

Dear Members of the Joint Interim Standing Committee On Judiciary

My name is Tonja Brown, Advocates for the Inmates and the Innocent. I had planned to attend in person today but due to some family matter and lack of cell phone service I could not attend or call in to the meeting today. However, I would like to submit some of my concerns and ask that you consider my recommendations for future Legislation discussions and laws.

1. Factual Innocence Posthumously. The Nevada Supreme Court has ruled that a Petition for Exoneration posthumously cannot be granted unless the law is changed. I ask that you consider changing the law to allow those who have maintained their innocence and who have passed away the opportunity for their family to exonerate their loved one's name.

2. Brady Violations vs. Work Product. When it is clear that a Brady Violation existed, but the court deems it to be a Work Product because of the prosecuting attorney had left his handwritten notes on a court document showing he had defied a court order to turn over the evidence. The notes made it a Work Product and not a Brady Violation despite the fact the evidence was exculpatory.

3. NOLAN'S LAW: Once a defendant is arrested and charged with a crime, the law enforcement agency MUST provide the Accused/Defense Counsel with a copy of all Materiality/Exculpatory evidence at the same time the prosecution receives it. Then it will be left up to the Court to decide what is or is not admissible for trial. Any additional Materiality/Exculpatory evidence that is provided to the prosecution MUST be simultaneously provided to the Accused/Defense Counsel.

4. In 2016, The Advisory Commission on the Administration of Justice had accepted my recommendation of allowing DNA testing to be conducted at the Inmates/petitioner own expense if the court denies the petitioner DNA testing. In 2017, AB 268, would pass, however, this portion of the Bill had been removed. One of the arguments from the opposition was that they did not believe it was right for the 'Inmate/defendant to have to pay for it. The argument in support was if they are will to pay for it to exonerate their name than they should be allowed to do so instead of sitting in prison because the court denied them.

I have been made aware that the court is denying DNA testing and I ask that this be remedied so that those who are innocent be allowed to exonerate their names through DNA testing if the court denies their petition for DNA testing.

Respectfully,

Tonja Brown
Advocates for the Inmates and the Innocent