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News

Two Theories - Part 2

Parole loosens for 30-years-to-lifers, including those sentenced as juveniles in New Mexico

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Cover Story LEFT: Shane Lasiter stands with his attorney, Denali Wilson of the ACLU, at an Albuquerque park days after she helped secure his release from prison on parole. RIGHT: Lasiter, 56, enjoys his first meal as a free man



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Morning Word

NM Hospitals Struggle with Workforce Shortage

By Julia Goldberg • September 14, 2022 at 6:55 am MDT

in 40 years: honey-baked ham, fried okra and sweet potatoes. (Jeff Proctor / Denali Wilson/Jeff Proctor / Denali Wilson)

By Jeff Proctor

June 16, 2021 at 12:00 am MDT

Shane Lasiter wanted honey-baked ham, fried okra and sweet potatoes.

A mundane, easily procured food order transforms into aspiration for a guy who hasn't eaten a meal prepared in a home kitchen since he was 16.

On May 27, it happened for Lasiter, who is now 56.

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A sturdy man who looks right through the back of your head when he wants to get a point across, Lasiter walked out of the Lea County Correctional Facility in Hobbs around 1 pm on that day, climbed into his lawyer's Honda and got his Southern comfort food.

Four decades prior, the self-described "gullible" teen got into a different car with two older men. He hoped it would take him to California and away from the troubles he was trying to escape. He wound up in the middle of an armed robbery and fatally shot a Dairy Queen owner in Lordsburg.

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



Since then, Lasiter has endured traumas in the New Mexico prison system he still can't talk about. He spent a decade-plus numbing his pain with contraband narcotics. And he turned it all around by earning multiple degrees, training dogs for service work, starting a classic-rock prison band, serving as a caregiver for a man he was incarcerated with—and, almost unbelievably, amassed a spotless misconduct record for the last 26 of the 40 years he was locked up.

A judge sentenced Lasiter in 1981 to a prison term of 30 years to life—a mandatory punishment at the time, even for children who were tried as adults—and by law, he was supposed to get a meaningful chance at release every two years once the three decades were up.

That chance was supposed to come from the New Mexico Parole Board.

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Five times, from 2011 through 2019, there was no chance at all. Rather, as they'd been for nearly all of New Mexico's "30-year-lifers" who should have been afforded a thorough review, Lasiter's parole hearings were perfunctory affairs.

"Nobody paid attention. They were doing other things and just not paying attention," Lasiter tells SFR, sitting in the dappled shade of a massive cottonwood in an Albuquerque park. "I had given up hope of getting out, but I hadn't given up hope. When there's no light at the end of the tunnel, well, you don't think about the tunnel. So I focused on growth and spent time getting healthy."

Everything changed last month—spurred by two recent US Supreme Court rulings and a push from the American Civil Liberties Union of New Mexico and other advocates that forced the board to recognize long-held science showing the sections of the human brain that govern logic, decision making and more don't fully develop until age 25.

In March, the Parole Board adopted a new rule that requires a more individualized, thorough exploration of how someone has or hasn't changed while in prison—with far less focus on the circumstances of a decades-old crime—when deciding on release.

In May, a three-member panel granted Lasiter's freedom.

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“There was a noticeable difference,” Lasiter says of his last hearing. Before, “I was just an annoying presence. I always felt like, ‘We have to hear you, but we don’t have to listen to you.’ There were times I felt like getting up and walking out, because I already knew the answer. This time I didn’t know the answer, and I knew they had to listen. And they listened.”

More change may be coming.

A proposal that would have outlawed the sentence of life without the possibility of parole for people who committed crimes as juveniles—as several states have done—and reduced the number of years for a first parole hearing for youths sentenced to finite life sentences from 30 years to 15 passed the New Mexico Senate during this year’s legislative session, but never got a floor vote in the House as the chaotic session sped to a close.

“I think incarcerating children for life is inherently unjust,” says state Rep. Dayan Hochman-Vigil, an Albuquerque Democrat who cosponsored SB 247. “It’s almost like there’s two victims: the victim of the crime, and then we keep people in jail for the rest of their lives. Two people lose their lives. This is the first step in bringing this to light...and I’m working to see if we can get it on the governor’s agenda for the 30-day session in 2022.”

The measure drew pushback from many southern



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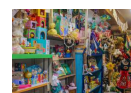
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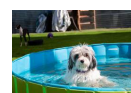
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New Mexico district attorneys, who rallied victim advocates and families to oppose it, Hochman-Vigil says.

But other prosecutors, including First Judicial District Attorney Mary Carmack-Altwies, testified in favor of the reform.

“I think it’s important that the law takes into account that, even if we treat juveniles somewhat the same on the front end [of the justice system, at trial], they are different,” the first-term, Democratic DA says in an interview. “I did support it, and I will continue to support it.”

New Mexico’s system for parole-eligible lifers has been fraught.

A [2017 SFR and New Mexico In Depth investigation](#) found that this state granted release for people in that population less often than nearly any other state in the nation—just six times out of 89 hearings from 2011 through early 2017. None of those granted release was under 18 at the time the crime was committed. (Lasiter appears to be the first of those.)

That landscape emerged under former Gov. Susana Martinez, a Las Cruces Republican and former prosecutor whose punitive approach and appointment of a Parole Board chair who believed that “life means life” put New Mexico near the

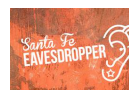


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bottom of the list.

Since Gov. Michelle Lujan Grisham took office in 2019, at least nine people have left prison through parole hearings after serving 30 years or more. Five of those, including Lasiter, have received favorable rulings from the board since acting chair Abram Anaya took over in March 2020.

The board's previous practices had longtime state Sen. Cisco McSorely, who is now director of the Probation and Parole Division of the New Mexico Corrections Department, concerned.

"The Adult Parole Board, I thought as a legislator three years ago, was susceptible to being sued for its determination that it would not follow the law," McSorely tells SFR. "We as the Parole Board do not have the power or the authority to overturn the decision of a judge and a jury. Now, we are just following the law."

A national oversight group had given the board an F-rating in 2017, Anaya tells SFR. He wants to earn an A for the next review period.

"I believe that, as we get further and further into this justice reform and we're taking a look at the way we've done business—and the way we're doing business—that every individual needs to be based on their own merits," he says. "We're really trying to

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Band

7:00 pm



La Fiesta Lounge

change the perception of the Parole Board. [With the rule change and a shift in philosophy], we've become a better and stronger and more fair board."

That matches Lasiter's experience, he says, though he believes the system needs to keep evolving. Everyone should get a fair hearing after serving a long sentence, he says, whether they were youths or adults when they committed their crimes—and even if their prison records weren't as exemplary as his.

Lasiter paroled to a halfway house in Albuquerque. He's noticed since his release that all the cars look the same, other than their manufacturers' emblem, and the world moves a little faster.

He'd never touched a smartphone till the end of May.

The former inmate has plans, including opening his own small dog-training business. He speaks with reverence and empathy about dogs' love without expectations—lifetimes past the troubled, lost 16-year-old who once pulled a trigger.

He and his fellow residents were still working on the honey-baked ham almost two weeks after his release.

"Every day feels a little bit more free," Lasiter says.

Editor's Note: This story has been corrected to reflect that the victim in Shane Lasiter's crime was a

Dairy Queen owner, not a gas station employee.

By the Numbers

Since the eight years of prosecutor-turned-governor Susana Martinez ended in 2019, officials with the New Mexico Adult Parole Board say they've sought to follow state law and afford people serving 30-years-to-life sentences a fairer, more complete shot at parole, in particular those who committed crimes before they turned 18. Here are the numbers.

People in New Mexico prisons serving 30-to-life sentences as of June 9, 2021: **411**

People serving those sentences for crimes committed as juveniles: **22**

Parole hearing results for 30-year-lifers through the years: **

2011-2016: **89 hearings, six granted parole**

2017: **24 hearings, two granted parole**

2018: **16 hearings, none granted parole**

2019: **26 hearings, five granted parole**

2020: **15 hearings, three granted parole**

* There are at least five additional 30-year-lifers serving their time out of state or in federal custody for crimes committed in New Mexico under the age

of 18.

** The Corrections Department does not track hearings for 30-year-lifers based on whether the would-be parolee was under 18 at the time of their crime.

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Jeff Proctor

Jeff Proctor has been a journalist in New Mexico since 2002 and has been hanging around SFR in various capacities since 2013. In May 2021, he became full-time news editor. He still writes about criminal justice issues, transparency and even golf for the newspaper, too.




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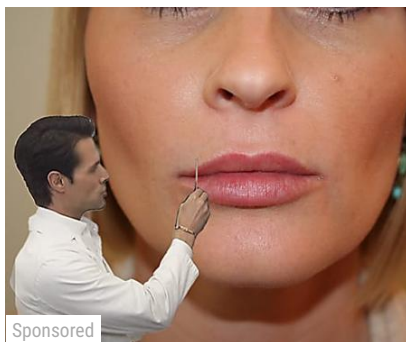
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