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NEVADA BOARD OF PAROLE COMMISSIONERS

MINUTES Of the meeting of the BOARD OF PAROLE COMMISSIONERS

April 29, 2013

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 April 29, 2013, beginning at 1:30 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 1:30 p.m.

The meeting was called to order by Chairman Bisbee. Present in Carson City were Chairman Bisbee, Commissioner Corda, Commissioner Jackson and Commissioner Endel. Present in Las Vegas were, Commissioner Keeler, Commissioner Silva and Commissioner Gray.

Support staff in attendance:

David Smith, Hearing Examiner II
Denise Davis, Executive Secretary

Members of the public present in Carson City included:

Dwayne Gunter

Members of the public present in Las Vegas included:

Johnnie Grayson
Terry McElroy

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.

Chairman Bisbee asked any member of the public that would like to make comments regarding anything other than the items listed on the agenda to come forward and limit their comments to 3 minutes. Chairman Bisbee reminded the public that no action can be taken under this item.

Public comment – Las Vegas

No comments were made.

Public comment – Carson City, NV

No comments were made.

Chairman Bisbee requested that the meeting proceed out of agenda order and that we move to item VI

III. For possible action. Review/Approve minutes from the January 8, 2013 meeting.

Commissioner Jackson stated that there were three clerical errors in the minutes and requested that the errors be corrected.

Motion: Motion to approved minutes from the January 8, 2013 meeting with the corrections.

Made by: Commissioner Keeler

Seconded by: Commissioner Jackson

Votes in Favor: Gray, Keeler, Silva, Bisbee, Jackson, Corda, and Endel

Votes Opposed: none

IV. For possible For possible action. The Board will consider a recommendation by the Division of Parole and Probation to modify the sentence of Parolee Johnnie Grayson, NDOC # 11824 and Parolee Dwayne Gunter, NDOC # 11034 in accordance with subsection 2 of NRS 176.033. The Board may take no action, deny the request or accept the recommendation and act to petition the court of original jurisdiction to modify sentence.

Chairman Bisbee provided detailed instructions regarding this item number and introduced Parolee Johnnie Grayson, NDOC # 11824.

Mr. Grayson declared that he was innocent of this crime and briefly described his life experiences before he was found guilty of this crime.

Chairman Bisbee explained Mr. Grayson's sentence structure. She also acknowledged that Mr. Grayson has never waived from proclaiming his innocence of this crime. The Chairman provided a complete criminal history and proclaimed that this crime is the only criminal history on record. She confirmed that Mr. Grayson has never had a violation while serving his term of life parole. She stated he has a strong support system, the Chief of Parole and Probation initiated this process to release off life parole, and that Mr. Grayson's psycho-sexual evaluation resulted in a finding of low risk to re-offend.

Commissioner Corda questioned Mr. Grayson's daughter, Ms. Terry McElroy, and asked if she thought her father was guilty of this crime.

Ms. McElroy went in to detail about her father and how he raised her as a child and the type of man he is and stated she believes he was innocent.

Commissioner Jackson commented on Mr. Grayson's violation-free parole for the last 30 years.

Ms. McElroy declared that Mr. Grayson has been at the same occupation for the last 30 years. She then proclaimed her support on this request to release Mr. Grayson off life parole.

Chairman Bisbee questioned what Mr. Grayson did at his employment.

Mr. Grayson described in great detail his employment history.

Chairman Bisbee stated that Mr. Grayson's employer spoke very highly of him.

Motion: To grant parolee's request of release of lifetime parole and forward the Boards recommendation and petition the court of original jurisdiction to modify sentence.

Made by: Commissioner Gray

Seconded by: Commissioner Jackson

Votes in Favor: Gray, Silva, Bisbee, Endel, Jackson, and Corda

Votes Opposed: Keeler

Hearing for Mr. Grayson was concluded.

Chairman Bisbee described Mr. Dwayne Gunter's sentence structure and indicated that he is on parole for Habitual offenders and requested that he approach.

Mr. Gunter claimed he has served over 23 years on parole with no violations and described his employment history while serving life parole.

Commissioner Corda questioned why Mr. Gunter has stopped committing crimes.

Mr. Gunter went into details of the changed man he has become and the love for his wife and daughter.

Chairman Bisbee stated Mr. Gunter has a horrible criminal history and asked Mr. Gunter why he committed the crimes and how he is changed.

Mr. Gunter described the man he used to be and the man he now is. Mr. Gunter explained the details that occurred in his criminal history and what occurred during trial for the sentence of Habitual Criminal.

Chairman Bisbee expressed her concerns with Mr. Gunter's violent criminal history.

Commissioner Jackson questioned if Mr. Gunter's request was denied would he continue to adhere to the conditions of parole.

Mr. Gunter replied he would continue complying with his parole conditions.

Commissioner Silva stated that he has seen individuals that have had more of a criminal history that have not received the Habitual Criminal.

Commissioner Keeler proclaimed that the Habitual Criminal does not represent just the perjury but the complete criminal history.

Commissioner Corda questioned if Mr. Grunter should still be considered a Habitual Criminal if he has not committed a crime in 23 years.

Mr. Gunter described what occurred during the trial which lead to the habitual criminal charge. He stated that he believe he has served the penalty for his crimes.

Commissioner Gray inquired the reasons Mr. Gunter wants to be off parole.

Mr. Gunter proclaimed that due to his wife being extremely ill he has accumulated a tremendous amount of medical bills that he can not afford due to his current employment. He desires to become an interstate truck driver which will allow him to provide financially for his wife.

Chairman Bisbee questioned if Mr. Gunter had any trucking job offers currently.

Mr. Gunter stated that he hasn't pursued a trucking job as with being on parole, he is not eligible.

Motion: To grant parolee's request of release of lifetime parole and forward the Boards recommendation and petition to the court of original jurisdiction to modify sentence.

Made by: Commissioner Corda

Seconded by: Commissioner Silva

Votes in Favor: Gray, Silva, Bisbee, Endel, Jackson, and Corda

Votes Opposed: Keeler

V. 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 agenda as an item upon which action may be taken pursuant to subparagraph (2) of NRS 241.020.

Public comment – Las Vegas, NV

No comments were made.

Public comment – Carson City, NV

No comments were made

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

Motion: To adjourn the meeting of April 29, 2013

Made by: Commissioner Silva

Seconded by: Commissioner Gray

Votes in Favor: Gray, Keeler, Silva, Bisbee, Endel, Jackson, Corda

Votes Opposed: None

Meeting adjourned at 2:11 p.m.

DRAFT