

BOARD OF PAROLE HEARINGS
En Banc Decisions
Tuesday, October 18 2011

Penal Code section 1170(e)

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

POWELL, GREGORY U

A57622

PC 1170

Motion: THE CONDITIONS UNDER WHICH THE PRISONER WOULD BE RELEASED OR RECEIVE TREATMENT POSE A THREAT TO PUBLIC SAFETY AS REFERENCED IN PENAL CODE SECTION 1170(E)(2)(B). POWELL'S RELEASE WOULD POSE A PUBLIC SAFETY RISK DUE TO HIS HISTORY OF NONCOMPLIANCE AND LACK OF COOPERATION WITH PRISON RULES, HIS FAILURE TO FOLLOW RECOMMENDATIONS MADE BY THE BOARD TO RENDER HIM SUITABLE FOR PAROLE, HIS CURRENT PHYSICAL ABILITIES AND THE FACT THAT HE EXPRESSLY DOES NOT WISH TO BE CONSIDERED FOR PC 1170(E) RELIEF, AND THEREFORE, WILL LIKELY BE NONCOMPLIANT UPON RELEASE AND WOULD CAUSE HARM TO BE RETURNED TO PRISON, WHERE HE WISHES TO REMAIN.

Motion by: Peck

Second by: Ferguson

Aye: Anderson, Jr., Ferguson, Fritz, Garner, Macaulay, Moseley, Peck, Prizmich, Robles, Turner

Nay: Figueroa

Abstain:

Not Present:

Decision: Decline to Refer

WADE, CARL HAMPTON

E18321

PC 1170

Motion: 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 SECTION 1170(E)(2)(B).

Motion by: Anderson, Jr.

Second by: Macaulay

Aye: Anderson, Jr., Ferguson, Figueroa, Fritz, Garner, Macaulay, Moseley, Peck, Prizmich, Turner

Nay: Robles

Abstain:

Not Present:

Decision: Refer to Court

En Banc Review

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

ACOSTA, JULIO GARCIA

H23394

Referred by Decision Review

Motion: VACATE THE SEPTEMBER 13, 2011 DECISION AND SET THE MATTER FOR A REHEARING.

Motion by: Peck

Second by: Moseley

Aye: Anderson, Jr., Ferguson, Figueroa, Fritz, Garner, Moseley, Peck, Prizmich, Robles, Turner

Nay:

Abstain: Macaulay

Not Present:

Decision: Rehearing

Motion: GRANT PAROLE PURSUANT TO THE REASONS ARTICULATED BY THE COMMISSIONER AT THE AUGUST 9, 2011 HEARING.
Motion by: Anderson, Jr.
Second by: Ferguson
Aye: Anderson, Jr., Ferguson, Figueroa, Fritz, Garner, Macaulay, Moseley, Prizmich, Robles, Turner
Nay:
Abstain: Peck
Not Present:
Decision: Grant