



AGENDA

BOARD OF PAROLE HEARINGS Executive Board Meeting

MONDAY, DECEMBER 20, 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 December 20-21, 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/BPH122021>. 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: 129 376 384#.

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 December 19, 2021. Written comments for en banc cases to be heard December 20, 2021, must be received by 12:00 p.m. on December 20, 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 12:00 p.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/BPH122021>

Call in number: (916) 701-9994

Phone Conference ID Code: 129 376 384#

MEETING CALLED TO ORDER

1. Roll Call

CONSENT CALENDAR

2. Approval of the Draft Minutes from the November 22-23, 2021 Board of Parole Hearings Executive Board Meeting.
3. Approval of the Parole Suitability Hearings and Backlog Report for December 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
 - Commissioner Status Update
7. Report from Chief Counsel
 - Regulations Update
8. Report from Chief Deputy of Program Operations
 - In-Person Hearings Update
9. Chief Psychologist, Forensic Assessment Division
 - Staffing Update

DISCUSSION ITEMS

10.
 - a) Elderly Parole Regulations
 - b) Board Questions and Comments
 - c) Public Comments
 - d) Motion and Votes
11.
 - a) Regulations to Comply with Penal Code 3041.5
 - b) Board Questions and Comments
 - c) Public Comments
 - d) Motion and Votes

EN BANC PAROLE CASES, DAY ONE

The following commissioners will participate in public comment, deliberations, and voting on items 12 through 24.

- Anderson
- Barton
- Cassady
- Chappell
- Dobbs
- Minor
- Nwajei
- Purcell
- San Juan

- Schneider
- Sharrieff
- Zarrinam

EN BANC REFERRALS

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).

12. HAWKINS, ROMELLE (C55379)

Sentencing Court: Kern

13. SMITH, KONOLUS (G06539)

Sentencing Court: El Dorado

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.

14. ASKINS, KASEY (J64275)

Sentencing Court: Los Angeles

The board to consider new confidential information dated December 6, 2021.

15. SILVA, KRISTIAN (F84512)

Sentencing Court: Los Angeles, Orange

The board to consider new confidential information dated October 26, 2021 and December 9, 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.

16. BURY, LARRY (J80331)

Sentencing Court: Riverside

17. FRANKLIN, JERRY (K05426)

Sentencing Court: Fresno

18. HERNANDEZ, ANNA (X22869)

Sentencing Court: Los Angeles

19. HOLMES, TIFFANY (WE2726)

Sentencing Court: San Joaquin

20. MARTINEZ, HUMBERTO (V00186)

Sentencing Court: Los Angeles

21. ROCCO, CHRISTINE (WF6184)

Sentencing Court: Stanislaus

22. TRAN, VINH (K48016)

Sentencing Court: San Bernardino

23. WAGNER, THEOPHILUS (C59729)

Sentencing Court: Los Angeles

24. WHITFIELD, DEWAYNE (K68884)

Sentencing Court: San Diego

OPEN COMMENTS

25. BPH Commissioners – Agenda Items for Future Meetings

26. 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, DECEMBER 20, 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, DECEMBER 21, 2021



AGENDA

BOARD OF PAROLE HEARINGS Executive Board Meeting

TUESDAY, DECEMBER 21, 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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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 12:00 p.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.

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OPEN SESSION

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START TIME: 10:00 a.m.

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Call in number: (916) 701-9994

Phone Conference ID Code: 270 148 891#

MEETING RECONVENED (continued from December 20, 2021)

27. Roll Call

EN BANC DAY TWO

The following commissioners will participate in public comment, deliberations, and voting on items 28 through 39.

- Barton
- Chappell
- Garcia
- Garland
- Grounds
- Long
- Minor

- O'Meara
- Ruff
- Sullivan
- 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.

28. CUEVAS, RAFAEL (G47295)

Sentencing Court: San Francisco

29. DAVIS, FLOYD (AG7506)

Sentencing Court: Los Angeles

30. FLORES, JOSE (AF4775)

Sentencing Court: Fresno

31. JACKSON, JOHN (C09478)

Sentencing Court: Los Angeles

32. MARLER, MICHAEL (D47940)

Sentencing Court: San Bernardino

33. MCKINNEY, NATHAN (P48614)

Sentencing Court: Los Angeles

34. RICHARDSON, HAROLD (C48305)

Sentencing Court: San Francisco

35. ROSILES, FRANK (AL3995)

Sentencing Court: Yuba

36. TERRY, OTIS (H60487)

Sentencing Court: Kern

37. TRUJILLO, JESUS (AL2029)

Sentencing Court: Los Angeles

38. WALKER, NICK (P46706)

Sentencing Court: Los Angeles

39. WILEY, BARRY (H62401)

Sentencing Court: Santa Clara

OPEN COMMENTS

40. BPH Commissioners – Agenda Items for Future Meetings

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MEETING RECESSED



AGENDA

BOARD OF PAROLE HEARINGS Executive Board Meeting

TUESDAY, DECEMBER 21, 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.")



AGENDA

BOARD OF PAROLE HEARINGS

Executive Board Meeting

TUESDAY, DECEMBER 21, 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 December 20-21, 2021 Board of Parole Hearings Executive Board Meeting.