



AGENDA

BOARD OF PAROLE HEARINGS

Executive Board Meeting

MONDAY, NOVEMBER 25, 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 October 14 to 17, 2019 Board of Parole Hearings Executive Board Meeting
3. Approval of the Parole Suitability Hearings and Backlog Report for November 2019.
4. Approval of Motions for Hearings with Procedural Errors – No motions to consider.
5. Public Comment – Comments are limited to five minutes. Comments will not be allowed for items already subject to public comment and decided by the Board. 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.

REPORTS

6. Report from Executive Officer
 - Regulations Regarding Parole Consideration for Indeterminately-Sentenced Nonviolent Offenders
 - Outreach
 - Stakeholders Meeting Held on October 21, 2019
7. Report from Chief Counsel
8. Report from Chief Deputy of Program Operations
 - Status of Panel Attorney Appointment Program
9. Report from Chief Deputy of Field Operations
 - New Deputy Commissioners

PRESENTATIONS

10. An Introduction to California Sex Offender Management Board (CASOMB), presented by Dr. Lea Chankin, Consulting Psychologist / CASOMB Coordinator

OPEN COMMENTS

11. BPH Commissioners – Agenda Items for Future Meetings
12. Public Comment – Comments are limited to five minutes. Comments will not be allowed for items already subject to public comment and decided by the Board. 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, NOVEMBER 26, 2019

BOARD OF PAROLE HEARINGS
Executive Board Meeting

MONDAY, NOVEMBER 25, 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.)

Issues

1. Articulating a Decision Involving Implausible Denials, presented by Jessica Blonien, Chief Counsel, and Jennifer Shaffer, Executive Officer
2. Applying the Legal Standards Under California Code of Regulations, Title 15, Section 2253, presented by Jessica Blonien, Chief Counsel, and Jennifer Shaffer, Executive Officer
3. Implementing Penal Code Sections 4802 et. seq. Regarding Pardons and Commutations, presented by Jessica Blonien, Chief Counsel, and Jennifer Shaffer, Executive Officer

BOARD OF PAROLE HEARINGS
Executive Board Meeting

TUESDAY, NOVEMBER 26, 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

1. *In re McGhee* (2019) 34 Cal.App.5th 902, presented by Jessica Blonien, Chief Counsel, and Jennifer Shaffer, Executive Officer



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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 November 25, 2019)

13. Roll Call

EN BANC REFERRALS

14. 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. HUNERLACH, JEFFREY

E43897

Sentencing Court: Sutter

15. 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.

B. BANKS, ANTHONY

E49895

Sentencing Court: Los Angeles

C. GUERRA, BENJAMIN

F55468

Sentencing Court: Los Angeles

16. 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. HARRIS, PAUL

BG4440

Sentencing Court: Mono

E. HIGHTOWER, THOMAS

J98566

Sentencing Court: Sacramento

F. KINNEY, CHRISTOPHER

T72977

Sentencing Court: Sacramento

G. PUGH, JONATHAN

E12567

Sentencing Court: Alameda

17. 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.

H. CERDA, DAVID

D93835

Sentencing Court: Ventura

The Board to consider new information regarding David Cerda's alleged institutional misconduct on August 31, 2019, September 19, 2019, and October 4, 2019.

I. LAWRENCE, EVERETT

H03880

Sentencing Court: Riverside

The Board to consider new information regarding Everett Lawrence's alleged institutional misconduct on July 22, 2019.

18. Referral by the Governor pursuant to Penal Code sections 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.

J. ACKER, WILLIAM

C14656

Sentencing Court: Los Angeles

K. CLIFFORD, ANTHONY

E84740

Sentencing Court: Los Angeles

L. DEBENEDETTO, DONALD

K09347

Sentencing Court: Fresno

M. GAMEZ, CHRISTOPHER

P33959

Sentencing Court: Los Angeles

N. GARCIA, RAYMOND

B69213

Sentencing Court: Orange

O. LAMBERT, DREW

P27014

Sentencing Court: Orange

P. LOPEZ, FELIPE

P24395

Sentencing Court: Orange

Q. MONTALVO, JOHN

B98603

Sentencing Court: San Francisco

R. PERROTTE, JEFFERY

H89472

Sentencing Court: Riverside

S. RUBIN, TERRANCE

H39324

Sentencing Court: Los Angeles

T. SCOTT, KOZI

T09368

Sentencing Court: Santa Clara

19. 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).

U. NGUYEN, JOHN

V86738

Sentencing Court: Santa Clara

OPEN COMMENTS

20. Public Comment – Comments are limited to five minutes. Comments will not be allowed for items already subject to public comment and decided by the Board. 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