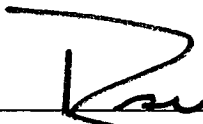
JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK


ORDER OF AFFIRMANCE


This is a proper person appeal from an order of the district court denying a 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 denied appellant's petition. Therefore, briefing and oral argument are not warranted in this case.<sup>1</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Rose

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

  
\_\_\_\_\_, J.  
Maupin

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

cc: Hon. Kathy A. Hardcastle, District Judge  
Scott V. Ruland  
Attorney General Brian Sandoval/Carson City  
Clark County Clerk

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ORIGINAL

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2 FRANKIE SUE DEL PAPA  
3 Attorney General  
4 By: THOM GOVER  
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6 Deputy Attorney General  
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SEP 30 2 40 PM '02  
*Christina M. Thompson*  
CLERK

11 Attorneys for Respondent

12 EIGHTH JUDICIAL DISTRICT COURT  
13 CLARK COUNTY, NEVADA

14 SCOTT V. RULAND,  
15 Petitioner,

16 v.

17 STATE OF NEVADA, et. al.,  
18 Respondents

Case No: C65602  
Dept No: IV

FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND ORDER

Hearing date: September 25, 2002  
Hearing time: 9:00 a.m.

Attorney General's Office  
555 E. Washington, Suite 3900  
Las Vegas, NV 89101

19 The above-entitled Court, conducted a hearing on the Petition for a Writ of Habeas Corpus filed  
20 on behalf of SCOTT V. RULAND, and hereby issues this order finally disposing of said petition  
21 pursuant to NRS 34.830. RULAND was not present being an inmate in the custody of the Nevada  
22 Department of Corrections, nor was he represented by counsel. The Respondents were represented by  
23 Deputy Attorney General Thom Gover. Upon reviewing the Petition, the Respondents answer and the  
24 pleadings and papers on file herein, the Court makes the follow findings of fact and conclusions of law:

25 1. On July 24, 1984, RULAND was sentenced to a term of imprisonment in the instant case and  
26 was later paroled on March 17, 1992.

27 2. On December 24, 2001, he was arrested on a misdemeanor charge of Domestic Violence and  
28 placed in C.C.D.C.

3. On December 31, 2001, while still at C.C.D.C., he received a copy of a violation report prepared  
by Parole and Probation and was advised of his rights and thereafter waived the probable cause hearing  
on his alleged parole violation.

1 4. On January 29, 2002 RULAND was returned to the custody of the Nevada Department of  
2 Corrections ("NDOC") and housed at the High Desert State Prison.

3 5. On March 21, 2002, RULAND was brought before the Board of Parole Commissioners, ("the  
4 Board"). RULAND was represented by Eugene Martin, a public defender and requested that the parole  
5 violation hearing be continued for a period of four months to July of 2002.

6 6. On July 18, 2002, the parole violation hearing in RULAND'S case was had. Commissioner  
7 Hanebeck and Morales presided over the matter and found RULAND guilty of a Laws and Conduct  
8 violation and revoked RULAND'S parole until January 2003. The evidence relied upon consisted of  
9 the LVMPD arrest report relating to the misdemeanor domestic violence charge and a letter from the  
10 victim of the domestic violence charge; Kathy Probert.

11 7. RULAND now challenges his confinement alleging that: (1)his parole violation hearing was  
12 untimely held; (2)bias on the part of Commissioner Bass; and (3) that he entered a plea to his domestic  
13 violence charge on the advice of the Board.

14 8. RULAND's claim regarding the timeliness of his parole hearing is belied by the record which  
15 indicates a request for a continuance by RULAND and his counsel on March 21, 2002 until July 2002.

16 9. RULAND has failed to allege a claim that would entitle him to relief regarding ground two in  
17 the Commissioner Bass did not participate in the parole hearing on July 18, 2002 that resulted in the  
18 revocation of his probation.

19 10. And likewise no remedy under habeas corpus is available in the instant matter to challenge any  
20 defect that may be alleged in the entry of plea to the above referenced domestic violence charges.

21 11. As a result, RULAND having failed to allege facts that would entitle him to relief and his  
22 specific allegations having been belied by the record, no evidentiary hearing is necessary .

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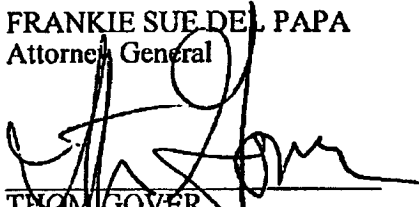
**IT IS HEREBY ORDERED**, based upon the above findings of fact and conclusions of law, that the claims raised in the RULAND petition are without merit and therefore DENIED.

DATED this 30<sup>th</sup> day of September, 2002, in the City of Las Vegas, County of Clark, State of Nevada.

  
DISTRICT COURT JUDGE *fw*

Respectfully submitted by:

FRANKIE SUE DEL PAPA  
Attorney General

By:   
THOM GOVER  
Deputy Attorney General

Attorney General's Office  
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