

BOARD OF PAROLE HEARINGS
Consent Calendar – Hearings with Procedural Errors
Monday, August 17, 2015

ELLIS, NICHOLAS
Sentencing Court:
Butte

K-16024

Referred by Decision Review

Motion: **Vacate the panel’s July 28, 2015, decision and schedule a new hearing in order to comply with the recording requirement found in Penal Code section 3041.5, subdivision (a)(4).**

Motion by: **Turner**

Second by: **Montes**

Not Present: **Minor, Roberts**

Abstained:

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

BOARD OF PAROLE HEARINGS
En Banc Decisions
Tuesday, August 18, 2015

DACHINO, JULES
Sentencing Court:
Los Angeles

T-63376

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 disease that would produce death within six months and the conditions under which the prisoner would be released (specifically, that he live under the care of a friend in California) would not pose a threat to public safety.

Motion by: **Garner**
Second by: **Labahn**
Not Present: **Minor, Roberts**
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 February 5, 2015, rules violation for "use of methamphetamine based on a positive urinalysis." This recent rule violation demonstrates that he is not willing to follow the rules while incarcerated and suggests that he will not follow the rules of society if released.

Motion by: **Richardson**
Second by: **Zarrinnam**
Not Present: **Minor, Roberts**
Abstained:

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

GUIUAN, NATALIE
Sentencing Court:
San Mateo

W-61645

Referred by Chief Counsel

Motion: Affirm the May 21, 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: **Singh**
Second by: **Montes**
Not Present: **Minor, Roberts**
Abstained:

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

NELSON, GARETT
Sentencing Court:
Orange

K-91771

Referred by Chief Counsel

Motion: Affirm the May 22, 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: **Singh**
Second by: **Labahn**
Not Present: **Minor, Roberts**
Abstained:

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

VANPOOL, STAR
Sentencing Court:
Riverside

W-98619

Referred by Chief Counsel

Motion: Affirm the May 7, 2015, decision to deny parole, including the panel's proposed base term and adjusted base term.

Motion by: **Richardson**
Second by: **Zarrinnam**
Not Present: **Minor, Roberts**
Abstained:

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

YU, TOM
Sentencing Court:
San Francisco

C-15878

Referred by Chief Counsel

Motion: Affirm the May 6, 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: **Zarrinnam**
Second by: **Turner**
Not Present: **Minor, Roberts**
Abstained:

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

WICKS, WAYNE
Sentencing Court:
Los Angeles

D-22916

Referred by Chief Counsel

Motion: Refer the inmate's July 1, 2015, grant of parole for a rescission hearing based on new information regarding the inmate's alleged gang association.

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

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

HUERTA, MANUEL
Sentencing Court:
San Bernardino

H-48579

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

Motion: The Board finds the inmate 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 the inmate's July 15, 2015, hearing.

Motion by: **Turner**
Second by: **Richardson**
Not Present: **Minor, Roberts**
Abstained:

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