



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

EN BANC MINUTE SHEET
OPEN SESSION—June 27, 2019

The Illinois Prisoner Review Board met in open *en banc* session at 319 East Madison Street, Suite A, Springfield, Illinois, on June 27, 2019 at the 9:00 a.m. session to discuss and deliberate parole eligibility for the following inmates:

C63250	JERICO SMALLEY
C10666	MICHAEL CLARK
C81751	ORVILLE MILLER
C01581	EUGENE HORTON
C61247	JAMES BRIMMER

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>
Mr. Daniel Brink	X	
Ms. Edith Crigler	X	
Ms. Lisa Daniels	X	
Mr. Salvador Diaz		X
Mr. Donald Wayne Dunn	X	
Mr. Pete Fisher	X	
Ms. Vonetta Harris	X	
Mr. Oreal James	X	
Ms. Virginia Martinez	X	
Mrs. Aurthur Mae Perkins	X	
Mr. Joseph Ruggiero		X
Mr. Donald Shelton	X	
Mr. Ken Tupy	X	
Ms. Eleanor Kaye Wilson	X	
Chairman Craig Findley	X	

13 Members Present

The Recording Secretary presented the May 30, 2019, Open Session Minutes for approval.

Motion to approve Open Session Minutes from **May 30, 2019**. (AMP—PF). Leave.



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

Meeting was adjourned (CF—DS). Leave.



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***EN BANC* MINUTE SHEET**
OPEN SESSION—June 27, 2019

Inmate Name: **JERICO SMALLEY**

IDOC Number: **C63250**

The Illinois Prisoner Review Board met in open *en banc* session at 319 East Madison Street, Suite A, Springfield, Illinois, on June 27, 2019, at the 9:00 a.m. session to discuss and deliberate parole eligibility for Jerico Smalley C63250.

Members present were Mr. Brink, Ms. Crigler, Ms. Daniels, Mr. Dunn, Mr. Fisher, Ms. Harris, Mr. James, Ms. Martinez, Mrs. Perkins, Mr. Shelton, Mr. Tupy, Ms. Wilson, and Chairman Findley.

Recording Secretary: Janet Crane.

PRESENTATION OF INTERVIEW AND FILE

Jerico Smalley C63250 was interviewed on Wednesday, May 22, 2019, by Mr. Dunn from the Prisoner Review Board. Present at the interview were Mr. Smalley and his attorney, Faith Spencer, who represented Mr. Smalley *pro bono*.

STATEMENT OF FACTS

On September 29, 1974, Mr. Smalley and his co-defendant, Andrew Burdine, called for a cab at the home of 7019 South Green, Chicago, IL. The cab driver, William McDougle, drove to the home and picked up the two offenders. Once in the cab, they requested to be driven to 60th and Halstead, which was near the residence of Mr. Smalley. Once there, they produced a sawed-off shotgun and told the victim to drive in the alley behind the home. Once in the alley, Mr. Smalley took the victim's car keys and money. Mr. Smalley then ordered the victim to exit the car. Mr. Burdine struck the victim in the face with the butt end of the shotgun. Mr. Smalley stripped the victim of his clothes and told him to walk down the alley, where Mr. Burdine shot the victim in the leg, leaving him to bleed. The victim managed to crawl back to his cab and sound the horn for help, to which the police responded. The victim was taken to the hospital for surgery, where doctors had to amputate his left leg, at a point approximately 12 inches above his knee.

The two co-defendants were charged with Armed Robbery, Aggravated Battery, and Attempt Murder, for which they were ultimately given sentences of 60-100 years. Mr. Smalley's charge of Attempted Murder was reviewed by the Illinois Supreme Court and remanded for new



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proceedings. The State's Attorney then opted to seek re-sentencing of Mr. Smalley solely on the offense of Armed Robbery. Upon re-sentencing, Mr. Smalley received the same sentence of 60-100 years.

With regards to time served with relation to this offense, it is noteworthy that Mr. Smalley remains currently incarcerated, although he did not fire a shot in the incident. Conversely, Mr. Burdine, the shooter, has been released from prison for more than 10 years.

Mr. Smalley is additionally currently incarcerated due to a second, consecutive offense of Aggravated Battery to a Correctional Officer, for which Mr. Smalley was given a sentence of 8 additional years. This additional offense occurred on November 8, 1990, at the Pontiac Correctional Center, resulting from an incident in which Mr. Smalley struck a correctional officer in the face with his security belt.

MR. SMALLEY' STATEMENTS AS TO THE OFFENSES

When discussing the offenses with Mr. Smalley, he fully admits to his past crimes and expresses remorse for both offenses. He says, "I cannot do anything about my past, only say that I will never commit any other crimes in the rest of my life." Regarding the 1990 Aggravated Battery, Mr. Smalley indicated this was part of an altercation involving several inmates, and he says he did not intend to cause harm to the officer.

CRIMINAL HISTORY

Mr. Smalley's prior criminal history includes the following offenses: Burglary – 1968 – sentenced to 6 months in Vandalia; Robbery – 1969 – sentenced to 6 months in jail; Violation of an Order of Protection – sentenced to 5-10 years in IDOC; and two counts of Armed Robbery – sentenced to 4-10 years in IDOC on each count.

INSTITUTIONAL ADJUSTMENT

Mr. Smalley is a rather slim, 69-year-old man, but he says he feels much older than his chronological age. Mr. Smalley was reluctant to engage in conversation, but as the interview was conducted, he became more engaged; he was very polite and mannerly.

Mr. Smalley's health appears to be relatively good, even though he does take medication for high blood pressure. Mr. Smalley is currently in general population at Menard Correctional Center. In the last six months, Mr. Smalley has only received a ticket for contraband; in that disciplinary incident, Mr. Smalley took cake out of the dining hall, which he states was because



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of his inability to gum his food in the short time he is allowed for lunch. Mr. Smalley has problems with his false teeth adhering to his mouth and his attorney has requested that he be provided with the denture adhesive for the problem. Mr. Smalley states the administration has refused to provide the adhesive and informed him he must purchase it at the commissary. Mr. Smalley states he has not been allowed to work, which prevents his ability to have any money on his books to purchase the adhesive.

Mr. Smalley has expressed fear of the young, gang-affiliated inmates at Menard to his attorney. Unfortunately, it appears that Mr. Smalley's fears were realized recently, when he was attacked while standing outside his cell to go to the dining hall.

Mr. Smalley had difficulty adjusting to prison life starting at the time of his initial incarceration on this case. He indicated that part of this difficulty was due to the passing of his mother from cancer, shortly after he was first incarcerated. He requested to be allowed to attend the funeral, but this was denied.

Mr. Smalley was sent to Tamms maximum security prison shortly after it was opened, on April 3, 1998, and was kept there for 14 years until December 21, 2012. None of his disciplinary infractions occurred in the first few years of his confinement. The living arrangements at Tamms were argued by many to be inhumane conditions of incarceration. Residents at Tamms were kept in solitary confinement, in an environment that many have argued was designed for sensory deprivation. Mr. Smalley ate in his cell and, due to his tickets, he was not allowed to participate in any programming or work. Mr. Smalley was allowed out of his cell an average of one hour per week. Mr. Smalley lived under these strict conditions for 14 years. Since Tamms was such a significant distance from Chicago, he had few visits from family. Mr. Smalley's twin sister did come a few times to visit him. Shortly after Mr. Smalley left Tamms, the facility was closed, a status in which it remains to this day.

Mr. Smalley has spent a considerable amount of time in segregation, which he and his supporters have argued has caused a negative impact on his mental health. In particular, they speak to the negative effects that solitary confinement can have on a person's mental health status, where none had existed prior to the segregation. Mr. Smalley and his supporters note that the National Commission on Correctional Health Care has stated that segregation longer than two weeks is "cruel, inhumane and harmful to a person's health." Mr. Smalley and his supporters also believe that the deterioration in Mr. Smalley's mental health is directly connected to his behavioral issues; as the response to those behavioral problems was to impose further solitary confinement, they suggest that Mr. Smalley was the subject of a vicious, self-propagating cycle.



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In 2012, Mr. Smalley was transferred from Tamms to Pontiac. Mr. Smalley's disciplinary record has shown great improvement at Pontiac. Mr. Smalley received 19 tickets for 10 incidents at Tamms in 2012. Conversely, after the transfer to Pontiac, Mr. Smalley had no tickets in 2013 or 2014; he has subsequently had very few tickets since that time. Mr. Smalley completed two behavioral development courses at Pontiac, which provides evidence of his desire to improve himself and help to make him a better candidate for release.

Mr. Smalley has only received one ticket in the last six months which, as mentioned above, which was for taking cake from the dining room. This ticket is currently pending a hearing from the adjustment committee. The only other ticket he received recently was from an incident in which he was battered by another resident, who was 50 pounds heavier and 30 years younger than Mr. Smalley. Mr. Smalley states that his only conduct in that incident was to protect himself from his assailant.

PAROLE PLANS

Mr. Smalley has a very impressive release plan. Each of his 10 siblings has expressed their desire to volunteer some type of support for him. The following are the plans:

1. Mr. Smalley's brother plans to donate his second-floor apartment to Mr. Smalley. While he works during the day, the brother would have the afternoon and evening to work with Mr. Smalley.
2. Another brother works for Anixter Center in Chicago, where Mr. Smalley would have ready access to psychiatric counseling, if needed. This brother also intends to provide transportation for Mr. Smalley as needed.
3. Mr. Smalley's twin sister has time to help him learn about cell phones and other things that have changed in the last 42 years of his incarceration.
4. Another sister's plans to help Mr. Smalley with grocery shopping, laundry, and other aspects of living outside of the institution.
5. The pastor of St. Andrew Temple Church of God in Harvey has indicated that he and his congregation are willing and eager to work with Mr. Smalley to help with his spiritual needs.
6. A third brother has been saving funds, in the hopes of the release of Mr. Smalley. This third brother has worked for 38 years for UPS, and he is willing to provide financial support for Mr. Smalley.



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DISCUSSION

Summary of discussion for parole consideration:

Mr. Dunn noted his personal observations and thoughts regarding Mr. Smalley's case. In particular, Mr. Dunn observed that Mr. Smalley received many disciplinary tickets at Tamms, but he was in the cell, alone and sometimes he only went out of his cell for one hour per week. Mr. Dunn stated that Mr. Smalley may not have had any mental health issues when he went to Tamms, but after 14 years of being in an environment designed for sensory deprivation, this did promote a decline of his mental health and promoted the cycle of disciplinary problems, in Mr. Dunn's opinion.

Mr. Dunn further observed that Mr. Smalley has respectfully said, "I never shot and never killed anyone." Mr. Dunn noted that Mr. Smalley indicates he is sorry for what happened. Mr. Dunn noted that Mr. Smalley was not involved in gangs or drugs. Mr. Dunn then contrasted Mr. Smalley's case with that of Mr. Burdine, the co-defendant in the case, who personally shot the victim; Mr. Burdine was noted to have been released more than 10 years ago.

Mr. Dunn noted that Mr. Smalley is now 69 years of age and has spent 42 years in prison for the offense of Armed Robbery, with 14 of these years spent in Tamms maximum security prison, where Mr. Smalley says he was not allowed to participate in any programming or work assignments. Mr. Dunn reiterated the observations of the National Commission on Correctional Health Care and pointed out that Mr. Smalley has been in some type of segregation for over 20 years, according to the file record.

Mr. Dunn stated that Mr. Smalley has excellent parole plans, due to the different types of assistance offered by his siblings, minister, and attorney. Mr. Dunn further expressed his belief that paroling Mr. Smalley after 42 years would not deprecate the seriousness of the offense, nor would it promote disrespect for the law. Mr. Dunn then re-summarized the primary points which he believed to be most important in considering parole for Mr. Smalley.

Ms. Martinez stated that either usage of the Anixter Center or the Bobby Wright facility for mental health purposes would be good choices.

Mr. Shelton asked why Mr. Smalley went to Tamms and Menard, as Dixon would have been a better choice as there are programs there for mental health. Mr. Sweat said that this was likely due to Mr. Smalley's Aggravated Battery to a Correctional Officer conviction, which would likely have qualified Mr. Smalley for the maximum available security level.



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Mr. Fisher asked if Mr. Smalley was on medication for mental health. Mr. Dunn noted that Mr. Smalley had no mental health diagnoses and only receives medication for blood pressure.

Mr. Tupy asked about the ticket for fighting. Ms. Spencer, Mr. Smalley's attorney, spoke to the ticket incident, explaining that Mr. Smalley received 7 days segregation, when he was attacked by a younger inmate who is believed to be a gang member.

Mr. Brink asked how Mr. Smalley's consecutive sentence of 8 years would be handled, if Mr. Smalley were to receive a grant of parole on the Armed Robbery case. Mr. Sweat explained the aggregate sentencing statutes and stated that IDOC would recalculate his time; Mr. Sweat noted that, in the event that IDOC determines that Mr. Smalley has already served more than the minimum time required for both sentences combined, he would presumably be released into the community upon a grant of parole.

Ms. Crigler noted that she would be in support of parole for many of the reasons noted by Mr. Dunn during his presentation of Mr. Smalley's case.

Mr. Shelton felt that he could support parole, but noted that he has many questions and would like to see Mr. Smalley receive therapy before he goes out.

Mr. Fisher argued that the Board should require that parole conditions require that Mr. Smalley receive appropriate mental health care. Mr. Fisher noted his belief that Mr. Smalley was not receiving adequate mental health support at the IDOC.

Ms. Daniels noted that she felt that Mr. Smalley has had layer on layer of bad experiences. She asked Mr. Shelton to consider whether he believes that Mr. Smalley has been sufficiently held accountable for his actions.

Mr. Dunn and Ms. Daniels pointed out that the percentage of recidivism is very low after a certain age, and that Mr. Smalley is now 69 years old.

Chairman Findley pointed out that Mr. Smalley's mental health diagnosis when he entered IDOC is unknown, but observed that the Board is well aware of what effect the Tamms facility has on individuals incarcerated there. Mr. Findley cited examples of lawsuits filed because of conditions that had existed at Tamms.

Mr. Smalley's attorney Ms. Spencer spoke about requesting a transfer for Mr. Smalley to Dixon, where there are mental health services available. Ms. Spencer indicated that the transfer



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coordinator stated that Mr. Smalley would go to Dixon, but IDOC has seemingly ignored the request, by instead transferring him to Menard. Ms. Spencer stated that even though Mr. Smalley has not been able to have a job, has had no access to educational benefits, and has had no phone calls or commissary privileges, Mr. Smalley has maintained his dignity and humanity.

Mr. Tupy asked about the immediate availability of transitional housing. Ms. Spencer indicated that Mr. Smalley has been accepted to a transitional program. Mr. Smalley's brother indicated that he works with recently-released persons, helping them to coordinate benefits. He will help his brother with those same efforts, in addition to helping his brother to achieve his primary goal of spending time with his family.

DECISION AND RATIONALE

Motion to grant parole (DWD—EC). Motion prevails by a vote of 13–0.

After a complete review of Mr. Smalley's case, and after giving thoughtful discussion and consideration to all factors, the Board decided and voted to grant parole to Mr. Smalley, subject to conditions of parole release as set by the Board and by law. The Board hereby finds that Mr. Smalley 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—June 27, 2019

Inmate Name: **MICHAEL CLARK** IDOC Number: **C10666**

The Illinois Prisoner Review Board met in open *en banc* session at 319 East Madison Street, Suite A, Springfield, Illinois, on June 27, 2019, at the 9:00 a.m. session to discuss and deliberate parole eligibility for Michael Clark C10666.

Members present were Mr. Brink, Ms. Crigler, Ms. Daniels, Mr. Dunn, Mr. Fisher, Ms. Harris, Mr. James, Ms. Martinez, Mrs. Perkins, Mr. Shelton, Mr. Tupy, Ms. Wilson, and Chairman Findley.

Recording Secretary: Janet Crane.

PRESENTATION OF INTERVIEW AND FILE

Michael Clark C10666 was interviewed by Mrs. Perkins from the Prisoner Review Board. Mr. Clark is 67 years old and was 20 years old at the time of this crime. He was sentenced to 150-200 years for Murder, 40-120 years for Murder, 40-120 years for Attempt Murder, and 40-120 years for Armed Robbery. He was indicted in Cook County as well as Lake County. He is currently A grade, low escape risk. He has been at Lawrence Correctional Center since July 2, 2014. He has been previously held on these offenses at the following institutions: Menard, Stateville, Joliet, Pontiac, Danville, and Dixon.

STATEMENT OF FACTS

On August 4, 1972, between 7:30 pm and 10:45 pm, Mr. Clark, along with co-defendants Donald Taylor, Reuben Taylor, and Nathaniel Burse, all members of the “De Mau Mau” group, drove to Barrington Hills, Illinois, and randomly picked a house located on Bateman Circle in Barrington Hills. Donald Taylor went to the door and rang the doorbell. Marion Corbett answered by opening the door, whereupon Donald Taylor put his .25 caliber pistol in her face and asked how many people were in the house. She stated three others were present.

Donald Taylor then entered the house, along with Mr. Clark, Mr. Burse, and Reuben Taylor. They went to the kitchen with Mrs. Corbett, where they found a young woman named Barbara Bound and another woman named Dorothy Derry, sitting at the table. Paul Corbett, Mrs. Corbett’s husband, was watching television in the other room. Donald Taylor ordered the four victims into the pantry area at gunpoint, and the telephone cord was ripped out. The attackers demanded the victims’ money, watches, and rings, which they then provided to the attackers. While the other offenders kept the victims covered, Donald Taylor went upstairs to look around for additional items of value, an effort which was ultimately unsuccessful. Donald Taylor went



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back downstairs and ordered the four victims to lie down on the floor, face-down. They did as he asked; at this time the family dog was barking and wouldn't stop. Donald Taylor threw a "K-bar" knife at the dog, cutting him. Barbara Bound jumped up, yelling at him to leave the dog alone.

Donald Taylor told her to be quiet, but she continued speaking. Reuben Taylor then shot her to death. The other victims remained on the floor, at which time Donald Taylor shot all three, killing them with a .25 caliber pistol. After an extensive investigation, co-defendant Donald Taylor was arrested on October 14, 1972, at which time he gave a statement admitting to the stated facts. Mr. Clark, Reuben Taylor, and Mr. Burse were also arrested and gave inculpatory statements to police.

CRIMINAL HISTORY

Besides the maximum 200-year sentence for this set of offenses, Mr. Clark is also serving 120 years for Murder, Armed Robbery, and Attempted Murder, for offenses which occurred in Lake County, Illinois. Michael Clark was 20 years old at the time of the offenses under consideration today.

MR. CLARK'S STATEMENTS AS TO THE OFFENSE

Mr. Clark was 17 years old when he entered the military. He served in Vietnam and left the military in 1968. He said that when he returned to the United States he found a lot of confusion. There was a lot of turmoil and he was experiencing a sense of loss. He was struggling to find his own identity. He met all of the other co-defendants at Malcom X College. They were all veterans, except for Donald Taylor.

Mr. Clark says they were labeled as a group of disgruntled black men roaming the country trying to kill white people. He says, "I take full responsibility for being involved in a Robbery that went off course. We were not in a gang, just a group of young men home from the service trying to maintain Marine brotherhood." Mr. Clark said that Ruben Taylor shot the lady who jumped up, and Donald Taylor shot the other three people. Mr. Clark said he was the only one who went upstairs looking for more items to steal. He heard one shot and froze, then heard three other shots. Mr. Clark said their total time in the house was not more than seven or eight minutes. Mr. Clark cried when asked how he feels about Reuben Taylor being released, but Mr. Clark expressed that he was happy for Reuben Taylor. Mr. Clark is very remorseful about his part in these offenses. He says he is always thinking about the impact it has had on society and the community.

When asked what he wanted the Board to know about him, Mr. Clark stated "I am human, and I made a mistake that I will live with for the rest of my life. I'm in the twilight of my life and I want to give back." Mr. Clark does not want the Board to lose hope in him.



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Mr. Clark's last statement regarding the Barrington Circle crime was to describe the picture in his mind of Mr. Corbett sitting there, reading the newspaper, and the ensuing disrespect of his home and lack of value for human life. Mr. Clark stated that he lives with that image and those thoughts daily.

INSTITUTIONAL ADJUSTMENT

Mr. Clark has had a great institutional adjustment. He has not had a disciplinary ticket since 2014. He has one ticket, which was not violent, and for which he was given a verbal reprimand.

Mr. Clark was involved in programming at each institution, however, it wasn't until he got to Danville that education became important to him. Since that time, he has made the most of educational and vocational services that have been made available to him. Mr. Clark in 2020 obtained his Bachelor of Arts degree in general studies from Roosevelt University.

He received certificates for completing the following courses: 2005-2007 Self-Improvement Rehabilitation Group, 2006 Anger Management Course, 2006 Employment Services Training, 2010 Lifestyle Redirection Program, and 2016 Hospice Volunteer Training.

Mr. Clark has also held many jobs while incarcerated including porter, library, mattress factory, barbershop, commissary, dietary, and other assignments. He also mentors young inmates, helping them to adjust to prison and nurture them to break the cycle of crime upon their release.

Since his incarceration, Mr. Clark has developed a deep faith in God and is an active participant in his faith.

He had a mental health evaluation in 2007 and was diagnosed as having no mental disorder. He has some health issues, including diabetes (which has affected his eyes), high blood pressure, and some nerve damage.

PAROLE PLANS

Mr. Clark has a strong parole plan. His plans include the assistance of his loving family and a close-knit circle of friends. Mr. Clark has been accepted to Bridges to Freedom, as well as services from Veterans Affairs, which include transitional housing and a case manager.

Mr. Clark is disabled and he will receive medical services from SSI. He also has a bank account. He would like to work with veterans, prisoners, and at-risk youth. With all he has learned from his own background, he believes others will benefit from his endeavors.



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Mr. Clark's adjustment shows he can work with others and the ability to develop positive programs with long lasting value in prison as well as outside the prison walls. He has many letters of support from individuals in the prison system as well as family members and others he has contact with.

EN BANC HISTORY

Mr. Clark has had one 5 year set and two 3-year sets. He received two votes consistently in 2009 and 2010 from Ms. Tyler and Mr. Madison.

OPPOSITION TO PAROLE RELEASE

The Cook County State's Attorney, as in the past, vigorously opposes the granting of parole to Mr. Clark. Assistant State's Attorney Sara Whitecotton emphasized that this was a Murder of four people, and that paroling Mr. Clark would deprecate the seriousness of the offense and promote a lack of respect for the law. ASA Whitecotton noted that under today's sentencing standards, Mr. Clark would serve a mandatory sentence of Life in prison.

DISCUSSION

Summary of discussion for parole consideration:

Mrs. Perkins noted that Mr. Clark takes full responsibility for his part in these terrible crimes. She further noted that it has been 47 years, and Mr. Clark today is not the same young, confused individual who participated in the offenses; he is now a 67-year-old religious, thoughtful, soft-spoken, and gentle man. Mrs. Perkins observed that he has pursued educational and vocational activities that helped to equip him to be an asset to others, as well as his family upon his release.

Mrs. Perkins stated that ignoring or discounting Mr. Clark's progress and rehabilitation throughout his incarceration would be to ignore an important element of the corrections system or process. She noted that it appropriate to take into account Mr. Clark's efforts and his contribution to young men in prison, as well as the fact that he poses no threat to others today. Mrs. Perkins stated that it was her belief that Mr. Clark has shown his ability to be rehabilitated and has proven he can be a productive citizen in society upon his release. Mrs. Perkins further felt that paroling Mr. Clark would not deprecate the seriousness of his crime nor show disrespect for the law; in particular, Mrs. Perkins noted that Mr. Clark did not shoot anyone, and that he was convicted based on the accountability theory. Mrs. Perkins concluded by noting that Mr. Clark has always admitted his involvement in the offenses and expressed remorse for his actions and role in the offenses. Mrs. Perkins recommended that the Board grant parole for Mr. Clark.

Motion to go into Closed Session to discuss victim statements (VM—CF). Leave.



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Motion to return to Open Session (VM—CF). Leave.

Mr. Shelton stated that he did not support the parole of co-defendant Reuben Taylor. He asked about the other Murders that this group committed, noting that the group attacked sleeping truck drivers along the interstate, and that charges in Will County were dropped.

Mr. Brink asked if there was a public outcry when Reuben Taylor was released. None of the Board Members were aware of any such response to that parole decision.

Mr. Shelton stated that Mr. Clark had an impressive parole petition and complimented Mr. Clark's attorneys, Timothy Rose and Carl Sessions, for their substantial efforts in representing Mr. Clark.

Ms. Martinez asked about Mr. Clark's rehabilitation, and noted that he went to Vietnam when he was only 17 years old.

Ms. Crigler noted that she believed that if we fail to acknowledge another's humanity, we lose some of our own.

Mr. Fisher said Mr. Clark's mistake was in going with the co-defenders. He asked that the Board not forget the victims and the impact to their families.

Ms. Daniels stated that we cannot change the past, so we need to pick up and move forward.

Chairman Findley asked if other Board members had visited St. Leonard's house to see other indeterminate parolees who were released there and noted that St. Leonard's has a very impressive track record of success in assisting returning citizens.

Mr. Clark's attorneys addressed the Board. They assured the Members that Mr. Clark has not forgotten the victims of this crime and emphasized that he is very remorseful. They noted that Mr. Clark is healthy and of sound mind. Both Mr. Rose and Mr. Sessions believe that Mr. Clark will be successful if he is granted parole.

Mr. Elijah Stanfield addressed the Board in support of Mr. Clark. He stated that he met Mr. Clark at Dixon Correction facility. Mr. Stanfield is blind, and Mr. Clark taught him so much about being independent. Mr. Stanfield was thankful for the help he was given by Mr. Clark and wanted to help in return.



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DECISION AND RATIONALE

Motion to grant parole (AMP—DS). Motion prevails by a vote of 11–2. Members voting in favor of the motion were Mr. Brink, Ms. Daniels, Mr. Dunn, Ms. Harris, Mr. James, Ms. Martinez, Mrs. Perkins, Mr. Shelton, Mr. Tupy, Ms. Wilson, and Chairman Findley. Mr. Fisher and Mr. Tupy dissented.

After a complete review of Mr. Clark’s case, and after giving thoughtful discussion and consideration to all factors, the Board decided and voted to grant parole to Mr. Clark, subject to conditions of parole release as set by the Board and by law. The Board hereby finds that Mr. Clark 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—June 27, 2019

Inmate Name: **ORVILLE MILLER** IDOC Number: **C81751**

The Illinois Prisoner Review Board met in open *en banc* session at 319 East Madison Street, Suite A, Springfield, Illinois, on June 27, 2019, at the 9:00 a.m. session to discuss and deliberate parole eligibility for Orville Miller C81751.

Members present were Mr. Brink, Ms. Crigler, Ms. Daniels, Mr. Dunn, Mr. Fisher, Ms. Harris, Mr. James, Ms. Martinez, Mrs. Perkins, Mr. Shelton, Mr. Tupy, Ms. Wilson, and Chairman Findley.

Recording Secretary: Janet Crane.

PRESENTATION OF INTERVIEW AND FILE

Orville Miller C81751 was interviewed by Ms. Harris from the Prisoner Review Board. Mr. Miller is 65 years old, has now served 41 years and is coming off a five-year set; he was last considered for parole release in May 2014.

STATEMENT OF FACTS

On April 2, 1977, Tyrone Smith, the victim in Mr. Miller's offense, drove to the airport to meet his aunt. Mr. Smith's mother, as well as his girlfriend and her child, accompanied him. They all arrived at his house in Chicago around 2:30 a.m. Mr. Smith parked his car in front of his home and walked toward the trunk of the car. Mr. Smith's mother, aunt, and girlfriend remained in the car. While standing between his car and house, Smith shouted to the driver of an approaching automobile to turn on the car's headlights. Mr. Miller, along with co-defendant Rudy Bell and two other offenders, jumped from the approaching vehicle. Mr. Miller and Rudy Bell both carried shotguns, which they then fired at Mr. Smith, leaving behind expended shotgun shells. Mr. Smith died as a result of multiple gunshot wounds from two separate 9-mm automatic pistols and shotgun blasts. A comparison of an expended shell found next to Mr. Smith's body determined that it had the same markings as shells recovered from the basement of Rudy Bell's parents' home. Witness Audrianna Thomas identified Mr. Miller as the attacker. Mr. Miller was arrested on May 7, 1977. Mr. Bell was identified by the same witness and arrested on July 13, 1977. Ms. Thomas additionally testified at trial and identified both men as the shooters.

On September 1, 1977, Mr. Miller was in custody on this charge when Rowena James, the sister of eyewitness Ms. Thomas, was executed by shotgun blasts. Ms. James was the driver of a car containing her mother, father, son, and nephew. When she stopped at a traffic signal at 98th Street and Wentworth, a car containing four men pulled up to the left alongside, at which



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point they fired two shotgun shells into the car, striking Ms. James in her face and neck, killing her. The car began to roll through the intersection, at which point Ms. James's mother reached for the gearshift, put the car in park, and ran for help. They knocked on neighbors' doors begging for help. When the ambulance arrived, Ms. James was already dead.

During the investigation of Ms. James's Murder, a search warrant was executed at the El Rukn headquarters, and a copy of Mr. Smith's homicide file was found in the gang's meeting room. In 1989, the federal government charged William Doyle aka "Sundown" under the Racketeer Influenced and Corrupt Organization Act, which is a United States federal law that provides for extended criminal penalties and a civil cause of action for acts performed as part of an ongoing criminal organization. The motive for killing Ms. James was found to be an attempt to silence the eyewitness to Mr. Smith's Murder. Mr. Doyle, however, mistook Ms. James for her sister and executed the wrong woman. Mr. Doyle was convicted in federal court and sentenced to Natural Life.

On April 8, 1975, at 6:00 p.m., Opel Johnson was in a park near her home in Chicago. While there, Teddy Parish approached her. Ms. Johnson had known him for a few months and had seen him before with Mr. Miller, Rudy Bell, Ricky Bell, David Lattimore and Mr. Doyle near 89th Street and Cottage Grove. Mr. Parish pointed a gun at her and led her to the front entrance of a building. He took her money and began to fondle her clothes. Ms. Johnson began to cry and fought Mr. Parish's attempt to take her clothes off. She was able to escape and returned home. She told her brother, Garfield Johnson, of the attack that had occurred. Mr. Johnson and his friend went to the liquor store at 90th and Cottage Grove at around 8:20 p.m. Mr. Parish was outside the store and Mr. Lattimore was nearby. Mr. Johnson asked Mr. Parish for his sister's money back and searched his pockets. Mr. Johnson went across the street to the candy store; when he came out he was approached by Mr. Miller, Mr. Parrish, Mr. Lattimore, and Ricky Bell. All four men were members of the El Rukn gang. They followed Mr. Johnson, at which point Mr. Miller grabbed Mr. Johnson by the right shoulder and shot him on his left side. Mr. Johnson saw that Mr. Miller and Mr. Parrish both had guns. Mr. Lattimore and Ricky Bell placed Mr. Johnson on the hood of the car and shot him four to five times in the back. Mr. Johnson slid off the hood of the car to the ground and was shot four to five more times by Mr. Miller and Mr. Parrish. After the shootings, all four offenders fled in Mr. Miller's car, leaving Mr. Johnson for dead.

Mr. Johnson was transported to Jackson Park Hospital, where he miraculously survived being riddled with bullets. Mr. Johnson was able to name his attackers for the police. Mr. Miller and three other offenders were all arrested and charged with Attempt Murder and Aggravated Battery of Mr. Johnson.

Despite the gang's efforts, Ms. Thomas lived to testify against Mr. Miller and Rudy Bell. They both were found guilty after a jury trial. On May 12, 1978, after extensive post-trial motions and a sentencing hearing, Judge Louis Garippo sentenced Mr. Miller and co-offender



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Rudy Bell each to 100-200 years in prison for the Murder of Mr. Smith. Mr. Miller and Mr. Bell both appealed their convictions and sentences, alleging that they were not proven guilty beyond a reasonable doubt. The Appellate Court rejected those arguments and affirmed their convictions and sentences. In 1988, Mr. Miller and Mr. Bell each filed *pro se* petitions for post-conviction relief, in an attempt to have their sentences vacated. The trial court also dismissed this attempt.

In the summer of 1978, co-offenders Mr. Parrish, Mr. Lattimore, and Ricky Bell were all convicted as charged for the Attempt Murder of Mr. Johnson. Mr. Miller also was convicted of Attempt Murder and Aggravated Battery of Mr. Johnson. At the sentencing, Judge Earl Strayhorn found the crime against Mr. Johnson to be exceptionally brutal and heinous, as the victim, a young man, was left paralyzed and had lost normal bodily function, requiring him to use a colostomy bag. Judge Strayhorn sentenced Mr. Miller to 60 years in prison for those offenses and ordered the sentences to run consecutive to his 100-200 Murder sentence previously imposed by Judge Garippo.

CRIMINAL HISTORY

No additional criminal history was noted with relation to Mr. Miller.

MR. MILLER'S STATEMENTS AS TO THE OFFENSES

Mr. Miller admits to being a destructive element since the age of 12. He stated that "The life that I lived contributed to ruining my own past life, my family, and others who loved me. I am very remorseful for my past life and renounce violence and gang life. I am no longer a threat, and I am not the same young man that I am now. I thought gang violence was a force for good and not bad. At 66 years of age, my life in prison has helped me to understand the difference between right and wrong. I believe in God and I wanted to change. I lost the anger, the riots, and became a mentor."

INSTITUTIONAL ADJUSTMENT

Both of Mr. Miller's parents are now deceased. He married in 1972, but due to his incarceration, he has not communicated with his wife in many years. Mr. Miller's marriage resulted in two sons, both of whom are now incarcerated. Mr. Miller does not have a personal relationship with either son. Mr. Miller has one living sister, who resides in a nursing home facility, and one sister who has predeceased him. Mr. Miller did some work prior to his incarceration at General Motors, the Railroad, and the United States Postal Service. Mr. Miller did not earn a high school diploma and was sent away to a reform school by his parents, due to his insolent behavior, which also led to trouble with the law.

At one point, Mr. Miller was sent to Kansas City, Missouri to live with relatives. He attended a trade school and earned a certificate in welding and blueprint reading. Shortly after,



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Mr. Miller returned to Chicago to be with his family. Initially, things started out on a positive note, but Mr. Miller struggled to find employment to support his wife and newborn child. At this point, Mr. Miller began to hang out with the Black P. Stone Nation (also known as the “El Rukns”) street gang, which offered him protection and income. This led to his involvement in the crimes that resulted in his indeterminate sentence.

Mr. Miller was placed at Tamms due to his gang involvement. After Tamms closed, he was transferred to Pontiac Correctional Center, and now he resides at Menard. On May 7, 2003, and June 19, 2003, Mr. Miller received major tickets for Gang Activity. In 2015, Mr. Miller received a ticket for Insolence, which resulted in 90 days in segregation. Since 1978, he has received over 35 disciplinary tickets. It is reported that Mr. Miller has ended his gang involvement. Mr. Miller is currently unassigned due to his health.

There are several letters of support by fellow inmates, who stated that they have had positive relationships with Mr. Miller. One such letter states that Mr. Miller encouraged another resident to complete his GED and to further his education while incarcerated. Mr. Miller has also encouraged many fellow inmates to embrace the Islamic faith and promoting peace. The statements by these men suggest that Mr. Miller was very kind, genuine, and willing to teach and guide the young men in a positive manner. He encourages them to denounce gang violence and gang activity and return to their religious faith.

In 1979, through the Jaycees service organization, Mr. Miller started a concession stand at Stateville Correctional Center. The funds from the concession stand were used to fund educational opportunities for residents. Over the years, he received several Jaycees awards and became the head of the Jaycees’ concession stands for IDOC. In the mid-1980s, Mr. Miller was allowed to travel to the women’s prison to start the same program (concession stands to raise funds for education).

Mr. Miller is a licensed barber. He worked as a floor instructor teaching fellow inmates how to cut and trim hair. He is an active member of the Islamic faith and is known for teaching others to embrace the faith. In 2011 or 2012, while incarcerated at Tamms, Mr. Miller agreed to sign a statement renouncing his gang membership and formally renounced his gang membership on video.

Mr. Miller currently suffers from prostate and bladder issues, having recently spent over a year in the infirmary due to such issues, including eventual surgery. After the surgery, Mr. Miller experienced additional medical issues, which have not subsided for the past two years. Mr. Miller reports that he is in constant pain and receives treatment consisting of oral pain meds and other symptom-related treatments. Mr. Miller reports having restless nights, loss of appetite and inability to interact, exercise, or attend prayer services due to the constant pain that he suffers. He states he may only sleep three hours a night due to the excruciating pain.



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Mr. Miller lives in his cell approximately 23 hours per day. He is able to visit the yard three days each week, as well as being given the chance to shower twice per week. He eats breakfast, lunch, and dinner in his cell. Unfortunately, he is not able to participate in activities due to his failing health. If Mr. Miller is able to leave his cell and participate in shower time or daily activities, he relies on the support of other inmates for assistance.

PAROLE PLANS

Three of Mr. Miller's cousins have submitted letters of support and have agreed to allow Mr. Miller to live with them in their homes. They have also indicated their willingness to assist him in getting the medical attention that he seriously needs. He communicates with them through letters and phone calls.

Mr. Miller has housing waiting for him if granted parole. Inner-City Muslim Action Network ("IMAN") is a community organization that fosters health, wellness, and healing in the inner city by organizing for social change, cultivating the arts, and operating a holistic health center. The Green Reentry program provides housing for people released from IDOC custody, and Mr. Miller has been accepted into the program. Most recently, the Chicago Tribune wrote an article about the success of IMAN and the reintegration of releasees at a 92% success rate.

In addition, Henry's Sober Living has housing waiting for him if granted parole. Henry's Sober Living House provides assistance for those who have successfully completed the program and are prepared to return to the community as responsible, alcohol-and-drug-free individuals. Henry's Sober Living's mission is to ensure that the men have the support they need to remain sober.

OPPOSITION TO PAROLE RELEASE

Cook County Assistant State's Attorney Sara Whitecotton spoke on behalf of her office and the victims and noted that Mr. Miller deserves appropriate medical care. Notwithstanding that fact, ASA Whitecotton indicated that the People do not feel that Mr. Miller has expressed remorse for his crime and therefore asked that parole be denied, as it would deprecate the seriousness of the offenses and promote a lack of respect for the law.

DISCUSSION

Summary of discussion for parole consideration:

Ms. Harris summarized the points which she felt weighed most heavily in Mr. Miller's case and stated that she believed parole would be appropriate in this case.



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Mr. Tupy asked about Mr. Miller's physical health. Ms. Harris said he was very weak and pale. He moves very slowly and doesn't eat. He suffers from medical issues constantly. Mr. Miller has been recommended for two surgeries, which have not yet been approved. He needs serious medical treatment.

Ms. Harris indicated that she feels Mr. Miller is no longer a threat and stated that he just desires to live peacefully.

Mr. Miller's attorney, Jeffrey Naffziger, stated that he agrees with the statement of facts as presented. He believes in Mr. Miller and is concerned for his health.

DECISION AND RATIONALE

Motion to grant parole (VH—LD). Motion prevails by a vote of 12–1. Members voting in favor of the motion were Mr. Brink, Ms. Crigler, Ms. Daniels, Mr. Dunn, Ms. Harris, Mr. James, Ms. Martinez, Mrs. Perkins, Mr. Shelton, Mr. Tupy, Ms. Wilson and Chairman Findley. Mr. Fisher dissented.

After a complete review of Mr. Miller's case, and after giving thoughtful discussion and consideration to all factors, the Board decided and voted to grant parole to Mr. Miller, subject to conditions of parole release as set by the Board and by law. The Board hereby finds that Mr. Miller 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—June 27, 2019

Inmate Name: **EUGENE HORTON**

IDOC Number: **C01581**

The Illinois Prisoner Review Board met in open *en banc* session at 319 East Madison Street, Suite A, Springfield, Illinois, on June 27, 2019, at the 9:00 a.m. session to discuss and deliberate parole eligibility for Eugene Horton C01581.

Members present were Mr. Brink, Ms. Crigler, Ms. Daniels, Mr. Dunn, Mr. Fisher, Ms. Harris, Mr. James, Ms. Martinez, Mrs. Perkins, Mr. Shelton, Mr. Tupy, Ms. Wilson, and Chairman Findley.

Recording Secretary: Janet Crane.

PRESENTATION OF INTERVIEW AND FILE

Eugene Horton C01581 was interviewed by Mr. Fisher from the Prisoner Review Board on May 29, 2019.

STATEMENT OF FACTS

During the evening hours of March 21, 1971, the victim, Terry Tomalak, who was a caseworker for the Illinois Department of Public Aid, went to apartment 304 in the public housing building located near 3900 S. Federal, in hopes of speaking with Jacqueline Mack about an employment issue. Prior to Tomalak's arrival, Mack's cousin Patsy Taylor came to the apartment. A short time later, Eugene Horton and his brother, George Horton, arrived. Ms. Mack, Ms. Taylor, and the Hortons began drinking beer and vodka and orange juice. Mr. Tomalak arrived and entered the apartment, where he remained for some time, conversing with Ms. Mack, Ms. Taylor, the Hortons, and a third co-defendant, Felton Peck, who had arrived after Mr. Tomalak.

At some point in the evening, Mr. Peck got into a verbal argument with Mr. Tomalak over who was going to go buy more liquor. The argument turned physical, and the Hortons and Mr. Peck began beating Mr. Tomalak and hitting him with bottles. Mr. Tomalak began crying and pleading for his life, while the attack continued. Ms. Mack attempted to phone the police, but was stopped by Mr. Peck, who told her they were going to kill Mr. Tomalak. Mr. Tomalak managed to break free and ran for the door. Mr. Peck followed and began stabbing Mr. Tomalak. Ms. Mack stated she observed Eugene Horton pick up a knife. Ms. Mack then ran into the bedroom, heard a struggle, and then saw Mr. Tomalak lying on the floor by the sofa. Ms. Mack's cousin, Ms. Taylor, corroborated Ms. Mack's testimony at trial.



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Mr. Tomalak suffered multiple bruises and swelling over his body, was stabbed 12 times, and was strangled. He died from his injuries. The offenders stole \$15, a tape recorder, and a camera. They washed blood from their hands and fled. Ms. Mack discovered the butcher knife and then ran downstairs to call police, due to her phone having been ripped from the wall. Mr. Horton's brother and Mr. Peck were subsequently arrested for the Murder of Mr. Tomalak. Mr. Horton later turned himself in to police with a lawyer.

At a jury trial, Mr. Horton was convicted of first-degree Murder and sentenced to 100-150 years in prison. Mr. Horton appealed, and the Appellate Court affirmed the conviction in 1973. After serving only 12 years in prison for this offense, Mr. Horton was initially paroled on January 25, 1983.

On July 30, 1983, just six months after his release, Mr. Horton committed an Armed Robbery. Mr. Horton stopped the victim, claiming he needed help getting his car started. The victim pulled over, and Mr. Horton pulled out a gun and got into the victim's car. The victim was able to flee and notify the police. Mr. Horton was arrested approximately 20 minutes later, inside the victim's car, along with the loaded firearm. Mr. Horton confessed to police and an assistant state's attorney. Mr. Horton was convicted after a jury trial and received a 60-year extended term sentence for this offense, based on his previous Murder conviction. Mr. Horton later appealed, and all appeals were denied.

MR. HORTON'S STATEMENT OF THE OFFENSES

Mr. Horton stated that he was home on 90-day leave from the military at the time of the offense. He stated that he was 20 years of age and was drinking heavily that day. He described himself as being drunk and stupid. He is remorseful and has always felt guilty, stating he should have stopped the whole thing. He stated he was ashamed of that fact. He stated that Mr. Tomalak was drinking with the group, and everyone was getting along. Then an argument ensued between Mr. Tomalak and Mr. Horton's brother, which then escalated, with Mr. Peck becoming involved.

Mr. Horton has continued to state that he did not commit the Murder. However, he added that he did throw plastic bottles at Mr. Tomalak. Mr. Horton stated he was given the chance to serve a 14-year negotiated plea, which would have required him to testify against his brother and Mr. Peck. Mr. Horton responded by saying he couldn't do that, a decision which ultimately resulted in his 100-150-year sentence at trial.

When asked about committing the Armed Robbery six months after he was granted a remarkable gift of parole in 1983, Mr. Horton stated that he had an old pickup truck that ran out of gas. He then flagged down an acquaintance to assist him. A verbal argument ensued, after the



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acquaintance observed Mr. Horton had a pistol in his waistband. During the argument, Mr. Horton said he pointed the gun at the victim, Eustice Roland, at which point Mr. Roland ran off. Mr. Horton stated he then sat in the vehicle, never leaving, until police arrived and placed him under arrest.

INSTITUTIONAL ADJUSTMENT

Mr. Horton has had many disciplinary issues during his incarceration. Since 2003, he had received 13 violations, with his last being in 2014, for Gang Activity. This was his second violation involving Gang Activity. When asked about his gang involvement, he stated he became involved with the Gangster Disciples after he was incarcerated, in order to survive, stay safe and be protected. He said he is no longer involved with the gang life, because he no longer needs their protection, as no one bothers him anymore. He said he had friends and worked in the library.

When asked about his mental health, he stated that he has PTSD, for which he takes medication. He said he has hypertension and PTSD, and both are managed well with meds. He said he has no other mental health issues, which was confirmed by his SPIN Assessment in 2017, although the Assessment did rate him as overall high risk. He is currently A grade, low escape risk, as classified by IDOC.

He is in very good physical condition, and states that he runs 2.5 miles, three times a week. He is currently unassigned, with his last position being a wheelchair attendant in 2018. He works at his Chaplain position, having received a certificate for Chaplain 2017-2018 and 2018-2019 from the Pinckneyville Veteran's Post #02; he has also received a certificate of completion for the incarcerated Veteran Transition Program. He also received his GED while at Centralia Correctional Center and has received several credits from Kaskaskia Community College. He is extremely happy and active with his Chaplain position, stating, "I love this position helping others."

He stated he is older and wiser, and once his PTSD was controlled, he has been a different person, which is reflected by much improved conduct since arriving at Pinckneyville. He added that he does not want to take part in anything that would cause him or anyone else problems. He stated that "I'm not doing anything wrong in here and I'm not going to do anything wrong out there," and that "I won't be the guy running from the Police; I'll be walking to them".



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PAROLE PLANS

Mr. Horton has been tentatively accepted into St. Leonard's House. He has also been advised he will receive assistance from the Veterans Affairs Health Care Re-entry Veterans Specialist Program. He has family support from siblings as well, and he hopes to assist with caring for his 93- year-old father. Records show that Eugene Horton is married with two children, although he stated he has no children.

OPPOSITION TO PAROLE RELEASE

Cook County Assistant State's Attorney Sara Whitecotton spoke for the People. In response to inquiry from the Board regarding a possibly threatening letter from Mr. Horton, ASA Whitecotton indicated that the letter was written prior to Mr. Horton's being prescribed medication for PTSD. ASA Whitecotton otherwise stood on the previously-submitted statement of the State's Attorney's Office, which opposed any grant of parole in this case.

EN BANC HISTORY

Mr. Horton has had four prior parole release consideration hearings since his reincarceration for Armed Robbery and concordant revocation of parole release; in 2018, he received 4 votes in favor of release.

DISCUSSION

Summary of discussion for parole consideration:

Mr. Fisher stated his belief that Mr. Horton was given an extraordinary gift in 1983 when he was granted parole. Mr. Fisher believed that may have been the result of the past iteration of the Board knowing that the actual person wielding the knife, Mr. Peck, was given a 14-year sentence on a negotiated plea, after his original sentence was overturned by the Appellate Court. After being granted parole, Eugene Horton chose to carry a firearm, point that firearm at an acquaintance, and violate his parole within six months, with an arrest for Armed Robbery, which in itself is admittedly a rather strange case. Subsequently he served his entire term for that offense.

Mr. Fisher stated that consideration must be given to the fact that Mr. Horton did not actually physically commit the Murder of Mr. Tomalak and noted that there has been a remarkable adjustment in behavior since receiving medical treatment for PTSD.



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Mr. Fisher additionally stated that it was clear to him that Mr. Horton had found pride and a purpose with his dedication and appreciation for his position as Chaplain. He has the support of his family, Veterans Affairs, and his legal team. He has a solid release plan with his tentative acceptance to St. Leonard's House. Mr. Fisher concluded by recommending that the Board grant parole in this case.

Mr. Tupy asked about the letter written by Mr. Horton and questioned whether it was threatening. Mr. Fisher noted that he doesn't feel that Mr. Horton is a threat.

Ms. Harris talked about her interview with Mr. Horton at Menard and said the PTSD medication has made a huge difference in him. His diagnosis made him better. Mr. Fisher stated that he asked Mr. Horton what would happen when he feels better and stops taking his medication. Mr. Horton stated that he won't stop taking it.

Mr. Brink said Mr. Horton was a very likeable person and a changed man since taking his medication.

Ms. Lauren Bauser speaking on behalf of Mr. Horton, stating that he has tentative approval to go to St. Leonard's House and has family support in the meantime.

George Horton, brother and co-defendant of Mr. Horton, spoke to the Board on Mr. Horton's behalf. Mr. Horton's brother indicated he served 31 years incarcerated for his role in the Murder and that he has been out for 16 years.

DECISION AND RATIONALE

Motion to grant parole (PF—EC). Motion prevails by a vote of 13–0.

After a complete review of Mr. Horton's case, and after giving thoughtful discussion and consideration to all factors, the Board decided and voted to grant parole to Mr. Horton, subject to conditions of parole release as set by the Board and by law. The Board hereby finds that Mr. Horton 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—June 27, 2019

Inmate Name: **JAMES BRIMMER**

IDOC Number: **C61247**

The Illinois Prisoner Review Board met in open *en banc* session at 319 East Madison Street, Suite A, Springfield, Illinois, on June 27, 2019, at the 9:00 a.m. session to discuss and deliberate parole eligibility for James Brimmer C61247.

Members present were Mr. Brink, Ms. Crigler, Ms. Daniels, Mr. Dunn, Mr. Fisher, Ms. Harris, Mr. James, Ms. Martinez, Mrs. Perkins, Mr. Shelton, Mr. Tupy, Ms. Wilson, and Chairman Findley.

Recording Secretary: Janet Crane.

PRESENTATION OF INTERVIEW AND FILE

James Brimmer C61247, age 63, was interviewed by Mr. Shelton from the Prisoner Review Board for parole consideration at the Pontiac Correctional Center on June 26, 2019, having been admitted to the Department of Corrections from Cook County on April 9, 1976, at the age of 20 years. Mr. Brimmer was not represented by counsel.

STATEMENT OF FACTS

Mr. Brimmer was convicted of Murder, Attempt Murder, and Rape, for crimes which occurred on Monday, November 25, 1974. There were two co-offenders. Ricardo Norals was also convicted and received the same sentences as Mr. Brimmer, as will be described below. Assailant #3 was never identified.

There were two victims, a 16-year-old girl and her mother. The young girl was held at gunpoint, after entering her own apartment. She experienced having a gun held to her head by Mr. Brimmer, after which she was physically beaten. She was then raped by each of the three offenders. After a failed effort to smother her with a pillow, she was shot multiple times, but she survived.

The young girl's 35-year-old mother was also held at gunpoint. She was also raped and ultimately received a gunshot wound above her left eye, as well as multiple gunshot wounds to her chest and torso. The mother ultimately died at the scene from five gunshots.

The crimes occurred in the apartment where the victims lived, following the younger victim's return to the apartment after running an errand. She was surprised by the offenders' unwelcomed presence inside the apartment, when offender Mr. Norals, whom the young girl had



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been acquainted with for approximately a year, opened the apartment door. She then saw her mother running from a bedroom in the apartment, pursued by Mr. Brimmer. The mother was naked at that time. This was the beginning of the episode that resulted in the rapes and of the shooting of both women as stated above.

The young girl knew the names of two of the offenders, Mr. Brimmer and Mr. Norals, as well as the area where they could be located. She confirmed both of their identities from photographs shown by police and arrests were made.

Mr. Brimmer and Mr. Norals were convicted following simultaneous bench trials. The Appellate Court upheld the convictions, as well as a later challenge of the imposed sentences. For the Murder of the mother, Mr. Brimmer was sentenced to 100-200 years; for the Rape of the young girl, Mr. Brimmer was sentenced to 100-200 years; and for the Attempt Murder of the young girl, Mr. Brimmer was sentenced to 100-200 years.

Mr. BRIMMER'S STATEMENT OF THE OFFENSE

Mr. Brimmer denies any involvement in the case for which he has been convicted, stating only that he was at a house party at the time of the offenses and that the victims knew his brother.

CRIMINAL HISTORY

No additional criminal history was noted with relation to Mr. Brimmer.

INSTITUTIONAL ADJUSTMENT

Mr. Brimmer has been in continuous custody for 44 years. 357 institutional infractions, including an offense as recent as October 3, 2018, are documented. Of that number, 82 of the infractions were Disobeying a Direct Order, including the October 3, 2018, offense. These infractions continue despite the fact that Mr. Brimmer is now 60 years old.

Mr. Brimmer has committed staff assaults in 1980 and 1993, and he has been placed in segregation 31 times. Mr. Brimmer's possession of a homemade shank in 2009, at age 52, resulted in a disciplinary transfer from the Hill Correctional Center medium security facility in Galesburg to the maximum-security facility at Pontiac. Eight years after that transfer, at age 60, he received 6 months in segregation for assaulting another inmate; in that incident, Mr. Brimmer struck the inmate in the head and face with a squeegee.

Mr. Brimmer is currently classified as high security and moderate escape risk.



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Mr. Brimmer has has at least 40 medical furloughs to a clinic in Chicago, and he reports that he has “small cell” lung cancer. Mr. Brimmer’s gait at the time of his hearing was normal.

Mr. Brimmer additionally has a certificate from a 12-step program, but no other educational certificates are noted.

PAROLE PLANS

Neither Mr. Brimmer, nor any known person on his behalf, has formulated a parole plan. When asked about this, Mr. Brimmer indicated he could call his son in East St. Louis, but Mr. Brimmer has apparently made no effort to that effect.

OPPOSITION TO PAROLE RELEASE

Cook County Assistant State’s Attorney Sara Whitecotton spoke for the People. ASA Whitecotton stated that there is a very strong protest against paroling Mr. Brimmer. ASA Whitecotton further noted that Mr. Brimmer previously stated in 2007 that he was present at the crime scene and wished he could have done something to stop the offense, but that in 2010, as now, Mr. Brimmer denied any presence at the scene at all. She further argued that releasing him would depreciate the serious nature of these offenses and promote a lack of respect for the law.

The Board has also received numerous past and updated letters in strong opposition to any grant of parole release to Mr. Brimmer.

DISCUSSION

Summary of discussion for parole consideration:

Mr. Shelton noted that Mr. Brimmer used an alias at the time of the crime and that, despite having previously fully or partially denied even being present at the scene of the offense, his fingerprints at the scene led to a warrant for his arrest.

Mr. Shelton additionally noted that he viewed Mr. Brimmer’s institutional adjustment to be terrible, having received several hundred tickets, most of which are nonviolent. Mr. Shelton noted that Mr. Brimmer is strikingly inarticulate and Mr. Shelton feels that Mr. Brimmer is under-educated; Mr. Brimmer’s record shows that he only finished 6th grade.

Mr. Shelton concluded the discussion by noting that a parole release of Mr. Brimmer would deprecate the seriousness of the crimes for which Mr. Brimmer stands convicted. Additionally, Mr. Shelton observed that Mr. Brimmer’s failure to accept any responsibility for the crimes, his distressing disciplinary record, and his failure to consider any specific parole



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plans make him a poor candidate for a grant of parole; Mr. Shelton accordingly recommended denial of parole release in this case.

DECISION AND RATIONALE

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

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

After thorough consideration of Mr. Brimmer’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. Brimmer would not conform to reasonable conditions of parole, that parole release would have an adverse affect upon institutional discipline, and that parole 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.”