

1. Petition for exoneration,
2. Discovery
3. Discovery
4. Public integrity Commission
5. Compensation for the wrongfully convicted

1. PETITION FOR EXONERATION :

A. When a person or non-living person who is or has been incarcerated in a Nevada State Prison, who has continually maintained his or hers innocence throughout his or her criminal and civil court proceedings, Or claims he or she were coerced into making a false confession, the person or non-living relative(s) may file for a Petition if one or more of 1-6 of the following exists;

1. The person, the non-living person or the non-living person's his or her relative(s) becomes aware of the newly discovered evidence and is, was, or in the non-living person's possession of that evidence. The person, the non-living person who has filed with the Court(s) and the Courts did not fully address each and every ground that was raised in his or her petition(s) for relief, and or are barred by the Statute of limitations.

2. There is newly discovered evidence that can be presented that shows, that there were Brady violations by any member of the District Attorney, Public Defender, Private attorney, law enforcement agency and or are barred by the Statute of Limitations.

3. The person or the non-living person's relative(s) can show evidence that based on perjured testimony by any member of the District Attorney, Public Defender, private attorney, law enforcement agency, prosecution's witness resulted in he or she being convicted and his or her conviction being upheld and or are barred by the Statute of Limitations.

4. If materiality or exculpatory evidence was not presented at trial, but, was discovered after trial and all of his or her court proceedings have been exhausted and are barred by the Statute of Limitations.

5. Or, any court proceedings that would have been filed, however, had not yet been filed due to his or her death.

6. Or newly discovered evidence after death.

B. The District Court Judge MUST have an open hearing and rely only on all the facts that would include any newly discovered evidence, evidence presented at trial, all of the evidence that was withheld from trial, defense witnesses testimony, if the witness(s) is unavailable due to unable to locate that witness, or they are deceased, their testimony from the trial or any court proceeding must be considered and true.

1. The District Court MUST not consider or refer to any previous decision made by any Court(s).

2. If the District Court Judge is the same trial District Court Judge or the same judge in the any of the previous court proceeding decisions, the District Court Judge **MUST** recuse himself.
3. The Petitioner may seek to have the Petition for Exoneration heard in another county of his or her choosing.
4. The Court(s) will base its decisions on what is before him or her, without bias or prejudice. No previous Orders from any of the State or federal court proceedings will be submitted to the Court(s).
5. If there is an appeal, an Open hearing before the Nevada Supreme Court must be held and all parties representing both sides must be able to present all of the facts of the case. If the Nevada Supreme Court requires no hearing then the Nevada Supreme Court **MUST** grant the Petition for Exoneration.
6. When the District Court Judge or the Nevada Supreme Court Orders a Hearing for the Petition for Exoneration, then every ground that had been raised in any criminal or civil proceeding that has been before any Court(s) whether State or Federal, **MUST** be fully addressed, cited by supporting law in order to deny a Petition for Exoneration or it must be granted.
7. Every Petition for Exoneration must be a Published Opinion. The petitioner may appeal to the United States District Court.

2. DISCOVERY

- A. Once a defendant is arrested and charged with a crime, the reporting law enforcement Agency(s) **MUST** provide to the defendant and to his or her representative with a copy of all of the materiality and exculpatory evidence that was disseminated to District Attorney and is now in the possession of the District Attorney. Any additional copies of materiality and exculpatory evidence that is provided to the District Attorney, whether it be a law enforcement agency or the District Attorney's own investigator the evidence **MUST** be provided to the defendant and his or her representative.
- B. When it is discovered that a law enforcement agency, District Attorney, or a Public Defender, private attorney has withheld evidence, refused or neglected to investigate evidence that would have supported the defendants defense, the two year Statute of Limitations no longer applies.. The Statute of Limitations begin at the time of the Discovery, whether it is discovered two years after conviction or twenty or more years.
- C. When a District Attorney, Public Defender, defense attorney or law enforcement agency commits perjury during any court whether it be criminal or civil proceeding the defendant is not barred by any statute of limitations on perjury.
- D. When the State of Nevada is a named as a defendant in a civil litigation, the Attorney General's Office, **MUST** turn over all of the **materiality** and **exculpatory evidence** to the Plaintiff.

3. Discovery

Removal of the 2 year statute of limitations.

4. Public Integrity Commission.

5. \$100,00.00 per year for each year served from a wrongful conviction.

Respectfully,

Tonja Brown, Advocate for the Innocent

"THE PUBLIC INTEGRITY UNIT COMMISSION"

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 176 of NRS is hereby amended by adding
hereto a new section to read as follows:

Section 1 1. Create a Free standing commission board, **"The Public Integrity Unit Commission"** whose duties would entail investigating Wrongful Convictions and Exonerations; The Commission would be outside the prosecutor's office to investigate claims of innocence, and exonerations; This Legislative Commission would be fully independent and adequately empowered to accomplish their missions; The Commission could not be interfered with, would be independent to review state and county prosecutors conduct; The Commission would have more transparency and legitimacy in the eyes of the public; authorizing the Commission to issue subpoenas; to review prosecuted cases; and areas of inappropriate acts committed against Defendants by the State; requiring the Commission to hold meetings at least once every 3months; making an appropriation; and providing other matters properly relating thereto.

Sec 2. The commission will consist of 11 Members (1) a sitting or retired District Court Judge (2) a representative of an organization or private citizen that advocates on behalf of the innocent and inmates (3) a representative of victims of crimes, (4) a member who is an attorney in private practice, experienced in defending criminal actions, appointed by the governing body of the State Bar of Nevada; (5) a licensed attorney in the State of Nevada who has practiced civil rights law, One member who is an attorney in private practice, experienced in civil rights actions, appointed by the governing body of the State Bar of Nevada; (6) Two representatives of the State Senate, (7) Two representatives of the State Assembly, (8) A member who is a private citizen and who has a medical background and is currently licensed in the State of Nevada, (9) A representative who is a private citizen and who has an investigative background and is currently licensed in the State of Nevada.

Sec 3. *To carry out its powers and duties pursuant to this section NRS 176.0121 to 176.0129, inclusive, the Commission, or any member thereof acting on behalf of the Commission with a concurrence of a majority of the members of the Commission, may issue subpoenas to compel the attendance of witnesses and the production of books, records, documents, work product, notes, or other papers and testimony.*

5. *If any person fails to comply with a subpoena issued by the Commission or any member thereof pursuant to this section within 20 days after the date of service of the subpoena, the Commission may petition the district court for an order of the court compelling compliance with the subpoena.*

6. *Upon such a petition, the court shall enter an order directing the person subpoenaed to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 20 days after the date of service of the order, and show cause why he has not complied with the subpoena. A certified copy of the order must be served upon the person subpoenaed.*

7. *If it appears to the court that the subpoena was regularly issued by the Commission or a member thereof pursuant to this section, the court shall enter an order compelling compliance with the subpoena, and upon failure to obey the order the person shall be dealt with as for contempt of court.*

8. *The Commission will view all the evidence, testimony, that was presented at Defendant's trial(s) and evidence not admitted at trial, or any newly discovered evidence, or witnesses that the defense and jury never heard or were precluded from hearing.*

9. ***If it appears from a court of inquiry or any testimony adduced therein that an offense has been committed against the laws of this State, the judge shall issue a warrant for the arrest of the offender as if a complaint had been made and filed.***

Sec. 1.5. NRS 176.0121 is hereby amended to read as follows:
176.0121 As used in NRS 176.0121 to 176.0129, inclusive,
"Commission" means the **The Public Integrity Unit Commission.**

Sec. 2. NRS 176.0123 is hereby amended to read as follows:
176.0123 1. The ***The Public Integrity Unit Commission*** s hereby created. The Commission consists of:

One member who is a district judge or , appointed by the governing body of the Nevada District Judges Association;

One member who is an attorney in private practice, experienced in defending criminal actions, appointed by the governing body of the State Bar of Nevada;

One member who is an attorney in private practice, experienced in defending civil rights, appointed by the governing body of the State Bar of Nevada;

One member who has been a victim of a crime or is a

representative of an organization supporting the rights of victims of crime, appointed by the Governor;

One member who is a representative of an organization or private citizen that advocates on behalf of inmates, and the innocent appointed by the Governor;

A member who is a private citizen and who has a medical background and is currently licensed in the State of Nevada,

A representative who is a private citizen and who has an investigative background and is currently licensed in the State of Nevada.

Two members who are Senators, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate; and

Two members who are Assemblymen, one of whom is appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly.

3. If any association listed in this subsection ceases to exist, the appointment required by this subsection must be made by the association's successor in interest or, if there is no successor in interest, by the Governor.

Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Commission must be filled in the same manner as the original appointment ***not later than 30 days after the vacancy occurs.***

4. The Legislators who are members of the Commission are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Commission.

5. ***At the first regular meeting of each odd-numbered year, the members of the Commission shall elect a Chairman by majority vote who shall serve until the next Chairman is elected.***

6. ***The Commission shall meet at least once every 3 months and may meet at such further times as deemed necessary by the Chairman.***

7. ***A majority of the members of the Commission constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Commission.***

8. While engaged in the business of the Commission, to the

extent of legislative appropriation, each member of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

9. To the extent of legislative appropriation, the Attorney General shall provide the Commission with such staff as is necessary to carry out the duties of the Commission.

Sec. 3. NRS 176.0125 is hereby amended to read as follows:
176.0125 The Commission shall:

1. Identify and study the elements of this State's system of criminal justice which affect the sentences imposed for felonies and gross misdemeanors as a direct result **from wrongful conviction.**

2. Evaluate the effectiveness and fiscal impact of various policies and practices regarding sentencing which are employed in this State and other states, including, but not limited to, the use of plea bargaining, probation, parole, programs of intensive supervision, imprisonment, residential confinement and alternatives to incarceration.

3. . Identify and study the elements of this State's system of criminal justice which affect the outcome of wins and losses in Plaintiff's cases when evidence is withheld from Plaintiff's by the State

4. **Requires the Commission to evaluate the effectiveness and efficiency of the State of Nevada Attorney General's Office, and to consider whether it is feasible and advisable to establish The Public Integrity Unit Commission oversight committee or advisory board to perform various functions, policies, practices concerning the Attorney General Office ability to investigate into their own office due to conflict of Interest within their Office.**

5. For each regular session of the Legislature, prepare a comprehensive report including the Commission's recommended changes, the Commission's findings and any recommendations of the Commission for proposed legislation. The report must be submitted to the ***Director of the Legislative Counsel Bureau for distribution to the*** Legislature not later than [10 days after the commencement of the session.]
September 1 of each even-numbered year.

Sec. 4. 1. There is hereby appropriated from the State General Fund to The Public Integrity Unit Commission the sum of \$50,000 so that the Commission may enter into a contract with a qualified, independent consultant to assist the Commission in carrying out its duties.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise

transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2019.

Sec. 5. 1. The District Court Judge shall continue to serve as Chairman of The Public Integrity Unit Commission until the members elect a Chairman. The Commission shall meet not later than July 31, 2017, and shall elect a Chairman at that meeting.

2. Notwithstanding the amendatory provisions of this act, a member of the Commission, other than the member who is a county commissioner, who is serving a term on July 1, 2017, is entitled to serve out the remainder of the term to which he was appointed.

3. Not later than July 15, 2017:

(a)The Governor shall appoint the member described in subsection2, as amended by this act;

Sec. 6. This act becomes effective on July 1, 2017.

Sec. 7 COMPENSATION \$ 100,000.00 PER YEAR FOR EACH YEAR THEY HAVE BEEN INCARCERATED.

Tonja Brown