



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

DECISION AND REASONS

NAME: HUGHES, Nathan
DOC #: 798587
FACILITY: Stafford Creek Correctional Center
DATE OF HEARING: September 15, 2020
TYPE OF HEARING: LT JUVBRD
PANEL MEMBERS: Elyse Balmert, Kecia Rongen and TaTeasha Davis
FINAL DECISION DATE: September 28, 2020

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 or RCW 10.95.030. In preparation for the hearing, the Board reviewed Mr. Hughes's ISRB file. Mr. Hughes appeared in person and was represented by attorney Peter S. Johnson. Testimony was provided by Department of Corrections (DOC) Classification Counselor (CC) Tera Flink. Others present at the hearing were Rachel Brown, Pro Bono Program Manager to Mr. Johnson. This Hearing was held via video conferencing with Mr. Hughes and DOC staff located in Aberdeen, Washington.

Original recommendation by the sentencing Judge was 560 months.

CURRENT BOARD DECISION:

Based on the burden of proof set out in RCW 9.94A.730 or RCW 10.95.030(3)(f) and the totality of evidence and information provided to the Board, the Board does not find by a preponderance of the evidence that Mr. Hughes is more likely than not to commit any new criminal law violations if released on conditions. Consequently, the Board finds Mr. Hughes releasable.

NEXT ACTION:

Submit an Offender Release Plan (ORP) for consideration.

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 or RCW 10.95.030 the Board finds Mr. Hughes is not more likely than not/is 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. Hughes is determined to be releasable based on the following:

- Dr. Robtoy rates his overall risk as Low/Moderate
- Completed risk related programming (Substance Abuse treatment, Stress/Anger Management and Redemption)
- Completed vocational and educational programs (GED, CTAP certificate, learned Spanish and French)
- He has maintained employment while in prison, has good work performance reports, and has not incurred a serious infraction involving violence since 2014
- He has a detailed release plan with community support, housing and employment opportunity

RECOMMENDATIONS:

Mr. Hughes should seek out mental health services as needed and continue to maintain his sobriety.

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. Hughes's petition, resulted in the hearing on this date.

Nathan Hughes is under the jurisdiction of the Board on a 1999 conviction in Mason County Cause #99-1-00093-5 for Murder in the First Degree. The time start is August 19, 1999. The minimum term was set at 240 months for the mandatory, and 320 months for the base term, for a total time of 560 months. The Sentencing Reform Act (SRA) range was 240 to 320 months. The statutory maximum term is Life. Actual confinement max is September 24, 2045. Mr. Hughes has served approximately 20 years, 11 months, 4 weeks in prison and 225 days of jail time to date.

OFFENSE DESCRIPTION:

On January 4, 1999, the victim (a 70 year old unknown adult male) asked Mr. Hughes' cousin, 19 year old James Anderson #789537, if he could trap on his property, while Mr. Hughes (age 14) was visiting his cousin's home. While the victim was outside of the residence trapping, Mr. Hughes and his brother made a plan to rob and kill the victim. The two lured the victim inside the residence. Once inside, Mr. Hughes struck the victim in the head with a glass blender pitcher. Mr. Hughes and his cousin then began assaulting the victim by kicking him in the head, smothering him with a pillow, and attempting to choke him with a television cable. Finally, they continued kicking and stomping the victim's head until his death. Afterward, Mr. Hughes and his cousin took the victim's wallet, his vehicle, and other personal belongings. Then they dragged the victim out to a swamp area approximately 100ft. away from the residence where they left him face down. Mr. Hughes and his cousin then left the home in the victim's truck and went to visit Mr. Hughes' brother in Port Townsend where they were later apprehended. Mr. Hughes was sentenced to 560 months confinement for this crime.

PRIOR RISK RELATED/CRIMINAL CONDUCT:

Juvenile:

11/1/95 – Taking a Motor Vehicle Without Permission. Lewis County Cause #9583311.

Mr. Hughes began running away from home at age 11. In addition, he noted the first time he ever went to “juvie” was at age 11 for stealing a car. He recalled being so small that he “couldn’t even see out the window”. As stated, Mr. Hughes was incarcerated on the current offense when he was 14 years old. However, he stated he had been placed on probation for prior crimes before committing the current offense. When he was asked whether he had ever violated the terms of his probation he replied, “absolutely”. At the time of the current offense, he had run away from his sister’s residence and was visiting his cousin’s home.

PROGRESS/BEHAVIOR:

CC Flink provided an overview of Mr. Hughes programming (vocation/education and offender change). He has completed Stress/Anger Management, Intensive Outpatient treatment, Redemption, Re-Entry Skills and the Construction Trade Apprentice Program (CTAP). He has incurred 24 Serious Infractions (SI), the last was in 2015 for Counterfeit/Forgery and Unauthorized Possession of Money. He has no issues on the Unit. He is not currently working but has previously held employment as an Office Clerk, Custodian and Library Clerk and received positive reports from his supervisors. He has been a Teacher’s Assistant for the English as a Second Language class for five years. He gets visits from his sister, brother-in-law, and niece.

Mr. Hughes provided the circumstances in his life at the time of his index offense. His description of the crime closely matched the file materials. He said during the time of his offense he was an angry runaway, who was consistently moving around. Mr. Hughes was visibly upset recounting his role in the murder and took responsibility for his actions. He was remorseful and had insight into his behavior that contributed to his offense.

Mr. Hughes has taught himself two languages (French and Spanish) and is learning Portuguese. He reported he was asked by the ESL instructor to be a T.A., which he was for five years. The Board asked which program was the most helpful for him. He said Redemption really helped him

with his decision making. Mr. Hughes said when released he will reside with his brother-in-law and niece, and work for him at his painting business. He also is anticipating some inheritance which will assist with him establishing himself in the community. Mr. Hughes states he will seek out mental health services if needed. He has support from family and a long-time pen pal, Isabelle, who lives in Maine, whom he communicates with often.

Attorney Johnson referred to the extensive binder of documents previously provided to the Board supporting Mr. Hughes' release and pointed out that there is strong evidence for release. He stated that the important points are the consistency of his record; behavior, occupational, positive staff reports and community support. Mr. Johnson said that Mr. Hughes has developed skills to be successful; work habits, interpersonal relationship and he has a viable release plan with support in the community.

EB:kb

Date

cc: Institution
Attorney
File



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

TO: Full Board

FROM: Elyse Balmert (Kasandra)

RE: Hughes, Nathan DOC #798587

Panel recommends: Releasable

Next action: Submit ORP

Agree	Disagree
Elyse Balmert 9-28-2020 TaTeasha Davis 9-28-2020 Lori Ramsdell-Gilkey 9-28-2020 Jeff Patnode 9-28-2020 Kecia Rongen 9-28-2020	