



# **AGENDA**

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

**TUESDAY, SEPTEMBER 15, 2020**

### **CLOSED SESSION**

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

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

### **DISCUSSION**

#### **Overview of Pending Litigation and Writs of Habeas Corpus Pursuant to Government Code section 11126, subdivision (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, presented by Jessica Blonien, Chief Counsel, and Jennifer Shaffer, Executive Officer
2. *In re Canady*, (C089363, app. pending), presented by Jessica Blonien, Chief Counsel, and Jennifer Shaffer, Executive Officer



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### **NOTICE OF TELEPHONIC MEETING**

In compliance with Executive Order N-29-20 and 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 September 15, 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. Public comment may also be submitted in writing and should be emailed to [BPHEXE.BRDMEETING@cdcr.ca.gov](mailto:BPHEXE.BRDMEETING@cdcr.ca.gov). Written comments must be received by 5:00 p.m. on September 14, 2020, to ensure consideration by the full Board.

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinators at (916) 445-4490 or (916) 319-9674, at least five (5) working days prior to the scheduled meeting.

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.**

Call in number: 1-877-601-3547

Participant Code: 6281453

### **MEETING CALLED TO ORDER**

1. Roll Call

## **CONSENT CALENDAR**

2. Vacate the August 18, 2020 approval of the Draft Minutes from the July 21, 2020 Board of Parole Hearings Executive Board Meeting, and approve the Amended Draft Minutes from the July 21, 2020 Executive Board Meeting.
3. Approval of the Draft Minutes from the August 18, 2020 Board of Parole Hearings Executive Board Meeting.
4. Approval of the Parole Suitability Hearings and Backlog Report for September 2020.
5. Approval of Motions for Hearings with Procedural Errors.

### **A. ADAMS, RICKY**

**P09684**

Sentencing Court: Los Angeles

**Motion:** Vacate the panel's July 28, 2020 decision and schedule a new hearing in order to comply with the recording requirement in Penal Code section 3041.5, subdivision (a)(4).

### **B. AGUIRRE, EDWARD**

**E38406**

Sentencing Court: Riverside

**Motion:** Vacate the panel's July 28, 2020 decision and schedule a new hearing in order to comply with the recording requirement in Penal Code section 3041.5, subdivision (a)(4).

6. Public Comment on Consent Calendar – Comments are limited to three (3) minutes. Items on the consent calendar are considered routine and non-controversial. All matters are approved by one motion unless a Board Member requests separate action.

## **REPORTS**

7. Report from Executive Officer
  - Introduction of New Commissioner
  - Departure of Commissioner
  - Legislation Update
8. Report from Chief Counsel
  - *In re Poole* (Super. Ct. Alameda County, 2020, No. 96274)
9. Report from Chief Deputy of Program Operations
  - Update on Videoconference Hearings and Extension of Governor's Order N-36-20

10. Report from Chief Deputy of Field Operations

- Staffing Update

11. Report from Chief Psychologist, Forensic Assessment Division

- Staffing Update

**DISCUSSION ITEM**

12. a) Proposed amendments to California Code of Regulations, title 15, sections 2268 and 2270 to be consistent with Penal Code section 3041.5, presented by Jessica Blonien, Chief Counsel

- b) Board Questions and Comments
- c) Public Comments
- d) Motion and Votes

**EN BANC REFERRALS**

13. 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).

**C. ORTIZ, SABASTIAN**

**P98311**

Sentencing Court: Los Angeles

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 three (3) minutes.

**D. BATTEN, ANDRE**

**E28614**

Sentencing Court: Los Angeles

**The Board to consider new confidential information dated August 24, 2020.**

**E. RUSHING, PATRICK**

**D47588**

Sentencing Court: Alameda

**The Board to consider new information regarding Patrick Rushing's security threat group status.**

15. Referral by the Governor pursuant to Penal Code section 3041.1 and California Code of Regulations, title 15, section 2044, subdivision (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 three (3) minutes.

**F. AUGUSTUS, QUINTIN**  
**D48491**  
Sentencing Court: Los Angeles

**G. COGLIANESE, GREGORY**  
**H02117**  
Sentencing Court: Solano

**H. FORD JR., HENRY**  
**C35585**  
Sentencing Court: San Bernardino

**I. FRYE, VIRGIL**  
**D19811**  
Sentencing Court: Los Angeles

**J. GRIFFIN, JOHNNY**  
**C77514**  
Sentencing Court: Alameda

**K. PRICE, MELVIN**  
**F37541**  
Sentencing Court: Los Angeles

**L. PROKOP, EDWARD**  
**C38289**  
Sentencing Court: San Luis Obispo

**OPEN COMMENTS**

16. Public Comment – Comments are limited to three (3) 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 en banc cases will be posted within 24 hours in the lobby at 1515 K Street, and on the BPH Website at the following address:

<https://www.cdcr.ca.gov/bph/enbanc/>.

**MEETING RECESSED**



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**TUESDAY, SEPTEMBER 15, 2020**

### **CLOSED SESSION**

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

**START TIME: Upon Recess of Public Session**

### **CLOSED SESSION – EN BANC REFERRALS**

Pursuant to Government Code section 11126, subdivision (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**