

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD DAVID MORROW,
Appellant,

vs.

THE STATE OF NEVADA, NEVADA
BOARD OF PAROLE
COMMISSIONERS, NEVADA
DIVISION OF PAROLE AND
PROBATION, AND DONALD
HELLING, WARDEN,
Respondents.

No. 46476

FILED

JUL 17 2006

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 dismissing appellant's post-conviction petition for a writ of habeas corpus. First Judicial District Court, Carson City; William A. Maddox, Judge.

On May 27, 2005, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. The State opposed the petition. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to conduct an evidentiary hearing. On December 2, 2005, the district court dismissed appellant's petition. This appeal followed.


In his petition below, appellant claimed that the State wrongfully paroled him to Nevada; that the Nevada Division of Parole and Probation discriminatorily classified him as a Tier Two offender; that the Nevada Division of Parole and Probation violated his constitutional rights


by requiring his therapist to share confidential information; that NRS 213.1245 and NRS 213.1255 did not apply to him because he was originally convicted prior to July 1, 1997; that the searches of his residence were illegal; that it was legal to possess child erotica, so this evidence was wrongfully used to revoke his parole; that the State improperly waited to charge him in order to coincide with his parole hearing; and that the Parole Board and the Psychological Review Panel violated the Open Meeting Law pursuant to NRS 241.015, all resulting in his illegal confinement.

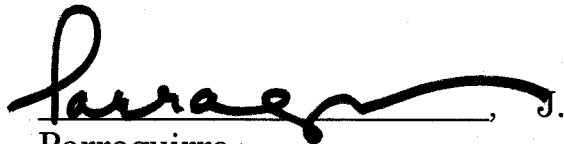
Our review of the record on appeal reveals that appellant failed to demonstrate a violation of any protected constitutional right or violation of any statutes.¹ Therefore, we affirm the order of the district court.

¹See NRS 213.10705 (stating that parole is an act of grace and the establishment of standards relating to parole do not create any right or interest in liberty or establish a basis for any cause of action); NRS 213.1214 (establishing that inmates convicted of certain enumerated sexual offenses must be certified by a psychological panel but creating no cause of action to be certified); Morrissey v. Brewer, 408 U.S. 471, 487-89 (1972) (setting forth the minimal due process rights a parolee is entitled to at a parole revocation hearing); Allan v. State, 103 Nev. 512, 514, 746 P.2d 138, 140 (1987) (stating that a warrantless search is justified if a parole officer has reasonable grounds to believe the parolee has violated the parole agreement); Bowen v. Warden, 100 Nev. 489, 686 P.2d 250 (1984) (holding that an appellant may challenge the validity of current confinement, but not the conditions thereof); Severance v. Armstrong, 96 Nev. 836, 620 P.2d 369 (1980) (holding that parole is an act of grace of the state); Glauner v. Miller, 184 F.3d 1053 (9th Cir. 1999) (stating that the Nevada legislature did not lack a rational basis for requiring more
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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.² Accordingly, we ORDER the judgment of the district court AFFIRMED.³

 J.
Douglas

 J.
Becker

 J.
Parraguirre

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scrutiny of sexual offenders in parole matters than other classes of criminals due to heightened recidivism concerns).

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

³We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.

cc: Hon. William A. Maddox, District Judge
Richard David Morrow
Attorney General George Chanos/Carson City
Carson City Clerk