November 15, 2017

To: Pardons Board Members

From: Denise Davis, Executive Secretary

Subject: Commutation Applications and Deadlines

The Pardons Board has set May 1 & 2, 2018 as the date for hearings. This memo provides the time line and deadlines for the May Pardons Board meeting. Copies of the commutation application are being distributed this week to NDOC inmates and other interested persons.

**Meeting Deadlines:**

<table>
<thead>
<tr>
<th>Deadline for submission of inmate applications to NDOC Director:</th>
<th>5:00 PM on December 29, 2017</th>
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<tbody>
<tr>
<td>Requested deadline for member placement of inmate &amp; community cases on agenda:</td>
<td>February 2, 2018</td>
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<tr>
<td>Deadline for P&amp;P and NDOC reports to Executive Secretary:</td>
<td>March 1, 2018</td>
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<tr>
<td>Deadline for submission of materials to ensure inclusion in packets to Board Members:</td>
<td>March 5, 2018</td>
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<tr>
<td>Date packets provided to members:</td>
<td>April 1, 2018</td>
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<tr>
<td>Meeting Date:</td>
<td>May 1 &amp; 2, 2018</td>
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With the setting of the spring 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
November 15, 2017
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: Connie S. Bisbee, 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
    Nancy Flores, 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 December 29, 2017** 

Inmates housed outside of the NDOC must submit their application no later than 5:00 P.M. January 5, 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

<table>
<thead>
<tr>
<th>Question</th>
<th>YES</th>
<th>NO</th>
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<tr>
<td>Have you been housed in disciplinary segregation for any period of time within the past 36 months?</td>
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<tr>
<td>Have you been found guilty of a major disciplinary infraction within the past 24 months or do you have a major disciplinary charge pending?</td>
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<tr>
<td>Have you been found guilty of three or more minor/general disciplinary infractions within the past 18 months?</td>
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<tr>
<td>Are you eligible for release on parole to the community prior to October 31, 2019?</td>
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<tr>
<td>Were you revoked on your current sentence or are you serving a single sentence that you received while you were on parole?</td>
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<tr>
<td>Have you been denied release on parole to the community on your current sentence?</td>
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<td>Do you have any unresolved criminal charges?</td>
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<td>Is your case under appeal in a Nevada or Federal Court, or do you have plans to appeal your case in the future?</td>
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<td>Was a victim injured during the commission of the crime?</td>
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<tr>
<td>Are you projected to discharge from prison before December 31, 2019?</td>
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<tr>
<td>Do you have any consecutive sentences still to be served?</td>
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<tr>
<td>Are you currently validated by the NDOC as a member of a street or prison-based gang?</td>
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<td>Were there any co-defendants in this case? If so, please provide their names:</td>
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**If you are serving a sentence of Death or Life Without, please answer the following:**

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<tr>
<th>Question</th>
<th>YES</th>
<th>NO</th>
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<tr>
<td>What year did you commit the offense that resulted in the sentence of Death or Life Without?</td>
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<tr>
<td>Name:</td>
<td>NDOC #:</td>
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<tr>
<th>Court that rendered judgment (i.e., 8th JD, 2nd JD etc):</th>
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<th>Current NDOC facility:</th>
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<tr>
<th>Current age:</th>
<th>Age when brought to prison on this charge:</th>
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<tr>
<th>US Citizen?: Yes / No</th>
<th>Sex: Male / Female</th>
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<tbody>
<tr>
<td>Yes</td>
<td>Male</td>
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<tr>
<th>What is your projected sentence expiration date?</th>
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Please provide the conviction(s), the punishment imposed and your current sentence structure (please use additional sheet of paper if necessary):

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Please list any prior felony convictions in this or any other state or jurisdiction:

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Please indicate the action you wish to be taken on your case by the Pardons Board:

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Please indicate why your request should be considered by the Pardons Board (please use an additional sheet of paper if necessary)?

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<th>FOR OFFICE USE ONLY</th>
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<tbody>
<tr>
<td>STAFF COMMENTS:</td>
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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.
Criteria for Inmate Clemency Applications
Page 2

**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.
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 (i.e., 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).
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
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.
Applciations 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.
(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