

PROVIDENCE, SC.

STATE OF RHODE ISLAND
SUPERIOR COURT

PABLO ORTEGA

v.

STATE OF RHODE ISLAND

PM-2022-

APPLICATION FOR POST-CONVICTION RELIEF

INTRODUCTION

This Application for Post-Conviction Relief seeks the immediate release of PABLO ORTEGA from incarceration at the Adult Correctional Institutions, under the control and custody of the Rhode Island Department of Corrections (RIDOC), to parole supervision as directed by the Rhode Island Parole Board. PABLO ORTEGA has been incarcerated for more than 20 years. He is now being unlawfully detained despite his eligibility for parole and his satisfaction of the standards for parole acknowledged in a unanimous decision of the Rhode Island Parole Board to parole him. All of these actions are due to the arbitrary, unlawful, and unconstitutional actions of RIDOC and the acquiescence of the Rhode Island Parole Board in a miscarriage of justice and an unlawful assertion of authority.

Your Applicant states as follows:

1. PABLO ORTEGA is a prisoner presently in the custody of the Rhode Island Department of Corrections (RIDOC).
2. PABLO ORTEGA is confined at the Adult Correctional Institutions, Cranston, Rhode Island.
3. PABLO ORTEGA is held by the State of Rhode Island.

4. PABLO ORTEGA is incarcerated following his conviction in *State v. PABLO ORTEGA*, case number P1-2002-0678AG in the Superior Court of the State of Rhode Island.
 - a. PABLO ORTEGA's controlling sentence was life imprisonment upon his conviction for murder in the first degree. He was sentenced on March 2, 2002, for an offense committed November 14, 2001, with a sentence of 5 years to be served consecutive to the life sentence, for conspiracy to commit a felony committed on November 14, 2001.
 - b. The Judgment of Conviction is attached hereto and incorporated herein as Exhibit 1.
5. PABLO ORTEGA pled guilty to each of the offenses for which he is sentenced and incarcerated.
6. PABLO ORTEGA has exhausted all state appellate remedies available to him pursuant to the Rhode Island Rules of Criminal Procedure and its statutory and constitutional provisions.
7. The Superior Court has jurisdiction to hear the within Application pursuant to R.I.G.L. §§ 10-9.1-1, 10-9.1-2, *et seq.*
8. PABLO ORTEGA was born on May 3, 1982. At the time PABLO ORTEGA committed the aforesaid offenses, he was approximately 19.5 years old.
9. PABLO ORTEGA is now 39 years old. He has been incarcerated almost his entire adult life.
10. PABLO ORTEGA, serving a life sentence and a 5-year consecutive sentence, is among those prisoners who can be considered for parole.
11. Parole eligibility is prescribed by statute.

12. Parole is an essential part of the Rhode Island criminal justice system. It offers an incentive to inmates to rehabilitate themselves with a goal of becoming contributing and productive members of society. Any prison sentence (excluding sentences of life without parole) imposed in the state courts of Rhode Island that exceeds six months “shall be subject to the parole board[.]” R.I.G.L. § 13-8-8. The Parole Board chairperson and Parole Board members are appointed by the Governor of Rhode Island. See R.I.G.L. §§ 13-8-1 and 13-8-3.
13. Under Rhode Island law, R.I.G.L. § 13-8-13(a)(3), an inmate sentenced to life imprisonment for first degree murder committed after June 30, 1995, and before July 1, 2015, is considered eligible for parole after serving twenty (20) years of that sentence.
14. Under Rhode Island law, R.I.G.L. § 13-8-9 (a), an inmate serving a term of 5 years (60 months) is considered to be eligible for parole after serving one third (1/3) of the sentence, or one year and eight months (20 months).
15. However, on July 6, 2021, the General Assembly enacted, and the Governor signed into law, Public Law 2021, chapter 162, Article 13 §3, effective July 6, 2021, which amended R.I.G.L. § 13-8-13, to add a new subparagraph (e), hereinafter referred to as “the Youthful Offenders Act” or “the Act,” which provides:

(e) Any person sentenced for any offense committed prior to his or her twenty-second birthday, other than a person serving life without parole, shall be eligible for parole review and a parole permit may be issued after the person has served no fewer than twenty (20) years’ imprisonment unless the person is entitled to earlier parole eligibility pursuant to any other provisions of law. This subsection shall be given prospective and retroactive effect for all offenses occurring on or after January 1, 1991.

R.I.G.L. § 13-8-13(e) (emphasis added).
16. The express terms of the Youthful Offenders Act provide that, notwithstanding any other provision, and excepting only individuals serving a sentence of life without parole, any

person, serving any sentence, for an offense committed before that person reached the age of 22 years old, is entitled to parole consideration after 20 years (unless they are already entitled to an earlier parole date by their sentence).

17. In enacting the Youthful Offenders Act, the legislature intended to give youthful offenders, including juveniles and young adults such as ORTEGA, an opportunity to demonstrate that they have matured from the person who committed the underlying crimes in their early years. Before passing the Act shortening initial parole to 20 years for individuals committing offenses up to age 22, the General Assembly held extensive hearings on earlier versions of the Act, 2021-H 5144¹ and 2021-S0333,² which would have shortened the first parole date to 15 years, limited to individuals committing offenses up to age 18.
18. Such a law is supported by Roper v. Simmons, 543 U.S. 551, 569-70 (2005) and its progeny, Graham v. Florida, 560 U.S. 48 (2010), and Miller v. Alabama, 567 U.S. 460 (2012), where the United States Supreme Court recognized that juveniles generally lack the culpability of adult offenders because:
 - a. “[a] lack of maturity and an underdeveloped sense of responsibility are found in youth more often than in adults and are more understandable among the young. These qualities often result in impetuous and ill-considered actions and decisions.” Roper at 569.
 - b. juvenile offenders are “more vulnerable or susceptible to negative influences and outside pressures, including peer pressure” and which “is explained in part by the

¹ <https://legiscan.com/RI/bill/H5144/2021>. The full House Committee hearing, including the testimony of the primary sponsor, Representative Casimiro, can be accessed at <https://upriseri.com/juvenile-offender-parole-act/>, accessed 12/7/21.

² <https://legiscan.com/RI/bill/S0333/2021>

prevailing circumstance that juveniles have less control, or less experience with control, over their own environment.”

- c. “the character of a juvenile is not as well formed as that of an adult. The personality traits of juveniles are more transitory, less fixed.” Id. at 570.

As a result, “these differences render suspect any conclusion that a juvenile falls among the worst offenders. The susceptibility of juveniles to immature and irresponsible behavior means ‘their irresponsible conduct is not as morally reprehensible as that of an adult.’” Roper at 570. “Roper and Graham emphasized that the distinctive attributes of youth diminish the penological justifications for imposing the harshest sentences on juvenile offenders, even when they commit terrible crimes.” Miller at 472.

19. Such a law is part of a developing trend acknowledging the results of “brain science and psychological research [that] shows that young adults, whose brains are still developing, are similarly less culpable and more capable of reform than older adults, and thus ought be treated more like juveniles than adults when they commit crimes.” “consideration of Youth for Young Adults,” Juvenile Sentencing Project, Quinnipiac University School of Law (January 2020), accessed on 1/3/2022 at https://juvenilesentencingproject.org/wp-content/uploads/model_reforms_consideration_of_youth_for_young_adults.pdf, and authorities cited therein.
20. ORTEGA meets all of the terms of the Youthful Offenders Act, in that he has served at least 20 years’ imprisonment on sentences for offenses committed prior to his twenty-second birthday.

21. On November 8, 2021, the Parole Board first considered and unanimously approved ORTEGA for parole. The Board’s minutes of its consideration of ORTEGA are attached hereto and incorporated herein as Exhibit 2.
22. The Parole Board acknowledged that the passage of the Youthful Offenders Act raised the question whether ORTEGA was eligible for parole from all sentences to the community or whether ORTEGA could only be paroled from his life sentence to begin serving his consecutive 5-year sentence. Exhibit 2 at 2.
23. The Parole Board, characterizing the issue as one to be determined by RIDOC or the courts, announced that ORTEGA met all conditions for parole. “For our part, the Board votes unanimously [to] parole Mr. Ortega from his Life sentence to the community or to his next sentence, the same to be determined by the Department of Corrections.” All conditions for parole to the community were outlined by the Board in its determination. Exhibit 2 at 2.
24. Notwithstanding the foregoing, on information and belief, RIDOC has announced that the Youthful Offenders Act merely shortens the time—but only if it is more than 20 years—that a youthful offender must serve before consideration on parole from the *first* or life sentence to any consecutive sentence and must thereafter serve all consecutive sentences in accordance with the adult parole eligibility provisions without regard to the provisions of the Act.
25. Attached hereto and incorporated herein as Exhibit 3 is a copy of a letter to a currently incarcerated youthful offender describing RIDOC’s interpretation of the impact of the Act on the determination of parole eligibility. In the letter, the Parole Coordinator for RIDOC describes the Act as follows: “The new law states youthful offenders must serve 20 years

on the [life] sentence before being eligible for parole (as opposed to 25 years).” These words do not appear in the Act at all.

26. Upon information and belief, the Parole Board has acquiesced in and accepted RIDOC’s interpretation of the Youthful Offenders Act as applying only to shorten, if at all, an initial life sentence from 25 to 20 years.
27. According to RIDOC’s interpretation, the Act merely shortens the initial disaggregated parole eligibility date for those youthful offenders sentenced to life for a crime committed on or after July 1, 2015, when the minimum term to serve before parole was increased from 20 to 25 years.
28. The Youthful Offender Act by its express terms “shall be given prospective and retroactive effect for all offenses occurring on or after January 1, 1991.”
29. The interpretation and application of the Act by RIDOC and the Parole Board is absurd and illogical, contrary to the express terms of the Act and effectively operates to nullify its terms and defeat its purposes.
30. The interpretation and application of the Act by RIDOC and the Parole Board renders nugatory the Act’s impact for any juvenile life sentence crime committed before July 1, 2015 notwithstanding its explicit retroactive effect to 1991.
31. As a direct result thereof, RIDOC does not consider ORTEGA eligible for parole “to the community” under the Act at this time and, in the absence of relief from this Court, will not consider him eligible for parole to the community until he has served an additional 20 months beyond the 20 years he has already served.
32. As a direct result thereof, the Parole Board and RIDOC have ignored the mandate of the Act. Based upon their application, the initial date by which ORTEGA is first considered

by RIDOC and the Parole Board to be eligible for parole “to the community” has not changed in any respect.

33. The action of RIDOC to disregard the express terms of the Act and to calculate separate “parole eligibility dates” for inmates such as ORTEGA is contrary to law and irrational. The internal and unilateral decision of RIDOC to declare its own method of calculating parole eligibility dates is entitled to no deference. See Lerner v. Gill, 463 A.2d 1352 (R.I. 1983).
34. The decision of the Parole Board to rely upon RIDOC’s calculation of “parole eligibility dates” regardless of the mandates of law is an abdication of its exercise of control pursuant to R.I.G.L. §13-8-8 over the sentence of every person convicted and sentenced to be imprisoned at the ACI for a period of more than six months.
35. Rhode Island’s statutory scheme for parole is set forth in R.I.G.L. chapter 13-8. As set forth in that chapter, the decision of the Parole Board to release an inmate on parole entitles the inmate “to be at liberty during the remainder of his or her term of sentence upon any terms and conditions that the board may prescribe.” R.I.G.L. §13-8-9(a). Among the criteria which the Parole Board is statutorily charged to find as a condition for granting a parole permit is “[t]hat there is a reasonable probability that the prisoner, if released, would live and remain at liberty without violating the law” and “[t]hat the prisoner can properly assume a role in the city or town in which he or she is to reside.” R.I.G.L. §13-8-14(a)(3), (4).
36. Under Rhode Island’s statutory parole system, release on parole can only mean release—under terms and conditions prescribed by the Parole Board—from the physical custody of RIDOC. “Parole to a consecutive sentence”—which means remaining in prison—is

contrary to and not contemplated by Rhode Island's statutory parole system. It requires the Parole Board to consider mandatory standards for parole that are meaningless in the context of "parole" to continued incarceration by RIDOC, and mandates multiple considerations of parole, to the prejudice of the inmate, the Parole Board, and all members of the community who are required to be notified and entitled to be heard whenever parole is considered.

37. RIDOC's unlawful action, to which the Parole Board has acquiesced, unlawfully requires ORTEGA to remain in custody until at least July 1, 2023, notwithstanding the Parole Board's unanimous determination that he has already satisfied conditions of parole, including all conditions for release to the community, and has already served a minimum of 20 years in prison for offenses committed while he was a teenager.
38. ORTEGA is being deprived of at least 1 years and 8 months of liberty before he can seek his release on parole under RIDOC's unlawful interpretation, which contravenes the express language of the Youthful Offenders Act, R.I.G.L. § 13-8-13(e).
39. The interpretation of RIDOC and the Parole Board, to limit the Act to the "first" or life sentence, instead of "any sentence" as set forth in the Act, defeats and denies the purpose of the Act, directly contravenes its terms, and is arbitrary and capricious.
40. The interpretation of RIDOC accepted by the Parole Board, to limit the Act to the "first" or life sentence, instead of "any sentence," appears to be a consequence of RIDOC's determination that life sentences cannot be aggregated with term sentences for purposes of calculating an initial parole eligibility date. The "disaggregation" decision as applied to ORTEGA before the enactment of the Act was explained by the Parole Coordinator in an email to his attorney in Exhibit 4, attached hereto and incorporated herein.

41. RIDOC's determination to disaggregate life and consecutive sentences for adult offenders, even if it were correct, has no applicability to the determination of a parole eligibility date under the Youthful Offenders Act, in that the Youthful Offenders Act supersedes any contrary provision applicable to adult offenders, because it is self-contained, unambiguous, and of later date.
42. In addition, RIDOC's determination to disaggregate life and consecutive sentences of adult offenders is not correct, in that the disaggregation decision is itself arbitrary, capricious, and contrary to the letter and intent of the parole statutes.
43. The Rhode Island Superior Court has previously addressed and rejected RIDOC's disaggregation of life and consecutive sentences in order to calculate initial parole eligibility date in McMaugh v. State, PM-2017-05673; Eddie Martinez v. State, PM-2020-05568; and Francisco Martinez v. State, PM-2021-03544 (petition for certiorari pending).
44. In reviewing a statutory parole system in Massachusetts, the Massachusetts Supreme Judicial Court rejected the statutory interpretation there formally adopted by the Massachusetts Parole Board and here unilaterally applied by RIDOC, concluding that Massachusetts law—which contains similar language to Rhode Island concerning aggregation of sentences—“requires the board to establish a single parole eligibility date.” Dinkins v. Massachusetts Parole Board, 486 Mass. 605, 609 (Mass. 2021). “The [Parole Board's] regulation, by exempting sentences consecutive to a life sentence from the aggregation rule, contravenes the plain meaning” of the Massachusetts statutory scheme. Id. at 610-611.
45. As a direct result, ORTEGA is being unlawfully incarcerated and is entitled to immediate release to the community on parole.

46. ORTEGA is unlawfully detained in violation of the laws of the State of Rhode Island in that he is entitled to immediate release under the laws governing parole.
47. ORTEGA's continued incarceration constitutes an unreasonable seizure in violation of the Fourth Amendment of the United States Constitution, and Article I, Section 6 of the Rhode Island Constitution.
48. ORTEGA's continued incarceration deprives him of due process, in violation of the Fifth and Fourteenth Amendments of the United States Constitution, and Article I, Section 10 of the Rhode Island Constitution.
49. RIDOC's alteration of ORTEGA's terms of sentence so as to increase the amount of time he must serve before consideration for parole to the community is cruel and unusual punishment, in violation of the Eighth Amendment of the United States Constitution and Article I, Section 8 of the Rhode Island Constitution.

WHEREFORE, PABLO ORTEGA prays this court to

- a. Find that he has been unlawfully detained beyond the terms of his sentence, in violation of the laws of the State of Rhode Island governing parole and the United States and Rhode Island Constitutions;
- b. Declare that the Youthful Offenders Act, R.I.G.L. § 13-8-13(e), applies to establish an initial single parole eligibility date of no more than 20 years as to individuals serving any and all sentences (other than life without parole) for offenses committed before their twenty-second birthday, whether concurrent or consecutive;
- c. Grant his immediate release to the community, pursuant to the recommendation, and subject to the supervision, of the Rhode Island Parole Board;
- d. Grant such further relief as this court deems just and proper.

PABLO ORTEGA
By his attorneys,

COOPERATING ATTORNEYS,
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF RHODE ISLAND

/s/ Lisa S. Holley
Lisa S. Holley, Esq. (#6606)
Lisa Holley Law
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(401) 400-2850
lisa@lisaholleylaw.com

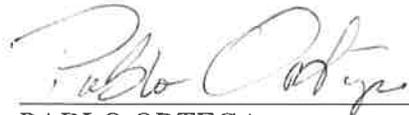
/s/ Lynette Labinger
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(401) 465-9565
LL@labingerlaw.com

/s/Sonja Deyoe
Sonja L Deyoe (#6301)
395 Smith Street
Providence, RI 02908
(401) 864-5877
SLD@the-straight-shooter.com

VERIFICATION OF PABLO ORTEGA

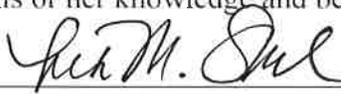
PABLO ORTEGA, first being duly sworn, hereby states under oath as follows:

1. I am the Applicant in the above-captioned matter.
2. I have read the within Application for Post-Conviction Relief.
3. The statements in the Application are true to the best of my knowledge, information, and belief.


PABLO ORTEGA

STATE OF RHODE ISLAND
PROVIDENCE, SC

On this 10 day of JANUARY, 2022, before me a notary public, personally appeared PABLO ORTEGA, personally known to the notary or proved to the notary satisfactory evidence of identification, which was a Prisoner ID card, to be the person who signed the preceding or attached document in my presence, and who swore or affirmed to the notary that the contents of the document are truthful and accurate to the best of his or her knowledge and belief.


Notary Public

Lisa M. Soderlund
Notary Public, State of Rhode Island
ID #55738
Commission Expires: 9/4/22

Signature

Date

PROSECUTOR OR DEFENDANT TO SIGN ON REVERSE SIDE
Providence Superior Court

State of Rhode Island vs Pablo Ortega

#528029

Case No: P1-2002-0678AG

P1-2002-0678AG

JUDGMENT OF CONVICTION AND COMMITMENT

On the date(s) below came the attorney for the State and the defendant, who appeared in person and by counsel, before the justice of the Superior Court named below.

Prosecutor: John J McMahon

Defense Attorney(s): Joseph J. Voccola

IT IS ADJUDGED that the defendant, having entered a plea or having been found guilty as charged of the offense(s):

Count 1: Murder I, Guilty Plea As Charged, Sentenced By Judge Gale, 20-Mar-2002

Life

Total Assessments \$1118.00

Count 2: Conspiracy/Felony, Guilty Plea As Charged, Sentenced By Judge Gale, 20-Mar-2002

Term To Serve 5 Years consecutive to count 1

and the Court, having asked the defendant whether he/she has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

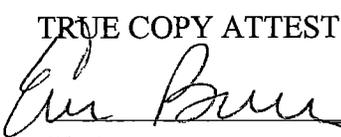
IT IS ADJUDGED that the defendant is guilty as charged and convicted.

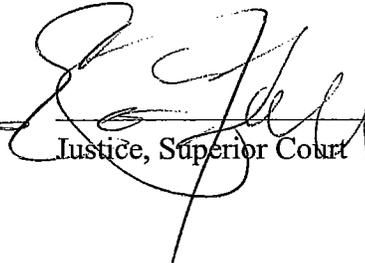
IT IS ADJUDGED that the defendant is hereby committed to the custody of the warden of the Adult Correctional Institutions for the period stated above.

IF CONVICTED AFTER TRIAL, the defendant has been advised of his/her right to appeal within twenty (20) days to the Supreme Court and of his/her right, if unable to pay the cost of an appeal, to apply for leave to be represented on appeal by the public defender or to appeal in forma pauperis.

IT IS ORDERED that the Clerk deliver a certified copy of this judgment to the proper authority of the Adult Correctional Institutions and that the copy serve as the commitment of the defendant.

TRUE COPY ATTEST


Clerk


Justice, Superior Court

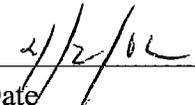

Date

EXHIBIT 1

Parole05.rpt
DATE: 12/20/21

R.I. DEPARTMENT OF CORRECTIONS

*** PAROLE HEARING INFORMATION ***

ID: 528029
AMODL 36
NAME: ORTEGA PABLO A
05/03/1982

SEC: MED
D.O.B:

████████████████████
11/01/2021

ELIGIBILITY DATE:

*** SENTENCE INFORMATION ***

CRT	RETRO	SENTENCE STATUS	YYY	MMM	DDD	GOOD	FULL
	11/16/01	PAROLED NEXT SENTENC	0	0	0		
	12/10/21	CONCURRENT	5	0	0	12/10/2026	12/10/2026

NOVEMBER 8, 2021 PAROLED 12/2021
PAROLED

This is an Initial Parole Hearing for Pablo Ortega who is serving a LIFE plus five years consecutive for Murder I and Conspiracy related to the robbery and killing of 36 y.o. convenience store owner, Mr. Franklin Mercado. Mr. Ortega was nineteen (19) at the time of the crime. Information and materials provided to the Board from the Rhode Island Department of Corrections or from outside sources include, but are not limited to, criminal history, police report(s), risk assessment, attorney packet, inmate letters and parole plan. For today's hearing, Mr. Ortega was present by video conference from Medium Security and allowed to make a statement on his own behalf. His attorney, Ms. Holley, was also present by video-conference. Mr. Ortega admits and takes full responsibility for his crime, use of a firearm, taking an innocent life and also offers further insight into his actions and thought process at the time of the crimes. Per his attorney, he has the support of correctional staff and described as "a model inmate", participating in the mentoring program and serving as a positive role model to mentees under twenty-five years old, volunteering in the NEADS and SCORE programs, as well. He has amassed numerous certificates of completion of programming over the past twenty years including core programs such as victim impact, anger management, criminal thinking, violence reduction and has earned his Bachelor's Degree from College Unbound and has a job waiting for him

with College Unbound upon release. He has had no discipline since 2012. We do note an immigration detainer on his record. His attorney advises that his country of origin is Ecuador and he intends to challenge deportation. Mr. Ortega presents exceptionally well to this Board, and his answers to questions at hearing reflect a depth of maturity and insight that we find reflects his genuine remorse and rehabilitation and at a level not typically observed by members of this Board. We find that Mr. Ortega has achieved a level of rehabilitation and served sufficient time to meet statutory parole release from this Life sentence. We acknowledge that he has a consecutive sentence of five years and that there is an existing legal debate in court on the application of this term whether it is aggregated and parole is to the community or whether he must serve his consecutive sentence imposed by the court.

CONTINUED NEXT PAGE...

Parole05.rpt
DATE: 12/20/21

R.I. DEPARTMENT OF CORRECTIONS

*** PAROLE HEARING INFORMATION ***

ID: 528029
AMODL 36
NAME: ORTEGA PABLO A
05/03/1982

SEC: MED

D.O.B:

XXXXXXXXXX
11/01/2021

ELIGIBILITY DATE:

His attorney and the Board agree that this debate is outside the statutory authority of the Parole Board and we must leave this to the Department of Corrections and/or the Court to decide. For our part, the Board votes unanimously parole Mr. Ortega from his Life sentence to the community or to his next sentence, the same to be determined by the Department of Corrections. When he is released to the community, special conditions of parole shall include: transitional residential program at 9 Yards with GPS for six months, with mental health counseling assessment and counseling as clinically indicated. When appropriate, we encourage Mr. Ortega to participate in community mentoring or speaking opportunities to discuss his crime and rehabilitation. We remind Mr. Ortega that parole is contingent upon him remaining booking free. During any period of post release unemployment, he must work with his parole officer to perform up to twenty hours weekly

community service. (GTD: LIFE) MEDIUM VOTE:
UNANIMOUS—Present: Pisaturo, Almeida, Cade, Cepeda

DECEMBER 10, 2021 MISC RELEASE TO
CONSECUTIVE SENT
12/10/21 Paroled from Life Sentence to Consecutive 5 Year S
entence. (dv

END OF MINUTES



RHODE ISLAND DEPARTMENT OF CORRECTIONS
PAROLE COORDINATORS OFFICE
Dix Building
18 Wilma Schesler Lane, 2nd Floor Right
Cranston, RI 02920

October [REDACTED] 2021

[REDACTED]

Dear Mr. [REDACTED],

Effective July 1, 2021, The Rhode Island General Assembly passed a new law regarding youthful offenders (individuals twenty-two (22) years of age and under). This law changes the time for which some individuals imprisoned on a life sentence must serve before being eligible to appear before the Parole Board. The new law states youthful offenders must serve 20 years on the sentence before being eligible for parole (as opposed to 25 years).

Due to this change, your initial parole eligibility date has been changed to February of 2034 (on count 1 only). If you have consecutive sentences, a grant of parole will result in your beginning to serve the term(s) of any consecutive sentences.

After discussion with the DOC legal department, it has been determined that if and when you are paroled from the life sentence on count 1, it will be to count 2 (10 years to serve). You will be eligible on the 10 years after 1/3 of that sentence (3 years, 4 months). If and when you are paroled from the 10-year sentence, it will be to your life sentence on count 3 (minimum mandatory of 15 years).

All of your sentences do not receive the benefit of aggregation because you have been sentenced to life sentences with minimum mandatory terms to serve as well as a sentence that carries a term of years. That sentence structure negates the aggregation rules.

Respectfully,

Dot Valenzuela
Parole Coordinator

From: Avedisian, Kim (DOC) <Kim.Avedisian@doc.ri.gov>
Sent: Wednesday, April 11, 2018 2:13 PM
To: Lisa Holley
Subject: RE: [EXTERNAL] : Parole Eligibility Calculation

Hi Lisa,

I was so disappointed to miss Judi's retirement party, but am looking forward to the comedy club, as long as Eddie stays well for now. He's a challenge and has never taken care of himself, not an interest of his. It's been difficult, thank you for your prayers. Hope to see you on 4/26.

Pablo Ortega's eligibility has changed to November 2021. According to Roy Fowler in legal, we are to no longer aggregate cons. sentences with Life sentences. The Board can grant parole to the cons. and eligibility on that sentence will be calculated at that time. I have a list from MIS of all the Lifer's to retro actively make this change. I'll notify Mr. Ortega's counselor of this eligibility correction.

Take care.

Kim Avedisian
Parole Coordinator
RJ Department of Corrections
Dix Building, 1st floor
1-401-462-3926
Fax: 1-401-462-0765

EXHIBIT 4