

BOARD OF PAROLE HEARINGS
Executive Board Meeting
http://www.cdcr.ca.gov/BOPH/meeting_agenda.html
Monday, November 17, 2014
OPEN SESSION
(All times are approximate and subject to change.)

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

START TIME: 1:00 p.m.

AGENDA

MEETING CALLED TO ORDER

1. Roll Call

CONSENT CALENDAR

2. Approval of the Draft Minutes from the October 20-24, 2014 Board of Parole Hearings Executive Board Meeting and Training Conference
3. Approval of the Parole Suitability Hearings and Backlog Report for November 2014
4. Approval of Motions for Hearings with Procedural Errors

A. WOOLSEY, TERRY
Sentencing Court(s):
Santa Clara

H-35026

Motion: Vacate the panel's October 8, 2014 decision and schedule a new hearing in order to comply with proper victim notification pursuant to Penal Code section 3043, subdivision (a)(1).

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 a Board Member requests separate action.

REPORTS AND PRESENTATIONS

6. Report from Executive Officer
 - Appointment of Commissioner Michele Minor
 - Expansion of Attorney Access to Central Files at Institutions
 - Update on Gate Clearances
7. Report from Chief Counsel
 - Filing of Regulations Regarding Penal Code 3000.1 Proceedings, presented by Heather McCray, Senior Staff Attorney
 - Proposed Administrative Directive on Transcripts for Statements Filed with the Board, presented by Howard Moseley, Chief Counsel
 - Proposed Administrative Directive on the Scope of Victim Impact Statements at Hearings, presented by Susie Booth, Staff Attorney

DISCUSSION ITEMS

8. a) Administrative Directive 2014-03A The Official Written Record at Parole Hearings, presented by Tracy Young, Staff Attorney
b) Board Questions and Comments
c) Public Comments
d) Motion and Votes

9. a) Administrative Directive 2014-04 The Right of Victims to Submit Written Impact Statements and The Right of Inmates to Review Written Records 10 Days Prior to a Hearing, presented by Susie Booth, Staff Attorney
b) Board Questions and Comments
c) Public Comments
d) Motion and Votes

OPEN COMMENTS

10. BPH Commissioners – Agenda Items for Future Meetings

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, NOVEMBER 18, 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, November 17, 2014
CLOSED SESSION**

(All times are approximate and subject to change.)

1515 K Street
Executive Board Conference Room
Sacramento, California 95814

START TIME: 2:00 p.m.

DISCUSSION

Overview of Facts and Circumstances with Significant Exposure to Litigation

Pursuant to Government Code section 11126(e)(2)(B)(i)

(For purposes of this subdivision, litigation shall be considered pending when any of the following circumstances exist: A point has been reached where, in the opinion of the state body on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the state body.)

Issues

1. Term Calculation Issues in light of *In re Butler*, presented by Susie Booth, Staff Attorney and Howard Moseley, Chief Counsel
2. Parties Attending a Parole Suitability Hearing Pursuant to Penal Code Section 3043, presented by Susie Booth, Staff Attorney

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, November 18, 2014
CLOSED SESSION**

(All times are approximate and subject to change.)

1515 K Street
Executive Board Conference Room
Sacramento, California 95814

START TIME: 9:00 a.m.

DISCUSSION

Overview of Pending Litigation and Writs of Habeas Corpus

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

(Nothing in this article shall be construed to prevent a state body, based on the advice of its legal counsel, from holding a 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. *Coleman/Plata v. Brown* (E.D. Cal., Case No. 2:90-CV-0520 LKK JFRM P and N.D. Cal., Case No. C01-1351 THE)(pending), 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, November 18, 2014
OPEN SESSION
(All times are approximate and subject to change.)

1515 K Street
 Executive Board Conference Room
 Sacramento, California 95814

START TIME: 10:00 a.m.

AGENDA

MEETING RECONVENED (Continued from November 17, 2014)

12. Roll Call

EN BANC REFERRALS

13. 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. DUNIGAN, JACK K-88863
 Sentencing Court(s):
 San Bernardino

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. BRANDSTATT, WILLIAM	T-55046	To consider increasing the base term and adjusted base term (Cal. Code of Regs., tit. 15, § 2041(h).)
Sentencing Court(s): Santa Clara		
C. GANDY, DONALD	J-33372	To consider increasing the base term and adjusted base term (Cal. Code of Regs., tit. 15, § 2041(h).)
Sentencing Court(s): Riverside and Amador		
D. HYMES, LANZESTER	D-94875	To consider increasing the base term and adjusted base term (Cal. Code of Regs., tit. 15, § 2041(h).)
Sentencing Court(s): Alameda		
E. POLK, BENJAMIN	C-11048	To consider increasing the base term and adjusted base term (Cal. Code of Regs., tit. 15, § 2041(h).)
Sentencing Court(s): Los Angeles		

15. 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.

F. DELEO, FRANK	H-73348	To consider new information regarding alleged institutional misconduct on 10/22/2014
Sentencing Court(s): Los Angeles		

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.

G. LOYA, FERNANDO **K-67157** **To consider new information regarding alleged institutional misconduct on 7/21/2014**
 Sentencing Court(s):
 Sacramento

16. 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.

H. FERGUSON, KENNETH **K-11229**
 Sentencing Court(s):
 San Diego

I. KENNEDY, DWAYNE **E-77932**
 Sentencing Court(s):
 Los Angeles and Sacramento

J. SOLIS, JESSE **H- 59423**
 Sentencing Court(s):
 San Diego

17. Referral by a hearing panel member pursuant to Penal Code section 3041(a) 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.

K. MATTHEWS, WOOD **E-18117**
 Sentencing Court(s):
 Los Angeles

18. 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).

L. ROLLO, GARY **B-71815**
 Sentencing Court(s):
 Orange and San Luis Obispo

OPEN COMMENTS

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 decisions in the above hearings will be posted as soon as they are finalized in the lobby on the ground floor of 1515 K Street. They will also be posted within 24 hours 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 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.