

**BOARD OF PAROLE HEARINGS**  
**Executive Board Meeting**  
**Monday, July 20, 2015**

**OPEN SESSION**

**(All times are approximate and subject to change.)**  
**[http://www.cdcr.ca.gov/BOPH/meeting\\_agenda.html](http://www.cdcr.ca.gov/BOPH/meeting_agenda.html)**

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 May 18 and 19, 2015 Board of Parole Hearings Executive Board Meeting
3. Approval of the Draft Minutes from the June 15 and 16, 2015 Board of Parole Hearings Executive Board Meeting
4. Approval of the Parole Suitability Hearings and Backlog Report for July 2015
5. Approval of Motions for Hearings with Procedural Errors – No motions to consider
6. 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**

7. Report from Executive Officer
  - California District Attorneys Association Conference
  - Legislative Update
8. Report from Chief Counsel
  - Regulations Update
  - *Gilman v. Brown* Update
9. Report from Chief Deputy of Program Operations
  - SB 260 Status Update
10. Report from Chief Deputy of Field Operations
  - Deputy Commissioner Hiring

**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.**

**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, JULY 21, 2015**

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**BOARD OF PAROLE HEARINGS  
Executive Board Meeting  
Monday, July 20, 2015**

**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 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. *Gilman v. Brown* (E.D. Cal. July 28, 2014, No. Civ. S-05-830 LKK/CKD) 2014 WL 3735401 (pending appeal), presented by Howard Moseley, Chief Counsel

**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.)*

**Issue**

1. Use of Confidential Information, presented by Jennifer Shaffer, Executive Officer, and Howard Moseley, Chief Counsel

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**BOARD OF PAROLE HEARINGS  
Executive Board Meeting  
Tuesday, July 21, 2015**

**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

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**BOARD OF PAROLE HEARINGS  
Executive Board Meeting  
Tuesday, July 21, 2015**

**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 July 20, 2015)**

13. Roll Call

**EN BANC REFERRALS**

14. 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. BRAVO, JULIO** **AW-4770**

Sentencing Court(s):  
Riverside

**B. CERVANTES, MIGUEL** **AA-5387**

Sentencing Court(s):  
Orange

**C. SMITH, ANDREW** **AN-8066**

Sentencing Court(s):  
Riverside

15. Referral by the Chief Counsel pursuant to Penal Code section 3041(b) and 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.

**D. HERNANDEZ, FRANCISCO** **V-22454** **To consider increasing the base term and the adjusted base term (Cal. Code of Regs., tit. 15, § 2041(h).)**  
Sentencing Court(s):  
Santa Clara

~~**E. JENKINS, ROBERT** **H-53355** **To consider increasing the base term and the adjusted base term (Cal. Code of Regs., tit. 15, § 2041(h).)**~~  
~~Sentencing Court(s):  
Los Angeles~~

**F. NGUYEN, MINH** **H-06893** **To reconsider the term calculation (Cal. Code of Regs., tit. 15, § 2041(h).)**  
Sentencing Court(s):  
Orange

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**G. WALTERS, MARTIN**  
 Sentencing Court(s):  
 San Diego

**E-86183**

**To consider an alleged error of fact regarding the life crime and an alleged error of law regarding the 10-day rule (Pen. Code, § 3041.5(a)(1).)**

16. 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.

**H. MOORE, MICHAEL**  
 Sentencing Court(s):  
 Los Angeles

**C-42319**

**To consider alleged institutional misconduct on May 20, 2015**

17. Referral by the Governor pursuant to Penal Code section 3041.1 and California Code of Regulations, title 15, section 2044(b) 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.

**I. BROWN, DAMEION**  
 Sentencing Court(s):  
 Santa Clara

**H-66190**

**J. DAVEY, WILLIAM**  
 Sentencing Court(s):  
 Placer

**K-20000**

**OPEN COMMENTS**

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 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](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**

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