

BOARD OF PAROLE HEARINGS
En Banc Decisions
Tuesday, December 11, 2012

GILMORE, Christopher **D-75500** **Referred by Decision Review**

Motion: Affirm the panel's decision to grant parole made on November 1, 2012, because the prisoner no longer poses an unreasonable risk of danger to the public.

Motion by: Labahn

Second by: Figueroa

Not Present:

Decision: **Motion failed.**

Motion: Refer for a rescission hearing to consider whether the panel which granted the prisoner parole on November 1, 2012, committed fundamental errors by not giving adequate consideration to the prisoner's disciplinary record, lack of credibility, and lack of insight, thus resulting in the improvident granting of a parole date.

Motion by: Roberts

Second by: Peck

Not Present:

Decision: **Motion passed.**

GUERRA, Guadalupe **T-33811** **Penal code section 1170(e)**

Motion: Refer to sentencing court for consideration of recall of sentence based on (1) a reliable medical evaluation which concludes the prisoner is terminally ill as defined in Penal Code section 1170(e)(2)(A); (2) the inmate's newly revised and seemingly viable post-release plans to live with family other than the victim of his previous criminality; and (3) the Board's determination that the inmate does not pose an unreasonable risk of danger to the public at this time.

Motion by: Garner

Second by: Labahn

Not Present:

Decision: **Motion passed.**

MARTIN, John **J-87352** **Referred by Decision Review**

Motion: Affirm the base term matrix selected by the panel at the parole suitability hearing on September 19, 2012, as within their discretion pursuant to CCR, Title 15, section 2403, subdivision (a).

Motion by: Anderson

Second by: Zarrinam

Not Present:

Decision: Motion passed.

MCCLENDON, Andre V-41437 Governor-Referred

Motion: Refer for a rescission hearing to consider whether the panel which granted the prisoner parole on December 21, 2010, committed fundamental errors by not giving adequate consideration to whether the prisoner has sufficiently confronted and dealt with the personal issues that contributed to him committing this atrocious crime as well as other acts of violence against women, thus resulting in the improvident granting of a parole date.

Motion by: Montes

Second by: Garner

Not Present:

Decision: Motion passed.

SARGENT, Corby H-16868 Referred by Decision Review

Motion: Vacate the November 1, 2012 hearing decision and set a new parole suitability hearing pursuant to CCR, Title 15, Section 2041, subdivision (h).

Motion by: Zarrinam

Second by: Garner

Not Present: Montes

Decision: Motion passed.

THOMPKINS, Ray E-99962 Governor-Referred

Motion: Refer for a rescission hearing to consider whether the panel which granted the prisoner parole on July 26, 2012, committed fundamental errors by not giving adequate consideration to the prisoner's minimization and lack of insight into why he committed the crimes, as well as the sexual component of the crime, thus resulting in the improvident granting of a parole date.

Motion by: Peck

Second by: Ferguson

Not Present: Figueroa

Decision: Motion failed.

Motion: Affirm the panel's decision to grant parole made on July 26, 2012, because the prisoner no longer poses an unreasonable risk of danger to the public.

Motion by: Garner

Second by: Turner

Not Present: Figueroa

Motion: Motion passed.