BOARD OF PAROLE HEARINGS
En Banc Decisions
Tuesday, March 19, 2013

CLEVELAND, Monique W-49683 Penal code section 1170(e)

Motion:	**Decline to refer to sentencing court for consideration of sentence recall and resentencing because 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), as evidenced by the prisoner's repeated and recent history of rules violations, including multiple acts of violence and substance abuse.**
Motion by:	Anderson
Second by:	Peck
Not Present:	None
Decision:	**Motion carried.**

GALLO, Jerry H-14073 Referred by Decision Review

Motion:	**Schedule a hearing to determine if the inmate's August 28, 2012, grant of parole should be rescinded in accordance with Penal Code section 3041.1 and California Code of Regulations, Title 15, section 2255, based on the Rules Violation Report dated January 2, 2013.**
Motion by:	Peck
Second by:	Singh
Not Present:	None
Decision:	**Motion carried.**

LIMJOCO, Agapito P-04713 Penal code section 1170(e)

Motion:	**Decline to refer to sentencing court for consideration of sentence recall and resentencing because the conditions under which the inmate would be released or receive treatment pose a threat to public safety as evidenced by the prisoner's lack of viable parole plans (plans which conform with Penal Code section 290) and continued physical ability to reoffend.**
Motion by:	Garner
Second by:	Labahn
Not Present:	None
Decision:	**Motion carried.**

MARTINEZ, Maryann Pardon

Motion:	**Refer Ms. Martinez's application for pardon to the Governor**

with an unfavorable recommendation.

Motion by: Anderson
Second by: Roberts
Not Present: None
Decision: Motion carried.

MEDINA, Rene H-48880 Governor-Referred

Motion: Schedule a hearing to determine if the inmate's November 20, 2012, grant of parole was improvidently granted in accordance with Penal Code section 3041.1 and California Code of Regulations, Title 15, section 2255, based on the following fundamental errors: inadequate consideration of the behavior that led up to the prisoner's May 2009, Rules Violation Report and the extent to which that behavior relates to the causative factors of the prisoner's life crime.

Motion by: Labahn
Second by: Montes
Not Present: None
Decision: Motion carried.

PENDERGRASS, Ernest C-67782 Penal code section 1170(e)

Motion: Refer to sentencing court for consideration of sentence recall and resentencing because the inmate is medically incapacitated as defined in Penal Code section 1170(e)(2)(C), and because the conditions under which the inmate 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: Anderson
Not Present: None
Decision: Motion carried.

VILLANUEVA, Miguel H-49644 Governor-Referred

Motion: Affirm the decision to grant parole made on November 6, 2012, because the prisoner no longer poses an unreasonable risk of danger to the public for the reasons stated on the record by the panel that granted parole.

Motion by: Turner
Second by: Zarrinnam
Not Present: None
Decision: Motion carried.