

## **Court strikes down long parole wait**

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### ***Inmate was told to apply in 2021***

For more than two decades, convicted killer Tony Renee Baldwin waited for his chance to sit before the state parole board in hopes that he could finally get out of prison.

In 1979, he was convicted in Shelby County of first-degree murder. But he hoped that his good institutional record and his claims of rehabilitation would find favor with the board once he became eligible for parole — a 30-year wait at the time he was sentenced.

He had earned enough sentence-reduction credits in prison to accelerate his hearing to 2001.

Yet after refusing him, the Tennessee Board of Paroles also slammed its door shut for two more decades, telling him that he could not reapply until 2021 — a decision that the state Court of Appeals ruled this month was "an arbitrary exercise of the Parole Board's authority."

The appellate-court ruling reversed a decision by Davidson County Chancellor Irwin H. Kilcrease Jr. and put the board on notice that a 20-year deferral "would undermine the very provisions of the parole statutes that empower the board to grant parole," the state appellate judges ruled.

Longtime board watchers, including Nashville attorney David Raybin, say that the board has been increasingly prone to put off parole applicants for long spans of time.

"The parole board is throwing people off for decades now," he said. "In previous years, they would throw them off for three to five years in serious cases before they would reconsider them. But to throw them off for 20 years is something that is relatively recently being done."

Baldwin, 45, an inmate at Northwest Correctional Institute, represented himself in his appeal, one of the legions of inmates who routinely flood state and federal courts with legal claims. The state attorney general's office, which is representing the parole board, has yet to decide whether it will appeal to the state Supreme Court, said the office's spokeswoman, Sharon Curtis-Flair.

The appeals court opinion, rendered by judges Ben H. Cantrell, William C. Koch Jr. and William B. Cain, noted that granting parole is a discretionary matter, "vested exclusively in the Board of Paroles," and that the courts have limited scope of review. They can examine whether the board exceeded its jurisdiction or acted illegally, fraudulently or arbitrarily.

The court also noted the "thrust" of the parole statutes "is that over time people can change, and that even a convicted felon may be able to live in accordance with the law, if he or she is

released before the end of his sentence." The court added that the decision to release "is not an easy one."

Deferring the inmate's next hearing for two decades makes it likely that current board members, with their staggered six-year terms, will never get a chance to hear his case again.

"Under the panel's ruling, it is possible that the entire membership of the Board can completely turn over more than once before his case comes up for decision once again," the appellate court wrote.

It added that "the essential effect of the Board's action is to change Mr. Baldwin's sentence to life without parole, contrary to what the Legislature intended."