

Court reversal rare for parole board

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Judges say delaying hearings arbitrary

A two-time convicted murderer has scored a victory in a court ruling that is significant because it is one of the first times a decision by the Tennessee Board of Probation and Parole has been overturned, a legal expert said.

The case involves William W. York, who is serving two life sentences for killing two people in 1977. York represented himself when he sued the Board of Probation and Parole in Davidson County Chancery Court.

He became eligible for parole on July 3, 2001, but was denied parole. The board determined that he wouldn't be eligible for another hearing for 10 years, until July 2011.

The state Court of Appeals last week stood by the board's decision not to parole him but said it could not put off another parole hearing for 10 years.

The court ruled that the board's decision was arbitrary, in effect turning York's sentence to life without parole when he had been sentenced to life with the possibility of parole, Nashville attorney David Raybin said.

By delaying the hearing 10 years, the board deprived future members of the board of the opportunity to determine whether York could be paroled, Raybin said. Board members serve six-year staggered terms.

The board's decision was also based solely on the two 1978 first-degree murder convictions, Raybin said. Had the board deferred York's case because of bad prison behavior, that would have been a different story, the attorney said.

The legislature in 1995 did away with parole for people convicted of first- or second-degree murder.

Another inmate scored a victory recently when the parole board put his next hearing off for 20 years, only to see that overturned. The two cases represent the first times the courts have reversed board decisions, Raybin said.

As a result of the rulings, he said, a bill is being proposed in the legislature that would give the board the authority to defer a parole hearing for any length of time it deems appropriate