

FILED

MAY 27 2015

IN THE SUPREME COURT OF THE STATE OF NEVADA

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

MICHAEL P. ANSELMO,
Appellant,

No. 67619

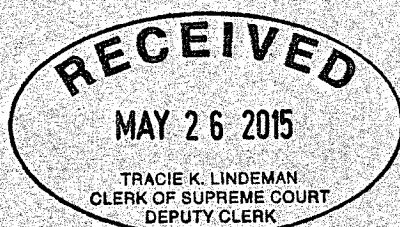
vs.

CONNIE BISBEE, CHAIRMAN; SUSAN JACKSON;
TONY CORDA; ADAM ENDEL, COMMISSIONERS;
AND THE STATE OF NEVADA BOARD OF PAROLE,

Respondent.

RECORD ON APPEAL

VOLUME I



MICHAEL P. ANSELMO #10999
P.O. BOX 7000
CARSON CITY, NV 89702-7000

ADAM PAUL LAXALT
ATTORNEY GENERAL
100 NORTH CARSON STREET
CARSON CITY, NV 89701-4717

APPELLANT IN PROPER PERSON

ATTORNEYS FOR RESPONDENT

15-40341

THE SUPREME COURT OF THE STATE OF NEVADA

INDEX

<u>DESCRIPTION</u>	<u>STAMPED PAGE NO.</u>	<u>VOL. NO.</u>
AFFIDAVIT IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS	13	
CASE APPEAL STATEMENT	67	
DESIGNATION OF RECORD ON APPEAL	64	
MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS	12	
MOTION IN OPPOSITION TO DISMISS	47	
MOTION TO DISMISS	23	
NOTICE OF ENTRY OF DECISION OR ORDER	57	
NOTICE OF REPRESENTATION OF RESPONDENTS	21	
ORDER DIRECTING TRANSMISSION OF RECORD	70	
ORDER DISMISSING PETITION	55	
ORDER TO PROCEED IN PROPRIA PERSONA; ORDER DENYING REQUEST FOR ATTORNEY; ORDER TO RESPOND	17	
ORDER TRANSFERRING CASE TO DEPARTMENT 1	15	
REPLY REPLY TO OPPOSITION TO MOTION TO DISMISS	60	
REPLY TO OPPOSITION TO MOTION TO DISMISS	50	
REQUEST FOR SUBMISSION	53	
WRIT OF HABEAS CORPUS	1	

Michael P. Anselmo

NDOC # 10999

NORTHERN NEVADA CORRECTIONAL CENTER

CARSON CITY, NV 89706-7000

REC'D & FILED

2014 DEC 30 PM 4:29

ALAN GLOVER

CLERK

BY

DEPUTY

IN THE FIRST JUDICIAL DISTRICT COURT OF
THE STATE OF NEVADA IN AND FOR CARSON CITY

Michael P. Anselmo

PETITIONER

VS

CONNIE BISBEE Chairman

Susan Jackson, Tony Corda,

Adam Ende Commissioners.

Nevada Board of Parole

DEFENDANTS

RESPONDANTS

CASE NO 14FW0002913

DEPT NO

WRIT OF HABEAS CORPUS

Comes now, the petitioner, in proper
persona submits this writ of habeas corpus

Because of the question of time,
sentence, period of incarceration is in question
due to the petitioner 5th, 8th, 11th, 14th and
any other U.S. constitutional amendment that may
apply, the Habeas Corpus writ is the proper and
only true course of action.

Parole board is a Quasi Judicial body
and subject to constitutional violations.

HISTORY OF THE CASE

In 1972, the petitioner was convicted of murder in the first degree and sentenced to life without parole.

In 1976 the petitioner was twice convicted for escape and received two ten (10) year sentences running wild from the life and each other.

In 2005, the Nevada Board of Pardons reviewed the petitioners history, this includes case history which does include a look at victim and community impact and petitioner criminal history and it was determined petitioner did in fact earn a commutation of sentence so under NRS 213.010 to section 213.00 an order was issued, effective December 14, 2005 case # 271359 was commuted to a term of five years to life, case # 37373 was commuted to run concurrent to 271359 and case # 35024 remain consecutive.

Three times petitioner appeared before the Nevada Board of Parole and each time denied parole for three years due to impact on victim and/or community, nature of criminal record is increasingly more serious.

The nine years of denials were for the same reasons the pardons board deemed issues resolved or now mute.

In 2014 the petitioner again saw the parole board. The sitting panel all three members granted parole. The none sitting board over ruled the sitting board and gave another 3 year denial, for same old reasons that can never change. It should be noted during this whole period, petitioner NOOC record is close to perfect.

ARGUMENT

No inmate granted a commutation of sentence has ever been denied parole. 99% of those who are commuted are granted parole within 6 months. That has always been the idea and the history of the Nevada Board of Pardons. So, when one is granted a commutation of sentence it is reasonable to have an expectation of parole. History gives us that.

Connie Bisbee and her parole board has thrown out the whole pardons board action in the case at bar. To deny parole for 9 years for no reason shows a true prejudice against petitioner and a total disregard for the pardons board system.

Still, Connie Bisbee and her gang in Carson City has gone a step farther and in the case at bar thrown out any and all reason for inmates to see a parole board. When in 2014 they over ruled a sitting board and gave a maximum denial to petitioner with perfect conduct based on the same unchangeable reasons a clear demonstration was given, a clear history of prejudice, hate, vindictiveness and a clear history that petitioner rights do not matter to the Nevada Board of Parole members in Carson City exists.

To keep petitioner in prison and extend his sentence, Connie Bisbee and her Carson City parole board have voided the whole pardons board reasoning and process and voided the parole board process and the need for a sitting panel and inmates to see them.

There is little to no question that the defendants/ respondents grossly violated the petitioner's rights, but what has happened to petitioner at the hands of the defendants goes beyond just being cruel and vindictive, it is so far out there that it borders on a psychopathic, insane type hate towards petitioner.

Count - 1

The respondents have violated the petitioner's 8th Amendment right to be free of cruel and unusual punishment.

Supporting Facts

In 2005 petitioner received a commutation of sentence from the Nevada Board of Pardons. History of the pardons board is once favorable action is given a parole is granted within a short period. Until petitioner, never has one been denied parole for 3 years. In the case at bar the denials have been for 9 years and continue on. The reason cited for denial are unchangeable and made mute by sentence commutation.

This action alone is highly unusual, and due to the history of the pardons board, very cruel.

However

The defendants still go a step further to be cruel and act highly unusual towards petitioner. In 2014 the sitting parole board panel that saw petitioner all 3 granted parole. For the first time in known history, the now sitting parole board officials

threw out the sitting boards decision and denied parole to petitioner. Again, for the same 3 unchangable reasons.

During the whole process the petitioner NOOC record is very close to perfect.

Ground 2

Respondants violated petitioner 11th and 14th Amendment rights to equal protection and due process

Supporting Facts

A commutation of sentence was given and that action for the first time has been voided by parole boards action.

The parole board process has been voided, the whole purpose of seeing a sitting board has been voided by respondents action.

At 3 parole board hearings petitioner was denied parole the max of 3 years and told to do this or that to gain favorable action. Each time, petitioner did as requested to only earn a max denial.

A continued reliance on unchanging, unchangable factors runs contrary to the whole rehabilitation goals and exposes the parole system to a due process violation. See Biggs 334 F 3d 916.

The Nevada parole board is a Quasi Judicial body and subject to constitutional violations.

Ground 3

Respondents violated petitioner's 5th Amendment rights of double jeopardy.

Supporting Facts

In 2005 petitioner's sentence was changed to 5 years to life.

The Nevada Board of Parole has, through its action, stripped away the commutation of sentence and resentence petitioner to the death penalty since it is clear that is the board's desire towards petitioner.

Conclusion

The parole board actions concerning petitioner are clearly personal opinions. Certain members of the board by a through their violation of petitioner's constitutional rights have made it clear they are prejudicial, hateful, vindictive towards petitioner. They've thrown out every favorable action petitioner has received, voided the Nevada parole board and Nevada Parole board system when it comes to petitioner.

Petitioner does have a liberty interest upon his incarceration see Biggs vs Cal A. TERRELL
339 F 3d 910 (2003)

In the case at bar, the parole board findings have no merit and are unfounded, this is not the case just once, twice, or three times, but now four (4).

No evidence no facts are in their findings, it is purely based on personal opinions that do seem to border on an almost psychopathic hate and vindictiveness towards petitioner.

SEE: Sandro Days LAWRENCE CAL H.C. 44 CAL
4th 1181, 190 P.3d 535 82 CAL
Rptr 3d 169 (2008)
SINGLER VS SCHWARZENEGGER 2006 U.S.
Dist Lexis 86336

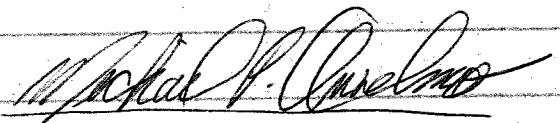
Action Requested

That all defendants / respondents be deemed barred from hearing / deciding any parole action pertaining to petitioner. That any and all decisions concerning petitioner and parole be left in the 3 members of the November 2014 Southern board who are not defendants in this action and that the 2014 over ride of sitting parole board members be stripped away and Southern boards member (sitting board) decision left to stand.

AND

Any future parole board decision be left
in the hands of those same 2014 (NOVEMBER)
Southern board member and or any new
commissioners not on the board in the
year 2014.

Respectfully submitted this 12-24 day of 2014


(Michael P. Anselmo
Proper Persona Petitioner

CENTRAL OFFICE

1677 Old Hot Springs Rd., Ste. A
Carson City, Nevada 89706
<http://parole.nv.gov>
(775) 687-5049
Fax (775) 687-6736

CONNIE S. BISBEE, *Chairman*
TONY CORDA, *Member*
ADAM ENDEL, *Member*
SUSAN JACKSON, *Member*

DARLA FOLEY, *Executive Secretary*

STATE OF NEVADA
BRIAN SANDOVAL
Governor



LAS VEGAS OFFICE

4000 S. Eastern Ave., Ste. 130
Las Vegas, Nevada 89119
<http://parole.nv.gov>
(702) 486-4370
Fax (702) 486-4376

CONNIE S. BISBEE, *Chairman*
ED GRAY, JR., *Member*
MICHAEL KEELER, *Member*
LUCILLE MONTERDE, *Member*

NEVADA BOARD OF PAROLE COMMISSIONERS

December 16, 2014

Re: Your letter received December 15, 2014.

Michael Anselmo, NDOC #10999
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, Nevada 89702

Mr. Anselmo,

I have reviewed your letter requesting a reconsideration of your November 17, 2014, Parole Board hearing in accordance with NAC 213.526. Your request does not meet the criteria of an appeal and will not be considered by the Board. There will be no change to the order denying parole.

Sincerely,

A handwritten signature in cursive script that reads "Darla Foley".

Darla Foley
Executive Secretary

Under penalty of perjury, the undersigned declares that he is the petitioner named in the foregoing petition and knows the contents thereof; that the pleading is true of his own knowledge, except as to those matters stated on information and belief, and as to such matters he believes them to be true.


to be true.

Michael V. Owens
Petitioner

I do certify that I mailed a true and correct copy of the foregoing
PETITION FOR WRIT OF HABEAS CORPUS to the below addresses on this 24 day of
December, 20 14, by placing same into the hands of prison law library
staff for posting in the U.S. Mail, pursuant to N.R.C.P. 5:

Nevada Attorney General
100 N. CARSON
CARSON CITY, NV 89700

CAROLINE BISHOP CHIAMARA
Nevada Board of Parole
1677 Old Hot Springs Road Suite A
Carson City, NV 89706
, Nevada 89702

02 _____


 Signature of Petitioner In Pro Se

/ / /

/ / /

/ / /

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document, _____

Writ of Habeas Corpus

(Title of Document)

filed in case number: _____

☒ Document does not contain the social security number of any person

-OR-

☐ Document contains the social security number of a person as required by:

☐ A specific state or federal law, to wit:

(State specific state or federal law)

-or-

☐ For the administration of a public program

-or-

☐ For an application for a federal or state grant

-or-

☐ Confidential Family Court Information Sheet
(NRS 125.130, NRS 125.230 and NRS 125B.055)

Date: 12-24-14

Michael P. Anselmo
(Signature)

Michael P. Anselmo
(Print Name)

(Attorney for)

Dept. No.

REC'D & FILED
2014 DEC 30 PM 4:29

IN THE First JUDICIAL DISTRICT COURT OF THE STATE OF
NEVADA IN AND FOR THE COUNTY OF CLATSOP CITY

* * * * *

Michael P. Anselmo
Plaintiff/Petitioner,

MOTION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS

v.

CONNIE BISBEE, et al.
Defendant/Respondent. /

The petitioner, Michael P. Anselmo
in propria persona, and respectfully moves this Honorable Court
pursuant to N.R.S. 12.015, for an order granting leave to
proceed in the above-entitled action in forma pauperis, without
requiring petitioner to pay or provide security
for the payment of costs of prosecuting this action.

This motion is made based upon the attached affidavit of
Michael P. Anselmo.

Dated this 24 Day of December 2014

RESPECTFULLY SUBMITTED,
[Signature]

P.O. Box
Carson City, Nv. 89702
Petitioner in Proper Person

REC'D & FILED
2014 DEC 30 PM 4:29
ALAN GLOVER
CLERK
DEPUTY

IN THE First JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF Carson City

Michael P. Anselmo
Petitioner,

Vs.

Connie Bisbee #41,

Case No.: 14 P10002918

Dept. No.: IT

Respondent 1

AFFIDAVIT IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS

I, Michael P. Anselmo, First being duly sworn, depose and say that I am Petitioner in the above-entitled case; that in support of my Motion to proceed without being required to prepay fees, costs or give security therefore; I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefore; that I am entitled to relief.

I do X Do not ___ request an attorney to be appointed for me.

I further swear that the responses, which I have made to question, and instructions below are true.

1. Are you presently employed: Yes X No ___

A. If the answer is yes, state the amount of your salary of wages per month, and give name and address of your employer.

\$40⁰⁰ per month NWCC Bio Portals

B. If the answer is no, state the date of last employment and the amount of salary and wages per month, which you received: _____

2. Have you received within the past twelve months any money from any of the following sources?

- a. Business, profession or form of self-employment? Yes ___ No X
b. Rent payments, interest or dividends? Yes ___ No X
c. Pensions, annuities or life insurance payments? Yes ___ No ✓
d. Gifts or inheritances? Yes X No ___
e. Any other sources? Yes ___ No X

If the answer to any of the above is "YES" describe each source of money and state the amount received from each during the past twelve months:

RECEIVE some funds from family for personal items.

3. Do you own cash or equivalent prison currency, or do you have money in a checking or savings account? Yes ✓ No ___

If the answer is "YES" state the total value of the items owned: ?

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishing and clothing)? Yes ___ No X

If your answer is "YES: describe the property and state its approximate value:

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support:

UNDER THE PENALTY OF PERJURY, Pursuant to NRS 208.165 the above affidavit is true and correct to the best of my personal knowledge.

DATED this 24 day of December, 2019.

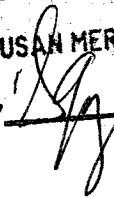
Michael D. Austino
Sign Your Name Here

Michael D. Austino 10999
Print Your Name Here DOCS

REC'D & FILED

2015 JAN -2 PM 2:26

SUSAN MERRIWETHER
CLERK

BY  DEPUTY

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY

-o0o-

MICHAEL P. ANSELMO,

Petitioner,

vs.

CONNIE BISBEE, Chairman; SUSAN
JACKSON, TOWY CORDA, ADAM
ENDEL, Commissioners; NEVADA
BOARD OF PAROLE,

Respondants.

CASE NO. 14 EW 00029 1B
Dept. 2

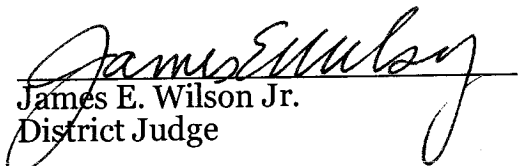
ORDER TRANSFERRING CASE TO DEPARTMENT 1

This case, upon filing, was assigned to Department 2 of the First Judicial District Court of the State of Nevada, in and for Carson City, in which said department the undersigned District Judge James E. Wilson Jr. presides.

The above-entitled matter is directly related to case no. 08 EW 00071 1B, which is assigned to Department 1 of the above-entitled Court. To ensure continuity in this matter and good cause appearing,

IT IS ORDERED that the above-entitled matter be transferred to the Honorable James T. Russell, District Judge, Department. 1, for all further proceedings.

DATED this 2 day of January 2014

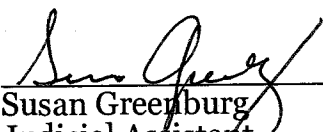

James E. Wilson Jr.
District Judge

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of The Honorable James E. Wilson Jr. and I certify that on this 2 day of January 2014, I deposited for mailing at Carson City, Nevada, faxed or caused to be delivered by messenger service, a true and correct copy of the foregoing order and addressed to the following:

Michael Anselmo, #1099
NNCC
P.O. box 7000
Carson City, NV 89702



Susan Greenburg
Judicial Assistant

REC'D & FILED

2015 JAN -5 PM 1:10

SUSAN MERRIWETHER
CLERK

BY [Signature] DEPUTY

Case No.: 14 EW 00029 1B

Dept. No.: 1

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY

MICHAEL P. ANSELMO,

Petitioner,

vs.

CONNIE BISBEE, Chairman; SUSAN
JACKSON, TOWY CORDA, ADAM ENDEL,
Commissioners; NEVADA BOARD OF
PAROLE,

Respondents.

**ORDER TO PROCEED IN
PROPRIA PERSONA**

**ORDER DENYING REQUEST FOR
ATTORNEY**

ORDER TO RESPOND

This matter comes before the Court pursuant to a Writ of Habeas Corpus, Motion for Leave to Proceed in Forma Pauperis, and Affidavit in Support of Request to Proceed in Forma Pauperis filed by Petitioner on December 30, 2014. The Affidavit in Support of Request to Proceed in Forma Pauperis includes averments regarding the Petitioner's income, property and resources. This Court, deeming itself fully advised of the matter, hereby enters its Judgment as follows:

NRS 34.750(2) provides that if the Court determines that the Petitioner is unable to pay all necessary costs and expenses, the costs must be paid from money appropriated to the Office

1 of the State Public Defender for that payment. Here, it is apparent from the Affidavit in Support
2 of Request to Proceed in Forma Pauperis that Petitioner has no monies.

3 In his Affidavit in Support of Request to Proceed in Forma Pauperis, Petitioner requested
4 that an attorney be appointed for him. NRS 34.750(1) gives this Court discretion to deny or
5 appoint counsel to an indigent in post-conviction proceedings. The Court is required to consider
6 the severity of the consequences facing the Petitioner, the difficulty of issues presented, the
7 ability of the Petitioner to comprehend the proceedings, and the necessity of counsel to proceed
8 with discovery. The issues presented are not difficult and it appears from his pleadings that
9 Petitioner is able to comprehend the proceedings. Only limited discovery is necessary.
10

11 Lastly, in reviewing the Petitioner's Writ of Habeas Corpus, the Court has concluded that
12 a response would assist this Court.
13

14 Therefore, good cause appearing,

15 IT IS HEREBY ORDERED that the Petitioner's Motion for Leave to Proceed in Forma
16 Pauperis is GRANTED.

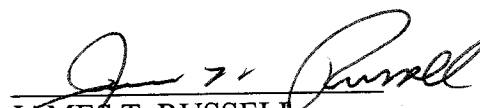
17 IT IS HEREBY FURTHER ORDERED that the Petitioner's request for appointment of
18 counsel is DENIED.
19

20 IT IS HEREBY FURTHER ORDERED that the Office of the Nevada Attorney General
21 shall, within forty-five (45) days after the date of this order, answer or otherwise respond to the
22 petition and file a response in accordance with the provisions of NRS 34.360 to 34.830,
23 inclusive. A copy of the Petition for Writ of Habeas Corpus Disciplinary shall be provided with
24 this Order to the Office of the Nevada Attorney General.
25

26 **IT IS SO ORDERED.**

27 //

Dated this 5th day of January, 2015.


JAMES T. RUSSELL
DISTRICT JUDGE

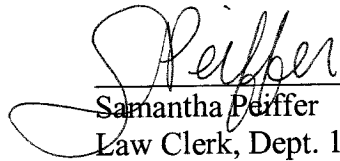
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CERTIFICATE OF MAILING

Pursuant to NRCP 5(b,) I hereby certify that I am an employee of the First Judicial District Court in and for Carson City, Department I, and that on the 5th day of January, 2015 I placed a copy of the foregoing in the United States Mail, postage prepaid, addressed as follows:

Office of the Nevada Attorney General
100 N. Carson Street
Carson City, NV 89701

Michael P. Anselmo, #10999
NNCC
P.O. Box 7000
Carson City, NV 89702


Samantha Peiffer
Law Clerk, Dept. 1

ORIGINAL

REC'D & FILED

2015 JAN -8 PM 3:05

SUSAN MERRIWETHER
CLERK

BY  DEPUTY

1 ADAM PAUL LAXALT
Attorney General
2 DANIEL M. ROCHE
Deputy Attorney General
3 Nevada Bar No. 10732
100 North Carson Street
4 Carson City, Nevada 89701-4717
(775) 684-1273
5 DRoche@ag.nv.gov
Attorney for Respondent
6

7 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

8 IN AND FOR CARSON CITY

9 MICHAEL P. ANSELMO,

10 Petitioner,

11 vs.

12 CONNIE BISBEE, Chairman;
SUSAN JACKSON, TONY CORDA,
13 ADAM ENDEL, Commissioners;
NEVADA BOARD OF PAROLE,
14

15 Respondents.

Case No. 14 EW 00029 1B

Dept. No. 1

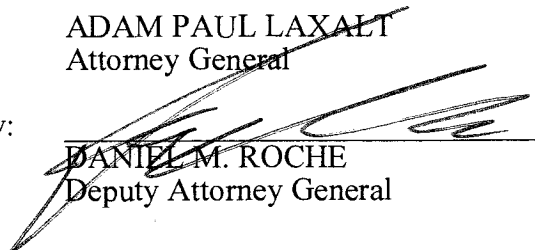
16 **NOTICE OF REPRESENTATION OF RESPONDENTS**

17 The State of Nevada, by and through counsel, ADAM PAUL LAXALT, Attorney General of the
18 State of Nevada, hereby notifies the Court and respective parties to this action that Deputy Attorney
19 General DANIEL M. ROCHE has assumed responsibility for representing the interests of the named
20 respondent, and the Attorney General of the State of Nevada, and the interests of the State of Nevada in the
21 above-entitled action.

22 RESPECTFULLY SUBMITTED this 8th day of January, 2015.

23 ADAM PAUL LAXALT
Attorney General

24 By:

25 
DANIEL M. ROCHE
Deputy Attorney General
26
27
28

///

///

///

AFFIRMATION
(Pursuant to NRS 239B.030)

The undersigned does hereby affirm that the preceding document, NOTICE OF REPRESENTATION OF RESPONDENTS, filed in case number 14 EW 00029 1B, does not contain the social security number of any person. No additional affirmation will be provided unless the document contains personal information.

DATED this 8th day of January, 2015.

ADAM PAUL LAXALT
Attorney General

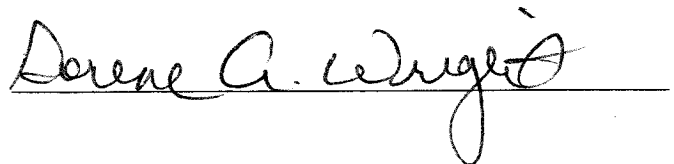
By:


DANIEL M. ROCHE
Deputy Attorney General

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General and that on this 8th day of January, 2015, I served a copy of the foregoing NOTICE OF REPRESENTATION OF RESPONDENTS, by placing said document in the U.S. Mail, postage prepaid, addressed to:

MICHAEL P. ANSELMO
NDOC #10999
Northern Nevada Correctional Center
Post Office Box 7000
Carson City, Nevada 89702



ORIGINAL

REC'D & FILED

2015 FEB 13 PM 3:36

SUSAN TERRIWETHER
CLERK

BY *[Signature]*
DEPUTY

ADAM PAUL LAXALT
Attorney General
DANIEL M. ROCHE
Deputy Attorney General
Nevada Bar No. 10732
100 North Carson Street
Carson City, Nevada 89701-4717
(775) 684-1273
DRoche@ag.nv.gov
Attorney for Respondent

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR CARSON CITY

MICHAEL P. ANSELMO,

Petitioner,

vs.

Case No. 14 EW 00029 1B

CONNIE BISBEE, Chairman;
SUSAN JACKSON, TONY CORDA,
ADAM ENDEL, Commissioners;
NEVADA BOARD OF PAROLE,

Respondents.

Dept. No. 1

MOTION TO DISMISS

Respondents, by and through counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, move to dismiss Michael P. Anselmo's (hereinafter "Anselmo") petition for a writ of habeas corpus. This motion is based on the following points and authorities, together with all other pleadings, papers, and exhibits attached hereto.

POINTS AND AUTHORITIES

I. STATEMENT OF THE CASE

On June 6, 1972,¹ Anselmo was convicted of first-degree murder in Washoe County case number 271359 and sentenced to life in prison without the possibility of parole. Exhibit 1. On January 3, 1977, he was convicted of escape in Clark County case number 35024 and sentenced to ten years in prison, consecutive to his sentence for murder. Exhibit 2. And on March 8, 1977, he was
///

¹ In this procedural history, respondents will refer to the date that the Judgments of Conviction were filed.

1 convicted of escape in Carson City case number 37373 and sentenced to ten more years, consecutive to
2 his prior two sentences. Exhibit 3.

3 On December 14, 2005, the State of Nevada's Board of Pardons commuted Anselmo's
4 sentences. Exhibit 4. His life sentence in case number 271359 was commuted to a sentence of
5 five years to life in the Nevada Department of Corrections. *Id.* His sentence for escape in case number
6 37373 was commuted to run concurrently with his life sentence. *Id.* His sentence for escape in case
7 number 35024 was not altered and remains pending. *See id.*

8 On February 13, 2006, the Nevada Board of Parole Commissioners (hereinafter "Parole Board")
9 voted unanimously to deny parole for three years. Exhibit 5.

10 On November 6, 2008, with no votes in favor of granting parole, the Parole Board denied
11 Anselmo parole for three more years. Exhibit 6.

12 On February 27, 2012, the Parole Board again unanimously voted to deny parole for three years.
13 Exhibit 8.

14 Finally, on November 17, 2014, the Parole Board voted 4-3 to deny parole for three more years.
15 Exhibit 9.

16 On December 30, 2014, Anselmo filed a petition for a writ of habeas corpus challenging the
17 Parole Board's most recent decision to deny parole. In his petition, Anselmo claims that the denial of
18 parole (1) amounts to cruel and unusual punishment, (2) violates due process, and (3) violates double
19 jeopardy. Petition at 4-6. Respondents now move to dismiss the petition.

20 II. ARGUMENT

21 In his petition, Anselmo does not challenge his underlying conviction or sentence. *See* Petition.
22 Rather, he challenges the Parole Board's decision to deny him parole. *Id.* Because Anselmo does not
23 challenge his judgment of conviction, sentence, or a related computation of time, his petition is outside
24 the scope of the post-conviction habeas corpus statutes. NRS 34.720.

25 As for the general habeas corpus statutes, *see* NRS 34.360-.680, those state that a writ of habeas
26 corpus issues only where there is "no legal cause" for the challenged "imprisonment or restraint, or for
27 the continuation thereof." NRS 34.360; NRS 34.480. Anselmo is lawfully confined pursuant to
28 multiple judgments of conviction, the validity of which he does not dispute. *See* Petition; Exhibits 1-4.

1 He fails to set forth a cognizable claim for habeas relief because parole is an act of grace of the State,
2 and there is no cause of action permitted when parole has been denied. See NRS 213.10705;
3 *Greenholtz v. Nebraska Penal Inmates*, 442 U.S. 1, 7 (1979); *State, ex rel. Bd. of Parole Comm'rs v.*
4 *Morrow*, ___ Nev. ___, ___, 255 P.3d 224, 227-28 (2011); *Niergarth v. Warden*, 105 Nev. 26, 28,
5 768 P.2d 882, 883 (1989); *Weakland v. Bd. of Parole Comm'rs*, 100 Nev. 218, 220, 687 P.2d 1158,
6 1160 (1984); *Severance v. Armstrong*, 96 Nev. 836, 620 P.2d 369 (1980).

7 Respondents assert that these cases preclude any constitutional challenges to the denial of parole
8 in Nevada. However, to the extent that these cases serve only to preclude Anselmo's due process
9 claims, respondents assert that his other two claims can nevertheless be dismissed as facially meritless.
10 Anselmo's double jeopardy claim is without merit because the denial of parole did not amount to
11 "resentenc[ing] petitioner to the death penalty." See Petition at 6. Likewise, denying parole from a life
12 sentence for first-degree murder does not amount to cruel and unusual punishment. "The Eighth
13 Amendment...forbids only extreme sentences that are 'grossly disproportionate' to the crime."
14 *Harmelin v. Michigan*, 501 U.S. 957, 1001 (1991) (Kennedy, J., concurring). Anselmo does not allege
15 that his sentence is "grossly disproportionate" to the crime of first-degree murder or otherwise
16 unconstitutional or invalid, see Petition at 4-5, and he has no constitutional right to be released before
17 the expiration of his sentence. See *Greenholtz*, 442 U.S. at 7.

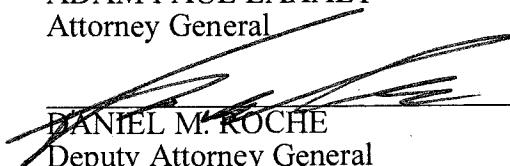
18 III. CONCLUSION

19 Anselmo fails to state a cognizable claim for habeas relief, and his claims are all facially
20 meritless. His petition should be dismissed.

21 RESPECTFULLY SUBMITTED this 13th day of February, 2015.

22 ADAM PAUL LAXALT
23 Attorney General

24 By:

25 
26 DANIEL M. ROCHE
27 Deputy Attorney General
28

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General and that on this 13th day of February, 2015, I served a copy of the foregoing MOTION TO DISMISS, by placing said document in the U.S. Mail, postage prepaid, addressed to:

MICHAEL P. ANSELMO
NDOC #10999
Northern Nevada Correctional Center
Post Office Box 7000
Carson City, Nevada 89702

Dorene A. Wright

INDEX OF EXHIBITS

EXHIBIT No.	EXHIBIT DESCRIPTION	NUMBER OF PAGES
1.	Judgment filed 06/06/72	1
2.	Judgment of Conviction filed 01/03/77	1
3.	Judgment of Conviction filed 03/08/77	1
4.	Order Commuting Sentence dated 12/14/05	1
5.	Order Denying Parole Release dated 02/13/06	2
6.	Order Denying Parole Release dated 11/06/08	3
7.	Order Taking No Action dated 11/17/11	1
8.	Order Denying Parole dated 02/27/12	2
9.	Order Denying Parole dated 11/17/14	2

110

1

FRIDAY, MAY 26, 1972 at 9:30 o'clock A. M.

PRESENT: HONORABLE JAMES J. GUINAN, DISTRICT JUDGE

H. K. BROWN, CLERK; R. J. GALLI, SHERIFF.

FILED

JUN 6 11:18 AM '72

H.K. BROWN, CLERK

STATE OF NEVADA, Plaintiff,)
vs.)
MICHAEL PHILIP ANSELMO)
Defendant)

No. 271359

FILED

Reported by Mildred Jenkins
JUN 8 11:18 AM '72

H. K. BROWN, CLERK

By [Signature] DEPUTY

No sufficient cause being shown by Defendant as to why judgment should not be pronounced against him, the Court rendered judgment as follows:

That MICHAEL PHILIP ANSELMO is guilty of the crime of
MURDER

and that he be punished by imprisonment in the Nevada State Prison for the term of
LIFE WITHOUT POSSIBILITY OF PAROLE

WHEREUPON a recess was taken until TUESDAY, MAY 30, 1972
at 9:30 o'clock A. M.

By [Signature] DISTRICT JUDGE
CHRY J. HOGGEL

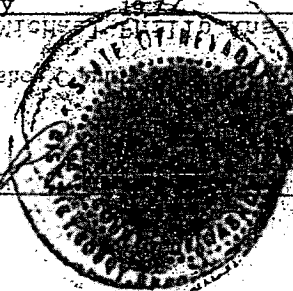
STATE OF NEVADA,)
County of Washoe) SS.
for the Clerk of the Court

I, H. K. BROWN, County Clerk and ex-officio Clerk of the Second Judicial District Court, of the State of Nevada, in and for the County of Washoe, do hereby certify the foregoing to be a true and correct copy of the Judgment of Imprisonment as entered in the minutes of said District Court in the above entitled action.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court, at Reno, Nevada, this 26th day of May, 1972

2016060404)
CORONA OF WASHOE)
SHERIFF'S OFFICE)

By [Signature], DEPUTY



9/2

180

2

26

1 CASE NO. 35024

2 DEPT. I

JAN 3 1 21 PM '77

Lageala
Chas

3 IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
4
5 IN AND FOR THE COUNTY OF CLARK.

6 THE STATE OF NEVADA,

7 Plaintiff,

8
9
10 MICHAEL P. ANSELMO

11 Defendant.

JUDGMENT OF CONVICTION

12
13 WHEREAS, on the 30th day of November, 1976, Defendant
14 MICHAEL P. ANSELMO, entered a plea of guilty to the
15 crime of ESCAPE

16 _____, NRS 212.090
17 the above entitled Court thereafter, on the 29th day of December,
18 1976, did adjudge the Defendant guilty by reason of his plea
19 of guilty and sentenced Defendant to serve a term of ten (10)
20 years in Nevada State Prison. Said sentence to run consecutive
21 to the sentences previously imposed.
22
23
24
25
26

27 THEREFORE, the Clerk of the above entitled Court is hereby
28 directed to enter this Judgment of Conviction as part of the
29 record in the above entitled matter.

30 DATED this 30 day of December, 1976, in the
31 City of Las Vegas, County of Clark, State of Nevada.

32 76-F-1939/dw
LVMPD DR#76-33687

J. Charles Thompson
DISTRICT JUDGE

AUG 5 2011

CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE

[Signature]
CLERK OF COURT

(8)

In The First Judicial District Court of the State of Nevada,
In and for Carson City

THE STATE OF NEVADA,

Plaintiff,

vs.

MICHAEL P. ANSELMO

Defendant.

No. 37373

FILED

1977 MAR -6 AM 9:40

VAUGHN L. SMITH
CLERK

J. Wickerson

JUDGMENT OF CONVICTION

The defendant above-named, having been brought before the Court on an Information charging him with the crime of

escape in violation of N. R. S. 212.090

and he having entered a plea of guilty thereto, (and the defendant thereafter having been tried, and the Jury having rendered a verdict of Guilty) (or, the Court having entered judgment of guilty)

The defendant offering no statement in mitigation, and no sufficient cause being shown by the defendant as to why judgment should not be pronounced against him, the Court entered judgment that the defendant was guilty of the crime of

escape, a felony

The Court then ordered that the defendant be punished by imprisonment in the Nevada State Prison for ~~the term of~~
a fixed term of ten (10) years in addition to and consecutive to any
other sentence he may now be serving.

The defendant was then ordered remanded to the custody of the Sheriff of Carson City, to be by him delivered into the custody of the proper officers in obedience to the aforesaid sentence.

DATED: March 7, 1977

Frank B. Gregory
DISTRICT JUDGE

RECEIVED of _____, Sheriff of Carson

City, State of Nevada, on this _____ day of _____, 19 _____, one

_____ to be committed to the Nevada State Prison for the term of

_____ for the crime of _____

CERTIFIED COPY

This document to which this certificate is attached is a full and correct copy of the original on file and of record in my office.

DATE 3/8/77
VAUGHN L. SMITH, City Clerk and Clerk
of the First Judicial District Court of the State
of Nevada, in and for Carson City.

BY *J. Wickerson*, Deputy

WARDEN OF NEVADA STATE PRISON

By _____



4



Order Commuting Sentence

Pursuant to the authority of the Nevada Constitution and the Nevada Revised Statutes Section 213.010 to Section 213.100, vested in the Nevada Board of Pardons, the following ORDER is issued:

APPLICANT Michael P. Anselmo NDOC #10999 on May 26, 1972 was sentenced by the Honorable James J. Guinan, District Judge of the 8th Judicial District Court, in and for the County of Clark, State of Nevada, to imprisonment in the Nevada Department of Corrections for the crime of 1st Degree Murder (case #271359) for a term of Life without the Possibility of Parole; on March 7, 1977, was sentenced by the Honorable Frank B. Gregory, District Judge in the 1st Judicial District Court, in and for the County of Carson, State of Nevada, to imprisonment in the Nevada Department of Corrections for the crime of Escape (case #37373) for a consecutive term of 10 years, and having applied to this Board for commutation of sentence;

IT IS HEREBY ORDERED, that effective this date, applicant's sentence of Life without the Possibility of Parole (case #271359) is commuted to a term of five years to life, and applicant's sentence of 10 years (case #37373) is commuted to run concurrent with case #271359. Applicant's sentence of 10 years for Escape (case #35024) remains consecutive to case #271359.

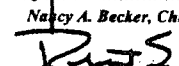
IN TESTIMONY WHEREOF, We have severally signed and caused these presents to be attested with the Great Seal of the State of Nevada. Done at Carson City, Nevada, this 14th day of December 2005 A.D.

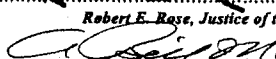


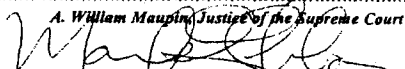
ATTEST 
Dean Heller, Secretary of State

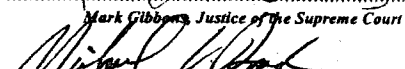

Kenny C. Guinn, Governor of Nevada

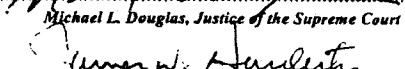

George Chanos, Attorney General

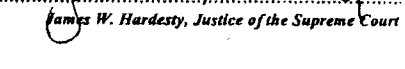

Nancy A. Becker, Chief Justice of the Supreme Court

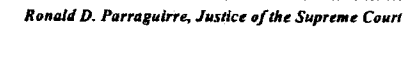

Robert E. Rose, Justice of the Supreme Court


A. William Maupin, Justice of the Supreme Court


Mark Gibbons, Justice of the Supreme Court


Michael L. Douglas, Justice of the Supreme Court


James W. Hardesty, Justice of the Supreme Court


Ronald D. Parraguirre, Justice of the Supreme Court



CERTIFIED COPY:

The document to which this certificate is attached is a full, true and correct copy of the document(s) on file and of record in my office.

BY: 
David M. Smith, Pardons Board Executive Secretary

DATE: MAR 29 2006

STATE OF NEVADA

WHITE - Board File
CANARY - Inmate

PINK - "P" File
GOLDENROD - P&P

cd#: 271359

CERTIFICATION OF
BOARD OF PAROLE COMMISSIONERS ACTION

02-13-2006
ORDER DENYING PAROLE RELEASE

ANSELMO, MICHAEL

INMATE NAME

10999

NDOP NUMBER

Northern Nevada Correctional Center

LOCATION OF HEARING

It is the order of the Board that further consideration of parole is DENIED until ---: 02-13-2009

The Board has determined that the crime severity level and/or parole success factors do not adequately reflect the true nature of your case. Therefore, the Board has departed from the guideline recommendation. The reason(s) for departure are as follows:

- 1 Nature and severity of the crime.
- 2 In the opinion of the Board, continued confinement is needed to protect the public from further criminal activity.

Cornie S. Bisbee

FOR THE NEVADA BOARD OF PAROLE COMMISSIONERS

Recommendation of panel present:

Commissioner C. Bisbee: DENY
Commissioner J Morrow: DENY

Commissioner T. Goodson: DENY

The final action was ratified by the following parole commissioners:

Chairman D. Salling: DENY
Commissioner C. Bisbee: DENY

Commissioner T. Goodson: DENY
Commissioner J Morrow: DENY

STATE OF NEVADA

WHITE - Board File
CANARY - Inmate

PINK - "I" File
GOLDENROD - P&P

Nevada Board of Parole Commissioners

Parole Success Likelihood Factors

<u>ANSELMO, MICHAEL</u>		<u>10999</u>		<u>Northern Nevada Correctional Center</u>		<u>02-13-2006</u>	
NAME		NDOP#		INSTITUTION		DATE	

Convictions/ Enhancements:	Misd. non-violent:	<input type="text" value="0"/>	X1	<input type="text" value="0"/>	Drug or Alcohol Conviction: <input type="text" value="0"/> <input type="text" value="0"/> 1 to 3 = 1 pt, 4 to 6 = 2 pts, 7+ = 3 pts.
	Misd. violent:	<input type="text" value="0"/>	X2	<input type="text" value="0"/>	
	Felony non-violent:	<input type="text" value="3"/>	X3	<input type="text" value="9"/>	
	Felony violent:	<input type="text" value="1"/>	X4	<input type="text" value="4"/>	
	Habitual:	<input type="text" value="0"/>	X6	<input type="text" value="0"/>	

Incarcerations:	Jail:	<input type="text" value="1"/>	X1	<input type="text" value="1"/>	Disciplinary Actions: Major: <input type="text" value="1"/> X2 <input type="text" value="2"/> Min/Gen: <input type="text" value="0"/> X1 <input type="text" value="0"/> (cap is +10 points)
	Prison:	<input type="text" value="1"/>	X2	<input type="text" value="2"/>	

Supervision Failures:	<input type="text" value="1"/>	X3	<input type="text" value="3"/>	SUB-TOTAL: <input type="text" value="33"/>
Supervision Successes:	<input type="text" value="0"/>	X-3	<input type="text" value="0"/>	

Drugs or Alcohol a Factor During I/O?:	<input type="text" value="N"/>	y = 2	<input type="text" value="0"/>	COURT ACTION: LIFE <input type="text" value="100%"/> <input type="text" value="33"/>
(y or n. Applies only if I/O is not a drug or alcohol offense).				

Weapons:	Possession:	<input type="text" value="N"/>	y = 2	<input type="text" value="0"/>	Disciplinary Credits (3 points max) <input type="text" value="1"/> <input type="text" value="-1"/>
	Threat/Display:	<input type="text" value="N"/>	y = 4	<input type="text" value="0"/>	
	Use:	<input type="text" value="Y"/>	y = 6	<input type="text" value="6"/>	

Victim Impact:	Property:	<input type="text" value="N"/>	y = 2	<input type="text" value="0"/>	Programming: GED, H-S diploma, college credits: <input type="text" value="3"/> X3 <input type="text" value="-9"/> Long term programs: <input type="text" value="3"/> X2 <input type="text" value="-6"/> Short term programs: <input type="text" value="3"/> X1 <input type="text" value="-3"/> (cap is -10 points) CAP -10 ONLY
	Physical/Mental:	<input type="text" value="N"/>	y = 4	<input type="text" value="0"/>	
	Sex crime or permanently disabled:	<input type="text" value="N"/>	y = 6	<input type="text" value="0"/>	
	Death:	<input type="text" value="Y"/>	y = 8	<input type="text" value="8"/>	

6 Months Employment or School:	<input type="text" value="Y"/>	N = 3	<input type="text" value="0"/>	Statistical Risk: MODERATE <input type="text" value="0"/>
--------------------------------	--------------------------------	-------	--------------------------------	---

CRIME SEVERITY LEVEL:	<input type="text" value="A4"/>	SCORE: <input type="text" value="24"/>
GRM: 108-132 MONTHS		

Prepared by: Commissioner Bisbee

02 03 2006 10:22 AM

CSB

STATE OF NEVADA

WHITE - Board File
CANARY - Inmate

PINK - "P" File
GOLDENROD - P&P

cd#: 271359 CT 1

CERTIFICATION OF
BOARD OF PAROLE COMMISSIONERS ACTION

11-06-2008

ORDER DENYING PAROLE RELEASE

ANSELMO, MICHAEL

INMATE NAME

10999

NDOP NUMBER

Northern Nevada Correctional Center

LOCATION OF HEARING

It is the order of the Board that further consideration of parole is DENIED until - - - : 02-13-2012


FOR THE NEVADA BOARD OF PAROLE COMMISSIONERS

Recommendation of panel present:

Commissioner C. Bisbee: DENY
Commissioner Jackson: DENY

Commissioner Baker: DENY

The final action was ratified by the following parole commissioners:

Commissioner C. Bisbee: DENY
Commissioner Jackson: DENY
Commissioner MX: GRANT DENY
Commissioner _____: GRANT DENY
Commissioner Baker: DENY
Commissioner _____: GRANT DENY
Commissioner _____: GRANT DENY

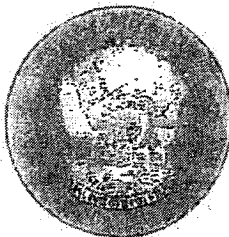
11 05 2008 10:43 AM OCM

CENTRAL OFFICE

1677 Old Hot Springs Road
Suite A
Carson City, Nevada 89706-0577
<http://parole.nv.gov>
(775) 687-5045
Fax (775) 687-3736

DORELL M. SALLING, Chairman
CONNIE S. REEBER, Member
THOMAS D. GOODSON, Member
MARY VIETH, Member

CHRIS MOLNAR, Executive Secretary

STATE OF NEVADA
JIM GIBBONS
GOVERNOR

LAS VEGAS OFFICE

4800 S. Eastern Avenue
Suite 180
Las Vegas, Nevada 89119-0540
<http://parole.nv.gov>
(702) 486-4870
Fax (702) 486-4876

DORELL M. SALLING, Chairman
EDDIE GRAY JR., Member
MICHAEL KEELER, Member
MAURICE SILVA, Member

NEVADA BOARD OF PAROLE COMMISSIONERS

Addendum to Order Denying Parole

Michael Angelmo 10999 NNCC 11-6-08
Name ID # Location Date

Pursuant to Nevada Law, the Parole Board is required to provide specific recommendations to improve the possibility of granting parole the next time you are considered for parole, if any.

The following recommendations do not create a liberty interest when you are considered for parole in the future. While the suggestions that are provided may improve the possibility of being granted parole in the future, they do not guarantee that you will be granted parole.

The specific recommendations pertaining to your case are indicated.

- ☐ 1. Do not engage in disciplinary misconduct during denial period.
- ☒ 2. Participate in programs that address the behaviors that led to your incarceration.
- ☒ 3. Participate in educational or vocational programs that will improve your marketability in the workplace upon released.
- ☒ 4. Participate in victim empathy programming.
- ☐ 5. Disassociate from involvement with a gang.
- ☐ 6. Other: _____
- ☐ 7. Other: _____

STATE OF NEVADA

WHITE - Board File CANARY - Inmate

PINK - "F" File
GOLDENROD - P&P

BOARD OF PAROLE COMMISSIONERS PAROLE RISK ASSESSMENT

ANSELMO, MICHAEL

NAME

10999

NDOP#

11-06-2008

DATE

Northern Nevada Correctional Center

INSTITUTION

Static Risk Factors

Age at First Arrest (juvenile or adult)
19 years or younger 2

Prior Probation/Parole Revocations
No Probation or Probation Revocations 0

Employment History
Employed < FT or FT < 1 year 1

Offense for Current or Prior Convictions
Auto Theft, Burglary, Forgery, Robbery 2

History of Drug/Alcohol Abuse
Frequent abuse, serious disruption of functioning 2

Gender
MALE 1

STATIC RISK SCORE 8

Crime Severity Level Highest

Dynamic Risk Factors

Current Age
41 and above -1

Active Gang Membership
No 0

Completed DOC certified educational, vocational or treatment program
Yes, or has GED/HS Diploma -1

Disciplinary Conduct - past year
No Majors or Single Minor -1

Current Custody Level
Medium 0

DYNAMIC RISK SCORE -3

TOTAL SCORE (static & dynamic) 5

Risk Level Moderate

Guideline Recommendation: Consider Factors

AGGRAVATING FACTORS - The Board determined the following aggravating factors are applicable in your case:

- 1 Impact on the victim(s) and/or community.
- 2
- 3

MITIGATING FACTORS - The Board determined the following mitigating factors are applicable in your case:

- 1
- 2 Participation in programs specific to addressing behavior that led to their incarceration.

STATE OF NEVADA
CERTIFICATION OF
BOARD OF PAROLE COMMISSIONERS ACTION
ORDER TAKING NO ACTION

ANSELMO, MICHAEL P	10999	010999	NNCC-U4-C-17-A	11/17/2011
Inmate Name	NDOC Number	Booking#	Location	Date

No Action was taken on the above referenced inmate at the parole hearing held on this date.

THIS ACTION APPLIES TO THE FOLLOWING SENTENCE(S):

*Controlling sentence denoted by *, Case #: Count: Offense Description:*

*271359;1;MURDER 1ST DEGREE

Reason(s) for action:

Reason for No Action: No action taken due to lack of information needed to make a recommendation.

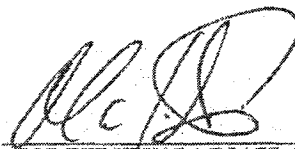
Recommendation of the panel who conducted the hearing: No Action

Commissioner Ed Gray, No Action

Commissioner Michael Keeler, No Action

Commissioner Maurice Silva, No Action

NOTE: A "No Action" order does not require ratification by a majority of the Board.



FOR THE NEVADA BOARD OF PAROLE COMMISSIONERS

This document was prepared by BRUBALCABA at 11/17/2011 9:29 AM

STATE OF NEVADA
CERTIFICATION OF
BOARD OF PAROLE COMMISSIONERS ACTION
ORDER DENYING PAROLE

ANSELMO, MICHAEL P	10999	010999	NNCC-U4-C-17-A	02/27/2012
Inmate Name	NDOC Number	Booking #	Location	Date

It is the Order of the Board that further consideration of parole is **denied** until 02/01/2015.

THIS ACTION APPLIES TO THE FOLLOWING SENTENCE(S):

*Controlling sentence denoted by *, Case #: Count: Offense Description:*

*271359,1;MURDER 1ST DEGREE

Reason(s) for action:

Denial Reason: Nature of criminal record is increasingly more serious.

Denial Reason: Impact on victim(s) and/or community.

Specific Recommendation: Do not engage in disciplinary misconduct during denial period.

Recommendation of the panel who conducted the hearing: Deny Parole

Commissioner Susan Jackson; Deny Parole

Commissioner Adam Endel; Deny Parole

Commissioner Tony Corda; Deny Parole

The final action was ratified by the following Members of the Board of Parole Commissioners:

Commissioner Adam Endel; Deny Parole

Commissioner Tony Corda; Deny Parole

Commissioner Susan Jackson; Deny Parole

Commissioner Ed Gray; Deny Parole


FOR THE NEVADA BOARD OF PAROLE COMMISSIONERS

This document was prepared by DFOLEY at 1/29/2012 1:30 PM

STATE OF NEVADA CERTIFICATION OF BOARD OF PAROLE COMMISSIONERS ACTION PAROLE RISK ASSESSMENT & GUIDELINE

ANSELMO, MICHAEL P	10999	010999	NNCC-U4-C-17-A	02/27/2012
INMATE NAME	NDOC#	BOOKING#	LOCATION	DATE

Parole Risk Assessment:

Questions	Responses / Scores
1. Age at 1st Arrest	19 years or younger (2): 2
2. Prior Revocations	(0) No Parole or Probation Revocations: 0
3. Employment History	(1) Employed less than full-time/full-time < one year: 1
4. Property Conviction	(2) Auto Theft, Burglary, Forgery, Robbery, Property Crime: 2
5. Drug/Alcohol Use/Abuse	(2) Frequent abuse, serious disruption of functioning: 2
6. Gender	(1) Male: 1
Static Risk Score	8
7. Current Age	(-1) 41 and Above: -1
8. Gang Membership	(0) No: 0
9. Programming	(-1) Completed an approved program or educational achievement during the current prison term: -1
10. Disciplinary Conduct	(-1) No Major Disciplinary Violations or Single Minor Violation: -1
11. Approved Custody Level	(0) Medium: 0
Dynamic Risk Score	-3
Total Score (Static+Dynamic)	5

Offense (used to determine crime severity for risk assessment)	Offense Category	Offense Severity
MURDER 1ST DEGREE	CAT A	Highest

Total Risk Score:	Guideline Risk	Guideline Recommendation
5	Mod Risk	Consider Factors

The Board determined the following Aggravating Factors are applicable in your case:

Impact on victim(s) and/or community: Death of victim

Commission of a crime while incarcerated, on bail, eluding, on escape status, or while under parole or probation supervision: Was on probation when convicted of I/O. Also, 2 escapes after conviction.

Nature of criminal record is increasingly more serious.

The Board determined the following Mitigating Factors are applicable in your case:

Infraction free for two years or more to hearing month and not in disciplinary segregation:

Community and or family support: Mother in Oregon

Pending CS sentence or detainer lodged by other jurisdiction: Aggravated escape

Participation in programs specific to addressing the behavior that led to their incarceration:

This document was prepared by DFOLEY at 2/29/2012 1:30 PM

**STATE OF NEVADA
CERTIFICATION OF
BOARD OF PAROLE COMMISSIONERS ACTION
ORDER DENYING PAROLE**

ANSELMO, MICHAEL P	10999	010999	NNCC-U10-B-3-Q	11/17/2014
Inmate Name	NDOC Number	Booking #	Location	Date

It is the Order of the Board that further consideration of parole is denied until 02/01/2018.

THIS ACTION APPLIES TO THE FOLLOWING SENTENCE(S):

Controlling sentence denoted by *, Case #: Count: Offense Description:
271359;1;MURDER 1ST DEGREE

Reason(s) for action:

Denial Reason: Nature of criminal record is increasingly more serious.

Denial Reason: Impact on victim(s) and/or community.

Specific Recommendation: Do not engage in disciplinary misconduct during denial period.

Recommendation of the panel who conducted the hearing: Grant Parole

Commissioner Ed Gray, Grant Parole

Commissioner Lucille Monterde, Grant Parole

Commissioner Michael Keeler, Grant Parole

The final action was ratified by the following Members of the Board of Parole Commissioners:

Commissioner Ed Gray, Grant Parole

Commissioner Michael Keeler, Grant Parole

Commissioner Lucille Monterde, Grant Parole

Commissioner Adam Endel, Deny Parole

Commissioner Susan Jackson, Deny Parole

Chairman Connie Bisbee, Deny Parole

Commissioner Tony Corda, Deny Parole

Connie S. Bisbee
FOR THE NEVADA BOARD OF PAROLE COMMISSIONERS

This document was prepared by DBARNARD at 12/2/2014 3:49 PM

STATE OF NEVADA CERTIFICATION OF BOARD OF PAROLE COMMISSIONERS ACTION PAROLE RISK ASSESSMENT & GUIDELINE

ANSELMO, MICHAEL P	10999	010999	NNCC-U10-B-3-Q	11/17/2014
INMATE NAME	NDOC#	BOOKING#	LOCATION	DATE

Parole Risk Assessment:

Questions	Responses / Scores
1. Age at 1st Arrest	19 years or younger (2): 2
2. Prior Revocations	(0) No Parole or Probation Revocations: 0
3. Employment History	(1) Employed less than full-time/full-time < one year: 1
4. Property Conviction	(2) Auto Theft, Burglary, Forgery, Robbery, Property Crime: 2
5. Drug/Alcohol Use/Abuse	(2) Frequent abuse, serious disruption of functioning: 2
6. Gender	(1) Male: 1
Static Risk Score	8
7. Current Age	(-1) 41 and above: -1
8. Gang Membership	(0) No or Suspect: 0
9. Programming	(-1) Yes (enter achievement name in comments): -1
10. Disciplinary Conduct	(-1) No disciplinaries: -1
11. Approved Custody Level	(0) Medium: 0
Dynamic Risk Score	-3
Total Score (Static+Dynamic)	5

Offense (used to determine crime severity for risk assessment)	Offense Category	Offense Severity
MURDER 1ST DEGREE	CAT A	Highest

Total Risk Score:	Guideline Risk	Guideline Recommendation
5	Low Risk	Consider Factors

The Board determined the following Aggravating Factors are applicable in your case:

Impact on victim(s) and/or community: 22 year old female died as result of being attacked

Commission of a crime while incarcerated, on bail, eluding, on escape status, or while under parole or probation supervision: Was on Probation when convicted of I/O. Received 2 escape convictions while incarcerated in prison.

Nature of criminal record is increasingly more serious: Previous offenses are property crimes

The Board determined the following Mitigating Factors are applicable in your case:

Infraction free for two years or more to hearing month and not in disciplinary segregation: No disciplinary since 1-21-07

Community and or family support: Received letter from family

Pending CS sentence or detainer lodged by other jurisdiction: Has pending sentence to serve for Escape

Participation in programs specific to addressing the behavior that led to their incarceration: Completed Animal Science 1989, HSD 1992, AA 1994, Culinary Arts Degree 1995, Anger Management 1996, BETA 1999, Certified in Bio Hazards

This document was prepared by DBARNARD at 12/2/2014 1:40 PM

Michael ANSELMO

PETITIONER

NDOC #10999

NORTHERN NEVADA CORRECTIONAL CENTER

P.O. Box 7000

CARSON CITY, NV 89701-7000

REC'D & FILED

2015 FEB 25 PM 4:04

SUSAN MERRIWETHER

CLERK
BY *[Signature]*
DEPUTY

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE

OF NEVADA IN AND FOR CARSON CITY

Michael P ANSELMO

PETITIONER

CASE NO 14EW 00029 1B

VS

DEPT NO 1

CONNIE BISBEE, CHAIRMAN

Susan Jackson, Tony Corda

Motion In Opposition to Dismiss

Adam EHDEL, COMMISSIONERS

Nevada Board of Parole

RESPONDENTS

Argument

For the state to claim Respondents have not violated the constitutional rights of petitioner is very close to insanity. It is so clear that the board is hateful, vindictive and prejudicial towards petitioner that any honest person would not create a false fight.

Every point filed by petitioner does have merit and should be heard.

SEC states exhibit 9. Anselmo was in fact granted parole by all three, Ed Gray, Lucille Montlake, Michael Keelke, sitting parole board commissioners after an extensive hearing.

But those sitting members were over ruled by people not present, people not involved in the hearing. In other words, their denial vote was decided even before the hearing.

The boards action throws out any reason for having sitting hearings and seeing inmates.

When the sitting commissioners voice has no meaning, the hearing has no meaning.

The whole reason for having a parole board was thrown out in Anselmo case.

The denial was not based on the hearing or the conduct of Anselmo. It was clearly based on hate and prejudice against petitioner.

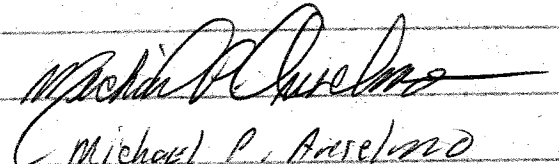
This whole case screams denial of due process, equal protection. This is a clear case of cruel and unusual punishment taken to the tenth degree.

The state claims the action did not change petitioner sentence. It keeps petitioner another 3 years behind bars. That in a very real way

is a sentence change.

To dismiss this case would be a
clear indication justice in Nevada is lost.

Respectfully submitted this 18 day of February 2015.


Michael P. Anselmo
Petitioner

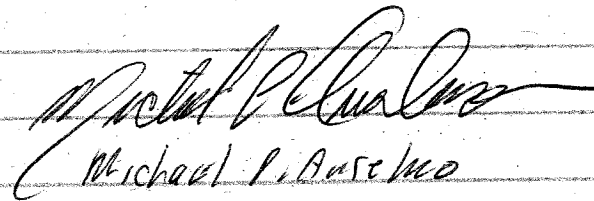
Certificate of Service by mail

I do certify that I mailed a true and
correct copy of the foregoing Motion in Opposition
to Dismiss addressed to the below addresses on February
18, 2015. by placing same into NDOC staff for
mailing pursuant to N.R.C.P. 5!

Nevada Attorney General

100 N. Carson

Carson City NV 89201-4717


Michael P. Anselmo
Petitioner

ORIGINAL

REC'D & FILED

2015 MAR -4 AM 11:09

SUSAN MERRIWETHER
CLERK

BY  DEPUTY

ADAM PAUL LAXALT
Attorney General
DANIEL M. ROCHE
Deputy Attorney General
Nevada Bar No. 10732
100 North Carson Street
Carson City, Nevada 89701-4717
(775) 684-1273
DRoche@ag.nv.gov
Attorney for Respondent

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY

MICHAEL P. ANSELMO,

Petitioner,

vs.

CONNIE BISBEE, Chairman;
SUSAN JACKSON, TONY CORDA,
ADAM ENDEL, Commissioners;
NEVADA BOARD OF PAROLE,

Respondents.

Case No. 14 EW 00029 1B

Dept. No. 1

REPLY TO OPPOSITION TO MOTION TO DISMISS

Respondents, by and through counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, hereby reply to Michael P. Anselmo's (hereinafter "Anselmo") opposition to their motion to dismiss his petition for a writ of habeas corpus. This reply is based on the following points and authorities, together with all other pleadings, papers, and exhibits on file herein.

POINTS AND AUTHORITIES

I. STATEMENT OF THE CASE

On December 30, 2014, Anselmo filed a petition for a writ of habeas corpus challenging a decision of the Nevada Board of Parole Commissioners to deny parole, claiming that the denial (1) amounts to cruel and unusual punishment, (2) violates due process, and (3) violates double jeopardy. Petition at 4-6. Respondents have moved dismiss the petition, and Anselmo has filed an opposition. This reply follows.

///

II. ARGUMENT

In his opposition, Anselmo contends that it defeats the purpose of conducting a parole hearing before a three-member panel of the Parole Board if the other four parole commissioners have the power to overrule the panel's decision. Petition at 2. He also claims that the full Parole Board's decision to overrule the panel decision was based on hate and prejudice. *Id.* Then, he claims that the entire process violated his constitutional rights. *Id.*

Anselmo's claim that the Parole Board hates him is unsupported by any evidence. Moreover, his opposition is entirely devoid of citation to a single case or statute in support of his claims. It is clear that Anselmo is angry about the fact that he was denied parole, but he wholly fails to demonstrate that his constitutional rights were violated.

A denial of parole simply does not give rise to a cognizable claim for habeas relief. *See* NRS 213.10705; *Greenholtz v. Nebraska Penal Inmates*, 442 U.S. 1, 7 (1979); *State, ex rel. Bd. of Parole Comm'rs v. Morrow*, ___ Nev. ___, ___, 255 P.3d 224, 227-28 (2011); *Niergarth v. Warden*, 105 Nev. 26, 28, 768 P.2d 882, 883 (1989); *Weakland v. Bd. of Parole Comm'rs*, 100 Nev. 218, 220, 687 P.2d 1158, 1160 (1984); *Severance v. Armstrong*, 96 Nev. 836, 620 P.2d 369 (1980). The petition should be denied.

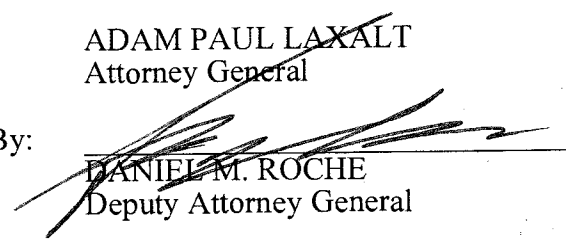
III. CONCLUSION

As explained in respondents' motion to dismiss, Anselmo's petition should be denied because he fails to state a cognizable claim for habeas relief and his claims are all facially meritless.

RESPECTFULLY SUBMITTED this 3rd day of March, 2015.

ADAM PAUL LAXALT
Attorney General

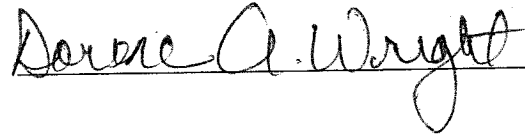
By:


DANIEL M. ROCHE
Deputy Attorney General

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General and that on this 4th day of March, 2015, I served a copy of the foregoing REPLY TO OPPOSITION TO MOTION TO DISMISS, by placing said document in the U.S. Mail, postage prepaid, addressed to:

MICHAEL P. ANSELMO
NDOC #10999
Northern Nevada Correctional Center
Post Office Box 7000
Carson City, Nevada 89702



ORIGINAL

REC'D & FILED

2015 MAR -4 AM 11:09

SUSAN MERRIWETHER
CLERK

BY  DEPUTY

ADAM PAUL LAXALT
Attorney General
DANIEL M. ROCHE
Deputy Attorney General
Nevada Bar No. 10732
100 North Carson Street
Carson City, Nevada 89701-4717
(775) 684-1273
DRoche@ag.nv.gov
Attorney for Respondent

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY

MICHAEL P. ANSELMO,

Petitioner,

vs.

CONNIE BISBEE, Chairman;
SUSAN JACKSON, TONY CORDA,
ADAM ENDEL, Commissioners;
NEVADA BOARD OF PAROLE,

Respondents.

Case No. 14 EW 00029 1B

Dept. No. 1

REQUEST FOR SUBMISSION

Respondents, by and through counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, respectfully request that the above-referenced matter be submitted to the Court for decision upon Respondents' motion to dismiss. This request is based upon the provisions of Rule 13(f) of the Rules of Practice of the District Courts of the State of Nevada. Accordingly, the instant matter may be submitted upon the pleadings and other documents on file in this matter

RESPECTFULLY SUBMITTED this 3rd day of March, 2015.

ADAM PAUL LAXALT
Attorney General

By:


DANIEL M. ROCHE
Deputy Attorney General

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General and that on this 4th day of March, 2015, I served a copy of the foregoing REQUEST FOR SUBMISSION, by placing said document in the U.S. Mail, postage prepaid, addressed to:

MICHAEL P. ANSELMO
NDOC #10999
Northern Nevada Correctional Center
Post Office Box 7000
Carson City, Nevada 89702


Dorene A. Wright

ORIGINAL

REC'D & FILED

2015 MAR -6 PM 5:33

SUSAN HERRIWETHER
CLERK

BY  DEPUTY

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY

MICHAEL P. ANSELMO,

Petitioner,

vs.

CONNIE BISBEE, Chairman;
SUSAN JACKSON, TONY CORDA,
ADAM ENDEL, Commissioners;
NEVADA BOARD OF PAROLE,

Respondents.

Case No. 14 EW 00029 1B

Dept. No. 1

ORDER DISMISSING PETITION

Petitioner Michael P. Anselmo's petition for writ of habeas corpus having been filed on December 30, 2014, and the Attorney General for the State of Nevada having filed a motion to dismiss the petition; now, therefore, the Court, having considered the petition, motion to dismiss, and all other documents on file herein, hereby dismisses the petition based on the following findings of fact and conclusions of law:

FINDINGS OF FACT and CONCLUSIONS OF LAW

Petitioner is in the custody of the Nevada Department of Corrections pursuant to judgments of conviction for first-degree murder and escape, the validity of which he does not dispute.

On December 14, 2005, the State of Nevada's Board of Pardons commuted Petitioner's sentence of life without parole for first-degree murder to a sentence of life with parole eligibility beginning after five years. Since that time, the Nevada State Board of Parole Commissioners ("Parole Board") has voted to deny him parole on four occasions. In his petition filed on December 30, 2014, Petitioner

1 claims that the most recent denial of parole violated his constitutional rights to due process and to be
2 free from cruel and unusual punishment and double jeopardy.

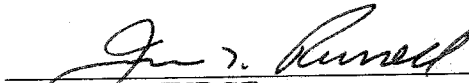
3 Petitioner does not challenge his underlying conviction or sentence or a related computation of
4 time, and therefore his petition is outside the scope of the post-conviction habeas corpus statutes.
5 NRS 34.720. Moreover, because he does not dispute the validity of the judgments for which he is
6 confined, he fails to allege that there is no legal cause for his imprisonment or restraint. See
7 NRS 34.360; NRS 34.480. Petitioner fails to set forth a cognizable claim for habeas relief because
8 parole is an act of grace of the State, and there is no cause of action permitted when parole has been
9 denied. See NRS 213.10705; *Greenholtz v. Nebraska Penal Inmates*, 442 U.S. 1, 7 (1979); *State,*
10 *ex rel. Bd. of Parole Comm'rs v. Morrow*, ___ Nev. ___, ___, 255 P.3d 224, 227-28 (2011);
11 *Niergarth v. Warden*, 105 Nev. 26, 28, 768 P.2d 882, 883 (1989); *Weakland v. Bd. of Parole Comm'rs*,
12 100 Nev. 218, 220, 687 P.2d 1158, 1160 (1984); *Severance v. Armstrong*, 96 Nev. 836, 620 P.2d 369
13 (1980).

14 To the extent that any of Petitioner's claims are cognizable in a petition for a writ of habeas
15 corpus, the Court finds that they are patently without merit.

16 **ORDER**

17 THEREFORE, IT IS HEREBY ORDERED that Michael P. Anselmo's petition for a writ of
18 habeas corpus is DISMISSED.

19 ORDERED this 6th day of March, 2015.

20
21 
22 DISTRICT JUDGE

23 SUBMITTED BY:

24 ADAM PAUL LAXALT
25 Attorney General
26 DANIEL M. ROCHE
27 Deputy Attorney General
28 100 North Carson Street
Carson City, Nevada 89701-4717
(775) 684-1273
DRoche@ag.nv.gov

REC'D & FILED

2015 MAR -9 PM 1:06

SUSAN MERRIWETHER
CLERK

BY *[Signature]* Deputy

In The First Judicial District Court of the State of Nevada
In and for Carson City

MICHAEL P. ANSELMO,
Plaintiff

vs

CONNIE BISBEE, CHAIRMAN; SUSAN
JACKSON, TONY CORDA, ADAM ENDEL,
COMMISSIONERS; NEVADA BOARD OF
PAROLE,

Defendant.

) Case No.: 14 EW 00029 1B

) Dept. No.: I

) **NOTICE OF ENTRY OF DECISION OR**
) **ORDER**

PLEASE TAKE NOTICE that on the 6th day of March, 2015, the Court entered a decision or order in this matter, a true and correct copy of which is attached to this Notice.

You may appeal to the Supreme Court from the decision or order of this Court. If you wish to appeal, you must file a Notice of Appeal with the Clerk of this Court within 33 days after the date this Notice is mailed to you. This Notice was mailed on the 9th day of March, 2015.

DATED this 9th day of March, 2015.

SUSAN MERRIWETHER, Clerk

By *[Signature]* Deputy

cc: Michael P. Anselmo
Connie Bisbee
Susan Jackson
Tony Corda
Adam Endel
Adam Paul Laxalt, Attorney General
Christopher Hicks, District Attorney

ORIGINAL

REC'D & FILED

2015 MAR -6 PM 5:33

SUSAN HERRIWETHER
CLERK

BY  DEPUTY

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY

MICHAEL P. ANSELMO,

Petitioner,

vs.

CONNIE BISBEE, Chairman;
SUSAN JACKSON, TONY CORDA,
ADAM ENDEL, Commissioners;
NEVADA BOARD OF PAROLE,

Respondents.

Case No. 14 EW 00029 1B

Dept. No. 1

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1 claims that the most recent denial of parole violated his constitutional rights to due process and to be
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3 Petitioner does not challenge his underlying conviction or sentence or a related computation of
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5 NRS 34.720. Moreover, because he does not dispute the validity of the judgments for which he is
6 confined, he fails to allege that there is no legal cause for his imprisonment or restraint. *See*
7 NRS 34.360; NRS 34.480. Petitioner fails to set forth a cognizable claim for habeas relief because
8 parole is an act of grace of the State, and there is no cause of action permitted when parole has been
9 denied. *See* NRS 213.10705; *Greenholtz v. Nebraska Penal Inmates*, 442 U.S. 1, 7 (1979); *State,*
10 *ex rel. Bd. of Parole Comm'rs v. Morrow*, ___ Nev. ___, ___, 255 P.3d 224, 227-28 (2011);
11 *Niergarth v. Warden*, 105 Nev. 26, 28, 768 P.2d 882, 883 (1989); *Weakland v. Bd. of Parole Comm'rs*,
12 100 Nev. 218, 220, 687 P.2d 1158, 1160 (1984); *Severance v. Armstrong*, 96 Nev. 836, 620 P.2d 369
13 (1980).

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15 corpus, the Court finds that they are patently without merit.

16 ORDER

17 THEREFORE, IT IS HEREBY ORDERED that Michael P. Anselmo's petition for a writ of
18 habeas corpus is DISMISSED.

19 ORDERED this 6th day of March, 2015.

20 
21 DISTRICT JUDGE

22
23 SUBMITTED BY:

24 ADAM PAUL LAXALT
25 Attorney General
26 DANIEL M. ROCHE
27 Deputy Attorney General
28 100 North Carson Street
Carson City, Nevada 89701-4717
(775) 684-1273
DRoche@ag.nv.gov

REC'D & FILED

2015 MAR 16 PM 2:09

SUSAN MERRIWETHER
CLERK

BY 3 DEPUTY

Michael P. Anselmo

Petitioner

NDOC # 10999

Northern Nevada Correctional Center

P.O. Box 7000

Carson City, NV 89701-7000

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE
OF NEVADA IN AND FOR CARSON CITY

Michael P. Anselmo

Petitioner

vs

Connie Bisbee chairman

Susan Jackson, Tony

Corda, Adam Endel,

Commissioners, Nevada

Board of Parole,

Respondents

CASE NO: 14 EW 00029 1B

Dept No: 1

REPLY

REPLY TO OPPOSITION TO MOTION

TO DISMISS

Petitioner, in proper person comes before this
honorable court with these facts.

The state claims petitioner has no right
to parole. This is true. However, the petitioner
does have a right to a fair hearing that is just
equal and does not violate the U.S. Constitution
and Nevada Constitution

The state also claims because I did not include case law to support claim, my claims should be dismissed.

It is true no case law was include in my reply as in this one. But it is impossible to obtain case law without the ability to do the research in a law library. NACC has a mode access law library. The clerks only provide copies of requested cases. without out the ability to research, I cannot provide the cases I need to be delivered.

Let us look openly honestly at the facts.

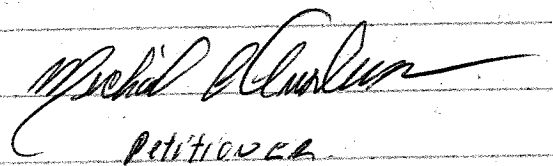
- 1) In 2005 the Nevada Board of pardons granted clemency after a review of the case. It did review criminal record, victim impact, and community impact. All were found to have no merit so clemency was granted.
- 2) In 2006 Nevada Board of parole denied parole for 3 years based on criminal record, victim, community impact. Petitioner had served 34 years.
- 3) In 2009 Nevada Board of parole saw petitioner and again denied petitioner for same reason. No NACC violation occurred during this 3 year period. 37 years served.
- 4) In 2012 again, same as 2009. 40 years served.
- 5) In 2014 again seen. This time parole was GRANTED BY THE 3 sitting commissioners that talked to and questioned petitioner.

However, the 4 members who did not see, did not talk to, did not question petitioner over rode the sitting member and denied parole for 3 years, again for the reason the pardons board granted clemency for, the same reason that can never change. What these four members did was void the whole purpose of having a sitting board. Since they never saw me, their reasoning can only be based on hate, prejudice, and vindictiveness. Their action disallowed me a fair and just hearing.

These are the facts!!

What has happened to petitioner is a first in the state of Nevada. There is zero justification for it.

Respectfully submitted. this 11th day of
March 2015


Petitioner

Certificate of Service by mail

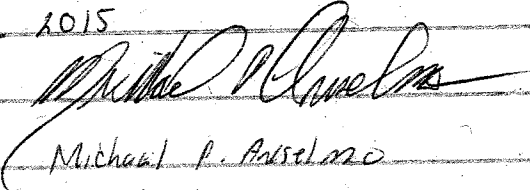
I do certify that I mailed a true and correct copy of the attached motion to the below addressee on March 11, 2015 by placing said motion into NDOC staff operated (mailbox) for mailing pursuant to N.R.C.P. 5.

Nevada Attorney General

100 N. Carson St

Carson City, NV 89702-4717

Noted this 11 day of March, 2015


Michael P. Anselmo
Petitioner

Case No: 142W0001913

Dept No: 1

REC'D & FILED

2015 MAR 18 PM 3:12

SUSAN HERRIWOETHER
CLERK

BY [Signature]
DEPUTY

IN THE First JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF Carson City

Michael P. Anselmo
~~The State of Nevada~~

Plaintiff

-vs-

CONNIE Biscoe Chairwoman
SUSAN JACKSON, Tony Costa
Adam Knidel COMMISSIONERS,
Public Account Defendant

DESIGNATION OF RECORD
On APPEAL

COMES NOW, Michael P. Anselmo ^{Plaintiff} Defendant in proper persona, and
herein designates the record on appeal to be certified by the Clerk of the Court and transcribed to the
Clerk of the Nevada Supreme Court.

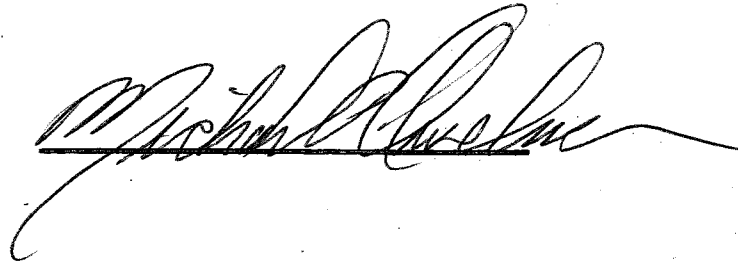
All Motions, Pleading, and Transcripts.

Dated this 12 day of March, 2015.

[Signature]
Defendant Signature
Plaintiff
Michael P. Anselmo
(Print Name) In Proper Persona

CERTIFICATE OF SERVICE BY MAIL

Pursuant to N.R.C.P. Rule 5 (b), I hereby certify that I am the petitioner\Defendant named herein and that on this 12 day of March - 2015 I deposited in the United States Mails in Carson City, Nevada a true a correct copy of the foregoing addressed to:

A handwritten signature in cursive script, appearing to read "Michael D. Chelmer", is written over a horizontal line.

PURSUANT TO N.R.S. 208.165, I understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury. I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF NEVADA THAT THE FOREGOING IS TRUE AND CORRECT. See N.R.S. 208.165.

Signed at NHCC
(Location)

3-12-75
(Date)


(Signature)

10999
(Inmate number)

REC'D & FILED

2015 MAR 19 PM 4:40

SUSAN MERRIWETHER
CLERK

BY: [Signature]
DEPUTY

In The First Judicial District Court of the State of Nevada
In and for Carson City

MICHAEL P. ANSELMO,

Petitioner(s),

vs.

CONNIE BISBEE, CHAIRMAN; SUSAN
JACKSON, TONY CORDA, ADAM ENDEL,
COMMISSIONERS; NEVADA BOARD OF
PAROLE,

Respondent(s).

) Case No.: 14 EW 00029 1B

) Dept. No.: I

) **CASE APPEAL STATEMENT**

1. Name of appellant filing this case appeal statement:
- MICHAEL P. ANSELMO
2. Identify the judge issuing the decision, judgment, or order appealed from:
- HONORABLE JAMES T. RUSSELL
3. Identify each appellant and the name and address of counsel for each appellant:
- MICHAEL P. ANSELMO #10999
P.O. BOX 7000
CARSON CITY, NV 89702-7000
4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):
- ADAM PAUL LAXALT
ATTORNEY GENERAL
DANIEL M. ROCHE
DEPUTY ATTORNEY GENERAL

100 NORTH CARSON STREET
CARSON CITY, NV 89701-4717

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):

- NOT APPLICABLE

6. Indicate whether appellant was represented by appointed or retained counsel in the district court:

- APPELLANT WAS IN PROPER PERSON IN DISTRICT COURT

7. Indicate whether appellant is represented by appointed or retained counsel on appeal:

- APPELLANT IS IN PROPER PERSON ON APPEAL

8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:

- APPELLANT WAS GRANTED LEAVE TO PROCEED IN FORMA PAUPERIS ON JANUARY 5, 2015

9. Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed):

- WRIT OF HABEAS CORPUS; FILED DECEMBER 30, 2014

10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:

- HABEAS CORPUS; ORDER DISMISSING PETITION

11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding:

- NOT APPLICABLE

12. Indicate whether this appeal involves child custody or visitation:

1 - NOT APPLICABLE

2 13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:

3 - NOT APPLICABLE.

4 Dated this 19th day of March, 2015.

5 SUSAN MERRIWETHER, Carson City Clerk
6 885 E. Musser St., #3031
7 Carson City, NV 89701

8 By M. Muldrow, Deputy
9

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL P. ANSELMO,
Appellant,

vs.

CONNIE BISBEE, CHAIRMAN; SUSAN JACKSON; TONY CORDA; ADAM ENDEL, COMMISSIONERS; AND THE STATE OF NEVADA BOARD OF PAROLE,

Respondents.

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SUSAN MERENDI 67619
BY *[Signature]* CLERK

BY *[Signature]* CLERK
FILED
DEPT.

MAR 26 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY [Signature]
DEPUTY CLERK

ORDER DIRECTING TRANSMISSION OF RECORD

This court has concluded that its review of the complete record is warranted. *See* NRAP 10(a)(1). Accordingly, the clerk of the district court shall have 60 days from the date of this order to transmit to the clerk of this court a certified copy of the complete trial court record of this appeal. *See* NRAP 11(a)(2). The record shall include copies of documentary exhibits submitted in the district court proceedings, but shall not include any physical, non-documentary exhibits or the original documentary exhibits. The record shall also include any presentence investigation reports submitted in a sealed envelope identifying the contents and marked confidential. *See* NRS 176.156(5).

It is so ORDERED.

1. Verdict, C.J.

cc: Michael P. Anselmo
Attorney General/Carson City
Carson City Clerk ✓

15-09277

STATE OF NEVADA,

CARSON CITY.

} SS.

I, SUSAN MERRIWETHER, Carson City Clerk of Carson City, State of Nevada, and ex-officio Clerk of the District Court, in and for Carson City, do hereby certify that the foregoing is a full, true and correct copy of the original documents designated in the action entitled and numbered 14 EW 00029 1B:

MICHAEL P. ANSELMO,

Plaintiff,

vs.

CONNIE BISBEE, CHAIRMAN ET AL,

Defendant.

which now remains on file and of record in my office in said Carson City.

In testimony whereof, I have hereunto set my hand and
Affixed my official seal, at Carson City, in said State, this

26 day of May, 20 15

Susan Meriwether, Clerk