



SPARTACUS PROJECT OF NEVADA

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Advisory Commission on the Administration of Justice

Re: Agenda Number IX

At the September 22, 2008 hearing, I placed my true story on This Commission's hearing agenda. A quick refresher: In 1957 I was picked up by the police, thrown into a line up with juveniles and nearly railroaded into a California death cell, by over zealous policemen—for the rape of a 16 year old girl and the murder of two El Segundo, California policemen. For 25 years I was harassed by law enforcement, called a rapist and a cop killer. Eventually I started a family and moved into Nevada for a new life. I will never forget, nor forgive, what happened to me. Fortunately, after 47 years, the TRUE RAPIST AND KILLER was found. He confessed and is now incarcerated for the crime for which I had been accused. Ain't I lucky?

My short story leads me into the issue of DNA. In Nevada we must allow DNA evidence to be secured, tested and preserved. DNA testing was not around 51 years ago to help me, but had it been I would have been totally exonerated and there would have been no ongoing persecution of my life by law enforcement. How ludicrous is it to believe that a District Attorney in Nevada could "lose" tested DNA in an ongoing case? Is he so simple-minded that he would expect anyone to believe that story, including This Committee? How much more stupidity does This Committee and the Pardon's Board expect the tax-payer's of Nevada to swallow? It is time to start making intelligent decisions by our elected leaders. The "spin" has unraveled.

Leading me to agenda item #IX: As a tax payer, I demand Ms. Tonja Brown's recommendation to this proposed bill be accepted.

I am very disturbed by the most recent discovery to the Pardon's Board that DNA evidence being tested by the Washoe County District Attorney has been withheld from an inmate, who has maintained his innocence—for over 20 years. Ms. Brown is absolutely correct when she says Law enforcement must secure the Index Tracking Cards. This must not be overlooked in considering this proposed bill. Nor, should the rights of a human being, who has maintained his innocence for over 20 years, be overlooked in considering this proposed bill—to justify the means of what is really going on within our polluted judicial system. At what cost is an innocent man, or womans, life worth? Or, on a better level, how far should our judicial system go to hide the truth about an innocence person—in order to protect the wrong doings of other law enforcement officials just to secure a conviction? And, possibly avoid a huge payout for illegal confinement. I was totally shocked, but not amused, when I heard that inmate Nolan Klein was denied a Pardon—even when the District Attorney admitted to having tested DNA evidence in Mr. Klein's case. Is this responsible and truthful law enforcement? Is this even a Law Enforcement standard or just another Nevada Kangaroo Court Decision? (For the record: "Where is this DNA evidence?" Would This Committee care to explore the paper trail and seek the name of the lab that did the testing and their conclusion in findings? Including the dates tested? Their proficiency and accuracy in DNA testing—at the time this testing was performed? And then, sign the affidavit under penalty of perjury? I would also request that the District Attorney sign an affidavit to accuracy and truthfulness as to having this DNA testing completed and certify to the findings.)

You have listened to Ms. Brown for months. You have seen her documents that support her concerns for the truth, yet, it appears to me, law enforcement chooses to turn a blind eye to the truth. No more! Again, I demand, This Committee accept Ms. Brown's recommendations that have been submitted for the record and place them before the 2009 Legislature for consideration & passage.

Respectfully submitted.

cc: file 2
Inmate Nolan Klein
Ms. Tonja Brown
Ms. Mercedes McHarris

Advisory Commission on Admin. of Justice
Exhibit 0 pg 1 of 1 Date: 11-21-08
Submitted by: D. Hinton