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NEVADA BOARD OF PAROLE COMMISSIONERS

MINUTES

Meeting of the
Board of Parole Commissioners

September 29, 2021

MINUTES APPROVED ON OCTOBER 25, 2021

NOTE: The following minutes have not been approved and are subject to revision at the next meeting of the Board.

The Board of Parole Commissioners held a public meeting on September 29, 2021, beginning at 1:00 PM at the following locations:

Conference room at the central office of the Board of Parole Commissioners, located at 1677 Old Hot Springs Road, Ste. A, Carson City, NV and video conference at the Parole Board Office, 4000 S. Eastern Avenue, Ste. 130, Las Vegas, NV.

I. Open Meeting, call to order, roll call 1:00 PM.

The meeting was called to order by Chairman DeRicco. Present in Carson City were Commissioner Baker, Commissioner Jackson and Commissioner Weisenthal. Present in the Las Vegas office were Chairman DeRicco, Commissioner Bailey, Commissioner Christiansen, and Commissioner Verchio.

Support staff in attendance:
- Katie Fraker, Executive Secretary
- Jeremy Meador, Administrative Assistant II
- Forrest Harter, Hearing Examiner I
- Kelli Mellinger, Hearing Examiner II
- Kathi Baker, Management Analyst III
- Matt Thrasher, Management Analyst I

Members of the public present in Carson City included:
- Katie Brady, Deputy Attorney General

Members of the public present in Las Vegas included:
- Patricia Adkisson

II. **Public Comment.** No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2) of NRS 241.020.

Public comment – Carson City, NV

No public comment.

Public comment – Las Vegas, NV

No public comment.

III. **For possible action:** Review/Approval of minutes from the August 30, 2021 Board meeting.

Motion:	**Approve the minutes from the August 30, 2021 Board meeting.**
Made:	**Commissioner Baker**
Seconded By:	**Commissioner Jackson**
Votes in Favor:	**DeRicco, Baker, Weisenthal, Jackson, Christiansen, Verchio, Bailey**
Votes Opposed:	**None**
Results:	**Motion passed**

IV. **Workshop, Public Comment, and Possible Action**: The purpose of this workshop is to solicit comments from interested persons and for the Board to discuss modifying NAC 213.518. This proposed regulation is necessary to carry out the provisions of NRS Chapter 213, pursuant to NRS 213.10885, and NRS 213.1099, a regulation relating to the determination of whether to grant parole: Consideration of additional aggravating and mitigating factors; and providing other matters properly relating thereto. After receiving comments, the Board may take action to amend the regulation before it is sent to the Legislative Counsel for review and drafting. No action may be taken upon a matter raised during a period devoted to comments by the general public until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2) of NRS 241.020.

Workshop for Proposed Regulations on NAC 213.518(1)

Overview of Workshop

Board Members in attendance in the Carson City office:

Commissioner Jackson
Commissioner Baker
Commissioner Weisenthal

Board Members in attendance in the Las Vegas office:

Chairman DeRicco
Commissioner Christiansen
Commissioner Verchio
Commissioner Bailey

Support staff in attendance:

Katie Fraker, Executive Secretary

Jeremy Meador, Administrative Assistant II
Forrest Harter, Hearing Examiner I
Kelly Mellinger, Hearing Examiner II
Kathi Baker, Management Analyst III
Matt Thrasher, Management Analyst I

Members of the public present in Carson City included:
Katie Brady, Deputy Attorney General

Members of the public present in Las Vegas included:
Patricia Adkisson

Workshop:

The purpose of this workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulation:

The Board to discuss modifying NAC 213.518. This proposed regulation is necessary to carry out the provisions of NRS Chapter 213, pursuant to NRS 213.10885, and NRS 213.1099, a regulation relating to the determination of whether to grant parole: Consideration of additional aggravating and mitigating factors; and providing other matters properly relating thereto.

Summary of Testimony

Chairman DeRicco stated the purpose of this workshop is to solicit comments from interested persons and for the Board to discuss modifying NAC 213.518. Chairman DeRicco provided the proposed regulation is necessary to carry out the provisions of NRS Chapter 213, pursuant to NRS 213.10885, and NRS 213.1099, a regulation relating to the determination of whether to grant parole consideration of additional aggravating and mitigating factors; and providing other matters properly relating thereto. Chairman DeRicco stated that after receiving comments, the Board may take action to amend the regulation before it is sent to the Legislative Counsel for review and drafting. Chairman DeRicco provided that no action may be taken upon a matter raised during a period devoted to comments by the general public until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2) of NRS 241.020.

Chairman DeRicco introduced Kelly Mellinger, Hearing Examiner II.

Kelly Mellinger facilitated and began the workshop by stating the reason for this workshop is for discussion of amending NAC 213.518(1). Ms. Mellinger stated workshops are to provide interested persons with a reasonable opportunity to meet informally with agency staff to discuss the general subject matter of the proposed regulation. Ms. Mellinger provided that the Board will be asking those in attendance for their thoughts, concerns, and suggestions regarding the proposed regulation. Ms. Mellinger provided that since the workshop is being video conferenced to our Southern office, speakers from both locations will be invited to participate and stated that the scope of this workshop is limited to the proposed regulation that will be discussed.
Ms. Mellinger provided that this workshop is for discussion to amend regulation NAC 213.518(1) to makes language changes to make it clear that the factors contained in NRS 213.10885 and NRS

213.1099 are always considered after establishing an initial assessment to determine whether to grant parole to a prisoner.

Ms. Mellinger provided that the proposed changes are to Section 1 of NAC 213.518 to change the wording from, NAC 213.518 (1) "After establishing an initial assessment regarding whether to grant parole pursuant to NAC 213.516, the Board may consider additional aggravating and mitigating factors to determine whether to grant parole to a prisoner," **to** *NAC 213.518 (1) "After establishing an initial assessment regarding whether to grant parole pursuant to NAC 213.516, the Board will consider the factors contained in NRS 213.10885 and NRS 213.1099 and may consider additional aggravating and mitigating factors to determine whether to grant parole to a prisoner*."

Chairman DeRicco stated the perfect language is not needed on the draft regulation, as the Legislative Council Bureau (LCB) will review the draft and likely alter the language.

Chairman DeRicco provided that this regulation is in reference to NRS 213, pursuant to NRS 213.10885, and NRS 213.1099. Chairman DeRicco stated that the Board first reviewed this issue at our July 2021 meeting, and the Board voted to work on updating the language of this regulation. Chairman DeRicco provided that the proposed language change appears to conform with statute and that this is the time for us as a Board to discuss and to solicit comments from any other interested persons. Chairman DeRicco stated he would like to start with comments by any interested persons before moving on to Board members and asked if there is anyone in Carson City that would care to make public comment on this regulation?

Public comment – Carson City, NV

See attached written public comment from John Quintero #93282
See attached written public comment from Evan Grant #1159544
See attached written public comment from Patricia Adkisson

Chairman DeRicco asked if there is there anyone in Las Vegas that would care to make public comment on this regulation?

Public comment - Las Vegas
Patricia Adkisson provided the following statement

Good afternoon, I'm here to comment on Agenda Item Number IV, the applicable statutory scheme in Nevada. Chapter 213 confers limited authority to this Board, when taking any action related to parole consideration. The effective Nevada Administrative Code must establish clear objective criteria and standards. NAC 213.518 does not establish any such objective criteria, nor does it establish a standard. A weighted value must be applied in order to give an objective effect in the determination. The legislature mandates objective criteria and standards in order to ensure the uniform operation and application of this Board's determination related to parole action, as contemplated by NAC 4 Nevada constitution article 4. The legislative purpose is to safeguard against arbitrary and capricious determinations. Parole is a grace of the state, that grace must be applied in a manner consistent with a uniform application and operation of laws, as well as equal protection of our system of laws. Otherwise, this Board could simply ignore the standards and only grant grace of our state through personal biases. I actually had submitted written comments that I'd like to go ahead and read as well.

Chairman DeRicco stated that the Board had received a copy of that statement that Ms. Adkisson was going to read.
Ms. Adkisson asked the Board to please consider the following comments related to your discussion of the possible modification of NAC 213.518:
In order to bring NAC 213.518 into compliance with the statutory authority conferred for its creation by the legislature pursuant to NRS 213.10885 and NRS 213.1099 this Board must establish a weighted value for each aggravating factor and each mitigating factor. Without the establishment of this objective measurement sought, no objective standard is defined. The use of any factor contemplated pursuant to NAC 213.518 for Parole action, based upon an undefined standard, is simply a subjective review and prevents a fair hearing. Parole is a grace of the state, but the Board is not permitted to grant or deny parole as a whim based on subjective standards not sufficiently defined with a weighted value. Parole action in this manner can never be said to be applied in a manner consistent with concepts of a fair hearing. It implicates equal protection issues and runs afoul of principles related to the uniform operation and application of general laws as enshrined in the Nevada constitution Article 4 subsection 21. Please establish a weighted known value for each factor related to NAC 213.518. Thank you for your consideration,

Chairman DeRicco stated that he is aware of some documents that were received regarding this regulation, and that the Board has copies of these documents. Chairman DeRicco provided that these documents may be incorporated into today's discussions. Chairman DeRicco indicated that the Board members should feel free to address any comments or submitted documentation concerning language changes to present to LCB. Chairman DeRicco provided that if there are not any changes to the proposed draft regulation, at a subsequent meeting, after LCB has had the opportunity to review the proposed language, these comments and submitted documentation will be addressed.

Chairman DeRicco asked if any of the Commissioner's cared to discuss or comment on NAC 213.518? There was no discussion.

Chairman DeRicco stated that after considering all the comments provided today, as well as the written documentation provided by Mr. Grant, Ms. Adkisson, and Mr. Quintero, I am comfortable with what has been provided on this item and I believe that it is sufficient to move forward to LCB. Chairman DeRicco provided that regarding Mr. Grant's submitted documentation, that Chairman DeRicco requested a small change to NAC 213.518(1). This change is to replace the word "additional" with the word "relevant." Chairman DeRicco stated he is requesting that NAC 215.518(1) now read, *"After establishing an initial assessment regarding whether to grant parole pursuant to NAC 213.516, the Board will consider the factors contained in NRS 213.10885 and NRS 213.1099 and may consider relevant aggravating and mitigating factors to determine whether to grant parole to a prisoner."*

Chairman DeRicco provided that after further review of this regulation, he believes that the Board should conduct another workshop on this same statute, to address subsections (2) and (3). Chairman DeRicco provided that the Board may want to clean up some of the language included in these sections for greater clarity.

Motion:	**The Board approve the proposed draft regulation changes made today in reference to NAC 213.518(1), for submittal to the Legislative Counsel Bureau for review, examination, and if appropriate, language revision.**
Made:	**Chairman DeRicco**
Seconded By:	**Commissioner Verchio**
Votes in Favor:	**DeRicco, Jackson, Baker, Weisenthal, Christiansen, Bailey, Verchio**
Votes Opposed:	**None**
Results:	**Motion Passed**

V. **For discussion and possible action**: The Board will discuss and may take action to update and or modify the "Operation of the Board" document that outlines the procedural functioning of the Board. This document may be updated and modified in the future as needed.

Chairman DeRicco discussed the Boards ongoing project of updating and reviewing selected sections in the Operation of the Board manual as discussed at the August 30, 2021 Board meeting.

Chairman DeRicco introduced the first section for review, Chairman's Veto of Recommendation to Deviate from Guidelines. He referred to the suggested changes as noted in the handout "Chairman's Veto." Board members agreed that the proposed language changes were appropriate.

Motion:	**Approve the Chairman's Veto of Recommendation to Deviate from Guidelines as distributed.**
Made:	**Commissioner Jackson**
Seconded By:	**Commissioner Bailey**
Votes in Favor:	**DeRicco, Jackson, Baker, Weisenthal, Christiansen, Verchio, Bailey**
Votes Opposed:	**None**
Results:	**Motion Passed**

Chairman DeRicco introduced the second section for review, Parole Applications. He referred to the suggested changes as noted in the handout "Parole Applications." Board members agreed that the suggested language changes were appropriate as distributed.

Motion:	**Approve the Parole Applications section as distributed.**
Made:	**Commissioner Baker**
Seconded By:	**Commissioner Weisenthal**
Votes in Favor:	**DeRicco, Jackson, Baker, Weisenthal, Christiansen, Verchio, Bailey**
Votes Opposed:	**None**
Results:	**Motion Passed**

Chairman DeRicco introduced the next section for review, Case Hearing Representatives. He referred to the suggested changes as noted in the handout "Case Hearing Representatives." Commissioner Weisenthal read section two. He explained that at a prior meeting Chairman DeRicco read a list of all Hearing Examiners and Hearing Representatives, so he felt it was necessary to be included in the Operations of the Board. Board members agreed that the suggested language changes were appropriate as distributed.

Motion:	**Approve the Case Hearing Representatives section as distributed.**
Made:	**Commissioner Bailey**
Seconded By:	**Commissioner Verchio**
Votes in Favor:	**DeRicco, Jackson, Baker, Weisenthal, Christiansen, Verchio, Bailey**
Votes Opposed:	**None**
Results:	**Motion Passed**

Chairman DeRicco introduced the fourth section for review, Parole Violation Hearings. He referred to the suggested changes as noted in the handout "Parole Violation Hearings." Board members agreed that the suggested language changes were appropriate as distributed.

Motion:	**Approve the Parole Violation Hearings section as distributed.**
Made:	**Commissioner Jackson**
Seconded By:	**Commissioner Baker**
Votes in Favor:	**DeRicco, Jackson, Baker, Weisenthal, Christiansen, Verchio, Bailey**
Votes Opposed:	**None**
Results:	**Motion Passed**

Chairman DeRicco introduced the final section for review, Parole Hearings. He referred to the suggested changes as noted in the handout "Parole Hearings." Board members agreed that the suggested language changes were appropriate as distributed.

Motion:	**Approve the Parole Hearings section as distributed.**
Made:	**Commissioner DeRicco**
Seconded By:	**Commissioner Verchio**
Votes in Favor:	**DeRicco, Jackson, Baker, Weisenthal, Christiansen, Verchio, Bailey**
Votes Opposed:	**None**
Results:	**Motion Passed**

VI. **For discussion and possible action:** The Board will consider and act on an Order issued by the Supreme Court of the State of Nevada in the matter of David Levoyd Reed vs. Brian E. Williams, Sr., Warden, Case No. 82059. The Office of the Nevada Attorney General will provide the Board with an overview of the order. The Board will determine how to proceed, which may include whether to seek en banc reconsideration of this ruling**.** The Board may interrupt the open meeting and exclude the public for the purpose of having an attorney-client discussion of this matter pursuant to NRS 241.015(3)(b)(2).

Chairman DeRicco called for this open meeting agenda item to be interrupted to exclude the public for the purpose of having an attorney/client discussion of this matter, pursuant to NRS 241.015(3)(b)(2).

Chairman DeRicco called the meeting back on record.

Motion:	**The Nevada Board of Parole Commissioners not seek en banc consideration of the order issued by the Supreme Court of the State of Nevada in the matter of David Levoyd Reed vs. Brian E. Williams, Sr., Warden, Case No. 82059.**
Made:	**Commissioner DeRicco**
Seconded By:	**Commissioner Bailey**
Votes in Favor:	**DeRicco, Jackson, Baker, Weisenthal, Christiansen, Verchio, Bailey**
Votes Opposed:	**None**
Results:	**Motion Passed**

VII. **Public Comment.** No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2) of NRS 241.020.

Public comment – Carson City, NV
No public comment.

Public comment – Las Vegas, NV
No public comment.

VIII. **For possible action**: The Board may act to adjourn the meeting.

Motion:	**To adjourn the September 29, 2021 meeting of the Nevada Board of Parole Commissioners**
Made:	**Commissioner DeRicco**
Seconded By:	**Commissioner Christiansen**
Votes in Favor:	**DeRicco, Jackson, Baker, Weisenthal, Christiansen, Verchio, Bailey**
Votes Opposed:	**None**
Results:	**Motion passed**

Patricia Adkisson

702-505-2861

faithandjoesmom@gmail.com

Nevada Board of Parole Commissioners

1677 Old Hot Springs Rd. Suite A Room 301

Carson City, NV. 89706

September. 25, 2021

RE; PUBLIC COMMENTS AGENDA ITEM IV- MEETING OF THE BOARD SEPTEMBER.29, 2021

Dear Board,

Please consider the following comments related to your discussion of the possible modification of NAC 213.518; In order to bring NAC 213.518 into compliance with the statutory authority conferred for its creation by the legislature pursuant to NRS 213.10885 and NRS 213.1099 this board **MUST** establish a **WEIGHTED VALUE** for each aggravating factor and each mitigating factor. Without the establishment of this objective measurement sought, no objective standard is defined. The use of any factor contemplated pursuant to NAC 213.518 for Parole action, based upon an undefined standard, is simply a subjective review and prevents a fair hearing.

Parole is a grace of the state, but the board is not permitted to grant or deny parole as a whim based on subjective standards not sufficiently defined with a weighted value. Parole action in this manner can never be said to be applied in a manner consistent with concepts of a fair hearing. It implicates equal protection issues and runs afoul of principles related to the uniform operation and application of general laws as enshrined in the Nevada constitution Article 4 subsection 21. Please establish a weighted known value for each factor related to NAC 213.518.

Thank you for your consideration,

Patricia Adkisson

Evan Grant - 1159544
NNCC
P.O Box 7000
Carson City, NV 89702

September 21, 2021

RE: NAC 213.518(1) Workshop Comments

Nevada Board of Parole Commissioners:

Thank you for holding this NAC 213.518(1) workshop in response to my NAC 213.518 NRS 233B.100 Petition. I have reviewed the proposed NAC 213.518(1) language and, while it is a step in the correct direction, the amendment falls short of what is needed to correct the legal issues within NAC 213.518(1).

NRS Chapter 233B grants the Board authority to adopt, file, amend and repeal Nevada Administrative Codes. NRS 233B.040(1) provides:

> To the extent authorized by the statutes applicable to it, each agency may adopt reasonable regulations to aid it in carrying out the functions assigned to it by law and shall adopt such regulations as are necessary to the proper execution of those functions. ... In every instance, the power to adopt regulations to carry out a particular function is limited by the terms of the grant of authority pursuant to which the function was assigned.

Under the proposed amendment, NAC 213.518(1) would read:

> After establishing an initial assessment regarding whether to grant parole pursuant to NAC 213.516, the Board will consider the factors contained in NRS 213.10885 and NRS 213.1099 and may consider additional aggravating and mitigating factors to determine whether to grant parole to a prisoner.

In three unique ways, the proposed NAC 213.518(1) language exceeds the grant of authority given to the Board in NRS 213.10885.

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First, NAC 213.518(1) would still rely on the NAC 213.516 initial assessment to determine when the Board can execute NAC 213.518. 10 of the 15 NAC 213.516 initial assessment results grant or deny parole without any execution of NAC 213.518. The issue pertaining to NAC 213.518(1)'s dependency on NAC 213.516 lies in NRS 213.10885. NRS 213.10885 is an enabling statute of NAC 213.518 and provides in pertinent part:

> 2. In establishing the standards, the Board shall consider ... all other factors which are relevant in determining the probability that a convicted person will live and remain at liberty without violating the law if parole is granted or continued. The other factors the Board considers must include, but are not limited to:
> (a) The severity of the crime committed;
> (b) The criminal history of the person;
> (c) Any disciplinary action taken against the person while incarcerated;
> (d) Any previous parole violations or failures;
> (e) Any potential threat to society or to the convicted person; and
> (f) The length of his or her incarceration.

By stating "[T]he Board shall...", NRS 213.10885(2) mandates the Board consider "[A]ll other factors which are relevant...." In the case of Anselmo v. Bisbee, 396 P.3d 848 (Nev. 2017), the Nevada Supreme Court defined "relevant" as meaning "applicable". Therefore, any factor that applies to a prisoner must be considered by the Board.

Under the current and proposed language, NAC 213.518(1) being dependent upon NAC 213.516 does not conform to the Legislature's NRS 213.10885(2)-(1)(f) mandate. Every time the NAC 213.516 initial assessment does not order NAC 213.518 factor consideration, NAC 213.518(1) impermissibly allows for the Board

to skip consideration of every applicable NAC 213.518(2) & (3) factor, and, with the amendment, all 6 of the enumerated factors contained in NRS 213.10885(2)(a) - (f).

Per NRS 233B.040(1), the Board is limited in its authority to adopt regulations pursuant to the requirements of applicable statutes. NRS 213.10885(2) is applicable and requires the Board to consider all relevant factors, including those contained in NRS 213.10885(2)(a) - (f). For these reasons, the Board must consider every NAC 213.518 factor that applies to a prisoner every time that prisoner is considered for parole.

To fix this issue, NAC 213.518(1)'s dependency on the NAC 213.516 initial assessment must be repealed.

Second, the NAC 213.518(1) amendment would continue to leave NAC 213.518(2) & (3) factor consideration discretionary when the Board executes NAC 213.518. By retaining the NAC 213.518(1) language, "[M]ay consider additional aggravating and mitigating factors...," the Board leaves consideration of those factors as a choice.

As previously stated, NRS 213.10885(2) states that all relevant factors shall be considered, therefore, the Board does not get to choose which NAC 213.518(2) & (3) factors it wishes to consider or not consider. If an NAC 213.518 factor is relevant, meaning applicable, the Board does not legally have a choice. The factor must be considered. Again, per NRS 233B.040(1), the Board is limited in its authority to adopt regulations pursuant to the requirements of applicable statutes.

To fix this issue, the words "may consider additional" in NAC 213.518(1) should be replaced with "relevant".

Third, NRS 213.10885(1) provides, in part: "The [Board's] standards must be based upon objective criteria for determining the person's probability of success on parole." Presently and under the proposed amendment, as use of the word "may" makes NAC 213.518(2) & (3) factor consideration absolutely discretionary, NAC 213.518 does not contain language stating when or how the Board considers any NAC 213.518(2) or (3) factor.

Discretionary factor consideration is subjective, the opposite of objective. Per the Legislative intent of NRS 213.10885(1), any interested person should be able to read the Board's NACs and determine whether a prisoner should be granted or denied parole. Without specifying when or how any NAC 213.518(2) or (3) factor is to be considered, it is literally impossible for anyone, including the Board at large, to determine if a prisoner should be granted or denied parole as each parole consideration will be influenced by the subjective bias of the participating Board members. Once again, per NRS 233B.040(1), the Board is limited in its authority to adopt regulations pursuant to the requirements of applicable statutes.

To fix this issue, the Board must adopt NAC 213.518 language specifying when and how NAC 213.518 factors are to be considered.

Ultimately, the Board recognizing that there are mandatory elements to NRS 213.10885 and NRS 213.1099 is an improvement in NAC 213.518(1)'s language. However, for the reasons discussed in this submission, it is insufficient. The Legislature decides what the Board is required to do. The current and proposed NAC 213.518(1) language does not meet those requirements. The Board

has a duty to comply with its statutory obligations. Judging law breakers through a process, which itself, breaks laws, does not bring justice to Nevada's victims, it only creates more.

Evan Grant

Evan Grant

John Quinten #93282
NNCC PO Box 7000
Carson City NV 89

09/08/2021

Parole Commissioners
1677 Old Hot Springs Rd Ste A
CC NV 89706

Re: Comment for 09/29/2021 Workshop
To Be Placed Into the Record

Greetings:

Please consider the following comments and proposed Amendments:

1) The word "will" is the helping verb similar to shall; will this mandatoriness ascribed to "shall" in definitions section be applied to "will"?
2) NRS 213.10885 (1)(a) Uses word "standards" is this word syonymous with "factors" for the purpose of parole consideration?
3) NRS 213.10885(1)(f) states that the standard created by regulation "must be based on objective criteria for determining probability of success on parole." Has the Board researched, and established the "objective criteria" which would be the justifying cause to invoke any mitigating or aggravating

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factors listing under NAC 213.518 (2) + (3)?
If affirmed are these objective criteria published?

4. In practice NDOC makes a parole report and includes a crime related risk assessment that is derived from the cumulative weighted score of measurement criteria; then the Board does its own predictive weighted risk assessment, the scores of which fluctuate in relation to actuarial studies that tabulate the recidivism rates of occurrence, such that 18 year olds recidivism rates are higher than 65 year olds, correct?

This question assumes facts not in evidence except by omission in the Regulation 213.518: Why does the Board deviate from the statutory command to be based on objective criteria by placing objective values on each factor listed under aggravating and mitigator in section (2) and (3) of 213.518? Does not leaving these factors up to the CLINICAL JUDGMENT OF THE BOARD defeat the very purpose of the legislative mandate to use objective criteria to determine probability of success on parole?

5. Based on anecdotal first hand experience the parole applicants are not given a copy of the Parole Board's additional risk assessment and guideline prior to the parole hearing. This official non-disclosure does not allow the inmate applicant any fair notice or opportunity to prepare for the hearing to improve his chances to be granted parole. Based on this what governmental interest exists that would outweigh the individual's fundamental right to notice of the assessment and opportunity to improve his chances at parole by addressing that report. Any concerning language could be redacted from text.

I wish to present formal requests to modify proposed language per NRS 233B.100 and these will be forthcoming due to current services interruptions due to lockdown COVID protocols. ~~Best~~ Respectfully,

John C. Winters

cc NV DAG 555 Wright Way CC