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August 4, 2008

The Honorable James Hardesty
Chairman
Nevada Advisory Commission on the Administration of Justice
201 South Carson Street
Carson City, NV 89701-4702

Dear Justice Hardesty:

On behalf of the State of Nevada Advisory Council for Prosecuting Attorneys and the Nevada District Attorney's Association, thank you for the opportunity to testify before the Commission on July 7 and provide input on several matters under consideration. In response to a subsequent request by the Steering Committee, we offer the following additional comments.

With regard to AB 510, as we noted in testimony when the legislation was originally proposed, we are deeply concerned that sentences are no longer accurately reflected as a result of AB 510. We believe that a full and accurate disclosure of the impact of AB 510 should be made to all parties at the time of sentencing. Furthermore, good time credits should not accrue while a defendant is in jail awaiting sentence, but only after sentencing and incarceration in the Nevada Department of Corrections.

With regard to Nevada statutes for burglary, kidnapping, and habitual criminals, these statutes in their current form leave an appropriate amount of discretion to the prosecution and the judiciary, are properly utilized to impose a punishment that fits the severity of the crime, and promote justice. These statutes should not be further amended absent reliable data clearly demonstrating a problem, a concrete proposal for a solution, and clear evidence that the proposed solution will resolve the problem without any negative consequences.

With regard to NRS 213.010, we would have no objection to amending the statute to remove the Supreme Court justices from the Pardons Board, if deemed appropriate by the Commission.

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Exhibit C pg 1 of 2 Date: 8-25-08
Submitted by: B. Kandt

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Finally, the increased use of specialty courts, including boot camp, at sentencing may be appropriate in certain instances, and we can review and provide input on any specific proposal in this regard if so requested.

We appreciate the efforts of the Commission and remain available to assist the Commission in making informed decisions and recommendations. If I can be of any further assistance please do not hesitate to contact me at 775-688-1966 or bkandt@ag.nv.gov.

Sincerely,



Brett Kandt
Executive Director

cc: Catherine Cortez Masto, Nevada Attorney General
Nevada District Attorneys
Nevada City Attorneys