

Posted January 10, 2012

Happy New Year to Everyone.

Hopefully, this year we will see many changes to the law in Nevada, and many favorable opinions by the Court in favor of our members.

Over the last month, two of our members have currently filed their lawsuits as previously reported, and have made headway on getting those cases moving along. This has involved a huge effort on the part of these members, as at this time, they are filing these cases in proper person.

There are three very important cases that our members should stay in touch with and follow along, and we will report the timelines and progress on these cases as follows:

Lifetime Supervision Motion to Correct an Illegal Sentence

One of our members has currently filed a lawsuit challenging the civil sentence of Lifetime Supervision on constitutional grounds. This is posted in the Lifetime Supervision section, but we will also post the link to the motion here, due to the seriousness of this issue. Hopefully the Court will make a timely decision, as they are under a timeline, if they accept it.

The link is provided on the previous page, and this is the complete motion filed to the Court.

Due to learning the issues of electronic filing the notice of service to the District Attorney did not get served on this case when it was filed. The member had to serve the District Attorney in person.

The Notice of Service to the District Attorney was filed on December 30, 2011. This makes the timeline for the opposition response from the State at 10 business days from that date, not counting holidays or weekends. The opposition response date is Friday, January 13, 2012.

At that time, the timeline restarts, and the defendant's reply to the opposition response is due within 5 business days, which will make the deadline for the reply either Friday, January 20, 2012 or Monday, January 23, 2012.

The original Motion to Correct was filed on December 12, 2011. If the Court accepts the defendant's request that this be considered a First Amendment Petition, the decision by the Court is due within 30 days from the date of filing, which should have been January 11, 2012.

Due to the above issues of service of notice, we now believe that the decision on the Motion to Correct by the Court will be due on January 30, 2012.

Civil suit against the State of Nevada for illegal seizure and search

Another member has filed her suit to sue the State of Nevada, and the Division of Parole and Probation, and the Officers personally, for the violations of civil rights against her, due to an illegal seizure and search. This member is not on supervision, and has never been convicted of a crime, but these Officers felt that they had the authority and right to seize and search her personal property without a warrant. We will see how this works out, as this relates to every family member or person who lives with anyone on Parole, Probation, or Lifetime Supervision.

This case involves the State of Nevada, through the Attorney General, the Board of Parole Commissioners, the Department of Public Safety and the Division of Parole and Probation.

It also involves 5 Officers of the Division of Parole and Probation, both in their official capacity as Officers, and against them personally for the actions they took in relation to this illegal seizure and search. The Officers involved are Lieutenant David Helgerman, retired Sergeant Wayne Diek, Officer Alyssa Howald, Officer Dawn Avilla, and Officer Aaron Evans. The case is filed, the service of summons upon all of the above has been performed, and the motion to submit has been filed. The timelines on this case are complicated, as it is a civil suit. We are awaiting responses by the defendants in this case, and notices of counsel. As this case progresses, we will update the situation, and we will file the actual case, and copies of all submittals on here soon.

Defense of a criminal charge for alleged failure to answer 2 questions while taking the polygraph

This member of our organization is fighting the charges against him filed by Officer Evans in relation to the polygraph.

Originally there were more charges, but the District Attorney decided to only pursue this charge.

This case is currently in the pre-trial stage, and the attorney has requested a large amount of discovery, which is all of the documents relating to the case, and the audio and visual records of the polygraph exam, including all the paperwork relating to the exam.

This case has become a constitutional issue, and the member will pursue this case as far as needed to prove that the way the polygraph is performed by the State of Nevada is illegal, and has been performed this way not only against this member, but every one who has previously taken the polygraph.

Hopefully the member will win at the Justice Court level, but if not, will appeal it up the Court System as far as needed to obtain a favorable decision. This case will affect every person subject to a polygraph in the State of Nevada while on Parole, Probation, or Lifetime Supervision.

Meeting in December.

Please stay in touch with our organization, and keep informed about what our members are doing for you, by pursuing all of these issues.