
APPLICATION FOR RELEASE UNDER THE JOE COLEMAN MEDICAL RELEASE ACT IN THE MATTER OF JOHN DOE

This application for Medical Release through the Joe Coleman Medical Release Act is submitted to the Prisoner Review Board on behalf of John Doe, A12345, by and through his attorney, Jane Smith. Mr. Doe requests a public hearing in front of the Prisoner Review Board.

Mr. Doe is 65 years old and is terminally ill with stage 4 lung cancer. He was sentenced to life in prison for two armed hijackings in which no one was physically injured and has now served fifteen years. Mr. Doe was diagnosed with cancer in July of 2021, fourteen years after his sentencing. Mr. Doe qualifies for release under the Joe Coleman Release Act because he is suffering from a terminal illness that is likely to cause death within the next 18 months, specifically stage 4 lung cancer. The median survival time for a person who has been diagnosed with stage 4 lung cancer is approximately 8 months.¹

In light of Mr. Doe's terminal diagnosis, his demonstrated rehabilitation, and his robust familial support network, he requests release under the Joe Coleman Medical Release Act to a period of Mandatory Supervised Release (MSR) of 5 years.

I. Account of the Offense

Case Number: **06CR0012345**

Offense of Convictions: **Armed Hijacking**

Date of Arrest: **February 20, 2006**

County of Conviction: **Cook**

Conviction Type: **Jury Trial**

Sentencing Judge: **Mary Smith**

¹ This means that in a survey of people diagnosed with stage 4 lung cancer, 50% died within 8 months. NIH National Cancer Institute, *Non-small Cell Lung Cancer Treatment (PDQ)*, https://www.cancer.gov/types/lung/hp/non-small-cell-lung-treatment-pdq#_48406 (last updated March 11, 2021).

Date Sentenced: **July 15, 2007**
Sentence: **Life**
Time Served: **15 years**

Case Number: **06CR123457**
Offense of Convictions: **Armed Hijacking/Armed Habitual Criminal**
Date of Arrest: **November 31, 2006**
County of Conviction: **Cook**
Conviction Type: **Jury Trial**
Sentencing Judge: **John Schmidt**
Date Sentenced: **July 15, 2007**
Sentence: **Life / 60 Years**
Time Served: **15 years**

Mr. Doe was convicted of two armed hijackings with almost identical facts. On July 8, 2005, Linda Smith was filling her car at a gas station in Hinsdale, Illinois. Mr. Doe approach Ms. Smith, pulled out a gun, and instructed Ms. Smith to “give [him] her keys.” She gave Mr. Doe her keys, he got in her car, and he drove away. The gas station employees immediately placed a call to the Hinsdale Police Department to report the crime. **No one was physically injured during the course of the offense.**

In the second case, Ruth Employee and Wanda Worker, employees of a gas station in Hillsboro, Illinois testified that on October 8, 2006, Mr. Doe approached Ed Jones as he was sitting in his parked at the gas pump, flashed the handle of a gun, and told Mr. Jones to get out of his car and hand over the keys. Mr. Jones complied, and. Mr Doe then got in the car and drove away. **No one was physically injured during the course of the offense.**

Crucially, it was never alleged that Mr. Doe engaged in any kind of violence, discharged any weapons, or used any kind of physical force during the course of these robberies. He was sentenced to life in prison for these two armed hijackings where not a single person was physically injured.

II. Personal History

John Doe was born in Chicago on April 8, 1956 to Christina Doe and Joseph Johnson. Christina was only 16 years old when she gave birth to little John, and the two lived with John's grandfather, Mark Doe, and Christina's six younger siblings. Mr. Doe's life has been marked by grief and loss from the time he was an infant, beginning with the tragic murder of his grandfather when he was only five months old.

After John's grandfather was murdered, Christina and her six siblings suddenly found themselves without any parental support, and with an infant to care for. They moved in with John's great-aunt and her six daughters, sharing a four-bedroom apartment between 15 people. Growing up in a chronically under-resourced South Side neighborhood that was riddled with drugs and gang violence, little John faced threats and physical harassment from gang members from the time that he was a small child.

Soon after they moved, Christina gave birth to John's younger sister, Jasmine. The siblings were very close—as they were with the many aunts, uncles, and cousins who helped to raise them. Although they loved their father, Mr. Johnson came in and out of his childrens' lives and was never truly there for them as a parent. Christina worked hard to provide for her children and spent long hours working as a housekeeper, but there was still never enough money to make ends meet.

In spite of his father's absence and the chaos of the neighborhood, young John worked hard in school, and the many hours he put into his studies were reflected in his excellent grades. He attended the Invented School and Made-Up Elementary before moving on to Fictional High School. Little John also loved to play sports, and he has fond memories of participating in the Chicago Park District's summer basketball league as a member of the Sharks basketball team.

At the age of 10, young John's grades unfortunately began to slip when his beloved uncle, Jack Doe, was tragically murdered in front of the family's South Side home. Jack was the first member of his family to go to college, and he was a role model and inspiration to John. While John's father was mostly absent from his life, his Uncle Jack was always there to provide him with stability and support. And although John grew up surrounded by drug use, gangs, and indiscriminate violence, it was Jack who always encouraged him to focus on his studies and "do everything by the book."

After Jack was murdered, the formerly close-knit family was thrown into chaos. John describes this loss as one that changed the course of his entire life. He describes his beloved uncle's death as the turning point when "I started going the wrong way, hanging with the people Jack used to keep me away from." One can only imagine how angry and heartbroken the Doe family must have been after this incident, and how deeply traumatic it must have been for John to lose yet another family member to senseless violence. In Mr. Doe's own words, "everything that I wanted to be, I found in Jack. Once that happened, in my young mind, I thought - what's the sense of doing good if that's the outcome?"

John struggled to cope after his uncle's death, and at the age of 10, he began smoking marijuana and drinking alcohol. Little John had long been surrounded by drugs and alcohol as a child growing up in the projects, and in his grief-stricken state, John asked a teenager who lived in his building for a sip of his whiskey. The young man obliged, and it was not long after this first sip of alcohol that this same neighbor introduced little John to marijuana. Mr. Doe's sister, Jasmine, describes her big brother as a "sweet, kindhearted person" that got hooked on drugs, "and it was downhill from there."²

In his drug-addled and grief-ridden state, young John was an easy target for the gang

² Letter of Support from Jasmine Doe, Ex. A.

members that ran his apartment building, and he was recruited by the Supreme Gangsters when he was 12 years old. By the time that John was 13, he was drinking every weekend and smoking marijuana on a daily basis. He would get high on the way to school, in between classes, after school, and sometimes he would ditch school altogether to get high with his friends and fellow gang members. John spent the pocket money his mom gave him on marijuana, in addition to earning money through a part-time job at a grocery store and by selling joints to his high school classmates.

When John was 14 years old, his fellow gang members introduced him to cocaine. Mr. Doe recalls that cocaine gave him a rush he had never known before, but he feels a deep sadness when he reflects on this early exposure to hard drugs: “I was just a kid, I had no business doing it.” When John was 15, he tried heroin for the first time, and it was not long before he was mixing heroin and powder cocaine, finding that the combination kept him “high but steady.” He graduated from selling marijuana to selling cocaine and heroin, and he now had free access to drugs so long as he sold enough to support his own habit. John was soon addicted, and he dropped out of high school in his sophomore year in spite of having been a proud honor roll student only one year prior. This marked the beginning of Mr. Doe’s long battle with addiction.

John’s mother worked long hours as a housekeeper and was largely unaware of her son’s burgeoning drug and alcohol addictions. Mr. Doe hid his drug supply in the front closet of his family’s home and became adept at slipping into the apartment, grabbing his stuff, and sneaking out again unnoticed. Christina was upset when she learned that young John had dropped out of high school, and she was especially upset when she found out that John was selling drugs. She asked her brothers to intervene, but in John’s mind, “there wasn’t much my uncles could tell me when they were doing some of the same things.” Christina was exasperated, but she eventually

resigned herself and decided that John was now a young man, and that he would need to learn from his own mistakes.

Social science has repeatedly established that addiction, trauma, and criminal behavior often go hand-in-hand, and that substance use can inhibit an individual's impulse control. Additionally, substance use disorders can cause people to commit addiction-motivated crimes, creating a cycle that is difficult for addicted individuals to disrupt on their own. Unfortunately, treatment for substance use disorders is very difficult to access, and untreated addictions can affect every aspect of a person's life. This was the case for Mr. Doe, who would be in and out of prison for the next 22 years as he continued to commit addiction-fueled crimes.

At the age of 17, John was convicted of possession of a controlled substance and sentenced to one year in prison. That same year, he pleaded guilty to an armed robbery after stealing money and a car from a neighborhood acquaintance; he was sentenced to 7 years in prison. At first, John was terrified of going to prison, but once he got there, "I realized there was a lot of guys from my neighborhood, from the same gang - initially it was scary, not knowing what I would see or who I would be around - but then I wasn't scared, and that's the worst thing that could have happened, not being scared." For young John, being incarcerated with so many of his fellow gang members felt like "it was just another part of the game - it wasn't really a punishment, it was just not being home for a while."

Every single one of Mr. Doe's convictions has either been for possession of a controlled substance or for a drug-motivated offense. As Mr. Doe's untreated drug addictions grew, he soon found that he was using much of the drug supply that he was supposed to be selling. When there wasn't enough money to pay back his suppliers, Mr. Doe would try to fix the situation by stealing a car, and then selling the car so he could even out the count until the next

time he realized that he had made the same drug-fueled mistake.

Amidst this vicious cycle of addiction, crime, and incarceration, Mr. Doe would sometimes think to himself that if he just made enough money, he could start his operation rather than selling for a gang - or maybe he could even open up his own legitimate business, leaving the drug world behind altogether. He now describes this thought process using terms that he has learned in recovery, calling it “the addict’s way of thinking”: “I wasn’t just getting high, I was fooling myself - I would only ever pay back what I owed, selling drugs just to get high for free.”

Despite his struggles with substance abuse, family and community have always been a priority for Mr. Doe. As a teenager, he would babysit for his younger cousins, making dinner and ensuring that they each did their homework before going to bed. He also regularly made time to mow the lawn for his elderly neighbors and shovel snow from their walkways and sidewalks, free of charge. Recognizing Mr. Doe’s genuine kindness and his desire to do better, his family never abandoned him, even while Mr. Doe struggled to break free from the self-destructive cycle of drug-use, addiction-motivated crime, and incarceration. They continued to tell Mr. Doe that he needed to seek help, that they would be there for him when he was ready, and that they loved him regardless. His Aunt Maurine and older cousin Rachel encouraged Mr. Doe to turn towards religion as a mechanism of change, and they gave him a Bible. Years later, Mr. Doe would begin to study the Bible in earnest and would eventually ask God to forgive him for his sins.

Throughout his 20s and 30s, Mr. Doe continued to cycle in and out of prison for drug possession, small-scale robberies, and carjackings. In 1985, he was twice convicted of possession of a controlled substance; in 1989, he was convicted of stealing a car from an Englewood couple; and in 1994, he was convicted of armed robbery after stealing a purse. Mr. Doe was sentenced to 15 years for stealing the woman’s purse and served approximately 8 years.

When Mr. Doe came home in 2002, he began dating Lola, the extraordinary woman who would eventually become his wife. They'd known each other for decades and first met as children growing up together in Englewood. Not long after they started dating, Lola told Mr. Doe that he was killing himself with drugs and that she would not stand by and watch him ruin his life. "Lola knew what I was capable of, she saw something in me I didn't see in myself, and she really motivated me to do better."

With Lola's help, Mr. Doe made his first concerted effort to get sober. He enrolled in an adult education program and set out looking for work, but Mr. Doe became discouraged as employment opportunities seemed to be few and far between, and those opportunities that did exist rejected him as soon as they learned of his criminal record. The majority of Mr. Doe's income during this time period came from helping his Uncle Sam with odd landscaping jobs. When these opportunities became fewer and fewer, Mr. Doe thought to himself, "I don't get high anymore, maybe I can sell drugs without falling back into the same trap - but that obviously didn't work."

Mr. Doe relapsed and soon fell back into his old pattern of heavy usage, and he once again turned to stealing cars to finance his substance use. It was during this brief period that the instant offenses occurred.

III. Rehabilitation

Mr. Doe has spent the past fifteen years becoming the leader and positive role model that his family always knew him to be. In 2016, Mr. Doe was very depressed about his life sentence, and he started drinking homemade alcohol in an attempt to cope; correctional officers discovered the alcohol and sent Mr. Doe to segregation for three months. Mr. Doe now looks back on that moment as a blessing in disguise, and in his own words, "that's when I really started to heal."

After being released from segregation, prison officials offered Mr. Doe help with his substance abuse problems, and he began attending Narcotics Anonymous (NA) and Alcoholics Anonymous (AA) meetings. Once he became a member of NA and AA, Mr. Doe committed fully to “bettering myself. I admitted I was an addict and learned to deal with the issues underlying.”

Although Mr. Doe has now completed all twelve steps,³ he understands that recovery is a life-long process, and he will continue to fight for his sobriety no matter how long it’s been since his last drink or drug. Mr. Doe is proud to say that he has been sober for longer than ever before in his adult life.

In addition to working hard at his recovery, Mr. Doe has also focused on his education while in prison, engaging in academic, socioemotional, and religious programming. Having earned his GED during an earlier period of incarceration, he then began working on his Associate of Arts degree through Lake College. Additionally, he participated in the Prison Bible Ministry and received a certificate for completing the Nonviolent Conflict Resolution Workshop.⁴

Mr. Doe has also dedicated himself to his job assignments and was previously employed as a dishwasher in the kitchen. Unfortunately, he was let go from this job after he was discovered to be in possession of homemade alcohol in the above-mentioned 2016 incident, and was required to wait 6 years before applying for another position. But Mr. Doe feels no bitterness about this. He is grateful that his misstep in 2016 is what finally pushed him to address his untreated substance abuse problems, and led him to meet his sponsor and the other members of his NA and AA groups.

In Mr. Doe’s own words: “I am not the same person I was when I committed those

³ See Certificates from Alcoholics Anonymous and Narcotics Anonymous, Ex. B.

⁴ See Certificates from Prison Bible Ministry and Nonviolent Conflict Resolution Workshop, Ex. B.

crimes. I am a grown responsible man, a man of God, a man who wants to be part of the solution not the problem. I want to help lead others to Christ Jesus. I want to share my journey with others in the hope that in doing so I will help deter people from a life of crime and drug use and gang activity.”⁵

Mr. Doe’s extremely minimal disciplinary history strongly supports his application for release.⁶ Over the course of his incarceration, Mr. Doe received ***only two disciplinary violations***, one of which related to his aforementioned relapse in 2016. The other was so minor that the only punishment he received was a verbal reprimand.

Mr. Doe’s disciplinary record is a remarkable accomplishment, as numerous studies have shown that between 50-75% of prisoners are given a disciplinary violation each year.⁷ Mr. Doe’s minimal disciplinary history reflects his long-term commitment to self-improvement. **Most importantly, neither of Mr. Doe’s tickets involved violence, use of force, or threats.**

Mr. Doe’s two disciplinary infractions are described in turn:

- **July 31, 2014, Drugs & Drug Paraphernalia:** *Mr. Doe was found to be in possession of homemade alcohol. He immediately took responsibility for his actions and pleaded guilty to this disciplinary infraction. He served three months in segregation as punishment, and has been clean and sober ever since.*
- **April 32, 2019, Contraband / Unauthorized Property:** *Mr. Doe was in possession of a walkman that he had purchased at commissary. The walkman was old and starting to fall apart, and Mr. Doe attempted to repair it with a*

⁵ Letter from Mr. Doe, Ex. C.

⁶ Disciplinary Card, Ex. D. Please note that Mr. Doe’s disciplinary card also lists infractions that he received during a prior period of incarceration. For the purposes of this petition, only the infractions from Mr. Doe’s current period of incarceration are discussed.

⁷ See, e.g., Richard Tewksbury, David Patrick Connor, and Andrew S. Denney, *Disciplinary Infractions Behind Bars: An Exploration of Importation and Deprivation Theories*, Criminal Justice Review 2014, Vol. 39(2) 201-218 (noting that over 50% of inmates received an infraction over the 1-year study period); Benjamin Steiner and Calli M. Cain, *Punishment Within Prison: An Examination of the Influences of Prison Officials’ Decisions to Remove Sentencing Credits*, Law & Society Review, Vol. 51 (1) (2017) (reporting that 74% of the inmates were convicted of a rule violation during the 5-year study period).

shoestring. The modified walkman was discovered during a routine cell-search. The only punishment he received was a verbal reprimand.

IV. Health

Mr. Doe qualifies for relief under the Joe Coleman Medical Release Act because he is suffering from stage 4 lung cancer, a terminal illness with a life expectancy of less than 18 months. His diagnosis, current state of health, and treatment plan are all described in greater detail below.

On May 12, 2021, Mr. Doe was rushed from Menard Correctional Center to Saint Mary Medical Center in East St. Louis after experiencing severe chest pain. Doctors discovered that Mr. Doe had a mass on his right lung and a mass on his right side rib. Medical records stated that the “dominant right lower lobe lung” was “worrisome for lung cancer,” and that the “pleural-based rib destruction involving the sixth rib” could be “due to possible metastatic disease.”⁸ Mr. Doe was referred to the University of Illinois Medical Center for further testing.

On July 1, 2021, a fine needle aspiration biopsy was performed, and tissue removed from Mr. Doe’s lung was diagnosed as “positive for **malignancy consistent with non-small cell carcinoma** with neuroendocrine differentiation.”⁹ Doctors diagnosed Mr. Doe with stage 4 lung cancer, which is the most advanced stage of cancer and means that the cancer has become “metastatic” and spread to other parts of the body.¹⁰ Mr. Doe is now starting radiation and chemotherapy.

⁸ Medical Records, Ex. E.

⁹ Biopsy Results, Ex. F.

¹⁰ Cancer Center, *Stage IV Lung Cancer*, <https://www.cancercenter.com/cancer-types/lung-cancer/stages/stage-iv-lung-cancer> (last updated May 24, 2021).

Lung cancer *at any stage* is considered a terminal illness, and lung cancer patients in general have a 5-year survival rate of 16%.¹¹ Patients like Mr. Doe who suffer from non-small cell carcinoma that has spread throughout the body have a 5-year survival rate of 7%.¹² The median survival time for a person who has been diagnosed with stage 4 lung cancer is approximately 8 months.¹³

Common symptoms of stage 4 lung cancer include shortness of breath, chest pains, and coughing up blood or rust-colored phlegm.¹⁴ Although treatments are available that may help alleviate some of these symptoms and prolong a person's life, ***there is no cure for stage 4 lung cancer***.¹⁵ Even in a best case scenario, there is no doubt that Mr. Doe's advanced lung cancer will eventually kill him; it is merely a question of when.

Mr. Doe's cancer treatment plan is attached as Exhibit G. Because there is no cure for stage 4 lung cancer,¹⁶ the stated goal of Mr. Doe's treatment plan is to "prolong life while maximizing quality of life." Even in a best case scenario, there is no doubt that Mr. Doe's advanced lung cancer will eventually kill him; it is merely a question of when. His treatment plan includes chemotherapy, immunotherapy, bone strengthening medication, radiation oncology evaluation, and a palliative specialist consultation for pain management.

¹¹ Hesborn Wao & Rahul Mhaskar et al., *Survival of Patients with Non-small Cell Lung Cancer Without Treatment: A Systematic Review and Meta-analysis* (Feb. 4, 2013), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3579762/>.

¹² American Cancer Center, Lung Cancer Survival Rates, <https://www.cancer.org/cancer/lung-cancer/detection-diagnosis-staging/survival-rates.html> (last updated Jan. 29, 2021).

¹³ This means that in a survey of people diagnosed with stage 4 lung cancer, 50% died within 8 months. NIH National Cancer Institute, *Non-small Cell Lung Cancer Treatment (PDQ)*, https://www.cancer.gov/types/lung/hp/non-small-cell-lung-treatment-pdq#_48406 (last updated March 11, 2021).

¹⁴ Medical News Today, *Stage 4 Lung Cancer Prognosis*, <https://www.medicalnewstoday.com/articles/stage-4-lung-cancer-prognosis#symptoms> (last updated Jan. 28, 2021).

¹⁵ *Id.*

¹⁶ *Id.*

Mr. Doe was previously undergoing monthly chemotherapy at Saint Mary Medical Center. After approximately four months of chemotherapy, he received one session of radiation therapy. Mr. Doe is now receiving monthly immunotherapy infusions that will continue for approximately one year. He undergoes regular blood screening, cat scans, and CT scans to monitor the progression of his cancer.

V. Release Plan

Mr. Doe is an excellent candidate for release under the Joe Coleman Medical Release Act based on his exemplary institutional record, and based on his many loving friends and family members who are eager to welcome him home. Mr. Doe has a robust familial support network, all of whom are ready and willing to help him navigate reentry and medical care.

If released, Mr. Doe will live his wife Lola in her home at 1234 N. Main Street, Edwardsville, IL. He and Lola have known each other for over 40 years, and although “serving two life sentences plus 60 years since being locked up has been hard . . . our faith has kept us strong.”¹⁷ Lola writes that “I am able to provide housing for John. I live in a single family unit home. My neighborhood is decent and he will have room & board upon his transition back into the community.”¹⁸ At Lola’s house, Mr. Doe will only be a 30 minute drive away from Saint Mary Hospital, where he is currently receiving cancer treatment. Mr. Doe will continue to see the same doctors if he is released.

Lola will have immense support in caring for Mr. Doe in his final days. As Mr. Doe’s sister, Jasmine, notes in her letter of support: “If my brother John Doe get another chance to be free my brother have a lot of family members who will support John with the help he need to stay on the right path. If he gets out I will be here with open arms.”¹⁹ His mother, aunts, uncles,

¹⁷ Letter of Support from Lola Doe, Ex. A.

¹⁸ *Id.*

¹⁹ Letter of Support from Jasmine Doe, Ex. A.

and cousins all live in the St. Louis metropolitan area, and they all pledge in their letters of support to provide Mr. Doe with whatever help he may need. They all testify to Mr. Doe's loving, family-oriented nature, and they are eager to help care for Mr. Doe in the same way that he has always been there for his loved ones.

Mr. Doe has proven over the past 15 years that he is a changed person, and that he will live out the remainder of his days as a peaceful, law-abiding man. Given the reality that his stage 4 lung cancer will soon kill him, there is no reason why Mr. Doe should remain in the custody of the Department of Corrections.

VI. Conclusion

John Doe is a 65-year-old man who was sentenced to life in prison for two armed hijackings during which no one was physically injured. He has now served fifteen years of his sentence. In light of Mr. Doe's advanced age, his terminal illness, his exemplary rehabilitative record and the 15 years that he has already served, Mr. Doe should be released through the Joe Coleman Medical Release Act to a period of Mandatory Supervised Release (MSR) of 5 years.

I declare under penalty of perjury that all of the assertions made in this petition are complete, truthful and accurate.

Sincerely,

Attorney

Attorney

Attachments

- Exhibit A: Letters of Support
- Exhibit B: Certificates and Accomplishments

- Exhibit C: Letter from Mr. Doe
- Exhibit D: Disciplinary card
- Exhibit E: Medical Records
- Exhibit F: Biopsy Results
- Exhibit G: Cancer Treatment Plan