Attachment 2

Dear Senate Judiciary:

This Audit was a direct result of what came out of the Deposition of the Former Warden/Associate Director Don Helling and the State's Discovery in the Wrongful Death Suit of Nolan Klein. As the Administrator and the Heir to the Estate of Nolan Klein, I release any wavier of any kind of Confidentiality that the Senate Judiciary or any Legislative Committee, Parole Board, the NDOC, the LCB who conducted the Audit may claim. I give permission for the Senate Judiciary or any Legislative Committee to ask questions of anyone pertaining to Mr. Nolan Klein's records, or imprisonment

My comment referring to the NDOC Audit on the computer glitch.

I'm very pleased that the Audit has made these recommendations and the NDOC has agreed to abide by them. It is an awakening to learn of these developments that should raise concerns for all us.
I ABSOLUTELY DISAGREE with some of the findings from this Audit, more so, regarding the Parole Board and not having NO CONSEQUENCES. When in fact, irreparable harm had been done in some instances, particularly, in Mr. Nolan Klein's case where the computer glitch was disseminated to State and Federal agencies. Thereby, causing a deadly adverse effect on an innocent man's life.

If I could add but one thing to these Recommendations that would be even more beneficial to get an accurate assessment of the inmates records, that would be to allow the inmates to actually be able to review what's in their files and so that they can check for accuracy. As it stands now, inmates are not allowed to actually see their files there only told by their case worker what is in their files. How can they really dispute if they don't really know what is in there?

********** Audit COMPUTER GLITCH HAD NO CONSEQUENCES: page 11
This refers to Mr. Nolan Klein and it was his file that showed the COMPUTER GLITCH of June 5, 2007 that set the foundation of this Audit. This Audit concluded that this DID NOT HAVE CONSEQUENCES. I totally dispute that finding, because, it certainly did have a profound negative impact on Mr. Klein for several reasons.

1. The day before NOTIS was implemented Mr. Klein received a June 4, 2007 letter from the Attorney General's Office who was representing the Parole Board in Litigation Mr. Klein had against the Parole Board. In this letter it showed that Mr. Klein was NOT A THREAT TO SOCIETY, because, part of the resolution to the litigation was parole for Mr. Klein in 2008.

2. Then came this ERROR aka COMPUTER GLITCH on June 5, 2007. On July 10, 2007 Mr. Klein appeared before the Parole Board. The Parole board denied Mr. Klein a parole and then REVOKED all of his granted paroles thereby placing him back onto his first life sentence. Some of these granted paroles had already been expired for over a decade, yet, the Parole Board was able to revoke them. According to our laws the Parole Board cannot revoke a persons granted Parole unless the person has violated the conditions of their parole. Mr. Klein had not done this, except, now he had these new felony charges where they remained in his file until 16 months after his death.

4. The Parole Board now deemed him to be a HIGH RISK to re offend. Prior to his other Paroles Hearing he was not rated as a HIGH RISK, but, now was.

5. In September 2007 the Parole Board denied Mr. Klein a Parole again. They only thing that happened from June 4, 2007 and July 10, 2007 was now there appeared a new felony conviction in his record. Just prior to Mr. Klein's death in 2009 he filed suit in Klein v Bisbee regarding the Parole Board revoking his granted paroles.

6. In 2008 Mr. Klein was about to appear before the Pardons Board. These false felony charges was disseminated to the Pardons Board, at which time, Mr. Klein's health was declining. At the same time the Pardons Board now had in their possession favorable information to Mr. Klein pertaining to his conviction where he has always maintained his innocence. The Pardons Board denied Mr. Klein a Pardon.

7. Shortly thereafter, Mr. Klein's attorney filed a Motion in Washoe County to compel District Attorney Dick Gammick to turn over the DNA test results . Judge Brent Adams Ordered Mr. Gammick to turn the entire file a long with the DNA test results. When the file was turned on over on June 10, 2009 NEWLY DISCOVERED EVIDENCE was found hiding in the DA's file that would have exonerated Mr. Klein at his 1989 trial. As attorney's were getting ready to file Motions for new trial and bail, Mr. Klein died. He never made it out.

8.. A year ago the Nevada Supreme Court dismissed the Petition for Exoneration, because, they lacked jurisdiction because Nevada does not have any laws to grant Petitions for Exonerations. The Nevada Supreme Court suggested creating new laws for Petitions for Exoneration. (Thus far, I cannot get any legislator to create this new legislation that Nevada Supreme Court is suggesting.)
These false felony charges were detrimental and therefore had an Adverse Consequence to Mr. Nolan Klein, life and liberty. I disagree with their findings pertaining to this.

Page 12. Where it states that the Parole Board Chairman who indicated that Department's decision to record the June 5, 2007 for all prior offense dates. I question that, because, I attended a Parole Board meeting last year, it was apparent to me that the Commissioners didn't know anything about a computer glitch until I informed them. And at least one of those Commissioners was a former NDOC worker who was familiar with Mr. Klein. (This is a public record and the information can be found there on pages 8 & 9 http://parole.nv.gov/sites/parole/files/pdf/pubmeet/LegReviewMemoLCBFile146-11.pdf)

I would also like to point out that the Attorney General Katherine Cortez- Masto wanted to open up discussion regarding the Computer glitch at an upcoming Board of Prison Commissioners meeting. This is on the record of the May 2012 Board of Prison Commissioners meeting.

Last year there were inmates whose case workers who had NO knowledge of any kind of an error or computer glitch until an inmate pointed it out to their case worker to check to make sure it is accurate before it was sent to the Parole Board. They had heard of the computer glitch. Sure enough their were errors. The case worker corrected it and later I was told that the false information that the case worker had removed and fixed had now reappeared back into the inmate's file. I've been told the inmate has the documents and is out on Parole.

These were some of the questions I asked of Assemblyman William Horne to included in to the Audit. When I spoke to Mr. Townsend he informed me that he had not included this information into the Audit, because, that was not a part of what was asked of him.

We wanted to know about Inmates who were effected that had false Rape charges in their file why their work and good time credits had been taken away and have not been reinstated as of yet? It has been years.

We wanted to know about the Inmates who had false charges who got their files corrected and then the charges keep reappearing. Why?

We wanted to know about the inmates beginning in 2007 who were first effected by the false felony charges that went to the Parole Board and was then denied a parole. How many of those inmates stayed longer in prison before the problem had been fixed and then they were paroled to their next consecutive sentence or released to the street?

We believed that the inmates in 2007 were effected by this computer glitch and the NDOC and the Parole Board could not have fixed it in the allotted amount of time with the NDOC and Parole Board having to have go through 700- 800 inmates files a month and still hold the Parole hearings in timely manner. If you look at the Parole Board statistics on paroles hearings nothing really changed. They were still doing the same amount of paroles the year before and the year after. We questioned it.

I refer you to Mr. Klein's file that showed June 5, 2007 - January 2011 that the false felony conviction of June 5, 2007 was still in his file and it had been disseminated to State and Federal Agencies and never

corrected. Chairman Bisbee stated the Parole Board would have corrected it. Then why was it still there 16 months after Mr. Klein's death? This is why I MUST QUESTION regarding her statement in the Audit on page 12.

There were and still are problems with NOTIS. It's not human error that NOTIS could not compute how to calculate indeterminate sentences so NOTIS went after the longest sentence. It appears that some of those sentences were life sentences and by Mr. Suwee's comment to the media that would have effected 10% of the Prison population just on the life sentences alone.

During the Advisory Commission on the Administration of Justice Mr. Rex Reed turned to me and asked for the name of the inmate so that he could fix the error. I responded that you can't fix it, he's dead.

Not to long after KRNV Channel 4 started airing the computer glitch I was informed that Mr. Rex Reed and Mr. Steve Swuee no longer work for NDOC.

http://www.leg.state.nv.us/audit/Full/BE2014/NDOC%20Accuracy%20of%20Criminal%20History%20Information,%20LA14-02%20Full.pdf

Tonja Brown'
2907 Lukens Lane
Carson City, NV 89706
775-671-5037

Prison Officials Say Computer Adds Crimes to Inmates Records

Reported by: Joe Hart

Email: jhart@mynews4.com

Published: 3/02 10:21 pm

Updated: 3/02 10:24 pm

Some Nevada prison inmates tell us computer errors have added crimes to their records they never committed -- and prison officials confirm that's it happened hundreds of times in recent years.

Our Fact Finder report found the prison system switched over to a new computer program in 2007 which it turns out regularly added false convictions and even additional life sentences to inmates records.

Prison spokesman Steve Suwee told News 4 there's a glitch in the system because its designed to process sentences of specific durations...Say 10 or 20 years. But when an inmate has a life sentence the glitch may add additional crimes to that inmate's record.

Suwee says it may have happened as many as 1,300 times since 2007. Those are the cases they know about.
One former prison inmate who was serving a life term told News 4 the system added multiple life sentences which his case worker spotted and corrected before he went to the parole board.

In addition, Don Helling, the former deputy director of the Nevada Department of Corrections indicated there were problems when he testified in a lawsuit last year about discrepencies in inmates' records. Helling's sworn testimony stated, " Speculating, we converted over to a new system in
'07, and when all of the information was flipped over into the new system errors occurred."

Prison officials say the problem continues to happen once or twice a month. And now that we've brought it up they are going to try to run the numbers and find out exactly how many mistakes have been caught since 2007. We'll follow up next week as we learn more about this glitch and its possible impact on prison sentences.

Sponsored Links

Fountain Of Youth Found!
Mom Publishes Free Facelift Secret That Has Botox Doctors Angry...
ConsumerLifeReports.com

1 Shocking Tip To Kill Belly Fat
Nevada: Celebrity Doctor Uncovers 1 Simple Trick To A Flat Stomach.
LiveHealthyDigest.com

New Diet Pill Sales Soar
New 'fast acting' diet pill flying off shelves admist consumer frenzy
healthylifestylesdigest.com

Buy a link here

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[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.

Filed by Monica Hawk

OCT - 2 2007

NOLAN KLEIN #28074
NNCC
P.O. Box 7000
CARSON City, NV 89702

SEPTEMBER 28, 2007

DORLA SAILLING
Chairman, Nevada Board of Parole Commissioners
1445 Old Hot Springs Road, Suite 108 B
Carson City, NV 89711

Dear Ms Sailling,

During or about the third week of August 2007, I was called into my caseworker's office and informed that the Parole Board wanted to see me again. At that time I informed her that I did not care to see the Board at this time because the Board and myself had differing views of current status regarding paroles and sentences, of which you are fully aware. I went on to explain that the matter was currently under litigation and until such time as the Federal Judge completed his review which would ultimately place everyone concerned on the same page, that any hearing at this point would be futile and a waste of valuable time and resources. I explain that it would probably be a couple of months for the Judge to rule on my current motion, and was told to inform them when the issue was resolved. To my knowledge no Parole Progress Report was prepared or submitted.

Nevertheless, on the morning of September 27, 2007, I was called to the Unit 7B office and told to get ready because the Board wanted to see me. I again reiterated the facts provided to my caseworker the previous month and declined the Board's invitation. Another inmate scheduled for that day declined as well. At that point the Unit 7B

officer called the NMCC Visiting Room where the Board was meeting and informed the Board that myself and the other inmate declined to appear and informed them of my reasons for declining at that time. However, while the other inmate was allowed to decline to appear, I was told that the Board wanted me there, resulting in me being forced to go down and appear before them.

I was then escorted down to the NMCC Visiting Room at about 9:30 A.M. and was taken before the Board within probably about 10 minutes, where I was asked a single question, to wit: Why I did not want to see the board?

In response I once again reiterated the facts regarding the current litigation resulting from the Board's actions on July 10, 2007, as well as the fact that certain Board members that were present were actually involved in the July 10, 2007 actions under litigation involving the same subject matter being considered by them on that day. Therefore, I further believed it might be appropriate to have my attorney representing me in that litigation present.

I was then excused from the room and placed in the waiting room area because an escort back to Unit 7B would not be provided until the other 7B inmates waiting to see the Board were finished with their appearance. There were approximately 25 to 30 other inmates in the waiting area, talking and watching T.V.

At approximately 2:30 P.M. the prison representative comes into the waiting area and says "you", at which time it becomes quiet. He again repeats "you", and points at me. He tells me to come with him and I follow. He tells me "You've really pissed the Board off" and they wanted me out of the building now. He then tells the officer to get an escort and get me out of the building because the Board did not want me there. I asked him why and he told that they were mad because I was laughing at them for refusing to see me.

In response, I first pointed out that the Board didn't refuse to

see me, but in fact, I declined to see them at this time due to pending litigation involving them. I then pointed out that he was present when I explained to the Board my reasons for declining to see them at this time, and asked him if he or the Board found my explanation to be funney. He said he did not. Finally I accused him and the Board of not Listening very well or they would know that my conversations and laughing had nothing to do with the Board or anything they were doing. However, the Board or himself could not hear what the other inmates and myself were discussing through the 2 doors and 20 other inmates and a T.V. all talking at once. However, because the Board could see me having a normal conversation with other inmates through the reflection in the mirrors from the room they were in, as I could see them, they apparently believed that the only thing I could possibly have to talk about is them, and as such, based on this apparent paranoia elected to take adverse action against me and label me as troublemaker with prison staff and inmates alike. Before returning to the Board, the prison representative once again confirmed with me that I was not even discussing the Board and left. Within a few minutes an escort showed up and took me back to Unit 7B.

Ms. Sailling, while you and/or other Board members may not like me for pursuing litigation against the Board, it is not personal, but instead, simply requiring judicial resolution so that we are all proceeding according to Law and the U.S. Constitution. Likewise, just because I am able to have normal conversations with others does not mean that those conversations must be about the Board or its members.

In fact, I have a Constitutionally protected right to seek redress of my grievances, and no adverse action may be taken against me for doing so.

The same goes for my speech, such that, although my discussions and banter had nothing to do with the Board when they had me

so rudely ejected from the entire building on September 27, 2007, even if it had I have a U.S. Constitutionally protected right to speak freely, discuss matters with others, as well as form my own opinions and provide and receive information, for which no adverse action may be taken against me.

I will not apologize for exercising my First Amendment Rights, nor should this be considered as any such apology.

Instead, I felt it appropriate to inform you of this matter and request that you discuss it with Board members and take appropriate action to ensure that it ~~don't~~ does not happen in the future, as well as, provide you with notice that any adverse action taken against me stemming from the September 27, 2007 Board appearance by me as set out herein, by the Board or prison officials may be viewed as vindictiveness and retaliation against me for exercising my Constitutional First Amendment Rights and will be dealt with according to ~~the~~ law.

In closing I would like to thank you for your time and concern regarding this very important matter, and I look forward to your response regarding same.

Respectfully,
Dolan Klein

CC: Debra Bookout
Asst. Federal Public Defender;
Trevor J. Hearne, Esq.
Law Offices of Hager & Hearne;
File

HAGER & HEARNE

Attorneys at Law

Robert R. Hager
Treva J. Hearne

245 E. Liberty, Ste. 110
Reno, Nevada 89501
(775) 329-5800-Telephone
(775) 329-5819-Facsimile

June 15, 2010

To the committee:

Robert R. Hager and I have practiced law a combined total of over sixty years. We concentrate our law practice in civil rights/plaintiffs litigation and criminal defense. We have not witnessed a more egregious violation of rights than what occurred to Nolan Klein.

We knew Nolan for several years and respected his legal opinions and research. Even though he focused on making the best of his time here on earth, what happened to him because of the failure of the District Attorney to disclose exculpatory evidence was a criminal act.

Too often we have prosecutors who care only about one crime, one perp, in order to get re-elected. This law named appropriately after Nolan Klein hopefully will change that mentality to one crime, the ***right*** perp.

Please support Nolan's law as a means to stop the wrongful conviction of innocent persons in the wrong place at the wrong time. America is better than that.

VERY TRULY YOURS,

TREVA J. HEARNE

ex 1 35

Bills

Committees

Meetings

(Sen) Judiciary

Date: 3/5/2013

Meeting:

9:00 AM - Room 2149

Location: 2149 [more details]

Refresh

Agenda

Minutes

Exhibits

SB104 Proposed Amendment (SB104)

Risk Assessment for Sex Offenders

Audit Report

Tonja Brown Presentation

Letter of Support from NACJ (SB104)

Letter of Support of SB107-NACJ (SB107)

Tonja Brown Response (SB104)

Letter from Parole Board-Tonja Brown

Offender Information Summary-Tonja Brov

Order DismissingAppeal-Tonja Brown

CV Nancy Steele (SB104)

CV Mary Perrien, Ph.D.

Letter from DOC-Wesley Goetz (SB104)

Letter from Parole Board-Wesley Goetz (S

Letter to Mr. Whorton (SB104)

Letter to Dorothy Nash Holmes (SB104)

Letter to Mr. Vogt (SB104)

Budgets

Floor Sessions

MEETINGS \ SENATE \ JUDICIARY \ 9:00 AM - \ MEETING

Original | Download | 1 of 1

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CENTRAL OFFICE

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CONNIE S. BISBEE, *Chairman*
TONY CORDA, *Member*
ADAM ENDEL, *Member*
SUSAN JACKSON, *Member*

KATHI BAKER, *Executive Secretary*

STATE OF NEVADA
BRIAN SANDOVAL
Governor

LAS V

4000 S. E
Las Veg
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(702
Fax (

CONNIE S
ED GR
MICHAEL
MAURIC

NEVADA BOARD OF PAROLE COMMISSIONERS

February 1, 2012

Inmat[redacted]
Lovelock Correctional Center
1200 Prison Road
Lovelock, NV 89419

Re: Your letters received on December 21, 2011 and January 3, 2012.

All documents in your file become the property of the Board. Requests for Or Risk Assessments can be copied. Pre-investigation (PSI) reports are the property Division of Parole and Probation (P&P) and must be obtained through P&P. Pr Reports are the property of the Nevada Department of Corrections (NDOC) and m obtained through NDOC. Letters of support must be obtained from the supporte wrote the letter, Judgments of Convictions (JOC) are the property of the sentencing and must be obtain thought the court. Other than your orders/risk assessments fron previous hearing; there are no documents the Board could send you.

Enclosed are copies of your Risk Assessments and Orders.

Signed,

Kathi Baker

Kathi Baker
Executive Secretary

KB:dd

< > 1 of 1