

**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, August 18, 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. Comments and Clarification regarding Board of Parole Hearings (BPH) Meeting Minutes: July 14 and 15, 2014
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
  - Electronic Hearing Packets
6. Report from Chief Counsel
7. Report from Chief Deputy of Program Operations
  - Inmate Panel Attorney Orientation: Northern California - October 6, 2014 at 8:00am  
Southern California - October 13, 2014 at 8:00am
8. Program Inventory, presented by Victoria Propp, Community Partnerships Analyst for the Community Partnerships Unit, Office of Policy Standardization

**DISCUSSION ITEMS**

9.
  - a) Administrative Directive 2014-03 Procedures for Hearing Exhibits at Hearings, presented by Patrick Reardon, Staff Attorney
  - b) Board Questions and Comments
  - c) Public Comments
  - d) Motion and Votes

10. a) *In re Butler* Regulations, presented by Howard Moseley, Chief Counsel
- b) Board Questions and Comments
- c) Public Comments
- d) Motion and Votes

**OPEN COMMENTS**

11. BPH Commissioners – Agenda Items for Future Meetings
12. 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, AUGUST 19, 2014**

**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.**

**BOARD OF PAROLE HEARINGS  
Executive Board Meeting  
Monday, August 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: 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. *In re Riley* (2014) 226 Cal.App.4th 535, presented by Howard Moseley, Chief Counsel
2. *Johnson v. Shaffer*, Case No. 2:12-CV-01059 GGH P (E.D. Cal.), presented by Dr. Cliff Kusaj, Chief Psychologist, and Howard Moseley, Chief Counsel

**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.**

**BOARD OF PAROLE HEARINGS  
Executive Board Meeting  
Tuesday, August 19, 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.)*

Issue

1. *In re Butler*, Case No A139411 (Cal.1st App. Dist.), presented by Jennifer Shaffer, Executive Officer, and Howard Moseley, Chief Counsel

**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.**

**BOARD OF PAROLE HEARINGS**  
**Executive Board Meeting**  
**Tuesday, August 19, 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 August 18, 2014)**

13. Roll Call

**EN BANC REFERRALS**

14. 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.

<b>A. MENDEZ, ARNOLD</b> County of Commitment: Orange	<b>H-06890</b>	<b>To reconsider the base term and adjusted base term</b>
<b>B. ROUSE, ROBERT</b> County of Commitment: San Diego	<b>C-86035</b>	<b>To reconsider the base term and adjusted base term</b>
<b>C. SMITH, JOHN</b> County of Commitment: San Mateo	<b>E-94734</b>	<b>To consider an error of law</b>
<b>D. SUMARAN, SALVADOR</b> County of Commitment: Ventura	<b>P-33842</b>	<b>To reconsider the base term and adjusted base term</b>

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>E. BROOKS, FRANK</b> County of Commitment: Los Angeles	<b>V-05569</b>
<b>F. DIAZ, JESUS</b> County of Commitment: Santa Clara	<b>T-62890</b>
<b>G. MEROLILLO, MARC</b> County of Commitment: Riverside	<b>T-27493</b>

**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.**

**H. SIMMONS, CHARNETTA**                      **X-15447**  
County of Commitment:  
Orange

16. 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).

**I. SCOTT, MALCOLM**                              **H-27799**  
County of Commitment:  
Alameda

**J. SCRAPE, TERRI**                                **W-22250**  
County of Commitment:  
Los Angeles

**OPEN COMMENTS**

17. 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 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 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.**