



AGENDA

BOARD OF PAROLE HEARINGS Executive Board Meeting

MONDAY, NOVEMBER 22, 2021

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

NOTICE OF VIRTUAL MEETING

Pursuant to Assembly Bill 361, which became effective under Executive Order N-15-21 on October 1, 2021, 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 November 22-23, 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/BPH11222021>. The Board utilizes Microsoft Teams for virtual participation, which may require the user to download the application.

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To join the meeting by telephone, dial (916) 701-9994 and enter the following phone conference ID code when prompted: 350 229 17#.

Those wishing to speak are encouraged to complete and submit a speaker card before the meeting to 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. Written comments for the consent calendar must be received by 5:00 p.m. on November 21, 2021. Written comments for en banc cases to be heard November 22, 2021, must be received by 10:00 a.m. on November 22, 2021, to ensure consideration by a majority of appointed commissioners.

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. 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 meeting), 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. Commissioners 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: 10:00 a.m.

Video: <https://tinyurl.com/BPH11222021>

Call in number: (916) 701-9994

Phone Conference ID Code: 350 229 17#

MEETING CALLED TO ORDER

1. Roll Call

CONSENT CALENDAR

2. Approval of the Draft Minutes from the October 18-21, 2021 Board of Parole Hearings Executive Board Meeting.
3. Approval of the Parole Suitability Hearings and Backlog Report for November 2021.
4. Approval of Motion for Hearings with Procedural Errors – No motions to consider.

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
 - Board Commissioner appointments
 - Outreach
7. Report from Chief Deputy of Program Operations
 - Updated hearing notices under Penal Code sections 3042 and 3043
 - Update on Conducting In-Person Hearings
 - Update on Attorney Appointment Guide
8. Report from Chief, California Department of Corrections and Rehabilitation, Office of Victim and Survivor Rights and Services
 - 2021 Report
 - Electronic Services Available
 - Victim Request for Services
<https://www.cdcr.ca.gov/victim-services/application/>
 - Dustin's Law Notification information and registration
<https://www.cdcr.ca.gov/victim-services/dustins-law-notification/>
 - Restitution information and link to Unclaimed Restitution Portal
 - <https://www.cdcr.ca.gov/victim-services/unclaimed-restitution/>

EN BANC PAROLE CASES, DAY ONE

The following commissioners will participate in public comment, deliberations, and voting on items 9 through 25.

- Anderson
- Cassidy
- Dobbs
- Garcia
- Grounds
- Nwajei
- Ruff
- San Juan
- Schneider
- Sullivan
- Thornton
- Zarrinam

EN BANC REFERRALS

Referral by the Governor pursuant to Penal Code section 4802 to review a pardon application. Members of the public may address the Board for a period not to exceed two (2) minutes.

9. RAMEY, ROYAL (AD6610)

Case Numbers: FSB059939 and FSB1000282

County: San Bernardino

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.

10. BORK, MAURICE (D16559)

Sentencing Court: San Francisco

The board to consider new information regarding institutional misconduct dated August 27, 2021.

11. CATES, JOE (C24943)

Sentencing Court: Contra Costa

The board to consider whether there was an error of law pursuant to Penal Code section 3041, subdivision (b).

12. GILBERT, GARY (K11264)

Sentencing Court: Los Angeles

The board to consider new confidential information dated November 2, 2021.

13. MULLINS, TERRENCE (P04440)

Sentencing Court: Solano

The board to consider new information regarding institutional misconduct dated August 26, 2021.

14. NELSON, JEREAL (J17855)

Sentencing Court: San Joaquin

The board to consider new confidential information dated November 5, 2021.

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 a majority of appointed commissioners. Members of the public may address the Board for a period not to exceed two (2) minutes.

15. **FLORENCE, JAMES (P05118)**
Sentencing Court: San Bernardino
16. **FRASIER, TRAVYON (AA6560)**
Sentencing Court: Los Angeles
17. **HERNANDEZ, FABIAN (F95590)**
Sentencing Court: Ventura
18. **JOHNSON, GIL (D08483)**
Sentencing Court: Los Angeles
19. **MOLINA, LEANDRO (P43004)**
Sentencing Court: Los Angeles
20. **NGUYEN, ANTHONY (G57782)**
Sentencing Court: Los Angeles
21. **SMITH, NATHAN (V70198)**
Sentencing Court: Sacramento
22. **TYLER, BRENT (V45154)**
Sentencing Court: Sacramento
23. **UPHAM, DAVID (C66279)**
Sentencing Court: Monterey
24. **WILLIAMS, CHARLES (C46307)**
Sentencing Court: Los Angeles

25. **WRIGHT, ERICK (V26049)**
Sentencing Court: Riverside

OPEN COMMENTS

26. BPH Commissioners – Agenda Items for Future Meetings
27. 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, NOVEMBER 22, 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 TUESDAY, NOVEMBER 23, 2021



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BOARD OF PAROLE HEARINGS Executive Board Meeting

TUESDAY, NOVEMBER 23, 2021

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

Armstrong v. Brown (N.D. Cal., Case No. C-94-3207-CW)(pending), presented by Jennifer Shaffer, Executive Officer, and Jessica Blonien, Chief Counsel



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Phone Conference ID Code: 503 403 60#

MEETING RECONVENED (continued from November 22, 2021)

28. Roll Call

EN BANC DAY TWO

The following commissioners will participate in public comment, deliberations, and voting on items 29 through 42.

- Anderson
- Barton
- Chappell
- Garcia
- Grounds
- Long
- Minor

- Nwajei
- San Juan
- Sharrieff
- Taira
- Thornton

EN BANC REFERRALS

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 a majority of appointed commissioners. Members of the public may address the Board for a period not to exceed two (2) minutes.

29. BARCELEAU, MELISSA (WF6252)

Sentencing Court: Los Angeles

30. BLANKS, CHRISTOPHER (T08316)

Sentencing Court: San Bernardino

31. BODINE, HARRY (H34314)

Sentencing Court: Tulare

32. FRANSEN, BENJAMIN (F29177)

Sentencing Court: Los Angeles

33. GLEASON, MARK (K51840)

Sentencing Courts: Fresno, Tulare

34. HERNANDEZ, ALBERTO (E13762)

Sentencing Court: Los Angeles

35. MORADI, HAMID (D99691)

Sentencing Court: San Francisco

36. PADILLA, EDWARD (E81772)

Sentencing Court: Kern

37. RODRIGUEZ, JUAN (AA0171)

Sentencing Court: Sacramento

38. SAVAIINAEA, KOMISI (F00196)

Sentencing Court: San Diego

39. SHANNON, JAMES (T36540)

Sentencing Court: Los Angeles

40. STAFFORD, KEVIN (C16206)

Sentencing Court: Santa Clara

41. TOMPKINS, MARK (H24299)

Sentencing Court: San Diego

42. VELASQUEZ, BENNY (C86730)

Sentencing Court: Fresno

43. VILLARREAL, MANUEL (V49752)

Sentencing Court: Los Angeles

OPEN COMMENTS

44. BPH Commissioners – Agenda Items for Future Meetings

45. 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.

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Discussion

En Banc Referrals

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BOARD OF PAROLE HEARINGS

Executive Board Meeting

TUESDAY, NOVEMBER 23, 2021

OPEN SESSION

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START TIME: UPON COMPLETION OF CLOSED SESSION

ADJOURNMENT

Open session called to adjourn the November 22-23, 2021 Board of Parole Hearings Executive Board Meeting.