

**BOARD OF PAROLE HEARINGS**  
**En Banc Decisions**  
**Wednesday, March 17, 2009**

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

<b>BUCHANAN, Daniel</b>	<b>E-15184</b>	<b>Compassionate Release</b>
Motion:	Decline to refer to court for consideration of sentence recall. The conditions under which the prisoner would be released or receive treatment pose a threat to public safety as referenced in Penal Code section 1170(e)(2)(B). The inmate's unsatisfactory institutional disciplinary history and the fact that he is ambulatory renders him a threat to public safety.	
Motion by:	Biggers	
Second by:	Drummond	
Aye:	Anderson, Arbaugh, Biggers, Bryson, Doyle, Drummond, Garner, Gillingham, Kane, Prizmich	
No:		
Abstain:		
Not Present:	Chrones	
<b>Decision:</b>	<b>Decline to refer to court for consideration of sentence recall. The conditions under which the prisoner would be released or receive treatment pose a threat to public safety as referenced in Penal Code section 1170(e)(2)(B). The inmate's unsatisfactory institutional disciplinary history and the fact that he is ambulatory renders him a threat to public safety.</b>	

**En Banc Review**

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

<b>ALEXANDER, Daniel</b>	<b>C-94602</b>	<b>Split Decision</b>
Motion:	Unsuitable for parole for 3 years for the reasons articulated by the Deputy Commissioner at the February 10, 2009 hearing.	
	The need for additional incarceration of 15, 10, 7 or 5 years is not warranted, pursuant to clear and convincing evidence as articulated by the Commissioner on page 122/10-24; page 123/1-15; and pages 124-126 of the decision.	
Motion by:	Bryson	
Second by:	Anderson	
Aye:	Anderson, Arbaugh, Biggers, Bryson, Drummond, Garner, Kane, Prizmich	
No:	Doyle	
Abstain:	Gillingham	
Not Present:	Chrones	
<b>Decision:</b>	<b>Unsuitable for parole for 3 years for the reasons articulated by the Deputy Commissioner at the February 10, 2009 hearing.</b>	
	<b>The need for additional incarceration of 15, 10, 7 or 5 years is not warranted, pursuant to clear and convincing evidence as articulated by the Commissioner on page 122/10-24; page 123/1-15; and pages 124-126 of the decision.</b>	
<b>BAKER, Fred</b>	<b>C-22918</b>	<b>Governor Referred</b>
Motion:	Schedule a rescission hearing pursuant to the reasons cited in the Governor's letter.	
Motion by:	Bryson	
Second by:	Kane	
Aye:	Anderson, Arbaugh, Biggers, Bryson, Doyle, Drummond, Garner, Gillingham, Kane, Prizmich	
No:		
Abstain:		
Not Present:	Chrones	
<b>Decision:</b>	<b>Schedule a rescission hearing pursuant to the reasons cited in the Governor's letter.</b>	
<b>GARRISON, Gary</b>	<b>B-10463</b>	<b>Governor Referred</b>
Motion:	Schedule a rescission hearing pursuant to the reasons cited in the Governor's letter.	
Motion by:	Arbaugh	
Second by:	Anderson	
Aye:	Anderson, Arbaugh, Biggers, Bryson, Doyle, Drummond, Garner, Gillingham, Kane, Prizmich	
No:		
Abstain:		
Not Present:	Chrones	
<b>Decision:</b>	<b>Schedule a rescission hearing pursuant to the reasons cited in the Governor's letter.</b>	

**HAYNES, Cari**

**W-67008**

**Governor Referred**

Motion #1: Affirm the suitability decision.

Motion by: Bryson

Second by: Drummond

Aye: Bryson, Drummond

No: Anderson, Arbaugh, Doyle, Garner, Gillingham, Kane, Prizmich

Abstain: Biggers

Not Present: Chrones

**Decision: Motion did not carry.**

Motion #2: Schedule a rescission hearing regarding inmate's lack of insight into her history of dependent relationships and the nexus between those relationships and the life crime to avoid such behavior should she be released on parole.

Motion by: Kane

Second by: Anderson

Aye: Anderson, Arbaugh, Doyle, Garner, Gillingham, Kane, Prizmich

No: Bryson, Drummond

Abstain: Biggers

Not Present: Chrones

**Decision: Schedule a rescission hearing regarding inmate's lack of insight into her history of dependent relationships and the nexus between those relationships and the life crime to avoid such behavior should she be released on parole.**