



State of Oklahoma
PARDON AND PAROLE BOARD

PARDON AND PAROLE BOARD
Business Meeting Minutes

Monday, December 6, 2021
9:00 a.m.

MEMBERS PRESENT: Richard Smothermon, Larry Morris, Adam Luck, Kelly Doyle and Scott Williams

MEMBERS ABSENT: None

STAFF: Tom Bates, Melinda Romero, Leroy Long, and Kyle Counts

GUESTS: Michael Risley

I. Call to Order – Adam Luck, Chairman

The Business Meeting of the Pardon and Parole Board (PPB) was called to order at 9:00 a.m. by Chairman Adam Luck, on Monday, December 6, 2021.

A. Roll Call

The members attending were Richard Smothermon, Larry Morris, Adam Luck, Kelly Doyle and Scott Williams. The voting order was announced as Richard Smothermon, Adam Luck, Larry Morris, Kelly Doyle, and Scott Williams.

B. Assurance of Compliance with Open Meeting Act

General Counsel Kyle Counts provided assurance of compliance with the Open Meeting Act. The business meeting of the Pardon and Parole Board was convened in accordance with the Oklahoma Open Meeting Act. This meeting was preceded by an advance notice of the date, time, and place filed with the Oklahoma Secretary of State on November 17, 2020. Notice of this meeting was also given at least twenty-four (24) hours in advance of the meeting by posting notice of the date, time, virtual meeting place, and agenda of the meeting on December 2, 2021, on the Pardon and Parole Board's website, www.ok.gov/ppb. The meeting is in compliance with the Open Meeting Act.

II. Business Meeting –Tom Bates- Executive Director, Melinda Romero - Deputy Director, Leroy Long - Field Director, and Kyle Counts - General Counsel

A. Discussion and Possible Action on November Business Meeting Minutes

The November business meeting minutes were provided to the Board for review. Richard Smothermon made a motion to approve the November business meeting minutes, Larry Morris seconded. The Board approved the motion 5-0.

B. Discussion and Possible Action on November Parole Meeting Minutes

The November parole meeting minutes were provided to the Board for review. Richard Smothermon made a motion to approve the November parole meeting minutes, Larry Morris seconded. The Board approved the motion 5-0.

C. Discussion and Possible Action on Julius Jones Clemency Hearing Minutes

The minutes for Julius Jones' clemency hearing were provided to the Board for review. Richard Smothermon made a motion to approve the minutes for Julius Jones' clemency hearing. Larry Morris seconded. The Board approved the motion 5-0.

D. Discussion and Possible Action on Bigler Stouffer II Clemency Hearing Minutes

The minutes for Bigler Stouffer's clemency hearing were provided to the Board for review. Richard Smothermon made a motion to approve minutes for Bigler Stouffer's clemency hearing. Larry Morris seconded. The Board approved the motion 5-0.

E. Discussion and Possible Action on Donald Grant Clemency Hearing Minutes

The minutes for Donald Grant's clemency hearing were provided to the Board for review. Richard Smothermon made a motion to approve minutes for Donald Grant's clemency hearing. Larry Morris seconded. The Board approved the motion 5-0.

F. Discussion and Possible Action on Gilbert Postelle Clemency Hearing Minutes

The minutes for Gilbert Postelle's clemency hearing were provided to the Board for review. Richard Smothermon made a motion to approve minutes for Gilbert Postelle's clemency hearing. Larry Morris seconded. The Board approved the motion 5-0.

G. Discussion and Possible Action on Agency Updates:

1. Personnel Updates – New Hires and Separations

There is one new separation, Kee'Ja Rivers, who departed the agency to work for a nonprofit. The position is currently posted, however Ms. Romero reported having difficulty filling the last administrative assistant position due to only receiving two applications rather than the usual 30, but said she hoped to have the position filled by the next meeting.

2. Field Updates

Field Director Leroy Long reported the field is currently working on the January 2022 docket and it will be completed in one week. There are currently two investigators still on light-duty work. A new investigator was hired for the Dick Conner Correctional Facility and will start January 3, 2022. Under the old rule on personal appearances, there would have been 28 additional personal appearances at the December meeting.

3. Legal Updates

General Counsel Kyle Counts reported that the clemency hearing for Wade Lay will be stricken as Wade Lay has an upcoming trial to determine competency in Pittsburgh County. The trial is not set to begin until after his scheduled execution date. Depending on the outcome of that trial, the Board will reschedule a clemency hearing when a new execution date is set.

Regarding revocations, Mr. Counts stated there were 47 in 2019, 110 in 2020, and as of November of 2021 there had been a total of 143 revocations. Deborah Romine from the Department of Corrections provided numbers indicating that through October there were 135 new revocation warrants issued. Of those 135 warrants, 58 (42%) were for administrative parole and 77 were for regular parole. With administrative parole, 55% of revocations were for technical violations and for regular parole it was 32%. 50% of the warrants for administrative parole went out within the first six months, while the number was 17% for regular parole.

4. Director's Update

Executive Director Tom Bates presented the Achievements and statistics of the fiscal year 2021. Mr. Bates also went over the budget for fiscal year 2022 and carry over history.

III. Discussion on Updated Parole Consideration Form – Leroy Long

Field Director Leroy Long goes over the consideration forms stating that they are working on getting the forms to be more detailed.

IV. Discussion and Possible Action on Pardon Policies and Procedures – Kyle Counts, Attorney Michael Risley

General Counsel Kyle Counts introduced attorney Michael Risley to speak to the Board on its definition of "unresolved" as it pertains to financial arrearages. Mr. Risley requested that any new interpretation have a firm effective date that he can provide to his clients and that there not be a requirement for all taxes and child support to be paid off to be considered for a pardon. Mr. Risley suggested the Board come up with specific number of payments or amount of money that would be acceptable. The Board discussed the rule and its interpretation and agreed that 12 months of consecutive payments should be a minimum threshold to demonstrate the applicant is resolving the financial issue. The Board also discussed and agreed that the policy should be prospective only, as those who already applied had a different expectation on their eligibility. Chairman Luck asked Mr. Counts to have the policy prepared for the January meeting for the Board to vote.

Mr. Counts also reminded the Board about the new procedure for pardon hearings that would begin that afternoon and explained to the Board the notes on the pardon spreadsheet regarding who requested to have a personal appearance that day.

V. New Business Not Known or Which Could Not Have Been Reasonably Foreseen Before the Posting of the Agenda – Adam Luck

None

VI. Adjournment of the Business Meeting – Adam Luck

The meeting was adjourned at 9:54 a.m.

Respectfully Submitted,

Sicilia Talavera

Sicilia Talavera
Executive Assistant

The minutes for the December 2021 Pardon and Parole Board Business Meeting were approved by a majority vote on the 10th day of January 2022.