

Ball Legal Firm, P.C.

Gail A. Ball, Esquire

Member, Supreme Court of the United States

August 5, 2011

Governor Robert F. McDonnell
Richmond, VA

Dear Governor McDonnell:

I write you today to say that I am utterly appalled and dismayed over the recent decision by the Virginia Parole Board to deny the parole and deportation of my client, Jens Soering, for the seventh time.

With his previous six denials, under the prior parole board, the only reason given was “the serious nature and circumstance of the offense.” The new board, recently appointed by you, added three new reasons. Two of these are identical to the reason quoted above: “crimes committed” and “release at this time would diminish seriousness of crime.” The third new reason was “risk to the community.”

Risk to which community? As you and the parole board know, Mr. Soering would be immediately deported to Germany if granted parole. So apparently the Virginia Parole Board sees it as its task to protect the German community from Mr. Soering, at a cost of roughly \$25,000 per year. (Our tax dollars at work!) The German community has communicated to us the fact that they are not concerned for their public safety with regard to Jens Soering.

The larger question arises which is this: Did the preparer of this turndown letter actually look at the name of the subject inmate before signing it? Or as it appears—are these reasons for not granting parole so ubiquitous that no real thought goes into the individual cases.

There is no rational reason to deny the parole and deportation of Mr. Soering:

1. You yourself told me, at a public event, that you are convinced he [meaning Mr. Soering] is fully rehabilitated, a stated goal of the Department of Corrections.
2. At the board hearing on July 11, 2011, I presented the board with a third new piece of evidence that casts doubt on Mr. Soering’s guilt. (in addition to the DNA tests and Tony Buchanan’s deposition). We now believe we know the full name of the person who accompanied Elizabeth Haysom to Mr. Buchanan’s transmission repair shop in the summer of 1985 to pay for and pick up the blood-stained

Chevrolet, containing the blood-stained knife. We are convinced that the person with the blood soaked socks or shoes drove that car from the scene of the crime.

When I gave this new information to the parole board, it was suggested to me, in essence, to go and hire a private investigator. This idea had occurred to me even without the board's help. However, the kind of information we need can only be obtained by someone with access to government records.

Several dozen Virginia residents and U.S. citizens sent the parole board letters in support of Mr. Soering's release and deportation, including a bishop, an abbot, a university dean, several university professors, the director of a nationally known criminal justice think-tank, a retired federal prison warden, a nationally known author, and any number of priests and other clergy (some of whom are nationally known). One retired Virginia Deputy Attorney General wrote a three-page letter to the board, and another former Virginia Deputy Attorney General actually attended the hearing.

Yet the parole board (with only four members seated) sent out its denial letter just nine days after Mr. Soering's parole interview—the fastest turn-down he has ever received. The date on the denial letter was July 24, 2011, a Sunday--certainly an peculiar coincidence. This quick decision seems odd to me considering the fair amount of relevant material we presented to the board for their review—and our directly stated plea for the board to truly consider our submissions before making a decision.

According to an article in the Washington Post of May 24, 2011, Mr. Soering's release and return to Germany has now become an issue in the Virginia U.S. Senate race between Timothy Kaine and George Allen: "Republicans believe the case will prove problematic to the U.S. Senate campaign of former governor Tim Kaine." It would appear that Mr. Allen is attempting to use Mr. Soering as "the Willie Horton of 2012," as the Roanoke Times's political blog put it. Given the inexplicable decision of the parole board, many will now suspect that Mr. Soering is being kept in prison to ensure that Mr. Allen can use him as a political weapon against Mr. Kaine by suggesting, perhaps, that Mr. Kaine is "soft on crime."

The mishandling of the Soering case by the parole board is not only a grave injustice, but also an embarrassment to the Commonwealth of Virginia. The politicization of an individual prisoner's case is something one would expect from a socialist government that violates human rights—but certainly not from the Governor of Virginia. "Risk to the community"—really? "Hire your own private investigator"—really? Keep Jens Soering in prison to help George Allen into the Senate—really?

Once again, I ask you to intervene in this case and send Mr. Soering away from these shores. I believe voters will ultimately applaud you for putting justice ahead of politics, for showing courage and independence.

Sincerely yours,

Gail A. Ball

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cc: Attorney General Ken Cuccinelli
U. S. Representative Bob Goodlatte
Senator Stephen D. Newman
Delegate Lacey E. Putney
Consul General Klaus Botzet
Consul General Knut Abraham
Deacon Thomas Elliott
Steve Rosenfield
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