

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM EARLE NELSON,

No. 36057

Appellant,

vs.

THE STATE OF NEVADA, AND DIRECTOR,
NEVADA DEPARTMENT OF PRISONS,
ROBERT BAYER,

Respondents.

FILED

JUL 24 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. [Signature]*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from an order of the district court denying appellant's petition for a writ of habeas corpus.

On February 23, 2000, a fugitive complaint was filed in the justice court of Carson Township, Carson City, Nevada, seeking appellant's extradition to the state of Washington to serve his sentence pursuant to a Washington judgment of conviction. Appellant challenged his extradition by filing a petition for a writ of habeas corpus in the district court. On April 24, 2000, the district court denied appellant's petition. This appeal followed.¹

In his petition, appellant argued that he should not be extradited because the fugitive complaint was improperly issued in this case because it was sworn in front of a notary public and was allegedly not made under penalty of perjury contrary to the Uniform Extradition Act. Appellant further believes he was never properly charged with a crime in Washington because the charging document was insufficient. Appellant also

¹On May 16, 2000, the State filed a motion to expedite this appeal. We deny the State's motion as moot.

argued his Washington judgment of conviction was faulty because of an allegedly improper extradition to Washington for trial.²

Our review of the record on appeal reveals that the district court did not err in denying appellant's petition and determining that appellant was not entitled to relief. "The courts of asylum States may do no more than ascertain whether the requisites of the Extradition Act have been met." *California v. Superior Court of California*, 482 U.S. 400, 408 (1987). Further,

Once the governor has granted extradition, a court considering release on habeas corpus can do no more than decide (a) whether the extradition documents on their face are in order; (b) whether the petitioner has been charged with a crime in the demanding state; (c) whether the petitioner is the person named in the request for extradition; and (d) whether the petitioner is a fugitive.

Michigan v. Doran, 439 U.S. 282, 289 (1978). The record on appeal reveals that the extradition documents on their face are in order, appellant has been convicted in Washington and has not completed serving his Washington sentence, appellant is the person named in the request for extradition, and appellant is a fugitive. Appellant's claims challenging extradition are wholly without merit. The fugitive complaint was proper. See NRS 179.203. Appellant may not challenge the validity of his Washington conviction in Nevada. Any alleged improprieties relating to a prior extradition do not render appellant's present extradition improper.


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


²It appears that appellant is also challenging the validity of a Nevada judgment of conviction arising in Clark County. A post-conviction petition for a writ of habeas corpus challenging the validity of a Nevada judgment of conviction must be filed in the district court for the county in which the petitioner was convicted. See NRS 34.738(1).

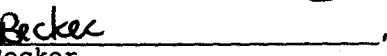
unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975), cert. denied, 423 U.S. 1077 (1976).

Accordingly, we

ORDER this appeal dismissed.³


Maupin J.


Shearing J.


Becker J.

cc: Hon. Michael E. Fondi, District Judge
Attorney General
William Earle Nelson
Carson City Clerk

³We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.