

ADDRESS ALL COMMUNICATIONS TO:

PARDONS BOARD
1677 OLD HOT SPRING ROAD
SUITE A
CARSON CITY, NEVADA 89706
TELEPHONE (775) 687-5049
FAX (775) 687-6736

DENISE DAVIS, EXECUTIVE SECRETARY

STATE OF NEVADA



BOARD OF PARDONS

BOARD OF PARDONS

BRIAN SANDOVAL
GOVERNOR, CHAIRMAN
ADAM PAUL LAXALT
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CHIEF JUSTICE, MEMBER
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KRISTINA PICKERING
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JUSTICE, MEMBER
RONALD D. PARRAGUIRRE
JUSTICE, MEMBER
LIDIA S. STIGLICH
JUSTICE, MEMBER

June 4, 2018

To: Pardons Board Members
From: Denise Davis, Executive Secretary
Subject: Commutation Applications and Deadlines

The Pardons Board has set November 28, 2018, as the date for hearings. This memo provides the time line and deadlines for the November Pardons Board meeting. Copies of the commutation application are being distributed this week to NDOC inmates and other interested persons

Meeting Deadlines:

Deadline for submission of inmate applications to NDOC Director:	5:00 PM on July 16, 2018
Requested deadline for member placement of <u>inmate & community</u> cases on agenda:	August 1, 2018
Deadline for P&P and NDOC reports to Executive Secretary:	October 1, 2018
Deadline for submission of materials to ensure inclusion in packets to Board Members:	October 11, 2018
Date packets provided to members:	October 25, 2018
Meeting Date:	November 28, 2018

With the setting of the fall meeting, it is likely that Pardons Board members will soon begin to receive direct requests for placement on the agenda. If any member has a particular interest in a case and would like more information on the individual, please contact me via telephone at 687-5049 ext. 225 or via email to dedavis@parole.nv.gov I will get the requested material to you as soon as possible.

November Pardons Board Deadlines

June 4, 2018

Page 2

Attached is a copy of the application for commutation of sentence being distributed to inmates in the NDOC. Also attached are copies of the Board's criteria which will be used to screen the applications for determination of appropriate inmate and community cases.

cc: Christopher P. DeRicco, Parole Board Chairman
Kathryn Reynolds, Governor's General Counsel
Clark G Leslie, Senior Deputy Attorney General
James Dzurenda, NDOC Director
Dwayne Deal, Chief, NDOC OMD
Shannon Moyle, NDOC OMD
Natalie Wood, Chief of Parole & Probation

BOARD OF PARDONS
Application for Commutation of Sentence - Page 1 of 2

Name: _____ Location: _____ NDOC # _____

This application is designed for inmates currently serving a sentence imposed by a Nevada Court. **Applications that are not complete may be rejected.** After completing the application, return it to your caseworker or to the Warden of the institution where you are housed. Wardens will forward the application to the Director of Corrections. **Applications must be received by the Warden by 5:00 P.M. on July 16, 2018** Inmates housed outside of the NDOC must submit their application no later than 5:00 P.M. July 20, 2018, to the NDOC Director at: PO Box 7011, Carson City, NV 89702 or 5500 Snyder Ave, Building 17, Carson City, NV 89701.

NOTE: Submit only ONE application.

Please indicate your answer by checking the YES or NO box after each question YES NO

	YES	NO
Have you been housed in disciplinary segregation for any period of time within the past 36 months?	<input type="checkbox"/>	<input type="checkbox"/>
Have you been found guilty of a major disciplinary infraction within the past 24 months or do you have a major disciplinary charge pending?	<input type="checkbox"/>	<input type="checkbox"/>
Have you been found guilty of three or more minor/general disciplinary infractions within the past 18 months?	<input type="checkbox"/>	<input type="checkbox"/>
Are you eligible for release on parole <u>to the community</u> prior to December 31, 2019?	<input type="checkbox"/>	<input type="checkbox"/>
Were you revoked on your current sentence <u>or</u> are you serving a single sentence that you received while you were on parole?	<input type="checkbox"/>	<input type="checkbox"/>
Have you been denied release on parole <u>to the community</u> on your current sentence?	<input type="checkbox"/>	<input type="checkbox"/>
Do you have any unresolved criminal charges?	<input type="checkbox"/>	<input type="checkbox"/>
Is your case under appeal in a Nevada or Federal Court, <u>or</u> do you have plans to appeal your case in the future?	<input type="checkbox"/>	<input type="checkbox"/>
Was a victim injured during the commission of the crime?	<input type="checkbox"/>	<input type="checkbox"/>
Are you projected to discharge from prison before December 31, 2019?	<input type="checkbox"/>	<input type="checkbox"/>
Do you have any consecutive sentences still to be served?	<input type="checkbox"/>	<input type="checkbox"/>
Are you currently validated by the NDOC as a member of a street or prison-based gang?	<input type="checkbox"/>	<input type="checkbox"/>
Were there any co-defendants in this case? If so, please provide their names:	<input type="checkbox"/>	<input type="checkbox"/>

If you are serving a sentence of Death or Life Without, please answer the following:

What year did you commit the offense that resulted in the sentence of Death or Life Without?	
--	--

BOARD OF PARDONS
Application for Commutation of Sentence - Page 2 of 2

Name:		NDOC #:	
Court that rendered judgment (i.e., 8 th JD, 2 nd JD etc):			
Current NDOC facility:			
Current age:		Age when brought to prison on this charge:	
US Citizen?: Yes / No		Sex: Male / Female	
What is your projected sentence expiration date?			
Please provide the conviction(s), the punishment imposed and your current sentence structure (please use additional sheet of paper if necessary):			
Please list any prior felony convictions in this or any other state or jurisdiction:			
Please indicate the action you wish to be taken on your case by the Pardons Board:			
Please indicate why your request should be considered by the Pardons Board (please use an additional sheet of paper if necessary)?			
FOR OFFICE USE ONLY			
STAFF COMMENTS:			

Community Case Application (Revised January 2012)

Any person who has committed a crime under the laws of the State of Nevada and is no longer serving the sentence imposed may *apply* to the Pardons Board for consideration to receive a Pardon and/or the restoration of their civil rights. There is no right afforded to any person of being granted a hearing or to receive any favorable action by the Pardons Board. The Pardons Board in Nevada consists of the Governor, the Attorney General and the Justices of the Supreme Court.

Offenders who have completed their sentence may apply for a pardon through the Executive Secretary of the Pardons Board. Applications by parolees who desire a commutation of sentence will be rejected. NRS 176.033 provides the avenue for parolees to request an early termination from parole. The power to grant a pardon or restore the rights of an offender does not extend to crimes committed under federal law or the laws of any other state.

An application for a pardon will generally not be considered unless a significant period of time has passed since the applicant's final discharge under the sentence. During this period, the applicant is expected to demonstrate complete and total rehabilitation.

Legal effects of a Pardon in Nevada

One of the primary misconceptions about pardons in Nevada is that a pardon is the only manner by which one may have one's rights restored. In some states a pardon is the only manner by which a convicted felon may have his or her civil rights restored. However, in Nevada, some rights are restored upon the completion of a sentence or period of parole or probation (see NRS 176A.850, 213.155 & 213.157).

Another misconception is that a pardon erases the conviction from the record. A pardon does not eliminate or erase the conviction. The records of conviction continue to exist in both court and law enforcement files.

The Right to Own and Possess Firearms

Convicted felons are prohibited from having firearms pursuant to NRS 202.360. The Pardons Board is the only body that can restore this right.

Effect of a Pardon on Occupational Licenses

With regard to occupational licensing, where a statute limits rights based on the underlying conduct and not the pardoned offense itself, a pardon would not remove or erase the disability of past conduct. If there is a requirement that the license applicant has not been convicted of a felony, the pardon would permit licensing. However, if the licensing standard is good moral character, the pardon does not erase the moral guilt associated with the commission of a criminal offense and the fact giving rise to that conviction may be considered in determining whether that person is of "good moral character."

What a Pardon does:

- An unconditional pardon removes all disabilities resulting from conviction thereof.
- A Pardon forgives but does not forget.
- A Pardon is the only instrument available to restore one's right to bear arms in Nevada.

A Pardon Does NOT:

- A Pardon does not overturn a judgment of conviction.
- A Pardon does not erase or obliterate the fact that one was once convicted of a crime.
- A Pardon does not substitute a good reputation for one that is bad.
- A Pardon does not relieve a convicted sex offender of the requirement to register as such.
- A Pardon does not attest to rehabilitation of a person.
- A Pardon does not remove any disabilities resulting from separate convictions that are not specified on the instrument of Pardon (ie, being pardoned on one offense but not another would not remove disabilities from the offense not pardoned).
- The Nevada Pardons Board does not have the authority to restore any rights lost as a result of a conviction in a jurisdiction outside of Nevada.

Attached to this letter is a Pardons Board application. Please fill out the application and the waiver (which needs to be notarized) and return it to:

Board of Pardons Commissioners
1677 Old Hot Springs Rd., Suite A
Carson City, NV 89706

Please note that the Pardons Board receives hundreds of applications for pardons and only a limited number of those applications will be accepted for review and consideration by the Pardons Board. If your application is accepted for review, a complete background investigation will be conducted and a report will be issued to the Pardons Board detailing all of your criminal history, financial responsibility, character and any other information deemed relevant. Pursuant to NRS 179.301 the Pardons Board may inquire into and inspect any sealed criminal records if the person who is the subject of the records has applied for a pardon from the Board.

In the event the investigation reveals negative information that was not disclosed on your application, further consideration may be rejected. If you currently reside out of state, the applicable Parole or Probation department may conduct the investigation.

If you have any questions, please feel free to contact us at (775) 687-5049.

APPLICATION INSTRUCTIONS:

Please complete the following application as completely and accurately as possible. Applications that are incomplete or have missing information may be rejected. It is especially important to provide accurate details of convictions. Referencing a statute or indicating probation violation, etc., instead of the actual name of the conviction will result in the rejection of the application.

When indicating the type of pardon requested (Unconditional including the right to bear arms, or a Pardon excluding the right to bear arms), unless there is a specific reason for requesting a Pardon that excludes the right to bear arms, you should request an Unconditional Pardon.

STATE OF NEVADA BOARD OF PARDONS
CARSON CITY, NEVADA

Application for Pardon

SECTION 1

Applicant Name:		
Home Tel.	Work Tel.	Cell #.
Address:	City:	ST: ZIP
Name of applicant as convicted:		
Date of birth:	Social Security #:	
US Citizen?: Yes / No	Sex: Male / Female Ethnicity: Asian / Black / Hispanic / Indian / White	
Married or Single:	Annual Salary:	
Have you ever declared bankruptcy? If so, please provide the name of the court and the year it was discharged:		
Employer Name & Address:		
Full time / Part time / Unemployed / Retired / Disability / Other	Employers Tel. # () _____ - _____ Supervisor:	
Requested Action: ___ Unconditional Pardon including right to bear arms ___ Pardon with restoration of civil rights <i>without</i> the right to bear arms		
Please explain if there is a specific need for the right to bear arms to be restored, or if you are requesting a pardon without the restoration of the right to bear arms, please explain why.		
Please explain if you have an extraordinary need for a Pardon:		

SECTION 2

Please provide a summary of all convictions that you have received in any jurisdiction (misd. and felony):

Date/Year	Location	Conviction	Sentence

List each case that you wish to have action on. Attach a separate sheet if necessary. Note: NV Cases only.

Conviction: _____		Case #: _____
Judicial District Court: _____	County: _____	
Amount of Fine, Forfeiture or Restitution: _____	Have all Fines and Restitution been paid? Yes/No If so, year of completion _____	
Name of Sentencing Judge: _____		
Sentence Date: _____		
Term of Sentence: _____ (includes prison or probation terms)	Date of discharge from: Parole _____ Probation _____ Prison _____	

Conviction: _____		Case #: _____
Judicial District Court: _____	County: _____	
Amount of Fine, Forfeiture or Restitution: _____	Have all Fines and Restitution been paid? Yes/No If so, year of completion _____	
Name of Sentencing Judge: _____		
Sentence Date: _____		
Term of Sentence: _____ (includes prison or probation terms)	Date of discharge from: Parole _____ Probation _____ Prison _____	

Community Case Pardons Application
Revised January 2012

SECTION 3

Have you ever appeared before the Nevada Pardons Board?: _____ If YES, what was the date and action taken? _____

Have you been granted clemency on a conviction that occurred in another jurisdiction? If YES, please indicate the case, year of conviction and date of clemency. _____

Do you have an application for clemency pending or under review in another jurisdiction? If YES, please explain: _____

List **all** arrests in the last 10 years that **did not** result in conviction (use additional page if necessary):

Date/Year	Location	Arrest Charge	Explain circumstances

Are there any legal proceedings now pending against you?

Do you have now, or will there be in the future, any plans to appeal your conviction through the courts? Yes or No _____

I hereby state that the information I have provided in this application is true and correct:

Applicant's signature: _____ Date: _____

Applicant's printed name: _____

NOTE: Please include a written or typed letter detailing why you think it is appropriate at this time to grant your request.

Waiver and Liability Release

Name: _____ Soc. Sec#: _____ DOB: _____
(print or type)

This is to certify that I have applied for a pardon and the restoration of my civil rights and acknowledge that an investigation will be conducted prior to my case appearing before the Nevada Board of Pardons Commissioners (Pardons Board). In consideration for the processing of my application, I, _____, do hereby agree to the following:

WAIVER OF LIABILITY AND INFORMATION TO BE RELEASED:

Having made application to the Pardons Board and desiring it to be informed as to my record and character, I authorize and desire the release of any information, verbal and/or written, which includes but is not limited to information related to current or previous employment, personnel records, criminal records, educational records, any investigative records, credit records, tax or bank records, correctional records, sealed records, confidential records or information previously agreed to be withheld, medical records, mental health records, opinions of my character or conduct, and any and all information that a person or entity may have concerning me, and I agree to hold all entities and persons whomsoever from any liability because of furnishing said information.

INFORMATION TO BE RELEASED FROM:

Any person or entity who may have knowledge of the above named individual including but not limited to friends, family members, neighbors, acquaintances, co-workers, businesses, previous or current employers, any law enforcement or corrections agency, any mental health or medical organization, clinic, physician, laboratory, pharmacy, hospital, inpatient or outpatient program or facility, any credit reporting bureau, any educational facility or institution, any financial institution, or any other person or entity deemed relevant by the agency or person conducting the background investigation incident to my application for pardon and restoration of civil rights, may furnish said information.

INFORMATION TO BE RELEASED TO:

The Nevada Department of Public Safety, the Nevada Division of Investigations, the Nevada Division of Parole and Probation, the Pardons Board, the Nevada Department of Corrections, the Nevada Criminal History Repository, the Nevada Board of Parole Commissioners, the office of the Nevada Attorney General, the Nevada Supreme Court, the office of the Governor of the State of Nevada or any other person, department or agency inside or outside the State of Nevada involved with gathering information during the conduct of the investigation incident to my application for pardon and restoration of civil rights, may receive said information.

PURPOSE OF RELEASE:

I, the above named applicant, have requested a pardon and the restoration of civil rights. The members of the Pardons Board may consider a wide range of factors including my character, conduct, criminal record, mental or medical health status and any other significant history about me incident to such application for clemency.

I understand that my authorization under this Waiver and Liability Release is voluntary and that I may refuse to sign this document. I understand that I am not entitled to receive or examine, review or otherwise discover the contents of the information gathered or disclosed in the course of the investigation incident to my application for pardon and restoration of civil rights. I understand that if I refuse to sign this authorization document, my application for pardon and restoration of civil rights will not be considered. I understand that information gathered may become public record if the subject application is brought for consideration at a meeting before the Pardons Board. I understand that I may revoke this authorization under this Waiver and Liability Release at any time by notifying the Pardons Board in writing at 1677 Old Hot Springs Rd., Suite A, Carson City, NV 89706, except to the extent that action has taken place in reliance on this authorization document. I understand that any such revocation of authorization will result in the termination of any pardons investigation or termination of further consideration for clemency. This waiver shall apply to any right of action of any nature whatsoever, that may accrue to myself, my heirs, or my personal representative(s).

Dated this _____ day of _____, 20__

Signature of person waiving rights

Subscribed and Sworn before me this _____ day of _____, 20__

by _____

Signature of Notary

Notary Public in and for said County of _____

State of _____

(Notary Seal)

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JUSTICE, MEMBER

Criteria for the Evaluation of Inmate Applications for Clemency

Disqualifying Institutional Conduct:

- 1) Having been housed in disciplinary segregation for any period of time within the past 36 months.
- 2) Any guilty finding of a major disciplinary infraction within the past 24 months or a pending major disciplinary.
- 3) Three or more minor/general disciplinary infractions within the past 18 months.

Disqualifying Parole Status:

- 1) Inmates who are eligible for release on parole to the community within 6 months.
- 2) Inmates who are serving a period of parole revocation or a single sentence imposed while on parole.
- 3) Inmates who have been denied release on parole to the community on the current sentence.

Pending Criminal Charges, Investigations or Appeals:

- 1) Inmates with unresolved criminal charges will not be considered.
- 2) Cases that are under appeal in Nevada or Federal Court will generally not be considered.
- 3) Judicial remedies must be exhausted prior to being eligible for clemency review.
- 4) Inmates who are currently under investigation by the NDOC Inspector General or Attorney General's office will not be considered.

Time and Sentence Disqualifications:

- 1) An inmate with a sentence that is projected to discharge to the community within 12 months will not generally be considered.
- 2) Inmates who have served a prior prison sentence for a felony conviction and whose current maximum sentence or combined consecutive maximum sentences are 20 years or less will not be considered.
- 3) Applications from inmates sentenced to death or life without the possibility of parole for an offense committed between November 2, 1982 and July 1, 1995 will not be considered for a commutation of sentence that allows parole eligibility until 20 calendar years have passed.
- 4) Applications from inmates sentenced to death or life without the possibility of parole for an offense committed after July 1, 1995 will not be considered for a commutation of sentence that allows for parole.

Exceptions:

Extraordinary circumstances or case factors may exist that mitigate disqualifying criteria. Circumstances may include an act of heroism or a catastrophic event. Mitigating case factors may include the age of the offender at the time the offense was committed in conjunction with little or no prior criminal history.

In order to consider applicants who claim exemptions because of extraordinary circumstances, the applicant must clearly demonstrate why such consideration should be given. Since most inmate families endure hardships while a person is incarcerated, family hardship is not considered an extraordinary circumstance.

Further consideration for offenses not categorized as the most serious:

Each application will be considered on its own merit. Inmates meeting the published minimum criteria will be subject to further review and may also be disqualified for one or more of the following reasons:

- 1) The nature and severity of the crime or factors involved.
- 2) Prior criminal history.
- 3) Overall institutional adjustment.
- 4) The result of institutional evaluations (psychological reports, sexual psych panel reports and/or parole or other risk assessments).

Qualifying Criteria:

In order to be considered, an inmate must meet the published minimum criteria and demonstrate by clear and convincing evidence at least one of the following:

The applicant has within his or her capacity, made exceptional strides in self-development and self-improvement. The inmate has made responsible use of available rehabilitative programs to address treatment needs;

The applicant is suffering from a critical illness or has a severe and chronic disability, which would be mitigated by release from prison;

The applicant's further incarceration would constitute gross unfairness because of basic inequities involved, including:

- The severity of the sentence received in relation to the sentences received by co-defendants or in relation to other offenders serving sentences for crimes with similar characteristics;
- The extent of the applicant's participation in the offense;
- A history of abuse suffered by the applicant at the hands of the victim that significantly contributed to or brought about the offense.

Evaluation of certain cases meeting the minimum criteria:

The following is provided to assist in evaluating applications on inmates who are serving sentences for the most serious of crimes. Cases which have more mitigating case factors will be given more weight toward consideration than those with aggravating influences. **The mitigating factors listed in this document are not intended to lessen or diminish the gravity of the offense.**

Murder convictions:

Aggravating influences include:

A substantial degree of premeditation to commit the murder.

- Any evidence of torture or sexual connotations.
- The method in which the person was murdered required concentrated effort (ie, strangulation, stabbing or beating to death as opposed to a single gunshot).
- Mutilation of the victim's body.
- Luring the victim or murder by execution.
- Hiding the body.
- Child or disabled victim.
- Prior history of violence or institutional violence.

Criteria for Inmate Clemency Applications

Page 4

Mitigating influences include:

- Having been a co-offender during the murder and not having been the person who actually inflicted the wound(s).
- The murder occurred incidentally during the commission of another crime with little or no premeditation to kill.
- The murder occurred while the offender was in a heightened emotional state, or was influenced by abuse inflicted by the victim.
- The offender was young when the murder was committed.

Sex offenses:

Aggravating influences:

- The offender has prior arrests or convictions for sex related offenses.
- The victim was tied up or forcibly taken to another location.
- The victim was a child, elderly, or physically or mentally disabled.
- There were multiple victims.
- The duration of the offense lasted more than three hours or was repeated multiple times.
- The offense was planned or premeditated.
- The use of weapons or objects.
- The offender forcibly assaulted the victim, or threatened the use of force or other violence to coerce compliance.

Mitigating influences:

- The offense occurred with an adult victim, was situational, not premeditated and occurred only one time and the offender has no prior instances of sexual deviance or violence.
- The activity appeared to be consensual in nature and the offender has no prior arrests or convictions that are sexual or violent in nature (ie, lewdness with a minor and the minor is sexually active and the offender is not significantly older than the victim or the offender operates in a diminished capacity).

Criteria for Inmate Clemency Applications

Page 5

Inquiries and Correspondence:

The Executive Secretary and staff for the Pardons Board can be reached at (775) 687-5049.
Correspondence should be addressed to:

Executive Secretary of the Pardons Board
Attention: Denise Davis
1677 Old Hot Springs Road, Suite A
Carson City, NV 89706

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JUSTICE, MEMBER
NANCY M. SAITTA
JUSTICE, MEMBER
MARK GIBBONS
JUSTICE, MEMBER
KRISTINA PICKERING
JUSTICE, MEMBER

Criteria and Application Instructions *Community Cases*

The Pardons Board in Nevada consists of the Governor, the Attorney General and the Justices of the Supreme Court. Hearings to consider applications for Pardons generally occur twice each year and are held in the Supreme Court of Nevada located in Carson City.

Any person who has committed a crime under the laws of the State of Nevada may apply to the Pardons Board for consideration to receive a Pardon and/or the restoration of their civil rights. The power to grant a pardon or restore the rights of an offender does not extend to crimes committed under federal law or the laws of any other state.

Legal effects of a Pardon in Nevada

One of the primary misconceptions about pardons in Nevada is that a pardon is the only manner by which one may have one's rights restored. In Nevada, some rights are restored upon the completion of a sentence or period of parole or probation (see NRS 176A.850, 213.155 & 213.157).

Another misconception is that a pardon erases the conviction from the record. A pardon does not Eliminate or erase the conviction. The records of conviction continue to exist in both court and law enforcement files.

The Right to Own and Possess Firearms

Convicted felons are prohibited from having firearms pursuant to NRS 202.360. The Pardons Board is the only body that can restore this right.

Effect of a Pardon on Occupational Licenses

With regard to occupational licensing, where a statute limits rights based on the underlying conduct and not the pardoned offense itself, a pardon would not remove or erase the disability of past conduct. If there is a requirement that the license applicant has not been convicted of a felony, the pardon would permit licensing. However, if the licensing standard is "good moral character", the pardon does not erase the moral guilt associated with the commission of a criminal offense and the fact giving rise to that conviction may be considered in determining whether that person is of "good moral character."

What a Pardon does:

- An unconditional pardon removes all disabilities resulting from conviction thereof.
- A Pardon forgives but does not forget.
- A Pardon is the only instrument available to restore one's right to bear arms in Nevada.

What a Pardon doesn't do:

- A Pardon does not overturn a judgment of conviction.
- A Pardon does not erase or obliterate the fact that one was once convicted of a crime.
- A Pardon does not substitute a good reputation for one that is bad.
- A Pardon does not relieve a convicted sex offender of the requirement to register as such.
- A Pardon does not attest to the rehabilitation of a person.
- A Pardon does not remove any disabilities resulting from separate convictions that are not specified on the instrument of Pardon (ie, being pardoned on one offense but not another would not remove disabilities from the offense not pardoned).

General Standards for Considering Pardons Applications.

The following criteria have been established to assist in the evaluation of community case applications for pardons. This criterion is not intended to create the establishment of a right to a hearing before the Pardons Board, nor to create the expectation of being selected for a hearing.

Each case will be evaluated against these basic criteria. Selected cases will be investigated by the Division of Parole and Probation. During the investigation, if undisclosed negative information surfaces, the case may be removed from further consideration.

In general, a pardon is granted on the basis of the applicant's demonstrated good conduct for a substantial period of time after conviction and service of sentence. In determining whether a particular petitioner should be recommended for a pardon, the following are the principal factors taken into account.

1. Post-conviction conduct, character, and reputation: An individual's demonstrated ability to lead a responsible and productive life for a significant period after conviction or release from confinement/supervision is strong evidence of rehabilitation and worthiness for pardon. The background investigation conducted by the Division of Parole and Probation shall focus on the applicant's character since completing a sentence, financial and employment stability, responsibility toward family, reputation in the community, participation in community service, charitable or other meritorious activities. In assessing post-conviction accomplishments, each petitioner's life circumstances should be considered in their totality: it may not be appropriate or realistic to expect "extraordinary" post-conviction achievements from individuals who are less fortunately situated in terms of educational or economic background.

2. Seriousness and relative recency of the offense: When an offense is very serious (i.e, a violent crime, major drug trafficking, breach of public trust, or white collar fraud involving substantial sums of money), a suitable length of time should have elapsed in order to avoid denigrating the seriousness of the offense or undermining the deterrent effect of the conviction. Victim impact is also a relevant consideration. When an offense is very old and relatively minor, the equities may weigh more heavily in favor of forgiveness, provided the petitioner is otherwise a suitable candidate for pardon.

3. Acceptance of responsibility, remorse, and atonement: The extent to which a petitioner has accepted responsibility for his or her criminal conduct and made restitution to their victims are important considerations. A petitioner should be genuinely desirous of forgiveness rather than vindication. While the absence of expressions of remorse should not preclude favorable consideration, an applicant's attempt to minimize or rationalize culpability will not advance the case for pardon. Persons seeking a pardon on grounds of innocence or miscarriage of justice bear a formidable burden of persuasion.

4. Need for relief: The purpose for which pardon is sought may influence disposition of the petition. A felony conviction may result in a wide variety of legal disabilities, some of which can provide persuasive grounds for recommending a pardon. For example, a specific employment-related need for pardon, such as removal of a bar to licensure or bonding, may make an otherwise marginal case sufficiently compelling to warrant a grant in aid of the individual's continuing rehabilitation. The absence of a specific need will not be held against an otherwise deserving applicant who may be motivated solely by a strong personal desire for a sign of forgiveness.

Time eligibility for filing application for pardon.

1. No application for pardon should be filed prior to completing a waiting period of at least:
 - a. Five years from the date the applicant is released from actual custody or from the date when he is no longer under a suspended sentence, whichever occurs later, for a misdemeanor conviction of a crime which constitutes domestic violence pursuant to NRS 33.018.
 - b. Six years from the date of the release of the applicant from probation, parole or prison confinement for a category E felony.
 - c. Eight years from the date of the release of the applicant from probation for a category B, C, or D felony.
 - d. Nine years from the date of the release of the applicant from parole or prison confinement for a category D or C felony.
 - e. Ten years from the date of the release of the applicant from parole or prison confinement for a category B felony.
 - f. Twelve years from the date of the release of the applicant from probation, parole or prison confinement for a category A felony.
2. Applicants who incur Misdemeanor (excluding traffic tickets) or other convictions during the general waiting period before applying for a pardon may be required to begin the general waiting period following conviction or when imposed, upon the completion of any period of probation, parole, jail or prison confinement.
3. The Executive Secretary may, with the consent of a member, waive the minimum time requirement. Applicants who have not met the minimum time requirements should specifically indicate the reasons why it is important to waive the minimum time requirement.

Applications from individuals on parole.

Applications from individuals on parole will not be considered unless the applicant has met the minimum requirements as set forth in NRS 176.033(2); and

1. The applicant has received a favorable recommendation for a modification of sentence from the Division of Parole and Probation but the request was denied by the Board of Parole Commissioners; or
2. A petition for modification of sentence submitted by the Board of Parole Commissioners was denied by the court.
3. A member of the Pardons Board requests an applicant's case be placed on the agenda for consideration.

Applications from persons required to comply with sex offender registration pursuant to NRS 179D.350 through 179D.550.

An application from a person required to register as a sex offender pursuant to NRS 179D will not be considered unless the applicant has satisfied the requirements of NRS 179D.490 and is no longer required to register as a sex offender.

Pending Criminal Charges, Investigations or Appeals:

1. Persons with unresolved criminal charges or currently under criminal investigation by law enforcement will not be considered.
2. Cases that are under appeal in Nevada or Federal Court will not be considered.

Exceptions and other consideration:

Extraordinary circumstances or case factors may exist that mitigate disqualifying criteria. In order to consider applicants who claim exemptions because of extraordinary circumstances, the applicant must clearly demonstrate why such consideration should be given.

Each application will be considered on its own merit. Persons meeting the minimum criteria will be subject to further review and may be disqualified for one or more of the following reasons:

1. The nature and severity of the crime or factors involved.
2. Prior criminal history.
3. Overall community adjustment.
4. The discovery of other adverse information.

Expedited process for individuals seeking a pardon that meet specific criteria:

This procedure has been established to expedite the community case process by removing the need for formal hearings on certain cases meeting certain criteria only. The Board may grant the pardon and restore, in whole or in part, the civil rights of the applicant without a meeting if the following conditions are satisfied:

- (a) The offense for which the pardon is sought:
 1. Did not result in physical injury to a victim;
 2. Did not involve the use or threatened use of force or violence; and
 3. Was not a sexual offense.

Pardons Board Community Case Criteria

Page 5

- (b) The applicant has never been convicted of:
 - 1. An offense that resulted in physical injury to a victim;
 - 2. An offense involving the use or threatened use of force or violence; or
 - 3. A sexual offense.
- (c) There is no objection from the court in which the judgment was rendered.
- (d) There is no objection from the district attorney of the county in which the applicant was convicted.
- (e) The Board has not received a written request for notice concerning a meeting to consider an application for clemency from a victim of a crime committed by the applicant or, during the course of an investigation of the applicant, a victim of a crime committed by the applicant has not objected to the granting of a pardon to the applicant.

Inquiries and Correspondence:

The Executive Secretary and staff for the Pardons Board can be reached at (775) 687-5049. Correspondence should be addressed to:

Executive Secretary of the Pardons Board
Attention: Denise Davis
1677 Old Hot Springs Road, Suite A
Carson City, NV 89706