

BOARD OF PAROLE HEARINGS
En Banc Decisions
Tuesday, July 16, 2013

CHHUON, JAMES	V-44036	Referred by Decision Review
Motion:	Affirm the May 7, 2013, grant and schedule a re-hearing for the sole purpose of recalculating the prisoner's parole release date.	
Motion by:	Montes	
Second by:	Anderson	
Not Present:		
Abstained:		
Decision:	Motion carried.	
<hr/>		
DENHAM, Joe	C-80297	Referred by Decision Review
Motion:	Disapprove the March 29, 2013, decision and schedule a re-hearing on the next available calendar to fully comply with the December 12, 2012, order of the First District Court of Appeal.	
Motion by:	Montes	
Second by:	Garner	
Not Present:		
Abstained:	Ferguson	
Decision:	Motion carried.	
<hr/>		
ELIZALDE, ALFRED	B-58928	Governor-Referred
Motion:	Schedule a hearing to determine whether the March 13, 2013, decision should be rescinded based on information regarding the inmate's conduct while in federal custody, including an alleged positive drug test and alleged assault without serious injury, that was not available to the granting panel.	
Motion by:	Peck	
Second by:	Garner	
Not Present:		
Abstained:	Roberts	
Decision:	Motion carried.	

JUNG, DALE

K-64445

Governor-Referred

Motion: Affirm the panel's decision to grant parole made on March 14, 2013, because the prisoner no longer poses an unreasonable risk of danger to the public for the reasons stated by the granting panel.

Motion by: **Labahn**

Second by: **Roberts**

Not Present:

Abstained: **Ferguson**

Decision: Motion carried.

LAMBIE, WILLIAM

P-83073

Penal Code section 1170(e)

Motion: Recommend to the court that the prisoner's sentence be recalled, or the prisoner be resentenced, based on the Board's finding that the prisoner is terminally ill with an incurable condition caused by an illness or disease that would produce death within six months, and the conditions under which the prisoner would be released or receive treatment (at the home of Mrs. Lambie) would not pose a threat to public safety.

Motion by: **Labahn**

Second by: **Turner**

Not Present:

Abstained:

Decision: Motion carried.

LANG, DAVID

E-93555

Referred by Decision Review

Motion: Disapprove the April 10, 2013, decision to deny parole due to new information and schedule a re-hearing on the next available calendar.

Motion by: **Garner**

Second by: **Roberts**

Not Present:

Abstained:

Decision: Motion not carried.

Motion: Affirm the April 10, 2013, decision to deny parole because the prisoner poses an unreasonable risk of danger to the public for the reasons stated by the panel.

Motion by: **Zarrinam**

Second by: **Anderson**

Not Present:

Abstained:

Decision: Motion carried

STUART, DAVID

AF-5942

Penal Code section 1170(e)

Motion: Recommend to the court that the prisoner's sentence be recalled, or the prisoner be resentenced, based on the Board's finding that the conditions under which the prisoner would be released or receive treatment (at the home of Ms. Winters) do not pose a threat to public safety, that the inmate is terminally ill with less than six months to live, and the inmate's condition has deteriorated significantly since the medical staff's referral.

Motion by: **Anderson**

Second by: **Zarrinam**

Not Present:

Abstained:

Decision: Motion carried.