

June, 4, 2012

RE: computer glitch

Advisory Commission on the Administration of Justice

Dear Chairman William Horne,

I was asked by this, the Advisory Commission on the Administration of Justice to provide this Commission with the information on those inmates who have been affected by the 2007 computer glitch.

As an Advocate for the inmates and the innocent I will only provide this Commission with the names of the inmates and former inmates who have given me permission to use their names. I will not provide you with the names of other inmates who have had false felony charges in their files, because, they fear retaliation by NDOC and the Parole Board. They fear that they will lose their jobs, be transferred to another Institution, locked up, or denied a parole when they appear before them if they provide this Board or any other Board with their information.

Based on personal knowledge of retaliation inflicted upon myself and other inmates by the NDOC and the Parole Board I will not jeopardize their safety and well being. So, therefore, I will not provide you with all of the information you have requested from me and besides it is not up to me provide this board with the information so that NDOC can correct the inmate's file. It is up to this Commission to find out how many other individuals, other than Nolan Klein, who were affected by the computer glitch. By doing this it is not resolving the problem it is merely putting a band aid on a major Staph infection and that is not fixing the problem!

In order for this to be a fair examination into finding out who has been affected by the 2007 computer glitch there is only one solution, you must hire an outside law firm to look into every inmate's denial from 2007 to present. They must verify the Parole Board records and their reasons why the inmate was denied a parole and compare them to the NDOC records to see if there were any false felony charges in their file or if the false charges have been removed. And who was denied a parole and then granted a parole and released. This must be looked at as well because, the false charges may have corrected after they were denied a parole, but, before they appeared before the parole board again and they were granted a parole and released.

At the same time they must compare the inmates work and good time credits days against the parole board denials and the expiration dates, because, inmates are missing months and even years of work and goodtime credit days. These missing credits, and false felony charges are resulting in delayed parole hearings and inmates expiration to the street, thereby, costing the taxpayers millions if not hundreds of millions of dollars.

As an example, the parole board has stated that during one year they have denied paroles in excess of 3000 inmates to their next consecutive sentence costing, ultimately costing the

taxpayer between 60 – 180 million dollars for that one year of denials. How many millions of dollars has this computer glitch cost the taxpayer since 2007 computer glitch

I believe that the law firm Gallian, Wilcox, Welker, Olson, & Beckstrom, IC. located in Las Vegas would be the perfect choice to do this examination.

Here are the inmates who have given permission to use their names and how they have been affected by the computer glitch for the record.

Lawrence Wilgus testified before this Commission that he was victim of the computer glitch who served more time because of a false escape charge. He wrote many grievances and emergency grievances regarding his shoulder injury that he now is required to undergo surgery to correct in damage that was done by NDOC when he was taken down by NDOC staff while he was at camp because of the false felony charge of escape. He was delayed his parole hearing by 3 months thereby costing the taxpayers \$ 5,000.00 for this delay due to the false felony escape charges that did not exist. You have the documents Mr. Wilgus presented to the Board in April.

Joseph Carpino had a false felony sexual assault in his file and it was corrected years ago. When this occurred Mr. Carpino lost in excess of 1400 days of work and good time credit was taken away from and NDOC refuses to returned to him these credits that are now in excess of 4 years. In 2011 the false felony charge reappeared in his file and has once again the false felony charge has been removed.

John Witherow has provided a sworn affidavit, in which, he learned of the false felony charges when he simply requested to be transferred and was denied based on his record. In file was listed, violent escape with intent to murder, and 16 additional life sentences without the possibility of parole. None of these false felony charges existed prior to the 2007 computer glitch. This information was corrected before Mr. Witherow appeared before the parole board. Mr. Witherow was paroled.

Russell Yaeger # 14680 letter is attached. He does not know why he is a well over a year 7 months past his parole date. Does he have false felony charges in his file?

Randall Brewer had false felony charges in his file that only existed after 2007. On my advice I asked him to check his file with his case worker, because, I knew he would be appearing before the parole board. He, too, had several felony charges listed in his file. This was supposedly corrected before he appeared before the parole board. Mr. Brewer is now out on parole and these false charges are now back in his file. Why?

In 2012 another inmate was released 30 days past his expired sentence. He was told it was because he had other charges. When NDOC figured out what was going on they transported out of an NDOC institution at night. He has contacted an attorney.

Another inmate who may or may not have appeared before the parole board was delayed going to the parole board by 2 years. Why? It is unknown if the parole board has granted or denied him parole.

Many of the inmates do not know about the computer glitch or if they have been affected by it. Without a proper and fair examination by an outside law firm you, and I will never know how much this is costing us, the taxpayer.

If this commission refuses to call for conducting a fair examination into the 2007 computer glitch and its ramifications from it, then the only solutions would be is to change all the denials to grants or release them. Or eliminate the Parole Board completely and conform to what other states or doing by a Mandatory Parole Release, thereby, saving the taxpayers millions in Administrative cost for the parole board and it would solve the problem of the future denials caused by the computer glitch that may arise.

If the Commission is unwilling to do this then the only other option would be is to make the Parole quasi- judicial so that the inmate must be able to see his entire record in order to defend themselves from false allegations against them.

If the Commission and our Legislators are unwilling to do this, then this examination called by this Commission is nothing more than a dog and pony show, because, nothing will ever change and the taxpayer will continually be hit in the pocket book for possibly hundreds of millions of dollars. Can we really afford not to know the truth? Are we willing to have State be possibly hit by a class action suit, that ultimately, will cost the taxpayers even more money than it would to hire the law firm I suggested? Only this Commission can answer these questions.

Tonja Brown
2907 Lukens Lane
Carson City, NV 89706

Regarding NDOC Computer Glitch

: SS

I, John Witherow, hereby declare and state as follows:

5. In the time period from August 2007 through September of 2010, I am not sure of the time frame, I was advised by a Correctional Officer and a Caseworker at the High Desert State Prison (HDSP) that, according to NDOC records, I was serving sixteen (16) sentences of life without the possibility of parole.

6. The above information was false and inaccurate, as I was serving only one (1) sentence of life with the possibility of parole and, after addressing this issue with my Caseworker, my NDOC records were corrected.

7. I do not know how the foregoing errors in my record occurred, however, prior to 2007, while confined at the Lovelock Correctional Center (LCC), I was advised by my caseworker that I was eligible for minimum custody after discussing my record and the above referenced errors were not referenced by my Caseworker in any manner.

8. Further Affiant sayeth naught.

Pursuant to 28 USC §1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on this 22nd day of April, 2012, in Otsego County, Michigan.



JOHN WITHEROW

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LANCE S. WILSON
DISTRICT COURT EXECUTIVE/CLERK

CYNTHIA JENSEN
CHIEF DEPUTY, LAS VEGAS

JAKE HERB
CHIEF DEPUTY, RENO

DATE: July 21, 2011

TO: Russell Yeager
Lovelock Correctional Center
1200 Prison Road
Lovelock, NV
89419

INMATE # 14680

Dear Russell Yeager:

Please be advised that the papers you recently sent the court have been received. Your case against defendant ALVAREZ, et al. has been assigned case number **3:11-cv-00515-LRH-VPC**. It is necessary for you to include this case number on all future papers sent to the court for this case. Any correspondence with the court regarding this case should be mailed to the Clerk's Office and not directly to the assigned judges.

Your case has been submitted for review and action by a judicial officer. Due to this court's extremely heavy case load this review process may take several weeks. You will be notified as soon as further action has been taken and you will receive a copy of all orders filed in this case.

Sincerely,

LANCE S. WILSON,
CLERK OF COURT

DEAR NEV. PRISON WARDEN -

PLEASE FIND ATTACHED TWO DOCUMENTS FOR YOUR INSPECTION --
MY PURPOSE IS EXPOSITORY, SO PLEASE BEAR WITH ME.

PLEASE NOTE THE DATES ON THE DOCUMENTS AND COMPARE THEM
TO THE POST-MARK ON THE ENVELOPE.

THE FIRST DOCUMENT IS A COPY OF A MANDATORY PAROLE RELEASE
ORDER EFFECTIVE 12.9.09 ON

THE SECOND DOCUMENT IS A DOCKET SHEET FROM A CIVIL ACTION
FILED BY ME OVER 1 YR. 7 MONTHS PAST MY PAROLED DATE

SINCE 2001 ON THIS HAS BEEN MY FLIGHT - I HAVE SPENT MANY
YEARS NOW TRYING TO GET OUT AFTER BEING GRANTED PAROLE - IT IS
NOT GOING TO HAPPEN AND I HAVE SINCE DEVOTED MY ENERGIES
ELSEWHERE.

THE ONLY POINT TO THIS CORRESPONDENCE IS TO EXPOSE THIS
ABUSE OF POWER BY STATE OFFICIALS AND, MORE PRECISELY, TO
EXPOSE THE N.D.O.C. AND PAROLE DEPARTMENT'S FACADE OF
REHABILITATION FOR THE NOISOMOUS OPPRESSION THAT IT IS.

IF YOU ARE INTEREST, FEEL FREE TO CONTACT ME.

SINCERELY,

IN STRUGGLE,



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