



# **AGENDA**

## **BOARD OF PAROLE HEARINGS**

### **Executive Board Meeting**

**MONDAY, MAY 20, 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 April 15-16 and 29-30, 2019 Board of Parole Hearings Executive Meetings.
3. Approval of the Parole Suitability Hearings and Backlog Report for May 2019.
4. Approval of Motion for Hearings with Procedural Errors.

#### **A. MUNOZ, JAIME**

**E72909**

Sentencing Court: Los Angeles

**Motion:** Vacate the panel's May 9, 2019 decision and schedule a new hearing in order to comply with the recording requirement in Penal Code section 3041.5, subdivision (a)(4).

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
  - Structured Decision Making Framework
  - Stakeholders Conference Call on May 6, 2019
7. Report from Chief Counsel
  - Litigation Update
8. Report from Chief Deputy of Field Operations
  - Introduction of New Deputy Commissioners

### **PRESENTATIONS**

9. The Anti-Recidivism Coalition's Hope and Redemption Team, Presented by Sam Lewis, Director of Inside Program, Anti-Recidivism Coalition.
10. 2018 Report of Significant Events, Presented by Jennifer Shaffer, Executive Officer.

### **OPEN COMMENTS**

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

**MEETING RECESSED TO TUESDAY, MAY 21, 2019**

**BOARD OF PAROLE HEARINGS**  
**Executive Board Meeting**

**MONDAY, MAY 20, 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 Pending Litigation and Writs of Habeas Corpus  
Pursuant to Government Code Section 11126(e)(1)**

*(Nothing in this article shall be constructed 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 discussed in open session conserving those matters would prejudice the position of the state body in the litigation.)*

**Issue**

1. *Armstrong v. Brown* (N.D. Cal., Case No. C-94-2307-CW)(pending), Presented by Jennifer Neill, Chief Counsel.

**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**

2. Articulating a Decision Under the Structured Decision Making Framework, Presented by Jennifer Neill, Chief Counsel, and Jennifer Shaffer, Executive Officer.

**BOARD OF PAROLE HEARINGS**  
**Executive Board Meeting**

**TUESDAY, MAY 21, 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 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**

3. Legal Standard for Cases Referred En Banc, Presented by Jennifer Neill, Chief Counsel, and Jennifer Shaffer, Executive Officer



# **AGENDA**

## **BOARD OF PAROLE HEARINGS Executive Board Meeting**

**TUESDAY, MAY 21, 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.

### **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 May 20, 2019)**

13. Roll Call

### **EN BANC REFERRALS**

14. 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. GOLDTHREAD, ROBERT**

**V06673**

Sentencing Court: Sacramento

**B. TORRES, TONY**

**J56938**

Sentencing Court: Riverside

15. 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.

**C. BELLINGER, ISAAC**

**C19584**

Sentencing Court: Madera

**The Board to consider whether the proposed decision complies with *In re Lawrence* (2008) 44 Cal.4th 1181 and Penal Code section 3055 (c).**

**D. COX, LEVERT**

**D94234**

Sentencing Court: Los Angeles

**The Board to consider new information dated February 20, 2019.**

16. 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.

**E. LOPEZ, PETER**

**F23242**

Sentencing Court: Los Angeles

**The Board to consider new information regarding Mr. Lopez's misconducts on April 10, 2019.**

17. 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.

**F. ARIAS, JORGE**

**P95664**

Sentencing Court: San Bernardino

**G. GARCIA, JOSE**

**V40926**

Sentencing Court: Butte

**H. MEDINA, ANGEL**  
**F04315**  
Sentencing Court: Fresno

**I. SHANNON, JEFFREY**  
**K52769**  
Sentencing Court: Los Angeles

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

**J. JOHNSON, AMOS**  
**E70327**  
Sentencing Court: San Diego

**K. MORRIS, LONNIE**  
**B95677**  
Sentencing Court: Contra Costa

### **OPEN COMMENTS**

19. 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**