



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: FAGUNDES, Charles  
DOC #: 632608  
FACILITY: Cedar Creek Corrections Center – CCCC  
DATE OF HEARING: May 15, 2018  
TYPE OF HEARING: .100  
PANEL MEMBERS: Jeff Patnode & Elyse Balmert  
FINAL DECISION DATE: June 6, 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. Fagundes' ISRB file. Charles Fagundes appeared in person and declined to be represented by an attorney. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Susan Erickson.

**LAST BOARD DECISION:**

Mr. Fagundes had a .100 hearing on December 20, 2016. He was found to be conditionally parolable to a Mutual Reentry Plan (MRP) and 24 months was added to the minimum term. The Board stated it recognized the importance of transitional release through lower levels of custody and hoped that Mr. Fagundes would be considered for placement at camp and work release. Mr. Fagundes transferred to camp (Cedar Creek), but has been denied work release.

**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 Mr. Fagundes parolable from Count IV of Snohomish County Cause #78-1-00403-7 on May 29, 2018, to his consecutive Counts V and VII. The Board then finds him releasable at the completion of those sentences.

**NEXT ACTION:**

Submit an ORP in September of 2018.

**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 9.95.100, the Board finds Mr. Fagundes parolable to his pending causes for the following reasons:**

- Mr. Fagundes has completed programming recommended by the Board as well as successful transition to lower levels of custody. He has completed a number of offender change programs to address his criminogenic needs (SOTAP).
- He takes responsibility for his crime and appears to have some understanding of the impact of his murder.
- He has community support and a good transition plan.
- His most recent psychological assessment (August 11, 2016) assessed him as an overall moderate risk for re-offense.

**Recommendations:**

Mr. Fagundes should continue to transition through a camp setting and participate in re-entry programming that is available. He has been assessed as ineligible for work release. Upon release, he will need to participate in community SOTAP and will need strong controls for substance use.

**JURISDICTION:**

Charles Fagundes is under the jurisdiction of the Board on a 1978 conviction in Snohomish County Cause No. 78-1-00403-7, Count IV, for Murder in the First Degree (WAWADW). The time start is November 1, 1978. His minimum term was set at 400 months from a Sentencing Reform Act range of 255 to 342 months. His maximum term is Life. He has served approximately 446 months in prison. He has consecutive causes for Unlawful Taking of a Motor Vehicle (5 years), Count V; and Theft in the First Degree (9 months, with a 10 year maximum) Count VII, that run concurrent to each other.

**OFFENSE DESCRIPTION:**

File materials describe the underlying offense as Mr. Fagundes (age 17) entering the home of a 57-year old female neighbor. He kidnapped her using her own vehicle, drove her to a secluded location, and raped her. He stabbed the victim (14 times) and concealed her body, stuffing leaves into her vagina. He returned to her home and ransacked it; stealing jewelry, food, medicine, and alcohol. Reports indicate that he had consumed 18 beers, had gotten into a fight with his girlfriend, then decided to rape the victim who was a neighbor because he wanted sex. After the rape, he realized that she would report him, so he stabbed her. He stated that she was making horrible noises and he knew she was in pain, so he stabbed her until she stopped making noises.

**PRIOR CRIMINAL / RISK RELATED CONDUCT:**

Mr. Fagundes has juvenile criminal history of running away, indecent exposure, DUI, escape, theft and attempted theft of a motor vehicle, and for being incorrigible.

**PROGRESS/BEHAVIOR SINCE LAST HEARING:**

Mr. Fagundes has had no infractions since his last Board hearing and has completed a number of offender change programs, most notably SOTAP.

CC Erickson provided testimony regarding Mr. Fagundes' progress since his last Board hearing. She stated he has not had a serious infraction since the year 2000. She indicated Mr. Fagundes receives good work reports (CI Laundry outside of the gate) and done well in this area. CC

Erickson stated he has also completed a basic computer course and is currently in a life skills program.

Mr. Fagundes provided a brief description that matched file material. He could articulate the circumstances in his life at the time. Mr. Fagundes could articulate the changes he has made, what he has learned, and that he is prepared to re-enter the community and contribute as a prosocial adult. He could list his high risks and interventions learned in SOTAP. He stated he hopes to release to the Snohomish County area using the Housing Voucher, possibly the House of Mercy (possibly Marysville area) and said he is also interested in the Fare Start program in Seattle. He indicated he would also like to assist his elderly mother who his brother is currently assisting.

**Prosecutors Recommendations:**

The original recommendation from the Prosecuting Attorney was for Life without parole and there is not available recommendation from the Judge.

There is no current recommendation from the prosecutor.

JP:ffo

May 31, 2018

June 4, 2018

June 6, 2018

cc: CCCC  
Charles FAGUNDES  
File



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

TO: Full Board

FROM: Jeff Patnode & Elyse Balmert (Fawn Opp)

RE: FAGUNDES, Charles DOC # 632608

Panel recommends: Parolable to Snohomish County Cause #78-1-00403-7 Counts V and VII on 05/29/2018, and find parolable upon completion of those sentences.

Next action: Submit an ORP for consideration in September of 2018.

Agree	Disagree
Jeff Patnode 6-4-2018 Elyse Balmert 6-4-2018 Lori Ramsdell-Gilkey 6-4-2018 Kecia Rongen 6-6-2018	