

BOARD OF PAROLE HEARINGS
En Banc Decisions
Tuesday, March 20 2012

Penal Code section 1170(e)

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

ARREOLA, ANTONIO RUIZ	H42656	PC 1170
Motion:	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:	Moseley	
Second by:	Fritz	
Aye:	Anderson, Jr., Ferguson, Figueroa, Fritz, Garner, Labahn, Moseley, Robles	
Nay:	Peck, Prizmich, Turner	
Abstain:		
Not Present:		
Decision:	Refer to Court	
OLIVER, ALFRED K	C22499	PC 1170
Motion:	THE PRISONER IS 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:	Anderson, Jr.	
Second by:	Labahn	
Aye:	Anderson, Jr., Figueroa, Labahn, Prizmich, Robles, Turner	
Nay:	Ferguson, Fritz, Garner, Moseley, Peck	
Abstain:		
Not Present:		
Decision:	Refer to Court	
OLMEDO, ELEAZOR VICTOR	C12288	PC 1170
Motion:	THE PRISONER IS 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:	Ferguson	
Second by:	Turner	
Aye:	Ferguson, Figueroa, Robles, Turner	
Nay:	Anderson, Jr., Fritz, Garner, Labahn, Moseley, Peck, Prizmich	
Abstain:		
Not Present:		
Decision:	Motion Not Carried	

Motion: 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 RETAINS USE OF HIS ARMS AND HAS THE CAPACITY TO HARM STAFF CARING FOR HIM OUTSIDE CUSTODIAL SETTING. HIS DISCIPLINARY HISTORY, INCLUDING FOR DRUG PARAPHERNALIA POSSESSION, AS WELL AS THE PROPOSED PAROLE PLAN OF RESIDING IN A MULTIPLE-RESIDENT DWELLING, INDICATE THE RISK THIS INMATE WOULD POSE IF HIS SENTENCE WAS RECALLED.

Motion by: Labahn
Second by: Peck
Aye: Anderson, Jr., Fritz, Garner, Labahn, Moseley, Peck, Prizmich
Nay: Ferguson, Figueroa, Robles, Turner
Abstain:
Not Present:

Decision: Decline to Refer

WIMBERLY, STEVEN SR

V67780

PC 1170

Motion: THE PRISONER IS 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: Anderson, Jr.
Second by: Robles
Aye: Anderson, Jr., Ferguson, Figueroa, Fritz, Garner, Labahn, Moseley, Peck, Prizmich, Robles, Turner
Nay:
Abstain:
Not Present:

Decision: Refer to Court

En Banc Review

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

ANDERSON, VERNON DWAYNE

E56060

Governor Referred

Motion: AFFIRM THE NOVEMBER 2, 2011, SUITABILITY DECISION.
Motion by: Peck
Second by: Labahn
Aye: Anderson, Jr., Ferguson, Fritz, Garner, Labahn, Peck, Prizmich, Turner
Nay: Moseley
Abstain: Figueroa, Robles
Not Present:

Decision: Affirm

HAWKINS, JOHN

J83305

Governor Referred

Motion: AFFIRM THE FEBRUARY 23, 2011, SUITABILITY DECISION.
Motion by: Peck
Second by: Figueroa
Aye: Figueroa, Fritz, Garner, Labahn, Moseley, Peck, Robles, Turner
Nay: Anderson, Jr., Ferguson, Prizmich
Abstain:
Not Present:

Decision: Affirm

HETZEL, MICHAEL WILLIAM

T90403

Referred by Decision Review

Motion: DISAPPROVE THE JANUARY 5, 2012, PROPOSED DECISION AND SCHEDULE A REHEARING ON THE NEXT AVAILABLE CALENDAR.
Motion by: Moseley
Second by: Peck
Aye: Ferguson, Fritz, Garner, Labahn, Moseley, Peck, Prizmich, Robles, Turner
Nay: Anderson, Jr., Figueroa
Abstain:
Not Present:
Decision: Rehearing

VALDOVINOS, IGNACIO

K41129

Split Suitability Hearing Decision

Motion: SUITABLE FOR PAROLE PURSUANT TO THE REASONS ARTICULATED BY THE COMMISSIONER AT THE JANUARY 14, 2011, HEARING, CONSISTENT WITH THE COURT ORDER GOVERNING THE HEARING.
Motion by: Ferguson
Second by: Anderson, Jr.
Aye: Anderson, Jr., Ferguson, Figueroa, Fritz, Garner, Labahn, Peck, Prizmich, Robles, Turner
Nay:
Abstain: Moseley
Not Present:
Decision: Grant