

REC'D & FILED

2022 DEC 16 PM 4: 10

ASSISTANT DISTRICT ATTORNEY
J. HIGGINS

BY _____ DEPUTY

1 CHRISTOPHER J. HICKS
2 #7747
3 One South Sierra Street
4 Reno, Nevada 89501
5 (775) 328-3200
6 districtattorney@da.washoecounty.gov
7 Attorney for Petitioner

8
9 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
10
11 IN AND FOR CARSON CITY

12 * * *

13 THE STATE OF NEVADA,

14 Petitioner,

Case No. *22EW 00047 1B*

15 v.

Dept. No. *II*

16 NEVADA BOARD OF PARDONS,
17 STEVE SISOLAK, GOVERNOR,

18 Respondent.

19 _____
20 STATE OF NEVADA'S EMERGENCY PETITION FOR WRIT OF MANDAMUS
21 AND/OR PROHIBITION

22 COMES now, the State of Nevada, by and through Christopher J. Hicks, Washoe
23 County District Attorney, and Jennifer P. Noble, Chief Deputy District Attorney, and
24 files this Petition for Writ of Mandamus and/or Prohibition seeking an order prohibiting
25 the Nevada State Board of Pardons Commissioners ("the Board") from considering
26 Amended Agenda Item VI at its December 20, 2022 meeting, or, alternatively,
mandating that the Board comply with the provisions of NRS Chapter 213, NAC Chapter
213, and Article 1, Section 8A of the Nevada Constitution prior to commutation of all
Nevada death sentences. This Emergency Petition is filed pursuant to Sections 3.11(b),
3.19 (a)(1), and 3.19 (2) of the Rules of Practice for the First Judicial District Court

1 because on December 14, 2022, the Board indicated it will consider commutation of all
2 death sentences in Nevada on December 20, 2022. Exhibit 1. This action item on the
3 Board's agenda is in direct violation of NRS Chapter 213, NAC 213, and Article 1, Section
4 8A of the Nevada Constitution.

5 I. NATURE OF THE CASE

6 A. The Board, consisting of the Governor, the Attorney General, and the seven
7 justices of the Supreme Court are scheduled to meet on Tuesday, December 20,
8 2022 to consider commuting sentences, granting pardons and restoring the civil
9 rights of applicants listed on the agenda.

10 B. On December 14, 2022, the Board posted an amended agenda to its website
11 adding Item VI, which reads: "For possible action is a discussion whether to
12 commute all sentences of death for offenders convicted and sentenced to death in
13 Nevada to a sentence of life without the possibility of parole." Exhibit 1.

14 II. BACKGROUND

15 During the 2021 session of the Nevada Legislature, Assembly Bill 395 was
16 introduced. The bill would have abolished the death penalty in Nevada. After weeks of
17 legislative hearings and debate, Governor Steve Sisolak announced on May 13, 2021,
18 that there was "no path forward" for AB 395, explaining:

19 "I've been clear on my position that capital punishment should be
20 sought and used less often, but I believe there are severe situations that
21 warrant it," the first-term Democrat added. "I understand there are those
22 who will be disappointed by this outcome, however the process of
23 determining which crimes are severe enough to warrant this punishment
24 deserves *thoughtful consideration*."

25 Exhibit 1 (emphasis added).

26 Consistent with Article 1, Section 8A of the Nevada constitution, the Governor
further recognized that victim input is critical to the process: "As Governor, I strongly

1 believe that this discussion requires robust communication and input so that the voices
2 of victims' families and the advocates of the proposed measure can be heard." *Id.*

3 On November 11, 2022, Governor Sisolak conceded that he had lost his re-
4 election bid to Clark County Sheriff Joe Lombardo. On November 17, 2022, the original
5 agenda for the Nevada Board of Pardons Commissioners was posted. On the evening of
6 Wednesday, December 14, 2022, the Nevada Board of Pardons Commissioners
7 amended its agenda for its scheduled December 20, 2022. Item VI on that agenda
8 simply read: "For possible action is a discussion whether to commute all sentences of
9 death for offenders convicted and sentenced to death in Nevada to a sentence of life
10 without the possibility of parole." Exhibit 1.

11 On December 15, 2022, a spokesperson for the Governor acknowledged that Item
12 IV had been added at the Governor's request, explaining: "[T]he Governor has always
13 said that capital punishment should be sought and used less often, and he believes this
14 is an appropriate and necessary step forward in the ongoing conversation and
15 discussion around capital punishment." *Id.*

16 There are currently 57 inmates on death row in Nevada. Of these, ten were
17 prosecuted by the Washoe County District Attorney's office, and sentenced by Washoe
18 County juries: John Bejarano, James Biela, David Bollinger, Tamir Hamilton, Robert
19 McConnell, David Middleton, Pedro Rodriguez, Siasosi Vanisi, Cary Williams, and
20 Edward Wilson.

21 III. STANDARD OF REVIEW

22 "A writ of mandamus is available to compel the performance of an act that the
23 law requires . . . or to control an arbitrary or capricious exercise of discretion." *Int'l*
24 *Game Tech., Inc. v. Second Judicial Dist. Ct.*, 124 Nev. 193, 197, 179 P.3d 556, 558
25 (2008); *see also* NRS 34.160; *Humphries v. Eighth Judicial Dist. Ct.*, 129 Nev. 788, 791,
26 312 P.3d 484, 486 (2013). A writ of prohibition is appropriate when a district court acts

1 without or in excess of its jurisdiction. NRS 34.320; *Club Vista Fin. Servs. v. Eighth*
2 *Judicial Dist. Court*, 128 Nev. 224, 228, 276 P.3d 246, 249 (2012); *see also Smith v.*
3 *Eighth Judicial Dist. Ct.*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991).

4 A writ of prohibition is appropriate to arrest the upcoming proceedings of the
5 Board of Pardons. A writ of prohibition is available to “arrest the proceedings of any
6 tribunal corporation, board or person exercising judicial functions, when such
7 proceedings are without or in excess of the jurisdiction of such tribunal, corporation,
8 board or person.” NRS 34.320. A writ of prohibition “is the counterpart of the writ of
9 mandate” and is appropriate here where “any tribunal, corporation, board, or person
10 exercising judicial functions” acts without or in excess of its jurisdiction. NRS 34.320;
11 *see also Club Vista Fin. Servs. v. Eighth Judicial Dist. Court*, 128 Nev. 224, 228, 276
12 P.3d 246, 249 (2012); *Smith v. Eighth Judicial Dist. Ct.*, 107 Nev. 674, 677, 679, 818
13 P.2d 849, 851, 853 (1991). Should the Board of Pardons grant a commutation of all
14 death penalty sentences in the State of Nevada, there is no other remedy available to
15 preclude this relief other than through the issuance of a writ of prohibition.

16 Where there is no “plain, speedy, and adequate remedy in the ordinary course of
17 law,” extraordinary relief may be available. NRS 34.170; NRS 34.330; *see Oxbow*
18 *Constr., LLC v. Eighth Judicial Dist. Ct.*, 130 Nev. 867, 872, 335 P.3d 1234, 1238 (2014).
19 A petitioner bears the burden of demonstrating that the extraordinary remedy of
20 mandamus or prohibition is warranted. *Gardner on Behalf of L.G. v. Eighth Judicial*
21 *Dist. Ct.*, 405 P.3d 651, 653 (Nev. 2017); *see also Pan v. Eighth Judicial Dist. Ct.*, 120
22 Nev. 222, 228, 88 P.3d 840, 844 (2004). An appeal is generally an adequate remedy
23 precluding writ relief. *Pan*, 120 Nev. at 224, 88 P.3d at 841; *see also Bradford v. Eighth*
24 *Judicial Dist. Ct.*, 129 Nev. 584, 586, 308 P.3d 122, 123 (2013). The Court may consider
25 writ petitions when an important issue of law needs clarification and considerations of
26

1 sound judicial economy are served. *Renown Reg'l Med. Ctr. v. Second Judicial Dist.*
2 *Ct.*, 130 Nev. 824, 828, 335 P.3d 199, 202 (2014).

3 This Court may review the Board's planned action at the December 20, 2022
4 meeting for an arbitrary or capricious abuse of discretion. *Int'l Game Tech.*, 124 Nev. at
5 197, 179 P.3d at 558. "An arbitrary or capricious exercise of discretion is one founded on
6 prejudice or preference rather than on reason, or contrary to the evidence or established
7 rules of law...." *State v. Eighth Judicial Dist. Ct. (Armstrong)*, 127 Nev. 927, 931-32,
8 267 P.3d 777, 780 (2011) (internal quotations and citations omitted). "A manifest abuse
9 of discretion is a clearly erroneous interpretation of the law or a clearly erroneous
10 application of a law or rule." *Armstrong*, 127 Nev. at 932, 267 P.3d at 780 (internal
11 quotations omitted). Questions of law are reviewed de novo, even in the context of writ
12 petitions. *Moseley v. Eighth Judicial Dist. Ct.*, 124 Nev. 654, 662, 188 P.3d 1136, 1142
13 (2008).

14 IV. JURISDICTION

15 The Nevada Board of Pardons Commissioners is an agency of the State composed
16 of public officers. Nev. Const. Art. 5, Sec. 14. District courts have jurisdiction to issue a
17 writ of mandamus and/or a writ of prohibition to an inferior tribunal, corporation,
18 board or person when no plain, speedy or adequate remedy exists in the law. NRS
19 34.160; NRS 34.170; NRS 34.330. The Nevada Constitution, the State Board of Pardons
20 Commissioners is comprised of the Governor, the justices of the Supreme Court and the
21 Attorney General. A vote by the Board of Pardons passes when a majority of the Board
22 votes in favor of any action. Nev. Const. Art 5, Sec. 14(6).

23 As a Board of the State, its operations are governed by statute and administrative
24 code. NRS 233B, the Nevada Administrative Procedure Act, confers the authority for
25 the Legislature to create the minimum procedural requirements for agencies of the
26 executive branch. The Nevada Administrative Code confers regulations that are

1 required for the proper execution of a board's functions. As such, the Nevada
2 Administrative Code carries the "force of law and must be enforced by all peace
3 officers." NRS 233B.040. Nevada Administrative Code Chapter 213 contains the rules
4 and regulations that govern the operations of the State Board of Pardons
5 Commissioners. NAC 213 also works in conjunction with NRS 213, which contain the
6 statutory requirements regarding the Board of Pardons Commissioners.

7 The agenda for the December 20, 2022 meeting provides that it will occur at the
8 Nevada Supreme Court in Carson City. Therefore, venue is properly situated with this
9 Court. NRS 13.020 provides, in relevant part:

10 Venue of actions for recovery of penalties and forfeitures; actions against public
11 officers; actions against State of Nevada.

12 Actions for the following causes must be tried in the county where the cause, or
13 some part thereof, arose, subject to the power of the court to change the place of
14 trial:

15 2. Against a public officer, or person especially appointed to execute the duties of
16 a public officer, for an act done by him or her in virtue of the office, or against a
17 person who, by his or her command, or in his or her aid, does anything touching
18 the duties of the officer.

19 3. Against the State of Nevada or any agency of the State for any tort action,
20 except that any such tort action may also be brought in Carson City.

21 V. ARGUMENT

22 A. Consideration of Item VI at the December 20, 2022 Board Meeting Would 23 Violate NRS Chapter 213 and NAC Chapter 213.

24 1. The application requirements have not been met.

25 The addition of item VI, requiring consideration of "all sentences of death," was
26 posted to the Board's website a mere three business days prior to the meeting, providing
victims, prosecutors, and the general public with inadequate time to prepare, object, or
otherwise respond. It does not provide for the "thoughtful consideration" that Governor
Sisolak previously acknowledged should be afforded such decisions. That consideration

1 must include input from the prosecuting agencies and opportunity for victims in 57 of
2 the most aggravated, egregious murders in Nevada history to be heard.

3 Both the NAC and NRS mandate that any pardon or commutation must begin
4 with an application to the Board. NRS 213.020, NAC 213.040. Only upon the receipt of
5 an application can a person even be then selected for consideration by the Board.

6 Any person intending to apply to have their punishment commuted must submit
7 an application to the Board. NRS 213.020 (1). In non-death penalty cases, the Board
8 must provide notice of the application to the district attorney and district judge in the
9 county of conviction. NRS 213.020 (2). While NRS 213.030 (2) suggests that the Board
10 may be exempt from the *notice* requirement in death penalty cases,¹ an *application* is
11 still required under NRS 213.020 (1). Additionally, the application must be submitted
12 not less than 90 days prior to the Board meeting, unless the Governor prescribes a
13 shorter period of time for a special hearing. NAC 213.040. Here, neither the amended
14 agenda nor materials posted to the Board's website reflect that applications have been
15 submitted in accordance with NRS 213.020 (1). The hearing scheduled for December
16 20, 2022 is a regularly scheduled semiannual meeting, and not noticed as a "special
17 hearing."² See NRS 213.020 (1), NRS 213.040 (3), NAC 213.020. Thus, the application
18 requirement for "all persons sentenced to death" has not been met.

19 NRS chapter 213 and NAC chapter 213 make clear that individual applications by
20 each death row inmate are required prior to consideration by the Board. The provisions
21 of the NAC are subject to the same principles of statutory interpretation applicable to
22 the NRS. *Silver State Elec. V. State, Dep't of Tax*, 123 Nev. 80, 85, 157 P.3d 710, 713
23 (2007). "When the text of a statute is plain and unambiguous, [the court] should...not

24 _____
25 ¹ As discussed in subsection 3 below, the State submits that notice is actually required
26 by other provisions of the Nevada Revised Statutes and Nevada Administrative Code
under these circumstances.

² Article 5, Section 14(4) of the Constitution of the State of Nevada provides, "The State
Board of Pardons Commissioners shall meet at least quarterly."

1 go beyond that meaning.” *Star Ins Co. v Neighbors*, 122 Nev. 733, 776, 138 P.3d 507,
2 510 (2006).

3 Equally evident in the plain meaning of the statutory and administrative code is
4 the Board’s obligation to make an individualized determination in each clemency
5 matter. Even if individual applications had been submitted for each of the 57 persons
6 on death row, the type of individualized determination that is mandated by
7 NRS Chapter 213 and NAC chapter 213 would be impossible to accomplish at a single
8 meeting of the Board. Agenda item VI contemplates generalized relief from “all
9 sentences of death” rather than on an individualized basis. This codified requirement
10 for individualized sentencing decisions, based on the defendant’s character, record, and
11 circumstances of the offense, is mirrored throughout the Nevada Supreme Court’s
12 jurisprudence. *See Jeremias v. State*, 134 Nev. 46, 412 P.3d 43, 59 (2018); *Nunnery v.*
13 *State*, 127 Nev. 749, 769, 263 P.3d 235 (2011); *Browning v. State*, 124 Nev. 517, 526, 188
14 P.3d 60 (2008).

15 Moreover, the Governor’s proposed action is to grant clemency, not on an
16 individualized basis because of the facts and circumstances of a particular case, but
17 rather on the basis of an entire category of punishment. Chapter 213 does not permit
18 the Board to grant “categorical” clemencies, as this would amount to the Board creating
19 statutory exceptions to a form of punishment specifically provided for by the legislature.
20 It is not the Board’s prerogative to amend statutes.

21 In *Willmes v. Reno Municipal Court*, the defendant moved to dismiss a domestic
22 violence case based on a civil compromise with the victim. *Willmes v. Reno Municipal*
23 *Court*, 118 Nev. 831, 59 P.3d 1197 (2002). The municipal court denied the motion, not
24 based on the facts and circumstances of the case, but instead because the municipal
25 judge announced his own policy of excluding the entire category of domestic violence
26

1 cases from consideration for civil compromise in his department. *Id.* at 834, 59 P.3d at
2 1199. At the time, civil compromises were still allowed in domestic violence cases.

3 In mandamus proceedings before the Nevada Supreme Court, the municipal
4 judge's framework was struck down. "The decision to grant or deny a civil compromise
5 is within the sound discretion of the court; however, an individualized exercise of
6 discretion is necessarily required ... The legislature did not create an exception for
7 domestic battery misdemeanors, and the municipal court does not have the power to
8 judicially legislate such an exception into existence." *Id.* at 835, 59 P.3d at 1200.

9 Like the municipal judge's action in *Willmes*, the proposed Board action here
10 impermissibly skips over the requirement of an individualized determination and
11 instead carves out an entire category of punishment. The legislature did not create this
12 exception. And like the municipal judge in *Willmes*, the Board does not have the power
13 to legislate such an exception into existence.

14 2. Judicial appeals have not been exhausted.

15 Additionally, the Nevada Constitution holds the Board to the requirements and
16 restrictions of the NAC. Article 5, Section 14(2) provides that the Board "may, upon
17 such conditions and with such limitations and restrictions as they may think proper,
18 remit fines and forfeitures, commute punishments...." (emphasis added). The Board has
19 seen fit to regulate itself with the enactment of NAC Chapter 213. As a result, they are
20 constitutionally bound to adhere to the rules and regulations that they have imposed
21 upon themselves.

22 Pursuant to its own rules, the Board may not consider an application for
23 commutation by a person sentenced to the death penalty unless the person has
24 exhausted all judicial appeals. NAC 213.120. Many of the persons currently sentenced
25 to death in Nevada as a result of Washoe County convictions have not exhausted all
26 judicial appeals. James Michael Biela is pursuing relief from his conviction and

1 sentence in both the U.S. District Court, in Case 3:20-cv-00026-GMN-WGC, and the
2 Second Judicial District Court in CR08-2605. David Bollinger is pursuing relief from
3 his conviction and sentence in U.S. District Court in case 2:98-cv-01263-MMD-BNW.
4 Tamir Hamilton is pursuing relief in the U.S. District Court, in case 3:18-cv-00555-RFB-
5 WGC, and in the Second Judicial District Court in CR06-2500. Robert McConnell is
6 pursuing relief in U.S. District Court, in case 3:10-cv-0021-GMN-WGC. David
7 Middleton is pursuing relief in federal court in Case No. 3:09-cv-0638-KJD-WGC. On
8 September 6, Pedro Rodriguez sought and received a stay of the remittitur in Nevada
9 Supreme Court Docket No. 83169 in order to seek certiorari in the United States
10 Supreme Court. Sioasi Vanisi is currently pursuing certiorari in the United States
11 Supreme Court in Case No. 22-5851. Cary Williams is pursuing relief in U.S. District
12 Court in Case No. 2:98-cv-00056-APG-VCF. Edward Wilson is pursuing relief in U.S.
13 District Court Case No. 2:98-cv-01174-GMN-PAL. Each of these defendants is still
14 pursuing judicial avenues for relief and additional litigation is likely to follow even after
15 the conclusion of their current claims. As such, the Board may not consider commuting
16 the sentences of these individuals at its hearing on December 20, 2022. *See* NAC
17 213.120.

18 3. The notice requirements have not been met.

19 Generally, NRS 213.020 requires the Secretary of the Board provide one copy of
20 the application, as well as notice of the hearing date, to the district attorney and district
21 judge in the county of conviction, at least 30 days in advance of the hearing. But NRS
22 213.030 exempts the Board from these requirements where the application concerns
23 commutation of the death penalty. However, NRS 213.010 (3) requires the Board to
24 give written notice at least 15 days before a meeting to each victim of the crimes
25 committed by each person whose application for clemency will be considered, but omits
26 the requirement that a copy of the application be provided.

1 Commutation of a death sentence is one form of clemency. *Colwell v. State*, 112
2 Nev. 807, 919 P.2d 403 (1996)(“NRS 213.085 addresses only an aspect of commutation
3 and does not address other forms of clemency, including the pardon power”); NAC
4 213.011 (“‘Clemency’ means the remission or lessening of a punishment to which a
5 person convicted of a crime was sentenced and includes [...] the commutation of a
6 punishment”). “If an application for clemency is selected for the consideration of the
7 Board at a meeting, the Secretary shall, in accordance with NRS 213.010, notify any
8 victim of the crime for which clemency is sought.” NAC 213.187. The term “victim”
9 includes relatives of persons who have been killed as a result of the murders committed
10 by each of the persons currently sentenced to death in Nevada.

11 “Whenever possible, this court will interpret a rule or statute in harmony with
12 other rules or statutes.” *State, Div. of Ins. V. State Farm Mut. Auto Ins. Co.*, 116 Nev.
13 290, 995 P.2d 482 (2000). Application of this rule of statutory construction, as well as
14 Article 1, Section 8A of the Nevada Constitution, support a harmonious interpretation of
15 NRS Chapter 213 exempting the Secretary from notifying the district attorney and
16 district judge in death penalty cases, but still requiring victims be provided at least 15
17 days notice before a meeting. Here, the Board has violated NRS Chapter 213 because it
18 has not been properly notified victims regarding the hearing scheduled for December
19 20, 2022, and based upon the late date of the amended agenda, it is impossible to
20 provide them with 15 days notice.

21 **4. The Board’s Scheduled Consideration of Commuting All Death Sentences**
22 **Violates the Nevada Constitution.**

23 Article 1, Section 8A of the Nevada Constitution provides that victims of crime
24 have the right to be treated with fairness and dignity, to reasonable notice of all public
25 proceedings, including postconviction proceedings, and to be reasonably heard at any
26 public proceeding involving sentencing or parole. *See Nev. Const. Art 1, Sec. 8A (g),(h),*

1 and (n). Many of the victims in death penalty cases have waited for decades for the
2 sentences imposed pursuant to jury's verdicts to be carried out. Now, the Board's
3 proposed action would violate these rights by failing to provide them with reasonable
4 notice of these public proceedings, so that they may exercise their constitutional right to
5 be reasonably heard regarding the proposed commutation of 62 death sentences.

6 VI. CONCLUSION

7 The Board's planned action, if it occurs, will violate the Nevada Revised Statutes,
8 the Nevada Administrative Code, and the Nevada Constitution. The Washoe County
9 District Attorney's Office has no plain, speedy, or adequate remedy at law. It is
10 respectfully submitted that this Court should issue an order prohibiting the
11 consideration of Amended Agenda Item VI at the December 20, 2022 meeting, or,
12 alternatively, mandating that the Board comply with the provisions of NRS Chapter 213,
13 NAC Chapter 213, and Article 1, Section 8A of the Nevada Constitution prior to
14 consideration of commutation of all Nevada death sentences.

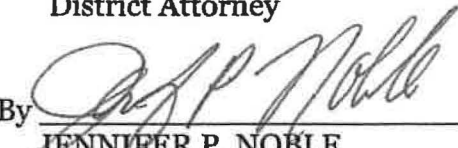
15 AFFIRMATION PURSUANT TO NRS 239B.030

16 The undersigned does hereby affirm that the preceding document does not
17 contain the social security number of any person.

18 DATED: December 16, 2022.

19
20 CHRISTOPHER J. HICKS
District Attorney

21 By: 
22 CHRISTOPHER J. HICKS
District Attorney

23
24 By: 
25 JENNIFER P. NOBLE
Chief Deputy District Attorney
26

VERIFICATION

1. I, Jennifer P. Noble, declare:
2. That I am a Chief Deputy District Attorney in the Washoe County District Attorney's Office;
3. I verify that I have read the foregoing Petition for Writ of Mandamus and/or Prohibition and that the same is true to my own knowledge, except for those matters therein stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury of the laws of Nevada, that the foregoing is true and correct.


JENNIFER P. NOBLE

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that on December 16, 2022, I served a true and correct copy of this Emergency Petition for Writ of Mandamus and/or Prohibition by personally serving it upon:

Attorney General, Aaron Ford
100 North Carson Street
Carson City, Nevada 89701

Governor Steve Sisolak
101 North Carson Street
Carson City, Nevada 89701

Denise Davis
Nevada Board of Pardons Commissioners
1677 Old Hot Springs Road, Ste. A
Carson City, Nevada, 89706

Elizabeth Brown
Clerk
Nevada Supreme Court
201 S. Carson St. #201
Carson City, NV 89701

By 

EXHIBIT INDEX

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Exhibit 1 – Board of Pardons, Amended Meeting Notice and Agenda,
4 pages

EXHIBIT 1

EXHIBIT 1

STATE OF NEVADA

ADDRESS ALL COMMUNICATIONS TO:

PARDONS BOARD
1677 OLD HOT SPRINGS ROAD
SUITE A
CARSON CITY, NEVADA 89706
TELEPHONE (775) 687-6568
FAX (775) 687-6736

DENISE DAVIS, Executive Secretary



BOARD OF PARDONS
STEVE SISOLAK
Governor, Chairman
AARON D. FORD
Attorney General, Member
RONALD D. PARRAGUIRRE
Chief Justice, Member
JAMES W. HARDESTY
Justice, Member
LIDIA S. STIGLICH
Justice, Member
ELISSA F. CADISH
Justice, Member
KRISTINA PICKERING
Justice, Member
DOUGLAS W. HERNDON
Justice, Member

BOARD OF PARDONS

AMENDED MEETING NOTICE AND AGENDA

Date and Time: 9:00 AM – Tuesday, December 20, 2022

**Location: Nevada Supreme Court
201 South Carson Street, Carson City, Nevada
&
Video Conference to
Nevada Supreme Court
408 East Clark Avenue
Las Vegas, Nevada**

The State Board of Pardons Commissioners (Board) will consider commuting sentences, granting pardons and restoring the civil rights of the applicants listed on this agenda. The Board may take action to commute or modify the sentence of a prisoner, grant a full and unconditional pardon**, grant a conditional pardon***, deny a request, or take no action on a request. The Pardons Board may restore the right to bear arms to an applicant even if the applicant has not specifically requested such action.

Items on the agenda may be taken out of order. The Board may combine two or more agenda items for consideration. The Board may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

The Board may place reasonable restrictions on the time, place, and manner of public comments; however, comments based on viewpoint will not be restricted. The Board may limit such comments to three minutes per person.

** A full and unconditional pardon restores all civil rights lost as a result of the conviction including the right to bear arms. The Pardon instrument will specify that the person does not have to comply with the registration requirements pursuant to NRS 179C.100(6).

***The Board may condition or limit the Pardon by excluding the restoration of the right to bear arms, by requiring that the person continue to register as an ex-felon as required by NRS 179C or impose any legal or reasonable condition as long as it does not offend the Nevada Constitution or the Constitution of the United States.

9:00 AM		
I.		Roll call; and determination of quorum
II.		Public Comment. Members of the public may comment on the agenda at this time. 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.
III.		For possible action is a discussion that may include but is not limited to a commutation of the sentence(s) of the following Nevada Department of Corrections inmates, a denial of the request or no action may be taken on the following inmate applicants with said item possibly taken out of order, combined for consideration by the Board and/or pulled or removed from the agenda at any time.
	A.	Brian Brown -Washoe County Murder, Attempt Murder, & Use of Deadly Weapon (2)
IV.		For possible action is a discussion that may include but is not limited to grant a full and unconditional pardon with restoration of all civil rights including the right to bear arms, grant a conditional or limited pardon, deny a request or take no action on the following community case applicants with said items possibly taken out of order, combined for consideration by the Board and/or pulled or removed from the agenda at any time.
	aa.	Jason Landis -Washoe County Battery Domestic Violence in 1997
	bb.	Hershel Rosenbaum -Washoe County Child Abuse in 2012
	cc.	David Ruffin -Clark County Battery Domestic Violence in 1996 & 1997
	dd.	Steven Harper -Clark County Possession of Stolen Property in 1993
	ee.	Katie Lindgren -Washoe County Burglary, Assault with a Deadly Weapon in 2007 & Being an Ex-Felon in Possession of a Firearm in 2008
	ff.	Eric Winfrey -Clark County Robbery in 1999
	gg.	Louis Hill -Washoe County Trafficking in a Controlled Substance in 2008
	hh.	Andrew Spencer -Douglas County Burglary & Possession of Stolen Property in 1991
	ii.	Jeremy Maurer -Washoe County Domestic Battery 1st Offense in 2006
	jj.	Deon Brown -Clark County Sale of Controlled Substance in 2007
	kk.	Dennis Stuckey -Clark County Battery in 2013
	ll.	Shani Terbolizard -Clark County Battery-Domestic Violence in 2010
	mm.	Michael Richwalski -Clark County Disturbing the Peace in 2001
	nn.	Benjamin Clancy -Clark County Leaving the Scene of an Accident in 2011
	oo.	Jordan Harris -Clark County Domestic Battery-First Offense in 2010
	pp.	Sulma Tomas -Clark County Conspiracy to Commit Third Degree Arson in 2007

qq.	Katherine Marie Bailey aka Wammack, & Waler, Lyon -Clark County Domestic Battery 1 st in 2006
rr.	Kenneth Haffner-Nye & Clark County Nonsupport of Children in 2007, Possession of Controlled Substance in 2008, & Possession of Stolen Property in 2009
ss.	Arturo Gonzalez Jr.-Nye County Attempt Posses of Controlled Substance in 1998
tt.	Thomas Kirsch-Washoe County Habitual Criminal x2 in 2002
V.	Approval of the September 20, 2022, meeting minutes, for possible action
VI.	For possible action is a discussion whether to commute all sentences of death for offenders convicted and sentenced to death in Nevada to a sentence of life without the possibility of parole.
VII	Public Comment. Members of the public may comment on any matter that is not specifically included on the agenda at this time. However, 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.
VIII.	Adjournment, <i>for possible action.</i>

NOTE: ANY PERSON PROVIDING INPUT IN SUPPORT OF OR IN OPPOSITION TO ANY OF THE REQUESTS MADE FOR COMMUTATION SHOULD SEND THEM DIRECTLY TO THE OFFICE OF THE EXECUTIVE SECRETARY VIA FAX 775-687-6736 OR MAIL/FEDEX TO PARDONS BOARD, 1667 OLD HOT SPRINGS RD SUITE A, CARSON CITY, NV 89706.

Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the Board may refuse to consider public comment. See NRS 233B.126.

This notice of hearing has been posted at the following locations:

CARSON CITY: Parole and Pardons Board office, 1677 Old Hot Springs Road, Suite A; Attorney General's office, 100 S. Carson Street; Carson City Library, 900 N. Roop Street. **LAS VEGAS:** Parole Board office, 4000 S. Eastern Ave, Suite 130; Attorney General's office, 555 E. Washington Avenue, Suite 3900; Parole & Probation, 628 Belrose Street; Clark County Court House, 200 S. Third Street; Clark County Main Library/reference section, 833 Las Vegas Blvd. This agenda is also posted on the Pardons Board web site located at <http://pardons.nv.gov> and the Nevada Public Notice Website at notice.nv.gov. Copies of this agenda were also mailed to every Nevada Judge, every Nevada District Attorney and every person or institution on the mailing list of the Board of Pardons.

Dated: November 17, 2022

Persons with disabilities who require special accommodations or assistance at the public hearing should notify Denise Davis, Board of Pardons Commissioners, 1677 Old Hot Springs Road, Suite A, Carson City, NV 89706, or call (775) 687-6568 or fax (775) 687-6736.

Contact Denise Davis at (775) 687-6568 or at 1677 Old Hot Springs Road, Suite A, Carson City, NV 89706 to request agenda meeting supporting material.