



STATE OF ILLINOIS
JB PRITZKER, GOVERNOR
PRISONER REVIEW BOARD

***EN BANC* MINUTE SHEET**
OPEN SESSION – February 25, 2025

The Illinois Prisoner Review Board met in open *en banc* session at 3000 South Dirksen Parkway, Springfield, Illinois, on February 25, 2025, at the 9:00 a.m. session to discuss and deliberate parole eligibility for the following individuals in custody:

R09654	Smith, Calvin (Youthful Parole)
M24156	Smith, Marvin* (Youthful Parole)
Y48457	Ly, Jeremy* (Youthful Parole)
C61397	Chatman, Gerald (Indeterminate)
N01682	Bivens, Aryules* (Indeterminate)
C56165	Lott, David (Indeterminate)

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

Roll call was taken by Recording Secretary Amy Sexton.

<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 Members Absent

The Board heard the case of Calvin Smith R09654, Marvin Smith M24156, Jeremy Ly Y48457, Gerald Chatman C61397, Aryules Bivens N01682, and David Lott C56165.

MINUTES FOR APPROVAL for 1-29-25: Continued

Open Session: GRUBBS-TISON

Meeting was adjourned by: TERRONES-SHOFFNER

Leave.



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EN BANC MINUTE SHEET
OPEN SESSION- February 25, 2025

Individual in Custody's Name: Calvin Smith

IDOC Number: R09654

The Illinois Prisoner Review Board met in open *en banc* session at 3000 South Dirksen Parkway, Springfield, Illinois, on February 25, 2025, at the 9:00 a.m. session to discuss and deliberate parole eligibility for Calvin Smith R09654.

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: Amy Sexton.

PRESENTATION OF INTERVIEW AND FILE

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

PRESENTATION OF INTERVIEW AND FILE

Mr. Calvin Smith was interviewed on December 17, 2024, via Webex by Board Member Mr. Matthew Coates at East Moline Correctional Center. Mr. Smith was present with his attorney and his interview began at 9:08 a.m. and ended at 11:01 a.m. Mr. Smith was put together with a blue buttoned up shirt and prepared for the interview. Mr. Smith's demeanor throughout the interview was polite and cooperative. Mr. Smith demonstrated a positive attitude and communicated clearly without issue. Mr. Smith answered every question presented and was a productive communicator.

Mr. Smith shared he was in good health physically and his only health issue at the time was his blood pressure. Mentally, he shared he was currently nervous, excited, a bit intimidated as this was his first time going through this hearing process.

Mr. Smith is currently 41 years old and has been incarcerated for 24 years and 4 months. Mr. Smith is a minimum-security offender, has no escape risk and has been in "A" grade since August 20, 2005.

Mr. Smith was convicted of First-Degree Murder, Armed Robbery and Aggravated Robbery. In December 2001, Mr. Smith was sentenced to 55 years for murder and 31 years for armed robbery to run consecutively. The following month in January 2002, Mr. Smith filed a motion to reduce his sentence and was denied. On direct appeal, the appellate court affirmed the trial court's judgement with modification that the defendant's knowing-murder conviction should be vacated, his intentional murder conviction should be reinstated, and the cause remanded for resentencing on the intentional murder conviction. In January 2005, the trial court sentenced Mr. Smith to 55 years for intentional first-degree murder and a consecutive term of 31 year for armed robbery. Mr. Smith, in April 2007 filed a pro se post-



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conviction petition and a petition for relief from judgment, alleging defense counsel was ineffective for failing to call Amy Klawitter as a defense witnesses, failing to call Ethan Bailey as an alibi witness, thirdly, newly discovered evidence in the form of an affidavit from Zachary Porter showed he was innocent of the crime and lastly, he was denied a fair trial when the State withheld DNA evidence.

In July 2007, the trial court dismissed the post-conviction petition, finding it frivolous and patently without merit. The appellate court affirmed the dismissal. His petition for post-trial relief from judgment was also denied as the court concluded the evidence of Mr. Smith's guilt was overwhelming and found no merit in the motion.

In September 2009, Mr. Smith filed a pro se motion for leave to file a successive post-conviction petition claiming he had newly discovered evidence of actual innocence, which the court denied in 2010, as the court found Mr. Smith had raised some of the issues in prior proceedings and the claims of actual innocence were not based upon newly discovered evidence.

In November 2010, Mr. Smith filed a second pro se motion for leave to file a successive post-conviction based on newly discovered evidence. In September 2011, the trial court denied the motion.

In October 2014, Mr. Smith filed his third pro se motion for leave to file a successive post-conviction petition asserting actual innocence, which was dismissed in March 2016. In May 2017, a fourth pro se motion for leave to file a successive post-conviction petition was filed and was denied in October 2017.

In his resentencing hearing in accordance with Miller vs. Alabama in December 2020, he received a 22-year sentence at 100% for First Degree Murder, 6 years for the Armed Robbery at 85% to run consecutively, and 8 years for the Aggravated Robbery to run concurrently at 50%. That particular aggravated robbery offense was a separate offense that occurred two months prior to the murder offense. Mr. Smith was resentenced to a total of 28 years and has an MSR date of December 15th, 2027.

STATEMENT OF FACTS

Taken from the bill of indictment and appellate court record, on November 8th, 2000, at the age of 18, Mr. Smith committed the offense of First-Degree Murder and Armed Robbery in that he knowingly and without lawful justification killed Mahendra Patel by shooting Mahendra Patel with a firearm and in performing the act which caused the death of Mr. Patel. He knew said act created a strong probability of death or great bodily harm to Mr. Patel. Also taken from the bill of indictment, on October 3rd, 2000, Mr. Smith committed the offense of Aggravated Robbery. In that he knowingly and by the use of force or by threatening the imminent use of force, took property from Sarah Gossmeier being U.S currency, while indicating verbally or by his actions that he was presently armed with a firearm or other dangerous weapon.

CRIMINAL HISTORY

Mr. Calvin Smith's criminal history was discussed in Closed Executive Session.



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INSTITUTIONAL ADJUSTMENT

Mr. Smith has a minimal disciplinary ticket history with receiving 7 tickets total throughout the entirety of his incarceration. Four tickets were major level offenses and three being minor offenses. Five of his tickets were for Disobeying a Direct Order in 2002, 2003, 2004, 2005 and 2006. Mr. Smith had one for Dangerous Disturbances and Fighting in 2003. Two tickets included Insolence in 2005 and 2006. Two tickets consisted of contraband in 2005 and 2006. His last ticket was in March 2006.

Mr. Smith has participated in several programs towards his effort to rehabilitate himself. Mr. Smith has completed the Aim Higher clinical services program and has been on the waiting list for all of the other clinical services programs offered. He had programming certificates that showed he completed a rehabilitation and good conduct program, a stress management course, a craft writing course, and a Kairos Inside Weekend program.

Mr. Smith also facilitates the Creative Writing class at East Moline Correctional Center and is also involved in the poetry club. He has a Changing Criminal Thinking program certificate from 2024. He is also on the waitlist for the Residential Trades Program. Mr. Smith has a passion for writing and has begun writing a book that can support youth making positive choices.

Mr. Smith has worked several jobs since 2010 and is currently a Housing Unit Shower Porter. He has worked in the Dietary Department at Sheridan Correctional Center in 2002 and Tunnel Crew, Sanitation Crew, Dietary, Machine Operator, Inmate Commissary, and as a Painter at Statesville Correctional Center from 2010 to 2021. Mr. Smith's master file at East Moline contained 10 earned program sentence credit certificates. He also earned a letter of commendation from Warden David Gomez at Stateville, dated October 16th, 2020, to acknowledge the hard work and dedication shown during the pandemic. The letter stated Mr. Smith has worked tirelessly serving on the front lines of their facility during the pandemic ensuring the operations of the facility continue.

Mr. Smith has also earned his GED. He is listed as being of Hebrew-Israelite faith and according to his offender overview, is an active Conservative Vice Lords Leader.

During the interview, when Mr. Smith was asked about his gang affiliation and him being listed as a Conservative Vice Lords Leader, he shared that he has no gang affiliation. In 2006, he initiated a formal denouncing process because he has not been active since he came into IDOC. He was at one point still in the gang at Stateville and was told in order for him to go through the denouncing process he would have to reveal information about the gang's operation, who was in leadership and who called the shots. Mr. Smith felt he did not have any information to share due to him living in Bloomington for quite some time. After that, he was told if he could not provide gang information, he could not proceed with the denouncing process.

Mr. Smith shared he is not an active member of the gang. He has not been a member since 2006. He mentioned he was called by internal affairs a few times over the years, but he was never allowed to proceed in the process. When he came into incarceration at the beginning of his sentence, this affiliation was placed on his offender overview and never got removed. No evidence was found in his master file at the facility.



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Regarding family visits, Mr. Smith maintains regular contact with his mother, cousins, and some friends. He does not have any brothers, sisters, or children. He received visits from his mother, cousin, and friends while at Stateville Correctional Center, but has not had any visitors while at East Moline Correctional Center.

STATEMENTS AS TO THE OFFENSE

Mr. Smith shared on November 8th, 2000, a day he would never forget. He was sitting in a house; his cousin Ethan was sick with a cold at the time and laying on the couch. He was playing video games and his two co-offenders lived across the street. They came over to the house asking for cigarettes. This was not unusual, as they often would come over to ask for cigarettes and alcohol. At the time, Mr. Smith did not have any and offered to walk with them down to the convenience store to get some and he would then share the cigarettes with them.

They went down to the store, purchased some cigarettes, and returned to the house to play video games. They all began discussing money problems and he had just lost his job at Subway. He had put a few new job applications in for fast food and was waiting to hear back. They all discussed the challenges they were having with obtaining money.

They began discussing a plan with him to rob a convenience store with a broken gun they had. One of his co-offenders shared the gun he had, the safety was jammed, and it wouldn't fire. The more they all talked about it the more convinced Mr. Smith became about the plan. All they needed Mr. Smith to do was hold the firearm. This became the worst decision he has ever made in his life. Because the gun did actually discharge, and the gun could fire he would later learn. They all then headed towards the store together with a plan for Mr. Smith to hold the gun and for the co-offenders to grab the money, alcohol, and cigarettes. Mr. Smith stated that plan did not go this way at all. Once they got into the store, one co-offender took off running, as Mr. Smith held the gun on the victim, Mr. Patel. His second co-offender went to his right near the beer cases, but moments later he looked back to find co-offender two, on the ground behind the stacked beer cases.

At this point, Mr. Smith felt set up again by his peers, as this was closely similar to what occurred during the Pizza Hut robbery a couple months prior. He decided at that time, to go through with it due to him not wanting to live on the streets and wanting money for a place to stay. He grabbed the bag off of the floor and leaped over behind the counter. He sat down behind the counter and held the gun on Mr. Patel. Mr. Patel opened the register, gave him all the bills. Mr. Smith looked in the register to see that all of the bills are gone. Then, Mr. Smith goes to brace himself, in attempt to pull himself up to stand, while still holding the gun on Mr. Patel, he braced himself to stand up and in doing so, squeezed the gun, the gun discharged, and that is how he ultimately ended up shooting and killing Mr. Patel.

Mr. Smith shared he never went into the store with the intent to hurt anyone, it was only a scare tactic to rob the store. After the gun discharged, it caught him completely off guard. It was shocking to him. He then got up to leave and exited the store. The person who pulled up to the store witnessed the offense and began chasing him to catch him. Mr. Smith was arrested the next day.



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PAROLE PLANS

Mr. Smith would like to live with his cousin Mashauna Davis, in Las Vegas Nevada. He would like to start a career in Construction/Carpentry but plans on taking any jobs available to him to become financially stable. He has longer plans to try to move his mother away from Chicago and to get involved in Community Outreach to help youth avoid incarceration.

OPPOSITION TO PAROLE RELEASE

There is no opposition to his parole release.

ENBANC HISTORY

This is Mr. Smith's first time appearing for parole consideration.

DISCUSSION

OPEN EXECUTIVE SESSION: COATES-SHOFFNER

CLOSE EXECUTIVE SESSION: GOFF-TUPPY

Summary of discussion for parole consideration:

Ms. Shoffner questioned Mr. Calvin Smith's MSR date.

Mr. Coates stated the MSR date for Mr. Smith is December 15, 2027.

Attorney, Joslyn Sandifer stated the incident happened when Mr. Calvin Smith was only 17 years old. She discussed what it was like for Mr. Smith when he was growing up as an only child who experienced traumatic circumstances on a regular basis. Ms. Sandifer spoke about his homelife with his mother who suffered from drug abuse. She stated how Mr. Smith grew up in a drug and party house where people were getting high all day and slumped over in the corner. Ms. Sandifer explained how Mr. Smith's room was supposed to be off limits, but that was not the case. People would use his room to get high and have sex in front of Mr. Smith. Ms. Sandifer stated that Mr. Smith became sexually active at the age of 11 with one of his mother's friends during a party. There he was forced to give her oral sex. Ms. Sandifer stated that no child should have to live with that, and this is why Mr. Smith left his home and ended up living with his grandparents. Mr. Smith saw his grandmother as his own mother, friend, and aunt. She stated that he also witnessed his grandfather beating his grandmother until she was bloody. His grandmother passed away when Mr. Smith was only 13 years old. Ms. Sandifer stated that Mr. Smith has no relationship with his father and the only time he can recall spending time with him was for 30 minutes to get a pair of shoes. Ms. Sandifer stated there were extended periods of time where Mr. Smith was left alone to fend for himself. This is when he went out on his own and moved 26 times. Mr. Smith was a vulnerable child and started selling drugs to make ends meet at age 17. Ms. Sandifer stated that Mr. Smith was also commended by the warden, prosecutor, and judge. They all have deemed him rehabilitated. Mr. Smith has also facilitated a creative writing course; a program other individuals get to enjoy. Mr. Calvin



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Smith expressed remorse for what happened. He stated that this was an accident, and he did not intend to pull the trigger, he was just trying to get up off the floor. He didn't know the gun would go off and kill someone. Mr. Smith takes accountability and has regretted that day since the trigger went off. Mr. Smith stated that he has a tattoo in honor and memory of the victim. He stated he got this in 2007 before he was even resentenced, it's in a location where he will see it and it will remind him every day of what happened. He stated he never wants to forget what happened. He stated that he decided in 2006 to change his life and started attending classes for his GED. Mr. Smith started to better himself by working in 2007. He stated in 2009, he was placed in SEG and saw how dire prison can be. Mr. Smith stated this showed him just how fragile you can be by being hopeless. In 2011 his roommate told him he was depressed. Mr. Smith stated that he wasn't sleeping and was seeing his grandmother standing in doorways. He told his roommate he needed to go talk to someone, broke down, and went to Mental Health. Mr. Smith explained how he has been taking MH, problem solving, cognitive classes since 2013. He stated he has 24 years, 3 months, 17 days of MH and health issues stemming from this incident. Spiritually, he stated that he has accepted faith and started to believe that he was better. Emotionally, he began to reach out to his mother to repair their relationship and to understand how it got to that point.

Ms. Sandifer stated that Mr. Smith is of sound mind, articulate, a goal setter, and he takes the steps to achieve these goals. When asked for letters and community resources, Mr. Smith has done so. Ms. Sandifer stated Mr. Smith has been rehabilitated and is ready to go on and be part of the community.

Ms. Shoffner questioned Mr. Smith's post relief in 2016, and at what point did he take responsibility for his actions.

Mr. Smith stated it should've been overturned in 2016 and he believed the only way to get a second chance of life was to do the paperwork for the petition. He stated that in 2017, he filed a petition for juvenile and stated he no longer wanted to hide the truth.

Mr. Grubbs questioned Mr. Smith about his time in SEG in 2009.

Mr. Smith stated not since 2004.

Mr. Grubbs questioned Mr. Smith about being a member of the Vice Lords.

Mr. Smith stated that in 2006 he tried to renounce from the Vice Lords. And he stated he was asked questioned that he had no knowledge of; Who was in charge? Where do they sell drugs? Mr. Smith stated these were things he had been away from for 10 years.

Mr. Grubbs questioned Mr. Smith on when his last involvement was with the gang.

Mr. Smith stated it was when he was arrested.

Ms. Globokar stated to Mr. Smith that he is expected to conform to conditions to parole. She questioned his parole plan and if he has made any connections in the community.

Mr. Smith stated he would like to live with his cousin in Nevada, she is a wonderful member to society



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but before he made that decision, he had checked out local resources.

Ms. Globokar questioned employment opportunities in Nevada, and what type of work he would pursue.

Mr. Smith stated he would transition from rehab into real estate. Mr. Smith said he can also do carpentry; he is willing to work any job that he can be blessed with from flipping burgers to cleaning rooms. Mr. Smith stated just wants to be able to provide for himself.

Mr. Bohland questioned Mr. Smith about the crime of robbing Pizza Hut, and he asked since his friend didn't show, why Mr. Smith followed through with the robbery.

Mr. Smith stated his co-defendant was supposed to be working, after he went behind the counter in the business, he realized he wasn't there.

Mr. Bohland stated to Mr. Smith that the two co-defendants fled before the murder and once again questioned why Mr. Smith continued with the action when the co-defendants fled.

Mr. Smith stated he didn't believe that it was dangerous, in his mind he was just trying to keep a roof over his head and not sleep outside. He stated once he was inside the business, he couldn't stop himself and he was all impulse. Mr. Smith stated he was mad that his friends had fled, and he just wanted to take money back to the woman who owned the house so he could continue to stay there. Mr. Smith stated he was desperate, and it was the biggest mistake he ever made.

Mr. Bohland questioned Mr. Smith on why the Board should disrupt his new generous sentence.

Mr. Smith stated he thinks he should be given a second chance; he has earned it and has been working on himself from the inside out. He is mature now and he isn't the same person he was at 17, he is now 41 and he knows the importance of respecting life.

Ms. Goff discussed restorative justice and questioned Mr. Smith on what he sees as his responsibility for the pain and suffering that he has caused to the community and family.

Mr. Smith stated that he wants to help others in the community. He also stated that he is almost finished writing a children's book. Mr. Smith wants to let children know they aren't alone, and he is here to help. He is very passionate for that.

Ms. Goff stated Mr. Smith cannot have any contact with the family. She questioned if he has ever written a letter to the family.

Mr. Smith stated he sent a letter to the State's Attorney's office for the family and to apologize to the State's Attorney's office for his actions. He stated he would also like to apologize to the family to their face.

Ms. Terrones questioned Mr. Smith if he was continuing to take care of his mental health.



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Mr. Smith stated that he sees the therapist every 30 days.

Ms. Terrones stated Mr. Smith's forensic testing found him to be very honest, low risk and positive.

Ms. Globokar stated she wants to discuss parole plans more and asked how long he can stay with Ms. Jackson. She also asked Mr. Smith if he has spoken with IDOC regarding paroling to Nevada.

Mr. Smith stated Ms. Jackson said he can stay as long as he wants, and she will take care of the bills. She is passionate about him succeeding.

Ms. Globokar asked about Interstate compact for approval to move to Nevada.

Ms. Sandifer stated she has not talked to anyone about that.

Ms. Globokar asked about Precious Blood and if he would be willing to parole there.

Ms. Sandifer stated she has spoken with them about housing.

Ms. Globokar questioned if Mr. Smith is concerned about living in Chicago.

Mr. Smith stated he wants a fresh start and to be away from Chicago, he isn't scared, but he just doesn't want to be there, although he has a lot of family in Chicago.

Ms. Globokar asked Mr. Smith who his first 3 calls would be to if his host site says he can no longer stay there.

Mr. Smith stated his first call would be to his parole officer, his second phone call would be to his cousin and his third call would be to his mom. Mr. Smith stated he would be fine living in a shelter before ever having to go back to prison.

Ms. Globokar questioned if there was anyone here that would be willing to help him. Two people on behalf spoke up.

Ms. Goff questioned if Mr. Smith's cousin has been in contact with any work.

Ms. Sandifer stated his cousin said she could get him a full-time job; she is also a student and has spoken with the college to see if he would be able to take any courses. She also has several jobs lined up for him, starting with fast food.

Ms. Sandifer stated we need to be mindful on what we hold them to and be mindful at some point that this was a homeless child who moved 26 times between 13-17 years old. Mr. Smith has served 24 years with only 7 tickets, the last one from 2006. She stated he has no gang affiliation. He also received his GED in prison and does have college credits. Mr. Smith joined a nonprofit organization as well.



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End of discussion.

DECISION AND RATIONALE

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

After a complete review of Mr. Marvin Smith's case, and after giving thoughtful discussion and consideration to all factors, the Board decided and voted to deny parole to Mr. Marvin Smith. 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. Smith would not conform to reasonable conditions of parole and that 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- February 25, 2025

Individual in Custody's Name: Marvin Smith* IDOC Number: M24156

The Illinois Prisoner Review Board met in open *en banc* session at 3000 South Dirksen Parkway, Springfield, Illinois, on February 25, 2025, at the 9:00 a.m. session to discuss and deliberate parole eligibility for Marvin Smith M24156.

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: Amy Sexton.

PRESENTATION OF INTERVIEW AND FILE

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

PRESENTATION OF INTERVIEW AND FILE

Mr. Marvin Smith was interviewed on January 21, 2025, via Webex by Board Member Mr. Rodger Heaton at Graham Correctional Center. Mr. Smith was represented by attorney, Mr. Jorge Montes. Mr. Smith was attentive, cooperative, polite, and engaged throughout the interview that lasted from 9:00 a.m. to 10:40 a.m. Ms. Rebecca Guise, Mr. Smith's mother, and Mr. Billy Moore, his cousin, appeared as witnesses and spoke on behalf of Marvin.

Mr. Smith is 32 years old and currently in custody at Graham Correctional Center, serving a 38-year sentence (which included a 15-year enhancement for use of a firearm), as a sentence imposed following a jury trial conviction for Armed Robbery with a Firearm. He is currently classified as a medium, A grade, no escape risk offender. Mr. Smith had also been charged with murder, but the jury found him not guilty on that charge. The offense for which his conviction was imposed, occurred on April 24, 2011. However, he was not arrested until June 2013, so he has served approximately 11 years, 8 months, to date. Mr. Smith's MSR date is September 24, 2045, at which date Mr. Smith would be 52 years old.

STATEMENT OF FACTS

Mr. Marvin Smith, age 18, and a co-defendant, Joshua Brown, age 21, went to the Chicago apartment of a third man, Dushawn Davis, age 21, and Brown convinced Davis to let them in. Once inside, Brown and Mr. Smith demanded Davis's money, and also robbed him of a shotgun, a handgun, and game system. Before they left the apartment, Mr. Davis was shot and killed. A witness in an alley behind Mr. Davis's apartment saw two men fleeing, and one of those two men pointed a gun at the witness while they fled. Another witness testified that Mr. Smith had made an incriminating admission while speaking to his mother in a phone call that the witness overheard. Mr. Brown pleaded guilty to first degree murder and was sentenced to 25 years.



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CRIMINAL HISTORY

Prior to the instant holding offense, Mr. Smith had been convicted of burglary at age 17, then unlawful possession of a firearm by a felon at age 18, in connection with an incident where he was in a car that the police stopped, and he was observed fleeing the scene and tossing a gun. He pleaded guilty in November 2011, and then was subsequently re-incarcerated for a parole violation. On his release date in June 2013, from the time he had served in custody on the parole violation, he was taken directly to CPD and put through interrogation for approximately 48 hours. During which he explained that he was innocent of the murder, and armed robbery of Mr. Davis. Despite his protestations of innocence, he was charged for those offenses, and remained in custody until his jury trial in January 2019.

INSTITUTIONAL ADJUSTMENT

Mr. Smith has undertaken to educate and improve himself while incarcerated, taking the following steps to do so. He enrolled and graduated from the Blackstone Career Institute in July 2024, graduating with distinction for earning an A grade point average (95%) (in their Legal Assistant/Paralegal Certificate program). He enrolled in that program in March 2023, and completed 915 clock hours of instruction over 15 months. He also completed numerous Reentry Life Skills courses, at his own expense, separate from IDOC, in September 2024, including courses on Personal responsibility, Offender Corrections, Cognitive Awareness, Contentious Relationships, Anger Management, Parenting, Substance Abuse, and Employment. Because of the length of sentence, he had left to serve, he explained that he had limited programming offered to him at Stateville and Pinckneyville. Yet, he chose and acted to pursue this extra education and programming on his own, and at his own expense, because it was important to him. While Mr. Smith had about a dozen tickets while incarcerated for a previous offense (between 2012-2013), he has had only 1 IDR for possession of some electronic contraband back in October 2022. He received a minor punishment of losing some commissary privileges, and his lack of any other tickets in approximately 12 years of incarceration suggests a remarkable institutional adjustment.

STATEMENTS AS TO THE OFFENSE

While Mr. Smith has continuously denied his involvement in the armed robbery and murder offenses since his arrest, he has stated in his petition "My heart and condolences go out to the victim and family in which I'm sincerely sorry for what transpired. Since the day I was charged and eventually wrongfully convicted till this very moment, I always proclaimed and maintained my innocence, having nothing to do with this crime."

PAROLE PLANS

Mr. Smith's parole plan is to either reside with his mother in Pearland, Texas, or his great aunt, in Munster, IN, if an ICC is approved. Mr. Smith plans to continue his education at a community college, and to take online classes for business management. He will get his CDL and drive trucks to provide income while he completes his education. He would like to expand owning 3-4 trucks and use the income to diversify into real estate. He expressed interest in attending seminars relating to real estate investing, which he stated could create financial freedom and even generational wealth for his bloodline. Mr. Smith observed



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that he has become a 32-year-old man who has wisdom, knowledge and understanding about both life and himself. He believes that his incarceration was the result of God intervening to save him from himself and his path of self-destruction. He would like to lead by example, and show younger at-risk youths that there is hope, and that with hard work and dedication, anything is possible.

Mr. Smith's mother and siblings need his presence and support, and he noted that he has 3 nieces and a nephew who do not know him. Importantly, Mr. Smith has a fiancé, who resides in Frisco, TX. She is a behavior therapist at an ABA Clinic there, and has two children, ages 9 and 12. In her very thoughtful letter of support, Ms. Johnson, explains that they were introduced 7 years ago, and became engaged about 2 years ago. She visited him about every 2-3 months while he was housed at Pinckneyville Correctional Center, driving about 10 hours to spend a weekend visiting. She has been writing to him for 5 years or more and observed that he is thoughtful and generous with teaching and insights, that he has an excitement for life, a good sense of humor, and a true love for family. She also observed that he has helped her and others through mental crises, that he pushes people to be their better selves, that he reads self-help books and the Bible, and that they have plans to start a business together, a community center for youths in poverty-stricken situations. She currently has her own non-profit organization, a real estate business, and a consulting company. When asked why Mr. Smith had not suggested moving in with his fiancé as an initial step in his parole plan, Mr. Smith stated that he believes it would be wise to get himself together first, before adding that challenge to their relationship. He explained that she doesn't want him to wait to move in with her and her children, but that he believes it is best for their long-term prospects as a couple and family. Mr. Heaton's perception was that he showed substantial maturity and self-control with this thoughtful consideration of this component of his parole plan and their shared future.

OPPOSITION TO PAROLE RELEASE

The Cook County State's Attorney Office submitted a lengthy letter strongly objecting to a grant of parole to Mr. Smith at the present time. The letter argues that it would deprecate the seriousness of the offense and promote disrespect for the law to grant release now before Mr. Smith has served even half of his 38-year sentence. The letter also argues that there is a substantial risk that Mr. Smith will not conform his conduct to the conditions of parole or supervised release, based on his commission of new crimes while on release previously, and on the number of criminal convictions in his background.

ENBANC HISTORY

This is Mr. Marvin Smith's first time appearing for parole consideration.

DISCUSSION

Summary of discussion for parole consideration:

Mr. Marvin Smith's attorney, Jorge Montes stated that Mr. Smith had just turned 32 years old, and he was 18 years old at the time of the incident. Mr. Smith lived in a violent environment and had already been shot himself, so he felt he needed a gun to be protected. Mr. Montes stated he feels that Mr. Smith should've only been sentenced to 6 years and that Mr. Smith acknowledges his life was on a criminal



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path. Mr. Montes explained how Marvin was raised in a dysfunctional environment. At the age of 9, he was sexually abused by another foster child. His best friend was murdered, and he also witnessed the murder of his cousin. Mr. Montes stated that today, Mr. Smith is a different man. He is mature, obtained his GED, and became a Certified Paralegal while in prison. Mr. Smith has 3 different homes to stay when he is released, his mother, aunt, and his fiancé, who lives in Texas. Mr. Montes stated there are officers who have felt so strongly, they put their jobs on the line, and have written letters of support on behalf of Mr. Smith.

Ms. Renee Guice, Mr. Smith's mother, shared a picture of him as a 7th grader playing football. She stated when she went to visit him in prison, she saw a change in him. Ms. Guice explained that when she asked Marvin not long ago, if he was granted parole, why would he not want to go to Chicago. She stated that Mr. Smith told her because he wants to "live and go to trucking school". Ms. Guice stated that she is ready for him to come to Texas to live with her and also stated that he is signed up for trucking school and she will make sure that he attends.

Mr. Moore, a site manager at a Community Violence Organization called Chicago Crib, stated that he has worked for SAFER Foundation for 9 years. He explained how he came in contact with SAFER Foundation as a reformed citizen and needed that support to get back on his feet. Mr. Moore stated he is now 36 years old and was 16 years old when he went to prison for 1st Degree Murder. He stated that he is standing here today to say he is not the same person he was at 16 years old and hopes the Board could see that Mr. Smith is not the same either.

Mr. Marvin Smith started by thanking everyone regardless of the outcome. He stated that his head and heart hurt for his actions. When he was a teenager, he stated he was raised in a hostile environment, and it caused him to become an offender. Mr. Smith stated there were key moments in his life where he should've spoken up, but he didn't. Mr. Smith is seeking approval for freedom to be restored and not denied. He stated that over time, he realized that his past doesn't define his future. With his freedom, he will become a positive impact on society. Mr. Smith stated this is a chapter in his life that he wants to close and never return too. He knows he has done terrible things in the past but has worked to become a better person.

Mr. Bohland questioned Mr. Smith's ticket gap between 2013-2022, asking if he was not in IDOC custody.

Mr. Heaton stated Mr. Smith was in Cook County.

Mr. Bohland questioned if Mr. Smith received any discipline while in Cook County.

Mr. Heaton questioned attorney, Mr. Montes if he was aware of any discipline while Mr. Smith was in Cook County.

Mr. Montes stated that he was not aware of any discipline.

Mr. Tupy questioned the recantations from the parties, any post convictions, or if there have been any appeals.



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Mr. Montes stated no, they were told of any appeals.

Mr. Montes continued with his closing argument stating that one can speak about how they have changed their lives but if you aren't showing it with actions, it's not true. Mr. Smith is proof that he has gotten his act together and has taken measures to further his education. He asked the Board to please give him that second chance. Mr. Smith only has 1 minor ticket and will not have another chance for 5 years.

End of discussion.

DECISION AND RATIONALE

Motion to deny parole (HEATON- BOHLAND). Motion prevailed with a 9-2 vote. Members voting in favor of the motion were Mr. Bohland, Mr. Coates, Ms. Globokar, Ms. Goff, Mr. Grubbs, Mr. Heaton, Ms. Shoffner, Ms. Tison, and Mr. Tupy. Mr. Delgado and Ms. Terrones dissented.

After a complete review of Mr. Marvin Smith's case, and after giving thoughtful discussion and consideration to all factors, the Board decided and voted to deny parole to Mr. Marvin Smith. 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. Smith would not conform to reasonable conditions of parole and that 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- February 25, 2025

Individual in Custody's Name: Jeremy Ly IDOC Number: Y48457

The Illinois Prisoner Review Board met in open *en banc* session at 3000 South Dirksen Parkway, Springfield, Illinois, on February 25, 2025, at the 9:00 a.m. session to discuss and deliberate parole eligibility for Jeremy Ly Y48457.

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: Amy Sexton.

PRESENTATION OF INTERVIEW AND FILE

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

PRESENTATION OF INTERVIEW AND FILE

Mr. Jeremy Ly was interviewed by Board Member Mr. Delgado via video, accompanied by his attorney, Mr. Jed Stone. Mr. Ly appeared clear minded and focused. Mr. Ly is approximately 30 years old and prior to his conviction, he resided in Skokie, Illinois with his parents and communicated very well. Mr. Ly answered questions without hesitation, appeared healthy and in good mental health. Mr. Ly was convicted of Aggravated Battery with a Firearm following a guilty plea. Mr. Ly attended Niles North High School and was arrested prior to graduating; however, he achieved his GED while in Cook County.

STATEMENT OF FACTS

On September 28, 2014, Mr. Ly was asked by a co-defendant about someone he could rob. Mr. Ly provided the number of a Victim 2. The codefendant contacted Victim 2 and said he was someone else, a person the victim would know. The co-defendant set a buy of cannabis from Victim 2 via text. They arranged to meet at 9246 Kedvale in Skokie. Once at the location in front, Victim 2 had someone with her (Victim 1) who was her "muscle" just in case. Victim 2 got into a car, driver's seat, victim 1 sat in the front passenger seat. The co-defendant, Mr. Hughes entered the rear passenger seat, Hicks went in the other door. Hicks quickly demanded cannabis from Victim #1, when she refused, Hicks who had produced a gunshot Victim #1 in the back killing him. Hicks then shot Victim 2 in the face. Both Hughes and Hicks fled the scene. Victim #1 died of the wounds to the back and the bullet was lodged in Victim 1's chest. Victim 2 required a respirator, and to have her jaw wired shut, and additional surgeries.



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CRIMINAL HISTORY

Mr. Ly's current sentence of 18 years for Aggravated battery with a firearm as a plea deal. Mr. Ly had an offense of cannabis possession in Skokie.

INSTITUTIONAL ADJUSTMENT

Mr. Ly has not had any IDRS while in IDOC. While incarcerated, Mr. Ly achieved several certificates of self-development in addition to chess, and ministry, Mr. Ly also received a certificate for the Building Trades from Lakeland College among others. Mr. Ly now works from an ATC on the west side of Chicago.

STATEMENTS AS TO THE OFFENSE

Mr. Ly indicated strong regret for providing the phone numbers to people he knew, for a robbery of marijuana that went very bad. He never imagined it would cause death and injury to others.

PAROLE PLANS

Mr. Ly intends to reside with his parents in Skokie upon re- entry. Mr. Ly currently works in car sales via the ATC, where he assists in closing of the sales and some computer work.

OPPOSITION TO PAROLE RELEASE

Cook County State's Attorney and family of the victims.

ENBANC HISTORY

This is Mr. Ly's 1st attempt for Youthful Offender Parole.

DISCUSSION

OPEN EXECUTIVE SESSION: GRUBBS- DELGADO
CLOSE EXECUTIVE SESSION: DELGADO- GRUBBS

Summary of discussion for parole consideration:

Attorney, Mr. Jed Stone, stated Mr. Jeremy Ly is accepting responsibility and performing well under incarceration. Mr. Stone stated that he is presenting a strong parole plan that is the heart and soul of Mr. Ly's case today. Mr. Stone stated, from the beginning, Mr. Ly was in contact with the police to which he told them he only set up the robbery. Mr. Ly was not there, and he wasn't in the car during the accident. Mr. Stone stated that Mr. Ly did not think that someone would be killed at this event. Mr. Ly accepts the responsibility for giving the woman's name and phone number to be set up for the robbery of marijuana. Mr. Stone stated that Mr. Ly does feel responsible for taking a life and feels its an embarrassment for his



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immigrant family, who came to live here. Mr. Stone stated that Jeremy is not that person and plans to live with his parents in Skokie. Mr. Stone explained how his parents have been there for Mr. Ly through it all. They have attended all court hearings and visitations, although they do not speak very much English. Mr. Ly's other family calls or emails frequently for updates. Mr. Stone stated that Mr. Ly has a shelter in place, has earned numerous certificates, learned new re-entry skills, and has a great support system.

Mr. Tupy informed Mr. Stone of the letter on file from the State's Attorney's office and a copy was shared with Mr. Stone.

Mr. Delgado questioned Mr. Ly on his thoughts on the night of the incident.

Mr. Ly stated that he wasn't thinking when he was sending the messages. He stated that he wasn't rational or even thinking at all and was just in the moment. Mr. Ly admits to being immature and not thinking of his actions. He stated that is not who he is as a person and there is not really a complete answer as to what was going through his head that day, he was not in sound mind. Mr. Ly stated that he has spent a lot of time to sit back and think about what happened along with accepting the responsibility.

Mr. Delgado questioned Mr. Ly if he was using marijuana during the incident and if something had happened the week prior leading up to this incident.

Mr. Ly stated no, he was not using marijuana or high, but he wasn't talking to the right crowd and didn't realize his actions.

Mr. Delgado asked Mr. Ly to explain in his own words.

Mr. Ly stated he did not smoke marijuana in the car, and he did not see the co-defendant until after being incarcerated. He stated he never smoked any of the marijuana that was stolen either. Mr. Ly stated when the robbery happened, the co-defendant and himself never talked about the incident nor was he even able to ask him if he did it. Mr. Ly stated he does not truly know what happened and he did not have the marijuana in his possession.

Mr. Delgado questioned Mr. Ly if there was marijuana in the car.

Mr. Ly stated that he never smoked the weed, and he was never told if the co-defendant took the weed. Mr. Ly stated that he never knew the whole story of what happened, and he did not have the marijuana.

Mr. Delgado questioned Mr. Ly's parole plans.

Mr. Ly stated that he has a couple job offers. He has also been employed since December at a car shop, where he does marketing and sales. Mr. Ly stated his place of employment is close to his parents' house where he hopes to be paroled to, so he will be able to keep his employment.

Mr. Heaton questioned Mr. Stone on what was offered to the client during the pleading stage.

Mr. Stone stated they did not to agree to the First-Degree Murder charge and the judge disagreed. Mr.



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Stone stated that it was better for Mr. Ly to take the plea for 18 years. He felt that was appropriate since Mr. Ly would be parole eligible after 10 years. Mr. Stone stated there is nothing in Mr. Ly's current file that says he is not eligible for parole.

Mr. Heaton questioned if Mr. Stone followed the trial for the co-defendant.

Mr. Stone stated that Mr. Ly participated in those 2 trials as a witness. Mr. Stone stated that Mr. Ly did it not to benefit himself but because he could not believe this conversation could cost someone their life and another being shot in the face.

Mr. Bohland questioned if it was a condition of Mr. Ly's plea deal to testify at the trial.

Mr. Stone stated yes, it was.

Mr. Bohland questioned Mr. Ly and Mr. Stone if they were aware of any disciplinary tickets while in Cook County Jail.

Mr. Stone stated he does not have any record of tickets in 10 years.

Mr. Ly stated there was one incident where he received a ticket for contraband, but the ticket was later thrown out. He stated it was not his property.

Mr. Bohland stated to Mr. Stone how he mentioned Mr. Ly as not aware others had any weapons, but in the petition, Mr. Ly stated that he was aware.

Mr. Stone explained Mr. Ly did not know the people and how they were the ones that shot and killed the victim, leaving another one harmed.

Mr. Bohland questioned Mr. Stone on why Mr. Ly told them to bring a weapon to the robbery.

Mr. Stone stated Mr. Ly said yes to bring "pole" and then she would give up easier.

Ms. Tison questioned if Mr. Ly's parents are in good health since he would be paroling there. In the event Mr. Ly wouldn't be able to stay there, she questioned what his plans would be.

Mr. Stone stated Mr. Ly's parents are in good health. He also stated that Mr. Ly will have a job with income. He also has other places he can stay.

Ms. Globokar questioned Mr. Ly how he learned about the murder and what he did about it.

Mr. Ly stated he went to school at his community college, while he was in the computer room, he saw it on Skokie News website. Mr. Ly stated he was shocked and did not even realize that he was a part of it. He also stated that one of the victims he knew as family, and he felt completely shocked. He stated he then ran up to another friend and told them, they were shocked as well.



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End of discussion.

DECISION AND RATIONALE

Motion to deny parole (DELGADO- SHOFFNER). Motion prevailed with a 11-0 vote.

After a complete review of Mr. Jeremy Ly's case, and after giving thoughtful discussion and consideration to all factors, the Board decided and voted to deny parole to Mr. Jeremy Ly. 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. Ly would not conform to reasonable conditions of parole and that 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- February 25, 2025

Individual in Custody's Name: Gerald Chatman IDOC Number: C61397

The Illinois Prisoner Review Board met in open *en banc* session at 3000 South Dirksen Parkway, Springfield, Illinois, on February 25, 2025, at the 9:00 a.m. session to discuss and deliberate parole eligibility for Gerald Chatman C61397.

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: Amy Sexton.

PRESENTATION OF INTERVIEW AND FILE

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

PRESENTATION OF INTERVIEW AND FILE

Mr. Gerald Chatman was interviewed on January 25, 2025, via conference at Big Muddy River Correctional Center by Board Member, Mr. Kenneth Tupy. Mr. Chatman has had contact with his sister but, has not had a visit since entering Illinois Department of Corrections. During the current interview, Mr. Chatman stated that he has not had any family visits; all his family is deceased. Mr. Chatman confirmed during the interview that there is no engagement in services to discuss.

Mr. Chatman was born November 11, 1939, and is currently 85 years old. His projected release date is December 10, 2039.

STATEMENT OF FACTS

On November 8, 1957, the victim, Catherine McWhorter, age 30, was living with her husband and two small children in Chicago. Mrs. McWhorter was also 3 months pregnant at the time. Mr. Chatman came to her front door about 11:15 a.m. and asked her if she wanted to take the Tribune. He stated that since she did not get her Times that morning that he would go get one for her, and he returned with a wet copy of the Sun Times, and again said he would get her another copy. He left and returned again this time stating he would need a receipt to get another copy, and when the victim opened the door to look for the receipt, he pulled out a knife and held it to the necks of her two small children, backing them into her bedroom. The victim begged him not to hurt the children. Mr. Chatman instructed the victim to remove her clothes, and she complied. He then got on top of her and raped her until he ejaculated. Mr. Chatman then forced her to lay down and raped her a second time. Mr. Chatman then questioned the victim if she was expecting anyone. The victim stated to Mr. Chatman that she was expecting a visit from her neighbor. Mr. Chatman then told the victim that he intended to perform oral sex on her and then have her perform



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oral sex on him, but that he would leave instead since she was expecting someone. On November 20, 1957, at about 1:00 p.m., Mr. Chatman came to the door of Mrs. Lillie Cofield, age 22, who lived on the second floor of her apartment complex in Chicago. She was married and at the time had two children, the oldest a year old, and the youngest only 3 weeks old. Mr. Chatman told her he was investigating complaints for the Sun Times Newspaper. She told him that she did not take the paper and turned around to enter the front room of her home. Mr. Chatman followed her into that room. He instructed her to put the baby in the bed and to put the one-year-old in the baby buggy. He then told her to lay on the bed and remove her clothes. As he gave the instructions, he pulled out a hunting knife from his pants pocket and said he would kill the babies if she did not do as he said. Then he hit her on the side of the face and forced her back on the bed. Mr. Chatman then pulled her clothes off, opened the front of his pants, and forced vaginal penetration with his penis. Mr. Chatman then hit the victim again in the face. He had been raping her for about two minutes when someone knocked on the door. Mr. Chatman then got off the victim, and quickly exited the front door past her neighbor. The victim told the neighbor what had happened, and the police were called. Mr. Chatman was also identified by another witness who was visiting his aunt who lived on the first floor of the same building. Mr. Chatman was asking the witnesses' aunt to subscribe to the paper when he was there about 15 minutes before the petitioner went upstairs and committed the rape. Mr. Chatman was arrested on December 3rd, 1957. That same day he was identified by the victim, the neighbor witness, and the witness from the 1st floor. On December 6th, Mr. Chatman gave an oral confession to the Assistant State's Attorney. That same day he was identified in a line up by the victim of the first rape. At trial Mr. Chatman refused to answer any questions, broke an arm off a chair, struck a bailiff in the neck with his handcuffs, and kicked a shelf off the witness box. Mr. Chatman was found guilty on both convictions and sentenced to 60 years for each conviction to run consecutively. Also noted were typed out victim statements from an additional 5 rapes at knife point and 1 attempted rape during the same period of time in 1957 in the file pertaining to this case, many of which show the same characteristics as the other rapes. Mr. Chatman served 18 years before being released to parole by way of En Banc in 1975. He was paroled to a halfway house in Peoria, IL. That same year he committed the following crimes in violation of state law and his parole conditions. On September 21, 1975, the victim, a student teacher in the Peoria area, was returning home. She arrived in front of her apartment at around 9:00 p.m. and began walking toward the front door. She noticed Mr. Chatman walking from across the street toward and past her, but when she approached the entrance to her apartment, Mr. Chatman was behind her and opened the door for her. She walked inside and started to close the door but noticed Mr. Chatman had stayed right behind her. Mr. Chatman then closed the door while holding a hunting knife. Mr. Chatman told the victim to give him all her money, which she did. Mr. Chatman would not let the victim turn around or turn any lights on. Mr. Chatman led her around the apartment holding her left arm, having her open drawers and closets. When he was convinced, there was no more money to be found, Mr. Chatman took the victim to the bedroom. He told the victim, "I want sex," and instructed her to get undressed. The victim complied as she was still being held at knife point. Mr. Chatman instructed her to lay on the bed, and he took off all his clothes except for a blue hat. Mr. Chatman placed the knife on a fan next to the bed, and then proceeded to rape the victim for 2 and a half hours. He then cleaned himself off, told her to put the sheet over her head, turned the light on to get dressed, warned her not to call the police, then turned the lights off and left. He didn't leave the apartment until around 1:00 a.m. at which point the victim called the police. A report was taken, and the victim was transported to the hospital. On September 22nd, another victim, left her apartment around 4:20 p.m. to take out the garbage. When she returned to her front porch, Mr. Chatman was standing in her doorway yelling for "Jerry." The victim approached Mr. Chatman asking what he wanted. Mr. Chatman asked if Jerry lived at the apartment, to



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which the victim stated a Jerry did not live there. Mr. Chatman asked if he could use the telephone, pulled a knife from his pocket, and stated he only need a few pennies and a couple of dollars. The victim's son then ran out of the house and the Mr. Chatman ordered the victim to get her kid back in there. Mr. Chatman made this order 3 times before running after the child and carrying the child back into the apartment himself. Mr. Chatman then asked the victim for her money. The victim led Mr. Chatman back to her bedroom where she kept her purse by her bed, handed Mr. Chatman her wallet which contained \$30.00, and pleaded that she needed the money to support her child. Mr. Chatman returned the wallet and then walked back to the living room. He then asked if there was anything of value in the house, which the victim replied that there wasn't. Mr. Chatman asked again and then ordered the victim to follow him to the front bedroom. Mr. Chatman then ordered the victim to take her blouse off at knife point. The victim asked Mr. Chatman's intentions, and he stated to "just be quiet and let's get this over with." The victim complied with taking her clothes off. Mr. Chatman then dropped his pants and ordered the victim to lay on the bed and spread her legs. Once Mr. Chatman penetrated the victim, he kept ordering her to "respond." Mr. Chatman got spooked when someone slammed a door outside of the window and ordered her to face the wall. He then gave her an ultimatum to either perform vaginal or oral sex. When she refused, he forced penetration vaginally again. Mr. Chatman got spooked by something again and forced her to relocate to the back bedroom where he forced penetration vaginally a 3rd time again demanding that she "respond" to him. Soon after a witness tried to gain entry through the back door but, it was chained shut. Mr. Chatman then got dressed and fled, first to the back door, but then ran out the front door instead. Police arrived on scene and canvased the area but got no results from neighbors. Police transported the victim to the hospital. They did a rape kit and took the victim to the station following examination for further questioning. On September 25, 1975, the victim from the September 22nd rape had completed a polygraph interview with detectives and was being driven home by an officer when she spotted Mr. Chatman going into the halfway house that he was paroled to. Police responded to the halfway house, but he had already left. The victim identified Mr. Chatman out of a photo line- up, so they attempted arrest of Mr. Chatman at his place of work at the YMCA, and arrest was successful. The victim from September 21st was contacted and subsequently identified Mr. Chatman in a line-up. During arrest, he kicked one of the officers in the groin and resisted.

CRIMINAL HISTORY

It should be noted that the parole violation report from 1975 clearly indicates that there were an additional two documented rapes beyond the two convictions, both with victim police statements, one of which was performed at knife point. Mr. Chatman plead not guilty to each count and requested a change of venue for the trial. Jury trial commenced on February 9, 1976, in Lincoln, IL.

On February 13th, Mr. Chatman was found guilty of Rape and Armed Robbery.

On March 19, 1976, Mr. Chatman was sentenced to 50 to 150 years for Rape.

On April 12th he was sentenced to 10 to 30 years for the Armed Robbery to run concurrently with the Rape conviction. Both sentences are to run concurrently with the concurrent sentences of 50 to 150 years each for Rape and Deviant Sexual Assault. All these sentences are to run consecutively to the remaining sentence from the 1957 Rape Convictions for which Mr. Chatman was on parole and violated parole.



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INSTITUTIONAL ADJUSTMENT

Mr. Chatman has a very poor institutional adjustment with almost no efforts made throughout the years toward rehabilitation. His most recent Offender Overview states that Mr. Chatman has not taken part in any programming since being transferred to Big Muddy River for the sex offender program in 2016, which he never took part in. Mr. Chatman recorded 2 minor and 11 major tickets from 1998 to present including a 2013 ticket for stabbing another inmate in the mouth with a pen resulting in hospitalization of the victim and 6 months of segregation for Mr. Chatman. Mr. Chatman said he only scratched the other inmate. Other tickets including a fighting ticket while in segregation in 2013, and a 2014 ticket for intimidation or threats. In response to his ticket history, Mr. Chatman stated, "We are in prison with violent people who start fights. If I fight, I'm violent. If I leave the situation, I'm refusing housing."

Mr. Chatman's interview testimony regarding his work history within IDOC conflicts with the record in his SPIN assessment. Mr. Chatman states he worked for 10 years in the bakery at Illinois River without issue and for 5 years in the bakery at Galesburg. Mr. Chatman stated that he lost jobs due to fights with gang members. He also stated that he experienced reprisals from staff due to filing grievances against prison staff. He claims this resulted in him not being able to get jobs. Mr. Chatman states he got a job as a laundry porter, and they wouldn't let him get any other job. As mentioned, the 2016 SPIN assessment conflicts somewhat, stating that he has not worked for longer than 6 months during his entire incarceration.

STATEMENTS AS TO THE OFFENSE

During the interview, Mr. Chatman stated that he is completed rehabilitation and will not re-offend. Mr. Chatman stated, "I do not want to spend the rest of my life in prison." He argued that the primary reason behind all his sex crimes was simply a sexual addiction. Mr. Chatman acknowledges the facts of the crime and does take responsibility for his actions. While he was unwilling to recount or discuss any details of the crimes, he admitted to everything written in the statement of facts and in the file. Mr. Chatman also confirmed that he is remorseful for his actions and recognizes the damage caused, but again would not discuss further. When asked about any circumstances in his life prior to the offense, Mr. Chatman became defensive about the Prisoner Review Board having any knowledge at all of his youth record. When asked what helped him to overcome his sex addiction and when he felt that change occurred, Mr. Chatman stated "50 years of remorse and acknowledging what he did." He also said he is older, and his sex drive is diminished, and he would be able to control his sexual addiction. Bringing up the obvious concern that he was granted parole via En Banc in 1975 and then reoffended, Mr. Chatman was asked about what caused him to recommit the same crimes. Mr. Chatman responded saying, he took it for granted and "I had an addiction that I couldn't control." Mr. Chatman was asked why he used knives and violence during the rapes, and why he utilized rape as the method of meeting his sexual addiction. He responded stating, "I was shy and lacked self-confidence. I didn't know how to approach women or maintain relationships. I took the easy way out, like a wild animal giving into basic needs. I'm sure now that I can control my own urges and lack the urges in my old age." In regard to the knives being used on children, Mr. Chatman stated, "That was wrong. I could never do that. Victims were dishonest about the knives and told prosecutors what they wanted to hear." Digging further into the claim that the use of knives was false testimony on the part of the victims, Mr. Chatman admitted that he did use knives during his offenses, just never used them on children. He stated, "I used the knives to frighten women, but the baby thing was



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false."

PAROLE PLANS

Mr. Chatman has no legitimate parole plan to discuss. He mentioned the possibility of using a halfway house in Chicago with no further details. He would qualify for Medicare. Mr. Chatman stated that nobody would hire a rapist. He has no health care needs to plan for, no community or family support systems to speak of. No plans for wrap-around services and no letters of support. He would also qualify as a potential sexually violent person which would add roadblocks to his parole.

OPPOSITION TO PAROLE RELEASE

There is a letter dated October 2021 from the Peoria County State's Attorney stating strong opposition to release citing details of the offenses committed as well as a troubling juvenile record that preceded his future felonies. They state that he was paroled as a juvenile in 1957 and committed his first adult felonies for rape within a month of release. They describe Mr. Chatman as a serial rapist and a serious threat to society. They state that he has squandered his chances at freedom by using them to commit appalling crimes, that he is no longer fit for society. They urge for parole to be denied and request a five-year set to be given as well.

ENBANC HISTORY

Mr. Chatman was first considered for parole in 1969 for his 1957 convictions and was granted parole in 1975. He was first considered for parole in 1983 for his 1975 convictions. Mr. Chatman was seen 6 times prior to being granted parole in 1975. He has come up for parole consideration 27 times since 1975. Mr. Chatman received 3-year sets in 2002, 2005, 2008, 2011, 2014, and 2018. It does not appear as though Mr. Chatman has received a single vote in favor of parole since returning to IDOC custody after his 1975 conviction.

DISCUSSION

No discussion.



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DECISION AND RATIONALE

Motion to deny parole (TUPY- GOFF) Motion prevailed with a 11-0 vote.

Motion for a 3-year set (TUPY- BOHLAND) Motion prevailed with a 11-0 vote.

After a complete review of Mr. Gerald Chatman's case, and after giving thoughtful discussion and consideration to all factors, the Board decided and voted to deny parole to Mr. Gerald Chatman. 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. Chatman would not conform to reasonable conditions of parole and that 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- February 25, 2025

Individual in Custody's Name: Aryules Bivens IDOC Number: N01682

The Illinois Prisoner Review Board met in open *en banc* session at 3000 South Dirksen Parkway, Springfield, Illinois, on February 25, 2025, at the 9:00 a.m. session to discuss and deliberate parole eligibility for Aryules Bivens N01682.

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: Amy Sexton.

PRESENTATION OF INTERVIEW AND FILE

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

PRESENTATION OF INTERVIEW AND FILE

Mr. Aryules Bivens, #N01682 was interviewed via Webex by Board Member, Mr. Jared Bohland at Kewanee Life Skills Re-Entry Center on January 22, 2025. The interview started at 9:00 a.m. and ended at 12:55 p.m. Mr. Bivens was represented by Maria Burnett of the Illinois Prison Project. Those testifying on his behalf included his daughter Maleka Howard, his cousin and proposed parole host Christella Booker, Pastor Cheryl Lynn Cain, Dr. Elena Quintana, and Jack Donson. Their credentials and testimony will be shared later where most appropriately aligned with subject matter. Mr. Bivens was dressed in blue uniform. He was well prepared and well spoken. Mr. Bivens was sincere and polite throughout his interview. He presents with a great deal of humility in that he tended to take responsibility when the subject matter was a wrong committed, while at the same time tended to give credit to others who he felt helped him when it came to discussing his accomplishments. Mr. Bivens' holding offenses include a murder conviction in 1983 with an 80-year sentence, an armed robbery conviction in 1983 with a 30-year concurrent sentence, 10 counts of armed robbery in 1984 with 50-year sentences concurrent to each other but consecutive to the 1983 convictions, and an escape from penal institution conviction in 1984 with a 7-year concurrent sentence. All convictions are from Cook County. The total current sentence structure for Mr. Bivens is 130 years at 50%. His mandatory supervised release date is November 19, 2043, and his maximum discharge date is November 19, 2046. Mr. Bivens was 19 years old at the time of the offense of murder and 21 years old at the time of the escape from a penal institution. He is currently 62 years old. He has been in custody for 40 years as of his March 27, 1984, return to custody following his escape from jail while on trial for murder.



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STATEMENT OF FACTS

On September 12, 1982, at 4:00 a.m., Kelvin Coleman age 22, who was deaf and mute, was returning to his mother's apartment. The mother lived on the 2nd floor of an apartment building in Chicago. When Kelvin reached the stairway that led up to the 2nd floor, he was approached by the petitioner and a co-offender Johnnie Nicks. Petitioner announced a stick up and removed the victim's wallet at gunpoint. After this occurred, the victim ran up the stairwell. The petitioner chased after the victim and fired several shots that struck the victim as he ran away. The victim still managed to reach the 2nd floor. The petitioner then cornered the victim on the 2nd floor, and as the victim backed away, the petitioner fired several more shots. The victim then fell to the ground. The petitioner walked up to the victim and fired one more shot before fleeing. The last portion of the incident was viewed by the victim's mother who subsequently called the police and gave a detailed description. Around 4:00 a.m., Ms. Coleman heard a gunshot, some footsteps, and a moaning sound. Ms. Coleman rushed to the front door, opened it, and saw her son Kelvin moving backwards with his hands waving in the air. Coming towards him with a black barreled gun was the petitioner, Aryules Bivens. Kelvin fell, the petitioner pointed the gun at Kelvin's chest and fired. Ms. Coleman exclaimed, "Why are you shooting my son?" and "What has he done to you?" The petitioner stared at Ms. Coleman and then fled down the stairs. Ms. Coleman kneeled over her son. Ms. Coleman testified that at that time her son was not wearing his hearing aid or his watch. Ms. Coleman testified that she had ample opportunity to view Mr. Bivens from a distance of three to four feet in a well-lit hallway during the incident. Ms. Coleman also testified that she observed the petitioner's face when she opened her front door, when the petitioner was approaching Kelvin, and when the petitioner stared at her after shooting Kelvin. She stated that there were three lights on in the hallway and the lighting conditions were good. The following day police talked to the brother of Johnnie Nicks who informed the police of the involvement of Nicks and the petitioner. Nicks turned himself in the next day and a warrant was obtained for the petitioner as attempts to arrest Mr. Bivens were unsuccessful. On January 4, 1983, at 9:00 p.m., the petitioner abducted a woman by the name of Annie Taylor in her own car. As she was exiting her vehicle, the petitioner pointed a gun at her and ordered her back into the car as he got into the driver's seat. He took her purse, wallet, money, and auto ID papers. The victim was able to escape by diving out of the moving car. Taylor provided police with a description of her car. At 3:00 a.m. the following morning, an officer spotted the car and after a high-speed chase culminating with the petitioner colliding with another vehicle, he arrested the petitioner. The petitioner then gave a confession to the murder and was identified in a line up by the victim's mother. Mr. Bivens was sentenced to natural life plus 60 years consecutively on September 9, 1983, for his actions on September 12, 1982. He was still being held in maximum security at the Cook County Jail due to his pending trial for the charges from the January 4, 1983, incident. On March 23, 1984, the petitioner made a successful escape from the maximum-security division of the Cook County Jail. Petitioner and 5 other inmates were involved. Armed with at least two firearms, the escapees forced the Sheriff's officers on duty to give them their uniforms, badges, and personal property. The inmates then proceeded through tunnels out of the maximum-security division and into another section of the jail before dispersing. The petitioner and one co-offender, posing as officers, proceeded through two other security checkpoints and out of the jail complex, where they commandeered a neighborhood resident's car, which was double parked nearby. The female driver and her children were ordered out of the vehicle by the offenders suggesting they needed the car for police business, with co-offender also threatening to kill her if she didn't get out of the way. They then fled in the car taking with them the female driver's brother to the south side of Chicago. During the drive, they informed the brother that they had in fact broken out of jail. Before exiting the vehicle, they warned the abducted citizen not



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to tell anyone what happened because if they caught him, they would kill him. When the co-offenders exited the car together, the victim drove off, was eventually pulled over by police who were tracking the vehicle, and he explained what occurred. The petitioner went to a former neighbor for help asking for clothes and a telephone. The petitioner remained in hiding after he found out that two of the other co-offenders had been seriously injured after being caught, one stabbed and another jumped out a second story window while handcuffed. Petitioner was found in hiding and arrested four days later on March 27. The evidence reconstructing the facts of this case were presented at a weeklong jury trial through the testimony of 34 witnesses. The petitioner argued that he was compelled to participate in the escape activities by other inmates because he was familiar with the tunnel system in the jail because he was once assigned to a work detail transporting supplies between divisions by way of those tunnels. He also argued that he continued his participation in the ultimate escape and failure to surrender out of fear of retaliation by the guards. Mr. Bivens was convicted of one count of escape, one count of possession of a stolen vehicle, ten counts of armed robbery, and five counts of unlawful restraint. He was sentenced to 14 years for the escape, 10 years for stolen vehicle, 50 years on each of the 10 counts of armed robbery having merged the unlawful restraint convictions with the armed robbery convictions, all to run concurrently with each other but consecutively to the prior murder and armed robbery. Judge Bentivenga described Mr. Bivens as “the most serious danger to society he could imagine” and stressed that the sentence does not begin until he has fully served the sentences on his previous cases. In 1987, Mr. Bivens filed an appeal on his armed robbery and escape convictions. He argued that he was compelled to participate and that his remaining a fugitive was necessitated by his fear of retaliation. The court upheld the convictions for armed robbery and escape but vacated the conviction for possession of a stolen vehicle. They also remanded the case for resentencing due to over imposing the extended term sentences across all new convictions. Ultimately, he was sentenced to 50 years for each count of armed robbery and 7 years for the escape all to run concurrent to each other but consecutive to his prior convictions. A subsequent petition for leave to appeal was denied. Also in 1987, Mr. Bivens appealed his murder and armed robbery conviction resulting in the judge vacating the life sentence and remanding the case for resentencing. In 1988, the petitioner was resentenced to 80 years on the murder and 30 years concurrently for the armed robbery. A 1991 post-conviction petition was denied. Appeal was denied by the Illinois Appellate and Supreme courts. In 2000 he filed a writ of habeas corpus, again arguing compulsion on the escape conviction, and this time providing affidavits from two of the co-offenders who stated that Mr. Bivens was forced under threat at gun point to participate. That writ was denied in 2002. In 2008 a district court denied a petition for habeas corpus finding that he didn’t raise the issue on direct appeal and that the affidavits were uncorroborated. In 2009 he filed a pro se motion to re-consider which was denied. In 2011 he petitioned the US District Court with a writ of habeas corpus in which the US Appeals Court affirmed the prior courts’ rulings.

CRIMINAL HISTORY

Mr. Bivens’ prior arrests and convictions include the burglary of a school in 1980 with a 10-day sentence, a robbery plead down from armed robbery with a 3-year sentence in 1980, a 1981- armed robbery arrest, and theft of service for the fake bus passes in 1982. He was paroled from his 3-year robbery conviction in 1981.



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INSTITUTIONAL ADJUSTMENT

Mr. Bivens is close to and supported by his cousins and daughter. His daughter Maleka Howard testified on his behalf. She states that he has been a positive influence in her life the whole time and that he has always expressed remorse. He has had a positive impact on the family despite incarceration. Mr. Bivens' cousin and intended host, Christella Booker testified as well. She is a funeral director in the region and is ready to support him. She confirmed that Mr. Bivens was raised by an alcoholic and abusive mother, was bullied in the neighborhood, and had no positive role models to speak of. She stated that Mr. Bivens has lost his mother and siblings while incarcerated. She ultimately raised Mr. Bivens' daughter.

As for his mental and physical health, Mr. Bivens shared that he has been getting medication for severe nightmares regarding the trauma of his childhood. He candidly and rather humbly shared some traumatic incidents that have been haunting him. Mr. Bivens willingly takes part in counseling and therapy, as well as faith practices to help. The language and terms he uses to describe his counseling and therapy, as well as his growth, could only come from someone who was truly taking part in those services and was taking it seriously.

Dr. Elena Quintana, Executive Director for the Institute on Public Safety & Social Justice at Adler University, testified on Mr. Bivens' behalf and submitted a detailed expert psychological assessment. She indicated her background includes working with both victims and perpetrators. She uses a 567 question Minnesota Multi-phasic Personality Inventory test. Dr. Quintana indicated that Mr. Bivens had perfect consistency in his answers and that less than 1% of those evaluated test with such honesty. She notes that he scored in every category on the Adverse Childhood Experiences study and scored low in resiliency in his youth. She compares that to his showing improved resiliency factors across the board today. She noted that he had a history of severe depression but that he has improved to a mild mood disturbance today. A PTSD diagnostic shows that despite having numerous PTSD markers, he does not diagnose with clinical PTSD. She notes that his executive functioning scores are very high, and even his weaknesses score on the upper end. She argues that his strong parole plan only adds to the likelihood of a successful transition.

Mr. Bivens has been strongly engaged in his rehabilitation over the years having completed several programs including life skills, restorative justice, transformative justice, conflict resolution, and non-violent communication. In transferring to the Kewanee Life Skills Re-Entry Center, Mr. Bivens has already completed his orientation phase and has completed a financial literacy course.

While incarcerated, Mr. Bivens completed an associate degree from Lincoln College, a bachelor's degree from Illinois State in 1990, and a Master of Arts in Christian Ministry from North Park University in 2023. He has also completed law clerk training, has a transformative justice certification from North Park Theological Seminary, completed Peace Circle Training through Precious Bloods Ministries in 2023, and has completed additional classes in computer keyboarding and interpersonal skills at Kewanee. He has sat through the LSAT testing once already and intends to test again for the LSATs' as well as pursue a Ph.D. in ministry.

Pastor Cheryl Lynn Cain, Assistant Director of Contextual and Lifelong Learning at North Park University, testified on Mr. Bivens' behalf regarding his rehabilitation and education. She stressed that



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she is careful about public safety and that this is the first time she has testified on behalf of an inmate for parole release having turned down several other requests in the past. She stressed that the particular master's degree program he completed works in both social and psychological factors. She testified to Mr. Bivens' advocates and works for changes exclusively for the benefit of others even when he could not reap any benefit himself. She states Mr. Bivens is set up to be ordained in the same denomination, that he is qualified to be an adjunct professor, he is already a part of her own church, that she has zero concerns for public safety, and would even welcome him mentoring her own son.

Mr. Bivens has held numerous jobs while incarcerated including education assistant, health care unit worker doing pastoral care for terminal inmates, a writing tutor, teacher's assistant, general librarian, data entry for a five-year period, and law library clerk and paralegal. He was working as a law library clerk and education assistant when he was transferred to Kewanee. He does have to wait a few more months before qualifying for a work assignment at Kewanee.

Regarding his disciplinary record, there is a notable decrease over time. Mr. Bivens admits to joining a gang when he first went into prison, although records indicate he left by 1990 and never held a position of authority. He had 130 tickets from 1984 until 1998 which included arson, dangerous disturbance, dangerous contraband, and threats in 1991, and a fighting ticket in 1993. Mr. Bivens was transferred to Tamms Super Max Correctional Center in 1998. Since 2001 he has had 6 majors and 1 minor, most notably a 2008 dangerous disturbance, threat, and dangerous communication ticket for participation in a mass demonstration resulting in a year of segregation. Mr. Bivens' last ticket was in 2009 and has not had a ticket of any kind in the last 16 years.

Mr. Bivens' master files were reviewed with two particular areas of interest. The first was an explanation for why he was transferred to Tamms in 1998. Of note, board member didn't see any ticket or disciplinary issue within at least 5 years that would suggest such a transfer. Ms. Burnett stated that Mr. Bivens was transferred to Tamms due to the number of grievances he had been filing against IDOC. She stated that a lawsuit was filed for a 1st amendment violation and that they ultimately won the case resulting in his transfer out of Tamms. This is supported in a letter from Uptown Peoples Law Center and the case documents are attached. Board member did review the master file and could not find any disciplinary ticket or issue in proximity to the transfer at all. In fact, an administrative screening at the time of the transfer suggested that he was transferred based on his escape risk and poor disciplinary history. When Mr. Bivens questioned why he was transferred due to an escape fourteen years prior, and for disciplinary issues that were dated and not serious enough to warrant transfer, board member couldn't find any record of an adequate response to justify the decision.

Secondly regarding the facts surrounding the 2008 Dangerous Disturbance involving the mass demonstration, Mr. Bivens described the incident as a mass hunger strike due to extreme cold conditions in his housing block at Menard. He stated there was a history of an inmate dying of hypothermia there. The heat was not working properly and there was also an extended lockdown preventing purchase of extra clothes. He said that some demonstrators were interested in violence, but he was not one of them. Board member also reviewed the master file records on this incident and found this to be accurate. The narratives attached to this ticket state that Mr. Bivens took part in the demonstration, was making demands for commissary access, encouraged others to participate, and refused to pack up. He was taken straight to segregation. There is zero mention in staff/guard narrative of Mr. Bivens making threats, being



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physical in any way, or saying anything other than encouraging others to join the strike. Mr. Jack Donson, a Correctional Treatment Specialist with decades of experience in probation, parole, the Bureau of Prisons, criminal justice, and trainer of justice professionals testified on Mr. Bivens' behalf and submitted several assessments and a report. Mr. Donson reviewed the totality of Mr. Bivens' records including his conduct records for the entirety of his incarceration, his programming, and support materials. He is an expert on ORAS, Pattern, and Bravo assessment tools and used them to draw his conclusions on Mr. Bivens' case. According to him Mr. Biven's scored at the bottom tier of low risk. Mr. Donson stressed that he is very intentional about who he speaks up for. He recognized that Mr. Biven's had extensive incident reports early on in his incarceration, but also noted that despite the number, there were very few violent tickets in the mix. He then reiterated that there were zero tickets in the last 15 years. He stressed the value of completing a master's degree as a sign of true rehabilitation. He made note that Mr. Biven's had a strong release plan, that he was future oriented and focused, and that his religious faith added a positive layer.

Since 1985, Mr. Bivens has been housed at Pontiac, Menard, Tamms, Stateville, and now Kewanee. Mr. Bivens applied for Kewanee placement on May 29, 2024, and was ultimately transferred on September 18, 2024. Ms. Burnett confirmed that Mr. Bivens does not technically qualify for Kewanee, but that IDOC overruled their own guidelines of needing to be within four years of release based on the amount of programming and mentoring he had already completed.

STATEMENTS AS TO THE OFFENSE

Regarding the murder, Mr. Bivens seems to have maintained the same story since the time of the offense. Mr. Bivens states that he can't refute the facts, he can't separate himself from the incident, and therefore recognizes his guilt even if he disputes being the actual shooter. Mr. Bivens shares that he was recently released from Joliet for a robbery conviction right before the murder occurred. Mr. Bivens states that he was on a bad path out of ignorance at that point in his life. He was selling weed and fake bus passes in order to raise money and even pay college fees through hustling. He states he bought the gun he had in order to protect himself because of the illegal activities he was taking part in. Mr. Bivens maintains that the co-offenders wanted to do a robbery on someone with his gun, and he went along with them and gave co-offender Nicks his gun. Mr. Bivens has always maintained that his co-offender performed the actual armed robbery and the involved murder while he and the 3rd co-offender remained in the alley. Mr. Bivens admits that he shouldn't have been there, that he brought along the gun that ultimately killed the victim, and that he should have checked on the victim once he was shot. Mr. Bivens admits he was scared because he was on parole, ran from the scene out of fear, had a fear of police due to a false incarceration as a teen, and had a street mentality of not snitching on your friends. He also states that in his youth he wasn't processing the seriousness of the incident until he was being sentenced, and therefore turned down plea deals. Ms. Burnett stressed that the statement of facts from the state was ultimately not the facts proved at trial. She stresses that Mr. Bivens acknowledges his guilt of accountability murder. It should be noted that appellate transcripts confirm the judge vacated the life sentence stating, "a sentence of life imprisonment could have been imposed only upon that person who actually killed Kelvin Coleman. On this record it cannot be determined that the jury by its guilty verdict found that the defendant, Aryules Bivens, was that person." and "From the totality of the facts and circumstances, the State's conflicting evidence presented to the jury, the prosecutor's inconsistent arguments to the jury, the court's instructions to the jury and the jury's general guilty verdicts in the case at bar, it cannot be determined that the jury



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by its guilty verdict found that the murdered individual, Kelvin Coleman, was actually killed by the defendant, Aryules Bivens.” Amidst the varying court transcripts, it is clear that both Mr. Bivens and co-offender Johnny Nicks gave nearly the same testimony with the primary difference being that they accused each other of pulling the trigger. Mr. Nicks plead guilty to Murder and Armed Robbery with a 24-year sentence according to Ms. Burnett. When asked about the arrest for armed robbery and abduction which ultimately led to charges on the murder, Mr. Bivens stated that there was never an abduction and that there was no gun involved. He claims that Annie Taylor was actually the girlfriend with whom he was staying while avoiding justice on the murder. He admits to taking her car which is the vehicle he was driving when he fled from police causing an accident and was taken into custody. Mr. Bivens’ counsel points out that the State never pursued the charges in this case. It should be noted that records including appellate transcripts indicate that part of the aggravation used in Mr. Bivens’ sentencing for murder included that incident with Ms. Taylor. Those do indicate that Mr. Bivens was arrested in her vehicle which contained her purse and documents along with a nickel-plated toy gun incapable of shooting. Regarding the escape, Mr. Bivens states that he was sent to ABO during the murder trial being the maximum-security block of the Cook County Jail. He states that it was a 23 hour a day lock up unit and his 1 hour a day was at 9:00 p.m. He describes being afraid of the other inmates on his cell block but befriending co-offender Hill. He states that Hill actually had better knowledge of the tunnel system than he did. Mr. Bivens maintains that he had no prior knowledge of the planned escape and was shocked when he was coerced into taking part in it. He describes the primary orchestrators of the escape having coordinated with staff to smuggle a gun into the cell block, at which point they took over the unit. Mr. Bivens states he was told to put on one of the guard’s uniforms at gun point and to instruct them through the tunnel system. Mr. Bivens and co-offender Hill broke away from the primary co-offenders during the escape, and while they were caught, Bivens and Hill managed to escape dressed as guards claiming the need to check on their vehicle. Once they were outside the gates, they both commandeered a civilian vehicle claiming to need it for official business. Mr. Bivens felt as though his arrest was inevitable but was too afraid to turn himself back in. While co-offender Hill fled to California, Mr. Bivens hid in a friend’s 10th floor apartment. At one point he dressed as a female in order to blend in with the other women in the apartment. He states it worked when one officer visited the apartment, which gave him the confidence to leave the apartment for the 1st time while still dressed as a woman. He ultimately went to another woman’s apartment where he was tracked and arrested. Mr. Bivens again has always maintained his guilt as it pertains to following through with the escape from prison and remaining a fugitive for a period. His appeals have always been centered around the fact that he was coerced into the escape at gunpoint by much more dangerous inmates, and that his fear of retaliation fed into his remaining a fugitive. It should be noted that appellate transcripts from the file show a lengthy and detailed statement of facts that seems to align with Mr. Bivens’ version of events. It indicates the names of the collaborating inmates, states that Mr. Bivens was grabbed and coerced into the escape in order to show them the way out, and that Mr. Bivens continued on away from the group when they entered another guard office to subdue them. Mr. Hill caught up to Mr. Bivens at which point they escaped together. It is noted repeatedly that Mr. Bivens was in a state of panic, while Mr. Hill remained collected and coached Mr. Bivens through aspects of the escape. All of this seems to support the notion that Mr. Bivens was an uninformed, unprepared, and coerced participant in the escape. These records also indicate that Mr. Bivens found out in the news reports while hiding that Mr. Daniels was stabbed in the jail following his recapture and that Reginald Mahaffey was apprehended prior to escape and fell from a second story window while handcuffed behind his back. These facts fueled Mr. Bivens fear of returning to custody. Mr. Bivens does express deep remorse for the death of Kelvin Coleman and stresses that he is sorry that it happened. He



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acknowledges that the family needs answers to this day for their loss. He acknowledges that he took part in some horrible things as a young man. He often thinks about what he did and wishes that he could have done differently. Mr. Bivens argues that he had nobody to show him the right way back then. He states that it took him a long time to figure out why he couldn't seem to make good choices or why he caused so much pain. Mr. Bivens states that he actually accepted a long time ago that his life was over, and it was at that point that he decided his life would instead be about serving others and providing some answers. He points out that he made these changes long before he had any hope of parole. Ms. Burnett went on to argue additional facts that Frank Campagna, a paramedic, coordinated with inmate Brian Daniels to meet with a Wanda Matthew in the community to acquire a package of a firearms, cannabis, and cash on his behalf. Mr. Campagna delivered the package to Mr. Daniels within the Cook County Jail committing conspiracy to traffic and appears to have been sentenced with the same convictions as the offending inmates. The Mahaffey brothers also plotted the escape with Mr. Daniels. They were in custody for crimes that ultimately lead to the death sentence. Mr. Hill made it to California as he had planned from the outset being part of the conspiracy but turned himself in from California.

PAROLE PLANS

Mr. Bevens parole plan is to live with his cousin, Christella Booker, who has converted the lower floor of her home into an apartment for him to live in. His cousins are willing to support him in whatever ways they can. Mr. Bivens plans to take the LSAT again and work at a law firm. He also has a job offer to work for North Park University as a writing tutor. He has the support of a number of agencies including the Illinois Prison Project, the SAFER Foundation, Uptown Peoples Law Center, Project U-turn, NAMI, Precious Blood Ministries, and TASC. He has a strong letter of support from a 25-year veteran of IDOC. There are significant amounts of support letters from community agencies and loved ones. LeGrand Law would like to interview Mr. Bivens for a paralegal position should he be released. The Strother School of Radical Attention is interested in Mr. Bivens.

OPPOSITION TO PAROLE RELEASE

Cook County Opposed Clemency in 2020 with a 6-page letter. They outlined pages of facts pertaining to the convictions. They believed that he did not accept the totality of his role in his multiplicity of crimes. Cook County did acknowledge the strides taken in rehabilitation as well as his notable change in disciplinary history, but they also weighed that against his continued attempts to mitigate his accountability and felt that relief would deprecate the seriousness of the offense and would be an injustice to the victim.

ENBANC HISTORY

Mr. Bivens was commuted to parole eligibility on April 18, 2023. As such, his first hearing for parole eligibility was on February 1, 2024, where he was denied with an 11-1 vote. This 2025 hearing will be his 2nd En Banc hearing.



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DISCUSSION

OPEN EXECUTIVE SESSION: BOHLAND-COATES
CLOSE EXECUTIVE SESSION: BOHLAND-SHOFFNER

Summary of discussion for parole consideration:

Ms. Maria Burnett, attorney for Mr. Bivens, stated that he has grown up behind bars. Mr. Bivens has had 134 tickets from 1994-1999, with his last ticket being in 2009. She stated that Mr. Bivens hasn't had any disciplinary tickets after being transferred to Kewanee. Ms. Burnett stated that Mr. Bivens has changed his conduct in every way possible. She explained his health and physical changes since being incarcerated. Ms. Burnett stated that Mr. Bivens was an angry and fearful teenager. He has now learned and conformed to the expectations of incarceration. Mr. Bivens has received education and has shared that with other individuals. Ms. Burnett stated that once Mr. Bivens' conduct improved, the IDOC officers had noticed, exceeded their expectations, granting him more privileges. Ms. Burnett stated that after 42 years, she feels that his incarceration no longer serves a purpose. She stated that Mr. Bivens has stable housing, multiple job offers, and extensive family and community support. Ms. Burnett stated that Mr. Bivens is the perfect example on how an inmate can be transformed. Mr. Bivens is dedicated to his mental health and has already reached out for help for this once he is outside of prison. Ms. Burnett stated that Mr. Bivens' has had over 100 letters of support, to which she acknowledged all of the people in the room in support of Mr. Bivens. IDOC Officer Paleto wrote a letter of behalf that Ms. Burnett shared stating how the Correctional Officer has never supported anyone's parole in the last 25 years of his career except for Mr. Bivens and he states how he would trust him with his family. He stated he's worked hard and deserves a chance.

On behalf of Mr. Bivens', Dr Quintana gave her background on psychology, sexual, and domestic abuse. She discussed how the brain grows and responds to trauma and how she can relate that to Mr. Bivens. Between the ages of 29-30 years old, Mr. Bivens had a massive drop off of disciplinary tickets, which shows a better judgement where his brain is now verses when he was younger. Dr. Catana discusses his moral development and how he has an objective measure of honesty and advocating for others. He is in the lowest risk to re-offend she stated. Dr. Quintana believes he has tremendous reentry plans and the family to support it. She also stated how his security classification can't go any lower than medium due to his convictions, and he is already at a re-entry center.

Ms. Globokar questioned Dr. Quintana about Mr. Bivens clinical assessment insights and results.

Dr. Quintana stated there was minimal scoring. She also stated there was some level of elevated scoring but explained that it could be from Mr. Bivens not feeling safe and from his family issues.

Ms. Globokar questioned if there were any allegations of police corruption.

Ms. Burnett sated that Mr. Bivens' was 19 years old when he was arrested and did not have an attorney present, despite requesting one. She stated that he was unrepresented and testified as a juvenile. Ms. Burnett also stated there have been no inconsistencies in Mr. Bivens' reconciliation of the events of the crime. She stated there were 2 theories that the prosecutors had: that was he was the shooter, or he wasn't



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the shooter. Mr. Bivens' has stuck with he didn't do the shooting.

Ms. Globokar questioned Mr. Bivens' version.

Ms. Burnett stated Mr. Bivens' was selling marijuana during the crime and agreed to commit the felony.

Mr. Tupy stated there are supportive and non-supportive letters from the State's Attorney's office. One letter is about the mother stating she witnessed Mr. Bivens pulling the trigger. Mr. Tupy asked how the mother identified Mr. Bivens standing over her son and shooting him in the chest if he wasn't the shooter.

Ms. Burnett stated that to her understanding, when the mother identified Mr. Bivens, it was actually his attorney. The mother's description of the shooter matched the co-defendant such as the height difference. The murder had just happened, and it was misdescribed. The mother described a tall, light skin, black man and Mr. Bivens was short. Ms. Burnett stated how Mr. Bivens' co-defendant has been paroled since September 1995. Ms. Burnett stated she believes the Appellate court could have found a way to conclusively believe one side of the defense over the others, along with she believed the prosecutors were trying to get a death penalty.

Ms. Globokar stated she was having issues understanding nature of the offense.

Mr. Bohland stated the aggravation was from the arrest. There was no use of a gun against the girlfriend.

Mr. Bivens admits that he took her car but was never aggressive about it. He ran from the police because he was scared and caused an accident to which he was arrested. Mr. Bohland believes his girlfriend was upset because he was leaving and that is why she said Mr. Bivens stole the vehicle. Mr. Bohland stated in a 4-hour conversation with Mr. Bivens, he fully admitted to going along with the crime and taking the gun. Mr. Bivens felt very bad and deeply internalizes the fact that even though he didn't shoot the victim, he feels that if he did not bring the gun, the victim would still be alive today.

Ms. Burnett stated there is a big age difference in the woman at the time to Mr. Bivens.

End of discussion.



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DECISION AND RATIONALE

Motion to grant parole (BOHLAND-HEATON). Motion prevailed with a 11-0 vote.

After a complete review of Mr. Aryules Bivens' case, and after giving thoughtful discussion and consideration to all factors, the Board decided and voted to grant parole to Mr. Aryules Bivens subject to conditions of parole release as set by the Board and by law. The Board hereby finds that Mr. Aryules Bivens 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- February 25, 2025

Individual in Custody's Name: David Lott IDOC Number: C56165

The Illinois Prisoner Review Board met in open *en banc* session at 3000 South Dirksen Parkway, Springfield, Illinois, on February 25, 2025, at the 9:00 a.m. session to discuss and deliberate parole eligibility for David Lott C56165.

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: Amy Sexton.

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 Lott was interviewed on January 21, 2025, via WebEx at Shawnee Correctional Center by Board Member, Ms. Robin Shoffner. The interview lasted approximately an hour. Mr. Lott was not represented by an attorney and no one else was present for the interview.

During the interview, Mr. Lott was engaging, polite, and reflective of his past. He was wearing dark glasses and was led into the interview with a guard. He stated that he is legally blind, with his vision having deteriorated since being diagnosed with glaucoma in 1974. He also stated that he is suffering from dementia and apologized that he may stumble and fumble during the interview. He states that over the past year, he's been hospitalized and has experienced a rapid decline in his ability to recall conversations.

Mr. David Lott is currently 74 years old and is serving a term of 100 to 150 years in prison for the 1974 shooting death of Walter Dowell and Rosco Gilmer. He was 21 years old at the time of his crime and has been incarcerated for 53 years. He was convicted of 2 counts of murder and robbery.

STATEMENT OF FACTS

On July 28, 1974, Mr. Lott and co-offender, Mr. Willie Cotton, followed two persons out of an East Saint Louis liquor store. Several witnesses observed Mr. Lott and Mr. Cotton get into the car with the two victims. Both victims were killed by gunshots: Mr. McDowell suffered 2 gunshot wounds to the upper part of his body and Mr. Gilmer was shot once in the neck.



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Mr. Lott's co-offender made admissions and thereafter Mr. Lott also made admissions. The murder weapon was recovered and was a forensic match to a slug recovered from the body of one victim. A St. Clair County jailer testified at Mr. Lott's trial that Mr. Lott said he shot one because he was old and the other because he begged him not to harm him.

At Mr. Lott's trial, two men testified that they had been robbed by Mr. Lott and the co-offender the night before the murders. The first was a cab driver who testified they robbed him and then the co-offender shot at him. The second witness was a man who was in his vehicle in a parking lot at a nightclub. During this robbery, the co-offender struck the victim with the butt of a gun, knocking out two teeth. Then, Mr. Lott pointed a gun at the victim as Mr. Lott and the co-offender drove away in the victim's car.

There were several appeals in this case, ultimately the de facto life sentence remained with the court holding that the two 100–150-year sentences were to run concurrently, instead of consecutively.

CRIMINAL HISTORY

In addition to his indeterminate sentences for the two murders, Mr. David Lott was later sentenced on March 20, 1981, to 4 years, for aggravated battery to a correctional officer.

INSTITUTIONAL ADJUSTMENT

Mr. Lott has not received an Institutional Discipline Referral since 2013. Prior to 2013, he had over 200 discipline referrals which included numerous violent or disruptive behaviors, including fighting and assaults against correctional officers. His record reflects that he was involved in gang related violence, however he stated it means nothing to him now as it is just a bunch of young kids. There is no current evidence of gang affiliation.

Mr. Lott explained that at his age and where he is, he feels safe and does not have to fight. He states that the inmates call him Uncle David. He says he is an old man now and wants a better life.

STATEMENTS AS TO THE OFFENSE

Mr. Lott stated that he did not want to discuss the facts of his crime, noting that he has spoken to the Board several times over the years and cannot recall the facts of his crime. Board Member told him it was fine but, explained they wanted to understand why he chose to rob and kill these two people. Mr. Lott stated that those guys were all kin folk. Walter was in love with his sister, and everyone knew each other. He asked if Board Member could see the large scar on his face and the Board Member affirmed they could. He stated that Walter put that scar on his face when he hit him with the butt of a gun. He stated that Walter was a crook, a drug dealer, and a pimp and they were at war. Consistent with prior interviews, Mr. Lott minimizes his seriousness of his crimes because the victims were not worthy. Mr. Lott was also pressed about his involvement in selling drugs, to which he admitted that he also sold drugs and "did a little pimping." I asked him how he was any different than his victims. He stated that he was different because he was a mortician and he just dabbled in drugs.



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PAROLE PLANS

Mr. Lott does not have a commitment from family for a possible host site and does not have a viable re-entry plan. He stated that his brother William Lott is always in his corner. He says he would like to live with his brother but states that the brother never told him that he could live with him. His brother is listed as his emergency contact. He said they usually communicate by mail about every two weeks. He also stated that he last spoke to his daughters about two years ago. On one hand, Mr. Lott says that he would rather stay in prison and die than go into the public and die. On the other hand, he expresses hopes for the chance to return to the community and be a good citizen. He says he has learned to appreciate life and hopes to see his grandchildren. If he stays in prison, he would like to go Dixon, where they have a nursing home.

During the interview, Mr. Lott was provided with contact information from the Illinois Prison Project by the prison coordinator. Ms. Shoffner encouraged him to contact the IPP and reach out to his family to help make plans for his possible release. He stated that he would do that but also said that after 19 or 20 times going through this (parole hearing), his family has lost hope for him being released. He also stated that he was pinning his hopes on Governor Pritzker to pass legislation that would release Indeterminate Paroles – called the C Program.

OPPOSITION TO PAROLE RELEASE

The State's Attorney from St. Clair County wrote a letter from Nov. 15, 2021, opposing parole for Mr. Lott. There are no documents in the file supporting parole.

ENBANC HISTORY

Mr. Lott's parole has been denied each time he has come before this board beginning in 1995.

DISCUSSION

No discussion.



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DECISION AND RATIONALE

Motion to deny parole (SHOFFNER-GOFF). Motion prevailed with a 11-0 vote.

After a complete review of Mr. David Lott's case, and after giving thoughtful discussion and consideration to all factors, the Board decided and voted to deny parole to Mr. David Lott's. 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. Lott would not conform to reasonable conditions of parole and that 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."