



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

DECISION AND REASONS

NAME: Wheat, Antonio
DOC #: 029645
FACILITY: Monroe Correctional Complex WSR
DATE OF HEARING: July 15, 2020
TYPE OF HEARING: .100
PANEL MEMBERS: Elyse Balmert, Kecia Rongen and TaTeasha Davis
FINAL DECISION DATE: July 27, 2020

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. Wheat's ISRB file. Mr. Wheat appeared in person and was represented by Attorney John Henry Brown P.S. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Hans Kleinman.

The original recommendation from the Judge and Prosecutor was Life in prison. No updated recommendation was received.

LAST BOARD DECISION:

At the November 21, 2017 - .100 Hearing, the Board found Mr. Wheat not parolable but made no adjustment to his minimum term. The Board recommended Mr. Wheat complete Bridges to Life, Thinking for a Change and any other programming to assist with re-entry skills.

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. Wheat is parolable.

NEXT ACTION:

Submit an Offender Release Plan (ORP) for consideration.

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, 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. Wheat parolable for the following reasons:

- **Dr. Wentworth completed a psychological evaluation (2017) on Mr. Wheat and assessed him as a low-moderate on the risk assessment tools and high on the protective factor scale. His overall risk is assessed as low.**
 - **Risk assessments; RLC Low, SAPROF High (protective factors), PCL-R Very Low, VRAG Bin 3**
- **He has completed or is participating in a number of additional risk related programs and educational courses available to him (Bridges to Life, re-entry programs, Bachelor's Degree in Psychology)**
- **Positive behavior**
 - **No Serious Infractions (SI) since his last hearing**
 - **Last SI in 1997**
 - **He has maintained employment while in prison and gets good work performance**
- **He has a well-developed release plan with an extensive amount of community support**
- **He has three years of supervision**

RECOMMENDATIONS:

Mr. Wheat may benefit from counseling to assist him with re-integration into the community. He should maintain prosocial supportive relationships in the community.

JURISDICTION:

Antonio Wheat is under the jurisdiction of the Board on an October 29, 1965 conviction in King County Cause No. 42464 for Murder in the First Degree Counts I, II and III with each count having the death penalty. In 1968 the US Supreme Court stayed the execution. Mr. Wheat was brought back to Court and on November 29, 1971 was re-sentenced to life on each count with the sentences to run consecutively. The Board fixed the minimum terms as follows Count I: 240 months; Count II: 360 months; and Count III: 400 months. Previous Boards found Mr. Wheat parolable from Count I to Count II, and then to Count III. The time start on count III is August 23, 1998. As noted above the minimum term for Count III was set at 400 months from a Sentencing Reform Act (SRA) range of 240 to 320 months. The maximum term is life. Mr. Wheat has served approximately 263 months on Count III in prison and 0 days of jail time.

NATURE OF INDEX OFFENSE(S):

File materials indicate that on three different evenings between the dates of March and April of 1965, Mr. Wheat and his co-defendant entered into gas stations with lone attendants working. They robbed the stores and shot the three attendants to death execution-style. Mr. Wheat acknowledges being the shooter in two of the offenses.

PRIOR CRIMINAL / RISK RELATED CONDUCT:

There is no other known criminal history.

PROGRESS/BEHAVIOR:

CC Kleinman provide an overview of Mr. Wheat's programming (vocation/education and offender change) since his last hearing. He has completed and/or participates in Bridges to Life, numerous University Behind Bars courses (BA in Psychology), Men of Compassion, Career Bridge and religious services. The Board had recommend he take Thinking For A Change but Mr. Wheat

was found to be not eligible to participate due to his low risk. He has not incurred any Serious Infractions since his last hearing. He has had four SI (non-violent) during his entire incarceration, his last was in 1997. Mr. Wheat works as a Food Preparation Worker and gets positive reviews from his supervisors. He gets regular visits including Extended Family Visits with his wife (prior to the Pandemic).

Mr. Wheat testified to the facts of his crimes which closely match his previous disclosure and the file materials. He provided good insight into what lead up to his offenses, which included a tough childhood and difficulties during his time in the military. He said one of the most impactful programs he participated in was a college course in Psychology where he developed five questions he asks himself before acting on his thoughts. He uses these questions to this day. He has obtained a Bachelor's Degree in Psychology. Mr. Wheat said that Bridges to Life was an eye opening program which helped him to understand the impact of his offenses. He had also met with one of his victim's family members previously for a survivor/offender meeting and he continued to communicate with her until she passed away.

Mr. Wheat has support from his wife and step-children. He also has a number of supporters in the community from non-profit organizations including Interaction Transitions, Black Prison Caucus, Bridge Program and Kairos Community. Mr. Wheat is 75 years old and will access Social Security and hopes to volunteer when released. He said he hopes to use the knowledge he has gained to help others not go down the road he did. Mr. Wheat will reside in transitional housing initially to assist with a more structured transition. He has what he calls his "Support Team" who will assist him in the community. Mr. Wheat will access his Support Team when he needs to talk to someone and navigate society.

Attorney Brown stated that he has known Mr. Wheat for over 50 years and he personally supports him. Mr. Brown pointed out that Mr. Wheat has excellent relationships with his counselors and he has a huge support system in the community. He stated that Mr. Wheat's psychological evaluation showed he was very low risk to reoffend. Mr. Brown's only concern is

that Mr. Wheat would be easily taken advantage of in the community because he is such a gracious person. Mr. Brown stated that he would even allow Mr. Wheat to babysit his grandchildren.

It appears Mr. Wheat's risk will be able to be managed in the community with supervision.

EB:ts

July 27, 2020

July 28, 2020

August 10, 2020

cc: MCC-TRU
Attorney
File



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

TO: Full Board

FROM: Elyse Balmert (TS)

RE: Wheat, Antonio DOC #029645

Panel recommends: Parolable

Next action: Submit ORP

Agree	Disagree
Elyse Balmert 7-27-2020 TaTeasha Davis 7-27-2020 Lori Ramsdell-Gilkey – 7-27-2020 Jeff Patnode 7-27-2020 Kecia Rongen 7-27-2020	