

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT G. STAP,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 41410

**FILED**

MAR 04 2004

ORDER OF AFFIRMANCE

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

This is a proper person appeal from an order of the district court denying appellant's petition for release from lifetime supervision.

In 1998, appellant was convicted, pursuant to a guilty plea, of one count of attempted lewdness with a minor. The district court sentenced appellant to serve a term of 3 to 8 years in the Nevada State Prison. Appellant unsuccessfully sought post-conviction relief.<sup>1</sup>

On April 28, 2003, appellant filed a petition for release from lifetime supervision. The district court denied the petition. This appeal followed.

Appellant sought release from lifetime supervision on the ground that the information before the district court demonstrated that he was not a danger to reoffend. Appellant further stated that he had participated in various self-improvement programs offered at the prison.

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<sup>1</sup>See Stap v. Warden, Docket No. 36286 (Order Dismissing Appeal, September 20, 2000).

Finally, he claimed that because the victim had moved away that he was not likely to have any future contact with the victim.

NRS 176.0931(1) provides that the district court shall include a special sentence of lifetime supervision if a person is convicted of a sexual offense. A sexual offense would include the offense of attempted lewdness with a minor.<sup>2</sup> NRS 176.0931(3) provides that a person sentenced to lifetime supervision may petition for release from lifetime supervision and that the district court shall grant the petition if certain conditions are met. These conditions are:

(a) The person has not been convicted of an offense that poses a threat to the safety or well-being of others for an interval of at least 15 consecutive years after his last conviction or release from incarceration, whichever occurs later; and

(b) The person is not likely to pose a threat to the safety of others if released from lifetime supervision.<sup>3</sup>

Based upon our review of the record on appeal, we conclude that the district court did not err in denying appellant's petition. Appellant cannot meet the first requirement at this time because appellant has not been released from incarceration for at least 15 consecutive years. Therefore, we affirm the order of the district court denying appellant's petition.

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<sup>2</sup>NRS 176.0931(5)(b).

<sup>3</sup>NRS 176.0931(3).

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.<sup>4</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Becker, J.  
Becker

Agosti, J.  
Agosti

Gibbons, J.  
Gibbons

cc: Hon. Richard Wagner, District Judge  
Robert G. Stap  
Attorney General Brian Sandoval/Carson City  
Pershing County Clerk

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<sup>4</sup>See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).