

# PRISONER REVIEW BOARD

## EN BANC MINUTE SHEET: MEETING OF January 26, 2017

The Illinois Prisoner Review Board met in open en banc session at 319 E. Madison, Springfield, IL, on January 26, 2017 at the 8:00 a.m. session to discuss and deliberate parole eligibility for the following inmates:

<b>C01341</b>	<b>Walter McCottrell</b>
<b>L10298</b>	<b>Dwight Johnson</b>
<b>C01583</b>	<b>Wilbert Lipscomb</b>
<b>C10286</b>	<b>Phillip Soper</b>
<b>L13943</b>	<b>Dewayne Roby</b>
<b>C66348</b>	<b>Roy King</b>
<b>C80186</b>	<b>Ronnie Carrasquillo</b>

The meeting was called to order by Chairman Findley  
Roll call was taken by the Recording Secretary: Robynn Davis

<u>MEMBER</u>	<u>PRESENT</u>	<u>ABSENT</u>
Mr. Ed Bowers	X	
Ms. Edith Crigler	X	
Mr. Salvador Diaz		X
Mr. Gary Duncan	X	
Mr. Donald Wayne Dunn	X	
Mr. Pete Fisher	X	
Ms. Vonetta Harris	X	
Mr. Tom Johnson	X	
Mr. William Norton	X	
Mrs. Aurthur Mae Perkins	X	
Mr. Donald Shelton	X	
Mr. Ken Tupy	X	
Chairman Craig Findley	X	

12 Members Present

**\*\*Member Salvador Diaz was present via phone for vote for the Ronnie Carrasquillo set vote only\*\***

The Recording Secretary presented the following minutes for approval:  
Open Session Minutes from **December 15, 2016. (PF-KT)**. Leave

Meeting was adjourned (TJ –EC). Leave.  
Submitted by: Robynn Davis, Recording Secretary

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## **PRISONER REVIEW BOARD**

### **EN BANC MINUTE SHEET OPEN SESSION— JANUARY 26, 2017**

Inmate Name: **WALTER MCCOTTRELL**      IDOC Number & Institution: **C01341**

The Illinois Prisoner Review Board met in open *en banc* session at 319 E. Madison Street, Springfield, IL on January 26, 2017, at the 8:00 a.m. session to discuss and deliberate parole eligibility for Walter McCottrell, IDOC #C01341.

Members present were: E. Bowers, E. Crigler, G. Duncan, D.W. Dunn, P. Fisher, V. Harris, T. Johnson, W. Norton, A.M. Perkins, D. Shelton, K. Tupy and Chairman Findley.

Other(s) present: Robynn Davis, Recording Secretary

Presenting board member, Ms. Harris, requested to continue Inmate McCottrell's case in order to obtain additional information on his case.

The case has been continued to February 23, 2017.

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### **EN BANC MINUTE SHEET OPEN SESSION— JANUARY 26, 2017**

Inmate Name: **DWIGHT JOHNSON**      IDOC Number & Institution: **L10298**

The Illinois Prisoner Review Board met in open *en banc* session at 319 E. Madison Street, Springfield, IL on January 26, 2017, at the 8:00 a.m. session to discuss and deliberate parole eligibility for Dwight Johnson, IDOC #L10298.

Members present were: E. Bowers, E. Crigler, G. Duncan, D.W. Dunn, P. Fisher, V. Harris, T. Johnson, W. Norton, A.M. Perkins, D. Shelton, K. Tupy and Chairman Findley.

Other(s) present: Robynn Davis, Recording Secretary

Summary of discussion for parole consideration:

Inmate Dwight Johnson, L10298, was interviewed at Dixon Correctional Center on December 1, 2016. Present for the interview were Inmate Johnson and Board Member Edith Crigler.

The inmate is a 64-year-old male who is serving 100 to 200 years for Murder and Armed Robbery. On October 18, 1997, Inmate Johnson, along with his brother, entered a grocery store and announced that they were committing a robbery. They made the owner and two customers lie down behind the meat counter. Another customer, the victim Flo Pitchford, enter the store to purchase a newspaper, unaware that a robbery was in progress. She was also told to lie down on the floor. The inmate and his co-offender finished taking money and demanded guns. As Inmate Johnson was leaving the store he turned, and for no reason, shot victim Flo Pitchford in the head, killing her.

Inmate Johnson was not arrested until a year later when Chicago Police went to Cook County Jail to interview Fred Johnson, the inmate's Johnson's brother and co-offender. While the police were waiting to speak with Fred Johnson, inmate Dwight Johnson arrived to visit his brother. He was confronted by the Chicago police officers and acknowledged that his nickname was "Ike" and he was subsequently taken into custody.

He initially denied involvement in the robbery and murder, but when confronted with evidence of his fingerprint he admitted he was involved in the robbery, but denied killing the victim. He now admits that he shot the gun, but claims that it was an accident and he was only attempting to keep anyone from following them out of the store.

Ms. Crigler noted that Inmate Johnson has appealed his case and lost the appeal. He has not any tickets since 2010. He did not take any classes or programs while in prison, be Mr.

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Johnson stated that he has been working in order to send money to his family. His institutional adjustment is excellent.

Ms. Crigler noted that Inmate Johnson's parole plans are weak, to the extent of not having any actual parole plans. Mr. Johnson was not forthcoming with a parole plan or institutional adjustment.

Board Member Shelton noted that Inmate Johnson's story is different each time he is heard by a board member. He had a different version of the story when he was heard by Mr. Shelton. Mr. Shelton noted that Inmate Johnson was quiet during his interview with him and Mr. Shelton believes that the inmate may potentially be slow. Up until Mr. Shelton's interview with Inmate Johnson, Inmate Johnson had continually claimed that the fingerprints were not his. Mr. Shelton's biggest concern is that Inmate Johnson is not honest.

Ms. Crigler noted that it appeared like Inmate Johnson idolized his brother, who was also his co-defendant, and may have been led into his actions.

Board Member Duncan requested to know if Inmate Johnson has ever received any votes. Ms. Crigler confirmed that he had received one previous when he was presented by Board Member Perkins.

Motion to go into closed session (TJ-DS)

Motion to return to open session (EB-TJ)

Board Member Harris requested to know how much time Inmate Johnson has served and how old he was at the time of the offense. Ms. Crigler noted that Inmate Johnson has served approximately 35 years and was 25 at the time of the offense.

Board Member Tupy noted that Inmate Johnson has not parole plan and requested to know if he has contacted family or half-way houses. Ms. Crigler responded that Inmate Johnson has not had contact with either his family or a half-way house in order to secure a place to reside upon his release.

Mr. Shelton stated that he believed that Inmate Johnson was potentially dragged into the robbery by his brother, but that the Murder was not an accident.

The Cook County State's Attorney noted that the defendant's brother pled guilty and received a 75 year sentence. His brother completed his time, was moved to DHS and has since passed away. The Cook County State's Attorney's Office does not believe that Inmate Johnsons appears to be slow, but rather that he is extremely manipulative as he blames other for planting fingerprints and refuses to take responsibility for his actions. The Cook County State's Attorney noted that it appears that Inmate Johnsons doesn't really care and wants to stay in prison. The Cook County State's Attorney is requesting a 5-year set due to request of the victims and Inmate Johnson's failure to take responsibility for his actions.

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After a complete discussion by the Board and a review of all the facts, the Board voted to deny parole at this time. The Board felt that to grant parole would show complete disrespect for the law and deprecate the serious nature of the offense.

Motion to deny parole (EC-EB). Motion prevails by a vote of 12 to 0. Leave.

Motion for a 3 year set (TJ-DS). Motion Carries by a vote of 7-5. Members voting in favor of the motion are Mr. Bowers, Mr. Dunn, Mr. Fisher, Mr. Johnson, Mr. Norton, Ms. Perkins, and Mr. Shelton.

*“The Board makes a specific finding that the release of victim protest letters could subject a person to actual risk of physical harm.”*

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## EN BANC MINUTE SHEET OPEN SESSION— JANUARY 26, 2017

Inmate Name: **WILBERT LIPSCOMB**

IDOC Number & Institution: **C01583**

The Illinois Prisoner Review Board met in open *en banc* session at 319 E. Madison Street, Springfield, IL on January 26, 2017, at the 8:00 a.m. session to discuss and deliberate parole eligibility for Wilbert Lipscomb, IDOC #C01583.

Members present were: E. Bowers, E. Crigler, G. Duncan, D.W. Dunn, P. Fisher, V. Harris, T. Johnson, W. Norton, A.M. Perkins, D. Shelton, K. Tupy and Chairman Findley.

Other(s) present: Robynn Davis, Recording Secretary

Summary of discussion for parole consideration:

Inmate Wilbert Lipscomb was interviewed for parole consideration at Dixon Correctional Center on December 1, 2016.

He was convicted in Cook County of MURDER (100-150 years), ATTEMPT MURDER (10-20 years), and ARMED ROBBERY (10-20 years), these events taking place inside K&W Hardware, 159 N. Cicero Avenue, Chicago. His younger brother, Carl Lipscomb, was a co-offender.

Carl, after pleading guilty to the charges, received a lesser sentence of 25-75 years for the murder. Wilbert was convicted via jury trial.

Wilbert and Carl Lipscomb entered and exited the store twice prior to re-entering and committing the robbery. After their third entrance Wilbert Lipscomb suddenly shot Richard White, a clerk, before shooting Jerome Wells, the owner.

Mr. Wells died at the scene after being struck nine (9) times in the head and chest by bullets from two different guns – both guns used by Wilbert Lipscomb. Mr. White survived after the loss of a kidney and a portion of his liver; he continues to have degenerative and debilitating health problems requiring surgical intervention to this day.

Although Carl is known to have displayed a gun during the robbery, the gun is believed to have been a starter pistol incapable of firing bullets.

Wilbert and Carl Lipscomb were identified almost immediately as their flight from the direction of the store into their nearby home was witnessed by neighbors, who directed the police to the Lipscomb residence. Within 45 minutes of the robbery, a firearm, later determined to be one of the murder weapons, was recovered from the Lipscomb residence, as were a non-firing starter pistol, several spent casings, and a check made payable to H&K Hardware.

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Inmate Wilbert Lipscomb was identified by the surviving victim as a participant in the robbery and as the actual shooter. He was also identified by a neighbor as one of the persons running from the crime scene. A gun determined to be the murder weapon was recovered from inside his residence. At the time of his arrest he was in possession of a second firearm that was said to match the description of one of the guns used in the crime, although this gun – associated with a different case number - was inadvertently destroyed by the investigating police department prior to trial.

Co-offender Carl Lipscomb was arrested in an alley behind the residence on the day of the robbery. Inmate Wilbert Lipscomb remained at large for one month before being arrested.

Inmate Wilbert Lipscomb appealed both his conviction and the severity of his sentence. In 1974, the Appellate Court, in affirming both conviction and sentence, made reference to the “brutality” of the crime.

Inmate Wilbert Lipscomb has, throughout his incarceration, denied involvement in the crimes for which he stands convicted. His account has varied from: not having been involved at all (prior to 2009); having been present at the scene but not guilty of the crime (2009); not having been at the scene; not being able to remember if he was at the scene; and having flashbacks of victim Richard White shooting at him as he was running (2016).

Inmate Lipscomb’s release plans are to reside at St. Leonard’s or with his daughter. Mr. Lipscomb has no prior votes and is coming off of a 5-year set.

Mr. Lipscomb Spin Assessment shows that he has prior childhood trauma and is at a high risk for recidivism.

Board Member Fisher requested to know Mr. Lipscomb’s release date, which is January 10, 2036.

The State’s Attorney spoke and made note of the inmate’s new defense claim. He noted that Mr. Lipscomb has created a ripple effect that has destroyed families. He is requesting a 5-year set.

The Board has credible testimony regarding the continued suffering yet being experienced by members of the surviving victim and members of the victims’ families. Strong opposition to parole release continues. The Board has received no correspondence in support of parole in recent years.

Owing in large part to inmate Wilbert Lipscomb’s unwillingness or inability to take responsibility for a brutal murder, the Board finds that a grant of parole is yet inappropriate and would deprecate the seriousness of the crime.

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Motion to deny parole (DS-EB). Motion prevails by a vote of 12 to 0. Leave.

A motion was made by a 5-year set (DS-PF), this motion was subsequently withdrawn and a new motion was made for a 3-year set (DS-TJ). Motion Carries by a vote of 10-1. Members voting in favor of the motion are Mr. Bowers, Mr. Dunn, Chariman Findley, Mr. Fisher, Ms. Harris, Mr. Johnson, Mr. Norton, Ms. Perkins, Mr. Shelton and Mr. Tupy.

*“The Board makes a specific finding that the release of victim protest letters could subject a person to actual risk of physical harm.”*



# PRISONER REVIEW BOARD

## EN BANC MINUTE SHEET OPEN SESSION— JANUARY 26, 2017

Inmate Name: **PHILLIP SOPER**

IDOC Number & Institution: **C10286**

The Illinois Prisoner Review Board met in open *en banc* session at 319 E. Madison Street, Springfield, IL on January 26, 2017, at the 8:00 a.m. session to discuss and deliberate parole eligibility for Phillip Soper, IDOC #C10286.

Members present were: E. Bowers, E. Crigler, G. Duncan, D.W. Dunn, P. Fisher, V. Harris, T. Johnson, W. Norton, A.M. Perkins, D. Shelton, K. Tupy and Chairman Findley.

Other(s) present: Robynn Davis, Recording Secretary

### Summary of discussion for parole consideration:

Inmate Philip Soper was interviewed on November 30, 2016 for parole consideration at Stateville Correctional Center. Factors considered include, but not limited to, his testimony, a review of the file, parole plans, and institutional adjustment.

He is a 69-year-old male serving 150-200 years for two counts of murder. The murders were committed in McHenry County. He murdered Marlene Ahrens on December 17, 1970 and Guenther Dolenske on December 18, 1970. He also has warrants, a life sentence in Wisconsin for four murders, and he admits to killing people in Ohio.

Ms. Crigler noted that Inmate Soper had little to say about his offense. He answered the questions asked by her, but had very little additional information to add to the overall conversation.

He has been at Stateville since 2014 and he is housed in general population. He does not have a high school education and claims to have taken the TABE test. His last ticket was in 2014. His parole plans are to live with his sister if he is not taken to Wisconsin. The offender doesn't have any skills on paper but states that he is a chef.

Ms. Crigler noted that when she asked Mr. Soper why he killed, he responded, "I lead a charmed life." He also noted that he did not recall the offense.

Ms. Crigler motioned to go into closed session (EC-PF)

Ms. Crigler motioned to return to open session (EC-PF)

Mr. Soper's sister claims that he was beaten by his father as a child, although Mr. Soper does not recall this occurring.

Board Member Harris requested to know Mr. Soper's MSR date. Ms. Crigler confirmed that the date is 2160. Board Member Johnson asked about the results of Mr. Soper's risk

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assessment. Ms. Crigler noted that the assessment noted that Mr. Soper has a mental health issues and is disabled.

The Board considered all relevant information during the *en banc* Session. It was determined that parole at this time would deprecate the seriousness of the law and promote disrespect for the law.

To parole Mr. Soper would deprecate the seriousness of the crime.

Motion to deny parole (EC-AMP). Motion prevails by a vote of 12 to 0. Leave.

Motion for a 3-year set (PF-TJ). The motion was withdrawn by Board Member Fisher.

Motion for a 5-year set (PF-TJ). Motion Carries by a vote of 11-0. Members voting in favor of the motion are Mr. Bowers, Ms. Crigler, Mr. Duncan, Mr. Dunn, Chairman Findley, Mr. Fisher, Ms. Harris, Mr. Johnson, Mr. Norton, Mr. Shelton and Mr. Tupy.

*“The Board makes a specific finding that the release of victim protest letters could subject a person to actual risk of physical harm.”*

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### **EN BANC MINUTE SHEET OPEN SESSION— JANUARY 26, 2017**

Inmate Name: **DEWAYNE ROBY**

IDOC Number & Institution: **L13943**

The Illinois Prisoner Review Board met in open *en banc* session at 319 E. Madison Street, Springfield, IL on January 26, 2017, at the 8:00 a.m. session to discuss and deliberate parole eligibility for Dewayne Roby, IDOC #L13943.

Members present were: E. Bowers, E. Crigler, G. Duncan, D.W. Dunn, P. Fisher, V. Harris, T. Johnson, W. Norton, A.M. Perkins, D. Shelton, K. Tupy and Chairman Findley.

Other(s) present: Robynn Davis, Recording Secretary

Summary of discussion for parole consideration:

Board Member Norton recused himself from the hearing as him voting on this case would be a conflict of interest since he previous represented Mr. Roby.

Board Member Dunn presented a summary of the parole interview and a review of all file materials.

Reviewing all factors available at this time, it is the Board's conclusion that the subject is a good risk for Parole.

Motion to grant parole (DWD-AMP). Motion carries 11-0-1. Leave. Mr. Norton abstained from the vote due to a prior professional relationship with Inmate Roby.

*“The Board makes a specific finding that the release of victim protest letters could subject a person to actual risk of physical harm.”*

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## EN BANC MINUTE SHEET OPEN SESSION— JANUARY 26, 2017

Inmate Name: **ROY KING** IDOC Number & Institution: **C66348**

The Illinois Prisoner Review Board met in open *en banc* session at 319 E. Madison Street, Springfield, IL on January 26, 2017, at the 8:00 a.m. session to discuss and deliberate parole eligibility for Roy King, IDOC #C66348.

Members present were: E. Bowers, E. Crigler, G. Duncan, D.W. Dunn, P. Fisher, V. Harris, T. Johnson, W. Norton, A.M. Perkins, D. Shelton, K. Tupy and Chairman Findley.

Other(s) present: Robynn Davis, Recording Secretary

### Summary of discussion for parole consideration:

Member Shelton presented a brief recap summary of the parole interview and file materials presented on November 17, 2016.

Inmate King was interviewed on August 31, 2016 at Hill Correctional Center. Roy King is a 65-year-old Caucasian male. Inmate King was sentenced to 50-150 years for Murder. Mr. King has previously received a three year set in 2013, a three year set in 2010, and a three year set in 2007.

Mr. King was convicted of the Murder, Armed Robbery, Robbery, Burglary, and Theft in 1976. Mr. King was granted parole by this board in 1993 after serving 17 years of his sentence. In August 1993, Mr. King's parole was violated and revoked due to Mr. King's conviction and new seven (7) year sentence for Aggravated Criminal Sexual Abuse. This victim of this crime was a 12-year old child that worked for Mr. King at his lawn mowing business. The victim had a troubled home life and eventually moved in with Mr. King and his wife. The victim was brought to Mr. King's family through the pastor at Mr. King's church. The victim became pregnant and a paternity test was eventually completed proving that Mr. King was the father of the now 13-year-old victim's baby. The offender's brother noted that the age of the victim was very obvious and that Mr. King knew he was committing a crime.

### Adjustment:

Mr. King's adjustment has been very good, having received one minor IDR (which was expunged) while housed at the Hill C.C. He is presently unassigned and has been in this status since arriving at Hill. Claims "C" numbers are not allowed to work. Mr. King receives occasional visits from his family, has no contact with his children though he longs for said contact. His previous attempts to contact his children resulted in disciplinary charges and transfer to Hill from Big Muddy.

Mr. King is not to have any contact the victim or his children. However Mr. King is insistent that he and his victim were in love at the time of the offense and he still desires to have

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a relationship with her and his children. Mr. King believes that his relationship with the victim was consensual, even though he was 45 at the time of the offense and the victim was only 12 years old.

Paroling Mr. King would deprecate the seriousness of the offense and promote disrespect for the law. The parole of Mr. King would have a severe impact on Mr. King's victim as well. The victim is petrified he will try to contact her and his children. Mr. King has not real parole plan other than a Christian-based halfway house.

Representatives from the Attorney General's Office indicated they would they would pursue Inmate King for SVP status.

After speaking to Mr. King he has no doubt he would try to contact the victim and his child if released.

After reviewing the case information Board Member Shelton reviewed the risk assessment that was completed on Mr. King. Per the risk assessment is has been noted that Mr. King has a high risk of reoffending.

Motion to affirm previous vote to deny parole (CF-DS). Motion prevails by a vote of 12 to 0. Leave.

Motion for a 3 year set (WN-TJ). Motion Carries 7-6. Members voting in favor of the motion are Mr. Bowers, Mr. Fisher, Mr. Johnson, Mr. Norton, Ms. Perkins, Mr. Shelton and Mr. Tupy.

*"The Board makes a specific finding that the release of victim protest letters could subject a person to actual risk of physical harm."*

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### **EN BANC MINUTE SHEET OPEN SESSION— JANUARY 26, 2017**

Inmate Name: **RONNIE CARRASQUILLO**      IDOC Number & Institution: **C80186**

The Illinois Prisoner Review Board met in open *en banc* session at 319 E. Madison Street, Springfield, IL on January 26, 2017, at the 8:00 a.m. session to review the 3-year set previously voted upon for Ronnie Carrasquillo, IDOC #C66348.

Members present were: E. Bowers, E. Crigler, G. Duncan, D.W. Dunn, P. Fisher, V. Harris, T. Johnson, W. Norton, A.M. Perkins, D. Shelton, K. Tupy and Chairman Findley. S. Diaz was present for the final vote via telephone.

Other(s) present: Robynn Davis, Recording Secretary

Summary of discussion for 3-year set review:

Member Crigler requested that the board reconsider the 3-year set which had previously been voted on by the board at the December *en banc* hearing. Member Crigler noted that Mr. Carrisquillo has had a good adjustment in the institution, as well as having a good and solid parole plan. Mr. Carrisquillo also has letters that were sent in on his behalf. Member Crigler requests the opportunity for Mr. Carrisquillo to be considered sooner than 3 years due to these factors. She notes that Mr. Carrisquillo has received votes in the past for parole and this feels like Mr. Carrisquillo was given further punishment.

Chairman Findley cited that there is precedent to revote on an issue, but only at a meeting immediately following the meeting where the original issue was heard. This allows the vote to be re-taken for the 3-year set as long as the board agrees to it.

Member Shelton requested to know if anyone had come to the December *en banc* to protest Mr. Carrisquillo's case. Chairman Findley noted that the protestors and victim's family were heard at Cook County.

Chairman Findley requested to know if the board wanted to revote on the 3-year set.

Member Norton noted that it seems that the attorney for Mr. Carrisquillo has requested the reconsideration, even though it is being presented by Member Crigler. Member Norton requested to know who is actually requesting the reconsideration.

Chairman Findley confirmed that the reconsideration is being requested by Member Crigler. He noted that only board members can make a motion to reconsider. It was noted that Member Crigler did speak to the attorney for Mr. Carrisquillo, but the attorney has no ability to request reconsideration.

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Member Norton noted that Member Diaz was present at the previous *en banc* and requested to know if Member Jones was still on the board at the time. Member Norton wanted to know how those members would be accounted for.

It was noted and confirmed that Member Jones was no longer on the board at the time of the December *en banc*, so that was not an issue. The issue was raised that Member Diaz was not present for this vote, but as he was present at the past vote, he should be voting on the issue as well. Member Johnson noted that he did speak to Member Diaz, and Member Diaz is against re-voting on the 3-year set.

Member Johnson stated that he has an issue with this procedure as it sets a terrible precedent. He noted that the case was already considered by the board and by reconsidering the issue; it opens the door for this to happen on other cases.

Chairman Findley noted that for this reason, there would be a vote by the board as to whether or not the reconsideration of the 3-year set should even be considered by the board.

Member Norton voiced his agreement with member Johnson. He did not understand the urgency to have the vote today, as not all board members are present.

Chairman Findley stated that the vote must happen at the next board meeting according to *Robert's Rules of Order Newly Revised*.

Member Duncan noted that he agreed with Member Crigler. He believes that most board members won't motion to reconsider cases that are done, and this case was different.

Motion to revoke on 3-year set (CF-DS). Motion Carries 7-5. Members voting in favor of the motion are Ms. Crigler, Mr. Duncan, Mr. Dunn, Chairman Findley, Ms. Harris, Ms. Perkins and Mr. Shelton.

Member Norton believes that in order for revoke that there should be some sort of new evidence or information to present to the board.

Member Crigler stated that she is upset that she could not get the votes for parole. She felt that the 3-year set was mean-spirited. She is asking the board to consider being human and allowing for a reduced set. Member Crigler asked that the board allow her the ability to be re-heard next year. Member Crigler noted that she approached the attorney for Mr. Carrisquillo and it was not the other way around. She also noted that a set should not be used to be more punitive.

Member Tupy requested to table the issue to next *en banc* as Member Diaz was the one who proposed the 3-year set. Member Tupy noted that Mr. Diaz should be able to defend the motion that he presented to the board. Member Tupy also stated that the board was able to table the issue until next *en banc* without affecting the process.

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Member Harris requested that Member Diaz be contact via phone.

Ms. Buckley and Chairman Findley attempted to contact Member Diaz, but he was not readily available. This matter will be held until later in the hearing. If Member Diaz calls back before the end of the hearing, a vote will be taken with him over the phone. Otherwise the matter will be tabled to next *en banc*.

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After hearing the last Cook County case, the Cook County State's Attorney requested that this matter be resolved so that he could leave for the day. A motion was made to table this matter to next *en banc*(KT-EB). This motion does not pass by a vote of 5-7. Members voting in favor of this motion are Mr. Bowers, Mr. Fisher, Mr. Johnson, Mr. Norton and Mr. Tupy.

A Motion was made for a 3-year set for Mr. Carrasquillo (CF-DS). The motion does not pass by a vote of 6-6. Members voting in favor of this motion are Mr. Bowers, Mr. Fisher, Mr. Johnson, Mr. Norton, Mr. Shelton and Mr. Tupy.

Directly after the vote Member Diaz called into the Chairman's phone regarding the Carrasquillo case. A motion was made to vacate the previous vote as Member Diaz was now available to vote (TJ-PF).

Mr. Diaz presented his reasoning for recommending a 3-year set to the board and a second vote was taken. Motion for a 3-year set (SD-TJ). The motion passes by a vote of 7 to 6. Members voting in favor of this motion are Mr. Bowers, Mr. Diaz, Mr. Fisher, Mr. Johnson, Mr. Norton, Mr. Shelton and Mr. Tupy.

*"The Board makes a specific finding that the release of victim protest letters could subject a person to actual risk of physical harm."*