

**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Wednesday, January 22, 2014
CLOSED SESSION**

(All times are approximate and subject to change.)

1515 K Street
Executive Board Conference Room
Sacramento, California 95814

NOTE START TIME: **8:30 a.m.**

DISCUSSION

Overview of Pending Litigation and Writs of Habeas Corpus

Pursuant to Government Code section 11126(e)(1)

(A board may meet in closed session to confer with or receive advice from its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.)

Issues

1. *Johnson v. Shaffer*, Case No. 2:12-CV-01059 GGH P (E.D. Cal.), presented by Howard Moseley, Chief Counsel, and Dr. Cliff Kusaj, Chief Psychologist
2. *Gilman v. Brown*, Case No. 2:05-CV-00830 LKK (E.D. Cal.), presented by Howard Moseley, Chief Counsel
3. *Armstrong v. Brown*, Case No. C-94-2307-CW (N.D. Cal.), presented by Howard Moseley, Chief Counsel

BOARD OF PAROLE HEARINGS
Executive Board Meeting
http://www.cdcr.ca.gov/BOPH/meeting_agenda.html
Wednesday, January 22, 2014
OPEN SESSION
(All times are approximate and subject to change.)

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

NOTE START TIME: **10:00 a.m.**

AGENDA

MEETING CALLED TO ORDER

CONSENT CALENDAR

1. Roll Call
2. Comments and Clarification regarding Board of Parole Hearings (BPH) Meeting Minutes: December 16 and 17, 2013
3. Parole Suitability Hearings and Backlog Report
4. Public Comment on Consent Calendar – Comments are limited to five minutes. Items on the consent calendar are considered routine and non-controversial. All matters are approved by one motion unless pulled by a Board Member for discussion or separate action.

REPORTS AND PRESENTATIONS

5. Report from Executive Officer
 - Overview of *In re Butler* Settlement Agreement
6. Report from Chief Counsel
7. Report from Chief Deputy of Program Operations
 - Panel Attorney Appointments: January 17, 2014
 - Inmate Counsel Orientation: January 6, 2014 (Sacramento, CA)
January 13, 2014 (Diamond Bar, CA)
8. Discussion Regarding Tours of Transitional Housing Facilities

OPEN COMMENTS

9. BPH Commissioners – Agenda Items for Future Meetings
10. Public Comment – Comments are limited to five minutes. The public may comment on any item related to Board business. The Board will not consider comments about future parole hearings. Those comments should be sent to the prison where the inmate is housed so that they can be considered by the panel assigned to the case.

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinator at (916) 445-4072, at least five (5) working days prior to the scheduled meeting. All persons and property entering into this facility may be subject to search. No unauthorized weapons are allowed pursuant to Penal Code Section 171b.

EN BANC REFERRALS

11. Referral pursuant to Penal Code section 1170(e) to determine eligibility for recommendation to sentencing court for recall of sentence. Members of the public may address the Board for a period not to exceed five (5) minutes.

A. PEREZ, MARIO **K-40382**
County of Commitment:
Los Angeles

B. CHRISTIAN, RONALD **H-83985**
County of Commitment:
Contra Costa

12. Referral by the Chief Counsel pursuant to California Code of Regulations, Title 15, section 2042, to assure complete, accurate, consistent and uniform decisions and the furtherance of public safety. Members of the public may address the Board for a period not to exceed five (5) minutes.

C. HATHCOCK, WELDON **B-18483** **To consider whether the proposed decision, based in part on the inmate's lack of parole plans, is consistent with *In re Lawrence* (2008) 44 Cal.4th 1181**
County of Commitment:
Fresno

D. KELSCH, RAYMOND **D-63773** **To consider whether the proposed decision, based in part on the inmate's lack of parole plans, is consistent with *In re Lawrence* (2008) 44 Cal.4th 1181**
County of Commitment:
Los Angeles

13. Referral to consider for a rescission hearing pursuant to California Code of Regulations, title 15, section 2450 et seq. Members of the public may address the Board for a period not to exceed five (5) minutes.

E. ACEVES, SALVADOR **H-73423** **To consider new information regarding an alleged rules violation on May 28, 2013**
County of Commitment:
Orange

14. Referral by the Governor pursuant to Penal Code section 3041.1 and California Code of Regulations, Title 15, section 2044 to request review of a parole decision by the full board. Members of the public may address the Board for a period not to exceed five (5) minutes.

F. SMITH, LAKENDALL **H-64209**
County of Commitment:
Sutter

G. POMA, RICHARD **C-33048**
County of Commitment:
Butte

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15. Referral pursuant to Penal Code section 3041 to either grant or deny parole when there is a tie vote. Public comment is prohibited pursuant to Penal Code section 3041(e).

H. WILSON, LARRY **C-37556**
County of Commitment:
Los Angeles

DISCUSSION ITEMS

16. a) Dissolution of Advisory Committees, Presented by Jennifer Shaffer, Executive Officer
b) Board Questions and Comments
c) Public Comments
d) Motion and Votes

OPEN COMMENTS

17. BPH Commissioners - Agenda Items for Future Meetings
18. Public Comment – Comments are limited to five minutes. The public may comment on any item related to Board business. The Board will not consider comments about future parole hearings. Those comments should be sent to the prison where the inmate is housed so that they can be considered by the panel assigned to the case.

The decision in the above hearings will be posted no later than 4 p.m. in the lobby on the ground floor of 1515 K Street and also on the BPH internet page at the following address:
www.cdcr.ca.gov/BOPH/enbanc.html.

CLOSED SESSION – EN BANC REFERRALS

Pursuant to Government Code section 11126(c)(4)
("...[N]or shall anything in this article be construed to prevent a state body from holding a closed session when considering and acting upon the determination of a term, parole, or release of any individual or other disposition of an individual case, or if public disclosure of the subjects under discussion nor consideration is expressly prohibited by statute.")

ADJOURNMENT

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinator at (916) 445-4072, at least five (5) working days prior to the scheduled meeting. All persons and property entering into this facility may be subject to search. No unauthorized weapons are allowed pursuant to Penal Code Section 171b.