



En Banc Decisions
BOARD OF PAROLE HEARINGS

Tuesday, November 21, 2023

CONSTANCIO, OSCAR
F97269

Referred by the Chief Counsel under Penal Code 3041, subdivision (b)
Sentencing Court: Sacramento

Motion: Vacate the panel's September 8, 2023 decision to grant parole based on new confidential information dated October 24, 2023, which the panel finds reliable, and schedule a new hearing on the next available calendar.

Motion by: Chappell

Second by: Cassady

Not Present: Barton, Dobbs, Garland, Muñiz, Ndudim, O'Meara, Ruff, Weiss

Abstained:

Decision: Motion approved by a majority of the commissioners present.

ELPUZ, BENJAMIN
AS6425

Referred by the Chief Counsel under Penal Code 3041, subdivision (b)
Sentencing Court: Los Angeles

Motion: Vacate the panel's July 26, 2023 decision to grant parole based on new confidential information dated October 23, 2023, which the panel finds reliable, and schedule a new hearing on the next available calendar.

Motion by: Long

Second by: Sharrieff

Not Present: Barton, Dobbs, Garland, Muñiz, Ndudim, O'Meara, Ruff, Weiss

Abstained:

Decision: Motion approved by a majority of the commissioners present.

MARIS, ANTHONY

P86226

Referred by the Chief Counsel under Penal Code 3041, subdivision (b)

Sentencing Court: Los Angeles

Motion: Vacate the panel's August 31, 2023 decision to grant parole based on alleged institutional misconduct dated September 14, 2023, and schedule a new hearing on the next available calendar.

Motion by: Purcell

Second by: Cassady

Not Present: Barton, Dobbs, Garland, Muñiz, Ndudim, O'Meara, Ruff, Weiss

Abstained:

Decision: Motion approved by a majority of the commissioners present.

ODELL, ERIC

F03425

Referred by the Chief Counsel under Penal Code 3041, subdivision (b)

Sentencing Court: Los Angeles

Motion: Affirm the panel's August 16, 2023 decision to grant parole, as articulated in the panel's proposed decision.

Motion by: Cassady

Second by: Purcell

Not Present: Barton, Dobbs, Garland, Muñiz, Ndudim, O'Meara, Ruff, Weiss

Abstained:

Decision: Motion approved by a majority of the commissioners present.

ARMIJO, CARLOS

BE9414

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: San Bernardino

Motion: Affirm the panel's July 13, 2023 decision to grant parole, as articulated in the panel's proposed decision.

Motion by: Cassady

Second by: Taira

Not Present: Barton, Chappell, Dobbs, Garland, Muñiz, Ndudim, O'Meara, Ruff, Weiss

Abstained:

Decision: Motion approved by a majority of the commissioners present.

BROBST, HAROLD

E20882

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: Los Angeles

Motion: Affirm the panel's June 14, 2023 decision to grant parole, as articulated in the panel's proposed decision.

Motion by: Schneider

Second by: Cassady

Not Present: Barton, Dobbs, Garland, Muñiz, Ndudim, O'Meara, Ruff, Weiss

Abstained:

Decision: Motion approved by a majority of the commissioners present.

CASTANEDA, GEORGE

G22996

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: Tulare

Motion: Affirm the panel's July 12, 2023 decision to grant parole, as articulated in the panel's proposed decision. In addition, the board imposes the following special conditions of parole: (1) do not contact or communicate with your alleged crime partners; (2) promptly report to a Behavioral Health Reintegration Program for evaluation; (3) submit to random drug testing for marijuana; (4) do not possess or consume marijuana; and (5) do not actively participate in, promote, further, or assist in any prison gang, disruptive group, or criminal street gang activity, as enumerated in Penal Code section 186.22, subdivision (e)(1)(A)-(Z), nor violate any gang abatement, injunction, ordinance, or court order. Do not associate with anyone you know, or should know, is a member of a prison gang, disruptive group, or criminal street gang, without prior written approval from a parole agent, nor wear or carry on your person gang colors or any sign, symbol, or paraphernalia you know, or should know, to be associated with gang activity.

Motion by: Taira

Second by: Cassady

Not Present: Barton, Dobbs, Garland, Muñiz, Ndudim, O'Meara, Ruff, Weiss

Abstained:

Decision: Motion approved by a majority of the commissioners present.

DIAZ, CALIXTO

K55491

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: Santa Clara

Motion: Affirm the panel's July 5, 2023 decision to grant parole, as articulated in the panel's proposed decision.

Motion by: Thornton

Second by: Kozel

Not Present: Barton, Dobbs, Garland, Muñiz, Ndudim, O'Meara, Ruff, Weiss

Abstained:

Decision: Motion approved by a majority of the commissioners present.

GARZON, WILLIAM

AL5780

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: Los Angeles

Motion: Affirm the panel's June 27, 2023 decision to grant parole, as articulated in the panel's proposed decision. In addition, the board modifies the existing transitional housing special condition of parole to: participate in a transitional housing program for a minimum of six months. The board also imposes the following condition: do not operate a motor vehicle, with the exception of driving to and from work, school, or to perform other obligations of parole supervision.

Motion by: Long

Second by: Cassady

Not Present: Barton, Dobbs, Garland, Muñiz, Ndudim, O'Meara, Ruff, Weiss

Abstained:

Decision: Motion approved by a majority of the commissioners present.

KENNEDY, PHILLIP

F47457

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: Los Angeles

Motion: Affirm the panel's May 18, 2023 decision to grant parole, as articulated in the panel's proposed decision.

Motion by: Schneider

Second by: Long

Not Present: Barton, Dobbs, Garland, Muñiz, Ndudim, O'Meara, Ruff, Weiss

Abstained:

Decision: Motion approved by a majority of the commissioners present.

KNAPP, ERIC

J10618

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: Sacramento

Motion: Affirm the panel's June 15, 2023 decision to grant parole, as articulated in the panel's proposed decision.

Motion by: Nwajei

Second by: Chappell

Not Present: Barton, Dobbs, Garland, Muñiz, Ndudim, O'Meara, Ruff, Weiss

Abstained:

Decision: Motion approved by a majority of the commissioners present.

MCFARLAND, CARLEY

J71617

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: San Mateo

Motion: Affirm the panel's June 29, 2023 decision to grant parole, as articulated in the panel's proposed decision.

Motion by: Purcell

Second by: Kozel

Not Present: Barton, Dobbs, Garland, Muñiz, Ndudim, O'Meara, Ruff, Weiss

Abstained:

Decision: Motion approved by a majority of the commissioners present.

MOODIE, JASON

BC9194

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: Del Norte

Motion: Affirm the panel's July 6, 2023 decision to grant parole, as articulated in the panel's proposed decision. In addition, the board imposes the following special condition of parole: participate in a transitional housing program for a minimum of one year.

Motion by: Long

Second by: Schneider

Not Present: Barton, Dobbs, Garland, Muñiz, Ndudim, O'Meara, Ruff, Weiss

Abstained:

Decision: Motion approved by a majority of the commissioners present.

O'KEEFE, TIMOTHY

T18599

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: San Diego

Motion: Affirm the panel's July 11, 2023 decision to grant parole, as articulated in the panel's proposed decision.

Motion by: Chappell

Second by: Cassady

Not Present: Barton, Dobbs, Garland, Muñiz, Ndudim, O'Meara, Ruff, Weiss

Abstained:

Decision: Motion approved by a majority of the commissioners present.

ROSS, TERRILL

H09552

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: Los Angeles

Motion: Affirm the panel's May 31, 2023 decision to grant parole, as articulated in the panel's proposed decision.

Motion by: Cassady

Second by: Chappell

Not Present: Barton, Dobbs, Garland, Muñiz, Ndudim, O'Meara, Ruff, Weiss

Abstained:

Decision: Motion approved by a majority of the commissioners present.

VIEHMEYER, ROBBIE

V22154

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: Orange

Motion: Affirm the panel's June 23, 2023 decision to grant parole, as articulated in the panel's proposed decision.

Motion by: Schneider

Second by: Nwajei

Not Present: Barton, Dobbs, Garland, Muñiz, Ndudim, O'Meara, Ruff, Weiss

Abstained:

Decision: Motion approved by a majority of the commissioners present.

WALKER, MILTON

AK6517

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: San Bernardino

First Motion: Affirm the panel's June 9, 2023 decision to grant parole, as articulated in the panel's proposed decision.

Motion by: Purcell

Second by: Schneider

Not Present: Barton, Dobbs, Garland, Muñiz, Ndudim, O'Meara, Ruff, Weiss

Abstained: Cassady

Decision: Motion not approved by a majority of the commissioners present.

Second Motion: Refer for a rescission hearing to consider whether the panel's June 9, 2023 grant of parole was improvident, based on the concerns cited in the Governor's referral letter dated November 3, 2023.

Motion by: Long

Second by: Chappell

Not Present: Barton, Dobbs, Garland, Muñiz, Ndudim, O'Meara, Ruff, Weiss

Abstained: Cassady

Decision: Motion approved by a majority of the commissioners present.

WIELAND, PETE

P91963

Governor-referred pursuant to Penal Code section 3041.1

Sentencing Court: Santa Clara

Motion: Affirm the panel's June 7, 2023 decision to grant parole, as articulated in the panel's proposed decision. In addition, the board imposes the following special condition of parole: do not drive or operate a motor vehicle, with the exception of driving to and from work or medical appointments and as required to perform any duties of employment, without prior written permission from their parole agent and with a valid license.

Motion by: Nwajei

Second by: Schneider

Not Present: Barton, Dobbs, Garland, Kozel, Muñiz, Ndudim, O'Meara, Ruff, Weiss

Abstained:

Decision: Motion approved by a majority of the commissioners present.
