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NEVADA BOARD OF PAROLE COMMISSIONERS

MINUTES
Meeting of the
Board of Parole Commissioners
January 30, 2020

The Board of Parole Commissioners held a public meeting on January 30, 2020, 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, video conference to 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 Chairman DeRicco, Commissioner Corda, Commissioner Baker and Commissioner Jackson. Present in the Las Vegas office were Commissioner Keeler, Commissioner Christiansen, and Commissioner De La Torre.

Support staff in attendance:

Darla Foley, Executive Secretary
Mary Flores, Administrative Assistant III

Members of the public present in Carson City included:

Nathan Hastings, Senior Deputy Attorney General
George Quintana

Members of the public present in Las Vegas included:

Yi Lin Zheng
Thomas Roberts
Deborah Ferguson

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

No public comment.

Public comment – Carson City, NV

No public comment.

- III. **For possible action:** Review/Approval of minutes from the December 19, 2019, Board meeting, to include the separate workshop minutes.

Commissioner Jackson called attention to the misspelling of Karen Gedney, MD on the Workshop minutes Page 1. Commissioner Corda requested removal of the second “not” from the Workshop minutes Page 13, Paragraph 2, Line 7.

Motion: Approve the minutes from the December 19, 2019, Board meeting, to include the separate workshop minutes as corrected.
Made: Susan Jackson
Votes in Favor: Corda, DeRicco, Jackson, Baker, Keeler, De La Torre, 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.

Deborah Ferguson, NDOC #16486, Criminal Case #C46340

Thomas Lee Roberts, NDOC #17456, Criminal Case #C57989

George Quintana, NDOC #41248, Criminal Case #5626

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).

Chairman DeRicco called on Deborah Ferguson. Chairman DeRicco indicated that the Parole Board previously heard statements regarding her request at the November 7, 2018 Board Meeting. The Board decided to take no action at that time pending the outcome of the Marlin Thompson case filed with the Nevada Supreme Court. The Thompson case has been resolved allowing the Board to now move forward. Chairman DeRicco confirmed with Ms. Ferguson that she is currently being supervised by the Division of Parole and Probation for murder in the first degree, this is her first application for modification of sentence, she has completed at least 10 years of parole supervision, and her parole has never been revoked.

Chairman DeRicco asked Ms. Ferguson why she feels she should be released from her sentence. Ms. Ferguson stated that she does not feel she is a risk to the public and that she has learned her lesson. She also stated that she is a waste of the Division’s time because she can no longer travel to the parole office. She stated she was only 17 when the crime was committed, and she was using drugs and hanging around with the wrong people. She also stated that she did not know the victim and that the victim was robbed and killed by the people she was with. She was under the influence of drugs at the time of the offense but has not used drugs or alcohol since the offense. She stated that her life would not change too much if she is released from parole except the need to report to the Division.

Commissioner Keeler confirmed with Ms. Ferguson that she has been on parole for 32 years and the Division must come to her residence due to a medical condition that limits her mobility.

Commissioner Jackson asked Ms. Ferguson if the information that she fled the scene prior to the shooting incident was correct. Ms. Ferguson stated she was in the vehicle and the co-defendants were in the parking lot.

Chairman DeRicco asked Ms. Ferguson if she would like to make any other comments. Ms. Ferguson stated that she feels bad for the victim and she would take back what happened to the victim if she could.

Motion: That the Board approve Ms. Ferguson’s request to petition the court of original jurisdiction to modify the sentence.
Made: Commissioner Corda
Seconded by: Commissioner Jackson
Votes in Favor: DeRicco, Corda, Jackson, Baker, Keeler, De La Torre, Christiansen
Votes Opposed: None
Motion passed

The Board then asked if the next person on the agenda, Mr. Thomas Lee Roberts, was present. Mr. Roberts was present in Las Vegas, with his attorney. Mr. Roberts and his counsel, Yi Lin Zheng, bar #10811 then approached the podium. The Board acknowledged that they had received a copy of the memorandum provided by Ms. Zheng, and indicated that they would first review the information, and then would have questions for Mr. Thomas. Time would also be provided for Ms. Zheng to speak on behalf of her client.

Chairman DeRicco requested of Mr. Roberts to verify, to wit, that Mr. Roberts is being supervised by the Division of Parole and Probation for the crime of Sexual Assault and Lewdness with a Minor. This is Mr. Robert’s first application for modification of sentence. Mr. Roberts has completed at least 10 years on parole supervision. Mr. Roberts verified that these facts were accurate. Chairman DeRicco then inquired if Mr. Roberts had ever been revoked on parole as part of this sentence? Mr. Roberts responded “Never.” Chairman DeRicco then stated for the record that the Board has had the opportunity to review as a part of this application the grant order, judgement of conviction, presentence report, and additional documentation.

Chairman DeRicco then asked Ms. Zheng if she wanted to proceed with the Board’s questions first, or if she preferred to first address the Board. Ms. Zheng indicated that it was alright to proceed with questions, provided that she would have the opportunity to address the Board following the questions.

Chairman DeRicco then proceeded to question Mr. Roberts as to why he believed it was appropriate to request that the Board consider removing his lifetime parole at this time, to which Mr. Roberts responded that he was no threat to anyone, nor had he ever been. Chairman DeRicco then asked how Mr. Roberts could contend that he was not a threat to the public given his conviction. Mr. Roberts then conveyed that he believed he was innocent and had turned down a guilty plea agreement of one-year probation in protest of his innocence.

Chairman DeRicco inquired if Mr. Roberts understood that even if his life parole was removed, he would still be subject to other registration requirements, to which Mr. Roberts responded that he did understand.

Chairman DeRicco then inquired as to the facts of the case from Mr. Roberts's perspective, specifically how, if Mr. Roberts was innocent as he claimed, his daughter would file the case against him. Mr. Roberts stated that it was the influence of the people around his daughter at the time that caused the case, and that his daughter was incarcerated for eight months until she would sign a complaint against him, and that he was not arrested until after that time. He also blamed social hysteria toward sexual abuse at the time, stating that he believed that the two friends of his daughter who influenced her to file a claim against him, had also done so to two other men, who Mr. Roberts also doubted were guilty.

Chairman DeRicco then inquired as to the contact Mr. Roberts had with his daughter, the victim, in the intervening years. Mr. Roberts stated that she had attempted to contact him once, 20 years ago, but that he has no contact with her since, and has no intention of seeking contact with her.

Chairman DeRicco clarified that Mr. Roberts hadn't had any contact with his daughter in 20 years. He then asked if Mr. Roberts' wife was the same wife he had at the time of the offense, and did she have any contact with Mr. Roberts's daughter. Mr. Roberts responded that yes, his wife was the same wife and the mother of the victim, and that she has had contact with the victim. However, his wife died in December of 2019.

Chairman DeRicco offered his condolence, and then clarified that Mr. Roberts had no contact with his daughter, to which Mr. Roberts replied, "we're scared of her."

Chairman DeRicco then asked if Mr. Roberts had any other criminal history whatsoever, to which Mr. Roberts responded that he had never been arrested before or since the crime in question.

Chairman DeRicco confirmed that the reports provided to the Board support that claim. He then asked about Mr. Roberts's use of illegal drugs while on parole, to which Mr. Roberts said he had not used any. When asked about alcohol, Mr. Roberts responded that he did not like alcohol and drank it very seldom.

When asked how being off parole would affect Mr. Roberts' day-to-day life, Mr. Roberts responded that he would get to visit his sister in California before she died, and that he would feel considerably less stressed, as once he is off parole he would have to break the law in order to be returned to prison, which he has no intention of ever doing.

Chairman DeRicco stated that the Division of Parole and Probation was not supporting Mr. Roberts request for modification, he then asked if there was a representative of Parole and Probation present who would like to comment, there were no representatives. Chairman DeRicco indicated that Ms. Zheng could make her comments to the Board.

Ms. Zheng then spoke as to the character of Mr. Roberts, stating that she felt he was a caring and hardworking person who supports his community and the people around him.

Chairman DeRicco then asked for question or comments from the commissioners. Commissioner Corda indicated that he had a few questions, and asked Mr. Roberts if he had any other contact with

the victim of this crime. Mr. Roberts reiterated the attempted contact from 20 years previously and Commissioner Corda asked if at the time Mr. Roberts had told the victim that he was not permitted contact? Mr. Roberts stated that he did not. When asked if Mr. Roberts knew his parole conditions, he responded that they changed so often that he was often confused. Ms. Zheng then clarified that if Commissioner Corda was concerned with a violation of a No Contact order, it was possible that the victim had not in fact spoken with Mr. Roberts at the time, but with his wife, with which he was still in a relationship, and that Mr. Roberts had reported the contact to his parole officer immediately. Commissioner Corda then asked if Mr. Roberts intended to contact the victim in the future, Mr. Roberts stated that he had no intention of ever contacting the victim.

Commissioner Corda then indicated that he had no more questions. Commissioner Jackson remarked that she found it incredible that Mr. Roberts had managed 32 years on parole with no negative contact and that that this was his only conviction of record.

Chairman DeRicco then asked if there were any other comments from the Board. There being none, Mr. Roberts was asked if he had any further comments to the Board.

Commissioner Corda then clarified that even if lifetime parole was removed, Mr. Roberts could be subject to lifetime supervision (as a sex offender). Ms. Zheng indicated that she believed he would not, as his conviction pre-dated the time requirements in place for lifetime supervision. Commissioner Jackson then asked if Mr. Roberts would be required to register, to which Ms. Zheng replied that he would still be required to comply with registration requirements, and that Mr. Roberts was aware of that and would comply with registration requirements.

Chairman DeRicco then called for motions to the Board.

Motion:	The Board approve Mr. Roberts request to petition the court of original jurisdiction to modify the sentence.
Made:	Commissioner Keeler
Seconded by:	Commissioner Corda
Votes in Favor:	DeRicco, Jackson, Baker, Keeler, De La Torre
Votes Opposed:	Christiansen, DeRicco
Motion passed	

The Board asked if the next person on the agenda, Mr. George Quintana, was present. Mr. Quintana was present in Carson City.

Chairman DeRicco then asked for Mr. Quintana to verify that he was being supervised by the Division of Parole and Probation for the Crime of Trafficking in a Schedule I Controlled Substance, and that this was his first application for modification of sentence. That Mr. Quintana has completed at least 10 years on parole supervision and reported that he had never been revoked on parole for this sentence. Mr. Quintana verified that these facts were accurate. Chairman DeRicco then stated for the record that as a part of this application the Board has had a chance to review the grant of parole, judgement of conviction, presentence report, and additional documentation, in addition to the documentation provided by Mr. Quintana at the time of the hearing.

Chairman DeRicco then inquired of Mr. Quintana why he believed it was appropriate for the Board to petition to release him from lifetime parole, to which Mr. Quintana replied that he had shown that he would and could comply with all of the conditions set for him by the Division, and that he was

now a productive citizen. He runs a ranch, is married to a good person, and that as he neared retirement, he wanted to enjoy the remainder of his years. He then clarified that he was paying so little on his fees because his ranch is a costly endeavor. He stated that if he was granted the modification, that it would be a life changing event for him and his family.

Chairman DeRicco then asked for clarification as to why Mr. Quintana was paying so little on his fines. Mr. Quintana indicated that the judge had set it low initially until such time as he was able to go back to court regarding it, and that the Division had advised him to raise his monthly payment, which he had done, but that he was also paying half of his co-defendants fees, which were given to him by mistake.

Chairman DeRicco then asked for clarification regarding Mr. Quintana's income as reported by the Division, which Mr. Quintana asserted were incorrect. Mr. Quintana then corrected the record with an estimated amount. Chairman DeRicco then asked why, with even the corrected income, Mr. Quintana had not been paying more on his fines. Mr. Quintana then stated that his business expenses exceeded his income by a considerable amount.

Chairman DeRicco then asked Mr. Quintana to speak to what was happening in his life when the offense occurred. Mr. Quintana stated that at the time of the offence his wife (now ex-wife) was heavily involved in drugs, and that she had been stealing and trafficking in stolen items to feed her drug habit. Mr. Quintana stated he had to get a restraining order at the time, and that eventually his ex-wife was sent to prison for killing her mother for drug money. Mr. Quintana asserted that he did not want to put all the blame on her, as she had convinced him to help her in order to pay living expenses, but that he never wanted to live that way again, and that even the financial difficulties he and his current wife experience in running their ranch and business, he is at least secure in that he was making an honest living.

Chairman DeRicco then asked, aside from the case in question and one previous case of a sexual nature, for which Mr. Quintana registered, does he have any other convictions? Mr. Quintana responded that he did not.

Chairman DeRicco asked how Mr. Quintana's life would change, should his lifetime parole be removed. Mr. Quintana responded that it would dramatically affect his life, in that he would have the freedom to visit his grandchildren and great grandchildren, and he would be free to accompany his wife on her trips for barrel racing.

Chairman DeRicco then stated that the Division of Parole and Probation was not supporting Mr. Quintana's request for modification, and then asked if there was a representative of Parole and Probation present who would like to comment, there were no representative. Chairman DeRicco then asked if any of the Commissioners had any additional questions or comments.

Commissioner Baker indicated that she had a question and inquired of Mr. Quintana about his handwritten statement submitted with his Presentence report, in which Mr. Quintana stated that he committed the crime because the state had taken away his livelihood. Mr. Quintana stated that he did not remember why he wrote that, and that at the time his mind was not functioning correctly.

Commissioner Baker then asked about Mr. Quintana's previous conviction of Statutory Sexual Seduction, which was brought against him by his stepdaughter, the daughter of his then-wife. Commissioner Baker noted that the psychological report said the accusation was alleged and

inquired if Mr. Quintana contended that the events had not occurred. Mr. Quintana responded that he has pled guilty, so he had to say that they had occurred. Commissioner Baker then inquired as to the age of the victim and the circumstances of the case. Mr. Quintana stated that the victim was 16 at the time, and that she alleged that he had done a number of things to her. He then clarified that his guilty plea was part of an agreement in conjunction with the case of Trafficking.

Chairman DeRicco then asked if there were any more questions, to which Commissioner Corda indicated that he did. Commissioner Corda then stated that although Mr. Quintana had stated that he did not want to place all the blame on his wife, that he was in fact doing so. Commissioner Corda stated that he felt Mr. Quintana should be taking more responsibility for his actions, to which Mr. Quintana responded that he did, and that he was very remorseful for everything that had happened, that his head was not working at the time, and that he was doing much better now. Commissioner Corda then agreed that it did appear Mr. Quintana was doing well and asked that if the courts were to grant a reduction in sentence, would Mr. Quintana continue to pay his fees. Mr. Quintana stated that he would. Commissioner Corda ended by asking if Mr. Quintana would still be subject to lifetime supervision as a sex offender, to which Mr. Quintana responded that he would have to register, but not be subject to lifetime supervision.

Chairman DeRicco then asked if there was anything further from the Board. Seeing nothing, Chairman DeRicco then asked if Mr. Quintana had anything else to say. Mr. Quintana stated that he appreciated the Board taking the time to consider his petition, and that he was remorseful for everything that had happened.

Motion: **The Board disapprove of Mr. Quintana’s request to petition the court of original jurisdiction to modify the sentence.**
Made: **Commissioner Keeler**
Seconded by: **Commissioner De La Torre**
Votes in Favor: **DeRicco, Jackson, Baker, Keeler, De La Torre, Christiansen**
Votes Opposed: **Corda**
Motion passed

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

Motion: **To adjourn the January 2020 meeting of the Nevada Board of Parole Commissioners.**
Made: **Commissioner Baker**
Seconded by: **Commissioner Christiansen**
Votes in Favor: **DeRicco, Corda, Jackson, Baker, Keeler, De La Torre, Christiansen**
Motion passed