

This de facto extended sentences to serve policy was formalized in the unpublished ninety percent to serve policy that has now been held to have been in violation of the Georgia Administrative Procedure Act. The Members of this Board are expected to follow the enacted parole laws and the Parole Decision Guidelines in reconsidering inmates previously blocked from release on parole. Not following the parole laws and guidelines would be tantamount to lawlessness by the Members of this Board. The Members of this Board have not only a sworn duty to follow the laws of our state, but not following the enacted parole laws and guidelines makes a mockery of the enacted parole laws by the very Members of the Board who should be setting a legal example for the inmates to whom you are charged to administer the parole laws and guidelines according to the law.

This unpublished policy had an unpublished "effective date" of January 1, 1998, but the Board slavishly applied the ninety percent to serve policy retroactively to inmates whose offenses were prior to January 1, 1998 as well as prospectively to inmates whose offenses after that date to foreclose any parole until the inmates in the listed categories had served ninety percent of their sentences. Judge William C. O'Kelley in *Coleman Jackson v. State Board of Pardons and Paroles*, United States District Court for the Northern District of Georgia, Civil No. 2:01-CV-068-WCO (May 29,

2002), held unconstitutional in violation of Ex Post Facto prohibitions the retroactive application of the unpublished policy of the Board which substantially extended inmates' sentences to serve to at least ninety percent of their judicial sentences. Following the holding that the retroactive application of the ninety percent to serve rule was unconstitutional, the Members of the Board on the advice of the office of the Attorney General adopted a Resolution Amendment, September 9, 2002, resolving that, "Those offenders previously considered for parole under the ninety percent policy who committed their offenses before January 1, 1998, shall be reconsidered for parole under the parole decision guidelines that do not include the ninety percent policy."

However, the Members of this Board did not and have not reconsidered any of the previously covered inmates under the Parole Decision Guidelines. In spite of committing to reconsider inmates under the Parole Decision Guidelines, they did not follow the Parole Decision Guidelines in a single inmate's case. The Board only gave lip service that they would reconsider the previously blocked inmates for parole under the Parole Decision Guidelines and in no case did the Board follow the Parole Decision Guidelines. The Board in reconsidering these inmates' sentences to serve in bad faith only made token adjustments in the sentences to serve

varying only a few months in order to avoid the mathematical ninety percent figure. Some were decreased a few months, some were increased a few months, some stayed the same and some were not even considered. Twice now the courts have told the Members of this Board that you have violated the law in applying extended sentences to serve policy. It is submitted that the Members of this Board must follow the statutory parole laws and the statutorily mandated Parole Decision Guidelines in the reconsiderations of the parole dates for the inmates who have formerly had their sentences to serve extended by the illegal de facto ninety percent extended sentences to serve policy. It is time for the Members of this Board to not only abandon the substantially extended sentences to serve policy, but to set a course in the future of following the enacted parole laws and the Parole Decision Guidelines subject only the statutory exceptions of O.C.G.A. 42-9-42 (c).

When the Members of this Board in each inmate's case slavishly applied (actually the staff) the extended sentences to serve policy to override the existing parole laws affecting the length of the inmate's sentence to serve before consideration for parole, the Board is de facto and practically changing the enacted parole laws without fair legal notice of the increase of the inmates' punishment beyond the enacted parole laws and Parole Decision Guidelines in effect at the time of commission of their offenses.

Constitutionally the enacted parole laws and guidelines which are in existence at the time of commission of the offense attach to judicial sentences and those parole laws and guidelines provide for release on parole of inmates after serving one-third of judicial sentences or the months to serve calculated pursuant to the Parole Decision Guidelines.

The sentencing laws in Georgia provide for very long sentences which are substantially longer than most states' sentencing laws and guidelines because the statutory parole laws contemplate that deserving inmates will be released after serving one-third of their judicial sentences or the months to serve calculated under the Parole Decision Guidelines. The underlying economic motivation for the substantially extended sentences to serve policy was the desire of obtain grant funds from the federal government under Violent Offenders Incarceration - Truth in Sentencing Act ("VOITIS"), 42 U.S.C. § 13704, *et seq.* Rather than reducing the sentencing periods as other states did in order to comply with the 85% requirement for funding pursuant to the "VOITIS"), Georgia went the other way and required that inmates in seven most serious violent offender categories serve mandatory sentences without parole O.C.G.A. § 10-10-6.1. When a similar legislative attempt failed to increase sentences to serve for other violent felonies, the Board adopted and even retroactively implemented an unpublished "policy" that all

offenders in twenty other violent offense and residential burglary categories must serve ninety percent of their judicial sentences before being practically eligible for release on parole.

The Georgia "1998 Application for Violent Offenders Incarceration and Truth in Sentencing Incentive Grant" evidences that the ninety percent to serve policy was adopted to qualify for VOITIS grant funds. This Georgia application explains in bold type the Board's extended time to serve "policy" changes that were in effect tantamount to law in order for Georgia to be eligible for grant funds that: "The new policy makes it mandatory that these violent offenders serve 90% of their court imposed sentence prior to consideration of parole." A 1998 Supplemental Application even attaches a State Board of Pardons and Paroles' news release and explanation of the Board's "Amended Policy for the Parole of Violent Offenders" in order to qualify for tier two VOITIS grant funds. Georgia was then successful and did receive funds through FY 2000 for a total of \$82,236,509 received from the federal government under VOITIS.

Thus the Faustian deal, motivated to receive VOITIS grant funds, traded the freedom of many, many inmates to substantially retroactively extend their sentences to serve de facto ninety percent for the receipt by Georgia of over eighty-two million dollars in federal grant funds to build

new prisons. It is constitutionally shocking that in order to receive VOITIS federal grant funds, Georgia did increase its parole threshold for inmates in twenty offender categories from one-third to de facto ninety percent of judicial sentences by the this Board administratively adopting an unpublished policy having the practical force and effect of law that substantially and retroactively extended as well as continues to de facto substantially extend tens of thousands of inmates' sentences to serve motivated initially by money.

This substantially extended sentences to serve policy is the driving force of the explosion of inmate populations and has caused the Department of Corrections' budget crisis. The overcrowding of Georgia's prisons and back up of state prisoners in jails as well as the previous and current budget crisis are solely the responsibility of the State Board of Pardons and Paroles because many, many thousands of inmates are being held in prison beyond the time that they should be released on parole because the de facto extended sentences to serve policy has foreclosed their parole until they have served practically their entire judicial sentences. The de facto extended sentences to serve policy has caused an estimated additional eighteen thousand inmates in all twenty covered offender categories to serve extended incarcerations beyond their eligibilities for parole.

This enormity of the substantially extended sentences to serve policy being slavishly enforced by the staff at the Board is illustrated by the testimony of Michael Sullivan in 2003 as the Board's then designated representative established the reality that only 18 out of more than ten thousand inmates have been released on parole prior to serving ninety percent and all of those were prosecution deals. So essentially no inmates in these covered offense categories were being released on parole in accordance with the existing parole laws and the Parole Decision Guidelines and the Board has de facto changed the parole laws and ignored the Parole Decision Guidelines.

The annual upkeep costs are a staggering financial draft on the State's budget which the legislature has been forced to fund. Although the Board contend that only about 7,600 inmates were subject to the now declared illegal ninety percent to serve policy, the total is no doubt closer to 18,000 inmates arrived at by adding up the number of offenders in the twenty previously covered categories of which all are being required to serve sentences substantially beyond their statutory and guidelines eligibility for release on parole. Using the average annual cost for an inmate's upkeep published by the Department of Corrections of \$17,332 per inmate per year calculates to an additional \$311,976,000 annually that the Georgia tax

payers are required to pay to keep inmates incarcerated whose sentences to serve have long since been served and who should have been released under the parole laws and Parole Decision Guidelines. These administratively snared inmates are mainly offenders with good prison records, offenders who score high on Parole Success Likelihood Scores, first offenders and youthful offenders who have had their sentences to serve substantially extended from the statutory one-third to serve to de facto ninety percent or more to serve before any consideration for parole. The Board would still have the authority to withhold release on parole on an individually determined basis, if an offender's release would not be compatible with the welfare of society under O.C.G.A. § 42-9-42 (c).

This enormous costs of upkeep of inmates which has increased from 19,700 inmates in 1989 to well over 48,000 inmates today, plus an additional 4,000 state prisoners being held and paid for in county jails, has been driven by the extended sentences to serve of the de facto ninety percent to serve unofficial policy of the Board. The human cost is even more incalculable. Inmates may be able to be rehabilitated back into society after serving one-third of their sentences, but it becomes almost impossible for inmates to be successfully rehabilitated into society after serving almost triple their sentences to serve. The Board's unpublished internal policy also engenders a

disrespect for the law and an understandable resentment when the Board (actually the staff) calculates and in every case tells the inmates their Temporary Parole Month calculated under the enacted parole laws and the Parole Decision Guidelines, but then tells the inmates that the Board does follow the parole laws and the Parole Decision Guidelines arbitrarily almost tripling their sentences to serve not just on an individual case but for all inmates in these categories.

The Board is not subject to the core principles of the normal checks and balances of the Republic. The Board is constitutionally independent of the Executive Branch, they obviously do not follow the legislatively enacted parole laws and legislatively mandated Parole Decision Guidelines, and unless the courts exercise judicial supervision to cabin the Board's excesses they will continue their self proclaimed "unfettered discretion" to de facto wholesale extend tens of thousands of inmates' sentences to serve beyond their sentences to serve under the enacted parole laws and the Parole Decision Guidelines.

It is time for legislative changes that the State Board of Pardons and Paroles files are declared "confidential state secrets" under O.C.G.A. § 42-9-53(c). Total secrecy coupled with unfettered discretion do not comport with our constitutional protections and is simply un-American. It was un-

American by the President of the United States claiming presidential privilege to hide the Watergate scandal. The claim of secrecy of the Board files and even the votes of the members in granting or denying parole when coupled with their self-serving claim of unfettered discretion creates a very unusual confluence of secret unchecked power indeed. It is time that the Star Chamber secrecy of the Board be brought into the light of the twenty-first century. It is also time for the Board to afford inmates Due Process hearings. The public thinks that the this board affords inmates a right to a face to face hearing as to their parole like forty-six other state do, but that is a myth and there are no hearings or Due Process for inmates in Georgia. Madison cautioned that "temporary deviations from fundamental principle are more or less dangerous because once the deviation is made it becomes the rule."

The fact is that the Members of the Board re-sentence inmates to what they think their sentence to serve should be and often re-convict inmates of counts of which they think the inmates should have been convicted under such non-statutory rhetoric of "because of the circumstances of your offense" and "due to the seriousness of your crime." The seriousness of the offenses is already calculated into the Crime Severity Level of the offense. It is not the function of the Members of this Board to re-sentence or re-convict

inmates, but it is the responsibility of the Members of this Board to follow the enacted parole laws and Parole Decision Guidelines dictating when deserving inmates should be released. The proposed rulemaking codification continuing the substantially extended sentences to serve policy is reminiscent of the scorer's apprentice who just could not figure out how to turn off what he had started. It is submitted that it is time for the Board to stop re-sentencing inmates to substantially extended sentences to serve and to start following enacted parole laws and previous Parole Decision Guidelines.

The extended sentences to serve policy is perpetrating one of the most massive civil rights violation of our times. The Southern Center for Human Rights reports that Georgia now has the most incarcerated and offender supervised per capita rate of any state or country in the world. I am told that the extended sentences to serve policy has also resulted in a higher per capita rate of incarceration of African-Americans than South Africa incarcerated of their black population at the height of Apartheid.

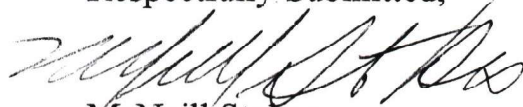
The Board must not only abandon the ninety percent sentences to serve policy but as well cease and desist their de facto extended sentences to serve policy, written or otherwise, and the Members of this Board must

follow the law - the legislative enacted parole laws and legislatively mandated Parole Decision Guidelines.

Mr. Chairman and Members of the Board: Haven't you done enough to totally foreclose tens of thousands of inmates' release on parole after they have served their sentences to be eligible for parole and who are deserving of release under the legislatively enacted parole laws as well as the mandated Parole Decision Guidelines? Have you no respect for following the parole laws? Have you no concern that you have and continue to virtually triple the sentences to serve of the offenders in the covered categories that is causing the inflated prison budgets now almost exceeding the educational budget in Georgia? Do you realize the human costs of your substantially extended sentences to serve policy? Do you realize that inmates might be able to successfully be able to be returned into society after serving one-third of their judicial sentences as recognized by the enacted parole laws, but that your actions of substantially tripling their sentences to serve requiring that their serve almost their entire sentences make it virtually impossible for inmates to successfully re-enter society? Do you realize that they will almost all be released and is it better to release them sooner rather than latter for the benefit of society. And have you who are charged with clemency in this state no compassion or sense of decency?

This 18th day of November, 2005.

Respectfully Submitted,



McNeill Stokes

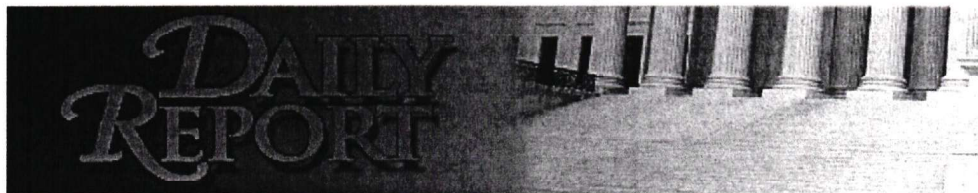
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NOVEMBER 18, 2005
PUBLIC COMMENT SIGN-UP SHEET

NOTE: PUBLIC COMMENT IS LIMITED TO VIEWS ON THE PROPOSED AMENDMENT TO BOARD RULE 475-3-.05. THE PROPOSED RULE WILL ONLY APPLY TO OFFENDERS WHO COMMIT CRIMES AFTER THE EFFECTIVE DATE OF THE RULE. **CURRENT OFFENDERS ARE NOT AFFECTED BY THIS RULE.** PAROLE BOARD STAFF WILL BE MADE AVAILABLE TO ANYONE WISHING TO DISCUSS ANY CURRENT OFFENDER'S CASE. **PLEASE LIMIT YOUR COMMENTS TO FIVE MINUTES.**

NAME	ORGANIZATION
1. McNEEL STOLIS ✓	ASTORIA
2. Shanelene Rabb ✓	Inmate's Mother
3. Wanda Rabb ✓	Inmate's mother
4. Chris Wilson ✓	Inmate's mother
5. Steve Pittman ✓	BROTHER
6. Sara Potorschi ✓	Fairness for Prisoners' Families
7. Quincy L. Feltz ✓	Families
8. Sarah Gerashty ✓	Southern ctr for Human Rights
9. Douvie Reynolds ✓	MADD
10. Robyn Baldwin ✓	Fairness
11.	
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Parole Rule Would Keep Inmates Behind Bars Longer

Policy would force certain offenders to serve 65 to 90 percent of sentence

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Steven H. Pollak

spollak@alm.com

*Must
read
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Tracy*

The State Board of Pardons and Paroles is scheduled to vote today to replace a potentially unconstitutional policy that required inmates convicted of some of the most serious crimes to serve 90 percent of their sentences behind bars.

The vote comes almost eight months after Judge T. Jackson Bedford Jr. of Fulton County Superior Court called the policy "ineffective" and stated that the rule had "no force and effect" for five inmates who challenged it. *Griffin v. Nix*, No. 2004CV92152 (Fult. Super. filed March 3, 2005).

A week after Bedford's order, which affected only the plaintiffs in the Fulton case, the parole board announced it would not appeal the decision and would apply the ruling to all cases previously governed by the 90 percent rule. According to board spokeswoman Schereé Lipscomb, the decision placed 7,600 inmates back under parole rules that grant eligibility for release after one-third of a prison sentence.

If three of the board's five members approve the new policy, it would establish criteria for determining parole eligibility for inmates convicted of the 20 offenses previously governed by the 90 percent rule, as well as three of the most serious drug offenses.

The parole board would classify those inmates under a new crime severity level—Level 8—under which offenders would serve either 65 percent, 75 percent or 90 percent of their sentences in prison, depending on how well they score on a parole success assessment.

The policy would not apply retroactively; it would affect only offenders who commit crimes after Jan. 1. All other inmates would remain subject to the parole guidelines in place before the board adopted the 90 percent policy in 1997.

The board last month invited the public to comment on the revised policy and thus far has received no written correspondence, Lipscomb said.

But dissent is expected prior to today's meeting from a group called Fairness for Prisoners' Families, which is affiliated with the Southern Center for Human Rights in Atlanta. The group plans to conduct a press conference at which prisoners' relatives and lawyers are expected to speak out against the proposed policy because it would enhance the minimum parole eligibility beyond one-third of a sentence.

According to Sara Totonchi, the public policy director for the Southern Center, more than 3,000 people belong to the Fairness group.

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Directories for 1
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Totonchi, on behalf of the Southern Center, sent a letter to the parole board Thursday asking the members to delay voting on or adopting the new policy. She also asked that the board consider making the parole process more transparent and questioned the fiscal impact of the policy.

Totonchi's letter cites the Georgia Department of Corrections' 2004 Annual Report, which said that the state's prison population has risen every year since 1994, from 27,984 to the current population of 48,619.

"The proposed rule change will directly contradict efforts by state officials who are desperately seeking ways to reduce the overall population," Totonchi wrote.

The board adopted the 90 percent rule in 1997. It applied to those convicted of such crimes as child molestation, statutory rape, aggravated assault with a weapon and voluntary or involuntary manslaughter. The policy was applied retroactively, but it did not affect parole eligibility for those required to serve 100 percent of their sentences under the "seven deadly sins" (murder, armed robbery, kidnapping, rape, aggravated child molestation, aggravated sodomy and aggravated sexual battery) or the "two-strikes" laws.

The resolution stated, "The Board believes that a further amendment to its statutorily mandated guidelines will further enhance public safety and make Georgia the toughest state in the nation for 'time-served' for violent felonies and residential burglaries."

In 2002, U.S. District Senior Judge William C. O'Kelley granted a challenge to the retroactive application of the 90 percent policy. In the case of Coleman Jackson, convicted in 1999 for a 1996 aggravated assault, O'Kelley concluded that applying the 90 percent policy violated the ex post facto clause of the U.S. Constitution, in that it would retroactively increase the punishment inflicted. The ruling, however, was limited to Jackson's case. *Jackson v. State Board of Pardons and Paroles*, No. 2:01CV068 (N.D. Ga. May 29, 2002).

The winning lawyer in both cases, Atlanta's McNeill Stokes, said he believes the parole board is continuing to keep inmates in prison even after abandoning the 90 percent policy.

"They've been substantially extending the sentences to serve of all inmates in these 20 categories that were previously under the 90 percent rule," he said. "They're simply subtracting a month or two and continuing their sentence." r

Published in the Daily Report on November 18, 2005

CRIME SEVERITY LEVELS

LEVEL I 10 to 22 months

Bad Checks - under \$2,000
 Burglary - non-dwelling, less than \$300, one count
 Credit Card Theft
 Criminal Interference with Government Property
 Escape Custody - no weapon, aiding escape
 Forgery II - possession, 10 or fewer counts or less than \$1,000
 Habitual Violator
 Possession/passing forged prescriptions - first offense
 Possession of tools to commit a crime
 Theft - under \$1,000
 Theft of Vehicle - not to sell; one count, first offense
 VGCSA - possession, single offense

LEVEL II 12 to 24 months

Bad Checks - \$2,000 or more
 Burglary - non-dwelling, \$300 to \$2,000, one count
 Credit Card Fraud - 10 or fewer counts or less than \$1,000
 Criminal Damage II - \$300 to \$2,000
 Forgery I - 10 or fewer counts or less than \$1,000
 Possession of Illegal Firearm or Explosives
 Possession/Theft - materials to manufacture illegal drugs, first offense
 Reckless Conduct by HIV Infected Persons
 Theft - \$1,000 to \$4,999
 Theft of Vehicle - not for sale, second offense
 VGCSA - possession, second offense
 VGCSA - sale/intent to sell/distribution, first offense

LEVEL III 14 to 26 months

Burglary - non-dwelling, 2 to 5 counts, or \$2,001 to \$5,000
 Credit Card Fraud - more than 10 counts or \$1,000
 Criminal Damage - life in danger or over \$2,000
 Destroying or Injuring Police Dog or Horse
 Forgery I - over 10 counts or \$1,000 or more
 Manufacturing Methamphetamine - first offense
 Obstruction of Officers - Felony
 Possession/Theft - materials to manufacture illegal drugs, second offense
 Terroristic Threats
 Theft - \$5,000 to \$10,000
 Theft of Vehicle - for sale or 2 to 3 counts without intent to sell or third offense
 VGCSA - sale - second offense or third drug possession

LEVEL IV 16 to 28 months

Arson II - \$2,000
 Burglary - non-dwelling, over \$5,000 or 6 or more counts
 Homicide by Vehicle
 Manufacturing Methamphetamine - near a child
 Serious Injury by Vehicle

Theft of Vehicle - 4 or more counts or fourth or greater offense
 Theft - over \$10,000
 VGCSA - sale/distribution/intent to sell Schedule I or II drugs, second offense

LEVEL V 34 to 52 months

Aggravated Assault
 Aggravated Sexual Battery
 Arson I
 Burglary - dwelling
 Child Molestation or Statutory Rape
 VGCSA - Cocaine or Methamphetamine - 28 to 199 grams*
 Cruelty to Children
 Enticing a Child for Indecent Purposes
 Financial Identity Fraud
 Homicide by Vehicle while DUI or Habitual Violator
 Incest
 Involuntary Manslaughter
 VGCSA - Marijuana - 10 to 1,999 pounds*
 Manufacturing Methamphetamine - second offense or child injured
 VGCSA - Opiates - 4 to 13 grams*
 Robbery
 VGCSA - sale/distribution/intent to sell Schedule I or II drugs, third offense

LEVEL VI 52 to 78 months

Aggravated Assault on a Peace Officer - with injury or by use of firearm
 Aggravated Battery on a Peace Officer
 Aggravated Child Molestation
 Aggravated Sodomy
 VGCSA - Cocaine or Methamphetamine 200 to 399 grams*
 Kidnaping - no ransom, no injury
 VGCSA - Marijuana - 2000 to 9,999 pounds*
 VGCSA - Opiates - 14 to 27 grams*
 Robbery
 Voluntary Manslaughter

LEVEL VII 72 to 102 months

Armed Robbery - sentence not Life
 VGCSA - Cocaine or Methamphetamine - 400+* grams
 Hijacking Motor Vehicle
 Kidnaping - for ransom or with injury - not life
 VGCSA - Marijuana 10,000+ pounds*
 VGCSA - Opiates - 28+ grams*
 Pimping or Pandering a child under age 18
 Rape - sentence not Life
 RICO Act

*Based on the gross weight of any mixture containing a controlled substance

Effective: March 1, 2005

PAROLE SUCCESS SCORE

Age at 1st Commitment (26+ = 5) (22-25 = 3) (18-21 = 2) (-17 = 0)

Prior Juvenile/Adult Felonies (0 = 3) (1 = 2) (2-3 = 1) (+4 = 0)

Prior F. Incarcerations Since Age 17 (None = 2) (1 = 1) (+2 = 0)

Probation/Parole Failure (0=4) (Prob = 2) (Parole = 1) (Both = 0)

Use/Possession Heroin, Opiates or Cocaine (No = 1) (Yes = 0)

Offense Involved Burglary or Forgery (No= 2) (Yes = 0)

Fully Employed During the Six Months Prior to Current Offense
(Yes = 1) (No = 0)

WRAT score of 8.0 or Higher (Yes = 2) (No = 0)

PAROLE DECISION GUIDELINES GRID
EFFECTIVE APRIL 1, 1993

CRIME SEVERITY LEVEL	EXCELLENT 14-20	AVERAGE 9-13	POOR 0-8
I	10	16	22
II	12	18	24
III	14	20	26
IV	16	22	28
V	34	40	52
VI	52	62	78
VII	72	84	102

Headline - Democrats strive to . . .end parole

Governor and legislative leaders push wide-ranging plan, which Republicans say are many of the same issues they are running on.

Gov. Zell Miller and Democratic leaders promised to . . .ask voters to end parole . . .within the first few weeks of the 1998 General Assembly session.

Miller stood with Lt. Gov. Pierre Howard, House Speaker Tom Murphy, and other legislative leaders in announcing the agenda of the majority Democratic Party before a packed Capitol audience.

Top GOP gubernatorial hopefuls Guy Millner and Mike Bowers are advocating abolishing or limiting parole. Bowers has been calling for inmates to serve at least 85 percent of their sentences for several years.

Meanwhile, Secretary of State Lewis Massey, who is running for governor on the Democratic ticket . . .(made) it clear he supports the party's agenda.

"For months, I have been talking about eliminating parole for violent felons . . . Massey said. "I will vigorously campaign for the governor's constitutional amendment to eliminate parole."

Savannah Morning News - Web posted 12/17/97

(Parole) Guidelines are hereby amended to provide that any offender who is convicted ... of one or more of the below listed violent offenses or of a burglary of a residence will be required to serve a minimum of 90% of the court imposed term of incarceration in prison... These designated violent offenses ... are ... attempted rape, voluntary manslaughter, involuntary manslaughter, aggravated battery on a police officer, vehicular homicide (DUI/HV), hijacking a motor vehicle, criminal attempt to murder, aggravated assault on a police officer, aggravated assault (injury/weapon), enticing a child for an indecent purpose, cruelty to children, child molestation, feticide, incest, statutory rape, bus hijacking, robbery, aggravated stalking and aggravated battery. Parole Board Resolution of Dec. 9, 1997.

(T)his Court finds that the “90% policy” is ineffective and has no force and effect as to these Petitioners because it was not adopted pursuant to the Administrative Procedures Act. The Court hereby orders Respondents to reconsider Petitioners for parole without regard to its “90% policy” . . .

Letonika Griffin, et al. v. Milton Nix, 2004

CV 92152

Fulton Superior Court.

All cases affected by this ruling will be reconsidered, but due to the large number of cases involved, it will take a number of months to complete the reconsiderations. It is not necessary for inmates or family members to call, write or visit the Board to make sure that a particular case is reconsidered. Inmates will receive written notification of the new decision after their cases have been reconsidered. The safety of the citizens of Georgia will be the primary concern of the Board when reconsidering these cases. The vast majority of these inmates can expect to serve most of their sentence in prison.

Parole Board Press Release: March 10, 2005.

Sentences for Inmates Serving for 90% Crimes

Crime	Total	Sentence Lengths and Number in Each Group*				
		10.0 - 13.9 Years	14.0 - 20.0 Years	20.1 to 25.0 Years	25.1 to 34.9 Years	35.0 years or more
Aggravated Assault	2,015	368	173	32	12	12
Residential Burglary	1741	313	111	22	5	8
Robbery	1,281	274	58	3	4	1
Child Molestation	905	151	61	5	1	1
Voluntary Manslaughter	334	91	161	12	2	5
Statutory Rape	298	40	14	0	0	1
Aggravated Battery	284	51	36	8	5	9
Vehicular Homicide	133	30	18	2	2	2
Agg. Asslt. on Police Off.	125	29	14	2	2	3
Cruelty to Children	112	21	13	1	0	1
Total of other 90% crimes*	370					
Total	7,598	1368	659	87	33	43

* Does not include sentences less than 10 years or crimes with less than 75 inmates.

**Involuntary Manslaughter, Aggravated Stalking, Bus Hijacking, Enticing a Child for Indecent Purposes, Incest, Aggravated Battery on a Police Officer, Feticide, Carjacking, Attempted Murder, Attempted Rape

Chart created March 24, 2005

RULE 475-3-.05 Parole Consideration. Amended.

(7)(a) Offenders considered for parole using the Parole Decision Guidelines System who have been convicted of the following crimes shall be assigned a Crime Severity Level of VIII: voluntary manslaughter, statutory rape, homicide by vehicle while under the influence of alcohol/drugs or as a habitual traffic violator, aggravated battery on a police officer, aggravated assault on a police officer, attempted rape, involuntary manslaughter, hijacking a motor vehicle, criminal attempt to murder, aggravated assault (with injury or weapon), enticing a child for an indecent purpose, cruelty to children, child molestation, feticide by vehicle, incest, bus hijacking, robbery, aggravated stalking, aggravated battery, burglary of an occupied residence, VGCSA – Cocaine or Methamphetamine – 400 or more grams, VGCSA – Marijuana – 10,000 or more pounds, or VGCSA – Opiates – 28 or more grams.