



TERRY E. BRANSTAD
GOVERNOR

OFFICE OF THE GOVERNOR

KIM REYNOLDS
LT. GOVERNOR

January 24, 2013

Michael E. Marshall
Secretary of the Senate
State Capitol
Des Moines, Iowa 50319
LOCAL

Carmine Boal
Chief Clerk of the House
State Capitol
Des Moines, Iowa 50319
LOCAL

Dear Mr. Marshall and Ms. Boal:

Pursuant to the Constitution of the State of Iowa Article IV § 16, below is a report of all reprieves, commutations, and pardons granted during the 2013 calendar year.

I. Commutations

On April 26, 2013, I commuted Rasberry Williams sentence from life without possibility of parole to life with possibility of parole. Attached is the April 26, 2013 letter. At the time of commutation, Mr. Williams served thirty-eight years in prison starting on April 26, 1975. Mr. Williams possesses an exemplary disciplinary record and took significant steps to improve his condition and address the mistakes he made in his life. Further, he benefited the lives of other inmates and Department of Corrections' staff, including saving the lives of two Corrections Officers held at knife point during a hostage situation.

II. Pardons and Special Restoration of Citizenship (Firearms)

Charles Hurst was granted a pardon on February 1, 2013. He fulfilled his financial obligations to pay court costs, fines, and restitution. He demonstrated exemplary character, received a positive recommendation from the Iowa Board of Parole, showed remorse for his crime, received strong recommendations from community leaders and current and previous employers, and gave back to society since committing his crime in 1990.

Eric D. Johnson was granted a pardon on August 6, 2013. He fulfilled his financial obligations to pay court costs, fines, and restitution. He demonstrated exemplary character, received a positive recommendation from the Iowa Board of Parole, showed remorse for his crime, received strong recommendations from community leaders and current and previous employers, and gave back to society since committing his crime in 1994.

Daniel M. Grabill was granted a pardon on January 29, 2013. He fulfilled his financial obligations to pay court costs, fines, and restitution. He demonstrated exemplary character, received a positive recommendation from the Iowa Board of Parole, showed remorse for his crime, received strong recommendations from community leaders and employer, and gave back to society since committing his crime in 1989.

Kenneth Michael Pottorff was granted a pardon on May 22, 2013. He fulfilled his financial obligations to pay court costs, fines, and restitution. He demonstrated exemplary character, received a positive recommendation from the Iowa Board of Parole, showed remorse for his crime, received strong recommendations from community leaders and current and previous employers, and gave back to society since committing his crimes in 1981 and 1993.

Mark Takes was granted a special restoration of citizenship (firearms) on May 13, 2013. He fulfilled his financial obligations to pay court costs, fines, and restitution. He demonstrated exemplary character, received a positive recommendation from the Iowa Board of Parole, showed remorse for his crime, received strong recommendations from community leaders and current and previous employers, and gave back to society since committing his crime in 1996.

Valerie Don Burkman was granted a special restoration of citizenship (firearms) on September 18, 2013. She fulfilled her financial obligations to pay court costs, fines, and restitution. She demonstrated exemplary character, received a positive recommendation from the Iowa Board of Parole, showed remorse for her crime, received strong recommendations from community leaders and current and previous employers, and gave back to society since committing her crime in 1991.

III. Restoration of Citizenship (Voting)

I granted Restoration of Citizenship Rights (Voting) to the following individuals because they fulfilled their financial obligations to the court, fines and restitution to their victims or demonstrated that they are current on their payment of court costs, restitution and fines and continue to pay these costs in good faith:

Aaron Jay Carpenter
Steven Mark Crozier

William F. Fratzke, Sr.
Jordan Patrick Ehlert
William B. Freeman II
Daniel C. Hartman
Steven L. Hofer
Bruce W. Huckfeldt
Anita Juehring
Ronald L. Kelley
Paige Luna-Rodriguez
Ronald Dean Meyer
Roger H. Miller
Kenneth Opstein
Hector M. Padilla
B.J. Stevens
Kimberly Ann Story
Chad Van Zee
Tycene Wickenkamp
Loraine Willenborg-Schreck
Michael A. Younghans

Please do not hesitate to contact Larry Johnson, Jr. at 515/725.3506 in my office with any questions. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry E. Branstad". The signature is fluid and cursive, with a large initial "T" and a stylized "B".

Terry E. Branstad
Governor



TERRY E. BRANSTAD
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KIM REYNOLDS
LT. GOVERNOR

April 26, 2013

Jason Carlstrom, Chair
Iowa Board of Parole
510 East 12th Street, Suite 3
Des Moines, Iowa 50319

Dear Chair Carlstrom:

The Board of Parole made its unanimous favorable recommendation for the commutation of the sentence for Rasberry Williams #0103782 on February 1, 2013. I received the Parole Board's recommendation on February 4, 2013. Mr. Williams is currently serving a life sentence for Murder – 1st Degree. After I received the Parole Board's recommendation, members of my staff interviewed Mr. Williams. On February 28, 2013, I wrote and requested the Board of Parole conduct a public hearing in the county of conviction, Black Hawk County, to obtain additional information.

The Iowa Constitution assigns the commutation power to the Governor of Iowa. This is a responsibility I take very seriously. I consider many elements when considering a commutation request, including: the impact on the victims, the safety of Iowans, the inmate's rehabilitation and behavior while incarcerated, among other factors. I do not consider a commutation to be a retrial of guilt or innocence because I respect the verdict of a jury and the judicial process.

The record supports the Murder – 1st Degree conviction which carries a sentence of life in prison without the possibility of parole. The jury did not find Mr. Williams' self-defense claim valid.

The evidence establishes that on July 20, 1974, Rasberry Williams fatally shot Lester Givhan in front of George's Pool Hall in Waterloo, Iowa. The shooting resulted from a quarrel over a debt Mr. Givhan owed Williams. Witnesses stated Mr. Williams waited outside the Pool Hall for Mr. Givhan to come outside. Once outside, witnesses stated they tried to calm Mr. Williams down and talk Williams out of harming Givhan; however, Williams walked towards Givhan and shot his gun in the air. Williams then shot Mr. Givhan in the head. Mr. Williams claimed self-defense. A jury, the Iowa Supreme Court, the United States District Court for the Northern District of Iowa, and the Eighth Circuit Court of Appeals rejected Mr. Williams' claim of self-defense. At the March 27, 2013 public hearing, even Mr. Williams' own defense attorney from his trial, Wallace Parrish, testified this was indeed first-degree murder and rejected any notion of self-defense by stating, "There never was any question about Rasberry's guilt." However, after Mr. Williams shot and killed Mr. Givhan, Williams drove to the Waterloo police department and turned himself in.

Mr. Williams' record while incarcerated has been extraordinary. He has made the most of his life and has had a positive impact on the lives of both inmates and Department of Corrections' staff. On December 8, 1979, inmate George Goff took over a cell house at Iowa State Penitentiary and held Correctional

Officers hostage at knife point. Several inmates serving life sentences, including Rasberry Williams, came to assist the officers held hostage. Mr. Williams was one of the individuals who talked inmate Goff into putting down his knife. Other inmates then walked Mr. Goff to the Warden's office to turn him in. No one was injured during this hostage situation and Mr. Williams can be credited with contributing to this positive outcome.

At the March 27, 2013 public hearing, multiple former inmates testified regarding the positive impact Williams had on their lives. The witnesses stated Mr. Williams mentored them, encouraged them to complete their education, and always urged them to obey the law so they would never return to prison and could live meaningful and fulfilling lives. Also at the hearing were two relatives of Mr. Givhan, the victim. The victims testified that they missed their relative dearly and this tragedy has been difficult for them and their families. The victims stated they forgave Mr. Williams and requested that my decision be based on Mr. Williams' behavior and improvement while incarcerated and not on the heinous actions of his crime. Victims' voices must always be heard and they must never be re-victimized. Based on the information provided by current and past inmates and the Department of Corrections' staff, Mr. Williams' behavior and improvement have been extraordinary.

After carefully reviewing the parole board's February 1, 2013 unanimous favorable recommendation, the parole board's August 29, 2005 unanimous favorable recommendation, Warden John Ault's April 2, 2009 favorable recommendation, Warden Fayram's October 19, 2012 letter, Larry Moline - Iowa State Penitentiary's Correctional Security Manager's favorable recommendation, trial judge Roger Peterson's October 7, 2000 favorable recommendation, Warden Ken Burger's May 11, 2005 favorable recommendation, prosecuting attorney David J. Dutton's favorable recommendation, interview my staff conducted with Mr. Williams, the public hearing conducted by the Parole Board on March 27, 2013 in Waterloo, letters of support by the community, letters of support and testimony from former inmates, and testimony from the victims, I granted Mr. Williams' commutation request and commuted his sentence from life without possibility of parole to life with possibility of parole in the attached commutation certificate.

This case presents a set of facts and circumstances that set Mr. Williams apart from others convicted of first-degree murder. First, I, along with the jury, the Iowa Supreme Court, the United States District Court for the Northern District of Iowa, and the Eighth Circuit Court of Appeals reject Mr. Williams' claim of self-defense. However, I do recognize Mr. Williams drastically changed his life while incarcerated and even contributed to saving the lives of Correctional Officers. Additionally, Mr. Williams has served thirty-eight years in prison starting on April 26, 1975. He possesses an exemplary disciplinary record and has taken significant steps to improve his condition and address the mistakes he made in his life. Further, he has benefited the lives of other inmates and Department of Corrections' staff.

I expect that it will take some time for Mr. Williams to work through the re-entry process. Inmates that have served as much time as Mr. Williams must gradually work through the levels of incarceration established by our correctional system. This process serves to prepare them for a successful re-entry. I expect Mr. Williams to participate in any additional type of programming deemed appropriate by the Department of Corrections and Parole Board before serious consideration is given for work-release or parole.

I encourage the Board to consider the conditions stated below when reviewing Mr. Williams for release.

- Drug and alcohol use: Drug use is illegal and gives rise to recidivism.
- Employment or community service: Mr. Williams should maintain employment or participate in community service projects. Steady employment and community involvement reduce recidivism. Participation in his community will help his rehabilitation and also will enable him to contribute to society.
- Obey all laws: While all citizens have the duty to comply with the law, it is important Mr. Williams is an exemplary citizen and sets a good example for rehabilitation.
- No possession of weapons: Iowa law prohibits Mr. Williams from owning, possessing, or transporting a firearm for the rest of his life.
- Gambling: Mr. Williams should not participate in gambling. Mr. Williams' crime stems from a gambling debt.
- Victim contact: Mr. Williams should not have contact with the victim's family or any registered victims unless permission is given by the Department of Corrections. Victims must never be re-victimized. All too often victims are forgotten in the process. The victims must be taken into account, must be heard, and must be respected.
- Contact with the Department of Corrections: Mr. Williams should maintain contact with the Department of Corrections. Mr. Williams has been incarcerated for thirty-eight years. He will need to maintain constant contact with the Department of Corrections' staff in order to ensure that his reentry is successful.
- Safe community: Mr. Williams should be released into a community that will help encourage his success.
- Lifetime sentence: Mr. Williams should serve out his life sentence under the supervision of both the Board of Parole and the Department of Corrections. Supervision and contact with the Board of Parole and the Department of Corrections will ensure Mr. Williams a successful rehabilitation.
- Other supervision: Mr. Williams shall obey any other type of parole supervision that would be in the best interest of public safety.

I expect for Mr. Williams to positively contribute to society if he is released for work-release or parole. Please note this decision in your records and notify the registered victims.

Sincerely,



Terry E. Branstad
Governor