



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: ASA, Kimo  
DOC #: 758496  
FACILITY: Cedar Creek Correctional Center (CCCC)  
TYPE OF HEARING: LTJUVBRD Hearing  
HEARING DATE: September 13, 2017  
PANEL MEMBERS: JP & LRG  
FINAL DECISION DATE: September 25, 2017

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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. Asa appeared in person. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Keith Lawson and Mr. Asa.

**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. Asa is more likely than not to commit any new criminal law violations if released on conditions. Consequently, the Board finds Mr. Asa not releasable under the Board's jurisdiction. Mr. Asa will release on his current Earned Release Date (ERD) of April 10, 2018, and will follow the orders of his Judgment and Sentence. He will be on community placement as ordered by his Judgment and Sentence. The Board will take no further action.

**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. Asa's petition was accepted, which resulted in his hearing on this date.

Kimo K. Asa is under the jurisdiction of the Board on a February 7, 1997 conviction in King County Cause 96-1-05033-1 for Count I – Murder in the Second Degree, Count II – Assault in the First Degree. The time start is February 11, 1997. The minimum term was set at 156 months on CT I and 120 months on CT II (to run consecutively) from a Sentencing Reform Act (SRA) range of 123 to 164 months (CT I) and 93 to 123 months (CT II). The maximum term is LIFE (both counts). Mr. Asa has served approximately 20 years and 6 months in prison and 209 days of jail time.

**NATURE OF INDEX OFFENSE(S):**

On February 25, 2016, Mr. Asa (age 17) and his brother, Fiafuau (Kojack) Asa, were drinking malt liquor in a park with six other individuals. Kimo Asa and Kojack Asa drove to a Texaco Food Mart to get something to eat. The vehicle they were riding in pulled up at the gas pumps behind a car containing a 40 year old female and a 31 year old male. Kojack got out of the car and went to use the telephone. Upon his return he noticed the 31 year old male wearing his hat and stated that the 40 year old female had given it to him. When Kojack looked inside of the female's vehicle he noticed his coat was inside her vehicle. As Kojack attempted to retrieve his coat he noticed Kimo Asa approaching the vehicle with a gun in his hand. Kimo Asa began shooting into the female's vehicle and as she attempted to drive away, Kimo Asa continued firing. The vehicle spun out of control and crashed into a concrete post. The 31 year old male emerged from the car and Kimo Asa shot at him. Kojack approached the 31 year old male and asked him if he was alright when Kimo Asa walked up and shot the 31 year old male in the neck. Kimo Asa fled in his vehicle

and Kojack Asa remained at the scene. When police arrived the female was pronounced dead at the scene sustaining four gunshot wounds. The 31 year old male sustained a gunshot wound to his neck leaving him paralyzed from the neck down today. On July 2, 1996 Kojack identified his brother as the shooter and reported to police that it bothered him that Klmo Asa shot the victims “for no reason”.

**PRIOR CRIMINAL CONDUCT:**

Mr. Asa has two juvenile convictions as follows:

*TMVWOOP – King County #93-8-00587-5* - No official version of the offense is available. Disposition 6 months community supervision, 32 hours community service and 5 days detention. *November 1993, Assault in the Fourth Degree, King County #94-8-01827-4* - Mr. Asa was engaged in a fist fight with another student at school. Disposition: 3 months community supervision 5 days detention.

**HISTORY/COMMENTS:**

This is the first Board hearing for Mr. Asa.

Mr. Asa has incurred 55 serious infractions dating back to 1997 including;

#712 Attempted Suicide x2 (Mr. Asa was attempting to remove a tattoo, this infraction is no longer a violation); #734 Unauthorized Gang/Club x3; #704 Assault/Non Hospital; #714 Possess > \$10; #658 Fail to Perform x8; #505 Fighting x2; #708 Unauthorized Meeting x2; #502 Assault/Hospital x2; #554 Destroy Property; #509 Refuse to Leave x4; #720 Flooding; #600 Tamper with Lock; #653 Interfere with County; #717 Refusal/Safety; #633 Assault/Inmate x3; #557 Refuse to Work x4; #655 Making Drugs; #606 Poss. Tobacco; #710, Tattoo; #752, Positive Drug Test; #709 Out of Bounds; and #810 Failure to Maintain.

Mr. Asa’s last two serious infractions were:

- *April 16, 2015 #734 Unauthorized Gang/Club* - Mr. Asa was found to be in possession of a photo with gang related images.

- *October 13, 2015 #810 Failure to Maintain* - Mr. Asa did not report to perform his duties as a recreation.

Mr. Asa has participated in a relatively small number of programs considering the length of his confinement and they are centered on work and or educational programming. He has completed Stress/Anger Management in August of 2012, but does not appear to have completed other offender change programs.

Classification Counselor Keith Lawson provided testimony regarding Mr. Asa's behavior, programming (see above), and community support. CC Lawson stated that Mr. Asa has not been a management issue and gets along well with staff and other offenders. He stated Mr. Asa has held a variety of jobs during his stay in DOC and is currently working on the off campus program. CC Lawson stated Mr. Asa has been at Cedar Creek for approximately 2 years, has been accepted into the Olympia Work Release program, and has an approved Offender Release Plan to his mother's home in Seattle.

Mr. Asa provided a disclosure of his index offense that did not match file material. He stated he was only acting in self-defense and that the victims had tried to run over him with their car. He stated he believed his life was in jeopardy and he was simply defending himself. He could not provide an explanation for the difference in his brother's account of what occurred. He stated if he was back in the same circumstance again, he would defend his life and respond in the same manner.

Mr. Asa does appear to have insight into his thinking or emotions at the time of the offenses beyond what he experienced as a "self-defense" response. He acknowledges that he has caused harm to his victim and the families and he did apologize for his behavior. This apology seems somewhat inconsistent with his statement that if he was in the same circumstances again, he would respond the same way as he believes he was fighting for his life and acted in self-defense.

**INFORMATION CONSIDERED:**

In preparation for Mr. Asa'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: 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 May 2, 2017, by Deborah Wentworth, Ph.D. The Board also considered the testimony of the witnesses.

The ISRB did not receive a recommendation from the Prosecutor regarding Mr. Asa being released by the Board.

**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. Asa and as such he will release on his current earned release date (ERD).

Mr. Asa has had recent serious infractions, appears to have limited insight into his offending behavior, is assessed as a Moderate risk for re-offense, and has very limited Offender Change Program participation. He will not be under the jurisdiction of the Board and will release on his current ERD.

JP:ffo

September 25, 2017

October 2, 2017

October 4, 2017

October 9, 2017

cc: Institution/CCCC

KIMO, Asa

File/ffo



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

DATE: September 25, 2017

TO: Full Board

FROM: JP & LRG (Fawn)

RE: ASA, Kimo / DOC# 758496

Panel recommends: No Action.

Next action: Release on ERD.

<b>Agree</b>	<b>Disagree</b>
Jeff Patnode 9-25-2017 Lori Ramsdell-Gilkey 9-25-2017 Elyse Balmert 9-25-2017 Kecia Rongen 9-25-2017	