



**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Monday, May 14, 2018**

OPEN SESSION

(All times are approximate and subject to change.)
http://www.cdcr.ca.gov/BOPH/meeting_agenda.html

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

START TIME: 1:00 p.m.

AGENDA

MEETING CALLED TO ORDER

1. Roll Call

CONSENT CALENDAR

2. Approval of the Draft Minutes from the April 17, 2018 Board of Parole Hearings Executive Board Meeting
3. Approval of the Parole Suitability Hearings and Backlog Report for May 2018
4. Approval of Motions for Hearings with Procedural Errors – No motions to consider
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 a Board Member requests separate action.

REPORTS

6. Report from Executive Officer
 - Proposition 57 Regulations Update
 - Association of Paroling Authorities International
 - Fidler Institute on Criminal Justice
7. Report from Chief Counsel
 - Forensic Assessment Division Regulations Update
8. Report from Chief Deputy of Program Operations
 - Gate Clearance

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.

9. Report from Chief Psychologist, Forensic Assessment Division
 - Risk Assessment Workload Update

PRESENTATIONS

10. 2017 Report of Significant Events, presented by Jennifer Shaffer, Executive Officer
11. Overview of the Nonviolent Parole Process, presented by Jennifer Shaffer, Executive Officer

OPEN COMMENTS

12. BPH Commissioners – Agenda Items for Future Meetings
13. Public Comment – Comments are limited to five minutes. The public may comment on any item related to Board business. However, 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, MAY 15, 2018

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**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Monday, May 14, 2018**

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

1515 K Street
Executive Board Conference Room
Sacramento, California 95814

START TIME: Upon recess of public session

DISCUSSION

Overview of Pending Litigation and Writs of Habeas Corpus

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

(Nothing in this article shall be construed to prevent a state body, based on the advice of its legal counsel, from holding a 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. *Johnson v. Shaffer* (E.D. Cal., Case No. 2:12-CV-01059 GGH P) (pending), presented by Jennifer Neill, Chief Counsel, and Heather McCray, Assistant Chief Counsel

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**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Tuesday, May 15, 2018**

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

1515 K Street
Executive Board Conference Room
Sacramento, California 95814

START TIME: 9:00 a.m.

DISCUSSION

Overview of Pending Litigation and Writs of Habeas Corpus

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

(Nothing in this article shall be construed to prevent a state body, based on the advice of its legal counsel, from holding a 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. *Armstrong v. Brown* (N.D. Cal., Case No. C-94-2307-CW) (pending), presented by Jennifer Shaffer, Executive Officer, and Jennifer Neill, Chief Counsel
2. *Coleman/Plata v. Brown* (*Coleman v. Brown*, No. 2:90-cv-0520-KJM DAD (E.D. Cal), and *Plata v. Brown*, No. C01-1351 TEH (N.D. Cal.)), presented by Jennifer Shaffer, Executive Officer, and Jennifer Neill, Chief Counsel

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**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Tuesday, May 15, 2018**

OPEN SESSION

(All times are approximate and subject to change.)

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

START TIME: 10:00 a.m.

AGENDA

MEETING RECONVENED (Continued from May 14, 2018)

14. Roll Call

EN BANC REFERRALS

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

- | | |
|------------------------------------|----------------|
| A. ANDERSON, BELINDA | W-35606 |
| Sentencing Court:
San Francisco | |
| B. BLOUIN, JULIAN | G-08964 |
| Sentencing Court:
Riverside | |
| C. MARTINEZ, LARRY | C-50822 |
| Sentencing Court:
Orange | |
| D. WOODS, EARLONNE | P-35554 |
| Sentencing Court:
Los Angeles | |

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16. 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.

E. DREW, DAVID **H-45241**
 Sentencing Courts:
 Ventura, Santa Clara

17. 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.

F. TURNER, ROY **K-74685**
 Sentencing Court:
 Tehama

G. FRESCAS, ROBERT **AB-3410**
 Sentencing Court:
 Riverside

18. Referral by the Chief Counsel pursuant to Penal Code section 3041(b) and 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.

H. SARAGOSA, EDWARD **C-76826** **To consider new information outlined in an investigative report dated May 4, 2018**
 Sentencing Court:
 Orange

19. Referral to consider for a rescission hearing pursuant to California Code of Regulations, title 15, section 2450 et seq. Members of the public may address the Board for a period not to exceed five (5) minutes.

I. LOPEZ, ELYSE **WE-4444** **To consider new information outlined in an investigative report dated March 17, 2018, and failure to provide notice to the victim's next of kin under Penal Code section 3043.**
 Sentencing Court:
 Los Angeles

20. Referral by the Governor pursuant to Penal Code section 3041.1 and California Code of Regulations, title 15, section 2044(b) 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.

J. MALIL, SHELLEY **AF-9124**
 Sentencing Court:
 San Diego

OPEN COMMENTS

21. Public Comment – Comments are limited to five minutes. The public may comment on any item related to Board business. However, 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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The decisions in the above hearings will be posted as soon as they are finalized in the lobby on the ground floor of 1515 K Street. They will also be posted within 24 hours on the BPH internet page at the following address: 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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