



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

DECISION AND REASONS

NAME: PADDYAKER, Harold
DOC #: 712085
FACILITY: Airway Heights Correctional Center (AHCC)
TYPE OF HEARING: LTJUVBRD Hearing
HEARING DATE: July 25, 2017
PANEL MEMBERS: JP & LRG
FINAL DECISION DATE: August 14, 2017

This matter came before Jeff Patnode and Lori Ramsdell-Gilkey, 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 9.94A.730. Mr. Paddyaker appeared in person. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Allison Geenen, and Mr. Paddyaker.

BOARD DECISION:

This was a Deferred Decision. Based on the burden of proof set out in RCW 9.94A.730(3) and the totality of evidence and information provided to the Board, the Board does find by a preponderance of the evidence that Mr. Paddyaker is more likely than not to commit any new criminal law violations if released on conditions. Consequently, the Board finds Mr. Paddyaker not releasable under the Board's jurisdiction. Mr. Paddyaker will release on his current Earned Release Date (ERD) of December 26, 2019, and will follow the orders of his judgment and sentence. He will be on community placement as ordered by his Judgment and Sentence.

NEXT ACTION:

None.

JURIDICTION:

RCW 9.94A.730, enacted in 2014, allows individuals who were under the age of 18 when they committed their crime(s) and were sentenced as adults to petition the Board for consideration of early release after serving no less than 20 years of total confinement. Mr. Paddyaker's petition was accepted, which resulted in his hearing on this date.

Harold Paddyaker is currently incarcerated on an August 1993 conviction in Spokane County Cause #92-1-01638-0 for Conspiracy to Commit Robbery in the First Degree, Count I, and First Degree Murder, Count III. The time start is August 19, 1993. The Court set the original confinement term at 40.5 for Count I, and 347 months for Count III, to be served concurrently, from a Sentencing Reform Act (SRA) range of 30.75 to 40.5 months for Count I, and 261 to 347 months for Count III. The maximum confinement term is ten years for Count I, and Life for Count III. Mr. Paddyaker has served approximately 287 months in prison and 395 days of jail time.

NATURE OF INDEX OFFENSE(S):

According to file materials, in the evening hours of July 19, 1992, Mr. Paddyaker, at age 17, along with his codefendants created a detailed plan that included disguises and weapons to commit an armed robbery of a Spokane pizza store. The group had two 12 gauge shotguns, one of which had been stolen two days previously by Mr. Paddyaker and a codefendant. The group went to the pizza store at about 12:30 a.m., but retreated when they determined there was too much activity at the store, in addition to nearby police presence. The group created a new plan, which resulted in them ordering pizza to be delivered to a local address.

The group agreed another codefendant would shoot the delivery man after he exited his vehicle. Mr. Paddyaker and the other codefendant agreed to rob the victim and steal the pizzas. At approximately 12:55 a.m. on July 20, 1992, the victim arrived at the delivery address and was

shot by the designated codefendant with a sawed-off shotgun when he exited his vehicle. This codefendant then fled the scene. Mr. Paddyaker and the other codefendant looked for cash or other valuables on the victim's person, then fled the scene. Mr. Paddyaker reportedly told a witness that a man had been shot and directed them to call police. Before police arrived witnesses attempted resuscitation on the victim, however, the victim had already died from the gunshot wounds. The day after the robbery and murder, the group met and initialed a newspaper article about the crime and placed it into a scrap book.

PRIOR CRIMINAL CONDUCT:

Mr. Paddyaker has the following relevant juvenile criminal history that includes Second Degree Burglary, Fourth Degree Assault, Resisting arrest and Public Intoxication, and First Degree Theft. Mr. Paddyaker was reportedly on juvenile probation at the time of his index offense.

HISTORY/COMMENTS:

This is the first Board hearing for Mr. Paddyaker.

Mr. Paddyaker has a significant serious infraction history for the last ten years, with 80 total serious infractions during his prison term. His infractions include violence, controlled substance use, and sexual assault allegations. Additionally, Mr. Paddyaker was housed out of state from November of 2008 until July 2015 and incurred multiple serious infractions during that time.

Mr. Paddyaker has participated in a relatively small number of offender change programs considering the length of his confinement and they are as follows: GED – 1999, Thinking for a Change (T4C) – September 2016, Advanced Skill Building (T4C) – September 2016, Roots of Success – June 2017.

Classification Counselor Allison Geenen provided testimony regarding Mr. Paddyaker's behavior, programming (see above), and community support. CC Geenen stated that Mr. Paddyaker has not been a management issue and gets along well with staff and other offenders. She stated he

is working on a “good time restoration”, which if completed will give him an ERD of September 2018. CC Geenen stated Mr. Paddyaker has not had a major infraction since 2011 (see above). She stated he hopes to work as a welder when back in the community. CC Geenen stated that Mr. Paddyaker also had a pending PREA investigation from behavior in the early 2000s, for which he was found Not Guilty as they were outside of timeframes. CC Geenen stated that Mr. Paddyaker also has two positive behavioral observations for being particularly helpful to two different Corrections Officers. CC Geenen stated Mr. Paddyaker is hoping to release to the Seattle area and does not want to go back to Spokane due to victim concerns and the high profile nature of his crime.

Mr. Paddyaker provided a disclosure of the index offense that matched file materials. He provided some context for what was happening in his life at the time. He described his actions in a way that indicated that he knew in advance that his codefendant planned to kill the victim (this is a different version than provided by the codefendant, whom claims it was impulsive and happened in the moment). Mr. Paddyaker was very upfront in his acknowledgement that he was leading a lifestyle that resulted in him being in the circumstance which resulted in his index offense. He did seem somewhat detached when discussing the offense.

Mr. Paddyaker does appear to have some insight into his thinking or emotions at the time of the offenses. He acknowledges that he has caused irreparable harm to his victim and the families and he is very sorry for his role in the robbery and murder. He stated he believes he is ready to be back in the community and he is not the same young person that committed his index offense.

INFORMATION CONSIDERED:

In preparation for Mr. Paddyaker’ 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: information provided by the sentencing court/prosecutor; 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 dated June 8, 2016, by Deborah Wentworth, Ph.D. The Board also considered the testimony of the witnesses.

The ISRB received a letter from the Prosecutor in February of 2016 asking that Mr. Paddyaker's Petition be denied. The letter pointed out that Mr. Paddyaker was five months shy of his 18th birthday when he committed the crimes. He was declined by Juvenile Court. His original charge was First Degree Murder with aggravating circumstances, with an alternative charge of First Degree Murder. If convicted of First Degree Murder he would have received a life sentence, and under the Miller Fix would be facing a minimum term of at least 25 years, up to life.

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 9.94A.730 (3) the Board takes no action on Mr. Paddyaker and as such he will release on his current earned release date (ERD).

Mr. Paddyaker has had recent serious infractions and his behavior does not warrant the Board making a release decision that pre-dates his current ERD.

JP:jas

July 25, 2017

August 15, 2017

August 21, 2017

cc: Institution
Harold Paddyaker
File



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

DATE: July 25, 2017

TO: Full Board

FROM: JP & LRG (Jody)

RE: PADDYAKER, Harold, DOC# 712085

Panel recommends: No Action.

Next action: Release on earned release date.

Agree	Disagree
Jeff Patnode 8-14-2017 Lori Ramsdell-Gilkey 8-14-2017 Elyse Balmert 8-14-2017 Kecia Rongen 8-14-2017	