

IN THE UTAH COURT OF APPEALS

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Christopher Michael Jones,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Petitioner and Appellant,)	
)	Case No. 20090200-CA
v.)	
)	
Board of Pardons and Parole,)	F I L E D
and Warden Alfred Bigelow,)	(May 29, 2009)
)	
Respondents and Appellees.)	2009 UT App 142

Third District, Salt Lake Department, 090901667
The Honorable Denise P. Lindberg

Attorneys: Christopher Michael Jones, Gunnison, Appellant Pro Se

Before Judges Bench, Davis, and McHugh.

PER CURIAM:

Christopher Michael Jones appeals the district court's dismissal of his petition for extraordinary relief as frivolous. This matter is before the court on its sua sponte motion for summary disposition. We affirm.

Jones alleges that Utah's indeterminate sentencing scheme is unconstitutional. More particularly, he alleges that it violates principles of due process and equal protection. Utah courts have repeatedly concluded that Utah's indeterminate sentencing scheme does not violate either the United States Constitution or the Utah Constitution. See Padilla v. Board of Pardons, 947 P.2d 664, 669 (Utah 1997) (rejecting arguments that sentencing scheme violates due process or separation of powers clause); Monson v. Carver, 928 P.2d 1017, 1023 (Utah 1996) (rejecting claim that Utah's sentencing scheme violates constitution because it is mentally cruel to prisoners); Walker v. Department of Corr., 902 P.2d 148, 150 (Utah Ct. App. 1995) (approving the limitations on judicial review of decisions by the Board of Pardons and Parole). In his petition, Jones failed to address these and similar cases that conclude that the indeterminate sentencing scheme is constitutional. Further, he failed to adequately advance any new theories concerning the constitutionality of the scheme.

Accordingly, the district court did not abuse its discretion in dismissing Jones's petition as frivolous.

Affirmed.

Russell W. Bench, Judge

James Z. Davis, Judge

Carolyn B. McHugh, Judge