

Lawsuit claims life sentences miscalculated



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(Photo: Linjerry, Getty Images/iStockphoto)

A Davidson County lawsuit claims the Tennessee Department of Correction is improperly calculating parole dates for inmates serving life sentences and holding prisoners for twice as long as is required by law.

If decided in favor of the prisoners, the case means more than 1,900 inmates serving life sentences could get out earlier than they expected. Attorneys familiar with the case say taxpayers would also save because shorter sentences means less spent on incarceration costs.

The lawsuit involves Tennessee's law on when offenders can be considered for parole and calls for a judge to evaluate two lines of the 1995 law.

TDOC interprets the law as saying inmates serving life sentences for first-degree murder cases must serve a minimum of 51 years.

That's because a section of the law says prisoners are only eligible for 15 percent reduction of their 60-year life sentence for good behavior and work they do while in custody. That calculation makes the minimum sentence 51 years.

However, another line of the law says the only minimum sentence for the crime is 25 years.

There are 1,916 inmates serving life sentences, according to TDOC. When asked about the pending case, state prison officials said they rely on a Tennessee Attorney General opinion from 1997 they said had been cited — and upheld — in other past court cases.

That opinion says "the mandatory minimum percentage of a life term that must be served prior to becoming release eligible is 85% of sixty years, or fifty-one years." It establishes 60 years as the numerical equivalent to a life sentence when calculating parole eligibility.



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The case is brought on behalf of Jacob Davis, who has served 17 years of a sentence of life with the possibility of parole.

When he was 18 and a senior in high school in Lincoln County, court papers show he was involved in a love triangle and killed a man his girlfriend was dating.

The lawsuit says Davis has no write-ups for violent activity in prison. He pursued studies through Lipscomb University and developed a computer program used by the prison system. He has gone through treatment for anger management and substance abuse.

And because of TDOC's interpretation of the law, the lawsuit says, he is in "clear and grievous risk of serving an additional 26 years beyond what the law requires or can constitutionally impose."

William Howell, the Memphis attorney representing Davis, said Davis is a model for rehabilitation.

Last year, Howell was in his final year at Vanderbilt University Law School when he helped teach a legal writing course at a Nashville prison. He met Davis, and agreed to take on Davis' case.

He said the TDOC interpretation of the law makes Tennessee sentences among the most severe in the country and means many inmates will die in prison before they meet the 51-year minimum. That is contrary to jurors' wishes, he said, when they hand down sentences of life with the possibility of parole.

"Juries decided that some people sentenced to life deserve this," Howell said. "We effectively do not offer it now, at great expense to the state."

David Raybin, a Nashville attorney who is consulting on the case and who disagrees with the 51-year minimum, said a ruling in favor of the inmates could save taxpayers more than \$100 million in incarceration costs over time.

Howell and Raybin each stressed that no inmates would be released immediately if the court rules in their favor.

"Most people would agree that ours is the land of second chances," Raybin said. "That after a person serves a quarter of a century in prison that they should at least be considered for release. If they don't measure up, the parole board can deny that."

The case is assigned to Davidson County Chancellor Ellen Hobbs Lyle. TDOC has not yet filed a response to the lawsuit.