



**BOARD OF PAROLE HEARINGS  
Executive Board Meeting  
Monday, September 17, 2018**

**OPEN SESSION**

**(All times are approximate and subject to change.)  
[http://www.cdcr.ca.gov/BOPH/meeting\\_agenda.html](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 August 20, and 21, 2018 Board of Parole Hearings Executive Board Meeting
3. Approval of the Parole Suitability Hearings and Backlog Report for September 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
  - Legislative Update
  - Confirmation of Commissioners
7. Report from Chief Counsel
  - *In re Poole* (Cal. Ct. App., June 22, 2018, No. A152341)
8. Report from Chief Deputy of Program Operations
  - Northern California Panel Attorney Orientation

**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 Deputy of Field Operations

- Status Update on the Nonviolent Offender Parole Review Process
- Staffing Update

10. Report from Chief Deputy of Offender Investigations and Screening Division

- Staffing Update

**DISCUSSION ITEMS**

11. a) Petition to Advance and Administrative Review Regulations, presented by Jennifer Shaffer, Executive Officer  
b) Board Questions and Comments  
c) Public Comments  
d) Motion and Votes

**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, SEPTEMBER 18, 2018**

**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, September 17, 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 Facts and Circumstances with Significant Exposure to Litigation**

Pursuant to Government Code section 11126(e)(2)(B)(i)

*(For purposes of this subdivision, litigation shall be considered pending when any of the following circumstances exist: A point has been reached where, in the opinion of the state body on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the state body.)*

**Issues:**

1. Overview of Electronic Unit Health Records, Presented by Dr. Ben Spain, Clinical Psychologist, Board of Parole Hearings Forensic Assessment Division

**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  
Tuesday, September 18, 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: 9:00 a.m.**

**AGENDA**

**MEETING RECONVENED (Continued from September 17, 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. BARNFIELD, RICHARD      J-47679**  
Sentencing Court:  
Glenn
  
- B. BIGGS, JESSIE              C-67525**  
Sentencing Court:  
Yuba
  
- C. ESQUERO, JOSE            K-62566**  
Sentencing Court:  
Los Angeles
  
- D. FERGUSON, HUEY         J-13683**  
Sentencing Court:  
Los Angeles
  
- E. FISCHER, MICHAEL        E-54345**  
Sentencing Court:  
Los Angeles

**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.**

- F. FLORES, GUSTAVO**      **H-43209**  
Sentencing Court:  
San Diego
  
- G. GLASS, ROBERT**      **J-36237**  
Sentencing Court:  
Los Angeles
  
- H. HERNANDEZ, JESUS**      **H-93793**  
Sentencing Court:  
Los Angeles
  
- I. HUDNALL, JOHANNA**      **W-48900**  
Sentencing Court:  
San Joaquin
  
- J. JACKSON, TYRONE**      **C-04301**  
Sentencing Court:  
Los Angeles
  
- K. JACOBS, DEAN**      **G-30030**  
Sentencing Court:  
Orange
  
- L. JOHNSON, JOHN**      **D-86157**  
Sentencing Court:  
San Mateo
  
- M. JONES, CRYSTAL**      **T-33813**  
Sentencing Court:  
Sacramento
  
- N. KING, JAMES**      **V-69030**  
Sentencing Court:  
San Diego
  
- O. MARSTON, THOMAS**      **D-20004**  
Sentencing Court:  
Mendocino
  
- P. RICHARDSON, RICHARD**      **H-29617**  
Sentencing Court:  
Stanislaus

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.

- Q. CRAWFORD, MICHAEL**      **K-86562**  
Sentencing Court:  
Humboldt

**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.**

**R. SEAL, DEBORAH**                      **N-11669**  
 Sentencing Court:  
 Placer

**S. WRIGHT, RODERICK**                **NA**  
 Sentencing Court:  
 Los Angeles

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.

~~**T. KELLEY, THOMAS**~~                ~~**C-17648**~~                      **Inmate deceased**  
~~Sentencing Court:~~  
~~Los Angeles~~

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.

**U. ESCOBEDO, GILBERT**                **C-38230**                      **To consider new information regarding a potential conflict of interest during the August 2, 2018 parole hearing.**  
 Sentencing Court:  
 Los Angeles

**V. HIMMELBERGER, KRISTIN**                **K-40664**                      **To consider whether the proposed decision complies with *In re Lawrence* (2008) 44 Cal.4th 1181.**  
 Sentencing Court:  
 Santa Clara

19. Referral pursuant to Penal Code section 3041 to either grant or deny parole when there is a tie vote. Public comment is prohibited pursuant to Penal Code section 3041(e).

**W. BURNSIDE, CARL**                      **E-94164**  
 Sentencing Court:  
 Sacramento

**OPEN COMMENTS**

20. Public Comment – Comments are limited to five minutes. The public may comment on any item related to Board business. The Board, however, 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 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](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

**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.**

*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**

**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.**