



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:	Libby, Marion
DOC #:	906619
FACILITY:	Coyote Ridge Correctional Center
DATE OF HEARING:	March 16, 2021
TYPE OF HEARING	.100
PANEL MEMBERS:	TaTeasha Davis & Elyse Balmert
FINAL DECISION DATE:	March 29, 2021

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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. Libby's ISRB file. Mr. Libby appeared in person and was represented by Attorney Jason Couey. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Aaron Fryer.

The January 23, 2018 Prosecutor's recommendation was to keep Mr. Libby incarcerated for the rest of his life.

**LAST BOARD DECISION:**

At the March 17, 2021 hearing, the Board found Mr. Libby not parolable and added 60 months to his minimum term. The Board also recommended that Mr. Libby be assessed for participation in the "Deniers" Program called Moving Forward.

**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. Libby is not parolable and adds 36 months 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/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 9.95.100, the Board finds Mr. Libby not parolable for the following reasons:

- Mr. Libby scored HRC-20 Moderate risk for committing future violence, PCL-R Moderate range for Psychopathy & Moderately high risk to reoffend, SAPROF- low range for protective factors, and VRAG 6 of 9,
- He refuses to take any offender related programming that will reduce his risk to reoffend
- He is assessed as an ESRC level Three
- Mr. Libby denies his sexual offending behavior and show no insight into the circumstances that resulted in his conviction.
- Mr. Libby could provide any evidence to demonstrate to the Board that he is rehabilitated and a fit subject for release

**RECOMMENDATIONS:**

Mr. Libby should be rescreened for Thinking for a Change. The Board will be requesting an override to get him into that program. Mr. Libby should also take any programming that will help ease his transition into the community and develop a detailed release plan.

**JURISDICTION:**

Marion Libby is under the jurisdiction of the Board on a 1984 conviction in Lewis County Cause #83-1-00143-3 for Statutory Rape First Degree. The time start is March 14, 1985. The minimum term was set at 20 years from a Sentencing Reform Act range of 15 to 20 months. The maximum term is Life. Mr. Libby has served approximately 36 years in prison.

The original recommendation included the Judge recommending that Mr. Libby serve a minimum term of life imprisonment, or until Mr. Libby had completed a psychiatric evaluation that unequivocally concluded that he was safe to be at large. The Prosecutor recommended that Mr. Libby serve 40 years confinement.

**OFFENSE DESCRIPTION:**

File materials indicate that Mr. Libby (age 33-34) sexually assaulted three known minor females. The girls were sisters and were ages 9, 7 and 5. Mr. Libby had been residing with the girls and their mother for five or six years and was employed by their mother as a “live-in babysitter.” The offending behavior included having the girls perform fellatio on him and touching his penis to the vaginal area of the girls. It was reported that the 7-year-old victim’s hymen was not intact, indicating that she had been penetrated by some kind of object. Examination further revealed cigarette burns on each of the girls’ thighs. In addition, doctors found cuts on the backs of the girls’ legs and the 7-year-old victim’s rectum and vaginal area “consistent with that which was made by a knife cut.”

Mr. Libby was originally charged with three counts of Statutory Rape First Degree. However, he pled guilty to one count of Statutory Rape with the understanding that it would be recommended that he be committed to Western State Hospital (WSH) to participate in the Sexual Psychopath Program. In 1985, he was terminated from the program and sentenced to prison.

**PRIOR CRIMINAL / RISK RELATED CONDUCT:**

Mr. Libby was convicted in 1966 of Contributing to the Delinquency of a Minor in Iowa. In 1972, he was convicted of Possession of Marijuana. Between 1973 and 1977, he was convicted five times for Shoplifting. He was arrested in 1967 for Lewd and Filthy Acts in Nebraska.

**PROGRESS/BEHAVIOR:**

CC Aaron Fryer provided testimony about Mr. Libby's overall prison behavior. Mr. Libby currently works as a Custodian and has received favorable reviews for his work performance. He has not received any serious infractions and only three minor infractions since the last hearing. He has received 6 negative and 2 positive behavioral observations. Mr. Libby has not participated in any programming since his last board hearing even though the board recommended that he participate in the 'Deniers' group Moving Forward. Mr. Libby could have requested to be moved to a prison that offers the program moving forward, but he chose not to do that.

He has community support from his fiancé Theresa. He claims she knows why he's in prison and she does not believe he committed his offense. His fiancé is 65 years old and lives by herself.

Mr. Libby testified that he's been in prison for 37 years for a crime he did not commit. The record shows that he did admit to committing the offense of Indecent Liberties, but now denies that offense also. When asked why he didn't participate in the programming the previous board recommended, he responded that he doesn't need to participate in any programming because he didn't do anything. Mr. Libby expressed some anxiety about his fellow inmates knowing what he's been accused of, this could be why he refuses to do any programming surrounding his sex offense. He maintains he does not need any programming even when this board member inquired why he hadn't done any programming to help with his general personal development. Mr. Libby offered that he's been staying out of trouble and that he's been working consistently as proof that he's rehabilitated and a fit subject for release. He wants to move forward in his life.

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Mr. Libby could not offer any other evidence to show that he's a fit subject for release.

TD: ch

March 24, 2021

cc: Coyote Ridge Corrections  
Jason Couey  
File



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

TO: Full Board

FROM: TaTeasha Davis (Christine Hunter)

RE: LIBBY, Marion DOC #906619

Panel recommends: Not parolable and adds 36 months to his minimum term.

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

Agree	Disagree
<b>TaTeasha Davis 3-29-2021</b> <b>Elyse Balmert 3-29-2021</b> <b>Lori Ramsdell-Gilkey 3-29-2021</b> <b>Jeff Patnode 3-29-2021</b> <b>Kecia Rongen 3-29-2021</b>	