

BOARD OF PAROLE HEARINGS
En Banc Decisions
Tuesday, August 16, 2016

BREWER, RONALD
Sentencing Court:
Los Angeles

P-71205

Penal Code section 1170(e)

Motion: **Decline to recommend to the court that Mr. Brewer's sentence be recalled and that Mr. Brewer be resentenced based on a finding that he poses a current risk of danger to public safety because of his recent assaultive behavior, despite his limited mobility and oxygen dependency, and consistent failure to adhere to institutional regulations.**

Motion by: **Richardson**
Second by: **Peck**
Not Present: **Chappell, Minor**
Abstained:

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

LEEVERS, THOMAS
Sentencing Court:
Riverside

P-19122

Penal Code section 1170(e)

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

Motion by: **Garner**
Second by: **Montes**
Not Present: **Chappell, Minor**
Abstained: **Labahn**

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

SIERRAS, JOSE
Sentencing Court:
Contra Costa

C-83570

Referred by Chief Counsel

Motion: Vacate the May 6, 2016 decision to deny parole, and schedule a new hearing to determine if Mr. Sierras poses an unreasonable risk of danger to the public.

Motion by: **Garner**
Second by: **Labahn**
Not Present: **Chappell, Minor, Turner**

Abstained:

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

CLAYTON, LANIER
Sentencing Court:
Los Angeles

K-46097

Referred by Chief Counsel

Motion: Refer the May 5, 2016 decision to grant parole for a rescission hearing to consider whether the new information regarding institutional misconduct on April 10, April 16, April 17, April 18, April 30, May 2, May 21, May 22, May 29, and June 5, 2016, demonstrates that Mr. Clayton poses an unreasonable risk of danger to the public.

Motion by: **Peck**
Second by: **Anderson**
Not Present: **Chappell, Minor**

Abstained:

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

SAENZ, MARIO
Sentencing Court:
Los Angeles

E-37155

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

Motion: Affirm the panel's April 26, 2016 decision to grant parole based on a finding that Mr. Saenz does not pose an unreasonable risk of danger to the public, as articulated in the panel's proposed decision.

Motion by: **Richardson**
Second by: **Turner**
Not Present: **Chappell, Labahn, Minor**

Abstained:

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

MENDOZA, RAMON
Sentencing Court:
Los Angeles

P-79750

**Tie Vote pursuant to
Penal Code section 3041**

Motion: The Board finds that Mr. Mendoza poses an unreasonable risk of danger and denies parole for three years for the reasons stated by the panel member who voted to deny parole at Mr. Mendoza's July 28, 2016 hearing.

Motion by: **Garner**
Second by: **Labahn**
Not Present: **Chappell, Minor, Richardson**

Abstained:

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

Motion: **The Board finds that Mr. Nava poses an unreasonable risk of danger and denies parole for three years for the reasons stated by the panel member who voted to deny parole at Mr. Nava's July 13, 2016 hearing.**

Motion by: **Roberts**
Second by: **Montes**
Not Present: **Chappell, Fritz, Minor**
Abstained:

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