



En Banc Decisions

BOARD OF PAROLE HEARINGS

Wednesday, February 19, 2020

BOTHA, GARY

D88086

Penal Code section 1170(e)

Sentencing Court: Ventura

Motion: Decline to recommend to the court that Gary Botha's sentence be recalled and that Gary Botha be resentenced based on a finding that he poses a current risk of danger to public safety because of his continued mobility, institutional history, and criminal thinking.

Motion by: Gutierrez
Second by: Roberts
Not Present: Anderson, Chappell, San Juan
Abstained: Ruff

Decision: Motion not approved by a majority of the commissioners present.

BOTHA, GARY

D88086

Penal Code section 1170(e)

Sentencing Court: Ventura

Motion: **Recommend to the court that Gary Botha's sentence be recalled and that Gary Botha be resentenced, based on a finding that he is terminally ill with an incurable disease that would produce death within six months and the conditions under which Gary Botha would be released would not pose a threat to public safety (if housed at the Gifts of Love hospice program).**

Motion by: Cassady

Second by: Dobbs

Not Present: Anderson, Chappell, San Juan

Abstained: Ruff

Decision: **Motion approved by a majority of the commissioners present.**

ALVIDREZ, MICHAEL

J52464

Referred by Chief Counsel

Sentencing Court: Riverside

Motion: **Vacate the panel's November 13, 2019 decision to grant parole and schedule a new hearing on the next available calendar.**

Motion by: Long

Second by: Castro

Not Present: Anderson, Chappell, San Juan

Abstained:

Decision: **Motion approved by a majority of the commissioners present.**

VARGAS, MARCO

C25500

Referred by Chief Counsel

Sentencing Court: Los Angeles

Motion: Vacate the panel's October 22, 2019 decision to grant parole and schedule a new hearing on the next available calendar.

Motion by: Dobbs

Second by: Cassady

Not Present: Anderson, Chappell, San Juan

Abstained:

Decision: Motion approved by a majority of the commissioners present.

WILSON, DEREK

D55748

Chief Counsel Referral for Rescission

Sentencing Court: San Bernardino

Motion: Affirm the panel's March 20, 2019 decision to grant parole, as articulated in the panel's decision.

Motion by: Barton

Second by: Long

Not Present: Anderson, Chappell, San Juan

Abstained: Castro

Decision: Motion approved by a majority of the commissioners present.

JACKSON, FREDERICK

D15358

Governor-referred pursuant to Penal Code § 3041.1

Sentencing Court: Los Angeles

Motion: Refer for a rescission hearing to consider whether the panel's September 26, 2019 grant of parole was improvident, based on the concerns cited in the Governor's referral letter dated January 23, 2020.

Motion by: Grounds

Second by: Ruff

Not Present: Anderson, Chappell, Long, San Juan

Abstained: Barton

Decision: Motion approved by a majority of the commissioners present.

MOORHEAD, GARY

D00925

Governor-referred pursuant to Penal Code § 3041.1

Sentencing Court: Butte

Motion: Affirm the panel's August 23, 2019 decision to grant parole, as articulated in the panel's decision.

Motion by: Castro

Second by: Grounds

Not Present: Anderson, Chappell, San Juan, Taira

Abstained:

Decision: Motion approved by a majority of the commissioners present.

THORNE, DAVID

E43096

Governor-referred pursuant to Penal Code § 3041.1

Sentencing Court: Santa Clara

Motion: Affirm the panel's August 21, 2019 decision to grant parole, as articulated in the panel's decision.

Motion by: Barton

Second by: Roberts

Not Present: Anderson, Castro, Chappell, San Juan

Abstained:

Decision: Motion approved by a majority of the commissioners present.

VARGAS, MARIA

W84786

Governor-referred pursuant to Penal Code § 3041.1

Sentencing Court: Riverside

Motion: Affirm the panel's August 27, 2019 decision to grant parole, as articulated in the panel's decision.

Motion by: Dobbs

Second by: Roberts

Not Present: Anderson, Chappell, Grounds, San Juan

Abstained:

Decision: Motion approved by a majority of the commissioners present.

VIALPANDO, ANTHONY

D71157

Governor-referred pursuant to Penal Code § 3041.1

Sentencing Court: Orange

Motion: Affirm the panel's October 8, 2019 decision to grant parole, as articulated in the panel's decision.

Motion by: Thornton

Second by: Roberts

Not Present: Anderson, Chappell, Gutierrez, San Juan

Abstained:

Decision: Motion approved by a majority of the commissioners present.
