



FLORIDA PAROLE COMMISSION

2601 Blair Stone Road, Building C, Tallahassee, Florida 32399-2450

FREDERICK B. DUNPHY
Commissioner/Chairman

TENA M. PATE
Commissioner/Vice-Chairman

MONICA DAVID
Commissioner/Secretary

FLORIDA PAROLE COMMISSION Monthly Accomplishments' Report May 2010

- **Featured Monthly Parole Case:**

On May 12, 2010, the Commission conducted an initial interview hearing for parole eligible inmate **Edward Shook**. While Shook was originally charged with a total of 6 counts of Sexual Battery and one count of Lewd and Lascivious Assault (and while on probation for Grand Theft), he was only convicted of two counts of Sexual Battery on the nine-year old female victim. From February 1, 1984 through July 28, 1984, Shook lived with the victim's mother in Marion County, Florida, thus placing him in a position of custodial authority. During this time, he repeatedly engaged in sexual activity with the 3 victims (siblings) while in the presence of each other as well as observing the children performing sex acts on each other

The Parole Commission voted to set inmate **Edward Shook's** Presumptive Parole Release Date (PPRD) at **July 29, 2065**, with a five-year subsequent interview set for **January 2015**.

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MAY 2010 RCR STATUS

As of May 1, 2010, there were 77,880 pending RCR cases. Of these, 35,708 were application cases and 42,172 were EOS/TOS cases.

COMMISSION ACCOMPLISHMENTS

- **Legislative Affairs:** The Commission ended the 2010 Session with no cuts to its current staffing and a continuation budget of \$8.1 million for FY 2010-11.
- **Legislative Affairs:** The Commission worked with various law enforcement groups and associations for the successful passage of SB 200 by Senator Carey Baker (and Rep. Greg Evers, the House sponsor) which increased the length of time between *subsequent interview* dates (s. 947.174, Florida Statutes) for parole eligible inmates convicted of certain violent crimes thus saving crime victims from being confronted with the possibility of parole of the offender for a longer period of time.
- **Legislative Affairs:** In response to the U.S. Supreme Court's decision in *Graham v. Florida*, began conducting research and assessing an implementation process in the event the Legislature were to enact a juvenile parole statute.



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- **Communications:** Responded to numerous media requests and public records requests as a result of the *Graham v. Florida* decision handed down May 17 by the U.S. Supreme Court.
- **Administration:** Provided administrative assistance to the Parole Qualifications Committee pending a July Commissioner vacancy; processing over 100 applications for PQC members to review; provided staff assistance for interviews conducted in Tampa in May; processing requests for public records on PQC meetings and candidate applications;
- **Administration:** PQC selected the following 3 candidates for consideration by the Governor and Cabinet: sitting Commissioner Tena Pate; candidate Patrick Kelly, and candidate Cassandra Jenkins; July 27 set as date for formal vote.
- **Administration:** Working with Operations in the overall coordination of Central Headquarters move to 4070 Esplanade Way; providing budgetary and technical guidance in areas of funding and information technology.
- **Operations:** Assigned office space allocations at 4070 Esplanade Way to Commission Senior Managers and Section Supervisors and conducted individual tours of the newly assigned workspace for all employees.
- **Operations:** Actual construction of new offices for Commissioners, senior staff, hearing room, and public waiting room facilities underway at 4070 Esplanade Way.
- **Operations:** Finalized Move Handbook and Calendar for employees to guide events leading up to August 16th move date; finalized all aspects of FPC move to 4070 Esplanade Way for late summer; signed contract with DMS; met with DMS Design Team.
- **Operations:** Organized and executed final plans for Commission Hearing held May 26-27 in Ft. Lauderdale.
- **Clemency Administration:** Finalized preparations for June 3 Clemency Board meeting; began reviewing and sending files to storage in preparation for agency move; participated in pre-clemency Board meeting with clemency aides.
- **Office of Executive Clemency:** Prepared and finalized cases and agendas for June 3 Clemency Board Meeting; participated in pre-clemency Board meeting with clemency aides.
- **Legal:** Answered several petitions and briefs representing the Commission before the Courts. Four of the court orders we have received this month were as follows: In the case of *Thorne v. FPC*, the District Court held that the Commission should have considered Mr. Thorne's request for review as timely instead of denying it as untimely; held that the Commission should consider the requests timely in cases where the inmate has made it clear that he had not received a copy of the Commission's actions (possibly due to never being mailed out, a transfer to another institution, or any number of other reasons); and that



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the Commission, like the courts, should be construing the inmate's requests for review liberally.

- **Legal:** Three general court orders involved: (1) Grace v. FPC, wherein the Court denied Mr. Grace's petition challenging his revocation hearing. Mr. Grace argued that his final hearing was his preliminary hearing. The Court held that the hearing was the final one, regardless of Mr. Grace's contentions otherwise and that a preliminary hearing is not required in conditional release cases. (2) In Creamer v. FPC, the Court denied the inmate's petition seeking a declaratory judgment from the Court that Rule 23-21.0155 (Extraordinary Review Procedures) is invalid. (3) In the last case, Hampton v. FPC, the Court denied the inmate's challenge to conditions of his conditional release supervision.
- **Legal:** In May, the Commission heard inmate Jeffrey Walker's petitions to initiate rulemaking which were denied and notice of such printed in the Florida Administrative Weekly.