FILED
Court of Appeals
Division II
State of Washington
1/25/2018 3:13 PM

NO. 51106-1-II

**COURT OF APPEALS, DIVISION II
OF THE STATE OF WASHINGTON**

In re the Personal Restraint Petition of: ROBERT A. FRAZIER, Petitioner.	RESPONSE OF THE INDETERMINATE SENTENCE REVIEW BOARD

I. INTRODUCTION

The Respondent, the Indeterminate Sentence Review Board (ISRB or Board), responds to Frazier's personal restraint petition pursuant to RAP 16.9. Frazier is in prison after the Board revoked his parole in October 2016. He brings five claims.

Frazier incorrectly likens an administrative hearing regarding a parole violation to a criminal trial. Frazier's petition is meritless.

II. BASIS FOR CUSTODY

Frazier is confined and under the jurisdiction of the ISRB pursuant to a conviction by jury verdict for murder in the first degree, committed on August 5, 1981 when Frazier was 15 years old. Exhibit 1, Judgment and Sentence, *State v. Frazier*, Kitsap County Cause No. 81-1-00394-8; Exhibit 2, Amended Information, *State v. Frazier*, Kitsap County Cause No. 81-1-00394-8; *State v. Frazier*, 99 Wn.2d 180, 661 P.2d 126 (1983). The Kitsap County Superior Court imposed a sentence of life imprisonment with

a minimum term to be fixed by the Board. Exhibit 1, at 2. Frazier's parole was revoked a third time in October 2016 after Frazier pleaded guilty to assaulting a DOC officer. Exhibit 3, Findings and Conclusions, 10/28/2016. The Board set a new minimum term of 42 months. Exhibit 4, Administrative Board Decision, 11/3/2016.

II. STATEMENT OF FACTS OF ORIGINAL CRIME

The Washington Supreme Court summarized the facts of Frazier's crime as follows:

> On August 5, 1981, Robert Andre Frazier and Kirk R. Spencer robbed and severely beat an 82-year-old gentleman named Olando J. Enger outside a Bremerton restaurant. The injuries sustained by Mr. Enger were serious enough to require immediate hospitalization. Later that same day, appellants were arrested by the Bremerton police and transported to the station. Once there, appellant Spencer gave a tape recorded statement about the events of the robbery to Detective Larry D. Worland of the Bremerton Police Department. Appellant Frazier also spoke with Detective Worland, giving a somewhat different version of the events.
>
> At the time of the first preliminary hearing in Kitsap County Juvenile Court, appellant Frazier was 16 years old. (At the time of the crime, he was 15 years and 361 days old.) Appellant Spencer was 17 years of age.
>
> On August 7, 1981, the State filed criminal informations in Kitsap County Superior Court, Juvenile Division, charging each appellant with robbery in the first degree. At the same time, the State also filed a notice of its intent to seek a declination of juvenile court jurisdiction pursuant to RCW 13.40.110, so that the cases could be transferred to adult criminal court for trial.

> Mr. Enger remained in the hospital for several days, showed some signs of recovery from the beating, but then lapsed into a coma and died on August 10, 1981. There was sufficient expert medical testimony presented to establish that Mr. Enger died as a direct result of the beating he received from appellants.

State v. Frazier, 99 Wn.2d at 181-82.

III. STATEMENT OF BOARD PROCEDURAL HISTORY

In 1991, the Board set Frazier's minimum term at 400 months. Exhibit 5, Sentence Fixed by Board. The next year, it amended the minimum term to be 316 months, the high end of the sentencing range under the Sentencing Reform Act of 1984. Exhibit 6, Decisions and Reasons of May 1, 1991, Amended January 28, 1992.

In 2007, the Board found Frazier to be conditionally parolable to a mutual agreement program[1] ("MAP") plan and added 60 months to his minimum term to allow him to demonstrate the ability to function in a less restrictive environment, including work release if eligible. Exhibit 7, Decisions and Reasons of April 16, 2007. It noted that a risk assessment found Frazier to be at high risk of re-offense. *Id.* at 3. The Board also explained that Frazier came to prison at a very young age and would need a great deal of transitioning before any release to the community, and it urged him to have chemical dependency treatment. *Id.*

[1] The term MAP subsequently was changed to mutual re-entry plan ("MRP").

At Frazier's next parolability hearing in 2009, the Board found him parolable. Exhibit 8, Decisions and Reasons of August 25, 2009. It explained that he had remained infraction-free since 2004 and had completed a number of college-level courses. *Id.* at 4. Frazier released on parole on November 23, 2009. Exhibit 9, Findings and Conclusions of May 2011. While still on parole, in October 2010, he committed the crime of attempted taking of a motor vehicle without permission and was convicted in King County Superior Court. *Id.* As a result, the Board held a violation hearing, at which Frazier pleaded guilty to the violation. The Board ultimately reinstated his parole in part because he had already served four months in jail as punishment for his new conviction. *Id.* at 4.

In June 2011, Frazier violated his conditions of parole again by attempting to deliver methamphetamine and cocaine. Exhibit 10, Findings and Conclusions of September 9, 2011. As a result, the Board revoked his parole. *Id.* at 4. After Frazier was in prison for seven months, the Board held a parolability hearing in April 2012, and found him parolable. Exhibit 11, Decisions and Reasons of April 30, 2012. It noted that he was willing for the first time to do chemical dependency treatment and that he had gained insight into himself. *Id.* at 3-4. However, the Board first required him to obtain an approved release address. *Id.* at 1. After completing that process, Frazier released to parole on September 4, 2012. Exhibit 12,

Findings and Conclusions of August 21, 2013, at 1. Among his conditions of parole was the condition prohibiting him from possessing deadly weapons. Exhibit 13, Order of Parole and Supervision Conditions (Condition No. 5).

On July 9, 2013, the Board suspended parole based on allegations that Frazier had violated conditions by possessing an air gun, brass knuckles, a knife with a six-inch blade, a knife with a 3.5-inch blade, and drug paraphernalia. Exhibit 12, at 1. The Board found Frazier guilty of possessing the knives and the brass knuckles, and not guilty of the other allegations, and it revoked his parole. *Id.* at 2. The Board revoked parole partially because Frazier's crime of conviction involved a high level of violence and the dangerous items he was found to possess at the time of his parole violation reflected that Frazier had not given up his criminal thinking and behavior. *Id.* at 5. The Board also noted that Frazier's overall adjustment while under parole reflected a continued antisocial attitude, given that he had previously stolen an automobile and sold drugs, in addition to possessing dangerous weapons. *Id.*

After revoking parole, the Board set a new minimum term at 36 months of confinement. Exhibit 14, Memorandum to the DOC of August 23, 2013. In October 2013, Frazier asked the Board for a copy of the hearing CD for the August 2013 hearing. The Board responded that the recording

equipment did not work properly at the hearing, and therefore there was no recording. Exhibit 15, Letter to Robert Frazier, dated October 30, 2013.

The Board held a second hearing because of the malfunction in the recording equipment during the first hearing. Exhibit 16, Ruling Denying Review, *In re Frazier*, Washington Supreme Court Cause No. 90739-1. Frazier filed a personal restraint petition challenging his restraint based on errors occurring during the first hearing. *Id.* The court dismissed Frazier's petition as moot because the Board scheduled a second hearing. *Id.* Following the second hearing, the Board maintained the 36-month minimum term previously ordered. Exhibit 17, Administrative Board Decision, September 9, 2014.

In July 2015, the Board approved Frazier's release plan and he was paroled a third time on August 11, 2015. Exhibit 18, ISRB Parole and Release Decision Sheet, dated July 6, 2015; Exhibit 19, Order of Parole and Supervision Conditions, signed July 6, 2015. Among the conditions imposed by the Board, Frazier was required to obey all laws and reside at an approved location. Exhibit 19 (Condition Nos. 4 and 8). Within three months of being paroled, Frazier was alleged to have violated his conditions of parole. Exhibit 20, Board Notice of Violation, dated December 3, 2015. Frazier was alleged to have violated five different conditions of parole,

including failure to obey all laws by assaulting DOC Specialist Winfrey. *Id.*

While charges were pending against Frazier, the Board postponed its hearing until charges were resolved. Exhibit 21, Board Email Communication, from April 2016. On August 11, 2016, the Board received notice that Federal charges against Frazier were dropped. Exhibit 22, ISRB Action Sheet, at 3; *see* Petition, at Exhibit B. One of the DOC officers involved in the allegations against Frazier was DOC Specialist Kris Rongen. Exhibit 20. CCS Rongen is the husband of Board Chair Kecia Rongen. Ms. Rongen recused herself from any involvement in Frazier's matter. *See* Petition, at 35; Exhibit 22, at 3; Exhibit 23, ISRB email, dated September 9, 2016.

In October 2016, a hearing was held regarding the five allegations against Frazier committed in November 2015. Exhibit 3; Exhibit 21. Attorney Michael Ewetuga represented Frazier. Exhibit 3, at 1. The Board member hearing Frazier's matter, Ms. Lori Ramsdell-Gilkey stated the Chair had immediately recused herself from this matter and the member felt she could be fair and impartial in the proceedings. Exhibit 3, at 2. Frazier pleaded not guilty to failing to reside at an approved residence, having control of a firearm, possessing ammunition and possessing methamphetamine and pleaded guilty to assaulting a DOC officer. Exhibit

3, at 3. Ms. Ramsdell-Gilkey found Frazier not guilty of all allegations to which he pleaded not guilty. Exhibit 3, at 3. The four allegations dismissed are the same allegations Frazier complains are based on suppressed evidence. *See* Petition, at 18-26 & Exhibit B. The hearing officer found Frazier guilty of the one violation to which he entered a guilty plea. Exhibit 3, at 3. The Board set a new minimum term of 42 months. Exhibit 24, Administrative Board Decision, November 3, 2016.

IV. GROUNDS RAISED IN THE PETITION

Frazier's petition presents this Court with four grounds for relief, as summarized:

1. Suppression of evidence in a criminal case should extend to evidence considered by the ISRB in a parole revocation hearing (Claims 1 & 2)
2. Ineffective assistance of counsel where the Board did not provide counsel the ability to effectively represent Frazier by denying a request for a continuance (Claims 3 & 4)
3. The Board member who heard Frazier's case was not fair and impartial (Claim 5)

See Petition, at i-ii.

V. STANDARD OF REVIEW

Inmates have no liberty interest in being released before serving the full maximum sentence. *In re Marler*, 108 Wn. App. 799, 807, 33 P.3d 743 (2001) (citing *Greenholtz v. Inmates of Nebraska Penal and Correctional Complex*, 442 U.S. 1, 7, 99 S. Ct. 2100, 60 L. Ed. 2d 668 [1979]); *In re*

Ayers, 105 Wn.2d 161, 164-66, 713 P.2d 88 (1986). When it imposes sentences outside the standard range, the ISRB may consider the pre-SRA offender's level of rehabilitation. *In re Chavez*, 56 Wn. App. 672, 675, 784 P.2d 1298 (1990).

The statute governing the standard for parolability decisions expressly confers broad discretion on the Board to make those decisions. It prohibits the Board from releasing a prisoner prior to expiration of the maximum term unless "in its opinion his rehabilitation has been complete and he is a fit subject for release." RCW 9.95.100. Further, RCW 9.95.009(3) requires the Board to "*give public safety considerations the highest priority* when making all discretionary decisions on the remaining indeterminate population regarding the ability for parole . . . ." RCW 9.95.009(3) (emphasis added). Based on the above statutes, the Board can legitimately be seen as a guarantor of the public's safety.

An offender may seek relief by way of a personal restraint petition if he demonstrates that the Board failed to follow its own rules making minimum term determinations. *In re Cashaw*, 123 Wn.2d 138, 150, 866 P.2d 8 (1994). Otherwise, all Board decisions are subject to review only for an abuse of discretion. *In re Dyer*, 175 Wn.2d 186, 196, 283 P.3d 1103 (2012). An abuse of discretion may be found where the ISRB fails to follow its own procedural rules for parolability hearings or where the ISRB bases

its decision on speculation and conjecture only. *Dyer*, 175 Wn.2d at 196 (citing *In re Dyer* (*Dyer* II), 164 Wn.2d 274, 286, 189 P.3d 759 (2008)). "The petitioner bears the burden to prove the ISRB abused its discretion." *Id*. (citation omitted).

The Court must approach the Board's decisions "with substantial deference" because "the courts are *not* a super [ISRB] and will not interfere with a[n ISRB] determination in this area unless the [ISRB] is first shown to have *abused its discretion* . . . ." *Dyer*, 175 Wn.2d at 196 (emphasis in original). The courts "will not substitute their discretion for that of the [ISRB]." *Id*. (citations omitted). A prisoner is "subject entirely to the discretion of the [ISRB], *which may parole him now or never*." *Dyer*, 175 Wn.2d at 197 (emphasis in original; quotations and citations omitted).

As the above statutes indicate, "[p]ublic safety is the paramount concern in making parolability decisions." *Id*. (internal quotations and citations omitted). Although the Board has broad discretion, "it is statutorily *mandated* to 'give public safety considerations the highest priority . . . .'" *Id*. (quoting RCW 9.95.009(3)) (emphasis in original).

VI. ARGUMENT

A. Suppression of Evidence in a Criminal Case Should Extend to Evidence Considered by the ISRB in a Parole Revocation Hearing (Claims 1 & 2)

In Frazier's first two claims, he suggests that because a Federal court suppressed evidence due to a violation of *Brady v. Maryland*, and ultimately dismissed a Federal charge of Felon in Possession of a Firearm, that in itself should prohibit the Board from considering any information leading to his arrest in Frazier's parole revocation hearing. *See* Petition, at 18-26. In support, Frazier cites to *United States v. Struckman*, 611 F.3d 560, 575 (9th Cir. 2010) for the proposition that "dismissal is appropriate when the investigatory or *prosecutorial* process has violated federal constitutional or statutory right and no lesser remedial action is available." (Emphasis added). For several reasons, Frazier's claim fails.

First, the Federal order relied on by Frazier is limited to the firearm charge and is not relevant to the violation pertaining to Frazier's assault on a DOC officer. *See* Petition, at Exhibit B. Frazier's attorney representing him at the parole revocation hearing recognized this when he made a motion to suppress all allegations *except* the one allegation for which Frazier entered a guilty plea. Exhibit 3, at 2.

Second, the Federal cause is a criminal cause wherein the Federal Government was required to prove the case beyond a reasonable doubt. At

a parole revocation hearing, the hearing occurs before the Indeterminate Sentence Review Board, which is not a court of law and members of the Board are not judges. Parole revocations hearings are not criminal prosecutions and are not part of a criminal prosecution. *Standlee v. Smith*, 83 Wn.2d 405, 407, 518 P.2d 721 (1974). "The difference in the degree of the burden of proof in the two proceedings precludes application of collateral estoppel." *Standlee*, 83 Wn.2d at 407.

In a criminal prosecution, the exclusionary rule is a "judicially created means of deterring illegal searches and seizures." *Pennsylvania Bd. Of Probation and Parole v. Scott*, 524 U.S. 357, 362, 118 S. Ct. 2014, 141 L. Ed. 2d 344 (1998), quoting *United States v. Leon*, 468 U.S. 897, 906, 104 S. Ct. 3405, 82 L. Ed. 2d 677 (1984). As such, "the rule does not 'proscribe the introduction of illegally seized evidence in all proceedings or against all person,' but applies only in contexts 'where its remedial objectives are thought most efficaciously served.'" *Pennsylvania Bd. Of Probation and Parole v. Scott*, at 363.

The United States Supreme Court made it clear that it has "repeatedly declined to extend the exclusionary rule to proceedings other than criminal trials." *Id.* The Supreme Court went on to state that in parole revocation proceedings, the cost of excluding evidence is particularly high, hampers the State's ability to ensure compliance with conditions permitting

parole allowing a parolee to avoid the consequences of noncompliance and is *incompatible with the traditionally flexible, administrative procedures* of parole revocation. *Id.* at 365. The process should be flexible enough to consider evidence not otherwise admissible in criminal proceedings. *Id.* at 365.

Third, Ms. Ramsdell-Gilkey found him not guilty of all allegations against him except the one allegation to which he pleaded guilty – assaulting a DOC officer with the car he was driving. Exhibit 3. By pleading guilty, Frazier waived any due process challenges. Even in a criminal proceeding, when a criminal defendant solemnly admits in open court that he is guilty, he may not then attack the deprivation of a constitutional right that occurred prior to entry of the guilty plea. *Tollett v. Henderson*, 411 U.S. 258, 267, 93 S. Ct. 1602, 36 L. Ed. 2d 235 (1973).

Finally, WAC 381-71-400 states that *all relevant evidence* shall be admissible in parole revocation hearings. Further, the presiding officer "shall give consideration to the rules of evidence but *shall not* be bound to follow the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior courts in the state of Washington." *See* WAC 381-71-400. During the hearing, the presiding officer stated she would decide the matter based on evidence presented at the hearing and

ultimately found Frazier not guilty of each of the allegations his attorney sought to suppress.

Frazier fails to show any basis to extend the exclusionary rule of the Fourth Amendment to Board hearings. Even assuming the exclusionary rule did apply at a Board hearing, Frazier fails to demonstrate how he is entitled to relief when the revocation of his parole resulted from his guilty plea, a verified fact that Frazier admitted assaulting the officer. *See Morrissey v. Brewer*, 408 U.S. 471, 471, 92 S. Ct. 2593, 33 L. Ed. 2d 484 (1972).

The Department respectfully requests that this Court dismiss this claim with prejudice.

B. Ineffective Assistance of Counsel where the Board Did Not Provide Counsel the Ability to Effectively Represent Frazier by Denying a Request for a Continuance (Claims 3 & 4)

In Frazier's third and fourth claims, he relies on case law pertaining to a criminal defendant's Sixth Amendment right to effective assistance of counsel. *See* Petition, at 26-34. Frazier faults counsel at his Board hearing for a failure to review and file records obtained by trial counsel, which he was unable to open. *Id.* at 31. In doing so, Frazier acknowledges counsel sought a continuance but the Board denied such a request, thus "the Board violated Mr. Frazier's Constitutional right to effective assistance of counsel. . . ." *Id.* at 33.

Frazier does not cite any case law for the proposition that a third party, such as the Board or a trial court, can violate the right to effective assistance of counsel and the Department is not aware of any such case law. There is simply not merit to Frazier's claim that the Board violated his right to counsel.

Focusing on Frazier's claim that counsel was ineffective at the hearing, Frazier again references case law relevant to a criminal defendant's right to counsel in a criminal prosecution and suggests the standard developed in *Strickland v. Washington*, 466 U.S. 668, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984), is applicable to a parole revocation hearing. *See* Petition, at 26-34.

As the Sixth Amendment unequivocally states:

> **In all criminal prosecutions**, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, **and to have the Assistance of Counsel for his defense**.

U.S. Const. amend. VI (emphasis added).

The benchmark for judging claims of ineffective assistance of counsel is whether counsel's conduct so undermined the functioning of the adversarial process that the *trial* cannot be relied on as having produced a

just result. *Strickland v. Washington,* 466 U.S. at 686. Frazier seems to suggest that *Grisby v. Herzog*, 190 Wn. App. 786, 362 P.3d 763 (2015) and *Gagnon v. Scarpelli*, 411 U.S. 778, 93 S. Ct. 1756, 36 L. Ed. 2d 656 (1973) hold that the Sixth Amendment right to counsel applies in a parole revocation hearing. This is incorrect.

In *Gagnon v. Scarpelli*, the court noted the "critical differences" between criminal trials and probation or parole revocation hearings. *Gagnon v. Scarpelli*, 411 U.S. at 788-789. Thus, the need for counsel at a revocation hearing is derived not from the "invariable attributes of those hearings, but rather from the peculiarities of particular cases." *Gagnon v. Scarpelli*, 411 U.S. at 789. Thus, the Court dealt with the subject of counsel at revocation hearings *not* with the right to counsel in a criminal prosecution, but "with the more limited due process right of one who is a probationer or parolee only because he has been convicted of a crime." *Gagnon v. Scarpelli*, 411 U.S. at 789.

Similarly, in *Grisby v. Herzog* the Court made it clear that it was not concerned with the Sixth Amendment. *Grisby v. Herzog*, 190 Wn. App. at 796. Revocation of a post conviction status is not a critical stage of a prosecution *so the Sixth Amendment right to counsel does not attach*. *Grisby v. Herzog*, 190 Wn. App. at 796.

Evaluating Frazier's parole hearing under the more limited due process right, Frazier received the due process to which he was entitled. Pursuant to *Grisby v. Herzog*, the hearing authority must evaluate a request for counsel on a case-by-case basis. Consistent with *Grisby v. Herzog*, the Board appointed counsel to represent Frazier. In fact, the Board appointed three separate attorneys at different points up to the parole revocation hearing in October 2016. Exhibit 25, Correspondence to Frazier, dated September 7, 2016; Exhibit 26, Notice of Hearing, August 23, 2016 (showing cc Darrell Lahtinen); Exhibit 27, Notice of Hearing September 26, 2016 (cc Michael Ewetuga); Exhibit 28, Notice of Hearing October 11, 2016 (cc Michael Ewetuga). At the hearing, Frazier's counsel adequately assisted Frazier, obtaining dismissal of four out of five allegations. Even under a due process analysis, any claim that counsel performed deficiently fails.

Frazier's Sixth Amendment ineffective assistance of counsel claim is entirely meritless.

C. There is a Complete Lack of Evidence the Board Member Hearing Frazier's Matter was not Impartial

The Board Chair Kecia Rongen is married to one of the officers involved in the 2015 search and arrest of Frazier. *See* Petition, at 35. As Frazier acknowledges, the Chair "immediately recused herself from any

involvement in the case." *See* Petition, at 35; Exhibit 22, at 3; Exhibit 23. In support of his lack of impartiality claim, Frazier states only that the Board member hearing the case "has been on the Board with Officer Rongen's wife for one and a half years." Petition at 35. Frazier points to nothing else evidencing a lack of impartiality during the hearing or result to support his baseless claim the Board member was not impartial.

Citing *Morrissey v. Brewer*, Frazier states the court "emphasized that 'due process requires that after arrest, the determination that reasonable ground exits for revocation of parole should be made by someone not directly involved in the case.'" *See* Petition, at 35. There is a complete lack of evidence that Ms. Ramsdell-Gilkey had any direct involvement in the search and arrest of Frazier.

Even under the appearance of fairness doctrine, Frazier's claim fails. It is well established that the appearance of fairness doctrine requires decision makers to conduct fair and impartial fact-finding hearings, be objective, be -- as far as practicable -- free of entangling influences, and carry out their duties with real and apparent fairness. *King County Water Dist. v. Review Bd.*, 87 Wn.2d 536, 541, 554 P.2d 1060 (1976). This doctrine has been held to apply to administrative bodies functioning in a quasi-judicial capacity. *Hoquiam v. PERC*, 97 Wn.2d 481, 646 P.2d 129 (1982)*; Lake Forest Park v. State*, 76 Wn. App. 212, 884 P.2d 614 (1994).

The scope of this principle invalidates decisions by decision-makers who are actually biased or who have a direct pecuniary interest in the outcome. *Lake Forest Park v. State*, 76 Wn. App. at 217. The party claiming a violation of this doctrine must present specific evidence of the violation, not mere speculation. *Sherman v. Moloney*, 106 Wn.2d 873, 883-884, 725 P.2d 966 (1986); *Lake Forest Park*, 76 Wn. App. at 217. Evidence of actual or potential bias by the decision-maker is required to apply the appearance of fairness doctrine. *State v. Post*, 118 Wn.2d 596, 618-19, 826 P.2d 172 (1992).

The Governor of Washington appoints members of the ISRB. The mere fact that an appointed member of the Board has served on the Board during the same time Ms. Rongen has been on the Board is not sufficient to establish a lack of impartiality. If it were, any time a judge recused himself or herself on a matter for example, the entire court in that jurisdiction would be barred from hearing a matter. That would lead to absurd results.

Further, Frazier continues to ignore the fact that the only violation that led to his parole revocation was the allegation to which he pleaded guilty. It is Frazier's burden to demonstrate the Board abused its discretion. *Dyer*, 175 Wn.2d at 196. Frazier fails in his burden.

This Court should dismiss Frazier's impartiality claim.

VII. CONCLUSION

Frazier's petition is without merit. Respondent respectfully requests that this Court dismiss his personal restraint petition with prejudice.

RESPECTFULLY SUBMITTED this 25th day of January, 2018.

ROBERT W. FERGUSON
Attorney General

s/ Mandy L. Rose
MANDY L. ROSE, WSBA #38506
Assistant Attorney General
Corrections Division OID #91025
PO Box 40116
Olympia WA 98504-0116
(360) 586-1445
MandyR@atg.wa.gov

CERTIFICATE OF SERVICE

I certify that on the date below I caused to be electronically filed the foregoing RESPONSE OF THE INDETERMINATE SENTENCE REVIEW BOARD with the Clerk of the Court using the electronic filing system and I hereby certify that I have mailed by United States Postal Service the document to the following non-electronic filing participant:

ANDREA KIM
GAUSE LAW OFFICES PLLC
130 ANDOVER PARK EAST, SUITE 300
TUKWILA WA 98188

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

EXECUTED this 25th day of January, 2018, at Olympia, Washington.

s/ Katrina Toal
KATRINA TOAL
Legal Assistant
Corrections Division
PO Box 40116
Olympia WA 98504-0116
360-586-1445
katrinat@atg.wa.gov

Exhibit 1

11-25
280118

8-9-65

SUPERIOR COURT OF WASHINGTON

COUNTY OF KITSAP

FILED
IN OPEN COURT
NOV 23 1981
ROBERT L. FREUDENSTEIN, Clerk

STATE OF WASHINGTON, Plaintiff,	)	NO. 81-1-00394-8
-vs-	)	
ROBERT ANDRE FRAZIER, Defendant.	)	JUDGMENT AND SENTENCE/ WARRANT OF COMMITMENT

I. HEARING

280118

1. The defendant ROBERT ANDRE FRAZIER was found guilty by ~~xxxxx~~ (verdict) of the crime(s) of: Murder in the First Degree, RCW 9A.32.030

   on November 5, 1981.

2. A sentencing hearing in this case was held on November 23, 1981.

3. The following persons were present:

   Defendant: ROBERT ANDRE FRAZIER
   Defendant's Lawyer: THURMAN LOWANS
   ~~Deputy~~ Prosecuting Attorney: C. DANNY CLEM & Deputy Prosecuting Attorne PATRICIA A. TOTH

4. Defendant was asked if there was any legal cause why judgment should not be pronounced and no legal cause was shown.

II. JUDGMENT

IT IS ADJUDGED that the defendant is guilty of the crime(s) of:

Murder in the First Degree, RCW 9A.32.030

III. ORDER

IT IS ORDERED that:

1. The defendant is sentenced to a maximum term of:
   Life imprisonment
   X ~~xxxxx~~ for the crime of: Murder in the First Degree
   ~~xxxxx for the crime of:~~
   ~~xxxxx for the crime of:~~

   in such facility as the Department of Corrections shall deem appropriate;

~~xxxxx The sentences are to run (concurrently) (consecutively);~~

~~xxxx Defendant shall pay costs of this prosecution taxed at $_____;~~

~~xxxx Defendant shall pay a fine(s) as follows:~~

2. Defendant is remanded to the custody of the Sheriff of this county to be detained and delivered into the custody of the proper officers for transportation to and confinement in the appropriate facility.

DATED this 23rd day of November, 1981.

JUDGE TERENCE HANLEY JUDGE

FORM: CR-7.030-1/27/78
REFERENCE: CrR 7.1,7.3

DISCLOSABLE

Exhibit 1

IV. WARRANT OF COMMITMENT

THE STATE OF WASHINGTON TO:

The Sheriff of Kitsap County and to the proper officers of the Department of Corrections.

The defendant ROBERT ANDRE FRAZIER has been convicted in the Superior Court of the State of Washington of the crime(s) of:
Murder in the First Degree

and the court has ordered that the defendant be punished by serving not more than: life imprisonment

YOU, THE SHERIFF, ARE COMMANDED to take and deliver the defendant to the proper officers of the Department of Institutions; and

YOU, THE PROPER OFFICERS OF THE DEPARTMENT OF CORRECTIONS ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence and a minimum term to be fixed by the Board of Prison Terms and Paroles.

DATED this 23rd day of November, 1981.

By direction of the Honorable:

~~JUDGE~~ TERENCE HANLEY JUDGE

ROBERT L. FREUDENSTEIN
CLERK

By: Ann M. Mellik
DEPUTY CLERK

FINGERPRINTS

DATED this 23rd day of November, 1981.

Fingerprints attested by:

ROBERT L. FREUDENSTEIN
CLERK

By: Susan W. Kitney
DEPUTY CLERK

CERTIFICATE

I, ROBERT L. FREUDENSTEIN, Clerk of this court, certify that the above is a true copy of the Judgment and Sentence and Warrant of Commitment in this action on record in my office.

DATED this 23rd day of November, 19 81

ROBERT L. FREUDENSTEIN
CLERK

By: Ann M. Mellik
DEPUTY CLERK

PRESENTED BY:

Patricia A. Toth
PATRICIA A. TOTH
Deputy Prosecuting Attorney

APPROVED FOR ENTRY:

THURMAN LOWANS
Attorney for Defendant

cc: Prosecuting Attorney
Defendant's Lawyer
Defendant
Jail
Institutions (3)

DISCLOSABLE

FORM: CR-7.030-1/27/78
REFERENCE: CrR 7.1, 7.3

Exhibit 2

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KITSAP COUNTY

STATE OF WASHINGTON,

Plaintiff,

-vs-

ROBERT ANDRE FRAZIER a/k/a
ROBERT ANDRE SILVER,

Defendant.

DEC 13 9 24 AM '81
WASH. BOARD OF PRISON TERMS

NO. 81 1 00394 8

AMENDED INFORMATION

FILED
IN OPEN COURT
KITSAP COUNTY
OCT 22 1981
ROBERT L. FREUDENSTEIN, Clerk
By ..... Deputy

I, PATRICIA A. TOTH, Deputy Prosecuting Attorney in and for the County of Kitsap, State of Washington, come now in the name of and by the authority of the State of Washington, and by this AMENDED INFORMATION do accuse ROBERT ANDRE FRAZIER a/k/a ROBERT ANDRE SILVER of the crimes of CONSPIRACY TO COMMIT FIRST DEGREE ROBBERY (Count I), FIRST DEGREE ROBBERY (Count II), and FIRST DEGREE MURDER (Count III) committed as follows:

I.

He, the said ROBERT ANDRE FRAZIER a/k/a ROBERT ANDRE SILVER, in the County of Kitsap, State of Washington, on or about the 5th day of August, 1981, with intent that conduct constituting a crime of first degree robbery be performed, agreed with one or more persons to engage in or cause the performance of such conduct, and a substantial step was taken in pursuance of such agreement; contrary to the Revised Code of Washington 9A.28.040 and RCW 9A.56.200.
(Maximum penalty--10 years imprisonment and/or a $20,000.00 fine pursuant to RCW 9A.28.040(3)(b), RCW 9A.56.200(2) and RCW 9A.20.020(1)(b).)

II.

He, the said ROBERT A. FRAZIER a/k/a ROBERT ANDRE SILVER, in the County of Kitsap, State of Washington, on or about the 5th day of August, 1981, did unlawfully take personal property from the person or in the presence of OLANDO J. ENGER, JR., against such person's will, by use and/or threatened use of immediate force, violence, and/or fear of injury to such person and in the commission of or in immediate flight therefrom, the defendant was armed with a deadly weapon, to-wit: a knife; and/or inflicted bodily injury upon OLANDO J. ENGER, JR.; and/or was an accomplice in the commission of said crime; contrary to the Revised Code of Washington 9A.56.190 and RCW 9A.56.200; and, furthermore, during the commission of said crime the defendant or an accomplice was armed with a deadly weapon, to-wit: a knife; contrary to the Revised Code of Washington 9.95.040.
(Maximum penalty--life imprisonment and/or a $50,000.00 fine pursuant to RCW 9A.56.200 and RCW 9A.20.020(1)(a).
(If the defendant is found guilty and he or an accomplice is found to have been armed with a deadly weapon at the time of the commission of the offense the Board of Prison Terms and Paroles shall fix the duration of confinement at not less than five (5) years pursuant to RCW 9.95.040.)

Exhibit 2

III.

He, the said ROBERT ANDRE FRAZIER a/k/a ROBERT ANDRE SILVER, in the County of Kitsap, State of Washington, on or about the 5th day of August, 1981, committed or attempted to commit or was an accomplice in the commission of a crime of robbery in the first or second degree and in the course of and in furtherance of such crime or in immediate flight therefrom, he or an accomplice caused the death of OLANDO J. ENGER, Jr.; contrary to the Revised Code of Washington 9A.32.030 and RCW 9A.08.020, and, furthermore, during the commission of said crime the defendant or an accomplice was armed with a deadly weapon, to-wit: a knife; contrary to the Revised Code of Washington 9.95.040.
(Mandatory penalty--life imprisonment pursuant to RCW 9A.32.040.)
(If the defendant is found guilty and he or an accomplice is found to have been armed with a deadly weapon at the time of the commission of the offense, the Board of Prison Terms and Paroles shall fix the duration of confinement at not less than five (5) years pursuant to RCW 9.95.040. and if convicted of First Degree Murder the minimum shall be set at not less than twenty (20) years, pursuant to RCW 9.95.115.)

CONTRARY to the form, force and effect of the statute in such cases made and provided, against the peace and dignity of the State of Washington.

C. DANNY CLEM
Prosecuting Attorney

Patricia A. Toth
PATRICIA A. TOTH
Deputy Prosecuting Attorney

STATE OF WASHINGTON)
:ss
County of Kitsap)

PATRICIA A. TOTH, being first duly sworn on oath, deposes and says:

That she is a duly appointed, qualified and acting Deputy Prosecuting Attorney in and for said County and State; that she has read the foregoing AMENDED INFORMATION, knows the contents thereof and believes the same to be true.

Patricia A. Toth
PATRICIA A. TOTH
Deputy Prosecuting Attorney

SUBSCRIBED AND SWORN to before me this _____ day of _____, 19_____.

ROBERT L. FREUDENSTEIN
County Clerk and ex-Officio
Clerk of the Superior Court

By_____
Deputy

THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED IS A FULL TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE AND OF RECORD IN MY OFFICE
SAME HAVING BEEN FILED Oct 22, 1981
ATTEST December 14, 19 81
ROBERT L. FREUDENSTEIN
COUNTY CLERK AND CLERK OF THE SUPERIOR COURT OF THE STATE OF WASHINGTON, IN AND FOR THE COUNTY OF KITSAP
BY Roberta Whiting Bell DEPUTY

Exhibit 3

STATE OF WASHINGTON
INDETERMINATE SENTENCE REVIEW BOARD
PO BOX 40907 • Olympia, Washington 98504 • (360) 493-9266 FAX (360) 493-9287

FINDINGS AND CONCLUSIONS

NAME:	FRAZIER, Robert	
DOC#:	280118	
MEETING TYPE:	Violation Hearing	☒**Pre-84**
DATE:	October 20, 2016	☐**CCB**
LOCATION:	King County Jail	
BOARD MEMBER:	Lori Ramsdell-Gilkey	
FINAL DECISION DATE:	October 28, 2016	

This matter came before the above named Presiding Board Member of the Indeterminate Sentence Review Board (ISRB or the Board) on the above date for a parole/community custody violation hearing. Mr. Frazier appeared in person and was represented by his attorney Michael Ewetuga. Present for the Department of Corrections was Community Corrections Officer Jeff Moen, who was represented by Assistant Attorney General Katie Faber. The Board Member, having heard all evidence and testimony of witnesses and considering arguments of counsel and any documents submitted by all parties, makes the following:

FINDINGS:

I. Mr. Frazier was convicted of the following offense:
Murder in the First Degree under Kitsap #81-1-00394-8

II. Mr. Frazier was released from custody on August 11, 2015, subject to the rules and conditions of parole/community custody and under the supervision of a Community Correction Officer (CCO).

III. On November 17, 2015, parole/community custody was suspended for allegedly committing the following violations of supervision:

1. Failing to reside at DOC approved residence on or about 11-17-2015.
2. Failing to obey all laws by having I his control a firearm after having previously been convicted of a serious offense as defined in per RCW 9.41.040, on or about 11-17-2015.
3. Failing to abide by conditions of release by possessing ammunition on or about 11-17-2015.
4. Failing to obey all laws by assaulting DOC Specialist Winfrey, while he was performing his official duties, per RCW 9a.36.031, on or about 11-17-2015.
5. Failing to abide by conditions of release by possessing methamphetamine on or about 11-17-2015.

IV. The above violations are in connection with the Order of Release issued by the Board on July 6, 2015.

Exhibit 3

PRELIMINARY MATTERS:

Attorney Michael Ewetuga made a motion to suppress in regards to violations 1, 2, 3, and 5 based on the same grounds as were cited in his Federal case briefs. Mr. Ewetuga stated the DOC had no basis for conducting a search of the vehicle Mr. Frazier was driving, nor the hotel room he was suspected of staying in as there was no "reasonable cause" to believe the offender was in violation of any of his conditions of parole/supervision.

AAG Faber argued the case law supporting the dismissal of the Federal indictment which included alleged "Brady" violations are not applicable to Washington State parole cases and the Exclusionary Rule does not apply in this case either. In addition, the DOC staff involved in the search had reasonable suspicion to believe Mr. Frazier was not residing at an approved residence and was therefore in violation and subject to search.

The Board Member denied the motion and stated all violations would be heard and evidence admitted. To date it has not been found that the Exclusionary Rule applies to Washington State Parole hearings nor have violations of Brady v Maryland been applied to these administrative hearings.

Mr. Frazier indicated he did not think it appropriate to have this hearing as the person who provided information regarding the initial allegation(s) was deceased and could not be questioned about his statements. The Board indicated we would proceed and the Board would make its findings on the evidence presented today. It is unfortunate the State's "confidential informant" is now deceased, however that person's direct testimony is not critical to the violations being addressed here today.

Mr. Frazier brought forth his desire to have the hearing continued so he might have "his" attorney from his Federal case present to assist him. He stated she could not be present today as she was involved in a trial. He also claimed to have additional evidence such as Court transcripts etc. that he would like to have submitted. The Board denied this request for a continuance based on the following grounds: Mr. Frazier has been in custody for 11 months and has known for 11 months that this on-site hearing was pending (in fact it has been scheduled to occur no less than 5 times and continued each time) and has had more than ample time to prepare; and Mr. Frazier has an appointed attorney, Mr. Ewetuga, at his side today who is familiar with the case and more than capable of assisting him in his defense.

Mr. Frazier and his attorney expressed concern that the Chair of the Board is the husband of one of the DOC Specialists involved in this case and would be a potential conflict of interest, and he would not receive a "fair shake" nor an impartial hearing. This Board Member informed Mr. Frazier and his attorney that the Chair had immediately recused herself from any involvement in this case as soon as it came to light. It was this Member's opinion that she could be fair and impartial in today's proceedings.

Lastly, Mr. Frazier stated he was interested in calling many witnesses to testify about the facts of the case and the behavior of CCS Rongen. The Board Member advised Mr. Frazier that after all evidence is heard today, if it appears there is additional evidence that is critical to Mr. Frazier's defense, the hearing would not close and it would be continued to allow for the appearance or telephonic testimony of additional witnesses.

At the hearing on October 20, 2016, Mr. Frazier entered a plea of Not Guilty to violations 1, 2, 3, and 5; and Guilty with an explanation to violation 4 as charged. The Presiding Member finds Mr. Frazier Not Guilty of violations 1, 2, 3, and 5; and Guilty of violation 4 as charged

EVIDENCE RELIED UPON:

The Presiding Member heard the testimony of the following witnesses: Robert A. Frazier, CCO Jeff Moen, Community Corrections Specialists (CCS's); John Conaty, Kris Rongen and Chad Winfrey.

The Presiding Member also considered: Probable Cause (PC) Review sheet dated/updated on 12/3/15, 12/29/15, 8/16/16, and 9/15/16; Violation Specified dated 11/17/15, 8/15/16 and 9/13/16; Board Notice of Violation (Violation Report) dated 12/03/15, and 9/12/16; Judgment and Sentence dated 11/23/81; ISRB Order of Release/Parole dated 7/6/15; and all documents and photos provided in Discovery prior to the hearing.

Regarding violation 1, Mr. Frazier testified he did not move from his approved residence and did not reside at the Star Motel as alleged. He testified he reported in person to his CCO on 11/16/16 and reported at that time he was living at his approved address of 7325 Rainier Ave Apt #109 with his girlfriend. CCO Moen testified he had no actual knowledge that Mr. Frazier had moved from his approved residence. Further he stated that as Mr. Frazier is classified as "Low risk" he is required to go to his residence only quarterly and had not been there recently. He was aware that CCS Rongen had received information that Mr. Frazier had moved.

CCS Rongen was called to testify telephonically and after being sworn in stated he received information on 11/6/16, from a confidential informant (later identified as the now deceased Marvin Hunter aka Che Taylor aka Che T). This informant told CCS Rongen that he was concerned that Mr. Frazier had a handgun in his possession and was planning on taking revenge for the murder of his "uncle" Jerry Turner, who had been murdered just days before.

Mr. Ewetuga asked CCS Rongen about how he confirmed Mr. Hunter was a reliable informant. He stated that he was "vouched" for by a prison I&I staff person and he (CCS Rongen) also later confirmed the

provided information for himself. He was asked if he provided money to Mr. Hunter for his confidential information. He testified he did receive authorization for a $200 payment that was made after Mr. Frazier's arrest.

CCS Rongen went on to state that later that month, on 11/15/16 this same confidential informant told him that Mr. Frazier was staying at the Star Motel in Room #2. Registration records at the hotel, copies which were provided in discovery, showed that "Adrianna" was staying in Room 2 and only 1 key was checked out for that room. It appeared Adrianna was staying in that room on the 14th, 15th and 16th. On one of those days a male (not Mr. Frazier) was also listed as an occupant.

CCS Rongen testified that he spoke to hotel staff who informed him Mr. Frazier was staying in Room 2, regardless of what the registration showed. He did not recall the names of the staff he spoke to about this.

While it is possible Mr. Frazier may have spent a night or possibly 2 at the Star Motel, in this instance this Board Member does not consider this to be a change in residence that rises to level of a violation. Mr. Frazier is not a sex offender that has strict residence restrictions in place. In fact the CCO testified he is considered "low" risk by the DOC and he sees him in the field only quarterly. It is not unreasonable for a person on supervision to occasionally spend the night away from home. In addition, no one involved went to his approved residence to verify whether or not he was still living there. I found Mr. Frazier NOT GUILTY of this violation.

Regarding violation 4, failing to obey all laws by assaulting DOC Specialist Winfrey while he was performing his official duties per RCW 9A.36.031, on or about 11/17/15, Mr. Frazier pled GUILTY with an explanation. He admitted he did commit this violation but felt there were extenuating circumstances for his behavior. I accepted his guilty plea and found him GUILTY.

CCO Moen read from his violation report outlining the incident that occurred on 11/17/15, in which Specialist Chad Winfrey was driving an official vehicle and assisting CCS's Rongen and Conaty, and Seattle Police Officers, in the apprehension of Mr. Frazier for suspected violations. After CCS Rongen and CCS Conaty witnessed Mr. Frazier back a vehicle into a stall at the Star Motel, they pulled their vehicle close to the front of Mr. Frazier's in an effort to block him. CCS Winfrey then pulled his marked vehicle towards Mr. Frazier's to assist, and Mr. Frazier drove his vehicle into the driver's side door of Winfrey's vehicle. Mr. Frazier then leapt out of his vehicle and ran. The DOC Specialists quickly apprehended him.

Mr. Frazier did not dispute this rendition of events, but did basically say he panicked. He went on to testify that during the evening of 11/14/15 or early morning hours of 11/15/15, he had been accosted on the streets of Seattle. He stated 4 men dressed in black police type uniforms confronted him and beat him

with a hammer and a bat, sprayed him with pepper spray, and fired a weapon at him. He stated at the time of the assault he was in fear of his life and believed they were somehow involved with the recent murder of his "uncle" Jerry Turner. Mr. Frazier was able to fight with these men and get away. He called a friend to pick him up and take him to his girlfriend's house, then later went to Swedish Hospital for treatment of his wounds. Mr. Frazier stated it was this previous assault that caused him to be in fear for his life and to react the way he did when boxed in by the DOC vehicles on 11/17/15. In addition, Mr. Frazier stated he did not even notice the van he hit until he actually hit it. He explained it all happened extremely fast. In addition, he claimed not to recognize these were DOC staff members until he was "tasered" by CCS Rongen.

CCO Moen testified that when Mr. Frazier reported to the DOC office on 11/16/15 he did report being assaulted by several men and receiving medical treatment for it. They discussed possible places he might go to stay safe. Mr. Frazier was interested in going to California temporarily, however such a move would require the approval of the ISRB.

Regarding allegations 2, 3 and 5, testimony was received from Mr. Frazier, CCO Moen, CCS's Conaty, Winfrey and Rongen. CCS John Conaty was contacted via telephone to testify. He testified he began surveillance of Mr. Frazier on 11/16/16. He testified that when they were surveilling Mr. Frazier, Adrianna was driving the vehicle. He stated they followed Mr. Frazier for several hours and ended the surveillance that evening. He testified he did not personally observe Mr. Frazier at the Star Motel on 11/16/16. He had in-person contact with Mr. Frazier at the Start Motel on 11/17/16 when they arrested him. CCS Conaty testified he participated in the search of the vehicle Mr. Frazier was seen driving to the motel on 11/17/16. After Mr. Frazier was taken into custody he was placed into the back of the DOC/SPD van, and the vehicle he was driving was searched by CCS Conaty. When asked how he knew the car belonged to Mr. Frazier he stated an informant had told CCS Rongen this and also after his arrest, the woman in Room #2 (Adrianna) told them the car was Mr. Frazier's. In addition, Mr. Frazier was the sole occupant of the car at the time they saw him pull into the Star Motel. He stated they found a camouflage backpack in the backseat of the vehicle. Inside of that closed backpack they found a handgun in a holster and wrapped in a towel. The revolver was loaded with ammunition, but was missing one round.

Mr. Ewetuga questioned CCS Conaty regarding his knowledge of the right to search an offender on supervision. Mr. Conaty stated he did not need a warrant if he had reasonable suspicion that a violation of the conditions of supervision had occurred. Mr. Conaty stated they had suspicion Mr. Frazier was not living where he was supposed to be and had information he may be in possession of a firearm. Then after he witnessed Mr. Frazier assault CCS Winfrey with the vehicle he was driving, he had more than just reasonable suspicion, he had an observed violation of the law.

After being sworn in, CCS Winfrey testified regarding allegations 2, 3 and 5. He testified that he and CCS Conaty started searching the vehicle Mr. Frazier was seen driving. He started searching in the

back of the car and found a backpack on the back seat behind driver's seat. It was zipped shut. CCS Winfrey testified he opened it, saw a gun, and stopped searching and told Conaty. The gun was in a holster and wrapped in a towel but somewhat visible. He believed it to be a revolver. CCS Winfrey testified he then went to help search the motel room and found a substance he believed to be methamphetamine, and informed CCS Rongen. He did not have any other involvement in the disposition of the alleged drugs. He did not recall finding any documents that belonged to Mr. Frazier to indicate he was a resident of the motel room.

CCS Rongen testified that on 11/16/15 they began surveilling Mr. Frazier. He was observed loading the car with belongings from Room 2 at the Star Motel. Adrianna was with him and she drove the car that day. Mr. Frazier was observed reporting to the DOC office that day and then going to several different locations in Seattle before they lost contact with the car. CCS Rongen went back to the Star Motel around 5 that evening and received documentation the female "Adrianna" was staying there in room 2. Staff at the Motel confirmed Mr. Frazier had been seen at the motel and was believed to be staying in Room 2. Mr. Frazier was identified through a photo CCS Rongen showed to them.

CCS Rongen testified they set up surveillance the next day beginning around 9:30 am. There was no car there but a female answered the phone in the room. At 11:10 am Frazier drove up in the black SUV and backed into a stall by room # 2. CCS Rongen contacted CCS Winfrey and told him to drive in and help block the vehicle. Mr. Frazier failed to obey their shouted commands, and instead drove into CCS Winfrey's vehicle, then ran. He was quickly apprehended and placed into custody. Subsequent to his arrest the car he had driven up in was searched as was the motel room. After the small amount of methamphetamine was found in the motel room he asked Adrianna about it and she said it belonged to Mr. Frazier. She also stated the car belonged to Mr. Frazier. The handgun and ammunition in the handgun were also identified by Adrianna as belonging to Mr. Frazier. CCS Rongen stated he did not question Mr. Frazier about any of these items since he had been Mirandized and chose not to speak to him.

Mr. Frazier testified that he never stayed the night at the Star Motel. He admitted he did help Adrianna load **her** belongings in the car. She had been in a fight with her boyfriend and that is why she was staying at the motel. He testified the car he drove to the motel the morning of the 17th belonged to Adrianna and her boyfriend. He testified that he himself drove a Nissan Altima. He stated his girlfriend Teresa was with him the morning of the 17th. She was driving him to a medical appointment and in the meantime Teresa had received a call from Adrianna asking if they could pick her car up and return it to her at the motel. Mr. Frazier stated he did not notice the bag on the backseat and he never looked in it. He stated he had one bag of his own with him that morning and it contained his computer and telephones. Nothing else in the car belonged to him. He testified he never noticed the camouflage bag in the back seat. He stated his fingerprints were not found on the gun.

Based on the fact that evidence was not presented to show Mr. Frazier owned the car in question and that in fact Adrianna had been the primary person previously witnessed to be driving the vehicle, Mr. Frazier was found NOT GUILTY of violations 2 and 3. Because no evidence was presented to demonstrate Mr. Frazier had dominion and control over Room #2 of the Star Motel on the date in question, he was found NOT GUILTY of allegation 5.

Based upon the foregoing findings of fact, the Indeterminate Sentence Review Board makes the following:

CONCLUSIONS:

I. Mr. Frazier has violated the conditions of parole as stated above.

II. It would be in the best interest of the public and for the best welfare of Mr. Frazier that an Order of Parole/Community Custody Revocation be issued and Mr. Frazier be returned to the Washington Corrections Center at Shelton, Washington, or other institution as determined by the Department of Corrections. The Indeterminate Sentence Review Board (ISRB) will administratively set a new minimum term within 30 days of this decision.

REASONS FOR DECISION:

This was Mr. Frazier's third opportunity on parole. He was first paroled in November of 2009 and revoked less than 2 years later in September of 2011. He had been found guilty of one count of "Attempted possession of a Stolen Vehicle" and incurred new violations of failing to obey all laws by conspiring to deliver methamphetamine and cocaine. The Board found him guilty of these violations and revoked him.

He was paroled/released next in September of 2012 and revoked in August of 2013 after being found guilty of 2 violations of possessing a deadly weapon (brass knuckles) and a knife with a fixed 6 inch blade.

He was last paroled/released on August 11, 2015 and his parole suspended just 3 months later in November of 2015 when he was charged with several serious violations. Three of these were new law violations and it took almost a year for these to be resolved through the Courts. Ultimately the Federal case he was facing was dismissed by a Judge citing "Brady" violations and a failure to disclose certain information.

Mr. Frazier was found guilty of a very serious violation. As in all of his previous hearings, Mr. Frazier had long convoluted stories to explain everything. He committed a serious law violation when he failed to immediately stop the vehicle he was driving and instead attempted to elude officers. He could have caused serious injury to CCS Winfrey had he been exiting his vehicle when it was hit by Mr. Frazier.

Mr. Frazier is a violent offender and should be monitored closely in the community as he has demonstrated repeatedly a lack of genuine prosocial behavior. For more than a decade Mr. Frazier has claimed to have been involved in a financially successful business, yet has never been able to provide any evidence of this. Mr. Frazier stated he had a bag with him with his computer and 4 phones he used for business and schooling. Based on his criminal history and lack of legitimate employment, it is more likely he has continued to engage in criminal behavior.

As in past hearings, Mr. Frazier has claimed his health is very fragile and he doesn't know how long he has to live. In spite of his claims, Mr. Frazier's behavior indicates he appears to function without significant impairment of any kind. As claimed in past hearings, Mr. Frazier stated he was only trying to help a female friend who has a drug problem. He continues to blame these women for his parole violations.

Mr. Frazier is an intelligent, antisocial man who is not rehabilitated and not a fit subject for release in the community. Until he is willing to live a prosocial lifestyle, follow the law, and stop blaming others for his predicament, he should remain incarcerated.

His next parole plan should include a condition he have no contact with known felons in any capacity and no contact with drug users. In addition, while on supervision he should be required to prove how he is supporting himself. He should be required to live at his approved release address for a minimum of 6 months to demonstrate stability.

LRG:is

CC: Robert Frazier/Offender
Michael Ewetuga/Attorney
Jeff Moen/CCO
Katie Faber/AAG
File

Exhibit 4

STATE OF WASHINGTON

DEPARTMENT OF CORRECTIONS
INDETERMINATE SENTENCE REVIEW BOARD

PO BOX 40907 • Olympia, Washington 98504-0907

DATE: November 3, 2016

TO: Washington Correction Center
Attn: Records

SUBJECT: Administrative Board Decision

RE: Robert FRAZIER
DOC #280118

An administrative decision of the Board in regard to the above-named individual has been made and is as follows:

Mr. Frazier's parole was revoked on October 28, 2016.

RCW 9.95.125, the Indeterminate Sentence Review Board sets a new minimum at 42 months on Kitsap #81-1-00394-8.

Next action: Schedule a .100 hearing 120 days prior to ERD.

New TS: 11-17-2015

Reasons for decision: Mr. Frazier is a violent offender and should be monitored closely in the community as he has demonstrated repeatedly a lack of genuine prosocial behavior. For more than a decade Mr. Frazier has claimed to have been involved in a financially successful business, yet has never been able to provide any evidence of this. Mr. Frazier stated he had a bag with him with his computer and 4 phones he used for business and schooling. Based on his criminal history and lack of legitimate employment, it is more likely he has continued to engage in criminal behavior. As in past hearings, Mr. Frazier has claimed his health is very fragile and he doesn't know how long he has to live. In spite of his claims, Mr. Frazier's behavior indicates he appears to function without significant impairment of any kind. As claimed in past hearings, Mr. Frazier stated he was only trying to help a female friend who has a drug problem. He continues to blame these women for his parole violations. Mr. Frazier is an intelligent, antisocial man who is not rehabilitated and not a fit subject for release in the community. Until he is willing to live a prosocial lifestyle, follow the law and stop blaming others for his predicament, he should remain incarcerated.

File: Institution
Offender
File/is

Exhibit 4

ISRB - *ADMINISTRATIVE DECISION SHEET*

Offender Name: Robert FRAZIER	DOC#: 280118	CCB ☐ JUVBRD ☐ Pre-84 ☒
Hearing Investigator: Choose an item.	CRT: Irene	DATE: 11/3/2016

PERTINENT INFORMATION AND RELEVANT DOCUMENTS CONSIDERED:
Lori revoked community custody on 10-28-2016. Findings are in the Group drive. He has been in custody since 11-17-2015, pending felony charges - which were dropped.

DESCRIPTION OF ISSUE(S):
Set new MT of 42 months on #00394-8.
Schedule .100 hearing 120 days prior to PERD.
Recommendation:

RECOMMENDATIONS:
Set new minimum term. (Requires 3 Board members approval.)

COMMENTS/ANALYSIS:

DECISION:
Choose an item.

REASONS:
Mr. Frazier is a violent offender and should be monitored closely in the community as he has demonstrated repeatedly a lack of genuine prosocial behavior. For more than a decade Mr. Frazier has claimed to have been involved in a financially successful business, yet has never been able to provide any evidence of this. Mr. Frazier stated he had a bag with him with his computer and 4 phones he used for business and schooling. Based on his criminal history and lack of legitimate employment, it is more likely he has continued to engage in criminal behavior. As in past hearings, Mr. Frazier has claimed his health is very fragile and he doesn't know how long he has to live. In spite of his claims, Mr. Frazier's behavior indicates he appears to function without significant impairment of any kind. As claimed in past hearings, Mr. Frazier stated he was only trying to help a female friend who has a drug problem. He continues to blame these women for his parole violations. Mr. Frazier is an intelligent, antisocial man who is not rehabilitated and not a fit subject for release in the community. Until he is willing to live a prosocial lifestyle, follow the law and stop blaming others for his predicament, he should remain incarcerated.

AGREE: INITIAL/DATE	DISAGREE: INITIAL/DATE
LRG 11/3/16	
TNS 11/3/16	
JP 11/3/16	

Exhibit 5

STATE OF WASHINGTON

INDETERMINATE SENTENCE REVIEW BOARD

SENTENCE FIXED BY BOARD

NO. 280118

Robert FRAZIER, having been, by the Superior Court of Kitsap County, Washington, crime of MURDER IN THE FIRST DEGREE

AND SENTENCED FOR A MAXIMUM TERM OF LIFE years of confinement in a Washington Correctional Facility, and

The Indeterminate Sentence Review Board, having fully considered the Prosecuting Attorney's and Judge's statements of the facts surrounding said convicted person's crime and other information relative to such convicted person and having interviewed said convicted person; NOW, THEREFORE, by virtue of the authority in it vested by the laws of the State of Washington, and within six months after the admission of such convicted person to a Washington Correctional Facility,* the Indeterminate Sentence Review Board fixes the duration of his confinement as follows:

That said Robert FRAZIER is hereby ordered to be confined in a Washington Correctional Facility for a period of FOUR HUNDRED (400) MONTHS

and he is hereby required to perform as many hours of faithful labor in each and every day during said term of imprisonment as shall be prescribed by the rules and regulations of said institution.

Done at Olympia, Washington this 1st day of May, 1991.

*or no later than July 1, 1992, whichever is later, for mandatory life sentences. Please see RCW 9.95.116 for reference.

INDETERMINATE SENTENCE REVIEW BOARD

George M. Johnson

Kay Atkins

PB 204 8/86

Exhibit 5

Exhibit 6

STATE OF WASHINGTON

INDETERMINATE SENTENCE REVIEW BOARD

4317 Sixth Ave., S.E. • P.O. Box 40907 • Olympia, Washington 98504-0907 • (206) 493-9266

DECISION AND REASONS

NAME:	FRAZIER, Robert	
NUMBER:	280118	
INSTITUTION:	Washington Corrections Center	
TYPE OF MEETING:	Duration of Confinement	
DATE:	May 1, 1991	
PANEL MEMBERS:	GJ & KA	*Amended January 28, 1992*

BOARD DECISION:

In reviewing this case, the Board has considered all available information regarding the offense(s), the offender's prior criminal history, the adjusted Sentence Reform Act (SRA) ranges, the judge's and prosecutor's recommendations, victim information, and all other information required by SHB 1457. It should be noted that, pursuant to In Re Sinka, the appropriate information utilized in this review was provided to the inmate prior to this hearing.

The full Board sets the minimum term on Kitsap County Cause #81-1-00394-8 at 316 months. The adjusted Sentencing Reform Act guideline range is 236 to 316 months.

NEXT ACTION:

Schedule Administrative Progress Review in May of 1993.

REASONS:

We had a long interview with Mr. Frazier. He now denies many of the facts that are contained in the prosecutor's statement. He does acknowledge receiving the Sinka material in the packet, but he was not specific in his denial of facts as presented in the prosecutor's statement. He kept referring to "the situations", but never cleared them up to the Board's satisfaction. He does minimize his role in this Murder and tends to feel that the death was actually caused by a pre-existing condition.

The Board takes note of the aggravating factors in this case:

1. Victim was vulnerable by age.

(continued on next page)

OBTS UPDATED
5-12-92

Exhibit 6

FRAZIER, Robert
#280118

REASONS CONTINUED - PAGE 2

2. Deliberate cruelty was shown by: victim received a broken nose, broken ribs, bruised heart, bruised liver, bruised spleen, and a skull fracture. The skull fracture resulted in the victim getting meningitis and resulting in his ultimate demise.
3. A Robbery First and Conspiracy to Commit Robbery First were dismissed.
4. Mr. Frazier and his co-defendant planned to "roll" an old man.

The mitigating factors are:

1. Mr. Frazier was 15 years old at the time.
2. The co-defendant received a 240 month duration of confinement.

The prosecutor indicates that Mr. Frazier is the more culpable of the two defendants. A summary of the offense is as follows: Mr. Frazier and Mr. Spencer saw the 83 year old victim walking down an alley. They decided to "roll the old man." They approached the victim, who turned and held a small knife in his hand. The defendants hit and kicked the victim, took his wallet and watch, and left him lying in the street bleeding. The victim suffered several injuries, as noted above, and died five days after the attack.

The Board, in weighing the aggravating and mitigating circumstances, has set the duration of confinement at the high end of the guideline range.

GJ:rrs
May 7, 1991
Amended: January 28, 1992/DC:jas

CC: INSTITUTION
RESIDENT
FILE

Exhibit 7

STATE OF WASHINGTON

INDETERMINATE SENTENCE REVIEW BOARD

*4317 Sixth Ave., S.E. * P.O. Box 40907 * Olympia, Washington 98504-0907 * (360) 493-9266*
(TDD Relay 1-800-833-6388)

DECISION AND REASONS

NAME:	Robert FRAZIER
NUMBER:	280118
INSTITUTION:	Washington Correction Center
TYPE OF MEETING:	.100
DATE:	March 14, 2007
PANEL MEMBERS:	JG & JC
FINAL DECISION DATE:	April 16, 2007

BOARD DECISION:

A majority of the Board finds Mr. Frazier conditionally parolable to a MAP and will add 60 months to his minimum term in accordance with In Re Marler to develop and complete his MAP. The MAP should include, but is not limited to: 15-27 months in a minimum security facility; and at least 6 months in work release (if screened and found eligible).

This period of time is designed to provide Mr. Frazier an opportunity to function in a less restrictive environment, and to demonstrate successful adjustment under conditions of greater responsibility. It is the Board's expectation that Mr. Frazier will maintain infraction free behavior and participate in all programs outlined in the MAP contract. If the offender is infracted at any step during the MAP, the Board must be notified as soon as possible.

NEXT ACTION:

Submit a MAP. Schedule .100 hearing at conclusion of MAP or 120 days prior to his PERD.

Exhibit 7

HISTORY/COMMENTS:

Mr. Frazier is under the Board's jurisdiction for Murder 1st Degree. The time start was November 23, 1981, with a statutory maximum of Life. The judge made no recommendation and the prosecutor recommended 300 months. The Sentence Reform Act (SRA) standard guideline range is 240-320 months. As of today's date Mr. Frazier has served approximately 304 months.

File materials describe the underlying offense as Mr. Frazier and his co-defendant taking the ferry to Bremerton where they confronted an 83 year old man in an alley. Mr. Frazier was 15 years old at the time and his companion was approximately 16. The man was badly beaten, causing broken ribs, broken nose, two skull fractures, heart contusions and bruises to his liver and spleen. His watch and wallet were taken during the course of the robbery. The elderly man died a few days later due to his injuries.

REASONS:

Mr. Frazier was last seen by the Board in December of 2003. Since the Board last saw Mr. Frazier he has received one infraction in November of 2004 for failure to perform, which involved his violating recreation restrictions. He was placed in segregation in August of 2006 for investigation of a prison rape elimination act (PREA) violation. That investigation was dismissed as not guilty in November of 2006. He has remained in segregation due to separte issues and is currently housed at Clallam Bay.

It should be noted that the Board has been attempting to schedule a .100 hearing on Mr. Frazier since June of 2006. The hearing has been continued three times previously due to the issue of placement in segregation on the PREA investigation, as well as an early request for a

continuance to obtain legal counsel.

There is a current psychological from Dr. Colby dated April of 2006. Dr. Colby does rate Mr. Frazier, according to actuarials, as a high risk for re-offense.

Mr. Frazier came to prison at a very young age. He will need a great deal of transitioning before any release to the community. There was a previous chemical dependency assessment in August of 2003 that indicated he had No Significant Problem. The Board would strongly urge that chemical dependency treatment be part of any transitioning, as the underlying offense was committed while heavily under the influence of drugs and/or alcohol. There was an earlier dictation from 1983 from the Board that indicated Mr. Frazier at that time told the panel that he had extensive drug usage prior to his arrest, to include PCP.

After a review of all available file materials, the Board believes that Mr. Frazier is a reasonable risk to begin a transition program at this time. He is to have absolutely no infractions and is cautioned that any infraction could jeopardize his MAP. Any infractions should be reported immediately to the Board.

FACTS RELIED UPON:
The panel relied upon previous Board dictations; a review of the ISRB and DOC files; as well as the face to face interview with Mr. Frazier today.

JG:is
April 6, 2007

CC: INSTITUTION
RESIDENT
FILE

Exhibit 8

STATE OF WASHINGTON

INDETERMINATE SENTENCE REVIEW BOARD

*4317 Sixth Ave., S.E. * P.O. Box 40907 * Olympia, Washington 98504-0907 * (360) 493-9266*
(TDD Relay 1-800-833-6388)

DECISION AND REASONS

NAME:	FRAZIER, Robert
NUMBER:	280118
INSTITUTION:	McNeil Island Corrections Center (MICC)
TYPE OF MEETING:	.100 Hearing
DATE:	August 12, 2009
PANEL MEMBERS:	BH and TS
FINAL DECISION DATE:	August 25, 2009

This matter came before Betsy Hollingsworth and Thomas Sahlberg, who are members of the Indeterminate Sentence Review Board (ISRB or the Board), on the above date for a release hearing in accordance with the provisions of RCW 9.95.100. Mr. Frazier appeared in person and was represented by attorney Susan Baker. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Susan Erickson and Mr. Frazier. Others present at the hearing were: attorney George Marlton and CUS Bill Swain as observers.

BOARD DECISION:

This was a Deferred Decision. Based on the requirements of RCW 9.95.009(3) and RCW 9.95.100 and the totality of evidence and information considered by the Board, the Board finds that Mr. Frazier is parolable.

NEXT ACTION:

Submit an Offender Release Plan (ORP) that includes a highly structured residential placement.

JURISDICTION:

Robert Frazier is under the jurisdiction of the Board on a November 23, 1981 conviction in Kitsap County Cause #81-1-00394-8 for Murder in the First Degree. His time start is November 23, 1981. His initial duration of confinement was set by the Board at 456 months (37 years 4 months). The standard range of the Sentencing Reform Act at the time was 236 to 316 months. His maximum term is Life. He has served approximately 332 months (27 years 8 months).

NATURE OF INDEX OFFENSE(S):

Mr. Frazier and his co-defendant took the ferry to Bremerton, where they confronted an 83 year old man in an alley. Mr. Frazier was 15 years old at the time, and his companion was approximately 16. During the course of robbing the man of his watch and wallet, the victim was badly beaten, causing broken ribs, broken nose, two skull fractures, heart contusions and bruises to his liver and spleen. The elderly man died a few days later due to his injuries.

PRIOR CRIMINAL CONDUCT:

One year prior to the instant offense, Mr. Frazier was charged in juvenile court with Theft 2° & Criminal Trespass 2° in Kitsap County. The matters were diverted. Seven months later, he was charged with Challenging to Fight in Public in San Diego, CA and was ordered to return to Washington, as his family in California declined to assist him. Two months after his return to Washington and while at the Crisis Residential Center, police were called to assist in restraining him, as he had become out of control. He was charged with Simple Assault but did not appear for arraignment and was on warrant stautus at the time of the instant offense.

HISTORY/COMMENTS:

Mr. Frazier's last hearing was held on March 17, 2007. At that time the Board found him conditionally parolable to a MRP and added 60 months to his minimum term to develop and complete his Mutual Re-entry Plan (MRP). The Board recommended that the MRP include, but not be limited to: 15-27 months in a minimum security facility and at least 6 months in work release (if screened and found eligible). The Board reminded Mr. Frazier that it expected infraction free behavior from him.

It appears that Mr. Frazier's MRP was developed in August, 2007, although there was a reference to a MRP in a June, 2007 chrono entry. A document entitled MRP Profile and dated August 1, 2007, recommended Step A: transfer to Airway Heights Corrections Center camp and Step B: Seattle area work release. The MRP signed by Department representatives and Mr. Frazier is dated September 10, 2009. It provides only for Step A – McNeil Island. The Board could find no documents explaining the change from the recommendations made on August 1, 2009 to the actual plan signed in September.

Mr. Frazier was transferred to MICC on October 25, 2007 and has remained in minimum security (camp) since that time. Mr. Frazier requested on several occasions that his MRP be renegotiated to include a period of time in a work release facility in King County, which is where his community support is located. In July, 2008, Headquarters Community Screening Committee (HCSC) sent a packet to Peninsula Work Release for consideration. On December 10, 2008, HCSC denied his transfer to Peninsula WR "due to OOS Release Plan." This apparently referred to the belief that Mr. Frazier intended to parole out of state.1 A February 17, 2009 chrono entry indicates that Seattle Work

1 This apparently comes from a reference some years ago to a possible desire to parole out of state, if and when he was paroled. There has never been any official release plan proposed for out of state placement.

Release Supervisors screened Mr. Frazier's case and denied him for work release in King County, apparently because they believed that he had no resources there. They recommended that he should be referred to Peninsula Work Release (where he had already been denied). A chrono entry dated March 5, 2009, indicates that on March 4, 2009, HCSC decided to deny work release for Mr. Frazier "due to MRP does not include work release." MICC was advised "to work with Re-entry Specialist to develop ORP."

Mr. Frazier has remained infraction free since 2004. He was placed in Administrative Segregation (Ad Seg) in January, 2008 because of an allegation that he had sexually assaulted another inmate. This matter was investigated but determined to be unfounded, and Mr. Frazier was released from Ad Seg in March, 2008. He had been working in the meat plant.

Mr. Frazier provided the Board with a written Proposed Parole Plan. Mr. Frazier initially hoped to release to the Re-entry Housing Pilot Project (RHPP) in Seattle; however, this program lost its funding. He now would like to transition to Pioneer Services or the Interaction Transition (IT) Housing Program. His application at IT House is pending. He has been accepted at Pioneer Services; however, he must provide them with a $500 deposit. It is possible that once paroled, Mr. Frazier will be eligible for a housing voucher from DOC. His Classification Counselor is pursuing this on his behalf. Community supporters in King County include Central Lutheran Pastor John Nelson, Campus Christian Ministries and Justice Works.

Mr. Frazier has already completed a number of college level courses and plans to continue his education at Edmonds Community College or the Art Institute of Seattle to obtain his multi-media degree. He is a skilled musician and hopes to establish a career as a recording artist in the community. He reports that he has written two science fiction books and over 300 songs, which he hopes to have published after he is released.

A psychological evaluation of Mr. Frazier was completed in June of this year by Dr. Patricia Pereira. His scores on other actuarial risk assessment scales suggested a high risk of violent recidivism and psychopathy. Dr. Pereira indicated that Mr. Frazier may benefit from personal development courses, such as, Communication Skills, Conflict Resolution Skills, Getting It Right, and Chemical Dependency Counseling. Mr. Frazier has completed a number of offender change and vocational programs, including standardized Stress/Anger Management, Moral Reconation Therapy (MRT), Victim Awareness, Human Relations, Vocational Writing, Electronics, Drafting and Computer Literacy, along with his college credits. He has not completed chemical dependency treatment because DOC's assessment was that Mr. Frazier does not have a significant problem, even though he was intoxicated at the time of the crime.

EVIDENCE CONSIDERED:

In preparation for Mr. Frazier's hearing and its decision in this case, the Board completed a review of Mr. Frazier's Department of Corrections (DOC) and ISRB files. The Board considered all information contained in those files, including but not limited to: the most recent DOC facility plan; information regarding institutional behavior and programming; any letters of support and/or concerns sent to the Board; the Pre-Sentence Investigation report; letters to the Board from Mr. Frazier; written Proposed Parole Plan from Mr. Frazier; and the June, 2009 psychological evaluation and addendum prepared by Patricia Pereira, PhD. The Board also considered the testimony of the witnesses listed above.

REASONS:

Mr. Frazier has remained infraction free and has complied with all aspects of his MRP. Like Mr. Frazier, the Board is very disappointed that he has been denied the opportunity to transition back into the community through participation in a work release program.

However, his denial for WR is through no fault of his own. Consequently, we see no reason to extend his prison term and deny him parole at this time. Especially since he has been denied the benefit of work release, the Board would like to see him release to a structured residential setting, such as the IT House or Pioneer Services. Once Mr. Frazier has found a job and has some funds, the Board would also like for him to participate in a chemical dependency evaluation and follow any recommendations from that evaluation. Of course, completing CD treatment during his final months at McNeil Island would be preferable, if possible. Perhaps the Department will reconsider allowing Mr. Frazier to participate in CD treatment in light of the clear recommendation for such by Dr. Pereira.

BH:
August 12, 2009

CC: Institution
Robert Frazier
File
George Marlton, Attorney for Mr. Frazier

Exhibit 9

STATE OF WASHINGTON
INDETERMINATE SENTENCE REVIEW BOARD
PO BOX 40907 • Olympia, Washington 98504 • (360) 493-9266 FAX (360) 493-9287

FINDINGS AND CONCLUSIONS

NAME:	FRAZIER, Robert	
DOC#:	280118	
MEETING TYPE:	Violation Hearing	☒**Pre-84**
DATE:	May 5, 2011	☐**CCB**
LOCATION:	W. Seattle Field Office	
BOARD MEMBER:	Betsy Hollingsworth	
FINAL DECISION DATE:	May 23, 2011	***OUT OF CUSTODY***

This matter came before the above named Presiding Board Member of the Indeterminate Sentence Review Board (ISRB or the Board) on the above date for a parole violation hearing. Mr. Frazier appeared in person and was represented by his attorney, Darrel Lahtinen. Present for the Department of Corrections was Community Corrections Officer Shonese Crawford, who was represented by Assistant Attorney General Jean Meyn. The Board Member, having heard all evidence and testimony of witnesses and considering arguments of counsel and any documents submitted by all parties, makes the following:

FINDINGS:

I. Mr. Frazier was convicted of the following offense:
Murder in the First Degree under Kitsap #81-1-00394-8

II. Mr. Frazier was released from custody on November 23, 2009, subject to the rules and conditions of parole/community custody and under the supervision of a Community Correction Officer (CCO).

III. On October 7, 2010, parole/community custody was suspended for allegedly committing the following violations of supervision;

1. Failing to obey all laws by being convicted of attempted taking and riding of a motor vehicle on or about 10-7-2010. The violation was amended subsequent to his conviction in King County Superior Court Cause No. 10-1-09030-1 SEA. There was no objection to this amendment.

IV. The above violations are in connection with the Order of Parole/Release issued by the Board on October 16, 2009.

V. At the hearing on the above date Mr. Frazier entered a plea of Guilty with Explanation to violation 1 as amended. The Presiding Member finds Mr. Frazier Guilty of violation 1 as amended.

Exhibit 9

EVIDENCE RELIED UPON:

The Presiding Member heard the testimony of the following witnesses: CCO Shonese Crawford, Mr. Frazier and Rev. Zady Evans.

The Presiding Member admitted the following Exhibits: DOC Exhibit 1 – Certified Copy of the Judgment and Sentence in King County Superior Court Cause No. 10-1-09030-1 SEA.

The Presiding Member also considered for procedural and dispositional matters: Probable Cause (PC) Review sheet dated October 20, 2010; Violation Specified dated October 14, 2010; Board Notice of Violation (Violation Report) dated October 18, 2010; ISRB Order of Parole dated October 15, 2009; Order of Parole Conditions Addendum #1 dated June 3, 2010; letters of support from Ms. Casteel and Rev. Evans; documents provided by Mr. Frazier relating to his business; and Mr. Frazier's medical records.

Based upon the foregoing findings of fact, the Indeterminate Sentence Review Board makes the following:

CONCLUSIONS:

I. Mr. Frazier has violated the conditions of parole a stated above.

II. It would be in the best interest of the public and for the best welfare of Mr. Frazier that an Order of Reinstatement of Parole/Community Custody be issued and Mr. Frazier be released from custody and placed back under the Active supervision of the Department of Corrections. Additional conditions include:

- Sign a waiver/consent form for ADP, Inc. and facilitate the delivery of documents to his CCO and the Board related to the structure, nature and functioning of his business.
- Keep your CCO informed regarding your medical condition and treatment, including all drugs for which he has a prescription from his medical provider.

HISTORY AND COMMENTS:

Robert Frazier is under the jurisdiction of the Board on a November 23, 1981 conviction in Kitsap County Cause #81-1-00394-8 for Murder in the First Degree. His time start was November 23, 1981.

Mr. Frazier and his co-defendant took the ferry to Bremerton, where they confronted an 83 year old man in an alley. Mr. Frazier was 15 years old at the time, and his companion was approximately 16. During the course of robbing the man of his watch and wallet, the victim was badly beaten, causing broken ribs, broken nose, two skull fractures, heart contusions and bruises to his liver and spleen. The elderly man

died a few days later due to his injuries. Juvenile court declined jurisdiction, and Mr. Frazier was tried as an adult.

One year prior to the instant offense, Mr. Frazier was charged in juvenile court with Theft 2nd Degree and Criminal Trespass 2nd Degree in Kitsap County. The matters were diverted. Seven months later, he was charged with Challenging to Fight in Public in San Diego, CA and was ordered to return to Washington, as his family in California declined to assist him. Two months after his return to Washington and while at the Crisis Residential Center, police were called to assist in restraining him, as he had become out of control. He was charged with Simple Assault but did not appear for arraignment and was on warrant status at the time of the instant offense.

Mr. Frazier entered prison at the age of 16. He was found conditionally parolable to a Mutual Re-Entry Plan (MRP) by the Board after a hearing on March 17, 2007. In finding him conditionally parolable, the Board had anticipated that the last portion of his MRP would include six months in a work release facility. Unfortunately, Mr. Frazier was denied work release, leaving the Board with no other option but direct release. After serving 28 years in prison, he was released. At the time of his release, he had spent his entire adult life in prison and had never lived independently.

He released to a clean and sober residence, the Burkus House, in the Capitol Hill area of Seattle. His conditions included a provision to obey all laws,

REASONS FOR DECISION:

On October 7, 2010, Mr. Frazier was arrested behind the wheel of an Audi, which had been reported stolen by its owner. According to police reports, Mr. Frazier told police that he was visiting his girlfriend at an apartment across the street. Mr. Frazier told Deputy Mandella that he walked outside the apartment and saw a group of acquaintances in the Bernie and Boys parking lot. Mr. Frazier said that he walked across the street and saw a bunch of his "drunk friends." According to Mr. Frazier, an unknown male handed him the key to the Audi A6. Mr. Frazier said the unknown male offered to buy him a meal if he drove him and his friends to 13 Coins in SeaTac.

Mr. Frazier was held in the King County Jail on charges of Possession of a Stolen Vehicle. On April 1, 2011, Mr. Frazier entered an *Alford* plea of guilty to an amended Information charging him with Attempted Taking a Motor Vehicle Without Permission of the Owner. He was sentenced to 144 days in jail, which he had already served. A certified copy of the Judgment and Sentence was entered into evidence in this hearing.

Mr. Frazier pled guilty with explanation to the violation. In his explanation, Mr. Frazier testified that his business had purchased the vehicle from a broker and believed it was owned by his business when he was arrested. He provided documentation including, a bill of sale and title information. He claimed he had no idea the car was stolen, and he provided a different version of the events leading up to the arrest than the police report. There were, however, some similarities between his story and that reported by the police. He also stated he finally entered the guilty plea in order to be released from jail, where he was experiencing significant medical issues that were not being addressed there.
For purposes of adjudicating his violation, his guilty plea, in whatever form, and judgment are legally sufficient to find him in violation of his condition. In pleading guilty, he indicated he felt that based on the evidence, he believed there was a substantial likelihood of being found guilty beyond a reasonable doubt. Our standard of preponderance of the evidence is a lower standard.

Nonetheless, Mr. Frazier's explanation can be considered for purposes of disposition. There was testimony from his landlord, Rev. Evans that Mr. Frazier had worked diligently on developing his business while living in her residence. She further testified that he had access to her entire residence, including her private areas, but had not taken any items belonging to her or other residents. She further testified that Mr. Frazier complied with her house rules and helped to care for an elderly man in the house in order for Rev. Evans to have some respite leave.

The Board also received a letter from Margaret Casteel. Ms. Casteel indicated she has known Mr. Frazier for several years, and stated, "he has several times volunteered his help not only to me but other seniors in my building. I have had a tragedy with my apartment flooding last August causing me to relocate temporarily, and without hesitation he was there to help. He refused any money when offered. He has a kindness in his heart that would be nice to see in more people these days."

A review of Mr. Frazier's medical records also confirms that he indeed suffers from a number of serious health conditions. His CCO testified that except for this violation, Mr. Frazier has reported as required, remained at his designated residence, and had negative UAs. He did have a stipulated agreement early on for not reporting, but there have been no problems since then.

Given this information, and the fact that Mr. Frazier has already served over four months as punishment for this offense, the Board sees no reason to revoke his parole at this time. The Board, nonetheless, does have some concerns about the legitimacy of Mr. Frazier's business venture. At the hearing today,

he was unable to provide an understandable explanation of the nature of structure of his business. Our concern is not necessarily due to any fraudulent intent on Mr. Frazier's part. Rather, given his naiveté after spending his entire adult life in prison, the Board would not want to see anyone inadvertently damaged financially as a result of Mr. Frazier's lack of business or other independent work experience. He indicates his business utilizes the services of ADP, Inc. to maintain its records. Therefore, the Board has required that Mr. Frazier sign a waiver and provide the Board and his CCO with documents related to the structure, nature and functioning of his business. The Board is also aware that in the short run, Mr. Frazier must focus his time and attention on the treatment of his health related issues. He should also keep his CCO informed regarding his condition and treatment.

BH:is

CC: Robert Frazier/Offender
Darrel Lahtinen/Attorney
Shonese Crawford/CCO/W. Seattle
Doug Carr/AAG
File

Exhibit 10

STATE OF WASHINGTON
INDETERMINATE SENTENCE REVIEW BOARD
PO BOX 40907 • Olympia, Washington 98504 • (360) 493-9266 FAX (360) 493-9287

FINDINGS AND CONCLUSIONS

NAME:	FRAZIER, Robert	
DOC#:	280118	
MEETING TYPE:	Violation Hearing	☒ **Pre-84**
DATE:	July 28, 2011	☐ **CCB**
ReConvened:	August 19, 2011	
LOCATION:	King County Jail/W. Seattle Field Office	
BOARD MEMBER:	Betsy Hollingsworth	
FINAL DECISION DATE:	September 9, 2011	

This matter came before the above named Presiding Board Member of the Indeterminate Sentence Review Board (ISRB or the Board) on the above dates for a parole violation hearing. It is noted that the violation hearing began on July 28, 2011, but scheduled hearing time ran out so the hearing was continued. Mr. Frazer was conditionally released from custody pending the reconvened violation hearing. Hearing was reconvened on August 19, 2011 and was held in the West Seattle field office. Mr. Frazier appeared in person and was represented by his attorney Jeff Goldman. Present for the Department of Corrections was Community Corrections Officer Shonese Crawford, who was represented by Assistant Attorney General Kimberly Frinell. The Board Member, having heard all evidence and testimony of witnesses and considering arguments of counsel and any documents submitted by all parties, makes the following:

MOTIONS:

Mr. Frazier brought a motion at the commencement of the hearing on July 28, 2011, to Dismiss the violations on the basis that there was insufficient evidence to support the violation. This motion was Denied. The motion was renewed at the conclusion of the Department's case and was again denied. Mr. Frazier also moved to require the production of Amber Godwin by the Department. That motion was Denied. At the commencement of proceedings on August 19, 2011, the Department advised that it had amended the violations and re-served Mr. Frazier with an Amended Violations Specified.

Exhibit 10

FINDINGS:

I. Mr. Frazier was convicted of the following offense:
Murder in the First Degree under Kitsap #81-1-00394-8.

II. Mr. Frazier was released from custody on November 23, 2009, subject to the rules and conditions of parole/community custody and under the supervision of a Community Correction Officer (CCO).

III. On June 30, 2011, parole/community custody was suspended for allegedly committing the following violations of supervision:

1. Failing to obey all laws by conspiring to deliver a controlled substance, to wit: methamphetamine; contrary to Revised Code of Washington 69.50.401, 69.50.407, and 9A.28.040, on or about 6-16-2011.
2. Failing to obey all laws by conspiring to deliver a controlled substance, to wit: cocaine; contrary to Revised Code of Washington 69.50.401, 69.50.407, and 9A.28.040, on or about 6-16-2011.

IV. The above violations are in connection with the Order of Parole/Release issued by the Board on October 16, 2009.

V. At the hearing on the above date Mr. Frazier entered a plea of Not Guilty to violations 1 and 2 as charged. The Presiding Member finds Mr. Frazier Guilty of violations 1and 2 as charged.

EVIDENCE RELIED UPON:

The Presiding Member considered for jurisdictional and dispositional purposes: the Probable Cause (PC) Review sheet dated July 18, 2011; Violation Specified dated July 15, 2011; Board Notice of Violation (Violation Report) dated July 14, 2011; ISRB Order of Parole dated October 15, 2009; and DOC chronological entries for Mr. Frazier.

The Presiding Member heard the testimony of the following witnesses: KCSO Detective Joel Banks, KSCO Detective Donyelle Frazier, Mr. Frazier, Chantel Calvin and Zady Evans.

The Presiding Member also admitted the following Exhibits:

DOCUMENT NUMBER	DESCRIPTION
DOC 1	Diagram of Motel 8 Parking Lot (for illustrative purposes)
Defense 1	Written statement of Jeana Redford (undated)
Defense 2	Statement of Amber Harris dated 8/11/11
Defense 3	Statement of Zady Evans (undated)
Defense 4	Statement of Patrick Fahccini (undated)
Defense 5	Statement of Chantel Calvin dated 7/30/2011
Defense 6	Statement of Zady Evan (undated)
Defense 7	Bill of Sale dated 6/15/2011 for 1990 Mazda 323
Defense 8	Typed Version of handwritten statement from James Bowen (undated)
Defense 9	Handwritten statement from James Bowen (undated)
Defense 10	Copy of Affidavit of Loss/Release of Interest dated 8/8/2011 [original presented but retained by Mr. Frazier]
Defense 11	Copy of vehicle report of sale dated 6/15/2011
Defense 12	Statement from Zady Evans (undated)
Defense 13	Statement from CCO Sean Raybell received 8/19/2011
Defense 14	King County Sheriff's Office Report 11-174235 received on 8/23/11
Defense 15	Letter from Sean Smith, Retail Associate Manager, T-Mobile, Burien, WA (undated)
Defense 16	Synopsis of Case Prepared by Zady Evans (undated) received on 8/31/2011

Based upon the foregoing findings of fact, the Indeterminate Sentence Review Board makes the following:

CONCLUSIONS:

I. Mr. Frazier has violated the conditions of parole a stated above.

II. It would be in the best interest of the public and for the best welfare of Mr. Frazier for an Order of Parole Revocation to be issued and for Mr. Frazier to be returned to the Washington Corrections Center at Shelton, Washington, or other institution as determined by the Department of Corrections. The Indeterminate Sentence Review Board (ISRB) will administratively set a new minimum term within 30 days of this decision.

HISTORY AND COMMENTS:

Robert Frazier is under the jurisdiction of the Board on a November 23, 1981 conviction in Kitsap County Cause #81-1-00394-8 for Murder in the First Degree. His time start was November 23, 1981.

Mr. Frazier and his co-defendant took the ferry to Bremerton, where they confronted an 83 year old man in an alley. Mr. Frazier was 15 years old at the time, and his companion was approximately 16. During the course of robbing the man of his watch and wallet, the victim was badly beaten, causing broken ribs, broken nose, two skull fractures, heart contusions and bruises to his liver and spleen. The elderly man died a few days later due to his injuries. Juvenile court declined jurisdiction, and Mr. Frazier was tried as an adult.

One year prior to the instant offense, Mr. Frazier was charged in juvenile court with Theft 2° & Criminal Trespass 2° in Kitsap County. The matters were diverted. Seven months later, he was charged with Challenging to Fight in Public in San Diego, CA and was ordered to return to Washington, as his family in California declined to assist him. Two months after his return to Washington and while at the Crisis Residential Center, police were called to assist in restraining

him, as he had become out of control. He was charged with Simple Assault but did not appear for arraignment and was on warrant status at the time of the instant offense.

Mr. Frazier entered prison at the age of 16. He was found conditionally parolable to a Mutual Re-Entry Plan (MRP) by the Board after a hearing on March 17, 2007. In finding him conditionally parolable, the Board had anticipated that the last portion of his MRP would include six months in a work release facility. Unfortunately, Mr. Frazier was denied work release, leaving the Board with no other option but direct release. After serving 28 years in prison, he was released. At the time of his release, he had spent his entire adult life in prison and had never lived independently. He released to a clean and sober residence, the Burkus House, in the Capitol Hill area of Seattle. His conditions included a provision to obey all laws.

On October 7, 2010, Mr. Frazier was arrested behind the wheel of an Audi, which had been reported stolen by its owner. According to police reports, Mr. Frazier told police that he was visiting his girlfriend at an apartment across the street. Mr. Frazier told Deputy Mandella that he walked outside the apartment and saw a group of acquaintances in the Bernie and Boys parking lot. Mr. Frazier said that he walked across the street and saw a bunch of his "drunk friends." According to Mr. Frazier, an unknown male handed him the key to the Audi A6. Mr. Frazier said the unknown male offered to buy him a meal if he drove him and his friends to 13 Coins in SeaTac.

Mr. Frazier was held in the King County Jail on charges of Possession of a Stolen Vehicle. On April 1, 2011, Mr. Frazier entered an *Alford* plea of guilty to amended information charging him with Attempted Taking a Motor Vehicle Without Permission of the Owner. He was sentenced to 144 days in jail, which he had already served. A certified copy of the Judgment and Sentence was entered into evidence in this hearing.

Mr. Frazier pled guilty with explanation to the violation. In his explanation, Mr. Frazier testified that his business had purchased the vehicle from a broker and believed that it was owned by his business when he was arrested. He provided documentation including a bill of sale and title

information. He claimed that he had no idea that the car was stolen and provided a different version of the events leading up to the arrest than the police report. There were, however, some similarities between his story and that reported by the police. He also stated that he finally entered the guilty plea in order to be released from jail, where he was experiencing significant medical issues that were not being addressed there.

For purposes of adjudicating his violation, his guilty plea, in whatever form, and judgment were legally sufficient to find him in violation of his conditions. In pleading guilty, he indicated that based on the evidence, he believed that there was a substantial likelihood of being found guilty beyond a reasonable doubt. Our standard of preponderance of the evidence is a lower standard.

Nonetheless, Mr. Frazier's explanation was considered for purposes of disposition. There was testimony from his landlord, Rev. Evans that Mr. Frazier had worked diligently on developing his business while living in her residence. She further testified that he had access to her entire residence, including her private areas, but had not taken any items belonging to her or other residents. She further testified that Mr. Frazier complied with her house rules and helped to care for an elderly man in the house in order for Rev. Evans to have some respite leave.

The Board also received a letter from Margaret Casteel. Ms. Casteel indicated that she has known Mr. Frazier for several years, and stated: "he has several times volunteered his help not only to me but other seniors in my building. I have had a tragedy with my apartment flooding last August causing me to relocate temporarily, and without hesitation he was there to help. He refused any money when offered. He has a kindness in his heart that would be nice to see in more people these days."

A review of Mr. Frazier's medical records also confirmed that he indeed suffers from a number of serious health conditions. His CCO testified that except for this violation, Mr. Frazier had reported as required, remained at his designated residence and had negative UAs. He did have a stipulated agreement early on for not reporting, but there had been no problems since then.

Given this information, and the fact that Mr. Frazier had already served over four months as punishment for this offense, the Board saw no reason to revoke his parole at the time. The Board, nonetheless, did have some concerns about the legitimacy of Mr. Frazier's business venture. At the hearing, he was unable to provide an understandable explanation of the nature or structure of his business. He indicated that his business utilizes the services of ADP, Inc. to maintain its records. Therefore, the Board required that Mr. Frazier sign a waiver and provide the Board and his CCO with documents related to the structure, nature and functioning of his business. The Board was also aware that in the short run, Mr. Frazier would be focusing his time and attention on the treatment of his health related issues.

REASONS FOR FACTUAL FINDINGS:

King County Sheriff Detective Joel D. Banks and other members of the SeaTac Street Crimes Unit were conducting a prostitution patrol along Pacific Highway South. A suspect, Ms. Godwin, was arrested for prostitution and for what appeared to be a drug transaction. In exchange for leniency, this individual agreed to assist the Detectives in arresting a crack and meth dealer in the area.

Ms. Godwin said that the dealer went by the street name, "Soldier." The Detectives were able to identify Soldier as Robert Frazier. A booking photo of Mr. Frazier was printed, and the witness positively identified him as the dealer known as "Soldier." The witness made a call to an individual she represented was Mr. Frazier to order up crack and meth. This conversation was made in Detective Donyelle Frazier's presence with the phone on speaker. Ms. Godwin positively identified the voice as Robert Frazier's voice. Detective Frazier said that when Ms. Godwin ordered $200.00 worth of methamphetamine for her cousin and $100 worth of crack cocaine for herself, the man on the telephone responded, "That's not a problem. I'm in the area." The man agreed to meet her at the Super 8 motel parking lot, where she said she was located.

While getting a plan in place for the sting, Detective Banks was shown texts from the man Ms. Godwin had identified as Mr. Frazier asking what was taking so long. While driving to the Super

8 where the meet was to take place, one such text asked, "Where the fuck are you at?" Ms. Godwin was aware that Mr. Frazier had been in prison for Murder and informed police that he had been seen with a weapon in the past. The witness appeared visibly shaken while en-route to the meet location, indicating fear of what Mr. Frazier might do if he thought something was up.

Sgt. McMartin was on foot in the parking lot at the Super 8. Detectives Frazier and Detective Brian Taylor were near the front entrance. They were advised that a black Honda Civic bearing Washington License #842VUI had pulled in north of the front entrance facing East. Ms. Godwin advised this was another vehicle she knew "Soldier" to drive.

Ms. Godwin was provided with $200 in pre-recorded buy funds and searched before and after the buy bust for contraband. Detective Banks put her out of his car across the street to the South. She walked directly to the Super 8 lot. Sgt. McMartin testified that Ms. Godwin got in the rear seat and that a white male got out of the Honda on the front passenger side and appeared to be acting as a lookout. This individual was later identified as Paul Witherbee. Sgt. McMartin testified that Mr. Witherbee was scanning the parking lot and walking around looking into vehicles. This was described as walking back and forth from the front of the car to the back, looking at the two entrances to the parking lot.

At one point, Sgt. McMartin said he could hear yelling from inside the Honda. There was concerned for the safety of Ms. Godwin. Sgt. McMartin testified that he could hear Mr.Frazier yell for the passenger to get back into the car. Mr. Witherbee got back into the car; the brake lights came on; and the car started to move forward. At that point, the Detectives moved in for safety reasons. Ms. Godwin later told them that the transaction had not taken place, because Mr. Frazier indicated that they needed to go down the street to get the dope. Ms. Godwin later provided a written statement to Detective Frazier detailing that "Soldier" showed his own wad of money, saying he didn't care about her $200.00. The Detectives later seized $847.00 from Mr. Frazier and found drugs on Mr. Witherbee.

Initially, Mr. Frazier, through his attorney, rested after the Department's case without introducing any testimony. After the Presiding Member heard summations from the two attorneys, she found Mr. Frazier guilty of the two violations. Mr. Frazier became upset during the disposition phase, indicating that his attorney had prevented him from putting on his case.[1] As a result, the Board allowed Mr. Frazier to testify, submit a number of documents, including supportive letters, and call two witnesses on his behalf. The Presiding Member agreed to reconsider her finding in light of this additional evidence and kept the record open until additional materials were submitted up to August 31, 2011. For the reasons indicated below, the Presiding Member continues to find Mr. Frazier guilty of the violations by a preponderance of the evidence.

Mr. Frazier testified that Ms. Godwin knew his name. He stated that "people don't even call me 'Soldier' anymore – that was a name I used in prison." In fact, he and Ms. Godwin were involved in an intimate relationship, and she had been living with him at the residence owned by Ms. Evans. However, Ms. Godwin began to use drugs, and Mr. Frazier stated that he kicked her out of the house. She returned a short time later and stole a cell phone delivered to the house and addressed to Zady Evan. Mr. Frazier testified that this theft took place on June 8. Mr. Frazier stated that he had told her that she could have her belongings back if she returned the phone to him. On the night of June 16, 2011, Mr. Frazier indicated that he was driving in the area of the Super 8 Motel when his passenger, Paul Witherbee, received a call from Witherbee's girl friend, Amber Harris, indicating that she had just received a call from Ms. Godwin saying that she was suicidal and asking for him to pick her up at the Super 8 Motel. Mr. Frazier also testified that Ms. Godwin sent him a text to the same effect. Since he was near the Super 8, he went there. Mr. Witherbee, his passenger, got out of the car so that Ms. Godwin could get into the back seat, since this was only a two door vehicle. When Ms. Godwin got into the car, she asked him to buy drugs. He told her that he wasn't going to get drugs for her and didn't need her money. They argued, and he told her to get out of the car.

[1] Mr. Goldman moved to withdraw as attorney for Mr. Frazier. The Presiding Member did not allow his withdrawal but allowed Mr. Frazier to present his own case, with Mr. Goldman serving as stand-by counsel.

Mr. Frazier claimed that Ms. Godwin tried to set him up because she was upset that he still had her belongings. Mr. Frazier claimed that Ms. Godwin couldn't have really been scared of him, as she returned to his house after the arrest and was there when Mr. Frazier was arrested by DOC staff. Mr. Frazier reported that the large amount of cash in his possession on the night of June 16 came from the sale of a 1990 Mazda to James Bowen. He produced a statement from Mr. Bowen and a DOC form Bill of Sale. He stated that Mr. Bowen did not have the money initially to pay to register the car so this was accomplished later, at which time Mr. Frazier had to sign an Affidavit of Lost or Stolen Title. He presented a copy of that Affidavit dated August 8, 2011. Mr. Frazier further stated that he did not use drugs, sell drugs or associate with those who used or sold drugs.

Ms. Evans' statements indicated Ms. Godwin had lived in her house with Mr. Frazier. She left on or about June 15th and took some phones from Mr. Frazier, so he refused to give her all of her clothes until she returned the phones. Ms. Evans conjectured that this was the reason Ms. Godwin attempted to set up Mr. Frazier. Ms. Godwin did return to the Evans' residence after Mr. Frazier's arrest on June 16, as she and Mr. Frazier were attempting an intervention with her.

Chantrel Calvin testified that she and Mr. Frazier were in an intimate relationship until approximately May of this year, when they broke up. Her statement, which she confirmed as true, indicates that on June 17, 2011, Ms. Godwin called her from the jail and asked her to pick her up at the jail. According to Ms. Calvin, Ms. Godwin told her that her actions were in retaliation for Mr. Frazier's refusal to hand over the clothing that he purchased for her and that she had stolen Mr. Frazier's phones and sold them. Ms. Calvin further stated that she recalled "many attempts to maintain their shaky and unstable relationship."

Amber Harris did not testify; however, in her statement (Defense Exhibit 2) she relates receiving a call from Ms. Godwin on the evening of June 16 and details regarding what she did with respect to that call. Likewise, Jeana Redford was not available to testify but a statement apparently written and signed by her was introduced as Defense Exhibit 1. Ms. Redford's

statement indicates that Ms. Godwin took some items from the Evans' house; however, there is nothing in her statement to indicate that it was based on personal knowledge, as opposed to what she heard from others. She provided no details regarding her observation of Ms. Godwin taking cell phones from a box left at the Evans residence.

Mr. Frazier's testimony and that of his witnesses (whether in person or in writing) are either expressions of personal opinion, hearsay or double hearsay or contain sufficient inconsistencies and incongruities as to make them not credible. I will outline some, although not necessarily all, of the later below. First, the cell phones that were supposedly taken by Ms. Godwin on June 15 were not order until June 17 and not delivered until June 20, according to the T-Mobile associate manager. [*See* Defense Exhibit 15] This was *after* Mr. Frazier was arrested by King County Sheriff's officers.

Amber Harris' statement says that Ms. Godwin called her asking for Mr. Frazier. After being told that he was not there, Harris states that Ms. Godwin then asked for $200 worth of drugs. Harris stated that she told Ms. Godwin that she might be able to help her. She reported later in her statement that she sent a text to Mr. Frazier "informing him that she was going to kill herself and her kids if he didn't come pick her up." But Mr. Frazier testified that Ms. Harris called her boyfriend, Paul Witherbee, who was the passenger in the car Frazier was driving, and told him that Ms. Godwin was suicidal and that it was Ms. Godwin who texted that same information to him. Mr. Frazier testified that he never told Ms. Godwin that he would meet her, yet he showed up at the Motel 8. He stated that he does not use the name "Soldier," yet Ms. Godwin knew him by that name. He testified that he told Ms. Godwin to get out of the car, apparently just before the police moved in; however, his passenger had already gotten back into the car before Ms. Godwin could have gotten out.

Apparently, Mr. Frazier is trying to suggest that the phone call made by Ms. Godwin to arrange the buy was actually made to Ms. Harris. However, police listened to both sides of that call. It was clear to them that she was talking with a man and that there was no conversation of the type that Ms. Harris claims occurred. The conversation was quite plan in asking to buy drugs

and being told that this was no problem. Likewise, the police were privy to text messages coming in to Ms. Godwin's phone, and these texts merely wanted to know what was taking her so much time.[2]

If Mr. Frazier doesn't sell drugs, why would Ms. Godwin get into the car with him and try to buy drugs from him, as he himself testified? Mr. Frazier claimed that he was extremely intolerant of drug users and dealers, yet when his friend supplied Ms. Godwin with drugs, he got upset with him for selling drugs to his girl friend, not for being a drug seller – something that Mr. Frazier seemed to know. And the person with whom he was traveling on the night of the arrest had drugs on his person. Likewise, one of the persons arrested at the Evans' house on June 30 was wanted on a DOC warrant for having a dirty UA.

Ms. Calvin's testimony is likewise suspect. She had broken up with Mr. Frazier in May and was "feeling hurt" about the breakup and presumably the fact that he had quickly replaced her with another girl friend, Ms. Godwin. Yet, we are to believe that her replacement called Ms. Calvin to come to her aid after being arrested? Ms. Calvin's statement contains information regarding her knowledge about Mr. Frazier's efforts to maintain his relationship with Ms. Godwin. But she testified that after the break up, she had "separated" herself from him so was not in contact. She testified that she had accidentally run into him "3 or 4 days ago" at a shoe store. However, her statement is dated July 30, some three weeks prior to her testimony. At the beginning of her statement, the statement originally reads that she was contacted by Ms. Godwin on 8/17/2011. While she corrected this by hand, it is curious that she would mistakenly use a month that had not yet even occurred when she supposedly wrote the statement. Ms. Calvin also reported in her statement that Ms. Godwin had admitted to her that she had stolen phones from Mr. Frazier and sold them and thus could not return them in order to get her belongings back. Again, the T-Mobile records show that the phones were not delivered, and

[2] Interestingly enough, on cross examination of Det. Frazier, defense counsel asked if the detective knew the number which Ms. Godwin had called, and Det. Frazier testified that he had included it on Ms. Godwin's written statement. That statement, which had not previously been provided, was produced and reviewed by both counsel. At no time did Mr. Frazier or his counsel offer evidence that this was not his phone number. Likewise, the Department did not present any evidence as to the owner of that number.

thus could not have been stolen, until June 20th, which is three days after Ms. Godwin supposedly made the statement to Ms. Calvin.

As for the explanation for the large amount of cash in his possession, to some extent it is neither here nor there as it relates to the violations listed here. The fact of the possession of the money may be consistent with a person engaging in drug transactions; however, such is not necessary for a finding of guilty on the violations. In light of Mr. Frazier's explanation, it was given little weight in the determination of facts in this case. It doesn't, however, make a great deal of sense that the exchange of money would take place before the delivery of the car, as the records would indicate. The bill of sale and the Vehicle Report of Sale state that the sale price was $900 while Mr. Bowen's handwritten and typed statement puts the price at $968. What is troubling about Mr. Frazier's testimony is that he was prepared to present to the Presiding Member the *original* Affidavit of Lost Title, which would have been filed with DOC at the time of the change of title, if that had actually occurred as he indicated.

When the dust settles, we are left with evidence that, in the presence of police, Ms. Godwin called a man, whom she identified as Robert Frazier, requested to buy drugs and was told "That's no problem. I'm in the area (referring to the area of the Super 8 Motel)." The two agreed to meet at the Super 8 Motel. The individual sent several texts to Ms. Godwin, which were observed by the police, asking why Ms. Godwin had not yet shown up at the motel. The man who showed up at the Super 8 Motel was Mr. Frazier, driving a black Honda. Ms. Godwin got into the car as the passenger got out. The passenger's actions were consistent with those of a person serving as a look out. No drugs were found in the car; however, Ms. Godwin's statement that Mr. Frazier told her that they would have to go to another location for the drugs was consistent with the KSCO officers' experiences with drug deals in the area.

REASONS FOR DISPOSITIONAL DECISION:

At our previous hearing, Mr. Frazier was found guilty of a parole condition as a result of a misdemeanor conviction for Attempted Taking a Motor Vehicle. He was given the benefit of the doubt regarding his explanation for how the stolen car came into his possession, and in

reinstating him the Board took into account positive community statements and otherwise substantial compliance with his parole condition. The Board did express concerns, however, regarding the legitimacy of the business that he had established and which he claimed had purchased the stolen vehicle. Of particular concern was Mr. Frazier's inability to articulate the nature of his business, its structure or its financing. While again giving Mr. Frazier the benefit of the doubt of assuming that the business was intended to be a legal endeavor, there were aspects of what Mr. Frazier described that frankly sounded "fishy." The Board asked Mr. Frazier to arrange to have materials related to the business provided to his CCO and the Board. This was never done. In fact, his CCO had previously asked him to provide information about his business, since Mr. Frazier was not otherwise working and claimed that his income came from his business. He likewise had not provided that information to the CCO prior to his May, 2011 hearing.

At the last hearing, Mr. Frazier spoke of his medical concerns, indicating that his health and lack of treatment while in jail was the primary factor in his decision to plead guilty to the Attempted Taking a Vehicle charge. He led the Board to believe that he would need to focus his entire attention over the following months on regaining his health before he could even get back to working on his business.

Apparently, Mr. Frazier's health did not keep him from engaging in business after all. Unfortunately, that business was illegal, and his conduct calls into question the legitimacy of his other business ventures. The Board notes that he also chose to associate with other felons, individuals with outstanding warrants. The individual found at his residence when Mr. Frazier was arrested was on active supervision, had been found guilty of having submitted a urine sample that tested positive for meth and was supposed to be in drug treatment. Two other persons hanging out at the Evans' residence also had warrants.

When Mr. Frazier met with his CCO on June 23, 2011, he was asked if he had had any contact with law enforcement. He reported that a couple of weeks previously, he had been the passenger in a car stopped by police because law enforcement thought the driver had an active

warrant. He reported no other police contact, despite the fact that he had been arrested just a week before. This lack of candor is of considerable concern

Mr. Frazier may have done some good in the community as evidenced by the letters of support sent to the Board prior to his last hearing and this hearing. However, Mr. Frazier has also chosen to engage in suspicious and illegal activity. It is time for this "Soldier" to return to prison, as his conduct demonstrates that he is not rehabilitated and a fit subject for the community. In considering a new release plan in anticipation of his next .100 hearing, the Presiding Member recommends that he look at structured residential settings other than the one that he was in at the time of this revocation.

BH:is

CC: Robert Frazier/Offender
Jeff Goldman/Attorney
Shonese Crawford/CCO
Kimberly Frinell/AAG
File

Exhibit 11

STATE OF WASHINGTON
INDETERMINATE SENTENCE REVIEW BOARD
PO BOX 40907 • Olympia, Washington 98504 • (360) 493-9266 FAX (360) 493-9287

DECISION AND REASONS

NAME:	FRAZIER, Robert
NUMBER:	280118
INSTITUTION:	Coyote Ridge Corrections Center
TYPE OF MEETING:	.100 Hearing
DATE:	April 25, 2012
PANEL MEMBERS:	TS & DT
FINAL DECISION DATE:	April 30, 2012

This matter came before Tom Sahlberg and Dennis Thaut, who are members of the Indeterminate Sentence Review Board (ISRB or the Board), on the above date for a release hearing in accordance with the provisions of RCW 9.95.100. Mr. Frazier appeared in person and was represented by attorney Don Miller. Additional testimony was provided by Counselor Joni Gonzales.

BOARD DECISION:

This is a Deferred Decision. Based on the requirements of RCW 9.95.009(3) and RCW 9.95.100 and the totality of evidence and information considered, the Board finds that Mr. Frazier is Parolable.

NEXT ACTION:

Submit an Offender Release Plan (ORP) for consideration.

JURISDICTION:

Robert Frazier is under the jurisdiction of the Board on a November 23, 1981 conviction in Kitsap County Cause #81-1-00394-8 for Murder in the First Degree. His time start is November 23, 1981. His minimum term was set at 316 months from an SRA range of 236 to 316 months. His maximum,

term is Life. He was paroled on November 23, 2009, but his parole was revoked with a time start of September 12, 2011. He has served approximately 336 months total and approximately 7 months on his parole revocation

NATURE OF INDEX OFFENSE(S):

File materials describe the underlying offense as Mr. Frazier (age 15) and his co-defendant (age 16) taking a ferry to Bremerton, where they confronted an 83 year old man in an alley. During the course of robbing the man of his watch and wallet, the victim was badly beaten, causing broken ribs, broken nose, two skull fractures, heart contusions and bruises to his liver and spleen. The victim died a few days later due to his severe injuries.

PRIOR CRIMINAL CONDUCT:

One year prior to the instant offense, Mr. Frazier was charged in juvenile court with Theft 2° and Criminal Trespass 2° in Kitsap County. The matters were diverted. Seven months later, he was charged with Challenging to Fight in Public in San Diego, CA and was ordered to return to Washington, as his family in California declined to assist him. Two months after his return to Washington and while at the Crisis Residential Center, police were called to assist in restraining him, as he had become out of control. He was charged with Simple Assault but did not appear for arraignment and was on warrant status at the time of the instant offense.

HISTORY/COMMENTS:

Mr. Frazier's last hearing was on July 28, 2011 and reconvened on August 19, 2011. At that time his parole was revoked for violations related to conspiring to deliver methamphetamine and cocaine. He has earned his GED and completed Stress Anger Management, Victim Awareness, Moral Reconation Therapy, Alternatives to Violence, Basic Communication Skills, Job Readiness and Computer Application classes.

EVIDENCE CONSIDERED:

In preparation for Mr. Frazier's hearing and its decision in this case, the Board completed a review

of Mr. Frazier's Department of Corrections (DOC) and ISRB files. The Board considered all information contained in those files, including but not limited to: the most recent DOC facility plan; information regarding institutional behavior and programming; any letters of support and/or concerns sent to the Board; the Pre-Sentence investigation report and psychological evaluations.

REASONS:

Mr. Frazier sent the Board a letter regarding the revocation of his parole. He wanted the Board's decision reversed and said that he had been given a "death sentence." In today's hearing, Mr. Frazier and his attorney presented a packet of information from a forfeiture hearing that they wanted the Board to consider. This was originally presented as a "Motion for Re-Consideration" based on false testimony during the violation hearing and on the misinterpretation of information presented to the Presiding Member. After discussion about the nature and scope of this .100 hearing, the Motion was dropped with the understanding that Board Members would review the packet of materials and consideration would be given to the new information alleged.

Mr. Frazier's counselor described him as "well-mannered and boisterous" and that he had indicated that he now was willing to do CD treatment, something that he resisted in the past.

The most recent psychological evaluation completed by Dr. Mendelsohn on January 25, 2012 gives no actuarial assessment of his risk to reoffend. As essentially a clinical interview, it describes him making "a number of grandiose statements" regarding available money and the status of his business. It also describes medical issues. Finally, it recommends that he be paroled with a number of conditions, some of which are simply not realistic or available to Mr. Frazier and/or those responsible for his community supervision.

Mr. Frazier testified that when he was paroled he "didn't know a lot of things I needed to ... I was scared to cross the street ... I tried to take things slowly." He said that people got into his life who weren't helpful or supportive and who tried to manipulate him. He described that the difference

now is that he is better prepared, more aware and that he "won't put my life and future in the hands of others."

The panel discussed our perceptions of how Mr. Frazier presented and comes across as a large person who can either light up the room or intimidate and darken those with whom he comes into contact. He smiled/laughed and shook his head, indicating that he understood how that contributed to his failure on parole and interactions with his CCO and others, who actually wanted to help and support him.

The Board finds Mr. Frazier parolable again to the community as much better prepared and having gained insight into himself and expectations of parolees. Appropriate release plans will be evaluated when presented. Information presented to the panel will be scanned into the ISRB files and considered by all Board Members.

TS: ch
April 27, 2012

CC: Institution
Robert Frazier
Don Miller, Attorney for Mr. Frazier
File

Exhibit 12

STATE OF WASHINGTON
INDETERMINATE SENTENCE REVIEW BOARD
PO BOX 40907 • Olympia Washington 98504 • (360) 493-9266 FAX (360) 493-9287

FINDINGS AND CONCLUSIONS

NAME:	FRAZIER, Robert	
DOC#:	280118	
MEETING TYPE:	Violation Hearing	☒Pre-84
DATE:	August 8, 2013	☐CCB
LOCATION:	King County jail	
BOARD MEMBER:	Lynne De Lano	
FINAL DECISION DATE:	August 21, 2013	

This matter came before the above named Presiding Board Member of the Indeterminate Sentence Review Board (ISRB or the Board) on the above date for a parole violation hearing. Mr. Frazier appeared in person and was represented by his attorney Darrel Lahtinen. Present for the Department of Corrections was Community Corrections Officer Gary Rink, who was represented by Assistant Attorney General Doug Carr. The Board Member, having heard all evidence and testimony of witnesses and considering arguments of counsel and any documents submitted by all parties, makes the following:

FINDINGS:

I. Mr. Frazier was convicted of the following offense:
Murder in the First Degree under Kitsap #81-1-00394-8

II. Mr. Frazier was released from custody on September 4, 2012, subject to the rules and conditions of parole and under the supervision of a Community Correction Officer (CCO).

III. On July 9, 2013, parole was suspended for allegedly committing the following violations of supervision:

1. Possessing a deadly weapon, 6 in. fixed blade knife, on or about 7-9-2013, in King County, WA.
2. Possessing a deadly weapon, brass knuckles, on or about 7-9-2013, in King County, WA.
3. Failing to obey all laws, to wit Seattle Municipal Code 12A.14.083,Weapons in Public Places, by carrying an airsoft pistol, on or about 7-9-2013, in Seattle, WA.
4. Possessing a deadly weapon, a knife with a blade length of approximately 6 inches, on or about 7-18-2013, in Mountlake Terrace, WA.
5. Possessing a deadly weapon, a knife with a camouflaged handle with a blade length of 3 ½ inches, on or about 7-18-2013, in Mountlake Terrace, WA.
6. Possessing drug paraphernalia, on or about 7-18-2013, in Mountlake Terrace, WA.

IV. The above violations are in connection with the Order of Release issued by the Board on August 1, 2012.

V. At the hearing on August 8, 2013, Mr. Frazier entered a plea of Not Guilty to violations #1 through 6 as charged. The Presiding Member findings Mr. Frazier Not Guilty of violations #3, #4, and #6; and Guilty of violations #1, #2, and #5 as charged.

Defense Attorney Lahtinen made a motion to dismiss violation #3, which was denied by the Presiding Member.

EVIDENCE RELIED UPON:

The Presiding Member heard the testimony of the following witnesses: CCO Thomas McJilton; CCO Richard Wootress; CCO Gary Rink; Pollyanna Placek (by phone); Robert Frazier.

The Presiding Member also considered: Probable Cause (PC) Review sheet dated July 18 and updated August 5, 2013; Violation Specified dated July 11 and July 29, 2013; Board Notice of Violation (Violation Report) dated July 18, 2013 and Supplemental Board Notice of Violation dated July 22, 2013; ISRB Order of Parole dated August 1, 2012.

The Presiding Member also admitted the following Exhibits: 1 color photocopy of a knife and sheath (RF1); 1 color photocopy of a knife and sheath (RF2); and 1 color photocopy of brass knuckles (RF3).

Based upon the foregoing findings of fact, the Indeterminate Sentence Review Board makes the following:

CONCLUSIONS:.

I. Mr. Frazier has violated the conditions of parole as stated above.

II. It would be in the best interest of the public and for the best welfare of Mr. Frazier that an Order of Parole Revocation be issued and Mr. Frazier be returned to the Washington Corrections Center at Shelton, Washington, or other institution as determined by the Department of Corrections. The Indeterminate Sentence Review Board (ISRB) will administratively set a new minimum term within 30 days of this decision.

REASONS FOR DECISION:

Robert Frazier is under the jurisdiction of the Board on a November 23, 1981 conviction in Kitsap County Cause #81-1-00394-8 for Murder in the First Degree. His time start was November 23, 1981.

Mr. Frazier, at his age of 15, along with his 16 year old co-defendant, confronted and robbed an 83 year old man in an alley. During the course of robbing the man of his watch and wallet, the victim was badly beaten, causing broken ribs, broken nose, two skull fractures, heart contusions and bruises to his liver and spleen. The elderly man died a few days later due to his injuries. The juvenile court declined jurisdiction and Mr. Frazier was tried as an adult.

The Board first paroled Mr. Frazier on November 23, 2009. In October of 2010, Mr. Frazier's parole was suspended after he was arrested for being in possession of a stolen vehicle. He pled guilty to Taking a Motor Vehicle without Permission of the Owner (TMVWOP). The Board postponed Mr. Frazier's revocation hearing due to local prosecution in the matter and conditionally released him from jail on March 3, 2011 pending the scheduling of his onsite revocation hearing. The Board ultimately reinstated Mr. Frazier in May of 2011 as he had served 144 days of jail time for the TMVWOP.

Less than a month later, on June 30, 2011, Mr. Frazier's parole was again suspended. The Board ordered him conditionally released from jail on July 28, 2011 pending the scheduling of his hearing, which was ultimately held in July and continued into early August, 2011. It appears one of the considerations the Board gave Mr. Frazier in allowing him to be conditionally released was his medical condition(s). Mr. Frazier was ultimately found guilty of two violations related to selling drugs (cocaine and methamphetamine) and his parole was revoked. The Board set a new minimum term of 18 months.

The Board subsequently found Mr. Frazier parolable again in April of 2012, and he was again paroled on September 4, 2012. Mr. Frazier's parole was suspended on July 9, 2013 for these aforementioned violations.

According to the Violation report and testimony, the DOC received a call from Mallory Fisher, a case manager at Sound Mental Health, who reported she thought she'd seen what appeared to be a gun in Mr. Frazier's backpack while he was giving her some paperwork on July 9, 2013. Three CCO's responded approximately an hour later to the Sound Mental Health campus, located Mr. Frazier and searched his backpack. The CCO's found a sheathed six-inch knife, brass knuckles, and an empty airsoft magazine clip in Mr. Frazier's backpack. The CCO's did not find a gun or airsoft gun. Several days later on July 18, 2013, subsequent to Mr. Frazier's arrest, CCO Rink and another CCO conducted a search of Mr. Frazier's residence and found the items which led to violations # 4, 5 and 6.

Mr. Frazier's testimony regards the alleged gun, the knife, and the brass knuckles was contradictory to that of CCO Wootress and CCO McJilton: Mr. Frazier testified today the gun was a Nerf toy, not an airsoft gun. CCO Wootress, who testified he's very familiar with airsoft guns and recognized the clip as belonging to one, clarified that an airsoft gun is considered a toy although it's a very detailed replica of a real gun. CCO Wootress explained airsoft guns shoot small plastic pellets by compressed gas or spring-action. The two CCO's testified Mr. Frazier told him at the time it was an airsoft gun that belonged to his daughter and that he'd confiscated it from her. He was reluctant to admit to the CCO's it had been in his backpack and declined to tell them where he'd disposed of it. Mr. Frazier further testified the knife found in his backpack was used as a tool for car repair and that he forgot he was carrying it. The CCO's testified that Mr. Frazier told him he didn't know he couldn't have a knife (like the one found) in his possession. Mr. Frazier testified that the brass knuckle was a belt buckle and that he was returning it to the woman who had given it to him. The CCO's testified that Mr. Frazier did not deny the item was brass knuckles nor did he claim it was a belt buckle.

Mr. Frazier's testimony about his conversation with the Sound Mental Health caseworker about possible weapons also conflicted with that provided in CCO Rink's Notice of Violation. (Ms. Fisher did not testify or provide a written statement.) The Presiding Member, however, found Mr. Frazier guilty of possession of the knife and the brass knuckles, but not guilty of possessing the airsoft gun. While it is most likely Mr. Frazier had possession of an airsoft gun rather than a Nerf toy gun when he initially entered the mental health agency and disposed of it immediately after his conversation with the case manager, there was insufficient evidence presented on which to find Mr. Frazier guilty of that specific violation.

Mr. Frazier's testimony in regards to the items found in his residence was also in conflict with that of the other witness's testimony. Mr. Frazier described his living situation with Pollyana Placek and explained there were lots of kitchen and steak knives in the apartment, including some with long blades. He denied any of these were his and that he'd seen the green/camouflaged-handled knife in Ms. Placek's purse and that she occasionally carried a knife. Ms. Placek denied she ever carried a knife and denied knowing who owned the green-handled knife. She also denied there were 30 knives in the apartment as Mr. Frazier was have alleged to have told a CCO after his arrest. Mr. Frazier denied using drugs and denied ownership of the items found in the Starbuck's bag that looked like drug paraphernalia. Mr. Frazier admitted to the needle likely being his because his diabetes requires him injecting insulin. Ms. Placek testified that she had allowed some other people to stay in her apartment a few months before Mr. Frazier's arrival and that after she discovered them using drugs, she kicked them out. She also stated she had to clean up the mess they left behind and conjectured the drug items and perhaps the knives belonged to them, including the one found under the sofa (in the common living room area).

The Presiding Member found Mr. Frazier not guilty of possessing the knife found under the sofa in the common area or the drug paraphernalia (which tested negative) due to insufficient evidence, however, he was found guilty of possessing the green/camouflaged handled knife, as his own testimony in regards to the knife was less than credible and sufficient to meet the preponderance level for the Presiding Member.

While Mr. Frazier denied that any of these items were intended to cause harm or violence towards anyone, it is difficult for the Board to not consider the nature of his index offense and the level of violence used during his commission of the crime, even though it was committed many years ago. His possession of these weapons causes great concern to the Board and appears to reflect that Mr. Frazier has not given up his criminal thinking and behavior by choosing to possess a variety of weapons, all of which are considered dangerous, in violation of municipal code and/or state statute and/or his conditions of supervision.

In deciding on the disposition to revoke Mr. Frazier's parole, the Presiding Member did take into consideration that he reported to his CCO as required, did not fail any UA's and was living at his approved residence. His CCO, however, still described his tenure on parole as "poor". Mr. Frazier's attorney described him as growing up in prison, which is true, however, many offenders with similar circumstances have managed to return to society with few, if any of the problems compared to what Mr. Frazier has created for himself. Mr. Frazier blamed his medical issues as related to his problems, which was a difficult stretch for the Presiding Member to see.

Mr. Frazier's overall adjustment while under parole has reflected a continued anti-social attitude, as evidenced by his past and current violation behaviors that included auto theft and drug dealing and now possession of dangerous weapons. Mr. Frazier offers the Board elaborate excuses that are contrary to official police or CCO reports, less than credible, and sometimes downright ludicrous. Unfortunately, Mr. Frazier appears to have fully endorsed an anti-social, criminal lifestyle instead of putting his efforts toward living a pro-social life.

LD:is

cc: Robert Frazier/Offender
Darrel Lahtinen/Attorney
Gary Rink/CCO/Lynnwood
Doug Carr/AAG
File

Exhibit 13

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
INDETERMINATE SENTENCE REVIEW BOARD
PO BOX 40907 • Olympia, Washington 98504-0907

IN THE MATTER OF:

Name: FRAZIER, Robert
DOC#: 280118 Date of Birth: [redacted]
Time Start: 11/23/1981
Date of Sentence: 11/23/1981
Max Expiration: Life
Statutory Maximum Term: Life
County: Kitsap Cause #: 81-1-00394-8

ORDER OF PAROLE AND SUPERVISION CONDITIONS

PRE Offenders

RCW 9.95.120
RCW 72.04A.070

Parole Date: 9/4/2012

The Indeterminate Sentence Review Board (ISRB) of the state of Washington, after carefully reviewing all available information, hereby orders the Secretary of the Department of Corrections (DOC) to release on parole supervision Robert FRAZIER, DOC #280118, an inmate of a Washington State Correctional Facility.

The ISRB or the DOC Community Corrections Officer (CCO) may issue an order directing arrest and detention by suspending parole pending a review as provided for RCW 9.95.120.

PAROLE IS HEREBY GRANTED SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

1. **If you are convicted of a sex offense, as required by RCW 9A.44.130-140, within 3 business days of release, you <u>must</u> register as a sex offender with the Sheriff of the county where you reside.**
2. Upon release from the Correctional Facility, you must report within one business day to your CCO, or any other person designated by DOC. Thereafter, you must report as directed.
3. You may not leave the state of Washington without prior written permission from your supervising CCO.
4. You must obey all laws and court orders, including any conditions set forth in your Judgment and Sentence, and abide by all conditions imposed by the ISRB.
5. You are prohibited from owning, possessing, receiving, shipping, or transporting a firearm, deadly weapon, ammunition or explosives.
6. You must submit to a search of your person, residence, vehicle and/or possessions, when requested by a CCO. This includes the search of your computer, cell phone and any other electronic devices.
7. You must consent to DOC home visits to monitor compliance with supervision. Home visits include access for the purpose of visual inspection of all areas of residence in which the offender lives or has exclusive or joint control or access.
8. You must reside at a location and under living arrangements that have been approved in advance by the CCO, and you must not change such arrangements/location without the prior approval of your CCO.
9. Pursuant to RCW 9.96.050, as amended by SB 5060 (1993), you will be issued a Final Discharge and Restoration of Civil Rights on Kitsap Cause #81-1-00394-8 only when you have completed three years of parole in the community. Time spent in total confinement on a subsequent conviction while on parole does not apply toward the three year date. Should your parole be revoked prior to completion of three years in the community, a Final Discharge will not be granted. If your sentence expires before you have spent three years on parole in the community, you may request a Final Discharge. In these cases, granting a Final Discharge remains discretionary with the Board.
10. Abide by any additional conditions listed below:

Exhibit 13

DocuSign Envelope ID: A42F2488-638E-4647-96F3-195F72E34449

RECEIVED
AUG 30 2012
INDETERMINATE SENTENCE REVIEW BOARD

ADDITIONAL CONDITIONS
RCW 72.04A.070 and RCW 9.95.120

FRAZIER, Robert — **Offender Name:**

280118 — **DOC#:**

Additional Specific Condition(s):

A. You must not use, possess or control any mind or mood-altering substances, drugs, narcotics, controlled substances, or drug paraphernalia without a valid prescription from a licensed physician.
B. You must not use, possess or control any alcohol.
C. You must submit to periodic and random drug and/or alcohol monitoring through an agency approved by your CCO and sign a full release of information allowing the treatment or monitoring agency to release information to your CCO and the Indeterminate Sentence Review Board (ISRB).
D. Do not possess any drug paraphernalia or any item associated with drugs/drug usage/drug sales.
E. You must stay out of establishments, such as bars, taverns, casinos, and cocktail lounges, where alcohol is the primary beverage served.
F. You must obtain a chemical dependency evaluation as directed by your CCO. You must enter into, successfully participate in, and complete all recommended treatment or aftercare programs and sign all releases necessary to ensure that the CCO and ISRB can consult with the treatment provider to monitor progress and compliance.
G. You must maintain any curfew directed by your CCO.
H. Obtain a mental health evaluation as directed by your CCO. You must enter into, successfully participate in and complete all recommended treatment protocols and sign all releases necessary to ensure that the CCO and ISRB can consult with the treatment provider to monitor progress and compliance.
I. You must be engaged in education, employment and/or community service approved by your CCO, unless you are physically incapable of doing so. You must disclose your crime to any prospective employer, educational institution or community service site.

INDETERMINATE SENTENCE REVIEW BOARD

8/1/2012
Date:

DocuSigned by: Thomas N. Sahlberg A96CE2CC34EA4E0...
Member's signature

8501698D711C498... Lynne DeLano DocuSigned By: Lynne DeLano
Member's signature

I have read, or have had read to me, the foregoing conditions of my parole and have been given a copy; I fully understand and I agree, in consideration of granting of parole, to observe and abide by such conditions. I FURTHER UNDERSTAND THAT I AM ALSO ON SUPERVISION FOR THE FOLLOWING CONVICTION(S): County Cause# Kitsap 81-1-00394-8

8-14-2012
Date:

Offender's signature:

Robert FRAZIER
Offender's name:

Julie Thompson
Witness's signature:

Exhibit 14

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
INDETERMINATE SENTENCE REVIEW BOARD
PO BOX 40907 • Olympia, Washington 98504-0907

DATE: August 23, 2013

TO: Washington Correction Center
Attn: Records

SUBJECT: Administrative Board Decision

RE: Robert FRAZIER
DOC #280118

An administrative decision of the Board in regard to the above-named individual has been made and is as follows:

Mr. Frazier's parole was revoked on August 21, 2013.

Per RCW 9.95.125, the Indeterminate Sentence Review Board sets a new minimum at 36 months on Kitsap #81-1-00394-8.

Next action: Schedule a .100 hearing 120 days prior to PERD.

New TS: 7-9-2013

Irene Seifert
Correctional Records Technician 2
Indeterminate Sentence Review Board

CC: Offender
Records
File

Exhibit 14

Exhibit 15

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
INDETERMINATE SENTENCE REVIEW BOARD
P.O. BOX 40907, OLYMPIA, WA 98504-0907

October 30, 2013

Robert Frazier
DOC #280118
Washington Corrections Center
P.O. Box 900 C5RZ
Shelton, WA 98483

Dear Mr. Frazier:

I was unable to find a hearing recording for your on-site hearing held on August 8, 2013. Apparently the recording equipment was not working. However, I did find a hearing recording for your hearing held on August 12, 2012, and that recording is enclosed. You will need to access a computer to listen to this recording.

You also ask about the status of a formal request sent to the ISRB by your attorney. Please send me the name of the attorney and the date the formal request was sent. At this time, I don't see a formal request in your file from an attorney.

Sincerely,

Robin Riley

Robin Riley
ISRB Public Disclosure Coordinator

Enclosure

"Working Together for SAFE Communities"

recycled paper

Exhibit 15

Exhibit 16

Filed
Washington State Supreme Court

JUN - 2 2015

Ronald R. Carpenter
Clerk

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In the Matter of the Personal Restraint of ROBERT A. FRAZIER, Petitioner.	NO. 90739-1 RULING DENYING REVIEW

Robert Frazier was convicted in 1981 of first degree murder, for which he received an indeterminate maximum sentence of life imprisonment. In 2009 the Indeterminate Sentence Review Board paroled Mr. Frazier. The board revoked his parole in 2011 for a controlled substance crime, but it found him parolable again in 2012. In July 2013 the board suspended parole in part because Mr. Frazier was accused of possessing deadly weapons. After a hearing the board again revoked Mr. Frazier's parole. But when Mr. Frazier later asked for a recording of the hearing, the board discovered that the recording equipment had malfunctioned and thus the hearing had not been recorded. As a result, the board initiated the scheduling of a new hearing. Mr. Frazier nonetheless challenged the revocation decision by personal restraint petition in Division Two of the Court of Appeals. Finding the petition moot as a result of the board's decision to reschedule the revocation hearing, the acting

713/62

Exhibit 16

chief judge dismissed the petition. Mr. Frazier now seeks this court's discretionary review. RAP 16.14(c).

To obtain this court's review, Mr. Frazier must show that the acting chief judge's decision conflicts with a decision of this court or with another Court of Appeals decision, or that he is raising a significant constitutional question or an issue of substantial public interest. RAP 13.4(b); RAP 13.5A(a)(1), (b). He does not make this showing.[1] While it is true a petitioner may be entitled to relief if the board fails to follow its own procedural rules, *In re Pers. Restraint of Cashaw*, 123 Wn.2d 138, 866 P.2d 8 (1994), the board here apparently recognized the procedural flaw in its first hearing and scheduled a new one. Any other procedural or substantive complaints Mr. Frazier has about the first hearing, if repeated in the second hearing, may be raised in a petition challenging the board's decision after that hearing, assuming it is adverse to Mr. Frazier. But as to the decision following the first hearing, Mr. Frazier's challenge is moot because the appellate courts cannot provide him relief from that decision. *In re Pers. Restraint of Mines*, 146 Wn.2d 279, 283, 45 P.3d 535 (2002). And Mr. Frazier does not show that this case raises issues of continuing and substantial public interest that should be addressed despite being moot. *Id.* at 285.

The motion for discretionary review is denied.

DEPUTY COMMISSIONER

June 2nd, 2015

[1] Mr. Frazier mistakenly cites the criteria for review listed in RAP 13.5(b). While those criteria apply to motions for discretionary review generally, the criteria listed in RAP 13.4(b) apply specifically to motions for discretionary review of Court of Appeals decisions on personal restraint petitions. RAP 13.5A(a)(1), (b).

Exhibit 17

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
INDETERMINATE SENTENCE REVIEW BOARD
PO BOX 40907 • Olympia, Washington 98504-0907

DATE: September 9, 2014

TO: Washington Correction Center
Attn: Records

SUBJECT: Administrative Board Decision

RE: Robert FRAZIER
DOC #280118

An administrative decision of the Board in regard to the above-named individual has been made and is as follows:

The Board last saw Mr. Frazier on August 20, 2014 at the re-hearing of his prior violation hearing. The decision was to maintain the parole revocation and refer to the full Board for a review of his minimum term.

The Board has made the decision to maintain the 36 month minimum term previously ordered on Kitsap #81-1-00394-8. Next action will remain a .100 hearing 120 days prior to the PERD.

cc: Robert Frazier/Offender
File/is

Exhibit 17

ISRB - *ADMINISTRATIVE DECISION SHEET*

Offender Name: **Robert FRAZIER**	**DOC#:** **280118**	☐ **CCB or** ☒ **Pre-84**
Hearing Officer: Choose an item.	**CRT:** Irene	**DATE:** **9-5-2014**

PERTINENT INFORMATION AND RELEVANT DOCUMENTS CONSIDERED:
Lynne reaffirmed the prior revocation. Review of PV minimum term to determine if it should be maintained, or amended.

DESCRIPTION OF ISSUE(S):
Maintain PV MT set at 36 months. ERD would be 7-9-2015. Next action: Sched .100 hrg 120 days prior to ERD.
Redeterm PV MT to 24 months. ERD would adjust to 11-7-2014.
Redeterm PV MT to 18 months. ERD would adjust to 7-9-2014.
Next action: Sched .100 hrg ASAP.

RECOMMENDATIONS:
Set new minimum term. (Requires 3 Board members approval.)

COMMENTS/ANALYSIS:

DECISION:
Set new minimum term. (Requires 3 board members to approve.)

REASONS: This was Mr. Frazier's third attempt at parole. He was found guilty of possessing a hunting knife and brass knuckles and by his own testimony, was living with a woman he described as a prostitute and drug dealer. He does not appear to be ready for a prosocial lifestyle. I'm recommending the Minimum Term remain set at 36 months.

AGREE: INITIAL/DATE	DISAGREE: INITIAL/DATE
LD 9-8-14 TNS 9/8/14 KLR 9/9/14	

Exhibit 18

Indeterminate Sentence Review Board
Parole and Release Decision Sheet

Offender: FRAZIER, Robert **DOC#**: 280118 **Date:** ☒ **PRE** ☐ **CCB**

☒ **Parole / Release APPROVED** ☐ **Parole / Release NOT Approved**
☒ Release ASAP (+35 day notification)

CONDITIONS:

☒ ***Change*** CCO and HI recommended conditions. (***List change to conditions below***)

A. You must not use, possess or control any mind or mood-altering substances, drugs, narcotics, controlled substances, or drug paraphernalia without a valid prescription from a licensed physician.
B. You must not use, possess or control any alcohol.
C. You must submit to periodic and random drug and/or alcohol monitoring through an agency approved by your CCO and sign a full release of information allowing the treatment or monitoring agency to release information to your CCO and the Indeterminate Sentence Review Board (ISRB).
D. You must stay out of establishments, such as bars, taverns, casinos, and cocktail lounges, where alcohol is the primary beverage served.
E. You must obtain a chemical dependency evaluation as directed by your CCO, and provide a copy of the evaluation to your CCO. You must enter into, successfully participate in, and complete all recommended treatment or aftercare programs and sign all releases necessary to ensure that the CCO and ISRB can consult with the treatment provider to monitor progress and compliance.
F. You must maintain any curfew directed by your CCO.
G. You must enter into mental health counseling with a licensed therapist and sign all releases necessary to ensure that the CCO and ISRB can consult with the treatment provider to monitor progress and compliance. The length and extent of such counseling shall be determined by the mental health therapist in consultation with you and your CCO.
H. You must be engaged in education, employment and/or community service approved by your CCO, unless you are physically incapable of doing so. You must disclose your crime to any prospective employer, educational institution or community service site.
I. You must submit to a polygraph examination to be conducted by a polygraph operator certified by the American Polygraph Association at the discretion of your CCO to verify compliance with your release conditions and sign a full release of information allowing the treatment or monitoring agency to release information to your CCO and the Indeterminate Sentence Review Board (ISRB) for the entire period of your supervision until you are granted a final discharge or this condition is removed by the Board. IN AGREEING TO RELEASE UNDER THIS CONDITION, BOTH THE STATE AND THE OFFENDER STIPULATE THAT THE RESULTS OF ANY POLYGRAPH EXAMINATION SHALL BE ADMISSIBLE IN ANY VIOLATION HEARINGS HELD BEFORE THE ISRB.

REASONS FOR DECISION:

The Indeterminate Sentence Review Board authorizes release for Robert Frazier, DOC# 280118, as outlined in the ORP dated June 25, 2015. Mr. Frazier will reside in King County at:

5901 South Langston Road
Seattle, WA 98178
(206)772-5242

Indeterminate Sentence Review Board
Parole and Release Decision Sheet

Within 24 hours of release, the offender will report to CCO Shawna Dickerson at the DOC office located at 1550 4th Avenue South, Seattle, WA 98134. The CCO's phone number is (206) 516-7816. The Board expects compliance with all conditions and full cooperation with the CCO. The CCO shall immediately report any violation to the Board at isrb@doc1.wa.gov or (360) 407-2400.

APPROVE (initial and date)	NOT APPROVE (initial and date)
TNS 7/6/15	
KLR 7/6/15	

ORP Work-up

Offender LAST, First Name: FRAZIER, Robert	DOC#: 280118	PAROLE ☒ CCB ☐ JUVBRD ☐
(P)ERD: 7/9/15	Max Expiration Date: Life	
Hearings Investigator: Kristi Busch	CRT: Teresa Schmidt	Report Date: July 6, 2015

Infraction Behavior Since Last Hearing

☐Yes – Summary, if yes. ☒ No

Outstanding Warrants: ☒Yes ☐ No

Misdemeanor Detainer – Seattle Municipal Court C CUC Weapon #990379355

Community Concerns:

☒ The Victim Liaison is aware of this release and **Community Concerns exist** for this offender. Community Concerns exist out of state.

☐ The Victim Liaison is aware of this release. We are **unaware of any community concerns** at this time.

Recommended Plan for Offender:

Mr. Frazier last appeared before the Board on March 18, 2015, and was found parolable at that time. In their Decision, the Board referenced Mr. Frazier's violations of supervision, which precipitated his revocation. Mr. Frazier took responsibility for his behavior. Mr. Frazier's medical conditions were also discussed. The Board noted that T4C may be helpful to Mr. Frazier in the community if he were eligible to participate.

The current proposed release address is to Open Arms Services, 5901 South Langston Road, Seattle, WA 98178 (address number one). The sponsor is Lisa Hall, telephone number (206) 772-5242. According to OMNI chronological entries Ms. Hall has agreed to accept Mr. Frazier at the house. CCO Shawna Dickerson investigated the ORP address and verified a room has been reserved for Mr. Frazier. CCO Dickerson recommended approval of this release address.

Hearing Investigator Recommendation:

Mr. Frazier was convicted of Murder in the First Degree in 1981. The victim was an elderly man who was badly beaten and robbed. Mr. Frazier was paroled for a second time in 2012, but a year later his parole was revoked when he was found guilty of possessing a deadly weapon which was a six inch knife as well as brass knuckles. It appears the proposed release address above is appropriate, and as such it is recommended the Board approve the release address.

Recommended Conditions:

- You must not use, possess or control any mind or mood-altering substances, drugs, narcotics, controlled substances, or drug paraphernalia without a valid prescription from a licensed physician.
- You must not use, possess or control any alcohol.
- You must submit to periodic and random drug and/or alcohol monitoring through an agency approved by your CCO and sign a full release of information allowing the treatment or monitoring agency to release information to your CCO and the Indeterminate Sentence Review Board (ISRB).

- You must stay out of establishments, such as bars, taverns, casinos, and cocktail lounges, where alcohol is the primary beverage served.
- You must obtain a chemical dependency evaluation as directed by your CCO, and provide a copy of the evaluation to your CCO. You must enter into, successfully participate in, and complete all recommended treatment or aftercare programs and sign all releases necessary to ensure that the CCO and ISRB can consult with the treatment provider to monitor progress and compliance.
- You must maintain any curfew directed by your CCO.
- Obtain a mental health evaluation as directed by your CCO and provide a copy of the evaluation to your CCO and the ISRB. You must enter into, successfully participate in and complete all recommended treatment protocols and sign all releases necessary to ensure that the CCO and ISRB can consult with the treatment provider to monitor progress and compliance.
- You must be engaged in education, employment and/or community service approved by your CCO, unless you are physically incapable of doing so. You must disclose your crime to any prospective employer, educational institution or community service site.
- You must submit to a polygraph examination to be conducted by a polygraph operator certified by the American Polygraph Association at the discretion of your CCO to verify compliance with your release conditions and sign a full release of information allowing the treatment or monitoring agency to release information to your CCO and the Indeterminate Sentence Review Board (ISRB) for the entire period of your supervision until you are granted a final discharge or this condition is removed by the Board. IN AGREEING TO RELEASE UNDER THIS CONDITION, BOTH THE STATE AND THE OFFENDER STIPULATE THAT THE RESULTS OF ANY POLYGRAPH EXAMINATION SHALL BE ADMISSIBLE IN ANY VIOLATION HEARINGS HELD BEFORE THE ISRB.

Schmidt, Teresa M. (DOC)

From: Getty, Jill K. (DOC)
Sent: Thursday, July 02, 2015 2:15 PM
To: Busch, Kristi D. (DOC)
Subject: FW: ORP 280118 FRAZIER, Robert

Thank you!!!!!

From: Hanegan-Cruse, Ellen R. (DOC)
Sent: Thursday, June 25, 2015 4:09 PM
To: Getty, Jill K. (DOC)
Subject: FW: ORP 280118 FRAZIER, Robert

Community concerns exist out of state.
Sincerely,

Ellen Hanegan-Cruse, MSW
Victim Liaison
Indeterminate Sentence Review Board
PO Box 40907
Olympia, WA 98504-0907
Phone: 360/407-2408
FAX: 360/493-9287
Email: ellen.hanegan@doc.wa.gov
Website: www.doc.wa.gov

*I will be leaving this position August 1, 2015. Someone will be hired who is sensitive to & familiar with victims' issues. You may continue to call: 360/407-2408 or 1-866-948-9266 for assistance. To email, you can write to the ISRB inbox (After August 1, 2015) at: isrb.doc1.wa.gov

---

From: Schmidt, Teresa M. (DOC)
Sent: Thursday, June 25, 2015 2:59 PM
To: Getty, Jill K. (DOC)
Cc: Hanegan-Cruse, Ellen R. (DOC)
Subject: ORP 280118 FRAZIER, Robert

For you in ISIS ☺
This is a new ORP for this offender although it is quite coincidental that this offender has come to you all three times

Thank you,
Teresa Schmidt – CRT 1

Indeterminate Sentencing Review Board
4317 Sixth Avenue S.E.
P.O. Box 40907
Olympia, WA 98504-0907
Phone: 360-407-2407

Inmate: FRAZIER, Robert Andre (280118)

Gender: Male	DOB: [redacted]	Age: 49	Category: Regular Inmate	Body Status: Active Inmate
RLC: LOW	Wrap-Around: No	Comm. Concern: No	Custody Level: Minimum 3 - Long Term Minimum	Location: CRCC — F / FA201L
ERD: 07/09/2015				CC/CCO: Beeman, David R

Offender Release Plan

Status: In-Effect Last Updated: 06/25/2015 Updated By: Dewing, Kimberli G

Offender Release Plan Type

○ Notification(Select All That Apply)

- ☐ Release On Max Expiration Date To Supervision On The Current Commitment
- ☐ Tolled Causes
- ☐ Detainer
- ☐ Release Without Approved Address
- ☐ Release With No Supervision Requirement For Current Commitment
- ☐ Other

◉ Investigation(Select All That Apply)

- ☐ Assign For Transition Plan Investigation
- ☑ Assign For ISRB Transition Plan Investigation (Pre-1984 Indeterminate Sentence)
- ☐ Assign For ISRB Transition Plan Investigation (Community Custody Board)
- ☐ Assign For ISRB Transition Plan Investigation (AM JUV-BRD)
- ☐ Assign For ISRB Transition Plan Investigation (LT JUV-BRD)
- ☐ Assign For Extraordinary Medical Placement
- ☐ Assign For Interstate Compact Transition Plan Investigation
- ☐ Other

Offender Information

Cause Information:

AA-811003948-Kitsap-PAR Murder 1 (1) Counts Active

End Of Sentence Review:	Not Needed
Current Sex Offense Or Other Current Offense With A Finding Of Sexual Motivation Enhancement:	No
ESR Sex Offender Level:	
Any Offense Requires Registration:	No
	No

Civil Commitment - Sexually Violent Predator (SVP) Consideration:		
Offender Re-Entry Community Safety Program (ORCS):	No	
Is Current Incarceration A DOSA Sentence:	No	
Victim Services Community Victim Liaison Assigned:	Yes	Assigned CVL: Hanegan-Cruse, Ellen R
Housing Voucher Benefits Applied For:	Yes	
Treatment Needs And Availability:	No	
Community Concerns:	No	
Child Protective Services/Adult Protective Services Concerns:	Yes	
Community Support Resources:	No	
Employment:	Yes	
Additional Information:	No	

Comments:
CVL Hanegan-Cruse has no issues with this address. Offender has had 3 rejected addresses at CC2 level and 1 rejected from the field office. Address with Lisa Hall on Langston Rd is Frazier's first pick and Amy Brooks on 6th Ave agreed to be a back up address incase the first doesn't work out.

Offender Release Address Information

1	Address Number	Sponsor First Name	Sponsor Last Name	Address Line 1
	Homeless/Address Unknown ○	Lisa	Hall	5901 S Langston Rd
	Proposed Address ◉			Address Line 2
	Release Sponsor Orientation Checklist Completed?	County: King		*City
				Seattle
	◉ Yes ○ No	Sponsor Phone No.	Phone Type	*State:
	County Of Origin: Kitsap	(206) 772-5242	Cell	Washington
				*Country
				United States
				Zip Code:
				98178

Outside Of County Of Origin? : Yes

Counselor Outside Of Origin Comments

ISRB

2	Address Number	Sponsor First Name	Sponsor Last Name	Address Line 1

Homeless/Address Unknown ○

Proposed Address ◉

Release Sponsor Orientation Checklist Completed?

◉ Yes ○ No

County Of Origin: Kitsap

Amy Brooks

County: King

Sponsor Phone No. Phone Type

(253) 315-9550 Cell

26857 6th Ave S

Address Line 2

*City

Des Moines

*State:

Washington

*Country

United States

Zip Code:

98198

Outside Of County Of Origin? : Yes

Counselor Outside Of Origin Comments

ISRB

Outside of County of Origin Approval

Approver Name: Sawyer, Andrew W

	Approve	Deny	Approval Reason
Address 1	◉	○	A court ordered condition of the offenders sentence
Address 2	◉	○	A court ordered condition of the offenders sentence

Approver Outside Of County Of Origin Comments:

ISRB offender

Counselor

Comments:

Offender has been found releasable from the ISRB. Murder 1 conviction. He had his parole revoked after having a knife, deemed to be a weapon, in his tool box. Offender does plan on working when released. Will be applying for social security to assist with paying for his medications. He is attempting to qualify for ORCS. However he does not qualify. Lisa Hall is the sponsor at this address and Amy Brooks is a back up address.Offender was provided the rules of the housing and signed paperwork. This was faxed back to Lisa.

Assignment Officer

Comments:

Community Corrections Officer

Assigned CCO Name: Dickerson, Shawna L

Housing Voucher Approved: Yes

Comments:
*report and be available for contact with the assigned Community Corrections Officer. *Do not possess and/or consume alcohol. *Do not possess and/or consume controlled substances without a lawfully issued prescription. *Do not possess drug paraphernalia *You must consent to urinalysis testing, breathalyzer, and other physical testing as directed by your Community Corrections Officer. *shall not associate with known felons without the approval of his/her CCO or ISRB. *You may not leave the state of Washington without prior written permission from CCO/ISRB. *You may not leave the county in which you reside without prior written permission from CCO. *When requested by your CCO/DOC, you must willingly submit to a search of your person, residence, vehicle and/or possessions. *You must allow CCO/DOC to conduct home visits to monitor your compliance with superivision. Home visits include access for the purpose of visual inspection of all areas of residence where you live or where you have exclusive or joint control or access. *You must obey all municipal, county, state, tribal, and federal laws. *You are prohibited from owning, possessing, receiving, shipping, or transporting a firearm, deadly weapon, ammunition or explosives. *You must stay out of drug areas, as defined by your CCO/DOC *You must not associate with known drug users or sellers, except in the context of a chemical dependency treatment program or drug support group such as Narcotics Anonymous, or other therapeautic settings approved by your CCO. *You are to comply with any/all chemical dependency treatment requirements. *You are to comply with any/all mental health treatment recommendations to include but not limited to taking prescribed medications. Provide CCO/DOC with verification of medications. *Abide by written and verbal directives given by CCO/DOC. *Notify CCO/DOC of any law enforcement contact, citations, etc. *Notify CCO/DOC before changing address and/or employment. *Make payments towards court ordered legal financial obligations. *Comply with DOC instructions. *You are not to enter bars, taverns, lounges, casinos, or business where alcohol is the primary source of business.

Reviewer: Gasperetti, Jodyne N

(●) Approve
( ) Deny

Offender Reporting Instructions

Upon release, offender should be directed to report to the Department of Corrections located at:

Street Address 1	1550 4TH AVE. SOUTH, MS:TB-12A	Location Phone	(206) 516-7816
Street Address 2			
City	Seattle	Reporting Notes:	
State	Washington		
Zip Code	981341510		

Report In Person To Dickerson, Shawna L

Community Corrections Supervisor

Supervisor Name: Gasperetti, Jodyne N

Comments:
Release plans seems appropriate with the added conditions of supervision.

Reviewer: Dewing, Kimberli G

◉ Approve
○ Deny

Field Administrator

Field Administrator Name: Dewing, Kimberli G

Comments:
Concur with approval.

◉ Approve
○ Deny

ORP History

Action Date	Staff Name	Position	Action	Status	Approve/ Complete Deny
06/25/2015	Dewing, Kimberli G	Field Administrator - NW	Approve Pending ISRB Action	In-Effect	Approve
06/25/2015	Gasperetti, Jodyne N	Community Corrections Supervisor	Forward Address#1 for Approval	In-Review	
06/24/2015	Dickerson, Shawna L	Community Corrections Officer 3	Forward Address#1 for Approval	In-Review	
06/23/2015	Dickerson, Shawna L	Community Corrections Officer 3	Submit Address#1 for Notification or Investigation	In-Work	
06/18/2015	Beeman, David R	Classification Counselor 2	Submit address#1 for Assignment	In-Work	
06/18/2015	Sawyer, Andrew W	Associate Superintendent - CRCC	Approve Address#2 Out of County	In-Work	
06/18/2015	Sawyer, Andrew W	Associate Superintendent - CRCC	Approve Address#1 Out of County	In-Work	
06/17/2015	Beeman, David R	Classification Counselor 2	Submit Out of County Approval	In-Work	
06/16/2015	Sawyer, Andrew W	Associate Superintendent - CRCC	Approve Address#1 Out of County	In-Work	
06/15/2015	Beeman, David R	Classification Counselor 2	Submit Out of County Approval	In-Work	
06/15/2015	Beeman, David R	Classification Counselor 2	Create ORP	In-Work	

Exhibit 19

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
INDETERMINATE SENTENCE REVIEW BOARD
PO BOX 40907 • Olympia, Washington 98504-0907

IN THE MATTER OF:

Name: FRAZIER, Robert
DOC#: 280118 Date of Birth: [redacted]
Time Start: 07-09-2013
Date of Sentence: 11-23-1981
Max Expiration: LIFE
Statutory Maximum Term: LIFE
County: Kitsap Cause #: 81-1-00394-8

ORDER OF PAROLE AND SUPERVISION CONDITIONS

PRE Offenders

RCW 9.95.120
RCW 72.04A.070

Parole Date: 08-11-2015

The Indeterminate Sentence Review Board (ISRB) of the state of Washington, after carefully reviewing all available information, hereby orders the Secretary of the Department of Corrections (DOC) to release on parole supervision Robert FRAZIER, DOC #280118, an inmate of a Washington State Correctional Facility.

The ISRB or the DOC Community Corrections Officer (CCO) may issue an order directing arrest and detention by suspending parole pending a review as provided for RCW 9.95.120.

PAROLE IS HEREBY GRANTED SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

1. **If you are convicted of a sex offense, as required by RCW 9A.44.130-140, within 3 business days of release, you <u>must</u> register as a sex offender with the Sheriff of the county where you reside.**
2. Upon release from the Correctional Facility, you must report within one business day to your CCO, or any other person designated by DOC. Thereafter, you must report as directed.
3. You may not leave the state of Washington without prior written permission from your supervising CCO.
4. You must obey all laws and court orders, including any conditions set forth in your Judgment and Sentence, and abide by all conditions imposed by the ISRB.
5. You are prohibited from owning, possessing, receiving, shipping, or transporting a firearm, deadly weapon, ammunition or explosives.
6. You must submit to a search of your person, residence, vehicle and/or possessions, when requested by a CCO. This includes the search of your computer, cell phone and any other electronic devices.
7. You must consent to DOC home visits to monitor compliance with supervision. Home visits include access for the purpose of visual inspection of all areas of residence in which the offender lives or has exclusive or joint control or access.
8. You must reside at a location and under living arrangements that have been approved in advance by the CCO, and you must not change such arrangements/location without the prior approval of your CCO.
9. Pursuant to RCW 9.96.050, as amended by SB 5060 (1993), you will be issued a Final Discharge and Restoration of Civil Rights on Kitsap Cause # only when you have completed three years of parole in the community. Time spent in total confinement on a subsequent conviction while on parole does not apply toward the three year date. Should your parole be revoked prior to completion of three years in the community, a Final Discharge will not be granted. If your sentence expires before you have spent three years on parole in the community, you may request a Final Discharge. In these cases, granting a Final Discharge remains discretionary with the Board.
10. Abide by any additional conditions listed below:

Exhibit 19

ADDITIONAL CONDITIONS
RCW 72.04A.070 and RCW 9.95.120

FRAZIER, Robert — **Offender Name:**

280118 — **DOC#:**

Additional Specific Condition(s):

A. You must not use, possess or control any mind or mood-altering substances, drugs, narcotics, controlled substances, or drug paraphernalia without a valid prescription from a licensed physician.

B. You must not use, possess or control any alcohol.

C. You must submit to periodic and random drug and/or alcohol monitoring through an agency approved by your CCO and sign a full release of information allowing the treatment or monitoring agency to release information to your CCO and the Indeterminate Sentence Review Board (ISRB).

D. You must stay out of establishments, such as bars, taverns, casinos, and cocktail lounges, where alcohol is the primary beverage served.

E. You must obtain a chemical dependency evaluation as directed by your CCO, and provide a copy of the evaluation to your CCO. You must enter into, successfully participate in, and complete all recommended treatment or aftercare programs and sign all releases necessary to ensure that the CCO and ISRB can consult with the treatment provider to monitor progress and compliance.

F. You must maintain any curfew directed by your CCO.

G. You must enter into mental health counseling with a licensed therapist and sign all releases necessary to ensure that the CCO and ISRB can consult with the treatment provider to monitor progress and compliance. The length and extent of such counseling shall be determined by the mental health therapist in consultation with you and your CCO.

H. You must be engaged in education, employment and/or community service approved by your CCO, unless you are physically incapable of doing so. You must disclose your crime to any prospective employer, educational institution or community service site.

ADDITIONAL CONDITIONS
RCW 72.04A.070 and RCW 9.95.120

FRAZIER, Robert
Offender Name:

280118
DOC#:

Additional Specific Condition(s):

1. You must submit to a polygraph examination to be conducted by a polygraph operator certified by the American Polygraph Association at the discretion of your CCO to verify compliance with your release conditions and sign a full release of information allowing the treatment or monitoring agency to release information to your CCO and the Indeterminate Sentence Review Board (ISRB) for the entire period of your supervision until you are granted a final discharge or this condition is removed by the Board. IN AGREEING TO RELEASE UNDER THIS CONDITION, BOTH THE STATE AND THE OFFENDER STIPULATE THAT THE RESULTS OF ANY POLYGRAPH EXAMINATION SHALL BE ADMISSIBLE IN ANY VIOLATION HEARINGS HELD BEFORE THE ISRB.

INDETERMINATE SENTENCE REVIEW BOARD

07-06-2015
Date:

DocuSigned by:
Thomas N. Sahlberg
A08CE3CC34EA4E0...
Member's signature

DocuSigned by:
Kecia Rongen
EE373BAD3D0E40A...
Member's signature

I have read, or have had read to me, the foregoing conditions of my parole and have been given a copy; I fully understand and I agree, in consideration of granting of parole, to observe and abide by such conditions. I FURTHER UNDERSTAND THAT I AM ALSO ON SUPERVISION FOR THE FOLLOWING CONVICTION(S): County Cause#

Date:

Offender's signature:

Robert FRAZIER
Offender's name:

Witness's signature:

Exhibit 20

Updated

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

BOARD-NOTICE OF VIOLATION

REPORT TO: Indeterminate Sentence Review Board

DATE: 12/03/2015
DOC NUMBER: 280118

OFFENDER NAME: FRAZIER, Robert A.
CRIME: Murder 1
SENTENCE: 3 years Parole
LAST KNOWN ADDRESS: 7325 Rainier Ave South
Seattle, WA 98118

DOB: [redacted]
COUNTY CAUSE #: Kitsap 81-1-00394-8 (AA)
DATE OF PAROLE: 08/11/2015

MAILING ADDRESS: 7325 Rainier Ave South
Seattle, WA 98118

TERMINATION DATE: TBD
STATUS: Detained - KCJ
CLASSIFICATION: LOW

PREVIOUS ACTION:

On 11/23/1981, Mr. Frazier was sentenced in Kitsap County Superior Court for Murder in the First Degree.

On 04/16/2007, Mr. Frazier was found to be conditionally parolable to a MAP with 60 months added. On 10/16 2009, an order was signed releasing Mr. Frazier from the Washington Corrections Center to Parole on 11/23/2009.

On 07/28/2011, Mr. Frazier was present for an ISRB hearing for the violations of one count of conspiring to deliver methamphetamines and one count of conspiring to deliver cocaine. On 09/12/2011, Mr. Frazier was revoked and returned to prison.

On 08/01/2012, the ISRB signed an order of parole releasing Mr. Frazier from Coyote Ridge Corrections Center on 09/04/2012.

On 07/09/2013, Mr. Frazier was arrested for possessing a six inch knife, brass knuckles, and an airsoft pistol. On 07/18/2013 Mr. Frazier was arrested for possessing two knives and possessing drug paraphernalia. On 08/08/2013, Mr. Frazier participated in an ISRB hearing. He was found guilty, his parole was revoked, and he returned to prison.

On 07/07/2015, the ISRB signed an order of parole releasing Mr. Frazier from Coyote Ridge Corrections Center on 08/11/2015.

Exhibit 20

VIOLATION(S) SPECIFIED: The above-named offender has violated conditions of supervision by:

Violation #1:
Failing to reside at a DOC approved residence on or about 11/17/2015.

Violation #2:
Failing to obey all laws by having in his control a firearm after having previously been convicted of a serious offense as defined in RCW 9.41.040, on/about 11/17/15.

RCW 9.41.040: Unlawful possession of firearms
(1)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the first degree, if the person owns, has in his or her possession, or has in his or her control any firearm after having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any serious offense as defined in this chapter.

(b) Unlawful possession of a firearm in the first degree is a class B felony punishable according to chapter 9A.20 RCW.

(2)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the second degree, if the person does not qualify under subsection (1) of this section for the crime of unlawful possession of a firearm in the first degree and the person owns, has in his or her possession, or has in his or her control any firearm:

(b) Unlawful possession of a firearm in the second degree is a class C felony punishable according to chapter 9A.20 RCW.

(3) Notwithstanding RCW 9.41.047 or any other provisions of law, as used in this chapter, a person has been "convicted", whether in an adult court or adjudicated in a juvenile court, at such time as a plea of guilty has been accepted, or a verdict of guilty has been filed, notwithstanding the pendency of any future proceedings including but not limited to sentencing or disposition, post-trial or post-fact-finding motions, and appeals. Conviction includes a dismissal entered after a period of probation, suspension or deferral of sentence, and also includes equivalent dispositions by courts in jurisdictions other than Washington state. A person shall not be precluded from possession of a firearm if the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or the conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. Where no record of the court's disposition of the charges can be found, there shall be a rebuttable presumption that the person was not convicted of the charge.

(4)(a) Notwithstanding subsection (1) or (2) of this section, a person convicted or found not guilty by reason of insanity of an offense prohibiting the possession of a firearm under this section other than murder, manslaughter, robbery, rape, indecent liberties, arson, assault, kidnapping, extortion, burglary, or violations with respect to controlled substances under RCW 69.50.401 and 69.50.410, who received a probationary sentence under RCW 9.95.200, and who received a dismissal of the charge under RCW 9.95.240, shall not be precluded from possession of a firearm as a result of the conviction or finding of not guilty by reason of insanity. Notwithstanding any other provisions of this section, if a person is prohibited from possession of a firearm under subsection (1) or (2) of this section and has not previously been convicted or found not guilty by reason of insanity of a sex offense prohibiting firearm ownership under subsection (1) or (2) of this section and/or any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, the individual may petition a court of record to have his or her right to possess a firearm restored:

Violation #3
Failing to abide by conditions of release by possessing ammunition on or about 11/17/2015.

Violation #4:
Failing to obey all laws by assaulting DOC Specialist Chad Winfrey while he was performing his official duties per RCW 9A.36.031, on/about 11/17/15.

RCW 9A. 36.031: Assault in the third degree.
(1) A person is guilty of assault in the third degree if he or she, under circumstances not amounting to assault in the first or second degree:
(a) With intent to prevent or resist the execution of any lawful process or mandate of any court officer or the lawful apprehension or detention of himself, herself, or another person, assaults another; or
(g) Assaults a law enforcement officer or other employee of a law enforcement agency who was performing his or her official duties at the time of the assault
(2) Assault in the third degree is a class C felony.

Violation #5:
Failing to abide by conditions of release by possessing methamphetamine, on or about 11/17/2015.

WITNESS(ES):
A Department of Corrections Community Corrections Officer will testify.
A representative from the Attorney General's Office.
Community Corrections Specialists Winfrey, Conaty and Rongen.

SUPPORTING EVIDENCE:
On 11/23/1981, Mr. Frazier was sentenced in Kitsap County Superior Court under cause 81-1-00394-8, for Murder in the First Degree. At this time, Mr. Frazier was ordered to a minimum term of life imprisonment. On 08/05/2015, Mr. Frazier signed an Order of Release and Supervision Conditions acknowledging the requirements of his release by the Indeterminate Review Board (ISRB). Per these release requirements, Mr. Frazier was to reside at a DOC approved residence, not use, possess or control any mind or mood-altering substances, drugs, narcotics, controlled substances, or drug paraphernalia without a valid prescription from a licensed physician. Finally, Mr. Frazier must obey all laws and court orders, including any conditions set forth in his Judgement and Sentence, and abide by all conditions imposed by the ISRB.

Violations #1, #2, #3, #4, and #5, are combined for clarity and brevity.
On 11/17/2015, DOC Specialists Rongen and Conaty received information indicating Mr. Frazier was staying at the Star Motel at 5216 S. Bennett Street Seattle, WA Room 2. At no time did Mr. Frazier obtain permission to stay at the motel. Specialist Winfrey confirmed with the motel manager that Mr. Frazier used his state identification to register in Room 2 at the motel. CCS's observed Mr. Frazier back a Black Honda CRV into a parking space. At this time Specialists Rongen and Conaty parked their vehicle in front of Mr. Frazier's vehicle to prevent him from leaving. CCS Conaty ordered Mr. Frazier out of the vehicle using verbal commands however he ignored the instructions. CCS Winfrey then positioned a marked Seattle Police and Department of Corrections van in front of Mr. Frazier's vehicle to further prevent him from leaving. At this time, Mr. Frazier accelerated and rammed the van in the driver's side door pinning CCS Winfrey in the driver's seat. Mr. Frazier fled his vehicle on foot and led officer's on a short foot pursuit. CCS Winfrey had to exit the van through the passenger side, and he and SPD Officer Reyes joined the pursuit. Mr. Frazier had to be tazed in order to be placed into custody. Mr. Frazier was

returned to his vehicle. Specialist Conatay searched his vehicle and discovered a backpack containing a holstered loaded .38 caliber revolver behind the driver's seat within lunging distance. The firearm was loaded with four rounds. It was later confirmed stolen. Mr. Frazier's motel room was then searched, and suspected methamphetamine was located. According to DOC Criminal Incident Report number ATF: 787085-16-0008, the suspected methamphetamine was field tested and found to be positive as 0.9 grams of methamphetamine. It was processed and placed into evidence.

Mr. Frazier was booked on a DOC detainer and was charged with Unlawful Possession of a Firearm, Possession of a Stolen Firearm, and Third Degree Assault, where he remains in the King County Jail. Additionally, the van had sustained significant damage requiring it to be towed from the scene.

ADJUSTMENT:
Mr. Frazier is currently classified by the Department of Corrections classification tool as a Low.

Currently, Mr. Frazier is being supervised on Murder in the First Degree. Mr. Frazier was convicted of Murder for his involvement in a Robbery and Assault leading to a death that occurred in 1981. Mr. Frazier has had a poor adjustment to Supervision. On 08/11/2015, he released for the third time. On 11/16/2015, Mr. Frazier reported to the Department of Corrections and indicated he had been assaulted with a baseball bat and shot in the head. He provided medical treatment documentation however it did not indicate a gunshot, but two lacerations. Mr. Frazier indicated he was being targeted because it was believed he had spoken to the police about his uncle's death. On 11/17/2015, Mr. Frazier was arrested by the Department of Corrections for violations of possessing of a stolen firearm, assaulting an officer and possession of narcotics. Given the short period of time in the community and it being the third time he's been given the opportunity of release, it appears he is not willing to comply with the conditions of the board, or the law. It should also be noted, when Mr. Frazier was arrested, officers searched his vehicle and additionally located two black airsoft pistols. They were originally thought to be working firearms.

RECOMMENDATION:
I recommend Mr. Frazier's Community Supervision be revoked under cause 81-1-00394-8.

I certify or declare under penalty of perjury of the laws of the state of Washington that the foregoing statements are true and correct to the best of my knowledge and belief.

Submitted By:

09-12-16
DATE

Jeffrey Moen
COMMUNITY CORRECTIONS OFFICER 2
Southeast Seattle Office
1550 4Th Ave. South, Ms:Tb-12A
Seattle WA 98134
Telephone (206) 516-7632

Approved By:

9.12.16
DATE

Jodyne Gasperetti
Community Corrections Supervisor

JSM / JSM / 12/3/2015

Distribution: **ORIGINAL** - Board **COPY** - Attorney General, Defense Attorney, File

Department of Corrections
WASHINGTON STATE

DOC – SUPPLEMENTAL REPORT

Incident No. ATF 787085-16-0008			Page 1 of 1
Address: 606 W. Gowe St. Kent, WA 98032	Phone: (206) 423-8016	Fax: (253) 372-6184	Reporting Email: jpconaty@DOC1.wa.gov
Reported By/Date: John Conaty, 12/8/2015			

Supplemental Report

This is a supplement to incident #: 787085-16-0008

Narrative:

This is a supplemental narrative to my original report written on 11/24/2015. This report is in reference to Frazier, Robert A (DOB: 8/9/65 & DOC: 280118).

This report is being written for clarification regarding the firearm recovered from the vehicle Frazier was driving and the sole occupant of.

On 11/17/15 I searched the back seat of the Honda CRV Frazier was driving. Frazier used this vehicle to ram a Seattle Police vehicle. Located in the back seat of the vehicle was a camouflage bag. Inside the bag was a firearm inside a holster wrapped in a white towel. Also located in the backpack were 2 black airsoft pistols. These 2 airsoft pistols were all black in color and did not have an "orange tip." I have seen these types of pistols in retail stores and they always have an orange or bright colored tip so that they are not mistaken as actual working firearms. The 2 pistols in the bag had none of these distinguishing marks and appeared to be real firearms. It was only after closer examination that the pistols were discovered not to be firearms. I also located I believe to be a two sided hatchet. The hatch was approximately 18 inches in length and had a curved blade on both ends.

I would also like to add some information that was overheard regarding a conversation Izquierra, Adriana M (DOB: 2/23/94) had inside the motel room Frazier was staying in. Seattle Police Officer Reyes and I were inside the motel room on the date and time of the arrest and spoke with Izquierra. When asked about any weapons or other items inside the room that might injure us she stated she had seen Frazier with a firearm. She stated the firearm was inside a black nylon holster with Velcro. We asked her where this firearm might be for officer safety reasons. Izquierra stated if it wasn't inside the black bag on the table then it was with Frazier. It was not inside the black bag Izquierra showed us.

INFORMATION THAT IS SENSITIVE REGARDING IZQUIERRA.

I certify or declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. (RCW 9A.72.085).

CCS Signature | CCS Name(Print) | Date

Distribution: ORIGINAL – Prosecuting Attorney COPY – Imaging System via DOCswiftcertain@doc1.wa.gov, Field File

Department of Corrections
WASHINGTON STATE

DOC - CRIMINAL INCIDENT REPORT

Incident No. ATF: 787085-16-0008			Page 1 of 3
Address: 606 W. Gowe St., Kent, WA 98032	Phone: (206) 423-8016	Fax: (253) 372-6184	Reporting Email: jpconaty@DOC1.wa.gov
Reported By/Date: John Conaty, 11/23/2015			

Incident Location

Location:	City:	State:	Zip Code:
5126 4th Ave S #2	Seattle	WA	98108

Rep Date:	Rep Time:	From Date:	From Time:	To Date:	To Time:
11/17/2015	12:00	11/17/2015		11/23/015	

Incident Information

Role:	Last Name	First Name:	Middle Name:	Sex:	Race:
Arrested	Frazier	Robert	Andre	Male	Black

Birth Date:	Ethnicity:	Role Description:
[redacted]		

Age:	Height:	Weight:	Hair:	Eyes:	Employment/Occupation
50	6 ft 5 in	308	Black	Brown	

Driver's Lic #:	Driver's Lic Issuer:	SSN:	State ID #:	FBI #:	Alias:
		[redacted]	11998991	407858X6	

Comments:	DOC #:
	280118

Address:	City:	State:	Zip Code:	Phone:
7325 Rainier Ave So	Seattle	WA	98118	(206) 772-5242

Off#:	Offense RCW:	Offense:	Att./Completed:

Role:	Last Name	First Name:	Middle Name:	Sex:	Race:
Witness	Izquierra	Adriana	M	Female	White

Birth Date:	Ethnicity:	Role Description:
[redacted]		

Age:	Height:	Weight:	Hair:	Eyes:	Employment/Occupation
21	5'8"	120	Black	Brown	

Driver's Lic #:	Driver's Lic Issuer:	SSN:	State ID #:	FBI #:	Alias:

Comments:	DOC #:

Address:	City:	State:	Zip Code:	Phone:
Homeless	Des Moines	WA		(206) 578-1965

Off#:	Offense RCW:	Offense:	Att./Completed:
Off#:	Offense RCW:	Offense:	Att./Completed:

Description of New Criminal Activity in Officer Presence

I, John Conaty, am a Law Enforcement Officer employed by the Washington State Department of Corrections (WA DOC) and a Federally Deputized Task Force Officer (TFO) with the Bureau of Alcohol, Tabocco, Firearms and Explosives (ATF). I have over 11 years of law enforcement experience.

I am currently assigned to the Northwest Community Response Unit (NW CRU) and ATF Puget Sound Regional Crime Gun Task Force. One of my primary duties as a member of NW CRU and ATF is to look for and apprehend WA DOC offenders with outstanding WA DOC warrants. The primary partner I work with is fellow CCS and TFO Kris Rongen.

On 11/23/1981, Robert Andre Frazier (DOB: [redacted] and DOC: 280118), was sentenced in Kitsap County Superior Court for cause 81-1-00394-8 for Murder 1st. Frazier was sentenced to life in prison. On 8/11/2015 Frazier was released from prison and sentenced to 3 years Community Custody Supervision. As of the writing of this report Frazier has a supervision end date of 8/10/18.

I was informed by CCS/TFO Rongen that Frazier might be in possession of a firearm. I familiarized myself with Fraziers physical characteristics as well as most recent photograph. I was also informed by CCS/TFO Rongen that Frazier was recently the victim of an attack where he was allegedly shot at and beaten.

On 11/17/15 I was informed by CCS/TFO Rongen that Frazier was staying at the Star Motel at 5216 4th Ave S, Seattle, WA in room #2. I assisted CCS/TFO Rongen with surveillance. I was told that Frazier was driving a black Honda CRV with a temporary license tag in the rear window. I was also informed that Frazier was in violation of his WA DOC conditions of superivison by not residing at his WA DOC listed address.

CCS/TFO Rongen contacted WA DOC CCS Chad Winfrey and Seattle Police Officer Felix Reyes and asked for their assistance. CCS Winfrey and Officer Reyes assisted us with the apprehension of Frazier. CCS Winfrey and Officer Reyes were riding together in a marked Seattle Police Van equipped with an overhead red and blue lightbar.

CCS/TFO Rongen and I were riding in our WA DOC issued vehicle. This vehicle is a white Ford F-150 pick up equipped with emergency equipment to include red and blue flashing lights as well as a siren and loud speaker.

On 11/17/15 at approximately 11:10am I witnessed a black Honda CRV travel southbound on 5th Ave S from S. Bennett St. The black Honda stopped outside room #2 and backed into a parking stall right outside the front door. WA DOC CCS Chad Winfrey and Seattle Police Officer Felix Reyes were assisting us on this arrest. As the Honda began to back into the parking stall CCS/TFO Rongen and I began to move from our surveillance location to "box in" the Honda and arrest Frazier. As we began to move CCS Winfrey, the driver of the van, began to approach the vehicle as well. As we began to driver toward the Honda I activated our emergency lights and CCS/TFO Rongen positioned the front bumper of our vehicle within inches of the Honda. I exited the passenger door with my gun drawn and began to yell verbal commands "Show me your hands," and eventually "Stop Police." As I was yelling verbal commands I could see the blue Seattle Police van pull up along side of me and about 6 feet off the front left bumper of the Honda. As I was yelling verbal commands I heard the engine on the Honda rev up. It appeared as though Frazier had attempted to put the vehicle in drive and sped away, however he accidently put it in neuteral instead. Frazier quickly put the vehicle in drive and accelerated rapidly. As he did this he scraped the front bumper of our White F-150 truck and then gained speed and crashed directely into the drivers side door of the Seattle PD van. It appeared to me that Frazier deliberately crashed his vehicle into the Seattle PD van.

After Frazier deliberately rammed the van he got out of his vehicle and fled on foot. CCS/TFO Rongen, Seattle Police Officer Reyes and I pursued Frazier on foot. As I passed the Honda I could see that no one else was inside the vehicle. Frazier ran around the corner at S. Bennett St and 5th Ave S and began to head westbound on S. Bennett St. CCS/TFO Rongen was immediately behind Frazier and Office Reyes was close behind CCS/TFO Rongen. After running about 75 yards I observed Frazier turn left and begin to run southbound behind one of the buildings of motel. I began to parallel Frazier's path in between 2 buildings. I encountered Frazier in a parking lot on the south end of the building. As I approached Frazier his hands were at his waistand. I was concerned for my safety as well as the safety of the public since Frazier was reportedly in possession of a firearm. I quickly transitioned from my firearm to my department issued taser. I deployed my taser and observed one of the probes strike Frazier in the abdomen area. Frazier lowered himself to the ground. After repeated attempts to get Frazier to put his hands behind his back we were able to get him in handcuffs.

Based on the information received from CCS/TFO Rongen I began to conduct a WA DOC search of the Honda CRV that Frazier was driving and the sole occupant of. I began to look for any violations of Frazier's conditions of supervision. CCS Winfrey assisted me with the search of the Honda CRV. CCS Winfrey advised me that he located a firearm in a backpack in the vehicle. I took pictures of the scene to include pictures of the backpack and firearm. I removed the firearm from the holster it was in and "made it safe." The firearm was a .38 Special revolver. There were 4 rounds in the 5 round cylinder. I placed the firearm in a brown paperbag. I also placed the 4 rounds of ammunition in a separate bag. I continued to search the vehicle for violations of Fraziers conditions of supervision. I located multiple phones in the vehicle. There was a black ZTE cell phone plugged into a car charger that was lying on the floor. I presume the cell phone fell to the floor after Frazier rammed the police vehicle. There were other phones in a black bag located just behind the center armrest. I took the phones into evidence. I also took the gun and ammunition into evidence.

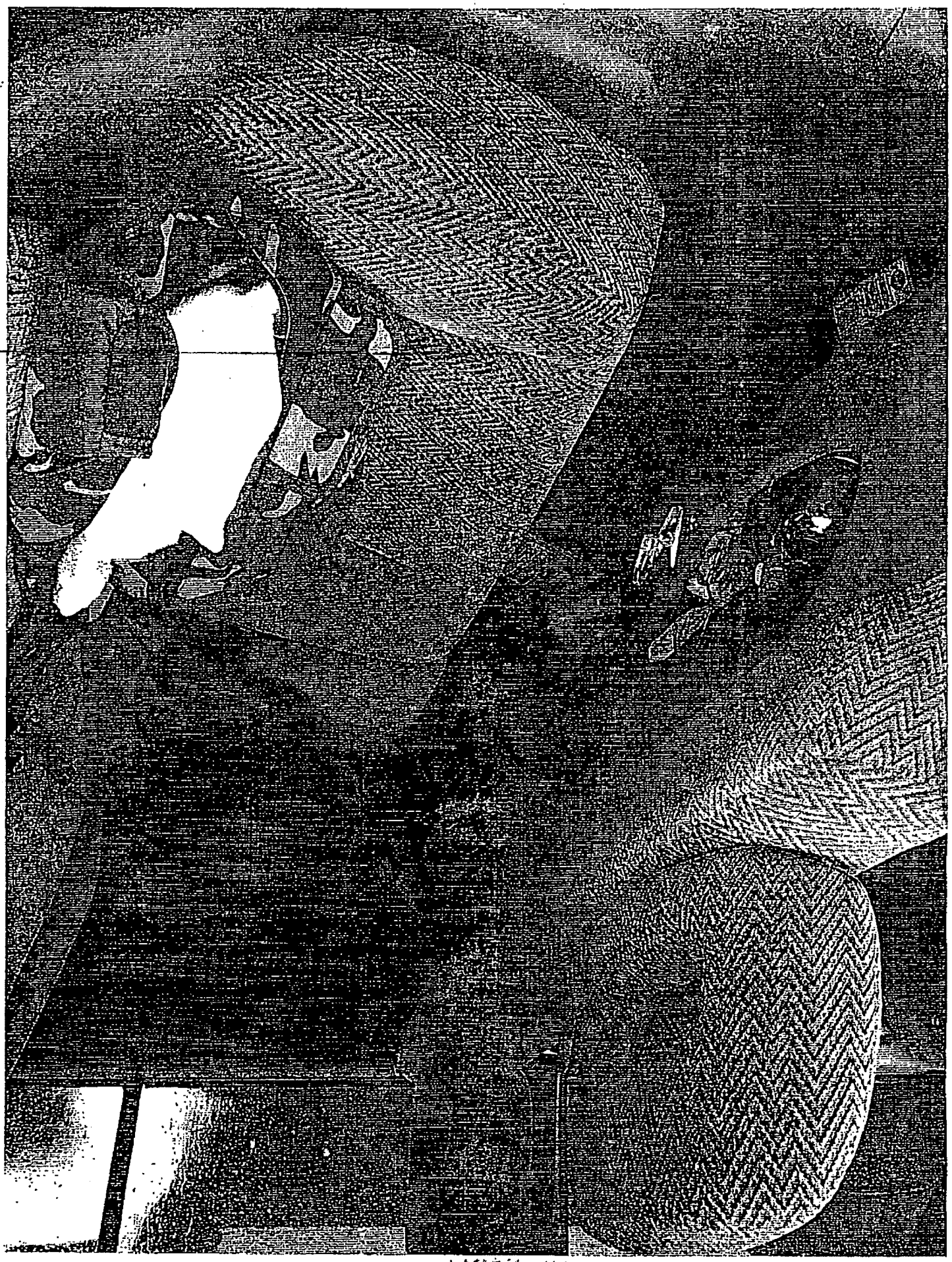
I went to the WA DOC Kent/Federal Way office and entered all the evidence. I entered all of the evidence that I recovered as well as what CCS/TFO Rongen recovered. I packaged the firearm in a box to preserve for prints and/or DNA. I also packaged the ammunition in a paper bag to preserve for prints and/or DNA. I field tested the suspected methamphetamine and it returned with a positive result from a commercially produced field drug test kit. The methamphetamine had a package weight of 0.9 grams. I completed the evidence log and secured the evidence into the appropriate locker.

On 11/23/15 I signed out the firearm and ammunition from the evidence locker at the Kent/Federal Way WA DOC office and transferred custody of that to ATF Special Agent Catherine Cole.

I certify or declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct (RCW 9A.72.085).

John Conaty	John Conaty	11/24/2015
Community Corrections Specialist Signature	Name (Print)	Date

Distribution: ORIGINAL - Prosecuting Attorney COPY - Imaging System via DOCSwiftCertain@doc.wa.gov, Field File



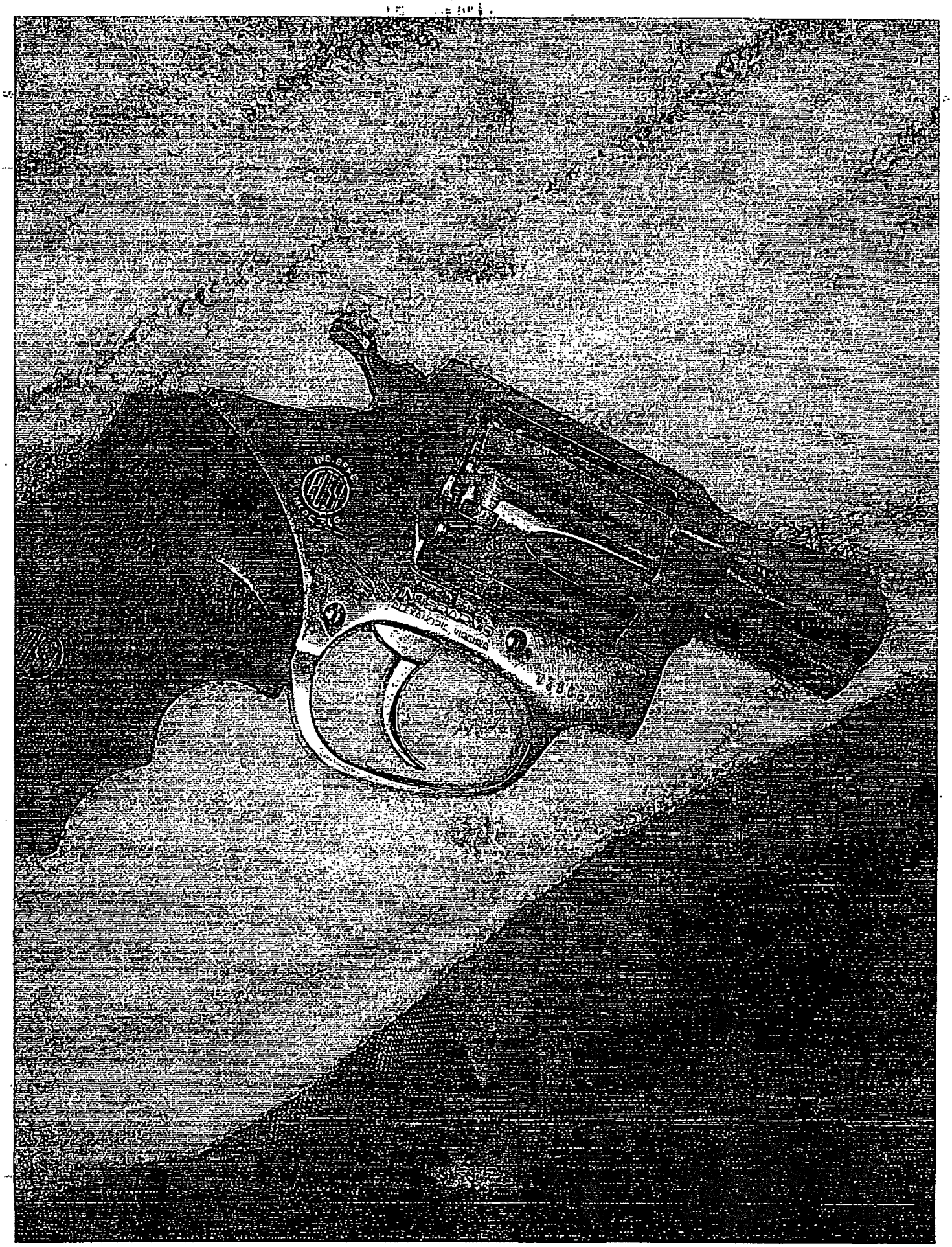


Exhibit 21

Seifert, Irene L. (DOC)

From: Fields, Monika J. (DOC)
Sent: Tuesday, April 26, 2016 12:17 PM
To: Seifert, Irene L. (DOC)
Subject: FW: Frazier

Reen,
FYI

From: Fields, Monika J. (DOC)
Sent: Wednesday, April 20, 2016 9:48 AM
To: 'leecovell@aol.com' <leecovell@aol.com>
Cc: Rongen, Kecia L. (DOC) <klrongen@DOC1.WA.GOV>; Seifert, Irene L. (DOC) <ilseifert@DOC1.WA.GOV>
Subject: RE: Frazier

Mr. Covell,
As I explained to you previously, Mr. Frazier is not being sanctioned by the ISRB at this time. His hearing has been postponed until the Federal Charges have been adjudicated. Once his Federal charges have been resolved, he will then be scheduled for an onsite violation hearing and/or an Akridge Hearing. He will then be provided with an attorney.

Sincerely,

Monika Fields
Hearings Investigator 3
Indeterminate Sentence Review Board

From: leecovell@aol.com [mailto:leecovell@aol.com]
Sent: Tuesday, April 19, 2016 6:48 AM
To: Fields, Monika J. (DOC) <mjfields@DOC1.WA.GOV>
Subject: Re: Frazier

Ms. Fields, Can you advise by what authority the ISRB can proceed to sanction my client at this point for failure to reside at an approved DOC residence when there was no Board hearing within 15 days of serving him with notice of violation on Nov. 17, 2015 and he has not been provided with an attorney as he requested by written notice on that same date?

Thank you, Lee Covell, attorney for Robert Frazier

leecovell@aol.com

----Original Message----
From: Fields, Monika J. (DOC) (DOC) <mjfields@DOC1.WA.GOV>
To: 'leecovell@aol.com' <leecovell@aol.com>; Erin.Becker <Erin.Becker@usdoj.gov>
Sent: Fri, Apr 8, 2016 11:25 am
Subject: RE: Frazier

Mr. Covell,

Exhibit 21

The Board has reviewed the documents in regards to Mr. Frazier's request for the I.S.R.B. to drop our detainer. Due to the nature of his violation behavior and pending charges the I.S.R.B. will be maintaining our detainer hold. Mr. Frazier has proven to be a risk to the community and with the added charges, a potential flight risk.

Sincerely,

Monika Fields
Hearings Investigator 3
Indeterminate Sentence Review Board

From: leecovell@aol.com [mailto:leecovell@aol.com]
Sent: Thursday, April 07, 2016 3:24 PM
To: Erin.Becker@usdoj.gov; Fields, Monika J. (DOC) <mjfields@DOC1.WA.GOV>
Subject: Re: Frazier

Erin, My client, I am most positive, would object to any extension of time, having just had an extended discussion with him earlier this afternoon. He has done all within his power to ensure that the hearing will proceed as scheduled, executing a waiver immediately when asked. He is in an extreme condition and a transfer to the RRC is absolutely necessary on humanitarian grounds. The ISRB has all of the records that were submitted. I copy them in this response, and, I think, it is fair to say that they are waiting on a decision by the federal court.

Lee

leecovell@aol.com

-----Original Message-----
From: Becker, Erin (USAWAW) (USAWAW) <Erin.Becker@usdoj.gov>
To: leecovell <leecovell@aol.com>
Sent: Thu, Apr 7, 2016 3:04 pm
Subject: Frazier

Any objection to an extension of my time to respond to your motion re detention, and a rescheduling of the hearing date? He still has the detainer in place, so a hearing is premature, plus I have not yet seen the records that he agreed to release. Thanks.

Erin

Erin H. Becker
Assistant United States Attorney
U.S. Attorney's Office/W.D. Washington
700 Stewart Street, Suite 5220
Seattle, WA 98101-1271
(206) 553-2905 office
(206) 553-0882 fax
erin.becker@usdoj.gov

The Washington Department of Corrections is increasing the security level for email messages containing confidential or restricted data. A new Secure Email Portal is being implemented. Outbound email messages from DOC staff that contain confidential or restricted data will be routed to the portal. A notification of the secured message will be delivered to the recipient.

Exhibit 22

WA STATE INDETERMINATE SENTENCE REVIEW BOARD
Action Sheet (Page 2)

Name: FRAZIER, Robert DOC #: 280118

Date	Action
3-14-07	.100 hrg – DD taken.
4-16-07	Admin Action – DD resolved. Found cond. Parolable to a MAP, add 60 mons to MT to allow time to complete MAP. OBTS PERD is now 12-8-09. Submit MAP; sched .100 hrg upon completion of MAP or 120 days prior to PERD. (is)
7-9-07	Admin Action – Sched .100 hrg to review MAP process. (is)
9-25-07	Admin Action – Cancel pending .100 hrg. Resched .100 hrg upon completion of MAP or 120 days prior to PERD. (is)
8-12-09	.100 hearing – DD. (ch)
8-25-09	Admin Action – DD resolved. The full Board finds parolable. OMNI PERD is currently 12-9-09. Next action submit release plan that includes a highly structured residential placement. (ch)
10-7-09	Admin Decision – In response to email from counselor dated 10-2-09: The Board rescinds the 60 months previously added to the MT at the 3-14-07 .100 hearing. This adjust his OMNI PERD to 8-9-06, allowing him to be considered for the Housing Voucher Program. Next action – submit ORP. (ch)
10-14-09	ISRB received ORP dated 10-12-09 and assigned to HO J. Getty. (ch)
10-15-09	Admin Decision – Parole per plan dated 10-12-09. (ch)
11-16-09	ISRB Received email notification that office Mr. Frazier is supposed to report to has been closed and a new CCO will be assigned prior to parole on 11-23-09. (ch)
11-16-09	Email received with notification for Mr. Frazier to report to Seattle Metro office to CCO Frederick. Sent amended D&R with reporting instructions to facility with instructions to notify Mr. Frazier and furnish him with a copy of the D&R prior to his release on 11-23-09. (ch)
11-23-09	Paroled. (ch)
6-3-2010	Admin Action – Addendum issued. (is)
10-7-2010	Suspend (cco)
10-26-2010	Admn Action – Onsite hearing continued pending outcome of local prosecution.
3-3-2011	Admin Action – Conditional Release from Custody pending Onsite hearing issued. (is)
4-12-2011	Admin Action – Re-schedule out of custody violation hearing.
5-5-2011	Onsite hearing continued and re-scheduled for 5-19-2011. DD taken.
5-23-2011	Admin Action – DD resolved. Order of Reinstatement and Addendum issued.
6-30-2011	Suspend (cco)
7-28-2011	Onsite hearing held in Jail. Hearing time ran out so hearing was continued, to be rescheduled to complete Fact Finding portion of hearing. (is)

Exhibit 22

7-28-2011	Order of Conditional release from Custody issued pending Onsite hearing.
8-19-2011	Onsite hearing re-convened at West Seattle field office. DD taken.
9-9-2011	Admin Action – DD resolved. Order of Revocation issued. CCO ordered to re-arrest offender; and arrange for transport to WCC. (is)
9-26-2011	Admin Action – Set NMT of 18 mons on #00394. OMNI PERD is 9-11-2012. Sched .100 hrg 120 days prior to PERD. (is)
4-25-12	.100 Hearing – DD. (ch)
4-30-12	Admin action – DD resolved. The full Board finds parolable. Next action – Submit ORP. OMNI PERD is currently 9/11/12. (ch)
6-7-12	Admin Decision – The Board denies parole as outlined in ORP archived on 6/5/12. Next action – Submit new ORP for consideration. (ch)
9-4-12	Parole to community. (mze)
4-15-2013	Suspend (cco)
4-15-2013	Admin Action – Reinstated w/Board Warning. (is)
7-9-2013	Suspend (cco)
8-8-2013	Onsite hrg held – DD taken. 10 day waiver signed. (is)
8-21-2013	Admin Action – DD resolved. Parole revoked. NMT to be set administratively within 30 days. (is)
8-23-2013	Admin Action – Board set new MT of 36 mons on #00394. OMNI PERD is now 7-9-2015. Sched .100 hrg 120 days prior to PERD. (is)
5-30-2014	Admin Action – Per AAG direction, re-schedule the parole violation hearing held on 8-8-2013 and resolved on 8-21-2013, all parties present at the original hearing are requested to attend the rescheduled hearing. <u>Reasons</u>: Upon offenders challenge of the revocation hearing it was determined that the recording device did not record the hearing. (is)
7-10-2014	Violation re-hearing initially scheduled for 8-7-2014. At request of offender he was assigned a new attorney, Michael Ewetuga. New attorney requested a hearing be rescheduled to allow him time to meet with offender and prepare for hearing. (is)
8-20-2014	Violation re-hearing held – DD taken.
8-21-2014	AAG Carr requested postponement of the decision. He had made a proposal to defense attorney and would like to wait for a response. Board Member accepted this request, and sent a 10 day waiver form for offender to sign. Offender signed and copy is in ISIS. (is)
8-31-2014	Notification from AAG Carr: DOC and Mr. Frazier failed to reach an agreement. No reason for the Board to not issue findings on the violations at issue and make its decision concerning disposition. (is)
9-5-2014	Admin Decision – DD resolved. Decision is to maintain the parole revocation issued at the 8-8-2013 violation hearing. The NMT of confinement will be reviewed administratively. Any changes will be made by separate order. (is)
9-9-2014	Admin Decision – Maintain 36 mon MT previously set on #00394. OMNI PERD remains 7-9-2015. Maintain on schedule for a .100 hrg 120 days piror to PERD. (is)

10-6-2014	Admin Action - Board reviewed offenders Appeal letter. Decision was to maintain on schedule, appeal denied. Letter sent to offender notifying him of Board decision. (is)
10-13-2014	Admin Action – Board reviewed offenders case and made the determination that **NO PSYCH EVALUATION** will be required for the next .100 hearing. (is)
3-18-15	100 Hearing – DD. (ch)
4-20-15	Admin action – DD resolved. Full Board finds parolable. Next action – Submit ORP. OMNI ERD is currently 7/9/15. (ch)

06-22-2015	Admin Decision – Board denies release to the address as outlined in the ORP dated 06-11-15. Next Action: Submit alternate release plan for consideration. (ts)
07-06-2015	Admin Decision – Board authorizes parole to the address as outlined in the ORP dated 06-25-2015. (ts)
08-11-2015	Released to Community Corrections Supervision (ts)
11-17-2015	Arrest/Suspended (cco)
12-3-2015	Onsite hearing continued pending local prosecution.
8-11-2016	Received notification that Federal charges had been dropped. May now proceed with scheduling violation hearing.
9-9-2016	****KECIA HAS RECUSED HERSELF FROM ANY FURTHER HEARINGS OR APPEALS REGARDING THIS CASE****
10-20-2016	Onsite hearing held – no decision made at hearing.
10-28-2016	Final Onsite decision – Revoke. (is)
11-3-2016	Admin Decision – Board set new MT of 42 mons on #00394. OMNI PERD is now 3-18-2018. Sched .100 hrg 120 days prior to PERD. (is)
1/6/2017	Admin Decision- Appeal Denied. No new information was presented. (js)
08/28/2017	Questys cleared. (ffo)
9-21-17	Per ESSB 6242 sent copt of offender file to PA and SC (jz)

Exhibit 23

Seifert, Irene L. (DOC)

From: Rongen, Kecia L. (DOC)
Sent: Friday, September 09, 2016 8:41 AM
To: Seifert, Irene L. (DOC)
Subject: Robert Frazier-280118

Irene-I am recusing myself from any further hearings or appeals related to Robert Frazier.

Thank you. Kecia

Kecia Rongen, M.A.
Chair
Indeterminate Sentence Review Board
WA State
(360) 407-2400

Exhibit 23

Exhibit 24

STATE OF WASHINGTON

DEPARTMENT OF CORRECTIONS
INDETERMINATE SENTENCE REVIEW BOARD

PO BOX 40907 • Olympia, Washington 98504-0907

DATE: November 3, 2016

TO: Washington Correction Center
Attn: Records

SUBJECT: Administrative Board Decision

RE: Robert FRAZIER
DOC #280118

An administrative decision of the Board in regard to the above-named individual has been made and is as follows:

Mr. Frazier's parole was revoked on October 28, 2016.

RCW 9.95.125, the Indeterminate Sentence Review Board sets a new minimum at 42 months on Kitsap #81-1-00394-8.

Next action: Schedule a .100 hearing 120 days prior to ERD.

New TS: 11-17-2015

Reasons for decision: Mr. Frazier is a violent offender and should be monitored closely in the community as he has demonstrated repeatedly a lack of genuine prosocial behavior. For more than a decade Mr. Frazier has claimed to have been involved in a financially successful business, yet has never been able to provide any evidence of this. Mr. Frazier stated he had a bag with him with his computer and 4 phones he used for business and schooling. Based on his criminal history and lack of legitimate employment, it is more likely he has continued to engage in criminal behavior. As in past hearings, Mr. Frazier has claimed his health is very fragile and he doesn't know how long he has to live. In spite of his claims, Mr. Frazier's behavior indicates he appears to function without significant impairment of any kind. As claimed in past hearings, Mr. Frazier stated he was only trying to help a female friend who has a drug problem. He continues to blame these women for his parole violations. Mr. Frazier is an intelligent, antisocial man who is not rehabilitated and not a fit subject for release in the community. Until he is willing to live a prosocial lifestyle, follow the law and stop blaming others for his predicament, he should remain incarcerated.

File: Institution
Offender
File/is

Exhibit 24

ISRB - *ADMINISTRATIVE DECISION SHEET*

Offender Name: Robert FRAZIER	DOC#: 280118	CCB ☐ JUVBRD ☐ Pre-84 ☒
Hearing Investigator: Choose an item.	CRT: Irene	DATE: 11/3/2016

PERTINENT INFORMATION AND RELEVANT DOCUMENTS CONSIDERED:
Lori revoked community custody on 10-28-2016. Findings are in the Group drive. He has been in custody since 11-17-2015, pending felony charges - which were dropped.

DESCRIPTION OF ISSUE(S):
Set new MT of 42 months on #00394-8.
Schedule .100 hearing 120 days prior to PERD.
Recommendation:

RECOMMENDATIONS:
Set new minimum term. (Requires 3 Board members approval.)

COMMENTS/ANALYSIS:

DECISION:
Choose an item.

REASONS:
Mr. Frazier is a violent offender and should be monitored closely in the community as he has demonstrated repeatedly a lack of genuine prosocial behavior. For more than a decade Mr. Frazier has claimed to have been involved in a financially successful business, yet has never been able to provide any evidence of this. Mr. Frazier stated he had a bag with him with his computer and 4 phones he used for business and schooling. Based on his criminal history and lack of legitimate employment, it is more likely he has continued to engage in criminal behavior. As in past hearings, Mr. Frazier has claimed his health is very fragile and he doesn't know how long he has to live. In spite of his claims, Mr. Frazier's behavior indicates he appears to function without significant impairment of any kind. As claimed in past hearings, Mr. Frazier stated he was only trying to help a female friend who has a drug problem. He continues to blame these women for his parole violations. Mr. Frazier is an intelligent, antisocial man who is not rehabilitated and not a fit subject for release in the community. Until he is willing to live a prosocial lifestyle, follow the law and stop blaming others for his predicament, he should remain incarcerated.

AGREE: INITIAL/DATE	DISAGREE: INITIAL/DATE
LRG 11/3/16	
TNS 11/3/16	
JP 11/3/16	

Exhibit 25

STATE OF WASHINGTON
INDETERMINATE SENTENCE REVIEW BOARD
4317 6th Ave SE • PO Box 40907 • Olympia, Washington 98504-0907 • (360) 493-9266
(TDD Relay 1-800-833-6388)

September 7, 2016

Mr. Robert Andre Frazier
BKG# 216023017
DOC # 280118
King County Correctional Facility
500 Fifth Avenue
Seattle, WA 98104-2332

Dear Mr. Frazier,

I have been asked to respond to your recent correspondence to the Indeterminate Sentence Review Board (ISRB) regarding your conflict of interest with the assigned counsel of Jeff Goldman.

As Mr. Goldman also noted that you had filed a complaint against him, we were able to reassign your counsel to Mr. Darrel Lahtinen. It is my understanding that many of your other complaints in your correspondence have since been resolved, as I have a copy of the service paperwork, as should your attorney.

Your letter and a copy of my response will be placed in your file for further consideration by the Board.

Sincerely,

Monika Fields

Monika Fields
Investigator 3
Indeterminate Sentence Review Board

Exhibit 25

Exhibit 26

BEFORE THE INDETERMINATE SENTENCE REVIEW BOARD
OLYMPIA, WASHINGTON

August 23, 2016

IN THE MATTER OF

Robert FRAZIER DOC #280118 DOB: [redacted]	)	FINDING OF PROBABLE CAUSE AND NOTICE OF HEARING
A Parolee	)	

The Washington State Indeterminate Sentence Review Board has conducted an administrative review pursuant to Chapter VI, Indeterminate Sentence Review Board Rules and Procedures, and has found there is probable cause to conduct a parole revocation hearing. Based on this finding, the Board has scheduled a parole revocation hearing concerning the above alleged parole violator as follows:

TIME: 9:30 a.m.

DATE: September 1, 2016

PLACE: King County Jail
First Floor
500 Fifth Avenue
Seattle, Washington 98104

Pursuant to RCW 9.95.130, please be advised that your maximum expiration date may be extended from the date of suspension/absconsion to the date you were in custody exclusively under State of Washington jurisdiction on your indeterminate cause(s). Your rights at the hearing on the potential time loss are identical to charged violation(s) of parole. Please refer to your copy of "Rights and Privileges Relating to On-Site Parole Revocation Proceedings" for additional information.

The purpose of this hearing is to hear testimony and evidence concerning the alleged violations of parole which have been served on said parolee and to make a determination whether or not said parolee's parole should be revoked.

Any inquires concerning this hearing, or any requests for continuance of this hearing, should be directed to and approved by the Indeterminate Sentence Review Board. Requests may be made by telephone (360) 407-2400, or if time permits, by written request. Requests by telephone must be made at least 72 hours prior to the hearing and must be immediately followed by written request. Written requests should be directed to:

Indeterminate Sentence Review Board
4317 Sixth Avenue S.E.
Post Office Box 40907
Olympia, WA 98504-0907

cc: Jeff Moen/CCO/W. Seattle
Darrell Lahtinen/Defense Attorney
Office of the Assistant Attorney General
Robert Frazier/King County Violator Facility

Exhibit 26

Exhibit 27

BEFORE THE INDETERMINATE SENTENCE REVIEW BOARD
OLYMPIA, WASHINGTON

September 26, 2016

IN THE MATTER OF

Robert FRAZIER DOC #280118 DOB:[redacted]	)	FINDING OF PROBABLE CAUSE AND NOTICE OF HEARING
A Parolee	)	

The Washington State Indeterminate Sentence Review Board has conducted an administrative review pursuant to Chapter VI. Indeterminate Sentence Review Board Rules and Procedures, and has found there is probable cause to conduct a parole revocation hearing. Based on this finding, the Board has scheduled a parole revocation hearing concerning the above alleged parole violator as follows:

TIME: 11:00 a.m. *RESCHEDULE*

DATE: October 6 2016

PLACE: King County Jail
First Floor
500 Fifth Avenue
Seattle, Washington 98104

Pursuant to RCW 9.95.130, please be advised that your maximum expiration date may be extended from the date of suspension/absconsion to the date you were in custody exclusively under State of Washington jurisdiction on your indeterminate cause(s). Your rights at the hearing on the potential time loss are identical to charged violation(s) of parole. Please refer to your copy of "Rights and Privileges Relating to On-Site Parole Revocation Proceedings" for additional information.

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Indeterminate Sentence Review Board
4317 Sixth Avenue S.E.
Post Office Box 40907
Olympia, WA 98504-0907

cc: Jeff Moen/CCO/W. Seattle
Michael Ewetuga/NEW Defense Attorney
Office of the Assistant Attorney General — ~~Haley Beach~~ Tim Feulner
Robert Frazier/King County Violator Facility

Exhibit 27

Exhibit 28

BEFORE THE INDETERMINATE SENTENCE REVIEW BOARD
OLYMPIA, WASHINGTON

October 11, 2016

IN THE MATTER OF

Robert FRAZIER DOC #280118 DOB:[redacted]	)	FINDING OF PROBABLE CAUSE AND NOTICE OF HEARING
A Parolee	)	

The Washington State Indeterminate Sentence Review Board has conducted an administrative review pursuant to Chapter VI, Indeterminate Sentence Review Board Rules and Procedures, and has found there is probable cause to conduct a parole revocation hearing. Based on this finding, the Board has scheduled a parole revocation hearing concerning the above alleged parole violator as follows:

TIME:	9:30 a.m.	*RESCHEDULE*
DATE:	October 20 2016	
PLACE:	King County Jail First Floor 500 Fifth Avenue Seattle, Washington 98104	

Pursuant to RCW 9.95.130, please be advised that your maximum expiration date may be extended from the date of suspension/absconsion to the date you were in custody exclusively under State of Washington jurisdiction on your indeterminate cause(s). Your rights at the hearing on the potential time loss are identical to charged violation(s) of parole. Please refer to your copy of "Rights and Privileges Relating to On-Site Parole Revocation Proceedings" for additional information.

The purpose of this hearing is to hear testimony and evidence concerning the alleged violations of parole which have been served on said parolee and to make a determination whether or not said parolee's parole should be revoked.

Any inquires concerning this hearing, or any requests for continuance of this hearing, should be directed to and approved by the Indeterminate Sentence Review Board. Requests may be made by telephone (360) 407-2400, or if time permits, by written request. Requests by telephone must be made at least 72 hours prior to the hearing and must be immediately followed by written request. Written requests should be directed to:

Indeterminate Sentence Review Board
4317 Sixth Avenue S.E.
Post Office Box 40907
Olympia, WA 98504-0907

cc: Jeff Moen/CCO/W. Seattle
Michael Ewetuga/NEW Defense Attorney
Office of the Assistant Attorney General
Robert Frazier/King County Violator Facility

Exhibit 28

Exhibit 29

NO. 51106-1-II

COURT OF APPEALS, DIVISION II
OF THE STATE OF WASHINGTON

In re the Personal Restraint Petition of: ROBERT A. FRAZIER, Petitioner.	DECLARATION OF ROBIN RILEY

I, ROBIN RILEY, make the following declaration:

1. I am an Executive Assistant for the Department of Corrections (DOC) at the Indeterminate Sentence Review Board (ISRB) office in Lacey, Washington. I have knowledge of the facts stated herein and am competent to testify.

2. The ISRB maintains an offender Board file for each offender under the ISRB's jurisdiction. This file contains information on an offender's sentence structure and documents relevant to his history with the ISRB. As an Executive Assistant, I am a custodian of records kept by the ISRB in the ordinary course of business.

3. Upon request of the Attorney General's Office, I provided correct copies of several documents from the Board file of offender Robert Frazier, DOC #280118, to be used as exhibits. These include the following:

Exhibit 29

Exhibit 1: Judgment and Sentence, *State v. Frazier,* Kitsap County Superior Court Cause No. 81-1-00394-8

Exhibit 2: Amended Information, *State v. Frazier,* Kitsap County Superior Court Cause No. 81-1-00394-8

Exhibit 3: Findings and Conclusions, October 28, 2016.

Exhibit 4: Administrative Board Decision, November 3, 2016

Exhibit 5: Sentence Fixed by Board, dated May 1, 1991

Exhibit 6: Decisions and Reasons, amended January 28, 1992

Exhibit 7: Decisions and Reasons, dated April 16, 2007

Exhibit 8: Decisions and Reasons, dated August 25, 2009

Exhibit 9 Findings and Conclusions, dated May 23, 2011

Exhibit 10: Findings and Conclusions, dated September 9, 2011

Exhibit 11: Decisions and Reasons, dated April 30, 2012

Exhibit 12: Findings and Conclusions, dated August 21, 2013

Exhibit 13: Order of Parole and Supervision Conditions, signed August 14, 2012

Exhibit 14: Memorandum from the Board to Washington Corrections Center, dated August 23, 2013

Exhibit 15: Letter to Robert Frazier, dated October 30, 2013

Exhibit 17: Administrative Board Decision, September 9, 2014

Exhibit 18: ISRB Parole and Release Decision Sheet, dated July 6, 2015

Exhibit 19: Order of Parole and Supervision Conditions, signed July 6, 2015

Exhibit 20: Board Notice of Violation, dated December 3, 2015

Exhibit 21: Board Email Communication from April 2016

Exhibit 22: ISRB Action Sheet

Exhibit 23: ISRB Email, dated September 9, 2016

Exhibit 24: Administrative Board Decision, November 3, 2016

Exhibit 25: Correspondence to Frazier, dated September 7, 2016

Exhibit 26: Notice of Hearing, August 23, 2016

Exhibit 27: Notice of Hearing September 26, 2016

Exhibit 28: Notice of Hearing October 11, 2016

I declare under the penalty of perjury of the laws of the state of Washington that the foregoing is true and correct to the best of my knowledge.

EXECUTED this 25th day of January 2018, at Lacey, Washington.

Robin Riley

ROBIN RILEY

Exhibit 30

NO. 51106-1-II

COURT OF APPEALS, DIVISION II
OF THE STATE OF WASHINGTON

In re the Personal Restraint Petition of: ROBERT A. FRAZIER, Petitioner.	DECLARATION OF MANDY L. ROSE

I, MANDY L. ROSE, make the following declaration:

1. I am an Assistant Attorney General (AAG) with the Corrections Division of the Attorney General's Office (AGO) in Olympia, Washington.

2. I made correct copies of the Ruling Denying Review from the AGO case file of Robert A. Frazier, *In re Frazier*, Washington Supreme Court Cause No. 90739-1, to be used as Exhibit 16.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

EXECUTED this 25th day of January, 2018, at Olympia, Washington.

MANDY L. ROSE, WSBA #38506
Assistant Attorney General

Exhibit 30

CORRECTIONS DIVISION ATTORNEY GENERAL'S OFFICE

January 25, 2018 - 3:13 PM

Transmittal Information

Filed with Court:	Court of Appeals Division II
Appellate Court Case Number:	51106-1
Appellate Court Case Title:	In re the Personal Restraint Petition of Robert A. Frazier
Superior Court Case Number:	81-1-00394-8

The following documents have been uploaded:

- 511061_Personal_Restraint_Petition_20180125150630D2862991_7487.pdf
  This File Contains:
  Personal Restraint Petition - Response to PRP/PSP
  The Original File Name was Response.Frazier.pdf

A copy of the uploaded files will be sent to:

- Andrea@EmilyGauseLaw.com
- correader@atg.wa.gov

Comments:

Sender Name: Katrina Toal - Email: katrinat@atg.wa.gov
Filing on Behalf of: Mandy Lynn Rose - Email: mandyr@atg.wa.gov (Alternate Email:)

Address:
Attorney General's Office, Corrections Division
PO Box 40116
Olympia, WA, 98504-0116
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