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“STRUGGLE IN SOLIDARITY”

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

INFORMATIONAL BULLETIN NEWS LETTER

June 2020

No. 44

NV-CURE Final “Letter From the Editor” for Publication in Res Gestae Magazine

[On May 18, 2020, after consultation and agreement, NV-CURE sent the following “Letter from the Editor” to the Publisher of Res Gestae Magazine for publication in the June 2020 issue of the magazine. After the document was sent, a NV-CURE Member in the community made a derogatory comment in an email regarding the Publisher. The Publisher then declined to print the article. That Letter is set forth below.]

Regretfully, and unfortunately, the NV-CURE Newsletter will no longer be publishing our Newsletter in Res Gestae Magazine. The Publisher and the Editor have encountered a disagreement regarding the publication of articles we have been unable to resolve. Without publication of all of the articles NV-CURE deems appropriate for publication, NV-CURE is unwilling to continue publication of our Newsletter in the Res Gestae Magazine. We apologize to all regarding this situation and will reevaluate our financial resources and options for publication of our articles.

We extend our apology to Ed Bevilacqua, Novum-U, and all of the people involved with Res Gestae Magazine. We greatly appreciate your generous offer of help in resolving the NV-CURE Newsletter publication problem and we sincerely appreciate your good intentions. Thank you very much for your offer to help. It was very much appreciated.

NV-CURE’s financial difficulties in the publication of the Newsletter continue and we will be unable to continue publication of our Newsletter by our former method, i.e.,

mailing hard copies of our Newsletter to prisoners. We will continue to work on the problem and, hopefully, find a solution to our financial difficulties. Any suggestions for resolution of this problem will be considered.

Donations to NV-CURE from friends and family in the community on a monthly basis is one method by which this problem could be resolved. We have several Members in the community that donate from \$3.00 to \$50.00 monthly to our organization. We receive less than \$200.00 per month from them, which has been a tremendous help. We have over 400 prisoner Members who receive our Newsletter. IF each of them had a family member or friend donate \$10.00 per month to NV-CURE, our publication problem would be resolved and we could resume mailing hard copies of the Newsletter to prisoners.

Another temporary method of resolving the problem would be for prisoner Members that want to receive our Newsletter to provide NV-CURE with an email address of a person in the community. We could then send an electronic copy the Newsletter to that person, and that person could then print the Newsletter out and mail it to the person in prison. That is the method we may try first, unless a different solution may be found.

Any suggestions for resolution of this problem would be appreciated and considered.

Be safe and stay well.

NV-CURE President JOHN WITHEROW

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**Important Notice to NV-CURE Members in Prison
!!! NOTICE !! READ THIS INFORMATION !! NOTICE !!!**

NV-CURE is currently financially unable to print and mail our Newsletter to Members confined in prison. We simply do not have the financial resources with which to print and mail the Newsletter to prisoners. This will be our last Newsletter we print and mail to prisoners – for the time being – and we will not be publishing our Newsletter in Res Gestae Magazine. We are sorry for this problem; however, we simply do not have the financial resources necessary to publish our Newsletter by the same method as previously utilized from 2011 through January of 2020.

We know that the information contained in our newsletter is important to Prisoner Members and we want to continue to provide that information to you. We propose the following as a temporary, or potentially permanent, solution to the problem.

We will continue to write the newsletter. However, rather than printing and mailing the newsletter to our Prisoner Members, we will send an email copy of the Newsletter to a Prisoner Member's designated Community Member/Supporter, who will then print the Newsletter and mail it to the Prisoner Member. This is the only way for us to have our Newsletter sent to our Prisoner Members at the present.

This method of delivering our Newsletter to Prisoner Members will be used until such time as NV-CURE has sufficient funding to again print and mail the Newsletter.

ATTENTION ALL NV-CURE Prisoner Members: Send us a letter ASAP with the name and email address of a person in the community that is willing to receive an electronic copy of our Newsletter, print it and send the hard copy to you. We will add to your Membership list and email the copy to them to print and send to you.

In the event you do not have a person in the community that will do this for you, talk to your celli and friends – and find someone that will do the above for you. If you cannot find someone to help, write and let us know. You may have to go without the Newsletter until we have sufficient funding to again mail hard copies to you. We apologize for the inconvenience.

**Notice to Community NV-CURE Members and
Supporters**

NV-CURE needs your help. We are no longer publishing our Newsletter to prisoners in Res Gestae Magazine and we are without sufficient funds to print and mail hard copies of our Newsletter to all of our Prisoner Members. We need our Members and Supporters in the community to help ensure that our Members in prison receive the Newsletter. This can be done in the following manner:

1. Provide NV-CURE with a **name and email address** of a person in the community will to receive an email from us with the current Newsletter attached, download and print the Newsletter, and **mail the hard copy of the Newsletter to a prisoner.** Advise us by email of the **name and number of the prisoner, or prisoners, you are willing to do this for once a**

month. We need to keep track of the requested information to insure there is no duplication of efforts.

2. Alternatively, **make an ongoing monthly donation** to NV-CURE of \$5.00, \$10.00, or more (about the price of a Starbucks coffee) by sending the funds to our office or to our pay-pal account (which is the best way). We are an IRS approved non-profit organization, we volunteer our time and efforts, and we have spent our funds to published this newsletter for nine (9) years. We have approximately 400 Prisoner Members and it costs us approximately \$2.25 to have the Newsletter printed and mailed to each of those prisoners, approximately \$900.00 per issue.

Become involved and help out one way or another – or the NV-CURE Newsletter will cease to exist. Thank you for the help.

NV-CURE Needs Your Help to Exist

By: John Witherow, NV-CURE President

NV-CURE is a non-profit organization. All donations to us are used for the activities of our organization to make constructive changes to the NV prison and parole systems. **All of our people are volunteers** and none of us get paid for our activities on behalf of the organization – EXCEPT the Directors, who receive \$1.00 per year for their activities, which each donates back to the organization. We spend our own money in various NV-CURE activities – when we should actually be reimbursed for our expenses, at the very least, for our time and efforts on behalf of NV prisoners. We do what we can with what we have donated to us.

Unfortunately, it costs money to do what we do. **The more money we have, the more we can do;** the less we have the less we can do. None of us are wealthy and all of us scramble to pay the bills every month. We devote a great deal of time and effort to the “cause” – because we believe in what we do. Regretfully, we cannot do more.

In addition to our voluntary efforts, we currently have **eight (8) Members that donate financial resources to our organization every month.** 1 person donates \$3.00, 3 donate \$5.00, 3 donate \$10.00 and 1 donates \$45.00. That equals \$98.00 per month. We were lucky to have some large donors in the past that helped to keep our bank balance over \$10,000.00. However, we have not had that in the recent past and our bank account has gone down steadily to a very small amount. We cannot do what we do with what we have.

Without your help, NV-CURE may cease to exist. We know that times are very tough for many of us during this pandemic, however, now more than ever, our efforts and activities must continue. Please, donate the amount you are able on a monthly basis to help keep our organization operating. 100 people donating \$10.00 a month on an ongoing basis would allow us to continue our efforts and, perhaps, expand them. We need your help – or we will be gone.

Thank you for your time and consideration.

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Events Are Changing Quickly

In our last Newsletter, we dealt primarily with dirty UA litigation, the Governor and Sentencing Commission actions on the early release of prisoners, the AB 236 Petition and COVID 19 matters. The community is starting to open back up again, but with precautions to help prevent the spread of the virus. The Strip was deserted and the Casinos closed. They will be re-opening in a few days, with safety precautions in place.

The issue of primary concern changed drastically last week when four (4) Minnesota Police Officers were involved in the death of George Floyd, a black man, by the knee of a white police officer crushing his windpipe and ability to breathe. A senseless killing that never should have happened. His death touched off a firestorm of protests throughout the country.

Everyday since George's death, there have been protests in numerous cities throughout the United States – and in other countries supporting the protesters. There have allegedly been riots, looting and destruction of many properties and many injuries and deaths. Twelve police officers were shot in Texas and five (5) of them died. It has not been pretty and only one (1) of the four (4) officers involved has so far been charged with 3rd degree murder. Criminal charges against others may be coming.

The rioting and looting may, or may not, continue. Regardless of those activities, the racism, injustices and police brutality in this country MUST END. We are all members of the HUMAN RACE, there are no separate races based on skin color, and there must be justice and fairness for all.

No Action by Governor on Early Release

By Sally Rindel, 4/24/20

In spite of fears expressed by inmates, their families and lawyers that prisons loom as a potential cauldron of disease during the COVID-19 pandemic, Gov. Steve Sisolak has yet to take a recommended step that might lead to a large-scale release.

Sisolak's office hasn't answered requests this week about whether he plans to convene the Board of Pardons Commissioners — a panel that he chairs and on which he holds the deciding vote on sentence commutations. The Nevada Sentencing Commission narrowly voted April 13 to recommend Sisolak convene the more powerful pardons board to continue discussing the possibility of early releases, and chairman Justice James Hardesty said he met April 16 with Sisolak's staff to discuss the recommendation.

But the delay has drawn vocal critics, including criminal defense attorney Dayvid Figler.

"Other states have figured this out, and the fact that we haven't shows that there's no particular interest in solving this issue that virtually every expert believes needs to be dealt with," he said.

So far, the Nevada Department of Corrections is reporting seven cases of COVID-19 in the agency, all among staff and none among inmates. On April 13, the director said no inmates had been tested. Asked for an update, a spokesman said Thursday that the agency is not releasing information

about how many inmates have been tested because that number is in constant flux.

"Our medical staff are highly-trained professionals who have the tools and experience to handle COVID-19 and treatment at all of our facilities," spokesman Scott Kelley said in an email. "NDOC has a sufficient amount of test kits at the moment to properly protect our NDOC community."

Filings in an ongoing court case seeking the release of 74-year-old state prisoner Gregory Kerkorian on the basis that he might die from COVID-19 show the executive branch is ardently defending health precautions taken so far and suggest fears are overblown. The state's filing includes a long list of all the cleaning products available at prisons, from liquid hand soap to Lime A Way, and cites email correspondence among prison staff showing pandemic preparations beginning as early as late February.

"The progressive steps NDOC has taken to protect employees, vendors and inmates from the spread of COVID-19, coupled with the ever-evolving nature of the recommendations provided by governmental entities and medical experts establish why Petitioner Greg Kerkorian's (and Amicus') request for release for himself and other inmates is not required, justified, warranted or prudent," an April 17 Nevada Supreme Court filing said.

The state also is arguing that Kerkorian is in a cell alone and has a toilet there, allowing him to keep social distance from other prisoners.

More globally, the state is insistent that the governor, and not the courts, retain the broad powers to decide whether any pandemic-related releases are appropriate.

"Kerkorian's attempt to have this Court usurp the Governor's broad discretionary powers — without any evidence establishing an individualized danger to him or arbitrary and capricious decision by the governor — is not proper," wrote Randall Gilmer, a deputy in Democratic Attorney General Aaron Ford's office.

The lack of action so far has frustrated defense attorneys, who say they hear from their clients that the prisons are not as prepared as authorities make them out to be. They also question the statistics that are publicly presented.

"The only agency not acknowledging this is a real threat is the prisons," said attorney Kristina Wildeveld. "The defense community would like those things that the director said to be verified because it's different than what we're hearing."

Democratic Assemblywoman Rochelle Nguyen, a member of the Sentencing Commission who voted in favor of further review, said she was disappointed that fellow members of the board opposed investigating the situation and working more on a plan to reduce the prison population. Multiple other states have released inmates in response to the pandemic.

But she said she understands the dynamics at play.

"I think we're seeing government and agencies tend to move slow in general," she said, adding that it was "difficult for a lot of elected officials — you don't want to be on the wrong

side of making a decision, and they don't want to make any decision."

In the meantime, Wildeveld said she and other attorneys are in constant communication through an email chain about what can be done about the situation. She has repeatedly sent emails to key decision-makers in the state with a list of state prisoners she thinks would be prime candidates for early release because of their age, health condition or the limited time left on their sentences.

So far, she's seen little action in response. She said it was upsetting to hear discussion during the Sentencing Commission meeting asserting that people would be released and become homeless — an argument that Sisolak has made and that was laid out in the filing in Kerkorian's case.

Arguing that Sisolak enacted an eviction moratorium because "the lack of shelter will increase individuals' vulnerability to transmission of COVID-19, which in turn increased the general public health risk resulting from the spread of COVID-19," the state's court filing asserts that "NDOC's protective protocols do not place Kerkorian in a situation of irreparable harm; arguably, they are keeping him safer than non-institutionalized individuals."

Wildeveld, however, says that many of the people defense attorneys are proposing as candidates for release have family members who are willing and able to take them in.

"None of these people are going to do anything that is going to create a menace of society," she said. "We're all ethically identifying people who would not be a menace to society."

In the absence of any action by the broadly powerful, governor-led pardons board, Hardesty said the Sentencing Commission — whose authority on the topic is limited to recommending policy — still [plans to meet on April 29](#) to further discuss a framework to improve safety in prisons during the pandemic. The directors of Nevada's prison and parole agencies are expected to provide an update on their operations and "clarify some of the information they provided at the last meeting," Hardesty said.

Another point of discussion will be about the categories of inmates who might be considered for early release by the pardons board. And the Crime and Justice Institute, which helped research and make recommendations for criminal justice reform ahead of the 2019 session, will offer a presentation on what other states have done on the matter of depopulation and why.

Figler says [the Sentencing Commission](#) is the wrong body to rely on. The 23-person panel is made up of representatives from people in various spheres of the criminal justice system, but he said their "chaotic" discussion and divided vote fell along predictable lines, and did not advance any technical conversation about the medical conditions in the prisons.

"The fact that the governor is continuing to rely on the Sentencing Commission as a body to solve an issue they are not equipped or funded to do is an outrageous abdication of responsibility," Figler said.

In the meantime, Hardesty is encouraging defense attorneys to start preparing plans for their clients for housing, employment and other services should they be released to the community.

"I think the most challenging, in addition to deciding who might be considered for release is ... what support systems are needed," Hardesty said.

If the state does move toward allowing some inmates out early in the interest of public health, it won't be the first Nevada entity to do so. A week ago, Clark County Sheriff Joe Lombardo implemented a plan to release up to 10 percent of the inmates in the Clark County Detention Center to make it easier to socially distance.

The decision came after four inmates tested positive for COVID-19, and was a shift from the department's previous public response on the issue of emphasizing how many precautions it was taking. Hardesty cautioned against seeing that decision as precedent-setting.

"I think each of the jails and detention facilities need to be examined separately," he said. "What is appropriate for one detention facility may not be appropriate for the other. These issues need to be assessed thoughtfully."

Disclosure: Dayvid Figler is an occasional opinion columnist for The Nevada Independent.

NDOC Workers Positive for COVID 19

By: Katelyn Newberg, 4/23/20

Inmates say 3rd worker tests positive for COVID-19 at Las Vegas prison

Women incarcerated at the Florence McClure Women's Correctional Center have reported that a third staff member at the prison has tested positive for the coronavirus, causing fear among inmates who say the prison isn't taking enough precautions to protect them. "We are stuck right on top of each other 24/7," said Michelle Shepard, one of four inmates who spoke to the Las Vegas Review-Journal about conditions inside the prison. "It's horrible. There's no social distancing in here at all."

The inmates said in phone interviews that a memorandum posted in the prison on Wednesday announces a "culinary" staff member had become the third positive case of coronavirus among the facility's employees.

The most recent data, posted 8:30 a.m. Thursday to the Department of Health and Human Services' website, only showed two cases at the women's prison in the northeast Las Vegas Valley. In an emailed statement sent Thursday, Department of Corrections spokesman Scott Kelley did not confirm a third case, and referred to the state data. The only other facility with two or more cases as of Thursday is High Desert State Prison in Indian Springs, about 45 miles north of Las Vegas, according to the state data.

The staff member at the women's prison was self-isolating, and eight inmates who had been in close contact with that staff member were tested, according to the memo, which an inmate read to a Review-Journal reporter. The results of

those tests were negative, but the eight inmates and their cellmates were quarantined in a separate unit, the memo said.

Kelley said in an email Thursday that “at this time,” the department is not saying how many tests have been administered. “NDOC has COVID-19 tests at each institution within the medical facilities,” he said. “NDOC has a sufficient amount of test kits at the moment to properly protect our NDOC community. If more are needed, we will use all means possible to obtain more.” Kelley said inmates are being tested if they show “1 of 3 cardinal symptoms” of the virus, report feeling ill or have come in contact with someone who has tested positive. He declined to say if any inmates had been placed in a separate unit for quarantine purposes, writing that “NDOC won’t report on the movement of offenders in specific units at our facilities for operational security reasons.”

Face mask policy

The women inside Florence McClure said the majority of guards only started wearing masks this week and that it’s still inconsistent from guard-to-guard. Kelley said that as of Monday, guards are required to wear masks if they come within 6 feet of inmates. That policy came into effect six days after John Witherow, president of the NV CURE prisoner advocacy organization, emailed a letter to Department of Corrections Director Charles Daniels asking if guards were required to wear masks.

Monika Boutin, who’s also incarcerated at the prison, said Thursday she was frustrated with “the lack of the smallest amount of effort on the part of the staff here.” “It’s not only infuriating but it makes me feel sad for their families,” the 30-year-old said about guards not consistently wearing masks. “Don’t you care about yourself either?” Boutin said staff members took the temperatures of all the inmates for the first time on Thursday morning. She said that other women aren’t feeling well and that her temperature reached 99.8 degrees on Thursday.

Tina Megason, Boutin’s mother and a nurse in Carson City, also questioned why the guards weren’t consistently wearing masks sooner. Megason, who’s from Texas and who noted she’s used to “raising hell” with prison administrators, said she’s living “in absolute terror” that her daughter will get sick. Boutin has asthma and was diagnosed with interstitial lung disease after years of drug use, Megason said. Her daughter’s “poor choices” shouldn’t equate to a death sentence, she said. “I know that if my daughter contracts this virus, there’s a good chance that she could lose her life,” Megason said Thursday, her voice cracking with emotion.

Samantha Lee, a 53-year-old inmate at the facility, said Wednesday that the women still eat meals together about 200 at a time. “People are scared to cough, people are scared to sneeze because they feel like they’re going to get shunned,” she said.

The inmates said they have to come within 6 feet of guards multiple times a day, including when they get food in the cafeteria, get laundry, pick up mail or ask for paperwork to be signed. When asked why guards aren’t being required to wear

masks at all times, Kelley said, “Nevada Governor Steve Sisolak has not mandated all Nevadans wear face masks at all times.”

While inmates at the county level in the Clark County Detention Center are required to wear masks outside their cells, the women at Florence McClure said they aren’t allowed to wear or make masks. Kelley said inmates are allowed to wear masks if ordered to do so by medical personnel and the warden approves it. Kelley wrote in the emailed statement that inmates can’t wear masks for safety and security reasons, including employees needing to “identify offenders by face at all times,” increased chances of escape if inmates blend in with custodial staff who are wearing masks, and inmates needing “to be identified immediately” if they assault a staff member.

‘This is her health, this is different’

When the Department of Corrections announced March 26 that the first employee had tested positive at the High Desert facility, the agency said one of the procedures to contain the virus was keeping inmates “isolated in their cells” at the Indian Springs prison. Kelley said Thursday that the Florence McClure facility was isolating inmates “in some sections as a precautionary measure,” but it did not appear there was a facility-wide lockdown or modified lockdown. “NDOC facilities are placed on lockdown whenever there is a serious incident, staff shortage, or event (escape, hostage, riot, etc) that requires staff to concentrate on the incident or event,” Kelley said in the emailed statement. “(Florence McClure) has not experienced a recent serious incident, staff shortage, or event.”

Valentina Knight, a 30-year-old inmate, said she’s seven months’ pregnant and concerned for herself and the older women in the prison. She also reported guards who weren’t wearing masks until this week. “I’m hoping that at least if they don’t care about me, at least they would protect my unborn child,” Knight said. Megason said she wants the Department of Corrections to protect her daughter and the other inmates, but she worried it’s now too late if three staff members have tested positive.

“This is her health, this is different,” she said. “This has nothing to do with her sentencing and why she’s there. This has to do with them living up to their freaking responsibilities to take care of these people.”

Contact Katelyn Newberg at knewberg@reviewjournal.com or 702-383-0240. Follow [@k_newberg](https://twitter.com/k_newberg) on Twitter.

NV Prison Medical Staff and Coronavirus

By David Ferrara LVRI, 4/24/20

A coronavirus outbreak behind prison walls could overwhelm the Nevada Department of Corrections, documents analyzed by the Las Vegas Review-Journal show.

Attorneys for the prison system this week inadvertently allowed redacted information in a court filing that appears to show an emerging troubled response to the pandemic. “The biggest thing going on right now is total chaos in our dental department,” Bob Faulkner, a director of nursing services at High Desert State Prison, said during an April 15 prison system medical department meeting. “Some changes

were made in personnel, and we were given absolutely no notice about this.”

The meeting began with Theresa Wickham, the prison system’s chief of nursing services, explaining how medical staff was grappling with the potential of virus-infected inmates.

Most of the minutes from the meeting were improperly redacted from a response to a petition to release certain prisoners to stave off the spread of COVID-19. But a technical glitch in the filing allowed the minutes to be viewed for several days before they were taken down.

Three days after Chief Deputy Attorney General Randall Gilmer and Senior Deputy Attorney General Frank Toddre II included the redaction error, they filed court briefs asking for the information to be removed from the Nevada Supreme Court website.

In one exchange during the meeting, prison staff expressed concern about how youth offenders were housed among adult inmates. “I know that an issue at Lovelock (Correctional Center Facility) is that you have very little infirmary space because the infirmary is the overflow for the youth offenders, so, the minute you get youth in there, your infirmary is off limits to adult inmates, so, and then what do you do?” Wickham said.

The overcrowding could mean that there would be no room to quarantine inmates who tested positive for coronavirus, Wickham indicated. “They are back there at the very back of the hallway with curtains across the hallway, and they are stuck down there,” Rusty Donnelly, Lovelock’s director of nursing, said. “That is what we are doing, we don’t have a choice!”

Wickham suggested that a curtain was not sufficient to separate adults from the youth. “That is the big issue at Lovelock, if the youth offenders have to be completely separated sight and sound and so they can put up the curtain and that blocks any sight,” she said. “But we’ve had issues with adult inmates that are calling out terrible things.”

In the same meeting, Wickham also talked about discussions she had with Gov. Steve Sisolak, who had ordered a statewide shutdown in response to the pandemic about a month earlier, about the spread of hepatitis C. At least 20 percent of the roughly 13,000 inmates across the prison system tested positive for the blood-borne disease. “He had asked, ‘Are we doing enough?’” Wickham said, referring to Sisolak. “And I said, ‘No.’ And he asked, ‘What can we do?’ and I said, ‘Give me 200 million dollars, and we can cure a lot of people.’” That does not appear to account for how much money the prison system would need to handle an outbreak of coronavirus. Officials with the governor’s office have declined to comment on the pending litigation.

Petitions filed with the state’s high court earlier this month called for certain prisoners to be released to stave off the spread of COVID-19 behind prison walls, which could lead to overwhelming hospitals across the state.

Asked about the disclosed meeting minutes, Michael Horvath, an attorney for inmate Gregory Kerkorian, a 74-year-old serving a one- to four-year sentence, said he had “grave

concern for the health and safety of the inmates.” Horvath and fellow attorney Michael McAvoyAmaya said Friday that they were preparing a response to the prison system’s argument that Kerkorian was safe from the virus.

“Kerkorian is housed by himself,” prison lawyers wrote this week. “The cell has its own toilet and sink. His cell is sanitary. These undisputed facts establish Kerkorian’s ability to practice social distancing and debunk his general assertion that he is more at risk because of the need to use communal restrooms in unsanitary condition.” McAvoyAmaya said he was concerned that the hepatitis C response could mean trouble stemming coronavirus in the prisons. “That’s potentially thousands of people who are at risk from COVID-19 because they have an underlying condition,” he said. “I don’t think enough is being done.” The lawyers said that corrections officers had entered Kerkorian’s cell this month without masks or gloves.

As of Friday, eight prison employees had tested positive for the virus, including one at Southern Desert Correctional Center, where Kerkorian is held, according to spokesman Scott Kelley. Prison officials have said that no inmates have tested positive for coronavirus, but Kelley would not disclose how many prisoners had been tested.

News organizations around the globe have reported on prison riots sparked by the outbreak. Riots in Iran and Colombia led to dozens of deaths.

Call for inmate release

On the heels of Kerkorian’s petition for early freedom, lawyers from Washoe and Clark counties asked justices to order Sisolak and prison officials to release inmates who fall under one of three categories: those who have been granted parole yet remain locked up; inmates with a high risk of serious harm from COVID-19 and expected to be released within 18 months; and any nonviolent offenders serving sentences set to expire in the next three years if they provide an approved parole plan.

In the prison’s April 15 medical staff meeting, pharmacist Linda Fox discussed a “backup plan” in the case that “they quarantined my entire staff.” “We cannot have no pharmacy staff, so what I did is I cut my staff in half, and I have an A team and a B team where they have no physical contact with each other,” Fox said. She noted that she had to change everyone’s shifts and that it might continue into May. “But so far it is working. ... We are not having any trouble getting our work done, and it seems to be working remarkably well,” Fox said. “I feel good about having a plan, like if something goes bad, that we won’t be out of business. Everyone is getting along very well, so I am pleased.”

Contact David Ferrara at dferrara@reviewjournal.com or 702-380-1039.

Nevada Prisons to Start Widespread Coronavirus Testing

By Jeff Mosier LVRJ, 5/26/20

The Nevada Department of Corrections announced Monday that three more inmates have tested positive for COVID-19 and that prisons would begin widespread testing this week.

Tests were performed Monday at High Desert State Prison's intake unit, and three inmates tested positive, according to a release sent Monday night. Testing will be expanded Tuesday to include all staff and inmates at High Desert, about 40 miles northwest of Las Vegas.

On Wednesday, 5,000 tests will be distributed to medical staff, and widespread testing will begin throughout the state's prisons.

The testing system was developed with the state Department of Health and Human Services and the Nevada State Public Health Laboratory. The laboratory will provide the testing and can handle about 500 people a day, the release said.

Last week, the Corrections Department reported its first case of a prisoner testing positive. The four inmates who have tested positive had transferred from the Clark County Detention Center, the department said. "Standard intake operations require all offenders be isolated for a minimum of 20 days, which allows NDOC medical staff to monitor for symptoms during the generally accepted 14-day incubation period of COVID-19," the department said.

In the release, department Director Charles Daniels said, "Our medical staff has worked tirelessly to test staff and offenders at High Desert State Prison. Our goal is to mitigate and prevent the spread of COVID-19 through rigorous testing and the implementation of deliberate and pro-active protocols."

On May 14, the Review-Journal reported that 0.45 percent of Nevada prisoners had been tested, according to data from The Marshall Project and The Associated Press.

As of Wednesday, 18 corrections employees had tested positive for the virus. Four of them work at High Desert. The first case of an employee testing positive was reported on March 26, and the employee worked at High Desert.

Review-Journal staff writer Katelyn Newberg contributed to this report.

Nationwide Protests After Killing By Police
By Ricardo Torres-Cortez, 5/31/20
Second Day of Protests for George Floyd

Before Metro Police deployed tear gas in the direction of demonstrators at the end of a Black Lives Matter protest Saturday night, officers stood back as agitators hurled rocks and bottles "for a very long time," Clark County Undersheriff Kevin McMahon said. That won't be the case on Sunday. Officers are stationed at three possible protest points across the valley Sunday evening with instructions to act before violence escalates so that the "peaceful protest(s) can continue," McMahon said.

The demonstration in downtown on Saturday led to 103 arrests. Eleven officers were injured, a pawn shop was looted, a Metro SUV was torched, and taggers defaced various business fronts and government buildings.

In some cities, such as Reno, there have been reports of out-of-state instigators embedding themselves in the demonstrations. McMahon said that Metro received "intelligence" that "Antifa-like" protesters on Sunday were

arriving in Las Vegas. He didn't expound on where that intelligence came from when asked, but said he believed the threats were credible.

In Friday's protest on the Las Vegas Strip, which led to a confrontation between officers and participants, prompting 79 arrests and injuries to officers, McMahon said that only 15 of those arrested were not local. Police were still compiling Saturday figures. "I have 25 officers alone that had to be treated medically because of rocks, bottles and fires," he said. "Let me just say very clearly, that fires are not OK, throwing rocks is not OK. Throwing frozen water bottles is not OK.

"We remain prepared, not only in the past couple of days, but in the days to come, to go out and to ensure that those who are disrupting your ability to peacefully assemble and protest, that we will take them away and we will arrest them so that you can continue along with your peaceful protest," he continued.

On Saturday, officers used tear gas to slow the aggressive crowd, saying "when officers attempted to stem the tide of violence by ordering the crowd to disperse, protesters defied lawful orders. Following several warnings to the crowd, police deployed canisters of tear gas just after midnight." Police estimated 3,000-4,000 people participated in the protest, which started at Container Park and stretched from the Clark County Detention Center on South Casino Center Drive to the Federal Courthouse on South Las Vegas Boulevard and East Bridger Avenue, according to police. Metro had 300 officers on the scene.

McMahon spoke Sunday afternoon alongside elected officials, law enforcement, community leaders, and clergy outside Metro headquarters near downtown. They were empathetic to those demonstrating in the name of George Floyd — who on Wednesday died after a Minneapolis police officer pressed his knee on his neck for about 10 minutes — but pleaded with the community to display their anger in a peaceful manner.

Protests across the U.S., especially in the Minneapolis region, have led to violence, looting and rioting. Minneapolis police Officer Derek Chauvin was arrested Friday on third-degree murder and manslaughter charges in Floyd's death. He and three other officers who witnessed Floyd being brutalized were fired. "Before I was an attorney general, I was a black man," said Aaron Ford, Nevada's top law enforcement officer. "When I'm not attorney general, I will be a black man married to a black woman raising black sons." "And when these types of atrocities are happening across our country, we hurt," he said, adding, "My sons themselves wanted to participate in these protests, and they have a right to do that. And if my sons do it, I will ensure, and they will ensure, that it is done in a peaceful way."

Ford mentioned Metro's police reform, prompted in 2012 in collaboration with the Department of Justice, following a string of controversial use-of-force deaths.

"Are they perfect? Absolutely not," he said. "Do we have work to do? We absolutely do. We want to continue working with you to make that happen." McMahon, who conceded more can be done, echoed Sheriff Joe Lombardo's sentiment about

Floyd's death. "I know the heart of men and women in Metro also and know the heart of this community," McMahon said, adding that he hasn't come across an officer who wasn't disturbed Chauvin's actions in Minnesota. "We've worked really long and hard to increase our relationships with our communities, but particularly communities of color and we've had great success all across our valley over the last 15 years."

Protest in Reno Turns Chaotic

What started out as peaceful Black Lives Matter protests in Reno and Las Vegas took a chaotic turn Saturday night, with demonstrators smashing out the windows of Reno City Hall, facing off with police on the streets of downtown Las Vegas and prompting Gov. Steve Sisolak to deploy the National Guard to protect public property.

Saturday marked the second day of large demonstrations in Nevada following the death of George Floyd at the hands of Minneapolis police. Protests Friday led to some 80 arrests in Las Vegas and injuries to 12 police officers.

Scenes of protesters breaking windows with baseball bats and setting fires inside Reno City Hall Saturday afternoon drew an immediate call by local leaders for a city-wide and later Washoe County-wide curfew, with Sisolak eventually calling in the state's National Guard late Saturday to assist local law enforcement. "I know our communities are reeling from the injustice and heartbreak," Sisolak said in a tweet. "As I said today, we respect and defend the right to protest, but we need people to express themselves peacefully."

But the fracas continued well into the night on Saturday, with videos on social media showing protesters setting a vehicle ablaze, breaking windows at small businesses and breaking into an ATM in Reno. Police responded by deploying tear gas and shooting rubber bullets to clear protesters from the area. In a downtown Las Vegas crowd estimated to number 1,500 to 2,000, protesters shouted at officers lined up to form a barrier and threw water bottles, while other demonstrators urged the throwing to stop. Officers rushed the crowd at times, pinning people to the ground and arresting them

Inadequate Coronavirus Prevention Medically Vulnerable Inmates

The Weld County jail is violating the constitutional rights of medically vulnerable inmates by not adequately protecting them from the coronavirus, a federal judge ruled Monday.

The judge ordered the Weld County Sheriff's Office to take specific steps to better isolate inmates who are older or have underlying health conditions, including identifying inmates who are at higher risk from the virus.

The ruling is the first time in Colorado that a federal judge has ordered an agency to change how it is managing the virus in its correctional facilities. Judges in other states have intervened in correctional facilities' operations after similar lawsuits.

"The record indicates that defendant has failed to take adequate measures to protect members of the plaintiff class from COVID-19 given that they face a heightened risk of serious illness or death from the virus," Philip Brimmer, chief judge of the U.S. District Court for the District of Colorado, wrote in his order. "Accordingly, plaintiffs' conditions of confinement violate the Eighth Amendment to the Constitution, and plaintiffs are entitled to a limited preliminary injunction to ameliorate those conditions."

Muslim CR Action Over God Pod

Muslim Civil Rights Group Files Discrimination Suit Over Virginia Jail's "God Pod".

In November 2018, the Council on American-Islamic Relations (CAIR) filed a federal civil rights lawsuit on behalf of four Muslim prisoners at the Riverside Regional Jail in North Prince George, Virginia.

The complaint alleged that Riverside officials, including the jail's superintendent, senior chaplain, food services supervisor, security chief and programs supervisor, discriminated against Muslims by creating a "God Pod" cellblock to house prisoners in a Christian-centric program. Participants in the "God Pod" received special privileges and were immersed in a Christian environment with daily Christian programming, while Muslim prisoners were denied regular religious services despite their availability.

Further, the jail officials allegedly discriminated against Muslim and other non-Christian prisoners by excluding them from the "God Pod." Essentially, the lawsuit alleged that while being open to prisoners of all faiths on paper, the only non-Christians allowed into the "God Pod" program were those willing to convert to Christianity.

NV Coalition Against Death Penalty Information

By: NCADP Mark Bettencourt

- Nevada has the second highest number of Death Row inmates per capita in the country, behind only Alabama.

-From 2010 to 2015, Clark County imposed more death verdicts than all but two other counties in the entire United States.

-In the past decade (1/1/2009 to 1/1/2019) Clark County prosecutors sought the death penalty in 138 cases. The additional cost to taxpayers is estimated at more than 60 million dollars. Of those 138 cases, juries returned verdicts of death in only 18 cases. Three of the 18 have already been overturned and none of the 138 cases has resulted in an execution.

- Since 1977, when the death penalty was reinstated by the U.S Supreme Court, Nevada prosecutors have sought execution in hundreds of cases, resulting in 189 total death sentences. Half of those sentences have been overturned.

-12 defendants have been executed by the State of Nevada in the last four decades. All but one of those executions was of "volunteers," inmates who chose execution by refusing to engage in the appeals process.

-Nevada's one "involuntary" execution in the modern era was of Richard Moran, a man who fired his lawyers before trial,

represented himself and pled guilty to all charges. Questions about his competency were fought all the way to the US Supreme Court.

-Moran death sentence had been imposed by a 3 judge panel--a process ruled unconstitutional after his execution. Moran isn't considered a "volunteer" only for the fact that he did not abandon his appeals.

- There are now 75 inmates on Nevada's Death Row. 100% of those inmates are indigent and unable to pay for legal representation.

-After building a new execution chamber for \$858,000, Nevada solicited bids from 247 drug suppliers for the lethal drugs necessary for an execution. Not a single company stepped forward to supply the drugs. Ultimately three lots of the necessary drugs were purchased through what the drug manufacturer would describe as "subterfuge" leading to costly litigation concerning ownership of the drugs. One of the few lots has already expired, with the other two set to expire shortly.

Costly and Ineffective DP LtE # 1

The Death Penalty in NV is a waste of money and time that could be better spent providing relief to victims, their families, and towards implementing public safety measures that are actually proven to work. Time and again criminal justice experts and public safety studies show the death penalty does nothing to deter violent crime. A 2014 cost audit report on the process of the death penalty shows these cases cost nearly three times as much as a first degree murder case where life without possibility of parole is sought instead; it also exposes the bureaucratic logjam and lengthy legal processes created by the death sentence within our state's criminal justice system.

The death penalty is an archaic luxury: the vestige of a bygone era. Amidst this pandemic I hope Nevadans realize we need to focus on uplifting our community, instead of seeking ultimate vengeance. Compassion is our state's greatest strength and the time is long overdue for our leaders like Governor Sisolak to end this wasteful practice.

Racist, classist, and used against the mentally unfit DP LtE #2
Why are nearly 40% of our state's death row inmates black, while only 9 percent of our state's total population is? Why has every death row inmate in NV been indigent, or unable to pay the legal fees related to their case? Why is the death penalty unfairly used on people who suffer from mental illness and trauma? It is because the death penalty is exercised in a way that is arbitrary, unusual, and cruel.

In theory, the death sentence is reserved for the worst of the worst, those who allegedly deserve it. In reality, it targets black and brown people, low-income people, and too often sentences the wrong person. Historically, there is an average of 1 exoneration for every 10 executions that have been carried out across the United States.

We need to stop ignoring how flawed our death penalty is and urge Nevada's leaders to put an end to the death penalty once and for all.

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COVID, Cost, Colorado DP LtE # 3

Amidst the current pandemic, with the loss of life so high and the road to recovery uncertain, it seems out of touch for our state to continue pursuing the death penalty. Our state no longer has the means to carry out an execution; nevertheless prosecutors are continuing to seek the death penalty in nearly 50 cases across the state. Cases in which the death penalty is sought, according to a 2014 cost audit report requested by Nevada legislators, costs taxpayers 1.2 million dollars. In other words, it costs nearly half a million dollars more to pursue the death penalty in murder cases, not to mention the costs Attorney General Aaron Ford could potentially accrue in pursuing new lethal injection drugs, after a recent settlement agreement with Alvogen Inc. forced Nevada to return their stock over questions regarding how the aforementioned drugs were acquired by the state. After seeing other western states like Colorado end their death penalty, it gives me hope that Governor Sisolak and our current cadre our progressive leaders will do what is right and support an end to the death penalty.

Nevada Death Penalty Facts and Figures

There has only been one involuntary execution in Nevada since the reinstatement of the death penalty circa 1977. There have been 12 executions since 1977 but 11 of the 12 occurred because the inmate waived their appellate rights and volunteered to be executed.

From the 2014 Legislative Audit

-Death Penalty cases cost on average \$532,000 more than other murder prosecutions

-The pretrial defense cost (paid for by the county) is 11 times higher.

-These figures do not account for the cost of detaining or prosecuting the accused as those entities refused to participate in the cost study.

Disparity

African Americans make up 9% of Nevada's population and 40% of its death row population as of 2019.

All death row inmates were indigent.

Capital Jury Project

-cross racial killings where the defendant is black and decedent white are more likely to get death.

-cases where decedent is white are more likely to get death.

NAACP factsheet or Death Penalty Info Center

-From 1973-2016 there were 156 people sentenced to death who later determined innocent, 1142 were executed during the same period of time. This means there was more than one exoneration for every 10 executions.

-Since 1990, the states that do not have the death penalty have had a lower murder rate.

Fair punishment report

Clark County Nevada is 3rd in the nation for seeking the death penalty between 2010 and 2015. Of the 3,143 counties in the country only 16 counties imposed the death penalty 5 times or more between 2010 and 2015. These 16 counties comprise one half of one percent of all the counties in the United States.

The Fair Punishment Report from 2016 has a great summary of the state of things in Clark County if you haven't read it:

Friends and Family of Incarcerated People

Julie Lazareck is the President of FFIP – Friends and Family of Incarcerated People. She has reactivated the organization and is holding events and providing information to friends and family of the incarcerated. FFIP holds speaker meeting on the 1st Thursday of every month at the Clark County Library; and support group meeting the 2nd Thursday of every month at the Episcopal Church. Meetings start at 6 PM; www.TheFFIP.org; Message phone: (702) 763-1389.

Become involved. Attend the meetings. See what you can do to help. Thank you.
month at the Episcopal Church. Meetings start at 6PM; website www.TheFFIP.org; and Message phone: (702) 763-1389.

Meeting at DEFENDERS Conference Room

The next NV-CURE Monthly Meeting will be held on June 29, 2020, at 6:30, at the DEFENDERS' Law Office Conference Room located at 830 S. 4th Street | Las Vegas, NV 89101. This will be our first in person Meeting in a long time because of the COVID 19 restrictions. Attend if you are able and, just to be sage, bring a mask. Will try to make it to Las Vegas to attend the meeting in person. Hope to see all that may attend there.

NV-CURE Membership

NV-CURE Membership for prisoners (\$2.00), people in the community (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**.

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.

Struggle In Solidarity

Together We Can Make A Difference

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