

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2
3 MAURICE MANUEL SIMS,

4 Petitioner,

5
6 vs.

7 THE HONORABLE JUDGE DOUGLAS
8 W. HERNDON, EIGHTH JUDICIAL
9 DISTRICT COURT OF THE STATE OF
10 NEVADA

11 Respondent.

Supreme Court Electronically Filed
District Court Case No. 13-0836
Nov 07 2013 08:36 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

APPENDIX TO PETITION FOR
WRIT OF MANDAMUS OR
WRIT OF PROHIBITION
VOLUME VI
(PA 778- PA 873)

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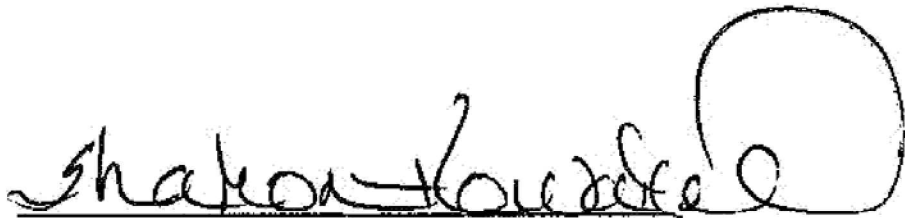
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CERTIFICATE
OF
CERTIFIED COURT REPORTER

* * * * *

I, the undersigned certified court reporter in and for the
State of Nevada, do hereby certify:

That the foregoing proceedings were taken before me at the
time and place therein set forth; that the testimony and
all objections made at the time of the proceedings were
recorded stenographically by me and were thereafter
transcribed under my direction; that the foregoing is a
true record of the testimony and of all objections made at
the time of the proceedings.

A handwritten signature in cursive script, appearing to read "Sharon Howard", is written over a horizontal line. The signature is fluid and includes a large, circular flourish at the end.

Sharon Howard
C.C.R. #745

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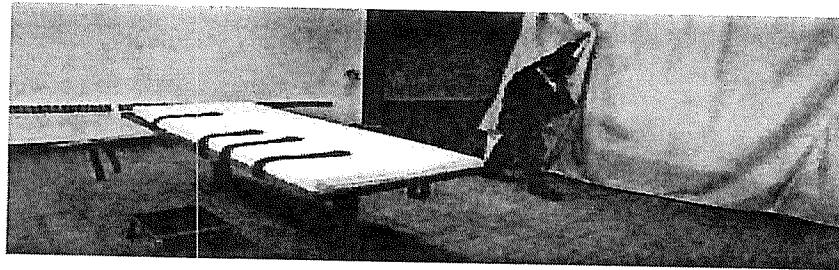
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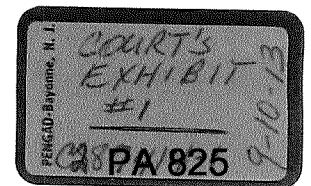
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The Price of the Death Penalty



“Death is a different kind of punishment from any other which may be imposed in this country.” *Gardner v. Florida*, 430 U.S. 349, 357 (1977).



Death Penalty Moratorium (1967)

- By 1967, 41 states had laws authorizing capital punishment.
- 1967-1972- States voluntarily instituted a moratorium on executions while the United States Supreme Court debated the death penalty.

Furman v. Georgia

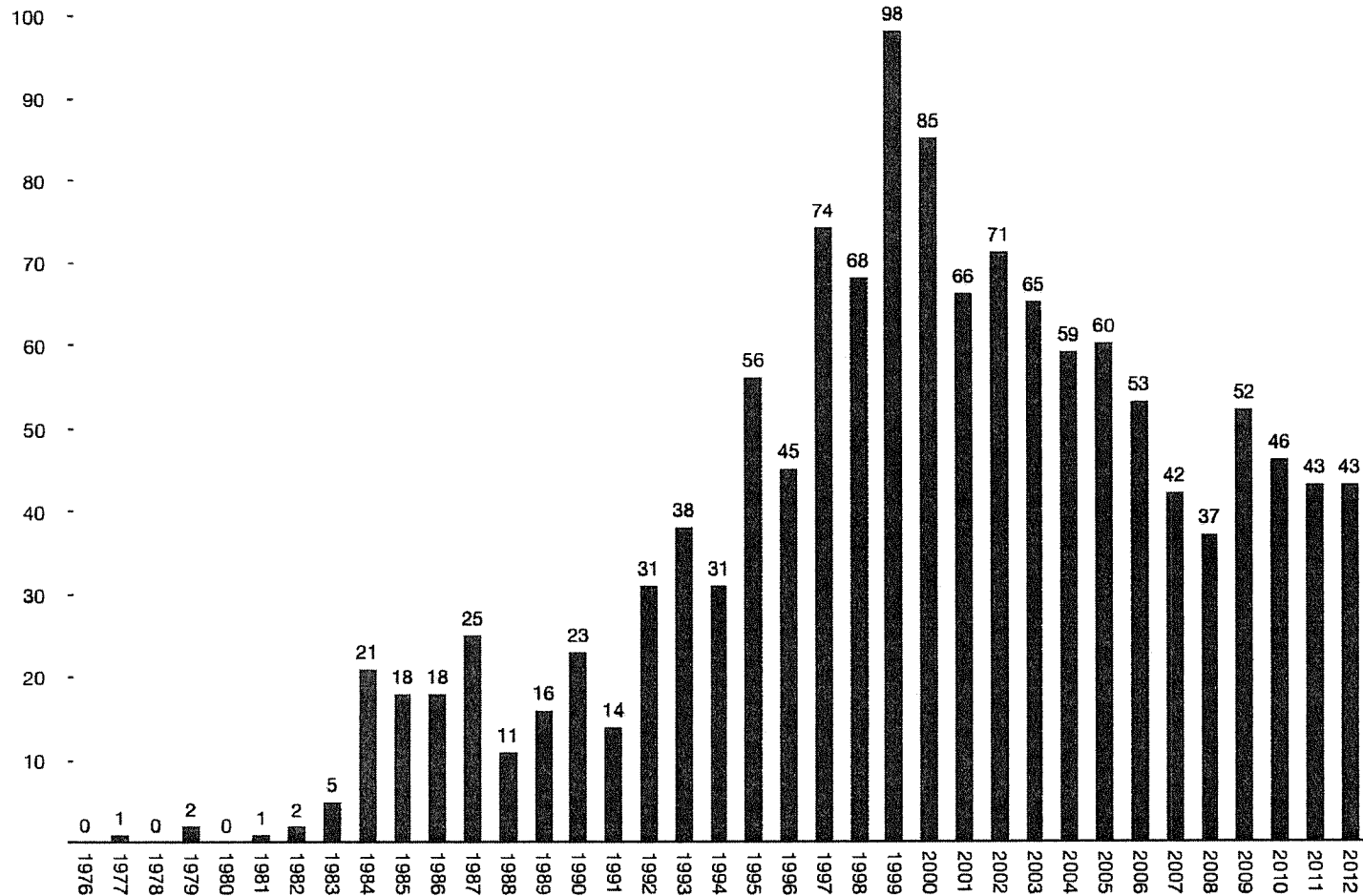
...limited so as to minimize the risk of
wholly arbitrary and capricious action.
408 US 238(1972).

Moratorium lifted in 1976 –

United States Supreme Court upheld
bifurcated Death Penalty procedure

Gregg v. Georgia, 428 US 153 (1976)

Executions by Year Since 1976



<http://www.deathpenaltyinfo.org/executions-year>

States Without the Death Penalty

Death Penalty Abolished
Prior to *Furman v. Georgia*

Michigan (1846)
Wisconsin (1853)
Maine (1887)
Minnesota (1911)
Hawaii (1957)
Alaska (1957)
Vermont (1964)
West Virginia (1965)
Iowa (1965)

Death Penalty Abolished following
Furman v. Georgia

North Dakota (1973)
Rhode Island (1984)
Massachusetts (1984)

Recent States to Abolish
Death Penalty

New York (2004)
New Jersey (2007)
New Mexico (2009)
Illinois (2011)
Connecticut (2012)
Maryland (2013)

Assembly Bill 444

Assembly Amendment No. 604 to Assembly Bill No. 444

Page 2

ASSEMBLY BILL NO. 444—COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS

MARCH 25, 2013

Referred to Committee on Legislative Operations and Elections

SUMMARY—Provides for an audit of the fiscal costs of the death penalty.
(BDR S-817)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted

Assembly Bill 444

77th (2013) Session
Vote on AB444 (1st Reprint) on Assembly Final Passage
May 17, 2013 at 8:04 PM

| 38 Yea | 1 Nay | 3 Excused | 0 Not Voting | 0 Absent |

Assembly Bill 444 Scope

- 1) Cost of Legal Counsel for Both Prosecution and Defense for:
 - Pretrial
 - Trial
 - Appellate
 - Post-Conviction
- 2) Procedural Costs:
 - The Processing of Bonds
 - Investigation by Prosecutors, Police, and Other Staff
 - Investigation Costs Prior to a Person being Charged
 - Pre-trial Motions
 - Extradition
 - Psychiatric and Medical Evaluation
 - Expert Witnesses
 - Juries
 - Sentencing Proceedings
 - Appellate and Post-Conviction Proceedings (both State and Federal)
 - Incarceration
 - Requests for Clemency
 - The Cost of Execution (Facilities and Staff)

Costs of the Death Penalty

Increased Safeguards in Post *Furman*
America

Risk of Wrongful Convictions

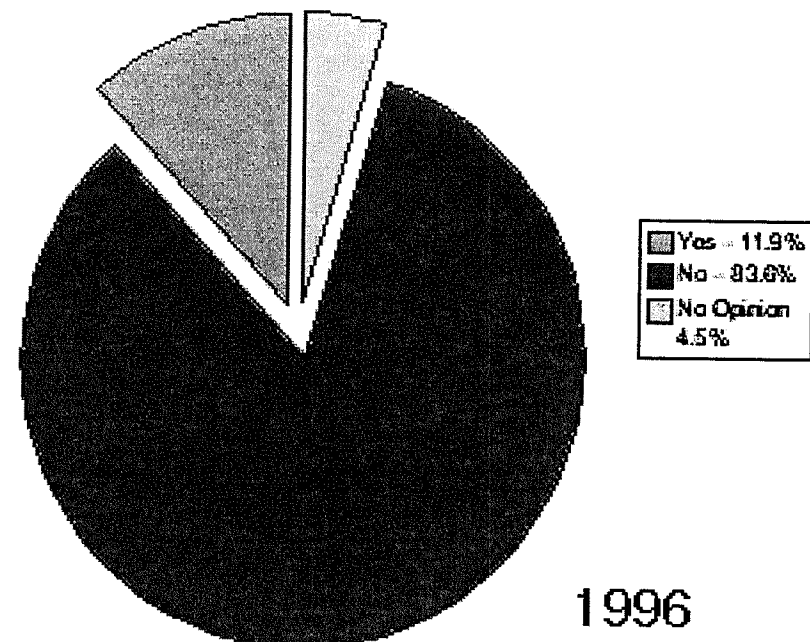
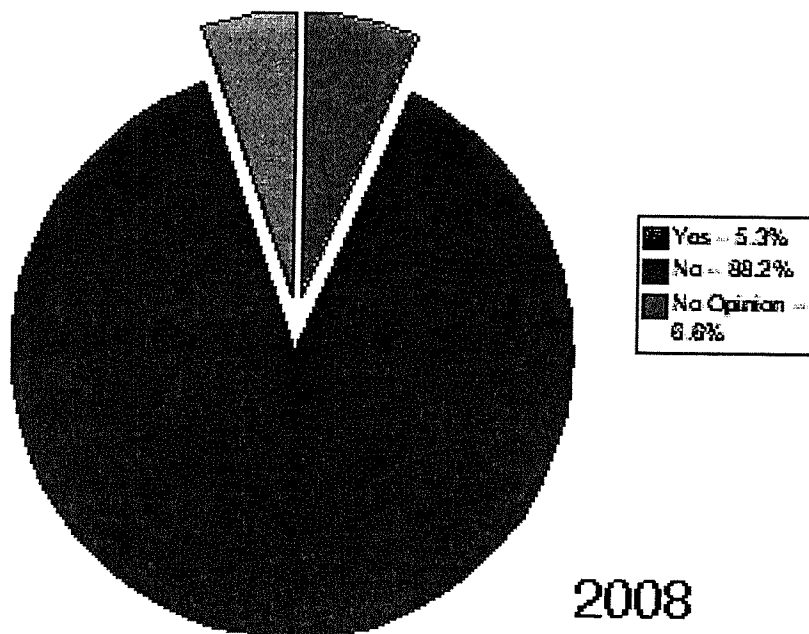
Risk of Botched Executions

Costs - Increased Safeguards in Post *Furman* America

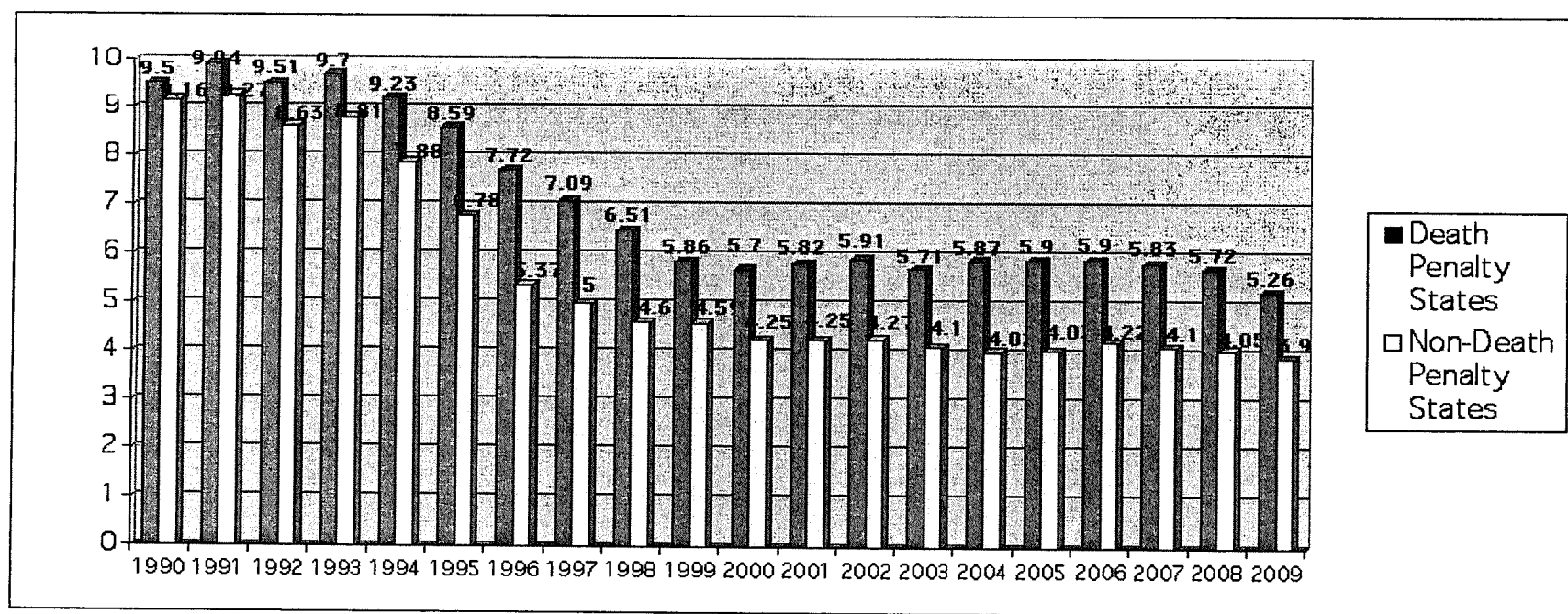
- *Gregg v. Georgia*- 428 US 153 (1976) – requires mandatory appellate review of all death sentences
- *Lockett v. Ohio*- 438 US 586 (1978)- sentencing court has discretion to consider mitigating factors

Cost v. Benefit analysis

Is the death penalty a deterrent?



Deterrent Effect?

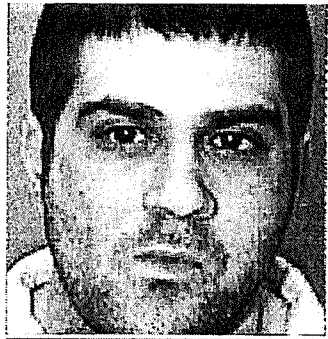


Costs – settlements resulting from Wrongful Execution

Lawyers for executed man's family ask for hearing in Travis County

Judge asked to review whether man was wrongly convicted of arson murder
in deaths of daughters in Corsicana.

The Willingham family's 62-page suit was filed with hundreds of pages of exhibits and indicates that copies have been delivered to Perry's office, the state fire marshal's office, the Navarro County district attorney's office and the office of the state prosecuting attorney, which represents the state in cases at the Court of Criminal Appeals.



Cameron Todd Willingham was
executed in 2004 for 1991 deaths.

For relatives of Cameron Todd Willingham, put to death for the
1991 arson murder of his three young daughters in Corsicana,
on Friday petitioned a judge in Travis County to hold a hearing
on whether Willingham was wrongly convicted.

The lawsuit was filed with state District Judge Charlie Baird, who
last year issued the state's first posthumous DNA exoneration in
a rape case originally tried in Lubbock. Baird is a trial judge who
previously had nothing to do with the Lubbock or Willingham
cases.

Willingham's execution six years ago has received national
attention. Several arson experts in recent years have rejected
the science that the investigators who testified at Willingham's

trial used to determine that the fire that killed his daughters was intentionally set.

statesman.com

Costs – lawsuits over Botched Executions

Family sues over botched Ohio execution

BY ERICA BLAKE
BLADE STAFF WRITER

THE BLADE

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Toledo attorney Alan Konop left, listens as Michael Manning, speaks about the execution of Joseph Clark last year. With them are Clark's brother Dennis Clark and mother, Erma Clark.

When Michael Manning arrived to witness the May, 2006, execution of Joseph Lewis Clark, he was intent on watching justice served against his brother's killer.

Yesterday, Mr. Manning stood shoulder to shoulder with Clark's brother to speak out against the lengthy and seemingly painful execution.

Mr. Manning joined members of the Clark family as they spoke about a lawsuit filed early yesterday in U.S. District Court in Cincinnati. Filed by Clark's mother, Irma Clark, the lawsuit asks for monetary damages. But those involved said that the larger goal is to achieve change.

Jurisdictional Trends – Last 10 years

- New York - Death Penalty Statute Invalidated in 2004.
- New Jersey – Legislature Repealed Death Penalty in 2007.
- New Mexico – Legislature Repealed Death Penalty in 2009.
- Illinois – Legislature Repealed Death Penalty in 2011.
- Connecticut – Legislature Repealed Death Penalty in 2012.
- Maryland – Legislature Repealed Death Penalty in 2013.

New York

After the New York Court of Appeals invalidated the death penalty statute in *People v. La Valle* in 2004, the New York Assembly held five public hearings on capital punishment to determine whether to reinstate the death penalty from 2004 to 2005

Among the factors considered in determining whether to reinstate the death penalty were the costs involved.

New York

The Death Penalty In New York



Schenectady County District Attorney Robert Carney noted that expenditures for death penalty prosecution and defense have cost New Yorkers as much as \$200 million since 1995. “There are,” he said, “many criminal justice initiatives that are effective in reducing crime that could be enhanced for a fraction of this money.”



A report on five public hearings on the death penalty in New York
conducted by the Assembly standing committees on Codes,
Judiciary and Correction, December 15, 2004 - February 11, 2005

New York

The Death Penalty In New York



Mr. Gradess said conservative estimates are that New York has spent \$170 million in the past decade on death penalty prosecution and defense. With seven death sentences imposed, he said, the 1995 death penalty law has thus far cost taxpayers approximately \$24 million per death sentence.



A report on five public hearings on the death penalty in New York
conducted by the Assembly standing committees on Codes,
Judiciary and Correction, December 15, 2004 - February 11, 2005

New York

Several witnesses asserted that capital punishment is more expensive than life imprisonment without parole. Mr. Sullivan of the Illinois Commission offered several reasons why, in his view, the cost of capital prosecutions is greater than the cost of non-capital LWOP prosecutions, including:

- Investigations are longer and more costly;
- Representation costs are higher;
- Every procedural phase is longer, involving more experts;
- Many jurisdictions require a separate sentencing phase;
- Appeals are generally automatic;
- There are usually extensive post-conviction proceedings in state and federal court; and
- Death row cells are more expensive and death row inmates require greater security.

New York

The Death Penalty In New York

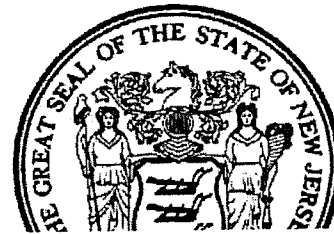


James Liebman, a Columbia University Law School professor, predicted that reinstatement of the death penalty, over a term of about twenty years, would cost New York taxpayers approximately \$500 million, likely with only two or three executions during that time. This, he calculates, means the added cost to taxpayers of each New York capital case that results in execution would be approximately \$200 million per execution.



A report on five public hearings on the death penalty in New York
conducted by the Assembly standing committees on Codes,
Judiciary and Correction, December 15, 2004 - February 11, 2005

New Jersey

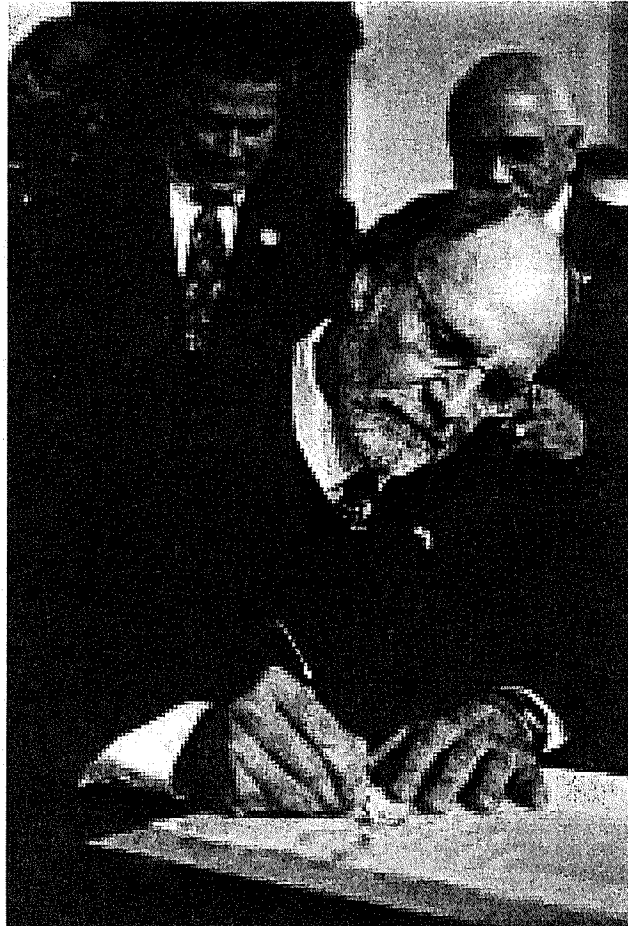


Commission's Finding: The costs of the death penalty are greater than the costs of life in prison without parole, but it is not possible to measure these costs with any degree of precision.

DEATH PENALTY STUDY COMMISSION REPORT

JANUARY 2007

New Jersey Governor Jon Corzine Signs On December 17, 2007



New Mexico

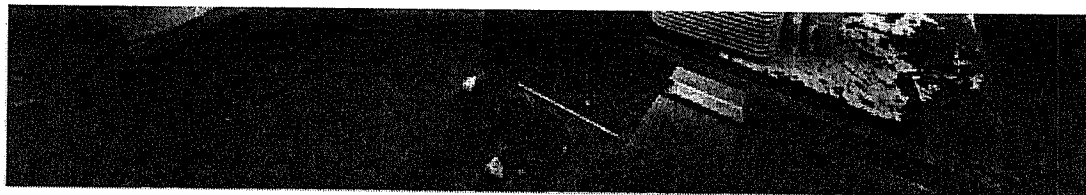
Citing Cost, States Consider End to Death Penalty



Gov. Martin O'Malley

The economic realities have forced even longtime supporters of the death penalty, like Gov. Bill Richardson of New Mexico, to rethink their positions.

Mr. Richardson, a Democrat, has said he may sign a bill repealing capital punishment that passed the House last week and is pending in a Senate committee. He cited growing concerns about miscarriages of justice, but he added that cost was a factor in his shifting views and was “a valid reason in this era of austerity and tight budgets.”



A county jail in Lawrenceville, Va., was designed for half as many inmates as it houses. Many states are trying to cut prison costs.

By IAN URBINA

Published: February 24, 2009

 TWITTER

Illinois

Chicago Tribune

What killed Illinois' death penalty

It wasn't the question of morality but the question of accuracy that led state to abolish capital punishment

Ultimately, supporters of abolition in the General Assembly — frustrated that sufficient reform had not been enacted and stung by the costs of trials and appeals — voted to abolish the death penalty. On Wednesday, Quinn signed abolition into law and commuted the sentences of 15 inmates who had been sentenced to death since the moratorium.

when a man named Anthony Porter walked out of jail a free man.

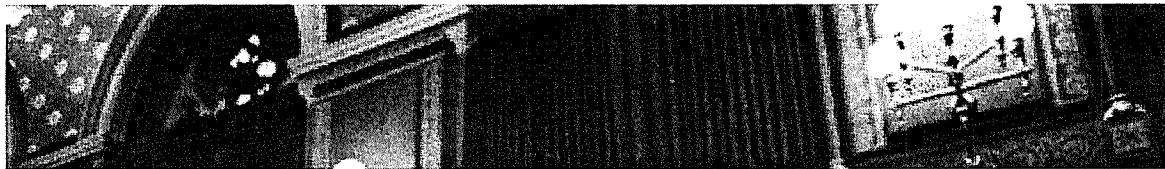
Sitting in the governor's mansion, George Ryan watched Porter's release on television and wondered how a man could come within 50 hours of being executed, only to be set free by the efforts of a journalism professor, his students and a private investigator.

Ads By Google

Connecticut

The New York Times

Death Penalty Repeal Goes to Connecticut Governor



In a statement released late Wednesday night, Governor Malloy said the repeal put Connecticut in the same position as nearly every other industrialized nation on the death penalty.

“For decades, we have not had a workable death penalty,” he said, noting that only one person has been executed in Connecticut in the last 52 years. “Going forward, we will have a system that allows us to put these people away for life, in living conditions none of us would want to experience. Let’s throw away the key and have them spend the rest of their natural lives in jail.”

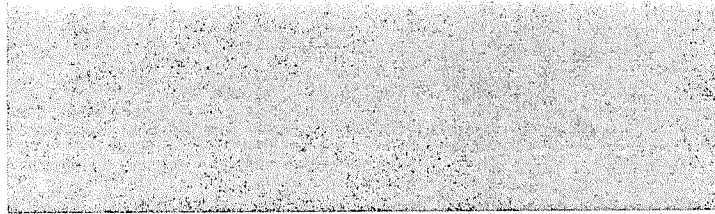
Andrew Sullivan for The New York Times

Representative Patricia M. Widlitz was for the repeal bill.

By PETER APPLEBOME

Published: April 11, 2012 41 Comments

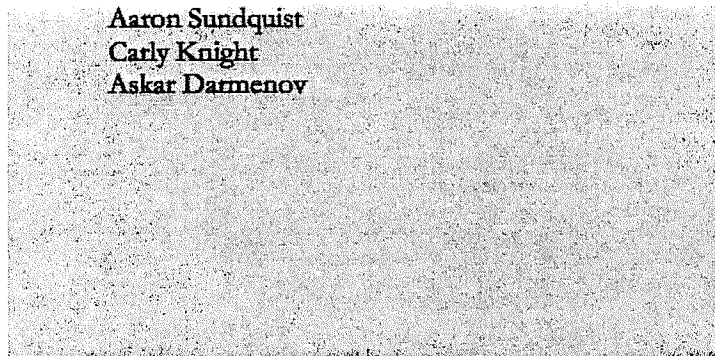
Maryland



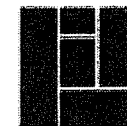
RESEARCH

The results can be summed across all cases. That is, because cases in the sample were weighted in these analyses to reflect the full sample of 1,136. In total, the 162 cases with a death notice cost Maryland taxpayers an additional \$1.86 million or more than \$1 million per death notice over and above the costs where there was no death notice. Of this total, cases where the death penalty was sought, but that did not result in a death sentence cost Maryland taxpayers an additional \$70.9

Aaron Sundquist
Carly Knight
Askar Darmenov



March 2008



URBAN INSTITUTE
Justice Policy Center

Maryland

MARTIN O'MALLEY, Governor

Ch. 156

Chapter 156

(Senate Bill 276)

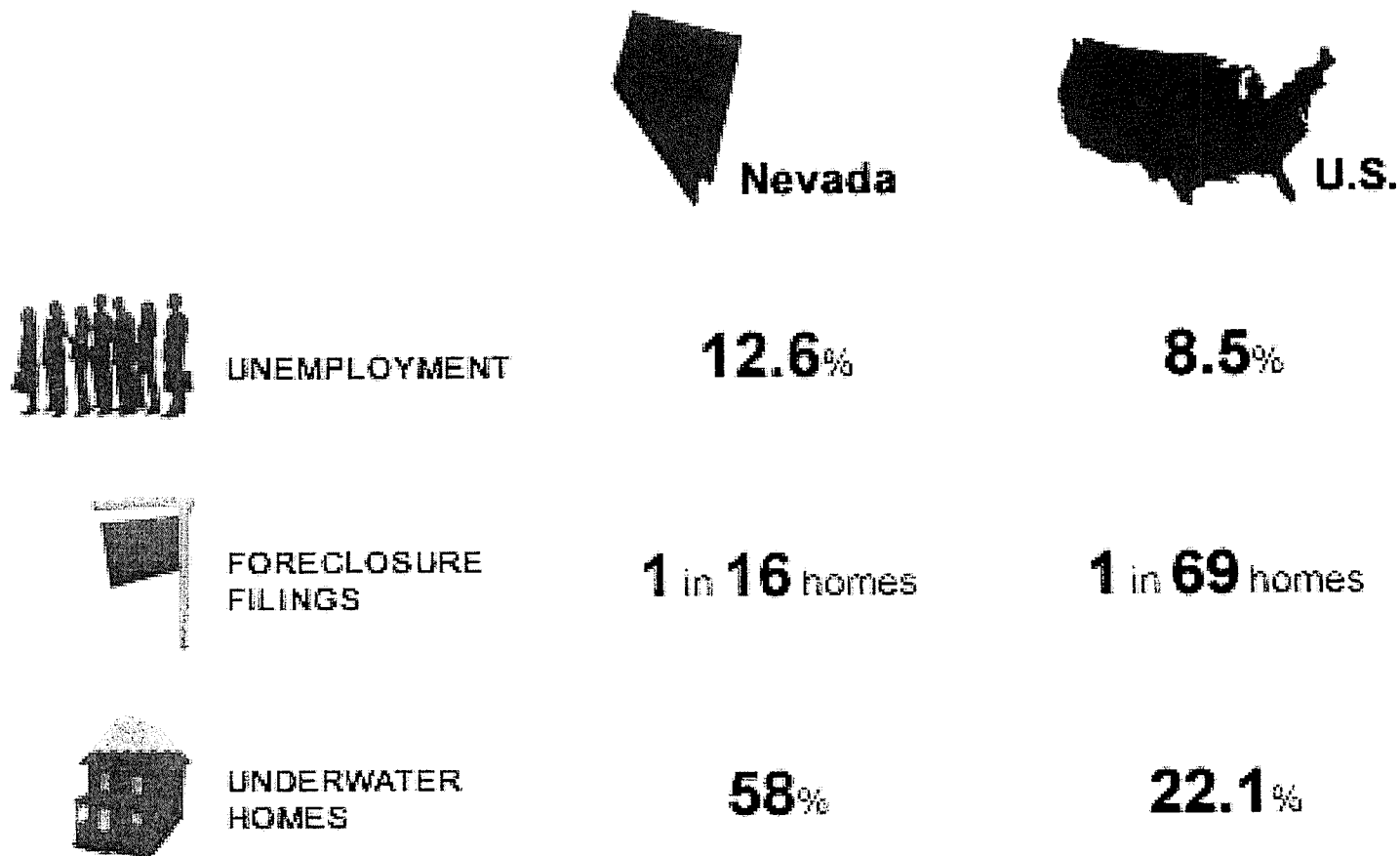
AN ACT concerning

**~~Death Penalty Repeal and Appropriation from Savings to Aid Survivors of~~
~~Homicide Victims~~ – Substitution of Life Without the Possibility of Parole**

WHEREAS, The Commission, in its final report to the General Assembly, recommended that the savings from repealing the death penalty be used to “increase the services and resources already provided to families of victims”; and

Money well spent?

NEVADA VS. THE NATION



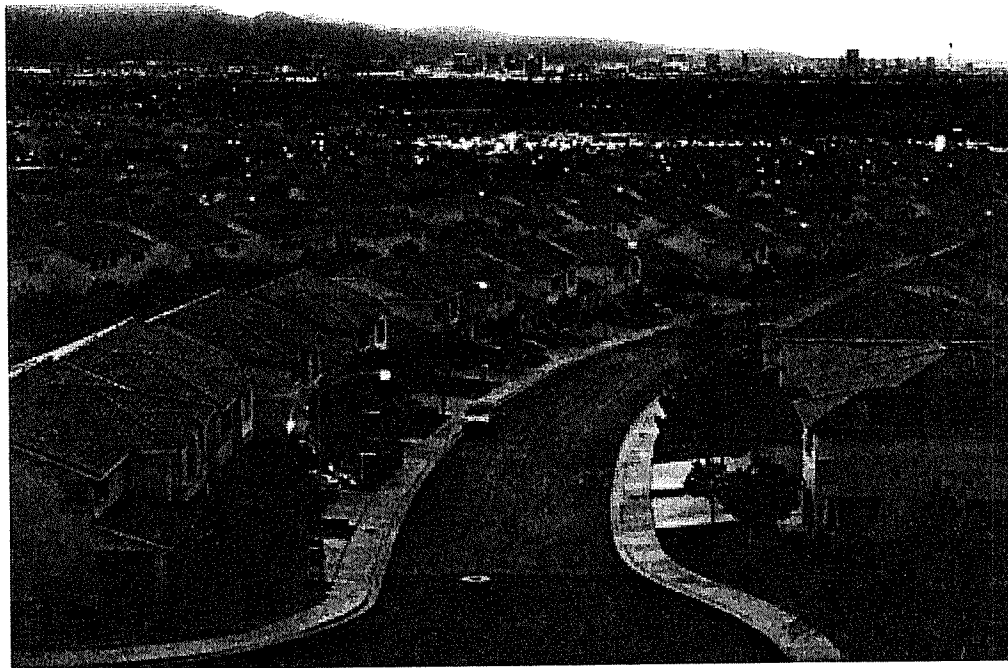
SOURCE: BUREAU OF LABOR STATISTICS, REALTYTRAC, CORELOGIC

<http://financialpress.com/2012/02/04/nevadas-triple-economic-whammy/>, as of September 1, 2013

Nevada, Illinois among states that can't pay their bills

Bottom Line,

Jan. 18, 2012 at 10:47 AM ET



AP /

Nevada is among the states most stung by the downturn. Between 2006 and 2010, home values plummeted a staggering 44.5 percent.

<http://www.nbcnews.com/business/nevada-illinois-among-states-cant-pay-their-bills-1C7100799>, as of September 3, 2013

Recent Budget Cuts



WNC chief resigns over Nevada budget cuts

Carol Lucey: Legislature too painful to repeat

2:00 AM, Jul. 10, 2013

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Written by
Ray Hagar
rhagar@rgj.com

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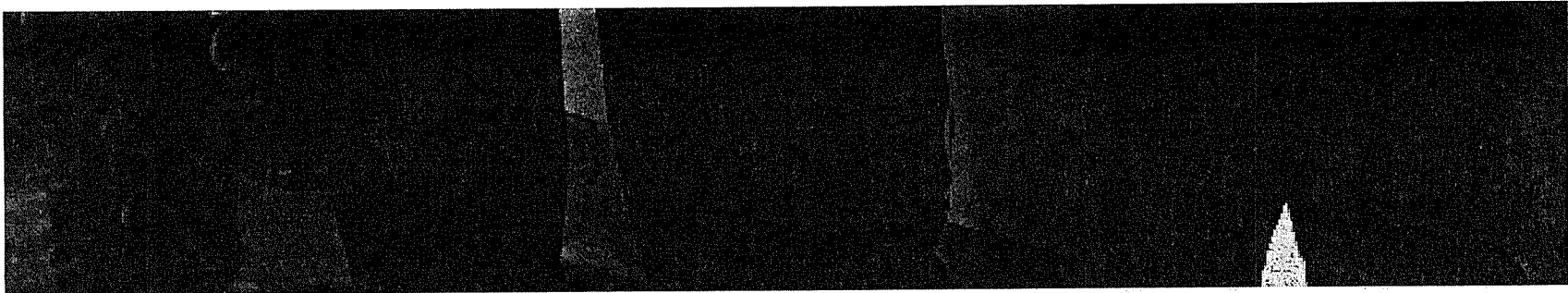
Carol Lucey, after suffering through budget cuts in the past three sessions of the Legislature, said Tuesday that she will resign as president of Western Nevada College in Carson City.

The announcement comes about a month after the end of the 2013 Legislature, which slashed the WNC budget by 11 percent over the next two years.

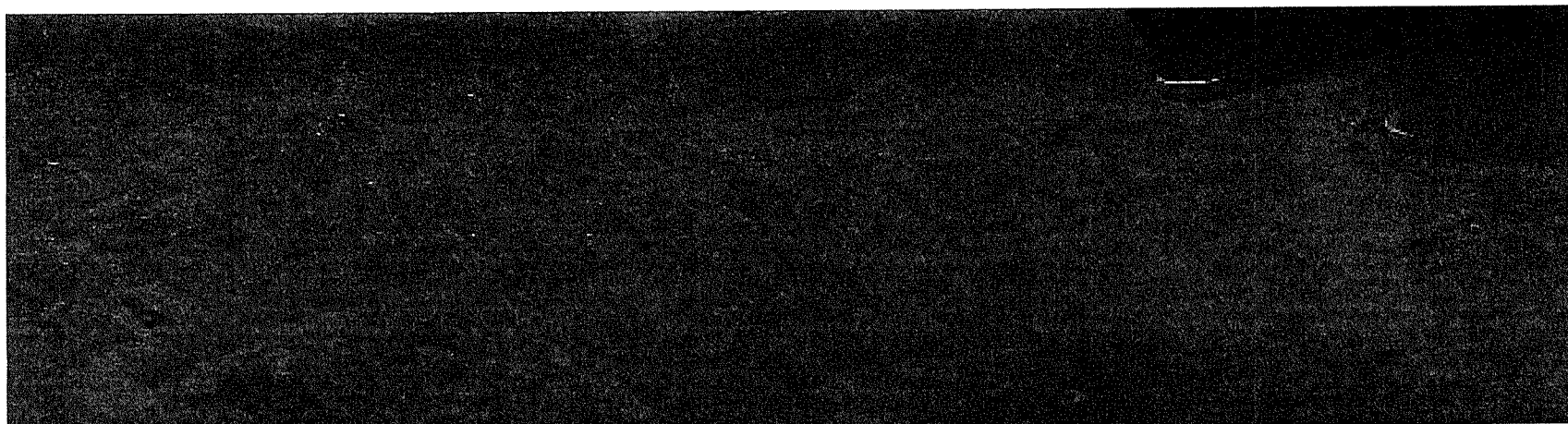
For Western Nevada, that means a \$1.7 million cut in 2014 and \$2.1 million in 2015, according to the appropriations bill from the 2013 Legislature. ...

Posted April 14, 2013 - 12:20am Updated April 14, 2013 - 2:02am

'Broken' mental health system overwhelms Nevada



Norheim, who has heard commitment cases for 17 years for Clark County District Court, said he has seen some people dozens of times, and some predate his time on the job. He blames a lack of funding, housing, case managers, treatment facilities and intense supervision programs for the repeats.



JOHN LOCHER/LAS VEGAS REVIEW-JOURNAL

Tentative CCSD budget shows a \$64 million deficit

By Jessica Janner

CREATED APR. 11, 2012

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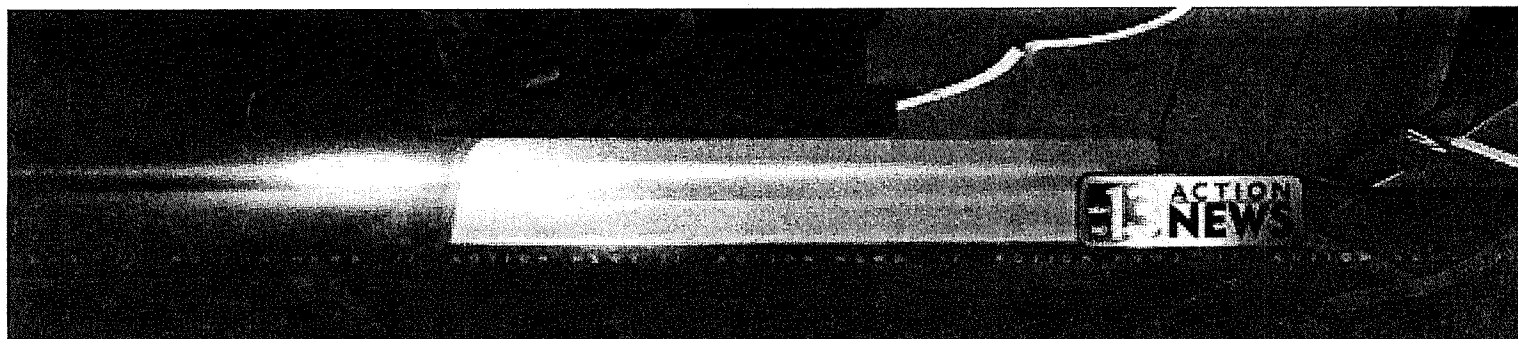


RELATED ARTICLES

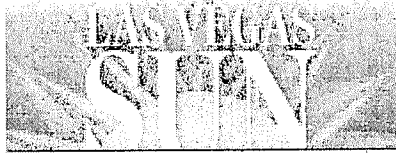
School district's tentative budget cuts nearly 2,000 jobs
Teacher speaks out about receiving pink slip

Las Vegas, NV (KTNV) – A tentative budget for the 2012-2013 fiscal year was approved by the Clark County School District Board of Trustees Wednesday.

The slightly more than \$2 billion budget shows \$35 million in federal budget cuts.



A tentative budget for the 2012-2012 fiscal year was approved by the Clark County School District Board of Trustees Wednesday. Video by ktnv.com



Clark County teachers rally in campaign for smaller class sizes



Although Nevada has a class-size reduction program in the first to third grades, cash-strapped school districts were forced to increase class sizes during the recession to balance their budgets.



STEVE MARCUS

Clark County School District teachers rally for smaller class sizes during a news conference outside the Sawyer State Building Wednesday, March 13, 2013. Teachers, parents and union members held the rally as legislators were meeting in a joint assembly and senate committee meeting to discuss education issues.

By Paul Takahashi (contact) 
Wednesday, March 13, 2013 | 8:30 a.m.

Costs - Nevada Supreme Court Rule 250

- Requires two (2) counsel to be appointed to indigent defendants
- Mandatory Appellate and Post-Conviction Review
- Court Shall Provide for Experts and Investigators
- Mandatory Transcription and Priority of Transcripts
- Mandatory Mitigation Investigation

Costs: Attorney Time and Money

Table 1: Median Time Estimates (in hours) as Lead Attorney and Second Chair Attorney by Type of Murder Case			
A. Lead Attorney Estimates:			
Stage	Capital Cases	Non-Capital Cases	Difference
Pretrial	1,075	461	+ 614
Trial	168	110	+ 58
Penalty	56	12	+ 44
Post-Conviction	48	18	+ 30
TOTAL:	1,347 hours	601 hours	+ 746 hours
B. Second Chair Attorney Estimates:			
Stage	Capital Cases	Non-Capital Cases	Difference
Pretrial	685	351	+ 334
Trial	180	110	+ 70
Penalty	58	12	+ 46
Post-Conviction	28	13	+ 15
TOTAL:	951 hours	486 hours	+ 465 hours
C. Both Lead Attorney and Second Chair Attorney Estimates Combined:			
Stage	Capital Cases	Non-Capital Cases	Difference
Pretrial	1,760	812	+ 948
Trial	348	220	+ 128
Penalty	114	24	+ 90
Post-Conviction	76	31	+ 45
TOTAL:	2,298 hours	1,087 hours	+ 1,211 hours

Costs: Attorney Time and Money

Table 3: Estimated Costs for Defense Attorneys in Capital and Non-Capital Murder Cases (per case and projected cost savings for pending cases)	
1. Defense Attorney Costs Per Case:	
A. Defense Attorney (Public Defender): Capital Murder Case [Formula = Hours as Lead + Hours as 2 nd Chair) x \$100 per hr] = (1,347 + 951) x \$100 = \$229,800 per capital case.	
B. Private Defense Attorney (Office of Assigned Counsel): Capital Murder Case [Formula = Hours as Lead + Hours as 2 nd Chair) x \$125 per hr] = (1,347 + 951) x \$125 = \$287,250 per capital case.	
C. Defense Attorney (Public Defender): Non-Capital Murder Case [Formula = Hours as Lead Attorney) x \$100 per hr.] = (601) x \$100 = \$60,100 per non-capital case.	
D. Private Defense Attorney (Office of Assigned Counsel): Non-Capital Murder Case [Formula = Hours as Lead Attorney) x \$125 per hr.] = (601) x \$125 = \$75,125 per non-capital case.	
2. Difference in Costs Per Capital and Non-Capital Case: [Formula = costs per capital case - costs per noncapital case]	

Costs v. Outcome

Table 4: Average Court Processing Outcomes in 127 Murder Cases Resulting in Conviction by Type of Sentence (Clark County, 2009-2011)					
Case Outcome	Years*	Life With	Life W/O	Death	All Cases
% Convicted by Trial versus Guilty Plea:	5.9 %	22.7 %	47.6 %	100 %	21.0 %
# of Days between Initial Filing and Sentencing:	387 days	732 days	887 days	1,107 days	599 days
# of Separate Court Appearances/Meetings:	9.3	20.9	27.9	35.2	16.8
# of Separate Orders Filed to the Court:	3.6	10.1	12.6	20.0	7.6
# of Separate Motion Filed to the Court:	5.4	16.6	24.4	30.0	12.8
Total # of Cases with this Sentence:	68	44	21	5	138
Note: * Years include any sentence in which a specific maximum number of years of imprisonment was pronounced (excluding life and death sentences).					

Cost v. “Success Rate”

Table 5: Final Disposition of Murder Cases in which a "Notice of Intent to Seek the Death Penalty" was Filed (Clark County, 2009-2011)

<i>Case Outcome</i>	<i>Number of Cases</i>	<i>Percent Distribution</i>
Charges Dismissed	1	2.8 %
Specific Number of Years Given*	5	14.3 %
Life <u>With</u> Possibility of Parole	7	20.0 %
Life <u>Without</u> Possibility of Parole	17	48.6 %
Death Sentence	5	14.3 %
Total	35	100.0 %

Note: * Years include any sentence in which a specific number or range of years of imprisonment was pronounced (excluding life and death sentences).

Vernell Ray EVANS, Appellant,

v.

The State of Nevada, Respondent.

No.

One Civil Case, Nevada.

Filed July 1, 1961.

Petitioner was convicted in the Eighth Judicial District Court, Clark County, Jeffrey D. Sobel, J., of one count of burglary and four counts of first-degree murder, and received four death sentences. Petitioner appealed. The Supreme Court, Steffen, C.J., 112 Nev. 1172, 826 P.2d 265, affirmed. Petitioner sought writ of habeas corpus. The District Court, Jeffrey D. Sobel, J., denied

relief, but must support any claims with specific factual allegations that, if true, would entitle him or her to relief.

Criminal Law §1652

A defendant is not entitled to an evidentiary hearing on a motion for post-conviction relief if the allegations are belied or repelled by the record.

3. Habeas Corpus §486(1)

Allegations of ineffective assistance of counsel are not properly presented in a timely, first post-conviction petition for a writ of habeas corpus. U.S.C.A. Const. Amend. 6.

Criminal Law §1440(1)

The failure on direct appeal to raise a claim of ineffective assistance of counsel does not constitute a waiver of the claim for pur-

Affirmed in part, reversed in part, and remanded.

the death penalty was improper; (4) attorneys rendered ineffective assistance and prejudiced the petitioner by not challenging the argument; (5) erroneous admission of prosecution witnesses' irrelevant testimony about their fears did not require reversal; (6) closing argument in guilt phase did not require reversal; and (7) attorneys' failure to object to inadmissible evidence and inadequate indictment did not prejudice the petitioner.

Affirmed in part, reversed in part, and remanded.

Maupin, C.J., concurred in part, dissented in part, and file opinion joined by Leavitt, J.

1. Criminal Law §1575

A defendant seeking post-conviction relief cannot rely on conclusory claims for re-

lief. "Deficient performance" by an attorney is representation that falls below an objective standard of reasonableness. U.S.C.A. Const. Amend. 6.

See also *Blanton v. Board of Prisoners*, 401 U.S. 1068, 30 AFTR2d 60-1068, 10-1068 (CA-9, 1960).

7. Criminal Law §641.13(1)

To show prejudice from attorney's alleged ineffective assistance, the claimant must show a reasonable probability that, but for counsel's errors, the result of the trial would have been different. U.S.C.A. Const. Amend. 6.

8. Criminal Law §641.13(1)

Judicial review of a lawyer's representation is highly deferential, and a defendant must overcome the presumption that legal challenges are not merited by counsel's sound strategy. U.S.C.A. Const. Amend. 6.

**Reversal Rate
on Capital
Convictions**

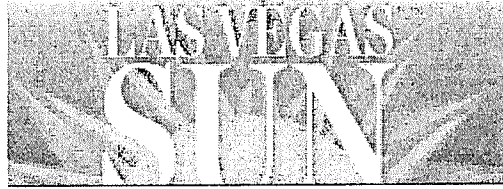
Nevada Executions Since 1978

#	Name	Date	Method	County
12	<u>Darryll Linnie Mack</u>	April 26, 2006	Lethal Injection	Washoe
11	<u>Terry Jess Dennis</u>	August 12, 2004	Lethal Injection	Washoe
10	<u>Lawrence Colwell Jr.</u>	March 26, 2004	Lethal Injection	Clark
9	<u>Sebastian Stephanus Bridges</u>	April 21, 2001	Lethal Injection	Clark
8	<u>Alvaro Calambro</u>	April 5, 1999	Lethal Injection	Washoe
7	<u>Roderick Abeyta</u>	October 5, 1998	Lethal Injection	Clark
6	<u>Richard Allen Moran</u>	March 30, 1996	Lethal Injection	Clark
5	<u>Thomas E. Baal</u>	June 3, 1990	Lethal Injection	Clark
4	<u>Sean Patrick Flanagan</u>	June 23, 1989	Lethal Injection	Clark
3	<u>William Paul Thompson</u>	June 19, 1989	Lethal Injection	Washoe
2	<u>Carroll Edward Cole</u>	December 6, 1985	Lethal Injection	Clark
1	<u>Jesse Walter Bishop</u>	October 22, 1979	Gas Chamber	Clark

<http://deathpenaltyusa.org/usa/state/nevada.htm>, September 1, 2013

83

Inmates
Currently
Awaiting
Execution



Door to clang shut on ancient state prison



CATHLEEN ALLISON / ASSOCIATED PRESS FILE

The execution chamber at Nevada State Prison in Carson City is rarely used, partly because many on death row die of natural causes before appeals are through.

<http://www.lasvegassun.com/news/2011/may/14/ancient-state-prison-close/>, as of September 1, 2013

PA 867

The Death Chamber



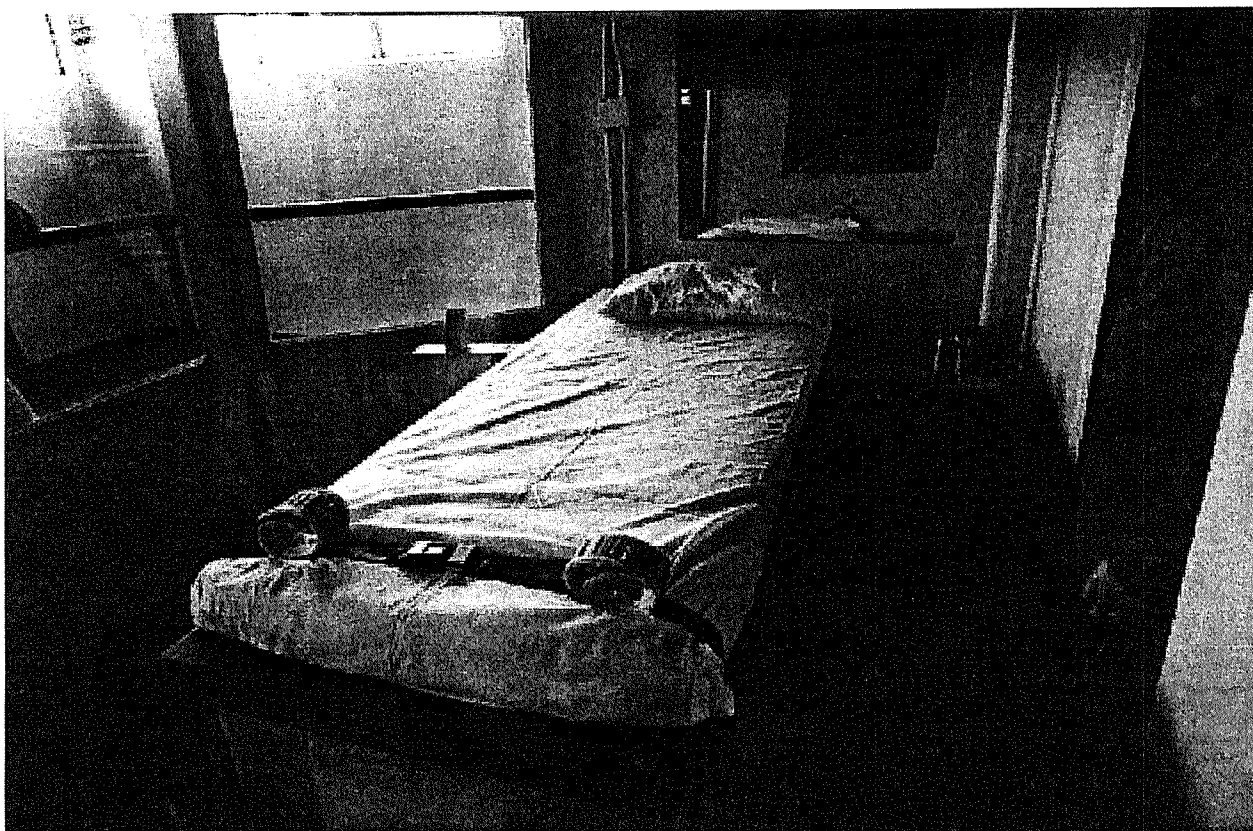
Corrections Department
Director Greg Cox - old
gas chamber is not
compliant with the
Americans With
Disabilities Act.

LAS VEGAS REVIEW



Posted May 22, 2013 - 10:07am Updated May 23, 2013 - 12:41am

Panel rejects construction of a new Nevada execution chamber



JOHN LOCHER/LAS VEGAS REVIEW-JOURNAL

The execution chamber at the now-closed Nevada State Prison in Carson City is shown here in 2005. Lawmakers have decided to not fund construction of a new execution chamber at Ely State Prison.

Lethal Injection Drug Shortage

Danish Company Blocks Sale of Drug for U.S. Executions

“We were completely shocked and outraged” to learn that the drug was being used for executions, Mr. Kronborg said. “States and prisons never asked. We only found about it from the media. If they had asked, we would have said no.”

would stop shipping a powerful drug to American prisons that carry out the death penalty by lethal injection because some states began using it as a substitute for another compound that was taken off the market.

The New York Times

Nevada Victims of Crime Compensation Program

- The total award amount currently cannot exceed \$35,000 per victim/dependent of victim.
- Compensation can include:
 - Medical Expenses—up to \$35,000
 - Counseling Bills—up to \$5,500
 - Funeral Expenses— up to \$3,500

Clark County Victim Witness Assistance

- The total award amount currently cannot exceed \$15,000 per victim/dependent of victim.

http://www.clarkcountynv.gov/Depts/district_attorney/vwac/Pages/resources.aspx

<http://voc.nv.gov/uploadedFiles/vocnvgov/content/Advocates/VOCP%20Policies.pdf>

Court's Authority to Rule in favor of motion

The Nevada Supreme Court has repeatedly held that courts shall look to reason and public policy to discern legislative intent. *Langon v. Matamoros*, 121 Nev. 142, 144, 111 P.3d 1077, 1078 (2005); *State v. Catanio*, 120 Nev. 1030, 1033, 102 P.3d 588, 590 (2004).

[T]he study outlined in Assembly Bill 444 is meant to be dispassionate, rational, and logical.

James Ohrenschall at May 2, 2013 Assembly Committee
on Operations and Elections