

BOARD OF PAROLE HEARINGS
Executive Board Meeting
Monday, January 14, 2013
CLOSED SESSION
(All times are approximate and subject to change.)

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

NOTE START TIME: 2:00 p.m.

AGENDA

1. Risk Assessments
Howard E. Moseley, Chief Counsel
Dr. Clifford Kusaj, Chief, Forensic Assessment Division
[*Johnson vs. Shaffer*, Case Number 2:12-cv-01059-CCH P]
2. Lifer Scheduling and Tracking System (LSTS) Hands-on training
Howard E. Moseley, Chief Counsel

BOARD OF PAROLE HEARINGS
Executive Board Meeting
Tuesday, January 15, 2013
CLOSED SESSION
(All times are approximate and subject to change.)

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

NOTE START TIME: 9:00 a.m.

DISCUSSION

Overview of Pending Litigation and Writs of Habeas Corpus

Pursuant to Government Code section 11126(e)(1)

(A board may meet in closed session to confer with or receive advice from its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.)

Discussion

1. *In re Vicks* (2011) 195 Cal.App.4th 475, review granted July 20, 2011, S194129.
2. *Montgomery* (2012) 208 Cal.App.4th 149.

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinator at (916) 445-4072, at least five (5) working days prior to the scheduled meeting. All persons and property entering into this facility may be subject to search. No unauthorized weapons are allowed pursuant to Penal Code Section 171b.

BOARD OF PAROLE HEARINGS
Executive Board Meeting
http://www.cdcr.ca.gov/BOPH/meeting_agenda.html
Tuesday, January 15, 2013

OPEN SESSION
(All times are approximate and subject to change.)

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

NOTE START TIME: 10:00 a.m.

AGENDA

MEETING CALLED TO ORDER

CONSENT CALENDAR

1. Roll Call
2. Comments and Clarification regarding Board of Parole Hearings (BPH) Meeting Minutes: December 11, 2012
3. BPH Lifer Hearing Backlog Report
4. Public Comment on Consent Calendar – Comments are limited to five minutes. Items on the consent calendar are considered routine and non-controversial. All matters are approved by one motion unless pulled by a Board Member for discussion or separate action.

REPORTS

5. Report from Executive Officer
 - *E-mail Address established for Written Comments - BPHEXE.BRDMEETING@cdcr.ca.gov*
6. Report from Chief Counsel
 - *Statutory Guidelines regarding Parole Hearing Decision Splits*

OPEN COMMENTS

7. BPH Commissioners - Agenda Items for Future Meetings
8. Public Comment – Comments are limited to five minutes. The public may comment on any item related to Board business. The Board will not consider comments about future parole hearings. Those comments should be sent to the prison where the inmate is housed so that they can be considered by the panel assigned to the case.

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EN BANC HEARINGS

9. Referral pursuant to Penal Code section 1170(e) to determine eligibility for recommendation to sentencing court for recall of sentence. Members of the public may address the Board for a period not to exceed five (5) minutes.

A. REYES, Russell **K-87002**
County of Commitment:
Orange

10. Referral by the Chief Counsel pursuant to California Code of Regulations, Title 15, section 2042, to assure complete, accurate, consistent and uniform decisions and the furtherance of public safety. Members of the public may address the Board for a period not to exceed five (5) minutes.

B. GUTIERREZ, Doreen **W-82022** **Referred by Decision Review**
County of Commitment: (error of law)
Los Angeles

C. PERROTTE, Jeffery **H-89472** **Referred by Decision Review**
County of Commitment: (error of law)
Riverside

D. PETERSON, Robert **B-85767** **Referred by Decision Review**
County of Commitment: (error of fact)
Sacramento

E. VIRGIL, Glenda **W-27823** **Referred by Decision Review**
County of Commitment: (new information)
San Diego

11. Referral by the Governor pursuant to Penal Code section 3041.1 and California Code of Regulations, Title 15, section 2044 to request review of a parole decision by the full board. Members of the public may address the Board for a period not to exceed five (5) minutes.

F. BENNETT, Tony **H-10932**
County of Commitment:
Los Angeles

G. WILLIAMS, Victor **B-52321**
County of Commitment:
Madera

12. Referral by the Governor pursuant to Penal Code section 4802 to review a pardon application. Members of the public may address the Board for a period not to exceed five (5) minutes.

H. BLACK II, Theodore

I. JASTER, Jeffery

J. LIVINGSTON, Richard

K. MEDINA, Alejandro

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13. Referral pursuant to Penal Code section 3041 to either grant or deny parole when there is a tie vote.

L. ANDERS, Shella **W-14543**
County of Commitment:
Riverside

The decision in the above hearings will be posted no later than 4 p.m. in the lobby on the ground floor of 1515 K Street and also on the BPH internet page at the following address:
www.cdcr.ca.gov/BOPH/enbanc.html.

CLOSED SESSION – EN BANC CASES

Pursuant to Government Code section 11126(c)(4)
(“...[N]or shall anything in this article be construed to prevent a state body from holding a closed session when considering and acting upon the determination of a term, parole, or release of any individual or other disposition of an individual case, or if public disclosure of the subjects under discussion nor consideration is expressly prohibited by statute.”)

ADJOURNMENT

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