

December 5, 2013

Committee Chairman ^{Murphy} ~~Madame McDonald~~ and Law and Justice Interim Committee Members,

Hello. I am Micki Clugston the mother of Charles Todd Clugston, who has been incarcerated at Montana State Prison for 4 years. He is serving a five year term for second offense DUI and Criminal Endangerment.

I thank the Law and Justice Committee for the decision to study the Parole Board and their decision making process. The experience of many families is that the BOPP has demonstrated by their actions the need for a check and balance procedure to be put in place to assure they are acting in the best interest of the Montana taxpayers and the inmates and their families. Doesn't a used car lot have more check and balances in place than the Parole Board does? They sell cars; the Parole Board decisions have such a permanent impact on the lives of the inmates and their families for years.

I work as a counselor/school psychologist with children and parents at all levels and have witnessed first-hand the permanent damage done when families are torn apart no matter what the reason. It is absolutely unforgivable when a father is not given the chance to be paroled when he has earned it. When he is not allowed to return to his role as a father and as a productive citizen due to the BOPP imposed requirements outside of what the sentencing judge and/or court ordered. There are numerous families with inmates at MSP that have been adversely impacted for years by the Parole Board's decisions when there was not a valid reason for them not to be paroled.

Our son, Charles Todd Clugston, met all of the court ordered requirements for parole his first 6 months at MSP [June 2010]. He went before the BOPP December 30, 2010. Although Chuck was incarcerated for Second Offense DUI and Criminal Endangerment the BOPP made the decision he could not be paroled until he took SOP11. MSP treatment staff stated he was treatment complete and did not need SOP 11. In 2010, Chuck's MSP classification review reported, "No Further SO Treatment recommended. Not here on a sexual offense conviction." his LEVEL-OF-RISK listed as NONE.

After our speaking before the Law and Justice Committee in April 2012 stating concerns about our son not being paroled when he had met all of the requirements. Fern Osler attended the next Law and Justice Committee meeting and discussed Chuck holding up two affidavits for the committee members to read if they desired. [We were not able to attend that meeting] We wondered the purpose of the affidavits being held up in front of the committee. Did the BOPP think these affidavits justified why they did not parole Chuck? What was their purpose in presenting these affidavits as they did not pertain to the reason Chuck was incarcerated at all? As all of you are aware unverified affidavits are a two sided coin. In my many years of being a counselor and school psychologist, I have witnessed numerous times the ability for children and adults to lie when they are being influenced or will gain from their lies.

Law & Justice Committee Meeting
December 8, 2013

Exhibit 29

Trina Jean Nelson married our son in 1987 and they had one daughter. After seven years of marriage they divorced. Trina remarried becoming Trina Jean Thomson about 14 years ago. Trina has sworn under oath to 4 very different affidavits in the last 18 years. [which ones are lies?] During Chuck and Trina's custody issues, her initial affidavit stated Chuck had a severe drinking problem but otherwise was a complete gentleman, her second affidavit was similar. These are very different from her most recent affidavit which aligns with Chuck's second wife's affidavit. Heather Dougherty was married to our son for 4 months when he asked her for a divorce. She charged Chuck with rape. During the trial, Heather's testimony was dismissed due to perjury from the obvious lies and false statements she had made on the witness stand. This is why I made the statement "affidavits are a two sided coin." The question I have is why are these affidavits being used to determine if Chuck is paroled? Why, when Chuck was incarcerated for a second offense DUI and Criminal Endangerment? At a hearing on July 6, 2012 in Kalispell, MT, Judge Stadler, the sentencing judge, stated on record he did not intend for Chuck to be incarcerated this long [one and 1/2 years ago] and he also stated Chuck was not required to take SOP 11. When given this information the Parole Board chose to ignore it and at Chuck's Dec 28 2012 Parole Hearing denied him parole due to the fact he had not taken SOP 11 as imposed by the Parole Board at his December 2010 parole hearing.

Our son appeared before the BOPP the second time in December 2012. [his attorney was present] He now had a -1 rating (better than a 0 rating). Mike McKee spoke in a more respectful manner than at the first hearing and agreed Chuck again had everything in place for parole. Then suddenly, Mike antagonistically stated to our son "Let's now address the Elephant in the room! I have only one question for you: Did you take SOP 11?" Chuck responded he was treatment complete since June 2010 and was not required to take SOP 11 before being paroled. Then Mike McKee aggressively stated to our son, "I told you to complete SOP 11 at your last hearing and you did not... so no parole.... you are passed to discharge." There was a shocked silence. The 40 minute meeting was abruptly over as if it had been a well-played joke on all of us. Chuck's completion of all that the sentencing judge, the court and MSP had required that had been completed; his rating of -1, all the positive statements, letters, obtainment of a place to live, a job had all been for naught.

Chuck's polygraph challenge to Trina Jean Thomson is the only way he knows for the truth to be heard. Some time prior to his incarceration, Chuck challenged Trina to take a polygraph which she refused at that time. He again requested a polygraph before he went to trial with Heather. Chuck wants to take the polygraph and go on with his life in Washington State. In closing it is with sadness that I have witnessed the Parole Board and how they have adversely impacted Chuck's life with his daughter and his family and the loss of his business in Kalispell---CTC Electrical Contracting, Inc. (which employed 30 taxpaying employees at the time of his second wife's alleged allegations).

Is keeping an inmate incarcerated until he has taken SOP 11 a tool to keep the prisons full?

Thank you for your commitment to make the Montana Justice System a true and fair Justice System.

Micki Clugston