

BOARD OF PAROLE HEARINGS

En Banc Decisions

Tuesday, June 21 2011

Penal Code section 1170(e)

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

GARCIA, VICTOR VALENCIA **E96611** **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: Ferguson

Aye: Adams, Anderson, Jr., Arbaugh, Doyle, Ferguson, Garner, Melanson, Peck, Prizmich

Nay:

Abstain:

Not Present:

Decision: Refer to Court

MC DONALD, PETER JEROME **C86523** **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: Garner

Aye: Anderson, Jr., Arbaugh, Doyle, Ferguson, Garner, Peck

Nay: Adams, Melanson, Prizmich

Abstain:

Not Present:

Decision: Refer to Court

WOOD, WENDALL **E22819** **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). THE LIFE CRIME INCLUDED USING OTHERS TO COMMIT THE CRIME, THE INMATE'S PAROLE PLANS ARE TO PAROLE TO A HOME WHERE A PROBATIONER RESIDES, AND THERE ARE WEAPONS. EVEN THOUGH THE INMATE USES OXYGEN, HE IS STILL AMBULATORY AND CAPABLE OF USING A WEAPON TO COMMIT FURTHER CRIMES. ADDITIONALLY, AT THE INMATE'S JANUARY 12, 2011 PAROLE SUITABILITY HEARING, THE PANEL FOUND THAT HE POSSESSES LITTLE INSIGHT INTO THE CAUSATIVE FACTORS OF THE MURDER, CONTINUES TO MINIMIZE HIS ROLE, AND LACKS GENUINE REMORSE, AND THUS, CURRENTLY POSES A PUBLIC SAFETY RISK.

Motion by: Adams

Second by: Melanson

Aye: Adams, Anderson, Jr., Arbaugh, Doyle, Ferguson, Garner, Melanson, Peck, Prizmich

Nay:

Abstain:

Not Present:

Decision: Decline to Refer

En Banc Review

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

CURRY, FRANKLIN

B89572

Governor Referred

Motion: SCHEDULE A RESCISSION HEARING PURSUANT TO THE FOLLOWING REASONS CITED IN THE GOVERNOR'S LETTER. SPECIFICALLY, LACK OF UNDERSTANDING INTO WHY HE COMMITTED THE CRIMES, AND FAILURE TO SUFFICIENTLY ADDRESS FACTORS THAT IMPACTED HIS ACTIONS TOWARD THE VICTIMS OF HIS SEXUAL OFFENSES.

Motion by: Adams

Second by: Ferguson

Aye: Adams, Anderson, Jr., Arbaugh, Doyle, Ferguson, Garner, Melanson, Peck, Prizmich

Nay:

Abstain:

Not Present:

Decision: Schedule for a Rescission Hearing

TREADWAY, BRUCE ARTHUR

C67670

Referred by Decision Review

Motion: THE GRANT SHALL BE UPHELD PROVIDED THAT PAROLE PLANS PRESENTED BY THE INMATE ON JUNE 20, 2011, ARE VERIFIED AS VIABLE BY JULY 12, 2011. IF THE PAROLE PLANS ARE NOT VERIFIED NOR FOUND VIABLE BY JULY 12TH, THE GRANT SHALL BE VACATED AND THE MATTER SET FOR NEW HEARING.

Motion by: Melanson

Second by: Peck

Aye: Adams, Anderson, Jr., Arbaugh, Doyle, Ferguson, Garner, Melanson, Peck, Prizmich

Nay:

Abstain:

Not Present:

Decision: Affirm