

BOARD OF PAROLE HEARINGS

Executive Board Meeting

December 11, 2012

Meeting called to order at 10:06 a.m.

CONSENT CALENDAR

Roll Call

Present: Anderson, Arthur Jr.; Ferguson, Jeffrey; Figueroa, Dan; Fritz, Cynthia; Garner, Jack; Labahn, Peter; Montes, Marisela; Peck, John; Singh, Amarik; Roberts, Brian; Turner, Terri; and Zarrinnam, Ali

Absent: None

Comments and Clarification regarding Board of Parole Hearings (BPH) Meeting Minutes: November 14, 2012

There were no comments.

BPH Lifer Hearing Backlog Report

Executive Officer, JENNIFER SHAFFER stated that the backlog report for the previous month will now be attached to the agenda ten-days prior to each executive meeting. SHAFFER reported the backlog is tentatively 34 hearings.

Public Comments on Consent Calendar

There were no public comments.

Commissioner TERRI TURNER made a motion to approve the consent calendar, which was seconded by Commissioner BRIAN ROBERTS. The consent calendar was unanimously approved.

REPORTS

Report from the Executive Officer

SHAFFER reported that next week the special master will publish his report on CDCR's compliance under *Valdivia*. She added that CDCR is working to finalize the layoff plan, which will continue for six to eight months.

Report from Chief Counsel

Notification of Action by Governor

HOWARD E. MOSELEY, Chief Counsel, announced the legal unit's new process, effective January 1, 2013, to notify the inmate's attorney, victim services, and the respective district attorney regarding the Governor's decision on lifer parole hearings.

SHAFFER questioned if this process only pertains to parole grants. MOSELEY indicated that this applies to all grants, and could occasionally apply to denials.

Public Comments on Reports

Criminal defense attorney, KEITH WATTLEY, indicated that there are problems with the current notification process and described a situation involving one of his clients. He asked the Board to clarify the process by January.

DISCUSSION ITEMS

Administrative Directive regarding Continuances

KARA HOUSTON, Staff Counsel, read the administrative directive regarding continuances and advised the Board that the content was approved by the Best Practices Committee the day before.

Motion made by Commissioner JOHN PECK to adopt Administrative Directive 2012-03 and seconded by Commissioner ROBERTS. The motion passed unanimously.

OPEN COMMENTS

BPH Commissioners – Agenda Items for Future Meetings

There were no agenda items set forth for future meetings.

Public Comments

VANESSA NELSON, of Lifer Support Alliance, informed the Board that she has been surveying inmates regarding attorney performance and will continue to do so with the intent to present her findings to the Board.

EN BANC HEARINGS

Recall and Referral for Resentencing: *Penal code section 1170(e) cases*

GUERRA, Guádalupe **T-33811**
STEPHANIE DeLaCRUZ, Guerra's daughter, supported release.

CARMEN GUERRA, the inmate's wife supported release.

JOSEPH PAUL GUERRA, the inmate's son, spoke in favor of release.

Decision Review – California Code of Regulations, title 15, section 2042

CORBY, Sargent [sic] **T-33811**
There were no public comments.

MARTIN, JOHN **J-87352**
JACK WADDELL, Deputy District Attorney of Contra Costa County, spoke in opposition to parole.

En Banc Referral– California Code of Regulations, title 15, section 2044(a):

GILMORE, CHRISTOPHER D-75500

EVAN GREENBERG, spoke on behalf of the inmate's attorney, and supported parole.

ALEXIS de la GARZA, from the Los Angeles County District Attorney Office opposed parole.

Governor's Referrals – Penal Code section 3041.1

MCLENDAN, ANDRE [sic] V-41437

BREANNE BELL, the inmate's niece, supported parole.

KEISHA MCLENDON, the inmate's wife, supported parole.

The inmate's attorney, KEITH WATTLEY, supported parole.

JILL KLINGE, from the Alameda County District Attorney's Office, opposed parole.

CHRISTINE WARD, a victim's advocate, read a letter on behalf of the victim's mother. The letter expressed concerns as to whether the inmate has changed, whether he minimizes the crime, and noted that he has never admitted to the crime.

THOMPKINS, RAY E-99962

KLINGE opposed parole.

Meeting adjourned at 11:11 a.m.

BPH: PC 3041(d) Report ("Backlog" Report)

Nov, 2011 – Nov, 2012

