



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

DECISION AND REASONS

NAME: FOLDS, John
DOC #: 363678
FACILITY: Monroe Correctional Complex – MSU
TYPE OF HEARING: .100 Hearing
HEARING DATE: August 9, 2017
PANEL MEMBERS: JP & EB
FINAL DECISION DATE: August 21, 2017

This matter came before Jeff Patnode and Elyse Balmert, who are members of the Indeterminate Sentence Review Board (ISRB or the Board) on the above date for a parole hearing in accordance with the provisions of RCW 9.95.100. Mr. Folds appeared in person and chose not to be represented by an attorney. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Cindy Kline-Swan, and Mr. Folds.

BOARD DECISION:

This was a Deferred 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. Folds parolable.

NEXT ACTION:

Submit an Offender Release Plan (ORP) for consideration.

JURISDICTION:

John Folds is under the jurisdiction of the Board on a January 25, 2013 conviction of Manslaughter in the First Degree Count I and Attempted Theft in the First Degree Count II in King County Cause #10-1-09716-0. His time start is January 25, 2013. The minimum term was set at 114 months on Count I and 4.5 months on Count II from a Sentencing Reform Act (SRA) ranges of 86-114 on Count I and 1.5 to 4.5 months on Count II. His maximum term is 10 years on Count I and five years on Count II. He has served approximately 54 months and 778 days of jail time.

NATURE OF INDEX OFFENSE(S):

File materials indicate that on February 15, 1983, Mr. Folds, age 18 and the 36 year old male victim were traveling on a plane departing from California to Washington State. They did not know each other previously. During the flight, the victim was seen talking and socializing with several males in the rear of the plane. Once the plane arrived in Seattle, the victim was then seen in the company of a younger man at a rental car counter. The victim then left the airport and checked into a motel room where he was found dead later that day. The victim's nude body was found lying on the floor between the beds. It was later determined that the victim had died from multiple stab wounds to the chest, neck and face. There was no leads at the time and the case eventually went cold. Mr. Folds later developed as a suspect due to being a DNA match with samples that had been taken at the crime scene in the form of oral swabs from the victim and cigarette butts found in the room.

OTHER CRIMINAL CONDUCT:

Mr. Folds was convicted of Burglary of an abandoned building in Florida. His sentence was "deferred." His DNA taken at the time later led to his arrest in the cold case for the index offense.

Mr. Folds self-reported being arrested for public intoxication on the fourth of July when he was 18 and also for possessing a switchblade knife. He also indicated he was arrested for a DUI in 1984 or 1985. None of this criminal history shows up in an official report.

HISTORY/COMMENTS:

This was Mr. Fold's second hearing with the Board and first since he was found conditionally parolable to a Mutual Release Plan (MRP). Following the Board's last decision, Mr. Folds was transferred to the MCC Minimum Security Unit (MSU). The Board made the decision to cancel the work release component of Mr. Fold's MRP as he has been employed in the community relatively recently and the step down work experience does not appear to be necessary.

CC Cindy Kline-Swan provided a summary of Mr. Folds programming, behavior, and release plans since his transfer to MSU. She stated he had not been a management issue in any way, is currently employed, and has also recently married. CC Kline-Swan said his release plan includes utilizing transitional housing in the Snohomish County area and would like to establish himself prior to residing with his wife. CC Kline-Swan stated that Mr. Folds did incur a serious infraction for a UA result indicating positive for Spice (synthetic marijuana) in February of 2017. She said Mr. Folds has been adamant that he did not consume spice or any other illicit substance. She indicated that Mr. Folds did lose his job as a result of the infraction and was put in segregation for 20 days. She said that since that time Mr. Folds has completed chemical dependency treatment programming.

Mr. Folds testified regarding his adjustment while at the MSU and his plans if found parolable. He said he would like to be in the Snohomish County area in clean and sober transition housing. He stated he would like to have some time in the community and establish himself before he and his new wife live together and that his wife is currently in section 8 housing which would prohibit Mr. Folds from residing at her home. He stated he plans to continue to work as a painter and would eventually like to have his own business again. Mr. Folds said that the UA was a false positive. He said that he requested a re-test which was denied and he subsequently requested an appeal which was denied. Mr. Folds did state that he believes an over the counter medication he was taking may have contributed to what he insisted is a "false positive".

INFORMATION CONSIDERED:

In preparation for Mr. Folds' hearing and its decision in this case, the Board completed a review of Mr. Folds' ISRB file. The Board considered all information contained in those files, 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, dated February 25, 2015; Defense Presentence Report Cause#10-1-09716-0. 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. Fold parolable.

Mr. Folds has done well on his MRP. He did receive a positive UA for Spice and subsequently completed CD treatment. Mr. Folds was adamant that he had not consumed any drugs while he has been at the MSU.

Mr. Folds was evaluated by Dr. Wentworth and was assessed as a low risk for recidivism and high range for protective factors which included, marriage, raising two daughters, established home, business, church and recreational activities. She went on to say, "Mr. Folds is a reasonable candidate for transitioning to a less restrictive setting including camp or work release."

Mr. Folds had lived a relatively crime free life since his index offense occurred in 1983 having been married, had children, and owned two different painting businesses. He has done what the Board has expected in order to be found releasable and he appears to be "fully rehabilitated". Mr. Folds has a reasonable transition plan and good community support. Mr. Folds should be

monitored for drug use during his time on supervision. Releasing Mr. Folds prior to his maximum release date will ensure he is provided with parole supervision, enhancing public safety and ensuring a more seamless reentry to the community, which otherwise would not be available.

JP: ts

August 21, 2017

August 22, 2017

August 23, 2017

cc: MCC-WSR-MSU
John Folds
File



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DATE: August 9, 2017

TO: Full Board

FROM: JP & EB (Teresa)

RE: FOLDS, John, DOC# 363678

Panel recommends: parolable.

Next action: Submit an ORP.

Agree	Disagree
Jeff Patnode 8-21-2017 Elyse Balmert 8-21-2017 Lori Ramsdell-Gilkey 8-21-2017 Kecia Rongen 8-21-2017	