



AGENDA

BOARD OF PAROLE HEARINGS Executive Board Meeting

MONDAY, NOVEMBER 23, 2020

NOTICE OF TELEPHONIC MEETING

In compliance with Executive Order N-29-20 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 in the November 23, 2020 Executive Board Meeting by telephone.

Public comment, including comments on en banc cases, may be made telephonically at 1-877-601-3547, participant code 6281453. Public comment may also be submitted in writing and should be emailed to BPHEXE.BRDMEETING@cdcr.ca.gov. Written comments must be received by 5:00 p.m. on November 22, 2020, to ensure consideration by the full 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.

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

OPEN SESSION

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

MEETING CALLED TO ORDER

1. Roll Call

CONSENT CALENDAR

2. Approval of the Draft Minutes from the October 19-23, 2020 Board of Parole Hearings Executive Board Meeting.
3. Approval of the Parole Suitability Hearings and Backlog Report for November 2020.
4. Approval of Motion for Hearings with Procedural Errors – No motions to consider.
5. Public Comment – Comments are limited to three 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
 - Outreach
7. Report from Chief Counsel
 - Office of Administrative Law approval of Board filing to delete all term calculation regulations

EN BANC REFERRALS

8. 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 three minutes.

A. DUONG, SAMATH
CASE# SA043314-01
Sentencing Court: Los Angeles

9. 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 three minutes.

B. BISHOP, SUZANNE
W71762
Sentencing Court: Riverside

C. CARSON, DOUGLAS
F75302
Sentencing Court: Los Angeles

D. COOPER, YVETTE

W89126

Sentencing Court: San Diego

E. ELERICK, GARY

F64932

Sentencing Court: Santa Clara

F. ESCARENO, ROBERT

H83031

Sentencing Court: Los Angeles

G. HENDERSON, RODNEY

K58552

Sentencing Court: Los Angeles

H. MARTINEZ, RUDY

F65030

Sentencing Court: Los Angeles

I. SIMS, DWAYNE

V69849

Sentencing Court: Los Angeles

OPEN COMMENTS

10. BPH Commissioners – Agenda Items for Future Meetings

11. Public Comment – Comments are limited to three 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.

The decisions for the above cases will be posted as soon as they are finalized in the lobby on the ground floor of 1515 K Street. They will also be posted within 24 hours on the BPH Website at the following address: <https://www.cdcr.ca.gov/bph/enbanc/>.

MEETING RECESSED

BOARD OF PAROLE HEARINGS
Executive Board Meeting

MONDAY, NOVEMBER 23, 2020

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 – Pardons and Commutations

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 NOVEMBER 24, 2020



AGENDA

BOARD OF PAROLE HEARINGS Executive Board Meeting

TUESDAY, NOVEMBER 24, 2020

CLOSED SESSION

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

START TIME: 8:30 a.m.

Discussion

Overview of Facts and Circumstances with Significant Exposure to Litigation Pursuant to Government Code Section 11126(e)(2)(B)(i)

(For purposes of this subdivision, litigation shall be considered pending when any of the following circumstances exist: A point has been reached where, in the opinion of the state body on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the state body.)

Issues

1. *In re Flores* (C089974, app. pending), *In re Mohammad*, review granted January 6, 2020, S259999, and *In re Gadlin*, review granted March 11, 2019, S254599, presented by Jennifer Shaffer, Executive Officer, and Tiffany Shultz, Assistant Chief Counsel, Board of Parole Hearings
2. *In re Curry* (BH012985, habeas petition granted October 27, 2020), presented by George Bakerjian, Senior Staff Attorney

TUESDAY, NOVEMBER 24, 2020

NOTICE OF TELEPHONIC MEETING

In compliance with Executive Order N-29-20 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 in the November 24, 2020 Executive Board Meeting by telephone.

Public comment, including comments on en banc cases, may be made telephonically at 1-877-601-3547, participant code 6281453. Public comment may also be submitted in writing and should be emailed to BPHEXE.BRDMEETING@cdcr.ca.gov. Written comments must be received by 5:00 p.m. on November 23, 2020, to ensure consideration by the full Board.

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OPEN SESSION

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MEETING RECONVENED (continued from November 23, 2020)

12. Roll Call

EN BANC REFERRALS

13. 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 three minutes.

J. MCKINLEY, TERRY

C94117

Sentencing Court: Los Angeles

The Board to consider new information regarding Terry McKinley's alleged institutional misconduct on September 23, 2020.

14. 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 the full board. Members of the public may address the Board for a period not to exceed three minutes.

K. ALVAREZ-OROZCO, ORLANDO

BB1474

Sentencing Court: Fresno

L. BRYANT, WAYNE

K95857

Sentencing Court: Los Angeles

M. BURKE, CARL

P67699

Sentencing Court: San Diego

N. CASTRO, ELIO

D36836

Sentencing Court: Orange

O. DIAZ, SERGIO

G19642

Sentencing Court: Los Angeles

P. LATHAM, YVONNE

WA5302

Sentencing Court: Riverside

Q. LEDBETTER, ROBERT

C58066

Sentencing Court: San Diego

R. MADDEN, BARRY

C25361

Sentencing Court: Los Angeles

S. MCKINLEY, TERRY

C94117

Sentencing Court: Los Angeles

T. REGALDO, ALFREDO
E77977
Sentencing Court: Ventura

U. SANDERS, BRANDON
G68682
Sentencing Court: Los Angeles

V. TURNER, ISHMAEL
H49812
Sentencing Court: San Mateo

15. Referral by a hearing panel member pursuant to Penal Code section 3041(a)(5) and California Code of Regulations, title 15, section 2044(a) to request review of a parole decision by the full board. Members of the public may address the Board for a period not to exceed three minutes.

W. PARKS, JOANN
W47628
Sentencing Court: Los Angeles

OPEN COMMENTS

16. Public Comment – Comments are limited to three 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.

The decisions for the en banc cases will be posted within 24 hours in the lobby at 1515 K Street, and on the BPH Website at the following address:

<https://www.cdcr.ca.gov/bph/enbanc/>.

MEETING RECESSED

**BOARD OF PAROLE HEARINGS
Executive Board Meeting**

TUESDAY, NOVEMBER 24, 2020

CLOSED SESSION

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START TIME: Upon Recess of Open Session

CLOSED SESSION – 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 nor consideration is expressly prohibited by statute.")

ADJOURNMENT