



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: Clark, Robert  
DOC #: 623112  
FACILITY: State of Kentucky Northpoint Training Center  
DATE OF HEARING: November 13, 2018  
TYPE OF HEARING: .100 (via telephone)  
PANEL MEMBERS: Elyse Balmert and Kecia Rongen  
FINAL DECISION DATE: December 3, 2018

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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. Clark's ISRB file. Mr. Clark appeared telephonically. Testimony was provided by the Kentucky Department of Corrections Interim Re-Entry Coordinator Christian Toelke.

At the time of sentencing the judge and prosecutor recommended life on life.

**LAST BOARD DECISION:**

At the .100 hearing on May 11, 1994, the Board found Mr. Clark not parolable, but did transfer him from Yakima #16775 to his next Cause, Yakima #16768, Murder in the Second Degree. This offense has a life maximum sentence and a minimum term of 40 years.

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

**NEXT ACTION:**

Schedule a .100 hearing 120 days prior to his PERD. **A current psychological evaluation is needed at the next hearing.**

**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. Clark not parolable for the following reasons:**

- **He has not completed any programming since his last hearing, specifically anger management and victim awareness as recommended by the Board.**
- **He has no support in the community.**
- **He has no insight into his offending behavior and blames his alcoholism.**

**RECOMMENDATIONS:**

**Mr. Clark should attend victim awareness, and anger management classes. He should access any chemical dependency treatment that may be available to him. Mr. Clark should attend New Directions and Soft Skills Boot Camp if found eligible to participate.**

**JURISDICTION:**

Robert Clark is under the jurisdiction of the Board on a March 3, 1972 conviction in Yakima County Cause #16768 for of Murder in the Second Degree. His initial duration of confinement for this cause was set by the Board/Judge at 40 years. The standard range of the Sentencing Reform Act

at the time was 175 to 233 months. His maximum term is Life. He has served approximately 26 years and 3 months in prison on this offense, with 0 days jail time. He has served total time in prison of 48 years and 9 months.

**OFFENSE DESCRIPTION:**

Mr. Clark (age 24) and a friend went to a mini-mart in the Toppenish area and committed an armed robbery. Later, as they were leaving the scene and driving on the highway, a State Trooper stopped them for a traffic infraction. The driver, Mr. Bergevin, was removed from the car, given some field tests for sobriety, and then placed in the Trooper's car. At that point the Trooper came back to confront Mr. Clark, who was the passenger. He asked for identification and Mr. Clark did not have any. Mr. Clark did produce his furlough papers for identification. He was then asked to get out of the car to be placed under arrest. He stepped from the car, removed his 357 magnum from his waistband and shot the officer, hitting him in the left forearm with the bullet resting near his sternum. This knocked the officer to the ground. At that point Mr. Clark walked up to the Trooper and shot him in the back and head. The two defendants returned to the crime scene, after having proceeded down the highway 50 or 100 yards, to try and get their ID and belongings.

**PRIOR CRIMINAL / RISK RELATED CONDUCT:**

Mr. Clark, as a juvenile, had property damage and some other juvenile offenses and did in fact spend time at Fort Warden and ultimately at Green Hill School. He remained in the juvenile system until April of 1963. In March of 1964 he was convicted of Negligent Homicide under Yakima #13212, and remanded to adult court, he was 17 years old at that time. He was in prison for about 25 months and released in May 1966. He returned in 1968 as a parole violator and was released again in July of 1969. He was then convicted about 6 months later of an Auto Theft under Yakima #15703 and was imprisoned again in 1970. While on furlough in January of 1972 he committed the Armed Robbery under Yakima #16775, and the instant offense.

**PROGRESS/BEHAVIOR:**

Re-Entry Coordinator Toelke provided a summary of Mr. Clark's Programming. She reports he has been working for a number of years as a Dormitory Worker. He recently requested admission into Moral Reconciliation Therapy (MRT) and is on a waiting list. He has not requested any other programming. Since his last hearing he has incurred three serious infractions with the last one in May of 2017 for being in a restricted or unauthorized area. Mr. Clark says he did not hear the whistle due to his hearing loss. He has not talked with Ms. Toelke about any release plans.

Mr. Clark testified he decided to be present at this hearing at the advice of others he has been talking with. He states he now does want to be paroled, and is willing to participate in a psychological evaluation. He states he has previously completed two substance abuse programs. He has no release plans other than to go to a halfway house. When asked about what happened the day of his offense, he states it was due to him being intoxicated and he was scared. He states he is not the same guy he was a decade ago and doesn't understand why he committed the murder. He has no idea what caused his alcoholism.

*In December of 2017 Mr. Clark stated he would refuse to participate in his .100 hearing, a psychological evaluation, and would refuse to return to Washington State. In June of 2018 Mr. Clark sent a letter to the ISRB stating he did not want to be considered for parole and he wished to serve his sentence out. As such, the Board decided to schedule a hearing via telephone with the Kentucky Department of Corrections staff member. A few weeks prior to the hearing Mr. Clark changed his mind and decided to participate in his hearing via telephone. Due to Mr. Clark's assertion that he would not participate in the hearing/psychological, and he did not want to be released, the Board had not requested a new psychological evaluation. Therefore the Board will be requesting a new psychological evaluation prior to Mr. Clark's next hearing.*

EB:is

December 4, 2018

cc: State of Kentucky Northpoint Training Center  
Robert Clark  
File



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

TO: Full Board

FROM: Elyse Balmert (Irene)

RE: Robert Clark, DOC #623112

Panel recommends: Not Parolable, Add 90 months to MT

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

Agree	Disagree
<b>Elyse Balmert 12-3-2018</b> <b>Lori Ramsdell-Gilkey 12-3-2018</b> <b>Jeff Patnode 12-3-2018</b> <b>Kecia Rongen 12-3-2018</b>	