

BOARD OF PAROLE HEARINGS
En Banc Decisions
Tuesday, December 9, 2008

Compassionate Release – Penal Code section 1170(e)

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

DICKENS, Darnell	P-27610	Compassionate Release
Motion:	Refer to court for consideration of sentence recall.	
Motion by:	Biggers	
Second by:	Anderson	
Aye:	Anderson, Arbaugh, Biggers, Bryson, Chrones, Doyle, Drummond, Garner, Gillingham, Kane, Michell	
No:	Prizmich	
Abstain:		
Not Present:		
Decision:	Refer to court for consideration of sentence recall.	

GARCIA, Daniel	K-26172	Compassionate Release
Motion:	Decline to refer to court for consideration of sentence recall.	
Motion by:	Chrones	
Second by:	Kane	
Aye:	Anderson, Arbaugh, Biggers, Bryson, Chrones, Doyle, Garner, Gillingham, Kane, Michell, Prizmich	
No:	Drummond	
Abstain:		
Not Present:		
Decision:	Decline to refer to court for consideration of sentence recall.	

MONCRIEF, Herman	C-12500	Compassionate Release
Motion:	Refer to court for consideration of sentence recall.	
Motion by:	Drummond	
Second by:	Gillingham	
Aye:	Anderson, Arbaugh, Doyle, Drummond, Garner, Gillingham, Kane, Michell	
No:	Biggers, Bryson, Chrones, Prizmich	
Abstain:		
Not Present:		
Decision:	Refer to court for consideration of sentence recall.	

Traditional Pardon-Penal Code section 4812

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

PAPE, Scott, Dewitt	Traditional Pardon
Motion:	The Board recommends that the Governor grant the pardon.
Motion by:	Drummond
Second by:	Kane
Aye:	Biggers, Chrones, Drummond, Garner, Gillingham, Kane,
No:	Anderson, Arbaugh, Bryson, Doyle, Michell, Prizmich
Abstain:	
Not Present:	
Decision:	A majority vote was not reached; therefore, no recommendation regarding the pardon request will be made to the Governor.

En Banc Review

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

BANKS, Andre	D-71538	Decision Review
Motion:	Approve the August 26, 2008 proposed suitability decision.	
Motion by:	Gillingham	
Second by:	Garner	
Aye:	Anderson, Arbaugh, Bryson, Chrones, Doyle, Drummond, Garner, Gillingham, Kane, Michell	
No:	Biggers, Prizmich	
Abstain:		
Not Present:		
Decision:	Approve the August 26, 2008 proposed suitability decision.	
BERMUDEZ, Guillermo	B-44120	Governor-referred
Motion:	Affirm the July 1, 2008 suitability decision.	
Motion by:	Kane	
Second by:	Drummond	
Aye:	Anderson, Arbaugh, Chrones, Doyle, Drummond, Garner, Gillingham, Kane	
No:	Biggers, Bryson, Michell, Prizmich	
Abstain:		
Not Present:		
Decision:	Affirm the July 1, 2008 suitability decision.	
CARR, Kenneth	H-19550	Governor-referred
Motion:	Schedule a rescission hearing pursuant to the following reasons cited in the Governor's letter. 1) The potential risk of future violence in the community as reflected in the 2001 mental health evaluation. 2) Lack of insight regarding the 2004 disciplinary for oral copulation.	
Motion by:	Garner	
Second by:	Biggers	
Aye:	Anderson, Arbaugh, Biggers, Bryson, Chrones, Doyle, Drummond, Garner, Gillingham, Kane, Michell, Prizmich	
No:		
Abstain:		
Not Present:		
Decision:	Schedule a rescission hearing pursuant to the following reasons cited in the Governor's letter. 1) The potential risk of future violence in the community as reflected in the 2001 mental health evaluation. 2) Lack of insight regarding the 2004 disciplinary for oral copulation.	
D'AMICO, Carl	B-91725	Governor-referred
Motion:	Affirm the July 10, 2008 suitability decision.	
Motion by:	Anderson	
Second by:	Kane	
Aye:	Anderson, Arbaugh, Chrones, Doyle, Drummond, Garner, Gillingham, Kane	
No:	Biggers, Bryson, Michell, Prizmich	
Abstain:		
Not Present:		
Decision:	Affirm the July 19, 2008 suitability decision.	

FOREMAN, Robert

C-21681

Governor-referred

Motion: Schedule a rescission hearing pursuant to the following reasons cited in the Governor's letter. 1) Lack of insight into his criminal behavior. 2) Unresolved anger management issues.

Motion by: Bigger

Second by: Prizmich

Aye: Arbaugh, Biggers, Bryson, Chrones, Doyle, Drummond, Garner, Gillingham, Kane, Michell, Prizmich

No:

Abstain:

Not Present: Anderson

Decision: Schedule a rescission hearing pursuant to the following reasons cited in the Governor's letter.

1) Lack of insight into his criminal behavior.

2) Unresolved anger management issues.

KEY, McKinley

D-11696

Governor-referred

Motion: Schedule a rescission hearing pursuant to the following reasons cited in the Governor's letter. 1) Prior criminal history, including gang membership. 2) Lack of institutional self-help/therapy programming to address gang issues. 3) Recent mental health evaluation; requires an increased level of support on parole.

Motion by: Bryson

Second by: Kane

Aye: Arbaugh, Biggers, Bryson, Chrones, Doyle, Drummond, Garner, Gillingham, Kane, Michell, Prizmich

No:

Abstain:

Not Present: Anderson

Decision: Schedule a rescission hearing pursuant to the following reasons cited in the Governor's letter.

1) Prior criminal history, including gang membership.

2) Lack of institutional self-help/therapy programming to address gang issues. 3) Recent mental health evaluation; requires an increased level of support on parole.

KINCAID, Paul**C-01215****Governor-referred**

Motion #1: Affirm the July 2, 2008 suitability decision.
Motion by: Drummond
Second by: Gillingham
Aye: Arbaugh, Chrones, Drummond, Garner, Gillingham
No: Biggers, Bryson, Doyle, Kane, Michell, Prizmich
Abstain:
Not Present: Anderson
Outcome: Motion received insufficient votes to carry.

Motion #2: Schedule a rescission hearing to address history of substance abuse including in-prison use.
Motion by: Prizmich
Second by: Biggers
Aye: Arbaugh, Biggers, Bryson, Chrones, Doyle, Kane, Michell, Prizmich
No: Drummond, Garner, Gillingham
Abstain:
Not Present: Anderson
Decision: Schedule a rescission hearing to address history of substance abuse including in-prison use.

NELSON, Tarza**E-85035****Governor-referred**

Motion: Affirm the July 2, 2008 suitability decision.
Motion by: Chrones
Second by: Garner
Aye: Chrones, Doyle, Drummond, Garner, Gillingham, Kane
No: Arbaugh, Biggers, Bryson, Michell, Prizmich
Abstain:
Not Present: Anderson
Decision: Affirm the July, 2008 suitability decision.