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Oct. 17 2021

Nevada Parole Board
1677 Old Hot Springs Rd Ste A
Carson City NV 89706

RECEIVED

OCT 21 2021

STATE OF NEVADA
PAROLE BOARD

Re: COMMENTS FOR THE RECORD OF WORKSHOP
OF OCTOBER 25 2021 PLEASE MAKE
RESPONSE ON THE RECORD

Greetings:

Please place following clarifications and concerns on the Record, which considers how to carry out NRS 213.10885 and 213.10999

1. This NAC Proposal does not address Section (1) of 213.10885, "shall adopt by regulation specific standards for each type of convicted person..."

Comment: This proposal is a catchall that does not obey the command of the sovereign. I object.

2. To clarify: The legal definition of "relevant" means "logically connected (evidence of fact) connected tending to prove a matter in issue (or disprove) having appreciable probative value, rationally tending to persuade of the probability or possibility of some alleged fact, Black's Law Dictionary 7th

In 2012, the Board was advised by the attorney general in Opinion No. 2012-02
"Since the authorizing statute does not

2. (cont.)

~~we~~ contain safeguards for accuracy, the Division and Board should adopt measures reasonable safeguards for accuracy to identify erroneous information in the reports provided to the Board."

I have tried to raise such inaccuracies in writing and at my Parole Hearings and I have been punished for doing so which is evidenced by verbal and non-verbal messaging by Board (see audio-visuals) - the last hearing Ms. Jackson says "our information from PSI differs from what you have to say."

3.) the term "factor" indicates a ~~category of~~ category of reality, not merely a category of mind (an opinion or false proposition); NRS 213.10885 states in (1) the "standards must be based upon objective criteria" (category of reality) That means each aggravator and mitigator must have a basis in fact not opinion; Therefore the Board is obligated to avoid arbitrary and capricious acts based on facts not in evidence - it is common law that police reports nor PSIs are per se evidence but reports of alleged acts based on evidence; such things are mere denunciations as used in aggressive unjust political systems such as facism, communism and the like;

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-2- Comment to Board Workshop

- 4.) All the mitigators and aggravators should be actuarially weighted and each category tabulated in a format which tabulates whether the factor is present, and what degree of weight is ~~tabulated~~ scored and deducted or added to the NDOC and Parole Risk assessment; As it stands the Parole Board acts of negating the indications of the low risk on recidivist probability are done so based NOT on factors, (categories of reality) but on categories of mind about the unpopularity or political mood of the class of crimes considered, (opinions).
- 5.) 213.10885 (4) states Board must provide greater punishment as related to recidivist patterns ~~and~~ or who commits a serious crime, with a violent crime considered the MOST SERIOUS -- the Board is not regulating the degrees of ~~of~~ seriousness, but have allowed ~~as~~ another agency to make that determination -- the Nev. Dept. of Corrections. (see NRS 209.341, and NAC 213.512)
- This violates the mandate of 213.10885 (4) which does NOT contemplate NDOC's construction and does not authorize said construction or use or creation of a "severity level" (Both attached)
- This issue must be raised now insofar as its relevant.

5.) (~~consider~~ continued)

The issue is relevant because the Board is considering the authorizing statute NRS 213.10885 and as it stands, the "Highest Severity" is a category that always must "consider factors" where as all other categories High, Moderate/Low Moderate Low & Low all at some point receive a grade grant parole which makes the entire scheme patently unfair because NDOC has made the vast majority of crimes ~~the highest~~ "Highest," and both agencies escape responsibility or answerability to any rational challenge and is based on "categories of mind" or mere sentiment, popularity of crime in general or in particular; Neither does ~~NRS~~ 213.1099 contemplate NDOC's determination of crime severity or any power to make such a regulation as 213.1099 (c) says "Board shall consider (c) the seriousness of the offense and the history of criminal conduct..."

6.) Lastly I object the Board's neglect in adapting the necessary notice and opportunity as suggested in my letter to Board dated 09/08/2021; the choice to use aggravators and mitigators is done in a government action outside presence of inmate applicant; this puts

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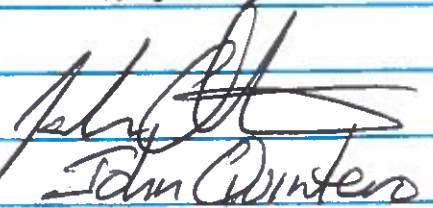
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6.) (cont.)

the applicant at disadvantage because it deprives him or her the necessary information to speak to the issues to be used against her or him during OPENING STATEMENT, at time of hearing; considering I will (nor anybody, pre-classified by NDOC to "Highest severity" will ALWAYS have mitigating ~~factor~~ and aggravating factors considered, and NEVER received the guarantee of "Grant parole" as outlined in attached copy of NAC 213.516 the lack of prior notice to prepare an opening statement to improve chances to demonstrate suitability for parole constitutes UNFAIR SURPRISE

If unfair surprise is valid under state or federal constitution then we need new ones, because when any form of government threatens basic fairness in government process it is time to alter the operational principles that guide the government.

Respectfully submitted,


John Winters

cc K. Brady NV DAG 555 Wright Way CC NV 89711
Attachments (3)

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5 Comment to Board NKSShop

Index of Attachments

1. NAC 213.512
2. NRS 209.341
3. NAC 213.516

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6 Comments Board Workshop

NEVADA ADMINISTRATIVE CODE

CHAPTER 213- PARDONS, PAROLES AND PROBATION; REMISSIONS OF FINES AND COMMUTATIONS OF PUNISHMENTS

RELEASE ON AND REVOCATION OF PAROLE

213.512 **Determination of whether to grant parole: Assignment of severity level to crime. (NRS 213.10885, 213.110, 213.140)**

1. The Board will assign to each crime for which parole is being considered a severity level of "highest," "high," "moderate," "low moderate" or "low." The severity level will be the same as the severity level assigned to the crime by the Department of Corrections for the purpose of classifying offenders pursuant to NRS 209.341.

2. The Board will apply the severity level of the crime for which parole is being considered to establish an initial assessment regarding whether to grant parole in the manner set forth in NAC 213.516.

209.341. Director to establish system of initial classification and evaluation for offenders; assignment of offender to appropriate institution or facility of department.

The director shall:

1. Establish, with the approval of the board, a system of initial classification and evaluation for offenders who are sentenced to imprisonment in the state prison; and

2. Assign every person who is sentenced to imprisonment in the state prison to an appropriate institution or facility of the department. The assignment must be based on an evaluation of the offender's records, particular needs and requirements for custody.

HISTORY:

1977, p. 849; 1979, p. 1125; 1983, p. 722; 1987, ch. 807, § 2, p. 2238; 1997, ch. 257, § 2, p. 906.

Research References and Practice Aids

Cross references.

As to receipt and return of offender by Director, see NRS 176.335 and 176.345.

As to neglect or refusal to receive offender as unlawful, see NRS 199.260.

NEVADA ADMINISTRATIVE CODE

CHAPTER 213 PARDONS, PAROLES AND PROBATION; REMISSIONS OF FINES AND COMMUTATIONS OF PUNISHMENTS

RELEASE ON AND REVOCATION OF PAROLE

213.516 Determination of whether to grant parole: Initial assessment. (NRS 213.10885, 213.110, 213.140)

In determining whether to grant parole to a prisoner, the Board will apply the severity level of the crime for which parole is being considered as assigned pursuant to NAC 213.512 and the risk level assigned to the prisoner pursuant to NAC 213.514 to establish an initial assessment regarding whether to grant parole. The initial assessment will correspond to the following table:

Severity Level	Risk Level		
	High	Moderate	Low ^{SD}
Highest	Deny parole	Consider factors set forth in NAC 213.518	Consider factors set forth in NAC 213.51
High	Deny parole	Consider factors set forth in NAC 213.518	Grant parole at first or second meeting to consider prisoner for parole
Moderate	Deny parole	Grant parole at first or second meeting to consider prisoner for parole	Grant parole at initial parole eligibility
Low Moderate	Consider factors set forth in NAC 213.518	Grant parole at first or second meeting to consider prisoner for parole	Grant parole at initial parole eligibility
Low	Consider factors	Grant parole at initial	Grant parole at

set forth in
NAC 213.518

parole eligibility

initial parole
eligibility

HISTORY

(Added to NAC by Bd. of Parole Comm'rs by R018-08, eff. 4-17-2008)