

No. 96695-8
NO. _____

IN THE COURT OF APPEALS FOR THE STATE OF WASHINGTON
DIVISION I

In Re the Personal Restraint Petition of

GAIL BRAHSEAR,

Petitioner.

PERSONAL RESTRAINT PETITION

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A. STATUS OF PETITIONER

Gail Brashear, Petitioner, challenges the decision of the Indeterminate Sentence Review Board denying parole. Ms. Bashear (DOC # 765306) was denied parole by an order issued on April 21, 2017.

Ms. Brashear was convicted on a May 7, 1997 in Snohomish County (Cause No. 96-1-01273-9) for First Degree Murder, First Degree Assault, and First Degree Burglary. At the time of the crimes, she was 15 years old. Because she has served more than 20 years, she was eligible for parole pursuant to RCW 9.94A.730.

The ISRB's order denying parole, which is attached, does not find facts to support the conclusion despite available conditions of release, it is more likely than not that Ms. Brashear will commit new criminal law violations if released. The order provides "(i)f she continues to meet statutory requirements," (which could disqualify her entirely from parole consideration) "Ms. Brashear may re-petition the Board in May 2022 for another hearing." *Order*, p. 1.

B. FACTS

The ISRB described the facts of Brashear's current crimes as follows:

File materials indicate that in 1996 Ms. Brashear, age 15 and two defendants were camping and decided they needed to steal a car. They had two weapons with them, a gun and a knife. Ms. Brashear flagged down the unknown adult male victim who had been fishing in the area and asked for a ride. When she got in the passenger seat, she shot the victim twice and then when her two co-defendants came to the truck, Ms. Brashear stabbed the victim in the neck several times. Witnesses came upon them and asked if they needed help and they indicated they were trying to get the victim to the hospital. After the witnesses left, they dumped the victim's body over an embankment and tried to leave in the victim's truck but could not get it started so they discarded it as well.

The following summary is based on the attached documents from the ISRB. When Ms. Brashear arrived in prison, she committed numerous infractions. However, over time and as she matured, that behavior stopped and she replaced infractions with programming successes. The psychological evaluation remarked that Ms. Brashear "appears to have made a complete shift in her behavior and subsequent programming." The ISRB's order summarized some of that programming:

Stress and Anger Management – 2010; Capital and Culture – 2012; Moving On – 2015; Beyond Trauma – 2015; Re-entry Life Skills – 2015; Communications 101 – 2017. Relationships Training Seminar, Toastmasters Ice Breaker, Healthy Relationships, Sisters of Charity, Beyond Incarceration-Foundation of Character Understanding, Turn around System Conflict Work Shop (x2), Teaching to Learn and Facilitator Training, Women Navigating Life and Adversity, Mindfulness Mediation Course, Anger Management, Peer Support Training, Emotional Predictability and Problem Solving, Prisoner Assistance Scholastic Service (PASS) the course consisted to the

following Modules: Parenting, Victim Awareness, Living w/Purpose, Domestic Violence, Conflict Resolution, Addiction, Anger Management, Gang Diversion, Re-entry in Society and Nonviolent Communication, Health and Wellness, IF Program (x2), Success Program, Independent Women's Seminar, Re-employment training through the rotary club. Peer Support, Emotions Anonymous, Braille, Catechism, GED tutoring, Lifer's Group, attends lecture series and continues to participate in the I.F. Project.

At Ms. Brashear's hearing, her Classification Counselor stated she "has been a model inmate since she made her turnaround in 2008 at which time she had her last serious infraction." Ms. Poston further indicated that Ms. Brashear "has taken advantage of all appropriate programs since her turnaround and that she has strong community support in the Snohomish County area." She added that Ms. Brashear is currently working in the CI Braille program and there is a variety of employment opportunities for her in this area. Ms. Brashear has also recently completed her AA degree and "may attend college in Bellingham at Western Washington University if she is found releasable."

The psychological evaluation further noted that "Ms. Brashear acknowledges her role in her crimes and has participated in a variety of programs to assist her in understanding the 'why' of her behavior so that she does not commit another crime if back in the community. Further, Ms. Brashear "has a strong family support network (parents, brother, sister, aunts and grandmother)."

The ISRB psychologist described Ms. Brashear as “bright, motivated to achieve her educational goals and is making significant progress. She has learned important pro-social coping skills. She has no current medical or mental health concerns that would impede her ability to succeed in the community and has demonstrated excellent help seeking skills if she were to need assistance in the future. She is highly motivated and prepared with good work skills. She has a committed family support system.” The only listed “weakness” in the evaluation was “never having worked or lived in the community as an adult,” a fact applicable to every juvenile awaiting parole.

The psychological evaluation employed widely-accepted instruments used to determine the degree of risk of recidivism. On the psychopathy checklist, Ms. Brashear scored in the “lowest” group, showing “no sign of psychopathy” and “little evidence of an Antisocial Personality Disorder.” The report noted that Ms. Brashear “turned her behavioral difficulties around with the benefit of intensive therapy at the time of her return from out of state placement.” Based on the tests conducted and scored by the ISRB’s psychologist, Ms. Brashear’s “total score is judged to be low risk to reoffend.”

Those scores reflect that Ms. Brashear is a low risk of committing future crimes as measured without consideration of parole conditions.

The report found “significant risk reducing factors.” For example, Ms. Brashear has a “high level of protective factors, which were describe as internal, motivational, and external. The existence of those factors “bode(s) well for lowering her overall risk to recidivate over the next twelve months.” “Other significant mitigating factors that indicate possible reduction in risk include: increasing age which at age 35 is applicable to her, decreased frequency of institutional misbehavior- having no serious infractions for more than eight years, and participation in criminogenic related cognitive-behavioral programming.” The evaluator opined that Ms. Brashear “possesses the attitude and skills” to succeed in the community.

As a result, the psychologist concluded that while Ms. Brashear was in the “low” range to offend if released, considering other factors puts her in the “low to very low” range.

Finally, the evaluation concluded that Ms. Brashear’s risk of offense is lessened even further by a period of “transitional” release (*i.e.*, lowering her custody level) and by conditions of community supervision. Specifically, the psychologist noted that Ms. Brashear is “less likely to engage in criminal activity” if she was directed to participate in group counseling focusing on stress associated with transitioning to life outside of prison.

There was no evidence before the ISRB contradicting these state-of-the-art psychological risk assessments.

The prosecutor filed a written opposition to Ms. Brashear's release. However, he did not contest the psychological evaluation or present any contradicting evidence. Instead, the prosecutor opposed release on policy grounds, arguing that the "20 years she has served is nowhere near" sufficient punishment for her crimes, "not even close."

Contrary to the dictates of the statute, the Board accepted the prosecutor's conclusion, putting aside the evidence that Ms. Brashear was an exceedingly low risk of committing offenses if released. Instead, the ISRB concluded:

However, Ms. Brashear has committed horrible crimes that have left lasting impacts to many of the survivors of her victims. The Board believes it is also important to note that Ms. Brashear has served a relatively small portion of what the minimum sentence is on all counts as well as the SRA minimum/maximum. Additionally, the Board has received a strong recommendation from the Snohomish Prosecutor that requests the Board to not release Ms. Brashear.

The ISRB further noted that "Ms. Brashear has served a fraction of her 51-year minimum (sic) term."

And, although the ISRB acknowledged the "likely to offend by a preponderance of the evidence" standard, it did not cite a single fact to

support that conclusion. Moreover, the ISRB made no finding regarding Ms. Brashear's risk level, if placed on supervision.

C. ARGUMENT

This is a simple, but disturbing case. Despite evidence affirmatively showing that Ms. Brashear is an exceedingly low risk of committing future crimes, the ISRB denied parole reasoning that she had not served enough of her original (and now, unconstitutional) sentence. This Court should reverse and remand with instructions to the ISRB to order Ms. Brashear to be paroled.

A petitioner must show she is under unlawful restraint to succeed on a PRP challenge of an ISRB decision. RAP 16.4(b), (c); *In re Pers. Restraint of Addleman*, 151 Wash.2d 769, 774, 92 P.3d 221 (2004) (citing *In re Pers. Restraint of Cashaw*, 123 Wash.2d 138, 148–49, 866 P.2d 8 (1994)). Here, Ms. Brashear argues the ISRB's abuse of discretion results in an unlawful restraint. *In re Pers. Restraint of Dyer*, 164 Wash. 2d 274, 285, 189 P.3d 759, 764–65 (2008). The *Dyer* court explained:

The ISRB abuses its discretion when it “fails to follow its own procedural rules for parolability hearings or acts without consideration of and in disregard of the facts.” *Dyer I*, 157 Wash.2d at 363, 139 P.3d 320 (citing *Addleman*, 151 Wash.2d at 776–77, 92 P.3d 221). Reliance upon “speculation and conjecture” with disregard of the evidence also constitutes an abuse of discretion. *Id.* at 369, 139 P.3d 320. We must find the ISRB acted

willfully and unreasonably to support a determination that the parolability decision is arbitrary and capricious. *Ben-Neth v. Indeterminate Sentence Review Bd.*, 49 Wash.App. 39, 42, 740 P.2d 855 (1987) (citing *In re Buffelen Lumber & Mfg. Co.*, 32 Wash.2d 205, 209, 201 P.2d 194 (1948)), *overruled on other grounds by Shoreline Cmty. Coll. Dist. No. 7 v. Employment Sec. Dep't*, 120 Wash.2d 394, 842 P.2d 938 (1992).

Dyer, 164 Wash. 2d at 286.

The language of the statute making Ms. Brashear parole eligible is plain:

The board shall order the person released under such affirmative and other conditions as the board determines appropriate, unless the board determines by a preponderance of the evidence that, despite such conditions, it is more likely than not that the person will commit new criminal law violations if released.

RCW 9.94A.730 (3). The statute creates a presumption of release (“shall order”), unless the facts lead the ISRB to conclude that the individual will commit “new criminal law violations” if released.

Moreover, in evaluating the probability of recidivism, the ISRB must consider whether conditions of parole will reduce the risk of recidivism.

Id.

Ultimately, the question before this Court is whether the ISRB supported its decision to deny parole with objective facts and in consideration of the evidence before it. It did not.

Even the most searching review of the evidence before the ISRB regarding Ms. Brashear’s risk of recidivism will fail to find any

evidence to satisfy the statutory requirement. Other than by parroting the statutory standard in its conclusion, the ISRB makes it clear that Ms. Brashear was denied parole because they agreed with the prosecutor's assessment that her crime deserved more time in prison. That conclusion is about as stark a dereliction of the statutory mandate as this Court is likely to review. This Court should give no credit to the ISRB's ability to recite the statute, but instead should review whether the ISRB applied that standard in a reasonable manner and based its conclusion on facts.

Where the facts all support the conclusion that Ms. Brashear is not likely to commit future crimes, it is of no moment to surmise otherwise or to inject a reason unrelated to recidivism as the only support for denial of release. The ISRB abused its discretion when it denied parole.

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D. CONCLUSION

Based on the above, this Court should reverse and remand with directions to the ISRB to grant parole.

DATED this 24th day of June, 2017.

Respectfully Submitted:

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

DECISION AND REASONS

NAME: BRASHEAR, Gail
DOC #: 765306
FACILITY: Washington Corrections Center for Women (WCCW)
TYPE OF HEARING: LTJUVBRD Hearing
HEARING DATE: April 12, 2017
PANEL MEMBERS: JP & TW
FINAL DECISION DATE: April 21, 2017

This matter came before Jeff Patnode and Tana Wood, 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 9.94A.730. Ms. Brashear appeared in person. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Jessica Poston, and Ms. Brashear.

BOARD DECISION:

Based on the burden of proof set out in RCW 9.94A.730(3) and the totality of evidence and information provided to the Board, the Board does find by a preponderance of the evidence that Ms. Brashear is more likely than not to commit any new criminal law violations if released on conditions. Consequently, the Board finds Ms. Brashear not releasable.

NEXT ACTION:

Ms. Brashear may re-petition the Board in May 2022 for another hearing. If she continues to meet statutory requirements, the Board will schedule Ms. Brashear for another release hearing. An updated psychological evaluation is required.

Gail Brashear is under the jurisdiction of the Board on a May 7, 1997 conviction in Snohomish County Cause No. 96-1-01273-9 for First Degree Murder, Count I; First Degree Assault, Count II; and First Degree Burglary, Count III. The time start is May 8, 1997.

Count I: The minimum term for Count I was set at 407 months from a Sentencing Reform Act (SRA) range of 261 to 347 months. There was also a 60 month Firearm Enhancement (347 month base and 60 month Firearm Enhancement). The maximum term is Life.

Count II: The minimum term for Count II was set at 147 months from a Sentencing Reform Act (SRA) range of 93 to 123 months. There was also a 24 month Deadly Weapon Enhancement (123 month base and a 24 month Deadly Weapons Enhancement). The maximum term is Life.

Count III: The minimum term for Count III was set at 108 months from a Sentencing Reform Act (SRA) range of 36 to 48 months. There was also a 60 month Firearm Enhancement (48 month base and 60 month Firearm Enhancement). The maximum term is Life. This count has reached the maximum expiration date.

60 month DW enhancement on Counts I and III; 24 month Firearm Enhancement on Count II all served as flat time and consecutive. The Judge ordered Counts I and II, plus the enhancement on Count III to run consecutive; everything else is concurrent.

Ms. Brashear has served approximately twenty (20) years and ten (10) months in prison and 361 days of jail time.

NATURE OF INDEX OFFENSE(S):

File materials indicate that in 1996 Ms. Brashear, age 15 and two defendants were camping and decided they needed to steal a car. They had two weapons with them, a gun and a knife. Ms. Brashear flagged down the unknown adult male victim who had been fishing in the area and asked for a ride. When she got in the passenger seat, she shot the victim twice and then when

her two co-defendants came to the truck, Ms. Brashear stabbed the victim in the neck several times. Witnesses came upon them and asked if they needed help and they indicated they were trying to get the victim to the hospital. After the witnesses left, they dumped the victim's body over an embankment and tried to leave in the victim's truck but could not get it started so they discarded it as well.

PRIOR CRIMINAL CONDUCT:

Ms. Brashear was arrested prior to this murder and was under investigation for an earlier stabbing of a juvenile, and was also a suspect with one of the co-defendants from the index offense in a First Degree Burglary in which a handgun was stolen. According to the Supplemental Affidavit of Probable Cause dated January 23, 1997, on April 18, 1996, Ms. Brashear stabbed the victim twice in the abdomen, once in the hand, and inflicted several superficial scratches to his neck with a knife. Ms. Brashear was identified to police by the victim's cousin, who was acquainted with her. Additionally, on May 3, 1996, Ms. Brashear, along with two others, burglarized a residence and took several items. Among the items taken was a .380 caliber Jennings pistol. This is the firearm that was used in the murder described above.

HISTORY/COMMENTS:

This is the first Board hearing for Ms. Brashear.

Ms. Brashear has an extensive infraction history between 1997 and 2008 which consisted of 97 serious infractions. As a result she was transferred out of State for a period of time.

Ms. Brashear has participated in a long list of programs/seminars/groups in prison as follows: Stress and Anger Management – 2010; Capital and Culture – 2012; Moving On – 2015; Beyond Trauma – 2015; Re-entry Life Skills – 2015; Communications 101 – 2017. Relationships Training Seminar, Toastmasters Ice Breaker, Healthy Relationships, Sisters of Charity, Beyond Incarceration-Foundation of Character Understanding, Turn around System Conflict Work Shop (x2), Teaching to Learn and Facilitator Training, Women Navigating Life and Adversity,

Mindfulness Meditation Course, Anger Management, Peer Support Training, Emotional Predictability and Problem Solving, Prisoner Assistance Scholastic Service (PASS) the course consisted to the following Modules: Parenting, Victim Awareness, Living w/Purpose, Domestic Violence, Conflict Resolution, Addiction, Anger Management, Gang Diversion, Re-entry in Society and Nonviolent Communication, Health and Wellness, IF Program (x2), Success Program, Independent Women's Seminar, Re-employment training through the rotary club. Peer Support, Emotions Anonymous, Braille, Catechism, GED tutoring, Lifer's Group, attends lecture series and continues to participate in the I.F. Project.

Classification Counselor Poston provided testimony regarding Ms. Brashear's behavior, programming, and possible release plans. She stated she has known and or worked with Ms. Brashear for many years at WCCW. CC Poston provided a very favorable report on Ms. Brashear. She stated she has been a model inmate since she made her turnaround in 2008 at which time she had her last serious infraction. CC Poston stated that Ms. Brashear's infractions were so significant that she was sent to another state in a program better equipped to handle her extreme acting out. CC Poston indicated that Ms. Brashear has taken advantage of all appropriate programs since her turnaround and that she has strong community support in the Snohomish County area. CC Poston indicated that Mr. Brashear is currently working in the CI Braille program and that there is a variety of employment opportunities for her in this area. CC Poston also stated Ms. Brashear had completed her AA degree and may attend college in Bellingham at Western Washington University if she is found releasable.

Mr. Brashear provided a disclosure of her index offense that mostly matched file material. She provided some context for what was happening in her life at the time. She described her actions in a way that indicated she was carrying out the requests of her "boyfriend" and co-defendant. She became quite emotional at times and did appear to be remorseful for her actions.

Ms. Brashear does appear to have somewhat limited insight into her thinking or emotions at the time of the murder and other violent assault beyond the connection to her codefendant. Ms. Brashear provided a description of how she has changed since the time of her offenses. Ms.

Brashear described some of the programming she has completed and how it has altered her thinking. She described a circumstance in 2008 during which she had a shift in her thinking and how she decided she wanted to live her life. She stated that since that time, she has taken advantage of programming opportunities that has been available to her, which is consistent with her CC's testimony as well as file material.

INFORMATION CONSIDERED:

In preparation for Mr. Brashear's hearing and its decision in this case, the Board completed a review of her ISRB file. The Board considered all information contained in that file, including but not limited to: information provided by the sentencing court/prosecutor; 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 the Psychological Evaluation dated September 21, 2016 by Deborah Wentworth, Ph.D. The Board also considered the testimony of the witnesses.

The Snohomish County Prosecutor provided a recommendation to the Board, dated April 10, 2017, requesting a do not release decision from the Board.

REASONS:

This was a deferred decision following a full Board discussion using a structured decision-making framework that takes into consideration: the statistical estimate of risk, criminal history, parole/release history, ability to control behavior, responsivity to programming, demonstrated offender change, release planning, discordant information, and other case specific factors. Based on the requirements of RCW 9.94A.730 (3) the Board finds Ms. Brashear not releasable at this time.

In her most recent psychological evaluation completed in September 2016 by Dr. Wentworth, it was noted Ms. Brashear was open and transparently described the index offense with no distortions or denials about her role in killing the victim. Dr. Wentworth also stated that Ms. Brashear received mental health therapy after she returned to Washington State. Ms. Brashear

stated this therapy was helpful in giving her significant insight, and reported it as having been very helpful. Dr. Wentworth noted Ms. Brashear has been stable, and has not required mental health treatment since September 2013. Dr. Wentworth also notes that "Overall, the results of this evaluation suggest that Ms. Brashear is at a low risk to reoffend." If returned to the community Dr. Wentworth pointed out that Ms. Brashear will need continued support and structure to manage her levels of anxiety as she transitions into the community.

Ms. Brashear appears to have struggled during her first 10-11 years in prison. Her behavior escalated significantly during 2007/2008 to the extent that she was moved to a facility in Arizona that was better equipped to handle her acting out. Since that time, Ms. Brashear appears to have made a complete shift in her behavior and subsequent programming. Ms. Brashear acknowledges her role in her crimes and has participated in a variety of programs to assist her in understanding the "why" of her behavior so that she does not commit another crime if back in the community. However, Ms. Brashear has committed horrible crimes that have left lasting impacts to many of the survivors of her victims. The Board believes it is also important to note that Ms. Brashear has served a relatively small portion of what the minimum sentence is on all counts as well as the SRA minimum/maximum. Additionally, the Board has received a strong recommendation from the Snohomish Prosecutor that requests the Board to not release Ms. Brashear.

The Board acknowledges the good work Ms. Brashear has done since 2008. However the Board would like to see Ms. Brashear continue to demonstrate that her past behaviors are truly in her past and continue to participate in any programming available to her that will prepare her for a future step down to lower levels of custody and eventually release to the community.

JP: ffo

April 12, 2017

April 21, 2017

cc: Institution
Gale Brashear
File



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

DATE: April 20, 2017

TO: Full Board

FROM: JP & TW (Fawn Opp)

RE: BRASHEAR, Gail, DOC# 765306

Panel recommends: Find Ms. Brashear NOT releasable.

Next action: May petition the Board in May 2022.

Agree	Disagree
Jeff Patnode 4-21-2017 Lori Ramsdell-Gilkey 4-21-2017 Kecia Rongen 4-21-17	Tana Wood 4-21-2017

INDETERMINATE SENTENCE REVIEW BOARD
BOARD MEETING
SUMMARY MINUTES

April 21, 2017

A regular meeting of the Indeterminate Sentence Review Board was held in the ISRB Office Building located at 4317 Sixth Avenue SE, Lacey, commencing at 9:00 a.m.

Present were:

Board Members:

Staff:

Kecia Rongen

Jeff Patnode

Elyse Balmert

Tana Wood – via telephone

Robin Riley, Executive Assistant

A. To the Table Case – Members had a full Board discussion of this ISRB case.

LT JUV Board

- Gail Brashear
- DOC #628635
- Purpose: Full Board Discussion
- Date: 4-21-2017
- List of Documents Reviewed
 - ISRB File
 - A Prosecutor Recommendation was received on April 13, 2017.
- **Summary Discussion**
Mr. Patnode presented this case.

Mr. Brashear was seen for a release hearing on April 12, 2017 at the Washington Corrections Center for Women.

Risk assessment scores rate her as a low risk to re-offend.

Ms. Brashear was convicted in Snohomish County Cause 96-1-01273-9 for First Degree Murder Count I; First Degree Assault, Count II and First Degree Burglary, Count III.

Ms. Brashear and her two co-defendants were camping and decided to steal a car. They had a gun and a knife. Ms. Brashear flagged down an unknown male who had been fishing in the area and asked for a ride. When she got into the passenger seat, she shot the victim twice and when the co-defendants came up to the vehicle, she stabbed the victim in the neck several times. Ms. Brashear was 15 years old when she committed this crime and she is currently 36 years of age.

Ms. Brashear had a previous arrest for stabbing a juvenile and was also a suspect in the burglary of a handgun.

Ms. Brashear committed a large number of infractions until 2008. She was sent to Arizona for behavioral reasons at that time. Since then she has not had any serious infractions.

Ms. Brashear had a turnaround in 2008 and stopped committing infractions and started programming. She has taken advantage of all available programming. She is currently working in the Correctional Industries Braille Program and she has completed her AA Degree.

Ms. Brashear has served a fraction of her 51 year minimum term. The SRA Range is 390 to 518 months. She acknowledges her role in her crimes and has participated in programming to assist her in understanding her past behavior. The Board would like her to continue to program and remain infraction free. The Board has also received a strong recommendation from the Snohomish County Prosecutor to not release.

Ms. Brashear does have support from her family.

- **Recommendation:** The panel recommends that Ms. Brashear be found not releasable and re-petition the Board in May of 2022.
- **Vote:**

Kecia Rongen	Agree with recommendation
Lori Ramsdell-Gilkey	Agree with recommendation
Jeff Patnode	Agree with recommendation
Tana Wood	Disagree with recommendation
Elyse Balmert	is observing and not voting

WASHINGTON STATE DEPARTMENT OF CORRECTIONS
PSYCHOLOGICAL EVALUATION

FOR THE
INDETERMINATE SENTENCE REVIEW BOARD

NAME:	Gail Brashear	EXAMINER:	Deborah Wentworth, PhD
DOC:	765306	EXAM DATES:	September 13, 2016
DOB:	December 27, 1980	REPORT DATE:	September 21, 2016
AGE	35 years, 8 months	ERD: 3/30/2032	RLC: Low

Residence: WCCW

Reason for Referral

Ms. Brashear has been referred for a psychological evaluation by Chief Psychologist Dr. Lou Sowers on behalf of the Indeterminate Sentence Review Board (ISRB) which requires a fully-instrument supported evaluation to be used in Ms. Brashear's upcoming JUVBRD hearing before the Board. The purpose of the assessment is to provide a written evaluation of the current behavior and risks that may assist the Board in determining the potential for re-offense, violence risk, capacity to function in a less restrictive environment, and/or whether Ms. Brashear's rehabilitation is complete and she may be considered appropriate for parole in terms of her risk to herself, DOC and the community.

Dissemination of Information

This psychological report provides information to be available to DOC classification staff, community corrections officers, the Indeterminate Sentence Review Board, the End of Sentence Review Committee, and care providers within DOC who have a need to know in order to effectively manage the inmate within the Department Of Corrections. Disclosure and dissemination of this report shall be in accordance with RCW 70.02 and DOC Policy 640.020. It shall not be released to individuals outside DOC without the inmate's written consent or unless otherwise authorized by law.

Consent

Ms. Brashear was advised of the purpose of this evaluation and departmental policy regarding information practices in plain language and in writing. I explained that I am not her treating therapist and that the information gathered from this interview would be gathered and reported to the Board for use in her hearing. Her written consent to participate was obtained on DOC Form 13-386 and placed in her health care records. She repeated back to the examiner that he understood that her participation is voluntary and that she may ask questions or refuse to answer a question. The inmate

may request to review a copy of this evaluation. BEFORE reviewing a copy, the inmate must attend an interpretive meeting with the author, a licensed psychologist, or licensed psychologist designee.

Description of Risk Assessment and limitations

A Risk assessment involves a systematic review of past aggressive behaviors, looking specifically at the antecedents of the behavior, as well as the degree of harm and context in which the behavior occurred. This review is combined with assessment tools specifically for evaluation of past behavior and its impact on future behavior. Whether a person will act aggressively is a function of a variety of factors that include history, personal disposition, and situational variables that cannot all be known in advance. Mental Health professionals often over predict aggression and statements concerning an individual's potential for future risk become less valid over time and must be revisited periodically to consider dynamic or changeable factors. Recently, there are researched based instruments that use structured professional judgment to review risk reducing or mitigating factors which are included in this report.

Current literature in risk assessment best practices, shows that it is important to identify who the person was at the time of the incident crime; e.g., their age and developmental maturity. The importance of these factors are identified in the conclusion of one organizations presentation at the 2012 National Conference of State Legislators: "Findings by the Mac-Arthur Foundation's Research Network on Adolescent Development and Juvenile Justice show that adolescent brains do not fully develop until about age 25, and the immature, emotional and impulsive nature characteristic of adolescents makes them more susceptible to committing crimes. Studies also have shown that juveniles who commit crimes or engage in socially deviant behavior are not necessarily destined to be adult criminals." (Trends in Juvenile Justice State Legislation: June 2012 National Conference of State Legislators, P.3). Research presented by Dr. Dahl from the University of Pittsburgh Departments of Psychiatry and Pediatrics (2008) elaborates on the more specific connections between these developmental processes and the multitude of ways they affect an individual's functioning. He writes that, "The capacities for competent self-control of behavior and emotions encompass a set of slow, gradual processes that continue to develop through the late teenage years and into the twenties. Such dramatic changes create challenges in the integration of cognitive and emotional processes in ways that place demands on the functional neural circuits that are critical for mediating arousal, orientation, attention, and affect (e.g., limbic regions) as well as for regulating and integrating these drives in the generation of long-term, goal-directed behaviors (e.g., regions of prefrontal cortex)." Dr. Dahl goes on to summarize what the research findings show as important areas of impact on an adolescent's functional behavior. "These findings suggest that adolescents engage relatively fewer prefrontal regulatory processes than adults when making decisions— in ways that may make adolescents more prone to risk taking in certain situations. More generally, engaging less prefrontal cognitive control may permit a relatively greater influence from affective systems that influence decision making and behavior which, in turn, increases adolescent vulnerability to some social and peer contexts that activate strong feelings."

The importance of these factors is also recognized/ validated by our legal system. In a Committee Report and Recommendations made to the Joint Legislative Task Force on Juvenile Sentencing Reform (Dec. 2014) it was presented that "The Miller opinion was the third in a series of three major pronouncements addressing the issue of proportionality of criminal punishment for youthful offenders. In all three cases, the United States Supreme Court, relying on substantial and compelling brain science, as well as 'emerging standards of decency' concluded that children who commit

crimes, even horrific crimes, must be sentenced in a manner that recognizes their youth, culpability and capacity to change.”

This current assessment reflects efforts to incorporate measures of static, maturational, and dynamic factors that the Board may want to consider in their decision making process. It is important to note that science has not advanced to the point of being able to precisely predict future risk of violence/recidivism for any one individual; rather observations are offered based on what we have learned about behavior within large groups of people that we see as having similar characteristics and factors. Whether a person will act aggressively is a function of a variety of factors that include history, personal disposition, and situational variables that cannot all be known in advance.

Sources of Information

Interviews:

Ms. Brashear was interviewed and tested on September 13, 2016 in a private mental health office at Washington Correctional Center for Women for approximately four hours of face to face time. Ms. Brashear was also administered the MMPI by the Psychologist 4 at WCCW on October 4, 2016 due to a lack of time available to the writer on the 13th of September. Additional time was spent administering tests, scoring instruments and for preparing this report

Review of Records

Review of DOC Medical Files
Review of DOC Electronic Files (OMNI)
Review of DOC Mental Health Files

Psychological Tests Used:

Bender-Gestalt
Trails A & B
Draw a Clock
PCL-R
MMPI-2-RF

Risk Assessment Instruments Used:

SAPROF

Criminal History/Offense Behavior

There are no prior offenses listed in her record.

Instant Offense Description:

On May 7, 1997 Ms. Brashear committed the crimes of:
Count I First degree murder, firearm
Count II First degree assault, DW

Count III First degree burglary, firearm

Relevant Personal History

Family:

Ms. Brashear was born in Thousand Oaks, California and lived briefly in Fallbrook, CA before her father was offered a position at Boeing and the family moved to Washington when she was about 11 years old. She is the older of two daughters; her sister is 18 months younger. Her parents' marriage was off and on over the years.

Developmentally, Ms. Brashear states that her mother experienced Toxic Shock Syndrome on December 25th and she was born by C-section on the 27th, two days later at full term. She believes the pregnancy was otherwise normal. She states that she did not learn to crawl and went directly to walking at six or seven months of age. She was told that she was too heavy to crawl. She also states she had two head injuries as a child; one at 18-20 months which resulted in a "cracked skull," and at the age of four or five years when she split her head between her eyebrows doing a back dive in a swimming pool. She is unaware if she lost consciousness either time. She had no serious childhood illnesses or hospitalizations.

Ms. Brashear began school in kindergarten and always loved school. She began keeping a personal journal in second grade and would note things she liked about her life. She identifies as wanting to become a school teacher. She reports that her family moved around quite a bit at least once per year at this time.

She states that in the 4th or 5th grade, she became very anxious and had a difficult time with social cues. She began cutting school to avoid some bullying and anxiety. She had one or two friends, but always felt like an outsider and other children were mean to her. She began having enuresis at school and at night. Through her therapy work, she understands now that there was familial sexual abuse from an uncle and older cousins. She states that her parents were aware of the abuse, but her mom avoids reality and didn't protect her or come to her aid. She states that there were no boundaries in the home and everyone ran around in the nude. Her parents described nudity as natural and normal. She began experiencing suffocating anxiety and stayed with other family members and skipping school. Her family sent her to live with a cousin in Utah who had a new infant. She states another cousin in his 30s raped her at this time. She attempted to press charges, but the police told her they would also press charges against her female cousin for not protecting her so she did not move forward with the charges. She moved between family members in California and Utah over the next few years.

Eventually at age 14, she returned to Washington and fell in with a small group including a man of 27 years of age. She began thinking of this group as a family and enjoyed the protective structure of the older man even though she did not enjoy the sexual aspects. She states she did not use drugs and little alcohol. It was this group of another man of age 20 and another young female that committed the instant offense.

She openly and transparently describes the instant offense with no distortions or denials about her role in killing the victim. She was 1 years old at the time of the offense in 1997.

She states that she went crazy after she felt abandoned when her parents moved to Florida. She also attempted suicide. She was getting infractioned frequently to be sent to the solitary cells in the IMU. Because she could not control herself, she was sent to Arizona from March 2007 to December 2008

and placed in solitary confinement until her return to WA DOC. Her parents have also returned to Washington State and they are reconciled and very supportive with calls, extended visits, and other support. Her sister also participates in Extended Family Visits.

Work:

Due to her age at incarceration, Ms. Brashear has never worked in the community, but she has acquired specific work skills for prison work, correctional industries, and community employment. She has had extensive training in Braille work and plans to continue to work part time as a Braille transcriber and has skills in Basic Nemeth Code. Please see her most recent custody facility plan for a complete list of her programming accomplishments.

Military: none

Medical: There are no known medical concerns that would affect community placement.

Mental Health:

Ms. Brashear has benefitted from mental health treatment in the past to address her history of others abusing her and her criminogenic behaviors and thoughts. She has been stable and not required mental health treatment since September 2013. She states she would seek help and support without hesitation during transition and when released and she has demonstrated good help-seeking skills in the past.

Substance Abuse:

She has had substance abuse programming two times per OSP entries. She was evaluated for further chemical dependency treatment needs and found not to need further treatment. She continues to participate in AA activities.

Current Functioning/Behavior

Programming:

Ms. Brashear has participated in every program and educational opportunity available to her. She has earned her GED (1997) and many college credits and is close to achieving an AA degree.

Infractions:

Ms. Brashear has achieved Earned Incentive Program level # 5 and has not had a major infraction in eight years. Ms. Brashear has incurred a total of 107 infractions of which all but six are serious. She desisted serious infractions in 2008. Her last general infraction occurred on August 1, 2014 so she has managed a significant improvement in her institutional behavior. Most importantly, Ms. Brashear states that her therapy with Dr. Dahlbeck was helpful in giving her significant insight and she desisted after her treatment with him. She has also had intensive therapy with another psychologist that she reports as being very helpful.

Peer Relationships/Community Support:

Ms. Brashear has a strong family support network (parents, brother, sister, aunts and grandmother), support from her teachers and instructors, and is receiving a mentor from the IF project in the community. She reports having good friends inside the prison, but is careful to not be involved in prison drama. She participates in Extended Family Visits regularly for which she pays the fees.

Strengths/Weaknesses:

Ms. Brashear is bright, motivated to achieve her educational goals and is making significant progress. She has learned important pro-social coping skills. She has no current medical or mental health concerns that would impede her ability to succeed in the community and has demonstrated excellent help seeking skills if she were to need assistance in the future. She is highly motivated and prepared with good work skills. She has a committed family support system.

Her weaknesses include never having worked or lived in the community as an adult. She will require patience and a good attitude to make the necessary adjustments to all of the technology, driving, and cultural changes she will confront. She will also need continued support and structure to manage her levels of anxiety as she transitions into the community.

Goals and Plans for the Future:

Ms. Brashear and her parents are preparing together for her to live with them and saving money to support her initial transition into the community. Her sister lives near by. She has an offer to work for the American Printing House doing her Braille transcription work. She plans to enter college and complete her BA and has some relationships established at the University of Puget Sound and Everett Community College. Long term goals include pursuit of a law degree after she determines her qualification to join the Bar. She would like to give back to others with legal and social justice work. She would like to make reparations to her family and make her parents happy. Her plans appear sensible and achievable.

Clinical Interview

Ms. Brashear arrived on time for her appointment. She appeared her stated age and was dressed appropriately in clean prison clothing. Her grooming was neat and clean. She was initially nervous, but calmed herself and established appropriate rapport. Every aspect of her presentation, speech, language and mood were within normal limits. She was fully oriented. She has received mental health treatment while incarcerated to gain insight into her instant offense. She has participated in group programming which she has found quite helpful. She states that she would seek out continuing treatment groups when released from prison for accountability and support. She is pleasant and cooperative and establishes appropriate rapport with good eye contact. She reports that her appetite is good and she is sleeping well. Her recent and remote memory is intact. Her mood and affect are congruent with the content of her speech and her thought process is organized, logical and forward thinking. She denies suicidal or self-harm thoughts. She demonstrates no attention to internal stimuli or delusional thoughts. There are no signs of a thought disorder.

Her insight and judgment are assessed to be good at this time.

Cognitive Functioning:

Ms. Brashear performed within normal limits on the Bender-Gestalt, Trails A & B, and Draw a Clock which indicates that she functions adequately for the purposes of this evaluation. Testing completed at the time of her admission to DOC confirmed an average level of cognitive function.

Psychological Test Findings:

It is important to note that this individual was evaluated in a prison setting under conditions that were less than ideal for psychological testing. Therefore, any results from the test scores should be used only as hypotheses about the examinee. No decisions should be made based solely on the information contained in this report.

Psychological tests are used to provide one source of information necessary to construct the model. The psychologist chooses tests depending upon the information needed to complete the clinical and risk assessment. The battery of tests selected and the opinions regarding risk status are based on the training, experience, skill, judgment, and expertise of this licensed psychologist and not on any particular test, historical information, or record.

MMPI-2-RF

Ms. Brashear was administered the Minnesota Multiphasic Personality Inventory-2-Restructured Form, (MMPI-2-RF) to examine for clinical levels of mental illness. Ms. Brashear completed the entire instrument. Ms. Brashear denied minor faults and shortcomings that most individuals acknowledge to a degree which invalidates the results of the test. The manual for the instrument gives two possible explanations for positive impression management or underreporting.

The first factor mentioned in the manual would be if the test taker was raised in an environment stressing traditional values. Ms. Brashear was not raised in a conventional family per her report although she yearned for a more traditional home as a teenager and hopes for more predictable and stable roles in her family today.

Ms. Brashear's obtained score more likely is a result of wanting to exert positive impression management because of the import of the evaluation. The Manual for Administration, Scoring, and Interpretation states, "self-report measures of personality and psychopathology are inherently susceptible to intentional under-reporting, which is most likely to occur when, given the assessment context, good adjustment is a highly desirable quality and the individual has a great deal at stake (e.g., child custody evaluations, pre-employment assessments or release from involuntary commitment)."

Year	Test	Results
Clinical Assessment		
2016	MMPI-2-RF	Invalid test results
2016	PCL-R	Very low, no evidence of psychopathy
Forensic Risk Assessment		
2016	HCR-20-FAM	low

Risk Assessment:

A central feature of this evaluation is to render an opinion regarding Ms. Brashear's risk for future dangerousness in terms of criminal recidivism, violence and/or sexual re-offense. Assessing any individual's risk for engaging in future violent behavior is an inherently difficult task, as the scientific literature attests. This is particularly the case where the

information is either incomplete or deliberately concealed. Mental health professionals can make use of a large and growing body of empirical literature for identifying risk-elevating factors.

Because risk-elevating factors, particularly the dynamic factors-change over time with or without intervention, risk assessment updates are necessary to insure accuracy and guard against decision-making based on outdated information.

Author's Note: Evaluation of female offenders for purposes of classification and Risk Assessment is a complex issue and has been under research study by a joint partnership between several state and local agencies, the National Institute of Corrections (NIC), and the University of Cincinnati. They are working to construct and validate gender responsive risk and needs assessments for women offenders. The focus is primarily upon the notion of gender responsive needs fit with program planning and risk reduction. Another study is focused upon developing supplemental dynamic risk assessment instruments and improving their predictive validity. Currently, there are three different types of instruments in use today: gender-neutral, gender responsive, and women centered. Each of the following instruments used in assessment of Ms. Brashear will be placed in the appropriate category for the information and use by The Board.

PCL-R: The PCL-R has been demonstrated to be valid and reliable in female samples, (Bolt, Vitale, and Newman, 2004). It is considered to be gender-responsive since the question upon which scoring is based can be sensitive to issues in women's lives and their pathways to crime. Detailed attention was paid in the administration of this instrument to consider those issues such as poverty, trauma, experience of abuse, and relationships. The PCL-R has been found to have a moderate predictive value of future risk in females.

Ms. Brashear was carefully scored on the PCL-R giving consideration to women's issues. Ms. Brashear scored in the lowest quartile of the PCL-R which means there is no sign of psychopathy and little evidence of an Antisocial Personality disorder at this time. Ms. Brashear turned her behavioral difficulties around with the benefit of intensive therapy at the time of her return from out of state placement. It is been more than eight years since she incurred a serious infraction which places her achievement of self-regulation at around age 26 which is on target for achieving brain maturity as determined by developmental specialists including Dr. Dahl as mentioned on page 2 of this report.

Historical-Clinical-Risk Management-20 v3 (HCR-20v3) with Female Additional Manual (FAM)

The *Female Additional Manual (FAM)* is an addition to the widely-used violence risk assessment tool the HCR-20 / HCR-20^{v3}, for the assessment of violence risk in women. The goal of the FAM is to provide a clinically relevant and useful additional tool for accurate, gender-sensitive assessment of violence risk, which offers concrete guidelines for risk management in women. The FAM contains additional guidelines for women for five Historical HCR-20 items (H6-H10) or two Historical HCR-20^{v3} items (H7-H8) and eight new items with specific relevance to women. Furthermore, there are three extra risk ratings in addition to Violence to others: Self-destructive behavior; Victimization; Non-violent criminal behavior.

Ms. Brashear has points tabulated on the H (historical) section of the HCR-20 v3 which reflect her criminal past. Her Clinical (present) and Risk Management (future) Scales are both scored as not present or low. Her total score is judged to be low risk to reoffend.

Protective or Risk Reducing Factors:

There may be significant risk reducing factors that merit consideration in order to present a balanced assessment of Ms. Brashear's current risk to reoffend. The Structured Assessment of Protective Factors or **SAPROF** was developed as a structured clinical judgment instrument that research has found to be relevant factors that may reduce or protect from future risk behaviors. A protective factor is a factor reducing the negative effects that certain chronic or acute risk factors have on an individual's behavior.

Items on the SAPROF are scored dynamically, predominantly based on information from the past six months and the current plans regarding the near future. The SAPROF score is considered valid for the next 12 months, providing that the context stays the same. Ms. Brashear scores at a high level of protective factors from violence risk. Her factors are evenly distributed over Internal, Motivational, and External Factors and bode well for lowering her overall risk to recidivate over the next twelve months.

Other significant mitigating factors that indicate possible reduction in risk include: increasing age which at age 35 is applicable to her, decreased frequency of institutional misbehavior-having no serious infractions for more than eight years, and participation in criminogenic related cognitive-behavioral programming. She has several cognitive-behavioral treatments completed. These factors plus a high score on the SAPROF give a strong indication that Ms. Brashear possesses the attitude and skills needed to make succeed in the community.

Summary and Risk Management Recommendations

Current literature in Risk Assessment Best Practices asks questions such as: Who the person "is" in terms of gender, age, and developmental growth currently as well as at the time of the Incident Crime; What the person "has done" in terms of their criminal activities; What the person "has" in terms of psychiatric conditions that might increase or decrease risk; and what has been "done to" the person in terms of abuse, neglect, or familial actions. These questions are used as a format for understanding a person's level of risk.

The question of who a person "is," can be reviewed from perspective of past & current functioning.

While nothing can excuse the tragic loss of life; awareness of the factors affecting the inmate's behavior might help one evaluate how she could be a part of such activities and whether similar current conditions exist that could influence behaviors if sentencing was modified. As elaborated on above, Ms. Brashear was approximately 16 years old when she committed the instant offense.

Information presented earlier in this report suggests that Ms. Brashear would still be chronologically and emotionally in the middle of completing important developmental processes. She appeared to be lacking key developmental/environmental supports that often protect an individual from bad choices/behaviors during these vulnerable times. Factors shown to decrease chances of engaging in risky behavior include presence of a loving & supporting adult relationship, connection to positive peer groups/influences, and sense of academic success. At the time of her incident crime, Ms. Brashear had been distributed to various family members in California and Utah without finding a

safe and nurturing home. She had been suffering from debilitating anxiety since the age of 11 and did not achieve success at school as a result of bullying and social anxiety.

Again, the research finds that individuals in these situations are going to be more at risk for negative behaviors. Although not excusing any delinquent behaviors, Dahl (2008) reminds us of the strong influence these biological/neurological processes can have: "These findings suggest that adolescents engage relatively fewer prefrontal regulatory processes than adults when making decisions— in ways that may make adolescents more prone to risk taking in certain situations. More generally, engaging less prefrontal cognitive control may permit a relatively greater influence from affective systems that influence decision making and behavior which, in turn, increases adolescent vulnerability to some social and peer contexts that activate strong feelings."

Ms. Brashear's history informs that as a young adolescent she began feeling disconnected and unaccepted by family & appropriate peers; exhibiting acting out behaviors at home and school; experiencing an absence of parental/social limits & rules; associating primarily with peers having negative influence on her; and participating in illegal activities. This pattern continued for several years and culminated in the tragic instant offense. Also important to this review was the examination of the inmate's records while in prison which are also elaborated on above. Ms. Brashear reported that over the years when she was first imprisoned, she felt abandoned, angry, alone, and without a core personality which led her to feel very crazy. She figured she would never get out with her sentence structure. Her behavior reflected these beliefs and involved frequent verbal defiance of authority, refusing to comply, a suicide attempt, drug/alcohol and assaults.

Significant changes in behavior/attitude reportedly began steadily occurring after she commenced intensive therapeutic treatment and achieved a level of pre-frontal lobe development. She is proud of the fact that she has not had any serious infractions in eight years.

The question of who the inmate is currently recognizes that she is now 35 years old and has experienced growth and maturation over time. Evidence in her records validate Ms. Brashear's report of having made significant changes in many areas including: establishing a nourishing and adult relationship with her family; elimination of violent & destructive behaviors; disconnection from negative & anti-social peer influences; increasing presence of positive peer relations; and in establishment of daily structure that includes employment, education, and coping activities. Whether the changes are of sufficient duration, quantity, or quality to warrant reconsideration of sentencing is a legal decision to be determined by the Board.

If based primarily on criminal & infraction history, Ms. Brashear would be considered to be in the "low" range for risk of reoffending after release. However, overall risk assessment may benefit from taking into consideration of dynamic factors such as eight years of no serious infractions and the lack of current biological/neurological development risk factors that were present as an adolescent and young adult. Under these parameters, and accounting for the results of the SAPROF, the risk of reoffending would best be seen as in the "low to very low" range. Whether the changes/factors are of sufficient duration, quantity, or quality to warrant reconsideration of sentencing is a legal decision to be determined by the Board.

The question of what a person "has," can be defined by the diagnosis of any mental health disorders that could increase/decrease one's risk for recidivism or violence. These could include major mental disorders (e.g., Mood, Anxiety, or Psychotic Disorders), Personality disorders (Antisocial Personality

Disorders, etc.), and/or Substance Abuse disorders. This individual does not meet current diagnostic criteria for these disorder types and has not required mental health services for several years since 2013. A prior period of mental health treatment revolved around childhood physical and sexual abuse issues and severe anxiety. Ms. Brashear has made effective use of treatment and her recent testing indicates no current levels of pathology.

A last question, asking what has been “done to” the person, is consistent with the findings of the National Research Council’s Panel on the Understanding and Control of Violent Behavior. They concluded that whether or not the person was raised in a pathological family environment and whether the individual was physically abused can correlate as risk factors for future violence. Ms. Brashear has “somewhat elevated” risk of reoffending based on the factor of physical and sexual abuse and rape to which she was subjected. Given the reconciliation that has occurred, her parents and Ms. Brashear have matured to a healthier relationship. Her participation in intensive therapy has also reduced her risk level to “low” for what was “done to her.”

Overall, the results of this evaluation suggest that Ms. Brashear is at a low risk to reoffend. Records documenting improved functioning and maturation over time (combined with results from the SAPROF) suggest that, for this particular individual, the risk level could be viewed as more in the “very low” range. Taking into account maturational and dynamic risk factors is consistent with the legal and clinical findings elaborated on earlier in this report. Whether these risk estimations & factors are sufficient to justify changes in sentencing (or a release to less restrictive levels), however, is not a scientific/ clinical question and is respectfully deferred to the Board.

Recommendations:

Ms. Brashear appears to be a reasonable candidate for transitioning to a less restrictive setting. She would benefit from continued involvement in therapy for stress and anger issues, especially concerning those that may stem from possible reintegration into the community.

1. Ms. Brashear is less likely to engage in criminal activity in the presence of mandatory ongoing external supervision & monitoring to be required by the legal system as well as other support systems.
2. Ms. Brashear is less likely to engage in criminal activity in the presence of strong family and positive peer connections and these should be encouraged with continued visits and family programming while she is incarcerated.
3. Ms. Brashear is less likely to engage in criminal activity in the presence of required participation in a therapeutic group where they discuss issues/stress associated with the process of transitioning to life outside of prison. She reports having learned some important communication, anger management, and coping skills from programming activities such as the CBT and “thinking for a change” program. Continuing in a therapeutic group could help establish a place to reinforce that knowledge/skill and to expand its use for outside of prison; as well as for situations not yet encountered. A structured regular group activity would also provide additional exposure to a positive peer culture with others who might be experiencing similar adjustment problems.

Decisions regarding Ms. Brashear's placement in a Camp setting should be based on medical considerations. Ms. Brashear's rule breaking is considerably less than earlier in her incarceration and there is no behavioral indicator of escape risk.

With the submission of this report, my evaluation of Ms. Brashear is complete. Please do not hesitate to contact me if there are any questions.

Deborah Wentworth, PhD

Deborah Wentworth, PhD
Psychologist 4, Evaluator for the
Indeterminate Sentence Review Board



SUBSTANCE ABUSE RECOVERY UNIT
COMPOUND RELEASE OF CONFIDENTIAL INFORMATION

Offender Name: BRASHEAR, Gail DOC Number: 765306

Agency(s) making disclosure: Department of Corrections

TYPE OF INFORMATION TO BE DISCLOSED/REDISCLOSED

- Assessment Summary
Individual Service Plan and Progress in Treatment
Compliance/Non-Compliance Reports
Discharge/Transfer Summary

Third-party release of: Assessment information, results, and treatment recommendations
Agency: Date Completed:

PURPOSE FOR USE AND/OR DISCLOSURE/REDISCLASURE

- Offender request
Treatment compliance
Mutual exchange of information
Continuity of substance use disorder treatment
Legal
Other: ISRB

RECIPIENT OF PROTECTED HEALTH INFORMATION

- Court
Judge
Prosecuting Attorney
Defense Attorney
Treatment Agency
Department of Corrections (employee or facility name)
Other: ISRB

Delivery options: Written report, assessments, Court reports, Court staffing, secure electronic transmittal, fax

REVOCATION, REDISCLOSURE, DURATION

It is my understanding that this authorization cannot be revoked by me and I will be denied services if I refuse to consent to disclosure for the purpose of treatment services. This consent expires automatically as follows: There has been a formal and effective termination or revocation of my release from confinement, probation, parole, or other proceeding under which I was mandated treatment, or 60 days following discharge from treatment, or 90 days from the date of this signed consent, whichever is later.

- If I am subject to the jurisdiction of the Indeterminate Sentence Review Board, this consent will terminate upon the expiration of my maximum sentence or the granting of final discharge.
If I am a Sentencing Reform Act (SRA) offender, this consent will terminate upon the expiration of my Prison sentence and any post-release supervision.

AUTHORIZATION

I understand that my records are protected under federal regulations governing confidentiality of Alcohol and Drug Abuse Records, 42 CFR Part 2, and cannot be further disclosed without my written consent unless otherwise provided for in the regulations. I have been provided a copy of this form.

Offender Signature: G. Brashear, Date: 12-27-80
Jessica Poston, Employee/Contract Staff Name, Signature, Date: 12/16/2016

PROHIBITION ON REDISCLOSURE THIS INFORMATION HAS BEEN DISCLOSED TO YOU FROM RECORDS WHOSE CONFIDENTIALITY IS PROTECTED BY FEDERAL LAW. FEDERAL REGULATIONS (42 CFR PART 2) PROHIBIT YOU FROM MAKING ANY FURTHER DISCLOSURE OF IT WITHOUT THE SPECIFIC WRITTEN CONSENT OF THE PERSON TO WHOM IT PERTAINS, OR AS OTHERWISE PERMITTED BY SUCH REGULATIONS. A GENERAL AUTHORIZATION FOR THE RELEASE OF MEDICAL RECORDS OR OTHER INFORMATION IS NOT SUFFICIENT FOR THE PURPOSE.

Seifert, Irene L. (DOC)

From: Visco, Susan G. 'SHS' (DOC)
Sent: Tuesday, April 26, 2016 3:00 PM
To: Seifert, Irene L. (DOC); Wooten, Dairyene G. (DOC)
Subject: RE: 765306 BRASHEAR, Gail

Ms. Brashear received a CD assessment and was found to not have a Chemical Dependency. All files and paper work are at Central Records.

Susie

From: Seifert, Irene L. (DOC)
Sent: Tuesday, April 26, 2016 2:57 PM
To: Wooten, Dairyene G. (DOC) <dgwooten@DOC1.WA.GOV>; Visco, Susan G. 'SHS' (DOC) <sgvisco@DOC1.WA.GOV>
Subject: RE: 765306 BRASHEAR, Gail

Thank you for the information. She may send any information to our mail box at P.O. Box 40907, Olympia, WA 98504. When received they will be reviewed and then a determination made if they need a response or is just for file information. Hope this is helpful.

From: Wooten, Dairyene G. (DOC)
Sent: Tuesday, April 26, 2016 2:53 PM
To: Visco, Susan G. 'SHS' (DOC) <sgvisco@DOC1.WA.GOV>
Cc: Seifert, Irene L. (DOC) <ilseifert@DOC1.WA.GOV>
Subject: RE: 765306 BRASHEAR, Gail

Hello, Mrs. Visco please read below.

Mrs. Seifert, the above Offender will be assigned to my caseload at this time due to her counselor was in a Temp. Position. We plan to hire a person in that position in the near future. She would also like to know who to send her letters of support to pertaining to her hearing? I will be on vacation starting 04/27/16 and returning on 05/05/16.

Thanks ahead of time for both of your assistance

*CC3 Wooten, Dairyene WCCW-MSU
Washington Corrections Center for Women
9601 Bujacich Rd. NW
Gig Harbor, WA 98332
253-858-4200 x82342
dgwooten@doc1.wa.gov*

Certificates & Volunteerisms:

- October 2002- Independent Woman Seminar
- April 2010- Success
- June 2010- Relationships Training Seminar
- June 2010 Toastmasters Ice Breaker
- July 2010- Healthy Relationships
- 2011- Violence Reduction Committee
- March 2011- Sisters of Charity
- August 2011- Beyond Incarceration- Foundations of Character Understanding
- November 2011- Turn Around Systems Conflict Workshop
- November 2011- Teaching to Learn Facilitator Training
- December 2011- Turn Around Systems Conflict Workshop
- March 2012- Women Navigating Life and Adversity
- March 2012 - Turn Around Systems Conflict Workshop
- May 2012 – Mindfulness Meditation Course
- June 2012- Anger Management
- September 2012- Peer Support Training
- December 2012- Makin' It Work
- July 2013- 40 Hours Systems Training for Emotional Predictability and Problem Solving
- July 2014 – Health and Wellness 12 week series
- May 2014- Narcotic Anonymous
- October 2014- Re-employment Training Facilitator
- November 2014- Anger Management
- November 2014- Gang Diversion
- November 2014- Addiction
- November 2014- Victim Awareness
- November 2014-Domestic Violence
- April 2015- Moving On
- June 2015- Re-entry Life Skills (Tacoma Community College)
- August 2015- Beyond Trauma
- December 2015- Re-entry Into Society
- December 2015- Conflict Resolution
- December 2015- Non-violent Communications
- December 2015- Living with Purpose
- December 2015- Parenting
- July 2016- Health and Wellness Course
- Present- Emotions Anonymous
- Present – Tutored for GED preparation in math, science, social studies and English

-
- June 2003- Sustainable Gardening- Tacoma Community College
 - September 2005- Data Entry- Tacoma Community College
 - December 2005- Intro To Microcomputers- Tacoma Community College
 - December 2005- Human Relation HUMDV 120- Tacoma Community College
 - August 2006- Windows XP ITC 110- Tacoma Community College
 - July 2012- Intro to Sociology- FEPPS Gateway Course
 - August 2012- Capital and Culture- FEPPS Gateway Course
 - December 2012- College Prep Math II FEPPS
 - November 2012- Washington State Literary Braille Certified
 - Summer 2013- Pre-College Math I- FEPPS Gateway Course
 - June 2013- Nationally Certified Literary Braille through the Library of Congress
 - Fall 2013- Introduction to U.S. Politics through Race – FEPPS Gateway Course
 - March 2014- Math 107 Statistics and Probability FEPPS
 - June 2014- Sociology 101 Tacoma Community College
 - June 2014- English 101 Tacoma Community College
 - December 2014- English 103 FEPPS
 - June 2015- Psychology 100 FEPPS
 - September 2015- Introduction to Women’s Studies FEPPS
 - December 2015- International Relations FEPPS
 - December 2015- Introduction to Environmental Science FEPPS
 - March 2016- Biology 101 FEPPS
 - April 2016- Humanities 285 FEPPS
 - August 2016- Weight Training FEPPS
 - Present – Human Biology
 - Present – Total Fitness

Sandrini, Jordan A. (DOC)

From: Nancy Courtney [REDACTED]
Sent: Thursday, March 09, 2017 2:44 PM
To: ISRB
Subject: Re: ISRB Inquiry [via doc.wa.gov]

I am a concerned citizen wanting justice served, and feel this family deserves that justice be served in this case. I have signed the families petition that is circulating, but, I also want my letter to be given to the board members. Gail Brashear can ask God for repentance & forgiveness, she has to live with what she did to this man and his family. I just want the family to be heard and see that her sentence is carried out as she agreed to, Gail getting out in twenty years given the sentence she gave this man and his family is a disgrace to the memory of [REDACTED]

Thank you.

> On Mar 9, 2017, at 2:29 PM, ISRB <isrb@DOC1.WA.GOV> wrote:

- >
- > Dear Ms. Courtney:
- >
- > Your letter has been received opposing the release of Gail Brashear.
- >
- > Your letter will be placed in the offender's file and made available to Board Members making a decision in his/her case. Your letter will also be provided with the address redacted to the offender or their attorney as part of discovery unless you meet the statutory definition of a victim/survivor as listed below:
- > Under the Crime Victim Bill of Rights RCW 7.69.020, the definition of "victim" and the procedures set out in RCW 7.69.032 are as follows:
- >
- > • (3) "Victim" means a person against whom a crime has been committed or the representative of a person against whom a crime has been committed.
- >
- > The statute also extends certain procedural rights to a victim's survivors and defines those persons:
- >
- > • (2) "Survivor" or "survivors" of a victim of crime means a spouse or domestic partner, child, parent, legal guardian, sibling, or grandparent. If there is more than one survivor of a victim of crime, one survivor shall be designated by the prosecutor to represent all survivors for purposes of providing the notice to survivors required by this chapter.
- >
- > Please notify the ISRB if you would prefer to withdraw your letter so it won't be placed in the offender's file and provided as part of discovery.
- >
- > Sincerely,
- >
- > Jordan Sandrini
- > Program Assistant
- > Indeterminate Sentence Review Board
- > (360)407-2452
- >
- >
- >
- > -----Original Message-----
- > From: Nancy Courtney [REDACTED]
- > Sent: Thursday, March 09, 2017 1:33 PM
- > To: ISRB <isrb@DOC1.WA.GOV>

> Subject: ISRB Inquiry [via doc.wa.gov]

>

> Re: Gail Brashear in the case of [REDACTED]

>

> I am writing on behalf of the [REDACTED] family whose loved one was brutally murdered in May of 1996, by Gail Brashear. Gail should be sitting in prison for life for what she did, but she was allowed to plea bargain her sentence down to 52 years. She is petitioning for early release at 35 yrs old, while [REDACTED] family is suffering since Gail Brashear destroyed their families life. The wife has never gotten over this, and has never remarried, they missed out on so much, anniversaries, graduations, weddings, grandchildren. [REDACTED] served our country in Vietnam serving two tours, and was a loving husband and father, his life was snuffed out at 48 years old. Gail Brashear doesn't deserve to be released at 35, while her sentence was for 52 years. Giving her this opportunity would be wrong, why should she have a chance at 35, when this family lost their father at the young age of 48. Please deny her request.

>

> Thank You.

>

> Mrs. Nancy Courtney

> [REDACTED]

> [REDACTED]

> [REDACTED]

>

>

> 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.

>

> Click on the following web link for more information. <http://doc.wa.gov/information/secure-email.htm>



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

March 14, 2017

Paul McMaster
[REDACTED]

Dear Mr. McMaster:

Your letter has been received opposing the release of Gail Brashear.

Your letter will be placed in the offender's file and made available to Board Members making a decision in his/her case. Your letter will also be provided with the address redacted to the offender or their attorney as part of discovery unless you meet the statutory definition of a victim/survivor as listed below:

Under the Crime Victim Bill of Rights RCW 7.69.020, the definition of "victim" and the procedures set out in RCW 7.69.032 are as follows:

- (3) "Victim" means a person against whom a crime has been committed or the representative of a person against whom a crime has been committed.

The statute also extends certain procedural rights to a victim's survivors and defines those persons:

- (2) "Survivor" or "survivors" of a victim of crime means a spouse or domestic partner, child, parent, legal guardian, sibling, or grandparent. If there is more than one survivor of a victim of crime, one survivor shall be designated by the prosecutor to represent all survivors for purposes of providing the notice to survivors required by this chapter.

Please notify the ISRB if you would prefer to withdraw your letter so it won't be placed in the offender's file and provided as part of discovery.

Sincerely,

Jordan Sandrini
Program Assistant (ISRB)

March 9, 2017

Dept. of Corrections,
Indeterminate Sentence Review Board
4317 6th AVE SE, Floor 3
Lacey, WA 98503

TO: Members of The ISRB

RE: Gail Brashear, 765306—STATEMENT OPPOSING EARLY RELEASE

To whom it may concern:

I'm not writing to tell you that there is a family without a father. I'm not here to tell you there is a loving wife without a husband, who shared a deep and storied history together. I'm not writing to remind anyone that there are two young men and a lovely young woman who are without that special person, a father that will not be by their sides during the special and sometimes difficult times in life to offer guidance and fatherly advice that only a man like [REDACTED] could provide. I'm not writing to speak for the grand children of [REDACTED] who won't meet him and won't have him in their lives, not to mention what an impact he would have made. Believe it or not, those aren't the people who need a voice today.

Today, [REDACTED] a Vietnam War veteran needs a voice. A man who stepped up for his country at a time when doing so was not exactly easy or popular. But to [REDACTED] it was the right thing to do. His country asked and he answered. He served his country proudly and at 48 years old, while taking advantages of the freedoms he fought for, was taken from us.

I'm writing to ask that you honor the man who gave of himself for all of us. [REDACTED] can't tell us how he feels on the matter. What we do know about him is clear by his actions while here, that he was a man of character and pride. He loved his family and his country.

I ask that you take into consideration the real impact of the events of that day in May 1996. Not only for how the loss has affected his loved ones, but who we as a society lost that day. He belonged to a generation of men and women who saw the worst, and [REDACTED] deserved at the very least a long and healthy life. Punishment for playing a part in taking that bold flame from us should be as stiff as possible. Please don't return the gift of freedom to the person responsible for taking what would have been a long and healthy life.

Paul McMaster
[REDACTED]



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

March 14, 2017

Vanessa Kimble, First Grade Teacher
[REDACTED]

Dear Ms. Kimble:

Your letter has been received opposing the release of Gail Brashear. Your letter will be placed in the offender's file and made available to Board Members making a decision in his/her case. Your letter will also be provided with the address redacted to the offender or their attorney as part of discovery unless you meet the statutory definition of a victim/survivor as listed below:

Under the Crime Victim Bill of Rights RCW 7.69.020, the definition of "victim" and the procedures set out in RCW 7.69.032 are as follows:

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- (2) "Survivor" or "survivors" of a victim of crime means a spouse or domestic partner, child, parent, legal guardian, sibling, or grandparent. If there is more than one survivor of a victim of crime, one survivor shall be designated by the prosecutor to represent all survivors for purposes of providing the notice to survivors required by this chapter.

Please notify the ISRB if you would prefer to withdraw your letter so it won't be placed in the offender's file and provided as part of discovery.

Sincerely,

Jordan Sandrini
Program Assistant (ISRB)

March 6, 2017

Dept. of Corrections,
Indeterminate Sentence Review Board
4317 6th AVE SE, Floor 3
Lacey, WA 98503

TO: Members of the ISRB

RE: Gail Brashear, 765306—**STATEMENT OPPOSING EARLY RELEASE**

To Whom It May Concern:

I am alarmed that Gail Brashear, who was sentenced to 52 years in prison with no parole; a plea bargain that she agreed to, would be allowed early release.

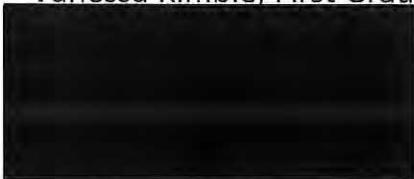
Her release, *given the crime she committed*, is disturbing. I believe her release would also cause anxiety, sadness, and stress for the family of her victim.

Please maintain her original sentence and keep her in prison.

Thank you for your consideration and service.

Respectfully,

Vanessa Kimble, First Grade Teacher



March 6, 2017

Dept. of Corrections,
Indeterminate Sentence Review Board
4317 6th AVE SE, Floor 3
Lacey, WA 98503

TO: Members of The ISRB

RE: Gail Brashear, 765306—**STATEMENT OPPOSING EARLY RELEASE**

To Whom it May Concern:

[REDACTED] was a loving father and husband, senselessly murdered in cold blood by Gail Brashear. The pain of [REDACTED] death will last a lifetime for his family and those who loved him. Brashear's crime was heinous, she has the personal culpability of killer and should not be released early from prison under any circumstances. Her 52 year prison sentence was a plea bargain that she agreed to. It is irresponsible and unjust for Brashear to be released before her sentence has been fully served.

Thank you for your consideration,

Alyson Munday
[REDACTED]

March 4, 2017

To whom it may concern,

My phone rang during Mother's Day brunch with family, and the voice on the other line will stick with me forever. It was May 11, 1996 and a neighborhood friend of the [REDACTED] family was trying to get ahold of [REDACTED]. She and I have known each other since we were 10 years old, and the neighbor thought maybe I had spoken with her that day. [REDACTED] was now living in California following her dreams, dreams that her father [REDACTED] had given her the confidence to fulfill. There were no cell phones then, and because she had gone away with some friends for the weekend, she couldn't be reached. I knew from the neighbor's tone that something was very wrong. Something unimaginable had happened to [REDACTED] father.

You already know the horrid details of [REDACTED] death. What you may not know is how his death forever changed the lives of his family. His wife would never remarry, and after 20 years without her hero, she is just as lonely now as she was when he died. His three beautiful children would never go fishing, hunting, or hear stories by the campfire with their dad again. He would not be around to walk [REDACTED] down the aisle when she got married, nor would he ever meet his six amazing granddaughters.

He survived two tours in Vietnam, only to have his life taken by a misguided and mentally ill teenage girl, who bragged about this incident to her friends. Having to petition to keep his killer in prison has only brought about more unnecessary stress and hurt for his family. They have had to relive this horrifying day over and over again since this all began.

Please think long and hard about your decision and try to put yourselves in the shoes of the victim's family and friends who knew [REDACTED] and loved him.

Sincerely,

Julie Stevens

Date: March 10, 2017

Dept. of Corrections,
Indeterminate Sentence Review Board
4317 6th AVE SE, Floor 3
Lacey, WA 98503

TO: Members of The ISRB

RE: Gail Brashear, 765306—**STATEMENT OPPOSING EARLY RELEASE**

To Whom it May Concern:

I strongly oppose any early release regarding Gail Brashear. It's honestly appalling to think a criminal who agreed to her rightful 52 year sentence based off the heinous crime she committed could somehow be eligible to be "released" after spending ONLY 20 years in prison. Additionally, I'm very concerned for our society if our legal system decides to release individuals like Gail Brashear and others based off a new law passed. It is not fair to all of the morally conscious "good people" to be burdened by the thought criminals could or would be released early. And in regards to Gail Brashear, it would be unacceptable, and I vehemently oppose one day of any early release.

Jeffrey Carelli

A handwritten signature in black ink, appearing to read 'Jeffrey Carelli', written in a cursive style.

March 12, 2017

Dept. of Corrections,
Indeterminate Sentence Review Board
4317 6th AVE SE, Floor 3
Lacey, WA 98503

TO: Members of The ISRB

RE: Gail Brashear, 765306—

STATEMENT OPPOSING EARLY RELEASE

To Whom it May Concern:

I write to express my concern relating to the release of Gail Brashear.

I have been a friend of the [REDACTED] family for more than 25 years and have seen the emotional and mental toll that Brashear's calculated violence has taken on them, and continues to take. Who is the priority here, a vicious murderer, or a hardworking, tightknit family who had their patriarch taken from them much too soon?

Brashear was sentenced to 52 years in prison with no parole. This was a plea bargain that she agreed to. She will still have her life at the end of those 52 years, while [REDACTED] is gone. He can no longer speak for himself.

Please do the right thing; remember the outstanding man of [REDACTED] and his very loving family.

Do not release the murderer, Gail Brashear before her time.

Sincerely,

Ellen Harrison

[REDACTED]

March 13, 2017

Dept. of Corrections,
Indeterminate Sentence Review Board
4317 6th AVE SE, Floor 3
Lacey, WA 98503

TO: Members of The ISRB

RE: Gail Brashear, 765306—**STATEMENT OPPOSING EARLY RELEASE**

To Whom it May Concern:

I am writing this to plead with you not to grant murderer Gail Brashear early release. She is not a person who can be or ever will be rehabilitated.

Let me remind you that Gail is a cold blooded killer who flagged down the kind-hearted [REDACTED] for "help", and when [REDACTED] innocently stopped he was brutally murdered by Gail. She deserves nothing! She should not be released until her time for this crime has been fully served. She is a savage murderer who only cares about herself and I believe she still is a threat to our community.

This wasn't her first offense either, at the time of her sentencing in 1997 Gail had already stabbed another victim and burglarized a home.

Please do what is right for the [REDACTED] family. They will never get their father back. The only justice they have is knowing Gail will stay behind bars and serve the time she was originally given.

Please say no to early release for Gail Brashear.

Sincerely,
Susan Youth



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

March 14, 2017

Kimberly A. Krause
[REDACTED]

Dear Ms. Krause:

Your letter has been received opposing the release of Gail Brashear.

Your letter will be placed in the offender's file and made available to Board Members making a decision in his/her case. Your letter will also be provided with the address redacted to the offender or their attorney as part of discovery unless you meet the statutory definition of a victim/survivor as listed below:

Under the Crime Victim Bill of Rights RCW 7.69.020, the definition of "victim" and the procedures set out in RCW 7.69.032 are as follows:

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Please notify the ISRB if you would prefer to withdraw your letter so it won't be placed in the offender's file and provided as part of discovery.

Sincerely,

Jordan Sandrini
Program Assistant (ISRB)

3-7-17

Dept. of Corrections, Indeterminate Sentence Review Board

4317 6th AVE SE, Floor 3 Lacey, WA 98503

TO: Members of The ISRB RE: Gail Brashear, 765306—STATEMENT OPPOSING EARLY RELEASE

To Whom It May Concern:

I do not understand why you would consider releasing a murderer. If a person was a juvenile and convicted of a heinous crime, there was a reason for a life sentence or an extended sentence imposed.

Gail Brashear is one who not only should serve her entire sentence but as far as I am concerned should have faced the death penalty. She showed no remorse. She was cold and calculating. [REDACTED] would have given her his truck, his money whatever she wanted. And all she had to do was ask for it. He was that kind of man.

She "MURDERED" a good man. She didn't drop him off on the side of the road. She and her friends didn't shove him out of his truck and take off. They tortured and killed him. I believe if you release her you are saying that our Father, Uncle, Husband, Friend didn't matter. He obviously didn't matter to her and her friends.

Please reconsider releasing this "person" back into the public and telling the world that [REDACTED] didn't matter enough for her to finish her "agreed upon sentence".

Sincerely,

Kimberly A. Krause





Snohomish County

Prosecuting Attorney

Administration

Robert Lenz, Chief of Operations

Mission Building, M/S 504
3000 Rockefeller Ave., M/S 504 | Everett, WA
98201-4046
(425) 388-3772 | Fax (425) 388-3083
www.snoco.org

RECEIVED

APR 13 2017

Dave Somers
County Executive

April 10, 2017

Indeterminate Sentence
Review Board

ISRB
P.O. Box 40907
Olympia, WA 98504
rlriley@doc1.wa.gov

Re: GAIL ANN BRASHEAR
SNOHOMISH COUNTY SUPERIOR COURT NO. 96-1-01273-9

Dear Sirs/Madams,

I have reviewed Gail Brashear's request for release, as I have reviewed numerous others since the law was amended to allow those convicted as juveniles to petition for release after 20 years, no matter how long their sentence, or how terrible their crime. I understand that there is a presumption of release, and I have therefore let many of these petitions go past me without comment, preferring to hold my sentiments until a case came along when I felt I truly had to weigh in. This is such a case. Presumption means there can and should be exceptions. Providing hearings like this clearly means release isn't automatic, and that there should be exceptions. This case should be one of those exceptions.

This defendant committed one of the most brutal and intensely personal killings in our county's history. Her savagery is still startling all these years later, as is her attitude when talking about why she kept stabbing her victim over and over, that "the mother ***ker just wouldn't die". She bargained for a sentence in excess of 50 years, and that was indeed a "bargain" at the time, and remains one. Releasing her when she hasn't even served close to half that sentence completely ignores the ferocity of actions, not to mention her knifing of another person only weeks before this.

The defendant's supporters, through their letters, share a common theme. One mentions the crime only as "something she was involved in", while another calls it an event "she ended up at". Another vaguely references the series of occurrences that "culminated in the killing of that man". Their letters read like the defendant was disassociated from something that was out of her control and just happened; and these are the folks who will be, to some extent, responsible for her in the community? They don't seem to think she did anything wrong, and portray her as the victim. Many of her supporters don't even allude to her crime at all or even pay lip service to the fact that this was not something she just ended up at or was tangentially involved in. She provided the culmination, but only her victim's loved ones mention it.

The 20 years she has served is simply nowhere near adequate punishment for the off-the-charts horror of the crime she committed, or the almost gleeful way she seemed to carry it out . . . on a Good Samaritan. Twenty years is not even close to adequate, despite the A's she gets in classes, or what a lovely person her

family and friends say she is now. While her youth is why she gets your consideration after only serving 20 years (the statutory minimum sentence), her crimes were not impulsive crimes of immaturity and youth. She thought about it, did it with gusto, and to my knowledge has shown little if any remorse.

As you are no doubt aware, if the law said that everyone who committed a horrific crime while a juvenile should simply get out after 20 years, the law wouldn't provide for this hearing; the law would just automatically let them all out. Hearings are held because some defendants are different, and more deserving of a longer sentence. This defendant is one of those. Her release at this time would be an affront to the family and loved ones of her victim, to the community, and to this process of holding hearings.

Sincerely,

A handwritten signature in black ink, appearing to be 'Mark Rbe', written over a horizontal line.

Mark Rbe
Snohomish County Prosecutor



STATE OF WASHINGTON

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

SUMMARY OF INFORMATION RECEIVED

**TO: Gail Brashear
DOC# 765306**

FROM: Robin Riley, Executive Assistant

DATE: March 30, 2017

RE: Statement(s) received

In accordance with In Re Sinka (92Wn.2d555), a summary of information received from concerned citizens is being provided to you. The Indeterminate Sentence Review Board will consider this information in its decision regarding your parole or release to the community.

If you choose, you may respond to this information at your hearing with the Board on **April 12, 2017** or prior to that hearing in writing.

Summary:

The Board received four letters of concern as well as a petition with approximately 475 names opposing your release.

Zucati, Jennifer A. (DOC)

From: ISRB
To: Seth Weinberger
Subject: RE: Letter on Behalf of Gail Brashear

Professor Weinberger,

Thank you for taking the time to contact the Indeterminate Sentence Review Board regarding your support for Ms. Gail Brashear.

Your letter and this email will be placed in her file for Board Members to review.

Sincerely,

Jennifer Zucati
Program Assistant
Indeterminate Sentence Review Board
MS-40907
360-407-2400/360-407-2420
Fax: 360-493-9287

From: Seth Weinberger [mailto:sweinberger@pugetsound.edu]
Sent: Friday, May 20, 2016 11:25 AM
To: ISRB <isrb@DOC1.WA.GOV>
Cc: Mary Weir (maryweir@fepps.org) <maryweir@fepps.org>
Subject: Letter on Behalf of Gail Brashear

To Whom It May Concern:

Attached, please find a letter in support of Gail Brashear's clemency hearing. I would very much appreciate acknowledgement of receipt of the letter.

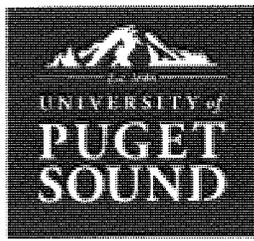
Please let me know if you need anything else from me.

Best...

Seth Weinberger

Seth Weinberger
Professor
Department of Politics & Government
University of Puget Sound
1500 N. Warner
Tacoma, WA 98416
253.879.2994

sweinberger@pugetsound.edu



May 20, 2016

Dear Members of the Washington State Clemency and Pardons Board:

I am a professor in the Department of Politics & Government at the University of Puget Sound. I also teach college classes in the Washington Corrections Center for Women (WCCW) through the Freedom Education Project Puget Sound (FEPPS). It is my pleasure to write in support of Gail Brashear and to recommend her for clemency.

Normally when asked to write a letter on behalf of a student, I speak strictly to her intellectual capabilities and her performance as it relates to their work ethic and skills. But the women in our FEPPS classes face unique hurdles that our Puget Sound students generally do not, from the absence of research materials and internet access to a lack of preparation and college-level skills. And yet, in WCCW, I strive to offer classes as close to the ones I offer my Puget Sound students. Not surprisingly, the women rise to this challenge, and watching them overcome some of these roadblocks and witnessing them encounter new ideas allows for insight into far more than just their academic qualities.

In Fall 2015, Gail took my Introduction to International Relations course through FEPPS. The course is designed to expose students to the basics of international relations theory, to show them how social science can help us systematically understand the world in which we live, and to help students make sense of current events. From the beginning, Gail brought an enthusiasm for the material that I see all too rarely in students; she was truly excited to learn! In fact, she was so eager that she could barely contain herself. Gail was always the first person in the class each day so she could ask questions about the readings or something she had seen on the news. She worked with the prison administration to find a way to get access to news sources like *The Economist* and the journal *Foreign Affairs* so she could do more reading than the class demanded and keep up with world politics.

Gail's work in the class was every bit as good as her attitude. Across the semester, her work was always among the best in the class, and was every bit as good as that produced by my best students at Puget Sound (I used the same exams in my FEPPS class). On her take-home exam (in which students were expected to produce a seven page paper in response to a prompt), Gail persuasively argued that the process of globalization and the resulting increase in economic interdependence has created moral obligations between states. She then demonstrated how this obligation should be understood to not only require states to address the on-going Syrian refugee crisis, but to also take action in the face of extreme violations of human rights, such as genocides. Gail successfully integrated complex political science theory with her understanding of contemporary political events to produce a truly excellent exam. At the end of the class,



Gail had earned the highest grade in the class, and I have no doubts that she would have done just as well in class with my students on campus at Puget Sound.

I do not know the Gail Brashear who committed the crime that got her incarcerated at WCCW. I only know the Gail Brashear who loves talking about politics, who loves learning, and who cannot wait to resume her education upon her release. That Gail Brashear is a dedicated and intelligent woman who is more than capable of pursuing an education at a "regular" college. That Gail Brashear has thought about the role of education in her life and how education will ensure that she does not return to prison. The Gail Brashear that I know has the tools to be a contributing and critical member of her community.

I teach college classes in prison because I believe in the transformative power of education. Studying international relations is not merely a means to a job; rather, understanding the complexities of the world around us helps us question our own beliefs and understand the beliefs of others. The liberal arts education that FEPPS seeks to provide to women like Gail is intended to help them become self-reflective and critical members of democratic society. Gail has done that as well as any of my students at the University of Puget Sound. I cannot speak highly enough about her dedication, her passion, her intelligence, and her desire to be a productive member of society upon her release.

Thank you for the opportunity to write on behalf of Gail Brashear. Do not hesitate to contact me if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Seth Weinberger", written over a horizontal line.

Seth Weinberger
Professor
The University of Puget Sound
Department of Politics & Government
1500 N. Warner
Tacoma, WA 98416
253.879.2994 (Weinberger)
sweinberger@pugetsound.edu

Zucati, Jennifer A. (DOC)

From: ISRB
To: deannecdavis
Subject: RE: Letters For Gail Brashear #765306

Ms. Davis,

Thank you for taking the time to contact the Indeterminate Sentence Review Board with your support for Ms. Gail Brashear. Your email will be placed in her file for Board Members to review.

Sincerely,

Jennifer Zucati
Program Assistant
Indeterminate Sentence Review Board
MS-40907
360-407-2400/360-407-2420
Fax: 360-493-9287

From: deannecdavis [mailto:deannecdavis@roadrunner.com]
Sent: Friday, May 20, 2016 5:45 PM
To: ISRB <isrb@DOC1.WA.GOV>
Subject: Letters For Gail Brashear #765306

My name is Deanne Davis. I am Gail's Great-aunt, married to her Dad's brother, John Davis.

86 E. Alegria
Sierra Madre CA 91024
626-355-8710
deannecdavis@roadrunner.com
www.authordeanne.com

Hello, dear persons concerned for Gail's future!

My husband (Gail's Great-uncle John) and I have been married for 49 years. Hence, I've been part of this large and loving family for a very long time. We attended her mother's wedding - well, everybody but me and our son, John, who was quite a little boy at the time had to wait outside the wedding as he had fallen into poison oak and was so miserable, itchy and covered with calamine lotion that we couldn't be inside the church! However, the wedding was lovely and Laurie and Alan have been married

for quite a while. As Laurie has lived in Washington for a great deal of her married life, I've not had a great deal of direct contact with Gail, but I have been corresponding with her somewhat sporadically all the years she has been incarcerated and I have watched her grow up through the pages of her letters. The thing that has most impressed me about her is her desire for education. She has been given many opportunities to take classes and she has wholeheartedly jumped into all these opportunities as she has recognized that the key to a better life for her will be education and what she can learn to do that will benefit the world at large and herself when the moment comes to be able to support herself. I think learning braille is huge and will be a highly employable skill for her.

Gail's attitude toward authority and her level of maturity are excellent. I feel that she has become a caring, sensitive woman and with the family behind her, I feel that she will be able to achieve a successful life when she is released. Having family visits has been a wonderful thing for her and I am hoping she will be able to continue her college career. She tells me she is keeping all A's...which is saying a lot for anybody! Having written letters and received letters from her for so many years, I know she has a strong desire to be the best person she can be and I admire and encourage that. She closed her last letter to me saying, "I hope your day is filled with lots of laughter and love." That's coming from a sincere heart and I wish her all the best in the years to come. I would welcome the opportunity to visit with her if she should be in the Southern California area.

Most sincerely and with hopes that this helps,

Deanne Davis



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

May 26, 2016

Mr. Stuart Smithers
1500 N. Warner St. #1028
Tacoma, WA 98416

RE: Gail Brashear
DOC# 765306

Dear Mr. Smithers:

Thank you for taking the time to contact the Indeterminate Sentence Review Board regarding Ms. Gail Brashear. Your letter of support will be placed in her file for Board Members to review.

Sincerely,


Jennifer Zucati
Program Assistant



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MAY 26 2016
Indeterminate Sentence
Review Board

Letter of Support for Gail Brashear

May 10, 2016

Dear Members of the Washington State Clemency and Pardons Board,

I am pleased to be able to write in strong support of Gail Brashear as you consider her request for clemency. I have known Gail for five years. I am the chair of the Department of Religious Studies at University of Puget Sound. Approximately five years ago I received a request from a counselor and an associate superintendent at WCCW to meet with a group of incarcerated women who wanted to begin a higher education program as part of "The Village". I accepted the invitation and met with about a dozen women who explained to me their goal to transform life within the facility, and how education beyond the GED or vocational level was part of the vision. Gail was in the first class that I began teaching a few months after the meeting. Out of that early work the FEPPS program (<http://fepps.org/>) emerged, and Gail continued her work in college classes for credit, and is now successfully working toward an AA degree. I would rank Gail as one of the two or three top students I have taught at WCCW. She is an insightful and intelligent reader, goes beyond expectations and does independent work and study to gain a better background for concepts and ideas. She is beyond doubt an active and inspiring student and citizen in the classroom.

The goal of the FEPPS education program is to make our courses at WCCW reflect the same content and standards that we hold for courses at our home campus. The students at WCCW have very different life experiences from the majority of our mostly young people at University of Puget Sound. But Gail has proven that she has not only the intellectual skills and desire to succeed, but a more advanced maturity than most of the students I teach in Tacoma. Over five years, Gail has become a bright and responsible student, a leader in the classroom and in the academic community at WCCW. I fully and enthusiastically support her request for clemency, and look forward to working with her outside the prison someday as she continues to pursue her studies and to build a new life.

If there is anyway that I can assist the Board with Gail's request, or provide any further information or testimony, please do not hesitate to contact me.

Respectfully submitted,

Stuart Smithers
Chair and Professor, University of Puget Sound
smithers@pugetsound.edu
206-214-7991

Zucati, Jennifer A. (DOC)

From: ISRB
To: Jennifer Smith
Subject: RE: Letter of Support for Gail Brashear

Dear Ms. Smith,

Thank you for contacting the Indeterminate Sentence Review Board regarding Ms. Gail Brashear. Your letter and email will be placed in her file for Board Members to review.

Sincerely,

Jennifer Zucati
Program Assistant
Indeterminate Sentence Review Board
MS-40907
360-407-2400/360-407-2420
Fax: 360-493-9287

From: Jennifer Smith [mailto:smithjb@plu.edu]
Sent: Thursday, May 26, 2016 10:34 AM
To: ISRB <isrb@DOC1.WA.GOV>
Cc: lbrashear@hotmail.com
Subject: Letter of Support for Gail Brashear

To Whom It May Concern,

Please find attached my letter of support for Gail Brashear's petition for early release. I have also mailed a hard copy to ISRB, PO Box 40907, Olympia, WA 98504.

Please don't hesitate to contact me with any questions.

Best,
Jennifer Smith

--
Jennifer A. Smith, Ph.D.
Director, Center for Gender Equity (fka, Women's Center)
Affiliate Faculty, Women's and Gender Studies Program
Pacific Lutheran University
Pronouns: she, her & hers



Indeterminate Sentence Review Board

PO Box 40907

Olympia, WA 98504

May 21, 2016

To Whom It May Concern:

Please find here my support for Gail Brashear's petition for early release. I have known Gail since May 2015 when she enrolled in my SOCI 120: Introduction to Women's Studies course through Freedom Education Project Puget Sound (FEPPS), the college program inside WCCW. (I co-taught this course with Laurel Rayburn.)

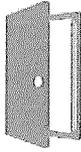
When reflecting on Gail as a student in my course, I automatically smile. Gail's attitude and presence in our class was consistently and infectiously positive. Her eyes literally lit up as she latched on to the various theories and concepts we discussed and then explored how they applied to everyday life. Whether looking at stereotypes of gender in children's stories or examining the everyday objects that surround us that communicate values about gender, Gail enthusiastically embarked on these analyses, carefully considering the meaning and impact of the texts and objects under consideration. She sought to make these assignments her own. For instance, rather than analyze a children's book, she asked if she could analyze a poem that was based on a fairy tale. This required her to conduct a close reading of a complex poem (rather than settle on a more simplistic text). Having taught at the university level for almost 15 years, it is a rare student who—beyond just embracing a challenge—actually seeks to make an assignment more challenging. Gail is this kind of student.

Additionally, Gail was one of the most vocal and fervent supporters of her classmates. It was not unusual for her to be one of the first people to offer a word of encouragement to a fellow student who was feeling frustrated with a complex reading or an assignment. She often would provide a comment that would encourage her peers to reframe their perspective, thus resulting in a shift in attitude. This is no small thing. To change the tone of a room or an exchange between people can transform a space from one of conflict and frustration to one of conversation and growth. Gail has that kind of impact. Given this, I can only imagine the positive and transformative impact she will have once she returns to her family and community.

Gail's thirst to *know* more in order to *do* better is the foundation for her pursuit of education. She enters the classroom ready to be transformed and to participate full and actively in this process—and to bring others along with her. Gail exemplifies the power of education to change a life and to change a community; I have no doubt that she will continue both her formal education as well as continue to be a student of life upon her release.

2311 N. 45th Street, #178 Seattle, WA 98103 ph:206-489-5232 <http://www.fepps.org> email:
learn@fepps.org

FREEDOM
EDUCATION
PROJECT
PUGET SOUND



Truly, I am honored to write a letter on Gail's behalf. Her gifts are many, and I have no doubt that those gifts—both in terms of her intellect and personality—will positively impact her family as well as any community in which she finds herself. You are free to contact me via email (jennifer.smith@plu.edu) or phone (253-538-6302) if you would like additional information or clarification.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer A. Smith". The signature is fluid and elegant, with a large initial 'J'.

Jennifer A. Smith, Ph.D.
Director, Center for Gender Equity
Faculty, Women's & Gender Studies
Pacific Lutheran University

Zucati, Jennifer A. (DOC)

From: ISRB
To: Mary Weir
Subject: RE: Letter In Support of Gail Brashear

Dear Mary,

Thank you for contacting the Indeterminate Sentence Review Board with your support for Ms. Gail Brashear. Your email and letter will be placed in her file for Board Members to review.

Sincerely,

Jennifer Zucati
Program Assistant
Indeterminate Sentence Review Board
MS-40907
360-407-2400/360-407-2420
Fax: 360-493-9287

From: Mary Weir [mailto:maryweir@fepps.org]
Sent: Monday, May 30, 2016 2:14 PM
To: ISRB <isrb@DOC1.WA.GOV>
Subject: Letter In Support of Gail Brashear

Hello,

Please find attached a letter of support for Gail Brashear. Please let me know if you have any questions or need anything else.

Best,
Mary

--
Mary Weir
Program Manager
Freedom Education Project Puget Sound
4759 15th Avenue NE, Suite 302
Seattle, WA 98105
206-729-2480
<http://www.fepps.org>
<http://www.facebook.com/FreedomEducationProjectPugetSound>

May 30, 2016
To Whom It May Concern:

I am writing in support of the early release of Gail Brashear. I am the program manager for Freedom Education Project Puget Sound, a nonprofit that provides a college program, leading to an Associate of Arts and Sciences degree, at the Washington Corrections Center for Women. I have known Gail since September of 2013. Gail has taken 12 college-level classes through FEPPS and has earned "A"s in all of them. Her hard work ethic, attitude, and intelligence have distinguished her from her peers. She is one of the best students in our program and a joy to work with.

Gail has one of the best attitudes of anyone I've ever met. I have never heard her complain. Last summer, she was held in segregation for what turned out to be a faulty drug test. When she got out of segregation, she expressed gratitude that her professors had given her an extension to complete her assignments. When we offered our first college-level math class, there were almost no resources for students outside of class time. The material was new, difficult, and no one else had taken the class before. Rather than complaining, as many other students did, Gail worked even harder, and her hard work paid off. She earned the best grade in that class. When Gail faces adversity, she works hard, remains positive, and helps those around her.

Gail loves political science, especially International Relations. Last summer, Evergreen for Incarcerated Youth organized a conference on Incarcerating Youth of Color. Gail participated from inside the prison. She was very nervous beforehand, but she moved everyone in the audience. She explained a moment when she was being transferred to Arizona and she heard the radio from the cockpit of the plane. She explained it as the moment she realized or remembered that there was a world beyond the prison walls. She is still driven by wanting to understand the greater world, even though she has been incarcerated for 20 years. It is this knowledge and understanding that keeps her grounded and enables her to have such a good attitude. In a more recent conference organized by Pacific Lutheran University, we asked Gail to write in response to the question, "How does education make you more resilient?" She responded,

"Yes, I've made mistakes, but they no longer have the power to shape my future or who I am. True resilience is found in knowing who you are in a world that you can so easily become lost in, and discovering a passion for something worth living for. How can I feel sorry for myself when every day I learn about the true suffering that occurs in the world?"

One of the best parts of my job is working with Gail. She is a quiet leader, she leads by example, but she has had a profound impact on FEPPS staff, teachers and students. Her kindness, in asking me and other staff how we are doing and if she can help shows empathy, gratitude, and is appreciated more than she could ever know. Her efforts in class continue to impress her teachers and raises the bar for other students. She can barely contain her enthusiasm for new subjects, readings, and knowledge.

It would be a shame for Gail's joy, enthusiasm and work ethic not to be put to use in the greater community. I believe that Gail will not only continue her education, reunite with her family and friends, and become a stellar citizen, but that she will find a way to give back and to change our world for the better. These are high expectations, and I would not place them on all of our students, but Gail is extraordinary, and I think we can expect extraordinary things from her.

Sincerely,

Mary Weir

Program Manager

Freedom Education Project Puget Sound

maryweir@fepps.org

206-729-2480

Zucati, Jennifer A. (DOC)

To: Anna.Spaulding@seattlecolleges.edu
Subject: RE: Letter of Support for Gail Brashear

Dear Ms. Spaulding,

Thank you for contacting the Indeterminate Sentence Review Board with your support for Ms. Gail Brashear. Your letter and email will be placed in her file for Board Members to review.

Sincerely,

Jennifer Zucati
Program Assistant
Indeterminate Sentence Review Board
MS-40907
360-407-2400/360-407-2420
Fax: 360-493-9287

From: Spaulding, Anna [<mailto:Anna.Spaulding@seattlecolleges.edu>]
Sent: Friday, May 27, 2016 11:57 AM
To: ISRB <isrb@DOC1.WA.GOV>
Subject: Letter of Support for Gail Brashear

Please see the attached letter of support for Gail Brashear. It is also pasted below:

Support letter for Gail Brashear

Anna Spaulding, PhD

FEPPS Instructor

16854 NE 25th Street

Bellevue, WA 98008

May 27, 2016

To Whom It May Concern-

My name is Anna Spaulding, and I am writing on behalf of Gail Brashear. I got to know Gail while she was taking my environmental science course through the FEPPS program. Each student did an

individual term project to look at how they could reduce their impact on the environment. Gail chose to look at her eating habits and focused on food waste. As the term progressed she researched food waste, the laws surrounding the donation of uneaten food, and hunger in the US and around the world. Students usually complete a project and think about making some small changes in their own behavior. Gail went further and started to think about changes on a larger scale, she clearly wanted to see if there could be a way for the women at WCCW to have their unused food be donated to homeless shelters in the area. The knowledge that so many people go hungry while so much food is wasted clearly made an impact on her. I know Gail has made mistakes in her past, but I was impressed by the intelligent, compassionate woman that she has become.

Regards,

Anna Spaulding

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Review Board

To Whom It May Concern:

I am writing this letter about the changes I have seen in Gail Brashear. I recently released from WCCW where I was incarcerated for the last 17 years. Gail was one of the first people to befriend me. And we have remained friends throughout the years. However at times she would completely alienate herself from the rest of the population. Her thinking when it came to relationships was very misguided. She would lose herself somewhere along the way. After her return from Arizona she started seeing a therapist and you could see some changes in her immediately. Slowly she acclimated back into our society there. But she was not the same girl who left. She was actively pursuing her short comings. She wanted to know what made her allow herself to become so lost. I don't know what all happened in her sessions but she learned how to set healthy boundaries and stick with them. And the amazing thing about it is she was not any less of a friend but a better one. She has changed probably more than any other person I have met in my life time. The way she carries herself and interacts with other people is almost unbelievable from the girl I met 17 years ago. She is now the girl that people go to for advice, when they need mediation with another individual. It's crazy how life turns out sometimes.

I also worked with her at WCCW's Braille team. She is always willing and ready to help the new girls as well as tutors in her free time. On top of all that she is trying to get her AA. She definitely is not the same girl and I count myself lucky to be her friend.

Thankyou for your time in reading this. If you have any questions you can phone me at 253-392-0245.

Terri Fox

DOC# 765306



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

June 14, 2016

Terri Fox
6501 W. Highway 22
Crestwood, KY 40014

RE: Gail Brashear
DOC# 765306

Dear Terri:

Thank you for taking the time to contact the Indeterminate Sentence Review Board with your support for Ms. Gail Brashear. It is very important that she have support from friends and from within the community.

Your letter of support will be placed in Ms. Brashear's file for Board Members to review.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Zucati".

Jennifer Zucati
Program Assistant



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

June 23, 2016

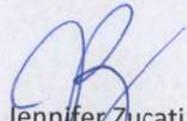
Ms. Laurie Brashear
21119 81st Dr. NE B200
Arlington, WA 98223

RE: Letter dated June 5, 2016

Dear Ms. Brashear:

Thank you for taking the time to contact the Indeterminate Sentence Review Board regarding your daughter Ms. Gail Brashear. Your letter and pictures will be placed in her file for Board Members to review.

Sincerely,



Jennifer Zucati
Program Assistant

To the ISRB

Letter of Support for Gail Brashear Doc#765306

I am Laurie Brashear, Gail Brashear's mother. We are so excited at the prospect of Gail being able to come home and living life and being able to reach for the stars and developing to her full potential.

When Gail was little she was a very different child. She was never really a baby. From the minute we brought her home from the hospital she was always going. She never slept except at night. One day when she was a couple of months old we were at the beach, we set up one of those pop up shade tents to guard her from the sun. She was sitting in her infant seat and her dad and I got out our sandwiches and started to eat them when all of a sudden she lunged at us trying to grab the sandwich. She wanted to eat it. So I gave her a little bite from then on she was eating everything. When she was like six months old I put her down for a nap in her crib. I heard all this noise coming from her room. I went in and there she was standing up in the crib and she had reached over to the dresser that had a little closet in it and had opened the closet and was throwing all of her clothes that I had hanging in there all over the floor. From that moment on she was walking around all of the furniture and by the time she was seven months old she was walking on her own. I do not wear makeup or anything so Gail had never even seen makeup but by the time she was eighteen months old as soon as we would go into a store she would run over to the makeup aisle. She was fascinated by it. As she got a little older about four, we moved to an apartment building and there was a little girl that lived upstairs. Gail and her little sister Jennie would go up to this little girl's apartment a lot and I thought that they all three were playing together. One day I was talking to the mother and she started telling me what a joy it is to have Gail around she is so easy to talk with and she helps me clean my house and take care of my baby. I was shocked. When she was in kindergarten her teacher, who had been teaching for like 30 years, told me that Gail was the most well rounded kid she had ever known. It was always like that Gail was way older than her years. Growing up she always wanted to clean and take care of babies instead of playing. When she was eleven she talked me into letting her take a babysitting class so that she could babysit for the neighbor kids. She worked the whole summer taking care of four kids while the mom was out. She did everything cleaned the house and fed the kids. She was an amazing kid.

I don't know what happened, but all of a sudden when she was about 13. It was like overnight she was a different kid. She no longer listened to me. She started ditching school. She would take off and I would spend all night driving around trying to find her. I took her to counseling and tried everything I could think of but I could not get her to change her behavior. There were times that she was her sweet wonderful self, but as time went on, it felt like we were losing her to her friends. Then she started hanging out with this guy and I could see that it was not good, but it felt like there was nothing I could do to help her.

Then when she ended up at WCCW for the crimes that she was involved in I thought that might make her wake up and see what she was doing. There were times that she was Gail when she was able to go to school and graduate at the top of the class and get some of the other juveniles to graduate also. She had a hard time and I guess was going through all kinds of turmoil and trouble. It was a very difficult

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Indeterminate Sentence
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time for us. All we could do is always let her know that we love her unconditionally and that we were here for anything that she needed. We wanted to make sure that she was always a part of our lives no matter what she was going through. We would visit her as much as we possibly could. Then we moved to Florida for a few years so we were not able to visit but we always kept in touch by phone, cards and letters. While we were in Florida she started to get into more trouble and then was sent to Arizona. I guess that was the wakeup call that she needed.

I believe that was when the change happened as soon as she knew that she was going to Arizona or when she was on the plane. For the last 10 years or so we have had our Gail back again. She is a very respectful woman with lots of love and compassion for everyone, always wanting to help others. She is a very hard worker. She is doing everything she can to better herself and to get an education so that she can learn to be the best that she can be. She takes every chance she can to take all the classes she can to be a better person. She works hard and studies hard to get good grades. She is like a sponge trying to learn everything she can about everything. She makes every opportunity she can to meet people and to learn all she can from them while she has the chance. She would love to be able to have a chance to help troubled young people like herself and to be able to make the world a better place for everyone. She reads everything she can get her hands on. Her father has been having magazines sent to her so that she can learn things going on in the world. So that she can keep up with Science, the economy, politics, history and anything else that she can learn. I know that I am kind of biased but I think that she has matured into an awesome person. She loves everything about life, is very positive, an absolute joy to be around. She has a very infectious personality. I love her to pieces. She is the joy of our lives.

We are here to support her in every way possible. We want her to be able to come home and start her life on the outside. We are here to support her emotionally and to let her take the time that she needs to get her bearings. She is really excited about getting a job. She will be doing Braille at home, but she wants a part-time job so that she can start supporting herself right away while she is working on her first project with the Braille. She wants to be able to save up to get her own apartment and be able to continue her education to become a lawyer to help change laws for the better and to do whatever she can to volunteer in the community. Since she has been locked up the world has changed a lot. She does have access to some of the changes now like being able to send out emails with jpay and to listen to music on a media player and to have digital pictures. She will need to learn to drive and to get her license and to get a phone and learn how to use one. I am so excited at the prospect of all the things that she will be learning and seeing for the first time or at least it has been a long time since she has had the experiences.

We are so excited to be able to share and enjoy all of the wonderful pleasures that life has to offer. We will be able to see things in a new light watching her having experiences for the first time. We have a wonderful two bedroom apartment and she will have her own room which she will be able to decorate and set up the way she wants. We know that Gail is going to need a lot, both emotionally and financially when she gets out, and we are prepared to help her with whatever she needs. Gail knows that we would love for her to stay with us for as long as she needs, but we are also going to support her when she feels like she is finally ready to get a place of her own. There was a point in all of our lives when we

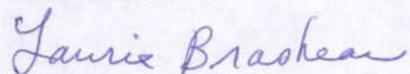
believed Gail would never get a second chance. So I feel truly blessed that I get this moment, to have my daughter with me again. I am so excited to watch her explore and live life again. She has lots of family that she has not been able to meet and others that she has not seen in a very long time. Everyone is so excited that they will be able to reconnect and to get to know her. We are a very positive loving family.

Her father, sister and I have had lots of bonding opportunities with the regular visits that we have with Gail and the wonderful weekend trailer visits that we have whenever we are able to. That is really an awesome privilege that we do not take for granted, being able to spend time with her like we are at home. When we are with her now, her dad is always drawing a diagram of our apartment and showing her where her room is and what it looks like with the furniture and her own door out to the balcony. We are continually keeping her focused on family and all the possibilities that are out there for her.

I love my beautiful daughter Gail with every fiber of my being. And will always be nothing but a most positive and loving influence on her. We are a very wholesome family. We do not drink any kind of alcohol, smoke or do any kind of drugs. We make sure that our lives are full of fun and make life as easy as possible. We like having and living a very stress free life. It would be the best place ever for Gail to be able to flourish and grow. I am enclosing two pictures...one of Gail with me when she was younger, so full of life and happiness, before she got lost in her teenage years. The other photo is a recent one of her with me and her father at a family event. I know I can't be present at Gail's hearing. But I felt it was important for you to see us for the family that we are. Thank you for this opportunity.

Sincerely,

Laurie Brashear







Zucati, Jennifer A. (DOC)

From: ISRB
To: Patti Davis-Simon
Subject: RE: Gail Brashear doc #765306

Dear Ms. Davis-Simon,

Thank you for taking the time to contact the Indeterminate Sentence Review Board regarding your cousin Ms. Gail Brashear. Your email will be placed in her file for Board Members to review.

Sincerely,

Jennifer Zucati
Program Assistant
Indeterminate Sentence Review Board
MS-40907
360-407-2400/360-407-2420
Fax: 360-493-9287

From: Patti Davis-Simon [mailto:daveandpatti@earthlink.net]
Sent: Tuesday, June 28, 2016 8:24 AM
To: ISRB <isrb@DOC1.WA.GOV>
Subject: Gail Brashear doc #765306

My name is Patti Davis-Simon and my contact information is:
800 Milan Ave, South Pasadena, CA 91030
(818) 207-7397
daveandpatti@earthlink.net

I am a cousin of Gail Brashear and am writing on her behalf.

Gail's mother, Laurie, and I are cousins and very close. Our two families did everything together growing up so we are more like siblings than cousins. I have known Gail, obviously, since she was born. She is close in age to my oldest son and when she was young our families saw each other a lot, including an annual camping trip that we did for about 10-12 years. When her family moved to Washington we didn't see each other very often but we did get together at least once a year. Gail was a very bright and happy little girl. She was close to her sister and her parents. She did well at school and had many friends. It was so tragic and unfathomable when she got involved with the wrong people and cumulated in the killing of that man.

I know that Gail did not adapt to prison life very well at first and got in trouble often. I did get to see her once in prison not too long after she was sentenced because I was traveling through Washington and she was quit sullen and angry. But I know that after many years she has turned around and has really tried to better herself in spite of being in jail. I saw a video of her participation on a panel regarding getting better education for these girls who go to prison at very young age and haven't finished their schooling. They are not at all prepared to be a productive member of society when they get released. Her goal was to help get better classes, especially math and science classes, so that girls like her had a chance to get a good job when they were released. I know she has expressed a desire to work with the Braille Institute or with blind and disabled people.

I have really seen a change and a maturity in Gail over the last 20 years and feel she has the proper family support to make a successful transition back to the "real" world. Our family is quite large and we all want the very best for Gail and are willing to support her emotionally as she takes this very big step towards freedom.

Please feel free to contact me if you have any questions.

Thank you for your time,

Patti Davis-Simon

VERIFICATION OF PETITION

I, Gail Brashear verify that the attached petition is true and correct and filed on my behalf.

6/15/17 W.C.C.W
Date and Place

G. Brashear
Gail Brashear

ALSEPT & ELLIS

June 24, 2017 - 11:05 AM

Filing Personal Restraint Petition

Transmittal Information

Filed with Court: Court of Appeals Division I

Appellate Court Case Number: Case Initiation

Trial Court Case Title:

The following documents have been uploaded:

- PRP_Motion_20170624110351D1261319_5141.pdf
This File Contains:
Motion 1 - Waive - Filing Fee
The Original File Name was BrashearMtnWaiveFilingFee.pdf
- PRP_Personal_Restraint_Petition_20170624110351D1261319_7933.pdf
This File Contains:
Personal Restraint Petition
The Original File Name was BrashearPRP.pdf

Comments:

Challenge to decision of the ISRB

Sender Name: jeffrey ellis - Email: jeffreyerwinellis@gmail.com

Address:

621 SW MORRISON ST STE 1025

PORTLAND, OR, 97205-3813

Phone: 503-222-9830

Note: The Filing Id is 20170624110351D1261319