



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

**DECISION AND REASONS**

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NAME: CUPIC, Tony  
DOC #: 271739  
FACILITY: Stafford Creek Corrections Center (SCCC)  
DATE OF HEARING: September 11, 2018  
TYPE OF HEARING: .100  
PANEL MEMBERS: Jeff Patnode & Kecia Rongen  
FINAL DECISION DATE: September 19, 2018

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This matter came before the above named Board Members of the Indeterminate Sentence Review Board (ISRB or the Board) for a .100 hearing in accordance with RCW 9.95.100. In preparation for the hearing, the Board reviewed Mr. Cupic's ISRB file. No new recommendation has been received. Mr. Tony Cupic was present and was represented by his attorney Jason Couey. Classification Counselors (CC) Paul Nelson and Benjamin Bodwell provided a summary of programming, behavior and other relevant activities.

**Original Prosecutor Judge Recommendation:**

The Judge and Prosecutor originally recommended life without parole, and had maintained that position very adamantly in their updated recommendations. There is a hand written note from the Judge which indicated, "Mr. Cupic is, I believe, an amoral sociopath who is capable of any crime. I concur fully that his release from custody, at any time, constitutes an extreme and unconscionable risk to society."

**Current Prosecutor/Judge Recommendation:**

The ISRB received a letter dated July 1, 2018, from the Chief Deputy Prosecuting Attorney for Kitsap County, which stated: “Mr. Cupic pled guilty before the end of trial to avoid the possibility of the death penalty and was sentenced to two consecutive life sentences. After lengthy post-sentencing litigation, the Supreme Court has affirmed his mandatory minimum sentence of 59 years.” Also noted was, “Cupic has targeted the helpless for his own gain, he has minimized his own involvement in their victimization, failed to take responsibility for his actions, and is a danger to the community.” “We are aware of no justification or reason to jeopardize the safety of our community by the release of this offender.” Additionally, the ISRB received a letter dated June 12, 2018, from Kitsap County Superior Court Judge Sally Olsen stating neither herself, or any current member of the bench had any involvement in the case. Judge Olsen stated she has no comment based upon her own judicial observation.

**LAST BOARD DECISION:**

At the July 24, 2007 hearing the Board continued Mr. Cupic on his present status, and made no changes to the current time structure. No specific recommendations were made.

**CURRENT 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. Cupic is not parolable and adds no time to his minimum term.

**NEXT ACTION:**

Schedule .100 hearing 120 days prior to parole eligibility review date (PERD).

**REASONS FOR DECISION:**

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 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 9.95.100, the Board finds Mr. Cupic not parolable for the following reasons:

- **Needs additional offense-specific treatment.**
- **Assessed as a high risk for re-offense in his most recent psychological evaluation dated April 30, 2018.**
- **Denies having committed a sexual assault as a component of his index offense.**

#### **RECOMMENDATIONS:**

Mr. Cupic should continue to remain infraction-free and participate in offense-specific treatment. He is not admitting to the sexual assault and as such will not likely be admitted into the SOTAP, however he could request to participate in the “Moving Forward” program at AHCC. He stated in today’s hearing that he is willing to do this program and should make that request and participate in any re-entry programming that is available.

#### **JURISDICTION:**

Tony Cupic is under the jurisdiction of the Board on an August 1, 1980 conviction in Kitsap County Cause No. 79-1-00320-2 for Robbery in the First Degree, Count I, and Premeditated Murder in the First Degree, Count II. The time start is August 1, 1980. The minimum term was set at 90 months on Count I. The ISRB Action Sheet indicates Mr. Cupic was sentenced to life on Count II and the Board had no jurisdiction on that count. On July 15, 1988 an Irwin Review occurred, and the Board determined to run Counts I and II concurrent. Subsequently a Duration of Confinement hearing occurred and the Board set a minimum term of 1,062 months on Count II to be served concurrent with Count I. On October 25, 1991 the Board revised the Duration of Confinement to 708 months on Count II from an SRA range of 264 to 354 months. Mr. Cupic has served approximately 38 years in prison and no days of jail time.

#### **OFFENSE DESCRIPTION:**

The Robbery in the First Degree, Count I, is described as Mr. Cupic robbing a man while armed with a sawed-off shotgun. The victim in this count was a man who had picked him up hitchhiking. The Premeditated Murder in the First Degree, Count II, is a very violent and horrible crime that is

described as Mr. Cupic and a co-defendant following a woman who was spotted at a gas station back to her job, kidnapping her at gunpoint, sexually assaulting her anally, vaginally, and orally, and shooting her at close range seven times. File materials describe the victim of this crime as being 18 years old at the time of her murder.

**PRIOR CRIMINAL / RISK RELATED CONDUCT:**

Robbery in the First Degree, Kitsap County Cause No. 79-1-00320-2: On June 22 1979, around midnight the male victim was driving alone in his car. He stopped to pick up a hitchhiker, which was Mr. Cupic, a stranger to the victim. Mr. Cupic asked the victim if he took chemicals, to which the victim stated no. Mr. Cupic then reached into a sea bag he was carrying and pulled out a sawed-off shotgun and pointed it in the victim's face. He told the victim to give him his wallet, which the victim did. Mr. Cupic then became excited and had difficulty getting out of the car. He told the victim to "get out of here". The victim then ducked down to avoid being shot and drove away. He immediately went to a telephone and reported the robbery to the Sheriff's office. The wallet which was taken contained \$9.00 cash, credit cards, and various identification.

Mr. Cupic became a suspect in the robbery when some of his neighbors became angry with him because of a dispute over borrowed money, and reported his involvement to the authorities. The victim later picked Mr. Cupic's photograph out of a photograph line-up.

Possession of Stolen Property: According to the Statement of trial judge and prosecuting attorney in Kitsap County Cause No. 79-1-00320-2, it was noted this was Mr. Cupic's only previous criminal history. However, the PSI report offered the following criminal history:

November 1976 – Cultivating Marijuana, Riverside, California. He received a one year diversion. Mr. Cupic stated that officers discovered one marijuana plant growing in his residence when they responded to a loud party call. He said that both he and his wife were required to become involved in a drug program as part of the Court Diversion.

October 1977 – Receiving Stolen Property, Riverside, California. Convicted – 90 days confinement, and 24 months of probation. This offense involved purchasing stolen property from a residential burglary. Mr. Cupic was on active probation through the Interstate Compact Agreement through October of 1979. It was at that time authorities were notified of the outstanding robbery warrant for his arrest, and Mr. Cupic stopped reporting to the probation authorities.

**PROGRESS/BEHAVIOR:**

CC Nelson provided a summary of programming, behavior and other relevant activities for Mr. Cupic. He stated Mr. Cupic is involved in the dog training program and receives positive reports. He stated he is not involved in any other programming at this time and the dog training program is full time. CC Nelson stated Mr. Cupic has no infractions since 2010 and nothing involving violence since his last hearing, with the exception of a 2008 infraction for fighting with another offender. CC Bodwell stated that he worked with Mr. Cupic for approximately five years and he was always respectful and never a management problem in any way.

Mr. Cupic discussed the facts surrounding his index offense. He indicated that he did not commit the sexual assault as listed in file material and that it was co-defendant (consistent with past accounts). He stated he is willing to participate in SOTAP and the Board informed him that he will not likely be found amenable if he denies having committed a sex offense. He stated he is willing to participate in the Moving Forward program at AHCC. He also acknowledged that he is in no way prepared to release to the community without a step down/re-entry program.

According to the most recent psychological evaluation, Mr. Cupic is assessed as a high risk for re-offense and not a good candidate for transitioning to lower levels of custody at this time. Dr. Wentworth further recommended that if he is released at some future time, he should be required to be evaluated by a state certified sex offender treatment specialist and follow all recommendations.

CUPIC, Tony – DOC #271739

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September 17, 2018

September 19, 2018

October 2, 2018

cc: SCCC  
Tony CUPIC  
Attorney Jason Couey  
File



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

TO: Full Board

FROM: Jeff Patnode (Fawn)

RE: CUPIC, Tony DOC #271739

Panel recommends: Find Not Parolable and add no time to his minimum term.

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

<b>Agree</b>	<b>Disagree</b>
<b>Jeff Patnode 9-19-2018</b> <b>Lori Ramsdell-Gilkey 9-19-2018</b> <b>Elyse Balmert 9-19-2018</b> <b>Kecia Rongen 9-19-2018</b>	