

**STATE OF OREGON BOARD OF PAROLE AND POST-PRISON SUPERVISION
BOARD ACTION FORM**

Mailed 05/18/2020

Name: WILSON, MARK JAMES

SID#: 7449142	Hearing/Action DT: 04/23/2020	Adjust Incept DT: 07/10/1987
Inst: OSCI	Board Action #: 7	Current Adm DT: 05/24/1988
DOB: 02/16/1969	Registered Victim: Y	Original Admit DT: 05/24/1988
		Offender Gt DT: Life
		Matrix Exp DT: Life
		PPS Exp DT:

Activity: PT	Month Set: 474	Original Length:
Decision: S	Cr Tm Svd: 319	Sanc Length:
Group #: 1	Parole Rel DT: 01/09/2027	Cumulative Sanc:
Dang Off: N	Next Action: EIPS 07/01/2026	Days Avail:

A	B	C	D	E	F	H/RS	CSR	Matrix	CHS	CSS	Grid	Min Supv
3	2	1		2		8	7	288 TO 396		0		0

SPECIAL CONDITIONS

Any General Conditions and Special Conditions set forth in this order are listed for informational and tracking purposes only; the board actually imposes supervision conditions in an Order of Supervision Conditions. This order does not affect conditions imposed in any previous Order of Supervision Conditions.

1	2	3	4	5	6	7	8	9	10	11

SIGNATURE, PRESIDING MEMBER /S/ Michael Hsu *KC* **SIGNATURE DATE:** 05/08/2020

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ADDITIONAL FINDINGS

NAME: 7449142 WILSON, MARK JAMES Decision: 7 04/23/2020

Board members present: Hsu, Lowry, Taylor.

All Board Members deliberated: Hsu, Lowry, Taylor, Cress, and Bailey.

AIC was accompanied by Althea Seloover, Bobbin Singh, and Julia Yoshimoto.

Attending the hearing pursuant to ORS 144.750(2)(b) were Doug Houser, David Shirley, Susan Shirley, and Meg Garvin.

The Board allowed Ron Brown to participate pursuant to OAR 255-030-0026(4)(f).

Board findings:

Based on OAR 255-35-022 (6/18/87), when consecutive sentences have been imposed, a rating and a range shall be assigned for each crime. The Board shall consider the summed ranges as a single unified range. Any minimum sentences imposed in conjunction with consecutive terms shall be considered a single unified minimum. In summing the ranges, the Board shall first establish the crime category, history risk score and appropriate range for the principal crime. Subordinate ranges will then be established by taking each consecutive crime and establishing the applicable crime category and base range. The unified range will be determined by adding the base range for each subordinate crime to the principal range.

Aggravated Murder Conviction: History risk score 8; crime category 7, subcategory.

Subcategory rationale – stranger to stranger; matrix range of 168 – 228 months.

Murder Conviction: History risk score 8; crime category 7, subcategory 1.

Subcategory rationale – stranger to stranger; matrix base range of 120 – 168 months.

The court imposed the sentence consecutively. Therefore, the Board shall consider the summed ranges as a single unified range of 288 – 396 months.

The Board found aggravation under item(s) N and Q.

Item N. Pursuant to a guilty plea, the state will dismiss charges of aggravated murder and three counts of burglary:

Eight additional felonies, arising from the same criminal episode as the present crime, including the theft of over \$10,000.00 worth of property belonging to the victims were dismissed and were not prosecuted. Past admission of involvement in a murder conspiracy involving a Bend woman. Past admission to involvement in at least 16 burglaries and felony thefts prior to the murders.

Item Q. Other:

One of the murder victims was shot approximately 20 times. AIC returned to the victims' home to collect spent shells to conceal the crime. Additionally, post-incarceration, AIC leveled false accusations against one of the crime victims; when offered the opportunity to acknowledge the impact of such action, he failed to do so.

The AIC offered mitigation under items D, G, J, M, and O.

Item D. Sustained effort to make restitution or reparation:

The Board considered the offered evidence and does not find mitigation under item D. The Board finds that Mr. Wilson's efforts towards rehabilitation do not constitute restitution or reparations. The Board also does not find his efforts to help identify other victims of his past burglaries to be restitution or reparations. Even if

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they can be considered restitution or reparation, the Board finds that Mr. Wilson's recent false accusations against a victim's family member to weigh against a finding of mitigation for this factor.

Item G. Evidence of reduced responsibility of lack of mental capacity:

The Board does not find mitigation under item G. The Board finds Mr. Wilson to be a highly intelligent individual during his crime and afterwards.

Item J. Effort to deal with problems associated with past criminal conduct (e.g., successful completion of treatment program, abstinence from substance abuse):

The Board finds mitigation under item J. The Board considered AIC's post-incarceration efforts and found that he has been disciplinary free for most of his incarceration. He has participated in work, education, rehabilitative programming, and contributions to charity.

Item M. Consecutive sentences imposed for convictions resulting from a single criminal episode:

The Board does not find mitigation under item M. Although the crime occurred during a single criminal episode, the incident resulted in the murder of two lives. The Board does not find this to be mitigating.

Item O. Other:

The Board does not find mitigation under O. Petitioner's offered up consideration of the ORS 144.397(5)(2019) factors. The cited statute only apply to juvenile who were under 18 at the time they committed their crime. Mr. Wilson was 18.

The Board notes that on 11/14/2019, the AIC was found to have met his burden of proving that he was likely to be rehabilitated within a reasonable period of time under ORS 163.105. As a result of this determination, the Board changed the terms of AIC's confinement to life in prison with the possibility of parole or work release.

The Board, with five concurring votes, finds that aggravation of three times the standard deviation of 36 months to be appropriate for a total of 108 months.

The Board, with four concurring votes, finds mitigation for a portion of one standard deviation of 30 months.

Based on the findings announced above, and taking into consideration all the information that was presented relevant to determining a prison term, the Board sets a prison term at the top of the single unified range at 396 months. Applying 108 months of aggravation, and 30 months of mitigation, the Board sets AIC's prison term at 474 months.

Having calculated AIC's prison term under the matrix rules in effect at the time of his offense, and having determined that AIC is now eligible to be considered for release on parole, the Board will schedule an exit interview under ORS 144.125(1), in accordance with the Oregon Supreme Court's direction in Janowski/Fleming v. Board of Parole, 349 Or 432 (2010).

In sum, the Board is setting a projected parole release date of 01/09/2027 following 474 months. An exit interview will be scheduled in 01/2027 with a current psychological evaluation as authorized by ORS 144.223.

The AIC is eligible to be considered for a reduction in prison term for the periods under review (07/1987 through 07/2019, five and then three-year review periods thereafter) as described in OAR 255-040-0025(1). Upon receipt of positive recommendation(s) from the institution, the Board will either schedule a personal review hearing, or consider the recommendation(s) administratively.

You must exhaust your administrative remedies before petitioning the court of appeals for judicial review. Your

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administrative remedies are exhausted when you have requested administrative review of a Board of Parole and Post-Prison Supervision order and you have received a response from the Board addressing your request. ORS 144.335; OAR 255-080-0001. Pursuant to OAR 255-080-0001 through -0015, you may request administrative review of this order by submitting an administrative review request to the Board. Your administrative review request must be submitted within 45 days after the mailing date of this order.

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CASE#	OFFENSE	OT	SENTENCE	ST	A	CSR	BASE	SENTENCED	CTS	PPSP	O	G
County	ORS	FC	Judge	CS	P	HRS	PRIN	Committed		PPS EXP DATE		
88CR0382WE/3	MURDER AG	MX	LIFE	CS	S	7	0 /0	05/24/1988	319	0	1	1
DESC	163.095	UF	EDMONDS	0	Y	8	Y 168 /228	07/15/1987		---		
88CR0049WE/1	MURDER	MX	LIFE	CS	S	7	120 /168	05/24/1988	0	0	2	1
DESC	163.115	UF	EDMONDS	1	N	8	N	01/27/1988		---		