

LIFE PRISONER: NOTICE OF HEARING RIGHTS

1. Purpose of Hearings:
The purpose of a parole consideration hearing is to determine if you are suitable for parole. (15 CCR §§ 2281/2402) The purpose of a progress hearing is to determine if a parole release date should be advanced. (15 CCR § 2269) The purpose of a rescission hearing is to determine if a parole date should be taken away or postponed. (15 CCR § 2450)
2. Right to Hearing:
One year prior to your minimum eligible parole date a parole consideration hearing will be held. (PC § 3041(a) You are entitled to a parole consideration hearing each year thereafter unless the hearing panel denies parole for more than one year. (PC §§ 3041, 3041.5)
3. Right to Be Present, Speak; Waiver; Absence:
You have a right to attend the hearing, ask and answer questions, and speak on your own behalf. (PC § 3041.5) You may waive this right. If you do not attend the hearing, a decision will be made in your absence. (15 CCR § 2247)
4. Attorney:
You are entitled to be represented by an attorney at parole consideration and rescission hearings. (PC § 3041.7) You may waive that right. (15 CCR § 2256) If you are unable to afford counsel (have less than \$1,500 in cash and accounts) an attorney will be provided at state expense. (15 CCR § 2256)
5. Notice:
You will be notified of the week during which the hearing will be held at least one month before the hearing. (15 CCR § 2246) You will be given reasonable notice of the time, date, and place of the hearing.
6. Witnesses:
At parole consideration and progress hearings, you may not call witnesses. (PC §§ 3041.5) At a rescission hearing, you may call evidentiary witnesses. (15 CCR § 2465)
7. Others Who May Attend the Hearing:
At parole consideration hearings, the district attorney (or representative) from the county in which the offense was committed will be invited to the hearing to represent the interests of the people. (PC § 3041.7) At parole consideration hearings, notice of the hearing will also be given to the judge, prosecutor and your trial attorney. (PC § 3042) The victim or next of kin or their designated representative may also attend and address the hearing panel. (PC § 3043)
8. Review of File; Opportunity to Present Evidence:
You have the right to review non-confidential documents in your prison central file. (PC § 3041.5) You may enter a written response to any material in the file and may present relevant documents to the hearing panel. (15 CCR §§ 2247, 2249) At a rescission hearing you may call evidentiary witnesses and may request that witnesses (including adverse witnesses) or documents be subpoenaed (15 CCR § 2465).
9. Assistance In Preparing for the Hearing; Assistance In Communications:
You may receive reasonable assistance in preparing for the hearing. If you are unable to effectively communicate due to language difficulties or a physical or mental disability, appropriate assistance will be provided to you. (15 CCR § 2251)

NAME

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10. Voluntary Waivers:

Waiving means not having your hearing. You may request to waive your hearing for any reason, for one, two, three, four or five years from the date of the hearing. Your request should be reasonable, in writing, and made at least 45 days prior to the hearing date. Waiver requests made less than 45 days prior to the hearing date will not be approved unless you can show a good reason for the request and explain why the waiver request was not submitted 45 days prior to the hearing. (15 CCR § 2253)

11. Stipulations:

Stipulating means that you are not ready for parole. You can ask the Board not to have another hearing for three, five, seven, ten or fifteen years from the date of the hearing. Your request should explain why you are not ready for parole. Your request should also explain when you will be ready for parole. The Board will approve your request if it is reasonable.

12. Postponements:

Postponing means putting off your hearing date. You may request to postpone your hearing to give you time to get information to show the Board that you are ready for parole. The board will grant your postponement request only if you show that you did not and could not have known about the need for a postponement sooner than when you made the request. You must also show that you tried your best, but were not able to get the information essential to your hearing. (15 CCR § 2253)

13. Impartial Hearing Panel:

You are entitled to a hearing by an impartial hearing panel and may request the disqualification of one or more panel members where grounds for disqualification exist (15 CCR § 2250).

14. Record; Decision:

You are entitled to a copy of the record of the hearing upon request (15 CCR § 2254). You are entitled to a copy of the decision which includes the information considered and the reasons for the decision. (15 CCR § 2255)

Abbreviations:

PC = California Penal Code
CCR = California Code of Regulations

I have read and understand the list of rights and procedures (Items 1 through 13, above) and I have had an opportunity to ask questions about any rights or procedures that I did not understand.

Signature	CDC Number	Date
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I explained the foregoing rights to the prisoner, provided him/her with an opportunity to ask questions, and answered all questions he or she asked.

Signature	Date
Name	Title

NAME

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