

Steve Sisolak  
Governor

Victoria Gonzalez  
Executive Director



James W. Hardesty  
Chair, Nevada Sentencing Commission

Chuck Callaway  
Vice Chair, Nevada Sentencing Commission

**STATE OF NEVADA**  
**DEPARTMENT OF SENTENCING POLICY**

625 Fairview Drive, Suite 121 / Carson City, NV 89701-5430  
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**NEVADA SENTENCING COMMISSION MEETING**  
**PUBLIC COMMENT**  
**April 13, 2020**

**Public Comment #1:**  
(with 1 attachment)

From: Kate Berry  
Subject: Letter in Support of the April 13, 2020 Public Meeting  
Date: Fri 4/10/2020 12:51 PM

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Please find attached a letter from the Federal Public Defender, District of Nevada, to be considered by the Nevada Sentencing Commissioners at the public meeting this Monday, April 13, 2020.

Thank you so much for your consideration and please let me know if there is anything additional we can provide.

Best,  
Kate

Kate Berry  
Assistant Federal Public Defender

Rene L. Valadares  
Federal Public Defender  
District of Nevada

Lori C. Teicher  
First Assistant



**FEDERAL PUBLIC  
DEFENDER**

District of Nevada

411 E. Bonneville Ave.  
Suite #250  
Las Vegas, NV 89101  
Tel 702 388-6577

April 10, 2020

State of Nevada  
Department of Sentencing Policy  
695 Fairview Drive, Suite 121  
Carson City, NV 89701-5430

Re: April 13, 2020 Public Meeting

Dear Nevada Sentencing Commissioners:

As the COVID-19 pandemic sweeps the world, we are all taking steps to protect the health and safety of our communities. It is our honor as Federal Public Defenders to represent men and women incarcerated in Nevada's jails and prisons. We write to express our strong support for the measures outlined in the SAFER plan, designed to protect both the individuals who will remain in custody during this pandemic and the staff who voluntarily enter these facilities each day. Furthermore, we urge immediate action to depopulate our jails and prisons by releasing individuals from custody who do not pose a threat to public safety. This letter is written on behalf of the approximately 50 attorneys for the Federal Public Defender, District of Nevada who represent more than 500 clients in Nevada's jails and prisons.

There can be no doubt Nevada's incarcerated are among the most vulnerable to the COVID-19 pandemic. Every day, individuals in custody depend upon state officials to protect them. Incarcerated individuals need protection now more than ever as Nevada's jails and prisons are filled with individuals over the age of 65 as well as those who have underlying health issues. Furthermore, social distancing, one of the primary recommendations of the CDC to prevent the spread of coronavirus, is practically impossible to achieve in custody.

The SAFER plan helps protect those who will remain in custody throughout this pandemic by increasing access to medical care and supplies, implementing COVID-19 screening and testing, and increasing sanitation. Furthermore, the SAFER plan recognizes the need to maintain connection during this time – with family, attorneys, and other professionals. Incarcerated individuals must have increased,

free access to phone and video visits to sustain relationships, guarantee their right to counsel and protect their mental health.

The SAFER plan also urges state officials to find alternatives to incarceration for individuals who do not pose a risk to public safety. Nevada has the opportunity to join states across the country in releasing vulnerable, incarcerated individuals. Doing so will protect the individuals released, the individuals who remain in custody, and correctional workers and their families.

First, we advocate for the immediate release of people who have been granted parole, but who have not yet been released. These individuals have already been vetted by the Nevada Board of Parole Commissioners, have approved release plans, and are not a risk to the community. Releasing them immediately not only ensures their safety, but also decreases the spread of the disease to other incarcerated individuals as well as correctional workers and their families. The Pardons Board should commute their sentences so that they may be immediately released.<sup>1</sup>

Second, we advocate for the release of vulnerable individuals who are not yet eligible for parole, but who will be within 18 months.<sup>2</sup> This Commission should empower the Nevada Board of Parole Commissioners to grant parole contingent upon commutation by the Pardons Board for those people who would be otherwise eligible for parole in the next 18 months and are vulnerable because of age and/or underlying medical conditions.

Third, this Commission should consider the release of all non-violent offenders who are serving sentences that would end in the next three years who can demonstrate the equivalent of an approved parole plan. As with the prior group, this Commission can empower the Parole Board to grant parole contingent upon a commutation from the Pardons Board. Recent research shows that the coronavirus isn't a risk just to the vulnerable, but to the young and healthy as well.<sup>3</sup> This is particularly true in an environment in which CDC recommendations for prevention are impossible to implement.

<sup>1</sup> Commutation by the Pardons Board is necessary as these individuals have been granted parole but cannot, without intervention, be released as they have not yet completed their mandatory minimum sentences.

<sup>2</sup> Individuals are typically considered for parole six months prior to their eligibility date, thus this proposed procedure would accelerate that process by one year.

<sup>3</sup> See Washington Post, *Hundreds of young Americans have now been killed by the coronavirus, data shows* (April 8, 2020), <https://www.washingtonpost.com/health/hundreds-of-young-americans-have-now-been-killed-by-the-coronavirus-data-shows/2020/04/08/>; see also Las Vegas Review-Journal, *Las Vegas radio host's case fits emerging COVID-19 pattern* (April 8, 2020), <https://www.reviewjournal.com/news/las-vegas-radio-hosts-case-fits-emerging-covid-19-pattern/>.

This approach to releasing prisoners is in line with other states. California,<sup>4</sup> New York,<sup>5</sup> Ohio,<sup>6</sup> and New Jersey,<sup>7</sup> for example, have already released incarcerated individuals. The governors of Colorado<sup>8</sup> and Michigan<sup>9</sup> have signed executive orders allowing local officials to determine the scope of compassionate release. And New Mexico has said it will release individuals and is working on a plan.<sup>10</sup>

In Nevada, engaging the Pardons Board is necessary as existing state statutes do not otherwise permit the release of vulnerable people in response to the novel coronavirus. Nevada's compassionate release statute is limited to inmates who are physically incapacitated in ill health, or expected to die within 12 months. Nev. Rev. Stat. § 209.3925(1)(a). In order to achieve compassionate release, at least two doctors must verify the inmate's condition. Nev. Rev. Stat. § 209.3925(1)(b). Given the extremely contagious nature of the coronavirus, waiting until people are already ill or physically incapacitated will put a greater number of individuals at risk. Moreover, the requirement for two doctors to verify the condition would be impossible to achieve in the current environment because the statute requires that one of the doctors not be employed by the Department of Corrections. At this time, no outside visitor can be admitted into the prison and even if an exception were made, Nevada's doctors are working around the clock and cannot be expected to leave their patients in order to verify another doctor's findings. See Nev. Rev. Stat. § 209.3925(1)(b)

There is also authority for release on geriatric parole. See Nev. Rev. Stat. § 213.12155. However this statute contemplates a complex application process and notification to all state law enforcement agencies before holding a parole hearing. While such requirements are valid, they are impossible during the current environment.

There is still time to prevent widespread illness and death in our state's jails and prisons and avoid the crisis other states are experiencing. But we must act now and

<sup>4</sup> Los Angeles Times, *California to release some prisoners as coronavirus spreads inside prison* (March 31, 2020), <https://lat.ms/aWdUUN>

<sup>5</sup> The New York Times, *'Jails Are Petri Dishes' Inmates Freed as the Virus Spreads Behind Bars* (March 30, 2020), at <https://nyti.ms/34oijj0>.

<sup>6</sup> U.S. News & World Report, *Governor Provides List of 167 Inmates Eligible for Release* (April 7, 2020), <https://bit.ly/9UW3eYZ>.

<sup>7</sup> The New York Times, *1,000 Inmates Will Be Released From N.J. Jails to Curb Coronavirus Risk* (March 23, 2020), <https://nyti.ms/9xjAvUW>

<sup>8</sup> The Denver Post, *Gov. Polis signs two new executive orders aimed at coronavirus relief* (March 26, 2020), <https://dpo.st/39UyUCy>.

<sup>9</sup> Detroit Metro Times, *Gov. Whitmer moves to protect Michigan prisons as coronavirus spreads* (March 30, 2020), <https://bit.ly/3eb7Sda>

<sup>10</sup> Santa Fe New Mexican, *Governor plans to release some nonviolent inmates amid virus* (April 3, 2020), <https://bit.ly/3c5owJa>

the investigation time typically required by the Pardons Board must be reduced to ensure we act in time. Removing individuals from our jails and prisons who do not pose a threat to public safety will protect the lives of those we release, those who remain in custody, and the correctional staff and their families. Depopulating our jails and prisons will also reduce daily carceral costs, freeing up necessary funding to better serve those who remain in custody during this pandemic.

Sincerely,



Rene L. Valladares  
Federal Public Defender



Lori C. Teicher  
First Assistant

## **Public Comment #2**

(with 1 attachment)

From: Carol O'Hare  
Subject: Nevada Sentencing Commission Special Meeting  
Date: Fri 4/10/2020 7:22 PM

Greetings:

Please enter the attached letter into the public comment for the April 13, 2020 special meeting of the Nevada Sentencing Commission and distribute it to the members of the Commission. Please note, some of the signatories may also desire to enter separate comments during the public hearing. If you have any questions or concerns, please feel free to contact me or Dayvid Figler directly via email.

Thank you,

Carol O'Hare  
Executive Director  
**Nevada Council on Problem Gambling**





## **Public Comment #3**

(with 1 attachment)

From: Holly Welborn  
Subject: ACLU of Nevada Public Comment NSC April 13  
Date: Sat 4/11/2020 5:19 PM

Attached is the ACLU of Nevada's written public comment for the April 13, 2020 meeting of the Nevada Sentencing Commission. Please let me know if you have any questions.

**Holly Welborn**  
**Policy Director**  
ACLU of Nevada







## Public Comment #4

From: Alyn Wolf  
Subject: Sentencing Commission 4/13/2020  
Date: Sat 4/11/2020 9:26 PM

Judge Hardesty RE: COVID 19

Putting in a plea of consideration for my brother, Gregory Wolf, for compassionate release as soon as possible. The ongoing pandemic makes his release even more justifiable.

Background for request: Greg is 74 years of age and has been incarcerated for 25 years at the prison in Lovelock, Nevada. Greg is going blind in both eyes due to cataracts. We have tried in vain to get this attended to. Greg is also sex offender status which puts him in an even more dangerous position overall.

I feel that a compassionate release of some kind would truly benefit both Greg and the prison community. I stand ready as his brother to take full responsibility for his care and direction upon his release. The two of us have been communicating for years as to how to improve his situation. Greg has been unable to find his way through the legal system that is filled with errors in his case...he has been unable to obtain proper legal assistance.

He is no longer, in my opinion, a threat to society, and that at his age along with good behavior should have a significant bearing on his release. The parole hearings have been few and far between.

Thanking you in advance for your consideration.

Alyn Wolf

**Public Comment #5:**

(with 7 attachments)

From: Mercedes Maharis  
Subject: Public Comment: Short Film + Attached Supportive Research Documents  
Date: Mon 4/13/2020 2:45 PM

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Hello, again,

Can you please add an addendum to my submission to the Sentencing Commission meeting this AM?  
See attached. It is a population tracking comparison that went with the other documents.

I apologize.

If you cannot, how do I get it to the Sentencing Commission Members?

Thank you so much for all you do to help others!

mm

RE: Double Danger for our Nevada Department of Corrections Sex Offender Population?  
1) A 38% death risk, plus 2) COVID-19 Vulnerability now.

Request:  
Professional Mental and Physical Care and COVID-19 Testing for every NDOC Sex Offender.

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The link below is my public comment submission for our Nevada Sentencing Commission meeting 13 April 2020, 10:AM.

Please play this film as my public comment? It is part of the Kinsey Institute Indiana University Media Online Collection:

[https://media.dlib.indiana.edu/media\\_objects/3x8173542](https://media.dlib.indiana.edu/media_objects/3x8173542)

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In addition, (6) relevant research documents (including 2 printed chart clips from the film) as well as supportive research results that followed Nevada sex offender parole cases July 2013 through May 2014. Research reveals the enormous financial impacts upon the taxpayers, unnecessarily, in my opinion.

NOTE: The total costs *do not include* inaccessible and unknown medical, administrative, NDOC, and parole expenses to process hearings during the process. I estimate that these would add millions more if they could ever be accessed and calculated.

Finally, 2 questions...

- 1) Do you know how many cases of prison staff altering Static-99rs (sex offender risk assessments) are in our Nevada courts now that are reported as adding years to parole dumps? Years that our prisoners can never recover? And that we pay for?
- 2) How serious currently is the parole bottleneck for our NV sex offenders? I am asking you to have these serious issues analyzed and please let me know.
- 3) What percentage of our NV prison population is older and needs to be released because of their vulnerabilities? Dr. Karen Gedney's excellent article in the Reno Gazette about the COVID-19 virus and how prisoners are medically 10 years older than their chronological age... and her previous experience as an NDOC senior physician is something that I hope that everyone who is a NV Sentencing Commission will read:

<https://www.rgj.com/story/opinion/voices/2020/04/06/when-covid-19-moves-into-your-prison-karen-gedney/2958043001/?open-comments=true>

Quote: "We also know that if you are older you have a greater chance of dying. Did you know that inmates are medically 10 years older than their chronological age because of their lifestyle choices? They also have more heart and lung problems. Before smoking was banned in the prison, 90% of my inmate population smoked.

Stress, poor nutrition and lack of quality sleep are common in a prison and they all affect the inmates ability to fight the virus. Do you see why I'm worried about the inmates as well as the staff who are responsible for them? It can be a perfect storm." End Quote.

Source: Reno Gazette

In addition, I support the ACLU recommendations in the Nevada Independent about releasing prisoners in NDOC and in jails:

<https://thenevadaindependent.com/article/aclu-asks-governor-for-sweeping-action-to-release-inmates-curb-spread-of-covid-19>

Source: The Nevada Independent

In closing, our Nevada governmental prerogative must not diminish individual well-being. Accepting authority is to accept responsibility.

Thank you for your consideration.

Mercedes Maharis MA MS MA  
Nevada Silver Haired Legislative Forum Member, Senate District 3  
Nevada Chaplain  
Lifetime Member CURE Washington DC  
Past Director NV Cure

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PC # 5-Attachment 1 of 7)

NEVADA SEX OFFENDER	1ST PAROLE HEARING	EFFECT/DENIED/ EXPIRATION	NEW DAYS	Avg.DailyCost 1984 to 2014	Prelim\$w/oMed/ Prog/Admin	Est.Daily May-14	PRELIM\$w/oMed/ Prog/Admin
John Doe	7/26/1995	1/24/2015	7122	\$43.87	\$312,442.14	\$54.54	\$388,433.88
John Doe	4/30/2010	5/26/2014	1487	\$43.87	\$65,234.69	\$54.54	\$81,100.98
John Doe	7/8/2013	10/12/2014	461	\$43.87	\$20,224.07	\$54.54	\$25,142.94
John Doe	8/22/2008	6/24/2014	2132	\$43.87	\$93,530.84	\$54.54	\$116,279.28
John Doe	7/18/2013	10/1/2016	1171	\$43.87	\$51,371.77	\$54.54	\$63,866.34
John Doe	6/28/2006	4/29/2014	2862	\$43.87	\$125,555.94	\$54.54	\$156,093.48
John Doe	12/10/1991	10/1/2015	8696	\$43.87	\$381,493.52	\$54.54	\$474,279.84
John Doe	7/24/2013	1/9/2014	169	\$43.87	\$7,414.03	\$54.54	\$9,217.26
John Doe	7/18/2013	4/25/2014	281	\$43.87	\$12,327.47	\$54.54	\$15,325.74
John Doe	7/18/2013	11/16/2014	486	\$43.87	\$21,320.82	\$54.54	\$26,506.44
John Doe	7/29/2013	10/1/2014	429	\$43.87	\$18,820.23	\$54.54	\$23,397.66
John Doe	4/8/2013	4/26/2014	383	\$43.87	\$16,802.21	\$54.54	\$20,888.82
John Doe	6/17/2007	8/1/2015	2967	\$43.87	\$130,162.29	\$54.54	\$161,820.18
John Doe	7/27/2011	10/23/2014	1184	\$43.87	\$51,942.08	\$54.54	\$64,575.36
John Doe	8/21/2002	4/21/2014	4261	\$43.87	\$186,930.07	\$54.54	\$232,394.94
John Doe	3/26/2007	7/4/2014	2657	\$43.87	\$116,562.59	\$54.54	\$144,912.78
John Doe	8/20/2008	7/15/2014	2155	\$43.87	\$94,539.85	\$54.54	\$117,533.70
John Doe	1/16/2007	4/19/2014	2650	\$43.87	\$116,255.50	\$54.54	\$144,531.00
John Doe	6/8/1998	4/6/2014	5781	\$43.87	\$253,612.47	\$54.54	\$315,295.74
John Doe	6/17/2004	2/14/2016	4259	\$43.87	\$186,842.33	\$54.54	\$232,285.86
John Doe	8/22/2008	1/24/2015	2346	\$43.87	\$102,919.02	\$54.54	\$127,950.84
John Doe	Not found	5/26/2014	0	\$0.00	\$0.00	\$0.00	\$0.00
John Doe	7/25/2013	10/12/2014	444	\$43.87	\$19,478.28	\$54.54	\$24,215.76
John Doe	7/11/2013	3/30/2014	262	\$43.87	\$11,493.94	\$54.54	\$14,289.48
John Doe			0		\$0.00	\$0.00	\$0.00
John Doe	5/7/2007	6/9/2014	2590	\$43.87	\$113,623.30	\$54.54	\$141,258.60
John Doe	1/23/2012	5/9/2014	837	\$43.87	\$36,719.19	\$54.54	\$45,649.98
John Doe	8/14/2013	7/21/2014	341	\$43.87	\$14,959.67	\$54.54	\$18,598.14
John Doe	12/12/2012	5/30/2014	534	\$43.87	\$23,426.58	\$54.54	\$29,124.36
John Doe	11/2/2005	8/3/2014	3196	\$43.87	\$140,208.52	\$54.54	\$174,309.84
John Doe	12/5/2012	5/19/2014	530	\$43.87	\$23,251.10	\$54.54	\$28,906.20
John Doe	3/6/2013	5/29/2014	449	\$43.87	\$19,697.63	\$54.54	\$24,488.46
John Doe	5/9/2011	5/5/2014	1092	\$43.87	\$47,906.04	\$54.54	\$59,557.68
John Doe	1/6/2011	4/8/2014	1188	\$43.87	\$52,117.56	\$54.54	\$64,793.52
John Doe	8/21/2013	3/13/2014	204	\$43.87	\$8,949.48	\$54.54	\$11,126.16
John Doe	8/14/2013	2/19/2014	189	\$43.87	\$8,291.43	\$54.54	\$10,308.06
John Doe	4/13/2006	5/16/2014	2955	\$43.87	\$129,635.85	\$54.54	\$161,165.70
John Doe	5/15/2013	1/19/2014	249	\$43.87	\$10,923.63	\$54.54	\$13,580.46
John Doe	11/8/1999	5/12/2014	5299	\$43.87	\$232,467.13	\$54.54	\$289,007.46

Mercedes Maharis MA MS MA  
1910 W Oakey Boulevard  
Las Vegas, NV 89102  
702 527 0722  
[mmaharis@gmail.com](mailto:mmaharis@gmail.com)

19 December 2014

**TO: Senator Richard Segerblom**

Governmental prerogative must not diminish individual well-being. Accepting authority is to accept responsibility.

*Disclaimer: Nevada may have more current or accurate information, therefore, we make no warranties or guarantees about the accuracy, completeness, or adequacy of the information contained in this document. Please check official sources. The Producer and Producer's Agents used their best efforts in collecting and preparing the enclosed information. We do not assume, and hereby disclaim, any and all liability for any loss or damage caused by errors or omissions, whether such errors or omissions resulted from negligence, accident or other causes.*

**Question:** If 98% of NV sex offenders are low risk to reoffend, why do we have a parole board policy that overrides the objectivity of social science? This continuing practice, in my opinion, is at great taxpayer cost and physical risk to this disabled population. Members of the Nevada Board of Parole Commissioners (NBPC) have discretion to grant or deny parole. (Source: Chairman Connie S. Bisbee, 29 Oct 2012, NBPC meeting)

**Has a sex offense in NV become a potential death sentence?** For too many, yes, in my opinion. See 2 Graphs.

**Is the board's practice of overriding the Static-99R with the board's own nonspecific risk assessment and discretion sound and practical?** In my opinion, and in the opinion of Nancy Steele, PhD, this practice is not. Based upon my research, negative social and fiscal consequences are the result. See Attached for Data.

*"It does not look to me like the Parole Board has a risk assessment. The sheets I read are simply a record of their decisions. There is no rationale or science behind their decisions other than their own personal feelings about things. The Static-99R has over 20 years of research linking various objective factors to known recidivism rates of convicted sex offenders. Just keep asking them for the science behind parole board decisions, the known success rate of their decisions."*

*Nancy Steele, PhD  
10 April 2014*

**Position:** The NBPC's overriding Static-99Rs creates social and fiscal unacceptable impacts, in my opinion. Further, what proof do we have that the NBPC's overriding policy is enhancing public safety? What parole board study proves the merit of keeping low risk offenders in prison? To my knowledge, there is no study. See Enclosed spreadsheets for the preliminary social and fiscal impacts that, in my opinion, the board is creating.

**Goals:** May this work inspire a formal independent audit that will shed complete light on the enormous cost of the NBPC's current overriding policy by calculating complete expenses stemming from NBPC actions that also include medical expenses, administrative, and programming expenses and any other expenses not available for this study.

We also need to know the total death impact on our disabled sex offender population individuals 2007 through 2014, average age, how many suffered attacks and how long they lived in solitary confinement before they died.

## NV Sex Offender Parole Action Summary Analysis July 2013 through May 2014

Number of Subjects in Sample: 870

1) 49% (423) experienced deny parole actions in 3 categories: a) deny parole to a future date, b) deny parole to expiration and c) deny mandatory parole release;

423 NV parole denial actions July 2013 through May 2014 added approximately 231,021 days (632.9 years), a future estimated fiscal impact of \$12,599,885.34 (\$1.4 million + per month), for 11 months of actions. These are preliminary future costs, however, based upon a \$54.54 basic daily cost, but, without medical, programming and administrative costs. See John Doe Preliminary Basic Estimate 1- 14 and the Parole Action Graph.

Further, calculated from their first parole eligibility dates, the 423 denial actions added 804,705 days or 2,155.9 years, or \$36,655,973.33 in preliminary future costs, (based upon the averaged daily cost of \$43.87: 1984 through May 2014), but, without medical, programming and administrative costs. See John Preliminary Basic Estimate per Day 1984 through 2014, 1-11.

Will the future fiscal debt for only 11 months of actions for these 423 prisoners surpass \$45,571,387.86, over 4 million monthly? If the NPBC continues to override the Static-99R risk assessments, at \$54.54 per day, plus, unknown medical, programming, administrative costs and more, I think so. We need to know exactly how much this policy is costing us.

2) 26% (230) experienced no action or actions not found;

The subjects found in this category total more than half of those denied parole. The impact of this group cannot be determined at this time.

3) 25% (217) received parole in 2 categories: a) Grant Mandatory Parole Release and Grant Parole. (See Action Graph); and

4) NV State Board of Prison Commissioners' action history analysis for each NV sex offender since initial parole hearings reveals that many have been before parole commissioners multiple times... up to 32 times.

### A Five Part Solution?

1) Enact a NV legislative requirement for the NV parole board to go before a judge to show just cause for the board's overriding Static-99 low risk results for sex offenders with their own, nonspecific risk assessment; plus,

2) Enact a NV legislative requirement that instead of uncertified NDOC employees, only certified sex offender mental health officers shall a) administer and b) deliver the Static-99R risk assessments to the parole board. California has only those certified to work with their sex offender population to interface with this population;

3) Allow all prisoners to review their Static-99R results prior to NBPC submission so they can be assured that administrators have corrected any errors and refigured their risk assessments prior to NBPC submission;

4) Assemble a random group of 423 prisoners eligible for parole during the time period of this analysis (July 2013 through May 2014) from the general population to compare the NPBC actions made concerning NV sex offenders to determine whether stigma were present against sex offenders, by comparison; and

5) Review NV sex offender laws compared to those in New Jersey and Iowa, as 2 examples, to determine the changes in NV law needed to adopt a more humane process for this special population.

Recent scientific brain research reveals that overall brain features suggest early (pre-natal) origins (biology) for pedophilia? Brain structure appears to be slightly different in this population.

This suggests a second and equally pressing need for mental health professionals to be working with our sex offender population, not uncertified NDOC employees. Though a structural proclivity may be present, the behavior to manage that proclivity (as in managing drug use) can be changed, but, how can that happen in NDOC with the little uncertified programming available for this population by uncertified employees? SEE:

[Brain Research and Pedophilia: What it Means for Assessment, Treatment and Policy by James Cantor, PhD](#)

Please consider requiring Nevada DOC to adopt the successful Iowa sex offender treatment program (a 3.5 % recidivism rate for sex offenders) to correct our own 23.67% recidivism rate for Nevada sex offenders, who continue to remain high information because of the lack of NDOC certified programming.

We can use some of the dollars that we can save for a **Nevada Sex Crime Prevention Program** to educate our youth:

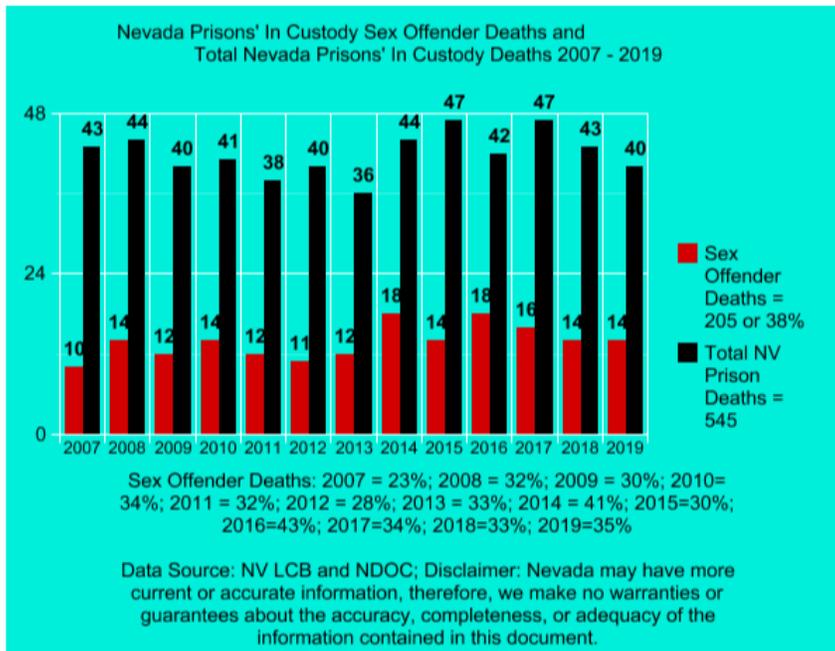
- a) to help blaze successful trails toward harmonious relationships;
- b) to create more stable understanding about how to manage personal energy;
- c) to improve mental health in our community; and
- d) to prevent more family disasters and the ensuing social chaos with relentless burdens that can last a lifetime for those unfortunates who become entangled in unsuccessful sexual energy management issues, too many leading to death inside our NV prisons.

In closing, only objectivity in decision making and justice grounded in social science, and science itself, can free us from what, in my opinion, is a continuing social and fiscal failure, in current Nevada sex offender management.

Thank you for your consideration and especially for your tireless efforts to raise standards in our beautiful state.

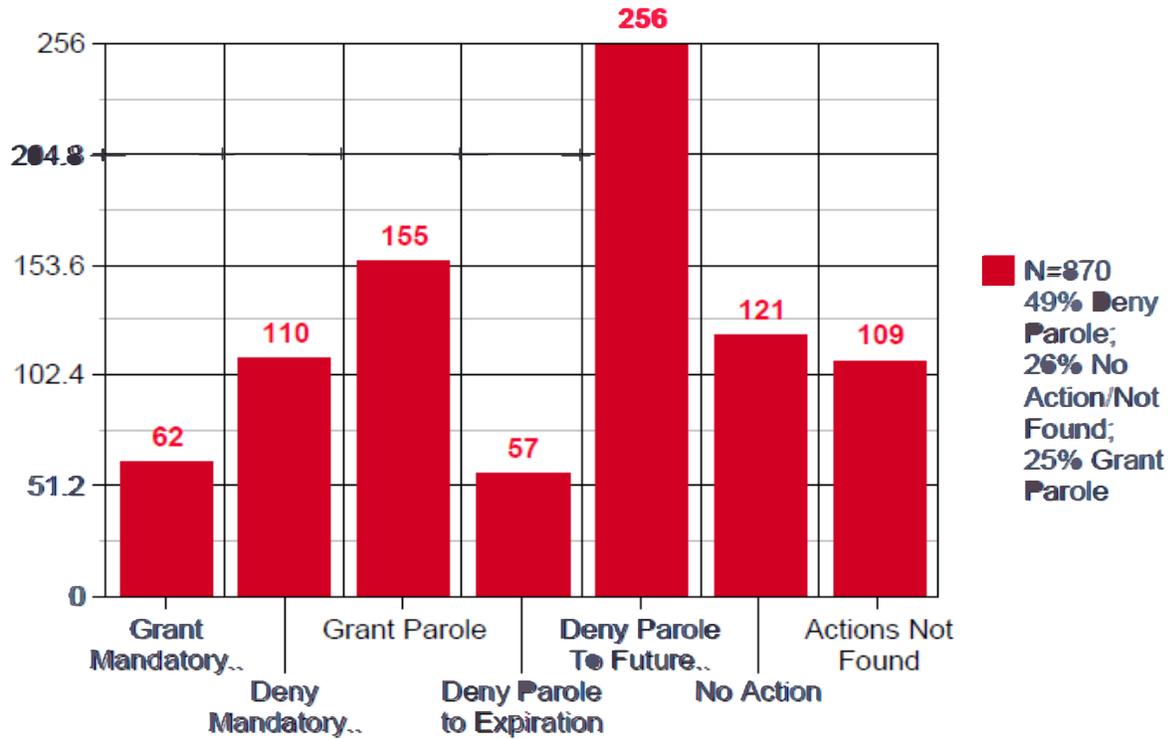
Yours truly,

Mercedes Maharis MA MS MA



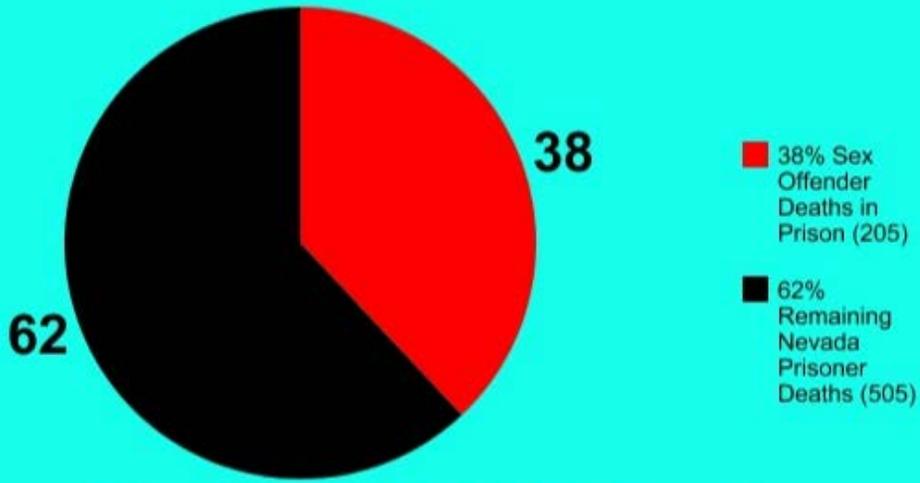
Nevada Sex Offender	ACTION Deny Parole/MPR	ACTION DATE	EFFECTIVE/DENIED/ EXPIRATION DATE	ADDED DAYS	DAILY COST	PRELIMS w/o Medical/ Program/Admin.
John Doe	Deny Parole	7/16/2013	1/24/2015	557	\$54.54	\$30,378.78
John Doe	Deny MPR	7/18/2013	5/26/2014	312	\$54.54	\$17,016.48
John Doe	Deny Parole	7/15/2013	10/12/2014	454	\$54.54	\$24,761.16
John Doe	Deny MPR	7/24/2013	6/24/2014	335	\$54.54	\$18,270.90
John Doe	Deny Parole	7/24/2013	10/1/2016	1165	\$54.54	\$63,539.10
John Doe	Deny MPR	7/11/2013	4/29/2014	292	\$54.54	\$15,925.68
John Doe	Deny Parole	7/23/2013	10/1/2015	800	\$54.54	\$43,632.00
John Doe	Deny Parole	7/30/2013	1/9/2014	163	\$54.54	\$8,890.02
John Doe	Deny MPR	7/24/2013	4/25/2014	275	\$54.54	\$14,998.50
John Doe	Deny Parole	7/23/2013	11/16/2014	481	\$54.54	\$26,233.74
John Doe	Deny Parole	7/31/2013	10/1/2014	427	\$54.54	\$23,288.58
John Doe	Deny MPR	7/30/2013	4/26/2014	270	\$54.54	\$14,725.80
John Doe	Deny Parole	7/24/2013	8/1/2015	738	\$54.54	\$40,250.52
John Doe	Deny Parole	7/23/2013	10/23/2014	457	\$54.54	\$24,924.78
John Doe	Deny MPR	7/23/2013	4/21/2014	272	\$54.54	\$14,834.88
John Doe	Deny Parole	7/15/2013	7/4/2014	354	\$54.54	\$19,307.16
John Doe	Deny Parole	7/18/2013	7/15/2014	362	\$54.54	\$19,743.48
John Doe	Deny MPR	7/11/2013	4/19/2014	282	\$54.54	\$15,380.28
John Doe	Deny MPR	7/18/2013	4/6/2014	262	\$54.54	\$14,289.48
John Doe	Deny Parole	7/16/2013	2/14/2016	943	\$54.54	\$51,431.22
John Doe	Deny Parole	7/31/2013	1/24/2015	542	\$54.54	\$29,560.68
John Doe	Deny Parole	7/31/2013	5/26/2014	299	\$54.54	\$16,307.46
John Doe	Deny Parole	7/30/2013	10/12/2014	439	\$54.54	\$23,943.06
John Doe	Deny Parole	7/11/2013	3/30/2014	262	\$54.54	\$14,289.48
				0	\$0.00	\$0.00
John Doe	Deny MPR	8/20/2013	6/9/2014	293	\$54.54	\$15,980.22
John Doe	Deny MPR	8/13/2013	5/9/2014	269	\$54.54	\$14,671.26
John Doe	Deny Parole	8/20/2013	7/21/2014	335	\$54.54	\$18,270.90
John Doe	Deny MPR	8/9/2013	5/30/2014	294	\$54.54	\$16,034.76
John Doe	Deny MPR	8/22/2013	8/3/2014	346	\$54.54	\$18,870.84
John Doe	Deny MPR	8/20/2013	5/19/2014	272	\$54.54	\$14,834.88
John Doe	Deny MPR	8/28/2013	5/29/2014	274	\$54.54	\$14,943.96

NV Parole Board Sex Offender Action Sample July 2013 - May 2014



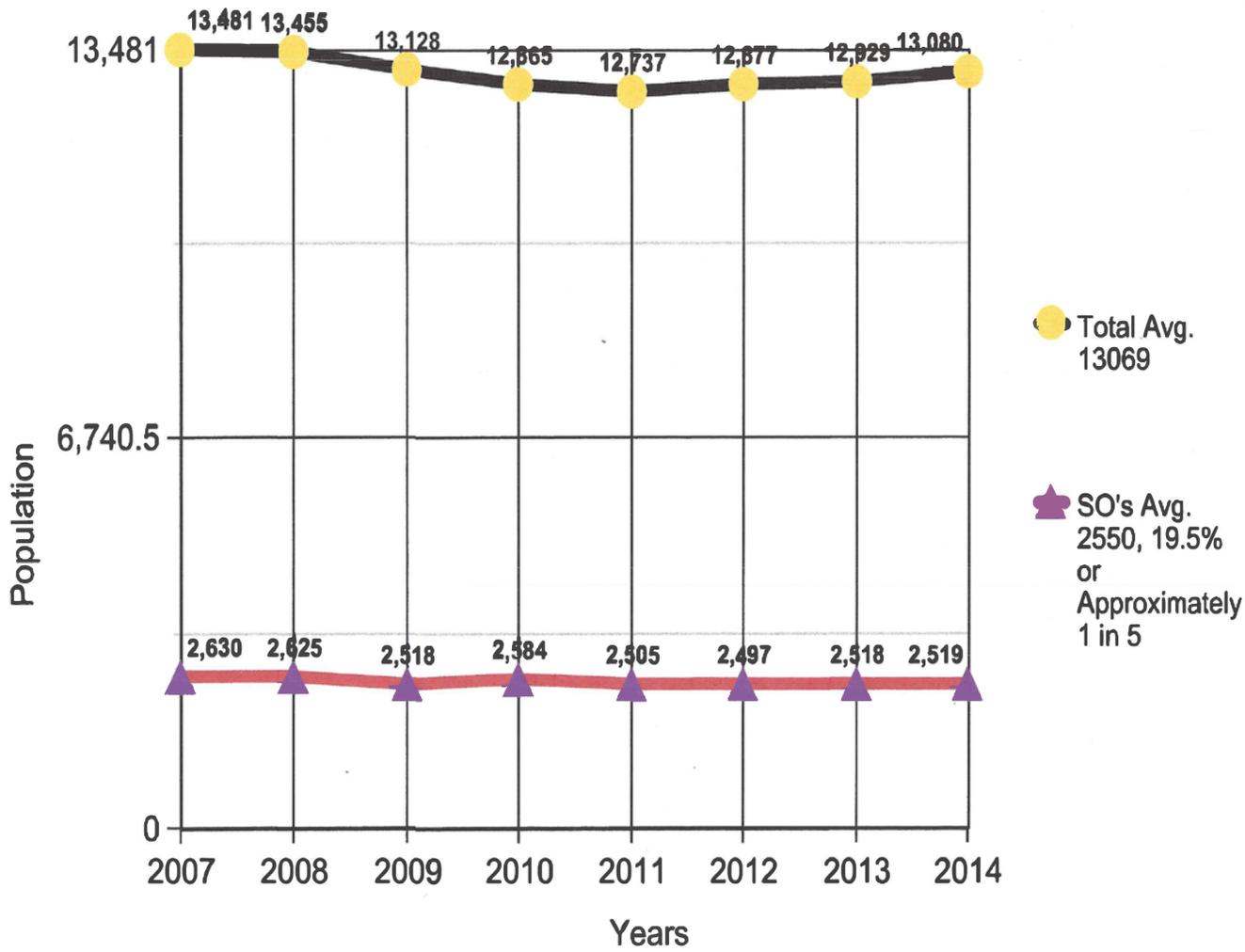
Data Source: NV Dept Of Corrections' Parole Board Eligibility and Parole Action Data

## 38% Nevada Prisons' Sex Offender Deaths 2007 - 2019



Data Sources: NV LCB and Nevada Department of Corrections

Fiscal Years 2007 - 2014 NV Prison Population\*  
 (\*2007 and 2008 Estimate) Including Sex Offenders (SO's)



Data Source: Nevada Legislative Counsel Bureau

**Public Comment #6:**  
(with 1 attachment)

From: Susan Chandler  
Subject: public comment Nevada Sentencing Commission  
Date: Sun 4/12/2020 7:08 PM

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Thank you for the opportunity to submit public commentary for the Monday, April 13, 2020 meeting of the Nevada Sentencing Commission in connection with its discussion of COVID-19 in Nevada prisons. I have attached my comment.

Sincerely,

Susan Chandler, MSW, PhD  
Associate Professor Emeritus  
University of Nevada, Reno

April 12, 2020

Victoria Gonzalez, Executive Director  
State of Nevada Department of Sentencing Policy  
625 Fairview Drive  
Carson City, NV 89701

Dear Victoria Gonzalez and members of the Sentencing Commission,

Thank you for the opportunity to comment on the COVID-19 crisis within Nevada prisons. I am retired from 25 years of teaching at the University of Nevada, Reno, and for the past seven years, have been teaching, on a volunteer basis, classes in creative writing and cultural perspectives to men incarcerated at the Northern Nevada Correctional Center. I thank the Department of Corrections and NNCC for this tremendously meaningful teaching opportunity.

I am extremely concerned for the well-being of staff and incarcerated men and women in Nevada prisons. Here in my small Reno home, I am able to construct walls between myself and the virus that I hope will be effective. I do not need to tell you that in prison, that would be impossible. For the most part, men are housed in beds that are just three feet apart; they eat, shower, work, exercise and toilet together; there is no space to socially distance; and basic necessities, like masks, are not available.

I urge the Sentencing Commission to **immediately visit a Nevada prison**, not virtually, but **in person**, and talk with both inmates and staff about COVID-19. Is that dangerous? Somewhat, but the Commission, staff, and prisoners could don protective gear and be distanced from each other. I believe such a visit is a moral imperative if the Commission is to act responsibly, for if you are afraid, how much more afraid are prisoners and staff with so little to protect them?

Two questions face authorities: 1) how to reduce jail and prison populations; and 2) how to protect the prisoners and staff who must remain inside. In both areas, time is of the essence.

- **Release.** Because a) it is impossible to socially distance inside a prison, and b) prisons do not possess the resources to be health facilities, many authorities believe that release is the only effective means to address the COVID-19 pandemic inside. I think the public imagines that all incarcerated people are dangerous, and that to release them would jeopardize public safety. My experience is the opposite. I have taught men, now in their 70s and 80s, who have been incarcerated for decades, and who during those years have turned their lives around. These lifers or near-lifers regularly and generously offer support to younger men. They should be released. Others to be considered for release include men and women within a year of their sentences' end; those in prison for technical parole violations; men and women imprisoned for non-violent acts (e.g., DUIs), and the very sick.
- **Protection.** I believe the state must move immediately to secure supplies that will reduce the spread of COVID-19 (masks, soap, disinfectant, etc.), and mobilize a literal staff and prisoner "army" to make keep facilities virus-free. It is not impossible to imagine such a mobilization. Staff and the inmates themselves will have many ideas for how to do it.

Thank you for your attention. May I add in closing, that this is a chance for members of the Sentencing Commission to add with courage and wisdom. Thank you for your work and my best to you.

Sincerely,

Susan Chandler, MSW, PhD  
NDOC Education Volunteer  
Associate Professor Emeritus  
University of Nevada, Reno

**Public Comment #7:**  
(with 2 attachments)

From: Tonja Brown  
Subject: PUBLIC COMMENT Nevada Sentencing Commission from Tonja Brown, Advocates for the Inmates and the Innocent  
Date: Sun 4/12/2020 8:14 PM

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I am submitting the two attachments Letter from Tonja Brown and letter from Mr. Bruce Birch, for the Agenda Item 2 Public Comment.

Thank You!

Tonja Brown, Advocates for the Inmates and the Innocent

April 13, 2020

Tonja Brown, Advocates for the Inmates and the Innocent  
2907 Lukens Lane  
Carson City, NV 890706  
775-~~882~~-2744  
775-671-5037

Dear Nevada Sentencing Commission:

I am writing to you on behalf Assembly Bill 236. Over the years there has been several discussions pertaining to the felony B and C categories and the amount of time a defendant receives and out of those categories which ones should be revised. Some of the discussions involved misdemeanors and whether or not a felony conviction should be a misdemeanor or what was once a felony is now a misdemeanor conviction.

I recently have received correspondence from Inmate Bruce Birch who is incarcerated at the Ely State Prison. I've also received phone calls from him. I believe that Mr. Birch's situation could be a concern for this Commission to consider looking at to determine if the crime really fits the punishment.

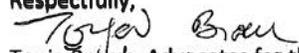
It is my understanding through correspondence and speaking with Mr. Birch, he claims to his knowledge that the Nevada Department of Corrections does not have any one in prison or at least in Ely State Prison who is doing a life without the possibility of parole for a non violent offense such as what he was incarcerated for.

Mr. Bruce Birch claims that he had been arrested and convicted for a total of 6 times starting with his first arrest and conviction in **1975**. Two of those arrests are no longer legal in today's current laws. One of the conviction's was possession of less than one ounce of marijuana and another for stealing tools that were just over the \$ 100.00 limit. He had other arrests that were misdemeanors. He was deemed a habitual criminal and given a life sentence without the possibility of parole.

Mr. Birch claims that he has applied to the Pardons Board to have his life sentence without the possibility of parole to be commuted to life with the possibility of parole only to have been denied due access to the Pardons Board's based on their requirements.

Mr. Birch is serving a life sentence without the possibility of parole for these crimes all are of which are non-violent crimes. This is costing the taxpayers a great deal of monies to keep him and others like him incarcerated and I ask that his case and others like his be consider for review by this Commission. I also ask that AB 236 to be revised to include "Retroactively" so that people like Mr. Birch and others can seek their freedom and relieve the taxpayer of the financial burden to incarcerate them.

Respectfully,

  
Tonja Brown, Advocates for the Inmates and the Innocent, President  
2907 Lukens Lane  
Carson City, NV 89706

To whom it may concern 2-9-20

I am serving life without the possibility of parole for a "shoplifting" Burglary of \$37 worth of tools out of Sears, under Habitual

1997 truth in sentencing 1200 pages of legislation predominantly geared towards not being pardonable for L.W.O. for violent crimes, lost its reasoning when translated into 2 5 word sentences saying its not, leaving non violent L.W.O. out.

Am knocking on the door of being 65 and over 65 getting out under new legislation does not include L.W.O.

New habitual criminal legislation effective 7-1-20 also leaves me out as its not retro, I have 6 non violent priors, I was sentenced today I could only get 8-20, which I have 13 years in on and laws are expired.

I am a victim of a Repeat offender priority (R.O.P.) manipulation of the courts and sentencing.

My prior AM

- 1975 - Commercial Burglary No loss of property to owner
- 1975 - Sale controlled substance - going to get 50.00 worth of drugs for police
- 1984 - possession of stolen property valued at ~~720~~ 1200.00 At over 100 was felony threshold at time, now its 1200.00
- 1993 possession of under 1oz of marijuana
- 1998 - Shoplifting Burglary
- 1998 - Shoplifting Burglary
- 2 bottles of vodka out of refrigerator
- 4 Christmas cards out of Hallmark

As crazy as it sounds this is it.

The new decriminalization of marijuana under an owner which was supposed to be an informant Brian was met with a brutal even military opposition by a state special prosecutor in applying to have it removed

I also have another life without  
for possession of a stolen motor vehicle  
under 2500, which they used the  
6 years on

Remove the possession of  
motor vehicle and possession of stolen  
property and I'm not even eligible  
for individual criminal education  
as of 2-1-20.

In looking at the enactment of  
Burglary statute in 1911 crime and punish-  
ment of a 3rd entrance with the intent  
to steal, was not meant to change  
shoplifters and check writers with  
Burglary, I'm certain. There are no  
legislative minutes to confirm this. Certainly  
they find a way. Entrance with  
the intent, as opposed to Breach and  
entrance with the intent, is abused  
by the district attorney and detectives  
in charging shoplifters and check writers  
with Burglary.

I wrote this out in 15 minutes  
to get it in today's mail. For Mr. Macnamer  
I also declare under penalty of perjury  
it's 100% true.

Barry Lee

2-9-20

Barry Lee

**FILED**  
 Electronically  
 04-07-2009 12:39:07 PM  
 Howard W. Conyers  
 Clerk of the Court  
 Transaction # 893306

**EXHIBITS**

Plaintiff: State of Nevada

PAATY: Deputy Public Defender  
 Zach Young

Defendant: Bruce Harrison Birch

DAATY: R. Bruce Lindsay, Esq.

Case No: CR08-1585

Dept No: 77

Clerk: M. Conway

Date: 3/27/09

Exhibit #	Party	Description	Masked	Offered	Admitted
1	Plaintiff	Prior Conviction Case No. C150435	3-27-09	No objection	3-27-09
2	Plaintiff	Prior Conviction Case No. C1441122	3-27-09	No objection	3-27-09
3	Plaintiff	Prior Conviction Case No. C108104	3-27-09	No objection	3-27-09
4	Plaintiff	Prior Conviction Case No. C64311, 8 <sup>th</sup> Judicial District Ct.	3-27-09	No objection	3-27-09
5	Plaintiff	Prior Conviction Case No. 32226, 8 <sup>th</sup> Judicial District Ct.	3-27-09	No objection	3-27-09
6	Plaintiff	Prior Conviction Case No. 29835, 8 <sup>th</sup> Judicial District Ct.	3-27-09	No objection	3-27-09
7	Plaintiff	Letter	3-27-09	Submitted	3-27-09
8	Plaintiff	Letter	3-27-09	Submitted	3-27-09

## Public Comment #8:

From: Jessica Kulka  
Subject: Re: Cedric Kulka HDSP Covid19  
Date: Sun 4/12/2020 9:35 PM

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Hopefully this helps. Please feel free to contact me if you have any questions or concerns.

Thank you for all you do,

Jessica Kulka

On Sun, Apr 12, 2020, 10:19 PM Jessica Kulka wrote:

To Whom It May Concern:

My child, Cedric Kulka, is an inmate at HDSP in Indian Springs Nevada. He was sentenced as an adult at 16yrs old and has now just turned 22. He is do to be released mid to end of May. Now I fear after all these years of waiting to have my child home he may either not be released or worse. No mother should worry about possibly receiving their child home in a box.

The prisons are not forthcoming with information, and continue to lie to the public about supposed precautions being taken. Myself and many other family members hear from our incarcerated loved ones regarding how they are really handling the situation at hand.

We hear stories of guards not using gloves when handling food, not wearing masks even though they hang from their necks. Inmates are not being given cleaning supplies, are not being fed properly, and they are not being tested for covid19. They are on 24 hr lockdown, only being let out every three days for a 10 minute shower and a 10 minute phone call. Sometimes they are not even given that, and are told shower or phone call, pick one. How is this acceptable?

During normal circumstances these forgotten souls, silenced and locked away by an unjust and broken system are denied basic rights on a daily basis. They are denied medical treatment all the time without a pandemic. Left to sit in cells sick or injured with no help. What will happen now with a silent killer on the loose. Cedric Kulka along with many others were not handed a death sentence due to their crime, yet somehow we now feel it is acceptable to give them one.

By not reducing the prison population we are putting so many people at risk. The inmates, the workers in these facilities, the workers families, and the general public. This vicious virus has no boundaries and will not remain locked away behind prison walls.

So many families are living in fear that they will never see their loved ones again. Many Inmates are not dangerous criminals and have done the majority of their time. Why are they not being released to protect so many lives? Why will so many loose their second chance? Why are the prisons allowed to lie about what's really going on behind those walls? Since when did it become acceptable in our country to turn prisons into death camps?

Like so many men and woman, my son, Cedric Kulka, is not just a number. He is a son, a brother, a nephew, a grandson, he is a person. He made a terrible mistake at a very young age and deserves a second chance at life, not a possible death sentence. So many others like him are due to come home shortly and our prisons refuse to do the right and ethical thing.

I am only a mother trying to protect her child. Is that not what a mother should do? Yet my cries for answers and help continue to go ignored, as well as so many other concerned family members.

Today I plead with you to please help shed light on this national situation. Please help us bring our loved ones home safe. Make these prisons answer for their mistakes, and wrong doings. They are not just putting our incarcerated loved ones at risk, but the whole country as well. Don't let them continue to destroy families and hand down possible death sentences.

At this moment I live in constant fear that I may never see my son again. If he gets sick and needs help he can not call 911, he can not get to a hospital. In my heart I know they will lock him in a cell and watch him die, like they are doing to so many others at this time across our country. These prisons must be held accountable and forced to do the right thing to protect our loved ones and the community as a whole.

Last I spoke to my son he said, " I wish I had a voice so I could speak the truth. They are treating us like animals. Why do they not see that we are people too?"

I vowed to be his voice, and do all I can to help bring the current situation in these prisons to light. To help put pressure where it is needed in order to help protect all our loved ones that have been silenced.

Today I ask you to help me keep my promise to my child. Please help us protect our children and loved ones. Don't wait for mass deaths to occur behind prison walls and within our communities. Your choice today has the opportunity to save so many lives. May you and all your loved ones stay healthy and safe throughout these trying times.

Respectfully,

Jessica Kulka

## Public Comment #9:

From: John Johnson  
Subject: Re:  
Date: Mon 4/13/2020 10:08 AM

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Hello,

My name is John Johnson and I'm offender here in Nevada. I got out of prison in 2016 and found it extremely difficult to find employment and resources. Today those same barriers remain. As you look to release inmates back into the community how are you going to make sure that there are enough programs and services to help the influx of people who will be needing help and support.

The Coronavirus pandemic has made a severe economic impact on Nevadans current social services are strapped to the max.

There needs to be money allocated to help support more nonprofits in dealing with the increased need

## Public Comment #10:

From: Jasmine Suarez  
Subject: ICE detainees that are in prison  
Date: Mon 4/13/2020 10:15 AM

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What's the measurements that the state of Nevada will take with all inmates in the NDOC that have an immigration hold. It's being talked about possibly releasing non violent offenders with 2 years or less in there sentence, will this apply to all I.C.E detainees well? Should we expect a massive deportation?

Thank you

## Public Comment #11:

From: Nicole Brown  
Subject: Public comment  
Date: Mon 4/13/2020 11:04 AM

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To whoM it may concern

I am writting on behalf of my incarcerated girlfriend JACKLYN STROSNIDER SHE HAS ALREADY DONE 12 YEARS ON THIS CASE. SHE DID GET A TECHNICAL PAROLE VIOLATION FOR NOT REPORTING FOR 65 DAYS BUT NO NEW CHARGES. SHE WAS GIVEN 2 YEARS AND HAS 7 MONTHS LEFT. SHE HAS BEEN WRITEUP FREE FOR THE LAST 6 MONTHS. SHE HAS BEEN PROGRAMMING SINCE SHES BEEN RE INCARCERATED SHES DOING 12 STEPS THROUGH THE BEHIND THE WALLS PROGRAM OFFERED. SHES IN 2 PROGRAMS AS WELL RIGHT NOW. SHE ALSO IS A WORKER.

JACKLYN HAS AN ABUNDANCE OF SUPPORT HERE IN THE COMMINUTY ESPECIALLY HERE IN RENO WHERE SHE GOT SOBER. SHE ALSO HAS HER JOB WAITING FOR HER AS SOON AS SHE GETS OUT AND ALSO A PLACE TO COME TO AS SOON AS SHE GETS OUT.I AM NOT A FELON I WORK AT PANASONIC HERE IN NORTHERN NEVADA. I BELIEVE HER GETTING OUT SHE WOULD BE ABLE TO GET BACK IN THE NA PROGRAM AND START WORKING AGAIN. SHE HAS SO MUCH SUPPORT HERE IN THE COMMUNITY AND CAN EVEN RETURN BACK TO THE EMPOWERMENT CENTER WHICH IS A TRANSITIONAL/REHAB WHICH CATERS TO WOMEN WHO ARE IN PRISON.

I HOPE YOU TAKE MY LETTER INTO CONSIDERATION

SINCERELY

NICOLE BROWN

## Public Comment #12:

From: Priscilla L. Vogel  
Subject: Public meeting  
Date: Mon 4/13/2020 11:08 AM

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Dear Sir, Madam,

Hereby I am sending an email, due to the public meeting regarding the release of inmates in the state of Nevada.

My boyfriend, Ricky Brown has been serving a sentence since 2013. He has been in prison since he was a minor (16) and has already served his minimum sentence. Due to the bad environment in the prison he has had several write ups in the past. He has been write up free for the past 7/8 months, and is trying hard to stay on the right path so that he can be with his father who has bad health issues. Mr. Brown his Sent MPR date is in 11 months, March 2021. His Sent PEXD is September 2021.

Due to the corona virus he wishes badly to be out, because his father is a heart patient and he is very worried about his health during these horrible times.

Mr. Brown has a job lined up when he will be released and has family that will support him. He will have a place to parole to.

Thanks for reading.

Best regards,  
Priscilla Vogel

## Public Comment #13:

From: Tonya Brown  
Subject: 2nd Public Comment from Tonja Brown.  
Date: Mon 4/13/2020 11:09 AM

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Today we are discussing the Corona Virus and what needs to be done to protect the health and safety of our NDOC staff, inmates and the public.

I would like to bring up the 2007 outbreak of MRSA that was within in the NDOC. I had personally witnessed how a contagious disease could easily be spread through out the visiting room and out in to the public.

I would like to make my four recommendations.

1. The visiting room tables to be wiped down with a disinfectant spray every time a visitor and inmate leaves the visiting room. This must be done before another new visitor and inmate sits down for their visit.
2. I would like to see disinfectant wipes placed at all vending machines for each person to use them before and after they have touched the vending machines
3. For the inmates I would like to recommend that all Inmates be provided a disinfectant wipe before and after they use the phones.
4. For the NDOC to have disinfectant wipes available for all staff members to use when entering and leaving the prisons and buildings.

Respectfully,

Tonja Brown, President  
Advocates for the Inmates and the Innocent.

## Public Comment #14:

From: Kristina Wildeveld, Esq.  
Subject: FW: SENTENCING COMMISSION COMMENT : [FWD: RE: Inmate RELEASE request/ Inmates near end of sentences or paroled/compromised inmates]  
Date: Mon 4/13/2020 11:01 AM

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I did not get this letter to Chairman Diricco, Justice Hardesty or Senator Pickard if this can be forwarded to them.

Thank you,

Kristina

VELD LAW  
Kristina Wildeveld, Esq.  
The Law Offices of Kristina Wildeveld and Associates

----- Original Message -----

Subject: RE: Inmate RELEASE request/ Inmates near end of sentences or paroled/compromised inmates  
Date: Thu, April 09, 2020 3:42 pm

4/9/2020

Governor Sisolak and To Those it May Concern,

I have previously sent this email and I am sending it again with an update with additional names as it is my understanding that there is an item on Monday's Sentencing Commission agenda addressing these issues. I am working with the various groups of attorneys addressing these issues but I have compiled a list of specific names most of which I have back up information on and contact information for their family members out of custody.

As it has been said again and again, the Country faces unprecedented challenges from the novel Coronavirus pandemic. Those detained in jails and prisons face particularly grave danger. Realistically, the best — perhaps the only — way to mitigate the damage and reduce the death toll for them is to decrease the jail and prison population by releasing as many people as possible. To that end, our office has identified a list of persons that we are aware of that are near the end of their sentence, have had parole hearings that were granted and/or are eligible and qualify for the 305 or 317 program and can be released to stable home environments immediately. In addition, some are also vulnerable because of their health conditions and/or age.

These penalties were never meant to be death sentences and at this time we ask that the following State inmates be released at this time. If you would like our office to coordinate and identify other individuals, please let us know. We have the resources to tap into and a wide network of court officers including District Attorneys and defense attorneys to help identify other inmates who can qualify for whatever criteria that can be agreed upon. This is an unprecedented situation which qualifies for emergency measures. Time is of the essence. I look forward to your response. Prison and or jail is no place for someone considered to be high risk for COVID-19 – and it is only a matter of time before there is a greater crisis in the prisons and the other facilities. Here is an abbreviated list of identified inmates who are either at risk by age, have health issues, a combination of both or are paroled or have release dates coming up in the near future with homes to be released to:

### **CASA GRANDE:**

**Gaston Martinez** - CASA Grande - pending application for 317 program - eligible -attends CSN, works full time at Monzu restaurant in Las Vegas, has home to be released to with family.

### **FLORENCE MCCLURE:**

**Jamie Shuey** - FMWCC - granted parole 2/2020 due to be released 5/2020 she has high blood pressure and takes Lipitor. She would be released to go to Texas to her family. Would need ICPC done after release. She has job and parole plan

**Latosha Chilton** - FMWCC -granted parole 2/2020 due to be released 5/2020 has medical issues and home to be released to immediately. Has home, job and release plan

**Debra Clendenning** - FMWCC - serving for embezzlement (problem gambler)- 61 years old, in since 2015. Eligible 4/2023. Victim wanted her in minimum of 6 years. She has health issues and home to be released to

**Sondra Seabrook** request for release under AR 523.04,298 Program, compassionate release request. 74 years old and has numerous ailments the least concerning of which is hypertension. Has home to be released to and medical

**Diane Davis** - FMWC. Began serving sentence 4/2019 eligible 6/16/21. 65 years old suffers from asthma, diabetes. She is serving for arson for setting her own trailer on fire. Her dogs perished.

**Janet Solander** - FMWCC wheelchair bound numerous health issues late 60s. She just began serving a lengthy sentence for child abuse. She was a foster parent. Her case was just granted oral argument. She could be released to her older daughters pending appeal.

**Phyllis Miller** - FMWCC Aiding and Abetting in custody since 1993 She is 74 years old and has had surgery 2x and died on the table 1x and has a severe heart condition.

### **SDCC**

**Robert Servin** - Southern Desert - granted Parole 1/27/20 due to be released now or before 5/2020. Has release plan and home w/ICPC delayed until JUNE??? But can go to a ½ house which is prepaid and has a bed in Nevada at Samaritan contact Kevin Denny .

**Barry Rowe**– Paroled as of 1/2020 release date 4/15/2020 but going to a half way house.

**Angel Diaz**– AB267 juvenile parole as of 7/2020 board 4/27/2020 delayed. Previous pardons board client. In since 14 has a home and family to be released to.

### **HDCC**

**William Rohweder** - High Desert - AB267 eligible to the street 7/2018 next parole hearing 7/2020. Eligible to street. Would be released to family in Nevada has family and home.

**Benjamin Narter** - HDSP Parole due 9/2020 on a 4 year sentence for a non-violent felony for \$50,000 in mortgage fraud was probationable. He can be released to his father who lives in Las Vegas.

### **Warm Springs:**

**Adam Temple** parole due 12/2020 He saved an inmate's life at Warm springs in 2017, has a release plan already, home and job

**Nathan Ullrich** parole board in 5/2020 has a release plan, home and job  
- age 41, Diabetes

**Philip Stott** - age 60, Hep C, Chronic Cough

**Robert Lisenbee** - age 54 - Hep C, Heart Disease \*In on a Revo... no new case

**James Wardell** - age 59 - Severe Liver Cancer \*Prison won't treat him because so close to PEXD - 60 days

**Daniel Rifkin** - age 35 - Hep C w/ kidney & liver damage

**Jay Thomas** - age 41 - Liver/GI conditions stemming from resolved Hep C drug trafficking

**Gary Davis** - age 40- Acute Asthma

**James Smith** - age 55 – Hypertension, Heart issues, \*Had a Bariatric surgery

**Joaquin Gibson** - age 53, Hep C w/ liver disease, Respiratory & Hyper Thyroid

**James Dempsey** - age 48, Graves' Disease, Hep C, Weak Immune System

**Branden Mood** - age 32, Acute Asthma

**Eric Knoblauch** - age 42, - Acute Asthma

**Michael Bessey** -chronic asthma and allergies

**Mike Swerdling** - PED in December

**Anthony Gantt** - Warm Springs - he is in custody on a parole violation for smoking pot. Due to be released 4/1/20 but it is being delayed due to this situation and told that it won't be until this is over. He has 9 children at home, paroled to same home parole knows

**Charles Stanton** Warm Springs Paroled as of 2/24/2020 release date 3/9/2020 has home to go to

**Dan Southern** PED 3/4/2020 release date 4/5/20 has home to be released to

#### **LOVELOCK**

**Robert Stockmeier** - Lovelock - parole granted 2/2020 due to be released 5/2020 has home to be released to. Can be released to family.

#### **NNCC**

**Carlos Valez** - NNCC had a parole hearing 9/2019 but was denied. He is eligible to be immediately released to be deported back to Columbia where he has half of his family and a home. He has severe medical issues including asthma.

**Dorian Daniels** - chronic lung disease, in a wheelchair and oxygen machine - been asked to sign a DNR goes to board on final 10-25 this year to be released to streets. Served 27 years. Can be released to sister in community.

**Bobby Dodge** expires 6/2020 on current list for camp

**Jackson James** 4/2021 possession

**Jelee White** paroled on violent 40 y/o

#### **ELY**

**Brandon Allan** Ely State Prison Serving 2\* Murder - victim was fiancé - her mom forgave him at parole board 7/30/19, board passed to July 2021. He is already eligible to the street and could have been released 7/2019. Brandon's family lives in Reno and can take him in immediately. Brandon has Hep C untreated and Hypertension.

**Ramon Rodriguez** - Ely Parole hearing 3/2020 due to be released by 5/2020.

**CCDC:**

**Capri Harris** - CCDC - has hold on him from Minnesota - has hypertension and bronchial issues. Ask to be released to Minnesota hold where there is currently no outbreak in MN jail or prison and better situation than NV. His family is deeply concerned for his health.

**OUT OF CUSTODY:**

**Scott Cochran**, he has served his time, is out of custody, currently trying to get his plea withdrawn or case picked up by the DA conviction integrity unit. He is a victim of the infamous Rita Colon - she was his "victim" in this case. He has always maintained his innocence. He is a respiratory therapist. He wants to help where he can at this time but he is limited by his conviction, while he should be off of the sex offender list by now, he is not because of the recent change in law. He is now limited in his ability to help with all of the respiratory patients that otherwise need his help. He is current on all of his licensing and education. We want to give him back the ability to work freely in his field.

We will continue to update the list as we become aware of clients that are due to be released, near the end of their sentences and are facing medical issues in the State system.

We appreciate all you are doing at this time. We are available to help in any way we can.

Thank you in advance and I look forward to hearing from you,

Kristina

VELD LAW

Kristina Wildeveld, Esq.

The Law Offices of Kristina Wildeveld and Associates

### **Public Comment #15:**

From: Cindy Alford  
Subject: Meals  
Date: Mon 4/13/2020 11:17 AM

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Why have inmates meals been reduced so drastically? Yesterday for breakfast my fiancé received one egg and a small scoop of oatmeal. Today was one egg and two sausage links. He says all meals have been significantly reduced  
Cindy Alford

### **Public Comment #15a:**

From: Cindy Alford  
Subject: Hand sanitizer  
Date: Mon 4/13/2020 11:19 AM

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Hand sanitizer has been taken away from all inmates that it had been provided to because of inmates drinking it. My fiancé at NNCC never received any and it has never been made available even under supervision

Cindy Alford

### **Public Comment #15b:**

From: Cindy Alford  
Subject: Inmate calls  
Date: Mon 4/13/2020 11:11 AM

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Price of inmate calls was not reduced

Cindy Alford

### **Public Comment #15c:**

From: Cindy Alford  
Subject: Video visits?  
Date: Mon 4/13/2020 11:12 AM

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Is there any plan to allow video visiting until this clears up?

Cindy Alford

## Public Comment #15d:

From: Cindy Alford  
Subject: Phone calls  
Date: Mon 4/13/2020 3:49 PM

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Yes we are getting two free calls but director Daniels stated the calls payed for the prices had been reduced. The payed calls have not been reduced.

He is stating hand sanitizer is available being brought around units, I have multiple reports that it is not

Cindy Alford

## Public Comment #16:

From: Tara Zimmerman  
Subject: Public Comment for Sentencing Commission  
Date: Mon 4/13/2020 11:20 AM

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Since there are plans to raise the juvenile age from under 18 to under 21 (NRS 176.025, NRS 213.12135, etc) in the next Legislative session (2021) can the Commission, Board, and/or Legislature pass this now in an emergency session to help reduce prison overcrowding due to Covid-19 concerns?

Tara C. Tuttle, Esq.

## Public Comment #17:

From: Élodie Hutchinson  
Subject: Comment for NV Sentencing Commission  
Date: Mon 4/13/2020 12:31 PM

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Good morning,

A lot of families and loved ones of inmates have concerns about visitation.

It seems obvious right now that the United States and the State of Nevada will not get rid of the Coronavirus, at least not completely, before a vaccine is finally manufactured, which is unlikely to happen before 2021.

Families understand that visitation has to be suspended during the confinement, but obviously the visits cannot be suspended for another year after that. Is the NDOC working on a plan to have the visits resumed in a near future and at the same time ensure safety to all of the parties involved?

Thank you,

## Public Comment #18:

From: Nicole Tate  
Subject: Public Comment for 4/13/2020  
Date: Mon 4/13/2020 12:31 PM

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Dear Sirs & Madams of the Sentencing Commission and Anyone else to whom this is further directed to,

I am writing as part of public comment regarding the COVID crisis and prisoner relief during this time. I am writing on behalf of my husband, James Tate, whom is currently incarcerated at HDSP. I am writing in hopes that my husband can be compassionately released or placed on home confinement during this time. Although he is part of the younger population, he suffers from asthma, which places him at high risk of demise when faced with the COVID 19. This virus has already entered behind those walls and to say that I am extremely worried that this make him sick, or even possibly kill him, is an understatement. Unfortunately, this feeling of concern is only heightened by a previous incident in which the medical staff could have further injured him, left him paralyzed, or killed him. This leads me to more than question the adequacy of the medical staff at the facility in the case that the incarcerated population were to become further infected, not to mention the timeliness of care provided as, in my opinion, is delayed, and at times incompetent.

Director Daniels states that there are no current inmate positive cases. He also states that testing has been not completed on any inmate in the Nevada Department of Corrections. Therefore, it is impossible to determine if there are any positive cases. Even if this is accurate, this pandemic is not over. Per Infectious Disease practitioners, this could be around for some time, perhaps even years from now. In addition, screening of staff is commendable, however there is a large population of persons who remain asymptomatic of COVID 19, however, do remain able to spread the virus to others. Also, I would like to believe the statements made by Director Daniels, but it is impossible for him personally to know all day to day actions of each pod, in each unit, in each facility. Those infected staff members, could have been in contact with anyone incarcerated or not, could be contagious for weeks prior to be symptomatic, and leading perhaps to more asymptomatic carriers. Fifteen test kits and 1020 antibody tests, none of which have been used. Perhaps this is not because of not needing them, but likely due to incompetence of health care personnel and timeliness of health care assessments. Some health care personnel employed by NDOC do not even follow basic first aid procedures or are not competent with such.

Visits were terminated until further notice on March 7, 2020. I would like to mention that I agree with this. Anything to keep everyone safe. But these free and cheaper calls that were mentioned are irrelevant. Free calls were provided, two times a week. However, for weeks, those whom were previously able to speak to family on the phone, were not able. And at times, only 2-3 ten minute maximum phone calls were offered a week. Also, only three showers a week have been offered. At times, less than that. Also, it was decided that masks will not be given out to the incarcerated population due to safety concern. It was also determined that it should be best practice to do so. Other states have also begun this practice, addition to early releasing of vulnerable populations.

My husbands PED is August of 2021, just 16 months from now. He has completed more than half of his sentence. My biggest fear is that his sentence, due to his asthma, and other medical conditions, could end up being a death sentence. These words to not come with ignorance. I am an Intensive Care Unit Registered Nurse, working with the COVID positive population during this pandemic. I have seen first hand what this disease is doing to our population, most of whom are in the younger population with preexisting conditions like my husband.

I understand the decision to release incarcerated individuals out early can not be an easy one. I would like to strongly reiterate that not only the elderly are at a greater risk, but also those with breathing disorders, hypertension, diabetes, etc.. Individuals like my husband. My home environment is stable. I have maintained the same residence since moving to the Las Vegas area in June of 2017, the same regarding my employment. I am employed in a full time capacity at Dignity Health, St Rose Hospital in Henderson NV. My home is fully capable and my husband and I are more than willing to cooperate and comply with any home detention/confinement agreement if it would mean that my husband is safe. There are no drugs or weapons in my home now, nor have there ever been and I would welcome any search needed to accommodate home confinement.

I sincerely thank everyone who is in receipt of this letter for any and all consideration regarding this matter. My husband may be an inmate, but he is a husband, father, and son.

Thank you for your time,

## Public Comment #19:

From: Cindy Alford  
Subject: Visiting and marriage  
Date: Mon 4/13/2020 12:31 PM

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question for Director Daniels

My fiancé put in a packet for us to be married back in February and has not been contacted by the chaplain. We are hoping that the steps to approve our marriage would be taken during this time so that once the quarantine is lifted we would be able to be married without delay.

Also my visitation application was sent in February and I have not received any response. It would be wonderful to know that when this all clears I wouldn't have to wait longer to visit my fiancé.

Are you able to get or keep these processes moving forward again?

Cindy Alford