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February 25, 2013

Mr. Jason Goudlock
284-561
Mansfield Correctional Institution
P.O. Box 788
Mansfield, Ohio 44901

Dear Mr. Goudlock:

I am replying to your January 15 and February 14, 2013 letters regarding the Board's recent actions in your case. I agree with you that the most recent continuance is inconsistent with the Board's previous decisions and reasons supporting them (imposing 24 months after previous continuances of 36 months, then 14 months, then 15 months). That seems especially true in light of the fact that you reduced your security level to 3.

Unfortunately, so long as the Board cites a proper statutory reason for continuing a person's incarceration, the action can stand. So far, no court has required that the Board's decisions taken as a whole must make sense. Thus, we cannot challenge the latest decision on that basis.

You argue that the Board was mistaken when it stated in field 3B of its 12/28/12 decision that, "Though the inmate's institutional conduct has improved since his last hearing, the inmate has continued to exhibit behavior that indicates an ongoing difficulty with anger and impulse control." You point to your achieving Level 3 status and the absence of any conduct reports that resulted in your being placed in segregation. But you also indicate that you did receive conduct reports for "disrespect" and "disobeying a direct order." I suspect that those reports are what the Board referred to as "behavior that indicates an ongoing difficulty with anger and impulse control." The Board is allowed to consider misconduct that does not result in segregation.

Another of your concerns is that you only were interviewed by a panel of three members. It appears that this, however, is not a violation of Board procedure or policy. The decision in your case was a COBR¹ decision, and represents a decision by the majority of the Board. Page 20 of the Ohio Parole Board Handbook indicates that, "If the Board

¹ "COBR" means "Central Office Board Review."

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Members participating [at the institutional hearing] cannot reach a majority vote or the institutional hearing is not conducted with at least a majority of Board Members participating, the case will be referred to COBR to obtain the required majority vote." Also, the fact that Mr. Houk participated in your institutional hearing and in the ultimate vote on your release does not, alone, represent a procedural or substantive error in the Board's process. Mr. Houk is a member of the Board, and it is his obligation to rule on release matters. You would have to present substantial proof of a personal conflict between you and Mr. Houk before this could be a concern.

Finally, you are correct that the Board's decision fails to accurately represent your 5 months of jail-time credit. This means that the "Remaining time to be served" is actually 19 months, rather than the 24 months the Board intended to impose. The January 24, 2013 ruling on your reconsideration request failed to address that point. What the quality assurance analyst did in that ruling was to tell you that new evidence is required for a reconsideration and that you failed to present anything new. This is their stock answer to reconsideration requests.

If you want me to, I will write the Chair of the Board and request her to modify or rescind the 12/28/13 decision and advance your next hearing date by the five months you should have been credited. Please write and let me know if you want me to do that. Enclosed is a prepaid envelope for your convenience.

Sincerely,



Kenneth R. Spiert
Assistant State Public Defender

KRS:taf
Encl.
#387962