

BOARD OF PAROLE HEARINGS
En Banc Decisions
Tuesday, October 21, 2014

ASHLEY, SERAL **D-48872** **Penal Code section 1170(e)**

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 dangerousness as demonstrated by his recent institutional misconduct, specifically an October 1, 2013, rules violation for fighting and a January 27, 2014, rules violation for failure to obey orders.**

Motion by: **Richardson**

Second by: **Zarrinnam**

Not Present:

Abstained:

Decision: **Motion carried.**

FLEENOR, RUSSELL **D-53410** **Governor-Referred pursuant to
Penal Code section 3041.1**

Motion: **Affirm the panel's June 24, 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: **Zarrinnam**

Second by: **Garner**

Not Present:

Abstained:

Decision: **Motion carried.**

HARPER, DONALD

E-26928

Referred by Decision Review

Motion: Vacate the July 2, 2014, decision to deny parole and schedule a new hearing based on the lack of articulation of a nexus to current dangerousness as required by *In re Lawrence*.

Motion by: **Turner**

Second by: **Anderson**

Not Present:

Abstained: **Garner**

Decision: Motion carried.

IVORY, DARRYL

C-42249

Referred by Decision Review

Motion: Affirm the July 31, 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: **Roberts**

Not Present:

Abstained:

Decision: Motion carried.

KOOSSED, DEBORAH

W-70782

Referred by Decision Review

Motion: Affirm the July 9, 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: **Roberts**

Second by: **Montes**

Not Present:

Abstained:

Decision: Motion carried.

MACIAS, JESUS

J-11795

Referred by Decision Review

Motion: Vacate the September 3, 2014, decision grant parole and schedule a re-hearing on the next available calendar due to new information, specifically the inmate's September 16, 2014, rules violation for fighting.

Motion by: **Peck**
Second by: **Turner**
Not Present:
Abstained:

Decision: Motion carried.

MALDONADO, SABINO

H-85258

Referred by Decision Review

Motion: Vacate the June 24, 2014, decision to deny parole and schedule a new hearing on the next available calendar based on the lack of articulation of a nexus to current dangerousness as required by *In re Lawrence*; and order an in-person foreign language interpreter for the hearing.

Motion by: **Turner**
Second by: **Labahn**
Not Present:
Abstained:

Decision: Motion carried.

MORENO, JOHN

T-84131

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

Motion: Affirm the June 12, 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: **Anderson**
Not Present:
Abstained:

Decision: Motion carried.

OATES, GERALD

C-43300

Referred by Decision Review

Motion: Vacate the July 8, 2014, denial of parole and schedule a re-hearing on the next available calendar based on the dismissal of the inmate's June 27, 2014, rules violation, which the panel relied on to deny parole. (Cal. Code of Regs., tit. 15, § 2307.)

Motion by: **Garner**
Second by: **Richardson**

Not Present:

Abstained:

Decision: Motion carried.

SMITH, VICTOR

C-91075

Referred by Decision Review

Motion: Vacate the panel's August 13, 2014, decision to grant parole and schedule a new hearing on the next available calendar based on new information regarding the inmate's use of a cell phone in prison to post messages and photos on the internet.

Motion by: **Labahn**
Second by: **Fritz**

Not Present:

Abstained:

Decision: Motion carried.

**THOMPSON,
CORNELIOUS**

H-58109

Referred by Decision Review

Motion: Vacate the July 9, 2014, decision grant parole and schedule a re-hearing on the next available calendar due to new information regarding the inmate's use of methamphetamine in prison.

Motion by: **Zarrinam**
Second by: **Richardson**

Not Present:

Abstained:

Decision: Motion carried.