

BOARD OF PAROLE HEARINGS

En Banc Decisions

Wednesday, January 19 2011

Penal Code section 1170

Pursuant to Government Code section 11126(c)(4)

MCGEE, Edward

H19393

%/a/\$

Motion: REFER TO TO COURT FOR CONSIDERATION OF SENTENCE RECALL BECAUSE: THE PRISONER IS MEDICALLY INCAPACITATED AS DEFINED IN PENAL CODE SECTION 1170(E)(2)(C) AND TERMINALLY ILL AS DEFINED IN PENAL CODE SECTION 1170(E)(2)(A). THE CONDITIONS UNDER WHICH THE PRISONER WOULD BE RELEASED OR RECEIVE TREATMENT DO NOT POSE A THREAT TO PUBLIC SAFETY AS REFERENCED IN PENAL CODE SECTION 1170(E)(2)(B).

Motion by: Adams

Second by: Branch

Aye: Adams, Anderson, Jr., Arbaugh, Branch, Doyle, Ferguson, Garner, Gillingham, Melanson, Peck, Prizmich

Nay:

Abstain:

Not Present:

Decision: Refer to Court

ORTIZ, Edward V

G13870

%/a/\$

Motion: REFER TO COURT FOR CONSIDERATION OF SENTENCE RECALL BECAUSE: THE PRISONER IS MEDICALLY INCAPACITATED AS DEFINED IN PENAL CODE SECTION 1170(E)(2)(C). THE CONDITIONS UNDER WHICH THE PRISONER WOULD BE RELEASED OR RECEIVE TREATMENT DO NOT POSE A THREAT TO PUBLIC SAFETY AS REFERENCED IN PENAL CODE SECTION 1170(E)(2)(B).

Motion by: Melanson

Second by: Peck

Aye: Anderson, Jr., Arbaugh, Branch, Doyle, Ferguson, Garner, Gillingham, Melanson, Peck

Nay: Adams, Prizmich

Abstain:

Not Present:

Decision: Refer to Court

En Banc Review

Pursuant to Government Code section 11126(c)(4)

BALAOING, Gary Steven

K83671

Governor Referred

Motion: AFFIRM THE JULY 27, 2010, SUITABILITY DECISION.

Motion by: Gillingham

Second by: Adams

Aye: Adams, Anderson, Jr., Arbaugh, Branch, Doyle, Ferguson, Garner, Gillingham, Melanson, Peck, Prizmich

Nay:

Abstain:

Not Present:

Decision: Affirm

BORCHERT, Eric Lee **H90155** **Governor Referred**
Motion: AFFIRM THE AUGUST 20, 2010, SUITABILITY DECISION.
Motion by: Anderson, Jr.
Second by: Branch
Aye: Adams, Anderson, Jr., Arbaugh, Branch, Doyle, Ferguson, Garner, Gillingham, Melanson, Peck, Prizmich
Nay:
Abstain:
Not Present:
Decision: Affirm

DUN, Larry **B81995** **Referred by Decision Review**
Motion: THIS IS A PROVISIONAL AFFIRMATION BASED ON THE FOLLOWING:
THE SEPTEMBER 30, 2010, GRANT WILL BE UPHELD PROVIDED THAT
VIABLE PAROLE PLANS ARE VERIFIED BEFORE EXPIRATION OF
DECISION REVIEW ON JANUARY 28, 2011. IF NOT, THE GRANT WILL BE
VACATED AND THE MATTER SET FOR A NEW HEARING.
Motion by: Adams
Second by: Anderson, Jr.
Aye: Adams, Anderson, Jr., Branch, Doyle, Ferguson, Garner, Gillingham, Melanson, Peck
Nay: Arbaugh, Prizmich
Abstain:
Not Present:
Decision: Affirm

FREDERICK, Roscoe **H50387** **Governor Referred**
Motion: AFFIRM THE JULY 28, 2010, SUITABILITY DECISION.
Motion by: Peck
Second by: Garner
Aye: Adams, Anderson, Jr., Arbaugh, Branch, Doyle, Ferguson, Garner, Gillingham, Melanson, Peck, Prizmich
Nay:
Abstain:
Not Present:
Decision: Affirm

TOMASELLO, Brian James **J67752** **Governor Referred**
Motion: AFFIRM THE JULY 30, 2010, SUITABILITY DECISION.
Motion by: Branch
Second by: Melanson
Aye: Adams, Anderson, Jr., Arbaugh, Branch, Doyle, Ferguson, Garner, Gillingham, Melanson, Peck, Prizmich
Nay:
Abstain:
Not Present:
Decision: Affirm

VILLANUEVA, Luis

J06142

Governor Referred

Motion: AFFIRM THE AUGUST 26, 2010, SUITABILITY DECISION.
Motion by: Arbaugh
Second by: Adams
Aye: Adams, Anderson, Jr., Arbaugh, Branch, Doyle, Ferguson, Garner, Gillingham, Melanson, Peck, Prizmich
Nay:
Abstain:
Not Present:
Decision: Affirm

WAGAN, Manuel Atienza

E30055

Governor Referred

Motion: AFFIRM THE AUGUST 23, 2010, SUITABILITY DECISION.
Motion by: Prizmich
Second by: Gillingham
Aye: Adams, Anderson, Jr., Arbaugh, Doyle, Ferguson, Garner, Gillingham, Melanson, Peck, Prizmich
Nay: Branch
Abstain:
Not Present:
Decision: Affirm

BOARD OF PAROLE HEARINGS
En Banc Decisions
Wednesday, January 19 2011

Traditional Pardon – Penal Code Section 4812

Pursuant to Government Code section 11126(c)(4)

SEALE, Randolph McLean

Motion : THE BOARD RECOMMENDS THAT THE GOVERNOR GRANT THE
PARDON REQUEST.

Motion By: Gillingham

Second By: Melanson

Aye: Doyle, Adams, Anderson Jr., Arbaugh, Branch Ferguson, Gillingham,
Melanson, Peck,

Nay: Garner, Prizmich

Abstain:

Not Present:

Decision: Recommend Governor Grants the Pardon Request.