



# FLORIDA PAROLE COMMISSION

4070 Esplanade Way, Tallahassee, Florida 32399-2450

TENA M. PATE  
*Commissioner/Chair*

MONICA DAVID  
*Commissioner/Vice-Chair*

Vacant  
*Commissioner/Secretary*

---

## FLORIDA PAROLE COMMISSION Monthly Accomplishments' Report July and August 2011

### FEATURED CASE

Sexual Predator Earl Carter, Jr. (DC 767158), absconded from conditional release supervision on or about April 15, 2011. Upon notification of the violation from the subject's supervision officer, the Commission quickly issued a warrant for the subject's arrest. Given the nature of the case and the urgency to apprehend this offender, the Parole Commission, along with the Department of Corrections, requested assistance from the United States Marshal Service (USMS), Florida Caribbean Regional Fugitive Task Force with locating Carter. **\*\*Carter was CAPTURED on 9/6/11 in Lee County, Florida. Along with the FPC warrant, he is facing criminal charges in Mississippi and federal charges for crossing state lines as an unregistered sex offender.\*\***

### CHAIR'S MESSAGE

The Commission had a steady flow of activity during the months of July and August. Preparations began in earnest for both the September 21, 2011, Clemency Board Meeting and the 2012 Legislative Session, which is scheduled to begin January 10, 2012, two months earlier than the normal Spring Session beginning in March. Also, due to a vacant Commissioner position, retired Commissioners were utilized to assist the Commission with its weekly hearings. To begin the process for filling the Commissioner vacancy, the Parole Qualifications Committee (PQC) met and began its process of receiving and reviewing applications. Once the interview process has ended, the PQC will forward three names to the Governor and Cabinet for appointment consideration.

In August, our leadership team enjoyed a strategy and planning session for the upcoming legislative session, resulting in a productive meeting held later in the month with representatives from the Commission's relevant stakeholders (Florida Fraternal Order of Police, Florida Police Benevolent Association, and the Florida Police Chiefs) in the process. Conversations were also had with representatives from the Florida Prosecuting Attorneys Association and the Florida Sheriffs Association. The discussion focused on the Commission's legislative proposals for the 2012 Session: (1) Alternative/Graduated Sanctions for Technical Violators; (2) Expansion of the Conditional Release Supervision program to include placing violent offenders who are not under supervision at the time of their statutorily-mandated release from prison, a non-discretionary release; and (3) Extended Interviews

for parole-eligible offenders whose offense of conviction was a kidnapping or contained behaviors that involved a sexual assault or attempted sexual assault. These proposals are awaiting approval.

In August, Commissioner David and I attended the Florida Council on Crime and Delinquency's (FCCD) annual training event. During the conference, I was honored to be named the recipient of the statewide 2011 FCCD Distinguished Service Award in Criminal Justice (having been nominated by Chapter 2 as a result of winning in this category at the district level). In late August, I attended the Florida Innocence Commission meeting in Orlando, where the electronic recording of interrogations was discussed and participated in Webex training sessions for chairs of paroling authorities sponsored by the Department of Justice and the National Institute of Corrections. Finally, I am honored to have been selected for Leadership Florida's *Class XXX, a leadership training program without equal in this State*. These recent recognitions of my years of service in criminal justice-related programs and issues in our State are humbling and greatly appreciated.

While much has been accomplished these past few months, we have so much more to do. A special "thank you" goes out from me to you as the team members who make each and every day count at the Commission.

## COMMISSION SECTION ACCOMPLISHMENTS

### Operations

- Our preparation for the privatization of DC Region IV continues. We have two more offices that will have to relocate out of DC prison facilities. The FPC Indiantown office, located at Martin CI, houses the Region IV Regional Administrator and three Parole Examiners. The Region V Arcadia office, located at the DeSoto Annex, houses one Parole Examiner and an OPS employee. Both of these institutions are scheduled to close by January of 2012. We are seeking alternative office space in area P&P offices. We have also begun looking into other state-owned office space that may be available. We are hopeful that we will be able to relocate our Region V office out of Hillsborough CI and into other vacant state-owned office space that will be far more suitable for our needs, in a better location in relation to our workload, and not incur any significant expense.
- The department has initiated a project to restore forfeited gain time to inmates in accordance with existing DC Rules. We have been working closely with the Department on this, to insure that we are prepared to handle whatever impact this restored gain time may have on our Conditional Release docket. The Department is proceeding with this project at a measured pace and thus far we have been able to absorb the additional Conditional Release cases into existing dockets without incident.
- We have initiated a study into replacing the large paper Inmate Files that are prepared for each parole candidate who is on the weekly docket with this identical information in an electronic format. With our existing paper file system the files are placed in carts that rotate

between the three Commissioners for their review. Having these files in electronic format will not only reduce printing costs but will also create great efficiencies and flexibility for the three Commissioners in reviewing this material.

- We have installed a new speaker timer in our hearing room that is working well. One of the benefits of this timer is that speakers can see their remaining available time so they can take full advantage of their allocated speaking period.
- We have initiated a review of all of our NCIC/FCIC users to insure that their fingerprint cards on file are current in order to stay in compliance with FDLE rules.
- Planning is well underway for the program and keynote speaker for the 2012 Association of Paroling Authorities (APAI) that is being hosted by our agency and will be held in Orlando, FL in May, 2012.

**Release Services:**

During July and August the Commission granted 23 paroles to include one being paroled to the guidelines sentence. The Commission also declined to authorize parole on 7 cases during this reporting period. There were 2 conditional medical release requests this period, in which both were granted. The Commission considered and granted the conditional medical release of inmate Charles Capps, DC#580418. Inmate Capps was convicted of Trafficking Stolen Property and was sentenced to 2 years state prison.

	<b>July</b>	<b>August</b>
Parole	141	131
Conditional Medical	0	2
Conditional Release	642	563
Addiction Recovery	159	121
<b>TOTALS</b>	<b>942</b>	<b>817</b>

Monthly totals for Imaging Inmate Records (IRIS)  
 Completed Documents 11337

**Revocations:**

	<b>July</b>	<b>August</b>	<b>TOTAL</b>
<b>Warrants Issued</b>	<b>162</b>	<b>212</b>	<b>374</b>
<b>Cases Reviewed and Prepared for Docket</b>	<b>131</b>	<b>198</b>	<b>329</b>

**\*\* Sample includes Parole, Conditional Release, Addiction Recovery Release and Control Release cases \*\***

**Activities and/or Notable Cases**

- Revocations Supervisor Shana Lasseter continues to participate in monthly conference calls with the Transition from Prison to Community Initiative (TPCI) focus group for TCPI decision point 6, the Revocation (Case Management) Decision Making process. The purpose of the focus group is to organize and conduct events to seek input or disseminate information about transition and reentry efforts and developing strategies for community and agency education.

**Two New FPC Cases Adopted by the USMC, Florida Caribbean Regional Fugitive Task Force:**

1. **Thomas William Granger (DC 027411)** - Subject received a LIFE sentence in Polk County Case Number 7300386, Robbery Gun/Deadly Weapon on 2/28/73. He was paroled to a LIFE term on 7/4/06 and absconded 6/22/10 from his approved residence in Orlando.
2. **Eddie Roger Connor AKA Jeffrey Funk (DC 062559)** - Subject received a LIFE sentence in Polk County Case Number 7900488, Robbery Gun/Deadly Weapon on 7/13/79. He was paroled to a LIFE term on 3/17/09 and absconded 12/23/09 from his approved residence in Wyoming.

The Parole Commission, along with the Department of Corrections, recently requested assistance from the USMC, Caribbean Regional Fugitive Task Force with locating these parolees. The task force officially adopted both cases and is currently developing leads on Granger's and Connor's whereabouts.

**Victim Services:**

During this last month Victims Services has been very busy. We are really missing our intern Matthew Johnston, whose semester ended last month. Dawn Mikola attended the

Practitioner Designation Training in Sanibel that was sponsored by the Attorney General's Office. Dawn is also gearing up for the next Clemency hearing by sending letters to the victims to inform them of the hearing and solicit their input. On the parole side there are several high profile capital cases that will be coming up on the Commission's docket for their initial interviews.

We continue to notify victims in those clemency cases that do not meet the criteria for clemency under the new rules.

	<b>July</b>	<b>August</b>
Victim's requests for information on parole, conditional release, and conditional medical cases	249	254
Victim's Located	73	108
Status updates to victims on parole, conditional medical, and clemency cases.	292	282
Assisted victims who attended parole or clemency hearings.	27	27

**Field Services:**

**Field Services Statewide Activity Totals**

Monthly interviews and hearings conducted:	<b>July</b>	<b>August</b>
Parole Interviews	86	89
Revocations Interviews	245	227
Revocation Hearings	58	74
<b>Total interviews and hearings during the month</b>	<b>389</b>	<b>390</b>

Region I:

- Alexandra Campbell's OPS position has been extended for a year and will be split between the Region I Quincy Office and Revocations.
- The FCIC/NCIC audit done on the Milton Office showed that we are in compliance with the rules, regulations and user agreements.
- Russ Gallogly has been to TAC training and will be the TAC for both the Quincy and Milton offices. Rhonda Morris will be the alternate TAC.

- Russ Gallogly and Nell Simmons attended the re-entry seminar at Santa Rosa CI Annex on 7/13/11.
- Nell Simmons and Rhonda Morris completed their CJIS recertification tests. Alexandra Campbell attended CJIS training and is now certified.
- Region I staff had a training day with Commissioner Wolson and Jack deRemer on August 11<sup>th</sup>.

Region II:

- Kimberly Fisher was hired to fill the vacant Parole Examiner position in Jacksonville on 7/8/2011. Welcome Kimberly.
- Parole Examiner Karel Yedlicka attended the annual conference for the Florida Association of Community Corrections (FACC) from 7/13/2011 – 7/15/2011 in Palm Beach Gardens, FL.
- Parole Examiner Ralph Moulder attended the annual conference for the Southern States Correctional Association (SSCA) from 7/17/2011 – 7/20/2011 in Biloxi, MS.
- Mills Rowland attended the Community Partners Re-Entry Luncheon on August 16, 2011 at the Baker CI Dowling Training Center.
- Karel Yedlicka attended the FCCD Annual Training Conference from August 22 – August 25, 2011 held at the Hilton Sandestin Beach Golf Resort and Spa in Destin, FL.

Region III:

- On Saturday, July 16, 2011, Terry Turner and Sandra Jennings partnered with Julia McCall, Jane Tillman, and Will Kendrick from the Central Office to conduct an RCR workshop in Orlando at the Hal Marston Community Center. The event was sponsored in part by state Senator Gary Siplin.
- Jolynn Linder received her CJIS recertification on July 27, 2011.
- Steve Hebert met with Region III staff on August 19, 2011 at the Cocoa Field Office to discuss the new clemency rules and procedures.

Region IV:

- July 12, 2011, Parole Examiner John O'Donnell participated in the Okeechobee CI Re-entry Seminar.
- July 21, 2011, the Broward Office along with DC Community Corrections 17-2 Office participated in a presentation to ITT Tech Institute. Richard Konior presented the history of the Parole Commission and discussed Parole. Cindy Zimmerman

- discussed the Revocation process and Sandy Pimental provided an overview of the Clemency process.
- On July 21, 2011, the Lauderdale Lakes Office participated in Circuit 17-2 Community Corrections presentation to ITT Tech Institute. Representing the Florida Parole Commission was: Richard Konior opened with a brief history of the Parole Commission and discussed Parole; Cindy Zimmerman followed with a discussion on the Revocation Process; and Sandy Pimental closed with an overview of the Clemency Process.
  - July 27, 2011, the 17-2 Probation and Parole Office had a luncheon to welcome FPC staff to their facility.
  - Cindy Zimmerman's son, Michael, was accepted into the Norfolk, Virginia Police Department.
  - Cindy Zimmerman participated as a volunteer with Broward County Blue Cross Blue Shield, Youth Empowerment Summit during the weekend of July 23<sup>rd</sup> and 24th.
  - Richard Konior worked as a volunteer with the Broward County Coalition for the Homeless.
  - Ayesha Carson participated in the Re-entry Seminar at South Florida Reception Center.

Region V:

- Region V is participating in FCCD Chapter I's shoe drive for domestic violence victims.
- Patti Razor attended Pinellas Ex-offender Re-entry Coalition's board meeting on June 23, 2011.
- Patti Razor attended the FACC Statewide Conference 7-12, 7-13, 7-14, at the Palm Beach Gulf Resort in West Palm Beach.
- Patti Razor sat on the interview committee for the St. Petersburg College/ St. Vincent DePaul Scholarship program on July 18, 2011. This is scholarship program for ex-offenders or those who have a past substance abuse issue. It will allow them to return to school to get their AA in counseling degree and requires them to give back to the community by doing community service work every semester in return for the scholarship funds.
- Patti Razor attended the FACC Statewide Conference July 12 – 14, 2012, at the Palm Beach Gulf Resort in West Palm Beach.
- On July 27, 2011, Region V- Tampa had an FDLE On-Site Audit. In an FDLE letter dated August 8, 2011, "The audit revealed our office is operating in compliance with FCIC/NCIC rules, regulations and user agreements."
- Recognition of and Congratulations to Region V staff for their dedication to FPC. We are celebrating all our time of service September 8, 2011 at staff meeting followed by lunch and activities.

<b>Names</b>	<b>Start Date</b>
Melinda Strickland	8/31/1990
Helen Williams-Lester	11/18/1994
Linda Dixon	12/29/1995
Lori Pille	8/30/1996
Pamela Carwise	8/31/2000
Patti Harris Razor	3/1/2005
Mary Williams	8/4/2000 to 6/2/2006 7/9/2007 to present
Jerry Harris	2/24/2006
Rhonda Murphy	3/31/2006 to 6/30/2008 & 3/10/2011 to present
John Doyle	4/7/2006
Jessica Ghent	6/30/2006
Cathy Aylstock	11/13/2006
Scott Harris	10/8/2010
Kipley Astrom	11/1/2010

- Melinda Strickland attended the FCCD Annual Training Conference August 22- 25, 2011 held in Destin, FL. Previous Region V Examiner, Carol Gammans, will also attend.
- Patti and Steve Hebert attended the American Civil Liberties Group's "Florida Rights Restoration Coalition" in Orlando on Saturday, August 20, 2011.
- Patti attended the Pinellas Ex-Offender Re-entry Council PERC meeting on August 25, 2011.

**Administration:**

- Prepared numbers/data and assisted with drafting Long Range Program Plan
- Drafted Legislative Budget Request
- Attended Personnel Officer, Purchasing Director, and Director of Administration meetings
- Provided staff with safety tips and agency safety coordinators
- Participate in planning for the APAI conference
- Participate in Re-entry groups
- Attended the July and August Emergency Coordination Officers meeting at the Emergency Operations Center;
- Chair for the Charitable Campaign
- Recorded and typed minutes for the Parole Qualification Committee phone conference;
- Placing ads in news papers and in People First for the Commissioner vacancy
- Attended the FSECC Statewide Agency Coordinator Orientation

**Clemency Investigations:**

**~ MONTHLY RCR PENDING CASE UPDATE~**

	<b>July 1</b>	<b>August 1</b>	<b>Sept. 1</b>	<b>Change</b>
<b>Application cases</b>	<b>89,959</b>	<b>89,833</b>	<b>88,562</b>	<b>-1.55%</b>
<b>EOS/TOS cases</b>	<b>59,040</b>	<b>59,040</b>	<b>59,040</b>	<b>0.00%</b>
<b>TOTAL Pending RCR cases</b>	<b>30,919</b>	<b>30,793</b>	<b>29,522</b>	<b>-4.52%</b>

**NOTE:** The RCR eligibility requirements were amended on March 9, 2011, to include either a 5 or 7 year waiting period. Therefore, the 59,042 EOS/TOS cases shown above are now ineligible since they do not meet these time requirements. However, there is a workload component associated with the proper processing of these cases as ineligible in our clemency database, which includes data entry and the generation of letters to be mailed out to all individuals.

For the months of July and August 2011, the Office of Clemency Investigations has:

- Met with DC OIT staff to make changes to the MACNet database and take the necessary steps to be able to utilize the database effectively in accordance with the amended rules.
- Continued to review pending RCR cases for eligibility under the criteria of the amended rules prior to sending cases out to field offices to conduct in-depth field investigations.
- Continued to interact with the clemency aides to the Board Members for direction on implementation of the amended Rules of Executive Clemency. In addition, the Director and staff have provided instruction and direction related to the amended rules and policies of the Board to field offices.
- Continued to provide quality assurance reviews of all clemency investigations completed by regional field offices.
- Assisted in the development of clemency information for agency reports such as the Long Range Program Plan, Performance Measures, and Agency Legislative Proposals.
- Reviewed pending RCR cases for eligibility under the criteria of the amended rules prior to sending cases out to field offices to conduct in-depth field investigations.
- Prepared 100 Confidential Case Analyses for the upcoming September 21, 2011 Clemency Board Meeting.

- Conducted a monthly clemency conference call with field staff to provide training and direction on RCR and clemency topics.
- Met with DC OIT staff to make recommendations on the continued development of the RCR at a Glance application and conducted user testing.
- On August 18, 2011, the Director of Clemency Investigations provided training to the Region III field offices at Brevard Correctional Institution in Cocoa Beach, Florida to include procedures related to clemency investigations as well as the Rules of Executive Clemency as amended by the Clemency Board in March 2011.
- On August 19, 2011, the Director of Clemency Investigations provided training to the Region V field offices at Hillsborough Correctional Institution in Riverview, Florida to include procedures related to clemency investigations as well as the Rules of Executive Clemency as amended by the Clemency Board in March 2011.
- On August 20, 2011, the Director of Clemency Investigations and the Region V Administrator presented a Restoration of Civil Rights training session to the Florida Rights Restoration Coalition at their annual conference in Orlando, Florida. The presentation focused on the Restoration of Civil Rights process and new procedures under the Rules of Executive Clemency as amended by the Clemency Board on March 9, 2011.

#### **Communications and Legislative Affairs:**

The Office of Communications and Legislative Affairs, in the course of its daily operations, accomplished the following during this reporting period:

- Coordinated the production of the July 1, 2011, Clemency Recidivism Report for the Chair and Senior Leadership Team.
- Provided responses on the July 1, 2011, Clemency Recidivism Report to the news media.
- Addressed the 2011 Florida Girls' State participants on behalf of Chair Pate and the Commission, Friday, July 15.
- Traveled to Orlando with Will Kendrick and Julie McCall to assist Region Three's Terry Turner and Sandra Jennings in their outstanding representation of the agency for Senator Gary Siplin's RCR and Re-entry Outreach event, Saturday, July 16.
- Coordinated the production of the Commission's 2012-13 Agency Legislative Proposals, which were submitted July 29 to the Governor's Office of Policy and Budget, in partnership with Chair Pate and the Senior Leadership Team.
- In partnership with Chair Pate and the Senior Leadership Team, coordinated the Commission's August 2 response to the Florida House of Representatives' Subcommittee on Criminal Justice for an interim study on the effects of the amended March 9, 2011, clemency rules on the Commission.
- In partnership with Chair Pate and the Senior Leadership Team, assisted with the production of the Long Range Program Plan due September 30, 2011.

- With Julie McCall and Will Kendrick, assisted Region Three's Terry Turner and Sandra Jennings in their outstanding representation of the agency for Senator Gary Siplin's RCR and Re-entry Outreach event.
- In partnership with Chair Pate and the Senior Leadership Team, coordinated the production of the Commission's 2012-13 Agency Legislative Proposals, which were submitted to the Governor's Office of Policy and Budget.
- Met with the Governor's OPB Public Safety Unit on FPC's substantive legislative proposals.
- Coordinating the production of the 2011 Proviso Report with Steve Hebert, Julie McCall, and Will Kendrick.

### Executive Clemency:

During the month of July, Executive Clemency received several thousand applications from Field Examiners that has been screened for eligibility based on the amended Rules of Executive Clemency during the recent Special Project that ended June 30<sup>th</sup>.

The next few months will involve notifying by mail each of the applicants screened regarding their current eligibility status. We will also be reviewing our website and looking for ways to make it as user friendly and informative as possible.

We said goodbye this month to our FAMU interns: Ramona McFarlane and Sierra Pearson, who have been with us during the summer session. Thanks also goes out to our high school volunteers: Javonte Colston (Florida High) and Lindsey Hartsfield (North Florida Christian). The program Volunteer Leon introduced us to Lexie Rockhill, a senior at FSU, who we are hoping will work with us for awhile longer. As well as learning about the Clemency tasks, our interns and volunteers attended orientation sessions in the Release Services and Revocations sections of the agency, along with several staff members who wished to refresh their knowledge of these two very important departments

The month of August started out with our main focus on the applications that had been sent to the Field Examiners to screen for eligibility which have been returned. This was the final step in the Special OPS Project. Staff has completed all of the **eligible** applications which came from the Special Project. As of the Rule change March 9, 2011, approximately 6,858 eligible applications have been forwarded to the investigative phase of the process; 6,693 were Restoration of Civil Rights requests. These applicants received a letter indicating this action and further explanation as to what occurs next in the process.

We continue to process applications found **ineligible** as the result of the Rule change March 9, 2011. Approximately 8,945 applications have been returned for various disqualifying criteria; with 5,251 directly affected by the actual Rule changes. An explanation is also provided to explain the issues pertaining to their ineligibility status.

**Legal:**

First, since all agencies are obligated to review their rules every two (2) years to confirm statutory compliance, Tony Andrews is working diligently on analyzing any necessary rule changes. Second, the Parole Qualifications Committee's posting for applications for the Commissioner vacancy ended on the 12<sup>th</sup> and Legal continues to work with the PQC by noticing meetings, answering questions and concerns, and guiding the process. Legal also continues to be involved in meeting with the Department of Corrections on their re-entry task force focus groups.

The following orders from the courts have been received since the last summary:

1. Kendall Lewis v. State: Mr. Lewis challenged not only the calculation of his sentence and forfeiture of his gain time after revocation of his conditional release, he also attempted to argue that he was entitled to credit for the time spent on conditional release. The Court upheld the statutory authority of the Department to forfeit gain time if the releasee violates and is returned to custody as well as the authority of the Commission to not grant credit for the street time.
2. Jeffrey Watson v. FPC: The inmate in this case argued that he was not eligible for conditional release for his felony battery. The Court reaffirmed that felony battery, a violation of section 784.01, F.S., is a category 4 offense and is eligible for conditional release if the offender has the appropriate prior incarceration history as well.
3. Howard v. FPC: Mr. Tyrone Howard was challenging several facets of the Commission's decision to deny him parole. The court issued a detailed order finding that the decision was not arbitrary or capricious.
4. Tonie Baker v. FPC: This inmate argued that he was not properly eligible for conditional release since he was sentenced under a different criminal procedural rule than the rule that is cited in the statute. I responded to the court's numerous show cause orders and explained that the statute states that the convicted crime "**is or was** contained in category 1, category 2, category 3, or category 4 of Rule 3.701 and Rule 3.988, Florida Rules of Criminal Procedure" in order to be eligible. The court ultimately upheld the eligibility determination and denied the petition seeking immediate release.
5. Robinson v. FPC: this conditional releasee filed a federal petition challenging his revocation of his conditional release. He argued that the Commission restricted his right to freedom of religion by imposing his curfew and then by revoking him for violating his curfew when he was outside curfew hours on "church business." Incidentally, the releasee was in a "disturbance" at another church worshipper's house to which police responded to. He also argued that the state should have given him another revocation hearing. The court rejected both the inmate's challenge to an abuse of the first amendment and to his challenge that he did not receive due process.

The next two cases show how the same general arguments may have different applications in the courts:

1. Melton v. FPC: The inmate challenged the calculation of his initial PPRD by the Commission in 1988. We argued that it should be dismissed due to the statute of limitations to bring such suits requires that such challenges must be made within one year. The Court rejected this argument since the statute of limitations was not enacted until well after the establishment of the PPRD – this particular applicable section was enacted in 1996. (The Court did dismiss the case on other grounds).
2. Lewis Jones v. FPC: The inmate herein was challenging the Commission's actions suspending his PPRD in 1999. This case was dismissed by the Court since it was not brought within the one year statute of limitations.