IN THE SUPREME COURT OF THE STATE OF NEVADA

STATE OF NEVADA, BOARD OF PAROLE COMMISSIONERS

Petitioner,

VS.

THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF WASHOE; AND THE HONORABLE CONNIE STEINHEIMER, DISTRICT JUDGE,

Respondents,

and

MARLIN THOMPSON,

Real Party in Interest.

Supreme Court Case No.

District Court Case Act renisally Filed
Jun 07 2018 09:52 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

APPENDIX TO PETITION FOR WRIT OF MANDAMUS

ADAM PAUL LAXALT Attorney General KATHLEEN BRADY Deputy Attorney General 555 Wright Way Carson City, Nevada 89711 (775) 684-4605

Attorneys for Petitioner

DATE	DOCUMENT DESCRIPTION	BATES NOS.
	1987 Legislative History re: AB 560	APP 0124-0142
4/30/18	Case Appeal Statement (filed by Parole Board)	APP 0118-0122
4/25/18	Case Appeal Statement (for Thompson appeal)	APP 0106-0107
5/11/18	Minutes of March 7, 2018 Hearing	APP 0123
12/4/17	Minutes of November 30, 2017 Hearing	APP 0078
4/30/18	Notice of Appeal (filed by Parole Board)	APP 0108-0117
4/25/18	Notice of Appeal (filed by Thompson)	APP 0100-0105
3/26/18	Notice of Entry of Order	APP 0095-0099
9/19/17	Opposition to Petition for Modification of Sentence	APP 0069-0072
3/23/18	Order Denying Petition	APP 0092-0094
	Order Granting Petition to Modify Sentence	APP 0145-0148
	(Lyons) - 3/19/18	
	Order Modifying Sentence (McGordon) – 4/18/18	APP 0149-0150
	Order Modifying Sentence (Schuck) – 7/19/17	APP 0143-0144
9/11/17	Petition for Modification of Sentence	APP 0001-0068
11/2/17	Reply in Support of Petition for Modification of	APP 0073-0077
	Sentence	
	Second Judicial District Court Docket Sheet –	APP 0151-0154
	5/30/18	
1/26/18	State's Response to Supplemental Briefing in	APP 0089-0091
1 /0 /1 0	Support of Petition for Modification of Sentence	L D D 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0
1/2/18	Supplemental Briefing in Support of Petition for	APP 0079-0088
	Modification of Sentence	

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing PETITION FOR WRIT OF MANDAMUS with the Clerk of the Court for the Nevada Supreme Court by using the appellate CM/ECF system on June 7, 2018.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

I further certify that a courtesy copy was emailed to counsel for Respondents and Real Party in Interest simultaneously with the filing of the foregoing.

Terrence McCarthy, Esq. Deputy District Attorney P.O. Box 11130 Reno NV 89520-0027

Marlin Thompson 194 Wye Street Yerington NV 89447

A copy was also provided to the following:

Hon. Connie Steinheimer Second Judicial District Court Dept. 4 75 Court Street Reno, NV 89501

/s/ Barbara D. Cozens
An employee of the Office of
The Attorney General

FILED Electronically
C78-1052
2017-09-11 03:54 42 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 6293238 : mcholico

1 State of Nevada **Board of Parole Commissioners** 2 1677 Old Hot Springs Rd. Ste. A Carson City, NV 89706 3 Phone: (775) 687-5049 4 5 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA 6 7 IN AND FOR THE COUNTY OF WASHOE 8 STATE OF NEVADA Case No. 78-1052 9 Petitioner Dept. No. IV 10 vs. 11 MARLIN THOMPSON 12 Defendant 13 14 15 PETITION FOR MODIFICATION OF SENTENCE 16 COMES NOW, the State of Nevada, Board of Parole Commissioners ("Parole Board") 17 by and through its Executive Secretary Darla Foley, and hereby petitions this Court pursuant to 18 NRS 176.033(2) to modify the sentence of Marlin Thompson (Defendant) as follows: 19 1. Defendant was convicted of First Degree Murder and Attempted First Degree 20 Murder by jury verdict on December 8, 1978, and was sentenced by this Court on January 17, 1979 to a term of fifteen years for the crime of Attempted First Degree Murder, to run 21 22 consecutive with a term of life with the possibility of parole for the crime of First Degree 23 Murder. 111 24 25 111 Marlin Thompson - 1

25 | ///

 Defendant was granted parole on the life sentence for First Degree Murder on January 29, 1990. He was granted parole on the fifteen-year sentence for Attempted First Degree Murder on June 26, 1992, and was released from prison to the community on parole on July 21, 1992.

3. NRS 176.033(2) provides that the Board may petition the Court of original jurisdiction requesting a modification of sentence. Pursuant to NRS 176.033(2):

At any time after a prisoner has been released on parole and has served one-half of the period of his parole, or 10 consecutive years on parole in the case of a prisoner sentenced to life imprisonment, the state board of parole commissioners, upon the recommendation of the division, may petition the court of original jurisdiction requesting a modification of sentence. The board shall give notice of the petition and hearing thereon to the attorney general or district attorney who had jurisdiction in the original proceedings. Upon hearing the recommendation of the state board of parole commissioners and good cause appearing, the court may modify the original sentence by reducing the maximum term of imprisonment but shall not make the term less than the minimum term prescribed by the applicable penal statute.

- 4. Defendant discharged the 15 year sentence for the crime of Attempted First Degree Murder; has served more than the minimum term prescribed by the applicable penal statute for the crime of First Degree Murder; and has served more than 10 consecutive years on parole for the crime of First Degree Murder.
- 5. Defendant applied to the Parole Board for a modification of sentence pursuant to subsection 2 of NRS 176.033. The application for modification of sentence and supporting documents submitted by the defendant to the Parole Board are hereto attached as Exhibit 1. The Parole Board requested that the Division of Parole and Probation ("Division") provide a status update concerning Defendant and a recommendation regarding Defendant's request for a modification of sentence.

- 6. The status report provided by the Division indicates that Defendant has been compliant with no violations since his release from the Nevada Department of Corrections ("NDOC") and has completed all the conditions of parole including reporting monthly and maintaining steady employment. The Division's July 20, 2016 status report is hereto attached as Exhibit 2.
- 7. While the Division's status report indicates only positive aspects of Defendant's conduct on parole supervision over the past 24 years, the Chief Parole and Probation Officer recommended that Defendant's application be denied. See Exhibit 3 attached hereto, Recommendation of the Chief Parole and Probation Officer.
- The Board held a public meeting on March 7, 2017 to consider Defendant's application. A copy of the video recording of the hearing is attached hereto as Exhibit 4 16:21:39 to 16:46:45.
- 9. The Board received testimony from the Defendant regarding the offense and the Defendant's conduct and accomplishments while on parole, testimony in support of the petition from Dr. Darrell Killebrew who is the Defendant's brother-in-law, and Delores Killebrew who is the Defendant's sister. See Exhibit 4 at 16:38:05 to 16:40:50.
- The Board received testimony in opposition to the petition from Washoe County
 Chief Deputy District Attorney Kristin Erickson, See Exhibit 4 at 16:40:50 to 16:41:55.
- 11. The Board publicly deliberated and discussed the merit of the application. Commissioner Keeler noted that since Defendant's release on parole in 1992, he has not only bettered himself, but has significantly contributed to his tribe and the community at large with his speaking engagements at universities and other places. Commissioner Keeler stated that Defendant has made a significant effort in his rehabilitation and is deserving of the opportunity

¹ The Board is not constrained by the Division's recommendation when determining whether to recommend a modification of sentence to this Court because a plain reading of NRS 176.033(2) does not require the Division's recommendation to be favorable.

for the Court to consider the application. Commissioner Keeler's comments were concurred by Commissioners Gray and Monterde. See Exhibit 4 at 16:41:55 to 16:45:05.

- 12. Commissioner Jackson commented that the Chief Parole and Probation Officer recommended against the petition but did not provide any reason for the negative recommendation. Commissioner Jackson also pointed out that the report prepared by the Division in response to Defendant's application for modification of sentence was an outstanding report and appeared to be supportive. See Exhibit 4 at 16:45:06.
- 13. Based upon the report from the Division regarding Defendant's positive conduct since release on parole in 1992 and the testimony of Defendant and Defendant's supporters; and, after careful consideration of the recommendation against the application from the Washoe County District Attorney's office and the lack of any reason for the negative recommendation from the Chief Parole and Probation Officer, the Board voted 6-1 to petition the Court of original jurisdiction and to recommend modification of Defendant's, MARLIN THOMPSON's, life sentence to time served. See Exhibit 4 at 16:46:00.

DATED this 6th day of September, 2017.

BOARD OF PAROLE COMMISSIONERS

Donie 5. Biolice
Connie S. Bisbee, Chairman

Marlin Thompson - 4

CERTIFICATE OF SERVICE I certify that I am an employee of the Office of the Board of Parole Commissioners, State of Nevada, and that on September 6, 2017, I deposited a copy of the foregoing document for mailing in the United States Mail, first-class postage prepaid, at Carson City, Nevada to the following: Washoe County District Attorney 1001 E Ninth Street Reno, NV 89512 Marlin Thompson 194 Wyc \$t Yerington, NV 89447

Marlin Thompson - 6

FILED
Electronically
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2017-09-11 03:54:42 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 6293238 : mcholico

EXHIBIT 1

Application for modification of sentence and supporting documents submitted by the defendant to the Parole Board on June 26, 2017.

EXHIBIT 1

STATE OF NEVADA BOARD OF PAROLE COMMISSIONERS

Application for Modification of Sentence - Page 1 of 2 NRS 176.033 (2)

This application is designed for parolees currently being supervised by the Division of Parole and Probation for a sentence imposed by a Nevada Court.

Applications that are not complete may be rejected.

CONTACT INFORMATION		
Applicant Name: MARLIN THOMPSON NDOC#: 14880		
Home Phone#: ハゥルミ Work Phone#: (ファラ) 463・4376Cell#:(ア	75)722	955
Present Address: 194 WYE ST. YERINGTON, NV 894	47	
SECTION 1 Please indicate your answer by checking the YES or NO box after each question	YES	NO
Are you currently being supervised by Nevada Division of Parole and Probation?	X	
Have you ever applied for a modification of parole? If YES, please indicate the date: <u> ドsね ス 8, 2 0//</u>	*	
Are you being supervised for a determinate term (you have an expiration date)? If you answered YES, go to Section 2. If you answered NO, go to the next question.		X
Are you serving a Life sentence? If you answered yes, go to Section 3.	X	
SECTION 2	YES	NO
Please indicate the date you were granted parole to the street:		
Has your parole, for the current sentence you are serving, ever been revoked? If yes, please indicate the date:		
Have you served one-half of the period of your parole from the date you were paroled to the date you will expire? After completing this question continue to Section 4.		
SECTION 3	YES	NO
Please indicate the date you were granted parole to the street: <u>Rug. 1991</u>		
Has your parole, for the current sentence you are serving, ever been revoked? If yes, please indicate the date:		X
Have you served at least 10 consecutive years on parole? If NO, please indicate the number of consecutive years served:	*	
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	JUN	27 20
	STATE	OF NEV
	FMRUL	-EBN∆

Application for Modification of Sentence - Page 2 of 2

SECTION 4

List the sentence that you wish to be modified.

Conviction: $J_s \neq D_{Egree}$ $M_{ur} \neq er$ Judicial District Court (i.e., 8^{th} JD, 2^{nd} JD etc): $C - 78 \cdot 1052$ Sentence Date: J - 16 - 79Term of Sentence: Min: Io_{VERS} Max: Ie^{-1}

When I

EXPIRE.

SECTION 5

Please list any prior felony convictions in this or any other state or jurisdiction.

HAWTHORNE, NV. - ASSOULT

RENO, NV. - RECEIVING STOLEN Property

What is your projected sentence expiration date?

Please indicate why your request should be considered by the Parole Board (you may use an additional sheet of paper if necessary).

Howarable Parole Board:

I have been paroled for over 25 years on my sentence. I have complied with all stipulations of my parole, Been a productive citizen of the state, have held my current job as Director of a USDA Food Program, serving Nevada and parts of California. I have never been pulled over for any type of teaffic violations, Not once been care with paperwork or payment of FEES.

Current positions held:

Director of USDA Food Program

Chairman of YPT Enrollment Committee

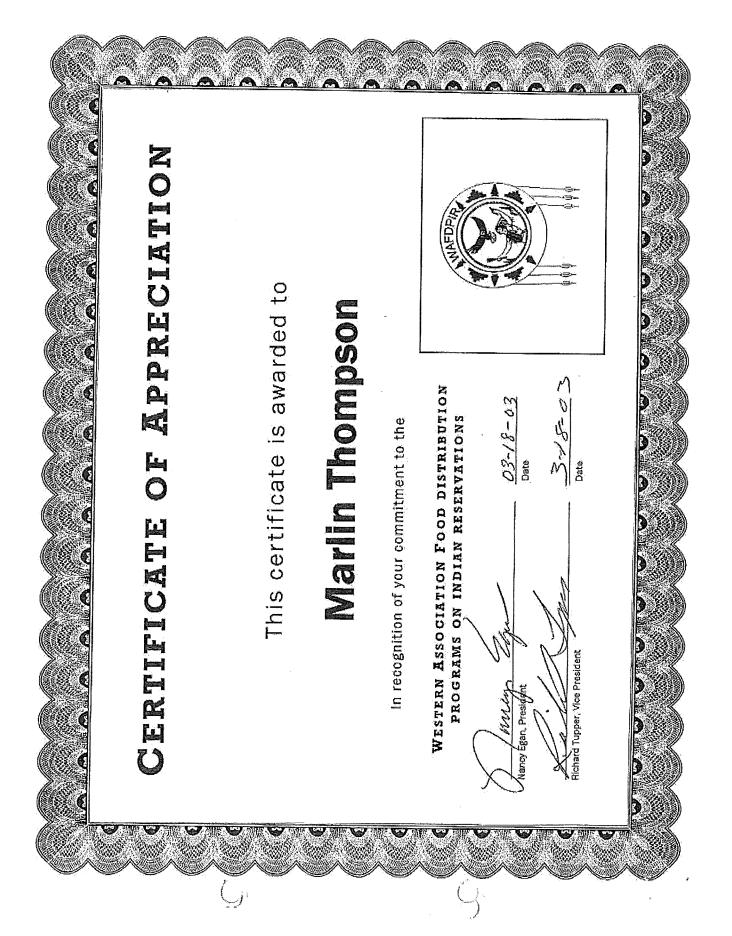
NAGPRA Representative of Y.AT.

Past Housing Commissioner

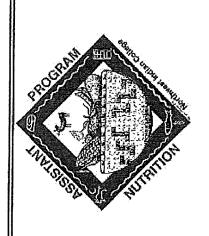
Painte Singer, Storyteller, Artist, Language and Cultural
Consultant

Bum And Forestry Consultant.

<u>, </u>	MARLIN Thompson +14080
Mild of Land of State	My current menical condition sequires me
ŷ.	to take up to 12 pills a day, some 2.
ti ti	I DAVE DEEN Singnosed with a fairing
	LIVER due to circhosis, also hepatitis.c
	along with beginning diabetis. Some
	pills are costing up to : 39,0000 A
	month and if the cost is not covered by
	INSURANCE of the Indian Health Service
	I will be forced to do without them. Due to fatigue and other medical problems,
	My health is failing
The state of the s	first of committee and the state of the stat
	I believe I have expressed remorse
<u>.</u>	for my actions in the past and my youth.
emograph of the Charles agrees	I have complied with all stipulations of
	my parole for the past 25 years I would
Section 4 may 10 miles of the section of the sectio	like to live out the remainder of my
THE CANADA AND A ST. CONTRACTOR	lite here on the reservation in Yerington
	All of my relatives except for 3 brothers, 2 sisters,
	are deceased, all former friends are deceased
	The moved Away.
	Zam as King the Parole Board to
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Paiute Shoshone Housing Authority YOUNG MEN'S WORK PRESENTS THIS CERTIFICATE OF RECOGNITION TO Marlin Thompson FOR PARTICIPATION IN THE YOUNG MEN'S WORK 10 DAY SESSION AS PRESENTER ON JUNE 23, 1997 SPONSORED BY THE FALLON PAIUTE-SHOSHONE HOUSING INTERVENTION PROGRAM Presented this 30 TH Day of Francine Johannie Francine Tohannie, CSAC nnifer John, Housing Director Fallon Painte Shoshone Housing Authority, 2055 Agency Road, Fallon, Nevada 89406





Certificate of Appreciation

In grateful recognition of your continuing service and support we hereby present

Marlin Thompson

with this certificate of appreciation

April 25, 1991

Nutrition Assistant Program Director Northwest Indian College TO: Don Melvin
Adult Probation
Fallon, Nevada
FROM: David Enteles

RE: Marlin Thompson

Sir:

I met with Marlin Thompson three times in the past month to determine whether he needed counseling per your request. It appears that Marlin has been working a traditional type of program which enhances his life by participation in Native American religious and spiritual activities, such as Sweat Lodges..etc. He also attends powwows.

At the sessions, Mr. Thompson appeared soft-spoken, cooperative, and very knowledgeable of Indian ways and traditions, the latter of which is, in my belief, the result of working the abovementioned spiritual program.

I also believe that this program helped him tolerate prison life.

Due to the fact that he regularly practices a spiritual program that has a positive effect on his life style and appears to he living his beliefs, I don't think counseling will be necessary.

Respectfully yours,

David A. Enteles, CSAC, NCACII

erjesACINCACH

Counselor, YPTSAP

United States Senate

WASHINGTON, DC 20510-2803

August 26, 1998

Mr. Marlin Thompson 194 Wye Street Yerington, Nevada 89447

Dear Mr. Thompson:

Congratulations on being awarded the Jackpot Grant for your presentation at the Yerington Paiute Tribe's park. As you may know, I have long been a supporter of the arts. I truly believe that the benefits the arts have provided to children and local musicians, poets and artists, like yourself, have some very positive effects upon our state.

I hope that you will continue your efforts in the arts. I know that I join your family and friends in wishing you success in all your endeavors, present and future.

With all best wishes,

Sincerely,

HARRY REID

United States Senator

HR: kew

JOHN E. ENSIGN

VAYS AND MEANS COMMITTES.
SUBJUMMENTS ON HEALTH
SUBJUMMENTS HUMAN RESIDENCES

RESOURCES COMMITTEE

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Congress of the United States House of Representatives

Washington, DC 20515-2801

August 10, 1998

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> LAS VEGAN OFFICE: 1000 E. SAKARA AVE., SOME D. LAS VEGAN, INV 89 104 1703/731-1501 FAX: 1702/731-1863

ogreenson oprost; 223 Laao Sr., Rat. 100 Hanchend, NV 89615 , 17071 664-9861 FAX: 1707) 664-9967 E-aao Augus est anaighnáthchouseagay

Mr. Marlin Thompson 194 Wye Street Yerington, Nevada 89447

Dear Mr. Thompson:

Thank you for contacting me about funding for the National Endowment for the Arts (NEA). I appreciate hearing from you.

Without question, I personally support the arts and believe that the arts are critical to a healthy society. The arts are a source of cultural enrichment and play an important role in our national identity and heritage. In Nevada, several local arts projects have fostered educational opportunities and a greater awareness of the valuable contribution of the arts. Nevertheless, I believe that the arts will continue to flourish without federal dollars for their support. My view is shared by many Nevadans who contribute substantially to the arts or patronize events such as exhibits and symphony performances but feel that the NEA has chosen to fund tasteless and lewd projects in the past.

Funding for the NEA is provided through the annual Interior Appropriations bill. For the past two years, I had voted to maintain funding for the arts at \$99.5 million with the understanding that the federal commitment would end after that point. I believed that two years would give the NEA time to restructure itself into a true endowment that would not require ongoing taxpayer subsidies. However, the NEA assumed that Congress was not serious about ending federal support and instead requested increased funding in Fiscal 1998 and 1999.

Last year, I voted for a compromise amendment which would have ended the Washington NEA and replaced it with \$80 million to fund block grants earmarked for state arts agencies and local school boards. Since there is not enough support in Congress to eliminate arts funding and the only alternative being the status quo which ensures that twenty percent of NEA funds go to the state of New York and that one-third of NEA funds are distributed to just six large cities, I believed that the compromise would at least give Nevada its fair share of arts funding, enhance local control of grants, and provide greater arts education in our schools while achieving the important goal of ending the unfair process of centralizing grant approval in Washington. This amendment failed.

On July 21, 1998, the House of Representatives voted on H.R. 4193, the Fiscal 1999 Interior Appropriations Act, that among other things would have completely defunded the NEA. The bill was amended to reinstate the NEA funding, and it passed with a 253 to 173 vote.

I am willing to look at any alternative which will ensure the continued viability of the arts. However, I cannot support the current system of using taxpayer dollars to reward densely populated, urban states and cities at the expense of Nevada.

Thanks again for sharing your views. Please feel free to do so about any issue of importance to you.

John Ensign

/ Member of Congress

P.S. Please take time to visit my Internet homepage at http://www.house.gov/ensign



KENNY C. GUINN Governor

OFFICE OF THE GOVERNOR

January 14, 2000

Marlin Thompson 194 Wye Street Yerington, Nevada 89447

RE:

Council on the Arts

January 18, 2000 - June 30, 2003

Dear Mr. Thompson:

Congratulations on your appointment to the Council on the Arts for the State of Nevada. We truly appreciate your commitment to serve Nevada and your fellow citizens.

The official commission, signed by Governor Guinn and Secretary of State Dean Heller, is for your records. Accompanying your commission is an Oath of Office, which must be executed before a notary public (required by NRS 281.030) and a biographical questionnaire both of which you will need to complete and return to this office as soon as possible.

Also enclosed you will find a Statement of Financial Disclosure. NRS 281-561 provides that as Governor Guinn's appointee, you are required to file this statement with the Nevada Commission on Ethics within thirty (30) days of your appointment. The address and telephone number of the Commission on Ethics are in the instructions. Thereafter, you are required to file a new Statement of Financial Disclosure on or before March 31 of each year of the term, including the year the term expires. You are also required to file this statement within sixty (60) days of vacating your appointed position. Please be advised that the 1997 Nevada Legislature enacted substantial financial penalties to be imposed against anyone who is late in filing a required Statement of Financial Disclosure. There is no grace period, so it is extremely important that you file these forms on time each year. If you cannot file the forms in person, I strongly urge you to submit them by certified mail, so you can establish the date you filed it.

Should you have any questions regarding the enclosed, please do not hesitate to contact me at (775) 684-5670. Thank you for agreeing to serve the citizens of Nevada.

Chris Ferrari

Boards and Commissions

CF/jl Encl.

cc: Ethics Commission

101 N. Carson Street • Carson City, Nevada 89701 • Telephone: (775) 684-5670 • Fax: (775) 684-5683

(0) 5049

YERINGTON PAIUTE HOUSING AUTHOLITY 31 WEST LOOP RD. YERINGTON, NEVADA 89447 (702) 463-2360

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YERINGTON PAIUTE HOUSING AUTHORITY

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OATH OF COMMISSIONER

I, Marlin Thompson, do so solemnly swear that I am duly qualified according to Ordinance No. VI., adopted June 22, 1966, of the Yerington Paiute Tribal Council to exercise the duties of the office of Commissioner of the Yerington Paiute Housing Authority to which I have been appointed, and that I will to the

best of my ability, discharge the duties thereof, and preserve, protect, and defend the Constitution of the United States and abide by the Constitution of the United States and abide by the Constitution of the Yerington Painte Tribe.

Marlin Thompson

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS 4 DAY OF APRIL, 1996.

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CC: TRIBAL COUNCIL

NATIVE AMERICAN PROFILE ON MARLIN THOMPSON by Angela J. Stack, Yerington Paiute

The art of Marlin Thompson is an intimate glimpse of the Palute culture of Northern Nevada. His themes are statements about personal experiences - meaningful stories. powerful poignant pieces - which chronicle the demise of the language and skills of his people. It is apparent that the loss is keenly felt by the artist himself. He brings everyday objects into sharp focus. His sensitive brushwork and rich palette give figures a life of their own.

Shown here is the painting, "The Disappearance Of The Basketmakers". It is fraught with a resigned stillness. The woman in profile and the child in the foreground represent an intergenerational sadness and dignity in loss.

The artist works in three dimensions as skillfully as on a flat surface. His fans, drums, drumsticks and sculpture are traditional and beautifully crafted. The intensity which Marlin Thompson brings to his art is eclipsed only by his active community life. As Director of the commodity program for the Yerington Paiute, his team serves 16 tribal locations. He studies a remaining dialect of the



The Disappearance of the Basketmakers

by Marlin Thompson

> "Shown here in Black & White"

Palute language with a group at Fallon, Nevada once a week. He is also the Yerington representative of NAGPRA, performing duties of repatriation and burial of human remains and artifacts. Realizing a need to hand down the Paiute culture to future generations, Marlin spends

time with the children in Lyon County's schools presenting stories, songs and art, and factual renditions of the survival modes of the Northern Palutes.

Marlin Thompson is presently studying with a Walker River Elder to learn additional songs of his people through a grant from the Nevada Commission for the Arts. His work has been shown in a solo exhibition at the Lyon County Museum.

For more information, contact the artist, C/O the Yerington Paiute Tribe - 171 Campbell Lane, Yerington, NV 89447.

If you know of someone who deserves mention him our Native American profile column, please that hose people, by their head heroes in our communicatives and in our lives and have the real heroes of hour country.

Call DCI at
(800) 888-1027
or fax your profile to
(603) 643-6008

STATEWIDE SUMMER READING PROGRAM 2000

READISCOVER Nevado

At The Mizpah Hotel Tonopah, Nevada March 24-25, 2000

Saturday, March 25

7:30 am Breakfast in the Dempsey Room

8:30 am Establishing a Local History Collection and Archives - Lyn Wren
Lyn Wren will discuss the scope of a local history collection - what kind of things you might
find there; how you would organize it and provide access; things you want to think about in
terms of preservation; and creating digital images. She will provide a list of resources and
bibliographies.

9:45 am Tour of the Tonopah Historic Mining Park, site of Jim Butler's original discoveries -

The walking tour consists of a visit through most of the 100 acres of property. It includes headframes, hoist houses (all with original equipment intact), mines, a glory hole overlook, a couple of other buildings in the process of becoming exhibit halls, and the visitors center which houses the theater, exhibits, and gift shop. A slide show of the History of Tonopah and the Mining Park will be shown.

Palute Legends, Songs and Art – Marlin Thompson Mr. Thompson's presentation focuses on the traditional oral stories, legends, songs and artwork of the "Numu" or Northern Palute people from the Mason and Smith Valleys of Nevada, now Yerington.

12:00 pm Lunch in the Dempsey Room

11:00 am

1:00 pm Central Nevada Museum Tour

Check out the Summer Reading Program Manual on the website: http://dmla.clan.lib.nv.us/docs/nsla/srp



To All to Whom These Presents Shall Come, Greetings:

KNOW YE, That reposing special trust and confidence in the loyalty, integrity and ability of MARLIN THOMPSON

I, KENNY C. GUINN, Governor of the State of Nevada, by the Authority in me vested by the Constitution and laws thereof, do hereby

APPOINT AND COMMISSION

MARLIN THOMPSON

A MEMBER OF THE

COUNCIL ON THE ARTS

FOR THE STATE OF NEVADA

under the laws of the State (NRS 233C.040); and I authorize the appointee to discharge, according to law the duties of said office, and to hold and enjoy the same, together with all the powers, privileges and emoluments thereunder appertaining for the term beginning January 18, 2000 and ending June 30, 2003.

Governor:

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Nevada.

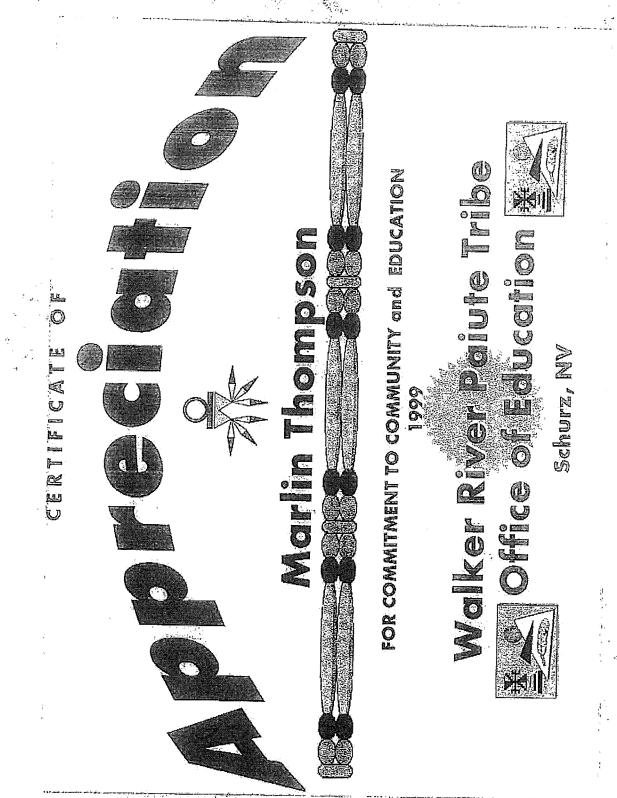
Done at Carson City, Nevada this 18th day of January, A.D., 2000.

Governor of the State of Nevada

Secretary of State of Nevada



Martin Martin Murphy Mammoth lakes, CA



WILL-IEMA

INTER-TRIBAL COUNCIL OF NEVADA, INC.
806 HOLMAN WAY - SPARKS, NEVADA 2011 - F.O. BOX 7440 - RENO, NEVADA 89510
PHONE (702) 355-0648 (702) 355-0648

EXTILE MOUNTAIN EXHOLOGORICAL

April 10, 1995

CARSON COLCENT

DALESTERVILLE COLMILARTY COLASCIL

DUCK VALLEY SHOOKONE-PARTE

BUSINESS COUNCIL

CUCKWATER TRIBAL COUNCIL

ELKO KAKO

ELY SHOEHONE COURNEIL

FALLON BUSINESS COUNCIL FT. MCDERMITT PANTE-SHOSHONE

TRIEES CONNETT GAME

LAS VEGAS PALUTE TRIBAL COUNCIL

I COURLOCK TRUBAL

MONTA BUSINESS COUNCIL

PYFAMOLAKE THEAL COUNCIL

REPOSPARKS

ARON HTUGS BAND COUNTIL

STEWART COMMUNITY

SCHAMMT LAKE

PAUTE COLNCIL TEMPOSE TRIBAL

COUNCE

PAINTE TRIBAL COUNCIL

WASHOE TRIBAL COLNCIL

WELLSMAD

WINNEMUCCA COLONY COUNCIL

YESINGTON EAUTE

YOMBA TRIBAL

YOUND

Stacy Stahl, Chairperson YERINGTON PAIUTE TRIBE 171 Campbell Lane

Yerington, Nevada 89447

Dear Ms. Stahl:

It is both a pleasure and an honor to write this letter of reference for Marlin Thompson.

From when I first met Mr. Thompson as a JTPA applicant I was impressed with his communication skills and sincerity. Despite difficult barriers, Marlin presented himself in a very positive and professional manner. His subsequent hire and advancement with the Tribe has been evidence of his true nature and abilities.

Being in touch with other Tribal Councils and community members, I often hear how well liked Marlin is. It is always good to hear a former program participant is doing so well -A success if given the opportunity.

Marlin has unselfishly given his own time to help. his own time he has aided our program with client recruitment numerous times.

It is always a pleasure to work with the staff of the Yerington Painte Tribe and I commend the extra effort and contribution of Marlin Thompson.

If I can be of further assistance or answer any questions please feel free to call.

Sincerely,

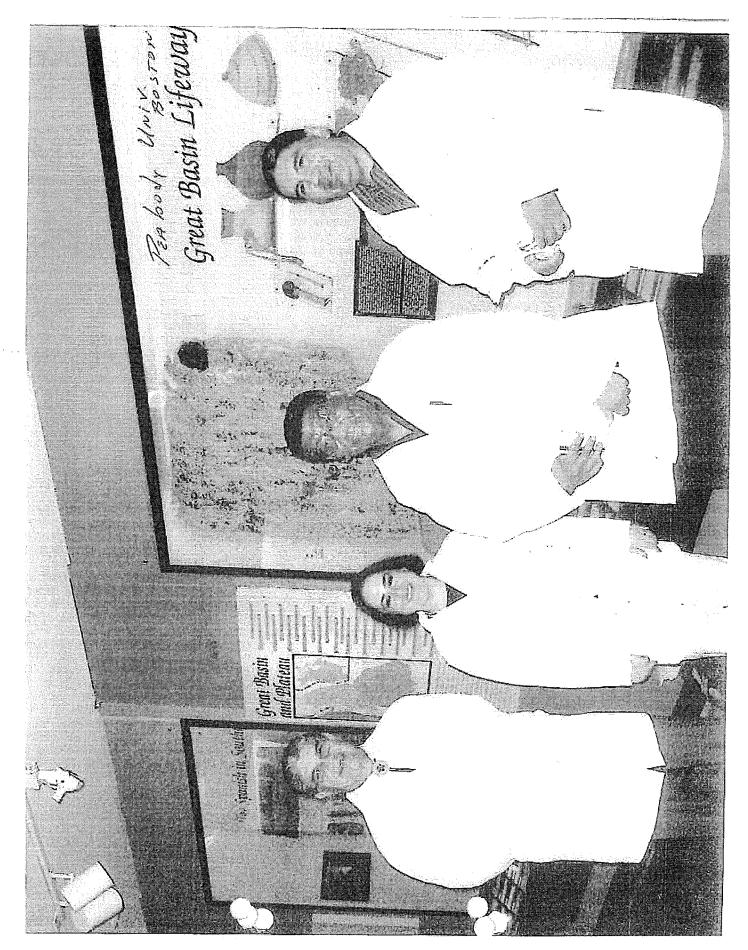
Tina Tissychy JTPA Director

Marlin Thompson

Outgoing Correspondence



APP 0027



APP 0028



Gl Consultants - Reno North 880 Ryland, Reno, NV 89502 (775) 329-4600 Fax: (775) 329-4992

* Fastung

02/09/2011 03:49 PM Page 1 of 2 Test Form

Test Form

Authorizing Provider: Cralg M Sande MD

Signing Provider:

Craig M Sande MD

Phone: Fax:

(775) 329-4600 (775) 329-4992

Patient Name: Home Phone:

Marlin Thompson (775) 463-3442

Work Phone:

(775) 722-9553 Resp. Provider: Craig M Sande MD

Primary Ins:

Integrity Administrators/HHP

Group:

Policy:

Insured ID:

3024 MTHO530480104 Service Provider:

Lab Order

Lab Order

Phone:

Fax:

DOB: Sex:

01/04/1955 M

Age: 56

SSN:

530-48-4094

Secondary Ins: Yerington Palute Tribal Health Cente

Group:

Policy:

Insured ID:

530484094

<u>Code</u> CPT-80053 Description

Comprehensive Metabolic Panel

Diagnoses

CIRRHOSIS(ICD-571.5)

HEPATITIS C, CHRONIC(ICD-070.54) ESOPHAGEAL VARICES(ICD-456.1) GASTRIC VARICES(ICD-456.8)

Order Number:

319447-3

Auth#: Quantity:

1

Start Date: Priority:

4/4/2011 Normal

Instructions:

Code CPT-82105 Description

AFP-Tumor Marker

<u>Diagnoses</u>

CIRRHOSIS(ICD-571.5)

HEPATITIS C, CHRONIC(ICD-070.54) ESOPHAGEAL VARICES(ICD-456.1) GASTRIC VARICES(ICD-456.8)

Order Number:

Auth#:

Quantity:

Start Date: Priority:

4/4/2011 Normal

319447-4

Instructions:

Code CPT-85025 Description

CBC w/Platelet & Diff

Diagnoses

CIRRHOSIS(ICD-571.5)

HEPATITIS C, CHRONIC(ICD-070,54) ESOPHAGEAL VARICES(ICD-456.1) GASTRIC VARICES(ICD-456.8)

Order Number:

Auth#:

Quantity:

Start Date:

4/4/2011 Normal

1

319447-2

Priority:

Instructions:

Report run by Craig M Sande MD

APP 0030

Gastroenterology Consultants, Ltd.



Christopher Bartlett PAC, Dr. Victor Chen, Lisa Franks PAC, Dr. John Gray, Dr. Juan Gregory, Dr. Phillip Harper, Dr. Clark Harrison, Paul Johns, PAC, Dr. Jan Kamler, Dr. Loth Lieberstein, Dr. Christi Matteoni, Dr. John McAfee, Dr. James Nachfondo, Dr. Daniel Nason, Jennifer Nordstrom-Zuares PAC, Dr Eric Osgard, Dr Jonathan Pezanoski, Dr. A.N. Reddy, Dr. Craig Sande, Dr. Michael Solinger, Dr. Steven Taylor, Julic Thomas PAC, Sidney Warner MS,RD,PAC

April 23, 2008

Marlin Thompson DOB: 01/04/1955 194 Wye Street Yerington, NV 89447

Dear Mr. Marlin Thompson,

The following laboratory/radiology studies were reviewed by your health care provider and were found to be within normal limits except as noted below.

CBC (complete blood count includes red and white blood cells and platelets)

Abnormal You are mildly anemic still and also have a low WBC and platelet count which is common when the liver is cirrhotic.

CMP (comprehensive metabolic panel-includes blood sugar, kidney function, liver, and electrolytes such as sodium and potassium)

Abnormal Your blood sugar is high at 162. The AST is mildly elevated.

Other Labs

Normal You don't have any antibody for hepatitis B.

Recommendations

Please keep your planned follow-up visit.

Please feel free to contact me if you should have any questions or concerns about these results or subsequent plan.

Best regards,

Craig Sande MD

Nellis Air Force Base New day Test and Training Range

Video Production Gathering Devah: Am An Pine Nut Hancest Trans

Keith Myhrer, Nellis Air Force Base Senior Archaeologist

99 CES/CEVN, 4349 Duffer Drive, Suite 1601, Nellis Air Force Base, NV 89191-7007 702-652-9365, Fax 702-652-2021 (keith.myhrer @ nellis.af.mil)

October 2007

In October 2005 Nellis Air Force Base officials accompanied seventeen tribal members to Kawich Range in Central Nevada to participate in the first pine harvest on Nevada Air Force land since WWII. One objective was to video-record the proceedings for a documentary to preserve images and voices of this historic and traditional event. Terri McBride, Archaeologist for the Nevada State Historic Preservation Office, was the conceptualist and writer. DAV Productions of Las Vegas with Jae Thiele, Producer, and Matt McPherson, Editor, utilized two on-site film crews and their studio complex to produce a DVD documentary.

Enclosed is the DVD that highlights members of the Nellis Air Force Base Native American Program reviving this harvest tradition at the Kawich Range in Nevada. We are extremely excited about this documentary. Our hopes are that it will be an educational and documentary tool in Nevada for years to come. We are distributing the documentary to Nevada tribal offices, rural libraries and school districts.

You are invited to join us at the Reno premiere of "Gathering Devah." It will be held on December 12, 2007, 5-7 PM, at Truckee Meadows Community College, 7000 Dandini Blvd., Reno, Room 108 in the Sierra Building.

Please feel free to contact myself or Terri McBride at (775) 684-3445.

Keith Myhrer
Senior Archaeologist

Enclosure: Nellis Air Force Base DVD: Gathering Devah: An Ancient Pine Nut Harvest Tradition

Support by Dr. Paul Green (Air Combat Command), Eloisa Hopper & Debby Stockdale (Environmental Management, 99th Civil Engineer Squadron), Roger Schoffeld & Roger Christensen (98th Range Wing), Michael Estrada (99th Air Base Wing Public Affairs), Dr. Jay Newman (Ft. Worth Corps of Engineers), and Duane Peter (V.P., Geo-Marine, Inc.-Prime Contractor).



December 4, 1997

Dear Mr. Thompson,

Thank you for contributing your wonderful storytelling and painting to our program last Tuesday evening at the Headstart center of the Reno Sparks Colony. Kim and I both appreciate the time you took to explain many of the traditional stories and customs of Native Americans in the area. Your paintings and the video gave a visual compliment to the oral stories passed down from generation to generation. I found your presentation very informative and entertaining. It is my hope you will be available to come to a session later in the New Year when our program is well established.

Your efforts to keep the stories alive are appreciated. I look forward to hearing them again, as each time something different is revealed.

Sincerely,

Paula Pellerin BSW Intern

PITPP

1190 Bible Way, Reno, Nevada 89502 675 Fairview Dr., Suite 222, Carson City, Nevada 89701 Toll Free: (888) 885-8447

Phone: (702) 788-7600

Phone: (702) 883-4439

Fax: (702) 788-7611 Fax: (702) 883-6981 Ms. York's 3rd grade class Mount Rose Elementary school 915 Lander Street Reno, NV. 89503

Dear Marlin Thompson,

Thank you <u>so very much</u> for coming to our class and passing on a little bit of history about your culture. Your presentation was magnificent!

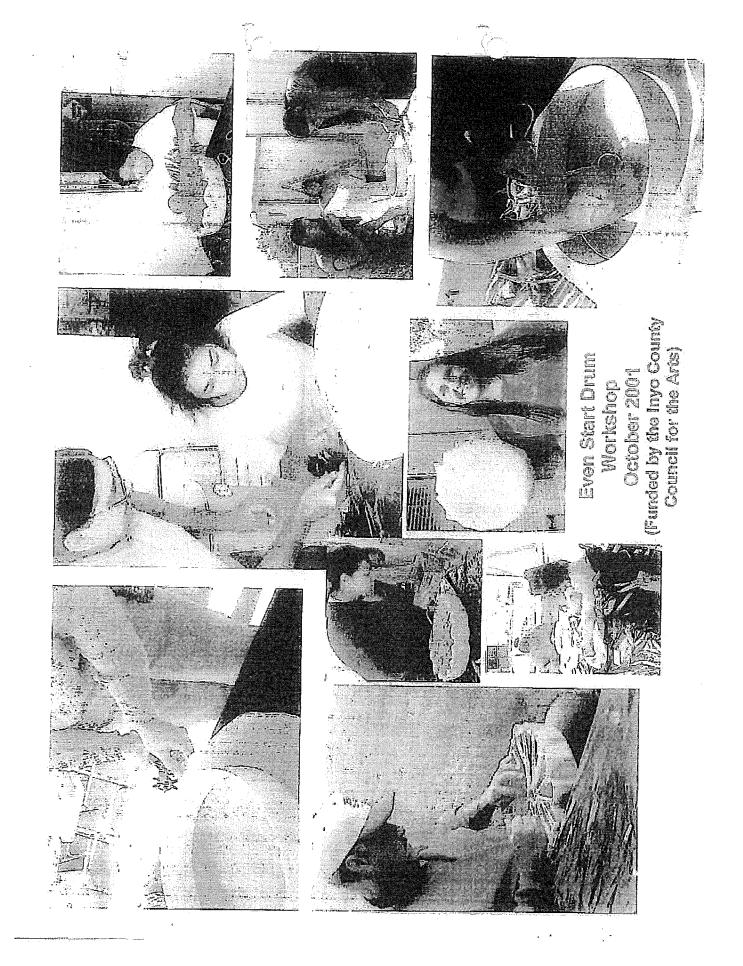
You included many remarkable and attention-grabbing artifacts that fascinated the students. It was fantastic to let the children see and feel real-life relics that reflected the Native American culture. It is so wonderful when children can learn from real-life experiences, and I am sure they will remember your appearance for a long, long time.

Your inclusion of music was also extraordinary. Hearing the music and stories of the Native American people made this particular lesson seem surreal, as if we could actually experience a piece of the past. Thank you for passing on your knowledge to our class. We truly appreciated and treasured the experience!

Sincerely,

Brandi Carrico

Brande Corrice



Division of Environmental Protection

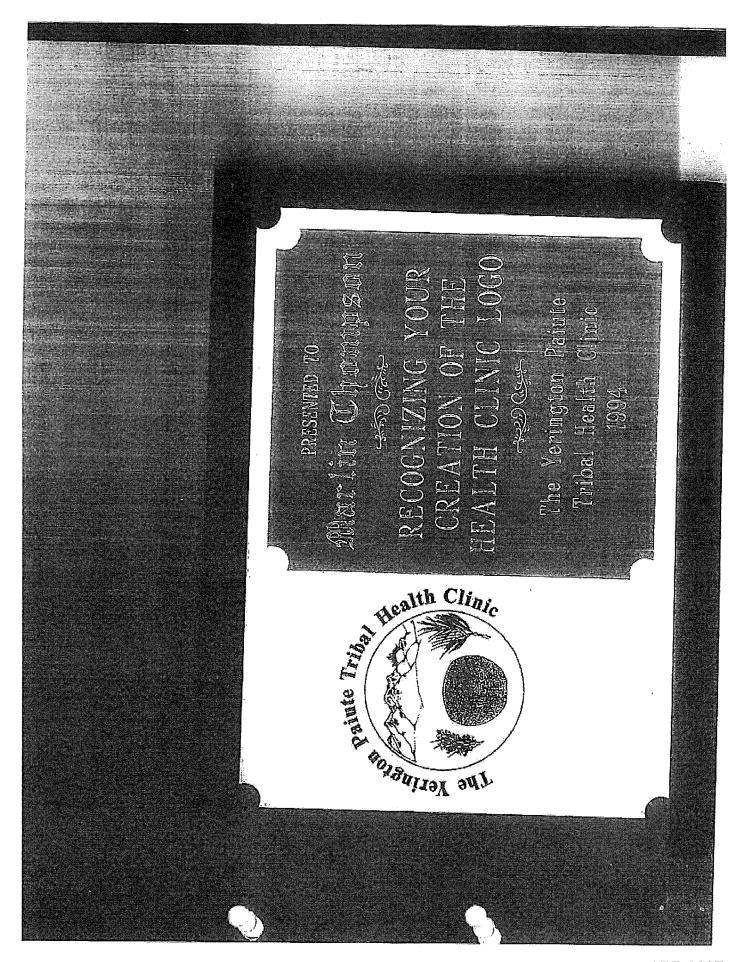
and Right Line p



A Learney linto Wester Education

National Project WET Water Education Day

> September 22, 2004 Fuji Park



Painte Songs

Manuel "Popeye" McCloud & Marlin Thompson

born and raised on the Walker Lake plains. Despite his attachment to the Manuel "Popeye" McCloud was Paiute Reservation, like his parents, all over Nevada and eastern Californection to the land. "This is my life, wore a sailor hat) spent many years nia. He returned to Schurz for good grandparents and great-grandparents before him. His family moved place of his birth, Popeye (who got his nickname as a child because he this is my roots here," Popeye exbetween the lake and the town of working in highway construction Schurz, ranching and raising hay and making a living off their conin 1974.

ditional Painte and Shoshone songs, many of the songs were learned and passed on. "From Christmas to New you know, all over. Everybody bring (ear's, one whole week, that's what their songs in here. Every individual Popeye sings the old style of tratimes with a hand drum. He recalls sing, maybe they sing for an hour or the traditional gatherings of Indian one, he got his own songs, and they soon another guy would step in and people, called fandangos, that hapusually unaccompanied but some "You'd hear singers come from difpened several times a year, where ferent parts of the area, like Fallon, Reese River, Duckwafer, Tonopah, take over, see, for the circle dance. they used to have," he explains. Some of them songs stuck in me, so, and they gave up and pretty see, I never did lose them."

and human-made. He says, "It don't work around it, work around and finally it falls in place. It's hard to get the tune. After you get the tune you observes in the world, both natural and birds, one about a boy on horsetime, you get in the car, if you open his own songs, based on things he Popeye also composes many of You let your window open, you try laughs. He has songs about horses can really line it out then... Lot of your windows just a little bit, and way...sometimes you get the tune. ust come that easy, you have to it yourself sometime," Popeye back, and even one about a jet that air gets you in a certain plane.

asked if he would teach him some of grandparents were from the Walker ake and Mono Lake Painte tribes. Marlin remembers his grandfather Popeye explain all the words, so he strong sense of his Paiute heritage. know much of the Painte language then, so when he heard Popeye he Marlin says earnestly, "If we don't can sing with meaning. "This is it here, all the elders we have left," difficult because Marlin does not Thompson, at age 41, has a very although singers were rare even his songs. The learning has been learn now, it's going to be gone." but he makes a point of having Popeye's apprentice Marlin He lives in Yerington, and his singing when he was young,

Marlin's words ring all too true.
Popeye McCloud died at age 79 on

May 7, 1996. He was "sung into the next world," as Mariin put it, with a ritual Cry Dance a few days later, and is buried in the Schurz Cemetery. With care and skill, some of his songs will live on. An ancient

tradition that can gain inspiration from modern life just as easily as from nature, Painte singing is clearly a living entity, a voice rooted in the past but alive in the present.



Marlin Thompson and Popeye McCloud stand on the shore of Walker Lake, the subject of many of Popeye's sangs.



December 14,2000

Dear Mr. Thompson,

I would just like to thank you and tell. you how much I appreciate you coming to our class. I truly enjoyed your presentation, especially when you told us the different stories, or when you song. I thought that your presentation was informative and extremely interesting to listen to. Thank you again for coming to speak to us. It will be forever appreciated.

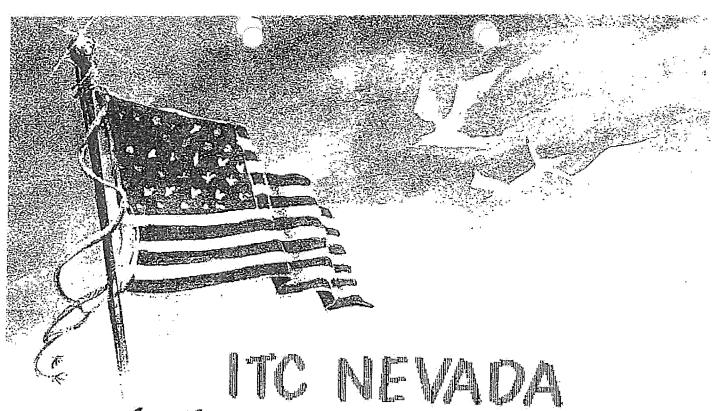
Sincerely,

Elype Jolly

Dear Mr. Thompson,

Thank you very much for taking time out of your day to teach us a little bit about the Native American Culture. I really enjoyed the presentation and the stories. I especially enjoyed all the artifacts you brought in Once again thank you for driving all the way from yerington to do what you did for us

Sincerely, Carina Villegas



Head Start Volunteer Award

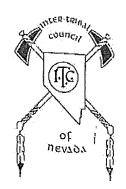
This Certificate is Awarded to:

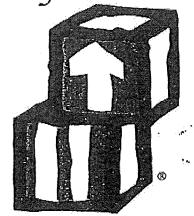
Marlin Thompson

for outstanding volunteer service to the Head Start Program during the past year.

Project Director

May 12 1995





SACRED PAIUTE REMAINS REINTERED IN BURIAL GROUND, NOT BACK IN HILLS OF YERINGTON

Historic

Recent newspaper articles reporting ancient remains found in a talus site in the hillside near the Yerington dump state the remains were taken to California before being removed from a home and reintered at the same site where three teenagers radiscovered them last September are "Simply untrue", according to Marlin Thompson, a representative for the Native American Graves Protection Repariation Act.

The remains which were discovered in September were not taken to a home in California and were not reinlered in the talus site where they were found.

Marlin Thompson, a local representative; for the Native American Graves Repatriation Act maintained on Thursday that those specific remains were discovered first by the teens and taken to the Nevada State Museum where they were officially returned to the tribe by the Bureau of Land Management for private interment.

Although Thompson has been as far as Washington to reclaim remains in order to inter them in the tribe's sacred burial lands, Marlin again affirms that he has never had to go into a home to retrieve these remains.

The remains mentioned in previous stories that were shellacked were in fact dumped in Wilson Canyon where they were recovered for burial are not the remains discovered in September and reintered on Saturday.

"This is why I don't give interviews" said Thompson on Thursday "This is a private matter and sometimes these reporters get their facts mixed up. It leads to much confusion and people don't get the main point of what really happened".

What really happened is simply that remains are at times found in what is known as talus sites and that it is important that the remains are returned to the tribe to be buried according to Painte tradition.

Once again, if in the rare occassion one should run into one of these sacred sites they should not disturb the site whatsoever and contact the Painte tribe of the Sheriff's department immediately.

Who in turn will cintact the frequency authorities

4396/

MarlinPlease Call and
Six anything your wantMUN waxts to make Sure
the facts are Straight

Thouls! Stephanie 4242

HOUSE TECHNICATION CLARK Y. JOHN CLARK WASON A Painte child was laid to rest gain for a series of remains of Paute arrestive from a far as mishape; the body was returned to the Yor. Weightstrom of the ground of the formal, the body became the response and thouse people are supposed to be in the ground," said Marlin Hampson, of the Yer. Independent of the

BY JOHN CLARK Appeal Staff Writer.

MASON TO Painte child was laid to rest

again Saturday, returned to the ground of her ancestors outgide of Semington. These people are supposed to be in the ground," said Marlin Thompson, of the Yer-

for rattlesnakes. Thompson said the remains had been removed from their original burial site and taken to California where they were

Please see CHILD, BACK PAGE

of dirt and threw it into the finy grave, After shoveling the soil over tional paints and sprinkled them the prayer, a group of about 10 tribe members each took a handful the grave, Thompson took tradi-Wovoka, the Painte prophet. After Continued from Page A1 over the grave.

Thompson said only the elders in the village seem to have an in-

"Everything they found with her we got and put it back with her," Thompson said. about keeping the photos. "We try our best to continue on," erest in bringing home the rehe said, "There weren't hardly any

mains and reburying them.

क्राचारम् विकामक्ष्मकृतिक

Thompson said people should not disturb Indian remains they

"If people do find Indian burials, they should report them to the proper authorities and not disturb may come across.

the body metuding a rabbit-slin blanket, and beads. Also buried with her were, photos, laken of the

He said the girle worldly possessions were originally buried with her and were returned with

young people here."

body by the tribal police when it was first discovered. Thompson

said the police did not feel right

The child was believed to have them too much," he said. died about 50 years ago.

narcin Thi

*l*estFest is Here!

Michael Martin-Murphey's WestFest Comes To Mammoth Mountain, California Aug. 16-18

Tountry music artist Michael Martin Murphey is set to bring his brand of the American West into Mammoth Mountain, CA. this weekend, as he hosts Michael Martin Murphey's WestFest, sponsored by Wells Fargo, Aug. 16-18, at Mammoth Mountain Ski Area.

Celebrating its 10th anniversary as America's premier Western festival, the event was first initiated by Murphey in 1987 at Copper Mountain Resort, in Copper Mountain, CO. Annually attracting over 40,000 people to the event in Copper Mountain, WestFest is a combination music/art festival mingled with a variety of other Western-born zitzactions. Reminis-्रा त्यार कर्न जिंगाँ हैं कि लिए हैं कि प्रतिकार के प्रतिकार के प्रतिकार के प्रतिकार के प्रतिकार के प्रतिकार क West Show, the three-day event brings together the best of the West in artists, musicians, dancers and poets, providings festival goers with a taste of life on the American frontier.

. As on the plains of the Old West, music plays an impor-tant role in WestFest, where some of country music's top names will be featured. Murphey, who is best known for such hits as "Wildfire," 'Carolina in the Pines" and "Cowboy Logic," will share the High Sierra stage with the likes of Chris Ledoux, Patty Loveless, Nitty Gritty Dirt Band, Asleep at the Wheel, Jim Messina, Bill Miller, Rich McCready and Bryndle featuring Karla Bonoff and Wendy Waldman

Representing the cowboy element will be the likes of Western troubadours Don Edwards and the Sons of the San Joaquin. In addition to musical entertainment, the mainstay at WestFest will feature Native American dancers and the tall tales of cowboy poet Waddie Mitchell.

Capturing the sights and sounds of the West, the event plays host to exhibitors of

Western and Native American art. Running the gamut of artistic mediums, from paintings, sculptures, jewelry, clothing, furniture and much more, exhibitors promise something for every taste and price range. On hand to showcase their work will be internationally known artists such as Amado Peña, William C. Matthews and Gary Roller, along with local artisans and craftsmen to autograph their pieces as well as to discuss the Western perceptions portrayed in their art.

A celebration of the music, art and culture of the old and new West, the Indian Mountain Camp and Mountain Man Rendezvous Camp at WestFest offer visitors the opportunity to experience the same adventurous spirit which drew their ancestors west generations ago. The aroma of wood smoke and the sound of a lone flute pervade these areas, transporting people back to the 1840s, when the open range was still to be had and folks could disappear into the mountains for months on end. Here; festival attendees will have the opportunity to barter for some of the same goods their ancestors found invaluable on the trail while participants share their historical .. insights into the cultures and lifestyles of the people who helped to shape the spirit of the American West.

When originating WestFest in 1987, Michael Martin Murphey purposely organized the event to be an educational as well as entertaining experience for the whole family. Well aware that the West helped to shape the unique offerings of our American heritage, Murphey structured the event to ensure its history could be used as a fun learning tool for the next generation. For this reason, special attention is paid to children who may take part in face painting, bead-stringing, storytelling and tee-pee painting, along with various other activities to educate them about their own past.

Catering to the more adventurous in spirit, the trail rides and pack trips offered before and during WestFest are

among the unique available today. Developed to give participants a true-to-life trail experience, riders eat chuckwagon grub and are treated to true campfire entertainment provided by various WestFest performers taking part in the ride. Whether folks go for a full-day trek through the Sierra or an early-morning breakfast ride, these events provide a taste of life on the trail and a short time away from the pressures and distractions that clutter daily

Being offered are the WestFest Celebrity Wagon Train and Trail Ride (Aug. 14-16); WestFest Celebrity Day Trail Ride (Aug. 16); and the WestFest Celebrity Breakfast Trail Ride/Haywagon Ride (Aug. 17-18). For further information and reservations, please call (619) 934-2345 or 🚈 🛧 (619) 934-6161.

Kicking off WestFest Friday, Aug. 16, will be the Art Preview/Barbecue/Jam Dance at 5 p.m. Guaranteed to stir all of the senses, this event offers guests the opportunity to preview the fine art available at WestFest while getting a taste or a real Western barbe cue, complete with the finest in musical entertainment by WestFest performers. Tickets for this old-fashioned hoedown are \$20 in advance or at the gate for adults eating barbecue and \$15 in advance and \$18 at the gate for adults not eating dinner. Children 7 to 12 years of age are \$5 in advance or at the gate, with an additional charge for the barbecue. Children age 6 and under are free unless they take part in the dinner.

Murphey, who is best known for such pop and country hits as "Wildfire" and "Long Line of Love," released the first in a series of cowboy and Western albums for Warner Bros. Records seven years ago, entitled Cowboy Songs. Highly successful, the album was released to rave reviews and is the top grossing of Murphey's Warner Bros. albums to date. Its success spurred the release of a series of Cowboy Songs CDs. In the fourth addition to this series, Murphey's current CD, Sagebrush Symphony, features Murphey in concert with the San Antonio, TX, Symphony Orchestra in one of his most

stirring Western-based performances to date.

The hours for Michael Martin Murphey's WestFest at Mammoth Mountain are 10 a.m. to 7 p.m. Saturday and Sunday, Aug. 17-18, with exhibits open at 10 a.m. and concerts starting at 11 a.m., One-day tickets for the event are \$25 in advance or \$28 at the gate. A special two-day pass for WestFest is \$44 in advance and \$50 at the gate. Tickets for children ages 7 to 12 are \$8 each day or \$12 for a two-day pass. Tickels are on sale now and can be purchased through Mammoth Mountain Ski Area at 800-228-4947 or by calling any Ticket Master or Bass Ticket location.

For more information on the event, lodging and tickets, please call Mammoth Mountain Ski Area at 800-228-4947.

Friday, Aug. 16 🚯 Art Preview 4:30 p.m. Barbecue 5:30 p.m.

Buffalo Bill Cody 7:15 p.m. Michael

Martin Murphey 8-10:30 p.m.

Saturday, Aug. 17 Michael Martin

Murphey 11-11:35 a.m. Ryan Murphey 11:35-11:55 a.m. Indian Dancers 11:55-12:15 p.m. Waddle Mitchell 12:15-12:30 p.m. Rich McCready 12:40-1:25 p.m. Patty Loveless 1:50-2:55 p.m. Jim Messina 3:15-4:20 p.m. Michael Martin

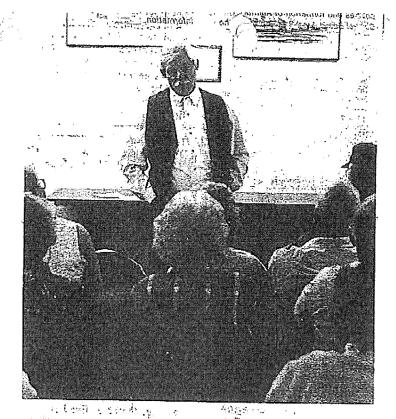
Murphey 4:35-5:50 p.m. Indian Dancers 5:50-6:05 p.m. Chris Ledoux 6:15-7:25 p.m. American Cowboy Music & Poetry Gathering ... 8:30-10:30 p.m.

Sunday, Aug. 18

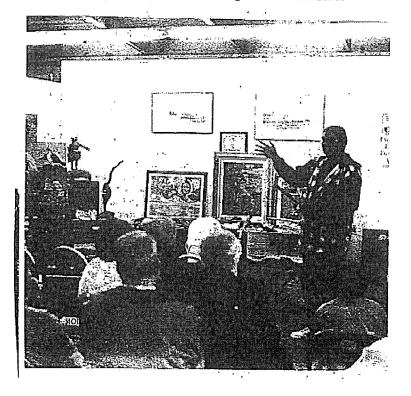
Michael Martin Murphey 11-11:30 a.m. Ryan Murphey 11:30-11:50 a.m. Indian Dancers 11:55-12:05 p.m. Waddie Mitchell 12:10-12:20 p.m. Asleep at the Wheel 12:30-1:20 p.m. Don Edwards 3:10-3:50 p.m. Sons of San Joaquin 3:55-4:40 p.m. Indian Dancers 4:45-4:55 p.m. Nitty Gritty Diri Band ...

Michael Martin

Murphey 6:15-7:30 p.m.



CELEBRITY PRESENTATIONS CELEBRATE MUSEUM-ANNIVERSARY--Channel 8 journalist John Tyson of Virginia City (above) and renowned Painte historian Marlin Thompson of Yerington (below) made special presentations this past weekend during the Lyon County Museum's 20th Anniversary celebration. Thompson spoke on his historical expertise, while Tyson made a presentation on the history of the local Copper Belt Railroad. Both presentations were well-attended, as were most events at the Museum throughout the weekend.



Yerington Paiute have a keeper of the flame

By Mark Fogarty TODAY CORRESPONDENT

YERINGTON, Nev. — Tell them you're interested in the history or traditions of the Yerington Band of Paiute Indians or the Ghost Dance movement that started near here and you'll be directed to Marlin Thompson.

Spend a couple of hours with him on the Yerington Reservation a hundred miles southeast of Reno in a green, sun-drenched valley under the Sierra Nevada mountains, and you'll see why.

Thompson is a careful student and respectful keeper of the life-ways of the Yerington Tribe, one of two dozen or so Paiute bands in Nevada, Idaho, Cregon and California. He brings a care and precision to his efforts that is immediately obvious.

The first thing he does is write down the actual name of the

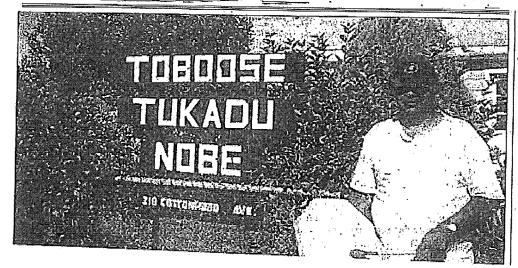
tribe, "Numu." meaning "the people," not the "Painte" name given to them later.

And he notes the term "Ghost Dance" actually is a mistranslation from the Palute "Na'a-nuga' Kwa" which means "The Pathers Dance." Ghost has the connotation of an evil apparition, which doesn't fit the vision of Wovoka, the Palute doctor who began the movement, he said.

Further Thompson notes that traditionally it is not acceptable to name the dead, so he contacted granddaughters of the prophet, who are still alive, to get their permission to speak his name.

He'll also tell you the "ghost shirts" worn by the Plains Indians who took up the Ghost Dance in the belief they would make them impervious to bullets weren't a

Please See TRADITION page C3



Mason Valley News, Friday, September 5, 1997

Local Paiute preservationist to open Historical Society lecture series with presentation of 'Paiute Legends, Songs & Art'

By Phillip I. Earl

Over the next several months, the Nevada Historical Society will present a five part lecture series something you never sell," he focusing upon our state's native maintains, so those who join us on heritage Nevada's Native Thursday will come away with a Americans A Living Culture and perspective of our heritage History." Funded in part by a grant from the Nevada Humanities Committee the state-based affiliate of the National Endowment for the Humanities, the programs will feature Native Americans speaking on the culture and history of their own people and will cover the arts, dance, education, resources and contemporary issues

"Painte Legends, Songs and Art" is, the first, lecture presentation scheduled for Thursday, September 18, at the Renor Museum, 1650 North Yirginia Street. Marlin Thompson of the Yerington Paiute Tribe will tell traditional stories from the Mason Valley and Walker River Palute people: These stories have been handed down by the elders as part of an oral tradition which teaches life values and respect for the family, the animals and Mother Earth, He will also be singing Painte legend songs and songs for the round dance held whenever The People gather in celebration.

Mr. Thompson is also an artist and has always painted and done drawings. His artwork often portrays many of the themes and subjects of the traditional stories and legends he fells. In his lecture presentation, he will use some of his artwork to accompany the

storytelling. Over the years, Mr. Thompson has called upon his gathered knowledge and skill as artist to promote cultural awareness and

pride on the part of the Painte people. "The songs and legends, the Palute people believe, are unavailable elsewhere.

The program begins at 7:00 p.m. and is free to the public. For further information, call (702) 688-1191.



Jim Gibbons Governor Michael E. Fischer

Department Director

STATE OF NEVADA DEPARTMENT OF CULTURAL AFFAIRS STATE HISTORIC PRESERVATION OFFICE 700 Twin Lakes Dr. Las Vegas, Nevada 89107

RONALD M. JAMES State Historic Preservation Officer

April 17, 2008

Dear Marlin Thompson:

I wanted the thank you for your very interesting and informative talk about native plants and their uses during the recent Nevada Archaeological Site Stewardship Refresher training class in Schurz, on April 5th. Your plant displays were enjoyed by all and provided important overall information about the native landscape. Your talk and presence added tremendously to a successful class, thank you for coming and I hope we might do this again sometime.

Best wishes,

Sali A. Underwood

Site Stewardship Coordinator

State Historic Preservation Office

700 Twin Lakes Dr.

Las Vegas, NV 89107

(702) 486-5011

saunderw@clan.lib.nv.us

Enclosure: 1





Program Types 45 minute —1 hour demonstration; workshops (call to inquire); festival and special event performances (booth or exhibition); school assemblies

Program Description Solo, and two or three presenters; hands on activities for adults and children.

Fees

\$250/hr for demonstrations or performances, \$400 for workshops, \$300 for festival performances or demonstrations. Cost varies with length of program, number of presenters, number of participants/ supplies needed, travel costs to venue. Call to inquire.

Availability

Weekdays and weekends in summer, fall and winter; availability may vary, call to inquire.

Audiences School (K-12), college, young adult, adult, senior

Venues

Schools (K-12); colleges and universities, libraries and museums, senior centers, festivals and fairs.

Technical requirements Long tables, chairs; call to inquire if microphone needed.

Geographic Areas Statewide

Marlin Thompson Paiute Storytelling and Culture

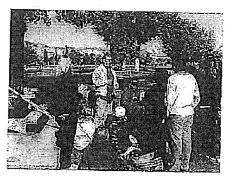
171 Campbell Lane Yerington, NV 89447 775-463-4396 FAX 775-463-4396

ON the East

Marlin Thompson, a Northern Paiute and member of the Yerington Paiute Tribe, grew up east who Walker River, although his cultural knowledge and skills are not limited to the traditions of that region. Marlin knows and teaches traditions from the Walker River, Mono Lake and other bands of Paiutes. He learned traditions and practices from his persentations cover a variety of Paiute cultural arts including language, songs, storytelling, arrowhead making and edible/medicinal plants. Marlin has been both a master and an apprentice in Nevada Arts Council's Folklife Apprenticeship program, completing projects in all of these areas.

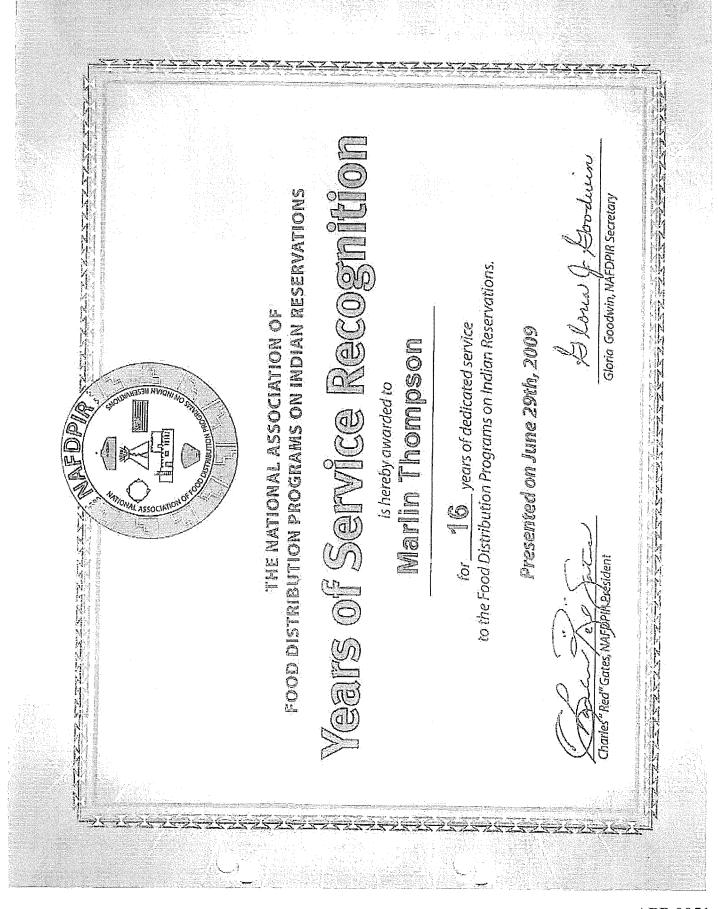
Marlin's main concern is that Painte dialects that have been spoken for thousands of years may soon become extinct, and then the language, the songs and the stories will be lost forever. As a boy he listened to his elders speaking Painte, though no one spoke it in school. Today he is one of only a few people who know the words or the meanings of traditional Painte songs. He is dedicated to sharing this rare knowledge of language, story and song in the hope that another generation will carry it into the future.

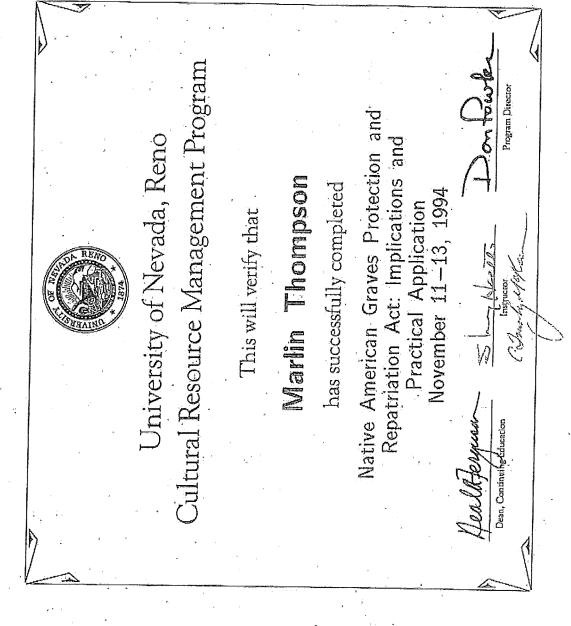
Marlin can present on a variety of topics and sometimes teams up with other tradition bearers and storytellers including Andy Allen of the Walker River tribe and Ralph Burns or Ben Aleck of the Pyramid Lake Paiutes.



Marlin is also a visual artist and sometimes brings murals and paintings to his presentations to help his audience visualize the meaning of his stories and songs. He says that his art, in its many forms, reminds him that he is Paiute; it keeps him grounded and binds him to his culture.

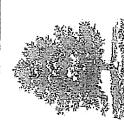
The Nevada Folk Arts Roster, a service of the Folklife Program of the Nevada Arts Council, is funded by a grant from the National Endowment for the Arts.





CERTIFICATE OF TRAINING IN RECOGNITION OF YOUR COMPLETION OF THE WRO CIVIL RIGHTS TRAINING AT THE WARDPIR CONFERENCE ON MARCH 17, 2003. 70 THIS CERTIFICATE IS PRESENTED SAPECIAL NUTRITION PROGRAMS
USDA, FOOD AND NUTRITION SERVICE
WESTERN REGION MARLIN THOMIPSON ()

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Certificate of Training

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MARLIN THOMPSON

for Successful Completion of

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RENO, NV, MAY 28-30, 1997

CEU Credits: 1.8

May 30, 1997

President
Richard W. Phelps

JOHN E. ENSIGN 131 Destruct, Nevaga

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SUBCOMMITTEE ON HEALTH
SUBCOMMITTEE ON HUMAN RESOURCES

RESOURCES COMMITTEE
SUSCOMMITTEE ON MAYORIA PARKS,
FORESTE, AND LANGS
SUSCOMMITTEE ON WATER AND
POWER RESOURCES



Congress of the United States House of Representatives

Washington, DC 20515-2801

August 10, 1998

WASHINGTON OFFICE: 414 CANKON HOUSE OFFICE BUILDING WASHINGTON, DC 20515 (202) 225-5885 FAX: (202) 225-3119

> Las Vegas Office: 1000 E. Sahara Aye., Suite D Las Vegas; NV 89104 (702) 731–1801 FAX: (702) 731–1863

немовазом сялсе: 223 Lead Sr., Rin., Ied Немовазом, RV 83015 (702) 564-9832 FAX: (702) 564-9607 Бъмма Асслеос; ensign@hr.house.gov

194 Wye Street Yerington, Nevada 89447

Mr. Marlin Thompson

Dear Mr. Thompson:

Thank you for contacting me about funding for the National Endowment for the Arts (NEA). I appreciate hearing from you.

Without question, I personally support the arts and believe that the arts are critical to a healthy society. The arts are a source of cultural enrichment and play an important role in our national identity and heritage. In Nevada, several local arts projects have fostered educational opportunities and a greater awareness of the valuable contribution of the arts. Nevertheless, I believe that the arts will continue to flourish without federal dollars for their support. My view is shared by many Nevadans who contribute substantially to the arts or patronize events such as exhibits and symphony performances but feel that the NEA has chosen to fund tasteless and lewd projects in the past.

Funding for the NEA is provided through the annual Interior Appropriations bill. For the past two years, I had voted to maintain funding for the arts at \$99.5 million with the understanding that the federal commitment would end after that point. I believed that two years would give the NEA time to restructure itself into a true endowment that would not require ongoing taxpayer subsidies. However, the NEA assumed that Congress was not serious about ending federal support and instead requested increased funding in Fiscal 1998 and 1999.

Last year, I voted for a compromise amendment which would have ended the Washington NEA and replaced it with \$80 million to fund block grants earmarked for state arts agencies and local school boards. Since there is not enough support in Congress to eliminate arts funding and the only alternative being the status quo which ensures that twenty percent of NEA funds go to the state of New York and that one-third of NEA funds are distributed to just six large cities, I believed that the compromise would at least give Nevada its fair share of arts funding, enhance local control of grants, and provide greater arts education in our schools while achieving the important goal of ending the unfair process of centralizing grant approval in Washington. This amendment failed.

On July 21, 1998, the House of Representatives voted on H.R. 4193, the Fiscal 1999 Interior Appropriations Act, that among other things would have completely defunded the NEA. The bill was amended to reinstate the NEA funding, and it passed with a 253 to 173 vote.

I am willing to look at any alternative which will ensure the continued viability of the arts. However, I cannot support the current system of using taxpayer dollars to reward densely populated, urban states and cities at the expense of Nevada.

Thanks again for sharing your views. Please feel free to do so about any issue of importance to you.

John Ensign

Member of Congress

P.S. Please take time to visit my Interplet homepage at http://www.house.gov/ensign

United States Senate

WASHINGTON, DC 20510-2803

August 26, 1998

Mr. Marlin Thompson 194 Wye Street Yerington, Nevada 89447

Dear Mr. Thompson:

Congratulations on being awarded the Jackpot Grant for your presentation at the Yerington Paiute Tribe's park. As you may know, I have long been a supporter of the arts. I truly believe that the benefits the arts have provided to children and local musicians, poets and artists, like yourself, have some very positive effects upon our state.

I hope that you will continue your efforts in the arts. I know that I join your family and friends in wishing you success in all your endeavors, present and future.

With all best wishes,

Sincerely,

HARRY REID

United States Senator

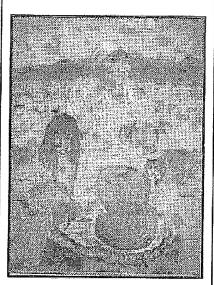
HR: kew

NATIVE AMERICAN PROFILE ON MARLIN THOMPSON by Angela J. Stack, Yerington Paiute

The art of Marlin Thompson is an intimate glimpse of the Paiute culture of Northern Nevada. His themes are statements about personal experiences - meaningful stories, powerful and poignant pieces - which chronicle the demise of the language and skills of his people. It is apparent that the loss is keenly felt by the artist himself. He brings everyday objects into sharp focus. His sensitive brushwork and rich palette give figures a life of their own.

Shown here is the painting, "The Disappearance Of The Basketmakers". It is fraught with a resigned stillness. The woman in profile and the child in the foreground represent an intergenerational sadness and dignity in loss.

The artist works in three dimensions as skillfully as on a flat surface. His fans, drums, drumsticks and sculpture are traditional and beautifully crafted. The intensity which Marlin Thompson brings to his art is eclipsed only by his active community life. Director of the commodity program for the Yerington Paiute, his team serves 16 tribal locations. He studies a remaining dialect of the



The Disappearance of the Basketmakers

by Marlin Thompson

> "Shown here in Black & White"

Paiute language with group at Fallon, Nevada once a week. He is also the Yerington representative of NAGPRA, performing duties of repatriation and burial of human remains and artifacts. Realizing a need to hand down the Paiute culture to future generations, Marlin spends

time with the children in Lyon County's schools presenting stories, songs and art, and factual renditions of the survival modes of the Northern Paiutes.

Marlin Thompson İS presently studying with a Walker River Elder to learn additional songs of his people through a grant from the Nevada Commission for the His work has been shown in a solo exhibition at the Lyon County Museum.

For more information, contact the artist, C/O the Yerington Palute Tribe - 171 Campbell Lane, Yerington, NV 89447.

If you know of someone I who deserves mention ! in our Native American Dense Profile column, please $^{\rm u}_{\parallel}$ call us. We believe that $^{\rm u}_{\parallel}$ those people, by their i pexample, make a difference in our communi-🛚 ties and in our lives and 🗈 ${\mathbb D}$ are the real heroes of ${\mathbb D}$ our country.

Call DCI at (800) 888-1027 or fax your profile to (603) 643-6008 Ō——————

П



MARLIN THOMPSON 195 WYE STREET YERINGTON, NV 89447

WORK

Director of U.S.D.A. Commodity Food Program Yerington Paiute Tribe

1992 to the present

ART

Individual Exhibition - Lyon County Museum- Yerington, NV Jan-Feb, 1997

Works in Permanent Collections

Bureau of Indian Affairs Western Agency Carson City, Nevada

Yerington Paiute Tribal Complex Yerington, Nevada

Yerington Paiute Tribal Clinic Yerington, Nevada

COLLABORATIONS

Historical Uses and Botancial Descriptions of <u>Thirty Plants</u> Important to the Great Basin Indians with Steven W. Pellegrini. A Sci-Mat Fellowship Project.

Historical Preservation Fund Grants to Indian Tribes for Language Preservation, 1993, 1994 and 1995.

Implementation of Paiute Language in Public Schools. Nevada State Department of Education. 1996-1997

COMMUNITY LEADERSHIP

Native American Protection and Repatriation Representative. for Yerington Paiute Tribe 1995 to the present.

Participation in National Conference - Denver, Colorado	Nov 1994
Performed Blessing at National Conference - Palm Springs, CA	Feb 1995
Consultation with the Smithsonian Museum, Washington, D.C.	1995
Scheduled Paiute re-burials at Nevada and California sites in	1997

Personal Appearances in Nevada and California schools, musems and gatherings, storytelling, drum playing, language and plant use in medicine 1992 to the present

Participation in the Master Apprenticeship Progam - Nevada State Council of the Arts
1995-present
Housing Commissioner - Yerington Painte Tribal Authority
1996-1997

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7:15 a.m. 7:00 p.m. 12 noon of each month

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School's never ou....

Friend and neighbor Marlin Thompson lives a life of service and continual learning.

He is a modern 'Renaissance Man.

Thompson wears many hats as a member of the Yerington Painte Tribe. He is the YPT Director of the USDA Food Commodities Program that serves 16 reservations in California and Nevada. In the program, food is delivered to congregate sites where low income and elderly reservation residents may pick it up on a monthly basis.

The program also includes nutrition and cooking instruction, and Thompson attends two USDA conferences a year, one at the state level and one national.

Thompson said he never stops learning, enjoys meeting new people and has a personal thirst for knowledge, both old and new.

He also works on tribal graves protection and repatriation, networking with museums and universities all over the nation. He said he is allowed to go through archives to search for native American artifacts and bones; and he said he has achieved 10 reburials so far, with more to come in the future. Thompson explained that often builders or campers come across bones and artifacts, and they, in turn, get in touch with him.

He also works with the Tribal Elders to learn and preserve Painte songs and knowledge.

"School's never out," commented Thompson, adding that there are only five speakers left at the YPT who are over 70 years old.

He said he was worried about what will happen to their spoken language when they pass on. The language is now written, but it has to be heard in order to be spoken with the correct pronunciation, said Thompson.

Thompson explained tribal songs are an oral method of keeping a record of history. Moreover, Thompson said that the name "Paiute" means "water over there," which is what the native Americans said to the

Europeans when they asked for water. He said they call themselves Numu, meaning people."

Thompson also is one of five Housing Commissioners for the YPT Housing Authority. The YPT Cultural Resources Contact, he works to provide educational programs in public schools, performs Native American songs, is a published writer, and is an art-

Thompson is a graduate of Yerington High School, a former telephone operator, and he sald he is single because he has not had time for a family,

Thompson's favorite quote by Theodore Roosevelt: "It is not the critic who counts, not the

man who points out how the strong man stumbles or where the doer of deeds could have done them better.

The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood, who strives valiantly, who errs and comes up short again and again. Because there is no effort without error and shortcomings, (those) who know the great devotion, who spends himself in a worthy cause, who at the best knows in the end the high achievement of triumph and who at worst, if he fails while daring greatly, knows his place shall never be with those timid and cold souls who know neither victory nor defeat."



FRIEND AND NEIGHBOR Marlin Thompson lives a life of service and continual learning. Thompson wears many hats as a member of the Yerington Paiute Tribe. He is the YPT Director of the USDA Food Commodities Program. Thompson also works with the Elders to learn and preserve Palute songs and knowledge, tribal graves protection and repatriation, is one of five Housing Commissioners for the YPT Housing Authority, the YPT Cultural Resources Contact, he works to provide educational programs in public schools, performs Native American songs, is a published writer, and he is an artist.

What Do Readers Mean When They Say "Local News"?

Research finds that more often than not, "local news" to the average reader means. "neighborhood" news. Schools, CODS. fire....the events

Ron Menesini

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EXHIBIT 2

Division of Parole and Probation's July 20, 2016 status report submitted by Officer Barbara McNeil.

EXHIBIT 2



Denied 12/16.

MEMORANDUM

DIVISION OF PAROLE AND PROBATION NORTHERN COMMAND

DATE:

July 20, 2016

TO:

Chief Natalie A. Wood

FROM:

Barbara McNeil, DPS Officer II

SUBJECT: Request for Life Parole Sentence Modification - Petitioner: Marlin Thompson Bin#14254

On June 27, 2016, Petitioner, Marlin Thompson requested an early release from parole.

Pursuant to NRS 176.033 (2), at any time after a prisoner has been released on parole and has served one-half of the period of parole, or 10 consecutive years on parole in the case of a prisoner sentenced to life imprisonment, the State Board of Parole Commissioners, upon the recommendation of the Division, may petition the court of original jurisdiction requesting a modification of sentence. The Board shall give notice of the petition and hearing thereon to the Attorney General or District Attorney who had jurisdiction in the original proceedings. Upon hearing the recommendation of the State Board of Parole Commissioners and good cause appearing, the court may modify the original sentence by reducing the maximum term of imprisonment but shall not make the term less than the minimum term prescribed by the applicable penal statute.

CONVICTION INFORMATION

On January 16, 1979, the Petitioner was convicted of CT I: First Degree Murder and CT II: Attempted First Degree Murder, Felony. Marlin Thompson is guilty of First Degree Murder and Attempted First Degree Murder and that he be punished by imprisonment in the Nevada States Prison for the term of Life with Possibility of Parole on the crime of First Degree Murder and that he be punished by imprisonment in the Nevada State Prison for the term of fifteen (15) years on the crime of Attempted First Degree Murder, to run consecutive with the Life With Possibility term and that he be given credit for 151 days time served (see attached Judgement of Conviction).

OFFENSE INFORMATION

According to the Pre-Sentence Investigation dated January 4, 1979, the instant offense occurred as follows: On August 19, 1978, Marlin Thompson along with Lester Williams, Frieitchiel Frank and Jefferey Frank, were at a party in Reno, Nevada. Marlin Thompson and Mr. Williams began arguing with the Frank brothers over a set of car keys. During the argument, Marlin Thompson stabbed Freitchiel Frank four times in the stomach and Jeffery Frank three times. Freitchiel Frank died at the scene and Jefferey Frank was transported to the Washoe Medical Center where he sustained major injuries to his right eye.

NPP Directive Manual

HISTORY OF SUPERVISION

On January 29, 1990, the Petitioner was granted parole on the conviction of Ct. I: Murder in the First Degree and on August 22, 1992 on CT. II: Attempted First Degree Murder.

The following special conditions were ordered:

- 1. Search
- 2. No Drinking
- 3. Outpatient Substance Abuse Counseling if Deemed Necessary
- 4. Maintain Steady Employment

Petitioner has been supervised by the Division of Parole and Probation since July 21, 1992.

Mr. Thompson has been compliant with no violations since his release from the Nevada Department of Corrections in 1992. He is a major contributor to the Yerington Paiute Tribe in Yerington, Nevada to include the Director of USDA Food Program for 16 reservations; both in Nevada and California. In addition, Mr. Thompson has worked with the Bureau of Land Management as a consultant on Indian artifacts and protection/repatriation of tribal graves. On January 7, 2000, Mr. Thompson was featured in the Mason Valley News for his contributions to the community and Yerington Paiute Tribe (see attached article).

With respect to his supervision, Mr. Thompson has completed all conditions of parole. He continues to report monthly to the Division, has paid his supervision fees every month and has maintained full time employment with the Yerington Paiute Tribe. In fact, Mr. Thompson is the supervisor for the Commodities Department for YPT. Mr. Thompson continues to reside at the same residence in which he was paroled to, even after his mother passed in May 2013. Mr. Thompson attends yearly US Department of Agriculture conferences throughout the United States as a guest speaker. He is active with his Tribal Counsel and has had no new arrest since his parole.

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EXHIBIT 3

Division of Parole and Probation's September 13, 2016 recommendation to deny the petition from the Chief Parole and Probation Officer Natalie Wood.

EXHIBIT 3

Brian Sandoval



James M. Wright

Natalie Wood

DIVISION OF PAROLE AND PROBATION

OFFICE OF THE CHIEF

1445 Old Hot Springs Road, Suite 104 Carson City, NV 89706 (775) 684-2605 (775) 684-2697

DATE:

9/13/16

TO:

Connie Bisbee, Chairman

FROM:

Natalie Wood, Chief

SUBJECT:

Request for Life Parole Sentence Modification

Petitioner: Thompson, Marlin

BIN: 14254

Case: C78-1052

RECEIVED

SEP 15 2016

STATE OF NEVADA PAROLE SOARD

Pursuant to NRS 176.033 (2), at any time after a prisoner has been release on parole and has served one-half of the period of parole, or 10 consecutive years on parole in the case of a prisoner sentenced to life imprisonment, the State Board of Parole Commissioners, upon the recommendation of the Division, may petition the court of original jurisdiction requesting a modification of sentence. The Board shall give notice of the petition and hearing thereon the Attorney General or District Attorney who had jurisdiction in the original proceedings. Upon hearing the recommendation of the State Board of Parole Commissioners and good cause appearing, the court may modify the original sentence by reducing the maximum term of imprisonment but shall not make the term less than the minimum term prescribed by the applicable penal statute.

Upon review of the totality of the facts and circumstances regarding this matter, the Division of Parole and Probation recommends the petitioner's application be Denied.

Natalie Wood, Chief

Parole and Probation DPS

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EXHIBIT 4

Record of Public Hearing of the Nevada Board of Parole Commisioners of March 7, 2017.

EXHIBIT 4

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CODE No. 2645 CHRISTOPHER J. HICKS #7747 P. O. Box 11130 Reno, Nevada 89520-0027 (775) 328-3200 Attorney for Plaintiff

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IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

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IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,

Plaintiff,

ν.

Case No. C78-1052

MARLIN THOMPSON,

Dept. No. 4

Defendant.

OPPOSITION TO "PETITION FOR MODIFICATION OF SENTENCE"

COMES NOW, the Washoe County District Attorney and opposes the "Petition for Modification of Sentence" filed by the State Board of Parole Commissioners. This opposition is based upon the records of this court, on the exhibits appended to the petition, and the following points and authorities.

POINTS AND AUTHORITIES

Marlin Thompson was convicted of murder and attempted murder in 1979. He has expired the sentence for the attempted murder. For the murder, he was sentenced to a term of life imprisonment, with the opportunity for parole after ten years. He was paroled from that life sentence in 1992.

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Now, on September 11, 2017, the Board of Parole Commissioners has petitioned this court to modify the sentence.¹ NRS 176.033(2) does indeed allow for such a petition, and provides this court with authority to modify certain sentences. However, the final line of that statute provides that the maximum term may not be reduced below the minimum allowed by statute for that crime. The relevant sentencing statute is the statute in force at the time of the crime. State v. District Court (Pullin), 124 Nev. 564, 188 P.3d 1079 (2008). The statute in effect at the time of the crime, NRS 200.030, allowed for only two sentences for first-degree murder. See 1977 Statutes of Nevada at 864, 1541, and 1627. Those were life without parole and life with the possibility of parole after ten years. That is, the only available sentence was life imprisonment. As NRS 196.033(2) prohibits reducing the maximum term to less than life imprisonment, the petition should be denied.

The Washoe County District Attorney notes that the Pardons Board has no such restrictions. If Defendant Thompson has a remedy, it may be with the Pardons Board. The District Attorney voices no opinion on the potential merits of any future petition to the Pardons Board. For now, the petition seeks an unlawful remedy that is not available through this court and therefore it should be denied.

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¹ The District Attorney notes that the petition is signed by Connie Bisbee, who is apparently not a member of the State Bar. Ordinarily, while a party can represent himself or herself, the party in this case seems to be the parole board and so the Chairman would be acting in a representative capacity. Whether that amounts to a violation of NRS 7.285 is not relevant to this opposition. Cf. Sunde v. Contel of California, 112 Nev. 541, 915 P.2d 298 (1996)(president of a closely held corporation may not appear on behalf of the corporation without being a member of the state bar).

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DATED: September 19, 2017.

CHRISTOPHER J. HICKS District Attorney

By <u>/s/ TERRENCE P. McCARTHY</u> TERRENCE P. McCARTHY Chief Appellate Deputy

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Second Judicial District Court on September 19, 2017. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Connie S. Bisbee Chairman of the State of Nevada Board of Parole Commissioners

/s/ DESTINEE ALLEN
DESTINEE ALLEN

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3795 1 ADAM PAUL LAXALT 2 Attorney General KATHLEEN BRADY (Bar No. 11525) Deputy Attorney General 3 State of Nevada Office of the Attorney General 555 Wright Way Carson City, NV 89711 5 (775) 684-4605 (phone) 6 (775) 684-4601 (fax) kbrady@ag.nv.gov 7 Attorneys for State of Nevada

Board of Parole Commissioners

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

STATE OF NEVADA,

Case No. C78-1052

Plaintiff,

Dept. No. IV

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MARLIN THOMPSON,

Defendant.

REPLY IN SUPPORT OF PETITION FOR MODIFICATION OF SENTENCE

On September 11, 2017, the Nevada Board of Parole Commissioners (Parole Board) filed a petition for modification of sentence for Marlin Thompson (Defendant) pursuant to NRS 176.033. The Washoe County District Attorney (District Attorney) opposes the Petition, arguing that the statute in effect at the time of the commission of the crime applies and bars Defendant from modification of his 1979 conviction.

While it is the District Attorney's position that the 1977 version of NRS 176.033 applies to this case, the Parole Board disagrees. The amendments to the statue apply to Defendant and allow for a modification of sentence at this Court's discretion. The District Attorney cites to *State v. Second Judicial Dist. Court (Pullin)*, 124 Nev. 564, 188 P.3d 1079 (2008), for the proposition that the sentencing statute in force at the time of the crime is the appropriate statute to use. However, *Pullin* actually provided that "the general rule is that the proper penalty is that in effect at the time of the commission of the offense' unless the Legislature demonstrates clear legislative intent to apply a

criminal statute retroactively." 124 Nev. at 569, 188 P.3d at 1082 (quoting *Sparkman v. State*, 95 Nev. 76, 82, 590 P.2d 151, 155–56 (1979)). Indeed, the Court reiterated, "the law in effect at the time of the commission of a crime governs the prosecution of criminal offenses." *Pullin*, 124 Nev. at 568, 188 P.3d at 1081 (emphasis added). As delineated by the language used in the case, *Pullin* concerned penal sentencing statutes, not remedial amendments to relief statutes such as NRS 176.033.

As explained by the United States Supreme Court, "[e]ven absent specific legislative authorization, application of new statutes passed after the events in suit is unquestionably proper in many situations. When the intervening statute authorizes or affects the propriety of prospective relief, application of the new provision is not retroactive." *Landgraf v. USI Film Prod.*, 511 U.S. 244, 273 (1994). Indeed, "the general rule against a retrospective construction of a statute does not apply to statutes relating merely to remedies and modes of procedure." *Truckee River Gen. Elec. Co. v. Durham*, 38 Nev. 311, 149 P. 61, 62 (1915). The statute at issue is not a sentencing statute and it does not set penalty parameters. Instead, it is a prospective relief statute that is not retroactive and may be applied to the Parole Board's Petition. NRS 176.033 does not have retroactive effect because it does not "impair rights a party possessed when he acted, increase a party's liability for past conduct, or impose new duties with respect to transactions already completed." *Landgraf*, 511 U.S. at 280.

And, even if NRS 176.033 were a penal sentencing statute, legislative intent indicates that the 1987 amendments to the statute applied retroactively. In 1987, NRS 176.033(2) was amended to provide that individuals serving life sentences are eligible for modification under the statute after ten years on parole. See 1987 Statutes of Nevada, 396 (Chapter 174, AB 560) ("At any time after a prisoner has been released on parole and has served one-half of the period of his parole, or 10 consecutive years on parole in the case of a prisoner sentenced to life imprisonment"). The bill did not have an effective date. See id. This is telling in conjunction with the legislative history explaining that "the bill was introduced 'in the form of a question . . . was it purposeful on the legislature's part to exclude life sentences from the possibility of early discharge from parole, or was that an oversight at the time the legislation was passed? If it was an oversight, the recommendation was that one-half of life would be defined as ten years on parole." Hearing on AB 560 before the Senate Committee on the Judiciary, 64th

Sess. (Nev., May 6, 1987) (Testimony of Rob Calderone, Department of Parole and Probation). It was further provided that eleven people currently under supervision that "would fall into the eligible category. . . ." *Id.* In enacting this amendment, the Legislature affirmed that it was correcting this oversight and allowing those individuals convicted of life sentences to make use of NRS 176.033 after serving ten years on parole.

Accordingly, the Parole Board submits that Defendant is eligible to seek modification of his sentence under the statute. The Petition consequently does not seek an unlawful remedy and allows this Court, at its discretion, to determine whether to modify Defendant's sentence. The Parole Board, thus, submits the Petition to this Court for its consideration.²

DATED this 2nd day of November, 2017.

ADAM PAUL LAXALT Attorney General

By: /s/ Kathleen Brady
Kathleen Brady (Bar. No. 11525)
Deputy Attorney General

¹Located at:

http://www.leg.state.nv.us/Division/Research/Library/LegHistory/LHs/1987/AB560,1987.pdf at page 13 (last checked 11/2/17).

² The District Attorney implies that the filing of this Petition by the Parole Board was improper and potentially violates NRS 7.285. However, no legal citation was provided to support the argument that a quasi-judicial entity such as the Parole Board cannot file a Petition with this Court when specifically directed to do so by specific statute. *See* NRS 176.033(2). Instead, the District Attorney cites to corporate law based on the fact that no rule or statute permits a person to represent a company or other similar entity in court. *See Salman v. Newell*, 110 Nev. 1333, 1336, 885 P.2d 607, 608 (1994) ("[N]o rule or statute permits a person to represent any other person, a company, a trust, or any other entity in the district courts or in this court."); *Sunde v. Contel of California*, 112 Nev. 541, 915 P.2d 298 (1996). NRS 7.285 does not prohibit the Parole Board from filing a Petition that it is specifically authorized to file pursuant to NRS 176.033(2) and that merely provides the factual basis for this Court to use to determine whether to modify Defendant's sentence.

AFFIRMATION (Pursuant to NRS 239B.030) The undersigned does hereby affirm that the preceding document, REPLY IN SUPPORT OF PETITION FOR MODIFICATION OF SENTENCE, does not contain the social security number of any person. DATED this 2nd day of November, 2017. ADAM PAUL LAXALT Attorney General By: /s/ Kathleen Brady Kathleen Brady (Bar. No. 11525) Deputy Attorney General

CERTIFICATE OF SERVICE I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on November 2, 2017, I filed the foregoing document via this Court's electronic filing system. Parties that are registered with this Court's EFS will be served electronically as follows: Christopher J. Hicks P.O. Box 11130 Reno NV 89520-0027 For those parties not registered, service was made by depositing a copy of the above-referenced document for mailing in the United States Mail, first-class postage prepaid, at Carson City, Nevada to the following: Marlin Thompson 194 Wye Street Yerington NV 89447 /s/ B. Cozens B. Cozens, an employee of the office of the Nevada Attorney General

CASE NO. C78-1052

TITLE: THE STATE OF NEVADA VS. MARLIN THOMPSON Clerk of the Court ansaction # 6422183

DATE, JUDGE **OFFICERS OF**

APPEARANCES-HEARING **COURT PRESENT**

CONT'D TO

11/30/17

ORAL ARGUMENTS ON THE PAROLE BOARD'S PETITION FOR

HONORABLE MODIFICATION OF SENTENCING

CONNIE

Chief Deputy District Attorney Terrence McCarthy represented the State. STEINHEIMER Deputy Attorney General Kathleen Brady represented the interested party,

DEPT. NO.4

Nevada State Board of Parole Commission.

M. Stone (Clerk)

Petition for Modification of Sentence by counsel Brady; presented argument; objection and argument by counsel McCarthy; reply argument by counsel

J. Schonlau

Brady.

(Reporter)

COURT ENTERED ORDER allowing for supplemental briefing. Counsel Brady must file a supplement brief within 30 days of the date of this hearing

and Counsel McCarthy must respond within 30 days thereafter.

Court recessed.

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Jacqueline Bryant
Clerk of the Court
Transaction # 6461454 : swilliam

4105 1 ADAM PAUL LAXALT 2 Attorney General KATHLEEN BRADY (Bar No. 11525) Deputy Attorney General 3 State of Nevada Office of the Attorney General 555 Wright Way 5 Carson City, NV 89711 (775) 684-4605 (phone) (775) 684-4601 (fax) 6 kbrady@ag.nv.gov 7 Attorneys for State of Nevada

Board of Parole Commissioners

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

STATE OF NEVADA,

Case No. C78-1052

Plaintiff,

Dept. No. IV

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MARLIN THOMPSON,

Defendant.

SUPPLEMENTAL BRIEFING IN SUPPORT OF PETITION FOR MODIFICATION OF SENTENCE

On September 11, 2017, the Nevada Board of Parole Commissioners (Parole Board) filed a petition for modification of sentence for Marlin Thompson (Defendant) pursuant to NRS 176.033. The Washoe County District Attorney (District Attorney) opposes the Petition, arguing that the statute in effect at the time of the commission of the crime applies and bars Defendant from modification of his 1979 conviction. At the hearing held on November 30, 2017, this Court directed the Parole Board to provide supplemental briefing. Specifically, this Court asked the Parole Board to address the last portion of NRS 176.033(2) and whether the statute allows the Court to reduce Defendant's sentence of life with the possibility of parole after ten years.

The 1977 version of NRS 176.033(2) is the operative version because it was the statute in effect at the time of Defendant's conviction. In 1977, the statute provided in pertinent part that "the court may modify the original sentence by reducing the term of imprisonment but shall not make the term less

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than the minimum limit prescribed by the applicable penal statute." 1977 Statutes of Nevada, 414 (Chapter 232, SB 131).

While this section of the statute was amended in 1995 to alter the language from "minimum limit" to "minimum term," these amendments to the statute did not apply retroactively. 1995 Statutes of Nevada, 1248 (Chapter 443, SB 416). Indeed, the Legislature explicitly declared that the amendments "do not apply to offenses which are committed before July 1, 1995." *Id.* at section 393. SB 146 did not apply retroactively because it altered the way that criminal defendants were sentenced in the state of Nevada and for the first time required judges to sentence an offender to a minimum and a maximum term of imprisonment. *See* S.B. 416 (1995). Accordingly, the "minimum limit" phrase, and not the "minimum term" phrase, applies in the instant Petition, as at the time of Defendants' conviction there was no minimum and maximum term of imprisonment requirement in the criminal statutes. Thus, the applicable version of the statute provides that this Court "may modify the original sentence by reducing the term of imprisonment but shall not make the term less than the minimum limit prescribed by the applicable penal statute." 1977 Statutes of Nevada, 414 (Chapter 232, SB 131).

This alteration of the language was significant. As pertinent in this context, "term" denotes a "fixed period of time." Black's Law Dictionary, term (10th ed. 2014). However, the term "limit" interalia denotes "[a] restriction or restraint," or "[a] boundary or defining line." Black's Law Dictionary, limit (10th ed. 2014).

The sentencing statute in effect at the time of Defendant's conviction provided that "[e]very person convicted of murder of the first degree shall be punished . . . by imprisonment in the state prison for life with or without possibility of parole. If the penalty is fixed at life imprisonment with possibility of parole, eligibility for parole begins when a minimum of 10 years has been served." NRS 200.030(6) (1977). Thus, the minimum limit, or "minimum sentence" in this case is ten years. This is the minimum sentence or limit because this is "[t]he least amount of time that a convicted criminal must serve in prison before becoming eligible for parole." Black's Law Dictionary, minimum sentence (10th ed. 2014). Accordingly, this Court may modify the original sentence in this case to ten years—the minimum sentence or limit provided by the statute.

The Legislature has provided this Court with the ability to remove the continuing obligation to be subject to parole. In *Pinana v. State*, 76 Nev. 274, 352 P.2d 824 (1960), the Nevada Supreme Court explained that "[t]he subject of parole in this state is within the legislative authority given by the constitution to the legislature. Art. 4, Sec. 1, Nevada Constitution." It is indisputable "that the authority to define and fix the punishment for crime is legislative, and includes the right in advance to bring within judicial discretion for the purpose of executing the statute elements of consideration which would be otherwise beyond the scope of judicial authority" *State v. Eighth Judicial Dist. Court*, 85 Nev. 485, 488, 457 P.2d 217, 218 (1969) (internal quotation omitted). In enacting the changes to NRS 176.033(2), the Nevada Legislature provided this Court with discretion to modify Defendant's sentence.

This interpretation of the statutory scheme is harmonious with the Legislative history in 1987 that amended the relief statute to apply to persons subject to life sentences. *See* 1987 Statutes of Nevada, 396 (Chapter 174, AB 560). In 1987, the statute was amended to provide that "at any time after a prisoner has been released on parole and has served one-half of the period of his parole, or 10 consecutive years on parole in the case of a prisoner sentenced to life imprisonment, the state board of parole commissioners, upon the recommendation of the department of parole and probation, may petition the court of original jurisdiction requesting a modification of sentence." It was explained that AB 560 was introduced because "[c]urrently the department [of Parole and Probation] has to supervise a person who is paroled on a life sentence, for the rest of his/her life. This was an onerous task the Department wanted to remedy." Hearing on AB 560 before the Assembly Committee on the Judiciary, 64th Sess. (Nev., April 24, 1987). The Department further provided to the Legislature that the legislation was sought after the attorney general's office indicated that because "there is no such thing as one-half of life," persons serving life sentences would not be eligible for an early discharge. Hearing on AB 560 before the Senate Committee on the Judiciary, 64th Sess. (Nev., May 6, 1987) (Testimony of Rob Calderone, Department of Parole and Probation). The Legislature made the requisite changes to

¹Located at:

http://www.leg.state.nv.us/Division/Research/Library/LegHistory/LHs/1987/AB560,1987.pdf at page 6 (last checked 12/27/17).

NRS 176,033(2) to remedy this very situation and allow for the requested sentence modification. Reading the provisions of NRS 176.033(2) in harmony allows defendants convicted of life sentences to seek modification of their sentences. Accordingly, the Parole Board submits that Defendant is eligible to seek modification of his sentence under the statute. The Petition consequently does not seek an unlawful remedy and allows this Court, at its discretion, to determine whether to modify Defendant's sentence. The Parole Board, thus, submits the Petition to this Court for its consideration.² DATED this 2nd day of January, 2018. ADAM PAUL LAXALT Attorney General By: /s/ Kathleen Brady Kathleen Brady (Bar. No. 11525) Deputy Attorney General

² At the hearing, the parties discussed a sentence modification request that was granted in the eighth judicial district court. In that case, defendant requested a sentence modification reducing the maximum term of imprisonment to remove the Life tail, and the Court granted the modification that removed the sentence of lifetime supervision on parole. *See* Exhibit 1 attached hereto.

AFFIRMATION (Pursuant to NRS 239B.030) The undersigned does hereby affirm that the preceding document, SUPPLEMENTAL BRIEFING IN SUPPORT OF PETITION FOR MODIFICATION OF SENTENCE, does not contain the social security number of any person. DATED this 2nd day of January, 2018. ADAM PAUL LAXALT Attorney General By: /s/ Kathleen Brady Kathleen Brady (Bar. No. 11525) Deputy Attorney General

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on January 2, 2018, I filed the foregoing document via this Court's electronic filing system. Parties that are registered with this Court's EFS will be served electronically as follows:

Christopher J. Hicks P.O. Box 11130 Reno NV 89520-0027

For those parties not registered, service was made by depositing a copy of the above-referenced document for mailing in the United States Mail, first-class postage prepaid, at Carson City, Nevada to the following:

Marlin Thompson Yerington NV 89447

/s/ B. Cozens

B. Cozens, an employee of the office of the Nevada Attorney General

194 Wye Street

INDEX OF EXHIBITS

EXHIBIT No.	EXHIBIT DESCRIPTION	Number Of Pages
1.	Order Modifying Sentence (State of Nevada v. Schuck, Case No. 94C124520-3)	2

-7-

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EXHIBIT "1"

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,]]	WRICTINA WILDEVELD ESO		Columnia		
2	KRISTINA WILDEVELD, ESQ. Nevada Bar No. 005825				
	THE LAW OFFICE OF KRISTINA WILDE	EVELD			
3	615 S. 6th Street				
4	Las Vegas, NV 89101				
5	Office (702) 222-0007		į		
ا	Fax (702) 222-0001				
6	Attorney for Defendant, ANN V. SCHUCK				
7	DISTF	RICT COURT			
	CLARK CO	OUNTY NEVADA			
8		****			
9	THE STATE OF NEVADA,) CASE NO.:	94C124520-3		
۱ ۵۰	Plaintiff,) DEPT, NO.:	XXIII		
10	riamun,)	111111		
11	vs.)			
12)			
1	ANN V. SCHUCK,)			
13	Defendant.)			
14	Detendant.)			
15	3 Manufacture and the Control of the				
	ORDER MODIFYING SENTENCE				
16	Pursuant to the Defendant's Motion to Modify Sentence, this matter came on for hearing				
17					
18	on July 5, 2017. The Defendant, ANN V. SCHUCK (a.k.a. Ann Virgin) was present and represented by her counsel, KRISTINA WILDEVELD, ESQ., of The Law Offices of Kristina				
19	Wildeveld. The State of Nevada was pre-	esent and represented	I by Deputy District Attorney,		
20	STEVEN ROSE, ESQ.				
21	The Court reviewed all papers as	nd plandings on file	herein and after entertaining		
22		nd pleadings on me	norom and and one-		
23	arguments in this matter:				
	THE DISTRICT COURT FINI	DS that the Defenda	ant, ANN V. SCHUCK, was		
24	originally sentenced to serve Life with the l	Possibility of Parole a	fter five (5) years in the Nevada		

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Department of Corrections.

Department of Corrections before she was released on parole.

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THE DISTRICT COURT FINDS that Ms. Schuck served ten (10) years in the Nevada

THE DISTRICT COURT FURTHER FINDS that pursuant to NRS 176.033(2), "At any time after a prisoner has been released on parole and has served one-half of the period of parole, or 10 consecutive years on parole in the case of a prisoner sentenced to life imprisonment, the State Board of Parole Commissioners, upon the recommendation of the Division, may petition the court of original jurisdiction requesting a modification of sentence." THE DISTRICT COURT FURTHER FINDS that Ms. Schuck has served thirteen (13) consecutive years on parole following her release from prison, which exceeds the statutory requirement of a minimum of ten (10) years for a prisoner sentenced to lifetime imprisonment. THE DISTRICT COURT FURTHER FINDS that pursuant to NRS 176.033(2), Ms. Schuck successfully petitioned the State Board of Parole Commissioners to positively recommend her request for a sentence modification pursuant to a parole hearing on June 19, 2017. IT IS HEREBY ORDERED that the sentence of lifetime supervision and parole as to ANN V. SCHUCK (a.k.a. Ann Virgin) be removed, as the Defendant satisfactorily met the requirements of NRS 176.033(2), so that Ms. Schuck no longer be on parole, and that this matter be rendered closed. **ORDERED** this day of Eighth Udicial District Court Judge Respectfully Submitted by: KRISTANA WILDEVELD, ESO.

Nevada Bar No. 005825

615 S. 6th St

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Las Vegas, NV 89101

 $(702)\ 222-0007$

Attorney for Defendant, ANN V. SCHUCK

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CODE No. 3880 CHRISTOPHER J. HICKS #7747 P. O. Box 11130 Reno, Nevada 89520-0027 (775) 328-3200 Attorney for Plaintiff

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IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF WASHOE

* * *

THE STATE OF NEVADA,

Plaintiff,

v.

Case No. C78-1052

MARLIN THOMPSON,

Dept. No. 4

Defendant.

STATE'S RESPONSE TO "SUPPLEMENTAL BRIEFING IN SUPPORT OF PETITION FOR MODIFICATION OF SENTENCE"

After arguments on this matter, this court invited additional briefing. The Attorney General has filed an additional document beginning by repeating the incorrect description of the position of the Washoe County District Attorney. The District Attorney has not, does not and will not contend that some older version of NRS 176.033 applies to this case. It is the position of the District Attorney that the current version of that statute prohibits reducing a sentence below the minimum allowable sentence.

The allowable sentence for Marlin Thompson's crime was life in prison, without parole or with parole being possible after 10 years. At the time Thompson was sentenced, if this court had imposed a sentence of 10 years, that would have been an

illegal sentence. The only available sentence was life, with the possibility of parole after 10 years. Parole eligibility is not the sentence. It is the time at which the parole board may consider allowing the prisoner to serve the remaining sentence outside of the prison walls under specified conditions. If this court had ordered that the prison term would be limited to 10 years, that usurpation of the role of the parole board would have been unlawful then, and it would be unlawful now.

The District Attorney agrees with the assertion that one serving a life sentence may have that sentence changed via NRS 176.033. The limit, however, is that the court may not impose a sentence that would have been unlawful when the defendant was originally sentenced. The Attorney General is urging this court to act unlawfully and this court should decline that invitation.

If the parole authorities find the supervision of Thompson to be burdensome, they can alter the conditions of parole. This court, however, lacks that authority.

Therefore, the petition seeking to reduce the sentence to a sentence that would have been unlawful when the defendant was first sentenced should be denied.

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DATED: January 26, 2018.

CHRISTOPHER J. HICKS District Attorney

By <u>/s/ TERRENCE P. McCARTHY</u>
TERRENCE P. McCARTHY
Chief Appellate Deputy

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Second Judicial District Court on January 26, 2018. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Kathleen Brady Deputy Attorney General

> <u>/s/ DESTINEE ALLEN</u> DESTINEE ALLEN

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IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF WASHOE

* * *

THE STATE OF NEVADA,

Plaintiff,

v.

Case No. C78-1052

MARLIN THOMPSON,

Dept. No. 4

Defendant.

ORDER DENYING PETITION

Currently before this court is a "Petition for Modification of Sentence" filed by the State Board of Parole Commissioners, seeking an order from this court to modify the sentence of Defendant Marlin Thompson.

Thompson was convicted of murder and attempted murder in 1979. He has expired the sentence for the attempted murder. For the murder, he was sentenced to a term of life imprisonment, with the opportunity for parole after ten years. He was paroled from that life sentence in 1992.

Now, on September 11, 2017, the Board of Parole Commissioners has petitioned this court to modify the sentence. NRS 176.033(2) does indeed allow for such a petition, and provides this court with authority to modify certain sentences. However, the final line of that statute provides that the maximum term may not be reduced below the minimum allowed by

statute for that crime. The relevant sentencing statute is the statute in force at the time of the crime. State v. District Court (Pullin), 124 Nev. 564, 188 P.3d 1079 (2008). The statute in effect at the time of the crime, NRS 200.030, allowed for only two sentences for first-degree murder. See 1977 Statutes of Nevada at 864, 1541, 1627. Those were life without parole and life with the possibility of parole after ten years. That is, the only available sentence was life imprisonment. As NRS 196.033(2) prohibits reducing the maximum term to less than life imprisonment, the petition must be denied. The court voices no opinion on the merits of the petition, or on the merits of some future petition for clemency from the Pardons Board. The court merely holds that the remedy sought by the State Board of Parole Commissioners is not available through this court and so the petition is denied.

DATED this 22 day of March, 2018.

DISTRICT JUDGE

- 1	
1	CERTIFICATE OF SERVICE
2	I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the
3	STATE OF NEVADA, COUNTY OF WASHOE; that on the 23° day of
4	, 2018, I filed the attached document with
5	the Clerk of the Court.
6	I further certify that I transmitted a true and correct copy of the foregoing document
7	by the method(s) noted below:
8	Personal delivery to the following: [NONE]
9	Electronically filed with the Clerk of the Court, using the eFlex system which constitutes effective service for all eFiled documents pursuant to the efile User Agreement:
11	Terrence McCarthy, Esq. Deputy District Attorney
13	Kathleen Brady, Esq. Deputy Attorney General
14 15 16	Transmitted document to the Second Judicial District Court mailing system in a sealed envelope for postage and certified mailing with the United States Postal Service in Reno, Nevada: [NONE]
17 18	
19	Placed a true copy in a sealed envelope for service via:
20	Reno/Carson Messenger Service – [NONE]
21	Federal Express or other overnight delivery service – [NONE]
22	Inter-Office Mail – [NONE]
23	DATED this 23 rd day of March , 2018.
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Clerk of the Court
Transaction # 6595902

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IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

Petitioner,

Case No: C78-1052

Dept. No: 4

VS.

MARLIN THOMPSON,

THE STATE OF NEVADA,

Respondent.

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that on March 23, 2018, the Court entered a decision or order in this matter, a true and correct copy of which is attached hereto.

You may appeal to the Supreme Court from the decision or Order of the Court. If you wish to appeal, you must file a Notice of Appeal with the Clerk of this Court within thirty-three (33) days after the date this notice is mailed to you.

Dated March 26, 2018.

JACQUELINE BRYANT
Clerk of the Court
/s/ SM Wolfe
Deputy Clerk

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Jacqueline Bryant
Clerk of the Court
Transaction # 6593558

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IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF WASHOE

* * *

THE STATE OF NEVADA,

Plaintiff,

v.

Case No. C78-1052

MARLIN THOMPSON,

Dept. No. 4

Defendant.

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DATED this <u>22</u> day of <u>March</u>, 2018.

Connie 1. Heinheimer

1	CERTIFICATE OF SERVICE		
2	I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the		
3	STATE OF NEVADA, COUNTY OF WASHOE; that on the 23° day of		
4			
5	the Clerk of the Court.		
6	I further certify that I transmitted a true and correct copy of the foregoing document		
7	by the method(s) noted below:		
8	Personal delivery to the following: [NONE]		
9	Electronically filed with the Clerk of the Court, using the eFlex system which constitutes effective service for all eFiled documents pursuant to the efile Us		
10	Agreement:		
11	Terrence McCarthy, Esq. Deputy District Attorney		
12	Kathleen Brady, Esq. Deputy Attorney General		
14 15 16	Transmitted document to the Second Judicial District Court mailing system in a sealed envelope for postage and certified mailing with the United States Postal Service in Reno, Nevada: [NONE]		
17 18			
19	Placed a true copy in a sealed envelope for service via:		
20	Reno/Carson Messenger Service – [NONE]		
21	Federal Express or other overnight delivery service – [NONE] Inter-Office Mail – [NONE]		
22	and M. I		
23	DATED this 25 day of 110.5 (1) day of, 2018.		
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April 10, 2018

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To: Justices of the Supreme Court of Nevada

201 S. Carson Street, Ste. 201

Carson City, NV 89701

From: Marlin Thompson, respondent

194 Wye Street

Yerington, NV 89447

Re: Appeal to the Second District Court, Washoe County, NV

Justices;

I am appealing the decision of the Second District Court, Washoe County, District Judge Connie J. Steinbeimer. It has been a year since I filed an appeal to the Nevada Board of Parole Commissioners seeking relief from a life sentence with parole. The board was in favor of my appeal and granted it. There was no objection from the Nevada Attorney General's Office, the decision was directed to Washoe County who then denied the decision. I have been in compliance with all Nevada laws since my release and have done my best to be a giving citizen of the state by doing various projects. I have made videos for Nellis Air Force in Las Vegas, contributed to the Nevada Arts Council, even being appointed to the arts board by Governor Kenny Guinn. I believe 40 years without a blemish on my record is enough grounds to be released from parole, with my declining health I would like to live the rest of my years living on this reservation with my people and family.

Thank you very much for reading this correspondence and hopefully answer my request.

Respectfully,

Marlin Thompson

Cc; clerk of the court, Washoe County

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Electronically
C78-1052
2018-03-26 01:36:43 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 65959D2

CODE 2540

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IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,

Petitioner,

Case No: C78-1052

vs.

MARLIN THOMPSON,

Dept. No: 4

Respondent.

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that on March 23, 2018, the Court entered a decision or order in this matter, a true and correct copy of which is attached hereto.

You may appeal to the Supreme Court from the decision or Order of the Court. If you wish to appeal, you must file a Notice of Appeal with the Clerk of this Court within thirty-three (33) days after the date this notice is mailed to you.

Dated March 26, 2018.

JACQUELINE BRYANT
Clerk of the Court

/s/ SM Wolfe Deputy Clerk



CERTIFICATE OF SERVICE 2 Case No. C78-1052 3 Pursuant to NRCP 5 (b), I certify that I am an employee of the Second 4 Judicial District Court; that on March 26, 2018, I electronically filed the Notice of Entry of 5 Order with the Court System which will send a notice of electronic filing to the following: 6 7 DIV. OF PAROLE & PROBATION 8 TERRENCE MCCARTHY, ESQ. for STATE OF NEVADA 9 KATHLEEN BRADY, ESQ. for NEVADA STATE BOARD OF PAROLE COMMISSIONERS 10 et al 11 12 I further certify that on March 26, 2018, I deposited in the Washoe County 13 mailing system for postage and mailing with the U.S. Postal Service in Reno, Nevada, a 14 true copy of the attached document, addressed to: 15 16 Attorney General's Office 100 N. Carson Street 17 Carson City, NV 89701-4717 18 MARLIN THOMPSON 19 194 WYE STREET YERINGTON, NV 89447 20 21 The undersigned does hereby affirm that pursuant to NRS 239B.030 and NRS 603A.040, the preceding document does not contain the personal information of any person. 22 Dated March 26, 2018. 23 24 /s/ SM Wolfe 25 Deputy Clerk 26 27

FILED
Electronically
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2018-03-23 01:55:50 FM
Jacqueline Bryant
Clerk of the Court
Transaction # 6593558

CODE No.

 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF WASHOE

* * *

THE STATE OF NEVADA,

Plaintiff,

V.

MARLIN THOMPSON,

Defendant.

Case No. C78-1052

Dept. No. 4

ORDER DENYING PETITION

Currently before this court is a "Petition for Modification of Sentence" filed by the State Board of Parole Commissioners, seeking an order from this court to modify the sentence of Defendant Marlin Thompson.

Thompson was convicted of murder and attempted murder in 1979. He has expired the sentence for the attempted murder. For the murder, he was sentenced to a term of life imprisonment, with the opportunity for parole after ten years. He was paroled from that life sentence in 1992.

Now, on September 11, 2017, the Board of Parole Commissioners has petitioned this court to modify the sentence. NRS 176.033(2) does indeed allow for such a petition, and provides this court with authority to modify certain sentences. However, the final line of that statute provides that the maximum term may not be reduced below the minimum allowed by

DATED this <u>22</u> day of <u>March</u>, 2018.

available through this court and so the petition is denied.

DISTRICT JUDGE

statute for that crime. The relevant sentencing statute is the statute in force at the time of the

crime. State v. District Court (Pullin), 124 Nev. 564, 188 P.3d 1079 (2008). The statute in

effect at the time of the crime, NRS 200.030, allowed for only two sentences for first-degree

murder. See 1977 Statutes of Nevada at 864, 1541, 1627. Those were life without parole and

life with the possibility of parole after ten years. That is, the only available sentence was life

imprisonment, the petition must be denied. The court voices no opinion on the merits of the

petition, or on the merits of some future petition for clemency from the Pardons Board. The

court merely holds that the remedy sought by the State Board of Parole Commissioners is not

imprisonment. As NRS 196.033(2) prohibits reducing the maximum term to less than life

1	CERTIFICATE OF SERVICE				
2	I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the				
3	STATE OF NEVADA, COUNTY OF WASHOE; that on the 23 rd day of				
4	, 2018, I filed the attached document with				
5	the Clerk of the Court.				
6	I further certify that I transmitted a true and correct copy of the foregoing document				
7	by the method(s) noted below:				
8	Personal delivery to the following: [NONE]				
9 10	Electronically filed with the Clerk of the Court, using the eFlex system which constitutes effective service for all eFiled documents pursuant to the efile User Agreement:				
11 12	Terrence McCarthy, Esq. Deputy District Attorney				
13	Kathleen Brady, Esq. Deputy Attorney General				
14	Transmitted document to the Second Judicial District Court will				
15 16	Service in Reno. Nevada: MONET				
17					
18					
19	Placed a true copy in a sealed envelope for service via:				
20	Reno/Carson Messenger Service - [NONE]				
21	Federal Express or other overnight delivery service – [NONE]				
22	Inter-Office Mail – [NONE]				
23	DATED this 23rd day of March , 2018.				
24	\ (n\) \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \				
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Case No. C78-1052

Code 1310

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27 28 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,

MARLIN THOMPSON,

Plaintiff,

VS.

Dept. No. 4

Defendant.

CASE APPEAL STATEMENT

This case appeal statement is filed pursuant to NRAP 3(f).

- 1. Appellant is Marlin Thompson.
- 2. This appeal is from an order entered by the Honorable Judge Connie Steinheimer.
- 3. Appellant is representing himself in Proper Person on appeal. The Appellant's address is:

Marlin Thompson 194 Wye Street Yerington, Nevada 89447

4. Respondent is the State of Nevada. Respondent is represented by the Washoe County District Attorney's Office:

Terrance McCarthy, Esq., SBN: 2745 P.O. Box 11130 Reno, Nevada 89520

- 5. Respondent's attorney is not licensed to practice law in Nevada: n/a
- 6. Appellant is not represented by appointed counsel in District Court.

- 7. Appellant is not represented by appointed counsel on appeal.
- 8. Appellant was not granted leave to proceed in forma pauperis in the District Court.
- 9. Proceeding commenced by the filing of an Indictment on September 6, 1978.
- 10. This is a criminal proceeding and the Appellant is appealing the Order Denying Petition filed March 23, 2018.
- 11. The case has not been the subject of a previous appeal to the Supreme Court.
- 12. This case does not involve child custody or visitation.
- 13. This is not a civil case involving the possibility of a settlement.

Dated this 25th day of April, 2018.

Jacqueline Bryant Clerk of the Court

By: <u>/s/ Yvonne Viloria</u> Yvonne Viloria Deputy Clerk

FILED Electronically C78-1052 2018-04-30 08:29:35 AM Jacqueline Bryant Clerk of the Court Transaction # 6653346 : yvilbria

1 2515 ADAM PAUL LAXALT 2 Attorney General KATHLEEN BRADY (Bar No. 11525) 3 Deputy Attorney General State of Nevada Office of the Attorney General 4 555 Wright Way Carson City, NV 89711 5 (775) 684-4605 (phone) (775) 684-4601 (fax) 6 kbrady@ag.nv.gov 7 Attorneys for State of Nevada Board of Parole Commissioners 8 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA 9 IN AND FOR THE COUNTY OF WASHOE 10 STATE OF NEVADA, Case No. C78-1052 11 Dept. No. IV 12 Petitioner, 13 vs. MARLIN THOMPSON, 14 15 Respondent. 16 NOTICE OF APPEAL 17 Notice is hereby given that the State of Nevada, Board of Parole Commissioners, by and 18 through counsel, Adam Paul Laxalt, Attorney General and Kathleen Brady, Deputy Attorney General, 19 hereby appeals to the Nevada Supreme Court from the Order Denying Petition filed by this Court on 20 March 23, 2018. Notice of Entry of Order was served on March 26, 2018. A copy of said Notice of 21 Entry of Order is attached hereto as Exhibit 1. 22 DATED this 30th day of April, 2018. 23 ADAM PAUL LAXALT Attorney General 24 By: /s/ Kathleen Brady 25 Kathleen Brady (Bar. No. 11525) Deputy Attorney General 26 27 28

AFFIRMATION (Pursuant to NRS 239B.030) The undersigned does hereby affirm that the preceding document, NOTICE OF APPEAL, does not contain the social security number of any person. DATED this 30th day of April, 2018. ADAM PAUL LAXALT Attorney General By: <u>/s/ Kathleen Brady</u> Kathleen Brady (Bar. No. 11525) Deputy Attorney General

CERTIFICATE OF SERVICE I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on April 30, 2018, I filed the foregoing document via this Court's electronic filing system. Parties that are registered with this Court's EFS will be served electronically as follows: Terrence McCarthy, Esq. Deputy District Attorney P.Ô. Box 11130 Reno NV 89520-0027 For those parties not registered, service was made by depositing a copy of the above-referenced document for mailing in the United States Mail, first-class postage prepaid, at Carson City, Nevada to the following: Marlin Thompson 194 Wye Street Yerington NV 89447 /s/ B. Cozens B. Cozens, an employee of the office of the Nevada Attorney General

INDEX OF EXHIBITS

EXHIBIT No.	EXHIBIT DESCRIPTION	Number Of Pages
1.	Notice of Entry of Order	5

-4-

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Clerk of the Court
Transaction # 6653346 : yviloria

EXHIBIT "1"

EXHIBIT "1"

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Jacqueline Bryant
Clerk of the Court
Transaction # 6595902

CODE 2540

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,

Petitioner,

Case No: C78-1052

Dept. No: 4

VS.

MARLIN THOMPSON,

Respondent.

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that on March 23, 2018, the Court entered a decision or order in this matter, a true and correct copy of which is attached hereto.

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Dated March 26, 2018.

JACQUELINE BRYANT
Clerk of the Court
/s/ SM Wolfe
Deputy Clerk

1 CERTIFICATE OF SERVICE 2 Case No. C78-1052 3 Pursuant to NRCP 5 (b), I certify that I am an employee of the Second Judicial District Court; that on March 26, 2018, I electronically filed the Notice of Entry of 4 Order with the Court System which will send a notice of electronic filing to the following: 6 7 DIV. OF PAROLE & PROBATION TERRENCE MCCARTHY, ESQ. for STATE OF NEVADA 8 KATHLEEN BRADY, ESQ. for NEVADA STATE BOARD OF PAROLE COMMISSIONERS 10 et al 11 12 I further certify that on March 26, 2018, I deposited in the Washoe County mailing system for postage and mailing with the U.S. Postal Service in Reno, Nevada, a 13 14 true copy of the attached document, addressed to: 15 16 Attorney General's Office 100 N. Carson Street 17 Carson City, NV 89701-4717 18 MARLIN THOMPSON 19 194 WYE STREET YERINGTON, NV 89447 20 21 The undersigned does hereby affirm that pursuant to NRS 239B.030 and NRS 603A.040, the preceding document does not contain the personal information of any person. 22 Dated March 26, 2018. 23 24 /s/ SM Wolfe 25 Deputy Clerk 26

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25 26 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF WASHOE

* * *

THE STATE OF NEVADA,

Plaintiff,

v.

Case No. C78-1052

MARLIN THOMPSON,

Dept. No. 4

Defendant.

ORDER DENYING PETITION

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DATED this 22 day of March, 2018.

<u>Conal I. Allahlame</u> DISTRICT JUDGE

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1	CERTIFICATE OF SERVICE
2	I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the
3	STATE OF NEVADA, COUNTY OF WASHOE; that on the 231d day of
4	
5	the Clerk of the Court.
6	I further certify that I transmitted a true and correct copy of the foregoing document
7	by the method(s) noted below:
8	Personal delivery to the following: [NONE]
9	Electronically filed with the Clerk of the Court, using the eFlex system which constitutes effective service for all eFiled documents pursuant to the efile User Agreement:
11	Terrence McCarthy, Esq. Deputy District Attorney
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14 15 16 17	Transmitted document to the Second Judicial District Court mailing system in a sealed envelope for postage and certified mailing with the United States Postal Service in Reno, Nevada: [NONE]
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FILED Electronically C78-1052 2018-04-30 08:29:35 AM Jacqueline Bryant 1 1310 Clerk of the Court ADAM PAUL LAXALT Transaction # 6653346 : yvilbria Attorney General KATHLEEN BRADY (Bar No. 11525) 3 Deputy Attorney General State of Nevada
Office of the Attorney General 4 555 Wright Way Carson City, NV 89711 5 (775) 684-4605 (phone) (775) 684-4601 (fax) 6 kbrady@ag.nv.gov 7 Attorneys for State of Nevada Board of Parole Commissioners 8 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA 9 IN AND FOR THE COUNTY OF WASHOE 10 STATE OF NEVADA, Case No. C78-1052 11 Dept. No. IV 12 Petitioner, 13 vs. MARLIN THOMPSON, 14 Respondent. 15 CASE APPEAL STATEMENT 16 17 1. Name of appellants filing this case appeal statement: State of Nevada, Board of Parole Commissioners. 18 19 2. Identify the judge issuing the decision, judgment, or order appealed from: Honorable Connie J. Steinheimer. 20 Identify each appellant and the name and address of counsel for each appellant: 21 3. The appellants are The State of Nevada, Board of Parole Commissioners (Parole Board). 22 a. The attorneys for The State of Nevada, Board of Parole Commissioners: 23 b. 24 Adam Paul Laxalt, Attorney General Kathleen Brady, Deputy Attorney General 25 Nevada Bar. No. 11525 555 Wright Way 26 Carson City, Nevada 89711 Tel: (775) 684-4605 27 Fax: (775) 684-4601

1	4.	Identify each respondent and the name and address of appellate counsel, if known, for each:			
2		a. Respondent is the State of Nevada.			
3		b. Attorneys for the State of Nevada:			
4		Terrence McCarthy, Esq.			
5		Deputy District Attorney P.O. Box 11130 Reno NV 89520-0027			
6		Tel: (775) 328-3200			
7		c. Respondent Marlin Thompson			
8		d. Attorney for Marlin Thompson – none. Mr. Thompson's address is:			
9		Marlin Thompson 194 Wye Street			
10		Yerington NV 89447			
11	5.	Indicate whether any attorney identified above in response to questions 3 or 4 is not licensed to			
12		practice law in Nevada and, if so, whether the district court granted that attorney permission to			
13		appear under SCR 42 (attach a copy of any district court order granting such permission):			
14		The attorneys identified above in response to questions 3 and 4 are licensed to practice			
15		law in Nevada.			
16	6.	Indicate whether appellant was represented by appointed or retained counsel in the district			
17		court:			
18		The Parole Board was represented by the Office of the Attorney General before the			
19		district court.			
20	7.	Indicate whether appellant is represented by appointed or retained counsel on appeal:			
21		The Parole Board is represented by the Office of the Attorney General on appeal.			
22	8.	Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry			
23		of the district court order granting such leave:			
24		The Parole Board did not seek in forma pauperis status and was not granted leave to			
25		proceed in forma pauperis.			
26	///				
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AFFIRMATION (Pursuant to NRS 239B.030) The undersigned does hereby affirm that the preceding document, CASE APPEAL STATEMENT, does not contain the social security number of any person. DATED this 30th day of April, 2018. ADAM PAUL LAXALT Attorney General By: <u>/s/ Kathleen Brady</u> Kathleen Brady (Bar. No. 11525) Deputy Attorney General

CERTIFICATE OF SERVICE I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on April 30, 2018, I filed the foregoing document via this Court's electronic filing system. Parties that are registered with this Court's EFS will be served electronically as follows: Terrence McCarthy, Esq. Deputy District Attorney P.O. Box 11130 Reno NV 89520-0027 For those parties not registered, service was made by depositing a copy of the above-referenced document for mailing in the United States Mail, first-class postage prepaid, at Carson City, Nevada to the following: Marlin Thompson 194 Wye Street Yerington NV 89447 /s/ B. Cozens B. Cozens, an employee of the office of the Nevada Attorney General

FILED Electronically C78-1052 2018-05-11 04:53:42 PM Jacqueline Bryant

CASE NO. C78-1052

TITLE: THE STATE OF NEVADA VS. MARLIN THOMPSON Clerk of the Court ansaction # 6676458

DATE, JUDGE OFFICERS OF

COURT PRESENT APPEARANCES-HEARING
3/7/18 TELEPHONIC DECISION ON THE PETITION FOR MODIFICATION OF

CONT'D TO

3/7/18 TELEPHONIC DE SENTENCE

CONNIE Deputy District Attorney Jennifer Noble represented the State. Deputy

STEINHEIMER Attorney General Kathleen Brady represented the Defendant.

DEPT. NO.4 COURT ENTERED ORDER denying the Motion because this Court lacks
M. Stone authority to reduce the Defendant's sentence to one that was not in effect at

(Clerk) the time the crime was committed.

Not Reported Court recessed.

0w84t

DETAIL LISTING FROM FIRST TO LAST STEP

TODAY'S DATE:June 24, 1997
TIME : 8:34 am
LEG. DAY:87 Regular

: 1 OF

PAGE

NELIS

1987

AB 560 By Judiciary SENTENCE

Permits modification of sentence of person sentenced to life imprisonment after certain period on parole. (BDR 14-1415)

Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No.

Read first time. Referred to Select Comm on Corr. From printer. To committee. 04/09 To printer. 57 04/10 58 Dates discussed in committee: 4/21 (PEND) No Wikutes re: 18560 From committee: Re-refer to Committee on Judiciary. Re-referred to Committee on Judiciary. To committee. 04/10 58 04/10 58 04/10 58 Dates discussed in committee: 4/24 (A&DP) 04/10 58 From committee: Amend, and do pass as amended. 04/27 68 04/27 (Amendment number 460.) б8 **√**04/28 69 Read second time. Amended. To printer. 04/29 70 From printer. To engrossment. 04/29 Engrossed. First reprint.√ 70 Read third time. Passed, as amended. Title approved. (42 Yeas, 0 Nays, 0 Absent, 0 Excused, 0 Not Voting.) To **√**04/30 Senate. 05/01 72 In Senate. 05/01 Read first time. Referred to Committee on 72 Judiciary. To committee. 05/01 72 Dates discussed in Committee: 5/6 05/08 77 From committee: Do pass. 05/11 Read second time. 78 **√**05/12 79 Read third time. Passed. Title approved. (21 Yeas, 0 Nays, O Absent, O Excused, O Not Voting.) To Assembly. 05/13 80 In Assembly. 05/13 To enrollment. 80 05/15 Enrolled and delivered to Governor. 82 Approved by the Governor. 05/18 Chapter 174. Effective July 1, 1987. (* = instrument from prior session)

N E V A D A L E G I S L A T U R E SIXTY-FOURTH SESSION 1987

SUMMARY OF LEGISLATION



PREPARED BY

RESEARCH DIVISION

LEGISLATIVE COUNSEL BUREAU

NEVADA'
LEGISLATIVE COUNSEL BUREAU
RESEARCH LIBRARY

141-06-

A.B. 560 (chapter 174)
Assembly Bill 560 allows the state board of parole commissioners, upon the recommendation of the department of parole and probation, to petition the court of original jurisdiction for a modification of sentence after an offender sentenced to life imprisonment has served 10 consecutive years on parole.

ASSEMBLY BILL NO. 560--COMMITTEE ON JUDICIARY

APRIL 9, 1987

Referred to the Select Committee on Corrections

SUMMARY--Permits modification of sentence of person sentenced to life imprisonment after certain period on parole. (BDR 14-1415)

Effect on Local Government: No. FISCAL NOTE:

Effect on the State or on Industrial Insurance; No.



EXPLANATION-Matter in italics is new; matter in brackets [] is material to be omitted

AN ACT relating to parole; permitting the state board of parole commissioners to petition for a modification of a sentence of life imprisonment after the person has been on parole for a certain period; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- Section 1. NRS 176.033 is hereby amended to read as follows:
- 176.033 [Where] If a sentence of imprisonment is required or 3 permitted by statute, the court shall sentence the defendant to imprisonment
- 4 for a definite period of time within the maximum limit or the minimum and
- 5 maximum limits prescribed by the applicable statute, taking due account of
- 6 the gravity of the particular offense and of the character of the individual
- 7 defendant.

- 2. At any time after a prisoner has been released on parole and has
- 9 served one-half of the period of his parole, or 10 years in the case of a
- 10 prisoner sentenced to life imprisonment, the state board of parole
- 11 commissioners, upon the recommendation of the department of parole and
- 12 probation, may petition the court of original jurisdiction requesting a
- 13 modification of sentence. The board shall give notice of the petition and
- 14 hearing thereon to the attorney general or district attorney who had
- 15 jurisdiction in the original proceedings. Upon hearing the recommendation of
- 16 the state board of parole commissioners and good cause appearing, the court

- I may modify the original sentence by reducing the term of imprisonment but
- 2 shall not make the term less than the minimum limit prescribed by the
- 3 applicable penal statute.

MINUTES OF THE ASSEMBLY COMMITTEE ON JUDICIARY

Sixty-fourth Session

April 24, 1987

The Assembly Committee on Judiciary was called to order by Chalkman Robert M. Sader at 8:00 a.m. on Tuesday, April 24, 1987. in room 240 of the legislative building, Carson City, Nevada. EXHIBIT A is the Meeting Agenda, EXHIBIT B is the Attendance Roster.

Nevada. EXHIBIT A is the Meeting Agenda, EXHIBIT B is the MEMBERS PRESENT:

Mr. Robert M. Sader, Chairman Mrs. Myrna Williams, Vice Chairman Mrs. Myrna Williams, Vice Chairman Mr. Matthew Q. Callister Mr. Robert E. Gaston Mr. Ken Baller Mr. Bill Kissam Nr. Gene T. Porter Mr. Vincent L. Triggs Mr. John C. Carpenter Mr. John DuBois Mr. John DuBois Mr. John DuBois Mr. Baylyn J Spriggs Mr. Bob Thomas

OTHERS PRESENT:

See attached guest list.

Chairman Sader opened the work session and told the committee they would not be considering A.B. 219 because it was a tort rectorm bill which would be considered at a later time. perform bill which would be considered at a later time.

ASSEMBLY BILL NO. 109 - Provides certain protections victims of crime and witnesses.

Chalrman Sader reviewed the bill and said both A.B. 109 and A.B. 111 were bills submitted and reworked by the Attorney General The suggeste amendments had been contained in a memo distributed to committee members several days earlier, and were set forth in a letter from Brian Hutchins as well. Those changes were as follows:

Those one were as follows:

With respect to sections 1, 2, 3 and 6, it was recommended that the proposed requirement to keep confidential the addresses of victims and witnesses should be revised to make the decision discretionary with the District Attorney the decision discretionary with the District Attor

Minutes of the Nevada State Legislature
Assembly Committee on Judiciary
Date: April 24, 1987

Page: 13

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ASSEMBLYMAN SPRIGGS MOVED TO AMEND AND DO PASS A.B. 513.

ASSEMBLYMAN GASTON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Mr. Sader asked that those committee members who were to work with bill drafters for amendments, specifically ask the bill drafters to return the amendments to him when they were finished.

SENATE BILL NO. 323 - Enacts California-Nevada Compact for Jurisdiction on Interstate Waters.

ASSEMBLYMAN GASTON MOVED A DO PASS TO S.B. 323.

ASSEMBLYMAN WILLIAMS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Mr. Haller was asked to handle S.B. 323 on the floor.

ASSEMBLY BILL NO. 560 - Permits modification of sentence of person sentenced to life imprisonment after certain period on parole.

This was a bill proposed by the Department of Parole and Probation. Currently this department has to supervise a person who is paroled on a life sentence, for the rest of his/her life. This was an onerous task the Department wanted to remedy. Mrs. Spriggs pointed out an amendment which had been proposed by the Department of Parole and Probation to read, "...or 10 consecutive years on parole...".

ASSEMBLYMAN WILLIAMS MOVED TO AMEND AND DO PASS A.B. 560.

ASSEMBLYMAN SPRIGGS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Mrs. Spriggs was asked to handle A.B. 560 on the floor.

Amend the title of the bill, first and second lines, by deleting "a justice of the peace to have a high school diploma or its equivalent;" and inserting: "justices in larger counties to be attorneys at law; requiring justices in smaller counties to have a high school diploma;".

Assemblyman Gaston moved the adoption of the amendment.

Remarks by Assemblymen Gaston, Nicholas, Swain, Banner, Schofield, Callister, Price, Getto, Fay and Freeman.

Assemblyman Swain moved that Assembly Bill No. 556 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblymen Myrna Williams and Thomas.

Assemblyman Swain withdrew her motion.

Remarks by Assemblymen Swain, Carpenter and Myrna Williams.

Assemblymen Thompson, Haller and Nicholas moved the previous question.

Motion carried.

The question being on the motion to adopt Amendment No. 409 to Assembly Bill No. 556.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 560.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary: Amendment No. 460.

Amend section 1, page 1, line 9, by deleting "10 years" and inserting: "10 consecutive years on parole".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 55.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 293.

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. The amendatory provisions of this act do not apply until July 1, 1991, to a county which on and before January 1, 1987, was using the interest earned on the proceeds of the tax for purposes other than for the support of the public schools within the county school district.".

Assemblyman Kerns moved the adoption of the amendment.

Remarks by Assemblyman Kerns.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.



(REPRINTED WITH ADOPTED AMENDMENTS) FIRST REPRINT

A.B. 560

ASSEMBLY BILL NO. 560--COMMITTEE ON JUDICIARY

APRIL 9, 1987

Referred to the Select Committee on Corrections

SUMMARY--Permits modification of sentence of person sentenced to life imprisonment after certain period on parole. (BDR 14-1415)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.



EXPLANATION-Matter in stalies is new; matter in brackets [] is material to be omitted.

AN ACT relating to parole; permitting the state board of parole commissioners to petition for a modification of a sentence of life imprisonment after the person has been on parole for a certain period; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. NRS 176.033 is hereby amended to read as follows:

2 176.033 1. [Where] If a sentence of imprisonment is required or 3 permitted by statute, the court shall sentence the defendant to imprisonment 4 for a definite period of time within the maximum limit or the minimum and 5 maximum limits prescribed by the applicable statute, taking due account of 6 the gravity of the particular offense and of the character of the individual 7 defendant.

8 2. At any time after a prisoner has been released on parole and has 9 served one-half of the period of his parole, or 10 consecutive years on 10 parole in the case of a prisoner sentenced to life imprisonment, the state 1 board of parole commissioners, upon the recommendation of the department 12 of parole and probation, may petition the court of original jurisdiction 13 requesting a modification of sentence. The board shall give notice of the 14 petition and hearing thereon to the attorney general or district attorney who 15 had jurisdiction in the original proceedings. Upon hearing the

- 1 recommendation of the state board of parole commissioners and good cause
- 2 appearing, the court may modify the original sentence by reducing the term
- 3 of imprisonment but shall not make the term less than the minimum limit
- 4 prescribed by the applicable penal statute.



SIXTY-FOURTH SESSION

783

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 30, 1987

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 423.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 423.

Assemblyman Jeffrey moved that all rules be suspended, reading so far had considered first reading, rules further suspended, bill declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Assembly Bill No. 556.

Bill read third time.

Remarks by Assemblymen Gaston, Triggs, Nevin, Adler and Price.

Assemblymen Jeffrey, Thompson and Thomas moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 556.

Roll call on Assembly Bill No. 556:

YEAS-33.

NAYS—Banner, Getto, Humke, Jeffrey, McGaughey, Nevin, Nicholas, Price, Spriggs—9.

Assembly Bill No. 556 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 560.

Bill read third time.

Remarks by Assemblyman Spriggs.

Roll call on Assembly Bill No. 560:

YEAS-42.

NAYS-None.

Assembly Bill No. 560 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 620.

Bill read third time.

Remarks by Assemblymen Nicholas and Fay.

Roll call on Assembly Bill No. 620:

YEAS-40.

NAYS-May, Price-2.

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MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

Sixty-Fourth Session May 6, 1987

The Senate Committee on Judiciary was called to order by Chairman Sue Wagner, at 8:00 a.m., on Wednesday, May 6, 1987, in Room 213 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE NEMBERS PRESENT:

Senator Sue Wagner, Chairman
Senator Erik Heyer, Vice Chairman
Senator Joe Neal
'Senator Thomas J. Hickey
Senator Mike Malone
Senator Charles W. Joerg
Senator Herbert M. Jones

THER LEGISLATORS PRESENT:

Senator Ray Shaffer Assemblyman Ernest Adler Assemblyman John DuBois Assemblyman Robert E. Gaston

STAFF MEMBERS PRESENT:

Marilyn Hofmann, Committee Secretary

SENATE BILL 477 - Resolves conflict in procedure for disciplinary action against certain licensees of real estate division.

SENATE BILL 480 - Provides definition of "controlled substance" for Nevada Revised Statutes.

SENATE BILL 481 - Clarifies limit on ability to object to use of affidavit of expert regarding presence of alcohol or controlled substance in blood or urine.

Schate Committee on JUDICIARY

Date: May 6: 1987

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College.

Testimony of Judge Kelly Slade, Justice of the Peace, Las Vegas Township.

Judge Slade reiterated A.B. 556 only deals with Las Vegas Township, because of the population figures set forth in the bill. He said it would not affect Searchlight, Henderson, North Las Vegas, Moapa and Moapa Valley townships. Judge Slade referred to the provision of the bill requiring classes to be taken each year, and said there would definitely be a fiscal impact. He added, "We [in Las Vegas Township] would not be going that often unless it was required."

Senator Wagner asked Judge Slade to present a breakdown of his caseload. Judge Slade indicated preliminary hearings were scheduled each morning at 9:00 a.m., with approximately 10 preliminary hearings each day. He said arraignments were done at 1:30 p.m. each day, and added, "It is not unusual to have 70 people on the arraignment calendar." He said misdemeanor trials are held on Monday afternoons, and the civil calendar, i.e., landlord/tenant problems, civil procedure ("small claims court for lawyers") are done on Tuesday afternoons. Judge Slade said misdemeanor trials are also held on Wednesday afternoons, with small claims court matters being heard on Thursday afternoons.

There was no further testimony, and the hearing was closed on A.A. 556.

ASSEMBLY BILL 560 - Permits modification of sentence of person sentenced to life imprisonment after certain period on parole.

Testimony of Rob Calderone, Department of Parole and Probation.

Mr. Calderone stated A.B. 560 was introduced at the request of the Nevada pardons board. He said the statute as it now exists states a party can be discharged from parole after having served one-half of their term. He said the question has come up regarding individuals on a "life parole," as to what constitutes one-half of life. Mr. Calderone stated an opinion was requested from the attorney general's office, who said "there is no such thing as one-half of life, therefore the party would not be eligible for an early discharge." He added, "When we had a request from a parolee who was on a life

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Senate Con	nmittee	on		JUDIC:		
Senate Con	May	6,	1987	*********	.4	*******
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term...we had no choice but to tell him there is no provision in the law, and the only other avenue would be the pardons board, which is a clemency board. The case went to the pardons board, and they did not want to hear it."

Mr. Calderone said the bill was introduced "in the form of a question...was it purposeful on the legislature's part to exclude life sentences from the possibility of early discharge from parole, or was that an oversight at the time the legislation was passed? If it was an oversight, the recommendation was that one-half of life would be defined as ten years on parole." Mr. Calderone said they currently have eleven people under supervision who would fall into the eligible category, if it was made ten years or more, with another seven becoming eligible in the next year.

There was no further testimony, and the hearing was closed on $A.B.\ 560.$

ASSEMBLY BILL 620 - Removes prohibition against release without bail for person who failed to appear previously.

Testimony of Commander Tom Biggs, Las Vegas Metropolitan Police Department (METRO).

Commander Biggs stated the bill would eliminate the provision in the law which states a person who has failed to appear after being released on bail, is not eligible for an "own recognizance (O.R.)" release in the future. He said, "With the overcrowded conditions we and other facilities throughout the state are facing, we feel there should be more consideration regarding O.R., and the statute should be brought up to the present day reality to permit people to be released." Commander Biggs said there are often problems with court records, and people have actually appeared and paid their fines, but the record has not been properly documented, and a warrant is issued for failure to appear.

Commander Biggs stated the ultimate decision regarding O.R. is in the hands of the judge or the sheriff or chief of police in smaller counties. He said there were restrictions, and "...if they have had several failures to appear, they will not be eligible." Commander Biggs said each court would establish its own criteria for the consideration of O.R. release. Senator Hickey asked the commander to provide the committee with an example of the written criteria used in Las Vegas.

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Senate Committee on JUDICIARY
Date: May 6, 1987
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amend the bill.

ASSEMBLY BILL 556

The committee discussed an amendment to replace language in the bill regarding a "high school education or equivalent (G.E.D.)," which was taken out of the bill by the assembly committee on judiciary.

SENATOR HICKEY MOVED TO AMEND AND DO PASS A.B. 556.

SENATOR MALONE SECONDED THE MOTION.

THE MOTION PASSED BY MAJORITY VOTE, WITH SENATOR JOERG VOTING "NO."

ASSEMBLY BILL 550

SENATOR NEAL MOVED DO PASS A.B. 560.

SENATOR JOERG SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

* * * * * * * * * * *

SENATE JOINT RESOLUTION 12 - Proposes to amend constitution to permit operation of lottery by state for specific purposes.

Senator Wagner stated, "It appears to me the assembly has made it clear what is going to be acceptable. I would assume this bill would have no chance on the other side, because they have discussed this issue.

SENATOR BEYER MOVED TO INDEFINITELY POSTPONE S.J.R. 12.

SENATOR JOERG SECONDED THE MOTION

THE MOTION PASSED UNANIMOUSLY.

. * * * * * * * * *

1905

SECOND READING AND AMENDMENT

Senate Bill No. 358.

Bill read second time.

The following amendment was proposed by the Committee on Human Resources and Facilities:

Amendment No. 639.

Amend section 1, page 1, by deleting lines 3 through 6 and inserting: "All artificial teeth, dentures or other removable dental appliances, at the time they are manufactured or sent to a laboratory for repair, must be identified with the name or social security number of the owner by:

1. Embedding the name or number in the material of the appliance;". Amend the title of the bill, first line, by deleting "all" and inserting "certain".

Amend the summary of the bill, first line, after "Requires" by inserting "certain".

Senator Rawson moved the adoption of the amendment.

Remarks by Senator Rawson,

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 451.

Bill read second time and ordered to third reading.

Assembly Bill No. 534.

Bill read second time.

The following amendment was proposed by the Committee on Human Resources and Facilities:

Amendment No. 638.

Amend section 1, page 1, line 2, by deleting "nine" and inserting "10".

Amend section 1, page 2, line 11, by deleting "been trained" and inserting: "completed 180 hours of training".

Amend section 1, page 2, by inserting between lines 15 and 16:

"(i) One member who is a representative of the administration of a hospital licensed pursuant to chapter 449 of NRS.".

Amend sec. 2, page 2, line 23, by deleting "Five" and inserting "Six".

Senator Rawson moved the adoption of the amendment.

Remarks by Senator Rawson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 560.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 221.

Bill read third time.

Remarks by Senators Neal and Redelsperger.

SIXTY-FOURTH SESSION

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Amend the title of the bill, third line, after "home;" by inserting: "making an appropriation;".

Senator Raggio moved the adoption of the amendment.

Remarks by Senators Raggio and Neal.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 379.

Bill read third time,

Roll call on Senate Bill No. 379:

YEAS-21. NAYS-None.

Senate Bill No. 379 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 481.

Bill read third time.

Remarks by Senator Neal.

Roll call on Senate Bill No. 481:

YEAS-21.

NAYS-None.

Senate Bill No. 481 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 451.

Bill read third time.

Roll call on Assembly Bill No. 451:

YEAS-21.

NAYS-None.

Assembly Bill No. 451 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Assembly Bill No. 560.

Bill read third time,

Remarks by Senator Wagner.

Roll call on Assembly Bill No. 560:

YEAS-21.

NAYS-None.

Assembly Bill No. 560 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

CONSIDERATION OF ASSEMBLY AMENDMENTS

Senate Bill No. 81.

The following Assembly amendment was read:

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Senate Bill No. 118--Committee on Government Affairs

CHAPTER 173

AN ACT relating to the department of commerce, requiring the appointment of a chief financial officer for the housing division of the department; specifying his qualifications; and providing other matters properly relating thereto.

[Approved May 18, 1987]

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The chief of the housing division of the department shall appoint, with the consent of the director, a chief financial officer for the housing division.

2. The chief financial officer for the housing division must:

(a) Be a certified public accountant licensed by this state or another state of the United States;

(b) Have 5 years of responsible experience in investment banking and general accounting; or

(c) Have a comprehensive knowledge of the principles and practices of public finance and 5 years of responsible experience in that field.

3. The chief financial officer for the housing division is:

(a) In the unclassified service of the state.

(b) Directly responsible to the chief of the housing division. Sec. 2. NRS 232.220 is hereby amended to read as follows:

232.220 As used in NRS 232.220 to 232.280, inclusive, and section 1 of this act, unless the context requires otherwise:

1. "Department" means the department of commerce.

2. "Director" means the director of the department of commerce.

Assembly Bill No. 560-Committee on Judiciary

CHAPTER 174

AN ACT relating to parole; permitting the state board of parole commissioners to petition for a modification of a sentence of life imprisonment after the person has been on parole for a certain period; and providing other matters properly relating thereto.

[Approved May 18, 1987]

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 176.033 is hereby amended to read as follows: 176.033 1. [Where] If a sentence of imprisonment is required or permitted by statute, the court shall sentence the defendant to imprisonment

for a definite period of time within the maximum limit or the minimum and maximum limits prescribed by the applicable statute, taking due account of the gravity of the particular offense and of the character of the individual defendant.

2. At any time after a prisoner has been released on parole and has served one-half of the period of his parole, or 10 consecutive years on parole in the case of a prisoner sentenced to life imprisonment, the state board of parole commissioners, upon the recommendation of the department of parole and probation, may petition the court of original jurisdiction requesting a modification of sentence. The board shall give notice of the petition and hearing thereon to the attorney general or district attorney who had jurisdiction in the original proceedings. Upon hearing the recommendation of the state board of parole commissioners and good cause appearing, the court may modify the original sentence by reducing the term of imprisonment but shall not make the term less than the minimum limit prescribed by the applicable penal statute.

Assembly Bill No. 464--Committee on Judiciary

CHAPTER 175

AN ACT relating to gaming; revising the provisions governing the inclusion of a credit instrument in the gross revenue of a gaming licensee; clarifying the procedure for the determination and redetermination of taxes or fees; and providing other matters properly relating thereto.

[Approved May 18, 1987]

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 463.371 is hereby amended to read as follows:

463.371 1. For the purposes of this chapter, except as otherwise provided in subsection 3, the computation of gross revenue must include the face value of any credit instrument accepted on or after July 1, 1981, if, within 5 years after the last day of the month following the [calendar quarter within] month in which the instrument was accepted by the licensee, the board determines that:

(a) The instrument was not signed by the patron or otherwise

acknowledged by him in a written form satisfactory to the board;

(b) The licensee did not have an address for the patron at the time of accepting the instrument, or, in lieu of that address, has not provided the board, within a reasonable time after its request, the current address of the patron to whom the credit was extended;

(c) The licensee has not provided the board any evidence that the licensee

made a reasonable effort to collect the debt;

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1 2	ORDR KRISTINA WILDE		
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6	Attorney for Defend		
7			
8			
9	THE STATE OF NI		
10	Plaintiff,		
11	vs.		
12	ANN V. SCHUCK,		
13			
14	Defendant.		
15			
16	Pursuant to		
17			
18	on July 5, 2017. represented by her Wildeveld. The S		
19			
20	STEVEN ROSE, E		
21	The Court		
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23	arguments in this m		
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ORDR KRISTINA WILDEVELD, ESQ. Nevada Bar No. 005825 THE LAW OFFICE OF KRISTINA WILDEVELD 615 S. 6th Street Las Vegas, NV 89101

Office (702) 222-0007 Fax (702) 222-0001

Attorney for Defendant, ANN V. SCHUCK

DISTRICT COURT **CLARK COUNTY NEVADA**

THE STATE OF NEVADA, CASE NO.: 94C124520-3 DEPT. NO.: XXIII Plaintiff,

ORDER MODIFYING SENTENCE

Pursuant to the Defendant's Motion to Modify Sentence, this matter came on for hearing on July 5, 2017. The Defendant, ANN V. SCHUCK (a.k.a. Ann Virgin) was present and represented by her counsel, KRISTINA WILDEVELD, ESQ., of The Law Offices of Kristina Wildeveld. The State of Nevada was present and represented by Deputy District Attorney, STEVEN ROSE, ESQ.

The Court reviewed all papers and pleadings on file herein and after entertaining arguments in this matter:

THE DISTRICT COURT FINDS that the Defendant, ANN V. SCHUCK, was originally sentenced to serve Life with the Possibility of Parole after five (5) years in the Nevada Department of Corrections.

THE DISTRICT COURT FINDS that Ms. Schuck served ten (10) years in the Nevada Department of Corrections before she was released on parole.

THE DISTRICT COURT FURTHER FINDS that pursuant to NRS 176.033(2), "At any time after a prisoner has been released on parole and has served one-half of the period of parole, or 10 consecutive years on parole in the case of a prisoner sentenced to life imprisonment, the State Board of Parole Commissioners, upon the recommendation of the Division, may petition the court of original jurisdiction requesting a modification of sentence."

THE DISTRICT COURT FURTHER FINDS that Ms. Schuck has served thirteen (13)

consecutive years on parole following her release from prison, which exceeds the statutory requirement of a minimum of ten (10) years for a prisoner sentenced to lifetime imprisonment.

THE DISTRICT COURT FURTHER FINDS that pursuant to NRS 176.033(2), Ms. Schuck successfully petitioned the State Board of Parole Commissioners to positively recommend her request for a sentence modification pursuant to a parole hearing on June 19, 2017.

IT IS HEREBY ORDERED that the sentence of lifetime supervision and parole as to ANN V. SCHUCK (a.k.a. Ann Virgin) be removed, as the Defendant satisfactorily met the requirements of NRS 176.033(2), so that Ms. Schuck no longer be on parole, and that this matter be rendered closed.

ORDERED this

- Min

Respectfully Submitted by:

Eighth Judicial District Court Judge

HONORABLESTEFANY

2017.

KRISTINA WILDEVELD, ESQ.

Nevada Bar No. 005825

615 S. oth St

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27 28 Las Vegas, NV 89101

26 | (702) 222-0007

Attorney for Defendant, ANN V. SCHUCK

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Office of the Attorney General Carson City, Nevada

MAR 3 0 2018

Bureau of Litigation DMV/DPS Division

DISTRICT COURT

CLARK COUNTY, NEVADA

Petitioner,

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HAROLD TRAVIS LYONS

THE STATE OF NEVADA

Respondent.

Case No.: Dept. No.: 86-C-074387**-**3

80-X

ORDER GRANTING PETITION TO MODIFY SENTENCE

THIS MATTER came for hearing before this Court on February, 2018, at 8:30 a.m. on the "Petition for Modification of Sentence," filed by the Petitioner, THE STATE OF NEVADA. The Petitioner was represented by KATHLEEN BRADY, ESQ., of the State of Nevada Office of the Attorney General who appeared telephonically on behalf of the State of Nevada Board of Parole Commissioners (hereinafter the "Parole Board"). The Respondent, HAROLD LYONS, was present and represented by his attorney, GUS W. FLANGAS, ESQ. of the FLANGAS DALACAS LAW GROUP.

Having reviewed the Pleadings and Papers on file in this matter, heard arguments by counsel, and good cause appearing;

THE COURT HEREBY FINDS that the Respondent was convicted of Count I: Conspiracy to Manufacture Methamphetamine (NRS 453.401); Count II: Possession of a Controlled Substance

Case Number: 86C074387-3

(ephedrine) (NRS 453,338); Count III: Attempt to Manufacture Methamphetamine (NRS 453,321); Count IV: Trafficking in Methamphetamine (NRS 453,3395); and Count V: Racketeering (NRS 207,400).

THE COURT FURTHER FINDS that the Respondent was adjudicated an habitual criminal on Counts I and V pursuant to NRS 207.010(2) and on February 24, 1989, the Court sentenced the Respondent to life with the possibility of Parole after serving a minimum of ten (10) years on Count I and to life without the possibility of parole on Count V. On Count II, he was sentenced to five (5) years; on Count III, he was sentenced to sixteen (16) years; and on Count IV, he was sentenced to life with the possibility of parole after serving a minimum of fifteen (15) years and a \$250,000 fine. All sentences were ordered to run concurrently.

THE COURT FURTHER FINDS that the racketeering charge (Count V) was commuted by the Pardons' Board in December of 2006 to time served.

THE COURT FURTHER FINDS that the Respondent was granted parole on February 13, 2006, and was released from prison.

THE COURT FURTHER FINDS that NRS 176.033(2) provides that the Board may petition the Court of original jurisdiction requesting a modification of sentence. NRS 176.033(2) states:

At any time after a prisoner has been released on parole and has served one-half of the period of his parole, or 10 consecutive years on parole in the case of a prisoner sentenced to life imprisonment, the state board of parole commissioner, upon the recommendation of the division, may petition the court of original jurisdiction requesting a modification of sentence. The board shall give notice of the petition and hearing thereon to the attorney general or district attorney who had jurisdiction in the original proceedings. Upon hearing the recommendation of the state board of parole commissioners and good cause appearing, the court may modify the original sentence by reducing the maximum term of imprisonment by shall not make the term less than the minimum term prescribed by the applicable penal statute.

THE COURT FURTHER FINDS that the Respondent has served more than the minimum term prescribed by the applicable penal statute in effect in 1988 for Count I: Conspiracy to Manufacture Methamphetamine (NRS 453.401); Count II: Possession of a Controlled Substance (ephedrine) (NRS 453.338); Count III: Attempt to Manufacture Methamphetamine (NRS 453.321); Count IV: Trafficking in Methamphetamine (NRS 453.3395); and Count V: Racketeering (NRS

207.400).

THE COURT FURTHER FINDS that the Respondent applied to the Parole Board for a modification of sentence pursuant to subsection 2 of NRS 176.033.

THE COURT FURTHER FINDS that the Parole Board requested the Division of Parole and Probation ("Division") provide a status update concerning the Respondent and a recommendation regarding the Respondent's request for a modification of sentence.

THE COURT FURTHER FINDS that the Respondent has resided in the State of Arizona since his release in 2006.

THE COURT FURTHER FINDS that the Division reported that the Arizona supervising agent submitted a progress report stating that the Respondent has been compliant with supervision over the past ten years and there are no outstanding warrants or additional criminal arrests.

THE COURT FURTHER FINDS that the Parole Board held a public meeting on June 19, 2017, to consider the Respondent's Application.

THE COURT FURTHER FINDS the Parole Board received testimony from the Respondent's attorney, GUS W. FLANGAS, ESQ., and the Respondent regarding the Respondent's offences and conduct and accomplishments while in prison and on parole.

THE COURT FURTHER FINDS the Parole Board publicly discussed and deliberated the merit of the Respondent's Application.

THE COURT FURTHER FINDS that based upon the status report of the Division and the testimony received from the Respondent and his attorney, the Parole Board voted unanimously to petition the Court of original jurisdiction to modify the Respondent's Life Sentence to time served.

THE COURT FURTHER FINDS that based upon the unanimous vote of the Parole Board, the Petition filed herein, and the Hearing on the Petition, the Respondent is entitled to have his Life Sentence modified to time served.

THE COURT FURTHER FINDS that to the extent that any of these Findings of Fact are properly construed as Conclusions of Law, they will be interpreted to be Conclusions of Law.

BASED upon the Findings of Fact as set forth above;

THE COURT HEREBY CONCLUDES that the Respondent is entitled to have his Life

Sentence modified to time served. THE COURT FURTHER CONCEUDES that to the extent that any of these Conclusions 2 of Law are properly construed as Findings of Fact, they will be interpreted to be Findings of Fact, 3 THEREFORE IT IS ORDERED, ADJUDGED AND DECREED that the Petition to 4 Modify the Life Sentence of the Respondent is GRANTED. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Respondent's Life 6: Sentence is modified to time served. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Respondent is 8 permanently released from Parole in this action. :9 IT IS SO ORDERED this _____ day of March, 2018. 1.0 11 12 1.3 14 Approved as to form and content by: Respectfully submitted by: 1.5 16 172 ADAM PAUL LAXALT GUS-W. FLANGAS, ESQ. Attorney General KATHLEEN BRADY Nevada Bar No. 004989 18 gwf@flangasmcmillan.com Deputy Attorney General KIM D. PRICE, ESQ. 19 Nevada Bar No.: 1.1525 Nevada Bar No: 007873 kbrady@ag.nv.gov 20 kdp@flangasmcmillan.com STATE OF NEVADA OFFICE OF THE ATTORNEY GENERAL FLANGAS MCMILLAN LAW GROUP 3275 South Jones Blvd., Suite 105 21 555 Wright Way Las Vegas, Nevada 89146 Telephone: (702) 307-9500 Facsimile: (702) 382-9452 Carson City, Nevada 89711 Telephone: (775) 684-4605 Facsimile: (775) 684-4601 22 23 Attorneys for Plaintiff Attorneys for State, of Nevada Board of Parole Commissioners 24 25 26: OERTIFIED COPY CUMENT ATTACHED IS A 27 TRUE AND CORRECT COPY THE ORIGINAL ON FILE 28. Who HEAK OF THE COURT

MAR 2 2 2018

Electronically Filed 4/18/2018 9:56 AM Steven D. Grierson CLERK OF THE COURT

1 **ORDR** ADAM PAUL LAXALT 2 Attorney General KATHLEEN BRADY (Bar No. 11525) Deputy Attorney General 3 State of Nevada Office of the Attorney General 4 555 Wright Way Carson Čity, NV 89711 5 (775) 684-4605 (phone) (775) 684-4601 (fax) 6 kbrady@ag.nv.gov 7 Attorneys for Nevada Board of Parole Commissioners 8 9

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

CASE NO. 85C072612

Plaintiff,

DEPT. NO. XI

ll vs

WESLEY LORENZO MCGORDON, ID #647190,

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1.

Defendant.

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ORDER MODIFYING SENTENCE

Pursuant to the Petition for Modification of Sentence filed by the Board of Parole Commissioners filed on February 7, 2018, this Court held a hearing on April 2, 2018. Defendant WESLEY LORENZO MCGORDON was present. The Board of Parole Commissioners was present via telephone and represented by Deputy Attorney General, Kathleen Brady.

This Court reviewed all papers and pleadings on file herein and after entertaining argument in this matter:

THE DISTRICT COURT FINDS that the Defendant, WESLEY LORENZO MCGORDON, was convicted of Second Degree Murder by a guilty plea on February 13, 1986, and was originally sentenced to serve Life with the Possibility of Parole on March 18, 1986.

THE DISTRICT COURT FINDS that Defendant served approximately 9 years in the Nevada Department of Corrections before he was released on parole.

-1-

APR 1 1 2018

Case Number: 85C072612

THE DISTRICT COURT FINDS that pursuant to NRS 176.033(2),

At any time after a prisoner has been released on parole and has served one-half of the period of parole, or 10 consecutive years on parole in the case of a prisoner sentenced to life imprisonment, the State Board of Parole Commissioners, upon the recommendation of the Division, may petition the court of original jurisdiction requesting modification of sentence. The board shall give notice of the petition and hearing thereon to the attorney general or district attorney who had jurisdiction in the original proceedings. Upon hearing the recommendation of the state board of parole commissioners and good cause appearing, the court may modify the original sentence by reducing the maximum term of imprisonment but shall not make the term less than the minimum term prescribed by the applicable penal statute.

THE DISTRICT COURT FINDS that pursuant to NRS 176.033(2), Defendant successfully petitioned the State Board of Parole Commissioners to positively recommend his request for a sentence modification at a hearing held on January 29, 2018.

THE DISTRICT COURT FINDS that Defendant has served more than the minimum term prescribed by the applicable penal statute in effect in 1984 for the crime of Second Degree Murder; and has served more than 10 consecutive years on parole in the sentence imposed for the crime of Second Degree Murder.

IT IS HEREBY ORDERED that the Defendant, WESLEY LORENZO MCGORDON, satisfactorily met the requirements of NRS 176.033(2), such that Mr. McGordon's sentence is hereby modified to time served.

ORDERED this ______ day of _______, 2018

DISTRICT COURT JUDGE

Submitted by:

Kathleen Brady (Bar. No. 11525)

Deputy Attorney General

-2-

Print Case Information Page 1 of 4

Case Information

Case Description: C78-1052 - STATE OF NEVADA VS. MARLIN THOMPSON (D4)

Case Description: C78-1052 - STAT
Filing Date: 09/06/1978
Case Type: CR - CRIMINAL
Status: Case Disposed

Case Cross Reference

Cross Reference Number

SCN 75737 SCN 75799

Cas	se Parties	
Sec	Type	Name
1	DEFT - Defendant	THOMPSON, MARLIN
3	JUDG - Judge	STEINHEIMER, CONNIE J.
4	PLTF - Plaintiff	STATE OF NEVADA,
5	DA - District Attorney	McCarthy, Esq., Terrence P.
6	PNP - Parole & Probation	Parole & Probation, Div. of
7	REAL - Real Party in Interest	NEVADA STATE BOARD OF PAROLE COMMISSIONERS,
8	AG - Attorney General	Brady, Esq., Kathleen M.

Event Information			
Date/Time	Hearing Judge	Event Description	Outcome
03/07/2018 a 11:45 AM	t Honorable CONNIE STEINHEIMER	H245 - DECISION	D355 - Denied filed on: 03/07/2018 Extra Text: - PETITION FOR MODIFICATION OF SENTENCE DENIED STATE TO PREPARE ORDER
01/26/2018 a 4:13 PM	t Honorable CONNIE STEINHEIMER	S1 - Request for Submission	S200 - Request for Submission Complet filed on: 03/07/2018 Extra Text: - PETITION FOR MODIFICATION OF SENTENCE DENIED DURING TELEPHONIC DECISION
11/30/2017 a 3:00 PM	t Honorable CONNIE STEINHEIMER	H640 - ORAL ARGUMENTS	D435 - Heard filed on: 11/30/2017 Extra Text: AFTER ORAL ARGUMENTS, COURT ALLOWED THE AG'S OFFICE 30 ADDITIONAL DAYS TO SUPPLEMENT WITH AUTHORITY - DA'S OFFICE HAS 30 DAYS THEREAFTER TO RESPOND
11/03/2017 a 10:23 AM	t Honorable CONNIE STEINHEIMER	S1 - Request for Submission	T200 - Tickle End Code filed on: 11/03/2017 Extra Text:

Docket Entry Information		
Docket Description	Date Filed	Extra Text
NEF - Proof of Electronic Service	05/11/2018	Extra Text: Transaction 6676029 - Approved By: NOREVIEW: 05-11-2018:15:00:44
1188 - Supreme Court Receipt for Doc	05/11/2018	Extra Text: SUPREME COURT NO. 75799 / RECEIPT FOR DOCUMENTS - Transaction 6676023 - Approved By: NOREVIEW: 05-11-2018:14:59:42 Extra Text: TELEPHONIC DECISION ON THE PETITION FOR MODIFICATION OF SENTENCE - 3/7/18 - Transaction 6676458 - Approved By: NOREVIEW: 05-11-2018:16:54:23
MIN - ***Minutes	05/11/2018	
NEF - Proof of Electronic Service	05/11/2018	Extra Text: Transaction 6676465 - Approved By: NOREVIEW: 05-11-2018:16:55:25
1188 - Supreme Court Receipt for Doc	05/04/2018	Extra Text: SUPREME COURT NO. 75737 / RECEIPT FOR DOCUMENTS - Transaction 6664134 - Approved By: NOREVIEW: 05-04-2018:13:45:49
NEF - Proof of Electronic Service	05/04/2018	Extra Text: Transaction 6664139 - Approved By: NOREVIEW: 05-04-2018:13:46:51
NEF - Proof of Electronic Service	04/30/2018	Extra Text: Transaction 6653375 - Approved By: NOREVIEW: 04-30-2018:08:43:33
	04/30/2018	

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1350 - Certificate of Clerk		Extra Text: CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 6654429 - Approved By: NOREVIEW: 04-30-
2515 - Notice of Appeal Supreme Coun	.04/30/2018	2018:13:53:05 Extra Text: Transaction 6653346 - Approved By: YVILORIA : 04-30-
NEF - Proof of Electronic Service	o4/30/2018	2018:08:41:20 Extra Text: Transaction 6654442 - Approved By: NOREVIEW : 04-30- 2018:13:54:13
1310 - Case Appeal Statement	04/30/2018	Extra Text: Transaction 6653346 - Approved By: YVILORIA : 04-30-2018:08:41:20
2515 - Notice of Appeal Supreme County	04/25/2018	Extra Text:
1310E - Case Appeal Statement	04/25/2018	Extra Text: Transaction 6648256 - Approved By: NOREVIEW : 04-25-2018:15:59:25
NEF - Proof of Electronic Service	04/25/2018	Extra Text: Transaction 6648265 - Approved By: NOREVIEW: 04-25-2018:16:00:27
1350 - Certificate of Clerk	04/25/2018	Extra Text: CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 6648256 - Approved By: NOREVIEW: 04-25-2018:15:59:25
NEF - Proof of Electronic Service	03/26/2018	Extra Text: Transaction 6595908 - Approved By: NOREVIEW: 03-26-2018:13:38:21
2540 - Notice of Entry of Ord	^y 03/26/2018	Extra Text: Transaction 6595902 - Approved By: NOREVIEW: 03-26-2018:13:37:20
NEF - Proof of Electronic Service	03/23/2018	Extra Text: Transaction 6593566 - Approved By: NOREVIEW: 03-23-2018:13:57:36
2840 - Ord Denying	03/23/2018	Extra Text: PETITION FOR MODIFICATION OF SENTENCE - Transaction 6593558 - Approved By: NOREVIEW: 03-23-2018:13:56:36
1250E - Application for Setting eFile	02/20/2018	Extra Text: - TELEPHONIC DECISION ON PETITION FOR MODIFICATION OF SENTENCE - 3/7/18 AT 11:45 A.M Transaction 6539717 - Approved By: NOREVIEW: 02-20-2018:13:25:22
NEF - Proof of Electronic Service	02/20/2018	Extra Text: Transaction 6539721 - Approved By: NOREVIEW: 02-20-2018:13:26:12
3880 - Response	01/26/2018	Extra Text: STATE'S RESPONSE TO "SUPPLEMENTAL BRIEFING IN SUPPORT OF PETITION FOR MODIFICATION OF SENTENCE" - Transaction 6501922 - Approved By: YVILORIA: 01-26-2018:16:39:26
NEF - Proof of Electronic Service	01/26/2018	Extra Text: Transaction 6502221 - Approved By: NOREVIEW: 01-26-2018:16:40:26
4105 - Supplemental	01/02/2018	Extra Text: Supplemental Briefing in Support of Petition for Modification of Sentence - Transaction 6461454 - Approved By: SWILLIAM: 01-02-2018:15:50:36
NEF - Proof of Electronic Service	01/02/2018	Extra Text: Transaction 6461917 - Approved By: NOREVIEW : 01-02-2018:15:51:37
NEF - Proof of Electronic Service	12/04/2017	Extra Text: Transaction 6422187 - Approved By: NOREVIEW: 12-04-2017:16:13:52
MIN - ***Minutes	12/04/2017	Extra Text: ORAL ARGUMENTS ON THE PAROLE BOARD'S PETITION FOR MODIFICATION OF SENTENCING - 11/30/17 -
NEF - Proof of Electronic Service	11/17/2017	Transaction 6422183 - Approved By: NOREVIEW : 12-04-2017:16:12:50 Extra Text: Transaction 6399945 - Approved By: NOREVIEW : 11-17-2017:09:16:09
3242 - Ord Setting Hearing	11/17/2017	Extra Text: ON PETITION FOR MODIFICATION OF SENTENCE SET FOR 11/30/17 AT 3:00 P.M Transaction 6399942 - Approved By: NOREVIEW: 11-17-2017:09:15:13
NEF - Proof of Electronic Service	11/03/2017	Extra Text: Transaction 6378331 - Approved By: NOREVIEW : 11-03-2017:10:23:02
NEF - Proof of Electronic Service	11/03/2017	Extra Text: Transaction 6377922 - Approved By: NOREVIEW : 11-03-2017:08:36:27
2520 - Notice of Appearance	11/02/2017	Extra Text: KATHLEEN BRADY AG - Transaction 6377298 - Approved By: CSULEZIC: 11-03-2017:08:35:28
3860 - Request for Submission	11/02/2017	Extra Text: - Transaction 6377560 - Approved By: SWILLIAM : 11-03-2017:10:22:02 DOCUMENT TITLE: PETITION FOR MODIFICATION

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		OF SENTENCE PARTY SUBMITTING: KATHLEEN BRADY, DAG
		DATE SUBMITTED: 11/03/2017 SUBMITTED BY: SWILLIAM DATE
		RECEIVED JUDGE OFFICE: 11/3/17
2705 Panly	11/02/2017	Extra Text: Reply in Support of Petition for Modification of Sentence -
3795 - Reply	11/02/2017	Transaction 6377298 - Approved By: CSULEZIC: 11-03-2017:08:35:28
NEF - Proof of	10/25/2017	Extra Text: Transaction 6365407 - Approved By: NOREVIEW: 10-25-
Electronic Service	10.20.20.	2017:15:59:10
1120 - Amended	10/25/2017	Extra Text: AMENDED CERTIFICATE OF SERVICE - Transaction
NEF - Proof of		6365206 - Approved By: CSULEZIC : 10-25-2017:15:57:52 Extra Text: Transaction 6307912 - Approved By: NOREVIEW : 09-19-
Electronic Service	09/19/2017	2017:16:49:52
Electronic Scrvice		Extra Text: OPPOSITION TO "PETITION FOR MODIFICATION OF
2650 - Opposition to	09/19/2017	SENTENCE" - Transaction 6307830 - Approved By: SWILLIAM: 09-19-
		2017:16:49:00
COC - Evidence Cha	in _{00/11/2017}	Extra Text:
of Custody Politi	09/11/2017	Exua rext.
2383 - Mtn to		Extra Text: PETITION FOR MODIFICATION OF SENTENCE -
Modify/Correct	09/11/2017	Transaction 6293238 - Approved By: MCHOLICO: 09-11-2017:15:57:21
Sentence		Extra Text: exhibit 4 to Petition for Modification of Sentence filed on
1695 - ** Exhibit(s)	09/11/2017	9/11/17, in evidence room
NEF - Proof of		Extra Text: Transaction 6293250 - Approved By: NOREVIEW: 09-11-
Electronic Service	09/11/2017	2017:15:58:20
2610 - Notice	08/24/1992	Extra Text: NOTIFICATION OF INMATE RELEASE
1930 - Letters	06/26/1981	Extra Text: LETTER FROM DEFENDANT
1930 - Letters	06/12/1981	Extra Text: LETTER FROM DEFENDANT
3370 - Order	04/22/1980	Extra Text:
1316 - **Closed-	04/22/1980	Extra Text:
Filing Office Process	04/22/1780	
3880 - Response	04/21/1980	Extra Text: RESPONSE TO A MOTION FOR PRODUCTION OF
_	04/00/1000	TRANSCRIPTS Extra Text; LETTER FROM DEFENDANT
1930 - Letters 1930 - Letters	04/09/1980 01/23/1980	Extra Text: LETTER FROM DEFENDANT
1030 - Affidavit in		Extra Text: AFFIDAVIT IN SUPPORT OF MOTION FOR PRODUCTION
Support	12/20/1979	OF TRANSCRIPTS
2385 - Mtn Proceed	10/00/10/10	
Forma Pauperis	12/20/1979	Extra Text:
2490 - Motion	12/20/1979	Extra Text: MOTION FOR PRODUCTION OF TRANSCRIPTS
3665 -		Extra Text: POINTS AND AUTHORITIES IN SUPPORT OF
Points&Authorities	12/20/1979	DEFENDANT'S MOTION FOR TRANSCRIPTS
Support		
MIN - ***Minutes	05/15/1979	Extra Text: MINUTE ORDER
MIN - ***Minutes	05/15/1979	Extra Text: MINUTE ORDER Extra Text: MINUTE ORDER
MIN - ***Minutes MIN - ***Minutes	05/15/1979 05/15/1979	Extra Text: MINUTE ORDER Extra Text: MINUTE ORDER
MIN - ***Minutes	05/15/1979	Extra Text: MINUTE ORDER Extra Text: MINUTE ORDER
MIN - ***Minutes	05/15/1979	Extra Text: MINUTE ORDER
MIN - ***Minutes	05/15/1979	Extra Text: MINUTE ORDER
4185 - Transcript	04/06/1979	Extra Text: SENTENCING JANUARY 16, 1979
1930 - Letters	03/09/1979	Extra Text: LETTER FROM DEFENDANT
MIN - ***Minutes	02/28/1979	Extra Text: MINUTE ORDER
4185 - Transcript	02/14/1979	Extra Text: ARRAIGNMENT SEPTEMBER 12, 1978
3735 - Receipt	02/13/1979	Extra Text: FINE AS PER ORDER, \$25.00 RECEIVED FROM ALEX
-		COON, CLERK OF COURT
1865 - Judgment on	01/30/1979	Extra Text:
Verdict		Extra Text: FINE AS PER ORDER, \$25.00 - RECEIVED FROM LINDA
3735 - Receipt	01/11/1979	NESBITT
	01/04/1979	Extra Text:
	·· ·- ·- ·-	

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4500 - PSI -		
Confidential		
3355 - Ord to Show	01/04/1979	Extra Text:
Cause		
3355 - Ord to Show	01/02/1979	Extra Text:
Cause		
1250 - Application for	12/28/1978	Extra Text:
Setting	10/00/1070	Destar Taret
3897 - Return	12/28/1978	Extra Text:
1250 - Application for Setting	12/14/1978	Extra Text:
Scuing		Extra Text: GUILTY OF MURDER IN THE FIRST DEGREE, SET THE
4245 - Verdict(s)	12/11/1978	PENALTY TO BE IMPOSED AT LIFE IN PRISON WITH THE POSSIBILITY OF PAROLE
1885 - Jury	12/11/1070	Extra Text:
Instructions	12/11/1978	EXITA TEXT.
1885 - Jury	12/08/1978	Extra Text:
Instructions		Extra Text.
4235 - Unused Verdic	t 12/08/1078	Extra Text:
Form(s)	12/00/19/0	Extra Text.
4245 - Verdict(s)	12/08/1978	Extra Text: GUILTY OF ATTEMPTED FIRST DEGREE MURDER
4245 - Verdict(s)	12/08/1978	Extra Text: GUILTY OF FIRST DEGREE MURDER
3755 - Refused Instructions-Deft	12/07/1978	Extra Text:
2650 - Opposition to	12/07/1978	Extra Text: OPPOSITION TO STATE PROPOSED INSTRUCTION ON ATTEMPTED MURDER
EXHB - Exhibit List	12/06/1978	Extra Text: DEFENDANT'S EXHIBITS STATE'S EXHIBITS
EXHB - Exhibit List	12/04/1978	Extra Text: STATE'S EXHIBITS
4055 - Subpoena	12/04/1978	Extra Text: MAX LIEF
4055 - Subpoena	11/30/1978	Extra Text: BARBARA SHIPLEY
4055 - Subpoena	11/30/1978	Extra Text: RENISE JIM AKA CLARK
4055 - Subpoena	11/30/1978	Extra Text: ELLIOT AQUILAR
4055 - Subpoena	11/30/1978	Extra Text: ALDA CLARK
3735 - Receipt	09/22/1978	Extra Text: GRAND JURY TRANSCRIPT - DONALD POPE, ESQ.
3892 - Return of	09/21/1978	Extra Text: ISSUED 9/6/78 - SERVED ON 9/6/78
Service B/W		
3735 - Receipt	09/18/1978	Extra Text: GRAND JURY TRANSCRIPT - DA
4189 - Grand Jury	09/15/1978	Extra Text: PROCEEDINGS WEDNESDAY, SEPTEMBER 6, 1978 10:25
Transcript		O'CLOCK A.M.
1250 - Application for	09/12/1978	Extra Text:
Setting		
3370 - Order	09/06/1978	Extra Text:
1795 - Indictment	09/06/1978	Extra Text:
2600 -	00/07/10/70	
Notice/Intent/Seek	09/06/1978	Extra Text:
Death Pnty	00/07/1079	Entre Touts CDIMINIAL DDOCDESS SUPET
MIN - ***Minutes 1250 - Application for	09/06/1978	Extra Text: CRIMINAL PROGRESS SHEET
1230 - Application for	00/06/1078	Extra Text:

Notice: This is NOT an Official Court Record