



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

DECISION AND REASONS

NAME: Music, John
DOC #: 625676
FACILITY: Washington State Penitentiary
TYPE OF HEARING: .100 Hearing
HEARING DATE: January 23, 2018
PANEL MEMBERS: LRG & EB
FINAL DECISION DATE: February 5, 2018

This matter came before Lori Ramsdell-Gilkey and Elyse Balmert, who are members of the Indeterminate Sentence Review Board (ISRB or the Board) on the above date for a release hearing in accordance with the provisions of RCW 9.95.100. Mr. Music appeared in person and was represented by attorney George Marlton. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Jackie Hoppen and Mr. John (Tommy) Music.

BOARD DECISION:

Based on the requirements of RCW 9.95.009(3) and RCW 9.95.100 and the totality of evidence and information considered by the Board, the Board continues to find that Mr. Music is conditionally parolable to a Mutual Reentry Plan (MRP) and makes no adjustment to his minimum term. The Board understands Mr. Music is currently medium custody due to an infraction but should be minimum again by July of 2018 and thus eligible for transfer to a camp. The Board would like to see him spend up to 12 months in a camp setting preparing for release.

NEXT ACTION:

Submit a Mutual RE-entry Plan (MRP). Schedule a .100 hearing 120 days prior to PERD.

JURISDICTION:

John Music is under the jurisdiction of the Board on a June 27, 1969, conviction in King County under Cause #50024 for First Degree Robbery (Count III), and Murder First Degree (Count V). He originally received a death sentence on the Murder count that was reversed in 1972. He was later resentenced on the Murder First Degree to a mandatory life term with a minimum sentence of 20 years. He paroled from the Murder count to the Sodomy count below, on July 30, 2010. His maximum sentence on the Robbery First and Murder First offenses is Life. His maximum term for three counts of Attempted Robbery (Counts I, II, and IV) was 20 years, which have all expired.

In addition, in 1975 while incarcerated for the above convictions, Mr. Music was convicted of Sodomy in Walla Walla County under Cause #64918. This offense carries a 10 year maximum.

In 1976 he was convicted of **Escape** in Walla Walla County under Cause #66971 and **Felon in Possession of a Firearm** in Pierce County under Cause #49659. The Firearm conviction carries a five year maximum, and the Escape carries a 10 year maximum. These run concurrently, but consecutive to the Sodomy count above.

Mr. Music has served approximately 583 months total on these causes and counts.

NATURE OF INDEX OFFENSE(S):

In January of 1969 John Music was involved in a series of attempted robberies, a robbery, and a murder. The “spree” began with a car occupied by four individuals pulling up to two separate victims. In each incident, money was demanded from the victim at gunpoint by an individual in the vehicle. Both victims claimed that they did not have any money, and the car drove away.

Later that evening, a 16 year old male and a 15 year old male were walking when a vehicle with four individuals including Mr. Music pulled up. Mr. Music got out of the car with a gun demanding the jacket of the 15 year old male. The victim turned to run, and Mr. Music proceeded to shoot him in the back. Mr. Music then demanded the other male’s jacket, and that male turned to run

as well. The 16 year old male heard another shot fired as he turned to run. He then saw the 15 year old victim staggering next to a nearby house. Together they ran to the home, where police were summoned. The 15 year old victim later died related to the gunshot wound he received. Neither victim was known to Mr. Music prior to this offense.

Subsequent to the shooting, on the same evening, Mr. Music and the accomplices stole yet another victim's wallet and car at gunpoint.

PRIOR/SUBSEQUENT CRIMINAL CONDUCT:

According to file material, Mr. Music has a juvenile criminal history dating back to 1962. He had numerous arrests as an adult but the disposition for most of those is unknown. He was convicted of Vagrancy in 1968 and sentenced to 15 days in jail.

The **Sodomy** offense occurred on November 1, 1974, while Mr. Music was incarcerated at the Washington State Penitentiary (WSP) in Walla Walla. On that date Mr. Music reportedly participated in a group assault against another inmate. Mr. Music specifically forced the inmate to perform fellatio and engage in anal intercourse. In addition he threatened the victim, stating if he were implicated in any crime Mr. Music would kill the victim.

In 1976 Mr. Music **escaped** from confinement while incarcerated at WSP – Minimum Security on April 17, 1976. He was located and arrested one month and five days later at his residence in Pierce County.

In 1976 Mr. Music was convicted of **Felon in Possession of a Firearm**. While on escape he was located at his residence in Pierce County. When he was arrested, two hand guns were found in the residence.

HISTORY/COMMENTS:

Mr. Music's last hearing was held on January 24, 2017. At that time the Board found him

conditionally parolable to a MRP and indicated he would be expected to demonstrate positive behavior and remain free of serious infractions. Unfortunately it appears Mr. Music was not eligible to even begin the MRP until December of 2017 when he would be within 3 years of his ERD on his longest running sentence.

In the meantime, in June of 2017, Mr. Music was involved in an assault on another inmate and subsequently found guilty of this serious infraction. As a result his custody level increased to Medium, making him once again ineligible to participate in a MRP until approximately July of 2018.

Mr. Music admitted he did strike another inmate after this inmate had been “spooking” him and intentionally startling him. He had asked him to stop this behavior but it persisted. Mr. Music went to his room to cool off then returned to the dayroom. This same inmate approached him again and Mr. Music again told him to knock off the behavior and foul language was then used prior to him hitting the other inmate in the mouth. He was sanctioned to two days in segregation for this. Mr. Music said he has given the situation some thought and now sees there were other ways he could have responded. Prior to this Mr. Music’s last serious infraction was in 2013.

Mr. Music has participated in various offender programs over the years. He has participated in Graphic Design classes as well as Upholstery classes. Previously he completed: Victim Awareness; Breaking Barriers; Stress/Anger Management; Chemical Dependency; GED; Human Relations; Vocational Writing; Mathematics for the Trades; and Mood Management Group. He is scheduled to begin participating in Roots of Success and Redemption.

CC Jackie Hoffman testified that Mr. Music is doing well. He gets along well with staff and is very respectful. He is a very hard worker and he took it upon himself to begin weeding the area around his living unit. In addition he catches mice that come into the unit. He is involved in the Sustainable Practices Lab (SPL) and working in the greenhouse.

INFORMATION CONSIDERED:

In preparation for Mr. Music's hearing and its decision in this case, the Board completed a review of his ISRB file. The Board considered all information contained in that file, including but not limited to: the most recent DOC facility plan; information regarding institutional behavior and programming; any letters of support and/or concerns sent to the Board; the Pre-Sentence Investigation report; and the psychological evaluation prepared by Psychologist James Johnson, on September 22, 2016. The Board also considered the testimony of the witnesses listed above.

REASONS:

This was a deferred decision following a full Board discussion using a structured decision-making framework that takes into consideration; the statistical estimate of risk, criminal history, parole/release history, ability to control behavior, responsivity to programming, demonstrated offender change, release planning, discordant information, and other case specific factors. Based on the requirements of RCW 9.95.009 (3) and RCW 9.95.100 the Board finds Mr. Music conditionally parolable to a MRP.

Mr. Music overall is doing well. He answered all questions the Board had of him and expressed a desire to move to a lower level of custody and to a camp setting prior to release. He understands he has been incarcerated for 48 years and the transition will be stressful. While he is in overall good health he seems to be feeling the wear and tear of being 68 in prison.

The psychological report paints a picture of a man with a serious criminal history and static factors that will not change. As far as psychopathy scores go Mr. Music scored well below the cutoff and has fewer of the personality disorder features that might reflect an added risk of re-offending. The report indicates Mr. Music should be able to function in a lower level of custody.

Mr. Music is working in a job he really likes in the greenhouse and is scheduled to participate in Redemption and Roots of Success in the near future, which should help prepare him for transitioning as well. Mr. Music needs to program as scheduled and maintain positive behavior.

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He has indicated he is willing to do whatever it takes to get out so this should not be a problem for him.

LRG: ch

February 2, 2018

February 5, 2018

February 6, 2018

cc: Institution
John Music
George Marlton, Attorney



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

DATE: February 2, 2018

TO: Full Board

FROM: LRG & EB (*Christine*)

RE: Music, John/DOC# 625676

Panel recommends: Conditionally Parolable MRP

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

Agree	Disagree
Lori Ramsdell-Gilkey 2-5-2018 Elyse Balmert 2-5-2018 Jeff Patnode 2-5-2018 Kecia Rongen 2-5-2018	