

BOARD OF PAROLE HEARINGS

En Banc Decisions

Tuesday, December 14 2010

Compassionate Release -- Penal Code section 1170(e)

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

ALDEN, Robert Virgil	C28529	Compassionate Release
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). 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:	Gillingham	
Second by:	Branch	
Aye:	Adams, Anderson, Jr., Arbaugh, Branch, Doyle, Ferguson, Garner, Gillingham, Melanson, Prizmich	
Nay:		
Abstain:		
Not Present:		
Decision:	Refer to Court	
CARRION, Ralph Aguilar	P52022	Compassionate Release
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). 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 1170(E)(2)(B).	
Motion by:	Anderson, Jr.	
Second by:	Gillingham	
Aye:	Adams, Anderson, Jr., Arbaugh, Branch, Doyle, Ferguson, Garner, Gillingham, Melanson, Prizmich	
Nay:		
Abstain:		
Not Present:		
Decision:	Refer to Court	
HARNESS, Gregory	K97382	Compassionate Release
Motion:	1ST 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 DID NOT CARRY.	
	2ND MOTION: 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 REFERENCE IN PENAL CODE SECTION 1170(E)(2)(B). THE INMATE HAS THE ABILITY TO SPEAK INTERMITTENTLY AND HAS SOME USE OF HIS ARM(S), PRESENTING A PUBLIC SAFETY RISK TO CHILDREN.	
Motion by:	Adams	
Second by:	Anderson, Jr.	
Aye:	Adams, Anderson, Jr., Arbaugh, Branch, Doyle, Melanson, Prizmich	
Nay:	Ferguson, Garner, Gillingham	
Abstain:		
Not Present:		
Decision:	Decline to Refer	

SPEIGHT, Brad

H56565

Governor Referred

Motion: AFFIRM THE JULY 1, 2010, SUITABILITY DECISION.
Motion by: Adams
Second by: Ferguson
Aye: Adams, Anderson, Jr., Arbaugh, Branch, Doyle, Ferguson, Garner, Gillingham, Melanson, Prizmich
Nay:
Abstain:
Not Present:
Decision: **Affirm**

YIU, Barry Takchi

J19976

Referred by Decision Review

Motion: APPROVE THE OCTOBER 6, 2010, PROPOSED SUITABILITY DECISION, INCLUDING THE TERM CALCULATION.
Motion by: Melanson
Second by: Anderson, Jr.
Aye: Anderson, Jr., Arbaugh, Branch, Doyle, Ferguson, Garner, Gillingham, Melanson, Prizmich
Nay:
Abstain: Adams
Not Present:
Decision: **Affirm**

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En Banc Decisions
Tuesday, December 14, 2010

Traditional Pardon-Penal Code section 4812

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

AYDELOTTE, Matthew

Motion #1: The Board recommends that the Governor grant the pardon request.

Motion by: Adams

Second by: Garner

Aye: Adams, Anderson, Branch, Garner, Gillingham

No: Arbaugh, Ferguson, Melanson, Prizmich, Doyle

Abstain:

Not Present:

Decision: Motion did not carry.

Motion #2: The Board recommends that the Governor grant the pardon request.

Motion by: Anderson

Second by: Adams

Aye: Adams, Anderson, Branch, Ferguson, Garner, Gillingham

No: Arbaugh, Melanson, Prizmich, Doyle

Abstain:

Not Present:

Decision: Renewed motion carried.

COX, Marion

Motion #1: The Board recommends that the Governor decline to grant the pardon request.

Motion by: Melanson

Second by: Branch

Aye: Arbaugh, Branch, Ferguson, Melanson, Prizmich

No: Adams, Anderson, Garner, Gillingham, Doyle

Abstain:

Not Present:

Decision: Motion did not carry as majority vote is required.

Motion #2: The Board recommends that the Governor grant the pardon request.

Motion by: Adams

Second by: Garner

Aye: Adams, Anderson, Garner, Gillingham, Doyle

No: Arbaugh, Branch, Ferguson, Melanson, Prizmich

Abstain:

Not Present:

Decision: Motion did not carry as majority vote is required. As neither motion carried, no recommendation is made to the Governor.