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March 24, 2022

RE: March 31, 2022, LCB Filing Workshop

Dear Nevada Board of Parole Commissioners

Thank you for holding this Workshop concerning LCB File No. R114-21P, R115-21P, and R116-21P. I have reviewed the proposed changes to NAC 213.516, 213.518, and 213.514. Unfortunately, I do not agree with the proposed language and am therefore against their adoption in their current form. The proposed language continues to not satisfy explicitly mandatory requirements of certain Nevada Statutory Law.

I am quite certain that Deputy Attorney General Kathleen Brady has informed this body that my civil actions in relation to these NACs and their subservient policies and practices have been denied and dismissed. However, she should have additionally informed you that I have appealed both cases to the Nevada Supreme Court as the denial was entered in violation of the court's rules and the dismissal was not signed by a sitting Nevada judge. Both instances violate multiple rules under the Nevada Code of Judicial Conduct and are being reported to the Nevada Commission on Judicial Discipline as Judicial Misconduct.

In keeping with the Board's Notice of Intent to Act Upon A Regulation, the remainder of this public comment will itemize my principle reasons against the adoption of LCB File No. R114-21P, R115-21P, and R116-21P.

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R114-21P

The following are my principle reasons against LCB File No. R114-21P:

1. NAC 213.516 continues to rely on Nevada Department of Corrections' crime severity levels. NRS 213.10885(2)(a) explicitly mandates the Board's consideration of the severity of the crime committed. Nowhere in Nevada law, including NRS 213.10885, is the Nevada Department of Corrections authorized to determine the severity of Nevada's crimes. Nevada's Legislature established the severity level of each type of crime in the A, B, C, D, and E category structure of NRS 193.130 and NRS 193.330. As NRS 213.10885(2)(a) does not provide discretion to consider anything other than the severity of the crime committed, the Board is statutorily bound to the Legislature's A, B, C, D, and E severity level designations.

2. The NAC 213.516 Initial Assessment Table does not state what "Deny parole," "Grant parole at first or second meeting to consider parole eligibility," nor "Grant parole at initial parole eligibility" mean in relation to the proposed NAC 213.516(2) language. NAC 213.516 nor NAC 213.518 state how NAC 213.518 factors are to be considered if NAC 213.516 concludes Grant or Deny prior to NAC 213.518 factor consideration. Without specifying under what circumstances parole should be granted at the first or second meeting, how can the Board properly make that determination? NRS 213.10885(1) requires the Board's standards to be based on "objective" criteria. NAC 213.516 and NAC 213.518 are void of all criteria to indicate proper application of these NAC 213.516 Initial Assessment results.

R115-21P

The following are my principle reasons against LCB File No. R115-21P:

1. NAC 213.518(1)(b) utilizes the word "may" concerning relevant aggravating and mitigating factor consideration by the Board. NRS 213.10885(2) provides, "In establishing the standards, the Board shall consider ... all other factors which are relevant" The word "may" in NAC 213.518(1)(b) affords discretion that is impermissible under NRS 213.10885(2). THE BOARD MUST CONSIDER EVERY APPLICABLE FACTOR.

2. NAC 213.518 does not specify how NAC 213.518(2) & (3) factors are to be considered. NRS 213.10885(1) states that the Board's "[s]tandards must be based upon objective criteria" Without specifying how NAC 213.518(2) & (3) factors are to be considered, they cannot be considered objectively as each parole commissioner will then consider each factor based on personal bias resulting in subjective consideration.

R116-21P


The following is my principle reason against LCB File No. R116-21P:

1. As the Board's execution of NAC 213.514(4) is located in the new NAC 213.518(2)(g) & (3)(k), NAC 213.514(4) should reference NAC 213.518. NAC 213.514(4) stating that consideration will be "[I]n accordance with NRS 213.1214 ..." is too vague as NRS 213.1214(4) simply mandates the Board consider the Department of Corrections' assessment. As the Board has chosen to do so via NAC 213.518, it should be included by reference in NAC 213.514(4).

CONCLUSION

For the principle reasons stated in this public comment submission, I am against LCB File No. R114-21P, R115-21P, and R116-21P. It is my hope that the Board will consider further amendments to NAC 213.516, 213.518, and 213.514 to bring them further into compliance with NRS 213.10885, 193.130, and 193.330.

Thank you for your time and consideration.


Evan Grant