



En Banc Decision

BOARD OF PAROLE HEARINGS

Tuesday, July 21, 2020

SMITH, JEFFREY

CASE NUMBERS CRN7467 AND CRN13649

Governor-referred pursuant to Penal Code section 4802 to review a pardon application

Sentencing Court: San Diego

Motion: On the application of Jeffrey Smith for pardon, the Board with the majority of commissioners concurring, hereby makes the recommendation required by Penal Code section 4813 for the Governor to grant a pardon.

Motion by: Sharrieff

Second by: Barton

Not Present: Long

Abstained:

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

CARROLL, MATTHEW

H83081

Penal Code section 1170(e)

Sentencing Court: El Dorado

Motion: Recommend to the court that Matthew Carroll's sentence be recalled and that Matthew Carroll 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 Matthew Carroll would be released would not pose a threat to public safety to live with his sister.

Motion by: Minor

Second by: Cassady

Not Present: Long

Abstained:

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

MCGEE, MAURICE

K95332

Penal Code section 1170(e)

Sentencing Court: Santa Clara

Motion: Recommend to the court that Maurice McGee's sentence be recalled and that Maurice McGee 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 Maurice McGee would be released would not pose a threat to public safety to live at the Missionaries of Charity Gift of Love Hospice.

Motion by: Thornton

Second by: Cassady

Not Present: Long

Abstained:

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

BURCH, CLARENCE

C49694

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: Los Angeles

Motion: Affirm the panel's February 26, 2020 decision to grant parole, as articulated in the panel's proposed decision.

Motion by: Barton

Second by: Castro

Not Present: Dobbs, Long

Abstained: Anderson

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

COOPER, MICHAEL

D35909

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: San Bernardino

Motion: Refer for a rescission hearing to consider whether the panel's March 6, 2020 grant of parole was improvident, based on the concerns cited in the Governor's referral letter dated July 2, 2020.

Motion by: Cassady

Second by: Ruff

Not Present: Long, Schneider

Abstained:

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

CRUZ, LOIDA

X07286

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: Alameda

Motion: Affirm the panel's February 20, 2020 decision to grant parole, as articulated in the panel's proposed decision.

Motion by: Castro

Second by: Dobbs

Not Present: Long, Thornton

Abstained:

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

HARWOOD, WILLIAM

F88218

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: Orange

Motion: Affirm the panel's March 3, 2020 decision to grant parole, as articulated in the panel's proposed decision.

Motion by: Chappell

Second by: Anderson

Not Present: Dobbs, Long

Abstained:

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

HUDSON, CHARLES

C11763

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: San Diego

Motion: Affirm the panel's February 25, 2020 decision to grant parole, as articulated in the panel's proposed decision.

Motion by: Dobbs

Second by: Gutierrez

Not Present: Anderson, Long

Abstained:

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

HUDSON, CHARLES

C11763

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: San Diego

Motion: Vacate the July 21, 2020 en banc decision affirming grant of parole. (Cal. Code of Regs., tit. 15, § 2451, subd. (b).)

Motion by: Barton

Second by: Castro

Not Present: Anderson, Long

Abstained:

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

HUDSON, CHARLES

C11763

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: San Diego

Motion: Refer for a rescission hearing to consider whether the panel's February 25, 2020 grant of parole was improvident, based on the concerns cited in the Governor's referral letter dated June 25, 2020.

Motion by: Dobbs

Second by: Sharrieff

Not Present: Anderson, Long

Abstained:

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

LUNA, DANIEL

V38772

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: Los Angeles

Motion: Affirm the panel's February 12, 2020 decision to grant parole, as articulated in the panel's proposed decision.

Motion by: Grounds

Second by: Dobbs

Not Present: Castro, Long

Abstained: Barton, Chappell

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

MILLER, JUSTIN

V39447

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: Lake

Motion: Affirm the panel's March 13, 2020 decision to grant parole, as articulated in the panel's proposed decision.

Motion by: Gutierrez

Second by: Castro

Not Present: Barton, Long

Abstained:

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

SERRANO, FRANK

H21510

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: San Bernardino

Motion: Affirm the panel's March 5, 2020 decision to grant parole, as articulated in the panel's proposed decision.

Motion by: Taira

Second by: Dobbs

Not Present: Long, Thornton

Abstained: Chappell, De La Torre

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

STARKES, KAREEM

J56138

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: Sacramento

Motion: Refer for a rescission hearing to consider whether the panel's March 5, 2020 grant of parole was improvident, based on the concerns cited in the Governor's referral letter dated June 25, 2020.

Motion by: Ruff

Second by: Anderson

Not Present: Grounds, Long

Abstained:

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

JONES, CHARLES

C32991

Panel-Referred pursuant to Penal Code section 3041, subdivision (a)(5)

Sentencing Court: Los Angeles

Motion: Vacate the panel's June 10, 2020 decision to deny parole and schedule a new hearing on the next available calendar.

Motion by: Dobbs

Second by: Ruff

Not Present: Long

Abstained: Barton

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

HAMILTON, GREGORY

D19499

Tie Vote pursuant to Penal Code section 3041

Sentencing Court: San Francisco

Motion: **The Board finds that Gregory Hamilton poses an unreasonable risk of danger and denies parole for three years for the reasons stated by the panel member who voted to deny parole for three years at June 11, 2020 hearing.**

Motion by: San Juan

Second by: Anderson

Not Present: Long, Chappell

Abstained:

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