

**EXHIBIT “A”**

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11 UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

12 DOES 1-30; and UNKNOWN NAMED )  
DOES 1-1000, ) CASE NO.: 2:15-CV-01638-RFB-CWH  
13 Plaintiffs, )  
)  
14 vs. ) **42 U.S.C. § 1983 AMENDED COMPLAINT**  
)  
15 Adam Paul Laxalt, Attorney General of the ) **FOR DECLARATORY AND**  
State of Nevada; James Wright, Director of the ) **INJUNCTIVE RELIEF**  
16 Nevada Department of Public Safety; Natalie )  
Wood, Chief Parole and Probation Division of )  
the Nevada Department of Public Safety; )  
17 Patrick J. Conmay, Chief Records and )  
Technology Division of the Nevada ) **JURY TRIAL DEMANDED**  
18 Department of Public Safety; Joseph )  
Lombardo, Sheriff of the Las Vegas )  
19 Metropolitan Police Department; Alexander )  
Perez, Chief of the North Las Vegas Police )  
20 Department; Steven Wolfson, District )  
Attorney of Clark County; Chief Patrick )  
21 Moers, Henderson Police Department, )  
Defendants. )  
22 )  
\_\_\_\_\_ )



1 process, substantive due process, the equal protection clauses, the free exercise  
2 clause, the right to assemble, the *Ex Post Facto* Clause, the Contract Clause, the Bill  
3 of Attainder Clause, and the Separation of Powers Doctrine of the United States and  
4 the Constitution of the State of Nevada.

### 5 **JURISDICTION**

6  
7 3. This Court has original subject matter jurisdiction over the federal  
8 constitutional violations alleged in this Complaint pursuant to 42 U.S.C. § 1983, 28  
9 U.S.C. §§ 1331 and 1334. This Court has jurisdiction to issue injunctive and  
10 declaratory relief pursuant to 28 U.S.C. § 2201 and 42 U.S.C. § 1983.

11 4. Under 28 U.S.C. § 1391, the District of Nevada provides a proper  
12 venue because all parties were convicted and sentenced, currently live, and/or work  
13 in Nevada. Their supervision under the special sentence of lifetime supervision  
14 emanates from judgments of convictions issued from Nevada state district courts.  
15 Additionally, all or a substantial portion of the action occurred within the State of  
16 Nevada, Clark County.

### 17 **PARTIES**

18 5. Plaintiff Doe 1, a resident of Washoe County, Nevada, committed a  
19 sexual offense on November 3, 2003. He is currently on lifetime supervision with  
20 over 21 conditions imposed by the Board pursuant to N.R.S. 213.1243.<sup>1</sup>  
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22 <sup>1</sup> A redacted version of Plaintiff Doe's 1's, Lifetime Supervision Agreement is attached as Exhibit 1.

1           6.     Plaintiff Doe 2, a resident of Clark County, Nevada, committed a  
2 sexual offense on November 1, 2007. He is currently on lifetime supervision with  
3 over 21 conditions imposed by the Board pursuant to N.R.S. 213.1243.<sup>2</sup>

4           7.     Plaintiff Doe 3, a resident of Riverside, California, committed a  
5 sexual offense on or between 1997. He is currently on lifetime supervision with  
6 over 21 conditions imposed by the Board pursuant to N.R.S. 213.1243.<sup>3</sup>

7           8.     Plaintiff Doe 4, a resident of Millard, Utah, committed a sexual  
8 offense in Nevada on or about November 2008 through December 2008. He is  
9 currently on lifetime supervision with over 21 conditions imposed by the Board  
10 pursuant to N.R.S. 213.1243.<sup>4</sup>

11          9.     Plaintiff Doe 5, a resident of Clark County, Nevada, committed a  
12 sexual offense on April 23, 2006. He is currently on lifetime supervision with over  
13 21 conditions imposed by the Board pursuant to N.R.S. 213.1243.<sup>5</sup>

14          10.    Plaintiff Doe 6, a resident of Ramsey, Minnesota, committed a  
15 sexual offense in Nevada on or about November 27, 2009. He is currently on  
16 lifetime supervision with over 21 conditions imposed by the Board pursuant to  
17 N.R.S. 213.1243.<sup>6</sup>

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20 <sup>2</sup> A redacted version of Plaintiff Doe's 2's, Lifetime Supervision Agreement is attached as Exhibit 2.

21 <sup>3</sup> A redacted version of Plaintiff Doe's 3's, Lifetime Supervision Agreement is attached as Exhibit 3.

22 <sup>4</sup> A redacted version of Plaintiff Doe's 4's, Lifetime Supervision Agreement is attached as Exhibit 4.

23 <sup>5</sup> A redacted version of Plaintiff Doe's 5's, Lifetime Supervision Agreement is attached as Exhibit 5.

24 <sup>6</sup> A redacted version of Plaintiff Doe's 6's, Lifetime Supervision Agreement is to be supplemented at a later time as Exhibit 6.



1 July 9, 2015 an Information charging him with a Class B Felony for violating his  
2 special sentence of lifetime supervision was filed in the District Court, Clark  
3 County, Nevada.<sup>10</sup>

4 15. Plaintiff Doe 11, a resident of Clark County, Nevada committed a  
5 sexual offense on or between December 1, 2003 and April 30, 2004. He was  
6 sentenced on August 11, 2010 to a special sentence of lifetime supervision to  
7 commence upon release from any term of imprisonment, probation or parole.  
8 Plaintiff Doe 11 was honorably discharged from parole on October 8, 2012. On  
9 October 8, 2012, Plaintiff Doe 11 was made to sign a lifetime supervision  
10 agreement with multiple residency and movement restrictions. He is currently on  
11 lifetime supervision with punitive conditions created and imposed by the Board  
12 pursuant to NRS 213.1243.<sup>11</sup>

13 16. Plaintiff Doe 12, a resident of Clark County, Nevada entered an  
14 Alford plea to a sexual offense allegedly committed on or between June 30, 2002  
15 and October 11, 2008. He was sentenced to probation and a special sentence of  
16 lifetime supervision on July 23, 2008. As with all of the other Plaintiff Does, neither  
17 the Plaintiff's Guilty Plea Agreement nor his Judgment of Conviction contained any  
18 of the punitive conditions that would eventually comprise the special sentence of  
19 lifetime supervision. The Plaintiffs' conditions of probation were specific and found

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21 <sup>10</sup> Redacted versions of Plaintiff Doe 10's Guilty Plea Agreement containing the Information, Judgment of  
Conviction, Lifetime Supervision Agreement, and his recent Information charging him with Violation of  
Lifetime Supervision by Convicted Sex Offender are attached collectively as Exhibit 10.

22 <sup>11</sup> Redacted versions of Plaintiff Doe 11's Guilty Plea Agreement, Information, Judgment of Conviction, and  
Honorable Discharge from Parole are attached collectively as Exhibit 11.

1 within the law at NRS 176A.410. The conditions of lifetime supervision were not  
2 codified under Nevada law. The Plaintiff was honorably discharged from probation  
3 on September 28, 2012. He is currently serving his special sentence of lifetime  
4 supervision.<sup>12</sup>

5 17. Plaintiff Doe 13, a resident of Glendale, Arizona, committed a sexual  
6 offense on or about June 26, 2006 and June 28, 2006. On January 9, 2008, the  
7 Plaintiff was sentenced to probation and a special sentence of lifetime supervision  
8 pursuant to NRS 213.1243. He is currently under the control and enforcement  
9 powers of Adult Probation Department, Pinal County, Arizona “for a period of  
10 lifetime” as a result of the special sentence of lifetime supervision handed down by  
11 a Nevada state district court.<sup>13</sup>

12 18. Plaintiff Doe 14, a resident of Clark County, Nevada committed a  
13 sexual offense on August 31, 2012. He was placed on probation and honorably  
14 discharged from probation in 2007. The Defendant was sentenced to lifetime  
15 supervision in 2003. He is currently serving his special sentence of lifetime  
16 supervision.<sup>14</sup>

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18 <sup>12</sup> Redacted versions of Plaintiff Doe 12’s Guilty Plea Agreement, Information, Judgment of Conviction,  
19 Lifetime Supervision Agreement, and Order Honorably Discharging Probationer are attached collectively as  
20 Exhibit 12.

21 <sup>13</sup> Redacted versions of Plaintiff Doe’s Guilty Plea Agreement, Judgment of Conviction, Amended Judgment  
22 of Conviction, Amended Information and the implementation of the special sentence of lifetime supervision as  
23 interpreted and imposed by the Adult Probation Department, Pinal County, Arizona County Superior Court are  
24 attached as Exhibit 13.

<sup>14</sup> A redacted version of Doe 14’s Lifetime Supervision Agreement, Guilty Plea Agreement, Judgment of  
Conviction filed March 18, 2003, Amended Judgment of Conviction filed February 18, 2004, 2<sup>nd</sup> Amended  
Judgment of Conviction filed March 11, 2004, and Order Discharging Probationer filed March 21, 2007 are  
attached as Exhibit 14.



1           19. Plaintiff Doe 15, a resident of Clark County, Nevada committed a  
2 sexual offense on or between December 9, 2012 and December 10, 2012. He is  
3 currently on lifetime supervision with over 20 conditions and several pending  
4 conditions yet to be decided by the Board.<sup>15</sup>

5           20. Plaintiff Doe 16, a resident of Clark County, Nevada committed a  
6 sexual offense on or between September 28, 2003 and October 15, 2004. He was  
7 sentenced on June 30, 2005 to probation and a term of lifetime supervision to begin  
8 after his completion of probation.<sup>16</sup> He is currently serving his special sentence of  
9 lifetime supervision imposed pursuant to N.R.S. 213.1243.

10           21. Plaintiff Doe 17, a resident of Clark County, Nevada committed a  
11 sexual offense on or between February 1, 2003 and March 31, 2003. He was  
12 sentenced on July 10, 2003 to a maximum term of ninety-six (96) months with a  
13 minimum term of twenty-four (24) months in the Department of Corrections and a  
14 term of a special sentence of lifetime supervision after his term of his imprisonment.  
15 On September 13, 2012 he was made to sign a lifetime supervision agreement  
16 containing approximately 25 punitive conditions that did not exist in law at the time  
17 he committed his offense. He is currently serving his special sentence of lifetime  
18 supervision.<sup>17</sup>

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19  
20 <sup>15</sup> A redacted version of Plaintiff Doe 15's Lifetime Supervision Agreement, Guilty Plea Agreement, and  
Judgment of Conviction are attached collectively as Exhibit 15.

21 <sup>16</sup> A redacted version of Plaintiff Doe 16's Lifetime Supervision Agreement is attached, along with his Petition  
and Order Honorably Discharging Probationer filed November 29, 2007, his Guilty Plea Agreement filed on  
22 April 21, 2005 and his Judgment of Conviction filed on June 30, 2005 are attached collectively as Exhibit 16.

23 <sup>17</sup> A redacted version of Plaintiff Doe 17's Lifetime Supervision Agreement, Guilty Plea Agreement, and  
24 Judgment of Conviction are attached collectively as Exhibit 20.

1           22. Plaintiff Doe 18, a resident of Clark County, Nevada committed a  
2 sexual offense on or about the 2<sup>nd</sup> day of June, 2005. He was sentenced on April 30,  
3 2008 to a term of probation which included a special sentence of lifetime  
4 supervision to commence upon the completion of his term of probation. On July 26,  
5 2012 Plaintiff Doe 18 was made to sign a lifetime supervision agreement that  
6 contained punitive conditions that did not exist in law at the time he committed his  
7 offense. He is currently serving his special sentence of lifetime supervision imposed  
8 pursuant to NRS 213.1243.<sup>18</sup>

9           23. Plaintiff Doe 19, a resident of Clark County, Nevada committed a  
10 sexual offense on or between July 1, 1997 and August 31, 1997. He was sentenced  
11 on March 30, 1999 to a maximum term of two hundred forty (240) months with a  
12 minimum parole eligibility of ninety-six (96) months in the Nevada Department of  
13 Prisons. He was also sentenced to lifetime supervision. On October 16, 2012 he was  
14 made to sign a lifetime supervision agreement with 25 conditions that did not exist  
15 at law when he committed his offense. On May 20, 2014, Plaintiff Doe 19 was  
16 made to sign a second superseding lifetime supervision agreement. He is currently  
17 being prosecuted for violation of lifetime supervision by a convicted sex offender.<sup>19</sup>  
18

19           24. Plaintiff Doe 20, a resident of Clark County, Nevada committed a  
20 sexual offense on or about the 14<sup>th</sup> day of March, 2012. He was sentenced to

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21 <sup>18</sup> A redacted version of Plaintiff Doe 18's Lifetime Supervision Agreement, Guilty Plea Agreement, and  
22 Judgment of Conviction are attached collectively as Exhibit 21.

23 <sup>19</sup> Redacted copies of Plaintiff Doe 19's two Lifetime Supervision Agreements, his Judgment of Conviction,  
24 and the Information from his ongoing criminal prosecution are collectively attached as Exhibit 22.

1           probation on the 26<sup>th</sup> day of November, 2012 to a term of probation and to a term of  
2           lifetime supervision. On May 5, 2015, he was made to sign a lifetime supervision  
3           agreement and on May 19, 2015 he was made to sign an addendum to that  
4           agreement. He is currently serving his special sentence of lifetime supervision.<sup>20</sup>

5                     25.     Plaintiff Doe 21, a resident of Clark County, Nevada committed a  
6           sexual offense on or about January, 2001 and March 20, 2001. He was sentenced to  
7           a term of twenty-four (24) months to sixty (60) months in the aggregate in the  
8           Nevada Department of Corrections and to a special sentence of lifetime supervision  
9           on April 29, 2002. After his release from prison he was made to sign a lifetime  
10          supervision agreement. He is currently serving his term of lifetime supervision.<sup>21</sup>

11                     26.     Plaintiff Doe 22, a resident of Clark County, Nevada committed a  
12          sexual offense on January 2, 2000. He was sentenced to the Nevada Department of  
13          Prisons on June 13, 2000 to a maximum term of twenty (20) years and a minimum  
14          term of five (5) years and also to a special sentence of lifetime supervision. On  
15          August 13, 2010 he was made to sign a lifetime supervision agreement containing  
16          punitive conditions that did not exist at law when the offense was committed. He is  
17          

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20                     <sup>20</sup> Redacted copies of the original Lifetime Supervision Agreement, the Addendum to that agreement,  
21                     Plaintiff's Guilty Plea Agreement, and his Judgment of Conviction are attached collectively as Exhibit 23.

22                     <sup>21</sup> Redacted copies of Plaintiff Doe 21's Guilty Plea Agreement and Judgment of Conviction are attached  
23                     collectively as Exhibit 24. His lifetime supervision agreement will be filed with this court at a later date though  
24                     it is similar to the other Plaintiffs.

1 currently serving his special sentence of lifetime supervision imposed pursuant to  
2 NRS 213.1243.<sup>22</sup>

3 27. Plaintiff Doe 23, a resident of Clark County, Nevada committed a  
4 sexual offense on March 30, 2009. On March 30, 2010 he was sentenced to a term  
5 of probation and a special sentence of lifetime supervision. On May 16, 2013, the  
6 court filed an Amended Judgment of Conviction. On September 18, 2014, Plaintiff  
7 Doe 23 was made to sign a lifetime supervision agreement. He is currently serving  
8 his special sentence of lifetime supervision imposed pursuant to NRS 213.1243.<sup>23</sup>

9  
10 28. Plaintiff Doe 24, a resident of Sparks, Nevada committed a sexual  
11 offense on or between June 8, 2008 and July 9, 2008. He was sentenced to a term of  
12 probation and a special sentence of lifetime supervision on March 20, 2009. He is  
13 currently serving his special sentence of lifetime supervision<sup>24</sup>

14 29. Plaintiff Doe 25, a resident of Clark County, Nevada committed a  
15 sexual offense on or about November 24, 2006 and December 24, 2006. He was  
16 sentenced on February 5, 2008 to a term of probation and a special sentence of  
17

18  
19  
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<sup>22</sup> Redacted copies of Plaintiff Doe 22's Lifetime Supervision Agreement, Guilty Plea Agreement, and  
21 Judgment of Conviction are attached collectively as Exhibit 25.

<sup>23</sup> Redacted copies of Plaintiff Doe 23's Lifetime Supervision Agreement, Guilty Plea Agreement, and  
22 Judgment of Conviction are attached collectively as Exhibit 26.

<sup>24</sup> .Redacted versions of Plaintiff Doe's Judgment of Conviction and Notice of Defendant containing sentence  
23 of lifetime supervision are attached collectively as Exhibit 27.

1 lifetime supervision. He is currently serving his special sentence of lifetime  
2 supervision pursuant to NRS 213.1243.<sup>25</sup>

3 30. Plaintiff Doe 26, a resident of Clark County, Nevada committed a  
4 sexual offense on or about March 1, 2004 and December 4, 2006. She entered a  
5 guilty plea on March 2, 2007 and on June 8, 2007 she was sentenced to a term of  
6 probation and a special sentence of lifetime supervision pursuant to NRS  
7 213.1243.<sup>26</sup>

8 31. Plaintiff Doe 27, a resident of Clark County, Nevada committed a  
9 sexual offense before 2004. He was sentenced to a term of probation and a special  
10 sentence of lifetime supervision on March 17, 2004. He is currently serving his  
11 special sentence of lifetime supervision which contains the standard conditions  
12 created by the Board and which did not exist in law at the time he committed his  
13 offense.<sup>27</sup>

14 32. Plaintiff Doe 28, a resident of Clark County, Nevada committed a  
15 sexual offense between September 1, 2004 and July 31, 2007. He was sentenced to  
16 a term of probation and a special sentence of lifetime supervision on February 17,  
17 2010. He is currently serving his special sentence of lifetime supervision. His  
18 lifetime supervision agreement contains the standard conditions presented in the  
19

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20 <sup>25</sup> A redacted version of Plaintiff Doe 25's Lifetime Supervision Agreement, Guilty Plea Agreement, and  
21 Judgment of Conviction are attached collectively as Exhibit 28.

22 <sup>26</sup> A redacted version of Plaintiff Doe 26's Lifetime Supervision Agreement, Guilty Plea Agreement, and  
23 Judgment of Conviction are attached collectively as Exhibit 29.

24 <sup>27</sup> A redacted version of Plaintiff Doe 27's Guilty Plea Agreement and Judgment of Conviction are attached  
collectively as Exhibit 30.

1 other attached exhibits, again none of these punitive conditions existed in law on the  
2 date of offense.<sup>28</sup>

3 33. Plaintiff Doe 29, a resident of Clark County, Nevada entered an  
4 Alford plea to a sexual offense that he was alleged to have committed on April 10,  
5 2010. He was sentenced to a term of imprisonment of a maximum of forty-eight  
6 (48) months with a minimum parole eligibility of twelve (12) months in the Nevada  
7 Department of Corrections. He was also sentenced to a special sentence of lifetime  
8 supervision. He is currently serving his special sentence of lifetime supervision  
9 which contains the standard punitive conditions created by the Board and which did  
10 not exist when he committed his offense.<sup>29</sup>

11  
12 34. Plaintiff Doe 30, a resident of Clark County, Nevada entered a plea  
13 of guilty to the crimes of Attempt Lewdness with a Child Under the Age of 14 on  
14 September 21, 2011. The date of offense for these matters was on or between  
15 February, 2004 and June, 2010. He was sentenced on September 21, 2011 to  
16 concurrent terms of a maximum of one hundred (120) months with a minimum  
17 parole eligibility of forty-eight months in the Nevada Department of Corrections.  
18 He was also sentenced to serve a special sentence of lifetime supervision. Plaintiff  
19 Doe 30 is currently on parole and was told he will be ending his parole in several  
20 months and he will be required to sign the standard lifetime supervision agreement

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21 <sup>28</sup> A redacted version of Plaintiff Doe 28's Guilty Plea agreement and Judgment of Conviction are attached  
collectively as Exhibit 31.

22 <sup>29</sup> A redacted version of Plaintiff Doe 29's Lifetime Supervision Agreement, Guilty Plea Agreement, and  
Judgment of Conviction are attached collectively as Exhibit 32.

1 which will contain residency, movement, and travel restrictions that did not exist at  
2 law at the time these offenses were committed beginning in 2004.<sup>30</sup>

3 35. "Does" herein refers to Does 1-30.

4 36. Defendant Adam Paul Laxalt, Esq., is the Attorney General of the  
5 State of Nevada and is sued in his official capacity.

6 37. Defendant James Wright is the Director of Public Safety of the  
7 Nevada Department of Public Safety and is sued in his official capacity.

8 38. Defendant Natalie Wood is the Chief of the Parole and Probation  
9 Division of the Nevada Department of Public Safety. The Parole and Probation  
10 Division is vested with the authority to enforce N.R.S. 213.1243. Defendant Wood  
11 is sued in her official capacity.

12 39. Defendant Patrick J. Conmay is Chief of the Records and  
13 Technology Division of the Nevada Department of Public Safety. The Records and  
14 Technology Division is vested with authority to enforce N.R.S. 213.1243.  
15 Defendant Conmay is sued in his official capacity.

16 40. Defendant Joseph Lombardo is Sheriff of the Las Vegas  
17 Metropolitan Police Department ("L.V.M.P.D."). L.V.M.P.D. is vested with the  
18 authority to enforce N.R.S. 213.1243. Defendant Lombardo is sued in his official  
19 capacity.

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22 <sup>30</sup> A redacted version of Plaintiff Doe 30's, Guilty Plea Agreement and Judgment of Conviction are  
23 collectively attached as Exhibit 33.





1 lifetime supervision. Instead, the conditions of the sentence are imposed in an *ad*  
2 *hoc* fashion at the sole discretion of the State Board of Parole Commissioners.

3 In conjunction with N.R.S. 176.0931, the State of Nevada passed N.R.S.  
4 213.1243. N.R.S. 213.1243 grants “The Board” the authority to establish a program  
5 of lifetime supervision. N.R.S. 213.005 defines “Board” as the State Board of  
6 Parole Commissioners. As part of the program, the Board creates and imposes the  
7 conditions of lifetime supervision even though the specific conditions do not or did  
8 not exist in at law under the Nevada Revised Statutes.

9 33. The Board imposes a minimum of 19 standard conditions to Tier I,  
10 II, and III offenders on lifetime supervision. In 2005, the State of Nevada amended  
11 N.R.S. 213.1243 to expressly state four conditions that apply to Tier III offenders  
12 on lifetime supervision. As for the rest of the conditions, the Board ostensibly  
13 borrows the required terms and conditions for sex offenders on probation from  
14 N.R.S. 176A.410 and imposes those conditions to Tier I, II, and III offenders on  
15 lifetime supervision, including the four conditions applicable to only Tier III  
16 offenders. No statutory authority to borrow these conditions from NRS 176A.410  
17 exists within the Nevada Revised Statutes. Lifetime supervision agreements  
18 uniformly include a catch all clause allowing the Board to create and impose any  
19 condition they deem necessary as part of the special sentence of lifetime  
20 supervision.

21 34. Additionally, the Board imposes residency and movement  
22 restrictions added to N.R.S. 213.1243 in Senate Bill 471 (“SB 471”) in 2007. This is

1 true of all Plaintiffs. These residency and movement conditions represent the same  
2 conditions that this Honorable Court concluded would not apply retroactively in  
3 ACLU v. Masto, 670 F.3d 1046, 1067 (9th Cir. 2012) (hereinafter referred to as  
4 ACLU v. Masto II), after the State entered a binding judicial admission agreeing not  
5 to retroactively impose those types of conditions.

6 35. In 2007, the Nevada Legislature passed two bills regarding  
7 individuals who had been convicted of sex offenses, A.B. 579 (provisions regarding  
8 sex offender registration; specifically, reclassification, registration, and notification)  
9 and SB. 471 (provisions regarding lifetime supervision; specifically imposing  
10 residence and movement restrictions and other punitive conditions). S.B. 471, dealt  
11 strictly with the special sentence of lifetime supervision and was being applied  
12 retroactively. Plaintiffs challenged it on a variety of constitutional grounds.  
13 American Civil Liberties Union of Nevada v. Cortez-Masto, 719 F.Supp. 1258,  
14 1259 (D.Nev. 2008). Plaintiffs submitted declarations to the District Court attesting  
15 to the fact that the Nevada Department of Parole and Probation was applying  
16 residence and movement restrictions retroactively. *Id.* at 1260.

17 36. The U.S. District Court ruled both the challenged retroactive  
18 provisions of A.B. 579 and S.B. 471 unconstitutional:

19 Because of the changed standards, numerous people: (1) whose  
20 crimes were committed in the distant past; (2) who have been  
21 determined by the state of Nevada to be unlikely to re-offend; and (3)  
22 who have complied with the law, attended counseling, and who have  
not committed additional crimes would be thrown back into the  
system or be subject to more onerous monitoring and residency  
requirements. . . .

1 The application of these laws retroactively is the equivalent of a new  
2 punishment tacked on to the original sentence-sometimes years after  
3 the fact-in violation of the Ex Post Facto and Double Jeopardy  
4 Clauses of the U.S. Constitution, as well as the Contracts clauses of  
5 the U.S. and Nevada Constitutions. Moreover, because they do not  
6 provide any procedural protections from their retroactive application,  
7 A.B. 579 and S.B. 471 violate the Due Process Clause of the U.S.  
8 Constitution.

9 1258 F.Supp.2d at 1260.

10 37. The State then appealed the District Court ruling to the United States  
11 Court of Appeals for the Ninth Circuit, which issued its ruling on February 10, 2012.  
12 American Civil Liberties Union of Nevada v. Cortez-Masto, 670 F.3d 1046 (9th Cir.  
13 2012). The Court of Appeals reversed the District Court's decision regarding A.B.  
14 579 and ruled that Defendants/Appellants appeal of the District Court's decision  
15 regarding S.B. 471 was moot based on the State's representation that it would not  
16 apply S.B. 471 retroactively.

17 With respect to Assembly Bill 579, we hold that its retroactive  
18 application is constitutionally sound, and we reverse. With respect to  
19 Senate Bill 471, we conclude that our consideration of its disputed  
20 provisions was mooted by **the State of Nevada's authoritative  
21 judicial admission that—regardless of the existence of the  
22 injunction—the State will not retroactively impose residency and  
23 movement restrictions.** Because the State's concession moots its own  
24 appeal, we remand to the district court to consider vacating its Order  
as to Senate Bill 471 in favor of a binding consent decree. But if no  
consent decree can be negotiated, our dismissal of the State's appeal  
will leave the district court's injunction in vigor.

Cortez- Masto, 670 F.3d at 1050 (emphasis added).

A.B. 579 was also considered by the Ninth Circuit. The Court of Appeals relied  
primarily on the United States Supreme Court decision in Smith v. Doe, 538 U.S. 84 (2003),  
for its determination that registration of sex offenders was not punishment. Therefore A.B.  
579's retroactive registration requirement did not violate constitutional rights.

1 Because Nevada's version of SORNA does not contain any  
2 registration provision that materially distinguishes it from Smith, we  
3 join them [other circuits] in concluding that the requirements of AB  
4 579 do not constitute retroactive punishment in violation of the Ex  
5 Post Facto Clause or Double Jeopardy Clause.

6 Cortez-Masto, 670 F.3d at 1053 (citing Smith, 538 U.S. at 105-106).

7 38. The Ninth Circuit reached a different conclusion regarding S.B.471. As noted  
8 above, the Court ruled that the Defendants' appeal of the District Court's invalidation  
9 of the retroactive residence and movement restrictions of S.B.471 was mooted by  
10 representations made to the appellate court by the State's counsel at oral argument.

11 39. On July 16, 2014 in The American Civil Liberties Union of Nevada, et al. v.  
12 Catherine Cortez Masto et. al., in the United States District Court District of  
13 Nevada, 2:08-cr-822-JCM (PAL), the Honorable District Court, District of Nevada,  
14 United States District Court Judge Mahan presiding, granted the parties joint motion  
15 for a more definitive statement regarding the clarification of the scope of the  
16 injunction of S.B. 471. (doc. 155) The Court ordered follow up briefing and had a  
17 hearing on June 25, 2014.

18 40. On pp. 2-3 of the State's April 24, 2014 Opening Brief (doc. 151), the State  
19 acknowledges that the retroactive residence and movement restrictions, previously  
20 declared unconstitutional by Judge Mahan, and that were also previously  
21 represented to the Ninth Circuit panel as not being in effect, were, in fact, formerly,  
22 presently and prospectively in the future, being utilized, not under statute (S.B. 471

1 – which had been declared unconstitutional), but as a policy and practice of the  
2 Department of Parole and Probation (P&P) under their general authority.

3 At the time this order was entered, neither party discussed the movement and  
4 residency restrictions that were in place statutorily and enforced prior to the  
5 enactment of S.B. 471. The dispute between the parties is whether these  
6 statutory restrictions may be enforced. For convictions prior to February 8,  
2013, the date of the amended order (Doc. 143), Parole and Probation (P&P)  
continues to enforce the movement and residency restrictions that were in  
place prior to the enactment of S.B. 471:

7 41. The State, for whatever reason did not inform the District Court or the Ninth  
8 Circuit of the fact that despite its assertions that no retroactive application of  
9 residence and movement restrictions would occur in the future, that it never stopped  
10 imposing those restrictions under prior Parole and Probation Department (P&P)  
11 policy, nor did it plan to. These Does are currently subject to these applications.

12 42. The State's position is that even though the retroactive application of  
13 residence and movement restrictions was admitted to be unconstitutional under S.B.  
14 471 for a certain class of offenders, that exact practice is permissible as P&P policy  
15 and practice, as to another class of offenders.

16 43. The District Court found that the continued application of the residency and  
17 movement restrictions that existed prior to the enactment of SB 471, as P&P policy,  
18 was beyond the scope of the case and controversy before it, which only applied to  
19 S.B.471. The Court stated that because the only matters before that Honorable  
20 Court and the Ninth Circuit were the prospective application of S.B. 471. The Court  
21 stated ... "that nothing in the injunction shall prohibit the continued application of  
22

1 the movement and residency restrictions that were in effect prior to the enactment of  
2 SB 471, as the validity of those restrictions is not, and never has been properly  
3 before the court (Doc. 155 at p.2).” The retroactive application of residency and  
4 movement requirements after the enactment of S.B. 471 was enjoined by a binding  
5 judicial admission by the State that it would absolutely not enforce those conditions.  
6 The instant Complaint for Declaratory and Injunctive Relief requests remedial  
7 action for circumstances not addressed in the Court’s previous order, as well as the  
8 enforcement of the Court’s prior order that resulted from the binding judicial  
9 admission.

10 **II. Conditions created and imposed by the Board pursuant to 213.1243**

11 44. The authority granted pursuant to N.R.S. 213.1243 to the Division of Parole  
12 and Probation of the Department of Public Safety (“Division”) resulted in the  
13 Division creating its own operating conditions to impose the special sentence  
14 lifetime supervision in the Nevada Administrative Code (“N.A.C.”) in 2000.  
15 According to N.A.C. 213.290(1), the Department of Corrections (“Department”)  
16 shall give the Division written notification of an offender’s release at least 120 days  
17 prior to the first day of the month that the offender commences his sentence of  
18 lifetime supervision. The Division communicates this information to the Board at  
19 least 90 days prior to the first day of the month that the offender commences his  
20 sentence of lifetime supervision. Once the Board receives notification, the Board  
21

1 holds a “hearing” to establish the conditions imposed as part of the offender’s  
2 lifetime supervision.

3 45. During this “hearing,” the offender does not get the opportunity to make any  
4 statements. In fact, the Board imposes the conditions without the offender present.  
5 The Board entertains testimony from victims pursuant to N.R.S. 213.130(4). The  
6 Board also has the discretion to close off part of the “hearing” for confidential  
7 information as provided in N.R.S. 213.130(8). Typically, the Board sets the  
8 conditions for several offenders at a single hearing as provided in N.A.C.  
9 213.290(3)(b). N.A.C. 213.290(5) mentions the option of the offender being present  
10 during a modification of the conditions if requested by the Division, but does not  
11 make the offender’s presence mandatory.

12 46. After the Board sets the conditions, the offender cannot contest the  
13 conditions of his lifetime supervision. According to the Parole and Probation  
14 Division Directive 6.3.131(C)(1)(f), the offender receives a lifetime supervision  
15 agreement 10 days before release of imprisonment, which the offender must sign or  
16 else risk another felony conviction and sentence of one to six years imprisonment.

17 47. Plaintiffs’ lifetime supervision agreements contains many of the standard  
18 conditions given to probationers as expressed in N.R.S. 176A.410. An offender on  
19 lifetime supervision must submit to the conditions of reporting/release, residence,  
20 intoxicants, controlled substances, weapons, associates, cooperation, laws and  
21 conduct, out-of-state travel, employment/program, supervision fees, curfew,  
22 counseling, polygraph examination, no contact, alias names, no post office box, and

1 no contact with persons under 18 years of age, presence, and search restrictions as  
2 an offender on probation.

3 48. The Board retains the right to change the conditions at a whim since  
4 Plaintiffs' lifetime supervision agreements include a clause stating "that the Board  
5 Parole Commissioners has the power, at any time, to modify the conditions of  
6 supervision."

7 49. The conditions expressed in the actual lifetime supervision agreement vary  
8 from the language of N.R.S. 213.1243. For instance, N.R.S. 213.1243(4) expressly  
9 prohibits Tier III offenders from being within 500 feet of any place designed  
10 primarily for the use of children, including a private or public school, video arcade,  
11 playground, park, or motion theater, etc. Yet, the Board expands the statutory  
12 language by imposing as a "presence" condition that the offender, regardless of  
13 Tier, must not be in or near a playground, school, or school grounds, movie theater,  
14 or business that primarily has children or events children attend.

15 50. Similarly, N.R.S. 213.1243(a)-(c) did not exist until the State of Nevada  
16 expressly added these provisions into the statute. Regardless, the Board imposed  
17 broad residency restrictions prior to the amendment, which requires the offender to  
18 obtain permission to reside at a specific location from his Parole Officer. Moreover,  
19 the Board continues to use the same broad residency restrictions to an offender  
20 commencing lifetime supervision today. Further, N.R.S. 213.1243(9) gives the  
21 Board the discretion to disregard three of the four conditions expressed if the Board  
22



1 finds “extraordinary circumstances” present, but fails to define what “extraordinary  
2 circumstances” must exist.

3 51. Consequently, the offender finds no relief from the conditions until 10 years  
4 after his conviction when he may petition either the Board or the court to seek  
5 release from lifetime supervision.

6 **III. Punishment for a violation of a condition imposed pursuant to N.R.S. 213.1243**

7  
8 52. Pursuant to N.R.S. 213.1243(8), an offender who violates the conditions of  
9 lifetime supervision becomes “guilty of a category B felony and shall be punished  
10 by imprisonment in the state prison for a minimum term of not less than 1 year and  
11 a maximum term of not more than 6 years, and may be further punished by a fine of  
12 not more than \$5,000.” If an offender violates any of the conditions that the Board  
13 imposes, the State charges the offender with a new felony and imprisonment. Once  
14 the offender completes the sentence for the violation, the offender resumes the  
15 special sentence of lifetime supervision as imposed by the Board prior to the  
16 violation with the possibility of more special conditions.

17 53. Counsels for the Plaintiffs have sought relief for similarly situated plaintiffs  
18 in the Supreme Court of Nevada. However, on March 27, 2014 the Supreme Court  
19 of Nevada published Coleman v. State, 130 Nev. Advance Opinion 22.<sup>31</sup> In  
20 Coleman, the Court held, “that a person who is subject only to lifetime supervision  
21 is not under a sentence of imprisonment within the meaning of NRS 34.724(1) and

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22 <sup>31</sup> A copy of the Court’s decision is attached as Exhibit 17 for this Honorable Court’s convenience.

1 therefore cannot file a post-conviction petition for a writ of habeas corpus to  
2 challenge his sentence.”<sup>32</sup> Counsel argued that without the ability to utilize NRS  
3 34.724, Coleman and several dozen other petitioners who had filed similar claims  
4 with the Nevada Supreme Court would be left with an unconstitutional sentence and  
5 no remedy. The Nevada Supreme Court addressed this point in the decision stating:

6 Coleman contends that he is left without a remedy if he cannot challenge  
7 his sentence and conditions of lifetime supervision in a post-conviction  
8 petition for a writ of habeas corpus. Even assuming this was correct, the  
9 post-conviction petition for a writ of habeas corpus is a creature of statute  
10 and we cannot ignore the plain language of NRS 34.724(1) that restricts its  
11 use. The State acknowledges that while traditional post-conviction relief is  
12 not available, Coleman could still pursue injunctive relief pursuant to NRS  
13 33.010. Although we do not attempt to catalogue the full panoply of  
14 remedies available to challenge the conditions of lifetime supervision  
15 including the extent to which the conditions could be challenged in  
16 defense of a charge under NRS 213.1243(8) for violating a condition of  
17 lifetime supervision, we note that some challenges to those conditions may  
18 be pursued in a civil rights action under 42 U.S.C. § 1983. Nevada law  
19 also provides a means for Coleman to petition to be released from lifetime  
20 supervision if he meets certain conditions. NRS 176.0931(3). Coleman  
21 therefore is not left without a remedy.<sup>33</sup>

#### 22 **IV. The effects of the special sentence of lifetime supervision on Does 1-30**

##### 23 **Doe 1**

24 Plaintiff Doe 1 accepted a plea agreement on August 19, 2004, pleading to one count of  
Using Technology To Lure Children. On October 19, 2004, the court sentenced Doe 1 to a  
prison term in the Nevada State Prison for the minimum term of twelve (12) months to a  
maximum term of forty-eight (48) months. The prison sentenced was suspended and Doe 1  
was placed on probation for an indeterminate period of time not to exceed sixty (60) months,  
in addition to a special sentence of lifetime supervision to commence after any period of

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<sup>32</sup> Id at p.7.

<sup>33</sup> Id at p.7. A summary of Mr. Coleman’s constitutional arguments are presented in Appellant’s Opening Brief, attached as Exhibit 18, and in Appellant’s Reply Brief, attached as Exhibit 19.

1 probation or after any term of imprisonment or after any period of release from parole. On  
2 April 24, 2004, Doe 1 commenced his sentence of lifetime supervision with the Board  
3 imposing standard and special conditions. Doe 1 is deaf and lives in Reno, Nevada. Doe 1 is  
4 a college graduate who was gainfully employed. Due to his sentence of lifetime supervision,  
5 Doe 1 has a difficult time finding work because of his disability and the impact of his  
6 lifetime supervision conditions. Doe 1 has family out of state and has had difficulties seeing  
7 them due to conditions of lifetime supervision. Furthermore, Doe 1 has a difficult time  
8 finding and keeping any type of substantive relationship in his life due to the conditions that  
9 have been imposed on him.

### 8 **Doe 2**

9 Plaintiff Doe 2 accepted a plea agreement on August 8, 2007, pleading to one count of  
10 Attempt Lewdness With a Child Under the Age of 14. On November 1, 2007, the court  
11 sentenced Doe 2 to a prison term in the Nevada State Prison for the minimum term of forty-  
12 eight (48) months to a maximum term of one hundred-twenty (120) months. The prison  
13 sentenced was suspended and Doe 2 was placed on probation for an indeterminate period of  
14 time not to exceed sixty 5 years, in addition to a special sentence of lifetime supervision to  
15 commence after any period of probation or after any term of imprisonment or after any  
16 period of release from parole. On December 22, 2010 Doe 2 was honorably discharged  
17 from probation. Also on December 22, 2010, Doe 2 commenced his sentence of lifetime  
18 supervision with the Board imposing standard and special conditions. Doe 2 lives in Las  
19 Vegas, Nevada. Doe 2 was gainfully employed but due to his sentence of lifetime  
20 supervision he lost his job and had a hard time finding work. Furthermore, Doe 2 has a  
21 family out of state and has had a difficult time seeing them and keeping a close relationship  
22 with his family due to his conditions of lifetime supervision.

### 20 **Doe 3**

21 Plaintiff Doe 3 accepted a plea agreement on August 13, 1997, pleading to one count of  
22 Lewdness With a Child Under the Age of 14 and one count of Possession of Visual

1 Presentation Depicting Sexual Conduct of Person. On October 9, 1997, the court sentenced  
2 Doe 3 to a prison term in the Nevada State Prison for Count 1: minimum term of twenty-  
3 four (24) months to a maximum term of one hundred twenty (120) months; Count 2  
4 minimum twelve (12) months to a maximum of thirty-six (36) months. Both prison sentences  
5 were suspended and Doe 3 was placed on probation for an indeterminate period of time not  
6 to exceed sixty 5 years, in addition to a special sentence of lifetime supervision to  
7 commence after any period of probation or after any term of imprisonment or after any  
8 period of release from parole. On August 22, 2002, Doe 3 was honorably discharged from  
9 probation. Also on August 22, 2002, Doe 3 commenced his sentence of lifetime supervision  
10 with the Board imposing standard and special conditions. Doe 3 was gainfully employed  
11 but due to his sentence of lifetime supervision he was fired from his job has a difficult time  
12 finding work because lifetime supervision conditions. Doe 3 is currently married his wife  
13 along with other family currently live out of state. Due to his lifetime supervision conditions  
14 it is nearly impossible for him to see his wife and his family. Furthermore, Doe 3 is under  
15 medical treatment and must travel out of state to obtain specialized medical treatment. Due  
16 to his movement restrictions his medical treatment has been prolonged.

13 **Doe 4**

14 Plaintiff Doe 4 accepted a plea agreement on October 20, 2009, pleading to one count of  
15 Attempt Lewdness With a Minor. On December 14, 2009, the court sentenced Doe 4 to a  
16 prison term in the Nevada State Prison for the minimum term of twenty-four (24) months to  
17 a maximum term of ninety-six (96) months. Doe 4 was also sentenced to special sentence of  
18 lifetime supervision to commence after any period of probation or after any term of  
19 imprisonment or after any period of release from parole. On August 1, 2013, Doe 4  
20 commenced his sentence of lifetime supervision with the Board imposing standard and  
21 special conditions. Doe 4 currently lives in Utah. His current job has opportunities that  
22 involve traveling. Due to his sentence of lifetime supervision, Doe 4 has been denied these  
23 work opportunities. Furthermore Doe 4 has family in Idaho and Arizona and has had  
24 difficulty seeing them and maintaining a relationship with his family due to the conditions of  
lifetime supervision.

1 **Doe 5**

2 Plaintiff Doe 5 accepted a plea agreement on June 8, 2006, pleading to one count of Attempt  
3 Lewdness With a Child Under the Age of 14. On August 22, 2006, the court sentenced Doe  
4 5 to a prison term in the Nevada State Prison for the minimum term of forty-eight (48)  
5 months to a maximum term of one hundred eighty (180) months. Doe 5 was also sentenced  
6 to a special sentence of lifetime supervision to commence after any period of probation or  
7 after any term of imprisonment or after any period of release from parole. Doe 5  
8 commenced his sentence of lifetime supervision with the Board imposing standard and  
9 special conditions. Doe 5 lives in Las Vegas, Nevada. Doe 5 is currently enrolled in school.  
10 Due to his sentence of lifetime supervision and not being able to have a computer, Doe 5 has  
11 a nearly impossible time performing and finishing his schoolwork. Doe 5's classes also  
12 require trips to certain destinations that he has been unable to go to because of his movement  
13 conditions. Moreover, Doe 5 has had job opportunities but do to his conditions he has been  
14 unable to get hired. Furthermore Doe 5 has family out of state and has been unable to attend  
15 family functions such as wedding, etc. due to his conditions.

13 **Doe 6**

14 Plaintiff Doe 6 accepted a plea agreement on October 8, 2010, pleading to one count of  
15 Attempt Sexual Assault and to one count of Coercion. On February 3, 2011, the court  
16 sentenced Doe 6 to a prison term in the Nevada State Prison on count 1 for the minimum  
17 term of twenty-four (24) months to a maximum term of ninety-six (96) months and count 2  
18 for a minimum of twelve (12) months to a maximum term of thirty-six (36) months to be  
19 served concurrently with sentence imposed in count 1. Doe 6 was also sentenced to a special  
20 sentence of lifetime supervision to commence after any period of probation or after any term  
21 of imprisonment or after any period of release from parole. On August 28, 2013 Doe 6 was  
22 placed on parole and he later commenced his sentence of lifetime supervision with the  
23 Board imposing their standard but legally unspecified special conditions. Doe 6 currently  
24 lives in Minnesota. Doe 6 has had many job opportunities that he has had to decline due to  
the restrictions of his conditions of lifetime supervision.

1 **Doe 7**

2 Plaintiff Doe 7 accepted a plea agreement on September 26, 1997, pleading to one count of  
3 sexual assault and battery with the intent to commit sexual assault. The court sentenced Doe  
4 7 to a prison term in the Nevada State Prison for the minimum term of ten (10) years to a  
5 maximum term of (25) years, and in addition to a special sentence of lifetime supervision to  
6 commence after any period of probation or after any term of imprisonment or after any  
7 period of release from parole. On November 30, 2010, Doe 7 was released from prison.  
8 Also upon his release from incarceration, Doe 7 commenced his sentence of lifetime  
9 supervision with the Board imposing standard and special conditions. Doe 7 lives in Las  
10 Vegas, Nevada. Doe 7 had difficulties finding a job due to the conditions that he is subject  
11 to. Doe 7 also has incurred expenses for computer monitoring on his work and personal  
12 computers, which can be faulty and corrupt his work files by no fault of his own. This has  
13 created a financial burden to Doe 7 considering that he also has a family he needs to provide  
14 for. Furthermore, Doe 7 has family out of state and has difficulty seeing them due to  
15 movement conditions imposed on him through his special sentence of lifetime supervision.

16 **Doe 8**

17 Plaintiff Doe 8 accepted a plea agreement on October 19, 2009, pleading to two counts of  
18 Attempt Lewdness With a Child Under the Age of 14. On April 26, 2010, the court  
19 sentenced Doe 8 to a prison term for both counts in the Nevada State Prison for the  
20 minimum term of forty-eight (48) months to a maximum term of one hundred twenty (120)  
21 months and for both sentences to run concurrently. Doe 8 was also sentenced to special  
22 sentence of lifetime supervision to commence after any period of probation or after any term  
23 of imprisonment or after any period of release from parole. In January 2015, Doe 8 was  
24 released from prison and placed on parole with conditions. Doe 8 will commence his  
sentence of lifetime supervision soon with the Board imposing standard and special  
conditions. Doe 8 lives in Las Vegas, Nevada. It is anticipated that Doe 8 will be subject to  
the same hardships as the other plaintiffs on lifetime supervision. This would include  
struggling to find and maintain gainful employment, maintaining relationships with family

1 members outside of the state of Nevada, as well any other of the foreseeable issues that have  
2 affected the other plaintiffs. Doe 8 must sign his lifetime supervision agreement or he will  
3 be committing a felony under Nevada law.

3 **Doe 9**

4 Plaintiff Doe 9 accepted a plea agreement on July 19, 2012, pleading to one count of  
5 Attempt Luring Children or Mentally Ill Persons with the Intent to Engage in Sexual  
6 Conduct. On November 26, 2012, the court sentenced Doe 9 to a prison term of a minimum  
7 of twelve (12) months and maximum of forty-eight (48) months in the Nevada Department  
8 of Corrections; suspended and placed on probation for an indeterminate period not to exceed  
9 four (4) years. Doe 9 was also sentenced to a special sentence of lifetime supervision to  
10 commence after any period of probation or after any term of imprisonment or after any  
11 period of release from parole. In June 2015, Doe 9 was released from probation and placed  
12 on parole with conditions. Doe 9 has commenced his sentence of lifetime supervision with  
13 the Board imposing standard and special conditions. Doe 9 lives in Las Vegas, Nevada. Doe  
14 9 has been subject to the several hardships due to being on lifetime supervision. These  
15 hardships include struggling financially due to the fact that he has to pay monthly  
16 monitoring fees on his equipment for work, paying to live on his own due to the fear that  
17 having a roommate may cause issues for him because of his conditions. Doe 9 has had to  
18 leave his field of work and has turned down several job offers due to the necessity to travel  
19 for work and his special sentence of lifetime supervision prohibits such travel.

16 **Doe 10**

17 Plaintiff Doe 9 is an ex-Navy serviceman who was convicted on February 8, 2006 for the  
18 crime of Attempt Sexual Assault. The date of offense was between November 1, 2003 and  
19 October, 2005 in C217917. He was sentence to thirty-three to one hundred forty-four  
20 months in the Nevada Department of Corrections. He was discharged from custody on  
21 September 1, 2011. The Defendant could not find a job after his release from prison because  
22 of the exacting and punishing terms of his special sentence of lifetime supervision. The  
23 Defendant has become an integral part of his local church and with the help of his fellow  
24 church members he has started a business raising hogs for sale to local strip restaurants. The

1 hog farm is located in Arizona and he must obtain permission to travel there as part of his  
2 special sentence of lifetime supervision. Since his release, the Plaintiff has been charged  
3 with violation of his special sentence of lifetime supervision by failing to enroll in a sexual  
4 offender class and for being arrested for simply battery. The battery charge was dismissed  
5 and the Plaintiff provided proof that he attended well over a dozen similar classes while  
6 incarcerated. However, the State is still attempting to convict Plaintiff Doe of this Class B  
7 Felony. Doe 11 is unable to afford the counseling that is now being ordered although he has  
8 already successfully completed years of counseling.

7 **Doe 11**

8 Doe 11 accepted a plea agreement on May 13, 2010 whereby he entered an Alford plea to a  
9 sexual offense. The court sentenced the Plaintiff to a two to five year term of imprisonment  
10 and a special sentence of lifetime supervision. Plaintiff Doe 11 began serving his special  
11 sentence of lifetime supervision on October 13, 2012 after being honorably discharged from  
12 parole. None of the conditions in this sentence were codified at law at the time of his  
13 offense. Similarly, none of the conditions of his special sentence of lifetime supervision  
14 were contained in either his plea agreement or in his judgment of conviction. This is true of  
15 all Does 1-16. Plaintiff Doe 11 is twenty-five years old. He is no longer working because  
16 six parole and probationer officers recently arrested him at his job site and he was  
17 terminated. No charges were brought. No explanations for the alleged violations of his  
18 special sentence of lifetime supervision were given by authorities. Since being placed on  
19 lifetime supervision, Plaintiff Doe 11 has been invited for job interviews, business  
20 opportunities, and schooling opportunities in Washington, Illinois and California. He has  
21 been denied travel to any of these places by Parole and Probation. Plaintiff Doe 11 had been  
22 helping family friends care for a child. Plaintiff Doe 11 had been helping with the care of  
23 this boy since 2012. Because of his special sentence of lifetime supervision he can no longer  
24 be in the boy's presence. Plaintiff Doe 11 had been raised in the foster care system. He is  
and wants to be a hard worker. After his recent firing, Parole and Probation have denied his  
opportunity to take grave yard work because they have imposed a curfew.



1 **Doe 12**

2 Plaintiff Doe 12 accepted an Alford plea pursuant to plea agreement on April 2, 2009. The  
3 court sentenced Plaintiff 12 to probation and a special sentence of lifetime supervision. The  
4 conditions of probation were specifically set forth in the judgment of conviction and they  
5 could be found at NRS 176A.410. The conditions that would comprise Plaintiff Doe 12's  
6 special sentence of lifetime supervision were never codified at law and are more onerous  
7 than his conditions of probation. The Plaintiff's conditions of lifetime supervision were  
8 imposed on December 5, 2012. Since that time, the Plaintiff has been denied the opportunity  
9 to travel to the Philippines to fulfill the mandate of his K-1 visa. This prohibition has  
10 prevented the Plaintiff from marrying the woman he loves. The Plaintiff is a disabled and  
11 decorated combat veteran. He served in the Army from December of 1983 to January of  
12 1996. His DD214 lists the following decorations, medals etc. "NDSM // VSM W/1BSS //  
13 RVCM, AFM900-3" indicating he was present in these operations during conflict. The  
14 Department of Veterans Affairs has officially diagnosed this Plaintiff with Combat Related  
15 Post Traumatic Stress Disorder (CR PTSD). Plaintiff Doe 12 underwent a psychosexual  
16 evaluation before sentencing and received the lowest possible score. The Plaintiff has a  
17 Master's Degree in Public Administration and a Bachelor's Degree in Computer  
18 Management. The conditions of lifetime supervision have prevented his use of a computer  
19 without a disruptive monitoring system. This Plaintiff has been prevented from family  
20 affairs and visits because of the possibility of a minor being present.

16 **Doe 13**

17 Plaintiff Doe 13 accepted a plea agreement on September 19, 2007. On January 9, 2008,  
18 Plaintiff Doe 13 was sentenced to probation not to exceed the years. The conditions of his  
19 probation were detailed in his Judgment of Conviction. They were derived from existing  
20 law, found and referenced at NRS 176A.410. Plaintiff Doe 13 was also sentenced to a  
21 special sentence of lifetime supervision. Those conditions were not detailed in either the  
22 plea agreement or in the Judgment of Conviction. The reason for this failure is because these  
23 conditions were not codified under Nevada law. The conditions of the special sentence of  
24 lifetime supervision would later be developed, and imposed upon Plaintiff Doe 13 through

1 the Adult Probation Department of the Pinal County Superior Court. Those conditions  
2 include prohibitions on travel outside the county unless previous permission is obtained.  
3 Plaintiff Doe 13 cannot operate a car alone without prior permission. The location of the  
4 Defendant's residence must receive prior approval from the Adult Probation Department.  
5 These onerous conditions are being imposed through the conduit of Plaintiff Doe's Nevada  
6 Lifetime Supervision sentence. The conditions have had a disabling impact on Doe 13's life.  
7 He was forced to switch occupation as phone line splicer because of the travel restrictions.  
8 He has not been able to engage in any relationships with the women he has met because they  
9 have children and he cannot be near children. He cannot go to a movie without getting prior  
10 permission. Recently, his best friend died but he was unable to attend the funeral because of  
11 the travel restrictions.

9 **Doe 14**

10 Plaintiff Doe 14 is a fifty-five year old male who entered in a plea agreement with the State  
11 of Nevada on January 6, 2003, pleading guilty to one count of Attempt Lewdness with a  
12 Minor (Category B Felony) and one count of False Imprisonment (Gross Misdemeanor).  
13 The date of offense was August 31, 2002. On March 10, 2003 Plaintiff Doe 14 was  
14 sentenced to a term of probation and a special sentence of lifetime supervision. The  
15 Defendant has been continuously gainfully employed for the entire time he has been on both  
16 probation and lifetime supervision. Plaintiff Doe 14 was given an Order Honorably  
17 Discharging Probationer on March 21, 2007. Soon thereafter, he was forced to file a lifetime  
18 supervision agreement in accordance with his special sentence of lifetime supervision.  
19 Plaintiff Doe 14 has recently been assessed in a psychosexual evaluation and has been  
20 determined to present the lowest statistical risk of reoffending. Over the past several weeks,  
21 as a direct consequence of his special sentence of lifetime supervision Plaintiff Doe 14 was  
22 denied a supervisory position at the mortgage company he works at because of travel  
23 restrictions imposed by the "Board" through his agreement. This lost opportunity will cost  
24 the Plaintiff thousands of dollars in increased pay. In 2007, this Plaintiff was forced to  
relocate his mother from Phoenix, Arizona to Henderson, Nevada. His mother was suffering  
from Alzheimer's disease and because of his travel restrictions Plaintiff Doe 14 could not

1 visit her. Each time this Plaintiff wants to travel to see his family or his girlfriend's family  
2 he must apply for a travel pass. This Plaintiff has been forced to place monitoring devices on  
3 all of his phones and computers, endangering his employability at his current company.

4 **Doe 15**

5 Plaintiff Doe 15 accepted a plea agreement on January 25, 2013, pleading to one count of  
6 Luring Children or Mentally Ill Persons with Use of Technology with Intent to Engage In  
7 Sexual Conduct, on April 17, 2013. Doe 15 was sentenced to a term of probation and a  
8 special sentence of lifetime supervision. On December 30, 2013, Doe 15's probation was  
9 revoked and he was resentenced to a term of imprisonment in the Nevada Department of  
10 Corrections. Doe 15's Lifetime Supervision Agreement was activated on June 24, 2015. The  
11 restrictions have had a harsh and punitive effect on his ability to find a job. He is not  
12 allowed internet access all prospective jobs have required on line application. Doe 15's  
13 family lives in Arizona. His travel restrictions prevent him from visiting them and attending  
14 family functions. Doe 15 has a bartender's license but his curfew provision prevents him  
15 from working at night. The Doe 15 wants to return to Arizona where his friends, family and  
16 support system is but he is unable to move because of his current restrictions. Doe 15 cannot  
17 attend a movie, he cannot drink alcohol, and he cannot be in the same room with someone  
18 under the age of eighteen unless an adult is present and with prior approval of his probation  
19 officer. Doe 15 is prohibited from possessing any device that has internet capability. He is  
20 subject to random searches and random polygraphs.

21 **Doe 16**

22 Plaintiff Doe 16 accepted a plea agreement on October 6, 2006. On June 30, 2005, Plaintiff  
23 Doe 16 was sentenced to probation and a special sentence of lifetime supervision. The  
24 residency and movement restrictions caused by his lifetime supervision have prevented him  
from relocating to live with his girlfriend and child in Colorado. He has also had  
occupational opportunities denied because of the restrictions imposed by the special  
sentence of lifetime supervision. He has been honorably discharged from counseling. He has  
been independently assessed as a low risk to reoffend. He has attended university and  
maintained a 3.9 grade average. Plaintiff Doe had his home searched and his computers

1 taken as a result of his supervision. These actions have caused him to be unable to complete  
2 work and school work.

3 **Doe 17**

4 Plaintiff Doe 17 lost his employment in 2010 after the department supervising his lifetime  
5 supervision contacted his employer. Doe 17 has sated “I have followed every rule and  
6 restriction and am doing what I am told to do ... (these) restrictions make it virtually  
7 impossible to lead even a life that consists only of work and sleep.” His travel has been  
8 restricted and his residency has been restricted. Some of the restrictions imposed on Plaintiff  
9 Doe 17 through lifetime supervision were codified at law when he committed the offenses  
10 between February 1, 2003 and March 31, 2003.

11 **Doe 18**

12 Doe 18 entered an Alford plea to an offense that occurred on June 2, 2005. He was placed  
13 on probation. His lifetime supervision sentence has impacted his employment, residency and  
14 travel.

15 **Doe 19**

16 Doe 19 has already been violated once for taking his daughter to a school event without  
17 Board permission. He served seventeen months although that condition did not exist at law  
18 when he committed the offense that caused his sentence of lifetime supervision to be  
19 imposed. He has lost several jobs, he has been prevented from taking part in his daughter’s  
20 life, and his residency and travel have been curtailed because of his special sentence of  
21 lifetime supervision. He has had curfew imposed for no articulable reason. He has been  
22 denied travel to see his sister who is very ill.

23 **Doe 20**

24 Plaintiff Doe 20 was born in Maryland and wants to return to live there with his family but  
cannot because of lifetime supervision. This Plaintiff served in the military as a security  
enforcement specialist. He has several college degrees. Restrictions on travel and residency  
have been imposed because of his special sentence of lifetime supervision.

1 **Doe 21**

2 Plaintiff Doe 21's offenses occurred between January 2001 and March 2001. His special  
3 sentence of lifetime supervision has restricted his residency, travel, and associations with  
4 other people. None of the conditions currently imposed upon this Plaintiff existed at law at  
the time he committed the offense that yielded the special sentence of lifetime supervision.

5 **Doe 22**

6 Plaintiff Doe 22 committed his offenses on January 2, 2000. He was then sentenced to  
lifetime supervision the special sentence of lifetime supervision has impacted his residency,  
7 employment, curfew, associations with other person, and his ability to travel. None of the  
8 conditions currently imposed upon Plaintiff Doe 22 existed in law when the offenses were  
committed.

9 **Doe 23**

10 Plaintiff Doe 23 is 83 years old and a recent cancer survivor. This was his first criminal  
11 incident. He was placed on probation but given a special sentence of lifetime supervision  
with conditions that did not exist at law when he committed this offense. His lifetime  
12 supervision has prevented him from traveling and from contact with is eight children and 29  
13 grandchildren. There have been strict movement requirements imposed as a result of his  
14 special sentence of lifetime supervision. He has been in compliance with all conditions of  
both probation and supervision.

15 **Doe 24**

16 Plaintiff Doe 24 has had his residency, movement, and travel restricted because of his  
17 special sentence of lifetime supervision.

18 **Doe 25**

19 Plaintiff Doe 25 has had his residency, movement, and travel restricted because of his  
special sentence of lifetime supervision.

20 **Doe 26**

21 Plaintiff Doe 26 committed her offenses in March through June 2004. None of the travel,  
22 residency or movement restrictions imposed upon her now through her sentence of lifetime  
supervision existed at law at the time she committed her offenses.

1 **Doe 27**

2 Plaintiff Doe 27 has had his residency, movement, and travel restricted because of his  
3 special sentence of lifetime supervision.

4 **Doe 28**

5 Plaintiff Doe 28 has had his residency, movement and travel restricted because of his special  
6 sentence of lifetime supervision.

7 **Doe 29**

8 Plaintiff Doe 29 accepted a plea agreement filed with the district court, Clark County,  
9 Nevada on September 12, 2011 entering an Alford plea to Attempt Sexual Assault. On  
10 January 19, 2012, the Court sentenced the Defendant to twelve (12) to forty-eight (48)  
11 months in the Nevada Department of Corrections. Doe 29 was also sentenced to serve a  
12 special sentence of lifetime supervision. He is currently serving his sentence of lifetime  
13 supervision. This sentence has restricted his movement, travel, and residency. Plaintiff Doe  
14 is a small business owner employing upwards of forty to sixty people. His sentence of  
15 lifetime supervision has prevented Doe 29 from internet access, necessary to run his  
16 company. Doe 29 has been denied housing because of his special sentence of lifetime  
17 supervision. He was honorably discharged from parole and he has successfully completed  
18 multiple stages of counseling.

19 **Doe 30**

20 Plaintiff Doe 30 will be required by the Board to execute a standard lifetime supervision  
21 agreement within the next several months as a requirement for his termination of parole. The  
22 lifetime supervision agreement, it is expected, will restrict Doe 30's residency, travel,  
23 employment, and movement, as the other lifetime supervision agreements do to the other  
24 Plaintiff Does. None of the punitive conditions that will be placed upon Plaintiff Doe 30  
existed at law in 2004 when he committed the offenses which permitted the special sentence  
of lifetime supervision to be imposed.

///  
21 ///  
22 ///  
23

1 **FIRST CAUSE OF ACTION**  
2 **Violation of the Fourteenth Amendment to the United States Constitution under**  
3 **42 U.S.C. § 1983**  
4 **(Procedural Due Process)**

5 54. Plaintiffs incorporate by reference all preceding paragraphs of this  
6 Complaint as though fully set forth herein.

7 55. Pursuant to 42 U.S.C. Section 1983, this claim is brought by all Plaintiffs  
8 against all Defendants.

9 56. The Due Process Clause of the Fourteenth Amendment to the United States  
10 Constitution provides that the State shall not “deprive any person of life liberty,  
11 or property, without due process of law....” U.S. Const. amend. XIV, § 1.

12 57. Offenders on lifetime supervision do not obtain an adequate hearing on the  
13 conditions imposed by the Board in violation of the Due Process Clause of the  
14 Fourteenth Amendment.

15 58. Additionally, N.R.S. 213.1243 is void for vagueness because it fails to put  
16 offenders on notice as to any of the conditions imposed by the “program of  
17 lifetime supervision” in violation of the Due Process Clause of the Fourteenth  
18 Amendment.

19 59. Moreover, N.R.S. 213.1243 is void for vagueness because it fails to sufficiently  
20 define “a violation of a condition,” since N.R.S. 213.1243 enumerates only four  
21 of the conditions that an offender could potentially violate pursuant to the  
22 program of lifetime supervision in violation of the Due Process Clause of the  
23

1 Fourteenth Amendment. These conditions only apply to a certain tier level  
2 offender.

3 60. Further, N.R.S. 213.1243 is void for vagueness because it grants unfettered  
4 discretion to the Board to create and impose the conditions of lifetime  
5 supervision in violation of the Due Process Clause of the Fourteenth  
6 Amendment.

7 61. Lastly, N.R.S. 213.1243 is void for vagueness because it encourages arbitrary  
8 and discriminatory enforcement by the Board to make the determination as to  
9 whether an offender committed “a violation of a condition imposed” by the  
10 program of lifetime supervision in violation of the Due Process Clause of the  
11 Fourteenth Amendment.

12 62. Accordingly, each of these constitutional violations has injured, or will  
13 imminently injure Plaintiffs, which entitles Plaintiffs to declaratory and  
14 injunctive relief.

15  
16 **SECOND CAUSE OF ACTION**  
17 **Violation of the Fourteenth Amendment to the United States Constitution under**  
18 **42 U.S.C. § 1983**  
19 **(Substantive Due Process)**

20 63. Plaintiffs incorporate by reference all preceding paragraphs of this  
21 Complaint as though fully set forth herein.

22 64. Pursuant to 42 U.S.C. Section 1983, this claim is brought by all Plaintiffs  
23 against all Defendants.



1 65. The conditions imposed by the Board pursuant to N.R.S. 213.1243 infringe on  
2 Plaintiffs' fundamental rights to marry, travel, raise their children, and reside  
3 with their families in violation of the Due Process Clause of the Fourteenth  
4 Amendment to the United States Constitution.

5 66. Each of these constitutional violations has injured, or will imminently injure  
6 Plaintiffs, which entitles Plaintiffs to declaratory and injunctive relief.

7  
8 **THIRD CAUSE OF ACTION**  
9 **Violation of the Fourteenth Amendment to the United States Constitution under**  
10 **42 U.S.C. § 1983**  
11 **(First Amendment)**

12 67. Plaintiffs incorporate by reference all preceding paragraphs of this Complaint as  
13 though fully set forth herein.

14 68. Pursuant to 42 U.S.C. Section 1983, this claim is brought by all Plaintiffs  
15 against all Defendants.

16 69. The First Amendment protects the freedom of religion and right to assemble.  
17 U.S. Const. amend. I.

18 70. The First Amendment applies to the states through the Due Process Clause of  
19 the Fourteenth Amendment. Cantwell v. Connecticut, 310 U.S. 296, 303 (1940).

20 71. The conditions imposed by the Board pursuant to N.R.S. 213.1243 prohibits  
21 Plaintiffs from attending religious services in violation of the Free Exercise  
22 Clause of the First Amendment as incorporated into the Due Process Clause of  
23 the Fourteenth Amendment.  
24

1 72. Moreover, the conditions imposed by the Board pursuant to N.R.S. 213.1243  
2 prohibits Plaintiffs from associating with certain people and in certain areas in  
3 violation of the freedom of association as guaranteed by the First Amendment as  
4 incorporated into the Due Process Clause of the Fourteenth Amendment.

5 73. Each of these constitutional violations has injured, or will imminently injure  
6 Plaintiffs, which entitles Plaintiffs to declaratory and injunctive relief.

7  
8 **FOURTH CAUSE OF ACTION**  
9 **Violation of the Fourteenth Amendment to the United States Constitution under**  
10 **42 U.S.C. § 1983**  
11 **(Equal Protection)**

12 74. Plaintiffs incorporate by reference all preceding paragraphs of this Complaint as  
13 though fully set forth herein.

14 75. Pursuant to 42 U.S.C. Section 1983, this claim is brought by all Plaintiffs  
15 against all Defendants.

16 76. The Equal Protection Clause of the Fourteenth Amendment to the U.S.  
17 Constitution provides that “n[o]...State... [shall] deny to any person within its  
18 jurisdiction the equal protection of the laws.” U.S. Const. amend. XIV, § 1.

19 77. The conditions imposed by the Board pursuant to N.R.S. 213.1243 treats  
20 offenders prior to the enactment of N.R.S. 176.0931, N.R.S. 213.1243, and  
21 N.A.C. 213.290 differently than Plaintiffs i.e. offenders serving a special  
22 sentence of lifetime supervision after 1995 in violation of the Equal Protection  
23 Clause of the Fourteenth Amendment.  
24

1 78. Each of these constitutional violations has injured, or will imminently injure  
2 Plaintiffs, which entitles Plaintiffs to declaratory and injunctive relief.

3 **FIFTH CAUSE OF ACTION**  
4 **Violation of the Fourteenth Amendment to the United States Constitution under**  
5 **42 U.S.C. § 1983**  
6 **(Cruel & Unusual Punishment)**

7 79. Plaintiffs incorporate by reference all preceding paragraphs of this Complaint as  
8 though fully set forth herein.

9 80. Pursuant to 42 U.S.C. Section 1983, this claim is brought by all Plaintiffs  
10 against all Defendants.

11 81. The Fourteenth Amendment to the U.S. Constitution incorporates the Eighth  
12 Amendment prohibition against the government inflicting cruel and unusual  
13 punishments. Robinson v. California, 370 U.S. 660, 667 (1962).

14 82. A violation of the conditions imposed by the Board pursuant to N.R.S. 213.1243  
15 subjects an offender to another felony and a mandatory sentence of at least one  
16 to six years imprisonment and a discretionary fine not to exceed \$5,000. The  
17 sentence received for a violation of a condition inflicts a sentence  
18 disproportionate to the actual condition violated.

19 83. Each of these constitutional violations has injured, or will imminently injure  
20 Plaintiffs, which entitles Plaintiffs to declaratory and injunctive relief.

21 **SIXTH CAUSE OF ACTION**  
22 **Violation of the Fourteenth Amendment to the United States Constitution under**  
23 **42 U.S.C. § 1983**  
24 **(Double Jeopardy)**

1 84. Plaintiffs incorporate by reference all preceding paragraphs of this Complaint as  
2 though fully set forth herein.

3 85. Pursuant to 42 U.S.C. Section 1983, this claim is brought by all Plaintiffs  
4 against all State Defendants.

5 86. The Fifth Amendment to the U.S. Constitution provides that “no...person [shall]  
6 be subject for the same offense to be twice put in jeopardy of life or  
7 limb...”U.S. Const. amend. V.

8 87. The Double Jeopardy Clause of the Fifth Amendment applies to the states  
9 through the Due Process Clause of the Fourteenth Amendment to the United  
10 States Constitution. Benton v. Maryland, 395 U.S. 784, 794 (1969). The Double  
11 Jeopardy Clause prevents multiple punishments for the same crime. Lifetime  
12 Supervision is a multiple punishment.

13 88. Each of these constitutional violations has injured, or will imminently injure  
14 Plaintiffs, which entitles Plaintiffs to declaratory and injunctive relief.

15 **SEVENTH CAUSE OF ACTION**  
16 **Violation of Article 1, Section 9 to the United States Constitution under**  
17 **42 U.S.C. § 1983**  
18 **(*Ex Post Facto*)**

19 89. Plaintiff incorporates by reference all preceding paragraphs of this Complaint as  
20 though fully set forth herein.

21 90. Pursuant to 42 U.S.C. Section 1983, this claim is brought by all Plaintiffs  
22 against all State Defendants.

1 91. The *Ex Post Facto* Clause of the United States Constitution provides that “No  
2 State shall...pass any ex post facto Law.” U.S. Const. art. I, § 9.

3 92. Lifetime supervision and the conditions of lifetime supervision created by the  
4 Board pursuant to N.R.S. 213.1243, in effect, impose a new punishment on  
5 offenders by the government intruding and restricting Plaintiffs day to day life,  
6 in addition to rendering additional convictions and sentences for noncompliance.  
7 These punitive conditions did not exist in law when the Plaintiffs committed  
8 their offenses.

9 93. Each of these constitutional violations has injured, or will imminently injure  
10 Plaintiffs, which entitles Plaintiffs to declaratory and injunctive relief.

11 **EIGHTH CAUSE OF ACTION**  
12 **Violation of Article 1, Section 10, Clause 1 to the United States Constitution under**  
13 **42 U.S.C. § 1983**  
14 **(Contract Clause)**

15 94. Plaintiffs incorporate by reference all preceding paragraphs of this Complaint as  
16 though fully set forth herein.

17 95. Pursuant to 42 U.S.C. Section 1983, this claim is brought by all Plaintiffs  
18 against all State Defendants.

19 96. The Contract Clause of the United States Constitution provides that “No State  
20 shall...pass any...Law impairing the Obligation of Contracts. U.S. Const. art. I,  
21 § 10.

22 97. N.R.S. 213.1243 substantially impairs the terms of Plaintiffs’ plea agreements  
23 by imposing conditions that did not and do not exist in any statute, including  
24

1 residency and movement restrictions. These conditions were never detailed in  
2 any of the Plaintiffs plea agreements because they simply did not exist at law.  
3 Nor could those conditions be known when said agreements were reached with  
4 the State of Nevada because they did not exist in law. Additionally, the  
5 conditions imposed by the Board pursuant to N.R.S. 213.1243 substantially  
6 impairs Plaintiffs' plea agreements considering the statute expressly states only  
7 four of the potentially unlimited number of conditions imposed as a direct result  
8 of lifetime supervision in violation of the Contract Clause to the United States  
9 and Nevada Constitutions.

10 98. Each of these constitutional violations has injured, or will imminently injure  
11 Plaintiffs, which entitles Plaintiffs to declaratory and injunctive relief.

12 **NINTH CAUSE OF ACTION**  
13 **Violation of the Fourteenth Amendment to the United States Constitution under**  
14 **42 U.S.C. § 1983**  
15 **(Separation of Powers)**

16 99. Plaintiffs incorporate by reference all preceding paragraphs of this Complaint as  
17 though fully set forth herein.

18 100. Pursuant to 42 U.S.C. Section 1983, this claim is brought by all Plaintiffs  
19 against all State Defendants.

20 101. N.R.S. 213.1243 violates the Separation of Powers doctrine by delegating  
21 the power to legislate to an executive agency without any intelligible standards  
22 and allowing the executive agency to interpret and apply the law infringing on  
23

1 both the legislative and judicial branches' powers granted under the United  
2 States and Nevada Constitutions.

3 102. Each of these constitutional violations has injured, or will imminently injure  
4 Plaintiffs, which entitles Plaintiffs to declaratory and injunctive relief.

5 **TENTH CAUSE OF ACTION**  
6 **Violation of Article 1, Section 9 to the United States Constitution under**  
7 **42 U.S.C. § 1983**  
8 **(Bill of Attainder)**

9 103. Plaintiff incorporates by reference all preceding paragraphs of this  
10 Complaint as though fully set forth herein.

11 104. Pursuant to 42 U.S.C. Section 1983, this claim is brought by all Plaintiffs  
12 against all State Defendants.

13 105. N.R.S. 213.1243 applies to ascertainable members of a group i.e. offenders  
14 on lifetime supervision, which allows the Board to inflict further punishment  
15 without a judicial trial in violation of the Bill of Attainder Clause of the United  
16 States and Nevada Constitutions.

17 106. Each of these constitutional violations has injured, or will imminently injure  
18 Plaintiffs, which entitles Plaintiffs to declaratory and injunctive relief.

19 **ELEVENTH CAUSE OF ACTION**  
20 **(Intentional or Fraudulent Misrepresentation)**

21 107. Plaintiffs incorporate by reference all preceding paragraphs of this  
22 Complaint as though fully set forth herein.

23 108. Plaintiffs reached plea agreements with the State of Nevada.  
24

1 109. The specific residency and movement requirements were that would be  
2 imposed were not explained to Plaintiffs, who only discovered them in an ex  
3 post facto manner.

4 110. To induce this agreement Defendants made a false representation, by  
5 omission of the material fact that residency and movement restrictions would be  
6 imposed as a condition of their special sentence of lifetime supervision.

7 111. This representation by omission was done with knowledge or belief that the  
8 representation by omission of the residency and movement restrictions was done  
9 to induce Plaintiffs to enter into a plea agreement.

10 112. Plaintiffs justifiably relied on the representation and were damaged as a  
11 result of this reliance, by having residency and movement restrictions applied to  
12 them retroactively.

13 **WHEREFORE**, Plaintiff prays for judgment against Defendants, and each of them,

14 as follows:

15 1. A declaration that N.R.S. 213.1243 violates, both facially, and as applied by  
16 Defendants, the Due Process Clause of the United States Constitution (U.S. Const., Amend.  
17 XIV);

18 2. A declaration that N.R.S. 213.1243 violates, both facially, and as applied by  
19 Defendants, the Due Process Clause of the Nevada Constitution (Nev. Const., Art. 1, § 8,  
20 cl. 5);

21 3. A declaration that N.R.S. 213.1243 violates, both facially, and as applied by  
22 Defendants, the First Amendment of the United States Constitution (U.S. Const. Amend. I);







