



FLORIDA PAROLE COMMISSION

4070 Esplanade Way, Tallahassee, Florida 32399-2450

TENA M. PATE
Commissioner/Chairman

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Commissioner/Secretary

**FLORIDA PAROLE COMMISSION
Monthly Accomplishments' Report
Executive Office of the Governor
August 2010
Submitted August 31, 2010**

Featured Monthly Parole Case:

McWilliams, Jack, DC# 058131

On June 30, 2010, the Commission reaffirmed a prior negative "947.18" finding and kept inmate McWilliams' presumptive parole release date suspended at September 21, 1987, as there was no new information presented to the Commission that caused the Commission to believe inmate McWilliams was now a good candidate for parole.

Inmate McWilliams was convicted of the September 22, 1976 kidnapping for ransom of Sharon Linda Jaffa, the wife of a Jacksonville businessman. Jaffa was forcibly removed from her home at gunpoint and taken to a wooded area with heavy underbrush, bound to a seven (7) foot post and left for ninety-two hours (four hours shy of a full four days). She was left alone for the duration of the ninety-two hours with her hands tied behind her back, her feet taped, her eyes taped shut, and the nasal passage left open to breathe. When found, Jaffa was suffering from extreme exposure as evidenced by skin peeling from her face, hands swollen twice their size, deep cuts into her wrists from the ropes, and her body covered with insect bites. The victim and her family appeared at the Commission hearing and testified in opposition to the inmate's release.

The Commission scheduled inmate McWilliams' next Extraordinary Interview for April, 2012, which is what current law provides - a two (2) year interview.

~ MONTHLY RCR PENDING CASE UPDATE~

As of August 1, 2010, there were 83,863 pending RCR cases. There were 38,617 application cases and 45,246 EOS/TOS (eos/expiration of sentence; tos/termination of supervision) cases.

ACCOMPLISHMENTS: AUGUST 2010

Chairman's Update

On July 29, 2010, Commissioner Tena M. Pate was reappointed Commissioner for a second six-year term and appointed to serve as Chairman for the next two years.

The Parole Qualifications Committee is scheduled to meet during the month of October 2010, to address the vacancy that will exist upon Commissioner Fred Dunphy's January 2011, retirement.

Chairman Pate attended the 2010 annual conference of the Florida Council on Crime and Delinquency where she and Secretary Walt McNeil, Department of Corrections, along with a few other elected officials (sheriffs and a mayor) presented on various leadership topics.

And, finally, the Florida Parole Commission relocated its Central Headquarters to 4070 Esplanade Way, Tallahassee, Florida (Southwood Office Center). Our first official hearing will be held in the new facilities on Wednesday, September 1, 2010.

Administration: Handled routine administrative functions as required to include, but not limited to:

- completed and submitted the "Casualty Premiums" Survey for the Florida Parole Commission;
- completed and submitted the Suncom Refund worksheet to DMS and OPB;
- drafted the FPC and DOC Surplus Furniture Memorandum of Understanding (MOU);
- completed and submitted the Commission's State Contracting Base Budget Review Forms to the Florida Senate;
- achieved 100% compliance with the Prompt Payment Report;
- requested update to both internet and intranet for FPC Move and new chairman;
- assisted in drafting legislative proposals;
- assisted staff with new "People First" system;
- coordinated move for Bizhubs and fax machines to new office building;
- prepared monthly budget and annual projections for Chairman.

Clemency Administration: Continued to work on all clemency cases, including quality assurance RCR reviews; the Director presented a workshop on "Pardons, Commutations of Sentence, and Firearm Authority" to criminal justice professionals at the 81st Annual Criminal Justice Training Institute of the Florida Council on Crime and Delinquency in Bonita Springs, Florida, August 24, 2010.

Communications: Worked with the Coordinator and staff of the Office of Executive Clemency assisting legislators' aides and staff of the 67 Supervisors of Elections in verifying RCR status for potential voters on August 24, Primary Election Day in Florida.

Executive Clemency: Assisted legislators' aides and staff of the 67 Supervisors of Elections in verifying RCR status for potential voters on August 24, Primary Election Day in Florida.

Legal: Received court rulings on several cases. Some of the more interesting ones are attached. The first case is Scott v. FPC. In that case, the conditional releasee was attempting to argue that violating him for both failure to abide by the conditions of electronic monitoring and for failure to follow instructions for failing to carry his EM with him violated double jeopardy. The Court soundly rejected that argument. The next case is Marshall v. FPC. Here the Court upheld the Commission revocation of conditional release for a random urine screen which was positive for THC.

The third case, Alday v. FPC, reviewed the Commission decision to not parole the inmate. The Court found that the Commission did not arbitrarily or capriciously. Next is Walker v. FPC. The Court in this case clearly signaled to the inmate that he is not to file any more pro se petitions due to his abuse of the system and dismissed his challenge to the Commission's actions. The fifth case, Florence v. FPC, is another conditional release violation case where the Court upheld the Commission's revocation of a releasee for committing a domestic battery which was later dropped and not prosecuted. The last case attached, McCutcheon v. FPC, deals with the revocation of a parolee in 1990 for committing new crimes. The Court rejected our argument that the inmate should be barred from challenging a revocation over 20 years old, but upheld that the revocation did not violate the inmate's rights.

The General Counsel also reviewed and compiled all FPC Administrative Rules into one comprehensive document this month.

Legislative Affairs: Together with Chairman & Leadership Team compiled, drafted, and finalized the 2011 Agency Legislative Proposals for submission to the EOG/ Office of Policy and Budget (OPB) for their review.

Operations: In addition to handling routine activities, Operations was involved in the following:

- completed relocation of the Central Office from a leased facility into a state-owned building in the Southwood Office Complex;
- the Commission has active arrest warrants outstanding on approximately 410 absconders. The Revocations' unit is working with the Department of Corrections, FDLE's Public Access Tip Line, and the U.S. Marshal Fugitive Task Force to locate and apprehend absconders;
- Regional Administrator Patti Harris Rozar presented a Clemency/RCR Overview for the agency at the ACLU's Annual Conference held August 6 in Orlando;
- *Morrisey* Letters were mailed by the 5 regional offices to all jails in Florida;
- finalized a large project imaging older documents to complete a comprehensive review of the current records system and reduce paper files; and
- revised and updated the FPC Website to reflect the Commission's new location and address.