



OFFICE OF THE DISTRICT ATTORNEY GENERAL

GLENN R. FUNK
District Attorney General

December 13, 2021

The Honorable Richard Montgomery
Chairman, Board of Parole
500 James Robertson Parkway
Davy Crockett Tower, 4th Floor
Nashville, TN 37243

Re: State of Tennessee v. Andrew Delke
Case No: 2019-A-26
TOMIS NO: 631606

Dear Chairman Montgomery,

I understand that pursuant to the Reentry Success Act of 2021 (Public Chapter 410) the Board of Parole must schedule all inmates for a parole hearing with the presumption that an inmate "must be released on parole, except for good cause shown." (Public Chapter 410, Section 12). For that reason, the Board has scheduled Mr. Delke for a hearing January 10, 2022.

Mr. Delke is serving a three year sentence for voluntary manslaughter. At the time of his plea, and as a condition of that plea, Mr. Delke waived any application for or acceptance of parole in this case. I have attached a copy of Mr. Delke's judgment and his plea petition.

An inmate may waive parole consideration, which Mr. Delke did at his plea. The attached December 3, 2021 letter from Mr. Raybin to you is a further waiver of parole for Mr. Delke.

If the Board nevertheless plans to go forward with the hearing on January 10, please let me know. I oppose any parole grant in this case and I will appear in person. In addition, the victim's family and supporters will also attend and I will need notice to coordinate with those individuals.

Please let me know as soon as possible how the Board intends to proceed.

Sincerely,

A handwritten signature in blue ink that reads "Glenn R. Funk".

Glenn R. Funk

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RAYBIN & WEISSMAN, P.C.

ATTORNEYS AT LAW

David L. Raybin | David J. Weissman | Benjamin K. Raybin

December 3, 2021

Richard Montgomery, Chairman
Tennessee Board of Parole
500 James Robertson Parkway
Davy Crocket Tower, 4th Floor
Nashville, Tennessee 37243

RE: Andrew Delke, #631606

Dear Mr. Montgomery:

I represent Andrew Delke, who has been scheduled for a parole hearing on January 10, 2022. He is serving a three-year sentence for voluntary manslaughter. As part of the plea negotiations, Mr. Delke affirmatively waived parole consideration as noted in the letter I sent to you contemporaneous with the plea. A copy of that waiver-letter is attached for your convenience.

Please provide this letter and attachments to the hearing officer considering the case and advise that Board rules permit a person to waive parole consideration and thus, we think Mr. Delke should be declined to the balance of the sentence or that consideration be declined in light of the waiver.

Thank you, and if you have any questions, please call me.

Very truly yours,

Raybin & Weissman, P.C.

A handwritten signature in blue ink, appearing to read 'David L. Raybin', is written over the typed name. The signature is stylized and fluid.

David L. Raybin

cc: Glenn Funk, District Attorney General
Roger Moore, Deputy District Attorney General