

Letter to the parole board
RE: Timothy A. Baxter, Inmate #304285

Dear Sir or Ma'am,

I have spent a vast amount of time over the past few months searching for ways to help Mr. Timothy Baxter regain entry into society. What I have discovered is that there are significant mitigating circumstances for his convictions that might persuade you to give him that chance.

First, his court-appointed attorney failed to file a Notice of Intent to Use Self-defense. Since this affirmative defense was not plead, Mr. Baxter could not argue that he only shoved the victim after the victim struck him in the head. In essence, it meant the jury only heard that Mr. Baxter shoved the victim causing him to land awkwardly onto a gas island freakishly and supposedly breaking ribs, but with no medical proof offered. The jury credited the victim's testimony and this conviction, based on our laws, has been affirmed. But it was still just a shove.

A conviction for aggravated assault where no deadly weapon was used is unheard of. In twenty years as a police officer, investigator, special agent and now a defense attorney, *I have never heard of anyone being convicted of aggravated assault where no weapon was used.* None. Other than Tim Baxter.

The misfortune that Mr. Baxter dealt with did not stop with his aggravated assault conviction. He was later convicted of Failure to Appear for missing a court appearance for a case that was eventually dismissed. Having a defendant miss a court appearance is not a novel proposition. In fact, it is something that I deal with at least monthly. But, *I have never heard of someone being convicted of Failure to Appear.* In every case I have ever had the judge merely issues a *capias* and a "hold without bond" and the defendant sits in jail until the case is resolved. But, Mr. Baxter received an additional six (6) years for missing a court date that he had no knowledge of. Mr. Baxter had the misfortune of being charged in a jurisdiction where the clerk's office failed to issue him notice of his indictment as required by law. But that conviction, viewed most favorably by the state, has also withstood all legal challenges.

More importantly than rehashing the events that led to Mr. Baxter's incarceration is his prospects for reintegration into society. Mr. Baxter has a powerful support system with his mother Linda and his father Troy. He has a job waiting on him to be released from prison; he has stable housing and he has learned that his life could be so much more valuable and enjoyable should he stay on the right track.

Based on my interactions with the person I have spent so much time with, I say proudly that Mr. Tim Baxter would pose no threat to society and society would be improved if he were immediately released from prison. He just needs a little grace and I am certain he will make us all proud.

