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“STRUGGLE IN SOLIDARITY”

“The cruelest tyranny is practiced behind the shield of law and order”

INFORMATIONAL BULLETIN NEWS

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Subscription Notice Check Mailing Label

Note from NVCURE Secretary, January, 2019: All NV-CURE Newsletters includes membership status on mailing label. Look on the top line of your mailing label to see a number or date. Example: 120 or 1/20 means your membership is good until January, 2020. This is your reminder! Plan ahead so you don't miss any future newsletters!

Update on Telephone Case

Judge Jones has again granted summary judgment to the Defendants in the Evans/Witherow telephone case. Judge Jones again accepted Defendants' claim that it is the duty of NDOC officials to monitor prisoner telephone calls to their attorneys to insure the calls are actually legal calls to actual attorneys. Judge Jones again buys into the misrepresentation, or outright *lies*, of NDOC and Attorney General employees in this matter and he ignores: 1. the clearly established law that attorney/client telecommunications may not be intercepted, recorded, or monitored without a search warrant; 2. it was and is the duty and responsibility of the Inmate Telephone Service (ITS) provider to preapprove prisoner attorney telephone numbers and to prevent those calls to those numbers from being recorded or monitored; 3. there are no NDOC regulations permitting the monitoring of prisoner telecommunications with attorneys; and, 4. there are numerous reasonable alternatives to the monitoring of prisoner telecommunications to an attorneys to insure a prisoner is not abusing the right to

confidential telephone calls to an attorney. (See *Katz*, *Upjohn*, NRS 49.045-115 and NRS 209.419).

Again, the case is being appealed and, this time, Witherow will specifically request the recusal of Judge Jones from the case when it is again (3rd time) **reversed**. Attorney Cal Potter, may he rest in peace, and Attorney Travis Barrick no longer represent Witherow in the case and he is proceeding in proper person again.

Additionally, the **misrepresentations and outright lies** of NDOC and Attorney General employees to the courts in this case are being reported to the State Bar Association and the U.S. Department of Justice.

For those on the inside that claim and try to enforce the position that **filing a grievance, which must be done before a civil rights or habeas corpus action may be filed**, is “**ratting**”; this writer proudly announces that he is again “**ratting out**” NDOC and Attorney General employees and he intends to do it again, and again, in the future. You want to take your claim to court, you will be required to file and exhaust the grievance process.

NV Aggregated Sentences

On April 4, 2017, Nevada prisoner Ronald Midby won a favorable decision in the Nevada District Court in White Pine County, affirmed on September 14, 2018, by the Nevada Supreme Court, regarding the aggregation of sentences. The NDOC and Attorney General's Office had taken the position that consecutive sentences from different cases on different days

could not be aggregated under the provisions of NRS 176.035. Prisoner Midby believed otherwise and took the matter to court for a judicial decision in the matter. Just as in the Vonseydewitz good time case, the courts determined that the NDOC and Attorney General's office were wrong.

The District Court determined that *Midby* could request and have separate consecutive sentences imposed on different dates in different cases aggregated. The District Court determined that was the intent of the plain language of SB 71 passed by the Nevada Legislature in 2013, and allowed prisoners to make an irrevocable request to the NDOC Director to have multiple consecutive sentences imposed in multiple cases aggregated. The Nevada Supreme Court affirmed the decision of the District Court.

The Attorney General's Office and the NDOC Offender Management Division **have been wrong** in this case and in the Vonseydewitz case regarding the intent of the Legislature in sentencing reform matters. A person would think that these parties involved in such matters would know the intent of the Legislature by discussing proposed legislation with the authors of bills, attending hearings on these bills and determining the exact intent of the Legislature before these bills are passed. Hopefully, our new Attorney General will not tolerate this type of incompetence from his staff or the NDOC Offender Management Division staff that are simply too lazy to implement the changes mandated by the Legislature.

Congratulations Ron Midby! Keep up the good work.

Buddhist Beliefs and Common Fair Diet

On October 19, 2018, the U.S. District Court in Ross v. Sandoval, et al., Case No. 2:17-cv-2386-APG-GWF, issued an Order granting in part Plaintiff's Motion for a Preliminary Injunction and directed Defendants to immediately place Jesse Aron Ross on the common fair menu plan for Jewish and Muslim prisoners (ECF No. 61).

Plaintiff Ross is confined at the HDSP and is challenging the denial of his request for the placement on the common fair menu available to Jewish and Muslim prisoners. He asserts that none of the other diets available to him are fully consistent with his beliefs, but that the common fair diet is the best compromise. He contends that the denial of the common fair diet violates the Religious Land Use and Institutional Persons Act (RLUIPA), the Freedom of Exercise Clause of the 1st Amendment, and the Equal Protection Clause of the 14th Amendment. He states that the denial is causing him irreparable harm and placing him on the common fair menu will minimize the harm. He sought a preliminary injunction ordering the Defendants to provide him with a diet that is compliant with his beliefs and to amend the religious diet policy to make it easier for prisoners to request religious diet accommodations (ECF No. 49).

Congratulations Jesse Ross. Keep up the good work.

If all is not lost, where is it?

Marsy's Law, SJR 17, Ballot Question 1

Marsy's Law, SJR 17, Ballot Question 1, amending the section of the Nevada Constitution dealing with victims' rights, was passed by a large majority of the voters.

SJR 17, in relevant part, provides as follows:

Sec. 23. 1. Each person who is the victim of a crime is entitled to the following rights:

(a) To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment and abuse, throughout the criminal or juvenile justice process.

(b) To be reasonably protected from the defendant and persons acting on behalf of the defendant.

(c) To have the safety of the victim and the victim's family considered as a factor in fixing the amount of bail and release conditions for the defendant.

(d) To prevent the disclosure of confidential information or records to the defendant which could be used to locate or harass the victim or the victim's family.

(e) To refuse an interview or deposition request, unless under court order, and to set reasonable conditions on the conduct of any such interview to which the victim consents.

(f) To reasonably confer with the prosecuting agency, upon request, regarding the case.

(g) To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other postconviction release proceedings, and to be present at all such proceedings.

(h) To be reasonably heard, upon request, at any public proceeding, including any delinquency proceeding, in any court involving release or sentencing, and at any parole proceeding.

(i) To the timely disposition of the case following the arrest of the defendant.

(j) To provide information to any public officer or employee conducting a presentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant.

(k) To be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant and the release of or the escape by the defendant from custody.

(l) To full and timely restitution.

(m) To the prompt return of legal property when no longer needed as evidence.

(n) To be informed of all postconviction proceedings, to participate and provide information to the parole authority to be considered before the parole of the offender and to be notified, upon request, of the parole or other release of the offender.

(o) To have the safety of the victim, the victim's family and the general public considered before any parole or other post judgment release decision is made.

(p) To have all monetary payments, money and property collected from any person who has been ordered to make restitution be first applied to pay the amounts ordered as restitution to the victim.

(q) To be specifically informed of the rights enumerated in this section, and to have information concerning those rights be made available to the general public.

2. A victim has standing to assert the rights enumerated in this section in any court with jurisdiction over the case. The court shall promptly rule on a victim's request. A defendant does not have standing to assert the rights of his or her victim. This section does not alter the powers, duties or responsibilities of a prosecuting attorney. A victim does not have the status of a party in a criminal proceeding.

3. Except as otherwise provided in subsection 4, no person may maintain an action against this State or any public officer or employee for damages or injunctive, declaratory or other legal or equitable relief on behalf of a victim of a crime as a result of a violation of this section or any statute enacted by the Legislature pursuant thereto. No such violation authorizes setting aside a conviction.

4. A person may maintain an action to compel a public officer or employee to carry out any duty required by this section or any statute enacted by the Legislature pursuant thereto.

5. The granting of these rights to victims must not be construed to deny or disparage other rights possessed by victims. A parole authority shall extend the right to be heard at a parole hearing to any person harmed by the offender.

6. The Legislature shall by law provide any other measure necessary or useful to secure to victims of crime the benefit of the rights set forth in this section.

7. As used in this section, "victim" means any person directly and proximately harmed by the commission of a criminal offense under any law of this State. If the victim is less than 18 years of age, incompetent, incapacitated or deceased, the term includes the legal guardian of the victim or a representative of the victim's estate, member of the victim's family or any other person who is appointed by the court to act on the victim's behalf, except that the court shall not appoint the defendant as such a person.

Election results for 2018 Ballot Questions as of 7 AM 11/7/18:

QUESTION 1: Rights for Crime Victims - YES 61%

This measure would amend the constitution to remove certain existing statutory rights for crime victims and replace those existing provisions with a "Victim's Bill of Rights" giving crime victims constitutional rights that they can assert during a criminal or juvenile justice process. It is named after a similar California ballot measure known as "Marsy's Law".

QUESTION 2: Sales Tax Exemption on Feminine Hygiene Products - YES 56%

This measure would exempt feminine hygiene products from sales tax in Nevada. According to a [summary of the amendment](#) "Feminine hygiene products should be treated like other medical products that are exempt from Nevada's sales and use

taxes, such as splints, bandages, and prosthetic devices. This is consistent with the U.S. Food and Drug Administration's classification of tampons as a type of medical product."

QUESTION 3: Energy Deregulation - NO 67%

Question 3 is the most well-known question on the ballot and the subject of many political ads this election season. Question 3 would amend the Nevada Constitution to require the Legislature to open the retail electricity market to competition by July 1, 2023. It would give consumers a choice of electricity providers. Opponents of Question 3 argue that states with deregulated power companies pay higher rates, while proponents emphasize that choice would lead to lower rates.

QUESTION 4: Medical Equipment Tax Exemption - YES 67%

This question would amend the Nevada Constitution to require the legislature to pass a law allowing the sales tax exemption of durable medical equipment including oxygen delivery and mobility enhancing devices prescribed by a licensed health care provider. Additional examples of covered equipment include wheelchairs and infant apnea monitors.

QUESTION 5: Automatic Voter Registration at the DMV - YES 60%

This question if passed would require the Secretary of State and Department of Motor Vehicles to establish a system that would automatically register a person eligible to vote when they submit a new application, renewal or change or address for a license or identification card. The person would be allowed to decline the registration by submitting a request in writing.

QUESTION 6: Renewable Energy Standards - YES 59%

This measure would amend the Nevada Constitution to require electricity providers that sell to retail customers to meet a Renewable Portfolio Standard, the amount of energy required to come from renewable sources. This RPS would go into effect in 2022 and increase to 50% by 2030.

In the writer's opinion, Question 1 is one of the most harmful and difficult bills ever passed by the Legislature and voted for by the People of the State of Nevada and is a step away from criminal justice reform.

Prison Gangs and Correctional Officers – Continued

In our continuing series on Prison Gangs and Correctional Officers, since our last article, NV-CURE has received several letters from prisoners indicating that they are aware of the "old boy network" and how it works in conjunction with some prison gangs, particularly how the prison guards give instructions to so called "shot callers" on how the guards want the prison run and who the guards want beat up and run off the yard.

NV-CURE would like to see the system changed. We do not believe prisoners should be the lackies of prison guards for the few "favors" they receive in exchange. Unfortunately, there are people that like the feeling of "power" and "favors" received for doing the bidding of their manipulating oppressors. The system needs to change and the "bad apples" on both sides removed from their positions of power. Working together for the benefit if all should be the goal.

NV-CURE encourages people with knowledge of these matters to provide specific details on the current operation of this system and the correctional personnel directly involved in these matters. We will keep your name confidential and you may send us information through 3rd parties in the community. We will attempt to secure an investigation by appropriate federal agencies in dealing with this problem. Help us change the system to the benefit of all.

Prison Profiteering and You

The **reason** for Mass Incarceration in the USA is **PROFIT** – not because our people are so bad and must be incarcerated. You question the reality of this claim? Take this as an example.

To put \$25.00 on a Nevada prisoner telephone account costs your family or friends: \$25.00 to put the money on your account, \$6.45 in taxes, and a \$3.00 fee – for a total of \$34.45. That, in itself, is outrageous. However, that is not all. You are then charged a high cost for each telephone call, with 54% of the profit going back to the prison in the Inmate Welfare Account.

Taxes \$6.45 on \$25.00 worth of calls? A \$3.00 fee? 54% of profits kicked back to the NDOC Inmate Welfare Fund? This is insanity – and an example of the everyday **profits** made by the Prison Industrial Complex.

And this is only one example and there will always be profits involved when private companies are involved in any manner in the incarceration process. Private prisons, health care, food services, money processing services (release debit cards), tablets, electronic mail or visiting, monitoring or tracking – you name it. Whatever it is, someone is making a profit.

To reform the criminal justice system and end mass incarceration will take much more than legislation, litigation and the efforts of the good people pushing for an end to it. The only way to end mass incarceration is to **REMOVE PROFIT** from the incarceration process.

Any suggestions on how to accomplish this goal? Think – and provide examples of these outrageous profits. We would like your thoughts and opinions.

Mental Health Care at ESP

By: Robert Spahr, Living With ADAH Bipolar

ESP is not properly staffed for prisoners to secure proper mental health care. There are only 3 mental health care workers to run the Mental Health Care Department. The NDOC claims they are pushing for better mental health care and programs, but the only constructive change seen is the Mental Health Unit that houses only 47 people. My only question is: what about the rest of the ESP population that need mental health care? More people require treatment.

The next question is: how are 3 mental health workers supposed to treat the hundreds of other prisoners with mental health issues? The sad part is, with short staff, if you do not ask for help, you will not get help.; C/Os have (allegedly) told mental health staff that a person is acting strangely and needs help. The staff go see the person and he does say he needs help, there is no place to move the person because ESP is

overcrowded and there is insufficient room in the Mental Health Unit.

My suggestion is to stop using the prison system for mental health care and start finding a way to help prisoners with mental health problems. The incoming Attorney General has said on an NPR radio, it costs Nevada more money to house a prisoner with mental health issues than it does to help them. It is sad when the Attorney General says that.

NDOC prisoners and readers should ask why we let this happen and stop it now. Please write or call the Attorney General, the new Governor and the Legislature and ask them Why they continue to let this happen? I am a prisoner with ADAH Bipolar disorder and have good days and bad days. The bad days are really bad. There are guys here at ESP that “drug up” and get locked in a cell. Ask yourself, how does this help them?

This is a call to all NDOC prisoners, male and female, to write or call these people and express a need for this to STOP.

Stop locking people up if you are not going to help them!

The Anatomy of Abusive Prison Guards

by Jason Renard Walker

The incidents described in this piece give context to the historical and contemporary art of abuse, inflicted on prisoners from the torturous isolation chambers of the Eastern State Penitentiary during the 1820s, to the 1971 Attica rebellion and beyond.

The documentation of the past, present, grieved events of prison-controlled torture, blaze a paper trail that show abuse by guards is a lot deeper than being inadvertent or isolated events. It is actually part of a poorly-designed program designed to crush the will and spirit of prisoner resistance and unity through intimidation, coercion, physical assault, humiliation, isolation, starvation, and when all else fails - attempts are made to outright murder prison activists and other "troublemakers" who refuse to bow down to the injustice.

These methods do work against many prisoners; but others use them as fuel to the fire in their outspoken voice and work.

Administrative efforts to suppress the truth - or punish those who reveal it - play counter to the kind of ethical standards that the common folk would expect from an institution whose mission is "corrections", and under a government who often criticizes the inhumane prison practices in other countries, like the Western media's critique of Abu Ghraib, which was called "Saddam's torture central" because of its twice-weekly public executions during the reign of the Ba'athist government. Of course, after U.S. forces overthrew Saddam Hussein's government in 2003, the Abu Ghraib prison's name was changed to the Baghdad Central Confinement Facility (BCCF) as a way to sever it from its dark past. But the torture that occurred there after U.S. control made Saddam's "torture central" look like the detritus of those American-regulated acts.

However, U.S. citizens are becoming more aware that these schemes and abuse of official power are common among guards, and are mutually reinforcing through ranking staff. On a

bigger scale, it is slowly being spread across the world by way of American militarized occupation of countries like Iraq and its prisons. Instead of continuing Saddam's public executions at BCCF, U.S. military guards like Corporal Chris Graner and Chip Frederick held private executions and torture of Iraqi detainees, while snapping photos of these abuses for personal pleasure and future reminiscing. Unlike Saddam's, their practices weren't intended to be made public, just as with the practices here at the Telford Unit.

This matter raises more far-reaching questions about how the concept of integrity and corrections is understood. As it is, the officers are themselves giving examples of criminal conduct.

The First Step Act

By Justin George, 11/16/18

What's Really in the First Step Act? Too Much? Too Little? You Be the Judge.

Hailed by supporters as a pivotal moment in the movement to create a more fair justice system, endorsed by an unlikely alliance that includes President Donald Trump and the American Civil Liberties Union, the First Step Act is a bundle of compromises. As it makes its way through Congress it faces resistance from some Republicans who regard it as a menace to public safety and from some Democrats who view it as more cosmetic than consequential.

What would the bill actually do? The Marshall Project took a close look.

Ending the crack disparity. The biggest immediate impact of the bill would be felt by nearly 2,600 federal prisoners convicted of crack offenses before 2010. That's the year Congress, in the so-called Fair Sentencing Act, reduced the huge disparity in punishment between crack cocaine and the powdered form of the drug. The First Step Act would make the reform retroactive. Those eligible would still have to petition for release and go before a judge in a process that also involves input from prosecutors. With crack's prevalence in many black neighborhoods in the 1980s, the crack penalty hit African Americans much harder than white powder cocaine users. That disparity has been a major example of the racial imbalance in the criminal justice system.

Curbing mandatory minimums. The First Step Act would give federal judge's discretion to skirt mandatory minimum sentencing guidelines for more people. Known as a "safety valve," this exception now can only be used on nonviolent drug offenders with no prior criminal background. It would expand to include people with limited criminal histories. The Congressional Budget Office estimated that about 2,000 additional people each year would be eligible for exemption from mandatory sentences.

The bill also proposes to ease the severity of some automatic sentences. The mandatory minimum sentence doled out for serious violence or weighty drug charges would shrink by five years to 15 years. The federal "three strikes" rule, which prescribes a life sentence for three or more convictions that include serious violent felonies or drug trafficking, would

instead trigger a 25-year sentence. Serious drug felonies that now result in automatic 20-year minimum sentences would be reduced to 15 years. An automatic trigger that adds 25 years if a defendant was convicted of two or more violent or trafficking charges while holding a gun would now apply only to people with prior records of similar offenses. The shortened mandatory sentences would not apply retroactively, which was a sticking point for some law enforcement groups endorsing the First Step Act. Those groups were crucial to winning Trump's support.

Enforcing existing rules. A number of reforms in the First Step Act just attempt to enforce what's already written into law or policy. They include placing prisoners in facilities within 500 driving miles of their families or homes, requiring the Bureau of Prisons to match people with appropriate rehabilitative services, education and training opportunities and restating Congress' intent to give prisoners up to 54 days off their sentences for good behavior; the current limit is 47 days. This "good time credit" fix would be retroactive, potentially freeing about 4,000 prisoners.

The bill gives inmates the opportunity to earn 10 days in halfway houses or in-home supervision for every 30 days they spend in rehabilitative programs. There is no limit on how many credits they can earn. Job training and education programs in prison would get \$375 million in new federal funding. Churches and other outside groups would also get easier access to prisons to provide programming.

The First Step Act prohibits the shackling of pregnant prisoners, a practice that has been banned by Bureau of Prisons policy since 2008, and promises women free tampons and sanitary napkins.

The Bureau of Prisons is already supposed to be doing many of these things but has ignored Congressional mandates and its own policies, according to a number of federal audits and investigations. The First Step Act calls for greater use of halfway houses and home confinement, the least restrictive form of supervision, at a time when the federal prison system has been systematically dismantling its reentry programs. The proposed new law would also expand eligibility for compassionate release of elderly and terminally ill inmates, which would save the government housing and medical costs. Prison officials already have that authority but they release few who apply, denying thousands, some of whom die in custody.

PA Settles Hep C Case

By: Samantha Melamed, 11/20/18

5,000 inmates with hepatitis C sued Pa. prisons. Now, they're on their way to getting treatment.

In 2013, a cure for hepatitis C — a chronic viral infection that, if untreated, can lead to fatal liver disease — was brought to market. But who would get the \$100,000 lifesaving treatment? That's been a subject of political and legal battles ever since.

In May 2017, the Wolf administration announced that Pennsylvania would expand Medicaid coverage of the treatment to anyone with hepatitis C, instead of treating only those with signs of liver damage.

Now, through a legal settlement filed for approval Monday in federal court for the Eastern District of Pennsylvania, approximately 5,000 incarcerated Pennsylvanians who have hepatitis C would also have access to direct-acting antiviral drugs, which are effective in about 95 percent of cases.

"We believe that this settlement, if approved by the court, will be a landmark in medical care in our state prisons and will greatly advance public health in Pennsylvania. The Pennsylvania [Department of Corrections] has taken an important step in health care that puts them at the forefront of care for people with chronic hep C," said David Rudovsky, a Philadelphia civil-rights lawyer who filed the lawsuit with the Pennsylvania Institutional Law Project and the Dechert law firm.

It will, in fact, make access to hepatitis C treatment in Pennsylvania prisons better than what's available to those on Medicaid in some states. Treatment, which will begin with the most advanced cases, will extend to everyone with hepatitis C in prison by June 30, 2022, under the agreement.

It's the result of a four-year-long class-action lawsuit filed on behalf of plaintiffs including Salvatore Chimenti, whose disease had evolved into stage-four cirrhosis of the liver, along with a slew of other health problems, but who was denied the hepatitis C treatment for more than two years. He and others alleged that the prisons had violated their rights under the Eighth Amendment prohibition of cruel and unusual punishment. In July 2018, Judge John Padova issued a memorandum indicating he believed the prisons were legally required to provide treatment.

"He almost immediately said, if somebody's sick, they've got to get treated. That's what the law required," said Angus Love of the Pennsylvania Institutional Law Project.

The settlement also was probably helped along by a drastic drop in the price of the medication, which now costs the Department of Corrections about \$20,000 per course of treatment.

Amy Worden, a spokesperson for the Department of Corrections, said the department had acted ahead of the settlement to treat some of the most seriously ill prisoners. "Providing quality health care to all inmates is a priority for the Department of Corrections," she said in an email. The department budgeted \$13.2 million in its 2018-19 fiscal year for treatment, she said; 650 prisoners with advanced liver damage have already received the drug, and 105 more are now undergoing treatment. The department this year also partnered with Temple University to provide treatment and follow-up care after release.

Chimenti, 66, who received treatment in 2016, said he's not feeling any better as a result: "I was too far gone." He said that unless he gets a liver transplant, which he doesn't expect to receive while incarcerated, he'll die. Chimenti, of Philadelphia, is serving a life sentence at the Chester state prison for a 1982 murder. But for others, he said, "it's going to be fabulous. A lot of people have been asking to get treatment, and they keep telling them, 'Your liver is not that bad yet.'"

Dr. Stacey B. Trooskin, director of the Viral Hepatitis Program at Philadelphia FIGHT and a professor at the University

of Pennsylvania's medical school, said that until now, access to treatment in Pennsylvania prisons — as in many other prison systems around the country — has been substandard. The guidelines put forward by medical associations are clear, she said: "Everybody deserves a cure. If you have a chronic hepatitis C infection and you're going to live longer than one year ... you should be treated."

Stacey B. Trooskin, an infectious diseases doctor and director of viral hepatitis programs for Philadelphia FIGHT, examines patient Marie Beren at the nonprofit's John Bell Health Center in Center City in 2017. She said effects of the disease include everything from diabetes to skin manifestations, depression, and fatigue. Over time, a person's liver can become covered with scar tissue, reducing its ability to function and increasing risk for cancer. Moreover, given the high prevalence of the disease in jail and prison populations — an estimated 30,000 Philadelphians reenter the community each year from institutions — she said treating them is a public-health opportunity and an essential part of an ongoing effort to stop the spread of hepatitis C in the city.

"We have to be looking to treating individuals who are incarcerated," she said. "If we're really going to be talking about eliminating hepatitis C from our community, it is a critical piece of it."

The rate of infection nationwide hit a 15-year high, the Centers for Disease Control and Prevention [announced last May](#), as a result of the rise in intravenous drug use. Hepatitis C is a blood-borne infection that can be spread by sharing needles. According to Mandy Altman, program manager for the National Hepatitis Corrections Network, a project of the Seattle-based Hepatitis Education Project, prevalence of the infection in prisons is estimated to be around 17 percent, compared with less than 2 percent of the U.S. population. But many states don't test inmates at all, likely because they aren't offering treatment.

That's changing, though: "Some places are taking steps to get it done as the price has come down, and at the same time there are a lot of lawsuits and advocacy efforts happening," Altman said. [Massachusetts agreed](#) in March to provide treatment to inmates with advanced disease, and a Florida judge ordered treatment for many sick prisoners there as well. California passed a budget this year to allocate \$106 million to treat 22,000 prisoners with the disease.

Altman said it's estimated that 30 percent of those who have hepatitis C pass through a prison or jail each year. "The World Health Organization goal is to eliminate hepatitis by 2030," Altman said. "The only way you can do that is to treat correctional populations."

***Kansas Phone Case
Associated Press, 11/16/18***

KANSAS CITY, KAN. Sixth Seven inmates in Kansas prison seek release over secret recordings.

The federal public defender's office has asked for the release of 67 inmates from a Kansas federal prison and plans to seek freedom for more than 150 others because authorities

secretly recorded conversations between prisoners and their attorneys that are supposed to be private.

Most of the federal inmates are being held on drug or firearms-related cases.

The practice first came to light in a prison contraband case during which criminal defense lawyers discovered the privately-run Leavenworth Detention Center was routinely recording meetings and phone conversations between attorneys and clients, which are confidential under the Sixth Amendment to the Constitution. A court-appointed expert was brought in to independently investigate whether prosecutors had improperly listened to the recordings. The court expanded the responsibilities of the federal public defender's office to represent any inmate in Kansas who may have been affected by the prison recording.

At least one Texas woman has been released early because a former prosecutor listened to recorded phone calls with her attorney. Michelle Reulet, 37, had been serving a five-year sentence for mail fraud and was not due for release until September 2020. She was freed last month.

The Ethics Bureau at Yale wrote in a friend-of-the-court brief this week that the intrusion into the attorney-client relationship violates the Sixth Amendment by endangering the ability of a lawyer to represent a client, erodes the right to counsel, and undercuts public trust in the legal system. "The government's intrusion into the attorney-client relationship and subsequent failure to disclose its possession of privileged materials transgresses the foundational principle of attorney-client confidentiality. ... Fairness and the integrity of the adversarial process demand that this Court condemn the large-scale erosion of the principles at the heart of our profession and our justice system," the group argued.

U.S. District Judge Julie Robinson will hear arguments Friday in Kansas City, Kansas, on Federal Public Defender Melody Brannon's motion to have the government declared in contempt for its conduct during the special master's investigation. She also wants the government to pay the legal costs as a sanction. Prosecutors rejected her arguments. "To the extent that the (federal public defender's) present motion can be read to suggest government wrongdoing, the government denies such allegations," wrote Assistant U.S. Attorney Steven Clymer. The Justice Department has argued that there is no evidence the recordings at the prison were done for reasons other than "legitimate security considerations," but did not elaborate on that point further.

Also, at issue Friday is whether former and current prosecutors testified truthfully at an earlier hearing, whether the government knew it had recordings of attorney-client conversations, and whether prosecutors properly disclosed evidence. Brannon first raised the issue of potential contempt last year when she accused the U.S. attorney's office in Kansas of destroying evidence. She alleged the government wiped clean the hard drive on the one computer in the U.S. attorney's office dedicated to playing videos from the prison after the court had ordered the government to turn over all hard drives.

The government denied the accusation, saying that the software upgrade happened before the court order.

1 in 55 U.S. Adults Is on Probation or Parole

181107 PLN Article

More than a decade ago, policymakers around the country seeking to protect public safety, improve accountability, and save taxpayer dollars initiated a wave of bipartisan reforms that has reduced the number of people behind bars in many states. Because of their high costs and visibility, prisons garnered substantial public attention on criminal justice, while relatively little was paid to the largest part of the correctional system: community supervision.

Probation and parole populations grew 239 percent from 1980 to 2016, and with that came a dramatic rise in the per capita rate of community supervision, which was 1 in 55 U.S. adults-nearly 2 percent-in 2016. Although the community corrections population declined 11 percent since its all-time peak in 2007, it is still twice the size of the population incarcerated in state and federal prisons and local jails, combined. Notably, supervision rates vary considerably by state, from 1 in 18 in Georgia to 1 in 168 in New Hampshire, reflecting the difference in practices and policies across the nation.

This massive scale has too often prevented the community supervision system from effectively delivering on its mission to promote public safety through behavioral change and accountability. Although about half of the roughly 2.3 million people who complete their probation and parole terms each year do so successfully, nearly a third fail for a range of reasons, and almost 350,000 of those individuals return to jail or prison, often for violating the rules rather than committing new crimes.

To begin to address these systemic problems, policymakers across the nation are adopting reforms, such as shorter supervision terms and earned compliance credits, that prioritize supervision and treatment resources for higher-risk individuals while removing lower-risk people from supervision caseloads. From 2007 to 2016, 37 states experienced simultaneous drops in their community corrections and crime rates. But more progress is possible.

Colorado to Officially Abolish Prison Slavery

181211 PLN Article

More than 150 years after the ratification of the US Constitution's 13th Amendment, Colorado has officially abolished slavery. Coloradans voted Tuesday for Amendment A, a measure removing language in the state constitution that allowed prison labor without pay.

Colorado is one of more than a dozen states whose state constitution technically still allows involuntary servitude as a form of criminal punishment. The state's language closely resembles a contested passage that remains in the US Constitution 13th Amendment, which outlawed chattel slavery, but allowed those convicted of crimes to be forced into labor.

This is what that language looks like in the 13th Amendment (emphasis added):

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. And this is what the language looked like in Colorado's state constitution before voters backed Amendment A (again, emphasis added): There shall never be in this state either slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted. The previous language was strongly opposed by local activists like Jumoke Emery, a lead organizer with Abolish Slavery Colorado, one of the groups that has worked alongside the state ACLU and NAACP to build support for the new amendment.

"I hope that this puts forth the message that our past doesn't have to be our future, that by and large we as Americans are interested in fixing our mistakes," Emery told CNN last month when discussing the amendment. Amendment A was sponsored in the Colorado state legislature by three Democrats, Rep. Jovan Melton, Rep. Joseph Salazar, and Sen. Angela Williams, and one Republican Sen. Larry Crowder.

Nation Wide Prison Strike

By: Arvind Dilawar, 11/14/18

FOLLOWING A NATIONWIDE STRIKE, PRISONERS SAY THEY FACE REPRESSIVE REPERCUSSIONS.

A member of the Incarcerated Workers Organizing Committee discusses the retaliation prisoners face when fighting for their rights.

Voters in Florida last week approved Amendment 4, a ballot measure restoring voting rights to most felons. Although prisoners themselves were unable to cast ballots in support of their eventual re-enfranchisement, they were nevertheless leading the charge.

Amendment 4 shone a familiar light on the reinstatement of felon voting rights, which, along with issues regarding the conditions of incarceration, law enforcement, and legislation curtailing prisoners' other rights, were focal points of a nationwide prison strike earlier this year. From August 21st to September 9th, prisoners across 17 states and one Canadian province refused work, boycotted commissaries, and staged various forms of protest, all in the name of inmates' rights. The strike-built solidarity among participants, won the attention of the public, and forged the way for initiatives like Amendment 4.

Despite this success, many prisoners say they continue to pay a steep price for their struggles. The Incarcerated Workers Organizing Committee, a labor union for prisoners that served as one of the strike's main support groups, began to receive word of repression even before the strike began—and apparently still does months after its conclusion. IWOC accuses corrections department employees of retaliating against inmates nationwide with solitary confinement, physical abuse, destruction of property, institutional lockdown, and obstruction of access to legal aid, communications, and other resources.

These accusations have also been reported by the National Lawyers Guild, which endorsed the strike.

Pacific Standard spoke with Brooke Terpstra, a member of the IWOC's national media subcommittee, about the strike and the retaliation from authorities that followed.

What inspired the recent prison strike?

In the larger sense, another national strike was inevitable—a logical progression and escalation in this period of increasing agitation and collective prisoner action dating roughly back to the Georgia work stoppages of 2010. This is a period of increasing prisoner politicization and action.

In the immediate sense, the strike was called directly in response to the state-manipulated bloodbath that went down at Lee Correctional Institute in South Carolina the night of April 15th. In the end, 12 prisoners lost their lives at each-others' hands across three dormitories in a fight stoked and set up by the jailers. It was a wake-up call illustrating that it was up to prisoners themselves to take action to fight the abomination of their conditions, as well as to galvanize themselves as a class and unify, rather than ever kill each other again at the behest and approval of the state.

How many inmates participated in the strike?

Numbers of participants are hard to ascertain due to the obvious difficulties of communications with those inside being constricted or prevented by the state, the prison system being so vast and pocketed, as well as open participation guaranteeing repression and steep consequences for any striker. But we continue to receive correspondence confirming strike activity at additional facilities. As of now, we have confirmation of strike activity by prisoner groups in 32 facilities across 17 states and one Canadian province.

What kinds of actions did inmates take during the strike?

All kinds of activity have been confirmed. The initial call by Jailhouse Lawyers Speak [a group of incarcerated prisoners' rights advocates] in April asked for four different types of possible action: work stoppages, sit-downs, hunger strikes, and boycotts of phones and commissary. The most common actions were hunger strikes and boycotts, which isn't surprising since [corrections department employees] without exception meet work stoppages and sit-downs with brutal retaliation and punishment.

How have prison authorities responded to the strike?

Corrections department employees] across the board nationwide adopted the strategy of simultaneous denial and preemptive repression. While denying there was any organizing or strike activity, they were engaging in wholesale surveillance, shakedowns, transfers, and trumping up charges on high-profile prisoners to isolate them in solitary even well before the start date of the strike. On the outside during and after the strike, it was noted that different departments of corrections were engaging in lockdowns and, in order to hide their repression, were not reporting them on visitation hotlines or webpages. One institution in Florida was even sequestering and locking down a group of prisoners in a shower area rather than declare a facility-wide lockdown.

The largest action taken in response to the strike was in Pennsylvania, where the Department of Corrections concocted a system-wide dope overdose scare as pretense to institute, first, a statewide lockdown of all facilities, and then, to enact a draconian surveillance and repression package affecting visitation and all forms of mail, including legal correspondence. There has been absolutely no physical evidence presented even now to support the claims of a widespread dope wave coming through the mailrooms and is now largely considered a "mass psychogenic" episode by epidemiologists.

The road to change is undoubtedly a long one, but have there been any signs of the strike's success?

Yes, there have been signs of success on several levels. On the legislative level, for example, campaigns to restore voting rights and end life without parole in several states have picked up momentum, and now are readily seen as part of a larger unified human rights platform for prisoners.

Underlying the broad set of 10 national, long-term demands was a realpolitik set of immediate goals for the strike. These goals were threefold: one, drive the prisoners' human rights crisis into the mainstream media and conversation; two, galvanize prisoners themselves as a unified class against the prison system, rather than against each other, so that an atrocity like Lee Correctional can never happen again; three, for self-organized and a self-determined prisoner movement to take their rightful seat at the table of outside movements and speak for themselves. Incontrovertibly, the strike gained ground on all three fronts.

Chaos of Arizona Prison Health Care

181106 PLN Article

The Arizona Department of Corrections contracts with privately-owned correctional health care company Corizon Health to oversee all medical, mental and dental care at 10 state prisons. However, that care has come under scrutiny in federal court.

In 2015, prisoners settled a lawsuit with Arizona over poor health care conditions in state prisons. More than two years later, Arizona and its provider have failed to meet the more than 100 stipulations agreed to in the settlement and a federal judge is threatening to fine the state millions of dollars. [See note at the end of this article; the district court imposed \$1.4 million in fines in June 2018 as part of a contempt ruling]. Prisoners have testified in the settlement process to long wait times for medicine, delayed chronic disease care and a lack of access to specialists. The voices in this series confirm those allegations and more, recounting their experiences with the Arizona prison health care system.

Lucinda Jordan hadn't talked to her father, Walter Jordan, for several years. He was serving time in an Arizona prison and they had lost touch. Then, one day in August 2017, the phone rang. "He has a really strong voice and usually he's pretty calm about things but I could tell he was really upset," Lucinda Jordan said. Her father had called to tell her he had cancer.

"I asked him how bad and he said it was really bad," Jordan said. "I asked him what kind of cancer and he told me it was skin cancer."

Days later, Walter Jordan would file a notice of impending death with the Arizona Department of Corrections (ADC). He alleged that his cancer treatment had been delayed and was causing memory loss and pain. He predicted he might not make it another month. And then just weeks later, on September 7, 2017, Walter Jordan died.

Alaska Supreme Court Reverses Disciplinary Case Where Prisoner Not Allowed to Call Witnesses

181129 PLN Article

On April 27, 2018, the Supreme Court of Alaska held that a prisoner had been improperly denied his right to call witnesses at a prison disciplinary hearing, and his failure to raise that issue during administrative appeals did not waive the issue.

Scott Walker, an Alaska state prisoner, began working as an orientation assistant in the Special Management Unit at the Goose Creek Correctional Center in October 2013. He wrote up an outline of orientation topics and awaited further instructions. Ten months later, Criminal Justice Technician Brooke Baumgartner met with Walker and learned he had continued to be paid but had not actively worked in nine months. He told her he had tried to inform four officers about the payroll mistake, but could only name two.

He also said he had sent several "Request for Interview Forms" to prison employees addressing the situation. Such forms are returned to a prisoner's file after they are received by staff.

Baumgartner did not find any of the forms in Walker's file, and one of the two staff members Walker named said he never mentioned the payroll error. The payments to Walker while he wasn't working were estimated at \$633.50.

He was charged with "stealing, destroying, altering or damaging government property" and "lying or providing false information to a staff member." Walker timely requested three witnesses at his disciplinary hearing: the two officers to whom he said he had reported the overpayment issue and a prisoner working as a job services clerk, who also allegedly reported the problem to a staff member.

The disciplinary hearing officer denied the request for witnesses without explanation, found Walker guilty and ordered him to pay \$316 in restitution. Walker unsuccessfully appealed to the superintendent.

He then appealed to superior court. The court found that "some evidence" supported the disciplinary conviction, and held Walker had waived his due process claims by failing to mention them in his appeal to the superintendent. An appeal to the Alaska Supreme Court followed.

The Court held it is generally inappropriate for courts to review agency decisions based on arguments not raised before the administrative agency. In this case, however, the regulation covering appeals of prison disciplinary decisions, 22 AAC 05.480 (2004), does not include an issue exhaustion requirement. Neither do the forms given to prisoners during

intra-agency appeals. A "failure to notify claimants of any issue-exhaustion requirement ... weighs against imposing one," the Court observed.

***Deliberately Sent Self to Prison in Iceland
They Didn't Even Lock the Cell Doors***
November 6, 2018 by Francis Pakes, The Conversation



Iceland is a small country tucked away on the edge of Europe. It has a population of only about 340,000 people. Iceland's prisons are small too. There are only five, altogether housing fewer than 200 prisoners. Of these five, two are open prisons. I had visited them both before, and they left me intrigued. I wanted to get to know them better.

When I asked the prison authorities in Iceland if I could spend a week in each of the two open prisons they were surprisingly receptive. I got the impression that they quite liked the idea: a foreign academic who wanted to get under the skin of these places by assuming the role of a [prisoner](#). They promised to keep a room free for me. I was grateful and excited. I was going to experience both prisons from the inside. While I knew that they were calm and safe, they do house people convicted of some serious violent or sexual offences. How do prisons without walls or fences even work?

Iceland's open prisons are simply very open. The absence of security features was striking. The first prison I stayed in, Kvíabryggja prison in the west of the country, had little in the way of perimeter security. There is, however, a sign instructing passers by to keep out – mainly aimed at tourists.

I could simply drive up to the small, mostly single-storey building and park up. I then walked in (yes, the doors were open) and said hello. And I was immediately made a dinner by one of the prisoners, who recognised me from a previous visit. I spent the week experiencing daily life as a prisoner.

It was clear from the outset that prisoners and staff do things together. Food is important in prisons and in Kvíabryggja the communal dining room is a central space. It is where prisoners have breakfast, lunch and dinner together with staff. Prisoners cook the food, and with an officer they do the weekly food shop in a nearby village. Food was plentiful and tasty. It is considered bad form not to thank the prisoner chefs for their efforts. And you have to clean up after yourself. Despite this emphasis on communal living, a prisoner's room is their own space. And with in-room internet (with obvious

restrictions) and a mobile phone, some prisoners, like teenagers, spend a lot of time in there. Prisoners have their own room keys but they leave their doors unlocked, pretty much at all times. This is a potent symbol: life in Kvíabryggja is all about trust. I found that difficult at first, knowing that my passport, rental car keys and research notes were all in my room. In the end I did what prisoners do and even slept with the door unlocked. I slept like a baby. And looking out of my room window every morning I saw sheep, grass and snowy mountain tops.

The outside space in Icelandic prisons is important as well. The iconic and much photographed Kirkjufell mountain loomed large to the east and I was next to the sea, with a nice beach and plenty of grassland. This allows for the prisoner to feel "away" in some sense while still being on the premises. Prisoners, I was told, like to walk up to the entrance gate, where the only barrier to the outside world is a cattle grid. It yields that strange feeling of sensing freedom, just one footstep away.

It was the informality of the interactions that struck me most. We watched football together. Rather than being shy or furtive I saw [sex offenders](#) shouting at the screen when Iceland played. Vulnerable prisoners were having banter with drug dealers. I saw problematic drug users chatting and giggling with staff. And I felt I fitted in, both as a researcher and as a person. I got teased a bit of course, as all prison researchers do. But prisoners also shared gossip and many prisoners and staff alike shared very personal, even intimate feelings and stories with me. When Pétur gained his freedom and his dad arrived to pick him up, he hugged many prisoners and staff goodbye, including me. We all got a bit emotional.

Kvíabryggja is of course still a prison. Many prisoners feel frustrated, angry, anxious, struggle with their health and worry about the future. But the environment is safe and the food a delight. There is contact with the outside world, generous visiting arrangements, and there is always a listening ear. As prisons go, this means a lot.

This remote prison and with no more than 20 prisoners, and around three staff around at most at any time, is a tiny community. Prisoners and staff smoke together in the cramped but ever busy smoking room. They need to get on.

Life is defined by these informal interactions. This is not necessarily easy. This prison population is highly mixed. There are female prisoners, foreign nationals and prisoners of pensionable age or with a disability all mixed in together.

As far as I could see the general conviviality is extended even to the sex offenders – a population almost universally reviled in prison and at risk as a result. Sometimes this conviviality is a stretch. But it did seem to work. Despite tensions inherent in any prison, people here got on. The importance of getting on is a take away message. This is far harder to achieve in large busy prisons where new prisoners arrive and leave every day. But just like community policing works best if most public interactions are friendly, a prison is a more positive place if most interactions are friendly and benign too. Where prisoners and staff share space, stories and a sense

of community the chances of prisoners changing for the better are much improved.

The Iceland open prisons are, to a degree, unique. Perhaps it is their size. Perhaps it is their population. Perhaps it is the relaxed nature of the regime. Or perhaps they typify Iceland, a country where historically, you need to rely on each other to survive the harsh climatic conditions of the North Atlantic. Whatever it is, living together, in this calm, remote, tiny prison, in a strange way, made sense.

Rehabilitation Over Incarceration

181116 PLN Article

A recent poll found a majority of Americans - 67 percent overall - believe that building more prisons and jails does not reduce crime. Nearly as many - 62 percent - don't believe that more prisons would improve the quality of life in their communities, either. The survey of attitudes toward incarceration, conducted for the Vera Institute of Justice between February 27 and March 5, 2018, showed a similar attitude among both urban and rural respondents, with 61 percent of the latter agreeing that more prison construction would not affect crime rates.

The results mirror the findings of a November 2017 survey conducted for the ACLU's Campaign for Smart Justice, which found a solid majority of Americans - 71 percent - agreed that incarceration for long periods is counterproductive to public safety due to the absence of effective rehabilitation programs in prisons.

In another poll for the Justice Action Network (JAN) published in January 2018, 85 percent of respondents supported making rehabilitation the goal of the criminal justice system rather than punishment.

The three surveys follow a March 2017 poll conducted for the John D. & Catherine T. MacArthur Foundation, which reported 62 percent of respondents favored rehabilitation over incarceration for non-violent offenders, while 74 percent opposed imprisonment altogether for the mentally ill.

The Vera survey sampled 2,000 adult Americans. About half (49 percent) agreed that "too many people are in jail for the wrong reasons," and 55 percent believed the country's criminal justice system discriminates against poor people. Forty percent said incarceration rates in their communities were too high, though two-thirds stated they would be concerned or very concerned if they learned the incarceration rate in their community was higher than the rate in similar communities.

At 30 percent, prisons and jails were assigned the lowest priority for construction and repair, behind schools and educational facilities (78 percent), roads and transportation (71 percent), hospitals and other health care centers (61 percent), and water treatment and irrigation plants (55 percent).

Building more prisons and jails ranked dead last on the list of quality of life priorities, behind providing more jobs and job training, building and improving roads and infrastructure, strengthening community-based mental health treatment, increasing community-based drug and alcohol treatment, creating parks and green space, investing in violence-reduction

programs, reducing racism and bias, and investing in arts and culture.

A day without sunshine Is like a day in Seattle!

NV-CURE Mail Is Not Legal Mail

NV-CURE is not a legal services organization and we are not attorneys. Mail to and from NV-CURE is not legal mail. NV-CURE wants this fact clearly understood by all. We cannot send documents as "Legal Mail" and NDOC facilities are not required to recognize mail to us as Legal Mail. Thank you for your attention to this matter.

Sending Documents to NV-CURE

Please do not send NV-CURE documents you want returned or copied. We do not copy and return documents. Send only documents we may retain in our files and disseminate as we deem appropriate. Thank you.

NV-CURE Membership

NV-CURE Membership for prisoners (\$2.00), basic (\$10.00), family (\$20.00), sustaining (\$50.00) and lifetime (\$100.00). **ALL Memberships are ANNUAL.** Each person needs to track their membership date and make a renewal membership donation yearly. Join NV-CURE and recommend joining NV-CURE to your family and friends. **We do accept unused stamps for prisoner memberships.**

Telephone Calls To NV-CURE

Our business hours are 9 AM to 5 PM on Monday thru Friday. Only telephone us during business hours. Other times calls will not be answered.

NV-CURE does not accept collect telephone calls!

NV-CURE's number is 702.347.1731. ALL calls to NV-CURE must be prepaid. We do not have the funds necessary to accept collect calls and do not accept collect calls.

ADDITIONALLY, all telephone calls to 702.347.1731 are forwarded to the cell phone of NV-CURE President JOHN WITHEROW. The NDOC Inspector General is aware of this fact and there should be no disciplinary reports written.

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NV-CURE continues to accept advertisements. Any person interested in advertising in our publication should contact our office for details. We sell advertising space in various sizes and costs per issue: business card (\$35.00), ¼ page (\$70.00), 1/2 page (\$125.00) and full-page (\$170.00). The fees charged for ads will help to defray our costs for printing and mailing newsletter to prisoners. Thank you for the help.

Lead Me Not Into Temptation (I can find the way there myself)

Articles and Information Wanted

Please provide NV-CURE with suggestions for articles and information you may want included in our Newsletter. We are interested in bringing you information on events and issues related to the prison and parole systems. We will attempt to gather the facts on issues of concern and write articles that may be of interest to all.

If you want to write an article for publication, write it and send to NV-CURE and we may edit and publish it.

NV-CURE is looking for Sustaining Contributors

NV-CURE is looking for Sustaining Contributors who want to advertise their businesses and/or corporations in our IB Newsletter. We currently publish the Newsletter bi-monthly. Every two (2) months our Newsletter goes out to almost eight hundred prisoners and 1200 people and organizations in the community. Our primary costs are printing and mailing. It currently costs NV-CURE over \$820.00 to mail our Newsletter to Prisoners – the very people who need our help. NV-CURE would like to increase our mailing to over 450 prisoners. Our costs would increase accordingly. NV-CURE, a tax exempt non-profit organization, and needs at least twenty (20) Sustaining Contributors to accomplish our goals. With twenty Sustaining Contributors, contributing \$500.00 per year, which is tax exempt, we can reach our goal. Is your organization interested in becoming a NV-CURE Sustaining Contributor? Visit our Website, nevadacure.org, and see what we do and call our office to sign up. Thank you.

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33 IBN