

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

MARYLAND RESTORATIVE
JUSTICE INITIATIVE, *et al.*,

*

Plaintiffs,

*

v.

*

No. 1:16-cv-01021-ELH

GOVERNOR LARRY HOGAN, *et al.*,

*

Defendants.

*

* * * * *

**DEFENDANTS' MOTION TO DISMISS, OR IN THE ALTERNATIVE,
MOTION FOR SUMMARY JUDGMENT**

Defendants Governor of Maryland Lawrence J. Hogan, Jr.; Secretary of Public Safety and Correctional Services Stephen T. Moyer; Chairman of the Maryland Parole Commission David R. Blumberg; and Commissioner of Corrections Dayena M. Corcoran, all sued in their official capacities, through counsel, move to dismiss the complaint (ECF No. 1) under Federal Rules of Civil Procedure 8(c) and 12(b)(1), (6) for lack of subject matter jurisdiction and failure to state a claim upon which relief can be granted. For reasons more fully stated in the accompanying memorandum in support of the motion to dismiss the amended complaint, the claims are barred by the rule set forth in *Heck v. Humphrey*, 512 U.S. 477 (1994), and applicable statute of limitations; the complaint fails to state a claim on which relief can be granted; and the plaintiffs have failed to exhaust their claims against Commissioner Corcoran as required under the Prison Litigation Reform Act, 42 U.S.C. § 1997e(a).

Alternatively, the defendants move for summary judgment under Federal Rule of Civil Procedure 56 on all counts of the complaint for the reasons stated more fully in the accompanying supporting memorandum.

A supporting memorandum and proposed order are attached.

CONCLUSION

The complaint should be dismissed and, in the alternative, summary judgment should be entered for defendants.

Respectfully submitted,

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**MEMORANDUM IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS, OR
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The plaintiffs, three prisoners confined in the Maryland Division of Correction (“Division”) and the Maryland Restorative Justice Initiative (“MRJI”), a “grassroots membership organization” that advocates “for individuals serving long-term prison sentences,” Compl. (ECF No. 1) ¶ 16, bring this action under 42 U.S.C. § 1983 against four Maryland officials: Governor Lawrence J. Hogan, Jr.; Secretary of Public Safety and Correctional Services Stephen T. Moyer; Chairman of the Maryland Parole Commission David R. Blumberg; and Commissioner of Corrections Dayena M. Corcoran. All defendants are sued in their official capacities. The plaintiffs allege that the individual plaintiffs’ sentences of life, with the possibility of parole after fifteen years less diminution of confinement credits (“diminution credits”), are *de facto* sentences of life without parole and, as such, violate the Eighth and Fourteenth Amendments to the United States Constitution and Article 25 of the Maryland Declaration of Rights.

All three of the plaintiffs are serving parolable life sentences for murders committed when they were under the age of eighteen. Compl. ¶¶ 122, 136, 147. Each has repeatedly been considered for parole – and in the case of Mr. McNeill, even recommended for release, Compl. ¶¶ 127-129. Nonetheless, the plaintiffs seek relief under a series of cases in which the Supreme Court addressed the constitutionality of sentences of life *without* the possibility of parole imposed on juvenile offenders. *See Miller v. Alabama*, __ U.S. __, 132 S. Ct. 2455, 2469 (2012) (holding that the Eighth Amendment prohibits mandatory sentences of life in prison without parole for juveniles); *Graham v. Florida*, 560 U.S. 48, 74 (2010) (holding that sentences of life without parole for juvenile offenders convicted of non-homicide offenses violate the Eighth Amendment); and *Montgomery v. Louisiana*, __ U.S. __, 136 S. Ct. 718, 736 (2016) (applying *Miller* retroactively). These cases require that a juvenile offender be afforded a “meaningful” opportunity to demonstrate maturity and rehabilitation to parole authorities through the “means and mechanisms” made available by the State. *Graham*, 560 U.S. at 75, 82; *Miller*, 132 S. Ct. at 2469. The plaintiffs allege that as a result of the defendants’ “illegal” and “unconstitutional” conduct, the individual plaintiffs’ sentences of life *with* the possibility of parole “have been converted into *de facto* [life *without* the possibility of parole] sentences” and, as such, are unconstitutional. Compl. ¶ 11; Compl. 59 (emphasis added).

This Court should decline to consider the merits of plaintiffs’ claims in this § 1983 action because an application for a writ of habeas corpus under 28 U.S.C. § 2254 is the exclusive remedy for state prisoners who, like plaintiffs, challenge the fact or duration of their

confinement and seek an immediate or speedier release from prison. If properly brought as an action under 42 U.S.C. § 1983, plaintiffs' challenges to parole policies and decisions dating back more than 20 years are barred by plaintiffs' failure to bring this action within the applicable three-year limitations period. The plaintiffs' claims against Commissioner Corcoran are also barred by their failure to exhaust administrative remedies as required by the Prison Litigation Reform Act, 42 U.S.C. § 1997e(a).

Even if the merits of plaintiffs' claims were to be considered by the Court, the allegations of the complaint make clear that they have had multiple opportunities to demonstrate that they merit early release, and continue to have such opportunities, as required by the Supreme Court's cases. Moreover, the undisputed facts make clear that, contrary to the plaintiffs' assertions, procedures put into place by Maryland authorities to determine inmate suitability for early release from prison, while also considering whether such release is consistent with public safety, have resulted in the parole releases of prisoners sentenced to life imprisonment, including prisoners who committed crimes as juveniles.

Consistent with the Supreme Court's determination that juveniles "are constitutionally different from adults," *Montgomery*, 136 U.S. at 733 (quotation omitted), the defendants have promulgated new policies that expressly provide for the Maryland Parole Commission to consider the "three primary ways," *Montgomery*, 136 U.S. at 733, in which juveniles differ, as well as other factors relevant to juvenile offenders, when the Parole Commission considers a parole application of an inmate sentenced for a crime committed as a juvenile. The defendants have also amended their parole policies to ensure

that all prisoners have access to the information to be considered by parole authorities when considering a parole application, to the full extent permitted by law, and their revised prison classification policies, which have already been implemented, remove restrictions on juvenile offenders' progressing to lower security levels, including work-release. Accordingly, as explained more fully below, this Court should grant judgment to the defendants, because there is no merit to plaintiffs' Eighth Amendment claims.

STATEMENT OF FACTS

Maryland's System for Early Prisoner Release

There are three statutory mechanisms that result in early release for inmates in the Division: parole, mandatory supervision, and the exercise of executive clemency, which includes pardon and commutation. Over the 20-year time period encompassed by the complaint, all three types of release, sometimes employed in combination in individual cases, have been used to release inmates serving life sentences from prison, including those serving life sentences for crimes committed as juveniles.

Parole

Parole is a discretionary, conditional release ordered by the Parole Commission. Md. Code Ann., Corr. Servs. § 7-101(i). In general, inmates are eligible for parole after serving one-quarter of their sentences. Corr. Servs. § 7-301(a). However, inmates serving sentences for violent crimes as defined in Correctional Services § 7-101(m) must serve half of their sentences before they can be paroled. Corr. Servs. § 7-301(c).

The law governing parole eligibility for inmates serving parolable life sentences typically entitles them to *earlier* parole consideration than that available to inmates serving a term of years for a violent crime. An inmate serving a life sentence ordinarily is eligible for parole after serving 15 years of the sentence, less diminution credits. Corr. Servs. § 7-301(d)(1). If the case is one in which the State's Attorney sought a sentence of death or life without the possibility of parole, under former Criminal Law § 2-303 or Criminal Law § 2-304, the inmate is eligible for parole after serving 25 years, less diminution credits. Corr. Servs. § 7-301(d)(2). Although an inmate serving a parolable life sentence cannot be released through the application of diminution credits, application of credits will result in parole eligibility after approximately 11½ years, or approximately 20 years if a sentence of death or life without the possibility of parole was initially sought but not imposed.¹

In all cases, the applicable statute and regulation require the Parole Commission to consider the following factors in determining whether to grant parole:

1. the circumstances surrounding the crime;
2. the physical, mental, and moral qualifications of the inmate;

¹ The following hypothetical illustrates why an inmate serving a life sentence will typically be eligible for parole before an inmate serving a term-of-years sentence for a violent crime. If an inmate receives a 50-year term for a violent crime or crimes, the inmate must serve 25 years before becoming eligible for parole. However, if the inmate receives a life sentence for such crimes, the inmate will be parole-eligible after serving approximately 11½ years (or approximately 20 years if sentenced under Criminal Law § 2-303 or 2-304). This rule also applies to an inmate serving a life sentence, with all but a term of years suspended, followed by probation upon release. *See Hanson v. Hughes*, 52 Md. App. 246, 248, *aff'd*, 294 Md. 599 (1982). Thus, an inmate serving a life sentence, with all but 50 years suspended, will also be eligible for parole after serving approximately 11 ½ years, or 20 years, if sentenced under Criminal Law § 2-303 or 2-304.

3. the progress of the inmate during confinement;
4. a report on a drug or alcohol evaluation that has been conducted on the inmate;
5. whether there is a reasonable probability that the inmate, if released on parole, will remain at liberty without violating the law;
6. whether release of the inmate on parole is compatible with the welfare of society;
7. an updated victim impact statement;
8. any recommendation made by the sentencing judge at the time of sentencing;
9. any information that is presented to a commissioner at a meeting with the victim; and
10. any testimony presented to the Commission by the victim or the victim's designated representative.

Corr. Servs § 7-305. *See also* Md. Code Regs. ("COMAR") § 12.08.01.18 (1995) (also listing criteria to be considered).

Additionally, in response to the Supreme Court's decisions regarding juvenile offenders, the Parole Commission has adopted a policy to provide expressly that it will consider the following factors in determining whether a prisoner who committed a crime as a juvenile is suitable for release on parole:

- (a) Age at the time the crime was committed;
- (b) The individual's level of maturity and sense of responsibility at the time of the crime was committed;
- (c) Whether influence or pressure from other individuals contributed to the commission of the crime;
- (d) Whether the prisoner's character developed since the time of the crime in a manner that indicates the prisoner will comply with the conditions of release;

- (e) The home environment and family relationships at the time the crime was committed;
- (f) The individual's educational background and achievement at the time the crime was committed; and
- (g) Other factors or circumstances unique to prisoners who committed crimes at the time the individual was a juvenile that the Commissioner determines to be relevant.

Exhibit 1 (Decl. of David Blumberg) ¶ 27, Attachment V. In accordance with the Maryland Administrative Procedure Act, Md. Code Ann., State Gov't §§ 10-101 – 10-118, the Parole Commission has proposed to amend its regulations to reflect the new policy. Exhibit 1 ¶ 27.

The Division also recently revised its policies regarding prisoners serving life sentences for crimes committed as juveniles. The Division's Case Management Manual now allows such an inmate to be classified to minimum or pre-release security if the Parole Commission recommends that the inmate participate in "outside testing and/or work release." Exhibit 2 (OPS.100.0004.5.D.).² See Alison Knezevich, "Md. Juvenile Lifers Could be Considered for Minimum Security, Work Release Programs in Policy Shift," *Baltimore Sun* (June 27, 2016).

Maryland law requires the Governor's approval of a Parole Commission decision to grant parole to an inmate who has served fewer than 25 years of a life sentence, without application of diminution credits. Corr. Servs. § 7-301(d)(4) (LexisNexis Supp. 2015).

² "Outside testing" refers to an inmate's supervised participation in a work assignment outside the confines of the prison.

Such approval is not required, however, if the Parole Commission elects to parole an inmate who has served 25 years or more of a life sentence. Instead, the law allows the Governor to disapprove a parole decision made by the Parole Commission with regard to such an inmate. Corr. Servs. § 7-301(d)(5) (LexisNexis Supp. 2015). However, if the Parole Commission elects to parole an inmate who has served 25 years, and the Governor does not disapprove the Parole Commission's decision within 180 days of receiving it, the parole decision becomes effective. *Id.* These laws addressing Governor-approval also apply to inmates serving sentences of life, with or without a term of years suspended.³

Mandatory Supervision

Under Correctional Services §§ 3-701 – 3-711, and with exceptions not relevant here, an inmate serving “a term of confinement” in the Division may earn diminution credits, which are applied to the inmate's term to reduce the length of the inmate's incarceration. A “term of confinement” is “the length of the sentence” for an inmate serving a single sentence. Corr. Servs. § 3-701(2). For an inmate serving multiple concurrent or consecutive sentences, the term of confinement is the “[t]he period from the first day of the sentence that begins first through the last day of the sentence that ends last.”

³ As was true when the individual plaintiffs were sentenced and remains true today, in Maryland a sentencing judge has the discretion to suspend all or part of a parolable life sentence. *Cathcart v. State*, 397 Md. 320, 328 (2007) (requiring imposition of period of probation upon suspension of execution of all or part of a life sentence); *State v. Wooten*, 277 Md. 114, 115 (1976) (finding “nothing improper in the trial court's suspension of all but the first eight years of the life sentence it imposed in this case”).

Id. The last day of the term of confinement is the “maximum expiration date.” It is from this date that diminution credits are subtracted.

Upon earning a sufficient number of diminution credits, the inmate is released on “mandatory supervision.” Corr. Servs. § 7-501. While on mandatory supervision, the releasee “is subject to . . . all laws, rules, regulations, and conditions that apply to parolees” and “any special conditions established by a [parole] commissioner.” Corr. Servs. § 7-502(b)(1), (2). If the supervisee fails to abide by the terms and conditions of release, the Parole Commission may revoke the mandatory supervision and require the supervisee to serve the balance of the term less any credit allowed by the presiding commissioner for the period between release and revocation. Corr. Servs. § 7-401(c), (d).

An inmate serving a life sentence with all but a portion of that sentence suspended is eligible to earn diminution credits because the inmate is serving a “term of confinement” as defined under Correctional Services § 3-701(2). Thus, if, for example, the inmate is serving life, with all but 20 years suspended, the inmate will be released after serving the 20 years, less diminution credits.

An inmate serving a life sentence with no portion suspended is not serving a “term of confinement” because there is no “last day of the sentence.” Thus, an inmate serving such a sentence, even if it is imposed with the possibility for parole, “cannot obtain early release based on diminution of confinement credits.” *Witherspoon v. Maryland Parole Comm’n*, 149 Md. App. 101, 103 (2002). As noted above, however, earned diminution credits will advance the inmate’s parole eligibility date.

Executive Clemency

The Governor's power to grant commutations and pardons is derived from Article II, § 20 of the Maryland Constitution. That authority is currently codified at Correctional Services § 7-601, which permits the Governor, as relevant here, to "pardon an individual convicted of a crime subject to any conditions the Governor requires," or "remit any part of a sentence of imprisonment subject to any conditions the Governor requires, without the remission operating as a full pardon."

The Parole Commission's regulations addressing its role in the commutation process have specific applicability to inmates serving life sentences. *See* COMAR § 12.08.01.15 (1995). For "[l]ife [c]ases, . . . [t]he [Parole] Commission will recommend to the Governor a commutation of a life sentence where the case warrants special consideration or where the facts and circumstances of the crime justify special consideration, or both." *Id.* § 12.08.01.15.B.⁴

Early Releases of Division Inmates Serving Life Sentences for Crimes Committed as Juveniles

As demonstrated in Parole Commission Chairman Blumberg's attached declaration, Maryland's early release system has resulted in the release of inmates serving life sentences,

⁴ For inmates serving non-life sentences, the regulations permit the Parole Commission, in "unusual" circumstances, to recommend that the Governor commute an inmate's sentence "to time served," resulting in the inmate's immediate release, or "to a number of years." COMAR § 12.08.01.15.A (1995). "Once [the sentence is] commuted, the [Parole] Commission, in its discretion, may release the inmate on parole." *Id.*

including parole releases of inmates sentenced to life imprisonment for crimes committed as juveniles.

Chairman Blumberg's declaration describes the parole of the following juvenile offenders.⁵

Parole of John Alexander Jones (17 Years of Age at Time of Offense)

On November 5, 2012, upon recommendation of the Parole Commission, Governor Martin O'Malley conditionally commuted the life sentence of John Alexander Jones, Division identification number 168832, to life, with all but 47 years suspended. *See* Attachment A (Executive Order 01.01.2012.27). Mr. Jones was convicted by the Circuit Court for Baltimore City on August 25, 1983 of felony murder, and received a life sentence. Mr. Jones was also convicted of attempted robbery with a deadly weapon, and a handgun violation, for which he received a concurrent five-year sentence. In conditionally commuting Mr. Jones's life sentence, the Governor noted that Mr. Jones "was seventeen years old at the time of the offense and has compiled, while incarcerated, a strong record of work experience and institutional progress, including the attainment of a GED and then an undergraduate degree from Coppin State University." Attachment A, p. 1. The Governor also noted that "[t]he jury convicted [Mr. Jones] of [f]elony [m]urder for participation in an attempted robbery that led to the murder, but the State . . . did not allege that [Mr. Jones] was the shooter;" that the State's Attorney for Baltimore City "does not oppose clemency" for Mr. Jones; and that the Parole Commission "has concluded that [Mr. Jones] presently appears to constitute no threat to public safety and recommends the granting of [e]xecutive [c]lemency." Attachment A, p. 1.

The Governor conditioned the commutation of Mr. Jones's sentence on Mr. Jones's participation in "a period of community testing and/or . . . work release" and a re-entry plan, to include a home plan, an "employment plan that includes as necessary, job placement, job training, and/or

⁵ Since 2004, in addition to these juvenile offenders, five inmates who were originally sentenced to life imprisonment for crimes committed as adults, that is, at age 18 or older, have been paroled from the Division or released from the Division on mandatory supervision following a commutation of sentence granted by the Governor. Exhibit 1 ¶¶ 4, 19-23.

educational programs,” a counseling plan, and if deemed necessary by the Parole Commission, a substance abuse evaluation and treatment program. Attachment A, p. 2. The Governor authorized the Parole Commission to grant parole to Mr. Jones, if merited, and also directed that upon release, Mr. Jones participate in counseling, and mental health treatment and substance abuse treatment, as directed by the Parole Commission and his supervising agent. Attachment A at pp. 2-3. The Governor’s order also provided for supervision by the Parole Commission following the expiration of the 47-year term, if deemed necessary by the Parole Commission, and included procedures for revocation of the release if Mr. Jones failed to abide by its terms. Attachment A, pp. 4-5. Following the conditional commutation of Mr. Jones’s sentence, the Parole Commission granted parole to Mr. Jones on February 20, 2013. *See* Attachment B (Order for Release on Parole).

Parole of Mark Farley Grant (14 years of Age at Time of Offense)

On March 29, 2012, Governor O’Malley, upon recommendation of the Parole Commission, conditionally commuted the life sentence of Mark Farley Grant, Division identification number 171372, to a term of life, with all but 45 years suspended. *See* Attachment C (Executive Order 01.01.2012.06). Mr. Grant was sentenced by the Circuit Court for Baltimore City on January 31, 1984 to life imprisonment, and a consecutive 15-year term, after a jury found him guilty of felony murder, use of a handgun in the commission of a crime of violence, and attempted robbery with a deadly weapon. In 2003, the sentencing court merged the sentences for use of a handgun and attempted robbery into the life sentence. Attachment C, p. 1.

The Governor noted that Mr. Grant “was fourteen years old at the time of the offense and has compiled, while incarcerated, a strong record of work experience and institutional progress.” Attachment C, p. 1. He also noted that the jury had acquitted Mr. Grant of first-degree murder; that the State’s Attorney for Baltimore City “does not oppose clemency for [Mr. Grant];” and that the Parole Commission “has concluded that [Mr. Grant] presently appears to constitute no threat to public safety and recommends the granting of [e]xecutive [c]lemency.” Attachment C, p. 1.

The commutation of Mr. Grant’s sentence was conditioned on Mr. Grant’s participation in “a period of community testing and/or . . . work release” and a re-entry plan, to include a home plan, an employment plan “that includes, as necessary, job placement, job training, and/or educational programs,” a counseling plan, and if deemed necessary by the Parole Commission, a substance abuse evaluation and treatment program.

Attachment C, p. 2. The Governor's order authorized the Parole Commission to grant parole to Mr. Grant, if merited, and also directed that upon release, Mr. Grant participate in counseling and mental health treatment and substance abuse treatment, as directed by the Parole Commission and his supervising agent. Attachment C, pp. 2-3. The order also provided for supervision by the Parole Commission following the expiration of the 45-year term, if deemed necessary by the Parole Commission, and procedures for revocation of the release if Mr. Grant failed to abide by its terms. Attachment C, pp. 4-5. Following the conditional commutation of Mr. Grant's sentence, the Parole Commission paroled Mr. Grant on December 18, 2012. *See* Attachment D (Order for Release on Parole).

Parole of Mary Washington Brown (16 years of Age at Time of Offense)

On November 25, 2004, Governor Robert L. Ehrlich, Jr., on recommendation of the Parole Commission, conditionally commuted the life sentence of Mary Washington Brown, Division identification number 901457. *See* Attachment E (Executive Order 01.01.2004.67). Ms. Brown was sentenced to imprisonment for life by the Circuit Court for Baltimore City on December 18, 1974, following her conviction for first degree murder. At the time of the offense, Ms. Brown was 16 years of age.

In commuting Ms. Brown's sentence, the Governor noted the following: that Ms. Brown was "an exemplary inmate," and had "compiled an impressive record of practical instruction, work experience, and institutional progress;" that the Parole Commission "has concluded that [Ms. Brown] appears to constitute no threat to the safety of society;" and that the Parole Commission "recommends the granting of executive clemency." Attachment E, p. 1. He therefore concluded that "[t]he interests of the State of Maryland and of [Ms. Brown] will be best served by the granting of" the conditional commutation. Attachment E, p. 1.

The commutation of Ms. Brown's sentence was conditioned on Ms. Brown's participation in 12 months of work-release prior to reaching parole eligibility. Attachment E, p. 1. The Governor's order further stated that in the event the Parole Commission "determines that [Ms. Brown] merits parole release," Ms. Brown would be required to comply with a re-entry plan that included counseling and substance abuse treatment, as well as educational and vocational training. Attachment E, pp. 1-2.

Following the commutation of Ms. Brown's sentence, the Parole Commission granted parole to Ms. Brown on February 13, 2006. *See* Attachment F (Order for Release on Parole). Because Governor Ehrlich

commuted Ms. Brown's sentence to a term of years, she was no longer serving a life sentence when the Parole Commission granted her parole, and approval by the Governor was thus not required. Ms. Brown remains under parole supervision until the 60-year term expires.

Parole of Karen Lynn Fried (17 years of Age at Time of Offense)

On November 14, 2003, Governor Ehrlich, on recommendation of the Parole Commission, commuted the life sentence of Karen Lynn Fried, Division identification no. 902530, to a term of 45 years. See Attachment G (Executive Order 01.01.2003.35). Ms. Fried had been sentenced to imprisonment for life by the Circuit Court for Baltimore County on September 15, 1978, following her conviction for murder. Ms. Fried also received a five-year concurrent sentence for conspiracy to commit murder. Attachment G, p. 1.

In commuting Ms. Fried's sentence, Governor Ehrlich noted that when Ms. Fried committed the offenses, she was seventeen years of age. Attachment G, p. 1. He also noted that in August 1988, the sentencing judge "wrote his belief that '[Ms.] Fried has achieved maximum rehabilitation and has reached the point where she should be paroled.'" Attachment G, p. 1. The Governor further noted that in September 1993, "a three-judge panel of the Circuit Court for Baltimore County found that [Ms.] Fried's progress during incarceration had been exemplary;" that "[h]er achievement in education and apparent rehabilitation had been noteworthy and highly commendable;" and that "[s]he appeared to have earned the opportunity to be considered for ultimate release from confinement[.]" Attachment G, p. 1. Additionally, Governor Ehrlich noted that while incarcerated, Ms. Fried "has earned her GED and engaged herself in a wide range of self-help programs," and that she "has a comprehensive support network in place upon reentry." Attachment G, p. 1.

Finally, Governor Ehrlich noted that the "Parole Commission has concluded that [Ms. Fried] being contrite and remorseful, presently appears to constitute no threat to the safety of society, and recommends her sentence to be commuted to a term of forty-five years[.]" Attachment G, p. 1. He concluded that "the interests of the State of Maryland and [Ms. Fried] will best be served by commutation of the sentence." Attachment G, p. 1.

Following the commutation of Ms. Fried's sentence to a term of 45 years, the Parole Commission granted parole to Ms. Fried on September 15, 2015. See Attachment H (Order for Release on Parole). As was the case with Ms. Brown, because Governor Ehrlich commuted Ms. Fried's sentence

to a term of years, she was no longer serving a life sentence at the time the Parole Commission granted her parole, and approval by the Governor was not required. Ms. Fried will remain under parole supervision until the 45-year term expires on March 24, 2023.

Parole of Milton Humphrey (17 years of Age at Time of Offense)

On May 20, 1999, the Parole Commission, with the approval of Governor Parris Glendening, granted a “medical parole” to Milton Humphrey, Division identification no. 193624. *See* Attachment I (Order for Release on Parole). Prior to the enactment, in 2008, of § 7-309 of the Correctional Services Article (“CS”), which specifically authorizes the granting of medical parole, the Parole Commission granted medical paroles under its general parole authority set forth in CS § 7-205. Mr. Humphrey was paroled from a life sentence beginning on October 6, 1987, imposed by the Circuit for Baltimore City on August 10, 1988, for first degree murder, and a consecutive 13-year sentence for use of a handgun. When he committed these crimes, Mr. Humphrey was 17 years of age. *See* Attachment J (Parole Information System (“PARIS”) record, reflecting that Mr. Humphrey was born on September 13, 1969 and that his offenses occurred on August 28, 1987). Mr. Humphrey died on or about June 9, 1999. *See* Attachment K (Offender-Based State Corrections Information System (“OBSCIS”) record, reflecting that Mr. Humphrey’s case was closed on June 9, 1999, due to his death).

Exhibit 1 ¶¶ 5-18.

ARGUMENT

I. STANDARD OF REVIEW

To survive a motion to dismiss for failure to state a claim on which relief can be granted, “a complaint must contain sufficient factual matter, accepted as true, ‘to state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). Although the Court is required to “‘take the facts in the light most favorable to the plaintiff,’” the Court “need

not accept legal conclusions couched as facts or ‘unwarranted inferences, unreasonable conclusions, or arguments.’” *Wag More Dogs, LLC v. Cozart*, 680 F.3d 359, 365 (4th Cir. 2012) (quoting *Giarratano v. Johnson*, 521 F.3d 298, 302 (4th Cir. 2008) (internal citation omitted)). “While legal conclusions can provide the framework of a complaint, they must be supported by factual allegations.” *Iqbal*, 556 U.S. at 679.

Under Rule 56 of the Federal Rules of Civil Procedure, a district court “shall grant summary judgment” if the moving party “shows that there is no genuine dispute as to any material fact” and the moving party “is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(c). In ruling on a motion for summary judgment, the Court is required to “view the facts and all justifiable inferences arising therefrom in the light most favorable to the nonmoving party.” *Libertarian Party of Va. v. Judd*, 718 F.3d 308, 312-13 (4th Cir. 2013) (quoting *Woollard v. Gallagher*, 712 F.3d 865, 873 (4th Cir. 2013)). “For purposes of summary judgment consideration, the substantive law identifies which facts are material, and ‘[o]nly disputes over facts that might affect the outcome of the suit under the governing law will properly preclude the entry of summary judgment.’” *Henry v. Purnell*, 652 F.3d 524, 548 (4th Cir. 2011) (quoting *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986)).

“Under ‘well-established principles of equity,’ a plaintiff seeking a permanent injunction must demonstrate:

- (1) that it has suffered an irreparable injury; (2) that remedies available at law, such as monetary damages, are inadequate to compensate for that injury; (3) that, considering the balance of hardships between the plaintiff and

defendant, a remedy in equity is warranted; and (4) that the public interest would not be disserved by a permanent injunction.

Legend Night Club v. Miller, 637 F.3d 291, 297 (4th Cir. 2011) (quoting *eBay Inc. v. MercExchange, L.L.C.*, 547 U.S. 388, 391 (2006)).

II. THE PLAINTIFFS’ § 1983 CLAIMS ARE BARRED BY THE RULE ANNOUNCED IN *HECK V. HUMPHREY* BECAUSE A JUDGMENT IN THEIR FAVOR WOULD NECESSARILY IMPLY THE INVALIDITY OF THEIR ALLEGED *DE FACTO* LIFE-WITHOUT-PAROLE SENTENCES.

In *Heck v. Humphrey*, 512 U.S. 477 (1994), the Supreme Court “held that a state prisoner’s claim for damages is not cognizable under 42 U.S.C. § 1983 if ‘a judgment in favor of the plaintiff would necessarily imply the invalidity of his conviction or sentence,’ unless the prisoner can demonstrate that the conviction or sentence has previously been invalidated.” *Edwards v. Balisok*, 520 U.S. 641, 643 (1997) (quoting *Heck*, 512 U.S. at 487). The *Heck* bar applies to a state prisoner’s § 1983 action “no matter the relief sought (damages or equitable relief), no matter the target of the prisoner’s suit (state conduct leading to conviction or internal prison proceedings) – *if* success in that action would necessarily demonstrate the invalidity of confinement or its duration.” *Wilkinson v. Dotson*, 544 U.S. 74, 81-82 (2005) (parentheses and emphasis in original).

The plaintiffs allege that Maryland’s statutory scheme governing parole violates the Eighth Amendment to the United States Constitution and Article 25 of the Maryland Constitution because it “imposes life sentences upon minors without appropriate consideration of their distinctive attributes as youth, and . . . fails to provide them a meaningful and realistic opportunity for release.” Compl. ¶ 7. As a result of this statutory

scheme, the plaintiffs contend, they are being confined subject to “*de facto* life-without-parole sentences” that impose “unconstitutionally disproportionate punishment in violation of the Eighth Amendment and Article 25.” Compl. ¶ 63. Thus, although the plaintiffs do not seek immediate release from confinement, their § 1983 claims for relief must be dismissed because a judgment in their favor would “necessarily imply the invalidity of . . . [their] sentence[s].” *Heck*, 512 U.S. at 487; *see also Wilkinson*, 544 U.S. at 81 (explaining that *Heck* bars prisoners’ suits that “seek to invalidate the duration of their confinement – either *directly* through an injunction compelling speedier release or *indirectly* through a judicial determination that necessarily implies the unlawfulness of the State’s custody”).

The *Heck* bar applies to a state prisoner’s action challenging his conviction or sentence on procedural grounds where “the nature of the challenge to the procedures could be such as necessarily to imply the invalidity” of the conviction or sentence. *Edwards*, 520 U.S. at 645. In *Edwards*, for example, the Court held that *Heck* barred a prisoner’s § 1983 claim for damages and declaratory relief challenging the procedures employed in a disciplinary hearing, because the alleged procedural defect – bias by the decision maker – “would, if established, necessarily imply the invalidity of the deprivation of his good-time credits.” *Id.* at 646. The Court distinguished procedural claims that do “not call into question the lawfulness of the plaintiff’s continuing confinement” from claims where the procedural challenge necessarily implies the invalidity of a judgment or sentence. *Id.* at 646 (quoting *Heck*, 512 U.S. at 483 (emphasis omitted in *Edwards*)).

In accordance with this distinction, in *Wilkinson*, the Court held that *Heck* did not bar challenges brought by two prisoners alleging that certain procedures employed in their parole proceedings violated the Constitution. In that case, the prisoners asserted *Ex Post Facto* Clause and due process challenges to prison officials' use of harsher parole guidelines that were adopted after the prisoners began to serve their sentences and other alleged procedural irregularities. *Id.* at 76-77. Both prisoners sought declaratory relief and injunctions ordering prison officials to grant them new parole hearings conducted under constitutionally proper procedures. *Id.* Their action was not barred by *Heck*, the Court explained, because the prisoners challenged the procedures employed by the State but did not challenge the resulting denial of parole, nor did their challenge to the procedures at issue necessarily imply the invalidity of their continued confinement subject to their parole-eligible sentences. *Id.* at 81-82.

Here, in contrast, although the plaintiffs identify allegedly faulty parole procedures employed by the State as applied to them, they expressly allege that as a result of the State's application of its "policies and practices" their parole-eligible sentences have been "convert[ed] . . . into *de facto* life-without-parole sentences" that "subjects them to unconstitutionally disproportionate punishment in violation of the Eighth Amendment and Article 25." Compl. ¶ 63. Thus, they are not alleging merely that the State employed improper procedures, but rather that the State's current procedures necessarily have rendered their underlying sentences unconstitutional. Because the plaintiffs seek a judicial determination that they are currently serving unconstitutional sentences, a judgment in their

favor “would necessarily imply the invalidity” of those sentences. *Heck*, 512 U.S. at 487. Rather than challenge the validity of their sentences through a § 1983 action, the plaintiffs “must file a petition for a writ of habeas corpus . . . and thus must exhaust state remedies, *see* 28 U.S.C. § 2254(b)(1)(A).” *District Att’y’s Office for Third Judicial Dist. v. Osborne*, 557 U.S. 52, 75 (2009) (Alito J., concurring); *see, e.g., In re Wright*, __ F.3d __, 2016 WL 3409851, at *4 (4th Cir. June 21, 2016) (evaluating a challenge to the execution of a state prisoner’s sentence under 28 U.S. § 2254).⁶

III. ALL CLAIMS ARE BARRED BY THE STATUTE OF LIMITATIONS.

The plaintiffs’ claims should be dismissed as untimely under the applicable statute of limitations. “Statutes of limitations defenses are recognized as appropriate grounds for granting a motion to dismiss where,” as here, “the defense is apparent from the face of the complaint.” *Wright v. United States Postal Serv.*, 305 F. Supp. 2d 562, 563 (D. Md. 2004) (citing *Pantry Pride Enterprises, Inc. v. Glenlo Corp.*, 729 F.2d 963, 965 (4th Cir. 1984)).

A. Principles Governing Statute of Limitations for § 1983 Claims

For a claim under 42 U.S.C. § 1983, federal courts borrow the State’s general personal injury limitations period, which in Maryland is three years. *Jersey Heights Neighborhood Ass’n v. Glendening*, 174 F.3d 180, 187 (4th Cir. 1999) (citing Md. Code Ann., Cts. & Jud. Proc. § 5-101). Determining when the plaintiffs’ cause of action accrued, however, is a matter of federal law. *Nasim v. Warden, Md. House of Corr.*, 64 F.3d 951,

⁶ The State’s post-conviction procedure is set forth in Title 7 of the Criminal Procedure Article of the Maryland Code.

955 (4th Cir. 1995) (en banc). A claim under § 1983 “accrues when the plaintiff ‘knows or has reason to know of the injury which is the basis of the action,’” *A Society Without a Name v. Virginia*, 655 F.3d 342, 348 (4th Cir. 2011) (citation omitted); that is, “a cause of action accrues when the plaintiff possesses sufficient facts about the harm done to him that reasonable inquiry will reveal his cause of action,” *Nasim*, 64 F.3d at 955 (citing *United States v. Kubrick*, 444 U.S. 111, 122-24 (1979)); *see also* *Wallace v. Kato*, 549 U.S. 384, 391 (2007) (applying to § 1983 claim “‘the traditional rule of accrual’ that ‘the tort cause of action accrues . . . when the wrongful act or omission results in damages. . . . even though the full extent of the injury is not then known or predictable’”).

B. Principles Governing Statute of Limitations for Claims Under Article 25 of the Maryland Declaration of Rights

Maryland’s general three-year statute of limitation would also apply to the plaintiffs’ state law claims under Article 25 of the Maryland Declaration of Rights, *see* Doc. 1, Compl. ¶¶ 175–180 and 185. *Barnhill v. Strong*, Civil No. JFM 07–1678, 2008 WL 544835 at *2 (D. Md. 2008) (citing *Davidson v. Koerber*, 454 F. Supp. 1256, 1260 (D. Md. 1978)); *id.* at *3 (“Other than [the default limitations statute], there is no statute addressing limitations on actions alleging a violation of art. 24 of the Declaration of Rights or of the other federal and state constitutional provisions implicated in any inverse condemnation claim. Consequently, the general three year statute of limitations found in [the default statute] controls Plaintiff’s claim.” (quoting *Electro-Nucleonics, Inc. v. Washington Suburban Sanitary Comm’n*, 315 Md. 361, 374 (1989) (brackets in original))).

To determine the accrual date for the state law claims, this Court will look to applicable Maryland law. *See, e.g., Barnhill*, 2008 WL 544835 at *2. Under Maryland law, a cause of action arises and the statute of limitations ordinarily begins to run “upon the occurrence of the alleged wrong,” *Poole v. Coakley & Williams Const., Inc.*, 423 Md. 91, 131 (2011), that is, “when the legally operative facts permitting the filing of [a plaintiff’s] claims came into existence,” *Heron v. Strader*, 361 Md. 258, 264 (2000). However, Maryland courts recognize an exception, known as the “discovery rule,” which effectively results in a formula for accrual that is equivalent to the federal accrual principle: Maryland’s discovery rule “tolls the accrual date of the action until such time as the potential plaintiff either discovers his or her injury, or should have discovered it through the exercise of due diligence.” *Poole*, 423 Md. at 131 (citation omitted).

C. The Same Statute of Limitations and Accrual Rules Apply to the Plaintiffs’ Prayer for Declaratory Relief.

The plaintiffs also invoke the federal Declaratory Judgments Act, 28 U.S.C. §§ 2201 – 2202, but that statute “is remedial only and neither extends federal courts’ jurisdiction nor creates any substantive rights.” *CGM, LLC v. BellSouth Telecomm., Inc.*, 664 F.3d 46, 55 (4th Cir. 2011) (citing, *inter alia*, *Skelly Oil Co. v. Phillips Petrol. Co.*, 339 U.S. 667, 671-72 (1950)). Therefore, the plaintiffs’ claims for declaratory relief are time-barred “if relief on a direct claim would also be barred” under the applicable statute of limitations. *International Ass’n of Machinists & Aero. Workers v. Tennessee Valley Auth.*, 108 F.3d 658, 668 (6th Cir. 1997) (quoting *Stone v. Williams*, 970 F.2d 1043, 1048 (2d Cir. 1992),

cert. denied, 508 U.S. 906 (1993)). That is, a “request for declaratory relief is barred to the same extent that the claim for substantive relief on which it is based would be barred.” *CGM, LLC*, 664 F.3d at 55-56 (quoting *International Ass’n of Machinists*, 108 F.3d at 668); accord *Algrant v. Evergreen Valley Ltd. P’ship*, 126 F.3d 178, 181 (3d Cir. 1997) (summarizing decisions from the First, Sixth, Ninth and Tenth Circuits, all of which have “held that an action for declaratory relief will be barred to the same extent the applicable statute of limitations bars the concurrent legal remedy”).

Maryland courts adhere to the same rule barring declaratory relief to the same extent substantive claims would be time-barred. *See Commercial Union Ins. Co. v. Porter Hayden Co.*, 116 Md. App. 605, 658-59 (1997) (citations omitted); *see, e.g., Bacon v. Arey*, 203 Md. App. 606, 657-59 (2012) (affirming trial court’s dismissal for untimeliness of tort and constitutional claims, including claims for declaratory relief, based on application of the same three-year general statute of limitations and finding that the declaratory judgment claim and other prayers for relief on constitutional claims accrued simultaneously and the limitations period for each expired simultaneously).

D. The Plaintiffs’ Allegations Confirm That All of Their Claims Are Untimely Under the Applicable Three-Year Statute of Limitations.

Under the pertinent three-year statute of limitations and “discovery rule” for accrual, all of the plaintiffs’ federal and state law claims are time-barred because, according to the complaint, the plaintiffs knew the facts necessary to pursue their cause of action two decades ago. The gravamen of the plaintiffs’ claims consists of their assertion that their

sentences to life with eligibility for parole were, in effect, converted to life without parole due to a former governor's 1995 adoption of a policy against granting parole to prisoners serving a life sentence. As the complaint alleges, in 1995, then-Governor Glendening announced publicly that he did not intend to grant parole to anyone serving a life sentence unless the prisoner was very old or terminally ill. Compl. ¶¶ 105, 106. At the time of that 1995 announcement, the individual plaintiffs were prisoners serving life sentences, as was the founder of plaintiff MRJI, Walter Lomax. Compl. ¶¶ 16–19, 108. In fact, Mr. Lomax's understanding that a cause of action had accrued at the time of Governor Glendening's announcement was demonstrated by the filing of a court challenge to the policy, which was considered and rejected by the Maryland Court of Appeals in a 1999 decision that is cited repeatedly in the complaint. *Lomax v. Warden*, 356 Md. 569 (1999). Compl. ¶ 108.

Therefore, as early as 1995, the plaintiffs' claims accrued because they "kn[ew] or ha[d] reason to know of the injury which is the basis of the action," *A Society Without a Name*, 655 F.3d at 348; *accord Poole*, 423 Md. at 131; they "possesse[d] sufficient facts about the harm" caused to them by the policy so that "reasonable inquiry w[ould] reveal [their] cause of action," *Nasim*, 64 F.3d at 955; and, as confirmed by the complaint, "the legally operative facts permitting the filing of [plaintiff's] claims came into existence" by 1995, *Heron*, 361 Md. at 264. Even if the 1995 announcement that is the centerpiece of the complaint could somehow be deemed insufficient to alert the plaintiffs to their injury, they had ample opportunity in the ensuing years to comprehend and act upon their cause of action long before the three years that preceded the filing of this suit. Certainly, plaintiff

Calvin McNeill’s claim had accrued by 2011, when then-Governor O’Malley rejected without comment the 2008 recommendation of the Parole Commission that his sentence be commuted. Compl. ¶ 126. Similarly, plaintiff Kenneth Tucker has long been aware of his alleged injury, given that he declined his parole hearing in 1996 and declined to attend a parole hearing until 2014, because “he did not see much point to reinstating hearings when no lifers were being paroled.” Compl. ¶ 142. Plaintiff Nathaniel Foster also acknowledges that he was aware of his injury more than three years before the filing of this lawsuit; the complaint alleges that in 2005 “Mr. Foster was told ‘off the record’ that the Governor was not going to sign any lifer parole papers,” and his next hearing was set for three years later. Compl. ¶ 159. The complaint further alleges that, on Mr. Foster’s request for reconsideration, Chairman Blumberg informed him “on August 15, 2007” – some 8 $\frac{2}{3}$ years before this suit was filed – that the Parole Commission saw “no basis to change its decision.” Compl. ¶ 160.

For these reasons, the plaintiffs’ federal and state law claims are barred because the complaint was filed more than three years after the claims accrued.

E. The Statute of Limitations Is Not Tolloed Due to the Existence of Adverse Precedent That Might Have Prevented the Plaintiffs from Prevailing.

Although the plaintiffs may contend that their claims are timely because the availability of the theory on which they rely was unclear prior to the Supreme Court’s 2016 *Montgomery* decision (holding that the rights of juveniles recognized in *Graham* and *Miller* must be applied retroactively), the Fourth Circuit has rejected the notion that a

statute of limitations could be tolled due to “the unfavorable precedent that would have governed [plaintiffs’] claim had [they] sued prior to” the issuance of a new decision that is more favorable to their claim. *Whiteside v. United States*, 775 F.3d 180, 185 (4th Cir. 2014) (en banc), *cert. denied*, 135 S. Ct. 2890 (2015) (holding prisoner’s motion to vacate, set aside, or correct sentence was time barred by applicable limitations and rejecting his equitable tolling argument that, prior to a new 4th Circuit decision, he had been “prevented from timely filing by the unfavorable precedent that would have governed his claim”). *Whiteside* held that the existence of prior adverse precedent, together with the lack of the necessary legal support for a prisoner’s claim until the new precedent was created, did not constitute an “‘extraordinary circumstance [that] stood in [the prisoner’s] way and prevented timely filing’” for purposes of equitable tolling. *Id.* at 184 (quoting *Holland v. Florida*, 560 U.S. 631, 649 (2010)).

Nor does new precedent cited by a prisoner constitute “a new ‘fact’” for purposes of determining the accrual date for the statute of limitations, *id.* at 183; rather, “[a] decision ‘establishing an abstract proposition of law arguably helpful to the petitioner’s claim does not constitute the ‘factual predicate’ for that claim,’” *id.* at 184 (citation omitted). In so holding, the Fourth Circuit relied on Supreme Court precedent emphasizing that “futility cannot constitute cause” for a procedural default. *Id.* at 185 (quoting *Bousley v. United States*, 523 U.S. 614, 623 (1998) (other citation omitted)). *Whiteside* also relied on prior Fourth Circuit precedent that reached the same conclusion. 775 F.3d at 185 (citing *Minter v. Beck*, 230 F.3d 663, 666 (4th Cir. 2000) (rejecting equitable tolling based on prisoner’s

argument that unfavorable precedent had previously barred his claim and stating that “futility . . . is not a valid justification for filing an untimely . . . petition”).

Even if Fourth Circuit precedent did not so clearly preclude the plaintiffs here from escaping the statute of limitations by relying on the recent issuance of *Montgomery*, Supreme Court and Fourth Circuit precedent holds that, under the special exception Congress has created to allow a habeas petition to be based on a right established by new precedent, the meaningful date for accrual purposes would be “the date on which the right asserted was initially recognized by the Supreme Court,” *not* the date of any subsequent decision in which the right was “made retroactively applicable. . . .” *Dodd v. United States*, 545 U.S. 353, 357-59 (2005) (quoting 28 U.S.C. § 2255(f)(3)); *followed in United States v. Mathur*, 685 F.3d 396, 398 (4th Cir. 2012); *see id.* at 403-04 (Niemeyer, J., concurring) (explaining *Dodd*).⁷ Therefore, even if the plaintiffs had availed themselves of the habeas statute and filed a petition under § 2254 rather than a § 1983 complaint, their claims would

⁷ 28 U.S.C. § 2255(f)(3) authorizes prisoners in federal custody to file a motion to vacate, set aside or correct a sentence based on new Supreme Court precedent within one year from “the date on which the right asserted was initially recognized by the Supreme Court,” *id.*, but the Supreme Court has held that the one-year statute of limitations runs from the date the right was first recognized by Supreme Court, *not* the date of a subsequent Supreme Court decision making the right retroactive. *Dodd*, 545 U.S. at 357-59. A substantively identical provision governs habeas petitions by state prisoners. 28 U.S.C. § 2244(d)(1)(C) (“The [one-year] limitation period shall run from the latest of . . . the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review. . . .”). *See, e.g., Ly v. Beard*, No. 15-70939, ___ F. App’x ___, 2016 WL 331881, *2 (9th Cir. June 15, 2016) (applying *Dodd* to interpretation of § 2544(d)(1)(C)).

be time-barred under 28 U.S.C. § 2244(d)(1) because *Montgomery* merely “made retroactively applicable” a right recognized in the 2012 *Miller* decision, which was decided four years earlier. To the extent the plaintiffs’ claims also rely heavily on *Graham*, it was decided even earlier, in 2010, some six years before the commencement of this suit.

F. The Plaintiffs Cannot Satisfy the Requirements for the Continuing Violation Exception.

Finally, the plaintiffs cannot satisfy the “continuing violation” exception to accrual for limitations purposes because, according to their complaint, during more than three years prior to the filing of this lawsuit they did not experience new violations of law but, at most, experienced the continuing ill effects of known policies adopted much earlier. Under both Fourth Circuit precedent and decisions of Maryland state courts, a “continuing violation is occasioned by continual unlawful acts, not continual ill effects from an original violation.” *Jersey Heights*, 174 F.3d at 189 (quoting *National Advertising Co. v. City of Raleigh*, 947 F.2d 1158, 1166 (4th Cir. 1991)). That is, “the continuing ill effects from an original violation . . . do not constitute a continuing violation.”⁸ *A Society Without a Name*,

⁸ Thus, in *Jersey Heights*, the Fourth Circuit rejected plaintiffs’ continuing violation theory because their claims rested “on the alleged ongoing effects of the original decision to locate the highway in proximity to Jersey Heights” and they “cite[d] no discrete acts of discrimination . . . within the limitations period,” 174 F.3d at 189; in *National Advertising*, the continuing violation exception was held not to apply because the alleged unconstitutional taking “occurred at the time of the ordinance’s enactment” and “what continued was the ill effect of the ordinance’s enactment and the alleged taking,” 947 F.2d at 1166; and in *A Society Without a Name*, the continuing violation exception invoked as to certain claims was rejected because the plaintiff’s objection to the relocation of homeless services away from downtown Richmond “amount[ed] to the continuing effect of the original decision to locate” the service center where it continued to stand, 655 F.3d at 349.

655 F.3d at 348; *accord Bacon*, 203 Md. App. at 662 (“Continuing violations that qualify under this theory are continuing unlawful acts, . . . not merely the continuing effects of a single earlier act” and the “continuing tort doctrine’ requires that a tortious act – not simply the continuing ill effects of prior tortious acts – fall within the limitation period. . . .” (citation omitted)).

Although the continuing violation exception may apply “if the plaintiff can show that the illegal act did not occur just once, but rather ‘in a series of separate acts[,] and if the same alleged violation was committed at the time of each act,’” *A Society Without a Name*, 655 F.3d at 348 (citation omitted), the Fourth Circuit has also cautioned that the continuing violation theory “‘should not provide a means of relieving plaintiff from its duty of reasonable diligence in pursuing its claims,’” *National Advertising*, 947 F.3d at 1168 (citation omitted). Accordingly, if a plaintiff “was in a position to challenge” a law or policy at the time of its adoption, then “statute of limitations policies militate against finding a continuing violation.” *Id.*; *accord Cowell v. Palmer Twp.*, 263 F.3d 286, 295 (3d Cir. 2001); *Moskowitz v. Trustees of Purdue Univ.*, 5 F.3d 279, 281-82 (7th Cir. 1993).

In prisoner cases analogous to this one, courts have repeatedly rejected attempts to assert a continuing violation as a way of overcoming the applicable statute of limitations. Thus, in two Eleventh Circuit decisions, the continuing violation theory was rejected where prisoners filed suit, in 2002 and 2001, respectively, to challenge a 1995 change in policy that diminished the frequency with which the prisoners would be considered for parole. *Brown v. Georgia Bd. of Pardons & Paroles*, 335 F.3d 1259, 1262 (11th Cir. 2003); *Lovett*

v. Ray, 327 F. 3d 1181 (11th Cir. 2003). These decisions concluded that the resetting of a parole hearing or the period of delay caused by a deferred parole hearing due to a policy change did not constitute either a “continuing violation of [the prisoner’s] constitutional rights against Ex Post Facto laws” or an injury “separate and distinct” from “the original decision” to establish the policy and apply it retroactively to the prisoner. *Brown*, 335 F.3d at 1260-61; *Lovett*, 327 F. 3d at 1183 (“[T]he defendants’ act (deciding not to consider Lovett for parole again until 2006) was a one time act with continued consequences, and the limitations period is not extended.” (parentheses in original)). As *Brown* explained,

Each time Brown’s parole reconsideration hearing is set, it does not amount to a distinct and separate injury. . . . Rather, Brown’s injury, to the extent it ever existed, was when the Georgia Parole Board applied its new policy, eliminating the requirement of parole review every three years for Brown, retroactively. It is the decision in 1995 that forms a potential basis for Brown’s claim. It was also at this point that Brown could have discovered the factual predicate of his claim. The successive denials of parole do not involve separate factual predicates and therefore do not warrant separate statute-of-limitations calculations.

335 F.3d at 1261-62 (citation omitted).

The holding in *Brown* has been applied in cases affirmed by the Fourth Circuit. *See Liverman v. Johnson*, No. 3:07-cv-344, 2008 WL 2397544, *2 (E.D. Va. 2008) (applying *Brown*), *aff’d*, 318 F. App’x 166 (4th Cir. 2009) (unpublished per curiam); *Downey v. Johnson*, No. 3:08-cv-199, 2009 WL 150667, *2 (E.D. Va. 2009) (applying *Brown*), *aff’d*, 326 F. App’x 131 (4th Cir. 2009) (unpublished per curiam).

Similar conclusions have been reached in other belated prisoner challenges to changes in policies or statutes. For example, in *Porter v. Ray*, 461 F.3d 1315 (11th Cir.

2006), the Court rejected a continuing violation argument raised by prisoners who brought suit in 2002 to challenge an alleged “de facto” policy regarding parole eligibility that had been applied to them, with their knowledge, as early as 1996. The Court found no merit in “the appellants’ argument that they suffer a continuing violation each day they are imprisoned beyond [the statutory minimum time for parole eligibility] or the [tentative parole month] dictated by the [Parole Board’s Parole Decision] Guidelines,” and the Court further found that their claims were untimely because “any injury that the [plaintiffs] suffered was a one-time injury that occurred in 1996 or 1998 when they learned that they would have to serve sentences longer than [the statutory minimum for parole eligibility] and greater than the Guidelines dictated.” *Id.* at 1324.

In *Broom v. Strickland*, 579 F.3d 553 (6th Cir. 2009), the court dismissed as untimely a death row inmate’s suit challenging the State’s lethal injection protocol and rejected the prisoner’s continuing violation argument. As the court explained, “Broom has not alleged ‘continual unlawful acts,’ but rather challenges the effects from the adoption of the lethal-injection protocol. In essence, he has presented no continued wrongful conduct, only the continued risk of future harm.” *Id.* at 555-56.

Just as those cases held that the complaint’s untimeliness could not be excused by resort to a continuing violation theory, here the plaintiffs, according to their own allegations, are complaining of the continuing *effects* of what they describe as longstanding policies that were first applied to them, with their knowledge, in the mid-1990s. Their

continued serving of sentences imposed years earlier does not provide a basis for treating the policy changes of the 1990s as continual or repeated unlawful acts.

IV. THE COMPLAINT FAILS TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED.

A. The Plaintiffs' Allegations Fail to State a Plausible Claim Under the Eighth and Fourteenth Amendments or Article 25 of the Maryland Declaration of Rights.

The Supreme Court has not recognized a federal cause of action of the type that plaintiffs attempt to assert here: that a constitutional sentence of life with the possibility of parole imposed on a juvenile can be transformed by the alleged action or inaction of executive officials into an unconstitutional sentence of life *without* the possibility of parole. Nor does any Maryland authority support the plaintiffs' purported claims under Article 25 of the Maryland Declaration of Rights.⁹ Even if such a claim could be asserted, no such violation occurred in the plaintiffs' cases. First, the holdings of *Graham*, *Miller*, and *Montgomery* do not apply to plaintiffs because those cases involved the imposition of criminal sentences, and plaintiffs make no argument that the sentences they actually received are unconstitutional. Second, both the Supreme Court and the Court of Appeals of Maryland have insisted that there is a substantial difference between the exercise of the executive's powers of clemency and the executive's power to grant parole. *Solem v. Helm*, 463 U.S. 277, 301 (1983); *State ex rel. Murray v. Swenson*, 196 Md. 222, 229 (1950).

⁹ The Court of Appeals of Maryland has "consistently construed [Articles 16, 24, and 25 of the Declaration of Rights] as being *in pari materia* with their Federal counterparts." *Evans v. State*, 396 Md. 256, 327 (2006).

Under the jurisprudence of both courts, the plaintiffs received constitutional sentences of life imprisonment with the possibility of parole under a system that grants them meaningful opportunity to prove that they are entitled to be released before the end of their natural lives. No more is required.

The plaintiffs mistakenly equate the Governor's role in the parole process with the Governor's exercise of his power to exercise clemency to pardon an individual or remit part of a sentence of imprisonment without the remission operating as a full pardon. "As a matter of law, parole and commutation are different concepts, despite some surface similarities." *Solem*, 463 U.S. at 300. "A parole is a conditional release from imprisonment which entitles the grantee to leave the institution in which he is imprisoned, and to serve the remainder of his term outside the confines thereof, if he shall satisfactorily comply with all the terms and conditions provided in the parole order." *State ex rel. Murray*, 196 Md. at 229. "Generally, a pardon is an act of clemency, evidenced by an executive order signed by the Governor, absolving the convict from the guilt of his criminal acts and exempting him from any pains and penalties imposed upon him therefor by law." *Id.* Unlike the systems in some States, including the Florida scheme at issue in *Graham*, Maryland's parole process is available to plaintiffs who have been sentenced to life imprisonment with parole, without the necessity of prior exercise of the Governor's power to pardon. *See, e.g., State v. Castaneda*, 842 N.W.2d 740, 758 (Neb. 2014) ("Nebraska's parole system has absolutely no application to Castaneda unless and until executive clemency in the form of sentence commutation is granted."); *Bonilla v. State*, 791 N.W.2d 697, 701 (Iowa 2010)

(“[A]n individual convicted of a class ‘A’ felony will be sentenced to life and ‘shall not be released on parole unless the governor commutes the sentence to a term of years.’”); *id.* (“Bonilla was sentenced to life in prison and does not have the possibility of parole other than commutation by the governor.”); *Bear Cloud v. State*, 294 P.3d 36, 45 (Wyo. 2013) (“Thus, the only way that a person serving a life sentence according to law may become eligible for parole in Wyoming is if the governor commutes the life sentence to a term of years.”).

In *Graham*, the Court held that the Eighth Amendment bars life-without-parole sentences for juveniles convicted of non-homicide offenses. Because Florida had abolished its parole system, the juvenile offender’s sentence was, in effect, a sentence of life without parole, and his only hope of obtaining release was by the exercise of executive clemency. *Graham*, 560 U.S. at 57. A sentence of life without parole, the Court observed, “alters the offender’s life by a forfeiture that is irrevocable. It deprives the convict of the most basic liberties without giving hope of restoration, except perhaps by executive clemency, the remote possibility of which does not mitigate the harshness of the sentence.” *Graham*, 560 U.S. at 69-70. Juvenile offenders, the Court held, must be afforded a “meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation” before the end of their lives. *Graham*, 560 U.S. at 75. The Court cautioned, however, that “[a] State is not required to guarantee eventual freedom to a juvenile offender convicted of a nonhomicide crime.” *Id.*

In *Miller*, the Court held that a mandatory sentence of life without parole for a juvenile convicted of a homicide offense violates the Eighth Amendment. *Miller*, 132 S. Ct. at 2469. The Court did not, however, categorically preclude the imposition of life without parole on juvenile homicide offenders; it may be imposed on those juveniles whose crimes “reflect irreparable corruption.” *Miller*, 132 S. Ct. at 2469. The Court required, however, that the sentencing authority, be it judge or jury, have the discretion “to take into account how children are different, and how those differences counsel against irrevocably sentencing them to a lifetime in prison,” before imposing a sentence of life without parole. 132 S. Ct. at 2469.

The Supreme Court in *Montgomery* held that the sentencing proscription announced in *Miller* applied not just to defendants sentenced after the opinion in *Miller* was issued, but to any individual serving a mandatory life sentence without parole for a homicide committed as a juvenile. “A State may remedy a *Miller* violation by permitting juvenile homicide offenders to be considered for parole, rather than by resentencing them.” *Id.*, 136 S. Ct. at 736. The Court contemplated that extending parole eligibility to juvenile offenders would not “impose an onerous burden on the States” because “prisoners who have shown an inability to reform will continue to serve life sentences,” *id.*, while the “opportunity for release will be afforded to those who demonstrate the truth of *Miller*’s central intuition that children who commit even heinous crimes are capable of change.” *Id.*

The three Supreme Court cases, taken together, prohibit the State from “making the judgment *at the outset*” – i.e., at sentencing – that juvenile offenders “never will be fit to

reenter society,” absent a finding by the sentencing court that the defendant’s crime “reflects irreparable corruption.” *Graham*, 560 U.S. at 36 (emphasis added); *Miller*, 132 S. Ct. at 2469. *See People v. Gutierrez*, 324 P.3d 245, 249 (Cal. 2014) (upholding statute that confers discretion on a trial court to sentence a 16- or 17-year-old juvenile convicted of special circumstance murder to life without parole or to 25 years to life, and requiring sentencing judge to consider the “‘distinctive attributes of youth’ and how those attributes ‘diminish the penological justifications for imposing the harshest sentences on juvenile offenders’ before imposing life without parole on a juvenile offender”); *id.* at 262 (“Under *Miller*, a state may authorize its courts to impose life without parole on a juvenile homicide offender when the penalty is discretionary and when the sentencing court’s discretion is properly exercised in accordance with *Miller*.”); *People v. Holman*, __ N.E.3d __, 2016 WL 868413, at *9 (Ill. App. Ct. 2016) (explaining that “although the *Miller* Court did require sentencing courts to consider mitigating circumstances related to a juvenile defendant’s youth [before imposing a sentence of life without parole for a homicide offense], it did not require courts to consider any set list of factors”); *State v. Long*, 8 N.E.3d 890, 893 (Ohio 2014) (holding that a sentencing court is not required to consider any list of factors before sentencing a juvenile offender to life without parole but must consider youth to be a mitigating factor when imposing sentence and that “when the court selects this most serious sanction, its reasoning for the choice ought to be clear on the record”).

Thus, *Montgomery*, *Miller*, and *Graham* address the “*sentencer’s* ability” to make the judgment in a homicide case that a defendant should never be eligible for parole, and

they hold that a sentencer may impose a life-without-parole sentence on a juvenile only after “tak[ing] into account how children are different, and how those differences counsel against *irrevocably sentencing* them to a lifetime in prison.” *Miller*, 132 S. Ct. at 2469 (emphases added).

The limitation of the holding in these cases to criminal sentencings, rather than parole proceedings, is consistent with well-settled precedent that the granting or denying of parole is an executive decision, the merits of which are not subject to review by the Court. *Swarthout v. Cooke*, 562 U.S. 216, 222 (2011). “There is no constitutional or inherent right of a convicted person to be conditionally released before the expiration of a valid sentence,” *Greenholtz v. Inmates of Neb. Penal & Corr. Complex*, 442 U.S. 1, 7-8 (1979), and “[d]ecisions of the Executive Branch, however serious their impact, do not automatically invoke due process protection . . .,” *id.* at 7. “This is especially true with respect to the sensitive choices presented by the administrative decision to grant parole release,” which “differs from the traditional mold of judicial decision-making” because it “involves a synthesis of record facts and personal observation filtered through the experience of the decision maker and leading to a predictive judgment as to what is best both for the individual inmate and for the community.” *Id.* at 8. *See also Gaston v. Taylor*, 946 F.2d 340, 344 (4th Cir. 1991) (stating that the decision whether to grant parole is a discretionary one, and “a prisoner cannot claim entitlement and therefore a liberty interest in the parole release”).

Thus, the Fourth Circuit and other federal courts have rejected constitutional claims, similar to those plaintiffs bring here, that challenge alleged “blanket” or “unwritten” policies to deny parole to offenders serving sentences for serious crimes. *Burnette v. Fahey*, 687 F.3d 171, 183 (4th Cir. 2012) (affirming dismissal of due process and ex post facto claims brought against Virginia parole officials for adopting de facto policy of denying parole to persons incarcerated for violent offenses; noting that each of the inmates “was convicted of a very serious crime or crimes, that the lightest sentence given to any of the inmates was eighty years’ imprisonment, and that “it would be well within the [Parole] Board’s discretion to consider such a prisoner holistically and nevertheless to determine that he or she has not served a sufficiently lengthy sentence in light of the grave crime”); *Graziano v. Pataki*, 689 F.3d 110, 115-17 (2nd Cir. 2012) (affirming dismissal of due process, equal protection, and ex post facto claims of inmates brought against Governor of New York and state parole officials for allegedly denying parole to violent felony offenders based on “unwritten policy” to focus on violent nature of their crimes without proper consideration of other mandated factors).

The fact that the plaintiffs were juveniles at the time they committed their offenses does not render these principles of judicial deference inapplicable to their cases. Indeed, in its decisions addressing the need for juveniles to be afforded opportunities for early release, the Supreme Court has emphasized that “[i]t is for the State, in the first instance, to explore the means and mechanisms for compliance” with the guidance provided by these decisions. *Graham*, 560 U.S. at 75. Even in cases where a juvenile defendant *did* receive

a mandatory sentence of life without the possibility of parole for a homicide offense, a State “may remedy a *Miller* violation by permitting juvenile homicide offenders to be considered for parole, rather than by resentencing them.” *See Montgomery*, 136 S. Ct. at 718 (citing Wyo. Stat. Ann. § 6-10-301(c) (2013) (providing that juvenile homicide offenders are eligible for parole after serving 25 years in prison). Here, the plaintiffs have received consideration for parole, and that is all the Supreme Court decisions require. Contrary to the plaintiffs’ beliefs, the Eighth Amendment does not require the State to produce data demonstrating that a certain percentage or number of juvenile offenders has been paroled. The Eighth Amendment only “prohibits a State from *imposing* a life without parole sentence on a juvenile nonhomicide offender,” *Graham*, 560 U.S. at 75, or imposing such a sentence on a juvenile convicted of a homicide offense absent a finding of “irreparable corruption,” *Miller*, 132 S. Ct., at 2469; the Constitution “does not *require* the State to release that offender during his natural life,” *Graham*, 560 U.S. at 75.

In contrast to the juvenile offenders in *Graham*, *Miller*, and *Montgomery*, none of the plaintiffs in this case received a sentence of life without the possibility of parole or even received a mandatory sentence. Instead, each plaintiff received a sentence of life *with* the possibility of parole after serving 15 years less any diminution credits. Nor was the imposition of a fully-executed life sentence mandatory because, as with any criminal defendant convicted of first-degree murder, the judges who sentenced the plaintiffs had the discretion to conditionally suspend the execution of a life sentence or any portion of it in favor of a period of probation. *Cathcart*, 397 Md. at 328; *Wooten*, 277 Md. at 115. Indeed,

the plaintiffs acknowledge that their life sentences with the possibility of parole, when imposed, were constitutional. For this reason alone, they have failed to state an Eighth Amendment violation.

The plaintiffs are also wrong to suggest that Maryland's parole system is unconstitutional because it requires the Governor's approval of the Parole Commission's decision to parole an inmate serving a life sentence. In *Swarthout*, the Supreme Court rejected due process claims brought by two prisoners, one of whom was denied parole after the Governor reversed the Parole Board's decision that the prisoner was suitable for parole. In doing so, the Court reiterated that, "[t]here is no right under the Federal Constitution to be conditionally released before the expiration of a valid sentence, . . . the States are under no duty to offer parole to their prisoners," and that, even when state law creates a liberty interest in parole, the "procedures required are minimal." *Swarthout*, 562 U.S. at 220. Although California's system differs from Maryland's in that it permits, but does not require, Governor-approval of a parole board decision for an inmate serving a life sentence, the plaintiffs have failed to identify any authority for their apparent assertion that the chief executive of the State may not constitutionally participate in the executive function of parole consideration. Additionally, to the extent plaintiffs are concerned with apparent delays in the Governor's review of parole recommendations, the General Assembly has already addressed those concerns by amending the parole statute to provide that a decision by the Parole Commission to parole a lifer who has served 25 years in prison is effective if

the Governor does not disapprove the decision within 180 days of receiving it. *See* Corr. Servs. § 7-301(d)(5).

B. The Plaintiffs' Allegations Demonstrate That They Are Being Provided Meaningful Opportunities for Release.

Even if the holdings of the Supreme Court in its cases involving juvenile defendants sentenced to serve life without the possibility of parole were applicable to this conditions-of-confinement action involving prisoners serving parolable life sentences, the allegations contained in the complaint, as well as the evidence submitted with this motion, demonstrate that the plaintiffs have been provided meaningful opportunities for release from prison in compliance with the Eighth Amendment.

In holding that the Constitution forbids the mandatory sentencing of a juvenile offender to a term of life without the possibility of parole for a homicide offense, the Supreme Court was careful to insist that the Eighth Amendment “does not require the State to release that offender during his natural life.” *Miller*, 132 S. Ct. at 2469 (quoting *Graham*, 560 U.S. at 75). Rather, State is required to provide “some meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation.” *Id.* Moreover, “[i]t is for the State, in the first instance, to explore the means and mechanisms for compliance.” *Graham*, 560 U.S. at 75. Those “means and mechanisms” do not “require the State to release [the] offender during his natural life,” *id.*, but to allow the prisoner to demonstrate that he has “atone[d] for his crimes and learn[ed] from his mistakes,” so that parole officials may determine if he is “fit to reenter society.” *Id.*

The complaint does not contain “sufficient factual matter, accepted as true, to state a claim to relief” against the defendants under the Eighth Amendment “that is plausible on its face.” *Iqbal*, 556 U.S. at 678 (internal quotations and citation omitted). That is, the allegations do not allow the Court to “draw the reasonable inference that the defendant[s] [are] liable for the misconduct alleged.” *Id.* On the contrary, the facts as alleged by the plaintiffs, even without resort to the evidentiary materials supplied by the defendants, demonstrate that the plaintiffs have had, and continue to have, meaningful and realistic opportunities to obtain release.

1. Calvin McNeil

Mr. McNeil alleges that he was sentenced to imprisonment for life under Maryland’s felony murder statute “for his role in a fatal robbery of a dice game that occurred in 1981, the day he turned 17 years old.” Compl. ¶¶ 120, 122. He is now 51 years old. Compl. ¶ 121. During his incarceration, he “has taken advantage of every program available to him, earned positions of trust in employment, and taken leadership roles in programs to promote alternatives to violence within and outside [the Division].” Compl. ¶ 124. He has also “earned recognition from correctional officers and administrators who submitted letters of support on his behalf, including a commendation for helping to save someone’s life.” Compl. ¶ 124; *see* Compl. ¶ 132 (citing notation in Mr. McNeil’s case record that he had

received his G.E.D, worked for State Use Industries, and served as “a facilitator for [the prison’s] Alternatives to Violence program”).¹⁰

As a result, “[i]n recognition of this strong record, in 2008, the Maryland Parole Commission recommended Mr. McNeill for commutation” of sentence. Compl. ¶ 125. After Governor O’Malley disapproved the recommendation in 2011, the Parole Commission scheduled his next hearing for 2015. Compl. ¶ 127. At that time, the two commissioners who conducted the hearing “told him they would be recommending him for a risk assessment,” but “as of the filing of suit Mr. McNeill has not been transferred [to Patuxent Institution] for the assessment,” due to the “lengthy waiting list for assessment at Patuxent[.]” Compl. ¶ 128.

Although Mr. McNeill contends that a Division policy precluding him from moving to a lower security level “where he would be able to participate in work release and family leave programs” has “denied [him] a meaningful opportunity for release,” Compl. ¶ 135, because he “is barred from developing skills that allow him to demonstrate his rehabilitation,” his own factual allegations refute that claim. As Mr. McNeill acknowledges, he has been afforded ample opportunities to attempt to demonstrate his rehabilitation. He has been placed in programs that allowed him to obtain his G.E.D., and

¹⁰ State Use Industries is the former name of Maryland Correctional Enterprises, a unit of the Division that provides work experience to inmates “for the purpose of improving [their] employability . . . on release,” in “an environment that resembles as closely as possible the environment of private sector business operations.” Corr. Servs. § 3-502(2) and (3).

that gave him work experience to “improv[e] [his] employability . . . on release,” Corr. Servs. § 3-502(2), and he has been afforded the opportunity to participate in the prison’s alternatives to violence program. The State has thus fulfilled its constitutional duty to employ “means and mechanisms” to provide him with a “meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation.” *Miller*, 132 S. Ct. at 2469.

Notably, Mr. McNeil does not allege any facts indicating that the Parole Commission has declined to recommend him for release because he has not participated in programming at lower security levels. On the contrary, the Parole Commission “recommend[ed] [him] for release” to commutation from his status as a medium security inmate, Compl. ¶ 129, and Mr. McNeil has thus failed to state any plausible claim that the Division’s security policies unconstitutionally hindered his ability to “demonstrate his rehabilitation.” Compl. ¶ 135. Governor O’Malley’s decision to decline the Parole Commission’s recommendation for release, without more, also does not state an Eighth Amendment violation, because constitutional compliance requires the State to provide a “meaningful opportunity to obtain release,” *not* to “guarantee eventual freedom.” *Graham*, 560 U.S. at 75; *see Wershe v. Combs*, No. 1:12-CV-1375, 2016 WL 1253036, at *4 (W.D. Mich. Mar. 31, 2016) (*Graham* “gives the State primary responsibility for determining how to provide” prisoners with “a meaningful opportunity to demonstrate that they are entitled to release based on maturity and rehabilitation,” and “does not allow courts to undertake a full review of the State’s parole procedures and substitute its own judgment for the State’s”).

2. Kenneth Tucker

Mr. Tucker “was sentenced to life with parole in 1974 at age 17” after being convicted of felony murder. Compl. ¶ 136. Mr. Tucker “participat[ed] in a robbery-murder with another teenager,” who killed the victim during the robbery. *Id.*

During his incarceration, Mr. Tucker “earn[ed] his high school equivalency in 1975, an associate’s degree in 1989, and a bachelor’s degree in psychology in 1994.” Compl. ¶ 139. He has also participated in prison programs that allowed him to obtain “certification or training in several professions, including metal and wood work apprenticeships, clerical work, and food service sanitation.” Compl. ¶ 139. He “is currently an observation aide in [the Jessup Correctional Institution’s] hospital, where he provides consolation and coping strategies to terminally ill and mentally distressed peers.” Compl. ¶ 139. He is also “a member of [the institution’s] Scholars program and volunteers weekly as a mentor for other men.” Compl. ¶ 139.

During parole hearings conducted between 1987 and 1993, parole commissioners noted Mr. Tucker’s good institutional adjustment, and recommended that Mr. Tucker progress to minimum security and work release. Compl. ¶ 140. After “Governor Glendening announced that he would not parole any lifer,” Compl. ¶ 142, Mr. Tucker “declined his parole hearing in 1996, believing the process was futile,” *id.*, and thereafter “did not have any parole hearing again for nearly 20 years, until 2014, as he did not see much point to reinstating hearings when no lifers were being paroled.” Compl. ¶ 142. He did not thereafter request a parole hearing until 2014, when he did so “at the urging of his

case manager.” Compl. ¶ 142. At that hearing, Mr. Tucker’s sixth, the commissioners who heard his case recommended that he receive a risk assessment at Patuxent Institution, Compl. ¶ 143, and based on the results of that assessment, they noted that a rehearing in January 2017 “would be more appropriate in [his] case.” Compl. ¶ 143. Mr. Tucker states that “[u]pon information and belief, the ‘primary [bases] for the commissioners’ refusal of parole” were “static factors” that “do not take into account Mr. Tucker’s maturity, rehabilitation or institutional record,” but were instead based on “who he was as [*sic*] age 17, penalizing him for his youth, such as [his] being unmarried at the time of the offense.” Compl. ¶ 144.

Like Mr. McNeil, Mr. Tucker has been afforded a meaningful opportunity to participate in programming in the Division that could demonstrate to the Parole Commission the sufficient maturity and rehabilitation to warrant parole. Contrary to his claim, the Parole Commission considered, and noted, his good institutional progress in his earlier parole hearings, and to the extent that a parole decision was affected by Division security policies that prevented him from progressing to lower security, those restrictions no longer exist, because an inmate serving a sentence for a crime committed as a juvenile is “eligible for a reduction below medium or minimum security status when recommended by the Maryland Parole Commission for outside testing or work release[.]” Exhibit 2, OPS.100.0004.5.D. Mr. Tucker elected not to be considered for parole for nearly 20 years, based upon his apparent belief that during that time, no inmate serving a life sentence for a crime committed as a juvenile would be paroled. That belief was incorrect because such

inmates were granted early release from prison by action of the Parole Commission and former governors. *See* Exhibit 1 ¶¶ 5-18.

To the extent Mr. Tucker and the other plaintiffs allege that the defendants have violated the Eighth Amendment by relying on certain risk assessment tools or other psychological testing, that allegation fails to state a claim for relief. In determining whether “an inmate is suitable for parole,” Corr. Servs. § 7-305, the Parole Commission is required to consider “whether there is reasonable probability that the inmate, if released on parole, will remain at liberty without violating the law,” *id.* at § 7-305(5), and “whether there is a substantial risk the individual will not conform to the conditions of parole.” COMAR § 12.08.01.18.A(2)(a). In making this determination, the Parole Commission considers, among numerous other criteria, “[a]ny reports or recommendations made by the sentencing judge, the institutional staff, or by a professional consultant such as a physician, psychologist, or psychiatrist.” COMAR § 12.08.01.18.A(3)(g). Mr. Tucker has not alleged any facts rising “above the speculative level,” *Twombly*, 550 U.S. at 555, to support his conclusory allegation that, in electing to re-hear him for parole consideration in 2017, the Parole Commission was “penalizing him for his youth” at the time he committed the crime, rather than merely determining from other information in the risk assessment that there was less than a reasonable probability that, if released on parole, he would conform his conduct to the law.

Nor have Mr. Tucker or the other plaintiffs alleged any facts demonstrating that the parole commissioners failed to take into account age at the time of offense when they

considered the “circumstances surrounding the crime,” Corr. Servs. 7-305(1), or that the presiding commissioners did not assess “[w]hether the offender[s] . . . demonstrated emotional maturity and insight into [their] problems,” a consideration required by the Commission’s regulations since prior to 1995. COMAR § 12.08.01.18.A(3)(f). “In the absence of facts to the contrary, [the Court] cannot presume that the [Parole Commission] has failed to conform to constitutional requirements and its statutory mandate[.]” *Burnette*, 687 F.3d at 183.

3. Nathaniel Foster

Mr. Foster alleges that “[i]n 1983, at 17 years old, [he] was involved in a botched robbery attempt along with his co-defendant, who was eight years his senior and is the father of his sister’s children,” and that “[d]uring the course of the robbery, the victim was killed.” Compl. ¶ 146. Mr. Foster was charged with first-degree murder and received a life sentence with the possibility of parole. Compl. ¶ 147. Mr. Foster contends that he “has an exemplary institutional record,” has pursued his education during his incarceration, “earning a place on the Dean’s List for his high grades while attending Coppin State University for Criminal Justice,” and has held a number of institutional jobs. Compl. ¶¶ 151, 152. Those jobs include working in the institutional canteen and the Officers’ Dining Room, and his current institutional assignment, which is lead office clerk in the Maryland Correctional Enterprises sheet metal shop, where he works “directly under the Plant Manager.” Compl. ¶ 152. He also serves as a volunteer at the prison hospital. Compl. ¶ 153.

Mr. Foster acknowledges that he has received “six parole hearings in the last twenty years, in 1995, 2000, 2005, 2008, 2011 and 2013,” Compl. ¶ 155, and alleges that parole commissioners considering his case in the past have noted his good institutional record, expressed the need for him to progress to lower security, and indicated, in 2000, that he “need[ed] to serve more time for the crime.” Compl. ¶¶ 156-158. He alleges that in 2008 and 2013, the decision of the presiding parole commissioners was to rehear his case at a future date because of the nature of the crime, and that at his parole hearing in 2011, “he was advised that he will be sent to Patuxent for a psychological evaluation.” Compl. ¶¶ 161, 164, 165.

Mr. Foster alleges in summary fashion that he has been “barred from developing skills that allow him to demonstrate his rehabilitation,” Compl. ¶ 166, but as with Mr. Tucker and Mr. McNeil, his factual allegations demonstrate otherwise. Indeed, Mr. Foster acknowledges that the Division has “entrusted [him] with extraordinary responsibilities in [his] jobs.” Compl. ¶ 152. Nor has he alleged any facts indicating that, in the last 20 years, any parole decision has conditioned release on progression to minimum or work release security. Compl. ¶ 156. In any event, as noted above, the restriction on progression to lower security about which he complains has been removed for inmates serving life sentences for crimes committed as juveniles.

Nor has Mr. Foster alleged any facts demonstrating that he has been denied parole due to the results of a risk assessment that “holds his youth at the time of offense against him.” Compl. ¶ 166. Rather, at his recent parole hearings, the presiding commissioners

expressed concern regarding the nature and circumstances of his crime. Notably, Mr. Foster does not contend that, in making the determination to rehear his case at a future date based on this concern, the presiding commissioners failed to consider his status as a juvenile at the time he committed the offense. Accordingly, he too has failed to “allege facts sufficient to raise a right to relief ‘above the speculative level,’” *Aziz v. Alcolac, Inc.*, 658 F.3d 388, 391 (4th Cir. 2011) (quoting *Twombly*, 550 U.S. at 555), and this Court should therefore dismiss his claims.

V. DEFENDANTS ARE ENTITLED TO SUMMARY JUDGMENT BECAUSE UNDISPUTED FACTS SHOW THAT PRISONERS SERVING LIFE SENTENCES FOR CRIMES COMMITTED AS JUVENILES RECEIVE NOTICE AND OPPORTUNITY TO PARTICIPATE IN THE PAROLE PROCESS AND TO DEMONSTRATE MATURITY AND REHABILITATION, AND HAVE BEEN GRANTED PAROLE.

As demonstrated above, the complaint’s factual allegations demonstrate that they have not been denied meaningful opportunities for parole consideration in violation of the Eighth Amendment. Even if the Court determines that those allegations adequately state an Eighth Amendment claim, however, it is clear from evidence not subject to dispute that the plaintiffs’ claims lack merit, because Maryland’s “means and mechanisms” provide juvenile lifers with appropriate opportunities to demonstrate maturity and rehabilitation. *Graham*, 560 U.S. at 75, 82; *Miller*, 132 S. Ct. at 2469. Undisputed evidence also confirms that, contrary to the plaintiffs’ allegations, juvenile offenders sentenced to life imprisonment are released on parole.

A. Maryland's Parole Process Affords Inmates Serving Life Sentences with Proper Parole Consideration.

Unlike a state in which “there is no advance notice or opportunity for juvenile offenders to be heard on the question of maturity and rehabilitation - either in writing or in person,” and “[t]he offender is an entirely passive participant in . . . [the] parole review process,” *Hayden v. Keller*, 134 F. Supp. 3d 1000, 1011 (W.D.N.C. 2015), in Maryland, “prisoners receive individualized and personal parole consideration.” As explained by Chairman Blumberg,

Pursuant to Correctional Services Article (“CS”), § 7-303(a) and Code of Maryland Regulation (“COMAR”) 12.08.01.17.C, the Commission provides to the inmate advance written notice of the date, time, and place of the parole hearing, as well as the factors that the Commission will consider in determining whether to parole the inmate. Prior to the hearing, the Commission also notifies the inmate that the inmate or a representative of the inmate has the right to examine any document to be reviewed by the Commission in considering the inmate for parole, subject to the exceptions listed in CS § 7-303(b). After reviewing the parole file in the presence of the institutional parole agent (“IPA”), the inmate or the inmate’s representative has the right to dispute information contained in the parole file or to request the placement of additional information in the parole file. If the IPA and the inmate or representative cannot resolve the issue, the IPA is required to notify the Commission immediately. The Commission then takes all necessary steps to investigate the matter and to determine whether any information should be removed from or added to the file before the parole hearing.

All prisoners serving life sentences are considered for parole by two commissioners who meet with the prisoner either in person or by video-conference. Pursuant to COMAR 12.08.01.18, a parole hearing is actually an interview of the inmate, not a formal hearing. Pursuant to the same regulation, “[t]he hearings are private and shall be held in an informal manner, allowing the prisoner the opportunity to give free expression to his views and feelings related to his case;” furthermore, although attorneys and relatives are not permitted to make presentations during parole hearings, they are permitted to meet with a parole commissioner “to discuss the relative

merits or other factors of the case with the Commission at its executive offices, any time before or after a parole hearing.”

If both commissioners believe that a prisoner serving a life sentence is a suitable candidate for parole or commutation, they hold the case and refer the prisoner for a psychological examination, also known as a risk assessment. If the results of the risk assessment are promising, the commissioners present the case to the Commission *en banc*, pursuant to COMAR 12.08.01.23.A. Prior to considering the case *en banc*, each parole commissioner personally reviews the prisoner’s entire parole file. After every commissioner has reviewed the parole file, the Commission meets to discuss the case in detail, giving careful consideration to all of the factors listed in CS § 7-305 and COMAR 12.08.01.18.A. The commissioners who present the case to the Commission explain the circumstances of the crime, the age of the prisoner at the time of the offense, the sentence imposed by the Court, the prisoner’s criminal history, the progress of the prisoner in the Division of Correction (including programming and discipline), family support, employment prospects, substance abuse issues, any medical or mental health issues, the results of the risk assessment, victim impact, and any other factor that may be relevant to the parole consideration. The commissioners then have the opportunity to ask questions of the two commissioners. After the discussion, one commissioner makes a motion to approve the prisoner for either parole or a commutation of sentence, the motion is seconded, and the commissioners vote. If the Commission votes to approve the prisoner for parole or a commutation of sentence, the decision is forwarded to the Governor for review.

Exhibit 2 ¶¶ 24-26. It is thus clear that the procedures in place in Maryland for providing parole consideration to inmates serving life sentences for crimes committed as juveniles comport with the requirements of *Miller* and *Graham*.

B. Maryland’s Parole Process Has Resulted in the Parole of Inmates Serving Life Sentences for Crimes Committed as Juveniles.

The plaintiffs wrongly claim that former governors and parole officials denied parole to all inmates serving life sentences for crimes committed as juveniles who applied for early release. *See, e.g.*, Compl. ¶ 119 (alleging the “failure to parole any juvenile lifer

for more than 20 years”). In fact, under both of Governor Hogan’s most recent predecessors, Governor Martin O’Malley and Governor Robert Ehrlich, Jr., the Governor and the Parole Commission acted together to parole inmates serving life sentences for crimes as juveniles. *See* Exhibit 1 ¶¶ 5-17. First, the Governor, on recommendation of the Parole Commission, commuted the inmate’s sentence to a term of years, or to life, with all but a term of years suspended. Thereafter, the inmate was granted parole by the Parole Commission, subject to enumerated conditions of parole.

Contrary to the plaintiffs’ claims that Maryland’s governors and public safety officials have denied youthful offenders “meaningful opportunities for rehabilitation,” Compl. ¶ 16, the Executive Orders and parole orders that resulted in the releases of these prisoners demonstrate the careful consideration given to the offenders’ cases, and the numerous opportunities for treatment, counseling, and educational and vocational training afforded to the parolees upon release. In each case, the Governor considered the Parole Commission’s recommendation for release, as well as other factors in individual cases, including the offender’s age at the time of the offense, and the views of the sentencing court. Exhibit 1 ¶¶ 5-17. A comprehensive post-release plan was also created for each offender to assist the offender in conforming his or her conduct to the law.

Defendants have thus provided undisputed evidence that, in compliance with *Graham* and *Miller*, Maryland’s parole process has the proper “means and mechanisms” to afford inmates serving sentences for crimes committed as juveniles a “meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation.” *Miller*,

132 S. Ct. at 2469. Accordingly, if the Court does not grant dismissal, it should grant summary judgment in favor of the defendants.

VI. THE PLAINTIFFS' CLAIM AGAINST THE COMMISSIONER OF CORRECTIONS IS BARRED BY THE MANDATORY EXHAUSTION PROVISION OF THE PRISON LITIGATION REFORM ACT.

The Prison Litigation Reform Act ("PLRA") requires an inmate to exhaust "proper[ly]" all available administrative remedies prior to filing an action challenging the conditions of the inmate's confinement. 42 U.S.C. § 1997e(a); *Ross v. Blake*, __ U.S. __, 136 S. Ct. 1850, 1856 (2016); *Woodford v. Ngo*, 548 U.S. 81, 84 (2008). The PLRA's "mandatory" exhaustion requirement applies to "all inmate suits about prison life," *Porter v. Nussle*, 534 U.S. 516, 532 (2002), and thus plainly applies to the complaints against Commissioner Corcoran.

The plaintiffs did not avail themselves of remedies available through the Inmate Grievance Office prior to filing suit against Commissioner Corcoran. Exhibit 3 (Decl. of Russell Neverdon). Therefore, their claims against Commissioner Corcoran, and any other claims addressed to the actions or inactions of Division of Correction officials, must be dismissed.

CONCLUSION

The complaint should be dismissed and, in the alternative, summary judgment should be entered for defendants.

Respectfully submitted,

/s/ Steven M. Sullivan

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Attorneys for Defendants

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

MARYLAND RESTORATIVE
JUSTICE INITIATIVE, *et al.*,

Plaintiffs,

v.

GOVERNOR LARRY HOGAN, *et al.*,

Defendants.

* * * * *

ORDER GRANTING SUMMARY JUDGMENT

Upon consideration of Defendants' Motion to Dismiss or, in the Alternative, for Summary Judgment, it is this _____ day of _____, 2016,

ORDERED that Defendants' motion for summary judgment is hereby GRANTED; and it is further

ORDERED that Plaintiffs' request for permanent injunction and all other relief is DENIED.

Ellen L. Hollander
United States District Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

MARYLAND RESTORATIVE
JUSTICE INITIATIVE, *et al.*,

Plaintiffs,

v.

GOVERNOR LARRY HOGAN, *et al.*,

Defendants.

* * * * *

ORDER GRANTING MOTION TO DISMISS

Upon consideration of Defendants' Motion to Dismiss or, in the Alternative, for Summary Judgment, it is this _____ day of _____, 2016,

ORDERED that Defendants' motion to dismiss is hereby GRANTED; and it is further

ORDERED that Plaintiffs' request for permanent injunction and all other relief is DENIED.

Ellen L. Hollander
United States District Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

MARYLAND RESTORATIVE
JUSTICE INITIATIVE, *et al.*,
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Case No. 1:16-cv-01021-ELH

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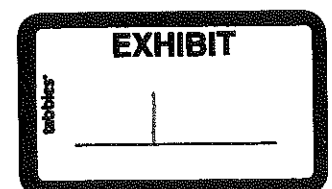
DECLARATION OF DAVID R. BLUMBERG

I, David R. Blumberg, am over eighteen years of age and am competent to testify.

1. I am the Chairman of the Maryland Parole Commission (“the Parole Commission”). I have served as Chairman since July 1, 2004. I served as a commissioner of the Parole Commission from October 1, 2003 until my appointment as Chairman.

2. As the Chairman of the Parole Commission, I am a custodian of the files and records of the Parole Commission.

3. The information contained in this declaration is based upon personal knowledge of my review of files and records of the Parole Commission. The documents attached to this declaration are true and accurate copies of records maintained in the ordinary course of business of the Parole Commission.



4. Between 1999 and 2012, five Division of Correction (“Division”) inmates who were originally sentenced to life imprisonment for crimes committed as juveniles, that is, at an age under 18, were paroled from the Division. Between 2004 and the present, five inmates who were originally sentenced to life imprisonment for crimes committed as adults, that is, at age 18 or older, have been paroled from the Division or released from the Division on mandatory supervision following a commutation of sentence granted by the Governor.

Parole of John Alexander Jones (17 Years of Age at Time of Offense)

5. On November 5, 2012, upon recommendation of the Parole Commission, Governor Martin O’Malley conditionally commuted the life sentence of John Alexander Jones, Division identification number 168832, to life, with all but 47 years suspended. *See* Attachment A (Executive Order 01.01.2012.27). Mr. Jones was convicted by the Circuit Court for Baltimore City on August 25, 1983 of felony murder, and received a life sentence. Mr. Jones was also convicted of attempted robbery with a deadly weapon, and a handgun violation, for which he received a concurrent five-year sentence. In conditionally commuting Mr. Jones’s life sentence, the Governor noted that Mr. Jones “was seventeen years old at the time of the offense and has compiled, while incarcerated, a strong record of work experience and institutional progress, including the attainment of a GED and then an undergraduate degree from Coppin State University.” Attachment A, p. 1. The Governor also noted that “[t]he jury convicted [Mr. Jones] of [f]elony [m]urder for participation in an attempted robbery that led to the murder, but the State . . . did not allege that [Mr. Jones] was the shooter;” that the State’s Attorney for Baltimore City

“does not oppose clemency” for Mr. Jones; and that the Parole Commission “has concluded that [Mr. Jones] presently appears to constitute no threat to public safety and recommends the granting of [e]xecutive [c]lemency.” Attachment A, p. 1.

6. The Governor conditioned the commutation of Mr. Jones’s sentence on Mr. Jones’s participation in “a period of community testing and/or . . . work release” and a re-entry plan, to include a home plan, an “employment plan that includes as necessary, job placement, job training, and/or educational programs,” a counseling plan, and if deemed necessary by the Parole Commission, a substance abuse evaluation and treatment program. Attachment A, p. 2. The Governor authorized the Parole Commission to grant parole to Mr. Jones if merited, and also directed that upon release, Mr. Jones participate in counseling, and mental health treatment and substance abuse treatment, as directed by the Parole Commission and his supervising agent. Attachment A at pp. 2-3. The Governor’s order also provided for supervision by the Parole Commission following the expiration of the 47-year term, if deemed necessary by the Parole Commission, and included procedures for revocation of the release if Mr. Jones failed to abide by its terms. Attachment A, pp. 4-5. Following the conditional commutation of Mr. Jones’s sentence, the Parole Commission granted parole to Mr. Jones on February 20, 2013. *See* Attachment B (Order for Release on Parole).

Parole of Mark Farley Grant (14 years of Age at Time of Offense)

7. On March 29, 2012, Governor O’Malley, upon recommendation of the Parole Commission, conditionally commuted the life sentence of Mark Farley Grant, Division identification number 171372, to a term of life, with all but 45 years suspended.

See Attachment C (Executive Order 01.01.2012.06). Mr. Grant was sentenced by the Circuit Court for Baltimore City on January 31, 1984 to life imprisonment, and a consecutive 15-year term, after a jury found him guilty of felony murder, use of a handgun in the commission of a crime of violence, and attempted robbery with a deadly weapon. In 2003, the sentencing court merged the sentences for use of a handgun and attempted robbery into the life sentence. Attachment C, p. 1.

8. The Governor noted that Mr. Grant “was fourteen years old at the time of the offense and has compiled, while incarcerated, a strong record of work experience and institutional progress.” Attachment C, p. 1. He also noted that the jury had acquitted Mr. Grant of first-degree murder; that the State’s Attorney for Baltimore City “does not oppose clemency for [Mr. Grant];” and that the Parole Commission “has concluded that [Mr. Grant] presently appears to constitute no threat to public safety and recommends the granting of [e]xecutive [c]lemency.” Attachment C, p. 1.

9. The commutation of Mr. Grant’s sentence was conditioned on Mr. Grant’s participation in “a period of community testing and/or . . . work release” and a re-entry plan, to include a home plan, an employment plan “that includes, as necessary, job placement, job training, and/or educational programs,” a counseling plan, and if deemed necessary by the Parole Commission, a substance abuse evaluation and treatment program. Attachment C, p. 2. The Governor’s order authorized the Parole Commission to grant parole to Mr. Grant, if merited, and also directed that upon release, Mr. Grant participate in counseling and mental health treatment and substance abuse treatment, as directed by the Parole Commission and his supervising agent. Attachment C, pp. 2-3.

The order also provided for supervision by the Parole Commission following the expiration of the 45-year term, if deemed necessary by the Parole Commission, and procedures for revocation of the release if Mr. Grant failed to abide by its terms. Attachment C, pp. 4-5. Following the conditional commutation of Mr. Grant's sentence, the Parole Commission paroled Mr. Grant on December 18, 2012. *See* Attachment D (Order for Release on Parole).

Parole of Mary Washington Brown (16 years of Age at Time of Offense)

10. On November 25, 2004, Governor Robert L. Ehrlich, Jr., on recommendation of the Parole Commission, conditionally commuted the life sentence of Mary Washington Brown, Division identification number 901457, to a term of 60 years. *See* Attachment E (Executive Order 01.01.2004.67). Ms. Brown was sentenced to imprisonment for life by the Circuit Court for Baltimore City on December 18, 1974, following her conviction for first degree murder. At the time of the offense, Ms. Brown was 16 years of age.

11. In commuting Ms. Brown's sentence, the Governor noted the following: that Ms. Brown was "an exemplary inmate," and had "compiled an impressive record of practical instruction, work experience, and institutional progress;" that the Parole Commission "has concluded that [Ms. Brown] appears to constitute no threat to the safety of society;" and that the Parole Commission "recommends the granting of executive clemency." Attachment E, p. 1. He therefore concluded that "[t]he interests of the State of Maryland and of [Ms. Brown] will be best served by the granting of" the conditional commutation. Attachment E, p. 1.

12. The commutation of Ms. Brown's sentence was conditioned on Ms. Brown's participation in 12 months of work-release prior to reaching parole eligibility. Attachment E, p. 1. The Governor's order further stated that in the event the Parole Commission "determines that [Ms. Brown] merits parole release," Ms. Brown would be required to comply with a re-entry plan that included counseling and substance abuse treatment, as well as educational and vocational training. Attachment E, pp. 1-2.

13. Following the commutation of Ms. Brown's sentence, the Parole Commission granted parole to Ms. Brown on February 13, 2006. *See* Attachment F (Order for Release on Parole and Offender-Based State Corrections Information System ("OBSCIS") record, reflecting that Ms. Brown was released on parole). Because Governor Ehrlich commuted Ms. Brown's sentence to a term of years, she was no longer serving a life sentence when the Parole Commission granted her parole, and approval by the Governor was thus not required. Ms. Brown remains under parole supervision until the 60-year term expires.

Parole of Karen Lynn Fried (17 years of Age at Time of Offense)

14. On November 14, 2003, Governor Ehrlich, on recommendation of the Parole Commission, commuted the life sentence of Karen Lynn Fried, Division identification no. 902530, to a term of 45 years. *See* Attachment G (Executive Order 01.01.2003.35). Ms. Fried had been sentenced to imprisonment for life by the Circuit Court for Baltimore County on September 15, 1978, following her conviction for murder. Ms. Fried also received a five-year concurrent sentence for conspiracy to commit murder. Attachment G, p. 1.

15. In commuting Ms. Fried's sentence, Governor Ehrlich noted that when Ms. Fried committed the offenses, she was seventeen years of age. Attachment G, p. 1. He also noted that in August 1988, the sentencing judge "wrote his belief that '[Ms.] Fried has achieved maximum rehabilitation and has reached the point where she should be paroled.'" Attachment G, p. 1. The Governor further noted that in September 1993, "a three-judge panel of the Circuit Court for Baltimore County found that [Ms.] Fried's progress during incarceration had been exemplary;" that "[h]er achievement in education and apparent rehabilitation had been noteworthy and highly commendable;" and that "[s]he appeared to have earned the opportunity to be considered for ultimate release from confinement[.]" Attachment G, p. 1. Additionally, Governor Ehrlich noted that while incarcerated, Ms. Fried "has earned her GED and engaged herself in a wide range of self-help programs," and that she "has a comprehensive support network in place upon reentry." Attachment G, p. 1.

16. Finally, Governor Ehrlich noted that the "Parole Commission has concluded that [Ms. Fried] being contrite and remorseful, presently appears to constitute no threat to the safety of society, and recommends her sentence to be commuted to a term of forty-five years[.]" Attachment G, p. 1. He concluded that "the interests of the State of Maryland and [Ms. Fried] will best be served by commutation of the sentence." Attachment G, p. 1.

17. Following the commutation of Ms. Fried's sentence to a term of 45 years, the Parole Commission granted parole to Ms. Fried on September 15, 2015. See Attachment H (Order for Release on Parole and OBSCIS record reflecting that Ms. Fried

was released on parole). As was the case with Ms. Brown, because Governor Ehrlich commuted Ms. Fried's sentence to a term of years, she was no longer serving a life sentence at the time the Parole Commission granted her parole, and approval by the Governor was not required. Ms. Fried will remain under parole supervision until the 45-year term expires on March 24, 2023.

Parole of Milton Humphrey (17 years of Age at Time of Offense)

18. On May 20, 1999, the Parole Commission, with the approval of Governor Parris Glendening, granted a "medical parole" to Milton Humphrey, Division identification no. 193624. *See* Attachment I (Order for Release on Parole and OBSCIS record reflecting that Mr. Humphrey was released on medical parole). Prior to the enactment, in 2008, of § 7-309 of the Correctional Services Article ("CS"), which specifically authorizes the granting of medical parole, the Parole Commission granted medical paroles under its general parole authority set forth in CS § 7-205. Mr. Humphrey was paroled from a life sentence beginning on October 6, 1987, imposed by the Circuit for Baltimore City on August 10, 1988, for first degree murder, and a consecutive 13-year sentence for use of a handgun. When he committed these crimes, Mr. Humphrey was 17 years of age. *See* Attachment J (Parole Information System ("PARIS") record, reflecting that Mr. Humphrey was born on September 13, 1969 and that his offenses occurred on August 28, 1987). Mr. Humphrey died on or about June 9, 1999. *See* Attachment K (OBSCIS record, reflecting that Mr. Humphrey's case was closed on June 9, 1999, due to his death).

**Early Releases Of Inmates Sentenced to Imprisonment for
Life for Crimes Committed at 18 Years of Age or Older
Under Governors Hogan, O'Malley, and Ehrlich**

19. In addition to the parole releases set forth above, under Governors Hogan, O'Malley, and Ehrlich, five inmates who were sentenced to imprisonment for life for crimes committed at age 18 or older have been released on parole prior to the expiration of the life sentence or on mandatory supervision following commutation of sentence. On February 3, 1989, Howard Simms, Division identification number 197429, was sentenced by the Circuit Court for Howard County to imprisonment for life on February 3, 1989, upon conviction of a fourth crime of violence. *See* Attachment L (case record, Circuit Court for Howard County, case no. 13-K-87-017186). On October 8, 2014, the Parole Commission elected to grant parole to Mr. Simms. On October 10, 2014, the Parole Commission forwarded its parole decision to Governor O'Malley pursuant to § 7-301(d)(5)(i) of the Correctional Services Article, which provides that "[i]f the [Parole] Commission decides to grant parole to an inmate sentenced to life imprisonment who has served 25 years without application of diminution of confinement credits, the decision shall be transmitted to the Governor," who "may disapprove the decision by written transmittal to the [Parole Commission]." Under § 7-301(d)(5)(ii), "[i]f the Governor does not disapprove the decision within 180 days after receipt, the decision becomes effective." During the 180-day period, neither Governor O'Malley nor Governor Hogan, who succeeded Governor O'Malley on January 21, 2015, disapproved the Parole Commission's decision. Mr. Simms was paroled on September 24, 2015. *See*

Attachment M (Order for Release on Parole). Mr. Simms was 43 years of age when he committed his offense.

20. On March 29, 2012, Governor O'Malley, on recommendation of the Parole Commission, commuted the life sentence of Tamara Settles, Division identification number 904563, which was imposed by the Circuit Court for Prince George's County on April 11, 1985 upon her conviction for felony murder, to a sentence of life, with all but 40 years suspended. *See* Attachment N (Executive Order 01.01.2012.07). On July 26, 2012, the Parole Commission granted parole to Ms. Settles. *See* Attachment O (Order for Release on Parole). Ms. Settles was 26 years of age at the time of the offense.

21. On November 25, 2004, as amended on November 29, 2004, Governor Ehrlich, on recommendation of the Parole Commission, granted a conditional commutation of sentence to Walter Arvinger, Division identification number 111175. *See* Attachment P (Executive Order 01.01.2004.69). Mr. Arvinger was convicted in the Circuit Court for Baltimore City of first-degree murder on December 4, 1969, and sentenced to life imprisonment. Governor Ehrlich conditionally commuted Mr. Arvinger's sentence to a sentence of life, with all but 45 years suspended, and directed that upon his release, he was to "be supervised by the Division of Parole and Probation as though on mandatory supervision." On the date of the issuance of the amended conditional commutation, Mr. Arvinger was released from the Division subject to the standard conditions of mandatory supervision. *See* Attachment Q (Conditions of Mandatory Supervision Release). Mr. Arvinger was 19 years of age at the time of the offense.

22. On November 25, 2005, Governor Ehrlich, on recommendation of the Parole Commission, granted a conditional commutation of sentence to Charles Davis, Division identification number 6762. *See* Attachment R (Executive Clemency order). Mr. Davis was convicted in the Criminal Court of Baltimore City of murder on December 6, 1960, and sentenced to life imprisonment. Governor Ehrlich conditionally commuted Mr. Davis's sentence to a term of 65 years. On June 9, 2006, the Parole Commission granted parole to Mr. Davis, who was 21 years of age at the time of his offense. *See* Attachment S (Order for Release on Parole).

23. On February 25, 2005, Governor Ehrlich, on recommendation of the Parole Commission, granted a conditional commutation of sentence to Charles Terrell Walters, Sr., Division identification number 133871. *See* Attachment T (Executive Order 01.01.2005.07). Mr. Walters was convicted by the Circuit Court for Garrett County of murder, robbery with a deadly weapon, assault, and use of a handgun in the commission of a crime of violence, and on February 25, 1977, he received sentences of life beginning on March 16, 1975, ten years concurrent, five years concurrent, and five years consecutive. On September 23, 1975, the Circuit Court for Montgomery County imposed a ten-year consecutive sentence for armed robbery, and on August 12, 2002, Mr. Walters's Garrett County sentences were modified to an aggregate term of life, with all but 50 years suspended. Following the court's modification of the sentences, Governor Ehrlich conditionally commuted Mr. Walters's sentences to a total term of 50 years. Attachment T, p. 2. On November 2, 2006, the Parole Commission granted parole to Mr.

Walters, who was 28 at the time of his Garrett County offenses. *See* Attachment U (Order for Release on Parole).

24. Maryland prisoners receive individualized and personal parole consideration. Pursuant to Correctional Services Article (“CS”), § 7-303(a) and Code of Maryland Regulation (“COMAR”) 12.08.01.17.C, the Commission provides to the inmate advance written notice of the date, time, and place of the parole hearing, as well as the factors that the Commission will consider in determining whether to parole the inmate. Prior to the hearing, the Commission also notifies the inmate that the inmate or a representative of the inmate has the right to examine any document to be reviewed by the Commission in considering the inmate for parole, subject to the exceptions listed in CS § 7-303(b). After reviewing the parole file in the presence of the institutional parole agent (“IPA”), the inmate or the inmate’s representative has the right to dispute information contained in the parole file or to request the placement of additional information in the parole file. If the IPA and the inmate or representative cannot resolve the issue, the IPA is required to notify the Commission immediately. The Commission then takes all necessary steps to investigate the matter and to determine whether any information should be removed from or added to the file before the parole hearing.

25. All prisoners serving life sentences are considered for parole by two commissioners who meet with the prisoner either in person or by video-conference. Pursuant to COMAR 12.08.01.18, a parole hearing is actually an interview of the inmate, not a formal hearing. Pursuant to the same regulation, “[t]he hearings are private and shall be held in an informal manner, allowing the prisoner the opportunity to give free

expression to his views and feelings related to his case;” furthermore, although attorneys and relatives are not permitted to make presentations during parole hearings, they are permitted to meet with a parole commissioner “to discuss the relative merits or other factors of the case with the Commission at its executive offices, any time before or after a parole hearing.”

26. If both commissioners believe that a prisoner serving a life sentence is a suitable candidate for parole or commutation, they hold the case and refer the prisoner for a psychological examination, also known as a risk assessment. If the results of the risk assessment are promising, the commissioners present the case to the Commission *en banc*, pursuant to COMAR 12.08.01.23.A. Prior to considering the case *en banc*, each parole commissioner personally reviews the prisoner’s entire parole file. After every commissioner has reviewed the parole file, the Commission meets to discuss the case in detail, giving careful consideration to all of the factors listed in CS § 7-305 and COMAR 12.08.01.18.A. The commissioners who present the case to the Commission explain the circumstances of the crime, the age of the prisoner at the time of the offense, the sentence imposed by the Court, the prisoner’s criminal history, the progress of the prisoner in the Division of Correction (including programming and discipline), family support, employment prospects, substance abuse issues, any medical or mental health issues, the results of the risk assessment, victim impact, and any other factor that may be relevant to the parole consideration. The commissioners then have the opportunity to ask questions of the two commissioners. After the discussion, one commissioner makes a motion to approve the prisoner for either parole or a commutation of sentence, the motion is

seconded, and the commissioners vote. If the Commission votes to approve the prisoner for parole or a commutation of sentence, the decision is forwarded to the Governor for review.

27. The Department of Public Safety and Correctional Services recently proposed to amend COMAR 12.08.01.17 and 12.08.01.18 (Attachment V) through the emergency process contained in the Administrative Procedure Act (APA), §§ 10-101 – 10-118 of the State Government Article. The Joint Committee on Administrative, Executive, and Legislative Review recently informed the Department that as a result of comments received by members of the public, the committee will not currently take action on the emergency regulations. Accordingly, pending further action by the Committee, the Department will promulgate the regulations through the non-emergency process set forth in the APA. While that promulgation process is pending, the Commission will consider the factors listed in proposed COMAR 12.08.01.18.A(3) when considering for parole any prisoner who was a juvenile at the time of the offense, and will provide access to information to prisoners being considered for parole under proposed COMAR 12.08.01.17, which was drafted to ensure that the policies of the Parole Commission comply with Maryland law, and in particular CS § 7-303(b)(2).

28. Most prisoners serving a life sentence, or a life sentence with all but a number of years suspended, are eligible for parole after serving 15 years less diminution credits, which usually works out to parole eligibility in approximately 11½ years. If the prisoner was sentenced to life, or to life with all but a number of years suspended, following the failed application of the death penalty or a sentence of life without parole, the prisoner is

eligible for parole after serving 25 years, less diminution credits, which usually works out to parole eligibility in approximately 20 years. CS § 7-301(d) (1) and (2). A prisoner convicted of a violent crime committed on or after October 1, 1994, is not eligible for parole until the prisoner has served one-half of the sentence for the violent crime. CS § 7-301(c). For example, a prisoner serving a life sentence (or a life sentence with all but 50 years suspended) in a case in which there is no failed application of the death penalty or a sentence of life without parole, is eligible for parole after serving approximately 11½ years. By contrast, a prisoner serving 50 years for an attempted murder of other violent crime committed on or after October 1, 1994, is not eligible for parole until the prisoner has served 25 years.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing declaration are true.

7/8/16
DATE

David R. Blumberg
DAVID R. BLUMBERG

APR-14-2016 THU 08:33 AM

P. 024



The State of Maryland
Executive Department

EXECUTIVE ORDER
01.01.2012.27

Conditional Commutation of Sentence — John Alexander Jones

WHEREAS,

John Alexander Jones (Division of Correction Inmate Number 168832), Conditional Grantee, was convicted of Felony Murder, Handgun Violation, and Attempted Robbery with Deadly Weapon in the Circuit Court of Maryland for Baltimore City on August 25, 1983 (Case No. 18305502) and was sentenced to life imprisonment plus five years concurrent;

WHEREAS,

John Alexander Jones was seventeen years old at the time of the offense and has compiled, while incarcerated, a strong record of work experience and institutional progress, including the attainment of a GED and then an undergraduate degree from Coppin State University;

WHEREAS,

The jury convicted John Alexander Jones of Felony Murder for participation in an attempted robbery that led to the murder, but the State of Maryland did not allege that John Alexander Jones was the shooter;

WHEREAS,

The Baltimore City State's Attorney does not oppose clemency for John Alexander Jones; and

WHEREAS,

The Maryland Parole Commission has concluded that John Alexander Jones presently appears to constitute no threat to public safety and recommends the granting of Executive Clemency.

NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, HAVING THOUGHT PROPER THE CONDITIONAL GRANTING OF CLEMENCY IN THIS CASE AND UNDER THE AUTHORITY VESTED IN ME BY ARTICLE II, SECTION 20 OF THE CONSTITUTION OF MARYLAND AND SECTION 7-601 OF THE CORRECTIONAL SERVICES ARTICLE OF THE ANNOTATED CODE OF MARYLAND, DO HEREBY ORDER THAT THE ORIGINAL SENTENCE TO THE CUSTODY OF THE DIVISION OF CORRECTION BE AND HEREBY IS CONDITIONALLY COMMUTED AND CONDITIONALLY REMITTED TO LIFE WITH ALL BUT 47 YEARS SUSPENDED SUBJECT TO THE FOLLOWING:

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Pre-release Conditions

A. Prior to parole release, the Conditional Grantee shall complete a period of community testing and/or a period of work release, as determined by the Department of Public Safety and Correctional Services.

B. Prior to any release on parole or mandatory supervision, the Maryland Parole Commission, in consultation with the Department of Public Safety and Correctional Services and the Department of Labor, Licensing and Regulation, shall devise a reentry plan, which must, at a minimum, include:

(1) A home plan, investigated by the Department of Public Safety and Correctional Services and approved by the Parole Commission;

(2) An employment plan that includes, as necessary, job placement, job training, and/or educational programs;

(3) A counseling plan approved by the Parole Commission and Department of Public Safety and Correctional Services; and

(4) If deemed necessary by the Parole Commission, in consultation with Patuxent Institution and the Drug and Alcohol Abuse Administration, a substance abuse or mental health treatment evaluation and/or program.

C. The conditional grantee shall submit to random drug testing as directed by the Parole Commission.

D. The Parole Commission may impose any other pre-release conditions that it considers proper.

Post-release Conditions

E. If the Maryland Parole Commission determines that the Conditional Grantee merits parole release, the Parole Commission may grant parole, and the Conditional Grantee shall be supervised by the Department of Public Safety and Correctional Services pursuant to Title 7, Subtitles 3 and 4 of the Correctional Services Article of the Annotated Code of Maryland, subject to all of the standard conditions of parole and the following special conditions:

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(1) Participate in counseling programs as provided in the reentry plan established under Section B of this Conditional Commutation unless the Parole Commission determines that participation in the program is no longer necessary;

(2) If deemed necessary by the Parole Commission, submit to a mental health evaluation and participate in mental health treatment programming as directed by his supervising agent;

(3) Submit to random drug testing as directed by his supervising agent;

(4) If deemed necessary by the Parole Commission, participate in substance abuse treatment programming as directed by his supervising agent; and

(5) Any other special conditions that the Parole Commission considers proper.

F. If the Conditional Grantee is released on mandatory supervision, upon release from custody, he shall be supervised by the Department of Public Safety and Correctional Services pursuant to Title 7, Subtitle 5 of the Correctional Services Article of the Annotated Code of Maryland, subject to all the standard conditions of mandatory supervision and the following special conditions:

(1) Participate in counseling programs as provided in the reentry plan established under Section B of this Conditional Commutation unless the Parole Commission determines that participation in the program is no longer necessary;

(2) If deemed necessary by the Parole Commission, submit to a mental health evaluation and participate in mental health treatment programming as directed by his supervising agent;

(3) Submit to random drug testing as directed by his supervising agent;

(4) If deemed necessary by the Parole Commission, participate in substance abuse treatment programming as directed by his supervising agent; and

(5) Any other special conditions that the Parole Commission considers proper.

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G. The Parole Commission shall not grant an abatement of supervision while the Conditional Grantee is on parole or mandatory supervision.

H. *Revocation of Parole or Mandatory Supervision and Re-imposition of Commuted Sentence:* If the Parole Commission determines that the Conditional Grantee violated a condition of parole or mandatory supervision under Sections E or F of this Conditional Commutation, but the Conditional Commutation has not been revoked under Section I, the Parole Commission may revoke parole or mandatory supervision pursuant to the procedures outlined in Title 7 of the Correctional Services Article of the Annotated Code of Maryland and the Code of Maryland Regulations. The Parole Commission may, within its discretion, deny the Conditional Grantee credit for time served on parole or mandatory supervision. Notwithstanding any other provision of law, the Parole Commission may also, within its discretion, revoke any or all of the Conditional Grantee's diminution credits whether the Conditional Grantee was released on parole or mandatory supervision.

I. Following completion of his unsuspended term of 47 years:

(1) The Conditional Grantee must submit to continued supervision by the Parole Commission for the remainder of his suspended lifetime term unless the Parole Commission determines that the abatement of such supervision is in the best interests of the State and that further supervision is not necessary for the protection of public safety. Except as otherwise provided in this Conditional Commutation, this supervision shall be conducted according to the standard policies and procedures governing supervision of parolees under the Code of Maryland Regulations.

(2) The Conditional Grantee must, whether or not supervision is abated, continue to abide by the following conditions for the remainder of his suspended lifetime term:

(a) Report as directed to and follow his parole agent's instructions unless the Parole Commission has granted an abatement of supervision;

(b) Obey all laws;

(c) Notify the Parole Commission before changing jobs, changing his home, or leaving the State of Maryland. The Parole Commission has the authority to waive these notification requirements;

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(d) Do not illegally use, possess, or sell any narcotic drug, "controlled dangerous substance," or related paraphernalia;

(e) Do not own, possess, use, sell, or have control of any dangerous weapon or firearm of any description without the approval of the Parole Commission;

(f) Notify the Parole Commission immediately if arrested; and

(g) Any special conditions that the Parole Commission considers proper.

Revocation

J. *Revocation of the Conditional Commutation and Re-imposition of Original Life Sentence:* Under the following circumstances, the Parole Commission may, following a hearing, recommend to the Governor that the Conditional Commutation be revoked and the Conditional Grantee's original life sentence be re-imposed if a majority of the commissioners determine that the Conditional Grantee poses a threat to public safety and, considering the totality of the circumstances, that revocation is warranted:

(1) The Conditional Grantee is convicted of a crime;

(2) The Conditional Grantee owns, possesses, uses, sells or has under his control a firearm;

(3) The Conditional Grantee, while incarcerated, is found guilty of an inmate rule violation listed in Code of Maryland Regulations Section 12.02.27.04B(1)-(4) or (6) or is found guilty of more than one inmate rule violation listed in Code of Maryland Regulations Section 12.02.27.04B-E;

(4) The Conditional Grantee, while participating in a community testing or work release program, is found guilty of an inmate rule violation listed in Code of Maryland Regulations Section 12.02.27.04B(1)-(4) or (6) or is found guilty of more than one inmate rule violation listed in Code of Maryland Regulations Section 12.02.27.04B-E; or

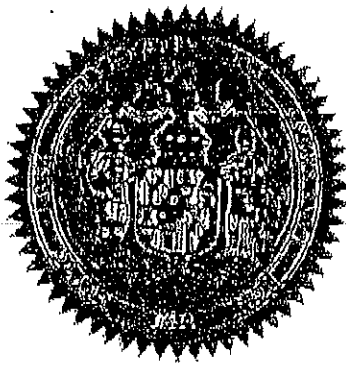
(5) The Conditional Grantee violates a condition under Sections E, F, or I of this Conditional Commutation.

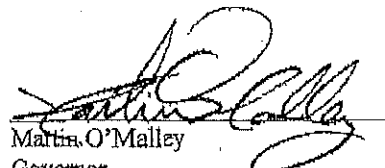
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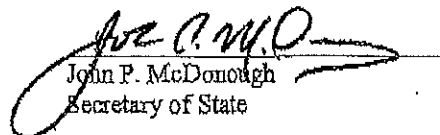
K. The Parole Commission shall notify the Governor in writing of a recommendation to revoke this Conditional Commutation under Section J, and the Governor may decide to accept or reject the Parole Commission's recommendation.

Given Under My Hand and the Great Seal of the State of Maryland in the City of Annapolis, this 5th day of November, 2012.




Martin O'Malley
Governor

ATTEST:


John P. McDonough
Secretary of State

FEB-20-2013 WED 03:01 AM

P. 002



DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
MARYLAND PAROLE COMMISSION

ARW

Order for Release on Parole

No. A013543

WHEREAS, The Parole Commission, by virtue of authority conferred upon it by laws of the State of Maryland, does hereby grant parole to:

JONES JOHN A	168832	12/28/1965	371749
Commitment Name (Last, First, Middle)	DOC No./PARIS No.	D.O.B.	SID #

Who was convicted of: 1) 01 FELONY MURDER
2) 02 USE OF HANDGUN IN THE COMMISSION OF A CRIME OF VIOLENCE

Court(s): 1) 030 BCI-CIR-CT #00018305502
2) 030 BCI-CIR-CT #00018305502

Date(s) Sentenced: 1) 08/25/1983
2) 08/25/1983

Term(s): 1) Y 047 M 00 D 000
2) Y 005 M 00 D 000

From: 1) 01/25/1983
2) Concurrent from 01/25/1983

Tracking Number(s):

01/25/2030

Maximum Expiration Date	Date(s) of offense(s) committed on or after
	May 1, 1991

THEREFORE the said commission does hereby order release on parole of the said offender from:

Patuxent Institution

Correctional facility

INSTRUCTIONS TO THE PAROLEE

Upon release you shall be deemed to remain in legal custody until the expiration of your full, undiminished term of confinement. Upon the alleged violation of any condition of parole you shall be remanded to the authority from which paroled, where a hearing shall be conducted by the Parole Commission. If your parole is revoked, the Commission shall determine the amount of time spent on parole, if any, which is to be credited to your term of confinement.

You are subject to the special conditions of parole as set forth below, the standard conditions of parole on page 2 of this order and to such further conditions as the Commission may impose at any time during the term of your parole.

Special Conditions:

1. Submit to, successfully complete, and pay any required costs for any and all evaluations, treatment programs, testing, and aftercare as directed by the Division of Parole and Probation, which may include substance abuse, mental health, anger management, parenting, domestic violence, and other issues. Take all medications prescribed by your treatment provider.

Name: JONES JOHN A Doc#: 188832

3. Permits agents of the Division of Parole and Probation to visit your home at any time.

34. Comply as directed by your parole/probation agent with the Division of Parole and Probation's sexual offender management program, which may include intensive reporting requirements, specialized sex offender treatment, electronic monitoring, medication, polygraph testing, and computer monitoring.

35. Comply with any curfew or site restrictions imposed by your parole/probation agent to limit your access to certain areas of the community and/or to require you to obtain permission to leave your residence during certain hours. Cooperate with any program which is established to monitor your compliance with these restrictions, which may include payment for costs associated with Global Positioning Systems (GPS) or other tracking technology.

38. Provide a DNA sample as required by law.

39. Appear in court when notified to do so.

40. Waive all extradition rights and processes, and agree to return to the State of Maryland when instructed.

41. Do not physically or verbally threaten or intimidate any employee of the Department of Public Safety and Correctional Services.

Other: I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, HAVING THOUGHT PROPER THE CONDITIONAL GRANTING OF CLEMENCY IN THIS CASE AND UNDER THE AUTHORITY VESTED IN ME DO HEREBY ORDER THAT THE ORIGINAL SENTENCE TO THE CUSTODY OF THE DIVISION OF CORRECTIONS BE HEREBY AND IS CONDITIONALLY COMMUTED AND CONDITIONALLY REMITTED TO LIFE WITH ALL BUT 47 YEARS SUSPENDED AND SUBJECT TO THE FOLLOWING: IF THE MPC DETERMINES THAT THE CONDITIONAL GRANTEE MERITS PAROLE RELEASE, THE MPC MAY GRANT PAROLE, AND THE CONDITIONAL GRANTEE SHALL BE SUPERVISED BY THE DEPARTMENT OF DPSCS SUBJECT TO ALL STANDARD CONDITIONS AND THE FOLLOWING SPECIAL CONDITIONS: PAROLE TO PATRICK ALLISON HOUSE ONLY AND ABIDE BY ALL RULES AND REGULATIONS OF PROGRAM; SUBMIT TO MENTAL HEALTH TREATMENT AS DIRECTED; MANDATORY PARTICIPATION IN SUBSTANCE ABUSE TREATMENT. RANDOM DRUG TESTING AS DIRECTED.

Home Plan

PATRICK ALLISON HOUSE - HOWARD
MICHAEL ROBINSON

808 PARK AVENUE, BALTIMORE, MD 21201
Address

443 955 0052
Phone

Employment Plan

Company Name and Contact Person

Address

Phone

Upon release you shall report, in person, no later than 10:00 A.M., on 02/21/2013 to the Division of Parole and Probation office located at 2100 Guilford Avenue, Baltimore, MD 21218.

Telephone No. 443-263-3706

Commissioner

02/20/2013
Date

FEB-20-2013 WED 03:01 AM

P. 004

Name: JONES JOHN A Doc#: 168832

CONDITIONS OF PAROLE

1. Report as directed to and follow your Parole Agent's instructions.
2. Work regularly.
3. Get permission before:
 - a. Changing your home;
 - b. Changing your job; or
 - c. Leaving the State of Maryland.
4. Obey all laws.
5. Notify your Parole Agent immediately if you are arrested.
6. You shall not illegally possess, use, or sell any narcotic drug, "controlled dangerous substance", or related paraphernalia.
7. You shall not own, possess, use, sell, or have under your control any dangerous weapon or firearms of any description without approval of the Parole Commission.
8. You shall conduct yourself as not to present a danger to yourself or others.
9. Special conditions: See page 1 of this agreement.

NOTE: Conditions 10 and 11 apply to parolees whose term of confinement resulted from a crime or crimes committed on or after May 1, 1991.

10. You must pay a monthly supervision fee as required by law unless the Parole Commission exempts you wholly or partly from payment of the fee.
11. If ordered by the Parole Commission to undergo drug or alcohol abuse testing, you must pay for the testing if required to do so by the Division of Parole and Probation.

[Signature]
I have read or have had read to me, the foregoing conditions of parole and any special conditions. I fully understand them and I agree, in consideration of granting of parole to observe and abide by such conditions of parole. Further, I hereby waive extradition to the state of Maryland and expressly agree that I will not contest any effort to return to the State of Maryland in consequence of my violating and of the terms and conditions of this parole.

X *John A. Jones* 168832

Signature of Parolee
A. M. Field

Witness

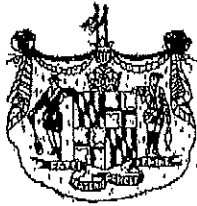
2/20/13

Date
2/20/13

Date

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The State of Maryland
Executive Department

EXECUTIVE ORDER
01.01.2012.06

Conditional Commutation of Sentence – Mark Farley Grant

- WHEREAS, Mark Farley Grant (Division of Correction Inmate Number 171372), Conditional Grantee, was convicted of Felony Murder, Use of a Handgun in Commission of a Crime of Violence, and Attempted Robbery with a Deadly Weapon in the Circuit Court of Maryland for Baltimore City on January 31, 1984 (Case No. 18301906) and was sentenced to life imprisonment plus fifteen years;
- WHEREAS, On March 10, 2003, the Circuit Court for Baltimore City merged Mark Farley Grant's ten year sentence for Attempted Robbery with a Deadly Weapon and his five year sentence for Use of a Handgun in Commission of a Crime of Violence into his sentence of life imprisonment for Felony Murder;
- WHEREAS, Mark Farley Grant was fourteen years old at the time of the offense and has compiled, while incarcerated, a strong record of work experience and institutional progress;
- WHEREAS, The jury convicted Mark Farley Grant of Felony Murder for participation in the robbery that led to the murder, but acquitted him of First Degree Murder;
- WHEREAS, The Baltimore City State's Attorney does not oppose clemency for Mark Farley Grant; and
- WHEREAS, The Maryland Parole Commission has concluded that Mark Farley Grant presently appears to constitute no threat to public safety and recommends the granting of Executive Clemency.
- NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, HAVING THOUGHT PROPER THE CONDITIONAL GRANTING OF CLEMENCY IN THIS CASE AND UNDER THE AUTHORITY VESTED IN ME BY ARTICLE II, SECTION 20 OF THE CONSTITUTION OF MARYLAND AND SECTION 7-601 OF THE CORRECTIONAL SERVICES ARTICLE OF THE ANNOTATED CODE OF MARYLAND, DO HEREBY ORDER THAT THE ORIGINAL SENTENCE TO THE CUSTODY OF THE

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DIVISION OF CORRECTION BE AND HEREBY IS
CONDITIONALLY COMMUTED AND CONDITIONALLY
REMITTED TO LIFE WITH ALL BUT 45 YEARS SUSPENDED
SUBJECT TO THE FOLLOWING:

Pre-release Conditions

A. Prior to parole release, the Conditional Grantee shall complete a period of community testing and/or a period of work release, as determined by the Department of Public Safety and Correctional Services.

B. Prior to any release on parole or mandatory supervision, the Maryland Parole Commission, in consultation with the Department of Public Safety and Correctional Services and the Department of Labor, Licensing and Regulation, shall devise a reentry plan, which must, at a minimum, include:

(1) A home plan, investigated by the Department of Public Safety and Correctional Services and approved by the Parole Commission;

(2) An employment plan that includes, as necessary, job placement, job training, and/or educational programs;

(3) A counseling plan with the cooperation of the Law and Social Work Program at the University of Maryland, Baltimore. If the University of Maryland, Baltimore cannot provide counseling services, the Parole Commission and Department of Public Safety and Correctional Services shall devise a substitute counseling plan; and

(4) If deemed necessary by the Parole Commission, in consultation with Patuxent Institution and the Drug and Alcohol Abuse Administration, a substance abuse or mental health treatment evaluation and/or program.

C. The conditional grantee shall submit to random drug testing as directed by the Parole Commission.

D. The Parole Commission may impose any other pre-release conditions that it considers proper.

Post-release Conditions

E. If the Maryland Parole Commission determines that the Conditional Grantee merits parole release, the Parole Commission may grant parole, and the Conditional Grantee shall

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be supervised by the Department of Public Safety and Correctional Services pursuant to Title 7, Subtitles 3 and 4 of the Correctional Services Article of the Annotated Code of Maryland, subject to all of the standard conditions of parole and the following special conditions:

(1) Participate in counseling programs as provided in the reentry plan established under Section B of this Conditional Commutation unless the Parole Commission determines that participation in the program is no longer necessary;

(2) If deemed necessary by the Parole Commission, submit to a mental health evaluation and participate in mental health treatment programming as directed by his supervising agent;

(3) Submit to random drug testing as directed by his supervising agent;

(4) If deemed necessary by the Parole Commission, participate in substance abuse treatment programming as directed by his supervising agent; and

(5) Any other special conditions that the Parole Commission considers proper.

F. If the Conditional Grantee is released on mandatory supervision, upon release from custody, he shall be supervised by the Department of Public Safety and Correctional Services pursuant to Title 7, Subtitle 5 of the Correctional Services Article of the Annotated Code of Maryland, subject to all the standard conditions of mandatory supervision and the following special conditions:

(1) Participate in counseling programs as provided in the reentry plan established under Section B of this Conditional Commutation unless the Parole Commission determines that participation in the program is no longer necessary;

(2) If deemed necessary by the Parole Commission, submit to a mental health evaluation and participate in mental health treatment programming as directed by his supervising agent;

(3) Submit to random drug testing as directed by his supervising agent;

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(4) If deemed necessary by the Parole Commission, participate in substance abuse treatment programming as directed by his supervising agent; and

(5) Any other special conditions that the Parole Commission considers proper.

G. The Parole Commission shall not grant an abatement of supervision under Code of Maryland Regulations Section 12.08.01.21H while the Conditional Grantee is on parole or mandatory supervision.

H. *Revocation of Parole or Mandatory Supervision and Re-imposition of Commuted Sentence:* If the Parole Commission determines that the Conditional Grantee violated a condition of parole or mandatory supervision under Sections E or F of this Conditional Commutation, but the Conditional Commutation has not been revoked under Section J, the Parole Commission may revoke parole or mandatory supervision pursuant to the procedures outlined in Title 7 of the Correctional Services Article of the Annotated Code of Maryland and Code of Maryland Regulations Section 12.08.01.22. The Parole Commission may, within its discretion, deny the Conditional Grantee credit for time served on parole or mandatory supervision. Notwithstanding any other provision of law, the Parole Commission may also, within its discretion, revoke any or all of the Conditional Grantee's diminution credits whether the Conditional Grantee was released on parole or mandatory supervision.

I. Following completion of his unsuspended term of 45 years:

(1) The Conditional Grantee must submit to continued supervision by the Parole Commission for the remainder of his suspended lifetime term unless the Parole Commission determines that the abatement of such supervision is in the best interests of the State and that further supervision is not necessary for the protection of public safety. Except as otherwise provided in this Conditional Commutation, this supervision shall be conducted according to the standard policies and procedures governing supervision of parolees under Code of Maryland Regulations Section 12.08.01.21.

(2) The Conditional Grantee must, whether or not supervision is abated, continue to abide by the following conditions for the remainder of his suspended lifetime term:

APR-14-2016 THU 08:33 AM

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(a) Report as directed to and follow his parole agent's instructions unless the Parole Commission has granted an abatement of supervision;

(b) Obey all laws;

(c) Notify the Parole Commission before changing jobs, changing his home, or leaving the State of Maryland. The Parole Commission has the authority to waive these notification requirements;

(d) Do not illegally use, possess, or sell any narcotic drug, "controlled dangerous substance," or related paraphernalia;

(e) Do not own, possess, use, sell, or have control of any dangerous weapon or firearm of any description without the approval of the Parole Commission;

(f) Notify the Parole Commission immediately if arrested; and

(g) Any special conditions that the Parole Commission considers proper.

Revocation

J. *Revocation of the Conditional Commutation and Re-imposition of Original Life Sentence:* Under the following circumstances, the Parole Commission may, following a hearing, recommend to the Governor that the Conditional Commutation be revoked and the Conditional Grantee's original life sentence be re-imposed if a majority of the commissioners determine that the Conditional Grantee poses a threat to public safety and, considering the totality of the circumstances, that revocation is warranted:

(1) The Conditional Grantee is convicted of a crime;

(2) The Conditional Grantee owns, possesses, uses, sells or has under his control a firearm;

(3) The Conditional Grantee, while incarcerated, is found guilty of an inmate rule violation listed in Code of Maryland Regulations Section 12.02.27.04B(1)-(4) or (6) or is found guilty of more than one inmate rule violation listed in Code of Maryland Regulations Section 12.02.27.04B-E;

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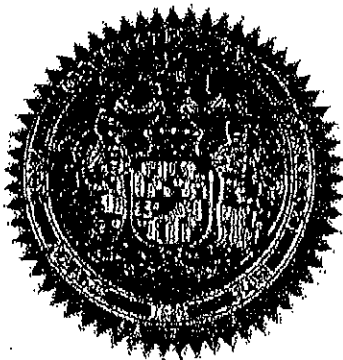
P. 023


(4) The Conditional Grantee, while participating in a community testing or work release program, is found guilty of an inmate rule violation listed in Code of Maryland Regulations Section 12.02.27.04B(1)-(4) or (6) or is found guilty of more than one inmate rule violation listed in Code of Maryland Regulations Section 12.02.27.04B-E; or

(5) The Conditional Grantee violates a condition under Sections E, F, or I of this Conditional Commutation.

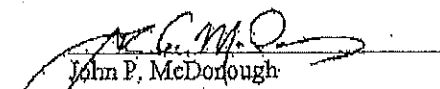
K. The Parole Commission shall notify the Governor in writing of a recommendation to revoke this Conditional Commutation under Section J, and the Governor may decide to accept or reject the Parole Commission's recommendation.

Given Under My Hand and the Great Seal of the State of Maryland in the City of Annapolis, this 29th day of March, 2012.




Martin O'Malley
Governor

ATTEST:


John P. McDonough
Secretary of State



DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS
MARYLAND PAROLE COMMISSION

Order for Release on Parole

No. A013060

WHEREAS, The Parole Commission, by virtue of authority conferred upon it by laws of the State of Maryland, does hereby grant parole to:

GRANT MARK F	171572	02/18/1988	378478
Commitment Name (Last, First, Middle)	DOC No/PARIS No.	D.O.B.	SID #

Who was convicted of: 1) 01 MURDER FIRST DEGREE
2) 02 USE OF HANDGUN IN COMMISSION OF CRIME OF VIOLENCE
3) 03 ATTEMPT TO ROBBERY WITH DEADLY WEAPON

Court(s): 1) 035 BCI-CRI-CT #18301906
2) 035 BCI-CRI-CT #18301906
3) 035 BCI-CRI-CT #0018301907

Date(s) Sentenced: 1) 03/05/1984
2) 03/05/1984
3) 03/05/1984

Term(s): 1) Y 045 M 00 D 000
2) Y 005 M 00 D 000
3) Y 010 M 00 D 000

From: 1) 01/10/1983
2) Concurrent from 01/10/1983
3) Concurrent from 01/10/1983

Tracking Number(s):

01/10/2028	01/04/1983
Maximum Expiration Date	Date(s) of offense(s) committed on or after
	May 1, 1991

THEREFORE the said commission does hereby order release on parole of the said offender from:

Threshold
Correctional facility

INSTRUCTIONS TO THE PAROLEE

Upon release you shall be deemed to remain in legal custody until the expiration of your full, undiminished term of confinement. Upon the alleged violation of any condition of parole you shall be remanded to the authority from which paroled, where a hearing shall be conducted by the Parole Commission. If your parole is revoked, the Commission shall determine the amount of time spent on parole, if any, which is to be credited to your term of confinement.

You are subject to the special conditions of parole as set forth below, the standard conditions of parole on page 2 of this order and to such further conditions as the Commission may impose at any time during the term of your parole.

Special Conditions:

MPC-54 (Revised 11/07/2007)

Page 1 of 3

DEC-18-2012 TUE 02:45 AM

P.003

Name: GRANT MARK F Doc#: 171372

1. Submit to, successfully complete, and pay any required costs for any and all evaluations, treatment programs, testing, and attendance as directed by the Division of Parole and Probation, which may include substance abuse, mental health, anger management, parenting, domestic violence, and other issues. Take all medications prescribed by your treatment provider.

3. Permits agents of the Division of Parole and Probation to visit your home at any time.

34. Comply as directed by your parole/probation agent with the Division of Parole and Probation's sexual offender management program, which may include intensive reporting requirements, specialized sex offender treatment, electronic monitoring, medication, polygraph testing, and computer monitoring.

35. Comply with any curfew or other restrictions imposed by your parole/probation agent to limit your access to certain areas of the community and/or to require you to obtain permission to leave your residence during certain hours. Cooperate with any program which is established to monitor your compliance with these restrictions, which may include payment for costs associated with Global Positioning Systems (GPS) or other tracking technology.

38. Provide a DNA sample as required by law.

39. Appear in court when notified to do so.

40. Waive all extradition rights and processes, and agree to return to the State of Maryland when instructed.

41. Do not knowingly or recklessly harass or intimidate any employee of the Department of Public Safety and Correctional Services.

Other: CONDITIONAL COMMUTATION OF SENTENCE: THE GOVERNOR OF THE STATE OF MARYLAND, HAVING THOUGHT PROPER THE CONDITIONAL GRANTING OF CLEMENCY IN THIS CASE AND UNDER THE AUTHORITY VESTED BY ARTICLE II, SECTION 20 OF THE CORRECTIONAL SERVICES ARTICLE OF THE ANNOTATED CODE OF MARYLAND, ORDERS THAT THE ORIGINAL SENTENCE TO THE CUSTODY OF THE DIVISION OF CORRECTION BE AND HEREBY CONDITIONALLY COMMUTED AND CONDITIONAL REMITTED TO LIFE WITH ALL BUT 45 YEARS SUSPENDED SUBJECT TO THE FOLLOWING:

COUNSELING AS DIRECTED; RANDOM URINE TESTING; SUBSTANCE ABUSE TREATMENT BOTH AS DIRECTED; ANY OTHER SPECIAL CONDITION AS PAROLE COMMISSION DEEMS AS NECESSARY

"PLEASE REFER TO THE EXECUTIVE ORDER FOR FULL DEFINITION OF THE SPECIAL CONDITIONS"

Home Plan

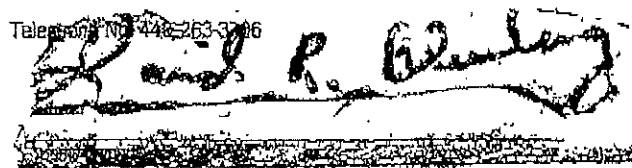
MARY GRANT AUNT	2 N. SMALLWOOD #316 BALTIMORE MD 21223	410 352 2754
Name and Relationship	Address	Phone

Employment Plan

SEVEN MILE MARKET CHAIRMAN	4855 SEVEN MILE LAKE BALTIMORE MD 21215	410 667 3000
Company Name and Contact Person	Address	Phone

Upon release you shall report, in person, no later than 10:00 A.M., on 12/19/2012 to the Division of Parole and Probation office located at 2100 Guilford Avenue Baltimore, MD 21218.

Telephone: 410-263-3706



12/18/2012

UATD

CONDITIONS OF PAROLE

1. Report as directed to and follow your Parole Agent's instructions.
2. Work regularly.
3. Get permission before:
 - a. Changing your home;
 - b. Changing your job; or
 - c. Leaving the State of Maryland.
4. Obey all laws.
5. Notify your Parole Agent immediately if you are arrested.
6. You shall not illegally possess, use, or sell any narcotic drug, "controlled dangerous substance", or related paraphernalia.
7. You shall not own, possess, use, sell, or have under your control any dangerous weapon or firearms of any description without approval of the Parole Commission.
8. You shall conduct yourself as not to present a danger to yourself or others.
9. Special conditions: See page 1 of this agreement.

NOTE: Conditions 10 and 11 apply to parolees whose term of confinement resulted from a crime or crimes committed on or after May 1, 1991.

10. You must pay a monthly supervision fee as required by law, unless the Parole Commission exempts you wholly or partly from payment of the fee.
11. If ordered by the Parole Commission to undergo drug or alcohol abuse testing, you must pay for the testing if required to do so by the Division of Parole and Probation.

I have read, or have had read to me, the foregoing conditions of parole and any special conditions. I fully understand them and I agree, in consideration of granting of parole to observe and abide by such conditions of parole. Further, I hereby waive extradition to the state of Maryland and expressly agree that I will not contest any effort to return to the State of Maryland in consequence of my violating and of the terms and conditions of this parole.

M. J. West

Signature of Parolee

Cushner

Witness

12/18/12

Date

12-18-12

Date

APR-14-2016 THU 08:31 AM

P. 004



The State of Maryland

Executive Department

EXECUTIVE ORDER

01.01.2004.67

Conditional Commutation of Sentence - Mary Washington Brown

- WHEREAS, Mary Washington Brown, Conditional Grantee, was convicted of First Degree Murder on December 18, 1974, in the Criminal Court for Baltimore City;
- WHEREAS, Mary Washington Brown was, following her conviction for said crime, sentenced to life imprisonment;
- WHEREAS, Mary Washington Brown, while incarcerated, has been an exemplary inmate. She has compiled an impressive record of practical instruction, work experience, and institutional progress;
- WHEREAS, The Maryland Parole Commission has concluded that Mary Washington Brown presently appears to constitute no threat to the safety of society, and recommends the granting of executive clemency; and
- WHEREAS, The interests of the State of Maryland and of the Conditional Grantee will best be served by the granting of a conditional commutation of sentence to Mary Washington Brown.

NOW THEREFORE, I, ROBERT L. BHRICH, JR., GOVERNOR OF THE STATE OF MARYLAND, HAVING THOUGHT PROPER THE EXTENSION OF CLEMENCY UNDER THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, DO HEREBY ORDER THAT THE ORIGINAL SENTENCE OF MARY WASHINGTON BROWN TO THE CUSTODY OF THE DIVISION OF CORRECTION BE AND IS HEREBY CONDITIONALLY COMMUTED TO A FIXED TERM OF SIXTY YEARS SUBJECT TO THE FOLLOWING:

- A. Prior to parole eligibility, the Conditional Grantee shall complete twelve months of work release, as specified by the Division of Correction, while observing good behavior;
- B. If the Maryland Parole Commission determines that the Conditional Grantee merits parole release after the condition set forth above is satisfied, prior to parole release, the Maryland Parole Commission shall coordinate with Alternative Directions, Inc. (Alternative Directions) to implement the following reentry plan, which Mary Washington Brown expressly agreed to comply with on October 20, 2004:

APR-14-2016 THU 08:31 AM

P. 005

(1) Upon release from the Division of Correction, Alternative Directions will ensure that the Conditional Grantee reports immediately to the Division of Parole and Probation at 2100 Guilford Avenue, Baltimore, Maryland 21218. The Conditional Grantee will take her release consent form with her and follow all directions of Parole and Probation;

(2) The Conditional Grantee will be required to attend counseling sessions at Alternative Directions;

(3) Alternative Directions will refer the Conditional Grantee to the Maryland Educational Opportunity Center to continue her education;

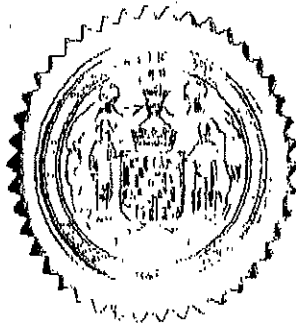
(4) Alternative Directions will assist the Conditional Grantee with her job development efforts; and

(5) Alternative Directions will refer the Conditional Grantee to the North Baltimore Center for counseling.

C. If Alternative Directions ceases to operate or cannot provide the services set forth in subsection B in their entirety, prior to parole release, the Maryland Parole Commission, the Division of Correction, a State Psychologist, and the Drug and Alcohol Abuse Administration shall evaluate the Conditional Grantee to devise a reentry plan, which shall set forth special conditions of release, and coordinate with community-based drug, alcohol, and mental health treatment providers to secure treatment services as required after release; and

D. In the event subsection C controls, the Conditional Grantee must agree to participate in said drug, alcohol, and/or mental health treatment services as required upon release and the service providers must be able to treat the Conditional Grantee immediately.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 25th Day of November, 2004.



Robert L. Ehrlich, Jr.

Robert L. Ehrlich, Jr.
Governor

ATTEST:

R. Karl Aumann

R. Karl Aumann
Secretary of State

MEN 2/09/06

No. 45197

MARYLAND PAROLE COMMISSION ORDER FOR RELEASE ON PAROLE

WHEREAS, the Parole Commission, by virtue of the authority conferred upon it by the laws of the State of Maryland, does hereby grant parole to:

MARY WASHINGTON BROWN #301457 DOB 03/29/1953
Commitment Name DOC/PARIS No. DOB

MURDER 1ST DEGREE

who was convicted of:

Court: BALTIMORE CITY CIRCUIT COURT - #17400351

Date(s) sentenced: 12/18/74

Term: 60 YEARS

From: 01/19/74

THEREFORE, the said Commission does hereby order the release on parole of the said offender from:

HOME DETENTION UNIT

(Correctional Facility)

Parole Expiration Date: 01/19/2034

Date(s) of offense(s) committed on or after May 1, 1991

INSTRUCTIONS TO THE PAROLEE

Upon release, you shall be deemed to remain in legal custody until the expiration of your full, undiminished term of confinement. Upon the alleged violation of any condition of parole you shall be remanded to the authority from which paroled, where a hearing shall be conducted by the Parole Commission. If your parole is revoked, the Commission shall determine the amount of time spent on parole, if any, which is to be credited to your term of confinement.

You are subject to the special conditions of parole as set forth below, the standard conditions of parole on page 2 of this order and such further conditions as the Commission may impose at any time during the term of your parole.

Special Condition(s): MENTAL HEALTH TREATMENT AS OUTLINED IN TAP AGREEMENT

Anger Management If Recommended by Mental Health Professionals
Under TAP Agreement
Must Comply With All Components of TAP Agreement

Home and Employment Plan: MILDRED BROWN JONES(SISTER), 3411 MONDAMIN AVENUE, BALTIMORE, MD.,

21216, (410) 358-5700 OR (410) 233-1050 E) BALTIMORE PREVENTION COALITION,
714 PARK AVENUE, BALTIMORE, MD., 21201 CONTACT: RENITA PASCHALL

Upon release, you shall report, in person, no later than 10:00 a.m. on the next business day, to the Division of Parole and Probation office located at 2100 GUILDFORD AVENUE, BALTIMORE, MD., 21218

(443) 263-3500

Telephone no.

By: K. R. Blumberg
Commissioner

FEBRUARY 13, 2006

Date

WHITE - Parolee - PINK - Parole Commission Copy - YELLOW - Correctional Facility Copy - BLUE - Certified Copy - GREEN - Court Copy

MPC-14 (Revised 2/00)

Attachment F

CONDITIONS OF PAROLE

1. Report as directed to and follow your Parole Agent's instructions.
2. Work regularly.
3. Get permission before:
 - a. Changing your home;
 - b. Changing your job; or
 - c. Leaving the State of Maryland.
4. Obey all laws.
5. Notify your Parole Agent immediately if you are arrested.
6. You shall not illegally possess, use, or sell any narcotic drug, "controlled dangerous substance", or related paraphernalia.
7. You shall not own, possess, use, sell, or have under your control any dangerous weapon or firearms of any description without approval of the Parole Commission.
8. You shall so conduct yourself as not to present a danger to yourself or others.
9. Special conditions: See page 1 of this agreement.

NOTE: Conditions 10 and 11 apply to parolees whose term of confinement resulted from a crime or crimes committed on or after May 1, 1991.

10. You must pay a monthly supervision fee as required by law unless the Parole Commission exempts you wholly or partly from payment of the fee.
11. If ordered by the Parole Commission to undergo drug or alcohol abuse testing, you must pay for the testing if required to do so by the Division of Parole and Probation.

I have read, or have had read to me, the foregoing conditions of parole and any special conditions imposed on page 1 of this agreement. I fully understand them and I agree, in consideration of granting of parole, to observe and abide by such conditions of parole. Further, I hereby waive extradition to the State of Maryland and expressly agree that I will not contest any effort to return to the State of Maryland in consequence of my violating any of the terms and conditions of this parole.

DOC #901457

Signature of Parolee

Date

Witness

MPC-15 (Revised 11/99)

P/N

OBSCIS REPORTING FUNCTIONS

PAGE: 001

OFFENDER TRAFFIC HISTORY

DATE: 07/07/16

TIME: 08:11

DOC #: 901457 BROWN

MARY

WASHINGTON

DATE	TIME	LOCATION	BLOCK	TIER	CELL	BED	REASON	PER
02 13 2006	13 38	SEE REASON					84 PAROLE	LAWRENCE D D
11 22 2005	13 44	HOME DETEN					01 ADMIN	LAWRENCE D D
07 12 2005	12 20	BALTO PRER		B	014	B	03 HOUSING	MCLENDON J
04 12 2005	12 30	BALTO PRER		A	014	B	03 HOUSING	MCLENDON J
01 11 2005	14 00	BALTO PRER		B	019	D	03 HOUSING	YOUNG ELVA
12 21 2004	13 15	BALTO PRER		B	015	B	01 ADMIN	ALEXANDER M M
10 26 2004	12 50	WOMENS INS B		2	131	B	18 RET MED AP	BOGUES C
10 26 2004	10 05	SEE REASON					32 MED APPT	BOGUES C
10 13 2004	16 45	WOMENS INS B		2	131	B	18 RET MED AP	WEST, R
10 13 2004	13 55	SEE REASON					32 MED APPT	WEST, R
08 18 2004	15 28	WOMENS INS B		2	131	B	18 RET MED AP	TAYLOR V
08 18 2004	12 45	SEE REASON					32 MED APPT	QUEEN D
07 20 2004	14 00	WOMENS INS B		2	131	B	03 HOUSING	QUEEN D
07 16 2004	11 45	WOMENS INS 192B		2	610	B	03 HOUSING	QUEEN D
07 14 2004	14 00	WOMENS INS 192B		2	601	B	03 HOUSING	TAYLOR V
07 08 2004	12 10	WOMENS INS 192D		2	819	S	18 RET MED AP	QUEEN D
07 08 2004	07 35	SEE REASON					32 MED APPT	QUEEN D

- INQUIRY ONLY.

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P.010

11/15/2003 12:23

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PAGE 22

NOV. 15, 2003

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MD SEC OF STATE

NO.618

P.1/13



The State of Maryland

Executive Department

EXECUTIVE ORDER

01.01.2003,35

Commutation of Sentence - Karen Lynn Fried

WHEREAS,

On September 15, 1978, Karen Lynn Fried, Grantee, then seventeen years of age, was convicted of Murder, and Conspiracy to Commit Murder;

WHEREAS,

Karen Lynn Fried was sentenced by the late Judge John E. Raine, Jr. to life imprisonment, with a concurrent term of five years on the charge of Conspiracy to Commit Murder;

WHEREAS,

On August 28, 1988, Judge Raine wrote his belief that "Karen Fried has achieved maximum rehabilitation and has reached the point where she should be paroled;"

WHEREAS,

On September 8, 1993, a three-judge panel of the Circuit Court of Baltimore County found that Miss Fried's progress during incarceration had been exemplary. Her achievement in education and apparent rehabilitation had been noteworthy and highly commendable. She appeared to have earned the opportunity to be considered for ultimate release from confinement;

WHEREAS,

Karen Lynn Fried, while incarcerated, has earned her GED, and engaged herself in a wide range of self-help programs, including Alcoholics and Narcotics Anonymous, Junction Bridge, Drug Awareness, Decision Making, Alternative to Violence, Soil Sisters, and Jaycees programs;

WHEREAS,

Karen Lynn Fried has a comprehensive support network in place upon reentry;

WHEREAS,

The Maryland Parole Commission has concluded that Karen Lynn Fried, being contrite and remorseful, presently appears to constitute no threat to the safety of society, and recommends her sentence to be commuted to a term of forty-five years; and

WHEREAS,

The interests of the State of Maryland and of the Grantee will best be served by commutation of the sentence.

APR-14-2016 THU 08:32 AM

P. 011

11/15/2003 12:23 4109742077

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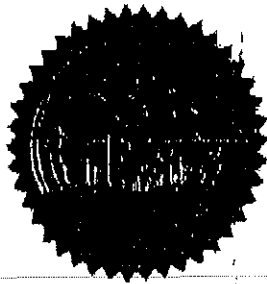
PAGE 03

NOV.15.2003 4:07AM MD SEC OF STATE

NO.61B P.2/13

NOW, THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY ORDER THAT THE ORIGINAL SENTENCE OF KAREN LYNN FRIED TO THE CUSTODY OF THE DIVISION OF CORRECTION BE AND IS HEREBY COMMUTED TO A TERM OF FORTY-FIVE YEARS.

GIVEN Under My hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 14th Day of November, 2003.



Robert L. Ehrlich, Jr.

Robert L. Ehrlich, Jr.
Governor

ATTEST:

R. Karl Aumann

R. Karl Aumann
Secretary of State

No. 44202

MARYLAND PAROLE COMMISSION
ORDER FOR RELEASE ON PAROLE

WHEREAS, the Parole Commission, by virtue of the authority conferred upon it by the laws of the State of Maryland, does hereby grant parole to:

KAREN LYNN FRIED DOC #902530 DOB: 02/09/1961
Commitment Name DOC/PARIS No. DOB

who was convicted of: MURDER 1ST DEGREE

Court: Baltimore County Circuit Court #61477

Date(s) sentenced: 09/15/1978

Term: 45 years

From: 03/24/1978

THEREFORE, the said Commission does hereby order the release on parole of the said offender from:

HOME DETENTION UNIT
(Correctional Facility)

Parole Expiration Date: 03/24/2023

Date(s) of offense(s) committed on or after May 1, 1991: _____

INSTRUCTIONS TO THE PAROLEE

Upon release, you shall be deemed to remain in legal custody until the expiration of your full, undiminished term of confinement. Upon the alleged violation of any condition of parole you shall be remanded to the authority from which paroled, where a hearing shall be conducted by the Parole Commission. If your parole is revoked, the Commission shall determine the amount of time spent on parole, if any, which is to be credited to your term of confinement.

You are subject to the special conditions of parole as set forth below, the standard conditions of parole on page 2 of this order and such further conditions as the Commission may impose at any time during the term of your parole.

Special Condition(s):

Home and Employment Plan: JOYCE WILLIAMSON (friend) 12005 Tarragon Road, Reisterstown, MD 21136
TEL: (410) 526-5280

Upon release, you shall report, in person, no later than 10:00 a.m. on the next business day, to the Division of Parole and Probation office located at 3939 Reisterstown Road, Baltimore MD 21215

Telephone no. 410-367-6600

By: David R. Blumling
Commissioner

SEPTEMBER 15, 2005
Date

CONDITIONS OF PAROLE

1. Report as directed to and follow your Parole Agent's instructions.
 2. Work regularly.
 3. Get permission before:
 - a. Changing your home;
 - b. Changing your job; or
 - c. Leaving the State of Maryland.
 4. Obey all laws.
 5. Notify your Parole Agent immediately if you are arrested.
 6. You shall not illegally possess, use, or sell any narcotic drug, "controlled dangerous substance," or related paraphernalia.
 7. You shall not own, possess, use, sell, or have under your control any dangerous weapon or firearms of any description without approval of the Parole Commission.
 8. You shall so conduct yourself as not to present a danger to yourself or others.
 9. Special conditions: See page 1 of this agreement.
- NOTE: Conditions 10 and 11 apply to parolees whose term of confinement resulted from a crime or crimes committed on or after May 1, 1991.
10. You must pay a monthly supervision fee as required by law unless the Parole Commission exempts you wholly or partly from payment of the fee.
 11. If ordered by the Parole Commission to undergo drug or alcohol abuse testing, you must pay for the testing if required to do so by the Division of Parole and Probation.

I have read, or have had read to me, the foregoing conditions of parole and any special conditions imposed on page 1 of this agreement. I fully understand them and I agree, in consideration of granting of parole, to observe and abide by such conditions of parole. Further, I hereby waive extradition to the State of Maryland and expressly agree that I will not contest any effort to return me to the State of Maryland in consequence of my violating any of the terms and conditions of this parole.

DOC #902530

Signature of Parolee

Date

Witness

MPC-15 (Revised 11/99)

WHITE-Parolee • PINK-Parole Commission Copy • YELLOW-Institution Copy • BLUE-Certified Copy • GREEN-Court Copy

P/N

OBSCIS REPORTING FUNCTIONS
OFFENDER TRAFFIC HISTORY

PAGE: 001

DATE: 07/07/16

TIME: 08:12

DOC #: 902530 FRIED

KAREN

LYNN

DATE	TIME	LOCATION	BLOCK	TIER	CELL	BED	REASON	PER
09 15 2005	15 21	SEE REASON					84 PAROLE	JOHNSON D
07 13 2005	15 33	HOME DETEN					01 ADMIN	LAWRENCE D D
07 13 2005	10 45	BALTO PRER					01 ADMIN	CORCORAN, DAYENA
04 09 2005	10 00	BALTO PRER	A		009 A		03 HOUSING	ZOLLICOFFER
02 15 2005	11 39	BALTO PRER	B		003 A		01 ADMIN	ZOLLICOFFER
10 21 2004	14 00	WOMENS INS A	1		023 A		03 HOUSING	TAYLOR V
06 16 2004	18 55	WOMENS INS A	1		002 A		27 RET FR COU	TAYLOR V
06 16 2004	11 42	SEE REASON					31 COURT APPR	BOGUES C
03 26 2004	13 30	WOMENS INS A	1		002 A		27 RET FR COU	QUEEN D
03 26 2004	08 15	SEE REASON					31 COURT APPR	QUEEN D
10 03 2003	12 00	WOMENS INS A	1		002 A		27 RET FR COU	TAYLOR V
10 03 2003	08 20	SEE REASON					31 COURT APPR	BOGUES C
08 29 2003	14 00	WOMENS INS A	1		002 A		03 HOUSING	DAVIS K K
01 15 2003	14 00	WOMENS INS A	1		029 A		03 HOUSING	BLANDING Z
06 25 2002	14 00	WOMENS INS A	2		130 B		03 HOUSING	BLANDING Z
06 14 2002	14 00	WOMENS INS A	2		106 B		03 HOUSING	BLANDING Z
10 31 2001	14 00	WOMENS INS A	1		023 B		03 HOUSING	TAYLOR V

- INQUIRY ONLY.



MEDICAL PAROLE

MARYLAND PAROLE COMMISSION

N: 025489

ORDER FOR RELEASE ON PAROLE

The Parole Commission, by virtue of the authority conferred upon it by the laws of the State of Maryland, does hereby grant parole to:

(True Name) Milton Humphrey #193624 D.O.B. 09/13/69
 (Commitment Name/s) 1st Degree Murder; Use of Handgun
 who was convicted of: _____

Court: Baltimore City Circuit Court - #18727514

Sentenced: 08/10/88

Term: Life; 13 Years

From: 10/06/87; Consecutive

Therefore, the said Commission does hereby order the release on parole of the said prisoner from

MARYLAND HOUSE OF CORRECTIONS

(Correctional Institution or Jail)

The Parolee, upon release, shall be deemed to remain in legal custody until the expiration of the full, undiminished term and upon violation of any condition of his parole shall be remanded to the authority from which paroled, where a hearing shall be conducted by the Parole Commission. If parole is revoked, the Commission shall determine the amount of time spent on parole, if any, which shall be credited to the parolee.

This order is subject to the rules, regulations and conditions of this parole as set forth below and on page 2 of this agreement, and such further conditions as the Commission may impose at any time during the period of parole.

Upon being released, report to the Division of Parole and Probation office located at 2100 Guilford Avenue,
Baltimore, MD 21218 Tele. (410) 333-6469

Parole Expiration Date: LIFE

By: _____

MARYLAND PAROLE COMMISSION

Commissioner

Special Condition(s): MEDICAL PAROLE: Agent is to Submit
Written Report on a Quarterly Basis
to the Maryland Parole Commission.

May 20, 1999

Date

Home/Employment Plan: (R) Joseph Richey Hospice, 820 North Eutaw St., Baltimore, MD 21201
Tele. (410) 523-2150 Contact: Catherine Hawtin

Anyone serving a sentence for a crime committed on or after May 1, 1991 must pay supervision and/or drug testing fees as prescribed in Article 41, Section 4.519 of the Annotated Code of Maryland.

Date(s) of Offense(s): _____

MPC - 14 - (Revised 8/15/96)

- 1 -

WHITE — Parolee • PINK — Parole Commission Copy • YELLOW — Institution Copy • BLUE — Certified Copy • GREEN — Court Copy

Attachment I

P/N

OBSCIS REPORTING FUNCTIONS

PAGE: 001

OFFENDER TRAFFIC HISTORY

DATE: 07/07/16

TIME: 08:14

DOC #: 193624 HUMPHREY

MILTON

DATE	TIME	LOCATION	BLOCK	TIER	CELL	BED	REASON	PER
05 20 1999	14 30	SEE REASON					88 MED/PAROLE	DENNARD, HATTIE
04 30 1999	22 16	*MHC NOT I HOSP				009	03 HOUSING	JOHNSON V
04 30 1999	22 15	*MHC NOT I 0000	0		000	00	18 RET MED AP	JOHNSON V
04 22 1999	23 44	SEE REASON					60 UNIV HOSP	JOHNSON V
04 17 1999	21 00	*MHC NOT I HOSP				009	04 MEDICAL	JOHNSON V
04 17 1999	21 00	*MHC NOT I 0000	0		000	00	18 RET MED AP	JOHNSON V
04 10 1999	22 30	SEE REASON					60 UNIV HOSP	JOHNSON V
03 31 1999	21 00	*MHC NOT I HOSP				009	18 RET MED AP	MARKS, KIM
03 27 1999	06 00	SEE REASON					32 MED APPT	JOHNS, ZENIA
03 16 1999	13 00	*MHC NOT I HOSP				009	18 RET MED AP	JOHNS, ZENIA
03 16 1999	09 50	SEE REASON					32 MED APPT	JOHNS, ZENIA
02 10 1999	14 00	*MHC NOT I HOSP				009	18 RET MED AP	RICHARDSON, CHER
02 10 1999	07 30	SEE REASON					32 MED APPT	JOHNS, ZENIA
01 07 1999	13 24	*MHC NOT I HOSP				009	18 RET MED AP	JOHNS, ZENIA
01 07 1999	08 00	SEE REASON					32 MED APPT	WILLIAMS, RHONDA
01 05 1999	15 51	*MHC NOT I HOSP				009	18 RET MED AP	WILLIAMS, RHONDA
01 05 1999	12 35	SEE REASON					32 MED APPT	WILLIAMS, RHONDA

- INQUIRY ONLY.

P/1	PARIS	PAGE: 01
P.I. # : 193624	CASE INFORMATION B	DATE: 07/07/16
D.O.C. # : 193624		TIME: 07:47
S.I.D. # : 1029693	HUMPHREY MILTON	
LOCATION: MHC	MV-RSN: 88 MED/PAROLE MV-DT: 05 20 1999	MAX: _____
BIRTH DATE: 09 13 1969	SEX: M RACE: B TOT SENT LENGTH: _____ Y _____ M _____ D	
ACTION, SEQ# : _____ 01	_____ 02 CS TO 01 .	_____
SENTENCE TYPE: 15 LIFE ORG	03 CS	_____
OFFENSE CODE : 540 WEAPONS OFF	536 WEAPONS OFF	_____
OFFENSE DESC.: WEAPONS OTHER	CARRY DEADLY WEAPON	_____
OFFENSE DATE : 08 28 1987	_____	_____
SENTENCE DATE: 08 10 1988	08 10 1988	_____
SENT START DT: 10 06 1987	_____	_____
SENT LENGTH : _____ Y _____ M _____ D	013 Y _____ M _____ D	_____ Y _____ M _____ D
COURT : 030 BCI-CIR-C	030 BCI-CIR-C	_____
TRACKING # : _____	_____	_____
INDICTMENT # : 18727514	18727514	_____
OBSI COMMENTS: _____	_____	_____
RESTITUTION : \$ _____	\$ _____	\$ _____
COMM COMMENTS: _____	_____	_____
ACM : _____	_____	_____
DET DAT/JURIS: _____	_____	_____
LIFTED DATE : _____	_____	_____

NO MORE LEGAL-DETAINDER SEGMENTS FOUND

(B10847)

(INQ)

OBSCIS II

DATE: 07/07/16

CLASSIFICATION DATA

TIME: 1025190

P/P#: 2901760 CLIENT NAME: HUMPHREY, MILTON

D.O.B.: 09/13/69

AGENT NAME: STEWART, S

OFFICE: 23 PAROLE SUPERVISI TERM: QO

TYPE OF CASE: PAROLE

DATE CASE OPENED: 05/20/99

SUPERVISION LEVEL: LMD

DATE SUPV ASSIGNED: 06/16/99

CASE STATUS: CLOSED

DATE STATUS EFFECT: 06/09/99

EXPIRATION DATE: INDETERM

SPECIAL CONDITIONS: NONE ALCOH DRUG PSYCH MAX OTHER FCR

ORDERED: X X X

OUTCOME: S S D

OUTCOME CODES: S=SATISFIED/PAID IN FULL P=PARTIALLY SATISFIED U=UNSATISFIED

D=DEEMED UNCOLLECTABLE T=UNCOLLECTABLE BY TERMINATION Y=STAYED

C=SATISFIED BY COMM. SERVICE R=REFERRED TO CCU

DATE CASE CLOSED: 06/09/99

SPECIAL PROGRAM: M

TYPE OF CLOSE: DEATH

ENTER=IDENT INQ PF2=LEGAL INQ PF3=SUBMENU PF4=MAIN MENU PF5=CASE SUMMARY

PF6=PROBATION WAR/SUM INQ PF7=PAROLE WAR/SUM INQ PF9=CASE RECORD INTAKE

[Go Back Now](#)**Case Information**

Court System: **Circuit Court for Howard County - Criminal System**
Case Number: **13K87017186**
Title: **State Of Maryland vs Howard Earl Simms**
Case Type: **Indictment** Filing Date: **12/17/1987**
Case Status: **Closed/Inactive**
Case Disposition: **Guilty** Disposition Date: **02/03/1989**
District Case No: **609194T5**

Defendant Information

(Each Alias, Address, and Attorney for the Defendant is displayed)

Name: **Simms, Howard Earl**
Race: **African American**
Sex: **M** Height: **5'7"** Weight: **150** DOB: **10/06/1944**
Address: **Division Of Correction**
City: **Baltimore** State: **MD** Zip Code: **21202**
Address: **JCI #197429**
City: **Jessup** State: **MD** Zip Code: **20794**

Attorney(s) for the Defendant

Name: **Hanson, Esq, Carol A**
Appearance Date: **05/22/2007**
Practice Name:
Address: **District Public Defender**
City: **Ellicott City** State: **MD** Zip Code: **21043**
Name: **Shefferman, Esq, Brian D**
Appearance Date: **10/25/2006**
Practice Name: **Office Of The Public Defender**
Address: **100 W. Patrick Street**
City: **Frederick** State: **MD** Zip Code: **21701**

Court Scheduling Information

Event Type: **Three Judge Panel Review** Notice Date: **06/20/2007**
Event Date: **08/06/2007** Event Time: **01:30 PM**
Result: **Cancelled/Vacated** Result Date: **07/18/2007**

Event Type: **Three Judge Panel Review** Notice Date: **07/18/2007**
Event Date: **09/06/2007** Event Time: **01:30 PM**
Result: **Held/Concluded** Result Date: **09/06/2007**

Charge and Disposition Information

(Each Charge is listed separately. The disposition is listed below the Charge)

Charge No: **1** CJIS Code: **1 2299** Statute Code: **27.30**
Charge Description: **Burglary - Int/Steal/Day**
Offense Date From: **11/17/1987** To:
Arrest Tracking No: Citation:
Charge Amend No: **0** Sentence Version: **1** Charge Class: **F**
Disposition

Attachment L

Plea: **Not Guilty** Plea Date: **02/01/1989**
Disposition: **Guilty** Disposition Date: **02/03/1989**

Jail

Life/Death: **LIFE**
Jail Term: Yrs: **0** Mos: **0** Days: **0** Hours: **0**
Suspended Term: Yrs: **0** Mos: **0** Days: **0** Hours: **0**
UnSuspended Term: Yrs: **0** Mos: **0** Days: **0** Hours: **0**

Probation

Probation: Yrs: Mos: Days: Hours:
Supervised : Yrs: **0** Mos: **0** Days: **0** Hours: **0**
UnSupervised : Yrs: **0** Mos: **0** Days: **0** Hours: **0**

Fine

Fine Amt: **0** Fine Suspended Amt: **0** Fine Due: First Pmt Due:

Community Work Service

Hours: Complete By:
Report To:
Report Date:

Charge No: **2** CJIS Code: **3 2400** Statute Code: **27.342**
Charge Description: **Theft: \$300 Plus Value**
Offense Date From: **11/17/1987** To:
Arrest Tracking No: Citation:
Charge Amend No: **0** Sentence Version: **0** Charge Class: **F**

Disposition

Plea: **Not Guilty** Plea Date: **02/01/1989**
Disposition: **Aquitted** Disposition Date: **02/03/1989**

Charge No: **3** CJIS Code: Statute Code: **27.342**
Charge Description: **Theft: Less \$300 Value**
Offense Date From: **11/17/1987** To:
Arrest Tracking No: Citation:
Charge Amend No: **0** Sentence Version: **1** Charge Class: **M**

Disposition

Plea: **Not Guilty** Plea Date: **02/01/1989**
Disposition: **Guilty** Disposition Date: **02/03/1989**

Jail

Life/Death:
Jail Term: Yrs: **0** Mos: **18** Days: **0** Hours: **0**
Suspended Term: Yrs: **0** Mos: **0** Days: **0** Hours: **0**
UnSuspended Term: Yrs: **0** Mos: **18** Days: **0** Hours: **0**

Fine

Fine Amt: **0** Fine Suspended Amt: **0** Fine Due: First Pmt Due:

Community Work Service

Hours: Complete By:
Report To:
Report Date:

Charge No: **4** CJIS Code: **3 2399** Statute Code: **27.342**
Charge Description: **Theft: Less \$300 Value**
Offense Date From: **11/17/1987** To:
Arrest Tracking No: Citation:
Charge Amend No: **0** Sentence Version: **0** Charge Class: **M**

Disposition

Plea: **Not Guilty** Plea Date: **02/01/1989**
Disposition: **Aquitted** Disposition Date: **02/03/1989**

Charge No: **5** CJIS Code: **1 2900** Statute Code: **27.111**

Charge Description: **Malicious Destruction Of Property/Value Less Than \$300**Offense Date From: **11/17/1987** To:

Arrest Tracking No: Citation:

Charge Amend No: **0** Sentence Version: **0** Charge Class: **M****Disposition**Plea: **Not Guilty** Plea Date: **02/01/1989**Disposition: **Aquitted** Disposition Date: **02/03/1989****Sentencing Net Totals****Life Sentence plus 0 Years, 18 Months, 0 Days, 0 Hours is Imposed.**Serve Time: Yrs: **0** Mos: **18** Days: **0** Hours: **0**Probation : Yrs: **0** Mos: **0** Days: **0** Hours: **0**Fine Amount: **0** Fine Due Date: CWS Hours: **0** Credit Time Served: **6601****Related Person Information***(Each Person related to the case other than the Defendant is shown)*Name: **State Of Maryland**Party Type: **Plaintiff**

City: State: Zip Code:

Attorney(s) for the Related PersonName: **Lank, Esq, David A**Appearance Date: **10/25/2006**Address: **The Carroll Building**City: **Ellicott City** State: **MD** Zip Code: **21043****Document Tracking***(Each Document listed. Documents are listed in Motion No./Sequence No. order)*Doc No./Seq No.: **1/0**File Date: **12/17/1987** Entered Date: **01/19/2007**Document Name: **See Docket Sheet for Previous Entries**Doc No./Seq No.: **2/0**File Date: **01/19/2007** Entered Date: **01/19/2007**Document Name: **Reopen/Modification**Doc No./Seq No.: **3/0**File Date: **10/25/2006** Entered Date: **01/19/2007**Party Type: **Plaintiff** Party No.: **1**Document Name: **Attorney Appearance**
David A LankDoc No./Seq No.: **4/0**File Date: **10/25/2006** Entered Date: **01/19/2007**Party Type: **Defendant** Party No.: **1**Document Name: **Defense Attorney Appearance Filed**
Brian D SheffermanDoc No./Seq No.: **5/0**File Date: **09/28/2006** Entered Date: **01/19/2007**Party Type: **Defendant** Party No.: **1**

Doc No./Seq No.: **5/1**
File Date: **10/25/2006** Entered Date: **01/19/2007**
Party Type: **Defendant** Party No.: **1**
Document Name: **Correction to Application for Review of Sentence**

Doc No./Seq No.: **5/2**
File Date: **01/11/2007** Entered Date: **01/19/2007**
Party Type: **Plaintiff** Party No.: **1**
Document Name: **State's Motion to Oppose Review of Sentence**

Doc No./Seq No.: **6/0**
File Date: **10/10/2006** Entered Date: **01/19/2007**
Party Type: **Plaintiff** Party No.: **1**
Document Name: **State's Motion to Extend Time Requirements for Filing a Response to Defendant's Petition for Review of Sentence**

Doc No./Seq No.: **9/0**
File Date: **05/11/2007** Entered Date: **05/11/2007**
Document Name: **Hearing Notice Issued**

Doc No./Seq No.: **10/0**
File Date: **05/11/2007** Entered Date: **05/11/2007**
Document Name: **Writ of Habeas Corpus Issued**

Doc No./Seq No.: **11/0**
File Date: **05/22/2007** Entered Date: **05/29/2007**
Party Type: **Defendant** Party No.: **1**
Document Name: **Defense Attorney Appearance Filed**
Carol A Hanson

Doc No./Seq No.: **12/0**
File Date: **05/29/2007** Entered Date: **05/29/2007**
Document Name: **Hearing Notice Issued**

Doc No./Seq No.: **13/0**
File Date: **05/22/2007** Entered Date: **05/29/2007**
Party Type: **Defendant** Party No.: **1**
Document Name: **Request for Speedy Trial**

Doc No./Seq No.: **14/0**
File Date: **05/22/2007** Entered Date: **05/29/2007**
Party Type: **Defendant** Party No.: **1**
Document Name: **Request for Discovery, and motion to produce documents**

Doc No./Seq No.: **15/0**
File Date: **05/22/2007** Entered Date: **05/29/2007**
Party Type: **Defendant** Party No.: **1**
Document Name: **Motion Pursuant to MD rule 4-252**

Doc No./Seq No.: **16/0**

File Date: **06/20/2007** Entered Date: **06/20/2007**
Document Name: **Hearing Notice Issued**

Doc No./Seq No.: **17/0**
File Date: **06/20/2007** Entered Date: **06/20/2007**
Document Name: **Writ of Habeas Corpus Issued**

Doc No./Seq No.: **18/0**
File Date: **07/18/2007** Entered Date: **07/18/2007**
Document Name: **Hearing Notice Issued**

Doc No./Seq No.: **19/0**
File Date: **07/18/2007** Entered Date: **07/18/2007**
Document Name: **Writ of Habeas Corpus Issued**

Doc No./Seq No.: **20/0**
File Date: **07/18/2007** Entered Date: **07/18/2007**
Party Type: **Defendant** Party No.: **1**
Document Name: **Writ of Habeas Corpus Issued**

Doc No./Seq No.: **21/0**
File Date: **07/18/2007** Entered Date: **07/18/2007**
Party Type: **Plaintiff** Party No.: **1**
Document Name: **Hearing Notice Issued**

Doc No./Seq No.: **26/0**
File Date: **09/18/2007** Entered Date: **09/18/2007**
Document Name: **Amended Commitment Record Issued**

Doc No./Seq No.: **27/0**
File Date: **10/11/2007** Entered Date: **10/15/2007**
Document Name: **Reopen/Modification**

Doc No./Seq No.: **28/0**
File Date: **10/11/2007** Entered Date: **10/15/2007**
Document Name: **Motion to Reconsider Sentence**

Doc No./Seq No.: **29/0**
File Date: **10/31/2007** Entered Date: **11/05/2007**
Party Type: **Defendant** Party No.: **1**
Document Name: **Motion for Reconsideration of Order Denying Motion for Reduction of Sentence**

Doc No./Seq No.: **30/0**
File Date: **11/06/2007** Entered Date: **11/06/2007**
Document Name: **Notification to Return Exhibits**

Doc No./Seq No.: **31/0**
File Date: **11/13/2007** Entered Date: **11/13/2007**
Party Type: **Defendant** Party No.: **1**
Document Name: **Notice of Appeal**

Doc No./Seq No.: **32/0**
File Date: **12/04/2007** Entered Date: **12/04/2007**
Document Name: **Letter to Reporter Re: Transcripts**

Doc No./Seq No.: **33/0**
File Date: **12/06/2007** Entered Date: **12/07/2007**
Party Type: **Defendant** Party No.: **1**
Document Name: **Defense Attorney Appearance Filed**
Geraldine K Sweeney for purposes of appeal only

Doc No./Seq No.: **34/0**
File Date: **01/10/2008** Entered Date: **01/10/2008**
Document Name: **Record Sent to COSA - 1-folder & 1-transcript**

Doc No./Seq No.: **35/0**
File Date: **01/15/2008** Entered Date: **02/05/2008**
Document Name: **Certified Mail Receipt Received from COSA**

Doc No./Seq No.: **36/0**
File Date: **02/28/2008** Entered Date: **03/04/2008**
Document Name: **Receipt for Record from - COSA**

Doc No./Seq No.: **37/0**
File Date: **04/22/2008** Entered Date: **04/22/2008**
Document Name: **Mandate fd. and iss. - appeal is hereby dismissed as not allowed by law**

Doc No./Seq No.: **39/0**
File Date: **09/09/2014** Entered Date: **09/09/2014**
Party Type: **Defendant** Party No.: **1**
Document Name: **Motion to Reconsider Sentence**

Doc No./Seq No.: **39/1**
File Date: **09/24/2014** Entered Date: **09/24/2014**
Party Type: **Plaintiff** Party No.: **1**
Document Name: **State's Opposition To Defendant's Motion For Reduction Of Sentence**

This is an electronic case record. Full case information cannot be made available either because of legal restrictions on access to case records found in Maryland rules 16-1001 through 16-1011, or because of the practical difficulties inherent in reducing a case record into an electronic format.

Entered
07/08/16 9:24 AM
SW



DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
MARYLAND PAROLE COMMISSION

RW

Order for Release on Parole

No. A021024

WHEREAS, The Parole Commission, by virtue of authority conferred upon it by laws of the State of Maryland, does hereby grant parole to:

SIMMS HOWARD EARL	197429	10/06/1945	34245
Commitment Name (Last, First, Middle)	DOC No./PARIS No.	D.O.B.	SID #

Who was convicted of: 1) DAYTIME HOUSEBREAKING
2) BURGLARY INTENT/STEAL/DAYTIME
3) THEFT-LESS \$300 VALUE

Court(s): 1) BALT CO-CIRCUIT COURT #88CR0805
2) HOWARD COUNTY CIRCUIT COURT #13K87017186
3) HOWARD COUNTY-CIRCUIT COURT #13K87017186

Date(s) Sentenced: 1) 03/21/1989
2) 08/22/1989
3) 08/22/1989

Term(s): 1) Y 25 M 00 D 00
2) LIFE
3) Y 00 M 18 D 00

From: 1) 06/13/1988
2) 08/22/1989
3) 08/22/1989

Tracking Number(s):

Maximum Expiration Date	Date(s) of offense(s) committed on or after May 1, 1991
-------------------------	--

THEREFORE the said commission does hereby order release on parole of the said offender from:

Maryland Correctional Institution - Hagerstown
Correctional facility

INSTRUCTIONS TO THE PAROLEE

Upon release you shall be deemed to remain in legal custody until the expiration of your full, undiminished term of confinement. Upon the alleged violation of any condition of parole you shall be remanded to the authority from which paroled, where a hearing shall be conducted by the Parole Commission. If your parole is revoked, the Commission shall determine the amount of time spent on parole, if any, which is to be credited to your term of confinement.

You are subject to the special conditions of parole as set forth below, the standard conditions of parole on page 2 of this order and to such further conditions as the Commission may impose at any time during the term of your parole.

Special Conditions:

Name: SIMMS HOWARD EARL Doc#:197429

1. Submit to, successfully complete, and pay any required costs for any and all evaluations, treatment programs, testing, and aftercare as directed by the Division of Parole and Probation, which may include substance abuse, mental health, anger management, parenting, domestic violence, and other issues. Take all medications prescribed by your treatment provider.

3. Permits agents of the Division of Parole and Probation to visit your home at any time.

34. Comply as directed by your parole/probation agent with the Division of Parole and Probation's sexual offender management program, which may include intensive reporting requirements, specialized sex offender treatment, electronic monitoring, medication, polygraph testing, and computer monitoring.

35. Comply with any curfew or site restrictions imposed by your parole/probation agent to limit your access to certain areas of the community and/or to require you to obtain permission to leave your residence during certain hours. Cooperate with any program which is established to monitor your compliance with these restrictions, which may include payment for costs associated with Global Positioning Systems (GPS) or other tracking technology.

38. Provide a DNA sample as required by law.

39. Appear in court when notified to do so.

40. Waive all extradition rights and processes, and agree to return to the State of Maryland when instructed.

41. Do not physically or verbally threaten or intimidate any employee of the Department of Public Safety and Correctional Services.

Other: AGENT TO SUBMIT QUARTERLY REPORT TO MARYLAND PAROLE COMMISSION.

Home Plan

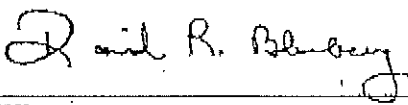
BRIDGE PARK HEALTH CARE NURSNG	4017 LIBERTY HEIGHTS AVENUE, BALTIMORE MD 21206	410 542 5306
Name and Relationship	Address	Phone

Employment Plan

Company Name and Contact Person	Address	Phone
---------------------------------	---------	-------

Upon release you shall report, in person, no later than 10:00 A.M., on 09/25/2015 to the Division of Parole and Probation office located at 2100 Guilford Avenue Baltimore, MD 21218.

Telephone No. 443-263-3706


 Commissioner

09/24/2015
 Date

Name: SIMMS HOWARD EARL Doc#:197429

CONDITIONS OF PAROLE

1. Report as directed to and follow your Parole Agent's instructions.
2. Work regularly.
3. Get permission before:
 - a. Changing your home;
 - b. Changing your job; or
 - c. Leaving the State of Maryland.
4. Obey all laws.
5. Notify your Parole Agent immediately if you are arrested.
6. You shall not illegally possess, use, or sell any narcotic drug, "controlled dangerous substance", or related paraphernalia.
7. You shall not own, possess, use, sell, or have under your control any dangerous weapon or firearms of any description without approval of the Parole Commission.
8. You shall conduct yourself as not to present a danger to yourself or others.
9. Special conditions: See page 1 of this agreement.

NOTE: Conditions 10 and 11 apply to parolees whose term of confinement resulted from a crime or crimes committed on or after May 1, 1991.

10. You must pay a monthly supervision fee as required by law unless the Parole Commission exempts you wholly or partly from payment of the fee.
11. If ordered by the Parole Commission to undergo drug or alcohol abuse testing, you must pay for the testing if required to do so by the Division of Parole and Probation.

IX
I have read, or have had read to me, the foregoing conditions of parole and any special conditions. I fully understand them and I agree, in consideration of granting of parole to observe and abide by such conditions of parole. Further, I hereby waive extradition to the state of Maryland and expressly agree that I will not contest any effort to return to the State of Maryland in consequence of my violating and of the terms and conditions of this parole.

X Howard E. Sims 197429
Signature of Parolee
ms. Wright
Witness

Witness

9.24.15
Date
9.24.15
Date

Date

APR-14-2016 THU 08:32 AM

P. 012



The State of Maryland

Executive Department

EXECUTIVE ORDER 01.01.2012.07

Conditional Commutation of Sentence – Tamara Settles

- WHEREAS, Tamara Settles (Division of Correction Inmate Number 904563), Conditional Grantee, was convicted of Felony Murder on April 11, 1985, in the Circuit Court of Maryland for Prince George's County (Case No. CT84-1289A) and was sentenced to life imprisonment;
- WHEREAS, There is no evidence that Tamara Settles was the shooter or possessed a weapon, and Settles has served 27 years in prison while the shooter served only nine years and has been in the community for 19 years;
- WHEREAS, Tamara Settles has made significant progress while incarcerated - overcoming drug addiction, completing 12 years of therapy at Patuxent Institution, receiving an Associate's Degree, working toward a Bachelor's Degree at Morgan State University, working for Maryland Correctional Enterprises with positive reviews, and serving as a volunteer mentor for other women at the Maryland Correctional Institute for Women;
- WHEREAS, The Prince George's County State's Attorney's Office does not oppose clemency for Tamara Settles; and
- WHEREAS, The Maryland Parole Commission has concluded that Tamara Settles presently appears to constitute no threat to public safety and recommends the granting of Executive Clemency.
- NOW, THEREFORE, I, MARTIN O'MALLEY, GOVERNOR OF THE STATE OF MARYLAND, HAVING THOUGHT PROPER THE CONDITIONAL GRANTING OF CLEMENCY IN THIS CASE AND UNDER THE AUTHORITY VESTED IN ME BY ARTICLE II, SECTION 20 OF THE CONSTITUTION OF MARYLAND AND SECTION 7-601 OF THE CORRECTIONAL SERVICES ARTICLE OF THE ANNOTATED CODE OF MARYLAND, DO HEREBY ORDER THAT THE ORIGINAL SENTENCE OF TAMARA SETTLES TO THE CUSTODY OF THE DIVISION OF CORRECTION BE AND

APR-14-2016 THU 08:32 AM

P. 013

HEREBY IS CONDITIONALLY COMMUTED AND
CONDITIONALLY REMITTED TO LIFE WITH ALL BUT FORTY
YEARS SUSPENDED SUBJECT TO THE FOLLOWING:

Pre-release Conditions

A. Prior to any release on parole or mandatory supervision, the Maryland Parole Commission, in consultation with the Department of Public Safety and Correctional Services, shall devise a reentry plan, which must, at a minimum, include:

(1) One year of residency and services through the Turn About Program with Alternative Directions, Inc. If Alternative Directions cannot provide residency or services, the Parole Commission and the Department of Public Safety and Correctional Services shall devise a substitute plan;

(2) An employment plan that includes, as necessary, job placement, job training, and/or educational programs; and

(3) If deemed necessary by the Parole Commission, in consultation with Patuxent Institution and the Drug and Alcohol Abuse Administration, a substance abuse or mental health treatment evaluation and/or program.

B. The conditional grantee shall submit to random drug testing as directed by the Parole Commission.

C. The Parole Commission may impose any other pre-release conditions that it considers proper.

Post-release Conditions

D. If the Maryland Parole Commission determines that the Conditional Grantee merits parole release, the Parole Commission may grant parole, and the conditional grantee shall be supervised by the Department of Public Safety and Correctional Services pursuant to Title 7, Subtitles 3 and 4 of the Correctional Services Article of the Annotated Code of Maryland, subject to all of the standard conditions of parole and the following special conditions:

(1) Completion of one year of residency and services through the Turn About Program with Alternative Directions, Inc., or completion of a substitute plan;

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(2) If deemed necessary by the Parole Commission, submit to a mental health evaluation and participate in mental health treatment programming as directed by her supervising agent;

(3) Submit to drug testing as directed by her supervising agent;

(4) If deemed necessary by the Parole Commission, participate in substance abuse treatment programming as directed by her supervising agent; and

(5) Any other special conditions that the Parole Commission considers proper.

E. If the Conditional Grantee is released on mandatory supervision, upon release from custody, she shall be supervised by the Department of Public Safety and Correctional Services pursuant to Title 7, Subtitle 5 of the Correctional Services Article of the Annotated Code of Maryland, subject to all the standard conditions of mandatory supervision and the following special conditions:

(1) Completion of one year of residency and services through the Turn About Program with Alternative Directions, Inc., or completion of a substitute plan;

(2) If deemed necessary by the Parole Commission, submit to a mental health evaluation and participate in mental health treatment programming as directed by her supervising agent;

(3) Submit to drug testing as directed by her supervising agent;

(4) If deemed necessary by the Parole Commission, participate in substance abuse treatment programming as directed by her supervising agent; and

(5) Any other special conditions that the Parole Commission considers proper.

F. The Parole Commission shall not grant an abatement of supervision under Code of Maryland Regulations Section 12.08.01.21H while the Conditional Grantee is on parole or mandatory supervision.

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G. *Revocation of Parole or Mandatory Supervision and Reimposition of Commuted Sentence:* If the Parole Commission determines that the Conditional Grantee violated a condition of parole or mandatory supervision under Sections D or E of this Conditional Commutation, but the Conditional Commutation has not been revoked under Section I, the Parole Commission may revoke parole or mandatory supervision pursuant to the procedures outlined in Title 7 of the Correctional Services Article of the Annotated Code of Maryland and Code of Maryland Regulations Section 12.08.01.22. The Parole Commission may deny the Conditional Grantee credit for time served on parole or mandatory supervision. Notwithstanding any other provision of law, the Parole Commission may also, within its discretion, revoke any or all of the Conditional Grantee's diminution credits whether the Conditional Grantee was released on parole or mandatory supervision.

H. Following completion of her unsuspended term of 40 years:

(1) The Conditional Grantee must submit to continued supervision by the Parole Commission for the remainder of her suspended lifetime term unless the Parole Commission determines that the abatement of such supervision is in the best interests of the State and that further supervision is not necessary for the protection of public safety. Except as otherwise provided in this Conditional Commutation, this supervision shall be conducted according to the standard policies and procedures governing supervision of parolees under Code of Maryland Regulations Section 12.08.01.21.

(2) The Conditional Grantee must, whether or not supervision is abated, continue to abide by the following conditions for the remainder of her suspended lifetime term:

(a) Report as directed to and follow her parole agent's instructions unless the Parole Commission has granted an abatement of supervision;

(b) Obey all laws;

(c) Notify the Parole Commission before changing jobs, changing her home, or leaving the State of Maryland. The Parole Commission has the authority to waive these notification requirements;

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(d) Do not illegally use, possess, or sell any narcotic drug, "controlled dangerous substance," or related paraphernalia;

(e) Do not own, possess, use, sell, or have control of any dangerous weapon or firearm of any description without the approval of the Parole Commission;

(f) Notify the Parole Commission immediately if arrested; and

(g) Any special conditions that the Parole Commission considers proper.

Revocation

I. *Revocation of the Conditional Commutation and Re-imposition of Original Life Sentence:* Under the following circumstances, the Parole Commission may, following a hearing, recommend to the Governor that the Conditional Commutation be revoked and the Conditional Grantee's original life sentence be re-imposed if a majority of the commissioners determine that the Conditional Grantee poses a threat to public safety and, considering the totality of the circumstances, that revocation is warranted:

(1) The Conditional Grantee is convicted of a crime;

(2) The Conditional Grantee owns, possesses, uses, sells or has under her control a firearm;

(3) The Conditional Grantee, while incarcerated, is found guilty of an inmate rule violation listed in Code of Maryland Regulations Section 12.02.27.04B(1)-(4) or (6) or is found guilty of more than one inmate rule violation listed in Code of Maryland Regulations Section 12.02.27.04B-E; or

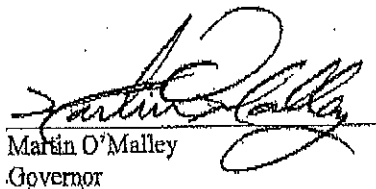
(4) The Conditional Grantee violates a condition under Sections D, E, or H of this Conditional Commutation;

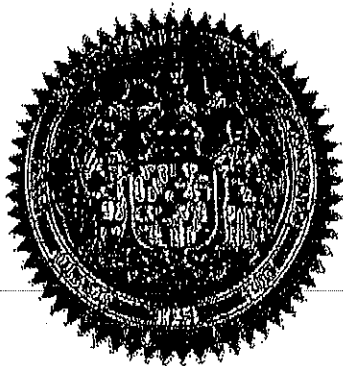
J. The Parole Commission shall notify the Governor in writing of a recommendation to revoke this Conditional Commutation under Section I, and the Governor may decide to accept or reject the Parole Commission's recommendation.

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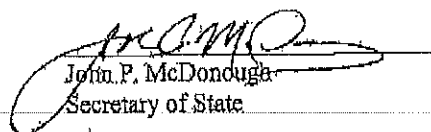
P. 017

Given Under My Hand and the Great Seal of the State of
Maryland in the City of Annapolis, this 29th day of March,
2012.


Martin O'Malley
Governor



ATTEST:


John P. McDonough
Secretary of State

JUL-25-2012 WED 03:27 PM

MD PAROLE COMMISSION

FAX No. 4103585504

P. 005



DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
MARYLAND PAROLE COMMISSION

APW

Order for Release on Parole

No. A011548

WHEREAS, The Parole Commission, by virtue of authority conferred upon it by laws of the State of Maryland, does hereby grant parole to:

SETTLES TAMARA L	904563	01/07/1959	727340
Commitment Name (Last, First, Middle)	DOC No./PARIS No.	D.O.B.	SID #

Who was convicted of: 1) 01 FELONY MURDER
2) 02 USE HANDGUN

Court(s): 1) 175 PGC-CIR CT #CT841289A
2) 175 PGC-CIR CT #CT841289A

Date(s) Sentenced: 1) 05/21/1985
2) 06/21/1985

Term(s): 1) Y 040 M 00 D 000
2) Y 012 M 00 D 000

From: 1) 03/13/1995
2) Concurrent from 03/13/1985

Tracking Number(s):

03/13/2025

Maximum Expiration Date

Date(s) of offense(s) committed on or after
May 1, 1991

THEREFORE the said commission does hereby order release on parole of the said offender from:

Maryland Correctional Institution for Women
Correctional facility

INSTRUCTIONS TO THE PAROLEE

Upon release you shall be deemed to remain in legal custody until the expiration of your full, undiminished term of confinement. Upon the alleged violation of any condition of parole you shall be remanded to the authority from which paroled, where a hearing shall be conducted by the Parole Commission. If your parole is revoked, the Commission shall determine the amount of time spent on parole, if any, which is to be credited to your term of confinement.

You are subject to the special conditions of parole as set forth below, the standard conditions of parole on page 2 of this order and to such further conditions as the Commission may impose at any time during the term of your parole.

Special Conditions:

1. Submit to, successfully complete, and pay any required costs for any and all evaluations, treatment programs, testing, and aftercare as directed by the Division of Parole and Probation, which may include substance abuse, mental health, anger management, parenting, domestic violence, and other issues. Take all medications prescribed by your treatment provider.

JUL-25-2012 WED 03:27 PM

MD PAROLE COMMISSION

FAX No. 4103585504

P. 006

3. Permits agents of the Division of Parole and Probation to visit your home at any time.

34. Comply as directed by your parole/probation agent with the Division of Parole and Probation's sexual offender management program, which may include intensive reporting requirements, specialized sex offender treatment, electronic monitoring, medication, polygraph testing, and computer monitoring.

35. Comply with any curfew or site restrictions imposed by your parole/probation agent to limit your access to certain areas of the community and/or to require you to obtain permission to leave your residence during certain hours. Cooperate with any program which is established to monitor your compliance with these restrictions, which may include payment for costs associated with Global Positioning Systems (GPS) or other tracking technology.

38. Provide a DNA sample as required by law.

39. Appear in court when notified to do so.

40. Waive all extradition rights and processes, and agree to return to the State of Maryland when instructed.

41. Do not physically or verbally threaten or intimidate any employee of the Department of Public Safety and Correctional Services.

Other: I, Martin O'Malley, Governor of the State of Maryland, having thought proper the conditional granting of clemency in this case and under the authority vested in me by Article II, Section 20 of the Constitution of MD and Section 7-601 of the Correctional Services Article of the Annotated Code of Maryland, do hereby order that the original sentence of Tamara Settles to the custody of DOC be and hereby is conditionally commuted and conditionally remitted to Life with all but 40 years suspended subject to the following:

If the Maryland Parole Commission determines that the conditional Grantee merits parole release, the Parole Commission may grant parole, and the Grantee shall be supervised by the DPSCS, subject to all standard conditions of parole and the following special conditions:

- 1) Complete one year of residency of the TAP Program or : housing and employment
- 2) Mental Health Treatment if needed-evaluation
- 3) Submit to drug testing as directed by Agent
- 4) Substance abuse treatment mandatory

Home Plan

MARIAN HOUSE TRANSITION HOUSE	949 GORSUCH AVENUE BALTIMORE MD 21218	410 467 0675
Name and Relationship	Address	Phone

Employment Plan

Company Name and Contact Person	Address	Phone
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Upon release you shall report, in person, no later than 10:00 A.M., on 07/27/2012 to the Division of Parole and Probation office located at 2100 Guilford Avenue Baltimore, MD 21218.

Telephone No. 443-263-3706


Commissioner

07/26/2012
Date

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MD PAROLE COMMISSION

FAX No. 4103585504

P. 007

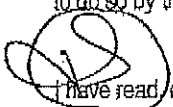
CONDITIONS OF PAROLE

1. Report as directed to and follow your Parole Agent's instructions.
2. Work regularly.
3. Get permission before:
 - a. Changing your home;
 - b. Changing your job; or
 - c. Leaving the State of Maryland.
4. Obey all laws.
5. Notify your Parole Agent immediately if you are arrested.
6. You shall not illegally possess, use, or sell any narcotic drug, "controlled dangerous substance", or related paraphernalia.
7. You shall not own, possess, use, sell, or have under your control any dangerous weapon or firearms of any description without approval of the Parole Commission.
8. You shall conduct yourself as not to present a danger to yourself or others.
9. Special conditions: See page 1 of this agreement.

NOTE: Conditions 10 and 11 apply to parolees whose term of confinement resulted from a crime or crimes committed on or after May 1, 1991.

10. You must pay a monthly supervision fee as required by law unless the Parole Commission exempts you wholly or partly from payment of the fee.

11. If ordered by the Parole Commission to undergo drug or alcohol abuse testing, you must pay for the testing if required to do so by the Division of Parole and Probation.

 I have read, or have had read to me, the foregoing conditions of parole and any special conditions. I fully understand them and I agree, in consideration of granting of parole to observe and abide by such conditions of parole. Further, I hereby waive extradition to the state of Maryland and expressly agree that I will not contest any effort to return to the State of Maryland in consequence of my violating and of the terms and conditions of this parole.

Signature of Parolee

Witness

Date

Date

APR-14-2016 THU 08:31 AM

12/02/2004 09:01

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LEGAL COUNCIL

P. 006

PAGE 02/03
P.01/02



The State of Maryland

Executive Department

EXECUTIVE ORDER

01.01.2004.69

(Amends Executive Order 01.01.2004.66)

Conditional Commutation of Sentence - Walter Henry Arvinger

- WHEREAS, Walter Henry Arvinger, Conditional Grantee, was convicted of First Degree Murder on December 4, 1969, in the Criminal Court for Baltimore City;
- WHEREAS, Walter Henry Arvinger was, following his conviction for said crime, sentenced to life imprisonment;
- WHEREAS, Walter Henry Arvinger, while incarcerated, has been an exemplary inmate. He has compiled an impressive record of work experience and institutional progress;
- WHEREAS, The Maryland Parole Commission has concluded that Walter Henry Arvinger presently appears to constitute no threat to the safety of society, and recommends the granting of executive clemency;
- WHEREAS, The interests of the State of Maryland and of the Conditional Grantee will best be served by the granting of a conditional commutation of sentence to Walter Henry Arvinger; and
- WHEREAS, It is appropriate to amend Executive Order 01.01.2004.66 to ensure that conditional grantees will be supervised upon release.

NOW THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, HAVING THOUGHT PROPER THE EXTENSION OF CLEMENCY UNDER THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, DO HEREBY ORDER THAT THE ORIGINAL SENTENCE OF WALTER HENRY ARVINGER TO THE CUSTODY OF THE DIVISION OF CORRECTION BE AND IS HEREBY CONDITIONALLY COMMUTED TO LIFE WITH ALL BUT FORTY-FIVE YEARS SUSPENDED, SUBJECT TO THE FOLLOWING:

UPON RELEASE FROM CUSTODY, THE CONDITIONAL GRANTEE SHALL BE SUPERVISED BY THE DIVISION OF PAROLE AND PROBATION AS THOUGH ON MANDATORY SUPERVISION PURSUANT TO TITLE 7, SUBSECTION 5 OF THE CORRECTIONAL SERVICES ARTICLE, ANNOTATED CODE OF MARYLAND, SUBJECT TO ALL THE STANDARD CONDITIONS

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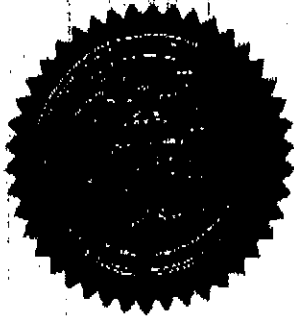
LEGAL COUNCIL

PAGE 03/03

P. 02/02

OF MANDATORY SUPERVISION, AND ALSO SUBJECT TO THE
FOLLOWING SPECIAL CONDITIONS:

The Conditional Grantee shall attend anger management classes and
mental health therapy/counseling sessions, and participate in a social work
reentry program, AS DIRECTED BY HIS SUPERVISING AGENT.



GIVEN Under My Hand and the Great Seal of the State of
Maryland, in the City of Annapolis, this 29th Day of November,
2004.

A handwritten signature in black ink, reading "Robert L. Ehrlich, Jr.", is written over a horizontal line.

Robert L. Ehrlich, Jr.
Governor

ATTEST:

A handwritten signature in black ink, reading "R. Karl Aumann", is written over a horizontal line.

R. Karl Aumann
Secretary of State

Nov-30-04 07:42A

P.02

CONDITIONS OF MANDATORY SUPERVISION RELEASE

Walter Arzinger # 111175

1. Report as directed to and follow your Parole Agent's instructions.

2. Work Regularly.

3. Get permission before:

a. Changing your home;

b. Changing your job; or

c. Leaving the State of Maryland.

4. Obey all laws.

5. Notify your Parole Agent immediately if you are arrested. address,

6. You shall not illegally possess, use or sell or have under your control any narcotic drug, "controlled dangerous substance", or related paraphernalia.

7. You shall not own, possess, use, sell, or have under your control any dangerous weapon or firearms of any description without approval of the Maryland Parole Commission.

8. You shall so conduct yourself as not to present a danger to yourself or others.

9. Special conditions: See front of this certificate.

NOTE: Conditions 10 and 11 apply to mandatory supervision releasees whose term of confinement resulted from a crime or crimes committed on or after May 1, 1991.

10. You must pay a monthly supervision fee as required by law unless the Maryland Parole Commission exempts you either wholly or partly from payment of the fee.

11. If ordered by the Maryland Parole Commission to undergo drug or alcohol abuse testing, you must pay for the testing if required to do so by the Division of Parole and Probation.

Home Plan

Josephine Cephas

3612 Granthey Rd.

Baltimore, MD 21215

#410-542-7111

P&P ofc. - Intake

2100 Guilford Ave.

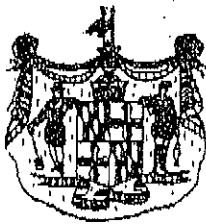
Baltimore, MD 21218

#410-333-6270

-Immediate told to report by 10 AM on 11-30-04 to the above

APR-14-2016 THU 08:31 AM

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The State of Maryland

Executive Department

EXECUTIVE CLEMENCY

CONDITIONAL COMMUTATION OF SENTENCE

WHEREAS, CHARLES DAVIS (Division of Correction inmate no. 6762), Conditional Grantee, was convicted of murder in the Criminal Court for Baltimore City, case number 3820, and, on December 6, 1960, he was sentenced to life imprisonment;

WHEREAS, CHARLES DAVIS has been an exemplary inmate for twenty-four years. He has compiled an impressive record of work experience, participation in alcohol treatment programs, and institutional progress;

WHEREAS, The Maryland Parole Commission has concluded that CHARLES DAVIS presently appears to constitute no threat to the safety of society, and recommends the granting of executive clemency; and

WHEREAS, The interests of the State of Maryland and of the Conditional Grantee will best be served by the granting of a conditional commutation of sentence to CHARLES DAVIS;

NOW, THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, having thought proper the extension of clemency under the authority vested in me by the Constitution and laws of Maryland, do hereby order that the life sentence imposed in Criminal Court for Baltimore City Case Number 3820 upon CHARLES DAVIS to the custody of the Division of Correction be and it hereby is conditionally commuted to a fixed term of sixty-five years subject to the following:

A. If the Maryland Parole Commission determines that the Conditional Grantee merits parole release, prior to parole release, the Maryland Parole Commission, the Division of Correction, a State Psychologist, and the Drug and Alcohol Abuse Administration shall evaluate the Conditional Grantee to devise a reentry plan, which shall set forth special conditions of release, and coordinate with community-based drug, alcohol, and mental health treatment providers to secure treatment services as required after release;

B. The Conditional Grantee must agree to participate in said drug, alcohol, and/or mental health treatment services as required upon release and the service providers must be able to treat the Conditional Grantee immediately;

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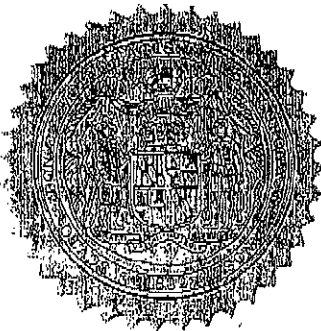
C. Prior to any parole release, the Conditional Grantee must obtain a written offer of, at minimum, part-time employment and an affidavit from the employer must be submitted to the Maryland Parole Commission promising to employ the Conditional Grantee once he is released from the Division of Correction;

D. If the Maryland Parole Commission determines that the Conditional Grantee merits parole release, and the other conditions set forth above are satisfied, the petitioner must complete one hundred hours of community service with the Maryland Department of Juvenile Services and/or an organization approved by the Maryland Parole Commission in the five years immediately following his release from the Division of Correction;

E. If the Maryland Parole Commission determines that the Conditional Grantee merits parole release, the Conditional Grantee must obey all laws while on parole; if the Conditional Grantee is convicted of a crime after November 25, 2005, the new conviction is a violation of this conditional commutation of sentence and the Governor will revoke this conditional commutation of sentence after a hearing to be conducted by a commissioner of the Maryland Parole Commission; and

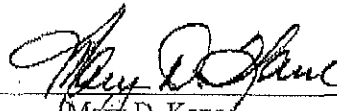
F. If released by mandatory supervision, upon release from custody, the Conditional Grantee shall be supervised by the Division of Parole and Probation as though on mandatory supervision pursuant to Title 7, Subsection 5 of the Correctional Services Article of the Annotated Code of Maryland, subject to all the standard conditions of mandatory supervision.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE
STATE OF MARYLAND, in the City of Annapolis, this 25th Day
of November, 2005.




Robert L. Ehrlich, Jr.
Governor

ATTEST:


Mary D. Kane
Secretary of State

JUN-08-2006 15:58

MARYLAND PAROLE COMM

MSN 06/08/06

P.84

No. 46162

MARYLAND PAROLE COMMISSION
ORDER FOR RELEASE ON PAROLE

WHEREAS, the Parole Commission, by virtue of the authority conferred upon it by the laws of the State of Maryland, does hereby grant parole to:

CHARLES DAVIS	#6762	DOB 05/21/1939
Commitment Name	DOC/PARIS No.	DOR
1) MURDER 1ST DEGREE		
2) ESCAPE		
3) ESCAPE		

Court: BALTIMORE CITY CIRCUIT COURT - 1) #03820
 ANNE ARUNDEL COUNTY CIRCUIT COURT - 2) #16201 3) #23505

Date(s) sentenced: 1) 12/06/60 2) 04/15/75 3) 08/20/80

Term: 1) 65 YEARS 2) 1 YEAR 3) 3 YEARS

From: 1) 12/06/60
 2) CONSECUTIVE
 3) CONSECUTIVE

THEREFORE, the said Commission does hereby order the release on parole of the said offender from:

MARYLAND HOUSE OF CORRECTIONS

(Correctional Facility)

Parole Expiration Date: 12/06/2025

Date(s) of offense(s) committed on or after May 1, 1991

INSTRUCTIONS TO THE PAROLEE

Upon release, you shall be deemed to remain in legal custody until the expiration of your full, undiminished term of confinement. Upon the alleged violation of any condition of parole you shall be remanded to the authority from which paroled, where a hearing shall be conducted by the Parole Commission. If your parole is revoked, the Commission shall determine the amount of time spent on parole, if any, which is to be credited to your term of confinement.

You are subject to the special conditions of parole as set forth below, the standard conditions of parole on page 2 of this order and such further conditions as the Commission may impose at any time during the term of your parole.

Special Condition(s): TO COMPORT WITH THE GOVERNOR'S COMMUTATION ORDER AND SUBSEQUENT A.D.-A.-A. EVALUATION, WE NEED TO ADD THE FOLLOWING CONDITIONS:

- 1) MUST NOT CONSUME ALCOHOL
- 2) SUBMIT TO RANDOM BREATH REPORT FOR ALCOHOL ABUSE
- 3) ATTEND ALCOHOLIC'S ANONYMOUS MEETINGS AT LEAST ONCE EVERY TWO(2) WEEKS AND PROVIDE PROOF OF ATTENDANCE TO HIS PAROLE AGENT

Home and Employment Plan: ROSA HAMLIN(SISTER) 4001 W. ROGERS AVENUE, BALTIMORE, MD., 21215
 (410) 367-1445 E) HOWELL & HOWELL, 2502 LOYOLA SOUTHWAY, BALTIMORE, MD., 21215
 CONTACT: KARL HOWELL (443) 527-5632

Upon release, you shall report, in person, no later than 10:00 a.m. on the next business day, to the Division of Parole and Probation office located at 2100 GUILFORD AVENUE, BALTIMORE, MD., 21218

Telephone no. (443) 263-3500

Karl R. Blumstein
 Commissioner

JUNE 9, 2006

Date

-2-

CONTINUATION TO ADDENDUM:

- 4) MUST COMPLETE 100 HOURS OF COMMUNITY SERVICE WITH THE MARYLAND DEPARTMENT OF JUVENILE SERVICES AND/OR AN ORGANIZATION APPROVED BY THE MARYLAND PAROLE COMMISSION IN THE FIVE(5) YEARS IMMEDIATELY FOLLOWING HIS RELEASE FROM MARYLAND DOC (MAY FULFILL THROUGH PRESENTATION TO ALCOHOL/DRUG RECOVERY GROUPS SUCH AS THE GAUDENZIA PROGRAM IN HIS NEIGHBORHOOD).

CONDITIONS OF PAROLE

1. Report as directed to and follow your Parole Agent's instructions.
2. Work regularly.
3. Get permission before:
 - a. Changing your home;
 - b. Changing your job; or
 - c. Leaving the State of Maryland.
4. Obey all laws.
5. Notify your Parole Agent immediately if you are arrested.
6. You shall not illegally possess, use, or sell any narcotic drug, "controlled dangerous substance", or related paraphernalia.
7. You shall not own, possess, use, sell, or have under your control any dangerous weapon or firearms of any description without approval of the Parole Commission.
8. You shall so conduct yourself as not to present a danger to yourself or others.
9. Special conditions: See page 1 of this agreement.

NOTE: Conditions 10 and 11 apply to parolees whose term of confinement resulted from a crime or crimes committed on or after May 1, 1991.

10. You must pay a monthly supervision fee as required by law unless the Parole Commission exempts you wholly or partly from payment of the fee.
11. If ordered by the Parole Commission to undergo drug or alcohol abuse testing, you must pay for the testing if required to do so by the Division of Parole and Probation.

I have read, or have had read to me, the foregoing conditions of parole and any special conditions imposed on page 1 of this agreement. I fully understand them and I agree, in consideration of granting of parole, to observe and abide by such conditions of parole. Further, I hereby waive extradition to the State of Maryland and expressly agree that I will not contest any effort to return to the State of Maryland in consequence of my violating any of the terms and conditions of this parole.

Charles Keith M. 2
Signature of Parolee

June 9, 2016
Date

Walter, PA
Witness

MPC-15 (Revised 11/99)

APR-14-2016 THU 08:30 AM

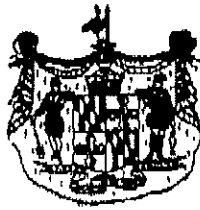
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02/25/2005 16:31

410-974-2077

LEGAL COUNCIL

PAGE 07/08



The State of Maryland

Executive Department

EXECUTIVE ORDER 01.01.2005.07

Conditional Commutation of Sentence - Charles Terrell Walters, Sr.

- WHEREAS, Charles Terrell Walters, Sr. (Division of Correction inmate no. 133-871), Conditional Grantee, was convicted of murder, robbery with a deadly weapon, assault, and use of a handgun in the commission of a crime of violence in the Circuit Court for Garrett County, case number 1304, and on February 25, 1977, he was sentenced to life for the murder conviction, ten years concurrent for the robbery with a deadly weapon charge, five years concurrent for assault, plus five years consecutive for the handgun violation, beginning on March 16, 1975;
- WHEREAS, Charles Terrell Walters, Sr. was convicted of armed robbery in the Circuit Court for Montgomery County, case number 16023, on September 23, 1975, and was sentenced to ten years consecutive to the sentence he was then serving, which was the life sentence;
- WHEREAS, On August 12, 2002, in Circuit Court for Washington County, case number 3693A, formerly Circuit Court for Garrett County, case number 1304, the Honorable John Hankins McDowell of the Circuit Court for Washington County resentenced the Conditional Grantee to life with all but forty-five years suspended for felony murder, five years concurrent for assault, and five years consecutive for use of a handgun in a crime of violence;
- WHEREAS, Charles Terrell Walters, Sr. was not the triggerman in the murder case;
- WHEREAS, Charles Terrell Walters, Sr., while incarcerated, has been an exemplary inmate. He has compiled an impressive record of practical instruction, work experience, and institutional progress;
- WHEREAS, The Maryland Parole Commission has concluded that Charles Terrell Walters, Sr. presently appears to constitute no threat to the safety of society, and recommends the granting of executive clemency;
- WHEREAS, The victim's family in the murder case was contacted and supports the commutation of the Conditional Grantee's sentence; and
- WHEREAS, The interests of the State of Maryland and of the Conditional Grantee will best be served by the granting of a conditional commutation of sentence to Charles Terrell Walters, Sr.

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P. 003

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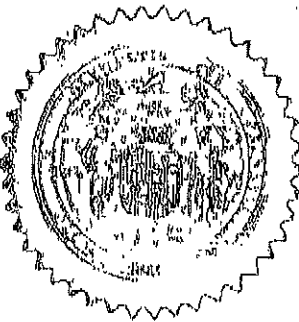
LEGAL COUNCIL

PAGE 08/08

NOW THEREFORE, I, ROBERT L. EHRLICH, JR., GOVERNOR OF THE STATE OF MARYLAND, HAVING THOUGHT PROPER THE EXTENSION OF CLEMENCY UNDER THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND THE LAWS OF MARYLAND, DO HEREBY ORDER THAT THE LIFE SENTENCE WITH ALL BUT 45 YEARS SUSPENDED IMPOSED IN CIRCUIT COURT FOR WASHINGTON COUNTY CASE NUMBER 3693A UPON CHARLES TERRELL WALTERS, SR., AS WELL AS THE TEN-YEAR CONSECUTIVE SENTENCE IN CIRCUIT COURT FOR MONTGOMERY COUNTY CASE NUMBER 16023, TO THE CUSTODY OF THE DIVISION OF CORRECTION BE AND THEY HEREBY ARE CONDITIONALLY COMMUTED TO A FIXED TERM OF FIFTY YEARS SUBJECT TO THE FOLLOWING:

- A. Prior to any parole that may be granted, the Conditional Grantee shall complete eighteen months of work release, as specified by the Division of Correction, while observing good behavior;
- B. If the Maryland Parole Commission determines that the Conditional Grantee merits parole release after the condition set forth above is satisfied, prior to parole release, the Maryland Parole Commission, the Division of Correction, a State Psychologist, and the Drug and Alcohol Abuse Administration shall evaluate the Conditional Grantee to devise a reentry plan, which shall set forth special conditions of release, and coordinate with community-based drug, alcohol, and mental health treatment providers to secure treatment services as required after release; and
- C. The Conditional Grantee must agree to participate in said drug, alcohol, and/or mental health treatment services as required upon release and the service providers must be able to treat the Conditional Grantee immediately.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 25th Day of February, 2005.



Robert L. Ehrlich, Jr.
 Robert L. Ehrlich, Jr.
 Governor

ATTEST:

R. Karl Auman
 R. Karl Auman
 Secretary of State

OCT-31-2006 16:26

MARYLAND PAROLE COMM
10/21/06P.05
JCJ

No. 47307

MARYLAND PAROLE COMMISSION
ORDER FOR RELEASE ON PAROLE

WHEREAS, the Parole Commission, by virtue of the authority conferred upon it by the laws of the State of Maryland, does hereby grant parole to:

CHARLES TERRELL WALTERS	DOC #133871	DOB: 12/16/1947
Commitment Name	DOC/PARIS No.	DOB

 who was convicted of: (1) Felony Murder; Use of Handgun in Commission of a Felony
 (2) Armed Robbery

 Court: (1) Washington County Circuit Court #3693A
 (2) Montgomery County Circuit Court #16023

 Date(s) sentenced: (1) 06/11/1975
 (2) 09/22/1975

 Term: (1) 45 years; 05 years
 (2) 05 years

 From: (1) 03/16/1975; Consecutive
 (2) Consecutive from 03/16/2020

THEREFORE, the said Commission does hereby order the release on parole of the said offender from:

 MARYLAND CORRECTIONAL TRAINING CENTER
 (Correctional Facility)

Parole Expiration Date: 03/16/2025

Date(s) of offense(s) committed on or after May 1, 1991

INSTRUCTIONS TO THE PAROLEE

Upon release, you shall be deemed to remain in legal custody until the expiration of your full, undiminished term of confinement. Upon the alleged violation of any condition of parole you shall be remanded to the authority from which paroled, where a hearing shall be conducted by the Parole Commission. If your parole is revoked, the Commission shall determine the amount of time spent on parole, if any, which is to be credited to your term of confinement.

You are subject to the special conditions of parole as set forth below, the standard conditions of parole on page 2 of this order and such further conditions as the Commission may impose at any time during the term of your parole.

Special Condition(s):

 Home and Employment Plan: JENNIFER WALTERS (niece) 11418 Woodview Dr., Hagerstown, MD 21742
 TEL: (240) 291-6523 - (301) 791-8995

Upon release, you shall report, in person, no later than 10:00 a.m. on the next business day, to the Division of Parole and Probation office located at 100 W. Franklin St., Suite 205, Hagerstown, MD 21740

Telephone no. 240-420-5140

By:

Commissioner

11/02/2006

Date

WHITE - Parolee - PINK - Parole Commission Copy - YELLOW - Correctional Facility Copy - BLUE - Certified Copy - GREEN - Court Copy

MPC-14 (Revised 2/00)

TOTAL

Attachment U

CONDITIONS OF PAROLE

1. Report as directed to and follow your Parole Agent's instructions.
 2. Work regularly.
 3. Get permission before:
 - a. Changing your home;
 - b. Changing your job; or
 - c. Leaving the State of Maryland.
 4. Obey all laws.
 5. Notify your Parole Agent immediately if you are arrested.
 6. You shall not illegally possess, use, or sell any narcotic drug, "controlled dangerous substance," or related paraphernalia.
 7. You shall not own, possess, use, sell, or have under your control any dangerous weapon or firearms of any description without approval of the Parole Commission.
 8. You shall so conduct yourself as not to present a danger to yourself or others.
 9. Special conditions: See page 1 of this agreement.
- NOTE: Conditions 10 and 11 apply to parolees whose term of confinement resulted from a crime or crimes committed on or after May 1, 1991.
10. You must pay a monthly supervision fee as required by law unless the Parole Commission exempts you wholly or partly from payment of the fee.
 11. If ordered by the Parole Commission to undergo drug or alcohol abuse testing, you must pay for the testing if required to do so by the Division of Parole and Probation.

I have read, or have had read to me, the foregoing conditions of parole and any special conditions imposed on page 1 of this agreement. I fully understand them and I agree, in consideration of granting of parole, to observe and abide by such conditions of parole. Further, I hereby waive extradition to the State of Maryland and expressly agree that I will not contest any effort to return me to the State of Maryland in consequence of my violating any of the terms and conditions of this parole.

Charles Walters 133871
Signature of Parolee

11/0/06
Date

[Signature]
Witness

MPC-15 (Revised 11/99)

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Title 12 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Subtitle 08 PAROLE COMMISSION

Chapter 01 General Regulations

Authority: Correctional Services Article, §7-207, Annotated Code of Maryland

.17 Preparation for Parole Consideration.

A. — B. (text unchanged)

C. Notice to Inmate and Access to Files.

(1) — (4) (text unchanged)

(5) Review of Parole Commission file.

(a) The institutional parole agent and the inmate or [his] *the inmate's* representative shall review the file at the appointed time. [Psychological reports, psychiatric reports, and other information which is considered privileged shall be removed from the file and the institutional parole agent shall orally give a short summary of the contents where appropriate.]

(b) [Recommendations of classification counsellors, work sheets, and other work products of Commissioners and hearing examiners are hereby declared privileged.] *Except as provided in Correctional Services Article, §7-303(b)(1)(ii), Annotated Code of Maryland, the inmate or the inmate's representative may, on request, examine a document that the Commission or Hearing Examiner uses in determining whether the inmate is suitable for parole.*

(c) *Subject to the provisions of Correctional Service Article, § 7-303(b)(2), Annotated Code of Maryland, any documents submitted by a victim or the victim's designated representative shall be available for review by the inmate or the inmate's representative except when prohibited by Correctional Services Article, §7-303(b)(1)(ii), Annotated Code of Maryland.*

(d) *If a risk assessment prepared for the Commission contains diagnostic opinions, that assessment may not be available for examination, only a summary that does not contain the diagnostic opinions may be prepared and made available, upon request, to the inmate or the inmate's representative.*

(6) (text unchanged)

.18 Consideration for Parole.

A. General.

(1) — (2) (text unchanged)

(3) *In addition to the factors contained under §§A(1) — (2) of this regulation, the Commission considers the following factors in determining whether a prisoner who committed a crime as a juvenile is suitable for release on parole:*

(a) *Age at the time the crime was committed;*

(b) *The individual's level of maturity and sense of responsibility at the time of the crime was committed;*

(c) *Whether influence or pressure from other individuals contributed to the commission of the crime;*

(d) *Whether the prisoner's character developed since the time of the crime in a manner that indicates the prisoner will comply with the conditions of release;*

(e) *The home environment and family relationships at the time the crime was committed;*

(f) *The individual's educational background and achievement at the time the crime was committed; and*

(g) *Other factors or circumstances unique to prisoners who committed crimes at the time the individual was a juvenile that the Commissioner determines to be relevant.*

[(3)] (4) To make these determinations the Commission examines:

(a) The offender's prior criminal and juvenile record and [his] *the offender's* response to prior incarceration, parole or probation, or both;

(b) The offender's behavior and adjustment and [his] *the offender's* participation in institutional and self-help programs;

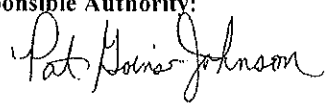
(c) — (l) (text unchanged)

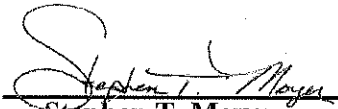
B. — I. (text unchanged)

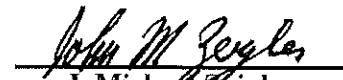
Stephen T. Moyer
Secretary

Executive Directive



Title: Case Management	Executive Directive Number: OPS.100.0004
Related MD Statute/Regulations: COMAR 12.02.2	Supersedes: EmD.OPS.100.0004 dated June 24, 1015
Related ACA Standards: N/A	Responsible Authority:  Executive Director, Field Support Services
Related MCCS Standards: N/A	Effective Date: June 2, 2016 Number of Pages: 3


Stephen T. Moyer
Secretary


J. Michael Zeigler
Deputy Secretary
for Operations

.01 Purpose.

This directive updates existing case management policy and procedures for final appointing authority for the Division of Correction (Division) case management actions and adds language related to an inmate serving a life sentence.

.02 Scope.

This directive applies to Division of Correction employees and to inmates sentenced and committed to the custody of the Commissioner of Correction.

.03 Policy.

The Division of Correction shall establish the final appointing authority for Division case management actions.

.04 Definitions.

A. In this directive, the following term has the meaning indicated.

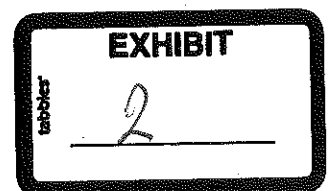
B. Term Defined.

- (1) "Assistant Commissioner" means the Assistant Commissioner for the Division of Correction.
- (2) "Commissioner" means, the Commissioner of the Division of Correction.

.05 Responsibility.

A. The Commissioner designates the Assistant Commissioner, Executive Director of Field Support Services, and the Deputy Director of Field Support Services as the final appointing authority for the following Division case management actions:

- (a) Those listed in the Case Management Manual, §5.F;



Executive Directive Number: OPS.100.0004

- (b) A Security Reduction Profiles that requires headquarters review; and
- (c) Placing an inmate in a local detention center for re-entry programming.

B. The following action shall be added to list of actions in the Case Management Manual, §5 — Inmate Assignments, paragraph F — Commissioner's Review that require review by the Commissioner, or a designee:

A decrease from medium security status to a lesser security status for an inmate serving a life sentence for an offense committed by the inmate while the inmate was a juvenile and the inmate is recommended by the Maryland Parole Commission for outside testing or work release.

C. The Case Management Manual, §7 — Security Classification, paragraph D(2) under Sentences of Life or Death for reducing security classification is amended to read:

An inmate serving a life sentence or has a detainer for a life sentence in another jurisdiction shall be classified to no less than maximum security unless approved by the Commissioner, or a designee.

D. The following action shall be added to list of considerations in the Case Management Manual, §7 — Security Classification, paragraph D — Sentences of Life or Death for reducing security classification:

An inmate serving a life sentence for an offense that the inmate committed while the inmate was a juvenile shall be eligible for a reduction below medium or minimum security status when recommended by the Maryland Parole Commission for outside testing or work release and the Commissioner, or a designee, shall approve a recommendation for minimum or pre-release security status.

.06 Attachments/Links.

There are no attachments or links to this directive.

.07 History.

A This directive replaces EmD.OPS.100.0004 dated June 24, 2015:

- (1) Clarifying the final appointing authority for reentry placements of inmates who are sentenced and committed to the custody of the Commissioner of Correction; and
- (2) Adding language providing additional considerations for security status changes related to inmates under a life or death sentence.

B. This directive supersedes provisions of any prior existing, Secretary, Department or unit communication with which it may be in conflict.

C. This language adds to and does not invalidate the current Case Management Manual and shall be included in the next revision of the Case Management Manual.

Executive Directive Number: OPS.100.0004

.08 Correctional Facility Distribution Code.

A
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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

MARYLAND RESTORATIVE
JUSTICE INITIATIVE, *et al.*,
Plaintiffs,

v.

GOVERNOR LARRY HOGAN, *et al.*,
Defendants.

Case No. 1:16-cv-01021-ELH

* * * * *

DECLARATION OF MARCI JONES

1. I, Marci Jones, am over 18 years of age and am competent to testify.

2. I am Administrative Aide at the Inmate Grievance Office ("IGO"). I am a custodian of the files and records of the IGO. The IGO reviews and processes grievances filed by inmates confined in the Maryland Division of Correction ("DOC") or Patuxent Institution ("Patuxent") or those otherwise in the custody of the Commissioner of Correction.

3. I have conducted a search of the files maintained by the IGO and found no grievances filed by Calvin McNeil #163182, Nathaniel Foster #174966, or Kenneth Tucker #130850.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing declaration are true.

July 8, 2016
DATE

Marci Jones
MARCI JONES

