

BOARD OF PAROLE HEARINGS
En Banc Decisions
Tuesday, September 22, 2015

SCOGGINS, ROCKY
Sentencing Court:
Riverside

J-42094

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 his sister in Arizona who has worked with hospice in the past) would not pose a threat to public safety.**

Motion by: **Montes**
Second by: **Fritz**
Not Present: **Anderson**
Abstained:

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

BROUGHTON, JOSEPH
Sentencing Court:
Sacramento

A-40189

Referred by Chief Counsel

Motion: Vacate the June 17, 2015, decision to deny parole and schedule a new hearing based on the lack of evidence in the record of current dangerousness as required by *In re Lawrence*.

Motion by: **Zarrinam**

Second by: **Turner**

Not Present: **Anderson**

Abstained: **Garner**

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

Motion: Affirm the June 17, 2015, denial of parole for the reasons articulated by the panel in the proposed decision.

Motion by: **Roberts**

Second by: **Minor**

Not Present: **Anderson**

Abstained:

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

HAMILTON, GREGORY
Sentencing Court:
San Francisco

D-19499

Referred by Chief Counsel

Motion: Affirm the June 17, 2015, denial of parole for the reasons articulated by the panel in the proposed decision.

Motion by: **Richardson**

Second by: **Turner**

Not Present: **Anderson**

Abstained: **Minor**

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

JENKINS, CLIFFORD
Sentencing Court:
Los Angeles

H-74146

Referred by Chief Counsel

Motion: Affirm the May 28, 2015, stipulation of unsuitability and schedule a re-hearing for the sole purpose of recalculating the prisoner's base term and adjusted base term.

Motion by: **Richardson**

Second by: **Montes**

Not Present: **Anderson**

Abstained:

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

JONES, MELVIN
Sentencing Court:
Los Angeles

T-80367

Referred by Chief Counsel

Motion: Affirm the June 19, 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: **Richardson**

Second by: **Montes**

Not Present: **Anderson**

Abstained:

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

SELLERS, ROBERT
Sentencing Court:
Alameda

H-05066

Referred by Chief Counsel

This case was removed from the agenda and was not considered by the Board.

COMEAX, MICHAEL
Sentencing Court:
Alameda

C-09169

Referred by Chief Counsel

Motion: Refer the May 27, 2015, decision to grant parole for a rescission hearing to consider whether new confidential information demonstrates that the inmate poses an unreasonable risk of danger to the public.

Motion by: **Garner**
Second by: **Roberts**
Not Present: **Anderson**
Abstained:

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

MORCELI, ABDELKADER **F-97754**
Sentencing Court:
Riverside

Referred by Chief Counsel

Motion: Refer the December 3, 2014, decision to grant parole for a rescission hearing to consider whether new confidential information demonstrates that the inmate poses an unreasonable risk of danger to the public.

Motion by: **Peck**
Second by: **Garner**
Not Present: **Anderson**
Abstained:

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

RODRIGUEZ, MARCOS

H-93454

Referred by Chief Counsel

Sentencing Court:

Alameda

Motion: Refer the May 28, 2015, decision to grant parole for a rescission hearing to consider whether the new information regarding the inmate's alleged institutional misconduct on May 13, 2015, demonstrates that the inmate poses an unreasonable risk of danger to the public.

Motion by: **Roberts**

Second by: **Labahn**

Not Present: **Anderson**

Abstained:

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

CAREY, RICHARD

J-62852

Governor-Referred pursuant to

Sentencing Court:

Penal Code section 3041.1

Tuolumne

Motion: Affirm the panel's May 21, 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.

Motion by: **Richardson**

Second by: **Peck**

Not Present: **Anderson**

Abstained:

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

PERALTA, ADOLFO
Sentencing Court:
Los Angeles

T-58833

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

Motion: Refer for a rescission hearing to consider whether the panel that granted parole on April 29, 2015, committed a fundamental error resulting in an improvident grant based on the concerns cited in the Governor's referral letter dated August 7, 2015.

Motion by: **Montes**
Second by: **Singh**
Not Present: **Anderson, Garner**
Abstained:

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

PRITCHARD, ERIC
Sentencing Court:
Los Angeles

K-78061

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

Motion: Affirm the panel's April 29, 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.

Motion by: **Robertson**
Second by: **Richardson**
Not Present: **Anderson, Garner**
Abstained:

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

Motion: Refer for a rescission hearing to consider whether the panel that granted parole on April 29, 2015, committed a fundamental error resulting in an improvident grant based on the concerns cited in the Governor's referral letter dated August 7, 2015.

Motion by: **Turner**
Second by: **Montes**
Not Present: **Anderson, Garner**
Abstained:

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

TROUNG, TAI
Sentencing Court:
San Diego

K-13333

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

Motion: Affirm the panel's May 15, 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.

Motion by: **Singh**
Second by: **Montes**
Not Present: **Anderson, Garner**
Abstained:

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

NGO, NGUYET
Sentencing Court:
Los Angeles

N-09063

**Governor-Referred pursuant to
Penal Code section 4802**

Motion: Refer Ms. Ngo's application for pardon to the Governor with a favorable recommendation for consideration by the Supreme Court.

Motion by: **Garner**
Second by: **Roberts**
Not Present: **Anderson**
Abstained:

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

FIELD, JOHN
Sentencing Court:
San Diego

H-59376

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

Motion: The Board finds that the inmate no longer poses an unreasonable risk of danger and grants parole for the reasons stated by the panel member who voted to grant parole at the inmate's August 20, 2015, hearing.

Motion by: **Zarrinam**
Second by: **Peck**
Not Present: **Anderson, Garner, Montes**
Abstained:

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