

Patricia Adkisson

faithandjoesmom@gmail.com

Board of Prison Commissioners

555 E. Washington Ave Suite 5100

Las Vegas, NV. 89101

BOPC Public Comment for May. 25, 2023

Good morning, Board Members, Department Staff, and others in attendance. My name is Patricia Adkisson, my comments today relate to ALL regulations under consideration, and the Board's nonfeasance implicated by the failure to comply with the statutory rulemaking process.

The Nevada Legislature, in accordance with NRS.233B, authorizes **ALMOST** every Department, Agency, Board, and Commission to adopt Administrative Regulations with some statutory exceptions. Agencies that are exempt from the statutory requirements of 233B are simply NOT authorized to adopt regulations.

The Department is one such exempt agency, NOT authorized to adopt regulations. However, this does not mean that the regulations escape the statutory rulemaking procedures. Administrative Regulations **must** be adopted in compliance with statutory rulemaking procedures set forth in the Administrative Procedures Act. Please review the relevant portion of the State Administrative Manual emphasizing these points of law (Submitted for your review).

Due in part to the Department's described status, depriving the Department of authority to adopt regulations, this Board is to prescribe regulations for the Department pursuant to NRS.209.111 in accordance with the statutory rulemaking process set forth in the Administrative Procedures Act.

When the Legislature chose to authorize the adoption of regulations by this Executive Branch Board, the Legislature provided for- by law, a review of these regulations by legislative agency before their effective date to determine whether each is within the statutory authority for its adoption.

Until now, in the absence of a contention that the Board has contravened the relevant constitutional mandate and ignored the Board's statutory requirements, it has been presumed that Department Regulations were "DULY ADOPTED" in compliance with a lawful process. As a result, undo deference has been mistakenly afforded when considering Department Regulations. Deference in this way works to effectively conceal the Department's related ongoing violations of statutory law, including False Imprisonment and deprivation of Voting Rights. This issue is now front and center, when considering the related determination by the office of the Secretary of State, acknowledging that while my husband Michael Adkisson, is incarcerated at NNCC, the State of Nevada registered him to vote under our current state laws, implicating False Imprisonment by the Department, where my husband's voting rights under state law may not be restored until all convictions are discharged either through expiration or through parole. Records of Conviction are maintained by the Central Repository in compliance with the Uniform Crime Reporting Program of the FBI. A review of this official record demonstrates there is NO CONVICTION for Use of a Deadly Weapon in Nevada. Supporting the legislative designation as NOT a separate offense. Despite the Department's acquiescence to these facts that Use of a Deadly Weapon is not an offense, the Department assigns a category of felony offense and fraudulent second conviction. This tragic violation of basic human rights springs from the Board's nonfeasance related to the Nevada Administrative Procedures Act. This circumstance implicates the results of our last election, where the margin of victory for some was within the margin of those illegally confined and deprived of their voting rights. I've attached the relevant supporting documents with this presentation and encourage all citizens to request this supporting material. As always, my husband and I are available to meet in efforts to resolve this problem. This will serve as my final notice and to preserve my record of objections. Thank you for your time.



**State of Nevada
Department of Corrections**

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INMATE GRIEVANCE REPORT

ISSUE ID# 20063138349

ISSUE DATE: 06/13/2022

| | | | |
|--------------------|----------------|-------------------------|--------------------|
| INMATE NAME | NDOC ID | TRANSACTION TYPE | ASSIGNED TO |
| [REDACTED] | [REDACTED] | RTRN_INF | AVACCARO |

| | | | | | |
|--------------|-------------------------|------------------|----------------|----------------|---------------|
| LEVEL | TRANSACTION DATE | DAYS LEFT | FINDING | USER ID | STATUS |
| IF | 06/16/2022 | | Denied | AVACCARO | A |

INMATE COMPLAINT

I am grieving the NDOC for the unlawful violation of my personal liberty by confinement to a state prison without sufficient legal authority by force and threat of death resulting in the act of forced imprisonment without sufficient legal authority cont....

OFFICIAL RESPONSE

[REDACTED], I am in receipt of your grievance #2006-31-38349 signed and dated 5-30-2022 at 10:50 AM regarding your complaint about the Nevada Department of Corrections being in unlawful violation of legal authority by force and threat of death, resulting in the act of forced imprisonment without sufficient legal authority. You claim that this is staff misconduct and should be handled in such way outlined in AR 740. You state in your grievance that NDOC must possess sufficient legal authority in order to incarcerate you. You also claim that the NDOC is concealing the false imprisonment by representing that you suffered a separate distinct second conviction of use of a deadly weapon in the commission of your second-degree murder conviction.

[REDACTED], per your JOC for case# 04C200178 you were found guilty of "Murder in the Second Degree with Use of a Deadly Weapon," and you were sentenced to 10 years to life with a consecutive 10 years to life. With the evidence provided by you, in your grievance, and the documents we have in your file, it is evident that you are correctly incarcerated. NRS 193.165.2 states that you are to be incarcerated exactly the way you are. It's agreeable that the use of a deadly weapon in the commencement of a crime does not warrant a second offense, however you are to be additionally punished with an equal and consecutive sentence to the one you committed. Which is clearly outlined in NRS 193.165. This grievance is DENIED in its entirety as no staff misconduct was proven in your grievance. You are sentenced correctly.

Grievance DENIED.

Not a 2nd offense - BUT ALSO TWO COURTS (see Brief)

Additional punishment without offense

GRIEVANCE RESPONDER

Report Name: NVRIGR
Reference Name: NOTIS-RPT-OR-0217.4
Run Date: JUN-24-22 09:58 AM

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NEVADA SECRETARY OF STATE

Francisco V. Aguilar

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Registered Voter Services

ID REQUIRED: Please contact your County Clerk/Registrar of Voters, or bring current and valid photo identification with you to your polling location on Election Day. Click here for acceptable forms of identification.

Voter Information

Registered Name
[REDACTED]
Residence Address
VEGAS NV 89004
NORTH LAS
Mailing Address
[REDACTED]
Residence Phone
[REDACTED]
Election Precinct
2074
Party Affiliation
NON-PARTISAN
Voting Status
Active
County Voter ID
[REDACTED]

Voter Actions

[Update mail ballot preference](#) ?
OR
Print an English version the Mail Ballot Preference Form here.
Print a Spanish version the Mail Ballot Preference Form here.
Print a Tagalog version the Mail Ballot Preference Form here.
Ballot Tracking: Click on Voting History to see a status of your ballot.
Request to Withdraw Address and Telephone Number From The Public:
Pursuant to NRS 293.558, a registered voter may submit a written request to their respective County Clerk/Registrar of Voters to have their address and telephone number withheld from the public. More information.
Do Not Call List: Please check below if you would like to have your phone number placed on a voluntary do not call list.
[Please Don't Call](#) nv.sos.gov



Patricia Adkisson <faithandjoesmom@gmail.com>

Briana- Please forward this to SANDY in the Election Integrity Violation Div.

3 messages

Wed, Mar 1 at 5:46 PM

Patricia Adkisson <faithandjoesmom@gmail.com>
To: <bbollman@sos.nv.gov>

Briana Bollman,

Please forward this email to Sandy in the Election Integrity Violation Division, and confirm once you've sent it.

Thank you so much and be safe in that snow,

Patricia Adkisson

Election Integrity Violation Division- SANDY

3/1/2023

Sandy,

In an effort to resolve the Election Integrity Violation Report submitted by my husband, [REDACTED], **authentication** of the **Conviction Record** will resolve the relevant issue related to voting rights. Please consider the following.

- 1) NRS. 179A.090- No agency of criminal justice in Nevada may disseminate any record of criminal history... about a felony... without **first** making inquiry of the Central Repository to obtain the most current and complete information available.

Upon authentication of the (NCJIS) Nevada Criminal Justice Information System- Record of Conviction detailing a **single, unitary conviction** admittedly discharged through parole on Nov.1, 2016. Please provide us with your written determination related to Michael Adkisson's status as a qualified elector/registered voter.

Additionally, the Director's official oath, set forth at NRS.282.020, requires the Director of the Department of Corrections to comply with the law and the constitution. In this instance, the relevant laws related to NRS. 193.165 expressly set forth the legislative design as NOT a separate offense and no conviction. The significance of this oath cannot be overlooked, in fact, within the same Chapter NRS.282.035 Directs the Secretary of State to ensure compliance by state officers with the provisions of this chapter, this includes the aforementioned oath of office to uphold the laws and constitution including restoration of civil rights related to voting pursuant to NRS.213.157 and notice requirements set forth at NRS.209.511(3)(d) and significantly NRS. 193.120(2) Which requires a felony conviction in order to confine to a state prison or to deny voting rights.

Finally, documents/records will be delivered to your office, that provides an explanation of the history of the related problem. I hope you find it helpful. We look forward to your conclusion of this matter.

Thank you in advance,

Patricia Adkisson

[REDACTED]/faithandjoesmom@gmail.com

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S.O.S. Election Integrity Vilaotion Division- SANDY.docx

Briana Bollman <bbollman@sos.nv.gov>
To: Patricia Adkisson <faithandjoesmom@gmail.com>

Thu, Mar 2 at 9:15 AM

Good Morning Patricia,

To confirm, I forwarded the email and attachment to Sandra the Compliance Investigator, at 9:04am this morning.

Have a wonderful day!

Briana Bollman

Administrative Assistant IV, CAPS - Elections Division

Office of Secretary of State Francisco V. Aguilar

101 North Carson Street, Suite 3

Carson City, NV 89701-3714

775-684-5705

From: Patricia Adkisson <faithandjoesmom@gmail.com>
Sent: Wednesday, March 1, 2023 5:46 PM
To: Briana Bollman <bbollman@sos.nv.gov>
Subject: Briana- Please forward this to SANDY in the Election Integrity Violation Div.

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

[Quoted text hidden]

Patricia Adkisson <faithandjoesmom@gmail.com>
To: Briana Bollman <bbollman@sos.nv.gov>

Thu, Mar 2 at 9:18 AM

Thank you so much! Have a wonderful day! 😊
[Quoted text hidden]



Patricia Adkisson <faithandjoesmom@gmail.com>

Please Confirm Qualified Elector

Patricia Adkisson <faithandjoesmom@gmail.com>
To: Heather Hardy <hardyh@sos.nv.gov>

Thu, Mar 9 at 12:33 PM

REQUEST TO COMPLY WITH THE MINISTERIAL DUTIES SET FORTH BY NRS. CHAPTER 179A- RELATED TO CONVICTION RECORDS AND VOTING RIGHTS

Good morning, Heather,

Thank you for your prompt response. However, your claim that a second or separate undischarged felony conviction forms the basis of your determination that [REDACTED] it is NOT eligible to vote is expressly refuted by the plain language of the relevant Nevada Revised Statute 193.165 and the Criminal Justice Information System Record where there is NO separate conviction and [REDACTED] sole felony conviction is now **discharged (check his Conviction Record at the Central Repository)**. The stated reasoning you rely upon, that [REDACTED] is not eligible to vote **BECAUSE** he is currently incarcerated at NNCC, works to presuppose that he is confined to NNCC for a felony conviction. Deference in this way works to create additional liability for your office and our state. In this instance, the voter registration application signed by [REDACTED], swears under penalty of perjury that he is NOT currently serving a term of imprisonment for a felony conviction and also provides notice that giving false information is a felony. [REDACTED] is invoking his rights related to voting. Your office has a duty in accordance with the Nevada Constitution and Nevada Revised Statute 179A.010 through 179A.900 to **first** direct your inquiry related to conviction records to the Central Repository for records of criminal history, in order to make a determination. Again, a copy of his record is attached to the related Election Integrity Violation Report detailing a **single** felony conviction for Second Degree Murder NRS. 200.030. No separate conviction for Use of a Deadly Weapon is contemplated in the state of Nevada when considering NRS.193.165. [REDACTED] incarceration at NNCC presents other issues implicating false imprisonment with NO current conviction. The failure by your office to **first** authenticate the attached conviction record for reliance in this matter implicates nonfeasance to a clearly established duty. Michael Adkisson's sworn statement cannot be overcome without **first making inquiry to the Central Repository**. The attached Nevada Criminal Justice Information System Record of conviction sets forth a prima facie showing to establish the credibility of [REDACTED] sworn statement. The point of relevance is simply that [REDACTED] **did** swear under penalty of perjury to the facts and cannot be effectively denied a lawful determination. Any claim that the county clerk is required to cancel registration upon the determination that the person is both convicted of a felony and incarcerated pursuant to that actual conviction, utilizing NRS. 293.540(2) triggers your ministerial duty to **authenticate** the relevant conviction record with the Central Repository. This system of laws is designed to safeguard [REDACTED] rights. If you persist in the claim that [REDACTED] is currently serving a term of imprisonment for a felony conviction, you are compelled to bring a criminal complaint alleging felony false information on a voter registration. [REDACTED] looks forward to having his day in court with an appointed attorney. This novel case will otherwise establish clarification of several criminal rules related to the public's interest in the restoration of civil rights, not limited to voting rights. As such, please conduct the appropriate inquiry and revise your determination as this is a time sensitive issue. We look forward to your prompt reply.

Please take note that relevant documents/records were provided to Sandy/Compliance Investigator on March 2nd. A review of those records would really benefit you in your further review for a proper determination.

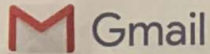
Thank you in advance,
Patricia Adkisson

[REDACTED]

faithandjoesmom@gmail.com

[Quoted text hidden]

Heather Hardy- S.O.S. Election Division.docx



Patricia Adkisson <faithandjoesmom@gmail.com>

PLEASE AUTHENTICATE CONVICTION RECORD

Heather Hardy <hardyh@sos.nv.gov>
To: Patricia Adkisson <faithandjoesmom@gmail.com>

Fri, Mar 10 at 2:28 PM

Patricia,

If you read the entire paragraph of his parole grant on his controlling case, it clearly states that he is paroled to a consecutive sentence.

Also, I am very familiar with both Parole Board and criminal history (CJIS) information. The criminal history you provided is missing several pages.

Furthermore, while he is incarcerated, the State of Nevada register him to vote under our current state laws.

Your letters need to be addressed to the Parole Board, or even possibly the Pardons Board.

Thank you,

Heather Hardy
Program Officer 3, CAPS – Elections Division
Office of Secretary of State Francisco V. Aguilar
101 North Carson Street, Suite 3
Carson City, NV 89701
(775) 684-7126
hardyh@sos.nv.gov

From: Patricia Adkisson <faithandjoesmom@gmail.com>
Sent: Friday, March 10, 2023 12:36 PM
To: Heather Hardy <hardyh@sos.nv.gov>
Subject: PLEASE AUTHENTICATE CONVICTION RECORD

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

[Quoted text hidden]

PLEASE AUTHENTICATE CONVICTION RECORD

Patricia Adkisson <faithandjoesmom@gmail.com>
To: Heather Hardy <hardyh@sos.nv.gov>

Fri, Mar 10 at 8:43 PM

Heather,

Thank you for your response. I am familiar with the entire paragraph of [REDACTED] parole grant. Your claim, that it clearly states, that he is paroled to a consecutive sentence is NOT accurate. The order does state the following: "release to the community or to a consecutive sentence is authorized..."

The controlling case is limited to a single count and a single conviction, both now discharged through parole. The consecutive sentence is without any offense or conviction, and therefore does not authorize deprivation of any civil rights. The Criminal History is NOT the same as the Conviction Record. I did send you the complete NCJIS base record, related to convictions. I am glad that you agree that [REDACTED] is in fact incarcerated at NNCC without the benefit of any crime or conviction under consideration. The laws of the State of Nevada do not permit any citizen to be a registered voter until parole is granted on the last felony conviction. Incarceration in this way does constitute felony false imprisonment. Now that you are aware of this circumstance, your office is compelled by oath of office state law and state and federal constitution to take action. Observing a felony or knowing about it and failing to prevent it, is unconscionable and a violation of law and duty (see misprision of felony). How may I assist you in this next critical step, as this is a time sensitive matter, reply is appreciated.

[Quoted text hidden]

Attorney General Opinion Requested

Patricia Adkisson <faithandjoesmom@gmail.com>
To: Mark Wlaschin <mwlaschin@sos.nv.gov>

Thu, Apr 6 at 3:56 PM

Good afternoon Mark,

Upon review of your email dated April 2nd, it is clear that we are in agreement as it relates to the facts where your office determined that [REDACTED] is a valid elector, entitled to the restoration of civil rights, contemplated by NRS.213.157.

Significantly, the restoration of the right to vote pursuant to NRS 213.157 is contingent upon a determination that [REDACTED] is NOT serving a term of imprisonment for a felony conviction.

Notwithstanding the fact that there is no remaining felony conviction, [REDACTED] remains confined to a state prison, and therefore is effectively denied the ability to VOTE.

This clear conflict does implicate your office.

Confinement to a state prison, without a felony conviction is a violation of state and federal law, implicating false imprisonment/ kidnapping, as well as the related voting rights.

Any claim that neither you, nor the Office of the Secretary of State possesses authority to take action and report or cure this ongoing crime, is a violation of the public trust. Not even the President is above the law.

The novel problem identified through this process relates to Nevada Department of Corrections (NDOC) bad practice and customs to unilaterally confine [REDACTED] to a state prison, where the consecutive sentence for "Use of a Deadly Weapon" is a command to imprison without a felony conviction.

In order to address this circumstance, we believe your office has a clear duty to seek an Attorney General Opinion. The fact that the Secretary of State sits on the Board Of Prison Commissioners and has a duty to approve the actions of the NDOC cannot be overlooked.

The described circumstances now confronted are a direct result of nonfeasance on the part of the Board of Prison Commissioners related to oversight and a failure to comply with the public rule making process (NRS.233B) when acting to approve Administrative Regulations related to NDOC, to include the Secretary Of State.

Chapter 0600 of the State Administrative Manual (S.A.M) makes it clear that ALL Administrative Regulations MUST be adopted in compliance with statutory rule making procedures set forth in the Administrative Procedures Act (233B). SEE: S.A.M at 0610 Regulation Making Procedure.

This failure is the proximate cause of [REDACTED] described injuries and implicates violation of the Separation of Powers Act.

In consideration of the foregoing, please submit a request for an Attorney General Opinion. Please consider the following questions for submission:

1. Under what legal theory does a separate distinct and consecutive sentence under NRS.193.165 provide sufficient legal authority for purposes of confinement to a state prison, where NRS.193.165 does NOT form the basis of a separate conviction, is not a separate offense, and cannot begin until the discharge of any preceding conviction and sentence?
2. Once voting rights are restored as contemplated by NRS.213.157 does the Nevada Department of Corrections (NDOC), have sufficient legal authority to confine a parolee to a state prison, where confinement works to deprive the exercise of Voting Rights already restored?

Mark, this request for an Attorney General Opinion is within your authority and works to serve the public interest as the duties contemplated by the Office of the Secretary of State concerning voting and the Secretary of State as a member of the Board Of Prison Commissioners. As always, please provide me a timely response.

Thank you again.
Cordially,
[Quoted text hidden]