



## **AGENDA**

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

**MONDAY, AUGUST 16, 2021**

BPH Agenda Webpage: <https://www.cdcr.ca.gov/bph/meeting-agenda/>

### **NOTICE OF VIRTUAL 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 virtually in the August 16-17, 2021, Executive Board Meeting.

To ensure successful participation in the meeting, members of the public are encouraged to go to the Board's webpage at <https://www.cdcr.ca.gov/bph/meeting-agenda/> and review the documents titled "Public Comment Videoconference Tips for Success" and "How to Join a MS Teams Executive Board Meeting."

To join the meeting by video, use a computer or mobile device to access this link: <https://tinyurl.com/rff8pppc>. The Board utilizes Microsoft Teams for virtual participation, which may require the user to download the application. Participants should refer to the "How to Join a MS Teams Executive Board Meeting" document on the Board's agenda webpage for further instructions. **TO MINIMIZE DISRUPTION, PLEASE LOG INTO THE MEETING AT LEAST FIVE (5) MINUTES EARLY.**

To join the meeting by telephone, dial (916) 701-9994 and enter the following phone conference ID code when prompted: 884 667 865#.

Those wishing to speak should complete and submit a speaker card before the meeting to [Sylvia.Paredes@cdcr.ca.gov](mailto:Sylvia.Paredes@cdcr.ca.gov). The speaker card is available on the Board's website at <https://www.cdcr.ca.gov/bph/meeting-agenda/>. You may also call (916) 322-4752 to register your speaker information. If the telephone number goes to voicemail, please leave the information on the recording so the moderator may appropriately identify you when it is your time to speak. You may submit the speaker card any time after this agenda is posted.

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 10:00 a.m. on August 16, 2021, to ensure consideration by the full Board.

Our August Executive Board Meeting has a large number of cases on the agenda. In order to allow time for everyone to make comments, we will limit public comments to two minutes per speaker. We understand you have important information to convey, thus we strongly encourage you to submit written testimony before the hearing by emailing it to [BPHEXE.BRDMEETING@CDCR.CA.GOV](mailto:BPHEXE.BRDMEETING@CDCR.CA.GOV). Please note that any written testimony submitted is considered public comment, and so long as it is timely submitted (by 10:00 a.m. the day of the vote), it will be considered before the Commissioners vote. If you submit written comments, there is no need to repeat these comments orally at our meeting. Board members review written comments before deliberating and voting on all issues pending before the 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.

### **OPEN SESSION**

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

**START TIME:** 1:00 p.m.

**Video:** <https://tinyurl.com/rff8pppc>

**Call in number:** (916) 701-9994

**Phone Conference ID Code:** 884 667 865#

### **MEETING CALLED TO ORDER**

1. Roll Call

### **CONSENT CALENDAR**

2. Approval of the Draft Minutes from the July 19-20, 2021 Board of Parole Hearings Executive Board Meeting.
3. Approval of the Parole Suitability Hearings and Backlog Report for August 2021.

4. Approval of Motion for Hearings with Procedural Errors

**A. AXELL, LYNDA**

**W34640**

Sentencing Court: Ventura

**Motion:** Vacate the panel's June 30, 2021 decision and schedule a new hearing in order to comply with the recording requirement in Penal Code section 3041.5, subdivision (a)(4).

**B. SMOTHERS, JERMAINE**

**K11293**

Sentencing Court: San Diego

**Motion:** Vacate the panel's April 30, 2021 decision and schedule a new hearing in order to comply with the recording requirement in Penal Code section 3041.5, subdivision (a)(4).

5. Public Comment – Comments are limited to a maximum of two (2) 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

- Implementation of Assembly Bill 3234 Elderly Parole
- Commissioner Appointments

7. Report from Chief Counsel

- Litigation Update

**DISCUSSION ITEMS**

8.
  - a) Elderly Parole Regulations
  - b) Board Questions and Comments
  - c) Public Comments
  - d) Motion and Votes
9.
  - a) Emergency Regulations for Proceedings Conducted in Person and by Videoconference
  - b) Board Questions and Comments
  - c) Public Comments
  - d) Motion and Votes

## **PRESENTATIONS**

10. Update on the Expanded Medical Parole Referral Process, presented by Grace Song, M.D., Deputy Medical Executive, California Correctional Health Care Services.

## **EN BANC REFERRALS**

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).

**C. FLORES, JOSE**

**AF4775**

Sentencing Court: Fresno

**D. LEASURE, WILLIAM**

**H21376**

Sentencing Court: Los Angeles

12. 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 two (2) minutes.

**E. BLOCKER, MITCHELL**

**D13233**

Sentencing Court: Alameda

**F. CHAVEZ, FRANK**

**C19093**

Sentencing Court: Santa Clara

**G. RICHARDSON, ELLEN**

**W65805**

Sentencing Court: Sacramento

**H. SANDOVAL, ESTEBAN**

**P98823**

Sentencing Court: San Diego

**OPEN COMMENTS**

13. BPH Commissioners – Agenda Items for Future Meetings

14. Public Comment – Comments are limited to two (2) 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**



## **AGENDA**

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

**MONDAY, AUGUST 16, 2021**

#### **CLOSED SESSION**

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

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

#### **Discussion**

##### **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.")*

**MEETING RECESSED TO AUGUST 17, 2021**



## **AGENDA**

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

**TUESDAY, AUGUST 17, 2021**

BPH Agenda Webpage: <https://www.cdcr.ca.gov/bph/meeting-agenda/>

#### **NOTICE OF VIRTUAL MEETING**

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### **OPEN SESSION**

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

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

**Video:** <https://tinyurl.com/36p69nfy>

**Call in number:** (916) 701-9994

**Phone Conference ID Code:** 927 291 136#

### **MEETING CALLED TO ORDER**

15. Roll Call

### **EN BANC REFERRALS**

16. 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 two (2) minutes.

#### **I. ALBARRAN, MIGUEL**

**AD2958**

Sentencing Court: Riverside

#### **J. CARRANZA, JOSE**

**T62521**

Sentencing Court: Los Angeles



- K. CORIO, FERNANDO**  
**G52149**  
Sentencing Court: Los Angeles
- L. DE LA TORRE, SCOTTY**  
**BB7570**  
Sentencing Court: Imperial
- M. FOLEY, JAMES**  
**G01630**  
Sentencing Court: Santa Clara
- N. HODGE, RUSSELL**  
**AN6846**  
Sentencing Court: Butte
- O. MCREYNOLDS, HULEN**  
**H30199**  
Sentencing Court: Los Angeles
- P. MENJIVAR, JUAN**  
**V02642**  
Sentencing Court: Los Angeles
- Q. PETERSON, BRIAN**  
**AK0416**  
Sentencing Court: San Diego
- R. PETERSON, DENNIS**  
**P92157**  
Sentencing Court: Placer
- S. PITTS, PAUL**  
**C55284**  
Sentencing Court: San Diego
- T. RUSSELL, ALBERT**  
**E83491**  
Sentencing Court: Los Angeles
- U. SANCHEZ, ANTHONY**  
**H37366**  
Sentencing Court: Los Angeles

**V. SANTIBANEZ, RICHARD**  
**K13448**  
Sentencing Court: Santa Clara

**W. SEWARD, PAUL**  
**B95444**  
Sentencing Court: Los Angeles

**X. THOMAS, JEAN**  
**C80782**  
Sentencing Court: Los Angeles

**Y. TURNER, KIRK**  
**E24884**  
Sentencing Court: San Bernardino

**Z. WILLIAMS, DARRELL**  
**T84485**  
Sentencing Court: Contra Costa

**AA. WIRTH, JAMES**  
**T67568**  
Sentencing Court: Sacramento

17. Referral by a hearing panel member pursuant to Penal Code section 3041(a)(5) and California Code of Regulations, title 15, section 2044(a) to request review of a parole decision by the full board. Members of the public may address the Board for a maximum of two (2) minutes. Comments may be limited to less than two (2) minutes when necessary to accommodate the number of speakers.

**BB. OUNHEUAN, KONGCHAI**  
**G34998**  
Sentencing Court: Contra Costa

**OPEN COMMENTS**

18. BPH Commissioners – Agenda Items for Future Meetings

19. Public Comment – Comments are limited to two (2) 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**



## **AGENDA**

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

**TUESDAY, AUGUST 17, 2021**

#### **CLOSED SESSION**

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

**START TIME:** UPON RECESS OF OPEN SESSION

#### **Discussion**

##### **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.")*



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

**TUESDAY, AUGUST 17, 2021**

#### **OPEN SESSION**

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

**START TIME: UPON COMPLETION OF CLOSED SESSION**

#### **ADJOURNMENT**

Open session called to adjourn the August 16-17, 2021, Board of Parole Hearings Executive Board Meeting.