

BOARD OF PAROLE HEARINGS
En Banc Decisions
Tuesday, May 15 2012

Penal Code section 1170(e)

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

CLARK, FRED	H93213	PC 1170
Motion:	THE PRISONER IS MEDICALLY INCAPACITATED AS DEFINED IN PENAL CODE SECTION 1170(E)(2)(C) 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:	Anderson, Jr.	
Second by:	Peck	
Aye:	Anderson, Jr., Figueroa, Fritz, Garner, Labahn, Moseley, Peck, Prizmich, Robles, Turner	
Nay:	Ferguson	
Abstain:		
Not Present:		
Decision:	Refer to Court	
CUBIE, BERNICE	W34651	PC 1170
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). MS. CUBIE IS AMBULATORY WITH A WALKER AND HER PAROLE PLANS ARE TO LIVE WITH AN INDIVIDUAL WITH AN EXTENSIVE CRIMINAL HISTORY, INCLUDING CONTROLLED SUBSTANCES. MS. CUBIE'S CONVICTION FOR POSSESSION OF A CONTROLLED SUBSTANCE AND HER ABILITY TO PERFORM ACTIVITIES OF DAILY LIVING WITHOUT ASSISTANCE RENDER THIS RESIDENCY PLAN A RISK TO PUBLIC SAFETY ARISING FROM A RISK THAT CUBIE WILL RE-OFFEND.	
Motion by:	Moseley	
Second by:	Labahn	
Aye:	Anderson, Jr., Ferguson, Figueroa, Fritz, Garner, Labahn, Moseley, Peck, Prizmich, Robles, Turner	
Nay:		
Abstain:		
Not Present:		
Decision:	Decline to Refer	
DONNELLY, WILLIAM JOSEPH JR	B90948	PC 1170
Motion:	REFER TO COURT FOR CONSIDERATION OF SENTENCE RECALL BECAUSE THE PRISONER IS MEDICALLY INCAPACITATED AS DEFINED IN PENAL CODE SECTION 1170(E)(2)(C).	
Motion by:	Labahn	
Second by:	Ferguson	
Aye:	Anderson, Jr., Ferguson, Figueroa, Fritz, Garner, Labahn, Moseley, Peck, Prizmich, Robles, Turner	
Nay:		
Abstain:		
Not Present:		
Decision:	Refer to Court	

HILL, JOHN DARRELL

C84490

PC 1170

Motion: REFER TO COURT FOR CONSIDERATION OF SENTENCE RECALL BECAUSE THE PRISONER IS MEDICALLY INCAPACITATED AS DEFINED IN PENAL CODE SECTION 1170(E)(2)(C) 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: Robles

Second by: Fritz

Aye: Anderson, Jr., Ferguson, Figueroa, Fritz, Garner, Labahn, Moseley, Peck, Prizmich, Robles, Turner

Nay:

Abstain:

Not Present:

Decision: Refer to Court

IBARRIA, JOSE

H12568

PC 1170

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: Anderson, Jr.

Second by: Ferguson

Aye: Anderson, Jr., Ferguson, Figueroa, Fritz, Garner, Labahn, Peck, Prizmich, Robles, Turner

Nay: Moseley

Abstain:

Not Present:

Decision: Refer to Court

En Banc Review

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

LEE, ROBERT EDWARD

B22267

Split Suitability Hearing Decision

Motion: SUITABLE FOR PAROLE PURSUANT TO THE REASONS ARTICULATED BY THE DEPUTY COMMISSIONER AT THE MARCH 22, 2012, HEARING.

Motion by: Peck

Second by: Turner

Aye: Anderson, Jr., Ferguson, Figueroa, Garner, Labahn, Moseley, Peck, Prizmich, Robles, Turner

Nay:

Abstain: Fritz

Not Present:

Decision: Grant

MEINECKE, JAMES EDWARD

E67329

Split Suitability Hearing Decision

Motion: SUITABLE FOR PAROLE PURSUANT TO THE REASONS ARTICULATED BY THE COMMISSIONER AT THE MARCH 21, 2012 HEARING. IN ADDITION TO THE SPECIAL CONDITIONS IMPOSED AT THE HEARING, THE BOARD ALSO IMPOSES THE CONDITION THAT MR. MEINECKE NOT OPERATE A MOTOR VEHICLE.

Motion by: Ferguson

Second by: Anderson, Jr.

Aye: Anderson, Jr., Ferguson, Figueroa, Garner, Labahn, Moseley, Peck, Turner

Nay: Prizmich, Robles

Abstain: Fritz

Not Present:

Decision: Grant

RIVERA, JASON

J74943

Referred by Decision Review

Motion: VACATE THE JANUARY 24, 2012 HEARING DECISION AND SET MATTER FOR NEW HEARING ON NEXT AVAILABLE CALENDAR.

Motion by: Peck

Second by: Anderson, Jr.

Aye: Anderson, Jr., Ferguson, Figueroa, Fritz, Garner, Labahn, Moseley, Peck, Prizmich, Robles, Turner

Nay:

Abstain:

Not Present:

Decision: Rehearing

THAHER, HUSAM MOHAMMAD

E24206

Governor Referred

Motion: AFFIRM THE DECEMBER 29, 2011, SUITABILITY DECISION.

Motion by: Fritz

Second by: Anderson, Jr.

Aye: Anderson, Jr., Ferguson, Figueroa, Fritz, Garner, Labahn, Moseley, Peck, Robles

Nay: Prizmich

Abstain: Turner

Not Present:

Decision: Affirm