



## **AGENDA**

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

**MONDAY, MAY 16, 2022**

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

#### **NOTICE OF EXECUTIVE BOARD MEETING**

Pursuant to Government Code section 11123, Board commissioners will meet in person at 1515 K Street. To minimize the spread and mitigate the effects of COVID-19, the Board of Parole Hearings has arranged for interested parties, and members of the public to participate either virtually or in person at the May 16-17, 2022 Executive Board Meeting.

To ensure successful participation in the meeting, members of the public participating by videoconference or telephone 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 Troubleshooting" 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/05162022>. 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: 816 221 026#.

The public may also join the meeting in person at 1515 K Street, Suite 550, Sacramento, California 95814.

Those wishing to speak are encouraged to 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 for the consent calendar must be received by 5:00 p.m. on May 15, 2022. Written comments for en banc cases to be heard May 16, 2022, must be received by 1:00 p.m. on May 16, 2022, 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](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 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. No unauthorized weapons are allowed pursuant to Penal Code section 171b.

## **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/05162022>

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

**Phone Conference ID Code:** 816 221 026#

**Physical location of meeting:** 1515 K Street, Suite 550, Sacramento, California 95814

## **MEETING CALLED TO ORDER**

1. Roll Call

## **CONSENT CALENDAR**

2. Approval of the Draft Minutes from the April 18-19, 2022 Board of Parole Hearings Executive Board Meeting.
3. Approval of the Parole Suitability Hearings and Backlog Report for May 2022.

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, Jennifer Shaffer
  - Training Update
  - Commissioner Appointments
7. Report from Chief Psychologist, Forensic Assessment Division, Dr. Cliff Kusaj
  - Training Update
  - Outreach Update
8. Report from Assistant Chief of Office of Victim and Survivor Rights and Services, Mike Young
  - Parole Hearing Reservation Portal (<https://www.cdcr.ca.gov/victim-services/parole-hearing-reservations/>)
  - Apology Letter Bank (ALB)

## **DISCUSSION ITEMS**

9.
  - a) Videoconference Regulations to Renew Emergency Regulation Package
  - b) Board Questions and Comments
  - c) Public Comments
  - d) Motion and Votes

## **OPEN COMMENTS**

10. BPH Commissioners – Agenda Items for Future Meetings
11. 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.

## **EN BANC PANEL FOR MAY 16, 2022 CASES**

**The following commissioners will participate in public comment, deliberations, and voting on items 12 through 19.**

- Barton
- Chappell
- Garland
- Kozel
- Long
- Minor
- Nwajei
- Purcell
- Schneider
- Sullivan
- Taira
- Thornton

### **EN BANC REFERRALS**

Referral by the Chief Counsel pursuant to Penal Code section 3041, subdivision (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.

#### **12. ROJAS, JUAN (F35491)**

Sentencing Courts: Los Angeles, Kern

**The board to consider whether the proposed decision complies with Penal Code section 3041.5, subdivision (b)(3)(C).**

#### **13. SCALES, SEAN (P90283)**

Sentencing Court: San Bernardino

**The board to consider new confidential information dated February 28, 2022.**

#### **14. SEPULVEDA, AURELIO (J76828)**

Sentencing Court: Riverside

**The board to consider institutional misconduct dated March 1, 2022.**

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, and 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.

#### **15. ROBINSON, DANIEL (P20691)**

Sentencing Court: Yolo

**The board to consider institutional misconduct dated March 22, 2022, the concerns included in the Governor's referral dated March 25, 2022, and new confidential information dated April 19, 2022.**

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. AYERS, ANTHONY (C46747)**

Sentencing Court: Los Angeles

**17. BRADLEY, NICOLE (W82508)**

Sentencing Court: Sonoma

**18. MARKHAM, CHESTON (K32799)**

Sentencing Court: Santa Clara

**19. SMITH, DANIEL (P21875)**

Sentencing Court: San Diego

**MEETING RECESSED**



## **AGENDA**

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

**MONDAY, MAY 16, 2022**

#### **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, MAY 17, 2022**



## **AGENDA**

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

**TUESDAY, MAY 17, 2022**

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

**Video Link:** <https://tinyurl.com/05172022>

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

**Phone Conference ID Code:** 217 034 67#

**Physical location of meeting:** 1515 K Street, Suite 550, Sacramento, California 95814

## **MEETING RECONVENED (continued from May 16, 2022)**

20. Roll Call

## **EN BANC PANEL FOR MAY 17, 2022 CASES**

The following commissioners will participate in public comment, deliberations, and voting on items 21 through 27.

- Cassidy
- Chappell



- Garcia
- Garland
- Long
- Muniz
- Ndudim
- O'Meara
- Purcell
- Ruff
- Sharrieff
- Sullivan

**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.

**21. RUEHLE, JULIE**

**X04848**

Sentencing Court: Kern

Referral by the Chief Counsel pursuant to Penal Code section 3041, subdivision (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.

**22. LYMAN, KEVION (K89164)**

Sentencing Court: Los Angeles

**The board to consider new confidential information dated March 2, 2022.**

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.

**23. BYRD, MICHAEL (C30045)**

Sentencing Court: San Bernardino

**24. CHANTHALUXAY, SANGPHET (J24177)**

Sentencing Court: Los Angeles

**25. DAWKINS, ANTHONY (E40626)**

Sentencing Court: Los Angeles

**26. GRAYSON, ALFRED (P52377)**

Sentencing Court: Sacramento

**27. SCONCE, DAVID (AP3966)**

Sentencing Court: Los Angeles

**28. SMITH, DAVID (P41576)**

Sentencing Court: Santa Clara

**OPEN COMMENTS**

29. BPH Commissioners – Agenda Items for Future Meetings

30. 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**



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**TUESDAY, MAY 17, 2022**

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

#### **Discussion**

##### **En Banc Referrals**

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## **AGENDA**

### **BOARD OF PAROLE HEARINGS**

#### **Executive Board Meeting**

**TUESDAY, MAY 17, 2022**

#### **OPEN SESSION**

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

**START TIME:** Upon Completion of Closed Session

**Video Link:** <https://tinyurl.com/05172022>

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

**Phone Conference ID Code:** 217 034 67#

**Physical location of meeting:** 1515 K Street, Suite 550, Sacramento, California 95814

#### **ADJOURNMENT**

Open session called to adjourn the May 16-17, 2022 Board of Parole Hearings Executive Board Meeting.