

**BOARD OF PAROLE HEARINGS**  
**Executive Board Meeting**  
[http://www.cdcr.ca.gov/BOPH/meeting\\_agenda.html](http://www.cdcr.ca.gov/BOPH/meeting_agenda.html)  
**Monday, July 14, 2014**  
**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: 1:00 p.m.

**AGENDA**

**MEETING CALLED TO ORDER**

**CONSENT CALENDAR**

1. Roll Call
2. Comments and Clarification regarding Board of Parole Hearings (BPH) Meeting Minutes: May 19 and 20, 2014
3. Comments and Clarification regarding Board of Parole Hearings (BPH) Meeting Minutes: June 16 and 17, 2014
4. Parole Suitability Hearings and Backlog Report
5. 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 AND PRESENTATIONS**

6. Report from Executive Officer
  - Expedited Hearing Process
7. Report from Chief Counsel
  - Proposed Administrative Directive Regarding Hearing Exhibits, presented by Patrick Reardon, Staff Attorney
8. Report from Chief Deputy of Program Operations
  - Update on MDO Panel Attorney Appointment Process
9. Report from Chief Deputy of Field Operations
  - Deputy Commissioner Classification Conversion

**DISCUSSION ITEMS**

10. a) Administrative Directive 2014-02 Requirements for Substitution of Counsel and for Waiver of Counsel, presented by Kara Houston, Staff Attorney
  - b) Board Questions and Comments
  - c) Public Comments
  - d) Motion and Votes
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11. a) *In re Butler* Regulations, presented by Howard Moseley, Chief Counsel
  - b) Board Questions and Comments
  - c) Public Comments
  - d) Motion and Votes

**OPEN COMMENTS**

12. BPH Commissioners – Agenda Items for Future Meetings
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13. 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.

**MEETING RECESSED TO TUESDAY, JULY 15, 2014**

**For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinators at (916) 445-6631 or (916) 323-7997, 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**  
**Monday, July 14, 2014**  
**CLOSED SESSION**  
*(All times are approximate and subject to change.)*

1515 K Street  
Executive Board Conference Room  
Sacramento, California 95814

NOTE START TIME: 1:30 p.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.)*

Issues

1. The “good cause” standard and its potential to result in litigation, presented by Katie Riley, Senior Staff Attorney, and Dan Moeller, Associate Chief Deputy Commissioner
2. *Coleman/Plata v. Brown*, Case No. 2:90-CV-00520 LKK, JFM P, presented by Howard Moseley, Chief Counsel, and Veronica Mendoza, Senior Staff Attorney

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**BOARD OF PAROLE HEARINGS  
Executive Board Meeting  
Tuesday, July 15, 2014  
CLOSED SESSION**

*(All times are approximate and subject to change.)*

1515 K Street  
Executive Board Conference Room  
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.)*

Issue

1. *Johnson v. Shaffer*, Case No. 2:12-CV-01059 GGH P (E.D. Cal.), presented by Howard Moseley, Chief Counsel

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**BOARD OF PAROLE HEARINGS**  
**Executive Board Meeting**  
**Tuesday, July 15, 2014**  
**OPEN SESSION**

*(All times are approximate and subject to change.)*

1515 K Street  
 Executive Board Conference Room  
 Sacramento, California 95814

NOTE START TIME: 10:00 a.m.

**AGENDA**

**MEETING RECONVENED (Continued from July 14, 2014)**

14. Roll Call

**EN BANC REFERRALS**

15. 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. FRANCO, HUMBERTO      D-26118**  
 County of Commitment:  
 Los Angeles

16. 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>B. BOLLING, RONALD</b> County of Commitment: Riverside	<b>H-36413</b>	<b>To consider a rehearing due to loss of audio recording (Pen. Code, § 3041.5(a)(4).)</b>
<b>C. HANCOCK, CARL</b> County of Commitment: San Joaquin	<b>H-43946</b>	<b>To consider a rehearing due to loss of audio recording (Pen. Code, § 3041.5(a)(4).)</b>
<b>D. HERNANDEZ, JESSE</b> County of Commitment: San Joaquin	<b>C-86754</b>	<b>To consider a rehearing due to loss of audio recording (Pen. Code, § 3041.5(a)(4).)</b>
<b>E. NEPOMUCENO, CHRIS</b> County of Commitment: San Joaquin	<b>H-71614</b>	<b>To consider a rehearing due to loss of audio recording (Pen. Code, § 3041.5(a)(4).)</b>
<b>F. NOFFSINGER, JAMES</b> County of Commitment: San Bernardino	<b>D-64392</b>	<b>To consider a rehearing due to loss of audio recording (Pen. Code, § 3041.5(a)(4).)</b>
<b>G. PANAMENO, JUAN</b> County of Commitment: San Bernardino	<b>T-52569</b>	<b>To consider a rehearing due to loss of audio recording (Pen. Code, § 3041.5(a)(4).)</b>

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17. 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.

**H. HERNANDEZ, PETE            E-78406**  
County of Commitment:  
Kings

**OPEN COMMENTS**

18. 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.

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](http://www.cdcr.ca.gov/BOPH/enbanc.html).

**CLOSED SESSION – EN BANC REFERRALS**

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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