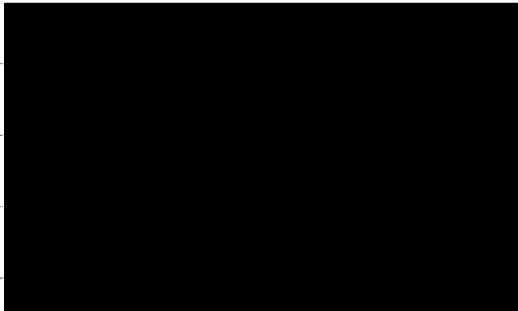


RECEIVED
2/17/21

(Page One of three)

Feb 17th 2021
Dennis R Bacorn



Nevada Department of Sentencing Policy
Victoria Gonzalez
Executive Director
625 Fairview Dr, Suite 121
Carson City, Nevada 89701-5430

RE: Geriatric Parole 2019 AB230

Your esteemed Ms Gonzalez,
Thank you for your letter of response in which I
received Feb. 8th 2021.

Since then I have received notification from the
State of Nevada Parole Board that my request for a
geriatric parole has been determined by the NDOC that
I do not meet the criteria for a Geriatric Parole due
to me not serving the majority of my sentence. I
have enclosed a copy of that letter and a copy of
the NRS 213.12155

(continued next page)

(Continued from pg 1)

pg. 2

Majority being one day over half.

I was sentenced to 2½ years to 7 years. My projected expiration date with my stat time and work time is June 6th 2022. I'm eligible for parole Oct. 3rd of this year.

The N.D.O.C. in making their determination of my eligibility for geriatric parole says I must serve 3 years, 6 months and one day before I'm eligible to apply for the geriatric parole. That would mean I would qualify to apply for the geriatric parole in Oct. of 2022, 4 months after I expire my sentence.

I can't believe the Legislature intended the law to be interpreted this way.

Do the sponsors of the AB236 realize that the N.D.O.C. has made the Geriatric Parole program and impossible goal for inmates?

There are just a few of us who have applied for the Geriatric Parole. We have all received the same letter.

When calculating our time served they did not credit us for our STAT time or work time. Making it impossible for anyone to qualify.

(continued next page)

(continued from pg 2)

pg 3

Ms Gonzalez I know its probably to late for this letter to be submitted in your Feb 19th meeting with the Nevada Sentencing Commission. But I hope you will present this information at your earliest opportunity to those who will investigate and correct this injustice.

I sincerely thank you for your time, assistance and consideration in this matter.

Respectfully yours.

Dennis R Bacon



CENTRAL OFFICE

1677 Old Hot Springs Rd., Ste. A
Carson City, Nevada 89706
<http://parole.nv.gov>
(775) 687-5049
Fax (775) 687-6736

CHRISTOPHER DERICCO, *Chairman*
SUSAN JACKSON, *Member*
MARY BAKER, *Member*

DARLA FOLEY, *Executive Secretary*

STATE OF NEVADA
STEVE SISOLAK
Governor



LAS VEGAS OFFICE

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Las Vegas, Nevada 89119
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FAX (702) 486-4376

CHRISTOPHER DERICCO, *Chairman*
ERIC CHRISTIANSEN, *Member*
DONNA VERCHIO, *Member*
LAMICIA BAILEY, *Member*

NEVADA BOARD OF PAROLE COMMISSIONERS

February 10, 2021

DENNIS BACORN, #118529
[Redacted]

RE: GERIATRIC PAROLE

The Parole Board has received a notice from the Nevada Department of Corrections (NDOC) regarding your eligibility for Geriatric Parole.

NDOC has determined that you do not meet the criteria for Geriatric Parole due to you not having served the majority of your sentence (majority of sentence = 1/2 the maximum sentence plus 1 day).

Per NRS 213.12155 1(e) you must be 65 years of age or older and served the majority of the maximum term of your sentence – 1 (e) – “Is 65 years of age or older and has served at least a majority of the maximum term or maximum aggregate term, as applicable, of his or her sentence.”

I have attached a copy of NRS 213.12155 for your information.

Sincerely,

Debra Hausman
Geriatric Parole Coordinator
The Nevada Board of Parole Commissioners

NRS 213.12155 Geriatric parole: When authorized; application; list of eligible prisoners; hearing; considerations; determination; supervision; regulations. [Effective July 1, 2020.]

1. Notwithstanding any other provision of law, the Board may grant geriatric parole to a prisoner if he or she:

(a) Has not been convicted of:

- (1) A crime of violence;
- (2) A crime against a child as defined in NRS 179D.0357;
- (3) A sexual offense as defined in NRS 179D.097;
- (4) Vehicular homicide pursuant to NRS 484C.130; or
- (5) A violation of NRS 484C.430;

(b) Has not been found to be a habitual criminal pursuant to NRS 207.010;

(c) Is not serving a sentence of life imprisonment without the possibility of parole and has not been sentenced to death;

(d) Does not pose a significant and articulable risk to public safety; and

(e) Is 65 years of age or older and has served at least a majority of the maximum term or maximum aggregate term, as applicable, of his or her sentence.

2. Consideration for geriatric parole may be initiated by the submission of a written application and supporting documentation to the Board, including, without limitation, relevant medical records, plans for parole, program participation records, institutional records, documents concerning eligibility for Medicaid or Medicare and any other relevant documents, from:

- (a) A prison official or employee;
- (b) A prisoner;
- (c) An attorney or representative of a prisoner;
- (d) A family member of a prisoner; or
- (e) A medical or mental health professional.

3. Not later than 15 days after receipt of an application submitted pursuant to subsection 2, the Board shall notify the Department of the application and request verification of the prisoner's age and the length of time the prisoner has spent in the custody of the Department.

4. Upon receipt of a request from the Board submitted pursuant to subsection 3, if the Department determines that the prisoner:

(a) Meets the criteria set forth in subsection 1, the Department shall:

- (1) Notify the Board of the prisoner's eligibility for consideration of geriatric parole;
- (2) Place the prisoner on the next available list of persons eligible for parole pursuant to NRS 209.254;

and

(3) Provide to the Board a report prepared in accordance with paragraph (c) of subsection 1 of NRS 213.131.

(b) Does not meet the criteria set forth in subsection 1, the Department shall notify the Board and explain the reasons for such a determination.

5. Upon receipt of the list prepared pursuant to NRS 209.254, the Board shall, after sending copies of the list to all law enforcement agencies in this State and other appropriate persons in accordance with subsection 5 of NRS 213.1085, schedule a hearing to consider the geriatric parole of an eligible prisoner whose name appears on the list.

6. Except as otherwise provided in subsection 7, the Board shall schedule and conduct the geriatric parole hearing of a prisoner in the same general manner in which other prisoners are considered for parole. The Board shall notify the prisoner and the person submitting the application pursuant to subsection 2 of the date, time and location of the geriatric parole hearing.

7. When determining whether to grant geriatric parole to a prisoner, the Board must consider:

(a) The prisoner's:

- (1) Age;
- (2) Behavior while in custody; and
- (3) Potential for violence;

(b) The reported severity of any illness, disease or infirmity of the prisoner; and

(c) Any available alternatives for maintaining geriatric inmates or inmates who have a medical condition in traditional settings.

8. The Board shall notify a prisoner of the Board's decision as to whether to grant geriatric parole in accordance with subsection 11 of NRS 213.131.

9. At the time of the release of a prisoner on geriatric parole, the Board shall prescribe the terms and conditions of the geriatric parole.

10. A person who is granted geriatric parole pursuant to this section is under the supervision of the Division. The Division is responsible for supervising the person's compliance with the terms and conditions prescribed by the Board.

11. Except as otherwise provided in this subsection, the Board shall not take any action on an application submitted pursuant to subsection 2 if the prisoner to whom the application pertains was previously denied geriatric parole and less than 24 months have elapsed since the most recent denial. The Board may take action on such an application if a shorter period has been prescribed by the Board or a request is made by the Director of the Department because of the adverse health of the prisoner.

12. The provisions of this section are not intended to replace the provisions relating to the general eligibility and consideration of parole provided in NRS 213.1099 and 213.1215.

13. The Board shall adopt any regulations necessary to carry out the provisions of this section.

14. As used in this section, "Department" means the Department of Corrections.

(Added to NRS by 2019, 4448, effective July 1, 2020)

James Bulah
Pioche Camp

April 25, 2021

RECEIVED
RC 3/3/21

VICTORIA GONZALEZ

ST. IF NV. DEPT. OF SENT. POLICY
625 FAIRVIEW DRIVE STE 121
CARSON CITY, NV. 89701

DEAR MS. VICTORIA GONZALEZ

I AM JAMES BULAH A VETERAN OF THE UNITED STATES NAVY AND PRESENTLY INCARCERATED AT PIOCHE CONSERVATION CAMP. UPON THE NOTICE OF YOUR IMPENDING INQUIRY, I WAS ASKED TO PROVIDE A STATEMENT REGARDING POSSIBLE DISPARITIES IN SENTENCING STRUCTURES TO AID IN THE DETERMINATION OF MORE FAVORABLE MEANS TO CONVICTION OUTCOMES. MY PERSONAL SITUATION STEMS FROM A 4-10 YEAR SENTENCING STRUCTURE, BUT WHAT CAUSED THE DISPARITY FOR ME WAS DUE TO THE LACK OF KNOWLEDGE OR INITIATIVE REGARDING MY BACKGROUND, BEING A VETERAN AND NOT BEING CONSIDERED FOR VETERANS COURT, IN FACT I DIDNT EVEN KNOW THAT A SPECIFIC COURT FOR VETERANS EXISTED UNTIL I ENTERED INTO A HABEAS CORPUS PROCEEDING INVOLVING AB 236. ALSO NOT HAVING PREVIOUSLY RECEIVED TREATMENT OR EVEN BEING OFFERED TREATMENT AS AN OPTION POSED AND ISSUE. IN THIS CURRENT SITUATION TREATMENT WAS AVAILABLE AND A BED WAS OPEN YET IT WAS BYPASSED QUICKLY WITHOUT, IN MY OPINION, ANY ESTEEM FOR APPROPRIATE QUALIFICATION. DURING THIS REVIEW I DO NOT

By any means want to take any severity away from my own accountability and remorse resulting from the actions of my crimes. My objective is to try and help others with underlying issues better resolve those problems before there are no other alternatives. If you would submit this letter as public comment during your next session I would appreciate it.

Sincerely,
JBulm
James Bulm

Lord, Thomas [REDACTED]
@loverock

RECEIVED
2/24/21

Sentencing Policy

From: Beverly Collins [REDACTED]
Sent: Monday, February 22, 2021 4:57 PM
To: Sentencing Policy
Subject: Attn: Ms. Victoria Gonzalez. Re: Thomas R. Lord [REDACTED]
Attachments: Pardon App February 2021(1).pdf

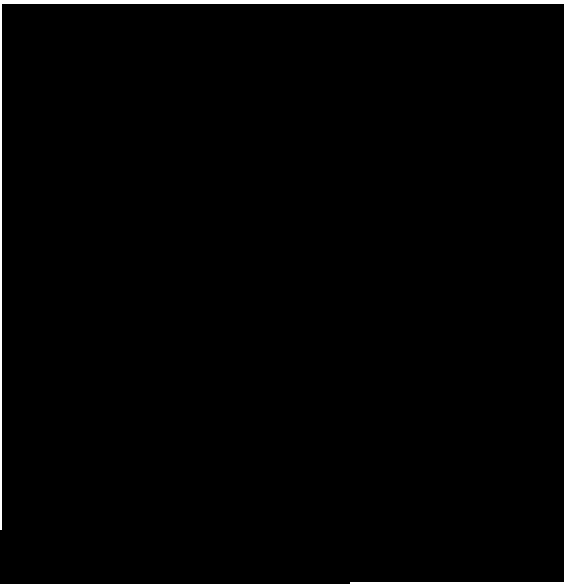
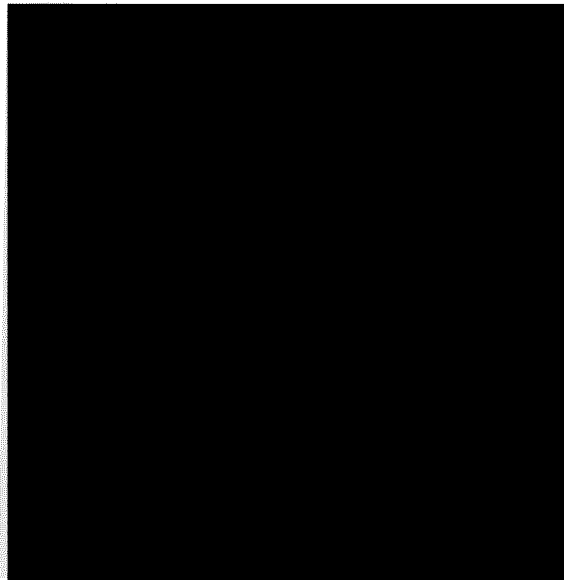
Dear Ms Gonzalez:

I do not understand why Lord has fallen through the cracks. Attached, please find his submission each time he can apply for the pardon's board, as well as his cover letter.

Would you please explain to me what is fair about his continued incarceration?

Thank you.

Beverly Collins
[REDACTED]



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LAS VEGAS, NEVADA 89145

TELEPHONE (702) 382-2222
FAX (702) 382-7496

MITCHELL POSIN

February 8, 2021

Executive Secretary
Parole Board of Nevada
1445 Hot Springs Road
Carson City, Nevada 89711

NDOC Director
PO Box 7011,
Carson City, NV 89702

Via facsimile: (775) 687-6736

RE: **Application for Commutation of Sentence**
Thomas Lord [REDACTED]

To whom it may concern:

Please accept this letter as our formal request for a commutation of sentence pursuant to the Constitution of the State of Nevada¹ and NRS 213.020(1),² which provides as follows:

¹ In Nevada, the Pardons Board's constitutional power to grant pardons and commutations of sentences is exclusive. Nev. Const. art. 5, § 14. The Nevada Constitution provides that "[t]he governor, justices of the supreme court, and attorney general, or a major part of them, of whom the governor shall be one, may . . . grant pardons, after convictions." Id. Article 5, Section 14 of the Nevada Constitution specifically requires the Governor to be involved in the pardoning process as part of the executive function but is silent as to many of a pardon's effects, including the availability of record expunction. In furtherance of this constitutional provision, NRS 213.090 states that "[a] person who is granted a full, unconditional pardon by the Board is restored to all civil rights and is relieved of all disabilities incurred upon conviction." No other constitutional or statutory provision addresses the effects of a pardon. In re Application of Shim, 125 Nev. Adv. Op. No. 10 (Nev. 03/26/2009)

² Mr. Lord's sentence is subject to the pre-1995 law, pursuant to Miller v. Warden, 921 P.2d 882 (1996)

1. Any person intending to apply to have a fine or forfeiture remitted, a punishment commuted, a pardon granted or his or her civil rights restored, or any person acting on his or her behalf, must submit an application to the Board, in accordance with the procedures established by the Secretary pursuant to NRS 213.017, specifying therein:

- (a) The court in which the judgment was rendered;
- (b) The amount of the fine or forfeiture, or the kind or character of punishment;
- (c) The name of the person in whose favor the application is to be made;
- (d) The particular grounds upon which the application will be based; and
- (e) Any other information deemed relevant by the Secretary.

2. A person must not be required to pay a fee to have a fine or forfeiture remitted, a punishment commuted, a pardon granted or his or her civil rights restored pursuant to this section.

3. Except as otherwise provided in a policy adopted pursuant to NRS 213.035, the Secretary shall submit notice of the date, time and location of the meeting to consider the application and one copy of the application to the district attorney and to the district judge of the county wherein the person was convicted. In cases of fines and forfeitures, notice of the date, time and location of the meeting to consider the application must also be served on the chair of the board of county commissioners of the county wherein the person was convicted.

4. Except as otherwise provided in a policy adopted pursuant to NRS 213.035, notice of the date, time and location of a meeting to consider an application pursuant to this section must be served upon the appropriate persons as required in this section at least 30 days before the presentation of the application, unless a member of the Board, for good cause, prescribes a shorter time.

(a) The court in which the judgment was rendered:

Eighth Judicial District Court in and for the County of Clark, Hon. Gerard J. Bongiovanni.

(b) The amount of the fine or forfeiture, or the kind or character of punishment:

Conspiracy to Commit Murder: 6 Years; Murder in the First Degree with a Deadly Weapon: Death Penalty; Robbery with a Deadly Weapon 15 Years, Consecutive Nevada State Prison.

(c) The name of the person in whose favor the application is to be made:

Thomas Lord

(d) The particular grounds upon which the application will be based:

In the instant matter, Mr. Lord and Donald James McDougal were charged with the murder of another individual. The cases were severed, and went to trial separately. Neither trial included evidence indicating what role either defendant played in causing the death of the victim. Both defendants were convicted. McDougal was sentenced to life with the possibility of parole, while Mr. Lord was sentenced to death. Mr. McDougal has since served his sentence, and been released on parole.

The Nevada Supreme Court affirmed Mr. Lord's conviction, but reversed the death sentence. Mr. Lord was re-sentenced to two life terms without the possibility of parole.

After habeas proceedings in Federal Court, the case was sent back to the State Court for Mr. Lord to exhaust his remedies. He then filed a second petition for post-conviction relief. Several grounds were raised in that petition, but the crucial new factual issue that had arisen was that the co-defendant, Donald McDougal, had stated in a sworn affidavit (a copy of which is attached hereto) as follows:

Mr. Thomas R. Lord had nothing to do with the crime of which we both are convicted of in this case. I am solely responsible for the entire incident. As a man, I admit the whole incident was my fault in every way. It is my responsibility as a human being to tell you that Mr. Lord played no part in this crime whatsoever.

On January 3, 2006, the District Court denied the petition for three stated reasons: (1) Mr. Lord had not made an adequate showing of actual innocence; (2) the claim was time barred; and (3) the claim was barred because there had been an earlier petition.

None of the reasons given by the Court for denying the petition are relevant here. For a commutation of sentence, we do not have to show "actual innocence," and Mr. Lord has not passed any deadlines in this regard.

Moreover, the denial of the petition merely means that the disproportionate sentences of McDougal and Lord were Constitutional, *not* that Mr. Lord's sentence was necessarily fair, appropriate, or proportional to the sentence given to the actual killer in this matter, Mr. McDougal.

It is submitted that it would be appropriate to commute Mr. Lord's sentence under these circumstances. Two men were involved in the murder. Only one of them actually committed the murder, and that man was not Mr. Lord, but rather Mr. McDougal. Yet Mr. McDougal, the actual killer, has now been released on parole. Under the law, a person other than the principal can be technically guilty of a crime if he aids and abets the crime. Here, it appears that Mr. Lord was not the actual killer, and yet can be properly considered to be guilty of the crime.

But the law also distinguishes between the culpability of actual killers and aiders and abettors in capital murder cases. In Enmund v. Florida, 458 U.S. 782, 797 (1982), the United States Supreme Court held that the Eighth Amendment does not permit imposition of the death penalty on a defendant "who aids and abets a felony in the course of which a murder is committed by others but who does not himself kill, attempt to kill, or intend that a killing take place or that lethal force will be employed." Thus, even though two co-defendants can both be guilty of the crime, principals and aiders and abettors are to be distinguished.

In 1992, Mr. Lord brought a writ of habeas corpus for post-conviction relief pursuant to NRS 34.720 et seq.

Pursuant to NRS 34.724, a prisoner can only prevail in such a petition if the Court finds that "*the conviction was obtained, or that the sentence was imposed, in violation of the Constitution of the United States or the Constitution or laws of this State.*" Disparity of sentence may form the basis

to grant such a petition. See Biondi v. State, 101 Nev. 252, 699 P.2d 1062 (1985)³

In the instant matter, it is urged that the reasoning of the Supreme Court in Biondi supports a finding that a commutation of sentence would be appropriate and right.

Mr. Lord has been a model prisoner for almost 30 years. He was not the actual killer. He remains in prison, while the actual killer has already been paroled for several years, and walks free, while Mr. Lord is still incarcerated.

Conclusion

It is submitted that the foregoing shows this to be a unique situation, and constitutes the sort of compelling grounds that justify the commuting of the applicant's sentence.

Thank you for your attention to this matter.

Sincerely,

Law Offices of Mitchell Posin, Chtd.

Mitchell Posin

³ "Even more strikingly significant, however, is the comparison between Biondi, who was sentenced to death, and co-defendant Phillips, who was sentenced to life in prison with the possibility of parole, for the very same crime This is a case where similar defendants were sentenced differently for the identical crime. For this reason, and for the reasons discussed above, we hold the death penalty imposed on Biondi is disproportionate."

Victoria Gonzalez

From: Victoria Gonzalez
Sent: Friday, March 5, 2021 3:04 PM
To: [REDACTED]
Subject: Response to Email Sent 2.22.21

Reply

Dear Ms. Collins,

Thank you for your email to the Nevada Department of Sentencing Policy regarding Thomas R. Lord's continued pardon application efforts. We appreciate that you took the time to forward the February 8, 2021, parole application that was submitted on Mr. Lord's behalf.

The jurisdiction of this Department and the Nevada Sentencing Commission is very limited. The Department of Sentencing Policy is a neutral, non-partisan agency that assists the Nevada Sentencing Commission in developing data-driven policy recommendations to the Legislature that concern sentencing and corrections in Nevada.

Our agency regularly meets with the Nevada Sentencing Commission and advises the Commission about, among other things, relevant policy issues that are raised in letters that we receive from those like you. During those meetings, we summarize the types of letters and other communications we have received. Unless the Commission asks, however, we do not identify the names of those from whom we have received letters.

Our next meeting with the Sentencing Commission is on May 21, 2021. If you would like a letter or statement submitted as public comment during the meeting, you are welcome to again submit a written letter or statement to this Department and clearly state that you would like your letter or statement submitted as public comment at the next Commission meeting. While the Sentencing Commission reads and hears all public comment during its meetings, please know it does not take action on public comments.

Please also understand that neither our Department nor the Sentencing Commission provides legal representation, advice, or assistance. Thus, we are unable to provide an answer to or any analysis regarding your inquiry about the fairness of Mr. Lord's continued incarceration. We do, however, appreciate receiving input about the sentencing and corrections issues and policies that are important to Nevada's inmates and the public through communications like yours. Thank you again for your email

Best,

Victoria Gonzalez
Executive Director
vfgonzalez@ndsp.nv.gov

Nevada Department of Sentencing Policy
625 Fairview Dr. Suite 121
Carson City, NV 89701-5430
<http://sentencing.nv.gov/>
(775) 684.7377



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Lord, Thomas [REDACTED]
@Lovelock

RECEIVED
2/24/21

Sentencing Policy

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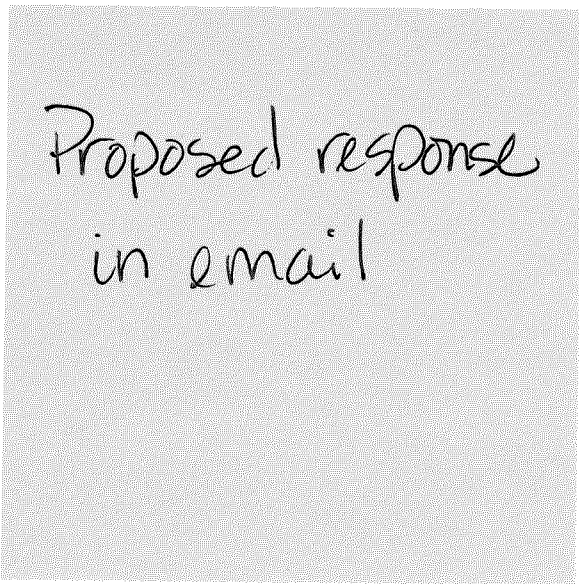
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Beverly Collins
[REDACTED]



Proposed response
in email

LAW OFFICES
MITCHELL POSIN CHTD.
410 SOUTH RAMPART BLVD, SUITE 390
LAS VEGAS, NEVADA 89145

TELEPHONE (702) 382-2222
FAX (702) 382-7496

MITCHELL POSIN

February 8, 2021

Executive Secretary
Parole Board of Nevada
1445 Hot Springs Road
Carson City, Nevada 89711

NDOC Director
PO Box 7011,
Carson City, NV 89702

Via facsimile: (775) 687-6736

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Sincerely,

Law Offices of Mitchell Posin, Chtd.

Mitchell Posin

³ "Even more strikingly significant, however, is the comparison between Biondi, who was sentenced to death, and co-defendant Phillips, who was sentenced to life in prison with the possibility of parole, for the very same crime This is a case where similar defendants were sentenced differently for the identical crime. For this reason, and for the reasons discussed above, we hold the death penalty imposed on Biondi is disproportionate."

May 4, 2020

Ms. Victoria Gonzalez, Exec Director
Department of Sentencing Policy
Carson City NV 89701-4298

Re: Thomas R. Lord [REDACTED]

Dear Ms Gonzalez:

Tommy's co-defendant Donald J. McDougal [REDACTED],
case # [REDACTED], paroled on
Nov. 12, 2013. Tommy remains incarcerated.

Attorney Mitchell Posini files the attached
letter, freshly dated, whenever the pardon's
board opens. Also attached is a
notarized statement from Tommy's
co-defendant, dated Oct 16, 2000 and
received by the Federal Public Defender
on Oct 23, 2000.

Please review this case? We do not understand
why Tommy must remain in Prison & his
co-defendant is free.

Thank you!

Sincerely
Beverly Lee Collins

App. 000188
Mr. D. James McDaniel
Lackock Corr. Ctr. [redacted]
1200 Prison Rd. / P.O. Box 359
Lackock, NV 89419-0359

RECEIVED
OCT 23 2000
Federal Public Defender
Las Vegas, Nevada

Mr. PAUL TURNER
Federal Public Defender
330 S. 3rd Street, #700
LAS VEGAS, NV 89101

Mr. TURNER

October 16, 2000

I'm writing you this letter in regards to Mr. Thomas Russell Lord # [redacted]. As you probably well know, we both were convicted on the same case. I've lost contact with Tom over the last few years due to the difference in custody status, but recently found out your address from him. Sir, I'd like to make this same statement to you, as I did his other lawyer...

Mr. Thomas R. Lord had nothing to do with the crime of which we both were convicted of in this case. I am solely responsible for the entire incident. As a man, I admit the whole incident was my fault in every way. It is my responsibility as a human being to tell you that Mr. Lord played no part in this crime whatsoever. If you would like to speak with me further on this matter of great importance, I'll be more than happy to correspond with you. Mr. Lord is an innocent man, and I stand by that intently. Thank you for your time in this matter of mutual concern.

Subscribed and sworn to before me this 16 day of October month, 2000.

JENNIFER A. ANTONIO
Notary Public - State of Nevada
My Comm. Expires 12/31/2002
[Notary Seal]

LAW OFFICES
MITCHELL POSIN CHTD.
410 SOUTH RAMPART BLVD, SUITE 390
LAS VEGAS, NEVADA 89145

TELEPHONE (702) 382-2722
FAX (702) 382-7496

MITCHELL POSIN

June 26, 2019

Executive Secretary
Parole Board of Nevada
1445 Hot Springs Road
Carson City, Nevada 89711

NDOC Director
PO Box 7011,
Carson City, NV 89702

Via facsimile: (775) 687-6736

RE: **Application for Commutation of Sentence**
Thomas Lord # [REDACTED]

To whom it may concern:

Please accept this letter as our formal request for a commutation of sentence pursuant to the Constitution of the State of Nevada¹ and NRS 213.020(1),² which provides as follows:

¹ In Nevada, the Pardons Board's constitutional power to grant pardons and commutations of sentences is exclusive. Nev. Const. art. 5, § 14. The Nevada Constitution provides that "[t]he governor, justices of the supreme court, and attorney general, or a major part of them, of whom the governor shall be one, may . . . grant pardons, after convictions." Id. Article 5, Section 14 of the Nevada Constitution specifically requires the Governor to be involved in the pardoning process as part of the executive function but is silent as to many of a pardon's effects, including the availability of record expunction. In furtherance of this constitutional provision, NRS 213.090 states that "[a] person who is granted a full, unconditional pardon by the Board is restored to all civil rights and is relieved of all disabilities incurred upon conviction." No other constitutional or statutory provision addresses the effects of a pardon. In re Application of Shin, 125 Nev. Adv. Op. No. 10 (Nev. 03/26/2009)

² Mr. Lord's sentence is subject to the pre-1995 law, pursuant to Miller v. Warden, 921 P.2d 882 (1996)

to grant such a petition. See Biondi v. State, 101 Nev. 252, 699 P.2d 1062 (1985)³

In the instant matter, it is urged that the reasoning of the Supreme Court in Biondi supports a finding that a commutation of sentence would be appropriate and right.

Mr. Lord has been a model prisoner for almost 30 years. He was not the actual killer. He remains in prison, while the actual killer has already been paroled for several years, and walks free, while Mr. Lord is still incarcerated.

Conclusion

It is submitted that the foregoing shows this to be a unique situation, and constitutes the sort of compelling grounds that justify the commuting of the applicant's sentence.

Thank you for your attention to this matter.

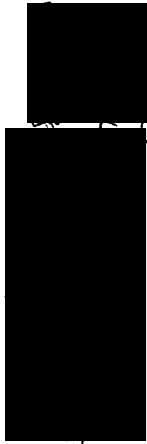
Sincerely,

Law Offices of Mitchell Posin, Chtd.

Mitchell Posin

³ "Even more strikingly significant, however, is the comparison between Biondi, who was sentenced to death, and co-defendant Phillips, who was sentenced to life in prison with the possibility of parole, for the very same crime . . . This is a case where similar defendants were sentenced differently for the identical crime. For this reason, and for the reasons discussed above, we hold the death penalty imposed on Biondi is disproportionate."

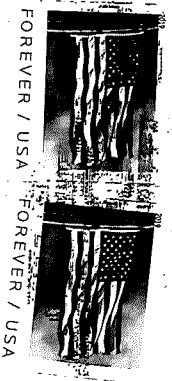
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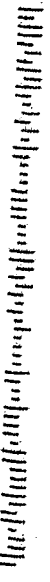
RECEIVED
RSP/17/20

Ms. Victoria Gonzalez, Exec Director
Department of Sentencing Policy
209 E. Musser St. Ste 200
Carson City NV 89701-4298

FOREVER
09 MAY 2003 08:05 1



89701-4298



Deshawn Christopher McCutchen [REDACTED]
1 HARD times Road proce NV 89043
PO Box 509

Case # [REDACTED]

RECEIVED
6/3/21

Please submit my letter for public comment @ next commission 4-28-21
Hearing.

Dear whom may concern,

My name is Deshawn McCutchen. Inmate [REDACTED] at Pahrump Camp.
I'm writing this commission to tell about my experience with Nevada
Dept. of Justice system. And my experiences also with disparities
in sentencing. I was charged with 1st degree kidnapping, Attempt
Robbery w/E, and conspiracy to commit Robbery. After visiting Vegas.
This is my first time here and I feel like they discriminating. I don't
have a criminal history. My pd. told me I was signing to a 3-5 probation
and they didn't even follow the deal I signed for. None in my
case was telling the truth. There were some suspicion from the
victims. My public defender didn't defend me neither. (KARA Simmons).
The victims never came to court. I didn't even have a chance.
I never been in a situation like this. I'm from Florida. What
makes this situation worse is I caught Covid-19 from the CO's
here. I was in fear for my life. I have been trying to get
help with my case for the past 2 years. Everything has been
shutdown. I can't reach out to my wife or 3 kids. I lost
love ones. I didn't come to your state for trouble. They gave me
4 years for \$300, that wasn't taken. No telling what's going
to happen. I just want to see my family again and I'm
asking Nevada for a chance to prove that I'm an
good citizen. My family needs my financial and emotional support.
Thank you for taking the time to read this

Sincerely, D. McCutchen

Michael McDonald
Pioche Conservation Camp
P.O. Box 504
Pioche, NV 89043

RECEIVED
6/3/21

★ Please Submit My letter for Public Comment at the next Commission meeting, 4-18-2021

Dear Victoria Gonzalez, and/or Nevada Sentencing Commission,

My name is Michael McDonald, and I am currently a "Political Prisoner" that has done a total of 30 months incarcerated due to frivolous and unprecedented charges of 24-68 months (3x Burglary, 3x Forcory, 2x Filling fict doc, 2x Forcory) for filling a sentence on a letter in family court. (No one has ever been charged criminally for filling a family court document before in Nevada), I also got 14-34 mos consecutive for phone recordings between me and my vindictive ex-wife. I am a "Political Prisoner" as I was maliciously charged with 16 felonies after running for state legislature ^{with} on a platform of family and criminal law reform. I had no prior criminal record before my divorce in 2016, all my charges stem from family court, and the torturous alienation of my two beloved children, whom I have been deprived of any contact for over 4 years now!

I write this commission to tell of my personal experiences with the disparities of sentencing, and what I have seen and heard in my almost 3 years of incarceration in jail and prisons. I have interviewed hundreds of inmates and ^{gathered} their stories and experiences with the justice system, and have extreme empathy for those who are afflicted with long term despotic sentences even for low level crimes. The deprivation of liberty, with no rehabilitation or programs has devastated both the inmate and their families/lives! I pray that this board with its derived executive powers will advocate for changes in policy on some of the major issues below.

Unlike many that are incarcerated, I come from a good family, I'm not a criminal and never thought I would be sitting in prison with murders, thieves, drug addicts etc. My Great Uncle and Cousin are esteemed Judges Joseph Bonaventure, my Grandpa was constable for the city of Las Vegas township. I also used to work for the city of Las Vegas in business licensing and planning in IT as a SR technical systems analyst. I don't do drugs, smoke or drink, nor get into trouble. Due to my unfortunate

I went to court numerous times, some times in Long Hoes wrapping around the RJC in the mornings also while in custody in pre-trial detention of almost 16 months. I would often see the unmerciful Judges not following the sentencing guidelines that were recommended on PSI reports, they would max people out, deny probation and send people to prison unempathically. Many like my self are "first time offenders", we are sent to prison instead of given any chances or second thought to programs or help. A lot of people make mistakes, do stupid things, often out of emotion, or they have mental health issues, or drug problems. Instead of getting counseling to resolve adverse experiences of the past or any other help, they are sent to prison where there are almost no programs, help, counseling for inmates. Non-violent, low level / petty crimes, that didn't hurt any one, should not be thrown in prison with murders and rampant violent prison gang members to become institutionalized. People should be given the chance to "stay out of trouble" and not be thrown in prison for petty probation / parole violations, such as drinking or pissing dirty, being remanded to serve ^{out} full prison sentences.

The parole board is also not following guidelines and recommendations, and denying people tyrannically, even when they are non-violent, had no write ups etc. I myself was denied my first parole in September and forced to do another 15-25 months, when my points were low, it was recommended to parole at first eligibility, yet they deviated and forced a long term sentence on a first time prisoner with no prior criminal / felony record. I would have been out in March of 2021 now have to wait till next FED CC 6/22, needlessly, senselessly forcing more time on me and my family. There are many people that get their parole, but do not have an address to parole to, CASA Grande's parole side has been shut down, so they are forced to sit in pot in prison until expiration, some times many months away. This needs to be fixed and allow non-profits to step in such as Neelum - U of Catholic charities / Salvation Army / Hope for Prison to take in parolees and setup programs to help people, counsel them, help them get jobs get goal setting / life coaching. Once an inmate is out, he/she is given virtually no help

Another issue I have seen is the Pardon Board. Some people apply for it twice yearly ~~and~~ are often the ones who are actually innocent or were given unfair or just sentences. Many have truly changed their lives around, found God and repented for their prior sins. If given the chance they would never commit another crime. Most people are denied, in fact I haven't heard of any one ever getting it. There was recently a ballot initiative passed in 2020 to have the Pardon Board meet 4 times a year, but ~~it~~ has the same unmerciful people on it and almost no one gets pardoned or commuted. Nor is there any set guidelines for inmates or the board to grant a pardon or commutation. This should be addressed and allow non-violent/victimless crimes, low level drug charges, ^{minor offenses} etc to get out early.

Most offenders are coerced to take a "deal", maybe 95%. If they are innocent and try to take it to trial, they get a "Trial Penalty" and are sentenced to the max time. The DA will make sure to get you convicted and most attorneys are ineffective and incompetent as they have way to many cases and are overwhelmed. A lot of times when the accused signs a "Deal" for a lesser sentence the judges are not following it and then maxing out the deal taker. These practices must stop, and first time low level offenders should be given programs / ^{probation} not long term incarceration.

Nevada's Sentencing Structures are outdated and confusing, and often not following the 40% off the front and 60% off the back. AB236 is supposed to help with some of the disparities but it's not retroactive. My category B's for Burglary for filling a family court document during business hours have now been lower to C's which should allow for time off the front but has not as the wording in AB236 was ambiguous. There should be legislation to allow non-violent low level offenders to get out of prison ASAP. Due to federal incentives of paying the state for every inmate incarcerated for month, there is no issue to the state to keep people

warehoused and force over priced commissary on inmates often \$2-121 for a 10 min soap and .25-1.00 a minute for a phone call. Last year the NDOC inmate store took in 2.6 billion dollars and ONLY spent 5 million, where does all that money go? Certainly not reinvested into inmates and programs, further more 50%

Nevada's budget goes to the Department of Safety (Judges, Cops, CAs, Attorneys etc). The States expenditures could be massively cutted by the stopping of mass incarceration of low level / non-violent offenders.

Another major issue I have seen a massive surge in is the long term sentences of people convicted of Domestic Violence and DUI's. Nevada is number one in DUI's and so many are thrown in prison for 3 Domestic calls, often just an argue ment or fight between spouses or partners, with no real physical damage done. What was meant to protect victims is now being abused and needlessly destroying lives and families. Nevada's domestic violence system should be changed to a merited system based on harm done, not throwing people in jail / prison for simple arguments or alleged pushing. The DUI system is also far reaching and people are sent to jail / prison when they caused no harm, didn't get in an accident, even getting a DUI for sleeping it off in their own cars, when they get 3 they are sent to prison. We should instead send people to AA/NA get them help not just incarcerate them and destroy their lives.

I have also observed a major issue with Attorney's / Over zealous persecutors. When I was on the BAR Fee dispute committee I witnessed many lawyers taking huge retainers and once money was taken almost no work would be done and then the client would be forced to pay ^{be} excessively more for trial, there are really no regulations on the unfair practices of these petty fogger lawyers, who people put their lives and liberty in their hands and are often betrayed. The persecutors

Thank you for your time and

Date: March 15th, 2021RECEIVED
3/22/21

Dear Mr. Victoria,

I really appreciate you responding back, being an inmate - a young inmate at that - and trying to make a difference and a better situation for my fellow inmates and I, I wasn't expecting to hear back from you nor your department but having heard back from you means a lot and makes me feel like you're actually trying to help us and being heard is something I'm - like other inmates - not used to and it feels good. Thank you so much.

I'll be highly grateful if you can submit my letter as public comment at the next Commission meeting. Thank you again.

My topic is about Juveniles charged as an adult.

This is a situation that I personally been going through and feel like I can be one of the few who can try to see a different outcome in a lot of youths lives - past, present, and future.

From my personal experience and talking amongst my peers, a lot of us have been in and out and all through the juvenile justice system either our whole youth, half of it, or parts of our youth so all we know is living and surviving our ordeal the best that we can in which that

mentality will most often follow us when we're released.

Without any type of reform going on to help and figure out why we did what landed us in Juvenile Hall and teach us ways to go about situations another way. We're just slowly repeating an endless and ugly cycle of young recidivism which will sadly lead to adulthood and now we have a new batch of individuals to add to our nations mass incarceration data.

I can honestly and truthfully say that the Juvenile system doesn't play about education and makes it mandatory to attend school. Other than that, we just sit around watching movies, at night have free time in the unit you're in, do our time, then the majority of the time get out on 6 months to a year Juvenile probation, if you don't get sent up to a youth camp for repeat offenses. What can a young individual possibly learn from this structure? That if I get in trouble with the law, I'll just get a slap on the wrist and tossed back out to the streets like nothing ever happened. I've seen it with my own eyes and can sadly attest to this mindset myself at that point of my life.

A lot of the young are either using drugs or has mental health issues, or are using drugs AND has mental health issues. And while we're serving our time in Juvenile, we won't receive any type

Of drug clauses nor mental health clauses to assist us with our problems besides giving the few individuals who are approved their medications and once you receive your probation, a possible drug clause they tell you to attend, in which you can go to high or the city and don't receive any type of help just a pair for showing up on time. What can a person possibly learn from this experience? Nothing at all.

How can you expect to build a better future for the youth of tomorrow and neglecting the select few who are crying and pleading for help? I remember reading in a health book that adolescents brains are still growing and doesn't mature and fully develop for males at the age of 25 and females at the age of 21, now think on that and put into the equation drugs and alcohol use. The brain will take quite longer to fully mature and develop, if not become degenerate. In a NY-Cure article I read a while back it stated, "The latest findings on adolescent development show it's common for teenagers to make mistakes and that with time most adolescents will grow out of their risky behavior naturally." Now add drugs and alcohol use into that and you'll have an adolescent whose brain is developing slowly which will most likely lead that individual to continue on with their risky behavior

without any true help until it's too late and ends in tragedy.

Now, I'll like for you to think on that and please try to follow along with this picture that I tend to paint for you.

Bored off of those previous topics I brought up pertaining juveniles and their mindsets, imagine putting those same juveniles into the adult system while they're still juveniles. Their lives would be worst because now they're around adults - who'll have most likely experienced juvenile hall and drugs or mentally ill or both - who will talk or persuade the young offenders into doing certain things which could possibly hinder their chances of getting out since the majority of juveniles - who tend to be categorized as "troubled youth" - are just looking for acceptance and love from someone and will do anything to receive both.

Now you have this young offender who's freshly 18, standing in front of a judge who refuses to consider the characteristics of this youth accused of a venial crime, whose mindset is stuck in 1994 where this judge truly feels that juveniles are incapable of reform and believes in retribution instead of rehabilitation, in which this judge slams the gavel never giving into consideration this is an adolescent and by passing giving this

youth a second chance in life at a young age to prove that this youth can naturally grow out of their risky behavior, but will instead be in an environment where there's no reform and will see the free world once they're in their middle age.

I imagine this youth being your son, daughter, niece, nephew, grandchild, etc. imagine as they hit their early 20's and you can truly see and hear a change in them than when they first got incarcerated, wouldn't you want to give them a chance to still be young and prove that they've matured and can bounce back into society and function? Imagine if this youth was you...

I've always been told and always heard that "The United States is the place of second chances." If that's the case, than why are our prisons stuffed with young individuals who can possibly prove that they've matured and can actually be a part of society again?

I believe in logic and scientific facts and it's where I'm basing my suggestion on and something that I would like to suggest is the reevaluation on juvenile sentencing.

Instead of charging a juvenile as an adult and giving them sentences fit for adults, to consider any juvenile who's 17 years or younger and been Direct-filed or Certified from Juvenile Hall as

an adult, can receive no more time than Juvenile Life.

What is Juvenile Life? It is to sentence a juvenile offender who caught their case at the age of 17 years or younger until they're 26 years old. This way the adolescent's brain should be fully developed and matured at 25 years old and an extra year to let it fully and completely develop and mature since most juveniles either do/did drugs or tried it a few times, which can lead to a slow brain development. This way a juvenile can have a second chance at life as a young individual and thrive by going to college or take care of their children and prove that they've changed their lives around. Now, if an individual gets released at the age of 26 and ends up catching another case, they're now an grown adult whose brain is fully matured and developed so they'll be rehabilitated as an adult.

Now, I'm quite positive that making it retroactively seems quite scary but it'll also help with the major incarceration problem this country faces and since President Biden and Vice President Harris now promised on helping with this problem, making this retroactive can make Nevada the front runner to fixing the nation's incarceration problem. Or at the least make this applicable to juveniles 17 years or younger that caught their cases on or after January 15, 2013. Thank you so much for your time and if you

have any questions, I'll be glad to answer them.

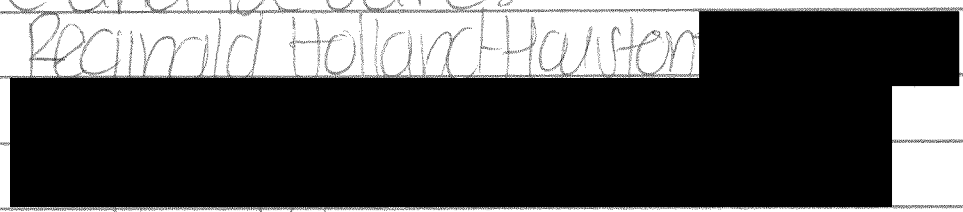
Also, I read an story called "Little Boy Blue" by Edward Bunker where he gave an excellent insight to the minds of most juveniles who been in and out of the system that I'll like for a suggestion to read.

Again, Thank You for your time.

Take Care and Be safe.

Sincerely, Reginald Holland-Hawsten

[Handwritten signature]



Dear Sentencing Commission of Nevada,

4/28/21

My name is Debby Johnson, and I reside [REDACTED] in Nevada. I am writing on behalf of all inmates in NDOC, their loved ones, and the tax payers of Nevada.

In 2018, The First Step Act was signed into effect by president Trump, mainly due to the lack of retroactivity of the 2010 FSA (Fair Sentencing Act). This act, among other things, released over 3000 prisoners still incarcerated due to outdated law.¹ “In 2014, the US Sentencing Commission unanimously approved the retroactive application of” drug sentencing guidelines, releasing over 6000 inmates.² And in 2016, Oklahoma released over 1000 prisoners due to the retroactive application of a criminal justice reform bill.³ The reason for the retroactivities? Because “It’s fair.” Just as *ex post facto* laws are illegal, laws of the opposite should be made retroactive.

Steve Yeager (chairman of Assembly Judiciary Committee) is quoted as stating, “from a fairness perspective, we may want to do that [make AB236 retroactive] as a Legislature.”⁴ Tick Segerblom (Clark County Commissioner) said, “AB236 clearly intended to cover all potential revocations ... no matter when they were sentenced. To assert otherwise harms the individual, his or her family, while costing the state millions of dollars.”⁴ Laura Martin, the executive director of the Progressive Leadership Alliance of Nevada, joins Mr. Yeager and Mr. Segerblom in stating she also believes it would be fair to make AB236 retroactive.⁴

According to the Quarterly Report IV of 2020, there are over 12,000 inmates in NDOC. Of these, according to the same report, over 2000 are parole and probation violators, over 2500 are serving in the 6-10 year range, and over 2300 in the 3-5 range. These are the demographics most affected by the potential retroactivity of AB236. Nevada’s total recidivism rate is below 25%, well below the national average. Stating that releasing these inmates before their original and now unjust sentences are fulfilled would increase recidivism beyond acceptable measures, is not a viable statement. To further my point, property offenders, the ones other than parole and probation violators most affected by this new and just law, have the lowest recidivism rate of all crimes listed in the report.⁵

¹ Chappell D. & Ankney D., First Step Act Update: Over 1,600 Sentences Reduced, 3,000 Prisoners Released. Prison Legal News. <https://www.prisonlegalnews.org/news/2019/sep/9/first-step-act-update-over-1600-sentences-reduced-3000-prisoners-released/>. Published September 2019. Accessed April 2021.

² Razumich, J. Prisoners Released Under Retroactive Application of New Drug Sentencing Guidelines. Lawyers Ready to Fight. <https://www.lawyersreadytofight.com/2015/11/01/prisoners-released-under-retroactive-application-of-new-drug-sentencing-guidelines/>. Published November 1, 2015. Accessed April 2021.

³ Schulte, B. Oklahoma Focuses on Criminal Justice Reform. U.S. News. <https://www.usnews.com/news/best-states/articles/2019-10-31/oklahoma-focuses-on-criminal-justice-reform>. Published October 13, 2019. Accessed April 2021.

⁴ Gentry, D. Lawmakers take crack at justice reform as highly-touted previous efforts criticized. Nevada Current. <https://www.nevadacurrent.com/2020/07/31/lawmakers-take-crack-at-justice-reform-as-highly-touted-previous-effort-criticized/>. Published July 31, 2020. Accessed April 2021.

⁵ Quarterly IV Fiscal Year 2020 Statistical Summary. NDOC. https://doc.nv.gov/uploadedFiles/docnv.gov/content/About/Statistics/Quarterly_Reports_by_Fiscal_Year/SS.QIVFY20.pdf. Published 2020. Accessed April 2021

According to the proposed “Governor Recommends Budget” for “State Fiscal Years 2020 & 2021”, it costs over \$24,000 per year to house a single inmate. AB236 removes and reclassifies many offenses, especially of the property and parole/probation categories. If only 5% of the current population (600, far less than even the parole/probation violators, let alone adding in property violators) inmates had their sentences affected by the retroactivity of AB236, that would save the state over \$14,000,000 for every year they would have been incarcerated. Fourteen million dollars. Imagine what could be done with that. For starters, rehabilitation for drug abuse would clean up a lot of problems, allowing many of the currently unemployed and those of nefarious “employment” to join the traditional workforce and bring support and income into the community.

Holly Welborn, an attorney for the ACLU, said, “This means there are thousands of Nevadans who are serving time in the Nevada Department of Corrections on grossly disproportionate sentences ... If this bill applied retroactively, we could correct that and address the prison population more immediately.”⁴ Imagine the mind of an inmate. Do you believe serving extra time others do not have to for worse offenses will make them more apt to successfully rejoin society? No. This type of action will anger them towards the system and society, increasing recidivism. For example, animal cruelty was dropped to a property violation, meaning those showing violent tendencies are potentially serving less time, coming and going, while those guilty of theft or a simple parole technicality (both non-violent actions) remain. AB236 provides for theft without breaking and entering to no longer be classified as burglary, as it should be. However, there are inmates currently serving time for a burglary who made no act of breaking and entering in either a residence or a business. These inmates often see first time sex offenders come and go while they remain for less than \$100 in what is now classified as theft but was once inappropriately classified as burglary. By making AB236 retroactive, those serving for lesser crimes will feel justice has been served instead of growing to despise the system and enact revenge by not conforming to society’s guidelines. I implore you to fight for the retroactivity of AB236 so the state no longer continues to spend money on excessive incarceration of non-violent offenders, and instead receives funds (taxes and spending within the community) from them by enabling these individuals to rejoin society sooner so they can become productive, tax paying community members.

Making AB236 now is a beneficial decision for the state of Nevada and its population. Inmates have qualified for, and many have received, the covid stimulus packages. Businesses of Nevada are opening back up, and many are without their former employees. Now is the opportune time to release these individuals, when they have a little startup money and jobs to choose from, both aides in their rejoining society.

Sincerely,
Debby Johnson

Gigi Mitchell, [REDACTED]

RECEIVED
4/14/21

4.12.2021

Hello, [REDACTED]

I would like this to be submitted as a public comment. My name is Gigi Mitchell. I am a first time offender, and was sentenced to prison for a "non violent" crime that is my first offense. I have 3 biological children and 4 grand children who are ultimately being affected by me being away. Perhaps that I have no criminal history outside of this instant crime, and I was given no alternatives to prison time.

The AB236 would give me access to good time credit that I have worked for during my time of incarceration. I would like a "chance and opportunity" to "show my ~~opportunity~~ community" that my time of Rehabilitation has given me an insight and tools for a better future. The AB236 has shown that sentences for "non violent" offenders have been excessive and disproportionate to other states. Please consider my children and family and help to bridge the divide and fairness in all sentence structures.

"Thank you's God Bless" you for your time. I'll be waiting to hear back from someone.

RECEIVED
5/17/21

Dear /To; Victoria Gonzalez,

5-10-21

My name is Harold Dean Leventry [REDACTED]. I am once again writing to ask if anyone is still trying to make A.B. 236 Retroactive? Also to ask that my attached letter be made public Comment at the next Nevada Sentencing-Commission's meeting. please send me any information you may have on this issue, please and thank you for all your time and help...

Sybil Juty
Harold Leventry [REDACTED]
[REDACTED]

5-10-2021

Harold Leventry [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

RECEIVED
5/12/21

Re: ACAJ / Sentencing Commission

Dear Victoria Gonzalez

As a non-violent inmate housed in NDOC for a period of 10 years to life, I am compelled to tell you how I got here.

At the time of my arrest I was raising (2) small children and running a successful small business in Reno, NV, taxpaying productive citizen that simply relapsed, once more, from using a nasty, illicit controlled substance. The sentence enforced by the court (a mandatory minimum), devastated my family, our children and my business. My behavior and the consequences rest squarely on my shoulders. I just wish a drug treatment option was offered / available to me. I also understand that the court was required to sentence me as such under those sentencing guidelines.

As a young man, I spent 10 years inside of NDOC. Towards the end of this prison sentence, I was offered a court ran drug-treatment program called the "184-Program." The records will reflect that I did extremely well, thriving in the structured environment. Part of the program was even revamped after some of my successes. Unfortunately, with drug addictions, relapses are a concern and happen more often than not.

With the passing of AB-236, the law now states that the same low-level amount of a controlled substance I was in possession of, now only carries a 1-10 year prison sentence. Certainly the life sentence that I received is excessive and, quite frankly, inappropriate and the legislative bodies agree as the progressive changes reflect this.

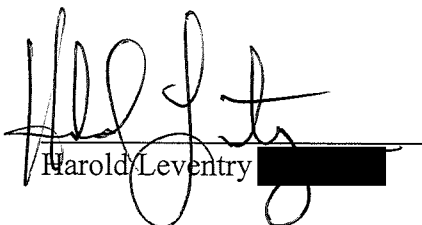
With criminal justice reform on everyone's mind, what better way to address prison overcrowding, the costs of storing these men and women with non-violent drug offenses, then to apply AB-236 retroactive. This legislation will have some meat to it and Nevada can show leadership towards real criminal justice reform. The savings could be better spent on treatment and rehabilitation for those of us with these addictions. The inmates left behind with the passing of AB-236 in its current version just disregards those incarcerated under these outdated laws. We are real people with families and real lives. Who better to represent this progressive change than those of us given a new lease on life?

Without the members of your committee addressing the retroactivity of AB-236, then there will be many of us incarcerated, "doing time" for crimes where treatment is a much better answer to the question. As it stands right now, I will have to do 10 calendar years before I can even appear in front of a Parole Board for a low-level amount of a controlled substance.

We want you to know that AB-236 is a step in the right direction, but it falls short, not addressing those of us incarcerated.

Please reconsider amending AB-236 to reflect this charge so that this new legislation affects all the people. Thank you for your time.

Respectfully,


Harold Leventry [REDACTED]

RECEIVED
3/30/21

March 28, 2021

LARRY Plumlee, [REDACTED]
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, NV. 89702

Victoria Gonzalez
Executive Director
Department of Sentencing Policy
625 Fairview Drive
Suite 121
Carson City, NV. 89701-4298

Subj: CAPPING Life Sentences

Dear Ms. Gonzalez,

I have recently read that one out of every seven sentences in Nevada is a Life Sentence. As these inmates, myself included, get older, it no longer serves a real interest keeping these inmates incarcerated. After thirty or forty years, these inmates become a huge detriment to the Department of Corrections medical budget.

In addition to failing health, these inmates no longer pose a risk to the community. Studies

have shown that the recidivism rate for murderers who do thirty plus years is almost non-existent.

You have a large portion of Life Without the Possibility inmates that have had no prior law enforcement interactions. These inmates serve their sentences with no prison infractions of note. They pose no risk to re-offend, yet they die in prison of old age, causing millions of dollars in medical bills.

Is there any traction to propose legislation, similar to California, that may limit Life Sentences to realistic terms? I understand that these people, myself included, are murderers; there are families that were horribly impacted by these inmates. However, the people they have become after thirty or forty years is not the person they were.

Any information you can provide would be appreciated. Thank you for taking the time to read my letter.

Sincerely,

Larry Phumlee

RECEIVED
4/13/21

April 8, 2021

Lary Plumlee, [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Victoria Gonzalez
Department of Sentencing Policy
625 Fairview Drive, Suite 121
Carson City, Nv. 89701-5430

Subj: **Sentencing Policy Concerning Life Without Parole**

Dear Department of Sentencing Policy,

Please read or submit this letter to the Nevada Sentencing Commission as part of the Public Comment at their next meeting.

I wish to bring attention to Life Without the Possibility of Parole sentences. I am serving such a sentence and have been in prison for over thirty years. The economic impact for the aging and elderly in prison with Life Without Parole is enormous. After thirty or forty years, these inmates pose NO risk to the community and are a burden on the State because of failing health issues.

I believe my story to be unique, but the sentence is common. In 1991, I was given Life Without the Possibility of Parole for Murder/Robbery. The sentencing judge, Judge Mills Lane, stated that he gave me Life Without because he wanted me to do at least twenty years; he cited my exemplary prior history (*Honorably Discharged Navy Veteran of the first Gulf War with no prior criminal history*) and felt that the Nevada Pardons Board would commute my sentence after twenty years. He cited the Pardons Board at least twice at sentencing. I waited thirty years to apply to the Nevada Pardons Board, waiting to achieve accolades that I believed would warrant Commutation of Sentence, such as:

- I was a founding member of the first Hospice Program at N.N.C.C.
 - I was assigned in 2006 as one of ten inmates that started the first Inmate Advisory Committee at Nevada State Prison.
 - In 2007, I was a founding member of the first N.A.A.C.P. at Nevada State Prison.
 - In 2018, I helped start the Inmate College Program at Northern Nevada Correctional Center, working with Western Nevada College. I did fund raising, mentoring, and am the College Facilitator during this pandemic.
- [REDACTED]
[REDACTED]
[REDACTED]

- I was supported by four letters from retired correctional staff, including a Warden, a Lieutenant, and two correctional officers.
- Retired Warden Lisa Walsh claimed that my Pardons Board Application was the best she had witnessed in 22 years of Correctional Services.

I presented more information to the Pardons Board and did not have any major infractions, gang activity, violence, drug or alcohol abuse, or any other type of Notice of Charges. Also, I took every rehabilitative program offered by the Nevada Department of Corrections. The Nevada Pardons Board saw five inmates on March 21, 2021.

- The first inmate was a young lady that shot and killed her stepmother. Her original sentence was 20-50 years. She showed little to no remorse, but was granted a Commutation of Sentence. The Board voted 7-2 for Commutation.
- The next inmate had First Degree Murder and Life Without. He had a prison history of drug/alcohol abuse and had an Intoxicating Write-up in 2019. He received a Commutation of Sentence. The Board voted 7-2 for Commutation.
- The third inmate to appear, Pete Dyer, had First Degree Murder, Robbery, and Burglary charges with Life Without. He also had Attempted Murder by an Inmate and Attempted Escape. The District Attorney's Office opposed his Commutation. Dyer had a history of prison violence, gang activity, write-ups, and total lack of rehabilitation. He received a Commutation of Sentence. The Board voted 7-2 for Commutation.
- The fourth inmate was convicted of murder and had a life sentence. He has terminal cancer and has less than six months to live. The District Attorney and victim's brother spoke against the Commutation. The Board voted 7-2 for Commutation. The next morning, McCaskill was given a full pardon and released from custody.
- I was last to be reviewed. Several of my witnesses, including a retired Warden and retired correctional officer, could not attend the hearing because of problems with internet services. The District Attorney and the victim's mother and sister spoke against Commutation. The Board voted against me 5-4.

Even though Judge Mills Lane, my trial judge, gave me the roadmap to receive a reduced sentence, the Nevada Pardons Board decided differently. Witnesses are unsure if my sexual orientation influenced the vote or if it was the victims impact statement that decided my fate. I am unable to change either reasoning. I don't wish to think my sexual orientation impacted the results, but I am unsure what else to think. My Application was by far the best the Nevada Pardons Board obtained, yet the only one denied.

I empathize and realize the pain I've caused the victim's family. I've spent years striving to become a better person. I cannot change the past, but I am not the same person that committed this horrible crime. The Trial Judge was aware of all the circumstances of my case and chose to state on the record that my Life Without sentence should be adjusted by the Pardons Board after twenty years.

Pope Francis is opposed to Life Without the Possibility of Parole, calling it “the silent death penalty.” He believes, correctly, that after twenty to thirty years in prison, the person doing the time isn’t the person that did the crime. People change, especially those that were barely adults at the time they committed murder. He also believes rehabilitation should drive sentencing policies.

I’m asking the Nevada Sentencing Commission to consider legislation to limit Life Without sentences. Most inmates are no longer given such sentences, instead receiving 20-50 year sentences. The inmates that were most impacted by Life Without are those indigent inmates that could not afford private representation or minority inmates such as race and sexual orientation.

Having a Clemency Board to review inmates that have done thirty or more years seems reasonable. The Pardons Board is an elected body and some votes are influenced by politics not facts. Two Supreme Court Justices voted no on every Applicant that appeared before them. I have been told that they do not believe a sentence of murder should be commuted, even though recently enacted Question 3 received overwhelming Public support.

In closing, please review the Life Without sentences. After thirty years, a hearing should be conducted to determine suitability for release. Even former President D. Trump believed that inmates shouldn’t spend the rest of their lives in prison with Life sentences if they could be released on Parole Supervision.

With Respect,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Lary J. Plumlee

April 29, 2021

Raymond Rosas, [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

RECEIVED
6/10/21

Victoria Gonzalez
Department of Sentencing Policy
625 Fairview Drive, Suite 121
Carson City, NV. 89701-5430

Subj: **Capping Life Sentences**

Dear Ms. Gonzalez,

Please read or submit this letter to the Nevada Sentencing Commission as part of the Public Comment at their next meeting in May. Thank you!

My name is Raymond Paul Rosas; I have been an inmate incarcerated within the Nevada Department of Corrections since June of 2000. I was arrested in 1999 for murder, kidnapping, and conspiracy. Up till this point, I had never been convicted or charged with criminal behavior. It is certainly the most shameful moment of my life. I hurt so many people by my irreprehensible actions, and the pain continues as my two children grow into adults.

My co-defendant, Cecile Thelmas Linton, a female, admitted to the same action as I, but received Life with the Possibility of Parole; as opposed to the Life without Possibility I received.

For 21 ½ years, I have done my best to prove to the N.D.O.C. and the Nevada justice system that I am an example of an inmate that can show remorse and try to make up for my actions by helping others; I want to show that I can truly be reformed and rehabilitated from a horrible crime, a catastrophic mistake. I have programmed, schooled, and worked to help others. I have never undermined Staff and/or authority since my incarceration. I hope to one day receive a second chance, but with the Truth in Sentencing dictates, I am not able to receive a True and Fair/Equal Opportunity as those inmates sentenced to Life Without prior to 1995. I plead for your help to consider inmates such as myself that am negatively impacted by this circumstance.

I had a public defender at trial and witnessed Judge Adams intimidate my attorney into abandoning my defense strategy, which I believed to be legitimate and sensible. Had I not been young and ignorant of the judicial system, I would have complained and argued for a mistrial or a change of attorney. I have met numerous inmates since incarceration that have committed horrible acts against society, some murders too heinous to mention, but these same inmates have received sentences that allow parole eligibility. I would ask, "How fair is this?" but I realize that as a murderer it seems insincere to feel I deserve any better than I received.

[REDACTED]
[REDACTED]
[REDACTED]

This said, I do believe a Cap on Life Sentences is warranted for many reasons. First, I believe people's economic abilities (or lack of) contributed to receiving Life Without the Possibility of Parole. Being represented by the Public Defender's Office or Indigent Counsel certainly doesn't do anyone any service toward achieving preferred sentencing. Second, I believe defendants in rural or northern counties are more likely to obtain severe sentences than those in Clark County. Rural counties are notorious for imposing harsh sentences. Lastly, racial minorities are more likely to obtain more severe sentences. In short, economics, geography, and racial class determine sentences at a higher rate than the actual crime.

Capping life sentences would eliminate many of these injustices. Twenty to thirty years for most murder sentences. Of course, this would also depend on the number of victims, type of crime, and additional circumstances and/or criteria as listed by any proposed law. These ideas have been bandied about for years, but they have never come to fruition. I believe it is time for a change in the right direction.

Any consideration you could give this request would be appreciated. I am just pleading for an opportunity to show that I have truly grown and matured into a good human who can show society that I can contribute to mankind. In addition, I would love to spend time with my two children who, through my selfishness, I have abandoned for a good majority of their life.

Sincerely,

A handwritten signature in black ink, appearing to read "Raymond Rosas". The signature is fluid and cursive, with a large initial "R" and a long, sweeping underline.

Raymond Rosas

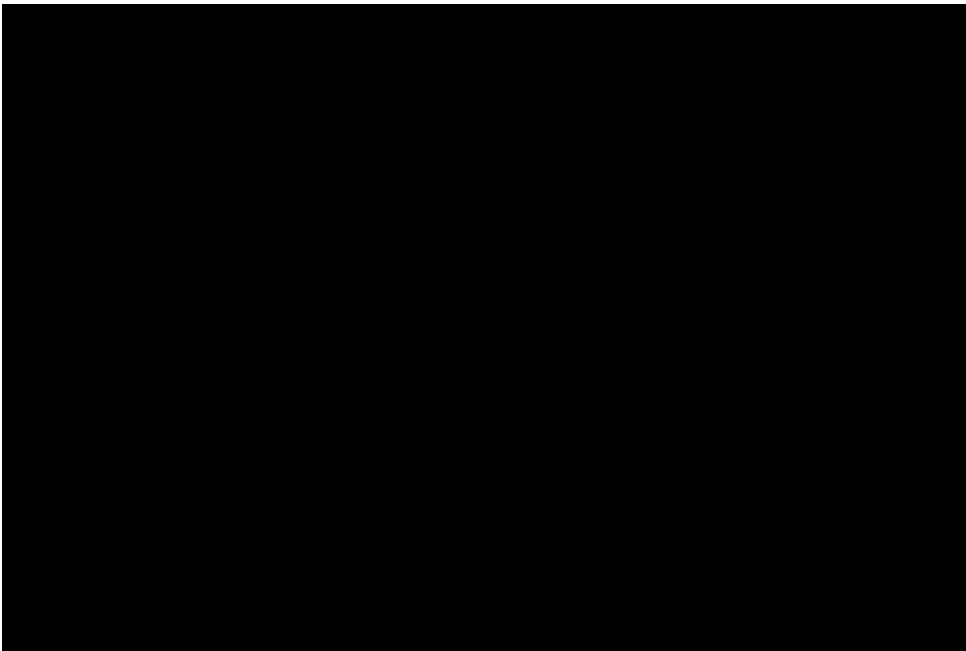
Me, a part of the
"Pups, Prisoners & Patriots" Dog Program,
My Dog, "Rocket", went from scared & abused to fun & loving. He went to
help a female Vet in Kansas City who suffered from PTSD from her
time in the military.



My daughter, Breyana, and I when
she was 14-15. She is now 21 and
with a son. Only a small piece of my
family from prison.



I have not seen her
older sister (my oldest
daughter) since 2006.
She is 24 with my 6
year old granddaughter.
yet, we still have a good
Father-daughter
relationship.



Stephanie Shepherd

4-21-21

RECEIVED
4/26/21

To whom it may concern

My name is Stephanie Shepherd I'm
writing this letter concerns Kashun Boyd
I know what Kashun Boyd did
is not right. Can you please consider
letting Kashun Boyd, to come home
so he can get the help he needs be-
cause in prison they do not have any-
thing too help the inmates so they can
get better. But Kashun Boyd did not
hurt or kill nobody. I Stephanie want
too help Kashun Boyd. If you
have any questions please call at
Thank you and God Bless
This letter is for may 10-21

Deshaun Thomas

RECEIVED
4/26/21

VICTORIA GONZALEZ
EXECUTIVE DIRECTOR
625 FAIRVIEW DR., SUITE 121
CARSON CITY, NV 89701-5430

DEAR VICTORIA,

THANK YOU FOR ALL OF THE VITAL INFORMATION THAT I RECEIVED FROM YOUR OFFICE. IT WAS VERY INFORMATIVE AND APPRECIATED.

I UNDERSTAND THE DEGREE OF DIFFICULTY THAT YOUR OFFICE AND THE SENTENCING COMMISSION IS TASKED WITH AND I COMMEND YOU FOR YOUR WORK. THERE'S MUCH TO BE DONE CONCERNING PRISON REFORM AND CRIMINAL JUSTICE REFORM HERE IN NEVADA.

IF AVAILABLE, COULD YOU PLEASE SEND ME THE MINUTES FROM THE COMMISSION'S FEBRUARY 19, 2021 MEETING, SENATE BILL 395 ON THE DEATH PENALTY, ANY NEW POLICY OR AMENDMENTS THE PARDONS BOARD HAS IMPLEMENTED, SUCH AS, HOW MANY TIMES THEY WILL BE MEETING EACH YEAR AND HOW MANY PRISONER'S THAT WILL BE CONSIDERED, WHAT CRITERIA OF PRISONER'S WHO WILL BE MOSTLY CONSIDERED BY THE PARDONS BOARD FOR PLACEMENT ON THE AGENDA, WHETHER THE BOARD IS CONSIDERING PRISONER'S WHO ARE STILL IN

THE APPEALS PROCESS OF THEIR CRIMINAL CONVICTIONS,
ETC.

ALSO IF AVAILABLE, I HAVE A FEW QUESTIONS THAT
YOU MAYBE ABLE TO ANSWER FOR ME, SUCH AS, THIS:

HOW MANY PEOPLE APPEARED BEFORE THE PARDONS
BOARD IN MARCH 2021, WERE INCARCERATED AT THE TIME
THEY APPEARED BEFORE THE BOARD?

DID ANYONE APPEAR BEFORE THE PARDONS BOARD
MARCH 2021, WHO AT THE TIME OF THEIR APPEARANCE
BEFORE THE BOARD, HAD NO ACTION TAKEN ON THEIR
APPLICATION?

DO YOU KNOW HOW MANY PRISONER'S APPLICATIONS
FOR FULL PARDONS, LIMITED PARDONS, AND COMPUTATIONS
WILL BE ON THE PARDONS BOARD AGENDA FOR THE
JUNE 2021 AGENDA?

ALSO DO YOU KNOW IF THERE IS ANYONE THAT IS
CURRENTLY IN THE PROCESS OF DRAFTING A BILL CON-
CERNING THE RETROACTIVITY OF AB 236, AND IF SO, COULD
YOU PLEASE FORWARD ME THEIR CONTACT INFORMATION.

THANK YOU AGAIN FOR YOUR TIME AND CONSIDERATION.

SINCERELY,
Deshaun Thomas