

BOARD OF PAROLE HEARINGS
En Banc Decisions
Wednesday, February 17, 2010

Sentence Recall – Penal Code section 1170(d)

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

MARCHETTI, Joanne

W-36662

Motion: Decline to refer matter to sentencing court pursuant to Penal Code 1170(d).
Motion by: Garner
Second by: Labahn
Aye: Anderson, Arbaugh, Chrones, Doyle, Garner, Gillingham, Labahn, Peck, Pepler, Powers, Prizmich, Tardiff
No:
Abstain:
Not Present:
Decision: Decline to refer matter to sentencing court pursuant to Penal Code 1170(d).

En Banc Review

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

AGUILAR, Juan

T-02851

Governor Referred

CONTINUED FROM JANUARY BOARD MEETING

Motion: Affirm the August 6, 2009 suitability decision.
Motion by: Garner
Second by: Peck
Aye: Arbaugh, Chrones, Doyle, Garner, Gillingham, Labahn, Peck, Pepler, Powers, Prizmich, Tardiff
No: ,
Abstain: Anderson
Not Present:
Decision: Affirm the August 6, 2009 suitability decision.

DAVIS, Tracy

D-74801

Governor Referred

Motion: Affirm the September 24, 2009 suitability decision.
Motion by: Arbaugh
Second by: Anderson
Aye: Anderson, Arbaugh, Chrones, Doyle, Garner, Gillingham, Labahn, Peck, Pepler, Powers, Prizmich, Tardiff
No: ,
Abstain:
Not Present:
Decision: Affirm the September 24, 2009 suitability decision.

DIAZ, Hector **D-07626** **Referred by Decision Review**
Motion: Disapprove the October 21, 2009 suitability decision and set for re-hearing. If parole plans are found to be viable before the re-hearing, the suitability decision shall be reinstated and finalized and the re-hearing shall taken off calendar.
Motion by: Arbaugh
Second by: Anderson
Aye: Anderson, Arbaugh, Chrones, Doyle, Garner, Gillingham, Labahn, Peck, Pepler, Powers, Prizmich, Tardiff
No: ,
Abstain:
Not Present:
Decision: Disapprove the October 21, 2009 suitability decision and set for re-hearing. If parole plans are found to be viable before the re-hearing, the suitability decision shall be reinstated and finalized and the re-hearing shall taken off calendar.

PARAMO, Jose **H-83021** **Governor Referred**
Motion: Affirm the September 2, 2009 suitability hearing.
Motion by: Gillingham
Second by: Garner
Aye: Anderson, Arbaugh, Chrones, Doyle, Garner, Gillingham, Labahn, Peck, Pepler, Powers, Tardiff
No: ,
Abstain:
Not Present:
Decision: Affirm the September 2, 2009 suitability hearing.

PARKER, Clifford **J-43369** **Governor Referred**
Motion: Schedule a rescission hearing pursuant to the following reasons cited in the Governor's letter: specifically, failure to gain insight into life crime by minimizing his role in the crime and unreasonable risk of danger for future violence due to his failure to understand and accept total responsibility for his criminal conduct.
Motion by: Anderson
Second by: Labahn
Aye: Anderson, Arbaugh, Chrones, Doyle, Garner, Gillingham, Labahn, Peck, Pepler, Powers, Prizmich
No: ,
Abstain: Tardiff
Not Present:
Decision: Schedule a rescission hearing pursuant to the following reasons cited in the Governor's letter: specifically, failure to gain insight into life crime by minimizing his role in the crime and unreasonable risk of danger for future violence due to his failure to understand and accept total responsibility for his criminal conduct.

