



# **AGENDA**

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

**TUESDAY, MARCH 17, 2020**

### **CLOSED SESSION**

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

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

1515 K Street  
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**

1. Conducting a Parole Consideration Hearing in Absentia (*In re Shaputis* (2011) 53 Cal.4th 192), presented by Jennifer Shaffer, Executive Officer, and Jessica Blonien, Chief Counsel



# **AGENDA**

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

**TUESDAY, MARCH 17, 2020**

**In compliance with Executive Order N-25-20 and in order to minimize the spread and mitigate the effects of COVID-19, the Board of Parole Hearings has arranged for Board Commissioners, interested parties, and members of the public to participate in the March 17, 2020 Executive Board Meeting by telephone. Public comment, including comments on en banc cases, may be made telephonically at 1-877-601-3547, participant code 6281453.**

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: 10:00 a.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 February 18 and 19, 2020 Board of Parole Hearings Executive Board Meeting.
3. Approval of the Parole Suitability Hearings and Backlog Report for March 2020.
4. Approval of Motion 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
  - Outreach
7. Report from Chief Counsel
  - En Banc Notices
  - Introduction of New Staff
  - Litigation Update

## **EN BANC REFERRALS**

8. 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. HOWE, WILLIAM**

**C50063**

Sentencing Court: Contra Costa

### **B. YOUNG, GUY**

**C66870**

Sentencing Court: Santa Clara

9. 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. RYAN, CHARLES**

**H02199**

Sentencing Court: Alameda

**The Board to consider new information regarding Ryan Charles' alleged gang activity as outlined in a February 27, 2020 investigation.**

10. 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.

**D. BENSON, JOSEPH**

**V90806**

Sentencing Court: Sacramento

**E. FIERROS, ORLANDO**

**K33900**

Sentencing Court: Los Angeles

**F. LUFT, DAVID**

**P15862**

Sentencing Court: San Joaquin

**G. MORRISON, ANTHONY**

**C60307**

Sentencing Court: San Bernardino

**H. SOTELLO, ADAM**

**J55703**

Sentencing Court: San Benito

**I. TONN, DAVID**

**BB4289**

Sentencing Court: San Diego

**J. ZELL, MICHAEL**

**H76886**

Sentencing Court: Los Angeles

11. 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).

**K. BLISS, RICHARD**

**K46957**

Sentencing Court: Monterey

### **OPEN COMMENTS**

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.

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**