

**BOARD OF PAROLE HEARINGS**  
**En Banc Decisions**  
**Tuesday, August 19, 2014**

**BROOKS, FRANK**

**V-05569**

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

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**Motion:** Affirm the April 9, 2014, 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.

Motion by: **Labahn**  
Second by: **Singh**  
Not Present: **Richardson, Roberts**  
Abstained:  
**Decision:** Motion not carried.

**Motion:** Refer for a rescission hearing to consider whether the panel that granted parole on April 9, 2014, committed a fundamental error resulting in the improvident grant of parole by failing to adequately consider the inmate's physical abilities in light of his past criminal behavior and present mental attitude as demonstrated in the transcript of the hearing.

Motion by: **Zarrinam**  
Second by: **Garner**  
Not Present: **Richardson, Roberts**  
Abstained:  
**Decision:** Motion carried.

**Motion:** Vacate the panel's April 30, 2014 decision to grant parole and schedule a new hearing for the reasons stated by the Governor in his July 25, 2014, request for en banc review, including the prisoner's shallow and unconvincing explanations for his actions and his limited understanding of how his sexual impulses overtook his judgment and self-control.

Motion by: **Zarrinnam**  
Second by: **Anderson**  
Not Present: **Richardson, Roberts**  
Abstained:  
**Decision:** **Motion carried.**

**Motion:** Affirm the April 30, 2014, 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: **Guerrero**  
Not Present: **Richardson, Roberts**  
Abstained:  
**Decision:** **Motion carried.**

**Motion:** Vacate the panel's April 24, 2014, decision to grant parole and schedule a new hearing for the reasons stated by the Governor in his July 18, 2014, request for en banc review, including the Governor's concern that the prisoner is not prepared to maintain his sobriety given his lengthy history of substance abuse.

Motion by: **Anderson**  
Second by: **Singh**  
Not Present: **Richardson, Roberts**  
Abstained:  
**Decision:** **Motion carried.**

**Motion:** Affirm the April 23, 2014, 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: **Montes**  
Second by: **Labahn**  
Not Present: **Richardson, Roberts**  
Abstained:  
**Decision:** **Motion carried.**

**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 June 24, 2014, hearing.

Motion by: **Zarrinnam**  
Second by: **Turner**  
Not Present: **Richardson, Roberts, Anderson**

Abstained:

**Decision:** Motion not carried.

**Motion:** The Board finds the inmate would not pose an unreasonable risk of danger to the public if released on parole for the reasons stated by the panel member who voted to grant parole at the inmate's June 24, 2014, hearing, and thus grants parole subject to all of the conditions of parole imposed by the granting panel member.

Motion by: **Singh**  
Second by: **Fritz**  
Not Present: **Richardson, Roberts, Anderson**

Abstained:

**Decision:** Motion carried.

**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 June 20, 2014, hearing.

Motion by: **Labahn**  
Second by: **Anderson**  
Not Present: **Richardson, Roberts, Zarrinnam**

Abstained:

**Decision:** Motion carried.

**Motion:** Affirm the April 8, 2014, 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.

Motion by: **Anderson**  
Second by: **Garner**  
Not Present: **Richardson, Roberts**  
Abstained:  
**Decision:** Motion carried.

**Motion:** Vacate the May 22, 2014, parole decision and schedule a re-hearing on the next available calendar due to the Board's failure to comply with California Code of Regulations, title 15, section 2247, which entitles a prisoner to review non-confidential documents considered by the panel prior to the hearing.

Motion by: **Turner**  
Second by: **Garner**  
Not Present: **Richardson, Roberts**  
Abstained:  
**Decision:** Motion carried.

**Motion:** Affirm the April 22, 2014, 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: **Peck**  
Second by: **Labahn**  
Not Present: **Richardson, Roberts**  
Abstained:  
**Decision:** Motion carried.