

**BOARD OF PAROLE HEARINGS  
Executive Board Meeting  
Monday, December 21, 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: 2:00 p.m.**

**AGENDA**

**MEETING CALLED TO ORDER**

1. Roll Call

**CONSENT CALENDAR**

2. Approval of the Draft Minutes from the November 23 and 24, 2015, Board of Parole Hearings Executive Board Meeting
3. Approval of the Parole Suitability Hearings and Backlog Report for December 2015
4. Approval of Motions for Hearings with Procedural Errors

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| <b>A. GOMEZ, ROBERT</b><br>Sentencing Court(s):<br>Orange | <b>H-51048</b> | <b>Motion:</b> Vacate the panel's December 1, 2015, decision and schedule a new hearing in order to comply with the recording requirement found in Penal Code section 3041.5, subdivision (a)(4). |
|---|----------------|---|

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**

6. Report from Executive Officer
  - Three Judge Court Monthly Status Report
  - Implementation of Senate Bills 261 and 519
7. Report from Chief Counsel
  - Implementation of Senate Bill 230
  - Update on *Johnson v. Shaffer*
8. Report from Chief Deputy of Program Operations
  - Non-Violent Second Striker Decision Notifications

**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.**

9. Report from Chief Deputy of Field Operations
  - National Association of Hearing Officers Conference Held on October 25-28, 2015
10. Report from Chief Psychologist, Forensic Assessment Division
  - Introduction of New Staff
  - Risk Assessment Workload Update

**DISCUSSION ITEMS**

11. a) Administrative Directive 2015-04 Regarding Ex Parte Communication, presented by Mina Choi, Staff Attorney
  - b) Board Questions and Comments
  - c) Public Comments
  - d) Motion and Votes
12. a) Revised Administrative Directive 2013-07 Regarding Guidance on Parole Consideration Hearings for Youth Offenders, presented by George Bakerjian, Staff Attorney
  - b) Board Questions and Comments
  - c) Public Comments
  - d) Motion and Votes

**OPEN COMMENTS**

13. BPH Commissioners – Agenda Items for Future Meetings
14. 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, DECEMBER 22, 2015**

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**BOARD OF PAROLE HEARINGS  
Executive Board Meeting  
Monday, December 21, 2015**

**CLOSED SESSION**

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

1515 K Street  
Executive Board Conference Room  
Sacramento, California 95814

**START TIME: 3:00 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. Constitutional and Statutory Authority Regarding the Definition of "Victim," presented by Heather McCray, Senior Staff Attorney, and Kara Houston, Staff Attorney.

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**BOARD OF PAROLE HEARINGS  
Executive Board Meeting  
Tuesday, December 22, 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. *Johnson v. Shaffer* (E.D. Cal., Case No. 2:12-CV-01059 GGH P)(pending), presented by Howard Moseley, Chief Counsel
2. *In re Butler*, Case No A139411 (Cal.1st App. Dist.), presented by Howard Moseley, Chief Counsel
3. *Armstrong v. Brown* (N.D. Cal., Case No. C-94-2307-CW)(pending), presented by Howard Moseley, Chief Counsel

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**BOARD OF PAROLE HEARINGS  
Executive Board Meeting  
Tuesday, December 22, 2015**

**OPEN SESSION**

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

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

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

**AGENDA**

**MEETING RECONVENED (Continued from December 21, 2015)**

15. Roll Call

**EN BANC REFERRALS**

16. 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.

**B. ALVAREZ, GUADALUPE T-37865**

Sentencing Court(s):  
Sacramento

17. 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.

**C. JACOBSON, BERNAL**

**B-47556**

Sentencing Court(s):  
Solano

**To consider whether the proposed decision is consistent with *In re Lawrence (2008) 44 Cal.4th 1181***

**D. PASERI, VINCENT**

**E-92998**

Sentencing Court(s):  
San Bernardino

**To consider whether the panel complied with Cal. Const., art. I, § 28, subd. (b)(8)**

**E. RICHARDS, MERRIL**

**C-66928**

Sentencing Court(s):  
Los Angeles

**To consider any recent institutional misconduct**

18. 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.

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|-------------------------------------|----------------|
| <b>F. MCCLAIN, MILTON</b>           | <b>K-06923</b> |
| Sentencing Court(s):<br>Los Angeles |                |
| <b>G. RICHARDS, MERRIL</b>          | <b>C-66928</b> |
| Sentencing Court(s):<br>Los Angeles |                |
| <b>H. TORRES, MIGUEL</b>            | <b>H-48211</b> |
| Sentencing Court(s):<br>Los Angeles |                |
| <b>I. WHITE, GARY</b>               | <b>E-50175</b> |
| Sentencing Court(s):<br>Tuolumne    |                |
| <b>J. WILLIAMS, VOLTAIRE</b>        | <b>E-17796</b> |
| Sentencing Court(s):<br>Los Angeles |                |

### **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](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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