

Gary Sadler, Willie Thompson,
Taekwon Taylor, Lamar White, Sr.,
Donald Flamer, Billy Canady, Jr.,
and Quantae Swain,
Petitioners.

: Superior Court
: Judicial District of Hartford
: at Hartford

: October 11, 2007

v.

Governor M. Jodi Rell and Board of
Pardons and Paroles,
Respondents.

PETITION FOR A WRIT OF MANDAMUS

Pursuant to Connecticut General Statutes 52-485 the petitioners, who are a class of prison inmates, bring this petition for a writ of mandamus against the respondents, alleging that respondent Governor M. Jodi Rell has acted in a legislative capacity by issuing an unlawful and retroactive executive order concerning the petitioners' parole eligibility and that the respondent Board of Pardons and Paroles has adopted and or intends to follow through with such order. In support thereof, the petitioners hereby refer to the attached affidavits and assert the following.

Statement of Facts.

Each of the petitioners were convicted of offenses to which they are supposed to be eligible for parole at some point during their incarceration. See Attached Affidavits. Prior to entering guilty pleas for the offenses each of the petitioners were assured by their lawyers that they would become eligible for parole after serving 50% or 85% of their sentences. Id. At the current moment each of the petitioners are confined to the custody of the Commissioner of Correction to serve out their sentences and either has surpassed their parole eligibility date or will at some point approach such.

On September 21, 2007 the respondent Governor Rell issued an executive order to deny all parole for all "violent" offenders in response to calls for parole reform. Respondent Board of Pardons and Paroles adopted respondent Rell's order by revoking parole for certain offenders who were already on release on parole and banning parole for future offenders classified as violent.

Although the parole statutes and regulations in place at the time of each of the petitioners' offenses had been introduced by legislative enactment, the respondents have designated or plan to designate the petitioners as violent offenders for purposes of denying all parole eligibility and or release. In addition, the respondents' call for parole reform derive out of incidents in which parolees who were non-violent offenders allegedly re-offended by committing violent offenses.

Request For Relief.

The petitioner request the court to issue the following relief:

- (a) issue an immediate order to show cause why the relief sought should not be granted;
- (b) declare the actions of the respondents violate the dictates of Johnson v. Commissioner of Correction,
- (c) declare the respondents' ban on parole to be in violation of separation of powers and;
- (d) order any other relief that the court has jurisdiction to order in which justice and law requires.

The Petitioners

By: 

Gary Sadler 236395
MacDougall CI
1153 East Street South
Suffield, CT 06080

Willie Thompson , et. al.,
Petitioners.

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SWORN AFFIDAVIT

State of Connecticut
County of Hartford

Affiant Willie Thompson, having been duly sworn, hereby deposes and says:

I consent to being named as a petitioner in this action for a court issue of mandamus. At the current moment I'm serving a twenty-seven year sentence for the offense of manslaughter in the first degree (C.G.S. 53a-55(a)) which I've been incarcerated for since I was 17 years old. Prior to entering a guilty plea to the offense my court appointed counsel advised me that I would become eligible for parole after serving 50% of my sentence, which influenced my decision to make the plea. My parole eligibility date is September of 2008. However, I've learned there has been a ban on parole for offenses considered to be violent. This ban is due in part to non-violent offenders being released on parole and re-offending. This is unfair, as it has nothing to do with the offender who has no intention on re-offending and the offender who is eligible for parole with an offense determined to be violent. Throughout my incarceration I have successfully completed various programs, making me qualified for parole release and integration back into society. I, as well, have many achievement certificates for programs involving alternatives to violence, Alcoholics/Narcotics Anonymous, a G.E.D., Family Time, Fatherhood, and the completion of vocational skills for cabinet making. I have worked hard and will continue to work hard to become better suited for society.

Executed on this 16th day of October, 2007.

Willie Thompson
Willie Thompson-Affiant

Sworn and subscribed before me on this 16 day of October, 2007.

NORBERTO F. LUNA
NOTARY PUBLIC
MY COMMISSION EXPIRES 12/31/2010

Cap N. F. Luna
Notary Public

Gary Sadler, et. al.,
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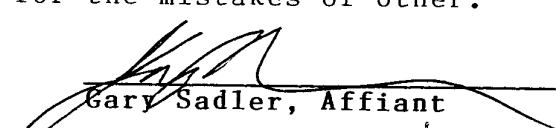
ATTACHED AFFIDAVIT

State of Connecticut
County of Hartford

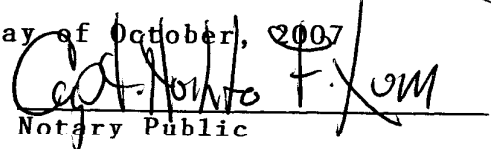
Affiant Gary Sadler, being duly sworn, hereby deposes and says:

I consent to being named as a petitioner in this action for a writ of mandamus. At the current moment I'm serving a thirty year sentence for the offense of reckless manslaughter in the first degree with a firearm (C.G.S. 53a-55(a)(3) and 53a-55a) for which I've been since I was the age of 17. Prior to entering a guilty plea to the offense my court appointed counsel advised me that I would become eligible for parole after serving 50% of my sentence, which influenced my decision to make the plea. My parole eligibility date is supposed to be June of 2011 but I've learned that there has been a ban on all parole for offenses determined to be violent. I've also learned that the ban is due to non-violent offenders being released on parole and re-offending. This is unfair, as it has nothing to do with the offender who has no intention on re-offending. Throughout my incarceration I have successfully completed various programs, making me qualified for parole release and integration back into society. I have many achievement certificates for programs involving alternatives to violence, substance abuse, family values and vocational skills. I am currently in a vocational skills class for business education which I attend for five days out of every week and I am a facilitator to the 'Alternatives to Violence Project', which we run on weekends once a month. I have worked and continue to work hard to become better suited for society. I should not have to pay for the mistakes of other.

Executed on this 16th of October, 2007


Gary Sadler, Affiant

Sworn and subscribed before me on this 16 day of October, 2007


Notary Public

NORBERTO F. LUNA
NOTARY PUBLIC
MY COMMISSION EXPIRES 12/31/2010

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ATTACHED AFFIDAVIT

State of Connecticut
County of Hartford

Affiant Taekwon Taylor being duly sworn, deposes and says:

I consent to be named as a petitioner in this class action for a writ of mandamus. At the current moment I am serving a twenty year sentence for the offense of manslaughter in the first degree with a firearm under C.G.S. 53a-55a and C.G.S 29-35 and I have been incarcerated since I was the age of ¹⁷ (October 31, 1994). At the time that I entered a guilty plea to the offense my court appointed lawyer advised me that I would become eligible for parole after serving 50% of my sentence, which, like my fellow petitioners, influenced my decision to plead guilty. My first parole date was scheduled in March, 2004, which no hearing was held and another in January of 2006, in which I was denied parole, despite having served over 50% of my sentence and successfully completing numerous programs (such as alternatives to violence, anger management, substance abuse programs such as tier II, etc. and vocational skills in graphic arts), all of which qualifies me for parole release and integration back into society. My next parole date is scheduled for June, 2008. However, because of the ban on parole for offenses determined to be violent, there is the possibility that I may be denied parole again. This ban is due to non-violent offenders being released and re-offending but it is unjust and unfair, as it has nothing to do with the offender such as myself who has no intention on re-offending. I have worked constantly and continue to work hard at becoming better suited for society. I should not have to pay for the mistakes of others, especially after having been rehabilitated.

Executed on this 11 of October, 2007.

Taekwon Taylor
Taekwon Taylor, Affiant

Sworn and subscribed before me on this 11 day of October, 2007.

NORBERTO F. LUNA
NOTARY PUBLIC
MY COMMISSION EXPIRES 12/31/2010

Capt. Norberto F. Luna

Lamar White, Sr., et al.,
Petitioners

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Sworn Affidavit

State of Connecticut
County of Hartford

Affiant Lamar White Sr. being duly sworn, hereby deposes and says:

I consent to being named as a petitioner in this action for a court mandamus. At the current moment I'm serving a 12 year sentence for a 1st degree robbery (C.G.S. 53a-134(a)(2)(3)(4)). Prior to entering a guilty plea to the offense my court appointed counsel advised me that I would become eligible for parole after serving 85% of my time, which influenced my decision to make the plea. My parole eligibility date was given to me along with my sentence upon my plea being accepted. I feel that my rights to parole are being violated because of the persons that were released on for non-violent crimes who, while on their release, committed heinous violent crimes. Because of their actions Governor Rell and The Board of Pardons and Paroles have become prejudiced against all persons that have been sentenced for violent crimes like myself and others that have entered into a plea bargain with promises of parole eligibility. I have been incarcerated since July 14, 2003, in which I have been working very hard for my rehabilitation. which happens to be the reason I have been placed here. Throughout my incarceration I have successfully completed numerous programs, making me qualified for parole release and fit for society. I have obtained my G.E.D. and also Vocational Education certificates for Micro Computer Applications and Building Maintenance. I also completed the basic and advanced Alternatives to violence programs, anger management, Tier II for substance abuse and basic and advanced Parenting classes for my 4th year old son that misbehaves due to his father's absence. My only hope is to reconnect with him as soon as possible so that he is steered in the right direction. therefore, I work day and night to become a productive member of society and will remain that way upon my release to the community.

Executed on this 16 day of October, 2007.

Lamar White Sr.
Affiant Lamar White, Sr., Affiant

Sworn and subscribed before me on this 16 day of October, 2007.

NORBERTO F. LUNA
NOTARY PUBLIC
MY COMMISSION EXPIRES 12/31/2010

Notary Public
Notary Public

Donald Flamer, et. al.,
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SWORN AFFIDAVIT

State of Connecticut
County of Hartford

Affiant Donald Flamer, being duly sworn, hereby deposes and says:

I consent to being named as a petitioner in this action. In 2003 I agreed to a plea bargain for criminal misuse of a firearm, F.T.A. robbery 1st, possession, violation of probation and escape. Upon taking the plea I was told I was eligible for parole after five years. While incarcerated I received a parole eligibility date for December of 2007. I later received notice that since I have offenses that are considered to be violent I'm up for parole after serving 85% of my sentence. It appears that there is some discrepancy about my eligibility date. Nonetheless, because of the orders issued by the respondents in denying all parole for violent offenders there may be some further discrepancy as to my eligibility for parole at some point during my sentence. I feel that the this order is unjust, in that it denies parole for violent offenders when the offenders that are the subject of parole reform were non-violent offenders who were released. This should not affect me because when I entered into a plea agreement it was under the guise that I would be eligible for parole at some point during my incarceration. It should not affect everyone, especially those of us in here who are really trying to change our lives.

Executed on this 16 day of October, 2007.

Donald Flamer
Donald Flamer-Affiant

Sworn and subscribed before me on this 16 day of October, 2007.

NORBERTO F. LUNA
NOTARY PUBLIC
MY COMMISSION EXPIRES 12/31/2010

Capt Norberto F. Luna
Notary Public

SWORN AFFIDAVIT

State of Connecticut
County of Hartford

Affiant Billy H. Canady Jr., being duly sworn, deposes and says:

I consent to being named as a petitioner in this action for a court mandamus. At the current moment I'm serving a 18 year sentence for a 1st degree robbery. Prior to entering a guilty plea to the offense my court appointed me counsel and advised me that I would be eligible for parole after serving 85% of 18 years. Which made my decision easy to make. Even though I'm not eligible for parole for years to come, I feel that I should speak on this matter, because Gov. Bell and The Board of pardon & parole have become prejudice against all person that have been sentences for violent crimes. It seem that all the crimes that have been committed in the last couple of months, are by non-violent parolee's, but now everyone must be punish for they're crimes, it's not right This is unjust and unfair to those of us who are trying to better ourselves for the mistakes or crimes we've made, we all have family to get home to. We shouldn't have to pay for what somebody else is doing while out on parole. I can only better myself, no one can do that for me, and I have support of a good family. I'm not proud of my crime, but I can make sure that it doesn't happen again. I will continue to work on becoming a better person, son, brother etc.... but I need a chance to prove myself

Executed on this 15 day of OCT, 2007 by Affiant Billy H. Canady Jr

Sworn and subscribed before me on this 15 day of OCT, 2007

NORBERTO F. LUNA
NOTARY PUBLIC

MY COMMISSION EXPIRES 12/31/2010

Capt. Norberto F. Luna
Notary

Quintae Swain, et. al.,
Petitioners.

: Superior Court

: Judicial District of Hartford

SWORN AFFIDAVIT

I consent to being named as a petitioner in this action for a court mandamus. At the current moment I'm serving a 12 year sentence for 2nd degree assault with a fire arm. Prior to entering a guilty plea to the offense my court appointed me counsel and advised me that I would become eligible for parole after serving 85% of my time. Which influenced my decision to make the plea. My parole eligibility date is years from today's date but I would like a fair opportunity when the time comes. I've learned there has been a ban on parole for offenses determined to be violent. I've also learned that ban is not toward non-violent offenders when the whole reason for banning violent offenders parole was committed by non-violent offenders. I also learned that non-violent offenders are most likely to be released on parole and re-offending. Throughout my incarceration I have successfully completed various programs making me qualified for parole release and for society. I also have obtained my G.E.D and I plan on keep working hard to make a complete change for society and most of all myself.

Executed on this 16 day of October, 2007.

Quintae Swain
Quintae Swain, Affiant

Sworn and subscribed before me on this 16 day of October, 2007.

NORBERTO F. LUNA
NOTARY PUBLIC
MY COMMISSION EXPIRES 12/31/2010

Capt. Norberto F. Luna
Notary Public