

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALBERT A. FARRAR, JR.,  
Appellant,  
vs.  
NEVADA BOARD OF PAROLE  
COMMISSIONERS,  
Respondent.

No. 42755

**FILED**

SEP 30 2004

ORDER OF AFFIRMANCE

JANEITE 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 dismissing appellant Albert Farrar, Jr.'s post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Jackie Glass, Judge.


On October 16, 2003, Farrar filed a post-conviction petition for a writ of habeas corpus in the district court. In his petition, Farrar contended that his due process rights were violated when the parole board rescinded his grant of institutional parole. The State opposed the petition. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent Farrar or to conduct an evidentiary hearing. On December 30, 2003, the district court dismissed Farrar's petition. This appeal followed.

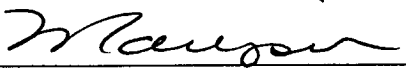
We conclude that the district court did not err in dismissing Farrar's petition. On August 21, 2001, Farrar received notice that he would be paroled to his final consecutive sentence on June 1, 2002. Prior to June 2002, however, Farrar committed several violations of the Code of Penal Discipline, and his parole was rescinded.


Parole is an act of grace by the State.<sup>1</sup> No protected liberty interest was encroached upon by the parole board's rescission of Farrar's 2001 grant of parole because he never received the benefit promised—he was never paroled to his final sentence.<sup>2</sup> Further, to the extent that Farrar is requesting a grant of retroactive parole, this court has declined to apply parole retroactively.<sup>3</sup>

Having reviewed the record on appeal, and for the reasons set forth above, we conclude that Farrar 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.

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

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

  
\_\_\_\_\_, J.  
Douglas

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<sup>1</sup>NRS 213.10705; see also Severance v. Armstrong, 96 Nev. 836, 620 P.2d 369 (1980).

<sup>2</sup>See Jago v. Van Curen, 454 U.S. 14, 17 (1981); Kelch v. Director, 107 Nev. 827, 830, 822 P.2d 1094, 1095 (1991).

<sup>3</sup>See Niergarth v. State, 105 Nev. 26, 29, 768 P.2d 882, 884 (1989).

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

cc: Hon. Jackie Glass, District Judge  
Albert A. Farrar Jr.  
Attorney General Brian Sandoval/Carson City  
Clark County Clerk