

# taken from the book "To Prove His Innocence"

## CHAPTER FOURTEEN NOLAN'S LETTER...

I was asked to write the final chapter of this book for the simple reason that I am the one single person most affected by the matters and possible criminal activities. I am the example of judicial neglect. While I do not portray or present myself as being a writer to any significant degree, I do know how I have been affected personally over what is now approximately thirteen years of my life as an incarcerated person.

While I understand that when most people read books, whether it be fiction or non-fiction, they reasonably anticipate or expect a happy, or at least acceptable conclusion, but I do not believe that you will find either here, and for that I apologize. There can never be a happy or remotely acceptable ending to this particular chapter in my life. The reasons are numerous.

To start with as I write this I do so from my prison cell at the Nevada State Prison (NSP) where I still sit for a crime I did not commit. Even if I were to be released tomorrow, thirteen years of my life are just gone, never to be replaced. It just can't be done no matter how hard I might try. The end result is nothing more than permanent damage and sense of loss to me, both physically and mentally.

When I was arrested in 1988, my son was one year old. Today he is almost fourteen. These are probably the most important and impressionable years of his life and any opportunity to take part in that and help shape him as a person for his future has been taken away from me unjustly. It is not possible to find a means to replace that in his life or mine.

Additionally, the first eight years of my incarceration were spent in Nevada's maximum security institution which, in general, is supposed to be where Nevada's most violent and dangerous criminals are housed. While this is true in theory, there are still numerous prisoners housed in maximum that have no business being there. During my eight years in max, I saw so many stabbings and other random acts of serious violence that I have become desensitized to pain and death. I can see it and just pay no attention or care about it one way or another. While these acts of violence went on more at max, they still happen here at NSP quite often, in fact, just yesterday. But I still view them the same. I pay no real attention because it is none of my business and does not directly concern me. I find this to be a troubling commentary on my mental state. I have no clue if I will ever overcome this and return to my normal self if I am ever released.

I have been shot at more times than I can remember, not because prison guards were shooting directly at me, but because they were shooting at prisoners next to or in close proximity to me. Because of this coupled with all of the violence that I have endured around and directed at me, I have acquired a paranoia that I have no idea if I can ever lose. I am constantly looking around me in every direction. It freaks me out to have anyone behind me because I just don't know what they might be thinking at that

moment. I don't know if any of these problems can ever be repaired, but my personal sense of loss, as I see it now, is staggering to me.

When I first got to prison I realized that if this could happen to me, it could happen to anyone, including family or other loved ones. I went to work in the prison law library, then took a couple of years in law through correspondence courses, as well as some offered by the State College system at the prison, and learned through research that it didn't have to happen. If you know the law and how it works, even a person with a public defender that doesn't give a shit about you or your case, you can guide the defense or otherwise protect your rights. So I took my case into my own hands and started from there.

What I didn't realize until later was that the State justice system, police or district attorney did not give a shit. If they had made a mistake in convicting me, they really didn't want to hear it. I mean, after all, all prisoners think they shouldn't be in prison, what's one more. All they cared about was that they balance the books - one conviction for one crime. They didn't care how they got the books to balance or whether the accused was the right person or not. They would probably make great accountants. We've all seen it on T.V. and in newspapers recently "DNA frees man" after 10 - 15 years because he was innocent. Why two TV stations have offered to pay for my tests, but unfortunately, they've taken all the evidence and I don't have any DNA left to test. However, you always see the prosecutor looking totally surprised. Gee, it must have been the other guy after all, but to the public, they maintain that they believed they had the right guy. They never say, "Hey, we fucked up." This is simply because it would undermine their prosecuting ability and their public posturing which could turn into a political nightmare in the future.

The same is true for State district court and Supreme Court judges. When faced with a decision of convicting the wrong guy or convicting no one, they choose the wrong guy every time. An uneven balance sheet come election time could bite them in the ass. Nevada's Supreme Court has openly admitted that during a national conference for Supreme Court justices that they were the butt of jokes because of their in-house bickering and inconsistent opinions. The Nevada Supreme Court also has a policy which discriminates against the poor. Basically, if you cannot afford a private attorney, or the court doesn't appoint one to represent you, then your appeal sits for years before the court, in most cases, it will eventually be summarily dismissed. Over the years I have watched this pattern through my case and numerous others, and have come to the reality that State elected courts never seem to address the important issues when you are acting on your own, but instead, choose one minor issue and dismiss the case rather than decide the major issues that are crying for resolution. In other words, it's not the words. If Nolan Klein says it, they don't want to listen, but if an attorney says it, they brag that it will be processed within one year now that they have new "fast track" system. My case is filed "in pro per" because I represent myself. My case has been pending for decision by the Supreme Court of Nevada for 2 and ½ years.

The current parole board is no better. They have told me that they felt their predecessors were too good for paroling prisoners *220 Nolan Klein & Tonja Brown as told to Mary Elizabeth Morgan* from sentence to sentence indicating that they were going to fix that little indiscretion and have further made it clear to me that until I come to them and admit guilt and show remorse, I will never get out of prison.

So, because I will not sway from the fact that I didn't commit this crime, I will never be released from prison, I just will not say I did this crime when I know I did not, nor should I have to in order to be released. Nonetheless, if that means spending the rest of my natural life in prison, so be it.

Unfortunately, its easy for anyone reading this to ignore it. That is, until it happens to you or someone you know. In this country we make almost everything illegal to some

degree or another, so don't think it can't happen to you. All it takes is a couple of up and coming detectives and a newly elected prosecutor and you being in the wrong place at the wrong time. That prosecutor and that detective have a balance sheet that needs to be completed and you can wind up understanding this better than you ever imagined.

With the exception of the last eight months I have always looked at my circumstances and life as if I would simply die in prison. However, for the last six to eight months I have had renewed hope. Unfortunately, after re-evaluating the judicial process as I have observed it in its entirety, it's probably a false hope. When viewed over the last twelve years, it would appear more to me that my initial position is correct. The simple truth is that because the judicial system in Nevada, as well as the parole board, are motivated by what is politically favorable rather than what is right, guilt or innocence is totally irrelevant to the process itself. The American public wants criminals in jail because they are tired of being afraid in the streets and tired of being victims. That fear causes the elected prosecutors to be entirely motivated to make certain that for every crime there is a criminal. As such, I feel the need to face the reality that I will spend the rest of my life in prison for a crime I did not commit, whether my life ends tomorrow by the act of another or in twenty years by natural causes.

Signed,  
Nolan Klein #28074  
Nevada State Prison  
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