

# Last Try to Save 'Mistake Parolee'

SF Examiner By Stephen Cook

Tentative negotiations were under way today for Frank Nubin's surrender to the California Adult Authority.

But prison reform attorney Mrs. Salle Soladay said she has little faith in the Adult Authority's intentions and therefore would seek a U.S. District Court order to prevent Nubin from being returned to prison.

If the court refuses the order, she said, she will surrender her client at 11 a.m. tomorrow to Raymond Procunier, director of the State Department of Correction, in Sacramento.

Nubin, an employed citizen for the past 22 months, owes the State of California a technical debt of 10 months in prison.

The 46 year old ex - convict earned his status in the world beyond bars while on bail, fighting for his freedom on a writ of habeas corpus.

Then a Marin County Superior Court judge ruled he was still technically bound to the California Adult Authority, canceled his bail and ordered Nubin to return to San Quentin Prison by tomorrow.

Nubin, who remarried and committed himself to the support of a son and daughter by a previous marriage while on bail, will begin tomorrow's new day like a man hanging from a badly frayed rope.

The Adult Authority and the State Attorney General, in negotiating his surrender with Mrs. Soladay, offers this chance at continued freedom:

The black ex - convict will have to surrender himself to a parole officer in Crittenden

Center in Oakland, according to Deputy Attorney general Stuart Candland.

## Meeting

Once Nubin is "officially" in the hands of the Adult Authority, two members of that board will convene in special meeting in San Francisco to consider his fate.

They have several options:

- Nubin could be ordered to return to prison and serve the last 10 months of a six-month to 10 year sentence for assaulting his former wife with a deadly weapon in 1961.

- He could be returned to prison to allow the Adult Authority further time to re-evaluate his case.

- He could be paroled for that period.

- He could be totally discharged.

Joseph Spangler, secretary to the Adult Authority, said yesterday, "It is entirely possible Mr. Nubin will be released."

On Tuesday, however, be-

fore Nubin's plight was exposed in The Examiner, Spangler said through a Department of Corrections spokesman that Nubin would be considered for parole only after he returned to San Quentin and the Authority held its next regular meeting there — probably in December.

Even yesterday no one was offering Nubin a sure thing.

"Of course, it is also possible that he will be asked to return briefly until his case can be routinely considered

or, of course, he may be asked to serve the remainder of the sentence," Spangler told The Examiner.

## Same Day

Candland said he relayed this message to Nubin's attorney: "If he would surrender Friday the Adult Authority would consider the case that day . . . (but) I don't want to estimate his chances."

"I'm not going to run. That will cost me everything," said, adding that he figures he now has "about a 25 percent chance" of not having to return to prison.

## Hardship

If he is locked up again, Nubin says he figures his job as an iron worker, which pays as high as \$1000 a month, will be waiting for him when he is released.

For other reasons, though, the imprisonment would be an extreme hardship, he said.

"When you're in prison, it's like going through hell every day. It's mental torture. What it's going to do to me mentally, I don't know.

"You know, my daughter was just asking me the other day what I was going to get her for Christmas. I guess it will be up to her stepmother to give her the best Christmas she can, now," Nubin said.

Meanwhile, the former convict is receiving support in the Legislature.

Assemblyman Leo J. Ryan of South San Francisco, a champion of prison reform, attributed Nubin's predicament to a prevailing attitude on the Adult Authority board.

## Never Let Go

"Once you're a prisoner, they never let you go. There's a prevailing attitude on the Adult Authority that once a guy's been there he belongs to them," he said.

Both Ryan and Assemblyman John Vasconcellos of San Jose asked, "What purpose could be served?" by returning Nubin to prison.

"It's just an obvious waste of the taxpayers' money," Vasconcellos said.