

CALIFORNIA BOARD OF PAROLE HEARINGS

EXECUTIVE BOARD MEETING

MINUTES - OCTOBER 17, 2006, 1:07 P.M.

---o0o---

COMMISSIONERS PRESENT:

SANDRA BRYSON
CATHY PONCABARE
PHILIP S. INGLEE
LINDA SHELTON
JANICE ENG
JACK GARNER
JOSEPH COMPTON
CHARLES SUPPLE
ARCHIE "JOE" BIGGERS
JAMES R. DAVIS
JOYCE ARREDONDO
EDWARD MARTINEZ
SUSAN MELANSON
PAUL CHABOT
EDWARD WILLIAMS

STAFF PRESENT:

ANNA AWISZUS
JOHN F. MONDAY
PAT CASSIDY
ANDREW WOODWARD

---o0o---

REPORTED BY:

ELIZABETH TEKLINSKY
CSR No. 7895

1 SACRAMENTO, CALIFORNIA

2 OCTOBER 17, 2006

3 ---o0o---

4 CHAIRMAN DAVIS: Before we proceed with any
5 matters today, I do want to inform everyone present, and
6 for the record, that an issue arose with our posting of
7 the notice of the agenda on the Internet. We have to
8 begin our discussion with whether or not we are in fact
9 in compliance with the Bagley-Keen Act. For the purpose
10 of this meeting, I'll ask our general counsel, Anna
11 Awiszus, to give us a brief summary of your
12 recommendations.

13 ACTING CHIEF LEGAL COUNSEL: Thank you.

14 Good afternoon, commissioners. Our meetings are
15 governed by the Bagley-Keen Act. The spirit and intent
16 of the act are such that public matters are to be
17 conducted openly so that the public is informed. The
18 notice provisions are intended to provide the public with
19 sufficient information about what actions may be taken at
20 a particular meeting, with advance notice, so they can
21 decide whether or not to attend and participate in a
22 particular meeting.

23 The Bagley-Keen Act, section 11125(a), as in
24 apple, in parentheses, states that the notice and agenda
25 of our board meetings is to be posted on the Internet ten

1 days in advance of the meeting. Therefore, for our
2 October 17th meeting, the notice and the agenda were to
3 be posted by Saturday, October 7. Section 11125(a), in
4 parentheses, and (d), as in dog, in parentheses, also
5 require that we mail our notice and agenda to all members
6 of the public who request this special notice.

7 The Internet posting process involves the BPH
8 forwarding the agenda to California Department of
9 Corrections and Rehabilitation for posting on the BPH Web
10 site. As luck would have it, during the time period in
11 which the Board forwarded its request for posting to the
12 CDCR, preparations were under way to merge the computer
13 systems of the BPH and CDCR. This resulted in the BPH
14 notice being posted on Tuesday, October 10th, three days
15 later than October 7th.

16 Though the Internet posting took place on
17 October 10th, the notice and agenda mailings to those who
18 had requested special notice were timely mailed.

19 Therefore, those members of the public with a particular
20 interest in the Board's meeting were given proper notice
21 and made special arrangements, some from great distances,
22 to be here today.

23 The Bagley-Keen contains an exception to the
24 rule. That's cited in Government Code section
25 11130.3(b), as in boy, in parentheses, regular-size (3),

1 in parentheses. This section states that actions taken
2 at a meeting covered by the Act will not be null and void
3 if there was substantial compliance with section 11125.
4 Section 11125(a), in parentheses, contains the notice
5 provision. Substantial compliance essentially means
6 that, despite a technical defect, the overall purpose of
7 the Act has been met and the purpose of the Act has not
8 been derailed by the defect.

9 The notice provided regarding this particular
10 meeting satisfies the spirit and intent of Bagley-Keen,
11 and we can demonstrate substantial compliance with
12 section 11125: First, the dates for all of the Board's
13 2006 meetings appear on the BPH Web site, independent of
14 the agenda postings and mailed notices. Secondly, we
15 properly noticed those individuals who had requested
16 special notice under section 11125. Third, our Internet
17 posting on October 10th contained a complete agenda.
18 Also, our overall proposed solution upholds the spirit
19 and intent of Bagley-Keen, such that any member of the
20 public who believes that seven days' notice was
21 insufficient will be given access to all statements taken
22 today, and no deliberations will take place, and no
23 decision will be rendered until they have had the
24 opportunity to address the Board, should they so choose,
25 at a properly noticed meeting.

1 So the proposed solution is as follows, ladies
2 and gentlemen. First, we should take the statements from
3 those who wish to be heard today so that those who
4 traveled or who would otherwise be greatly inconvenienced
5 will have the opportunity to speak. Those present also
6 can elect to speak at the next Board meeting.

7 So those of you who would prefer to be held over
8 to the next time, if you do not speak today, can elect to
9 speak at the subsequent meeting.

10 We will then, after taking testimony from those
11 who wish to be heard today, adjourn the meeting without
12 deliberations or decisions. We will then post or
13 otherwise make available the transcript of today's
14 proceedings to the general public so that the public is
15 informed as to all matters which took place today and
16 they are informed as to what was said. We will then
17 renotice all matters for the next Board meeting in
18 November, including a timely posting of the notice and
19 agenda and requisite mailings.

20 Again, we will allow those individuals who did
21 not speak on October 17th to do so at the November
22 meeting. Then, at the November meeting, the Board shall
23 deliberate and render a decision based upon the
24 information provided at both the October 17th and the
25 November meetings.

1 By this proposed solution, we can demonstrate
2 that the notice provided meets the purpose and objective
3 of the Bagley-Keen Act, and the Board's business will be
4 conducted openly, and the public will be given a full
5 opportunity to participate.

6 There is no Bagley-Keen case law directly on
7 point, and there could be differing legal perspectives on
8 whether substantial compliance specifically applies to
9 the ten-day notice provision. We recommend going forward
10 pursuant to the procedure described, as it comports with
11 Bagley-Keen.

12 There are civil and criminal penalties for
13 violating the Act. If this Act is challenged and the
14 Court sets aside the decisions made on the pending cases,
15 then they are rendered null and void. Then another
16 meeting would have to be set to rehear and decide those
17 matters. That would be pursuant to Government Code
18 section 11130.3.

19 Additionally, any member of the Board who
20 attends a meeting in violation of any provision of the
21 Act with the specific intent to deprive the public of
22 information to which the member knows or has reason to
23 know that the public is entitled to under the Act is
24 guilty of a misdemeanor.

25 As the members clearly have no intent to deprive

1 the public of information and are, in fact, by this
2 proposed solution, going to great lengths to make sure
3 the public has both the opportunity to be informed and
4 the opportunity to address the Board, the likelihood of
5 this is negligible. That would be pursuant to Government
6 Code section 11130.7.

7 Thank you.

8 CHAIRMAN DAVIS: Thank you very much.

9 Is there a motion from the Board?

10 COMMISSIONER GARNER: So moved.

11 CHAIRMAN DAVIS: Is there a second?

12 COMMISSIONER INGLEE: Second.

13 CHAIRMAN DAVIS: Let's try this with a voice
14 vote first and see if we don't have to go back to a
15 specific commissioner by commissioner.

16 All in favor, please signify by saying aye.

17 COMMISSIONERS: Aye.

18 CHAIRMAN DAVIS: Any opposed? Hearing none,
19 we'll go ahead and proceed.

20 ACTING CHIEF LEGAL COUNSEL: For clarification
21 for the record, the proposal is for the solution that's
22 stated on the record? That would be the motion?

23 CHAIRMAN DAVIS: Yes.

24 ACTING CHIEF LEGAL COUNSEL: I just wanted to
25 clarify for the record the proposed solution is the

1 If you wish to reserve your testimony and then
2 provide it to the Board in November, then you're invited
3 to do so. If you choose, as you're here already and wish
4 to make your statement today, certainly, then, you're
5 invited to do so. But you have one opportunity to make
6 this statement, so I wanted to reiterate that was the
7 procedure that we're following.

8 CHAIRMAN DAVIS: That was in her briefing. I
9 appreciate the reminder.

10 So to that extent, if you have changed your mind
11 and I call upon you, please feel free to say, "I'm going
12 to opt for the next time."

13 Members of the audience may speak to the Board
14 for a period not to exceed five minutes. For your
15 convenience we do have a countdown clock, and we'll do
16 our best to monitor that time.

17 First up is Mr. Bill Bean.

18 MR. BEAN: Good afternoon, Board. I'm Bill
19 Bean, Sr. I'm the executive secretary for Crime Victims
20 United of California. I'm here to speak on behalf of
21 victims.

22 As you know, you don't hear from that many
23 victims. Less than two percent of victims are so-called
24 victim survivors that go to a parole hearing. You're
25 kind of getting just one side of what goes on in

1 someone's life.

2 Unfortunately, I'm here today because I am a
3 so-called victim survivor -- and I'm not even sure what
4 that means -- as my son was murdered. He was 28 years
5 old when he was murdered. It was in 1999. There's been
6 changes, but I can never get him back. I can't say that
7 the changes are all good.

8 You're going to hear from people that say their
9 individual needs closure, their lifer; that they made a
10 mistake, or they did something stupid. And that goes on
11 and on. You're going to hear how the holidays are coming
12 up and they'd like to have their individual home, or the
13 people in the family miss them, or there have been new
14 people born in the family and they haven't met them yet.
15 As you know, the victims of a violent crime, of a heinous
16 act, never get to come home, never get to meet the new
17 family members.

18 My grandkids are playing football now. They're
19 in what they call the Junior Falcons. My son William
20 loved football. He lived for football. He went back to
21 school. Even though he was working full time for the
22 Sacramento Police Department, he went back to school so
23 he could play football. He took 12 units and played
24 football. He had two years' eligibility, and he only got
25 to do one.

1 There's not often a day that goes by that
2 something doesn't happen and I'll go, oh, I need to call
3 William to talk to him, and realize I can't.

4 There was a great event that just happened last
5 week. There was a new birth in the family, that was born
6 to Carrie, which was Bill's fiancée. She just recently
7 was able to remarry. Now they have a little boy, Drew.
8 I can't help but think Drew should be another one of my
9 grandkids.

10 You guys are here for one purpose, and it's
11 public safety. You have to make these decisions, which
12 are very difficult, but you do have to remember life with
13 the possibility of parole means possibility. It doesn't
14 mean you will get paroled; that you have to earn it. And
15 I think you guys have to be very, very sure of the
16 decision that you make.

17 I have another thing that's coming up that gives
18 me a little more insight of what someone like Mike and
19 Harriet Salarno have to go through here in a couple more
20 weeks: going back to another parole hearing, the number
21 seven or eight, whatever it is.

22 Next week at this time, I'll be at San Juan High
23 School, where they're going to hold an oral argument for
24 the one that murdered my son and to try to decide if
25 everything was up and up and he got a legal trial and

1 that he should have been given life without possibility
2 of parole.

3 I wake up at night thinking about it. You wake
4 up in the morning thinking about it. You try to put it
5 out of your mind, but it's always there.

6 I had another experience last week or two weeks
7 ago. I went to a sentencing hearing in Nevada City, and
8 an individual had gone into a house, slit the woman's
9 throat, stabbed her several times, set the house on fire,
10 killing both of her dogs. And he did get the sentence he
11 deserved, but what really struck me is that Susan
12 Wallace, who had worked for Senator Presley, who had
13 worked with Department of Corrections, who had worked
14 with victims and, also, with those that have done crime,
15 got up and said, "You know, I thought I knew what it was
16 like to be a victim like this." She said she didn't have
17 a clue.

18 Her whole life is changed. She was a very
19 strong individual. Now she's reduced to someone that's
20 not so strong, that's afraid to go out at night, afraid
21 to hear noises around the house, afraid to be by herself.
22 But that's what happens when you're the victim. I hope
23 when you consider parole you think of the victims at all
24 times and what happened to them.

25 Thank you.

1 CHAIRMAN DAVIS: Thank you.

2 Christine Ward, followed by Ruby Rollings.

3 MS. WARD: Good afternoon. My name is Christine
4 Ward. I'm the executive director of the Doris Tate Crime
5 Victims Bureau.

6 I'm glad Mr. Bean brought up a few points. I'm
7 going to be very brief today. And I'm not exactly sure
8 if congratulations are in order, but you all need to know
9 you've made history. As of this month, this parole board
10 has granted more dates than any parole board in the past
11 14 years. This parole board has granted 553 dates, in
12 contrast to 14 years with only 550 dates. That makes me
13 very nervous, to think that you're considering letting
14 people out who could potentially harm me, my family, and
15 community members here in this state.

16 You have a very difficult job. You know that.
17 But it's a job that you need to take extremely seriously.
18 You are the final link between inmates and public safety.
19 I am the first to say -- and I will scream it from the
20 mountaintops -- that I do not believe everyone should
21 stay in prison forever and we should lock the doors and
22 not let anyone out. I certainly think there are people
23 who deserve to be out, who have served their time, who
24 have made significant changes in their lives, but there
25 are certain people who shouldn't be let out. You need to

1 weigh that, think about it, when you're making your
2 decisions. These numbers are staggering.

3 As I was speaking to someone not too long ago,
4 my guess is they're not coming to live next door to you.
5 They're coming to live next door to me. Despite the way
6 I look, I have a husband who is unemployed, and I support
7 him on my very measly salary. We live in a very modest
8 home, on a street right next to the railroad tracks,
9 where homeless people sleep, where parolees come in and
10 move next to us on a regular basis. We have the rotating
11 rental house next door to us.

12 I'm lucky because we have security gates on our
13 house, and I'm careful that I don't leave my house at
14 certain times in the night. I don't do the 24-hour
15 response anymore, which I used to do, to go out and see
16 rape victims and domestic violence victims. It's just
17 not safe for me where I live.

18 I'm not the only one who lives in a community
19 like this, and you need to consider that as well. Please
20 think of us when making your decision. Please consider
21 that there are children and mothers and fathers and
22 sisters and aunts, husbands and wives whose lives could
23 be destroyed if you make the wrong decision.

24 I'm very fortunate to be able to speak to my
25 father every day. I think I told you last month that he

1 has cancer and has been given a very short life sentence.
2 I'm very lucky because when my husband tried to kill me
3 14 years ago, he didn't succeed.

4 Like many other people you'll hear from today,
5 I, too, found God, but I found it staring down the end of
6 a rifle after he loaded the two-inch shell into that
7 rifle and held it right between my eyes and said, "I'm so
8 [\"f\"ing] pissed off I could blow your head off." When
9 you're in a situation like that, sometimes you don't know
10 how you do it, but there must be a higher power. And to
11 this day, I thank God for being alive and being one of
12 the lucky ones, but unlike some of my friends, they don't
13 have their kids coming home to them anymore, and they
14 never will.

15 We are paying attention. We're watching your
16 decisions. We're watching each and every one of you. We
17 hope that you make the right choices.

18 Thank you.

19 CHAIRMAN DAVIS: Thank you.

20 Ruby Rollings, followed by Joseph Snapp.

21 MS. ROLLINGS: Hello. My name is Ruby Rollings.
22 Excuse me. I'm here on behalf of all of my family, my
23 children. They couldn't make the 330-some trip mile down
24 here. I'm here to speak for Amos Albers, my
25 brother-in-law.

1 I feel that -- he's been in there 26 years.
2 He's done everything that he was supposed to do. He's
3 served his time. He's done the stuff. I'd like to see
4 him come home, be a part of our family. We have a whole
5 bunch of stuff for him to do. We have all of our
6 community. I'd just like to see him come home. Sorry.

7 Thank you.

8 CHAIRMAN DAVIS: Thank you.

9 Joseph Snapp, followed by Penny Schoner,
10 perhaps.

11 MR. SNAPP: Good afternoon. My name is Joseph
12 Snapp. I'm director of the substance abuse program for
13 the Karuk tribe of California, based in Happy Camp,
14 California, and I'd like to say I'm in favor of Amos
15 Albers coming home.

16 Our substance abuse program is state certified,
17 and I'm certified as a level-three counselor myself, with
18 a bachelor's degree in social work. We have two other
19 counselors on board, as well as two L.C.S.W.s.

20 There's plenty of support there in that
21 community, and we feel it's time for Amos to come home
22 and start paying back to that community. He can do that
23 in several ways. One important way is the recovering
24 community. I understand that he's been leading the sweat
25 lodge inside, and we've just recently built a sweat

1 lodge, and we're looking for a leader to lead our
2 recovering community through the sweat-lodge ceremonies
3 as well as other traditional ceremonies. We feel that he
4 could be a big help in that area.

5 So we have plenty of support for him back in our
6 community. We have a sweep [ph.] program, which is a
7 welfare-to-work-type program, to initially get him
8 started, until he can get some training and find a real
9 job. In the meantime, he could certainly be a big help
10 to our community.

11 Thank you.

12 CHAIRMAN DAVIS: Thank you.

13 Penny, followed by Jana Baszler.

14 MS. SCHONER: I'm Penny Schoner, from San
15 Francisco. I'm a paralegal. I'm speaking in favor of
16 Amos Albers getting parole, and I would like to read a
17 letter by Abby Ebanante [ph.], who is a commissioner in
18 Family Court in San Francisco. She writes:

19 [Reading] Please consider this letter a
20 personal statement in favor of the Board of Parole
21 Hearings' decision to grant Amos Albers parole. I have
22 read the Governor's statement of reasons for requesting
23 an en banc review of the Board's decision. I understand
24 the concern he has expressed. However, the concerns are
25 based on a review of the record that does not account for

1 the maturing and character development of Mr. Albers.
2 His offenses were born out of an existence that is in his
3 past now. Having watched him and his siblings being
4 raised on skid row by alcoholic parents, his youthful
5 errors were predictable, though not acceptable.

6 Mr. Albers, in the intervening 26 years-plus,
7 has developed into a caring adult whose past does not
8 control his present. He's taken advantage of the
9 programs offered to him and rehabilitated himself. In
10 addition, he has realized and accepted the consequences
11 of his prior behavior. He has learned his lesson and
12 paid the price. It is more than time to allow him to
13 further demonstrate his ability to be a positive force in
14 our community.

15 I have corresponded with Mr. Albers as he
16 struggled to adjust to the consequences of his actions.
17 He's worked hard to overcome a very poor beginning. I
18 think he's become a success. I believe he will be a
19 strong voice for cultural integrity and for living a life
20 that is not controlled by the vices that significantly
21 contributed to his downfall and the destruction of his
22 family.

23 As I'm able, it is my intention to offer him
24 support and guidance upon his release. He has many
25 people in his family. It's time for him to come home.

1 Please allow his release. [End of Reading]

2 I speak as the wife of a man who was cultural
3 advisor at San Quentin, and I met Mr. Albers at San
4 Quentin in 1987. He's changed a great deal in that time.
5 As you know, his charges and convictions don't carry --
6 are not the result of somebody dying. He is a tall,
7 good-looking man who was in a violent -- convicted of
8 violence.

9 I've seen him mature. I've written to him.
10 I've talked to him. I've visited him a few times. I
11 think he's an excellent candidate for parole, and I think
12 he'd be a great addition to his community.

13 Thank you.

14 CHAIRMAN DAVIS: Thank you.

15 Jana -- is it Baszler? -- followed by Russell
16 Albers.

17 I thank everyone for their cooperation in being
18 so concise. I appreciate that.

19 MS. BASZLER: I'm speaking in favor of Amos
20 Albers' parole. I've actually never met Amos, but I've
21 been with his son Russell Albers for eight years. We
22 have a son, Jordan Albers, who is six, who has never met
23 his grandfather.

24 He's been in prison for all of Russell's life,
25 which I know has had a huge impact on him personally. I

1 know that both of them would love to see him be released
2 so he could be the father and grandfather that we all
3 know he should be. If given the chance, I think he will
4 be a huge impact on both of their lives and, also, the
5 community.

6 Thank you.

7 CHAIRMAN DAVIS: Thank you.

8 Russell Albers, followed by Vivian Nelson.

9 MR. ALBERS: Amos Albers is my father. He has
10 been in prison 26 years. I believe it is time for his
11 second chance, to come home. In the past 14 years, he
12 hasn't had so much as a write-up in prison. He has a
13 whole family, a huge family, waiting for him, that's
14 ready to support him and help him along.

15 He went in as a kid younger than me. He's now
16 an old man, almost, in his forties. He's spent my entire
17 lifetime in there, in which time he's really changed.
18 I've watched him change, too, over the years. I do
19 believe he's ready for a second chance. I'm waiting to
20 hopefully see him.

21 I heard what the lady said about you guys
22 granting more parole than anybody. I think that's a
23 positive thing, because I thank you guys for believing in
24 people. I'd like to see the statistics of the people you
25 guys let out. I bet a lot of them are still out today.

1 Amos.

2 We knew Amos when he was just a kid. Like
3 Russell said, every one of us have done something that
4 we've been ashamed, that's got us in trouble, but
5 everybody deserves a second chance. And I just hope and
6 pray that God will instruct you that he has a family
7 waiting for him. He has different homes. We have an
8 extended family.

9 We just need him to be released. He's been in
10 there far too long. He served his time. What he did as
11 a youth shouldn't be counted against him now that he's a
12 man. And he just has so many people to come home to and
13 that will help him, and I just hope and pray that you'll
14 make the right decision, which would be to release Amos
15 to his family.

16 Thank you.

17 CHAIRMAN DAVIS: Thank you.

18 Sam Albers, followed by Shirley Laos.

19 SAM ALBERS: Hello. My name is Sam Albers. I'm
20 Amos' son. I tried to write a paper. It's not that
21 great.

22 Throughout the years, I felt I have had an empty
23 space in my life and in my heart. I think that my dad
24 would fill that up. If my dad was out, we'd probably
25 play basketball and maybe work on a bike together or just

1 talk and stuff; that people take for granted, I would
2 cherish. I think my dad served his time and should be
3 let out so he can come to his family and his son that
4 loves him. That's all.

5 CHAIRMAN DAVIS: Thank you.

6 Shirley -- I can't tell if it's a "d" or an "o."

7 MS. LAOS: Laos.

8 CHAIRMAN DAVIS: Followed by Keith Wattley.

9 MS. LAOS: Thank you for the opportunity to
10 speak on behalf of Amos Albers. My name is Shirley Laos.
11 I'm Amos' sister-in-law, and I'm also the aunt and legal
12 guardian of his son Sam Albers and of his stepdaughter
13 Dorine. I'm the vice-chairperson of Trinidad Rancheria,
14 in Humboldt County, a position I've held for three years.
15 Prior to that, I served numerous terms on the council as
16 secretary and treasurer.

17 I have lived all my life in Trinidad, and I've
18 known Amos since he was a child, and I have known Amos'
19 family my whole life. As I said, I'm the guardian of
20 Amos' children for the past nine years, and I have the
21 responsibility of raising them and also that of guiding
22 them through the difficult and emotional period of
23 establishing and maintaining a long-distance relationship
24 with their father.

25 I'm a single parent of two grown children, and I

1 have four grandchildren. As my nephew said, I guess that
2 makes me an old lady, because I'm a lot older than Amos.
3 And I'm raising Sam and Dorine. They're my second
4 family. And they need their father in their lives.
5 Since I'm a single parent, I do what I can for them, but
6 they need a father's influence as an active and integral
7 part in their life that is currently missing.

8 Amos has certainly made every effort to keep in
9 contact with his children over the years by phone and
10 letter. He needs them in his life just as much as they
11 need him in their lives. Amos has made exemplary
12 progress in the education and training programs within
13 the state correctional system, striving to complete every
14 available program. Not only for his own betterment, but
15 also to assist in the future life with his children.

16 He has told me repeatedly of his intentions to
17 share his experiences with youth and other people, to
18 counsel them against making detrimental decisions that
19 have long-lasting consequences. Amos will have a
20 tremendous life-support network through the assistance of
21 our very long, extended family, who all live in the same
22 neighborhood. He will have a home, room and board,
23 shopping and banking assistance, and all other daily
24 needs. I have offered Amos a home for as long as he
25 needs to complete a successful transition and for

1 everyday life outside of the correctional system.

2 I have received permission of our tribe for Amos
3 to reside on our reservation, which is a different
4 reservation than he is a member of, but his children and
5 his grandchildren are all members at our rancheria. We
6 have a full-time safety officer, and we have a fully
7 staffed security department that is housed and operates
8 not an eighth of a mile from my house, so there would be
9 adequate supervision beyond our family's help.

10 I truly believe Amos to be fully rehabilitated
11 and has far surpassed his sentence and has genuinely
12 earned his full release. He fully deserves to restart
13 his life, and I intend to help him every step of the way,
14 utilizing every available resource at my disposal.

15 I'm an active community member, and I'm very
16 familiar with assistance programs. I'm a graduate of
17 Humboldt State University, with a double degree, and I've
18 worked a lot with the juvenile justice system, the
19 juvenile justice programs for youth, and I've also worked
20 a lot with family social service assistance programs.

21 At our rancheria we have a program that helps
22 juvenile offenders serve community service. We do
23 outreach for at-risk youth and a lot of different
24 programs. Amos could talk and help with those -- with
25 that work. Please give Amos his just due.

1 Thank you.

2 CHAIRMAN DAVIS: Thank you.

3 Keith Wattley, followed by Barbara Norman.

4 MR. WATTLEY: My name is Keith Wattley. I'm an
5 attorney at an organization called Uncommon Law.

6 This board is violating the law. Either you
7 don't know it or you don't care. In Mr. Albers' case,
8 since the Governor can't directly take his parole date,
9 he's asking you to do it. There's no legal basis for you
10 to do it. Sadly, I think you know that. I'm curious
11 about how many of you know the Governor refers every
12 single nonmurder case back to you to reverse the parole
13 date. Too often, you do.

14 You should also know the law does not allow you
15 to take away a parole date at this stage unless you can
16 point to some evidence that the granting panel failed to
17 consider. That requires you to look at not only the
18 Governor's statement of reasons for sending the case back
19 to you, but also the transcript from, in this case, the
20 May 25th hearing, at which Mr. Albers was granted parole.
21 Only if you can find something that the Governor raises
22 that that granting panel did not consider -- only then
23 could you take his parole date.

24 Now, I looked at the Governor's statement, and I
25 looked at the transcripts. Every single factor that the

1 Governor raises was addressed and considered by that
2 granting panel. He talks about the commitment offense,
3 he talks about Mr. Albers' history, he talks about his
4 in-prison disciplinary issues earlier in his
5 incarceration, all issues thoroughly discussed by the
6 granting panel.

7 Unlike the Governor, the granting panel
8 determined that Mr. Albers is no longer an unreasonable
9 risk to public safety, despite those factors. This is,
10 in fact, what the whole parole consideration process is
11 supposed to be about, recognizing that prisoners can
12 become suitable for parole, that they can't forever be
13 condemned to prison simply because of their past.

14 Mr. Albers -- and you've heard from his family,
15 who provide tremendous support for him; you've heard from
16 them -- he's been in prison for 26 years now on
17 kidnapping charges. When the panel granted him parole in
18 May, they determined that his release date should have
19 been ten years ago. Ten years ago.

20 Now, the chairman appreciates speakers being
21 concise. Let me be. It will be illegal for this board
22 to order a rescission hearing for Mr. Albers, contrary to
23 the law. You can choose to ignore the law. You can try
24 to challenge it, if you want to. You can test your own
25 authority, if that's what you want to do. I ask that you

1 not continue to play games with these people's lives.
2 Instead, I ask that you do what you know is right and let
3 this man go home.

4 I also would object to any delay beyond today
5 for making your decision in this case. By that I request
6 that you make this decision final today, not extend your
7 decision for another month. He's already waited 26
8 years. Please allow him to go home.

9 Thank you.

10 CHAIRMAN DAVIS: Thank you.

11 Barbara Norman.

12 MS. NORMAN: Good afternoon, commissioners.

13 It's a pleasure to be with you. I'm here. My name is
14 Barbara Norman. I am the attorney and peacemaker for the
15 Karuk tribe in Northern California. As you can see,
16 there are more than one tribe interested in Amos
17 receiving his parole.

18 I reviewed the transcript from the parole
19 hearing in May. They did a thorough job of reviewing his
20 case and granted him parole. We'd appreciate if you
21 would uphold that ruling and the decision. It is long
22 overdo. Amos was a very, very young man, 18, when he
23 went in, and had they not decided to take the fellow they
24 robbed with them for a distance in the car, rather, leave
25 him there and go with the car, this would not be a

1 And tribal people are very interesting. I have a great
2 opportunity and pleasure working for the Indian people.
3 Their culture is very loyal. They have, as everyone
4 knows, historically had a lot of hurdles to overcome.
5 Despite that, they still remain very intact and loyal to
6 one another, to their cultural ways, their dances,
7 everything that they do.

8 Please give him an opportunity before he misses
9 any more of that most significant part of his life. He
10 has overpaid, and he's well loved, and there's many, many
11 people that's lives will be enriched from him being
12 released.

13 All of the comments that were made by the woman
14 that spoke earlier from the Trinidad Rancheria and the
15 available services that are there for him in terms of
16 education and participation are, likewise, available to
17 him from the Karuk tribe, for which he is a member. He
18 has a much greater support system than afforded most
19 people when coming out of incarceration.

20 Please uphold the decision of the Board in May.
21 Don't second-guess their hard work. And it was a
22 decision that was long overdo, in any event.

23 We very much appreciate your taking this matter
24 up today. Thank you.

25 CHAIRMAN DAVIS: Thank you.

1 Is it Jordy, or Jordan? Jordan Albers.

2 JORDAN ALBERS: Amos is my grandpa, and I have
3 never met him. Please let my grandpa out so we can go
4 fishing and play. I miss him and love him. He has been
5 gone for way too long. He needs to get out and be with
6 his family.

7 Thank you.

8 CHAIRMAN DAVIS: Thank you.

9 Robert LaForge. Robert LaForge? We'll set that
10 aside.

11 Is there anyone else from Mr. Albers' family or
12 anyone else who wishes to speak regarding Mr. Albers?
13 That's all the cards I have. Thank you.

14 We do have a number of other cards. To the
15 extent that you feel comfortable in doing so, if you
16 wouldn't mind making some room for other people who are
17 waiting for an opportunity.

18 Mr. Paul Kenny.

19 Again, thank you for your forbearance for this,
20 and your consideration. We appreciate it.

21 MR. KENNY: I want to thank the commissioners
22 for your great service and for accepting the
23 responsibility which you have. It gives me a little bit
24 of courage just to stand here to know that you guys are
25 doing this job here.

1 I'm speaking on behalf of Bruce Davis, a man who
2 I met approximately 15 years ago, a man that is truly
3 sorry for his deeds that he committed and the crimes that
4 he committed. I truly believe that a man should be
5 judged by his deeds, and I believe our criminal service
6 did do that, but now I also believe a man should be
7 judged by his deeds after that, which we heard from some
8 of the people. I think he has shown his remorse and is
9 ready to be set out on parole.

10 I'm part of the mosaic of that responsibility
11 because I'm going to provide him a job on the outside
12 when he gets out. I'm a contractor for 25 years, and I
13 have a position waiting for him where he can help me in
14 my business. I was also raised here -- for 24 years of
15 my life here in Sacramento, where my father taught me to
16 judge a man by his deeds and by what he said here. He
17 was also appointed by Governor Brown 40 years ago to a
18 similar position that you folks have right there, and he
19 taught me to be open minded and to see both sides of the
20 story. So there, I hope you guys will remain open minded
21 and see both sides of this story.

22 And I know it's a tough story. I know you have
23 a tough job, and I do commend you for your courage for
24 those paroles you have granted, because I know it is
25 tough, but being an optimistic person with eight children

1 of my own, I know second chances can be very, very
2 helpful in a person's life. So today, I hope you
3 consider all the facts and have the heart to make the
4 right decision.

5 Thank you.

6 CHAIRMAN DAVIS: Travis Evans, followed by
7 Patricia LeMoine.

8 MR. EVANS: Thank you, Mr. Chairman, and Board
9 members, staff, and fellow citizens. Thank you for
10 allowing me to speak on behalf of Bruce Davis.

11 I have been a visitor and counselor at CMC West
12 before the East facility was built, and then over on the
13 East facility. As well, I served two or three years at
14 the Paso Robles facility as a volunteer teacher. I
15 taught marine science to the boys up at CYA there. I
16 have been observant of the different demeanors and,
17 hopefully, of the character of many, many men, and I want
18 to speak on behalf of Bruce because I feel that he has
19 been a model prisoner. He is really worthy of your
20 strong consideration for his release.

21 Yours is a weighty, weighty job. I wouldn't
22 want it. But we have raised eight children, two boys
23 besides that that I'm sure we kept out of the state
24 facilities. And as a father of that many and of the
25 experiences that I've had, I strongly recommend that you

1 let this man become an asset to the state, instead of a
2 liability.

3 Thank you for your time.

4 CHAIRMAN DAVIS: Thank you.

5 Patricia LeMoine, followed by Katherine Taylor.

6 MS. LeMOINE: Hi. I'm Patty LeMoine, and I'm
7 Bruce Davis' sister-in-law. I'm very proud to call him
8 Brother. I had no idea what Bruce was in prison for when
9 I met him in 1984. My sister asked me to come and see
10 him at the prison. I was very nervous about going to see
11 him, but surprisingly, the visit went very well, and I
12 enjoyed meeting him. My mother also met him about that
13 same time, and she enjoyed the relationship that she had
14 with him. We were both well amazed at how informed he
15 was about current affairs, world situations, and life in
16 general.

17 We quickly became aware of his crimes and who he
18 was so many years ago. It did cause some difficulty at
19 first, to be sure, and we did not come into this
20 relationship with our eyes closed to his past. As time
21 went on, however, I got to know Bruce better and really
22 began to value his friendship through our visits and
23 letters.

24 When my own life was devastated by divorce a few
25 years after their marriage in 1985, I went to visit Beth,

1 and we, in turn, went to go see Bruce. I thought I was
2 coming to bring a little joy to his life, but it turned
3 out he had much wisdom and godly counsel to give me about
4 my marital situation. He and Beth helped me a lot during
5 that time.

6 I've written letters every year on his behalf,
7 as have many other members of my family, and as my mother
8 did until her death four years ago, all this to say I
9 love Bruce as a brother.

10 Bruce was not involved in the crimes that come
11 to mind when you think of Charles Manson, though he has
12 been very forthcoming of the crimes he did commit. Drugs
13 affected his thinking process back then. They were not a
14 part of his life in Tennessee. Nor will they be a part
15 of his life upon release. I would stake my own life on
16 that.

17 Bruce has been used in the prison to help
18 countless men get their lives on track by teaching them
19 about God's love, and he has lived that example before
20 them for over 30 years. Jailhouse Christianity certainly
21 does not apply to Bruce. He couldn't fool the inmates,
22 the penal system, family, friends, or anyone for that
23 long. His record has been impeccable for over 30 years.

24 I have seen the admiring looks and respect given
25 to Bruce in the visiting room by those who know or know

1 of him. He has written his doctoral thesis -- yes, he
2 does have his doctorate in theology -- entitled, "An
3 Instruction Guide for New and Rededicated Christians."
4 It's quite an accomplishment.

5 I believe Bruce has served more than ample time
6 for his involvement in the Manson Family. He has been
7 rehabilitated and has helped countless others along the
8 way. His attitude has always been admirable regarding
9 his life in prison. However, his wife and daughter need
10 him at home now. Won't you give him that chance at a
11 real life? Though it will be a difficult adjustment for
12 all of them, they have a lot of support through their
13 families, their friends, their church, their colleagues.
14 We will be there for them and support them in whatever is
15 needed.

16 Thank you for your time.

17 CHAIRMAN DAVIS: Ms. Taylor, followed by Ronald
18 Johnson.

19 MS. TAYLOR: Good afternoon, commissioners. If
20 we can believe an individual can change, we have hope
21 that the world can change. My name is Katherine Taylor,
22 and I want to thank you for the opportunity to speak to
23 you today on behalf of Bruce Davis.

24 Holding a master's degree in counseling, one can
25 usually tell a great deal by observation and in

1 conversation with a person. I had this opportunity while
2 visiting CMC and working with prison ministries. I had
3 the pleasure of meeting Bruce and seeing him in person
4 inside the walls of CMC. Never have I witnessed any
5 character of Bruce other than kindness, gentleness,
6 courtesy, regard for others, and generous and supportive
7 and wise counsel. One word sums up my observation of
8 Bruce. That would be "authentic."

9 The character of a man can best be tested not in
10 the most realistic of situations, but in the challenges
11 of life. Bruce has shown his character over the years
12 while being in community at CMC. Bruce has lived in
13 community well during his years of incarceration. By now
14 you have heard the accolades and positive regard of his
15 tenure, as well as have read of his accomplishments in
16 letters of recommendation. What speaks loudly to his
17 commitment, though, is his commitment to growth,
18 understanding, and assisting others as well as
19 understanding himself and what he can offer his family,
20 friends, and community.

21 When Bruce had a choice to accept his
22 environment, he did, but rather than accept his position
23 as stagnant, he opted to apply himself in all areas of
24 life and found himself achieving his master's, Ph.D., and
25 increasing his knowledge in care of those he lives with

1 and worships with while attending services on Sunday.

2 Bruce continued his life and married Beth, while
3 also fathering Taylor, and they have what, to me, is one
4 of the most sound and stable relationships today. When
5 considering marriage for both Beth and Bruce, they had to
6 have discussed the nuances that might be unique in
7 comparison to a couple who shares all the freedoms of
8 married life on the outside, and this is one of the most
9 unselfish decisions any one person or, in this case, two
10 people could have made, to commit to one another in the
11 journey of marriage while being incarcerated. This being
12 in the community and living each day, week, and month, or
13 even year, also holds its regards and rewards in the hope
14 that one day there might be something more in moving
15 forward.

16 Looking at moving forward when released, Bruce
17 has much to offer his community, family, and friends.
18 His education has prepared him to support his family and
19 be productive in contribution. Bruce's resources and
20 community that is already established through Beth and
21 Taylor's church, New Life Community, to which I'm a
22 member, has much to offer in areas of spiritual
23 foundation, wise counsel, and employment networking
24 opportunities that Paul has already shared with you.

25 I hope we can see Bruce in this moment today and

1 the person who stands before you as witnessed in letters
2 of recommendation and what he represents through our
3 words of testimony. I tried to think of what he would
4 want to say, but how can any one person or group say the
5 right words in such a historical moment as this? So I
6 couldn't find the words that will lend justice to his
7 situation or this occasion. What I would ask as a
8 community member, a counselor, a business partner, and
9 professional and believer that we can all change, as well
10 as we carry within us the power to catalyst change -- for
11 this and so many other stated reasons, I request the
12 release of Bruce Davis.

13 Thank you for your time.

14 CHAIRMAN DAVIS: Thank you.

15 Ronald Johnson, followed by Beth Davis.

16 MR. JOHNSON: Commissioners, thank you for the
17 opportunity to speak for Bruce Davis. I've been going
18 into the California Men's Colony since 1983, doing
19 Christian ministry there. I met Bruce in 1991, and on my
20 weekly visits there, I do talk to Bruce quite a bit.
21 Bruce likes to keep in touch with the outside world and
22 know what's going on. He's a very -- he wants to be very
23 informed about everything that's going on.

24 And Bruce is a leader at the California Men's
25 Colony. For one thing, he is known as what you call a

1 real straight shooter, a real straight-arrow guy. He
2 doesn't mince any words. He gets right to the subject.
3 He's known as a leader there at the prison. Men are
4 coming to him all the time for counseling guidance
5 because they know they're going to get something that's
6 worth something.

7 Bruce is also a teacher at the California Men's
8 Colony, teaching in the Protestant chapel, and he teaches
9 these guys. I mean several classes a week is not unusual
10 for Bruce, and speaking on Sundays, also, giving sermons.
11 But he -- on a one-on-one basis with men, and in classes,
12 he teaches with a real sense of compassion and maturity,
13 with a real attitude with forbearance, and he really
14 shows a lot of just -- the word I would think of most,
15 which stands out in a prison, that sometimes I shake my
16 head at -- I really do. I get very discouraged looking
17 at the general population. That's why Bruce stands out
18 so dramatically. That's why I'm here.

19 By the way, I was not asked to come here by him
20 or his wife. I came here because I have respect for the
21 man. I believe he has real character.

22 As I see men struggling in that institution --
23 and there are men that are going forward and maturing --
24 Bruce stands out like a shining light. He's a really
25 interesting guy to know, very informative, and really has

1 his heart in the right place. I think that's what I
2 really like about him. He has his heart in the right
3 place.

4 I firmly believe that the California Department
5 of Corrections would be fortunate to have a lot more men
6 like Bruce Davis as inmates because he has shown what a
7 person can do that's incarcerated.

8 I heard this young lady speak earlier here from
9 the victims' organization about making a mistake. I can
10 assure you, if you were to release Bruce Davis, you would
11 never regret it. I think I know something about human
12 nature and if men are genuine. You wouldn't be making a
13 mistake letting him out. He would be an asset to the
14 community. He's a leader and an asset, and I just hope
15 you make the decision in his favor. That's all I can
16 say.

17 Thanks a lot.

18 CHAIRMAN DAVIS: Thank you.

19 Beth Davis, followed by Debra Tate.

20 MS. DAVIS: Thank you. Thank you for your time.
21 I appreciate this opportunity. I've been with Bruce
22 through 23 hearings and never dreamt I would have an
23 opportunity to see you face to face or to speak on his
24 behalf.

25 He is an amazing person. People -- I've been a

1 flight attendant for 32 years. I just retired. Some of
2 the times, flight attendants would say, "I just don't get
3 it. I just don't get it," because they've never met him.
4 People that know both of us would say we are equally as
5 fortunate to belong to each other.

6 The temptation today is to feel like I have to
7 justify my marriage to this man, and honestly, his record
8 speaks for itself. I really don't feel like I have to
9 justify. He is a gold nugget sitting in that prison.

10 We met as friends, and I never dreamt it would
11 turn into marriage. The men I had dated in the past --
12 it was the first marriage for both of us -- were very
13 successful, a lot of them quite wealthy, powerful. I
14 became a Christian and decided not to date, and this was
15 a ministry situation, and I went in. I knew shortly
16 after that God had called me into this position, and I
17 have maintained that position knowing that I was called.

18 This isn't about your faith. I don't want to
19 say anything offensive, but I do have to speak about my
20 faith; that I knew I was supposed to do this. I have
21 never doubted. God has been faithful to me through the
22 very, very difficult times.

23 We have a daughter, Taylor. Am I allowed to
24 read her letter?

25 CHAIRMAN DAVIS: Within your time, sure.

1 MS. DAVIS: I will move on.

2 We have a daughter that's about to turn 13, next
3 month, and she's very much in favor of his release, but I
4 would like to move on to Judge William Clark's letter.
5 He was former national security advisor under President
6 Reagan, and he wanted to be here today, but
7 unfortunately, he was unable to be here. Just the last
8 paragraph, he says:

9 [Reading] At the request of his family and
10 neighbors here in San Luis Obispo County, I have again
11 reviewed in summary form Bruce Davis' files presently
12 before you. I represent no party or interest in the
13 above-captioned matter. Nor have I met the man. This
14 matter constitutes the only time I have ever recommended
15 parole for a prisoner.

16 However, I concluded Mr. Davis' further
17 incarceration beyond his 36 years served could constitute
18 a miscarriage of justice. If our parole provisions and
19 processes have meaning and purpose, and they do, Mr.
20 Davis should be returned to our open society, where he
21 has much to offer our youth, as his file clearly reveals.
22 [End of Reading]

23 I think this is really important because he sat
24 on the board -- the California Supreme Court when Bruce's
25 appeal was going through, so he knows the case inside and

1 out.

2 Our purpose in life is prison ministry at this
3 point, other than serving one another as husband and
4 wife. I went to Belfast, Northern Ireland, on numerous
5 occasions as things were very rough at the time and met
6 with Chuck Coulson [ph.]. I don't have time to go into
7 who he is if you're not familiar with him, but he's very
8 much in favor, and I'm sure you see his letter included.
9 He has been writing letters for 12 years on Bruce's
10 behalf. I think he's a good judge of character and a
11 good judge of prisoners, being the head of the largest
12 prison ministry in the world.

13 I just want to say I am very proud of who Bruce
14 has become. The person that you think of 36 years ago, I
15 just don't know that man. I never did. I've never seen
16 it. He's always acted in kindness. At one time there
17 was a mouse on our family visit. I had just arrived with
18 our brand-new baby daughter. I had just gotten there,
19 and I said, "I'm not going to stay here." He said,
20 "Okay. Let me call the tower, and you can go ahead and
21 go. I understand." He was willing to give up a family
22 visit. I think that speaks of his character.

23 I just thank you so much for your time. Thank
24 you.

25 CHAIRMAN DAVIS: Debra Tate, followed by Michael

1 Beckman.

2 MS. TATE: I'm going to reserve the right to
3 speak at the next noticed hearing.

4 CHAIRMAN DAVIS: That will be fine.

5 Mr. Beckman.

6 MR. BECKMAN: Good afternoon. My name is
7 Michael Beckman. I'm Bruce Davis' attorney, or I should
8 say I was his attorney at the parole decision that was
9 rendered in August, the split decision.

10 We are a nation of laws and constitutional
11 rights. Those laws and rights apply equally to everyone:
12 families of convicted felonies, to families of victims,
13 to convicted felons, to members of the Board of Parole
14 Hearings. Anyone who is allowed, with impunity, to break
15 the law or violate somebody's constitutional rights, we
16 cease to be a nation of laws and rights and become a
17 nation of vigilantes. In regard to my client Bruce
18 Davis, the Board's decision to uphold Commissioner
19 Mejia's grant of parole or to affirm Commissioner Davis'
20 denial of parole will determine which nation it believes
21 us to be.

22 The California Supreme Court, in Rosenkrantz, in
23 the Ninth Circuit, in "Biggs vs. Terhune" [ph.], held
24 that lifers had their liberty interests in parole
25 protected by the due-process clauses of the California

1 and United States Constitutions.

2 Two months ago, the Ninth Circuit, in "Sass vs.
3 California Board of Prison Terms," [ph.] confirmed that
4 due process is violated by repeated denials of parole
5 based solely upon the unchanging historical factors of
6 the life crime and the inmate's prior criminal and
7 unstable social history thereby converting sentences of
8 life with possibility to life without possibility of
9 parole.

10 The courts have repeatedly and recently
11 explained these requirements to the Board, particularly
12 in the Rosenkrantz, Scott, Sanchez, and Martin cases, in
13 which the courts ordered inmates to be released after the
14 Board panels had denied parole three, four, five, and six
15 times.

16 So what would a court likely make of this case,
17 where Bruce Davis has, to date, been denied 20 times
18 based solely upon the life crime and other unchanging
19 historical factors? It will be denied 21 times if the
20 Board upholds Commissioner Davis' vote to deny him parole
21 yet again, twenty-one times based solely upon the life
22 crime, when evidence is overwhelming that Mr. Davis has
23 rehabilitated himself.

24 Commissioner Davis conceded this issue at the
25 hearing. When asked by the inmate what he could do to

1 make himself more ready for parole, Commissioner Davis
2 did not, because he could not, give Bruce Davis an
3 answer. In this instance, to ask the question is to
4 answer it. A clearer violation of a lifer's inmate's
5 protected liberty interests in parole likely do not
6 exist.

7 Even if the Board could conceivably be empowered
8 to deny him 21 times based solely upon the life crime, it
9 may only do so if the facts of the crime provide a sound
10 base for predicting future violence. As the Court
11 explained to you in Rosenkrantz, whether the facts of the
12 crime of conviction or other unchanged criteria affect
13 the parole eligibility decision can only be predicated on
14 the, quote, predictive value, end quote, of the unchanged
15 circumstance. Otherwise, if the unchanged circumstance
16 per se can be used to deny parole eligibility, sentencing
17 is taken out of the hands of the judge and totally
18 repositied in the hands of the Board of Parole Hearings.

19 Parole eligibility could be indefinitely and
20 forever delayed based upon the nature of the crime, even
21 though the sentence given set forth the possibility of
22 parole, a sentence given with the facts of the crime
23 fresh in the mind of the judge.

24 Bruce Davis has now served 36 years of a
25 7-to-life sentence, incarceration that extends well

1 beyond the Board's matrix for this crime for the actual
2 killers. As held by the California Supreme Court, "In
3 re: Dannenberg" [ph.], quote, No prisoner can be held
4 for a period grossly disproportionate to his individual
5 culpability for the commitment offense. Such excessive
6 confinement violates the cruel-and-unusual-punishment
7 clause of the California Constitution, end quote.

8 I respectfully submit the 36 years Mr. Davis has
9 served places him far beyond this constitutional maximum
10 period of confinement, given the fact he killed neither
11 of the victims in this case. Bruce Davis killed nobody.
12 There is no question he has rehabilitated himself in
13 prison and poses no threat to society upon release. He
14 has served a prison term that exceeds that prescribed for
15 serial killers and child rapists.

16 To preclude his parole further would violate
17 every one of the court orders I have enumerated, the
18 state's parole laws and regulations, and the state and
19 federal constitutions. I respectfully urge the Board to
20 follow those laws and decisions and set him free.

21 Thank you.

22 CHAIRMAN DAVIS: Thank you.

23 David LeMoine, followed by Donald Miller.

24 MR. LeMOINE: Honorable commissioners, my name
25 is Dave LeMoine. I'm Bruce's brother-in-law,

1 fourth-generation fire lieutenant, retired. I'm the EMT
2 and the training officer for the City of Alameda. My
3 history also comprises years in the National Guard. Why
4 should I share this with you, the parole board? In that
5 time I've worked with just about every kind of man and
6 personality.

7 I met Bruce Davis 11 years ago, after I married
8 my wife, Patty. On our first meeting, I didn't know what
9 to expect, but my guard was up. As I walked and talked
10 with Bruce, I looked him straight in the eye, listened
11 carefully, and saw a man of character. He must have
12 changed a great deal in more than 35 years of
13 incarceration. Instead of being embittered, he has owned
14 his crime and was, and is, making the best of the
15 situation.

16 It has now been many years and many visits and
17 discussions with Bruce on pretty much any subject. With
18 such limited resources that he has, I'm really amazed at
19 his accomplishments.

20 Bruce is who he has become, a man of integrity.
21 It's time for him to be released so he can expand the
22 influence of good in his community. With his experience
23 he will be able to motivate men on to a better path. Our
24 young men today need his wisdom.

25 I've watched from afar his kindness and wisdom

1 to Beth and Taylor as well as to the many young men that
2 he's encouraged with no self-interest. Taylor is in need
3 of a full-time dad. I'm a father of two grown daughters,
4 and a grandfather. I know the importance of a loving
5 father. It will be -- it will not be easy, but it's
6 doable. Their church and friends will support them.
7 Patty and I are committed to help and support both Bruce
8 and Beth as they make their transition into society.

9 Thank you.

10 CHAIRMAN DAVIS: Thank you.

11 Patrick Sequeira, followed by Donald Miller.

12 MR. SEQUEIRA: Thank you, Commissioner Davis.

13 In light of the opportunity to only speak one time
14 regarding parole suitability for Bruce Davis, I'd like to
15 reserve that time for the next Board meeting.

16 Thank you.

17 CHAIRMAN DAVIS: Donald Miller.

18 Let me just -- is there anyone else who wants to
19 speak regarding Mr. Bruce Davis? No one else.

20 Again, to the extent you feel comfortable in
21 doing so, I think we still have some people waiting
22 outside who may want to speak on other matters, so if you
23 feel it appropriate, now would be a good time to make
24 space for others.

25 Also, if anyone is here on Mr. Reyes, Procopio

1 Reyes, I notice the attorney will not be here. If that
2 makes a difference on whether or not you wish to speak,
3 that's up to you. I just want to let you know that's the
4 case. He will be here. He wanted to put it off to next
5 month, just so you know.

6 Mr. Miller.

7 MR. MILLER: I'm here to speak on behalf of
8 Bruce Davis. I understand the matter will also be
9 considered one month from now. Is that correct?

10 CHAIRMAN DAVIS: Yes, for additional testimony.
11 Not repeating what's already been done.

12 MR. MILLER: Then I respectfully reserve my time
13 until the next hearing. Thank you.

14 CHAIRMAN DAVIS: Very well.

15 Alfred Chiantelli.

16 JUDGE CHIANTELLI: Thank you, chairman, and
17 commissioners and staff. My name is Alfred Chiantelli,
18 and I'm here to support Nathan Ellis. This is a little
19 emotional for me. I was the district attorney that
20 prosecuted him in 1977.

21 You see, when I graduated law school, I wanted
22 to do something about fighting crime, so I became a
23 district attorney. In '77 I was chosen to try jury
24 trials, and I tried Nathan Ellis. I threw the book at
25 him.

1 If you read the Governor's letter to you, one of
2 the things he was concerned about was one charge; and
3 that is, kidnapping for purposes of robbery. At that
4 time when I charged him -- as I said, I'm going to throw
5 the book at him -- there was two types of kidnappings.
6 There's that small letter case, simple kidnapping, and
7 kidnapping for purposes of robbery. I chose to charge
8 him with 209, even though the victim, Miss Incarnasow
9 [ph.], was walked 300 feet, no longer than a football
10 field.

11 At that time there was a case "People vs.
12 Daniels," that indicated there were other things to look
13 at for kidnapping besides a long asportation, so I chose
14 to charge him with that charge and every other charge I
15 could think of. And one thing that is important -- and
16 you must believe me, because I was the charging and trial
17 deputy -- that if there was a possible sex charge that I
18 could have charged him with, I would have, and I didn't.
19 Take my word for it, although you may look at his victims
20 as two women, if there was a possibility that a sex
21 charge could be brought against him, I would have brought
22 it.

23 We tried the case. He was convicted. Because
24 of kidnapping that I charged, which was still in its
25 infancy, the case was reversed, because at that time

1 Judge Claude Perasso [ph.] gave the wrong answer to a
2 juror who asked some questions about aggravated
3 kidnapping.

4 The case was reversed. What did I do? I
5 retried him. I didn't plea bargain the case, and I tried
6 him. And what happened? It was a hung jury because we
7 had a stealth juror. In those days we called them
8 artichokes, somebody who gets on the jury and has already
9 made up their mind. It was 11 to 1 for guilty. Did I
10 plea bargain the case? I offered him a plea bargain; the
11 office did. It said: Plea not to the aggravated
12 kidnapping. Plea to the other charges. It's nine years.

13 He refused. I tried him and convicted him
14 again; 35 out of 36 verdicts, guilty. And I'm here to
15 speak to you that -- this is very foreign to me to come
16 and speak to you about releasing someone on parole. As a
17 district attorney, I ran for judge and was elected in
18 general election in San Francisco in 1982. I was
19 appointed to the Superior Court by Governor Deukmejian.

20 I have never spoken to Nathan Ellis since our
21 last trial. I've never communicated with him. I'm doing
22 this on my own. In fact, I have been called by some
23 attorneys, years ago, to see if I would come and speak on
24 his behalf. You know what my answer was? "No. No."
25 But I'm here now. Twenty-nine years in prison. Let the

1 punishment fit the crime.

2 Before I decided to do this -- I want to explain
3 to you how I got involved -- I happened to read an
4 article in the paper April 6th of last year -- I think it
5 was in The Recorder -- and I was retired from the bench.
6 I'm a retired judge, former presiding judge of the
7 Superior Court of San Francisco, retired in 2002. In
8 2005 I read this letter where Judge -- where a judge in
9 San Francisco found that this person was -- needed
10 another parole hearing.

11 I read about it, and I thought Nathan Ellis had
12 been released, so rather than stepping into the picture,
13 I did another thing that I believe Mr. Bill Bean and my
14 friends the Salarnos would agree. I called the victims.
15 In your file you have a letter. Not dictated by me,
16 by --

17 CHAIRMAN DAVIS: Sir, I'm going to need you to
18 conclude. You're out of time.

19 JUDGE CHIANTELLI: All I want to indicate is
20 that -- please release him. I know when I go home today
21 I'm going to look in the mirror and know I did the right
22 thing. I know when you look in the mirror, you'll know.
23 There's a commissioner and assistant commissioner, the
24 victims, the district attorney's office is not opposing
25 his release.

1 CHAIRMAN DAVIS: Thank you. Feel free to mail
2 that letter to us.

3 JUDGE CHIANTELLI: You have it in your file.

4 CHAIRMAN DAVIS: Judge Victoria.

5 JUDGE VICTORIA: I'm Judge Olivia Marie
6 Victoria. I'm here on behalf of Nathan Ellis. I am the
7 judge who sentenced Nathan to prison seven to life. I
8 also had a presentence report when I sentenced him. I
9 knew all about his prior record, his juvenile record,
10 which was deplorable. So I concluded, after reading the
11 reports, that seven to life would certainly be
12 appropriate, and I intended the seven should be it. This
13 was not a typical kidnapping case.

14 Well, all during the years after that, starting
15 in about 1986, I filled out forms, wrote numerous letters
16 asking that he be released. Well, he's still there now.
17 As I understand it, basically, the reason he hasn't been
18 released is because, number one, of his record,
19 deplorable, but he can't do anything about it now; and
20 number two, because the crimes were particularly vicious.
21 So just give me a moment, and I will talk about that.

22 First of all, the crime against Mrs. Graham and
23 Mrs. Vanunzio [ph.]. He didn't hurt these ladies. He
24 walked them up into an apartment, tied one of them up,
25 and later untied her, took a hundred dollars, and left.

1 They were not injured in any way. The second one was
2 Mrs. Incarnasow. Apparently, there's some thought here,
3 or belief, that he had a knife when he accosted her. It
4 was a ballpoint pen. And he didn't attack the people who
5 disarmed him. There was a fight, and one of them was
6 accidentally stuck in the arm.

7 So all I can say is -- oh, by the way, one of
8 the victims that Judge Chiantelli mentioned, Mrs. Graham,
9 did write a letter saying she felt he had served enough
10 time also, so she joins me and Judge Chiantelli. Since
11 justice is our business, all I can say is that justice
12 demands that he be released.

13 Thank you.

14 CHAIRMAN DAVIS: Sondra Ellis, followed by Linda
15 Tyler.

16 MS. ELLIS: Hello. My name is Sondra Ellis.
17 Nathan Ellis has been my best friend for 15 years and my
18 husband for 13 years. I pray that my personal comments
19 based on that relationship may be of help today in his
20 case. My sincere appreciation as Nathan's wife also goes
21 to those commissioners who won't be at the en banc but
22 who spent four-and-a-half hours investigating in minute
23 detail the life of the man before them.

24 Nathan's was the only hearing they heard that
25 day, which gave them an exceptional opportunity to

1 three-and-a-half months prematurely, weighing in at one
2 pound, ten ounces, on January 14th, 1999, I found myself
3 flying back and forth between Sacramento and Long Island,
4 New York, to be with her. I'm sure you can imagine how
5 distraught I was.

6 I can tell you this: Despite Nathan's physical
7 situation, he gave me strength. I would not have been
8 able to provide the strong support I did to my son unless
9 Nathan had supported me as he did, listening when I
10 wanted to be weak, allowing me to express feelings I did
11 not want to show my son and daughter-in-law, and crying
12 with me for Sidney's struggle for life. I'm joyful to
13 share with you Sidney now is a very happy seven-year-old,
14 who is eager to meet her grandpa Nathan in person.

15 Nathan will live with me in Sacramento, where he
16 has more than one job offer waiting for him. We also
17 have financial security through my 16-year career
18 position with a surgery center in Sacramento. Nathan
19 will be stepping out onto a new planet after 29 years of
20 incarceration, and it's a challenge we both pray for.
21 Nathan's plans are to become a working taxpayer and to
22 finish his college education. He also hopes to volunteer
23 his time to work with youth and help stop them from
24 making his mistakes.

25 During the years when lifers were still allowed

1 family visits, Nathan shared with me, as his wife, that
2 he had never had any children of his own, although he
3 loves them very much. Not just because he was
4 incarcerated, but more importantly, because even in the
5 senselessness of his early years, he had made a conscious
6 decision to not bring an innocent child into what he
7 believed was the insanity of his lifestyle then, much
8 less a prison setting. His work with youth now because
9 of that is very important to him, and he dreams of being
10 a grandfather to Sidney with what I can only describe as
11 enormous joy and anticipation.

12 What about dreams? Nathan dreams about taking a
13 walk with me down the block, going barefoot in a patch of
14 grass, opening a window. He gets misty-eyed talking
15 about how proud he'll be to take me to dinner from his
16 own first paycheck. And he even dreams of paying bills.
17 I do hope he'll get over that last one quickly.

18 I'm honored and humbled by all those who have
19 supported Nathan over the years, and truly blessed today
20 to be in such very auspicious, not to mention good,
21 company in our quest for freedom. I don't believe in
22 miracles. I depend on them. Miracles have brought us
23 this far. I depend on one more from this august body.

24 Thank you.

25 CHAIRMAN DAVIS: Thank you.

1 someone that can fit that picture.

2 He has discussed with me, and we have presented
3 to him, an opportunity to act as a handyman to help
4 repair, trim, clean, lift, paint, all of the things that
5 go into the piece of presenting a piece of property and
6 making it presentable and sellable.

7 I know Nathan. He is a good person, and he is
8 motivated, and he certainly has the attributes that I can
9 recommend to any of the agents there in our market center
10 to fulfill that responsibility, and I stand in that offer
11 to you.

12 Thank you very much.

13 CHAIRMAN DAVIS: Thank you.

14 Kathleen Strickland, followed by David
15 Schneiderman.

16 MS. STRICKLAND: Good afternoon. Thank you for
17 your time. My name is Kathleen Strickland. I'm a former
18 assistant district attorney in San Francisco. I was in
19 the office when Judge Chiantelli was there. I saw
20 Nathan's case reported in the paper a couple years ago,
21 and I have been his lawyer, pro bono, ever since.

22 This is a gentleman whose case has fallen
23 through the cracks, as Judge Chiantelli mentioned to you.
24 He could have pled guilty to a 207, simple kidnapping.
25 He would never have had the life, top, and he would not

1 have been still in here before you today, but he was his
2 own worst enemy, his own attorney. He was pro per for
3 the last two trials and said, "No deals." I guess he
4 didn't think he would get convicted. He didn't know what
5 a great attorney Judge Chiantelli was, a great DA. And
6 so he was convicted, and he turned down an opportunity to
7 plead guilty to the 207, that never would have had the
8 life, top.

9 He's been in here 29 years since, and his
10 eligible parole date is 1984. We would also request that
11 his case be decided today. The district attorney knows
12 about the hearing, and they are leaving the decision up
13 to the parole board, as the letter in his file indicates.

14 I was his lawyer at the 2005 hearing. That went
15 up on a habeas petition. Judge Morgan looked at it.
16 Judge McBride looked at it. There have been four judges
17 that have looked at this case. At the time Judge
18 McBride, in San Francisco, looked at this case of Mr.
19 Ellis, he said that the '05 Board's finding that the life
20 offense was carried out in an especially cruel and
21 callous manner is simply not supported by the facts.
22 You've heard that today from Judge Chiantelli and Judge
23 Victoria. Neither of these women were injured. Neither
24 of these women were harmed. There was no intent to rape
25 either of these women.

1 [Reading] The Board has not indicated -- this
2 is Judge McBride talking -- the Board has not indicated
3 any more recent evidence, pattern, or theory that
4 supports a finding his criminal history makes him
5 unsuitable for parole more than 30 years later. The
6 Board could not cite any recent evidence of discipline
7 problems that would show his present unsuitability for
8 parole. His last 115 was ten years ago. [End of
9 Reading]

10 So I won't continue reading this. I did submit
11 to you all a packet with the letters of recommendation.
12 It also contained Judge McBride's decision. In sum,
13 Judge McBride remanded the case back to the Board and
14 consolidated it with the 2006 hearing.

15 That hearing was held before Commissioner Sawyer
16 and Commissioner Sullivan. It's the hearing that you
17 have before you. It was a thorough hearing. They went
18 through every piece of evidence in his file because they
19 were under scrutiny by Judge McBride and the other judges
20 that have looked at his case.

21 The Board hearing lasted four hours. Reading
22 from Judge Sawyer [sic], it says: It concluded that the
23 prisoner is suitable for parole and would not pose an
24 unreasonable risk of danger to society or threat to the
25 public safety if released. We feel that you will

1 function within the law upon release. While in prison,
2 you have enhanced your ability to function within the
3 law.

4 They were impressed by all the work that he's
5 done in prison. He received his -- he's six units shy of
6 a bachelor's degree. He has laudatory chronos from
7 Montoya and, also, from Glover, who has known him for 17
8 years. Glover is a correctional officer.

9 He has had -- every psychiatrist review has
10 found him posing a minimal to low risk if released. Dr.
11 Macomber and Dr. Weber -- Dr. Weber is the most recent
12 report, of January 12th, '06. "He would have little
13 difficulty reintegrating into society if he is paroled.
14 There is no indication that he would be a risk." And you
15 have four psychiatrists recommending that he is low risk,
16 going all the way back to 1986.

17 In sum, with five seconds left, I thank you for
18 your time and attention, and I hope you release him so
19 that he can get out on Thursday.

20 CHAIRMAN DAVIS: Thank you.

21 Mr. Schneiderman, followed by Luz Martinez.

22 DR. SCHNEIDERMAN: Thank you for allowing me to
23 speak on Mr. Ellis' behalf. My name is David
24 Schneiderman, and I'm a physician here in Sacramento. I
25 have a private practice specializing in gastroenterology

1 and have been in practice here for 18 years. I've known
2 Sondra Ellis for nearly 12 years. We've worked together
3 at the Greater Sacramento Surgery Center.

4 Over the years, I've learned about Nathan's
5 incarceration and their marriage and their efforts to
6 reach the point where we've arrived today, and I've
7 watched her wait and wait and wait for Nathan to be
8 released and finally live in the home that she has built
9 for the two of them.

10 Sondra is very bright. She's incisive. She's a
11 tireless worker and a faithful and dedicated wife who is
12 looking forward to just one more miracle, as she
13 mentioned earlier. I hope you can grant that miracle
14 today.

15 As for the purpose of my visit, I want you to
16 know Nathan, who seems to have more job offers than I
17 have, has been offered a job in my office, effective
18 immediately, upon his release. A representative of the
19 parole board has already been to my office for a
20 preemployment assessment. I would anticipate that
21 Nathan's tasks would include clerical duties; such as,
22 filing, creating charts, answering the phone, and
23 ordering supplies. In addition, he has some computer
24 skills, and he could help us create newsletters and
25 create a patient appointment reminder system. We expect,

1 drug use causing hepatitis.

2 Over the last several decades, I've interviewed
3 thousands of patients that are Nathan's age or older. I
4 want to remind you of something you likely know already.
5 There is a visible, palpable wisdom that comes with age,
6 silent and not-so-silent regrets that slip out in
7 conversations with patients, deep insights that require
8 years and years to accrue. As adults, we use this wisdom
9 to relate to society, to parent, or to take care of
10 ourselves or others. Although I know the population you
11 serve is different than the one I serve, I rarely, if
12 ever, see my middle-aged or elderly patients regress
13 behaviorally.

14 By the same token, I can't recall the last big
15 headline heralding a nonwhite-collar crime by a
16 middle-aged or elderly man unless there's some
17 intervening mental illness. The old saw "youth is wasted
18 on the young" is so very true. If we were only wiser
19 when we were younger. I urge you, beg you to trust and
20 to take strongly into consideration how aging evolves the
21 brain and evolves the soul, and I ask you to please let
22 Nathan prove this to us once again.

23 Thank you.

24 CHAIRMAN DAVIS: Is there anyone else for Nathan
25 Ellis?

1 All right. Thank you. We're going to take ten
2 minutes and let the court reporter stretch her fingers,
3 and so forth, and then reconvene.

4 (Recess.)

5 CHAIRMAN DAVIS: Ms. Martinez, we apologize for
6 the inconvenience and for the confusion, but whenever
7 you're ready.

8 MS. MARTINEZ: I am ready.

9 Good afternoon. I am Reyes, Procopio, mother.
10 I thank you for this opportunity. I need your help,
11 because he was in -- I'm sorry for what he do, but he was
12 23 years ago, and he is a very different person now. He
13 make all the programs in the prison. He start English,
14 computer, everything. Now he thinks and he feels he be
15 free.

16 We are a little, small, family, but he has all
17 the support for him. I hope because -- I not crazy, but
18 every day and every night, I talk with myself. I say, I
19 can't go to see my only son free, but -- I know he do
20 something bad, but he is very, very different, full,
21 person now.

22 He has a house to live, out, and all the support
23 for us. And my family has a business, and he help to
24 him, too, because I saw, too, every visit to him, grow up
25 for good. He talk, he thinks very different than when he

1 was very young, he went to the jail.

2 Thank you for this opportunity. Thank you.

3 CHAIRMAN DAVIS: Thank you.

4 Victor Perrella, followed by Carmen Halstrom.

5 MR. PERRELLA: Mr. Chairman and, also, ladies
6 and gentlemen of this board, my name is Vic Perrella, and
7 I'm here to talk about Procopio Reyes.

8 I've been a volunteer at San Quentin since 1991,
9 often going in two to three times a week. I currently
10 serve as chair of the Kairos Prison Ministry board.
11 Kairos is a Greek word, incidentally, that means God's
12 special time, versus chronos, which is a time
13 measurement. Kairos puts on 2 three-and-a-half-day
14 retreats each year at San Quentin. So far, 1170 inmates
15 have gone through this program.

16 What's so unusual about kairos is that free
17 people commit to meeting with the inmates who have made
18 the program for life while they're there, so we have a
19 unique opportunity of getting to know many of these men.
20 We observe many of these men in a more intimate and
21 personal way, often more personal than their families do.

22 I thought I'd like to mention that since Kairos
23 Prison Ministry is international in scope, that there are
24 two state correctional systems in the United States,
25 namely, Florida and South Carolina, that have tracked

1 recidivism rates of kairos graduates over a four- and
2 seven-year period against control groups of other inmates
3 or other people who have been incarcerated and paroled.
4 In the case of Florida, recidivism was 16 percent for
5 kairos graduates, and in South Carolina it was 26
6 percent. Unfortunately, we do not have any statistics
7 for California, which we're trying to do.

8 In San Quentin I've had the opportunity to get
9 to know Procopio Reyes at one of these kairos weekends.
10 He is a man who has served 23 years for kidnapping and
11 robbery, crimes he committed as an immature,
12 minimal-English-speaking Mexican 22 years of age, who
13 eventually submitted to peer pressure from the young
14 crowds when he came to the United States on his visa. He
15 also thought alcohol was his best friend, since it gave
16 him a false sense of security to act in very antisocial
17 ways.

18 One might ask how or why one acts this way. We
19 have to remind ourselves that we and -- how we acted when
20 we were 20 years old. And I'm sure you'll agree we did a
21 lot of stupid things, but what is important is what we do
22 today and how we have made changes in our lives.
23 Procopio used his 23 years of incarceration to become a
24 person to achieve his GED, and he's now working toward
25 his college degree.

1 Vocationally, as his mother said, he has gone
2 through machine shop training, electronic data
3 processing. More importantly is he's also used his time
4 and self-help and therapy programs, particularly alcohol
5 anonymous, squires, overcome outreach, alternative to
6 violence, man alive, toastmasters and, of course, kairos.

7 Procopio has made tremendous progress, nine
8 inches from here to there, in his heart. He attends a
9 liturgy of his faith in the Catholic church, and he
10 regularly attends kairos monthly reunions and
11 spirituality classes, and the combination of these
12 efforts makes him a very different man today, a man who
13 is mature. He's educated and enlightened spiritually.
14 Because of his personal efforts and changes, he is a
15 person who has really and virtually been discipline-free
16 over the last 20 years, and he's considered by his
17 psychological counselors to be classified as a
18 low-risk-to-violence category.

19 Procopio has expressed to me during many, many
20 hours that we have met of his sincere contriteness for
21 his past actions, and his goal upon release is to use his
22 talents that he has learned through the squires program
23 at San Quentin to work with troubled youths. He also
24 wants to make up time he's lost with his mom, his son,
25 and his familia.

1 Procopio has served his chronos time, 23 years,
2 but he's also made good use of his kairos time, finding
3 himself and growing spiritually close to God, making him
4 ready as a respectful and productive citizen for the
5 future. It is my hope you will find in your hearts this
6 afternoon -- sustain his suitability for parole.

7 Thank you very much.

8 CHAIRMAN DAVIS: Thank you.

9 Carmen Halstrom, followed by Abel Reyes.

10 MS. HALSTROM: Good afternoon. Thank you for
11 the time today and for this hearing. My name is Carmen
12 Halstrom, and I am Procopio Reyes' sister.

13 Twenty-three years ago, he committed a crime,
14 and he deserved to be punished, which he did, tenfold,
15 and this has affected all of us. I have seen him change
16 through all those years. He has become a different
17 person. He has educated himself. He has marketable
18 skills. He goes to the parole board, and they keep on
19 telling him, "You need to educate yourself." He's a few
20 credits shy of getting his college degree. He volunteers
21 with the youth ministry. He has accomplished so much,
22 and I would like to see my brother back.

23 He has been suitable about 15 years ago, and to
24 keep on denying him based on the crime that he
25 committed -- a thousand years could go by, and the crime

1 will be the same. He's extremely remorseful, and I would
2 like to see him back and visit with him in a different
3 environment, without waiting in line for hours, being
4 searched, being humiliated at times, being through metal
5 detectors, and being scrutinized by police officers while
6 we visit.

7 We are a very, very small family, but I will not
8 allow my brother to be a pariah. Once he gets released,
9 I'm fully committed to helping him get back on his feet,
10 emotionally and financially.

11 Thank you.

12 CHAIRMAN DAVIS: Thank you.

13 Abel Reyes, followed by Cecilia Jenrick.

14 MR. REYES: My name is Abel Reyes. I'm the son
15 of Procopio Reyes. All I really want to share with
16 everybody is my dad's been in prison for 23 years. He
17 did commit a crime. I think that he has paid his debt to
18 society.

19 As a kid, you don't think about what life holds
20 for you later on, but being a grown man now, having kids
21 of my own, I know. I see. I recognize that.

22 A long time ago, I needed my dad around.
23 There's a lot of things that happen in my own life that,
24 maybe with guidance with my dad, I could have avoided.
25 I'm just looking forward to building a relationship with

1 visit my sister -- my brother without being humiliated
2 and being searched and treated -- being treated in such a
3 demeaning way by the staff of San Quentin.

4 I believe that my brother has truly changed. He
5 has become an extremely educated man. Unfortunately, he
6 did it in the wrong place. He obtained his education in
7 the wrong place. However, he has accomplished everything
8 the Board has requested of him, and I believe that every
9 human being has to be given a second chance.

10 Commissioners, I can assure you that if my
11 brother is granted a release, he will not be a burden to
12 society. He does have family that can help him
13 financially until he gets back on his feet. We will not
14 leave him on his own life. We have a lot to offer to
15 him. We would like to spend quality time, to recover
16 some of that lost time. As you well know, this situation
17 has caused a lot of damage in our family, especially on
18 our mother's health, which health cannot be purchased at
19 no price.

20 So on my brother's behalf, I hope that all of
21 you read all of the progress that he has accomplished
22 during all of those 23 years and take into consideration
23 all of the great things he has done. I can assure you
24 that he is extremely remorseful. He's ashamed of all the
25 behavior that he had in the past. So I beg you to please

1 She has now served about five or six years in
2 excess of the maximum prison term prescribed by your
3 regulations for facts of this particular second-degree
4 murder. Your forensic experts, your psychologists and
5 psychologists who have considered her crime, have told
6 you she poses a negligible risk to public safety.
7 Because she doesn't pose a risk to public safety, the law
8 requires that a parole date be set.

9 I saw on the agenda that the commissioners had
10 some training today, and I'm sure as part of your
11 training one of the things you are told and take into
12 consideration in all of your decisions is what the courts
13 say. Recently, the case of Rosenkrantz was decided, and
14 the federal judge advised the Board that once you get to
15 this point -- and that was also a second-degree murder,
16 and that prisoner served exactly the same amount of time
17 as Ms. Espiritue, 23 years -- when you get to this point
18 where she's now in the range of a first-degree murderer,
19 with the same facts, the crime no longer serves as any
20 measure of future recidivism. And that was a far more
21 egregious murder.

22 Now, there is no evidence at all that she poses
23 a risk to public safety. Please affirm the decision of
24 the commissioner that voted -- that found her suitable,
25 and allow her to parole back to her family in the

1 Philippines.

2 I respectfully close, because although crime
3 victims and prosecutors, when they have their say, will
4 focus on the offense, the person who knew the most about
5 her offense was the trial judge, and here is what he said
6 when he sentenced her, from the transcript, quote: I am
7 satisfied with everything I have read that you will be
8 out of prison, if you behave yourself, in the shortest
9 possible time. At that point you are going to have to
10 pick up your life again. You may hate me for what I've
11 done, or you may not, but if you spend your time hating
12 me or hating anybody else, that time will not be spent
13 picking up your life and doing what we have to.

14 And she replied: I am so sorry. I am truly
15 sorry for what I did. I don't hate anybody. I don't
16 hate you for sentencing me. I didn't plan to kill her.
17 I'm asking you to forgive me. I will do my sentence. I
18 will do my time. I am sorry.

19 The judge said that she would be out of prison
20 in the shortest possible time if she rehabilitated
21 herself, and your records show she's done that to the
22 utmost extent. Again, I urge you, respectfully, to
23 uphold the decision of the panelist who found her
24 suitable and parole her back to her family in the
25 Philippines, because she certainly doesn't pose a threat

1 to public safety.

2 Thank you very much.

3 CHAIRMAN DAVIS: Thank you.

4 Maricela Robles, followed by Charles Knott, Jr.

5 MS. ROBLES: Hello. My name is Maricela Robles.
6 I'm the mother of Jose Robles. [Indiscernible].

7 INTERPRETER: She's trying to say she wants her
8 son with her, that she's willing to support him and help
9 him here or anywhere he gets released to. He has all
10 their support. She's asking you to give him another
11 chance for him to be with them.

12 Her husband and her, he has all the support.
13 They have a business in Kentucky to help him, where he
14 can have a job and be all reunited as a family. She has
15 a small family, and she needs to have her son with her.
16 She begs of you to give her son another chance. She's
17 not going to be -- he's going to have all his family
18 support. And please help her. The decision is in your
19 hands.

20 Thank you.

21 CHAIRMAN DAVIS: Thank you.

22 Charles Knott, Jr., followed by Marsha McFayden.

23 MR. KNOTT: Good afternoon, commissioners.

24 Obviously, my name is Charles Knott, Jr. I am the eldest
25 child of Mary Shields. We've come here, our family and

1 I, to totally support my mom, which we have up to this
2 point.

3 This whole tragedy to our lives and to, I have
4 to say, the victim, too, because he was my stepfather --
5 I did get to spend a substantial amount of time with him.
6 I'm not going to talk about what happened because I don't
7 even know. I just know my mom for the mom that she was
8 and I know she still is. She's always been very
9 concerned from the time I was able to even understand
10 about being a child, and she still has those concerns in
11 her letters now from prison.

12 I have to say that my mom has been in prison
13 quite a substantial amount of time, and I don't even know
14 how long she should be in. That's your guys' job, and
15 I'm hoping you guys do your paperwork, as the
16 professionals that you guys are, and see fit to giving
17 her the time that you think that she's allowed. In my
18 heart I believe she's served her time, but I'm not a
19 professional in that. I'm just a son who wants his mom
20 home.

21 I'm obviously a grown man now. A lot of things
22 have changed in my life. It was hard for me to accept
23 the things that were done wrong by her to now
24 understanding things happen in people's lives. Without a
25 second chance, most of us would probably fail by the

1 wayside.

2 I have seen her spiritually grow in prison --
3 and I understand sometimes inmates do -- to know that --
4 God is a hand that a lot of people don't understand
5 because a lot of people don't really understand God. I
6 know she does at this point in her life. And I know she
7 is extremely remorseful because, I know, she doesn't get
8 to see the children, the grandchildren; that she would
9 even understand when she sees them what she's missed.
10 She's really gone through a lot. We all have as a
11 family.

12 We came here from a very long way. Some of us
13 haven't had any sleep. Some of us won't get any until we
14 get home. But we will support my mom until the day she
15 comes home. We're hoping that you guys see fit to let
16 her come home. We all have homes. We have places for
17 her to go. We have family businesses. Financially,
18 she's supported a hundred percent. We just need her
19 home. It's hard to support her. We don't have her here.

20 We are asking that you guys just do your jobs as
21 the professionals that you guys are, and look at the
22 paperwork. I know she's a good, model inmate in prison
23 because she doesn't have any trouble. There's no
24 referrals or write-ups. We're looking for you guys to
25 make the right decision. We really are.

1 Thank you very much.

2 CHAIRMAN DAVIS: Thank you.

3 Marsha McFayden, followed by Frankie Jones.

4 MS. McFAYDEN: Hello. I'm Marsha McFayden. I'm
5 Mary Shields' sister-in-law.

6 Through Mary's incarceration, she has grown, in
7 humility and gratitude, to such a beautiful woman. In
8 the letters -- in our conversations, either when I visit
9 her or on the telephone or in our writings, she has
10 graced me with a sense of humility and gratitude; that if
11 she can find peace and humility and gratitude in such an
12 awful place that she's in, then I can have it in my own
13 heart wherever I am.

14 That's a blessing that Mary has given me through
15 her years of incarceration, is the sense that I can be
16 serene in any given situation I find myself in. Because
17 of that, I believe she will be an asset to society.

18 Both -- Mary and I both believe that we go
19 through certain challenges in life so that we can help --
20 so that -- we both believe we are here to serve one
21 another as human beings. I go through things so that I
22 may help you go through things. Mary has walked her
23 journey in order to help other women go through those
24 certain situations they might find themselves in.

25 I was pleased to hear that she has been accepted

1 have the ability to give her the technical skills to make
2 sure that she, along with the rest of the family -- make
3 sure that she reintegrates into society, makes a good
4 adjustment. I can offer her a marketing job. I can
5 offer her whatever financial assistance she needs. I'm a
6 single parent. All of her children that have come to me
7 that I was the guardian of are all grown; got them
8 through high school, got some into college.

9 That's basically all I have to say. We're just
10 really looking forward to Mary coming home. Thank you
11 for your time.

12 CHAIRMAN DAVIS: Thank you.

13 Charles Knott, followed by Victoria Barnett.

14 MR. KNOTT: Hello, commissioners. My name is
15 Charles Knott, Sr. That's my son.

16 I [indiscernible] married 30-plus years.
17 [Indiscernible]. During that time, I know Mary was a
18 very, very, very honorable lady. She was always
19 [indiscernible]. I'm not going to say what she did,
20 because I don't condone with it. I know in my heart she
21 regret what she did.

22 I just want to say, if she come home, I know she
23 can get back to being the very honorable person she was.
24 The time I knew Mary, I never knew her to commit a crime.
25 When she comes home, she'll have grandkids that she would

1 respectful and loving mother. Her children always came
2 first. This act of crime that Mary did, I know it wasn't
3 something that was thought of, because she wasn't that
4 type of person, but I believe that Mary has paid her debt
5 to society. She would not be -- she wouldn't be a harm
6 to anyone because she's truly showed remorsefulness.

7 As both Charleses has said, she has lost her
8 first grandchild, and she doesn't even know it yet. It's
9 been -- it's a loss to us, as well, because she's so far
10 away from home, from her children and her grandchildren,
11 her sisters and brothers and close friends who love her
12 and still have her support.

13 If Mary was released today, Mary would have all
14 the support that she would need. I believe she would be
15 able to put back into society. I even have volunteered
16 to the juvenile facilities and some of the prisons, also
17 to skid row. That's the type of person Mary would have
18 been. Mary had skills. She just wasn't some woman
19 walking up and down the street, begging, taking advantage
20 of people.

21 They have support groups for people like Mary
22 that, maybe, if she had had she wouldn't be in this place
23 today. I believe when Mary is released, she will be the
24 first to reach out to some of the women -- young women to
25 keep them from making the mistake that she made.

1 So I plead with you all today to please have
2 mercy, as God has had mercy, because I don't believe
3 there's a person here that has never committed or done
4 something wrong that they weren't given a second chance.
5 And I know that Mary is due that second chance, and I
6 plead on her behalf that you please show mercy and
7 release her, and I know that you will never see her
8 behind those walls again unless it's there to help and to
9 guide and counsel someone else.

10 And I thank you for your time today.

11 CHAIRMAN DAVIS: Thank you.

12 Clara Morgan, followed by Diana Block.

13 MS. MORGAN: Good afternoon, Board members. My
14 name is Clara Elizabeth Morgan. Mary Pearl Shields is my
15 baby sister. I'm the third from the oldest. She is the
16 baby. I can share a little today about Mary Pearl.

17 Mary was the baby, but she was the strongest.
18 We could always, as a family, look to Mary to come when
19 there was a tragedy, when we needed to get a picnic
20 together, when someone was sick in the hospital. She was
21 always the leader, but she still was the baby.

22 I say this today as a mother, a wife, and a
23 grandmother. Mary is always giving in the community. No
24 one around her -- if you need it, she will give it to
25 you. If you're hungry, she'll go in the house and bring

1 something out for you. But when you're put in a
2 situation, the things she suffered, I wish she could have
3 came to me and talked to me about a lot of things. It's
4 the cause she is here today where she's at.

5 Looking over the years I've been talking to Mary
6 and coming out here visiting Mary and writing her and she
7 writing me, I know, with not a shadow in my heart, she
8 feels remorse. She has hurt. She has suffered the loss
9 of not being with us and her kids and her family.

10 But sometime we go through things and we shed it
11 out with shame. We don't want to share it with the
12 family because we don't want the family involved. I just
13 wish she would have shared something. Being the
14 strongest one, always at our rescue, always going to the
15 family when we in need, we should have been there for
16 her.

17 I feel I let her down as a big sister because I
18 should have seen the signs of abuse, but it's too late
19 now, but I believe if you all give us a chance with Mary,
20 like my play sister said, you will never see Mary back
21 behind any bar unless she's coming to visit or do some
22 ministry.

23 Truly, I've had through the years to talk to
24 Mary spiritually because I was always the spiritual one.
25 Since she's been in here, yes, something good has changed

1 Mary. Mary calls me. She writes me. She talks about
2 God. She talks about the family. "Look over them.
3 Guide the youth. Don't let them get in trouble." She's
4 always concerned about others.

5 Mary is not a violent person. Sometimes we can
6 get pushed and drove to things we don't act and it's not
7 our character. So I feel today I let her down as a
8 family member, and I pray today that you all will look
9 through and look through her past and listen to her
10 family and make a decision on Mary.

11 Mary has been in there 15 years. She has one
12 grandchild, the oldest one, who was in a car accident and
13 was killed in August. She has babies she's never seen.
14 I plead today as a sister to let her come home.

15 CHAIRMAN DAVIS: Thank you.

16 Diana Block, followed by Jackie Russell.

17 MS. BLOCK: Hello, everybody. I work with the
18 California Coalition for Women Prisoners, and we visit
19 and work with women in prisons around the state of
20 California, and I have visited with Mary for over seven
21 years.

22 I guess I want to start by saying that I feel
23 really moved and honored to be here today with Mary's
24 family. It's a really credible experience to see and be
25 part of a family that is so dedicated. I feel like this

1 is what we all aspire to in our personal lives in terms
2 of having family that will come through this type of
3 turmoil and crisis and emerge strong, which is what I
4 see. These are the kinds of families that prisoners need
5 when they come out. First and foremost, I think Mary has
6 that. Given that, I know in my heart and through my
7 experience that she will be totally successful when she
8 is released.

9 During the time that I've known Mary, I've come
10 to know her as someone who has matured and changed during
11 her time in prison, someone who is deeply sorry for the
12 mistakes she made earlier in life, and someone who is
13 resolved to turn her life around in order to be of
14 service to other prisoners and to her community, as
15 everyone else has spoken to today.

16 She has worked as a certified HIV peer
17 counselor, she has been, ten years, a head usher in her
18 church, she teaches Bible study classes every Saturday,
19 and she also received a laudatory award, chrono, because
20 she saved the life of one of the prison staff members.
21 These are really unusual types of tributes to her spirit
22 and to her work inside prison. She's demonstrated that
23 she has a positive and productive attitude, which has
24 become a central part of who she is over this time.

25 Mary is a woman who is determined to maintain

1 close bonds with her son and other family members despite
2 the years of separation. You can see the proof of that
3 determination today. She is a woman who has touched the
4 lives not only of the other women prisoners, but also of
5 staff members. There was a staff member here today who
6 will be coming back next time to testify on her behalf,
7 and there are many other letters from staff members in
8 her file that I urge you to look at to see the kind of
9 support she has among the staff.

10 She is a woman who has reached out to all who
11 have visited her over the years, and she's impressed us
12 with her sensitivity and her caring. Mary has
13 demonstrated over and over again her readiness to return
14 to her family and to her community. She has done
15 everything that has been asked by the parole board of
16 her, and she has really shown what it's possible to show
17 in terms of someone who has been in prison.

18 I feel, and everyone here feels, there's no
19 reason for her to be kept in prison longer, and I urge
20 you to examine her record, to consider the testimony that
21 you hear today and that you will hear more of next time,
22 and uphold the parole date that she was granted in May
23 and release Mary Shields as soon as possible.

24 Thank you.

25 CHAIRMAN DAVIS: Thank you.

1 Aside from the one card for Jackie Russell, this
2 is the last speaker card I have. If there's anyone else
3 who wishes to speak to the panel today, you need to make
4 sure you get that card to us as soon as possible.

5 MS. RUSSELL: Good afternoon, commissioners. My
6 name is Jackie Russell, and I am the niece of Mary
7 Shields. I am here today to speak on her behalf, to ask
8 that you show -- to ask you to give her a second chance.

9 Even though Mary has been locked away from us
10 for many years, she has still been able to teach us from
11 the inside to the outside, to where we are. She has
12 taught me to be responsible of my actions, that things
13 that you think are important come with a heavy price if
14 you don't take on the responsibility of your actions.
15 And I know without a shadow of a doubt that she is so
16 sorry. She has shown so much remorse to us because she
17 knows we are suffering along with her.

18 We have, as a family, set up a network to where
19 when she is released, we will be there for her, whether
20 it's financial, spiritual, emotional. She has missed so
21 many parts of our lives, with her kids, with my kids.
22 It's just been a hard time for all of us. But I know,
23 like the rest of us have said, if you release her, she
24 will never be back here under these circumstances unless
25 it's to help and to show others you do not want to go

1 down this path but you do have to be responsible for your
2 actions.

3 So I thank you for the time to come here and
4 speak for her, and I ask you to show us that she will be
5 given a second chance. Thank you.

6 CHAIRMAN DAVIS: Thank you.

7 We will be back -- or we will come back on
8 Monday, November 20th, 2006, at 1 p.m., to hear
9 additional statements and conclude the business that we
10 started here today. There will be no closed session
11 following this meeting. And we are adjourned.

12 ---o0o---

13 (The proceedings concluded at 4:03 p.m.)

14
15
16 APPROVED: _____

17 JAMES R. DAVIS
18 Chairman

19
20
21 ---o0o---

1 REPORTER'S CERTIFICATE

2 ---o0o---

3
4 STATE OF CALIFORNIA)
5) SS.
6 COUNTY OF SACRAMENTO)

7
8 I, ELIZABETH TEKLINSKY, certify that I was the
9 Official Court Reporter, pro tem, and that I reported in
10 shorthand writing the forgoing proceedings; that I
11 thereafter caused my shorthand writing to be reduced to
12 typewriting, and the pages numbered * through *,
13 inclusive, constitute a record of said proceedings:

14 COURT: BOARD OF PAROLE HEARINGS
15 CAUSE: EXECUTIVE BOARD MEETING
16 DATE: OCTOBER 17, 2006
17

18 IN WITNESS WHEREOF, I subscribe this certificate
19 at Sacramento, California, on this 28th day of October,
20 2006.
21

22
23 _____
24 ELIZABETH TEKLINSKY
25 CSR NO. 7895