



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

DECISION AND REASONS

NAME: Smith, Scott
DOC #: 278891
FACILITY: Stafford Creek Corrections Center (SCCC)
DATE OF HEARING: April 13, 2021
TYPE OF HEARING: .100
PANEL MEMBERS: Lori Ramsdell-Gilkey and Jeff Patnode
FINAL DECISION DATE: April 26, 2021

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. Smith's ISRB file. Mr. Smith appeared in person via video conferencing and was represented by Attorney Jon Zulauf. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Andrew 'Mike' Andring. The Board Members were located at their office in Lacey, Washington. Others observing the hearing remotely include victims and several family members of the victims in this case.

At the time of conviction both the Prosecutor and the Judge recommended Life imprisonment for each of the three counts of Murder. In 1990 they updated their recommendation to include a minimum of 120 **years** for each of the three counts of First-Degree Murder.

The King County Prosecutor sent a recommendation to the Board on April 12, 2021, stating that they did "not support any release or parole for Mr. Smith."

LAST BOARD DECISION:

The Board last met with Mr. Smith on April 29, 2003, for an In-Person Progress. The purpose of that hearing was to discuss a time calculation correction that resulted in a change to the effective date of parole to consecutive count III to count IV to reflect December 24, 2002, instead of August 7, 1998. It should also be noted, on June 22, 2020 the Board approved an administrative action to adjust the parole date from count III to Count IV to now reflect November 25, 2002, to coincide with the computer calculations.

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. Smith is not parolable and adds 60 months to his minimum term on Count IV.

NEXT ACTION:

Schedule a .100 hearing approximately 120 days prior to ERD. A new psychological evaluation will be required.

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. Smith not parolable to the consecutive count for the following reasons:

- **Scott Smith has been involved in criminal (possibly felony level) behavior for 30 of his 40 years in prison. He admits he was involved in drug smuggling and drug dealing to support himself and his family.**
- **Mr. Smith admits to using drugs regularly throughout his prison stay until approximately 2009. He stated he *mostly* smoked marijuana.**
- **Mr. Smith has not pursued or completed substance abuse treatment though he was an active drug user and seller for years. He showed little insight into why such treatment**

may benefit him and the community.

- **Mr. Smith has completed little offender change programming in his 40 years of incarceration.**

RECOMMENDATIONS:

Mr. Smith should continue to maintain positive prison behavior. He should complete a substance abuse program. He used and sold drugs in prison for many years and though he claims he has been clean since at least 2010, treatment should be pursued. In addition, Mr. Smith should seek out any available offender change program that may support his ability to make good decisions.

JURISDICTION:

Scott Smith is under the jurisdiction of the Board on a September 17, 1981 conviction in King County under Cause # 80-1-02459-7 for Assault in the Second Degree, Counts I and II, and Murder in the First Degree, Counts III, IV, and V. His initial duration of confinement was set by the Board at 240 months on Count I, 240 months on Count II, 680 months on Count III to run concurrently.

In 1982, the Board first set his minimum term on counts I and II at 240 months only. No minimum term was set on counts III, IV and V at that time as the Board had no jurisdiction to set minimum terms on Murder in the First Degree sentence.

In 1987 a 1400 review was completed and the Board re-determined the minimum terms on counts I and II to 132 months.

In 1991 a Duration of Confinement hearing was held, after Legislative directive gave the Board the authority to set a minimum term on Murder in the First Degree sentence. The Board set a minimum term on count III at 608 months, and counts IV and V at 320 months.

In 1992 a Murder First Degree Review was completed. The Board re-determined the MT on count III to 304 months; and maintained the minimum terms on count IV and V at 320 months.

Mr. Smith served approximately 254 months in prison on Counts I, II and III prior to being paroled to Count IV on December 24, 2002. This date was later corrected to November 25, 2002. Thus far, Mr. Smith has served 220 months on Count IV.

OFFENSE DESCRIPTION:

Mr. Scott Carl Smith at age 21, and his co-defendant Timothy Pauley entered the Barn Door Tavern in King County, Washington in the early morning hours of June 12, 1980 with the intent to commit a robbery. Five persons were present in the tavern when they entered. The manager and bartender were taken to a walk-in cooler, their hands tied, then subsequently shot and killed by Timothy Pauley. Mr. Smith, meanwhile, had the three women remove their clothing and crawl to the bathroom. He then tied the cook and the manager's wife together by the neck, with electrical cord. He also tied their hands. Mr. Smith took the bartender's girlfriend back to the bar area and tied her to a pole with a cord tied around her neck and she died of strangulation as a result. The cook and the manager's spouse survived their strangulation though one had lost consciousness.

The next day Mr. Smith was identified and arrested and subsequently provided a statement to police and told them where to find the gun and knife used in the robbery as well as the money taken.

PRIOR CRIMINAL / RISK RELATED CONDUCT:

No prior convictions. Mr. Smith disclosed however that he became involved in theft from his job sites and various burglaries prior to the index offense. In addition, he was arrested for a DUI in Alaska, but it is unknown if this resulted in a conviction.

PROGRESS/BEHAVIOR:

Classification Counselor Andrew Andring testified that Mr. Smith has been doing well. He is easy to get along with and is polite with staff and inmates alike. CC Andring stated Mr. Smith is

currently working as a Laundry Porter. He has obtained numerous positive behavioral observations. The Board noted Mr. Smith has been found guilty of 137 individual serious infractions during 97 infraction hearings. The last serious infraction occurred in 2011. This was an infraction for Fraud wherein he submitted paperwork to the Mason County Court requesting a legal name change and indicated he was indigent and could not pay for this. His Counselor became aware of this and knew Mr. Smith had sufficient funds in his account and he was infraacted for Fraud. Mr. Smith also has a serious infraction for possessing marijuana and submitting a diluted UA in 2009. The prison instant test showed positive for Amphetamines and THC but the laboratory results showed it was too diluted for them to accurately test. He admits this is accurate and stated he mostly smoked marijuana in prison and admitted he spent approximately the first 30 years in prison committing crimes and smuggling drugs in and selling drugs. He indicated he has not participated in substance abuse treatment in prison.

Mr. Smith was asked about any recent offender change programming he had completed in the last few years. He has primarily been working and helping inmates in the Skill Building Unit. Records show he completed Stress/Anger Management in 2006, Marriage Encounter in 2008, Getting it Right in 2011, Inside Out Dads in 2013 and Redemption in 2014. He stated he did become a Redemption Facilitator as well but hasn't facilitated it for several years. He participated in a dog training program. Mr. Smith insinuated he was not eligible for much programming since he was a "lifer". It is more likely that he simply didn't seek it out, or that his custody level based on his behavior did not allow for participation. The Board frequently meets with inmates serving extremely long terms and most all have successfully sought out programming and educational opportunities. He presents as believing that he has changed as the result of becoming a Christian several years ago and little else is needed.

The Board asked him about his recent claim to be younger than 25 at the time of the offense. He explained that at age 14 he was able to obtain a fraudulent ID card indicating he was 18 so he could obtain employment. He later obtained a driver's license with this same false DOB on it. From then on it was assumed he was 4 years older than he actually was. His attorney was able to

obtain a copy of his birth certificate and this supported his claim. As such the DOC has made a change in its database reflecting this.

The Board asked Mr. Smith at what point he and Mr. Pauley decided to rob the Barn Door Tavern. He said they had been at the Barn Door Tavern the day prior to the robbery. They had a few drinks and hung out for a while. He stated Mr. Pauley “frequented” the place regularly. He went to the tavern with Mr. Pauley to look the place over. He stated the decision to rob the place was a mutual one. He stated they never talked about what they would do if anyone resisted nor were they concerned about being recognized even though they didn’t disguise themselves in any way and Mr. Pauley regularly frequented the place. Mr. Smith admitted he had a knife when he entered the bar and his co-defendant had a gun. He said there were more people there than they expected so he decided to tie them up. He tied the men’s hands and Mr. Pauley walked them to another area of the bar. Mr. Smith said he made the women take off their clothes so that it would take them longer to come after him as they made their get-away. He said he made the women crawl on their hands and knees so they couldn’t “over-power” him. He tied two of the women by the neck back to back. He said the women were difficult and noisy, so he tightened the cords a couple of times. He assumed they would pass out. He claimed he did not realize it could or would kill them. He acknowledged tying the third woman up in the bar area and claimed he did not tie her hands or feet, yet she was strangled to death by the cord he had tied around her neck. Mr. Smith stated he heard the gunshots when Mr. Pauley shot the two male victims in the cooler, while he was in the bathroom with the women. He denied telling Mr. Pauley to kill the men but acknowledged he may have said, “Do what you’ve got to do.” The Board asked Mr. Smith if he entered the Tavern with the thought of leaving no living witnesses behind. He denied this. He stated he had no intention of injuring or killing anybody. Mr. Smith stated he and Mr. Pauley left the tavern together. He said he ended up with the gun afterwards because Mr. Pauley left it in his car, so he put it in his closet.

He was asked about what he thinks of the offenses now. He said it was a horrendous crime. He indicated he is sorry for his actions and he feels fully responsible for the murders and should be

held accountable. His biggest issue with his sentence, which he has appealed and disputed many times over the years, is that he got more time than the “trigger person”, Mr. Pauley.

The Board asked Mr. Smith if he had submitted a letter to the victims/survivors of his offense through the DOC Letter bank. He indicated he has not, mainly because he believes it has too many limits and he wanted his letter to get out free of censorship. He wrote a letter that he provided to a reporter and that he posted on the Internet in hopes the victims/survivors would receive it. He indicated the letter bank would not have allowed him to write about his religion and his prayers for them and stated his relationship with God is very important to him.

Mr. Smith was asked why he believes he is suitable for release now. He stated his crime happened over 40 years ago and he is a different person now. He stated he was thoughtless and uncaring. He stated he now knows compassion and respect for human dignity and believes he can make a contribution to the community. He believes he can help young people stay out of the prison system. He stated when he became a Christian 10 years ago, he ceased committing infractions. Mr. Smith met his wife when she came to the prison to attend another inmate’s wedding. They have been married since 1992 and have one daughter together.

Mr. Zulauf sees many positive changes in Mr. Smith. He has known Mr. Smith since 2017 when he wrote to ask for help for another inmate who was in very poor health. He chose to represent him pro bono because he sees someone who has made a remarkable turn-around in his life. He stated Mr. Smith cares more about others than himself. He noted that Mr. Smith has a good deal of support in the community.

LRG: nt

April 16, 2021

cc: SCCC
Attorney - Jon Zulauf
File



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

TO: Full Board

FROM: Lori Ramsdell-Gilkey (Nadine Tucker, CRT)

RE: SMITH, Scott 278891

Panel recommends: Not parolable – add 60 months to minimum term.

Next action: Schedule .100 120 days prior to parole eligibility review date.

Agree	Disagree
Lori Ramsdell-Gilkey 4-26-2021 Jeff Patnode 4-26-2021 Elyse Balmert 4-26-2021 TaTeasha Davis 4-26-2021 Kecia Rongen 4-26-2021	