

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  
Phone: (775) 684-7390  
<http://sentencing.nv.gov>

**NEVADA SENTENCING COMMISSION**  
**MEETING PUBLIC COMMENT**  
**July 29, 2020**

**Personal identifying information has been redacted**

**Public Comment #1:**

From: Carri Campbell  
Subject: Question re: sentencing review topics  
Date: Fri 7/10/2020 4:54 PM

Hello. Hope all is well for you and yours.

I'm writing to inquire about the best way to get information in front of the Nevada Sentencing Commission or to Ms Victoria Gonzalez regarding the following topics:

-Extending the juvenile law to 24 years of age (as science shows) -Abolish weapon enhancement or make current law having different sentence, or apply retroactively -Apply good time credit off the front and back for all sentences -Cap life sentences

Would there be some sort of petition process? I hear the NSC is having a special meeting on 7/29/2020. It would be great to get some, or all of these issues in front of the commission for that meeting.

Thank you for any guidance

---

**Public Comment #2:**

From: Jeffrey Jones  
Subject: Juvenile offender's  
Date: Sun 7/19/2020 1:56 PM

Hi my name is Jeffrey Jones. I served 32- year's in prison. I was 17-years old when I committed my crime. I was finally released on parole , August 14th 2019. In 2010, 2012, & 2016 the U.S. Supreme came out with major decisions on the juvenile issue. In Graham vs. Florida, Miller vs. Alabama, Montgomery vs. Louisiana. Based on these rulings a lot of State's changed their laws dealing with juvenile offender's. And in other States they have even taking juveniles and resentence them under the new Standards. And Nevada legislative have passed laws reflecting the U.S. Supreme Court rulings. see N.R.S. 213.1235 & N.R.S. 176.017. the juveniles who go in front of the Court's now. Get the benefits of the new law's. And are not sentence as harshly as juveniles in the past. The U.S. Supreme Court made it mandatory that States base their decision on Growth, Maturity, & Rehabilitation. What I am suggesting is that either the Pardons Board or the Court's give a person who committed their crime as a juvenile a chance to be resentence in the Court's or with the Pardons Board by commuting his or her sentence. Based on Growth, Maturity, & Rehabilitation. Another words if the juvenile has shown this he is entitled to see the Court's or Pardons Board. If he has not shown this. Then he or she or not

entitled to relief as the U.S. Supreme mentioned in their rulings. Not did I show this while I was in prison. But I have shown it since I have been out as of right now I will never have the opportunity to show the Court's or Pardons Board. I am worthy of a second look due to my tremendous change I have done. So I ask you to please consider this and introduce it in the next legislative session. I thank you for your time and consideration of this matter. Sincerely Jeffrey Jones

---

### **Public Comment #3:**

From: Josie Arriaga  
Subject: Juvenile law  
Date: Mon 7/20/2020 8:33 AM and Sun 7/26/2020 5:06 PM

My name is Josie

I am an advocate of the juvenile law being 25 years and under and caps being put on life sentence and run all life sentences concurrent. Thank you

#### **2<sup>nd</sup> email:**

I support The sentencing policy of juveniles moved to 25 and under, for the caps for life Sentencing, also run Sentencing concurrently.

If you would like to reach me you may contact me through email or at phone number

---

### **Public Comment #4:**

From: Wanda Price-Green  
Subject: PLEASE SUBMIT FOR PUBLIC CONTACT  
Date: Mon 7/20/2020 5:32 PM

Please look into changing the policy concerning applying good time to inmates serving life sentence with the possibility of parole. Also aggregating consecutive life sentences so there is a cap on amount of time served. Example inmate with 2 consecutive life sentences with possibility of parole at 10 years now see the parole board at 10 years and if not paroled waits another 2 to 3 years to see again. This can go on forever and since they can not start on the 2nd sentence until paroled from the first. They are also not eligible for good time which would shorten the time served before they go to the board. An example of this is my son who is serving 2 consecutive life sentences with the possibility of parole at 10 years on each. He has a clean record while in prison and has taken all classes offered to him to make him parole eligible, however it took him 18 years to be paroled on first sentence so he could start 2 enhancement sentence. I have been present at all but 1st hearing and at the next to last one board members stated on video that he would not be afraid to parole my son to the street. However when we received the full panels decision he was denied and had to wait 2 more years I believe. He was not going to be out in public but just going to another sentence which did not make any sense considering their comments. He has now served 26 years in prison and will go to the board again in 2024. With the change of being eligible for good time he could be released now. I would greatly appreciate this committee looking into allowing good time to be applied to the inmates that have earned it.

If sentences were to be aggregated the inmate would go to the board at 20 years and if paroled would be released. Thank you for your help on this. My sons case was used in changing some of the laws in the legislature in I believe 2017 by Tonya Brown. You will be getting E-mails from more family and friends on this matter.

Sincerely, Wanda Price-Green

## Public Comment #5:

From: Carla Urbina  
Subject: Re: important enhancement  
Date: Fri 7/24/2020 7:32 AM

Hello good morning my name is Carla Urbina I am the daughter of Carlos Ruiz inmate number (redacted) I am concerned about my father's rights I am with the enhancement for the inmates my father deserves a rightful hearing and I would like for you to consider the enhancement for any inmate in your facility this is for the meeting on July 29th 2020 thank you for your time.

---

## Public Comment #6:

From: Sergio Negrete  
Subject: Carlos Ruiz  
Date: Fri 7/24/2020 3:25 PM

Hello my name is Sergio Negrete I am writing this email in regards of my good friend Carlos Ruiz. I would like to ask you to consider the enhancement for Carlos.  
Thank you for your time.

---

## Public Comment #7:

From: Beverly Collins  
Subject: Re: Thomas R. Lord  
Date: Sun 7/26/2020 10:42 AM

Please discuss Tommy's case at your Wednesday meeting. He remains incarcerated, while his codefendant has been enjoying freedom since 2013! We do not understand?

Thank you!

---

## Public Comment #8:

From: Jennifer Cruz  
Subject: (no subject)  
Date: Sun 7/26/2020 5:12 PM

Inmate Arthur Robles Lovelock Prison Lovelock, Nevada

I support The sentencing policy of juveniles moved to 25 and under, for the caps for life Sentencing, also run Sentencing concurrently.

you may contact me through email or at phone number

Thank you, Jennifer Cruz

## **Public Comment #9:**

From: Vanessa Gomez  
Subject: Arthur Robles Inmate  
Date: Sun 7/26/2020 9:05 PM

Inmate Arthur Robles Lovelock Prison Lovelock, Nevada

I support The sentencing policy of juveniles moved to 25 and under, for the caps for life Sentencing, also run Sentencing concurrently.

You can contact me through email if you have any questions

Thank you, Vanessa Gomez

---

## **Public Comment #10:**

From: Robert Cruz  
Subject: Arthur Robles  
Date: Sun 7/26/2020 9:05 PM

Inmate Arthur Robles Lovelock Prison Lovelock, Nevada

I support The sentencing policy of juveniles moved to 25 and under, for the caps for life Sentencing, also run Sentencing concurrently.

You can contact me through email if you have any questions

Thank you, Robert Cruz

---

## **Public Comment #11:**

From: Andrena Chavez  
Subject: (no subject)  
Date: Sun 7/26/2020 9:18 PM

Inmate Arthur Robles Lovelock Prison Lovelock, Nevada

I support The sentencing policy of juveniles moved to 25 and under, for the caps for life Sentencing, also run Sentencing concurrently.

You can contact me through email if you have any questions

Thank you, Andrena Chavez

## Public Comment #12:

From: Patricia Adkisson for Michael Adkisson  
Subject: Nevada's Illegal Sentencing Practice... (Public Comment 7-29-2020)  
Date: Tue 7/28/2020 12:05 PM

### **Re; NEVADA'S ILLEGAL SENTENCING PRACTICE TO BIFURCATE A PART OF A SINGLE CRIME AFTER ADJUDICATION & IMPOSING TWO DISTINCT CONSECUTIVE PUNISHMENTS FOR DIFFERENT PARTS OF A SINGLE CONVICTION CONSTITUTES AN UNAUTHORIZED COMMAND TO IMPRISON, A BREACH OF THE PUBLIC TRUST, AND NOT AN ENHANCEMENT**

Nevada's troubled history with N.R.S.193.165 began in 1973. When considering A.B.234 NV. Legislators correctly identified that N.R.S.193.165 was **defective** and unconstitutional as contemplated, because there was no relationship between the **punishment** for the "Use of a Deadly Weapon" [Because it is NO OFFENSE, but is consecutive] and any crime [because there is no provision within the crime for any ENHANCEMENT] Recognizing this, legislators amended every affected criminal statute to include a provision within the body of the affected criminal penal statutes. When convened to consider A.B. 234 as amended, the senate chose **NOT** to increase the **SEVERITY** of any punishment for the affected criminal penal statutes when a firearm or other deadly weapon is used in the commission of the affected crime. This critical fact can no longer be ignored. Despite the declared defeat identified in N.R.S. 193.165 necessitating the amending of the **ENTIRE CRIMINAL CODE** in order to lawfully enhance the affected criminal penal statutes in order to increase the **SEVERITY** of the punishment for the affected crimes, to date **NO EFFORT** has been made in order to provide an ENHANCEMENT in order to increase the SEVERITY of the actual punishment for the affected crimes. The sentence available for the affected criminal penal statutes remains unchanged to this day. Over the objections of the Nevada Assembly, the **DEFECTIVE** N.R.S. 193.165 was adopted and passed **SOLELY** as stated by the Senate, because there was not enough time to overhaul the entire Criminal Penal Statutes. The Nevada Assembly declared the actions of the Senate **DID RENDER A.B.234 INVALID** [There is no relationship between the punishment and the crime] **VOTING AGAINST STATING NOT ONLY "NO, BUT HELL NO"** see A.B.234 1973

### **NEVADA LEGISLATURE FIFTY-EIGHTH SESSION 1975 FORCED TO CLARIFY AMBIGUITIES POINTED OUT BY THE NEVADA SUPREME COURT RELATED TO N.R.S.193.165 RESULTING IN CRIMINAL LIABILITY FOR USING A FIREARM, EFFECTIVELY ABRIDGING U.S.C. II AMENDMENT**

Because A.B. 234 (1973) ch.759 declared in the Title of the Act; [N.R.S.193.165 see attachment marked Exhibit 1] "Doubling the penalty for the use of a firearm or other deadly weapon." Criminal liability was attributed to using a firearm, convictions resulting NOT for a crime, but for use of a firearm resulted effectively abridging U.S.C. II Amendment. In order to address and clarify ambiguities perceived by the Supreme Court A.B.502 ch.465 was passed [see attachment marked Exhibit 2] Stating... "N.R.S. 193.165 provides that the Use of a Gun or other deadly weapon in the commission of a crime will cause an INCREASED SENTENCE. The clarification states that the use of the weapon is **NOT** a separate **OFFENSE, BUT A PART OF THE CRIME ITSELF**. This clarification can be found in the Title of the Act related to A.B. 502 ch.465 N.R.S. 193.165 [see attachment marked Exhibit 3] Stating; an act: "Clarifying the intent of the legislature in providing an additional penalty for the commission of a **CRIME** with the Use of a Deadly Weapon." Adding section 2 to N.R.S. 193.165 EXPRESSLY DECLARING THE LEGISLATIVE COMMAND THAT USE OF A DEADLY WEAPON, pursuant to N.R.S. 193.165 (2) is **NOT ANY OFFENSE. THERE IS NEVER ANY CRIMINAL LIABILITY FOR USE OF A DEADLY WEAPON, ANY CRIMINAL LIABILITY MUST BE FOR THE OFFENSE RESULTING IN CONVICTION** primary or otherwise.

### **NEVADA LEGISLATURE 58<sup>TH</sup> SESSION 1975 ACTIONS RELATED TO A.B.502 CORRECTLY IDENTIFIED THE SENTENCE FOR A PART OF THE CRIME ITSELF (see exhibit 2)**

Despite the clear need to cause an increased sentence [Because the Use of a Deadly Weapon is a part of the crime] NO corrections were made to the criminal code increasing the sentence for the crime. The common practice following A.B.502 was to include in the statement of the crime the phrase "with the USE OF A DEADLY WEAPON." Example; SECOND DEGREE MURDER improperly stated as; SECOND DEGREE MURDER WITH THE USE OF A DEADLY WEAPON. In order to command a consecutive sentence Nevada Courts **ILLEGALLY BIFURCATE** the parts of the improperly stated conviction and command a sentence of Imprisonment, **NOT** for the crime, but for the "Use of a Deadly Weapon." This END-RUN around the questions already asked and answered **FORBIDDING** criminal liability for the USE OF A DEADLY WEAPON, Now serve to effectively criminalize Use of a Deadly Weapon when in a J.O.C. any sentence is stated to be inflicted for "Use of a Deadly Weapon" where in Nevada just as in the entire U.S.A., any sentence inclusive in a Judgement of Conviction presupposes a valid conviction.

### **DESPITE NEVADA SUPREME COURT SEEKING CLARIFICATION OF AMBIGUITIES RELATED TO N.R.S. 193.165 ESTABLISHING USE OF A DEADLY WEAPON IS NO OFFENSE BUT RATHER A PART OF THE CRIME**

The Nevada Supreme Court granted a Petition for Mandamus [see attachment Exhibit 4] declaring USE OF A DEADLY WEAPON N.R.S.193.165 TO BE A FELONY and causing defendant DUNCKEL to become sentenced for USE OF A DEADLY WEAPON and NOT THE CRIME. The clear mandate in N.R.S. 193.165 is to provide penalty for an actual offense.

**BIFURCATION OF THE PARTS OF ANY CRIME FOR THE PURPOSE OF IMPOSING A CONSECUTIVE SENTENCE RENDERS THE J.O.C. UTTERLY VOID ANY SENTENCE TO BE FOR USE OF A DEADLY WEAPON WORKS A SOCIAL INJUSTICE (see attachment Exhibit 5)**

N.D.O.C. intentionally violates Nevada's FALSE IMPRISONMENT statute, where NO STATUTORY AUTHORITY is available for imprisonment, where a sentence for a "Use of a Deadly Weapon" is stated. GORDON CAREY grieved the N.D.O.C. for continued imprisonment BEYOND the expiration of the sentence for the crime. Because N.D.O.C. does not have the discretion nor authority to treat a sentence for "Use of a Deadly Weapon" as a FELONY. N.D.O.C.'s limited authority is strictly limited to a statement of Judgement for a crime, N.D.O.C. HAD authority for Imprisonment ONLY UNTIL THE EXPIRATION OF THE CRIME.

**NEVADA'S PROSECUTORS ABUSE THEIR OFFICE BY REPRESENTING N.R.S. 193.165 AS A CHARGEABLE OFFENSE AND VIOLATE CLEARLY ESTABLISHED LAW CREATING A SECONDARY SENTENCING STANDARD BY INDUCING PLEA AGREEMENT IN EXCHANGE FOR GUILTY PLEA'S**

Nevada's N.R.S. 193.165 is **NOT** an **OFFENSE**, chargeable or otherwise, but rather a prescribed fact that is a part of the crime, there simply is no Prosecutorial Discretion in charging as an **OFFENSE** or as a violation of an **OFFENSE**. The practice to 'DROP' or not seek a sentence pursuant to N.R.S.193.165 in order to improperly induce a guilty plea creates a secondary sentencing standard that all Nevada citizens are now entitled to benefit from. By the failure to allege a part of the crime when a deadly weapon is used, it effectively renders the crime, NOT a crime, or at the least creates a separate class, with 'special' consideration not contemplated by statute, and in fact Expressly Refuted.

**NEVADA SUPREME COURT DECLARES CONVICTIONS PURSUANT TO N.R.S. 193.165 MUST BE AND HEREBY ARE ANNULLED (see Exhibit 6- RABY v STATE)**

Nevada Supreme Court ESTABLISHING HOLDING THAT A JURY VERDICT MAY NOT FIND GUILT for Use of a Deadly Weapon pursuant to N.R.S.193.165 because it is NOT a separate criminal offense, because Use of a Deadly Weapon does not result in a conviction, although the RABY Court commands that the consecutive sentence be served, the court Failed to Identify how that sentence shall be carried out. In 2007, the Nevada Legislature in Contemplation of Exactly this question, declared that NO SENTENCE FOR USE OF A DEADLY WEAPON CAN EXCEED THE SENTENCE FOR THE CRIME

(see APPRENDI v NEW JERSEY) and gave the example that even in aggregate the sentence for Use of a Deadly Weapon and the sentence for the crime cannot exceed the time set forth by the sentence in the STATUTE for the crime, using as an example- If a Judge imposed a sentence of 10 years for the crime of Robbery, which carries a maximum of 15 years, the sentence for Use of a Deadly Weapon, CANNOT be more than 5 years. Further, that if a Judge imposed a sentence of only 5 years for the crime of Robbery, the sentence for Use of a Deadly Weapon CANNOT exceed the sentence imposed for the crime, meaning the maximum of 10 years despite the possibility of 15 years in the 1<sup>st</sup> instance. See A.B.510 chapter 525 for discussions detailing this EXACT intent. The resulting changes to N.R.S.193.165 were left to be implemented through a Policy person and is NOT as specific as the Legislature Intended. See N.R.S.193.165 (2)(a) 2007 version ("The sentence prescribed by this section must not exceed the sentence imposed for the crime") Also see N.R.S. 193.165 (1)(e) "In determining the length of the Additional Penalty imposed, the court shall consider (e) any other relevant information.

**THE PROPOSED REMEDY HAS ALREADY BEEN SET FORTH IN 1973 AND AGAIN IN 1975 NEVADA MUST OVERHAUL THE CRIMINAL CODE TO PROVIDE FOR AN ACTUAL ENHANCEMENT AMOUNTING TO OR CAUSING AN INCREASE IN THE SEVERITY OF THE CRIME**

Nevada's assault statute does just this also, so does the Battery statute, and the Burglary statute, just to name a few, because of the SECONDARY SENTENCING STANDARDS brought into existence through the illegal prosecution tactics. All Nevada inmates affected are ENTITLED to NOT receive any additional consecutive sentence to be for Use of a Deadly Weapon. Time is of the essence, my previous Whistleblower Complaint submitted to this commission cited an unpublished case only for Persuasive Authority related NOT to the holding regarding credits in VONSEYDEWITZ, but rather to the reasoning described and identified as a result of verbiage in a J.O.C. and the improper reliance on Verbiage rather than STATUTORY AUTHORITY. Despite the language in N.R.S.176.305 ("If Judgement be imprisonment...the defendant must be committed to the custody of the proper officer and detained until the Judgement is complied with.") It is axiomatic that the Judgement must be for an OFFENSE, resulting in conviction of a Felony (see N.R.S.193.120) and due-process requirements reflected in N.R.S. 176.105 which requires two ESSENTIALS TO BE A VALID JUDGEMENT: 1) THE PUNISHMENT 2) THE OFFENSE IN ORDER TO INFLICT THE PUNISHMENT. Also see EX-PARTE JOSEPH DELA. Although N.D.O.C. HAD the authority to hold an inmate based on the Judgement of Conviction, THAT AUTHORITY EXPIRES ONCE THE SENTENCE FOR THE CONVICTION IS DISCHARGED through a grant of Parole as in Adkisson's case or is EXPIRED as in CAREY'S case.

**THIS COMMISSION HAS THE ABILITY, AUTHORITY, AND STANDING TO SEEK AND REQUEST A BILL DRAFT REQUEST IN ORDER TO BRING ABOUT LEGISLATION TO PREVENT THE ON-GOING CONSTITUTIONAL CRISIS SET FORTH SUPRA AND IN ADKISSON'S WHISTLEBLOWER COMPLAINT DATED JUNE. 22, 2020, SUBMITTED TO THIS COMMISSION.**

**As always, I stand ready to be of service in the interest of Law and Justice for all.**

Respectfully submitted, Michael Adkisson

---

### **Public Comment #13:**

From: Selene Gaytan  
Subject: changing the law  
Date: Tue 7/28/2020 12:05 PM

Hello, my name is Selene Gaytan I'm a Nevada resident. I'm an advocate of a second chance this is why I'm sending this email. To ask that you bring up the juvenile law to 25 years, to have a cap on life sentences, to run all sentences concurrent and to get credit serve on the back and front.

I believe that people should have a second chance, I don't know a lot of about laws but I do believe that people change. Not only do they change but we have to think of how much it cost to have people in jails. Maybe more of the money spent should go to programs to rehabilitate inside and for preventions programs on the outside for young and first offenders. Some of this young people come from broken families or no family at all, which is no excuse to commit a crime. Much help is needed to educate to brake and change this circles of crimes.

Please help to bring this changes for our young and older inmates who need a second chance. We need a change in our laws please bring them to our governor and everyone that has the authority to change them.

Thank you

---

### **Public Comment #14:**

From: Pamela Johnson  
Subject: For public comment  
Date: Wed 7/29/2020 12:43 AM

I would like to see good time to be applied to life sentences for inmates that who qualify. I have a friend in prison there in Nevada his name is Ed Green I have know Ed since he was 21 years old I would like to see a change in the system .

Thank you  
Pamela Y. Johnson

## Public Comment #15:

From: Craig Johnson  
Subject: Good time to life sentences  
Date: Wed 7/29/2020 10:10 AM

I have a friend in Nevada prison. I have know him since he was 21 years old His name is Ed Green. I would like to see good time to be applied to life sentences for inmates that who qualify. I would like to see a change in the system. He was always been a good person

Thank you

Craig E. Johnson