



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

DECISION AND REASONS

NAME: Fezell, Ostavo
DOC #: 786882
FACILITY: Coyote Ridge Corrections Center
DATE OF HEARING: November 14, 2018
TYPE OF HEARING: Lt JuvBrd
PANEL MEMBERS: Lori Ramsdell-Gilkey and Jeff Patnode
FINAL DECISION DATE: December 3, 2018

This matter came before the above named Board Members of the Indeterminate Sentence Review Board (ISRB or the Board) for a release hearing in accordance with RCW 9.94A.730. In preparation for the hearing, the Board reviewed Mr. Fezell's ISRB file. Mr. Fezell appeared in person. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Jeremy Westphal.

CURRENT BOARD DECISION:

Based on the burden of proof set out in RCW 9.94A.730 and the totality of evidence and information provided to the Board, the Board does not find by a preponderance of the evidence that Mr. Fezell is more likely than not to commit any new criminal law violations if released on conditions. Consequently, the Board finds Mr. Fezell releasable upon satisfactory completion of a transition through lower levels of custody and establishes a release date on or about May 2020. The actual release date is contingent upon the approval of the Offender Release Plan (ORP) and the mandatory Law Enforcement Notification.

NEXT ACTION:

Submit an offender release plan in January 2020 for review and approval by the Board.

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 9.94A.730 the Board finds Mr. Fezell is not more likely than not to commit a new crime if released with conditions that are designed to help better prepare him for a successful re-entry into society. Mr. Fezell is determined to be releasable based on the following:

- Has completed risk related offender programming
- Has participated in training to be employable in the community
- No serious infractions since 2011, none involving violence since 2000
- No criminal history prior to this conviction

RECOMMENDATIONS:

Continue to demonstrate positive prison behavior and deal with stressors as they come up. The Board expects Mr. Fezell to follow all rules of each facility he passes through on his way to release and to be respectful to staff. Negative behavioral observations, minor infractions and of course serious infractions will be monitored closely. He should work on a comprehensive release plan during his transition.

JURISDICTION:

RCW 9.94A.730, enacted in 2014, allows offenders who were under the age of 18 when they committed their crime(s) and were sentenced as adults to petition the Board for consideration of early release consideration after serving no less than 20 years of total confinement. Mr. Fezell's petition, resulted in the hearing on this date.

Ostavo Fezell is under the jurisdiction of the Board on a November 4, 1998 conviction of Murder in the First Degree in Pierce County Cause # 97-1-05182-9. His time start is November 5, 1998. His minimum term was set at 300 months from a Sentencing Reform Act (SRA) range of 250 to 333 months. In addition he received an additional mandatory 60 months as a firearm enhancement. His maximum term is Life. He has served approximately 240 months plus 321 days of jail time credit.

Mr. Fezell was also convicted of one count of Unlawful Possession of a Firearm and received an 8 month sentence which runs concurrently.

OFFENSE DESCRIPTION:

According to file material, Mr. Fezell, at his age of 17, shot and killed a 20 year old male. Mr. Fezell was associated with the "Crips" street gang at the time and had been for several years. The incident began in a club in Tacoma where there were numerous gang members, some Hilltop Crips, some Neighborhood Crips and some Black Gangster Disciples (BGD). Some gang members began flashing gang signs, a verbal altercation ensued and several men left the club to take it outside. Mr. Fezell ran to his car and got his .22 handgun. He shot at a group of BGD's and hit the victim in the chest killing him.

PRIOR RISK RELATED/ CRIMINAL CONDUCT:

None known.

PROGRESS/BEHAVIOR:

Classification Counselor Jeremy Westphal testified Mr. Fezell has completed a great deal of programming to include: Stress/Anger Management, Welding, Redemption, Roots of Success, Vocational Writing, Human Relations, obtaining his GED, completing numerous college level classes and more. He is currently employed as a Unit Custodian. CC Westphal stated Mr. Fezell is always moving forward and working on improving things. CC Westphal stated Mr. Fezell has not committed a serious infraction since 2011.

Mr. Fezell was asked about the murder that occurred in 1997. He verified it was a gang related incident that started inside of a “club” and moved outside. Once outside, several individuals ran to their cars and got their guns. Mr. Fezell fired his gun six times and one bullet hit the victim in the chest. He stated he did not intend to kill the victim, but he was intending to hit him. He heard other people fire their weapons and once he was out of bullets he took off and was apprehended by police a few days later.

It was somewhat concerning that Mr. Fezell expressed little empathy for the victim and stated he thought it should have been treated as a case of self-defense or been charged as manslaughter. While this may have been a gang related shooting, Mr. Fezell is no longer a part of any gang and has turned his life over to God. After having served over 20 years in confinement, completing a good deal of programming and maturing a bit, a better understanding of the sanctity of life was expected.

Nonetheless, there is a presumption of release and the risk for re-offense is not more likely than not based on all available information.

LRG: ch

November 28, 2018

December 3, 2018

December 4, 2018

December 11, 2018

cc: Institution
Attorney
File



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

TO: Full Board

FROM: Lori Ramsdell-Gilkey (Christine)

RE: FEAZELL, Ostavo DOC #786882

Panel recommends: Releasable upon satisfactory completion of transition through lower levels of custody and establishes a release date on or about May 2020. Actual release date contingent upon approval of ORP and the mandatory LEN.

Next action: Submit ORP in January 2020.

Agree	Disagree
Lori Ramsdell-Gilkey 12-3-2018 Jeff Patnode 12-3-2018 Elyse Balmert 12-3-2018 Kecia Rongen 12-3-2018	