



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

EN BANC MINUTE SHEET
OPEN SESSION—November 21, 2019

The Illinois Prisoner Review Board met in open *en banc* session at 319 East Madison Street, Suite A, Springfield, Illinois, on November 21, 2019, at the 9:00 a.m. session to discuss and deliberate parole eligibility for the following offenders:

C01114	CHESTER WEGER
A64004	SHERMAN MORRISSETTE
C01434	GEORGE PETER
C86186	WILLIAM HOWELL
H39616	LEE MOSELEY

The meeting was called to order by Chairman Findley.

Roll call was taken by Recording Secretary Janet Crane.

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

13 Members Present

The Recording Secretary presented the September 26, 2019, Open Session Minutes for approval.

Motion to approve Open Session Minutes from **September 26, 2019**. (EC—DS). Leave.



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

Meeting was adjourned (CF—DS). Leave.



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***EN BANC* MINUTE SHEET**
OPEN SESSION—November 21, 2019

Inmate Name: **CHESTER WEGER**

IDOC Number: **C01114**

The Illinois Prisoner Review Board met in open *en banc* session at 319 East Madison Street, Suite A, Springfield, Illinois, on November 21, 2019, at the 9:00 a.m. session to discuss and deliberate parole eligibility for Chester Weger C01114.

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

Recording Secretary: Janet Crane.

PRESENTATION OF INTERVIEW AND FILE

Chester Weger C0114 was interviewed on October 30, 2019, at the Pinckneyville Correctional Center by Mr. Dunn of the Prisoner Review Board. Present at the interview was Mr. Weger's attorney, Celeste Stack. Mr. Weger was very pleasant and cooperative during the interview.

STATEMENT OF FACTS

On March 14, 1960, Mrs. Francis Murphy (age 47), Mrs. Mildred Lindquist (age 50), and Mrs. Lillian Oetting (age 50), who were all very prominent residents of their community, checked in to Starved Rock State Park Lodge for a weekend of rest and relaxation. That afternoon, after lunch, they decided to take a hike in the park. The women were missing for approximately 46 hours before their bodies were discovered. During this time, the area had suffered a severe winter storm. The pathologist reported that each woman had suffered multiple blows to the head, with a total in excess of 100 blows to each of the victims' heads.

An investigation was conducted, which focused on the employees of the Lodge. This investigation ultimately concentrated on Mr. Weger, then age 21, who was a dishwasher at the Lodge, and who was at work on March 14, 1960. Mr. Weger was first questioned and interviewed on March 17, 1960. The murder investigation continued for the next eight months, and during that time Mr. Weger was the primary subject, was under close supervision, and was questioned on a regular basis. On March 19, 1960, he was interrogated for almost two hours; approximately one month later he was questioned from 5:00 p.m. until approximately 2:30 p.m. the next day.

On March 24, 1960, Mr. Weger was interrogated for approximately 1.5 hours about a shortcut between the Lodge and the St. Louis Canyon, where the bodies were found. On March



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26, 1960, the interviewers and Mr. Weger spent an hour in the canyon. They continued the interview for another 1.5 hours later that day. Mr. Weger was then taken back to his apartment, where the investigators took samples from the buckskin jacket that he was alleged to have been wearing when the murders occurred.

On April 20, 1960, Mr. Weger was again questioned for about twelve hours, during which time he took six lie detector tests. The troopers in charge of the investigation admitted the intensity of the investigation put a strain on those subjected to it, especially someone with a very limited education such as Mr. Weger. Mr. Weger did not confess, nor was he charged by police with the offenses, at that time.

On September 27, 1960, Deputy Dummett, of the LaSalle County Sheriff's Office, picked Mr. Weger up. Mr. Weger was given several lie detector tests between 9:00 a.m. and 1:00 a.m. at his home in Chicago. Mr. Weger made the following comments about the investigation:

- John Reid spent several hours pleading with Mr. Weger to confess.
- Mr. Reid threatened to give Mr. Weger "truth serum."
- Mr. Weger was instructed by Mr. Weger to answer "yes" to all questions, including those for which a "yes" would be an admission of guilt.
- Mr. Weger was driven to the LaSalle State's Attorney Office after the lie detector tests in Chicago. Assistant State's Attorney Craig Armstrong testified that during the ride, Dep. Dummett several times suggested that Mr. Weger would be sent to the electric chair, if he did not confess.

Starting in mid-October 1960, the Illinois State Police began a 24-hour surveillance, which was maintained for four weeks. During that time, State Troopers drove Mr. Weger to work and had pictures taken of him.

Until November 16, 1960, Mr. Weger was questioned every day. On November 17, 1960, at 2:00 a.m., Mr. Weger finally confessed after approximately eight hours of questioning. From 6:40 p.m. through 7:45 p.m., Mr. Weger was questioned about his movements on March 16, 1960. At approximately 8:00 p.m., Mr. Weger refused to confess. At that time, he was shown warrants for his arrest, charging him with Murder, Rape, and several counts of Assault and Robbery.

At approximately 1:00 a.m., Mr. Weger's wife, father, and mother were brought to the interrogation room. Per the testimony of Mr. Weger's father, Sheriff Eutsey informed Mr. Weger's father of the severity of the charges against his son, saying "You don't want him to go to the little green room (i.e. the electric chair)." When Mr. Weger's mother and wife left, Mr. Weger met with his son privately and asked his son whether he committed the murders or not. Mr. Weger reportedly said "Daddy, I did not." After everyone left, Mr. Weger claims that Dep.



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Dummett made indecent remarks about Mr. Weger's wife, which angered Mr. Weger and led to him giving Dep. Dummett a confession.

On November 18, 1960, the LaSalle County Grand Jury returned three indictments, each charging Mr. Weger with the Murder of one of the three women. He was tried on the indictment relating to the Murder of Lillian Oetting, was found guilty, and was sentenced to Natural Life. Mr. Weger appealed, with the Illinois Supreme Court ultimately affirming his conviction.

MR. WEGER'S STATEMENTS AS TO THE OFFENSES

Prior to the trial, Mr. Weger recanted his confession and maintained he was innocent. Throughout the trial, and continuously thereafter for the last 59 years, he has maintained his claim innocence. Mr. Weger has stated that he was the victim of mental and physical abuse during the investigation, and that he was led to believe he would go to the electric chair if he failed to confess to the murders. Mr. Weger maintains that at the time of the murders, he was getting a haircut in a barbershop in Ogelsby, Illinois. Mr. Weger says that "None of my witnesses were called to the trial." Mr. Weger has also stated that he "felt as though his attorney did the best he could do."

CRIMINAL HISTORY

There have been several incidents of a criminal nature in his background. Mr. Weger's juvenile record [redacted for confidentiality]. In September 1959, Mr. Weger was identified in a line-up as the person that raped a 17-year-old girl and robbed an 18-year-old male. Although Mr. Weger was identified, he was never prosecuted, reportedly because the State failed to prosecute the case in a timely manner. In another incident in 1959, Mr. Weger was identified as the assailant in an attack in which two women, together with their children, were assaulted; during that attack, the purse of one of the women was also taken. Mr. Weger was identified in a line-up in this case as well, but he was not charged.

INSTITUTIONAL ADJUSTMENT

Mr. Weger is currently unassigned, due to his asthma, and he suffers from a double intestinal hernia. Prior to coming to Pinckneyville in 2011, he had a variety of work assignments, including as a book binder for six years, in commissary, as an art clerk, and as a porter. In 1991, records indicate that the Board noted favorably that Mr. Weger had adjusted well while in the Department of Corrections. Mr. Weger reported that most of his time is spent reading the Bible and magazines. Mr. Weger indicated that he is currently housed with three other individuals; one of them is in a wheelchair, and Mr. Weger reported that he helps that individual in any way possible. While the interview was being conducted, a correctional officer, who was walking in the hall, came into the interview and Mr. Dunn asked about Mr. Weger's overall behavior. The correctional officer indicated, with a smile, that Mr. Weger "basically stays to himself, and bothers no one." Mr. Weger's last major ticket was in 2014, and none of the three tickets he has received since he arrived at Pinckneyville in 2011 have been of a violent nature.



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PAROLE PLANS

Mr. Weger reported that both his parents are deceased, and that his ex-wife is also deceased. Mr. Weger stated that he has a son and a step-daughter who are still living. Mr. Weger also indicated that he has an application in to stay at St. Leonard's and that it has been accepted. Mr. Weger would be entitled to have health care provided by the Veterans Administration, since he served in the Marines, and was given a general discharge under honorable conditions. Mr. Weger would also be entitled to Social Security benefits.

EN BANC HISTORY

In past years, Mr. Weger has received several votes in favor of release, most recently having received seven votes in favor of release at his last hearing in 2018.

DISCUSSION

Summary of discussion for parole consideration:

Motion to go into Closed Session to discuss confidential information, including juvenile records and victims' statements (CF—JR). Leave.

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

Mr. Shelton noted that this is a case that has been discussed and rehashed numerous times before the Board. Mr. Shelton urged the Board members that they not retry the case and stated that the Board should limit discussion as much as possible to what pertains to the parole decision. Mr. Shelton noted that Mr. Weger confessed and that the conviction was upheld by the Illinois Supreme Court. Mr. Shelton further noted that Mr. Weger's lie detector test was administered by John Reid in Chicago, and that Mr. Reid offered Mr. Weger the "truth serum" as a way to validate his story. Mr. Shelton stated that the John Reid course is still used as the standard for training law enforcement. Mr. Shelton observed that there was a lot of political pressure to solve this crime at the time, as the State's Attorney was up for re-election. Mr. Shelton stated that he felt that the Illinois State Police Crime Lab had made a mess of the case, and that there were many things done during the investigation then which would be considered inappropriate today.

Mr. Dunn noted that there was great pressure to solve the crime at the time.

Mr. Shelton stated that if Mr. Weger murdered the woman he was convicted of killing, that he was responsible for the killing of all three women.



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Ms. Wilson asked how tall Mr. Weger was at the time of the offense. It was noted that Mr. Weger was 5'8" and 140 pounds at the time of the Murder, but that he currently he weighs 113 pounds.

Mr. Brink asked about Mr. Weger's educational level, and was informed that Mr. Weger had an 8th grade education at the time he was incarcerated, but has since earned his GED.

Mr. Dunn stated there was no reference to mental illness in the file. Mr. Dunn further noted that Mr. Weger is not on any mental health protocol and seems stable. Mr. Dunn described Mr. Weger as being a nice, little, old man, who doesn't cause trouble.

Mr. Fisher noted that during the investigation Mr. Weger took authorities to the exact location of the crime.

Mr. Shelton stated that Mr. Weger described how he had dragged the bodies into the cave. Mr. Shelton noted that Mr. Weger stated that he had seen a plane and thought it could have been a State Police plane.

Ms. Harris asked about what was in the court documents from the trial about Mr. Weger's testimony on the plane, and further asked if he was coached to testify about the plane. Ms. Harris noted that Mr. Weger has always denied committing murder. Ms. Harris stated that the Board should consider whether or not Mr. Weger poses a risk to reoffend.

Ms. Daniels stated that the Board has heard all the evidence and that it should not be discounted, but noted that the role of the Board is to make a decision based on Mr. Weger as he is today.

Mr. Dunn summarized his presentation, listing the primary factors he felt should be considered: Mr. Weger's age, the securing of a suitable host site, that Mr. Weger was cooperative, and that Mr. Weger had few disciplinary reports. Mr. Dunn noted that Mr. Weger has earned his GED and worked until his health prevented it. Mr. Dunn felt that the risk of Mr. Weger reoffending was very low and that Mr. Weger is not a danger to society. Mr. Dunn noted that he would be moving to grant parole release.

Mr. Weger's attorneys, Mr. Hale and Ms. Stack, spoke to the Board. They also stated that they are not present to retry the case. Mr. Weger's attorneys noted that Mr. Weger has spent most of his lifetime in IDOC, and that prior to his incarceration, he had worked for several years at the Starved Rock Lodge with no problems. Mr. Weger's attorneys opined that this was a 60-year-old case that would have been very different today. Mr. Weger's attorneys stated that evidence was not turned over to the defense and that Mr. Weger's rights were not protected. As a result, they argued that he should have at least been given another trial.



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Mr. Weger's sister spoke to the Board. She affirmed her support of Mr. Weger and stated that they are close siblings who have always kept in touch. She noted that there was evidence that came up after the trial was over that could have helped clear Mr. Weger.

LaSalle County State's Attorney Karen Donnelly spoke to the Board. SA Donnelly stated that she felt that this was a serious offense, committed by an offender with a history of robbery and sex offenses. SA Donnelly asked the Board "What is different this time?" and answered that the only change is that Mr. Weger is older. SA Donnelly read from the trial transcripts, reciting the statement from the presiding judge that it was one of the most horrific crimes he had seen. SA Donnelly also read a portion of Mr. Weger's testimony to demonstrate that he was not coerced to confess. SA Donnelly noted that Mr. Weger's clemency requests have been denied, and that the jurors at trial all agreed he was guilty. SA Donnelly concluded by stating that today's sentence for three Murder convictions would be up to 180 years. Board Members noted that the sentence would actually be mandatory Natural Life Without Parole, but also noted that Mr. Weger's case was sentenced according to the law in place at the time of the offense.

The granddaughter of victim Lillian Oetting addressed the Board. She noted that she also feels that nothing has changed since Mr. Weger was denied parole two years ago. She stated that she doesn't feel that Mr. Weger has accepted responsibility for his actions or is remorseful. She stated that it is the State's job to see that Mr. Weger is successful if he is granted parole.

Mr. Weger's attorney, Mr. Hale, spoke to the false confession questions. Mr. Hale stated that there has been a change in the understanding of false confessions since 1960, and argued that the jury was convinced by a false confession and returned a guilty verdict in this case.

Mr. Dunn shared a graph of age in relation to crimes committed after release from custody, and argued that Mr. Weger would not be a danger to society if he should be granted parole.

SA Donnelly read a news article about a parolee from Maine who was paroled at the age of 77, but went on to commit homicide again.

Chairman Findley observed that the percentage of those paroled by the Board who reoffend at any level of offense is very low. Chairman Findley noted that the Board is required to look at the individual and to determine if they can safely return to society. Chairman Findley observed that the memory of the crimes will always remain in the public's mind.

Assistant Attorney General Elizabeth Leahy requested that any order granting parole release be stayed by 90 days in order for Mr. Weger to be evaluated for possible designation as a Sexually Violent Person.



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DECISION AND RATIONALE

Motion to grant parole (DWD—EC). Motion prevails by a vote of 9–4. Members voting in favor of the motion were Mr. Brink, Ms. Crigler, Ms. Daniels, Mr. Dunn, Ms. Harris, Mr. James, Ms. Martinez, Ms. Wilson, and Chairman Findley. Mr. Fisher, Mr. Ruggiero, Mr. Shelton, and Mr. Tupy dissented.

After a complete review of Mr. Weger’s case, and after giving thoughtful discussion and consideration to all factors, the Board decided and voted to grant parole to Mr. Weger, subject to conditions of parole release as set by the Board and by law. The Board hereby finds that Mr. Weger is an appropriate candidate for parole at this time.

“The Board makes a specific finding that the release of victim protest letters could subject a person to actual risk of physical harm.”



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EN BANC MINUTE SHEET
OPEN SESSION—November 21, 2019

Inmate Name: **SHERMAN MORRISSETTE**

IDOC Number: **A64004**

The Illinois Prisoner Review Board met in open *en banc* session at 319 East Madison Street, Suite A, Springfield, Illinois, on November 21, 2019, at the 9:00 a.m. session to discuss and deliberate parole eligibility for Sherman Morrisette A64004.

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

Recording Secretary: Janet Crane.

PRESENTATION OF INTERVIEW AND FILE

Sherman Morrisette A64004 was interviewed at Stateville Correctional Center on July 30, 2019. Present for the interview were Mr. Morrisette, his attorney, Jennifer Soble, and Board Member Edith Crigler.

STATEMENT OF FACTS

On December 24, 1983, Mr. Morrisette flagged down a yellow cab, driven by the victim, at 87th Street and Stony Island in Chicago. Mr. Morrisette directed the victim, Charlie Adams, to take Mr. Morrisette to 91st and East End. Upon arrival at the destination, Mr. Morrisette pointed a gun at the victim and demanded all of his money. When the victim, Mr. Adams, replied that he had no money, Mr. Morrisette ordered the driver out of the cab; Mr. Morrisette drove the cab away. The victim then called the Yellow Cab Company and reported the robbery.

Mr. Morrisette was arrested several nights later near 3135 E. 92nd Street, after he attempted to flee from the police. At the police station, he gave the name of Charlie T. Adams, the cab driver. The next day, the victim identified Mr. Morrisette in a line-up. Mr. Morrisette was subsequently convicted.

CRIMINAL HISTORY

Due to Mr. Morrisette's prior Armed Robbery convictions, he was sentenced as a Habitual Criminal to Natural Life Without Parole. Prior to leaving office in January 2019, Governor Rauner commuted Mr. Morrisette's sentence to allow for the possibility of parole, in the event that Mr. Morrisette received a majority vote in favor of release from the Board.



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INSTITUTIONAL ADJUSTMENT

Mr. Morrisette is presently incarcerated at Stateville Correctional Center. Since November 1984, he has served the majority of his sentence at Stateville and Pontiac. Mr. Morrisette has worked as a barber for two years and as a paralegal for twenty-one years. Mr. Morrisette's last disciplinary ticket was in November 2012, for which he received a verbal reprimand. Mr. Morrisette is no longer employed due to suffering from osteoarthritis, which has impacted his mobility so completely that he now requires crutches to move around.

Mr. Morrisette's institutional adjustment has been good. He has been A-grade for over 10 years. Previously, he worked as a Librarian at Pontiac in 1985, a Paralegal at Pontiac from 1986 to 2000, a Barber at Statesville 2000 to 2001, and again as a Paralegal at Stateville from 2001 to 2016. Mr. Morrisette has also earned an Associate Degree in Advanced Legal Research from Lincoln College. He additionally has numerous certificates in philosophy, humanities, history, restorative justice, and from the Inside Out Prison Exchange Program through DePaul College in 1994-1995.

PAROLE PLANS

Mr. Morrisette has been accepted by two halfway houses: St Leonard's Ministries and Bridge to Freedom in Ford Heights. Both places provide a range of comprehensive services which would help him successfully transition back into society and the community.

DISCUSSION

Summary of discussion for parole consideration:

Ms. Crigler noted that Mr. Morrisette has a strong parole plan and has been accepted to two different parole sites. Ms. Crigler further noted that he has money saved and has help to handle his needed medical services. Ms. Crigler also observed that Mr. Morrisette needs an operation and has been approved for benefits as a veteran.

Chairman Findley stated that there are numerous people in this State serving Natural Life Without Parole under the same statute that Mr. Morrisette.

Ms. Martinez stated that she has a huge problem with this sentencing statute.

Ms. Harris asked about Mr. Morrisette's criminal history and the possibility of PTSD, since he was in Vietnam from 1969-72.

Mr. Fisher asked about substance abuse and was informed that there was no history of abuse noted in the file.



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Ms. Martinez noted that men of color that she knew who were coming back from Vietnam were angry.

It was noted that Mr. Morrisette has admitted to the offense and has no reason or explanation for the crime.

Assistant Cook County State's Attorney Melissa Samp confirmed that the Office had no objection to a grant of parole release to Mr. Morrisette.

Mr. Morrisette's attorney, Jennifer Soble, stated that he has no children, nor has he ever been married. Ms. Soble also spoke about the other individuals in the State of Illinois who are serving under this sentence statute.

Mr. Morrisette's sister addressed the Board. She spoke of the family support that Mr. Morrisette has and the joy it would be for Mr. Morrisette to be released and reunited with his family on the outside.

DECISION AND RATIONALE

Motion to grant parole (EC—VM). Motion prevails by a vote of 13–0. Members voting in favor of the motion were Mr. Brink, Ms. Crigler, Ms. Daniels, Mr. Dunn, Mr. Fisher, Ms. Harris, Mr. James, Ms. Martinez, Mr. Ruggiero, Mr. Shelton, Mr. Tupy, Ms. Wilson, and Chairman Findley.

After a complete review of Mr. Morrisette's case, and after giving thoughtful discussion and consideration to all factors, the Board decided and voted to grant parole to Mr. Morrisette, subject to conditions of parole release as set by the Board and by law. The Board hereby finds that Mr. Morrisette is an appropriate candidate for parole at this time.

“The Board makes a specific finding that the release of victim protest letters could subject a person to actual risk of physical harm.”



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***EN BANC* MINUTE SHEET**
OPEN SESSION—November 21, 2019

Inmate Name: **GEORGE PETER JR.**

IDOC Number: **C01434**

The Illinois Prisoner Review Board met in open *en banc* session at 319 East Madison Street, Suite A, Springfield, Illinois, on November 21, 2019, at the 9:00 a.m. session to discuss and deliberate parole eligibility for George Peter Jr. C01434.

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

Recording Secretary: Janet Crane.

PRESENTATION OF INTERVIEW AND FILE

On October 16, 2019, George Peter, Jr., C01434 was interviewed at the Lawrence Correctional Center. Present for the interview were Mr. Peter, his fiancée, his attorney, Jessica Frogge, who has represented Mr. Peter since 2008, and Board Member Daniel Brink. Mr. Peter was cooperative and answered the questions spontaneously.

STATEMENT OF FACTS

Case Number 68-46 – Rape

On July 27, 1967, Mr. Peter and a friend drove two girls to Winnetka, Illinois. After arriving at the beach, Mr. Peter took the victim, who was 15 years old, to a secluded area. The victim tried to return to the vehicle, but Mr. Peter wouldn't allow that to happen. Mr. Peter tried to remove her clothes, and the victim fought back. Frightened for her life, the victim ultimately removed her pants, at which time Mr. Peter performed an act of sexual intercourse with the victim. Later, the girls caught a ride and reported the attack and Rape. The victim was examined, and vaginal tears of a recent origin were found. An investigation was conducted, and on June 29, 1967, Mr. Peter was charged with Rape. On December 17, 1970, he pled guilty to the charge of Rape and was sentenced to 4-5 years in the Illinois Department of Corrections

Case Number 67-3271 – Murder

While the previous case was pending, Mr. Peter committed the Murder of 14-year-old Cynthia Lubenik on September 15, 1967. She had been out for the evening and realized that the time had grown late (approximately 11:30 pm) and that she needed to get home. She, along with some friends, was at the intersection of Fitch Street and California Avenue in the City of Chicago. Ms. Lubenik left her friends and entered the 1967 Volkswagen alone with Mr. Peter,



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who agreed to take her home. Instead of taking her home, Mr. Peter took her to LaBagh Woods, located near 4500 West and 5400 North in the City of Chicago. Mr. Peter sexually assaulted Ms. Lubeznik and strangled her. After he strangled her, he noticed a heartbeat, so he took her to a nearby river that ran through the woods, and he used his foot to push her head under the water to make sure she was dead. Ms. Lubeznik's body was later discovered by a walker, who reported it to authorities. Her body was taken to the hospital, where she was pronounced dead. The cause of death was determined to be asphyxiation, due to strangulation and submersion, as she had water in her lungs.

The police began an extensive investigation and determined the victim's identity through a missing person report. Ms. Lubeznik's mother had reported her missing at 1:30 a.m. on September 16th. Her body was identified by her brother at the morgue. The police interviewed her friends, who were able to give a description of the vehicle she entered. Additionally, the police received a call from Diane Manual stating that her brother, David Manual, who was a close friend of Mr. Peter, had information regarding the Murder of Ms. Lubeznik. Mr. Manual reported to police that Mr. Peter had confessed the Murder to Mr. Manual. Mr. Manual provided details of the sexual assault and Murder, which were corroborated by police finding evidence in the vehicle of Mr. Peter and clothing of the victim in a dumpster.

On the morning of September 17, 1967, Mr. Peter was arrested at his wife's parents' home and taken to the police station. He has been in custody since that time.

After the Murder was reported in the newspaper, an 18-year-old woman came forward on September 17, 1967. She reported to police that on August 30, 1967, she was introduced to a man named George. She stated the man named George offered to give her a ride home and instead drove her to another area near the LaBagh Woods. She stated that when they were near the woods she wanted to go home, but the man named George threatened her and attempted to carry her into the woods. She was able to break away and notified police. No charges were filed in this matter.

According to the Cook County State's Attorney's protest letter from December 5, 2018, Mr. Peter was confronted by the police with this information and admitted to his involvement in the August 30 attack. He was also identified by the victim.

MR. PETER'S STATEMENTS AS TO THE OFFENSES

Mr. Peter initially stated he would accept the Statement of Facts prior to them being read aloud; however, upon further questioning he disputed several details. Mr. Peter stated that he accepts full responsibility for the Rape and Murder of Ms. Lubeznik. He stated, "the poor girl died, and I did it." The only detail of the Rape and Murder of Ms. Lubeznik which Mr. Peter disputes is that he put her in the river and then put his foot on her neck to hold her under the water. He stated that he held her under the water with his hands. Mr. Peter stated he sexually



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assaulted Ms. Lubeznik once and that "she didn't resist, or she didn't stop me." Mr. Peter stated that he knew the victim and her family, and that he even was at their house in the past.

In an attempt to determine a motive, Mr. Peter reported that he moved with his parents from the Wrigley Field area to the Rogers Park area and that he was having trouble adjusting to the neighborhood. He stated he was having trouble making friends in the neighborhood and was trying to gain acceptance. He stated that while he was in school they read a story about the 'perfect crime' and he was bragging that he could do a better job. Mr. Peter stated he felt pressure to follow through with his bragging to his friends. Mr. Peter stated he did tell his friend Mr. Manual about the crime.

Mr. Peter denied the violent allegations in the July 27, 1967, Rape case. He stated he was on a double date with his friend. He does admit to having had sexual intercourse with the victim, but stated the sex was consensual. He reported the victim only became upset after he refused to have a long-term relationship. Mr. Peter stated he pled guilty only after the conviction in the Murder case. He stated he was guilty because the victim was 14 years of age.

Mr. Peter denied the allegations by the woman who came forward after the Murder was reported in the newspaper. Mr. Peter stated, "it didn't happen." He thinks she was only trying to get some publicity by reporting it.

CRIMINAL HISTORY

Mr. Peter's prior criminal records indicate he was arrested numerous times as a juvenile [specific charges redacted for confidentiality]. Mr. Peter has no history of any violent offenses beyond those reported in the Statement of Facts.

INSTITUTIONAL ADJUSTMENT

Mr. Peter is currently incarcerated at the Lawrence Correctional Center, where he has been since July 18, 2018. He currently is a medium security offender and has been on A grade since April 1, 2017. He is a low escape and aggression level. His SPIN Assessment, completed in October 2018, finds him to be a moderate risk to recidivate. The Assessment notes that he takes full responsibility for the crime, and that he has a positive commitment towards living his life in a law-abiding manner and has good coping skills. The Assessment further noted that he manages stress well.

Mr. Peter has had a total of 31 disciplinary tickets over his 52 years of incarceration, none of which were assaultive or violent. Most of the tickets resulted in a verbal reprimand. He received one ticket in 2000, two in 2006, one in 2014, one in 2015, and two in 2016. Mr. Peter has not received any tickets at Lawrence.



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Overall, Mr. Peter has had a positive institutional adjustment, which has resulted in his current classification of A grade. Mr. Peter stated he was mentored by a fellow death row resident who helped him with his adjustment. He stated that individual told him to seek every educational opportunity. Mr. Peter stated, "I tried to carry myself as a professional." He denies any gang involvement or any mental illness. He has served his 52 years in the Cook County Jail, Joliet, Stateville, Logan, Centralia, Dixon, Illinois River, Pontiac, Menard, Danville, Hill, Mt. Sterling, and Lawrence Correctional Centers.

Mr. Peter has held numerous positions throughout his incarceration which include: dental assistant, porter, mail clerk, law clerk, business office, leisure time services, newspaper reporter, microfilm office, and emergency room assistant. He is currently unassigned, but helps out with leisure time services. Mr. Peter spends most of his time reading, exercising, and playing postal chess. He stated he currently has approximately 100 active games of postal chess. Mr. Peter has been a 25-year member of the Jaycees and has held various leadership positions.

Mr. Peter has completed his GED, received an Associate of Arts Degree from Wright College, and earned a Bachelor of Science Degree from Southern Illinois University in 1988. A review of Mr. Peter's Master File reveals that he has used his intellectual talents to challenge prison policy and procedure. He has used the grievance process to challenge various rules. Most of the grievances were in regard to gaining more access for himself for reading material and other issues such as mail censorship. Mr. Peter is credited with taking the grievance process to court in order to expand the library and allow books to be mailed to residents. When asked why he files so many grievances, Mr. Peter stated "As Martin Luther King, Jr., says, 'if you can't do the big things, just do the small things in a big way.'"

Overall, Mr. Peter is in good health, though he suffers from hearing loss and pain in his knees. He exercises regularly and is a practicing vegetarian.

At the coordination of Mr. Peter's attorney, Ms. Frogge, a Psychological Evaluation was completed in 2014 by Dr. Craig Rypma a forensic psychologist which concluded Mr. Peter is not currently a violent person and he is unlikely to engage in future acts of sexual violence, should he be paroled. Dr. Rypma further noted, "There is no current evidence of sexual deviant preoccupation that might put him at risk for sexually acting out in the future." It should be noted the Cook County State's Attorney's protest letter dated December 5, 2018, addressed Dr. Rypma's report, indicating that the report was based on limited information, and that most of the results were based on Mr. Peter's version of the crime.

Mr. Peter has three individuals on his visitation list: his 96-year-old father, who resides in Wisconsin; his fiancée, who resides in Belgium; and his father's driver. Mr. Peter's father visits approximately four times per year; they talk on the phone regularly. Mr. Peter's fiancée visits twice per year, and they correspond by letters. They have been pen pals since 2003 and have developed their relationship through the years, becoming engaged in 2006. His fiancée's travel



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visa allows her to visit the United States up to six month per year, which she usually breaks up into two three-month increments.

Mr. Peter's mother passed away in 1971, after suffering a long illness, which started when Mr. Peter was 12 years of age. Mr. Peter was married in 1967 and divorced after his sentence and incarceration. He has one daughter, who was born in 1967. He stated he wrote a letter to his daughter approximately three years ago after being encouraged by his fiancée and his attorney. He has not received any response and has no plans to pursue a relationship with his daughter. Mr. Peter stated she was raised by a good man, and he doesn't want to cause her any emotional problems by making contact with her in the future. He stated he last saw his daughter in 1970.

PAROLE PLANS

Mr. Peter has spent his entire adult life in prison and acknowledges that he will have many obstacles if released. He is required to comply with the Sex Offender Registration Act for the rest of his life. He understands he has many things to learn and will need transitional housing if he is released. Mr. Peter does have limited help from his 96-year-old father and fiancée. They will provide financial help, and his father has secured Mr. Peter employment at Chicago Cutting Die, where his father had work in the past for numerous years. Mr. Peter has qualified for housing at New Beginnings Recovery Homes in Chicago, Illinois. Mr. Peter appears to be a very capable individual and will have adjustment issues. He does appear to possess the necessary skills to make the adjustment.

OPPOSITION TO PAROLE RELEASE

Numerous protest letters have been filed each and every time Mr. Peter has been considered for parole. The Board has received four letters in protest in addition to the Cook County State's Attorney's Office letter on this occasion.

EN BANC HISTORY

Mr. Peter is coming off a one year set from December 13, 2018, at which hearing he received four votes in favor of release from Ms. Crigler, Mr. Dunn, Ms. Martinez, and Chairman Findley. Prior to that, he has only received one vote in favor of Parole. He has received 3-year sets in 2002, 2005, 2009, and 2015. In 2013, he received a 2-year set. Mr. Peter was first eligible for parole in 1977.

DISCUSSION

Summary of discussion for parole consideration:

Mr. Brink presented his view of Mr. Peter's case, noting that at the age of 18, Mr. Peter committed a very heinous crime: Rape and Murder of a 14-year-old victim. Mr. Brink noted that



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Mr. Peter has spent 52 years in prison and is now 70 years of age. Mr. Brink stated that Mr. Peter's institutional adjustment has been overall positive, and he has taken advantage of the educational opportunities while incarcerated. Mr. Brink noted that Mr. Peter has received his GED, an Associate Degree, and a Bachelor's Degrees in University Studies. Mr. Brink also noted that Mr. Peter has held many positions of responsibility throughout his term, many of which benefitted his fellow inmates. Mr. Brink observed that, based on Mr. Peter's Master File, he appears to have attempted to improve his environment both for himself and those around him. Mr. Brink stated that, based on the number of years Mr. Peter has served, Mr. Brink does not feel that release would deprecate the serious nature of the offense or promote a lack of respect for the law. Mr. Brink also noted that Mr. Peter exhibits the necessary skills to comply with conditions of parole and that he would not be a substantial risk to public safety. Mr. Brink indicated that he would move to grant Mr. Peter's parole, subject to a 90-day stay in order for the Attorney General's Office to review Mr. Peter for possible designation as a Sexually Violent Person.

Ms. Martinez asked if Mr. Peter has completed sex offender counseling. It was noted that he has not. The Board discussed whether or not such counseling was available at the institution where he is currently incarcerated.

Ms. Martinez noted that she has questions about the psychologist's report on Mr. Peter having never used physical coercion. Ms. Martinez noted that the documents listed a pair of handcuffs in Mr. Peter's possessions. Lindsey Sieling, Mr. Peter's attorney, stated that they had wanted Dr. Craig Rypma to attend the parole hearing so that he could explain the results of the exam, but that he was unable to attend.

Mr. Fisher stated that the dates of the Rapes, with a July 1967 Rape followed by a September 1967 Rape and Murder, showed a progression and that the crimes were escalating.

Mr. Shelton stated that the handcuffs found appeared to him to indicate future plans for further crimes.

Mr. Ruggiero noted that two days after the Rape and Murder, Mr. Peter tried to Rape again. Mr. Ruggiero also noted that Mr. Peter also indicated to a friend his intentions to commit another Rape.

Ms. Harris asked why Mr. Peter had not yet completed sex offender counseling. The Board further discussed whether it was available at his current institution.

Mr. Brink felt Mr. Peter had done well in a challenging environment.

Mr. Fisher found it interesting that Mr. Peter felt the need to clarify that he did not step on the victim's neck with his foot, and that he had instead held her head underwater with his hands.



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Mr. Dunn said Mr. Peter's fiancée is impressive.

Mr. Ruggiero asked about Mr. Peter's health. Mr. Brink responded that hearing loss was the only health issue noted.

Ms. Sieling spoke to the Board on Mr. Peter's behalf. She noted that nothing can change the horrible crime, but that Mr. Peter has taken advantage of available education and work opportunities in order to better himself. Ms. Seiling noted that sex offender counseling is not available at Lawrence Correctional Center, where Mr. Peter is currently housed. Ms. Sieling said Mr. Peter is doing very well at Lawrence and doesn't know if a transfer in order to complete counseling would be good for him.

Assistant Cook County Assistant State's Attorney Melissa Samp addressed the Board. ASA Samp listed Mr. Peter's crimes and pointed to their progression of violence and the fact that he discussed what he wanted to do with a friend. ASA Samp argued that the State feels that Mr. Peter's parole plan is weak, since it is based on the support of a 96-year-old father and absentee fiancée. ASA Samp concluded by noting that the State asks that parole be denied.

DECISION AND RATIONALE

Motion to grant parole (DB—DWD). Motion fails by a vote of 7–6. Parole is therefore denied as a matter of State law, due to the failure to receive votes in favor of parole release from a majority of the appointed Board Members. Members voting in favor of the motion were Mr. Brink, Ms. Crigler, Ms. Daniels, Mr. Dunn, Ms. Harris, Ms. Wilson, and Chairman Findley. Mr. Fisher, Mr. James, Ms. Martinez, Mr. Ruggiero, Mr. Shelton, and Mr. Tupy dissented.

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

"The Board makes a specific finding that the release of victim protest letters could subject a person to actual risk of physical harm."



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EN BANC MINUTE SHEET
OPEN SESSION—November 21, 2019

Inmate Name: **WILLIAM HOWELL**

IDOC Number: **C86186**

The Illinois Prisoner Review Board met in open *en banc* session at 319 East Madison Street, Suite A, Springfield, Illinois, on November 21, 2019, at the 9:00 a.m. session to discuss and deliberate parole eligibility for William Howell C86186.

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

Recording Secretary: Janet Crane.

PRESENTATION OF INTERVIEW AND FILE

William Howell C86186 was represented by attorney Mark Parts of Parts and Spencer, Ltd. in Chicago, Illinois. Mr. Howell, now age 63, was born on June 25, 1956. In preparation for this parole release consideration hearing, Mr. Howell was interviewed by Ms. Harris of the Prisoner Review Board.

STATEMENT OF FACTS

On December 16, 1977, Mr. Howell, then age 21, was living with his grandmother in Alton, Il. Mr. Howell and his co-defendant, Joseph Cunningham, were “partying” at his home and decided that they needed more beer, but they did not have any money. The two young men decided to go to the home of Ms. Emma McKinley, who has a 75-year-old neighbor, to ask for money. Mr. Howell remained outside, on the side of the home, while Mr. Cunningham knocked on the door and was admitted into her home. During a brief conversation, Mr. Cunningham decided to ask for money, but Ms. McKinley refused. Soon after, Mr. Cunningham knocked Ms. McKinley to the floor and proceeded to tear at her clothing. Ms. McKinley, terrified, offered to remove here clothing herself, rather than “be hurt”; meanwhile, Mr. Cunningham searched her purse for money.

Upon the commotion, Mr. Howell charged into the house, kicked at Ms. McKinley, and hit her with a clay ashtray. She attempted to grab her telephone to call for help, but the perpetrators took the phone and ripped the cord from the wall. Immediately thereafter, Mr. Cunningham armed himself with a paring knife, while Mr. Howell grabbed a two-prong meat fork. The two perpetrators chased Ms. McKinley around her kitchen table, grabbing her and stabbing her multiple times.



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As Ms. McKinley's body lay brutally wounded, and was either unconscious or dead, Mr. Howell and Mr. Cunningham applied Vaseline (petroleum jelly) to her rectal area and had anal intercourse with her. The autopsy revealed that Ms. McKinley had received a total of approximately 60 puncture and knife wounds, two fractures in her skull, and seven fractured ribs. Both her liver and right kidney were ruptured during the course of the crime.

The two men fled the home, before later being arrested by police. Mr. Cunningham was found unconscious in Ms. McKinley's vehicle, which, per Mr. Howell, Mr. Cunningham had wrecked due to driving drunk. It was discovered that the vehicle was stolen, at which point Mr. Cunningham told authorities what he had done and lead them to the home of Ms. Emma McKinley, where she was found murdered. Mr. Cunningham was arrested and immediately taken into custody for questioning.

Mr. Howell was subsequently convicted of the instant offenses.

MR. HOWELL'S STATEMENTS AS TO THE OFFENSES

Mr. Howell stated that he does not have any memory of the Murder. He went further to mention that the co-defendant, Mr. Cunningham was arrested on the night of the Murder after he wrecked the victim's car due to drunk driving. Mr. Howell states that police told him that he was named by Mr. Cunningham as a participant in the Murder of Ms. Emma McKinley. Mr. Howell claimed that he only pled guilty because he was interrogated and coerced by his public defender to plead guilty to the offense. Mr. Howell stated that he was told his fingerprints were identified and matched to the scene of the crime. He also stated that the police officers found 2 sets of footprints: size 11 and size 13; Mr. Howell stated that he wears either size 8 ½ or 9 shoes.

During review of Mr. Howell's institutional adjustment, Mr. Howell indicated that the courts labeled Mr. Howell before as a severe habitual drinker, and that not a day goes by that he isn't remorseful for the brutal, heinous crime that he was convicted of. Mr. Howell further indicated that he sincerely recognizes that an innocent life was taken, and that families suffered and will never forget the tragedy.

INSTUTIONAL ADJUSTMENT

After serving 41 years, Mr. Howell indicated that he wanted to better himself through education and contributing to the prison community. He has earned his GED and an Associates of Arts in General Studies. Mr. Howell has also earned the following certificates: Certificate of Successful Completion of a 12-week Substance Abuse Education Program at Menard; vocational certificates from Lincoln Land College in Electrical Maintenance, Micro Computers, and Programmable Controls; and a Certificate of Mastery from School Dist. 428/University of Illinois PLATO Education Group in Basic and Solid Electronics.



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Mr. Howell is said to be very polite and courteous to staff and fellow inmates. He is currently assigned as a tailor on the Medium Security Unit, a position which he has held for the last 10 years. Mr. Howell's supervisor for the last five years, who recently retired after 28 years of service, stated that Mr. Howell has very good work ethic, initiative, and demeanor and that he supports parole for Mr. Howell.

Mr. Howell has been on A grade since 2000 and the last record of discipline was for a non-violent offense (Transfer of Funds) in February of 2000. If paroled, he has been accepted into St. Leonard's House Ministries. St. Leonard's will provide Mr. Howell the skills and support for successful transition. He looks forward to continued case management, substance abuse, religious, and recovery maintenance, employee assistance and vocational support.

PAROLE PLANS

Mr. Howell has one sister, who lives in Missouri. Mr. Howell has never been married, nor does he have any children; he does have nieces and nephews, however.

The only connection that Mr. Howell currently has to his immediate family is his niece, who lives in Missouri, and two nephews. His niece submitted a letter stating that she and her husband would love to have her uncle live with them and their son. She and her husband both have law enforcement backgrounds. They stated that after Mr. Howell completes his programming from St. Leonard's House, he could live with them, attend their church, and work at a cleaning service, which would be a medium-duty job.

DISCUSSION

Summary of discussion for parole consideration:

Ms. Harris noted that Mr. Howell is an habitual alcoholic who attends AA. She further noted that he is polite and courteous to staff. Ms. Harris observed that Mr. Howell is a tailor, with a good work ethic. Ms. Harris also stated that he is candid and displayed remorse. Ms. Harris reported that Mr. Howell talked of the loss of his mother and sister and that he looks forward to being with his niece. Ms. Harris concluded by noting that Mr. Howell has been accepted at St. Leonard's House if granted parole.

Mr. Ruggiero spoke about Mr. Howell's sentence. Mr. Ruggiero noted that the judge gave him 35-100 years. Mr. Ruggiero stated that since the judge knew all the case details and ruled in that manner, that the Board should consider the ruling when considering parole. Mr. Ruggiero noted that Mr. Howell has served 41 years, which is well over the minimum sentence set forth by the judge.

Mr. Howell's attorney, Mr. Parts, addressed the Board on Mr. Howell's behalf. Mr. Parts noted that Mr. Howell's co-defendant in this case received the exact same sentence that Mr.



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Howell received. Mr. Parts stated that Mr. Howell needs no supervision and that Mr. Parts would be happy to have Mr. Howell as a neighbor. Mr. Parts argued that Mr. Howell has done everything he can to improve himself and has been at Menard for 18 years without a ticket.

Mr. Howell's niece spoke to the Board on her uncle's behalf. She stated she knows how hard not getting any tickets at Menard is and feels that speaks to her uncle's character.

Mr. Shelton asked why Mr. Howell was in Menard.

Ms. Martinez said that, as a tailor, Mr. Howell would be very welcome at St. Leonard's House.

It was noted that Mr. Howell has no sex offender registry requirements.

Assistant Attorney General Elizabeth Leahy requested that any grant of parole release be stayed for 90 days, so that Mr. Howell could be evaluated for possible designation as a Sexually Violent Person.

Mr. Shelton stated that Mr. Cunningham admitted to the sexual assault in this case.

DECISION AND RATIONALE

Motion to grant parole (VH—VM). Motion prevails by a vote of 13—0.

After a complete review of Mr. Howell's case, and after giving thoughtful discussion and consideration to all factors, the Board decided and voted to grant parole to Mr. Howell, subject to conditions of parole release as set by the Board and by law. The Board hereby finds that Mr. Howell is an appropriate candidate for parole at this time.

"The Board makes a specific finding that the release of victim protest letters could subject a person to actual risk of physical harm."



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***EN BANC* MINUTE SHEET**
OPEN SESSION—November 21, 2019

Inmate Name: **LEE MOSELEY**

IDOC Number: **H39616**

The Illinois Prisoner Review Board met in open *en banc* session at 319 East Madison Street, Suite A, Springfield, Illinois, on November 21, 2019, at the 9:00 a.m. session to discuss and deliberate parole eligibility for Lee Moseley H39616.

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

Recording Secretary: Janet Crane.

PRESENTATION OF INTERVIEW AND FILE

On July 2, 2019, Lee Moseley H39616 was interviewed at Hill Correctional Center for parole release consideration by Mr. Tupy of the Prisoner Review Board. Mr. Moseley was represented by his attorney, Jennifer Soble.

STATEMENT OF FACTS

Mr. Moseley is serving a sentence of 25-75 years for Murder. His projected discharge date is October 26th, 2034. The facts of the crime indicate that on October 15, 1974, Mr. Moseley was with two other co-defendants (Jerry Mitchell and Earnest Johnson), and they were looking to get high, so they decided they were going to rob someone to get money. All three men were approximately 20 years old. They watched a local currency exchange, where they saw Robert Shepherd, a 60-year-old man, cash several checks at the credit union. Believing him to be an easy target, all three men followed Mr. Shepherd and forced him into an empty lot near his home, where they proceeded to attack him. While Mr. Shepherd was fighting with the two co-defendants, he was shot in the back. Mr. Shepherd's common-law wife saw the men fighting and, after hearing a shot, fired her weapon at the three men. Mr. Shepherd was found on the ground with a gunshot wound to the back. He later died of that wound.

Mr. Moseley was arrested for the crime, and although he was identified as the shooter, the charges were dismissed, and he was not prosecuted. Twenty-six years later, one of the co-defendants wanted to get the Murder off his conscience and identified Mr. Moseley as the shooter. Mr. Moseley was arrested, and he admitted he was involved in Mr. Shepherd's Murder and gave a taped admission. He was charged with Murder, and on April 5, 2002, he was convicted of Murder by a jury.



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MR. MOSELEY'S STATEMENTS AS TO THE OFFENSE

Mr. Moseley claims he is remorseful about the crime, although he did not turn himself, went to a jury trial, and never pled guilty. Additionally, Mr. Moseley has historically always blamed a co-defendant for being the shooter. Mr. Moseley admitted for the first time to shooting Mr. Shepherd in the back on July 2, 2019.

CRIMINAL HISTORY

After the Murder charges were dismissed, Mr. Moseley was subsequently convicted of more than ten criminal offenses and sentenced as follows: in 1980, three Theft convictions; in 1983, Attempt Theft, 2 days in jail; in 1984, Burglary, probation; in 1989, Burglary, probation; in 1991, Theft; in 1993, Burglary, 3 years DOC; 1995, Possession of a Controlled Substance ("PCS"), 18 months DOC; 1996, PCS, 1 year DOC; 1997, PCS, 18 months DOC; 1997, PCS, 7 years DOC.

INSTITUTIONAL ADJUSTMENT

Mr. Moseley has been on A Grade status since 2017. He has had 16 disciplinary tickets since his incarceration: 10 minors and six majors. His last ticket was for fighting in August 2017. With regards to the August 2017 ticket, Mr. Moseley stated that another DOC resident cut in front of him and made comments about his deceased mom, so he took a swing at the other resident. Mr. Moseley's mother passed away on December 31, 2014.

PAROLE PLANS

Mr. Moseley plans to go to Bridge of Freedom, which has transitional housing and faith-based programming. He is 65 years old and has been incarcerated for 19 years. Mr. Moseley has an 11th grade education. Mr. Moseley has been diagnosed as bi-polar, a condition which is being treated with medication. He has two family members, a sister and a niece. Mr. Moseley has also completed an anger management class. His SPIN Assessment indicates a High risk of recidivism, with High protective factors noted.

EN BANC HISTORY

Mr. Moseley has received votes in favor of parole release on three occasions, as follows: in 2016, six votes; in 2017, five votes; in 2018, one vote.



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DISCUSSION

Summary of discussion for parole consideration:

Mr. Shelton stated that his concern at the previous *en banc* hearings was due to the lack of a parole site.

Ms. Martinez noted that Mr. Moseley is bi-polar and takes prescribed medication for his condition.

Ms. Sullivan addressed the Board on behalf of her client. She stated that 17 years is the average length of a sentence for Murder in Illinois. Ms. Sullivan acknowledged that Mr. Moseley had a jury trial, where he pled not guilty. Ms. Sullivan noted that Mr. Moseley's diagnosis of bi-polar disease was made while he was incarcerated, that Mr. Mosley had a very violent childhood, and that he works to maintain his good mental health. Ms. Sullivan emphasized that Mr. Moseley has been accepted to Bridge to Freedom and that they would provide housing indefinitely; he has also been accepted to Aunt Martha's.

Cook County Assistant State's Attorney Melissa Samp spoke for the State against parole release. ASA Samp noted that Mr. Moseley has been arrested almost 40 times and has had 17 tickets. ASA Samp stated that the People have concerns for his ability to adapt to society on the outside.

Mr. Shelton observed that Mr. Mosley was identified as a suspect in the initial investigation, but that probable cause was not found.

Mr. Tupy moved to grant parole at a projected date, when Mr. Mosley has been incarcerated for 20 years, conditioned upon Mr. Moseley receiving no other tickets before then. Mr. Tupy noted that the projected parole release in that instance would be June 2020. Mr. Shelton stated that he didn't see the value in waiting and asked that the motion be made to parole at the current time.

Ms. Harris asked about the last ticket Mr. Mosley received.

Mr. Tupy's initial motion was tabled, and a new motion was made to grant parole without a delayed effective date.

DECISION AND RATIONALE

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



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After a complete review of Mr. Moseley's case, and after giving thoughtful discussion and consideration to all factors, the Board decided and voted to grant parole to Mr. Moseley, subject to conditions of parole release as set by the Board and by law. The Board hereby finds that Mr. Moseley is an appropriate candidate for parole at this time.

"The Board makes a specific finding that the release of victim protest letters could subject a person to actual risk of physical harm."