

Handout #2

AGENDA ITEM E.

Review of Arkansas Department of Corrections (ADC) Parole Policies and Recent Decision to Revoke Parole and Re-Incarcerate Individuals with Prior Convictions for Residential Burglary

INFORMATION FROM MARK REES, ATTORNEY, REES LAW FIRM

- **CLIENT: DERRICK L. FERGUSON**

Handwritten text at the top of the page, possibly a title or header, which is mostly illegible due to blurring and fading. It appears to contain several lines of cursive or semi-cursive script.

Inmate Search

Information current as of 01/22/2022



ADC Number	117506
Name:	Ferguson, Derrick L
Race	BLACK
Sex	MALE
Hair Color	BLACK
Eye Color	BROWN
Height	65 inches
Weight	164 lbs.
Birth Date	08/20/1980
Initial Receipt Date	04/30/2021
Facility	Craighead Cnty Waiting List
Facility Address	N/A
Mailing Address	N/A
Custody Classification	C4
Good Time Class	IV
PE/TE Date*	08/04/2030
Total Time*	30 yrs.

* may be affected by other laws and regulations

ADC #117506

Ferguson, Derrick L

Aliases

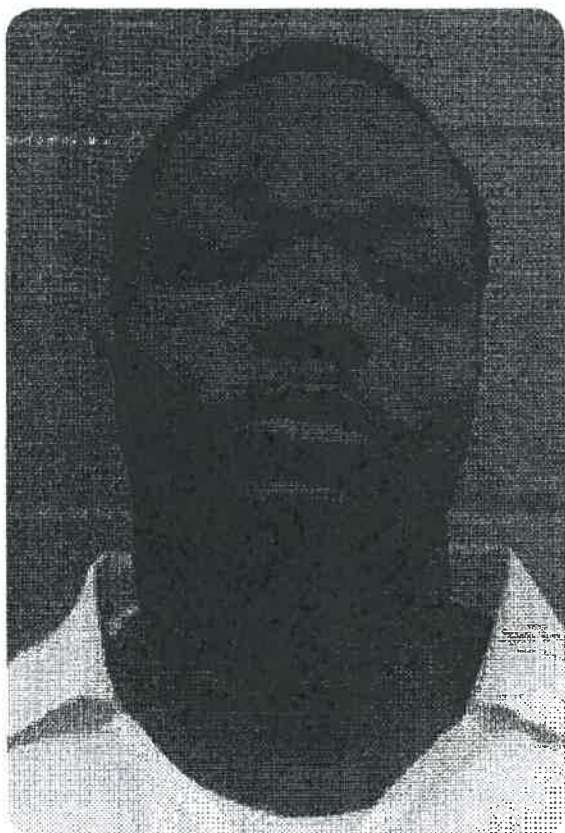
Darrick Ferguson Darrick Lynn Ferguson Darrick Ferguson Darrick Ly Ferguson Darrick Lynn Ferguson Darrick Wyen Ferguson Derick Ferguson Derrick Ferguson

Description

"CRHYME ANIMAL" (cross) "DISLOYALTY IS UNFORGIVABLE" (wings) "is mine" (TOWER) "QUTANNE" CROSS ON BACK/CRAZE RIGHT ARM (music notes, microphone, faces, stars) "ODDS AGAINST ME" (skulls, music notes, crown) (blocks) BURN SCAR RIGHT LEG TATTOO:CRAZE / FRONT UPPER RIGHT ARM TATTOO:(FLAMING CROSS) / CENTER BACK

Inmate Search

Information current as of 10/19/2022



ADC #117506

Ferguson, Derrick L

Aliases

Darrick Ferguson Darrick Lynn Ferguson Darrick
Ferguson Darrick Ly Ferguson Darrick Lynn Ferguson
Darrick Wyen Ferguson Derick Ferguson Derrick
Ferguson

ADC Number	117506
Name:	Ferguson, Derrick L
Race	BLACK
Sex	MALE
Hair Color	BLACK
Eye Color	BROWN
Height	65 inches
Weight	164 lbs.
Birth Date	08/20/1980
Initial Receipt Date	04/30/2021
Facility	Craighead Cnty Waiting List
Facility Address	N/A
Mailing Address	N/A
Custody Classification	C4
Good Time Class	IV
PE/TE Date*	08/04/2050
Total Time*	30 yrs.
ADC Incarcerations**	1

* may be affected by other laws and regulations

** Incarcerations: the number of times an offender has been incarcerated with the Division of Correction. An individual may have multiple incarcerations for a single conviction.

Description

"CRHYME ANIMAL" (cross) "DISLOYALTY IS UNFORGIVABLE" (wings) "is mine". (TOWER)
"QUTANNE" CROSS ON BACK/CRAZE RIGHT ARM (music notes, microphone, faces, stars) "ODDS AGAINST ME" (skulls, music notes, crown) (blocks)
BURN SCAR RIGHT LEG TATTOO:CRAZE / FRONT UPPER RIGHT ARM TATTOO:(FLAMING CROSS) / CENTER BACK

UNIFORM COVER PAGE

[To be used when required by Administrative Order No. 2 (g)*]

COURT: CIRCUIT COURT OF CRAIGHEAD COUNTY

Docket/Case Number: 16JCR-20-526 (CGT)

CASE NAME:

PLAINTIFF/

PETITIONER:

 STATE OF ARKANSAS

DEFENDANT/

RESPONDENT:

 DARRICK LYNN FERGUSON

TITLE OF PLEADING OR
DOCUMENT BEING FILED

(If a multi-part file,
the designation "part _ of _"
(example, part 1 of 2)):

E-MAIL CORRESPONDENCE BETWEEN DEFENSE COUNSEL, DEPUTY PROSECUTING & ARKANSAS DEPT. OF
CORRECTIONS CONCERNING PAROLE ELIGIBILITY PARTICULARS

*Administrative Order No 2.

(g) *File Mark.* (1) There shall be a two inch (2") top margin on the first page of each document submitted for filing to accommodate the court's file mark. If the pleading or document must be filed in multi-parts because of size or for other reasons, the first page of each part must include the file name and file mark and shall clearly indicate the part number and number of parts (example, part 1 of 2).

(2) If a document is such that the first page cannot be drafted to provide sufficient space to satisfy the file-mark requirement, the document must include the uniform cover page developed by the Administrative Office of the Courts and found under Forms and Publications at www.arcourts.gov.

Zach Morrison

From: Shelli Maroney <Shelli.Maroney@arkansas.gov>
Sent: Monday, April 26, 2021 8:04 AM
To: mark@markreeslaw.com
Cc: 'Zach Morrison'
Subject: RE: question

Good morning,

ADC is not considering Residential Burglary as a violent charge prior to 4/1/2015 when it was added to the list. If the residential burglary was prior to 4/1/2015 and now convicted of sexual assault, your client will serve 1/3 of his/her sentence less any good time earned. This is contingent upon no other prior convictions for violent or sexual crimes listed under 5-4-501 (d)(2).



Shelli Maroney
ADC Records Administrator
Arkansas Division of Corrections
2403 E. Harding Ave
Pine Bluff, Ar 71601
Shelli.Maroney@Arkansas.gov
Office: 870-267-6679
Cell: 870-550-8547

Confidentiality Notice: This e-mail message and any attachments is the property of the State of Arkansas and may be protected by state and federal laws governing disclosure of private information. It is for the intended recipient only. If an addressing or transmission error has misdirected this e-mail, please notify the author by replying to it. If you are not the intended recipient you may not use, disclose, distribute, copy, print or rely on this e-mail.

From: mark@markreeslaw.com <mark@markreeslaw.com>
Sent: Sunday, April 25, 2021 1:02 PM
To: Shelli Maroney <Shelli.Maroney@arkansas.gov>
Cc: 'Zach Morrison' <zach@markreeslaw.com>
Subject: FW: question

Shelli:

We were forwarded your email regarding parole eligibility in reference to a person that may take a plea on Sex. Assault in 2nd degree as a habitual offender; the problem is that he has a residential burglary conviction from 2000, when it was not considered a violent felony.

It's my understanding that ADC does not consider residential burglary a violent felony if the plea was prior to April 1, 2015.

If that is the case, would our client be eligible for parole after serving 1/6 of his sentence, if he got all good time and everything; I understand that its discretionary, but I want to make sure under 16-93-609(b)(1) that the residential

burglary from 2000 will not trigger NO PAROLE. And I was also concerned under 16-93-615(h) where it says parole cannot happen until someone is 55 years old.

Any help would be appreciated.

From: Zach Morrison <zach@markreeslaw.com>
Sent: Friday, April 23, 2021 4:18 PM
To: Mark Rees <mark@markreeslaw.com>
Subject: Fwd: question

----- Forwarded message -----

From: Charlene Henry <chenry@craigheadcounty.org>
Date: Fri, Apr 23, 2021 at 4:14 PM
Subject: RE: question
To: Shelli Maroney <Shelli.Maroney@arkansas.gov>
CC: Cindy Richardson <Cindy.Richardson@arkansas.gov>, Brooke Cummings <Brooke.Cummings@arkansas.gov>

Thank you all!

From: Shelli Maroney <Shelli.Maroney@arkansas.gov>
Sent: Friday, April 23, 2021 3:52 PM
To: Charlene Henry <chenry@craigheadcounty.org>
Cc: Cindy Richardson <Cindy.Richardson@arkansas.gov>; Brooke Cummings <Brooke.Cummings@arkansas.gov>
Subject: RE: question

Please be cautious

This email was sent outside of your organization

Good afternoon,

You are correct, ADC is not considering Residential Burglary as a violent charge prior to 4/1/2015 when it was added to the list.



Shelli Maroney

ADC Records Administrator

Arkansas Division of Corrections

2403 E. Harding Ave

Pine Bluff, Ar 71601

Shelli.Maroney@Arkansas.gov

Office: 870-267-6679

Cell: 870-550-8547

Confidentiality Notice: This e-mail message and any attachments is the property of the State of Arkansas and may be protected by state and federal laws governing disclosure of private information. It is for the intended recipient only. If an addressing or transmission error has misdirected this e-mail, please notify the author by replying to it. If you are not the intended recipient you may not use, disclose, distribute, copy, print or rely on this e-mail.

From: Cindy Richardson <Cindy.Richardson@arkansas.gov>

Sent: Friday, April 23, 2021 3:47 PM

To: Brooke Cummings <Brooke.Cummings@arkansas.gov>; Shelli Maroney <Shelli.Maroney@arkansas.gov>

Subject: Fwd: question

Could one of you assist with the prosecutor's questions below?

Thanks

Sent from my iPhone

Begin forwarded message:

From: Charlene Henry <chenry@craigheadcounty.org>

Date: April 23, 2021 at 2:49:49 PM CDT

To: Ryan Burton <Ryan.Burton@arkansas.gov>, Cindy Richardson <Cindy.Richardson@arkansas.gov>

Subject: Re: question

Hello Cindy,

I have a defendant who pled guilty to residential burglary in 2000. He is going to plea to sexual assault II, on Monday. Since both are considered violent felony or sex offenses, does he have to serve flat time under 16-93-609? My understanding, per PCO, was the ADC was not interpreting pre-2015 residential burglaries as violent offenses for purposes of parole eligibility. Is that still the case?



Charlene Davidson

2nd Judicial District Deputy Prosecuting Attorney

OCATF Coordinator

511 Union, Suite 342

Jonesboro, Arkansas 72401

870-972-4779 Phone

870-972-1700 Fax

870-897-0712 Mobile

chenry@craigheadcounty.org

From: Ryan Burton <Ryan.Burton@arkansas.gov>
Sent: Friday, April 23, 2021 2:41 PM
To: Cindy Richardson <Cindy.Richardson@arkansas.gov>
Cc: Charlene Henry <chenry@craigheadcounty.org>
Subject: question

Please be cautious

This email was sent outside of your organization

Cindy. Charlene has some questions about how much time offenders have to serve before paroling on certain crimes. Do we know who we should have contact her to answer those questions?

Ryan Burton

DCC Area 4 Manager

Arkansas Department of Corrections

870-935-7290

Confidentiality Notice: The information contained in this email message and any attachment(s) is the property of the State of Arkansas and may be protected by state and federal laws governing disclosure of private information. It is intended solely for the use of the entity to whom this email is addressed. If you are not the intended recipient, you are hereby notified that reading, copying or distributing this transmission is STRICTLY PROHIBITED. The sender has not waived any applicable privilege by sending the accompanying transmission. If you have received this transmission in error, please notify the sender by return email and delete the message and attachment(s) from your system.



Virus-free. www.avast.com