



# **AGENDA**

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

**MONDAY, DECEMBER 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.**

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 November 25 and 26, 2019 Board of Parole Hearings Executive Board Meeting
3. Approval of the Parole Suitability Hearings and Backlog Report for December 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 Chief Counsel
  - Litigation Update
  - Decision Review Deadlines
7. Report from Chief Deputy of Program Operations
  - Inmate Attorney Hiring Process
8. Report from Chief Psychologist, Forensic Assessment Division
  - Outreach

## **PRESENTATIONS**

9. Rehabilitative Programming at California Prison Industry Authority, presented by Randy Fisher, Assistant General Manager over Workforce Development, California Prison Industry Authority

## **OPEN COMMENTS**

10. BPH Commissioners – Agenda Items for Future Meetings
11. 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, DECEMBER 17, 2019**

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

**MONDAY, DECEMBER 16, 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 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.)*

**Issues**

1. *In re Gadlin* review granted March 11, 2019, S254599; *In re Schuster* (Dec. 2, 2019; C087276) \_\_ Cal.App.5th \_\_; *In re Canady* (C089363, app. pending); *In re Mohammad* (Nov. 26, 2019; B295152) \_\_ Cal.App.5th \_\_ [2019 WL 6317271]; *In re Flores* (C089974, app. pending), presented by Jennifer Shaffer, Executive Officer, and Jessica Blonien, Chief Counsel

**BOARD OF PAROLE HEARINGS  
Executive Board Meeting**

**TUESDAY, DECEMBER 17, 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 Poole* (Super. Ct. Alameda County, No. 96274; (A154517, app. pending)  
presented by Jennifer Shaffer, Executive Officer, and Jessica Blonien, Chief Counsel



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**TUESDAY, DECEMBER 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.**

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

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

12. Roll Call

### **EN BANC REFERRALS**

13. 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.

**A. LAUDENBACK, BRIAN  
J62437  
Sentencing Court: Orange**

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.

**B. LANG, BINDHU**

**F11367**

Sentencing Court: Humboldt

**The Board to consider whether the proposed decision is consistent with Penal Code sections 3051 and 4801, subdivision (c).**

15. 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.

**C. COUNTS, ROBERT**

**J98483**

Sentencing Court: Merced

**D. FLOWERS, DARELL**

**F79845**

Sentencing Court: Los Angeles

**E. HINES, WILLIE**

**C11306**

Sentencing Court: Los Angeles

**F. MC COWAN, ROOSEVELT**

**C51156**

Sentencing Court: Ventura

**G. MOORE, PATRICK**

**K78329**

Sentencing Court: San Diego

**H. ORTIZ-LOPEZ, CHRISTIAN**

**G50861**

Sentencing Court: Ventura

**I. SMITH, KEVIN**

**J46253**

Sentencing Court: Contra Costa

**J. WILLIAMS, ACHILLIES**

**C96863**

Sentencing Court: San Diego

**OPEN COMMENTS**

16. 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 or consideration is expressly prohibited by statute.”)*

**ADJOURNMENT**