



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

DECISION AND REASONS

NAME: SEYMORE, Barry
DOC #: 287278
FACILITY: Monroe Correctional Complex – Twin Rivers Unit
TYPE OF HEARING: .100 Hearing
HEARING DATE: April 4, 2017
PANEL MEMBERS: KR & JP
FINAL DECISION DATE: April 21, 2017

This matter came before Kecia Rongen and Jeff Patnode, 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. Seymore refused to appear in person and the hearing was held in absentia. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Kristin Humble.

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. Seymore is not parolable and adds 90 months to his minimum term.

NEXT ACTION:

Schedule a .100 hearing 120 days prior to his next PERD. The Board requests a new psychological evaluation for this hearing.

JURISDICTION:

Barry L. Seymore is under the jurisdiction of the Board on a December 7, 1981 conviction in Spokane Cause #81-1-00824-1 for Attempted Murder in the First Degree. The time start is December 7, 1981. The minimum term was set at 240 months from a Sentencing Reform Act (SRA) range of 187 to 249 months. The maximum term is Life. Mr. Seymore has served approximately 424 months in prison and 82 days of jail time.

NATURE OF INDEX OFFENSE(S):

File materials indicate that on May 19, 1981, the 14 year old female spent the night at the home of Mr. Seymore (age 27) and his wife. The victim had run away from home and was previously acquainted with Mr. Seymore and his wife. On the day of the offense Mr. Seymore woke early to take his wife to work. He then returned home where the victim was still asleep. He awakened the victim at knifepoint and forced her into his bedroom. There she was tied up, gagged, and forced to have sexual intercourse with Mr. Seymore at knifepoint.

When Mr. Seymore was contacted by police regarding this incident, he admitted that he'd threatened the victim with a steak knife, and that the tied her up and gagged her. However, consistently maintained that the intercourse had been consensual. Mr. Seymore was later offered a plea deal on the case as the victim had sustained a serious injury when she was involved in a house fire the day before the case was scheduled for trial. The victim had had to leap from a second story window in that incident in order to save herself, and sustained a broken back. As such, it was unknown to what extent her injuries would prevent her from being involved in the prosecution of the case. Mr. Seymore accepted the plea agreement, and was at Eastern State Hospital being evaluated for the Sexual Psychopath Program when it was discovered that he was actually responsible for the house fire in an attempt to murder the victim to prevent her from testifying against him. It should also be noted that other members of the house sustained extensive severe burns and significant injuries as a result of the house fire.

PRIOR CRIMINAL CONDUCT:

Mr. Seymore also has a conviction for Indecent Liberties. Mr. Seymore was set for trial on this offense. However, the victim was injured in a fire the day before the trial and was therefore unable to assist in prosecution. As a result, Mr. Seymore was initially granted a plea bargain from Rape in the First Degree to Indecent Liberties. He was at Eastern State Hospital when it was discovered that he was responsible for setting fire to the victim's home. Mr. Seymore's suspended sentence was then revoked. Upon his admittance to DOC, the Board set the minimum term on this offense at 68 months, to be served concurrently with the current offense. This cause had a 10 year maximum term which expired in 1991.

HISTORY/COMMENTS:

Mr. Seymore's last hearing was held August 8, 2012 where he refused to appear. He was found not parolable and 90 months were added to his minimum term. The Board was willing to see Mr. Seymore earlier if he wrote the Board and requested an earlier hearing. This did not occur.

Mr. Seymore has not met with the Board in-person since 2010. This is now his third hearing where he has refused to attend. CC Kristin Humble indicated that Mr. Seymore does not want to appear as he does not believe the Board will let him out. She indicated he spends most of his time in this cell.

Mr. Seymore is not working, nor has he completed any programming since the Board's last hearing. Reportedly Mr. Seymore has medical issues which confines him to a wheelchair.

Dr. Wentworth completed a psychological evaluation without Mr. Seymore's participation. He met with her briefly for five minutes and according to her report, he appeared "angry, hopeless and abrupt." She assessed him as having low protective factors and moderate risk factors giving him an overall risk of low-moderate.

INFORMATION CONSIDERED:

In preparation for Mr. Seymore'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; psychological evaluation prepared by Dr. Deborah Wentworth. The Board also considered the testimony of the witnesses listed above.

The original recommendations from the Judge was 17 years and 20 years from the Prosecutor. An updated recommendation was not received for this hearing.

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. Seymore not releasable.

Mr. Seymore has not met with the Board since 2010. In addition, he refused to meet with Dr. Wentworth for a psychological evaluation to be completed. The Board is unable to assess rehabilitation until Mr. Seymore meets with the Board in-person. If he chooses to do that, he may request an earlier hearing with the Board.

KR: is

(April 15, 2017)

cc: Institution, Barry Seymore, File



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

DATE: *April 15, 2017*

TO: Full Board

FROM: *Kecia Rongen (Teresa Schmidt)*

RE: SEYMORE, Barry 282278

Panel recommends: Not parolable, add 90 months to minimum term.

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

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