



STATE OF ILLINOIS
 JB PRITZKER, GOVERNOR
PRISONER REVIEW BOARD

***EN BANC* MINUTE SHEET**
OPEN SESSION— May 30, 2024

The Illinois Prisoner Review Board met in open *en banc* session at 3000 South Dirksen Parkway, Springfield, Illinois, on May 30, 2024, at the 9:00 a.m. session to discuss and deliberate parole eligibility for the following individuals in custody:

R40474	Banks, DeAndre
C63418	Thegpen, Melvin
R20112	Wales, David

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	

9 Members Present

2 Member Absent

The Board heard the case of DeAndre Banks R40474, Melvin Thegpen C63418, and David Wales R20112.

MINUTES FOR APPROVAL for 4/25/24: RHEATON - WDELGADO

Open Session: RSHOFFNER - JBOHLAND

Meeting was adjourned by: RHEATON - JBOHLAND

Leave.



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***EN BANC* MINUTE SHEET
OPEN SESSION May 30, 2024**

Individual in Custody's Name: DeAndre Banks

IDOC Number: R40474

The Illinois Prisoner Review Board met in open *en banc* session at 3000 South Dirksen Parkway, Springfield, Illinois, on May 30, 2024, at the 9:00 a.m. session to discuss and deliberate parole eligibility for DeAndre Banks R40474.

Members present were Mr. Bohland, Mr. Coates, Mr. Delgado, Ms. Globokar, Mr. Grubbs, Mr. Heaton, Ms. Terrones, 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

Mr. Deandre Banks, age 39, was interviewed by Board Member, Mr. Jeffrey Grubbs on Tuesday, April 30, 2024, live via the WebEx virtual platform from Kewanee Life Skills Re-Entry Center at 9:00 am. With the participation of his counsel, Mr. Gregory Swygert and Ms. Annaliese Brellis. Also present was Ms. Kasia Majerczak a Licensed Clinical Social Worker, all of whom are of the Center on Wrongful Convictions, Bluhm Legal Clinic at the Northwestern Pritzker School of Law.

Throughout the interview, Mr. Banks was attentive, articulate, polite, respectful, and responsive. He presented as being invested in the process and was willing to answer questions.

STATEMENT OF FACTS

This statement of facts was derived from a very brief statement of facts from the Cook County State's Attorney's Office, as well as trial and sentencing transcripts and an Appellate Court record.

On March 11, 2002, at 1125 North Mayfield Avenue, which is in Chicago's Austin neighborhood, Ronnie Washington, age 27, was in the front yard of his family's home helping sort through property for the family's impending move that day. The Petitioner, Mr. Deandre Banks, who was 16 years old at the time, was a member of the Black P Stone street gang and also lived in the Austin neighborhood. Mr. Banks was reported to be wearing a black hooded sweater as he walked up next to Mr. Washington and fired a gun at Mr. Washington before fleeing. Mr. Washington would be struck by six bullets. Evidence at trial would be presented which indicated after Mr. Washington was struck by the bullets, he fell to the ground and was shot again and subsequently died from his injuries. Mr. Washington's mother and sister were in the yard with Mr. Washington and witnessed the shooting. His fiancé was inside the house and witnessed the shooting from the window. Later, in June of that year, Mr. Washington's fiancé was at the West Suburban Hospital waiting room when she recognized the



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Petitioner. When the Petitioner looked at her, he left the hospital. From this encounter, police obtained a name and presented a photo array with the eyewitnesses of the murder. All three witnesses identified Mr. Banks in the photo array and in a lineup. They also identified him in open court. Mr. Banks was arrested on June 5, 2002. At the conclusion of his bench trial, the court found Mr. Banks guilty of First-Degree Murder. Though he faced a sentence of 20 – 60 years for the murder and an additional 25 years – Life for the firearm enhancement, the sentence imposed would be the minimum available, 20 years for murder and 25 years for the firearm enhancement, a total of 45 years on December 28, 2004.

Mr. Banks' conviction and sentence was affirmed on appeal. A post-conviction petition was also denied and affirmed on appeal. Following the Miller decision, he would be granted a new sentencing hearing. Mr. Banks would be re-sentenced to 23 years on January 10, 2023. A motion to reduce the sentence to 20 years was filed on February 8, 2023, and was subsequently denied.

Mr. Banks current mandatory supervised release date is February 14, 2025, so the relief sought at the time of this hearing was 8 months and 15 days.

CRIMINAL HISTORY

Mr. Banks' juvenile criminal history record information was discussed in closed session.

INSTITUTIONAL ADJUSTMENT

Mr. Banks institutional adjustment has been remarkable, and the following was derived from his petition and through his parole eligibility interview.

Mr. Banks has received only three tickets during his incarceration over the last almost twenty-two years of incarceration. Those occurred in 2005, 2009 and 2017, and all were considered minor during the judicial review conducted at his re-sentencing hearing.

During his time in Menard, he renounced his gang affiliation, and there is a document in the petition, which was presented during his parole eligibility interview, as evidence of the renunciation. This Illinois Department of Corrections document, dated March 23, 2015, indicates he denied street gang contacts, when questioned by IDOC staff. The official IDOC renunciation process has not been completed, though that is not uncommon.

Mr. Banks obtained his GED and completed 280 days of programming during his period of incarceration, even though by law he is not eligible for Earned Program Sentence Credit, based upon his sentence. While his petition includes only a few programming certificates, it is significant to note that programming is limited for incarcerated persons like Mr. Banks, until they are close to their release date. Programming opportunities have certainly increased since his recent transfer to Kewanee and it is clear he has been taking full advantage of them.

After several years of incarceration, Mr. Banks began to hold a variety of jobs, beginning in 2010. Those include work as a janitor, cook, groundskeeper and barber, both at Menard and now at Kewanee. He is also working as a kitchen server at Kewanee. Mr. Banks helped spearhead a fundraising



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effort while at Menard, where around \$2,500 was raised and donated to By the Hand, an organization that provides educational mentorship and extracurricular opportunities of children in under resourced neighborhoods in Chicago, including the Austin neighborhood.

Mr. Banks is an avid writer and his 2020 article, COVID in Menard, was published by Northwestern Pritzker School of Law. A more recent article, From the Pit to the Penthouse, describes his time at Menard and his more recent experience at Kewanee. He holds the distinction of being the only barber at Kewanee, so he has been very busy with his barbering duties.

Mr. Banks has been able to maintain a good relationship with his family and extended family through phone calls and email. Given the distance of Menard Correctional Center from Chicago, he had a very limited number of visits by his family. A review of his visitor log confirmed his mother only visited him once, in 2006. Two of his cousins visited him once in 2023 and most recently three of his cousins visited him in 2024 following his transfer to Kewanee. The bulk of his visits over the years were from his legal team at Northwestern, who has represented him since 2015. Despite this, the judge in his re-sentencing hearing found it remarkable and commented on the fact that over a dozen family members were present in court to support him after over twenty years of incarceration.

Family support for Mr. Banks is also documented through a great number of letters of support from his family. A behalf interview was conducted with two of his cousins and their testimony regarding the love and support Mr. Banks has been able to provide to his entire family was very evident. It was obvious not only their love for him, but their admiration and appreciation for the emotional and motivating support he has provided to them and the sixteen children who currently call him their God parent. He and his family are commended for their dedication, love, and support of each other.

A very significant letter of support was provided by the barber supervisor at Menard Correctional Center, who had never penned a letter of support for an incarcerated person, but did so for Mr. Banks, speaking very highly of his character, barbering skills, and belief that he will have a successful re-entry.

STATEMENTS AS TO THE OFFENSE

Mr. Banks has asserted an actual claim of innocence since the day of his arrest. He claims not to have known Mr. Washington.

The petition asserts a gang other than the Black P Stones may have been involved in the murder of Mr. Ronnie Washington and his attorney, Mr. Swygert, testified they continue to investigate the matter to this day. A successive post-conviction petition would be filed if proof of Mr. Banks' innocence is secured.

Mr. Banks indicated he has remorse for the Washington family and addressed that in his parole eligibility interview. He stated he addressed this at both his original sentencing hearing and at his resentencing hearing.



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PAROLE PLANS

The parole plan presented in this petition is very well documented and will provide Mr. Banks the best opportunity he may have for a successful re-entry.

Mr. Banks' original parole plan was to live with his mother, but due to her housing complications an amended parole plan was submitted and is included in this petition. Mr. Banks would like to reside at Precious Blood Ministry in their Hospitality House, where he has been admitted and will receive three months of housing rent free. This is a transitional living facility specifically designed for individuals who have been incarcerated for over twenty years. It provides wrap around services, and he will be assigned a re-entry case manager.

There are workforce development resources and access to health clinics nearby. Bluhm Legal Clinic will continue to collaborate with Mr. Banks and has pledged mental health services through their partnership with Adler University Community Health Services and NAMI.

Mr. Banks' plans include options of pursuing a CDL, since his cousin owns a freight and transportation delivery service and is willing to employ him. He would also like to raise or find grant funds to attend barber school. Neither Menard nor Kewanee's barber's programs are accredited, like the program at Stateville Correctional Center, meaning his now over 11,000 hours of accumulated barbering time is not able to be utilized to fulfill the 1,500-hour licensing requirement in this state.

His parole plan includes redundant re-entry planning as he has also been accepted to St. Leonard's Ministries and he also has alternative housing arrangements available with a cousin.

Mr. Banks parole plan is very well documented and structured and includes layered levels of support for the best possible opportunity for a successful re-entry.

OPPOSITION TO PAROLE RELEASE

The Cook County State's Attorney objected during Mr. Banks' resentencing hearing on January 10, 2023, arguing the original 45-year sentence should remain.

In a letter dated April 29, 2024, the Cook County State's Attorney indicated they have no objection to the Petitioner's bid for parole.

There is a very impactful victim impact statement penned by Mr. Ronnie Washington's mother. It details her horror in witnessing his murder at the hands of Mr. Banks, and the subsequent, dire affect it has had on her, his children, and their entire family. This is part of the record in both the original sentencing hearing and resentencing hearing transcripts.

No formal opposition has been received regarding the petition being considered as a part of this hearing.



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ENBANC HISTORY

This is Mr. Banks first appearance at En Banc and there have been no prior petitions for Executive Clemency filed in this matter.

Open Executive Session: JGRUBBS - MCOATES

Close Executive Session: JGRUBBS - WDELGADO

DISCUSSION

Summary of discussion for parole consideration:

Mr. Grubbs provided a map of the location of the home of Mr. Banks (625 N Lotus Ave.) and Mr. Washington's home, where the offense occurred (1125 N Mayfield Ave.), both in the Austin neighborhood of Chicago to display the proximity of the two homes.

Mr. Grubbs discussed the pre-sentence investigative statements made by Mr. Banks and how they conflict with assertions contained in the petition.

Mr. Grubbs indicated judicial relief remains available to Mr. Banks regarding his actual claim of innocence and remarked on the high level of legal scrutiny and judicial review the matter has already withstood.

Mr. Grubbs stated everyday Mr. Banks can spend at Kewanee will only serve to benefit him and provide him the best outcome he can have for a successful re-entry regarding the programs and mentorship opportunities he now has available to him.

Mr. Grubbs indicated he continues to question Mr. Banks' actual level of remorse and also stated the complete lack of responsibility Mr. Banks accepts for the murder of Mr. Washington is troubling.

Ms. Shoffner questioned that he had earned good time credit but was not able to receive it.

Mr. Grubbs stated that he had earned 280 days when the petition was filed, but that he is not eligible for earned program sentence credit base upon his sentence.

Mr. Gregory Swygert, Bank's attorney, stated that there are two minor corrections to the procedural history. He stated that there was an appeal from the sentence. Motion to reduce was denied. The victim's mother did not come to the resentencing, her statement was read. He stated that Mr. Banks apologized to the victim's mother, but she was not present.

Mr. Banks stated that he apologized at his first trial to the victim's mother. He stated that he also



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read a letter to the mother at the resentencing.

Mr. Heaton questioned the ongoing work to challenge the conviction.

Mr. Gregory Swygert, Mr. DeAndre Bank's attorney, stated that he does have someone investigating that conviction. He filed pro se and it was denied at the first stage.

Mr. Tupy stated his mandatory supervised release date is February 2025. He stated that everything in the petition was given to the judge at the resentencing. He stated that Mr. Banks is not taking responsibility for the crime, but he apologized to the victim's mother in the trial and resentencing.

Mr. Gregory Swygert, Mr. DeAndre Bank's attorney, stated that the parole plan has changed, and he transferred to Kewanee and is in other programs. He stated that this isn't the place to litigate his case again. He stated that the questions should be if he has rehabilitated and will he succeed. He stated that when someone is wrongfully convicted, they go into prison angry. He stated that this hearing is for them to show the work they have done while incarcerated and not to find their innocence. He stated that Mr. Banks understands the seriousness of the crime. He stated that he chose to better his life while in prison with no chance of getting out at the time.

Ms. Shoffner stated that accountability is a big part of the grace that this board grants. She stated that she understands that he apologized. She questioned what he apologized for and what he was remorseful for if he was not guilty of the crime.

Mr. Gregory Swygert, Mr. DeAndre Bank's attorney, stated that the life he was living was taking him in the wrong way, and towards prison. He stated that Mr. Washington had an issue with the gang Body Snatchers. He stated that there were tapes stating that the Body Snatchers said that they needed to get Brian Washington. He stated that Mr. Banks was not a Body Snatcher.

Mr. Banks stated that he apologized for her loss, and it was too late to convince her that he did not kill her son. He stated that in his letter to her he was showing empathy, not admitting his guilt to the crime. He stated that over 22 years he has spent more than half of his life in a maximum facility and people called him stupid for claiming his innocence. He stated that he is still proclaiming his innocence while showing empathy to the victim's mother.

Mr. Gregory Swygert, Mr. DeAndre Bank's attorney, stated that he has an ethical duty to make sure his client isn't going on the stand and lying. He stated that his actions have shown he will not violate parole again.

Ms. Globokar questioned what the period of his life looked like right before his arrest.

Mr. Banks stated that he knew school was important but being in a gang was being a part of an organization. He stated that he had seen his dad and uncles being gangsters. He stated that he enjoyed the life as a kid being able to have money for the fancy shoes and clothes. He stated that the lifestyle was not something to be proud of but in the moment, hustling was easy and quick money.



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Ms. Globokar stated that he was in the Black Peace Stones. She questioned the gang dynamics at the time and if the Body snatchers affiliated with any other group. She questioned if street wise, was it a different geography. She also questioned what these next few months would do for Mr. Banks opposed to being released next year.

Mr. Banks stated that the victim was not a part of his neighborhood. He stated that the Body Snatchers were not a part of his neighborhood either, but he knew who they were. He stated that different blocks were different gangs. He didn't know what was happening outside of his block and gang. He stated that the next few months would give him extra time to be reacclimated to society. He stated that up until last year he was in a maximum facility. He stated that when he was sent to Kewanee he cried for days because it was first time in a long time, he was able to see the sky every day, and work on progressing. He stated that Menard was hard to be in for years, and he was scared. He stated that having his family visit him at Kewanee gave him a sense of relief and made he feel like he was back to life. He stated that he realized that he went from wanting to go home to ready to be home.

Mr. Globokar questioned if a few extra months at Kewanee would be positive and beneficial for him and his re-entry.

Mr. Gregory Swygert stated that he is close to his family and this early release will give him that chance. He has the ability to go into Precious Blood or St. Leonard's. He stated that he has the opportunity right now for those programs, but he might not have those next year. He stated that he has also been working as a barber and is not able to obtain the hours while incarcerated and this would allow him to get his barber license faster.

Ms. Terrones stated that the presentation was good showing his consistency. The Mandatory Supervised Release date is around the corner, but freedom is what they are looking at. She stated that Kewanee has been a building block to get him ready for society, and Precious Blood is an excellent program.

Mr. Globokar questioned how long he has been at Kewanee.

Mr. Banks stated he has been in Kewanee since November 2023.

Mr. Gregory Swygert stated that there was a medical issue that kept him from transferring. He stated that he was supposed to transfer in July 2023.

Mr. Grubbs stated that there is conflicting information with his petition. He stated that his resume indicates he was employed two different times, but in his petition, it stated that he was never employed. He stated that it also had that he lived with his mother and stepfather.

Mr. Gregory Swygert stated that normally someone wouldn't find ways to state that you have work history but, in this case, he had assistance with his resume, and they tried to build his resume. The resentencing Judge was aware that Mr. Banks is still claiming innocence, and they didn't oppose his early release.



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Mr. Banks stated that he was painting for his first job, he stated that he put it on his resume. He stated that he also worked for him uncle putting up garage doors.

Ms. Globokar stated that when there is instability in someone's life people tend to use multiple addresses.

End of discussion.

DECISION AND RATIONALE

Motion to deny parole (JGRUBBS - JBOHLAND). Motion fails with a 6-3 vote. Members voting in favor of the motion were Mr. Bohland, Mr. Coates, and Mr. Grubbs. Mr. Delgado, Ms. Globokar, Mr. Heaton, Ms. Shoffner, Ms. Terrones, and Mr. Tupy dissented.

After a complete review of Mr. DeAndre Banks' case, and after giving thoughtful discussion and consideration to all factors, the Board decided and voted to grant parole to Mr. DeAndre Banks, subject to conditions of parole release as set by the Board and by law. The Board hereby finds that Mr. DeAndre Banks 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 May 30, 2024**

Individual in Custody's Name: Melvin Thegpen

IDOC Number: C63418

The Illinois Prisoner Review Board met in open *en banc* session at 3000 South Dirksen Parkway, Springfield, Illinois, on May 30, 2024, at the 9:00 a.m. session to discuss and deliberate parole eligibility for Melvin Thegpen C63418.

Members present were Mr. Bohland, Mr. Coates, Mr. Delgado, Ms. Globokar, Mr. Grubbs, Mr. Heaton, Ms. Terrones, 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 April 23, 2024, Mr. Melvin Thegpen was interviewed by Board Member Rodger Heaton via WebEx at Joliet Treatment Center. Melvin Thegpen C63418, age 71, was convicted of aggravated kidnapping, rape, and attempted murder, in Cook County, and sentenced to serve 50-100 years concurrently for each of those three offenses. He has been in Illinois Department of Corrections custody since December 1975; therefore, he has served over 48 years in custody as of the May 30, 2024, En Banc hearing date. His current Mandatory Supervised Release date is May 4, 2044.

Mr. Thegpen is able to walk, albeit slowly and a bit hunched over. He was alert, attentive, and respectful during his interview. He was very difficult to understand at times. He was not able to speak clearly. Note that, prior to this year, Mr. Thegpen had refused to be interviewed for parole purposes since 2006.

STATEMENT OF FACTS

On December 1, 1975, the victim, a 17-year-old girl, was attending Rich East High School. She stayed after school to attend cheerleading practice. After practice, she walked alone down a school hallway to the parking lot of the school. It was there she encountered 22-year-old Mr. Thegpen. He asked her if she had been at girls' volleyball. She tried to ignore him and continued walking to the parking lot. He then grabbed her arm and placed a gun to her back. He told her he had a gun and she saw in fact that he did have a revolver. He then forced her out of the school parking lot at gunpoint and forced her into his car.



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Mr. Thegpen drove her out to a rural area and sexually assaulted her at gunpoint. After sexually assaulting her, he asked her what her age was. She told him that she was 15 years old. He replied, “oh you’re just a baby. I’m so sorry.” Mr. Thegpen then told her that he would take her back to the high school. Instead, Mr. Thegpen drove a short distance and forced her out of the car into a ditch. While she was lying in the ditch, he pointed the pistol at her and fired a total of 4 times.

The first shot struck the victim in the right side below her ribs and exited out her back. When she screamed, he fired a second time. The second bullet grazed the left side of the victim’s body. She screamed again, and Mr. Thegpen fired a third time, missing her. After the third shot, she pretended to be dead. He began to walk away, but returned and fired a fourth shot at the victim. The fourth shot struck the ground approximately two feet away from the victim where she was lying in the ditch. When she believed he had left, she made her way to a farmhouse in Monee, Illinois to get help.

She was taken to St. James Hospital. The victim identified both Mr. Thegpen and his car to authorities. He was found guilty by a jury at trial and sentenced to 50-100 years for each of the three charges. Three years after the conviction and sentencing, he filed a late notice of appeal which was denied because it was untimely.

During prior interviews with the Board, Mr. Thegpen is reported to have made delusional statements including that “The judge sees [Mr. Thegpen] every day,” that he “has all the keys,” that he does not want to get out, that he owns financial institutions all over the country, that he doesn’t want to see the Parole Board,” and that, “my work is here.”

In his parole interview, Board Member Heaton understood Mr. Thegpen to say he had not been convicted, but instead had experienced a mistrial, and simply was not re-tried or ever released thereafter. After being advised that this contradicted the information in the file that he had been convicted following a jury trial, and sentenced, Mr. Thegpen did not have a response other than to repeat the remark regarding a mistrial.

There is no appellate and post-conviction record. An untimely appeal, filed 3 years after judgment, was rejected. Some litigation occurred while Mr. Thegpen has been incarcerated regarding forced medications.

CRIMINAL HISTORY

In 1970 Mr. Thegpen was charged with Criminal Damage to Property.

On May 1, 1973, Mr. Thegpen was arrested for Aggravated Battery and Rape; the allegations involved the abduction of a girl from Bloom High School by knifepoint. According to the Cook County SAO letter of opposition dated June 28, 2018, “Thegpen was also placed in a lineup on two prior occasions in which female victims conditionally identified him but failed to make positive identifications because of fear of retribution.”



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INSTITUTIONAL ADJUSTMENT

Mr. Thegpen has received a total of 113 tickets. Most were related to failure to submit to medical testing. A number of tickets were for fighting or assaults, but not since May 14, 2013.

Mr. Thegpen is currently housed at Joliet Treatment Center.

Mr. Thegpen has had no IDOC jobs or programming.

PAROLE PLANS

Mr. Thegpen does not have any parole plans, other than to live with his brother. He denied having or needing any assistance from any other groups or programs. He stated that he has everything he needs.

There is no indication of any current potential host site that could be approved for him.

OPPOSITION TO PAROLE RELEASE

The State's Attorney's office has consistently opposed his parole through the years. The last letter sent in was in 2018.

ENBANC HISTORY

There have been no affirmative votes for release on parole.

Open Executive Session: RHEATON - WDELGADO

Close Executive Session: RHEATON - MCOATES

DISCUSSION

No discussion.

DECISION AND RATIONALE

Motion to deny parole (RHEATON - JGRUBBS). Motion prevails by a unanimous vote.

After thorough consideration of Mr. Melvin Thegpen'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. Thegpen's parole release at this time would deprecate the serious nature of the offenses and promote a lack of respect for the law.



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“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 May 30, 2024**

Individual in Custody's Name: David Wales

IDOC Number: R20112

The Illinois Prisoner Review Board met in open *en banc* session at 3000 South Dirksen Parkway, Springfield, Illinois, on May 30, 2024, at the 9:00 a.m. session to discuss and deliberate parole eligibility for David Wales R20112.

Members present were Mr. Bohland, Mr. Coates, Mr. Delgado, Ms. Globokar, Mr. Grubbs, Mr. Heaton, Ms. Terrones, 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

Mr. David Wales was interviewed on April 23, 2024, on the live Webex virtual platform from Statesville Correctional Center at 9:30 am. Present for the hearing was Ms. Aparajita Panda, 711 licensed student – Northwestern Pritzker School of Law, Mr. Gregory Swygert, Attorney (Center on Wrongful Convictions – Bluhm Legal Clinic) present at Statesville with David Wales and Supervising student Aparajita Panda, Mr. Tim Barnett, Professor, Mr. David Egan, Professor, Ms. Yolanda Wales, mother, Ms. Ayisha Wales, sister, and Ms. Nicole Wales, daughter.

Mr. David Wales appeared in clean-issued institutional wear. He was prepared to communicate enthusiastically, presented with a clear mind, and demonstrated a positive attitude throughout the interview. He was well prepared to participate on his behalf. No apparent physical challenges were obvious to the interviewer. He expressed himself appropriately. His supportive team was prepared to advance, and everyone was sworn in. Mr. David Wales affirmed all the information in the petition was accurate.

STATEMENT OF FACTS

On November 13, 1999, at 1918 W. Morse, in Chicago, Illinois, the victim was home alone when this Defendant, Mr. David Wales, and his co-defendants broke into her home through the back door. Once inside, this Defendant and his co-defendants began to look for things to steal. The victim



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entered the kitchen and confronted the Defendants. At this time, co-defendant Mr. Hinton went into the bedroom with the victim and co-defendant Mr. Sanders. While co-defendant Hinton raped the victim, co-defendant Sanders and co-defendant Wales got her cash station card and forced her to give them her PIN, co-defendant Hinton then strangled her. This Defendant and his co-defendant took her VCT and her cash station card. After leaving her apartment separately, the three Defendants met up again and went to several cash station machines, draining the victim's checking account of all funds. The Defendant and his co-defendants used the money to buy cocaine, and this Defendant took some of the money to buy his girlfriend a present for Valentine's Day.

The police obtained photos from the surveillance cameras of co-defendants Hinton and Sanders using the victim's cash station card. These photographs were shown on local television stations and printed in the newspapers. Co-defendant Hinton was recognized and identified, and once he and co-defendant Sanders were arrested, they implicated the Defendant, Mr. David Wales.

The Defendant, David Wales, gave an oral confession to detectives Louis and Rossi, inculcating himself in this residential burglary and murder.

CRIMINAL HISTORY

Mr. Wales' criminal history stemmed from his association with the Vice Lords. He was arrested twice for gun possession.

The first arrest was when he was in someone else's car, and the weapon was found underneath Mr. Wales' seat. He served 6-8 months in Cook County jail and was found not guilty in a bench trial.

The second arrest Mr. Wales did possess a weapon, and it is documented that there was an ongoing conflict in the neighborhood at the time, and he had it for his protection. Nothing came of this charge.

One conviction for possession of a controlled substance with intent to deliver, for which he received two and half years of probation.

He had one additional case for DUI, which appears never resolved before the murder conviction.

INSTITUTIONAL ADJUSTMENT

Mr. David Wales' adjustment is beyond the average returning citizen. Once Mr. Wales decided to take the opportunity of his present situation as an incarcerated citizen, he started to transform. He can speak on his behalf with energy, enthusiasm, and eagerness to bring himself to others to support their journey. His poetry speaks to awareness, life experience, the value and impact of relationships, and how these connections, along with his willingness, tenacity, and perseverance, have increased the



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probability of sustaining who he has chosen to be now. He is a published author. He is acknowledged by leaders who support programming in Illinois Department of Corrections and other returning citizens, and his work assignments demonstrate the trust he has established with IDOC personnel.

He does not present with any mental health issues, as shared at the interview, and documented in the petition and did feel he could benefit from therapy and sought out the institutional therapist, Ms. Janice Lundberg, LCSW, therapist for Mr. Wales from 2021 to 2023 at Stateville Correctional Facility. He actively participated in monthly one-on-one and group therapy with her. She provided a letter on his behalf and one sentence from her letter "David was able to regulate his emotions, healthy process of his past, and control his attitudes towards himself and others. He was motivated, responsible, and engaged."

To date, Mr. Wales has had three institutional tickets. On October 16, 2003, he received a ticket for disobeying a direct order. On February 13, 2005, he received a ticket for fighting. On May 25, 2020, he received a ticket for using another inmate's PIN.

An ORAS (Ohio Risk Assessment System) was completed recently, and he scored Low for reoffending.

Mr. Wales currently has no gang involvement. He removed himself from the Vice Lords when he suffered a gunshot wound at the age of 21. This incident started to make Mr. Wales reconsider his association with the gangs.

There is no information that he was affiliated with gangs in the institution.

He has taken advantage to expand his knowledge by earning his GED April 23, 2009. He secured a barber's license on January 22, 2019. He is currently a student at Northeastern University. He is in the University Without Walls undergraduate program and scheduled to graduate in 2024. His area of study is urban social development, emphasizing in youth behavior. He continues to pursue best practices to support his knowledge on best serving his community of interest, cultural relationship theory and restorative justice, and learning different therapeutic techniques to inform how to best support adolescents to recover from trauma. He is a published poetry writer in the Burroughs Review, a publication working to transform the criminal justice system. One item highlighted is the internship program opportunity offered to him by the University of Chicago, Center for the Study of Race, Politics, and Culture. This uniquely designed program provides community leaders who are returning citizens with opportunities to advance their practices, knowledge, and skills while supporting the important work of community organizations aligned with the Center's mission and values. In addition to formal education, he has participated in over 20 programs offered by IDOC.

The petition documents his many challenges as a child without a father and a mother doing her best to support his needs. He took to the streets, did not graduate from high school, became a young father, associated with the Vice Lords, and started a life of crime. He recognizes his poor choices and makes no excuses.

One important aspect of the interview was that he did not blame, excuse, or minimize his choices as a young man or young adult and made poor choices. He recognized his mother for doing



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her best despite her significant life challenges and their mother and son strained relationship. They both acknowledge that they have a loving and respectful relationship. His mother has health challenges.

Mr. Wales has taken advantage of every employment opportunity offered in the past several years in the institution including: barber school, tunnel crew, personal property attendant, employee commissary clerk, employee dining room attendant, library worker, and inmate commissary clerk. He prepared a resume to demonstrate his work history in the institution and before incarceration, and it was extremely well done.

Community leaders identified him as a leader in their behalf letters and have supported his idea of programming for youth and family engagement. A letter from Mr. Adam Alonso, Director of a well-established and impactful non-profit located in the Austin neighborhood, documents the initiative Mr. Wales demonstrated. The planning started by creating virtual opportunities for Mr. Wales to hold space virtually with youth presenting with high-risk behaviors and sharing his stories. Mr. Alonso is also looking forward to offering employment opportunities to Mr. Wales to continue nurturing the plan upon his return to the community if so granted.

STATEMENTS AS TO THE OFFENSE

Mr. David Wales maintains his innocence. He did not take the deal offered by the Assistant State's Attorney instead he wanted to prove his innocence with a trial and jury. He admits to borrowing \$50 to buy his girlfriend a Valentine's gift from Mr. Hinton, the co-defendant, after observing that he had a large amount of money on February 13, 1999.

The confession produced by the detectives Louis and Rossi was entirely fabricated. Both Mr. Hinton and Mr. Sanders have recanted their statements to police that Mr. Wales was a participant in the crime, and Mr. Ronald Hinton admitted he alone committed the Ares murder and two other murders in Rogers Park. Affidavits were signed by both co-Defendants.

The detectives were also involved in several cases where they were found to be false and inaccurate and operated unethically.

Mr. Wales does express compassion for the loss of life and the harm committed by the co-defendant to the victim.

PAROLE PLANS

Mr. Wales has many housing options, and he intends to reside with his friend of over 30 years, Ms. Tiffany Dawson, in Chicago. Once he is stable at his first host site, he will apply for an interstate compact to reside with his sister and mother in Douglasville, Georgia. He has also pursued housing with Precious Blood and St. Leonard's House as a supportive backup plan.

Mr. John Horner is a childhood friend who runs a famous pizza place called Rosati's in Chicago



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and is willing to give Mr. Wales a job to work as a cook or customer representative. He has other options with his barber certificate and options regarding his youth intervention ideas as he continues to collaborate with Prominent leaders, and community partners before or after he graduates from Northeastern. A letter submitted by Mr. Adam Alonso, an impactful and prominent leader in Chicago, specifically the Austin neighborhood stated Mr. Wales took the initiative and inquired about the opportunity to collaborate to impact youth and support family engagement.

Family members have offered their influence to connect him with employment opportunities.

The attorneys working on the petition offer abundant resources to accompany Mr. Wales, such as securing the documentation necessary to support his re-entry into society. The local social services agencies located close to his host site will be available as well, such as Precious Blood, NA, and the abundance of individuals willing to accompany him upon his return with financial support, educational support, housing, mentor, jobs, a community of people who know him through their intimate experiences.

OPPOSITION TO PAROLE RELEASE

There is no documented opposition.

A letter dated July 25, 2023, signed by Ms. Kimberly M. Foxx, Cook County State's Attorney, and Ms. Michelle Mbekeani, Senior Legal and Policy Adviser, documents their advocacy to have Mr. Wales's sentence commuted to time served.

The state further communicates that Mr. Wales' sentence length is overly punitive, given his role and involvement in the offense committed. The ASA office believes that commuting this sentence will afford Mr. Wales the benefits of Illinois' current progressive criminal justice laws and policies.

ENBANC HISTORY

One previous petition was filed for clemency 2021. In October 2023, the governor granted mandatory supervised release eligibility.

DISCUSSION

Summary of discussion for parole consideration:

Mr. Gregory Swygert, Mr. David Wales' attorney, stated that he had some minor corrections to the Criminal Integrity Unit petition that was filed was denied. At the clemency hearing, they opposed clemency and the CIU reviewed the case and afterwards they have now asked for immediate release. He stated that he cannot confirm that Mr. Hinton is deceased.



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Ms. Terrones stated that the 2023 State's Attorney letter was provided after the clemency hearing and was independently submitted to the attorney and the Governor's Office.

Mr. Gregory Swygert stated that this was independently submitted to them. He stated that the family cares so much that they wanted to be present for Mr. David Wales. He stated that Mr. Wales is still claiming his innocence. He stated that the Governor and the Board have looked at this case and the Governor chose that he deserves the opportunity for parole. He stated that the perpetrator, Mr. Hinton, who killed three people had a spiritual moment with a minister and told him that Mr. Wales did not do it. He stated that his actions speak louder than words. He stated that this is about parole and not innocence. He stated that these actions are deserving of parole.

Ms. Shoffner questioned if there are any post-petition proceedings pending, and if there has been any independent communication to the state's attorney about their position.

Mr. Gregory Swygert stated that Mr. Wales filed a pro se hearing, and it did not make it past stage one. He stated that he filed this without representation. He did not get the chance to present his evidence. He stated that the officers on this case have three previous cases that they got false confessions.

Ms. Aparajita Pande, Mr. David Wales's attorney, stated that during the clemency hearing the State's Attorney acknowledged those officers were involved with this conviction and the serious concerns.

The Board discussed the letters from the Cook County State's Attorney that was sent in 2021 and 2023, and the difference of those letters.

Mr. Gregory Swygert, Mr. David Wales's attorney, stated that they acknowledged everything that David had presented. He stated that they were originally upset that he wasn't taking accountability for this crime. They took the time to review the case and then changed their opposition.

Mr. Bohland questioned his version and level of involvement.

Mr. Gregory Swygert stated that Mr. Wales was with Mr. Hinton the night before the crime. He stated that Sander's mother had passed away. They called him and they went to do drugs with him. He stated that the next morning the victim passed away. He stated that when they woke up the next morning, they did drugs again and that is when they took the money.

Ms. Globokar stated that State's Attorney's letter was presented as the attorney's point of view. She stated that questions have arisen regarding the change of stance from that letter.

Mr. Gregory Swygert, Mr. David Wales's attorney, stated that the states attorney's office will fight on most cases. He stated that it does happen that states attorney changes their opposition for a case.

Ms. Aparajita Pande, Mr. David Wales's attorney, stated that the original opposition was in



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2021 when the clemency case was presented, and then they thoroughly investigated the case, and they change their position.

Ms. Shoffner stated that when there are officers involved there are other cases involved the state's attorney knows more of what is going on outside of the current case.

Mr. Gregory Swygert stated the CIU from the Cook County State's Attorney's Office stated that they must have clear evidence to overturn a conviction. There was a robbery that was committed by Mr. Hinton that Mr. Wales was present.

Ms. Terrones stated that she did not explore it because there were no convictions. She stated that the way she looked at the state documentation was that the State's Attorney's Office was a credible office that gives us information to make an informative decision.

Mr. Tupy questioned if they attempted to get information from CIU. He stated that they did not explain why they made the change.

Mr. Gregory Swygert stated that they are not able to get that information. The Governor's Office looked at this and said he should be parole eligible, even with his innocence plea.

End of discussion.

DECISION AND RATIONALE

Motion to grant parole (CTERRONES - MCOATES). Motion prevails by a 6-3 vote. Members voting in favor of the motion were Mr. Coates, Mr. Delgado, Ms. Globokar, Mr. Heaton, Ms. Shoffner, and Ms. Terrones. Mr. Bohland, Mr. Grubbs, and Mr. Tupy dissented.

After a complete review of Mr. David Wales' case, and after giving thoughtful discussion and consideration to all factors, the Board decided and voted to grant parole to Mr. David Wales, subject to conditions of parole release as set by the Board and by law. The Board hereby finds that Mr. David Wales 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."