

Media Release

December 3, 2016
For Immediate Release

FOR MORE INFORMATION CONTACT:
Dawn-Renee Smith, Communications Director
Dawnrenee.smith@nebraska.gov

Two Inmates Released on Parole Incorrectly

(LINCOLN) – Today, the Nebraska Department of Correctional Services (NDCS) announced that records staff had identified two paroled inmates whose sentences needed to be adjusted. The need for sentence adjustments was first identified on Thursday. The adjustments were made on new sentencing laws passed in 2015 and 2016. Both inmates have been returned to state custody; one on Thursday and one on Saturday. A review of all paroled and discharged inmates has been finalized to confirm that no additional adjustments are necessary.

“I have ordered staff to conduct a review of all similarly situated cases to ensure that sentences for those who are currently in custody are accurate,” said Director Scott R. Frakes. “We will investigate this incident to determine where the breakdown occurred and take appropriate action to address the issue, ensure public safety and maintain the public’s trust in the state’s sentence calculation process.”

Earlier this year, NDCS launched long-awaited sentencing automation software to reduce sentencing errors. Due to the complexity of sentencing laws, NDCS must still aggregate sentences for inmates with more than one conviction. The adjustments announced today were made to the aggregation process. No changes to the sentencing automation software are needed to incorporate these adjustments.

Legislative Bill 605 (2015) changed certain felony sentences to determinate sentences with a period of post-release supervision. The law did not account for individuals who would also be sentenced for misdemeanors and felonies which made them eligible for parole. Legislative Bill 1094 (2016) provided clarification on how the sentences would be combined and ensured that individuals sentenced on multiple counts would only be eligible for parole or post-release supervision and not both. Both of the inmates involved had aggregated sentences impacted by the law changes.

Marcus Epp was sentenced on April 21, 2016 for Domestic Assault 3rd Degree (felony – 2 years), Assault 3rd Degree (misdemeanor – 6 months), and Theft by Shoplifting (misdemeanor – 91 days) and a term of Post-Release Supervision. Because his misdemeanor charges were entered with a minimum term, his parole eligibility date was set at 10/28/2016. He was released on parole on 11/18/2016. No new crimes were reported during his time in the community.

Robert Munsen was sentenced on May 11, 2016, for Attempted Possession of Controlled Substance – Meth (misdemeanor – 180 days) and Possession of Controlled Substance (felony – 12 months) with a term of Post-Release Supervision. Because his misdemeanor charge was entered with a minimum term,

his parole eligibility was set at 10/5/2016 and he was paroled on 10/28/2016. No new crimes were reported during his time in the community.

The Nebraska Board of Parole is not responsible for the calculation or interpretation of sentences.

This year, NDCS stepped up training of records management staff and worked to implement sentencing reforms and new sentence calculation practices. Director Frakes is committed to being transparent with any challenges in the implementation of sentencing laws or errors in their application. Staff have proactively identified areas for improvement at NDCS in records management practices over the past two years.

###