

BOARD OF PAROLE HEARINGS

En Banc Decisions

Tuesday, July 19 2011

**Penal Code section 1170(e)**

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

**BUCHANAN, DANIEL**

**E15184**

**PC 1170**

Motion:

MOTION 1 NOT CARRIED  
REFER TO COURT FOR CONSIDERATION OF SENTENCE RECALL  
BECAUSE 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 2 CARRIED  
DECLINE TO REFER TO COURT FOR CONSIDERATION OF SENTENCE  
RECALL 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). THE RECENCY OF HIS RULES VIOLATIONS (115'S)  
SUGGEST THAT THERE IS A PRESENT NEXUS TO THE VIOLENCE  
INVOLVED IN HIS COMMITMENT OFFENSE. HE ALSO HAS A RECENT  
RULES VIOLATION (115) FOR DRUG USE. FOR BOTH OF THESE  
REASONS, HE STILL POSES A PUBLIC SAFETY RISK.

Motion by:

Adams

Second by:

Prizmich

Aye:

Adams, Anderson, Jr., Ferguson, Fritz, Garner, Macaulay, Peck, Prizmich,  
Robles

Nay:

Abstain:

Not Present:

Doyle, Melanson

**Decision:**

**Decline to Refer**

**En Banc Review**

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