

**BOARD OF PAROLE HEARINGS**  
**En Banc Decisions**  
**Tuesday, July 21, 2015**

**BRAVO, JULIO**  
Sentencing Court:  
Riverside

**AW-4770**

**Penal Code section 1170(e)**

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**Motion:** Recommend to the court that the inmate be resentenced, and ordered to pay full restitution, based on the board's finding that the inmate is terminally ill with an incurable disease that would produce death within six months and the conditions under which the inmate would be released (specifically, that he live under the care of his mother and her husband) would not pose a threat to public safety.

Motion by: **Anderson**

Second by: **Roberts**

Not Present: **Fritz**

Abstained:

**Decision:** Motion not approved by a majority of the commissioners present.

**Motion:** Decline to recommend to the court that the inmate's sentence be recalled or the inmate be resentenced based on a finding that the inmate poses a current risk of danger to public safety because of his continued mobility and mental capacity in conjunction with his lack of rehabilitative programming and treatment.

Motion by: **Richardson**

Second by: **Zarrinam**

Not Present: **Fritz**

Abstained:

**Decision:** Motion approved by a majority of the commissioners present.

**CERVANTES, MIGUEL**  
Sentencing Court:  
Orange

**AA-5387**

**Penal Code section 1170(e)**

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**Motion:** Recommend to the court that the inmate's sentence be recalled, or the inmate be resentenced, based on the board's finding that the inmate is terminally ill with an incurable disease that would produce death within six months and the conditions under which the inmate would be released (specifically, that he live under the care of his sister in Mexico) would not pose a threat to public safety.

Motion by: **Roberts**

Second by: **Montes**

Not Present: **Fritz**

Abstained:

**Decision:** Motion approved by a majority of the commissioners present.

**SMITH, ANDREW**  
Sentencing Court:  
Riverside

**AN-8066**

**Penal Code section 1170(e)**

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**Motion:** Decline to recommend to the court that the inmate's sentence be recalled or the inmate be resentenced based on a finding that the inmate poses a current risk of danger to public safety in light of the fact that he was already physically compromised at the time of the crimes; that he retains the ability to perform his activities of daily living and ambulate using a wheelchair or walker; that he has not participated in any rehabilitative programming; and that the conditions of his proposed release (specifically, to live with his sister in Texas) do not provide sufficient supervision.

Motion by: **Roberts**

Second by: **Richardson**

Not Present: **Fritz**

Abstained:

**Decision:** Motion approved by a majority of the commissioners present.

**HERNANDEZ, FRANCISCO**     **V-22454**

**Referred by Chief Counsel**

Sentencing Court:  
Santa Clara

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**Motion:**            **Affirm the April 28, 2015, denial of parole, and schedule a re-hearing for the sole purpose of recalculating the prisoner's base term and adjusted base term.**

Motion by:        **Garner**

Second by:       **Turner**

Not Present:      **Fritz**

Abstained:

**Decision:**        **Motion approved by a majority of the commissioners present.**

**NGUYEN, MINH**

**H-06893**

**Referred by Chief Counsel**

Sentencing Court:  
Orange

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**Motion:**            **Affirm the April 10, 2015, grant of parole, and schedule a re-hearing for the sole purpose of recalculating the prisoner's base term and adjusted base term.**

Motion by:        **Roberts**

Second by:       **Anderson**

Not Present:      **Fritz**

Abstained:

**Decision:**        **Motion approved by a majority of the commissioners present.**

**WALTERS, MARTIN**

**E-86183**

**Referred by Chief Counsel**

Sentencing Court:  
San Diego

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**Motion:**            **Affirm the April 7, 2015, denial of parole for the reasons articulated by the panel in the proposed decision.**

Motion by:        **Roberts**

Second by:       **Garner**

Not Present:      **Fritz**

Abstained:

**Decision:**        **Motion approved by a majority of the commissioners present.**

**MOORE, MICHAEL**  
Sentencing Court:  
Los Angeles

**C-42319**

**Referred by Chief Counsel**

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**Motion:** Refer the inmate's March 3, 2015, grant of parole for a rescission hearing based on new information regarding the inmate's alleged institutional misconduct on May 20, 2015.

Motion by: **Roberts**

Second by: **Peck**

Not Present: **Fritz**

Abstained:

**Decision:** Motion approved by a majority of the commissioners present.

**BROWN, DAMEION**  
Sentencing Court:  
Santa Clara

**H-66190**

**Governor-Referred pursuant to  
Penal Code section 3041.1**

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**Motion:** Affirm the March 17, 2015, en banc decision to grant parole based on a finding that the inmate no longer poses an unreasonable risk of danger to the public, as articulated by the panel member who voted to grant parole at the inmate's January 28, 2015, hearing.

Motion by: **Richardson**

Second by: **Anderson**

Not Present: **Fritz**

Abstained:

**Decision:** Motion approved by a majority of the commissioners present.

**Motion:** Affirm the panel's March 18, 2015, decision to grant parole based on a finding that the inmate no longer poses an unreasonable risk of danger to the public, as articulated in the panel's proposed decision; with the additional condition of parole that he satisfy any outstanding restitution.

Motion by: Richardson

Second by: Labahn

Not Present: Fritz

Abstained: Anderson

**Decision:** Motion approved by a majority of the commissioners present.