

IN THE SUPREME COURT OF THE STATE
OF NEVADA

GODERICK VILLAGELGADO,

NO. 85759

PETITIONER,

VS.

BOARD OF PAROLE COMMISSIONERS;

DUNNA VERCHIO; ERIC CHRISTIANSEN;

LAMICIA BAILEY; AND SCOTT WEISENTHAL,

RESPONDENTS.

FILED

MAR 16 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

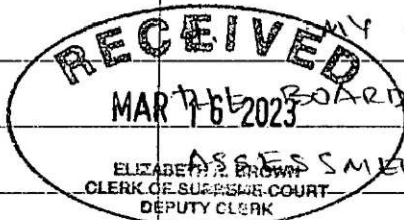
PETITIONER'S ANSWER TO RESPONDENT'S
ANSWER

1. I, PETITIONER, GODERICK VILLAGELGADO, AM ENTITLED TO A NEW PAROLE HEARING BECAUSE THE NEVADA PAROLE BOARD (BOARD) FAILED TO FOLLOW ITS INTERNAL GUIDELINES WHEN IT ASSIGNED A "MODERATE" RISK LEVEL.

2. NRS 213.1214(1) DOES NOT APPLY TO PRISONER WHO HAS NOT BEEN CONVICTED OF A SEXUAL OFFENSE. I WAS CONVICTED WITH CHILD ABUSE WITH SUBSTANTIAL BODILY HARM, CHILD ABUSE WITH SUBSTANTIAL BODILY HARM IS NOT A SEXUAL OFFENSE.

3. THE BOARD FAILED TO INCLUDE THE SEXUAL RISK ASSESSMENT IN THEIR DETERMINATION WHEN THEY GAVE THEIR PAROLE BOARD'S ACTION DOCUMENT TO THE PETITIONER. THE BOARD'S ACTION ONLY SHOWS THE GENERAL RISK ASSESSMENT.

MY OFFENSE IS NOT A SEXUAL OFFENSE AND THE BOARD DID NOT INCLUDE THE SEXUAL RISK ASSESSMENT BECAUSE IT DOES NOT APPLY TO



PETITIONER.

5. IN THIS CASE, THE "COMBINATION OF RISK FACTORS" SCORE REMAINS "0." BOARD HAS MISTAKEN WHEN THEY CONSIDERED MY RISK LEVEL AS "MODERATE" RATHER THAN "LOW".

6. WITH THIS ERROR AND MY CRIME RATED "HIGH", NAC 213.516 INDICATES THAT THE BOARD SHOULD CONSIDER AGGRAVATING AND MITIGATING FACTORS. THE BOARD NOTED MITIGATING FACTORS IN MY FAVOR, INCLUDING MY STABLE RELEASE PLANS AND FAMILY SUPPORT. SEE NAC 213.518(3). AS AGGRAVATING FACTORS, THE BOARD NOTED THE CRIME WAS TARGETED AGAINST A CHILD, NATURE OF CRIMINAL RECORD IS INCREASINGLY MORE SERIOUS, PRIOR CONVICTION FOR A VIOLENT OFFENSE, AND IMPACT ON VICTIM. SEE NAC 213.518(2). WITH THE CORRECT RISK LEVEL, NAC 213.516 INDICATES THAT THE BOARD SHOULD GRANT PAROLE.

7. WHILE I HAVE NO DUE PROCESS RIGHT IN THE GRANT OF PAROLE ITSELF, "NRS 213.140(1) CLEARLY PROVIDES THAT 'THE BOARD SHALL CONSIDER' ELIGIBLE INMATES FOR PAROLE" WHICH "CLEARLY CONFERS A RIGHT TO BE 'CONSIDERED' FOR PAROLE." SEE ANSELMO V. BISBEE, 133 NEV. 322, 396 P.3d 852 (2017). THE ERROR OF THE BOARD IS CONTRARY TO THE ESTABLISHED "NEVADA LAW," WARRANTING THE ISSUANCE OF A WRIT OF MANDAMUS.

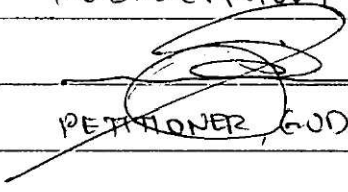
8. THEREFORE, I DID NOT RECEIVE "PROPER CONSIDERATION" WHEN THE BOARD'S DECISION IS BASED IN THE WRONG RISK LEVEL.

9. I RECEIVED THE RESPONDENT'S ANSWER ON MARCH 13, 2023. THIS BEYOND THE TIME FRAME PROVIDED.

I AM GIVING MY ANSWER ON THE SAME DAY I RECEIVED THEIR ANSWER THOUGH I WAS GIVEN 14 DAYS TO RESPONSE.

10. RESPONDENT WAITED FOR THE LAST MINUTE WITH ARGUMENT ASSUMING MY SENTENCE WAS FOR SEXUAL OFFENSE. RESPONDENT WAS GIVEN PLENTY OF TIME TO RESPOND BUT MISSED THE DEADLINE. ALSO THEIR ASSUMPTIONS I HAVE A SEXUAL OFFENSE IS FALSE.
DATED THIS 13TH OF MARCH, 2023.

RESPECTFULLY SUBMITTED,


PETITIONER, GODRICK VILADELGADO

CERTIFICATE OF SERVICE

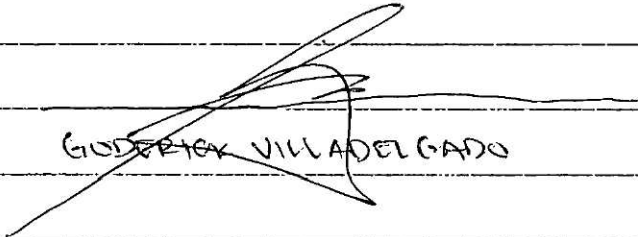
I, GODERICK VILLADELGADO, HEREBY CERTIFY, PURSUANT
TO NRCP 5 (b), THAT ON THIS 13TH DAY OF MARCH, 2023,
I MAILED A TRUE AND CORRECT COPY OF THE FURGOING,
"PETITIONER'S ~~RESPONSE~~ ANSWER TO RESPONDENT'S ANSWER"
BY DEPOSITING IT IN THE HIGH DESERT STATE PRISON, LEGAL
~~LIBRARY~~ FIRST-CLASS POSTAGE, FULLY PREPAID, ADDRESSED
TO:

OFFICE OF THE ATTORNEY GENERAL

555 WRIGHT WAY

CARSON CITY, NV 89711-0900

DATED THIS 13TH DAY OF MARCH, 2023.


GODERICK VILLADELGADO