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NEVADA BOARD OF PAROLE COMMISSIONERS

MINUTES
Meeting of the
Board of Parole Commissioners
February 20, 2020

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 February 20, 2020, beginning at 1:00 PM at the following locations:

Conference room at the Parole Board Office, 4000 S. Eastern Avenue, Ste. 130, Las Vegas, NV and video conference at the central office of the Board of Parole Commissioners, located at 1677 Old Hot Springs Road, Ste. A, Carson City, 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 and Commissioner Jackson. Present in the Las Vegas office were Chairman DeRicco, Commissioner Keeler, and Commissioner Christiansen. Commissioner Corda and Commissioner De La Torre were not present.

Support staff in attendance:

Darla Foley, Executive Secretary
Mary Flores, Administrative Assistant III

Members of the public present in Carson City included:

Katie Brady, Deputy Attorney General

Members of the public present in Las Vegas included:

Specialist Rosalia Mendoza, Division of Parole and Probation
Officer Rossy, Division of Parole and Probation
Officer Acevedo, Division of Parole and Probation
Donald Tolley
Norissa Milton
Harold Moncrief
Robert Dixon

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 - Las Vegas, NV

No public comment.

Public comment – Carson City, NV

No public comment.

III. **For possible action:** Review/Approval of minutes from the January 30, 2020, Board meeting.

Motion: Approve the minutes from the January 30, 2020, Board meeting.

Made: Commissioner Baker

Seconded by: Commissioner Jackson

Votes in Favor: DeRicco, Jackson, Baker, Keeler, Christiansen

Votes Opposed: None

Motion passed

IV. **For possible action:** The Board will consider and act on applications requesting that the Board petition the court of original jurisdiction to modify the sentences of the following parolees in accordance with subsection 2 of NRS 176.033. The Board will consider the reports and recommendation of the Division of Parole and Probation; written input received by interested parties; and any testimony by interested parties.

Donald Tolley, NDOC #13964, Criminal Case #41698

Norissa Milton, NDOC #19571, Criminal Case #65199

Harold Moncrief, NDOC #23902, Criminal Case #72719

Robert Dixon, NDOC #28469, Criminal Case #86703

The Board may take no action, deny the request or give recommendation and act to petition the court of original jurisdiction to modify the sentence. Pursuant to subsection 5(c)(3) of NRS 241.020, all of the supporting documents are confidential and will not be provided to members of the public (see NRS 213.1075).

The Board asked if Donald Tolley was present. Mr. Tolley was present in Las Vegas.

Chairman DeRicco called on Mr. Tolley. Chairman DeRicco requested of Mr. Tolley to verify, to wit, that Mr. Tolley is being supervised by the Division of Parole and Probation for his crime of First-Degree Murder. This is Mr. Tolley's first application for modification of sentence. Mr. Tolley has completed at least 10 years on parole supervision. Mr. Tolley verified that these facts were accurate. Chairman DeRicco then asked if Mr. Tolley had ever been revoked on parole as part of the sentence, to which Mr. Tolley responded saying twice, one of which was for not having a place to live and the other for laws and conduct. Both violation hearings resulted in a continuance on parole. Chairman DeRicco then stated that the Parole Board had reviewed as part of Mr. Tolley's application his grant order, judgement of conviction, presentence report, and additional documentation included in the file.

Mr. Tolley was asked why he believes it would be appropriate for the Parole Board to petition the court to remove his lifetime parole supervision condition from his parole on this case. Mr. Tolley responded saying he has been on parole for 31 years and has not committed any felonies or anything since 2002, including disciplinary actions. Chairman DeRicco followed up asking that at the time of this offense, what was going on with his life. Mr. Tolley responded saying drinking. Mr. Tolley was asked if the drinking contributed to his behavior and he said that it was a factor.

Chairman DeRicco asked Mr. Tolley to tell him about the victim in the case. Mr. Tolley responded that he met him on his birthday, they were drinking, and somewhere down the line it happened. Mr. Tolley also stated that there were racist remarks said before the offense. Chairman DeRicco followed up asking Mr. Tolley why this crime occurred. Mr. Tolley stated that he cannot say why the crime occurred because he very little memory of the time the offense occurred. Chairman DeRicco asked aside from this case, to tell him about Mr. Tolley's criminal history. Mr. Tolley brought up an offense in Oklahoma. Since being under supervision, Mr. Tolley has not used any alcohol, that he does have a medical marijuana card, and that his environment he is living in now is helping him. Mr. Tolley was asked what would be different for him if his application was granted. Mr. Tolley cited some of his life stories in response. Mr. Tolley believes things are going well in Arizona.

Chairman DeRicco asked if there was a representative from the Division was available. Specialist Mendoza was present in Las Vegas.

Chairman DeRicco called on Specialist Mendoza. Chairman DeRicco cited Parole and Probation's report from March 25, 2019 recommending that Mr. Tolley's petition be denied. Chairman DeRicco asked how Mr. Tolley had been doing under supervision. According to the last progress report received on September 25, 2019, Mr. Tolley had been maintaining compliance with his provision, maintains stable residence, and that the last drug test on August 8, 2019, came out negative. The Parole Board has a copy of Parole and Probation's memo regarding their recommendation from March 25, 2019, which was to deny the application. Ms. Mendoza was asked if Arizona had made any recommendations on this case. The recommendation was to continue to supervise.

Additional questions of the Division – Las Vegas, NV

No additional questions

Additional questions of the Division – Carson City, NV

Commissioner Baker cited a report in 1994 regarding home invasion and DUI and that Mr. Tolley's parole was revoked at that time. Commissioner Baker asked if Ms. Mendoza knew what the disposition was for the sentence. Ms. Mendoza did not have the information requested.

Chairman DeRicco called on Mr. Tolley. Chairman DeRicco asked Mr. Tolley if he had an answer for the prior question asked for Ms. Mendoza. Mr. Tolley stated he was arrested on laws and conduct, but he was not revoked on that case. Mr. Tolley stated that the judge said once released, he would have a restraining order on the victim, but when Mr. Tolley was released, he was arrested for failing to appear for the DUI. Mr. Tolley went to court and said that the judge had no evidence and charged him for careless driving. Commissioner Keeler confirmed that there may have been a violation at the time and Mr. Tolley was reinstated.

No other additional questions.

Additional questions of the commissioners – Carson City, NV

Commissioner Jackson asked what was Mr. Tolley's relationship was to the victim in the case. Mr. Tolley said that he met him that morning. Commissioner Jackson asked if his motive was a robbery. Mr. Tolley said that he didn't think so. Commissioner Jackson cited the offense summary saying that the victim was knocked over, robbed, and run over several times with an automobile. Mr. Tolley stated he did not know his victim.

No other additional questions.

Additional questions of the commissioners – Las Vegas, NV

No additional questions

Chairman DeRicco then called for motions to the Board.

Motion: **The Board approve Mr. Tolley’s request to petition the court of original jurisdiction to modify the sentence.**
Made: **Commissioner Keeler**
Seconded by: **Commissioner Christiansen**
Votes in Favor: **Keeler**
Votes Opposed: **Christiansen, Jackson, Baker, DeRicco**
Motion denied

The Board then asked if the next person on the agenda, Norissa Milton, was present. Ms. Milton was present in Las Vegas.

Chairman DeRicco called on Ms. Milton. Chairman DeRicco requested of Ms. Milton to verify, to wit, that Ms. Milton is being supervised by the Division of Parole and Probation for her crime of Murder with the use of a deadly weapon. This is Ms. Milton’s first application for modification of sentence. Ms. Milton has completed at least 10 years on parole supervision. Ms. Milton verified that these facts were accurate. Chairman DeRicco then asked if Ms. Milton had ever been revoked on parole as part of the sentence, to which Ms. Milton responded saying “No.” Chairman DeRicco stated that the Parole Board had reviewed as part of Ms. Milton’s application her grant order, judgement of conviction, presentence report, and additional documentation included in the file.

Ms. Milton was asked why she believes it would be appropriate for the Parole Board to petition the court to remove her lifetime parole supervision condition from her parole on this case. Ms. Milton responded saying she’s had her same job for 18 years and that she wants to be productive for herself and society. Chairman DeRicco followed up asking that at the time of this offense, what was going on with her life. Ms. Milton responded saying she was young with two kids and homeless. Ms. Milton was asked to tell the Board about the victim in the case. Ms. Milton stated that the victim was a friend of hers. Chairman DeRicco followed up asking why and Ms. Milton responded saying they were both under the influence of alcohol, both her daughters were present. She stated an argument occurred when one of her daughters began crying. Ms. Milton said her friend threatened harm to her daughter before the offense.

Chairman DeRicco asked what other crimes she has committed. Ms. Milton responded with nothing major, but she had gone to jail for being under the influence, but they didn’t hold her. Chairman DeRicco followed up asking since her release, has she used any alcohol. She cited July 14, 2014 was the last time she was under the influence and that she has not used any illegal drugs. Chairman DeRicco then asked how her life would change if she was released from parole. She replied saying she would continue working.

Additional questions of the commissioners – Carson City, NV

Commissioner Jackson asked how old Ms. Milton was at the time and the age of the victim. Ms. Milton responded saying she wanted to stop the events that were happening. Commissioner Jackson described details of the case to Ms. Milton to which Ms. Milton responded that she couldn’t remember details.

No additional questions.

Additional questions of the commissioners – Las Vegas, NV

Commissioner Christiansen asked a question to clarify Ms. Milton’s statements, such as to clarify if a baby was involved. Ms. Milton responded saying yes. Commissioner Christiansen followed up asking what happened with the baby. Ms. Milton stated her children were removed from the home and taken to Child Haven. Commissioner Christiansen also asked if Ms. Milton fled the scene by herself, to which Ms. Milton responded yes and that she is not in touch with her children.

No additional questions.

Chairman DeRicco if a representative from the Division was available. Officer Acevedo was present in Las Vegas.

Chairman DeRicco called on Ms. Milton’s supervising officer, Officer Acevedo. Chairman DeRicco cited a report from August 7, 2019, stating that the Division is in support of approving this application. Chairman DeRicco asked how Ms. Milton is doing under supervision. Officer Acevedo referred to a report he made back in May 22, 2019, regarding three incidents. The first incident was that she was detained for jaywalking, the second was that she was a participant of a fight involving a knife to which there was not enough evidence for her to be arrested, and that she was arrested for a parole violation of being intoxicated. The Division gave Ms. Milton another opportunity and released her. Officer Acevedo stated that for the past three years, Ms. Milton has come in on time, she had no positive drug tests, and she has been working and paying her fees.

Additional questions of the Division – Carson City, NV

Commissioner Baker asked Officer Acevedo if he was confident that she was not drinking at this time. Officer Acevedo responded saying he’s not confident since he is not there all the time with her and that he does do home checks and has not found anything alcohol related, drug related, or weapon related.

No other additional questions.

Additional questions of the Division – Las Vegas, NV

No additional questions

Chairman DeRicco called on Ms. Milton. Chairman DeRicco asked if Ms. Milton had any other comments or statements. Ms. Milton had an award she received in 2002 from Taco Bell.

Additional questions of the commissioners – Carson City, NV

No additional questions.

Additional questions of the commissioners – Las Vegas, NV

No additional questions

Chairman DeRicco then called for motions to the Board.

Motion: The Board disapprove Ms. Milton’s request to petition the court of original jurisdiction to modify the sentence.
Made: Commissioner Christiansen
Seconded by: Commissioner Jackson
Votes in Favor: Christiansen, Keeler, Jackson, Baker
Votes Opposed: DeRicco
Motion passed

Chairman DeRicco asked if the next person on the agenda, Herald Moncrief, was present. Mr. Moncrief was present in Las Vegas.

Chairman DeRicco called on Mr. Moncrief. Chairman DeRicco requested of Mr. Moncrief to verify, to wit, that Mr. Moncrief is being supervised by the Division of Parole and Probation for his crime of Second-Degree Murder. This is Mr. Moncrief's first application for modification of sentence. Mr. Moncrief has completed at least 10 years on parole supervision. Mr. Moncrief verified that these facts were accurate. Chairman DeRicco then asked if Mr. Moncrief had ever been revoked on parole as part of the sentence, to which Mr. Moncrief responded saying "No." Chairman DeRicco stated that the Parole Board had reviewed as part of Mr. Moncrief's application his grant order, judgement of conviction, presentence report, and additional documentation included in the file.

Mr. Moncrief was asked why he believes it would be appropriate for the Parole Board to petition the court to remove his lifetime parole supervision condition. Mr. Moncrief responded saying he has been staying out of trouble. Chairman DeRicco followed up asking that at the time of this offense, what was going on in his life. Mr. Moncrief responded saying that he was trying to work things out with a gal and it didn't work out quite right and he didn't mean for it to happen, but she wouldn't leave him alone. He referenced his gun collection and that when he started packing his stuff up, he ended up with a gun in his hand before the offense. Chairman DeRicco followed up asking why this crime occurred. Mr. Moncrief stated that she pushed his buttons, wouldn't leave him alone or let him pack his stuff or get his kids out of the house. Chairman DeRicco asked if something like that would ever happen again to which Mr. Moncrief responded "No". Mr. Moncrief was asked aside from this offense, what else has he been convicted of. Mr. Moncrief responded, interfering with a police investigation, speeding tickets, and being arrested for having a concealed weapon. Chairman DeRicco asked if he has used any alcohol while under supervision to which Mr. Moncrief responded with a no and that he has not done any illegal drugs.

Chairman DeRicco then asked how would his life change if the modification was granted. Mr. Moncrief responded saying he'd be able to go fishing outside the state and see his great grandkids. Chairman DeRicco confirmed with Mr. Moncrief that travel permits can be requested while under supervision and that Mr. Moncrief has been approved for travel outside the state.

Additional questions of the commissioners – Carson City, NV

Commissioner Jackson requested clarification regarding conflicting statements by Mr. Moncrief and the offense report. Mr. Moncrief's initial report said that it was an accidental shooting, but his statement that day said otherwise.

Additional questions of the commissioners – Las Vegas, NV

No additional questions

Chairman DeRicco asked if a representative from the Division was available. Specialist Rosalia Mendoza was present in Las Vegas.

Chairman DeRicco called on Specialist Mendoza. Chairman DeRicco cited a report from November 13, 2018, stating that the Division opposes the application. Chairman DeRicco asked if there is any other information to provide since Mr. Moncrief has been under supervision. Ms. Mendoza referenced a report from April 2005 stating that Mr. Moncrief tested positive for meth. Ms. Mendoza also stated that Mr. Moncrief has an interstate compact in Arizona and since the April 2005 report, Arizona has not reported a positive drug test. Ms. Mendoza said that Mr. Moncrief has no new warrants or arrests. Mr. Moncrief has been compliant, and she recommends continuing supervision.

Additional questions of the Division – Carson City, NV

No additional questions.

Additional questions of the Division – Las Vegas, NV

No additional questions

Chairman DeRicco called on Mr. Moncrief. Chairman DeRicco asked if Mr. Moncrief had any other comments or statements. Mr. Moncrief responded with that he would like to meet his family that he has never met before and that this just happened, and he couldn't do anything about it. Chairman DeRicco then called for a motion from the Board.

Motion: **The Board disapprove Mr. Moncrief's request to petition the court of original jurisdiction to modify the sentence.**
Made: **Commissioner Jackson**
Seconded by: **Commissioner Baker**
Votes in Favor: **DeRicco, Jackson, Baker, Keeler, Christiansen**
Votes Opposed: **None**
Motion passed

Chairman DeRicco asked if Robert Dixon was present. Mr. Dixon was present in Las Vegas.

Chairman DeRicco called on Mr. Dixon. Chairman DeRicco requested of Mr. Dixon to verify, to wit, that Mr. Dixon is being supervised by the Division of Parole and Probation for his crime of Ct. 1, Trafficking in Cocaine and Ct. 2, Trafficking in Heroine. This is Mr. Dixon's first application for modification of sentence. Mr. Dixon has completed at least 10 years on parole supervision. Mr. Dixon verified that these facts were accurate. Chairman DeRicco then asked if Mr. Dixon had ever been revoked on parole as part of the sentence, to which Mr. Dixon responded "No."

Chairman DeRicco stated that the Parole Board had reviewed as part of Mr. Dixon's application his grant order, judgement of conviction, presentence report, and additional documentation included in the file. Mr. Dixon was asked why he believes it would be appropriate for the Parole Board to petition the court to remove his lifetime parole supervision condition from his parole on this case. Mr. Dixon responded saying that his character has changed and that he is not the same person that he was 30 years ago. Mr. Dixon continued saying he has not had any problems during his parole for more than 10 years. Mr. Dixon stated he doesn't drink, doesn't smoke, doesn't do drugs, and that he has lived in the same place for 10 years. Mr. Dixon would like to live his remaining years unsupervised.

Chairman DeRicco followed up asking when the event happened, what was going on during his life. Mr. Dixon responded saying that he was selling and using drugs. He also stated that everything he did at that time he doesn't do now. Chairman DeRicco then asked if Mr. Dixon has been convicted of anything else since he has been released on parole supervision. Mr. Dixon responded with a no. Chairman DeRicco then asked if Mr. Dixon has had any alcohol or reverted to using drugs while under supervision to which Mr. Dixon responded that he has not. Chairman DeRicco followed up asking how Mr. Dixon's life would change if he was no longer under parole supervision. Mr. Dixon responded saying his life would not change.

Additional questions of the commissioners – Carson City, NV

Commissioner Jackson asked Mr. Dixon if he maintains his no contact with his attorney at the time of the offense, Mr. Foley. Mr. Dixon replied saying that he has had no contact and that Mr. Foley is now deceased.

Additional questions of the commissioners – Las Vegas, NV

No additional questions

Chairman DeRicco called up Officer Rossy.

Chairman DeRicco called on Officer Rossy who cited a report from March 22, 2019, indicating that the Division approves this request. Chairman DeRicco then asked how Mr. Dixon has been doing under supervision since the time of the report. Officer Rossy stated that he has not had any problems with Mr. Dixon nor have there been any violations or positive drug tests before Officer Rossy began supervising him.

Chairman DeRicco called on Mr. Dixon. Mr. Dixon was asked if he had anything else he would like to say. Mr. Dixon stated that he might leave the state and relocate to North Carolina if his request is approved.

Chairman DeRicco then called for motions to the Board.

Motion: The Board approve of Mr. Dixon’s request to petition the court of original jurisdiction to modify the sentence.
Made: Commissioner Keeler
Seconded by: Commissioner Christiansen
Votes in Favor: DeRicco, Jackson, Baker, Keeler, Christiansen
Votes Opposed: None
Motion passed

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

Motion: To adjourn the February 20, 2020, meeting of the Nevada Board of Parole Commissioners.
Made: Commissioner Baker
Seconded by: Commissioner Christiansen
Votes in Favor: DeRicco, Jackson, Baker, Keeler, Christiansen
Votes Opposed: None
Motion passed