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NO. 97689-9

SUPREME COURT OF THE STATE OF WASHINGTON

In re the Personal Restraint Petition of:

CARL ALONZO BROOKS,

Petitioner.

ANSWER TO MOTION FOR DISCRETIONARY REVIEW

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I. INTRODUCTION

Brooks seeks review of the decision denying his personal restraint petition. Brooks contends that the Indeterminate Sentence Review Board must allow him to petition for early release under RCW 9.94A.730. Brooks argues that the failure to apply that statute to him violates *Miller v. Alabama*, 567 U.S. 460, 132 S. Ct. 2455, 183 L. Ed. 2d 407 (2012). The Court of Appeals did not err in denying the petition.

Miller held only that the Eighth Amendment prohibits imposing a mandatory sentence of life without parole on a defendant who committed the crime as a juvenile. As the Supreme Court later explained in *Montgomery v. Louisiana*, __ U.S. __, 136 S. Ct. 718, 193 L. Ed. 2d 599 (2016), *Miller* did not invalidate sentences that already authorized parole. Brooks' sentence complies with *Miller* because he is eligible for parole. Similarly, RCW 9.94A.730, enacted as a statutory fix after *Miller*, authorizes a form of early release equivalent to parole for determinate sentences imposed under the Sentencing Reform Act (SRA). RCW 9.94A.730 does not apply to indeterminate sentences, imposed prior to the SRA, which already authorize parole. Because Brooks committed his crimes in 1978, the trial judge sentenced him under the pre-SRA statutes. RCW 9.94A.730 and *Miller* simply do not apply to Brooks, and the Acting Chief Judge correctly rejected Brooks' claim and dismissed the petition.

II. IDENTITY OF THE PARTIES

The Petitioner is Carl Brooks, who is serving an indeterminate sentence imposed under RCW 9.95, subject to the jurisdiction of the Indeterminate Sentence Review Board. The Respondent is the Board.

III. DECISION

Brooks seeks review of the October 20, 2019 Order of Dismissal entered by the Court of Appeals, Division I. Appendix (App.) 1. Respondent requests that this Court deny the motion for discretionary review.

IV. ISSUES PRESENTED FOR REVIEW

Whether the Court of Appeals correctly dismissed the personal restraint petition because RCW 9.94A.730 and *Miller* do not apply to Brooks?

V. STATEMENT OF THE CASE

Brooks pled guilty in 1978 to the crimes of murder, rape, kidnapping, robbery, assault, and burglary. App. 2, Judgment and Sentence, *State v. Brooks*, King County Cause No. 84744. Brooks committed these crimes at age 17. App. 4, Statement of Prosecuting Attorney and Sentencing Judge. The superior court sentenced Brooks under RCW 9.95 to sentences of life imprisonment with the possibility of parole on each count, with the rape, kidnapping, and murder sentences running consecutively to each other. App. 2, at 2.

Brooks began serving his sentences in 1978. The judge and prosecutor recommended that the Board set the minimum term at life. App. 4, Statement of Prosecuting Attorney and Sentencing Judge. Despite this recommendation, the Board set the initial duration of confinement at 25 years. App. 3, Decisions and Reasons. Since that time, the Board has conducted numerous progress reviews and parole eligibility hearings. *See, e.g.*, App. 3 and App. 5 through 11, Decision and Reasons. In 1991, Brooks paroled from the sentences for the assault, burglary, and robbery crimes. *See* App. 3, at 3-4. Brooks next scheduled parole hearing will be scheduled 120 days prior to his parole eligibility review date (PERD). App. 3, at 3. The PERD date on his current count is June 14, 2022. App. 12, OMNI View J&S Prison (Count AB – ERD). Brooks next parole hearing pursuant to RCW 9.95.100 will occur in approximately February 2022.

In 2012, the Supreme Court issued *Miller*, 567 U.S. 460, holding that the Eighth Amendment prohibits imposing a mandatory sentence of life without parole on a juvenile defendant. The Court held that before a judge sentences a juvenile defendant to a term of life imprisonment without parole, the judge must make an individualized determination of the juvenile defendant's culpability and amenability to rehabilitation based on a number of factors. *Id.* at 479. However, the Court subsequently held that a life sentence imposed prior to *Miller* satisfies the Eighth Amendment if the

sentence authorizes parole for the juvenile defendant. *See Montgomery*, 136 S. Ct. 718.

In response to *Miller*, the Washington State Legislature passed what is commonly referred to as the "*Miller* Fix." Laws of Wash. 2014, ch. 130. The "*Miller* Fix" eliminated mandatory sentences of life without parole for juvenile defendants, and authorized resentencing for juvenile defendants sentenced to life imprisonment without parole prior to the *Miller* decision. RCW 10.95.030(3); RCW 10.95.035(1). Going beyond *Miller*, the "*Miller* Fix" also authorized the Board to grant early release to juvenile defendants sentenced not to life imprisonment without parole but to other determinate sentences under the SRA. RCW 9.94A.730(1). This part of the "*Miller* Fix" applies only to defendants sentenced under the SRA. RCW 9.94A.905 (providing that the SRA applies to crimes committed after June 30, 1984).

Brooks contends that RCW 9.94A.730 applies to his sentence, but the judge did not sentence Brooks under the SRA. The judge sentenced Brooks under the pre-SRA sentencing scheme to indeterminate sentences with eligibility for parole. Since that time, the Board has held multiple hearings, paroling him from five of his eight sentences. *See* App. 3 and 5-11. Although the Board has declined to parole Brooks to the community because of his failure to complete risk related programming, incurring serious infractions, and posing a high risk based on psychological

assessments, the Board will continue to consider Brooks for parole in the near future. App. 3, at 4.

VI. STANDARD OF REVIEW

The decision to deny a personal restraint petition is subject to review through a motion for discretionary review. RAP 13.5A; RAP 16.14(c). Applying the standards set out in RAP 13.4(b), the Court may grant review if the decision of the Court of Appeals conflicts with a decision of this Court or another decision of the Court of Appeals. RAP 13.4(b)(1) and (2). The Court may also grant review if the case raises significant questions of constitutional law or involves other issues of substantial public interest. RAP 13.4(b)(3) and (4).

VII. ARGUMENT

A. RCW 9.94A.730 does not Apply to Defendants Sentenced under the Pre-SRA Sentencing Scheme in RCW 9.95

Brooks argues that RCW 9.94A.730 applies to his sentence. However, Brooks committed his crimes in 1978, and the superior court sentenced him under the indeterminate sentencing provisions of RCW 9.95. RCW 9.94A.730 simply does not apply to him.

RCW 9.94A.730 resides in the Sentencing Reform Act. The SRA applies only to crimes committed after June 30, 1984. RCW 9.94A.905 (limiting application of Chapter 9.94A to felonies committed on or after July 1, 1984.). Because Brooks committed his crimes in 1978, "prior to the

effective date of the Sentencing Reform Act of 1981 (SRA), the SRA does not apply." *In re Pers. Restraint Petition of Cashaw*, 123 Wn.2d 138, 142, 866 P.2d 8 (1994). "Accordingly, his sentence is governed by the indeterminate sentencing provisions of RCW 9.95." *Cashaw*, 123 Wn.2d at 142 (citing *In re Ayers*, 105 Wn.2d 161, 162, 713 P.2d 88 (1986)); *see also In re Pers. Restraint Petition of Dyer*, 157 Wn.2d 358, 360, 139 P.3 320 (2006) ("Because Dyer committed the acts underlying his convictions before July 1, 1984, the Sentencing Reform Act of 1981(SRA), chapter 9.94A RCW, did not apply to his sentence and he remains under Washington's former indeterminate sentencing system."); *In re Pers. Restraint Petition of Paschke*, 57 Wn. App. 907, 911, 790 P.2d 1250 (1990) (crimes committed before July 1, 1984 are controlled by pre-SRA law).

Even on its face, RCW 9.94A.730 indicates that it is limited to sentences imposed under the SRA. The statute begins by providing that, "Notwithstanding any other provision of this chapter," the defendant may petition for early release. RCW 9.94A.730(1). The term "this chapter" indicates an application to sentences imposed under RCW 9.94A, not sentences imposed under RCW 9.95. Even if there was any ambiguity, RCW 9.94A.905 makes clear that RCW 9.94A.730 applies only to those crimes committed after June 30, 1984.

Moreover, applying RCW 9.94A.730 to pre-SRA indeterminate sentences does not serve the purpose of the statute, which is to avoid the constitutional defect recognized in the *Miller* decision. As this Court previously recognized, RCW 9.94A.730 avoids the constitutional defect in *Miller* by allowing the juvenile defendant to petition for early release from a lengthy determinate sentence that does not authorize parole. *State v. Scott*, 190 Wn.2d 586, 588, 416 P.3d 1182 (2018) ("we hold that RCW 9.94A.730's parole provision is an adequate remedy for a *Miller* violation, rendering unnecessary the resentencing of a defendant who long ago received a de facto life sentence as a juvenile."). If the sentence already provides for early release through parole, then the sentence does not violate the Eighth Amendment under *Miller*. *Montgomery*, 136 S. Ct. at 736 (recognizing that a State need not resentence the juvenile defendant is the State allows for the opportunity of parole). If the sentence already allows for early release through parole, and does not violate *Miller*, then application of RCW 9.94A.730 is unnecessary because the constitutional defect in *Miller* does not exist in the sentence.[1] Application of the statute to

[1] Conversely, if the determinate sentence is less than twenty years in duration, then RCW 9.94A.730 also does not apply because the statute requires that a juvenile defendant serve at least twenty years before petitioning for early release. *In re Pers. Restraint Petition of Marshall*, 10 Wn. App. 2d 626, 639, 455 P.3d 1163 (2019). In this way, RCW 9.94A.730 may impose a harsher burden on juvenile defendant than

a sentence that already provides for early release through parole serves no purpose.

B. Not Applying RCW 9.94A.730 to Indeterminate Sentences does not Violate the Right to Due Process or Equal Protection

Contrary to any argument Brooks may make, not applying the early release provision of RCW 9.94A.730 to a pre-SRA sentence does not violate either due process or equal protection.

First, there is no due process violation because Brooks has no protected liberty interest in application of RCW 9.94A.730 to his pre-SRA indeterminate sentence. "The threshold question in any due process challenge is whether the challenger has been deprived of a protected interest in life, liberty or property." *Cashaw,* 123 Wn.2d at 143. Liberty interests may arise from either the Constitution or from state law. *Id*. at 144. However, the Constitution does not create a liberty interest in early release. *In re Pers. Restraint Petition of Mattson*, 166 Wn.2d 730, 737, 214 P.3d 141 (2009) (quoting *Greenholtz v. Inmates of Nebraska Penal & Corr. Complex*, 442 U.S. 1, 7, 99 S. Ct. 2100, 60 L. Ed. 2d 668 (1979)). Thus, the only interest, if one exists, must arise from the statute.

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an indeterminate sentence under RCW 9.95, because the parole system may allow for earlier release, depending upon the minimum sentence for the particular indeterminate sentence. If the minimum sentence is less than twenty years, the indeterminate sentence provides greater benefit than RCW 9.94A.730.

"For a state law to create a liberty interest, it must contain 'substantive predicates' to the exercise of discretion and 'specific directives to the decision maker that if the regulations' substantive predicates are present, a particular outcome must follow.' " *Cashaw*, 123 Wn.2d at 144 (quoting *Kentucky Dep't. of Corr. v. Thompson*, 490 U.S. 454, 463, 109 S. Ct. 1904, 104 L. Ed. 2d 506 (1989)). Under this standard, only substantive laws can create liberty interests. Statutes "that establish only the procedures for official decisionmaking, such as those creating a particular type of hearing, do not by themselves create liberty interests." *Cashaw*, 123 Wn.2d at 145; *see also Mattson*, 166 Wn.2d at 737–38.

Even assuming, *arguendo*, that RCW 9.94A.730 creates a liberty interest for juvenile defendants serving a determinate sentence imposed under the SRA, the statute creates no such liberty interest for juvenile defendants serving an indeterminate sentence imposed under the pre-SRA. As argued above, the SRA has no application to Brooks' pre-SRA sentence. *Cashaw*, 123 Wn.2d at 142; *In re Pers. Restraint Petition of Ayers*, 105 Wn.2d 161, 162, 713 P.2d 88 (1986); *Dyer*, 157 Wn.2d at 360; *Paschke*, 57 Wn. App. at 911. Since the SRA does not apply to Brooks, the statute in the SRA cannot give Brooks a liberty interest in the application of the statute to him. Because Brooks does not have a protected liberty interest in application of RCW 9.94A.730, there is no due process violation.

Similarly, Brooks cannot show an equal protection violation. "The equal protection clauses of both the state and federal constitutions require that 'persons similarly situated with respect to the legitimate purpose of the law receive like treatment.' " *In re Pers. Restraint Petition of Runyan*, 121 Wn.2d 432, 448, 853 P.2d 424 (1993) (quoting *Harmon v. McNutt*, 91 Wn.2d 136, 130, 587 P.2d 537 (1978)); *see also F.S. Royster Guano Co. v. Virginia*, 253 U.S. 412, 415, 40 S. Ct. 560, 64 L. Ed. 989 (1920); *Plyler v. Doe*, 457 U.S. 202, 216, 102 S. Ct. 2382, 72 L. Ed. 2d 786 (1982). A necessary element for a violation of equal protection is that the person be "similarly situated" to others receiving different treatment. If the complainant is not similarly situated, there is no violation. *Powell v. Ducharme*, 998 F.2d 710, 716 (9th Cir. 1993).

Even if a person is similarly situated, an equal protection claim "must be rejected unless the [state's] action is patently arbitrary and bears no relationship to a legitimate governmental interest." *Vermouth v. Corrothers*, 827 F.2d 599, 602 (9th Cir. 1987). To survive an equal protection challenge, the State need not elect the best means for advancing its goals. *Id*. at 603. As long as the State's action bears some rational relationship to a legitimate governmental interest, a court cannot "'sit as a superlegislature' and dictate another [course of action] it believes to be

wiser or more equitable." *Id*. at 604 (quoting *City of New Orleans v. Dukes*, 427 U.S. 297, 303, 96 S. Ct. 2513, 49 L.Ed.2d 511 (1976) (per curiam)).

Equal protection claims concerning sentencing are reviewed under the rational basis test. *McQueary v. Blodgett*, 924 F.2d 829, 834 (9th Cir. 1991); *Foster v. Wash. State Board of Prison Terms and Parole*, 878 F.2d 1233, 1235 (9th Cir. 1989). Even if some defendants have received more lenient sentences for more serious crimes, there is no equal protection violation. *McQueary*, 924 F.2d at 835.

"Improvement in sentencing is [a] rational government purpose." *McQueary*, 924 F.2d at 834 (quoting *Foster*, 878 F.2d at 1235). "There is no denial of equal protection in having persons sentenced under one system for crimes committed before July 1, 1984 and another class of prisoners sentenced under a different system. . . . The standard is of a rational relation to governmental purpose. . . . Improvement in sentencing is rational governmental purpose." *Foster*, 878 F.2d at 1235. "The legislature has the power to shape the sentencing scheme without denying equal protection." *In re Pers. Restraint Petition of Addleman*, 151 Wn.2d 769, 774 (2004).

Brooks is not similarly situated to those sentenced under the SRA. Unlike defendants sentenced under the SRA who receive determinate sentences, Brooks received an indeterminate sentence with the possibility of

parole. Brooks is not similarly situated to defendants who do not have eligibility for parole without application of RCW 9.94A.730.

Moreover, even if Brooks were similarly situated to SRA defendants, there is no equal protection violation. The first step of any equal protection determination is to identify the appropriate standard of review. *In re Pers. Restraint Petition of Borders*, 114 Wn.2d 171, 175–76, 786 P.2d 789 (1990). This Court has held that an intermediate level of scrutiny does not apply to issues involving post-conviction sentencing and confinement. *Id.* at 176. Distinguishing *State v. Phelan*, 100 Wn.2d 508, 671 P.2d 1212 (1983), the Court said, "A petitioner who is in legal custody after a judgment and sentence is left with a conditional liberty interest." *Borders*, 114 Wn.2d at 176. Under this test, a state action does not violate equal protection if the action advances a legitimate state interest. *Id.* Reviewing Brooks' claim under the rational basis test, there is no equal protection violation.

C. Brooks' Sentence does not Violate *Miller* Even Under this Court's Expansion of the *Miller* Rule

Miller prohibited sentencing a juvenile defendant to a mandatory sentence of life imprisonment without parole, without consideration of factors such as the defendant's youth and culpability. This Court subsequently expanded the *Miller* rule, holding that the Washington State Constitution prohibits imposing any sentence of life without parole on a

juvenile defendant. *State v. Bassett*, 192 Wn.2d 67, 428 P.3d 343 (2018). This Court also expanded the *Miller* rule, applying it not only to actual life without parole sentences, but also to other lengthy determinate sentences. *See State v. Gilbert*, 193 Wn.2d 169, 438 P.3d 133 (2019); *State v. Ramos*, 187 Wn.2d 420, 387 P.3d 650 (2017); *State v. Houston-Sconiers*, 188 Wn.2d 1, 391 P.3d 409 (2017). However, all of these cases involved determinate sentences without parole. No case held that RCW 9.94A.730 applies to indeterminate sentences under RCW 9.95.

Contrary to Brooks' claim, this Court has indicated that a lengthy sentence does not violate the *Miller* rule, even as expanded by this Court, so long as the sentence includes some opportunity for parole. *Scott*, 190 Wn.2d 586. The Court recognized that "*[a] state may remedy a Miller violation by permitting juvenile homicide offenders to be considered for parole, rather than by resentencing them*." *Id.* at 600 (quoting *Montgomery*, 136 S. Ct. at 736) (emphasis added). Although this Court applied RCW 9.94A.730 to Scott's determinate sentence under the SRA, this Court also recognized that to satisfy the requirements of *Miller*, the particular parole scheme need not exactly mirror RCW 9.94A.730. *Scott*, 190 Wn.2d at 597 (noting that the statute in *Montgomery* was not identical to RCW 9.94A.730). While the parole scheme in *Montgomery* differed from RCW 9.94A.730, what this Court found important was that "[b]oth provide

a parole avenue to juvenile offender inmates after a set period of time." *Scott*, 190 Wn.2d at 597.

Here, the sentence imposed on Brooks provides him with the opportunity for parole. The Board has considered Brooks for parole multiple times, even before the twenty-year time period that would have been required under RCW 9.94A.730, and the Board paroled him from five of his sentences. App. 3; App. 5 through 11. Brooks' sentence does not violate the *Miller* rule, even as expanded by this Court.

The gravamen of Brooks' complaint is not that his sentence renders him eligible for parole, but that the Board did not find him a suitable candidate for parole. The Board actually first considered Brooks for parole (and paroled him from several of his sentences) less than fifteen years after the entry of his judgment and sentence. *See* App. 7, Decision and Reasons (considering Brooks for parole in 1993, but finding him to be an untreated sex offender). The Board actually first considered Brooks for parole earlier than he would have been eligible if RCW 9.94A.730 applied. The Board, properly exercising its discretion, determined that Brooks was not yet a suitable candidate for parole because he had not yet completed treatment and posed a high risk to reoffend.

Since Brooks is eligible for parole, the Board has exercised its discretion in determining whether to parole Brooks, and the Board will

again consider Brooks for parole in the near future, the sentence does not violate the *Miller* rule even under the expansion of the rule by this Court.

D. To the Extent Brooks Seeks Resentencing, the Petition is Untimely Under RCW 10.73.090

Finally, Brooks filed this collateral challenge in 2019, more than one year after his judgment and sentence became final under RCW 10.73.090. As the Court of Appeals correctly decided, to the extent that Brooks challenges his sentence, the personal restraint petition is untimely.

Under RCW 10.73.090, a petitioner may not file a collateral challenge to a judgment and sentence more than one year after the judgment becomes final. Because RCW 10.73.090 was enacted in July of 1989, *see* Law of Washington 1989, ch. 395, § 1, defendants like Brooks who were convicted prior to that year had one-year in which to file a collateral challenge to a judgment and sentence. RCW 10.73.130; *Runyan*, 121 Wn.2d at 440, 451. Thus, any collateral challenge to a pre-1989 conviction must have been filed by July 23, 1990. *Runyan*, 121 Wn.2d at 440, 451. Because Brooks did not file his petition until 2019, the petition is untimely.

Brooks will likely argue that *Miller* and this Court's decision in *Houston-Sconiers*, *supra*, constituted a new rule of law exempting his petition from the time bar under RCW 10.73.100. But as argued above, these decisions do not apply to Brooks' sentence because his sentence does not violate *Miller*.

Moreover, Brooks filed his personal restraint petition in 2019, several years after the Supreme Court issued *Miller* and this Court issued *Houston-Sconiers*. Even assuming, *arguendo*, that those decisions constituted a new rule of law applicable to Brooks, *see In re Pers. Restraint Petition Marshall*, 10 Wn. App. 2d 626, 455 P.3d 1163 (2019) (*Houston-Sconiers* did not apply on collateral review to excuse untimely petition) the decisions still do not constitute excuse Brooks' untimeliness. Brooks still failed to file his petition within one year of the issuance of those decisions. The petition is therefore untimely.

VIII. CONCLUSION

For the reasons set forth above, the Board respectfully requests that the Court deny Brooks' motion for discretionary review.

RESPECTFULLY SUBMITTED this 3rd day of March 2020.

ROBERT W. FERGUSON
Attorney General

s/ Mandy L. Rose

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CERTIFICATE OF SERVICE

I certify that on the date below I caused to be electronically filed the ANSWER TO MOTION FOR DISCRETIONARY REVIEW with the Clerk of the Court using the electronic filing system and I hereby certify that I have mailed by United States Postal Service the document to the following non electronic filing participant:

Carl Gregory Brooks
Coyote Ridge Corrections Center
PO Box 769
Connell, WA 99326

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

EXECUTED this 3rd day of March 2020, at Olympia, Washington.

s/ Beverly Cox
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APPENDIX 1

FILED
8/20/2019
Court of Appeals
Division I
State of Washington

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE

In the Matter of the Personal Restraint of:	)	No. 79757-3-I
CARL ALONZO BROOKS,	)	ORDER DISMISSING PERSONAL RESTRAINT PETITION
Petitioner.	)	

In 1978, Carl Brooks pleaded guilty to three counts of first degree robbery, one count of first degree rape, one count of first degree kidnapping, one count of first degree assault, one count of second degree murder, and one count of first degree burglary, all while armed with a deadly weapon. The trial court sentenced him to a maximum term of life imprisonment. Since his incarceration, the Indeterminate Sentence Review Board has imposed minimum terms consistent with the recommendations of the sentencing judge and the prosecuting attorney and with the guidelines of the Sentencing Reform Act. See RCW 9.95.009(2). Over the years, Brooks has filed numerous personal restraint petitions challenging his 1978 judgment and sentence and the subsequent Board decisions.

In his current petition, Brooks appears to argue that he is entitled to petition for release under a statutory provision enacted in 2014 in response to evolving jurisprudence regarding juvenile sentencing, RCW 9.94A.730. See Laws of 2014, ch. 130, § 10. Brooks contends that the Board abused its discretion by refusing to apply the "Miller fix" statute and by considering disciplinary infractions that occurred

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more than a year before his most recent parolability hearing. But because Brooks committed his offenses prior to the effective date of the Sentencing Reform Act of 1981 (SRA), the provisions of the SRA, including RCW 9.94A.730, do not apply. See RCW 9.94A.905.

Brooks's sentence is governed by the former indeterminate sentencing provisions of RCW 9.95. He received a sentence that was within the court's discretion to impose under those provisions. See In re Ayers, 105 Wn.2d 161, 162, 713 P.2d 88 (1986). Also, according to the documents Brooks has supplied in support of his petition, the Board most recently considered his parolability under RCW 9.95.100 in December 2018 and added 60 months to his minimum term.

Because Brooks's claim is time-barred, successive, and he makes no showing that he is entitled to relief, the petition must be dismissed. Now, therefore, it is hereby

ORDERED that the personal restraint petition is dismissed under RAP 16.11(b).

Mann, A.C.J.
Acting Chief Judge

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APPENDIX 2

In the Superior Court of the State of Washington
For the County of King

259045

STATE OF WASHINGTON
Plaintiff,

vs.

CARL ALONZO BROOKS

Defendant

No. 84744

WARRANT OF COMMITMENT

TO WASHINGTON CORRECTIONS CENTER

OFFICE OF
THE SUPERIOR COURT CLERK OF KING COUNTY
State of Washington

KENNETH S. HELM
I, ~~BETTY J. MULLEN~~, Superior Court Clerk of King County, do hereby certify the foregoing to be full, true and correct copy of the Judgment and Sentence duly made by the Hon. WILLIAM C. GOODLOE Judge of said Court on the 19th day of MAY 1978, in the above entitled action, now on record in my office.

ATTEST, my hand and the seal of said Superior Court this 19th day of MAY A.D. 1978

KENNETH S. HELM
~~BETTY J. MULLEN~~, Superior Court Clerk

By Jeanine Walker Deputy.

THE STATE OF WASHINGTON to the Director of Public Safety of King County and the DIRECTOR OF INSTITUTIONS and the SUPERINTENDENT of the WASHINGTON CORRECTIONS CENTER of the STATE OF WASHINGTON, GREETING:

WHEREAS, CARL ALONZO BROOKS has ~~been~~ duly ~~convicted~~ pled guilty in the Superior Court of the State of Washington, for the County of King, of the crime of SEE ATTACHED CERTIFIED COPY OF JUDGMENT & SENTENCE, counts to numerous to include in this space, and judgment has been pronounced against him and he has been sentenced to imprisonment in such penal institution or correctional facility under the jurisdiction and supervision of the Department of Social and Health Services, Division of Institutions as the Secretary of the Department of Social and Health Services shall deem appropriate pursuant to the provisions of RCW 72.13.120, for a maximum term of not more than LIFE IMPRISONMENT as to each count. Counts III, II AND IV are to be served consecutively, and a minimum term to be fixed by the Board of Prison Terms and Paroles.

All of which appears of record; a certified copy of said Judgment being endorsed hereon and made a part hereof.

NOW, THIS IS TO COMMAND YOU, the said Director of Public Safety, to detain the said CARL ALONZO BROOKS, until called for by the transportation officers of the Department of Social and Health Services, Division of Institutions, authorized to conduct him to the Washington Corrections Center, and THIS IS TO COMMAND YOU, the said Superintendent of the Washington Corrections Center to receive of and from the said officers the said CARL ALONZO BROOKS, for confinement, classification and placement in such penal institution or correctional facility, under the jurisdiction and supervision of the Department of Social and Health Services, Division of Institutions, as the Director of Institutions shall deem appropriate pursuant to the provision of RCW 72.13.120, for a maximum term of not more than LIFE IMPRISONMENT as to each count. Counts III, II AND IV are to be served consecutively, and a minimum term to be fixed by the Board of Prison Terms and Paroles.

And these presents shall be authority for the same, HEREIN FAIL NOT.

WITNESS, Hon. WILLIAM C. GOODLOE Judge of the said Superior Court and the seal thereof this 19th day of MAY A.D. 1978

KENNETH S. HELM
~~BETTY J. MULLEN~~, Superior Court Clerk

By Jeanine Walker Deputy.

RECEIVED
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BOARD OF PRISON TERMS AND PAROLES

In the Superi Court of the Sta of Washington
For the County of King

THE STATE OF WASHINGTON, Plaintiff,

vs.

CARL ALONZO BROOKS, Defendant

No. 8 4 7 4 4

Judgment and Sentence

CERTIFIED COPY

The Prosecuting Attorney with the defendant CARL ALONZO BROOKS and counsel John L. Austin, III came into Court. The defendant was duly informed by the Court of the nature of the information amended found against him for the crime of ROBBERY IN THE FIRST DEGREE, COUNTS I, VI AND VII; RAPE IN THE FIRST DEGREE, COUNT II; KIDNAPING IN THE FIRST DEGREE, COUNT III: MURDER IN THE SECOND DEGREE, COUNT IV; ASSAULT IN THE FIRST DEGREE, COUNT V; AND BURGLARY IN THE FIRST DEGREE, COUNT VIII (WHILE ARMED WITH A DEADLY WEAPON, AND A FIREARM, AS TO EACH OF THE EIGHT COUNTS).

~~committed on or about the ~~ ~~day of~~ ~~, 19~~,

to which information amended the defendant entered a plea of "guilty on the 11 th day of May, 1978, to all eight counts as charged.

The defendant was then asked if he had any legal cause to show why judgment should not be pronounced against him, to which he replied he had none.

And no sufficient cause being shown or appearing to the Court, the Court renders its judgment:

That whereas the said defendant having duly pleaded "guilty" in this Court of the crime of ROBBERY IN THE FIRST DEGREE, COUNTS I, VI AND VII; RAPE IN THE FIRST DEGREE COUNT II; KIDNAPING IN THE FIRST DEGREE, COUNT III; MURDER IN THE SECOND DEGREE, COUNT IV; ASSAULT IN THE FIRST DEGREE, COUNT V; AND BURGLARY IN THE FIRST DEGREE, COUNT VIII; (WHILE ARMED WITH A DEADLY WEAPON, AND A FIREARM, AS TO EACH COUNT, PURSUANT TO RCW 9.95.040 and 9.41.025)

it is therefore ORDERED, ADJUDGED and DECREED that the said defendant is guilty of the crime of ROBBERY IN THE FIRST DEGREE, COUNTS I, VI AND VII (RCW 9A.56.200); RAPE IN THE FIRST DEGREE, COUNT II (RCW 9.79.170); KIDNAPING IN THE FIRST DEGREE, COUNT III (RCW 9A.40.020(1)(a)(b)(d); MURDER IN THE SECOND DEGREE, COUNT IV (RCW 9A.32.050(1)(b); ASSAULT IN THE FIRST DEGREE, COUNT V (RCW 9A.36.010(1)(a); AND BURGLARY IN THE FIRST DEGREE, COUNT VIII(9A.52.02 (WHILE ARMED WITH A DEADLY WEAPON, AND A FIREARM, AS TO ALL COUNTS)

and that he be sentenced to imprisonment in such penal institution or correction facility, under the jurisdiction and supervision of the Department of Social and Health Services, Division of Institutions, as the Secretary of the Department of Social and Health Services shall deem appropriate pursuant to the provisions of RCW 72.13.120, for a maximum term of not more than Life as to each count, Cts III, II + IV Consecutive years, and a minimum term to be fixed by the Board of Prison Terms and Paroles.

The defendant is hereby remanded to the custody of the Sheriff of King County to be by him detained until called for by the transportation officers of the Department of Social and Health Services, Division of Institutions, authorized to conduct him to the Washington Corrections Center.

DONE IN OPEN COURT this 19th day of May, 1978

Judge

Presented by:

Deputy Prosecuting Attorney

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

STATE OF WASHINGTON, Plaintiff, vs. Carl Alonzo Brooks Defendant.	NO. 84744 ORDER DIRECTING FINGERPRINTING AND CERTIFICATE ATTESTING THAT FINGERPRINTS HEREON ARE THE DEFENDANTS

THIS MATTER being authorized pursuant to the provisions of Laws of 1977, 1st Ex. Sess., Ch. 259, NOW, THEREFORE

IT IS ORDERED that the defendant named herein shall affix his fingerprints in the space provided below; and

IT IS FURTHER ORDERED that the Clerk of the Court shall attest that the fingerprints affixed are those of the defendant;

IT IS FURTHER ORDERED that the Clerk of the Court shall attach this certificate to the original of any Judgment and Sentence entered against the defendant, and that such certificate shall be thereby incorporated as part of such judgment and sentence.

DONE IN OPEN COURT this 19th day of May, 1978.

Wm C. Goodloe
JUDGE

Carl Brooks
DEFENDANT

I hereby attest that the above-named defendant personally appeared before me and affixed his fingerprints to this document this 19th day of May, 1978.

KING COUNTY SUPERIOR COURT CLERK

By Deborah Barrette
DEPUTY

APPENDIX 3

Hunter, Christine M. (DOC)

From: Hunter, Christine M. (DOC)
Sent: Wednesday, December 5, 2018 12:53 PM
To: DOC DL WSP RECORDS; Tompkins, Tyler R. (DOC); Daniel, Paul H. (DOC); Jensen, Ron K. (DOC); Bedford, Marjorie King Cty PA Office; Bell, Kari A. (DOC); Bezanson, Jacob E. (DOC); DOC EOSR; DOC MRP Coordinator; Gibson, Catherine R. (DOC); Lewallen, Sheila R. (DOC); Lopez, Albert (DOC); Miles, Julie M. (DOC); Riley, Robin L. (DOC); Roberts, Rhonda D. (DOC); Victim Services
Subject: RE: D&R for BROOKS Carl 259045 (PRE/.100)
Attachments: BROOKS Carl 259045 WSP 11-13-18.docx

Importance: High

Please be advised, the final D&R sent out in the email below was incorrect. The Board has added 60 month to Mr. Brooks' minimum term (as indicated on the vote sheet), not 90 as was indicated in the body of the Decisions & Reasons. I have attempted to recall the previous message below but Outlook will not let me so I am attaching the corrected D&R to this email.
Please replace the D&R sent prior with the one now attached to this email.
Thank you.

From: Hunter, Christine M. (DOC)
Sent: Wednesday, December 5, 2018 12:38 PM
To: DOC DL WSP RECORDS <DOCDLWSPRECORDS@DOC1.WA.GOV>; Tompkins, Tyler R. (DOC) <trtompkins@DOC1.WA.GOV>; Daniel, Paul H. (DOC) <phdaniel@DOC1.WA.GOV>; Jensen, Ron K. (DOC) <rkjensen@DOC1.WA.GOV>; Bedford, Marjorie King Cty PA Office <Marjorie.Bedford@kingcounty.gov>; Bell, Kari A. (DOC) <kabell@doc1.wa.gov>; Bezanson, Jacob E. (DOC) <jebezanson@DOC1.WA.GOV>; DOC EOSR <doceosr@DOC1.WA.GOV>; DOC MRP Coordinator <DOCMRPCoordinator@DOC1.WA.GOV>; Gibson, Catherine R. (DOC) <crgibson@doc1.wa.gov>; Lewallen, Sheila R. (DOC) <srlewallen@DOC1.WA.GOV>; Lopez, Albert (DOC) <alopez@DOC1.WA.GOV>; Miles, Julie M. (DOC) <jmmiles@DOC1.WA.GOV>; Riley, Robin L. (DOC) <rlriley@DOC1.WA.GOV>; Roberts, Rhonda D. (DOC) <rdroberts@DOC1.WA.GOV>; Victim Services <victimservices@doc1.wa.gov>
Subject: D&R for BROOKS Carl 259045 (PRE/.100)
Importance: High

Attached is the final Decisions and Reasons from the above named individual's .100 hearing held 11-13-18.

Please make copies as needed. We will no longer be mailing a hard copy to the individual.

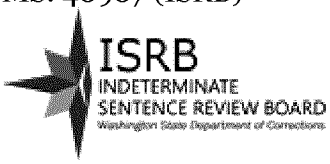
Classification Counselor/CUS/CPM: The Board requests that the assigned classification counselor or designee discuss the attached Decision and Reasons with the above individual **immediately** and provide him/her with a copy of this decision at that time.

The purpose of this is so the appropriate assessments and referrals can be made if necessary, as the decision may be upsetting to the inmate. Also, this information is put into OMNI and will result in an automatic notification of any change to the ERD, going to the individual within 24 hours via the kiosk. We want the inmate to be informed of the hearing decision **before** seeing it on the Kiosk.

Please take special note of any programming the Board has recommended the inmate complete and ensure the appropriate referrals and/or transfers take place so this programming can occur.

If you have any questions or problems, please advise.

Christine Hunter - CRT
PO Box 40907, Olympia, WA 98504-0907
Phone: 360-407-2402/Fax: 360-493-9287
MS: 40907 (ISRB)



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

DECISION AND REASONS

NAME:	Brooks, Carl
DOC #:	259045
FACILITY:	Washington State Penitentiary
DATE OF HEARING:	November 13, 2018
TYPE OF HEARING	.100
PANEL MEMBERS:	Lori Ramsdell-Gilkey and Jeff Patnode
FINAL DECISION DATE:	December 3, 2018

This matter came before the above named Board Members of the Indeterminate Sentence Review Board (ISRB or the Board) for a .100 hearing in accordance with RCW 9.95.100. In preparation for the hearing, the Board reviewed Mr. Brooks' ISRB file. Mr. Brooks appeared in person and declined to be represented by an Attorney. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Tyler Tompkins.

The sentencing Judge and Prosecutor both recommended Life at the time of sentencing.

LAST BOARD DECISION:

At the September 24, 2013 hearing, the Board found Mr. Brooks not parolable and added 90 months to his minimum term.

CURRENT BOARD DECISION:

Based on the requirements of RCW 9.95.009(3) and RCW 9.95.100 and the totality of evidence and information considered by the Board, the Board finds that Mr. Brooks is not parolable and adds 60 months to his minimum term.

NEXT ACTION:

Schedule a .100 hearing approximately 120 days prior to his earned release date (ERD). A new psychological report will not be necessary.

REASONS FOR DECISION:

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 9.95.100, the Board finds Mr. Brooks not parolable for the following reasons:

- **Risk Level III sex offender**
- **Has not completed risk related offender programming**
- **Continues to incur serious infractions and negative behavioral observations**
- **Recent psychological assessment and actuarial tools indicate a high risk for re-offense**

RECOMMENDATIONS:

Demonstrate consistent positive prison behavior. Participate in offense related offender programming as it becomes available, to include completion of the Sex Offender Treatment and Assessment Program (SOTAP) when eligible and Bridges to Life.

JURISDICTION:

Carl Brooks is currently serving confinement on a May 19, 1978 conviction of Count III, Kidnapping in the First Degree in King County under Cause #84744. His initial duration of confinement was set by the Board at 25 years. The standard range of the Sentencing Reform Act at the time was 75 to 92 months. His maximum term is Life. He began serving time on this count on September 20, 1991 and has served approximately 27 years on this count.

Under this same Cause number he was also convicted of Counts I, VI and VII, Robbery in the First Degree while armed with a Deadly Weapon; Count V, Assault in the First Degree While Armed

with a Deadly Weapon; and Count VIII, Burglary in the First Degree While Armed with a Deadly Weapon. He began serving time on these offenses on May 19, 1978 and paroled from all of these on September 20, 1991 to begin serving Count III above.

In addition, Mr. Brooks was convicted of Count II, Rape in the First Degree While Armed with a Deadly Weapon and Count IV, Murder in the Second Degree, While Armed with a Deadly Weapon. The minimum term on Count II is currently set at 25 years and 20 years on Count IV. These two counts are to be served consecutive.

OFFENSE DESCRIPTION:

File materials describe the underlying offenses as follows: Counts I, II and III - The victims of the Robbery in the First Degree were a woman and her 7 year old son who were returning to their home after shopping. Mr. Brooks (age 17) and his crime partner (age 19) ordered the woman to drive around while he went through her purse, throwing the contents out the window. She was then ordered to drive them to a park where Mr. Brooks drug her from the car, raped her at gunpoint, and then drug her back to the car where his partner raped her. After forcing her to drive around, she and her son were placed on the floor in the back seat of the car and covered up with a coat. They were both finally put in the trunk and left. A passerby heard them yelling and opened the trunk. The woman contracted gonorrhea as a result of these rapes.

Counts IV and V involved an older husband and wife returning home after an evening out. The man was a retired law enforcement officer who had a gun. After retrieving a coat from the car, he saw that Mr. Brooks had grabbed his wife and was holding a gun to her. Mr. Brooks opened fire and a gunfight ensued until both were out of ammunition. Mr. Brooks then fled the scene. During this time the man was shot in the chest, and his wife was killed. Later testing showed that it was bullets fired from the husband's gun that killed his wife. The records describe that Mr. Brooks was using the wife as a shield. The man was in critical condition for some time but lived.

Count VI occurred January 29, 1978, only three hours after the previously described horrific shooting. Mr. Brooks and his crime partner carjacked a woman and forced her to drive them around, while trying to steal the transaction number for her bank card. Mr. Brooks stole her jewelry and $4.00 she had in her purse and she was eventually let go.

Counts VII and VIII occurred on January 30, 1978 when a woman returned to her home to find Mr. Brooks in her residence. He held a gun to her head and demanded credit cards and transaction numbers. He assaulted and kicked her in the head then tied her up with electrical cords. No crime partner was involved in this offense.

PRIOR CRIMINAL / RISK RELATED CONDUCT:

Mr. Brooks' juvenile criminal history includes the following: Strong Armed Robbery in 1973, Larceny in 1974, Assault and loitering in 1975, Assault Third degree and Burglary in 1976 and Auto Theft in 1977. He was remanded from Juvenile to Adult Court for the current convictions.

PROGRESS/BEHAVIOR:

Classification Counselor Tyler Tompkins testified that Mr. Brooks is currently employed as a Unit Custodian and is apparently doing well. He has incurred two serious infractions since his last ISRB hearing. These are Sexual Harassment and Refusing a Cell Assignment. The sexual harassment involved him telling a female staff that she was a beautiful woman. In today's hearing he stated the female staff person was dressed inappropriately. When further questioning was attempted about this behavior he stated, "I'm going to plead the fifth". (He reportedly stated this woman looked like a prostitute.) The Refusing a Cell Assignment infraction involved him refusing to accept a cell assignment upon his transfer to Coyote Ridge Corrections Center. When the ISRB attempted to discuss this with him he again, 'Plead the 5th'. He has received negative behavioral observations from staff as well. It appears his interactions can be fairly negative and he becomes loud when he doesn't get his way.

Mr. Brooks did not appear to be interested in discussing his behavior in prison at all. He chose to focus on his legal issues which he described as the "Miller Fix" and the "Blakely Fix". He appears to believe that since he was a juvenile at the time of his offense he is supposed to be able to "petition" the Board for release. He was advised that the Board cannot do this as he is not eligible for the "Miller" fix. He also seems to believe that as a "Miller" case we cannot consider any serious infractions more than 12 months old. This is incorrect, even for true Juvenile Board cases.

Mr. Brooks then stated that he wanted the Board to consider what he believed to be "mitigating" circumstances such as his claim that his adult crime partner basically "defrauded" him into "contributing to his own delinquency as a minor" by threatening the victim in order to get her to engage in sexual intercourse with Mr. Brooks. In addition he stated that because his Dad was a military veteran some sort of liaison should have been appointed to him as a juvenile prior to his sentencing. He expressed displeasure in the fact that his co-defendant received a lesser sentence and released from prison some time ago. He fails to note that his co-defendant had no prior criminal history and had more positive behavior while in prison.

When asked if he would be willing to participate in the Sex Offender Treatment and Assessment Program (SOTAP) he stated it was his understanding that he would not be eligible because he does not have any prior sex offenses. We explained that this was not accurate. Though the record indicates he was previously found not amenable the Board expects him to complete this program at some point during his incarceration if he is to be released.

Mr. Brooks was insistent that he is eligible to go to a halfway house situation and be allowed regular furloughs to go job seeking. When encouraged to participate in available programming he indicated doing his legal work **is** his program.

The Board advised him that we expect him to demonstrate positive behavior and participate in recommended programming. We are hopeful that Mr. Brooks can begin to see that improving his prison behavior and participating in offense related programming can be a positive thing for

him and he can still work to have his case reviewed by the Courts and changes made to his sentence and possible release dates. One does not negate the other. By the end of the hearing Mr. Brooks appeared more comfortable and open to suggestions.

LRG: ch
November 28, 2018
December 3, 2018
December 4, 2018
December 5, 2018

cc: Institution
Attorney
File

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

TO: Full Board

FROM: Lori Ramsdell-Gilkey (Christine)

RE: BROOKS, Carl 259045

Panel recommends: Not parolable, add 60 months to MT.

Next action: Schedule .100 120 days prior to PERD. A new psych eval will not be needed.

Agree	Disagree
Lori Ramsdell-Gilkey 12-3-2018 **Jeff Patnode 12-3-2018** **Elyse Balmert 12-3-2018** **Kecia Rongen 12-3-2018**	

APPENDIX 4

STATEMENT OF PROSECUTING ATTORNEY AND SENTENCING JUDGE

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

STATE OF WASHINGTON, Plaintiff, v. CARL ALONZO BROOKS, AND OZIE DAVIS WHITFIELD, AND EACH OF THEM, Defendant.	NO. 8 4 7 4 4 Charge: Robbery in the First Degree, Counts I, VI and VII (RCW 9A.56.200, Class "A") Rape in the First Degree, Count II (RCW 9.79.170) Kidnaping in the First Degree, Count III (RCW 9A.40.020(1)(a)(b)(d), Class "A" felony) Murder in the First Degree, Count IV (RCW 9A.32.030) Assault in the First Degree, Count V (RCW 9A.36.010(1)(a), Class "A" felony); Burglary in the First Degree, Count VIII (RCW 9A.52.020), Class "A" felony; (while armed with a deadly weapon, and a firearm, as to all counts)

Pleaded guilty: May 11, 1978 to all counts, as charged, with the exception of Count IV, to which he entered a plea of guilty to an amended charge: "Murder in the Second Degree," (RCW 9A.32.050(1)(b), also with deadly weapon and firearm allegations.

Sentenced: 19 May 1978

To a term of not more than life

In such penal institution or correctional facility as the Secretary of the Department of Social and Health Services shall deem appropriate.

Sentencing Judge: William C. Goodloe life as to each ct

Minimum term recommended by the Sentencing Judge Cts II, III & IV consecutively years.

Minimum term recommended by Prosecuting Attorney life and 8 consecutive terms years.

CHRISTOPHER T. BAYLEY
Prosecuting Attorney

Deputy Prosecuting Attorney

Approved this 19 day of May, 1978.

Sentencing Judge: Wm C Goodloe

Copy received this _____ day of _____, 1978.

Attorney for defendant: John L. Austin

Dictated by: Joanne Y. Maida

Received by King County Clerk_____ Date_____

MEMORANDUM TO SENTENCING JUDGE AND BOARD OF PRISON TERMS AND PAROLES

A copy of the second amended information charging the defendants Carl Alonzo Brooks and Ozie Davis Whitfield with the crimes of robbery in the first degree, rape in the first degree, kidnaping in the first degree, murder in the first degree, assault in the first degree, robbery in the first degree, robbery in the first degree and burglary in the first degree, counts I-VIII, to-wit: deadly weapon and a firearm as to all counts, is attached to this report. Also attached is the order permitting filing of the amended information as to Carl Alonzo Brooks only, amending count IV, murder in the first degree to murder in the second degree committed while armed with a deadly weapon and firearm. The defendant pled guilty to counts I-VIII on May 11, 1978 before the Honorable William C. Goodloe. Count IV was amended to murder in the second degree at the time of plea.

The defendant has remained in custody since his arrest on January 30, 1978. His bail is set at $100,000.

His codefendant Ozie Davis Whitfield is scheduled to be sentenced by Judge Shellan on May 16, 1978 at the time of this writing.

HISTORY OF CASE: (See attached map for location of crimes.)

BEKEMEYER INCIDENT (COUNTS I-III)

On January 27, 1978 at approximately 6 p.m. Maureen Bekemeyer and her seven year old son Colin were returning to their Madrona home after shopping at Safeway. Mrs. Bekemeyer pulled her car into the garage of the residence located at 1510 38th Avenue in Seattle. Before she could exit the vehicle, the defendant Carl Alonzo Brooks opened the driver's door,

CHRISTOPHER T. BAYLEY
Prosecuting Attorney
W554 King County Courthouse
Seattle, Washington 98104
344-2550

shoved a gun at her neck and ordered her to move over. Ozie Whitfield climbed into the back seat. Brooks discovered that he could not drive the car, a 1970 Mercedes 220 (a stick shift), and ordered Mrs. Bekemeyer to exchange seats with him. He then took the front passenger seat and put Colin on the front floor board. Mrs. Bekemeyer was ordered to drive southbound on Lake Washington Boulevard past Leschi Park and Frink Park. In the 600 block of Lake Washington Boulevard, south of Frink Park, Whitfield threw the contents of Mrs. Bekemeyer's purse out the car window, commenting that she didn't have money. Mrs. Bekemeyer was ordered at gunpoint to drive to the 1900 block of Lake Washington Boulevard, Colman Park, and park the car.

Brooks started to unbutton her blouse. Realizing what Brooks wanted to do, she pleaded with him not to rape her in front of her son. Brooks then dragged Mrs. Bekemeyer from the car at gunpoint and left Colin in the vehicle with Whitfield. In the park Brooks ordered Mrs. Bekemeyer to undress. When she was not fast enough for him he ripped off her skirt. When she was completely naked he ordered her to lie down on the ground. He then unzipped his pants and had sexual intercourse with her and in addition ordered her to put her mouth on his penis. At his command she then got partially dressed but, in the defendant's hurry was forced to leave her stockings, shoes, panties and skirt in the area where she had been raped. Brooks dragged her back to the car where he then gave the gun to Whitfield and remained in the car with Colin as Whitfield took Mrs. Bekemeyer back to the park. Mrs. Bekemeyer was again ordered to undress and forced to have sexual intercourse with Whitfield. She was also ordered to put her mouth on his

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W554 King County Courthouse
Seattle, Washington 98104
344-2550

penis and also to french kiss him. At his command she then hastily dressed herself and was dragged back to the car. She observed that, between rapes, her rear view mirror had been smashed and glass scattered over Colin who was still on the front floor board of the car.

Mrs. Bekemeyer was then ordered to drive northbound back to the Madrona area. The defendant lived at 910 30th Avenue just a few blocks south of the Bekemeyer residence. She drove through several alleys at the command of the defendant without headlights on and stopped near a yellow house, which is the defendant Brooks' home at 910 30th Avenue. Whitfield discussed with Brooks getting gloves so that Whitfield could drive the car. Whitfield exited and returned a short time later with the gloves. Mrs. Bekemeyer and Colin were then put on the floor of the back seat and covered up with her coat. Whitfield then tried to drive the car but Mrs. Bekemeyer had to tell him how to drive it. He killed the engine several times and shifted into the wrong gears. At one point the car stalled and the Bekemeyers were ordered to stay down as Brooks and Whitfield were assisted by an unknowing motorist for a short while. The radio was then turned up so that Mrs. Bekemeyer could not hear the conversation between Whitfield and Brooks.

Subsequently, Whitfield parked the car and with Brooks' help opened the trunk of the car and removed the groceries therein, placing them in the back seat. They then ordered Mrs. Bekemeyer and Colin into the trunk and resumed driving again. The car made several brief stops at houses. At one point Mrs. Bekemeyer could hear her groceries being unloaded and taken into a house. After further driving, the

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Seattle, Washington 98104
344-2550

car was finally abandoned. Mrs. Bekemeyer heard the car door slam, and then silence. After five to ten minutes she and Colin started screaming for help and were assisted by a citizen who found them in the car abandoned at the intersection of 13th and McClellan, a few blocks west of Whitfield's apartment located behind Sick's Stadium. After the citizen pried the trunk open, Mrs. Bekemeyer stood up and said that she and her son had been kidnapped and that she had been raped too. She said she was embarrassed and the citizen observed that she had only a raincoat over a slip and a disheveled blouse on. She had no stockings or shoes and her legs were muddy.

After three hours, the ordeal had finally ended. Police were immediately contacted and responded to the citizen's home. Mr. Bekemeyer took Colin home with him and Mrs. Bekemeyer retraced the crime route with Seattle police officers recovering her credit cards strewn in the 600 block of Lake Washington Boulevard and further recovering her stockings, shoes, panties and skirt in Colman Park in the 1900 block of Lake Washington Boulevard. She was then taken to Group Health Hospital where she was examined and later confirmed to have contacted gonorrhea as a result of the rapes. During the entire three hour incident Mrs. Bekemeyer remembered that Brooks had the gun at all times except when Whitfield took it during the second rape.

The Bekemeyer vehicle was dusted for prints and two matches were made with the palm print and a fingerprint of Brooks which were found in the trunk area of the car. Subsequently both Brooks and Whitfield confessed to the rape, robbery and kidnaping. Brooks said that he really only wanted Bekemeyer's money and blamed Whitfield for wanting to rape her. However, Brooks subsequently admitted raping Mrs. Bekemeyer but denied

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Seattle, Washington 98104
344-2550

the oral sex with her. He said it was Whitfield who put Mrs. Bekemeyer in the trunk and his fingerprints got on the trunk because he helped Whitfield close it. After they abandoned the car he said they both fled to Whitfield's apartment behind Sick's Stadium. Brooks made this confession after being advised that his fingerprints were lifted from Bekemeyer's car.

PAINTER INCIDENT, (COUNTS IV AND V)

Thirty hours after the Bekemeyer robbery, rape and kidnappings, on January 29, 1978 at approximately 12 midnight, Val and Ann Painter were returning to their home at 5015 South Snoqualmie Street in South Rainier Valley. They returned from a party to the home that they had lived in since 1941. Painter is a former police officer with 36 years of service. He retired from the Seattle Police Department in 1967 and immediately thereafter continued to work as a warrants officer for the Seattle Police Department. As such, Painter was required to carry a gun and up to this time did so at all times. Painter is 62 years old, as was Mrs. Painter.

The Painters pulled up in their car in front of their garage and parked it in the street. Mrs. Painter exited the car to turn on the light in the garage. Painter retrieved his coat from the back seat. He looked over the top of the car to see a young black male run to Mrs. Painter and fall in immediately behind her. The last thing he was to hear his wife say was to scream "Oh God, No, No, No!" Painter observed a revolver in Brooks' hand and knew that instead of a "simple" purse snatch their lives were now in danger. He then saw both his wife and Brooks fall back into the darkness of the garage. On the instincts of a police officer, Painter ran to the outside wall

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Seattle, Washington 98104
344-2550

of the garage and removed the gun from his belt. He yelled, "Police officer, halt!" Within seconds a shot was fired from within the garage, but Painter could not see the muzzle flash. His immediate thought was that, seeing no flash, Brooks had turned the gun on his wife and had shot her. Painter waited for another tense second, heard a second shot, and this time saw the flash of a muzzle aimed directly at him. With the realization that he was illuminated by the street light behind him, Painter fired his first shot to the area of the flash. He could not take cover except behind his truck which was backed into the garage. A third shot was returned by Brooks over the hood of the pickup truck and Painter was suddenly aware that he had been hit in the chest. Painter returned his second shot to the flash and Brooks fired a fourth time in response. Painter fired a third shot and Brooks fired a fifth time. Painter became immediately aware that he had been shot again in the chest, only this time harder.

Brooks apparently emptied his revolver and at this point fled from the garage with Mrs. Painter's purse. Painter gave the following description of Brooks to the police: 5'8" to 5'10", light colored jacket, blue jeans, wearing a dark blue cap with a short visor. He noticed that the defendant was taller and bigger in comparison to Mrs. Painter who was 5'8" in heels and weighed 142 lbs according to the autopsy report. Brooks is between 5'9" - 5'10", 197 pounds. Whitfield is between 5'6" - 5'7", 145 pounds. Both men were measured in King County Jail by Detective Wendell DeBoer.

Painter tried again to fire at the fleeing defendant but was out of bullets. He saw Brooks run to meet a second black male, Ozie Whitfield, who had been standing 35 to 40

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feet away from the scene of the shooting. Together they fled and disappeared out of sight. He described Whitfield as being much shorter than the man who had exchanged shots with him.

Painter pulled himself into the garage and turned on the light. He saw his wife lying face up on the garage floor with blood coming out of her mouth and nose. She did not appear to be alive and Painter pulled himself over to a phone in the basement workshop area of the garage and dialed 911. A medic aid unit arrived within minutes and Painter was taken to Harborview Medical Center. Mrs. Painter was pronounced dead at the scene.

Painter was in the intensive care unit for several days with two slugs in his chest, which he still carries in him today.

During their escape Brooks and Whitfield ran to their stolen car which they had parked on the wrong side of the street just around the corner from the Painter's home. They screeched south on 50th Avenue South nearly colliding into an oncoming vehicle occupied by a man and his wife. They then went westbound on Alaska Street driving on the planting strip of the sidewalk and then fled out of sight of neighbors who had rushed to their windows after hearing the first two shots fired. The car was recovered approximately 24 hours later abandoned on Seward Park Avenue South, confirmed stolen from a Mr. and Mrs. Walker who also reside in the Rainier Valley. Found in the car were some snapshots from Mrs. Painter's purse and some identification belonging to a Beverly Myers and a Kay Hawkins among other things.

Laboratory testing performed on the slug recovered from Mrs. Painter confirmed that the bullet had been fired from Painter's revolver. The slug had entered her left back area and exited out her right arm perforating both lungs and the aorta causing instantaneous death. Mrs. Painter died of a

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single gunshot wound, ironically and tragically from her husband's gun which he fired to protect both of them from a robbery attempt.

Brooks subsequently admitted to being present during the Painter incident with Whitfield but blamed Whitfield for the shooting. Brooks admitted grabbing Mrs. Painter's purse and indicated that he threw it out the window of the stolen car during the get away. Whitfield also admitted to being present with Brooks but said Brooks did the shooting. Whitfield said he had stood a short distance away and saw bullets being exchanged between Brooks and Painter. He said Brooks exited the garage and "popped the man because the man he didn't have no more bullets in his gun." He said Brooks made the following statement to him after the shooting: "He said he grabbed the woman and put the woman in front of him and he just started firing back at the man and then he said the man got shot and blood got on his pants and his shirt and he just let the woman, you know, drop down and he ran out of the garage and he started shooting back, shooting at the man." The defense's memorandum in support of its previous motion to dismiss admits the following fact: "The defendant will state that he took refuge in the back of the garage, behind the truck, as the shots came in and that he may have fired wildly at some point, in response." (Defendant's memo, page 1).

Val Painter's observations are strongly corroborated by Whitfield's statement, however Brooks' statement is in direct contradiction to what Val Painter has described. The prosecution feels that Whitfield has been more truthful than Brooks in his account of the incident. (Brooks' and Whitfield's statements are attached)

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Further, the following physical evidence indicative of close physical proximity between Mrs. Painter and Carl Brooks during the shooting, which shows extreme indifference, was confirmed by the Washington State Crime Laboratory:

(1) a plastic rain bonnet which Mrs. Painter had been wearing during the shooting showed damage consistent with contact gunshot. There was gunshot residue deposited around the damaged area of the bonnet as well as numerous particles of ball gun powder. The scarf was moderately splattered with blood. The ball gun powder on the bonnet did not match the type of ammunition that Val Painter had been using. Val Painter's ammunition consisted of flake gun powder. This evidence suggests that there was close physical contact between Brooks' gun and Mrs. Painter's rain bonnet during the shooting. Larry D. Hebert, criminalist, would have also testified that the damage he observed to the rain bonnet was consistent with damage caused by the flare of the suspect's revolver, consistent with Mrs. Painter being held by Brooks as a shield.

(2) Mrs. Painter's winter coat showed one bullet hole in the upper left back area, the entrance wound. There was a marked absence of deposited gunshot residue in the vicinity of the bullet hole, thus confirming that she was shot from a distance, not with the suspect revolver. However, in the area of the right shoulder and right upper back, Larry Hebert found particles of both flake and ball gun powder in addition to heavy blood staining on the back of the coat. There was no exithole in the coat. Hebert would have testified that the presence of particles of flake and ball gun powder was consistent with the suspect firing over Mrs. Painter's right shoulder, and that it was scientifically impossible for gunpowder residue from

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Painter's revolver to have reached Mrs. Painter's coat if Painter was over 7 feet away when he fired his revolver. (Painter would have testified he was at least 7 feet away.)

(3) The crime laboratory also examined the gun recovered from Brooks after his arrest on January 30th, a .38 special five shot Rossi revolver containing four live cartridges. Testing indicated that due to the odor of burnt gun powder, it may have been fired recently. The cylinder held ammunition containing both flake and ball gun powder.

KELLY INCIDENT, (COUNT VI)

Three hours after the shootout, on January 29, 1978 at approximately 3 a.m. JoAnn Kelly was returning home to her residence at 1110 1/2 37th Avenue in the Madrona area, approximately two blocks south of the Bekemeyer residence. Her car doors were locked and windows rolled up as she waited in her car while two black males walked past. However they both returned to her car and the defendant Brooks pointed a gun at her through the driver's window and said to roll it down. They then unlocked her door and Whitfield climbed into the back seat, unlocking the passenger door for Brooks who got into the passenger seat. Whitfield rifled her purse for money and commented that she only had four dollars. The dome light of the car had jammed, getting Brooks very excited. Finally Whitfield ripped it out. Brooks then said "you are going to take us for a ride" and ordered Mrs. Kelly to drive down a dark alley without her lights on, and park. Instead, she disobeyed Brooks and bypassed the alley, parking directly under a street light. The thought that had occurred to her at that time was "Oh, my God, they're going to rape me!" At this time Brooks removed jewelry from her hands and jerked the locket off her neck, also checking

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her pocket for money. Brooks demanded to know Kelly's transaction card number and she refused to tell it to him. Brooks then said "You make me mad, you bitch, I'm going to kill you." Whitfield said, "Come on, look we got $4, I don't want any part of this. Let me out of here" and he got out. Brooks went after him. They talked and Whitfield got back into the back seat. Brooks ordered Kelly to start the car and as she was driving Brooks said again, "We're going to have to do something to you, bitch, It makes me mad you don't know that number." Brooks then ordered her to get in the back and Kelly complied. The tire was unscrewed from its well and thrown out of the car. Brooks again said, "Come on bitch, you know that number." He cocked the gun and put it to her forehead and said "You're going to die." Mrs. Kelly replied, "Look, I don't know that number. It's six or seven digits long. My life isn't worth $50 and yours isn't either." She looked him directly in the eyes and Brooks put the gun down. At this point Brooks tore off her eye glasses and threw them out of the window. He then ordered her to get in the tire well and take off her coat. Mrs. Kelly refused but she was threatened again and the coat was taken off and placed over her body and she was ordered to remain down.

Whitfield then took the driver's seat and tried to start the car. Mrs. Kelly had to instruct him how to drive the car and observed he had a very difficult time. The tape deck was turned on loud and Mrs. Kelly could not hear any of the conversation between Brooks and Whitfield. She remembers going up and down hills, very rapid driving, stopping at three or four houses and hearing conversation outside of one.

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At one point Brooks attempted to drive the car but he could not and gave the driver's wheel back to Whitfield. Finally Whitfield said, "We're going to let you go. Give us three minutes." Whitfield and Brooks then abandoned the car and Whitfield returned and said, "You can go now." Kelly crawled to the driver's seat, started the car and took off straight.

Before abandoning the car Whitfield had expressed an interest in Kelly's camera. The camera was later recovered from Whitfield's apartment behind Sick's Stadium.

Driving home Mrs. Kelly could not see very well without her glasses. She also missed her rear view mirror that had been torn out of its socket by the suspects.

After three hours, the ordeal had ended.

Mrs. Kelly positively identified Brooks in a lineup as the man with the gun.

Whitfield confessed to the Kelly incident. He also indicated that Brooks had "said something about raping the woman and I said No." As to both previous Bekemeyer and Painter incidents, Whitfield noted that Brooks had a .38 special. He said Brooks stole the gun in a burglary of a house located at 31st and Marion a few days before the Bekemeyer incident.

Whitfield also told the police that he and Brooks had committed so many robberies together that he couldn't remember how many.

CHAPPELL INCIDENT, COUNTS VII AND VIII

Thirty six hours after the robbery of Mrs. Kelly, on January 30th at approximately 6 p.m. Virginia Chappell was returning home to her residence in the Madrona area at 2902 East Spring Street just several blocks west of both the Bekemeyer and Kelly residences. She parked her car and entered

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her home. The defendant Brooks came out from a back bedroom with a gun and said, "Shut up or I'll blow your brains out." He grabbed her by the neck and the first thing he asked her was "What's your transaction number." He pushed her into the bedroom with the gun against her head. The gun was to the back of her head and she heard him cock it. Again he swore at her because she couldn't remember the transaction number. He shoved her face down to the floor with the gun against her head and said, "Bitch, you better hold still or you will have a .38 bullet through your head." She became so frightened she was speechless. Then she regained some of her composure and pleaded with Brooks to give her a chance to think of the transaction number. As she began to remember it she wrote it down for him and he threatened her again with a "bullet through your head" if it was not the right number. Brooks rifled her purse and found her Mastercharge card and wanted the transaction number for that as well. She said she didn't know it because she never used it and Brooks kicked her in the head, knocked her around, grabbed her hair and swore at her. He said that he would take her with him and if the number wasn't right he'd kill her on the spot. He then wanted to know her cash limit and whether she had taken any money out that day. He asked her if she had a car and whether it was an automatic. She said yes. He asked whether it had a trunk and she said no. He appeared unhappy about this and then indicated that he would tie her up and come back and kill her if the number was wrong, and untie her if the number was right. As with Maureen Bekemeyer and JoAnn Kelly, he insulted both her sexuality and her race. Then he tied her up with a telephone cord that he had ripped out of the wall and a cord from her iron.

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Brooks fled in Chappell's car, a 1977 Honda Accord. She broke loose from her restraints and ran to a neighbor to call the police. Fifteen to twenty minutes later Brooks was arrested as he used her transaction card at a cash machine.

Seattle police recovered a .38 caliber Rossi revolver from Brooks' jacket pocket and most of Chappell's stolen belongings were recovered from her car which Brooks was arrested driving. Also recovered was a dark blue cap with a short visor which Val Painter subsequently identified as appearing to be the same one that the larger black man had during the shootout. Brooks at first lied to the arresting officers as to where he got the transaction card and the gun. He said he found both items in a purse a day and a half ago. The gun is a five shot revolver and contained four live rounds.

Brooks later confessed to the Chappell robbery and burglary. He also indicated the gun was stolen by him from one Roscoe Brown two hours prior to the Chappell burglary. But he said that even before he stole the gun back from Roscoe Brown he, Brooks, had stolen the gun in a burglary of a residence located at 31st and Marion committed a week before the Chappell burglary.

When Brooks was first questioned by Seattle police detectives on January 31st as to the Painter and Bekemeyer incidents he denied any guilt. He said that he was not a pimp, he had his own ladies, he would not rape or shoot anyone, and someone was blaming him for something he did not do. Several hours later he was transported to a lineup and advised by a detective that his fingerprints were found on Mrs. Bekemeyer's car trunk. He still denied guilt. At the conclusion of the lineup Brooks told another detective "They couldn't identify me

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in no rapes. I did not do all those things." Brooks was reminded that his attorney had advised him not to say anything. Brooks said, "I'm going to prison anyway. It won't do me no good to name the other guy. I want to stay here. I want to confess." The detective reminded Brooks not to talk. Brooks responded "Why can't I stay here. I'm going to prison anyway. I want to stay here and confess." Another detective then took a written statement from Brooks regarding his involvment in the Painter incident wherein he blamed Ozie Whitfield for the shooting. His only concern was how much time he, Brooks, was going to get in prison and asked this question of the detective several times.

When asked by Detective Wendell DeBoer of the Seattle Police Department why he committed these robberies Brooks replied, "THEY HAVE IT, I DON'T. I HAVE A RIGHT TO HAVE IT AND SO I TOOK IT."

SUPPLEMENTAL CRIMES

Brooks' .38 caliber Rossi was stolen from a burglary of a residence located at 31st and Marion according to Brooks. A search of Seattle Police Department incident reports uncovered a burglary report made on January 24, 1978 by a victim who resided at 31st and Marion, at 903 31st Avenue, just one block directly east of Brooks' residence. Confirmed stolen in the burglary among other items was a .38 caliber Rossi revolver.

Minutes before the Painter robbery on January 28, 1978 between 11:30 and 11:45 p.m. one Beverly Myer, 8 1/2 months pregnant, was robbed as she parked her car in the 3600 block of South Oregon Street just 14 blocks directly west of the Painters' residence. She described the robber as a young black male, 5'9" and 5'10", husky, light colored jacket, blue jeans, with

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a small silver revolver. She said the black male tapped the gun on her car window and said, "Open the door." She complied and the suspect said "give me your purse." He then ran northbound toward Genesee Street. Identification belonging to Beverly Myer and her niece Kay Hawkins was found in the stolen car used by Brooks and Whitfield during the Painter robbery.

Minutes after the Painter robbery, on January 29, 1978 at approximately 1:40 a.m. Michela Prontera was warming up his car parked in front of his residence at 2531 30th Avenue South, one block directly east of Whitfield's apartment behind Sick's Stadium. He observed a young black male, 5'8", knit cap, blue jeans, walk past. Suddenly the suspect turned around and came towards Prontera with a gun in his hand. Prontera observed the suspect was very excitable and ordered Prontera to get into his car. However Prontera started yelling and swung his hand at the suspect hitting his gun. The suspect fired at the victim then ran south on 30th avenue south and turned into the parking lot of the Stadium Vista Apartments, where Ozie Whitfield lived. Curiously enough during his discussion of their activities on the night of the Painter robbery, Whitfield told the police that after they had returned from the shootout Brooks had gone behind the Stadium Vista Apartments and had attempted to rob a man. He said the man screamed however and Brooks ran back to the Stadium Apartments.

HISTORY OF DEFENDANT BROOKS:

Brooks was 17 at the time of the charged crimes and has been declined by juvenile court. His juvenile criminal history is as follows:

10-26-73 - Shoplift adjusted.

9-7-74 - Strongarm robbery found insufficient, victims declined to prosecute. Case closed.

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9-20-74 - Larceny - adjusted.

3-26-75 - Larceny - exceptional clearance.

12-2-75- Larceny - investigated and released.

12-16-75 - Assault, loitering - referral.

1-76- Assault 3° - referral, found delinquent, placed on supervised probation.

9-3-76 - Burglary, theft - referral, found delinquent, 10 days in detention, 50 hours of community service, suspended commitment.

4-22-77 - Auto theft - investigated and released.

5-18-77 - Auto theft - exceptional clearance.

Subsequently the defendant went AWOL while on pass from Central Area Group Home. He was at large until his arrest on the current offenses on January 30, 1978.

To Laura Haddad, Brooks' probation officer, Brooks had described himself as being "more mature and older than his years." She says he has associated himself with an older age group readily apparent in his relationship with a 26 year old woman who gave birth three months ago to his son. Brooks married this woman in jail while awaiting trial on the present offenses.

Ms. Haddad indicated that Brooks represents a serious threat to the community and a definite security risk as evidenced by his attempted escape on January 31, 1978 from the Youth Services Center. She subsequently recommended decline of jurisdiction which occurred on February 8, 1978.

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BASIS OF PROSECUTOR'S RECOMMENDATION:

It is the strong opinion of the state that the defendant Carl Alonzo Brooks is an extremely aggressive and dangerous individual whose basic attitude will never change. He feels that he has the right to take freely of other persons' property regardless of the human expense involved, and has exhibited no remorse for his actions. His major concern when speaking to the police was how much time he was going to have to spend in prison. Though he was the juvenile and Whitfield the adult, Brooks was the aggressor in every instance and always held the firearm.

It is strongly recommended that the Board of Prison Terms and Paroles set a minimum term of life in prison and impose consecutive life terms. The state agreed to reduce murder 1° to murder 2° only because Val Painter requested that this be done if the defendant pled guilty to the reduced charge.

The defendant has been charged with only a small number of the crimes he actually committed. Whitfield candidly told the police that he and Brooks did so many robberies that he lost track of the number.

Respectfully submitted,

CHRISTOPHER T. BAYLEY
Prosecuting Attorney

By JOANNE Y. MAIDA
Deputy Prosecuting Attorney

Attachments - 18

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Incorporated Documents:

Attached to this report for the consideration of the sentencing judge, and the Board of Prison Terms and Paroles, are the following:

1) Map showing location of crimes
2) Brooks' admissions as to Painter incident
3) Brooks' admissions as to Chappell incident
4) Whitfield's admissions as to Painter incident
5) Whitfield's admissions as to Kelly incident
6) Whitfield's admissions as to Bekemeyer incident (2 statements)
7) Whitfield's admissions as to residential burglary at 31st and Marion committed with Brooks
8) Second Amended Information
9) Order Permitting Filing of Amended Information as to Count IV only
10) Letters from crime victims and immediate family
11) Prosecutor's letter to Judge Goodloe dated 15 May 1978
12) Recommendation of Seattle Police Department

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APPENDIX 5

FB 213A

RECEIVED
SEP 20 1985
WASHINGTON STATE PENITENTIARY

BOARD OF PRISON TERMS AND PAROLES

Olympia, Washington

Name:	BROOKS, Carl Alonzo	
Number:	259045	
Institution:	WSP	
Type of Meeting:	PROGRESS	DECISION AND REASONS
Date:	6/3/7/85	
Members:	GJ & PK	

Board Decision: Adopt the cert and reschedule a ~~May~~ April 87 progress. We note he did receive a one year progress last year, but he has had several infractions in dealing with the one year progress.

Reasons for Decision: Given his sentence structure we do not believe it would be appropriate to schedule anything less than a two year progress. He further asked to be paroled off of his first cause and counts to Count 3 of kidnapping and we are not willing to move that fast in that case.

GJ:me
7/29/85

GTRD

3-2-38

cc: Institution
Resident
File

APPENDIX 6

STATE OF WASHINGTON

INDETERMINATE SENTENCE REVIEW BOARD

700 Capitol Center Building, 410 W. 5th • Olympia, Washington 98504 • (206) 753-6797

AUG 1989
RECEIVED
W.S.P.
Records
Office

DATE: July 19, 1989

TO: Associate Superintendent, Classification and Treatment
Washington State Penitentiary

(or)

Community Corrections Officer

SUBJECT: Administrative Board Decision

RE: BROOKS, Carl A.
259045

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

Per Administrative Progress Review:

Schedule an Administrative Progress Review in July of 1991.

Per your report(s) dated 6-6-89

CHRISTENSEN

PB-301A

7/87

APPENDIX 7

STATE OF WASHINGTON

INDETERMINATE SENTENCE REVIEW BOARD

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

DECISION AND REASONS

NAME:	BROOKS, Carl
NUMBER:	259045
INSTITUTION:	MICC
TYPE OF MEETING:	.100
DATE:	September 7, 1993
PANEL MEMBERS:	DC/KA

BOARD DECISION:

The full Board authorizes transfer of time start from King County cause #84744, Counts I, V, VI, VII & VIII to King County cause #84744, Count III, which is a Kidnapping First Degree (While Armed), as of his Parole Eligibility Review Date (PERD), which was September 20, 1991.

NEXT ACTION:

Schedule an August 1995 Administrative Progress Review.

HISTORY/COMMENTS:

Mr. Brooks was one month short of 18 years old when he was involved with a serious number of felonies in which several people were hurt, one died and a great deal of misery occurred because of his actions. He was convicted of Robbery First Degree (While Armed), Counts I, VI & VII. He was given a life sentence on these. The Sentencing Reform Act (SRA) range for Counts VI & VII is adjusted to 97 to 122 months, the prosecutor and judge both recommended life and the mandatory was 60 months. He was also convicted, under the same cause number, of Count V, which was Assault First Degree (While Armed), the SRA guideline range is adjusted to 58 to 78 months with the same recommendations from the prosecutor and judge and the same mandatory. He was also convicted of Count VIII, Burglary First Degree (While Armed) with an SRA guideline range of 77 to 95 months, with the same recommendations from the judge and prosecutor and the same mandatory. As of his PERD, on September 20, 1991, he has served 160 months, so he has served in excess of the high end of the adjusted range. He will begin serving, as of September 20, 1991, on a Kidnapping First Degree (While Armed), Count III, which has an adjusted SRA guideline range of 75 to 92 months, with recommendations of life from both judge and prosecutor and a mandatory

CONTINUED (NEXT PAGE)

OBTS UPDATED
9/24/93

of 60. After he finishes serving on the Kidnapping First Degree, he has a Rape First Degree, Count II to serve. The adjusted SRA guideline range is 75 to 92 months, with the judge and prosecutor both recommending life and a 60 month mandatory. After he finishes serving the Rape First Degree he has a Murder Second Degree (While Armed), Count IV, which has an SRA guideline range of 123 to 164 months. At a 1400 Review, he was given on Count VII 122 months and the minimum terms on Counts I, V, VI were left at 240 months. Count VII was redetermined to 95 months and Count III was maintained at 25 years, Count II was maintained at 25 years and Count IV was maintained at 20 years. Mr. Brooks is facing essentially, a lifetime in prison, due to the incredible harm that he caused as a young man. The crimes are outlined in the record and they involve brutality and lack of respect for human life. The Robbery First Degree was of a woman and her seven year old who were returning to their home after shopping. He and his crime partner took her to a park where Mr. Brooks robbed her and raped her and she was kidnapped and forced to drive around. Both she and her son were placed on the floor of the back seat and covered up with a coat and finally put in the trunk and left, whereafter they screamed and a citizen came and got them out of the trunk. His next set of crimes involved an older couple returning to their home. The man was a retired law enforcement officer and had a gun. He found Mr. Brooks had grabbed his wife, holding a revolver to her, and Mr. Brooks opened fire on the man. In the exchange of gun fire, the man was shot in the chest and he killed his wife while trying to shoot at Mr. Brooks. The record says that Mr. Brooks was using the wife as a shield. The man was in critical condition for some time, but he did live, even with two bullet wounds in his chest. Incredibly, only three hours later, as a woman returned to her home, Mr. Brooks and his partner pointed a gun at her through the drivers window, told her to roll it down, she unlocked the door, his crime partner got into the back seat and they rifled her purse for money and made her drive around, threatened to kill her, held a gun to her head and terrorized her for some period of time. Later on, 36 hours later, another victim was returning to her residence, she parked her car and got into her home, Mr. Brooks came out of the back bedroom and told her to shut up
or he would blow her brains out. He grabbed her by the neck, got her transaction number for the bank, tied her up with telephone cord, fled in her car and threatened her for some period of time. This is in no way a total description of the entire criminality of the behavior of Mr. Brooks and his crime partner for

CONTINUED (NEXT PAGE)

BROOKS, Carl
259045

HISTORY AND COMMENTS CONTINUED - PAGE 3

a very short period of time. He was remanded to adult status and given a number of life sentences for this behavior.

REASONS:
Mr. Brooks has, for the past seven years, been programming very well, his infraction record has slowed down considerably and he is currently infraction free. He has been programming well, he has a psychological report that is fairly favorable concerning transferring to the next cause number. He has clearly served the SRA guideline range and the mandatory on the first series of counts and he has, according to the institution, been no trouble and grown up quite a bit and been productively involved.

FACTS RELIED UPON:
The .052 is "poor", based on his criminal record and the fact that he is an untreated sex offender. The psychological report was reviewed by Dr. Sloat in 1993, she believes that he has grown up quite a bit and is a much healthier person that he was when he came in and is certainly less impulsive. He has completed a number of courses, including Anger/Stress Management, a Parenting program, a GED and others. He is currently enrolled in a course called Disruption in the Family. He has letters of support from his work supervisors. Mr. Brooks was articulate today, outlining early abuse as a child and the fact that he was on drugs. He understands his sentence structure and is to be commended for his positive actions, despite a very long series of incarceration sentences to follow.

KA/rls
9/16/93

CC: INSTITUTION
RESIDENT
FILE

INDETERMINATE SENTENCE REVIEW BOARD

DEFERRED DECISION FORM:

LOSS OF LIFE, WAIVER OF MANDATORY, EARLY PAROLE

IN THE MATTER OF BROOKS, Carl #259045

[XXX] LOSS OF LIFE CASE:

[ ] WAIVER OF MANDATORY CASE: (SEE BOARD RULE 3.140, REVISED 9/84)

[ ] PAROLE MORE THAN 60 DAYS:
DICTATION ATTACHED.

[ ] PANEL DD - REQUIRES RESOLUTION BY FULL BOARD VOTE:

PANEL RECOMMENDS:

( ) Schedule parole meeting _____

( ) PAROLE ON _____ provided Superintendent certifies good time credits and the Board approves the parole plan.

(X) OTHER: Transfer from Counts I,V,VI,VII & VIII to Count III & sched a 8/95 Admn Prog Rev.

RLS

FULL BOARD DECISION

AGREE WITH RECOMMENDATION		DISAGREE WITH RECOMMENDATION	
INITIAL	REASONS:	INITIAL	REASONS:
[illegible]	9.20-93		
[illegible]	9-20-93		
KA	9/20/93		
KB	9/21/93		

"IRWIN REVIEW WORK SHEET"

NAME Brooks, Carl HO Banks

NUMBER 259045 PAGE 1 OF 1

DATE 6/16/88

Cases are eligible if any causes or counts run consecutive and were sentenced or convicted on the same day.

* * * * * * * * * * * * *

I. Causes/counts eligible for review:

	County	Cause #	Count	Category
1.				
2.				
3.				
4.				

II. These causes/counts fall into the following category(s).

Category A. Minimum term set within range, court ran CS.

Board Options:
1. Run CC.
2. Provide adequate reasons to leave CS.

Category B. Minimum term set outside the range (aggravated or mandatory). Court ran CS.

Board Options:
1. Leave term as is, run CC.
2. Set terms within SRA range, run CS, provide adequate reasons.
3. Leave term as is, state reasons for supporting maintaining CS (i.e., use judge's intent as well as aggravating reasons already provided when terms were set outside range).

Category C. Minimum term set below range, court ran CS

Board Options:
1. Run CC.
2. Provide Reasons for leaving CS.

Category D. Not Eligible 3 Serious Violent

III. BOARD DECISION

Category _____ Initial KB Date 7/11/88

Option _____

Next Action _____

Dictation complete? _____

Lead Dictation Paragraph:

The case of _____(name & number)_____ is being reviewed pursuant to the 1988 Supreme Court decision IN RE IRWIN.

STATE OF WASHINGTON
INDETERMINATE SENTENCE REVIEW BOARD

OLYMPIA, WASHINGTON

BROOKS, CARL A.	:NAME	
259045	:NUMBER	
ISRB	:INSTITUTION	DECISIONS
1400 PROGRESS REVIEW	:TYPE OF MEETING	AND
6/24/87	:DATE	REASONS
KA & RT	:PANEL MEMBERS	
BOX 77	:DOCKET NUMBER	

BOARD DECISION:

THE BOARD PANEL TAKES THE FOLLOWING ACTION: COUNT 1, MAINTAIN THE MINIMUM TERM AT 240 MONTHS. COUNT 2, MAINTAIN THE MINIMUM TERM AT 300 MONTHS. COUNT 3, MAINTAIN THE MINIMUM TERM AT 300 MONTHS. COUNT 4 AND 5, MAINTAIN THE MINIMUM TERMS AT 240 MONTHS EACH. COUNT 6, MAINTAIN THE MINIMUM TERM AT 240 MONTHS. COUNT 7, REDUCE THE MINIMUM TERM TO 122 MONTHS. COUNT 8, REDUCE THE MINIMUM TERM TO 95 MONTHS. THE NEXT ACTION WOULD BE AN ADMINISTRATIVE PROGRESS REVIEW IN 6/89.

REASONS:

MR. BROOKS HAS AN EXTENSIVE CRIMINAL HISTORY OF ROBBERY AND VIOLENT AND ASSAULTIVE ACTS INCLUDING RAPE AND MURDER. THESE 8 CAUSES COVER 4 SEPARATE INCIDENTS OF RAPE, KIDNAPPING, AND ROBBERY. COUNTS 1, 2, AND 3 INVOLVED ABDUCTING A WOMAN WITH HER 7 YEAR OLD SON IN HER CAR, TAKING HER PURSE, THEN RAPING THE WOMAN TWICE, ONCE BY EACH CO-DEFENDANT AND FORCING HER TO PERFORM ORAL SEX BY MR. BROOKS WHILE THE CO-DEFENDANT HELD THE CHILD AT GUN-POINT. BOTH WERE THEN LOCKED IN THE TRUNK AND THE DEFENDANT TOOK HER GROCERIES AND LEFT THEM LOCKED IN THE TRUNK, ABANDONING THE CAR. THE ORDEAL LASTED SOME 3 HOURS AND THE VICTIM CONTRACTED GONORRHEA. COUNTS 4 AND 5 INVOLVED A MURDER AND ASSAULT IN WHICH A PURSE SNATCHING THAT WENT AWRY. THE VICTIM'S HUSBAND WAS A SEMI-RETIRED POLICE OFFICER AND, WHEN HIS WIFE WAS ACOSTED IN THEIR DARK GARAGE, HE CONFRONTED THE TWO CO-DEFENDANTS AND DREW HIS WEAPON AND ANNOUNCED POLICE. MR. BROOKS WAS USING HIS WIFE AS A SHIELD AND FIRED AT HIM AND THE POLICE OFFICER RETURNED THE FIRE AND SHOT HIS WIFE. SEVERAL SHOTS WERE EXCHANGED AND BROOKS EMPTIED HIS GUN AND FLED. THE POLICE OFFICER RECEIVED TWO SERIOUS CHEST WOUNDS AND WAS IN INTENSIVE CARE FOR QUITE AWHILE. HIS OWN WIFE WAS KILLED BY HIM WHEN HE WAS FIRING AT MR. BROOKS. MR. BROOKS GOT AWAY WITH THE PURSE. THE ROBBERY, COUNT 6, WAS AGGRAVAT-

(CONTINUED ON NEXT PAGE)

CC: INSTITUTION
RESIDENT
FILE

PB 213

STATE OF WASHINGTON
INDETERMINATE SENTENCE REVIEW BOARD

OLYMPIA, WASHINGTON

BROOKS, CARL A.	:NAME	
259045	:NUMBER	
ISRB	:INSTITUTION	DECISIONS
1400 PROGRESS REVIEW	:TYPE OF MEETING	AND
6/24/87	:DATE	REASONS
KA & RT	:PANEL MEMBERS	
BOX 77	:DOCKET NUMBER	

REASONS: (CONTINUED FROM PREVIOUS PAGE)

ED BY HOLDING THE GUN TO HER HEAD BY MR. BROOKS AND THREATENING TO KILL AND RAPE HER. HOWEVER, HE WAS DISSUADED FROM DOING SO BY THE CO-DEFENDANT AS WELL AS DISCOURAGING KILLING HER. HE DID HAVE A GUN POINTED AT HER HEAD AND SHE WAS DRIVEN AROUND 3 HOURS BEFORE SHE WAS RELEASED. THAT WAS COUNT 6. COUNT 7 AND 8, THE BURGLARY AND ROBBERY WERE EXACTLY THE SAME AS THE OTHER ROBBERIES BUT THE WOMAN WAS ACCOSTED IN HER HOME AND WAS LEFT TIED UP IN HER HOME. THE MINIMUM TERMS ARE MAINTAINED ON 1, 2, 3, 4, 5, AND 6 DUE TO THE EXTREMELY AGGRAVATING CIRCUMSTANCES OF THREATS, RAPES, AND THE ORDEAL THAT THE VICTIMS WERE PUT THROUGH. I AM INCORPORATING BY REFERENCE A COPY OF THE PROSECUTOR'S STATEMENT AND THE PRESENTENCE INVESTIGATIONS ON ALL THE INCIDENTS WHICH DETAILS THE AGGRAVATING CIRCUMSTANCES. THE MINIMUM TERMS WERE REDUCED TO THE UPPER END OF THE ADJUSTED SRA RANGE ON COUNTS 7 AND 8 IN THAT THERE WERE NO AGGRAVATING CIRCUMSTANCES.

RT:KP
7/16/87

CC: INSTITUTION
RESIDENT
FILE

PB 213

STATE OF WASHINGTON
INDETERMINATE SENTENCE REVIEW BOARD
1400 REVIEW

DOC STAFF DE-WSP HEARING OFFICER RC

DATE PREPARED 4-16-87 DATE PREPARED 6-12-87

INMATE NAME BROOKS, Carl Alonzo DOC NUMBER 259045

ADJUDICATED SEXUAL PSYCHOPATH (RCW 71.06) ☐ CHAPMAN SENTENCE MODIFICATION ☐

	COUNTY	CAUSE NO.	OFFENSE	CC	CS	MIN TERMS	SR	OS	SRA RANGE	JAIL	ADJUSTED RANGE	JUDGE RECOM.	P.A.s RECOM.	MAND. SENT.
1	17	84744	Robbery 1st I			240	9	6	101-126	109	97-122	Life	Life	60
2	17	84744	Assault 1st V SV	1		240	1	6	62-87	109	58-78			
3	17	84744	Robbery 1st VI	1		240	9	6	101-126	109	97-122			
4	17	84744	Robbery 1st VII	1		240	9	6	101-126	109	97-122			
5	17	84744	Burglary 1st VIII	1		240	7	6	81-99	109	77-95			
6	17	84744	Kidnapping 1st III SV		1	300	10	0	75-92	0	75-92			
7	17	84744	Rape 1st II SV		6	300	6	0	75-92	0	75-92			
8	17	84744	Murder 2nd IV SV		7	240	12	0	123-164	0	123-164			
9			All while armed			24 mos			added					

TIME ADJUSTMENTS: Bd denied 2½ mos GT. Cert reco 317 days loss not yet addressed. Pre-guideline - no PSS.

LOSS OF LIFE

PERD 4-6-2039

AGGRAVATING AND MITIGATING CIRCUMSTANCES: 4 incidents - Rape/Kidnap/Robbery - Woman abducted with her 7yr old son in her car, her purse was taken, then dumped out as the car drove on. She was raped twice, once by each m-def and forced to perform oral sex while the other held the child at gunpoint. Both were then locked in the trunk. The defendants took her several sacks of groceries and left them locked in the trunk abandoning the car. Took over 3 hrs for the ordeal. Victim contracted Gonorrhea. Murder/Assault - A purse snatch *

CRIMINAL HISTORY: Was AWOL from juvi group home when these crimes committed. Arrests included Burg, auto theft, larceny, assault, strong armed robbery. Unfortunately no clear indication of convictions.

INSTITUTION BEHAVIOR: 48 infractions - lots of thefts, some poss mar/alcohol, assault, fighting. He raped another inmate and was held in Seg. quite awhile. Has programmed in the school some of the time but has spent long periods unassigned during early years. No infractions past 12 mos.

COMMUNITY RESOURCES: Parents, grandparents, ex-wife and son.

* gone very bad. The victim's husband was a semi-retired police officer. When his wife was accosted in the dark garage he announced police and drew his weapon. Brooks fired at him, he returned fire at the flash. Several shots were exchanged. Brooks fled when his gun was emptied. The man received two serious chest wounds and was in intensive care for quite awhile. Brooks had used the woman as a shield when he fired and she was struck by her husband's bullet. Brooks got away with her purse.

PB XXX 10/86

Robbery - Exactly like the first except the woman was alone and was not raped. It appears Brooks intended to but co-def. discouraged that and killing her. Brooks had the gun pointed at her head to do it. She was driven around for 3 hrs before being released. Burg/Rob exactly the same as the other robs but the woman was accosted in her home. She did not have a car trunk so was left tied up in her home. All robs were after

INMATE NAME Brooks DOC NUMBER 259045

COMMUNITY CONCERNS AND PUBLIC SAFETY ISSUES: Brooks was very heavily involved in crime. The gun used was stolen in a burg and he and co-def admit so many robberies they lost track. *Evidence showed Brooks to be the most violent - carrying the gun, initiating the rape, threatening other rape and murders, exchanging fire w/officers. Numerous other crimes committed in this series that were not pursued. Until last year this violent pattern continued in prison. He refused to cooperate w/ psych 11-5-86. 1978 psych by Massaro dragnoses schizoid and paranoid features, aggressive, assaultive, extremely dangerous.

VICTIM CONCERNS AND COMMENTS: Nothing in file

(2) Life Knowing it was his shot that Killed his wife when Brooks used her as a shield. The single rob. was aggravated by his taking the victim in her car for several hours before freeing her. Reco. Maintain on the Murder and Assault and reduce some on the Rob to say 122-160.

HEARING OFFICER SUMMARY AND RECOMMENDATIONS: Just for comparison I ran these at the high ends of the ranges. His PERD would be 2005. I feel there are some extremely aggravating circumstances. These were carefully planned crimes which for the most part were started with the same plan - steal a purse at gunpoint for the cash machine, threaten the victim into giving up the number, rape her and leave her abandoned locked in the trunk of the car. Depending on the victim and the circumstances the other crimes emerged. The rape was extremely aggravated. A child was involved in the Kidnap, they were held captive several hours, the victim was raped twice and forced to commit oral contact before being abandoned in her slip locked in a trunk with her child. She contracted VD. Leave it at 300 mos. and 240 for #[redacted]. #(1)

DOCUMENTS REVIEWED:

- [ ] PRESENTENCE
- [ ] VIOLATION
- [ ] PSYCHIATRIC/PSYCHOLOGICAL
- [ ] CRIMINAL HISTORY
- [ ] OSI
- [ ] P.A./JUDGE'S STATEMENT
- [ ] VICTIM STATEMENT
- [ ] BOARD MINUTES
- [ ] PAROLE PLAN
- [ ] OTHER

BOARD ACTION

DECISION: Maintain ~~[illegible]~~ MT on Counts I at 240 mos I, II, III
" " " " II at 300 mos
" " " " III at 300 mos
" " " " IV+V M 240 mos
Reduce Maintain MT on " VI to 240 mos
NEXT ACTION: Reduce " " " VII to 122 mos
Reduce MT " " VIII to 95 mos

INITIALS	DATE
[illegible] KA	6.24.87 6/24/87

(1) *The Rob/Burg incident was probably least aggravated. Although the woman was threatened and had the gun pointed at her, she was left in her house. Reco. high range. Murder/Assault is also quite aggravated. Victims vulnerable by age, gun was emptied at victim and evidence showed he knew the victim was out of ammunition before firing his last shot directly into the victim's chest. Serious victim injury, they were both vulnerable by age, and the semi-retired officer will have to spend the rest of his

(2)

WSP

BOARD OF PRISON TERMS AND PAROLES

Olympia, Washington

Name:	BROOKS, Carl Alonzo	
Number:	259045	
Institution:	WSP	
Type of Meeting:	PROGRESS	DECISION AND REASONS
Date:	6/3/7/85	
Members:	GJ & PK	

Board Decision: Adopt the cert and reschedule a ~~May~~ April 87 progress. We note he did receive a one year progress last year, but he has had several infractions in dealing with the one year progress.

Reasons for Decision: Given his sentence structure we do not believe it would be appropriate to schedule anything less than a two year progress. He further asked to be paroled off of his first cause and counts to Count 3 of kidnapping and we are not willing to move that fast in that case.

GJ:me
7/29/85

cc: Institution
Resident
File

BOARD OF PRISON TERMS AND PAROLES

Olympia, Washington

Name:	BOWERS, Daniel James	
Number:	287443	
Institution:	WSP	
Type of Meeting:	PROGRESS	DECISION AND REASONS
Date:	5/14/84	50
Members:	WEH & TM	

Board Decision:

Certify GT and Scheduling a progress for 5/85. This panel discussed with Mr. Bowers what he had learned at the sex offender program and he recognizes now that he can never drink. He is a manic depressive and takes lithium. He had stopped taking lithium on the offense that brought him to prison. He is in PC at this time and not programming. The Board granted him a 5/85 Progress Meeting with the stipulation that he have some positive things to report to us about self-improvement.

Reasons for Decision:

WEH:me
7/27/84

cc: Institution
Resident
File

PB 213A

BOARD OF PRISON TERMS AND PAROLES

Olympia, Washington

Name: BROOKS, Carl Alonzo Number: 259045 Institution: WSP Type of Meeting: Progress Date: 5-82 Members: EC & PW	DECISION AND REASONS #61

Board Decision:

Adopt cert. and schedule 5-84 progress.

Reasons for Decision:

He has gotten a number of infractions on this, his second progress. He seems to kind of let his mouth run away with him, but his counselor sees him as calming down. He now has a job and he's working in the laundry and the reports are okay.

He did get his GED and has a couple courses in on janitorial.

EC:gd

cc: Institution
Resident
File

BOARD OF PRISON TERMS AND PAROLES

Olympia, Washington

Name: BROOKS, CARL A. **Number:** 259045 **Institution:** Progress **Type of Meeting:** 5/22/80 **Date:** WSP **Members:** PW/WH	61 **DECISION AND REASONS**

Board Decision:

King Cause #84744. We're granting his GT, which appears to be 12 months and we're scheduling a 5/82 Progress Meeting.

Reasons for Decision:

This man has a long sentence structure and we received the report and discussed the report with his counsellor today. He's had some pro"s and con's in his program here. He's had some infractions, however he did not lose any GT for these infractions. However, on the other side he has addressed his assignments with enthusiasm and interest. He seems to realize that the best thing for him in the future is to program on a very positvelevel . He' presently enrolled in acustodial class, where he says the quarter has ended and he will start back in June again. His wife visits from Seattle and he has 2 children. He says his sustained by being on WELFARE. We will note that when he has his 5/82 Progress he will have gotten off one of his mandatories, which we see by the face sheet, expires in 5/81.

WH/sd

cc: **Institution**
Resident
File

PB 213

BOARD OF PRISON TERMS AND PAROLES

Olympia, Washington

51

Name: *BROOKS, Carl* Number: *259045* Institution: *WSP* Type of Meeting: *Admission* Date: *September 29, 1978* Members: *GWJ & PW*	DECISION AND REASONS

Board Decision:

King Co. #84744 - Robbery, Count I, VI & VII, Assault,First, Count V, Burglary First, Count VIII - all armed with a deadly weapon, minimum term TWENTY (20) YEARS - five years mandatory. Minimum term on Kidnapping First, Count III, while armed with a deadly weapon, TWENTY-FIVE (25) YEARS - five years mandatory. Rape, Count II while armed with a Deadly Weapon, minimum term TWENTY - FIVE (25) YEARS. Murder Second,

Reasons for Decision:

Count IV while armed with a Deadly Weapon, minimum term TWENTY (20) YEARS. This is a total minimum term of ninety years, all the causes are to run Consecutively.

Regarding Robbery, Count I,VI & VII, Assault, Count V and Burglary, Count VIII , these are concurrent to each other. Regarding the Rape First, Count II, there is a three year non-waivable mandatory. Reschedule 5-80 progress.

The crimes are well out-lined in the Prosecutor's statement, they are too horrendous in detail to discuss. The reason for the long minimum terms is that we feel this person should never be returned to the streets.

GWJ:ah

cc: Institution
Resident
File

BOARD OF PRISON TERMS AND PAROLES

Olympia, Washington

Name: WHITFIELD, Ozie David Number: 259801 Institution: WCC-R Type of Meeting: Sentence Date: 7-11-78 Members: MN & HBR	DECISION AND REASONS

Board Decision:

Minimum term of 20 yrs. on King Co., CSe.#84744. This carries with it a five year mandatory on the Murder, 2nd conviction and a 3 yrs. unwaivable mandatory on the rape conviction. Nxt. Mtg. 5-80, Progress.

Reasons for Decision:

Crime Particular

cc: Institution
Resident
File

APPENDIX 8

STATE OF WASHINGTON

INDETERMINATE SENTENCE REVIEW BOARD

*4317 Sixth Ave., S.E. * P.O. Box 40907 * Olympia, Washington 98504-0907 * (360) 493-9266*

(TDD Relay 1-800-833-6388)

DECISION AND REASONS

NAME:	BROOKS, Carl
NUMBER:	259045
INSTITUTION:	MICC
TYPE OF MEETING:	.100 hearing
DATE:	10-21-08
PANEL MEMBERS:	TS & DT
FINAL DECISION DATE:	November 11, 2008

BOARD DECISION:

This was a Deferred Decision. The Full Board finds Mr. Brooks not parolable, and adds 36 months to his minimum term on cause #84744, Count III, Kidnapping First.

NEXT ACTION:

Schedule a .100 hearing 120 days prior to his next PERD. The Board will consider seeing Mr. Brooks before that time if he can remain infraction free for at least two years.

HISTORY/COMMENTS:

Mr. Brooks is under the Board's jurisdiction for a number of serious felonies in which several people were hurt and one died. He was sentenced under King County #84744 for multiple counts, some that run concurrently with each other and some that run consecutively. The first block of offenses was for convictions of Robbery in the First Degree (while armed) Counts I, VI and VII; Assault in the First Degree (while armed) Count V; and Burglary in the First Degree (while armed) Count VIII. The statutory

maximum sentence for all these counts is Life. The Sentencing Reform Act (SRA) guideline range for counts I, VI, and VII was adjusted to 97-122 months. The Prosecutor and Judge both recommended Life. The SRA adjusted guideline range for count V was 58-72 months, with the same recommendations from the Prosecutor and Judge. The SRA adjusted guideline range for count VIII was 77-95 months, with the same recommendations from the Prosecutor and the Judge. Due to the Deadly Weapon finding on all counts there was also a 5 year mandatory sentence imposed on all counts. All counts ran concurrently. Mr. Brooks was paroled/transferred from this block of counts to the next consecutive count on September 20, 1991. He had served approximately 13 years and 4 months on these counts.

This count is Kidnapping in the First Degree Count III (while armed), which was ordered to run consecutive to the first block of counts. The adjusted SRA guideline range is 75-92 months. The recommendation of both the Judge and Prosecutor is Life. There is also a mandatory 5 year sentence for the Deadly Weapon finding. Mr. Brooks is currently serving on this offense, and has served approximately 17 years on this count.

He has two additional consecutive counts to serve once he finishes his time on Count III. They are Rape in the First Degree (while armed) Count II and Murder in the Second Degree (while armed) Count IV, these are consecutive to each other and also consecutive to Count III. The adjusted SRA guideline range for the Rape is 75-92 months. The Judge and Prosecutor recommended life. The SRA guideline range for the Rape is 123-164 months.

At the 1400 review the MT on Count VII was redetermined to 122 months; the minimum terms on Count I, V and VI were maintained at 240 months; Count VIII was redetermined to 95 months; Counts III and II were maintained at 25 years; and Count IV was maintained at 20 years.

These crimes as outlined in police reports and court record involve brutality to the victims and a lack of respect for human life. The victims of the Robbery in the First Degree were a woman and her 7 year old child who were returning to their home after shopping. Mr. Brooks and his crime partner took her to a park where they robbed, raped and kidnapped her, forcing her to drive around. She and her son were placed on the floor in the back seat of the car and covered up with a coat. They were finally put in the trunk and left. His next set of crimes involved an older couple returning to their home. The man was a retired law enforcement officer who had a gun. He had found that Mr. Brooks had grabbed his wife and was holding a revolver to her. Mr. Brooks opened fire on the man. In the exchange of gun fire the man was shot in the chest and killed his own wife while trying to shoot Mr. Brooks. The records describes that Mr. Brooks was using the wife as a shield. The man was in critical condition for some time but lived. The next crime occurred only 3 hours after this incident as a woman returned to her home. Mr. Brooks and his partner pointed a gun at her through the driver's window of her car and told her to roll it down. As she unlocked the door Mr. Brook's crime partner got into the back seat and they rifled through her purse for some money. They terrorized her for a period of time, holding a gun to her head and threatening to kill her. Some 36 hours later another victim was returning to her residence. She parked her car and went into her home. Mr. Brooks came out of the back bedroom and told her to shut up or he would blow her brains out. He grabbed her by the neck and got her transaction number for the bank. After threatening her for some time, he tied her up with a phone cord and fled in her.

REASONS:

This is the first time the Board has seen Mr. Brooks since September 7, 1993, when the Board paroled him from the first series of crimes to Count III, Kidnapping in the First Degree. Since the Board last saw Mr. Brooks he has incurred at least 13 major infractions and averages approximately 2 major infractions per year while incarcerated.

It is the Board's expectation that Mr. Brooks remain infraction free for at least 2 years before considering paroling him to his next cause. Mr. Brooks has completed Stress/Anger Management and Victim Awareness programs, but both were 10 years ago. He has maintained a good work record while in prison and is currently a quality control inspector for Correctional Institutions.

The Board also considered a Psychological Evaluation completed on September 18, 2008 by Dr. Pereira. The report describes Mr. Brooks as having high psychopathic levels, moderate risk for violence and a high risk of re-offending. Dr. Pereira also recommends that Mr. Brooks attend Sex Offender Treatment Program (SOTP). Mr. Brooks stated to the Board that he does not wish to participate in SOTP. In addition, while his counselor recommended him to Chemical Dependency Program, Mr. Brooks does not believe he needs it and doesn't wish to participate in it.

Mr. Brooks spent most of the time in the hearing today describing how the "wheels of justice will never turn for me" and wished the Board to take matters into consideration that only the courts can review and remedy. The Board did encourage Mr. Brooks to address the court with those matters. He claimed that he was emotionally hurt by what he had done and that he had remorse. Mr. Brooks then went on to describe this remorse in terms that the Board understood to mean that he has remorse for himself and not for others. In addition, Mr. Brooks claims that the major infractions that he has incurred are "harassment" by the Department of Corrections (DOC). There was nothing in today's hearing to indicate that Mr. Brooks should be considered parolable to his next counts.

FACTS RELIED UPON:

The Board relied upon the Indeterminate Sentence Review Board (ISRB) and DOC files as well as a face-to-face interview with Mr. Brooks, his counselor and his attorney this date.

TS: ch
12-15-08

CC: INSTITUTION
RESIDENT
FILE

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

DATE: October 30, 2008

TO: Full Board ****FILE IS IN ISIS****

FROM: TS & DT (Christine)

RE: Carl BROOKS #259045

Panel recommends that Mr. Brooks be found not parolable and adds 36 months to his minimum term. Next action: Schedule .100 hearing 120 days prior to PERD. Board will consider seeing sooner if Mr. Brooks remains infraction free for at least 2 years.

AGREE	DISAGREE
NS 10/31/08	
BH 10/31/08	
11/3/08	
11-12-08	

MCC 10-21

APPENDIX 9

STATE OF WASHINGTON

INDETERMINATE SENTENCE REVIEW BOARD

*4317 Sixth Ave., S.E. * P.O. Box 40907 * Olympia, Washington 98504-0907 * (360) 493-9266*

(TDD Relay 1-800-833-6388)

DECISION AND REASONS

NAME:	BROOKS, Carl
NUMBER:	259045
INSTITUTION:	WSP
TYPE OF MEETING:	.100 Hearing
DATE:	August 24, 2010
PANEL MEMBERS:	TS & BH
FINAL DECISION DATE:	August 30, 2010

This matter came before Tom Sahlberg and Betsy Hollingsworth, who are members of the Indeterminate Sentence Review Board (ISRB or the Board), on the above date for a release hearing in accordance with the provisions of RCW 9.95.100. Mr. Brooks appeared in person and did not want to be represented by an attorney. Department of Corrections (DOC) Classification Counselor (CC) Laura Paul was also in attendance.

BOARD DECISION:

It was discovered that there was a new Psychological Evaluation that the Board, Mr. Brooks and his CC were all unaware of. In addition, Mr. Brooks told the panel that he refused an attorney because the DOC contract attorney would not represent him the way he wanted. He also advised that he was in the process of appealing his case to the Court.

Based on these facts, this hearing will be continued to the next available docket, and Mr. Brooks is encouraged to reconsider his decision and avail himself of legal representation.

NEXT ACTION:

Re-schedule .100 hearing at the next available docket.

TS: ch
August 30, 2010

CC: INSTITUTION
FILE
MR. BROOKS

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

DATE: *8-30-10*

TO: Full Board

FROM: *TS & BH (Christine)*

RE: Carl BROOKS DOC#259045

Panel recommends:

Mr. Brooks hearing be continued to the next available docket and encourage him to avail himself to legal representation.

Next action – Schedule .100 hearing on next available docket.

AGREE DISAGREE

TNS 8/30/10
BRH 8/31/10

APPENDIX 10

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

DECISION AND REASONS

NAME:	BROOKS, Carl
NUMBER:	259045
INSTITUTION:	Washington State Penitentiary
TYPE OF MEETING:	.100 Hearing
DATE:	October 26, 2010
PANEL MEMBERS:	TS & LD
FINAL DECISION DATE:	November 2, 2010

This matter came before Tom Sahlberg and Lynne De Lano, who are members of the Indeterminate Sentence Review Board (ISRB or the Board), on the above date for a release hearing in accordance with the provisions of RCW 9.95.100. Mr. Brooks appeared in person for the hearing and refused to be represented by counsel. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Laura Paul.

BOARD DECISION:
This was a Deferred Decision. Based on the requirements of RCW 9.95.009(3) and RCW 9.95.100 and the totality of evidence and information considered, the Board finds that Mr. Brooks is not parolable and adds 60 months to his minimum term.

NEXT ACTION:
Schedule a .100 hearing approximately 120 days prior to his next PERD.

JURISDICTION:
Mr. Brooks is under the jurisdiction of the Board for a number of serious felonies in which several people were hurt and one died. He was sentenced under King County #84744 for multiple counts, some that run concurrently with each other and some that run consecutively. The first block of offenses was for convictions of Robbery in the First Degree (while armed) Counts I, VI and VII;

Assault in the First Degree (while armed) Count V; and Burglary in the First Degree (while armed) Count VIII. The statutory maximum sentence for all these counts is Life. The Sentencing Reform Act (SRA) guideline range for counts I, VI, and VII was adjusted to 97-122 months. The Prosecutor and Judge both recommended Life. The SRA adjusted guideline range for count V was 58-72 months, with the same recommendations from the Prosecutor and Judge. The SRA adjusted guideline range for count VIII was 77-95 months, with the same recommendations from the Prosecutor and the Judge. Due to the Deadly Weapon finding on all counts there was also a 5 year mandatory sentence imposed on all counts. All counts ran concurrently. The time start for these Counts is 5/19/78. Mr. Brooks was paroled/transferred from this block of counts to the next consecutive count on 9/20/1991.

The current Count is Kidnapping in the First Degree Count III (while armed), which was ordered to run consecutive to the first block of counts. The adjusted SRA guideline range is 75-92 months with a minimum term of 300 months. The recommendation of both the Judge and Prosecutor is Life. There is also a mandatory 5 year sentence for the Deadly Weapon finding. The time start on this count is 9/20/91. To date Mr. Brooks has served approximately 229 months on this offense, and 389 months total.

He has two additional consecutive counts to serve if he is paroled/transferred from Count III. They are Rape in the First Degree (while armed) Count II and Murder in the Second Degree (while armed) Count IV. These are consecutive to each other and also consecutive to Count III. The adjusted SRA guideline range for the Rape is 75-92 months. The Judge and Prosecutor recommended life. The SRA guideline range for the Rape is 123-164 months.

At the 1400 review the MT on Count VII was redetermined to 122 months; the minimum terms on Count I, V and VI were maintained at 240 months; Count VIII was redetermined to 95 months; Counts III and II were maintained at 25 years; and Count IV was maintained at 20 years.

NATURE OF INDEX OFFENSE(S):
File materials describe the underlying offenses as follows: Counts I, II and III - The victims of the Robbery in the First Degree were a woman and her 7 year old son who were returning to their home after shopping. Mr. Brooks and his crime partner ordered the woman to drive around while he went through her purse, throwing the contents out the window. She was then ordered to drive them to a park where Mr. Brooks drug her from the car, raped her at gunpoint, and then drug her back to the car where his partner raped her. After forcing her to drive around, she and her son were placed on the floor in the back seat of the car and covered up with a coat. They were both finally put in the trunk and left. A passerby heard them yelling and opened the trunk. The woman contracted gonorrhea as a result of these rapes.

Counts IV and V involved an older husband and wife returning home after an evening out. The man was a retired law enforcement officer who had a gun. After retrieving a coat from the car, he saw that Mr. Brooks had grabbed his wife and was holding a gun to her. Mr. Brooks opened fire and a gunfight ensued until both were out of ammunition. Mr. Brooks then fled the scene. During this time the man was shot in the chest, and his wife was killed. Later testing showed that it was bullets fired from the husband's gun that killed his wife. The records describe that Mr. Brooks was using the wife as a shield. The man was in critical condition for some time but lived.

Count VI occurred 1/29/78, only 3 hours after the previously described horrific shooting. Mr. Brooks and his crime partner carjacked a woman and forced her to drive them around, while trying to steal the transaction number for her bank card. Mr. Brooks stole her jewelry and $4 she had in her purse and she was eventually let go.

Counts VII and VIII occurred on 1/30/78 when a woman returned to her home to find Mr. Brooks in her residence. He held a gun to her head and demanded credit cards and transaction numbers. He assaulted and kicked her in the head then tied her up with electrical cords.

OTHER CRIMINAL CONDUCT:
Mr. Brooks' juvenile criminal history includes the following: Strong Armed Robbery in 1973,

Larceny in 1974, Assault and loitering in 1975, Assault 3rd degree and Burglary in 1976 and Auto Theft in 1977. He was remanded from Juvenile to Adult Court for the current convictions.

HISTORY/COMMENTS:
Mr. Brooks' hearing was scheduled to be on August 24, 2010, but was continued to review a new Psychological Report. At that time the Board encouraged him to reconsider his refusal of counsel. The last full hearing was held at MICC on October 21, 2008 when the Board found him not parolable and added 36 months to his minimum term, during which time he was to remain infraction free for at least 2 years. Since that hearing he incurred 2 serious infractions on April 14, 2010 which stem from Mr. Brooks trying to hang himself then physically resisting staff that responded and were trying to help him. He completed "Victim Awareness" and "Family Dynamics" on/about 3/1/2010. He is currently unemployed but in the past has worked as a custodian and in correctional industries.

EVIDENCE CONSIDERED:
In preparation for Mr. Brooks hearing and its decision in this case, the Board completed a review of his Department of Corrections (DOC) and ISRB files. The Board considered all information contained in those files, including but not limited to: the most recent DOC facility plan; information regarding institutional behavior and programming; any letters of support and/or concerns sent to the Board; the Pre-Sentence Investigation report; and the most recent and previous Psychological Evaluations. The Board also considered the testimony of the witnesses listed above.

REASONS:
Mr. Brooks presented the panel a lengthy discourse of what he believed were the only important matters the Board needed to consider. After listening respectfully to his entire presentation, he concluded with the mandate that the Board was required to release him and then refused to answer any questions related to other matters.

The most recent Psychological Evaluation completed on 7/20/10 by Dr. Page describes 2 psychotic episodes; one in 1998 and the other following his recent suicide attempt. His risk to reoffend was described as; "difficult to gauge", his violence potential; "may be substantial" and his escape risk

as; "acceptably low". He was given diagnostic impressions of; Axis I: Psychosis NOS, now in full remission and, and Axis II: Antisocial Personality Disorder. A previous evaluation in 2008 by Dr. Pereira described him as a high risk to reoffend, high for psychopathy and moderately high for violence. During the interview for that report, Mr. Brooks described his crimes and indicated that he was smoking marijuana, drinking alcohol and taking Valium in excess during the period he committed his offenses. Information from a 1978 Psychiatric Report indicates that he reported being under the influence of a combination of alcohol, hallucinogens and other drugs on a daily basis for many months.

Mr. Brooks was encouraged to make legal arguments to the Court. He replied that in future hearings he would present them to the Board, as he did today and that he had no interest in discussing his personal attitudes or behaviors. It is unfortunately apparent that Mr. Brooks has chosen to insistently present legal matters during his hearing, and that he refuses the assistance of counsel, stating that attorneys refuse to present issues to the Board that he wants them to.

All things considered, Mr. Brooks has shown some improvement in his infraction record with the notable exception of attempting suicide and resisting staff in April. He has participated in some offender change programs, but refuses to consider participation in SOTP or CD treatment. As an untreated sex offender, admitted drug and alcohol abuser and convicted violent criminal he has shown little commitment to his own rehabilitation. Past records indicate that Mr. Brooks had been designated as a "Seriously Mentally Ill Offender" (SMIO). This has apparently been changed and Dr. Page did not deem him a candidate for Psychiatric referral. It is hoped that the full extent and nature of any mentally illness will be clarified prior to his next hearing.

TS:ch
October 29, 2010

CC: Institution
Mr. Brooks
File

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

DATE: October 29, 2010

TO: Full Board

FROM: TS/LD (Christine)

RE: **Carl Brooks #259045**

Panel recommends:

Mr. Brooks be found not parolable and adds 60 months to his MT.

Next Action –Schedule .100 hrg. 120 days prior to next PERD.

AGREE	DISAGREE
TNS 10/28/10	
BRH 10/29/10	
DT 11-1-10	
LD 11-2-10	

Hunter, Christine M. 'ISRB' (DOC)

From: Hunter, Christine M. 'ISRB' (DOC)
Sent: Tuesday, November 02, 2010 4:12 PM
To: Watko, Freta R. (DOC); Puckett, Niza A. (DOC); Randolph, Genie R. (DOC); Paul, Laura C. (DOC); Bowen, Kevin G. (DOC); Cabral, Lisa M. (DOC); Coleman, Shawn.M. (DOC); Geringer, Kristen (DOC); Hanegan-Cruse, Ellen R. 'ISRB' (DOC); 'Nelson-Ritchie, Jennifer'; 'scanning@doc1.wa.gov'; Smith, R. Peggy 'ISRB' (DOC); Williams, Jennifer J. (DOC)
Subject: D&R for Brooks, Carl 259045 (.100)
Attachments: Brooks, Carl 259045 WSP 10-26-10.doc

Attached please find the final Decisions and Reasons for the above named offender.

Please print a copy for posting in the central file.

Also note a copy of this email has been routed to the classification counselor noted in OMNI.

A copy will be mailed directly to the offender, and mailed or emailed to his attorney if applicable.

Thank you.

Christine Hunter
Indeterminate Sentence Review Board
4317 Sixth Avenue S.E.
P.O. Box 40907
Olympia, WA 98504-0907
Phone: 360-407-0039
Fax: 360-493-9287
christine.hunter@doc.wa.gov

APPENDIX 11

Hunter, Christine M. (DOC)

From: Hunter, Christine M. (DOC)
Sent: Thursday, October 31, 2013 3:00 PM
To: Benjamin, Anna M. (DOC); Overturf, Debra L. 'Debi' (DOC); Hurley, James M. (DOC); Abplanalp, Bart S. (DOC); Bowen, Kevin G. (DOC); Coleman, Shawn M. (DOC); DOC MRP Coordinator; EOSR; Hanegan-Cruse, Ellen R. (DOC); Lopez, Albert (DOC); Riley, Robin L. (DOC); Roiko, Cheryl J. (DOC); scanning@doc1.wa.gov; Wiediger, Sharon R. (DOC)
Cc: Watko, Freta R. (DOC)
Subject: D&R for BROOKS, Carl #259045 (.100)
Attachments: BROOKS, Carl #259045 WSP 9-24-13.docx

Attached please find the final Decisions and Reasons for the above named offender.

Please print a copy for posting in the central file.

Also note a copy of this email has been routed to the classification counselor noted in OMNI.

A copy will be mailed directly to the offender and to his attorney if applicable.

Thank you.

Christine Hunter - CRT
Indeterminate Sentence Review Board
4317 Sixth Avenue S.E.
P.O. Box 40907
Olympia, WA 98504-0907
Phone: 360-407-2402
Fax: 360-493-9287
christine.hunter@doc.wa.gov

STATE OF WASHINGTON

DEPARTMENT OF CORRECTIONS
INDETERMINATE SENTENCE REVIEW BOARD

P.O. BOX 40907, OLYMPIA, WA 98504-0907

DECISION AND REASONS

NAME:	BROOKS, Carl
DOC #:	259045
FACILITY:	Washington State Penitentiary (WSP)
TYPE OF HEARING:	.100 Hearing
HEARING DATE:	September 24, 2013
PANEL MEMBERS:	KR & TS
FINAL DECISION DATE:	October 8, 2013

This matter came before Kecia Rongen and Tom Sahlberg, who are members of the Indeterminate Sentence Review Board (ISRB or the Board) on the above date for a release hearing in accordance with the provisions of RCW 9.95.100. Mr. Brooks appeared in person and declined representation by an attorney. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Rebecca HaneyNixon and Mr. Brooks.

BOARD DECISION:

This was a Deferred Decision. Based on the requirements of RCW 9.95.009(3) and RCW 9.95.100 and the totality of evidence and information considered by the Board, the Board finds that Mr. Brooks is not parolable and adds 90 months to his minimum term (MT).

NEXT ACTION:

Schedule a .100 Hearing approximately 120 days prior to his ERD.

JURISDICTION:

Mr. Brooks is under the jurisdiction of the Board for a number of serious felonies in which several people were hurt and one died. He was sentenced under King County #84744 for

multiple counts, some that run concurrently with each other and some that run consecutively. The first block of offenses was for convictions of Robbery in the First Degree (while armed) Counts I, VI and VII; Assault in the First Degree (while armed) Count V; and Burglary in the First Degree (while armed) Count VIII. The statutory maximum sentence for all these counts is Life. The Sentencing Reform Act (SRA) guideline range for counts I, VI, and VII was adjusted to 97-122 months. The Prosecutor and Judge both recommended Life. The SRA adjusted guideline range for count V was 58-72 months, with the same recommendations from the Prosecutor and Judge. The SRA adjusted guideline range for count VIII was 77-95 months, with the same recommendations from the Prosecutor and the Judge. Due to the Deadly Weapon finding on all counts there was also a 5 year mandatory sentence imposed on all counts. All counts ran concurrently. The time start for these Counts is May 19, 1978. Mr. Brooks was paroled/transferred from this block of counts to the next consecutive count (Count III) on September 20, 1991.

Mr. Brooks is currently serving on Count III Kidnapping in the First Degree (while armed), which was ordered to run consecutive to the first block of counts. The adjusted SRA guideline range is 75-92 months with a minimum term of 300 months. The recommendation of both the Judge and Prosecutor is Life. There is also a mandatory 5 year sentence for the Deadly Weapon finding. The time start on this count is September 20, 1991. To date Mr. Brooks has served approximately 264 months on this offense, and 424 months total.

Mr. Brooks has two additional consecutive counts to serve if he is paroled/transferred from Count III. They are Rape in the First Degree (while armed) Count II and Murder in the Second Degree (while armed) Count IV. These are consecutive to each other and also consecutive to Count III. The adjusted SRA guideline range for the Rape is 75-92 months. The Judge and Prosecutor recommended life. The SRA guideline range for the Rape is 123-164 months.

At the 1400 review the MT on Count VII was re-determined to 122 months; the minimum terms on Count I, V and VI were maintained at 240 months; Count VIII was re-determined to 95

months; Counts III and II were maintained at 25 years; and Count IV was maintained at 20 years.

NATURE OF INDEX OFFENSE(S):

File materials describe the underlying offenses as follows: Counts I, II and III - The victims of the Robbery in the First Degree were a woman and her 7 year old son who were returning to their home after shopping. Mr. Brooks and his crime partner ordered the woman to drive around while he went through her purse, throwing the contents out the window. She was then ordered to drive them to a park where Mr. Brooks drug her from the car, raped her at gunpoint, and then drug her back to the car where his partner raped her. After forcing her to drive around, she and her son were placed on the floor in the back seat of the car and covered up with a coat. They were both finally put in the trunk and left. A passerby heard them yelling and opened the trunk. The woman contracted gonorrhea as a result of these rapes.

Counts IV and V involved an older husband and wife returning home after an evening out. The man was a retired law enforcement officer who had a gun. After retrieving a coat from the car, he saw that Mr. Brooks had grabbed his wife and was holding a gun to her. Mr. Brooks opened fire and a gunfight ensued until both were out of ammunition. Mr. Brooks then fled the scene. During this time the man was shot in the chest, and his wife was killed. Later testing showed that it was bullets fired from the husband's gun that killed his wife. The records describe that Mr. Brooks was using the wife as a shield. The man was in critical condition for some time but lived.

Count VI occurred January 29, 1978, only three hours after the previously described horrific shooting. Mr. Brooks and his crime partner carjacked a woman and forced her to drive them around, while trying to steal the transaction number for her bank card. Mr. Brooks stole her jewelry and $4.00 she had in her purse and she was eventually let go.

Counts VII and VIII occurred on January 30, 1978 when a woman returned to her home to find Mr. Brooks in her residence. He held a gun to her head and demanded credit cards and

transaction numbers. He assaulted and kicked her in the head then tied her up with electrical cords.

PRIOR CRIMINAL CONDUCT:

Mr. Brooks' juvenile criminal history includes the following: Strong Armed Robbery in 1973, Larceny in 1974, Assault and loitering in 1975, Assault Third degree and Burglary in 1976 and Auto Theft in 1977. He was remanded from Juvenile to Adult Court for the current convictions.

HISTORY/COMMENTS:

Mr. Brook's last hearing was held on October 26, 2010. At that time the Board found him not parolable and added 60 months to his minimum term. The Board recommended a Psychological Evaluation be completed to assess the extent of his mental illness.

Prior to this Mr. Brooks was seen on October 21, 2008 where the Board found him not parolable and added 36 months to his minimum term. The Board recommended he remain infraction free for at least two years. He was unable to remain infraction free and incurred two serious infractions during that time.

Mr. Brooks has completed the following offender change or educational/vocational programs: Family Dynamics, Victim Awareness, Stress/Anger Management and Basic Skills. He is currently employed as a Unit Custodian.

Mr. Brooks has received approximately 78 serious infractions during his incarceration. He has received two serious infractions since the Board last saw him. On September 14, 2011, Mr. Brooks received a WAC 509 for Refusing to Leave. This incident involved staff opening the custodial closet for Mr. Brooks, pulling out the supply cart first instead of the cleaning cart and the staff pushing it back in. Mr. Brooks then indicated he needed some visiting forms and reached for the forms with his elbow touching the staff's chest. Mr. Brooks denies any intentional touching of the staff's chest and he was not found guilty of sexual harassment. The

second serious infraction occurred on January 9, 2013 for Strong-Arming. During a records review, Mr. Brooks became argumentative with records staff, yelling and posturing aggressively when she tried to leave the area. Mr. Brooks denies that he was being intimidating with this staff. Initially during the hearing, he did not want to discuss his reasoning behind pleading not guilty for this infraction because he did not have the paperwork in front of him. However, he did go on to say that he felt the records staff used her "age and seniority" over the hearings officer to find him guilty.

EVIDENCE CONSIDERED:

In preparation for Mr. Brook's hearing and its decision in this case, the Board completed a review of Mr. Brook's Department of Corrections (DOC) and ISRB files. The Board considered all information contained in those files, including but not limited to: the most recent DOC facility plan; information regarding institutional behavior and programming; any letters of support and/or concerns sent to the Board; the Pre-Sentence Investigation report; psychological evaluation prepared by Dr. Gerry Weber, dated August 21, 2013 and psychological evaluation by Dr. Ronald Page, dated July 20, 2010. The Board also considered the testimony of the witnesses listed above.

REASONS:

Today's hearing appears to be very similar to his last hearing in 2010. Mr. Brooks continues to want to argue the legal facts of his case in front of the Board. Mr. Brooks wants the Board to re-determine his minimum terms. He had paperwork with him that was originals with no copies for the Board to review. A Correctional Officer offered to make copies for the Board during the hearing, but Mr. Brooks indicated he needed to be present when the copies were made. Since this was not an option, no copies were submitted to the Board for review. We advised Mr. Brooks that he could send mail to us at any time.

Mr. Brooks argued that there are facts in his case that were not submitted by the prosecutor regarding this co-defendant's criminal behavior that Mr. Brooks claims would have been

"mitigating circumstances," for his case. Mr. Brooks concludes that this makes a case that "false, inaccurate and erroneous aggravating circumstances" were used against him. In addition, Mr. Brooks wanted to argue the facts of the offenses that were already adjudicated in a court of law. Again Mr. Brooks was advised to use the court to dispute this information. The Board's Decision in 1987 regarding a review of his minimum terms indicate that the minimum terms were maintained on Counts I, II, III IV, V and VI "due to the extremely aggravating circumstances of threats, rapes, and the ordeal that the victims were put through." The minimum terms were reduced to the upper end of the adjusted SRA range on Counts VII and VIII since there was no aggravating circumstance present. We reiterated to Mr. Brooks that this was not a hearing to re-determine his minimum terms.

In trying to get him to see the need to participate in offender change programming, Mr. Brooks was asked if he did in fact rape the woman in his crime, his response was, "which one?" When asked if he had raped others based on that statement, he denied there were others and claimed that his response was due to his co-defendants rape of a different woman. His answer is not credible. Mr. Brooks continues to decline to participate in the Sex Offender Treatment Program as he indicates that he didn't receive "due process" regarding treatment. He also continues to believe that he is under the jurisdiction of Department of Social and Health Services (DSHS) and that since he has served his mandatory minimums he should be allowed to leave prison and work.

It is difficult to discern whether Mr. Brooks actually has mental health issues that prohibit him from seeing reality or if he believes that his persistence will pay off eventually. A previous Psychological Evaluation in 2010, by Dr. Page indicated that Mr. Brooks has in fact had two psychotic episodes during his incarceration. This resulted in Mr. Brooks participating in some mental health counseling; however this has not been consistent throughout his incarceration. In Mr. Brooks current Psychological Evaluation by Dr. Weber, he notes Mr. Brooks' re-offense and violence potential as, "probably substantial in light of the callousness and violence on his criminal history 35 years ago, his current paranoia, and his preservation in his own view of

things with an inability to consider alternatives."

At this time, it does not appear Mr. Brooks is willing to focus on his own rehabilitation or take responsibility for his behavior. The Board would encourage Mr. Brooks to focus on offender change programs and remain infraction free. Mr. Brooks is encouraged to consider utilizing an attorney for his next hearing to assist him.

KR: ch
October 2, 2013

cc: Institution
Carl Brooks
File

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

DATE: *10-2-13*

TO: Full Board

FROM: *KR & TS (CRT name)*

RE: BROOKS, Carl/*DOC# 259045*

Panel recommends: He be found not parolable and adds 90 to his MT.

Next action: Schedule .100 hrg approx. 120 days prior to PERD.

Agree	Disagree
TNS 10/7/13 KLR 10/7/13 DT 10-8-13 LD 10-8-13	

APPENDIX 12

Washington State Department of Corrections

Offender Management Network Information

DOC No.: 259045 Go

Selected DOC No.: 259045 BROOKS, Carl Alonzo

Home | Assignments | Offender | Facility | Search | Administration

Home > Offender > Sentence Information > View J & S - Prison

Return to Case Plan | Logged in as **Mandy Rose**

Sentence Information Menu

- View J & S – Prison
- View J & S – Field
- Conditions
- Earned Time
- Good Conduct Time
- Out Time
- Stoppage Time
- Problem J & S

Links

- OnBase
- CeField
- CePrison
- Policies
- Report Wizard

Inmate: BROOKS, Carl Alonzo (259045)

| Legal Face Sheet

Gender: Male | DOB: [redacted] | Age: 60 | Category: Regular Inmate | Body Status: Active Inmate

RLC: HV | Wrap-Around: No | Comm. Concern: No | Custody Level: Minimum 3 - Long Term Minimum | Location: CRCC — B / BA161L

ERD: 06/12/2052 | CC/CCO: Nunez, Aurelio

View J & S — Prison

Period Of Jurisdiction

Sentence Drilldown:

WEP Eligible Offender : No

Felony Firearm Registration : No

Display

Include Closed Causes Enable Scrolling

Details

ERD Calculations MaxEx Calculations StatMax Calculations

Graphical Sentence View

Cause	Count	Confinement Element	Consecutive Confinement	Status	Confinement Length	Time Start Date	ERD	MaxEx	Stat Max
Offender Overall				Active	90Y, 6M, 0D	05/19/1978	06/12/2052	Life	Life
AA–184744–King–PAR				Pending Field	19Y, 6M, 3D	05/19/1978	09/20/1991	Life	Life
	1– Robbery 1			Pending Field	19Y, 6M, 3D	05/19/1978	09/20/1991	Life	Life
		Base		–	19Y, 6M, 3D	05/19/1978	09/20/1991	08/02/1997	–
		Maximum Length		–	Life	05/19/1978		Life	–
	5– Assault 2			Pending Field	19Y, 6M, 3D	05/19/1978	01/30/1988*	01/30/1988*	01/30/1988
		Base		–	19Y, 6M, 3D	05/19/1978	01/30/1988*	01/30/1988*	–
		Maximum Length		–	Life	05/19/1978		Life	–
	6– Robbery 1			Pending Field	19Y, 6M, 3D	05/19/1978	09/20/1991	Life	Life
		Base		–	19Y, 6M, 3D	05/19/1978	09/20/1991	08/02/1997	–
		Maximum Length		–	Life	05/19/1978		Life	–
	7– Robbery 1			Pending Field	10Y, 2M, 0D	05/19/1978	01/29/1985	Life	Life
		Base		–	10Y, 2M, 0D	05/19/1978	01/29/1985	03/30/1988	–

Maximum Length		–	Life	05/19/1978		Life	–
○ 8– Burglary 1		Pending Field	7Y, 11M, 0D	05/19/1978	07/31/1983	Life	Life
Base		–	7Y, 11M, 0D	05/19/1978	07/31/1983	12/30/1985	–
Maximum Length		–	Life	05/19/1978		Life	–
◉ AB–184744–King–PAR [ISRB Minimum Term Adjustments]	AA–184744–King–PAR	Active	45Y, 6M, 0D	09/20/1991	06/14/2022	Life	Life
○ 3– Kidnapping 1		Active	45Y, 6M, 0D	09/20/1991	06/14/2022	Life	Life
Base		–	45Y, 6M, 0D	09/20/1991	06/14/2022	03/20/2037	–
Maximum Length		–	Life	09/20/1991		Life	–
○ AC–184744–King–PAR	AB–184744–King–PAR	Future	25Y, 0M, 0D	06/14/2022	02/12/2039	Life	Life
○ 2– Rape 1		Future	25Y, 0M, 0D	06/14/2022	02/12/2039	Life	Life
Base		–	25Y, 0M, 0D	06/14/2022	02/12/2039	06/13/2047	–
Maximum Length		–	Life	06/14/2022		Life	–
○ AD–184744–King–PAR	AC–184744–King–PAR	Future	20Y, 0M, 0D	02/12/2039	06/12/2052	Life	Life
○ 4– Murder 2		Future	20Y, 0M, 0D	02/12/2039	06/12/2052	Life	Life
Base		–	20Y, 0M, 0D	02/12/2039	06/12/2052	02/11/2059	–
Maximum Length		–	Life	02/12/2039		Life	–

Sanctions

Maintain: View | Update | Modify J & S | Cancel Modify | Delete | View J & S Versions

Create: Add Cause | Add Count | Copy Count

Action: Calculate | Analyze | Print

CORRECTIONS DIVISION ATTORNEY GENERAL'S OFFICE

March 03, 2020 - 8:05 AM

Transmittal Information

Filed with Court:	Supreme Court
Appellate Court Case Number:	97689-9
Appellate Court Case Title:	Personal Restraint Petition of Carl Alonzo Brooks

The following documents have been uploaded:

- 976899_Answer_Reply_20200303080249SC426047_9964.pdf
  This File Contains:
  Answer/Reply - Answer to Motion for Discretionary Review
  The Original File Name was MotDiscRvwAnswerFINAL.pdf

A copy of the uploaded files will be sent to:

- correader@atg.wa.gov
- tim.lang@atg.wa.gov

Comments:

Sender Name: Beverly Cox - Email: beverly.cox@atg.wa.gov
Filing on Behalf of: Mandy Lynn Rose - Email: mandy.rose@atg.wa.gov (Alternate Email:)

Address:
Corrections Division
PO Box 40116
Olympia, WA, 98104-0116
Phone: (360) 586-1445

Note: The Filing Id is 20200303080249SC426047