

BOARD OF PAROLE HEARINGS
En Banc Decisions
Wednesday, January 20, 2010

Compassionate Release – Penal Code section 1170(e)
Pursuant to Government Code section 11126(c)(4)

MEJICO, Ricardo

B-77465

Compassionate Release

Motion: Refer to court for consideration of sentence recall because: the prisoner is terminally ill as defined in Penal Code section 1170(e)(2)(A) and 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: Gillingham
Second by: Labahn
Aye: Anderson, Doyle, Garner, Gillingham, Labahn, Peck, Peppler, Powers, Prizmich, Tardiff

No:

Abstain:

Not Present: Arbaugh, Chrones

Decision: Refer to court for consideration of sentence recall because: the prisoner is terminally ill as defined in Penal Code section 1170(e)(2)(A) and 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).

TAYLOR, Thomas

D-20685

Compassionate Release

Motion: Refer to court for consideration of sentence recall because: the prisoner is terminally ill as defined in Penal Code section 1170(e)(2)(A) and 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: Labahn
Second by: Peck
Aye: Anderson, Doyle, Garner, Gillingham, Labahn, Peck, Peppler, Powers, Tardiff

No:

Abstain:

Not Present: Arbaugh, Chrones

Decision: Refer to court for consideration of sentence recall because: the prisoner is terminally ill as defined in Penal Code section 1170(e)(2)(A) and 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).

WILLIAMS, James

C-94722

Compassionate Release

Motion: Refer to court for consideration of sentence recall because: the prisoner is terminally ill as defined in Penal Code section 1170(e)(2)(A) and 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: Prizmich

Second by: Garner

Aye: Anderson, Doyle, Garner, Gillingham, Labahn, Peck, Peppler, Powers, Prizmich, Tardiff

No:

Abstain:

Not Present: Arbaugh, Chrones

Decision: Refer to court for consideration of sentence recall because: the prisoner is terminally ill as defined in Penal Code section 1170(e)(2)(A) and 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).

WILLIAMS, Samuel

C-49162

Compassionate Release

Motion: Refer to court for consideration of sentence recall because: the prisoner is terminally ill as defined in Penal Code section 1170(e)(2)(A) and 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: Garner

Second by: Anderson

Aye: Anderson, Doyle, Garner, Gillingham, Labahn, Peck, Peppler, Powers, Tardiff

No: Prizmich

Abstain:

Not Present: Arbaugh, Chrones

Decision: Refer to court for consideration of sentence recall because: the prisoner is terminally ill as defined in Penal Code section 1170(e)(2)(A) and 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).

En Banc Review

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

AGUILAR, Juan

T-02851

Governor Referred

POSTPONED UNTIL FEBRUARY BOARD MEETING

Motion:

Motion by:

Second by:

Aye:

No: ,

Abstain:

Not Present:

Decision:

BLALOCK, John **D-85277** **Governor Referred**
Motion: Affirm the July 30, 2009 suitability decision.
Motion by: Prizmich
Second by: Gillingham
Aye: Anderson, Doyle, Gillingham, Labahn, Peck, Pepler, Powers,
Prizmich, Tardiff
No:
Abstain: Garner
Not Present: Arbaugh, Chrones
Decision: Affirm the July 30, 2009 suitability decision.

CHAN, Dennis **D-42838** **Governor Referred**
Motion: Affirm the July 29, 2009 suitability decision.
Motion by: Anderson
Second by: Powers
Aye: Anderson, Doyle, Garner, Gillingham, Labahn, Peck, Pepler,
Powers, Prizmich, Tardiff
No:
Abstain:
Not Present: Arbaugh, Chrones
Decision: Affirm the July 29, 2009 suitability decision.

DIAZ, Christian **K-96703** **Governor Referred**
Motion: Schedule a rescission hearing pursuant to the following reasons
cited in the Governor's letter. Specifically, the inmate continues
to minimize his role in the life crime indicating he has not
accepted responsibility or gained insight into the offense; issues
noted in his recent 2008 mental health evaluation raise public
safety concerns.
Motion by: Garner
Second by: Prizmich
Aye: Doyle, Garner, Gillingham, Labahn, Peck, Pepler, Powers,
Prizmich, Tardiff
No:
Abstain: Anderson
Not Present: Arbaugh, Chrones
**Decision: Schedule a rescission hearing pursuant to the following
reasons cited in the Governor's letter. Specifically, the
inmate continues to minimize his role in the life crime
indicating he has not accepted responsibility or gained
insight into the offense; issues noted in his recent 2008
mental health evaluation raise public safety concerns.**

RICHARDSON, Eric

J-15890

Referred by Decision Review

Motion: Disapprove the suitability decision and set for rehearing. If parole plans are found to be viable before the rehearing, the suitability decision shall be reinstated and finalized and the rehearing shall be taken off calendar.

Motion by: Gillingham

Second by: Anderson

Aye: Anderson, Doyle, Garner, Gillingham, Labahn, Peck, Peppler, Powers, Prizmich, Tardiff

No:

Abstain:

Not Present: Arbaugh, Chrones

Decision: Disapprove the suitability decision and set for rehearing. If parole plans are found to be viable before the rehearing, the suitability decision shall be reinstated and finalized and the rehearing shall be taken off calendar.

RHOME, Harlan

E-01082

Governor Referred

Motion: Affirm the August 11, 2009 suitability decision.

Motion by: Powers

Second by: Garner

Aye: Doyle, Garner, Gillingham, Labahn, Peck, Peppler, Powers, Tardiff

No: Prizmich

Abstain: Anderson

Not Present: Arbaugh, Chrones

Decision: Affirm the August 11, 2009 suitability decision.

TORRES, Epifanio

E-97478-

Governor Referred

Motion #1: Affirm the July 28, 2009 suitability decision.

Motion by: Labahn

Second by: Anderson

Aye: Anderson, Gillingham, Labahn, Powers

No: Doyle, Garner, Peck, Peppler, Prizmich

Abstain: Tardiff

Not Present: Arbaugh, Chrones

Decision: Motion received insufficient votes to carry.

TORRES, Epifanio

E-97478-

Governor Referred

Motion #2: Schedule a rescission hearing pursuant to the following reasons cited in the Governor's letter. Specifically, the inmate lacks understanding of the circumstances that led to his life offense; lack of insight; failure to accept full responsibility and his continuous minimization of his anti-social behavior and role in the life crime.

Motion by:

Second by:

Aye: Anderson, Doyle, Garner, Gillingham, Labahn, Peck, Peppler, Powers, Prizmich, Tardiff

No:

Abstain:

Not Present: Arbaugh, Chrones

Decision: Schedule a rescission hearing pursuant to the following reasons cited in the Governor's letter. Specifically, the inmate lacks understanding of the circumstances that led to his life offense; lack of insight; failure to accept full responsibility and his continuous minimization of his anti-social behavior and role in the life crime.