



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

DECISION AND REASONS

NAME: NORMAN, Nedley
DOC #: 261755
FACILITY: Stafford Creek Corrections Center (SCCC)
DATE OF HEARING: October 9, 2018
TYPE OF HEARING: .100
PANEL MEMBERS: Elyse Balmert & Kecia Rongen
FINAL DECISION DATE: October 22, 2018

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. Norman's ISRB file. Nedley Norman appeared in person and was represented by Attorney Jason Couey. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) James Bravos. Others present at the hearing were concerned citizens.

The Chief Deputy Prosecuting Attorney for Kitsap County provided the following recommendation: *'The sentence of this offender, Nedley Norman, should be enforced to its ultimate end. This community, his family and the law warrants it.'*

LAST BOARD DECISION:

Mr. Norman's last hearing was held on March 24, 2015. At that time the Board found him not parolable and added 60 months to his minimum term.

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. Norman is not parolable and adds 90 months to his minimum term.

NEXT ACTION:

Schedule a .100 hearing approximately 120 days prior to Mr. Norman's PERD. If new information as described by Mr. Norman becomes available, the Board may determine to schedule an earlier hearing. An updated psychological evaluation will be needed.

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 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. Norman not parolable for the following reasons:

- **Takes no responsibility for the murder.**
- **Mr. Norman's explanation of his part in the murder does not match file material, provoking doubt about his ability to understand criminogenic treatment needs and risk factors.**
- **He is not fully rehabilitated and a fit subject for release.**

RECOMMENDATIONS:

Mr. Norman should access any offender change programs that may be available such as Bridges to Life and Thinking for a Change if eligible. As recommended by Dr. Wentworth he should access stress and anger management therapy if available.

JURISDICTION:

Nedley Norman is under the jurisdiction of the Board on an October 4, 1978 conviction in Kitsap County, Cause # 78-1-00035-3 for Aggravated Murder in the First Degree. He initially received the death penalty, however when the death penalty was found to be unconstitutional, Mr. Norman was resentenced in May of 1981 to Life Without the Possibility of Parole. On June 3, 1991 after further changes with sentence structure, Mr. Norman was resentenced again. His time start is October 4, 1978. The minimum term was set at 600 months by the court, aggravated above the Sentencing Reform Act (SRA) range of 250 to 333 months. The maximum term is Life. Mr. Norman has served approximately 476 months in prison and 167 days of jail time.

Other Causes/Count: A companion cause for Taking a Motor Vehicle Without Owner Permission ran concurrently, but has since has maxed out.

OFFENSE DESCRIPTION:

According to file materials, on April 18, 1978, Mr. Norman, at his age of 24, and two accomplices stole a vehicle and were going to dispose of the vehicle at the gravel pits near Bremerton. They were in the process of towing the stolen vehicle when they were spotted by a deputy sheriff. The deputy activated his emergency lights and directed the vehicle to the side of the road. As the deputy engaged the occupants, Mr. Norman allegedly said: "I'm going to blow him away." As the first accomplice was dismounting from the truck, he reported hearing gunshots. The deputy died of the gunshot injuries.

The next day Kenneth Stemkoski, a co-defendant, came forward and identified Mr. Norman as the shooter. Mr. Norman was arrested at his place of employment. A search of his truck revealed a .357 magnum handgun, which was used as the murder weapon.

PRIOR CRIMINAL/RISK RELATED CONDUCT:

Mr. Norman's juvenile history consists of a Curfew Violation, Disorderly Conduct, and Assault against his girlfriend. Mr. Norman has no other felony or misdemeanor convictions as an adult.

PROGRESS/BEHAVIOR:

CC Bravos provided a summary of Mr. Norman's programming (vocational, work history, and behavior). Mr. Norman has not had any behavior issues on the unit. He has not incurred any Serious Infractions or negative Behavioral Observations. If released he plans to live with his wife. He has received numerous certificates and awards and recently completed Makin' it Work. He works as a Food Service worker and gets superior work evaluations. There was an issue at Airway Heights Correctional Center (AHCC) and he was moved to Stafford Creek Corrections Center. After the investigation he did not receive an infraction.

Mr. Norman gave a somewhat convoluted explanation regarding the issues at AHCC which got him transferred to SCCC and put into segregation. He said another inmate was trying to isolate a staff person and he was concerned for her safety and reported it. He said he has been cleared of all wrong doing and two staff at AHCC support his story. He believes the investigation is still open although other reports say it is closed.

Mr. Norman provided his description of the crime and said that his memory was foggy regarding the crime. Although he said his memory was "foggy" he was able to provide great detail in certain areas such as the gloves they were using to prevent leaving fingerprints. He continues to deny having been the person who killed the victim and seems to minimize his involvement in or anticipation of the crime. In his description of the crime he described that some of the witnesses had dated some of the law enforcement officers involved. Overall, he reiterated much of the same information he has told the Board in previous hearings. He again blamed the shooting on Steve Richards and explained that after the deputy was shot, he put his hands on the victim's chest but was fearful for his life because the victim had a gun in his hands. He says that he did not confess to the crime and his statement to law enforcement was "paraphrased". Mr. Norman acknowledges he owned a gun that was registered to him but he does not know if it was the gun used in the murder. He contends that the deputy was able to get one shot off. He says during the investigation he wasn't as forthcoming as he should have been, lost faith in his attorney and now he has to own what he did. He says he was a young foolish man who made bad choices. He

believes he was accused of being the shooter because he was the only one that owned a handgun. Mr. Norman again alluded in his testimony that there are facts and information that could clear him. He indicated a former police officer knows he wasn't the one who shot the victim, however, no evidence was provided by Mr. Norman. When asked why the Board should do anything different with regards to his release he said: "I don't know what to say". He thinks he should be released because "he has served his punishment according to rule". He says he has a lot of community support (wife and three daughters). He feels he is not a threat to anyone. He said to Deputy Allred's daughter and family that he was very "sorry for what we have done to them". He acknowledged that it was immeasurable pain and it was hard to see that. He said he was sorry to the Sheriff's Department, they lost a good man, the community lost a good deputy, and it was senseless.

His attorney told the Board that there is no indication that Mr. Norman is a threat, he has had no Serious Infractions, has support in the community, and is a low risk. He has maintained his innocence throughout his incarceration. Mr. Couey has not received any information at this time regarding Mr. Norman's innocence.

The most recent Psychological Evaluation completed by Dr. Wentworth opines that: Mr. Norman may be a reasonable candidate for transitioning to a less restrictive setting at this time. It would be beneficial to work his way through lower custody levels and work release so that his adjustment to re-entry issues can be monitored. He would benefit from continued involvement in therapy for stress and anger issues, especially concerning those that may stem from possible reintegration into the community. Mr. Norman would benefit from additional program training such basic re-entry planning for housing, budget, treatment options and aftercare. Decisions regarding Mr. Norman's placement in a camp setting should be based on medical considerations. Mr. Norman has never been unable to follow rules with only four minor infractions over his entire incarceration and there is no behavioral indicator of escape risk. His actuarial risks are as follows; PCL-R Bin #1 of #5, VRAG-R Bin #5 of #9, SAPROF 4th of 5 Bin with an overall level of risk low to low-moderate.

The Board remains concerned that Mr. Norman continues to minimize his participation, denies he was the shooter, and takes little responsibility for the offense. He does not appear to be rehabilitated and is a fit subject for release. He continues to report that there is new information that would be revealed that would alter the Board's perception and the ultimate outcome. He says that he has been slow responding to the information due to his health issues. However, it is now three years later and the information has still not been provided to the Board or law enforcement. The Board continues to find Mr. Norman not parolable.

EB:ffo

October 10, 2018

October 24, 2018

cc: SCCC
Nedley NORMAN
Jason Couey, Attorney
File



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

TO: Full Board

FROM: Elyse Balmert (Fawn)

RE: NORMAN, Nedley DOC #261755

Panel recommends: Find Not Parolable and add 90 months to his minimum term.

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

Agree	Disagree
Elyse Balmert 10-22-2018 Lori Ramsdell-Gilkey 10-22-2018 Jeff Patnode 10-22-2018 Kecia Rongen 10-22-2018	