



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

DECISION AND REASONS

NAME: Belgarde, Kermit
DOC #: 905798
FACILITY: Washington State Penitentiary
TYPE OF HEARING: .100 Hearing
HEARING DATE: March 19, 2018
PANEL MEMBERS: LRG & KR
FINAL DECISION DATE: April 2, 2018

This matter came before Lori Ramsdell-Gilkey and Kecia Rongen, 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. Belgarde appeared in person and was represented by attorney George Marlton. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Jon Gradwohl and Mr. Belgarde.

BOARD DECISION:

Based on the requirements of RCW 9.95.009(3) and RCW 9.95.100 and the totality of evidence and information considered by the Board, the Board finds that Mr. Belgarde is not parolable but adds no time to his minimum term. **The Board is adding no time to the current minimum term in order to make it more likely that he will be prioritized for participation in available programming.**

NEXT ACTION:

Schedule a .100 hearing 120 days prior to his parole eligibility review date. An updated psychological report is required for the next hearing.

JURISDICTION:

Kermit Belgarde is under the jurisdiction of the Board on an April 11, 1989 conviction of Ct. II, Murder in the First Degree, While Armed with a Deadly Weapon, in Skagit County under Cause #84-1-00065-1. His time start on this count is April 2, 2000 when the Board paroled him from Count I, Attempted Murder in the First Degree, While Armed with a Deadly Weapon, to begin serving this consecutive sentence. His initial duration of confinement on this count was set by the Board at 374 months. The standard range of the Sentencing Reform Act at the time was 291 to 388 months. His maximum term is Life. He has served approximately 216 months on this count. He has served approximately 400 months total on the cause.

NATURE OF INDEX OFFENSE(S):

According to file material, in March of 1984, Kermit Belgarde and two other men drove to the home of the victims. Mr. Belgarde and one of the men entered the home and the other man remained in the car. An argument of sorts ensued in the home and Kermit Belgarde returned to the car and obtained a firearm. He went back to the house and shot both the male and female victim. The female died as a result of a shot to the head and the male was hit in his right hand and shoulder but survived. The three men drove away and after Kermit Belgarde was dropped off, one of the men reported the incident to the police. Kermit Belgarde was later arrested and found guilty of Attempted Murder in the First Degree (WAWDW) and Murder in the First Degree (WAWDW) by a jury verdict.

PRIOR CRIMINAL CONDUCT:

Mr. Belgarde has a lengthy criminal history for a person who has been incarcerated or on active parole most of his adult life. In 1963 while serving in the US Army he was found guilty of **Assaulting a non-commissioned Officer** and then found **AWOL**. In addition he was found guilty of **Burglary** in Montana in July of 1964 and placed on probation.

Murder, 2 Counts-November 1964: According to records, Mr. Kermit Belgarde at age 20, stabbed his father and his older brother to death in the family owned bar. Apparently Kermit was not to

enter the bar as he was underage and when told to leave he attacked both victims with a knife, killing them.

After paroling from a Federal prison on January 2, 1978 Mr. Belgarde was next arrested on April 23, 1978 and convicted of **Assault and Resisting Arrest** in Bozeman, Montana. Six months later he was convicted of **Public Intoxication, Disorderly Conduct and Open Container**. He was revoked for violating parole and not released again until July of 1979.

Mr. Belgarde was arrested (but not convicted) several more times before his Federal parole was again revoked in 1982. He was next released in October of 1983. Within two months of release, he was charged with **Vehicle Theft** and **Assault Second Degree** and felony warrants were issued for his arrest. In January of 1984 a Federal Parole warrant was issued as well. He committed the current Murder and Attempted Murder in Skagit County in March of 1984.

HISTORY/COMMENTS:

Mr. Belgarde's last hearing was held on November 16, 1999. At that time the Board found him parolable to his consecutive count with a start date of April 2, 2000. The Board noted that before any eventual release to the community, *"Mr. Belgarde would be expected to engage in significant self-help programming as well as maintaining positive institution behavior."*

Classification Counselor Gradwohl testified Mr. Belgarde has been back at the Washington State Penitentiary since 2010 and on his caseload. **Since his last Board hearing he has incurred seven serious infractions, one for fighting.** He works as a Unit custodian at this time. He is a regular participant in the Veterans Group and Native American Group. He has been referred to Chemical Dependency but not yet begun treatment. There have been no behavioral observations entered by staff. They have discussed release addresses and Mr. Belgarde told his Counselor that he has two friends in Colorado and one in North Dakota who may be willing to let him release to them. Mr. Belgarde is currently housed in protective custody. At some point he may be able to be

moved if there are other institutions with no “keep separate” issues. He has a US Marshall’s Detainer.

Mr. Belgarde reminded the Board he has received his Barber’s certificate and he worked regularly as a custodian. He stated he attends the 7th Day Adventist services and counseling regularly. He said he regularly attends marriage counseling with them even though he has been divorced since 1994. Mr. Belgarde denies he is an alcoholic and says he has “overcome” that.

Mr. Belgarde denies committing the current Murder and Attempted Murder and states one of the other men he was with did the shooting and he had no idea it was going to occur. When it was pointed out he has twice been convicted by a jury of these offenses, he said it was because of his prior record.

Regarding the murders of his father and brother he stated he went to the bar to confront the two of them because they had beaten his mother badly the day before. He said he was most angry with his brother and only stabbed his father in order to get to his brother who was trying to run from him. He admitted he was drinking that day but was not drunk. He then added that his attack on his brother was actually self-defense because his brother was going to hit him with a pool cue.

Mr. Belgarde stated he deserves to get out of prison because he has “accomplished” a lot of things. He stated he gets along with staff and can help other inmates. He claims he graduated from college with a Bachelor’s Degree while in federal prison and this is repeated throughout the paper file however there is no documentation that this has ever been verified. He also mentioned he had been in a movie with Jane Fonda in 1971, a time when he was incarcerated in prison. He suggested he might wish to become a school guidance counselor or an agent for persons wishing to become actors. Mr. Belgarde told the Board of his plan to become enrolled in an Indian Tribe in Minnesota that would provide him with thousands of dollars per month obtained through their casino and wind turbine businesses.

INFORMATION CONSIDERED:

In preparation for Mr. Belgarde'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 Deborah Wentworth, PhD and Lisa Robtoy, PsyD. The Board also considered the testimony of the witnesses listed above. In a recent letter from the Skagit County Prosecutors office it was recommended Mr. Belgarde not be released and they noted his long criminal history and high risk for reoffending.

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. Belgarde not rehabilitated. **The Board is adding no time to the current minimum term in order to make it more likely that he will be prioritized for participation in available programming.**

When last seen by the Board it was recommended Mr. Belgarde participate in a great deal of self-help programming and remain infraction free. He has done neither. The most recent psychological evaluation places him in the high range for re-offense and states he was a questionable candidate for release. Typically in this time frame the Board would be considering Mr. Belgarde for participation in a Mutual Reentry Plan (MRP). It does not appear he is ready even for this step.

Mr. Belgarde takes little responsibility for his behavior and has done little to address his ongoing risk. He should seek to participate in available substance abuse treatment and sober support meetings. Merely stating he has "overcome" his drinking problem is not convincing to this Board.

He should also seek out programming that might address his propensity for extreme violence. If Bridges to Life, Thinking for a Change or the Redemption programs are available he would be wise to participate in them.

Prior to being seen by the Board next, Mr. Belgarde should also work on a realistic release plan and consider release to a supportive transitional type of housing situation. If not, he should have in hand some letters of support and current correspondence from the friends he states are willing to allow him to release to them.

LRG: ch

March 26, 2018

April 2, 2018

April 5, 2018

April 12, 2018

cc: Institution
Kermit Belgarde, Inmate
George Marlton, Attorney
File



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

DATE: 3/30/2018

TO: Full Board

FROM: LRG & KR (*Christine*)

RE: Belgarde, Kermit/*DOC# 905798*

Panel recommends: Not parolable and adds no time to minimum term.

Next action: Schedule .100 Hearing 120 days prior to his PERD.

Agree	Disagree
Lori Ramsdell-Gilkey 4-2-2018 Jeff Patnode 4-2-2018 Elyse Balmert 4-2-2018 Kecia Rongen 4-2-2018	