



# **AGENDA**

## **BOARD OF PAROLE HEARINGS**

### **Executive Board Meeting**

**MONDAY, SEPTEMBER 16, 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 search. 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.**

Department of General Resources  
Ziggurat Building\*  
707 Third Street, Auditorium  
West Sacramento, CA 95605

**\*Due to construction, the meeting has been moved from 1515 K Street to 707 Third Street, West Sacramento**

### **MEETING CALLED TO ORDER**

1. Roll Call

### **CONSENT CALENDAR**

2. Approval of the Draft Minutes from the August 19 and 20, 2019 Board of Parole Hearings Executive Board Meeting.
3. Approval of the Parole Suitability Hearings and Backlog Report for September 2019.
4. Approval of Motions for Hearings with Procedural Errors

**A. ESPINOZA, BENJAMIN**

**K72804**

Sentencing Court: Orange

**Motion to vacate the panel's August 29, 2019 decision and schedule a new hearing in order to comply with the requirement to produce a record 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
- Panel Attorney Appointments Update
  - Petition to Advance and Administrative Review Regulations
  - Commissioner Announcements
  - Outreach
7. Report from Chief Counsel
- Introduction of new staff attorney
8. Report from Chief Psychologist, Forensic Assessment Division
- Outreach

**PRESENTATIONS**

9. Addressing Mental Health and Substance Use Disorders in the Criminal Justice System: Programs, Policies, and Treatment Interventions, Presented by Allison G. Robertson. Ph.D., MPH, Associate Professor in Psychiatry and Behavioral Sciences, Duke University School of Medicine

**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 TUESDAY, SEPTEMBER 17, 2019**

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

**MONDAY, SEPTEMBER 16, 2019**

**CLOSED SESSION**

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

**START TIME: Upon Recess of Public Session**

Department of General Resources  
Ziggurat Building  
707 Third Street, Auditorium  
West Sacramento, CA 95605

**Discussion**

**Overview of Facts and Circumstances with Significant Exposure to Litigation Pursuant to Government Code Section 11126, subdivision (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**

1. *Omar Sharrieff Gay v. Amy Parson, et al.* (N.D. Cal., 2019, No. 3:16-cv-05998-CRB), and *In re Schuster* (C087276, app. pending), Presented by Jessica Blonien, Chief Counsel

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

**TUESDAY, SEPTEMBER 17, 2019**

**CLOSED SESSION**

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

**START TIME: 9:00 a.m.**

Department of General Resources  
Ziggurat Building  
707 Third Street, Auditorium  
West Sacramento, CA 95605

**Discussion**

**Overview of Pending Litigation and Writs of Habeas Corpus**

**Pursuant to Government Code section 11126, subdivision (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**

1. *In re Flores* (C089974, app. pending), *In re Kavanaugh* (Super. Ct. San Diego County, Nos. HC23654, SCD240841, SCD239633, SCD238494), and *In re Pool* (Super. Ct. Alameda County, No. 96274), presented by Jennifer Shaffer, Executive Officer, and Jessica Blonien, Chief Counsel



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

**TUESDAY, SEPTEMBER 17, 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.**

Department of General Resources  
Ziggurat Building  
707 Third Street, Auditorium  
West Sacramento, CA 95605

### **MEETING RECONVENED (Continued from September 16, 2019)**

12. Roll Call

### **EN BANC REFERRALS**

13. Referral by the Governor pursuant to Penal Code section 4802 to review a pardon application. Members of the public may address the Board for a period not to exceed five (5) minutes.

#### **A. THAI, TRI MINH**

**P29146, T45987**

Sentencing Court: Santa Clara

#### **B. TIJANI, MONSURU**

**P47147, H21682, D50996**

Sentencing Courts: Sacramento, Los Angeles, and Santa Barbara

14. Referral by the Governor pursuant to Penal Code section 4802 to review a commutation application. Members of the public may address the Board for a period not to exceed five (5) minutes.

**C. LEDESMA, JOSE**

**V57720**

Sentencing Court: Los Angeles

15. Referral pursuant to Penal Code section 1170, subdivision (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.

**~~D. LARSON, RICHARD (Inmate deceased)~~**

**~~AW8217~~**

~~Sentencing Court: San Bernardino~~

16. Referral by the Chief Counsel pursuant to Penal Code section 3041, subdivision (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.

**E. GARCIA, ANSELMO**

**H82887**

Sentencing Court: Fresno

**Referred to the Board for consideration of an error of law as set forth in Penal Code section 3043, subdivision (d).**

17. Referral by the Governor pursuant to Penal Code section 3041.1 and California Code of Regulations, title 15, section 2044, subdivision (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. LANADA, HAJI**

**G39713**

Sentencing Court: Los Angeles

**G. MORRISON, JAMES**

**K01569**

Sentencing Court: San Diego

**H. VANCE, ANDREW**

**AK7215**

Sentencing Court: Alameda

**I. WILLIAMS, ABE**

**D48163**

Sentencing Court: Alameda

18. Referral pursuant to Penal Code section 3041 when there is a tie vote. Public comment is prohibited pursuant to Penal Code section 3041, subdivision (e).

**J. APONTE, ANGEL**

**D56455**

Sentencing Court: San Diego

**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, subdivision (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**