

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM C. FRANKELL,
Petitioner,

vs.

DEPARTMENT OF PAROLE AND
PROBATION; THE STATE OF NEVADA
BOARD OF PAROLE
COMMISSIONERS; KENNY GUINN,
GOVERNOR; NEVADA DEPARTMENT
OF CORRECTIONS; WARDEN, HIGH
DESERT STATE PRISON, J. M.
SCHOMIG; SHERYL FOSTER,
(FORMER) ASSOCIATE WARDEN OF
PROGRAMS, HIGH DESERT STATE
PRISON; MARTHA SIMS; LINDA
STONE, PRE-RELEASE
COORDINATOR; REX REED; AND
JACKIE CRAWFORD, DIRECTOR,
Respondents.

No. 40701

FILED

JAN 13 2003

J. R. RICHARDS
CLERK OF THE SUPREME COURT

ORDER DENYING PETITION

This is a proper person petition for a writ of mandamus seeking: (1) petitioner's immediate release on parole pursuant to the Board of Parole Commissioner's July 11, 2002 decision to reinstate petitioner to parole, (2) an evidentiary hearing and discovery, (3) an order directing Respondents to supply petitioner with copies of all relevant statutes, administrative regulations, rules, guidelines used to process his release on parole, (4) an order that the Respondents contact petitioner's requested contacts, (5) an order directing the Respondents to immediately process petitioner's reinstatement to parole, (6) an order declaring that any action or inaction has violated petitioner's rights, (7) an order that the Respondents be directed not to retaliate against petitioner, (8) the

assistance of the clerk of the court to make any copies of necessary documents and to mail/serve any necessary documents because petitioner has exceeded his limits at the prison, (9) an order appointing counsel, (10) a jury trial, and (11) damages. Petitioner asserts that he was granted a reinstatement to parole in July 11, 2002, effective immediately and therefore his continued incarceration is illegal. Petitioner believes that his parole has been revoked or rescinded without any process because he is required to submit a parole release plan and complete the sex offender notification process.

We have considered the petition on file herein, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time.¹ The documents before this court reveal that petitioner was reinstated to parole on July 11, 2002.² The certification of action states, "Parole reinstated: RUAPP: immediately (7/11/02)." The certification of action further contains a modification of his original conditions of parole.³ The certification of action provides that petitioner will be released upon approval of a parole plan. Thus, petitioner cannot demonstrate any abuse of discretion by the Parole Board's requirement

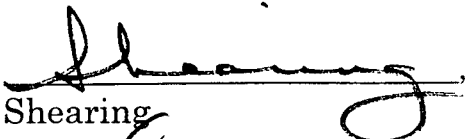
¹See NRS 34.160; NRS 34.170.


²Although petitioner did not provide this court with a copy of the July 11, 2002 certification of action prepared by the Parole Board, the record in Docket No. 39518, a pending appeal filed by petitioner in this court, contains the July 11, 2002 document. Thus, we take judicial notice of the July 11, 2002 certification of action prepared by the Parole Board.

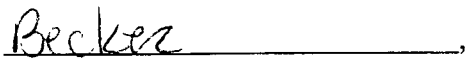
³Petitioner is now required to receive one-on-one sex offender therapy as a condition of his parole.

that he submit for approval a parole release plan.⁴ We are confident that the Parole Board will consider and process petitioner's parole release plan as expeditiously as possible and will assist petitioner in establishing a suitable parole release plan.⁵ Accordingly, we

ORDER the petition DENIED.⁶

 J.
Shearing

 J.
Leavitt

 J.
Becker

⁴Petitioner's complaints regarding the alleged amendment of the July 11, 2002 certification of action lack merit. Petitioner did not provide this court with a copy of any amended certification of action. However, petitioner's argument that the Parole Board improperly added the requirement that he submit for approval a parole release plan is belied by the July 11, 2002 certification of action. Petitioner's argument that the Parole Board improperly added a condition to complete sex offender notification is without merit. NRS 213.1099(6) provides that the Parole Board may not release a sex offender on parole "until the law enforcement agency in whose jurisdiction the offender will be released on parole has been provided an opportunity to give the notice required by the attorney general pursuant to NRS 179D.600 to 179D.800, inclusive."

⁵NRS 213.140.

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

cc: Attorney General/Carson City
Department of Parole & Probation
Board of Parole Commissioners
Jackie Crawford, Director, Department of Corrections
William C. Frankell