



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

DECISION AND REASONS

NAME: Roth, Martin
DOC #: 281508
FACILITY: Monroe Correctional Complex – Twin Rivers Unit
DATE OF HEARING: July 7, 2020
TYPE OF HEARING: .100 via Skype
PANEL MEMBERS: Lori Ramsdell-Gilkey and Elyse Balmert
FINAL DECISION DATE: July 27, 2020

This matter came before the above named Board Members of the Indeterminate Sentence Review Board (ISRB or the Board) for his first .100 hearing (since revocation) in accordance with RCW 9.95.100. In preparation for the hearing, the Board reviewed Mr. Roth's ISRB file. Mr. Roth was represented by Attorney Cameron Ford. Testimony was provided by Mr. Martin Roth, Department of Corrections (DOC) Classification Counselor (CC) Melissa Sequeira and Sex Offender Treatment and Assessment Program (SOTAP) Specialist Ursula Katolik-Johnson.

Mr. Roth and DOC staff participated via Skype from the Monroe Corrections Center and Mr. Ford and the Board Members participated from their respective offices.

LAST BOARD DECISION:

At the May 29, 2018 hearing, the Board found Mr. Roth guilty of numerous violations of his parole to include leaving the state without permission, consuming marijuana, consuming alcohol, entering a bar, entering a business that promotes sexual activity and being terminated from sex offender treatment. It was revealed Mr. Roth had travelled to the Portland area multiple times,

engaging in high risk behavior and hiding this from his CCO and Treatment group. He was revoked as a result of these violations and 36 months added to his minimum term.

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. Roth is not parolable and adds 36 months to his minimum term.

NEXT ACTION:

Schedule a .100 hearing approximately 120 days prior to his PERD. **The Board would like a new psychological evaluation prior to the next hearing.** It is hoped Mr. Roth will be more compliant with the process and be forthcoming with the information needed.

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. Roth not parolable for the following reasons:

- High risk/Level 3 sex offender
- Accepted little responsibility for his behavior in the community and minimized his violation behavior
- Has not participated in substance abuse treatment during this incarceration even though drug and alcohol use were violations that contributed to his revocation.
- Very unfavorable psychological assessment: Scores in the HIGH range for psychopathy; the Violence Risk Appraisal Guide Revised (VRAG-R) indicates a score that falls within Bin 9 of 9, with 9 being the highest risk; HCR-20 assessment indicates a Moderate/High risk for future violence; overall assessment of Moderate/High to High risk.

RECOMMENDATIONS:

Mr. Roth may benefit from participation in the Thinking 4 a Change program if he is allowed entry. He needs to continue to work on minimizing his cognitive distortions. He should cease providing justifications, rationalizations and minimizations to himself, the Board and the SOTAP. It would behoove him to accept personal responsibility for his choices and stop blaming others or acting as though he is entitled to something since he was incarcerated for so long.

JURISDICTION:

Martin Roth is under the jurisdiction of the Board on an April 12, 1982 conviction of Rape in the First Degree, Count IV, and Robbery in the First Degree, Count V (both WAWDW) in King County, under Cause # 81-1-03003-0. His initial duration of confinement was set by the Board at 240 months. The standard range of the Sentencing Reform Act at the time was 93 to 318 months for Count IV and 31 to 170 months on Count V. His maximum term is Life. He has served approximately 344 months in prison and 219 days of jail time.

Mr. Roth paroled from Counts IV and V to the State of New Jersey on a Detainer in December of 2010. He served approximately 7 years there on a prior conviction of Rape in the First Degree and was paroled on September 11, 2017. He returned to Washington State on supervision and was revoked in May of 2018. He has served approximately 25 months on the revocation.

Mr. Roth previously reached the maximum expiration dates on convictions under this same Cause for Attempted Rape in the First Degree, Counts I and II, and Attempted Robbery, Count III. These also had a finding of Deadly Weapon. He received a sentence of 10 years on each count, to run concurrent. Counts IV and V run consecutive to these counts.

OFFENSE DESCRIPTION:

Mr. Roth at age 34, came across a woman walking home carrying groceries. He began talking to her and followed her to her apartment. He asked to talk longer and she agreed. Once inside he began trying to hug her and she told him he needed to leave the apartment. Mr. Roth pulled out

a gun, directed the victim to the bedroom and raped her. When he was done he made the victim empty her purse and took what money she had. Prior to leaving he wiped off a glass he had touched and wiped the front door knob.

ADDITIONAL CRIMINAL / RISK RELATED CONDUCT:

Attempted Rape in the First Degree, Counts I and II, and Attempted Robbery, Count III of the above Cause, occurred nine days after the rape described above. In both instances Martin Roth accosted women who were alone and threatened them with a handgun and demanded money and/or sex. Both victims were able to convince him to leave without raping them and notified police.

04/16/70, Rape First Degree, New Jersey Case #36988 – Martin Roth age 22, entered the home of an adult woman while she was sleeping. He retrieved a knife from her kitchen then entered the victim's bedroom and held the knife to her neck and directed her to undress. He then raped her. After raping her he remained in the apartment for about an hour. He was arrested later that same night. He was sentenced to a term of not more than 30 years confinement. He was released on parole in November of 1978.

After paroling on the above Rape case, Mr. Roth was arrested less than one month later, again in New Jersey, and convicted of **Assault with Intent to Rob**. He received a term of 3-9 years and paroled from that case on June 2, 1981. Shortly thereafter he travelled to Washington State and just over 90 days later committed the first of several offenses, the armed Rape and Robbery.

During his earlier Washington incarceration period prior to parole in December of 2010, Mr. Roth received at least four serious infractions for **Sexual Harassment of Staff and one for Indecent Exposure**. These involved intentionally masturbating in view of staff, generally females and exposing his penis. The last of these occurred in 2003.

PROGRESS/BEHAVIOR:

Classification Counselor Melissa Sequeira was filling in for the regularly assigned CC. She testified that Mr. Roth has been doing well on the living Unit. He has incurred no serious infractions and a few minor infractions since his return to prison on the revocation. He completed the Bridges to Life program, the SOTAP and has worked as a Therapy Aide. Due to the Covid-19 pandemic there are not many programs currently available in the facility. He is unsure about his release plan as the State of New Jersey does have a detainer in place for his return.

Mr. Roth was asked what was going on in his life when he committed his index offenses. He stated his life was in chaos and he was having difficulty in a romantic relationship he was involved in. He was asked why he was carrying a gun back then and he stated he needed it for protection as he was associating with criminals and druggies.

Mr. Roth was asked to explain his violation behavior that resulted in his revocation. (It has to be noted that he was back in Washington State on parole for less than three months before he began violating his conditions of parole, though the violations were not discovered immediately.) He stated he was doing OK for a while, receiving SSI, volunteering at an animal shelter and food bank. He said he had a lot of conflict with his supervising CCO. He stated his CCO kept putting restrictions on him that he didn't believe were fair. For instance he didn't think he should be prohibited from consuming alcohol or using social media. He stated that he began going to Portland because he wanted to see what the gay community was like as he had never been "out" before. He admitted he justified his behavior telling himself that he wasn't hurting anyone or breaking any laws. He apparently did not feel he should have so many conditions to comply with and simply chose not to do so.

Mr. Roth was able to describe his dynamic risk factors. He stated that cooperation with supervision is a big one. He stated he knows now that he must follow all the conditions of supervision whether he likes them or not. He admitted he had an attitude of entitlement and feeling like he had served his time so he should be done. He stated that the next time he will be

more open and talk to his CCO and support persons and not keep secrets. Mr. Roth wanted to note that he took issue with the recent psychological evaluation stating it does not accurately reflect who he is today. He took umbrage with the fact that the psychologist asked him about crimes he committed over 30 years ago. He felt she was biased against him. He did not seem to understand why all of his offenses are considered when assessing future risk.

Specialist Ursula Katolik Johnson stated that Mr. Roth clearly had many cognitive distortions and sometimes didn't even recognize them. She stated that though he participated in treatment previously, he kept many secrets and therefore did not adequately address issues prior to release. He still comes across as entitled at times. Currently in group he is doing a great job. He is more forthcoming.

Mr. Ford stated that Mr. Roth has made good progress since his return to prison. He does not believe he will have the same attitude upon release and he will be more transparent. He believes Mr. Roth is a fit subject for release.

LRG: ts

July 16, 2020

July 27, 2020

July 28, 2020

July 31, 2020

cc: TRU
Attorney
File



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

TO: Full Board

FROM: Lori Ramsdell-Gilkey (Teresa Schmidt, CRT)

RE: ROTH, Martin DOC #281508

Panel recommends: Not parolable – add 36 months to minimum term.

Next action: Schedule .100 120 days prior to his parole eligibility review date (PERD).

Agree	Disagree
Lori Ramsdell-Gilkey – 7-27-2020 Elyse Balmert – 7-27-2020 Jeff Patnode – 7-27-2020 TaTeasha Davis – 7-27-2020 Kecia Rongen 7-27-2020	