

COMMONWEALTH OF KENTUCKY
 LAUREL CIRCUIT COURT
 DIVISION ____
 CASE NO. 21-CI- _____
Electronically filed

COMMONWEALTH OF KENTUCKY, *ex rel.*
 ATTORNEY GENERAL DANIEL CAMERON;

JACKIE STEELE, in his official capacity as
 COMMONWEALTH'S ATTORNEY FOR THE 27th Judicial Circuit, and on behalf
 of crime victims asserting their rights under Marsy's Law

Plaintiffs

v.

KENTUCKY PAROLE BOARD *ex rel.*

The following individuals
 in their official capacities only:
 Lelia ("Lee") A. VanHoose, Chair;
 Brenda Beers-Reineke, Member;
 Larry R. Brock, Member;
 Bridget Skaggs Brown, Member;
 Melissa Chandler, Member;
 Sharon Hardesty, Member;
 Ladeidra N. Jones, Member;
 Robert Powers, Member;
 Patty Wininger, Member;

Serve: Attorney General Daniel Cameron via ServetheCommonwealth@ky.gov

and

KENTUCKY DEPARTMENT OF CORRECTIONS *ex rel.*

Cookie Crews, in her official capacity as Commissioner

Serve: Attorney General Daniel Cameron via ServetheCommonwealth@ky.gov

Defendants

**VERIFIED COMPLAINT FOR
 DECLARATION OF RIGHTS AND INJUNCTIVE RELIEF**

“I guess the biggest thing is I thought this was finished. That we would never have to go through something like a parole hearing again. Parole hearings are painful, it brings it all back to life again. The families are devastated all over again.”¹

–Ruth Rose, whose son Scotty was murdered and his remains burned in 1992 after being picked up from school

INTRODUCTION

1. This case involves the worst of the worst. Murder. Rape of children. Kidnapping with serious physical injury. The perpetrators of these crimes have been rightfully sentenced to life in prison. Victims who suffer these crimes have also been sentenced to trauma and the loss of their loved ones. Now, the Kentucky Parole Board (“Board”) wants that life sentence to be a one-way street: the victim is traumatized for life, but the criminal is given repeat opportunities to walk free despite settled expectations.

2. A life sentence should be just that. When the Board tells a family that the person who killed their loved ones must serve out their sentence, the person must serve it. Since 1992, the Board has told dozens of victims and their families that individuals convicted of the most brutal crimes and sentenced to life in prison were denied parole and would have to serve out their life sentence. But behind the scenes with no public input, the Board has now attempted to reverse course.

¹ Victor Puente, *Policy change could allow some convicted murderers to get a new chance at parole*, Fox 56 (May 18, 2021), available at: <https://foxlexington.com/news/policy-change-could-allow-some-convicted-murderers-to-get-a-new-chance-at-parole/>.

3. This action relates to that reversal, which came in the form of an unlawful Directive of the Board Chairperson issued on April 1, 2021 (“Directive”).

4. In issuing the Directive, the Board not only violated KRS Chapter 13A, it deprived crime victims of due process and dignity under Section 26A of the Kentucky Constitution by obliterating the closure they once had knowing that the prisoners who exacted such personal tragedy on them would remain in prison for life. The Board, without even considering the rights of these victims, plans to re-open the wounds time had started to heal and subject them to the gut-wrenching experience of another parole eligibility hearing.

5. The Directive violates KRS Chapter 13A, the Board’s own regulations and enabling statutes, and the Kentucky Constitution and should therefore be declared null and void *ab initio*.

NATURE OF ACTION

6. This Complaint for a Declaration of Rights and Injunctive Relief is governed by the Kentucky Declaratory Judgment Act, KRS 418.010, *et seq.*, and Kentucky Rule of Civil Procedure (“CR”) 57.

7. KRS 418.040 provides that where “an actual controversy exists, the plaintiff may ask for a declaration of rights, either alone or with other relief; and the court may make a binding declaration of rights, whether or not consequential relief is or could be asked.”

8. An actual and justiciable controversy exists in this action.

9. Given the grave concerns set forth in this Complaint, the Commonwealth respectfully requests expedited review under KRS 452.005(6), KRS 418.050, CR 57, and Section 26A of the Kentucky Constitution.

PARTIES

10. Daniel Cameron is the duly elected Attorney General of the Commonwealth of Kentucky. He is the lawyer for the people of Kentucky. KRS 15.020; *Commonwealth ex rel. Beshear v. Commonwealth ex rel. Bevin*, 498 S.W.3d 355, 362 (Ky. 2016). As the chief law officer of the Commonwealth, Attorney General Cameron has standing “to institute, conduct[,] and maintain suits and proceedings for the enforcement of the laws of the state, the preservation or order, and the protection of public rights.” *Commonwealth ex rel. Conway v. Thompson*, 300 S.W.3d 152, 173 (Ky. 2009) (citation omitted). As the lawyer for the people, Attorney General Cameron brings this suit on behalf of the Commonwealth of Kentucky, including crime victims harmed by the Board’s unlawful and unconstitutional Directive.

11. Jackie Steele is a resident of Laurel County and the duly elected Commonwealth’s Attorney for the 27th Judicial Circuit encompassing Laurel and Knox Counties. His office prosecuted some of the prisoners to whom the Board now seeks to grant another parole eligibility hearing. Mr. Steele brings this action in his official capacity and on behalf of crime victims under Section 26A of the Kentucky Constitution.

12. Attorney General Cameron and Commonwealth’s Attorney Steele have been requested, pursuant to Section 26A of the Kentucky Constitution, to enforce the rights of crime victims Ruth Rose, Tawny Acker and Bill Craven.

13. The Board is a public agency of the Commonwealth consisting of nine members appointed by the Governor and confirmed by the Senate. KRS 439.320. The Board is empowered by statute to study the case histories of persons eligible for parole and conduct hearings to determine whether to grant parole. KRS 439.330.

14. The Kentucky Department of Corrections (“DOC”) is a public agency of the Commonwealth that, in addition to operating the state’s penal institutions, has the duty to provide the Board with “any clerical, stenographic, administrative, and expert staff assistance deems necessary to carry out its duties.” KRS 439.320(1).

15. Lelia “Lee” A. VanHoose is the Chair of the Board and is named as a Defendant in her official capacity only.

16. Brenda Beers-Reineke is a Board member and is named as a defendant in her official capacity only.

17. Larry R. Brock is a Board member and is named as a defendant in his official capacity only.

18. Bridget Skaggs Brown is a Board member and is named as a defendant in her official capacity only.

19. Melissa Chandler is a Board member and is named as a defendant in her official capacity only.

20. Sharon Hardesty is a Board member is named in as a defendant in her official capacity only.

21. Ladeidra N. Jones is a Board member and is named as a defendant in her official capacity only.

22. Robert Powers is a Board member and is named as a defendant in his official capacity only.

23. Patty Winger is a Board member and is named as a defendant in her official capacity only.

24. Cookie Crews is the Commissioner of the DOC and is named as a defendant in her official capacity only.

JURISDICTION & VENUE

25. This Court has jurisdiction over this action under Section 112(5) of the Kentucky Constitution, KRS 23A.010(1), and KRS 418.040.

26. Venue for this action is proper in this Court pursuant to KRS 452.005(2).

FACTUAL BACKGROUND

The Unlawful Directive

27. Chair VanHoose signed a Parole Board Directive dated April 1, 2021 (“Directive”), entitled “Requirements for parole consideration when reviewing an offender with a life sentence,” a copy of which is attached hereto as Exhibit 1 and incorporated by reference.

28. The Directive purports to eliminate the Board’s discretion under existing regulations and statutes to order a serve out of a prisoner’s life sentence at an initial parole eligibility hearing. Instead, the Directive requires that the Board issue a deferment of no more than 120 months regardless of the facts and circumstances involved in each case.

29. The Directive also retroactively sets aside all previous final serve-out orders entered at initial parole hearings for prisoners serving life sentences. If it has

been more than 120 months since a prisoner's initial parole eligibility hearing, the Directive provides that a prisoner must receive another hearing no later than October 1, 2021. Otherwise, the Directive purports to require a new hearing within 120 months of the prisoner's initial parole eligibility hearing.

30. The Board intends to provide another parole hearing to approximately forty-five (45) prisoners previously ordered by the Board to serve out their life sentences. A Board document that lists these individuals is attached as Exhibit 2 and incorporated by reference.

31. Some prisoners who had been previously ordered to serve out their life sentences are scheduled to receive another parole eligibility hearing as early as July of this year.

The notorious criminals involved

32. Included in the group of prisoners who have already been ordered to serve out their life sentences is Stephanie Spitsler. The full Board ordered that she serve out her life sentence at her initial parole eligibility hearing in 2017.

33. Mr. Steele's office handled the prosecution of Spitsler's crime.

34. Spitsler is serving a life sentence for kidnapping and murdering her own 10 year-old stepson, Scotty Baker.² Spitsler's friend, Susanne Baker, checked Scotty out of school in a disguise and under false pretenses, specifically that she was taking him to see his dad for Thanksgiving. Scotty sat in the front seat of Baker's car not knowing that Spitsler was hiding in the back seat. Spitsler then proceeded to strangle

² Even though Scotty was a minor when he was killed, his name has been revealed to the public by Ms. Rose and many news outlets.

him from the back seat while Baker continued to drive the car. The two women then burned and buried Scotty's body in Laurel County. His charred remains were found with his school backpack still strapped to him. The prosecution of Spitsner began in Laurel County and, after extensive media coverage, the case had to be transferred to Pulaski County to seat a jury. Prosecutors considered pursuing the death penalty before Spitsner pled guilty and agreed to a life sentence with the possibility of parole in 25 years.

35. Scotty's mother, Ruth Rose, endured the 2017 parole hearing where she pleaded that Spitsner serve out her life sentence. Spitsner herself told the Board that she did not deserve to be released. After learning about the Directive, Ms. Rose told a news reporter, "I guess the biggest thing is I thought this was finished. That we would never have to go through something like a parole hearing again. Parole hearings are painful, it brings it all back to life again. The families are devastated all over again. . . . It breaks my heart that these families, just like our family, is going to have to go through this"³

36. Jeffrey Coffey is currently serving a life sentence for killing a teenage couple who were on their first date in 1985. Coffey shot Matthew Coomer, age 17, in the chest with a rifle and then bashed in the skull of Taiann Wilson, age 15, with the butt of the rifle before stabbing her with a pocketknife over 100 times. The case was tried in Laurel County. At the trial, the psychiatrist who examined Coffey testified that he was an extreme sociopath with no remorse or hope for treatment. Prosecutors

³ Victor Puente, *supra*, fn. 1.

sought the death penalty, but the jury returned a sentence of life without parole for 25 years.

37. Taiann and Matthew were survived by their parents and siblings who along with friends strenuously objected to Coffey's release at his initial June 2020 parole hearing. The Board ordered that Coffey serve out his life sentence providing the family a sense of relief and closure. Under the Directive, Coffey will now be eligible for parole again in 2030.

38. When learning of this development, Tonya Baumgardner, Taiann's older sister, was quoted by the *Lexington Herald-Leader* as saying, "It's overwhelming that we're gonna have to face this again. It's very difficult, very traumatic, for the families to relive it."⁴

39. Mr. Steele's office was involved in the prosecution of Marshall Brookes, who shot Jerry and Cynthia Sprinkles and their three-year old daughter Katie in the head with a pistol in 1983. Brookes was convicted and ordered to serve life with a possibility of parole in 25 years in 1993.

40. Jerry's mother and Cynthia's sister were given closure and justice when the Board ordered that Brookes serve out his life sentence at his parole hearing in 2017. Under the Directive, Brookes will now get another chance of parole in 2027.

41. The Attorney General's Office of Special Prosecutions successfully pursued the convictions of Clawvern Jacobs and Adele Craven, who were ordered to serve out their life sentences in 2002 and 2020, respectively.

⁴ Bill Estep, *Dozens of Convicted Murderers to Get a New Chance at Parole in KY after Policy Change*, LEXINGTON HERALD-LEADER, Lexington, Ky., May 18, 2021

42. Craven masterminded a plot with her lover, with whom she was having an affair, to kill Stephen Craven, her husband and the father of her children. She escaped the death penalty after pleading guilty to the murder before the conclusion of her second trial and was sentenced to life with possibility of parole in 25 years.

43. In 1986, Jacobs kidnapped, sexually assaulted, and killed Judy Howard, a college student at Alice Llyod College in Knott County. After beating her head in with rocks, Jacobs left her naked body on an embankment. The jury in Knott County convicted Jacobs of murder and sentenced him to death. After an appeal and retrial, Jacobs was again sentenced to death by a Warren County jury. In 2001, the Kentucky Supreme Court held on appeal that kidnapping and sexual assault were not statutory aggravating factors justifying the death penalty and ordered that Jacobs serve a life sentence with possibility of parole in 25 years.

44. Under the Directive, Craven will now receive a parole hearing in 2030 and Jacobs will receive another parole hearing in August of this year. The victims of their crimes deserve better.

45. Bill Craven, the brother of Stephen Craven, is devastated after learning that his brother's murderer will get another chance at parole after he was previously told that she would spend rest of her life in prison.

46. Although not prosecuted by Mr. Steele's office or the Attorney General, there are forty other prisoners serving life sentences whom the Board previously adjudged as unworthy of parole, one of which is George Wade. In 1984, Wade committed a notorious kidnapping, robbery, and murder of two students from Trinity

High School in Louisville, crimes for which his accomplice, Victor Taylor, is now serving on death row. After the students asked Wade and Taylor for directions, the two criminals kidnapped the students, forced them to undress, and then bound, gagged, and executed them. Taylor also raped one of the victims before killing him.

47. Wade was originally ordered to serve out his sentence after his initial parole hearing in 1992 but will now receive another parole eligibility hearing under the Directive no later October 1, 2021.

48. Another such prisoner is Donald Bartley. Bartley and two accomplices posed as FBI agents one evening at the Letcher County home of Dr. Roscoe Acker. After flashing a badge to gain entry, the three criminals forced Dr. Acker to open a safe and stole his cash. They strangled Dr. Acker into unconsciousness, thinking he was dead, and fatally stabbed Dr. Acker's daughter, Tammy, with such force that the knife penetrated her body and entered the home's floor. At trial, Dr. Acker, wiping tears from his eyes, testified that when he awoke, he saw the knife protruding from his daughter's back, and "knew she was in God's hands." Bartley was sentenced to life without the possibility of parole for 25 years for this, only one of the murders for which he has been convicted. Dr. Acker's other daughter, and Tammy's sister, is Tawny Acker, who in 2009 was told by the Parole Board that Bartley must serve out his sentence. Now, she is told that Bartley is eligible for parole in July, and she is devastated.

The Parole Board issued the Directive surreptitiously

49. The Directive claims to be “in accordance with the approval of the Board to promulgate an Administrative Regulation for Parole Eligibility Hearings for offenders with life sentences.” The Directive was not, however, issued pursuant to the rulemaking procedures of KRS Chapter 13A for the promulgation of administrative regulations. Nor would the policy announced in the directive qualify as an emergency administrative regulation.

50. The Board issued its Directive covertly without notifying Commonwealth’s Attorneys, the Attorney General, or the public, including the crime victims who had been assured by the Board that the perpetrators of those crimes would spend the rest of their lives in prison without the possibility of parole.

51. After the Directive came to light in the public sphere, Chair VanHoose informed one Commonwealth’s Attorney that the Directive was issued in response to a lawsuit, *Varnard Farmer, et. al. v. Kentucky Parole Board*, a case that has been pending in Franklin Circuit Court since 2013.

52. In that case, several inmates sued the Board to challenge several practices as being unconstitutional and demanded that the Board adopt regulations to provide guidelines for deferments; adopt regulations to permit reconsideration of parole at any time based on new information; amend its regulations to require proper consideration of DOC’s risk and needs assessments; adopt a regulation to provide that an inmate not be ordered to complete programming as a condition of release or to justify a parole deferral unless there a qualifying assessment that clearly indicates that the

prisoner needs the treatment; and stop the practice of ordering serve out of life sentences and set new parole eligibility dates.

53. Franklin Circuit Judge Phillip Shepherd granted partial summary judgment to the Board on October 1, 2020, finding that the practice of ordering a serve out of a life sentence was authorized by law and did not run afoul of the Kentucky or United States Constitutions. He denied summary judgment on the remaining claims, which are still pending in Franklin Circuit Court.

54. Judge Shepherd certified as immediately appealable his summary judgment order relating to serve outs of life sentences, and that order is now before the Kentucky Supreme Court on an appeal transferred directly from the Kentucky Court of Appeals.

55. The Board disingenuously claims that it had to issue the Directive because of the *Varnard Farmer* litigation considering the Board had received a favorable ruling from Judge Shepherd on its authority to order serve outs. The Kentucky Supreme Court has yet to accept the first brief on the issue.

56. The Board failed to consider adequately how its Directive would impact crime victims prior to issuing it.

57. Instead, Chair VanHoose seemed more curious about how parole boards from other jurisdictions handled parole for prisoners serving life sentences. In early January of 2021, Chair VanHoose sent an email to parole board chairs in other states and countries using a list serve to solicit information about regulations and laws that clearly have no relevance or application to Kentucky.

58. Upon information and belief, the Board planned to discuss life sentences at its January 19, 2021 meeting, including the information Ms. VanHoose collected from other jurisdictions.

59. The minutes from the January 19, 2021 meeting do not mention the details of the Directive or that it would apply retroactively to set aside previous serve-out orders of the Board. The only mention in the minutes of the policy underlying the Directive was:

“Chair VanHoose asked for a motion to amend the Parole Board regulation to note that when hearing initial eligibility on offenders with a life sentence, the maximum deferment allowed would be 120 months. R. Powers made a motion to amend the regulation, and this was seconded by B. Beers-Reineke. The motion carried.”

60. The Board never undertook the process to amend its administrative regulations.

61. Instead, Chair VanHoose elected to modify, limit and/or expand its existing regulations with the Directive. Moreover, the Board, collectively, or Chair VanHoose, individually, decided to set aside previous serve out orders even though that topic does not appear in the January 19, 2021 minutes or the minutes for any other meeting leading up to April 1, 2021 effective date of the Directive.

62. Upon information and belief, the Board did not review the initial parole eligibility hearing record of all the prisoners who had already received a serve out order before it decided to issue the Directive or set aside previous final serve out orders of prisoners serving life sentences.

63. The Executive Director of the Board notified the DOC of the proposed Directive in March of 2021 after which the DOC started compiling a list of all prisoners serving life sentences who would now be eligible for another parole hearing.

64. Before the Directive's effective date, DOC prematurely edited the parole eligibility status in KOMS (Kentucky Offender Management System) for prisoners with life sentences who received serve out orders at their initial parole eligibility hearings and began sending notification letters to those prisoners about their purported newfound parole eligibility.

65. In May of 2021, a reporter for the *Mountain Eagle* of Whitesburg, Sam Adams, became aware that the parole eligibility date for one prisoner housed at Northpoint Training Center had changed. The reporter asked the DOC why this change occurred considering that a Board spokesperson had previously announced in 2009 that this prisoner would spend the rest of his life in prison.

66. The DOC Public Information Officer was not even aware of the Directive and asked the Executive Director of the Board if it was the result of legislation. The Executive Director told the DOC Public Information Officer about the Directive for the first time on May 4, 2021.

67. The DOC and Board formulated a response to Mr. Adams after Chair VanHoose consulted with Secretary Mary Noble of the Kentucky Justice and Public Safety Cabinet, to which the Board is administratively attached. According to an email from Chair VanHoose dated May 6, 2021, Secretary Noble approved telling the

public that the Directive was in response to litigation and the Board acted on the advice of its legal team.

68. Over a month after the Directive was signed, several Commonwealth's Attorneys learned of the Directive, no thanks to the Board.

69. The media widely reported on the heinous crimes committed by the prisoners who were ordered to serve out their life sentences and the crime victims' justifiable outrage about the Directive giving these prisoners another chance at parole.⁵

70. Lou Anna Red Corn, who serves as the Commonwealth's Attorney for Fayette County and President of the Kentucky Commonwealth's Attorneys' Association, issued a statement after being alerted to the Directive by a retired Commonwealth's Attorney. He had been contacted by a victim who had received notice that her sister's killer, who had been given a serve out in 2009, was now eligible for parole on July 1, 2021.

71. Ms. Red Corn's statement poignantly captures the unconscionability of the Directive's impact on victims:

⁵ See Bill Estep, *Dozens of convicted murderers to get a new chance at parole in KY after policy change*, LEXINGTON HERALD LEADER, Lexington, Ky., May 18, 2021; Andrew Wolfson, *Notorious killers ordered to spend the their life in Kentucky prisons get new show at parole*, COURIER JOURNAL, Louisville, Ky., May 17, 2021; Jeff Neal, *Kentucky Parole Board's decision was gutless*, COMMONWEALTH JOURNAL, Somerset, Ky., May 17, 2021; Jerry Sparks, *KY Parole Board policy change reopens local wounds and heartaches – Edwin & Bessie Morris murderer gets new parole hearing*, JACKSON COUNTY SUN, May 27, 2021; Brandon Robinson, *Nine killer with Eastern Kentucky ties eligible for new parole hearings under policy change*, WYMT News, Hazard, Ky. May 19, 2021, <https://www.wyvt.com/2021/05/19/nine-killers-with-eastern-kentucky-ties-eligible-for-new-parole-hearings-under-policy-change/>; Kelsey Souto, *Family of 1994 murder victim outraged by new directive from parole board*, WYMT News, Hazard, Ky. June 1, 2021, <https://www.wyvt.com/2021/06/01/family-of-1994-murder-victim-outraged-by-new-directive-from-parole-board>. Copies of these articles are attached to the complaint as Exhibit 3.

These crime victims and survivors deserve much more than a letter advising them that the person that killed their loved one, and was ordered to serve out their sentence, is now having a parole eligibility hearing in the next 180 days. These crime victims have been through a nightmare but received some comfort that the person who murdered their loved one was going to spend the rest of their life in prison, but now it is the parole board that is going to turn these crime victims' lives upside down again and make them relive their agony and wonder whether the killer will be released. This is shameful and should be stopped.

72. The Plaintiffs agree with Ms. Red Corn. The Directive is shameful and should be stopped.

73. Plaintiffs therefore bring this action to hold the Board accountable and prevent further harm to crime victims throughout the Commonwealth.

COUNT I – DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF:

The Directive violates KRS 13A.130 and is therefore null, void and unenforceable.

74. Plaintiffs incorporate each of the preceding paragraphs by reference.

75. KRS 13A.130 provides:

(1) An administrative body shall not by internal policy, memorandum, or other form of action:

(a) Modify a statute or administrative regulation;

(b) Expand upon or limit a statute or administrative regulation;
or

(c) Except as authorized by the Constitution of the United States, the Constitution of Kentucky, or a statute, expand or limit a right guaranteed by the Constitution of the United States, the Constitution of Kentucky, a statute, or an administrative regulation.

(2) Any administrative body memorandum, internal policy, or other form of action violative of this section or the spirit thereof is null, void, and unenforceable.

76. The Board is an administrative body empowered by KRS 439.340 to promulgate administrative regulations concerning parole eligibility and is subject to the requirements of Chapter 13A. *See* KRS 13A.350.

77. The Board has already promulgated such regulations as set forth in 501 KAR 1:030. Section 2 of that regulation grants the Board discretion to order serve out of a sentence at initial or subsequent parole eligibility hearings

78. KRS 439.340(14) permits the Board to issue serve out orders of life sentences at initial parole eligibility hearings if approved by a majority vote of the full Board.

79. The Directive is not a regulation issued pursuant to KRS Chapter 13A and therefore is an “internal policy, memorandum or other form of action” as those terms are used in KRS 13A.130(1).

80. The Directive attempts to modify and/or limit 501 KAR 1:030 and KRS 439.340(14) by eliminating the Board’s discretion under existing law to order a serve out of a life sentence at an initial parole eligibility hearing even if the record evidence supports it.

81. The Directive also tries to limit, modify, and/or expand 501 KAR 1:030 and KRS 439.340(14), which allow serve out of life sentences, by providing a maximum deferral of 120 months at initial parole eligibility hearings for all prisoners serving life sentences.

82. The Directive purports to grant rights to prisoners to which they are not entitled under existing law. A prisoner serving a life sentence is not guaranteed more

than an initial parole hearing under the existing regulations and statutes governing the Board, nor does the Kentucky or United States Constitution require additional parole hearings.

83. Assuming the Board had statutory authority to issue the policies set forth in the Directive by regulation, which it does not, the Board failed to promulgate another regulation or amend its existing ones.

84. The Directive violates KRS 13A.130 and is therefore “null, void, and unenforceable.” KRS 13A.130(2).

85. Therefore, the Plaintiffs respectfully request a declaration that the Directive is illegal, null, void and unenforceable *ab initio*.

86. The Plaintiffs also seek injunctive relief under CR 65, including a temporary restraining order, and temporary and permanent injunction, prohibiting the Defendants from giving any effect to the Directive, including providing subsequent parole eligibility hearings to those prisoners already ordered to serve out their life sentences.

COUNT II – DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF:

The Directive violates KRS 13A.100(1) and is therefore null, void, and unenforceable.

87. Plaintiffs incorporate each of the preceding paragraphs.

88. “Subject to limitations in applicable statutes, any administrative body that is empowered to promulgate administrative regulations shall, by administrative regulation, prescribe, consistent with applicable statutes: (1) Each statement of general applicability, policy, procedure, memorandum, or other form of action that

implements; interprets; prescribes law or policy; describes organization, procedure, or practice requirements of any administrative body; or affects private rights or procedures available to the public[.]” KRS 13A.100(1).

89. The Directive presents a statement of general applicability, policy, procedure, memorandum or other form of action that purports to implement, interpret, and prescribe law or policy and affects the private rights or procedures available to the public.

90. Chapter 13A requires, *inter alia*, that proposed regulations or amendments to regulations be submitted to the Legislative Research Commission in the proper format (KRS 13A.220); that the public be provided notice of the proposed regulation or amendment through the LRC’s and administrative body’s websites (KRS 13A.220); that persons who have already registered with an administrative body to receive notice of new regulations are provided notice (KRS 13A.270); that there be a period during which the public may submit comments (KRS 13A.270); that the public have an opportunity to attend a public hearing on the regulation (KRS 13A.270); that the regulation be reviewed at meeting of the Administrative Regulation Review Committee open to the public (KRS 13A.290); and that the regulation or amendment be published in the Administrative Register of Kentucky available to the public (KRS 13A.050).⁶

⁶ A copy of the Legislative Research Commissions’ general overview of the regulation process is attached as Exhibit 4. It is also available at <https://apps.legislature.ky.gov/law/kar/karpgs/OverviewofRegCycle.pdf>.

91. In issuing its Directive, the Board did not follow any of these requirements that are necessary to promulgate a regulation.

92. The Board violated KRS 13A.100(1) when it issued the Directive.

93. Therefore, the Plaintiffs respectfully request a declaration that the Directive is illegal, null, void, and unenforceable *ab initio*.

94. The Plaintiffs also seek injunctive relief under CR 65, including a temporary restraining order, and temporary and permanent injunction, prohibiting the Defendants from giving any effect to the Directive, including providing subsequent parole eligibility hearings to those prisoners already ordered to serve out their life sentences.

COUNT III – DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF:

The Directive violates KRS 439.340(3)(b) and is therefore null, void and unenforceable.

95. Plaintiffs incorporate each of the preceding paragraphs.

96. KRS 439.340(3)(b) states that the Board “shall adopt administrative regulations with respect to the eligibility of prisoners for parole, the conduct of parole and parole revocation hearings and all other matters that come before it, or conditions to be imposed upon parolees.”

97. The Directive was not adopted as a regulation and yet purports to change parole eligibility for all prisoners serving life sentences, to include granting parole hearings to prisoners who had already been ordered to serve out their life sentence without possibility of parole, and to change the conduct of parole hearings.

98. The Directive was not based on objective, performance-based criteria and risk and needs assessment information and is contrary to current Board regulations that are still in effect.

99. Accordingly, the Board violated KRS 439.340(3)(b) in issuing the Directive.

100. Therefore, the Plaintiffs respectfully request a declaration that the Directive is illegal, null, void, and unenforceable *ab initio*.

101. The Plaintiffs also seek injunctive relief under CR 65, including a temporary restraining order, and temporary and permanent injunction, prohibiting the Defendants from giving any effect to the Directive, including providing subsequent parole eligibility hearings to those prisoners already ordered to serve out their life sentences.

COUNT IV – DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF:

The Directive violates KRS 439.340(14) and is therefore null, void and unenforceable.

102. Plaintiffs incorporate each of the preceding paragraphs.

103. KRS 439.340(14) provides:

If the parole board does not grant parole to a prisoner, the maximum deferment for a prisoner convicted of a non-violent, non-sexual Class C or Class D felony shall be twenty-four (24) months. For all other prisoners who are eligible for parole:

(a) No parole deferment greater than five (5) years shall be ordered unless approved by a majority vote of the full board; and

(b) No deferment shall exceed ten (10) years, ***except for life sentences.***

(Emphasis added).

104. By this statute, the General Assembly authorized deferments greater than 10 years for life sentences, to include serve outs at initial parole eligibility hearings.

105. Through the Directive, the Board has violated the intent of KRS 439.340(14) by undermining the Board's statutory authority to order deferments of greater than 10 years for prisoner's serving life sentences regardless of the circumstances of each prisoner's case.

106. The Directive also violates KRS 439.340(14), or at least vitiates its intent, in that it purports to set aside previous deferment or serve out orders that were issued in compliance with KRS 439.340(14).

107. Therefore, the Plaintiffs respectfully request a declaration that the Directive is illegal, null, void, and unenforceable *ab initio*.

108. The Plaintiffs also seek injunctive relief under CR 65, including a temporary restraining order, and temporary and permanent injunction, prohibiting the Defendants from giving any effect to the Directive, including providing subsequent parole eligibility hearings to those prisoners already ordered to serve out their life sentences.

COUNT V – DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF:

The Directive violates 501 KAR 1:030 § 2(2)(b) and is therefore null, void, and unenforceable.

109. Plaintiffs incorporate each of the preceding paragraphs.

110. 501 KAR 1:030 § 2(2)(b) provides that the “[B]oard, at the initial or a subsequent review, may order a serve-out on a sentence.”

111. In accordance with this regulation and as sanctioned by KRS 439.340(14), the Board ordered serve outs of life sentences for certain prisoners and maintains the discretion to do so at other initial parole reviews.

112. The Directive violates and undermines this regulation by intending to prohibit the Board from exercising its authority under the regulation and by setting aside previous serve out orders issued in accordance therewith.

113. An administrative body may not, through a directive, modify or decide not to follow a properly promulgated administrative regulation, which has the force of law.

114. Therefore, the Plaintiffs respectfully request a declaration that the Directive is illegal, null, void, and unenforceable *ab initio*.

115. The Plaintiffs also seek injunctive relief under CR 65, including a temporary restraining order, and temporary and permanent injunction, prohibiting the Defendants from giving any effect to the Directive, including providing subsequent parole eligibility hearings to those prisoners already ordered to serve out their life sentences.

COUNT VI – DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF:

The Directive violates 501 KAR 1:080 § 1 and Kentucky Parole Board Policy (KYPB) 10-00 and is therefore null, void, and unenforceable.

116. Plaintiffs incorporate each of the preceding paragraphs.

117. The Board did not follow its own procedures for reconsidering previous parole decisions in deciding to retroactively undo its previous serve out orders.

118. 501 KAR 1:080 §1 incorporates Kentucky Parole Board Policy (KYPB) 10-00 by reference. That policy provides two possible avenues for reconsidering a decision of the Board to deny parole, none of which were used in the issuance of the Directive.

119. Paragraph E of KYPB 10-00 allows the full Board to reconsider a decision of the Board if the Chair requests the full Board to reconsider a decision at a meeting at which a quorum of the Board is present; and a majority of the Board members present at the meeting vote in writing in favor of granting reconsideration.

120. Paragraph F of KYPB 10-00 allows a prisoner to request reconsideration based on limited grounds within 21 days after the prisoner receives notice of the Board's decision denying parole.

121. If the full Board votes to reconsider a parole decision denying parole, then it must follow Paragraph G of KYPB 10-00, which requires the Board to review the record from the first hearing to determine if there are grounds to change the result as to a particular prisoner's case.

122. The Board failed to follow any of these procedures for reconsideration when it indiscriminately overturned previous serve-out orders for life sentences without reviewing the record for any prisoner's initial parole board hearing or receiving a timely request for review by a prisoner.

123. The Board's policy of allowing the Board Chair to request full Board reconsideration of parole decision contemplates review of a decision by a panel of the Board shortly after that panel's parole review. No lawful interpretation of that policy

would allow the Board Chair to reconsider a final parole decision of the full Board years after it was rendered.

124. Because the Board violated its own procedures in KYPB 10-00 when it issued the Directive, the Plaintiffs respectfully request a declaration that the Directive is illegal, null, void and unenforceable *ab initio*.

125. The Plaintiffs also seek injunctive relief under CR 65, including a temporary restraining order, and temporary and permanent injunction, prohibiting the Defendants from giving any effect to the Directive, including providing subsequent parole eligibility hearings to those prisoners already ordered to serve out their life sentences.

COUNT VII – DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF:

The Directive violates §§ 2 and 26A of the Kentucky Constitution.

126. Plaintiffs incorporate each of the preceding paragraphs.

127. In November of 2020, the people of the Commonwealth voted to approve a constitutional amendment commonly referred to as Marsy's Law, which is now Section 26A of the Kentucky Constitution.

128. By proclaiming enumerated crime victim rights and the judicial standing to assert them, Section 26A secures for victims justice, due process, and a meaningful role throughout the criminal system.

129. In tandem with the incorporating of Marsy's Law into the Kentucky Constitution, the General Assembly enacted the Crime Victim Bill of Rights codified in KRS 421.500, *et. seq.* A victim includes an individual "directly and proximately harmed as a result of the commission of a crime classified as a felony." KRS

421.500(1)(a). When a victim of crime is deceased, the term victim also includes the victim's spouse, parents, siblings, and children. *Id.*

130. Crime victims have the "right to fairness and due consideration of the crime victim's safety, dignity and privacy." Ky. Const. § 26A.

131. Crime victims also possess the right to timely notice of and to be heard at all proceedings where the perpetrator is considered for reprieve or when the matter involves victim's rights.

132. Crime victims affected by the retroactivity of the Directive once had a feeling of finality, justice, and dignity under the law after the Board told them, in some instances decades ago, that the criminals who took so much from them would spend the rest of their lives in prison for their heinous crimes.

133. The Board gave no or inadequate consideration to crime victims' dignity or sense of finality and justice when it decided to retroactively grant parole hearings to prisoners serving life sentence whom the Board previously had adjudged ineligible for parole.

134. The Board also paved the way for a possible reprieve to those same prisoners, who will now be considered for parole again under the new Directive.

135. Moreover, many victims lost their right to privacy as they were thrust into the spotlight again due to the Directive's tendency to lead to the retelling of the crime victims' stories.

136. None of these crime victims were provided a voice or chance to object to the Directive given the surreptitious way it was issued. They were not even granted

the minimal due process rights of notice and a hearing that would have been afforded to them as members of the public if the Board had issued the Directive as an administrative regulation pursuant to KRS Chapter 13A.

137. The Directive and way the Board issued it constitutes a violation of Section 26A of the Kentucky Constitution.

138. The Board also did not follow its own procedures for reconsidering previous parole decisions in retroactively undoing its previous serve out orders.

139. As stated above, the Board failed to follow Paragraphs E, F, and G of KYPB 10-00 (as incorporated by reference in 501 KAR 1:080 §1) governing procedures for reconsideration of parole decisions and instead indiscriminately overturned previous serve out orders for life sentences without reviewing the record for any prisoner's initial parole board hearing or receiving a timely request for review by a prisoner.

140. Section 2 of the Kentucky Constitution provides: "Absolute and arbitrary power over the lives, liberty and property of freemen exists nowhere in a republic, not even in the largest majority." Among other instances, arbitrary executive power is exercised when the challenged action exceeds statutory authority, violates procedural due process, or where the action is not supported by substantial evidence. *See American Beauty Homes Corp. v. Louisville and Jefferson County Planning and Zoning Comm.*, 379 S.W.2d 450, 456 (Ky. 1964).

141. The Board acted arbitrarily in contravention to crime victim's rights afforded by Section 26A of the Kentucky Constitution when it failed to follow Chapter 13A, or otherwise provide due process rights to crime victims.

142. The Board also acted arbitrarily and in derogation of crime victims' rights by failing to follow its own procedures concerning reconsideration of parole decisions. Specifically, the Board failed to consider each prisoner's initial parole eligibility hearing record, which in some cases would have included a victim impact statement and live testimony. Instead it issued a generally applicable Directive that indiscriminately set aside all previous serve-out orders of prisoners serving life sentences that were issued at an initial parole eligibility hearing.

143. Therefore, the Plaintiffs respectfully request a declaration that the Directive violates Sections 2 and 26A of the Kentucky Constitution by purporting to set aside final serve out orders for prisoners serving life sentences and granting those prisoners another parole hearing.

144. The Commonwealth also seeks injunctive relief under CR 65, including a temporary restraining order, and temporary and permanent injunction, prohibiting the Defendants from giving any effect to the Directive, including providing subsequent parole eligibility hearings to those prisoners already ordered to serve out their life sentences.

COUNT VIII – DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF:

The Board has used the Directive to unlawfully usurp lawmaking powers in violation of §§ 2, 27, and 28 of the Kentucky Constitution.

145. The Plaintiffs incorporate each of the preceding paragraphs.

146. In *Legislative Research Commission v. Brown*, 664 S.W.2d 907, 912 (Ky. 1984), the Kentucky Supreme Court observed that “[o]ur present constitution contains explicit provisions which, on the one hand, mandate separation among the three branches of government, and on the other hand, specifically prohibit incursion of one branch of government into the powers and functions of the others. Thus, our constitution has a double-barreled, positive-negative approach.”

147. That “double-barreled” separation of powers is reflected in Sections 27 and 28 of the Kentucky Constitution.

148. Section 27 provides that “[t]he powers of the government of the Commonwealth of Kentucky shall be divided into three distinct departments, and each of them be confined to a separate body of magistracy, to wit: Those which are legislative, to one; those which are executive, to another; and those which are judicial, to another.”

149. Moreover, “[t]he legislative, executive and judicial branches of our state government are to operate within their respective spheres and ‘no person or collection of persons, being of one of those departments, shall exercise any power properly belonging to either of the others’ except as expressly directed or permitted by the Constitution.” *Beshear v. Haydon Bridge Co.*, 416 S.W.3d 280, 295 (Ky. 2013) (citing Ky. Const. § 28).

150. Thus, Kentucky courts have recognized that “perhaps no state forming part of the . . . United States has a constitution whose language more emphatically separates and perpetuates what might be termed the American tripod form of

government than does . . . [the Kentucky] Constitution.” *Beshear v. Haydon Bridge Co.*, 416 S.W.3d at 295 (citing *Sibert v. Garrett*, 246 S.W. 455, 457 (Ky. 1922)).

151. Consistent with these principles, administrative agencies may not set aside their own final orders unless the Legislature grants them that power. “[A]n administrative agency does not have any inherent or implied power to reopen or reconsider a final decision and . . . such power does not exist where it is not specifically conferred upon the agency by the express terms of the statute creating the agency.” *Ky. Bd. of Med. Licensure v. Ryan*, 151 S.W.3d 778, 780 (Ky. 2004) (quoting *Phelps v. Sallee*, 529 S.W.2d 361, 365 (Ky. 1975)).

152. The General Assembly has not provided the requisite express authority to the Board to indiscriminately set aside its final serve out orders of life sentences as the Board attempts to do through its Directive.

153. The General Assembly has provided limited statutory authority to the Board to reconsider its final orders, but that authority cannot justify the Directive or any future attempt of the Board to accomplish a similar policy through regulation. *See, e.g.*, KRS 439.3405 (governing parole of inmates with medical conditions notwithstanding previous serve out orders); KRS 439.3403 (one time reconsideration of parole deferments of greater than 60 months for non-violent, non-sex offenders, those prisoners who did not receive a serve out order from the full board); KRS 439.352 (dealing with parole revocations). The Board’s enabling statutes do not explicitly allow reversing final orders for anything other than the reasons set forth in those statutes.

154. Moreover, absent explicit statutory authority, the Board cannot rely on KYBP 10-00 Paragraph E to set aside long-standing parole denial decisions. A regulation is null, void and unenforceable to the extent that it relates to a “matter that is not clearly authorized by statute.” KRS 13A.120(2)(h).

155. The Board’s actions in setting aside its final orders without explicit authority from the General Assembly by statute was also arbitrary and capricious in violation of Section 2 of the Kentucky Constitution.

156. The Plaintiffs therefore seek a declaration that the Directive or any other attempt by the Board to set aside final serve-out orders of life sentences absent explicit statutory authorization amounts to an unconstitutional usurpation of lawmaking authority and violates Sections 2, 27, and 28 of the Kentucky Constitution.

157. The Commonwealth seeks injunctive relief under CR 65, including a temporary and permanent injunction, prohibiting the Defendants from giving any effect to the Directive, including providing subsequent parole eligibility hearings to those prisoners already ordered to serve out their life sentences.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiffs request the following relief:

A. Expedited review under KRS 452.005, KRS 418.050, CR 57, and Section 26A of the Kentucky Constitution;

B. A declaration that the Directive violates KRS 13A.130, KRS 13A.100(1), KRS 439.340(3)(b), KRS 439.340(14), 501 KAR 1:030 § 2(2)(b) and KYBP 10-00

(incorporated by reference in 501 KAR 1:080 § 1) and therefore is null, void and has no legal effect *ab initio*.

C. A declaration that the Directive violates Sections 2 and 26A of the Kentucky Constitution and is therefore null, void and has no legal effect *ab initio*;

D. A declaration that the Directive and any other future contemplated action by the Board to retroactively set aside its final serve our orders without express statutory authority violates Sections 2, 27 and 28 of the Kentucky Constitution;

E. A preliminary injunction and permanent injunction against the Defendants, and any of their officers, agents, servants, employees, attorneys, and other persons who are in active concert or participation with them, as further explained in the motion(s) for injunctive relief that will be filed with the Court;

G. Any other relief to which the Plaintiffs are entitled.

CERTIFICATION

Pursuant to KRS 452.005(3), I certify that a copy of this complaint has been served upon the Attorney General before the time of filing.

Respectfully submitted,

/s/ Barry L. Dunn
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Deputy Attorney General
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jsteele@prosecutors.ky.gov
Appearing on behalf of Crime Victims

VERIFICATION

I have read the foregoing Complaint for Declaration of Rights and Injunctive Relief and the information contained therein is true and correct to the best of my knowledge and belief.

Denise Durbin
Denise Durbin
Executive Director of the
Office of Victims Advocacy
Office of Attorney General

Subscribed and sworn to before me by Denise Durbin on this the 11th day of June, 2021.

My commission expires: July 31, 2021.

Josh Green #584019
NOTARY PUBLIC, STATE-AT-LARGE, KY

Filed 21-CI-00440 06/11/2021 Roger Schott, Laurel Circuit Clerk
Presiding Judge: HON. MICHAEL CAPERTON (627365) 3725DF98-4683-46F1-9074-DA2B367D2301 : 000034 of 000086
COM : 000034 of 000034



Commonwealth of Kentucky
Roger Schott, Laurel Circuit Clerk

Case #: 21-CI-00440

Envelope #: 3561602

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Case Title: COMMONWEALTH OF KENTUCKY VS.
 KENTUCKY PAROLE BOARD ET AL
 Filed On 6/11/2021 3:10:15PM

Confirmation Number: commonwealth

#	Item Description	Amount
1	Access To Justice Fee	\$20.00
2	Civil Filing Fee	\$150.00
3	Money Collected For Others(Court Tech. Fee)	\$20.00
4	Library Fee	\$1.00
5	Court Facilities Fee	\$25.00
6	Money Collected For Others(Attorney Tax Fee)	\$5.00
7	Access To Justice Fee	-\$20.00
8	Civil Filing Fee	-\$150.00
9	Money Collected For Others(Court Tech. Fee)	-\$20.00
10	Library Fee	-\$1.00
11	Court Facilities Fee	-\$25.00
12	Money Collected For Others(Attorney Tax Fee)	-\$5.00
	TOTAL:	<u>\$0.00</u>

3725DF98-4683-46F1-9074-DA2B367D2301 : 000035 of 000086



Kentucky Parole Board

Andy Beshear
Governor

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Lee VanHoose
Chair

DIRECTIVE Kentucky Parole Board

Requirements for parole consideration when reviewing an offender with a life sentence.

Section 1. Definitions.

- (1) “Board” is defined by KRS 439.250(5).**
- (2) “Person serving a life sentence” means a person serving a sentence of life with the possibility of parole.**

Section 2. Parole Consideration for a person serving a life sentence.

- (1) Consideration for parole shall comply with KRS 439.340.**
- (2) A parole denial for a person serving a life sentence shall include:
 - (a) The same information as parole denial for other offenders; and**
 - (b) On an initial parole eligibility hearing the deferment will be no longer than 120 months:
 - 1. A serve out will not be issued at the initial parole eligibility hearing; and**
 - 2. Any subsequent parole eligibility hearing will have the full range of decisions available to the Board.******

Section 3. Parole Consideration for a person serving a life sentence issued a serve out at their initial review prior to the issuance of this directive

- (1) Serve outs issued at the initial parole eligibility hearing to a Person serving a life sentence are hereby converted to 120-month deferments.**

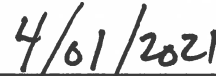
(2) Persons serving a life sentence with a serve out converted to a 120-month deferment will receive a parole eligibility hearing on the new calculated date.

(3) Where the conversion of the serve out to a 120-month deferment results in a parole eligibility date that has passed, the Person serving a life sentence will receive a parole eligibility hearing within six months after the date of this Directive.

This Directive is issued in accordance with the approval of the Kentucky Parole Board to promulgate an Administrative Regulation for Parole Eligibility Hearings for offenders with life sentences.



Chair, Kentucky Parole Board



Effective Date

LIFE SENTENCES WITH SERVE OUT ISSUED AT FIRST PE New Hearings will be held prior to November 2021

DOC	NAME	Last Parole Hearing Date	Ten Year Parole Eligibility Date	New Parole Eligibility Date
099394	Bartley, Donald	2009-11-02	2019-11-02	07/01/2021
097366	Buckman, Donald	1996-24-05	2006-24-05	07/01/2021
155697	Burden, Enos	2010-23-08	2020-23-08	07/01/2021
123598	Collier, Darnell	2008-18-02	2018-18-02	07/01/2021
032833	Cosby, Teddy	1992-11-18	2002-11-18	07/01/2021
082101	Evans, William	1994-07-27	2004-07-27	08/01/2021
115164	Faulkner, Carlos	2017-12-04	2027-12-04	08/01/2021
032850	Jacobs, Clawvern	2002-08-21	2012-08-21	08/01/2021
027435	Jenkins, Charles	2004-11-10	2014-11-10	08/01/2021
078433	Mcgowan, Gerald	2006-08-07	2016-08-07	08/01/2021
124263	Miller, Daniel	2007-10-01	2017-10-01	09/01/2021
116783	Parrish, Toni	2004-09-10	2014-09-10	09/01/2021
155075	Phannachay, Ae	2008-09-15	2018-09-15	09/01/2021

**LIFE SENTENCES WITH SERVE OUT ISSUED AT FIRST PE
New Hearings will be held prior to November 2021**

DOC	NAME	Last Parole Hearing Date	Ten Year Parole Eligibility Date	New Parole Eligibility Date
151653	Pok, Chhon	2008-09-29	2018-09-29	09/01/2021
101853	Reyes, Yorig	2002-09-24	2012-09-24	10/01/2021
151521	Sananikone, Outh	2008-09-29	2018-09-29	09/01/2021
124166	Sholler, Ralph	2007-10-08	2017-10-08	10/01/2021
097092	Smith, Cameron	1996-11-22	2006-11-22	10/01/2021
111112	Taylor, Wilbur	2003-06-18	2013-06-18	10/01/2021
092582	Thompson, William	1992-04-01	2002-04-01	10/01/2021
095933	Wade, George	1992-09-02	2002-09-02	10/01/2021
032832	Walls, Christopher	1993-08-02	2003-08-02	07/01/2021

LIFE SENTENCES WITH SERVE OUT ISSUED AT FIRST PE New PE Hearings to be scheduled

DOC	NAME	Last parole hearing date	Ten Year Parole Eligibility Date
121534	Adams, Kevin	2020-07-13	2030-07-13
157604	Allen, Johnny	2020-04-20	2030-04-20
126254	Belew, William	2020-02-17	2030-02-17
080272	Blincoe, Roderick	2017-11-20	2027-11-20
114569	Brooks, Marshall Jr.	2017-05-22	2027-05-22
127402	Coffey, Jeffrey	2020-06-15	2030-06-15
175776	Craven, Adele	2020-05-26	2030-05-26
122945	Dunn, James	2020-06-01	2030-06-01
114731	Frazier, Terry	2017-08-15	2027-08-15
027096	Fryrear, Leroy	2020-04-20	2030-04-20
099185	Fugate, Michael	2019-12-16	2029-04-20
032823	Halvorsen, Leif	2020-05-18	2030-05-18

LIFE SENTENCES WITH SERVE OUT ISSUED AT FIRST PE New PE Hearings to be scheduled.

DOC	NAME	Last parole hearing Date	Ten Year Parole Eligibility Date
307858	Henry, William	2020-05-11	2030-05-11
163297	Hensley, Charles	2020-11-23	2030-11-23
135657	Khan, Shafi	2020-09-21	2030-09-21
126736	Kidd, Mark	2020-04-27	2030-04-27
162331	Mcfarland, Uzell	2019-09-30	2029-09-30
118317	Pearce, Roy	2020-11-16	2030-11-16
128975	Smith, Brian	2020-03-02	2030-03-02
005715	Spitser, Stephanie	2017-10-02	2027-10-02
005726	Suleski, Roxanne	2018-06-25	2028-06-25
122358	Tripp, Thomas	2020-02-03	2030-02-03
117908	Underwood, Willie	2018-01-29	2028-01-29



HOMEPAGE

Dozens of convicted murderers to get a new chance at parole in KY after policy change

BY BILL ESTEP

MAY 18, 2021 09:59 AM



Clawvern Jacobs kidnapped a college :
death. *KENTUCKY DEPARTMENT OF C*

ott County in 1986 and beat her to

ORDER REPRINT →



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Several convicted murderers who had been ordered to spend the rest of their lives behind bars will get another chance at leaving prison under a policy change by the Kentucky Parole Board.

Under the old rule, the board sometimes issued a “serve out” order at the first parole hearing for people serving sentences of life or life without the possibility of parole for 25 years.

Inmates are eligible for a parole hearing after 20 years on a life sentence.

TOP ARTICLES

Want free ice cream, beer? This COVID-19 vaccine clinic in Lexington is offering both

An order to serve out meant the person would never get another parole hearing, dying in prison absent a court decision changing his or her conviction or sentence, or a pardon or commutation.

Last month, the board changed the rule to say it would no longer issue serve out orders at the first parole hearing of inmates serving sentences of life or life without parole for at least 25 years, though it could still do so at their second hearing, according to the Department of Corrections.

The board applied the change to several people who had already been ordered to serve out a sentence, many years ago in some cases.

For instance, the board issued a serve out to Clawvern Jacobs in 2002, but he will be eligible for a new hearing this year based on the new rule.

Jacobs, now 74, was convicted of kidnapping Judy Ann Howard, a student at Alice Lloyd College in Knott County, sexually abusing her and then beating her to death with rocks in 1986.

Another example is George E. Wade, convicted in the notorious kidnapping, robbery and murder of two Trinity High School students in Louisville in September 1984. His co-defendant, Victor Taylor, is on Death Row.

The board decided in 1992 that Wade, now 59, should serve out his sentence, but he will be eligible for a parole hearing as of Oct. 1 under the new policy.

Donald Bartley was convicted of taking part in the 1985 murder of a University of Kentucky student in Letcher County. *KENTUCKY DEPARTMENT OF CORRECTIONS*

POLICY CHANGE AFFECTS 45 INMATES

There are 22 inmates who will be eligible for a new parole hearing this year despite earlier decisions that they should stay in prison for the rest of their lives.

For 23 others who received serve out orders in the last few years, the board said they will be eligible for a new parole hearing 10 years after that initial order.

Others eligible for a new hearing include Donald Bartley, who took part in the murder of Tammy Dee Acker, a University of Kentucky student stabbed to death in Letcher County in 1985; Stephanie Spitsler, who strangled her 10-year-old stepson, [Scotty Baker](#), to death in Clay County in 1992 and then set his body afire at an abandoned strip mine; and Leif Halvorsen, who was sentenced to death for taking part in killing three people in Lexington in 1983.

Then-Gov. Matt Bevin commuted Halvorsen's sentence to life in December 2019, making him eligible for a parole hearing last year.

The board issued a serve out to him, but he will get another hearing in 2030.

The change doesn't mean any of the inmates will get out of prison. The Parole Board could deny them release again.

But prosecutors decried the change, saying the Parole Board issued the new policy without notice, blindsiding them and family members of crime victims who believed they would never again have to deal with the potential for a convicted murderer to get out of prison.

"Now to open that wound back up is simply unconscionable," said Chris Cohron, commonwealth's attorney in Warren County.

Cohron has several cases affected by the ruling, including those of three gang members who took part in the execution-style killing of a mother and father. The gang also shot their daughter but she survived.

'I THINK IT'S A BAD DECISION'

5/19/2021

Kentucky killers to get parole hearings under new rule | Lexington Herald Leader

Prosecutors said it wasn't right for the Parole Board to adopt a new policy without taking public comment and absent legislative action.

"Now they get to worry that they're going to have to fight the whole parole issue again," David Dalton, commonwealth's attorney for Pulaski, Lincoln and Rockcastle counties, said of victims' families. "I think it's a bad decision."

In Dalton's circuit, the new policy affects Jeffrey B. Coffey.

Coffey, now 50, was convicted of murdering Taiann Nicole Wilson, 15, and Matthew Coomer, 17, while they were on their first date in rural Pulaski County in 1985.

Coffey encountered the two at a creek, shot Matthew in the chest and then stabbed Taiann at least 100 times. Coffey's attorney argued he had mental disorders.

Coffey was sentenced to life in prison without the possibility of parole for 25 years.

Jeffrey B. Coffey was convicted of shooting a young couple to death in Pulaski County in 1995.

KENTUCKY DEPARTMENT OF CORRECTIONS

As Coffey's parole eligibility approached last year, family and friends worked hard against his release, gathering almost 10,000 signatures on a petition.

The Parole Board ordered him to serve out his sentence in June, but he will now be eligible for another hearing in 2030.

Members of the teens' families said it wasn't right for the Parole Board to undo its earlier decision.

"It's overwhelming that we're gonna have to face this again," said Tonya Baumgardner, Taiann's older sister. "It's very difficult, very traumatic, for the families to relive it."

Prosecutors said the change runs counter to Marsy's Law, a measure state voters have twice approved to give victims more rights, prosecutors said.

"Victims' families seem to have been simply forgotten about, as far as we can tell," said Brian Wright, commonwealth's attorney for Casey and Adair counties.

5/19/2021

Kentucky killers to get parole hearings under new rule | Lexington Herald Leader

Wright said the change will mean a new parole hearing for Johnny Allen, who shot his wife to death in 2000 and then set their house on fire.

Wight said he hoped Attorney General Daniel Cameron would look into whether the Parole Board made the change lawfully.

CHANGE PROMPTED BY LAWSUITS

The Department of Corrections said the change was a response to legal challenges and an effort to head off further litigation.

Timothy G. Arnold, director of the Post-Trial Division at the state Department of Public Advocacy, said the department is representing a number of inmates in lawsuits over how the Parole Board handles cases.

In one, a group of inmates argue that there are a number of problems, including that the board doesn't require members to use a risk and needs assessment of inmates by the Department of Corrections in making parole decisions, and that there is not an adequate process for inmates to request reconsideration of a decision.

Stephanie Spitzer strangled her 10-year-old stepson to death in Clay County. The crime happened in November 1992. *KENTUCKY DEPARTMENT OF CORRECTIONS*

That complaint also argues that it is unconstitutional for the board to issue a serve out that turns a sentence of life, or life without parole for 25 years, into something greater — effectively a death sentence.

The Parole Board doesn't have legal authority to issue serve outs, removing parole eligibility in cases in which the legislature and courts have said people would be eligible for parole, the lawsuit argues.

The Parole Board has said in response that its procedures and decisions are sound, and that it does have authority to keep people in prison the rest of their lives.

“The length of deferments is not based on a whim,” the board said in one document.

5/19/2021

Kentucky killers to get parole hearings under new rule | Lexington Herald Leader

In a ruling in that case last year, Franklin Circuit Judge Phillip Shepherd said he disagreed with the argument that the Parole Board does not have authority to issue serve outs, citing a precedent.

Attorneys for the inmates have asked the state Supreme Court to review the issue of serve outs.

In a motion asking to participate in the lawsuit, former Supreme Court Justice Bill Cunningham and Robert G. Lawson, a longtime University of Kentucky law professor who is an authority on the state's criminal code and rules of evidence, called serve out decisions unconstitutional.

Leif Halvorsen was convicted in the murders of three people in Lexington, Ky., in January 1983.
KENTUCKY DEPARTMENT OF CORRECTIONS

'A BURST OF HOPE'

Only judges and juries can hand down a sentence of life without parole, and only in cases with aggravating circumstances that would have qualified for the death penalty, their motion said.

The Parole Board has imposed such sentences for crimes that didn't qualify, Cunningham and Lawson said.

Cunningham said his interest in taking part in the case was his observation of "the injustice of the draconian penalty of 'serve out' on life sentences," imposed by political appointees with no judicial oversight.

Arnold said the Parole Board's new rule on serve outs was a good step, though it didn't go far enough.

"All those inmates who found that their parole eligibility was reinstated were given a burst of hope and a possibility of a future outside of prison walls — an opportunity that they thought was over for them," Arnold said in an email.

The sentence of life without parole is "one of the worst criminal justice policies imaginable," Arnold said, because it takes away discretion to release someone from prison "precisely at the moment society would most like that discretion to be used — when the inmate is old, infirm, costly, and a risk to nobody," Arnold said.

Arnold said serve outs had not been reserved for the worst offenders, but have been ordered for some people who did not commit homicides.

The experience of defense attorneys is that the Parole Board orders serve outs for people who did not impress the members in a hearing, “and are now expected to pay for that with their lives,” Arnold said.

The Parole Board issued an average of three serve outs a year from 1992 up to 2020, but had done 19 in 2020 by November, pointing up the need to address the issue, according to the inmates’ lawsuit.

BILL ESTEP

   606-521-9607

Bill Estep covers Southern and Eastern Kentucky.

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CRIME / COURTS

Notorious killers ordered to spend their life in Kentucky prisons get a new shot at parole

Andrew Wolfson Louisville Courier Journal

Published 3:51 p.m. ET May 13, 2021 | Updated 12:12 p.m. ET May 17, 2021

LOUISVILLE, Ky. — Forty-three criminals ordered to spend the rest of their lives in prison for some of Kentucky’s most notorious murders will now get a second chance at parole.

Those entitled to new hearings include George Ellis Wade, who was ordered to serve out a life sentence for the 1984 murder and kidnapping of Trinity High School students Scott Christopher Nelson and Richard David Stephenson, who got lost on the way to a football game.

The offenders, convicted in some of the state’s most egregious crimes, are getting another chance to be considered for release because of a new Kentucky Parole Board rule prohibiting inmates serving life sentences from receiving what are known as serve-outs the first time they see the board.

Under a directive issued last month, those inmates must be seen again in no more than 10 years. Moreover, the nine-member board applied the rule retroactively to offenders given serve-outs decades ago.

Prosecutors, who only discovered the change this week, say they are appalled and it will devastate the families of victims.

“It is a gut punch for victims who thought they had closure and now will have old wounds ripped open again,” Kenton Commonwealth’s Attorney Rob Sanders said.

But Tim Arnold, the Department of Public Advocacy's Post-Trial Division Director, hailed the change as "step in the right direction."

He said life without parole should be reserved for the "worst of the worst" -- only for

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EXH : 000009 of 000022

offenders who could have gotten the death penalty.

He said serve-outs on life sentences remove the discretion to release a person "precisely at the moment society would most like that discretion to be used – when the inmate is old, infirm, costly, and a risk to nobody."

And he said the offenders affected by the new rule have been given "a burst of hope and a possibility of a future outside of prison walls — an opportunity that they thought was over for them. We are very pleased for those inmates who are getting this opportunity, and are doing what we can to help them make the most of it."

The Corrections Department said the Parole Board made the change in response to litigation but did not specify the case. Parole board chairwoman Lelia A. VanHoose did not respond to a request for comment.

In a case filed in 2013 on behalf 23 inmates and now pending before the Kentucky Supreme Court, the Department of Public Advocacy said the Parole Board's practice of ordering inmates to serve the rest of their lives in prison violates the Kentucky Constitution.

The suit argues only juries should be allowed to punish offenders with life without parole.

Chris Cohron, the elected prosecutor in Warren County, where five offenders could be freed, said offenders giving new parole eligibility dates "are some of the most infamous crimes the commonwealth has ever seen."

In a statement, the commonwealth's attorney's association called the change "an affront to crime victims" and said it "should be stopped."

The association also said the new rule violates the spirit of Marsy's Law, which gives victims certain rights.

"Can you imagine going through the worst tragedy — losing a loved one — and beginning to heal, only to find out the Parole Board is reopening the case and you have to go through the meat grinder of testifying again?" Sanders asked.

Wade, now 59, was convicted in 1986 and ordered to serve out his life sentence in 1992. If the new rule had been in place, he would have gotten another hearing in 2002.

Now he is eligible to see the parole board Oct. 1.

A co-defendant, Victor DeWayne Taylor, now 61, was sentenced to death and remains on death row.

Joyce Stephenson, Richard's mother, said in an interview Friday it was painful to hear Wade will get another chance for parole.

"You think you have something settled, and it keeps coming back," she said.

She said she and her husband, Larry, both in their 80s, intend to testify against Wade's release.

Prosecutors say they fear that victims' families, as well as police and prosecutors, will be deceased or too infirm to testify by the time the new round of hearings are held.

Cohron said commonwealth's attorneys received no notice of the proposed rule, which was adopted without public comment.

He said they found out only because a former prosecutor was notified this week about a parole hearing for an offender who had received a serve-out years ago.

The list of inmates entitled to new hearings includes some of Kentucky's most infamous crimes:

Roxanne Suleski, who was convicted of murdering her 5-year-old daughter in Kentucky in Radcliff in 1989 by sealing her inside a garbage bag. She was sentenced to life without parole for at least 25 years, then given a serve-out in June 2018. Now she will be eligible for parole in June 2028.

Her older daughter, Nyssa Corbin, who testified her mother was "incapable of living in society," said Thursday that she was "incredibly upset" to learn she will get another chance at parole.

"Knowing my mother would serve out the sentence that she deserves and never having to worry about her being released gave me a peace I had not known since her incarceration," Corbin said. "Now, the peace my family and I finally felt is gone."

Clawvern Jacobs, who initially was sentenced to death for the 1986 stabbing murder, kidnapping and attempted rape of Alice Lloyd College student Judy Howard in what officials called one of the most brutal murders ever in Knott County.

The Kentucky Supreme Court said in an opinion he'd been convicted of a similar murder in

1974 but released when that case was overturned on appeal.

Jacobs, who was given a serve-out on a sentence of life in 2002, now is eligible for parole Aug. 1.

Chhon Pok, Ae Phannachay, and Outh Sananikone, members of a gang that called itself the Asian Boyz, who invaded a home in Bowling Green in 1996 and forced a mother, father and their 12-year-old daughter into a bathroom and shot them in the head, execution-style. The girl survived but spent months relearning how to walk, talk and tie her shoes. Her two young brothers were orphaned.

The three defendants were ordered to serve out their life sentences in 2008 but are now eligible for parole Sept 1.

Adele Craven, who pleaded guilty to conspiring to kill her husband, an airline pilot, in 2000, in Kenton County, so she could collect on his life insurance policies.

She was given a serve out on a life sentence in May 2020 but now is eligible for parole in May 2030.

The parole board directive was signed April 1 by VanHoose. It did not include any explanation of the rule change.

Jefferson Commonwealth's Attorney Tom Wine called it a "cruel April Fool's joke" and said he was shocked to hear about it.

He said "at a minimum" the Parole Board should have notified the commonwealth's attorneys association about it.

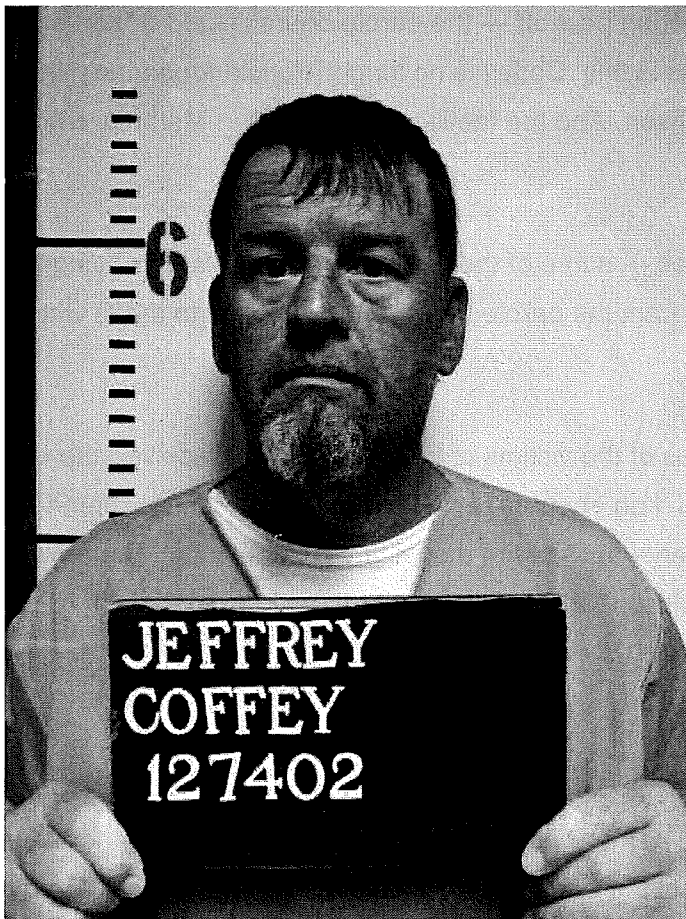


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ALERT FEATURED

Kentucky Parole Board's decision was gutless

JEFF NEAL Commonwealth Journal
May 17, 2021



Jeffrey Brian Coffey



Last June, the families of Taiann Wilson and Matthew Coomer received a promise from the Kentucky Parole Board — they were promised closure.

The animal who killed the two Pulaski County teenagers in August of 1995, Jeffrey Brian Coffey, was

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Presiding Judge: HON. MICHAEL CAPERTON (627365)
EXH : 000013 of 000022

sentenced at the time to life in prison without the possibility of parole for 25 years. He received this lenient sentence, quite frankly, because of some brilliant defense work from the late Mark Stanziano.

Lenient? Yes. To be blunt, Coffey should have been executed.

Instead, the families of Matthew and Taiann had to relive the horror of their brutal murders when Coffey came up for parole last summer. They had to talk about the worst time of their lives, they had to secure letters from people urging the Kentucky Parole Board to keep Coffey behind bars where he belongs and they even secured over 10,000 signatures on a petition that was sent to the board.

Their hard work and suffering paid off — the parole board issued a "serve out" ruling to Coffey at the hearing. What that means is this: Coffey is no longer eligible for parole. He will spend the rest of his miserable existence in prison. And the families of Taiann and Matthew can rest easily knowing their killer will die behind bars.

Over 40 Kentucky inmates — some of the most vile individuals occupying Kentucky prisons — received this "serve out" from the parole board, which applied to those who received sentences such as Coffey.

But last week, the families of the victims of these individuals received the ultimate gut punch: The Kentucky Parole Board did an about-face on the "serve out" ruling. Offenders with life sentences can no longer be issued a "serve out" during their first parole hearing. The new rule would be to defer parole eligibility at that initial hearing for no longer than 120 months, or 10 years. The issuance of a serve out at that first hearing is expressly prohibited.

Why the change of heart?

Coffey, now 50, sued the Kentucky Parole Board in August, arguing the "serve out" unjustly changed his sentence to life without the possibility of parole. Because that type of sentence wasn't codified until 1998, Coffey argued that life without the possibility of parole couldn't be applied to him retroactively.

While it wasn't immediately clear that Coffey's lawsuit played a role in the parole board's decision, board chair Lelia VanHoose acknowledged in an email to one prosecutor that the new directive was crafted "due to ongoing litigation and under advisement of our legal team."

Under its provisions, Coffey will again become eligible for parole on June 15, 2030.

And that is just unfair. It's unfair to the victims' families and it's unfair to law enforcement and prosecutors who worked their tails off to get these horrible people off the streets.

As a matter of fact, newly-appointed Commonwealth's Attorney David Dalton was beside himself when he learned of the decision last week. As he pointed out, telling a family that the closure they were promised had been stripped away is an awful experience.

Dalton advised the Kentucky Parole Board of his objections to their decision as soon as he heard of it — weeks after the decision was made in April. While he believes the decision itself is bad, he called the parole board's failure to provide notice to victims' families and prosecutors for six weeks "reprehensible."

"I was shocked," Dalton said of the news, "and immediately started wondering how I was to let the families know that this had happened."

It's a task he should not have had to do.

The Kentucky Parole Board's decision to back off the "serve out" option was gutless.

So Coffey sued? Fight him on it. Tooth and nail. Until the bitter end.

If you lose the lawsuit, then you lose the lawsuit. But don't let a monster like Jeffrey Coffey dictate state policy.

That's just ridiculous.

Dalton pointed out that the directive is especially baffling given the recent passage of Marsy's Law, a constitutional amendment aimed at protecting victims' rights.

That legislation was crafted to make sure criminals' victims, and the victims' families, were treated with respect in the Commonwealth of Kentucky.

The Kentucky Parole Board did just the opposite. It spit in their faces.

JEFF NEAL is the Editor of the Commonwealth Journal. Reach him at jneal@somerset-kentucky.com.

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EDITOR'S PICK

KY Parole Board Policy Change Reopens Local Wounds and Heartaches - Edwin & Bessie Morris Murderer Gets New Parole Hearing

Jerry Sparks Co-Editor/Senior Reporter
May 27, 2021



In June 1985, Edwin Morris, 65, and his wife Bessie, 69, were tied up in their home in Jackson County and shot to death during a robbery.

The Kentucky Parole Board recently issued a policy change involving new parole hearings for convicted murderers currently serving life sentences. The possibility of new parole hearings brings back memories of tragedy and heartache in Jackson County and neighboring Clay County.

The Kentucky Parole Board issued a directive on April 1 of this year that inmates currently

serving life or life without parole for 25 years cannot be ordered to serve out their sentence at their first parole hearing. They said this directive was issued after various legal issues were raised in a case challenging the board's existing practice.

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Family of 1994 murder victim outraged by new directive from parole board



By Kelsey Souto
Published: Jun. 1, 2021 at 7:46 PM UTC



ASHLAND, Ky. (WSAZ) - In July of 1994, Tom Toney was reported missing in Boyd County, Kentucky. He was last seen cashing a check at a Foodland in Ashland.

His wife, Rita, begged the public for help in an interview with WSAZ.

"His family needs him back, she said. "We've got to have him back."

Police later spotted his vehicle, which they began chasing -- resulting in a shootout. The suspect, later identified as Roy Stanley Pearce fled the scene on foot. He was eventually captured weeks later at a home in Michigan on Toney's 50th birthday.

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In order to avoid capital punishment, Pearce confessed to killing Toney and drew police a map of where they could find his body.

Thirty-three days after he was reported missing, Tom Toney's body was recovered in the woods. According to officials, his murder was gruesome and horrific.

Pearce was on parole at the time, a criminal record including charges of assault, drugs, traffic and misdemeanor charges, as well as several deadly weapons offenses.

To this day, his family tells WSAZ they aren't sure how or if Pearce knew Toney, or why he killed him.

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"There comes a point," said David Toney, Tom's son. "No matter what the answers are, I just have to get on and move ahead and try to take care of my family and chase grandkids around."

In December of 1994, Pearce was convicted of robbery and murder, sentenced to life in prison with the possibility of parole after 25 years.

The first parole hearing was November 2020. The family and several witnesses told the Kentucky Parole Board that Pearce should not be given his freedom due to the violent nature of his crimes.

The Kentucky Parole Board agreed and decided that Pearce would have to serve out the rest of his sentence -- until a recent measure was announced, undoing the work done at the last hearing.

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"It was a gut punch," said David Toney.

David Toney now lives in Tennessee. He says the area no longer felt like home to him and he hasn't returned in nearly 15 years.

A recent directive by the Kentucky Parole Board signifies that about 45 inmates across the state will be eligible for a second parole hearing, if they were told to serve out their sentence at their first hearing.

In this case, Pearce will be given another chance in front of the parole board in November 2030. Toney says it's a lot to put the family through, especially since they had tried to put this matter behind them.

"It's taken a lot of years to get to where I am right now," said David Toney. "Forgiveness isn't there yet, but the seething hatred it's not there either. It's a process."

He says this directive could ultimately impact community safety.

"If he gets parole, no one knows where he's going," he said. "He could wind up somebody's next door neighbor."

David Toney has set up a petition; you can read more and sign it [here](#).

Toney hopes residents will speak up and reach out to elected officials to voice concerns.

"If there's a fight to be fought, I'm there," he said. "I've not seen on yet in my lifetime that's more important than this. I can't do nothing for him at this point, but I can do something for other people and that's what he would want me to do."

He is also planning a rally at House of Grace Church in Ashland on July 31, hoping to bring attention to the cause and allow families an opportunity to speak their minds.

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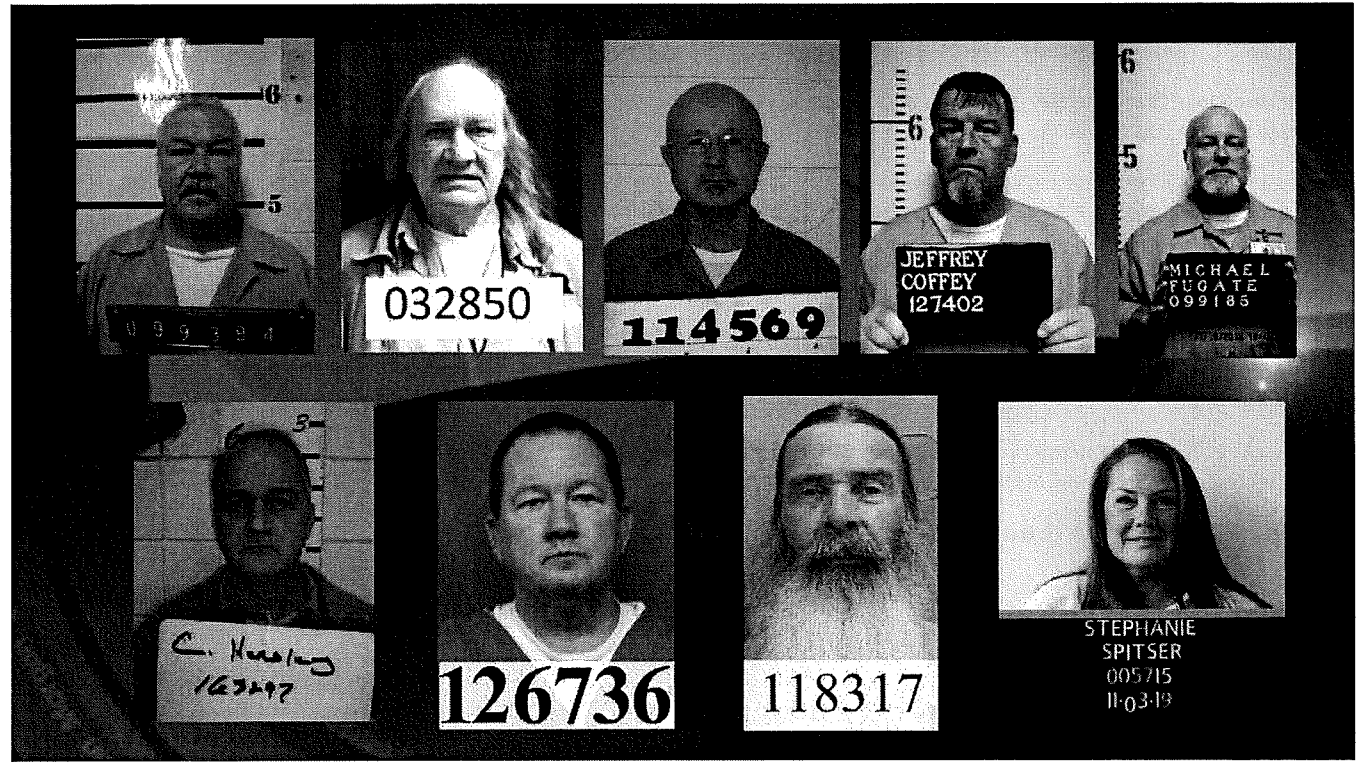
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Nine killers with Eastern Kentucky ties eligible for new parole hearings under policy change



Under the policy, Donald Bartley, Clawvern Jacobs, Marshall Brooks, Jr. Jeffrey Coffey, Michael Fugate, Charles Hensley, Mark Kidd, Roy Pearce and Stephanie Spitsler will all be eligible for parole in the next 10 years. (Kentucky Department of Corrections)

By Brandon Robinson

Published: May, 19, 2021 at 11:02 AM UTC



HAZARD, Ky. (WYMT) - With news recently coming out about a policy change from the Kentucky Parole Board involving new parole hearings for convicted murderers currently serving life sentences, we decided to look into those with ties to our region.

The change means some of those involved will be eligible for a new parole hearing this year despite earlier decisions that they should stay in prison for the rest of their lives. Officials say others who received serve out orders in the last few years will be eligible for a new parole hearing 10 years after that initial order.

According to documents from the state, nine people were convicted in Eastern Kentucky. Two of those, Donald Bartley and Clawvern Jacobs, will have new hearings scheduled before November 2021. Bartley's last hearing was held on November 2nd, 2009. Jacobs' was held on August 21st, 2002.

Bartley was convicted in February 1988 to taking part in the August 1985 murder of Tammy Dee Acker, 23, and the robbery and attempted murder of her father, Dr. Roscoe Acker, 79, in Letcher County. He also pleaded guilty to helping two others in that case, Roger Epperson and Benny Lee Hodge, of helping murder an elderly Jackson County couple in June 1985.

Jacobs was convicted of kidnapping and murdering Alice Lloyd College student Judy Ann Howard in Knott County. Jacobs was sentenced to death twice, but each time it was overturned by the state supreme court. It was one of the first high-profile murder cases WYMT covered after the station started. A dorm on the ALC campus is named after Howard.

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Presiding Judge: HON. MICHAEL CAPERTON (627365)
EXH : 000021 of 000022

Three others, Marshall Brooks, Jr., Jeffrey Coffey and Michael Fugate have had hearings in the last three years and will have new hearings scheduled between 2027 and 2030.

Brooks was convicted for his role in the 1983 murder of Jerry and Cynthia Sprinkles and their three year old daughter Katie in the Kettle Island community of Bell County. Officials believe the case stemmed from a drug deal that went bad. His last hearing was held in May 2017. His next one is scheduled for May 2027.

Coffey was convicted in the August 1995 murder of Matt Coomer, 17, and Taiann Wilson, 15, while they were on a date in Western Pulaski County. His last parole hearing was held in June 2020. His next one is scheduled for June 2030.

Fugate was convicted on two murder charges, one in Perry County in 1982 and another in Knott County in 1987. In the Perry County case, officials say Fugate and two other boys skipped school on September 3rd and went into the woods. We're told Fugate shot and killed one of the boys, Ricky Collins, and made the other boy Michael Paul White, shoot him too after he had already shot Collins several times. White was given immunity because the medical examiner believed Collins was already dead when he shot him and White testified that he was afraid Fugate would shoot him too if he didn't comply. Police say Fugate was out on bail in the first case when he murdered Melissa Combs in Sassafras on April 8th, 1987. His last parole hearing was held in December 2019. His next one is scheduled for December 2029.

The remaining four, Charles Hensley, Mark Kidd, Roy Pearce and Stephanie Spitsler have also had hearings in the last three years and will have new ones scheduled between 2027 and 2030.

Hensley was convicted of murdering Rocky Haywood in Harlan County in October 2000. Haywood was found dead lying beside his wrecked car on U.S. 119 near his home in Wallins. Prosecutors claim Hensley stabbed Haywood to death after a fight. His last hearing was in November 2020. His next one is scheduled for November 2030.

Kidd was convicted for his role in the murder of Barbourville businessman George Couch in June of 1995. His last parole hearing was in April 2020. His next one is scheduled for April 2030.

Pearce was convicted in December 1994 for the kidnapping and murder of Thomas Toney from Cattelletsburg in Boyd County in July of that same year. His last hearing was in November 2020. His next one is scheduled for November 2030.

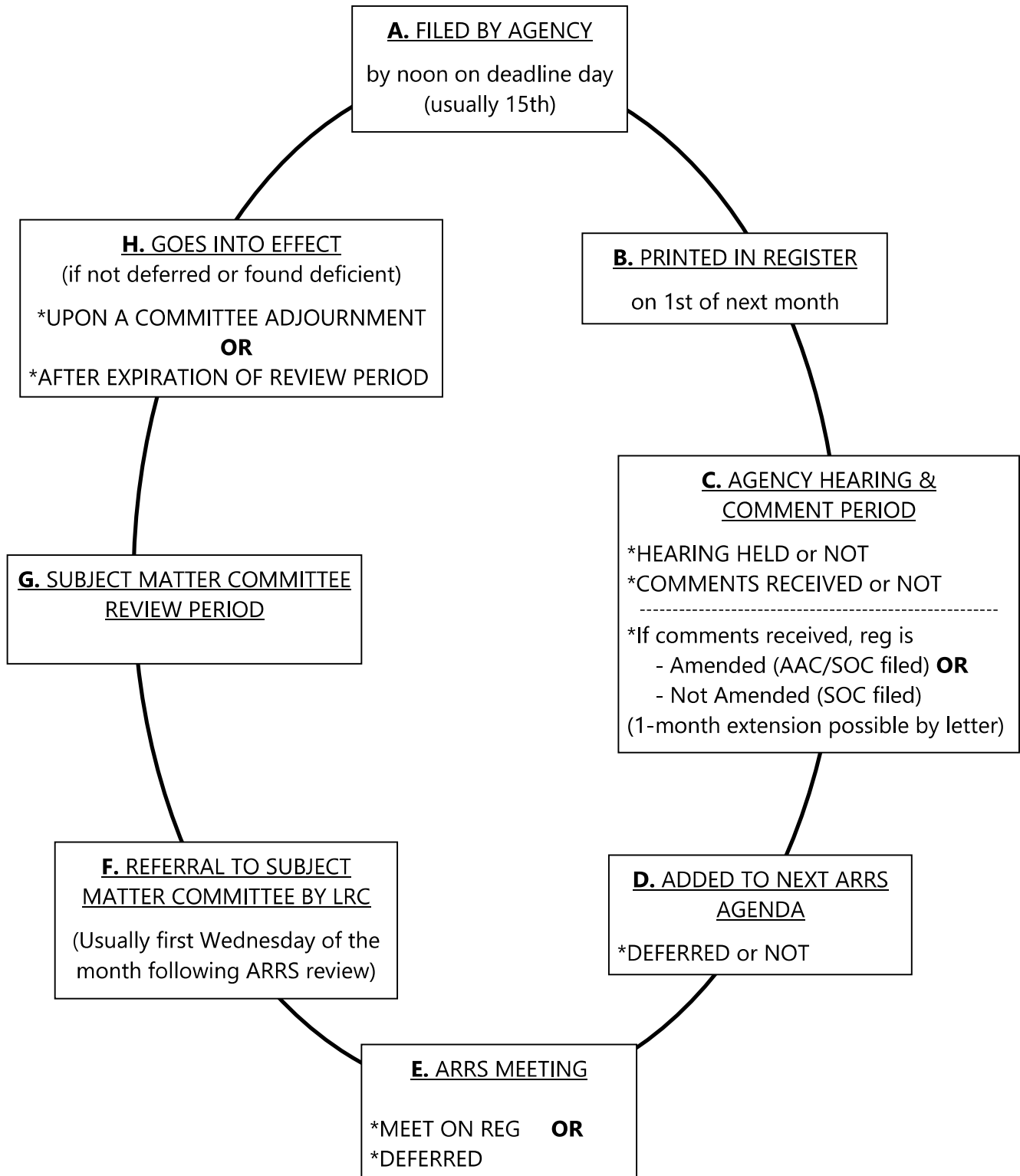
Spitsler took her 10-year-old stepson Scotty Baker from his school in Clay County back in 1992. Police say she then strangled him before burning and burying his body in Laurel County to hide the crime. Her last parole hearing was in October 2017. Her next one is scheduled for October 2027.

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CIVIL SUMMONS

Case No. _____
Court Circuit District
County Laurel

PLAINTIFF

Commonwealth of Kentucky ex rel. Attorney General Daniel Cameron
700 Capital Avenue
Suite 118
Frankfort Kentucky 40601

VS.

DEFENDANT

Brenda Beers-Reineke
in her official capacity as Parole Board member
275 E. Main Street
Frankfort Kentucky 40601

Service of Process Agent for Defendant:

Kentucky Attorney General Daniel Cameron
via ServetheCommonwealth@ky.gov

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CIVIL SUMMONS

Case No. _____
Court Circuit District
County Laurel

PLAINTIFF

COMMONWEALTH OF KENTUCKY ex rel. ATTORNEY GENERAL DANIEL CAMERON
700 Capital Avenue
Suite 118
Frankfort Kentucky 40601

VS.

DEFENDANT

BRIDGET SKAGGS BROWN
in her official capacity as Kentucky Parole Board member
275 E. Main Street
Frankfort Kentucky 40601

Service of Process Agent for Defendant:

Kentucky Attorney General Daniel Cameron
via ServetheCommonwealth@ky.gov

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PLAINTIFF

Commonwealth of Kentucky ex rel. Attorney General Daniel Cameron
 700 Capital Avenue
 Suite 118
 Frankfort Kentucky 40601

VS.

DEFENDANT

Cookie Crews
 in her official capacity as Commissioner of the Ky. Dept. of Corrections
 275 E. Main Street
 Frankfort Kentucky 40601

Service of Process Agent for Defendant:

Kentucky Attorney General Daniel Cameron
 via ServetheCommonwealth@ky.gov

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CIVIL SUMMONS

Case No. _____
Court Circuit District
County Laurel

PLAINTIFF

Commonwealth of Kentucky ex rel. Attorney General Daniel Cameron
700 Capital Avenue
Suite 118
Frankfort Kentucky 40601

VS.

DEFENDANT

Larry Brock
in his official capacity as Parole Board member
275 E. Main Street
Frankfort Kentucky 40601

Service of Process Agent for Defendant:

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via ServetheCommonwealth@ky.gov

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TO THE ABOVE-NAMED DEFENDANT(S):

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The name(s) and address(es) of the party or parties demanding relief against you are shown on the document delivered to you with this Summons.

Date: _____, 2____ Clerk
By: _____ D.C.

Proof of Service

This Summons was served by delivering a true copy and the Complaint (or other initiating document) to:

_____ this ____ day of _____, 2____.

Served by: _____ Title

AOC-105 Doc. Code: CI
Rev. 1-07
Page 1 of 1
Commonwealth of Kentucky
Court of Justice www.courts.ky.gov
CR 4.02; CR Official Form 1



CIVIL SUMMONS

Case No. _____
Court Circuit District
County Laurel

PLAINTIFF

Commonwealth of Kentucky ex rel. Attorney General Daniel Cameron
700 Capital Avenue
Suite 118
Frankfort Kentucky 40601

VS.

DEFENDANT

Ladeidra Jones
in her official capacity as Parole Board member
275 E. Main Street
Frankfort Kentucky 40601

Service of Process Agent for Defendant:

Kentucky Attorney General Daniel Cameron
via ServetheCommonwealth@ky.gov

THE COMMONWEALTH OF KENTUCKY
TO THE ABOVE-NAMED DEFENDANT(S):

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Commonwealth of Kentucky
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CIVIL SUMMONS

Case No. _____
Court Circuit District
County Laurel

PLAINTIFF

COMMONWEALTH OF KENTUCKY ex rel. ATTORNEY GENERAL DANIEL CAMERON
700 Capital Avenue
Suite 118
Frankfort Kentucky 40601

VS.

DEFENDANT

LELIA A. VANHOOSE
in her official capacity as Kentucky Parole Board Chair
275 E. Main Street
Frankfort Kentucky 40601

Service of Process Agent for Defendant:

Kentucky Attorney General Daniel Cameron
via ServetheCommonwealth@ky.gov

THE COMMONWEALTH OF KENTUCKY
TO THE ABOVE-NAMED DEFENDANT(S):

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CIVIL SUMMONS

Case No. _____
Court Circuit District
County Laurel

PLAINTIFF

Commonwealth of Kentucky ex rel. Attorney General Daniel Cameron
700 Capital Avenue
Suite 118
Frankfort Kentucky 40601

VS.

DEFENDANT

Melissa Chandler
in her official capacity as Parole Board member
275 E. Main Street
Frankfort Kentucky 40601

Service of Process Agent for Defendant:

Kentucky Attorney General Daniel Cameron
via ServetheCommonwealth@ky.gov

THE COMMONWEALTH OF KENTUCKY
TO THE ABOVE-NAMED DEFENDANT(S):

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CIVIL SUMMONS

Case No. _____
Court Circuit District
County Laurel

PLAINTIFF

COMMONWEALTH OF KENTUCKY ex rel. ATTORNEY GENERAL DANIEL CAMERON
700 Capital Avenue
Suite 118
Frankfort Kentucky 40601

VS.

DEFENDANT

PATTY WININGER
in her official capacity as Kentucky Parole Board member
275 E. Main Street
Frankfort Kentucky 40601

Service of Process Agent for Defendant:

Kentucky Attorney General Daniel Cameron
via ServetheCommonwealth@ky.gov

THE COMMONWEALTH OF KENTUCKY
TO THE ABOVE-NAMED DEFENDANT(S):

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CIVIL SUMMONS

Case No. _____
Court Circuit District
County Laurel

PLAINTIFF

COMMONWEALTH OF KENTUCKY ex rel. ATTORNEY GENERAL DANIEL CAMERON
700 Capital Avenue
Suite 118
Frankfort Kentucky 40601

VS.

DEFENDANT

ROBERT POWERS
in his official capacity as Kentucky Parole Board member
275 E. Main Street
Frankfort Kentucky 40601

Service of Process Agent for Defendant:

Kentucky Attorney General Daniel Cameron
via ServetheCommonwealth@ky.gov

THE COMMONWEALTH OF KENTUCKY
TO THE ABOVE-NAMED DEFENDANT(S):

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CIVIL SUMMONS

Case No. _____
Court Circuit District
County Laurel

PLAINTIFF

COMMONWEALTH OF KENTUCKY ex rel. ATTORNEY GENERAL DANIEL CAMERON
700 Capital Avenue
Suite 118
Frankfort Kentucky 40601

VS.

DEFENDANT

SHARON HARDESTY
in her official capacity as Kentucky Parole Board member
275 E. Main Street
Frankfort Kentucky 40601

Service of Process Agent for Defendant:

Kentucky Attorney General Daniel Cameron
via ServetheCommonwealth@ky.gov

THE COMMONWEALTH OF KENTUCKY
TO THE ABOVE-NAMED DEFENDANT(S):

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Served by: _____ Title _____



CIVIL SUMMONS

Plaintiff, COMMONWEALTH OF KENTUCKY VS. KENTUCKY PAROLE BOARD ET AL, Defendant

**TO: KENTUCKY PAROLE BOARD
275 E. MAIN STREET
FRANKFORT, KY 40601**

The Commonwealth of Kentucky to Defendant:

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

The name(s) and address(es) of the party or parties demanding relief against you or his/her (their) attorney(s) are shown on the document delivered to you with this Summons.

/s/ Roger Schott, Laurel
Circuit Clerk
Date: **6/11/2021**

Proof of Service

This Summons was:

Served by delivering a true copy and the Complaint (or other initiating document)

To: _____

Not Served because: _____

Date: _____, 20____

_____ Served By

_____ Title





CIVIL SUMMONS

Plaintiff, COMMONWEALTH OF KENTUCKY VS. KENTUCKY PAROLE BOARD ET AL, Defendant

**TO: KENTUCKY DEPARTMENT OF CORRECTIONS
275 E. MAIN STREET
FRANKFORT, KY 40601**

The Commonwealth of Kentucky to Defendant:

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

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/s/ Roger Schott, Laurel
Circuit Clerk
Date: **6/11/2021**

Proof of Service

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To: _____

Not Served because: _____

Date: _____, 20____

Served By

Title





CIVIL SUMMONS

Plaintiff, COMMONWEALTH OF KENTUCKY VS. KENTUCKY PAROLE BOARD ET AL, Defendant

**TO: BRENDA BEERS-REINEKE
275 E. MAIN STREET
FRANKFORT, KY 40601**

The Commonwealth of Kentucky to Defendant:

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

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/s/ Roger Schott, Laurel
Circuit Clerk
Date: **6/11/2021**

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To: _____

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Date: _____, 20____

_____ Served By

_____ Title





CIVIL SUMMONS

Plaintiff, **COMMONWEALTH OF KENTUCKY VS. KENTUCKY PAROLE BOARD ET AL**, *Defendant*

**TO: BRIDGET SKAGGS BROWN
275 E. MAIN STREET
FRANKFORT, KY 40601**

The Commonwealth of Kentucky to Defendant:

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

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/s/ Roger Schott, Laurel
Circuit Clerk
Date: **6/11/2021**

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To: _____

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Date: _____, 20____

_____ Served By

_____ Title





CIVIL SUMMONS

Plaintiff, COMMONWEALTH OF KENTUCKY VS. KENTUCKY PAROLE BOARD ET AL, Defendant

**TO: COOKIE CREWS
275 E. MAIN STREET
FRANKFORT, KY 40601**

The Commonwealth of Kentucky to Defendant:

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

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/s/ Roger Schott, Laurel
Circuit Clerk
Date: **6/11/2021**

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To: _____

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Date: _____, 20____

_____ Served By

_____ Title





CIVIL SUMMONS

Plaintiff, COMMONWEALTH OF KENTUCKY VS. KENTUCKY PAROLE BOARD ET AL, Defendant

**TO: LARRY BROCK
275 E. MAIN STREET
FRANKFORT, KY 40601**

The Commonwealth of Kentucky to Defendant:

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

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/s/ Roger Schott, Laurel
Circuit Clerk
Date: **6/11/2021**

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To: _____

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Date: _____, 20____

_____ Served By

_____ Title





CIVIL SUMMONS

Plaintiff, COMMONWEALTH OF KENTUCKY VS. KENTUCKY PAROLE BOARD ET AL, Defendant

**TO: LADEIDRA JONES
275 E. MAIN STREET
FRANKFORT, KY 40601**

The Commonwealth of Kentucky to Defendant:

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

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/s/ Roger Schott, Laurel
Circuit Clerk
Date: **6/11/2021**

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To: _____

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Date: _____, 20____

_____ Served By

_____ Title





CIVIL SUMMONS

Plaintiff, COMMONWEALTH OF KENTUCKY VS. KENTUCKY PAROLE BOARD ET AL, Defendant

**TO: LELIA A. VANHOOSE
275 E. MAIN STREET
FRANKFORT, KY 40601**

The Commonwealth of Kentucky to Defendant:

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/s/ Roger Schott, Laurel
Circuit Clerk
Date: **6/11/2021**

Proof of Service

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To: _____

Not Served because: _____

Date: _____, 20____

_____ Served By

_____ Title





CIVIL SUMMONS

Plaintiff, COMMONWEALTH OF KENTUCKY VS. KENTUCKY PAROLE BOARD ET AL, Defendant

**TO: MELISSA CHANDLER
275 E. MAIN STREET
FRANKFORT, KY 40601**

The Commonwealth of Kentucky to Defendant:

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

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/s/ Roger Schott, Laurel
Circuit Clerk
Date: **6/11/2021**

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To: _____

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Date: _____, 20____

_____ Served By

_____ Title





CIVIL SUMMONS

Plaintiff, COMMONWEALTH OF KENTUCKY VS. KENTUCKY PAROLE BOARD ET AL, Defendant

**TO: PATTY WININGER
275 E. MAIN STREET
FRANKFORT, KY 40601**

The Commonwealth of Kentucky to Defendant:

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

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/s/ Roger Schott, Laurel
Circuit Clerk
Date: **6/11/2021**

Proof of Service

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CIVIL SUMMONS

Plaintiff, COMMONWEALTH OF KENTUCKY VS. KENTUCKY PAROLE BOARD ET AL, Defendant

**TO: ROBERT POWERS
275 E. MAIN STREET
FRANKFORT, KY 40601**

The Commonwealth of Kentucky to Defendant:

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/s/ Roger Schott, Laurel
Circuit Clerk
Date: **6/11/2021**

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To: _____

Not Served because: _____

Date: _____, 20____

_____ Served By

_____ Title





CIVIL SUMMONS

Plaintiff, COMMONWEALTH OF KENTUCKY VS. KENTUCKY PAROLE BOARD ET AL, Defendant

**TO: SHARON HARDESTY
275 E. MAIN STREET
FRANKFORT, KY 40601**

The Commonwealth of Kentucky to Defendant:

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

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/s/ Roger Schott, Laurel
Circuit Clerk
Date: **6/11/2021**

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Title

