

CHRISTINE O. GREGOIRE
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR
P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 753-6780 • www.governor.wa.gov

PETITION A
CLEMENCY/PARDON (FOR IN-STATE CONVICTIONS ONLY)

NOTE: This petition must be typewritten or legibly printed in ink.

DATE OF APPLICATION: 03-26-09

NAME: GOLDBERG M.H. SS NUMBER: [REDACTED]

ADDRESS: WASHINGTON STATE REFORMATORY
(Please attach a list of all addresses resided at during the past five years.)

DATE OF BIRTH: 1-18-31 PHONE NUMBER: _____

OTHER NAMES: N/A
(past, maiden, etc.)

INSTITUTION NUMBER: 818214 INS ID Number: _____
(Deportation cases only)

DRIVER'S LICENSE NUMBER: GOLDBERG 695 BQ

OTHER STATES IN WHICH YOU HAVE HELD DRIVER'S LICENSES: _____

RELIEF REQUESTED:

- Commutation (reduction of sentence)
- Pardon (complete relief from sentence and/or disabilities related to conviction)
- Reprieve (delay in imposition of sentence)

REASON FOR DESIRING RELIEF: AGE- ILLNESSES, INFIRMITIES,
INCREASED COST OF INCARCERATION FOR THE ELDERLY.



OFFENSE(S) COMMITTED: (A copy of the JUDGMENT AND SENTENCE for each offense for which you desire relief is REQUIRED before the Board will review your petition. PLEASE ATTACH A COPY TO THIS PETITION.)

COUNTY/CITY IN WHICH OFFENSE(S) COMMITTED: SPOKANE

DATE OFFENSE(S) COMMITTED: 11-18-91

SENTENCE IMPOSED: LWOP - 11-14-00
RESENTENCED PER STATE SUPREME COURT - 10-10-03
TO 320 MONTHS

RESTITUTION/COSTS IMPOSED: N/A

STATE THE REASON THE GOVERNOR SHOULD GRANT RELIEF REQUESTED:

I AM SELF-REFORMED AND REHABILITATED HAVING
WORKED AS A CLERK-TA FOR THE PAST 8 YEARS FOR
THE ABE-GED SCHOOL AT WSR. I'M ALSO 28 YEARS
OLD WITH INCREASING PHYSICAL PROBLEMS WITH THEIR
ATTENDANT ADDITIONAL COST TO MINISTERS.

PRIOR CRIMINAL HISTORY: (Provide a list of prior convictions or arrests, including traffic citations.)

N/A

LAST RECEIVED TRAFFIC CITATION PRIOR TO 1977

DESCRIBE WHAT YOU HAVE DONE TO DEMONSTRATE YOUR REHABILITATION: (For example, list employment/education history; if restitution was ordered, has restitution been made?)

I AM A GRADUATE OF THE UNIVERSITY OF WASHINGTON
1966 - SINCE TRANSFER TO WSR, I HAVE BEEN A CLERK-
T.A. AT THE GED SCHOOL FOR EDWARDS COMMUNITY COLLEGE.
I TUTOR STUDENTS AT SCHOOL AND AT THEIR REQUEST
IN THE DAY ROOM. IT IS MY FORTÉ AND QUITE RELIEFING.

WERE YOU REPRESENTED BY COUNSEL FOR THE OFFENSE(S)? YES

NAME, ADDRESS AND TELEPHONE NUMBER OF COUNSEL:

JOHN T RODGERS 921 N. ADAMS ST. STE B
SPOKANE, WA 99201-2050
PHONE # 608.

TRIAL OR PLEA? TRIAL

DID YOU APPEAL CONVICTION? YES - COPY PROVIDED.
(If so, results? Provide copy or cite appellate court decision(s).)

WAS A WEAPON USED DURING COMMISSION OF THE CRIME? YES
(If yes, provide details.)

PRIOR TO WEAPONS ENHANCEMENT - SHOTGUN

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WERE YOU UNDER THE INFLUENCE OF DRUGS OR ALCOHOL AT THE TIME OF THE OFFENSE? NO

(If yes, provide details.)

WAS THE OFFENSE COMMITTED FOR THE PURPOSE OF AVOIDING OR PREVENTING ARREST OR ESCAPE FROM CUSTODY OF A PUBLIC OFFICER?

NO

DID THE OFFENSE INVOLVE MINORS? Indirectly

(If yes, provide details.)

MURDER WAS COMMITTED TO PROTECT 2 YR OLD FROM MOLESTING PARENT.

IF THE OFFENSE WAS COMMITTED AGAINST A PERSON, PLEASE ANSWER THE FOLLOWING:

1. Was the victim known to you? YES

2. If yes, relationship? SON-IN-LAW

3. Was the victim injured? MURDERED

4. Age of victim at time of offense: 40

5. More than one victim? If yes, how many? NO

6. Was restitution ordered? NO If yes, how much, and has it been paid? _____

IF THE OFFENSE INVOLVED TAKING OR DESTRUCTION OF PROPERTY, PLEASE ANSWER THE FOLLOWING:

1. Value of property involved? _____

2. Description of property? _____

3. Property returned? _____ Restitution made to owner? _____

4. Was restitution ordered? _____ If yes, how much, and has it been paid? _____

Revised -- June 2006

HAVE YOU FILED OTHER PETITIONS FOR RELIEF WITH THE GOVERNOR'S OFFICE? NO

(If so, provide the date, status, or disposition.)

CURRENT STATUS:

1. Date released: _____
2. On parole? _____ Ever revoked? _____
3. On probation? _____ Ever revoked? _____

(Answer questions 4 - 10 if currently incarcerated.)

4. If incarcerated, present status: MINIMUM WITH OVERTIME TO MED DUE TO LENGTH OF SENTENCE.
5. Anticipated release date: EXPIRATED 9-13-26, REQUESTED RELEASE DATE 8-26-22
6. Place of release: SPOKANE
7. Level of custody in the institution: MEDIUM
8. Classification in the institution: MEDIUM
9. Have you lost good time or been subject to disciplinary action while incarcerated?
10. If yes, identify the nature, circumstances, and outcome. NO - LOST GOOD TIME
YES - DISCIPLINARY - 9-03 COPY MADE OF STATE SUPREME COURT DECISION IN MY APPEAL ON SCHOOL OWNED COPIER AND PAPER - WAS 65% CALLED FORGERY. SEEMS LIKE IT SHOULD HAVE BEEN FRAUD!
NO SANCTIONS IMPOSED.

PETITION A
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PRESENT EMPLOYMENT: TEACHERS ASSISTANT - WSR GED
EDUCATION SYSTEM FOR EDWARDS COMMUNITY COLLEGE
8 YRS IN JULY 01 - 09

IF APPLICABLE, DO YOU HAVE EMPLOYMENT AVAILABLE UPON
DISCHARGE? I WAS RETIRED PRIOR TO INCARCERATION.
(If yes, where?) I WAS ON SS. I PLAN TO REMAIN RETIRED
DUE TO ADVANCED AGE.

LIST OF ALL PLACES OF EMPLOYMENT (ADDRESSES AND JOB TITLES) OVER
THE PAST FIVE YEARS: ONLY THE SCHOOL

LIST OF REFERENCES:

ATTACH LETTERS OF REFERENCE OR STATEMENTS FROM OTHERS WHO
CAN VOUCH FOR YOUR GOOD CONDUCT. (These statements should describe
association with you, length of time that person has known you, etc.)

Maria G. Melander
SIGNATURE

03-26-09
DATE

WAIVER AND AUTHORIZATION TO RELEASE INFORMATION

To Whom It May Concern:

I authorize you to furnish the Office of the Governor of Washington State with any and all information that you have concerning me, my work record, my reputation, my medical records, my psychological records, my military service records, my criminal history, and my financial status. Information of a confidential or privileged nature may be included.

I waive any and all privacy rights I may have and I hereby release you, your organization, and others from any liability or damage which may result from furnishing the information requested.

A photocopy of this authorization shall be as valid as the original.

To be completed by the applicant:

MORRIS H. GOLDBERG
(Print name)

Morris H. Goldberg
(Signature)

03-26-09
(Date)

N/A

(Other names you have been known by, including prior marriage or nickname.)

WSR PO Box 277 Monroe, WA 98272-0277
(Address) (City) (State) (Zip)

(Phone)

1-18-31

(Date of Birth)

(Social Security Number)

GOLDBERG 695 BQ

(Driver's License Number)

Other cities, counties, or states resided in over the past ten years; include dates: _____

FILED
E
by h

THE SUPREME COURT OF WASHINGTON

STATE OF WASHINGTON,

Respondent,

v.

MORRIS H. GOLDBERG,

Petitioner.

MANDATE

NO. 72956-5

Spokane County No.
00-1-00019-8

C/A No 19720-4, 20668-8, 20669-
6 & 20670-0-III

THE STATE OF WASHINGTON TO: The Superior Court of the State of Washington
in and for Spokane County.

The opinion of the Supreme Court of the State of Washington filed on July 24, 2003,
became final in the above entitled cause on August 13, 2003. This cause is mandated to the
superior court from which the appeal was taken for further proceedings in accordance with the
attached true copy of the opinion.

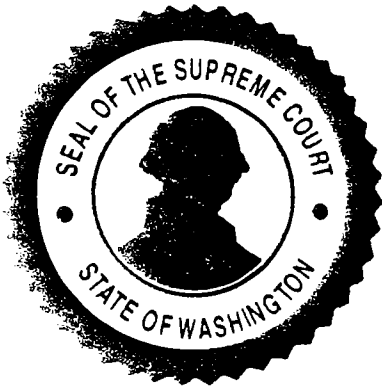
Pursuant to Rule of Appellate Procedure 14.3, costs are taxed as follows: No costs bills
having been timely filed costs are deemed waived.

116/115

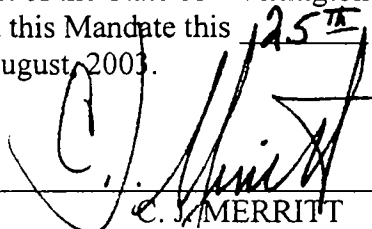
MANDATE

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I have affixed the seal of the Supreme Court of the State of Washington and filed this Mandate this 25TH day of August, 2003.


C. J. MERRITT
Clerk of the Supreme Court, State of
Washington

cc: Mr. Morris Goldberg
Ms. Susan Gasch
Mr. Kevin Korsmo
Court of Appeals Div III
Reporter of Decisions

Entered 3-23-04
EM

RECEIVED
NOV 11 7
WCC RECORDS

FILED
OCT 10 2003
THOMAS R. FALLOQUIST
SPOKANE COUNTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SPOKANE

STATE OF WASHINGTON)	
)	
Plaintiff,)	No. 00-1-00019-8
)	
v.)	PA# 00-9-02696-1
)	RPT# 001-91-0090942
MORRIS H. GOLDBERG)	RCW 9A.32.030(1)(A)-F (#23701)
WM 01/18/31)	AMENDED
)	WARRANT OF COMMITMENT
Defendant.)	(WC)
)	

THE STATE OF WASHINGTON

TO: The Sheriff of Spokane County.

The defendant: MORRIS H. GOLDBERG, has been convicted in the Superior Court of the State of Washington of the crime(s) of: MURDER IN THE FIRST DEGREE and the court has ordered that the defendant be punished by serving a total determined sentence of 320 ~~(days)~~ (months) as ordered in the Judgment and Sentence.

Credit be given for ~~(time)~~ 3 years, 231 days served solely on these charges.

() YOU, THE SHERIFF, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence.

(X) YOU, THE SHERIFF, ARE COMMANDED to take and deliver the defendant to the proper officers of the Department of Corrections; and

YOU, THE PROPER OFFICERS OF THE DEPARTMENT OF CORRECTIONS, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence.

WARRANT OF COMMITMENT
(7/2003) RCW 9.94A.120

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COURT COSTS 76-
 VICTIM ASSESS 100-
 RESTITUTION _____
 FINE _____
 ATTY FEES _____
 SHERIFF COSTS _____
 MFTH _____
 DNA FEE _____
 CRIME LAB _____
 OTHER COST _____

RECEIVED
 NOV 07 2003
 WCC RECORDS

FILED
 OCT 10 2003
 THOMAS R. FALLQUIST
 SPOKANE COUNTY CLERK

SUPERIOR COURT OF WASHINGTON
 COUNTY OF SPOKANE
 STATE OF WASHINGTON

Plaintiff,
 v.
 MORRIS H. GOLDBERG
 WM 01/18/31

No. 00-1-00019-8
 PA# 00-9-02696-1
 RPT# 001-91-0090942
 RCW 9A.32.030(1)(A)-F (#23701)
AMENDED
 JUDGMENT AND SENTENCE (JS)
 Prison RCW 9.94A.712 Prison Confinement
 Jail One Year or Less RCW 9.94A.712
 Prison Confinement
 First Time Offender
 Special Sexual Offender Sentencing Alternative
 Special Drug Offender Sentencing Alternative
 Clerk's Action Required, para 4.1 and 5.8

Defendant.
 SID: 019919143

I. HEARING

1.1 A sentencing hearing was held and the defendant, the defendant's lawyer and the deputy prosecuting attorney were present.

II. FINDINGS

There being no reason why judgment should not be pronounced, the Court FINDS:

2.1 CURRENT OFFENSE(S): The defendant was found guilty on 10/17/00
 by plea jury verdict bench trial of:

Count No.: I MURDER IN THE FIRST DEGREE
RCW 9A.32.030(1)(A)-F (#23701)
Date of Crime November 18, 1991
Incident No. 001-91-0090942

Doc X-X
 03907393-8
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JUDGMENT AND SENTENCE (Felony) (JS)
 (RCW 9.94A.500, .505)(WPF CR 84.0400 (7/2003))

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as charged in the Amended Information

- The court finds that the defendant is subject to sentencing under RCW 9.94A.712.
- A special verdict/finding for use of a firearm was returned on Count(s) ____ *N/A* RCW 9.94A.602, (Ch. 290 L 2002 § 11, effective 7/1/03 Ch. 379 L 2003 § 10).
- A special verdict/finding for use of a deadly weapon other than a firearm was returned on Count(s) ____ *1991* RCW 9.94A.602, (Ch. 290 L 2002 § 11, effective 7/1/03 Ch. 379 L 2003 § 10).
- A special verdict/finding of sexual motivation was returned on Count(s) ____ RCW 9.94A.835
- The offense in Count(s) _____ was committed in a county jail or state correctional facility. RCW 9.94A.510(5)
- A special verdict/finding for Violation of the Uniform Controlled Substances Act was returned on Count(s) _____, RCW 69.50.401 and RCW 69.50.435, taking place in a school, school bus, within 1000 feet of the perimeter of a school grounds or within 1000 feet of a school bus route stop designated by the school district; or in a public park, in a public transit vehicle, or in a public transit stop shelter; or in, or within 1000 feet of the perimeter of, a civic center designated as a drug-free zone by a local government authority, or in a public housing project designated by a local governing authority as a drug-free zone.
- A special verdict/finding that the defendant committed a crime involving the manufacture of methamphetamine when a juvenile was present in or upon the premises of manufacture was returned on Count(s) _____ RCW 9.94A.605, RCW 69.50.401, RCW 69.50.440.
- The defendant was convicted of vehicular homicide which was proximately caused by a person driving a vehicle while under the influence of intoxicating liquor or drug or by the operation of a vehicle in a reckless manner and is therefore a violent offense. RCW 9.94A.030
- This case involves kidnapping in the first degree, kidnapping in the second degree, or unlawful imprisonment as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent. RCW 9A.44.130.
- The court finds that the offender has a chemical dependency that has contributed to the offense(s). RCW 9.94A.607.
- The crime charged in Count(s) _____ involve(s) domestic violence.
- Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):
- Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

2.2 CRIMINAL HISTORY: (RCW 9.94A.525):

Crime	Date of Crime	Crime Type	Adult or Juv	Place of Conviction	Sent. Date
NO PREVIOUS FELONIES					

- Additional criminal history is attached in Appendix 2.2
- The defendant committed a current offense while on community placement (adds one point to score). RCW 9.94A.525
- The court finds that the following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525):
- The following prior convictions are not counted as points but as enhancements pursuant to RCW 46.61.520:

2.3 SENTENCING DATA:

CT NO	Offender Score	Seriousness Level	Standard Range (not including enhancements)	Plus enhancements*	Total Standard Range (including enhancements)	Maximum Term
J	0		240-320 MOS	N/A	240-320 MOS	Life

*(F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Vehicular Homicide, See RCW 46.61.520, (JP) Juvenile present.

- Additional current offense sentencing data in Appendix 2.3

- 2.4 EXCEPTIONAL SENTENCE: Substantial and compelling reasons exist which justify an exceptional sentence above within below the standard range for Count(s)____. Findings of fact and conclusions of law are attached in Appendix 2.4. The Prosecuting Attorney did did not recommend a similar sentence.

JUDGMENT AND SENTENCE (Felony) (JS)
(RCW 9.94A.500, .505)(WPF CR 84.0400 (7/2003))

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2.5 **ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS.** The court has considered the total amount owing, the defendant's past, present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.753

The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753): _____

2.6 For violent offenses, most serious offenses, or armed offenders recommended sentencing agreements or plea agreements are attached as follows _____
None

III. JUDGMENT

3.1 The defendant is **GUILTY** of the Counts and Charges listed in paragraph 2.1 and Appendix 2.1

3.2 The Court **DISMISSES** Counts _____
 The defendant is found **NOT GUILTY** of Counts _____

IV. SENTENCE AND ORDER

IT IS ORDERED:

4.1 Defendant shall pay to the Clerk of the Court

JASS CODE

RTNRJN \$ None Restitution to: _____

\$ _____ Restitution to: _____

\$ _____ Restitution to: _____
(Name and Address-address may be withheld and provided confidentially to Clerk's Office)

PCV
CRC

100.00
~~\$500.00~~ Victim Assessment RCW 7.68.035

~~\$140.00~~ Court costs, including: RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190

76.00 Criminal Filing fee \$ _____ FRC

Witness costs \$ _____ WFR

Sheriff service fees \$ _____ SFR/SFS/SFW/SRF

JUDGMENT AND SENTENCE (Felony) (JS)
(RCW 9.94A.500, .505)(WPF CR 84.0400 (7/2003))

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Jury demand fee \$ _____ JFR

Extradition costs \$ _____ EXT

Other _____ \$ _____

PUB \$ _____ Fees for court appointed attorney RCW 9.94A.760

WRF \$ _____ Court appointed defense expert and other defense costs RCW 9.94A.760

FCM/MTH \$ _____ Fine RCW 9A.20.021; [] VUCSA chapter 69.50 RCW, [] additional fine deferred due to indigency RCW 69.50.430

MTH \$ _____ Meth/Amphetamine Cleanup Fine, \$3000. RCW 69.50.440, 69.50.401(a)(1)(ii)

CDF/LDW \$ _____ Drug enforcement fund of _____ RCW 9.94A.760

FGD/NTF/SAD/SDI

CLF \$ _____ Crime lab fee [] suspended due to indigency RCW 43.43.690

\$ _____ Felony DNA collection fee of \$100 not imposed due to hardship RCW 43.43.7541

\$ _____ Emergency response costs (Vehicular Assault, Vehicular Homicide only, \$1,000 maximum) RCW 38.52.430

\$ _____ Other costs for: _____

\$ 176.00 TOTAL RCW 9.94A.760

[] The above total does not include all restitution or other legal financial obligations, which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:

[] shall be set by the prosecutor

[] is scheduled for _____

[] RESTITUTION. Schedule attached.

[] Restitution ordered above shall be paid jointly and severally with:

NAME of other defendant CAUSE NUMBER (Victim Name) (Amount\$)

RJN

[] The Department of Corrections (DOC) may immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602, RCW 9.94A.760(8)

All payments shall be made in accordance with the policies of the clerk and on a schedule established by the DOC, commencing immediately, unless the court specifically sets forth the rate here: Not less than \$ 150 BY LLO per month commencing 150 BY LLO RCW 9.94A.760.

The defendant shall report as directed by the clerk of the court and provide financial information as requested. RCW 9.94A.760(7)(b).

In addition to the other costs imposed herein the Court finds that the defendant has the means to pay for the cost of incarceration and is ordered to pay such costs at the statutory rate. RCW 9.94A.760

The defendant shall pay the costs of services to collect unpaid legal financial obligations. RCW 36.18.190 and RCW 9.94A.780(5).

The financial obligations imposed in this judgment shall bear interest from the date of the Judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090. An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW 10.73.160

4.2 DNA TESTING. The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754 FAILURE TO REPORT FOR TESTING MAY BE CONSIDERED CONTEMPT OF COURT. (PREVIOUSLY DONE)

HIV TESTING. The defendant shall submit to HIV testing. RCW 70.24.340

The victim, based upon their request, shall be notified of the results of the HIV test whether negative or positive. (Applies only to victims of sexual offenses under RCW 9A.44.) RCW 70.24.105(7)

4.3 The Defendant shall not have contact with _____ (name, DOB) including, but not limited to, personal, verbal, telephonic, written or contact through a third party for LIFE years (not to exceed the maximum statutory sentence.)

Domestic Violence Protection Order or Anti-Harassment Order is filed with this Judgment and Sentence.

4.4 OTHER _____

4.5 CONFINEMENT OVER ONE YEAR. The defendant is sentenced as follows:

(a) CONFINEMENT. RCW 9.94A.589. Defendant is sentenced to the following term of total confinement in the custody of the Department of Corrections (DOC):

320 (months) on Count No. I ;
_____ (months) on Count No. _____ ;
_____ (months) on Count No. _____ .

Actual number of months of total confinement ordered is: 320 MONTHS
_____ (Add mandatory firearm or deadly weapons enhancement time to run consecutively to other counts, see Section 2.3, Sentencing Data, above).

All counts shall be served concurrently, except for the portion of those counts for which there is a special finding of a firearm or other deadly weapon as set forth above at Section 2.3, and except for the following counts which shall be served consecutively: _____

The sentence herein shall run consecutively with the sentence in cause number(s) _____ but concurrently to any other felony cause not referred to in this Judgment. RCW 9.94A.589.

Confinement shall commence immediately unless otherwise set forth here: _____

(b) CONFINEMENT. RCW 9.94A.712: The defendant is sentenced to the following term of confinement in the custody of the DOC:

Count _____ minimum term _____ maximum term _____
Count _____ minimum term _____ maximum term _____

(c) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court: 3 YEARS 231 DAYS

4.6 COMMUNITY PLACEMENT is ordered as follows. Count _____ for _____ months; Count _____ for _____ months; Count _____ for _____ months.

2 YEARS (PAR LAW IN 1991)
COMMUNITY CUSTODY for count(s) _____, sentenced under RCW 9.94A.712, is ordered for any period of time the defendant is released from total confinement before the expiration of the maximum sentence.

COMMUNITY CUSTODY is ordered as follows:
Count _____ for a range from _____ to _____ months;
Count _____ for a range from _____ to _____ months;
Count _____ for a range from _____ to _____ months;

or for the period of earned release awarded pursuant to RCW 9.94A.728(1) and (2), whichever is longer, and standard mandatory conditions are ordered. [See RCW 9.94A.700 and .705 for community placement offenses, which include serious violent offense, second degree assault, any crime against a person with a deadly weapon finding and Chapter 69.50 or 69.52 RCW offenses not sentenced under RCW 9.94A.660 committed before July 1, 2000. See RCW 9.94A.715 for community custody range offenses, which include sex offenses not sentenced under RCW 9.94A.712 and violent offenses committed on or after July 1, 2000. Use paragraph 4.7 to impose community custody following work ethic camp.]

On or after July 1, 2003, DOC shall supervise the defendant if DOC classifies the defendant in the A or B risk categories; or, DOC classifies the defendant in the C or D risk categories and at least one of the following apply:

a) the defendant committed a current or prior:		
i) Sex offense	ii) Violent offense	iii) Crime against a person (RCW 9.94A.411)
iv) Domestic violence offense (RCW 10.99.020)		v) Residential burglary offense
vi) Offense for manufacture, delivery or possession with intent to deliver Methamphetamine		
vii) Offense for delivery of a controlled substance to a minor; or attempt, solicitation or conspiracy (vi, vii)		
b) the conditions of community placement or community custody include chemical dependency treatment		
c) the defendant is subject to supervision under the interstate compact agreement, RCW 9.94A.745.		

While on community placement or community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution (service); (3) not consume controlled substances except pursuant to lawfully issued prescriptions; (4) not unlawfully possess controlled substances while in community custody; (5) pay supervision fees as determined by DOC; and (6) perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC. The residence location and living arrangements are subject to the prior approval of DOC while in community placement or community custody. Community custody for sex offenders not sentenced under RCW 9.94A.712 may be extended for up to the statutory maximum term of the sentence. Violation of community custody imposed for a sex offense may result in additional confinement.

- The defendant shall not consume any alcohol.
- Defendant shall have no contact with: _____
- Defendant shall remain within outside of a specified geographical boundary, to wit: _____

The defendant shall participate in the following crime-related treatment or counseling services: _____

The defendant shall undergo an evaluation for treatment for domestic violence substance abuse mental health anger management and fully comply with all recommended treatment.

The defendant shall comply with the following crime-related prohibitions:

Other conditions: _____

For sentences imposed under RCW 9.94A.712, other conditions may be imposed during community custody by the Indeterminate Sentence Review Board, or in an emergency by DOC. Emergency conditions imposed by DOC shall not remain in effect longer than 7 working days.

4.7 **WORK ETHIC CAMP.** RCW 9.94A.690, RCW 72.09.410. The court finds that defendant is eligible and is likely to qualify for work ethic camp and the court recommends that the defendant serve the sentence at a work ethic camp. Upon completion of work ethic camp, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions below. Violation of the conditions of community custody may result in a return to total confinement for the balance of the defendant's remaining time of total confinement. The conditions of community custody are stated above in Section 4.6.

4.8 **OFF LIMITS ORDER (known drug trafficker)** RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the County Jail or Department of Corrections: _____

V. NOTICES AND SIGNATURES

- 5.1 **COLLATERAL ATTACK ON JUDGMENT.** Any petition or motion for collateral attack on this judgment and sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW 10.73.100. RCW 10.73.090
- 5.2 **LENGTH OF SUPERVISION.** For an offense committed prior to July 1, 2000, the defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to ten years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the purposes of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505(5). The clerk of the court is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for the purposes of his or her legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).
- 5.3 **NOTICE OF INCOME-WITHHOLDING ACTION.** If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month, RCW 9.94A.7602. Other income-withholding action under RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606
- 5.4 **RESTITUTION HEARING.**
[] Defendant waives any right to be present at any restitution hearing (sign initials):

- 5.5 Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. RCW 9.94A.634
- 5.6 **FIREARMS.** You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. (The court clerk shall forward a copy of the defendant's license, identicard, or comparable identification, to the Department of Licensing along with the date of conviction or commitment). RCW 9.41.040, 9.41.047.

JUDGMENT AND SENTENCE (Felony) (JS)
(RCW 9.94A.110,.120)(WPF CR 84.0400 (7/2003))

Page _____

risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

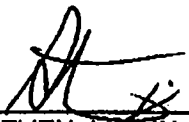
If you move to another state, or if you work, carry on a vocation, or attend school in another state you must register a new address, fingerprints, and photograph within the new state within 10 days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. You must also send written notice within 10 days of moving to the new state or to a foreign country to the county sheriff with whom you last registered in Washington State.


If you apply for a name change, you must submit a copy of the application to the county sheriff of the county of your residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If you receive an order changing your name, you must submit a copy of the order to the county sheriff of the county of your residence and to the state patrol within five days of the entry of the order. RCW 9A.44.130(7).

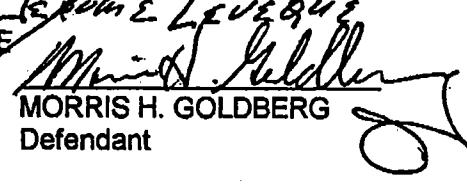
5.8 [] The court finds that Count _____ is a felony in the commission of which a motor vehicle was used. The court clerk is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke the defendant's driver's license. RCW 46.20.285.

5.9 OTHER: _____

DONE in Open Court in the presence of the defendant this 10 day of Oct., 2003.


STEVEN J. KINN
Deputy Prosecuting Attorney
WSBA# 12984


JOHN T. RODGERS
Attorney for Defendant
WSBA# 8722

JUDGE Print name: ~~MICHAEL E. DONOHUE~~
~~GEROME E. LEVEQUE~~

MORRIS H. GOLDBERG
Defendant

Interpreter signature/Print name: _____

I am a certified interpreter of, or the court has found me otherwise qualified to interpret, the _____ language, which the defendant understands. I translated this Judgment and Sentence for the defendant into that language.

JUDGMENT AND SENTENCE (Felony) (JS)
(RCW 9.94A.110,.120)(WPF CR 84.0400 (7/2003))

Page _____

CAUSE NUMBER of this case: 00-1-00019-8.

I, _____, Clerk of this Court, certify that the foregoing is a full, true and correct copy of the Judgment and Sentence in the above-entitled action, now on record in this office.

WITNESS my hand and seal of the said Superior Court affixed this date:

_____. Clerk of said County and State, by: _____

Deputy Clerk

IDENTIFICATION OF DEFENDANT

SID No. 019919143

Date of Birth 01/18/1931

(If no SID take fingerprint card for State Patrol)

FBI No. 536334NB5

Local ID No. 0275691

PCN No.

Other

DOB 01/18/1931

Alias name

Race:

Ethnicity:

Sex:

Asian/Pacific
Islander

Black/African-
American

Caucasian

Hispanic

Male

Native American

Other: _____

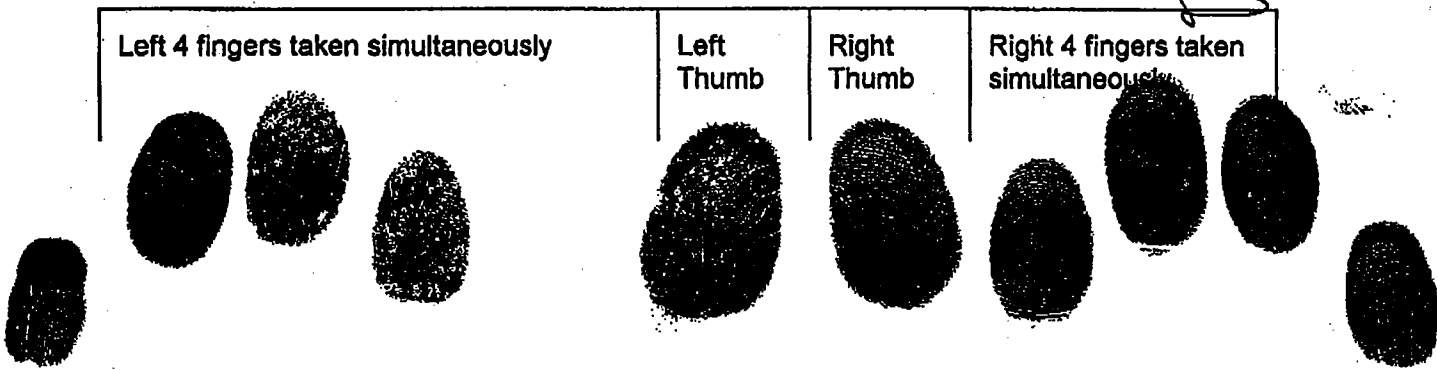
Non-
hispanic

Female

FINGERPRINTS I attest that I saw the same defendant who appeared in Court on this document affix his or her fingerprints and signature thereto.

Clerk of the Court: William White, Deputy Clerk. Dated: Oct. 10, 2003

DEFENDANT'S SIGNATURE: M. H. Gold



JUDGMENT AND SENTENCE (Felony) (JS)
(RCW 9.94A.110,.120)(WPF CR 84.0400 (7/2003))

Page _____

FILE

IN CLERKS OFFICE
SUPREME COURT, STATE OF WASHINGTON

DATE JUL 24 2003

Alexander C. J.
CHIEF JUSTICE

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,)
)
Respondent,)
)
v.)
)
MORRIS H. GOLDBERG,)
)
Petitioner.)
_____)

No. 72956-5

En Banc

JUL 24 2003

Filed _____

~~JOHNSON, J. — Morris Goldberg seeks reversal of an unpublished Court~~
of Appeals opinion affirming his conviction of aggravated first degree murder.
Goldberg primarily claims the aggravating circumstance, that the victim was to
be a witness in an adjudicative proceeding, should not apply in this case because
he was not a party to those proceedings. He also argues that the trial court
improperly coerced the jury into finding the aggravating circumstance was
proved when the trial judge ordered the jury to continue deliberations after it had
answered the special verdict instruction given in this case. We vacate the verdict
on the aggravating factor and remand for further proceedings.

FACTS

A jury in Spokane County Superior Court convicted Morris H. Goldberg of premeditated murder in the first degree (with an aggravating circumstance). Goldberg admits his participation in the death of his son-in-law, Peter Zeihen, who was involved in a contested marriage dissolution proceeding with Goldberg's daughter. Zeihen had requested custody of their two-year-old child and was expected to testify in a dissolution trial scheduled for December 2, 1991. On November 18, 1991, Goldberg and his wife shot Zeihen in the parking lot of his apartment building. Goldberg believed Zeihen was molesting his granddaughter and killing him was the only way to prevent access to the child as neither the court system nor law enforcement agencies would address the molestation problem. The sole statutory aggravating factor alleged in the information was that Zeihen was killed because of his role as a witness in the dissolution proceeding.

Goldberg argued justifiable homicide, in that he only committed the murder to prevent further alleged sexual abuse of his granddaughter, rather than

Cause No. 72956-5

to prevent the victim from gaining child custody in the dissolution proceedings.

The trial court twice denied Goldberg's motions to strike the statutory aggravating factor, concluding the evidence permitted the jury to find Zeihen was killed because of the pending dissolution trial.

The jury announced its verdict the same afternoon it began deliberations: guilty of first degree murder. Yet, the jury answered "no" on the special verdict form asking whether the crime was committed because of the victim's role as a witness in an adjudicative proceeding. The court then polled the jury by a show of hands on how many had voted "no" on the aggravating factor. Three jurors had actually voted no; however, only one juror raised a hand. Thereafter, the trial judge sent the jury out of the courtroom and spoke with the attorneys about what had just happened. After much discussion, it was agreed that there may have been some confusion on the jury's part because the jury had informed the bailiff that it had reached agreement. The trial judge then brought the jury back into the courtroom and asked the presiding juror if a unanimous decision could be reached on the aggravating circumstance. The presiding juror informed the court there was no reasonable probability of the jury reaching a unanimous agreement

Cause No. 72956-5

on the special verdict within a reasonable time. Upon hearing this, defense counsel immediately moved for a mistrial on the aggravating factor. Rather than grant the motion, the trial judge sent the jury home for the night with instructions to resume deliberations in the morning to see if unanimity could be reached. At this point it was close to 5 p.m. and the jury had been in deliberations since 11 a.m. that morning.

The next morning, after an additional three hours of deliberations, the jury returned a unanimous finding that the State had proved the aggravating factor. The mandatory sentence of life imprisonment without possibility of parole was later imposed. The Court of Appeals affirmed Goldberg's conviction and dismissed his three consolidated personal restraint petitions. In his appeal, Goldberg argues the aggravating circumstance does not apply because he was not a party to the dissolution proceedings and the trial court coerced the jury's verdict on the aggravating circumstance.

ANALYSIS

The primary issues in this case deal with (1) whether the trial court properly ordered the jury to continue deliberations after the jury indicated that it

Cause No. 72956-5

could not come to a unanimous decision on the special verdict, and (2) whether the statutory aggravating factor of killing a prospective witness applies when the defendant is not a party to the proceedings in which the witness is going to testify. We answer the first question in the negative and the second in the affirmative.

Jury Coercion

Goldberg asserts the trial court improperly and coercively influenced the jury's deliberations when, after polling each individual juror at the time the verdict was returned, the court ordered them to return and continue deliberations the next day. This claim focuses on (1) the special verdict form given in this case, (2) the fact that three jurors indicated they had voted "no" on this issue, and (3) the trial court's ordering the jury to return and continue deliberations toward unanimity on this point.

The right to a jury trial includes the right to have each juror reach his or her own verdict uninfluenced by factors outside the evidence, the court's proper instructions, and the arguments of counsel. *State v. Boogaard*, 90 Wn.2d 733, 736, 585 P.2d 789 (1978). Washington requires unanimous jury verdicts in

Cause No. 72956-5

criminal cases. Const. art. I, § 21; *State v. Stephens*, 93 Wn.2d 186, 190, 607 P.2d 304 (1980). As for aggravating factors, jurors *must be unanimous* to find that the State has proved the existence of the aggravating factor beyond a reasonable doubt. Goldberg was charged in this case with premeditated murder in the first degree, with aggravating circumstances. This charge implicates two statutes: RCW 9A.32.030, and RCW 10.95.020. In order to be subject to the increased punishment provided for under RCW 10.95.030, the jury must separately make findings that the defendant is guilty of the substantive crime of premeditated murder in the first degree, and also that the State has proved the existence of the aggravating factor. The jury in this case was separately instructed on each of these inquiries.

As indicated, when the jury returned with a finding of guilty to the charge of first degree murder, it answered, “no” on the special verdict regarding the aggravating factor.¹ Instruction 16, the special verdict form given in this case, reads as follows:

¹ It is clear from the trial transcript and the clerk’s papers that the jury originally answered “no” on the special verdict. It was not until the jury was sent back to deliberate further that it answered “yes.” Clerk’s Papers at 400; Trial Transcripts at 1557-58.

Cause No. 72956-5

In order to answer the special verdict form “yes”, you must *unanimously* be satisfied beyond a reasonable doubt that “yes” is the correct answer. If you have a reasonable doubt as to the question, you must answer “no”.

Clerk’s Papers at 391 (emphasis added).

The parties frame the issue by focusing on cases that discuss under what circumstances a trial court improperly coerces a jury toward a unanimous verdict when one is required. *See State v. Boogaard*, 90 Wn.2d 733, 736, 585 P.2d 789 (1978); *State v. Jones*, 97 Wn.2d 159, 164, 641 P.2d 708 (1982). The issue here, however, is somewhat different. In Goldberg’s case, the trial court evidently concluded the jury was deadlocked on the special verdict instruction and ordered continued deliberations toward unanimity. We must decide whether such unanimity is required. We hold it is not.

As indicated above, when the jury returned its verdict and answered “no” on the special verdict form, the trial judge acted as if the jury were deadlocked on this issue and ordered continued deliberations. This was error. When a jury is deadlocked on a general verdict, the trial court has the authority, within limits, to instruct the jury to continue deliberations. CrR 6.16(a)(3). That authority

Cause No. 72956-5

does not exist with respect to a jury's answer to a special finding as given in this case.

Here, the jury performed as it was instructed. It returned a verdict of guilty as to the crime, for which unanimity was required, and it answered "no" to the special verdict form, where under instruction 16, unanimity is not required in order for the verdict to be final. We find no error in the jury's initial verdict in this case which would require continued deliberations. As instructed in this case, when the verdict was returned, the jury's responsibilities were completed and the jury's judgment should have been accepted. We hold that it ~~was error for the trial court to order continued deliberations and we vacate the~~ finding on the aggravating factor.

Aggravating Circumstance

Goldberg argues that the aggravating factor he was charged and found to have acted with should not apply in this case. RCW 10.95.020 defines the aggravating circumstances that make premeditated first degree murder punishable under that chapter rather than under the Sentencing Reform Act of 1981, chapter 9.94A RCW.

Cause No. 72956-5

The aggravating factor charged here provides:

(8)^[2] The victim was:

(a) A judge; juror or former juror; prospective, *current or former witness in an adjudicative proceeding*; prosecuting attorney; deputy prosecuting attorney; defense attorney; a member of the indeterminate sentence review board; or a probation or parole officer; and

(b) *The murder was related to the exercise of official duties performed or to be performed by the victim;*

RCW 10.95.020(8) (emphasis added).

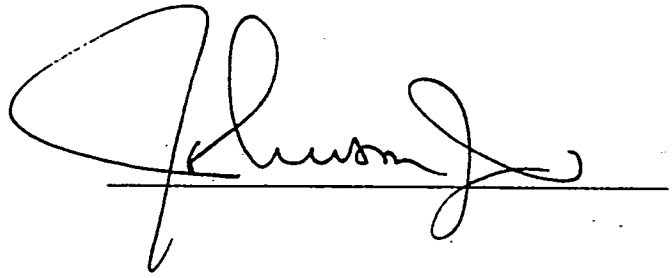
This aggravating factor has been reviewed in previous cases. In two of the cases, it was the sole aggravating component and involved defendants who killed witnesses who had either testified, or were going to testify, in a proceeding ~~where the defendant was not a party. See *State v. Honton*, 85 Wn. App. 415,~~ 932 P.2d 1276 (1997); *State v. Bourgeois*, 133 Wn.2d 389, 945 P.2d 1120 (1997). In neither case did the defendant argue that this factor was inapplicable because he had not been a party to the proceeding for which the witness was killed. Consistent with the specific statutory language, and our prior cases, the Court of Appeals correctly rejected Goldberg's argument.

² At the time of trial, this crime was charged under former RCW 10.95.020(6) (1981); however, the statute was later recodified as RCW 10.95.020(8), without change.

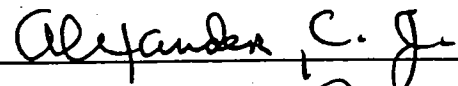

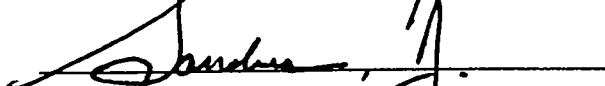
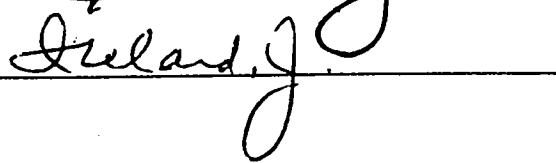
CONCLUSION

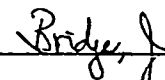


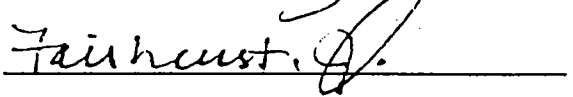
In sum, special verdicts do not need to be unanimous in order to be final. When the jury answered “no” on the special verdict form, its duty to the court should have ended, and the jury should have been dismissed. Further, the plain language of RCW 10.95.020(8) supports the conclusion that the defendant is not required to be a party in the proceeding in which the victim was, or was going to be, a prospective witness. Goldberg’s conviction for first degree murder is affirmed and the finding on the special verdict is vacated. The case is remanded to the trial court for further proceedings consistent with this opinion.

Cause No. 72956-5

A large, stylized handwritten signature, likely "Plurson", written over a horizontal line.

WE CONCUR:

HERE IS A COPY OF THE STATE SUPREME COURT'S DECISION TO REVERSE A LOWER COURT'S UPHOLDING OF THE "AGGRAVATED" 1ST DEGREE MURDER CONVICTION.

THE REVERSAL IS BASED ON THE FULLFILLMENT BY THE JURY OF THE SPECIFIC INSTRUCTION GIVEN BY THE TRIAL JUDGE. THE TRIAL JUDGE FAILED TO ACKNOWLEDGE THE JURY'S RESPONSE TO HIS OWN DIRECTIONS AND COERCED THEM TO HIS OWN AGENDA (A GUILTY VERDICT.)

RECEIVED

03-26-09

MAR 27 2008

TERRI GOTTBERG
WASHINGTON STATE
CLEMENCY AND PARDONS
BOARD

ONE OF THE OBVIOUS FAILINGS OF THOSE
WITH OLD AGE IS FORGOTTENESS. IT SEEMS TO
HAVE CAUGHT UP WITH ME.

I SENT OUT MY PETITION TO YOU JUST A
FEW HOURS AGO AND COMPLETELY NEGLECTED TO
INCLUDE THE LETTERS OF REFERENCE OR
COMMENDATION HEREIN.

PLEASE ACCEPT MY APOLOGY AND
INCORPORATE THESE WITH THE OTHER.

Sincerely,

Morris H. Goldberg

MORRIS H. (HEI) GOLDBERG 818214
WASHINGTON STATE REFORMATORY
P.O. B. X 777 B3-38
MONROE, WA 98272-0777

December 29, 2008

Pardons Board
State of Washington

To whom it may concern,
I have been asked to serve as a character reference for Morris Goldberg, who is serving a sentence at the Monroe Reformatory. I am a retired physician, now seventy-three years old.

For four (4) years I volunteered in the education department at Monroe, teaching and tutoring high school math one day a week until one year ago. I observed Morris (Mel) in his capacity at the school and was able to visit with him, and others, for an hour, or more, each session. Our conversations were wide-ranging. I feel that I know Mel very well. He is certainly a very kind, thoughtful, calm and caring individual. There is no question in my mind that if he were removed from his current environment, the thought of reoffending would never cross his mind. I hope this will be helpful in your evaluation.

Sincerely,
Shlomo Hecht

To the Pardons Board

I have been corresponding with Mr. Goldberg for about three years.
He has been a friend and mentor to my son David, of whom has sense
Been released.

He played a very important roll in Davids life, as his mentor.
The change I have seen in my son through his mentoring, and teaching
Has been indescribable . I find Mr Goldberg to be very caring, and articulate
Therefor I believe it would be to to the communities asset for Mr . Goldberg
To be released to live out his final years a free man.

Have a blessed year,

Carolyn Price
P.O. Box 881
Milton, Wa. 98354

Gerald E Stoebig
37 Travelers Ct.
Harpers Ferry, WV 25425
December 30, 2008

Pardons Board
Washington State Reformatory
P.O. Box 777
Monroe, Washington 98272-0777

Subject: Pardon Request for Morris Goldberg

To Whom It May Concern:

I first met Mr. Goldberg approximately 22 years ago when he was an employee in the Pend Oreille County Assessor's Office, located in Newport, Washington. At that time, I was 38, and now I am 60 years old. Mr. Goldberg always impressed me as a kind, generous and Godly person. As a matter of fact, several years after we met, I learned that the County planned to terminate a fellow employee's employment because of budgetary reasons, and Mr. Goldberg offered to resign so that the other individual could remain on.

Over the next five years, when I lived in Portland, Oregon, I made a point to pay Mr. Goldberg a visit at least once a year to study and discuss Bible issues. In 1991, I moved to Reno, Nevada, and in 1997 I moved again to West Virginia. Thus, in 1991, my annual visits ceased. Mr. Goldberg paid me a visit in Reno in about 1993, and we did not see each other again until I was in the Seattle area last September, on business, and I visited him at the Washington State Reformatory. Nevertheless, we have been in correspondence with each other since he was first incarcerated. I would estimate that we have been exchanging approximately 12 letters per year since his incarceration.

I must admit that I was very surprised and disappointed to learn that Mr. Goldberg had, in fact, been an accomplice to the murder of his former son in law, **Peter Zeihen**. Unfortunately, Mr. Goldberg relied on his late daughter's word that her estranged husband, Mr. Zeihen, was sexually abusing his granddaughter. For that reason, Mr. Goldberg aided in the murder committed by his former wife. From what I read, Mr. Goldberg was shown no mercy by the court, since he displayed no remorse for his part in the murder.

Several years ago, Mr. Goldberg informed me that his son provided convincing evidence, in the form of letters (or perhaps statements) from his late daughter, Orinne, to convince him that she had, in fact, lied to him about the alleged sexual abuse of her daughter – Mr. Goldberg's granddaughter. Mr. Goldberg's tone was that of tremendous grief and sorrow after having been convinced of his mistake.

All of this is so very tragic, and I can certainly understand the bitterness most likely still harbored by the victim's friends and family members. Nevertheless, I believe no purpose will be served by continuing to incarcerate Mr. Goldberg at his advanced age of 78. Furthermore, I firmly believe Mr. Goldberg will pose absolutely no danger to society if released. For these reason, I am appealing for the early release of my friend, Mr. Goldberg.

Sincerely,



Gerald Stoebig

To the Pardons Board,

My name is David Frizzell. I am 45 years old. I write this letter in reference to Morris H. (Mel) Goldberg, who is currently incarcerated at the Washington State Reformatory in Monroe.

I myself am a released felon. I first met Mel while incarcerated at the same facility. And though my opinion may bear little weight, I wanted the Board to know how much of an impact this man had on my life.

At the beginning of my prison term, I was terrified, I was alone and had lost all hope. It was at this most crucial time of my life that Mel befriended me and took me under his wing.

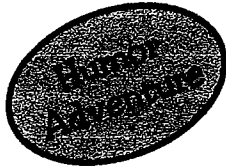
I had never known anyone who was as honest and caring as this man. He became a true mentor to me. He also helped me in school and most importantly in my faith.

I still carry the lessons that he taught me to this day. And I know that Mel continues to help others as he helped me.

Each one of us has their heroes. And though Mel is much to humble to admit being so, He is a hero to me and will always be so. I owe a great deal to him.

Sincerely,

David Ray Frizzell



Frank J. Kuntz, Ed. D.

420 Stephens Avenue
Missoula, MT 59801
(406) 542-5161
(406)-207-6808 cell

frank@frankkuntz.com - email
frankkuntz.com - web page

1/3/09

Parole Evaluation Committee
Washington State Reformatory
P.O. Box 777
Monroe, Washington 98272-0777

To whom it may concern:

I have known Mel (Morris) Goldberg for well over 10 years. I first met him when I performed at the Kalispell, Montana Glacier Jazz Festival. We became good friends. His interests in the old time jazz music matched mine and he would always attend the sessions in which I was performing every year that I knew him. We lunched together one day when he told me he was going to prison for a crime he had committed. He was forthright about his participation and never denied his wrongdoing.

I have found Mel to be a pleasant man with a genuine, kindhearted, caring personality and have enjoyed corresponding with him all during his incarceration at Washington State Reformatory.

I can attest to the fact that he is a well-balanced, thoughtful man with a dedicated devotion to the Holy Scriptures (Bible). His many letters to me (over 100) have described his scholarly effort to study and seek the goodness God has prepared for us in spite of the situations in that we find ourselves.

I would highly recommend his release from confinement. He would be a wonderful asset to our society because of his maturity in God's purpose for him.

I would love for this fine man to have a chance to reenter America's free society and perhaps join with me again in attending a few more jazz festivals.

I write with all sincerity and hope my request is fulfilled.

Frank J. Kuntz, Ed. D.

Entertainment for Group Functions: Business • Corporate • Family



1/3/09

Dr. Frank J. Kuntz is a humorist, pianist, educator, film producer and composer. His topics cover various approaches on using humor as a tool in business productivity and caring relationships.

He has his doctorate in education from Arizona State University. Novelty classic and ragtime pieces, funny American songs, hilarious stories and vaudeville sketches are his specialties. He is a classically trained concert pianist and a Distinguished Staley Foundation Speaker.

During the 1980's Frank and his brother Darryl produced the theatrically released motion picture **DAKOTA**, starring Lou Diamond Phillips and several drama/comedy films for the church market including several children's films.

In Dallas, Texas he and his brother also produced and starred in three children's television series for the CNN Television Network.

His personal appearances have included Disneyland, Six Flags Over Texas, Delta Queen Steamboat, eight summer seasons at Durango Colorado's Diamond Circle Theatre and numerous colleges, state fairs, and conventions throughout the United States.

Dr. Kuntz resides in Missoula, Montana and is married to Sandra. They have two children. Sandra, is currently on the faculty of Montana State University as assistant professor of nursing.



CALIFORNIA
STATE
UNIVERSITY,
FRESNO

January 5, 2009

To Whom It May Concern
Board of Pardons
The State of Washington

Dear Sir or Madam,

I would like to respectfully request that you consider a pardon for Morris H. Goldberg (inmate #818214), currently housed in the Washington State Reformatory in Monroe.

I am a 54 year old schoolteacher with over 27 years experience in the public schools and 13 years teaching at California State University Fresno. I met Mr. Goldberg at a music camp in Montana where I was an instructor and he was a volunteer. He was quite effective in that role and well liked by both adults and children. He and I developed a close friendship that continues to this day.

Mr. Goldberg and I have been acquainted for about 15 years and I can honestly say that he is a fine man. In spite of any mistakes made in past years, Morris "Mel" Goldberg is an ideal candidate for pardon. At 78 years of age, I do not believe he is a danger to anyone or to society in general and his health has certainly become a concern.

If it would be of help, I would be willing to come to Washington personally to testify on Mel's behalf. That is how strongly I believe that this is the right thing to do.

If pardoned, Mel Goldberg has the potential to live out a peaceful and perhaps even productive life. Please consider a pardon from detention at this time. It may well be his last chance.

Respectfully yours,

A handwritten signature in black ink that reads "Edward L. Hull".

Edward L. Hull
144 W. Andrews Ave.
Fresno, California 93705
ehull@csufresno.edu
(559)227-0725

Department of Music

2380 East Keats Ave. M/S MB77

Fresno, CA 93740-8024

559.278.2654

Fax 559.278.6800

SLEIMAN, 09-80
PRR.000043

THE CALIFORNIA STATE UNIVERSITY



MONROE CORRECTIONAL COMPLEX

January 7, 2009

Board of Clemency and Pardons:

As an educational instructor since 1963, the last 32 years working for Walla Walla and Edmonds Community Colleges in Washington State Department of Corrections, I am pleased to have been asked by Morris Goldberg # 818214, who has worked with me for three years as a tutor and educational clerk to provide a support letter for consideration. I am hopeful that the response to his request will be a positive one.

Typically, I do not write letters of recommendation for inmates, but the circumstances in this specific instance are compelling. The realities of Mr. Goldberg's performance while incarcerated are remarkable and need to be acknowledged.

First, his commitment to his assigned responsibilities was consistently reliable; his ability and willingness to extend both his help and knowledge to inmate students were unfailingly granted; finally, and most importantly, his total personal integrity was the strongest indicator of his character.

Morris is now 78, and his continuing incarceration, to me, serves little purpose: He understands, acknowledges the severity of his offense, and the possibility of his being a threat to the community is realistically unimaginable. He has amply demonstrated through time served the right to be heard and his request granted.

Thank you for your time and consideration.

Sincerely yours,

A handwritten signature in cursive script that reads 'John J. O'Connell'.

John J. O'Connell
Edmonds Community College - MCC/TRU
PO Box 872
Monroe, WA 98272

Twin Rivers Unit, P.O. Box 888, Monroe, WA 98272-0888 - (360) 794-2472 - Fax (360) 794-2488

SLEIMAN, 09-80
PRR.000044

To: Washington State Clemency and Pardons Board
From: L.N. 'Pete' Peterson
Date: January 10, 2009
Subject: Petition for review and commutation of sentence and pardon for Morris H. Goldberg, given extraordinary circumstances of the case

I am writing to request that the Board give consideration to the Mr. Goldberg's age and special circumstances surrounding his case and conclude society would be well served by his release from prison.

I am Mel's former brother-in-law and have known him for over 45 years. I am retired from the Washington State Department of Ecology where I spend most of my working life in environmental law enforcement. I am highly respectful of the law and consider penalties fitting the crimes to be interregnal to a successful legal system. It is therefore with careful consideration that I request Mel's life sentence be amended. I was present when he spent most of his life as a contributor to society, working hard and participating in activities that benefited his family and community. He has served in the Armed Forces, owned a business and been a civil servant, all to the benefit of our country. Respect for these type accomplishments are important to society as a whole.

Mel was never a violent man or one who intimidated or threatened people, friends or enemies. He has, to the contrary, always been an analytical person who deals with adversary by employing his substantial writing and verbal skills. The bizarre happening back in the early '90s was an aberration bought about by a series of events that simply defied logic and baffled the mind. They could never happen again and the threat to society from this person as a free man is absolutely zero.

I attended the trial of Mr. Goldberg and was there again reminded of the pain and fear endured by Mel and the Goldberg family during the time preceding the murder. I hope the board has carefully read the trial transcript to fully understand how confused and tumultuous those times were for him and the rest of that family. In the trial documentation you should note testimony from the prosecution's sibling witnesses, Thiel and Merv. They and other witnesses described what appeared to be overt and repeated manifestations of something terribly wrong in the relationship of the murdered father and Mel's granddaughter. You may also note with special attention the testimony of the policewoman in charge of the complaint. As the key authority in a position to calm a fearful situation, she failed to seek resolution to the serious and criminal questions being asked. Her testimony of the events of that time indicated to me a pre-disposed disbelief in charges of child molestation. She attributed any shortcomings (lack of investigation) in the process to an overburdened system. Inaction at the police level plus confusion and apparent inability of the Child Protection Agency to act decisively led to a Goldberg family setting that can be best described as a state of turmoil, frustration and desperation. I was not directly involved in this situation, but I was aware through intra-family communication of how belief in an on-going travesty was ripping at the sanity of the family.

In this plea, I am not proclaiming Mel's innocence or asking for a tolerance society. I am suggesting that given his stage of life, Mel has already served a stern prison sentence. Also, I suggest there are shortcomings in the justice system when trying to capture all the reasons for mitigating sentences. This I presume is especially so when trails involve the egregious crime of murder.

However, there are times when a series of storm events overwhelm the most solid boat. That doesn't mean it was a bad boat. I believe this was one of those occurrences. Mel is a good man. I hope that you can agree that society will be better served by releasing Mel and allowing him to live out his life serving society and making amends for his criminal act.

Sincerely,

A handwritten signature in cursive script that reads "LP Peterson". The initials "LP" are written in a large, stylized font, followed by the name "Peterson" in a more fluid cursive.

Lawrence 'Pete' Peterson
4503 W. NW Blvd.; Spokane, WA 99205
phone: (509)328-4636
email: lpetyaak@comcast.net

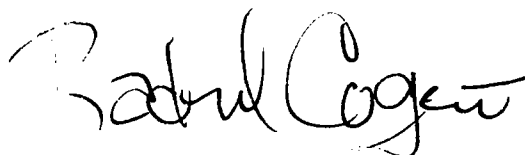
Monday, January 12, 2009

Dear Pardons Board:

I hope you will consider my father, Mel Goldberg, for a pardon and early release. I do not want him to die incrementally in prison while losing his limbs piecemeal due to diabetes. He would live with my younger sister MervEllen Ashby and her family in Denver if in fact he was released, she has stated such in a recent phone call. I am sorry I cannot vouch for his character as I do not even know if he is remorseful for being an accessory in a horrendous crime, and to what extent he realizes he succumbed to a tall tale perpetrated by is mentally deranged daughter who died of a brain tumor in 2005. I believe he is not and never was a danger to society, the guilty party being his ex-wife and my mother JoAnn Peterson who has always been extremely manipulative and malicious. My father Mel has always been very much a follower and so impressionable as to be victimized by my mother.

Thank you for your consideration in this matter.

Rachel Cogent
315 Tesuque Drive
Santa Fe, NM
87505-3839

A handwritten signature in black ink that reads "Rachel Cogent". The signature is written in a cursive style with a large, looped initial "R".

gnarlodious@gmail.com
<http://gnarlodious.com/>
505/570-0108

To: Pardons Board
From: Gene Paleno
10755 Bachelor Valley Rd.
Witter Springs, Ca 95493

Subject: Petition for Pardon for Morris (Mel) Goldberg
818214, B3-38 Washington State Reformatory
Date: January 12, 2009

Dear Board Members,

Please pardon my friend, Morris H. Goldberg, also known as 'Mel'.

I have known Mel for more than twenty years, long before he was incarcerated. He is a decent good man. Mel is a sincere and dedicated practicing Christian and has been since I have known him. His faith is genuine.

I do not know the details of his crime except what has been written and what I was told. I believe the victim for whom he was sent to prison was a child abuser; the child was Mel's close relative. I hope you will consider that fact to be an extenuating circumstance. Also, I do not believe he participated directly in the crime.

Our long and friendly association has been through our meetings at the West Coast New Orleans Old-time Jazz festivals. We both love jazz. I saw Mel and talked with him for long periods at each of the more than a hundred different festivals where I saw him.

My wife and I have been married for forty years. I am a writer and a conscientious citizen and a responsible member of our society. I think Mel is too. I'm 84 and Mel is pushing 80.

My only motive for my request is simple justice. Thank you for your understanding, compassion and consideration for a good man. Please let him go free. Thank you.

Gene Paleno


Brian Randall Grant
1921-169th Ave. N.E.
Bellevue, Wa. 98008

January 25, 2009

Washington Board of Pardons and Clemency

RE: Mel Goldberg, #818214

To whom it may concern:

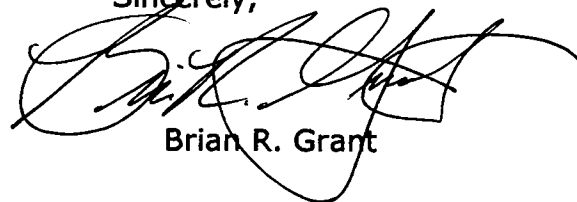
I am 49 years old and I have known Mel Goldberg since the late 60s. We lived in the same small community for many years and I was friends with his four children. Our families really got to know each other when we started attending the same church, where he was always very actively involved. While I have not seen Mel since a short time prior to him going to prison, I remained in regular contact with his eldest daughter up until she died several years ago.

Mel had a very big personality and was very well liked by others. He was always very involved in our community and cared very deeply about others—generally putting others needs in front of his own. He was a very hard working man that still made time for others. Mel was just a good hearted man; plain and simple.

I don't believe a man should ever take the law into his own hands. Having said that, a man should never have to know that someone is sexually abusing his granddaughter and there is nothing he can do to protect her. I believe any man in those same circumstances would feel the inherent desire and need to protect his granddaughter from the continued sexual abuse at the hands of her own father.

Mel is now 78 years old. He has failing health, a broken family and a granddaughter that has already lost her mother much too soon in life and that needs her grandfather desperately. I respectfully ask that you take mercy on Mr. Goldberg and allow him to spend his remaining days with those that care for him—with those that need him, and allow him to rebuild what little family he has left. This would allow Mel to contribute to society during the time he has left rather than being a burden on it. Mr. Goldberg is not a threat to society. While he will still have to reconcile his actions before God in the final analysis, he has lost more than enough to have paid his debt to society.

Sincerely,



Brian R. Grant

ALETA BRUEBAKER
1975 CAMBRIDGE LANE SW
OLYMPIA WA 98512

January 15, 2009

Washington Board of Pardons and Clemency

Re: Morris Goldberg, No. 818214

To Whom It May Concern:

I have known Morris (Mel) Goldberg and his family since 1969. I am currently 46 years old, so I have known him for most of my life. For many years our families lived in the same town and attended the same church. Mel was always a very active member in the church—he sang in the church choir and was actively involved in the church spokesman club. He is a man of original personality whose wit and kindness brought smiles to all. He was well liked by everyone in the church.

Mel has always displayed a kind, passive, intellectual nature. His concern for his fellow man was evidenced by his willingness to help disadvantaged people in his community with anonymous gifts of food to the hungry and financial gifts to the needy. Additionally, he allowed many people who were “down on their luck” to stay in his home until they found housing or a job. Mel also donated his time in an advisory function to a 12 step “Adult Children of Dysfunctional Families” group.

Mel is a loving father and grandfather who found himself in an extremely difficult situation when he learned about the molestation of his granddaughter. His response was tragic. Not condoning Mr. Goldberg’s actions, I believe his behavior was the result of overwhelming fear for the safety of his granddaughter.

This is Mr. Goldberg’s first and only offense. I understand he has previously never even been charged with so much as a traffic violation.

Mel is an aging 78 year-old diabetic. For the sake of his age, declining health, and his former lifetime of exemplary social conduct—not to mention the cost of keeping him incarcerated at the expense of taxpayer dollars—it is my hope that you will reconsider Mr. Goldberg’s sentence and allow his remaining years to be spent at home in a community where he can contribute to society rather than be a burden on the system. Mel has paid his debt to society.

Respectfully,



Aleta Bruebaker

ELIZABETH C. GRANT
221 Plymouth St NW #3
Olympia, WA 98502

January 22, 2009

Washington Board of Pardons and Clemency

Re: Morris Goldberg, No. 818214

To Whom It May Concern:

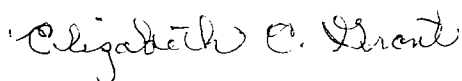
I am writing in behalf of my long time friend of 40 years, Morris (Mel) Goldberg. I, now a 70 year old, became acquainted with Mel and his family through the church of which we were members. Over the years our families, along with other members, shared in many church activities, functions and even vacations. These close ties afforded me ample opportunity to get to know Mel and his family quite well. I, therefore, feel confident that I can attest to his character, which I hold in high regard. It has always been important to Mel to live up to his faith, to set a good example to live by, and to be true to his family, friends and to his word. I knew of no one who didn't have respect for Mel. Being a caring and conscientious person, he not only served in many different capacities in the church, but outside the church as well. Not only was the well-being of his family important to him, but that of all less fortunate than he. Mel welcomed to his home many who needed help until they could reestablish financial stability.

Although I do not condone the actions that led to his incarceration, I feel that our judicial system failed Mel's family. The desperate action he took was not due to selfish gain or motive, it was due to his concern for, and his need to, protect his granddaughter who was being sexually abused by her father. The long drawn out court battle that ensued offered Mel's family little hope. The extremely unfortunate circumstances would be a nightmare to any grandparent causing extreme emotional trauma. No family should ever have to go through something so unnerving.

Through the drastic step he resorted to, not only did he lose his freedom, but his family was greatly fractured. Mel is now 78 years old and in failing health. During his years of incarceration, Mel has tragically lost a grandson and daughter, and his granddaughter has since suffered the loss of her mother who was very dear to her and is now very much alone.

Since this was Mel's first and only offense, and one not consistent with his character, I hope you will please consider granting him a full pardon. He would do more for society if free to rebuild solid relationships with family and friends, rather than being a liability to the state. Mel has always been a law abiding citizen and I am confident there would be no danger of him ever reoffending. Thank you for your consideration.

Sincerely,



Elizabeth Grant

KARL A. HAMPTON, D.D.S
106 PIERCE LANE
BIGFORK, MONTANA 59911

January 20, 2009

Subject: Morris Goldberg

To Whom It May Concern:

I would like to tell you about the Morris Goldberg I know. We have known each other for 45 years. To me, he was "Mel", to him I was "Doc" (I had a dental practice in Bellevue, Washington). We each had four young children and saw each other frequently. We were often visit in each other homes.

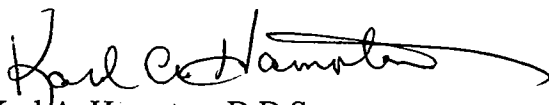
Mel and I have shared all aspects of our live together. We went on trips together, went fishing together, were both in a Toastmaster's type speaking club together. Mel has been like brother to me. To me he has been open and honest, a stimulating scholar. I feel I know his mind and his heart.

Whether with elderly of with children, Mel has always displayed a cheery helpfulness, He has blessed many lives with is gentleness and dependability.

At the present time, Mel has served nine years of incarceration. I would wager that he has been a "model inmate". Presently he suffers from a degenerating ankle/leg condition which is both crippling and painful.

My letter is to appeal to you, on Mel's behalf, to grant my friend a pardon from prison.

Respectively,


Karl A. Hampton, D.D.S.

My name is Merv Ellen (Goldberg) Ashby. I am 50 years old and reside in Westminster Colorado, I lived in close proximity to my Father Morris (Mel) Goldberg in Washington state until 1999 when my family of 5 moved to Denver. We are a stable family, married 25 years. My Husband Morris Greg Ashby is a well respected member of his union, trade and company for over 30 years. We have 3 sons together, Greg has a 30 year old son, daughter-in-law and 2 Grandchildren who reside in Montana.

My Father Morris Goldberg has been a large part of directing my life, instilling values in me of stability, intelligence and a desire to seek wisdom. Being raised in a volatile and chaotic household taught me to hold onto what was solid and true. My Father was the one steady and dependable person in my childhood who I could always turn to when my world was up side down.

My Father was deceived and manipulated by my Mother and sister. It took years for our family to realize that we had been deceived, Father was never a Man who would think or speak for himself. Mother was a powerful and controlling personality who demanded blind obedience from all family members.

My Father has always been a gentle man, in the face of violence from my mother for as long as I have known her. My Mother pushed us all to the lowest common denominator, the most aggressive and violent rules the roost. I finally stood up to my Mother when I was 35, Saying no to my Mother was a very dangerous thing. The entire family has experienced the terror of a woman who knew no bounds to her anger and revenge. My family left Washington state for Colorado when it was decided that we would turn witness for the state to see Joann convicted for the murder she committed. This decision was made by my brother, Theil Goldberg, myself and my Husband, when Theil made it known to us that Joann was threatening my life.

Joann had stalked and threatened me for 5 years after I refused to obey a command from her. My home being burned down was more likely than her killing me. Fire was her preferred MO. It was our own fear of Joann that brought us to confess to the detectives. Theil Goldberg served 4 years in Walla Walla after coming forward voluntarily to the detectives, then testifying as a witness for the state, choosing to see our Mother safely behind bars for the murder she committed and to protect my life.

I relate all of this to you so that you can have an idea what my Father faced if he chose to not obey and participate with his wife. We were a family that lived by fear. Looking back, I could wish that my gentle father had stood up to my powerful Mother earlier for the sake of us children. Then, for the sake of a man's life, however my father was NEVER able to stand up for anyone, not even his own life and safety even after Joann divorced him and threatened his life numerous times. I know that it takes two to make this intense of a dysfunction, I believe my Father's contribution was his weakness.

Morris Goldberg is a kind, scholarly man who was born to be a teacher. He is a seeker of spiritual truth. He is gentle and tender hearted, rather typical traits for a Jewish man. He has lived a life that is emotionally disconnected. He has lived through his intellect rather than his heart. He is a changed man from the father I knew. He has accepted that the murder he did not prevent and participated in was an evil act based on a lie. Through our frequent letters and rare visits I see a man I never knew before, a man who is filled with humility for his many mistakes.

March 28, 2005 my beloved 20 year old son Eli Harris Ashby was killed by a senile driver. Six weeks later my sister Orinne Goldberg died on the operating table from a brain tumor, leaving a 16 year old orphan. Father and I both know intimately the pain we have caused by not preventing a tragic and unnecessary death. We live forever changed by this grief. I write this asking that my father's final years not be in a wheelchair in prison losing his limbs to diabetes.

Between my Mother, Father and Brother, approximately 25 years of prison have been served so far for this crime. My sister Orinne Goldberg is dead.

I ask that you consider releasing my failing 78 year old father to my care so that his final years are not a burden to the taxpayers of Washington state. My Husband and myself are willing to care for my Father. Our home is ADA accessible, and we are willing to bear the financial burden of his final years and medical care. Thank you for taking the time to read and consider my request.

Sincerely,


Lael Grant
711 Don Gaspar Ave
Santa Fe, NM
87505

January 20, 2009

Washington Board of Pardons

Re: Morris Goldberg, No. 818214

To Whom It May Concern:

I have known Morris (Mel) Goldberg and his family since I was a child in the early 1970's. As far back as I can remember our families lived in the same town and attended the same church organization. Mel was always highly active in his community and many of the church activities and groups.

Mel has always been a gentleman in the truest sense of the title; an intelligent and disciplined man balanced with kindness, compassion and respect. His concern for his fellow man was evidenced by his willingness to help disadvantaged members of his community with anonymous gifts of food for the hungry and financial gifts to the needy. Mel also donated his time in an advisory function to a 12 step "Adult Children of Dysfunctional Families" group. Furthermore, Mel "stepped up" where many men would cower by taking in people who were homeless or unemployed. I ask you members of the board: How many people do you know that have done this?

Mel is a loving father and grandfather who found himself in an extremely difficult situation when he learned about the molestation of his granddaughter. His response to this situation was tragic and unfortunate. I do not condone Mr. Goldberg's actions but I think that his behavior was the result of fear and concern for the safety of his granddaughter. Maybe his emotions temporarily over rode his logic or rationale and the death of a predator occurred because of it. It is human nature to preserve our selves and our family members. When ourselves or our loved ones lives are threatened it becomes an issue of fight or flight and sometimes flight does not seem an option that is available.

This is Mr. Goldberg's first and only offense. I understand he has previously never even been charged with so much as a traffic violation. Mel is an aging 74 year-old diabetic. For the sake of his age, declining health, and his former lifetime of exemplary social conduct, it is my hope that you will reconsider Mr. Goldberg's sentence, give him full pardon and allow his remaining years to be spent at home in a community where he can again continue to contribute to society rather than be a burden on the system. Mel has paid his debt to society. Furthermore, as a tax payer into this system, I believe that it is a gross waste of my and my fellow countrymen's hard earned money to continue holding Mel.

Respectfully,



Lael Grant

Daniel C. Grinstead
6119 Latona Ave. NE
Seattle, WA 98115-6550
(206) 524-2750
March 16th, 2009

TO: Washington State Department of Corrections
The Board of Pardons

RE: Mr. Morris H. (Mel) Goldberg 818214

To Whom it May Concern.

This letter is written on behalf of Morris Goldberg (Mel to his friends). He has recently written me, asking that I provide him with a "good character" reference, and I shall. But I have done even more than that. After corresponding with Mel for all of the nine years he has been at the Monroe Reformatory, I obtained visitors' clearance, and went to see him last month.

I wished to satisfy myself that Mel was in reasonable health, realistic in attitude, and still hopeful for his future. And I just wanted to see him. The visit was very satisfying for both Mel and me.

I met Mel about eighteen years ago, in Spokane I believe, at a jazz festival where I was a working musician and he was an avid fan. In fact, Mel became one of my and other bands' favorite fans, as he was an intense listener (as opposed to a dancer).

My band played Traditional Jazz and Ragtime, and in many conversations with Mel, he voiced his appreciation and knowledge of my band's style. In return, other musicians and I were able to acquaint Mel with the existence of several other Jazz and Ragtime festivals throughout the Western States. He turned up regularly in subsequent years.

During that time, Mel and I rarely talked personal matters...except that he would occasionally ask about my life as a musician. I explained that I was self-employed, owned a marine engineering business in Seattle, had no employees, and that allowed me to be a part-time musician, do the necessary travelling, and earn poor pay for a lot of work which I liked very much.

In retrospect, I wish I had taken more time with Mel years ago. In my correspondence these recent years, and in my visit to Monroe last month, I have come to know him better. I applaud his teaching efforts with fellow inmates, helping them to obtain high school equivalency diplomas. I know that can be discouraging work; I was once a junior high school math teacher. I was pleased that he seems to have kept body and soul together during nine years of confinement.

I therefore urge the Department of Corrections to institute some form of clemency for the gentleman. I state that further incarceration, essentially a life sentence, serves as no deterrent to crime. Mr. Goldberg has paid his debt to society and should be returned to his family and friends.

Respectfully,



Daniel C. Grinstead

Governor of Washington,

2/17/2009

My grandpa is in the maximum security prison in ~~Walla Walla~~ ^{MONROE} Washington. I have not seen or been able to visit him for the past 10 years. I would love to be able to see him at least 1 more time before he dies of old age. He is becoming ill in his age and he has alzheimers. When I write him letters he often repeats the same things from week to week.

It would be more than enough to cheer me up and get me out of the depressive rut I have been in since my brother passed away in 2005, if you pardoned him so he could enjoy his remaining years. He still has 16 years before he will be eligible for parole. There isn't a lot of time that goes by that I don't think about how he feels spending the rest of his life behind bars.

Sometimes I feel that what has happened has left my life scarred. I worry that I won't be able to ever see him again.

Sincerely,

Logan Ashby

RECEIVED

04-28-09

MAY 04 2009

TERRI

WASHINGTON STATE
CLEMENCY AND PARDONS
BOARD

I AND PREVIOUSLY SUBMITTED TO YOU
SOME 18 LETTERS OF COMMENDATION WRITTEN
ON MY BEHALF BY FRIENDS AND RELATIVES.
IN SO DOING I REQUESTED TO PROVIDE
ADDRESSES AND PHONE NUMBERS FOR EACH.
I HERE SUBMIT THAT INFORMATION. I TRUST
IT WILL NOT HAVE CAUSED YOU UNNECESSARY
COLLECTING TO INCORPORATE THEM WITH EACH
LETTER SUBMITTED.

FRIEND: FRANK KUNTZ 420 STEPHENS
406-542-5161 MISSOULA, MT 59801

FRIENDS: JIM AND GENE PALENO 10755 Bachelor Valley RD
707-275-2977 WINTER SPRINGS, CA 95493-9715

FRIEND: ED HOLL 144 W. ANDREWS AVE
(HOME) 559-227-0725 (W) 559-248-7220 FRESNO, CA 93705-3501

FRIEND: DAN GAINSTEAD 6119 LATONA AVE NE
206-524-2750 SEATTLE, WA 98115-6550

FRIEND: ELIZABETH GRANT 221 PLYMOUTH ST. NW #3
(HOME) 360-252-2507 (C) 360-789-9363 OLYMPIA, WA 98502

RO-IN-LAW: LAWRENCE PETERSON 4503 NORTHWEST BLVD
509-328-4636 SPOKANE, WA 99205-1937

II

FRIEND: KARL HAMPTON
406-837-1130

106 PIERCE LN
BIG FORK, MT 59211

FRIEND: JOHN O'CONNELL
360-299-4375

1401 LODA ST.
AWACORTES, WA 98221

FRIEND: BILL HECHT
425-355-4373

6227 95TH PL SW.
MUKILTEO, WA 98275

FRIEND: BRIAN GRANT
(HOME) 425-643-6202 (C) 425-417-7709
1921 169TH AVE NE.
BELLEVUE, WA 98008.

FRIEND: ALETA BRUBAKER
(HOME) 360-570-9000 (C) 360-870-0245
1975 CAMBRIDGE LN SW.
OLYMPIA, WA 98512

DAUGHTER: MERV ASHBY
(HOME) 303-427-0497 (C) 720-810-2565
8069 MENDE ST
WESTMINSTER, CO 80031-3951

SON: REVEL GOLDBERG
NO PHONE AKA RACHEL COGNET
315 TESUQUE DR.
SANTA FE, NH 87505-3839

FRIEND: LAEL GRANT
503-798-8173
711 DOD GASPARE AVE
SANTA FE, NH 87505

SON: TRAIL GOLDBERG
406-214-1312
1420 WORDEN ST #2
MISSOULA, MT 59802

III

FRIEND: DONALD FRIZZELL 13504 Pacific Hwy Sth
253-257-8371 TUKWILA, WA 98168

FRIEND: CAROLYN PRICE P.O. Box 881 615 7th Ave.
253-224-4982 MILWAUKEE, WA 98354-9613

FRIEND: GERRY STOEBIG 37 TRAVELLERS CT.
304-728-3051 (W) 304-725-6917 (H) HARPER'S FERRY, WA 25425-3104

SATURDAY

04-04-09

TERRI GOLDBERG

COULD YOU PLEASE INFORM ME AS TO
WHEN OR WHAT TIMES OF THE YEAR THAT THE
CLEMENCY/PARDONS BOARD MEETS FOR CONSIDERATION
OF ONE'S PETITION. I WOULD ALSO LIKE TO KNOW
IF THERE ARE SPECIFIC DATES ON WHICH SUCH
INTERVIEWS ARE TO BE HELD. IT MAY WELL BE
THAT THESE ARE NOT REGULARLY SCHEDULED AND
ARE DEPENDANT ON THE NUMBER OF PETITIONS
FILED. IF SO, I WOULD NOT EXPECT YOU TO
PROVIDE SUCH SPECIFICS.

I WOULD ALSO LIKE TO KNOW IF THERE
ARE OTHER BITS OF INFORMATION WHICH CAN BE
SEPARATELY PROVIDED WHICH WILL ENHANCE THE
COMMITTEES CONSIDERATION OF THE PETITION.

THANK YOU IN ADVANCE FOR PROVIDING
SUCH INFORMATION AS YOU ARE ABLE.

Sincerely
Morris H. Goldberg

MORRIS H. (MR) GOLDBERG 818214
WASHINGTON STATE REFORMATORY
P.O. Box 777 B3-38
MORROE, WA 98272-0777

RECEIVED

APR - 8 2009

WASHINGTON STATE
CLEMENCY AND PARDONS
BOARD

Authorization for Release of Health Information Pursuant to HIPAA

GOLDBERG, MORRIS A 1-18-31 [REDACTED]
Patient Name Date of Birth Social Security Number

WASHINGTON STATE REFORMATORY B3-38
Patient Address

I request that health information regarding my care and treatment be released as set forth on this form. In accordance with the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). I understand that:

1. This authorization may include disclosure of information relating to **ALCOHOL** and **DRUG ABUSE, MENTAL HEALTH TREATMENT**, except psychotherapy notes, and **CONFIDENTIAL HIV¹ RELATED INFORMATION** only if I place my initials on the appropriate line in Item 9(a). In the even the health information described below includes any of these types of information, and I initial the line on the box in Item 9(a), I specifically authorize release of such information to the agency indicated in Item 8.

2. If I am authorizing the release of HIV-related, alcohol or drug treatment, or mental health treatment information, the recipient is prohibited from redisclosing such information without my authorization unless permitted to do so under federal or state law. I understand that I have the right to request a list of people who may receive or use my HIV-related information without authorization. If I experience discrimination because of the release or disclosure of HIV-related information, I may contact Federal Office of the Inspector General. This agency is responsible for protecting my rights.

3. I have the right to revoke this authorization at any time by writing to the health care provider listed below. I understand that I may revoke this authorization except to the extent that action has already been taken based on this authorization.

4. I understand that signing this authorization is voluntary. My treatment, payment, enrollment in a health plan, or eligibility for benefits will not be conditioned upon my authorization of this disclosure.

5. Information disclosed under this authorization might be redisclosed by the recipient (except as noted above in Item 2), and this redisclosure may no longer be protected by federal or state law.

6. **THIS AUTHORIZATION DOES NOT AUTHORIZE YOU TO DISCUSS MY HEALTH INFORMATION OR MEDICAL CARE WITH ANYONE OTHER THAN THE ATTORNEY OR GOVERNMENTAL AGENCY SPECIFIED IN ITEM 9(b).**

7. W.S.R.
Name and Address of health provider or entity to release this information.

8. Name and Address of persons or category of persons to whom this information will be sent:
Washington State Governor, Washington State Attorney General's Office, Washington State Clemency and Pardons Board, its members, staff, agents and representatives, PO Box 40116, Olympia, Washington, 98504-0116.

9(a). Specific information to be released (check applicable boxes):
 Medical Record from (insert date) 12-14-00 to (insert date) 4-04-09

Entire Medical Record, including patient histories, office notes (except psychotherapy notes), test results, radiology studies, films, referrals, consults, billing records, insurance records, and records sent to you by other health care providers.

¹ Human Immunodeficiency Virus that causes AIDS.
SLEIMAN, 09-80
PRR.000061

Other: ANY AND ALL

Include: (Indicate by Initialing)

_____ Alcohol / Drug Treatment

_____ Mental Health Information

_____ HIV-Related Information

Authorization to Discuss Health Information

9 (b). By initialing here M.A., I authorize W S R
Name of individual health care provider

to discuss my health information with my attorney, or a governmental agency listed here:

Washington State Governor, Washington State Attorney General's Office, Washington State Clemency and Pardons Board, its members, staff, agents and representatives

(Attorney/Firm Name or Governmental Agency Name)

10. Reason for release of information: 11. Date or event on which this authorization will expire:

At request of Individual _____

Other: _____

All items on this form have been completed and my questions about this form have been answered. In addition, I have been provided a copy of the form.

Maria H. Goldberg
Signature of patient

04-04-09
Date

THURSDAY

RECEIVED

05-14-09

MAY 18 2009

TERRI GOTTSBERG

WASHINGTON STATE
CLEMENCY AND PARDONS
BOARD

ENCLOSED YOU WILL FIND 2 ADDITIONAL
LETTERS OF COMMENDATION TO BE ADDED TO THESE
MONEY RECEIVED.

ONE IS FROM A YOUNG FRIEND WHO HAD
BEEN CAUGHT UP IN DRUGS AND HAS SPENT TIME
IN PRISON. THE OTHER IS FROM MY SISTER OF 66.

I'VE ALSO INCLUDED AN ESSAY I WROTE
AT THE REQUEST OF AN INSTRUCTOR WHO ASKED ONE
OF ME TO BE A MODEL EXAMPLE FOR STUDENTS
NEEDING WRITING INSTRUCTION TOWARD COMPLETING
THEIR G.E.D. THE SUBJECT MATTER WAS MY OWN
CHOICE SINCE THE SCRIPTURES AND THE STUDY THEREOF
IS MY PARTICULAR FORTÉ.

THANK YOU FOR FOREBEARING THE TARDI-
NESS ON MY PART IN GETTING ALL THIS MATERIAL
TO YOU.

YOU DID ASK ABOUT WHAT COULD BE SENT TO
SHOW WHAT SELF-IMPROVEMENT I HAVE MADE WHILE
INCARCERATED. I HAVE WRITTEN SOME 70+ TREATISES
ON CONTROVERSIAL SCRIPTURAL SUBJECTS. AS I SAID
THAT SUBJECT IS MY FORTÉ AND EXPRESSES WHAT I
DOING WHILE IMPRISONED. IF IT WOULD HELP, I WILL BE
HAPPY TO SEND A PACKET OF THE SAME TO YOU.
PLEASE LET ME KNOW.

MORRIS H. (CRAE) GOLDBECK 81824
WASHINGTON STATE REFORMATORY

P.O. Box 777 B3-38

SLEIMAN 09-80
PRR.00063

WARRIOR, WA 98272-0777

M. H. Goldbeck

Why I Read the Scriptures Daily!

The Scriptures are filled with the knowledge, understanding and wisdom that come down to us from above. These characteristics are best described by what I call *instruction*, *insight*, and *inspiration*. It is through these that I am able to gain the best of both worlds, that above, and that in which I live.

Every manufacturer produces also an operations manual so that the user can best avail himself of the maximum benefits to be derived from the product. Along with that will often be a troubleshooting section. The Bible is our Heavenly Father's instruction manual to us on how best to use what we are and what we have, such as gifts and innate talents. When problems arise in my life, I turn to the manual and receive the instruction I need to get myself into working order.

I am also given insight as to the nature of Man and therefore why I am the way I am. Through this understanding I am able to better cope with the reality of the society in general and within these walls more specifically. With this insight I am better able to judge rightly others while realizing that they are neither better than nor worse than myself. Indeed, with such I can offer solace through the compassion that such insight provides. Another aspect of insight is the ability to see future problems and to learn how to avoid them or at least to sidestep them.

Within the Word is to be found much inspiration. This is the daily diet I need to encourage me through the day. I find myself lifted up above the mundane of this life through belief in what is offered, even salvation and becoming a son of my Heavenly Father. Since he created me for that ultimate purpose and is fully aware of the nature of Man that he has created, he has provided through the Scriptures all the encouragement I need to maintain faith in him. In so reading do I receive this inspiration.

Life, liberty, and the pursuit of happiness are but platitudes that man provides to maintain control over others, but peace and tranquility are the fruits of those who obtain instruction thereby having knowledge; gain insight with precognition; and who are inspired and filled with wisdom. For these reasons, *instruction*, *insight*, and *inspiration* I read the Scripture daily.

TO THE 'PARDONS BOARD'

5/5/09

DEAR SIRS AND MADAMS,

I CAN ONLY HOPE THIS LETTER IS NOT TOO LATE.

MY NAME IS ROBERT CODONE. MY ADDRESS IS: 1717 LINWOOD DR., MODESTO, CA. 95350. TELEPHONES: (209) 526-5534, OR (209) 541-6966.

I HAVE KNOWN MELVIN GOLDBERG SINCE 1990. HE HAS BEEN AND WOULD STILL BE AN ACTIVE AND PRODUCTIVE MEMBER OF SOCIETY IF HE WERE FREE TO DO SO.

I DO NOT CONDONE NOR ATTEMPT TO PROTECT THE ISSUE THAT BROUGHT HIM TO HIS PRESENT SITUATION. HOWEVER, I WOULD TRUST MY OWN OR ANY MEMBER OF MY FAMILY'S LIVES WITH HIM, TO THIS DAY!

WE ALL MAKE MISTAKES. UNFORTUNATELY JUSTICE DOES NOT PROTECT THE 'INNOCENT' ALWAYS.

SHALL WE CONTINUE TO REPRESS THE 'PROTECTORS' OF A CULTURAL HISTORY OVER THE INNOCENT WELL MEANING OF OUR YOUNG NATION?

YES, A CRIME WAS COMMITTED. EVEN AS AN ERROR, THE CRIME STILL REPRESENTS 'A FEAR OF LIFE' IN WHICH OUR JUSTICE CAN ONLY PROSECUTE FOR THE ACTION OF PROTECTION OF, OR SELF PRESERVATION.

TIME HAS CURED WHAT JUSTICE COULD NOT. THE GUILTY PARTYS HAVE SUCCEMBED TO THEIR OWN ENDS AND JUSTICE'S DIVERSE PATHS.

HOLDING MEL AS AN INCOMPATENT OR AS A WARD TO THE STATE IS A WASTE OF TAXPAYERS DOLLARS.

MEL IS MORE VALUABLE AS A FREE ASSET THAN A CAGED LIABILITY.

I ROBERT CODONE SO ATTEST AND SWEAR TOO.

SINCERELY,

Robert Codone

**SHEILA FRANCIS
250 GORGE ROAD #6C
CLIFFSIDE PARK, NJ 07010
(201) 941-1388 HOME
(201) 865-7999 WORK**

PARDONS BOARD

May 11, 2009

TO WHOM IT MAY CONCERN:

I, Sheila Francis, write this letter on behalf of my brother Morris H. Goldberg, Inmate Number 818214 Washington State Reformatory, who is seeking consideration before your Board.

I have always known my brother to be a gentle, considerate, loving and educated man. I recently had the opportunity to visit with him in his place of confinement. I still find him at age 78 to be the same man I have always known. He continues to educate himself despite his age, circumstances and health condition. He has worked with prison personal and has helped other incarcerated individuals to learn and educate themselves as well. I believe he recognizes that the circumstances of his incarceration are his own.

I hope you will seriously consider his request for a pardon, as I believe he is truly remorseful. I also believe his incarceration has encouraged a better person by helping others. Although I love my brother, I do recognize the gravity of his conviction and know his future is in your hands.

RESPECTFULLY,

Sheila Francis

SHEILA FRANCIS

Mr. Charles Goldberg
2077 Centre Avenue
Apartment 12J
Fort Lee, New Jersey 07024

(H) 201-592-6650

(O) 212-736-5609

PARDONS BOARD
STATE OF WASHINGTON

RECEIVED

MAY 21 2009

WASHINGTON STATE
CLEMENCY AND PARDONS
BOARD

May 14, 2009

Re: MORRIS H. GOLDBERG (inmate #818214-Washington State
Reformatory

To Whom It May Concern:

My brother, Morris H. Goldberg is presently requesting early parole before the Pardons Board.

During the 9 years of his sentence which he has served, my brother has exhibited exemplary behavior. Being a teacher, he is well educated and has worked with other inmates to help them further their education. He is currently 78 years old and in poor health. His diabetes continues to cause problems that contribute to the decline of his overall health.

I believe my brother realizes the gravity of his involvement, which led to his conviction and is truly remorseful not only for his involvement, but that at the time, he took no action to stop the crime from happening.

I hope you will consider his request for early parole. I believe he has been reformed and can now be a more productive member of society outside of prison.

Thank you very much for your consideration.

Sincerely,


Charles Goldberg

April 29, 2009

Goldberg, Morris #818214

Condition	Prognosis for recovery	Chronic or terminal	Current Treatment
Myelodysplastic syndrome	Poor: Mild anemia and thrombocytopenia	Chronic	Outside Hematology / Oncology physician evaluations ~ every 6 months – 1 year
Diabetic Retinopathy	Poor: stable, mild, persistent.	Chronic	Vision corrected with glasses. Outside Ophthalmologist ~ every 6 months – 1 year
Right lower extremity (RLE) degenerative Joint disease (DJD)	Poor: pain with walking	Chronic	Conservative: NSAIDs, brace, cane if requested
Diabetes, type 2	Poor: stable medical management	Chronic	Activity restricted due to DJD RLE, diet and medication controlled. Blood level testing and medication titration each year.
Benign Prostatic Hyperplasia	Poor: stable medical management	Chronic	Blood level testing and medication titration each year.
B12 deficiency	Poor: stable medical management	Chronic	Currently receiving monthly injections, may progress to oral replacement
Hypothyroid	Poor: stable medical management	Chronic	Blood level testing and medication titration each year.

Mary Keppler, ARNP