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TRANSCRIPT OF PROCEEDINGS

PRISON COMMISSION MEETING

December 5, 2011

Carson City, Nevada

SUNSHINE LITIGATION SERVICES

(775) 323-3411

Transcribed By: GAIL R. WILLSEY, CSR #359, CA CSR

#9748 COMPUTER-AIDED TRANSCRIPTION BY:

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CARSON CITY, NEVADA

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MS. BROWN: Good afternoon. Tonja Brown, advocate for the inmates and for the innocent.

I have some concerns that have come up that need to be brought to your attention. I will read it into the record, and I will finish it up at the end of public comment if I do not have enough time.

Information has come up. As you are aware, I had some litigation -- I won't get into the details but information has come up during the discovery process that does effect the inmates and it is a public record now. So I want to discuss that, and I would like to have it placed on the record.

I have sent the deposition of Don Helling to Director Cox and to Mr. Fuletta, and I would like to have it placed on the Board for the inmates to be able to see to it because it does effect them.

Tonja Brown, advocate for the inmates and advocate for the innocent. As an advocate for several years, I've witnessed the abuse of retaliatory behavior, discrimination, illegal acts submitted and

1 slanderous statements made by N D O C as well as other
2 state agencies.

3 Recently during the discovery process and the
4 litigation of Tonja Brown versus Skolnik, case number
5 such and such, exculpatory evidence has now seen the
6 light and it has had a profound impact on my
7 constitutional rights as well as other inmates'
8 constitutional rights. Because of this newly
9 discovered evidence that has been withheld from Noah
10 Kline, other inmates and myself and now raises
11 concerns that an investigation must be conducted by an
12 outside agency into the N D O C, Attorney General's
13 Office and the Inspector General's Office.

14 Governor Sandoval, I'm requesting that you
15 ask for an outside investigation into the Attorney
16 General's Office for constitutional violations,
17 example, withholding exculpatory evidence, Brady
18 violations, it is apparent that the Attorney General
19 cannot conduct any kind of investigation into her own
20 office because it would be a conflict of interest.

21 I'm demanding a letter of apology from N D O
22 C, the Inspector General's Office and the A G's
23 office. Attached are letters from Fred Houston and N
24 D O C and the Bates numbers that are now public

1 documents. I'm asking that this Board of Prison
2 Commissioners file a complaint with the State Bar of
3 Nevada against certain D A G's, William Geddes and
4 Janet Trout for what I believe to be violations of
5 inmates' constitutional rights.

6 For example, H and H Document 1084 through
7 1089, a 2008 letter to Janet Trout from Deputy D A G
8 from the Reverend Jane Forman Thompson regarding
9 inmates Michael Spencer and his suit. This letter
10 details the N D O C discriminatory and retaliatory
11 acts made against certain earth-based religions aka
12 Wicca. Did Mr. Spencer ever receive this letter to be
13 used to benefit his case or was it never turned over,
14 it is now on appeal to the 9th Circuit Court of
15 Appeals.

16 In Don Helling's deposition of August 2011,
17 on Pages 91 through 93, states that, "In 2007, we
18 converted over to a new system in 2007, July 2007,
19 which means all of the old data was flipped over into
20 the new information system and where the information
21 was flipped and the errors occurred. It appears that
22 in 2007, inmates had false felony charges placed in
23 their information summary and are not aware of it and
24 there are pages in the pages of the deposition that

1 refer to it."

2 Recently I was informed that there was an
3 inmate -- now, I don't know if this has anything to do
4 with it or if it was a mistake but he's missing over
5 1,400 days credit. I'm referring you to -- which I
6 have and I will give as a record Mr. Carpino's letter
7 dated June.

8 "In June, the AG's office turned over some of
9 the discovery which clearly shows that Mr. Kline's
10 gang affiliation is Wicca and that also talks about it
11 in this letter. This is referred to in the August 5,
12 2011 deposition of Mr. Helling on Page 158. It is
13 apparent that the settlement agreement in Kline Versus
14 Helling, the 05/3/90 case was in noncompliance because
15 in 2009, he filed suit again in Kline versus Corda,
16 that case is 039 C00387.

17 One has to question that if the case was
18 really settled, then why was he taking it back in '09
19 and why is the AR810 listed as a temporary file, it
20 should have been permanent. Don Helling's deposition
21 will become part of the record.

22 You have N D O C legally listening in on
23 legal phone calls between inmates and their attorneys
24 going back from the 90's through 2009 at least two to

1 three institutions. The 2008 case Don Evans, John
2 Withero versus the N D O C, the Interrogatories of Don
3 Helling and Howard Skolnik.

4 July 29, 2011 reports listened in on
5 Withero. When he would call the office of Hager and
6 Hearne, Noah Kline was one of those where N D O C
7 listened in on and it's documented and received a
8 letter of apology.

9 In the deposition of Don Helling on Page 148
10 and in the deposition of Skolnik August 2nd, refers to
11 John Withero and Don Evans. These inmates are not
12 aware that they're illegally listening into the phone
13 call. The illegal opening of legal mail documented
14 and should be placed on the record for the Board of
15 Prison Commissioners December 5, 2011 meeting.

16 There was a letter from Mr. Carpino which I'm
17 going to give you and also I know that Mr. Travis
18 Baird had e-mailed the Board or not e-mailed but sent
19 you copy of the letter that his mail had been opened
20 up and read prior to giving it to Mr. Carpino, that's
21 attorney-client privilege.

22 Below are the public documents in my case and
23 yes, I can present these documents to the Board, it's
24 not a confidential document. There was no court order

1 to authorize this as confidential documents.

2 Everything that I'm providing you actually
3 exonerated us and these slander statements from N D O
4 C, the Inspector General's Office and the A G's Office
5 have continued to move forward, it has had a profound
6 impact on my health, my well-being and according to
7 Mr. Helling's deposition, the Will -- the Will left by
8 an inmate is now invalid because it clearly states
9 that this inmate was confused. So since he states it
10 was invalid, it means that the trust is now valid and
11 that's what this whole thing was about.

12 As you recall, I spoke before the Pardon's
13 Board and I want this to be read on the record here.
14 This is basically what had happened was I'm an
15 advocate for the inmates. I have done numerous things
16 over the years for the inmates. I was approached. I
17 was asked to become a trustee of an inmate's estate.
18 I said, "Okay." I went through the legal channels, it
19 was set up properly through an attorney. I became the
20 trustee of the estate.

21 The statements, however, I did not know at
22 the time that N D O C was not turning them over,
23 started an investigation. There was a domino effect
24 and because of it, certain individuals have been

1 punished and slandered because of it.

2 Clearly, this document was withheld and it
3 says -- and this is pertaining to me, "Dear Inspector
4 Conway," and this is from Acting Chief Investigator
5 Del Liebherr from the Attorney General's Office, dated
6 December 2nd, 2005.

7 "Our office has concluded the investigation
8 concerning inmate Fred Houston #72877 and the monies
9 entrusted to Tonja F Brown. Our investigations
10 revealed Inmate Houston set up a trust and appointed
11 Tonja Brown as a trustee of that account. Inmate
12 Houston became concerned when no supporting
13 documentation was submitted to him reflecting the
14 source and the distribution of his funds. Interviews
15 conducted with the individuals involved in the trust
16 and the reviewing of the bank documents revealed no
17 criminal activity existed. A conversation with
18 Patricia McCathen who was the inmate's case worker,
19 revealed Inmate Houston has no further concerns
20 regarding his monies. If you have any questions,
21 please feel free to contact me."

22 None of this was ever turned over, it was all
23 hidden but yet N D O C continued to slander my name,
24 contacted the Department of Aging Services in 2007

1 because they did not do a proper investigation. As
2 you know or you may not know, I provided you a
3 document here. May I have it too?

4 GOVERNOR SANDOVAL: Why don't we just make it
5 part of the record.

6 MS. BROWN: Okay. I'm just going to make it
7 really brief.

8 Had the N D O C and the Inspector General's
9 Office just even contacted me in 2007 and clearly by
10 this time, Mr. Houston had become confused, they would
11 have known that -- because in the letter and in the
12 documentation that came forward, he stated that he was
13 going to have it revoked.

14 Here's his letter asking to have it revoked.
15 He never signed it, it made it not legal. All they
16 had to do was contact me and say he never signed. I
17 made every effort to get this cleared up, but nobody
18 from N D O C or anybody else ever, ever decided to
19 find out what was happening.

20 What did they do? They contacted the
21 Department of Aging Services and now I'm under
22 investigation for elderly exploitation, scamming the
23 elderly which is all false documentations because
24 certain people wanted to hold this evidence and it has

1 had a profound impact on me, my health, my life and
2 what I have to do. Because the Will now is in
3 question and is no longer valid, based on Helling's
4 deposition, I have to bring it back in and go after it
5 again to give it to its rightful heir and I'm right
6 back in the middle of it again.

7 And because of this and the documentation in
8 this you will see what I'm going to provide, it now
9 opens up cases, several cases, 30 to 40 cases in which
10 Mr. Helling has given depositions over his 33 years
11 not counting litigations that he has been involved in
12 to have those cases relooked at because of discovery
13 what has come out, violations of inmates' rights.
14 They need to be aware of this.

15 I will finish it up at the end of all of this
16 and I appreciate that but yes, I demand a letter of
17 apology from N D O C, the Inspector General's Office
18 and the A G's Office because not only has it affected
19 me, it is affected an organization which I have become
20 a part of.

21 Now I have to fear this coming out and now I
22 have to bring it out and expose all of this but in the
23 meantime, the truth is coming out and it's going
24 deeper and deeper because of all the mistakes and

1 wrong things that have been done to the inmates, their
2 constitutional rights and it's going to open up all
3 kinds of cases whether they've been settled or whether
4 they haven't been, on Brady violations, constitutional
5 rights violations.

6 You, the Governor, I'm asking that you ask
7 for an outside investigation, and I believe it should
8 be the Department of Justice to investigate the A G's
9 office and the N D O C because it is apparent that
10 these two Board members, Mr. Miller and Ms. Masto,
11 over the years haven't really cared.

12 GOVERNOR SANDOVAL: Thank you, Ms. Brown.

13 MS. BROWN Thank you.

14 GOVERNOR SANDOVAL: Is there anyone else
15 present here in Carson City that would like to provide
16 public comment?

17 MR. GEDDES: Senior Deputy General, Will
18 Geddes.

19 On behalf of the Attorney General's Office
20 and the N D O C, I would like to state for the record
21 that the N D O C reserves its right to strike from the
22 record any confidential material read into the record
23 by Ms. Tonja Brown and any documents that she asks
24 that this public body accept into its record.

1 In particular, I'm referring to a document
2 that Ms. Brown just referred to and read into the
3 record, it is identified as a letter with the Bates
4 stamp N D O C 03811. I will not divulge its contents
5 which are confidential but clearly at the top of the
6 document, it reads as follows:

7 "Confidential. This document and the
8 information contained in it may not be reproduced,
9 disseminated or used for any purpose or legal
10 proceeding other than its authorized use for discovery
11 proceedings in the case of Brown V Skolnik, Case
12 Number 1, it ends in 679."

13 It's a document that was produced in the
14 course of discovery and litigation that is now
15 settled. Reservation of rights and confidentiality
16 were fully asserted and we will, off the record,
17 reserve our right to review any such documents for
18 privileged matter.

19 With respect to the statements by Ms. Brown
20 concerning Mr. Don Helling's deposition, that
21 deposition was one which I defended. I interposed
22 objections to the questions. Therefore, whether or
23 not she intends to have portions of the deposition
24 added in or not and whether it's confidential and

1 whether under the Rules Of Evidence, the complete
2 deposition transcript, subject to its objections,
3 should be submitted, the Nevada Department of
4 Corrections reserves all rights including those
5 involving confidentiality.

6 And finally, the Nevada Department of
7 Corrections hereby points out that with respect to
8 inmates and their claims, they have a procedure
9 whereby they can file grievances and pursue their own
10 rights, and the N D O C does not accept the summary
11 and conclusory nature of statements made against its
12 interests but again, reserves all rights in this
13 regard.

14 Thank you.

15 GOVERNOR SANDOVAL: Ms. Brown, you'll have an
16 opportunity at the end of this.

17 MS. BROWN: I understand that.

18 GOVERNOR SANDOVAL: Ms. Brown, this is public
19 comment. This isn't an adjudicatory board.

20 MS. BROWN: All right.

21 I will bring it back up and then you will
22 know what took place and will know what is not
23 confidential. The court order, the court did not
24 issue any order. He put it on there, not the court.

1 GOVERNOR SANDOVAL: All right.

2 Is there anyone else present here in Carson
3 City that would like to go ahead and make a comment?

4 (Public discussion was held.)

5 MS. BROWN: Tonja Brown, advocate for the
6 inmates.

7 I have two letters here from two separate
8 inmates. One is from Jeremy Krosher who he wants this
9 put on the record. I won't read it all, but I'll just
10 read a portion of it.

11 It says, "Several times I've asked this board
12 to fix prison policy Administration Regulation 339 to
13 reflect staff misconduct as prisoner abuse which has
14 never been done in the history of the state. Forcing
15 another to come in contact with human urine and feces
16 has resulted in attempted homicide throughout this
17 nation for over 20 years. Now yet why do I have to
18 get permission from prison officials to press charges
19 against prison officials. Needless to say, I've been
20 denied. I'm telling this board I want to press
21 criminal charges against Mc Daniels, Deborah Brooks,
22 Renee Barger. I want this court to make an
23 opportunity for me to do that immediately. I'm still
24 living in a cell with urine and feces, and I have been

1 for over a month. Jeremy Krosher." I'll put that on
2 the record.

3 I also have a letter from Mr. Carpino. He
4 says, "To whom it may concern. My name is Joseph
5 Carpino. I am serving two life sentences, and I'm
6 currently housed at the Lovelock Correctional Center.
7 I'm a member of the Pagan Community and since my
8 incarceration, I have had to fight with the N D O C
9 many times over my religious practices even after
10 there have been settlement agreements made in courts
11 regarding our religious rights numerous times. The
12 harassment, discrimination and the hate towards the
13 Pagan community by the Nevada Department of
14 Corrections and its staff continues. The staff here
15 at LCC have, as of recent, made threats towards myself
16 and harassed the Pagan community as follows. On
17 5/7/11, all plants and Pagan grounds cut down to
18 18 inches. On 6/6, it was told by the Lieutenant to
19 pull all catnip in the solitary area. On 7/26/11, a
20 memo was issued stating no normal edible plant and it
21 included catnips," and it goes on.

22 "On 5/29, I was called to the Property Room
23 to pick up my herb order. At this time, I was told by
24 the Sergeant Sorney that if my cell was searched and

1 any of the herbs were found, that he would write me up
2 and make sure that I went to Unit 4-A or 4-B. The
3 actions of the Sergeant Sorney, in my opinion, are
4 personal attacks on my religious practice as the
5 Personal Religious Inventory Form AR 18 allows us to
6 have two ounces of each approved herb as our religious
7 fox. On 8/17/11, I received a letter from an attorney
8 that had been opened prior to me receiving it. I
9 notified the attorney of the fact and he notified the
10 prison. On 9/13/11, I was called to the Pagan grounds
11 along with other groundkeepers and told to stay there
12 as S and A was on their way to the grounds to inspect
13 the groups property boxes. Prison staff present
14 during the so-called inspection were Chaplain Garcia,
15 Lieutenant Ward and four other C O's. We were told
16 that we can no long have newspapers, magazines or
17 paper bags at the Pagan grounds all of which are used
18 to start our ritual fires, as was stated to Chaplain
19 Garcia that it would be near impossible to start a
20 wood fire with just a match and he stated that we are
21 all only allowed to burn wood. After the search of
22 the solitary area, I was told by the Chief Eye which
23 is in the gun tower that overlooks the Pagan grounds
24 that I had to return to my housing unit for legal mail

1 and that I was to go right now and to leave all of the
2 solitary property out until I got back. When I got
3 back to my housing, the law library supervisor, Ms.
4 Field waiting for me. She stated that she was told to
5 come see me by the Warden about opening my legal mail.
6 She asked me if the mail was open when I received it,
7 and I told her yes, that it was. At this time, she
8 addressed me and she did not recall the mail being
9 open and that it was done in error and apologized and
10 assured me that it would not happen again. I don't
11 believe that the Warden being contacted by the
12 attorney about the legal mail and Pagan grounds being
13 searched are a mere coincidence. I believe that it
14 was just further harassment and just plain old
15 retaliation, and I feel there is more to come."

16 In a letter that I got from a former
17 chaplain, it says, "For the four years that I served
18 as the institutional Chaplain at N S P, I did observe
19 that there were occasional acts concerning the
20 treatment of European based Pagan groups, that were
21 discriminatory and retaliatory, it seemed that one of
22 the Christian volunteers had a bias against these
23 groups, their beliefs and practices and exercised undo
24 influence over some of the decisions by the Wardens

1 towards those groups. They were not given equal
2 protection or treatment."

3 And she goes on and on about the retaliatory
4 behavior by N D O C towards certain religions, and I
5 want to put those on to the record.

6 Then earlier, these documents are public
7 record in the Tonja Brown versus State of Nevada
8 Skolnik case and yes, I can present these documents to
9 the board, it is not a confidential document as the A
10 G Geddes has said. There was no court order to
11 authorize this as a confidential document.

12 Mr. Geddes was and is silencing my voice, my
13 First Amendment and everything that exonerates from
14 these slanderous accusations. I specifically spoke
15 with my attorneys, and I specifically asked the judge,
16 "Is the information in the discovery confidential?"

17 "No, it is a public record." This
18 information was placed in the public, in the
19 documents, in the discovery. They are public records.
20 I specifically asked my attorneys, "Can I present this
21 information to the Board of Prison Commissioners?"

22 "Yes, you can."

23 GOVERNOR SANDOVAL: All right.

24 And Ms. Brown, this board is not going to put

1 itself in a middle of dispute, and we can't decide
2 today whether it's public or not. Mr. Geddes has
3 maintained his position. You've maintained yours.

4 MS. BROWN: So you are denying me my First
5 Amendment rights to produce these public records for
6 the record?

7 GOVERNOR SANDOVAL: No, ma'am. I'm saying
8 we're not deciding whether it's public or not. You've
9 presented it and it becomes --

10 MS. BROWN: Okay.

11 So what becomes of this then? Is it moot
12 because he put something -- because somebody claims
13 and puts "Confidential" on a document and submits it
14 into discovery and the court issues no court order
15 stating it is a confidential matter and in fact, says
16 it is public, I cannot produce this? I can't do this?

17 GOVERNOR SANDOVAL: Ma'am, this is public
18 comment and no one has said that you can't put
19 something on --

20 MS. BROWN: Right and I'm asking that the
21 deposition of Don Helling under the First Amendment
22 public comment be placed on the record, it is a public
23 record. Therefore, the inmates will have access to
24 know certain information that came out during the

1 deposition which is a public record.

2 GOVERNOR SANDOVAL: I'll defer to the
3 Attorney General, Mr. Marcher.

4 MR. MARCHER: Well, we can take the
5 information but whether or not that's an actual public
6 record, it's confidential.

7 MS. BROWN: It is not confidential.

8 MR. MARCHER: I know that, but I haven't
9 analyzed the issue. I know what Mr. Geddes says. I
10 know what you're saying but until -- what we would do
11 would be to hang onto it until somebody made a request
12 of the record and if they did, then we would have to
13 make a determination whether it was public or
14 confidential.

15 MS. BROWN: It is a public record, it should
16 be placed on the public record. This here is what Mr.
17 Geddes' office put on it.

18 The judge, the federal court judge did not
19 put it on there, did not name it confidential, it is
20 public.

21 THE CHAIRPERSON: I can't decide that today,
22 Ms. Brown.

23 MR. MARCHER: I can't either. So we'll take
24 it but it's really only going to become an issue if

1 somebody asks for it.

2 MS. BROWN: That's why I want it on the
3 public record in the event because there are family
4 matters.

5 GOVERNOR SANDOVAL: We can take it and we can
6 make it --

7 MS. BROWN: And I want Don Helling's
8 deposition on there as well. You can have this and I
9 can get letters, if need be, but just because somebody
10 who doesn't want somebody to see something where it's
11 confidential, does not make it a confidential report
12 unless a court order issues it to be a confidential
13 report which it is not, it is a public record.

14 GOVERNOR SANDOVAL: Right. Well, I hear what
15 you're saying. We just don't have all the
16 information.

17 MS. BROWN: No, it's because of what is in
18 there is going to open up Pandora's box for all the
19 litigations and the wrongful things that have been
20 done during this litigation.

21 GOVERNOR SANDOVAL: If you would present Mr.
22 Carpino's and Mr. Krosher's letters to Mr. Marcher as
23 well, please.

24 MS. BROWN: And I would like to present this.

1 This is also --

2 GOVERNOR SANDOVAL: The Chaplain's letter?

3 MS. BROWN: Correct, that's been through the
4 Legislature as an exhibit, that Ombudsman.

5 Oh, there was one other thing that I wanted
6 to discuss and that was AR 711 because it hasn't been
7 brought up and it's come to my attention and you did
8 not touch on it.

9 When inmates are transferred, whether it's
10 for medical or to a different institution, and they
11 have personal property, they lose it. So if they have
12 a radio and it's been grandfathered in and they have
13 to go and get medical for whatever, they're going to
14 lose it. They will lose their personal property and
15 that's why a lot of these inmates do not want to leave
16 where they're at to go get medical because they know
17 they're going to lose their personal property that
18 they've had for many, many years.

19 I think that really needs to be addressed and
20 looked at. They should not have to not take maybe
21 medical care or be transferred to another institution
22 that might be better for them because they're going to
23 lose their personal property which could include a
24 jacket. They could be down south and be transferred

1 here and the other way and lose their jacket, then
2 they have to go and buy a brand new jacket, it's a
3 matter of money, it's going to cost money. Money that
4 they or maybe their families don't have.

5 Thank you.

6 GOVERNOR SANDOVAL: Thank you, Ms. Brown.

7 MS. BROWN: Okay, here's this.

8 And I know that Travis Baird sent a letter
9 some time ago. He's the one whose letter was written,
10 that should be placed on the record as well. And I
11 want this as the record as well.

12 GOVERNOR SANDOVAL: Is there anyone else
13 present in Carson City that would like to provide
14 public comment?

15 (Whereupon the proceedings were concluded.)

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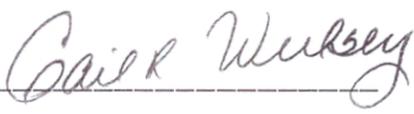
24

1 STATE OF NEVADA)
2) Ss.
3 COUNTY OF WASHOE)
4

5 I, GAIL R. WILLSEY, a notary public in and
6 for the County of Washoe, State of Nevada, do hereby
7 certify:

8 That I was provided a CD and that said CD
9 was transcribed by me, a Certified Shorthand Reporter,
10 in the matter entitled herein;

11 That said transcript which appears
12 hereinbefore was taken in stenotype notes by me from
13 the Cd and thereafter transcribed into typewriting as
14 herein appears to the best of my knowledge, skill and
15 ability and is a true record thereof.

16
17
18 
19 _____
20 GAIL R. WILLSEY, CSR #359

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**State of Nevada
Department of Corrections**
OFFENDER INFORMATION SUMMARY

NDOC ID: 28074

NAME: KLEIN, NOLAN

- EXTERNAL MOVEMENT HISTORY -					
MOVE - DATE / TIME	FROM LOC	TO LOC	MOVE TYPE	MOVE REASON	
04/13/1989 / 12:03	NNCC	NSP	Conversion	Conversion	
03/21/1989 / 12:01	OUT	NNCC	New Commitment - Re-Commitment	Admission	

- PRIOR FELONY CONVICTIONS / HOLDS & DETAINERS -					
ORDER DT	CASE TYPE	ORDER TYPE / SUB	COMMENT	OFFENSE CODE / DESCRIPTION	OFFENSE DT
06/05/2007	PRI_FEL	OJD / OTH_JD		129 BATTERY W/ INTENT TO COMMIT CRIME	06/05/2007
06/05/2007	PRI_FEL	OJD / OTH_JD		299 BURGLARY	06/05/2007

- CASE NOTES -
RESTRICTED CASE NOTES HAVE BEEN REMOVED FROM THIS REPORT

02/05/1999 - 03:56 [Classification / Re-Classification (Per)]: WEISENTHAL/C - HEALTH GOOD, NO CONCERNS, NOT ATTEND PRGRMS, RX MENTAL HEALTH CRIME, CMTE RX NC COMMITTEE MEMBERS WEISENTHAL BOECK MANN IGNACIO 1458 02-10-1999 MILLER

06/08/1999 - 12:03 [General Case Notes / General Case Note]: WEISENTHAL - RECD TELE-CON FROM AG OFFICE

06/24/1999 - 01:04 [General Case Notes / General Case Note]: WEISENTHAL - RECD COPY OF DEPOSITION FOR EDITING.

08/09/1999 - 11:57 [Classification / Re-Classification (Per)]: WALSH/C - I/M CLAIMS SENTENCE STRUCTURE IS NOT CORRECT. WILL CHECK JOC & PAR IN I-FILE. NOK IS CURRENT. CLAIMS HE GETS WEEKLY VISITS. NOT WORKING OR PROG AT THIS TIME. NO PRBLM W/ HEALTH, CELLIE OR UNIT. RX NO CHANGE IN STATUS AT THIS TIME. WALSH BECK 0937 08-10-1999 HUMPHREY

10/18/1999 - 10:07 [General Case Notes / General Case Note]: BRYNE - SEEN BY FULL CMTE FOR POSS HIRE AS VVA CAN MAN. REFUSED TO SIGN FISCAL AGREEMENT. NO HIRE UNLESS CHANGES MIND AND SIGNS AGREEMENT. CMTE IGNACIO, BENEDETTI, COLEMAN, MANN, CUTSHAW, ZAPETTINI, MARTINEZ, BYRNE.

11/04/1999 - 03:25 [General Case Notes / General Case Note]: TRUSHENSKI - DISCIP HRNG: GUILTY MJ20(TATTOO EQUIP FOUND IN CELL) 10 DD, CAT B, ASSESSED MEDICAL RESTITUTION FOR ANY COSTS ARISING OUT OF INCIDENT.

11/08/1999 - 02:34 [General Case Notes / General Case Note]: BRYNE - TELECONF. W/ [REDACTED] + DEP DA MICHAEL WOLZ THIS DATE 2:05 PM-2:30 PM

12/02/1999 - 10:24 [General Case Notes / General Case Note]: MARTINEZ - POST DISC: COMPLETES 10 DD ON 12/03/99 FOR MJ-20. HLTH GOOD. NO CONCERNS. CLAIMS NO ENEMIES WHEN PLACED GP. DD TO GP.

01/20/2000 - 10:21 [General Case Notes / General Case Note]: ZAPPETTINI - SERVED W/DISCHARGE PAPER; COMPLETE #881692 - UDW AS OF 1/3/2000.

02/16/2000 - 09:10 [Classification / Re-Classification (Per)]: BRYNE - NO MIN SEX OFFENDER, NO WORK OR PROGRAM, STATES HE SPENDS HIS TIME WORKING ON COURT CASES, NOK CURRENT, HLTH GOOD, SMOKER, STATES NO PROBLEMS, CMTE RX N/C. BYRNE BAKER 0954 02-22-2000 HUMPHREY COURT 2-18-00

02/23/2000 - 10:24 [General Case Notes / General Case Note]: BRYNE - TELECONFERENCE CALL FROM AG. 10:03 AM - 10:25 AM.

04/11/2000 - 02:51 [General Case Notes / General Case Note]: BYRNE - DELIVERED PAPERWORK FROM AG'S LITIGATION DIVISION.

04/25/2000 - 03:53 [General Case Notes / General Case Note]: MARTINEZ - DELIVERED LEGAL MAIL FROM THE A.G.'S OFFICE. TO BE HAND DELIVERED.

05/18/2000 - 01:54 [General Case Notes / General Case Note]: TRUSHENSKI - DISCIP HRNG: GUILTY G4(POSS OF HOT POT W/NO SEAL, 1 POWER STRIP/HAS EXCESSIVE #, 1 ALTERED HEADPHONES, 1 HARD-COVERED PORNOGRAPHIC BOOK, 1 TV CABLE W/END MISSING) 10 HRS EXTRA DUTY & DISPOSE OF ITEMS EXCEPT HOT POT CAN BE RESEALED.

05/26/2000 - 02:53 [General Case Notes / General Case Note]: NOEL - NOTIFIED OF TELE-CONFERENCE CALL 5-30-00, 8:15 AM.

05/30/2000 - 08:46 [General Case Notes / General Case Note]: NOEL - TELECONFERENCE BEGAN 8:34 AM ENDED 8:45 AM.

Report Name: OAOIS

Reference Name: NOTIS-RPT-OR-0102.1

Run Date: JAN-24-11 11:36 AM

Page 2 of 10

NDOC-00028

From: tonjamasrod40 <tonjamasrod40@aol.com>

To: lfoletta <lfoletta@gov.nv.gov>; gcox <gcox@doc.nv.gov>; nevadacure <nevadacure@gmail.com>; MichelleRavell <MichelleRavell@cox.net>; JPHINES854 <JPHINES854@aol.com>; ffipffip1 <ffipffip1@cox.net>; mmaharis <mmaharis@gmail.com>; jhart <jhart@mynews4.com>; ckeller <ckeller@doc.nv.gov>; nevadaappeal <nevadaappeal@sbcglobal.net>; cy <cy@lasvegassun.com>; evogel <evogel@reviewjournal.com>; editor <editor@nevadanewsbulletin.com>; editor <editor@RGJ.com>; cbisbee <cbisbee@parole.nv.gov>

Subject: Computer glitch . To be placed on the record for the Board of Prison Commissioners, May 17, 2012 meeting

Date: Mon, May 14, 2012 9:31 am

Please place on the record for the May 17, 2012 Board of Prison Commissioners meeting. I will be speaking to this.

Thank You,

Tonja Brown
2907 Lukens Lane
Carson City, NV 89706

KRNV story on the computer glitch and NDOC's response to the computer glitch

Nevada prison officials are working to figure out the impact of a computer problem that may have added false crimes to some inmates records.

We first broke this story earlier this month, but since then prison officials have changed their story and are now downplaying the impact of any computer problem.

The first errors that we are aware of happened back in 2007 when the department of corrections switched over to a new computer system.

Prison officials admit mistakes did occur because they say the new system was unable to calculate indefinite prison sentences... like life terms.

Even a term of 10-years to life could confuse the system, leading to false charges showing up on some inmate's records.

"There are records they have admitted have been affected in the past," says Rebecca Gaska with the ACLU office in Reno.

In one case: felony battery and burglary charges were dated June 5th of 2007 -- the exact date the new system came on line even though the inmate, Nolan Klein had been in prison since 1988. Klein went before the parole board a month later in July of 2007 and was denied. No reason was given and Klein never did get out. He died in prison two years later.

But prison officials insist all of the mistakes were caught and corrected.

Steve Suwee is the public information officer for the department of corrections.

"As far as I know there have been no adverse consequences to any inmate," Suwee told News 4.

When we first inquired about the problem, Suwee told us there may have been as many as 1,300 mistakes since 2007. That is, felony crimes added to inmates records by the computer incorrectly. But Suwee later told us he mispoke and now insists the majority of mistakes can be chalked up to human error: That is, prison staff entering inmates' work and good time credits incorrectly. Prison officials emphasize all of the mistakes have been caught and corrected. But surprisingly, they also told us they are not interested in tracking how often these mistakes occur.

News 4 asked if there should be a system in place to track these mistakes.

"Well I guess some people would say yes but what's the point of tracking it as long as you fix it?" Suwee told us. "I talked to our computer guys and they said there's no way of knowing." He added.

But state lawmakers are now demanding answers. Just days after our first story aired, members of the Advisory Commission on the Administration of Justice began asking questions of their own: They want to know exactly how many mistakes have been made and whether those mistakes have kept any inmates locked up longer than they should have been.

Assemblyman William Horne chairs the advisory commission:

"Even with our inmates, they have certain rights to only spend as much time in prison. Anything beyond that time they're serving is an injustice to them." Horne told News 4.

The growing question is, just how big of a problem are we talking about?

Steve Suwee, the public information officer, told us flat out prison officials don't really want to know.

"We have enough other things to do in my opinion, than to track how many times we screw up."

LCC INTAKE CHECKLIST

13

Inmate Name: Klein, Nolan NDOC: 28074

Date: _____ Ethnic: 1 SMOKER NON-SMOKER Age: 51

Received From: WCC For: GI med table

Parole Agenda? _____ Court Actions Pending? _____
Regular Review List? _____

RFS: 10

Ever Eligible for Min: no 9/0

CMC @ LCC: WCC/ Nuston # 72877 Victim of Money Scan

Gang Affiliation: Wiccan

Holds/Detainers: 0

Disciplinary Actions Pending / Last Disciplinary: DOC: 4/10 1-18-01 MJ29
MED 3: 5-5-9-10-11

Medical / Dental / Mental Health Issues: BB-BT do Dental / mH

#5 PED: 1-1-10 MPR: _____ EXP: Lifs/w
To CS Lifs/w

Educational Level: _____

Notes: at LCC 505 -> 605
manipulated tx from LCC - (Klein to Estuente LCC)

Committee: _____

see pg. 15
settlement
agreement
new

CU-05-390
Klein v Hellm

note by Tanya Brown: 5-17-12

Klein filed suits in 2009 -
AG had dismissed because
Klein was deceased

Klein v Busbee
Klein v Corda -
religion

SETTLEMENT AGREEMENT AND FULL AND FINAL RELEASE

THIS SETTLEMENT AGREEMENT AND FULL AND FINAL RELEASE (hereinafter referred to as the "AGREEMENT") is made and entered into as of the date this Agreement is signed, by and among the Nevada Department of Corrections ("NDOC"), on behalf of itself and all of its officers, directors, employees, former-employees, agents, predecessors, parents, divisions, correctional facility personnel,¹ successors, administrators, and assigns, including former Director HOWARD SKOLNIK (hereinafter all such persons are collectively referred to as the NDOC PERSONNEL), and TONJA BROWN, administratrix of the Estate of NOLAN KLEIN ("ESTATE") AND TONJA BROWN, as an Individual ("BROWN") (collectively, the ESTATE and BROWN are referred to as "PLAINTIFFS").

I. RECITALS

A. At all times relevant hereto: HOWARD SKOLNIK was an NDOC employee, serving as the NDOC Director, and the State of Nevada *ex rel.* the Department of Corrections was the government of the State of Nevada sued on behalf of the NDOC (collectively, SKOLNIK and the State of Nevada *ex rel.* the Department of Corrections are referred to herein as "DEFENDANTS");

B. At all times relevant hereto: the NDOC PERSONNEL were NDOC employees, whether current or former, acting in various employment capacities, including but not limited to medical staff, executive staff, wardens, associate wardens, administrative staff, and correctional staff;

C. At all times relevant hereto NOLAN KLEIN was an inmate incarcerated in the NDOC system, confined at various NDOC correctional facilities from approximately 1989 until his death in 2009. NOLAN KLEIN is further identified as NDOC Inmate ID

¹ Such correctional facilities would include, but not be limited to: Ely State Prison ("ESP"), Nevada State Prison ("NSP"), Northern Nevada Correctional Center ("NNCC") and its Regional Medical Facility ("RMF"), Warm Springs Correctional Center ("WSCC"), Southern Desert Correctional Center ("SDCC"), Lovelock Correctional Center ("LCC"), and Casa Grande Transitional Housing ("CTH").

NO. 28074;

D. At all times relevant hereto, the ESTATE was comprised of the following natural persons: (1) TONJA BROWN, the sister of NOLAN KLEIN, residing or having resided at 2907 Lukens Lane, Carson City, NV 89706; (2) CRYSTAL BROWN, the niece of NOLAN KLEIN, residing or having resided at 2500 Holly Brook Lane #1213, Arlington, Texas 76031; and (3) ROBERT BROWN, the nephew of NOLAN KLEIN, residing or having resided at 2907 Lukens Lane, Carson City, NV 89706;

E. At all times relevant hereto, the ESTATE, as a legal entity, was created and administered in the District Court of Nevada, in the First Judicial District in and for Carson City, Nevada, proceeding as Case No. 09-PBT-00083-1B;

F. This Agreement addresses and resolves a series of disputes covering the period of 1989 to 2009 (collectively, the "DISPUTE"), arising from and relating to NOLAN KLEIN's confinement in the NDOC System. The DISPUTE arises from and relates to claims by the PLAINTIFFS that NOLAN KLEIN, was not provided constitutionally-adequate medical treatment and conditions of confinement, the result of which allegedly caused his premature death. The DISPUTE concerns the issue of whether DEFENDANTS and/or NDOC PERSONNEL adequately and/or timely screened, diagnosed, and/or treated NOLAN KLEIN for his alleged or suspected medical conditions, including but not limited to: Hepatitis-A Virus, Hepatitis-B Virus, Hepatitis-C Virus, Hemochromatosis (whether referring to Hereditary Hemochromatosis or a general description of an "iron overload" problem), Iron Overload, Hypertensive Disease, Methicillin Resistant Staphylococcus Aureus Infection ("MRSA"), and Arteriosclerotic Cardiovascular Disease. As well, the DISPUTE concerns the issue of whether DEFENDANTS and/or NDOC PERSONNEL failed to provide NOLAN KLEIN

with a special medical diet for his alleged medical conditions. Another element of the DISPUTE concerns whether DEFENDANTS and/or NDOC PERSONNEL transferred NOLAN KLEIN to different correctional facilities, for improper purposes, including but not limited to retaliation, and this DISPUTE includes a theory that NOLAN KLEIN was transferred or kept away from the RMF, to punish him or cause him harm, allegedly arising from or relating to NOLAN KLEIN receiving lesser medical care away from the RMF than he would have received if he remained at the RMF. The DISPUTE also includes questions as to whether DEFENDANTS and/or NDOC PERSONNEL breached prior settlement agreements with NOLAN KLEIN, arising from prior litigation against DEFENDANTS and/or NDOC PERSONNEL, including for the alleged purpose of wrongfully retaliating against NOLAN KLEIN. Moreover, the DISPUTE concerns the issue of whether DEFENDANTS and/or NDOC PERSONNEL'S alleged acts and omissions relating to other portions of the DISPUTE were supported by NDOC policies and were motivated by a retaliatory intent and were performed or permitted in order to punish NOLAN KLEIN for his historical filing of grievances and legal actions against DEFENDANTS, NDOC PERSONNEL, the State of Nevada, and/or other parties. The NDOC policies in question include, but are not limited to, those alleged policies giving rise to or relating to alleged negligent training, supervision, and retention of NDOC employees. The DISPUTE also concerns the question of whether DEFENDANTS and/or NDOC PERSONNEL improperly refused to grant a compassionate, medical release to NOLAN KLEIN before he died, including in retaliation for NOLAN KLEIN having waged litigation against the DEFENDANTS, NDOC PERSONNEL, the State of Nevada, and/or other parties. The DISPUTE also concerns the matter of whether DEFENDANTS and/or NDOC PERSONNEL improperly or untimely notified the next of

kin of NOLAN KLEIN'S death, and whether DEFENDANTS NDOC PERSONNEL failed to treat the body of NOLAN KLEIN with respect at his decease and properly return it to his family.

G. Seeking to vindicate their claims of the DISPUTE, PLAINTIFFS filed a lawsuit against DEFENDANTS, on or about October 28, 2010 by way of their Original Complaint (Docket No. 001) and by way of their Amended Complaint (Docket No. 005) on or about January 13, 2011.² This litigation ("Litigation") proceeded by way of 42 U.S.C. § 1983 (civil action for deprivation of rights), with companion state-tort claims, in the United States District Court, District of Nevada (Reno), in the matter of *Tonja Brown vs. State of Nevada ex rel. the Department of Corrections, et al.* Case No. 3:10-cv-00679-HDM-VPC. In their Amended Complaint ("COMPLAINT") PLAINTIFFS interposed various causes of action³ against the DEFENDANTS, seeking declaratory, as well as monetary damages in excess of one million dollars (\$1,000,000.00) against the DEFENDANTS, based on the alleged facts of the aforementioned DISPUTE;

H. On or about February 4, 2011, DEFENDANTS filed their answer ("ANSWER," Docket No. 008) to the COMPLAINT, generally denying the allegations of

² The Complaint bears a court stamp of July 15, 2011, but bears a certificate of service date of July 13, 2011, which under the "Prison Mailbox Rule," might be construed to equate the filing date with the certificate-of-service date.

³ The Causes of Action recited in the Amended Complaint are listed as follows: (1) First Claim for Relief: 42 U.S.C. § 1983 - Cruel and Unusual Punishment; Deliberate Indifference to Serious Medical Needs; (2) Second Claim for Relief: 42 U.S.C. § 1983 - Deprivation of Basic Necessities of Life; (3) Third Claim for Relief: 42 U.S.C. § 1983 - Deprivation of Life without Due Process; (4) Fourth Claim for Relief: Denial of First Amendment Right to Expression; (5) Fifth Claim for Relief: 42 U.S.C. § 1983 against the Department of Corrections (re alleged failure to release NOLAN KLEIN prior to his death); (6) Sixth Claim for Relief: 42 U.S.C. § 1983 - Negligent Training, Supervising, and Retention; (7) Seventh Claim for Relief: Wrongful Death; (8) Eighth Claim for Relief: Negligent Infliction of Emotion Distress As to Plaintiff and the Deceased; and (9) Ninth Claim for Relief: Intentional Infliction of Emotional Distress against all individual defendants as to Plaintiff individually.

the COMPLAINT and denying the claims of the COMPLAINT that DEFENDANTS and/or NDOC PERSONNEL engaged in culpable and/or wrongful conduct. DEFENDANTS maintained that NOLAN KLEIN received constitutionally-adequate medical attention and conditions of confinement, such that no liability should attach to any act or omission by DEFENDANTS and/or NDOC PERSONNEL, relative to the claims of the COMPLAINT;

I. On or about November 29, 2011, without making any admission of liability or any admission of culpable conduct by DEFENDANTS and/or NDOC PERSONNEL, DEFENDANTS reached an out-of-court settlement ("SETTLEMENT") with PLAINTIFFS of all claims of the DISPUTE and the COMPLAINT, in a court-mediated settlement conference ("SETTLEMENT CONFERENCE") conducted by the Honorable U.S. Magistrate Judge Valerie P. Cooke at the U.S. District Courthouse in Reno, Nevada. The general terms ("GENERAL TERMS") of the SETTLEMENT were agreed to at the SETTLEMENT CONFERENCE. This written AGREEMENT memorializes the GENERAL TERMS agreed to by and between the DEFENDANTS and PLAINTIFFS at the SETTLEMENT CONFERENCE, which were memorialized by the Court at the SETTLEMENT CONFERENCE. This written AGREEMENT also includes incidental and collateral terms of agreement that were not addressed or resolved at the SETTLEMENT CONFERENCE, or which required clarification. The parties herein expressly confirm and agree that they have fully read and agree to the portions of the AGREEMENT which supplies additional or clarified terms that were not initially or completely addressed by the GENERAL TERMS;

J. Notwithstanding the fact that an out-of-court SETTLEMENT was reached by the parties in this Litigation, DEFENDANTS expressly deny having engaged in any

culpable conduct relating to the DISPUTE or any claim asserted in the COMPLAINT;

II. SCOPE OF AGREEMENT

A. The scope of this AGREEMENT covers all elements of the DISPUTE and all claims of the COMPLAINT, whether asserted against the DEFENDANTS and/or NDOC PERSONNEL;

B. The scope of this AGREEMENT covers all claims, disputes, causes of actions, and controversies asserted against the DEFENDANTS in the COMPLAINT, including those claims implicated therein against NDOC PERSONNEL, whether such claims identify NDOC PERSONNEL by name or not. The scope of this AGREEMENT covers all claims arising from or relating to the DISPUTE, as framed by the factual allegations and legal assertions made in the COMPLAINT, whether or not a legal claim or legal theory concerning such matters was specifically set forth in the COMPLAINT, including those legal claims and theories that could have been raised in the COMPLAINT, based on the same factual predicate, but were not styled as a cause of action in the COMPLAINT, including any legal claims or theories that were not discovered by or known to PLAINTIFFS of at the time of the SETTLEMENT;

C. The scope of this AGREEMENT covers all claims, disputes, causes of actions, and controversies asserted against DEFENDANTS, regardless of whether such claims, disputes, causes of actions, and controversies were asserted against them in their individual or official capacity.

III. AGREEMENT

The DEFENDANTS and PLAINTIFFS hereby agree as follows:

A. CONSIDERATION, RELEASE, AND DISCHARGE

The following legal consideration, release, and discharge of claims is hereby

exchanged by and among the DEFENDANTS and PLAINTIFFS, in support of and in execution of the this AGREEMENT, to finally settle all claims, disputes, and controversies, arising from and relating to the DISPUTE and the claims of the COMPLAINT:

1. DEFENDANTS hereby agree to give to PLAINTIFFS prior to PLAINTIFFS' filing of a voluntary dismissal (or the filing of a Stipulation of Dismissal filed by both DEFENDANTS and PLAINTIFFS) of this LITIGATION, and/or other such document(s) as may be required by the Court to effect the dismissal of this case, the following legal consideration: Payment in the amount of FIFTY THOUSAND DOLLARS (\$50,000.00);

2. PLAINTIFFS hereby tender the following consideration, release, and discharge and/or forbearance of claims to DEFENDANTS and NDOC PERSONNEL, in exchange for the consideration tendered by the DEFENDANTS to PLAINTIFFS, described in § III A1 of this AGREEMENT: PLAINTIFFS hereby completely release and forever discharge the DEFENDANTS and NDOC PERSONNEL of and from any and all liability for claims asserted, arising from, or relating to the DISPUTE and the claims of the COMPLAINT, including any and all past, present or future claims, demands, obligations, actions, causes of action, rights, damages, costs, losses of services, expenses and compensation of any nature, based on the same elements of the DISPUTE and claims of the COMPLAINT on behalf of Nolan Klein and the Estate of Nolan Klein, including those asserted in the LITIGATION, against DEFENDANTS, or which could have been asserted against DEFENDANTS and NDOC PERSONNEL, in the LITIGATION, based on the same fact pattern, but which were not so asserted in the COMPLAINT regarding acts that occurred and affected Nolan Klein;

B. WAIVER OF FEES AND COSTS

PLAINTIFFS and DEFENDANTS shall bear their own fees and costs arising from or incurred in the Litigation.

C. COMPROMISE

PLAINTIFFS and DEFENDANTS understand and agree that this AGREEMENT is a complete compromise of matters involving disputed issues of law and fact relating to the DISPUTE and claims of the COMPLAINT, and they assume the risk that the facts or law may be otherwise than they believe. The parties understand and agree that this SETTLEMENT is a compromise of a disputed claim. The parties understand and agree that the consideration given by DEFENDANTS in exchange for PLAINTIFFS' consideration of their dismissal and/or forbearance of all claims against DEFENDANTS and NDOC PERSONNEL, with prejudice, as set forth herein, is not to be construed, and shall never at any time for any purpose be considered, as an admission of liability on the part of any party, by whom liability is expressly denied.

D. WAIVER

This is a full and final release applying to all known, unknown, anticipated, and unanticipated damages arising out of the aforesaid claims identified in this AGREEMENT. The PLAINTIFFS and DEFENDANTS hereby waive all rights or benefits with respect to the matters being released herein which they now have or in the future may have under the terms of any controlling legal authority that might hold that a general release does not extend to the claims of which the creditor does not know or suspect to exist in its favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor.

E. WARRANTY OF CAPACITY TO EXECUTE AGREEMENT

The signatories to this AGREEMENT represent and warrant that no other person or entity has or had any interest in the claims, demands, obligations or causes of action referred to in this AGREEMENT and that they have the sole right and exclusive authority to execute this AGREEMENT and that they have not sold, assigned, transferred, conveyed or otherwise disposed of any of the claims, demands, obligations, or causes of action referred to in this AGREEMENT. The parties further represent that the persons signing this AGREEMENT are fully authorized to do so on behalf of each party, respectively.

F. BINDING EFFECT UPON SUCCESSORS IN INTEREST

This AGREEMENT shall be binding upon and inure to the benefit of the PLAINTIFFS and DEFENDANTS and their respective successors and assigns.

G. REPRESENTATION OF COMPREHENSION OF DOCUMENT

In entering into this AGREEMENT, the DEFENDANTS and PLAINTIFFS acknowledge and represent that they have relied upon the legal advice of their attorneys, who are the attorneys of their own choice, and that the terms of this AGREEMENT have been completely read and explained to them by their attorneys, and that those terms are fully understood and voluntarily accepted by them.

H. DISMISSAL

PLAINTIFFS and DEFENDANTS hereby agree to execute a *Stipulation and Order for Dismissal with Prejudice* ("*Stipulation for Dismissal*") of all claims asserted against the NDOC in this Litigation, as soon as practicable after PLAINTIFFS receive payment in the amount of FIFTY-THOUSAND DOLLARS (\$50,000.00) from

DEFENDANTS or their counsel. In this regard, counsel for the DEFENDANTS will prepare and circulate the *Stipulation for Dismissal* to counsel for PLAINTIFFS for their review and signature. Counsel for PLAINTIFFS will electronically file the *Stipulation for Dismissal* with the U.S. District Court for the District of Nevada, in Reno, Nevada.

I. GOOD FAITH SETTLEMENT

This AGREEMENT is entered into in good faith, in accordance with NRS 17.245 *et seq.* This AGREEMENT fully settles any and all claims that PLAINTIFFS might now or in the future have against the DEFENDANTS and/or NDOC PERSONNEL, arising from or relating to the claims of the COMPLAINT or facts and issues of the DISPUTE. As such, this AGREEMENT fully releases and discharges DEFENDANTS and NDOC PERSONNEL from any and all liability to DEFENDANTS, their assigns and heirs, and removes any basis upon which any other litigant might assert a claim against the NDOC for contribution and/or equitable indemnity arising from or relating to the claims of the COMPLAINT or facts and issues of the DISPUTE, asserted by PLAINTIFFS (or which could have been asserted by PLAINTIFFS) against any other, non-settling party, based upon any claims of the COMPLAINT or facts and issues of the DISPUTE in this LITIGATION or any other litigation.

J. CONTINUING JURISDICTION OF U.S. DISTRICT COURT OF NEVADA

DEFENDANTS and PLAINTIFFS hereby agree that the U.S. District Court of Nevada in Reno, Nevada shall be the exclusive forum, at all times after the dismissal of the LITIGATION, in which the parties may seek relief concerning this AGREEMENT, whether to enforce, interpret, clarify, or settle disputes concerning this AGREEMENT.

K. CONSTRUCTION, INTERPRETATION, AND ENFORCEMENT OF THIS AGREEMENT

This AGREEMENT shall be construed, interpreted, and enforced in accordance with federal laws, rules of procedure, and common law in the Ninth Circuit, except where state law controls or governs this AGREEMENT, or any portion thereof. Where state law is to be applied, this AGREEMENT, or the relevant portions thereof, shall be construed, interpreted, and enforced in accordance with the controlling legal authority, whether laws, rules of procedure, and/or common law, of the State of Nevada.

L. ADDITIONAL DOCUMENTS and RELATED STATEMENT

Each party agrees in good faith to cooperate fully and execute any and all supplementary documents that are necessary or proper to give full force and effect to this Agreement.

M. CONFIDENTIALITY OF DOCUMENTS

Defendants produced certain documents in the course of discovery of this litigation, spanning the "Bates" range of **NDOC 00001-04213**. The parties herein agree that some of those documents are confidential ("CONFIDENTIAL DOCUMENTS"), as specified in the table below, for which documents the Plaintiffs and their counsel agree that they will not disclose, disseminate, or produce the CONFIDENTIAL DOCUMENTS, or the information contained therein, to any third party, absent written permission by the NDOC or a court order permitting the same. The parties herein identify those CONFIDENTIAL DOCUMENTS, or portions thereof requiring redaction, as set forth in the table below and as required by NRS 213.1075;

ITEM	BATES STAMP RANGE	INSTRUCTIONS ON CONFIDENTIALITY
01	NDOC 00027-00036	REDACTION OF CONFIDENTIAL INFORMATION REQUIRED: any text which identifies by name, relationship (e.g., "cellie" or cellmate), or NDOC Identification or "Back" No. any inmate <i>other than Nolan Klein or Fred Huston</i>

ITEM	BATES STAMP RANGE	INSTRUCTIONS ON CONFIDENTIALITY
		<p>must be redacted and kept confidential before publication or dissemination, including that which appears on the following pages:</p> <ul style="list-style-type: none"> • NDOC 00031; • NDOC 00033; • NDOC 00034; and • NDOC 00035.
02	NDOC 01088-01094	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
03	NDOC 01643-01703	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
04	NDOC 01709-01711	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
05	NDOC 01868-01889	<p>REDACTION OF CONFIDENTIAL INFORMATION REQUIRED: any text which identifies by name, relationship (e.g., “cellie” or cellmate), or NDOC Identification or “Back” No. any inmate <i>other than Nolan Klein or Fred Huston</i> must be redacted and kept confidential before publication or dissemination, including that which appears on the following pages:</p> <ul style="list-style-type: none"> • NDOC 1877 • NDOC 1878
06	NDOC 03703-03712	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
07	NDOC 03713	<p>REDACTION OF CONFIDENTIAL INFORMATION REQUIRED: any text which identifies by name, relationship (e.g., “cellie” or cellmate), or NDOC Identification or “Back” No. any inmate <i>other than Nolan Klein or Fred Huston</i> must be redacted and kept confidential before publication or dissemination, including that which appears on this page.</p>
08	NDOC 03715-03753	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
09	NDOC 03755-03769	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
10	NDOC 03772	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
11	NDOC 03774-03780	CONFIDENTIAL – MAY NOT BE PRODUCED

ITEM	BATES STAMP RANGE	INSTRUCTIONS ON CONFIDENTIALITY
		OR DISSEMINATED IN PART OR WHOLE.
12	NDOC 03782-03793	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
13	NDOC 03795-03806	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
14	NDOC 03808-03809	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
15	NDOC 03812-03813	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
16	NDOC 03815	REDACTION OF CONFIDENTIAL INFORMATION REQUIRED: any text which identifies by name, relationship e.g., “cellie” or cellmate), or NDOC Identification or “Back” No. any inmate <i>other than Nolan Klein (and by relationship to Nolan Klien, Tonja Brown) or Fred Huston</i> must be redacted and kept confidential before publication or dissemination, including that which appears on this page.
17	NDOC 03816-03817	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
18	NDOC 03820	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
19	NDOC 03822-03828	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
20	NDOC 03830-03841	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
21	NDOC 03843-03870	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
22	NDOC 03873-03874	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
23	NDOC 03882-03885	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
24	NDOC 03891-03893	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
25	NDOC 03896-03906	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
26	NDOC 03920-03937	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
27	NDOC 03940	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
28	NDOC 03943-03962	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.

ITEM	BATES STAMP RANGE	INSTRUCTIONS ON CONFIDENTIALITY
29	NDOC 03951-03962	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
30	NDOC 03964-03972	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
31	NDOC 03970-03973	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
32	NDOC 03987	REDACTION OF CONFIDENTIAL INFORMATION REQUIRED: the following information and text must be redacted and kept confidential before publication or dissemination, including that which appears on this page. Line 4: the phone number appearing immediately after the name “Karen Walsh” Lines 17-22: the entire entry beginning with the word “Rex” and ending in the words “settle the matter.”
33	NDOC 03988-03998	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.

All CONFIDENTIAL DOCUMENTS in the possession, custody, or control of Plaintiffs, Plaintiff’s Counsel, or their agents will be withheld under safekeeping, sealed, or destroyed by the parties or their counsel’s office.

N. CLAWBACK OF CONFIDENTIAL DOCUMENTS

To the degree that Plaintiff has already disseminated any of the CONFIDENTIAL DOCUMENTS, Plaintiffs will use good faith efforts to attempt to have such CONFIDENTIAL DOCUMENTS and all known copies of the same—whether existing in paper, electronic, or other form—returned from the party to whom such documents were originally given, whereupon, the CONFIDENTIAL DOCUMENTS will be maintained as confidential, as herein provided. Plaintiff’s counsel has not disseminated any documents except in the process of preparing for litigation.

O. RELATED STATEMENT CONCERNING INVESTIGATION

Defendants herein agree to make the following statement (“STATEMENT”) concerning information that was contained in the CONFIDENTIAL DOCUMENTS, without admitting liability or any culpable conduct—including for any acts or omissions—arising from or relating to events described in STATEMENT and for the making of the STATEMENT, itself. In a letter written by the Office of the Attorney General dated December 2, 2005:

Our office has concluded its investigation concerning Inmate Fred Huston’s (#72877) monies entrusted to Tonja F. Brown. Our investigation revealed Inmate Fred Huston set up a trust and appointed Tonja Brown as a trustee of that account. Inmate Huston became concerned when no supporting documentation was submitted to him reflecting the source and distribution of his funds. Interviews conducted with the individuals in the trust and the reviewing of the bank documents revealed that no criminal activity existed. A conversation with an NDOC inmate-caseworker revealed that, at the time of that conversation, Inmate Huston had no further concerns regarding his monies.

P. EFFECTIVENESS

This AGREEMENT shall become effective upon the execution of this AGREEMENT by the Signatories to this AGREEMENT.

Q. COMPLETENESS OF DOCUMENT

This AGREEMENT contains the entire understanding between the parties with respect to the matters set forth herein. There are no representations, warranties, agreements, arrangements, or undertakings, oral or written, between or among the parties hereto relating to the subject matter of this AGREEMENT which are not fully expressed herein.

R. COUNTERPARTS AND FACSIMILE COPIES

This AGREEMENT may be executed in counterparts. The DEFENDANTS and PLAINTIFFS agree that photocopies of this AGREEMENT, as well as facsimile signatures, shall be presumed to be authentic, valid, and binding, subject to challenges and proof to the contrary.

S. SEVERABILITY

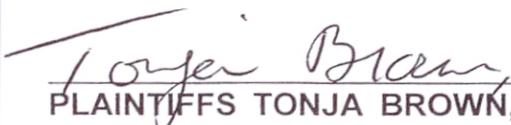
The DEFENDANTS and PLAINTIFFS agree that, in the event that any portion ("Offending Portion(s)") of this AGREEMENT is declared by a court of competent jurisdiction to be invalid or unenforceable, for any reason whatsoever, then those Offending Portions shall be severed from this AGREEMENT, as if they were never incorporated into this AGREEMENT. The DEFENDANTS and PLAINTIFFS further agree that if any Offending Portions are so severed from this AGREEMENT, then the remainder of the AGREEMENT shall, nevertheless, survive and remain fully intact, valid, and enforceable.

Dated: March _____, 2012.

**DEFENDANTS HOWARD SKOLNIK AND
THE STATE OF NEVADA EX REL. THE
DEPARTMENT OF CORRECTIONS AND**
(on behalf of itself, and its current and former
employees)

GREG COX
NDOC Director, for All Defendants

Dated: March 30, 2012.


PLAINTIFFS TONJA BROWN, administratix

Settlement Agreement In the Matter of
BROWN v. STATE OF NEVADA, et al., Case No. 03:10-cv-00679-ECR-VPC
March 15, 2012
Page 17 of 18

of the Estate of NOLAN KLEIN AND TONJA
BROWN, as an Individual

Dated: March 15, 2012.

APPROVED AS TO FORM AND CONTENT.

**OFFICE OF THE ATTORNEY GENERAL
Litigation Division**

CATHERINE CORTEZ MASTO
Attorney General

By: 

WILLIAM J. GEDDES
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*Attorneys for Defendants State of Nevada ex
rel. the Department of Corrections and
HOWARD SKOLNIK*

Dated: March 30, 2012.

APPROVED AS TO FORM AND CONTENT.

By: 

TREVA J. HEARNE, ESQ., #4450
HAGER & HEARNE
245 E. Liberty St., Suite 110
Reno, NV 89501
(775) 329-5800

*Attorneys for Plaintiffs Tonja Brown,
administratrix of the Estate of Nolan Klein and
Tonja Brown, as an Individual*

From: <tonjamasrod40@aol.com>
To: <lfoletta@gov.nv.gov>, <gcox@doc.nv.gov>, <nevadacure@gmail.com>, <MichelleRavell@cox.net>, <JPHINES854@aol.com>, <ffipffip1@cox.net>, <mmaharis@gmail.com>, <jhart@mynews4.com>, <ckeller@doc.nv.gov>, <nevadaappeal@sbcglobal.net>, <cy@lasvegassun.com>, <evogel@reviewjournal.com>, <editor@nevadanews bureau.com>, <editor@RGJ.com>, <cbisbee@parole.nv.gov>
Date: 5/14/2012 9:32 AM
Subject: Computer glitch . To be placed on the record for the Board of Prison Commissioners, May 17, 2012 meeting

Please place on the record for the May 17, 2012 Board of Prison Commissioners meeting. I will be speaking to this.

Thank You,

Tonja Brown
2907 Lukens Lane
Carson City, NV 89706

KRNV story on the computer glitch and NDOC's response to the computer glitch

Nevada prison officials are working to figure out the impact of a computer problem that may have added false crimes to some inmates records.

We first broke this story earlier this month, but since then prison officials have changed their story and are now downplaying the impact of any computer problem.

The first errors that we are aware of happened back in 2007 when the department of corrections switched over to a new computer system.

Prison officials admit mistakes did occur because they say the new system was unable to calculate indefinite prison sentences... like life terms.

Even a term of 10-years to life could confuse the system, leading to false charges showing up on some inmate's records.

"There are records they have admitted have been affected in the past," says Rebecca Gaska with the ACLU office in Reno.

In one case: felony battery and burglary charges were dated June 5th of 2007 -- the exact date the new system came on line even though the inmate, Nolan Klein had been in prison since 1988.

Klein went before the parole board a month later in July of 2007 and was denied. No reason was given and Klein never did get out. He died in prison two years later.

But prison officials insist all of the mistakes were caught and corrected.

Steve Suwee is the public information officer for the department of corrections.

"As far as I know there have been no adverse consequences to any inmate," Suwee told News 4.

When we first inquired about the problem, Suwee told us there may have been as many as 1,300 mistakes since 2007. That is, felony crimes added to inmates records by the computer incorrectly.

But Suwee later told us he mispoke and now insists the majority of mistakes can be chalked up to human error: That is, prison staff entering inmates' work and good time credits incorrectly.

Prison officials emphasize all of the mistakes have been caught and corrected. But surprisingly, they also told us they are not interested in tracking how often these mistakes occur.

News 4 asked if there should be a system in place to track these mistakes.

"Well I guess some people would say yes but what's the point of tracking it as long as you fix it

?" Suwee told us. " I talked to our computer guys and they said there's not way of knowing." He added.

But state lawmakers are now demanding answers. Just days after our first story aired, members of the Advisory Commission on the Administration of Justice began asking questions of their own: They want to know exactly how many mistakes have been made and whether those mistakes have kept any inmates locked up longer than they should have been.

Assemblyman William Horne chairs the advisory commission:

"Even with our inmates, they have certain rights to only spend as much time in prison. Anything beyond that time they're serving is an injustice to them. " Horne told News 4.

The growing question is, just how big of a problem are we talking about?

Steve Suwe, the public information officer, told us flat out prison officials don't really want to know.

"We have enough other things to do in my opinion, than to track how many times we screw up."

Tonja Brown, Executrix/Administrator
Estate of Nolan Klein
2907 Lukens Lane
Carson City, NV 89706

IN PROPER PERSON

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

Department No. 7

NOLAN KLEIN
Petitioner,

Case No: Cv10-01057

V

WRIT OF MANDAMUS

WASHOE COUNTY DISTRICT ATTORNEY'S
JOHN AND JANE DOES A – Z

PARDONS BOARD

ATTORNEY GENERAL KATHRINE CORTEZ MASTO
JOHN AND JANE DOES A – Z

_____/Respondents

WRIT OF MANDAMUS

COMES NOW, Petitioner, NOLAN KLEIN, not by nor through his exclusively Motion to Compel District Attorney, Richard Gammick, counsel on record. This above Writ of Mandamus is an extraordinary / extenuating circumstances action, wherein, Counsel is not retained by this honorable Court nor KLEIN, thus, in proper person KLEIN respectfully submits his Writ of Mandamus. This Writ of Mandamus is presented upon the record of cases CR88-1692, (Appeal No. 27514). CR88-1692P, CV90-3087, CV KLEIN v HELLING, , Petition for Writ of Habeas Corpus, Case No. HC-0140892, Seventh Judicial District Court, filed August 19, 1992, Petition for a Writ of Habeas Corpus CV-N-94-193-DWH, United States District Court. KLEIN entitled actions on accompany Points And Authorities, and all the records filed in said enumerated cases, as well as, KLEIN'S Writs of Habeas Corpus CV-N-94-193-DWH, as part of the record and TONJA BROWN'S, appointment as Administrator/Executrix in the Matters of the late Mr. NOLAN KLEIN estate. (attached) Affidavit of Tonja Brown submitted as part of the record.

POINTS AND AUTHORITIES

1. December 17, 2009. Supreme Court State of Nevada, ADKT 427, ORDER; (ID. At 2, first Paragraph) : IT IS HEREBY ORDERED that the Nevada Code of Judicial Conduct shall be repealed and that the Revised Nevada Code of Judicial Conduct, as set forth in Exhibit A, shall be adopted in its place.... (Id. At Exhibit A-Page 25) RULE 2.15 Responding to Judicial and Lawyer Misconduct

(A) “A Judge having knowledge that another judge has committed a violation of the Nevada Rule of professional Conduct that raises a substantial question regarding the lawyer’s honesty, trustworthiness, or fitness as a judge in other respects shall inform the appropriate authority.”

(B) “A Judge having knowledge that a lawyer has committed a violation of the Nevada Rule of professional Conduct that raises a substantial question regarding the lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects shall inform the appropriate authority.”

(C) “A judge who receives information indicating a substantial likelihood that another judge has committed a violation of this Code shall take appropriate action.”

(D) “A judge who receives information indicating a substantial likelihood that a lawyer has committed a violation of the Nevada Rules of Professional Conduct shall take appropriate action.

COMMENT

[1]. “Taking action to address known misconduct is a judge’s obligation. Paragraphs (A) and (B) impose an obligation on the judge to the appropriate disciplinary authority the known misconduct of another judge or a lawyer that raises a substantial question regarding the honesty, trustworthiness, or fitness of that judge or lawyer. Ignoring or denying known misconduct among ones fellow judicial colleagues of the legal profession undermines a judge’s responsibility to participate in efforts to ensure public respect for the justice system. This Rule limits the reporting obligation to those offenses that an independent judiciary must vigorously endeavor to prevent.”

[2] “A judge who does not have actual knowledge that another judge or lawyer may have committed misconduct but receives information indicating a substantial likelihood of such misconduct, is required to take appropriate action under paragraphs (C) and (D).

Appropriate action may include, but, is not limited to, communicating directly with the judge who violated this Code, communicating with a supervising judge, or reporting the suspected violation to the appropriate authority or other agency or body. Similarly, actions to be taken in response to information that a lawyer has committed a violation of the Nevada Rules of Professional Conduct may include but are no limited to communicating directly with the lawyer who may have committed the violation or reporting the suspected violation with the appropriate authority or other agency or body.”

ISSUES PRESENTED

PETITIONER, NOLAN EDWARD KLEIN, WAS DENIED HIS RIGHT TO A FAIR TRIAL AND DUE PROCESS, IN VIOLATION OF PETITIONER’S FOURTH, FIFTH, SIXTH, AND FOURTEEN AMENDMENTS, CONSITUTIONAL RIGHTS:

THE HONORABLE: SUPREME COURT CHIEF JUSTICE GIBBONS, JUSTICE HARDESTY, PICKERING, DOUGLAS, SAITTA, PARRAGUIRRE, CHERRY, GOVERNOR JAMES GIBBONS, ATTORNEY GENERAL CATHERINE CORTEZ-MASTO HAD KNOWLEDGE OF LAWYER’S MISCONDUCT AND CRIMES pursuant to ADKT 427 SHALL INFORM THE APPROPRIATE AUTHORITY:

1. The Materiality and Exculpatory Evidence that was withheld in violation of BRADY v MARYLAND, KLEIN’S FOURTH, FIFTH, SIXTH AND FOURTEENTH AMENDMENT. THESE VIOLATION WOULD LEAD TO THE WRONGFUL DEATH OF NOLAN KLEIN.

(a). Washoe County Deputy District Attorney, RONALD RACHOW, was the prosecuting attorney in the above entitled Case CR88-1692 STATE v NOLAN EDWARD KLEIN: Prosecuting Attorney RONALD RACHOW knew that KLEIN’S defense was being based on MISTAKEN IDENTITY and that KLEIN had an alibi placing him in Jack’s Bar in Carson City, NV during the time of the crime. RACHOW knew that he was violating KLEIN’S Constitutional Rights when RACHOW on November 10, 1988 filed a Motion in Opposition of KLEIN’S November 4, 1988 Motion for Discovery And Production of Exculpatory Materials. Rachow intentionally violated Judge Peter Breen’s court ORDER dated December 8, 1988 to turn over all the Materiality and Exculpatory Evidence to the defense. This is proven by RACHOW’S own handwritten notes on defense’s November 4, 1988 Motion for Discovery And Production of Exculpatory Materials. Rachow knew he was defying Judge Breen’s court order and thereby violated BRADY v MARYLAND and KLEIN’S Constitutional Rights to receive a fair trial.

(b) 373 U.S. 83 (1963) Brady held that “the suppression by the prosecutor of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or punishment, irrespective of the good faith or bad faith of the prosecution.” Id at 87. The Court observed: “Society wins not only when the guilty are convicted but when criminal trials are fair; our system or the administration of justice suffers when any accused is treated unfairly.” Id Brady’s constitutional due process standard has been incorporated into an explicit ethical duty upon government attorneys.”

© RACHOW’S acted in Bad faith. KLEIN was deprived due process, loss of liberty and life itself caused directly by Rachow’s deliberate concealment of evidence, done in deliberate indifference to the same, and outright defiance and contempt of court as demonstrated by handwritten notes to withhold exculpatory evidence.

(d) RACHOW violated KLEIN’S Due Process Clause of the 14th Amendment “No State...shall deprive any person of life, liberty, or property without due process of law.” the touchstone constitutional principles which underlies our system of criminal justice in the United States: when the government seeks to deprive one of life or liberty, due process requires the prosecution, the very adversary which seeks to punish the accused, to provide the accused. “There is no crueler tyranny than that which is exercised under cover of law, and with the colors of justice...” US v Jannotte, 673 F. 2d 578, 614 (3d Cir. 1982)

2. RACHOW violated several NRS Statutes under NRS 199, 41, Code of Professional Conduct, Supreme Court regulation ADKT 427 when he intentionally withheld the evidence that was clearly in violation of Brady and KLEIN’S Due Process.

NRS 199.310 Malicious prosecution. A person who maliciously and without probable cause therefore, causes or attempts to cause another person to be arrested or proceeded against for any crime of which that person is innocent:

(a). On June 10, 2009 found in the District Attorney’s file in the above entitled case was RACHOW’S unsigned Memorandum dated November 10, 1988 to Defense Counsel Shelly T. O’Neill. This was typed and never received by Ms. O’Neill, because, everything had been turned over from the Washoe County Public Defender’s to KLEIN . This was presented in KLEIN’S Post-conviction Petition, CV90-3087. This memorandum states. “attached to this memo please find materials that may be exculpatory and/or statements to the defendant. This information is provided to you pursuant to Nevada Revised Statutes Chapter 174 and Brady v Maryland. I have also attached a copy of the rap sheet of defendant.”

“I have reviewed the file as of November 9, 1988, and I believe that the attached material is all that falls within statutory discovery and Brady. If I discover any other material that arguably falls within Brady or within the provisions of the Nevada Revised Statutes chapter 174, it will be provided to you in an expeditious manner.”

(b). It is KLEIN'S belief that RACHOW would not have obtained a legal conviction had he not violated BRADY v MARLAND and had presented to the defense as well as the jury all of the evidence. This is based on the record and the following that during the Jury deliberations the Jury was DEADLOCKED and could not reach a decision until they heard two defense witnesses Barbara Hillman and William Richards's testimonies to be read back. Judge Charles McGee informed the Jury that it would take to long to have both testimonies transcribed so he ordered the Jury to pick one. They picked William Richards testimony. William Richards was a patron of Jack's Bar on the evening of May 9, 1988 during the crime was being committed. RICHARDS testified that he and KLEIN were playing pool until well after the time of the crime was being committed at 9:15 p.m.. This was raised in KLEIN'S Post-Conviction Petition CV90-3087, DV-N-94-193-DWH

3. The Materiality and Exculpatory Evidence that was withheld in violation of BRADY v MARYLAND KLEIN'S FOURTH, FIFTH, SIXTH AND FOURTEENTH AMENDMENT. When Rachow withheld the discrepancies between KLEIN and the Sparks Police Departments, prime suspect ZARSKY who disappeared after the crime.

(a) That under Petitioner's district court criminal case #CR88-1692, there were reports and composite drawings of suspects from three separate robberies, sexual assaults and attempted sexual assaults, of which Petitioner was suspected of committing because of the uncanny resemblance of the suspects in all three cases, i.e., that all three crimes took place in the same general area of Sparks, Nevada; that the victims in all three cases gave virtually the same general description of the perpetrator; and that in two of the cases, the victims said that the perpetrator gave them his name and that he had something wrong with his mouth and/or teeth.

(b) In the case in which Petitioner was convicted, the victims gave the same general description of 5'9" tall, tan complexion, sandy/blond hair, dark/brown eyes, and dirty clothing. During preliminary hearing, Bridgette Sloan testified that the perpetrator had broken teeth. *See*, Preliminary Hearing Transcript, October 3, 1988, pg. 60. At trial Ms. Sloan stated that he had brown eyes. *See*, Trial Transcript, January 24, 1989, pg. 99. Further, at trial the other victim, Theresa Rodela testified that the perpetrator had something wrong with his teeth or mouth, but couldn't remember what, and that he had dark eyes and that the Petitioner's eyes are blue. *See*, Trial Transcript, January 24, 1989, pg. 62-64. These factors pertaining to the description of the perpetrator are of special importance when viewed in light of the two other similar crimes of which Petitioner was suspected of committing.

(c) That the second crime Petitioner was suspected of committing is listed under Sparks Police Department Case No. 88-4238, which was a robbery/Attempted Sexual Assault committed on April 21, 1988. The general description given by that victim and the composite drawing of the perpetrator are virtually identical in most all respects. As in the case Petitioner is convicted of, the victim in the April 21, 1988 case also identified the perpetrator as having teeth chipped/missing and a speech impairment or cleft pallet. The victim was also able to describe the perpetrator's vehicle as a possible 1965-67 Pontiac Bonneville - Dirty White. Also, the April 21, 1988 attacker gave the victim a name. All of the above characteristics of the crime and description were also found in the case for which Petitioner was charged and convicted. Furthermore, Petitioner's vehicle closely matched the vehicle description given in the April 21, 1988 attack

(d) That because the descriptions by the victims in SPD Case No. 88-4892 (the case Petitioner was actually charged with), and SPD Case No. 88-4238 (the April 21, 1988 case), were so similar to one another, the police contacted the victim of the April 21, 1988 crime and asked her to come down and try to identify the Petitioner's vehicle as the same vehicle driven by the April 21, 1988 perpetrator, at which time she was driven by Petitioner's vehicle for attempted identification, however, she did not identify the Petitioner's vehicle as the vehicle driven by her attacker on April 21, 1988.

(e) That the third case Petitioner was a suspect in was logged under SPD Case No. 87-11777 that was committed on November 18, 1987. And like the other two cases, the description of the perpetrator bore a remarkable resemblance to one another.

(f) That due to the striking and remarkable resemblance and similarities in the characteristics of the crimes and the descriptions of the suspect, it was the affirmative theory of the investigating detectives that all three crimes were committed by the same person, and that the Petitioner was the prime suspect in all three cases.

(g) That the only reason Petitioner was not charged with the crimes committed in SPD Case Numbers 88-4238 and 87-11777 is that Petitioner was identified by those victims as not being the same person that committed the crimes against them. KLEIN had been cleared and his vehicle all of this was withheld from the defense in violation of KLEIN'S Constitutional Rights in order for RACHOW to secure a conviction.

(h) That Petitioner's defense pursued at trial was mistaken identity and alibi, and evidence of another person committing the crimes alleged to have been committed by Petitioner, would have been consistent with the theory of defense pursued at trial, and was corroborated by the victims' own testimony at trial that the perpetrator had broken teeth or something wrong with his mouth and brown or dark eyes, whereas, Petitioner does not have broken teeth or a mouth deformity, and his eyes are blue, this exculpatory evidence was prejudicial to Petitioner's trial defense.

4. The Materiality and Exculpatory Evidence that was withheld in violation of BRADY v MARYLAND KLEIN'S FOURTH, FIFTH, SIXTH AND FOURTEENTH AMENDMENT.

(a). The fact that Petitioner had been named in Theresa Rodela's lawsuit on November 4, 1988, approximately ten weeks prior to Petitioner's trial ultimately resulted in counsel's failure to present valuable impeachment evidence when Ms. Rodela testified that Petitioner was not named as a defendant in her pending lawsuit, and actually went on to name all the defendants in the lawsuit, with the exception of the Petitioner. Trial Transcript, January 24, 1989, pg. 71.

(b) Whereas Ms. Sloan testified at preliminary hearing that she could not identify the Petitioner as the perpetrator of the crimes at the time she had seen Petitioner in person approximately two weeks after the crime. Preliminary Hearing Transcript, October 3, 1988, pg. 57-61. However, Ms. Sloan still managed to name Petitioner by his true and correct name in a civil suit during the time that she stated she could not positively say that Petitioner was the same person that committed the crimes. The civil complaint was filed several weeks prior to Petitioner even being arrested and a preliminary hearing was held, but still alleged in her civil complaint that Petitioner had committed the offense as alleged in the criminal complaint against him.

© That several times during closing arguments of KLEIN'S trial, RACHOW, expressed his opinion of the victim's motives and veracity by stating, "remember what they look like and remember how positive they were when they said it was him. They have no motive to come in here and lie." "You heard they have a civil suits going. They have civil suits going...but it's not against him. It makes no difference to those girls whether or not this particular individual is convicted except as a victim of the crime. They seek justice." (d) Under cross examination of Sloan when asked, Q. "Do you believe that your composite looks like my client? A. "Somewhat" Q. About a thousand other guys as well? A. "Yeah"

(d) On June 10, 2009 it was discovered in the file of the above entitled case that RACHOW had withheld the letters found in the file that he was corresponding with the Victim's attorney pertaining to the lawsuit back in September 1988. In fact, the attorney representing the victim had named another person other than KLEIN and it was RACHOW that informed them that it was not the person and then named KLEIN.

(f) That prior to KLEIN'S September 15, 1988 arrest, Bridgette Sloan, had filed suit against KLEIN before she was able to identify KLEIN in court at the Preliminary Hearing. Sloan was not given the photo lineup of KLEIN in May 1988, however, Theresa Rodela identified KLEIN thru a Photo line-up taken on May 22, 1988, thereby , making it a positive Identification and in court identification of KLEIN.

(g) That over the years study after study have been done on positive Identification thru eyewitness testimony, and photo line-ups have shown that wrongful convictions have occurred due to these types of photo arrays. In fact, KLEIN'S style of photo line up protocol is no longer being used through out our country because it has lead to wrongful convictions. IT IS ALSO TRUE THAT OF THIS WRITING, KLEIN'S PHOTO LINEUP HAS BEEN SHOWN TO 149 INDIVIDUALS WHO HAVE NO KNOWLEDGE OF WHAT KLEIN OR THE SUSPECT LOOK LIKE AND THEY HAVE PICKED KLEIN, NUMBER 3 OUT OF THE SAME PHOTO LINE UP THAT WAS SHOWN TO RODELA. This photo is what would be best described as tainted, because, the photo array depicts six men three on each side. Five of the men are from the chest up and KLEIN is cut off at the BEARD/CHIN. KLEIN is the darkest one featured and your eyes are drawn to him first unlike the other photos. This is called unconscious transference and this type of photo line up is no longer being used by law enforcement agencies. Neither , victims knew at the time of the crime that KLEIN had a full beard and not a 2-3 day old stubble as described by the victims. Evidence will show later as to why Counsel O'NEILL did not present beard evidence at trial CV-n-94-193-DWH, CV90-3087

(5) The Materiality and Exculpatory Evidence that was withheld in violation of BRADY v MARYLAND KLEIN'S FOURTH, FIFTH, SIXTH AND FOURTEENTH AMENDMENT.

(a) Because of the known discrepancies in the victims' identification testimony as compared to Mr. Klein's actual physical characteristics which would come to light during the trial, RACHOW told the jury that this case was going to come down to identity, and whether they were going to believe the victims or not, and if they did, everything would flow. Trial transcripts January 27, 1989 CV-09-30-87, N-94-193-DWH

(b) KLEIN was denied his right to a fair trial and due process of law to prejudicial prosecutor RACHOW'S misconduct by repeatedly vouching for the credibility of witnesses and accusing

defense witnesses of having motives to lie, in violation of KLEIN'S fifth and fourteenth amendment Constitutional Rights.

(c) RACHOW expressed his personal opinion as to the motives, veracity and credibility of the victims: and (2) RACHOW'S statements were misleading to the jury, where KLEIN was in fact named as a defendant by both victims in two separate lawsuits based upon the events that KLEIN was being tried for.

(d) These lawsuits were settled after trial at an award of nearly three quarters of a million dollars. RACHOW knew about these lawsuits prior to KLEIN being arrested and convicted. (e) Because of RACHOW violating KLEIN'S constitutional Right to due process, RACHOW is responsible for the wrongful conviction of Nolan KLEIN and because of his bad acts that resulted in the facilitation of a conspiracy of others to conceal a crime that RACHOW had violated BRADY v MARYLAND that ultimately lead to the wrongful death of an innocent man, Nolan KLEIN. (e) Because of RACHOW violating KLEIN'S Constitutional Rights and Due Process RACHOW is responsible for the wrongful conviction of NOLAN KLEIN and because of his bad acts, that resulted in the facilitation of the conspiracy of others to CONSPIRE TO CONCEAL A CRIME that RACHOW had violated BRADY v MARYLAND that ultimately lead to the wrongful death of an innocent man

(f) RACHOW is in violation of ADKT 427, Brady v Maryland NRS 199, 41, 174

6. The Materiality and Exculpatory Evidence that was withheld in violation of BRADY v MARYLAND KLEIN'S FOURTH, FIFTH, SIXTH AND FOURTEENTH AMENDMENT.

(a) Because of these discrepancies in the victims' testimony, RACHOW was well aware that he needed to support the state's position that despite these inconsistencies in the descriptions of the suspect as opposed to KLEIN'S physical characteristics, the victims were still correct in their identification of KLEIN. This was a close case. There was no physical or forensic evidence that linked KLEIN to the crime. The Jury seemed concerned about convicting KLEIN whereas it appears that they were giving KLEIN alibi defense serious consideration before informing the court they could not reach a verdict until they had the testimony of two defense witnesses read back to them, however, the court, Judge McGee would only allow one witness's testimony read back to them, Bill Richards. The jury reached a verdict on January 27, 1989, after Bill Richard's testimony was read back.

(b) In January 1990 Tonja Brown would make contact with one of KLEIN'S juror's who would inform her what a reason they convicted KLEIN was. Had Judge McGee given what the jury requested both testimonies. According to the juror, the believed that RICHARDS was being truthful, however, they believed that he was mistaken as to the time he left Jack's Bar in Carson

giving enough time to drive to Sparks to commit the crime. If McGee had given the jury what they requested both testimonies they would know that Richards was not mistaken because HILLMAN'S testimony supports RICHARDS making no mistakes as to the time KLEIN left Jack's Bar in Carson City. Had RACHOW turned over all of the evidence the jury would have had to speculate that RICHARDS was mistaken as to the time KLEIN left the bar.. See CV-n-94-193-DWH, CV90-3087. trial transcripts January 23-25, 1989

(c) William RICHARDS would later become a Deputy with the Carson City Sheriff's Office who continues to stand by his testimony. Barbara Hillman is now deceased.

7. The Materiality and Exculpatory Evidence that was withheld in violation of BRADY v MARYLAND KLEIN'S FOURTH, FIFTH, SIXTH AND FOURTEENTH AMENDMENT. RACHOW WITHHELD EVIDENCE PERTAINING TO STATE'S WITNESS LOUANNE GRITTER AND PUBLIC DEFENDER SHELLY T. O'NEILL THAT IS NOW BEFORE THE 9TH CIRCUIT COURT OF APPEALS.

(a) That on May 4, 2009 the Honorable Judge Brent Adams issued an Order compelling Washoe County District Attorney Richard Gammick to turn over the DNA test results and the entire file in the above entitled case. On June 10, 2009 newly discovered evidence was found in KLEIN'S FILE pertaining to statements made by state's witness LOUANNE GRITTER that RACHOW withheld from the defense. RACHOW withheld information that showed motive and reason for GRITTER TO LIE. See letter to Steven Quinn filed September 8, 2009 and Writ of Habeas Corpus CV-N-94-193-DWH

(b) That on or about September 4, 2009 that I, Tonja Brown, personally telephoned and spoke to Deputy Attorney General Steven Quinn and informed as to the newly discovered evidence that supports KLEIN'S claims in the 9th Circuit Court of Appeals. On September 8, 2009 I filed a letter written to Deputy Attorney General Steven Quinn detailing our conversation as to the discovery of what was found in the District Attorney's file on KLEIN. I provided him copies of the evidence that supports KLEIN'S claims in the 9th Circuit Court of Appeals that is still pending. Exhibit Letter to Quinn.

© That I personally submitted this information to members of the Pardons Board that have yet to notify or do anything about all of the newly discovered evidence which is violation of the new Supreme Court regulations, ADKT 427 and in violation of NRS 199 Crimes Against Public Justice concealing a crime.

8. The Materiality and Exculpatory Evidence that was withheld in violation of BRADY v MARYLAND KLEIN'S FOURTH, FIFTH, SIXTH AND FOURTEENTH AMENDMENT. RACHOW WITHHELD EVIDENCE PERTAINING TO STATE'S

WITNESS LOUANNE GRITTER AND PUBLIC DEFENDER SHELLY T. O'NEILL
THAT IS NOW BEFORE THE 9TH CIRCUIT COURT OF APPEALS.

(a). That on June 10, 2009 statements found in KLEIN'S file of Louanne GRITTER revealed conversations with members of the District Attorney's office, including, RACHOW. Such as, but not limited too, Gritter calling RACHOW to inform him that KLEIN has been calling him collect to see if he has spoken to his public Defender, Shelly T. O'Neill. Gritter states that she does not want to speak to KLEIN'S public defender O'Neill, because she is afraid that O'Neill will learn about the crimes she has committed. Gritter would make arrangements to see RACHOW to discuss this. RACHOW violated KLEIN'S Constitutional Rights by withholding this information.

(b) Gritter goes on to mention how she has some difficulty identifying KLEIN's voice from others and then later says she will identify his voice on the 911 call. At trial RACHOW would bring state's witness Gritter into identify the voice on the 911 taped call as KLEIN'S. RACHOW would play the tape of the suspect's voice on the 911 call. RACHOW did not bring into court the taped interview of KLEIN'S voice during his detention on May 22, 1988, all without Miranda Warning. Trial transcripts, CV90-3087, CV-N-94-193-DWH

© That during KLEIN'S trial not one defense witness was asked to hear the 911 call. If RACHOW or defense counsel O'Neill had brought the tape of KLEIN'S voice during his May 22, 1988 questioning to play for the defense witnesses and jury to hear that would have concluded that KLEIN was not the one who called the 911 operator. I base this on hearing the 911 tape after trial. The 911 call is not the voice of Mr. KLEIN.

(d) During the June 20 – 21, 1991 Evidentiary hearing when asked of Counsel, O'NEILL about the 911 call tape, she stated, "O'Neill testified 'I believed it did not sound like Nolan Klein on the tape recording, and Mr. Klein was adamant that it was not he that telephoned the Sparks Police Department and made that confession.'"

9. KLEIN'S FOURTH, FIFTH, SIXTH AND FOURTEENTH AMENDMENT WERE VIOLATED BY COUNSEL PUBLIC DEFENDER SHELLY T. O'NEILL WHEN SHE COMMITTED PERJURY DURING THE EVIDENTIARY HEARING.

(a) That during the testimony of Ms. O'Neill she would go onto commit perjury and later in 1993 be confronted with it, wherein, she would admit that she lied during the Evidentiary Hearing of June 20, 1991. A perjury complaint would be filed by Tonja Brown and forward to the Washoe County District Attorney's Office where it would remain. When RICHARD GAMMICK would become the new District Attorney Tonja Brown would receive and continues to possess a letter from GAMMICK stating that the Statute of Limitations had run out on prosecuting O'Neill for perjury. See, Petition for Writ of Habeas Corpus, Case No. HC-0140892, Seventh Judicial District Court, filed August 19, 1992, Petition for a Writ of Habeas Corpus CV-N-94-193-DWH, United States District Court.

(b) That Attorney, Treva Hearne would contact O'NEILL regarding any comment she would like to make pertaining to the book "To Prove His Innocence" that featured Ms. O'NEILL in it. O'NEILL picked up the manuscript and returned it without comment.

© That O'NEILL in 2007 was being considered for the position of the Washoe County Public Defender's Conflict Unit. That Tonja Brown would present the documents supporting O'Neill's perjured testimony of June 20, 1991. O'NEILL would be asked by the Committee if she had anything to say, and she stated. "NO" O'NEILL was not considered for the position. This is on record with Washoe County See Case No. HC-0140892, Seventh Judicial District Court, filed August 19, 1992, CV-N-94-193-DWH, exhibit from book To Prove His Innocence.

(d) That this perjury by O'NEILL would continue to haunt KLEIN'S case that would ultimately be a factor in his cases. See, Letter to Keith Munro in book To Prove His Innocence.

(e) That on June 10, 2009 the Washoe County District Attorney's file on KLEIN would prove that O'NEILL had committed the perjury during the 1991 because, O'Neill could not have known about ZARSKY because RACHOW never turned over the evidence. It also discredits her testimony, credibility, trustworthiness, honesty and integrity. See letters to Steven Quinn and Keith Munro, Case No. HC-0140892, Seventh Judicial District Court, filed August 19, 1992, CV-N-94-193-DWH

(e) That because of O'NEILL'S perjured testimony her actions violated KLEIN'S Constitutional Rights that ultimately lead to the wrongful death of NOLAN KLEIN on September 20, 2009 for which O'NEILL should be prosecuted and disbarred. Attached email to District Attorney Richard Gammick and John Helzer.

9. KLEIN'S FOURTH, FIFTH, SIXTH AND FOURTEENTH AMENDMENT WERE VIOLATED WHEN SEVERAL INDIVIDUALS CONSPIRED TO CONCEAL A CRIME IN ORDER TO PROTECT THE BAD FAITH AND ILLEGAL ACTS COMMITTED BY DEPUTY DISTRICT ATTORNEY, RON RACHOW. (a)-(q) THAT WOULD LEAD TO THE WRONGFUL DEATH OF NOLAN KLEIN.

(a) Deputy District Attorney, Scott Edwards was representing the Washoe County District Attorney Office during KLEIN'S post-conviction. EDWARDS had the District Attorney's file on KLEIN. The same file that contained the newly discovered evidence on June 10, 2009 that RACHOW withheld in violation of Brady v Maryland and Mazzan, 993P.2^d at 37-38, 42-42 and FN1-3, NRS 199 Crimes against public justice, NRS. 193, 197, 205, 207, 252, 41 and the Code of Professional Conduct,

EDWARDS had KLEIN'S Petition raising 33 grounds. Edwards knew that KLEIN was presenting witnesses that he had between a 2-3 inch beard weeks before the crime, the day of the crime, up and to weeks after the crime and the suspect did not.

Edwards knew KLEIN maintained his innocence and that someone else had committed the crime. Some of this evidence that was discovered on June 10, 2009 was received from the Sparks Police Department containing evidence regarding prime suspect Zarsky, but, not all of it. In 1991 we could not prove if the Sparks Police Department turned over this evidence to the District Attorney. KLEIN would receive his entire file from the Public Defender's office and none of this evidence was in KLEIN'S file. On June 10, 2009 the truth was discovered that RACHOW never turned it over to the defense. Thereby, supporting the perjury against O'NEILL that later she would not deny that she had admitted that she had committed the perjury during the post-conviction hearing Edwards continued to fight KLEIN'S Petition know that the handwritten notes from RACHOW were in the file that indicated that RACHOW had withheld evidence in support of KLEIN'S claim that there was someone else responsible for the crime. On June 10, 2009 evidence from Gritter was found in the file, such as, but not limited to a letter to RACHOW when she was being contacted by an investigator during KLEIN'S pos-conviction hearing regarding her being the Secret Witness. Statements from Gritter were also found in the file that support KLEIN'S case that is pending before the 9th Circuit Court of Appeals. All of this evidence RACHOW had and withheld and with the help of Edwards to keep this a secret from the defense he would have to conspire to conceal a crime RACHOW violating BRADY v MARYLAND when he intentionally withheld this information from the KLEIN and the Courts. .. See, CV90-3087, CV-N-94-193-DWH.

(b) Deputy District Attorney, Gary Hatlestad, was the prosecuting attorney on appeal. Hatlestad continued to fight KLEIN'S Petition/Appeal knowing there was exculpatory Evidence and Materiality Evidence, such as, but not limited to, the handwritten notes from RACHOW were in the file that indicated that RACHOW had withheld evidence in support of KLEIN'S claim that there was someone else thereby, supporting KLEIN'S defense of mistaken identity. Additional note: John Steven Olausen case is now pending in the Honorable Connie Steinheimer's Court regarding Hatelstad withholding evidence in John Steven Olausen's 1979 trial.

Hatlestad received additional information that was supplemented in that Defense Counsel, SHELLY T. O'NEILL, had been looking at the wrong photo, booking picture of KLEIN, to understand the beard evidence. KLEIN'S defense witnesses informed O'NEILL that KLEIN had a full 2-3 inch beard at the time of the crime. This was shown in the photo lineup taken of KLEIN on May 22, 1988. O'Neill had testified during the Evidentiary Hearing "And, frankly, in looking at the booking pictures, Mr. Klein had what we would term as a three-day growth of beard, or it was one of those situations that fell into it. And I thought it was kind of knit-picky in spite of all the other identification and alibi evidence that we had put forth."

Hatlestad was the attorney of record during the hearing of the missing DNA evidence. The DA's office conceded that the filter cigarette butts were gone but did not know what happened to them. The District Attorney's Office has been receiving Letters of Preservations since May 1989 to secure the evidence for future DNA testing.

That on May 4, 2009 the Honorable Judge Brent Adams issued an Order in the above entitled case for District Attorney Richard Gammick to turn over the DNA test results and the entire file in Klein's case. On June 10, Hatlestead had the file turned over and newly discovered evidence that was contained within the file was discovered. Including the name of a police officer who had contacted Sparks Police Detective Sherman Boxx regarding a man hitchhiking carrying a blue suitcase that matches the composite sketch of the suspect the day after the crime. The name of the officer was found in the file who was involved in investigating who opened up Klein's DNA evidence that was in the custody and control of the Washoe County Courthouse and the missing DNA filtered cigarette butts that the perpetrator smoked. The DNA tests results that Gammick publicly admitted on or about September 22, 2008 to opening up the DNA and testing it that results were not there.

It is Klein's belief that sometime after conviction of January 1989 and after they received the first letter of Preservation May 1989 and before the 1995 discovery by Brown, that a member of the District Attorney's Office illegally tested such evidence under a fictitious name, John Doe, because, the obtaining of such evidence was illegal could have had it tested at another lab outside the Washoe County area. It is also the belief that the tests results showed someone other than Klein and therefore, the tests results were destroyed.

©After Deputy District Attorney, Richard Gammick had been elected to the position of the Washoe County District Attorney he received information from Tonja Brown pertaining to the perjury complaint filed by Brown against O'Neill in 1992. Gammick would respond because of the Statute of Limitations had run out he could not prosecute O'Neill for perjury even if his office felt appropriate to do so.

That in 1996 Tonja Brown would receive a letter from the Benjamin Cardozo School of Law, Barry Scheck, from the Innocence Project out of New York. Brown would receive a letter addressed to Judge Mills Lane from Detective Niles Carson describing how they were going to take my new 1996 police report on the discovery of the missing filtered cigarette butts and place it onto a the closed 1995 case, the opening of Klein's DNA kits. Gammick was aware in 1996 that there were ongoing problems with Klein's evidence while in the control and custody of the Washoe County Courthouse, In 2008 Gammick admitted that he opened up the DNA and had it tested.

That over the years Gammick has made several statements to the public that he knows to be not true regarding Klein's case. As the District Attorney, he was provided the documents in July 2009 that showed Rachow had violated Brady n Maryland and several members of the District Attorney's Office have conspired to conceal a crime including , Gammick himself. I incorporate this © with the following (a – r) as to the knowledge Gammick had pertaining to the illegal acts that have been perpetrated against Klein for the last 21 years. Including, but not limited, the 1996 interview given by Gammick regarding the ongoing investigation into the missing DNA evidence. In 2000 the presence of Gammick into Klein's evidence while in the control and

custody of the Washoe County Courthouse, while a court order Issued by Justice Springer in September 1998 was still in effect that no exhibits were to be sent and no case was before the District Court, thereby, giving no reason for GAMMICK to be into the evidence when attorney, Ms. Treva Hearne would see the Index Tracking Cards indicating that GAMMICK had been into the evidence just days before she was viewing it. That District Attorney's Office had signed out the evidence and now even more evidence was missing. That KLEIN filed within the Court, Dept. 2 regarding this issue and Judge Charles McGee had denied KLEIN a hearing . The Supreme Court upheld that decision. Ms. Hearne gave an affidavit as to what she witnessed with regarding to KLEIN'S evidence and the notions made on the INDEX Tracking cards.

GAMMICK also received information that KLEIN was appearing before the October 2008 Pardons Board. That KLEIN'S health was failing. GAMMICK knew that RACHOW violated BRADY and conspired to conceal a crime by not disclosing what RACHOW had done.

(d) On or about February 16, 1996 Tonja BROWN received a letter from Barry Scheck and Innocence Project. After speaking to Detective Niles Carson regarding this letter and the brand new 1996 Police Report I filed in January 1996. He stated that when I contacted him in December of 1995 regarding this matter he had made contact with Judge Mills Lane who instructed NILES to wait until he became head of the Court in 1996. Brown had asked for a copy of the letter he wrote to Judge Lane so that she could provide this letter to Mr. Scheck. Carson said he would and then instructed BROWN to contact Judge Mills Lane regarding the missing filter cigarette butts and the Innocence Project. BROWN contacted Judge Lane to find out what keeps happening to KLEIN'S evidence and to inform LANE that the Innocence Project was taking on KLEIN'S case. LANE instructed BROWN to contact Judge McGee to set up a meeting with McGee and LANW. Brown did as instructed and called McGee's office. The office confirmed that McGee had received a copy of the letter from Detective Niles Carson to Judge Mills Lane and was then informed to contact District Attorney Richard Gammick to join this meeting. BROWN contacted GAMMICK and was informed that GAMMICK was not going to join this meeting and for BROWN to get an attorney. BROWN called McGee's Office back and informed him that GAMMICK would not join the meeting. McGee's office said that McGee said that he won't have ex-parte communications if GAMMICK isn't coming. BROWN then contacted LANE'S office and left him the message. No meeting took place. Judge Mills LANE conspired to conceal a crime, the missing cigarette butts, when he went along with Detective Niles Carson to place this brand new 1996 case onto a closed 1995 thereby hiding the ongoing problem with KLEIN'S evidence.

(f) Washoe County Judge Charles McGee was the presiding Judge over KLEIN'S trial, Post-conviction, Writ of Habeas Corpus, missing DNA evidence hearing and in 2000 when KLEIN discovered that the District Attorney's Office have been into KLEIN'S evidence for years and Exculpatory evidence keeps disappearing when the District Attorney's Office returns the evidence after they check it out.

McGEE conspired to conceal a crime, the missing cigarette butts, when he went along with Detective Niles Carson to place this brand new 1996 case onto a closed 1995 thereby hiding and then held a hearing in his Court and dismissing the case.

(g) Deputy District Attorney, John Helzer, conspired to conceal a crime, when he spoke before the Nevada Pardons Board on October 29, 2008. This was placed on the record when I appeared before the member of the Pardons Board on June 24, 2009

“ As an Advocate for the Innocent I am here to ask this Pardons Board to adopt a policy holding those accountable for misleading the Members of the Pardons Board. The Pardons Board is expected to make a fair, unbiased, informative decision based on the information that is provided to them.

I am now in possession of newly discovered exculpatory evidence as a result of the litigation that Washoe County Assistant District Attorney, Mr. Helzer, said we needed to litigate the disappearance of the missing cigarette filters that Justice Gibbons asked ADA Helzer about.

During the October 29, 2008 Pardons Board hearing in which my innocent brother, Nolan Klein was being considered for a Pardon, KLEIN'S Attorney, and Mr. Hager repeatedly stated to this Pardons Board that Mr. Klein has always maintained his innocence and the Parole Board will not grant parole unless he admits guilt. Mr. Hager went on to say and provided to you a copy of the television interview of Washoe County District Attorney, Dick Gammick, who publicly admitted that he had opened up the DNA and tested it. Mr. Hager then demanded to know where the DNA test Results were?

Immediately following Mr. Hager representation of my brother ADA Helzer spoke to the Pardons Board as to why Mr. Klein should not be given a Pardon. He went on to say. “Now before I came here, it's kind of interesting, but before I even knew this was going to be considered for a Pardon, I was reviewing his file because I wanted to know more about it. I KEPT HEARING THINGS. I went over and talked to Commander Asher at the Sparks Police Department.” He continued on “And what is amazing to me, is that we have this continued denial in the sense that you are SUPPOSE TO BUY INTO IT.

On June 10, 2009 for the first time the Defense saw evidence that the prosecutor Ron Rachow hid from us. And after 21 years of incarceration it finally saw the light of day with Mr. Rachow's personal handwritten notes on it.

According to Commander Asher's report it would appear to be the THEORY OF THE Sparks Police Dept. that Mr. Zarsky committed this crime for which my brother was convicted of. In the documents provided to you the Prime Suspect's report of Zarsky refers to other crimes and the other victims that they believed Mr. Zarsky committed too. However, those victims from those crimes had cleared my brother and his car.

Don't you believe that as an Officer of the court ADA Helzer had a responsibility to speak the truth to you and the truth would be to inform you that while reviewing the file there was evidence that another person had committed the crime thus supporting my brother's claim of innocence? Clearly this information that has been withheld from us for

all of these years is in violation of Brady and ADA Rachow makes a reference to Brady.

I ask that the Pardons Board adopt a policy, that when an inmate who maintains their innocence and appears before you, the District Attorney MUST DISCLOSE any evidence that was located in the file and inform the Pardons Board whether or not the evidence in the file was actually turned over during Discovery. If they do not and it is discovered that they new about this and deliberately withheld it they must be sanctioned and or disbarred and this must be carried out. (Placed on the record Pardons Board minutes of June 24, 2009 and the Pardons Board Hearing of November 19, 2009

That on or about July 1, 2009 BROWN contacted Commander Asher of the Sparks Police Department. ASHER was the Patrol Officer on May 9th 1988. ASHER was the one who discovered prime suspect RICKY LEE ZARSKY. ASHER was the one who took the victim from April 21, 1988 to KLEIN'S car and down to the Police Department who Cleared KLEIN of the crime. Zarsky police report. ASHER stated to BROWN that he had not spoken to Helzer regarding this case and when asked why he never said anything about ZARSKY or the victim from April 21st at KLEIN'S January 1989 trial, he stated, "because he was never asked."

July 13, 2009

Sparks City Council Members:

As an Advocate for the Innocent I base my request for the following. I ask that you place on your upcoming Agenda to discuss a future Oversight Policy regarding the Sparks Police Department's evidence and the way it is handled when it is turned over to the District Attorney's Office. I ask that the policy be that the Defense must be provided a copy of the list of evidence that was provided to the District Attorney Office.

We must put in place safeguards for those who have maintained their Innocence and in all fairness that a Defendant receives a fair an impartial trial. The Innocent should not have wait years if not decades because of an Honest Mistake that was made with regard to the evidence or it being intentionally withheld to get a conviction by an overzealous prosecutor. There are no laws that preclude a law enforcement agency from providing the Defense with a copy of what was provided to the District Attorney's office. Nor should there be.

I base this information on what has come to light after 21 years. Recently, a Washoe County District Court Judge has ordered District Attorney, Dick Gammick to turn over the entire file in Mr. Nolan Klein's case. Mr. Klein has always maintained his innocence and his defense were based on MISTAKEN IDENTITY, that someone else had committed the crime. We now know that there have more innocent people wrongfully convicted thru eyewitness testimony than any and all other factors combined.

It now appears that ADA Ron Rachow purposely withheld from the Defense all of the Exculpatory Evidence in this case. Including Commander Steve Asher's police report attached on their prime suspect, one Mr. Ricky Lee Zarsky. This report along with

several other pieces of evidence that was turned over by the Sparks Police Department in 1988 never made it trial because Ron Rachow withheld this evidence.

For 21 years the Washoe County District Attorney's have kept this secret buried until now. ADA Mr. Helzer even went to the Pardons Board knowing that this information was withheld from the Defense and he said nothing, however, he went so far as to state that he spoke to Commander Asher about this case. On July 1, 2009 I had a long conversation with Commander Asher. At first Commander Asher stated to me that he has not talked about this case since the late 1980,s or 1990's, since trial. I asked Commander Asher why he never mentioned Mr. Zarsky's during the trial. He said because he wasn't asked. When I asked if he had spoken to Mr. Helzer he said "NO". He then asked me why he would be speaking to Mr. Helzer. I then informed him about what Mr. Helzer said at the Pardons Board. Commander Asher went from NOT ever speaking to Mr. Helzer about this case to him to not recalling whether or not he did or didn't speak to him about Mr. Klein.

I ask the Sparks City Council to implement a policy for the Sparks Police Department that when they turn over the evidence to the District Attorney, that they also provide to the Defense a copy of what was turned over to the DA. This will secure any chances of an honest mistake being made or malicious intent. Then it will be left up to the court to decide what is or is not admissible for trial.

I also ask that you please notify me of the upcoming Agenda so that I may be present and provide you with any other documents that may be needed in support of this new policy. Placed on the record with the Sparks City Council. Tonja Brown

On or about July 13, 2009 Washoe County District Attorney, Richard GAMMICK received this information and the documents that Deputy District Attorney, John Helzer had conspired to conceal a crime that RACHOW had violated BRADY v MARYLAND in July 2009.

District Attorney Richard Gammick, Gary Hatlstead, Scott Edwards, John Helzer and JOHN and JANE DOES a-z, with information in hand of the clear miscarriage of justice further obstructed justice and further deprived KLEIN of life and liberty and basic freedom from incarceration. Their actions lead to the wrongful death on Nolan Klein. They are in violation of ADKT 427, NRS 199 Crimes Against Public Justice the Nevada Code of Professional Conduct.

(g) The Federal Public Defender was now representing KLEIN and had sent their investigators to investigate KLEIN's case. Judge/Justice James Hardesty was the head of the Court when KLEIN wrote Judge Hardesty a letter detailing the recent development of KLEIN'S evidence while in the control and custody of the Washoe County District Courthouse. BROWN notified Hardesty and spoke with Judge Hardesty regarding the ongoing problems with KLEIN'S evidence. It would appear now that the evidence had changed its appearance again and now some how the remaining cigarette butts had now grown in size. As head of the Courts Judge Hardesty never looked into the matter.

On October 29, 2008 KLEIN appeared before the Nevada Pardons Board. KLEIN'S attorney Robert Hager provided the members of the Pardons Board a copy of the interview given by Washoe County District Attorney Richard GAMMICK that clearly showed that BRADY had been violated. The Pardons Board, Gammick, Helzer knew that KLEIN'S health was declining.

When Chief Justice Gibbons asked ADA John HELZER about the missing DNA evidence that GAMMICK admitted to testing, HELZER stated he didn't know anything about it and that KLEIN could litigate the matter. KLEIN was not spoken to by any member of the Pardons Board, unlike the others who were appearing before them. KLEIN was denied a pardon.

On October 29, 2008, June 24, 2009 and November 19, 2009 Justice HARDESTY as a member of the Pardons Board was given the documents of the newly discovered evidence that confirmed that RACHOW violated BRADY by withholding the Exculpatory and Materiality Evidence. They were also given the documents in support KLEIN'S claim in the 9th Circuit Court of Appeals.

Nowhere in the Nevada Supreme Court's regulation ADKT 427 does it state that the Nevada Supreme Court Justice is excluded from their own regulation. Nor does it state that any State, County, Federal employee, elected official is excluded from this regulation. This regulation concerns the Public Welfare and this regulation does not state that it is or is not to be applied retroactive therefore, it must be considered retroactive.

Everyday that Justice HARDESTY dose not inform the 9th Circuit Court of Appeals and the Honorable Judge Brent Adams regarding of this discovery is another day they are concealing a crime and therefore, violating their own Supreme Court regulation and KLEIN'S constitutional rights. Nor does it say under NRS 199 Crimes Against Public Justice does a Supreme Court Justice is excluded from violating ones Constitutional Rights.

JUSTICE HARDESTY by remaining silent and not taking action to correct this miscarriage of justice done to KLEIN by RACHOW, Edwards, Hatlestead, Gammick, Helzer, and John and Jane Does, He is in violation of ADKT 427 and NRS 199 Crimes Against Public Justice

(h) On October 29, 2008, June 24, 2009 and November 19, 2009 Justice PARRAGUIRRE as a member of the Pardons Board was given the documents of the newly discovered evidence that confirmed that RACHOW violated BRADY by withholding the Exculpatory and Materiality Evidence. They were also given the documents in support KLEIN'S claim in the 9th Circuit Court of Appeals.

Nowhere in the Nevada Supreme Court's regulation ADKT 427 does it state that the Nevada Supreme Court Justice is precluded from this regulation. This regulation

concerns the Public Welfare and this regulation does not state that it is or is not to be applied retroactive therefore, it must be considered retroactive.

Everyday that Justice Parraguirre dose not inform the 9th Circuit Court of Appeals or take any kind of action against those who conspired to conceal a crime, including himself, is another day they are concealing a crime and therefore, violating their own Supreme Court regulation and KLEIN'S constitutional rights. Nor does it say under NRS 199 Crimes Against Public Justice does a Supreme Court Justice is excluded from violating ones Constitutional Rights.

JUSTICE PARRAGUIRRE by remaining silent and not taking action to correct this miscarriage of justice done to KLEIN by RACHOW, Edwards, Hatlestead, Gammick, Helzer, and John and Jane Does, He is in violation of ADKT 427 and NRS 199 Crimes Against Public Justice

(i) On October 29, 2008, June 24, 2009 and November 19, 2009 Justice CHERRY as a member of the Pardons Board was given the documents of the newly discovered evidence that confirmed that RACHOW violated BRADY by withholding the Exculpatory and Materiality Evidence. They were also given the documents in support KLEIN'S claim in the 9th Circuit Court of Appeals.

Nowhere in the Nevada Supreme Court's regulation ADKT 427 does it state that the Nevada Supreme Court Justice is precluded from this regulation. This regulation concerns the Public Welfare and this regulation does not state that it is or is not to be applied retroactive therefore, it must be considered retroactive.

Everyday that Justice CHERRY dose not inform the 9th Circuit Court of Appeals or take any kind of action against those who conspired to conceal a crime, including himself, is another day they are concealing a crime and therefore, violating their own Supreme Court regulation and KLEIN'S constitutional rights. Nor does it say under NRS 199 Crimes Against Public Justice does a Supreme Court Justice is excluded from violating ones Constitutional Rights.

JUSTICE CHERRY by remaining silent and not taking action to correct this miscarriage of justice done to KLEIN by RACHOW, Edwards, Hatlestead, Gammick, Helzer, and John and Jane Does, He is in violation of ADKT 427. (j) On October 29, 2008, June 24, 2009 and November 19, 2009 Justice CHERRY as a member of the Pardons Board was given the documents of the newly discovered evidence that confirmed that RACHOW violated BRADY by withholding the Exculpatory and Materiality Evidence. They were also given the documents in support KLEIN'S claim in the 9th Circuit Court of Appeals.

Nowhere in the Nevada Supreme Court's regulation ADKT 427 does it state that the Nevada Supreme Court Justice is precluded from this regulation. This regulation concerns the Public Welfare and this regulation does not state that it is or is not to be applied retroactive therefore, it must be considered retroactive.

Everyday that Justice CHERRY dose not inform the 9th Circuit Court of Appeals or take any kind of action against those who conspired to conceal a crime, including himself, is another day they are concealing a crime and therefore, violating their own Supreme Court regulation and KLEIN'S constitutional rights. Nor does it say under NRS 199 Crimes Against Public Justice does a Supreme Court Justice is excluded from violating ones Constitutional Rights.

JUSTICE CHERRY by remaining silent and not taking action to correct this miscarriage of justice done to KLEIN by RACHOW, Edwards, Hatlestead, Gammick, Helzer, and John and Jane Does, He is in violation of ADKT 427 and NRS 199 Crimes Against Public Justice

(j) On October 29, 2008, June 24, 2009 and November 19, 2009 Justice SAITTA as a member of the Pardons Board was given the documents of the newly discovered evidence that confirmed that RACHOW violated BRADY by withholding the Exculpatory and Materiality Evidence. They were also given the documents in support KLEIN'S claim in the 9th Circuit Court of Appeals.

Nowhere in the Nevada Supreme Court's regulation ADKT 427 does it state that the Nevada Supreme Court Justice is precluded from this regulation. This regulation concerns the Public Welfare and this regulation does not state that it is or is not to be applied retroactive therefore, it must be considered retroactive.

Everyday that Justice SAITTA dose not inform the 9th Circuit Court of Appeals or take any kind of action against those who conspired to conceal a crime, including himself, is another day they are concealing a crime and therefore, violating their own Supreme Court regulation and KLEIN'S constitutional rights. Nor does it say under NRS 199 Crimes Against Public Justice does a Supreme Court Justice is excluded from violating ones Constitutional Rights.

JUSTICE SAITTA by remaining silent and not taking action to correct this miscarriage of justice done to KLEIN by RACHOW, Edwards, Hatlestead, Gammick, Helzer, and John and Jane Does, He is in violation of ADKT 427 and NRS 199 Crimes Against Public Justice

(k) On October 29, 2008, June 24, 2009 and November 19, 2009 Justice DOUGLAS as a member of the Pardons Board was given the documents of the newly discovered evidence that confirmed that RACHOW violated BRADY by withholding the Exculpatory and Materiality Evidence. They were also given the documents in support KLEIN'S claim in the 9th Circuit Court of Appeals.

Nowhere in the Nevada Supreme Court's regulation ADKT 427 does it state that the Nevada Supreme Court Justice is precluded from this regulation. This regulation concerns the Public Welfare and this regulation does not state that it is or is not to be applied retroactive therefore, it must be considered retroactive.

Everyday that Justice DOUGLAS dose not inform the 9th Circuit Court of Appeals or take any kind of action against those who conspired to conceal a crime, including himself, is another day they are concealing a crime and therefore, violating their own Supreme Court regulation and KLEIN'S constitutional rights. Nor does it say under NRS 199 Crimes Against Public Justice does a Supreme Court Justice is excluded from JUSTICE DOUGLAS by remaining silent and not taking action to correct this miscarriage of justice done to KLEIN by RACHOW, Edwards, Hatlestead, Gammick, Helzer, and John and Jane Does, He is in violation of ADKT 427 and NRS 199 Crimes Against Public Justice

(l) On October 29, 2008, June 24, 2009 and November 19, 2009 Justice PICKERING as a member of the Pardons Board was given the documents of the newly discovered evidence that confirmed that RACHOW violated BRADY by withholding the Exculpatory and Materiality Evidence. They were also given the documents in support KLEIN'S claim in the 9th Circuit Court of Appeals.

Nowhere in the Nevada Supreme Court's regulation ADKT 427 does it state that the Nevada Supreme Court Justice is precluded from this regulation. This regulation concerns the Public Welfare and this regulation does not state that it is or is not to be applied retroactive therefore, it must be considered retroactive.

Everyday that Justice PICKERING dose not inform the 9th Circuit Court of Appeals or take any kind of action against those who conspired to conceal a crime, including himself, is another day they are concealing a crime and therefore, violating their own Supreme Court regulation and KLEIN'S constitutional rights. Nor does it say under NRS 199 Crimes Against Public Justice does a Supreme Court Justice is excluded from violating ones Constitutional Rights.

JUSTICE PICKERING by remaining silent and not taking action to correct this miscarriage of justice done to KLEIN by RACHOW, Edwards, Hatlestead, Gammick, Helzer, and John and Jane Does, She is in violation of ADKT 427.

(m) On October 29, 2008, June 24, 2009 and November 19, 2009 JUSTICE GIBBONS as a member of the Pardons Board was given the documents of the newly discovered evidence that confirmed that RACHOW violated BRADY by withholding the Exculpatory and Materiality Evidence. They were also given the documents in support KLEIN'S claim in the 9th Circuit Court of Appeals.

Nowhere in the Nevada Supreme Court's regulation ADKT 427 does it state that the Nevada Supreme Court Justice is precluded from this regulation. This regulation concerns the Public Welfare and this regulation does not state that it is or is not to be applied retroactive therefore, it must be considered retroactive.

Everyday that Justice GIBBONS dose not inform the 9th Circuit Court of Appeals or take any kind of action against those who conspired to conceal a crime, including

himself, is another day they are concealing a crime and therefore, violating their own Supreme Court regulation and KLEIN'S constitutional rights. Nor does it say under NRS 199 Crimes Against Public Justice does a Supreme Court Justice is excluded from violating ones Constitutional Rights.

JUSTICE GIBBONS by remaining silent and not taking action to correct this miscarriage of justice done to KLEIN by RACHOW, Edwards, Hatlestead, Gammick, Helzer, and John and Jane Does, He is in violation of ADKT 427 and NRS 199 Crimes Against Public Justice.

(n) On October 29, 2008, June 24, 2009 and November 19, 2009 GOVERNOR JAMES GIBBONS as a member of the Pardons Board was given the documents of the newly discovered evidence that confirmed that RACHOW violated BRADY by withholding the Exculpatory and Materiality Evidence. They were also given the documents in support KLEIN'S claim in the 9th Circuit Court of Appeals.

Nowhere in the Nevada Supreme Court's regulation ADKT 427 does it state that the Nevada Supreme Court Justice is precluded from this regulation. This regulation concerns the Public Welfare and this regulation does not state that it is or is not to be applied retroactive therefore, it must be considered retroactive.

Everyday that GOVERNOR JAMES GIBBONS dose not inform the 9th Circuit Court of Appeals or take any kind of action against those who conspired to conceal a crime, including himself, is another day they are concealing a crime and therefore, violating their own Supreme Court regulation and KLEIN'S constitutional rights. Nor does it say under NRS 199 Crimes Against Public Justice does a Supreme Court Justice is excluded from violating ones Constitutional Rights.

GOVERNOR JAMES GIBBONS by remaining silent and not taking action to correct this miscarriage of justice done to KLEIN by RACHOW, Edwards, Hatlestead, Gammick, Helzer, and John and Jane Does, He is in violation of ADKT 427 and NRS 199 Crimes Against Public Justice

(o) On October 29, 2008, June 24, 2009 and November 19, ATTORNEY GENERAL CATHERINE CORTEZ-MASTO as a member of the Pardons Board was given the documents of the newly discovered evidence that confirmed that RACHOW violated BRADY by withholding the Exculpatory and Materiality Evidence. They were also given the documents in support KLEIN'S claim in the 9th Circuit Court of Appeals.

Nowhere in the Nevada Supreme Court's regulation ADKT 427 does it state that the Nevada Supreme Court Justice is precluded from this regulation. This regulation concerns the Public Welfare and this regulation does not state that it is or is not to be applied retroactive therefore, it must be considered retroactive.

Everyday that ATTORNEY GENERAL CATHERINE CORTEZ-MASTO dose not inform the 9th Circuit Court of Appeals or take any kind of action against those who

conspired to conceal a crime, including himself, is another day they are concealing a crime and therefore, violating their own Supreme Court regulation and KLEIN'S constitutional rights. Nor does it say under NRS 199 Crimes Against Public Justice does a Supreme Court Justice is excluded from violating ones Constitutional Rights.

ATTORNEY GENERAL CATHERINE CORTEZ-MASTO by remaining silent and not taking action to correct this miscarriage of justice done to KLEIN by RACHOW. She is in violation of ADKT 427 and NRS 199 Crimes Against Public Justice.

(p) On or about September 4, 2009 I contacted and spoke to Deputy Attorney General, Steven Quinn, to inform him of the newly discovered evidence that supported KLEIN'S claims that are pending in the 9th Circuit Court of Appeals. Quinn stated that he would turn over the documents to Deputy Attorney Robert Weiland and ask him if it were in the best interest of the State to pull out of the 9th Circuit Court of Appeals then they would do it. I wrote a letter detailing our discussions and personally took it in and had it filed with the Attorney General's Office on September 8, 2009. KLEIN died a few days later and instead of notifying the 9th Circuit Court of Appeals the Attorney General's Office filed a notice of death, however, as the Administrator of Nolan Klein's estate, all of KLEIN'S cases are moving forward. Deputy Attorney General is violation of NRS Crimes Against Public Justice and in violation of ADKT 427

(q) According to Deputy Attorney General Steven Quinn he would be receiving the documents. If QUINN did in fact, turn over the documents to WEILAND then WEILAND too is in violation ADKT 427 and NRS 199 Crimes Against Public Justice,

® Deputy District Attorney John Helzer state to the Pardons Board that he heard things and looked in the file. Because of this statement it would apply to all the unknown JOHN AND JANE DOES who to looked in the file and said nothing.

RELIEF SOUGHT

That the Honorable Judge Brent Adams, pursuant to ADKT 427, 12-17-2009, New Set. ORDER, Report Washoe County District Attorney Richard Gammick, Deputy District Attorney Ronald Rachow, Deputy District Attorney Scott Edwards, Deputy District Attorney Gary Hatlestead, Deputy District Attorney John Helzer, All the members of the Nevada Pardons Board, Attorney General Catherine Cortez-Masto, Deputy Attorney General Steven Quinn, Deputy Attorney Robert Weiland, and all John and Jane Does A-Z to the proper authority, agency under this regulation ADKT 427.

Based on the newly discovered evidence that former prosecuting attorney, RON RACHOW,, had violated BRADY V MARYLAND and Nevada Revised Statutes Chapter 174. NOLAN KLEIN who has maintained his innocence from the first day of his questioning throughout his entire Court proceedings and in his final days leading to his wrongful death, KLEIN, asks this Court to consider every document, pleading, Exhibit, Grounds raised in Post-conviction, writs of Habeas Corpus, Writ of Mandamus as to where the grounds'- issues have or have not been fully addressed, or have reached the merits on or not in any of the state and federal Courts

KLEIN asks this Court to notify the Ninth Circuit Court of Appeals and inform them as to the newly discovered evidence that was found in the Washoe County District Attorney's on June 10, 2009 that RACHOW withheld the Materiality and Exculpatory Evidence that supports KLEIN'S case.

KLEIN asks this Court to Order a Hearing in the above entitled action.

KLEIN ask this Court to file criminal charges against those who violated BRADY v MARYLAND. Those who facilitated a wrongful death when they conspired to conceal a crime when they violated the NRS Statutes. Those who have violated the Nevada Code of Professional Conduct. Those who have violated ADKT 427. I ask this Court to file complaints with the State Bar of Nevada on those individuals who violated KLEIN'S Constitutional Rights and be disbarred from every practicing law in the State of Nevada.

Wherefore, KLEIN prays that the Honorable Court grant KLEIN'S Writ of Mandamus and overturn his conviction based on the newly discovered evidence that was in violation of BRADY v MARLAND and the Bad Faith that had perpetrated against KLEIN by several members of our judicial system.

TONJA BROWN, ADMINISTRATOR/EXECUTRIX OF
THE ESTATE OF NOLAN KLEIN.
2907 Lukens Lane
Carson City, NV 89706
775-882-2744

Affirmation:

The undersigned does hereby affirm that the proceeding document does not contain the social security number of any person.

Dated: _____, 2010

Signature _____

ROBBERY/SEXUAL ASSAULT	5/9/88	GO-1000
Location of original occurrence	543 E. PRATER	Date and time of submission
WITNESS SHOES/BODELA, THERESA		5/10/88 1353 HRS.

Additional details of offense, progress of investigation, etc.

DETAILS:

On 5/10/88 I was asked by acting Sgt. BEATY to do some follow-up work per Det. Sgt. ZARUBI, on this case. I was asked to go to the different motels within the area and show them a composite of last night's incident and see if they know anybody that matched that description to be staying there and I was also looking for a vehicle that was involved in a robbery/kidnap/attempt sexual assault where the two composites match closely.

While checking the Abby Hotel located in the 800 blk. of E St., I made contact with a bartender there by the name of Jeff PETTY. I showed Mr. PETTY the three composites that I had and Mr. PETTY advised me that there was an individual matching the description of the composites with the hair from 88-4892 and the facial area of 88-4238. He advised me the individual's name was ZARSKY, Ricky Lee. I asked Mr. PETTY where Mr. ZARSKY lives, he advised me in #104. In further talking with Mr. PETTY, he gave me a brief description of the individual as being a tanned individual with a mustache that came down to 1/2" past the openings to the mouth and further advised me that the individual's description closely matched the descriptions given in the composites. Mr. PETTY then advised me that Mr. ZARSKY had left early this morning with two other friends and he had no idea where he was and that he could be back in his room.

I then went to room #104 where I listened and it did not sound like anybody was home. I then returned to the SPD and went to talk to Det. Sgt. ZARUBI and fill him in on what I had found. We then brought Mr. ZARSKY up on SCOPE and ascertained the following:

ZARSKY

I then recontacted Mr. PETTY at the Abby Hotel to ascertain from him if he knew where Mr. ZARSKY was employed. I was advised by Mr. PETTY that he was a dishwasher at Karls Casino. I then contacted Karls Casino and talked with an individual in Personnel who did advise me Mr. ZARSKY was an employee and was a dishwasher.

Det. BOXX also found out that Mr. ZARSKY works dayshift with Tue. & Wed. off. Det. BOXX & I then returned to the Abby Hotel, Rm. #104, to attempt to attempt to make contact with Mr. ZARSKY. While at the room, Det. BOXX & I made contact with a David LITTLE, Mr. ZARSKY's roommate.

ALL INFORMATION PROVIDED BY _____ ON _____ IS RESTRICTED AS TO USE AND DISSEMINATION

- This Officer is now
- advised by Agent
- advised by Other Agent
- at Command Structure

Officer ASHER 94334 Patrol

Date 5/10/88

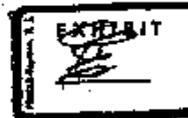
Investigating Officer

Sgt. Lohrstedt 3875

Supervisor Approving

PROSECUTOR

exhibit



SPARKS POLICE DEPARTMENT

SUPPLEMENTAL OR CONTINUATION REPORT

CHARGES SEXUAL ASSAULT	Date of original report 5/9/88	Case number 88-4892
Offender SS SHOES/RODELA, THERESA	Location of original occurrence 543 E. PRATER	Date and time of supplement 5/10/88 1355 HRS.

Additional details of offense, property of investigation, etc.

In talking with Mr. LITTLE, he advised us that Mr. ZARSKY was not home and when he returned home this morning after working graveyard, Mr. ZARSKY had left with two of his friends. Mr. LITTLE advised us that he left for work on 5/9/88 at approx. 2100 hrs. and did not return home until 5/10/88 at approx. 0830 hrs. Mr. LITTLE advised us that Mr. ZARSKY had planned to give plasma today in Reno at the Reno Plasma Center.

Det. BOYE & I then went to Nevada Plasma Center located on 2nd St. in Reno to attempt to locate Mr. ZARSKY. We made contact with a Nursing Supervisor at Nevada Plasma and she pulled the records on Mr. ZARSKY and advised us that Mr. ZARSKY had not been at Nevada Plasma since 1984. Nevada Plasma has a picture of Mr. ZARSKY but it is dated in 1984.

Det. BOYE & I then went to Reno Plasma Center located on 2nd St. in Reno to attempt to locate Mr. ZARSKY at this Plasma Center. We again made contact with a Nursing Supervisor and inquired if Mr. ZARSKY was there. The Nursing Supervisor brought us Mr. ZARSKY's file and told us he had not been there yet today. Reno Plasma also did have a picture of Mr. ZARSKY but it was dated in 1986. The Nursing Supervisor also advised us that the last time Mr. ZARSKY had been in there to give plasma was on 4 of 88.

Both of the photographs that I observed from Nevada Plasma & Reno Plasma did resemble the composites that were done in these cases. I then returned to the Abby Hotel and again made contact with Mr. ZARSKY's roommate, Mr. David LITTLE to inquire how many times, to his knowledge, that Mr. ZARSKY had given plasma. Mr. LITTLE advised me that he only knows of one other time, other than today, that Mr. ZARSKY has given plasma in the last two months. Again Mr. ZARSKY was not at home and Mr. LITTLE had no idea where he was.

If they went to the bartending area where I made contact with an individual who identified himself as being the Manager of the area and asked him if he observed Mr. ZARSKY come back would he please notify this Dept.

This is a supplement to case #88-4892. No further details.

IS INFORMATION PROVIDED BY _____ ON _____ IS RESTRICTED AS TO USE AND DISSEMINATION

This Offense is now

Arrested

Seized by Arrest

Seized Otherwise

Not Classed (Involunt)

Officer ASHER #4534 Patrol

Date 5/10/88

Investigating Officer

Sgt. *Boyer* 3875
Supervisor Approving

Date 5/10/88

SETTLEMENT AGREEMENT AND FULL AND FINAL RELEASE

THIS SETTLEMENT AGREEMENT AND FULL AND FINAL RELEASE (hereinafter referred to as the "AGREEMENT") is made and entered into as of the date this Agreement is signed, by and among the Nevada Department of Corrections ("NDOC"), on behalf of itself and all of its officers, directors, employees, former-employees, agents, predecessors, parents, divisions, correctional facility personnel,¹ successors, administrators, and assigns, including former Director HOWARD SKOLNIK (hereinafter all such persons are collectively referred to as the NDOC PERSONNEL), and TONJA BROWN, administratrix of the Estate of NOLAN KLEIN ("ESTATE") AND TONJA BROWN, as an Individual ("BROWN") (collectively, the ESTATE and BROWN are referred to as "PLAINTIFFS").

I. RECITALS

A. At all times relevant hereto: HOWARD SKOLNIK was an NDOC employee, serving as the NDOC Director, and the State of Nevada *ex rel.* the Department of Corrections was the government of the State of Nevada sued on behalf of the NDOC (collectively, SKOLNIK and the State of Nevada *ex rel.* the Department of Corrections are referred to herein as "DEFENDANTS");

B. At all times relevant hereto: the NDOC PERSONNEL were NDOC employees, whether current or former, acting in various employment capacities, including but not limited to medical staff, executive staff, wardens, associate wardens, administrative staff, and correctional staff;

C. At all times relevant hereto NOLAN KLEIN was an inmate incarcerated in the NDOC system, confined at various NDOC correctional facilities from approximately 1989 until his death in 2009. NOLAN KLEIN is further identified as NDOC Inmate ID

¹ Such correctional facilities would include, but not be limited to: Ely State Prison ("ESP"), Nevada State Prison ("NSP"), Northern Nevada Correctional Center ("NNCC") and its Regional Medical Facility ("RMF"), Warm Springs Correctional Center ("WSCC"), Southern Desert Correctional Center ("SDCC"), Lovelock Correctional Center ("LCC"), and Casa Grande Transitional Housing ("CTH").

NO. 28074;

D. At all times relevant hereto, the ESTATE was comprised of the following natural persons: (1) TONJA BROWN, the sister of NOLAN KLEIN, residing or having resided at 2907 Lukens Lane, Carson City, NV 89706; (2) CRYSTAL BROWN, the niece of NOLAN KLEIN, residing or having resided at 2500 Holly Brook Lane #1213, Arlington, Texas 76031; and (3) ROBERT BROWN, the nephew of NOLAN KLEIN, residing or having resided at 2907 Lukens Lane, Carson City, NV 89706;

E. At all times relevant hereto, the ESTATE, as a legal entity, was created and administered in the District Court of Nevada, in the First Judicial District in and for Carson City, Nevada, proceeding as Case No. 09-PBT-00083-1B;

F. This Agreement addresses and resolves a series of disputes covering the period of 1989 to 2009 (collectively, the "DISPUTE"), arising from and relating to NOLAN KLEIN's confinement in the NDOC System. The DISPUTE arises from and relates to claims by the PLAINTIFFS that NOLAN KLEIN, was not provided constitutionally-adequate medical treatment and conditions of confinement, the result of which allegedly caused his premature death. The DISPUTE concerns the issue of whether DEFENDANTS and/or NDOC PERSONNEL adequately and/or timely screened, diagnosed, and/or treated NOLAN KLEIN for his alleged or suspected medical conditions, including but not limited to: Hepatitis-A Virus, Hepatitis-B Virus, Hepatitis-C Virus, Hemochromatosis (whether referring to Hereditary Hemochromatosis or a general description of an "iron overload" problem), Iron Overload, Hypertensive Disease, Methicillin Resistant Staphylococcus Aureus Infection ("MRSA"), and Arteriosclerotic Cardiovascular Disease. As well, the DISPUTE concerns the issue of whether DEFENDANTS and/or NDOC PERSONNEL failed to provide NOLAN KLEIN

with a special medical diet for his alleged medical conditions. Another element of the DISPUTE concerns whether DEFENDANTS and/or NDOC PERSONNEL transferred NOLAN KLEIN to different correctional facilities, for improper purposes, including but not limited to retaliation, and this DISPUTE includes a theory that NOLAN KLEIN was transferred or kept away from the RMF, to punish him or cause him harm, allegedly arising from or relating to NOLAN KLEIN receiving lesser medical care away from the RMF than he would have received if he remained at the RMF. The DISPUTE also includes questions as to whether DEFENDANTS and/or NDOC PERSONNEL breached prior settlement agreements with NOLAN KLEIN, arising from prior litigation against DEFENDANTS and/or NDOC PERSONNEL, including for the alleged purpose of wrongfully retaliating against NOLAN KLEIN. Moreover, the DISPUTE concerns the issue of whether DEFENDANTS and/or NDOC PERSONNEL'S alleged acts and omissions relating to other portions of the DISPUTE were supported by NDOC policies and were motivated by a retaliatory intent and were performed or permitted in order to punish NOLAN KLEIN for his historical filing of grievances and legal actions against DEFENDANTS, NDOC PERSONNEL, the State of Nevada, and/or other parties. The NDOC policies in question include, but are not limited to, those alleged policies giving rise to or relating to alleged negligent training, supervision, and retention of NDOC employees. The DISPUTE also concerns the question of whether DEFENDANTS and/or NDOC PERSONNEL improperly refused to grant a compassionate, medical release to NOLAN KLEIN before he died, including in retaliation for NOLAN KLEIN having waged litigation against the DEFENDANTS, NDOC PERSONNEL, the State of Nevada, and/or other parties. The DISPUTE also concerns the matter of whether DEFENDANTS and/or NDOC PERSONNEL improperly or untimely notified the next of

kin of NOLAN KLEIN'S death, and whether DEFENDANTS NDOC PERSONNEL failed to treat the body of NOLAN KLEIN with respect at his decease and properly return it to his family.

G. Seeking to vindicate their claims of the DISPUTE, PLAINTIFFS filed a lawsuit against DEFENDANTS, on or about October 28, 2010 by way of their Original Complaint (Docket No. 001) and by way of their Amended Complaint (Docket No. 005) on or about January 13, 2011.² This litigation ("Litigation") proceeded by way of 42 U.S.C. § 1983 (civil action for deprivation of rights), with companion state-tort claims, in the United States District Court, District of Nevada (Reno), in the matter of *Tonja Brown vs. State of Nevada ex rel. the Department of Corrections, et al.* Case No. 3:10-cv-00679-HDM-VPC. In their Amended Complaint ("COMPLAINT") PLAINTIFFS interposed various causes of action³ against the DEFENDANTS, seeking declaratory, as well as monetary damages in excess of one million dollars (\$1,000,000.00) against the DEFENDANTS, based on the alleged facts of the aforementioned DISPUTE;

H. On or about February 4, 2011, DEFENDANTS filed their answer ("ANSWER," Docket No. 008) to the COMPLAINT, generally denying the allegations of

² The Complaint bears a court stamp of July 15, 2011, but bears a certificate of service date of July 13, 2011, which under the "Prison Mailbox Rule," might be construed to equate the filing date with the certificate-of-service date.

³ The Causes of Action recited in the Amended Complaint are listed as follows: (1) First Claim for Relief: 42 U.S.C. § 1983 - Cruel and Unusual Punishment; Deliberate Indifference to Serious Medical Needs; (2) Second Claim for Relief: 42 U.S.C. § 1983 - Deprivation of Basic Necessities of Life; (3) Third Claim for Relief: 42 U.S.C. § 1983 - Deprivation of Life without Due Process; (4) Fourth Claim for Relief: Denial of First Amendment Right to Expression; (5) Fifth Claim for Relief: 42 U.S.C. § 1983 against the Department of Corrections (re alleged failure to release NOLAN KLEIN prior to his death); (6) Sixth Claim for Relief: 42 U.S.C. § 1983 - Negligent Training, Supervising, and Retention; (7) Seventh Claim for Relief: Wrongful Death; (8) Eighth Claim for Relief: Negligent Infliction of Emotion Distress As to Plaintiff and the Deceased; and (9) Ninth Claim for Relief: Intentional Infliction of Emotional Distress against all individual defendants as to Plaintiff individually.

the COMPLAINT and denying the claims of the COMPLAINT that DEFENDANTS and/or NDOC PERSONNEL engaged in culpable and/or wrongful conduct. DEFENDANTS maintained that NOLAN KLEIN received constitutionally-adequate medical attention and conditions of confinement, such that no liability should attach to any act or omission by DEFENDANTS and/or NDOC PERSONNEL, relative to the claims of the COMPLAINT;

I. On or about November 29, 2011, without making any admission of liability or any admission of culpable conduct by DEFENDANTS and/or NDOC PERSONNEL, DEFENDANTS reached an out-of-court settlement ("SETTLEMENT") with PLAINTIFFS of all claims of the DISPUTE and the COMPLAINT, in a court-mediated settlement conference ("SETTLEMENT CONFERENCE") conducted by the Honorable U.S. Magistrate Judge Valerie P. Cooke at the U.S. District Courthouse in Reno, Nevada. The general terms ("GENERAL TERMS") of the SETTLEMENT were agreed to at the SETTLEMENT CONFERENCE. This written AGREEMENT memorializes the GENERAL TERMS agreed to by and between the DEFENDANTS and PLAINTIFFS at the SETTLEMENT CONFERENCE, which were memorialized by the Court at the SETTLEMENT CONFERENCE. This written AGREEMENT also includes incidental and collateral terms of agreement that were not addressed or resolved at the SETTLEMENT CONFERENCE, or which required clarification. The parties herein expressly confirm and agree that they have fully read and agree to the portions of the AGREEMENT which supplies additional or clarified terms that were not initially or completely addressed by the GENERAL TERMS;

J. Notwithstanding the fact that an out-of-court SETTLEMENT was reached by the parties in this Litigation, DEFENDANTS expressly deny having engaged in any

culpable conduct relating to the DISPUTE or any claim asserted in the COMPLAINT;

II. SCOPE OF AGREEMENT

A. The scope of this AGREEMENT covers all elements of the DISPUTE and all claims of the COMPLAINT, whether asserted against the DEFENDANTS and/or NDOC PERSONNEL;

B. The scope of this AGREEMENT covers all claims, disputes, causes of actions, and controversies asserted against the DEFENDANTS in the COMPLAINT, including those claims implicated therein against NDOC PERSONNEL, whether such claims identify NDOC PERSONNEL by name or not. The scope of this AGREEMENT covers all claims arising from or relating to the DISPUTE, as framed by the factual allegations and legal assertions made in the COMPLAINT, whether or not a legal claim or legal theory concerning such matters was specifically set forth in the COMPLAINT, including those legal claims and theories that could have been raised in the COMPLAINT, based on the same factual predicate, but were not styled as a cause of action in the COMPLAINT, including any legal claims or theories that were not discovered by or known to PLAINTIFFS of at the time of the SETTLEMENT;

C. The scope of this AGREEMENT covers all claims, disputes, causes of actions, and controversies asserted against DEFENDANTS, regardless of whether such claims, disputes, causes of actions, and controversies were asserted against them in their individual or official capacity.

III. AGREEMENT

The DEFENDANTS and PLAINTIFFS hereby agree as follows:

A. CONSIDERATION, RELEASE, AND DISCHARGE

The following legal consideration, release, and discharge of claims is hereby

exchanged by and among the DEFENDANTS and PLAINTIFFS, in support of and in execution of the this AGREEMENT, to finally settle all claims, disputes, and controversies, arising from and relating to the DISPUTE and the claims of the COMPLAINT:

1. DEFENDANTS hereby agree to give to PLAINTIFFS prior to PLAINTIFFS' filing of a voluntary dismissal (or the filing of a Stipulation of Dismissal filed by both DEFENDANTS and PLAINTIFFS) of this LITIGATION, and/or other such document(s) as may be required by the Court to effect the dismissal of this case, the following legal consideration: Payment in the amount of FIFTY THOUSAND DOLLARS (\$50,000.00);

2. PLAINTIFFS hereby tender the following consideration, release, and discharge and/or forbearance of claims to DEFENDANTS and NDOC PERSONNEL, in exchange for the consideration tendered by the DEFENDANTS to PLAINTIFFS, described in § III A1 of this AGREEMENT: PLAINTIFFS hereby completely release and forever discharge the DEFENDANTS and NDOC PERSONNEL of and from any and all liability for claims asserted, arising from, or relating to the DISPUTE and the claims of the COMPLAINT, including any and all past, present or future claims, demands, obligations, actions, causes of action, rights, damages, costs, losses of services, expenses and compensation of any nature, based on the same elements of the DISPUTE and claims of the COMPLAINT on behalf of Nolan Klein and the Estate of Nolan Klein, including those asserted in the LITIGATION, against DEFENDANTS, or which could have been asserted against DEFENDANTS and NDOC PERSONNEL, in the LITIGATION, based on the same fact pattern, but which were not so asserted in the COMPLAINT regarding acts that occurred and affected Nolan Klein;

B. WAIVER OF FEES AND COSTS

PLAINTIFFS and DEFENDANTS shall bear their own fees and costs arising from or incurred in the Litigation.

C. COMPROMISE

PLAINTIFFS and DEFENDANTS understand and agree that this AGREEMENT is a complete compromise of matters involving disputed issues of law and fact relating to the DISPUTE and claims of the COMPLAINT, and they assume the risk that the facts or law may be otherwise than they believe. The parties understand and agree that this SETTLEMENT is a compromise of a disputed claim. The parties understand and agree that the consideration given by DEFENDANTS in exchange for PLAINTIFFS' consideration of their dismissal and/or forbearance of all claims against DEFENDANTS and NDOC PERSONNEL, with prejudice, as set forth herein, is not to be construed, and shall never at any time for any purpose be considered, as an admission of liability on the part of any party, by whom liability is expressly denied.

D. WAIVER

This is a full and final release applying to all known, unknown, anticipated, and unanticipated damages arising out of the aforesaid claims identified in this AGREEMENT. The PLAINTIFFS and DEFENDANTS hereby waive all rights or benefits with respect to the matters being released herein which they now have or in the future may have under the terms of any controlling legal authority that might hold that a general release does not extend to the claims of which the creditor does not know or suspect to exist in its favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor.

E. WARRANTY OF CAPACITY TO EXECUTE AGREEMENT

The signatories to this AGREEMENT represent and warrant that no other person or entity has or had any interest in the claims, demands, obligations or causes of action referred to in this AGREEMENT and that they have the sole right and exclusive authority to execute this AGREEMENT and that they have not sold, assigned, transferred, conveyed or otherwise disposed of any of the claims, demands, obligations, or causes of action referred to in this AGREEMENT. The parties further represent that the persons signing this AGREEMENT are fully authorized to do so on behalf of each party, respectively.

F. BINDING EFFECT UPON SUCCESSORS IN INTEREST

This AGREEMENT shall be binding upon and inure to the benefit of the PLAINTIFFS and DEFENDANTS and their respective successors and assigns.

G. REPRESENTATION OF COMPREHENSION OF DOCUMENT

In entering into this AGREEMENT, the DEFENDANTS and PLAINTIFFS acknowledge and represent that they have relied upon the legal advice of their attorneys, who are the attorneys of their own choice, and that the terms of this AGREEMENT have been completely read and explained to them by their attorneys, and that those terms are fully understood and voluntarily accepted by them.

H. DISMISSAL

PLAINTIFFS and DEFENDANTS hereby agree to execute a *Stipulation and Order for Dismissal with Prejudice* ("*Stipulation for Dismissal*") of all claims asserted against the NDOC in this Litigation, as soon as practicable after PLAINTIFFS receive payment in the amount of FIFTY-THOUSAND DOLLARS (\$50,000.00) from

DEFENDANTS or their counsel. In this regard, counsel for the DEFENDANTS will prepare and circulate the *Stipulation for Dismissal* to counsel for PLAINTIFFS for their review and signature. Counsel for PLAINTIFFS will electronically file the *Stipulation for Dismissal* with the U.S. District Court for the District of Nevada, in Reno, Nevada.

I. GOOD FAITH SETTLEMENT

This AGREEMENT is entered into in good faith, in accordance with NRS 17.245 *et seq.* This AGREEMENT fully settles any and all claims that PLAINTIFFS might now or in the future have against the DEFENDANTS and/or NDOC PERSONNEL, arising from or relating to the claims of the COMPLAINT or facts and issues of the DISPUTE. As such, this AGREEMENT fully releases and discharges DEFENDANTS and NDOC PERSONNEL from any and all liability to DEFENDANTS, their assigns and heirs, and removes any basis upon which any other litigant might assert a claim against the NDOC for contribution and/or equitable indemnity arising from or relating to the claims of the COMPLAINT or facts and issues of the DISPUTE, asserted by PLAINTIFFS (or which could have been asserted by PLAINTIFFS) against any other, non-settling party, based upon any claims of the COMPLAINT or facts and issues of the DISPUTE in this LITIGATION or any other litigation.

J. CONTINUING JURISDICTION OF U.S. DISTRICT COURT OF NEVADA

DEFENDANTS and PLAINTIFFS hereby agree that the U.S. District Court of Nevada in Reno, Nevada shall be the exclusive forum, at all times after the dismissal of the LITIGATION, in which the parties may seek relief concerning this AGREEMENT, whether to enforce, interpret, clarify, or settle disputes concerning this AGREEMENT.

K. CONSTRUCTION, INTERPRETATION, AND ENFORCEMENT OF THIS AGREEMENT

This AGREEMENT shall be construed, interpreted, and enforced in accordance with federal laws, rules of procedure, and common law in the Ninth Circuit, except where state law controls or governs this AGREEMENT, or any portion thereof. Where state law is to be applied, this AGREEMENT, or the relevant portions thereof, shall be construed, interpreted, and enforced in accordance with the controlling legal authority, whether laws, rules of procedure, and/or common law, of the State of Nevada.

L. ADDITIONAL DOCUMENTS and RELATED STATEMENT

Each party agrees in good faith to cooperate fully and execute any and all supplementary documents that are necessary or proper to give full force and effect to this Agreement.

M. CONFIDENTIALITY OF DOCUMENTS

Defendants produced certain documents in the course of discovery of this litigation, spanning the "Bates" range of **NDOC 00001-04213**. The parties herein agree that some of those documents are confidential ("CONFIDENTIAL DOCUMENTS"), as specified in the table below, for which documents the Plaintiffs and their counsel agree that they will not disclose, disseminate, or produce the CONFIDENTIAL DOCUMENTS, or the information contained therein, to any third party, absent written permission by the NDOC or a court order permitting the same. The parties herein identify those CONFIDENTIAL DOCUMENTS, or portions thereof requiring redaction, as set forth in the table below and as required by NRS 213.1075;

ITEM	BATES STAMP RANGE	INSTRUCTIONS ON CONFIDENTIALITY
01	NDOC 00027-00036	REDACTION OF CONFIDENTIAL INFORMATION REQUIRED: any text which identifies by name, relationship (e.g., "cellie" or cellmate), or NDOC Identification or "Back" No. any inmate <i>other than Nolan Klein or Fred Huston</i>

ITEM	BATES STAMP RANGE	INSTRUCTIONS ON CONFIDENTIALITY
		must be redacted and kept confidential before publication or dissemination, including that which appears on the following pages: <ul style="list-style-type: none"> • NDOC 00031; • NDOC 00033; • NDOC 00034; and • NDOC 00035.
02	NDOC 01088-01094	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
03	NDOC 01643-01703	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
04	NDOC 01709-01711	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
05	NDOC 01868-01889	REDACTION OF CONFIDENTIAL INFORMATION REQUIRED: any text which identifies by name, relationship (e.g., "cellie" or cellmate), or NDOC Identification or "Back" No. any inmate <i>other than Nolan Klein or Fred Huston</i> must be redacted and kept confidential before publication or dissemination, including that which appears on the following pages: <ul style="list-style-type: none"> • NDOC 1877 • NDOC 1878
06	NDOC 03703-03712	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
07	NDOC 03713	REDACTION OF CONFIDENTIAL INFORMATION REQUIRED: any text which identifies by name, relationship (e.g., "cellie" or cellmate), or NDOC Identification or "Back" No. any inmate <i>other than Nolan Klein or Fred Huston</i> must be redacted and kept confidential before publication or dissemination, including that which appears on this page.
08	NDOC 03715-03753	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
09	NDOC 03755-03769	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
10	NDOC 03772	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
11	NDOC 03774-03780	CONFIDENTIAL – MAY NOT BE PRODUCED

ITEM	BATES STAMP RANGE	INSTRUCTIONS ON CONFIDENTIALITY
		OR DISSEMINATED IN PART OR WHOLE.
12	NDOC 03782-03793	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
13	NDOC 03795-03806	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
14	NDOC 03808-03809	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
15	NDOC 03812-03813	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
16	NDOC 03815	REDACTION OF CONFIDENTIAL INFORMATION REQUIRED: any text which identifies by name, relationship e.g., "cellie" or cellmate), or NDOC Identification or "Back" No. any inmate <i>other than Nolan Klein (and by relationship to Nolan Klien, Tonja Brown) or Fred Huston</i> must be redacted and kept confidential before publication or dissemination, including that which appears on this page.
17	NDOC 03816-03817	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
18	NDOC 03820	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
19	NDOC 03822-03828	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
20	NDOC 03830-03841	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
21	NDOC 03843-03870	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
22	NDOC 03873-03874	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
23	NDOC 03882-03885	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
24	NDOC 03891-03893	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
25	NDOC 03896-03906	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
26	NDOC 03920-03937	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
27	NDOC 03940	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
28	NDOC 03943-03962	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.

ITEM	BATES STAMP RANGE	INSTRUCTIONS ON CONFIDENTIALITY
29	NDOC 03951-03962	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
30	NDOC 03964-03972	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
31	NDOC 03970-03973	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.
32	NDOC 03987	<p>REDACTION OF CONFIDENTIAL INFORMATION REQUIRED: the following information and text must be redacted and kept confidential before publication or dissemination, including that which appears on this page.</p> <p>Line 4: the phone number appearing immediately after the name "Karen Walsh"</p> <p>Lines 17-22: the entire entry beginning with the word "Rex" and ending in the words "settle the matter."</p>
33	NDOC 03988-03998	CONFIDENTIAL – MAY NOT BE PRODUCED OR DISSEMINATED IN PART OR WHOLE.

All CONFIDENTIAL DOCUMENTS in the possession, custody, or control of Plaintiffs, Plaintiff's Counsel, or their agents will be withheld under safekeeping, sealed, or destroyed by the parties or their counsel's office.

N. CLAWBACK OF CONFIDENTIAL DOCUMENTS

To the degree that Plaintiff has already disseminated any of the CONFIDENTIAL DOCUMENTS, Plaintiffs will use good faith efforts to attempt to have such CONFIDENTIAL DOCUMENTS and all known copies of the same—whether existing in paper, electronic, or other form—returned from the party to whom such documents were originally given, whereupon, the CONFIDENTIAL DOCUMENTS will be maintained as confidential, as herein provided. Plaintiff's counsel has not disseminated any documents except in the process of preparing for litigation.

O. RELATED STATEMENT CONCERNING INVESTIGATION

Defendants herein agree to make the following statement ("STATEMENT") concerning information that was contained in the CONFIDENTIAL DOCUMENTS, without admitting liability or any culpable conduct—including for any acts or omissions—arising from or relating to events described in STATEMENT and for the making of the STATEMENT, itself. In a letter written by the Office of the Attorney General dated December 2, 2005:

Our office has concluded its investigation concerning Inmate Fred Huston's (#72877) monies entrusted to Tonja F. Brown. Our investigation revealed Inmate Fred Huston set up a trust and appointed Tonja Brown as a trustee of that account. Inmate Huston became concerned when no supporting documentation was submitted to him reflecting the source and distribution of his funds. Interviews conducted with the individuals in the trust and the reviewing of the bank documents revealed that no criminal activity existed. A conversation with an NDOC inmate-caseworker revealed that, at the time of that conversation, Inmate Huston had no further concerns regarding his monies.

P. EFFECTIVENESS

This AGREEMENT shall become effective upon the execution of this AGREEMENT by the Signatories to this AGREEMENT.

Q. COMPLETENESS OF DOCUMENT

This AGREEMENT contains the entire understanding between the parties with respect to the matters set forth herein. There are no representations, warranties, agreements, arrangements, or undertakings, oral or written, between or among the parties hereto relating to the subject matter of this AGREEMENT which are not fully expressed herein.

R. COUNTERPARTS AND FACSIMILE COPIES

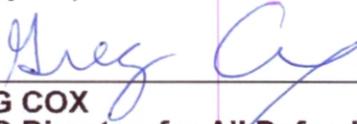
This AGREEMENT may be executed in counterparts. The DEFENDANTS and PLAINTIFFS agree that photocopies of this AGREEMENT, as well as facsimile signatures, shall be presumed to be authentic, valid, and binding, subject to challenges and proof to the contrary.

S. SEVERABILITY

The DEFENDANTS and PLAINTIFFS agree that, in the event that any portion ("Offending Portion(s)") of this AGREEMENT is declared by a court of competent jurisdiction to be invalid or unenforceable, for any reason whatsoever, then those Offending Portions shall be severed from this AGREEMENT, as if they were never incorporated into this AGREEMENT. The DEFENDANTS and PLAINTIFFS further agree that if any Offending Portions are so severed from this AGREEMENT, then the remainder of the AGREEMENT shall, nevertheless, survive and remain fully intact, valid, and enforceable.

Dated: ~~March~~ April 5, 2012.

**DEFENDANTS HOWARD SKOLNIK AND
THE STATE OF NEVADA EX REL. THE
DEPARTMENT OF CORRECTIONS AND
(on behalf of itself, and its current and former
employees)**



**GREG COX
NDOC Director, for All Defendants**

Dated: March 30, 2012.



PLAINTIFFS TONJA BROWN, administratrix

Settlement Agreement In the Matter of
BROWN v. STATE OF NEVADA, et al., Case No. 03:10-cv-00679-ECR-VPC
March 15, 2012
Page 17 of 18

of the Estate of NOLAN KLEIN AND TONJA
BROWN, as an Individual

Dated: March 15, 2012.

APPROVED AS TO FORM AND CONTENT.

**OFFICE OF THE ATTORNEY GENERAL
Litigation Division**

CATHERINE CORTEZ MASTO
Attorney General

By: 

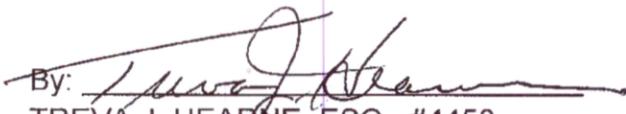
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*Attorneys for Defendants State of Nevada ex
rel. the Department of Corrections and
HOWARD SKOLNIK*

Dated: March 30th, 2012.

APPROVED AS TO FORM AND CONTENT.

By: 

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Reno, NV 89501
(775) 329-5800

*Attorneys for Plaintiffs Tonja Brown,
administratrix of the Estate of Nolan Klein and
Tonja Brown, as an Individual*