

ACAJ- Public Comment- Patricia and Michael Adkisson

The NDOC's initial and on-going classification of offenders, utterly fails to identify felony offenses. In Charles Skaggs case, his JOC lists NRS 199.330, which is a misdemeanor, improperly stated in the JOC, as a result of the failure of the offender classification system, utilized by the NDOC. Skaggs is in prison where a JOC only provides a misdemeanor conviction. That is found on grievance #20063098442. In another instance, Adam Garcia has expired his conviction and remains in prison solely as an abuse of the NDOC system of classification, grievance # 20063087085, where the legislature has conferred authority to the executive branch NDOC to establish a system of classification of offenders, the NDOC's system for that classification has acted to exceed the statutory authority conferred, where NDOC assigns the crime severity and offense category of felony, where NO OFFENSE is present, when considering NRS 193.165 (Use of a Deadly Weapon). In the case of Edmond Wade Green convicted of 2nd degree murder, where no conviction for Use of a Deadly Weapon is possible, because it is NO OFFENSE, that's established by stare decisis, pursuant to case law Raby v State, NO CONVICTION ever results from Use of a Deadly Weapon. Once the sentence for the crime was discharged, the NDOC fictitiously applied a category "F" in order to continue to imprison him. Currently REVERSED AND REMANDED by the Nevada Court of Appeals, case #77908-COA in the First Judicial District Court, can be referenced also on grievance #20063087085. This also is the case in Michael Adkisson. The Nevada Administrative Regulations AR504 Reception and Initial Classification Process, mandates that the inmate is to be properly committed with appropriate commitment documents. It further sets forth Operational Procedure 504 that says certified judgement of felony conviction is the appropriate document. There is NO FELONY conviction pursuant to Use of a Deadly Weapon. The crime is discharged and you remain in prison solely as a result of the abuse of the classification procedure. Also Operational Procedure 510 for the NNCC facility, Operational Procedure 510.03 new commitments, requires the judgement must be a fore felony, the requirement that the staff be trained and knowledgeable in recognizing felony sentences, pursuant to ~~Ex parte~~ Joseph Dela and NRS.176.105, you must have a punishment and an offense for what that punishment may be inflicted, the system for classification for offenders is acting in a manner not contemplated by statutory authority, in excess of that authority. The representations made as a result of the abuse in excess of statutory authority of the offenders classification system for the NDOC, are relied on to the detriment of the inmate, where an inmate incarcerated for Use of a Deadly Weapon is presented to the Parole Board with a claim that a category A-F felony may be present and that a conviction actually has occurred, and assigns a crime severity, where the NDOC has utterly failed to publish a Crime Severity table in order to challenge the constitutionality of existing, or to color grievances or civil rights complaints. The Parole Board's authority to consider a grant of parole is limited to only consider the current crime under consideration. When considering Use of a Deadly Weapon, there simply is NO CRIME to consider. The injury the inmate sustains is a direct result of the abuse of the offender classification system established, pursuant to NRS 209.341, and utilized by NDOC.