



State of Nevada
ADVISORY COUNCIL FOR
PROSECUTING ATTORNEYS
100 North Carson Street
Carson City, Nevada 89701

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MEETING MINUTES

Organization: Advisory Council for Prosecuting Attorneys

Date and Time of Meeting: April 16, 2019 • 1:00 p.m.

Place of Meeting: Video Conferenced Between:

Attorney General's Office
Mock Courtroom Room
100 N. Carson Street
Carson City, Nevada

Attorney General's Office
Sawyer Building, Room 4500
555 E. Washington Avenue
Las Vegas, Nevada

Members Present:

Aaron D. Ford, Attorney General, Chair
Kyle George, Special Assistant Attorney General
A.J. Delap
Chris Hicks
Arthur Mallory
Karl Hall
Steve Wolfson via Teleconference

Guests Present:

Heather Proctor, Attorney General's Office
Jessica Adair, Chief of Staff, AG
Adam Cate, Esq.
Jennifer Noble, Washoe County DA office
Ronda Holm, Attorney General's Office

1. **Call to Order and Roll Call.**
2. **Public Comment.** Discussion only. Action may not be taken on any matter brought up under this agenda item, until scheduled on the agenda of a future meeting for possible action.

No public comment.
3. **Attorney General Aaron Ford's Welcome. Self-introduction of members present.** Attorney General Aaron Ford welcomed the members, and everyone introduced themselves.

4. **Discussion and for possible action to approve the November 29, 2018 meeting minutes.**

(Agenda Item No. 4)

Chris Hicks moved to approve the minutes from September 13, 2018. Karl Hall seconded the motion, and it passed unanimously.

5. **Appointment of Kyle George as Executive Director under NRS 241A.060, to fill vacancy. (For possible action).**

Karl Hall moved to approve the appointment of Kyle George as Executive Director. Chris Hicks, seconded the motion, and it passed unanimously.

6. **Discussion of Marsy's Law. (Discussion only).** Discussion regarding what law enforcement agencies are doing to comply with notice to victims under Marsy's Law in criminal actions, and explore areas of collaboration with the Office of the Attorney General. Heather Procter, Chief Deputy Attorney General, Post-Conviction Division, Office of the Attorney General.

Chief Deputy Attorney General Heather Procter of the Post-Conviction Division, ("PCD") whose unit deals with the Federal Habeas Petitions, State Habeas Petitions and time credit issues. She would like to know how DA's are handling Marsy's Law relating to victim information. A portion of Marsy's Law is the notification of victim regarding ongoing Post-Conviction proceedings and the Post-Conviction dilemma is that they don't have victim information in the Federal habeas action we are only using the information that is in the State Court records and the victim information isn't included in that. They would like to piggy back on the notification of Marsy's law to see if we could include a note to the victims that would give them the opportunity to received information regarding the Federal Habeas proceedings as well as the State proceedings, to notify the AG's office directly or coordinate with the various DA offices to provide information regarding various federal and State actions to the victims. It creates a dilemma since the information is confidential and we do not want to violate any confidentiality. Would like a cooperative stance where we could include the AG's office on your notifications. The PCD could provide contact information for the victims to contact directly. The other alternative is if there is a Habeas or State petition we could provide the DA's a letter stating we have a new Habeas in this action could you please notify the victim.

Attorney General Ford opened floor for discussion.

Mr. Mallory stated: In the smaller counties we talk to the victims frequently, they call in often. If PCD sends a letter to the DA's they would in turn forward them to the victims.

7. **Discussion of State and Federal Habeas Actions. (Discussion only).** A discussion of procedures for obtaining sealed records in criminal actions for filing, under seal, with the federal district court in a federal habeas action. Heather Procter, Chief Deputy Attorney General, Post-Conviction Division, Office of the Attorney General.

Discussion held regarding how the Attorney General's office can obtain sealed records when they have a Federal Habeas action there has been issues with the Judges ordering certain pleadings sealed and AG's office is wanting to produce them to the Federal Habeas Court since they are a valuable document in proving certain Habeas actions. We either have to file a Motion to unseal documents or a Motion requesting documents be disclosed to us, but several of the courts are reluctant to do this. Ms. Procter would like to know if the DA's would be willing to provide these documents since they have them in their possession.

Discussion on whether the District Attorneys do in fact have access to the documents will be conducted at a later date.

8. **Discussion of 2019 Prosecuting Attorneys Conference. (Discussion only).** Discussion of proposed dates (September 25-27, 2019) for conference, location, possible topics, and suggested speakers. Kyle George, Special Assistant Attorney General, Office of the Attorney General.

Suggestion by Kyle George to hold the Conference on September 25, 2019 – September 27, 2019. Just wanting to have a discussion on dates to check availability. A suggestion was made to possibly hold the 2019 Prosecutors Conference in Lake Tahoe. Mr. Wolfson voiced concerns regarding Lake Tahoe and suggested that it be kept on a Northern and Southern rotation and that this year should be held in the South. Mr. George suggested that the Tahoe conferences have a better attendance rate than the southern ones.

9. **Discussion of CLE Opportunities. (Discussion only).** Discussion regarding possible Continuing Legal Education courses regarding domestic violence and human trafficking through the Office of the Attorney General. Representative from Office of the Attorney General, TBD.

Nicole O'Banion discussed the upcoming CLE Opportunities put on by the AG's office, Marsy's Law and Human Trafficking. The human trafficking will have Post credits available as well. There will be save the dates coming out soon on the exact details.

10. **Mid-Session Legislative Update (Discussion only).** An update regarding the status of legislation affecting the criminal justice system or local governments currently pending in the Legislature. Jessica Adair, Chief of Staff, Office of the Attorney General.

Jessica Adair gave update on several bills from the Legislature and their progress through the Assembly and Senate.

AG Ford asked if anyone had any specific bills that they would like followed by his office to follow and none were requested.

11. **Discussion of Prosecutors Training Manuals and Brief Banks. (Discussion only).**
Discussion regarding the development of prosecution training manuals and a brief bank.
Kyle George, Special Assistant Attorney General, Office of the Attorney General

12. **Public Comment.**

Discussion Only. Action may not be taken on any matter brought up Public comment shall be limited to five (5) minutes per person. Action may not be taken on any matter brought up under this agenda item, until scheduled on the agenda of a future meeting for possible action.

No Public Comment

13. **Adjournment at 1:50 p.m.** Motion to adjourn brought by Arthur Mallory, Churchill County District Attorney. Seconded by Christopher Hicks, Washoe County District Attorney.

Minutes respectfully submitted by Ronda Holm, Supervising Legal Secretary