



En Banc Decision

BOARD OF PAROLE HEARINGS

Tuesday, April 16, 2019

CRAMER, LARRY

H94757

Penal Code section 1170(e)

Sentencing Court: Los Angeles

Motion: **Recommend to the court that Mr. Cramer's sentence be recalled and that Mr. Cramer be resentenced, based on a finding that he is terminally ill with an incurable disease that would produce death within six months and the conditions under which Mr. Cramer would be released to live with his sister would not pose a threat to public safety.**

Motion by: Long

Second by: LaBahn

Not Present: Dobss

Abstained:

Decision: **Motion Approved by a majority of the commissioners present.**

GUNN, JOHN

BF0788

Penal Code section 1170(e)

Sentencing Court: Orange

Motion: **Decline to recommend to the court that Mr. Gunn's sentence be recalled and that Mr. Gunn be resentenced based on a finding that he poses a current risk of danger to public safety because of his continued mobility through the use of a wheelchair, ability to perform his activities of daily living with assistance, lack of impulse control, lack of understanding of inappropriate sexual behavior, and proposed plans to live with his daughter, a close relative of the victim.**

Motion by: Cassady

Second by: Anderson

Not Present: Barton

Abstained:

Decision: **Motion approved by a majority of the commissioners present.**

HISTON, LARRY

J79124

Referred by Chief Counsel

Sentencing Court: Los Angeles

Motion: **Vacate the panel's January 3, 2019 decision to deny parole and schedule a new hearing on the next available calendar.**

Motion by: Cassady

Second by: Chappell

Not Present: Barton, Sharrieff

Abstained:

Decision: **Motion Approved by a majority of the commissioners present.**

SMITH LEONARD

K94497

Governor-Referred pursuant to Penal Code section 3041.1

Sentencing Court: Fresno

Motion: Refer for a rescission hearing to consider whether the panel's December 19, 2018 grant of parole was improvident, based on the concerns cited in the Governor's referral letter dated March 22, 2019.

Motion by: Dobbs

Second by: Anderson

Not Present: Barton, Long

Abstained:

Decision: Motion approved by a majority of the commissioners present.

WEBB BRIAN

AS1371

Governor-Referred pursuant to Penal Code section 3041.1

Sentencing Court: San Diego

Motion: Refer for a rescission hearing to consider whether the panel's December 11, 2018 grant of parole was improvident, based on the concerns cited in the Governor's referral letter dated March 8, 2019.

Motion by: Roberts

Second by: Ruff

Not Present: Barton, Long

Abstained:

Decision: Motion approved by a majority of the commissioners present.

MARTINEZ, STEVEN

D09454

Tie Vote pursuant to Penal Code section 3041

Sentencing Court: Sacramento

Motion: **The Board finds that Mr. Martinez does not pose an unreasonable risk of danger and grants parole for the reasons stated by the panel member who voted to grant parole at Mr. Martinez's March 14, 2019 hearing.**

Motion by: Grounds

Second by: Anderson

Not Present: Barton, LaBahn

Abstained:

Decision: **Motion approved by a majority of the commissioners present.**

VARGAS, JOSE

K61246

Tie Vote pursuant to Penal Code section 3041

Sentencing Court: Los Angeles

Motion: **The Board finds that Mr. Vargas poses an unreasonable risk of danger and denied parole for three years for the reasons stated by the panel member who voted to deny parole at Mr. Vargas' March 8, 2019 hearing.**

Motion by: Taira

Second by: Castro

Not Present: Barton, Chappell

Abstained:

Decision: **Motion approved by a majority of the commissioners present.**