

Members Present:

Chairman Hayes
Vice Chairman Stewart
Mr. Banner
Mr. Brady
Mr. Coulter
Mr. Fielding
Mr. Horn
Mr. Malone
Mr. Polish
Mr. Prengaman
Mr. Sena

Members Absent:

None

Guests Present:

Bryn Armstrong	Parole Board
Barbara Bailey	Nevada Trial Lawyers Association
Robert Barengo	Assemblyman
Bud Campos	Chief Parole and Probation Officer
Bob Edmondson	Department of Human Resources
Robert Gagnier	SNEA
Frank Holzhauer	Department of Human Resources
Ronald Jack	City of Las Vegas
Larry Ketzenberger	Las Vegas Metro Police Department
Michael Malloy	Washoe County Deputy District Attorney
Michael L. Medema	Department of Prisons
Geno Menchetti	Deputy Attorney General
Bob Miller	Clark County District Attorney
Wiley F. Peebles	Parole and Probation
Robert Robinson	Assemblyman
Charles L. Wolff, Jr.	Department of Prisons

Chairman Hayes called the meeting to order at 8:04 a.m.

ASSEMBLY BILL 192

Requires publication of list of persons paroled or pardoned.

Mr. Armstrong said his purpose of appearing was to inform the Committee of present procedures of releasing the names of those being considered for parole. He gave the Committee copies of a mailing list (Exhibit A) which is used for informing various law enforcement agencies and newspapers of those being considered for parole 90 days before any hearing is held. He also distributed copies of material that would be a sample of what is presently distributed (Exhibit B).

Mr. Armstrong related that there would most likely be a tremendous cost in publishing legal advertisements as would be required by this bill, listing names of persons paroled or pardoned. He noted that newspapers across the State presently are on the mailing list he referred to earlier, and they have the option of printing the names if they choose.

In answer to a question offered by Mr. Prengaman, Mr. Armstrong said that notification is made after hearings of those who were actually paroled or pardoned. He said that this notification is usually made through the mailing list when new information is being sent out.

Mr. Armstrong said that he felt the Committee should consider costs that would be incurred by this bill.

ASSEMBLY BILL 199

Prohibits probation for a second or subsequent conviction of any felony.

Mr. Horn said that presently the statute includes a list of crimes for which probation cannot be given, and this bill would add that a person convicted of a second felony would also not be eligible for probation. Mr. Horn said this bill was not to try to rehabilitate any criminal or deter any crime, but the bill was designed to keep the criminal off the street.

Mr. Horn said that he was not inferring that a sentence could not be suspended. He felt that it would be a step in the right direction to not allow a repeat felon to receive probation.

Chairman Hayes asked if perhaps this bill should address a second related felony rather than any felony. Mr. Horn answered that once a person has been convicted of a felony, it should be a warning to be cautious of future actions. He felt that the bill should be applicable to any type of felony that a person would commit. He further stated that if there are laws that are presently addressing crimes as felonies that should perhaps be gross misdemeanors, the laws should be changed.

Mr. Horn said he believed citizens feel there has been enough crime, and they would support this legislation. As far as fiscal notes on this legislation and the following A.B. 198, he said he felt the citizens would be willing to spend this extra money to keep criminals off the streets.

Mr. Peebles said his department felt that this bill was taking a discretion from the courts that has not been abused. He related that in the past year, there were 950 cases in the State where probation was granted. He said 124 of these cases involved persons who had previously been convicted of felonies. Of this number, about half were given probation to run concurrently

with prison sentences. In the other half of cases involving ex-felons, one of the common factors in the cases was the length of time between the prior and subsequent felony conviction.

Mr. Peebles said the bill would place a burden on District Attorneys who might have to try to prove the validity of a prior conviction.

Mr. Wolff said he would support Mr. Peebles' testimony. He said he did not have any personal knowledge of abuses in granting probation by the judges of the State. He stated that there were concerns about locking a second offender in prison. He said he felt that a person that had stayed out of trouble for three years would be considered a successful citizen in his eyes. He said there should be some consideration of the time period between convictions in the proposed bill, and the three-year period could be considered if the bill was to be passed. He also said he would possibly suggest that the bill refer to a third felony conviction rather than the second conviction.

Mr. Wolff further stated that it was felt this bill would increase the prison population by about 70 persons per year at a cost of about \$8,000 per person. He said the prison system is required to accept any number of prisoners sent to them, but he said he hoped there would be funds to provide a place to put them.

Chairman Hayes asked if the discretion was taken away from the court in the matter of granting probation to a repeat felon, would it be possible that judges would release people. Mr. Wolff answered that if laws are passed that are too stringent, the judges begin to refuse to use them.

Mr. Ketzenberger said he did not think every felony should be considered under this bill, and he specifically mentioned convictions involving marijuana or writing a bad check as felonies that should not be a consideration for not granting probation.

Mr. Malloy stated that if a person receives a suspended sentence, probation is automatically given. He said he thought the bill should be amended to mandate incarceration for a person who commits a crime while on probation or parole. He said there seemed to be more abuse in this regard rather than in situations the bill addresses.

The Committee was in recess at 9:02 a.m. and reconvened at 9:05 a.m.

ASSEMBLY BILL 198

Increases amount of time served before parole.

ASSEMBLY BILL 105

Increases fraction of sentence prisoner must serve before becoming eligible for parole.

Assemblyman Barengo said that the District Attorneys in the State had requested introduction of A.B. 105 because it was felt that criminals being sent to prison were being released too fast. He said the bill would provide that a person serve at least one-third of a sentence before becoming eligible for parole rather than one-fourth of the sentence.

Assemblyman Barengo also stated that there was a \$5 million fiscal note on this bill, and he indicated that the Committee might not be ready to incur this expense at this time.

Mr. Horn, speaking concerning A.B. 198, stated that he had prepared a chart (Exhibit C) showing the relationship in years that would be added by changing the wording in the statute from one-fourth to one-third of a prisoner's sentence.

Mr. Horn noted that the major difference between the two bills was that under A.B. 198, a prison term could not be shorted to less than three years. He said that this bill, as well as A.B. 199, are designed to keep the criminal off the streets. He said that citizens are being misled to believe that persons sentenced to prison are actually serving the full term of the sentences.

Mr. Menchetti said his comments would be directed to A.B. 105 which was supported by the law enforcement community. He stated that under the present system of an inmate becoming eligible for parole after serving one-fourth of his sentence, he did not think that more than half of the prisoners could have been paroled. He stated that even if this requirement was changed so that an inmate would have to serve at least one-third of his sentence, he would doubt again that more than half of the inmates would be released on parole when they first became eligible. He stated that the important thing to remember when enacting legislation that increases the burden on the prison system is that more money will be needed for supporting the system.

Mr. Campos said that present laws were established in 1967 to get tough on crime. He said that several things have happened since that time that reduce the amount of time necessary for a person to serve in prison. He said that the system has been changed so that county jail time can be counted against a prison sentence. There has been an increase in the amount of good time credits that can be applied to a person's sentence.

Mr. Campos said that one of the advantages of the parole and probation system is that a person's behavior can be monitored to some extent. He stated that about 43% of the people received at the Nevada State Prison are from the Parole and Probation Departments of the State. He said that the end goal of these two departments is to see people released that they will not see again. Because of being able to monitor the behavior of individuals released from prison, he felt that the parole system was primarily a tool for protection of the community.

Mr. Campos said that he was opposed to A.B. 198 because the minimum sentence time of three years would only affect individuals with short sentences.

Mr. Polish questioned who set good time credit allowances. Mr. Campos said that there were parameters for this in the law, but he could not answer who actually sets the time.

Mr. Wolff presented to the Committee information relating to research of average times served in prisons across the country and a page showing the budget amounts for the prison system presently being considered by the Legislature (Exhibit D).

Mr. Wolff stated that approximately 87% of the prison population is released within three years of entering the prison. He said that about 95% of the population leaves with five to seven years.

Mr. Wolff said that the fiscal note prepared for A.B. 105 was off about \$40 million because that would be the amount necessary to construct a new facility which he said would be required if the bill passed. He said that a fiscal note for A.B. 198 would be much higher.

Mr. Miller said that the area of Parole and Probation had been one of extreme concern. He said that a study had been done in his office by the Chief Criminal Deputy regarding the actual amounts of time served by individuals paroled in the last six months. He said it became apparent that the policy used by the Parole Board was resulting in the release of persons from prison in far less time than had been anticipated by his office and by the public in general. He mentioned several specific cases (Exhibit E) relating the date of sentencing, the length of the sentence, the crime committed, and the date of release.

Mr. Miller expressed his concern to the present system of allowing good time credits. He said that the way the present procedures are administered, a prisoner can earn the same amount of good time credits in regard to the actual time he has served. He said that increasing the minimum time a prisoner must serve would hopefully counteract the time presently being allowed by good time credits.

ASSEMBLY BILL 177

Makes certain employees at juvenile correction institutions peace officers.

Mr. Gagnier said that this bill was not dealing with early retirement benefits. He said this bill would add a new category in the designation of peace officers. Those to be added would be group supervisors of the Nevada Girls Training Center and Nevada Youth Training Center. He said that these individuals presently do not have authority as peace officers when they are not on the grounds of these two institutions. He said that the individuals need the authority as peace officers when they might be in the situation of apprehending a juvenile that had escaped from either of the facilities.

Mr. Jack spoke in favor of the bill and requested the addition of two amendments. In Item 17 of the present language, he asked the Committee to consider deleting "the board of trustees of any school district" and insert "local government entities." He also requested the addition of a new section which would include city building, housing, and licensing inspectors, animal control officers, and traffic engineers specifically designated by the Board of County Commissioners or the governing body of a city when carrying out duties within their specific areas of enforcement.

Mr. Edmondson stated that from his department's point of view, this bill was just a clarification of the law, and there would be no opposition of the bill.

ASSEMBLY BILL 193

Provides immunity from civil actions in certain circumstances to persons charged with regulating practitioners of a healing art.

Assemblyman Robinson noted that a letter had been submitted to the chairman from Dr. Marvin M. Sedway (Exhibit F), and he said the request was made that the letter be read into the record. He said the Nevada State Board of Optometry has had difficulty where disgruntled applicants who failed to pass the Board or applied for a license for reciprocity and were denied took civil action against the Board charging them with various allegations. He said the Board did not feel that the responsibility of performing examinations should put them in the position of being personally liable when a person is not satisfied with the results of the examination. He stated that a similar bill, S.B. 82, had been killed in committee in the Senate.

Ms. Bailey said that this bill duplicated what was in existing language. She said that the Trial Lawyers Association had not been able to come up with any cases that had taken place in which a disgruntled applicant had sued an examining board.

Mr. Stewart moved for indefinite postponement; Mr. Banner seconded the motion. The Committee unanimously approved the motion.

ASSEMBLY BILL 177

Chairman Hayes said that copies of the amendments proposed to this bill by Mr. Jack would be distributed to members of the Committee. She said she thought too many people were being included in the category of peace officer.

Mr. Stewart moved to adjourn. Chairman Hayes declared the meeting adjourned at 10:15 a.m.

Respectfully submitted,



Carl R. Ruthstrom, Jr.
Secretary

Sheriff Hal Dunn
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Yerington, NV 89447

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Eighth Judicial District Court
Clark Co. Courthouse, Dept.6
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Honorable John W. Barrett
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Washoe Co. Courthouse, Dept.
Reno, NV 89501

Richard A. Wagner, D.A.
Pershing County
P.O. Box 299
Lovelock, NV 89419

Carl J. Christensen
Eighth Judicial District Ct.
Clark Co. Courthouse, Dept.7
Las Vegas, NV 89101

Honorable John E. Gabrielli
Second Judicial District Ct.
Washoe Co. Courthouse, Dept.
Reno, NV 89501

Honorable Michael J. Fondi
First Judicial District Court
Carson City Courthouse, Dept.2
Carson City, NV 89701

Honorable Michael J. Wendell
Eighth Judicial District Ct.
Clark Co. Courthouse, Dept.8
Las Vegas, NV 89101

Roy L. Torvinen
Second Judicial District Ct.
Washoe Co. Courthouse, Dept.
Reno, NV 89501

Honorable Michael R. Griffen
First Judicial District Court
Carson City Courthouse, Dept.1
Carson City, NV 89701

Honorable Keith C. Hayes
Eighth Judicial District Ct.
Clark Co. Courthouse, Dept.9
Las Vegas, NV 89101

Honorable William N. Forman
Second Judicial District Ct.
Washoe Co. Courthouse, Dept.
Reno, NV 89501

Honorable Howard D. McKibben
First Judicial District Court
Douglas County Courthouse
Minden, NV 89406

Honorable Paul S. Goldman
Eighth Judicial District Court
Clark Co. Courthouse, Dept.10
Las Vegas, NV 89101

Honorable James J. Guinan
Second Judicial District Ct.
Washoe Co. Courthouse, Dept.
Reno, NV 89501

Honorable J. Charles Thompson
Eighth Judicial District Ct.
Clark Co. Courthouse, Dept.1
Las Vegas, NV 89101

Honorable Addelmar Guy
Eighth Judicial District Ct.
Clark Co. Courthouse, Dept.11
Las Vegas, NV 89101

Honorable Peter I. Breen
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Washoe Co. Courthouse, Dept.
Reno, NV 89501

Honorable James A. Brennan
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Clark Co. Courthouse, Dept.2
Las Vegas, NV 89101

Honorable Joseph O. McDaniel
Fourth Judicial District Ct.
Elko County Courthouse
Elko, NV 89801

Llewellyn A. Young
Sixth Judicial District Ct.
Pershing Co. Courthouse
Lovelock, NV 89419

Joseph S. Pavlikowski
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Tonopah, NV 89049

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Box 1688
Carson City, NV 89701

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Las Vegas, NV 89101

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Churchill Co. Courthouse
Fallon, NV 89406

Lahontan Valley News
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Fallon, NV 89406

Honorable John F. Mendoza
Eighth Judicial District Ct.
Clark Co. Courthouse, Dept.5
Las Vegas, NV 89101

Honorable Merlyn H. Hoyt
Seventh Judicial District Ct.
White Pine Co. Courthouse
Ely, NV 89301

Las Vegas Sun
P.O. Box 4275
Las Vegas, NV 89106
C/O Chris Crystal,
City Editor

Honorable Grant L. Bowen
Second Judicial District Ct.
Washoe Co. Courthouse, Dept.1
Reno, NV 89501

The Record-Courier
Box 158
Gardnerville, NV 89410

Wells Progress
P.O. Box 425
Wells, NV 89835

Lovelock Review-Miner
P.O. Box 620
Lovelock, NV 89419

Lee Adler
Capital Press
Supreme Court Bldg.
Carson City, NV 89701

Lincoln County Record
1001 Ranch
Caliente, NV 89008

Sparks Tribune & Big Nickel
P.O. Box 887
Sparks, NV 89431

Tonopah Times-Bonanza
Box 193
Tonopah, NV 89049

Brendon Riley
Capital Press
Supreme Court Bldg.
Carson City, NV 89701

Reno Evening Gazette
P.O. Box 280
Reno, NV 89504

Eagle Standard
Fallon, NV 89406

Cy Ryan
Capital Press
Supreme Court Bldg.
Carson City, NV 89701

Las Vegas Review-Journal
P.O. Box 70
Las Vegas, NV 89101

Nevada Appeal
200 Bath St.
Carson City, NV 89701

The Valley Times
P.O. Box 3936
North Las Vegas, NV 89101

Henderson Home News
Henderson, NV 89015

Elko Independent
Elko, NV 89801

Nevada Legal News
P.O. Box 7407
Las Vegas, NV 89101

Battle Mountain Bugle
235 W. 2nd St.
Battle Mountain, NV 89820

Elko Daily Free Press
P.O. Box 1330
Elko, NV 89801

Independent News
Box 1277
Hawthorne, NV 89415

Humboldt Sun
Box 912
Winnemucca, NV 89445

Nevada State Journal
P.O. Box 280
Reno, NV 89504

Mason Valley News
Box DD
Yerington, NV 89447

Ely Daily Times
655 Aultman St.
Ely, NV 89301

BOARD OF PAROLE COMMISSIONERS

The persons listed will be appearing before the March meeting of the Board of Parole Commissioners for parole hearings. If there is any information or recommendation you may wish to make on any case, please respond to this office: Parole Board, 309 East John St. Suite #1, Carson City, Nevada 89701

NEVADA STATE PRISON

<u>NAME</u>	<u>COUNTY</u>	<u>OFFENSE</u>	<u>SENTENCE DATE</u>
SNYDER, Robert	Washoe	Utt/Forg/Inst.	8/10/76
NEWBERRY, Robert	Washoe	Robbery/Burglary	3/11/77
HOLLIS, Vernon	Washoe	Burglary	1/6/78
MERCADO, Ernest	Clark	Sale/Contr/Subst.	12/2/75
COLLINS, Melvin	Clark	Rob/CS/UDW	3/4/77

NEVADA WOMEN'S CORRECTIONAL CENTER

MORT, Caroyln	Washoe	Grand Larceny	5/20/78
MATHIS, Hettie	Washoe	UDW	5/8/78
FITZPATRICK, Ruth	Washoe	Forgery	8/1/78
NORRIS, Valarie	Washoe	Forgery	7/7/78
HOWARD, Cynthia	Washoe	Att. Grand Larceny	7/12/78
SMITH, Dorothy	Clark	Poss. Stln. Property	6/25/78
THOMPSON, Lorraine	Clark	2 Cts. Sale/Contr/Subst/CC	5/9/78

SOUTHERN NEVADA CORRECTIONAL CENTER

MORENO, Joseph	Clark	Batt/UDW	1/21/76
MEENGS, Robert	Clark	Robbery	6/4/74
LARSEN, Christopher	Clark	Murder 1st/CC/Kidnap 2nd/ CS/UDW	10/17/75
ALEX, Walter	Clark	Grand Larceny	5/27/76

SAPP, Robert	Clark	Att. Grand Larceny	6/14/78
REED, Major	Clark	Statutory Rape	7/28/77
REPEDA, George	Clark	Larceny from the Person	10/27/77
MOORE, Michael	Clark	Rob/CC/Burglary	1/10/78
JACKSON, Ronald	Clark	Poss/W/Intent to Sell	2/22/78
JEFFERSON, Ezra	Clark	Att. Robbery	3/8/78
SCHERI, John	Clark	Rob/CS/UDWICC	3/27/78
MCCALISTER, Michael	Clark	Rob/CS/UDWICC	5/2/78
SCOTT, Glynn	Clark	Batt/W/D/W/CC/Coercion	5/15/78
GREINER, William	Clark	Acc/aft/fact/t/Robbery	5/26/78
COOPER, Ron	Clark	Robbery	6/14/78
RUSHING, Arthur	Clark	Larceny/f/t/Person	6/30/78
HUMPHREY, Michael	Clark	Att. Burglary	8/2/78
HALTOM, Duke	Clark	Rob/CC/Grand Larceny	10/30/78
NAILEN, Paul	Clark	Att. Sale/Contr/Subst.	1/26/78
LEMAY, David	Clark	Larceny from the Person	6/30/78

NORTHERN NEVADA CORRECTIONAL CENTER

TILBE, Ronald	Washoe	Burglary	4/22/76
CAPERTON, Edward	Washoe	Lewd/W/Child/U/14	8/19/77
JEFFERDS, Charles	Washoe	Robbery	1/27/78
MILLER, Steven	Washoe	Arm/Rob/CS/UDW	7/6/78
EVANS, David	Washoe	Rob/CS/UDW	8/1/78
CAMACK, Richard	Washoe	Burglary	8/3/78
LOVE, Albert	Washoe	Rob/CS/USDWICC	11/22/78
LYNCH, James	Washoe	Burg/CC/Burglary	12/15/78
SHELLEY, John	Clark	Rape	5/29/74
GOSHORN, Larry	Clark	Rape	11/21/74
LAMOREAUX, Glen	Clark	Rob/WDW/CC/Resist.Off/CS/UDW	12/4/74
THOMPSON, Allen	Clark	Sale Contr. Subst.	2/27/75
COX, James	Clark	Batt/W/Intent/t/Kill	3/16/76

GILSTRAP, Richard	Clark	Att. Escape	5/3/78
ARE, Jimmy	Clark	UDWICC 2 CTS.	3/16/78
VANS, Anderson, Jr.	Clark	Att. Burglary	1/15/77
WEST, Roger	CLark	Burglary	3/18/77
DOMINGUES, John	CLark	Batt/WDW	5/10/78
PRADD, Steve	Clark	Burglary	5/24/78
ALLEN, Norman	CLark	Att. Grand Larceny	7/26/78
HERNANDEZ, Michael	CLark	Att. Robbery	9/20/78
LITTLE, James	Clark	Sale/Contr/Subst/CS/S/C/S	6/16/78
McLEMORE, Michael	Clark	Att. Burglary	11/29/78
PARTRIDGE, Charles	Clark	Att. Robbery	
DUNN, James	Clark	Att. Grand Larceny	10/27/78

JACKSON, Rollin	White Pine	Vol. Manslaughter	2/6/76
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AYERS, Robert	Elko	Att. Burglary	6/12/78
AWES, Daniel	Elko	Att. Robbery	11/22/78

JONES, Randy	Pershing	Robbery/CS/UDWICC	9/20/78
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KING, Gregory	Nye	Burglary	5/10/78
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OUT FOR TREATMENT

WHITMAN, Edward	Clark	Batt/W/I/T/C/Rape	5/7/75
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Memo

FROM THE DEPARTMENT OF PAROLE AND PROBATION :: STATE OF NEVADA

To: A. A. Campos/Board of Parole Commissioners/Prison Date: January 8, 1979

From: Angie Wright, Management Assistant IV *AW* Copies: 9Re: SUMMARY OF PAROLE VIOLATION HEARINGS
NO. NEVADA CORRECTIONAL CENTER January 3-5, 1979 Deadline:

- 1330 ANDREASEN, Michael #11615
Parole Revoked to expiration of sentence
Reinstated stat time 94 days
- 1385 DIXON, Harold #11581
Warrant sustained, parole reinstated
- 1347 WACKERLY, Linda #11757
Parole revoked to expiration of sentence
Reinstated Stat time 78 days
Loss flat time of 1 mo, 25 days
- 1371 WILLIAMS, Tommy 12606
Parole reinstated, warrant sustained
Special Conditions:
(1) Missouri program only; (2) Out Patient Mental Health Therapy
(3) Maintain steady employment
- 1134 DOMINGO, Frank Jr #11904
Warrant sustained, parole reinstated
Special Conditions:
(1) California program only; (3) Out patient drug therapy;
(3) Maintain steady employment
- 1383 MARAUTA, Cortez #12369
Warrant sustained, parole revoked
To be reinstated when supervising parole officer approves an
in-patient alcoholic and drug abuse therapy program.
Note: Mr. Marauto would be expected to remain in such therapeutic
program until released by the Administrator thereof and with the
consent of his supervising parole officer with special conditions
of Drug Testing and No drinking whatsoever.
Reinstated stat time 82 days
- 1350 HAYES, Patrick #11091
Warrant sustained
parole revoked to expiration of sentence
Reinstated stat time 389 days
Loss flat time 1 mo, 26 days

Cont.
Summary of Parole Violation Hearings
No. Nev. Correctional Center
January 3-5, 1979

1016
ORNER, Paul F. #11788
Parole revoked
Reinstate on approved program June 1979
Special Condition:
Restitution to be made for transportation and per diem costs
to the Parole and Probation Department in the amount of \$476.75
Reinstated stat time 101 days
Loss flat time 1 yr, 10 mo, 1 day

1243
MENTAL, Donald #11805
Warrant sustained, parole revoked
Reinstate JUNE 1980 EFFECTIVE ONLY
When restitution has been made in the amount of \$980.69, to parole/probation
will consider him for work release in FEBRUARY 1980 with Institutional approval
Reinstated stat time 120 days
Loss flat time 6 mo, 20 days

1400
PRATHER, Gilbert #11582
Warrant sustained, parole revoked to expiration of sentence
Loss of all stat time 175 days

1395
LEWIS, Eric O. Jr #13067
Warrant sustained, parole revoked to expiration of sentence
LOSS of all stat time 60 days.

LOMAS, James #12048
Case continued until pending charges are heard in the
Second Judicial District Court, County of Washoe

1344
TALAMO, James C. #12747
Warrant sustained, parole revoked to expiration of sentence
Reinstated stat time 61 days

1392
BARONA, Norah #12213
aka Jackie Vailpando
Warrant sustained, parole revoked to expiration of sentence.
LOSS of all stat time 220 days

1390
MARTIN, Kenneth #12201
Warrant sustained, parole reinstated

1367
DURANT, Frank #12683
Parole revoked, Reinstate on March 5, 1979
No loss of stat time 60 days
Loss flat time 5 mo, 8 days

NEVADA BOARD OF PAROLE
PAROLE VIOLATION HEARINGS
JANUARY 1979

JANUARY 2, 1979

PASCHAL, RONNIE

REINSTATED

WARE, JIMMY

REVOKED, PAROLE TO CS FEB. 2, 1979
NO LOSS STAT TIME

KALECICH, FRANK

NO ACTION/REVIEW FOR PAROLE PROGRAM DURING
NSP HEARING JAN. 8, 1979

CHAVEZ, STANLEY

PAROLE REINSTATED

NEWBY, BEN

CONT. ON WORK RELEASE

WASHINGTON, NATHANIEL

CONTINUE ON PAROLE

PAROLE HEARINGS HELD AT
WOMENS CORRECTIONAL CENTER AND MAXIMUM
JANUARY 1979 CALENDAR

JACKSON, Carolyn	RUAPP, WHEN ELIGIBLE
LONDON, Carolyn (Snoddy)	DENIED TO MARCH 1980
WALBEY, Victoria	RUAPP, WHEN ELIGIBLE
DAVIS, Leroy	LOSS OF 78 DAYS STAT TIME
BRACKELBERG, Charles	DENIED TO JUNE 1979
WEAKLAND, Gerald	DENIED TO MARCH 1982 (3 yrs)
CHEATHAM, Michael	DENIED TO EXPIRATION
HENDERSON, Willie	PAROLE TO CS WHEN ELIGIBLE
JOE, Lawrence	RUAPP, WHEN ELIGIBLE
LOPEZ, Carlos AKA: CHAVEZ, Carlos	DENIED TO SEPT. 1980
MOONEYHAM, Paul	DENIED TO EXPIRATION
SCHULTZ, Joseph	NO ACTION PENDING STAT HEARING
SPARKS, Everett	NO ACTION PENDING STAT HEARING
KALECICH, Frank	REVIEW PREVIOUS ORDER, RUAPP
KING, LANDRES C.	DENIED TO EXPIRATION

#13657	SAWDY, JOSEPH	RUAPP/MICHIGAN ONLY
#13377	SIMS, ANTHONY	PAROLE TO C/S SENTENCE WHEN ELIGIBLE
#13784	TATUM, WAYNE	DENIED SIX MONTHS 9/79
#12236-A	TORRES, MARIO	DENIED ONE YEAR 2/80
#13796	TREGOE, DOUGHIT	DENIED ONE YEAR 3/80
#12843	TYLER, RONALD	DENIED ONE YEAR 4/80
#13675	WHEATLEY, DONALD	RUAPP-WHEN ELIGIBLE

WORK RELEASE

#10347-A	BLAKE, WALTER	W.R. EFF. 7/79 TO EXPIRATION OF SENTENCE
#13158-A	LADD, BRADFORD	W.R. EFF. 2/26/79 RUAPP WHEN ELIGIBLE UPON SUCCESSFUL COMPLETION OF W.R.
#13620	PAUL, RAYMOND H.	
#12688	ROYE, CHARLES	NOT QUALIFIED

INTER-OFFICE

Memo

FROM THE DEPARTMENT OF PAROLE AND PROBATION :: STATE OF NEVADA

To: A. A. CAMPOS, CHIEF - DEPARTMENT OF PAROLE AND PROBATION Date: January 26, 1979
 From: James R. Matlack, Unit Supervisor CPR, Las Vegas Copies:
 Re: Summary of Parole Revocation Hearings held at Las Vegas, Deadline:
 January 24th and 25th, 1979

WALDIE, Mark: NSP #12945 - On for modification only - Modification denied, Fitzsimmons House condition reaffirmed.

SMITH, Brad: NSP #12354 - Warrant #1409 - Parole Revoked - Review January 1980 - 221 days statutory time reinstated.

WALKER, Clarence: NSP #13045 - Warrant #1403 - Parole Revoked - Review January 1980 - 123 days statutory time reinstated - loss of 11 days flat time.

WALKER, Johnny: NSP #11532 - Warrant #1363 - Parole revoked to expiration of sentence - 61 days statutory time reinstated.

BROWN, Michael: NSP #13234 - Warrant #1416 - Parole revoked to expiration of sentence 63 days statutory time reinstated.

PATTERSON, Cornelius: NSP #12206 - Warrant #1428 - Continued until disposition of new criminal charge.

DAVIS, Al Frazier: NSP #12209 - Warrant #1410 - Continued till February Board (March 1st or 2nd).

BOARD, Diane: NSP #12648 - Warrant #1412 - Parole revoked - review July 1979 - 90 days statutory time reinstated - loss of 60 days flat time.

DENSON, David: NSP #12069 - Warrant #1249 - Parole revoked to expiration of sentence - 95 days statutory time reinstated - loss of 7 months 14 days flat time.

WASHINGTON, Larry: NSP #12098 - Warrant #1187 - Parole revoked to expiration of sentence 4 months 28 days statutory time not reinstated.

James R. Matlack
 James R. Matlack, Unit Supervisor CPR,
 Adult Parole and Probation
 District #4; Las Vegas, Nevada

JRM/rab

SOUTHERN NEVADA CORRECTIONAL CENTER

NSP#	INMATE	ACTION
12863	WESTON, Gary	DENIED TO 3/80
13513	SMITH, Lovell	RUAPP/WHEN ELIGIBLE
13590	KELLY, Rickey	DENIED TO 6/79
13605	EVANS, Michael	RUAPP/WHEN ELIGIBLE / COLORADO ON
13766	HOWARD, Kenneth	RUAPP/WHEN ELIGIBLE
12944	ORME, Jon	RUAPP/WHEN ELIGIBLE
13555	DAVIS, Robert	RUAPP/WHEN ELIGIBLE
	SADLER, Craig	DENIED TO 3/80
13719	BARNETT, Timothy	RUAPP/WHEN ELIGIBLE
13027	AMMONS, Henry	RUAPP, ARIZ. ONLY
13615	WISE, Keith	RUAPP/WHEN ELIGIBLE
11021A	MILLER, James	DENIED
12910	STALNAKER, John	DENIED TO EXPIRATION
13132	McCLAY, Donald	RUAPP/Eff. 3-79
12574	DAVIS, David	RUAPP/WHEN ELIGIBLE
13705	JENKINS, John	DENIED
13852	STEPO, James	RUAPP/WHEN ELIGIBLE
13560	LAWSON, Charles	RUAPP/WHEN ELIGIBLE
13132	PATTERSON, Dennis	DENIED TO 6/79
13516	WOOLEY, Ronnie	PAROLE TO CS SENTENCE
13686	OBERMYER, Robert	RUAPP/OHIO ONLY
13740	McMORRIS, Leland	RUAPP/WHEN ELIGIBLE
13857	LUCKETT, Lamont	CONTINUED 2/79
12594	WALSH, Dennis	RUAPP/WHEN ELIGIBLE
13703	BERUNDA, Rickie	RUAPP/WHEN ELIGIBLE / CLAIF. ONLY
9459B	HARRIS, William	REINSTATED
13505	McDONALD, Donald	W.R. RESCINDED ONLY

NORTHERN NEVADA CORRECTIONAL CENTER
PAROLE BOARD
JANUARY, 1979 AGENDA

JANUARY 15, 1979

#13387	ARNOLD, GERALD	DENIED ONE YEAR
#13826	AVALOS, CHRISTOPHER	NO ACTION TAKEN, PENDING DISCHARGE BEING REV
#12978-A	BANKS, FRANK	RUAPP, CALIF. ONLY
#13586	CONNORS, TEDY	DENIED TO EXPIRATION-W.R. TO EXP. (MEPD) W/APPR. OF INST.
#13518	COULTER, GEORGE	DENIED ONE YEAR
#13218	DERINGER, VERNON	DENIED ONE YEAR 3/80
#13745	ELDER, ROBERT	RUAPP WHEN ELIGIBLE-CALIF. ONLY
#11574	ELLISON, CLYDE	PAROLE TO C/S 3/79
#13303	EVERIDGE, ROGER	DENIED ONE YEAR
#13791	EVERSON, PAUL	DENIED 6 MONTHS 9/79
#12881	FINK, JOHN	RUAPP 4/79 CALIF. ONLY
#11034	GUNTER, DWAYNE	DENIED TWO YEARS 3/81
#13366	HOOVER, MATTHEW	RUAPP - CALIF. ONLY
#12991	HUNTER, DORSEY	DENIED 30 DAYS/W.R. POSSIBILITY
#13089	HUSTON, GORDON	DENIED TO EXPIRATION
#13484	JONES, ROBERT	RUAPP - WHEN ELIGIBLE
#13636	KNIGHT, BOBBY	DENIED ONE YEAR 3/80
#12916	LESTER, RICHARD	DENIED SIX MONTHS 9/79
#13706	LONDON, EDWARD	RUAPP, CALIF. ONLY
#12966	MAIDEN, OLIVER	PAROLE TO C/S SENTENCE 4/79
#12475	MANN, RALPH	DENIED ONE YEAR 3/80
#12145-A	MC COY, JERRY	RUAPP 4/16/79-UPON SUCCESSFUL COMP. W.R.
#13435	MILLER, THOMAS	RUAPP-WHEN ELIGIBLE
#13717	REED, ERIC	RUAPP-WHEN ELIGIBLE TEXAS ONLY
#13483	RODRIGUEZ, RICHARD	DENIED ONE YEAR 3/80

<u>YEARS</u>	<u>LAW AS IT EXISTS</u> <u>Years</u>	<u>AB 105 or 198</u> <u>Years</u>		
50	12 1/2	16 1/2		
30	7 1/2	10		
20	5	6.6		
			<u>AB 105</u>	<u>AB 198</u>
6	1 1/2	2		3
5	1 1/4	1 2/3		3
4	1	1 1/3		3

One or two year sentences would be unaffected.

STATE OF NEVADA
DEPARTMENT OF PRISONS

BOARD OF PRISON COMMISSIONERS
ROBERT LIST, GOVERNOR
RICHARD BRYAN, ATTORNEY GENERAL
M. D. SWACKHAMER, SECRETARY OF STATE



CHARLES L. WOLFF, JR.
DIRECTOR
ADMINISTRATIVE OFFICE
P.O. Box 607
CARSON CITY, NEVADA 89701
PHONE (702) 882-9202

There are those who argue that to lengthen time served is for the purpose of deterrence, incapacitation or retribution. If the purpose is to institutionalize retribution, it is doubtful that increasing the time served will have any tangible effects. Extending time served to serve as a deterrent to criminal conduct is one of the most difficult issues facing criminal law.

Some studies that have been done indicate that no generalization can be made about the deterrent effect on any sanction. (1) The fact remains that if society had to bear the burden of showing that increased restrictions on liberty deter crime, it would undoubtedly fail. In our society, lengthening the time served cannot be justified on the bases of deterrence, particularly where the detrimental effects of imprisonment are known and demonstrable.

An institutional survey reflects the average time served to be: (2)

California	- 30 months
Arizona	- 25 months
New Jersey	- 24 months
NEVADA	- 22.6 months
Washington D.C.	- 21 months
Pennsylvania	- 18 months
Washington	- 16.9 months

The national average approximates 20.6 months. (3)

The failure of institutions to reduce crime is incontestable; they do succeed in punishing, but they do not deter and while they protect the community, it is only a temporary protection. They relieve the community of responsibility by removing the offender, but they make successful reintegration into the community unlikely. They change the committed offender, but the change is more likely to be negative than positive. (4)

The results of three separate studies (5) reflects generally that the longer the time served, the greater the recidivism rate. The conclusions by national organizations is that recidivism rates are highest among offenders discharged from prison at the expiration of their sentences, is lower among early parolees and lowest among probationers. (6) Another major study (7) concludes that recidivism is much higher after incarceration than after non-institutional treatment and that the longer time served the less chance for successful reintegration. (8)

California studies show that prison terms can be reduced without increasing subsequent criminal involvement - in general, studies reveal that lengthening the time served has an impact on the success of reintegration and tends to cause further criminal involvement.

Page -2-

Institutionalization or prisonization begins to take its toll as time lengthens. However, that is not meant to imply all persons should be released early; that is why the parole board screens inmates in order to prevent the return to open society of those who are least likely to succeed therein.

To raise the minimum time served provokes overcrowding which provokes stress and tension for both staff and inmates, a tendency to violence and forced idleness, all of which provokes court cases which result in decisions setting minimum standards which are costing more. (10)

One study (11) concludes that even the most modern and humane prisons are "still far too sterile, far too inhuman, far too remote (from the sense of community) to achieve meaningful reintegration to society." Overcrowding and the resulting forced idleness or position overstaffing destroys the job skills and work habits inmates may have and contributes to their mental and physical degeneration. (12) "Only the working prisoner can be expected to become a working citizen when incarceration ends." (13) The overcrowding which would result from this legislation will prevent assigning jobs to a great many inmates which, with the lengthen minimum; time, will merely lengthen the time of forced idleness.

Overcrowding defies decent control; (14) it becomes a matter of survival for both inmate and correctional officer. One eastern administrator views overcrowding as his worse enemy - "it's like sitting on a time bomb and you know it is not the administration that has control of the situation." (15)

Nevada now has the highest prison population per 100,000 residents of the eleven western states (16) and is the ninth highest in the nation. (17) To increase the number incarcerated becomes not only costly but is detrimental to society by impairing the successful reentry potential of the inmates to society.

FOOTNOTES

- 1) "Perspectives on Deterrence"; National Institute on Mental Health, Center for Studies of Crime and Delinquency; Corrections, page 145.
- 2) Survey of annual reports and materials found in the Quarterly Journal of Correction, Summer 1977.
- 3) Table, Time Served; Corrections, National Advisory Commission on Criminal Justice Standards and Goals, page 390.
- 4) Ibid, page 1.
- 5) "Time Served in Prison and Parole Outcome - An Experimental Study"; Research Division, Department of Corrections, State of California, page 3. (Also refers to other department studies.)
- 6) "Policies and Background Information", National Council on Crime and Delinquency; and "Deterrent Effects of Criminal Sanctions", California Assembly Committee on Criminal Procedure; Corrections, page 75.
- 7) "Imprisonment and Recidivism", Journal of Research in Crime and Delinquency, summary in Issues in Sentencing, National Institute of Law Enforcement and Criminal Justice, page 43.
- 8) Study, Research Measurement Unit, California Department of Corrections, March, 1969.
- 9) "A Comparative Look at Prisonization", Quarterly Journal of Corrections, Summer, 1977; page 32.
- 10) "The Population", Corrections magazine, March 1977.
- 11) "A Critical Look at the Modern American Prison", Criminal Law Bulletin, December, 1973; page 94.
- 12) U.S. Judge Frank Johnson, Corrections magazine, March 1977.
- 13) "The Law and It's Promises", Special Conference on Determinate Sentencing, page 91.
- 14) Corrections, page 12.
- 15) "Crisis in the Prisons", U.S. News and World Report, November 28, 1977; page 79.
- 16) Prisoners in Federal and State Institutions, U.S. Department of Justice; page 15.
- 17) Study, National Clearinghouse for Criminal Justice, University of Illinois; page 5.

OFFICE OF DIRECTOR - DEPARTMENT OF PRISONS
101-3710

Program Statement

The Nevada Department of Prisons, which had its formal beginning in 1864, is responsible for the confinement, maintenance and treatment of all adult felons committed to the Prison through the judicial system. The major goals of the Prison are the protection of the public; the safekeeping and maintenance of prisoners; and the treatment, training and rehabilitation of inmates. The physical plant consists of four institutions - the Nevada State Prison, the Northern Nevada

Correctional Center, the Nevada Women's Correctional Center, and the Southern Nevada Correctional Center.

Workload Measurements or Comparative Data

The following chart indicates the actual and projected population of the Prison for the five-year period beginning with fiscal year 1976-77:

<u>Fiscal Year Ending June 30</u>	<u>Beginning Population</u>	<u>Received</u>	<u>Released</u>	<u>Ending Population</u>	<u>Inmates Outside Nevada Prisons</u>	<u>Total Population</u>	<u>Percent of Difference</u>
1977	889	667	489	1,067	105	1,172	
1978	1,067	771	577	1,261	92	1,353	+15%
1979	1,261	879	695	1,445	101	1,546	+14%
1980	1,445	1,047	799	1,693	101	1,794	+16%
1981	1,693	1,201	917	1,977	101	2,078	+16%

The following chart indicates the actual and projected number of inmates and their location at the end of each fiscal year beginning with the 1977-79 biennium:

<u>Fiscal Year Ending June 30</u>	<u>Southern Nevada Correctional Center</u>	<u>Nevada Women's Correctional Center</u>	<u>Northern Nevada Correctional Center</u>	<u>Nevada State Prison</u>	<u>Honor Camp</u>	<u>Total</u>
1978	232	66	598	332	33	1,261
1979	320	90	700	300	35	1,445

The chart below indicates the projected number of inmates and their anticipated location for the upcoming biennium. Each of the recommended institutional

operating budgets is predicated upon the inmates being located approximately as indicated on the chart.

<u>Fiscal Year Ending June 30</u>	<u>Southern Nevada Correctional Center</u>	<u>Nevada Women's Correctional Center</u>	<u>Northern Nevada Correctional Center</u>	<u>Nevada State Prison</u>	<u>Honor Camp</u>	<u>Total</u>
1979-80	350	120	680	347	72	1,569
1980-81	350	120	680	613*	72	1,835

*The balance of inmates budgeted at the Nevada State Prison, however, security considerations and construction delays may require their physical location at other institutions throughout the biennium. For this reason and the flexibility required to successfully manage the projected inmate population, it is recommended the appropriation for the support of the Prisons be made as one appropriation and that it be transferrable among institutions as the need arises.

EXHIBIT D
Page 4 of 4

<u>NAME</u>	<u>CRIME</u>	<u>SENTENCE</u>	<u>DATE TERM BEGAN</u>	<u>DATE RELEASED</u>
Juan Ramos	Burglary	5 years	3/7/78	12/13/78*
Guy Lane Edwards	Robbery	7 1/2 years	3/11/78	12/12/78
Kermit Knox	Possession of Firearm by Ex-Felon	6 years	12/22/77	12/13/78*
Larry O'Neal Franklin	Attempted Burglary	4 years	6/8/78	12/7/78
Edward Cross	Second Degree Murder	Life	4/26/74	12/5/78
Sidney Fuller	Burglary	5 years	1/5/78	12/4/78*
Byron Reber	Forgery; Possession of a Controlled Substance	10 years°	9/17/76	11/21/78*
Michael Parent	Robbery; Grand Larceny	15 years°	3/28/75	11/8/78
Tony Newton	Battery with Intent to Commit Mayhem; Battery with Use of Deadly Weapon During Commission of Crime	10 years°	1/30/76	11/14/78*
James Chorney	Possession of Controlled Substance (Two Counts)	5 years°	2/26/78	11/6/78*
Michael Mitchell	Battery with Intent to Commit Rape	8 years	3/4/77	11/6/78*
Charles Huntley	Voluntary Manslaughter	10 years	10/10/76	11/6/78*
Richard Joseph Dembke	First Degree Murder	Life Without Possibility of Parole	10/28/65	10/19/78
Pat Neal	Burglary	6 years	2/10/78	11/1/78*
Stanley Wilson	Murder	Life Without Possibility of Parole	6/19/69	10/25/78
Paul Brinkman	Burglary; Robbery	10 years°	9/15/77	10/24/78*
Michael Messmer	Lewdness with Minor	10 years	8/21/76	10/19/78*
Gregory Lee Smith	Attempted Robbery	6 years	3/16/77	10/11/78
Benny Jackson	Battery with Use of a Deadly Weapon	9 years	5/13/77	10/10/78*
Henry Furman	Voluntary Manslaughter	10 years	3/12/76	6/23/78
Mark Wallace Waldie	Robbery	7 1/2 years	5/26/77	9/22/78
Terry Dodd	Robbery; Larceny from the Person	10 years°	11/76	9/18/78*

<u>NAME</u>	<u>CRIME</u>	<u>SENTENCE</u>	<u>DATE TERM BEGAN</u>	<u>DATE RELEASED</u>
Bradley Brophy	Burglary and Possible Probation Violation	10 years°	10/9/75	9/15/78
Richard Meredith	Voluntary Manslaughter	10 years	6/15/77	9/14/78
Donnell Cosey	Robbery with Use of a Deadly Weapon in Commission of a Crime	6 years°	10/22/76	8/29/78
Walter Lawrence Dalie	Robbery with Use of Deadly Weapon	6 years°	2/16/77	8/25/78
Richard Ralph Riley	IFCA; Rape; Robbery	Life with Possibility of Parole°	10/10/73	8/23/78
Richard George Owen	Sale of Controlled Substance	9 years	5/11/77	8/21/78
Albert Reed	Burglary	4 years	11/3/77	5/24/78
Jackey Owens	Possession of a Stolen Vehicle	8 years	3/11/77	5/17/78
Gim Lan Lew	Second Degree Murder	20 years	12/14/73	5/19/78
Michael Zeldin	Burglary	10 years	10/1/76	5/4/78
Roy O'Brian	Robbery	12 years	1/27/75	5/8/78
Charles E. Mitchell	Robbery	10 years	2/23/76	4/27/78
Theresa Davis	Robbery	6 years	6/15/77	4/3/78

*Not Actual Date of Release; Rather Date Notice of Release Was Received by Clark County.

°Additional Sentence Was Imposed to Run Concurrent with Shown Sentence.



NEVADA STATE BOARD OF OPTOMETRY

3101 ~~XXXX~~ MARYLAND PARKWAY LAS VEGAS, NEVADA ~~89104~~ 89109

ROBERT T. MYERS, O.D.
PRESIDENT

JOEL G. ADLER, O.D.
VICE PRESIDENT

MARVIN M. SEDWAY, O.D.
SECRETARY-TREASURER

February 6, 1979

Madam Chairman, Members of the Assembly Judiciary Committee:

My name is Marvin Sedway. I am the Secretary-Treasurer of the Nevada State Board of Optometry and have been for the past eight (8) years. Because of a conflict in my schedule, I am unable to personally attend this hearing and have asked permission to have this statement read into the record.

I requested that Assemblyman Robinson enter the Bill numbered AB 193 which holds harmless from civil action those members of the State Boards and Commissions acting in the performance of their duties in and for the State.

Many times during my tenure on the Board, we have been threatened with legal action because of actions taken. At the present time we are under attack from a disgruntled applicant whose application was turned down on the of the office of the Attorney General of our state, following the legal advice opinion of a previous Attorney General.

In order that members of Boards and Commissions should feel free to perform their duties without threat or coercion, I feel that it is imperative that AB 193 be passed.

Thank you,

Marvin M. Sedway, O.D.

Marvin M. Sedway, O. D.

Secretary-Treasurer

Nevada State Board of Optometry

MS;tj