



STATE OF ILLINOIS
 JB PRITZKER, GOVERNOR
PRISONER REVIEW BOARD

***EN BANC* MINUTE SHEET**
OPEN SESSION— April 25, 2024

The Illinois Prisoner Review Board met in open *en banc* session at 3000 South Dirksen Parkway, Springfield, Illinois, on April 25, 2024, at the 9:00 a.m. session to discuss and deliberate parole eligibility for the following individuals in custody:

C68712	Lett, Michael
K78834	Rice, Cion (Youthful Parole)
R30033	McKinley, Benard (Youthful Parole)

The meeting was called to order by Kenneth Tupy, Board Member.

Roll call was taken by Recording Secretary Alexandria Bryan.

<u>MEMBER</u>	<u>PRESENT</u>	<u>ABSENT</u>
Mr. Jared Bohland	X	
Mr. Matthew Coates	X	
Mr. William Delgado	X	
Ms. Julie Globokar	X	
Ms. Darryldean Goff	X	
Mr. Jeffrey Grubbs	X	
Mr. Rodger Heaton	X	
Ms. Robin Shoffner	X	
Ms. Carmen Terrones	X	
Ms. Krystal Tison	X	
Mr. Kenneth Tupy	X	

11 Members Present 0 Member Absent

The Board heard the case of Michael Lett C68712, Cion Rice K78834, and Benard McKinley R30033.

MINUTES FOR APPROVAL for 3/28/24: MCOATES - RHEATON

Open Session: KTUPY – WDELGADO

Meeting was adjourned by: MCOATES - KTUPY

Leave.



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***EN BANC* MINUTE SHEET
OPEN SESSION March 28, 2024**

Individual in Custody's Name: Benard McKinley

IDOC Number: R30033

The Illinois Prisoner Review Board met in open *en banc* session at 3000 South Dirksen Parkway, Springfield, Illinois, on March 28, 2024, at the 9:00 a.m. session to discuss and deliberate parole eligibility for Benard McKinley R30033.

Members present were Mr. Bohland, Mr. Coates, Mr. Delgado, Ms. Globokar, Ms. Goff, Mr. Grubbs, Mr. Heaton, Ms. Terrones, Ms. Tison, Ms. Shoffner, and Mr. Tupy.

Recording Secretary: Alexandria Bryan.

PRESENTATION OF INTERVIEW AND FILE

The basis for the Board's decision, at this time, is as follows:

PRESENTATION OF INTERVIEW AND FILE

This presentation is regarding Mr. Benard McKinley, who was convicted under the name of Bernard McKinley. On March 19, 2024, Mr. McKinley was interviewed by Board Member Dr. Julie Globokar via WebEx at Crossroads Adult Transition Center, where he is currently serving a sentence for Murder with Intent. He has been in custody for 23 years, since 2001, when he was 16 years old, and has a current mandatory supervised release date of March 20, 2026. The interview began at 9:03am and ended at 11:04am. Also present were four individuals speaking on Mr. McKinley's behalf, Mr. Karl Leonard of the Exoneration Project at University of Chicago, who represented Mr. McKinley in his *Miller* resentencing, Professors Jennifer Lackey and Sheila Bedi of Northwestern University, Mr. Andre Martin, who serves as the Program Director at Crossroads ATC, and Ms. Alisa Martin, Mr. McKinley's aunt. Mr. McKinley appeared in a dress shirt and tie and presented with an amiable, reflective, and professional demeanor.

STATEMENT OF FACTS

On June 24, 2001, Mr. McKinley, at the age of 16, shot and killed 23-year-old victim Mr. Abdo Serna-Ibarra. The victim and his friends were on their way to play soccer when confronted by Mr. McKinley and his friends. Words were exchanged between the two groups and a physical altercation took place between one of Mr. McKinley's friends and the victim. The victim's friends testified that they heard Mr. McKinley's friend who had just been punched, yell "shoot him, shoot him!". Mr. McKinley then either drew a gun from his waistband (per the statement or facts) or was handed a gun (as referenced in appellate court proceedings), chased the victim, and shot him once in the back and another several times after the victim turned around and raised his hands. Mr. McKinley's original sentence was 50 years for the murder with a consecutive 50-year term for the firearm enhancement, for a total sentence of 100 years to be served at 100%. His co-defendant pled guilty to second degree murder and was sentenced to 17.5 years in prison.



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Mr. McKinley's sentence was affirmed through several postconviction proceedings until the consideration of *Miller v. Alabama*, which found that the sentencing judge had failed to appropriately consider Mr. McKinley's age and maturity at the time of the offense. He was initially resentenced to 39 years. A further appeal found that the resentencing also failed to appropriately consider his youth at the time of the offense and subsequent rehabilitation. He was resentenced again, this time to 25 years.

CRIMINAL HISTORY

Mr. McKinley was a minor at the time of the present offense. Before his arrest for this murder, he had only minor interactions with the police, and there are no subsequent violations of the law on record.

INSTITUTIONAL ADJUSTMENT

Mr. McKinley's childhood was illuminated in his aunt's testimony and an analysis by Dr. Garbarino for his resentencing, which described a difficult childhood in which Mr. McKinley was exposed to violence, experienced rejection by his father, and was left by his mom to be raised by his grandmother at the age of two. He went on to pursue acceptance in the wrong crowds. He has no known noteworthy mental or physical health diagnoses.

In his 20 years of IDOC custody Mr. McKinley has had four tickets, none of which were for violence; his last ticket was in January 2008. In his interview Mr. McKinley repeatedly took responsibility for these tickets and refused to minimize their significance despite their nonviolent nature.

He did serve an extensive period of time in administrative segregation at Menard Correctional Center, from approximately 2012 to 2015. His master file contained minimal information, but did reference an allegation that he was using influence within the institution to encourage staff assaults; however, this allegation never went through the disciplinary process nor is it reflected in Mr. McKinley's disciplinary record. Due to subsequent litigation, we were unable to discuss in much depth, but Mr. McKinley believed this segregation was due to an intercepted communication with other individuals in custody that referenced staff assaults. While he acknowledged and took responsibility for the reference, he indicated that it was in the context of advocating for the use of the legal system rather than violence to secure institutional change.

Internal Affairs was contacted to obtain more information about this period of segregation. They shared that it had been a very active time for the Latin Folks in coordinating staff assaults and other resistance within IDOC, which resulted in significant transfers and removal of Latin Folks and their affiliates from general population. Mr. McKinley's segregation had been part of that larger activity, due to his involvement with the Spanish Cobras. They did not communicate any current concerns about Mr. McKinley's institutional behavior.

Mr. McKinley describes using his time in segregation to read voraciously. He takes responsibility for the language of the communication that resulted in the administrative segregation and now believes he was naïve to believe he could change the mindset of others about how to best redress



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grievances. He states he knew when he was let out of segregation that he would rather stay in a corner to himself than be a part of anything that wouldn't have good results.

Mr. McKinley earned his GED while still in custody of Cook County Jail after his arrest, and a paralegal degree in Menard Correctional Center, where he spent most of his time in custody. After his transfer to Stateville Correctional Center in 2016 his academic accomplishments included earning his associate in general studies from Oakton Community College in 2021 and his bachelor's in general studies from Northwestern in 2023. Mr. Karl Leonard, his attorney in resentencing proceedings, indicated in the interview that Mr. McKinley was kept on longer than typical as a porter due to the staff's reliance on him. At the time of his resentencing, Mr. McKinley has had at least 15 people write letters of support, mostly professors who described him as conscientious, polite, inquisitive, reflective, thoughtful, diligent, humble, and a natural leader.

Mr. McKinley is currently deemed minimum security, no escape risk, and was recently transferred to Crossroads Adult Transition Center in acknowledgement of his exceptional adjustment and achievements in IDOC. Notably, he is the first individual in IDOC history to take the LSAT exam, resulting in his admission to two law schools this coming fall.

IDOC employees have taken note of his efforts. Mr. Andre Martin, the Program Director at Crossroads, stated that Mr. McKinley had clearly done the deep work of personal development prior to arrival at the ATC and has gone above and beyond with all the regulations including in respect to his movement. In Mr. McKinley's offender overview, the correctional counselor explicitly recommended that he be considered for "parole and any other honorary opportunity available to him."

Mr. McKinley currently utilizes his work release for an intern position at Northwestern Law, where he works five days a week. Two days a week he serves as paralegal for Professor Sheila Bedi, two days a week he does research for Dr. Lackey at the Evanston campus, and on Fridays he is involved with restorative justice initiatives. Dr. Lackey gave a statement that he is "one of the most extraordinary people" she's met. Professor Bedi stated there was nobody to which she would give a higher recommendation, indicating he's taken the lead on a lot of restorative justice work, including in shaping a supportive community around other formerly incarcerated individuals who are completing their schooling at Northwestern.

STATEMENTS AS TO THE OFFENSE

At his interview, Mr. McKinley repeatedly took accountability for the offense and resultant harm, including to the victim, victim's family, his own family, and the broader community. He would return to these themes of harm and responsibility even when other topics were under discussion. He was able to articulate the ripple effects of taking an innocent life and the steps he has taken to reflect and grow from it. Among other efforts, he has participated in the Healing Beyond Harm program, which provided an extensive restorative justice curriculum that culminated in his writing an apology letter to be available in an "apology bank" should the victim's family choose to access it.



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PAROLE PLANS

Mr. McKinley plans to reside with his aunt in Maywood if released. His aunt, Ms. Alisa Martin, was present at his hearing and affirmed her enthusiasm in hosting him. Mr. McKinley has also received two acceptances to law school for this coming Fall, at DePaul and Northwestern. Mr. McKinley has some savings from which he can draw for basic needs, and his plan is to serve as a part-time paralegal while pursuing his law degree.

Mr. McKinley has an extensive support system in his family, the Northwestern community, and others. When asked what he would tell any members of the Board who have a concern about public safety with his release, he stated that actions speak louder than words, IDOC has already entrusted him with community access within certain constraints, which he has treated with all due deference. He emphasized that the very source of his drive is to contribute to the public interest. He knows that he can't take away the harm he has already caused, but he can find ways to give back. Once he secures his law degree, he aspires to start a nonprofit legal clinic that tailors to those with mental health needs, although he was cautious to speak too much about future plans knowing that it's easy to make promises, but the real work is in the action. He's already utilized his moments of freedom to make positive contributions through multiple venues, including his involvement in Northwestern and a local restorative justice court, and he is currently trying to create a program to connect others within the ATC with a community courthouse.

Mr. McKinley already has community movement at the ATC and has a mandatory supervised release date in less than two years, he was asked what an immediate parole would mean to him. While he emphasized his dedication to succeed under any circumstances, he described restrictions at the ATC that would limit his full access to resources and communication while pursuing his law degree and potentially impede his full engagement in the program. For example, movement restrictions would limit his ability to engage in study groups and other campus activities and access to the university library, and at the ATC he has only limited access to computers and must check in his cell phone at the door.

OPPOSITION TO PAROLE RELEASE

While there is no documented opposition specific to Mr. McKinley's parole release, at Mr. McKinley's initial resentencing hearing the state advocated for a sentence with "a substantial period of time above the minimum" and presented a letter from the victim's aunt, who spoke of the hardship of losing the only relative she had here in the United States, breaking news of the victim's death to his mom in Mexico, and making arrangements for his body to be returned to Mexico. The judge who initially resented Mr. McKinley to 39 years pointed to the mercilessness and senselessness of firing multiple shots at an individual who had his hands raised.



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ENBANC HISTORY

This is Mr. McKinley's first appearance before the Prisoner Review Board for parole consideration. If not granted relief, he will be released before his next opportunity for eligibility due to his MSR date in 2026.

DISCUSSION

Summary of discussion for parole consideration:

Mr. Karl Leonard, Mr. Benard McKinley's attorney, stated that he has represented Mr. McKinley for several years. Usually, he represents innocent people but, in this case, Mr. McKinley has accepted responsibility of his crime. He stated that he was originally sentenced to 100 years, and his sentence was reduced to 25 years. He stated that they are wanting him to be paroled early for him to attend Northwestern in the fall. He stated that this program at Northwestern is hard to get into and he did that while he was incarcerated. He is allowed movement to go to class, but most of his work would be done in study groups and at home. Within Crossroads he would not be able to be a part of study groups or have his laptop once school is over. He stated that two correctional officers testified at the sentencing hearing on behalf of Mr. McKinley. Each officer that testified had worked for Stateville for over 20 years. He stated that Mr. Andre Martin works directly with Mr. McKinley at Crossroads, and he stated that Mr. McKinley getting released would be a positive example for everyone at Crossroads. He stated that his aunt's house will be his parole plan. He stated that his program will ensure that Mr. McKinley will have everything that he needs to succeed. He stated that Mr. McKinley was taking these steps of rehabilitation before any of these opportunities were available for him. He stated that Mr. McKinley is a success story for IDOC.

Mr. Benard McKinley stated that he takes accountability for his actions. He stated that he was 16 years old, when he committed the crime and that is something that he must live with. He stated that he was 19 years old when he was given 100 years. In 2004 he made a commitment to himself that he was going to better himself. He stated that as a young adult in prison he faced challenges, but he chose to keep trying to do what he needed to do to better himself. He stated that he kept working in programs to better himself and get his education. He stated that his actions show that what he previously did is not who he is today. He stated that he is not minimizing what he did, but he would like to get out and contribute to his community. He stated that the community needs role models to show them you can do change from your wrong doings.

Mr. Heaton questioned the 25 years that was requested by the attorney at resentencing.

Mr. Karl Leonard stated that 20 to 30 years is the range for Murder. He stated that sometimes it makes sense to pick a specific number to account for the severity of the crime and any mitigating factors.

Ms. Goff questioned who was harmed with his offense. She also questioned what he wants to do with his law degree when he completes school.

Mr. McKinley stated he harmed everyone. He harmed the victim, victim's family, his



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community, his family, and himself. He stated that he is heavily involved with the community and would like to start a nonprofit that would have resources to cater to his community. He stated that he sees that it will be continuous work to repair what happened.

Mr. Delgado questioned if Mr. McKinley was living in the area that the crime happened. He questioned if Mr. McKinley would be going back to that area when he paroled and what gang he was involved with. He stated that this crime was a two-gang related crime. He stated that the area that the crime happened in has been repaired.

Mr. McKinley stated at the time of the crime he lived in that area with his aunt, and he will not be going back to that area. He stated that he was previously a Spanish Cobra, and his victim was a Latin King.

Ms. Terrones questioned how Mr. McKinley feels about further retaliation if he was released. She stated that the work that he is being apart of when he gets out would put him in those areas.

Mr. McKinley stated that he has been out of the prison since December of last year. He stated that he cannot allow the fear of retaliation to stop him from helping him in his community. He stated that he has a responsibility to give back to his community, and if that means sacrificing his life that is the job he is going to take.

Mr. Tupy stated that the court reduced his sentence from 100 to 25 years. He questioned what has changed in the past 3 years. He stated that he could still go to school while being incarcerated at Crossroads.

Mr. McKinley stated that since his sentence reduction he has received his bachelor's degree and admitted into law school. He stated that he would not have all the available resources to allow him to pass law school if he was in the ATC. He stated that he wants to graduate at the highest of his ability and at Crossroads he is restricted at what he can use and do when he is back at Crossroads.

End of discussion.



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DECISION AND RATIONALE

Motion to grant parole (JGLOBOKAR-MCOATES). Motion prevailed with a 8-3 vote. Members voting in favor of the motion were Mr. Coates, Mr. Delgado, Ms. Globokar, Ms. Goff, Mr. Heaton, Ms. Shoffner, Ms. Terrones, and Ms. Tison. Mr. Bohland, Mr. Grubbs, and Mr. Tupy dissented.

After a complete review of Mr. Benard McKinley's case, and after giving thoughtful discussion and consideration to all factors, the Board decided and voted to grant parole to Mr. Benard McKinley, subject to conditions of parole release as set by the Board and by law. The Board hereby finds that Mr. Benard McKinley is an appropriate candidate for parole release.

"The Board makes a specific finding that the release of victim protest letters could subject a person to actual risk of physical harm. The Board further notes that, pursuant to Illinois law, victim statements are confidential and privileged."



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***EN BANC* MINUTE SHEET
OPEN SESSION March 28, 2024**

Individual in Custody's Name: Cion Rice

IDOC Number: K78834

The Illinois Prisoner Review Board met in open *en banc* session at 3000 South Dirksen Parkway, Springfield, Illinois, on March 28, 2024, at the 9:00 a.m. session to discuss and deliberate parole eligibility for Cion Rice K78834.

Members present were Mr. Bohland, Mr. Coates, Mr. Delgado, Ms. Globokar, Ms. Goff, Mr. Grubbs, Mr. Heaton, Ms. Terrones, Ms. Tison, Ms. Shoffner, and Mr. Tupy.

Recording Secretary: Alexandria Bryan.

PRESENTATION OF INTERVIEW AND FILE

The basis for the Board's decision, at this time, is as follows:

PRESENTATION OF INTERVIEW AND FILE

On March 12, 2024, Mr. Cion Rice was interviewed via Web Ex from Hill Correctional Center by Board Member Mr. William Delgado. Mr. Cion Rice's attorney, Ms. Candace Chambliss was also in attendance.

Mr. Cion Rice was very focused, prepared, and polite. Mr. Rice is approximately 43 years old. He appears healthy, and strong.

STATEMENT OF FACTS

On June 21, 1998, Mr. Rice and co-defendant shot at Mr. Reggie Ruppert who was charged by police and blamed by his co-defendant for shooting the co-defendant's brother to death. Mr. Ruppert was out on bail for the shooting. The co-defendant was with his girlfriend Ms. Gerchaton Young, the victim. Mr. Rice and co-defendant fired shots and hit Mr. Ruppert in the hand and hip. Mr. Gerchaton Young was shot and died of her injuries. Ms. Young was a college student at the University of Chicago, studying to be an architect. Mr. Rice and co-defendant were members of the Black P Stone Nation.

CRIMINAL HISTORY

Mr. Cion Rice was sentenced for Attempted First Degree Murder on February 7, 1998, in Cook County. He was sentenced to 6 years concurrent to 37-year term.

Mr. Rice was 17 years old when he was arrested in connection to a gang shooting at a park where a man was injured on his face and leg. Mr. Rice posted bond and was released. He was arrested four months later for the current holding offense.



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INSTITUTIONAL ADJUSTMENT

Mr. Rice has been incarcerated for over 24 years; he has utilized his time to educate himself academically. Mr. Rice has various program completions in his file. Mr. Rice has a teaching certificate now that permits him to hold a class for financial literacy, and more. Mr. Rice enjoys close relationships with his mother, sister, cousins, and close friends.

STATEMENTS AS TO THE OFFENSE

Mr. Rice has stated in his petition that he is deeply sorry for Mr. Young's death and Mr. Ruppert's injuries. Mr. Rice also states that he feels incredibly sorry towards the victim's family and community.

PAROLE PLANS

Mr. Rice's petition and supplemental petition states that he will reside at St. Leonard's Ministries. There he will receive free housing, case management to assist in goal keeping, Peer Group Support, Technology Training, and Mental Health Guidance. Mr. Rice has indicated that he has a job promised to him for \$20 per hour driving freight type moving trucks with Chicagoland. In addition, Mr. Rice has also been offered services via Precious Blood Ministries along with Iman Safer Foundation, and TASC if needed. The Illinois Prison Project plays a coordinating and resource to Mr. Rice.

OPPOSITION TO PAROLE RELEASE

There are documented opposition letters for Mr. Rice's release.

ENBANC HISTORY

This is Mr. Rice's first appearance before the Prisoner Review Board for parole consideration.

Open Executive Session: WDELGADO - MCOATES

Close Executive Session: MCOATES - RSHOFFNER

DISCUSSION

Summary of discussion for parole consideration:

Ms. Candice Chambliss, Mr. Cion Rice's attorney, stated facts from Mr. Cion Rice's case and that he has taken accountability for that crime.

Ms. Tiffany Boye-Green stated facts of Mr. Cion Rice's case and stated that while incarcerated he has shown rehabilitation and has taken full responsibility for his actions.

Mr. Cion Rice stated that in June 1998 he was arrested for his crime. He stated that one of the



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first inmates he encountered with IDOC told him to keep his head up and mouth closed. He stated that was the best advice. He stated that there were few opportunities to better yourself, but he continued to go to the law library to stay away from trouble. He stated that he wanted to be someone his nephews could look up to. He stated at that point he started taking every class that was available to him. He stated that he currently helps the men in any class. He stated that he would be able to be more involved his in nephew's lives in he was paroled. He stated that he is remorseful for his actions on that night, but he is not able to change the past. He stated that he wants to do his best to be apart of his community and show them that you can be a positive influence and not be apart of a gang.

Mr. Candice Chambliss stated that Mr. Rice has regularly had meetings with Precious Blood Ministry to prepare him for his release into their program. She stated that Mr. James Swansey would participate in Mr. Rice's rehabilitation outside of prison. She stated that St. Leonard's has been assisting individuals for over 70 years. She stated that he will continue to work with his case manager at Precious Blood, and he has confirmed employment at a trucking company.

Mr. James Swansey, Restored Justice-Policy Manager, stated that he has known Mr. Rice for over 20 years. He stated that he is a former Juvenile offender. He stated that when Mr. Rice had a 365-pound weight dropped on his face the inmates helped carry him to the gate to get help. He stated that the Board allowing people out is changing the mind set of individuals in custody. He said that having the possibility of being resentenced and coming in front of the Board helps keep individual's heads up and on the right track. He stated that being able to stay on the right path while incarcerated can be difficult and Mr. Rice took pride in doing what was right. FLAP, Future Leaders Apprenticeship Program is available to Mr. Rice. He stated that this program helps people hands on and is a network of positivity. He stated that they have a Returning Citizens Program, and they meet once a month.

Mr. Bohland questions the accountability, he stated that the version of the offense was vague. The Statement of Facts stated that Mr. Rice was responsible.

Ms. Chambliss stated that the state proceeded under the accountability. He was guilty because of his presence.

Ms. Terrones questioned the gang affiliation. She stated that it is documented that he has had no association since 2000. She questioned if there is a community concern for any type of retaliation towards him.

Ms. Chambliss stated that since 2000 he has been out of the gang. That affiliation has stopped, and that is difficult in the place that he was in. She stated that St. Leonard's will assist him with this transition and there is no concern for retaliation at this time.

Mr. Grubbs stated that in 2007 he had a gang affiliation ticket. He questioned the pending appeal.

Ms. Chambliss stated that he was presented on the yard and there was a sweep of the yard, and they took everyone. She stated that Mr. Swansey was on the yard when it happened and seen Mr. Rice on the phone during that incident but he was still "swept" the whole yard.



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Ms. Boyd Green stated that that appeal is no longer pending.

Ms. Chambliss stated that he wants to be a positive influence and speak to victim's families and help them, even if it is not his victim's family.

Mr. Cion Rice stated that he truly takes responsibility for what happened that night. He stated that he tried to better himself to show others in the community how he got involved and got put in that position the night of the crime. He stated that he had nothing at the time, and it led him to the gang. He stated that he now looks for solutions when dealing with hardships. He stated that he now mentors his nephews to help them stay away from gangs.

Ms. Goff stated that she wanted to hear the obligation to the family and how he is going to repair the harm that was put upon them.

Mr. Cion Rice stated that he apologizes to the family for his part of this crime. He stated that by apologizing he wants to right is wrongs.

Ms. Tiffany Boye-Green stated that at the resentencing hearing Mr. Rice gave an apology and the victim's family was in the court room. She stated that he needs to be out to participate in other programming.

Ms. Globokar stated that this Board is faced with the difficult task of weighing Mr. Rice's reformation against the gravity of the underlying offenses, which in this case included two attempted murders and a murder. She stated that regardless of the outcome of this hearing, Mr. Rice should know that his efforts are seen, and the challenges of accessing programming within IDOC are acknowledged; the real work is in how you carry yourself each day, and he appears to be putting in that work. She stated that he also has a strong support system, with a family clearly in his corner, that will undoubtedly continue to be influenced by how he carries himself. He is encouraged in his efforts.

End of discussion.

DECISION AND RATIONALE

Motion to deny parole (WDELGADO – JGRUBBS). Motion prevails by a unanimous vote.

After thorough consideration of Mr. Cion Rice's case, the Board voted to deny parole. The Board feels that parole release at this time would not be in the interest of public safety, as there is a substantial risk that Mr. Rice's parole release at this time would deprecate the serious nature of the offenses and promote a lack of respect for the law.

"The Board makes a specific finding that the release of victim protest letters could subject a person to actual risk of physical harm. The Board further notes that, pursuant to Illinois law, victim statements are confidential and privileged."



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***EN BANC* MINUTE SHEET
OPEN SESSION March 28, 2024**

Individual in Custody's Name: Michael Lett

IDOC Number: C68712

The Illinois Prisoner Review Board met in open *en banc* session at 3000 South Dirksen Parkway, Springfield, Illinois, on March 28, 2024, at the 9:00 a.m. session to discuss and deliberate parole eligibility for Michael Lett C68712.

Members present were Mr. Bohland, Mr. Coates, Mr. Delgado, Ms. Globokar, Ms. Goff, Mr. Grubbs, Mr. Heaton, Ms. Terrones, Ms. Tison, Ms. Shoffner, and Mr. Tupy.

Recording Secretary: Alexandria Bryan.

PRESENTATION OF INTERVIEW AND FILE

The basis for the Board's decision, at this time, is as follows:

PRESENTATION OF INTERVIEW AND FILE

On March 6, 2024, Mr. Michael Lett was interviewed by Board Member, Ms. Krystal Tison at Dixon Correctional Center via Webex. Mr. Lett's interview lasted approximately 1 hour and 50 minutes. No one else was present for the interview. He is not represented by an attorney.

Mr. Lett is a 69-year-old male who has been in Dixon Correctional Center since October 9, 2019. Official records show he has been in custody continuously for 48 years. He was 21 years old at the time of the offense.

During the interview, Mr. Lett was polite, and he communicated clearly.

STATEMENT OF FACTS

Mr. Lett escaped from Norman Beatty Memorial Hospital in Westville, Indiana where he was confined for observation and treatment for two rapes and sexual deviate behavior. He had been declared a Criminal Sexual Deviate under Indiana State Law. After fleeing the hospital, he traveled to Newton, Illinois. A few days later, on April 19, 1976, he abducted, raped, and murdered Ms. Cathy Jo Harris, age 12, by stabbing her. He left her body in a field. He drove to Florida in a stolen car and was arrested a few days later.

Mr. Lett was convicted on July 16, 1976, and sentenced in Jasper County for the criminal offenses of Murder sentenced to 100-199 years, Concealing Homicide sentenced to 3-10 years, Aggravated Kidnapping sentenced to 100-199 years, Indecent Liberties with a child sentenced to 50-100 years, Armed Robbery sentenced 5-25 years, and Theft sentenced to 1-10 years.



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CRIMINAL HISTORY

In 1971, Mr. Lett was tried as an adult in Indiana and convicted of the rape of a young girl.

In 1976, Mr. Lett was found guilty of Theft, Armed Robbery, Indecent Liberty with a Child, Murder, Conceal Homicidal Death and Aggravated Kidnapping in Jasper County, Illinois.

INSTITUTIONAL ADJUSTMENT

Mr. Lett received 20 disciplinary reports since 1999, 13 major and 7 minor. He pointed out that it had been 10 years since he had a ticket but then two were received in 2023 and both were classified as major.

On June 10, 2023, he received discipline report for dangerous contraband, drugs and drug paraphernalia and unauthorized property. For the June 2023 incident, he received 28 days segregation along with 2 months C grade and commissary restriction.

He explained the June 10, 2023, ticket by saying the guard wrote a major ticket saying that Mr. Lett was selling drugs to make money while he told the guard he was sewing to make money and not selling to make money. He received 30 days segregation. His sewing needle was confiscated along with a razor blade he used to cut material. He said he bought the needle in commissary in 2016 when they used to sell them. Additionally, some controlled meds were smashed into powder and laying on his desk because the nurse smashed the pills so they could not be sold.

On August 2, 2023, he received a disciplinary ticket for damage or misuse of property, drugs and drug paraphernalia. An officer was shaking him down and he had piece of ink pen that she said was a homemade pipe. He said it was not and he was not smoking drugs. He thinks they believed him and thought it was petty as he received just 60 days C grade.

An additional segregation occurred in 2010 for altering metal sharpened to a point. He said he used the end of the earpiece of his glasses to clean his razor. He said it was not sharp. He said the committee reduced it to a minor ticket, but he was already in segregation before he went to the committee. He explained he was released out of segregation after the committee met.

He acknowledged he was in segregation twice in 2004 for fighting and for having a 3.5 inch homemade screwdriver. He said what they found was a flimsy fingernail file. He said the fight was with a difficult cell mate who attacked him, and he defended himself.

He said there were no tickets after August 2023 and that was confirmed with the Record's Office Supervisor at Dixon Correctional Center. He is classified as medium security, B grade and escape level-none.

Mr. Lett's mother died when he was young, and he and his sister lived with their grandmother while their father was in the military. When their father returned, he married and started another family. Both Mr. Lett and his sister were rejected by his father and stepmother and returned to live with



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their grandmother, ultimately being adopted by an aunt and uncle. He says he realizes that if he had given his adopted father a chance, things would have been different. They became close only after he was incarcerated.

He said that he never understood why he chose his victims until therapy. He states he was abused as a young boy starting when he was about four years of age. An alcoholic uncle who lived in the home abused him mentally and sexually. He told him he was no good and that he wished he was dead. He blamed him for his mother's death as she died in childbirth. The uncle beat him and took advantage of him sexually. He says he has come to terms with the abuse he faced as a child and that it had an impact on his thoughts and actions. He said that when things went wrong, he felt bad and took it out on young girls as his uncle had done to him. He said that if he had acknowledged and accepted the problem he had, then none of this would have happened. He said that in the beginning, he denied and took no responsibility. He now acknowledges his acts, and he says he has learned conflict management skills which he uses while incarcerated.

He says the turning point for him came at a picnic at Menard Correctional Center that his father, sister and her 5 children attended. It occurred in 1982 after a family tragedy when his brother-in-law, nephew and two cousins all drowned in an accident. He said his sister's children were 12, 7, 5, 4 and 3. At the picnic, the 7-year-old immediately attached herself to him, followed him, and hung onto his hand or shirt. When it was time to leave, she wanted to stay with him, and she cried. He said he broke down realizing he was not able to help his sister and the children. He said it did something to him and what happened finally made him want to take responsibility and find out why the crimes happened. He says he thinks about the crimes and how they affected his family. His family continued to stand by him, and he wonders why.

Mr. Lett's last in person or video visit was in 2008. He was in telephone contact with Ms. Darlene Lett, in September 2023.

Mr. Lett attended sex offender programs at four of the facilities where he resided. He also attended drug programs. He had six weeks of treatment at Dixon Correctional Center. Dixon does not offer a sex offender program now and it has been a couple of years since he attended counseling. Mr. Lett's last work assignments were in 2021. He worked until his back became too bad. His legs give out and so he walks with crutches. He can walk a short distance without them.

Mr. Lett received a GED and certificates in drafting, electronics, food sanitation, and culinary arts class. He has food sanitation license. He was trying to get a degree in drafting and was taking an English Lit class from SIU but they were cancelled when Pell grants were pulled from incarcerated persons.

He states he should get parole. He said in the past he has denied that he was responsible. He said he did not understand why he chose the victims until therapy helped him understand. Now stronger emotionally, can take responsibility for his actions and doesn't blame others if something goes wrong. He said he now has a positive outlook, is upbeat and does not like to be around those who blame others and complain. He explained that he is not trying to make the crimes sound less serious than what they are but points out that it has been 48 years. He said the reason the Board turned him



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down in the past is because of the seriousness of the offense. He acknowledges the seriousness of the offense but sees people with double murders and execution style murders do half the time he has done. He does not understand how long he must be incarcerated. He has gone through programs and done what he is supposed to do. He wonders if it is a political thing when the Board does not release him. He has changed his thinking and his thought process and does not know what else he needs to do.

When asked why he will not commit another crime, he said he goes through a lot of disappointments and frustrations while incarcerated, but now does not respond. He understands his thoughts and knows what to do to avoid the frustrations. People think it is an attraction thing for young females but for him, it was a reactionary response to other problems he had because of his uncle's abuse. He does not see it as a problem now. He knows how to ask for help now and if he needs to talk to someone, he will. Also, he said he does not have a drug problem now.

He said it has been a couple of years since he was in therapy. He tried to get into basic self-help and anger management cases, but they are not offered now at Dixon.

STATEMENTS AS TO THE OFFENSE

In describing the offense, he said he was tired and hungry and stopped at a grocery store. He saw a young girl come out of the store. He explained that after the rape, he was taking her back to town. She grabbed a knife that was laying on the seat and it cut his hand when he took it away from her. He then stabbed her. He said he was never violent like that before. He said he did not plan to commit the crimes. He said the stabbing occurred out of paranoia and frustration.

Mr. Lett stated that he was on drugs when the crimes occurred. He said he did not know what he was taking as he got the capsules from the college student he picked up. He said he had been taking drugs for 4 days and was not sleeping. He believes PCP was mixed with it and it messed him up. He does not say that drugs are the reason for the offenses but says he believes that they played a part in the way it ended. He said he chose to take the pills. He does not deny that the crimes occurred and states that he takes responsibility for the crimes.

In discussing the crimes, Mr. Lett said, "I know it may sound cliché as you hear all the time that people say they are sorry. I would never have committed the crime of murder if the situation had not been what it was. I am not trying to make it sound like it was not my fault because it was. I had a knife in my seat and Cathy grabbed it and in a reactionary thing I stabbed her. I was high. I would give anything if I had not had that knife. I was driving back to town after the rape, and she grabbed the knife. I was high, freaked out and it was a reactionary thing after my hand was cut with the knife." He explained he panicked stabbing her twice while driving down the road. He then pulled her out of the car and left.

He said the rapes happened when he was feeling picked on, ridiculed, or put down. He now recognizes that is the way he felt when he was a child and was abused by his uncle.

He stated he is very sorry it happened. He wanted to write Cathy Jo Harris's mother to state his regret. His counselor stated it would be best not to send the letter as it might stir up old feelings and cause her some issues. He says there was a letter to the Illinois Prisoner Review Board from her mother



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saying she no longer wished to pursue a denial of his parole. He said the letter was in 1993 or 1994 but the letter is no longer in his file. He said he inquired about this numerous times but to his knowledge, no one contacted her to ask if she wrote the letter.

PAROLE PLANS

Mr. Lett does not have a well-developed parole plan. He states he would have to live in a halfway house and currently has no other place to go. All his family, except for a few nieces and nephews are deceased. His niece and nephew are drug addicts, and he has not heard from them in years. He asked his counselor for addresses of outpatient clinics in Peoria and Chicago, and he wrote them asking what programs they provide so he can attend if released.

He said it is his understanding that he qualifies for SSI because he has been locked up for more than 20 years and that SSI will provide some income and health benefits. He said he is also aware of grants for persons who are long time incarcerated. He would like to work in landscaping, which he did while in Logan. He is willing to do whatever job he can find.

OPPOSITION TO PAROLE RELEASE

The Jasper County States Attorney has consistently opposed his parole. Their most recent letter was in 2022.

Through the years, many letters and signatures of protest have been received. There were more than 50,000 signatures opposing parole in 1987, more than 25,000 in 1988, 61,203 in 1992, and 1447 in 1993. No recent protests have been received.

ENBANC HISTORY

This is the 21st time Mr. Lett has been before the Illinois Prisoner Review Board. He last appeared before the Illinois Prisoner Review Board on March 30, 2023. He received one favorable vote, which was in 2022. All other times, he did not receive any votes in his favor. He most often received a 3-year set.

Open Executive Session: KTISON - MCOATES

Close Executive Session: MCOATES - WDELGADO



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DISCUSSION

Summary of discussion for parole consideration:

Ms. Nicole Bartell stated that the Attorney General's Office requests a 90 day stay for a mental health evaluation if granted parole today.

Mr. Bohland stated that today Mr. Lett is claiming that he has taken accountability as the result of therapy, and now has added a great amount of detail to his version of events. In his 2022 En Banc interview, Mr. Lett could not recall any details of the offense at all. We learned today that this therapy ended some years ago prior to this 2022 interview as well. In my opinion these claims can't both be true.

End of discussion.

DECISION AND RATIONALE

Motion to deny parole (KTISON - JBOHLAND). Motion prevails by a unanimous vote.

Motion for 3-year set (JBOHLAND – WDELGADO). Motion prevails by a unanimous vote.

After thorough consideration of Mr. Michael Lett's case, the Board voted to deny parole. The Board feels that parole release at this time would not be in the interest of public safety, as there is a substantial risk that Mr. Lett's parole release at this time would deprecate the serious nature of the offenses and promote a lack of respect for the law.

"The Board makes a specific finding that the release of victim protest letters could subject a person to actual risk of physical harm. The Board further notes that, pursuant to Illinois law, victim statements are confidential and privileged."