

**BOARD OF PAROLE HEARINGS**

**Executive Board Meeting**

**Tuesday, December 9, 2008**

**CLOSED SESSION**

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

1515 K Street

**9:30**

**a.m.**

Executive Board Meeting Room

Suite 550

Sacramento, California 95814

**DISCUSSION**

**Overview of Pending Litigation and Writs of Habeas Corpus  
and Attorney-Client Privileged Communications:**

*(Closed Board sessions for the purpose of conferring with legal counsel on matters as authorized by Government Code section 11126(e)(1)&(2), including but not limited to pending litigation such that discussion in open session would prejudice the state body in the litigation.)*

**BOARD OF PAROLE HEARINGS**  
**Executive Board Meeting**  
**Tuesday, December 9, 2008**  
**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:     **10:30 a.m.**

**AGENDA**

- I.     Call to Order
- II.    Roll Call
- III.   Approval of Board of Parole Hearings (BPH) Open Meeting Minutes:  
November 18, 2008
- IV.    Introductions and Presentations
- V.     Report from Executive Officer
- VI.    Chief Legal Counsel
  - Lifer Backlog
  - Discussion: Upcoming California Code of Regulations, Title 15, Division 2,  
regulatory amendments necessitated by passage of Proposition 9 (*Marsy's  
Law*)
- VI.    Open Comment – Comments are limited to 5 minutes. 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.  
  
*[Lunch recess to be determined by the Board.]*
- VIII.  Comments regarding en banc cases – Members of the audience may speak to  
the Board for a period not to exceed five (5) minutes.
- IX.    Commissioners adjourn for Closed Session

The decisions regarding Andre Banks, D-71538; Guillermo Bermudez, B-44120; Kenneth Carr, H-19550; Carl D'Amico, B-91725; Darnell Dickens, P-27610; Robert Foreman, C-21681; Daniel Garcia, K-26172; McKinley Key, D-11696; Paul Kincaid, C-01215; Herman Moncrief, C-12500; Tarza Nelson, E-85035; and Scott Pape, E-44538, will be posted on the door of the 5th Floor Executive Board Meeting Room and also on the BPH internet page at the following address:  
[www.cdcr.ca.gov/Divisions\\_Boards/BOPH/enbanc.html](http://www.cdcr.ca.gov/Divisions_Boards/BOPH/enbanc.html)  
(See next page for Closed Session information.)

**BOARD OF PAROLE HEARINGS**  
**Executive Board Meeting**  
**(Immediately following the Open Meeting)**  
**Tuesday, December 9, 2008**  
**CLOSED SESSION**

**DISCUSSION ITEMS:**

- A. **Overview of Pending Litigation and Writs of Habeas Corpus and Attorney-Client Privileged Communications:**  
*(Closed Board sessions for the purpose of conferring with legal counsel on matters as authorized by Government Code section 11126(e)(1)&(2), including but not limited to pending litigation such that discussion in open session would prejudice the state body in the litigation.)*
- B. **Compassionate Release – Penal Code section 1170(e)**  
Pursuant to Government Code section 11126 (c)(4)
- |                         |                |
|-------------------------|----------------|
| <b>DICKENS, Darnell</b> | <b>P-27610</b> |
| <b>GARCIA, Daniel</b>   | <b>K-26172</b> |
| <b>MONCRIEF, Herman</b> | <b>C-12500</b> |
- C. **Traditional Pardon – Penal Code section 4812**  
Pursuant to Government Code section 11126(c)(4)
- |                           |                |
|---------------------------|----------------|
| <b>PAPE, Scott Dewitt</b> | <b>E-44538</b> |
|---------------------------|----------------|
- D. **En Banc Review**  
Pursuant to Government Code section 11126(c)(4)
- |    |                                      |                |                          |
|----|--------------------------------------|----------------|--------------------------|
| 1. | <b>BANKS, Andre</b>                  | <b>D-71538</b> | <b>Decision Review</b>   |
|    | County of commitment:<br>Los Angeles |                |                          |
| 2. | <b>BERMUDEZ, Guillermo</b>           | <b>B-44120</b> | <b>Governor-referred</b> |
|    | County of commitment:<br>Marin       |                |                          |
| 3. | <b>CARR, Kenneth</b>                 | <b>H-19550</b> | <b>Governor-referred</b> |
|    | County of commitment:<br>Los Angeles |                |                          |
| 4. | <b>D'AMICO, Carl</b>                 | <b>B-91725</b> | <b>Governor-referred</b> |
|    | County of commitment:<br>Los Angeles |                |                          |
| 5. | <b>FOREMAN, Robert</b>               | <b>C-21681</b> | <b>Governor-referred</b> |
|    | County of commitment:<br>Alameda     |                |                          |
| 6. | <b>KEY, McKinley</b>                 | <b>D-11696</b> | <b>Governor-referred</b> |
|    | County of commitment:<br>Los Angeles |                |                          |
| 7. | <b>KINCAID, Paul</b>                 | <b>C-01215</b> | <b>Governor-referred</b> |
|    | County of commitment:<br>Los Angeles |                |                          |
| 8. | <b>NELSON, Tarza</b>                 | <b>E-85035</b> | <b>Governor-referred</b> |
|    | County of commitment:<br>Riverside   |                |                          |



**BOARD OF PAROLE HEARINGS**  
Commissioner Training  
December 9 - 12, 2008  
1515 K Street, 5<sup>th</sup> Floor  
Sacramento, California



**ITEMS IN RED ARE CLOSED TO THE PUBLIC**

Closed Board sessions for the purpose of conferring with legal counsel on matters as authorized by Government Code section 11126(e)(1)&(2), including but not limited to pending litigation such that discussion in open session would prejudice the state body in the litigation.

**Wednesday, December 10, 2008**

|                     |  |
|---------------------|--|
| 9:30–10:00 am       | <b>California Department of Corrections &amp; Rehabilitation, Office of Victims Services: Marsy's Law</b><br>Katie James |
| 10:00–10:15 am      | <b>Public Comment re: Items on Agenda</b>  |
| 10:30 am – 12:00 pm | <b>Marsy's Law Overview:</b><br>Anna Awiszus, Office of Legal Affairs  |
| 12:00-1:00 pm       | <b>Lunch recess</b>  |
| 1:00-5:00 pm        | <b>CLOSED SESSION: Office of Legal Affairs and BPH: Decision Making</b>  |

**Thursday, December 11, 2008**

|                    |   |
|--------------------|---|
| 8:30-9:15 am       | <b>Institutional Life Prisoner Programs: Carol Hood, CDCR</b><br><b>CANCELLED</b>         |
| 9:15-9:30 am       | <b>Public Comment re: Items on Agenda</b>   |
| 9:45-11:45 am      | <b>CLOSED SESSION: Psychological Reports</b>  |
| 11:45 am – 1:00 pm | <b>Lunch recess</b>   |
| 1:00-2:30 pm       | <b>CLOSED SESSION: Office of Legal Affairs and BPH: <i>In re Lugo</i> issues briefing</b> |
| 3:00-5:00 pm       | <b>CLOSED SESSION: Office of Legal Affairs and BPH: Rescission Hearings</b>               |

## Friday, December 12, 2008

8:30-9:00 am **Public Comment re: Items on Agenda**

9:00-10:30 am **CLOSED SESSION: Question and Answer Session on Closed Session Topics Covered**

11:00 am –12:00 pm **CLOSED SESSION: Executive Officer Martin Hoshino and Office of Legal Affairs:  
Key issues overview**