



AGENDA

BOARD OF PAROLE HEARINGS Executive Board Meeting

MONDAY, MARCH 20, 2023

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

NOTICE OF EXECUTIVE BOARD MEETING

Pursuant to Senate Bill 189, which became effective on June 30, 2022, the Board of Parole Hearings has arranged for interested parties and members of the public to participate virtually or by telephone, in the March 20 and 21, 2023 Executive Board Meeting. Commissioners and board staff will appear virtually for the meeting this month. There is no option to attend this meeting in person.

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/BPHExecutiveBoardMeeting>. The board uses 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: 520 739 063#

Those wishing to speak are encouraged to complete and submit a speaker card before the meeting to BPH.SpeakerCards@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.

In order to allow time for everyone to make comments, public comment is limited to two minutes per speaker. We understand you have important information to convey; thus, we strongly encourage you to submit written testimony before the meeting by emailing your comments to BPHEXE.BRDMEETING@cdcr.ca.gov. The board must receive written comments for the consent calendar by 5:00 p.m. the day before the meeting. The board must receive written comments for en banc cases on the March 20, 2023 agenda, by 10:00 a.m. on March 20, 2023, to ensure consideration by a majority of appointed commissioners.

Please note the board considers any written testimony submitted as public comment. So long as written testimony is 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 the meeting. Commissioners review written comments before deliberating and voting on matters pending before the board.

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinators at (279) 300-5755 or by email at BPH.ADAUnit@cdcr.ca.gov, at least two (2) working days prior to the scheduled meeting.

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/BPHExecutiveBoardMeeting>

Call in number: (916) 701-9994

Phone Conference ID Code: 520 739 063#

MEETING CALLED TO ORDER

1. Roll Call

CONSENT CALENDAR

2. Approval of the Draft Minutes from the February 21 and 22, 2023 Board of Parole Hearings Executive Board Meeting.
3. Approval of the Parole Suitability Hearings and Backlog Report for March 2023.
4. Approval of Motion for Hearings with Procedural Errors – No motions to consider.
5. Public Comment on Consent Calendar – Comments are limited to a maximum of two (2) minutes.

REPORTS

6. Report from the Executive Officer
 - Legislative Update
7. Report from the Chief Counsel
 - Staffing Update

OPEN COMMENTS

8. Board Commissioners – Agenda Items for Future Meetings
9. Public Comment – Comments are limited to two (2) minutes. Comments are not allowed for items already subject to public comment and decided by the board. The board will not consider comments about future parole hearings. Please send those comments to the prison where the incarcerated person is housed so the panel assigned to the hearing can consider these comments.

EN BANC PANEL FOR MARCH 20, 2023 CASES

The following commissioners are anticipated to participate in public comment, deliberations, and voting on items 10 through 28.

- Commissioner Barton
- Commissioner Chappell
- Commissioner Dobbs
- Commissioner Garcia
- Commissioner Long
- Commissioner Minor
- Commissioner Nwajei
- Commissioner O'Meara
- Commissioner Ruff
- Commissioner Schneider
- Commissioner Sullivan
- Commissioner Thornton

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).

10. GERONIMO, PABLO (F34230)

Sentencing Court: Santa Clara

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.

11. FLORES, JOSUE (H93811)

County: Los Angeles

12. LILLY, DANNY (N30705)

County: Kern

13. MASON, JEFFREY (J63428)

Counties: Orange, Tuolumne

14. SARVER, ROY (B15822)

County: Los Angeles

15. TAYLOR, BEVERLY (W79278)

County: Orange

16. TORO, JASON (J20633)

County: Alameda

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

17. WONG, ELAINE (W15719)

Sentencing Court: Los Angeles

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.

18. BIVENS, JAMES (J80740)

Sentencing Court: Los Angeles

The board to consider new confidential information dated March 1, 2023.

19. BLAKE, AUDWIN (C18734)

Sentencing Court: Los Angeles

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

20. PATTERSON, JAIVON (H74487)

Sentencing Court: Alameda

The board to consider new disciplinary information dated December 20, 2022.

21. PRATT, THOMAS (E10961)

Sentencing Court: Los Angeles

The board to consider new confidential information dated January 17, 2023.

22. SHAW, ANDRE (F43745)

Sentencing Court: Los Angeles

The board to consider new confidential information dated February 16, 2023.

23. SHELTON, JOSEPH (C40228)

Sentencing Courts: Lassen, Mendocino

The board to consider whether an error of law exists under Penal Code section 3041, subdivision (b).

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.

24. MARTINEZ, JOSE (V69352)

Sentencing Court: San Bernardino

25. NGUYEN, TIEN (AZ8545)

Sentencing Court: Santa Clara

26. RATCLIFFE, CLARENCE (P44409)

Sentencing Court: Riverside

27. RODRIGUEZ, RAMIRO (K56235)

Sentencing Court: Los Angeles

28. VIELMAN, JUAN (K78674)

Sentencing Court: Los Angeles

MEETING RECESSED



AGENDA

BOARD OF PAROLE HEARINGS

Executive Board Meeting

MONDAY, MARCH 20, 2023

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, 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 or consideration is expressly prohibited by statute.")



AGENDA

BOARD OF PAROLE HEARINGS Executive Board Meeting

TUESDAY, MARCH 21, 2023

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NOTICE OF EXECUTIVE BOARD MEETING

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Please note that the board considers any written testimony submitted as public comment. So long as written testimony is 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 matters pending before the board.

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MEETING CALLED TO ORDER

29. Roll Call

EN BANC PANEL FOR MARCH 21, 2023 CASES

The following commissioners are anticipated to participate in public comment, deliberations, and voting on items 30 through 47.

- Commissioner Chappell
- Commissioner Dobbs
- Commissioner Garland
- Commissioner Kozel
- Commissioner Long
- Commissioner Minor
- Commissioner Muñiz
- Commissioner Purcell

- Commissioner Sharrieff
- Commissioner Sullivan
- Commissioner Taira
- Commissioner Weiss

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).

30. DESILVA, MIGUEL (D58821)

Sentencing Court: Los Angeles

Referral by the Chief Counsel to consider ordering a rescission hearing pursuant to California Code of Regulations, title 15, section 2450 et seq. Additionally, this case is a 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.

31. ADAMS, DAVID (K97939)

Sentencing Court: Kern

The board to consider new information dated February 28, 2023.

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.

32. ALLEN, ANDRE (P05749)

Sentencing Court: Los Angeles

33. ANDRADE, TODD (V88970)

Sentencing Court: Madera

34. APPLIN, BLAINE (P65786)

Sentencing Court: San Diego

35. BURKE, TERRANCE (P15892)

Sentencing Court: Placer

36. COTTON, DUANE (K94908)

Sentencing Court: Los Angeles

37. **GOMEZ, JOSEPH (T41858)**
Sentencing Court: Orange
38. **GUYTON, FRANCISCO (P40516)**
Sentencing Court: San Joaquin
39. **HOLIMAN, SCOTT (V28034)**
Sentencing Court: Santa Clara
40. **KUNS, JR., RONALD (P84826)**
Sentencing Court: Kern
41. **LELAND, RHONDA (W62446)**
Sentencing Court: Shasta
42. **MABREY, ALAN (AB8395)**
Sentencing Court: San Diego
43. **RODRIGUEZ, JOSE (T29526)**
Sentencing Court: San Bernardino
44. **RODRIGUEZ, JOSEPH (AB3551)**
Sentencing Court: Riverside
45. **SCHEINUCK, JOSEPH (G64012)**
Sentencing Court: Santa Clara
46. **WILLIAMS, RAYMOND (D18589)**
Sentencing Court: Los Angeles
47. **YBARRA, MICHAEL (V77243)**
Sentencing Court: San Joaquin

OPEN COMMENTS

48. Board Commissioners – Agenda Items for Future Meetings

49. Public Comment – Comments are limited to two (2) minutes. Comments are not allowed for items already subject to public comment and decided by the board. The board will not consider comments about future parole hearings. Please send those comments to the prison where the incarcerated person is housed so the panel assigned to the hearing can consider these comments.

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ADJOURNMENT

Open session called to adjourn the March 20-21, 2023 Board of Parole Hearings Executive Board Meeting.