



STATE OF ILLINOIS  
 JB PRITZKER, GOVERNOR  
**PRISONER REVIEW BOARD**  
 Craig Findley, Chairman

**EN BANC MINUTE SHEET**  
**OPEN SESSION—February 28, 2019**

The Illinois Prisoner Review Board met in open *en banc* session at the 319 East Madison Street, Suite A, Springfield, Illinois, on February 28, 2019, at the 9:00 a.m. session to discuss and deliberate parole eligibility for the following inmates:

<b>C82540</b>	<b>LARRY KURENA</b>
<b>C82430</b>	<b>SALIK ABDULLAH</b>
<b>C71613</b>	<b>DANNY LILLARD</b>
<b>C80688</b>	<b>DUANE FRANKLIN</b>
<b>C01657</b>	<b>HENRY DEE</b>
<b>C70122</b>	<b>ROBERT GORHAM</b>
<b>C68712</b>	<b>MICHAEL LETT</b>
<b>C56165</b>	<b>DAVID LOTT</b>

The meeting was called to order by Chairman Findley.

Roll call was taken by Recording Secretary Janet Crane.

<u>MEMBER</u>	<u>PRESENT</u>	<u>ABSENT</u>
Ms. Edith Crigler		<b>X</b>
Ms. Lisa Daniels	<b>X</b>	
Mr. Salvador Diaz	<b>X</b>	
Mr. Donald Wayne Dunn	<b>X</b>	
Mr. Pete Fisher	<b>X</b>	
Ms. Vonetta Harris	<b>X</b>	
Ms. Virginia Martinez	<b>X</b>	
Mr. William Norton	<b>X</b>	
Mrs. Aurthur Mae Perkins	<b>X</b>	
Mr. Joseph Ruggiero	<b>X</b>	
Mr. Donald Shelton	<b>X</b>	
Mr. Ken Tupy	<b>X</b>	
Ms. Patricia Wilson	<b>X</b>	
Chairman Craig Findley	<b>X</b>	

13 Members Present



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The Recording Secretary presented the November 29, 2018, and December 13, 2018, Open Session Minutes for approval.

Motion to approve Open Session Minutes from **November 29, 2018**, and **December 13, 2018**. (PF—DWD). Leave.

The Board continued the case of Salik Abdullah C82430 to the March 2019 docket.

The Board heard and voted upon the scheduled cases as detailed in the individual case minutes.

Meeting was adjourned (CF—PF). Leave.



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**EN BANC MINUTE SHEET**  
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Inmate Name: **LARRY KURENA**

IDOC Number: **C82540**

The Illinois Prisoner Review Board met in open *en banc* session at 319 East Madison Street, Suite A, Springfield, Illinois, on February 28, 2019, at the 9:00 a.m. session to discuss and deliberate parole eligibility for Larry Kurena C82540.

Members present were Ms. Daniels, Mr. Diaz, Mr. Dunn, Mr. Fisher, Ms. Harris, Ms. Johnson, Ms. Martinez, Mr. Norton, Mrs. Perkins, Mr. Ruggiero, Mr. Shelton, Mr. Tupy, Ms. Wilson, and Chairman Findley.

Recording Secretary: Janet Crane.

**DISCUSSION<sup>1</sup>**

Summary of discussion for parole consideration:

Chairman Findley opened the hearings with an explanation of why Mr. Kurena had been continued to February En Banc. Mr. Kurena's attorney was not notified of his last hearing due to a miscommunication. Accordingly, the Board felt that it was not appropriate to make a final decision that day, and a motion to reconsider the case was passed by the Board at the December *en banc* hearing to that effect. The Chairman further indicated that Mr. Kurena's representatives, as well as those in opposition to parole, were consulted and there was a general understanding that there would be a revote today. Chairman Findley noted that the Board is familiar with this case, so there would not be extensive discussion unless a Member had questions.

Cook County Assistant State's Attorney Sara Whitecotton stated that if Mr. Kurena were sentenced today, he would be sentenced to natural life. She noted that voting to parole someone who has committed crimes of this nature would promote disrespect for the law. She further argued that Mr. Kurena has repeatedly minimized his involvement in this crime, told different Board Members different things regarding his case, and has failed to address the underlying reasons that have put him back into the custody of the Department of Corrections. ASA Whitecotton stated that Mr. Kurena has demonstrated through his conduct that there is a substantial risk that he would not comply with the conditions of parole. Accordingly, the State asked that parole be denied.

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<sup>1</sup> The Board previously considered Mr. Kurena's case at the December 13, 2018, *en banc* session, as detailed in the minutes from that hearing. Those minutes are hereby incorporated by reference for purposes of further testimony, discussion, and vote at the February 28, 2019, *en banc* session, as detailed herein.



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The victim's sister spoke in protest. She stated that she was upset that her family showed up and inmate's council was not present, and the family had to return a second time. Chairman Findley responded, noting that the Board takes full responsibility for the miscommunication. The victim's sister stated that she can accept that, but noted that her wish is for Mr. Kurena to serve the remainder of his sentence.

Attorneys Lillian McCartin and Brad Thomson spoke in support of Mr. Kurena. Mr. Kurena's attorneys argued that he would not be eligible for natural life, were the crime to have been committed today, and that he would be eligible for parole.<sup>2</sup> His attorneys further spoke to the issue of Mr. Kurena's acceptance of responsibility, noting his past admissions of guilt and arguing that substance abuse and alcohol dependency contributed both to the original offenses and his past parole violation. Furthermore, they noted that he has spent the last 14 years in DOC as a result of his violation, with only one minor disciplinary report in that time. They also stated that he has been attending AA regularly and is committed to maintaining sobriety.

Mr. Kurena's brother stated that he was just here to support his brother, if the Board should decide to release him on parole. Mr. Kurena's brother noted that Mr. Kurena was a teenager when the offenses occurred and argued that Mr. Kurena was a changed person. Mr. Kurena's brother concluded by noting that Mr. Kurena would have a very strong support system awaiting him upon release.

Chairman Findley reminded the Board that at the last time this case was heard, a motion to grant parole was made, which failed by a vote of 4 to 10. He further noted that there was also a motion for a 3-year set, which failed by a vote of 5 to 9.

Chairman Findley noted that all Members had been provided with the minutes of the prior meeting. He then opened the floor to the rest of the Members for any further questions of the parties or discussion.

Mr. Tupy stated that two years ago he supported Mr. Kurena, based upon the recommendations of his prior counsel, who represented to the Board that Mr. Kurena was receiving drug and alcohol treatment. However, after presenting Mr. Kurena's case in 2017, Mr. Tupy changed his vote from granting to denying parole. Mr. Tupy indicated that this was due to the fact that Mr. Kurena had failed to actually attend any substance or alcohol treatment programs. Mr. Tupy further indicated that he will not support parole if Mr. Kurena does not realize he has a problem with alcohol. Mr. Tupy appreciated that Ms. Crigler checked with the institution and confirmed that Mr. Kurena has been attending AA treatments, which Mr. Tupy feels is an important first step to moving forward. Mr. Tupy indicated he may support parole at a later date, but noted that Mr. Kurena's addiction issues resulted in the death of two people, as well as likely causing the revocation of his previous parole. Mr. Tupy concluded by noting that

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<sup>2</sup> The Board notes that as a matter of Illinois law, Mr. Kurena's two convictions for Murder would be subject to a potential sentence of natural life without the possibility of parole, pursuant to specific findings by the trial court.



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the parole plan for Mr. Kurena was excellently prepared, but that release at this time would not be appropriate.

Mr. Shelton stated that he also had voted both ways for Mr. Kurena. Mr. Shelton felt that Mr. Kurena had presented a false affidavit to the Board through his prior attorney. Mr. Shelton explained that at a prior parole consideration, Mr. Kurena had knowingly allowed his attorney to present an affidavit which falsely claimed that Mr. Kurena had not committed the robbery.

Mr. Kurena's current attorneys responded by noting that they did not represent Mr. Kurena at that time, and that their understanding was that Mr. Kurena chose to plead guilty to the theft-related charges based upon his then-counsel's advice, which indicated he would only be incarcerated for a few months.

Mr. Shelton noted that his personal concern is not with Mr. Kurena's thought process, but instead with Mr. Kurena's dishonesty to the Board. Accordingly, Mr. Shelton indicated he would not support parole at this time.

Mr. Kurena's attorneys argued that Mr. Kurena may have acted out of desperation, in a desire to regain his freedom again. They further noted that they believe that Mr. Kurena has been moving in the right direction in recent years by accepting responsibility, working to secure a viable parole plan, and responding to the Board's concerns and expectations, particularly regarding treatment.

ASA Whitecotton responded that acting out of desperation to regain freedom via parole is distinct from dealing with one's problems and accepting responsibility for one's actions. ASA Whitecotton argued that Mr. Kurena has not adequately accepted responsibility for his actions.

Mrs. Perkins restated her support for Mr. Kurena's release on parole and summarized his case. Mrs. Perkins then moved to grant parole, seconded by Mr. Dunn.

Ms. Harris asked whether Mr. Kurena had received a psychological evaluation. Mrs. Perkins thought an evaluation had been completed and a copy was in the file. Ms. Harris asked if there was any mental diagnosis and Mrs. Perkins replied there was none in the file. Mrs. Perkins said she had spoken with Mr. Kurena's parole officer and his counselors, and noted that during his prior period of parole release, Mr. Kurena successfully completed the Gateway program in Springfield, after which his parole officer suggested that Mr. Kurena move to Indiana to be with his family there.

Ms. Harris asked whether Mr. Kurena understood that he would be barred from contacting his ex-wife by any means, were he to be paroled, and that he would have strict stipulations and an expectation of ongoing treatment. Mr. Kurena's attorneys indicated that Mr. Kurena understood and accepted that.



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Mr. Diaz clarified that the psychological evaluation for Mr. Kurena was requested after the December 2018 hearing for the purposes and has not yet been completed. Mr. Diaz indicated that he felt that the psychological report could be very valuable to the Board. Mr. Diaz observed that Mr. Kurena was obviously a very bright individual, but that he has presented himself inconsistently over the years before the Board. Mr. Diaz concluded by stating that he hoped Mr. Kurena would continue to improve himself.

Roll call vote was taken, as detailed in the Decision and Rationale below.

Mr. Shelton inquired about ensuring that a psychological evaluation would be available by the next hearing and was informed that the Board's recording secretary would handle that request to IDOC.

ASA Whitecotton asked for clarification regarding Mr. Kurena's next hearing date. Board staff indicated that Mr. Kurena will have his institutional interview in November 2019 and that his parole consideration would be heard at December 2019 *en banc* hearing.

Chairman Findley concluded the hearing by again expressing the Board's apologies to the victim's family regarding their having to attend hearings twice this year.

### **DECISION AND RATIONALE**

Motion to grant parole (AMP—DWD). Motion fails by a vote of 3–9. Members voting in favor of the Motion were Mr. Dunn, Chairman Findley, and Mrs. Perkins. Ms. Daniels, Mr. Fisher, Ms. Harris, Ms. Martinez, Mr. Norton, Mr. Ruggiero, Mr. Shelton, Mr. Tupy, and Ms. Wilson. Mr. Diaz abstained from the vote.

After thorough consideration of Mr. Kurena's case, the Board voted to deny parole. The Board feels that a release at this time would not be in the interest of public safety, as there is a substantial risk that Mr. Kurena would not conform to reasonable conditions of parole, and that his release at this time would deprecate the serious nature of his 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."*



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**EN BANC MINUTE SHEET**  
**OPEN SESSION—February 28, 2019**

Inmate Name: **DANNY LILLARD** IDOC Number: **C71613**

The Illinois Prisoner Review Board met in open *en banc* session at 319 East Madison Street, Suite A, Springfield, Illinois, on February 28, 2019, at the 9:00 a.m. session to discuss and deliberate parole eligibility for Danny Lillard C71613.

Members present were Ms. Daniels, Mr. Diaz, Mr. Dunn, Mr. Fisher, Ms. Harris, Ms. Johnson, Ms. Martinez, Mr. Norton, Mrs. Perkins, Mr. Ruggiero, Mr. Shelton, Mr. Tupy, Ms. Wilson, and Chairman Findley.

Recording Secretary: Janet Crane.

**PRESENTATION OF INTERVIEW AND FILE**

Mr. Norton presented the following summary of the parole consideration interview and review of the inmate's file:

A parole assessment interview was conducted with Danny Lillard C71613 on January 3, 2019. Mr. Lillard was born on January 9, 1953, is currently 66 years of age, and was a resident of Graham Correctional Center on the date of the interview. Mr. Lillard is serving a sentence of 100-150 years for the offense of Murder.

**STATEMENT OF THE FACTS**

On or about December 2, 1976, at approximately 11:00 am, Mr. Lillard, while armed with a pry bar or crowbar, went to a gift shop by the name of Jo-Mar Rings and Things located in Danville, Illinois, which was owned by Mary Elizabeth Huffman. Once inside the store, Mr. Lillard confronted Mrs. Huffman and demanded money. Mrs. Huffman, who was 54 years of age and alone in the store, complied with the demands of Mr. Lillard and gave Mr. Lillard all of the money she had in the store, which consisted of approximately \$100.00. Even though Mrs. Huffman provided no resistance and complied with all of his requests, Mr. Lillard then ordered Mrs. Huffman to an office area in the back of the store, where he then began beating Mrs. Huffman with the metal crowbar. Mr. Lillard struck Mrs. Huffman approximately 17 times with the crowbar, breaking both of her arms and crushing her skull, which resulted in her death. This was a brutal and vicious beating, whereby the head and skull injuries to Mrs. Huffman left her beyond facial recognition. After the Murder, Mr. Lillard left the store with the money and certain other items, including a CB radio. At the time of the Murder, Mr. Lillard was on probation for a prior offense of Burglary. Mr. Lillard was arrested for the Murder of Mrs. Huffman on December 3, 1976. Mr. Lillard provided authorities with a voluntary confession and entered a plea of guilty



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to this Murder on February 16, 1977. On May 13, 1977, he was sentenced to 100-150 years in the Illinois Department of Corrections.

MR. LILLARD'S STATEMENTS AS TO THE OFFENSE

Mr. Lillard was pleasant, polite, courteous, and attentive during the parole assessment interview. Mr. Lillard did not dispute the basic facts of this case, and he expressed remorse for the Murder of Mrs. Huffman. Mr. Lillard remained consistent when he stated that while he had a severe alcohol and drug problem, he was not under the influence at the time of this offense, and that he did not know why he committed this offense. Mr. Lillard did state during the interview that he did have a dream about committing a Murder about a month prior to his actual crime and offense.

CRIMINAL HISTORY

A review of Mr. Lillard's prior criminal history indicates that he was on probation for a prior Burglary conviction at the time that he committed the Murder of Mrs. Huffman.

INSTITUTIONAL ADJUSTMENT

Overall, the institutional adjustment of Mr. Lillard has been positive. During his 42 years of incarceration, Mr. Lillard has only received 23 inmate disciplinary reports, the most recent of which was in 2011. The current work assignment of Mr. Lillard is in the laundry. IDOC records indicate that Mr. Lillard has not participated in any programs, classes, or college courses, but Mr. Lillard stated he has participated in substance abuse counseling and has participated in some college classes. Mr. Lillard appeared to be in good health on the date of the interview and stated that he was in excellent health and does not take any medications. Mr. Lillard did state that he has been diagnosed with a blood disease. Mr. Lillard further reported that he was born and raised in Danville, Illinois, that he has a high school education, and that he did not serve in the military. Mr. Lillard stated that both of his parents are deceased, that he was never married, and that he does not have any children. Mr. Lillard reported that he has seven brothers and sisters who are still living and Mr. Lillard has received numerous visits during the period of his incarceration.

Mr. Lillard stated during the parole assessment interview that he does not feel that he has any current mental health issues and that he has never been diagnosed with any mental health problems. Mr. Norton noted that this does not seem to be consistent with the prior admission by Mr. Lillard that he has mental health issues and that he is in need of help with his mental health issues. Accordingly, Mr. Lillard's prior and current possible mental health issues of Mr. Lillard continue to provide areas of concern.





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PAROLE PLANS

Mr. Lillard indicated that, if he were to be granted parole, his options in order of preference would be to go to a halfway house, to live with his sister in California, or to live with his sister in Georgia. Mr. Lillard may possibly even have other parole options, but all of his parole options were rather vague. Mr. Lillard reported that he would attempt to seek employment to provide for his support, were he to be paroled.

DISCUSSION

Summary of discussion for parole consideration:

Ms. Arden Lang (retired attorney) spoke on behalf of Mr. Lillard. She noted that Mr. Lillard has been in prison for 42 for murder and now seeks to be released on parole. Ms. Lang states she does not quibble with any of the statements of fact presented by Mr. Norton, but that she feels the facts speak favorably towards Mr. Lillard's being released. Ms. Lang argued that Mr. Lillard's institutional adjustment has steadily improved, noting that he has had no major tickets since 1999 and no tickets at all since 2011. Ms. Lang further emphasized his increased maturity as a person, and his extensive familial support.

Mr. Lillard's brother spoke on behalf of his family. He spoke of the changes he had seen in Mr. Lillard throughout his incarceration, noting Mr. Lillard's personal growth.

Chairman Findley observed that none of the local family members had indicated that Mr. Lillard could live in their homes. The Chairman asked whether that was the result of the feeling that returning to Danville would not be conducive to a successful parole for Mr. Lillard. The family members confirmed that a return to Danville would not be acceptable, due to the notoriety of the crime in the community.

Mr. Shelton noted that this case was unusual, in that the families of both Mr. Lillard and the victim held no animosity towards one another, particularly noting that the family of Mr. Lillard had attended the victim's funeral and were well received by the victim's family. Mr. Shelton noted that Mr. Lillard admitted to being a heroin addict and wondered whether that contributed to this crime. Mr. Lillard had been in the victim's shop the day before wanting to buy a ring, but the victim refused to let Mr. Lillard take the ring before he paid for it. Mr. Lillard responded poorly to that refusal, and the victim mentioned this event to her family; Mr. Shelton felt this may have been relevant to the crime.

Chairman Findley stated Mr. Lillard indicated he was sober at the time of the crime.

Ms. Lang stated that in 2017 the SPIN Assessment found Mr. Lillard to be a low risk for reoffending, which speaks to Mr. Lillard's rehabilitation. She noted that he has had a long time in prison to reflect and to combat his addiction issues.



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Mr. Fisher asked about Mr. Lillard's parole plan, noting that it appears to lack structure. Ms. Lang explained that his family members in Danville have said he could live with them, but that the Board indicated the prior year that Danville would not be a good choice for parole. Mr. Lillard has sisters who live out of state who are willing to provide acceptable parole sites. Mr. Lillard is also willing to go to a halfway house, or any other place where he can thrive and where his reentry into society will be positive.

Mr. Shelton asked if anyone could explain what led Mr. Lillard to walk across the street and beat a 54-year-old woman with a tire iron. Mr. Shelton stated he would like to have that answer before he would consider granting parole, observing that if Mr. Lillard doesn't know why this happened, the Board has to question whether to trust what he tells them. Ms. Lang responded that she feels Mr. Lillard has been as honest as he can; he has never concocted a story. Ms. Lang argued that drug problems can be viewed in various ways. One way is that they are used as a crutch for other issues like emotional difficulties, noting that with drug addiction there is often a combination of mental and physical problems. Ms. Lang noted that doesn't mean that the individual cannot escape their problems thru counseling, reflection, faith and hard work. Ms. Lang argued that Mr. Lillard is outwardly changed and that the outward change underscores the internal change. Ms. Lang felt that Mr. Lillard is to be believed and that his record speaks to that. The Chairman stated that there is probably no rational explanation to an irrational act.

Ms. Harris asked about the location of Mr. Lillard's two sisters. Ms. Lang said one is in Georgia and one is in California. Ms. Harris felt it would be beneficial to the Board to see that Mr. Lillard had a structured plan of reentry services included in his parole plan. Ms. Harris noted that Mr. Lillard needs a parole plan with services to ensure that he remains clean and sober and that she had not heard that mentioned in the discussion of his plan. Ms. Harris indicated she would like to have more clarity regarding Mr. Lillard's plans for what he would do in terms of employment upon a grant of parole release. Ms. Lang stated that the sisters have researched employment for Mr. Lillard, and that Mr. Lillard likes and wants to work. Ms. Lang felt that Mr. Lillard's family would be happy to have him in a structured environment and that can certainly be looked into.

Vermilion County State's Attorney Jaqueline Lacy spoke to the Board in objection to Mr. Lillard's parole. She introduced Mr. Gary Miller, who was an investigator in this crime in 1976. SA Lacy felt there were several points to be considered. She presented 3 exhibits to the Board for review. The first exhibit was a group exhibit consisting of the crime scene photographs of Mary Huffman's body. SA Lacy noted that the record clearly indicated that Mrs. Huffman was beaten so many times by a crowbar that she was essentially unrecognizable. SA Lacy agreed that there was no animosity between the Lillard and the Huffman families, noting that both families recognize the pain that has come from this crime. SA Lacy noted that Mrs. Huffman lost her life at 54 years old; she had 6 children and 10 grandchildren, and all she did that day was go to work. SA Lacy made the point that this offense is not one where an individual picked up a gun and shot someone, but instead is an offense where an individual continued to strike the victim, even while



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she was complying with his demands. SA Lacy observed that Mr. Lillard stated that he did not know why he hurt the victim and that he did not know how many people he might hurt. SA Lacy argued that if the Board can believe what Mr. Lillard says, it should be noted that he is sober and has already said he doesn't know how many more people he might hurt. SA Lacy noted that Mr. Lillard has not shown through his more than 40 years of incarceration that he has the initiative to involve himself. She observed that he has not engaged in programs to try and rehabilitate himself through counseling or other programs provided by DOC, and that the only time he seeks out programs is when the Board makes a recommendation. SA Lacy noted that Mr. Lillard has not taken his own initiative to finish drug treatment or other programs to develop the coping mechanisms he will need to be able to cope in society, when and if he is released.

SA Lacy finally noted that at the prior year's parole consideration hearing, there was an individual who appeared at that hearing, who was a step-granddaughter of the victim. SA Lacy related that that individual has not been a part of the victim's family for many years, and currently has pending charges in Vermilion County for allegedly stabbing her own child. SA Lacy stated that she wants the Board to know that that individual does not speak for the Hoffman family, and that there is no one in Mrs. Huffman's family who supports release for Mr. Lillard. SA Lacy asked on behalf of the State and the family of Mrs. Hoffman that parole be denied.

Mr. Tupy stated that he had spoken to Mr. Lillard last year. Mr. Tupy observed that Mr. Lillard was very calm and well-spoken, and that Mr. Lillard indicated that he had used drugs the day before the incident, but had not used any on the date of the offense. Mr. Tupy asked Mr. Lillard why he had taken the crowbar over to Ms. Huffman's store, but Mr. Lillard stated he didn't know why he had done so. Mr. Tupy asked if Mr. Lillard knew the victim, to which Mr. Lillard responded by admitting he knew Mrs. Huffman, and that she had hired his sister to work in her shop at one time. Mr. Tupy asked if the crowbar was used because Mr. Lillard knew that the victim would recognize him, and he would leave a witness unless he do something more. Mr. Tupy asked Mr. Lillard if that was in his mind at the time and Mr. Lillard didn't know. Mr. Tupy observed that it seems a logical conclusion that if Mr. Lillard were planning to rob the store, he would have had to do something to prevent himself from being identified.

Mr. Tupy observed that Mr. Lillard has a great institutional adjustment record. Mr. Tupy stated that he had asked Mr. Lillard about his two sisters, noting that neither sister had seen him in several years. Mr. Tupy advised Mr. Lillard that he needed a letter from his sister that detailed that she would accept him into her home and what services she would provide, so that could be presented at the next hearing. Mr. Tupy asked whether either sister had written such a letter. The record indicated that Mr. Lillard's brother had written a letter, but the Board had previously agreed that Danville was not a viable place to which Mr. Lillard could be paroled.

Ms. Lang also spoke about a letter in the file from Otis Hillman, who is a former resident of Danville who retired and moved to Atlanta, where one of Mr. Lillard's sisters lives. Mr. Hillman stated that he would work with Mr. Lillard if he was paroled to his sister's house there.



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Mr. Norton said that Mr. Lillard stated he wanted to go to a halfway house, his sister's home in California, or his sister's home in Georgia if he were paroled. Mr. Norton received a lot of behalf letters for Mr. Lillard to support him, but they were not offers of parole sites.

Mr. Norton spoke to the most recent 2018 SPIN assessment, noting that the full assessment risk is low. Mr. Norton further noted that the assessment indicated that in the area of anger, aggression is still an issue of some concern in Mr. Lillard's case.

Mr. Norton stated that the Board Members know that parole consideration cases are never easy. Mr. Norton noted that he had done his utmost to fully present the case for consideration accurately and without emotion.

Mr. Norton stated that he has concerns about the mental health of Mr. Lillard. When he was asked, Mr. Lillard did not feel that he had any mental health issues and he had never been diagnosed with any. Mr. Norton read the voluntary statement given by Mr. Lillard at the time of his arrest. In that statement, Mr. Lillard was asked if he felt he needed help and had a mental problem. The answer that he gave his interviewer was "Yes". The question was asked "what makes you think that you have a mental problem?" and Mr. Lillard answered, "because I don't know why I do things anymore". The interviewer asked Mr. Lillard if there was anything else he would like to add to the statement and he said "Yes, sometimes I think I am two different people. I just blow up and don't know why". Mr. Norton noted that despite the fact that Mr. Lillard qualified for mental health treatment in Vermilion County, he has not received any treatment.

Mr. Norton thinks there are some positives for parole, but he would not consider it because of the concern for public safety posed by Mr. Lillard.

Ms. Wilson asked if Mr. Lillard has had a current psychological evaluation. Mr. Norton answered that Mr. Lillard has not had an evaluation. Ms. Wilson also asked when the interview was conducted that Mr. Norton had quoted from. Mr. Norton said the interview was done a few days after the offense. Ms. Wilson also asked about Mr. Lillard's statement that he was two different people. Mr. Norton indicated that the statement was made soon after the crime, not recently.

### **DECISION AND RATIONALE**

Motion to deny parole (WN—JR). Motion prevails by a vote of 11–2. Members voting in favor of the motion were; Ms. Daniels, Mr. Diaz, Mr. Fisher, Ms. Harris, Ms. Martinez, Mr. Norton, Ms. Perkins, Mr. Ruggiero, Mr. Shelton, Mr. Tupy and Ms. Wilson. Those opposed were: Mr. Dunn and Chairman Findley.

After thorough consideration of Mr. Lillard's case, the Board voted to deny parole. The Board feels that a release at this time would not be in the interest of public safety, as there is a substantial risk that Mr. Lillard would not conform to reasonable conditions of parole, and that



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his release at this time would deprecate the serious nature of this offense 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.”*



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**EN BANC MINUTE SHEET**  
**OPEN SESSION—February 28, 2019**

Inmate Name: **DUANE FRANKLIN**      IDOC Number: **C80688**

The Illinois Prisoner Review Board met in open *en banc* session at 319 East Madison Street, Suite A, Springfield, Illinois, on February 28, 2019, at the 9:00 a.m. session to discuss and deliberate parole eligibility for Duane Franklin C80688.

Members present were Ms. Daniels, Mr. Diaz, Mr. Dunn, Mr. Fisher, Ms. Harris, Ms. Johnson, Ms. Martinez, Mr. Norton, Mrs. Perkins, Mr. Ruggiero, Mr. Shelton, Mr. Tupy, Ms. Wilson, and Chairman Findley.

Recording secretary: Janet Crane.

**PRESENTATION OF INTERVIEW AND FILE**

Ms. Harris presented the following summary of the parole consideration interview and review of the inmate's file:

An institutional hearing was conducted with Duane Franklin C80688 for the purposes of parole consideration on January 16, 2019 at Menard Correctional Facility. Mr. Franklin, now 71 years of age, was convicted of Murder (200-600) years, Rape (6-20) years. All sentences are to run concurrently.

**STATEMENT OF THE FACTS**

On June 10, 1976, the body of Susan Greer was found in her apartment at 2616 North Hampden Court in Chicago, Illinois. The victim was violently raped and beaten about the head and the upper body, as well as strangled to death. An examination of the body and subsequent autopsy revealed severe and massive injuries including: lacerations inside her vagina, her rectum, abrasions to her nose, eyes, and a large abrasion to her right temple, chin, and her neck. She also had ligature marks, with deep lacerations to both wrists to the bone. Major bones in her neck were also fractured or crushed, and massive hemorrhaging in her brain was also evident.

The pathologist determined the cause of death to be asphyxia, due to strangulation, in association with severe trauma to the brain. A forensic examination also revealed sperm present in her vagina. Ms. Greer's body was discovered naked from the waist down, with her legs spread. Upon discovery of her body, the police conducted a canvas of the victim's apartment building. Two witnesses were found who had observed Mr. Franklin in the building at the time of the Murder. When questioned, Mr. Franklin stated he was in the building looking for a friend named James Cooke. The witnesses were aware that Mr. Cooke had moved out of the building.



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One witness saw Mr. Franklin outside of the victim's apartment, which was an area he had no reason to be in.

The police spoke with Mr. Cooke, who stated that he had moved out of the building and subleased his apartment to a single girl, which he had personally told Mr. Franklin. Mr. Franklin was then placed under arrest. Mr. Franklin's clothing was found, and it was covered with blood of the same blood type as the victim—type AB. Mr. Franklin is type O, and traces of O-type blood were found in the scrapings of the victim's fingernails.

Mr. Franklin chose to have a trial by jury. The jury found Mr. Franklin guilty of Murder, Rape, and Burglary. The Honorable James M. Bailey sentenced Mr. Franklin on February 27, 1978, to 200-600 years on the Murder and 6-20 years on the Rape, to run concurrently.

#### MR. FRANKLIN'S STATEMENT AS TO THE OFFENSE

Mr. Franklin was uncooperative and showed very little interest in conducting the parole consideration hearing. The only response that he gave during the interview was that he was "innocent," but he provided no further elaboration.

#### CRIMINAL HISTORY

Prior to the instant offense, on August 13, 1970, Mr. Franklin committed Aggravated Battery and Rape in case #69-3598. For those offenses, he was sentenced to 5-15 years, and was paroled after serving only five years.

On October 19, 1969, Mr. Franklin and two co-offenders raped two girls who were at the Fullerton Avenue Beach in Chicago. The two victims saw Mr. Franklin and his two partners pass them a couple of times. It began to rain, so the two girls decided to leave the beach. Mr. Franklin and his partners followed the two girls, grabbed them, and dragged them to the water line. Both girls were raped, and one of the victims was beaten by the two co-offenders, sustaining a broken nose and having her teeth broken. The attack lasted approximately ten minutes before the offenders fled. The young girls were screaming and yelling, and they flagged down a police car.

In December of 1975, Mr. Franklin was arrested and charged with the Rape and Battery of a girl in Wheaton, Illinois, after being identified by the victim. The case was ultimately dismissed because the victim refused to testify.

#### INSTITUTIONAL ADJUSTMENT

Over the history of Mr. Franklin's incarceration he has received numerous tickets. His last filed ticket was in 2017.



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PAROLE PLANS

Mr. Franklin does not have a parole plan and shows very little interest in being paroled.

DISCUSSION

Summary of discussion for parole consideration:

Ms. Harris noted that her presentation of the case was largely limited to a statement of the facts and criminal history due to Mr. Franklin's lack of engagement with her during the interview. She related that Mr. Franklin just sat unresponsive, and that when she asked questions, he would say 'What are you talking about?' Or 'I don't know.' Ms. Harris noted that the only substantive response Mr. Franklin provided was to state "I'm innocent".

Mrs. Perkins asked what Mr. Franklin's age was when he was arrested. Ms. Harris indicated that Mr. Franklin was 23, and that he had served 41 years. Ms. Harris did not have the victim's age.

Mr. Shelton asked about Mr. Franklin's institutional adjustment. Ms. Harris noted that he has had several tickets, with the last one occurring in 2017.

Ms. Perkins asked about Mr. Franklin's level of cooperation during the interview. Ms. Harris stated that he did not cooperate at all, noting that Mr. Franklin just sat and would not answer questions. Ms. Harris said it was a very short interview and was very uncomfortable.

Chairman Findley asked if Mr. Franklin had a recent psychological evaluation. Ms. Harris said he did not, but that she would request one.

Cook County State's Attorney Sara Whitecotton indicated that the State opposed parole release, as detailed in their written submission.

A representative of the Attorney General's Office indicated that in the event Mr. Franklin would be granted parole by the Board, the Office would seek a delay for the opportunity to determine if he is a sexually violent person.

DECISION AND RATIONALE

Motion to deny parole (VH—AMP). Motion prevails by a vote of 13–0. Leave.

Motion for a 2-year set (VH—DWD). Motion prevails by a vote of 13–0. Leave.

After thorough consideration of Mr. Franklin's case, the Board voted to deny parole. The Board feels that a release at this time would not be in the interest of public safety, as there is a





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substantial risk that Mr. Franklin would not conform to reasonable conditions of parole, that his release would have an adverse effect upon institutional discipline, and that his release at this time would deprecate the serious nature of his offenses and promote a lack of respect for the law.

The Board further specifically finds, pursuant to its authority under 730 ILCS 5/3-3-5(f), that it is not reasonable to expect parole release to be granted prior to January of 2021, and therefore continues Mr. Franklin's next parole consideration hearing to that docket.

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



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***EN BANC MINUTE SHEET***  
**OPEN SESSION—February 28, 2019**

Inmate Name: **HENRY DEE**      IDOC Number: **C01657**

The Illinois Prisoner Review Board met in open *en banc* session at 319 East Madison Street, Suite A, Springfield, Illinois, on February 28, 2019, at the 9:00 a.m. session to discuss and deliberate parole eligibility for Henry Dee C01657.

Members present were Ms. Daniels, Mr. Diaz, Mr. Dunn, Mr. Fisher, Ms. Harris, Ms. Johnson, Ms. Martinez, Mr. Norton, Mrs. Perkins, Mr. Ruggiero, Mr. Shelton, Mr. Tupy, Ms. Wilson, and Chairman Findley.

Recording secretary: Janet Crane.

**PRESENTATION OF INTERVIEW AND FILE**

Ms. Martinez presented the following summary of the parole consideration interview and review of the inmate's file:

Henry Dee C01657 is serving 100-200 years for 2 counts of Murder (to run consecutively) and 20-40 years for two counts of Robbery. His projected maximum discharge date is June 27, 2162.

**STATEMENT OF THE FACTS**

In the early morning of August 17, 1971, cabdriver Arthur Snyder stopped at home prior to returning his cab after his evening shift. He was accosted by Mr. Dee and co-defendant James Sayles, who were armed, and who forced their way into the Snyder's apartment. Once inside, the offenders hogtied, gagged, and blindfolded Mr. Snyder, leaving him in the kitchen. They then took Edith Snyder into the bedroom, where they bound, gagged, and blindfolded her. After ransacking the apartment, they returned to the bedroom and raped Mrs. Snyder. The offenders then beat her to death with a claw hammer, brutally striking her about the face, skull, and body. They then returned to the kitchen, where they beat Mr. Snyder with the same hammer, striking him so hard that the hammer became embedded in his skull. Mr. Snyder was 52 and his wife 46 at the time of their Murders.

Before leaving with a number of items taken from the apartment, the offenders turned on the gas jets in the oven and set the mattress where Mrs. Snyder's body was laying on fire. The bodies were discovered by the Chicago Fire Department, responding to the fire, at 2:25 a.m. The offenders left, taking Mr. Snyder's cab. The offenders were apprehended at 3:25 a.m., attempting to flee after parking the cab in the parking lot at Washington Park. Officers had observed two individuals in the car, driving without headlights on. The offenders ran and were



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apprehended. Property of the Snyders was confiscated and later identified by family members. A revolver was found in Mr. Dee's waistband.

Mr. Dee and his codefendant were tried together, found guilty in a jury trial, and sentenced to Death. When the Death penalty was voided, Mr. Dee was sentenced to 100-200 years for each Murder and 20-40 years for each Armed Robbery, to be served consecutively. That verdict was affirmed on appeal.

MR. DEE'S STATEMENTS AS TO THE OFFENSES

Mr. Dee states that he is innocent, and that he has never killed anyone. He states that he was coming from the co-defendant's house, on the way to the train to go home, and that the police said they were giving chase to two men who fit their descriptions. He states that the blood that was found on his clothing was a minute amount, so small that it could only be tested once. He claims he had given a palm print that didn't match the bloody print on the hammer and that evidence has disappeared. He says he was never in the cab. Mr. Dee states that he had gotten a call to meet Mr. Sayles, and then went to Sayles's Southside apartment. Later, Mr. Sayles was walking Mr. Dee back to the train, when they were arrested. He says he had met Mr. Sayles at a writer's workshop and volunteered with him at the Black Panther breakfast program.

At trial, Mr. Dee testified that he and Mr. Sayles left Sayles's apartment at about 2:35 a.m. While they were crossing 62<sup>nd</sup> Street, they had to hurry to avoid a speeding car. A few moments later, they were called over to a police car and questioned as to their identity and activities in the area. He testified that the police then took both Sayles and Mr. Dee to a cab parked in Washington Park. They both denied any knowledge of the cab. According to Mr. Dee's testimony, they were kicked and beaten by the police. Mr. Dee alleges that the police then took items out of the cab, threw them on the ground, and then added whatever the two had in their pockets to the same pile. A doctor testified at trial that the two had not said anything about being beaten and that he did not observe any recent injuries or bruises on Mr. Dee or Mr. Sayles.

Mr. Dee stated that he had heard that his co-defendant Mr. Sayles had wanted to go home to his family because he had cancer and so he finally admitted the crimes, so he could get paroled. Ms. Harris advised that she read Mr. Sayles's file and found that Mr. Sayles had actually admitted involvement in 1999. Mr. Sayles has since passed away.

Mr. Dee states that everyone he has asked to look into the case has said they can't, because there is no DNA and everyone involved in the case is dead. Mr. Dee said he could have pled guilty and was offered 20-40 years, but that he didn't take the offer because he is innocent. Mr. Dee believes he would have been out by now. The State's Attorney's Office has noted that under current sentencing law he would be given mandatory natural life because there was more than 1 victim and the crime was exceptionally brutal, indicative of wanton cruelty.



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### CRIMINAL HISTORY

Mr. Dee pled guilty to Armed Robbery in 1967 and was sentenced to 3 years of probation, with the first nine months to be served in Cook County Jail. While on probation, he was convicted of Theft and sentenced to 6 months in the House of Corrections. Mr. Dee was thereafter found to be in violation of his probation on the prior case and sentenced to 2-4 years in prison. He was released in September 1970 and discharged from parole on November 7, 1970.

Eleven days after discharging his parole on the Armed Robbery case, Mr. Dee was arrested for Criminal Trespass to Vehicle. A warrant was issued for his arrest for failing to appear in that case. He was later arrested and sentenced to 1 year of probation and \$375 restitution. He was on that probation when the Murders occurred.

In 1979, Mr. Dee escaped from custody of the Illinois Department of Corrections, while he was at University of Illinois Hospital for kidney tests. He was able to do so by using a homemade weapon. He was apprehended the next day at a motel with his girlfriend. For the escape, Mr. Dee had one year of good conduct credit revoked, was placed in segregation for one year, and was placed on C grade for one year. Mr. Dee stated that that he handcuffed the two officers, but left them keys and their weapons in a trashcan, so that when someone went in they could uncuff the officers. Mr. Dee indicated he was not charged with a new criminal offense, because he did not use violence.

Mr. Dee was additionally arrested by the United States Marshals Service in 1980 and charged with Attempted Escape, for which Mr. Dee has a federal detainer and 3-year prison sentence to be served consecutively to his state sentence. The federal sentence arose out of his trying to walk away from the Metropolitan Correctional Center in Chicago while he was going to federal court on a federal civil rights case he had filed.

### INSTITUTIONAL ADJUSTMENT

Mr. Dee is currently on A grade, moderate escape risk, and maximum-security level. He is now eligible for reduction to medium security level and transfer to a medium security facility. In the past 30 years, his overall adjustment has been very positive. He has received only 4 tickets, none of which resulted in segregation time. Mr. Dee is currently assigned to dietary department, and he has previously worked in correctional industries, receiving certifications for working with sheet metal, where he made filing cabinets and other metal furniture. He has also worked in the canning plant. Mr. Dee took an 1800-hour Lewis University course called Better Living/Positive Attitude. He reports that he has never posed a threat to others (except for the use of a homemade weapon to escape) or to himself. Mr. Dee indicates that he has, in fact, helped resolve conflicts between other inmates and staff. He reports that he has been kept in the same work assignment for 20 years due to his character and work ethic, and that this is an unusual length in the same work assignment.



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Mr. Dee's 1972 reception and diagnosis report indicates that that he was seen as being rather quiet and manageable, despite his having been classified as having an anti-social personality with violent, physically aggressive features based on his previous convictions. It indicates that extreme security measures should be taken as he "has little or nothing to lose by behaving in a detrimental manner toward the institution."

In 1983, his attitude was described as energetic, friendly and cooperative. There was no sign of psychosis or derangement. The crimes were attributed to reckless and irresponsible youth, and his chances of success in the community were listed as positive. In 1984, Mr. Dee's institutional adjustment was described as remarkable. Since 1998, the words "model prisoner" have been used.

Mr. Dee is insulin dependent and also suffers from hypertension, hyperactive thyroid, and abnormal heart rhythm. He recently underwent surgery for his heart condition.

#### PAROLE PLANS

Mr. Dee has also expressed his plans to live with his mother in Chicago, although his mother is of extreme age and requires a caretaker. Mr. Dee has been saving money for his and her needs, and currently has over \$11,000. He believes that he can get work in either food service or sheet metal, based on his experience and certifications. He has researched re-entry programs and has applied with St. Leonard's.

In a letter dated January 29, 2018, Mr. Dee received an offer of assistance from Juan Rivera, a former Stateville inmate who was found to have been wrongfully convicted and who won \$20 million in a civil right suit based on that wrongful conviction. Mr. Rivera states that Mr. Dee is in great part responsible for the person Mr. Rivera is today. Mr. Rivera states that he met Mr. Dee when Mr. Rivera entered Stateville, angry for having been convicted of the Rape and Murder of an 11-year-old girl, a crime that he did not commit. Mr. Rivera says Mr. Dee taught Mr. Rivera that he was not who the legal system portrayed him to be. He is now owner of Legacy Barber College and is a director of Justis 4 Justus, a nonprofit providing support for innocent people who are exonerated and released from prison. Mr. Rivera offered Mr. Dee a place to live in Mr. Rivera's home in Chicago, a job with the barber college, and whatever Mr. Dee needs. Mr. Rivera states he will make sure Mr. Dee has transportation to his medical appointments and help him spend time with his mother.

Even if Mr. Dee is paroled, he will still have to address his federal detainer. IDOC is waiting to hear whether the 3-year sentence will be waived if Mr. Dee is sent to a half-way house.



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PAST EN BANC HISTORY

There is and has always been strong opposition from the Cook County State's Attorney's Office, based on the brutality of the crimes, previous criminal history, and escape attempts. There continues to be other opposition as well.

Mr. Dee has only received one vote over the years and a number of 3-year sets. In 1983, he was denied parole, with an indication that further incarceration is required to assist him in developing the sustainability necessary for release.

DISCUSSION

Summary of discussion for parole consideration:

Ms. Martinez provided a review of Mr. Dee's co-defendant's performance on parole, and compared the co-defendant's growth and institutional adjustment to Mr. Dee's. Ms. Martinez noted that numerous assessments of Mr. Dee and Mr. Sayles indicated that they would become violent throughout their periods of incarceration, but that no such violence ever occurred. Ms. Martinez found that the total lack of violence, in conjunction with Mr. Dee's dedication to helping to resolve conflicts within the institution, is remarkable. Ms. Martinez noted that Mr. Dee's institutional adjustment has been excellent, that his parole plans are substantial, and that she believes Mr. Dee is ready to re-enter society.

Chairman Findley stated that he had phoned St. Leonard's House in regard to Mr. Dee's parole plan. St. Leonard's House said they were waiting for some of Mr. Dee's medical records to ensure that he will be able to live in their facility, as climbing stairs is required at St. Leonard's.

Mr. Shelton's questioned whether Mr. Dee be suitable for St. Leonard's in the absence of a medical exclusion. Chairman Findley interpreted it that way, but it is not known if Mr. Dee is medically qualified.

Motion to go into closed session to discuss victim statements (VM—DS). Leave.

Motion to return to open session (CF—PF). Leave.

Mr. Shelton asked Ms. Martinez if she believed Mr. Dee to be innocent. Ms. Martinez replied she didn't know whether he is or isn't, but that she believes it to be possible.

Ms. Martinez noted that the rate of recidivism among older offenders is low, and that Mr. Dee is 73 years of age. Ms. Martinez does not believe there is a danger to the public if he were released. Ms. Martinez also noted that part of the goal of the IDOC is rehabilitation, and that she personally felt that Mr. Dee is rehabilitated.



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Mr. Norton asked whether Mr. Dee's claim of innocence has remained consistent over the years, and Ms. Martinez confirmed that it had been. Mr. Norton addressed the topic of remorse, noting that it would be hard to have remorse for something you hadn't done. Ms. Martinez said Mr. Dee told her he had not done this, and that he had never killed anyone.

Ms. Aviva Futorian spoke on behalf of Mr. Dee. Ms. Futorian related that she had explained to Mr. Dee that without admitting his guilt, there was a chance he might never be paroled. Mr. Dee told her he understood that, but stated that even if it meant he would stay in prison the rest of his life, he could not admit to something he had not done.

Cook County Assistant State's Attorney Sara Whitecotton stated that Mr. Dee was convicted, and that the appellate court reviewed the evidence and found that the conviction should be upheld. ASA Whitecotton noted for the Board that a parole consideration hearing is not the place to talk about actual innocence. ASA Whitecotton argued that granting parole would deprecate the seriousness of the crime, requested on behalf of the State that parole be denied.

Mr. Diaz stated he doesn't believe that a person must admit guilt to be paroled. Mr. Diaz further noted that upholding a conviction at the appellate level does not preclude the possibility of their innocence. Mr. Diaz said he had met Mr. Dee and was impressed.

Mr. Norton asked if Mr. Dee had previously had counsel. The record indicated Mr. Dee had not previously had legal representation and that he has been eligible for parole since 1989.

### **DECISION AND RATIONALE**

Motion to grant parole (VM—VH). Motion prevails by a vote of 9–4. Members voting in favor of the motion were Ms. Daniels, Mr. Diaz, Mr. Dunn, Ms. Harris, Ms. Martinez, Mrs. Perkins, Mr. Shelton, Ms. Wilson, and Chairman Findley. Mr. Fisher, Mr. Norton, Mr. Ruggiero and Mr. Tupy dissented.

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

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



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**EN BANC MINUTE SHEET**  
**OPEN SESSION—February 28, 2019**

Inmate Name: **ROBERT GORHAM** IDOC Number: **C70122**

The Illinois Prisoner Review Board met in open *en banc* session at 319 East Madison Street, Suite A, Springfield, Illinois, on February 28, 2019, at the 9:00 a.m. session to discuss and deliberate parole eligibility for Robert Gorham C70122.

Members present were Ms. Daniels, Mr. Diaz, Mr. Dunn, Mr. Fisher, Ms. Harris, Ms. Johnson, Ms. Martinez, Mr. Norton, Mrs. Perkins, Mr. Ruggiero, Mr. Shelton, Mr. Tupy, Ms. Wilson, and Chairman Findley.

Recording secretary: Janet Crane.

**PRESENTATION OF INTERVIEW AND FILE**

Ms. Harris presented the following summary of the parole consideration interview and review of the inmate's file:

Robert Gorham C70122 was interviewed for parole consideration on November 14, 2018, at Menard Correctional Center. Mr. Gorham is now 67 years of age and serving sentences for Murder (100-200) years, Burglary (5-15) years, Burglary (5-15) years and Possession of Controlled Substance (3-9) years. All sentences are to run concurrently.

**STATEMENT OF THE FACTS**

Mr. Gorham was the boyfriend of the victim's wife, Kathleen Thompson. Mr. Gorham and Mrs. Thompson met in late October or early November of 1974. Mr. Gorham and Mrs. Thompson developed a plan to murder her husband, Kenneth Thompson, because he wanted a divorce and was seeking custody of their children. Mrs. Thompson told Mr. Gorham that because of her husband's large insurance policy, she would be better off with him dead than alive. Mr. Gorham had recently been released from Menard Correctional Center on parole after serving four years for an Aggravated Battery conviction. He agreed to kill Mr. Thompson on the condition that Mrs. Thompson would split the insurance proceeds with Mr. Gorham.

As part of his plan to commit Murder, Mr. Gorham obtained a .45 caliber semi-automatic pistol from a friend in Cedar Lake, Indiana. The two traveled to an old abandoned farmhouse and test fired the gun. In addition, he contacted a friend, Mike Rose, to obtain an alibi if the police asked any questions. Mrs. Thompson told her husband that she had bailed Mr. Gorham out of the Homewood Police Department for \$25.00 and that Mr. Gorham wanted to repay them the money. However, when Mr. Thompson arrived home, Mr. Gorham was also there and stated that





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he wanted to repay them, but he needed a ride to a friend's house in Chicago Heights to get the money.

Driving to the area, Mr. Gorham then suggested that Mr. Thompson park in an alley on the east side of Chicago Heights under the guise of retrieving the money. Once in the alley, Mr. Gorham got out of the van and walked through a gate into a gangway, while Mr. Thompson remained in the van. As Mr. Gorham returned to the van, he pulled out the gun, took the safety off, cocked the hammer, and stepped inside of the van. As Mr. Thompson turned toward Mr. Gorham, he shot Mr. Thompson in the head. The bullet entered the middle portion of the victim's right eyebrow and exited at the back of the head behind the left ear.

The original plan was to make Mr. Thompson's death look like a robbery, but immediately after he was shot, his lifeless body fell over onto Mr. Gorham, leaving blood stains on his clothing. After this occurred, Mr. Gorham jumped out of the car and left the scene. Mr. Gorham fled to Key Note Club on 22<sup>nd</sup> and Wallace St. to wash his hands. He then traveled to Mr. Rose's home and the two gentlemen went to the Go Club to purchase beer. A week after the Murder, Mrs. Thompson used the insurance proceeds to purchase a \$4000 auto, a \$1600 motorcycle, and a \$500 boat for Mr. Gorham.

After an intensive investigation, Mr. Gorham was arrested in April 1976 for Mr. Thompson's Murder. Mr. Gorham gave a 42-page confession detailing his participation in the planning and execution of the Murder. In the confession, he admitted in detail to shooting Mr. Thompson in the head with a .45 caliber pistol while he and the victim were inside the victim's van in Chicago Heights. Mr. Gorham was convicted after a jury trial on January 10, 1977. The Honorable Judge Frank B. Machala sentenced him to 100-200 years of imprisonment.

Mr. Gorham appealed to the Illinois Supreme Court, which was denied. Mr. Gorham filed a petition for a writ of habeas corpus, which the United States District Court for the Northern District granted and remanded Mr. Gorham's case for a new trial. On April 23, 1985, the U. S. Court of Appeals reversed the District Court's granting of habeas corpus relief. The conviction and sentence stand at this time.

Mrs. Thompson was indicted under Case Number 76-7031 for Conspiracy to Commit Murder. On September 8, 1979, she was convicted and sentenced to 1-10 years in prison. Mrs. Thompson also testified at Mr. Gorham's trial. Mr. Rose was charged with Obstruction of Justice. The disposition of that charge is unclear, but Mr. Rose is currently on Death Row in Florida for Homicide under the alias name Milo Andrew Rose.

After Mr. Gorham murdered Mr. Thompson, he was convicted of two separate Burglaries, Case Nos. 75-7024 and 75-7003, which occurred on September 4, 1975. Mr. Gorham and his accomplice broke into a home through a basement window and took a stereo, a television, a chess set, and a shotgun. On the same day, Mr. Gorham and his accomplice forced



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their way into a second home in Park Forest, Illinois, where they took a Social Security check in the amount of \$197.50.

In Case No. 75-7509, also committed after he shot and killed Mr. Thompson, Mr. Gorham was convicted for Possession of a Controlled Substance after he was stopped on August 29, 1975, for a traffic violation. The search revealed .4 grams of heroin. Mr. Gorham pled guilty as charged and was sentenced to a term of 3-9 years in IDOC to run concurrent with other sentences.

### CRIMINAL HISTORY

Prior to these crimes, Mr. Gorham was incarcerated for Aggravated Battery and Unlawful Use of a Weapon, which occurred on October 8, 1971. On that date, Mr. Gorham and his co-offender drove to Homewood, Illinois, where they went to rob the victim's son. They took with them a sawed-off shotgun and gun ammunition. Upon arrival, Mr. Gorham carried the shotgun, went to the back door, and the victim answered the door and told Mr. Gorham that her son was not home. Mr. Gorham fired the gun at her, striking her in the face, right shoulder, and the chest with shotgun pellets. She was hospitalized for 11 days and had to undergo surgery. She suffered permanent scars to her face, neck, chest, and arms. The two attackers fled the scene but were captured nearby. They were both convicted and sentenced to 2-4 years in IDOC.

### INSTITUTIONAL ADJUSTMENT

Mr. Gorham's institutional adjustment consists of several tickets, including major tickets for Fighting, Theft, Dangerous Contraband, and Sexual Assault. Mr. Gorham was additionally indicted on Aggravated Criminal Sexual Misconduct, but the charges were later dismissed due to the victim's failure to appear. His last psychiatric evaluation was conducted in 1977, and at that time the evaluation indicated a history of delinquency and anti-social activity. According to the report, the psychologist stated that Mr. Gorham had a "poor conscience formation and a danger of returning to high drug use."

Mr. Gorham is currently in maximum security and locked up 23 hours per day. He gets one hour for gym and meal combined. Mr. Gorham reports that he does not have a cellmate, due to the Aggravated Criminal Sexual Assault charges, and that he has been unassigned since 2010. He appears to be in good health, but he is in need of knee replacement surgery. Mr. Gorham exercises three times per week.

Mr. Gorham has earned his GED, has taken some college courses, and has participated in anger management and substance abuse counseling, due to his heroin addiction. Mr. Gorham also stated that he believes his addictions is what led to his life of crime.



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## PAROLE PLANS

If granted parole, Mr. Gorham is a candidate for St. Leonard's House in Chicago, Illinois, and Bridges to Freedom. A letter of acceptance was provided at *en banc* for St. Leonard's House. The letter indicates that Mr. Gorham would receive an abundance of comprehensive services that will assist in the tools and skills needed for successful transition.

## DISCUSSION

Summary of discussion for parole consideration:

Mr. Ruggiero asked if there were any tickets since 2011.

Ms. Ameri Klafeta spoke for Mr. Gorham. She wanted to clarify that in the case where a woman was shot with a shotgun, Mr. Gorham was not charged with Attempted Murder, but with Unlawful Use of a Weapon and Aggravated Battery. Ms. Klafeta wanted to emphasize that Mr. Gorham does have a parole plan; he has been accepted to St. Leonard's House and Bridges to Freedom. Ms. Klafeta noted that Mr. Gorham has accepted his part in this offense, has not minimized his part in this crime, and has expressed remorse. Ms. Klafeta informed the Board that Mr. Gorham hopes that as the Board considers his parole, it will look not at the crimes that occurred 45 years ago, when he was young and battling a drug addiction, but instead that the Board will consider the length of time he has served for this crime.

Mr. Ruggiero asked if Mr. Gorham had a job waiting for him. Ms. Klafeta stated that Bridges to Freedom and St. Leonard's House will help with job skills. Chairman Findley asked Ms. Klafeta to tell the Board about Bridges to Freedom. She stated that it is a faith-based service on Chicago's West Side, which provides similar services to St. Leonard's House, including housing, counseling, and reentry services.

Cook County Assistant State's Attorney Sara Whitecotton spoke about Mr. Gorham's first Aggravated Battery case and refuted Mr. Gorham's statements that it was an accidental shooting. ASA Whitecotton argued that Mr. Gorham has repeatedly demonstrated a disrespect for human life and requests on behalf of the State that the Board deny parole.

Ms. Harris stated that the last vote in favor for parole was in 2009.

## DECISION AND RATIONALE

Motion to deny parole (VH—DWD). Motion prevails by a vote of 11–2. Members voting in favor of the motion were Ms. Daniels, Mr. Diaz, Mr. Dunn, Mr. Fisher, Ms. Harris, Ms. Martinez, Mr. Norton, Mrs. Perkins, Mr. Shelton, Mr. Tupy, and Ms. Wilson. Mr. Ruggiero and Chairman Findley dissented.



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After thorough consideration of Mr. Gorham's case, the Board voted to deny parole. The Board feels that a release at this time would not be in the interest of public safety, as there is a substantial risk that Mr. Gorham would not comply with conditions of parole, and that his release at this time would deprecate the serious nature of these 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."*



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**EN BANC MINUTE SHEET**  
**OPEN SESSION—February 28, 2019**

Inmate Name: **MICHAEL LETT** IDOC Number: **C68712**

The Illinois Prisoner Review Board met in open *en banc* session at 319 East Madison Street, Suite A, Springfield, Illinois, on February 28, 2019, at the 9:00 a.m. session to discuss and deliberate parole eligibility for Michael Lett C68712.

Members present were Ms. Daniels, Mr. Diaz, Mr. Dunn, Mr. Fisher, Ms. Harris, Ms. Johnson, Ms. Martinez, Mr. Norton, Mrs. Perkins, Mr. Ruggiero, Mr. Shelton, Mr. Tupy, Ms. Wilson, and Chairman Findley.

Recording secretary: Janet Crane.

**PRESENTATION OF INTERVIEW AND FILE**

Mr. Dunn presented the following summary of the parole consideration interview and review of the inmate's file:

A parole assessment interview was conducted with Michael Lett C68712 on January 3, 2019. Mr. Lett is a 64-year-old male. As of the interview date, he had served 43 years of his sentence. He is a resident of the Graham Correctional Center, where he has been a resident since October 24, 2007. Mr. Lett is currently serving time for the following convictions:

- Murder, 100-199 years
- Indecent Liberties With a Child, 50-100 years
- Concealing A Homicidal Death, 3-10 years
- Aggravated Kidnapping, 100-199 years
- Armed Robbery, 5-25 years
- Theft, 3-10 years

**STATEMENT OF THE FACTS**

The review of the file indicates that Mr. Lett escaped from a mental hospital facility on April 13, 1976, when he was 21 years of age. The facility was for sex offenders and was in Westville, Indiana. Mr. Lett was serving a sentence for two separate Rape convictions of minor females.

On April 19, 1976, he went to Newton, Illinois, in Jasper County to a small grocery store. Standing in the parking lot was a young twelve-year-old girl, with groceries in her hands, by the name of Cathy Jo Harris. Mr. Lett abducted her and sexually assaulted her. Mr. Lett then stabbed



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her three times and murdered her. He then drove to a rural area, where he dumped her body from the car and drove from the scene. Mr. Lett then left the area and was not observed until he was arrested in South Florida.

On July 12, 1976, Mr. Lett pled not guilty. He had a jury trial from July 15, 1976, until July 26, 1976, at the conclusion of which he was found guilty. Mr. Lett later appealed his conviction, which was affirmed.

#### MR. LETT'S STATEMENTS AS TO THE OFFENSES

When requested to provide some information regarding his background, Mr. Lett admits to having a troubled life. He admits he was classified as a Sexual Deviant from his late teens, when he lived in Washington, Indiana. He admits he was in a state hospital and was diagnosed as a Sexual Deviant and suffered from Paraphilia. He indicated he was examined by two psychiatrists, but he indicated he was not willing to engage.

Mr. Lett further explained that he attempted to rape an eleven years old girl. He continues to say that he and his sisters were both sexually abused by an uncle, stating that this abuse occurred from the age of four to six years of age. His mother died from childbirth, and he was raised by his grandmother. While growing up, there were as many as ten people living in the household. He further states he was passed around too many houses, and he grew up thinking something was wrong with him.

Due to his background, he admits he has always had a problem of trusting people.

Regarding the crimes in Jasper County, he indicates he was paranoid. He further admits that he tried to rape Ms. Harris, and that as she tried to stop him, he stabbed her three times. He says nearly all the time from the time he committed the Murder until he was apprehended in Florida was just a "blur", as he was under the influence of methamphetamines, alcohol, and possibly other substances as well.

#### CRIMINAL HISTORY

Mr. Dunn provided a detailed summary of the juvenile history of Mr. Lett in Indiana. At the age of 16, he was charged with Rape and sentenced to 2-21 years. Mr. Lett ultimately was sent to Norman Beatty Hospital for therapy for sex offenders, from which he later escaped prior to the instant Illinois offenses.

#### INSTITUTIONAL ADJUSTMENT

Mr. Lett is currently a porter on a housing unit. His current status would reveal that he is a Low Risk to offend. He does not have a Mental Health Therapist. Since 2000, he has received a total of 17 disciplinary tickets; of these 11 were major tickets. He has two instances of



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possessing altered metal sharpened to a point from 2010, one occasion of possession of a three-and-a-half-inch homemade screwdriver, and a fight in 2004. Per the disciplinary card, there have been no tickets since 2015.

The health of Mr. Lett is relatively good. He takes medications for asthma and prostate issues. He has had two major back surgeries and he has previously had an abdominal aneurism, but he does work every day.

Mr. Lett has been housed at numerous facilities throughout his institutional adjustment: Menard (1976), Danville (1988), Galesburg (1993), Pontiac (1996), Mt. Sterling (2004), Logan (2003), Pinckneyville (2007), and now at Graham. Nearly all the transfers were because of disciplinary issues.

Mr. Lett has received sex offender therapy at Menard, Danville, and Mt. Sterling. He was declared to be Criminally Sexually Deviant. In 1971, two doctors were appointed to evaluate Mr. Lett. Their diagnosis was as follows: Extreme Personality Disorder, Anti-Social Personality Disorders, Pedophilia (sexual feelings directed toward children), and declared by law to be a Criminal Sexual Deviant.

Some of the certificates he has received while in IDOC are drug counseling, electronics, food sanitation, chef college class, and drafting. He did not have a GED when he entered IDOC but has since earned a GED. Currently, he is an A grade, minimum security, and low risk to offend.

### PAROLE PLANS

Mr. Lett has no living relatives with whom he could parole. At the date of the interview, Mr. Lett did not have a viable post-incarceration parole plan.

### EN BANC HISTORY

Mr. Lett has never had a vote in favor of parole and, since 1998, he has always received a 3-year set between parole consideration dockets.

### DISCUSSION

Summary of discussion for parole consideration:

Mr. Dunn highlighted what he deemed to be the most important aspects of Mr. Lett's case as follows:



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- Ms. Harris was not the first victim of Mr. Lett. Mr. Lett had already, at the age of 21, served time in Indiana Reformatory for Sexual Assault of another twelve-year-old girl, and had been declared by Indiana Law to be a Criminal Sexual Deviant.
- The Rape and Murder of Ms. Harris occurred merely six days after his escape from the Dr. Norman Beatty Memorial Hospital in Westville, Indiana, on April 13, 1976.
- In past years, Mr. Lett's possible parole has been protested by hundreds of people signing petitions of protest.
- During the interview with Mr. Lett, he never indicated nor showed any signs of remorse for all the terrible crimes that he had committed.
- Mr. Lett has no feasible parole plan, as all of his family members are now deceased. Mr. Lett's ex-wife wrote a letter in 2007, indicating she did not want him to return to her home town, and his sister died in 2015.
- There was a strong letter of protest from the Jasper County States Attorney.

Ms. Wilson asked if the Sexual Deviant label was in Illinois or Indiana. Mr. Dunn clarified that the designation was found under Indiana law while Mr. Lett was a youth. Ms. Wilson noted that she believed he would be classified as a Sexually Violent Person under Illinois law and would not be released.

### **DECISION AND RATIONALE**

Motion to deny parole (DWD—PF). Motion prevails by a vote of 13–0. Leave.

Motion for a three-year set (DWD—KT). Motion prevails by a vote of 13–0. Leave.

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

The Board further specifically finds, pursuant to its authority under 730 ILCS 5/3-3-5(f), that it is not reasonable to expect parole release to be granted prior to January of 2022, and therefore continues Mr. Lett's next parole consideration hearing to that docket.

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





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***EN BANC MINUTE SHEET***  
**OPEN SESSION—February 28, 2019**

Inmate Name: **DAVID LOTT**      IDOC Number: **C56165**

The Illinois Prisoner Review Board met in open *En banc* session at 319 East Madison Street, Suite A, Springfield, Illinois, on February 28, 2019, at the 9:00 a.m. session to discuss and deliberate parole eligibility for David Lott C56165.

Members present were Ms. Daniels, Mr. Diaz, Mr. Dunn, Mr. Fisher, Ms. Harris, Ms. Johnson, Ms. Martinez, Mr. Norton, Mrs. Perkins, Mr. Ruggiero, Mr. Shelton, Mr. Tupy, Ms. Wilson, and Chairman Findley.

Recording secretary: Janet Crane.

**PRESENTATION OF INTERVIEW AND FILE**

Mr. Norton presented the following summary of the parole consideration interview and review of the inmate's file:

A parole assessment interview was conducted with David Lott C56165 on January 24, 2019. Mr. Lott was born on August 2, 1950, and he is currently 68 years of age. Mr. Lott was a resident of the Shawnee Correctional Center on the date of the interview. Mr. Lott is serving two consecutive sentences of 150-300 years for two Murder convictions (St. Clair County, Case Number 74-CF-624) and an additional consecutive sentence of 4 years for an Aggravated Battery conviction (Livingston County, Case No. 80-CF-122) resulting from an attack on a correctional officer while Mr. Lott was a resident of the Pontiac Correctional Center.

**STATEMENT OF THE FACTS**

On or about July 28, 1974, Mr. Lott and his co-defendant, Willie Cotton, shot and killed two men, Walter McDowell and Rosco Gilmer, in the parking lot of a package liquor store in East St. Louis, Illinois, following a financial dispute with two alleged drug dealers. Mr. Lott was found guilty of the two Murder offenses following a jury trial, and on November 26, 1975, Mr. Lott was sentenced to two consecutive terms of 150-300 years in the penitentiary.

**MR. LOTT'S STATEMENTS AS TO THE OFFENSES**

Mr. Lott acknowledged his involvement in this crime, admits that he was the shooter, and does not dispute the basic facts of the case. Mr. Lott stated that this was a gang/drug incident, as they were all drug dealers and that he was protecting his turf.



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INSTITUTIONAL ADJUSTMENT

The institutional adjustment of Mr. Lott during the course of his 43 years of incarceration has been quite poor. Mr. Lott has received many inmate disciplinary reports, including infractions for Fighting and Assaults against correctional staff. In 1980, while a resident at the Pontiac Correctional Center, Mr. Lott received an additional 4-year consecutive sentence in Livingston County for Aggravated Battery, which resulted from his attack on a correctional officer. The behavior of Mr. Lott has shown some improvement in recent years as his last inmate disciplinary report was on January 21, 2013.

Mr. Lott was polite, courteous, and attentive during the parole consideration interview. He reported that he is in good health except for his vision, due to glaucoma. Mr. Lott has held various work assignments over the years and he currently is assigned as a dietary worker. Mr. Lott reported that he is a high school graduate and that he had a year of training at a mortuary school.

Mr. Lott advised that he was born and raised in East St. Louis, Illinois. He advised that his parents are deceased and that he had two brothers, and two sisters, but that his only surviving sibling is his brother, William Lott, who resides in East St. Louis, IL. Mr. Lott further stated that he was never married but that he is the father of four children, with two daughters and one son still living, but that he does not have contact with any of his children.

PAROLE PLANS

Mr. Lott stated that he did not expect to ever be granted parole and that he does not have any parole plans, but that if he were to ever to be given parole, he would seek placement at a halfway house or perhaps with his brother.

EN BANC HISTORY

Mr. Lott has been eligible for parole release since 1995. Since that time, Mr. Lott has received only one vote in favor of granting release, in 2017.

DISCUSSION

Summary of discussion for parole consideration:

No additional discussion was conducted by the Board following Mr. Norton's presentation of the parole consideration case for Mr. Lott.



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**DECISION AND RATIONALE**

Motion to deny parole (WN—AP). Motion prevails by a vote of 13–0. Leave.

Motion for a two-year set (WN—DS). Motion prevails by a vote of 13–0. Leave.

After thorough consideration of Mr. Lott’s case, the Board voted to deny parole. The Board feels that a 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 his release at this time would deprecate the serious nature of this offense and promote a lack of respect for the law.

The Board further specifically finds, pursuant to its authority under 730 ILCS 5/3-3-5(f), that it is not reasonable to expect parole release to be granted prior to January of 2021, and therefore continues Mr. Lott’s next parole consideration hearing to that docket.

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