



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

EN BANC MINUTE SHEET
OPEN SESSION—March 25, 2021

The Illinois Prisoner Review Board met in open *en banc* session at 3000 South Dirksen Parkway, Springfield, Illinois, on March 25, 2021, at the 9:00 a.m. session to discuss and deliberate parole eligibility for the following offenders:

C81531	JERRY DUNIGAN
A15834	JAMES GARLAND
A63079	ORA RILEY
A80710	MICHAEL LONG
C86185	JOSEPH CUNNINGHAM
C61247	JAMES BRIMMER
C81522	EVERETT BOWEN

The meeting was called to order by Chairman Findley.

Roll call was taken by Recording Secretary Tracy Buckley.

<u>MEMBER</u>	<u>PRESENT</u>	<u>ABSENT</u>
Mr. Max Cerda	X	
Ms. Edith Crigler	X	
Ms. Lisa Daniels	X	
Ms. Virginia Martinez	X	
Mr. Jeff Mears	X	
Mrs. Aurthur Mae Perkins	X	
Mr. Joseph Ruggiero	X	
Mrs. Drella Savage	X	
Mr. Donald Shelton	X	
Chairman Craig Findley	X	

10 Members Present

The Recording Secretary presented the February 25 & 26, 2021, Open Session Minutes for approval.

Mr. Shelton identified several proposed corrections, which were unopposed.

Motion to approve Open Session Minutes from **February 25 & 26, 2020**, with adoption of the corrections identified by Mr. Shelton. (CF—EC). Leave.



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The Board heard and voted upon the cases of Jerry Dunigan, James Garland, Ora Riley, Michael Long, Joseph Cunningham, James Brimmer, and Everett Bowen, as detailed in the individual case minutes.

Meeting was adjourned (CF—VM). Leave.



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***EN BANC* MINUTE SHEET**
OPEN SESSION—March 25, 2021

Inmate Name: **JERRY DUNIGAN** IDOC Number: **C81531**

The Illinois Prisoner Review Board met in open *en banc* session at 3000 South Dirksen Parkway, Springfield, Illinois, on March 25, 2021, at the 9:00 a.m. session to discuss and deliberate parole eligibility for Jerry Dunigan C81531.

Members present were Mr. Cerda, Ms. Crigler, Ms. Daniels, Ms. Martinez, Mr. Mears, Mrs. Perkins, Mr. Ruggiero, Mrs. Savage, Mr. Shelton, and Chairman Findley.

Recording Secretary: Tracy Buckley.

PRESENTATION OF INTERVIEW AND FILE

Jerry Dunigan C81531 was interviewed on March 24, 2021, via video conference at Danville Correctional Center. Mr. Dunigan is currently in A-grade, maximum security, and is considered a low escape risk at Danville, where he has been since June 27, 2017. Mr. Dunigan was born on March 13, 1948, and was 73 years of age on the date of his interview. Mr. Dunigan's original convictions included Rape (100–300 years), Attempt Murder (6–18 years), Burglary (5–15 years), and Aggravated Battery (3–9 years), with the sentences to run concurrently. Mr. Dunigan's last parole hearing was in July of 2020, at which time his case was presented for parole consideration by Mr. Shelton, and the vote was 10–4 to deny parole.

STATEMENT OF FACTS

On December 25, 1970, Mr. Dunigan accosted Leo and Agnes Silverstein on their way home from church. Initially, Mr. Dunigan entered the John Hancock building at 875 N. Michigan Avenue in Chicago at around 11:30 am. When approached by the doorman, Mr. Dunigan claimed to be attempting to deliver a telegram. The doorman used the telephone to call the alleged resident, who advised the doorman not to permit entry unless Mr. Dunigan could produce the actual telegram. Mr. Dunigan could not produce a telegram, was not permitted to enter, and left the building under close watch of the doorman. One block away, Mr. Dunigan accosted the Silversteins as they entered their apartment building at 860 N. DeWitt. Mr. Dunigan was carrying a black leather jacket over his arm and wearing a large black hat (which was described by the doorman at the John Hancock building as a "Zorro" hat). Mr. Dunigan produced a gun, put it to the back of Mr. Silverstein's head, and said, "If you make any noise, I'm going to kill you both." Mr. Dunigan then forced his way into their apartment on the 19th floor, by holding them at gunpoint. He ordered them to take off their clothes, tied them up, and raped Mrs. Silverstein, with her husband looking on. Throughout the sexual assault, Mr. Dunigan taunted Mr. Silverstein with statements such as "How do you feel – somebody doing this to your wife?", "Doesn't it make you sick?", and "Doesn't this make you want to fight?".



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During his hours-long occupation of the apartment, Mr. Dunigan spoke with the Silversteins in what they described as a conversational tone, noting that he appeared cool and coherent. Upon learning that Mr. Silverstein was in the real estate business, Mr. Dunigan asked why White people lived in high-rise buildings and poor Black people had to live in areas like Cabrini Green. Upon learning that Mrs. Silverstein was German, Mr. Dunigan commented that the only good thing that Hitler did was to kill all the Jews.

For four hours Mr. Dunigan stayed in the apartment, during which time he pistol-whipped Mr. Silverstein, raped Mrs. Silverstein again, forced her to perform oral sex, nearly suffocated her with a pillow, beat her in the face, and ridiculed her when she prayed for her life. He kicked Mr. Silverstein in the groin, pretended to stab him with a letter opener, and poured a bottle of scotch over both people, indicating he was going to set them on fire. At the end of four hours of torture, Mr. Dunigan grasped Mr. Silverstein's genitals in one hand and took a knife in the other, but was interrupted from this attempt to castrate the victim when Mrs. Silverstein got her feet untied and ran from the room. Mr. Dunigan caught up to her as she reached the front door and said, "I'll kill you for this", and shot her behind the ear with a 9 mm hollow-point bullet. However, Mr. Silverstein was able to close the bedroom door and lock himself in, at which point he managed to break a window and call for help.

At approximately 4:30pm, a Chicago traffic patrolman heard Mr. Silverstein's cries for help and ran into the building. The Silversteins were both found naked on the floor, with Mrs. Silverstein severely injured and bleeding. Mr. Silverstein was able to identify Mr. Dunigan from photographs shown to him by the Chicago Police, and an arrest warrant was issued.

As a result of what happened that day, Mrs. Silverstein was hospitalized for several months. She suffered massive destruction of the jaw, cheekbone, and facial tissue. Her face was disfigured and permanently filled with fragments of the hollow-nosed bullet. She continued to suffer constant pain from a killed facial nerve and underwent seven surgeries to correct the physical damage to her body as a result of the violent attack.

Mr. Dunigan remained at large for 5.5 years. On July 12, 1976, he was arrested in Copenhagen, Denmark, after having overstayed a three-month visa under a Canadian passport using the alias "Lark Daniel Anderson". Mr. Dunigan was deported and turned over to authorities in the United State. Mr. Dunigan was immediately identified by both Mr. and Mrs. Silverstein during a six-person line-up as their assailant.

MR. DUNIGAN'S STATEMENTS AS TO THE OFFENSES

Mr. Dunigan acknowledges the depth of harm caused by his actions. However, Mr. Dunigan stated that he has no memory of the incident itself, but, per his attorney, believes it is imperative that the Board be offered some level of insight into Mr. Dunigan's mental state at the time of the offense. On December 23, 1970, Mr. Dunigan's wife, Diana, died, due to what Mr.



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Dunigan was informed was a drug overdose under suspicious circumstances. Not only was he distraught over losing his wife, but he was also overcome with grief about his three young children having lost their mother, leading to an off-kilter and highly-volatile mental state wherein two days later, in his overwrought state, Mr. Dunigan, who was only 22 years old at the time, went looking for people to hold accountable for the tragedy that had befallen his family. He went first to a high-rise residential condo building, but was removed from the building by security and then shortly thereafter accosted Mr. and Mrs. Silverstein on the near north side of Chicago. He threatened them with a gun and forced them to lead him to their apartment. There he committed a series of violent offenses and caused grievous harm.

INSTITUTIONAL ADJUSTMENT

Throughout his 42 years in IDOC, Mr. Dunigan has worked to better himself by continuing his education and through maintaining consistent, productive employment. Mr. Dunigan's disciplinary record has been exemplary, having received fewer than ten tickets over the past 20 years (which averages to less than one ticket every two years), and he has received only one minor ticket in the past 7 years, resulting in a verbal reprimand. Mr. Dunigan's educational pursuits include obtaining his GED, as well as over 30 hours of college credit, while maintaining a 4.7 GPA. Additionally, Mr. Dunigan has completed several data processing and computer operation courses, culminating in a certificate in computer programming. In addition to his own educational pursuits, Mr. Dunigan has received recognition for his contributions to the education of his fellow inmates, including earning two certificates of appreciation from the Western Illinois Correctional Center's education program. Mr. Dunigan has also contributed to his community while incarcerated, through writing as a contributing film reviewer for the Danville Vanguard, when the paper existed, from approximately 1987 to 1994. In recent years, Mr. Dunigan has occupied himself with reading history and literature, and he regularly sends books to relatives and friends for their enjoyment.

Mr. Dunigan currently lives with several health concerns, which includes partial amputation of two fingers on his left hand resulting from having a metal door slammed shut on them. Mr. Dunigan also lives with renal failure, which has caused him to wear a catheter for the past four years, and, unfortunately, he reports that his IDOC facility is not equipped with the proper equipment needed to properly maintain Mr. Dunigan's catheter. Mr. Dunigan has also had two hernias within the past decade, both requiring surgery. In December 2020, Mr. Dunigan was diagnosed with COVID-19, from which he is still recovering.

PAROLE PLANS

Mr. Dunigan is widowed and has four children, as well as numerous grandchildren and great-grandchildren. He reports that he has a very good relationship with his children and talks to them frequently; he also receives visits from them. Mr. Dunigan also reports being the oldest of three siblings, two of whom have passed away. He reports having a good relationship with his surviving sister. IDOC Records indicate that Mr. Dunigan has received approximately 50 visits



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from either friends or family while incarcerated. Mr. Dunigan stated that he receives great support from his family and stays in contact with them through letters.

Mr. Dunigan has a solid parole plan which includes having been accepted to more than one viable potential host site. In addition to being welcomed into the home of his daughter Renatta Frazier, who lives in Springfield with her two sons, Mr. Dunigan has also been provided an opportunity with the New Beginnings program. Ms. Frazier, along with her brother Gerald, owns and operates a family restaurant here in Springfield, Great House BBQ, and they are prepared to hire Mr. Dunigan to work as a bookkeeper, a position for which his facility with numbers and computer training render him well-qualified. His additional opportunities were detailed by Mr. Dunigan's attorney during the Board Hearing.

DISCUSSION

Summary of discussion for parole consideration:

Mr. Shelton stated that he presented the case last year and recalled how he struggled with it. He stated that although the case had many good things, his struggle was for concern of the victims, who have now passed away. Mr. Shelton stated that he couldn't understand how Mr. Dunigan could do this. Mr. Shelton further stated that he found photos online that are now a part of the file, which informed him that Mr. Dunigan was involved in these good things in the community. Mr. Shelton stated that he had to resolve how a person goes from there to who he was at the time of the crime. He understands how Mr. Dunigan got there after his wife's passing. Mr. Shelton stated that he wondered if at any time anyone spoke to the people Mr. Dunigan worked with that addressed the mental health breakdown. Mr. Shelton stated that he would likely conclude that this crime was based upon a mental breakdown; however, he questions if Mr. Dunigan is well now.

Ms. Crigler stated that she had a question because the crime was so traumatic; she was interested in knowing when Mr. Dunigan was in Denmark and if he took the children with him or if he left them in Chicago.

Chairman Findley noted that there were no witnesses in protest to speak, and acknowledged the individuals who had come on behalf of Mr. Dunigan.

Attorney Mark Parts stated that during the time of the crime the Black Panther Party was trying to build opportunities in the community. He spoke to Ms. Crigler's statement regarding the children of Mr. Dunigan. Attorney Parts stated that the children were being kept by the grandparents for their safety. He stated that it was rare that someone would come into the police department and turn themselves in during that time, so Mr. Dunigan instead chose to flee to Denmark. Attorney Parts stated that Mr. Dunigan knew that if he had stayed in the Chicago community, he would have put the people he was with in jeopardy.



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Attorney Parts stated that when Mr. Dunigan was arrested, a police officer showed him a photo that was riddled with bullet holes and asked Mr. Dunigan to sign it for a souvenir. Attorney Parts also mentioned that there is a PBS documentary regarding the original Rainbow Coalition, and that many of the people in that documentary wrote letters on behalf of Mr. Dunigan. Attorney Parts stated that Mr. Dunigan had been working to help the community, and that he has been doing the same type of work since he has been inside the facility. Attorney Parts stated that Mr. Dunigan has been a lifelong learner and teacher per his sister, and noted that his favorite job was helping in the library.

Regarding Mr. Dunigan's mental state at the time, Attorney Parts stated that the appellate court record stated that Mr. Dunigan was suffering from a disconnect with reality and deep sleep amnesia. He stated that in December of 1970, his behavior was not accepted because he was acting bizarre. There are no excuses for what he did, and it was totally out of context for Mr. Dunigan; he genuinely has no recollection of the crime. Mr. Dunigan's mother had migraine problems and would lose sense of what was happening. Attorney Parts was also told that Mr. Dunigan's sister had migraines and deterioration of her mental state; she passed away in her 30s.

Mr. Shelton stated that the victims were in their thirties and forties at the time of the crime. He stated that both victims passed away in their nineties.

Attorney Parts stated that he is grateful for former Board Member Daniel Brink giving them information as to what places that they could look into that would assist Mr. Dunigan, should he be released. They followed up on those ideas that he generated, and Mr. Dunigan now has a good parole plan as a result. However, there are restraints that keep him from coming to Springfield right away regarding housing.

Attorney Parts further stated that they have looked into the New Beginnings program, which has 25 years of history and can provide basic necessities for food and housing. Mr. Dunigan would be close to the services he needs in the hospital. However, Attorney Parts stated that due to constraints of the facility to take him, Attorney Parts had to request (and received) an Order from Judge Virginia Kendall to get the approval for Mr. Dunigan to be able to be accepted. Two psychologists assigned to Mr. Dunigan's case will be able to help him have a smooth transition. Attorney Parts also stated that John Preston has stepped up to pay for the first three months for the New Beginnings program, and another friend has offered to pay the first year of Mr. Dunigan's rent.

Regarding Mr. Dunigan's health, Attorney Parts stated that in 2013 Mr. Dunigan developed a large hernia that was not operated on until 2019. He stated that Mr. Dunigan developed another one, but was able to get surgery in the same year. Attorney Parts stated that Mr. Dunigan has had partial amputation of his fingers in a door. He also had several operations and went into renal failure. Attorney Parts described how Mr. Dunigan must take care of his condition. He stated that Mr. Dunigan needed a long-term care solution. In December 2020, Mr.



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Dunigan contracted COVID and has “long-haul” symptoms; Mr. Dunigan has a persistent cough, which was evident during his parole interview and in calls with Attorney Parts.

Ms. Renetta Frazier, Mr. Dunigan’s daughter, stated that she lived with this for a very long time. She stated that she was four years old when she lost her mother, and then this occurred, and she lost her father. She stated that she remembers sitting in her grandmother’s home and hearing stories about their mother and father. She heard about the effect that the drugs had on her mom and the horrible things they had done.

Ms. Frazier continued to state that she felt she was able to understand and connect with the victims, by knowing what it is like to be a victim. She stated that this has been a 45–50-year nightmare for her family. She stated that, growing up as a young girl in Chicago, carrying the Dunigan name meant that people would make the connection of who she was. She stated that she was taught to be proud of who she was regardless of what her father did; she was not his crimes.

Ms. Frazier further stated that she became a Springfield Police Officer in Springfield, Illinois, and then later a Correctional Officer, in Georgia. She stated that she knows how hard it is, because of the positions she has had on both sides. She stated that she had a caseload of sex offenders while in Georgia. She stated that she would tell them that she was not there to judge them, but instead was there to help them so that maybe they would have the opportunity to be returned to society. She stated that she believes that when a crime is committed, there must be a way that you pay for it, and she believes that you should pay for it. She stated that her father has done that. She has had conversations with her father and has been very firm with him on how his actions affected people. She made clear that he will be held accountable should he be paroled and return to the family. She stated that his mindset is different. She stated that he understands that he will need services to help him mentally.

Ms. Martinez spoke in response to Ms. Crigler’s statement as to why Mr. Dunigan went to Denmark. Ms. Martinez stated that the past who ran a church that was part of the Rainbow Coalition on the Northside was murdered during this time. She stated that, in context, yes, people who were involved with the Rainbow Coalition, including the Young Lords, left the city and the country out of fear.

Ms. Frazier stated that the children were under protection and remembers when the FBI busted into their home. She stated that she remembers there was a real fear, and the children missed many days of schools to be kept safe.

Mr. Ruggiero inquired as to there being any additional protests received for this case.

Ms. Daniels stated there were no protest letters received and the Cook County State’s Attorney’s Office does not protest his release.



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Ms. Daniels stated Mr. Dunigan has made great strides personally and professionally throughout his years of incarceration by furthering his education, establishing a reputation for being dependable and hard-working, and having developed a strong parole plan with the support of his legal team and family. Ms. Daniels noted that State records indicate that Mr. Dunigan has no current mental health diagnosis, and that he is functioning well in the facility, where he is respected by both staff and fellow residents. In addition, Ms. Daniels noted research and evidence identify Mr. Dunigan (because of his age and declining health) as unlikely to reoffend. She stated further that she often says, “No one is the sum total of the worst thing they have ever done.” She believes that Mr. Dunigan has made great strides.

DECISION AND RATIONALE

Motion to grant parole (LD—VM). Motion prevails by a vote of 9–1. Members voting in favor of the motion were Mr. Cerda, Ms. Crigler, Ms. Daniels, Ms. Martinez, Mr. Mears, Mrs. Perkins, Mrs. Savage, Mr. Shelton, and Chairman Findley. Mr. Ruggiero dissented.

After a complete review of Mr. Dunigan’s case, and after giving thoughtful discussion and consideration to all factors, the Board decided and voted to grant parole to Mr. Dunigan, subject to conditions of parole as set by the Board and by law. The Board hereby finds that Mr. Dunigan is an appropriate candidate for parole release 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. The Board further notes that, pursuant to Illinois law, victim statements are confidential and privileged.”



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***EN BANC* MINUTE SHEET**
OPEN SESSION—March 25, 2021

Inmate Name: **JAMES GARLAND** IDOC Number: **A15834**

The Illinois Prisoner Review Board met in open *en banc* session at 3000 South Dirksen Parkway, Springfield, Illinois, on March 25, 2021, at the 9:00 a.m. session to discuss and deliberate parole eligibility for James Garland A15834.

Members present were Mr. Cerda, Ms. Crigler, Ms. Daniels, Ms. Martinez, Mr. Mears, Mrs. Perkins, Mr. Ruggiero, Mrs. Savage, Mr. Shelton, and Chairman Findley.

Recording Secretary: Tracy Buckley.

PRESENTATION OF INTERVIEW AND FILE

On February 10, 2021, James Garland A15834 was interviewed via video conference from Menard Correctional Center. Mr. Garland has been at Menard since March 10, 1999. Mr. Garland was born on July 3, 1952, and he is currently 69 years of age. Mr. Garland's original conviction was for Armed Robbery (Natural Life Without Parole). Mr. Garland comes before the Board, having had the sentence of Natural Life Without Parole commuted to Life With the Possibility of Parole, in his first petition for parole consideration.

STATEMENT OF FACTS

On February 27, 1987, at 3830 S. Archer, Mr. Garland and two other offenders entered a Wendy's restaurant. Mr. Garland ordered food while one of his accomplices went behind the counter and displayed a handgun. Mr. Garland then forced the victim to empty the cash register at gun point into a paper bag. Mr. Garland and his two companions then fled. Mr. Garland was subsequently identified in a line-up. Mr. Garland had been previously convicted of two other Armed Robberies.

MR. GARLAND'S STATEMENTS AS TO THE OFFENSE

Mr. Garland's statement is that his only role in this incident was to watch the doors during the Robbery. Two weeks after the Robbery, Mr. Garland and two other men were arrested after allegedly walking by the Wendy's while it was under police surveillance. The three men went into the Wendy's and came out a few minutes later carrying coffee. The police claimed that Mr. Garland tossed a firearm after leaving the Wendy's with his coffee. The three men were arrested and later identified by the Wendy's employees in a lineup.



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CRIMINAL HISTORY

Mr. Garland had two previous convictions for Armed Robbery (1974, 1977) and one conviction for Unlawful Use of a Weapon (1977). In December 1983, Mr. Garland was arrested and charged with Attempt Murder, which was stricken off with leave to reinstate on September 5, 1984, at which point Mr. Garland was returned to IDOC custody as a parole violator with no new sentence.

INSTITUTIONAL ADJUSTMENT

Mr. Garland has received six tickets over the past 20 years, with the most recent occurring in 2019, for Unauthorized Movement, and for which he received a verbal reprimand. While incarcerated, Mr. Garland worked as a law clerk/assistant and in the tailor shop at Stateville from 1996–1999, in the kitchen at Menard from 1999–2004, and as a creative artist, engaged in clothing design (learned at Stateville), as a musician, and as a mentor to younger residents in IDOC.

Mr. Garland has some health issues and stated he has a history of Peptic Ulcers, Chronic Neck and Back Pain, and a cantaloupe-sized mass in his shoulder.

PAROLE PLANS

Mr. Garland has the strong support of two dear and life-long friends, Willie Davis and Bernice White. If released, Mr. Garland will live with Mr. Davis at his home in Chicago. Additionally, at 69 years old, Mr. Garland will be entitled to both healthcare and supplemental income. The Illinois Prison Project has committed to provide the technical support necessary to assist Mr. Garland in securing these support services.

DISCUSSION

Summary of discussion for parole consideration:

Mr. Ruggiero stated that Mr. Garland was on parole in 1993, was unemployed, and had several cases prior to this case. Ms. Daniels stated that the Attempt Murder case was stricken off with leave to reinstate. She also stated that she believes Mr. Garland will comply with the rules of parole.

Attorney Jennifer Soble stated that she has no corrections to the record. However, she wanted to tell the Board that Mr. Garland has been an incredibly upstanding and law-abiding citizen. She stated that he has complied with the strict life of being incarcerated and has only had six disciplinary tickets.



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Attorney Soble further stated that Mr. Garland had a traumatic childhood. He watched his brother get killed, shortly after which his grandfather died. She stated that he was in shock at the changes and all the adults in his life were gone. He was separated from his siblings, because the children were sent to live with different family members. He was with an uncle in a nice place, but he was eventually caring for his uncle, who was an alcoholic.

Attorney Soble stated that in the last three or four years, Mr. Garland has shown who he is. He mentors other offenders, and he wants to work with young adults to produce music when he is released. He is able to help younger people stay on the right path. She stated that he has a wonderful and stable parole plan.

Mr. Ruggiero stated that he recognizes that the crime was a long time ago and inquired of Attorney Soble about whether Mr. Garland had spoken about any of his previous cases. Attorney Soble stated that the other case was dropped, and noted that Mr. Garland has maintained his innocence in the 1997 case as well.

Mr. Shelton observed that simply because the case was not prosecuted didn't mean that Mr. Garland had not committed the offense. Mr. Shelton also inquired of the age Mr. Garland was at the time of the crime. Mr. Ruggiero clarified that Mr. Garland was thirty-three at the time of the last crime.

Attorney Soble stated that she has not been able to obtain documents for any old cases from the Cook County State's Attorney's Office, since the Commutation occurred during the COVID-19 pandemic, which has hampered the ability to secure past records.

Mrs. Perkins asked how Mr. Garland received Natural Life for this crime. Attorney Soble stated that the judge had no choice due to the law. She stated that it was a practice of the Cook County State's Attorney at that time, with the vast majority of those who received this type of sentence being young Black men.

Mr. Ruggiero stated that he will support the motion to grant parole, because no one was physically hurt.

Ms. Daniels stated that Mr. Garland has made great strides to better himself throughout his years of incarceration and that he presents himself as a viable candidate for parole for the following reasons: 1) at 69 years of age, Mr. Garland is not at risk for reoffending; 2) his release would not deprecate the seriousness of the crime; 3) his release would not have an adverse effect on institutional discipline. Additionally, Mr. Garland has become exceptionally skilled with textile work, established a reputation for being dependable and hard working, and has devised an acceptable parole plan with the support of his legal team and life-long friends



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DECISION AND RATIONALE

Motion to grant parole (LD—CF). Motion prevails by a vote of 10–0.

After a complete review of Mr. Garland’s case, and after giving thoughtful discussion and consideration to all factors, the Board decided and voted to grant parole to Mr. Garland, subject to conditions of parole as set by the Board and by law. The Board hereby finds that Mr. Garland is an appropriate candidate for parole release 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. The Board further notes that, pursuant to Illinois law, victim statements are confidential and privileged.”



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***EN BANC* MINUTE SHEET**
OPEN SESSION—March 25, 2021

Inmate Name: **ORA RILEY** IDOC Number: **A63079**

The Illinois Prisoner Review Board met in open *en banc* session at 3000 South Dirksen Parkway, Springfield, Illinois, on March 25, 2021, at the 9:00 a.m. session to discuss and deliberate parole eligibility for Ora Riley A63079.

Members present were Mr. Cerda, Ms. Crigler, Ms. Daniels, Ms. Martinez, Mr. Mears, Mrs. Perkins, Mr. Ruggiero, Mr. Shelton, and Chairman Findley.

Recording Secretary: Tracy Buckley.

PRESENTATION OF INTERVIEW AND FILE

A parole consideration interview was held on February 3, 2021, with Ora Riley A63079 via video conference at Pontiac Correctional Center.

STATEMENT OF FACTS

On November 28, 1994, on the South Side of Chicago, the victim, Lester Sanders, was selling "Streetwise Newspapers," when he was attacked by Mr. Riley. Mr. Riley placed a knife to Mr. Sanders's throat and threatened his life. Mr. Riley took Mr. Sanders's cigarettes and \$20.00. The police were flagged down, and a foot chase ensued. Mr. Riley was addicted to drugs at the time. Police later recovered the weapon as well as the stolen money from Mr. Riley. No one was hurt in the offense. A motion was filed to have Mr. Riley sentenced as a habitual offender, requiring the judge to impose a sentence of Natural Life Without Parole. Governor Pritzker commuted his sentence from Natural Life Without Parole to Life With the Possibility of Parole.

MR. RILEY'S STATEMENTS AS TO THE OFFENSE

Mr. Riley was very affable when interviewed. It was clear that he has close relationships with his family. During the interview, various family members reminded other members of facts/situations that were germane to the hearing that may have been forgotten. His attorney, Jennifer Soble, was the primary spokesperson. She provided a very thorough overview of Mr. Riley's institutional adjustment and release plan.

INSTITUTIONAL ADJUSTMENT

Mr. Riley has had minor violations while incarcerated. The violations mostly involved Level 300 and 400 offenses. He has not had a Level 100 infraction in over 17 years.



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Mr. Riley had only completed the eighth grade, but went on to earn his G.E.D. and complete some college courses through Lewis University. He has taken courses to improve himself, including Lifestyle Redirection. He has completed intensive substance use disorder courses while incarcerated. His file contains numerous certificates, test results, and congratulatory notes.

PAROLE PLANS

This is Mr. Riley's first petition before the Illinois Prisoner Review Board and his file is very thin. There is no parole "plan," but rather a verbal commitment from his sister, Christine Riley, indicating that he can live with her upon release in Rockford, Illinois. She further indicated that he should not have a problem finding a job, and that there are many jobs available in Rockford. She has ties to reentry organizations and job placement organizations, which include the Salvation Army. Mr. Riley indicated that he would like to volunteer to work with the homeless and mentor teenagers upon his release. He would also like to work in his own business as a landscaper.

According to Mr. Riley's Petition for Executive Clemency, Mr. Riley's father was abusive and an alcoholic. Mr. Riley was one of twelve siblings, all but one of whom has died. His mother suffered from extreme depression and had nervous breakdowns. She attempted suicide when he and his siblings were young children, which required various relative to watch the children.

Letters from Mr. Riley's nieces, nephew, and sister indicate that Mr. Riley is not the man that he was when he robbed a man of \$20.00 at knifepoint over 26 years ago. As his niece Angienette Anderson describes him, "Ora has always been a supportive family member, even during his incarceration, with an awesome sense of humor and optimism about the possibilities of life outside of jail. He has worked diligently over the years to develop his social intelligence, self-control, and conscientiousness about those around him." The letters from Mr. Riley's family reveal that he has become a thoughtful and optimistic family man. They are a testament not only to the work Mr. Riley has done to improve himself, but also to the work he has done to maintain and deepen his connection with his family.

DISCUSSION

Summary of discussion for parole consideration:

Mrs. Perkins asked Mr. Riley's age. Attorney Jennifer Soble stated he is 65 years old.

Mr. Ruggiero mentioned that he wanted to clarify information that Mr. Riley had been in trouble for extorting another inmate in 2006. He further mentioned that Mr. Riley had been in segregation in his 50s, and further noted other dates, with his previous conduct and age. Attorney



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Soble stated that Mr. Riley lost a month of good conduct credits for his infraction. Chairman Findley noted that the time was later restored.

Attorney Soble stated that Mr. Riley never denied the string of Robberies. He had a drug problem, but had never had counseling for drugs. She stated that he has never shied away from the fact that he committed these crimes. However, she stated that he has made a real commitment to his sobriety.

Mr. Ruggiero questioned whether Mr. Riley never had the time to do drug treatment, after serving fifteen years in 1985.

Mr. Shelton clarified that Mr. Riley had been incarcerated for 26 years for the current offense and sentence.

DECISION AND RATIONALE

Motion to grant parole (EC—LD). Motion prevails by a vote of 9–1. Members voting in favor of the motion were Mr. Cerda, Ms. Crigler, Ms. Daniels, Ms. Martinez, Mr. Mears, Mrs. Perkins, Mrs. Savage, Mr. Shelton, and Chairman Findley. Mr. Ruggiero dissented.

After a complete review of Mr. Riley’s case, and after giving thoughtful discussion and consideration to all factors, the Board decided and voted to grant parole to Mr. Riley, subject to conditions of parole as set by the Board and by law. The Board hereby finds that Mr. Riley is an appropriate candidate for parole release 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. The Board further notes that, pursuant to Illinois law, victim statements are confidential and privileged.”



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***EN BANC* MINUTE SHEET**
OPEN SESSION—March 25, 2021

Inmate Name: **MICHAEL LONG** IDOC Number: **A80710**

The Illinois Prisoner Review Board met in open *en banc* session at 3000 South Dirksen Parkway, Springfield, Illinois, on March 25, 2021, at the 9:00 a.m. session to discuss and deliberate parole eligibility for Michael Long A80710.

Members present were Mr. Cerda, Ms. Crigler, Ms. Daniels, Ms. Martinez, Mr. Mears, Mrs. Perkins, Mr. Ruggiero, Mrs. Savage, Mr. Shelton, and Chairman Findley.

Recording Secretary: Tracy Buckley.

PRESENTATION OF INTERVIEW AND FILE

Michael Long A80710 was interviewed at Dixon Correctional Center on March 18, 2021, where he has been housed since January 8, 2017. He is currently A-Grade, medium security, and is listed as a moderate escape risk only due to his Natural Life sentence. His overall adjustment has been exceptional. Mr. Long is 61 years of age and has been incarcerated for 34 years.

STATEMENT OF FACTS

Per the Cook County State's Attorney's Office's Official Statement of Facts:

"On December 19, 1985, [Mr. Long] and codefendant entered the union 76 Gas Station located at 9802 S. Kedzie Avenue, Evergreen Park, Illinois. [Mr. Long] was wearing a ski mask and demanded money from other attendants. His codefendant was wearing nylon over his face and held a gun on the attendants. [Mr. Long] took United States Currency from the attendants and fled.

...

[Mr. Long] was arrested on December 23, 1985, at his home, after his two codefendants in another armed robbery, which occurred on December 22, 1985, in Oak Lawn Illinois. His two codefendants implicated [Mr. Long] and he admitted to committing both the Evergreen Park armed robbery and the Oak Lawn armed robbery.'

MR. LONG'S STATEMENTS AS TO THE OFFENSE

Mr. Long admits he was present at the December 19, 1985, Armed Robbery. He stated that his two co-defendants entered the Union 76 gas station and requested that the manager give them his keys to the safe. The manager stated he did not have the keys to access the safe. One of



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the codefendants took money from the manager and they fled the gas station; Mr. Long states that he was the getaway driver, and that no one was injured in the Robbery. The two codefendants were his brother, Scott Long, and a friend, Erick Petrouskas, who both pled guilty and received a 6-year sentence. Mr. Long stated he pled not guilty and went to trial, where he was convicted and sentenced to Natural Life Without Parole and classified as a habitual criminal due to his prior robberies.

CRIMINAL HISTORY

1980 – Armed Robbery – Sentence to 10 years
1979 – Burglary – Sentenced to 1–3 years
1977 – Armed Robbery – Sentenced to 10 years

INSTITUTIONAL ADJUSTMENT

Mr. Long has been incarcerated for 36 years. He has gained significant skills during his incarceration. He is currently assigned to the Carpenter Shop and has maintained that position since June 21, 2018. Prior to that, he worked in the Clothing House, Inmate Commissary, and Employee Commissary; he has been a janitor and laundry specialist. He has also worked for Illinois Correctional Industries at Stateville, as the Tailor in the knit shop; he became the clerk and repaired the machines when they were malfunctioning.

While at Menard, he worked in their division of Illinois Correctional Industries, as well as on the Garbage Truck and assisting with recycling. He has attended a major appliance class, but the class was cancelled. He has requested to enroll in vocational classes, but was denied due to his Natural Life sentence. He is pleasant, helpful, and has the support of many staff.

Mr. Long was raised on the Southwest Side of Chicago with his parents, Frank and Louise Long, and four sisters. His mother was a stay-at-home homemaker, and his father drove a truck for Central Steel and Wire. His father was an alcoholic, who drank at least four nights a week getting drunk. When drunk, he became angry and violent, and he verbally abused everyone in his path, including young Mr. Long, his mother, and his siblings.

Mr. Long began trying PCP and cocaine at about age 10, following after other children he played with. He kept his drug use hidden from his family. His habit increased, and he began robbing gas stations and grocery stores for money to support his drug habit. At the age of 17, he committed a string of Robberies that resulted a ten-year prison sentence. He dropped out of high school and spent his time trying to obtain money to support his drug habit.

All of Mr. Long's crimes were fueled by his addiction to drugs and his compulsion to support his habit. Mr. Long never hurt anyone in his offenses, including the one for which he was sentenced to Natural Life Without Parole.

When he was sentenced in 1985, he decided to change his life and quit taking drugs. Mr. Long stated that during that time drugs and alcohol were easy to get in prison, but he decided to stop drugs and alcohol by going "cold turkey". He stated that despite the availability of drugs



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and alcohol, he began to work and read; he has stayed away for drugs and alcohol ever since. He has been sober since 1986.

PAROLE PLANS

Mr. Long plans to live with his sister Kathy and her husband, James Stepanek. Kathy has recently suffered a stroke and finds it difficult to communicate or travel, but she and her husband have expressed that they both want Mr. Long to come and live with them. Mr. Long is a carpenter and has other skills with which he can get a job and support himself. He expressed that he can fix anything and has other construction skills, such that he could own his own small business.

DISCUSSION

Summary of discussion for parole consideration:

Mr. Ruggiero noted that Mr. Long has allegedly been sober since 1986. Mr. Ruggiero stated that he reviewed Mr. Long's disciplinary record and found that he lost good time credit in 1994 for having three gallons of "hooch" (homemade alcohol) on three different occasions. Ms. Crigler stated that she did not see any of that information. Attorney Jennifer Soble stated that, to her understanding, Mr. Long was not the one using the alcohol. She stated that it speaks to the issue of there being a black market for it, but that he has not used or drunk anything since 1986. Mr. Mears noted that the two reasons for having hooch is because you are either making money off of it or using it. Chairman Findley stated that he believes Mr. Long had a cellmate that may have been engaged in using or selling it. Chairman Findley also stated that he reviewed the tickets, and observed that Mr. Long was originally set to lose six months of good conduct credit due to the incidents, but that the past Board had denied the ticket.

Attorney Soble stated that Mr. Long accepted responsibility for his crimes when he was 17 years old. She stated that no one was ever been hurt in these Robberies, and that Mr. Long used a toy gun in some cases. He committed these acts and accepts responsibility. She stated that the codefendants, who were principle actors in the offenses, only received 6 years. She also stated that Mr. Long has been employed in the Officer quarters, which shows that he has the trust of the prison officials. She also stated that Mr. Long's sister was unable to join the interview, due to having had a stroke, but that Mr. Long has unwavering support.

Ms. Crigler stated that Mr. Long's institutional adjustment confirms that he poses no risk to the public. He is not at risk of reoffending and no one was ever physically harmed in any of his Robberies. His offense in the underlying offense that resulted in his Natural Life Without Parole sentence was to be the "lookout". He has a good disciplinary record in recent years, with only two minor tickets; one in 2012, for having his TV set on his bed, and one in 2014, for disobeying a direct order. He has a strong parole plan and great family support.

DECISION AND RATIONALE



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Motion to grant parole (EC—VM). Motion prevails by a vote of 9–1. Members voting in favor of the motion were Mr. Cerda, Ms. Crigler, Ms. Daniels, Ms. Martinez, Mr. Mears, Mrs. Perkins, Mr. Ruggiero, Mrs. Savage, and Chairman Findley. Mr. Shelton dissented.

After a complete review of Mr. Long’s case, and after giving thoughtful discussion and consideration to all factors, the Board decided and voted to grant parole to Mr. Long, subject to conditions of parole as set by the Board and by law. The Board hereby finds that Mr. Long is an appropriate candidate for parole release 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. The Board further notes that, pursuant to Illinois law, victim statements are confidential and privileged.”



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EN BANC MINUTE SHEET
OPEN SESSION—March 25, 2021

Inmate Name: **JOSEPH CUNNINGHAM** IDOC Number: **C86185**

The Illinois Prisoner Review Board met in open *en banc* session at 3000 South Dirksen Parkway, Springfield, Illinois, on March 25, 2021, at the 9:00 a.m. session to discuss and deliberate parole eligibility for Joseph Cunningham C86185.

Members present were Mr. Cerda, Ms. Crigler, Ms. Daniels, Ms. Martinez, Mrs. Perkins, Mr. Ruggiero, Mrs. Savage, Mr. Shelton, and Chairman Findley.

Recording Secretary: Tracy Buckley.

PRESENTATION OF INTERVIEW AND FILE

Joseph Cunningham C86185 was interviewed on February 10, 2021, via Webex video conference. He appeared alone with Board Member Ruggiero. The oath was given at approximately 9:05 am, immediately preceding the interview. Mr. Cunningham appeared in regular prison clothing. His affect was normal. He was cordial and polite. His answers seemed appropriate and responsive to questions asked of him. He is 61 years old. He is serving a sentence of 35–100 years for the Murder of 75-year-old Emma W. McKinley in Madison County. He has been in custody for 43 years and his projected discharge date is September 16, 2027.

STATEMENT OF FACTS

Mr. Cunningham knew the victim, Mrs. McKinley, a 75-year-old grandmother. Mrs. McKinley had been Mr. Cunningham's babysitter when he was growing up and had hired him for odd jobs around her home. Mr. Cunningham had borrowed money from the victim, and she had in the past allowed him to drive her car. On December 16, 1977, Mr. Cunningham, then age 18, had been drinking with codefendant William A. Howell, age 21, when they ran out of alcohol. Mr. Cunningham decided to ask Mrs. McKinley for more money, so that he and Mr. Cunningham could continue drinking. Mr. Howell hid in the bushes, while Mr. Cunningham went to the victim's door and was let inside.

Once inside, the victim gave Mr. Cunningham a glass of orange juice. Mr. Cunningham asked the victim for ten dollars and she refused. Mr. Cunningham grabbed the victim's sweater and tore two buttons off the sweater. Mr. Howell then entered the home, grabbed a heavy ashtray, and struck Mrs. McKinley in the head. Mr. Cunningham grabbed a knife and cut Mrs. McKinley on the arm. When Mrs. McKinley then attempted to call for help, she was chased down, and the telephone cord was cut. Mrs. McKinley was stabbed numerous times with a paring knife and a fork. Mr. Cunningham said that Mr. Howell used the fork. Mr. Cunningham then



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took money from her purse, stole her car keys, and left the home. He waited outside until Mr. Howell left the home about 10–15 minutes later.

Subsequently, Mr. Cunningham apparently crashed the car and ended up in a hospital. The victim received 30–40 stab wounds, two skull fractures, several cracked ribs, and had been sexually assaulted. Mr. Cunningham ultimately pled guilty to the Murder of Mrs. McKinley and was sentenced to 35–100 years.

MR. CUNNINGHAM’S STATEMENTS AS TO THE OFFENSE

When asked about his relationship with his co-defendant, Mr. Howell, Mr. Cunningham stated that Mr. Howell was a friend of Mr. Cunningham’s older brother Donald, who was a year and a half older than Mr. Cunningham. Mr. Howell was a few years older than Mr. Cunningham as well. On the night of the Murder, Mr. Cunningham said he got very drunk. He said that prior to that night, he had about five alcohol-induced blackouts. He had a low tolerance for alcohol then, and he stated he would drink Southern Comfort and whatever beer was available.

Mr. Cunningham knew Mrs. McKinley, the victim. He had lived across the street prior to this Murder. He knew her for about two years and said she was a nice lady in her seventies. He had borrowed money from her in the past, in amounts ranging from \$10 to \$20. He indicated he always paid her back. The money was for cigarettes or gas. He paid her back from the money he earned working at the body shop.

On the night of the Murder, he met Mr. Howell at Mr. Howell’s house with some other friends. They all went out drinking. He may have had a pocket-knife; he grew up with one on him almost all the time. He states that he may have had the knife that night, but it was *not* (emphatically stated) the one used on Mrs. McKinley. He specifically recalled which knife he used. He said Mrs. McKinley lived alone and was alone that night. She lived a few blocks from Mr. Howell at that time. Mr. Cunningham had moved prior to this, so he did not live close to her anymore. He remembered that a guy named Tony Weber and a girl went out with Mr. Howell and Mr. Cunningham that night. After being out for a while, they all went back to Mr. Howell’s. When it was time to go home, and the other guy and girl had left, Mr. Cunningham and Mr. Howell made plans to buy a keg for the weekend. He said he would try and get money from Mrs. McKinley.

He said he went to Mrs. McKinley’s door, but she said she had no money. He talked to her for a couple minutes, but she insisted she didn’t have it. Mr. Howell thought she was lying. That’s when it all got “bent out of shape”. Mr. Cunningham recalled he picked up an ash tray and threw it at her. He recalled stabbing her with a paring knife from kitchen. Mr. Howell was wrestling with her. Mr. Cunningham said he thought he stabbed her three times total, all in the chest. [It should be noted she was stabbed approximately 60 times.] He said he never had used a knife to hurt someone prior to this. He had fights as a kid, but did not use a knife. He says he



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doesn't remember some stuff. He did recall he stole her car and left, leaving Mr. Howell behind. He wrecked the car about 12–14 blocks away. He recalled that crash being how he was caught.

When asked what he recalled about the Rape of Mrs. McKinley, in light of the fact he had a pretty good memory of most of the night, he denied any recollection of a sex act. He mentioned when he was in the county jail awaiting trial, they did blood tests of both him and Mr. Howell. He said they could never figure out who did the Rape. He thinks it is possible that at some point in the evening someone slipped something in his drink, because he had barbiturates in his blood, and he never took anything like that.

He does want the Board to know he pled guilty, and that he has not had a day where he has not thought of Mrs. McKinley and felt sorry for her.

INSTITUTIONAL ADJUSTMENT

Mr. Cunningham mentioned he bumped into Mr. Howell once in prison. Neither had any bad feelings towards one another. He pointed out that he pled guilty, as did Mr. Howell, and they both got the same sentence.

In asking about his Institutional Adjustment, the interview began with the most recent 20 years. He discussed having bleach in his cell; he said it was used to clean. He also admitted to talking to other inmates in the wrong cell from time to time. He did not recall any issue with missing headphones. He has had hot pot, which he said was bought. In 2002, his last two occasions in segregation were for having a "stinger," an item used to heat coffee in prison.

When Mr. Cunningham was first incarcerated, he had many disciplinary issues. He said he was young and stupid and had to protect himself in Menard back then.

He presently is a maintenance clerk doing paperwork. He has worked as much as he can in IDOC. He said he stays out of trouble while working. He has no problem getting a job. In Danville, a resident can only work six months at a given job, so has had many different jobs. He indicated that, while working in laundry, they allowed him to stay more than the usual six months because he was a good worker.

Mr. Cunningham's custodial history is as follows:

Menard C.C. from 1978 to 1987
Graham C.C. from 1987 to 1995
Illinois River C.C. from 1995 to 1997
Centralia C.C. from 1997 to 1999
Pinckneyville C.C. from 1999 to 2004
Danville C.C. since 2004.



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He has had 95 disciplinary tickets while in IDOC. His last ticket was in 2019, for having bleach in his cell, which Mr. Cunningham says he uses for cleaning. His last previous ticket was in 2007; he has no tickets for violence. Mr. Cunningham's behavior has improved; he is currently classified as minimum security and low escape risk. He received his GED in 1984 and has participated in AA, NA, and auto body repair programs. Mr. Cunningham has no gang affiliations and is currently not working.

Mr. Cunningham has several surviving siblings, including one sister and three brothers, with whom he no longer associates. He indicated it is because of "their lifestyle". When asked about what he meant, he explained they are all into drugs and alcohol, and that he feels he has moved on from that kind of life.

He explained when he was younger his family all ended up in Cuba, Missouri. His grandparents left his parents a home there, and that is why they are still there. Both his parents passed away years ago. He doesn't have any contact with his family since his brother, Roger Cunningham, died late in 2020; they were close, though Mr. Cunningham is not sure how his brother died. Mr. Cunningham said his brother had worked as a machinist for several companies prior to his death.

When he was young, his family moved around Southern Illinois, including Benton and Alton, where he lived for five years, prior to his incarceration at the age of eighteen. When the Murder happened, he had been working for an auto body shop. He had quit school in 1976, as a sophomore in high school. His parents knew he quit school and were happy he had a job. He worked for Andy's Auto Body as a janitor, but he would clean the cars as well, as a detailer. He got paid \$1.25 an hour. He had worked there for eight months, until his arrest.

PAROLE PLANS

Mr. Cunningham has taken no steps regarding planning his parole. He feels it is the responsibility of the Illinois Department of Corrections to find him a host site and to tell him what to do. Mr. Cunningham does not have any concrete parole plans other than hoping to be placed in a halfway house. He said he still wants to go to school and will take any work he can get. He said he has a few friends on the outside of prison, particularly a former cellmate, who is no longer on parole.

OPPOSITION TO PAROLE RELEASE

The Madison County State's Attorney's Office has continually objected to his release. The last letter in opposition was in 2017.



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DISCUSSION

Summary of discussion for parole consideration:

Mr. Ruggiero stated that Mr. Cunningham mentioned that he didn't remember committing the crime.

Mr. Shelton stated that he had the case about four or five years ago. He recalled that, per DOC records, upon intake, Mr. Cunningham admitted to having sex with the woman, but stopped when she started to cry. Mr. Shelton stated that it is a big difference in what he knew then and says now. Mr. Cunningham previously stated words to the effect that he had 'taken some red pills and had never done that before' during the interview with Mr. Shelton.

Attorney Jacqueline Spreadbury stated that the victim's death has been with Mr. Cunningham, and she doesn't deserve to be forgotten. He has believed that living with it is the punishment he deserves. She further stated that at 16 years of age, Mr. Cunningham dropped out of school and was practically illiterate. This crime occurred two months after he had turned eighteen. She stated that he had the option to join a gang while in prison, but instead he taught himself how to read and got his GED. She stated that he attended college courses and has worked his entire time in the Illinois Department of Corrections. She stated that he received an auto body repair certification and worked in math classes as well, and that he was on the steering committees for both programs. She stated that Mr. Cunningham went from not being able to read to reading almost every book on the shelf of the library. She stated that he has been accepted to Inner-City Muslim Action Network (IMAN) program. He has a goal to work on automobiles.

Attorney Spreadbury also stated that in over 20 years, Mr. Cunningham has only had five tickets, and they were very minor tickets. She stated that his family drinks a lot, and he has little communications with his family, because he doesn't want to be involved with them. He doesn't have contact with his family because he wants to live a life of sobriety. She further stated that Mr. Cunningham worked night crew at Danville, because he was well trusted. She stated that he has changed and is a different person.

Aviva Futorian stated that she is with the John Howard Association and wants to thank Mr. Ruggiero for asking them to find him a lawyer and find housing for Mr. Cunningham. She stated that Mr. Cunningham is such a different person than who he was when he came in. She stated that was visible when seeing that he had 95 tickets within his first 20 years of incarceration and only five tickets in the last 20 years.

Mr. Shelton noted that there were no recent protests in the file for the case. Mr. Ruggiero affirmed that there were no protests received in the last few years.

Mr. Cerda asked what Mr. Cunningham's reaction was to the difference in the number of times the victim was stabbed. Mr. Ruggiero stated that Mr. Cunningham didn't remember. He



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further stated that there were two hurdles that he needed to get over in this case. First, it is a brutal and inhumane crime, and this needs to be reviewed. Second, the Board has previously talked about re-habilitation and meaningful deterrence, so that the person seeking parole won't harm themselves and others. Retribution plays a part, so people feel like they have received justice. Mr. Ruggiero noted that the judge set the minimum at 35 years; therefore, the judge saw something in setting the minimum sentence so low. Mr. Cunningham's co-defendant was paroled and was older at the time.

Mr. Ruggiero went on to state that he has had time to see how Mr. Cunningham has done since the crime. Mr. Ruggiero also doesn't see that there is a recent protest against this case. Therefore, it will not deprecate the seriousness of the offense, and the work that Mr. Cunningham's team has done will ensure he is given the opportunity to do well.

DECISION AND RATIONALE

Motion to grant parole (JR—LD). Motion prevails by a vote of 7–3. Members voting in favor of the motion were Mr. Cerda, Ms. Crigler, Ms. Daniels, Ms. Martinez, Mrs. Perkins, Mr. Ruggiero, and Chairman Findley. Mr. Mears, Mrs. Savage, and Mr. Shelton dissented.

After a complete review of Mr. Cunningham's case, and after giving thoughtful discussion and consideration to all factors, the Board decided and voted to grant parole to Mr. Cunningham, subject to conditions of parole as set by the Board and by law. The Board hereby finds that Mr. Cunningham is an appropriate candidate for parole release 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. The Board further notes that, pursuant to Illinois law, victim statements are confidential and privileged."



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***EN BANC* MINUTE SHEET**
OPEN SESSION—March 25, 2021

Inmate Name: **JAMES BRIMMER** IDOC Number: **C61247**

The Illinois Prisoner Review Board met in open *en banc* session at 3000 South Dirksen Parkway, Springfield, Illinois, on March 25, 2021, at the 9:00 a.m. session to discuss and deliberate parole eligibility for James Brimmer C61247.

Members present were Mr. Cerda, Ms. Crigler, Ms. Daniels, Ms. Martinez, Mr. Mears, Mrs. Perkins, Mr. Ruggiero, Mrs. Savage, Mr. Shelton, and Chairman Findley.

Recording Secretary: Tracy Buckley.

PRESENTATION OF INTERVIEW AND FILE

James Brimmer C61247 was interviewed at Pontiac Correctional Center on February 24, 2021. He is classified as Maximum Security, Moderate Escape Risk, and is currently in protective custody at Pontiac, where he has been since March 18, 2009. Mr. Brimmer was born on March 15, 1956, and he was 65 years old on the date of his parole consideration. Mr. Brimmer's original convictions include Murder (200 years), Attempt Murder (200 years), and Rape (200 years), with the sentences to run concurrently. Mr. Brimmer comes before the Board after a 2-year set.

STATEMENT OF FACTS

On November 25, 1974, Chicago Police officers received a call of "girl shot" at 2132 W. Crystal Street on the second floor. When they arrived, the officers saw an injured 16-year-old, Pamela Britt, in the first-floor lobby, screaming "They killed my mother!" The officers proceeded to the second-floor apartment and discovered the lifeless body of 35-year-old Joyce Britt in a seated position, resting against a bunk bed and dresser. The officers observed several gunshot wounds to her head and body. Joyce Britt was transported to St. Mary's Hospital, where she was pronounced dead upon arrival. Pamela Britt was also transported to St. Mary's Hospital for treatment of her numerous gunshot wounds.

Pamela Britt stated that she had traveled to pick up her mother's paycheck earlier that morning. Upon returning home, she knocked on her apartment door, only to have co-defendant Ricardo Norals open the door. Pamela had known Mr. Norals for about a year and a half and referred to him as "Carl". When she entered, she observed the apartment had been ransacked. At this point, her mother, Joyce Britt, came running out of the bedroom completely nude and being pursued by Mr. Brimmer, known to Pamela as "James", and a third assailant. Mr. Brimmer was brandishing a pistol. The third assailant made Pamela remove her coat and forced her into the



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bedroom. There, she struggled with the third assailant while he began beating and strangling her. She finally relented after hearing her mother admonish her to “do as they say”.

After being raped by all three men, Pamela was permitted to go to the bathroom. Looking in the mirror, she saw that her face was severely injured from the beating she endured while being sexually assaulted. Upon returning to the living room, she saw the three assailants and her mother, who was crying and bleeding from a head injury. Mr. Norals then asked if they had any money. Informing him that she had a check in her purse, Pamela handed the check to Mr. Brimmer, telling him it was all the money she had. With that, Mr. Norals went into the middle bedroom and ordered Joyce to accompany him. Joyce did as instructed, while Pamela remained in the living room with Mr. Brimmer and the third assailant.

As Pamela sat in a chair, Mr. Brimmer put a gun to her head and said, “Pow”. She responded by saying, “Go ahead and shoot me; shoot me. Please don’t hurt my mother.” At this point, Pamela heard several gun shots come from the middle bedroom. Mr. Norals then summoned Mr. Brimmer into the middle bedroom, while the third assailant remained with Pamela, pointing a gun at her. Pamela then heard another gunshot. Moments later, Mr. Norals and Mr. Brimmer returned to the living room. Mr. Norals ordered the third assailant to shoot Pamela. At this point, he picked up a pillow and attempted to place it alongside her head. As Pamela struggled with him, she was shot twice in the legs. She heard Mr. Norals say “Get her again, man; get her again.” She was then shot in the neck. She fell to the floor for approximately five minutes and then looked into the bedroom, where her mother lay dead. She began screaming and then ran to a neighbor, who called the police.

According to the medical reports, Pamela Britt suffered several gunshot wounds. She was shot in the right rear of her neck, with an exit wound at the left rear of her neck. She received two gunshot wounds to her right inner thigh, one gunshot wound to her left inner thigh, and a graze wound to her pubic area. Joyce Britt suffered a gunshot wound above her left eye, exiting above her left ear; a gunshot wound to her right chest, with the bullet lodged; and three gunshot wounds to the right torso, all bullets lodged. Four copper-jacket bullets, which appeared to be .32 caliber, were recovered from Joyce Britt’s body. The cause of death was bullet wounds to the head, chest, lungs, aorta, spinal cord, spleen, abdomen, liver, stomach, and intestines.

During the investigation of the crime scene, a pink, paisley-colored towel that appeared to have been saturated with semen was recovered, along with a blood-stained towel. In addition, an expended .38 caliber pellet, along with a bullet hole in the wall, was found just south of the front bedroom.

Pamela was able to inform police officers of the names of two of the assailants, along with the area where they hung out. She was shown photographs of both Mr. Brimmer and Mr. Norals and identified them as the offenders. Arrest warrants were issued for both men. Mr. Norals was arrested the following day, on November 26, 1974, at his home and charged accordingly. Mr. Brimmer was eventually arrested on January 3, 1975. On January 2, 1975, Mr.



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Brimmer had been arrested and charged with Battery, wherein he used an alias of “Holis Hall” when being processed for this arrest; he was later identified via fingerprints as James Brimmer, whereupon it was discovered that an arrest warrant for Murder was outstanding.

To this day, the third assailant to this day has never been identified and remains at large.

Mr. Brimmer elected to have a bench trial simultaneously with Mr. Norals. The Honorable Judge Fred Suria presided, and, after hearing all of the evidence, found both Mr. Brimmer and Mr. Norals guilty of the Murder of Joyce Britt, the Attempt Murder of Pamela Britt, and the Rape of Pamela Britt.

On April 8, 1976, Judge Suria heard arguments both in aggravation and mitigation at the sentencing hearing for both Brimmer and Norals. Judge Suria stated:

“The State has adequately pointed out the brutality, the heinousness, the cold-bloodedness, the cold calculation that was involved in the incidents which give rise to this cause of action. I never cease to be amazed. I guess better said appalled, notwithstanding my fourteen years on the bench, of matters of this kind.”

After citing the applicable law on capital punishment, which indicated that both Mr. Brimmer and Mr. Norals should receive the Death Penalty for their crimes, Judge Suria continued on to say that he was precluded from imposing that sentence, because it had been found unconstitutional. Judge Suria then sentenced each defendant to a term of not less than 100 nor more than 200 years of imprisonment for the Murder of Joyce Britt, 100–200 years for the Rape of Pamela Britt, and 100–200 years for the Attempt Murder of Pamela Britt.

The Appellate Court affirmed both convictions and sentences. On appeal, Mr. Brimmer specifically raised the issue of an excessive sentence, but the court rejected his argument.

MR. BRIMMER’S STATEMENTS AS TO THE OFFENSES

Mr. Brimmer denies any involvement in the case for which he has been convicted, stating only he knew the victims from the neighborhood, and that they knew his brother.

CRIMINAL HISTORY

No prior criminal history is noted in relation to Mr. Brimmer.

INSTITUTIONAL ADJUSTMENT

Mr. Brimmer has been in continuous custody for 46 years, during which time he has accumulated approximately 358 institutional infractions, with the most recent being a Staff



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Assault in February of 2020. Mr. Brimmer is currently classified as Maximum Security and Moderate Escape Risk. Mr. Brimmer has completed a 12-step Program during his time of incarceration. No other educational certificates are noted.

Mr. Brimmer has had approximately 40 medical furloughs to a Chicago clinic and reports he has been diagnosed with small cell lung cancer.

PAROLE PLANS

Mr. Brimmer stated he has three adult children (two sons and one daughter), as well as 15 grandchildren. According to the Offender Overview, it appears that Mr. Brimmer receives financial support from family and friends. However, has received no family visits since August 2000.

Mr. Brimmer's son, James Bass, has submitted a letter stating that he owns his own home, and that Mr. Brimmer is welcome to live with Mr. Bass, if paroled. However, this plan does not include any clarification around how Mr. Brimmer would be supported financially, nor how any of his medical issues might be addressed.

DISCUSSION

Summary of discussion for parole consideration:

Mr. Shelton passed around the disciplinary history that he compiled on the case to all members of the Board.

Ms. Crigler noted that Mr. Brimmer is in protective status. Ms. Crigler also verified the age of the victim at the time of the offense. Chief Legal Counsel Jason Sweat noted that the basis for the protective status is confidentially held by IDOC, and that the Board should confer with IDOC prior to discussing those details in an open hearing setting. Chairman Findley described general reasons as to why someone would be in protective custody.

Ms. Daniels stated that although Mr. Brimmer has been consistent in maintaining his innocence each time before this Board since 1985, the case history states that on January 2, 1975, when arrested on an Assault charge, Mr. Brimmer used an alias, which would serve as an indicator of his concern of being properly identified as one having taken part in another crime – which, Ms. Daniels noted, is exactly what happened here; after being processed, Mr. Brimmer was properly identified as having a warrant for the charges in the case.

Ms. Daniels further stated that she is a staunch advocate for restoration and second chances. Therefore, Mr. Brimmer's guilt does not weigh as heavily for her as does his unwillingness to atone for his crime, his abysmal institutional adjustment, and his inadequate



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parole plan. That said, Ms. Daniels noted that she did not see anything that would position Mr. Brimmer to be successful on parole and restored to useful citizenship.

DECISION AND RATIONALE

Motion to deny parole (LD—VM). Motion prevails by a vote of 10–0.

After thorough consideration of Mr. Brimmer’s case, the Board voted to deny parole. The Board feels that there is a substantial risk that Mr. Brimmer would not conform to reasonable conditions of parole release, that a grant of parole release would have a substantially adverse effect upon institutional discipline, and that parole release at this time would deprecate the serious nature of the offenses and promote a lack of respect for the law.

Following the initial vote to deny release, Ms. Daniels made a motion for a two-year set, as she felt that she would not be able to vote in favor of release in only one year’s time. Mr. Ruggiero seconded the motion on the same basis.

Motion for a two-year set (LD—JR). Motion prevails by a vote of 10–0.

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



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***EN BANC* MINUTE SHEET**
OPEN SESSION—March 25, 2021

Inmate Name: **EVERETT BOWEN** IDOC Number: **C81522**

The Illinois Prisoner Review Board met in open *en banc* session at 3000 South Dirksen Parkway, Springfield, Illinois, on March 25, 2021, at the 9:00 a.m. session to discuss and deliberate parole eligibility for Everett Bowen C81522.

Members present were Mr. Cerda, Ms. Crigler, Ms. Daniels, Ms. Martinez, Mrs. Perkins, Mr. Ruggiero, Mrs. Savage, Mr. Shelton, and Chairman Findley.

Recording Secretary: Tracy Buckley.

PRESENTATION OF INTERVIEW AND FILE

Everett Bowen C81522 was considered for parole eligibility without input from Mr. Bowen, following his refusal to participate in the parole consideration hearing process. He did not attend the parole consideration interview that was scheduled for Thursday, January 18, 2021, and documents forwarded to him in advance of the interview were returned to the Board's Office in the original, un-opened envelope on January 12, 2021, marked "REFUSED BY OFFENDER."

STATEMENT OF FACTS

Mr. Bowen is serving a term of 100–150 years for three counts of Murder, with a concurrent term of 1–20 years for Arson, with the crimes having occurred during the early morning hours of July 2, 1977. On that date, Mr. Bowen set fire to the house where his estranged wife (Evelyn) and their children had taken shelter from him. The fire resulted in the death of three of his children, Mark Bowen (age 5), Julie Bowen (age 8), and Sherry Bowen (age 13). Mrs. Bowen and her son Robert (age 11) managed to escape the house, but she was unable to save her other children. Mark, Julie, and Sherry Bowen died of smoke inhalation. The case was criminally investigated by the Northlake Police Department.

Mr. and Mrs. Bowen were separated at the time of the crimes. Prior to the Bowens' separation, they were living in Melrose Park. After seeking counsel and filing for divorce, Mrs. Bowen told her husband that she wanted a divorce. His response was to threaten her life; he stated that he'd kill her if she divorced him.

On May 29, 1977, Mr. Bowen tried to drag his wife to bed, but she was able to free herself by hitting him with a book. On that occasion, he again threatened, "If you divorce me, I'll kill you."



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On May 31, 1977, they argued over insurance papers, during which he is reported to have started kicking a cedar chest that Mrs. Bowen's father had given to her. Two days later, Mrs. Bowen moved the cedar chest and other belongings to a friend's residence for safekeeping, apparently while Mr. Bowen was away from the house. Upon his return, Mr. Bowen became angered, placed a heavy chain around Mrs. Bowen's neck, and yelled, "Where's my stuff?" as he attempted to strangle her. He relented when one of their daughters began screaming. After this event, Mrs. Bowen took the children and moved to the home of her brother and sister-in-law (Mr. and Mrs. William Booth) in Northlake.

On June 15, 1977, Mrs. Bowen realized that her youngest son, Mark, was missing. She retrieved the boy, after finding him to be with Mr. Bowen at his residence, and was driving away with him when Mr. Bowen began to pound on the car window with his fists.

Two days later, June 17, 1977, Mr. Bowen telephoned Mrs. Bowen and stated, "I'm through. I've had enough. If you or the kids try to contact me in any way, I'll have you killed."

On July 1, 1977, Mrs. Bowen obtained a temporary restraining order from the court, precluding Mr. Bowen from seeing the children that weekend. Later that day, Mr. Bowen went over to the Booth house to see Mrs. Bowen about some insurance papers, which she refused to help him fill out. He became angry, prompting her to run back into the house, whereupon he kicked in the front door, but then left.

Mr. Bowen drank heavily after this event, beginning around 5:30 p.m. until about 3:30 a.m.; that timeframe was acknowledged by the defense at trial, in the effort to admit expert testimony from a psychiatrist to whom a question was posed utilizing that time frame. Mr. Bowen talked to Ms. Becky Gilland and told her that he would, "Burn the little S.O.B.s up."

At 4:30 a.m. the following morning, Mrs. Bowen awoke to the smell of smoke, resulting from the fire later determined to have been set by Mr. Bowen. The Booths were not there at the time, having taken a trip to Wisconsin. Only Mrs. Bowen and her children were there.

Mr. Bowen was questioned the day of the fire, having been spotted at the scene of the fire at 8:15 a.m.; he asked where the children were and was told that his children had died in the fire, to which he responded, "You're kidding me." He agreed to be interviewed by police and was transported to the police station in a squad car. Initially, he signed a waiver of rights and admitted kicking in the front door the night before, but he denied starting the fire, offering an alibi and agreeing to return the following day to submit to a polygraph examination.

Upon returning to the station the following day, he submitted to the polygraph, which was assessed to reveal deception. After being confronted with the unfavorable results of the polygraph, and, apparently, a dismantled alibi, Mr. Bowen admitted that he started the fire, using a cigarette lighter to set the curtains on fire. He gave a statement of guilt that was transcribed and read back to him. At trial, he testified in his own defense that he did not start the fire, and that he



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was coerced into a confession by the police chief's admonition to "Make peace with yourself, your God, and your children."

On July 3, 1977, at approximately 3:00 p.m., Officer Coakley of the Cook County Sheriff's Police arrived to the Northlake Police Department to report that he handled a traffic accident at 10312 Dickens, Melrose Park, on June 28, wherein Mr. Bowen backed into a vehicle parked there – a vehicle that was driven by Mrs. Bowen. Officer Coakley let Mrs. Bowen go to 107 South Elm (the Booth residence) to retrieve a ticket she was driving on. When she returned, she was accompanied by Mrs. Booth.

An argument started between Mr. and Mrs. Bowen, and Mr. Bowen stated, in the presence of the officer, that he was going to "Take care of (her) and the god-damn kids." When the officer went to the Booth residence the following day to make a correction to his accident report, he was informed by Mrs. Booth and Mrs. Bowen that Mr. Bowen had called and stated that he was going to kill them and the kids by burning them out. All of this was documented in a supplemental police report on July 3, 1977.

MR. BOWEN'S STATEMENTS AS TO THE OFFENSE

Mr. Bowen refused to appear before the Board to give a statement. However, last year's presentation of this case recounted some of Mr. Bowen's responses to questions asked by Board Member Fisher at that time: that Mr. Bowen lit the curtains of the residence on fire, but "not on purpose," with the further explanation that, after drinking a pint of whiskey and 12–14 beers, and after parking a block away from the house, he had gone to the Booth residence to see his kids around midnight; he further claimed that he was looking into a window of the house, using a lighter at that time to give light to the room, presumably resulting in an accidental fire. This is Mr. Bowen's most recent account of events resulting in the fire, given his refusal this year to be heard by the Board.

OPPOSITION TO PAROLE RELEASE

No one appeared to testify personally in protest or in support of parole.

Protest letters received over the years from State's Attorneys of Cook County and other concerned parties describe a number of violent behaviors and threatening statements by Mr. Bowen over the months prior to the fire. Additional letters of protest from other concerned parties describe similar events that further pre-date the fire, and have been provided to the Board.



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DISCUSSION

Summary of discussion for parole consideration:

Mr. Shelton stated that Mr. Bowen refused to look at the notification documents that were sent to him, and he refused to appear for his interview. Mr. Shelton also addressed the information regarding Mr. Bowen's need to register as a sex offender; Mr. Ruggiero stated that it would be due to the fact that Mr. Bowen killed children (which would today result in placement upon the Murderer and Violent Offender Against Youth Registry, but which did not exist at the time Mr. Bowen became initially subject to registration requirements).

Mrs. Perkins mentioned that she had protest letters for the case. Chairman Findley acknowledged the protest letters noted their inclusion for the Board's record.

Mr. Shelton stated that Mr. Bowen made statements over and over again that he was going to kill the family. Mr. Shelton stated that he doesn't believe he can ever overcome the facts of the crime.

DECISION AND RATIONALE

Motion to deny parole (DS—AP). Motion prevails by a vote of 10–0.

After thorough consideration of Mr. Bowen's case, the Board voted to deny parole. The Board feels that there is a substantial risk that Mr. Bowen would not conform to reasonable conditions of parole release and that parole release at this time would deprecate the serious nature of the offenses and promote a lack of respect for the law.

Mrs. Perkins stated that she doesn't believe she could ever vote for release for Mr. Bowen, and that she would support a motion for a three-year set. Mr. Ruggiero moved for a three-year set, but amended motion to two years after Ms. Crigler stated that she could support a two-year set.

Motion for a two-year set (JR—CF). Motion prevails by a vote of 10–0.

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