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SUSAN JACKSON, *Member*
MARY K. BAKER, *Member*
SCOTT WEISENTHAL, *Member*

KATIE FRAKER, *Executive Secretary*

STATE OF NEVADA

STEVE SISOLAK
Governor



LAS VEGAS OFFICE

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CHRISTOPHER P. DERICCO, *Chairman*
ERIC CHRISTIANSEN, *Member*
DONNA VERCHIO, *Member*
LAMICIA BAILEY, *Member*

NEVADA BOARD OF PAROLE COMMISSIONERS

MINUTES

**Meeting of the
Board of Parole Commissioners
May 31, 2022**

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 May 31, 2022, 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, and video conference at the Parole Board Office, 4000 S. Eastern Avenue, Ste. 130, Las Vegas, NV.

I. Open Meeting, call to order, roll call 1:30 PM.

The meeting was called to order by Chairman DeRicco. Present in Carson City were Commissioner Jackson, Commissioner Baker, Chairman Weisenthal, and Chairman DeRicco. Present in the Las Vegas office were Commissioner Christiansen, Commissioner Verchio, and Commissioner Bailey.

Support staff in attendance:

Katie Fraker, Executive Secretary
Kelly Mellinger, Hearings Examiner II
Darla Foley, Hearing Examiner I
Forrest Harter, Hearing Examiner I
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:

Patricia Adkisson

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 – Carson City, NV

See attached written public comment from John Quintero #93282

III. For possible action: Review/Approval of minutes from the April 27, 2022, Board meeting.

Motion:	Approve the minutes from the April 27, 2022, Board meeting.
Made:	Commissioner Jackson
Seconded By:	Commissioner Bailey
Votes in Favor:	DeRicco, Jackson, Baker, Weisenthal, Christiansen, Verchio, Bailey
Votes Opposed:	None
Results:	Motion passed

IV. For discussion and possible action: The Board will discuss and may take action to update and or modify the Aggravating and Mitigating Factors Definitions.

Chairman DeRicco opened this agenda item by stating that at the last meeting this document was reviewed, and suggested language changes were made for greater clarification. He also stated that previously the Board adopted regulation R115-21P that has now been sent to the Legislative Counsel Bureau to finalize. He stated that the proposed regulation revised and reorganized the language of the aggravating and mitigating factors that the Board may consider; and providing other matters properly relating thereto. He stated it is up to the Board to approve these definitions and this document. He stated he would read through all the definitions and entertain discussion on the document. He then read through the document with the proposed changes from the last meeting.

Under the second section ‘Prior conviction or delinquency adjudication for a sexual offense,’ Commissioner Weisenthal asked if the Board needed to define “prior.” Commissioner Weisenthal gave the example of an inmate who is serving a sentence for a sexual offense and has a consecutive sentence for a burglary. He questioned if the inmate in the above example discharged the sexual offense and moved to the consecutive sentence of the burglary if that would make the sexual offense a prior conviction. He asked if “prior” meant prior from the date of the hearing, prior from the sentence structure, or prior from the booking number. He stated he wanted to be clear that what is being defined as a prior sex conviction is consistent for everyone working-up files.

Commissioner Baker stated her question was what statute is being used to define a sex offense. She asked whether it was NRS 179D which requires mandatory conditions of parole or the NRS 213 definition. Commissioner Weisenthal stated that the Board can count misdemeanors and gross misdemeanors as sex offenses. Chairman DeRicco stated that the Board can count all types of prior sexual offenses.

Commissioner Weisenthal stated that he believed when an offense was part of an inmate’s current sentence structure that it could not be counted as a prior offense, because it was currently being served.

Commissioner Verchio stated the Board needs to use simple language and that to her, prior means prior.

Commissioner Weisenthal stated that he was speaking with Kelly Mellinger, and when she works up a file, if a sexual offense has discharged and the inmate is now serving a consecutive sentence, she will

count the sexual offense as a prior conviction. Kelly Mellinger agreed that she will count that discharged sexual offense as a prior sex conviction.

Commissioner Christiansen stated that he believed prior meant prior to that period of incarceration.

Chairman DeRicco stated this is why the Board is discussing these definitions. Chairman DeRicco stated that if there was a sexual offense that happened prior to an inmate's current period of incarceration he would count that as a prior sex conviction. He then gave the example of a person that committed a string of burglaries and during one of the burglaries also committed a sexual assault. He stated the Board's current definition uses the phrase "prior conviction," and in this example the burglaries and sexual assault might have been convicted all on the same date. He stated with the current definition this example would not qualify as a prior sex conviction even if they are consecutive sentences. He also stated the current definition also excludes inmates convicted of sexual offenses while incarcerated. He stated those charges would not be prior to their current conviction. Chairman DeRicco suggested the possibility of removing the word "prior" in this aggravating factor definition.

Commissioner Christiansen stated that he would rather focus on a person's conduct than the timeframe. He stated that they could be seeing an inmate for a burglary conviction and due to DNA evidence, they have since been convicted of a sexual offense that happened prior to the burglary but was convicted of it after. He stated the conduct is more important to him.

Chairman DeRicco recommended striking the word "prior" from the definition, so it reads, "Conviction or delinquency adjudication for a sexual offense." He stated that it would be an aggravating factor in his mind if the inmate has a conviction or delinquency adjudication for a sexual offense. Commissioner Baker asked if that would include the instant offense. Chairman DeRicco stated he would not count it on the sexual offense.

Commissioner Jackson stated that "prior" means "previous." She stated that "prior" is used throughout the entire document, in both aggravating and mitigating factors. She stated that to her "prior" means prior to the instant offense. She asked if the Board changes it in this section is the Board going to change it in the other sections, such as prior violent convictions. She stated she thinks the Board is overcomplicating it and that "prior" means previous.

Commissioner Verchio agreed with Commissioner Jackson. She stated that "prior" happened at a different time and there was time for the inmate to change or learn from their behavior from their prior acts.

Chairman DeRicco stated that his main concern with the definition as it is now is that a person could be convicted of a serious sexual offense through DNA evidence during their incarceration for a lesser crime. He stated that there could be a serial sexual rapist who through DNA evidence is convicted, but because our aggravating factor definition says, "prior conviction," the Board will not be able to use that factor because they were convicted after the instant offense even though the conduct occurred prior to the instant offense.

Commissioner Verchio stated that at some point the past conduct will be a prior conviction if the person commits more crimes in the future. Chairman DeRicco understood and agreed that is how it is with the current definition. He posed the question to the Board of whether that was right, or if it should be

changed to include sex offenses that the convictions occurred after the instant offense, but the conduct occurred before.

Commissioner Baker recommended changing the definition to read, “The factor may be indicated if the inmate has a prior sexual conviction or delinquency adjudication, or the sexual conviction offense occurred prior to the offense being considered but the conviction was later.” She stated this would allow the Board to consider the circumstances where DNA evidence was found or a conviction happened later, but before the hearing for which the person was being considered.

Chairman DeRicco stated he was not opposed to that change. He stated he was also not opposed to leaving the definition as it currently reads where prior means prior. He stated the Board needs to come to a conclusion so the definition can be applied consistently.

Commissioner Weisenthal stated the reason he originally brought this up was because he was concerned about this aggravating factor being used when the sexual offense was part of the inmate’s current sentence structure. He stated that during the time he has been a commissioner, he has not been applying that aggravating factor in these cases, where others have. Chairman DeRicco stated that at the top of the document it states, “The Board *may* apply any other factor as it deems appropriate.” He stated this gives the Board some leeway as it does not say must or shall, and it is up to each person as to whether they deem a factor appropriate or not. He added that the Board could add in the definition wording about the sentence structure and that the definition does not apply to consecutive sentences.

Commissioner Jackson suggested that since these examples happen so infrequently, the Board could use the “Other Aggravating Factors” and keep this aggravating factor as is. Chairman DeRicco stated that he liked that suggestion and agreed that the previous examples were uncommon.

Katie Brady suggested changing the definition to read, “This factor may be indicated if the inmate has a prior sexual offense resulting in a conviction or delinquency adjudication.” She explained this way, the prior would be related to the offense and not the conviction. She stated the Board could also add, “This factor does not apply if the prior conviction is part of the current sentence structure,” if the Board wanted.

Chairman DeRicco and Commissioner Baker agreed that language clarified the Board’s intent.

Darla Foley asked the Board to clarify between sentence structure and booking number. She explained that sentence structure may be three different counts and the booking number may be three different cases.

Commissioner Baker stated that she thought sentence structure should refer to the same case. She gave an example of a probation violator whose probation is revoked because they are convicted of a new offense, and that the Board cannot count that probation revocation on the risk assessment as a prior conviction because they then come to prison for the probation revocation and the new conviction under the same booking number. She stated for that reason, she thinks it should be by case and not by booking number.

Commissioner Christiansen stated that he thinks it should be the date of the conduct. He stated this can easily be found on the Judgment of Conviction. He stated that if it happened at the same time as the

instant offense, it would not be counted as a prior, but if it happened five years prior to the instant offense, then it would be used as an aggravating factor.

Commissioner Weisenthal asked if every probation violator that gets revoked will receive a prior felony. Commissioner Baker responded that if a probationer is convicted of a new offense, and they now have a sentence for the new offense, their original sentence that was suspended is now a prison sentence; in her opinion that is a prior offense.

Commissioner Christiansen stated that in Commissioner Baker's example that could be captured in aggravating factor #24 (commission of a crime while incarcerated, on bail, on escape status, eluding, or while under parole or probation supervision). He reiterated that to him the date of conduct is what is important to him. He stated in Chairman DeRicco's previous example of DNA evidence being found, if that conduct happened five years earlier, even if the conviction happened later, he thinks that should be an aggravating factor.

Commissioner Verchio stated she thinks prior has to be a conviction prior to the offenses the Board is conducting the hearing on. She stated the Board must stick to the offenses that are in play at the time of the hearing. She stated that inmates are allowed to aggregate consecutive sentences, which does not allow the Board to consider one sentence prior to another. She stated she does not think the date of the conduct is more important than the date of conviction or when the sentence structure is handed down. She reiterated that the Board needs to keep it simple where any person on the street would be able to understand what prior conviction means.

Commissioner Bailey agreed with Commissioner Verchio and Commissioner Jackson. She stated that the Board is making something very simple very complicated. She stated she could understand adding the language that Katie Brady incorporated, but ultimately feels that prior conviction is very simple.

Commissioner Christiansen stated that when a person goes out on parole and is picked up on an old warrant, the Board does not punish them for that crime because it happened before their parole. He stated that is why he is focused more on conduct than the time period. He stated that the aggravating factors focus on conduct. He also stated that if something is close, he will most likely fall on the side on the offender.

Chairman DeRicco stated that everyone has made excellent points and that there has been great discussion. He stated that as the definition reads currently is very simple and that a prior conviction is a prior conviction. He stated that this is very black and white and is clear for everyone, including the public and inmates, about when this factor should be used. Chairman DeRicco read the definition as it currently stands with no changes. Commissioner Jackson agreed that no changes needed to be made. Commissioner Verchio stated that hearing examiners, hearing representatives, and commissioners need to be consistent when working-up files. Chairman DeRicco stated that this factor should only be applied if there is a prior sexual conviction. The Board agreed.

There was no further discussion on this section.

Chairman DeRicco continued to read through the document.

Under the section 'Multiple prior parole or probation revocations,' Commissioner Baker asked that when the Board does not count a deferred sentence or diversion term, this often includes drug court, and

she wanted to know why. Chairman DeRicco responded that he believed this is because it is not a conviction.

Chairman DeRicco continued to read through the document.

After reading through the aggravating factor definitions, Chairman DeRicco asked if there was any further discussion. There was no further discussion.

Chairman DeRicco began reading the mitigating factor definitions.

Kelly Mellinger asked about the documentation required in the definition for 'Stable Release Plan.' She stated in the past, the hearings examiners would take the information in the Parole Board Report as proof of stable release plan if the inmate put an address for residence and listed planned employment. She asked if that would still be sufficient proof to use this mitigating factor or if the Board would require additional documentation.

Chairman DeRicco stated that the discussion from the last meeting was that the hearing panel could determine if they could substantiate the stable release plan, whether that was through additional documentation or through the hearing. Ms. Mellinger asked if the hearings examiners should indicate 'stable release plans' during their work-ups if both are indicated in the Board Report. Chairman DeRicco affirmed they should, and it would be up to the Board to substantiate that information at the hearing.

There was no further discussion regarding the mitigating factors.

Chairman DeRicco then read through other factors.

There was no further discussion.

Chairman DeRicco stated there were a couple strikethroughs that he failed to remove from the document, but other than that, there were no changes to the document that came from today's meeting.

Motion:	Approve the Aggravating and Mitigating Factors Definitions document as distributed, contingent upon the by the Legislative Counsel Bureau
Made:	Chairman DeRicco
Seconded By:	Commissioner Jackson
Votes in Favor:	DeRicco, Jackson, Baker, Weisenthal, Christiansen, VERCHIO, Bailey
Votes Opposed:	None
Results:	Motion passed

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

Public comment – Carson City, NV
No public comment.

Public comment – Las Vegas, NV

No public comment.

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

Motion:	To adjourn the May 31, 2022, meeting of the Nevada Board of Parole Commissioners.
Made:	Commissioner Baker
Seconded By:	Commissioner Christiansen
Votes in Favor:	DeRicco, Jackson, Baker, Weisenthal, Christiansen, Verchio, Bailey
Votes Opposed:	None
Results:	Motion passed

John Crutcher 93782
NWCC PO Box 7000
Carson City, NV 89702

May 24 2022

Board of Parole Commissioners
1677 Old Hot Springs Rd Ste A Rm 201
Carson City NV 89706

Re: Meeting of May 31 / Comments on
Mitigating / Aggravating Factors

Greetings:

Please put this plea on the public record:

Currently the practice of the Board is to use a subjective/clinical application of mitigating and aggravating factors. This practice style was infamously used by the NDOC's now dismantled "Psych Panel." There was expert criticism against this subjective/clinical approach in determining the risk to fail on parole.

This subjective/clinical style is used to override objective instrument indicators of high probability of success. I have been personally re-sentenced three times. Whether you like it or not, your role as quasi-judicial extension of the sentencing court has the effect of incremental increases of penal servitude. I make a plea that the Board develop an objective weighted system assigning numeric value for each positive and negative factor based on actuarial data that correlates known data

RECEIVED

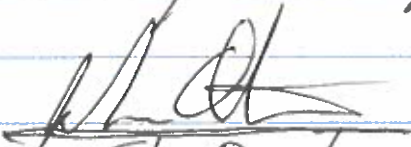
MAY 26 2022

STATE OF NEVADA
PAROLE BOARD

that indicates the factor reduces or increases the likelihood of success on parole without recidivism.

Each factor's numeric value, positive or negative would then be totalled with the value assigned by the instrument ~~supp~~ score supplied by NDOC and shared with the inmate and the public prior to the hearing date to allow for inmate or victim to weigh in about the derived score.

Thank you for your consideration



John Quintere

Katherine Fraker

From: Patricia Adkisson <faithandjoesmom@gmail.com>
Sent: Monday, May 30, 2022 8:16 PM
To: General Parole Board email
Subject: Board of Parole Commissioner Meeting Public Comments 5/31/22

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please submit the following for public comment for the BOPC (Parole) Meeting on 5/31/22. Along with the 13 attachments. Thank you. The other 2 pages need to be sent separate as it is too large to send in one email.

Good afternoon, my name is Patricia Adkisson. In January and February, I submitted proof of the board's actions that work to prevent the lawful execution of NRS 193.165. The board's action effectively prevents the lawful execution of NRS. 213.107 to NRS. 213.157 inclusive.

As of today's meeting, the board has not placed the matter on the agenda for discussion or possible action. This omission implicates the board's intent and serves to preserve a custom and practice that either works to prevent the execution of the related statutes or works to violate others. Along with today's comments for the boards review, I submitted a 239 public records request previously submitted that details in relevant part the described acts and omissions, which implicate the very existence of this board's Power. To be clear, my husband, Michael Adkisson, was granted "institutional parole". This condition by the

board is not within the power or authority of the board. Simply because the condition of parole related to institutional parole is predicated upon NRS 193.165 which is not a crime, nor does it result in a conviction. Without prompt action, converting my husband's Institutional Parole into a parole to the street, the board will be firmly established as the principal bad actor in this matter. Please take steps to immediately cure this defect, as a criminal complaint is eminent. This will allow us to remove the board as a named defendant.

Additionally, related to the aggravating and mitigating factors, in order to comply with the legislative command to adopt objective standards for granting parole. The board cannot consider factors that are not relevant in determining the probability that a convicted person will live and remain at liberty without violating the law, if parole is granted. Simply put, this means, that the board cannot use the aggravating or mitigating factors at all, at any time, when deciding to Grant Parole. These factors do not provide any objective criteria for determining the persons probability of success on parole, and no score or value is assigned in relation to a standard or actuarial usage. This custom and practice is a relic of past structural bias applied in a wholly subjective fashion. We object to the continued use of aggravating and mitigating factors as a basis to deny parole. Thank you for your time. Patricia Adkisson

Michael Adkisson #84280

MAY 18, 2022

INDEX OF ATTACHMENTS RELATED TO 239 REQUEST

Attachment No.	Description	NO PGS
ONE (1)	Public comments submitted at the January 2022 BOARD OF PAROLE COMMISSIONERS MEETING Detailing the Board's Falsification of Public Records also detailing the submission of the actual falsified Records	one (1)
Two (2)	Public Comments submitted at the February 2022 Board of PAROLE COMMISSIONERS MEETING Detailing Improper reliance upon "Subjective" legal interpretation made by Executive Darren N.D.A.L. and utilized by the Board of Parole Comm. Detailing the Board's status as a PRINCIPAL in the related statutory provisions VIOLATIONS	ONE (1)
THREE (3)	Public Record REQUEST ACKNOWLEDGEMENT LETTER dated December 14 2021 From Ex. Secretary Katie Fraker Detailing the Fact that the Board of PAROLE COMMISSIONERS Operates in unauthorized manner, permitting The Nevada Department of Corrections TO Enter the Category of FELONY for the Board's USE IN PAROLE MATTERS (to the detriment of the Public)	ONE (1)
Four (4)	Criminal History Record provided by THE CENTRAL REPOSITORY FOR NEVADA RECORDS OF CRIMINAL HISTORY, Records Communications and Compliance Division. DETAILING MY ACTUAL CONVICTION RECORD establishes that I have NOT suffered a conviction For N.R.S. 193.105 Single Felony Conviction related to N.R.S. 200.030 MURDER IN THE SECOND DEGREE IS THE ONLY FELONY CONVICTION IN EXISTENCE. Demonstrating the Board's claim of a SECOND FELONY CONVICTION utilized for "INSTITUTIONAL PAROLE" is a TRICK or scheme to cause Imprisonment by Parole with NO CRIME or conviction, Preventing execution of 193.105	two (2)

Patricia Adkisson

702-505-2861

faithandloesmom@gmail.com

Board of Parole Commissioners

4000 S. Eastern Ave Ste.130 Rm 301

Las Vegas, NV. 89119

Attachment - 1
may 31ST Board of Parole Comm. meeting
in support of Follow-up w/ 239 REQUEST
RELATED TO ACT(S) of
TREASON

January.30, 2022

Board of Parole Commissioners-Public Comment 1/31/2022

Good afternoon, my name is Patricia Adkisson. My comments relate to certain aspects of consecutive sentences identified at agenda item number 5. Specifically, my comments will be limited to the consecutive sentence related to NRS 193.165, the so called "use of a deadly weapon enhancement" and a falsified public record generated by this board, related to the board's action taken. Preliminary authority conferred to this board in order to take action, imposes an affirmative duty to identify the category of felony conviction before the board may act. This board's authority is limited to the current crime under consideration, because NRS 193.165 is NOT a crime, it does not result in a conviction. There is NO category of felony, however, a review of this board's action's reveals that the board has been falsifying records in order to take action related to NRS 193.165 by designating "use of a deadly weapon" as an actual conviction with different categories of felony. Brazenly asserting a category F felony, which does NOT exist in Nevada law. I have attached the public records of this board's actions, demonstrating proof of this illegal action. Violations of state and federal law are implicated, as well as a complete breach of the public trust. Additionally, we have records dating back to 1996, showing this practice. We rely on a system of laws and checks and balances. This board has neglected to perform their duty to identify the crime and Category of Felony Conviction, as well as the crime severity, and has instead allowed the NDOC to dictate the standards and as a result, this board is engaged in conducting hearings, not authorized by law, and producing falsified public records as a result. I appeared before the Board of Prison Commissioners on January. 24th, 2022, and provided notice of this conduct. Please see my comments to the board, I have attached them and submitted them to this board. A more detailed complaint will be filed with the Department of Public Safety Office of Professional Responsibility. Thank you for your time in this matter. I look forward to hearing from you.

NOTE! CRIMINAL Complaint in District
Court To Follow, ABSENT Immediate
Corrective Action

Patricia Adkisson

faithandjoesmom@gmail.com

702-505-2861

Attachment 2 submitted at
MAY 31 2022 Board of Parole Comm.
Related to NOTICE of TREASON

Board of Parole Commissioners

February 27, 2022

4000 S. Eastern Ave Suite 130

Las Vegas, NV. 89119

Board of Parole Commissioners Meeting- Public Comment 2/28/22

Good afternoon, my name is Patricia Adkisson. My comments today relate to agenda item "Operation of the Board". First, we wish to point out, that the operation of the minimum standard of notice of hearings is deficient. For purposes of the intent to provide meaningful opportunity, the purpose of a three-day notice appears to contemplate submission of written materials. To accommodate this consideration, the notice must be posted in the appropriate time frame, we suggest 10 days in advance. The board deals with incarcerated persons, their families, and with victims of those in prison. We notice that meetings are often unattended by any non-governmental persons. This lack of participation may be indirectly caused by the very short minimum notice. Can the board amend its operations to notify NDOC inmates through law library postings? They are also interested parties, and they can motivate family to attend.

Second, on December 14th, 2021, the Board sent us a letter that affirms that the board relies upon and is dependent upon NDOC custody officials to supply representations of fact. This interdepartmental dependency appears to us, to be highly problematic and not done pursuant to an approved interlocal agreement. For example, NRS 193.165 states in the text that it is NOT a separate offense, yet the local District Attorneys operate on a legal fiction that it is a crime, and file complaints alleging violations of a non-criminal statute. The local judiciary then pronounces sentences for violation of the non-criminal statute. That legally can only be interpreted as a de facto civil commitment, then NDOC has to make up a category of offense. The legislature provides Categories A, B, C, D, and E. since the text of NRS 193.165 declares itself, not to be a separate crime, NDOC makes up categories, including category F, for the non-offense. Then, because of the board's improper dependence on NDOC, they unwittingly become principles through acts of other State and local agencies. Can something go into the boards operational rules to establish a policy of protecting their independence? The board is a quasi-judicial agency, an extension of the sentencing court. Should not the board then assert their independence from other agencies and in doing so ensure that the facts upon which they make parole decisions are double checked and arrived at independently consistent with the legislative command.

Third, we moved to suggest the idea that the Board incorporate into its rules of operations NRS 179.2405 which is an act in legislature in 2017 announcing the public policy of giving second chances to offenders who are rehabilitated. Can you state for the record whether you have adopted this new policy statement? Thank you for your time and I look forward to seeing you at the next board meeting.

CENTRAL OFFICE

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MARY K. BAKER, *Member*
SCOTT WEISenthal, *Member*

KATIE FRAKER, *Executive Secretary*

STATE OF NEVADA
STEVE SISOLAK
Governor

Attachment - 3 -
Submitted
May 31 2022
Board of
Parole
(Comm. meeting)



LAS VEGAS OFFICE

4000 S. Eastern Ave., Ste. 130
Las Vegas, Nevada 89119
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CHRISTOPHER P. DERICCO, *Chairman*
ERIC CHRISTIANSEN, *Member*
DONNA VERCHIO, *Member*
LAMICIA BAILEY, *Member*

NEVADA BOARD OF PAROLE COMMISSIONERS

December 14, 2021

**PUBLIC RECORDS REQUEST
ACKNOWLEDGEMENT LETTER**

Michael Adkisson, NDOC #84280
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, Nevada 89702

RE: PUBLIC RECORDS REQUEST dated December 8, 2021.

Mr. Adkisson,

On December 13, 2021 the Nevada Board of Parole Commissioners received your request for documents pursuant to Nevada's Public Records Law.

1. Please provide me with the official state record relied upon by the Board in order to determine the category of felony conviction to be assigned to each crime under consideration by the Board. **The Board does not determine the category of felony conviction. The category of felony conviction for each crime is determined by the Nevada Legislature and a person is then sentenced accordingly by the judge. The Nevada Department of Corrections enters the sentencing information from an inmate's Judgment of Conviction, along with the category of felony, for the Board's use.**

Signed,

Katie Fraker

Katie Fraker
Executive Secretary

TO BE SUBMITTED AS SUPPORTING MATERIAL
AT the MAY 31 2022 BOARD OF PAROLE COMMISSIONERS
MEETING WITH COMMENTS BY PATRICIA ADKISSON

Michael Adkisson # 84280
RR Box 7000 N.N.D.C.
Carson City NV 89702

MAY 18, 2022

PAROLE BOARD / PAROLE Commissioners / Executive Secretary
1479 Old Hot Springs Road Suite A
Carson City NV 89702

I. RE: N.R.S. 239 PUBLIC RECORDS REQUEST (case no: 200178)

On 8-11-2016 I appeared before the Board and was Granted
Parole effective on 11-1-2016. However, I have not received my
PAROLE AGREEMENT from you at any time. Please consider
the following REQUEST:

1.) Please provide me with the PAROLE-AGREEMENT
mandated by N.R.S. CH. 213 Once the Board takes Action
to GRANT PAROLE.

II. RE: Additional N.R.S. 239 PUBLIC RECORD REQUEST

N.R.S. 196.010 Defines the crime of TREASON in pertinent part
as follows; 196.010 TREASON

1. "Treason against the PEOPLE of the state consist in ;
(a) Levying war against the PEOPLE of the State ;
(b)... (c)...
2. Treason is a category B Felony and is punishable by
imprisonment in the State prison for a maximum term of
not less than 2 years and a maximum of not more than
10 years.
3. ...

See also 196.020 "Levying War" defined

To constitute levying war against the State an actual act
of war must be committed. To conspire to levy war is not enough.
When persons arise in insurrection with intent to prevent, in
general, by force and intimidation, the execution of a statute of
this State, or to force its repeal, they shall be guilty of levying war.
But an endeavor, although by numbers and force of arms, to
resist the execution of a law in a single instance, and for a
private purpose, is not levying war

michael Adkisson #84280

MAY 18, 2022

Treason is a crime committed against the people of the State.

The intentional ACT to prevent the lawful execution of N.R.S. 193.165 by members of the Board of Parole Commissioners implicates violation of TREASON.

The intentional act or the intentional act of omission by the Executive Secretary implicates violation of N.R.S. 196.030 MISPRISION of TREASON

196.030 MISPRISION of TREASON

A person who has knowledge of the commission of treason, who conceals the crime, and does not, as soon as may be, disclose the treason to the Governor or a Justice of the Supreme Court or a Judge of the Court of Appeals or the district court is guilty of misprision of treason which is a category C felony and SHALL be punished as provided in N.R.S. 193.130

1. On January 31, 2022 Patricia Adkisson appeared before Members of the Board at the Public Meeting. At that time Patricia Adkisson provided falsified records generated by the Board that work to prevent the execution of the Statutory scheme related to the Boards authority. N.R.S. 211.213 limits the Boards authority to actual crimes that result in Felony Convictions.

2. On February 28, 2022 Patricia Adkisson appeared before members of the Board at the Public Meeting. At that time the Board was NOTIFIED of the following:

- The Board improperly relies upon N.D.O.C. to identify and designate the category of felony offense and conviction for the Board use, contrary to Legislative designation

- The Board is operating on a legal fiction to prevent the execution and operation of the legislative. Designation of N.R.S. 193.165 commanding that this statute is to be treated as "NOT A SEPARATE OFFENSE"

- The Board becomes the PRINCIPAL in the related Statutory violations

1. Record of Patricia Adkisson Public Comments attached for your convenience establishing Supporting evidence of the Boards intent to prevent the execution of N.R.S. 193.165 by Designating 193.165 as Offense and Separate conviction. (Including Fictitious Act F Felony)

2. Record of Patricia Adkisson Public comments attached for your convenience establishing NOTICE of the Bad Acts described.

preventing the execution of the affected statutes when the Board acts to Order a Grant or Denial of parole pursuant to a separate distinct sentence when considering N.R.S. 193.165 including when the Board Grants parole and imposes

"INSTITUTIONAL PAROLE" as a condition claiming that a "consecutive" sentence pursuant to N.R.S. 193.165 provides a statutory basis to provide for Institutional Parole.

- The Board's Actions related to N.R.S. 193.165 does constitute an Abuse of Discretion.
- N.R.S. 193.165 is not a separate offense, no conviction is possible, no crime is under consideration when the Board takes any Action related to "Grant: DENY: INSTITUTIONAL PAROLE"
- The Board is Grossly NEGLIGENT in their official Duty to LIMIT ACTIONS to "OFFENDERS" and a current crime. (193.165 name)
- N.R.S. 209.081 "OFFENDER" defined.
"OFFENDER" means any person convicted of a crime under the laws of this State and sentenced to imprisonment in the state prison
- The Board is Grossly NEGLIGENT in the performance of the DUTY to independently verify the LEGISLATIVE designation related to N.R.S. 193.165 before taking Action or creating a public record
- The Board's Action related to the creation of a Public Record designating N.R.S. 193.165 as ANY OFFENSE or Crime of Conviction or ANY Category of Felony does constitute an ABUSE of Discretion, in violation of N.R.S. 239.330

N.R.S. 239.330 Offering false instrument for filing or record

1. Except as otherwise provided in Subsection 2, a person who knowingly procures or offers any false or forged instrument to be filed, registered or recorded in any public office, which instrument if genuine, might be filed, registered or recorded in a public office under any law of this state, or of the United States, is guilty of a Category C felony and SHALL be punished as provided in N.R.S. 193.130

- The Board record of Actions designating NON-OFFENSES as a Category of Felony to include "Category F" does constitute an Abuse of Discretion and a Violation of the Public's Trust to rely upon the Executive branch function, Not to encroach on a Legislative Function
- The Boards Actions in collaboration with the Nevada Dept. of Corrections (NDOC) in this described "TRICK or SCHEME" tends to Support insurrection with intent to prevent, by **FORCED IMPRISONMENT**, the execution of N.R.S 193.145 designated by the legislature to be NO OFFENSE.
- But for the Boards Connivance, treating N.R.S. 193.145 as a crime and a separate conviction, I would not be Confined to a State Prison as a "CONDITION OF INSTITUTIONAL PAROLE" as Ordered by the Board.

³ On December 14th, 2021 the Executive Secretary, Katie Fraker did cause the delivery of the ACKNOWLEDGEMENT letter in Response to my Request. The December 14th, 2021 letter established the following in pertinent part;

"The Nevada Department of Corrections enters the ... Category of felony, For the Boards use."

This acknowledgement triggered the NOTICE by Patricia AdKisson as described at the January and February Board meetings.

It is relevant to note that the Department of Public Safety includes The Board of Parole Commissioners as well as The Nevada Criminal History Records Repository.

The Record Repository maintains Records of Conviction from the Sentencing Court and is charged with providing State Agencies with

³ Record of the December 14th, 2021 ACKNOWLEDGEMENT letter attached for your Convenience.

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the Record upon request.

The Record Repository is also charged with a Duty to enter Conviction Records into the Federal N.C.I.C. System under strict statutory provisions in order to ensure accuracy as reflected by controlling Statutory law designated by the Legislative Branch.

A review of this record demonstrates NO CONVICTION is entered for N.R.S. 193.165. (Known as Nevada Criminal Justice Information System Base Record)

⁴ I am providing my N.C.J.I.S. Base Record demonstrating proof of the related fact, N.R.S. 193.165 does not result in Actual Conviction.

The Board's Choice to rely upon unreliable, unverified representations by N.D.O.C. related to Conviction records demonstrates intent to prevent the execution of the Controlling Statutory Scheme for the purpose of the Board's Function. Obtaining Criminal History related to Conviction records FROM N.D.O.C. works to prevent the execution of N.R.S. CH 179 A

"RECORDS OF CRIMINAL HISTORY AND INFORMATION RELATING TO PUBLIC SAFETY"

N.R.S. 179.045 "Central Repository" defined

"Central Repository" means the Central Repository for Nevada Records of Criminal History.

Record of criminal history includes Convictions and information set forth in N.R.S. 209.353 concerning an Offender in Prison, see N.R.S. 179 A.020

The Central Repository for Nevada Records of Criminal History is within the Records, Communications and Compliance Division of the Department of Public Safety and is charged with the collection, and to maintain the records, see N.R.S. 179 A.075

The Board's reliance on representation by N.D.O.C. Dissemination of Claimed records related to Conviction for N.R.S. 193.165

⁴ Nevada Criminal Justice Information System Base Record attached for your Convenience demonstrating N.R.S. 193.165 does not result in a Separate, or any Conviction for purposes related to Executive Branch Agency functions including the BOARD OF PAROLE COMMISSIONERS as ACTUALLY determined by the Court, Reflecting the legislative Command

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is in direct conflict with N.R.S. 179A.090 in relevant part;

"N.R.S. 179A.090 Prerequisite to dissemination of records; exceptions
No agency of criminal justice in Nevada may disseminate
any record of criminal history which includes information
about a felony or a gross misdemeanor without first
making inquiry of the Central Repository, to obtain the most
current and complete information available.

The Board prevents the execution of this statute when the Board does
Act to disseminate information represented to be about a felony
each instance when the Board produces an Order related to
N.R.S. 193.165 claiming any felony category, without first making inquiry of the Central Repository.

All records submitted to the Central Repository are done so in accordance
with the policies, procedures and definitions of the "Uniform Crime Reporting
Program of the Federal Bureau of Investigation."

The State of Nevada member status in the Nevada Crime Prevention and
Privacy Compact N.R.S. 179A.800 provides that each party state will adhere
to III system standards concerning record dissemination and use.

The Board's claim and subsequent Board record stating N.R.S. 193.165
results in a criminal conviction of felony is not reflected within the
Central Repository for Nevada Records of Criminal History.

The clear explanation for this is plainly stated in the statute as "NOT
A SEPARATE OFFENSE" as such and in accordance with the
Uniform Crime Reporting Program of the Federal Bureau of Investigation.
See N.R.S. 179A.075 (2)(b) there is NEVER a Record of Conviction
for N.R.S. 193.165, simply because it is not a crime.

The clear conflict between the N.C.T.I.S. record showing NO record
of conviction, and the Board's claim of Reliance on N.D.O.C.
designation of a Felony Conviction is a result of the Board's
failure to request the record of conviction from the Central
Repository. The N.D.O.C. is engaged in activity with the

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intent to prevent the execution of N.R.S. 193.165 as designated by the legislature to be NO OFFENSE. The N.D.O.C. unilateral determination is a clear encroachment on a legislative function.

The Board's choice to rely upon N.D.O.C. representations related to Category of offense and Conviction does constitute dereliction of their duty. The continuing practice after Notice that the N.D.O.C. admits to Creating a new Category of Felony⁵ "Because they have to put something in the Computer" where admittedly no conviction is present, Creating a Category F Felony assignment Implicates the Board's shared intent to prevent the execution of the affected statutes.

Either the Board is a PRINCIPAL ACTOR in the Bad acts resulting in the named Statutory violations or the Board has been DUPED, or simply has lost sight of the critical importance of our system of laws and Government by the RELIC of bad customs and practice. If the Board is not a Principal actor in the described activity, upon NOTICE at the Jan. & Feb Meeting, the Board and Executive Secretary had a Duty to report to the Governor, per N.R.S. 196.030 MISPRISION OF TREASON.

In Consideration of the Forgoing please Consider the Following N.R.S. 239 Public Records Request:

1. Please provide me with the record produced by the Board or Executive Secretary as Contemplated by N.R.S. 196.030 providing NOTIFICATION of the Act of TREASON Committed by the Nevada Department of Corrections in an attempt to prevent the lawful execution of a statute, N.R.S. 193.165 declared to be NO SEPARATE OFFENSE, by Force through FORCED IMPRISONMENT without a conviction.

⁵ See Green v. Baese

C.C. D.A.E. Randy Gilmore

N.D.O.C. D.D. Bill Gittere / TO FILE

Submission into Public Record of Board on 5/18/2022 will be made. With Complaint to Follow!

CORDIALLY
