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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

11 * * *

12 DOES 1-35; and UNKNOWN NAMED)
DOES 1-1000,)
13 Plaintiffs,)

CASE NO.: 2:15-CV-01638-RFB-CWH

14 vs.)

42 U.S.C. § 1983 AMENDED

14 Adam Paul Laxalt, Attorney General of the)
State of Nevada; James Wright, Director of the)
15 Nevada Department of Public Safety; Natalie)
Wood, Chief Parole and Probation Division of)
16 the Nevada Department of Public Safety;)
Patrick J. Conmay, Chief Records and)
17 Technology Division of the Nevada)
Department of Public Safety; Joseph)
18 Lombardo, Sheriff of the Las Vegas)
Metropolitan Police Department; Alexander)
19 Perez, Chief of the North Las Vegas Police)
Department; Steven Wolfson, District)
20 Attorney of Clark County; Chief Patrick)
Moers, Henderson Police Department,)
21 Defendants.)

COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF AND
DAMAGES

22 _____
JURY TRIAL DEMANDED

PARTIES

1
2
3 6. Plaintiff Doe 1, a resident of Washoe County, Nevada, committed a
4 sexual offense on November 3, 2003. He is currently on lifetime supervision with
5 over 21 conditions imposed by the Board pursuant to N.R.S. 213.1243.¹

6 7. Plaintiff Doe 2, a resident of Clark County, Nevada, committed a
7 sexual offense on November 1, 2007. He is currently on lifetime supervision with
8 over 21 conditions imposed by the Board pursuant to N.R.S. 213.1243.²

9 8. Plaintiff Doe 3, a resident of Riverside, California, committed a
10 sexual offense on or between 1997. He is currently on lifetime supervision with
11 over 21 conditions imposed by the Board pursuant to N.R.S. 213.1243.³

12 9. Plaintiff Doe 4, a resident of Millard, Utah, committed a sexual
13 offense in Nevada on or about November 2008 through December 2008. He is
14 currently on lifetime supervision with over 21 conditions imposed by the Board
15 pursuant to N.R.S. 213.1243.⁴

16 10. Plaintiff Doe 5, a resident of Clark County, Nevada, committed a
17 sexual offense on April 23, 2006. He is currently on lifetime supervision with over
18 21 conditions imposed by the Board pursuant to N.R.S. 213.1243.⁵

19 11. Plaintiff Doe 6, a resident of Ramsey, Minnesota, committed a
20 sexual offense in Nevada on or about November 27, 2009. He is currently on

21 ¹ A redacted version of Plaintiff Doe’s 1’s, Lifetime Supervision Agreement is attached as Exhibit 1.

² A redacted version of Plaintiff Doe’s 2’s, Lifetime Supervision Agreement is attached as Exhibit 2.

³ A redacted version of Plaintiff Doe’s 3’s, Lifetime Supervision Agreement is attached as Exhibit 3.

⁴ A redacted version of Plaintiff Doe’s 4’s, Lifetime Supervision Agreement is attached as Exhibit 4.

⁵ A redacted version of Plaintiff Doe’s 5’s, Lifetime Supervision Agreement is attached as Exhibit 5.

1 lifetime supervision with over 21 conditions imposed by the Board pursuant to
2 N.R.S. 213.1243.⁶

3 12. Plaintiff Doe 7, a resident of Clark County, Nevada, committed a
4 sexual offense on June 10, 1996. He is currently on lifetime supervision with over
5 21 conditions imposed by the Board pursuant to N.R.S. 213.1243.⁷

6 13. Plaintiff Doe 8, a resident of Clark County, Nevada, committed a
7 sexual offense between January 1, 2001 and December 3, 2003. He was sentenced
8 to a term of lifetime supervision to be in imposed upon release from any term of
9 imprisonment, probation or parole. He is currently under the demands of a parole
10 agreement executed on January 7, 2015. His term of lifetime supervision will soon
11 commence after the termination of his parole agreement.⁸

12 14. Plaintiff Doe 9, a resident of Clark County, Nevada, committed a
13 sexual offense on November 26, 2012. He is currently on lifetime supervision with
14 over 21 conditions imposed by the Board pursuant to N.R.S. 213.1243⁹

15 15. Plaintiff Doe 10, a resident of Clark County, Nevada, committed a
16 sexual offense between November 1, 2003 and October, 2005. He was sentenced to
17 a term of a sentence of lifetime supervision to begin after release from any term of
18 imprisonment or parole. On August 24, 2011, Plaintiff Doe 10 was made to sign a
19 lifetime supervision agreement. None of the conditions contained in the agreement

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

21 ⁷ A redacted version of Plaintiff Doe's 7's, Lifetime Supervision Agreement is attached as Exhibit 7.

22 ⁸ Redacted versions of Plaintiff Doe 8's Judgment of Conviction (Plea of Guilty – Alford) and his Parole
Agreement are attached collectively as Exhibit 8.

23 ⁹ A redacted version of Plaintiff Doe's 9's, Lifetime Supervision Agreement is attached as Exhibit 9.

1 were contained either in the Defendant's plea agreement or in any statutory
2 codification under Nevada law. On or between April 19, 2012 and March 18, 2013
3 the Plaintiff was alleged to have violated his lifetime supervision agreement and on
4 July 9, 2015 an Information charging him with a Class B Felony for violating his
5 special sentence of lifetime supervision was filed in the District Court, Clark
6 County, Nevada.¹⁰

7 16. Plaintiff Doe 11, a resident of Clark County, Nevada committed a
8 sexual offense on or between December 1, 2003 and April 30, 2004. He was
9 sentenced on August 11, 2010 to a special sentence of lifetime supervision to
10 commence upon release from any term of imprisonment, probation or parole.
11 Plaintiff Doe 11 was honorably discharged from parole on October 8, 2012. On
12 October 8, 2012, Plaintiff Doe 11 was made to sign a lifetime supervision
13 agreement with multiple residency and movement restrictions. He is currently on
14 lifetime supervision with punitive conditions created and imposed by the Board
15 pursuant to NRS 213.1243.¹¹

16 17. Plaintiff Doe 12, a resident of Clark County, Nevada entered an
17 Alford plea to a sexual offense allegedly committed on or between June 30, 2002
18 and October 11, 2008. He was sentenced to probation and a special sentence of
19 lifetime supervision on July 23, 2008. As with all of the other Plaintiff Does, neither
20

21 ¹⁰ 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 ¹¹ 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 the Plaintiff's Guilty Plea Agreement nor his Judgment of Conviction contained any
2 of the punitive conditions that would eventually comprise the special sentence of
3 lifetime supervision. The Plaintiffs' conditions of probation were specific and found
4 within the law at NRS 176A.410. The conditions of lifetime supervision were not
5 codified under Nevada law. The Plaintiff was honorably discharged from probation
6 on September 28, 2012. He is currently serving his special sentence of lifetime
7 supervision.¹²

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

15 19. Plaintiff Doe 14, a resident of Clark County, Nevada committed a
16 sexual offense on August 31, 2012. He was placed on probation and honorably
17 discharged from probation in 2007. The Defendant was sentenced to lifetime
18

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

21 ¹³ 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
interpreted and imposed by the Adult Probation Department, Pinal County, Arizona County Superior Court are
attached as Exhibit 13.

1 supervision in 2003. He is currently serving his special sentence of lifetime
2 supervision.¹⁴

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

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

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

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

21 ¹⁵ A redacted version of Plaintiff Doe 15's Lifetime Supervision Agreement, Guilty Plea Agreement, and
Judgment of Conviction are attached collectively as Exhibit 15.

22 ¹⁶ 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
23 April 21, 2005 and his Judgment of Conviction filed on June 30, 2005 are attached collectively as Exhibit 16.

1 he committed his offense. He is currently serving his special sentence of lifetime
2 supervision.¹⁷

3 23. Plaintiff Doe 18, a resident of Clark County, Nevada committed a
4 sexual offense on or about the 2nd day of June, 2005. He was sentenced on April 30,
5 2008 to a term of probation which included a special sentence of lifetime
6 supervision to commence upon the completion of his term of probation. On July 26,
7 2012 Plaintiff Doe 18 was made to sign a lifetime supervision agreement that
8 contained punitive conditions that did not exist in law at the time he committed his
9 offense. He is currently serving his special sentence of lifetime supervision imposed
10 pursuant to NRS 213.1243.¹⁸

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

21 ¹⁷ A redacted version of Plaintiff Doe 17's Lifetime Supervision Agreement, Guilty Plea Agreement, and
22 Judgment of Conviction are attached collectively as Exhibit 20.

23 ¹⁸ A redacted version of Plaintiff Doe 18's Lifetime Supervision Agreement, Guilty Plea Agreement, and
24 Judgment of Conviction are attached collectively as Exhibit 21.

1 made to sign a second superseding lifetime supervision agreement. He is currently
2 being prosecuted for violation of lifetime supervision by a convicted sex offender.¹⁹

3 25. Plaintiff Doe 20, a resident of Clark County, Nevada committed a
4 sexual offense on or about the 14th day of March, 2012. He was sentenced to
5 probation on the 26th day of November, 2012 to a term of probation and to a term of
6 lifetime supervision. On May 5, 2015, he was made to sign a lifetime supervision
7 agreement and on May 19, 2015 he was made to sign an addendum to that
8 agreement. He is currently serving his special sentence of lifetime supervision.²⁰

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

16 27. Plaintiff Doe 22, a resident of Clark County, Nevada committed a
17 sexual offense on January 2, 2000. He was sentenced to the Nevada Department of
18 Prisons on June 13, 2000 to a maximum term of twenty (20) years and a minimum
19

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

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

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

1 term of five (5) years and also to a special sentence of lifetime supervision. On
2 August 13, 2010 he was made to sign a lifetime supervision agreement containing
3 punitive conditions that did not exist at law when the offense was committed. He is
4 currently serving his special sentence of lifetime supervision imposed pursuant to
5 NRS 213.1243.²²

6 28. Plaintiff Doe 23, a resident of Clark County, Nevada committed a
7 sexual offense on March 30, 2009. On March 30, 2010 he was sentenced to a term
8 of probation and a special sentence of lifetime supervision. On May 16, 2013, the
9 court filed an Amended Judgment of Conviction. On September 18, 2014, Plaintiff
10 Doe 23 was made to sign a lifetime supervision agreement. He is currently serving
11 his special sentence of lifetime supervision imposed pursuant to NRS 213.1243.²³

12 29. Plaintiff Doe 24, a resident of Sparks, Nevada committed a sexual
13 offense on or between June 8, 2008 and July 9, 2008. He was sentenced to a term of
14 probation and a special sentence of lifetime supervision on March 20, 2009. He is
15 currently serving his special sentence of lifetime supervision²⁴

16 30. Plaintiff Doe 25, a resident of Clark County, Nevada committed a
17 sexual offense on or about November 24, 2006 and December 24, 2006. He was
18 sentenced on February 5, 2008 to a term of probation and a special sentence of
19

20 ²² Redacted copies of Plaintiff Doe 22's Lifetime Supervision Agreement, Guilty Plea Agreement, and
21 Judgment of Conviction are attached collectively as Exhibit 25.

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

24 ²⁴ .Redacted versions of Plaintiff Doe's Judgment of Conviction and Notice of Defendant containing sentence
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 213.1243.²⁵

3 31. 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
7 213.1243.²⁶

8 32. 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.²⁷

14 33. 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

20 ²⁵ 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 ²⁶ 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 ²⁷ 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.²⁸

3 34. 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.²⁹

11
12 35. 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 by the Board he will be ending his parole
20 in several months and he will be required to sign the standard lifetime supervision

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

22 ²⁹ 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 agreement which will contain residency, movement, and travel restrictions that did
2 not exist at law at the time these offenses were committed beginning in 2004.³⁰

3 36. Plaintiff Doe 31, a resident of Clark County, Nevada entered an
4 Alford plea to the crime of Attempt Lewdness with a Child under the Age of 14 in
5 April, 2014. The date of offense was on or between January 1, 2005 and December
6 31, 2010 within the County of Clark, State of Nevada. He was sentenced on
7 September 2, 2014 to a suspended term of 48 months to 120 months in the Nevada
8 Department of Corrections, place on probation, for an indeterminate term of five
9 years with a special sentence of lifetime supervision to begin upon release from
10 probation. A newly created form provided by the State of Nevada indicates that this
11 special sentence pursuant to NRS 213.1243 will include movement and residency
12 restrictions.³¹

13
14 37. Plaintiff Doe 32, a resident of Clark County, Nevada entered a guilty
15 plea to the offense of use of technology to lure children in March, 2006. The date of
16 offense was on or between November 3rd, 2005 and the 21st day of February, 2006.
17 The Plaintiff was sentenced on April 16, 2007 to a suspended term of 24 to 48
18 months in the Nevada Department of Corrections. He was placed on a fixed term of
19 five years probation and sentenced to a special sentence of lifetime supervision
20 pursuant to NRS 213.1243. He is currently serving that sentence of lifetime

21 ³⁰ A redacted version of Plaintiff Doe 30's, Guilty Plea Agreement and Judgment of Conviction are
collectively attached as Exhibit 33.

22 ³¹ A redacted version of Plaintiff Doe 31's, Guilty Plea Agreement, Judgment of Conviction, and Lifetime
Supervision understanding are collectively attached Exhibit 34.

1 supervision pursuant to the standard conditions created by the Board including
2 movement and residency requirements.³²

3 38. Plaintiff Doe 33, a resident of Clark County, Nevada entered a plea
4 on July 7, 2011 to the offense of luring children or mentally ill persons with use of
5 technology with intent to engage in sexual conduct. On October 6, 2011, the
6 Defendant was sentenced to 16 to 72 months in the Nevada Department of
7 Corrections. He was also sentenced to a special term of lifetime supervision which
8 included residency and movement restrictions which began upon his release from
9 prison. Plaintiff Doe 33 is currently serving his special sentence of lifetime
10 supervision. Plaintiff Doe 33 was initially monitored by California authorities with
11 permission of Nevada authorities however he returned to Nevada and had the
12 standard lifetime supervision agreement imposed.³³

13
14 39. Plaintiff Doe 34 is a resident of Austin, Texas. He entered a plea in
15 the District Court of Clark County, Nevada to the charge of Luring Children or
16 Mentally Ill Persons with the Intent to Engage in Sexual Conduct. On June 21,
17 2013, he was sentenced to a suspended prison sentence of a maximum of thirty-two
18 months and a minimum of twelve months in the Nevada Department of Corrections.
19 Plaintiff Doe 34 was also sentenced to a term of lifetime supervision and given an
20 indeterminate term of probation not to exceed three years. He has completed his

21 ³² A redacted version of Plaintiff Doe 32's Guilty Plea Agreement and Judgment of Conviction are collectively
attached as Exhibit 35.

22 ³³ Redacted versions of Plaintiff Doe 33's Guilty Plea Agreement, Judgment of Conviction, and California
Lifetime Supervision Agreement are collectively attached as Exhibit 36.

1 probation and is currently serving his special sentence of lifetime supervision. That
2 sentence is currently being supervised by probation authorities in Travis County,
3 Texas.³⁴

4 40. Plaintiff Doe 35, a resident of Clark County, Nevada entered a guilty
5 plea to two counts of Attempt Sexual Assault in the District Court, Clark County,
6 Nevada on March 7, 2012. He was sentenced to a maximum of one hundred twenty
7 months with a minimum of parole eligibility of twenty-four months in the Nevada
8 Department of Corrections. He was also sentenced to a term of lifetime supervision
9 after he completed both his prison term and parole. Plaintiff Doe 35's parole is set
10 to expire in November, 2016 at which time he will be made to sign a lifetime
11 supervision agreement that will contain the standard conditions of lifetime
12 supervision including residency, movement, and association restrictions.³⁵

13 41. "Does" herein refers to Does 1-35.

14 42. Defendant Adam Paul Laxalt, Esq., is the Attorney General of the
15 State of Nevada and is sued in his official capacity, for declaratory and injunctive
16 relief only.

17 43. Defendant James Wright is the Director of Public Safety of the
18 Nevada Department of Public Safety and is sued in his official capacity, for
19 declaratory and injunctive relief only.
20

21 ³⁴ A redacted version of Plaintiff Doe 34's Guilty Plea Agreement, Judgment of Conviction, and Lifetime
Supervision Agreement are collectively attached as Exhibit 37.

22 ³⁵ Redacted versions of Plaintiff Doe 35's Guilty Plea Agreement and Judgment of Conviction are collectively
attached as Exhibit 38.

1 32. The State of Nevada passed N.R.S. 176.0931 in 1995. Pursuant to
2 N.R.S. 176.0931, the court shall include a special sentence of lifetime supervision to
3 a defendant convicted of certain sexual offenses. At the time of Plaintiffs'
4 sentencing, the court did not notify the offender of the conditions of lifetime
5 supervision on the premise that no Nevada state statute expressly prescribes or
6 defines the actual conditions of lifetime supervision. Instead, the conditions of the
7 sentence were imposed in an *ad hoc* fashion at the sole discretion of the State Board
8 of Parole Commissioners. In McNeill v. State, 375 P.3d 1022, 1025 (Nev. 2016),
9 The Nevada Supreme Court ruled that "NRS 213.1243 does not delegate authority
10 to the Board to impose additional conditions not enumerated [therein]"

11 In conjunction with N.R.S. 176.0931, the State of Nevada passed N.R.S.
12 213.1243, which grants "The Board" the authority to establish a program of
13 lifetime supervision. N.R.S. 213.005 defines "Board" as the State Board of Parole
14 Commissioners. As part of the program, the Board created and imposed the
15 conditions of lifetime supervision even though at the time of sentencing, the specific
16 conditions did not exist under the Nevada Revised Statutes.

17 33. The Board imposes a minimum of 19 standard conditions to Tier I,
18 II, and III offenders on lifetime supervision. In 2005, the State of Nevada amended
19 N.R.S. 213.1243 to expressly state four conditions that apply to Tier III offenders
20 on lifetime supervision. As for the rest of the conditions, the Board ostensibly
21 borrows the required terms and conditions for sex offenders on probation from
22 N.R.S. 176A.410 and imposes those conditions to Tier I, II, and III offenders on
23

1 lifetime supervision, including the four conditions applicable to only Tier III
2 offenders. No statutory authority to borrow these conditions from NRS 176A.410
3 exists within the Nevada Revised Statutes. Lifetime supervision agreements
4 uniformly include a catch all clause allowing the Board to create and impose any
5 condition they deem necessary as part of the special sentence of lifetime
6 supervision. Under McNeil, this process violates the Nevada Constitution.

7 34. Additionally, the Board imposes residency and movement
8 restrictions added to N.R.S. 213.1243 in Senate Bill 471 (“SB 471”) in 2007. This is
9 true of all Plaintiffs. These residency and movement conditions represent the same
10 conditions that this Honorable Court concluded would not apply retroactively in
11 ACLU v. Masto, 670 F.3d 1046, 1067 (9th Cir. 2012) (hereinafter referred to as
12 ACLU v. Masto II), after the State entered a binding judicial admission agreeing not
13 to retroactively impose those types of conditions.

14 35. In 2007, the Nevada Legislature passed two bills regarding
15 individuals who had been convicted of sex offenses, A.B. 579 (provisions regarding
16 sex offender registration; specifically, reclassification, registration, and notification)
17 and SB. 471 (provisions regarding lifetime supervision; specifically imposing
18 residence and movement restrictions and other punitive conditions). S.B. 471, dealt
19 strictly with the special sentence of lifetime supervision and was being applied
20 retroactively. Plaintiffs challenged it on a variety of constitutional grounds.
21 American Civil Liberties Union of Nevada v. Cortez-Masto, 719 F.Supp. 1258,
22 1259 (D.Nev. 2008). Plaintiffs submitted declarations to the District Court attesting

1 to the fact that the Nevada Department of Parole and Probation was applying
2 residence and movement restrictions retroactively. *Id.* at 1260.

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

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

12 The application of these laws retroactively is the equivalent of a new
13 punishment tacked on to the original sentence—sometimes years after
14 the fact—in violation of the Ex Post Facto and Double Jeopardy
15 Clauses of the U.S. Constitution, as well as the Contracts clauses of
16 the U.S. and Nevada Constitutions. Moreover, because they do not
17 provide any procedural protections from their retroactive application,
18 A.B. 579 and S.B. 471 violate the Due Process Clause of the U.S.
19 Constitution.

20 1258 F.Supp.2d at 1260.

21 37. The State then appealed the District Court ruling to the United States
22 Court of Appeals for the Ninth Circuit, which issued its ruling on February 10, 2012.
23 American Civil Liberties Union of Nevada v. Cortez-Masto, 670 F.3d 1046 (9th Cir.
24 2012). The Court of Appeals reversed the District Court's decision regarding A.B.
579 and ruled that Defendants/Appellants appeal of the District Court's decision
regarding S.B. 471 was moot based on the State's representation that it would not
apply S.B. 471 retroactively.

With respect to Assembly Bill 579, we hold that its retroactive
application is constitutionally sound, and we reverse. With respect to
Senate Bill 471, we conclude that our consideration of its disputed
provisions was mooted by **the State of Nevada's authoritative
judicial admission that—regardless of the existence of the
injunction—the State will not retroactively impose residency and**

1 **movement restrictions.** Because the State's concession moots its own
2 appeal, we remand to the district court to consider vacating its Order
3 as to Senate Bill 471 in favor of a binding consent decree. But if no
4 consent decree can be negotiated, our dismissal of the State's appeal
5 will leave the district court's injunction in vigor.

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

7 A.B. 579 was also considered by the Ninth Circuit. The Court of Appeals relied
8 primarily on the United States Supreme Court decision in Smith v. Doe, 538 U.S. 84 (2003),
9 for its determination that registration of sex offenders was not punishment. Therefore A.B.
10 579's retroactive registration requirement did not violate constitutional rights.

11 Because Nevada's version of SORNA does not contain any
12 registration provision that materially distinguishes it from Smith, we
13 join them [other circuits] in concluding that the requirements of AB
14 579 do not constitute retroactive punishment in violation of the Ex
15 Post Facto Clause or Double Jeopardy Clause.

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

17 38. The Ninth Circuit reached a different conclusion regarding S.B.471.

18 As noted above, the Court ruled that the Defendants' appeal of the District Court's
19 invalidation of the retroactive residence and movement restrictions of S.B.471 was
20 mooted by representations made to the appellate court by the State's counsel at oral
21 argument.

22 39. On July 16, 2014 in The American Civil Liberties Union of Nevada,
23 et al. v. Catherine Cortez Masto et. al., in the United States District Court District of
24 Nevada, 2:08-cr-822-JCM (PAL), the Honorable District Court, District of Nevada,
 United States District Court Judge Mahan presiding, granted the parties joint motion
 for a more definitive statement regarding the clarification of the scope of the

1 injunction of S.B. 471. (doc. 155) The Court ordered follow up briefing and had a
2 hearing on June 25, 2014.

3 40. On pp. 2-3 of the State's April 24, 2014 Opening Brief (doc. 151),
4 the State acknowledges that the retroactive residence and movement restrictions,
5 previously declared unconstitutional by Judge Mahan, and that were also previously
6 represented to the Ninth Circuit panel as not being in effect, were, in fact, formerly,
7 presently and prospectively in the future, being utilized, not under statute (S.B. 471
8 – which had been declared unconstitutional), but as a policy and practice of the
9 Department of Parole and Probation (P&P) under their general authority.

10 At the time this order was entered, neither party discussed the movement and
11 residency restrictions that were in place statutorily and enforced prior to the
12 enactment of S.B. 471. The dispute between the parties is whether these
13 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:

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

19 42. The State's position is that even though the retroactive application of
20 residence and movement restrictions was admitted to be unconstitutional under S.B.
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1 471 for a certain class of offenders, that exact practice is permissible as P&P policy
2 and practice, as to another class of offenders.

3 43. The District Court found that the continued application of the residency and
4 movement restrictions that existed prior to the enactment of SB 471, as P&P policy,
5 was beyond the scope of the case and controversy before it, which only applied to
6 S.B.471. The Court stated that because the only matters before that Honorable
7 Court and the Ninth Circuit were the prospective application of S.B. 471. The Court
8 stated ... “that nothing in the injunction shall prohibit the continued application of
9 the movement and residency restrictions that were in effect prior to the enactment of
10 SB 471, as the validity of those restrictions is not, and never has been properly
11 before the court (Doc. 155 at p.2).” The retroactive application of residency and
12 movement requirements after the enactment of S.B. 471 was enjoined by a binding
13 judicial admission by the State that it would absolutely not enforce those conditions.
14 The instant Complaint for Declaratory and Injunctive Relief requests remedial
15 action for circumstances not addressed in the Court’s previous order, as well as the
16 enforcement of the Court’s prior order that resulted from the binding judicial
17 admission.

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

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20 44. The authority granted pursuant to N.R.S. 213.1243 to the Division of
21 Parole and Probation of the Department of Public Safety (“Division”) resulted in the
22 Division creating its own operating conditions to impose the special sentence

1 lifetime supervision in the Nevada Administrative Code (“N.A.C.”) in 2000.
2 According to N.A.C. 213.290(1), the Department of Corrections (“Department”)
3 shall give the Division written notification of an offender’s release at least 120 days
4 prior to the first day of the month that the offender commences his sentence of
5 lifetime supervision. The Division communicates this information to the Board at
6 least 90 days prior to the first day of the month that the offender commences his
7 sentence of lifetime supervision. Once the Board receives notification, the Board
8 holds a “hearing” to establish the conditions imposed as part of the offender’s
9 lifetime supervision.

10 45. During this “hearing,” the offender does not get the opportunity to
11 make any statements. In fact, the Board imposes the conditions without the offender
12 present. The Board entertains testimony from victims pursuant to N.R.S.
13 213.130(4). The Board also has the discretion to close off part of the “hearing” for
14 confidential information as provided in N.R.S. 213.130(8). Typically, the Board sets
15 the conditions for several offenders at a single hearing as provided in N.A.C.
16 213.290(3)(b). N.A.C. 213.290(5) mentions the option of the offender being present
17 during a modification of the conditions if requested by the Division, but does not
18 make the offender’s presence mandatory.

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

3 47. Plaintiffs' lifetime supervision agreements contains many of the
4 standard conditions given to probationers as expressed in N.R.S. 176A.410. An
5 offender on lifetime supervision must submit to the conditions of reporting/release,
6 residence, intoxicants, controlled substances, weapons, associates, cooperation, laws
7 and conduct, out-of-state travel, employment/program, supervision fees, curfew,
8 counseling, polygraph examination, no contact, alias names, no post office box, and
9 no contact with persons under 18 years of age, presence, and search restrictions as
10 an offender on probation.

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

15 49. The conditions expressed in the actual lifetime supervision
16 agreement vary from the language of N.R.S. 213.1243. For instance, N.R.S.
17 213.1243(4) expressly prohibits Tier III offenders from being within 500 feet of any
18 place designed primarily for the use of children, including a private or public
19 school, video arcade, playground, park, or motion theater, etc. Yet, the Board
20 expands the statutory language by imposing as a "presence" condition that the
21 offender, regardless of Tier, must not be in or near a playground, school, or school
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1 grounds, movie theater, or business that primarily has children or events children
2 attend.

3 50. Similarly, N.R.S. 213.1243(a)-(c) did not exist until the State of
4 Nevada expressly added these provisions into the statute. Regardless, the Board
5 imposed broad residency restrictions prior to the amendment, which requires the
6 offender to obtain permission to reside at a specific location from his Parole Officer.
7 Moreover, the Board continues to use the same broad residency restrictions to an
8 offender commencing lifetime supervision today. Further, N.R.S. 213.1243(9) gives
9 the Board the discretion to disregard three of the four conditions expressed if the
10 Board finds “extraordinary circumstances” present, but fails to define what
11 “extraordinary circumstances” must exist.

12 51. Consequently, the offender finds no relief from the conditions until
13 10 years after his conviction when he may petition either the Board or the court to
14 seek release from lifetime supervision.

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

16 **213.1243**

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

5 53. Counsel for the Plaintiffs have sought relief for similarly situated plaintiffs
6 in the Supreme Court of Nevada. However, on March 27, 2014 the Supreme Court
7 of Nevada published Coleman v. State, 130 Nev. Advance Opinion 22.³⁶ In
8 Coleman, the Court held, “that a person who is subject only to lifetime supervision
9 is not under a sentence of imprisonment within the meaning of NRS 34.724(1) and
10 therefore cannot file a post-conviction petition for a writ of habeas corpus to
11 challenge his sentence.”³⁷ Counsel argued that without the ability to utilize NRS
12 34.724, Coleman and several dozen other petitioners who had filed similar claims
13 with the Nevada Supreme Court would be left with an unconstitutional sentence and
14 no remedy. The Nevada Supreme Court addressed this point in the decision stating:

15 Coleman contends that he is left without a remedy if he cannot challenge
16 his sentence and conditions of lifetime supervision in a post-conviction
17 petition for a writ of habeas corpus. Even assuming this was correct, the
18 post-conviction petition for a writ of habeas corpus is a creature of statute
19 and we cannot ignore the plain language of NRS 34.724(1) that restricts its
20 use. The State acknowledges that while traditional post-conviction relief is
21 not available, Coleman could still pursue injunctive relief pursuant to NRS
33.010. Although we do not attempt to catalogue the full panoply of
remedies available to challenge the conditions of lifetime supervision
including the extent to which the conditions could be challenged in
defense of a charge under NRS 213.1243(8) for violating a condition of
lifetime supervision, we note that some challenges to those conditions may

22 ³⁶ A copy of the Court’s decision is attached as Exhibit 17 for this Honorable Court’s convenience.

23 ³⁷ Id at p.7.

1 be pursued in a civil rights action under 42 U.S.C. § 1983. Nevada law
2 also provides a means for Coleman to petition to be released from lifetime
3 supervision if he meets certain conditions. NRS 176.0931(3). Coleman
4 therefore is not left without a remedy.³⁸

5 **IV. The effects of the special sentence of lifetime supervision on Does 1-35**

6 **Doe 1**

7 54. Plaintiff Doe 1 accepted a plea agreement on August 19, 2004, pleading to
8 one count of Using Technology To Lure Children. On October 19, 2004, the court
9 sentenced Doe 1 to a prison term in the Nevada State Prison for the minimum term of twelve
10 (12) months to a maximum term of forty-eight (48) months. The prison sentenced was
11 suspended and Doe 1 was placed on probation for an indeterminate period of time not to
12 exceed sixty (60) months, in addition to a special sentence of lifetime supervision to
13 commence after any period of probation or after any term of imprisonment or after any
14 period of release from parole. On April 24, 2004, Doe 1 commenced his sentence of
15 lifetime supervision with the Board imposing standard and special conditions. Doe 1 is deaf
16 and lives in Reno, Nevada. Doe 1 is a college graduate who was gainfully employed. Due to
17 his sentence of lifetime supervision, Doe 1 has a difficult time finding work because of his
18 disability and the impact of his lifetime supervision conditions. Doe 1 has family out of
19 state and has had difficulties seeing them due to conditions of lifetime supervision.
20 Furthermore, Doe 1 has a difficult time finding and keeping any type of substantive
21 relationship in his life due to the conditions that have been imposed on him.

22 **Doe 2**

23 ³⁸ Id at p.7. A summary of Mr. Coleman's constitutional arguments are presented in Appellant's Opening Brief,
24 attached as Exhibit 18, and in Appellant's Reply Brief, attached as Exhibit 19.

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

12 **Doe 3**

13 56. Plaintiff Doe 3 accepted a plea agreement on August 13, 1997, pleading to
14 one count of Lewdness With a Child Under the Age of 14 and one count of Possession of
15 Visual Presentation Depicting Sexual Conduct of Person. On October 9, 1997, the court
16 sentenced Doe 3 to a prison term in the Nevada State Prison for Count 1: minimum term of
17 twenty-four (24) months to a maximum term of one hundred twenty (120) months; Count 2
18 minimum twelve (12) months to a maximum of thirty-six (36) months. Both prison sentences
19 were suspended and Doe 3 was placed on probation for an indeterminate period of time not
20 to exceed sixty 5 years, in addition to a special sentence of lifetime supervision to
21 commence after any period of probation or after any term of imprisonment or after any
22 period of release from parole. On August 22, 2002, Doe 3 was honorably discharged from
probation. Also on August 22, 2002, Doe 3 commenced his sentence of lifetime supervision
with the Board imposing standard and special conditions. Doe 3 was gainfully employed
but due to his sentence of lifetime supervision he was fired from his job has a difficult time

1 finding work because lifetime supervision conditions. Doe 3 is currently married his wife
2 along with other family currently live out of state. Due to his lifetime supervision conditions
3 it is nearly impossible for him to see his wife and his family. Furthermore, Doe 3 is under
4 medical treatment and must travel out of state to obtain specialized medical treatment. Due
to his movement restrictions his medical treatment has been prolonged.

5 **Doe 4**

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

15 **Doe 5**

16 58. Plaintiff Doe 5 accepted a plea agreement on June 8, 2006, pleading to one
17 count of Attempt Lewdness With a Child Under the Age of 14. On August 22, 2006, the
18 court sentenced Doe 5 to a prison term in the Nevada State Prison for the minimum term of
19 forty-eight (48) months to a maximum term of one hundred eighty (180) months. Doe 5 was
20 also sentenced to a special sentence of lifetime supervision to commence after any period of
21 probation or after any term of imprisonment or after any period of release from parole. Doe
22 5 commenced his sentence of lifetime supervision with the Board imposing standard and
special conditions. Doe 5 lives in Las Vegas, Nevada. Doe 5 is currently enrolled in school.
Due to his sentence of lifetime supervision and not being able to have a computer, Doe 5 has

1 a nearly impossible time performing and finishing his schoolwork. Doe 5's classes also
2 require trips to certain destinations that he has been unable to go to because of his movement
3 conditions. Moreover, Doe 5 has had job opportunities but do to his conditions he has been
4 unable to get hired. Furthermore Doe 5 has family out of state and has been unable to attend
5 family functions such as wedding, etc. due to his conditions.

5 **Doe 6**

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

15 **Doe 7**

16 60. Plaintiff Doe 7 accepted a plea agreement on September 26, 1997, pleading
17 to one count of sexual assault and battery with the intent to commit sexual assault. The court
18 sentenced Doe 7 to a prison term in the Nevada State Prison for the minimum term of ten
19 (10) years to a maximum term of (25) years, and in addition to a special sentence of lifetime
20 supervision to commence after any period of probation or after any term of imprisonment or
21 after any period of release from parole. On November 30, 2010, Doe 7 was released from
22 prison. Also upon his release from incarceration, Doe 7 commenced his sentence of lifetime
23 supervision with the Board imposing standard and special conditions. Doe 7 lives in Las
24 Vegas, Nevada. Doe 7 had difficulties finding a job due to the conditions that he is subject

1 to. Doe 7 also has incurred expenses for computer monitoring on his work and personal
2 computers, which can be faulty and corrupt his work files by no fault of his own. This has
3 created a financial burden to Doe 7 considering that he also has a family he needs to provide
4 for. Furthermore, Doe 7 has family out of state and has difficulty seeing them due to
movement conditions imposed on him through his special sentence of lifetime supervision.

5 **Doe 8**

6 61. Plaintiff Doe 8 accepted a plea agreement on October 19, 2009, pleading to
7 two counts of Attempt Lewdness With a Child Under the Age of 14. On April 26, 2010, the
8 court sentenced Doe 8 to a prison term for both counts in the Nevada State Prison for the
9 minimum term of forty-eight (48) months to a maximum term of one hundred twenty (120)
10 months and for both sentences to run concurrently. Doe 8 was also sentenced to special
11 sentence of lifetime supervision to commence after any period of probation or after any term
12 of imprisonment or after any period of release from parole. In January 2015, Doe 8 was
13 released from prison and placed on parole with conditions. Doe 8 will commence his
14 sentence of lifetime supervision soon with the Board imposing standard and special
15 conditions. Doe 8 lives in Las Vegas, Nevada. It is anticipated that Doe 8 will be subject to
16 the same hardships as the other plaintiffs on lifetime supervision. This would include
17 struggling to find and maintain gainful employment, maintaining relationships with family
members outside of the state of Nevada, as well any other of the foreseeable issues that have
affected the other plaintiffs. Doe 8 must sign his lifetime supervision agreement or he will
be committing a felony under Nevada law.

17 **Doe 9**

18 62. Plaintiff Doe 9 accepted a plea agreement on July 19, 2012, pleading to one
19 count of Attempt Luring Children or Mentally Ill Persons with the Intent to Engage in
20 Sexual Conduct. On November 26, 2012, the court sentenced Doe 9 to a prison term of a
21 minimum of twelve (12) months and maximum of forty-eight (48) months in the Nevada
22 Department of Corrections; suspended and placed on probation for an indeterminate period
23 not to exceed four (4) years. Doe 9 was also sentenced to a special sentence of lifetime
24 supervision to commence after any period of probation or after any term of imprisonment or

1 after any period of release from parole. In June 2015, Doe 9 was released from probation
2 and placed on parole with conditions. Doe 9 has commenced his sentence of lifetime
3 supervision with the Board imposing standard and special conditions. Doe 9 lives in Las
4 Vegas, Nevada. Doe 9 has been subject to the several hardships due to being on lifetime
5 supervision. These hardships include struggling financially due to the fact that he has to pay
6 monthly monitoring fees on his equipment for work, paying to live on his own due to the
7 fear that having a roommate may cause issues for him because of his conditions. Doe 9 has
8 had to leave his field of work and has turned down several job offers due to the necessity to
9 travel for work and his special sentence of lifetime supervision prohibits such travel.

Doe 10

10 63. Plaintiff Doe 9 is an ex-Navy serviceman who was convicted on February 8,
11 2006 for the crime of Attempt Sexual Assault. The date of offense was between November
12 1, 2003 and October, 2005 in C217917. He was sentence to thirty-three to one hundred
13 forty-four months in the Nevada Department of Corrections. He was discharged from
14 custody on September 1, 2011. The Defendant could not find a job after his release from
15 prison because of the exacting and punishing terms of his special sentence of lifetime
16 supervision. The Defendant has become an integral part of his local church and with the help
17 of his fellow church members he has started a business raising hogs for sale to local strip
18 restaurants. The hog farm is located in Arizona and he must obtain permission to travel there
19 as part of his special sentence of lifetime supervision. Since his release, the Plaintiff has
20 been charged with violation of his special sentence of lifetime supervision by failing to
21 enroll in a sexual offender class and for being arrested for simply battery. The battery charge
22 was dismissed and the Plaintiff provided proof that he attended well over a dozen similar
23 classes while incarcerated. However, the State is still attempting to convict Plaintiff Doe of
24 this Class B Felony. Doe 11 is unable to afford the counseling that is now being ordered
although he has already successfully completed years of counseling.

Doe 11

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

16 **Doe 12**

17 65. Plaintiff Doe 12 accepted an Alford plea pursuant to plea agreement on April
18 2, 2009. The court sentenced Plaintiff 12 to probation and a special sentence of lifetime
19 supervision. The conditions of probation were specifically set forth in the judgment of
20 conviction and they could be found at NRS 176A.410. The conditions that would comprise
21 Plaintiff Doe 12's special sentence of lifetime supervision were never codified at law and
22 are more onerous than his conditions of probation. The Plaintiff's conditions of lifetime
23 supervision were imposed on December 5, 2012. Since that time, the Plaintiff has been
24 denied the opportunity to travel to the Philippines to fulfill the mandate of his K-1 visa. This

1 prohibition has prevented the Plaintiff from marrying the woman he loves. The Plaintiff is a
2 disabled and decorated combat veteran. He served in the Army from December of 1983 to
3 January of 1996. His DD214 lists the following decorations, medals etc. "NDSM // VSM
4 W/1BSS // RVCN, AFM900-3" indicating he was present in these operations during
5 conflict. The Department of Veterans Affairs has officially diagnosed this Plaintiff with
6 Combat Related Post Traumatic Stress Disorder (CR PTSD). Plaintiff Doe 12 underwent a
7 psychosexual evaluation before sentencing and received the lowest possible score. The
8 Plaintiff has a Master's Degree in Public Administration and a Bachelor's Degree in
9 Computer Management. The conditions of lifetime supervision have prevented his use of a
10 computer without a disruptive monitoring system. This Plaintiff has been prevented from
11 family affairs and visits because of the possibility of a minor being present.

9 **Doe 13**

10 66. Plaintiff Doe 13 accepted a plea agreement on September 19, 2007. On
11 January 9, 2008, Plaintiff Doe 13 was sentenced to probation not to exceed the years. The
12 conditions of his probation were detailed in his Judgment of Conviction. They were derived
13 from existing law, found and referenced at NRS 176A.410. Plaintiff Doe 13 was also
14 sentenced to a special sentence of lifetime supervision. Those conditions were not detailed
15 in either the plea agreement or in the Judgment of Conviction. The reason for this failure is
16 because these conditions were not codified under Nevada law. The conditions of the special
17 sentence of lifetime supervision would later be developed, and imposed upon Plaintiff Doe
18 13 through the Adult Probation Department of the Pinal County Superior Court. Those
19 conditions include prohibitions on travel outside the county unless previous permission is
20 obtained. Plaintiff Doe 13 cannot operate a car alone without prior permission. The location
21 of the Defendant's residence must receive prior approval from the Adult Probation
22 Department. These onerous conditions are being imposed through the conduit of Plaintiff
23 Doe's Nevada Lifetime Supervision sentence. The conditions have had a disabling impact
24 on Doe 13's life. He was forced to switch occupation as phone line splicer because of the
travel restrictions. He has not been able to engage in any relationships with the women he
has met because they have children and he cannot be near children. He cannot go to a movie

1 without getting prior permission. Recently, his best friend died but he was unable to attend
2 the funeral because of the travel restrictions.

3 **Doe 14**

4 67. Plaintiff Doe 14 is a fifty-five year old male who entered in a plea agreement
5 with the State of Nevada on January 6, 2003, pleading guilty to one count of Attempt
6 Lewdness with a Minor (Category B Felony) and one count of False Imprisonment (Gross
7 Misdemeanor). The date of offense was August 31, 2002. On March 10, 2003 Plaintiff Doe
8 14 was sentenced to a term of probation and a special sentence of lifetime supervision. The
9 Defendant has been continuously gainfully employed for the entire time he has been on both
10 probation and lifetime supervision. Plaintiff Doe 14 was given an Order Honorably
11 Discharging Probationer on March 21, 2007. Soon thereafter, he was forced to file a lifetime
12 supervision agreement in accordance with his special sentence of lifetime supervision.
13 Plaintiff Doe 14 has recently been assessed in a psychosexual evaluation and has been
14 determined to present the lowest statistical risk of reoffending. Over the past several weeks,
15 as a direct consequence of his special sentence of lifetime supervision Plaintiff Doe 14 was
16 denied a supervisory position at the mortgage company he works at because of travel
17 restrictions imposed by the "Board" through his agreement. This lost opportunity will cost
18 the Plaintiff thousands of dollars in increased pay. In 2007, this Plaintiff was forced to
19 relocate his mother from Phoenix, Arizona to Henderson, Nevada. His mother was suffering
20 from Alzheimer's disease and because of his travel restrictions Plaintiff Doe 14 could not
21 visit her. Each time this Plaintiff wants to travel to see his family or his girlfriend's family
22 he must apply for a travel pass. This Plaintiff has been forced to place monitoring devices on
23 all of his phones and computers, endangering his employability at his current company.

24 **Doe 15**

68. Plaintiff Doe 15 accepted a plea agreement on January 25, 2013, pleading to
one count of Luring Children or Mentally Ill Persons with Use of Technology with Intent to
Engage In Sexual Conduct, on April 17, 2013. Doe 15 was sentenced to a term of probation
and a special sentence of lifetime supervision. On December 30, 2013, Doe 15's probation
was revoked and he was resentenced to a term of imprisonment in the Nevada Department

1 of Corrections. Doe 15's Lifetime Supervision Agreement was activated on June 24, 2015.
2 The restrictions have had a harsh and punitive effect on his ability to find a job. He is not
3 allowed internet access all prospective jobs have required on line application. Doe 15's
4 family lives in Arizona. His travel restrictions prevent him from visiting them and attending
5 family functions. Doe 15 has a bartender's license but his curfew provision prevents him
6 from working at night. The Doe 15 wants to return to Arizona where his friends, family and
7 support system is but he is unable to move because of his current restrictions. Doe 15 cannot
8 attend a movie, he cannot drink alcohol, and he cannot be in the same room with someone
9 under the age of eighteen unless an adult is present and with prior approval of his probation
10 officer. Doe 15 is prohibited from possessing any device that has internet capability. He is
11 subject to random searches and random polygraphs.

9 **Doe 16**

10 69. Plaintiff Doe 16 accepted a plea agreement on October 6, 2006. On June 30,
11 2005, Plaintiff Doe 16 was sentenced to probation and a special sentence of lifetime
12 supervision. The residency and movement restrictions caused by his lifetime supervision
13 have prevented him from relocating to live with his girlfriend and child in Colorado. He has
14 also had occupational opportunities denied because of the restrictions imposed by the special
15 sentence of lifetime supervision. He has been honorably discharged from counseling. He has
16 been independently assessed as a low risk to reoffend. He has attended university and
17 maintained a 3.9 grade average. Plaintiff Doe's home was searched and his computers taken
18 as a result of his supervision. These actions have caused him to be unable to complete work
19 and school work.

18 **Doe 17**

19 70. Plaintiff Doe 17 lost his employment in 2010 after the department
20 supervising his lifetime supervision contacted his employer. Doe 17 has sated "I have
21 followed every rule and restriction and am doing what I am told to do ... (these) restrictions
22 make it virtually impossible to lead even a life that consists only of work and sleep." His
23 travel has been restricted and his residency has been restricted. Some of the restrictions
24

1 imposed on Plaintiff Doe 17 through lifetime supervision were codified at law when he
2 committed the offenses between February 1, 2003 and March 31, 2003.

3 **Doe 18**

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

7 **Doe 19**

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

15 **Doe 20**

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

20 **Doe 21**

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

Doe 22

75. 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, employment, curfew, associations with other person, and his ability to travel.

1 None of the conditions currently imposed upon Plaintiff Doe 22 existed in law when the
2 offenses were committed.

3 **Doe 23**

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

11 **Doe 24**

12 77. Plaintiff Doe 24 has had his residency, movement, and travel restricted
13 because of his special sentence of lifetime supervision.

14 **Doe 25**

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

17 **Doe 26**

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

21 **Doe 27**

22 80. Plaintiff Doe 27 has had his residency, movement, and travel restricted
23 because of his special sentence of lifetime supervision.

24 **Doe 28**

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

Doe 29

82. Plaintiff Doe 29 accepted a plea agreement filed with the district court, Clark
County, Nevada on September 12, 2011 entering an Alford plea to Attempt Sexual Assault.

1 On January 19, 2012, the Court sentenced the Defendant to twelve (12) to forty-eight (48)
2 months in the Nevada Department of Corrections. Doe 29 was also sentenced to serve a
3 special sentence of lifetime supervision. He is currently serving his sentence of lifetime
4 supervision. This sentence has restricted his movement, travel, and residency. Plaintiff Doe
5 is a small business owner employing upwards of forty to sixty people. His sentence of
6 lifetime supervision has prevented Doe 29 from internet access, necessary to run his
7 company. Doe 29 has been denied housing because of his special sentence of lifetime
8 supervision. He was honorably discharged from parole and he has successfully completed
9 multiple stages of counseling.

8 **Doe 30**

9 83. Plaintiff Doe 30 will be required by the Board to execute a standard lifetime
10 supervision agreement within the next several months as a requirement for his termination of
11 parole. The lifetime supervision agreement, it is expected, will restrict Doe 30's residency,
12 travel, employment, and movement, as the other lifetime supervision agreements do to the
13 other Plaintiff Does. None of the punitive conditions that will be placed upon Plaintiff Doe
14 30 existed at law in 2004 when he committed the offenses which permitted the special
15 sentence of lifetime supervision to be imposed.

14 **Doe 31**

15 84. Plaintiff Doe 31 will be required by the Board to execute a standard lifetime
16 supervision agreement as soon as his probation ends. The lifetime supervision agreement, as
17 with all others, will restrict his residency, movement, employment, association, and travel
18 rights.

18 **Doe 32**

19 85. Plaintiff Doe 32 is currently serving a special sentence of lifetime supervision
20 which restricts his residency, movement, travel, association and employment rights. These
21 restrictions did not exist at law when the offense for which he was sentenced was
22 committed.

21 **Doe 33**

1 86. Plaintiff Doe 33 is currently serving his special sentence of lifetime
2 supervision. His travel, residency, employment and association rights have been severely
3 impacted by his special sentence of lifetime supervision.

4 **Doe 34**

5 87. Plaintiff Doe 34 is currently serving his special sentence of lifetime
6 supervision through the probation authorities of Travis County, Texas. Texas has no lifetime
7 supervision so the special conditions that comprise Plaintiff's sentence of lifetime
8 supervision are determined in an *ad hoc* manner by the authorities in Texas based upon the
9 lifetime supervision agreement imposed in Nevada. This Plaintiff has been subjected to
10 unwritten terms of lifetime supervision outside of the lifetime supervision agreement.
11 Plaintiff Doe 34 has strict residency requirements. Plaintiff Doe 34 is not allowed to travel
12 outside of Travis County, Texas. Plaintiff Doe 34 cannot have a child and live with that
13 child without the prior express consent of parole and probation authorities in Texas and
14 Nevada, even though he is on neither parole nor probation. This Plaintiff cannot seek or hold
15 employment outside of Travis County, Texas. This Plaintiff, should he get divorced, must
16 get approval from probation authorities to date another woman. Texas authorities have
17 determined that based upon the unfettered authority granted by Nevada's lifetime
18 supervision agreement that they can improvise and implement any condition necessary to
19 supervise Plaintiff Doe 34.

20 **Doe 35**

21 88. Plaintiff Doe 35 has been court ordered to sign a lifetime supervision
22 agreement upon the expiration of his parole in November, 2016. His standard lifetime
23 supervision agreement will restrict his residency, movement, travel, association, and
24 employment rights. These restrictions did not exist at law when the offense for which he was
sentenced was committed.

FIRST CAUSE OF ACTION

**Violation of the Fourteenth Amendment to the United States Constitution under
42 U.S.C. § 1983; Nevada Constitution, Article 1, § 8(5)
(Procedural Due Process)**

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

90. This claim is brought by all Plaintiffs against all Defendants.

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

92. Nevada Constitution, Article 1, § 8(5), states that, “[n]o person shall be deprived of life, liberty or property without due process of law.”

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

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

95. Moreover, N.R.S. 213.1243 is void for vagueness because it fails to sufficiently define “a violation of a condition,” since N.R.S. 213.1243 enumerates only four of the conditions that an offender could potentially violate pursuant to the program of lifetime supervision in violation of the Due Process Clause of the Fourteenth Amendment. These conditions only apply to a certain tier level offender.

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

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

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

13 **SECOND CAUSE OF ACTION**
14 **Violation of the Fourteenth Amendment to the United States Constitution under**
15 **42 U.S.C. § 1983; Nevada Constitution, Article 1, § 8(5)**
16 **(Substantive Due Process)**

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

19 100. This claim is brought by all Plaintiffs against all Defendants.

20 101. The conditions imposed by the Board pursuant to N.R.S. 213.1243
21 infringe on Plaintiffs’ fundamental rights to marry, travel, raise their children, and
22 reside with their families in violation of the Due Process Clause of the Fourteenth
23 Amendment to the United States Constitution, and Nevada Constitution, Article 1, §
24

1 8(5).

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

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6 **THIRD CAUSE OF ACTION**
7 **Violation of the Fourteenth Amendment to the United States Constitution under**
8 **42 U.S.C. § 1983; Nevada Constitution, Article 1, § 4**
9 **(First Amendment)**

10 103. Plaintiffs incorporate by reference all preceding paragraphs of this
11 Complaint as though fully set forth herein.

12 104. This claim is brought by all Plaintiffs against all Defendants.

13 105. The First Amendment protects the freedom of religion and right to
14 assemble. U.S. Const. Amend. I.

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

17 108. Nevada Constitution, Article 1, § 4 provides protections for “[t] free
18 exercise and enjoyment of religious profession.”

19 109. The conditions imposed by the Board pursuant to N.R.S. 213.1243
20 prohibits Plaintiffs from attending religious services in violation of the Free
21 Exercise Clause of the First Amendment as incorporated into the Due Process
22 Clause of the Fourteenth Amendment, and Nevada Constitution, Article 1, § 9 and
23 Nevada Constitution, Article 1, § 4.
24

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

6 111. Each of these constitutional violations has injured, or will imminently
7 injure Plaintiffs, which entitles Plaintiffs to declaratory and injunctive relief and
8 damages.

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10 **FOURTH CAUSE OF ACTION**
11 **Violation of the Fourteenth Amendment to the United States Constitution under**
12 **42 U.S.C. § 1983**
13 **(Equal Protection)**

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

16 113. This claim is brought by all Plaintiffs against all Defendants.

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

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

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

4 **FIFTH CAUSE OF ACTION**

5 **Violation of the Fourteenth Amendment to the United States Constitution under**
6 **42 U.S.C. § 1983; Nevada Constitution, Article 1, § 6.**
7 **(Cruel & Unusual Punishment)**

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

10 119. This claim is brought by all Plaintiffs against all Defendants.

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

14 121. Nevada Constitution, Article 1, § 6 prohibits cruel and unusual
15 punishment.

16 122. A violation of the conditions imposed by the Board pursuant to N.R.S.
17 213.1243 subjects an offender to another felony and a mandatory sentence of at
18 least one to six years imprisonment and a discretionary fine not to exceed
19 \$5,000. The sentence received for a violation of a condition inflicts a sentence
20 disproportionate to the actual condition violated.

21 123. Each of these constitutional violations has injured, or will imminently
22 injure Plaintiffs, which entitles Plaintiffs to declaratory and injunctive relief and
23 damages.

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SIXTH CAUSE OF ACTION

**Violation of the Fourteenth Amendment to the United States Constitution under
42 U.S.C. § 1983; Nev. Const., Art. 1, § 18(1)
(Double Jeopardy)**

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

125. This claim is brought by all Plaintiffs against all State Defendants.

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

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

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

SEVENTH CAUSE OF ACTION

**Violation of Article 1, Section 9 to the United States Constitution under
42 U.S.C. § 1983; Nevada Constitution, Article 1, § 15
(Ex Post Facto)**

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

1 130. This claim is brought by all Plaintiffs against all State Defendants.

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

4 132. Nevada Constitution, Article 1, § 15 prohibits any ex post facto law.

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

11 134. Each of these constitutional violations has injured, or will imminently
12 injure Plaintiffs, which entitles Plaintiffs to declaratory and injunctive relief and
13 damages.

14 **EIGHTH CAUSE OF ACTION**

15 **Violation of Article 1, Section 10, Clause 1 to the United States Constitution under**
16 **42 U.S.C. § 1983; Nev. Const., Art. 1, § (15)**
17 **(Contract Clause)**

18 135. Plaintiffs incorporate by reference all preceding paragraphs of this
19 Complaint as though fully set forth herein.

20 136. This claim is brought by all Plaintiffs against all State Defendants.

21 137. The Contract Clause of the United States Constitution provides that “No
22 State shall...pass any...Law impairing the Obligation of Contracts. U.S. Const.
23 art. I, § 10.
24

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

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

15 **NINTH CAUSE OF ACTION**
16 **Violation of the Fourteenth Amendment to the United States Constitution under**
17 **42 U.S.C. § 1983; Nev. Const., Art. 3, § 1(15)**
18 **(Separation of Powers)**

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

21 141. This claim is brought by all Plaintiffs against all State Defendants.

22 142. N.R.S. 213.1243 violates the Separation of Powers doctrine by
23 delegating the power to legislate to an executive agency without any intelligible
24

1 standards and allowing the executive agency to interpret and apply the law
2 infringing on both the legislative and judicial branches' powers granted under
3 the United States and Nevada Constitutions.

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

7 **TENTH CAUSE OF ACTION**
8 **Violation of Article 1, Section 9 to the United States Constitution under**
9 **42 U.S.C. § 1983; Nevada Constitution, Article 1, § 15**
10 **(Bill of Attainder)**

11 144. Plaintiff incorporates by reference all preceding paragraphs of this
12 Complaint as though fully set forth herein.

13 145. This claim is brought by all Plaintiffs against all State Defendants.

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

18 147. Nevada Constitution, Article 1, § 15 prohibits any bill of attainder.

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

22 **ELEVENTH CAUSE OF ACTION**
23 **(Intentional or Fraudulent Misrepresentation)**

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

3 150. Plaintiffs reached plea agreements with the State of Nevada.

4 151. The specific residency and movement requirements were that would be
5 imposed were not explained to Plaintiffs, who only discovered them in an ex
6 post facto manner.

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

10 153. This representation by omission was done with knowledge or belief that
11 the representation by omission of the residency and movement restrictions was
12 done to induce Plaintiffs to enter into a plea agreement.

13 154. Plaintiffs justifiably relied on the representation and were damaged as a
14 result of this reliance, by having residency and movement restrictions applied to
15 them retroactively.

16 155. Each of these violations has injured, or will imminently injure Plaintiffs,
17 which entitles Plaintiffs to declaratory and injunctive relief and damages.

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

19 as follows:

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

1
2 By: /s/ Gary A. Modafferi

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CERTIFICATE OF SERVICE

I hereby certify that I served all parties with Plaintiffs' Amended Complaint, and Exhibits via the Court's electronic service and filing system on October 11, 2016.

/s/ Allen Lichtenstein