



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

DECISION AND REASONS

NAME: Aguilar, Juan
DOC #: 247925
FACILITY: COYOTE RIDGE CORRECTION CENTER
TYPE OF HEARING: .100 Hearing
HEARING DATE: July 19, 2017
PANEL MEMBERS: EB & KR
FINAL DECISION DATE: July 28, 2017

This matter came before Elyse Balmert and Kecia Rongen, who are members of the Indeterminate Sentence Review Board (ISRB or the Board) on the above date for a release hearing in accordance with the provisions of RCW 9.95.100. Mr. Aguilar appeared in person and was given the opportunity to have an attorney appointed to him but he declined. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Micah Fultz and Mr. Aguilar.

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. Aguilar is not parolable and extend him to maximum expiration date of May 28, 2029.

NEXT ACTION:

Schedule a Cashaw Hearing for June of 2025. The Board requests a new psychological evaluation be completed prior to the next hearing.

JURISDICTION:

Juan Aguilar is under the jurisdiction of the Board on an October 1, 1993 conviction in King County Cause #93-1-03001-7 for Murder in the Second Degree. The time start is November 16, 2004. The minimum term was set at 240 months from a Sentencing Reform Act (SRA) range of 298 to 397 months. The maximum term is 25 years. Mr. Aguilar has served approximately 151 months in prison and 171 days of jail time.

NATURE OF INDEX OFFENSE(S):

On May 6, 1977, the nude body of the 24 year old male victim was discovered in his apartment. The victim received a total of 13 separate stab and incised wounds. The victim's trachea and esophagus were cut and his carotid artery was also partially cut. In addition, the victim incurred stab wounds to the heart and liver. All of the victim's wounds were fatal.

The case remained unsolved for fifteen years due to lack of eye witnesses or physical evidence. However, in January 1993, Seattle Police were contacted by staff from a correctional institution in Texas. Mr. Aguilar was in custody in Texas, and wanted to confess to the 1977 murder as a result of recently becoming a Christian.

In a subsequent interview Mr. Aguilar explained that on May 3, 1977, he "escaped" from work release. He stated he proceeded to get intoxicated and met the victim. Mr. Aguilar asked the victim for a place to stay, and they returned to the victim's apartment. Mr. Aguilar advised that the victim "made a pass" at him and he reacted by stabbing the victim several times in the chest, and then cutting his throat. Mr. Aguilar then "passed out". He advised that when he woke he left the apartment and threw the murder weapon away.

As stated, Mr. Aguilar was serving confinement in Texas when he confessed to this crime. He was released from Texas to begin confinement in Washington State on October 1, 2004.

PRIOR CRIMINAL CONDUCT:

As a juvenile:

10/30/70 – Aggravated Battery and Resisting. Chicago, IL. Mr. Aguilar reported this offense was a gang fight, and that he was sentenced to supervision.

As an adult:

9/30/71 – Aggravated Battery and Resisting. Chicago, IL. Sentenced to supervision.

9/18/75 – Strong-arm Robbery. Snohomish County Cause #7451. Recommended minimum term of 18 months and a 20 year maximum term. In this offense, Mr. Aguilar and a co-defendant robbed a motel owner at knifepoint. During the robbery, Mr. Aguilar cut the throat of the owner who required several stitches. He was granted work release on this offense in March of 1977. He later “escaped” from work release in May of 1977 and committed the current offense as well as Armed Robbery in Idaho (noted below) while on escape status. He was returned to Washington from escape status in November 1977 and later paroled to an Idaho detainer on January 20, 1979. He was later granted his Final Discharge on this offense in July of 1993 while confined in Texas.

9/16/77 – Armed Robbery. Oneida County, Idaho. Sentenced to 12 years confinement. Committed While on Escape status.

11/15/77 – Escape in the First Degree. King County Cause #72504. 10 years confinement.

1/29/81 – Aggravated Battery. Ada County, Idaho. 15 years confinement.

4/15/86 – Aggravated Robbery with a Deadly Weapon. Tom Green County, Texas #15-077B. Sentenced to 45 years confinement. Mr. Aguilar was serving confinement on this offense when he admitted to the current offense. He was transferred from Texas to begin serving on his current offense on October 1, 2004. He has parole obligations on this sentence until January 6, 2031.

2/18/87 – Count I - Murder in the Second Degree, Count II - Larceny, and Count III - Taking a Motor Vehicle with a Habitual Criminal Finding. Sante Fe, New Mexico #86-462. Sentenced to 19 years confinement to run concurrent with #15-077B in Texas, plus 4 years parole.

HISTORY/COMMENTS:

Mr. Aguilar’s last hearing was held on January 20, 2015 which was a Deferred Decision. Based on the totality of evidence and information considered, the Board continued Mr. Aguilar on his

present status. The Board recommended Mr. Aguilar complete Anger Management, Thinking for a Change and Chemical Dependency. The Board asked for a .100 Hearing be scheduled approximately 120 days prior to his PERD.

CC Fultz testified that Mr. Aguilar received one Serious Infraction in 2010 for Positive Drug/Alcohol test (Marijuana). Since Mr. Aguilar's last meeting with the Board CC Fultz states that he is polite and respectful. Mr. Aguilar has successfully completed the Therapeutic Community program and was the first Senior Program Coordinator for the program. He was not able to get into the T4C program due to his ICE status. He does state that he is still willing to participate in any programming suggested. He has not completed Anger Management. He has received an AA Degree and has been working in the institution as a Teacher's Aide and receives positive remarks. Mr. Aguilar states he is not the same person he was when he committed this crime and he did not have an accomplice. Mr. Aguilar has 26 approved visitors.

INFORMATION CONSIDERED:

In preparation for Mr. Aguilar's hearing and its decision in this case, the Board completed a review of his ISRB file. The Board considered all information contained in that file, including but not limited to: the most recent DOC facility plan; information regarding institutional behavior and programming; any letters of support and/or concerns sent to the Board; the Pre-Sentence Investigation report; psychological evaluation prepared by Gerry Weber, Ph.D. dated October 6, 2014. The Board also considered the testimony of the witnesses listed above.

REASONS:

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 9.95.009 (3) and RCW 9.95.100 the Board finds Mr. Aguilar not parolable and adds 60 months to his PERD.

Mr. Aguilar receives positive reviews from education staff as it relates to his job as a Teacher's Aide. There have been no concerns regarding his behavior in the unit. He has also completed his Associates in Arts Degree.

Mr. Aguilar's description of the crime matches the official records. He indicates that he had escaped from work release and was extremely intoxicated when he met the victim. Mr. Aguilar claims that the man sexually assaulted him while he was passed out and that he was "extremely homophobic," resulting in the rage and killing of the man. He described his religion as helping him with the decision to turn himself in for this murder that had gone unsolved for 15 years. He was also fairly matter of fact about the additional murder that he committed in 1987, claiming that he beat a man to death because he was abusing his son. Mr. Aguilar does express remorse for his crimes and indicates that he can't do anything about the two people that he killed but he can try to do better for others going forward.

Mr. Aguilar described a chaotic upbringing of growing up in Chicago and being in gangs. According to the psychological report completed by Dr. Weber in October of 2014, Mr. Aguilar spent approximately eleven years in the Intensive Management Unit while in prison in Texas due to gang activity.

Mr. Aguilar has an extremely violent criminal history and has been incarcerated for most of the last 40 years, except for brief periods. Dr. Weber describes possible mitigating factors for Mr. Aguilar as, his advancing age, lack of infraction history over the last ten years, completed programming (according to Mr. Aguilar) and self-reported mentor and tutor to younger inmates.

Mr. Aguilar has an active Immigration and Customs Enforcement (ICE) detainer to Mexico and will likely will be deported if ever found releasable by the Board. He has no support in Mexico. He has been in the United States since he was 18 months old so indicates it will be a shock for him to return there. He indicates that he does have a fiancé that lives in Pasco who is willing to go to Mexico with him. Mr. Aguilar should complete anger management, Thinking for a Change,

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continue to remain infraction free and program in a positive manner prior to the Board seeing him again.

EB: ch

July 11, 2017

August 2, 2017

August 14, 2017

cc: Institution
Juan Aguilar
File



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

DATE: August 2, 2017

TO: Full Board

FROM: EB & KR (*Christine*)

RE: Aguilar, Juan/*DOC# 247925*

Panel recommends: Not parolable and extends to maximum expiration date of 5-28-2029.,

Next action: Schedule Cashaw hearing for June 2025. Board requests new psych eval be completed prior to hrg.

Agree	Disagree
Elyse Balmert 7-28-2017 Jeff Patnode 7-28-2017 Lori Ramsdell-Gilkey 7-28-2017 Kecia Rongen 7-28-2017	