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Case No. \_\_\_\_\_

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**IN THE  
SUPREME COURT OF THE UNITED STATES**

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**CHRISTOPHER POLK,**

*Petitioner,*

**vs.**

**JASON LEWIS, Superintendent,  
Southeast Correctional Center**

*Respondent.*

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**On Petition For A Writ Of Certiorari  
From The Supreme Court of Missouri**

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**VOLUME II**

**APPENDIX IN SUPPORT OF PETITION  
FOR A WRIT OF CERTIORARI**

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Kansas City, Missouri 64114  
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kent.gipson@kentgipsonlaw.com  
COUNSEL FOR PETITIONER**

**INDEX OF APPENDIX TO  
PETITION FOR A WRIT OF CERTIORARI**

**VOLUME II**

Exhibits in Support of Writ of Habeas

Corpus.....A-39-134

**SWORN AFFIDAVIT  
OF  
JAMES HARDY**

I, James Hardy, after being duly sworn on my oath state as follows:

1. My name is James Hardy. I am a prisoner currently serving a sentence of life without parole in the South Central Correctional Center in Licking, Missouri. This sentence was imposed for a murder I committed when I was a juvenile.

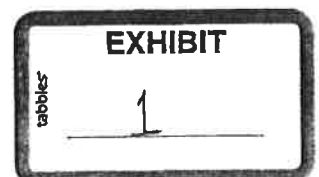
2. In the aftermath of the Supreme Court's decision in *Miller v. Alabama* and the passage of S.B. 590 by the Missouri legislature, I was scheduled for a parole hearing on December 20, 2016 because I had served over twenty-five years of my sentence.

3. In preparation for the hearing, I put together, with the assistance of my attorney, a lengthy parole package that was submitted to the Board detailing my efforts at rehabilitation during my incarceration. This packet included the fact that I had completed thousands of hours of restorative justice and volunteer programs while imprisoned.

4. Under the Parole Board guidelines, I was allowed to have one person appear before the Board with me at my hearing as a "representative." I elected to have my father appear before the Board with me as my representative. My father is a well-respected certified public accountant in the Joplin, Missouri area who has, among other things, testified in court numerous times as an expert witness primarily on financial issues in civil litigation.

5. At my parole hearing myself, my father, and the institutional parole officer were present in the parole room at the prison and appeared before one member of the Board and a parole analyst via closed circuit TV. The Board member and parole analyst, I assume, were in Jefferson City. The Board member who presided over my hearing was Mr. Reznik. The entire hearing lasted approximately forty-five minutes.

6. At the outset of the hearing, Mr. Reznik asked me to give an account of the crime. I gave a detailed and full account of what I did and accepted full responsibility for my actions. Mr. Reznik's follow-up questions appeared to focus



almost exclusively on the circumstances of my crime. Among other things, he asked me if I was a devil worshiper and whether I ever called myself "The Devil" while I was in prison. Mr. Reznik also asked me about whether I used drugs and about my relationship with my family when I was teenager.

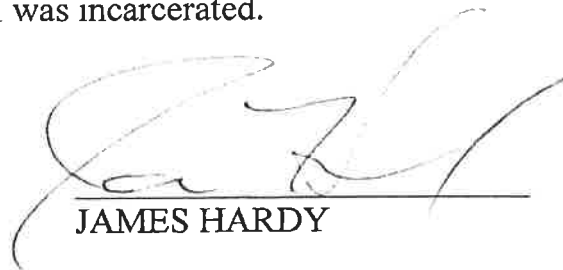
7. The only mention Mr. Reznik made of my participation in volunteer and restorative justice programs at the prison was a mention of the fact that I had completed the Intensive Therapeutic Community (ITC) program and he gave his opinion that the program was very highly regarded.

8. After Mr. Reznik finished questioning me, he allowed my father to briefly speak on my behalf. At the outset, Mr. Reznik made it clear that my father's statements would be limited to the issue of family support, should the Board elect to parole me. After my father gave a very brief statement that could have only lasted a minute or two about what family support could be provided to me, he asked Mr. Reznik if he could say more. At that point, Mr. Reznik cut my father off and he was not allowed to speak on any other issues pertaining to my maturity and growth as a person during the time I have spent in prison.

9. At the very end of the hearing, the institutional parole officer asked me a question regarding why I believed I would be a good candidate for parole under the new guidelines and provisions of S.B. 590. I responded by saying that, while I did not want to make the hearing a formal legal proceeding, that I met all the criteria of S.B. 590 to be released. I also mentioned that I had worked very hard since 1998 to become a better person and avail myself of all available self-help programs. In response, Mr. Reznik admitted that I did meet all of the criteria of S.B. 590 but that I had committed a horrible crime by my own admission. Shortly thereafter, the hearing concluded.

10. At the hearing, it appeared that Mr. Reznik seemed to focus on whether or not I was a devil worshiper, which I emphatically denied, and hardly mentioned my list of accomplishments while I was incarcerated.

Affiant further saith naught.




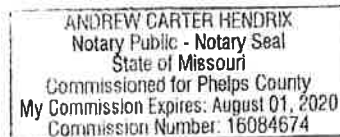
JAMES HARDY

STATE OF Missouri )  
 ) ss  
COUNTY OF Texas )

On this \_\_\_ day of \_\_\_\_\_, 2017, before me, the undersigned notary public, personally appeared James Hardy, known to me to be the person whose name is subscribed to within the instrument and acknowledged that he executed the same for the purposes therein contained. In witness whereof, I hereunto set my hand and official seal.

Dated: 3-14-17

  
Notary Public



AKU032A-OPN  
Time - 15:47:23

Missouri Department of Corrections  
BOARD OF PROBATION AND PAROLE

Page - 1  
Date - 1/27/17

DOC ID: 164676 Cycle: 19880525  
DOC Name: HARDY, JAMES M 303-228

Institution/Housing Unit SCCC/003  
Minimum Mandatory Release Date N/A

RECEIVED  
JAN 30 2017  
SCCC Parole Office

RELATING TO RELEASE CONSIDERATION

- ☐ 1. You have been scheduled for a parole hearing .
- ☐ 2. At your request, your case has been closed to further parole consideration.
- ☒ 3. You have been given parole consideration in a parole hearing 12/20/2016. You will be scheduled for a reconsideration hearing 12/00/2021.
- ☐ 4. You have been scheduled for release from confinement on .

Actual release depends upon continued record of good conduct and an acceptable release plan. The release decision is:

☐ Guideline ☐ Below Guideline ☐ Above Guideline

Special Conditions of release are:

Strategy Stipulation Date:

- ☐ 5. Your previously set release date has been cancelled.
- ☐ 6. Your conditional release date has been extended to .
- ☐ 7. The Board has reviewed your appeal. It is the decision of the Board to your appeal.
- ☐ 8. You have been scheduled for a Conditional Release Extension hearing on..

The reasons for the action taken are:

\*\*THIS DECISION IS NOT SUBJECT TO APPEAL.

Release at this time would depreciate the seriousness of the present offense based on:

- A: Circumstances surrounding the present offense.
- B: Use of excessive force or violence.
- C: Community opposition.

EXHIBIT

2

A-42

DOC ID: 164676 Cycle: 19880525  
DOC Name: HARDY, JAMES M

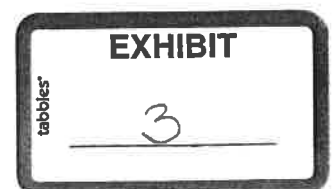
If you have any questions regarding this decision, please contact your Institutional Parole Officer.

md /MKF (Date\* Created: 01/12/17)

# Parole Application

James M. Hardy  
164676

A-44





Pursuant to RSMo 558.047, petitioner attests to being sentenced to a term of imprisonment for life without eligibility for parole, and that said sentence was imposed prior to August 28, 2016. Petitioner further attests to being under eighteen years of age at the time of the commission of the offense or offenses, and to having served twenty-five years of incarceration on the sentence of life without parole.

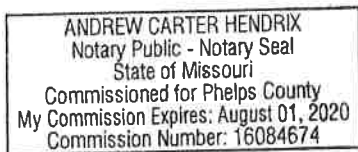
Petitioner requests that the Parole Board conduct a review of said sentence to determine whether parole should be granted.

JAMES M. HARRY 164676  
Name (Please Print) DOC #

I hereby attest that a copy of this petition has been served upon the office of the prosecuting attorney of JAS PERZ County, this 19 day of AUGUST 20 16.

[Signature]  
Signature

Andrew Hendrix  
Notary:



## Table of Contents

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Statement of Challenges  
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Certificates of Achievement  
Restorative Justice and Reparative Activities

## Section 1

Statement to the Parole Board

Statement of Challenges

Violations

Summary of Certificates and Achievements

Outreach to Law Enforcement

Mr. Ellis McSwain, Jr., Chairman  
Missouri Board of Probation and Parole  
3400 Knapp Drive  
Jefferson City, MO 65109

Dear Mr. McSwain and Members of the Parole Board;

On December 6, 1987 I committed a deplorable act of violence that took the life of Steven Newberry, an innocent man. This act devastated Steve's Family, the lives of countless members of the community, and left a deep wound on society.

The first several years of my incarceration found me taking zero accountability for this act, and my negative behaviors. I placed blame on those around me, my upbringing, imagined unfair treatment and drug abuse. I looked for excuses, and refused to take responsibility for my actions.

In April of 1997 I held my then 4 month old nephew in my hands during a visit. I returned to my cell and wept. For the first time in my life the incredible value of life crashed in on me. The immediate depth of my remorse was overwhelming - and the understanding of the great harm I had caused so many good people crushed me.

That same year I used drugs for the last time.

Being sober allowed me to think beyond myself. Of how I could be a better son, brother and uncle. How I could hopefully become a worthwhile father to my then 10 year old daughter.

Struggling to be a responsible, accountable adult took a great deal of effort in the beginning - and I knew that I would need support. I began taking self help and recovery programs in 1998, and have continued that effort since. I quickly discovered that program participation required absolute honesty and self examination. These classes take sacrifice of self interests, and most importantly they take a continual realization that I committed a great harm for which I will forever owe amends. I am profoundly ashamed.

I have learned more about myself and what it takes to live a responsible, accountable life than could be written in this statement. ICVC, ICTC and the ITC programs truly imparted to me the greatest of humility, and a set of tools for being a wholesome

person. I have learned and experienced more about the devastating ripple effect of my selfish acts than I ever wanted to face. My selfishness, lack of appreciation, low self esteem, dishonesty, fear and the blaming of others were the root of all my poor choices.

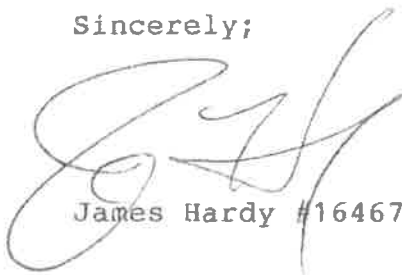
Because of my actions Steven Newberry lost his life. Steve's family was incredibly harmed. My community was wounded. My family was crushed. I am responsible for this.

I have grown into a mature man. I am always willing to give of myself, always ready to admit when I have made a mistake and able to live a lifestyle sworn to cause no harm.

I want to build and contribute. I want to help and to heal. To be productive and an inspiration. I will always endeavor to treat others with understanding, dignity, honor and respect for the remainder of my life.

I have enclosed a summary of my achievements and rehabilitative efforts. I hope that you will consider the work I have done to become a responsible person, and allow me to return to the home of my family where I can become a positive, contributing member of the community.

Sincerely;

A large, stylized handwritten signature in dark ink, appearing to be 'JH' or 'James Hardy'.

James Hardy #164676

## STATEMENT OF CHALLENGES

### 1) Live a responsible life

I acknowledge that living responsibly is a daily challenge that must be faced with empathy and awareness. I must continue to think beyond myself and consider how my actions will affect others. I must stay centered in the present to protect myself from being overwhelmed. I must be brutally honest and realistic with myself and those around me. I must confront my fears and remain willing to accept accountability for any mistake I make, no matter how small.

### 2) Maintain and build a family foundation

I am open with my family. They know my past and my present, and I look forward to building a positive future with them. I know that I must remain open to them, their critiques, admonitions and advice. I must be willing to sacrifice my desires for the betterment of my family bonds. I will strive to build a deeper trust with my family so they know they can always depend on me.

I hope to build and maintain a meaningful relationship with my daughter, her husband and my 4 year old granddaughter. To be a good role model for my nieces and nephews, to impart on them that there is no mistake too big to overcome; to show by example that you are never too old to make the next right choice, or achieve a goal through hard work, focus and the love of your family.

### 3) Enter the Community

I will secure employment, a driver's license, a social security card, and savings/checking accounts. I will strive to build a healthy relationship with my parole officer through a willingness to do whatever is asked of me. I will open every aspect of my life to him/her and earnestly seek their advice and criticisms. I will do my best to be a good friend, neighbor, employee and student.

### 4) Extend myself

There is a great deal in life that I always wanted to be a part of. Fears of possible failure and living in the negative opinions of others prevented me from partaking in much of life. I know, too, that it is impossible to recapture lost time. With these things in mind, it is my intention to extend my services to the law enforcement community in which I reside. I will serve in any capacity that my skill set would allow. I certainly desire to reach out to troubled youth at the crossroads of their lives; using the knowledge and experience I've gained to guide them in making the next right choice. I would like to be involved in the betterment of my community, helping to organize events and beautification projects. Most importantly, I want to be an active part of keeping my community drug free.

### 5) Stay Realistic

I know there are a great many hurdles I will face as a parolee. I will remain patient and do my best to not become frustrated. I will have much to prove to my community, and this will not happen overnight.

I will be steady and consistent. If I become overwhelmed I will immediately reach out to my support network, my family, my parole officer and to local law enforcement for advice and a safe hand to hold onto in times of crisis. I will take any difficulties seriously, no matter how small or trivial they seem.

I will remain sober at all times.

AKPCVL  
Time - 9:21:01

Missouri Department of Corrections  
**INSTITUTIONAL VIOLATION SUMMARY**  
Offender Management Information System

Page - 1  
Date - 06/14/2016

DOC Number: 164676

Cycle: 19880525

TOTAL VIOLATIONS HEARD: 40

DOC Name: HARDY, JAMES, M

Current Housing: SCCC 003-03B-00228-01T

Date	Tracking Number	Rule	Sec Rule	Violation Description
05/01/2012	JCCC12-01052	30.1		IN UNAUTHORIZED AREA
			30.2	IN AREA WHERE NOT ASSIGNED
			41.1	FAIL TO ABIDE BY ANY RULE
03/02/2009	JCCC09-00692	19.4		CONDUCT INTERFERES WITH OPERATIONS
			19.5	MAKE A LOUD NOISE
04/17/2008	JCCC08-01301	41.1		FAIL TO ABIDE BY ANY RULE
03/13/2008	JCCC08-00910	37.1		ILLEGIT RELATIONSHIP WITH STAFF
11/01/2007	JCCC07-03642	18.1		FAIL TO ABIDE BY COUNT PROCEDURES
			20.1	FAIL TO COMPLY WITH AN ORDER
06/17/2003	MSP	24		CONTRABAND
08/23/2002	MSP	24		CONTRABAND
12/26/1999	PCC	24		CONTRABAND
12/21/1998	PCC	20		DISOBEYING AN ORDER
07/13/1998	PCC	20		DISOBEYING AN ORDER
04/09/1998	PCC	24		CONTRABAND
01/07/1998	PCC	24		CONTRABAND
11/29/1997	PCC	16		TATTOOING
04/17/1997	PCC	30		OUT OF BOUNDS
03/24/1997	PCC	20		DISOBEYING AN ORDER
01/25/1997	PCC	20		DISOBEYING AN ORDER
04/09/1996	PCC	11		POSS/USE OF INTOXICATING SUBST
03/21/1996	PCC	37		VIOLATION OF INSTITUTIONAL RUL
04/30/1995	PCC	16		TATTOOING
01/05/1995	PCC	16		TATTOOING
10/28/1994	PCC	20		DISOBEYING AN ORDER
09/07/1994	PCC	16		TATTOOING
04/20/1994	PCC	21		INSULTING BEHAVIOR
03/17/1994	PCC	16		TATTOOING
01/03/1994	PCC	16		TATTOOING
12/15/1993	PCC	16		TATTOOING
10/26/1993	PCC	24		CONTRABAND
10/25/1993	PCC	24		CONTRABAND
09/01/1993	PCC	19		CREATING A DISTURBANCE
08/12/1993	PCC	19		CREATING A DISTURBANCE
11/24/1992	PCC	24		CONTRABAND
02/21/1992	PCC	20		DISOBEYING AN ORDER

DOC Name: HARDY, JAMES, M

DOC Number: 164676

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AKPCVL  
Time - 9:21:01

Missouri Department of Corrections  
**INSTITUTIONAL VIOLATION SUMMARY**  
Offender Management Information System

Page - 2  
Date - 06/14/2016

<u>Date</u>	<u>Tracking Number</u>	<u>Rule</u>	<u>Sec Rule</u>	<u>Violation Description</u>
01/14/1992	PCC	37		VIOLATION OF INSTITUTIONAL RUL
05/29/1991	PCC	30		OUT OF BOUNDS
08/11/1990	MSP	30		OUT OF BOUNDS
06/18/1990	MSP	16		TATTOOING
04/30/1990	MSP	37		VIOLATION OF INSTITUTIONAL RUL
12/24/1989	MSP	20		DISOBEYING AN ORDER
11/08/1989	MSP	37		VIOLATION OF INSTITUTIONAL RUL
06/18/1988	FRDC	02		ASSAULT

\*\*END OF REPORT FOR CYCLE: 19880525\*\*

### Certificates and Achievements

Substance Abuse	PCC	01/98
Anger Management	PCC	02/98
Stress Management	PCC	04/98
Substance Abuse	PCC	05/98
Criminal Thinking	PCC	09/98
Insight Meditation	PCC	11/98
Insight Meditation	PCC	01/00
Insight Meditation	PCC	05/00
ICVC	PCC	07/00
Certificate of Service	PCC	07/00
Insight Meditation	PCC	08/00
Meditation Retreat	PCC	12/00
Positive Mental Attitude	PCC	02/01
Restorative Justice	PCC	06/01
ICVC	MSP	02/02
Hospice	MSP	05/02
ITC	MSP	06/02
Criminality	MSP	07/02
Self Esteem	MSP	07/02
Anger Management	MSP	09/02
Alternatives to Violence	MSP	09/02
ICVC Facilitator Training	MSP	11/02
Vocational Training	MSP	12/02
Alternatives to Violence	MSP	12/02
ICVC Facilitator Training	MSP	02/03
ICVC Facilitating	MSP	03/03
ICVC Facilitating	MSP	06/03
Myths/Criminal Lifestyle	MSP	07/03
Governor's Award	MSP	07/03
Intensive Substance Abuse	MSP	10/03
Victims Service Award	MSP	04/04
Service Award/Can Crew	MSP	04/04
Victims' Memorial Award	MSP	08/04
Work Excellence	JCCC	10/04
ICVC Trainer	JCCC	02/05
Certificate/Acknowledgment	JCCC	02/05
ICTC	JCCC	09/05
ICTC Facilitator Training	JCCC	09/05
Work Excellence	JCCC	10/05
Work Excellence	JCCC	10/06
Hospice Training	JCCC	11/06
ICTC	JCCC	07/08
Grace For Living	JCCC	07/09
V.I.C. Training Seminar	JCCC	12/10
Restorative Justice Hours	JCCC	2000 to Present
Outstanding Performance Award	SCCC	08/16

James M. Hardy #164676  
SOCC  
255 West Highway 32  
Licking, MO 65542-9069

Matt Stewart, Chief of Police  
Joplin Police Dept.  
303 East 3rd  
Joplin, MO 64801

May 23, 2016

Dear Chief Stewart;

My name is James Hardy, reg. No. 164676, and I am currently incarcerated for a crime committed in Jasper County in 1987.

Recent Supreme Court rulings and law changes in Missouri have caused me to become parole eligible. If I am granted a parole release it is my immediate intention to meet with the Sheriff of the community in which I reside. I would introduce myself, answer any questions of concern local law enforcement may have surrounding my residency and most importantly, find out how I can be of any service to law enforcement and the community.

I believe that working with the local police community can serve many purposes. I would lend whatever insight I could provide to help keep my neighborhood drug and crime free, serve in any capacity I was able to outreach to at-risk youth, and help with any community events/projects which needed my service.

By being beholden to local law enforcement I hope to place myself in a position of continued accountability, continuing to make amends through service.

I am completely willing to submit to drug testing, or search of vehicle and home at any time, day or night. In short, it is my desire to surround myself with responsible citizens to whom I would be entirely answerable.

I have enclosed a list of the programs I have attended, the training I have received, as well as a printout of the Restorative Justice (community service) hours I have accumulated during the past 18 years. As you will notice, I have logged hundreds of hours facilitating both Impact of Crime on Victims Classes, and Impact of Criminal Thinking Classes. These courses, coupled with the other programs give me a wealth of knowledge and experience I would gladly share to help reach at-risk youth, and to reduce the incidence of crime where I was able.

If you would be interested in meeting/working with me upon my potential release, and could utilize my skill set to aid the local law enforcement community, please contact me and let me know.

Thank you so much for your time and consideration. I am at your service.

Sincerely;



A-55

James M. Hardy #164676  
SOCC  
255 West Highway 32  
Licking, MO 65542-9069

Randee Kaiser, Sheriff  
Jasper County Police Dept.  
231 South Main  
Carthage, MO 64836

May 23, 2016

Dear Sheriff;

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Thank you so much for your time and consideration. I am at your service.

Sincerely;



A-56

James M. Hardy #164676  
SOCC  
255 West Highway 32  
Licking, MO 65542-9069

Kenneth Copeland, Sheriff  
Newton County Police Dept.  
208 West Coler  
Neosho, MO 64850

May 23, 2016

Dear Sheriff;

My name is James Hardy, reg. No. 164676, and I am currently incarcerated for a crime committed in Jasper County in 1987.

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Thank you so much for your time and consideration. I am at your service.

Sincerely;



A-57

## Section 2

Letters of Support

August 18, 2016

My name is Nancy Hardy and my son, James M. Hardy, is currently serving a sentence of life without parole for a charge of First Degree Murder in 1987 when he was 17 years old. In 1988 we asked him to take the plea bargain of life without parole to avoid going to trial and taking the chance of getting the death penalty. This was a very difficult time of our life knowing that he had committed the crime and dealing with our teenage son going to prison for the rest of his life. At the time we were not aware of any other options except the death penalty or life without parole.

Since the time he has been in prison he has turned his life around and has contributed his knowledge and talents to better himself and help other people, both in the prison system and victim's families. He has matured into a responsible young man during his almost 30 years of being incarcerated instead of the immature 17 year old when he committed the crime.

When you review his file you will see the many accomplishments he has made. He has served on a victim's impact panel to help families of victims, worked in the prison hospital taking care of inmates with cancer, worked in several office positions and has many certificates of classes that he has completed. I feel he has had a very good productive life during this time in helping other people and to better himself.

I know without a doubt that if he were able to get out of prison he would lead a very meaningful and productive life. He would have the support of his father and myself, together with his brother and sisters and all of his other family and friends. We would most definitely welcome our son home and help him in any way possible. I feel he could help other kids if given the opportunity to understand the importance of doing good with your life instead of making bad decisions. He made one that cannot be taken away, but given the opportunity, he could have a better life for himself.

We pray every day that he will be able to come home. I ask that when you review his file you keep an open mind and see the accomplishments he has made to become a better person. We will support him and help him in whatever way we can when he is able to come home. He has the desire in his heart to be a good person and to work hard at everything in life.

It is hard for me to put everything into words of how I feel. I just know that I would love to have my son come home. Please take everything into consideration the good he has done while incarcerated, that he would be able to carry out if released from prison. He is smart, talented, funny, a hard worker, caring and compassionate and would contribute to daily living if he were to be granted parole.

With all of this said, I hope and pray that you find it in your hearts to grant him parole. If you have any questions, please do not hesitate to contact me.

Thank you,

Nancy Hardy (417-629-6298 or 417-781-6994)

*Nancy Hardy*

June, 2016

To Whom It May Concern:

I am writing on behalf of my brother, James M. Hardy. I am his older sister and have watched Jimmy (that's what we call him) grow up. During his teenage years, especially his seventeenth year, he was rebellious, spending a lot of time out very late and doing drugs. He was not at all on a good path. He made some very bad choices and the WORST CHOICE he could ever make was to participate in taking the life of another. He was a just a kid....making bad choices that had the most devastating end. I will never understand how he could have done such a thing and I know in talking with Jimmy if there was ever anything he could undo, taking Steven's life would be undone! He regrets that day more than anything!

Unfortunately, what has happened cannot be undone. Knowing that bringing Steven back was impossible, Jimmy focused his life on helping others. He has spent his time in prison working tirelessly on ways to help rehabilitate people and I know one of his proudest accomplishments is the work he has done with the families of victims. He started a victim impact panel to help the families of victims. He did so much wonderfully positive work in this area. He has worked and worked on so many things to make a positive impact on others' lives. There is a very long list of positive things Jimmy has devoted his life in prison to. He did all of these things with the knowledge that he was serving a life in prison without parole sentence. This is a clear indication of his heart. He genuinely wants to better this world. I know if Jimmy were to be released from prison, he would continue to make a positive impact in this world.

I am sure that if you are reading this letter, that you also have access to the very long list of positive things that Jimmy has spent his time doing. He is a different person than the 17 year old boy that made the worst mistake of his life. He will do all he can do to work on helping others and changing the world in a positive way. I pray that you will carefully look at all the wonderful things that Jimmy has worked on and pursued in consideration of parole for him. If I can answer any questions or help in any way, please contact me.

Sincerely,

Paula Wolf  
417-437-4800

A-60



May 13th, 2016

To whom it may concern

My name is Gabriela Kauling Bisol Eilon, born in Brazil and living in Orlando, Florida now with my husband Danny and daughter Sarah.

I first came to the United States in 1994 to be an exchange student in Joplin, Missouri at the Hardy's residence.

The Hardy family literally became my second family, with all their principles and treating me as I was one of their own, made me feel special. Jimmy, by the time I was there, was already gone so I didn't have the pleasure to meet him in person. At that time there was no internet and I felt lonely because it was very expensive to talk to my family and friends back home. That was when I started talking to Jimmy by phone. I will never forget that and at the same time I could not believe that such a nice guy was in prison... Jimmy helped me so much, we spend so many hours on the phone and back then my English was terrible ( still need lots to learn) but he would always talk to me slowly and every single time he would share what he was going through and I would do the same thing. Jimmy became since than one of my best friends. It's been almost 22 years that I know him now, and our friendship grows everyday. Sometimes we don't talk for awhile, but the next time we talk it seems I just spoke to him. That is what friendship is in my opinion.

I was not living in Joplin when Jimmy got locked up but I know everyone one makes mistakes, specially teenagers, that think they are the king of the world and that they are always right. Lots and lots of years passed by and I truly believe my great friend/brother deserves a second chance. He paid for his actions already and now is the time that he can prove to the society how good of a person he is in his heart. I can say from my own experience when I had no one friends and he became my friend. With little behaviors like that he proves to me that he is a good person. I remember having no one to talk to, and I always could talk to him. From the bottom of my heart, I know people make mistakes, as I said earlier, but it's time for Jimmy to have a second chance and I know he is not just gonna be good but better than we all can expect.

I really appreciate you taking your time to read my letter, and if there is anything I can do to help Jimmy, please let me know. My number is (407) 668-1700 and email: gabbykb@gmail.com.

Sincerely,

Gabby Eilon



A-61

May 4, 2016

Re: Mr. James M. Hardy DOC ID #164676

To Whom It May Concern:

Please accept this letter of approbation for offender, Mr. James Hardy.

My name is Jane Schaeperkoetter. I have been a VIC for the last 10 years. I am a retired secondary math teacher and continue to teach in the all-volunteer GED program at the Jefferson City Correctional Center in Jefferson City, MO. I have served under two IAC supervisors – Mr. Marvin Cundiff (until 2011), and Mr. Daniel Krachey (presently). In addition to my duties in the regular general population GED classroom, I also was involved with the start-up and 3 ½-year maintenance of a PCU GED program. From December 2008 until May 2012 when this program was terminated, I worked as the sole teacher for this program along with the assistance of a PC tutor. Most of the PC students' work was done via in-cell assignment sheets. I personally met with these students and their tutor one day a week for review and testing purposes.

During this period of time, Mr. James Hardy had been hired as clerk to the IAC and was assigned to assist me with the week-to-week organization and implementation of this PCU GED program. I worked closely with him on a weekly basis for approximately 2 years. During this time his assigned duties were: preparing computerized weekly assignment sheets, continued updating of files on PC student progress and generally, any other classroom managerial assistance that I needed for this specific PC class. All of these jobs were in addition to his normal work load assigned to him by the IAC in charge. I was aware that he also assisted in the computer work necessary to meet the needs of the implementation of the regular GED program that fell under the auspices of the IAC office.

In another regard, I attended VIC training sessions that included inmate panel presentations, some in which James Hardy was a participant.

There are many things about Mr. Hardy and his competencies that I am pleased to address within this letter. Mr. Hardy was extremely proficient in his job as the IAC clerk. From week to week, I knew I could count on him to faithfully carry out his responsibilities to have needed computer work requisites to me in a timely fashion. He saved me hours and hours of work during the two years that he assisted me. Rarely, if ever, was there a mistake in the assignment sheets. His efforts helped keep that program running as it needed to be run. Many times he offered much-welcomed suggestions to me of how best to format various educational forms and files for the office. He was very organized and extremely competent in his work. His presence and work ethic was very much appreciated, not only by myself, but by everyone else working in the IAC office during that time. Besides his job performance, I must tell you that Mr. Hardy exhibited a very professional attitude when I worked with him. He had a positive and humorous personality and was always quite respectful with regard to his position in the education office. It was a loss to our department when he left the JCCC facility.

A-62

Of all the in-house VIC yearly training sessions, the most productive and effective ones were those that involved inmate presentations. I believe that I attended two of these during which Mr. Hardy had been a chosen participant. These sessions involved Q and A between the DOC's VIC's and the JCCC offenders with respect to any number of topics, most in regard to personal safety issues within the prison. These sessions always had an impact on me because I came to see prison life and my presence within those confines, from a completely different point of view. These participating chosen inmates gave us insights on how we were perceived and how we could best protect ourselves while we were volunteering in their world. In this capacity, Mr. Hardy gave very genuine and helpful advice to those VIC's in attendance. In both honest and sensitive ways, he made us see how best to work within our individual ministries and/or volunteer positions in a prison setting. As a member of this panel, he conveyed a very mature and insightful awareness that he could contribute something of value and expediency to those of us who needed to hear his attestations.

Please consider my words regarding Mr. James Hardy to bear witness to how I experienced his attitude, personality and work ethic during the two years that I knew and worked with him at JCCC. He seemed to me to be a model worker in our office and a real role model for his fellow inmates.

I am hopeful that your board will strongly consider my testimony to what I see as Mr. Hardy's rehabilitative growth in maturity, dependability and integrity. It seems to me that he has focused on becoming an honorable person in a less than favorable environment.

Thank you,

*Mrs. Jane Schaeperkoetter*

Mrs. Jane Schaeperkoetter  
(JCCC VIC GED Teacher)  
320 Nishodse Bluff  
Jefferson City, MO 65101

Date 4/19/2015

To whom it may concern

Honorable members of the parole board.

My name is Daniel Eilon I am 37 years old I own an import/export company and I live in Orlando, Florida. First of all I want to thank you for the time you are dedicating to convict Jimmy Hardy's parole.

My relationship with Jimmy became through my wife Gabriela Eilon. She was an exchange student in the Hardy's family as a teenager. The Hardy family is an "A" grade family with values and respect, personally for me they are a role model that I respect and will follow to lead my family in their path.

The truth is that I'm not aware of the small details of the "event" that got Jimmy incarcerated as you have in front of you, but I believe that everybody deserve a second chance, we were all in the teen age at some point and as we know there are a lot of things that can easy influence/pursue a teen to not do the right things. What Jimmy have done has no excuse and the hurt he caused will never be overcome to the victim family but I believe that Jimmy is really truly a changed man and that he can do much more good in the outside than in the inside.

The Hardy family is well structured, I am sure they have all the needs to support Jimmy and lead him in the right path.

I have been in contact with Jimmy and I have learned that he is a really simple guy that follows his heart. I would be more than happy to assist in every way I can to anything that may lead to Jimmy's release. I would love to see his family smiling back again after all the suffer they have been through. My phone number is 407 557 6050 and my email address is [danielon123@hotmail.com](mailto:danielon123@hotmail.com). Once again whatever your respectful decision may be I value your work that makes people like me feel safe and the time you dedicate for reading this letter.

Sincerely,

Daniel Eilon

A handwritten signature in black ink, appearing to be 'Daniel Eilon', with a stylized, flowing script.

A-64

**Marvin A Singleton**  
Retired Rancher, Physician,  
State Senator

PO Box 9268  
Fayetteville, Arkansas  
72703  
479-445-6427  
417-850-8882  
DoctorSingleton@yahoo.com  
SenatorSingleton@gmail.com



**To Whom It May Concern:**

**I would like to submit this letter in support of the Petition by James Michael Hardy, a Missouri Inmate.**

**I have known the family and of the petitioner for 30 years. His parents are not only business associates but also personal friends. This was not only during the 13 years that I represented McDonald, Newton, Jasper, Barton and Dade counties in the Missouri Senate, but including before and after this period. I have nothing but the highest regard for the family and all of the children.**

**I am aware of the extensive and sincere rehabilitation of the petitioner including completion of many classes, participation in many group activities and assistance with other inmates. I believe he has shown compassion and giving while helping with the Hospice Service. He has developed his artistic outlet and helps others. I would not hesitate to recommend Compassion and Clemency for this young man and believe he would be an asset to his community and State having learn lessons so hard but committed to helping others.**

**Sincerely,**

A handwritten signature in cursive script, appearing to read "Marvin A. Singleton".

**Hon. Marvin A Singleton, M.D.  
Former State Senator-MO32**

**March 29, 2016**

Florianópolis, Brazil 03\29\2016

To whom it may concern:

I hope these humble words can be usefull to those who have the power to decide about the future of Jim Hardy.

My name is Gilberto Kauling Bisol, I am an Orthodontist, 39 years old, married and father of 2 boys. I live in the southern part of Brazil. Unfortunately, I never had the chance to meet Jim personally. However, my sister, Gabriela Kauling Bisol Eilon, lived with the Hardy's as an exchange student, back in 1994. That's how I got to meet them very well.

During the entire period of time that my sister spent with the Hardy's family, which was about one full year, Jim's actions spoke for themselves. Gabriela always mentioned his phone calls and letters as an attempt to make her feel right at home, when she needed it the most. I believe these simple things show he is a man of good character, who is kind enough to worry about the others. I do know the Hardy's very well, and I don't believe Jim is any different from his family in that matter.

I'm fully aware he's made mistakes in the past, that is a fact. But I also understand Jim has already paid a high price for it. I think he deserves to have his life back. I think his family deserves to have him back, for they have also paid a high price for his debts. And I say that as a father.

I really appreciate the opportunity to give my opinion and the time spent to read this simple letter. It is very important to me to do anything whithin my reach to help Jim and the Hardy's family. If it becomes necessary, for any reason whatsoever, to get in touch with me for additional information, please do it so by accessing my e-mail adress, as it follows:

Sincerely,



Dr. Gilberto Kauling Bisol

March 23, 2016

To Whom it May Concern:

I am writing on behalf of my brother, James M. Hardy (Jimmy). I know that Jimmy committed a heinous crime. I know that a 17 year old child committed that crime. Jimmy was on drugs and making bad choices. And like most teenagers, he thought he knew best. If whomever is reading this has ever had a teenager, you understand clearly how a teenager can be. It is a hard thing to get them to adult hood and pray they have learned enough to get by.

I want to tell you this. Jimmy is not the 17 year old child that entered prison. Jimmy has grown into a wonderful man. Jimmy did not choose to continue to live the same way. Instead, he rose above all of the bad. He started a victim impact panel to help families of victims. He served the prison and families in this way for years. Jimmy had jobs in office settings so that he could try to better himself and help others. Jimmy tutored other prisoners to help them get their GED. Jimmy has contributed beautiful artwork to the prison.

I feel certain, beyond doubt, that if Jimmy is released from prison today, he would become a successful tax paying citizen. Jimmy has a large family that would most certainly welcome him to live with any of them as he built a life and saved the money to buy a home or rent an apartment. He would have support both monetarily but most importantly – emotionally.

You see, a 17 year old child did a horrible thing that cannot be undone. But a 46 year old, James M. Hardy, has worked for nearly 30 years to try and rebuild himself into something and someone good. Jimmy takes great pride in his accomplishments, as he should. And I think it is worth noting that Jimmy did all of those things to become better and help others. At the time of him doing all of his charitable work, the chance of parole was not an option. He wasn't doing charitable work to get something in return. Jimmy was doing it to become better and help others.

I cannot imagine the weight of the decision a parole board has. And while I have known Jimmy my entire life, you do not know him at all. You see a murderer. And I understand that. And that 17 year old child did in fact commit a murder that he cannot undo. But Jimmy – a 46 year old man, is not a murderer. He is a hard worker. He is smart. He has support. He is not a criminal. He is a brother and a son. He is a father and a grandfather.

I feel certain that James M. Hardy would come home and work hard and be an upstanding citizen. It is so hard to put into words what I already know. I feel so much needs said. I feel responsible for my words to help your decision. And I don't know if I have the words to show you my certainty.

I can tell you that I readily invite you to spend time with me or my family; to listen to stories of Jimmy. To see the support system he has.

Please contact me if I can be of any help or answer questions.

Lisa Chapman  
417-850-7107

A-68



To Whom It May Concern,

I had the privilege of working with James Hardy for two years starting in 2010 until May 2012. He was the clerk for the Institutional Activities Coordinator and I was the secretary for that office. James had many duties as the clerk and he did an excellent job. He ever came up with new ways of performing those duties which were more efficient. Another outstanding job he did for our office was facilitate our volunteer training. He provided our volunteers with knowledge on how to interact with offenders and possible scenarios that could happen.

There is no doubt in my mind that he should be released and made a contributing member of our society. James was a total asset to our office and I know that he will have no problem adjusting and becoming a positive influence for those around him. All you need is to talk to him and spend time around him to know this to be true.

Thank you for your time,  
Jennifer Hopkins

Jefferson City Correctional Center  
Complex One

April 28, 2011

To: James Hardy #164676

From: Matthew Klumper, CST  
Re: Letter of Appreciation

Dear Mr. Hardy;

I'm taking this opportunity to thank you for your exemplary service during the recent Incentive Meal Food Project, of February 2011. Your attention to detail, the sacrifice of your time and your ability to turn a chaotic situation into an ordered, workable event did not go unnoticed.

Your work is appreciated; and, again, thank you for your spirit of teamwork, altruism, and for your professional attitude.

Sincerely,

  
Matt Klumper, CST

FROM THE DESK OF MATT KLUMPER, CST





Restorative Justice Office  
JCCC  
Memorandum  
October 5, 2007

To: Whom It May Concern:

From: *Tanya Kempker*  
Tanya Kempker, IRJC

RE: James Hardy #164676

James Hardy has been involved with Restorative Justice since its inception in Mo. Doc., and at JCCC since 3/4/02. He has accumulated 2543 hours of reparative activities.



**Restorative Justice Office  
Page Nichols, PLPC, IRJC  
June 22, 2005**

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**To Whom It May Concern:**

I am writing this letter to serve as a witness of character for one James Hardy #164676 in regards to his request for a reduction of sentence. I hold the position of Restorative Justice Coordinator at the Jefferson City Correctional Center and have had the opportunity to work with Mr. Hardy. I have a provisional license with the state of Missouri as I am working toward being a Licensed Professional Counselor and have spoke with Mr. Hardy on a therapeutic level several times. I feel confident that I can serve as a reference for James Hardy in the realm of work ethic as well as rehabilitation.

James and I have spoke of several occasions about the devastation he caused for many people in making the decision to take a life. James is aware of the irreversible damage he caused for the victim, victims family, himself, and his own family. He is remorseful and has taken many steps toward doing what he can to give back to the people and the community he has taken so much from.

James is aware that it is impossible to reverse the act of murder however; he has been working diligently since 1998 to ensure that he takes no more victims and has begun serving as a teacher and role model to other offenders. James has completed several programs including the Intensive Therapeutic Community, Impact of Crime on Victims Class, Restorative Justice reparative activities, Anger Management, Alternatives to Violence, Substance Abuse education classes, and Criminal Thinking. Mr. Hardy currently serves as an Inmate Facilitator for Restorative Justice and served as an Inmate Facilitator for the Intensive Substance Abuse Education class. James has been on the committee for the Special Olympics, Restorative Justice Committee, and is a Housing Unit Offender Representative to coordinate peaceful interventions between staff and offenders. Most impressively James Hardy served as a pioneer in implementing the first Victims Panel in Potosi Correctional Center to give victims a voice.

I have the opportunity to work along side James on a daily basis. Mr. Hardy has an excellent work ethic and has a passion for helping others. I have never witnessed James to have part in any negative activities in the work place or on the yard of the prison. This is impressive to me due to the fact that James has been raised in prison and by all rights should show signs of mental anguish and symptoms of being institutionalized. From a therapeutic level James Hardy has defeated the odds and I have no doubt that if awarded the opportunity to return to society he will be an asset to any community. James should be given the opportunity to serve as an example of the successfulness of Missouri Department of Corrections ability to rehabilitate.

A-72

As a counselor I follow standards set by the American Psychological Association and take much pride in the values I am held to. I do not often offer letters of character, as my standards are hard for most offenders to meet however; in the case of James Hardy I feel confident in my approbation.

If I may be of any further assistance in this situation or serve as a verbal witness please feel free to contact me at (573) 751-3224 ext. 1154.

Sincerely,

A handwritten signature in cursive script, appearing to read "Page Nichols PLPC, IRJC".

Page Nichols, PLPC, IRJC

Marvin A. Singleton, M.D.  
1637 W. Swain Road  
Stockton, CA 95207

June 12, 2005

Matt Blunt, Governor  
State Capitol  
Jefferson City, MO 65102

Dear Governor Blunt,

I would like to convey my support for an Executive Clemency for inmate James Michael Hardy. I understand that he has submitted a request for a commute from life without the possibility of parole to life.

I have known this inmate's parents since moving to Joplin both professionally and personally. The entire family is solid individuals. A teenager's momentary poor judgment has had a tremendous toll on everyone. I believe compassion is warranted at this time. I have supported his request for clemency since representing five counties in Southwest Missouri in the Missouri Senate. I am familiar with the case, trial, as they occurred in the counties I represented for over twelve years.

Thanking you in advance for your consideration,

With warmest personal regards,

Marvin Singleton

*Let me know if I can do anything more.  
M*

A-74



**Citizen's Advisory Board of Greater Kansas City**  
Providing a Direct Link between Community and Missouri Probation and Parole

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August 3, 2004

Mr. James Hardy  
Missouri State Penitentiary  
Jefferson City, Missouri

Dear Mr. Hardy:

Enclosed is a picture of the poster you drew for us, after it was matted and framed. The picture does not do justice to how wonderful it really looks, and we are very grateful to you for your work.

It has been placed in the reception area of the Probation and Parole office located at 1330 Brush Creek in Kansas City. Visitors, clients and staff appreciate it, and the message it imparts has great impact on everyone.

We cannot thank you enough for helping on this project. The response has been great, and you can very well feel proud of your role in getting the important message of "No More Victims" shared.

Very truly yours,

Bridgette Brooks  
President, Citizens' Advisory Board-  
Probation and Parole, Greater Kansas City area

Marvin Singleton, M.D.  
1637 W. Swain Road  
Stockton, CA 95307

209-951-7273

February 23, 2004

Denis Agniel, Chair  
Board of Probation and Parole  
1511 Christy  
Jefferson City, MO 65101

Dear Mr. Agniel,

I would like to ask that you and the Board consider a sentence of James Michael Hardy, #164676, and a resident in the Jefferson City Institution.

The crime, which he committed, certainly cannot be defended, however since 1987, I understand that he has become a model inmate. Going from a 17 year old to a 33 year old young man. I have personally known his family on a personal and professional level. They are very solid, moral citizens with a real tragedy that can never be changed. I believe his record for the most part shows a true effort to become a moral, educated, employable young man. At this point I cannot justify a Life without Parole sentence. I would support an effort to see that this conviction be given dispensation by the Governor to Life. I believe this would serve the crime, the individuals involved and society in general in a good light. Compassion with penalties.

Thanking you in advance for your considerations in this regard.

Sincerely,



Marvin A. Singleton, M.D.

Cc. Gary B. Kempker, Director  
MO Department of Corrections  
P.O. Box 236  
Jefferson City, MO 65102



February 2, 2004

Re: James Hardy 164676

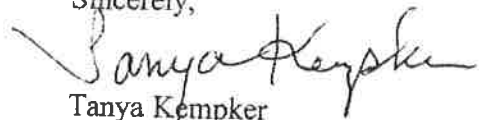
To Whom It May Concern:

I have had the opportunity to work with and get to know Mr. Hardy because of his involvement with restorative justice. Mr. Hardy works in the restorative justice office and is a facilitator for the, "Impact of Crime On Victims" classes. Mr. Hardy is clearly remorseful for his crime and is dedicated to never taking another victim.

Mr. Hardy is a very intelligent, creative and compassionate man who has grown up in prison. He was one of the first offenders in the Department of Corrections to become involved with the victim panels at the Potosi Correctional Center. He has remained committed to the practices and principals of restorative justice since his transfer to the Missouri State Penitentiary. Mr. Hardy is a role model for other offenders and an inspiration to the victims. It is not easy for an offender to live by the principles of restorative justice in prison but Mr. Hardy does so because he believes it is a small price to pay for the crime he committed.

I was a police officer for 4 years and have worked in corrections for the past 15 years. I have only written a letter of recommendation one other time for an offender although it has been requested of me many times. Mr. Hardy did not request this letter. I volunteered because I believe he is a person who has changed. I am so confident of this that I would be comfortable with him as a neighbor. I am convinced that he would never be a danger to society again and would be a productive and law abiding citizen.

Sincerely,



Tanya Kempker

Restorative Justice Coordinator - MSP

## Section 3

Certificates of Achievement

Restorative Justice and Reparative Activities

MISSOURI STATE PENITENTIARY  
GENERAL POPULATION  
SUBSTANCE ABUSE EDUCATION PROGRAM

AUGUST 5, 2003

TO: James Hardy  
FROM: Lisa J. Hayes, SAC III

RE: SOBER SUMMER GAMES

I just wanted to take this time to let you know how much the Substance Abuse Advisory Council appreciated the time you gave to helping us have another successfull Sober Summer Games Tournament. You volunteered your time to help officiate the games that provided fun and comradery to hundreds of offenders and for that, we are truly grateful.

Your continued support to our Organization and dedication to Recovery and it's goals do not go unnoticed. We just wanted to let you know that we are thankful for your help. I hope we can look for your continued support in October when we have our Red Ribbon Week Games.

cc:  
Class. file

Thank you so much  
for all your hard work  
during the games! You helped  
make it a success -  
LJH



# Intensive Therapeutic Community

Jefferson City Correctional Center, P.O. Box 900  
Jefferson City, MO 65102

August 27, 2002

## Successful Discharge

To Whom It May Concern:

This letter is to confirm that Inmate Hardy, James #164676 completed the Jefferson City Correctional Center one (1) year *Intensive Therapeutic Community* drug intervention program on May 24, 2002.

During the first six (6) months of this treatment Mr. Hardy criminality and addiction were intensely addressed with a series of classes, groups, one-on-one counseling sessions and peer confrontation. The second six (6) months were in the *ITC Winner's Circle Aftercare Unit*, where a continuum of classes based on relapse prevention were provided along with groups, one-on-one counseling and peer confrontation were conducted to further strengthen client's ability to maintain abstinence, cultivate coping skills, and re-frain from criminal thinking behaviors.

In addition, Mr. Hardy participated in Self-Esteem, Anger Management and Advanced Criminality and significant progress has been made in addressing these issues. Mr. Hardy was more than willing to serve the community in whatever capacity was asked of him.

Mr. Hardy responded well to the treatment methods utilized by staff and the I.T.C. Program. Mr. Hardy made the decision to remain living in the *Winner's Circle Aftercare Community* upon his graduation to serve as an "elder" by consistently role modeling proper behavior and recovery principles for the new comers. If Mr. Hardy continues to consistently role model pro-social behavior and recovery principles this will enable him to live a responsible drug free and crime free life style.

If additional information is needed regarding this resident, please feel free to contact me at 573-751-3224 ext. 162

Sincerely,

James Kimbro, CSACII

**BOB HOLDEN**  
Governor

**GARY B. KEMPKER**  
Director



2729 Plaza Drive  
P.O. Box 236  
Jefferson City, Missouri 65102  
Telephone: 573-751-2389  
Fax: 573-751-4099  
TDD Available

**State of Missouri**  
**DEPARTMENT OF CORRECTIONS**

*Ad Excelleum Conamur - "We Strive Towards Excellence"*

January 29, 2002

Mr. James Hardy #164676  
16-ITC-DO1P3-002  
Jefferson City Correctional Center  
P.O. Box 597  
Jefferson City, Mo. 65102

Dear Mr. Hardy:

On January 24, 2002, I sent the Mother of your victim a letter informing her of your letter of apology. On January 28, 2002, I received a request from Mrs. Horn to forward your letter to her.

Your letter of apology has been sent to Mrs. Horn and a copy placed in the Probation and Parole file.

If I may be of further assistance to you kindly contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Kay Crockett", is written over the typed name.

Kay Crockett  
Victim Service Coordinator

Cc: File

August 14, 2001

Dear Uncle Gary:

Sorry it has taken me so long to respond to your letter. I wanted to ask some members of POMC about first time offenders getting the flat 20 years. Unfortunately, I'm not alone in my opinion that anyone who commits murder whether it's the first time or the tenth time, they should get life without. The reasoning and justification behind this is that that this offender took someone's life and they are gone **forever**. It's so final. Once their life has been taken, you should have to give up yours for taking theirs. At least their families can visit them in jail. We have to go the cemetery to visit Denny and she doesn't even have a head stone.

I'm adamant about the way I feel on the subject. But, when I meet some of these guys at the prisons that I know are truly and sincerely remorseful, I feel so sad for them because I know if they could do it over again, the outcome would be very different. Some of them would readily give their life to bring back their victim. Unfortunately, that is not possible. One of the guys that I truly believe is remorseful from Potosi is James Hardy. Do you know him?

I am devastated by Denny's death and miss her terribly. I cannot imagine how I would feel if this happened to my child. I can only imagine that I would want the person dead and to die a brutal and painful death, which is what I wish for Larry.

I see what this has done to my mom and dad. I've never seen my dad or mom cry until this happened. When I look into their eyes, I see and feel PAIN. I never knew the pain of a heart ache was the worst pain in the world. Many people want to know why we're not all right. It's already been 4 years. Aren't we over it yet? Just because we don't wear a bandage over our heart, we're suppose to be o.k. But no one can truly see the pain of a broken heart. But we feel it every day.

I am sorry I didn't give you any good news. I wish I were able to feel differently, but I'm not. I feel like a hypocrite sometimes because I feel that you don't belong in prison for the rest of your life. I know what you're in there for but I also know that you're a good person.

Well, we're going on vacation to the Tennessee Smoky Mountains on August 18<sup>th</sup>. I have so many things to do to get ready so I better let you go for now.

Please keep in touch. I'm sending a picture of my girls. The big one is Zoe' and the little one is Paige. They are the apple of my eye.

Love,

*Sue*

Sue

Department of Corrections  
Potosi Correctional Center

\* \* STAFF-TO-CHIEF UNDER CORRESPONDENCE \* \*

DATE: May 31, 2001

TO: James Hardy #164676 HU: 5-A-38  
Darry Taylor #508227 HU: JCCC 5-A-333  
Tracy Jones #512932 HU: 5-B-28  
Patrick Ford #508975 HU: 6-A-04  
Randall Knese #990139 HU: 5-A-26  
David Ware #165270 HU: 5-B-20  
Ronald Clements #179852 HU: 5-B-12

FROM: *C. Carl*  
*for* Pat Smith, Supt. I

SUBJECT: LETTER FROM VICTIM PANEL MEMBER

Mata, from Parents of Murdered Children, asked that the enclosed letter be shared with you.

PS/cmc

c: File

Enclosure

Dear Friends,

Isn't it strange I feel in my heart I can call all of you my friends. My heart is overwhelmed with so many different emotions. Saturday night I could not sleep, all of your faces bombarded me over and over. I can't begin to explain what took place, but I am glad it happened. As I stood in that room and looked into all of your faces, I saw the pain and sorrow that has brought us together. You all have touched my heart, and the sorrow I feel is for the instant you made that terrible decision that brought you to where you are today. I cannot forgive you, <sup>But</sup> I know in my heart you are sorry for what you have done. I also want to tell you how courageous you all were to wear our "Victims Rights" ribbons. We are supposed to be on opposite sides, but it hasn't turned out that way. You all will remain in my heart forever and in my prayers also. The program must be working, or we all wouldn't feel the way we do.

Mata  
Parents of Murdered Children



APRIL 22-28 2001

NATIONAL  
CRIME  
VICTIMS'  
RIGHTS  
WEEK

REACH FOR THE STARS

POTOSI CORRECTIONAL CENTER  
STAFF TO OFFENDER CORRESPONDENCE

DATE: April 18, 2001

TO: THOSE INDICATED

FROM: *Brenda K. Ross*  
BRENDA K. ROSS, LITIGATIONS COORDINATOR

SUBJECT: VICTIMS' RIGHTS WEEK RIBBONS

Ms. Mata Weber, President of the St. Louis Chapter of Parents of Murdered Children, has arranged for a small number of Victims' Rights Ribbons to be sent to PCC. I would like to offer them to you on a first come, first served basis. Those who attended the follow-up session on March 24, 2001, will receive first consideration:

Mark Still, 515072

Christopher Santillan, #535405

Patrick Ford, #508975

Ronald Clements, #179852

James Hardy, #164676

Michael Silas, #186769

Tracy Jones, #512932

Michael Lester, #1005060

Jerry Tracy, #511819

Allen Price, #29222

Ricky Kidd, #528343

Please let me know ASAP if you want one to wear during the week of April 22-28.

Anyone else who has completed the ICVC program and would like a ribbon acknowledging Victims' Rights Week, please contact me, and I'll send them out until we run out.

Mark Ball, #167655

Donald Jones, #990110

Julius Nickerson, #171713

McKinley Robinson, #34076

Darry Taylor, #508227

Danny Wolfe, #32078

Jason Carr, #48871

Randall Knese, #990139

Clifton Powell, #163798

Christopher Simmons, #990111

Ronnie Walker, #45051

Anthony Wooten, #516568

Larry Emerson, #40466

Keith Linhardt, #260672

Richard Roe, #177524

David Ware, #165270

Pat Smith, FYI

POTOSI CORRECTIONAL CENTER  
STAFF TO OFFENDER CORRESPONDENCE

DATE: April 13, 2001

TO: THOSE INDICATED

*Brenda K. Ross*

FROM: BRENDA K. (GIBSON) ROSS, LITIGATIONS COORDINATOR

SUBJECT: ICVC FOLLOW UP SESSION

I've been out of the office for awhile, but I wanted to follow up with everyone involved in the session on March 24, 2001. I got some information from each of you prior to the session, but I'd like to find out what your reactions were after the fact. On a personal note, I'd like to offer my congratulations to each of you on how well you handled yourselves.


So, if you would, please take a couple of moments to complete the attached evaluation. And please feel free to be open and honest; if there's something we need to know about the program, please tell us.

Department of Corrections  
Potosi Correctional Center

\* \* STAFF-TO-OFFENDER CORRESPONDENCE \* \*

DATE: March 7, 2001

TO: James Hardy #164676 HU: 5A-35  
Darry Taylor #508227 HU: 6A-42

  
FROM: Pat Smith, Asst. Supt. I

SUBJECT: ICVC Visitors

I would like to thank you for your willingness to meet with the staff from Marion, Illinois, on 3/3/01 to discuss the ICVC program and the Impact Panel. Your attitudes and honesty were appreciated and they reflected positively on the program and PCC.

PS/cmc

c: Brenda K. Gibson, ICVC Coordinator (for file)  
File

Department of Corrections  
Potosi Correctional Center

\* \* STAFF-TO-OFFENDER CORRESPONDENCE \* \*

DATE: March 1, 2001

TO: James Hardy #164676 HU: 5-A-38  
Darry Taylor ##508227 HU: 6-A-42

FROM: *For Charles R. Dwyer*  
Pat Smith, Asst. Supt. I

SUBJECT: Meeting on Saturday 3/3/01

Please be advised that you are requested to report to the Education Building on Saturday, March 3, 2001, at 12:00 noon to meet with visitors from an Illinois Federal Prison prior to the ICVC Victim's Panel.

/cmc

c: Brenda K. Gibson, ICVC Coordinator  
Brenda D. Gibson, ICVC Facilitator  
Jim Reed, ICVC Facilitator  
Ian Wallace, ICVC Facilitator  
Housing Unit 5 Control Bubble Staff - 2nd shift  
Housing Unit 6 Control Bubble Staff - 2nd shift  
Education Officer's Desk  
Shift Commander  
File

Department of Corrections  
Potosi Correctional Center

\* M E M O R A N D U M \*

DATE: August 14, 2000

TO: JAMES HARDY, #164676 5A-38  
DARRY TAYLOR, #508227 6A-07  
DAVID WARE, #165270 5B-20  
DANNY WOLFE, #32078 5B-08

*Brenda K. Gibson*

FROM: BRENDA K. GIBSON, LITIGATIONS COORDINATOR

SUBJECT: LETTER OF APPRECIATION

I just wanted to take a minute to say thank you for your assistance on Saturday. The two ladies who toured the institution and spoke with the four of you have indicated that they do want to participate in the Impact of Crime on Victim Classes. I believe that their decisions were, in a large part, directly due to their conversations with you.

I would also like to share with you a statement that Mr. Phillips made on his way out. He told me that he believed that the opportunity to meet with offenders prior to becoming involved with the program was of the utmost importance. He went on to say that he had come into the institution with some preconceived and negative ideas about the offenders who would be there. After speaking with the four of you, those preconceived notions were gone.

So, again, thank you. I think that we are steadily moving towards what we all want the program to be, with a good base of guest speakers and facilitators, and a great deal of interest from the offenders. Your contributions have been invaluable in getting the program off the ground, both in recruiting offenders, and guest speakers.

cc: Offender Files  
Pat Smith

KU032A-OPN  
ime - 14:01:59

Missouri Department of Corrections  
BOARD OF PROBATION AND PAROLE

Page - 1  
Date - 1/27/17

OC ID: 191078 Cycle: 19930305  
OC Name: COLLIER, JOHNATHAN L 40-259

Institution/Housing Unit SCCC/004  
Minimum Mandatory Release Date N/A

RECEIVED  
JAN 30 2017  
SCCC Parole Office

RELATING TO RELEASE CONSIDERATION

- ☐ 1. You have been scheduled for a parole hearing .
- ☐ 2. At your request, your case has been closed to further parole consideration.
- ☒ 3. You have been given parole consideration in a parole hearing 12/19/2016. You will be scheduled for a reconsideration hearing 12/00/2021.
- ☐ 4. You have been scheduled for release from confinement on .

Actual release depends upon continued record of good conduct and an acceptable release plan. The release decision is:

☐ Guideline ☐ Below Guideline ☐ Above Guideline

Special Conditions of release are:

Strategy Stipulation Date:

- ☐ 5. Your previously set release date has been cancelled.
- ☐ 6. Your conditional release date has been extended to .
- ☐ 7. The Board has reviewed your appeal. It is the decision of the Board to your appeal.
- ☐ 8. You have been scheduled for a Conditional Release Extension hearing on .

e reasons for the action taken are:

THIS DECISION IS NOT SUBJECT TO APPEAL.

lease at this time would depreciate the seriousness of the present offense  
sed on:

- A)Circumstances surrounding the present offense.  
B)Community opposition.

ere does not appear to be a reasonable probability at this time that the  
fender would live and remain at liberty without again violating the law  
sed on:

- A)Poor institutional adjustment.

EXHIBIT

4

A-90



DOC ID: 191128 Cycle: 19930308  
DOC Name: MINKS, JASON E

Institution/Housing Unit ERDCC/001

Minimum Mandatory Release Date N/A

RELATING TO RELEASE CONSIDERATION

- ☐ 1. You have been scheduled for a parole hearing .
- ☐ 2. At your request, your case has been closed to further parole consideration.
- ☒ 3. You have been given parole consideration in a parole hearing 01/24/2017. You will be scheduled for a reconsideration hearing 01/00/2022.
- ☐ 4. You have been scheduled for release from confinement on .

Actual release depends upon continued record of good conduct and an acceptable release plan. The release decision is:

☐ Guideline ☐ Below Guideline ☐ Above Guideline

Special Conditions of release are:

Strategy Stipulation Date:

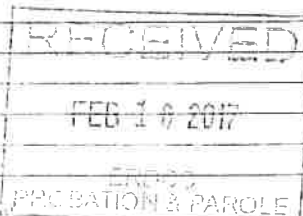
- ☐ 5. Your previously set release date has been cancelled.
- ☐ 6. Your conditional release date has been extended to .
- ☐ 7. The Board has reviewed your appeal. It is the decision of the Board to your appeal.
- ☐ 8. You have been scheduled for a Conditional Release Extension hearing on .

The reasons for the action taken are:

\*THIS DECISION IS NOT SUBJECT TO APPEAL.

Release at this time would depreciate the seriousness of the present offense based on:

- A. Circumstances surrounding the present offense.
- B. Use of a weapon.





AKU032A--OPN  
Time - 12:44:23

Missouri Department of Corrections  
BOARD OF PROBATION AND PAROLE

Page - 1  
Date - 2/28/17

DOC ID: 177760 Cycle: 19910116  
DOC Name: WEDLOW, TINO R

Institution/Housing Unit CRCC/004

Minimum Mandatory Release Date N/A

INMATE COPY

RELATING TO RELEASE CONSIDERATION

- ☐ 1. You have been scheduled for a parole hearing .
- ☐ 2. At your request, your case has been closed to further parole consideration.
- ☒ 3. You have been given parole consideration in a parole hearing 02/07/2017. You will be scheduled for a reconsideration hearing 02/00/2022.
- ☐ 4. You have been scheduled for release from confinement on .

Actual release depends upon continued record of good conduct and an acceptable release plan. The release decision is:

☐ Guideline ☐ Below Guideline ☐ Above Guideline

Special Conditions of release are:

Strategy Stipulation Date:

- ☐ 5. Your previously set release date has been cancelled.
- ☐ 6. Your conditional release date has been extended to .
- ☐ 7. The Board has reviewed your appeal. It is the decision of the Board to your appeal.
- ☐ 8. You have been scheduled for a Conditional Release Extension hearing on .

The reasons for the action taken are:

\*\*THIS DECISION IS NOT SUBJECT TO APPEAL.

Release at this time would depreciate the seriousness of the present offense based on:

A. Circumstances surrounding the present offense.

There does not appear to be a reasonable probability at this time that the offender would live and remain at liberty without again violating the law based on:

A. Poor institutional adjustment.

AKU032A-OPN  
Time - 8:38:48

Missouri Department of Correction  
BOARD OF PROBATION AND PAROLE

Page - 1  
Date - 1/23/17

DOC ID: 169637 Cycle: 19890626  
DOC Name: MCELROY, RALPH

Institution/Housing Unit ERDCC/003 C 201

Minimum Mandatory Release Date N/A

RELATING TO RELEASE CONSIDERATION

- ☐ 1. You have been scheduled for a parole hearing .
- ☐ 2. At your request, your case has been closed to further parole consideration.
- ☒ 3. You have been given parole consideration in a parole hearing 12/13/2016. You will be scheduled for a reconsideration hearing 12/00/2021.
- ☐ 4. You have been scheduled for release from confinement on .

Actual release depends upon continued record of good conduct and an acceptable release plan. The release decision is:

☐ Guideline ☐ Below Guideline ☐ Above Guideline

Special Conditions of release are:

Strategy Stipulation Date:

- ☐ 5. Your previously set release date has been cancelled.
- ☐ 6. Your conditional release date has been extended to .
- ☐ 7. The Board has reviewed your appeal. It is the decision of the Board to your appeal.
- ☐ 8. You have been scheduled for a Conditional Release Extension hearing on .

The reasons for the action taken are:

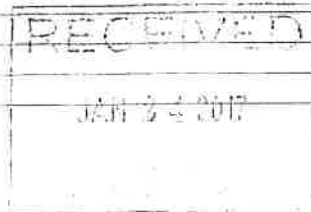
\*THIS DECISION IS NOT SUBJECT TO APPEAL.

Release at this time would depreciate the seriousness of the present offense based on:

A. Circumstances surrounding the present offense.

There does not appear to be a reasonable probability at this time that you would live and remain at liberty without again violating the law based on:

A. Poor institutional adjustment.



A-94

Time 8:38:48

BOARD OF PROBATION AND PAROLE

Date 1/23/17

DOC ID: 169637 Cycle: 19890626  
DOC Name: MCELROY, RALPH

Institution/Housing Unit ERDCC/003 C 201

Minimum Mandatory Release Date N/A

RELATING TO RELEASE CONSIDERATION

1. You have been scheduled for a parole hearing .
2. At your request, your case has been closed to further parole consideration.
3. You have been given parole consideration in a parole hearing 12/13/2016. You will be scheduled for a reconsideration hearing 12/00/2021.
4. You have been scheduled for release from confinement on .

Actual release depends upon continued record of good conduct and an acceptable release plan. The release decision is:

Guideline Below Guideline Above Guideline

Special Conditions of release are:

Strategy Stipulation Date:

5. Your previously set release date has been cancelled.
6. Your conditional release date has been extended to .
7. The Board has reviewed your appeal. It is the decision of the Board to your appeal.
8. You have been scheduled for a Conditional Release Extension hearing on .

he reasons for the action taken are:

\*THIS DECISION IS NOT SUBJECT TO APPEAL.

Release at this time would depreciate the seriousness of the present offense based on:

A. Circumstances surrounding the present offense.

There does not appear to be a reasonable probability at this time that you would live and remain at liberty without again violating the law based on:

A. Poor institutional adjustment.

RECEIVED

JAN 24 2017

AKU032A-OPN  
Time - 7:56:54

Missouri Department of Corrections  
BOARD OF PROBATION AND PAROLE

Page - 1  
Date - 4/11/17

DOC ID: 171590 Cycle: 19891121  
DOC Name: ROBERTS, SIDNEY JR

4D-208

Institution/Housing Unit JCCC/004  
Minimum Mandatory Release Date N/A

RELATING TO RELEASE CONSIDERATION

- ☐ 1. You have been scheduled for a parole hearing .
- ☐ 2. At your request, your case has been closed to further parole consideration.
- ☒ 3. You have been given parole consideration in a parole hearing 03/09/2017. You will be scheduled for a reconsideration hearing 03/00/2021.
- ☐ 4. You have been scheduled for release from confinement on .

Actual release depends upon continued record of good conduct and an acceptable release plan. The release decision is:

☐ Guideline ☐ Below Guideline ☐ Above Guideline

Special Conditions of release are:

Strategy Stipulation Date:

- ☐ 5. Your previously set release date has been cancelled.
- ☐ 6. Your conditional release date has been extended to .
- ☐ 7. The Board has reviewed your appeal. It is the decision of the Board to your appeal.
- ☐ 8. You have been scheduled for a Conditional Release Extension hearing on .

The reasons for the action taken are:

\*\*THIS DECISION IS NOT SUBJECT TO APPEAL.

\*Release at this time would depreciate the seriousness of the present offense based on:

A. Circumstances surrounding the present offense.

AKU032A-OPN  
Time - 13:08:48

Missouri Department of Corrections  
BOARD OF PROBATION AND PAROLE

Page - 1  
Date - 03/30/17

DOC ID: 165253 Cycle: 19880712  
DOC Name: ROLAND, THERON R II

Institution/Housing Unit CRCC/003B 134B

Minimum Mandatory Release Date N/A

RELATING TO RELEASE CONSIDERATION

- ☐ 1. You have been scheduled for a parole hearing .
- ☐ 2. At your request, your case has been closed to further parole consideration.
- ☒ 3. You have been given parole consideration in a parole hearing 01/03/2017. You will be scheduled for a reconsideration hearing 01/00/2022.
- ☐ 4. You have been scheduled for release from confinement on .

Actual release depends upon continued record of good conduct and an acceptable release plan. The release decision is:

☐ Guideline ☐ Below Guideline ☐ Above Guideline

Special Conditions of release are:

Strategy Stipulation Date:

- ☐ 5. Your previously set release date has been cancelled.
- ☐ 6. Your conditional release date has been extended to .
- ☐ 7. The Board has reviewed your appeal. It is the decision of the Board to your appeal.
- ☐ 8. You have been scheduled for a Conditional Release Extension hearing on .

The reasons for the action taken are:

\*\*THIS DECISION IS NOT SUBJECT TO APPEAL.

Release at this time would depreciate the seriousness of the present offense based upon:

A. Circumstances Surrounding the Present Offense

Time - 13:46:44

BOARD OF PROBATION AND PAROLE

Page - 3/27/17

DOC ID: 164545 Cycle: 19880517  
DOC Name: BRADSHAW, KEVIN C

Hu 6A-47  
Pentec - MEDICAL

Institution/Housing Unit PCC/006

Minimum Mandatory Release Date N/A

RELATING TO RELEASE CONSIDERATION

- ☐ 1. You have been scheduled for a parole hearing .
- ☐ 2. At your request, your case has been closed to further parole consideration.
- ☒ 3. You have been given parole consideration in a parole hearing 03/01/2017. You will be scheduled for a reconsideration hearing 03/00/2021.
- ☐ 4. You have been scheduled for release from confinement on .

Actual release depends upon continued record of good conduct and an acceptable release plan. The release decision is:

☐ Guideline ☐ Below Guideline ☐ Above Guideline

Special Conditions of release are:

Strategy Stipulation Date:

- ☐ 5. Your previously set release date has been cancelled.
- ☐ 6. Your conditional release date has been extended to .
- ☐ 7. The Board has reviewed your appeal. It is the decision of the Board to your appeal.
- ☐ 8. You have been scheduled for a Conditional Release Extension hearing on .

The reasons for the action taken are:

**\*\*THIS DECISION IS NOT SUBJECT TO APPEAL.**

Release at this time would depreciate the seriousness of the present offense based on:

A) Circumstances surrounding the present offense.

AKU032A-OPN  
Time - 9:04:22

Missouri Department of Corrections  
BOARD OF PROBATION AND PAROLE

Page - 1  
Date - 2/10/17

DOC ID: 181041 Cycle: 19900214  
DOC Name: EDEN, WALTER

Institution/Housing Unit CRCC/003 **D-109B**

Minimum Mandatory Release Date N/A

RELATING TO RELEASE CONSIDERATION

- ☐ 1. You have been scheduled for a parole hearing .
- ☐ 2. At your request, your case has been closed to further parole consideration.
- ☒ 3. You have been given parole consideration in a parole hearing 01/03/2017. You will be scheduled for a reconsideration hearing 01/00/2022.
- ☐ 4. You have been scheduled for release from confinement on .

Actual release depends upon continued record of good conduct and an acceptable release plan. The release decision is:

☐ Guideline ☐ Below Guideline ☐ Above Guideline

Special Conditions of release are:

Strategy Stipulation Date:

- ☐ 5. Your previously set release date has been cancelled.
- ☐ 6. Your conditional release date has been extended to .
- ☐ 7. The Board has reviewed your appeal. It is the decision of the Board to your appeal.
- ☐ 8. You have been scheduled for a Conditional Release Extension hearing on .

The reasons for the action taken are:

\*\*THIS DECISION IS NOT SUBJECT TO APPEAL.

Release at this time would depreciate the seriousness of the present offense based on:

A: Circumstances surrounding the present offense.

There does not appear to be a reasonable probability at this time that you would live and remain at liberty without again violating the law based upon:

A: Poor institutional adjustment.

AKU032A-OPN  
Time - 14:03:34

Missouri Department of Corrections  
BOARD OF PROBATION AND PAROLE

Page - 1  
Date - 4/26/17

DOC ID: 164041 Cycle: 19880331  
DOC Name: WILSON, LIDDELL

Institution/Housing Unit ERDCC/003 C 114

APR 27 2017

Minimum Mandatory Release Date 06/01/2018

RELATING TO RELEASE CONSIDERATION

- ☐ 1. You have been scheduled for a parole hearing .
- ☐ 2. At your request, your case has been closed to further parole consideration.
- ☒ 3. You have been given parole consideration in a parole hearing 04/12/2017. You will be scheduled for a reconsideration hearing 04/00/2022.
- ☐ 4. You have been scheduled for release from confinement on .

Actual release depends upon continued record of good conduct and an acceptable release plan. The release decision is:

☐ Guideline ☐ Below Guideline ☐ Above Guideline

Special Conditions of release are:

Strategy Stipulation Date:

- ☐ 5. Your previously set release date has been cancelled.
- ☐ 6. Your conditional release date has been extended to .
- ☐ 7. The Board has reviewed your appeal. It is the decision of the Board to your appeal.
- ☐ 8. You have been scheduled for a Conditional Release Extension hearing on .

The reasons for the action taken are:

\*\*THIS DECISION IS NOT SUBJECT TO APPEAL.

Release at this time would depreciate the seriousness of the present offense based on:

- A. Circumstances surrounding the present offense.
- B. Use of a weapon.
- C. Community opposition.



AKU032A-OPN  
Time - 12:38:18

Missouri Department of Correction  
BOARD OF PROBATION AND PAROLE

Page - 1  
Date - 2/23/17

DOC ID: 182817 Cycle: 19911120  
DOC Name: RAMSEY, EDWARD L

Institution/Housing Unit CRCC/005

Minimum Mandatory Release Date N/A

RELATING TO RELEASE CONSIDERATION

- ☐ 1. You have been scheduled for a parole hearing .
- ☐ 2. At your request, your case has been closed to further parole consideration.
- ☐ 3. You have been given parole consideration in a parole hearing . You will be scheduled for a reconsideration hearing .
- ☒ 4. You have been scheduled for release from confinement on 12/06/2021.

Actual release depends upon continued record of good conduct and an acceptable release plan. The release decision is:

☐ Guideline ☐ Below Guideline ☐ Above Guideline

Special Conditions of release are:  
Anger Management, No Contact With Victims Family,  
No Drinking, Substance Abuse Program

Strategy Stipulation Date:

- ☐ 5. Your previously set release date has been cancelled.
- ☐ 6. Your conditional release date has been extended to .
- ☐ 7. The Board has reviewed your appeal. It is the decision of the Board to your appeal.
- ☐ 8. You have been scheduled for a Conditional Release Extension hearing on .

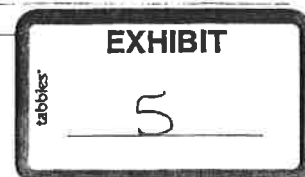
The reasons for the action taken are:

\*\*THIS DECISION 'S NOT SUBJECT TO APPEAL.

Release at this time would depreciate the seriousness of the present offense based upon:

- A. Circumstances surrounding the present offense  
B. Community opposition

A-101



SECOND REGULAR SESSION  
 [TRULY AGREED TO AND FINALLY PASSED]  
 HOUSE COMMITTEE SUBSTITUTE FOR  
 SENATE SUBSTITUTE NO. 2 FOR  
 SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 590

98TH GENERAL ASSEMBLY

2016

4323H.06T

## AN ACT

To repeal sections 565.020, 565.030, 565.032, and 565.040, RSMo, and to enact in lieu thereof seven new sections relating to crime, with penalty provisions, an emergency clause for certain sections, and an effective date for a certain section.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 565.020, 565.030, 565.032, and 565.040, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 558.047, 565.020, 565.030, 565.032, 565.033, 565.034, and 565.040, to read as follows:

558.047. 1. (1) Any person sentenced to a term of imprisonment for life without eligibility for parole before August 28, 2016, who was under eighteen years of age at the time of the commission of the offense or offenses, may submit to the parole board a petition for a review of his or her sentence, regardless of whether the case is final for purposes of appeal, after serving twenty-five years of incarceration on the sentence of life without parole.

(2) Any person found guilty of murder in the first degree who was sentenced on or after August 28, 2016, to a term of life imprisonment with eligibility for parole or a term of imprisonment of not less than thirty years and not to exceed forty years, who was under eighteen years of age at the time of the commission of the offense or

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

Case 2:17-cv-04082-NKL Document 1-2 Filed 05/18/17 Page 1 of 11

EXHIBIT

6

A-102

13 offenses may submit to the parole board a petition for a review of his  
14 or her sentence, regardless of whether the case is final for purposes of  
15 appeal, after serving twenty-five years of incarceration, and a  
16 subsequent petition after serving thirty-five years of incarceration.

17 2. A copy of the petition shall be served on the office of the  
18 prosecutor in the judicial circuit of original jurisdiction. The petition  
19 shall include the person's statement that he or she was under eighteen  
20 years of age at the time of the offense, is eligible to petition under this  
21 section, and requests that his or her sentence be reviewed.

22 3. If any of the information required in subsection 2 of  
23 this section is missing from the petition, or if proof of service on  
24 the prosecuting or circuit attorney is not provided, the parole board  
25 shall return the petition to the person and advise him or her that the  
26 matter cannot be considered without the missing information.

27 4. The parole board shall hold a hearing and determine if the  
28 defendant shall be granted parole. At such a hearing, the victim or  
29 victim's family members shall retain their rights under section 595.209.

30 5. In a parole review hearing under this section, the board shall  
31 consider, in addition to the factors listed in section 565.033:

32 (1) Efforts made toward rehabilitation since the offense or  
33 offenses occurred, including participation in educational, vocational,  
34 or other programs during incarceration, when available;

35 (2) The subsequent growth and increased maturity of the person  
36 since the offense or offenses occurred;

37 (3) Evidence that the person has accepted accountability for the  
38 offense or offenses, except in cases where the person has maintained  
39 his or her innocence;

40 (4) The person's institutional record during incarceration; and

41 (5) Whether the person remains the same risk to society as he or  
42 she did at the time of the initial sentencing.

565.020. 1. A person commits the [crime] offense of murder in the first  
2 degree if he or she knowingly causes the death of another person after  
3 deliberation upon the matter.

4 2. The offense of murder in the first degree is a class A felony, and, if  
5 a person is eighteen years of age or older at the time of the offense, the  
6 punishment shall be either death or imprisonment for life without eligibility for  
7 probation or parole, or release except by act of the governor[; except that,]. If a  
Case 2:17-cv-04082-NKL Document 1-2 Filed 05/18/17 Page 2 of 11

8 person has not reached his [sixteenth] or her **eighteenth** birthday at the time  
9 of the commission of the [crime] **offense**, the punishment shall be [imprisonment  
10 for life without eligibility for probation or parole, or release except by act of the  
11 governor] **as provided under section 565.033.**

565.030. 1. Where murder in the first degree is charged but not  
2 submitted or where the state waives the death penalty, the submission to the  
3 trier and all subsequent proceedings in the case shall proceed as in all other  
4 criminal cases [with a single stage trial in which guilt and punishment are  
5 submitted together].

6 2. Where murder in the first degree is submitted to the trier without a  
7 waiver of the death penalty, the trial shall proceed in two stages before the same  
8 trier. At the first stage the trier shall decide only whether the defendant is guilty  
9 or not guilty of any submitted offense. The issue of punishment shall not be  
10 submitted to the trier at the first stage. If an offense is charged other than  
11 murder in the first degree in a count together with a count of murder in the first  
12 degree, the trial judge shall assess punishment on any such offense according to  
13 law, after the defendant is found guilty of such offense and after he finds the  
14 defendant to be a prior offender pursuant to chapter 558.

15 3. If murder in the first degree is submitted and the death penalty was  
16 not waived but the trier finds the defendant guilty of a lesser homicide, a second  
17 stage of the trial shall proceed [at which the only issue shall be the punishment  
18 to be assessed and declared. No further evidence shall be received. If the trier  
19 is a jury it shall be instructed on the law] **as in all other criminal cases.** The  
20 attorneys may then argue as in other criminal cases the issue of punishment,  
21 after which the trier shall assess and declare the punishment as in all other  
22 criminal cases.

23 4. If the trier at the first stage of a trial where the death penalty was not  
24 waived finds the defendant guilty of murder in the first degree, a second stage of  
25 the trial shall proceed at which the only issue shall be the punishment to be  
26 assessed and declared. Evidence in aggravation and mitigation of punishment,  
27 including but not limited to evidence supporting any of the aggravating or  
28 mitigating circumstances listed in subsection 2 or 3 of section 565.032, may be  
29 presented subject to the rules of evidence at criminal trials. Such evidence may  
30 include, within the discretion of the court, evidence concerning the murder victim  
31 and the impact of the [crime] **offense** upon the family of the victim and  
32 others. Rebuttal and surrebuttal evidence may be presented. The state shall be

33 the first to proceed. If the trier is a jury it shall be instructed on the law. The  
34 attorneys may then argue the issue of punishment to the jury, and the state shall  
35 have the right to open and close the argument. The trier shall assess and declare  
36 the punishment at life imprisonment without eligibility for probation, parole, or  
37 release except by act of the governor:

38 (1) If the trier finds by a preponderance of the evidence that the  
39 defendant is intellectually disabled; or

40 (2) If the trier does not find beyond a reasonable doubt at least one of the  
41 statutory aggravating circumstances set out in subsection 2 of section 565.032;  
42 or

43 (3) If the trier concludes that there is evidence in mitigation of  
44 punishment, including but not limited to evidence supporting the statutory  
45 mitigating circumstances listed in subsection 3 of section 565.032, which is  
46 sufficient to outweigh the evidence in aggravation of punishment found by the  
47 trier; or

48 (4) If the trier decides under all of the circumstances not to assess and  
49 declare the punishment at death. If the trier is a jury it shall be so instructed.  
50 If the trier assesses and declares the punishment at death it shall, in its findings  
51 or verdict, set out in writing the aggravating circumstance or circumstances listed  
52 in subsection 2 of section 565.032 which it found beyond a reasonable doubt.  
53 If the trier is a jury it shall be instructed before the case is submitted that if it  
54 is unable to decide or agree upon the punishment the court shall assess and  
55 declare the punishment at life imprisonment without eligibility for probation,  
56 parole, or release except by act of the governor or death. The court shall follow  
57 the same procedure as set out in this section whenever it is required to determine  
58 punishment for murder in the first degree.

59 5. Upon written agreement of the parties and with leave of the court, the  
60 issue of the defendant's intellectual disability may be taken up by the court and  
61 decided prior to trial without prejudicing the defendant's right to have the issue  
62 submitted to the trier of fact as provided in subsection 4 of this section.

63 6. As used in this section, the terms "intellectual disability" or  
64 "intellectually disabled" refer to a condition involving substantial limitations in  
65 general functioning characterized by significantly subaverage intellectual  
66 functioning with continual extensive related deficits and limitations in two or  
67 more adaptive behaviors such as communication, self-care, home living, social  
68 skills, community use, self-direction, health and safety, functional academics,

69 leisure and work, which conditions are manifested and documented before  
70 eighteen years of age.

71 7. The provisions of this section shall only govern offenses committed on  
72 or after August 28, 2001.

565.032. 1. In all cases of murder in the first degree for which the death  
2 penalty is authorized, the judge in a jury-waived trial shall consider, or [he] shall  
3 include in his or her instructions to the jury for it to consider:

4 (1) Whether a statutory aggravating circumstance or circumstances  
5 enumerated in subsection 2 of this section is established by the evidence beyond  
6 a reasonable doubt; and

7 (2) If a statutory aggravating circumstance or circumstances is proven  
8 beyond a reasonable doubt, whether the evidence as a whole justifies a sentence  
9 of death or a sentence of life imprisonment without eligibility for probation,  
10 parole, or release except by act of the governor. In determining the issues  
11 enumerated in subdivisions (1) and (2) of this subsection, the trier shall consider  
12 all evidence which it finds to be in aggravation or mitigation of punishment,  
13 including evidence received during the first stage of the trial and evidence  
14 supporting any of the statutory aggravating or mitigating circumstances set out  
15 in subsections 2 and 3 of this section. If the trier is a jury, it shall not be  
16 instructed upon any specific evidence which may be in aggravation or mitigation  
17 of punishment, but shall be instructed that each juror shall consider any evidence  
18 which he or she considers to be aggravating or mitigating.

19 2. Statutory aggravating circumstances for a murder in the first degree  
20 offense shall be limited to the following:

21 (1) The offense was committed by a person with a prior record of  
22 conviction for murder in the first degree, or the offense was committed by a  
23 person who has one or more serious assaultive criminal convictions;

24 (2) The murder in the first degree offense was committed while the  
25 offender was engaged in the commission or attempted commission of another  
26 unlawful homicide;

27 (3) The offender by his or her act of murder in the first degree knowingly  
28 created a great risk of death to more than one person by means of a weapon or  
29 device which would normally be hazardous to the lives of more than one person;

30 (4) The offender committed the offense of murder in the first degree for  
31 himself or herself or another, for the purpose of receiving money or any other  
32 thing of monetary value from the victim of the murder or another;

- 33           (5) The murder in the first degree was committed against a judicial  
34 officer, former judicial officer, prosecuting attorney or former prosecuting  
35 attorney, circuit attorney or former circuit attorney, assistant prosecuting  
36 attorney or former assistant prosecuting attorney, assistant circuit attorney or  
37 former assistant circuit attorney, peace officer or former peace officer, elected  
38 official or former elected official during or because of the exercise of his official  
39 duty;
- 40           (6) The offender caused or directed another to commit murder in the first  
41 degree or committed murder in the first degree as an agent or employee of  
42 another person;
- 43           (7) The murder in the first degree was outrageously or wantonly vile,  
44 horrible or inhuman in that it involved torture, or depravity of mind;
- 45           (8) The murder in the first degree was committed against any peace  
46 officer, or fireman while engaged in the performance of his **or her** official duty;
- 47           (9) The murder in the first degree was committed by a person in, or who  
48 has escaped from, the lawful custody of a peace officer or place of lawful  
49 confinement;
- 50           (10) The murder in the first degree was committed for the purpose of  
51 avoiding, interfering with, or preventing a lawful arrest or custody in a place of  
52 lawful confinement, of himself **or herself** or another;
- 53           (11) The murder in the first degree was committed while the defendant  
54 was engaged in the perpetration or was aiding or encouraging another person to  
55 perpetrate or attempt to perpetrate a felony of any degree of rape, sodomy,  
56 burglary, robbery, kidnapping, or any felony offense in chapter 195 **or 579**;
- 57           (12) The murdered individual was a witness or potential witness in any  
58 past or pending investigation or past or pending prosecution, and was killed as  
59 a result of his **or her** status as a witness or potential witness;
- 60           (13) The murdered individual was an employee of an institution or facility  
61 of the department of corrections of this state or local correction agency and was  
62 killed in the course of performing his **or her** official duties, or the murdered  
63 individual was an inmate of such institution or facility;
- 64           (14) The murdered individual was killed as a result of the hijacking of an  
65 airplane, train, ship, bus or other public conveyance;
- 66           (15) The murder was committed for the purpose of concealing or  
67 attempting to conceal any felony offense defined in chapter 195 **or 579**;
- 68           (16) The murder was committed for the purpose of causing or attempting

69 to cause a person to refrain from initiating or aiding in the prosecution of a felony  
70 offense defined in chapter 195 or 579;

71 (17) The murder was committed during the commission of [a crime] an  
72 offense which is part of a pattern of criminal street gang activity as defined in  
73 section 578.421.

74 3. Statutory mitigating circumstances shall include the following:

75 (1) The defendant has no significant history of prior criminal activity;

76 (2) The murder in the first degree was committed while the defendant was  
77 under the influence of extreme mental or emotional disturbance;

78 (3) The victim was a participant in the defendant's conduct or consented  
79 to the act;

80 (4) The defendant was an accomplice in the murder in the first degree  
81 committed by another person and his or her participation was relatively minor;

82 (5) The defendant acted under extreme duress or under the substantial  
83 domination of another person;

84 (6) The capacity of the defendant to appreciate the criminality of his or  
85 her conduct or to conform his or her conduct to the requirements of law was  
86 substantially impaired;

87 (7) The age of the defendant at the time of the [crime] offense.

565.033. 1. A person found guilty of murder in the first degree  
2 who was under the age of eighteen at the time of the commission of the  
3 offense shall be sentenced to a term of life without eligibility for  
4 probation or parole as provided in section 565.034, life imprisonment  
5 with eligibility for parole, or not less than thirty years and not to  
6 exceed forty years imprisonment.

7 2. When assessing punishment in all first degree murder cases in  
8 which the defendant was under the age of eighteen at the time of the  
9 commission of the offense or offenses, the judge in a jury-waived trial  
10 shall consider, or the judge shall include in instructions to the jury for  
11 it to consider, the following factors:

12 (1) The nature and circumstances of the offense committed by  
13 the defendant;

14 (2) The degree of the defendant's culpability in light of his or her  
15 age and role in the offense;

16 (3) The defendant's age, maturity, intellectual capacity, and  
17 mental and emotional health and development at the time of the



18 offense;

19 (4) The defendant's background, including his or her family,  
20 home, and community environment;

21 (5) The likelihood for rehabilitation of the defendant;

22 (6) The extent of the defendant's participation in the offense;

23 (7) The effect of familial pressure or peer pressure on the  
24 defendant's actions;

25 (8) The nature and extent of the defendant's prior criminal  
26 history, including whether the offense was committed by a person with  
27 a prior record of conviction for murder in the first degree, or one or  
28 more serious assaultive criminal convictions;

29 (9) The effect of characteristics attributable to the defendant's  
30 youth on the defendant's judgment; and

31 (10) A statement by the victim or the victim's family member as  
32 provided by section 557.041 until December 31, 2016, and beginning  
33 January 1, 2017, section 595.229.

565.034. 1. If the state intends to seek a sentence of life without  
2 eligibility for probation or parole for a person charged with murder in  
3 the first degree who was under the age of eighteen at the time of the  
4 commission of the offense, the state must file with the court and serve  
5 upon the person a written notice of intent to seek life without  
6 eligibility for probation or parole. This notice shall be provided within  
7 one hundred twenty days of the person's arraignment upon an  
8 indictment or information charging the person with murder in the first  
9 degree. For good cause shown, the court may extend the period for  
10 service and filing of the notice. Any notice of intent to seek life  
11 without eligibility for probation or parole shall include a listing of the  
12 statutory aggravating circumstances, as provided by subsection 6 of  
13 this section, upon which the state will rely in seeking that sentence.

14 2. Notwithstanding any other provisions of law, where the state  
15 files a notice of intent to seek life without eligibility for probation or  
16 parole pursuant to this section, the defendant shall be entitled to an  
17 additional sixty days for the purpose of filing new motions or  
18 supplementing pending motions.

19 3. A notice of intent to seek life without eligibility for probation  
20 or parole pursuant to this section may be withdrawn at any time by a  
21 written notice of withdrawal filed with the court and served upon the

22 defendant. Once withdrawn, the notice of intent to seek life without  
23 eligibility for probation or parole shall not be refiled.

24 4. After the state has filed a proper notice of intent to seek life  
25 without eligibility for probation or parole pursuant to this section, the  
26 trial shall proceed in two stages before the same trier. At the first  
27 stage the trier shall decide only whether the person is guilty or not  
28 guilty of any submitted offense. The issue of punishment shall not be  
29 submitted to the trier at the first stage.

30 5. If the trier at the first stage of the trial finds the person guilty  
31 of murder in the first degree, a second stage of the trial shall proceed  
32 at which the only issue shall be the punishment to be assessed and  
33 declared.

34 6. A person found guilty of murder in the first degree who was  
35 under the age of eighteen at the time of the commission of the offense  
36 is eligible for a sentence of life without eligibility for probation or  
37 parole only if a unanimous jury, or a judge in a jury-waived sentencing,  
38 finds beyond a reasonable doubt that:

39 (1) The victim received physical injuries personally inflicted by  
40 the defendant and the physical injuries inflicted by the defendant  
41 caused the death of the victim; and

42 (2) The defendant was found guilty of first degree murder and  
43 one of the following aggravating factors was present:

44 (a) The defendant has a previous conviction for first degree  
45 murder, assault in the first degree, rape in the first degree, or sodomy  
46 in the first degree;

47 (b) The murder was committed during the perpetration of any  
48 other first degree murder, assault in the first degree, rape in the first  
49 degree, or sodomy in the first degree;

50 (c) The murder was committed as part of an agreement with a  
51 third party that the defendant was to receive money or any other thing  
52 of monetary value in exchange for the commission of the offense;

53 (d) The defendant inflicted severe pain on the victim for the  
54 pleasure of the defendant or for the purpose of inflicting torture;

55 (e) The defendant killed the victim after he or she was bound or  
56 otherwise rendered helpless by the defendant or another person;

57 (f) The defendant, while killing the victim or immediately  
58 thereafter, purposely mutilated or grossly disfigured the body of the

59 victim by an act or acts beyond that necessary to cause his or her  
60 death;

61 (g) The defendant, while killing the victim or immediately  
62 thereafter, had sexual intercourse with the victim or sexually violated  
63 him or her;

64 (h) The defendant killed the victim for the purposes of causing  
65 suffering to a third person; or

66 (i) The first degree murder was committed against a current or  
67 former: judicial officer, prosecuting attorney or assistant prosecuting  
68 attorney, law enforcement officer, firefighter, state or local corrections  
69 officer; or against a witness or potential witness to a past or pending  
70 investigation or prosecution, during or because of the exercise of their  
71 official duty or status as a witness.

565.040. 1. In the event that the death penalty provided in this chapter  
2 is held to be unconstitutional, any person convicted of murder in the first degree  
3 shall be sentenced by the court to life imprisonment without eligibility for  
4 probation, parole, or release except by act of the governor, with the exception that  
5 when a specific aggravating circumstance found in a case is held to be  
6 unconstitutional or invalid for another reason, the supreme court of Missouri is  
7 further authorized to remand the case for resentencing or retrial of the  
8 punishment pursuant to subsection 5 of section [565.036] 565.035.

9 2. In the event that any death sentence imposed pursuant to this chapter  
10 is held to be unconstitutional, the trial court which previously sentenced the  
11 defendant to death shall cause the defendant to be brought before the court and  
12 shall sentence the defendant to life imprisonment without eligibility for  
13 probation, parole, or release except by act of the governor, with the exception that  
14 when a specific aggravating circumstance found in a case is held to be  
15 inapplicable, unconstitutional or invalid for another reason, the supreme court  
16 of Missouri is further authorized to remand the case for retrial of the punishment  
17 pursuant to subsection 5 of section 565.035.

Section B. The repeal and reenactment of section 565.032 of this act shall  
2 become effective on January 1, 2017.

Section C. Because of the need to adopt a punishment scheme for first  
2 degree murderers of a certain age after the United States Supreme Court  
3 declared as unconstitutional the only punishment available under Missouri law  
4 for such offenders, the repeal and reenactment of section 565.020, and the

5 enactment of sections 558.047, 565.033, and 565.034 of this act is deemed  
6 necessary for the immediate preservation of the public health, welfare, peace and  
7 safety, and is hereby declared to be an emergency act within the meaning of the  
8 constitution, and the repeal and reenactment of section 565.020, and the  
9 enactment of sections 558.047, 565.033, and 565.034 of this act shall be in full  
10 force and effect upon its passage and approval.

✓

STATE OF MISSOURI }  
CITY OF ST. LOUIS }

SS

FILED  
FORM B  
SEP 11 1996

MAVIS T. THOMPSON  
CLERK, CIRCUIT COURT

DEPUTY

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS  
STATE OF MISSOURI

STATE OF MISSOURI

Plaintiff,

Cause No. 961-1766

Division No. 19

vs.

CHRISTOPHER DOUC

THOMPSON Defendant. T ZIVAM

**SENTENCE AND JUDGMENT**

Now on this 5th day of SEPTEMBER, 19 96, comes KELIE CONLEY 39447  
Attorney for the State of Missouri, and Defendant in  
person and by ADRIAN CONLEY 41160, Attorney for Defendant,  
in open court.

COUNT 1

Whereupon, said Defendant is informed by this Court that he/she has heretofore on the 26th day  
of July, 19 96,

☒ Been found guilty by the (Court/Jury)  
☐ Pleased guilty

to the offense of (charge and degree) MURDER 1st  
and being now asked by the Court if he/she has any legal cause to show why Sentence and Judgment should  
not be pronounced against him/her according to the law, and still failing to show such cause, it is therefore the  
Sentence, Order and Judgment of this Court that Defendant, CHRISTOPHER DOUC

(having been found guilty/having pleaded guilty), as aforesaid,  
(and in accordance with the punishment heretofore assessed by the jury), be and is hereby ordered committed to  
the Missouri Department of Corrections for a period of LIFE years, said sentence to be served  
(concurrently/consecutively) to the sentence imposed in (offense, cause number, court and date of conviction)

W/OUT ANY COUNSEL IN THIS CASE

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SEP 6 1996

MAVIS T. THOMPSON  
CLERK OF COURT  
DEPUTY

SUPPLEMENTAL SENTENCE AND JUDGMENT FORM

Cause No. 961-1766

Division No. 19

THOMPSON, J. COUNTY 1

Whereupon, said Defendant is informed by this Court that he/she has heretofore on the 26th day of July, 19 96.


☒ Been found guilty by the ~~(Court/Jury)~~  
☒ Plead guilty

on Count II to the offense (offense and degree) ARMED CRIMINAL ACTS  
AN "ALL FELONY" and being now asked by the Court if he/she has any  
legal cause to show why Sentence and Judgment should not be pronounced against him/her  
according to the law, and still failing to show such cause, it is therefore the Sentence, Order  
and Judgment of this Court that Defendant, CHRISTOPHER POLK  
(having been found guilty/having pleaded guilty) as aforesaid,  
(and in accordance with the punishment heretofore assessed by the Jury) he and is hereby  
ordered committed to the Missouri Department of Corrections for a period of 25 years,  
said sentence to be served (concurrently/consecutively) to the sentence imposed in (offense,  
cause number, court and date of conviction): WOMAN ALL COURTS 10/95

CASE.

Page 2 of 2

FILED  
SEP 6 1996

MAVIS T. THOMPSON  
CLERK, CIRCUIT COURT  
BY  DEPUTY

SUPPLEMENTAL SENTENCE AND JUDGMENT FORM

Cause No. 961-1766

Division No. 19

MAVIS T. THOMPSON, CLERK, CIRCUIT COURT 3

the 10th day of July, 1996, by this Court that he/she has heretofore on

☒ Been found guilty by the (Court/Jury)  
☐ Plead guilty

on Count III to the offense (offense and degree) Robbery 10, A  
"A" Felony and being now asked by the Court if he/she has any

legal cause to show why Sentence and Judgment should not be pronounced against him/her according to the law, and still failing to show such cause, it is therefore the Sentence, Order and Judgment of this Court that Defendant, CHRISTOPHER ROLK

(having been found guilty/having pleaded guilty) as aforesaid, (and in accordance with the punishment heretofore assessed by the Jury) be and is hereby ordered committed to the Missouri Department of Corrections for a period of 30 years, said sentence to be served (concurrently) to the sentence imposed in (offense, cause number, court and date of conviction): with the Court in Missouri

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SEP 6 1996

MAVIS T. THOMPSON  
CLERK OF THE COURT  
DEPUTY

SUPPLEMENTAL SENTENCE AND JUDGMENT FORM

Cause No. 961-1766

Division No. 19

MOOREHEAD .T. COUNT IV

Whereupon, said Defendant is informed by this Court that he/she has heretofore on the 26 day of July, 19 96,

☒ Been found guilty by the (Court/Jury)  
☐ Plead guilty

on Count IV to the offense (offense and degree) ARMED CRIMINAL ACT  
AN "A" FELONY and being now asked by the Court if he/she has any legal cause to show why Sentence and Judgment should not be pronounced against him/her according to the law, and still failing to show such cause, it is therefore the Sentence, Order and Judgment of this Court that Defendant, CHRISTOPHER BONE  
(having been found guilty/having pleaded guilty) as aforesaid,  
(and in accordance with the punishment heretofore assessed by the Jury) be and is hereby ordered committed to the Missouri Department of Corrections for a period of 25 years, said sentence to be served (concurrently/consecutively) to the sentence imposed in (offense, cause number, court and date of conviction): With the Cause No. 961-1766

CAUSE

Page 4 of 9



FILED  
SEP 6 1996  
MAYIS T. THOMPSON  
CLERK, CIRCUIT COURT  
BY [Signature] DEPUTY

SUPPLEMENTAL SENTENCE AND JUDGMENT FORM

Cause No. 961-1766

Division No. 19

**THOMPSON T. MAYIS** COUNT V  
Whereupon said Defendant is informed by this Court that he/she has heretofore on  
the 16th day of July, 19 96,

☒ Been found guilty by the (Court/Jury)  
☐ Plead guilty

on Count V to the offense (offense and degree) Robbery 1st Degree  
and being now asked by the Court if he/she has any  
legal cause to show why Sentence and Judgment should not be pronounced against him/her  
according to the law, and still failing to show such cause, it is therefore the Sentence, Order  
and Judgment of this Court that Defendant, CHRISTOPHER DOCK  
(having been found guilty/having pleaded guilty) as aforesaid,  
(and in accordance with the punishment heretofore assessed by the Jury) be and is hereby  
ordered committed to the Missouri Department of Corrections for a period of 30 years,  
said sentence to be served (concurrently/consecutively) to the sentence imposed in (offense,  
cause number, court and date of conviction): with the Cause No. 961-1766

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SEP 6 1996

MAVIS Z. THOMPSON  
CLERK, DISTRICT COURT  
BY [Signature] DEPUTY

SUPPLEMENTAL SENTENCE AND JUDGMENT FORM

Cause No. 961-1766

Division No. 19

MISSOURI DISTRICT COURT VI

Whereupon, said Defendant is informed by this Court that he/she has heretofore on the 26th day of July, 19 96,

☒ Been found guilty by the (Court/Jury)  
☐ Plead guilty

on Count VI to the offense (offense and degree) ARMED ROBBERY,  
AN FELONY and being now asked by the Court if he/she has any  
legal cause to show why Sentence and Judgment should not be pronounced against him/her  
according to the law, and still failing to show such cause, it is therefore the Sentence, Order  
and Judgment of this Court that Defendant, CHRISTOPHER ROSS  
(having been found guilty/having pleaded guilty) as aforesaid,  
(and in accordance with the punishment heretofore assessed by the Jury) be and is hereby  
ordered committed to the Missouri Department of Corrections for a period of 25 years,  
said sentence to be served (concurrently/consecutively) to the sentence imposed in (offense,  
cause number, court and date of conviction): LOUISIANA COURT 1-1985

CNS

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SEP 6 1996

MAVIS T. THOMPSON  
CLERK, CIRCUIT COURT  
BY [Signature] DEPUTY

SUPPLEMENTAL SENTENCE AND JUDGMENT FORM

Cause No. 961-1766

Division No. 19

THOMPSON, T

COUNT VII

Whereupon said Defendant [Signature] is assessed by this Court that he/she has heretofore on the 15 day of July, 19 96,

☒ Been found guilty by the (Court/Jury)  
☐ Plead guilty

on Count VII to the offense (offense and degree) ASSAULT - 3RD. INJ.  
A 1st FURY and being now asked by the Court if he/she has any legal cause to show why Sentence and Judgment should not be pronounced against him/her according to the law, and still failing to show such cause, it is therefore the Sentence, Order and Judgment of this Court that Defendant, CHRISTOPHER POUL  
(having been found guilty/having pleaded guilty) as aforesaid,  
(and in accordance with the punishment heretofore assessed by the Jury) be and is hereby ordered committed to the Missouri Department of Corrections for a period of LIFE years, said sentence to be served (concurrently/consecutively) to the sentence imposed in (offense, cause number, court and date of conviction): Went to Court in 1993  
CASE

FILED

SEP 6 1996

MAVIS T. THOMPSON  
CLERK, CIRCUIT COURT  
BY [Signature] DEPUTY

SUPPLEMENTAL SENTENCE AND JUDGMENT FORM

Cause No. 961-1766

Division No. 19

MISSOURI COUNTY, VIII

Whereupon, said Defendant is informed by this Court that he/she has heretofore on the 26th day of July, 19 96.

☒ Been found guilty by the (Court) (Jury)  
☐ Plead guilty

on Count VIII to the offense (offense and degree) AGGRAVATED CHILD ABUSE

and being now asked by the Court if he/she has any legal cause to show why Sentence and Judgment should not be pronounced against him/her according to the law, and still failing to show such cause, it is therefore the Sentence, Order and Judgment of this Court that Defendant, CHRISTOPHER T. JONES

(having been found guilty/having pleaded guilty) as aforesaid, (and in accordance with the punishment heretofore assessed by the Jury) be and is hereby ordered committed to the Missouri Department of Corrections for a period of 25 years, said sentence to be served (concurrently/consecutively) to the sentence imposed in (offense, cause number, court and date of conviction): Wentworth County, MO

CHS5

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FORM B

Defendant has been advised of his/her rights under Rule 24.035/29.15 and ~~the Court has found~~ (probable cause/no probable cause) to believe that Defendant has received ineffective assistance of counsel.

Defendant shall receive credit for jail time prior to transfer to the Department of Corrections.

It is further ordered and adjudged by this Court that the \$5.00 Crime Victim Compensation Fee be assessed against the Defendant, payable to the Circuit Clerk, and that execution issue thereon.

It is further ordered and adjudged by this Court that court costs be taxed against Defendant and execution issue thereon.

It is further ordered and adjudged by this Court that the State of Missouri have and recover of the Defendant the sum of \$ 68.00 for Crime Victim Compensation.

THOMPSON

MAVIS T. THOMPSON



SO ORDERED:

Circuit Judge

Dated: 6-SEP-96

[ ] See attached Supplemental Sentence and Judgment Form(s) which is/are made a part hereto.

FILED  
SEP 6 1996

MAVIS T. THOMPSON  
CLERK, CIRCUIT COURT  
BY [Signature] DEPUTY

STATE OF MISSOURI  
VS  
POLK, CHRISTOPHERDIV #:  
DESTINATION: GRJURY

CA#: F73491

CAUSE#:

96/-1766

## DEFENDANT INFORMATION

ADDRESS: 1365 GRANVILLE  
ST LOUIS, MOPEDIGREE: RACE: B  
SEX: MDOB: 08/17/1976  
AGE: 17HGT: 508  
WGT: 130

ID #S: COMPLAINT#: 94-094300

LID: 254776

ARREST#: 94/006557 Dist: 4

OCN: 92139671

ALIASES:

SSNS:

## CHARGES(S):

1. CNT: 01	MURDER FIRST DEGREE	(Class A felony)
2. CNT: 02	ARMED CRIMINAL ACTION	(Class A felony)
3. CNT: 03	ROBBERY FIRST DEGREE	(Class A felony)
4. CNT: 04	ARMED CRIMINAL ACTION	(Class A felony)
5. CNT: 05	ROBBERY FIRST DEGREE	(Class A felony)
6. CNT: 06	ARMED CRIMINAL ACTION	(Class A felony)
7. CNT: 07	ASSAULT FIRST DEGREE	(Class A felony)
8. CNT: 08	ARMED CRIMINAL ACTION	(Class A felony)
9. CNT: 09	<del>VICTIM RAMPEERING</del>	<del>(Class A felony)</del>

FILED  
MAY 23 1996MAVIS T. THOMPSON  
CLERK, CIRCUIT COURT  
BY        DEPUTY

## WITNESSES:

CRAMER, CHERRICK  
CAMPBELL, RALPH

0286

CRAMER, ROBERT  
REEVES, RONALD

2901

STATE OF MISSOURI )  
CITY OF ST. LOUIS ) SS

## INDICTMENT

## COUNT I

The Grand Jurors of the City of St. Louis, State of Missouri, charge that the defendants, CHRISTOPHER POLK and VINCENT FRAZIER, in violation of Section 565.020.1, RSMo, committed the class A felony of murder in the first degree, punishable upon conviction under Section 565.020.2, RSMo, in that on the 11th day of January, 1994, in the City of St. Louis, State of Missouri, the defendants, CHRISTOPHER POLK and VINCENT FRAZIER, after deliberation, knowingly killed DANTE CRAMER by shooting him, and defendant is further given notice that should the state submit murder in the second degree - felony, under Section 565.021.1(2) RSMo, it will be based on the attempted perpetration of the Class A felony of robbery under Section 558.011.1(1) against Dante Cramer.

EXHIBIT

8

FILED  
MAY 23 1996

MAVIS T. THOMPSON  
CLERK, CIRCUIT COURT  
BY        DEPUTY

COUNT II

The Grand Jurors of the City of St. Louis, State of Missouri, charge that the defendants, CHRISTOPHER POLK and VINCENT FRAZIER, in violation of section 571.015, RSMo, committed the class A felony of armed criminal action, punishable upon conviction under section 571.015.1, RSMo, in that on the 11th day of January, 1994, in the City of St. Louis, State of Missouri, the defendants, CHRISTOPHER POLK and VINCENT FRAZIER, committed the felony of murder first degree charged in Count I, all allegations of which are incorporated herein by reference, and the defendants, CHRISTOPHER POLK and VINCENT FRAZIER, committed the foregoing felony of murder first degree by, with and through the use, assistance and aid of a deadly weapon.

COUNT III

The Grand Jurors of the City of St. Louis, State of Missouri, charge that the defendants, CHRISTOPHER POLK and VINCENT FRAZIER, in violation of section 569.020, RSMo, committed the class A felony of robbery in the first degree, punishable upon conviction under section 558.011.1(1), RSMo, in that on the 11th day of January, 1994, in the City of St. Louis, State of Missouri, the defendants, CHRISTOPHER POLK and VINCENT FRAZIER, forcibly stole clothing in the possession of DANTE CRAMER, and in the course thereof defendant displayed what appeared to be a deadly weapon.

COUNT IV

The Grand Jurors of the City of St. Louis, State of Missouri, charges that the defendants, CHRISTOPHER POLK and VINCENT FRAZIER, in violation of section 571.015, RSMo, committed the class A felony of armed criminal action, punishable upon conviction under section 571.015.1, RSMo, in that on the 11th day of January, 1994, in the City of St. Louis, State of Missouri, the defendants, CHRISTOPHER POLK and VINCENT FRAZIER, committed the felony of robbery first degree charged in Count III, all allegations of which are incorporated herein by reference, and the defendants, CHRISTOPHER POLK and VINCENT FRAZIER, committed the foregoing felony of robbery first degree by, with and through the use, assistance and aid of a deadly weapon.

COUNT V

The Grand Jurors of the City of St. Louis, State of Missouri, charge that the defendants, CHRISTOPHER POLK and VINCENT FRAZIER, in violation of section 569.020, RSMo, committed the class A felony of robbery in the first degree, punishable upon conviction under section 558.011.1(1), RSMo, in that on the 11th day of January, 1994, in the City of St. Louis, State of Missouri, the defendants, CHRISTOPHER POLK and VINCENT FRAZIER, forcibly stole clothing in the possession of CHERRICK CRAMER, and in the course thereof defendant displayed what appeared to be a deadly weapon.

CHRISTOPHER POLK

COUNT VI

The Grand Jurors of the City of St. Louis, State of Missouri, charge that the defendants, CHRISTOPHER POLK and VINCENT FRAZIER, in violation of Section 571.015, RSMo, committed the class A felony of armed criminal action, punishable upon conviction under Section 571.015.1, RSMo, in that on the 11th day of January, 1994, in the City of St. Louis, State of Missouri, the defendants, CHRISTOPHER POLK and VINCENT FRAZIER, committed the felony of robbery first degree charged in Count V, all allegations of which are incorporated herein by reference, and the defendants, CHRISTOPHER POLK and VINCENT FRAZIER, committed the foregoing felony of robbery first degree by, with and through the use, assistance and aid of a deadly weapon.

COUNT VII

The Grand Jurors of the City of St. Louis, State of Missouri, charge that the defendants, CHRISTOPHER POLK and VINCENT FRAZIER, in violation of Section 565.050, RSMo, committed the class A felony of assault in the first degree, punishable upon conviction under Section 558.011.1(i) RSMo, in that on the 11th day of January, 1994, in the City of St. Louis, State of Missouri, the defendants, CHRISTOPHER POLK and VINCENT FRAZIER, knowingly caused serious physical injury to CHERRICK CRAMER by shooting.

COUNT VIII

The Grand Jurors of the City of St. Louis, State of Missouri, charge that the defendants, CHRISTOPHER POLK and VINCENT FRAZIER, in violation of Section 571.015, RSMo, committed the class A felony of armed criminal action, punishable upon conviction under Section 571.015.1, RSMo, in that on the 11th day of January, 1994, in the City of St. Louis, State of Missouri, the defendants, CHRISTOPHER POLK and VINCENT FRAZIER, committed the felony of assault first degree charged in Count VII, all allegations of which are incorporated herein by reference, and the defendants, CHRISTOPHER POLK and VINCENT FRAZIER, committed the foregoing felony of assault first degree by, with and through the use, assistance and aid of a deadly weapon.

COUNT IX

The Grand Jurors of the City of St. Louis, State of Missouri, charge that the defendant, in violation of Section 575.270.2, RSMo, committed the class C felony of victim tampering, punishable upon conviction under Sections 558.011.1(4) and 560.011, RSMo, in that on or about the 29th day of March, 1996, in the City of St. Louis, State of Missouri, the defendant purposely attempted to prevent or dissuade CHERRICK CRAMER, a victim of the crime of assault first degree and robbery first degree that was charged as a felony on or about July 1, 1994 from assisting in the prosecution of Christopher Polk for the crime of assault first degree and robbery first degree.

A true bill

Foreman

**FILED**

MAY 23 1996

MAVIS T. THOMPSON  
CLERK, CIRCUIT COURT  
BY \_\_\_\_\_ DEPUTY

DEE JOYCE HAYES  
Circuit Attorney  
of the City of St. Louis,  
State of Missouri, by

*Shannon 44487*  
Assistant Circuit Attorney

Received and filed

*May 23, 1996* and bail set at \$ *1,600,000* *Deane*  
*McKinnis*  
Circuit Judge



IN THE CIRCUIT COURT OF MISSISSIPPI COUNTY

CHRISTOPHER POLK,

Petitioner,

v.

JASON LEWIS,

Respondent.

No. 17MI-CV460

**FILED**

DEC 28 2017

CIRCUIT COURT  
MISSISSIPPI COUNTY, MO

DECISION, JUDGMENT, AND, ORDER

The Circuit Court of the City of St. Louis convicted Christopher Polk of first-degree murder, two counts of first degree robbery, and four counts of armed criminal action, and one count of first degree assault for crimes he committed while under age eighteen. The case proceeded to jury trial in the Circuit Court of Saint Louis City, where petitioner was found guilty as charged on July 26, 1996. (See Exhibit 7). Petitioner was sentenced on September 6, 1996 by Judge Timothy J Wilson to concurrent sentences of life without parole for the first degree murder charge, thirty years for the robbery charges, and life imprisonment for the first degree assault charge and twenty-five years for each of the four counts of armed criminal action.

He serves his sentence in the Southeast Correctional Center in Mississippi County where Jason Lewis is the warden.

Polk filed a habeas corpus petition in the Missouri Supreme Court challenging his sentence to life without parole for a murder he committed while under age

eighteen. The ground for relief he raised was that the sentence violated the Eighth and Fourteenth Amendments. The Missouri Supreme Court initially issued an order granting the relief that Polk became eligible for parole consideration after serving twenty-five years on the murder sentence. But the Court withdrew its order and dismissed the petition in light of the legislature's passage of Mo. Rev. Stat. § 558.047, which made Polk and similarly situated offenders parole eligible on their life without parole sentences after serving twenty-five years, and provided particular factors that must be considered by the Board in such cases.

Polk has now filed a petition in this Court alleging that the Missouri Supreme Court order and Mo. Rev. Stat. § 558.047 violate the Sixth, Eighth, and Fourteenth Amendments because he believes he has an entitlement to adversarial resentencing. He alleges that his conviction and sentence are void. He also alleges that § 558.047 is a bill of attainder, and that it violates the Equal Protection Clause because it treats persons to be sentenced in the future differently than persons who already completed direct review of their convictions.

Polk alleges that the Missouri Supreme Court habeas denial and Mo. Rev. Stat. § 558.047 violate the Sixth, Eighth, and Fourteenth Amendments because Polk believes he has an entitlement to adversarial resentencing and that his conviction and sentence are void. He also alleges that his conviction and sentence are void, § 558.047 is a bill of attainder, and that it violates the Equal Protection Clause because

it treats persons to be sentenced in the future differently than persons who already completed direct review of their convictions.

In *Miller v. Alabama*, the Supreme Court determined that a mandatory life without parole sentence violated the offender's Eighth Amendment rights when the offender was under the age of eighteen when he murdered. 132 S.Ct. 2455, 2460 (2012). In *Miller*, each offender had been convicted of one count of murder. *Id.* at 2461-62. The trial courts sentenced each offender to life without parole. *Id.* at 2461, 2462. The Supreme Court determined that the length of the sentences did not violate the Constitution; thus, it did not announce a categorical bar on life-without-parole sentences. *Id.* at 2469. But the Court did hold that the "Eighth Amendment forbids a sentencing scheme that mandates life in prison without possibility of parole for juvenile offenders." *Id.* Citing *Graham v. Florida*, 560 U.S. 48, 75 (2010), the Court emphasized that Eighth Amendment did not require a State to guarantee eventual freedom for the offender; instead, the State must provide some meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation. *Id.* citing *Graham*, 560 U.S. at 75.

Four years later, in *Montgomery v. Louisiana*, 136 S.Ct. 718 (2016), the Supreme Court determined that the *Miller* decision was a substantive constitutional rule that courts should apply retroactively to cases on collateral review. *Id.* at 726-32. In its discussion, the Court wrote that the decision's impact on the States was

minimal because a State did not have to relitigate the conviction and sentence if the State chose to extend to a juvenile homicide offender a chance for parole consideration.

Giving *Miller* retroactive effect, moreover, does not require States to relitigate sentences, let alone convictions, in every case where a juvenile offender received mandatory life without parole. A State may remedy a *Miller* violation by permitting juvenile homicide offenders to be considered for parole, rather than by resentencing them. ... Allowing those offenders to be considered for parole ensures that juveniles whose crimes reflected only transient immaturity—and who have since matured—will not be forced to serve a disproportionate sentence in violation of the Eighth Amendment.

*Id.* at 736. The Court emphasized that the juvenile offender did not have to be released. “Those prisoners who have shown an inability to reform will continue to serve life sentences. The opportunity for release will be afforded to those who demonstrate the truth of *Miller’s* central intuition—that children who commit even heinous crimes are capable of change.” *Id.*

Justice Scalia’s dissent emphasized the parole-opportunity alternative to resentencing. From Justice Scalia’s perspective, the language of the *Montgomery* majority decision was designed to effectively end life-without-parole sentences for

juvenile killers. And one of the options given to the States was to end the sentencing practice themselves by providing for parole eligibility to affected offenders.

What the majority expects (and intends) to happen is set forth in the following not-so-subtle invitation: "A State may remedy a *Miller* violation by permitting juvenile homicide offenders to be considered for parole, rather than by resentencing them."

*Id.* at 744 (Scalia, J. dissenting).

In *Ramirez v. Griffith*, 16-CV-01058-DW (Resp. Ex. 3) the United States District Court for the Western district of Missouri rejected a challenge similar to this one. The court held that it denied a similar habeas petition for three independent reasons. These were that a challenge to the life without parole sentence originally imposed was moot in light of § 558.047, which adequately complies with constitutional requirements; that the Missouri Supreme Court's denial of habeas relief was not contrary to, nor an unreasonable application of clearly established federal law, nor was it an unreasonable determination of the facts; and that the petitioner's attacks on § 558.047 were unexhausted because the petitioner did not present them in state court. The Court of Appeals denied a certificate of appealability. The United States Supreme Court reached a similar result in a habeas case. In *Virginia v. Leblanc*, 137 S.Ct. 1726 (2017) the Court held Virginia reasonably applied United States Supreme Court precedent by making former juvenile offenders eligible for geriatric release on the same terms as other offenders. The federal court in *Ramirez* is correct that §

558.047 is an adequate remedy to a *Miller* violation. And that disposes of the core of Polk's claims. He has no right to resentencing, and § 558.047 provides *more* relief than *Miller* and *Montgomery* require.

Polk does not have the right to or demand a mini-trial at his parole hearing. A parole hearing is not part of the prosecution of a defendant, and it is not a "critical stage" of a prosecution. *Couans v. South Dakota Bd. of Pardons and Parole*, 764 N.W.2d 501, 504-5 (S.D. 2009) (collecting cases). 14 CSR 80-2.010 describes the purpose and procedures for parole hearings. 14 CSR 80-2.010(3)(A) contains a nonexclusive list of items that an offender may present or discuss. Subsection 6 authorizes the offender to present and discuss any other matters that are appropriate for consideration. Polk has had ample opportunity to present what he wishes, and § 558.047 provides a framework for consideration of factors relevant to his youth at the time of the crime. There is no due process violation here.

Polk also seems to allege that his murder conviction and sentence are now void because neither death nor mandatory life without parole is now a permissible sentence for first-degree murder committed by a person under eighteen. But he has no real support for that position, and that was a matter the Missouri Supreme Court would have addressed in his habeas action if it thought the conviction and sentence to be void. In *Montgomery* the United States Supreme Court indicated that making offenders parole eligible after twenty-five years is a proper remedy for offenders sentenced to *mandatory* terms of life imprisonment without parole, and that it is not

necessary to litigate convictions or sentences again. Therefore, the United States Supreme Court does not consider the underlying convictions to be void where the only available punishment was life without parole and that punishment was later found not to be constitutional.

Polk contends that section 558.047 is an unlawful bill of attainder. But it is not. "A bill of attainder is a legislative enactment that inflicts punishment on a specific person or group without trial or judicial action." *Garozzo v. Missouri Dept. of Ins.*, 389 S.W.3d 660, 663 (Mo. banc 2013). It is unnecessary to resolve the specificity element because section 558.047 does not inflict punishment. *See id.* "There are three factors that determine whether a statute inflicts punishment: (1) whether the challenged statute falls within the historical meaning of legislative punishment, (2) whether the statute, viewed in a light of the severity of burdens it imposes, reasonably can be said to advance a non-punitive legislative purpose and (3) whether the legislative record discloses an intent to punish." *Id.*

"The historical meaning of legislative punishment generally includes statutes that bar a specific person or identifiable group from participating in a regulated business or profession." *Id.* Section 558.047 does not regulate commerce or a profession. Further section 558.047 advances a non-punitive legislative purpose. *Id.* at 664-5. Once the Supreme Court decided *Montgomery*, then the legislature could reasonably decide to cure the perceived constitutional defect in the life without parole sentence for juveniles who commit first-degree murder. Remedying a perceived

constitutional violation is a non-punitive legislative purpose. Finally, there is nothing record showing an intent to punish. *Id.* To the contrary, the legislature was following the suggestion provided in *State v. Hart*, 404 S.W.3d 232, 253 (Mo. banc 2013) (Fischer, J., concurring in part), that the legislature had the power and the responsibility to remedy the constitutional violation. See Resp. Ex. 2 Docket Entry March 15, 2016 (making a judicial remedy contingent on the lack of a legislative remedy).

Polk alleges an equal protection violation because persons who have not completed direct review of their juvenile life without parole sentences were resentenced rather than becoming parole eligible. But that is a reasonable line to draw. It is reasonable not to resentence multiple dozens of offenders, who long since completed direct review of their cases, when an adequate remedy can be crafted by making them eligible for parole, and the passage of time makes resentencing proceedings more difficult. Those persons are distinguishable from persons whose cases are still on direct review and persons who have not yet been sentenced, because the evidence is fresher in such cases. The Missouri Supreme Court did not violate the Equal Protection Clause by drawing a reasonable line. See *Tyler v. Mitchell*, 853 S.W2d. 338, 341 (Mo. App. W.D. 1993) (the Equal Protection Clause does not prevent line drawing in the creation or application of laws, so long as the classifications created are not based on impermissible criteria or used to arbitrarily burden a group).



Polk also alleges an equal protection violation because an offender who was sentenced to life without parole for fifty years received resentencing although his case had completed direct review. But equal protection has nothing to do with whether a specific individual was placed on the wrong side of a classification. *Id.* Rather, it deals with the line drawing itself, and procedural due process deals with an individual challenging his allegedly erroneous placement in a classification. *Id.* Polk has no due process or equal protection claim because another inmate with a different sentence allegedly was placed on the wrong side of a classification line and should have received a different remedy.

Wherefore, this Court denies the petition for habeas corpus.



12-17-2017

Date

David A Dolan Circuit Judge

**FILED**  
DEC 28 2017  
CIRCUIT COURT  
MISSISSIPPI COUNTY, MO

Exhibit 10

# Missouri Court of Appeals

Southern District

No. SD35310

IN RE: CHRISTOPHER POLK,

Petitioner,

vs.

JASON LEWIS, WARDEN,  
SOUTHEAST CORRECTIONAL  
CENTER,

Respondent.

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**FILED**

JAN 18 2018

SANDRA L. SKINNER, CLERK  
MISSOURI COURT OF APPEALS  
SOUTHERN DISTRICT

## ORDER

Having considered the parties' pleadings, suggestions, and exhibits, the Court hereby denies petitioner's Petition for a Writ of Habeas Corpus.

cc: Attorneys of Record