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Crosley Green Mandamus Frequently Asked Questions

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Q. Where was the petition for writ of mandamus filed?

A. In the Circuit Court of the State of Florida for the Second Circuit in and for Leon County

Q. What is the court being asked to consider?

A. The question is when will Mr. Green be presumed eligible for parole under Florida law. The Florida Commission on Offender Review erred by miscalculating Mr. Green’s parole eligibility date by adding together time for both felony murder and the underlying offenses, which goes against its own rules. The Commission should have calculated his parole eligibility based only on felony murder and added ZERO additional time for the underlying offenses, but they added 45 years based on the underlying offenses—which its own rules prohibit. Additionally, because Mr. Green was released from the Florida correctional system and then returned after the State successfully appealed, the Commission’s rules required it to set a new parole eligibility date, which would have given the Commission a second chance to set the correct parole date. But the Commission has refused to recalculate his eligibility date, instead choosing to “take no action.”

Q. What is a Presumptive Parole Release Date (PPRD)?

A. Florida parole determinations generally have two steps. First, the Florida Commission on Offender Review uses specified, objective criteria to determine the date an inmate is presumed to be eligible for parole, known as the Presumptive Parole Release Date (PPRD). Second, as the PPRD approaches, the Commission re-reviews the case to finalize the date on which the inmate will actually be paroled, known as the Effective Parole Release Date (EPRD). Mr. Green’s petition concerns the first step, setting his PPRD.

Q. When and how did the Florida Commission on Offender Review calculate Mr. Green’s PPRD?

A. Mr. Green’s Initial Hearing before the Commission occurred September 23, 2015. Mr. Green was not present or represented. Mr. Green and his lawyers were not notified of the determinations made during that hearing.

At that time, the Commission incorrectly and unjustly added 45 years to the PPRD by failing to comply with clear requirements of Florida law—specifically Rules 23-21.010(2) and 23-21.010(3) of the Florida Administrative Code—and by adding additional months for Mr. Green’s underlying, lesser offenses. Those rules prohibit using any “element” of a crime to add time to the PPRD for that crime, and they specify that the number of months added for underlying offenses in a felony murder case “shall be zero.” But rather than add “zero” months to Mr. Green’s PPRD for the underlying offenses, the Commission added an unjustifiable 45 years (later reduced to 40), thereby moving his presumed release date from 2014 to 2054.

When calculating Mr. Green’s PPRD, the Commission assessed 300 months for the felony murder count. It then identified three aggravating factors. It recognized that “counts two and three, robbery with a firearm” were predicate felonies for the felony murder count. For these counts, it therefore assessed “zero [months] since they’re the underlying felonies.” However, for the predicate kidnapping felony counts, the Commission added 240 months for each count. For the use of a firearm, the Commission counted it as an aggravating factor, too, and added 60 months. This set Mr. Green’s PPRD as June 2, 2059. (It was later reduced to 2054.)

Q. Why did the Commission vote against Mr. Green?

A. At a November 2023 hearing before the Commission, lawyers for Mr. Green argued that the Commission should recalculate the PPRD in accordance with the applicable rules. Two of the three commissioners voted to “take no action,” and refused to explain the reason for their vote. However, Florida law requires the Commission to “articulate a basis for its decision.”

Q. Did anyone side with Mr. Green at the Florida Commission on Offender Review?

A. Yes. Chairman Melinda Coonrod voted to grant Mr. Green the relief he sought and explained that this was consistent with the Commission’s rules and precedent.

Q. Are there additional reasons the Commission should recalculate Mr. Green’s PPRD?

A. One of the additional reasons the PPRD should be recalculated is that a Florida regulation—specifically Rule 23-21.013(3) of the Florida Administrative Code—annuls any existing PPRD if an inmate leaves the Florida correctional system and then requires the Commission to set a new PPRD if the inmate is subsequently reincarcerated. Mr. Green exited Florida custody in April 2021 when he was released to federal supervision and was reincarcerated in the Florida correctional system in April 2023. Contrary to these legal requirements, the Commission has continued to apply the PPRD set in 2015 instead of recalculating a new PPRD.

Q. Does Mr. Green have a right to parole?

A. The Supreme Court of Florida has long recognized that, “[w]hile there is no absolute right to parole, there is a right to a proper consideration for parole.” Mr. Green urges the Commission to correct this grave error and provide him the opportunity to reunite with his family after so many years in prison.

Q. Does the Commission have the discretion to set presumptive release dates as it likes?

A. The Florida Legislature, through Chapter 947, Florida Statutes, conceived a design by which both the Commission on Offender Review and inmates would be freed from the arbitrary and capricious decisions that had historically plagued the State’s parole decision process. Chapter 23-21 of the Florida Administrative Code is the vehicle by which the Legislature’s intent was implemented, and the courts have long held that the parole guidelines must conform to objective standards to pass legal and constitutional muster. Indeed, the courts have observed that Chapter 947, Florida Statutes, contemplates an objective system in which “the Commission may exercise its discretion only in limited circumstances with adequate explanation.”

In Mr. Green’s petition to the Circuit Court, he asks the court to find that the Commission abused its discretion.

Q. Why is this important?

A. It is one thing for the Commission to make a mistake; it is another to keep a man behind bars until he is nearly 100 years old to avoid having to correct that mistake. The Commission has a duty to abide by the laws of the state of Florida to correct its error and set the correct PPRD for Mr. Green. Moreover, Mr. Green has been a model inmate for over 33 years and deserves to be free after more than three decades in prison.

Q. What can the Commission do now?

A. The Commission has full discretion to correct its error and to set Mr. Green's PPRD to 2014, which would make him presumed to be eligible for parole now.

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