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March 17, 2003

Assembly Judiciary Committee

Re: Assembly Bill 103 .

Dear Members of the Committee :

I am opposed to this bill just as I was in 1999 to AB 78 which is this bill resurrected. This bill is not well thought out and is directly in response to my demands to the Department of Corrections to comply with NRS 176.335(4) in 1999 and again in 2003. This is why the request for a bill (NDOC) was not made before the 2001 session, as I did not bring this to NDOC's attention between 1999 and 2001. I demanded my Judgment of Conviction (hereinafter JOC) to be endorsed and filed pursuant to NRS 176.335(4) in 1999. Yet my JOC was not processed until the very day I testified in opposition to AB 78 on Feb. 18, 1999. See Exhibit A attached. Yet the NDOC would not follow this statute for others. In fact NDOC testified that they have not obeyed this statute for decades. I apparently am the only one in Clark County who ever received their JOC per 176.335(4).

My conviction is still being challenged in federal court. In that case, two court cases were cited by the federal judge that demonstrates one of the problems that failure to follow 176.335(4) can cause. In Jackson v. State, 115 Nev. 21,23, 973 P.2d 241, 242 (Nev. 1999) the district court was acknowledged to have made a finding of fact, crucial to the resolution of the case, that "Jackson" had completed serving his sentences on March 10, 1982. This finding of fact was necessary because NRS 176.335(4) was not complied with. Otherwise, the Courts would have known exactly when Jackson had completed his sentences. Also, in Washington v. State, 112 Nev. 1054, 1059 n. 4 921 P.2d 1253, 1256 n.4 (Nev. 1996) the court had to presume "Washington" had completed his sentence, because NRS 176.335(4) was not complied with. This same presumption was also required in Arterburn v. State, 111 Nev. 1121 (1995).

One very important fact that points directly to bad motivation for this legislation is NRS 176.325. See Exhibit B attached. This statute requires triplicate certified copies of the JOC to be sent to NDOC. Should this legislature decide to pass AB 103 then NDOC would then have an unnecessary copy of the JOC and the clerk would be making one unnecessary **certified** copy of the JOC. This is a flat waste of resources. Therefore NDOC flatly does not care one iota about redundancy or waste. These are selfish, unthinking motives for requesting this legislation.

I have in fact sued to enforce compliance with NRS 176.335(4). This suit is pending in federal court. NDOC and director Crawford is in fact committing thousands of felonies and/or misdemeanors by not complying with NRS 176.335(4). See NRS 197. 200 and 197.220 and NRS 239.310 and 239.320. The attorney general, both the outgoing Del Papa and the current Sandoval refuse to investigate these violations and is counseling NDOC to in fact continue to violate this law.

Since the NDOC has admitted in testimony before this body that they refuse to comply with the law, this body should deny this legislation on this ground alone as the NDOC comes before this body with "unclean hands". NDOC's position is apparently, " We have violated the law for decades please change it to conform to our practice, however if you refuse to change it we will not obey the law anyway"!! This is government by men not law.

825 CLARICE LN.
BOULDER CITY, NV. 8900

E-1074

ASSEMBLY JUDICIARY


DATE: 3-17-03 ROOM 3138 EXHIBIT E

SUBMITTED BY: Mr. Kim Blandino

March 16, 2003

I have much in the way of support for why this is bad legislation should you wish to see it. I look forward to testifying and to your questions on March 17th.

Sincerely

A handwritten signature in black ink, appearing to read "Kim Blandino".

Kim Blandino
825 Clarice Ln.
Boulder City, Nev. 89005
(702) 294-0015



STATE OF NEVADA
DEPARTMENT OF PRISONS
ADMINISTRATIVE OFFICES

ROBERT BAYER
DIRECTOR
JOHN SLANSKY
ASSISTANT DIRECTOR, OPERATIONS
JOHN E. NEILL
ASSISTANT DIRECTOR, SUPPORT SERVICES
HOWARD L. SKOLNIK
ASSISTANT DIRECTOR, PRISON INDUSTRIES

February 19, 1999

C111264

Shirley Parraguirre, Clerk
Clark County Clerk's Office
200 S. Third Street, Third Floor
Las Vegas, NV 89155

Dear Ms. Parraguirre:

Per our telephone conversation on February 18th, I am enclosing the judgment of conviction regarding Kim Blandino and request that it be filed per NRS 173.335 (4).

Should you have any questions regarding this matter, please do not hesitate to call me. My direct line is 887-3250. Thanks again for all your help.

Sincerely,

Bennie McGuinness

Bennie McGuinness
Correctional Case Records Manager

COUNTY CLERK

RECEIVED

FEB 24 1999

CENTRAL OFFICE
P.O. BOX 7011
CARSON CITY, NEVADA 89702
PHONE (775) 887-3285

E-3074

Exhibit A

SOUTHERN OFFICE
2770 S. MARYLAND PKWY. NO. 300
LAS VEGAS, NEVADA 89109
PHONE (702) 486-6491

NRS 176.325 Judgment of imprisonment in state prison: How executed. When a judgment of imprisonment to be served in the state prison has been pronounced, triplicate certified copies of the judgment of conviction, attested by the clerk under the seal of the court, must forthwith be furnished to the officers whose duty it is to execute the judgment, as provided by NRS 176.335, and no other warrant or authority is necessary to justify or require the execution thereof, except when a judgment of death is rendered.

(Added to NRS by 1967, 1438; A 1973, 30; 1989, 938; 1993, 79; 1995, 1252; 1999, 1047)

E-4084

Exhibit B