

**BOARD OF PAROLE HEARINGS**  
**Executive Board Meeting**  
[http://www.cdcr.ca.gov/BOPH/meeting\\_agenda.html](http://www.cdcr.ca.gov/BOPH/meeting_agenda.html)  
**Monday, March 17, 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: 1:00 p.m.

**AGENDA**

**MEETING CALLED TO ORDER**

**CONSENT CALENDAR**

1. Roll Call
2. Proposed Amendment to the Board of Parole Hearings (BPH) Meeting Minutes: January 22, 2014
3. Comments and Clarification regarding BPH Meeting Minutes: February 18 and 19, 2014
4. Parole Suitability Hearings and Backlog Report
5. 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**

6. Report from Executive Officer
  - SB 260 Update
  - *In re Butler* Update
7. Report from Chief Counsel
  - Frequently Asked Questions Regarding Penal Code section 3051 (SB 260), presented by Heather McCray, Staff Attorney
8. Report from Chief Deputy of Program Operations
  - Update on Panel Attorney Appointment Process
9. Proposed Administrative Directive Regarding Audio and Video Conferencing Guidelines, presented by Mina Choi, Staff Attorney

**OPEN COMMENTS**

10. BPH Commissioners – Agenda Items for Future Meetings

**For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinators at (916) 445-6631 or (916) 323-7997, 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.**

11. 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.

**MEETING RECESSED TO TUESDAY, MARCH 18, 2014**

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**BOARD OF PAROLE HEARINGS**  
**Executive Board Meeting**  
**Monday, March 17, 2014**  
**CLOSED SESSION**  
*(All times are approximate and subject to change.)*

1515 K Street  
Executive Board Conference Room  
Sacramento, California 95814

NOTE START TIME: 2:00 p.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. Cases involving claims of innocence that are likely to result in a court-ordered rehearing, presented by Howard Moseley, Chief Counsel, and Mina Choi, Staff Attorney

**Consideration of Matters Posing a Threat or Potential Threat of Criminal Activity**

Pursuant to Government Code section 11126(c)(18)

*(A Board may meet in closed session to consider matters posing a threat or potential threat of criminal activity where disclosure of these considerations could compromise or impede safety or security.)*

Issue

3. Reviewing the Confidential Section of Central Files, presented by Howard Moseley, Chief Counsel, Tiffany Shultz, Senior Staff Attorney, and Kara Houston, Staff Attorney

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**BOARD OF PAROLE HEARINGS  
Executive Board Meeting  
Tuesday, March 18, 2014  
CLOSED SESSION**

***(All times are approximate and subject to change.)***

1515 K Street  
Executive Board Conference Room  
Sacramento, California 95814

NOTE START TIME: 9:00 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. *Gilman v. Brown*, Case No. 2:05-CV-00830 LKK (E.D. Cal.), presented by Howard Moseley, Chief Counsel
2. *Coleman/Plata v. Brown*, Case No. 2:90-CV-00520 LKK, JFM P, presented by Jennifer Shaffer, Executive Officer, and Howard Moseley, Chief Counsel
3. *In re Butler*, Case No A139411 (Cal.1st App. Dist.), presented by Howard Moseley, Chief Counsel

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**BOARD OF PAROLE HEARINGS**  
**Executive Board Meeting**  
**Tuesday, March 18, 2014**  
**OPEN SESSION**

*(All times are approximate and subject to change.)*

1515 K Street  
 Executive Board Conference Room  
 Sacramento, California 95814

NOTE START TIME: 10:00 a.m.

**AGENDA**

**MEETING RECONVENED (Continued from March 17, 2014)**

**EN BANC REFERRALS**

12. 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. GILLIS, THORNTON      AD-9072**  
 County of Commitment:  
 Ventura

**B. SIDLEY, FREDERICK      E-09073**  
 County of Commitment:  
 Sacramento

13. 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. CALDERON, MARTIN      K-92411**      **To determine whether the panel's consideration of institutional behavior related to substance abuse is consistent with other Board decisions and the furtherance of public safety**  
 County of Commitment:  
 Ventura

**D. MYERS, BYRON      E-26677**      **To consider whether a substantive error in the risk assessment has a substantial likelihood of resulting in a substantially different decision upon a rehearing**  
 County of Commitment:  
 Los Angeles

14. 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.

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<b>E. MEJIA, ROBERT</b>	<b>K-02824</b>	<b>To consider new information regarding institutional conduct</b>
County of Commitment:		
Orange		

15. 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.

<b>F. CAMPOS, JOEL</b>	<b>V- 92815</b>
County of Commitment:	
Tulare	

<b>G. MCNEESE, BRENNAN</b>	<b>D- 89368</b>
County of Commitment:	
Los Angeles	

<b>H. SOLIS, JESSE</b>	<b>H- 59423</b>
County of Commitment:	
San Diego	

16. Referral by the Governor pursuant to Penal Code section 4802 to review a pardon application. Members of the public may address the Board for a period not to exceed five (5) minutes.

<b>I. MENESES, MIGUEL</b>	<b>H-89906</b>
County of Conviction:	
Kings	

**DISCUSSION ITEMS**

- 17. a) Amendments to 2013-03 Administrative Directives Regarding the Removal of Pre-Hearing Stipulations, presented by Jennifer Shaffer, Executive Officer
- b) Board Questions and Comments
- c) Public Comments
- d) Motion and Votes

**OPEN COMMENTS**

- 18. BPH Commissioners - Agenda Items for Future Meetings
- 19. 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](http://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*

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*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**

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