

BOARD OF PAROLE HEARINGS
Executive Board Meeting
Tuesday, October 16, 2012
CLOSED SESSION
(All times are approximate and subject to change.)

1515 K Street
Executive Board Meeting Room
Suite 550
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.)

Discussion

1. Discussion re Letter issued in Armstrong Class Action
Armstrong v. Brown, Case No. C-94-2307-CW (N.D. Cal.)
2. *In re Linda Ricchio*, HCN 1234/CRN13312
3. *In re William Taylor* (September 12, 2012, D059574) _ Cal.App.4th _ [2012 Cal.App. Lexis 966]

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinator at (916) 445-4072, 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
http://www.cdcr.ca.gov/BOPH/meeting_agenda.html
Tuesday, October 16, 2012

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: **10:00 a.m.**

AGENDA

Meeting Called to Order

Roll Call

CONSENT CALENDAR

1. Approval of Board of Parole Hearings (BPH) Meeting Minutes:
September 18, 2012
2. Report from Executive Officer
3. Report from Chief Counsel
 - *Clarification on 10-day rules*
 - *Power of Commissioners to set time limits on closing statements made by attorneys*
4. Advisory Committee Updates
5. Regulatory action: Announcement of codification of amended sections 2606, 2635.1, 2646.1, 2733, 2740, 2743, and 2744 of California Code of Regulations, title 15, relating to *Parole Revocation Procedures*

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. At this time, any member of the public may ask the Board to be heard on any item on the consent calendar.

DISCUSSION ITEMS

1. Regulatory action: Preliminary review of draft amendments to sections 2510, 2511, 2512, and 2513 of California Code of Regulations, title 15, relating to *Conditions of Parole*
2. Agenda Items for Future Meetings
3. Public Comment – Comments are limited to five 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.

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HEARINGS

1. Comments regarding *Penal Code section 1170(e)* cases – Members of the audience may speak to the Board for a period not to exceed five (5) minutes.
2. Comments regarding *en banc* cases – Members of the audience may speak to the Board for a period not to exceed five (5) minutes.

Closed Session

Adjournment

(See next page for Closed Session information.)

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BOARD OF PAROLE HEARINGS
Executive Board Meeting
Tuesday, October 16, 2012
CLOSED SESSION

HEARINGS

A. **Penal code section 1170(e):
Determination of Eligibility for Recommendation to Sentencing Court for Recall of Sentence**

Pursuant to Government Code section 11126(c)

1. **BREWER, Brian** **V-98513**
County of commitment:
Los Angeles

2. **CUBIE, Bernice** **W-34651**
County of commitment:
Kern

B. **En Banc Review**

Pursuant to Government Code section 11126(c)(4)

1. **DIAZ, Maria** **W-74874** **Governor-referred**
County of commitment:
San Luis Obispo

2. **FERRELL, Clistie** **W-32416** **Governor-referred**
County of commitment:
Contra Costa

3. **JOSEPH, John** **K-67634** **Referred by Decision Review**
County of commitment: (new information)
Los Angeles

Pursuant to California Code of Regulations, Title 15, section 2042, the Board will consider new information not available to the hearing panel.

4. **LE, Thieu** **P-13509** **Referred by Decision Review**
County of commitment: (release date calculation)
Santa Clara

Pursuant to Penal Code section 3041 the Board of Parole Hearings will review the release date calculation.

5. **PEREZ, Peter** **K-14299** **Referred by Decision Review**
County of commitment: (release date calculation)
Los Angeles

Pursuant to Penal Code section 3041 the Board of Parole Hearings will review the release date calculation.

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| 6. | TILLMAN, Roger
County of commitment:
Los Angeles | E-58603 | Referred by Decision Review
(release date calculation) |
| Pursuant to Penal Code section 3041 the Board of Parole Hearings will review the release date calculation. | | | |
| 7. | WU, Henry
County of commitment:
Los Angeles | E-46524 | Governor-referred |
| 8. | ZELL, Michael
County of commitment:
Los Angeles | H-76886 | Governor-referred |

The decision in the above hearings 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/BOPH/enbanc.html following closed session.

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BOARD OF PAROLE HEARINGS
Best Practices Advisory Committee Meeting
Tuesday, October 16, 2012
OPEN SESSION
(All times are approximate and subject to change.)

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

NOTE START TIME: **1:00 p.m.**

Best Practices Advisory Committee: The scope of this committee is to identify best administrative processes, hearing practices, and decision review processes and to establish methods for providing meaningful feedback to commissioners concerning hearing practices and decisions. Members of this committee are commissioners Ferguson, Fritz, LaBahn, Peck and Zarrinam.

AGENDA

Meeting Called to Order

Roll Call

Consent Calendar

1. Selection of BPH Best Practices Advisory Committee Chair (nominations, motion, and voting)
2. Report from Executive Officer
3. Report from Chief Counsel

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. At this time, any member of the public may ask the Board to be heard on any item on the consent calendar.

Discussion Items

1. *Administrative Directive regarding certified law students*, presented by Katie Riley, Senior Staff Counsel
2. *Administrative Directive regarding stipulations on record*, presented by Howard Moseley, Staff Counsel
3. Discussion: *Committee Goals*
4. Agenda Items for Future Meeting
5. Open Comment - Public comments are limited to five minutes

Adjournment

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