

TO: Governor Atiyeh

May 16, 1980

FROM: Bob Oliver / *Bob*

MAY 21 1980

SUBJECT: Richard Dennis Grainger, Commutation

Governor Atiyeh

Richard Dennis Grainger has applied for a commutation. He currently is residing at the Wisconsin State Penitentiary, and does not wish to return to Oregon to resume serving a life sentence.

Grainger, 49, has been almost continuously in trouble with the law since he was sent to the State Industrial School in Wisconsin for Burglary at the age of 14. In 1949, he was sentenced to two years at the Texas State Penitentiary for Burglary. Having been released the following year, he went to California and promptly received a maximum of 15 years each on two counts of Burglary. He was discharged in 1955. The following year he was sentenced to a year in the Wisconsin State Penitentiary for Burglary, being discharged in 1957. In 1958 he received two years each on six counts of Burglary in Wisconsin. Having been paroled in 1959, in 1960 he received two years for Burglary in Wisconsin. He was discharged in 1960. In 1961, he received three years in Wisconsin for Burglary. He was discharged in 1964. Coming to Oregon, in 1965 he was sentenced to life imprisonment in Josephine County for Assault and Robbery Being Armed With A Dangerous Weapon.

In 1973, Grainger was paroled but violated his parole by leaving Oregon a few months later. He was returned to the penitentiary. Late in 1974 he was paroled again, but absconded and was apprehended in Iowa -- he was not prosecuted for two burglaries with which he was charged in that state. Having been returned to Oregon's penitentiary, he was paroled a third time in 1977. Five months later he absconded, making off with a pistol belonging to the family with whom he was living. The reason he is imprisoned in Wisconsin is that, having arrived in that state after fleeing Oregon, he was sentenced to serve six years for burglary.

Interspersed with all these felonies are minor convictions for vagrancy, disorderly conduct, petty larceny and fornication. So far as can be determined, he has been lawfully employed (as a hotel night clerk) during all these years for a total of two and one-half weeks.

Grainger bases his application on a change in the law since 1965 -- the maximum sentence for Armed Robbery has been cut from life to 20 years. Moreover, he says he has already served enough time.

I do not believe this is an "appropriate case" where the Governor should exercise executive clemency to conform prior sentences to the revised criminal code. I recommend denial. A suggested draft is attached.