

IN THE UTAH COURT OF APPEALS

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Brian K. Stack,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Petitioner and Appellant,)	
)	Case No. 20090761-CA
v.)	
)	F I L E D
Board of Pardons and Parole,)	(December 24, 2009)
)	
Respondent and Appellee.)	2009 UT App 394

Third District, Salt Lake Department, 090901670
The Honorable Sandra N. Peuler

Attorneys: Brian K. Stack, Draper, Appellant Pro Se

Before Judges Greenwood, Davis, and Thorne.

PER CURIAM:

Brian K. Stack appeals the trial court's dismissal of his petition for extraordinary relief. This matter is before the court on its own motion for summary disposition based on the lack of a substantial question for review.

In his petition below and on appeal, Stack raises issues that are matters of well-settled law. He asserts that the Board of Pardons and Parole (the Board) violates principles of separation of powers because the Board exercises sentencing functions. In setting the actual length of time a defendant will serve, however, "the Board merely exercises its constitutional authority to commute or terminate an indeterminate sentence that, but for the Board's discretion, would run until the maximum period is reached." Padilla v. Board of Pardons & Parole, 947 P.2d 664, 669 (Utah 1997). Accordingly, the Board does not violate the separation of powers in setting parole dates. See id.

Stack also asserts that the Board's decisions are subject to judicial review. The extent of judicial review, however, "is limited to the 'process by which the Board undertakes its sentencing function.'" Preece v. House, 886 P.2d 508, 512 (Utah 1994) (quoting Lancaster v. Board of Pardons, 869 P.2d 945, 947 (Utah 1994)). The Board's ultimate decisions are not subject to

judicial review. See id. Accordingly, Stack's challenge to the Board's decision is beyond the scope of judicial review.¹

Affirmed.

Pamela T. Greenwood,
Presiding Judge

James Z. Davis, Judge

William A. Thorne Jr., Judge

¹To the extent that Stack raises other issues, we have reviewed them and found them to be without merit. We do not address them further. See *Beehive Brick Co. v. Robinson Brick Co.*, 780 P.2d 827, 833 (Utah Ct. App. 1989) (noting the principle that the court "need not analyze and address in writing each and every argument").