



AGENDA

BOARD OF PAROLE HEARINGS

Executive Board Meeting

TUESDAY, FEBRUARY 19, 2019

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinators at (916) 445-6631 or (916) 323-7997, at least five (5) working days prior to the scheduled meeting. All persons and property entering this facility may be subject to research. No unauthorized weapons are allowed pursuant to Penal Code Section 171b.

BPH Agenda Webpage: <https://www.cdcr.ca.gov/bph/meeting-agenda/>

OPEN SESSION

(All times and the order of business are approximate and subject to change)

START TIME: 1:00 p.m.

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

MEETING CALLED TO ORDER

1. Roll Call

CONSENT CALENDAR

2. Approval of the Draft Minutes from the January 14 and 15, 2019 Board of Parole Hearings Executive Board Meeting.
3. Approval of the Parole Suitability Hearings and Backlog Report for February 2019.
4. Approval of Motions for Hearings with Procedural Errors – No motions to consider.
5. Public Comment on Consent Calendar – Comments are limited to five minutes. Items on the consent calendar are considered routine and non-controversial. All matters are approved by one motion unless a Board Member requests separate action

REPORTS

6. Report from Executive Officer
 - Outreach with the Division of Adult Parole Operations
 - Indeterminately-Sentenced Nonviolent Parole Hearings Update
 - Stakeholders Meeting on February 4, 2019
 - Structured Decision Making Framework Update
 - Implementation of Assembly Bill 2845
7. Report from Chief Counsel
 - *In re Palmer* (2018) 27 Cal.App.5th 120
 - *In re Gadlin* (Jan. 28, 2019, B289852) [2019 WL 336859]
8. Report from Chief Deputy of Program Operations
 - Scheduling Hearings for Inmates who Received a Commutation of Sentence
9. Report from Chief Deputy, Offender Investigations and Screening Division
 - Implementation of Assembly Bill 2845

OPEN COMMENTS

10. BPH Commissioners – Agenda Items for Future Meetings
11. Public Comment – Comments are limited to five minutes. The public may comment on any item related to Board business. However, the Board will not consider comments about future parole hearings. Those comments should be sent to the prison where the inmate is housed so that they can be considered by the panel assigned to the case.

MEETING RECESSED TO WEDNESDAY, FEBRUARY 20, 2019

BOARD OF PAROLE HEARINGS
Executive Board Meeting

TUESDAY, FEBRUARY 19, 2019

CLOSED SESSION

(All times and the order of business are approximate and subject to change)

START TIME: Upon Recess of Public Session

1515 K Street
Executive Board Meeting Room
Sacramento, California 95814

Discussion

Overview of Facts and Circumstances with Significant Exposure to Litigation Pursuant to Government Code Section 11126(e)(2)(B)(i)

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

Issue

- Legal Analysis of Structured Decision Making Framework, Presented by Jennifer Shaffer, Executive Officer, and Jennifer Neill, Chief Counsel.

Overview of Pending Litigation and Writs of Habeas Corpus Pursuant to Government Code section 11126(e)(1)

(Nothing in this article shall be construed to prevent a state body, based on the advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.)

Issue

- *Ashker v. Brown* (N.D. Cal., Apr. 18, 2013, No. C 09-5796 CW), Presented by Jennifer Neill, Chief Counsel

BOARD OF PAROLE HEARINGS
Executive Board Meeting

WEDNESDAY, FEBRUARY 20, 2019

CLOSED SESSION

(All times and the order of business are approximate and subject to change)

START TIME: 9:00 a.m.

1515 K Street
Executive Board Meeting Room
Sacramento, California 95814

Discussion

**Overview of Pending Litigation and Writs of Habeas Corpus
Pursuant to Government Code section 11126(e)(1)**

(Nothing in this article shall be construed to prevent a state body, based on the advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.)

Issue

- *People v. Servin* (Cal. Ct. App., Jan. 24, 2019, No. G056696), Presented by Jennifer Neill, Chief Counsel
- *In re Bettencourt*, Santa Clara County Superior Court, Case No. 79903, Presented by Jennifer Neill, Chief Counsel
- *In re Bell*, Alameda County Superior Court, Case No. 77899B, Presented by Jennifer Neill, Chief Counsel



AGENDA

BOARD OF PAROLE HEARINGS Executive Board Meeting

WEDNESDAY, FEBRUARY 20, 2019

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OPEN SESSION

(All times and the order of business are approximate and subject to change)

START TIME: 10:00 a.m.

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

MEETING RECONVENED (Continued from February 19, 2019)

12. Roll Call

EN BANC REFERRALS

13. Referral pursuant to Penal Code section 1170(e) to determine eligibility for recommendation to sentencing court for recall of sentence. Members of the public may address the Board for a period not to exceed five (5) minutes.

A. HULSE, TERRY

J40271

Sentencing Court: Los Angeles

B. MCCRUMB, WILLIAM

AW3397

Sentencing Court: Riverside

C. WHITE, JOSEPH

AK3192

Sentencing Court: Sacramento

14. Referral by the Chief Counsel pursuant to Penal Code section 3041(b) and California Code of Regulations, title 15, section 2042 to assure complete, accurate, consistent and uniform decisions and the furtherance of public safety. Members of the public may address the Board for a period not to exceed five (5) minutes.

D. COBB, JERRY

J57654

Sentencing Court: San Diego

The Board to consider new information regarding institutional misconduct on December 18, 2018.

E. LEE, JAMES

D81193

Sentencing Court: Los Angeles

The Board to consider new information regarding institutional misconduct on January 10, 2019.

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

F. BOUNGERT, MACY

V37068

Sentencing Court: Los Angeles

The Board to consider new information regarding institutional misconduct on January 8, 2019.

16. Referral by the Governor pursuant to Penal Code section 3041.1 and California Code of Regulations, title 15, section 2044(b) to request review of a parole decision by the full board. Members of the public may address the Board for a period not to exceed five (5) minutes.

G. ALLEN, TERRELL

J73999

Sentencing Court: San Diego

- H. DEMENDOZA, GENE**
AS7606
Sentencing Court: Riverside
- I. GOINS, LEE**
D96901
Sentencing Court: San Bernardino
- J. HASTINGS, NICK**
C70679
Sentencing Court: Mateo, Santa Clara
- K. HOLICHEK, JERRY**
K40555
Sentencing Court: Los Angeles
- L. LONG, JEFFREY**
K13513
Sentencing Court: Sonoma
- M. LOPEZ, MIGUEL**
H89076
Sentencing Court: San Diego
- N. LOPEZ, PETER**
F23242
Sentencing Court: Los Angeles
- O. POPE, WILLIE**
H08146
Sentencing Court: Sacramento
- P. RODRIGUEZ, SABASTIAN**
K49788
Sentencing Court: Los Angeles
- Q. SHADDEN, RENO**
T04154
Sentencing Court: Ventura

R. SMITH, JESSIE

K14266

Sentencing Court: Los Angeles

S. SOLORIO, ARTURO

P31343

Sentencing Court: Monterey

T. WHITE, NAILAH

WE7881

Sentencing Court: Los Angeles

U. WHITE, RODERICK

C29271

Sentencing Court: Los Angeles

OPEN COMMENTS

17. Public Comment – Comments are limited to five minutes. The public may comment on any item related to Board business. However, the Board will not consider comments about future parole hearings. Those comments should be sent to the prison where the inmate is housed so that they can be considered by the panel assigned to the case.

The decisions for the above cases will be posted as soon as they are finalized in the lobby on the ground floor of 1515 K Street. They will also be posted within 24 hours on the BPH Website at the following address: <https://www.cdcr.ca.gov/bph/enbanc/>.

CLOSED SESSION – EN BANC REFERRALS

Pursuant to Government Code section 11126(c)(4)

(“ . . . [N]or shall anything in this article be construed to prevent a state body from holding a closed session when considering and acting upon the determination of a term, parole, or release of any individual or other disposition of an individual case, or if public disclosure of the subjects under discussion nor consideration is expressly prohibited by statute.”)

ADJOURNMENT