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NOTIS NDOC 00027 Highlighted in **Orange** under “**CHARGED OFFENSE**” has led to **litigation**. Some of the litigation provided has become published opinions in the State of Nevada Supreme Court, and the 9th Circuit Court of Appeals.

Highlighted in **Black** is ‘**REDACTED**’ per the 2012 Settlement Agreement made in the Wrongful death suit case **USDC 3:10-cv-000679-ECR-VPC**, Tonja Brown, administratrix of the Estate of Nolan Klein and Tonja Brown, as an individual. See Attachment 8 (d) (a)

NOTIS NDOC 00027 – 00036 documents highlighted in **ORANGE and Green** resulted in litigation that is reflected under “Offense In Custody History” and is reflected under “CASE NOTES”.

The cases are 1994 **Klein vs. Robert Miller**, 1998 **Nolan E. Klein vs. E.K. McDaniel, Warden ESP**, 1999 **Nolan Klein vs. Warden, Nevada State Prison, John Ignacio**, 2000 **Klein vs. Kathy Childress**, 2004 **Klein vs. Jackie Crawford**, 2004 **Klein vs. Jackie Crawford**, 2005 **Klein vs. Jackie Crawford**, 2005 **Klein vs. Don Helling**, 2009 **Klein vs. Connie Bisbee**, 2009 **Klein vs. Tony Corda**. See attachments 3, 4, 5, 7, 8, 9, 11, 12, 13, 15, 16, 17, 18.

It should be noted this information provided to this Commission is directly related to the Discovery that was turned over in the litigation in the wrongful death suit of inmate Nolan Klein # 28074, USDC Case No. 3:10-cv-00679-ECR-VPC. See Settlement Agreement Attachment 8 (d)

Attachment 1 NOTIS File aka Nevada Offender Tracking Information System

NOTIS NDOC 00027 - 00036

NOTIS NDOC 00028 Highlighted in **YELLOW** is the June 5, 2007 Computer Glitch that placed false felony Charges in NDOC NOTIS.

NOTIS NDOC 00027- 00028 highlighted in **Orange** and **Green** coincides with litigation brought against the NDOC and or Parole Board.

Attachment 2 - NOTIS Inmate Issue History -

NOTIS NDOC 00001-00008 Grievances led to USDC litigation that was still pending at the time of Klein’s death in **Nolan Klein vs Tony Corda USDC 3:09-cv-00387-LRH-RAM**.

Attachment 3 Inmate I-files and C-files –

Inmates do not have access to all of the information contained within the I-File. I-file contains confidential information. They are not able to

check for accuracies. The inmate is not allowed to see any of the confidential information in their C-file.

(a) NDOC 01175, 01226, 01227, 01228, 01239, 01244-01245,

NDOC 01228 NSC reversal of 30 state credits disciplinary 1-14-98 "violation of court Procedures; NOTIS NDOC 00027 printed off August 1, 2011 still show disciplinary action even though Klein won. NOTIS is submitted to Parole Board for the Court Order due process hearing held on July 10, 2007. See Attachment 7 (d)

Work Credit's show NO DATA from 1994 – 1998. NO Work Credits because of 1994 vignolo vs McDaniels 9th Circuit published Opinion. Klein lost years of work credit to be used towards early parole hearing, See Attachment 7 (a)

01239 Klein spent 15 days in the hole, aka solitary confinement for Disciplinary violation of court proceedings.

See Attachment 1 NDOC 00027 tattooing,

(b) See Attachment 7 (c)

Attachment 4-Inspector General Files -

(a) NDOC 003811 December 2, 2005 letter from the Nevada Attorney General exonerates Tonja Brown and those involved in the Inspector General's investigation regarding the Fred Huston investigation(s) The document was discovered in the USDC 3:10-cv-000679-ECR-VPC, Tonja Brown, administratrix of the Estate of Nolan Klein and Tonja Brown, as an individual Wrongful Death Suit of Nolan Klein. See Attachment 8 (d) (1)

This Document as withheld by Deputy Attorney General William Geddes in the Nolan Klein vs. Don Helling USDC 3:05-cv-00390-PMP-VPC. DAG Geddes submitted all 39 pages of the Inspector General investigative reports and NDOC reports 'IN CAMERA' to the Court, however, did not turn over the exculpatory evidence NDOC 03810 stating "NO CRIMINAL ACTIVITY EXISTED" in the Fred Huston Trust.

The withholding of this exculpatory evidence resulted in NOTIS being submitted to the Parole Board showing an investigation in to Klein for scamming an elderly inmate Fred Huston.

The June 5, 2007 computer Glitch made it appear as though Klein had beaten up Mr. Huston in order to steal his money. The NOTIS was submitted to the 2007 Parole Board hearing(s) and was denied a parole and to the 2008 Pardons Board where Klein was denied a compassionate pardon.

The withholding of this exculpatory evidence resulted in Klein's claim being dismissed with leaving unanswered questions as to whether or not Klein and Brown will be charged in the future for stealing an elderly inmate Fred Huston's money. NDOC employees continued to punish Klein and Brown even though they had been exonerated by the Attorney General's Office.

This became a part of the USDC 3:10-cv-000679-ECR-VPC, Tonja Brown, administratrix of the Estate of Nolan Klein and Tonja Brown, as an individual, Settlement Agreement that we could exonerate our names from the Fred Huston investigations.

- (b) Affidavit(S) from Tonja Brown and Fred Huston, Correspondence
- (c) **See Attachment 1** NOTIS FILES NDOC 00027, 00031, 00032, 00033, 00035, 00036.

Attachment 5 INMATE GRIEVANCE REPORT;

- (a) NDOC 02067-02077, NDOC took Klein's legal mail from his attorneys that contained evidence to be used in his civil litigation against NDOC.
- (b) **See Attachment 2 NOTIS NDOC 00006-00008**

Attachment 6 DISCIPLINARY;

- (a) **See Attachment 1, NOTIS NDOC 00027- 00036,**
- (b) **See Attachment 1 NOTIS NDOC 00027,**
 - (1) NDOC 1124-1130 NSC Order, 01847- 1854, **Violation of Court Procedures MJ 48, See Attachment 7 (d)**
- (c) NDOC 01247-01248, 01839-01844, 01855, 01859 **Tattooing MJ 20, MJ 26 See Attachment 7 (c), See Attachment 1 NOTIS NDOC 00027,**
- (d) NDOC 01816- 01828, Fees for Legal service MJ 29 **See Attachment 1 NOTIS NDOC 00027,**
- (e) **NDOC 01080 Order correcting clerical error. MJ 31.**
- (f) December 12, 2010 Letter from Inmate Russel Crew to AWO Walsh.
- (g) **See Attachment 7 (e) (1),** January 21, 2001 letter to Director Crawford

Attachment 7 LITIGATION

- (a) USDC District of Nevada (consolidated) Case No: 3:94-cv-00219-DWH-VPC . Class action suit filed by Plaintiffs Lester Canada v McDaniels , Leroy Collins, Nolan E. Klein v. Robert Miller, Timothy H. Johnson , Armando Nevarez, Sims Stevenson, Daniel Vance, Leonard D. Vignola v Miller. Vignola v. McDaniel, CV-N-94-233-DWH) 2003 Published Opinion 9th Circuit Court of Appeals. (Inmates who refused to sign a fiscal agreement to allow NDOC to take money off their personal accounts for expenses lost their jobs and were kept locked up. Inmates lost years of credit that could be used towards a parole hearing.)

(1) Letters from the Attorney General and correspondence

(2) Settlement Agreement

- (b) David Dino Barnes, Theodore T. Burkett, Nolan E. Klein vs. John Ignacio, USDC 3:98-cv-00390-HDM-RAM, class action suit, establishes right to practice Wiccan religion at the NDOC. (After the inmates won, the inmates were retaliated against by NDOC staff. In 2005 new litigation USDC 3:05-cv-00463-RLH-RAM that resulted in the Religion Administrative Regulation being set, More retaliation continued by NDOC staff and in 2009 more litigation was filed against NDOC in **Klein vs. Tony Corda** for breach of settlement agreement)

(1) Theodore R. Burkett, et.al vs. John Ignacio USDC Case No. CV-N-98-390-HDM(RAM) Stipulation for dismissal with prejudice, Settlement Agreement

- (c) **Nolan Klein vs. Warden, Nevada State Prison, John Ignacio**

(1) 04-16-2002 NSC Order, Tattoo gun, clerical error, appealed Nolan E. Klein vs. Jackie Crawford **USDC cv-n-03-0001-ECR-RAM**

(2) **See Attachment 1** NOTIS NDOC 00027 "OFFENSE IN CUSTODY HISTORY- 10/14/1999- MJ 20, **Tattooing,** 10/14/1999-MJ26 **Possession of contraband**

(3) **See Attachment 6 (c)** NDOC 01247-01248, 01839-01844, 01855, 01859 **Tattooing MJ 20, MJ 26**

(NDOC 01855 inmate Sullivan admits at hearing Klein had know knowledge of and had nothing to with his tattoo equipment. Klein found guilty.)

- (d) **Nolan E. Klein vs. E.K. McDaniel, Warden ESP August 27, 1998**
Order of Remand Nevada Supreme Court No: 32107 NDOC
01128-01130

- (1) **See Attachment 1 NOTIS NDOC 00027 “Offense In Custody History- 01/14/1998”**, MJ46 **Violation of Court Procedures.**
 - (2) **See Attachment 6 (b), NDOC 1124-1130 NSC Order, 01847-1854, Violation of Court Procedures MJ 48**
- (e) **Nolan E. Klein vs. Kathy Childress** USDC 3:00-cv-00020-HDM- VPC.
- (1) January 21, 2001, Letter from Tonja Brown to Director Crawford. (letter was email to Crawford)
 - (2) NDOC 01170- 01171 04/18/2001 email to Director Jackie Crawford
 - (3) **See Attachment 1 NOTIS NDOC 00027 5/20/2001. Conversion**, Klein is transferred to NNCC.
 - (4) inmate Request Form
 - (5) **See Attachment 1 NDOC 00027**, NDOC 01080 Second Judicial District Court Order correcting Clerical Error Klien to Klein.
- (f) May 22, 2007 Letter from Assemblyman Harvey Munford to Attorney General Katherine Cortez-Masto requesting all costs of civil litigation in 5 inmate’s cases.

Attachment 8 RETALIATION

- (a) **Nolan Klein vs. Crawford USDC 3:05-cv-00463-RLH-RAM. Set the NDOC Administrative Regulation on practicing Wiccan Religion.**
- (b) **Nolan Klein vs. Don Helling USDC 3:05-cv-00390-PMP-VPC.**
 - (1) **See Attachment 4 (a), (b) NDOC 003810** December 2, 2005 letter from the Nevada Attorney General. This document was discovered in the 2010 Wrongful Death Suit of Nolan Klein. This Document as withheld by Deputy Attorney General William Geddes in the **Nolan Klein vs. Don Helling USDC 3:05-cv-00390-PMP-VPC.** DAG Geddes submitted all of the Inspector General investigative reports and NDOC reports **‘IN CAMERA’** to the Court, however, did not turn over the exculpatory evidence NDOC 03810 stating “NO CRIMINAL ACTIVITY EXISTED” in the Fred Huston Trust.

The withholding of this exculpatory evidence resulted in Klein’s claim being dismissed, thereby, leaving unanswered questions as to whether or not Klein and Brown will be charged in the future for exploiting an elderly inmate, Fred Huston, out of his money.

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The retaliatory behavior of NDOC employees resulted in Mr. Klein's transfer to LCC in 2005. This delay resulted in him not receiving proper medical treatment. This played a factor in his untimely death.

(2) Nolan E. Klein vs. Don Helling USDC Case No. 3:05-cv-00390 LRH-VPC. Stipulation and Order for dismissal with prejudice, Settlement Agreement.

(3) See Attachments 1 NOTIS NDOC 00027, External Movement 05/03/2005 Klein was transferred LCC,

NOTIS NDOC 00031 Case Notes 04/27/2007 "IG investigated some type of money Scam."

NOTIS NDOC 00031 -00032, 07/26/2005 Huston 72877 victim of money scam.

NOTIS NDOC 00032, 04/06/2006 " 1 at NNCC 72877 Fred Huston.

NOTIS NDOC 00032, 03/14/2007, "I/M is currently housed at GH at LCC but will RX separation from 72877 at NNCC

NOTIS NDOC 00033, 04/10/2007, will need to stay housed in Unit 7B because of CMS on main yard.

NOTIS NDOC 00034, 01/24/2008, "HUSTON, FRED # 7288 in 3C7L. I/M needs to remain @ NNCC medical", Huston and Klein are together because of medical reason.

NOTIS NDOC 00027, Conversion 03/19/2007- 09/24/2008 Conversion NNCC remained in segregated Unit 7B due to being placed on enemy list by Don Helling.

NOTIS NDOC 00035 07/07/2009 Klein transferred to NNCC.

NOTIS NDOC 00036 7/13/09 Warden Don Helling Orders Klein to remain in segregated Unit 7b until he is transferred to the RMF where he dies on September 20, 2000.

(c) **Nolan Klein vs. Tony Corda USDC 3:09-cv-00387-LRH-RAM.**, breach of Settlement Agreement made in Klein v Crawford USDC 3:05-cv-00463-RLH-RAM. Klein dies while litigation is pending.

(1) H & H 02330 Inmate Request Form

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(2) Docket Sheet Klein v Corda July 14, 2010 Order regarding breach of settlement agreement made in **Klein vs. Crawford USDC 3:05-cv-00463-RLH-RAM** (Klein died September 20, 2009)

(3) Nolan Klein vs. Jackie Crawford USDC Case No. 03:05-cv-0453-RJH-RAM Stipulation For Dismissal with Prejudice, Settlement Agreement

(4) Inmate Request Form and Grievances

(d) Settlement Agreement in USDC 3:10-cv-000679-ECR-VPC, Tonja Brown, administratrix of the Estate of Nolan Klein and Tonja Brown, as an individual Settlement Agreement pertains to case **Nolan Klein vs. Don Helling USDC 3:05-cv-00390-PMP-VPC**. Brown can divulge any information contained within the confidential documents, but, cannot reproduce or disseminate them per settlement agreement.

(1) **See Attachment 1** NOTIS NDOC 000031- NDOC 00033 victim of **money scam** highlighted in **Orange and Green**

Attachment 9 Segregation -

- (a) **See Attachment 6 (b), NDOC 01124 - 01127, 01847- 01854**, Klein served 15 days in solitary confinement. **Nolan Klein vs. Warden, Nevada State Prison, John Ignacio.**
- (b) **See Attachment 8 (b)** Nolan Klein vs. Don Helling USDC 3:05-cv-00390-PMP-VPC. Klein's General Population for NNCC was taken away and he was placed in Unit 7B. He was then transferred to LCC and WSCC having to return to NNCC for medical treatment where he was placed in Unit 7B.

Attachment 10 computer glitch,

- (a). NOTIS NDOC 00028 Highlighted in **Yellow** is the June 5, 2007 Computer Glitch that placed false felony Charges in NDOC NOTIS.

NOTIS NDOC 00028 under case notes 10 years are missing, Why? **Computer glitch?**

- (b) State of Nevada Audit Report, Department of Corrections Accuracy of Criminal History Information 2013, **Pg. 11 Computer Glitch" Had no Consequences**
- (c) Tonja Brown's letter to the 2013 Senate Judiciary showing the flaws in the 2013 computer glitch audit, NOTIS NDOC 00028 felony charges.
- (d) Ongoing computer glitch problems with NOTIS?

“The NDOC NOTIS database was not available at the time of the hearing or a database issue resulted in a lack of access to information necessary to conduct the hearing or make an action recommendation

Attachment 11 **PAROLE AND PARDONS: REPORT REQUIREMENTS ;**

Administrative Regulation 537.02 See Highlighted sections

Attachment 12 **PSYCH PANEL**

Administrative Regulation 537.03

Attachment 13 --- INMATES CONCERNS REGARDING PAROLE BOARD DENIALS WHEN THEIR PREVIOUS PAROLE WAS GRANTED TO THEIR NEXT CONSECUTIVE SENTENCE, THEY CONTINUE TO IMPROVE , ARE DISCIPLINARY FREE, A MODEL PRISONER AND ARE NOW BEING DENIED A PAROLE WITH THE FOLLOWING REASONS!

---Inmates concerns- Discussion(s) of the June 23, 2010 Advisory Commission on the Administration of Justice dealing with Credits, Disciplinary actions, OML, Aggregated sentences, Psych Panel and how it still effects them and their paroles when they are not able to see their files. See Attachments1-18

- (a) **See Attachment 10 (d)** “NDOC NOTIS database was not available at the time of the hearing or a database issue resulted in a lack of access to information necessary to conduct the hearing or make an action recommendation.” pg. 14 Board of Parole Commissioners Quarterly Report January 1, 2015- March 31, 2015 (Q3-FY15)
- (b) NDOC H & H 2430 “has an Appeal pending”
- (c) H & H 2433- 34 Parole Board Code of Ethics.
- (d) H & H 002435- 002436 email regarding No Progress Report was submitted to the Parole Board. Pattern and practice of unacceptable behavior by the Parole Board.

Attachment 14 **Aggregated Sentences 2015 ASSEMBLY BILL 267**

- (a) Letter from Inmate Jeff Jones # 25525
- (b) Letter from Inmate Robert Jennings # 54439

Attachment 15 VICTIM(S) verses INMATES RIGHT TO RECEIVE A FAIR PAROLE HEARING.

- (a) November 21, 2010 Letter to victim from Parole Board Commissioners. It demonstrates how the Parole Board instructs the victim how they can provide information that will remain confidential from the inmate.
- (b) 2005 Memo from David Smith to Chairman Assemblyman Bernie Anderson
- (c) May 1, 2014 Parole Board History
- (d) Letter from John Witherow to the Honorable Judiciary Committee Members Parole Board and OML history

Attachment 16 PAROLE BOARD RISK ASSESMENT GUIDELINES.

- (a) Static Factors and Dynamic Factors
- (b) Parole Board Guidelines - Aggravating and Mitigating factors definition
- (c) April 26, 2010 response from Chairman Bisbee to Governor Gibbons regarding his request for information on Norman Crew and Russell Crew parole denials. Bisbee Errors are highlighted in blue. Parole Board still using incorrect information

Attachment 17 VIOLATING INMATE(S) DUE PROCESS TO RECEIVE A PAROLE HEARING AND REVOCATIONS BY THE PAROLE BOARD LEADS TO LITIGATION

(a) Jesse Anderson vs. Connie Bisbee USDC 3:15-cv-00465-MMD-WGC

(b) Nolan Klein vs. Jackie Crawford USDC 3:04-cv-00049-ECR-RAM

- (1) H & H 001901- H&H 001902 June 4, 2007 Letter from the Nevada Attorney General offering deal for parole,
- (2) **See Attachment 18 (i)** Nevada Appeal Story on Nolan's July 10, 2007 Due Process hearing.
- (3) **See Attachment 1 NOTIS NDOC 00033 date(s) 8/21/2007 – 10/16/2007** No progress report submitted to Parole Board, denied parole on 10/16/2007
- (4) **See Attachment 13 (c),** H&H 2433- 2436, Code Of Ethics Parole Board.

Attachment 18 INMATE LITIGATION,

(a) **Parole board violated due process revoking a granted paroles that had already expired, reinstated those expired sentences, retaliated for exercising first Amendment rights, thereby, violating the United States Constitution protected rights.** **Nolan Klein vs. Connie Bisbee** USDC 3:09-cv-00221-LRH-RAM. Litigation resulted from the July 10, 2007 and July 27, 2007 Parole Board hearings See Attachment 17 (b) Nolan Klein vs. Jackie Crawford USDC 3:04-cv-00049-ECR-RAM.

- (1) See Attachment 17 (b) (1) June 4, 2007 Letter from Attorney General representing the Parole Board.
 - (2) H & H 002422 – H & H 002425 September 28, 2007 Letter to Parole Board Chairman Dorla Salling regarding his Appeal on the July 10, 2007 decision and the September 27, 2007 hearing.
 - (3) Nevada Appeal Story “Inmate Charges Parole Board has him locked up illegally
- (b) USDC 3:16-CV-00118-RCJ-WGC Letter and documents from Inmate Harold Harter # 44629. “They continue to deny parole because of the gender of my victims (male) and that I’m gay”. “Court records will show I did not photograph, film, or record, nor touch them in an inappropriate way, I came to prison for seeing (4) boys run around some bushes naked. I was wrong on my part”. “Please feel free to contact Christine Stoneman with the US Dept. of Justice”.
- (c) **See Attachment 17 (a) Jesse Anderson vs. Connie Bisbee USDC 3:15-cv-00465-MMD-WGC Court agrees Bisbee violated 14th amendment - Retaliation claim “Plaintiff alleges that defendant Bisbee was biased against him due to previous lawsuits he filed against her”.**

CONCLUSION

“It is further ordered that the Fourteenth Amendment Due Process and First Amendment retaliation claim will proceed against Defendant Connie Bisbee”.

- (d) Nevada Supreme Court Order Granting Writ of Habeas Corpus Russell Crew vs. E.K. McDaniel, Warden, Ely State Prison (**Bowen**)
- (1) October 11, 2006 Letter from Norman Crew’s Juror, Renee Rampton, to the Parole Board asking Mr. Russell Crew be released.
 - (2) Response in Opposition to Motion to Dismiss Petition for Writ of Habeas Corpus.
 - (3) Parole Board eligibility List Russell Crew.

- (e) First Judicial District Court Norman Crew vs. Michael Budge Case No: 04-01125H 2006 Order Granting Writ of Habeas Corpus under (Biffath)

Inmate Norman Crew winning State District Court Order against NDOC incorrect interpretation of his sentence structure, NDOC and Parole Board Order to correct their mistakes
 - (1) February 7, 2011 Attorney Oscar Goodman's letter to Parole Board Commissioner Connie Bisbee regarding Russell and Norman Crew correct information on their sentencing
 - (2) Norman Crew Special Verdict
 - (3) October 11, 2006 Letter from Juror, Renee Rampton, of Norman Crew's Trial to Parole Board asking Mr. Norman Crew be released.
- (f) Nevada Supreme Court Order John Witherow, vs. The State of Nevada Board of Parole Commissioners.
- (g) Inmate letter from Kathi Baker, Parole Board Executive.
- (h) Robert Stockmeier 2009 affidavit Tonja brown, Stockmeier received a new parole Board hearing and was denied a parole
- (i) Brian Kamedula vs. The State Board of Prison Commissioners Nevada Supreme Court Order Directing Response