

ADDRESS ALL COMMUNICATIONS TO:

PARDONS BOARD
1677 OLD HOT SPRINGS ROAD
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CARSON CITY, NEVADA 89706
TELEPHONE (775) 687-6568
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DENISE DAVIS, EXECUTIVE SECRETARY

STATE OF NEVADA



BOARD OF PARDONS

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GOVERNOR, CHAIRMAN
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JUSTICE, MEMBER
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JUSTICE, MEMBER
ABBI SILVER
JUSTICE, MEMBER

April 16, 2019

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

The Pardons Board has set November 6, 2019 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:	July 25, 2019
Requested deadline for member placement of inmate & community cases on agenda:	August 19, 2019
Deadline for P&P and NDOC reports to Executive Secretary:	September 3, 2019
Deadline for submission of materials to ensure inclusion in packets to Board Members:	September 16, 2019
Date packets provided to members:	October 3, 2019
Meeting Date:	November 6, 2019

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 775-687-6568 or via email to dedavis@parole.nv.gov I will get the requested material to you as soon as possible.

June Pardons Board Deadlines

April 16, 2019

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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
J. Brin Gibson, Governor's General Counsel
Keith Hightower, Legislative and Intergovernmental Affairs Director
Randell Gilmore, Senior Deputy Attorney General
James Dzurenda, NDOC Director
Dwayne Deal, Chief, NDOC OMD
Shannon Moyle, NDOC OMD
Natalie Wood, Chief of Parole & Probation

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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

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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

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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

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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

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 25, 2019.** Inmates housed outside of the NDOC must submit their application no later than 5:00 P.M. August 1, 2019 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

Have you been housed in disciplinary segregation for any period of time within the past 36 months?

Have you been found guilty of a major disciplinary infraction within the past 24 months or do you have a major disciplinary charge pending?

Have you been found guilty of three or more minor/general disciplinary infractions within the past 18 months?

Are you eligible for release on parole to the community prior to December 31, 2020?

Were you revoked on your current sentence or are you serving a single sentence that you received while you were on parole?

Have you been denied release on parole to the community on your current sentence?

Do you have any unresolved criminal charges?

Is your case under appeal in a Nevada or Federal Court, or do you have plans to appeal your case in the future?

Was a victim injured during the commission of the crime?

Are you projected to discharge from prison before December 31, 2020?

Do you have any consecutive sentences still to be served?

Are you currently validated by the NDOC as a member of a street or prison-based gang?

Were there any co-defendants in this case? If so, please provide their names:

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?

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Application for Commutation of Sentence - Page 2 of 2

Name: _____ NDOC #: _____

Court that rendered judgment (i.e., 8th JD, 2nd 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: