

Via Telefax and First Class Mail

6 July 2000

Larry W. Jones
Executive Director
Alaska Board of Parole
P.O. Box 112000
Juneau, Alaska 99811-2000

Re: Reconsideration of Denial of Anthony L. Brown's Application for Discretionary Parole

Dear Mr. Jones:

In accordance with your 6 June 2000 letter to Anthony L. Brown (DOB: 7-23-54; Inmate No. 6555), this is to request reconsideration of the Parole Board's denial of Mr. Brown's application for discretionary parole. In this regard, enclosed please find Mr. Brown's Request for Reconsideration of the Parole Board's Decision. This letter sets out in more detail the "incorrect or faulty information" upon which the Board likely relied in making its denial decision.

22 AAC 20.175 (a)(2) authorizes the Board to reconsider its denial of discretionary parole when "the decision was based on incorrect or faulty information and the correction would, in the opinion of the board, likely lead to a different decision." This regulation embodies the standards contained in AS 33.16.060, *et seq.* Among these incorporated statutory provisions is AS 13.16.100 and .110, which discuss the standards for granting discretionary parole and the information to be contained in the pre-parole report.

As relevant here, we believe Jeanne Fischer's revised recommendation and her testimony before the Board during Mr. Brown's 1 June 2000 parole hearing contained "incorrect or faulty information." Much of this erroneous information is discussed in my 18 May 2000 letter to the Board and will not be discussed again here.

However, at the parole hearing, Ms. Fischer continued to advocate a version of facts of Mr. Brown's crime which are unsupported by an objective reading of the record (including the transcript of the sentencing). This "inaccurate or faulty information" included Ms. Fischer's statement that Mr. Brown had threatened the prosecutor (Harry Davis) and the sentencing judge (James Blair). As indicated in Loretta Beaver's separately-submitted letter, she personally visited Mr. Davis in Fairbanks on 19 June 2000, or after the parole hearing. He indicated that he had no knowledge of any such threats by Mr. Brown.

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Had Mr. Davis received such a threat, he surely would have remembered it. Since Judge Blair has now retired to Colorado, he is not available to discuss this matter. However, if the Board permits, we too will contact him so he may corroborate Mr. Davis's statement.

To the extent the Board relied on this misinformation in making its decision about Mr. Brown "pos[ing] a threat of harm to the public if released on parole" within the meaning of AS 33.16.100(a)(3), it should reconsider that decision.

The evidence of record demonstrated that Mr. Brown's rehabilitation and reintegration into society will be furthered, not hindered, by parole. To the extent the information provided by Ms. Fischer reflected on this aspect of the Board's denial, it is also "incorrect or faulty" and should also be reconsidered by the Board.

22 AAC 20.175(c) places the burden of providing information in support of the reconsideration request "solely with the applicant." This letter, coupled with that provided by Ms. Beaver, meets this standard. However, the regulation is silent about what happens after submission of this information. If possible, we request the right to present more detailed information to the Board about the "incorrect or faulty" information provided it in the course of its deliberations about Mr. Brown's application.

In advance, thank you for your assistance in this matter and for the Board's meaningful consideration of this important request.

Sincerely,



Vance A. Sanders

Enclosure (as stated)

cc: Anthony Brown (w/ encl.)
Michelle Russell-Brown (w/ encl.)
Loretta Beaver (w/ encl.)