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Board of Parole Commissioners

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Board of Parole Commissioner Meeting – Public Comment – 3/29/2023

Good afternoon, my name is Patricia Adkisson. Thank you for submitting last month's comments and supporting material. My comments today relate to agenda items number 4,5, and 6.

Last month we pointed out that the Board is improperly stating a transposed aggravating factor, "Impact to Victim" which is subjective in nature, as a stated denial reason, where only standards based upon objective criteria are to be utilized in order to grant, deny, revoke, or continue parole. This works to render any implicated denial, invalid. This very point was emphasized by the Board in its request for an Emergency Regulation filed with the Secretary of State on December 17th 2007 where as stated by the Board in its 2007 Statement of Emergency "NRS.213.10885 requires the Board to create an objective standard to use, when making decisions to grant, deny, revoke, or continue parole".

This is very important to me personally, where my husband, Michael Adkisson was denied parole on this basis and dumped three years in 2013, where otherwise he would be eligible to come home November 1st of this year. The language in many provisions contemplated by NAC 213.518 aggravating and mitigating factors, do not conform with the stated enabling statute NRS. 213.10885. Factors that the Board shall consider must be relevant in determining the probability that a convicted person will remain at liberty without violating the law, if Parole is granted. "Impact to victim" and severity of crime is considered by the sentencing court in determining a sentence and may only be considered by the board for the purpose of determining release conditions, not denial reasons (see Nevada Constitution Article 1 Section 8A).

Also, NAC 213.512 is a regulation that promises to apply a standard, but does not describe or contain standards for any specific crime at all. As discussed supra, the Board MUST create standards NOT By the Department of Corrections. In this instance, the Board has adopted representations made by N.D.O.C. as to the crime severity, admittedly rendering the Boards parole standards to become invalid. This bad practice, renders NAC 213.522 reassessment of severity level of crime, invalid. the Department of Corrections is not empowered to establish severity of crime standards for the Board's use. This bad practice works to effectively place the Department of Corrections in charge of the Boards system of parole and reassessment considerations, implicating the validity of any result.

This is highlighted by the fact that the board does not utilize the legislative designation related to the category of felony offense, but does rely upon any unqualified representations made by the Department of Corrections, including a claimed Category "F" felony. This constitutes nonfeasance by the board. There simply is NO regulation or statute that contemplates reliance on N.D.O.C for felony category. This has directly impacted my family, where if this Board had followed the legislative designation related to "Use of a Deadly Weapon" stated as **NOT A SEPARATE OFFENSE** and **NO CATEGORY OF FELONY**, my husband Michael would be home right now. I realize this job isn't easy and the demands are many, but if we don't get this right, the Board becomes implicated in clear Civil Rights Violations. I will be requesting a review of my husband's circumstances, I hope you will entertain my petition. Thank you for considering my comments.