

MONTANA BOARD OF PARDONS AND PAROLE
 RISK ASSESSMENT SCALE

Regular work assignment while in prison

No 5
 Yes 0

Age at first arrest

Up thru age 18 6
 19 - 24 3
 25 and older 0

Serious Drug or Alcohol Problem

Both 5
 Either alcohol or drug prob 3
 None 0

Prior felony convictions

Yes 3
 No 0 *Juv.*

Any arrest for burglary, robbery, theft, auto theft, or forgery

Yes 5
 No 0

TOTAL RISK SCORE 25
 RISK LEVEL

High school graduate or some college

No 2
 Yes 0

Prior community supervision

Yes 1
 No 0 *Juv.*

RISK SCORES AND LEVELS			
Risk Scores	Percent Meeting Board Standard	Percent Not Meeting Board Standard	Percent of Total
1-15	68	32	37
16-20	56	44	35
21-27	39	61	28

Board standard for inmate performance following release on parole requires no arrests for either a felony or a misdemeanor, and no return to prison for a technical violation of parole during the 12 months following release.

Note: This risk assessment is an informational tool used by the Montana Board of Pardons and Paroles. It does not limit the discretion of the Board in any way.

PAROLE REPORT INITIAL REVIEW
DECEMBER 2004

NAME: [REDACTED]
MSP NUMBER: [REDACTED]

PAROLE ELIGIBILITY: 8-19-04

DATE OF BIRTH: 4-16-86
AGE: 18

APPROX. DISCHARGE DATE: 8-18-2010

CRIME: Robbery by Accountability/ Assault with a Weapon

TIME SERVED TO PRESENT:

CURRENT TERM: 20 yrs w/ 12 yrs ss ea ct cc
Total Term: 8 years

CJH: 2 months, 14 days
JAIL: 3 months, 24 days
PHYCF: 1 year, 19 days
MSP: 9 months, 15 days
TOTAL: 2 years, 4 months, 12 days

COUNTY: Lake

PRIOR BOARD APPEARANCE: N/A

JUDGE: Deborah Christopher

PROS. ATTORNEY: Mitchell Young

PRIOR FELONY CONVICTIONS: None

PLEA: Guilty

NUMBER PAROLE VIOLATIONS: None

DESIGNATION: MSP

NUMBER PROBATION VIOLATIONS: None

SENTENCE COMMENCES: August 20, 2002

NUMBER PAROLES COMPLETED: None

RECEIVED AT PRISON: February 26, 2003

DETAINERS: None

The information on this page is accurate to the best of my knowledge.

[REDACTED]

Offender's Signature

CURRENT CRIME: Robbery by Accountability/ Assault with a Weapon: On or about August 20, 2002, [REDACTED] and an accomplice had gone to [REDACTED] s and asked him for money. [REDACTED] is the defendant's eighty-one year old, wheel chair bound, great uncle. When he refused the accomplice began hitting [REDACTED] with firewood that was given to him by [REDACTED]. [REDACTED] finally pulled the accomplice off [REDACTED] when he started hitting him with a vacuum cleaner and his own wheel chair. Blood patterns in the house indicated that [REDACTED] was struck multiple times, causing blood spray on the interior of the house. The two then took his wallet leaving [REDACTED] with no means of help. He was discovered five hours later by a home health care provider.

COURT RECOMMENDATIONS: The court recommends to the Department of Corrections evaluate and consider the Defendant for placement at the Pine Hills Correctional Facility until he reaches eighteen years of age.

PRIOR BOARD DISPOSITIONS: N/A

CUSTODY: Close Unit I, Close

CONDUCT:

06-28-04: Substance Abuse (possession of marijuana), 15 days detention, US/DD
10-28-04: Refusing to Provide a Urine Sample (refused U.A.), 5 days detention.

ASSIGNMENTS:

02-26-03: Reception
03-07-03: Pine Hills
03-26-04: Reception
04-21-04: Close Unit I, Labor Pool
06-07-04: Close Unit I, Food Service

HOUSING UNIT EVALUATION: Inmate [REDACTED] seems to get along with staff and peers. The unit staff reports that he remains in his cell and watches T.V. all of the time, only to come out to go to the gym. He has only maintained two months of clear conduct and he is not seen as a management problem at this time.

WORK PROGRESS REPORT: Inmate [REDACTED] has worked for Food Service for six months. He receives satisfactory evaluations from his supervisors.

The information on this page is accurate to the best of my knowledge.

Kyle Dionne

Offender's Signature

ALCOHOL OR NARCOTIC DRUG USAGE: His PSI from December of 2002 reports a minimal use of alcohol since the age of twelve. He describes his use as rare to occasional, estimating the number of times a year as "less than five". He described having a negative attitude toward alcohol due to seeing his mother and brother abuse it. He apparently maintained using rarely until December of 2001 when he notice an increase in consumption of alcohol. At this time he was drinking to get intoxicated and this pattern would continue until August of 2002. Reportedly during this period he was drunk and/or intoxicated on several occasions, including several burglaries and the night he assaulted the victim. He reported a minimal use of marijuana, estimating the has smoked on five or six occasions. He has used marijuana only when feeling depressed and he went on to state he rarely feels depressed. He reported attending Intensive Outpatient Treatment and a subsequent aftercare program while at Prairie Learning Center between the ages of twelve and fourteen. He has received two disciplinary reports for substance abuse while he has been incarcerated. One for possession of marijuana and the other for refusing to provide a urine sample. He is currently 13th on the list for Primary Care.

MENTAL HEALTH: He received Anger Management counseling after being placed into the Prairie Learning Center in North Dakota. He completed CP&R I (2002) and CP&R II (10/04). He failed Anger Management (10/04) for missing too many groups.

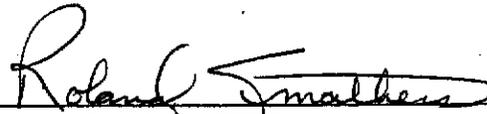
PAROLE PLAN: Inmate [REDACTED] is requesting to be paroled to the State of Idaho. He will be living with his epmother ([REDACTED]) at 919 Washington Ave., St. Maries, Idaho, 83861. He will seek employment and treatment once he is released to his parole plan.

The information on this page is accurate to the best of my knowledge.

Kyle Dionne
Offender's Signature

**BOARD OF PARDONS AND PAROLE CONFIDENTIAL - DO NOT RELEASE
LEGITIMATE PENOLOGICAL INTEREST IS SERVED BY NONDISCLOSURE**

EVALUATION: Inmate [REDACTED] is a 18-year-old male that has served two years, four months of a eight-year sentence for Robbery by Accountability and Assault with a Weapon. He has no prior felonies and no detainers. Inmate [REDACTED] was sent to Pine Hills Correctional Facility for one year until he reached the age of eighteen. He was then transferred back to Montana State Prison to serve the remainder of his sentence. He is required to take Chemical Dependency Treatment, Anger Management, and CP&R I. He is required to obtain his G.E.D. He has completed CP&R I (2002) and CP&R II (10/04). He failed Anger Management (10/04). He is considered noncompliant with treatment for being in possession of marijuana and refusing to provide a urine sample. He has only two months of clear conduct, but the unit staff does not see him as a management problem. He has remained in the Labor Pool for six months. He needs to attend school to receive his G.E.D. I do not support any type of release until he has completed Chemical Dependency Treatment and Anger Management.



ROLAND SMATHERS

CASE MANAGER, CLOSE UNIT I

I certify the information contained in this report has been verified and is accurate to the best of my knowledge.

RS/rs/drc
12/10/04

PSYCHOLOGICAL REPORT

NAME: [REDACTED]

MSP# [REDACTED]

DATE OF REPORT: December 8, 2004

EXAMINER: Mark Mozer

REFERRAL PURPOSE: Board of Pardons

[REDACTED] is an 18-year-old individual, serving 20 years (12 suspended) for Accountability to Robbery, and Assault. This report is based upon a review of his Pre-Sentence Investigation, and an interview.

The crime was December 2002, described by Mr. [REDACTED] as "partying...needed money...decided to rob somebody." "Somebody" was identified as "an elderly man," and he obviously wasn't about to volunteer that he and his buddy had robbed his great uncle (who, during Mr. [REDACTED] upbringing, had been affectionately referred to as 'great grandfather'). The old fellow was bloodied up considerably, having been hit multiple times with several objects, which Mr. [REDACTED] insists was the friend's doing. Nevertheless, at a minimum, he obviously had a part in planning the whole deal, and the pre-sentence report suggests that he handed his buddy objects to throw at great grandfather. Today, he states that, "I feel bad, every time I think about it."

He was 17 at the time, and was sent to Pine Hills, transferred to this facility when he turned 18. We can note a couple of juvenile residence burglaries on his record.

He grew up in North Dakota, two brothers and two sisters. He was placed in his grandparents' keeping, at age six, as Mom was alcoholic. It sounds as though his grandparents provided a good home; he described grandpa teaching him automotive mechanics. Nevertheless, "I had my own agenda...hanging out with friends."

He made it to the seventh grade, with declining grades. He now has a GED. Work history has been sparse, basically spot jobs.

He paused, when asked if alcohol has been a problem, and hedged, "Wouldn't say it was an addiction." He liked to party with friends, and one didn't see much indication that he thinks this unusual, or a problem. Drug use was occasional marijuana, and he went to treatment out in North Dakota, around age 13. He has some experience with AA, which was forced upon him.

He doesn't feel that depression has been a problem and he denies any suicidal history. Anxiety doesn't appear to be a problem either. No serious head injury history, but we can note that he was on a psych facility around age 12, for running away, and there were a couple of extended residential treatment episodes of several months. He has taken some of the usual psych medications for problem kids, including Ritalin for ADD. He doesn't seem to think that he has an Attention Deficit problem, and noted that he reads a lot, and has no problem sticking with that.

He has been with us for eight months. Group participation has included Anger Management, and CP&R. He tells us that he is gaining control of his temper, that he has been "quick to go off... if I feel threatened." One rather doubts that great grandfather had been threatening. The overall conclusion is that "it's not worth it," i.e., he doesn't care for incarceration.

Write-ups have included one for marijuana and another for refusing to provide a urine specimen (about a month ago).

Similarities responses were average.

The parole plan is to go to pre-release, which he figures is his most likely way to get a nod from the Board. He noted that Dad (doing time at MSP for Attempted Homicide) gave him that suggestion. Asked about boot camp, he said, "that's a possibility," somewhat less than enthusiastically.

I don't think that we have even dented this kid's criminal tendencies. Pre-release may make sense at some point in time, after he demonstrates a willingness to follow rules in the institution. Boot camp has considerably greater appeal, at least as an expression of our desperate need for a miracle here. For now, I don't think that he is ready for that, but we can reassess at some point in the future.

MARK MOZER, Ph.D.
CONSULTING PSYCHOLOGIST

MM/drc