



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: Grisby, Henry  
DOC #: 118369  
FACILITY: Washington State Penitentiary  
TYPE OF HEARING: .100 Hearing  
HEARING DATE: September 19, 2017  
PANEL MEMBERS: EB & LRG  
FINAL DECISION DATE: October 9, 2017

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This matter came before Elyse Balmert 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 9.95.100. Mr. Grisby appeared in person and was represented by attorney Jeffrey Ellis. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Rebecca Haneynixon, and Mr. Grisby.

**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. Grisby is parolable from Murder 1, Count II to Murder 1 Count III both under King County Cause 85192, on his current Parole Eligibility Release Date (PERD) for Count II.

Mr. Grisby has served a proportional sentence for Count II and it is appropriate to commence the service of Count III as these sentences are consecutive.

**NEXT ACTION:**

Schedule a .100 hearing approximately 120 days prior to his PERD on Count III. An updated psychological evaluation is requested prior to the hearing.

**JURISDICTION:**

Henry Grisby is under the jurisdiction of the Board on a September 8, 1978 conviction; King County; Cause # 85192 for five Counts of Murder in the First Degree (Counts I, II, III, IV, VI) and one count of Assault in the First Degree, Count V. The time start on Count I was March 9, 1979. He was paroled to Count II with a time start date of May 28, 2001. The minimum term was set at 400 months on Counts I and VI at a Duration of Confinement Hearing on July 23, 1990, after an Irwin review determined that Counts I and VI were the only counts eligible for review. Count I was aggravated by 39 months and Count VI was aggravated by 80 months. In 1987 during a 1400 progress review, the Board reduced the Assault in the First Degree downward to twice the high end of the SRA guideline range at 164 months due to aggravating circumstances. The maximum term is Life on all counts. It should further be noted that in September of 2000 the Court resentenced Mr. Grisby to 300 months minimum term for each count, consecutive to each other. Counts I, V, and VI remained as imposed.

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

In March of 1978 Mr. Grisby was convicted of Murder in the First Degree counts I, II, III IV and VI and one count of Assault in the First Degree count V. This relates to the accompanying of a codefendant into a residence occupied by several adults and two small children, ages five and a half and three. Both Mr. Grisby and the codefendant were armed. All of the people in the apartment were shot to death, except a single adult survivor, Count V.

As stated in the previous D&R, Mr. Grisby feels that the facts should reflect that he simply accompanied his co-defendant and in fact was surprised when he began shooting people. When in fact the file material indicates it was Mr. Grisby who first fired a shot. File materials also indicate bullets from both guns in the victims. So there is a dispute on that particular point.

**PRIOR CRIMINAL CONDUCT:**

Mr. Grisby also has previous Robbery in Benton County which has reached the maximum expiration date, and that time start was transferred to these Murder counts in 1979.

**HISTORY/COMMENTS:**

The Board last saw Mr. Grisby at a .100 Hearing on July 11, 2001. The Board paroled Mr. Grisby from Count I to the consecutive Count II Murder in the First Degree charge.

CC Haneynixon testified that Mr. Grisby is not a behavior problem, is respectful and is a “model inmate” on the unit. She states that he is working in the horticulture department and “does a wonderful job”. He is attending a new program through Whitman College based on the book *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. Since Mr. Grisby was last seen by the Board in July of 2001 he has accrued four Serious Infractions, three for positive drug test, and one for drug or alcohol use. His last Serious Infraction was in 2016 for a positive drug test. Since his last hearing Mr. Grisby has completed the following offender change groups and/or educational/vocational classes:

- Roots of Success
- Redemption program
- CI Financial Literacy –2015
- Making a Good Brain Great –2015
- Roots of Success –2015
- Making It Work –2015
- Chemical Dependency treatment- 2011

Mr. Grisby is again participating in Roots of Success and in the Redemption program.

Mr. Grisby testified that he has support in the community and extended family visits with his wife of over 30 years and his daughter. He has been mentoring younger offenders and believes he is making a positive difference in their lives. He takes responsibility for his role in the crime and appears to be remorseful.

Mr. Ellis stated that the former Prosecutor for the State, Roy Howson, stated that in his entire career he made one mistake and that mistake was prosecuting Mr. Grisby for murder. Mr. Ellis also stated that when Mr. Grisby was asked during a polygraph “did you shoot anyone in the room” his response was no and he passed a polygraph.

The May 8, 2017 psychological evaluation by Dr. James Johnson, Psy.D., states overall Mr. Grisby has continued to demonstrate positive changes in attitude and behavior over the course of his prison time. He maintains regular work habits, creates minimal problems, and maintains productive social interactions. He appears to be a reasonable candidate to be considered for placement in a setting with less intensive supervision and more individual responsibility.

**INFORMATION CONSIDERED:**

In preparation for Mr. Grisby’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 James Johnson, Psy.D. The Board also considered the testimony of the witnesses listed above.

The Board did not receive an updated recommendation from the Judge or Prosecutor’s Office. The original recommendation was life without parole.

**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. Grisby parolable to his next consecutive count of Murder 1.

Mr. Grisby is utilizing his time to mentor, assist and make a positive impact on others. For the Board, the decision reflects an acknowledgement of the proportionality of each count. At the sentencing, as a result of the trial, and the re-sentencing, all parties have indicated that even though this was a single incident it had a number of victims and the time should run consecutively, and the Board is bound by that. The decision of the Board reflects a recognition of the proportionality compared with other single offenses for Count II. We are following the purposes, standards, and ranges of the Sentencing Reform Act.

EB: ch

September 26, 2017

October 9, 2017

October 9, 2017

October 12, 2017

cc: Institution  
Henry Grisby  
File  
Jeffrey Ellis, Attorney



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

DATE: October 9, 2017

TO: Full Board

FROM: EB & LRG (*Christine*)

RE: Grisby, Henry/*DOC# 315372*

Panel recommends: Parolable from Murder 1 Count II, to consecutive Murder 1 Count III on his PERD.

Next action: Schedule .100 hrg approx. 120 days prior to PERD on Ct. III. Updated Psych Eval requested for next hearing.

<b>Agree</b>	<b>Disagree</b>
Elyse Balmert 10-9-2017 Lori Ramsdell-Gilkey 10-9-2017 Jeff Patnode 10-9-2017 Kecia Rongen 10-9-2017	