

**EXECUTIVE REPORT  
ON  
PAROLE REVIEW  
DECISIONS**

**DECISIONS FOR THE PERIOD  
January 1, 2014 through December 31, 2014**



**BY GOVERNOR EDMUND G. BROWN JR.**



OFFICE OF THE GOVERNOR

**MESSAGE FROM THE GOVERNOR  
CONCERNING  
PAROLE REVIEW DECISIONS**

To the Members of the Senate and Assembly of the State of California:

In accordance with article V, section 8, subdivision (b) of the California Constitution, I submit this report on the actions I have taken in 2014 in review of decisions by the Board of Parole Hearings. Of these decisions, I reversed 133. I have included copies of each of my actions.

The report may be found at [http://gov.ca.gov/docs/2014\\_Executive\\_Report\\_on\\_Parole\\_Review\\_Decisions.pdf](http://gov.ca.gov/docs/2014_Executive_Report_on_Parole_Review_Decisions.pdf). You may also call the Governor's Office at (916) 445-2841 for a hard copy of the report.

Sincerely,

  
Edmund G. Brown Jr.

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**ROBIN JACKSON, E-76458**

Second-degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

Robin Jackson lived with his girlfriend, Debra Goode, and their children. In 1988, Mr. Jackson gained custody of his 18-month-old son from another relationship, Joey, who had been in foster care. Over the next year and a half, Joey was severely abused and neglected. Neither Mr. Jackson nor Ms. Goode provided adequate food or water for Joey. He was locked in cabinets, closets, the bathroom, and in a hot car as punishment. He was bound to a bed by his wrists and ankles on a nightly basis. He was hung upside down in a closet just out of reach of food and was forced to eat hot sauce. Joey was repeatedly hit and was never treated for his injuries.

On November 3, 1989, Ms. Goode took Joey to a hospital after she noticed he was unconscious. Efforts to resuscitate Joey were unsuccessful, and he was pronounced dead on arrival. Attending physicians noted that Joey's body exhibited signs of severe abuse and neglect. There was no subcutaneous fat in the cheeks of his face, his chest cavity, or his buttocks. His ribs protruded from his chest and back. Joey's nose was swollen and appeared to have been broken. He had little intra-abdominal fat surrounding his internal organs. He had a large bruise on his forehead, a skull fracture, and bald patches on his head. There were deep ligature marks on his wrists and ankles, and there were indications that he may have been gagged prior to his death. His body was covered with over 34 lesions and bruises in various stages of healing. Although he was almost 3 years old, Joey weighed only 15 pounds when he died. He died of gross malnourishment, chronic dehydration, and blunt force trauma. Ms. Goode's then five-year-old son, Michael, told police investigators that Mr. Jackson sometimes put Joey in closets, had gagged Joey, and knew that Ms. Goode often punished Joey by placing him in closets and cabinets.

**GOVERNING LAW**

The question I must answer is whether Mr. Jackson will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

## DECISION

The Board of Parole Hearings found Mr. Jackson suitable for parole based on his minimal prison misconduct, lack of other criminal history, educational and vocational upgrades, remorse, parole plans, and age.

I acknowledge Mr. Jackson has made efforts to improve himself while incarcerated. He has only been disciplined for serious misconduct once, in 1991. Mr. Jackson earned an associate's degree and completed vocational training. He served as a literacy tutor and on the Men's Advisory Council. He participated in several self-help programs, including Victim Awareness, Narcotics Anonymous, Insight, and Self-Confrontation. I commend Mr. Jackson for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Jackson's crime was utterly despicable. He and his girlfriend tortured his vulnerable toddler son for months. He watched Joey languish while his other children thrived, ignored the abuse Mr. Goode inflicted upon Joey, and abused Joey himself.

Mr. Jackson is not owning up to his responsibility for murdering his son. He primarily characterizes his actions as a failure to protect Joey and failure to realize the extent of Joey's deterioration. He said he only noticed a few physical changes in Joey's final month of life. This is preposterous. Joey weighed only 15 pounds when he died, the average weight of a 4-month-old baby. Furthermore, Joey had over 34 injuries in various stages of healing covering his body. By Mr. Jackson's own account, he spent several hours per week with his family and sometimes bathed and dressed Joey, providing ample opportunity to notice Joey's horrifying physical condition and provide care for him. Although Mr. Jackson has slowly started to acknowledge that he observed some signs of abuse, he did nothing more than ask Ms. Goode a few superficial questions regarding Joey's well-being. It is unbelievable that someone who spent any amount of time around Joey would neither notice nor be troubled by his physical appearance.

During his 2013 hearing, Mr. Jackson told the Board that he chose to "look the other way" while Ms. Goode abused his son. Mr. Jackson explained that because Ms. Goode was the primary caretaker, he trusted that she would care for Joey despite numerous signs that Joey was suffering at the hands of Ms. Goode. The evaluating psychologist opined that "it seemed that by deferring major responsibilities to someone else, he also avoided the accountability for the consequences of the poor choices made on his behalf." I agree. Joey was Mr. Jackson's son, and he was the person who was ultimately responsible for Joey. Mr. Jackson does not understand that his culpability amounted to more than merely a failure to act. He willfully ignored Ms. Goode's abuse and perpetrated his own on Joey. It is clear that Mr. Jackson remains unwilling to admit to himself the full nature of his role in Joey's murder.

I am concerned that Mr. Jackson remains unable to explain why he subjected Joey to months of abuse. During his most recent psychological evaluation he relied heavily on his early exposure to traditional gender roles to explain his complete indifference to Joey's well-being. He also said that he feared Ms. Goode would end the relationship if he asked her too many questions about

Joey, but he could not explain why he was willing to go to such great lengths to preserve their family when doing so was life-threatening for Joey. Mr. Jackson struggled to provide a comprehensible explanation during his hearing when asked why Joey died. Strict adherence to gender roles and a desire to keep his family together do not sufficiently explain how or why Joey's murder occurred. Until Mr. Jackson can better articulate how he could abuse his son to the point that he died of dehydration and malnutrition, he is not ready to be released. I encourage him to participate in available self-help programming and independent study to earnestly work to understand the reasons for Joey's murder.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Jackson is currently dangerous. When considered as a whole, I find the evidence I have discussed shows why he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Jackson.

Decision Date: January 10, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**MACEO WARMACK, E-84649**

Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_

**X**

**STATEMENT OF FACTS**

On August 2, 1990, Maceo Warmack went to a crack house where he regularly used and sold cocaine. Mr. Warmack talked with Jeffrey King, Trina McDonald, and another man and woman who were at the house, then left. Ms. McDonald left soon after Mr. Warmack, and Mr. Warmack approached her on the street, accusing her of stealing money from him. When Ms. McDonald denied having Mr. Warmack's money, he hit her, pushed her into a wall, held a knife to her throat, and threatened to kill her. Mr. Warmack forced Ms. McDonald to return to the backyard of the crack house, where he raped and sodomized her while holding a knife to her throat. Ms. McDonald started screaming, and Mr. King and three others came out of the house. Mr. King hit Mr. Warmack with an iron bar, and Ms. McDonald ran into the house. Mr. King and Mr. Warmack began to fight, and Mr. Warmack stabbed Mr. King three times, killing him. Mr. Warmack was arrested on August 4, 1990. He was initially charged with rape, forced sodomy, and oral copulation; those charges were dropped when Mr. Warmack pled guilty to the murder.

**GOVERNING LAW**

The question I must answer is whether Mr. Warmack will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Warmack suitable for parole based on his remorse, insight, self-help programming, educational and vocational work, and lack of recent institutional misconduct.

I acknowledge Mr. Warmack has made efforts to improve himself while incarcerated. He has participated in some self-help programs, including substance abuse and anger management classes. He received positive ratings from his work supervisors, and he has not been disciplined

for any misconduct since 2004. I commend Mr. Warmack for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Warmack committed a horrendous crime. He attacked Ms. McDonald, raped her at knife point, then beat and stabbed Mr. King to death for coming to her aid.

Mr. Warmack has not taken full responsibility for his actions. He denies having any kind of sexual contact with Ms. McDonald on the night of the murder, and said Mr. King assaulted him with an iron bar after a disagreement about Mr. Warmack's missing money. Mr. Warmack's claims are utterly implausible given the evidence in the record. Ms. McDonald detailed the attack to police, and three other witnesses told police that Mr. Warmack stabbed Mr. King after Mr. King intervened when he saw Mr. Warmack raping Ms. McDonald. Two of those witnesses stated they were in the house when they heard Ms. McDonald screaming, ran outside, and saw Mr. Warmack raping Ms. McDonald while holding a knife to her throat. Mr. Warmack's current claim that he didn't have sex with Ms. McDonald at all on the night of the murder is also contradicted by his statement at the time of the crime that he paid Ms. McDonald for sex, that Mr. King found them having sex and became angry, and that Ms. McDonald claimed Mr. Warmack was raping her after Mr. King discovered them. The fact that Mr. Warmack was not convicted of a sex crime does not change the facts leading up to the murder; indeed, the sexual assault charges were dropped only after Mr. Warmack agreed to plead guilty to murder.

I am also troubled that Mr. Warmack has not sufficiently addressed his troubles with substance abuse or anger. Mr. Warmack had a significant history of substance abuse; he began drinking alcohol at 14 and using cocaine and marijuana at 16. By the time of the murder, he was using cocaine on a daily basis, and he was under the influence on the night of the crime. He described himself as "out of control and angry," and told the Board that his inability to control his substance abuse and his anger were contributing factors in the crime. He also noted that his anger was a major factor in the 14 serious rules violations he incurred while incarcerated, most for violence or confrontations with correctional staff. However, Mr. Warmack has done little to address these significant issues. In the nearly 24 years he has been in prison he has participated in only a handful of substance abuse classes and two anger management classes. In 2013, the psychologist found that Mr. Warmack "has not adequately participated in substance abuse treatment," that he "knew about five of the 12-Steps," and that he "had some difficulty internalizing the tenets of the 12-Step program." It appears that Mr. Warmack has participated in more self-help courses recently than he did in the past, and I encourage him to continue to dedicate himself to these programs to ensure that he will not pose a risk to public safety if he is released. Given his history, however, I am not assured that he has sufficiently addressed these issues and does not pose a current risk to the public if he is released at this time.

CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Warmack is currently dangerous. When considered as a whole, I find the evidence I have discussed shows why he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Warmack.

Decision Date: January 10, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**GORDON ROWE, B-83121**

First-degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

          X          

**STATEMENT OF FACTS**

On October 15, 1976, Gordon Rowe entered a veterinary clinic armed with a 9-millimeter automatic pistol. He held two receptionists at gunpoint, took \$86 from the cash box, and searched their purses for valuables. When a customer tried to run away, Mr. Rowe shot at him several times and then turned and shot one of the receptionists, Joanne Sweet, killing her. Mr. Rowe shot himself in the leg while fleeing, then waived down a passing car that took him to a hospital.

**GOVERNING LAW**

The question I must answer is whether Mr. Rowe will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Rowe suitable for parole based on his remorse, insight, lack of recent institutional misconduct, parole plans, and acceptance of responsibility.

I acknowledge Mr. Rowe has made efforts to improve himself while incarcerated. He has completed vocational work and received positive ratings from his work supervisors. He has participated in some self-help programming, including the Substance Abuse Program, Alternatives to Violence, and Denial Management. He has been in prison for over 37 years, and has not been disciplined for serious misconduct since 1989. I commend Mr. Rowe for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Rowe's crime was callous and entirely without provocation. He shot Ms. Sweet in the course of a robbery although she complied with his demands and posed no threat to him.

I am troubled by Mr. Rowe's inability to explain why he committed this murder. He told the Board that the crime was the result of feelings of abandonment after a turbulent childhood and unstable relationship with his father. He claims that when he woke up on the morning of the crime he "had made [his] mind up that [he] was going to kill somebody that day if [he] had to," and that he shot Ms. Sweet because he was angry and "wanted to make a statement that [he] didn't value her life and she was just someone that [he] didn't care about." The psychologist who evaluated Mr. Rowe in 2013 concluded that Mr. Rowe has yet to clearly communicate his motive for killing Ms. Sweet or why his violent behavior escalated and ultimately culminated in murder. I agree. Mr. Rowe still has not sufficiently explained why he suddenly woke up one day and decided to kill someone, or why he took out his anger and abandonment issues on Ms. Sweet. I am encouraged by Mr. Rowe's recent acceptance of responsibility and attempts to understand why he committed the crime and his underlying anger and substance abuse issues. Until he can better explain what led to his violent behavior and what he has done to address those issues, however, I do not believe he is prepared to be released.

Mr. Rowe's elevated risk scores support my concerns. The 2009 psychologist rated him a moderate-to-high overall risk if released, moderate-to-high risk for violent recidivism, and in the high range of psychopathy. These elevated risk ratings were based in part on Mr. Rowe's poor insight, failure to accept responsibility, lack of credibility, and lack of remorse. I note that the psychologist who evaluated Mr. Rowe in 2013 found that a number of factors have mitigated the prior psychologist's concerns, but did not provide new risk ratings and stated that "several previously identified issues remain unaddressed." I direct the Board to administer a new comprehensive risk assessment before Mr. Rowe's next hearing in order to provide a more current and complete assessment of the risk he poses if released.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Rowe is currently dangerous. When considered as a whole, I find the evidence I have discussed shows why he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Rowe.

Decision Date: January 17, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**PABLO AGRIO, E-17284**  
Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

San Diego Police Officer Pablo Agrio and his wife, Alma, had been married for slightly less than a year and had interpersonal problems and fights which occasionally became physical. On March 26, 1988, Alma returned home after celebrating her upcoming graduation from the Sheriff's Academy. Pablo was angry because Alma had asked him for permission to go out and he had reluctantly agreed because she had asked in front of a friend. He grew angrier when Alma came home later than expected and was intoxicated. The couple argued about Alma's drinking, and she locked herself in their bedroom. Pablo kicked the door in and threw Alma on the bed. Alma tried calling the police twice but both times Pablo pulled the phone from the wall. Alma then grabbed her car keys, but Pablo wrestled her to the ground. They got up and she followed Pablo into their bedroom where she struck him in the face with a jacket. Pablo kicked Alma in the leg, tore up her graduation invitations, and told her she would not be attending the graduation. Alma walked to a cabinet in the bedroom, retrieved a gun, and pointed it at Pablo. He ran toward Alma and pushed her to the floor. While Pablo struggled to take the gun from Alma, he shot her in the head, killing her.

**GOVERNING LAW**

The question I must answer is whether Mr. Agrio will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Agrio suitable for parole based on his acceptance of responsibility, self-help programming, low risk ratings, remorse, age, and parole plans.

I acknowledge Mr. Agrio has made efforts to improve himself while incarcerated. He earned a law degree by correspondence course and completed two vocations. He has never been disciplined for serious misconduct. He has participated in numerous self-help programs,

including Anger Management, Alternatives to Violence, Veteran's Self-Help Group, and Narcotics Anonymous. He also served as a peer tutor. I commend Mr. Agrio for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

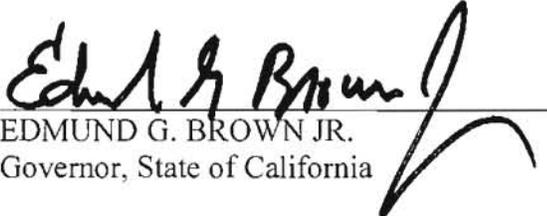
Mr. Agrio's crime was senseless and callous. He chased his wife around their home, prevented her from calling for help twice, and shot her in the head after he wrestled a gun away from her. This was not Mr. Agrio's first episode of domestic violence. Mr. Agrio required his wife to get permission before leaving the home for social events and set a curfew for her return. He had certain expectations of her and when she failed to meet them, he occasionally became violent. Six months prior to the murder, Alma called the police following an argument during which Mr. Agrio kicked her, struck her face, and pulled the phone out of the wall while she tried to call for help.

Mr. Agrio's understanding of his control issues remains underdeveloped. During his 2013 hearing, Mr. Agrio stated that he became angry when Alma asked for permission to go out in front of her friend. He said that he reluctantly agreed that she could go out because he felt like he could not say no in front of Alma's friend. He grew angrier when Alma returned home later than agreed upon and was intoxicated. He told the Board, "I felt that I was boss and that my wife had to ask permission of me to take care of business." Mr. Agrio further explained that after Alma returned home, his anger allowed him to view his wife as an "adversary, as someone who was putting up a fight with me and who was challenging my authority and my control." He claims that he felt the need for control his wife because he was a "perfectionist." The need for "perfection" does not explain why he harbored such sexist views of women, why he needed to micromanage every aspect of Alma's life, or how he was able to dehumanize his wife to the point that he could kill her. I encourage him to comprehensively explore what it was about his past or personality that led him to control, abuse, and ultimately shoot his wife in the head, thereby killing her, so that he can constructively deal with issues that will arise in his future romantic relationships. Until Mr. Agrio has done so, he is not ready to be released.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Agrio is currently dangerous. When considered as a whole, I find the evidence I have discussed shows why he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Agrio.

Decision Date: January 24, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**ROBERT MCEUEN, H-77172**  
First degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

Robert McEuen woke up around 3:00 a.m. on September 20, 1992 and discovered that his wife, Donna, had not returned home from work. He left their three sleeping children home alone while he drove to Donna's work to look for her. He drove by the parking lot at her work and saw her car parked there. When he pulled up beside the car, Donna's car sped off and crashed through a fence, hitting a tree. Mr. McEuen went to help and found Timothy Collard in the car with Donna who was not wearing pants.

Mr. McEuen drove his wife home. He went inside the home, grabbed a handful of bullets and his handgun. He shot Donna five times in the front yard of the house in front of their 9-year-old son. He then drove back to Donna's work where he found Mr. Collard and shot him five times, killing him. Donna miraculously survived the shooting.

**GOVERNING LAW**

The question I must answer is whether Mr. McEuen will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. McEuen suitable for parole based on the significant stress in Mr. McEuen's life at the time he committed the murder, insight, participation in self-help classes, vocational upgrading, institutional staff support and adequate parole plans.

I acknowledge Mr. McEuen has made efforts to improve himself while incarcerated. He has not had any serious rule violations since 2008. He has completed vocational training and has held several institutional jobs. He has participated in self-help programs, including recent participation in Domestic Violence, Alternatives to Violence, and Victim Awareness classes. I

commend Mr. McEuen for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

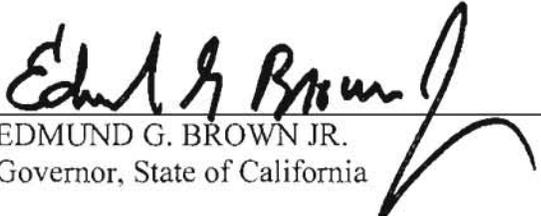
Mr. McEuen's crime was horrific. He shot his wife five times in their front yard in front of their 8-year-old son, intending to kill her. He then left his three children at home while he searched for her lover and murdered him. Mr. McEuen's actions clearly demonstrate his disregard for the suffering of others, especially his own wife. She undoubtedly still suffers from the effects of the fear and trauma she endured by Mr. McEuen's actions.

I am troubled by Mr. McEuen's attempts to shift blame for the crime on the victims. Both the psychologist who interviewed Mr. McEuen in 2013 and the Presiding Commissioner at his recent parole hearing noted that Mr. McEuen continued to subtly blame the victims for their contribution to the crime and questioned his level of remorse. The psychologist noted that Mr. McEuen "reminded" the evaluator on several occasions about the "unsavory behaviors/habits of the victims." He told the psychologist that he discovered that his wife may have been having multiple affairs and told the Board that he attempted to resolve the issues he had with his wife by sending her flowers, taking her out to lunch, and trying to communicate with her. The psychologist noted that Mr. McEuen "[s]till seems unaware of how his, albeit subtle, blaming of the victims for how they unknowingly contributed to the situation acts as a barrier to him taking complete responsibility for his actions." During the parole hearing, Mr. McEuen acknowledged blaming the victims and said that he needed to address the issue. I agree. The fact that he continues to blame the victims for his violent actions indicates to me that he has not fully accepted responsibility for his crime. Until he does so, I do not believe there is sufficient assurance that it is safe to release him.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. McEuen is currently dangerous. When considered as a whole, I find the evidence I have discussed shows why he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. McEuen.

Decision Date: January 24, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**PAUL TANIMITSU, C-57091**  
Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

At dinnertime on October 11, 1980, Paul and Sok Tanimitsu's 3-year-old daughter, Nancy, was playing with her food and looked like she was going to cry. Her mother told her to eat her food or leave the table and she began to cry. To discipline her for crying, from 7 p.m. to 4 a.m., Paul and Sok beat Nancy with their hands, a wooden stick, and a rubber hose. They forced Nancy to stand in a corner with her arms raised and if they were lowered, they shoved a stick down her throat. Paul and Sok placed Nancy in the bathtub and sprayed her face and body with cold water, and Paul gagged Nancy with a towel to muffle the noises she was making. Nancy lost four teeth because she was clenching her teeth so tightly because of the pain and asphyxiated on her own vomit while the towel was tied around her head.

The couple had used the same type of discipline of Nancy in the year and a half before they killed her. Reiko, the couple's 5 year old daughter "indicated similar abuse" and reported nightmares about her sister's death, her parents coming to get her to kill her, and being locked in a dark garage by her mother.

**GOVERNING LAW**

The question I must answer is whether Mr. Tanimitsu will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Tanimitsu suitable for parole based on his straightforward responses to their questions at the hearing, demonstrated ability to follow rules, acceptance of responsibility and remorse, age, parole plans, vocational training, and risk ratings.

I acknowledge Mr. Tanimitsu has made efforts to improve himself while incarcerated. He has been in prison for over 33 years and has never been disciplined for any misconduct. He has

completed vocational training in data processing, office services, customer service, and linen management. He has routinely received positive work ratings. I commend Mr. Tanimitsu for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Tanimitsu's crime was appalling. A father is supposed to protect his vulnerable children, not inflict such horrific trauma, pain, and terror on his own toddler daughter. It is difficult to imagine the extraordinary suffering Nancy Tanimitsu experienced in her short life.

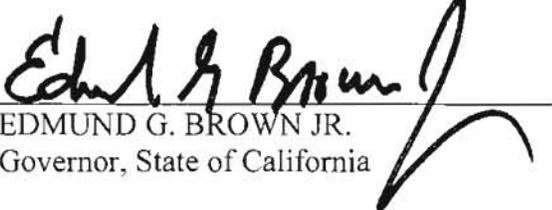
Mr. Tanimitsu cannot adequately explain why he tortured and killed his own child, and he minimizes his responsibility for doing so. He reports that he was selfish, frustrated, lacked child rearing skills, and should have asked for help. He readily acknowledges that his physical actions caused Nancy's death, but he told the Board that believes he is less responsible for the abuse and murder than his wife, saying, "She started it. It was her that started the initial situation, and all I did was help." He explained to the psychologist that he tied a rag around his 3 year old's mouth and tied her hands behind her back so that she would not take it off because he "had to shut [his] daughter up so the constant fighting would not happen again." He claimed, "I was at the end of my rope...I thought 'it's either you or me.'" The psychologist concluded that Mr. Tanimitsu did have some awareness of his "poor decision making" and "personality characteristics" that led to Nancy's murder, but that he "seemed at times to portray himself as a victim of the situation in his life when making statements such as feeling as though he were at the edge of a cliff with no one there to help him with the problems he was experiencing." I agree. Mr. Tanimitsu's statements evidence that he does not fully acknowledge his own culpability and has, at best, a superficial understanding of why he killed his daughter.

I am also concerned that Mr. Tanimitsu has made few rehabilitative efforts in prison. He claims that he has never discussed his crime because of the stigma in prison associated with crimes against children and says that he plans to read library books and attend self-help groups in the community once he is released to ensure that he no longer "bottles up" his emotions. This is unacceptable. Mr. Tanimitsu cannot wait until he is released to begin to address why he chose to abuse and ultimately kill his daughter.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Tanimitsu is currently dangerous. When considered as a whole, I find the evidence I have discussed shows why he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Tanimitsu.

Decision Date: January 24, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**WILLIAM FALLAN, D-20454**  
Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

In April 1985, William Fallan married his longtime live-in girlfriend, Margie. On June 1, 1985, Mr. Fallan came home after a night out and shot Margie in the stomach with a shotgun, killing her. Afterward, Mr. Fallan moved her body into the bedroom and then told a friend about the murder, who then called the police. Margie's aunt and friends reported that Margie was terrified of her husband and believed he would kill her.

**GOVERNING LAW**

The question I must answer is whether Mr. Fallan will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Fallan suitable for parole based on his lack of prison misconduct, remorse, acceptance of responsibility, and positive work history.

I acknowledge Mr. Fallan has made efforts to improve himself while incarcerated. He has never been disciplined for serious misconduct. He completed a vocation in furniture upholstery and has received positive work ratings from supervisors. I commend Mr. Fallan for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Fallan's crime was awful. He shot his wife in the stomach, and then called his friend rather than call for help. This was not Mr. Fallan's first episode of domestic violence. He was convicted of spousal abuse while married to his first wife and admitted to hitting an ex-girlfriend. In the weeks prior to her murder, Margie told her aunt that Mr. Fallan had chased her around the house with a butcher knife and threatened to kill her. A friend reported that days before her

murder, Margie was “white” with fear and shaking because she was so afraid of her husband and shared “I have to get away from him. I know he will kill me.”

I am troubled by Mr. Fallan’s significant minimization of his domestic violence history. He remains unwilling to acknowledge the pattern of abuse present in his romantic relationships. During his 2013 hearing, he denied any abuse in his relationship with Margie. When asked about the statements made by Margie’s friends and family members that she was scared of him because he had threatened her, he said that those statements were untrue and that they never even argued. While discussing his prior spousal abuse conviction, Mr. Fallan said he merely “clipped” his then-wife in the eye as he was leaving their home. Further, he continues to describe Margie’s murder as an accident. In 2013, the psychologist opined that Mr. Fallan “continues to minimize his problems in romantic relationships, particularly conflict and aggression.” It is unbelievable that Mr. Fallan would deny his extensive history of abuse or responsibility for murdering his wife.

Despite his significant history of anger, substance abuse, and domestic violence, Mr. Fallan has made few rehabilitative efforts. In fact, in over 28 years in prison, Mr. Fallan participated in a psychotherapy group from 1994 to 1995 and again in 1999, two years of Alcoholics Anonymous in 1989 and 1990, and two years of Narcotics Anonymous in 2006 and 2007. He claims to have read a few books on substance abuse in the last five years. He has *never* taken any self-help class or done any independent study to help prevent future domestic violence or resolve conflict without violence and aggression. In addition, while Mr. Fallan is justifiably proud of his sobriety in prison, I am not persuaded that he is prepared to maintain his sobriety if released. The 2009 psychologist described that Mr. Fallan had “only peripheral knowledge of the tenets of AA and has not attempted to complete any of the steps.” The psychologist who evaluated him in 2013 opined that his parole plans “continue to lack details for how to prevent a relapse, which has been closely linked to difficulty managing his behavior in the past” and that Mr. Fallan “demonstrates little insight into the emotional or psychological motivations behind his drinking.” I encourage Mr. Fallan to put significant effort into learning the skills necessary to avoid domestic violence, control his temper, and maintain his sobriety to demonstrate that he is ready to safely be released.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Fallan is currently dangerous. When considered as a whole, I find the evidence I have discussed shows why he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Fallan.

Decision Date: January 31, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**HANS STELLING, E-36692**  
Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On August 3, 1988, Hans Stelling stole a woman's purse at a bar and ran outside to an alley. As Mr. Stelling rifled through the contents of the purse, Clara Leash approached him and he hit her with a metal tennis racket between twelve and twenty five times, killing her. Mr. Stelling then threw the tennis racket onto the roof of a building and walked away.

**GOVERNING LAW**

The question I must answer is whether Mr. Stelling will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Stelling suitable for parole based on his remorse, insight, lack of violent serious rules violations while incarcerated, and his attempts to earn his GED.

I acknowledge Mr. Stelling has made efforts to improve himself while incarcerated. He has completed vocational training, and has participated in self-help programs including Alcoholics and Narcotics Anonymous, Anger Management, and Non-Violent Communication. I commend Mr. Stelling for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Stelling's murder was heinous and appalling. He was approached and confronted by Ms. Leash after he stole a purse, and he reacted by bludgeoning her to death with a metal tennis racket. This was not the first time that Mr. Stelling reacted with extreme violence in a confrontational situation. He told the Board that he had prior incidents of uncontrolled rage that included breaking someone's back and assaulting six people in "hand-to-hand combat" when he robbed a drug house.

I am troubled that Mr. Stelling has not adequately addressed his proclivity to react violently in hostile situations. In 2008, Mr. Stelling told the psychologist that he “has had to defend himself frequently against attacks by others, and remains willing and able to do this whenever necessary.” The psychologist concluded that Mr. Stelling had “been unable to make much progress at all in understanding how [his past abuse] impacted his life and resulted in his committing the controlling offense.” The psychologist who evaluated him in 2012 found that he has developed an understanding of the significant factors that contributed to the crime, yet criticized his strategy to address conflict and found that he “remains overly sensitive to signs of provocation and rather quickly thinks of a defensive response” – the very factor that led to this murder. I am encouraged that Mr. Stelling has made improvements in understanding and addressing the factors that led to this crime, but until he can better address his tendency to react with violence in situations where he feels he is being attacked I do not believe he is prepared to be released.

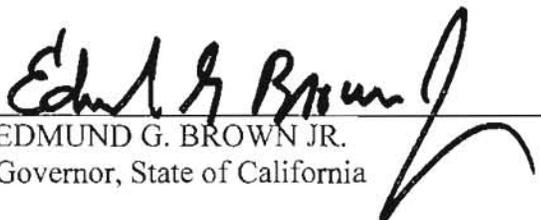
I am also concerned that Mr. Stelling has little support in the free community and lacks the work ethic necessary to support himself. Although Mr. Stelling has been accepted into transitional housing, he has little other support from friends or family and has yet to identify any potential employment opportunities. Mr. Stelling told the Board that he would support himself by “working hard” in either landscaping or construction. But Mr. Stelling has incurred nine serious rules violations and five counseling chronos, most recently in December 2012, for failing to report to work, refusing to report to work, or being late to work over extended periods of time. I fear that, without consistent positive work experience or any support system, Mr. Stelling will again turn to drugs or crime to support himself.

Mr. Stelling’s elevated risk scores support my concerns. The 2008 psychologist rated him a moderate-to-high overall risk if released, high risk for violent recidivism, high risk for general recidivism, and in the moderate range of psychopathy. These elevated risk ratings were based in part on Mr. Stelling’s lack of insight, failure to address his history of abuse, ambivalence toward self-help treatment, “rote” expressions of remorse, and failure to accept full responsibility. The psychologist who evaluated Mr. Stelling in 2012 concluded that Mr. Stelling remained a moderate overall risk if released, based in part on Mr. Stelling’s lack of support in the community and continued sensitivity to provocation.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Stelling is currently dangerous. When considered as a whole, I find the evidence I have discussed shows why he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Stelling.

Decision Date: January 31, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**JASON THOMAS, J-87950**  
Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

Jason Thomas was a Hoover Crips gang member. On June 2, 1993, Mr. Thomas drove his car with two fellow gang members into rival gang territory, where they saw rival gang members 14-year-old Michael Deed and 16-year-old Terron Farland riding bikes on the street. Mr. Thomas started shooting at Mr. Deed and Mr. Farland, who dropped their bikes and ran. Mr. Thomas shot Mr. Deed in the back of the head, killing him. Mr. Farland escaped unharmed.

**GOVERNING LAW**

The question I must answer is whether Mr. Thomas will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Thomas suitable for parole based on his educational and vocational work, remorse, acceptance of responsibility, insight, self-help programming, and parole plans.

I acknowledge Mr. Thomas has made efforts to improve himself while incarcerated. He has participated in self-help programming including Alternatives to Violence, Anger Management, and Victims Awareness. He has worked toward earning his Associate's degree, and has routinely received positive ratings from his work supervisors. I commend Mr. Thomas for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Thomas's crime was senseless. He entered rival gang territory and coldly opened fire on two young rival gang members, shooting Mr. Deed in the back of the head as he fled.

I am concerned that Mr. Thomas lacks remorse and empathy for the victims of his crime. The psychologist who evaluated Mr. Thomas in 2009 found that Mr. Thomas “placed the majority of the blame for the incident on the victims,” and noted “the absence of any emotions as he spoke about the death of another human being.” Mr. Thomas repeated to the 2013 psychologist that his crime was not planned, and that he only shot at the victims because they threatened him and he was “in fear for [his] life.” The psychologist in 2013 similarly noted that Mr. Thomas “did not express” remorse or empathy and that his statements of remorse and empathy “appeared rehearsed and superficial.” The Board concluded that Mr. Thomas was remorseful but “not a guy that shows the emotions that go with it.” These observations give me pause. Mr. Thomas’s continued blaming of the victims combined with his failure to express appropriate empathy for shooting a 14-year-old in the back of the head tells me that there is a serious risk to the public if he is released from prison. I encourage him to attend additional self-help classes focused on victim awareness and empathy, and to continue to reflect on the significant impact his violence had on the victims, their families, and the community.

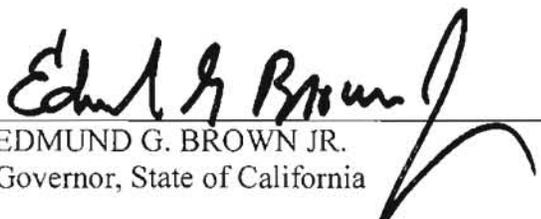
I am also troubled by confidential information in Mr. Thomas’s file which indicates he has yet to commit himself to a life free from criminal activity. A confidential memorandum indicates that Mr. Thomas was recently involved in activity that led to the assault of another inmate. Prison official deemed the information reliable and credible. This information raises questions in my mind about his propensity for criminal behavior if released.

Mr. Thomas’s elevated risk scores support my concerns. The 2009 psychologist rated him a low-to-moderate overall risk if released, low-to-moderate risk for violent recidivism, and in the moderate range of psychopathy. These elevated risk ratings were based in part on Mr. Thomas’s limited insight, lack of remorse, and shallow affect. I note that the psychologist who evaluated Mr. Thomas in 2013 did not provide new risk ratings, agreed that Mr. Thomas’s statements of remorse were superficial, and concluded that Mr. Thomas’s risk “would be reduced if he gained an *internal* sense of right and wrong which is not based on what he is allowed to get away with, but a genuine desire to live pro-socially.”

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Thomas is currently dangerous. When considered as a whole, I find the evidence I have discussed shows why he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Thomas.

Decision Date: January 31, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**HUGO WEIGAND, E-83760**  
First-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On May 7, 1989, Hugo Weigand decided to kill someone. The next day, Mr. Weigand called an escort agency and Alyson Billard came to the apartment. Mr. Weigand gave Ms. Billard \$300, they engaged in sexual activity, and then cleaned up. During a second sexual encounter, Mr. Weigand retrieved a knife he had hidden under his pillow and stabbed Ms. Billard in her back, throat, and chest multiple times as she begged for her life. Mr. Weigand went into another room to clean himself up and, when he heard Ms. Billard making noises, went back into the bedroom and stabbed her in the head. Mr. Weigand retrieved the \$300, left Ms. Billard's body in his brother's apartment, and boarded a bus for Tijuana. In all, Ms. Billard sustained twelve stab wounds, six of which were fatal, and thirty-six additional cuts to her body.

**GOVERNING LAW**

The question I must answer is whether Mr. Weigand will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Weigand suitable for parole based on his lack of significant criminal history, stable social history, remorse, age, lack of institutional misconduct since 1994, parole plans, education, and participation in self-help programs.

I acknowledge Mr. Weigand has made efforts to improve himself while incarcerated. He earned bachelor's degrees in accounting and business administration and a Master of Business Administration. He has not been disciplined for misconduct in 20 years. He has earned positive work ratings and praise from the therapist he works with. I commend Mr. Weigand for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Weigand's crime was calculated and disturbing. He had no reason to want to cause Ms. Billard harm, yet had no qualms about calling for a prostitute, hiding a knife in his bed, and brutally attacking the unsuspecting woman during their sexual encounter. Mr. Weigand stabbed or cut Ms. Billard 48 times and left his knife sticking out of her forehead.

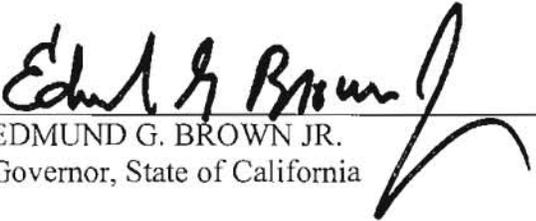
Mr. Weigand does not have an adequate explanation for his reasons for wanting to kill Ms. Billard. He told the Board that he had gone AWOL from the Navy six days before killing Ms. Billard and had been staying with his brother for five days. He reported that his brother said something about their childhood that made him feel worthless and that he felt jealous of his brother's success and his relationship with their mother. He told a Marriage and Family Therapist in 2010, "I was focusing all my anger toward my father on my brother." At the hearing, Mr. Weigand described the root of his anger problems as severe abuse by his father, who left the family home when Mr. Weigand was six or seven years old. When the Board turned to a discussion of the crime, Mr. Weigand admitted that when he called the escort service, he did that specifically to murder somebody and explained, "I called the escort service because at the time, I considered [a] female an easier target than my brother or my brother's roommate." He said, "[I]t came down to the point where I figured I had already thrown my life away. I may as well go the rest of the way." Mr. Weigand described that as he was walking out of the room where he had just committed the brutal murder, he thought about how his brother, upon finding the scene in his apartment, would understand how angry he was and recognize a message: "This is what you've done to me is basically what I was telling him."

It remains unclear to me why Mr. Weigand thought he should kill anyone, let alone Ms. Billard. The displacement of his anger with his father on his brother might explain his poor relationship with his brother, but this does not begin to explain his decision to kill someone – anyone – else. The thought that coming upon a murder scene would be appropriate revenge on his brother for engaging in childhood fights, living a successful life, or having a better relationship with their mother gives me pause, as does Mr. Weigand's calculation that Ms. Billard was an easier target because she was a woman and a stranger. Mr. Weigand has not explained how he has overcome this type of dangerous thinking and must do so to assure me that he should be released from prison.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Weigand is currently dangerous. When considered as a whole, I find the evidence I have discussed shows why he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Weigand.

Decision Date: January 31, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**JOSEPH MASKINS, J-43829**

First-degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

Joseph Maskins was living with his aunt, Diane Alexander. The two regularly fought physically, and Ms. Alexander often called the police to intervene. On several occasions, Mr. Maskins told his girlfriend and his friend Steven Wilson that he was going to kill Ms. Alexander. On January 20, 1994, Ms. Alexander and Mr. Maskins fought, and Mr. Maskins shoved Ms. Alexander down the stairs. When she landed at the bottom of the stairs, she told Mr. Maskins that she was going to call the police. Mr. Maskins went down the stairs, pushed Ms. Alexander to the ground, and strangled her with his hands until she lost consciousness. When Ms. Alexander revived and started to get up, Mr. Maskins strangled her again, killing her. Mr. Wilson, who was at the home at the time, helped Mr. Maskins hang Ms. Alexander's body from a handrail in an attempt to make the crime look like suicide. Mr. Maskins and Mr. Wilson took televisions, VCRs, and other personal property and fled in Ms. Alexander's car.

**GOVERNING LAW**

The question I must answer is whether Mr. Maskins will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Maskins suitable for parole based on his remorse, acceptance of responsibility, laudatory chronos, lack of recent serious misconduct, vocational and educational achievements, self-help programming, and parole plans.

I acknowledge Mr. Maskins has made efforts to improve himself while incarcerated. He has participated in self-help programming, including Alcoholics and Narcotics Anonymous, Anger Management, and Victims Awareness. He earned a paralegal certificate and is working toward completing his Associates degree. He has completed vocational training, and earned positive

ratings from his work supervisors. I commend Mr. Maskins for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Maskins' crime was utterly atrocious. He viciously attacked his aunt, pushing her down the stairs and strangling her for an extended period of time on multiple occasions before hanging her body to stage a suicide.

I am troubled by Mr. Maskins' characterization of this murder as a situation where he simply "reacted" on "blind emotion." He told the Board that he was embarrassed, frustrated, and scared when Ms. Alexander made sexual advances towards Mr. Wilson, and that the situation brought up animosity stemming from Ms. Alexander's past sexual abuse of Mr. Maskins. He said that when Ms. Alexander said she was going to call the police he became upset, and that he "acted on impulse." These claims do not explain Mr. Maskins' actions. Mr. Maskins admitted that he pushed his aunt down the stairs, manually strangled her for "probably three to four minutes," then, when he noticed she was getting up, strangled her again for a "definitely longer" period of time. He and Mr. Wilson waited 30 minutes before devising a plan to hang Ms. Alexander to make her death look like a suicide, then fled, taking valuables from her home. Mr. Maskins also admitted to the Board that he had told others on prior occasions that he wanted Ms. Alexander dead. This prolonged violence was not an impulsive reaction. Until Mr. Maskins can better explain how he could murder his aunt in such a cold, calculated manner, I do not believe he is ready to be released.

Mr. Maskins' elevated risk scores support my concerns. The 2009 psychologist rated him a moderate overall risk if released, moderate risk for violent recidivism, and in the moderate range of psychopathy. These elevated risk ratings were based in part on Mr. Maskins' impulsivity, institutional misconduct, lack of adequate parole plans, and failure to accept full responsibility for this heinous murder. I note that the psychologist who evaluated Mr. Maskins in 2013 found that a number of factors have mitigated the prior psychologist's concerns, but did not provide new risk ratings. I direct the Board to administer a new comprehensive risk assessment before Mr. Maskins' next hearing in order to provide a more current and complete assessment of the risk he poses if released.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Maskins is currently dangerous. When considered as a whole, I find the evidence I have discussed shows why he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Maskins.

Decision Date: February 7, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**TOSSIE BENNETT, D-72735**  
Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

Tossie Bennett owed Jerome Brown \$5, and the men argued several times over Mr. Bennett's debt. Mr. Bennett was also aware that Mr. Brown had slept with his 22-year-old girlfriend. In the early morning hours of May 28, 1987, Mr. Brown was selling drugs outside of Mr. Bennett's house. Mr. Bennett went outside and started firing gunshots into the air. Mr. Bennett's stepdaughter was outside and screamed, "Pops, don't do it." Mr. Bennett went inside his house and asked his ex-wife if he should reload his gun. She said, "Yeah, go ahead." Mr. Bennett returned to his porch and fired several shots at Mr. Brown. Mr. Brown was struck in the back of the neck and the right forearm. Mr. Bennett's step-daughter ran to a neighbor's house and asked them to call police. She then ran back into Mr. Bennett's house, where she told her mother, "Pops just shot Jerome." She then ran back outside to Mr. Brown's body. Neighbors saw Mr. Bennett yell, "Shut the fuck up or you'll end up like [Jerome]," knock her to the ground with one punch to the face, and drag her away. Mr. Brown died three days later.

**GOVERNING LAW**

The question I must answer is whether Mr. Bennett will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Bennett suitable for parole based on his age, health issues, parole plans, lack of serious misconduct in prison since 2000, recent involvement in self-help, and support from correctional staff.

I acknowledge Mr. Bennett has made efforts to improve himself while incarcerated. He has not been disciplined for serious misconduct in nearly 14 years and has recently attended self-help classes including Alternatives to Violence, Self-Reflection and Evaluation, and Release and Reintegration. He has routinely received satisfactory to exceptional work ratings. I commend

Mr. Bennett for taking these positive steps and acknowledge that he is now 79 years old and that he suffers from health issues. But these circumstances are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Bennett's crime was senseless and callous. Mr. Bennett was not a naive young man at the time of the crime who didn't know any better— he was 53 years old when he coldly shot Mr. Brown in the back of the neck and forearm. Mr. Brown was unarmed and posed no danger to him. Mr. Bennett's actions had a devastating and long-lasting impact on Mr. Brown's loved ones. Several of the victim's family members spoke movingly at the parole hearing about their loss and urged the Board to deny parole.

This was not the first episode of violence by Mr. Bennett. The Probation Officer's report makes it clear that Mr. Bennett was "a very dangerous and violent person" who had "traumatized his 22-year-old girlfriend" and had "physically abused women and children for many years." Mr. Bennett regularly beat his children and stepchildren to the ground with his fists and two by four boards where he would then kick them in the chest, head, legs, and buttocks. The children had "markings of long term child abuse." In 1980, he was convicted of corporal injury of a child for beating his son with a belt. His children were removed from his custody until he had the approval of the Department of Public Social Services. On one occasion, Mr. Bennett woke up one of his sons in the middle of the night, ordered him to place his penis on the dining table, hit his penis multiple times with an 18 inch pipe, and beat him with his fists and a board. Mr. Brown's mother saw Mr. Bennett pull a gun on his own son and saw him fight women and children on many occasions. Mr. Brown's girlfriend reported that Mr. Bennett tried to "shoot down his own son" in August 1981, shooting until the gun emptied as his son ran down the street to save his life. Another time, he hit his daughter in the back of the head with a gun. Mr. Bennett's daughter was awarded custody of her brothers and sisters because of Mr. Bennett's physical abuse. In 1963, he was convicted of battery and disturbing the peace for slapping a girlfriend. Neighbors told investigators about Mr. Bennett's "fascination with guns" and reported numerous times he fired shots into the air.

I am troubled by this violent history, and I am concerned that Mr. Bennett continues to minimize and deny responsibility for his violent past. He claims he had nothing to do with Mr. Brown's murder and denies using excessive physical punishment on his children outside of his 1980 arrest for beating his son. The psychologist who recently evaluated him noted that Mr. Bennett "could not identify any specific personality flaw despite a long and varied criminal history that not only included murder but the perpetration of violence on his own children." When asked about his conviction for beating his son, Mr. Bennett responded that "I guess these days you can't whip your kids no more. You got to talk to them and hope that it does good... most of the youngsters now, talking don't do much good." This response reflects not only little understanding of the years of abuse he inflicted but also no acknowledgment that such treatment of children and loved ones is wrong. I have no confidence that Mr. Bennett will act differently in the future.

Mr. Bennett also has a significant history of substance abuse. The Parole Officer's Report indicates that at the time of the murder he drank one fifth of liquor every two days during the week and two to three fifths of liquor each weekend. He has two convictions for driving under

the influence of alcohol. In 2000, he tested positive for marijuana while in prison. Mr. Bennett minimizes his history of substance abuse. He told the Board that he “didn’t drink that much” and only on weekends. Additionally, Mr. Bennett has not seriously pursued help for his substance abuse. He only attended Alcoholics Anonymous groups for two years nearly two decades ago. He told the Board he had only worked through five or six of the twelve steps. In 2010, he told a psychologist that he did not know whether he would stay sober if released because he “might want a beer on the weekends.” A psychologist wrote in 2010 that Mr. Bennett’s “risk of violent recidivism would likely *increase*” if he began drinking again. His most recent psychological evaluation concluded that his chance of maintaining sobriety in the community was “guarded” and noted that he has “the unrealistic assumption that his sobriety is secure.” Mr. Bennett has yet to demonstrate a serious commitment to sobriety. Until he does so, I do not think he is ready to be released.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Bennett is currently dangerous. When considered as a whole, I find the evidence I have discussed shows why he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Bennett.

Decision Date: February 14, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**TIMOTHY CALDERON, J-91302**

Second-degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

Timothy Calderon began dating Violet Guerrero in June 1994. On March 30, 1995, Mr. Calderon and Ms. Guerrero were drinking at Mr. Calderon's house. Ms. Guerrero and Mr. Calderon left in Ms. Guerrero's car and parked a few blocks away. The two argued about Mr. Calderon's infidelity, and Mr. Calderon grabbed Ms. Guerrero by the throat and strangled her to death. Mr. Calderon went home and told his seventeen-year-old brother about the murder. Mr. Calderon and his brother bought garbage bags and duct tape, wrapped Ms. Guerrero's body, and dumped her over the side of a bridge onto the bank of a river.

**GOVERNING LAW**

The question I must answer is whether Mr. Calderon will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Calderon suitable for parole based on his nearly 19 years of incarceration, maturity, AA degree, participation in self-help programs, remorse, parole plans, memorization of the 12 steps, insight, and psychological risk rating.

I acknowledge Mr. Calderon has made efforts to improve himself while incarcerated. He earned an AA degree and dropped out of a prison gang. He has not been disciplined for serious misconduct since 2000 and has completed several vocational training programs. He has recently participated in self-help courses including Alcoholics and Narcotics Anonymous, Substance Abuse and Relapse Prevention, Conflict Resolution, Alternatives to Violence, Criminals and Gangmembers Anonymous, and Victim Awareness. He has routinely received satisfactory to exceptional work ratings. I commend Mr. Calderon for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Calderon's crime was senseless and disturbing. When his young girlfriend confronted him about his infidelity, he grabbed her by the throat and brutally strangled her to death while she fought for her life. The doctor who conducted the autopsy characterized Ms. Guerrero's last seconds as a "struggle for life or death."

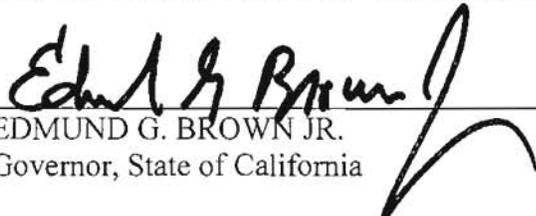
I am troubled by Mr. Calderon's description of the crime he committed. He told the psychologist that he wanted Ms. Guerrero to "get out of [his] face" and that he reacted violently because he was more intoxicated than usual and felt "disrespected" by his girlfriend. The psychologist noted, "it seemed important to [Mr. Calderon] to maintain that he was unaware of the force he delivered when he grabbed Violet by the neck, pushed her against the back seat, and held her in that position while he forced her to listen to him." Mr. Calderon told the psychologist that Ms. Guerrero "didn't struggle," although conceded to the Board that it was "possible" she struggled against his grip, but that he did not realize it because of his rage and intoxication. The psychologist opined, "he will need to face all aspects of his crime in a forthright manner to ensure that he can develop effective mechanisms to prevent a recapitulation of similar dynamics in the future." I agree. Mr. Calderon's statements minimize the severity of his actions and his culpability for Ms. Guerrero's death.

Mr. Calderon has not done enough to address his significant substance abuse problem. He started drinking at 13 and by 15, he was drinking alcohol to the point of intoxication three to four times a week. By 18, he was drinking five days a week, stopping only because he could not afford more alcohol. Mr. Calderon claims that he strangled his girlfriend to death and did not notice that she was struggling for her life in part because of his significant intoxication. He claims he has not consumed any alcohol since he came to prison, telling the psychologist, "When I picked up this case, I hit rock bottom. I was gang-banging on the yard. I couldn't be drunk. I needed the edge." Despite attending Alcoholics and Narcotics Anonymous groups for many years, Mr. Calderon had no recollection of at least three of the steps at his recent psychological evaluation. The psychologist found that Mr. Calderon's "insight regarding his use of alcohol and the rapid escalation of that use still seemed to be superficial" and that he has a "guarded" prognosis to remain sober if released. If Mr. Calderon really believes that he didn't notice he was killing his girlfriend because he was so drunk, I would expect to see significant rehabilitative efforts aimed at his substance abuse problem and a solid understanding of all of the steps. I encourage him to dedicate himself to available self-help programming, independent study, and self-reflection to demonstrate that he is ready to be released.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Calderon is currently dangerous. When considered as a whole, I find the evidence I have discussed shows why he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Calderon.

Decision Date: February 14, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**BRIAN WILLIS, C-01977**  
First-degree murder

**AFFIRM:** \_\_\_\_\_  
**MODIFY:** \_\_\_\_\_  
**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On March 14, 1977, 17-year-old Brian Willis saw Rachel Sparling walk to car as she was leaving a doctor's appointment. Mr. Willis decided that he wanted to steal Ms. Sparling's car. He entered Ms. Sparling's car, pointed a gun at her, and ordered her to drive. After driving a few miles out of town and into the mountains, Mr. Willis directed Ms. Sparling to stop the car and forced her out of it. He then led Ms. Sparling down a hill and shot her twice in the head, killing her. He left in her car and picked up two friends before hitting another car and fleeing. Ms. Sparling's body was found in heavy vegetation. She was lying on her back with her hands folded, face down across her stomach, and her feet were together, legs outstretched. Two yucca leaves in the shape of a cross were next to her body.

**GOVERNING LAW**

The question I must answer is whether Mr. Willis will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.) The parole authority is required to give "great weight to the diminished culpability of juveniles as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity of the prisoner" when determining a youthful offender's suitability for parole. (Pen. Code, § 4801, subd. (c).)

**DECISION**

The Board of Parole Hearings found Mr. Willis suitable for parole based on remorse, lack of serious misconduct since 1991, vocational and educational upgrades, insight, and self-help programming.

Mr. Willis was only 17 when he committed this murder. He impulsively decided to carjack Ms. Sparling and failed to appreciate the consequences of his actions. What is troubling about his crime is that when faced with the decision of how to separate Ms. Sparling from the car, Mr. Willis chose to kill a total stranger, rather than simply leave her at the side of the quiet road.

When he came to prison, he joined a prison gang because he was scared and looking for protection. He was disciplined for serious misconduct 15 times in his first 14 years in prison. But, in the nearly 37 years that he has been incarcerated, Mr. Willis has clearly matured and made efforts to improve himself. He has not been disciplined for serious misconduct in over 20 years and dropped out of the Aryan Brotherhood when he was 27. He earned his GED and has completed vocational training in network cabling and silk screen printing. He has participated in some self-help programming, including Alcoholics and Narcotics Anonymous, Victims Awareness Offender Program, and Victim Impact. Mr. Willis' rehabilitative efforts are indicative of his increased growth and maturity. I do not discount that Mr. Willis was immature and irresponsible at the time of the crime and that he has grown and matured since then. I give great weight to these factors in considering Mr. Willis' suitability for parole. However, I remain troubled by his explanations for his callous crime.

Mr. Willis described himself at the time of the crime as an angry teen because he was physically disciplined by a nun at school when he was very young and felt abandoned by his mother, who sent him to live with his father because she couldn't manage his behavioral problems. He said that he lacked empathy and was a "ticking time bomb." The Board asked Mr. Willis why he murdered Ms. Sparling rather than steal her car and leave her unharmed. He responded, "I felt like I was losing control and had to gain control of this [situation]." Mr. Willis explained that he "had this gun and I was determined to use this gun." He continued, "I put her in such a situation that would give me the excuse that I was looking for to use this gun." These reasons do not adequately explain his crime. Many children feel abandoned, but do feel a need to use a weapon or kill a stranger who poses no threat. Mr. Willis still has not adequately explained what it was that made him such a troubled youth or why he felt a need to use his weapon. Until he does so, he is not ready to be released.

I note that Mr. Willis has only participated in a handful of self-help programs during his nearly 37-year incarceration. I am encouraged by the fact that Mr. Willis appears to have benefited from the programs in which he has participated, but I strongly urge him to participate in additional programming so he can continue to explore the personality factors that led to such disturbing thoughts and horrific behavior.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Willis is currently dangerous. When considered as a whole, I find the evidence I have discussed shows why he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Willis.

Decision Date: February 14, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**JOHN BOOZE, C-73821**

First-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_

**X**

**STATEMENT OF FACTS**

John Booze and Peggy Gillespie, an 18-year-old high school senior, had been dating for about three years when Ms. Gillespie told Mr. Booze she wanted to end the relationship. Mr. Booze unsuccessfully approached Ms. Gillespie several times attempting to reconcile. On May 17, 1983, when Ms. Gillespie again refused to resume the relationship, Mr. Booze told her she was making him mad enough to kill her, then punched her in the face several times, breaking her jaw in two places and knocking out two of her teeth. Mr. Booze was arrested for the assault, but was soon released on his own recognizance. Three weeks later, on June 7, 1983, Mr. Booze went to Ms. Gillespie's apartment wanting to talk. Ms. Gillespie refused to let him in and called the police. Mr. Booze told her "I'm going to kill you" and ran away before the police arrived. He called her later that evening and again threatened to "finish her off." The next morning, Ms. Gillespie and her step-father, Eddie White, were walking to her car when they saw Mr. Booze hiding in a nearby alley. Ms. Gillespie ran back into her apartment and locked the door while Mr. White confronted Mr. Booze. Mr. Booze fought Mr. White, stabbing him in the leg and running away from him. Mr. Booze then broke into Ms. Gillespie's apartment by shattering a sliding glass window, chased Ms. Gillespie into a bathroom, and stabbed her thirteen times in the abdomen with a twelve-inch kitchen knife, killing her. Ms. Gillespie's roommate's four or five year old son witnessed the murder. Mr. Booze fled but was arrested later that day when he went to the hospital with a self-inflicted stab wound to the abdomen.

**GOVERNING LAW**

The question I must answer is whether Mr. Booze will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Booze suitable for parole based on his remorse, acceptance of responsibility, age, parole plans, and vocational and work achievements.

I acknowledge Mr. Booze has made efforts to improve himself while incarcerated. He earned his high school diploma and completed credits toward an associate's degree. He has participated in some self-help programming, including the Substance Abuse Program and Alternatives to Violence, and he has held leadership positions in the Men's Advisory Council. I commend Mr. Booze for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Booze committed a horrific crime. He planned this murder in advance, waiting outside Ms. Gillespie's apartment with a twelve-inch kitchen knife and drinking alcohol to give him the "courage" to complete the crime. He relentlessly pursued Ms. Gillespie despite her attempts to flee and Mr. White's attempts to stop him, breaking through a sliding glass window to stab Ms. Gillespie thirteen times. The vicious murder was part of an escalating pattern of violence and threats against Ms. Gillespie because she refused to reconcile their relationship.

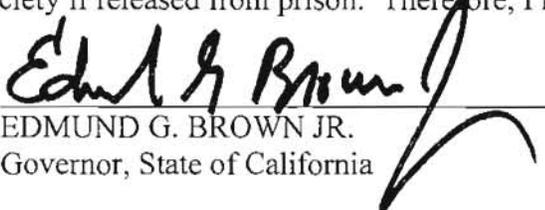
I am troubled that Mr. Booze does not believe that his violence toward Ms. Gillespie had anything to do with his attempts to control her. When asked by the Board, he denied on multiple occasions that his pursuit, abuse, and threats toward Ms. Gillespie had anything to do with controlling her or forcing her back into a relationship, saying, "I never controlled anyone," that he was "trying to be a nice guy," that he was "trying to win her back the only way I knew how," and that Ms. Gillespie was "free to do what she wanted to do." It is difficult to imagine how Ms. Gillespie was "free to do what she wanted to do" when Mr. Booze was breaking her jaw and threatening to kill her in an attempt to "win her back." In 2013, the psychologist noted that Mr. Booze expressed a "limited appreciation of his inability to tolerate feeling powerless." I agree. I note that although Mr. Booze has been incarcerated for over 30 years he has never participated in any self-help programs to address relationships or domestic violence. I encourage Mr. Booze to continue to reflect on his anger and his romantic relationships so that he can deal with issues that will arise in future relationships without resorting to violence. Until he does so, he is not ready to be released.

I am also concerned that Mr. Booze describes his violence against Ms. Gillespie as spontaneous outbursts. He told the Board that when Ms. Gillespie denied his requests to reconcile he "turned into a madman and broke her jaw." He said he "didn't know that [he] was going to turn into some monster," but that when Ms. Gillespie rejected his advances the night before the murder, he "turned." It is deeply troubling that Mr. Booze paints his continued violence against Ms. Gillespie as spontaneous acts of passion. This was a calculated, premeditated crime. I am not convinced that Mr. Booze has accepted full responsibility for his deliberate plan to kill Ms. Gillespie.

CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Booze is currently dangerous. When considered as a whole, I find the evidence I have discussed shows why he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Booze.

Decision Date: February 21, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**CURTIS DANIELS, H-62186**

Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_

**X**

**STATEMENT OF FACTS**

On December 8, 1991, Stacy Watson left her eight-month old, Andrew, with her boyfriend, Curtis Daniels, before going to work at 10:30 p.m. Ms. Watson had considered staying home from work because Andrew had been sick for several days with an ear infection, but instead went to work and talked by telephone with Mr. Daniels three to six times that night. Mr. Daniels told Ms. Watson that Andrew was not well. Sometime during the night, Mr. Daniels shook Andrew. At 4:30 a.m. on December 9th, Ms. Watson returned home and found Andrew on the bed motionless with abnormal breathing. Ms. Watson told Mr. Daniels to call the paramedics, who took Andrew to the hospital. Andrew was put on life support. On December 10th, Andrew was taken off of life support and died. An autopsy confirmed Andrew's injuries were consistent with shaken baby syndrome.

**GOVERNING LAW**

The question I must answer is whether Mr. Daniels will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Daniels suitable for parole based on his recent acceptance of responsibility, remorse, age, lack of significant serious misconduct in prison, positive work ratings, participation in self-help programs, parole plans, progress since his 2011 psychological evaluation, and changed attitude.

I acknowledge Mr. Daniels has made efforts to improve himself while incarcerated. He has been disciplined only twice for serious misconduct in over 22 years in prison. He has recently participated in self-help programming and written book reports on topics including parenting and domestic violence prevention. He has routinely earned satisfactory and above average work ratings and has completed several vocational training programs. He has been commended by

prison staff for his diligent work efforts, good attitude, dependability, and commitment to helping others. I commend Mr. Daniels for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Daniels' crime was senseless and selfish. Rather than care for Andrew, he abused drugs and, when the sick infant cried, Mr. Daniels shook him to death.

This was far from the first violent act in Mr. Daniels' life. Records detail a long history of Mr. Daniels' abuse of women and children. In 1972, Mr. Daniels was sentenced to 18 months in prison in Kansas for extortion, pimping, and pandering. He explained that he took forty percent of everything his prostitutes made and attempted to extort money from their families by taking sexual photographs of them and demanding money from their "well-to-do" families. Mr. Daniels was arrested for willful child cruelty in 1985 for taking his daughter from her mother and refusing to turn her over to police. He was again arrested for spousal abuse in 1986. Between 1986 and 1987, the Children's Services Department investigated Mr. Daniels because his son reported he was using government assistance checks to purchase drugs, instead of food and clothing for his child. His son said he was afraid to go home because he was convinced that Mr. Daniels would beat him. The investigation also revealed that Mr. Daniels had battered his son's mother for 10 years, that she lived in fear of Mr. Daniels for the entire relationship, and that she was kicked in the stomach when she decided to leave Mr. Daniels when she was seven months pregnant. Mr. Daniels was convicted for battery against his ex-wife twice in 1987, once for grabbing her by the throat when she tried to leave. In 1988, another infant, Claude Daniels, was removed from Mr. Daniels' home and taken to the hospital, where he was able to gain two pounds in eight days. Claude died of sudden infant death syndrome two weeks after being placed in foster care.

I am not convinced that Mr. Daniels has thoroughly addressed his history of violence against women and children. He says that he was a criminal and drug user and didn't realize that he had other options when he shook Andrew to death. He told the Board that he "lashed out" when not in control because he used his money on drugs, was jealous, and wanted to be in control. He now acknowledges that he "had no right" to contribute to the "delinquency" of his prostitutes, but seems to find it important to point out that he never forced any women into prostitution. During his 2011 psychological evaluation, Mr. Daniels denied shaking Andrew at all and told the psychologist that the most aggressive act he had ever committed was physically restraining a girlfriend from going out to get more drugs. It was not until less than a year ago that he admitted shaking Andrew in anger or that his actions "destroyed a lot of women's lives." The psychologist who evaluated Mr. Daniels in 2011 found that he "lacks insight into the true seriousness of his past pattern of domestic and family violence" and concluded "there is still a very real risk that this individual will repeat interpersonal violence patterns" without intensive treatment. Although the 2013 psychologist found Mr. Daniels' responses had greatly improved, the subsequent psychological evaluation offered little analysis or explanation to support these findings. I direct the Board to conduct a new comprehensive psychological assessment of Mr. Daniels before his next hearing to thoroughly address Mr. Daniels' current risk. I commend Mr. Daniels on his recent efforts, but I am still not persuaded that he understands how violent he was or the reasons behind his behavior.

I am also troubled that Mr. Daniels is not adequately prepared to remain sober. He first tried alcohol at 6 or 7 years old and began drinking at 12 or 13. He has a history of using marijuana, mescaline, LSD, PCP, amphetamines, and cocaine. He smoked four or five marijuana joints a day and was addicted to rock cocaine for ten years. At his parole hearing, Mr. Daniels talked about his "self-imposed insanity" at the time of the murder, due to his drug use. He was paranoid, agitated, and angry, in part because of his drug use, when he shook Andrew to death. Mr. Daniels participated in Alcoholics and Narcotics Anonymous in prison between 2001 and 2008 and a correspondence course on the 12 steps through Love Lifted Me Recovery in 2012. The 2011 psychologist opined that Mr. Daniels "did not demonstrate any real understanding of the triggers that may lead to a return to use of alcohol or illicit substances, or high risk situations that could cause a relapse." Although the 2013 psychological evaluation concluded that Mr. Daniels' discussion of his substance problem had improved, his lack of significant self-help in the last five years targeting his substance abuse problems gives me pause. I encourage Mr. Daniels to renew his rehabilitative efforts in this area to assure me that he can maintain his sobriety if released.

#### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Daniels is currently dangerous. When considered as a whole, I find the evidence I have discussed shows why he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Daniels.

Decision Date: February 28, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**DANIEL MCKEEHAN, D-33410**

First-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

Daniel McKeehan suspected that Peter Marez had informed police about a prior robbery or burglary that Mr. McKeehan had committed. On July 22, 1985, Mr. McKeehan and Randolph Haro went to Mr. Marez's home. Mr. Haro knocked on the door, and asked Mr. Marez's girlfriend if Mr. Marez was home. When Mr. Marez came to the door, Mr. McKeehan emerged and shot Mr. Marez with a 12-gauge shotgun seven times, hitting him in the chest, abdomen, hips, and arms. Mr. Marez identified Mr. McKeehan as the shooter to police and to his girlfriend as he died.

**GOVERNING LAW**

The question I must answer is whether Mr. McKeehan will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. McKeehan suitable for parole based on his remorse, participation in self-help programs, apparent sobriety in prison, psychological evaluation, vocational skills, parole plans, and age.

I acknowledge Mr. McKeehan has made efforts to improve himself while incarcerated. He earned his GED and has completed vocational training in welding, auto body repair, and computer repair. He has participated in many self-help programs including Alcoholics and Narcotics Anonymous, Criminals and Gangmembers Anonymous, and victim awareness programs. He has been commended by his vocational instructors for his work habits and for being helpful to others. I commend Mr. McKeehan for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. McKeehan's crime was senseless and unprovoked. Because he became convinced that Mr. Marez had reported his illegal activity, Mr. McKeehan ambushed Mr. Marez at his front door and coldly fired at him seven times.

Mr. McKeehan has a significant criminal record, including throwing a knife and concrete from a moving car, stabbing someone at a wedding, and slapping a peace officer who was intervening in a fight between Mr. McKeehan and his wife.

I am troubled that Mr. McKeehan still is not willing to abide by the rules and I question whether he is able to avoid threats and violence to handle relationships and petty conflict. In 2011, Mr. McKeehan entered into a relationship with a woman. Twice that year, he was disciplined for possession of a cell phone. At his recent parole hearing, Mr. McKeehan explained that he became "addicted" to the cell phone and used it daily to call his girlfriend, father, sister, nieces, and grandchildren. But information in Mr. McKeehan's file, including confidential information, reveals that prison staff also had to issue a cease and desist order to Mr. McKeehan in September 2011 to stop contacting his girlfriend's ex-husband. I find the details of these calls provided in the confidential file troubling, particularly in the context of Mr. McKeehan's long incarceration and history of violence. He has not behaved in a manner that assures me he has turned away from his criminal values and will not continue to act violently if released. I direct the Board to thoroughly address this issue at Mr. McKeehan's next parole hearing.

#### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. McKeehan is currently dangerous. When considered as a whole, I find the evidence I have discussed shows why he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. McKeehan.

Decision Date: March 7, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**CHARLES MOSLEY, D-57690**  
Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On July 25, 1986, Canosha Griffin's body was found on the property of a local high school. Her body had four stab wounds in the back, one stab wound in the chest, and her throat had been slit. Charles Mosley told several people that he was responsible for Ms. Griffin's murder. He told his estranged wife that he "got rid" of Ms. Griffin because she bugged him. Mr. Mosley told his trade school instructor that "I couldn't get her to leave me alone. I couldn't get her to understand. I killed her." He also told another employee at the trade school that "she kept bothering me, so I killed her." Mr. Mosley turned himself in to the police and confessed to the murder on August 11, 1986.

**GOVERNING LAW**

The question I must answer is whether Mr. Mosley will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Mosley suitable for parole based on his lack of serious misconduct in prison in over 20 years, remorse, insight, parole plans, and programming.

I acknowledge Mr. Mosley has made efforts to improve himself while incarcerated. He has only been disciplined for serious misconduct once, in 1990. He has completed vocational training. He has participated in several self-help programs, including Narcotics Anonymous, Insight, and Life Skills. I commend Mr. Mosley for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Mosley's crime was brutal and vicious. He stabbed Ms. Griffin four times in the back, once in the chest, and slit her throat. He admitted to a friend that he killed Ms. Griffin because "she was pestering me and would not leave me alone" and then shared that he "sliced her up" when

asked how he killed her. Ms. Griffin was not Mr. Mosley's first victim. He was convicted of battery on a spouse in 1980 after an altercation with his then-wife. Mr. Mosley's estranged wife told investigators that he had beaten her and threatened her with a meat cleaver. Mr. Mosley was also arrested for raping his neighbor at knifepoint in 1977, but was released after she refused to testify.

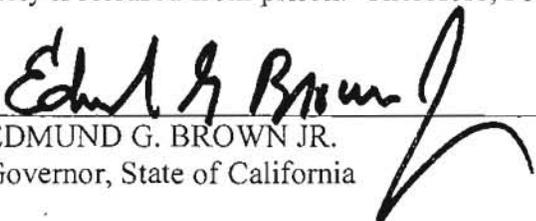
Mr. Mosley's version of the crime is utterly implausible. His story is that Ms. Griffin approached him offering sex for money or drugs while he was walking late at night. He reported that he declined her offer several times and that they both ended up at the high school. He claims that he was then confronted by a stranger with a knife. He struggled the knife out of the stranger's hands and the man ran away. When he turned around, Mr. Mosely reported that he saw Ms. Griffin with a knife, coming toward him. Mr. Mosley maintains he acted in self-defense when stabbing Ms. Griffin several times but claims not to remember slitting her throat. This story is ridiculous. Mr. Mosely told many different people about the murder immediately after he killed Ms. Griffin. He told none about a strange man who had attacked him or that he was defending himself against Ms. Griffin's knife attack, but rather that he killed her because she had been bothering him. Ms. Griffin's injuries are not consistent with Mr. Mosley's self-defense claim – she died of multiple stab wounds to her back, suggesting that she had not been walking toward Mr. Mosely when he stabbed her. Even if his outlandish story of self-defense could be true, it seems unlikely that he would remember so many details of the crime, but not the critical elements of slitting Ms. Griffin's throat or taking the murder weapon with him when he fled the scene.

I am also concerned that Mr. Mosley has not addressed his history of violence against women. He told the psychologist who evaluated him in 2013 that he had "never been aggressive" and had "never hurt anyone in my life." He told the Board that he murdered Ms. Griffin because he was reacting to "the anger that was already there." He further explained that "I was just in a reaction mode and struck out." Mr. Mosley's underlying anger does not explain how he could murder Ms. Griffin in such a gruesome manner. His claims that he has never been aggressive or hurt anyone are contradicted by his conviction for battery on a spouse and Ms. Griffin's murder. I am also troubled by Mr. Mosley's explanations that the battery on his wife was instigated by his wife, and Ms. Griffin's murder was an act of self-defense. Mr. Mosley has neither identified nor addressed his disturbing pattern of violence against women. Until Mr. Mosley is willing to do so, he is not ready to be released.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Mosley is currently dangerous. When considered as a whole, I find the evidence I have discussed shows why he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Mosley.

Decision Date: March 7, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**THOMAS OWEN, D-14332**  
Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On May 15, 1983, Thomas Owen and Arthur Jacobs entered the home of Jean Shingrin and her daughter, Lise Shingrin. Ms. Shingrin was woken by screams from Lise for the men to leave her alone and get away from her. On her way to the den to help her daughter, Ms. Shingrin was grabbed by Mr. Jacobs. After breaking away from Mr. Jacobs, Ms. Shingrin ran into the den where she saw Mr. Owen beating Lise with a shotgun. Ms. Shingrin spread her body over Lise and was struck by Mr. Owen eight to ten times. Ms. Shingrin was flailing and kicking at Mr. Owen from the floor when Mr. Owen shot Lise twice, blowing off the top of her head and killing her. Ms. Shingrin lost consciousness, and Mr. Owens and Mr. Jacobs fled. Neighbors heard screams and an explosion coming from the Shingrin home. A neighbor came to check on the Shingrins while the neighbor's son-in-law followed Mr. Owen and Mr. Jacobs in his vehicle and clearly saw one of the men in the headlights.

Ms. Shingrin later identified both men. Her neighbor's son-in-law worked with a sketch artist to prepare a composite of one the men that closely resembled Mr. Jacobs, and later identified Mr. Owen in a photographic lineup. A couple testified that they had previously seen Lise, Mr. Owen, and Mr. Jacobs at the home of Mr. Jacob's mother and saw Lise's car at the house quite often. Mr. Owen also made incriminating statements to his cellmates while he was in jail awaiting trial. He admitted to a cellmate that he and Mr. Jacobs went to Lise's house to talk to her and took a shotgun with them to scare her, but a fracas ensued when Lise became hysterical and her mother came running into the room. He said that they ran from the house, but were followed and "hollered at," and Mr. Jacobs took him back to work. Mr. Owen told another inmate a similar story and implied that the visit to Lise was drug-related. Mr. Owen told one of his cellmates of his plan to use a false alibi by claiming he was at work on an offshore oil platform the entire day. But he divulged that it was really quite simple to come and go from the platform to the mainland. Mr. Owen's supervisor testified that company records indicated that Mr. Owen was at work when the crime occurred, but that he could not remember if he saw Mr. Owen working that day.

**GOVERNING LAW**

The question I must answer is whether Mr. Owen will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-

incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

### **DECISION**

The Board of Parole Hearings found Mr. Owen suitable for parole based on a lack of violent criminal history, his institutional behavior, regret and remorse for his criminal behavior, insight into his criminal behavior, age, substance abuse programming, educational achievements, and realistic parole plans.

I acknowledge Mr. Owen has made efforts to improve himself while incarcerated. Since his last hearing in 2012, he has participated in numerous self-help programs, including Alcoholics Anonymous, Narcotics Anonymous, Impulse Behavior Management, Victim Impact, and Understanding Empathy. He has also maintained a leadership role in educational and self-help programs since his last hearing, including facilitating Relapse Prevention Planning and Anger Management. I commend Mr. Owen for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

When the Board of Parole Hearings granted Mr. Owen parole in 2012, I reversed the Board's decision because I was concerned about Mr. Owen's continued denial of this crime given the overwhelming evidence of his guilt and his underdeveloped understanding of his issues relating to substance abuse. I remain concerned about these unresolved issues.

Mr. Owen committed a horrific crime. He entered the Shingrin home and violently beat Lise with his shotgun. When her mother attempted to protect Lise with her own body, Mr. Owen beat her too. He then shot Lise in the head twice in front of her mother.

I still find Mr. Owen's claim of innocence to be unbelievable given the unsurmountable evidence of his guilt. Yet, during his recent hearing, Mr. Owen maintained his innocence. As I discussed last year, the psychologist who evaluated Mr. Owen in 2009 wrote that "he appears to be hiding himself from the examiners and presenting what he believes to be an acceptable façade" and found that Mr. Owen displayed no depth of understanding or change in his "distorted ways of thinking and behaving." The psychologist in his most recent subsequent risk assessment does not indicate that Mr. Owen has made progress in this area.

I also remain troubled that Mr. Owen has not adequately addressed his issues with substance abuse. He began drinking alcohol heavily at a substantially early age as well as using marijuana and cocaine on a regular basis. It is clear that Mr. Owen has had an issue with alcohol and illicit drugs since he was a juvenile. His addiction to cocaine led him to selling drugs to pay for his habit. However, his exploration of his substance abuse still remains superficial. The psychologist that conducted his 2013 subsequent risk assessment found that "[h]e was unable to apply what he reported learning in AA/NA to his individual situation[.]" despite participating in Alcoholics Anonymous for three decades. The psychologist questioned whether his participation in substance abuse programming "[i]s merely for secondary gain (i.e. to obtain a release date)."

The psychologist also indicated that he has not “adequately absorbed the [substance abuse] program’s philosophy and he could not be seen as having developed adequate coping skills to avoid his triggers if he were to be released into the free community.” The psychologist concluded that “[s]uccessful sobriety remains questionable.” I agree. I encourage Mr. Owen to continue working to address his substance abuse issues.

CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Owen is currently dangerous. When considered as a whole, I find the evidence I have discussed shows why he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Owen.

Decision Date: March 7, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**RICHARD MACKENZIE, J-76688**

Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_

**X**

**STATEMENT OF FACTS**

On October 8, 1993, twenty-two-year-old Richard MacKenzie and his friend, twenty-year-old Steve Avendano, invited fifteen-year-old Patricia Montalvo and sixteen-year-old Brenda Arellano on a double date. Mr. MacKenzie, who was seeking to escape his troubled marriage, purchased alcohol for the two girls and began drinking with them. After Mr. MacKenzie's sexual advances were rejected by Ms. Montalvo, she and Ms. Arellano decided to leave. As Mr. Avendano began driving Mr. MacKenzie home, Mr. MacKenzie saw Ms. Montalvo and Ms. Arellano waiting at a bus stop. Mr. MacKenzie apologized and offered to drive the girls home, and the girls got into Mr. Avendano's van. Inside the van, Mr. MacKenzie became hostile when Ms. Arellano began ignoring him and rejecting his advances. She repeatedly denied ignoring him and finally responded, "I am not ignoring your fucking ass." Mr. MacKenzie demanded Mr. Avendano pull over to the curb and ordered the girls out of the van. As Ms. Montalvo and Ms. Arellano exited, he spat on Ms. Arellano, called them "bitches" and stated he did not like to be ignored. Ms. Montalvo said "fuck you guys," and Mr. MacKenzie responded, "shut up you short bitch before I cap you in the head." As the girls were walking away, Mr. MacKenzie opened fire on them, striking Ms. Montalvo in the head and back and killing her. Ms. Arellano was fortunately not hit by the bullets.

**GOVERNING LAW**

The question I must answer is whether Mr. MacKenzie will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. MacKenzie suitable for parole based on his lack of other criminal convictions, behavior in prison, acceptance of responsibility, remorse, and realistic parole plans.

I acknowledge Mr. MacKenzie has made efforts to improve himself while incarcerated. He has completed several vocations, including being certified as a substance abuse counselor. He has never been disciplined while in prison and has continued his work as a hospice volunteer since his last hearing. Additionally, he has continued participating in a significant number of self-help groups since his last hearing, including Alcoholics Anonymous, Changing Criminal Behavior, Victim Offenders Insight, and Alternatives to Violence. I commend Mr. MacKenzie for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. MacKenzie's crime was senseless and callous. He attempted to humiliate and embarrass two innocent teenage girls after they rebuffed his sexual advances. When the victims tried to get away from him, he got angry and shot one of them in the back of the head. Mr. MacKenzie's actions had a devastating and long-lasting impact on Ms. Montalvo's loved ones. I note that her mother, father, and sister have appeared at all of Mr. MacKenzie's parole hearings, family members have written letters opposing parole, and 117 others have joined in supporting her family's efforts.

In 2012, I reversed the Board's grant of parole, because I was troubled by this tragic crime and I believed Mr. MacKenzie lacked insight into the reasons it was so important to impress these young girls or why he lashed out with deadly violence when he did not get his way. I also expressed concerns regarding his mental stability and whether he would be willing to comply with appropriate mental health treatment in the community. It appears Mr. MacKenzie has been mentally stable since his last hearing and he now claims he is willing to follow a doctor's advice regarding mental health treatment. However, the severe and recent nature of his mental instability still gives me pause. I also remain troubled by the violence of his reaction to teenage girls rejecting his advances.

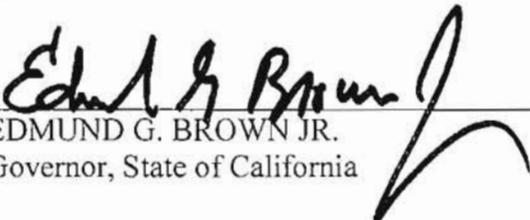
Mr. MacKenzie has not convincingly explained the issues leading to this crime. During his hearing, Mr. MacKenzie said "they were willing to go out and at that time, that was all that mattered to me, that they looked like women and they were willing to go out and party." Mr. MacKenzie said that he purchased alcohol for the girls because he "wanted to get them drunk," and said, "[t]he whole plan of this date was for me to find the things I wasn't finding in my marriage. . . . I wanted, you know, intimacy with a girl." Mr. MacKenzie further explained that he grew "embarrassed" that he could not impress the girls, and wanted to "humiliate them" after they did not show interest in him. When asked why it was so important to impress these teenage girls, he told the panel, "I depended on them to make me feel like a man." He still says he was controlling and he shot at Ms. Montalvo and her friend because he "wanted to punish them" for rejecting and ignoring him.

Ms. Montalvo and Ms. Arellano were not adults; they were teenage girls. Mr. MacKenzie was frustrated when his attempts to seduce these young girls failed, yet his overreaction in murdering one of them seems inexplicable. Mr. MacKenzie has not adequately explained the reason he was willing to lash out with explosive anger and then resort to deadly violence when he did not get his way.

CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. MacKenzie is currently dangerous. When considered as a whole, I find the evidence I have discussed shows why he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. MacKenzie.

Decision Date: March 14, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**JOSE SOTO, C-36765**  
Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On January 10, 1981, Jose Soto was about to enter a bar when security guard John Brousseau attempted to pat him down for weapons. Mr. Soto reached into his waistband and pulled out a .38 caliber revolver, prompting Mr. Brousseau to spray Mr. Soto in the face with mace. Mr. Soto fired his gun twice, hitting Betancourt Ovalle twice in the chest as Mr. Ovalle exited the bar, killing him. Mr. Soto was arrested when he returned to the bar eight days later.

**GOVERNING LAW**

The question I must answer is whether Mr. Soto will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Soto suitable for parole based on his remorse, participation in self-help programming, lack of serious disciplinary misconduct for violence, parole plans, marketable skills, and age.

I acknowledge Mr. Soto has made efforts to improve himself while incarcerated. He has participated in self-help programming, including substance abuse prevention classes, anger management, and Criminals and Gangmembers Anonymous. He received positive ratings from his work supervisors. I commend Mr. Soto for taking these positive steps, and I acknowledge that he has been incarcerated for over 33 years. But these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Without any provocation, Mr. Soto pulled out a gun and shot and killed an innocent bystander. He has consistently denied any involvement in this murder. He told the Board that he was at a relative's house when the shooting occurred, and claimed that the first time he had gone to the bar was on the day he was arrested. His claims are entirely unbelievable, and strain credulity.

Mr. Brousseau identified Mr. Soto as the shooter and recognized his car from the night of the murder. A bartender also told police that she had seen Mr. Soto at the bar on previous occasions "so many times that she could not count them." The judge noted during Mr. Soto's sentencing that the evidence of Mr. Soto's guilt was "very strong," and was "more than sufficient" to sustain his conviction. Mr. Soto is not required to admit guilt to be granted parole, but I am also not required to accept his claim of innocence in the face of overwhelming evidence establishing his guilt. Until he has sufficiently explored why he committed this murder, I cannot be assured that it is safe to release him from prison.

I am also troubled by Mr. Soto's history of sexual violence against women. He was arrested for three separate suspected rape incidents in 1976, 1978, and 1979, and pled guilty to rape with force after the 1979 arrest. Mr. Soto told the Board that he was innocent of that crime, that he pled guilty to avoid his family having to sit through a trial, and that he never had any kind of sexual contact with the victim. He claimed that the victim falsely accused him of rape because he had smuggled her into the United States from Mexico but she refused to pay him. Mr. Soto's claim is utterly implausible given the evidence in the record, including information detailing the incident in Mr. Soto's confidential file. Mr. Soto's current claim that he didn't have sex with the victim is also contradicted by his statement to police at the time of the crime that he paid the victim for sex, and that she grew angry because he didn't pay her the full amount he had promised. Mr. Soto will be considered a high risk sex offender upon his release from prison. As the United States Supreme Court has concluded, the risk of recidivism posed by sex offenders is "frightening and high" and an inmate's identification of the traits that cause such a "frightening and high" risk of recidivism is critical to his rehabilitation. (*McKune v. Lile* (2002) 536 U.S. 24, 33-34 (plur. opn. of Kennedy, J.)) Mr. Soto's refusal to acknowledge or admit to this rape has prevented him from even beginning to explore the reasons behind his sexual violence. Given these disturbing facts and his statistical probability of committing another crime involving sexual violence, I am not prepared to release him into the community at this time.

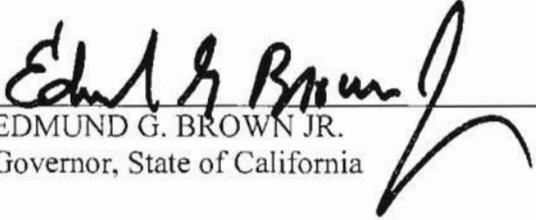
I am further concerned by Mr. Soto's pattern of misbehavior while in prison from 1982 through 2012. Mr. Soto repeatedly told the Board, "I never do nothing foolish here in prison. I never even got in a fight here in prison." He emphasized that he was "forced" to associate with the Mexican Mafia, but "never hurt nobody." Contrary to his claims, confidential information indicates that he was an active associate and "shot caller" for the Mexican Mafia, and participated in making weapons and ordering assaults. He has been disciplined for serious misconduct 19 times, was identified as a "major" trafficker of narcotics in prison throughout the 1990s, and was sentenced to additional prison terms for drug trafficking while incarcerated in 1993 and 2003. He was again disciplined for conspiring to traffic methamphetamine into the prison in 2012. These actions are far from "nothing foolish." Mr. Soto's behavior indicates that he has not turned away from his criminal values, and his statements to the Board show that he does not even have an understanding of the serious nature of his behavior. Until he develops a significantly improved understanding of the severity of his actions and how his behavior developed and persisted for so long, I do not believe he will be willing or able to avoid criminal conduct if released.

Mr. Soto's elevated risk score supports my concerns. In 2010, the psychologist assessed him as posing a moderate risk of violence if released based in part on his criminal history, failure to accept responsibility, and impulsivity. The psychologist who evaluated Mr. Soto in 2013 noted that Mr. Soto "is clearly angry and resentful over his stated wrongful incarceration and these feelings are limiting his ability to move forward with his life and make progress." That psychologist found that Mr. Soto had "limited" insight into his prior criminal history and use of alcohol, encouraged Mr. Soto to "explore the causative factors that contributed to his criminal history in further detail," and noted that his 2012 rules violation was "indicative of ongoing problems following the rules."

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Soto is currently dangerous. When considered as a whole, I find the evidence I have discussed shows why he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Soto.

Decision Date: March 14, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**ALEJANDRO VELAZQUEZ, C-61239**  
Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_   X   \_\_\_\_\_

**STATEMENT OF FACTS**

Nao Romo and Alejandro Velazquez were co-workers at a medical clinic and dated briefly. On March 30, 1980, while alone in the medical clinic with Ms. Romo, Mr. Velazquez stabbed Ms. Romo twice in the back and eight times in the chest. When Ms. Romo fell to the ground but did not die, Mr. Velazquez hit her in the face multiple times with a wrench, killing her. Mr. Velazquez called police, and was found with five non-threatening stab wounds to his abdomen. He told police that three assailants broke into the medical clinic, stabbed him 5 times, and killed Ms. Romo. He soon confessed to the murder and was arrested on April 4, 1980, but quickly recanted.

**GOVERNING LAW**

The question I must answer is whether Mr. Velazquez will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Velazquez suitable for parole based on his lack of criminal history, lack of institutional misconduct since 1983, psychological evaluations, self-help programming, vocational training, positive work ratings, and laudatory chronos from staff.

I acknowledge Mr. Velazquez has made efforts to improve himself while incarcerated. He has only been disciplined for institutional misconduct once, in 1983. He has completed vocational training and received positive ratings from his work supervisors. He participated in self-help and independent study programs including Anger Management, Positive Relationships, and Domestic Violence. I commend Mr. Velazquez for taking these positive steps, and I acknowledge that he has been incarcerated for over 33 years. But these circumstances are outweighed by negative factors that demonstrate he remains unsuitable for parole.

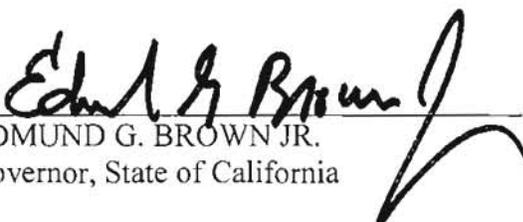
Mr. Velazquez has consistently denied any involvement in this horrific murder. He told the Board that he never had any romantic interest in Ms. Romo, that he never confessed to police, and that three Latino men were guilty of the crime. I find his claims hard to believe. At sentencing, the trial judge noted that “the evidence supports more than beyond a reasonable doubt that [Mr. Velazquez] committed a vicious brutal murder.” The Court of Appeal upheld Mr. Velazquez’s conviction, saying that Mr. Velazquez’s wounds were “the only circumstantial evidence that he did not commit” this murder, and that even that “was greatly outweighed by circumstantial evidence of his guilt.” The court cited the “shallow and non-serious” nature of Mr. Velazquez’s wounds, and noted that both the knife and wrench used to kill Ms. Romo were “indigenous to the clinic.” Additionally, evidence regarding the blood pattern on the clinic floor and a witness’s statement that he had seen Mr. Velazquez outside the clinic were “inconsistent” and “irreconcilable” with Mr. Velazquez’s story. Mr. Velazquez initially confessed to police, but later recanted and now, despite claiming on appeal only that his confession was involuntary and inadmissible, claims that police fabricated his confession entirely. I acknowledge that law enforcement officers lost a clump of hair found at the murder scene, evidence that Mr. Velazquez claims may be exculpatory. The Court of Appeal concluded, however, that the loss was neither intentional nor malicious and that even a stringent jury instruction as to the significance of the lost hair would not have raised a reasonable doubt of Mr. Velazquez’s guilt. Mr. Velazquez is not required to admit guilt to be granted parole, but I am also not required to accept his entirely unbelievable claim of innocence in the face of overwhelming evidence establishing his guilt.

Immigration and Customs Enforcement has an active immigration detainer for Mr. Velazquez and intends to pursue his deportation to Mexico upon his release from prison. Yet, despite being instructed by previous panels to develop parole plans in Mexico, Mr. Velazquez has done extremely little to address even his basic needs in Mexico. He provided numerous letters of support from his family offering housing and assistance in California, but only one letter from a step-niece allegedly offering housing in Tijuana that was not translated for the record. I am concerned that Mr. Velazquez is not prepared to support himself in Mexico and will be tempted to illegally reenter the United States where his entire family is and where he has spent the majority of his life. I direct the Board to work with Mr. Velazquez to develop a realistic plan for his life in Mexico and re-assess whether he is suitable for parole.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Velazquez is currently dangerous. When considered as a whole, I find the evidence I have discussed shows why he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Velazquez.

Decision Date: March 14, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**DWIGHT WILLIAMS, E-86794**  
Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On September 7, 1990, Dwight Williams was at a drug house in the projects with a group of people that included Cassius Ward and William Tippen. Mr. Ward bought cocaine from one of the group members but demanded more for his money, which prompted a fight between Mr. Williams and Mr. Ward. Mr. Tippen and at least four others joined in and beat Mr. Ward, punching him and stomping on his back, chest, head, and neck multiple times as he laid on the ground. Mr. Williams and Mr. Tippen stole money from Mr. Ward's pockets. Mr. Ward died the next day of an aneurism caused by the blows to his head.

**GOVERNING LAW**

The question I must answer is whether Mr. Williams will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Williams suitable for parole based on his remorse, insight, age, efforts to educate himself, participation in self-help programs, lack of serious misconduct in the last ten years, and parole plans.

I acknowledge Mr. Williams has made recent efforts to improve himself while incarcerated. He has participated in a number of self-help programs in the last year, including Alcoholics Anonymous, Narcotics Anonymous, Conflict Resolution, Life Skills, Re-Entry Skills, and Anger Management. He has worked hard trying to obtain his GED, and he has support from several correctional officers. I commend Mr. Williams for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

I am troubled by Mr. Williams' long history of violence and crime. Before his life crime, Mr. Williams sold drugs, abused alcohol and marijuana, and committed multiple burglaries and other

offenses. His life crime was horrific and senseless. Mr. Williams and his friends ganged up on Mr. Ward and beat him so violently that he died from his injuries.

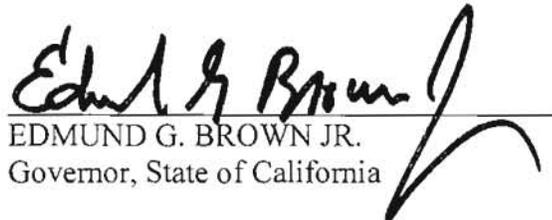
For much of his incarceration, Mr. Williams has shown that he is not committed to turning away from violence or following the rules. During his first twelve years of incarceration, Mr. Williams was disciplined 50 times: 27 times for serious misconduct and 23 times for less significant misconduct. His offenses include having inmate-manufactured weapons in 1998 and fighting with other inmates in 1993, twice in 1993, in 1999, and in 2002. Correctional officers had to use pepper spray to diffuse his 2002 fight. His most recent serious rule violation was in 2003 for charging at a correctional officer and threatening her. This behavior demonstrates a serious pattern of impulsivity and violence that extended well into Mr. Williams' incarceration.

As a consequence of his violence in prison and multiple terms in Security Housing Units, Mr. Williams was unable to avail himself of the rehabilitative, vocational, and educational programs which were available to other inmates. He began to address his history of violence and substance abuse last year by participating in a flurry of self-help programming for the first time. He has yet to participate in any vocational training programs, but is working on earning a GED. The psychologist who evaluated Mr. Williams in 2013 wrote that he had "begun to address factors contributing to his life crime and is developing an understanding of the basis for his misconduct in the community and in prison" and that Mr. Williams "would benefit from continued involvement in self-help groups that address topics including victim's impact, interpersonal relationships, communication skills, and substance abuse." I agree. His one year of programming does not show me he has sufficiently addressed his problems. I encourage Mr. Williams to continue his rehabilitative efforts to learn the critical skills necessary to support himself in the community and to make a long-term commitment to living without drugs, alcohol, or violence.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Williams is currently dangerous. When considered as a whole, I find the evidence I have discussed shows why he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Williams

Decision Date: March 14, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**DAVID COFIELD, J-43741**  
Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

David Cofield and Lisa Publicover had been dating since 1988, lived together, and had two children together. Mr. Cofield regularly physically abused Ms. Publicover. Ms. Publicover had told her sister in October 1993 that she was going to leave Mr. Cofield if he did not stop using drugs, and that she loved Mr. Cofield but was afraid of him. Ms. Publicover also told her aunt in July 1994 that Mr. Cofield had been abusing her and that she wanted to leave him. She also told friends that if Mr. Cofield ever found out she had told anyone about the beatings Mr. Cofield would beat her even more severely. In early August 1994, Ms. Publicover went to a neighbor's house with a black eye and said that Mr. Cofield had hit her. Ms. Publicover told the neighbor that Mr. Cofield had been beating her, refused to let her leave the apartment, and that she had only been able to escape because Mr. Cofield had gone to the store. Ms. Publicover wanted to call a taxi to "get away from" him, but before she could leave Mr. Cofield arrived at the neighbor's apartment, demanded to talk to Ms. Publicover, forced his way inside, and pleaded with Ms. Publicover to return, which she finally did.

On August 15, 1994, while their 2-year-old son and 4-year-old daughter were in the apartment, Mr. Cofield and Ms. Publicover again began to argue. Mr. Cofield beat Ms. Publicover throughout the day, slapping her in the face, pushing her to the floor, pulling her hair, punching her numerous times including in the nose and on the side of the head, and kicking her legs when she attempted to flee. At approximately 3:30 p.m., friends came over to the apartment and noted the apartment was in disarray and that it looked as though Mr. Cofield and Ms. Publicover had been fighting. Ms. Publicover stayed in the bedroom, claiming she was sick and did not want company, and the friends left. Eventually, around 4:00 p.m., Mr. Cofield went to a neighbors' home and told them to call an ambulance, saying he and Ms. Publicover had been fighting, that he "socked her up," and that Ms. Publicover was a "fucking bitch." Ms. Publicover had been beaten to death; she was placed on life support, but was declared brain dead and died when her family agreed to remove her from life support later that night. Mr. Cofield had punched her numerous times in the nose, face, and head, slapped her in the face, pushed her to the floor, pulled her hair, and kicked her when she attempted to flee. Ms. Publicover suffered a subdural hemorrhage due to blunt force trauma to her head, had 60 "acute" bruises covering her body, and had possibly been choked. Mr. Cofield was arrested that day, and told police, "I know I fucked her up. I'm sorry I fucked her up, but they were playing with my mind and I took it out on her."

### GOVERNING LAW

The question I must answer is whether Mr. Cofield will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

### DECISION

The Board of Parole Hearings found Mr. Cofield suitable for parole based on his remorse, acceptance of responsibility, age, lack of serious institutional misconduct, vocational training, self-help participation, psychological assessment, and parole plans.

I acknowledge Mr. Cofield has made efforts to improve himself while incarcerated. He earned his Associate's Degree, completed vocational training, and received positive ratings from his work supervisors and correctional officers. He has participated in self-help programming, including Alcoholics and Narcotics Anonymous, Alternatives to Violence, and some classes addressing domestic violence. In the almost 20 years he has been incarcerated, he has never been found guilty of a serious rules violation. I commend Mr. Cofield for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Cofield beat Ms. Publicover until she fell into a coma and died. Ms. Publicover's injuries were extensive and appalling. Mr. Cofield was not deterred by the fact that his two children were home while he beat Ms. Publicover. This heinous act was the culmination of a long history of violence and terror that Mr. Cofield perpetrated on Ms. Publicover throughout their relationship.

I am troubled that Mr. Cofield continues to vehemently deny that he had a history of physical abuse against Ms. Publicover. He admitted that he was verbally abusive and broke things to intimidate Ms. Publicover, but told the Board multiple times throughout his hearing that he only had hit Ms. Publicover once, two weeks before he killed her. He said that he felt "resentment" and "frustration" because he was accused of these prior acts of violence but was, in fact, innocent. These statements are unbelievable. Multiple friends and members of Ms. Publicover's family stated that Ms. Publicover had reported Mr. Cofield's consistent physical abuse for over a year. Weeks before her murder, Ms. Publicover fled to a neighbor's house but returned home after Mr. Cofield forced his way into the neighbor's home, an incident he refers to in the psychological evaluation as going to the neighbor's to "retrieve her." It gives me pause that Mr. Cofield reacts with resentment and frustration in the face of extensive evidence – which he has no explanation for – of his prolonged physical abuse of Ms. Publicover.

I am also concerned by the way Mr. Cofield describes his violent behavior. He told the Board that while he was beating Ms. Publicover he suddenly "snapped out of it," that he and Ms.

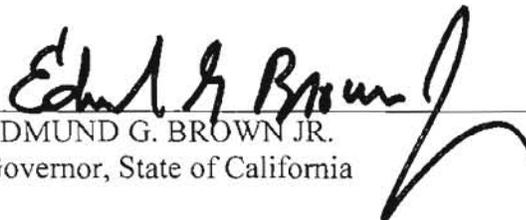
Publicover “both were a little shocked to the extent it went,” and that they “stopped and started picking up the house.” In addition to the incident where he said he “retrieved” Ms. Publicover from their neighbor’s home, Mr. Cofield told the psychologist that the murder “complicated” their children’s lives, and that on the day of the murder he “started hitting her and it lead to her death.” Based in part on these statements, the psychologist found that Mr. Cofield limited his responsibility for the crime, “appeared to emotionally distance himself from his behavioral responsibility in the life crime,” had a limited understanding of the factors that led to the crime, and lacked empathy.

I encourage Mr. Cofield to engage in additional self-help and independent study so that he can more honestly understand the extent of his domestic violence. Until he has done so, I am not convinced that he will not return to violence in future intimate relationships.

**CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Cofield is currently dangerous. When considered as a whole, I find the evidence I have discussed shows why he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Cofield.

Decision Date: March 21, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**DAVID DILLINGER, D-92731**

First-degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

David Dillinger was married, but was simultaneously having affairs with Kelli Armitage and Holly Boniedot. In September 1987, Mr. Dillinger told a friend that he was going to kill Ms. Boniedot in an area where he regularly went shooting because Ms. Boniedot had been pestering him constantly and threatening to tell Mr. Dillinger's wife about his infidelity. On October 4, 1987, Mr. Dillinger and Ms. Armitage picked up Ms. Boniedot at a bar, and the three drove to the deserted area where Mr. Dillinger and Ms. Boniedot took turns shooting Mr. Dillinger's .357 revolver. Mr. Dillinger commented that Ms. Boniedot talked a lot about something that could get him into trouble, and said something to the effect of, "what would you do or what would you say if I was just out here to kill you?" Ms. Boniedot began to cry, and Ms. Armitage went back to the car and fell asleep. Ms. Boniedot and Mr. Dillinger walked away from the car, and Mr. Dillinger handcuffed Ms. Boniedot and she orally copulated him, allegedly fulfilling a fantasy she had about being forced into sex. Mr. Dillinger returned to the car, told Ms. Armitage that he had Ms. Boniedot handcuffed behind some bushes, and said he was going back to talk to her some more. When Mr. Dillinger returned to where Ms. Boniedot was handcuffed, he shot her in the head, killing her. Mr. Dillinger retrieved the handcuffs and fled with Ms. Armitage, leaving Ms. Boniedot's body.

**GOVERNING LAW**

The question I must answer is whether Mr. Dillinger will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Dillinger suitable for parole based on his remorse, acceptance of responsibility, age, self-help programming, vocational training, positive work reports and commendations, lack of recent serious institutional misconduct, psychological evaluations, and parole plans.

I acknowledge Mr. Dillinger has made efforts to improve himself while incarcerated. He has participated in self-help programming, including Alcoholics and Narcotics Anonymous, Alternatives to Violence, and Anger Management. He has completed a number of vocational training programs, and has received positive ratings from his work supervisors. He has not been disciplined for serious misconduct since 2000. I commend Mr. Dillinger for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

As the deputy commissioner at Mr. Dillinger's parole hearing noted, this murder was a "complete failure of the human condition." Mr. Dillinger lured Ms. Boniedot to a deserted area, threatened to kill her, handcuffed her, had her perform oral sex on him, and shot her in the head.

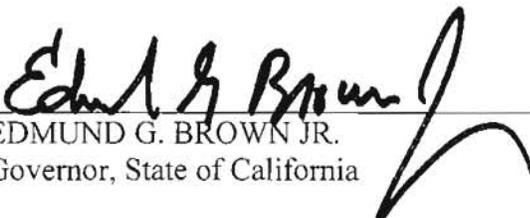
I am concerned that Mr. Dillinger continues to minimize his plot to murder Ms. Boniedot. He told the Board that he "had no intent of committing this heinous act that night," and that he "snapped" when Ms. Boniedot "threatened" him by saying, "how are you going to get out of this one." Although he admitted to the Board that he said to Ms. Boniedot, "what would you say if I was just out here to kill you," he claimed that he was only, "joking around, being me." This is not believable. The record indicates that Mr. Dillinger told a friend a week before the murder that he planned to kill Ms. Boniedot in the very spot where he executed her. His claim that his threat to kill her just moments before he actually did was just "joking around" is not credible. I encourage Mr. Dillinger to participate in additional self-help and independent study so that he can better understand and explain what it was that led him to murder Ms. Boniedot. Until he does so, I am not prepared to release him.

My concerns are supported by Mr. Dillinger's recent psychological evaluations. The 2010 psychologist rated Mr. Dillinger a moderate overall risk if released, moderate risk for violent recidivism, and in the moderate range of psychopathy. These elevated risk ratings were based in part on Mr. Dillinger's "pathological narcissism," grandiose presentation, and unrealistic believe that he would never be at risk for relapsing into substance abuse. I note that the psychologist who evaluated Mr. Dillinger in 2013 did not provide new risk ratings, and found that Mr. Dillinger discussed the murder "blandly" and "in a somewhat detached manner without emotional coordination to his discussion of thoughts." These observations give me pause. I direct the Board to administer a new comprehensive risk assessment before Mr. Dillinger's next parole hearing in order to address these concerns and to provide a more current and complete assessment of the risk he poses if released.

CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Dillinger is currently dangerous. When considered as a whole, I find the evidence I have discussed shows why he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Dillinger.

Decision Date: March 21, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California



I acknowledge Mr. Pierce has made efforts to improve himself while incarcerated. He has never been disciplined for serious misconduct. Mr. Pierce has nearly earned an associate's degree and has completed many vocational training programs. He has taken some self-help classes, participated in a juvenile diversion program, and has been commended for his hard work and interaction with others. I commend Mr. Pierce for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Pierce orchestrated two sophisticated armed robberies of two high-end jewelry stores in La Jolla. He recruited some friends, obtained guns, hammers, stolen cars, and hotel rooms, and directed the others to carry out the attack. Then, even after he found out that an innocent man had been killed during one of the robberies, he sold the stolen jewelry for \$20,000 and split the money between his crime partners. Mr. Pierce was undeterred by attempts to rehabilitate him during his prior juvenile hall, jail, and prison terms.

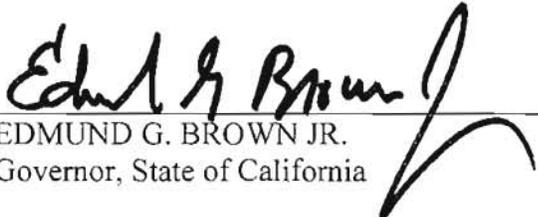
I am not persuaded by Mr. Pierce's account of this crime. He reported that he "should have," but did not think about whether anyone could have been hurt or killed during the robberies. He said, "My mindset of doing a robbery, even though there were guns used, I never had shot or killed anybody before, so I thought that it was just as simple as breaking the glass, going in and coming out." I do not believe his claim that he just didn't think about the probability that an innocent person could be hurt when sending armed men into a busy jewelry store to steal valuable goods. Of course firing the loaded guns was a real possibility. Mr. Pierce does not explain what it was other than his desire for easy money that allowed him to utterly disregard what the Commissioner called "the natural and probable consequence" of sending these men into the store.

I am also concerned by Mr. Pierce's minimal participation in rehabilitative programs during this prison term. He has recently begun participating in self-help classes including Accountability, Restorative Justice, Criminals and Gangmembers Anonymous, and Alternatives to Violence, but has yet to focus significant attention on his cavalier and callous treatment of others. In addition to this crime and his other robberies and burglaries, Mr. Pierce was arrested three times for sex crimes and was rated as having a moderate-high risk of sexual recidivism. I encourage Mr. Pierce not to give up hope but to continue his recent efforts to understand more clearly the reasons for his criminal behavior.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Pierce is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Pierce.

Decision Date: March 28, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**JOSE YBARRA, C-18150**  
Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

Jose Ybarra served ten years in prison for stabbing a man to death during a bar fight. A few years after his release from prison, Mr. Ybarra started a relationship with Linda Delgado. During their 7-year relationship, Mr. Ybarra was arrested twice for battering her. Ms. Delgado was the caretaker for a paraplegic man, John Barabutes. On November 10, 1979, Mr. Ybarra went to the apartment of Mr. Barabutes to look for papers he had left during a previous visit. When Mr. Ybarra arrived, he saw Ms. Delgado sitting in her underwear on the couch. Mr. Ybarra punched Mr. Barabutes several times and then smashed a glass bottle of syrup over his head. Ms. Delgado attempted to intervene, but Mr. Ybarra beat her repeatedly with a frying pan. When Ms. Delgado fell to the floor, Mr. Ybarra began kicking her in the head and then tried to choke her. When Mr. Ybarra had had enough, he fled. Ms. Delgado and Mr. Barabutes were hospitalized, and Ms. Delgado died three days later. Mr. Ybarra had told Mr. Barabutes three days earlier that he would kill Ms. Delgado.

**GOVERNING LAW**

The question I must answer is whether Mr. Ybarra will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Ybarra suitable for parole based on his lack of serious misconduct in prison, age, and remorse.

I acknowledge Mr. Ybarra has made efforts to improve himself while incarcerated. He has served over 34 years in prison for this murder and has not been disciplined for any serious misconduct in this prison term. He has participated in some self-help programs, including Alcoholics Anonymous, Anger Management, and Violence Prevention. I commend Mr. Ybarra for taking some positive steps, but these circumstances are outweighed by negative factors that

demonstrate he remains unsuitable for parole. Although I recognize that Mr. Ybarra is now 80 years old and has some medical issues to address, there is no indication that Mr. Ybarra lacks either the physical capability or the propensity to commit further acts of violence.

Mr. Ybarra's criminal history is extensive and exceptionally violent. By the time he was 25, Mr. Ybarra had been convicted of battery, robbery, and assault. He placed no value on human life when he stabbed a man seven times during a bar fight. But even more troubling, he again showed a callous disregard for human suffering when he beat his girlfriend to death a decade after being released from prison for his first murder. In the ten year period between his release from prison for his first murder conviction and Ms. Delgado's murder, he was arrested for beating Ms. Delgado twice and convicted of at least three batteries and assaults. None of Mr. Ybarra's prior prison terms served to rehabilitate him or deterred him from committing a second murder.

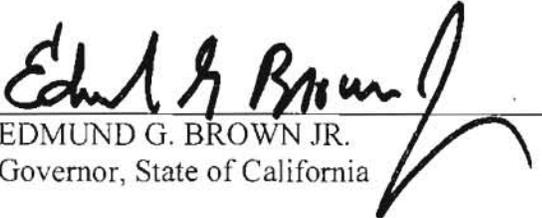
I am troubled that Mr. Ybarra has little recognition of his own violence. During his psychological evaluation less than a year ago, Mr. Ybarra reported that he merely "slapped" Ms. Delgado and that she "cut herself" when she fell onto the broken glass on the floor. For over three decades, Mr. Ybarra insisted that he did not hit Ms. Delgado with a frying pan or kick her once she was on the floor, and instead focused on how her underlying health conditions contributed to her death. Even at his December 2013 parole hearing, Mr. Ybarra initially denied hitting Ms. Delgado with a frying pan or choking her. It was not until he was the panel continued to press him on this issue that he acknowledged doing so. Mr. Ybarra denied any history of physical aggression in his intimate relationships at his last comprehensive psychological evaluation in 2009, despite the fact that he was arrested twice for beating Ms. Delgado. Mr. Ybarra does not recognize that he displayed a pattern of violence towards his girlfriend, nor does he grasp the gravity of his violence against her. Further, Mr. Ybarra has not demonstrated an understanding of his violent behavior in a more general sense. He blames his violent behavior on his drug use and offers no other explanation. In light of his long and consistent criminal history, Mr. Ybarra must have a greater understanding of his violent history before I believe he should be released again.

I am also not persuaded that Mr. Ybarra is prepared to remain sober if released. He started drinking alcohol when he was 15 and began using methamphetamine, heroin, and cocaine in his 30s. He was convicted of possession of narcotics, barbiturates, and heroin following the prison term for his first murder conviction. On the day of Ms. Delgado's murder, Mr. Ybarra used intravenous "speedballs," and consumed half of a bottle of liquor. Although Mr. Ybarra has expressed a desire to maintain his sobriety and has attended Alcoholics Anonymous classes continuously since 1986, he could not recite any of the 12-steps or identify anything which might cause him to relapse. I am not confident that Mr. Ybarra will maintain his sobriety. Ms. Delgado's murder is inextricably linked to Mr. Ybarra's substance abuse and he continues to present a risk of current danger.

CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Ybarra is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Ybarra.

Decision Date: March 28, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**SAMUEL DUBYAK, D-54700**

First-degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

Lourdes Dubyak disappeared in August 1985. On August 27, 1985, Lourdes Dubyak's brother reported that Lourdes's family had not heard from her since August 11, 1985. Lourdes was last seen on August 11, 1985 and no credit card charges or checking account activity was attributed to her after that date. Lourdes and her husband, Samuel Dubyak, had marital problems and were sleeping in separate bedrooms at the time of her disappearance. Lourdes had discussed her desire to divorce Samuel with her brother around the time of her disappearance. Mr. Dubyak told police that on the night he last saw her, Lourdes had dropped their child off in his room and said she had to go out for a while. He said that when he woke in the morning she, and the bed she slept in, were gone. The subsequent investigation revealed that on August 16, 1985, Mr. Dubyak, his brother, and a 13-year-old juvenile loaded Lourdes's bed into a truck and dumped it in a nearby flood control channel. The bed had a bullet hole through the mattress and box springs and a .22 caliber bullet had lodged in the box springs. Two holes had been cut in the foam part of the mattress. Traces of blood were located in the room where Lourdes previously slept and a trail of blood was found in the hallway leading from the room to the garage. The presence of blood was also located in the rear hatchback of a vehicle belonging to Mr. Dubyak. Several hundred rounds of .22 caliber ammunition were found in the residence. During the investigation, Mr. Dubyak began showing his neighbors a typewritten letter, postmarked from Mexico City, with what appeared to be Lourdes's signature on it. He informed Lourdes's brother and aunt of the letter. Mr. Dubyak had been vacationing in Mexico City shortly before he received the letter. A Federal Bureau of Investigation agent testified that the signature had been traced from another signature. The Chief of the Chino Police Department wrote that he was "particularly struck" by the investigating detective's summary of his interview with Lourdes's and Mr. Dubyak's three-year old daughter, which said "The child said her mommy had gone away forever, over the mountains, because she didn't love her. The little girl said that her mother was wrapped in a blanket asleep and taken in the back of a green pick-up truck." Lourdes's body has never been found.

**GOVERNING LAW**

The question I must answer is whether Mr. Dubyak will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-

incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

### DECISION

The Board of Parole Hearings found Mr. Dubyak suitable for parole based on his lack of criminal history, stable social history, lack of substance abuse issues, behavior in prison, mentoring efforts, completion of domestic violence book reports, and risk assessment.

I acknowledge Mr. Dubyak has made efforts to improve himself while incarcerated. He has recently begun participating in self-help programming, including Alternatives to Violence and Anger Management. He received positive work reports and he participated in a youth diversion program. I commend Mr. Dubyak for taking these positive steps. I also recognize that Mr. Dubyak is a 71 year old man who suffers from several health ailments. But these circumstances are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Dubyak's crime was cruel and callous. Mr. Dubyak brutally murdered his wife and hid her body in an unknown area. He then attempted to get rid of the evidence in hopes of avoiding conviction. Mr. Dubyak's crime had a devastating and long-lasting impact on Lourdes's loved ones. Her brother wrote me a moving letter on behalf of Lourdes's family opposing Mr. Dubyak's parole. He expressed how painful it has been for his family to lose Lourdes, and how their anguish is compounded because they were never able to bury her. He described revisiting Lourdes's murder as "mental torture."

Mr. Dubyak continues to maintain his innocence despite substantial evidence supporting his conviction. During the investigation of Lourdes's disappearance, Mr. Dubyak told a detective that Lourdes left on August 11, 1985 and that she must have taken her bed with her. At his 2012 hearing, Mr. Dubyak again reported that Lourdes left the house that Sunday night. He reported that he had purchased a new mattress and admitted that he dumped the old mattress about a week after Lourdes's "disappearance." He claimed that he did not shoot the bullet that was later found in the box springs, but that someone must have shot the mattress after he dumped it. Mr. Dubyak challenged whether there were really traces of blood in Lourdes's room, in the hallway leading to the garage, and in the back of his car, as the investigation uncovered. Mr. Dubyak was convicted by a jury for his wife's murder and an appellate court upheld his conviction. Simply put, Mr. Dubyak claim of innocence is not believable.

I am troubled by Mr. Dubyak's lack of remorse and empathy. During the hearing, when asked the impact of Lourdes's death on her family as well as his own family, Mr. Dubyak said "Well, my daughter grew up without a caring family without her sisters around." The 2012 psychologist noted, "He expresses remorse and regret that his children had to be raised without a father." The 2009 psychologist observed that Mr. Dubyak only discussed regret regarding "the effect of his wife's and his absence in terms of bringing up their children, a recognition of the effects and *perhaps* some indication of empathy towards others, that the disappearance of his

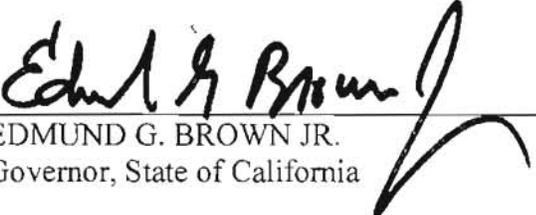
wife had on *his* family.” Mr. Dubyak, however, still fails to acknowledge the grave impact that Lourdes’s murder had on her family.

Although I acknowledge that Mr. Dubyak has recently begun to participate in self-help programs, his efforts have not significantly improved his level of insight into the crime or domestic violence. During his 2013 Subsequent Risk Assessment, he was only able to describe “a basic understanding of some of the dynamics in a violent relationship.” The psychologist who conducted the risk assessment said, “Because Mr. Dubyak denied that he has ever committed domestic violence, he was unable to connect the concepts that he learned to his own experience.” The psychologist also noted that Mr. Dubyak’s responses during his 2012 hearing suggested “a limited understanding of the most salient fact regarding domestic violence; that is, that it occurs within the context of a close, trusting relationship.” The psychologist concluded that Mr. Dubyak’s domestic violence treatment efforts “[a]re a positive step, [but] he did not appear to evidence significant gains in insight due to his efforts.” I encourage Mr. Dubyak to continue his efforts to develop insight into the factors that contributed to the crime. Until he does so, he will continue to pose an unreasonable risk of danger to the community.

#### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Dubyak is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Dubyak.

Decision Date: April 4, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**DONALD GREEN, J-50400**

Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_

**X**

**STATEMENT OF FACTS**

On April 29, 1993, Donald Green, Charles Ginger, Delacio Alex, and several other 74 Hoover Crip gang members were hanging out and drinking in front of an apartment building. Mr. Green and Mr. Ginger got into an argument and began fighting. Mr. Alex urged Mr. Ginger to leave, and the two walked away from the group. Mr. Green followed them, however, and came up behind Mr. Ginger, shot him in the back of the head with a .32 caliber revolver, and shot four more times at Mr. Ginger and Mr. Alex, hitting Mr. Ginger three more times, killing him.

**GOVERNING LAW**

The question I must answer is whether Mr. Green will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Green suitable for parole based on his insight, acceptance of responsibility, positive work ratings, educational and vocational work, self-help participation, laudatory chronos, lack of recent serious rules violations, age, parole plans, and psychological evaluations.

I acknowledge Mr. Green has made efforts to improve himself while incarcerated. He has participated in self-help programming, including Alcoholics and Narcotics Anonymous, Anger Management, and victim awareness classes. He completed vocational work, and has been commended and received positive ratings from his work supervisors and some correctional officers. He has not been disciplined for serious misconduct since 2004, and has been housed on the Positive Programming Facility since 2011. I commend Mr. Green for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Green's crime was cowardly and senseless. He fought with Mr. Ginger, a fellow gang member and friend, then callously shot him in the back of the head as he walked away.

Mr. Green is not being forthright about the extent of his gang activities while incarcerated. He told the Board that he dropped out of the gang in 2001, claiming that he had distanced himself from criminal activity since that time. Numerous confidential sources deemed reliable by correctional staff, however, refute his claims. He was found to be communicating with other gang members in 2007, and was identified by multiple other gang members as being involved in gang-related fights, vying for control of the gang, and being a "high ranking" member as recently as 2010. He has been disciplined for serious misconduct 19 times, including for multiple instances of mutual combat, participation in a melee in 1997, attempted battery on staff during a cell extraction in 2000, and punching another inmate in 2000. In light of this information, I am concerned not only by Mr. Green's continued participation in the lifestyle that led to this crime, but also by his failure to be forthcoming about his criminal activities. He has not behaved in a manner that assures me he has turned away from his criminal values and will not continue to act violently if released.

Mr. Green's elevated risk score supports my concerns. The 2011 psychologist rated him a moderate overall risk if released, based in part on Mr. Green's "fair" insight, failure to integrate the steps of Alcoholics and Narcotics Anonymous or adequately participate in substance abuse treatment, and grandiose presentation. I note that the psychologist who evaluated Mr. Green in 2013 found that a number of factors have mitigated the prior psychologist's concerns, but did not provide new risk ratings.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Green is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Green.

Decision Date: April 4, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**HARVEY JENKINS, H-90221**  
Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On June 9, 1992, Mac Baker drove with his girlfriend, Tamela Sablan, and three others to Harvey Jenkins's home. Visibly angry, Mr. Baker pounded on Mr. Jenkins's front door and was starting to leave when Mr. Jenkins opened the door. Mr. Baker and his girlfriend entered the home while the three others waited in the car. Mr. Baker accused Mr. Jenkins of having sex with Ms. Sablan while Mr. Baker was in jail. Mr. Baker approached Mr. Jenkins, causing Mr. Jenkins to take several steps back, and then Mr. Jenkins slapped Mr. Baker. Mr. Baker laughed and said, "Is that all you got?" At Ms. Sablan's urging, Mr. Baker abruptly turned and walked out of the front door. As Mr. Baker and Ms. Sablan walked toward the car, Mr. Jenkins appeared at the front door with a rifle and Mr. Baker turned and said "What are you going to do, shoot me?" Mr. Jenkins responded by firing the rifle, hitting Mr. Baker in the abdomen, killing him.

**GOVERNING LAW**

The question I must answer is whether Mr. Jenkins will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Jenkins suitable for parole based on his insight into his role in the crime, acceptance of responsibility for the crime, risk assessment ratings, educational accomplishments, lack of recent rules violations, and parole plans.

I acknowledge Mr. Jenkins has made efforts to improve himself while incarcerated. He has received satisfactory work ratings and has been commended by a work supervisor for his work ethic. He participated in Alcoholics Anonymous and Narcotics Anonymous and completed an anger management program. I commend Mr. Jenkins for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Jenkins's crime was senseless. While Mr. Baker attempted to leave Mr. Jenkins's residence after their argument, Mr. Jenkins retrieved his rifle from another room and pursued Mr. Baker. Mr. Jenkins had several opportunities to avoid further confrontation with Mr. Baker, but chose to shoot him instead. Mr. Jenkins demonstrated a callous disregard for the life of someone he considered to be a friend. This was not the first time that Mr. Jenkins participated in violent criminal behavior. He was convicted of spousal abuse, aggravated assault, and assault on a peace officer before committing this crime.

I am troubled that Mr. Jenkins does not accept full responsibility for this crime, continues to maintain the shooting was accidental, and blames others for his actions. During his recent parole hearing, Mr. Jenkins said that he fell on furniture inside his home when attempting to back away from Mr. Baker "and the gun discharged. I didn't even mean to pull the trigger. . . . and it was certainly not my intention to shoot him." He blamed Ms. Sablan by insisting that she "instigated the whole situation that day" by "antagonizing [Mr. Baker] to come to my house." Mr. Jenkins's continued insistence that he did not intend to pull the trigger strains credulity. The record makes it clear that Mr. Jenkins was at his front door, not tripping over furniture, when he shot Mr. Baker outside of his residence. Mr. Jenkins was a hunter, not an inexperienced gunman. His response to Mr. Baker's challenges escalated from slapping to retrieving his loaded rifle. It is difficult to believe that he did not intentionally fire at Mr. Baker. I am further troubled by Mr. Jenkins's attempts to pass blame to others for "instigating" the situation. His self-serving explanations indicate to me that he seeks to deflect any blame or wrongdoing from himself.

I am also concerned that Mr. Jenkins has done little to work through his problems with anger, violence, and substance abuse. Mr. Jenkins began drinking alcohol and using methamphetamine at the age of 15. He was disciplined for having four gallons of inmate-manufactured alcohol five years into his prison term. The 2009 psychologist placed him in the "moderate risk category for violent recidivism" based in part on his history of drug and alcohol abuse. His criminal history and institutional behavior demonstrates he also has continued to have issues dealing with his anger. He has been disciplined for serious misconduct 19 times. Despite this history, in his more than 21 years of incarceration, Mr. Jenkins has only attended Alcoholics or Narcotics Anonymous groups in 2000 and 2013, an anger management class in 2004, and some Bible study. I encourage Mr. Jenkins to actively participate in available self-help programs to address his substance abuse and anger issues to show he is ready to be released from prison.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Jenkins is currently dangerous. When considered as a whole, I find the evidence I have discussed shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Jenkins.

Decision Date: April 4, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**ELOY ROSAS, K-80080**

Second-degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

  **X**  

**STATEMENT OF FACTS**

On March 12, 1997, Eloy Rosas was watching his girlfriend's five-month-old son, Joshua Armendariz. When Joshua began crying, Mr. Rosas shook him for several seconds and slapped him on the back of the head. Joshua lost consciousness for several seconds before waking up. Although Mr. Rosas told Joshua's mother that Joshua had passed out, Mr. Rosas did not take Joshua to the hospital or confess that he had shaken Joshua.

On March 13, 1997, Mr. Rosas was watching Joshua again when Mr. Rosas got frustrated that Joshua was crying. Mr. Rosas shook Joshua, hit him on the back of the head eight times, causing severe multiple bilateral retinal hemorrhages, subdural hematoma, and skull fractures, resulting in brain death.

**GOVERNING LAW**

The question I must answer is whether Mr. Rosas will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Rosas suitable for parole based on his insight, remorse, psychological evaluation, educational and vocational work, positive work ratings, laudatory chronos, self-help programming, lack of recent institutional misconduct, and parole plans.

I acknowledge Mr. Rosas has made efforts to improve himself while incarcerated. He has participated in self-help programming, including Alcoholics and Narcotics Anonymous, Domestic Violence, Anger Management, and parenting classes. He has not been disciplined for serious institutional misconduct since 2003. He earned his GED, completed vocational training in several fields, and received positive ratings from his work supervisors. I commend Mr. Rosas

for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Rosas's crime was appalling. He shook his girlfriend's five-month-old son until he lost consciousness, and did not tell her he'd done so or seek any medical help for the child. The next day, while again taking care of Joshua, Mr. Rosas beat him so violently that the child died. These actions have had a devastating and long-lasting impact on Joshua's mother, grandmother, and aunt, who spoke at the parole hearing.

Mr. Rosas has not really explained how it was that he struck so violently a vulnerable and defenseless five-month-old child. He gave as his reasons that he felt like "a complete loser" because he was still living with his parents, had lost his job, and was addicted to marijuana and alcohol. He said that he was selfish and angry and stressed by the responsibilities of taking care of his girlfriend and her baby. He said he didn't know how to ask for help. When asked by the Board why he took his feelings of anger and anxiety out on Joshua, Mr. Rosas said, "Actually, my physical aggressions were towards many people on the streets. It was constantly in fights or brawls or I was getting shot at. I was involved in a chaotic lifestyle, so it was – I was a coward though. I can admit that."

These explanations seem inadequate to me. Mr. Rosas's statement that he had many fights and lived a "chaotic lifestyle" doesn't explain his actions: hitting a baby until he became brain dead and died. Further, his claim that he was so stressed because of his having to take care of his girlfriend and her baby is not convincing. Mr. Rosas admitted to the Board that he only cared for Joshua sporadically. Marijuana and alcohol, selfishness, and feelings of inadequacy don't explain to me how Mr. Rosas ended up attacking Joshua in such a violent way. Before I conclude that Mr. Rosas is ready to be released, he must explain more convincingly how it was that he did these terrible things to a baby.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Rosas is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Rosas.

Decision Date: April 4, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

# INDETERMINATE SENTENCE RELEASE REVIEW

(Cal. Const., art. V, § 8(b))

**ROBERTO HOLGUIN, YA-91449**

First-degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

\_\_\_\_\_ **X** \_\_\_\_\_

## STATEMENT OF FACTS

After midnight on February 27, 2005, 13-year-old Roberto Holguin snuck into the trailer of 87-year-old Gerald O'Malley to steal his car. Mr. O'Malley woke up and confronted Mr. Holguin in the hallway. In response, Mr. Holguin bludgeoned Mr. O'Malley with the skateboard he was holding. Mr. O'Malley fell to the floor, but was still breathing. Mr. Holguin then found cash, credit cards, and Mr. O'Malley's car keys. He drew a cartoon devil on a blackboard in the trailer and wrote "The Tin House" and "Jerry's House." Mr. Holguin left and went home, only to return with a padlock, which he placed on the only door Mr. O'Malley could have used to escape. Mr. Holguin again went home, to return to the mobile home a third time, this time accompanied by a friend, to take the car. Mr. Holguin and his friend used the car to joyride and the two were eventually arrested by police.

## GOVERNING LAW

The question I must answer is whether Mr. Holguin will pose a current danger to the public if released from incarceration. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.) I am required to give "great weight to the diminished culpability of juveniles as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity of the prisoner" when reviewing this decision. (Pen. Code, § 4801, subd. (c).)

## DECISION

The Juvenile Parole Board found Mr. Holguin suitable for discharge based on his recent progress while in custody, coping skills, articulation of remorse, recent mental stability, participation in counseling session and support groups for more than a year, insight into his behavior and crime, acceptance of responsibility, and lack of serious misconduct since 2012.

Mr. Holguin, although he was only 13 years old at the time, committed a particularly vicious and senseless murder. He bludgeoned to death an elderly man who posed absolutely no threat to him and then left behind written messages and a picture of a devil, and looted the mobile home for

valuables. He returned once to padlock the door, preventing any possibility of Mr. O'Malley's escape, and then returned again to take his car. These are not the actions of a typical impulsive teenage boy, swayed by peer pressure. I acknowledge that Mr. Holguin's home environment was dysfunctional and that he clearly was not thinking about the long-term consequences of his behavior. He has now earned a high school diploma and has learned some coping skills through intensive therapy sessions at Patton State Hospital, where he has spent the last 16 months. I give great weight to Mr. Holguin's youthful characteristics and diminished culpability when compared to adults in considering whether Mr. Holguin is ready to be released. However, I am not convinced Mr. Holguin, now 22 years old, has grown to have the emotional development and maturity necessary to ensure the public's safety if he were to be released. I remain deeply troubled by his continued threats of significant violence.

On June 4, 2012, Mr. Holguin hacked onto a state-owned computer to access the Governor's website. Once there, he sent an e-mail directed to me. He stated in the e-mail, "check this out you crusty motherfucker i think you suck dick and should burn like my feces in the toilet yo so on other topics how are you i see your wife is looking mighty fine in those Gucci shoes i sent her i feel you should really eat my dick and eat it over and over again you better hope i never see you i will shoot you with a real gun and my cock. have a nice day and god bless." An investigation by the California Highway Patrol, the Cyber Crimes Task Force for the Federal Bureau of Investigation, and the Office of Internal Affairs for the California Department of Corrections and Rehabilitation tied the threatening e-mail to Mr. Holguin. A search of Mr. Holguin's room made as part of this investigation also found Mr. Holguin's journal. This journal included many references to violence, veiled threats regarding a possible attack, lists of pistols, rifles, machine guns, explosives, and tactical gear, an interest in fame, violence, and "media violence." A disciplinary report from the Division of Juvenile Justice described Mr. Holguin's journal as "ideation that violence will fulfill his destiny – He [wrote] about violence, his capability of violence, and eventually dying in fulfilling that." Additionally, before his December 2012 discharge consideration hearing, Mr. Holguin informed staff that "if released he would re-offend." These recent actions demonstrate a deeply disturbed pattern of thinking that I am not willing to set aside after only a few months of therapy and good behavior. They are particularly significant in the context of the heinous murder he committed and his history of threats and violence during his commitment to the Division of Juvenile Justice. Mr. Holguin has not behaved in a manner that assures me that he is willing to turn away from his history of—and fascination with—violence.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Holguin is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released. Therefore, I reverse the decision to discharge Mr. Holguin from the Division of Juvenile Justice.

Decision Date: April 7, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**DAVID SPARKS, J-16280**

Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

David Sparks and Sherri Dawley were in a relationship from 1984 to 1991. Throughout their relationship, Mr. Sparks emotionally and physically abused Ms. Dawley. Ms. Dawley broke up with Mr. Sparks after an especially violent altercation and the two did not speak for about a year.

Late on the evening of October 27, 1992, Mr. Sparks called Ms. Dawley and yelled at her. He abruptly ended the conversation by telling her to "fuck off" before hanging up on her. After the call, Ms. Dawley went out with her new boyfriend, Robert Barnett. Mr. Sparks began calling Ms. Dawley repeatedly around midnight. When he was unable to reach her, he became angry and went to her house. He broke in through the front window of Ms. Dawley's empty house. He retrieved Ms. Dawley's loaded gun from a cabinet, took extra bullets, and began smoking marijuana while waiting for her to return.

When Ms. Dawley and Mr. Barnett pulled into the driveway, Mr. Sparks hid in the bathroom behind the shower curtain, armed with the gun. Mr. Barnett entered, used the bathroom, and washed his hands. As Mr. Barnett turned from the sink, Mr. Sparks fired two shots at close range, hitting Mr. Barnett once in the face. Ms. Dawley heard the gunshots and called for Mr. Barnett. Mr. Sparks came out of the bathroom, grabbed Ms. Dawley's arm, and forced her to look at Mr. Barnett, saying "You want to see your boyfriend? I'll show you your boyfriend." Mr. Sparks pointed a gun at Ms. Dawley and told her, "Shut up. Do you want to die? Shut up. Do you want to die slowly...cuz you're gonna die anyway" and then continued screaming at her. Mr. Barnett forced Ms. Dawley towards his car, but she was somehow able to break away and run for help. Mr. Sparks drove home in Mr. Barnett's car. He gathered and loaded all of his guns, anticipating a shootout with the police. Mr. Barnett died approximately 36 hours after Mr. Sparks shot him. Mr. Sparks was arrested a week later.

**GOVERNING LAW**

The question I must answer is whether Mr. Sparks will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the

circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

### DECISION

The Board of Parole Hearings found Mr. Sparks suitable for parole based on his lack of arrests or convictions for violent crime prior to the life crime, lack of institutional misconduct, acceptance of responsibility, insight, remorse, age, parole plans, educational and vocational achievements, self-help programming, and positive psychological evaluation.

I acknowledge Mr. Sparks has made efforts to improve himself while incarcerated. He earned an associate's degree and routinely received exceptional work ratings. A correctional sergeant and three correctional officers praised Mr. Sparks for his work ethic and demeanor. He has participated in several self-help programs, including Alcoholics and Narcotics Anonymous, Alternatives to Violence, Victim Impact, and Domestic Violence. I commend Mr. Sparks for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Sparks committed a horrific crime. A year after Ms. Dawley ended their abusive seven-year relationship, Mr. Sparks broke into her house and, suspecting she was out with another man, waited for her return. He retrieved a gun and hid in the bathroom with the gun. Mr. Sparks shot Mr. Barnett in the face and then cruelly forced Ms. Dawley to look at her dying boyfriend lying on the bathroom floor. He pointed the gun at her and callously threatened her too. Fortunately, Ms. Dawley escaped, but she continues to suffer psychologically from this traumatic ordeal. Ms. Dawley and Mr. Barnett's father appeared at the parole hearing to discuss the devastating impact that Mr. Barnett's murder continues to have on their lives.

Mr. Sparks has a very long history of domestic violence. During his 2013 parole hearing, he told the Board that he abused another girlfriend before he dated Ms. Dawley. Over the course of their relationship, Mr. Sparks' abuse of Ms. Dawley escalated from verbal to physical until she finally ended the relationship after she could no longer hide the abuse from her mother. During one incident, he shot a gun over her head, threatened her life, and hit her with the butt of a gun, leaving her with a black eye.

Despite this extensive history of domestic violence, Mr. Sparks has minimized the abuse in his relationship with Ms. Dawley for years. At his 2009 hearing, he told the Board that his relationship with Ms. Dawley ended because they were "outgrowing each other." Luckily Ms. Dawley attended the 2009 hearing and was able to confront him about this lie. He now admits that they broke up because he abused Ms. Dawley, but it has only been since 2009 that he has started to acknowledge his abusive past and has taken classes to address his history of domestic violence. The psychologist who evaluated Mr. Sparks in 2013 observed that "his awareness of the far-reaching consequences of his problematic behaviors have been unexplored for many years" and concluded that it was not clear whether the stress, anger, and conflict resolution skills Mr. Sparks has recently learned will "withstand the test of time" in an "emotionally charged romantic relationship." While I am encouraged that Mr. Sparks is beginning to address his

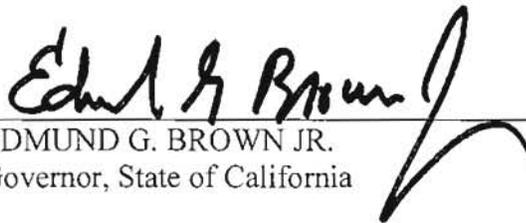
history of domestic violence, until it is very clear that he possesses the skills necessary to avoid violence in his relationships, I do not think he should be released

Mr. Sparks also continues to minimize his intent while he waited inside Ms. Dawley's house. At his 2009 hearing, Mr. Sparks said that he brought the gun with him into the bathroom because he "was just full of fear and when I saw her with this man, that's when the jealousy really started and I just felt that I wasn't going to be scared or intimidated and I grabbed it." He offered a different explanation at his most recent hearing. In 2013, he told the Board that while he was waiting for Ms. Dawley to return home, he held her gun and thought "if she comes home now, I can really intimidate her like I did before when I fired the gun over her head." He said that when he saw Ms. Dawley and Mr. Barnett had arrived at the house, he thought "I could blast him right now when they come in the door." He claimed that he then abandoned his plan to harm Mr. Barnett and was going to leave through the bathroom window. After he reportedly decided not to shoot anyone, Mr. Sparks said he was overcome by the thought of the couple being intimate so he shot Mr. Barnett instead of leaving. This is not believable. Mr. Sparks broke into Ms. Dawley's house and waited for her. He chose to arm himself, hide, and wait for the right moment to commit one final act of violence in their relationship. I remained troubled by Mr. Sparks' unwillingness to acknowledge his motive for being in Ms. Dawley's home. Until Mr. Sparks is truthful about intention while he was waiting in the house, he remains a danger and is not ready to be released.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Sparks is currently dangerous. When considered as a whole, I find the evidence shows why he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Sparks.

Decision Date: April 11, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**JACKIE WHITE, H-75887**

First-degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

On January 17, 1992, James Byrd and Anthony Martz met two prostitutes and went with them to a motel room, where they offered to trade drugs for sex. The prostitutes, however, would only accept heroin or cocaine, and Mr. Byrd and Mr. Martz had only marijuana and methamphetamine. While the prostitutes were with Mr. Byrd and Mr. Martz in the hotel room, Benny Gray and Charles Herbert came to the room and asked to speak to one of the prostitutes. Mr. Gray and Mr. Herbert came into the room, and discussed trading drugs for money or guns with Mr. Byrd. Mr. Gray and Mr. Herbert left, but returned with Jackie White a few hours later and the three barged into the hotel room. Mr. Gray was armed with a handgun, Mr. Herbert with a baseball bat, and Mr. White with a taser. Mr. Gray, Mr. Herbert, and Mr. White demanded money and drugs from Mr. Byrd and Mr. Martz. Mr. Gray ordered Mr. Byrd and Mr. Martz onto the floor, stood over Mr. Byrd brandishing a gun, kicked him in the head, and pistol-whipped him. Mr. White shocked Mr. Martz multiple times with the taser, bludgeoned him, and pushed his face into the carpet, and shocked Mr. Byrd with the taser. Mr. Herbert went to search for money in Mr. Byrd and Mr. Martz's car. When he found none, he returned and the three continued beating Mr. Byrd and Mr. Martz. Mr. Herbert again went to search the car, but again returned and reported that he found nothing. Mr. Gray said, "well, let's do it," and cocked the pistol. Mr. Byrd lunged at Mr. Gray and wrestled for the gun. Mr. Byrd turned the gun toward Mr. Gray's neck and shot Mr. Gray, killing him. Mr. Herbert and the prostitutes fled, and Mr. Byrd held Mr. White until police arrived and arrested him.

**GOVERNING LAW**

The question I must answer is whether Mr. White will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

### DECISION

The Board of Parole Hearings found Mr. White suitable for parole based on his acceptance of responsibility, remorse, age, educational and vocational achievements, self-help programming, parole plans, and psychological evaluations.

I acknowledge Mr. White has made efforts to improve himself while incarcerated. He has participated in self-help programming, including Alcoholics and Narcotics Anonymous, Victim Awareness, and Anger Management. He routinely received exceptional ratings from his work supervisors, completed vocational training, obtained his GED, and was certified as a substance abuse counselor. I commend Mr. White for taking these positive steps, and I acknowledge that he is currently 66 years old. But these circumstances are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. White's life crime was the culmination of 31 years of crime and drug addiction. Prior to the life crime, he was convicted of over 40 adult offenses, including at least a dozen felonies. He committed his first juvenile offense when he was 12 years old, and as a juvenile was involved in numerous fights and assaults. At 14 he began experimenting with heroin; by 16, he was addicted, and also began using alcohol, marijuana, and cocaine. He financed his escalating drug problems with an escalating pattern of crime, including burglary, larceny, and theft. He was convicted of several violent crimes as an adult, including battery on a peace officer and assault with a deadly weapon. He was sentenced to prison on three occasions before the life crime. Information in Mr. White's confidential file indicates that while he was on parole for a prior prison term he punched and threatened to kill a woman. As Mr. White admitted to the Board, his life was "out of control."

I am troubled that Mr. White minimizes the severity of his extensive and often violent criminal behavior. He told the psychologist in 2010 that all of his prior crimes were property crimes that resulted in "no injuries." He clarified to the psychologist in 2013 that he understood his crimes victimized other people, but again stated that he "did not assault or hurt physically" anyone. As I noted above, this simply is not true. Until Mr. White can admit and address his extended history of violence, I do not believe he will be willing or able to avoid violence if released.

Mr. White also minimizes the violence he perpetrated during the life crime. He told the psychologist in 2013 that while Mr. Byrd argued with Mr. Gray, he "just made sure that the other dealer would not get involved." He told the Board that he did not plan to participate in any robbery, and initially did not describe carrying out any violent acts, saying only that he and Mr. Martz were "engaged" in a discussion about whether Mr. White and his associates could stay in the motel room. When pressed by the commissioner, Mr. White admitted he and Mr. Martz "started to wrestle," and that he used the taser on Mr. Martz. The record, however, shows that Mr. White and his conspirators armed themselves and burst into the motel room, where Mr. White bludgeoned Mr. Martz and shocked him with the taser. Mr. White's hesitation to admit his full involvement in this crime indicates to me that significantly minimizes his culpability for his behavior. Until Mr. White develops an improved understanding of how his violent behavior developed and persisted for so long, I do not believe he should be released.

Mr. White's elevated risk scores support my concerns. The 2010 psychologist rated Mr. White a moderate-to-high overall risk if released, moderate risk for violent recidivism, and in the "high end of the moderate range" of psychopathy. These elevated risk ratings were based in part on Mr. White's extensive criminal history, "somewhat glib and grandiose" presentation to the psychologist, minimization of the severity of his criminal behavior, and "minimal" remorse. I note that the psychologist who evaluated Mr. White in 2013 found that Mr. White had made positive strides in a number of areas and stated that the "only concern" remaining related to Mr. White's parole plans, but did not mitigate the prior psychologist's risk ratings or provide new risk ratings. I direct the Board to administer a new comprehensive risk assessment before Mr. White's next hearing in order to provide a more current and complete assessment of the risk he poses if released.

**CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. White is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. White.

Decision Date: April 11, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**ROBERT GONZALES, B-82733**

First-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

Josie Zambrano and Robert Gonzales dated briefly, but continued as friends. In 1974, the two were involved in a car accident, in which Ms. Zambrano suffered a brain injury making it difficult for her to communicate. On March 7, 1977, Mr. Gonzales and Ms. Zambrano were at a party when Mr. Gonzales encouraged Ms. Zambrano to come outside to talk. After sitting with Ms. Zambrano outside, Mr. Gonzales decided he wanted to have sex with her and took her to an abandoned house nearby. Ms. Zambrano went with Mr. Gonzales without speaking. Mr. Gonzales kissed and fondled her, but was unable to obtain an erection. He became angry and tore her clothing off and hit her in the face. Mr. Gonzales grabbed an aluminum object and tried stabbing and choking Ms. Zambrano. Mr. Gonzales left her in the abandoned house and went back to the party in search of a knife. Mr. Gonzales asked a partygoer for a knife after telling him what had occurred between himself and Ms. Zambrano. Although reluctant, the partygoer provided a knife to Mr. Gonzales. Mr. Gonzales returned to the abandoned house where he stabbed Ms. Zambrano five times in the chest, neck, and back, killing her. Three of the stab wounds penetrated through her body and exited her back. Mr. Gonzales left the crime scene and hid the knife in the front yard of his residence.

**GOVERNING LAW**

The question I must answer is whether Mr. Gonzales will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Gonzales suitable for parole based on his lack of significant violent criminal history, lack of violent institutional behavior, age, educational achievements, participation in self-help groups, and completion of vocations.

I acknowledge Mr. Gonzales has made efforts to improve himself while incarcerated. He has completed several vocations. He has also participated in self-help groups, including Alcoholics Anonymous, Anger Management, and Victim Awareness. He has also made extraordinarily good parole plans. I commend Mr. Gonzales for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Gonzales's crime was brutal and senseless. He attempted to rape his friend, whom he knew had suffered a brain injury that left her defenseless. When he was unsuccessful in raping her, he hit her in the face, attempted to kill her by stabbing her with an aluminum object and strangled her. Still not satisfied that she was dead, Mr. Gonzales went searching for a knife then returned to the crime scene to stab her five more times. Several of the stab wounds were so forceful that they entered through the front of her body and exited through her back. Ms. Zambrano was found with large bruises on her chin, upper chest, face, throat, and crotch area; numerous puncture wounds on her breast and neck; laceration and scratch marks on her face; and hemorrhaging in both eyes.

I am troubled by Mr. Gonzales's inability to explain the reason he resorted to such violent, brutal, and unprovoked attacks on Ms. Zambrano — a vulnerable and defenseless victim. In 2013, during his Comprehensive Risk Assessment, Mr. Gonzales said that after trying to have sex with Ms. Zambrano "a couple of times" and conceding that "she didn't have the ability to say yes or no. She didn't do anything" that he then got angry because he could not get an erection. He also said "I was angry at myself. I lost my job ... my wife was pregnant. I was angry with my father for telling me to get a different job that I eventually lost. Everything was unraveling. I also got paranoid because I knew her family. ... I felt the only alternative was to kill her." He blames everyone for his explosive rage, except himself. He does not explain the reason these stresses, or intoxication on the day of the crime, would cause him to resort to beating, strangling, and continuously stabbing the disabled victim over an extended period of time. He also does not explain the reason that he believed that killing Ms. Zambrano was his "only alternative." Many people feel overwhelmed by life's responsibilities, but they do not resort to committing a heinous murder under those pressures. Until Mr. Gonzales has fully addressed the causes of his extreme violence under common life pressures, I believe he will remain a danger to the community upon release.

I am also concerned that Mr. Gonzales has not fully addressed the culpability of his actions in attempting to rape the victim. During his 2013 risk assessment, when Mr. Gonzales was asked if he forced the victim to have sex, he said "No I didn't. I didn't ask her. I just started laying her down." He went on to say "I always thought it was consensual, but now I think about the accident (car accident that left her with a brain injury) and how she was affected." Nothing about the attempted rape was consensual, especially in light of his awareness that the victim was unable to communicate or defend herself. I am troubled that Mr. Gonzales believed that she consented to such actions. The psychologist concluded that Mr. Gonzales "[s]eems to be in the early stages of addressing issues related to his crime including that his victim had a brain injury and was unable to object to or repel his sexual advances" and believes "[h]e would benefit from addressing why he chose his victim for sex and the role of his feelings regarding his inability to

achieve an erection.” I encourage Mr. Gonzales to fully explore and address the issues underlying his sexual misconduct.

**CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Gonzales is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Gonzales.

Decision Date: April 18, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**LOMA UNDERWOOD, W-25726**

Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_   X   \_\_\_\_\_

**STATEMENT OF FACTS**

On December 7, 1983, the deceased body of Dale Petersen was found in the home he shared with his life-in girlfriend Loma Underwood. Mr. Petersen's body had a gunshot wound in the chest area. A .25 caliber handgun was found in the home. When questioned by an investigator on that day, Ms. Underwood said she went to dinner and a club with Mr. Petersen the previous night. While on the date, the two argued, which continued when they returned home. During the argument, a struggle ensued and Ms. Underwood and Mr. Petersen struggled for possession of a .25 caliber gun and the gun accidentally discharged, hitting Mr. Petersen in the chest, killing him. Ms. Underwood said she then tried to kill herself, but was unsuccessful, took a shower, changed her clothes then sought advice as to what she should do next from a friend. She said she met her friend at a restaurant and asked him to help her load Mr. Petersen's body into her car. She then called her ex-husband and told him what happened. Ms. Underwood's ex-husband called the police and she was arrested at the crime scene.

**GOVERNING LAW**

The question I must answer is whether Ms. Underwood will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Ms. Underwood suitable for parole based on her lack of violent criminal history, lack of violent misconduct while incarcerated, and age.

I acknowledge Ms. Underwood has made efforts to improve herself while in prison. She obtained her GED and completed vocational training. She participated in some self-help programs, including Alcoholic Anonymous, Dealing with Conflict, Self-Esteem, and Relationship Group. I commend Ms. Underwood for taking these positive steps and

acknowledge she is 70 years old and has health issues. But her positive steps are outweighed by negative factors that demonstrate she remains unsuitable for parole.

Ms. Underwood committed a brutal crime. She shot her boyfriend for a reason that remains less than clear. Instead of calling for medical help, Ms. Underwood took a shower and consulted with friends about what she should do next, including asking one to help load the victim's body in her car. Ms. Underwood's actions demonstrate a callous disregard for the suffering her significant other. Despite initially accepting some responsibility for shooting the weapon on accident, Ms. Underwood now claims that she is completely innocent, another person committed the murder, and she is the victim of a conspiracy. Her claim seems to be irrational and delusional.

I find Ms. Underwood's current mental state makes her unpredictable and dangerous. Her long history of mental instability has been documented during her time in prison. Her recent risk assessments demonstrate that she continues to display paranoid and delusional behavior. During her 2009 Comprehensive Risk Assessment, the psychologist diagnosed Ms. Underwood with Delusional Disorder and Schizotypal Personality Disorder. During the assessment, Ms. Underwood reported that "she has at times had 'ESP[,]'" asked whether the psychologist's clock was a recording device, and said "God takes me here and there." During her 2013 Subsequent Risk Assessment, she inquired about whether a cup of water was poisoned by the correctional officer who brought the water to her, said that she was "set up" for her life crime by a "con artist," and said "[t]hey stick stuff in your file" when asked about her disciplinary write-ups. During her 2013 parole hearing, she told the Board that the police took her gun after the murder, and said "I'd like to know where it is by the way. Commit a real crime. Just kidding." The psychologist concluded that Ms. Underwood "presented with poor insight into her mental illness, her behaviors and personality traits, and into the life crime." The psychologist went on to say "Ms. Underwood also displayed symptoms of major mental illness, she evidenced some affective and behavioral instability." Throughout her incarceration, she has denied she suffers from mental illness, declined psychotropic medication, and has not sought mental health treatment. Until she has better addressed her major mental health illness, I believe she will pose an unreasonable risk of danger upon release. Accordingly, I direct prison mental health staff to assess Ms. Underwood's current mental health condition and provide necessary treatment.

She also continues to exhibit violent behavior in prison. Most recently, in October 2013, while housed in administrative segregation, Ms. Underwood threatened to stab and throw boiling water on a staff member, threatened staff with a clenched fist resulting in a nurse asking her to be put in four-point restraints, was verbally abusive, and combative. I believe Ms. Underwood's recent behavior coupled with her elevated risk scores demonstrate her continued behavioral instability and show that she has not addressed her issues relating to anger and violence. I encourage Ms. Underwood to participate in self-help programs to address these concerns.

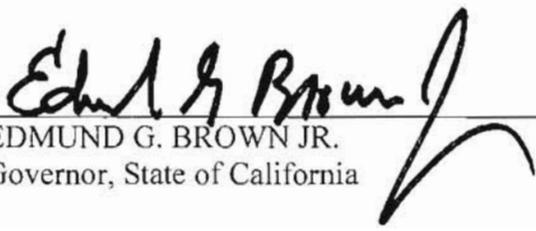
I also believe that her current parole plans are less than adequate given her current mental state. During her 2009 risk assessment, Ms. Underwood initially said "I don't want to parole. I can stay in here with these whores and thieves" then stated that her long term goal is to live in the south of France. More recently, a medical social worker has agreed to house Ms. Underwood in

her home and take her to an adult day program during the day. Given Ms. Underwood's current mental state, I do not believe these parole plans take into account her major mental illness and may not be sufficient given her recent strange and threatening behavior in prison.

**CONCLUSION**

I have considered the evidence in the record that is relevant to whether Ms. Underwood is currently dangerous. When considered as a whole, I find the evidence shows that she currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Ms. Underwood.

Decision Date: April 18, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**JOSEPH DAVIDSON, P-58002**

Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On August 16, 1996, Tinann Davidson and her 14-year-old son, Joseph Davidson, were preparing to move to Las Vegas and had gotten into minor arguments during the day. Mr. Davidson had retrieved his father's .38 caliber handgun from his parents' bedroom and contemplated suicide. He decided not to kill himself because it went against his religious belief that he would go to hell if he did so and because a friend had once told him that it was better to kill the person who was the source of your problems than to kill yourself. Deciding against suicide, Mr. Davidson took the handgun downstairs intending to kill his mother. When he saw a wall plaque with the Ten Commandments, however, he decided against it. Later that afternoon, Mr. Davidson told neighborhood friends that he was going to shoot his mother.

That afternoon, Mr. Davidson went to a closet, retrieved a set of earplugs, and put them in to muffle the sound of gunshots. He walked downstairs to find his mother seated at the dining room table while dinner was cooking on the stove. He hid the gun behind his back and told his mother that he had a stomachache so that she would get close to him. Mr. Davidson then shot her in the head, killing her. He took off his shoes, turned off the stove, went back to his neighbor's house, and told his friends what he had done. He then went to a payphone and called 911 to report his crime.

Mr. Davidson was arrested that night. He asked officers, "Is she dead, God I hope so man I shot my mom I finally did it." He also stated, "I had been meaning to kill that bitch all my life." When he was interviewed at the police station, Mr. Davidson said that he hated his mother and that he knew one day he would kill her. He noted that he had wanted to kill his mother for "the last six years" and that "for five fucking years (that's a long ass time) every morning I woke up I thought about killing her." Mr. Davidson reported that at "about eight [years old] I said fuck it I should go kill that bitch." He said that he discovered where his father hid the handgun when he was about 11 years old and that playing with the gun was "exciting, like finding a damn treasure." He reported that he had taken the gun to school once in the 8<sup>th</sup> grade because he believed his mother would be coming to the school and wanted to kill her there, and that he had tried to kill her on another occasion by putting rubbing alcohol into a soda to poison her. Mr. Davidson said that he wished he had killed his mother sooner.

### GOVERNING LAW

The question I must answer is whether Mr. Davidson will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.) I am required to give "great weight to the diminished culpability of juveniles as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity of the prisoner" when determining a youthful offender's suitability for parole. (Pen. Code, § 4801, subd. (c).)

### DECISION

The Board of Parole Hearings found Mr. Davidson suitable for parole based on his diminished maturity and culpability as a juvenile, length of incarceration, lack of juvenile violent crime, stable social history while incarcerated, staff support, participation in self-help programs, positive social relationships in prison and in the community, lack of rules violations, and the significant stress in his life at the time of the crime.

I recognize that Mr. Davidson's culpability is diminished because he was only 14 when he committed this crime. If he was less than a year younger when he committed the murder, he could not have been tried as an adult and would already be released from custody. His biological mother abused drugs and alcohol during her pregnancy and Mr. Davidson tested positive for drugs when he was born and had delayed development. For the first three years of his life, he lived in foster homes. He was finally adopted by Tinann and William Davidson when he was three years old. By Mr. Davidson's account, his mother was harsh and controlling to the point of being somewhat smothering. She isolated him from others and did not draw appropriate boundaries. The two had frequent conflicts, which were apparently buffered by his father's presence. Mr. Davidson and his mother were scheduled to move to Las Vegas, leaving his father in Los Angeles. The prospect of living only with his mother made him feel trapped and hopeless. He was ill-equipped to deal with their difficult relationship because of his age and emotional immaturity and considered committing suicide to escape. Ultimately, he decided to murder his mother. Since he has been incarcerated, Mr. Davidson has done well. He has never been disciplined for any misconduct during his nearly 18 years of incarceration. He has participated in therapy and his father and other surviving family members have been supportive. Mr. Davidson has made progress on his educational and vocational training and receives positive work ratings. He participated in and facilitated many self-help groups. I commend him for making these efforts. He has matured in many ways since he committed this crime.

I give great weight to Mr. Davidson's diminished culpability, the challenges he attempted to resolve through this crime, and his increased maturity. Nevertheless, I believe he is unsuitable for parole.

I am troubled by the consistent observations that Mr. Davidson still does not evidence the type of emotion that is consistent with empathy and remorse. He has had three psychological evaluations and has participated in two parole suitability hearings. During all of this, experts have taken note of Mr. Davidson's significant lack of emotion. The 2010 psychologist said, "there were no visible signs of regret, guilt, or emotion as he spoke of ending his mother's life in a calculated way." Mr. Davidson told that psychologist that he "actually experiences significant emotions pertaining to his crime," but she observed, "his words failed to communicate any genuine emotions or credible remorse." At his 2011 parole hearing, the panel said Mr. Davidson had "a total lack of emotion" and was without "remorse for the loss of [his] mother." They found his demeanor was "rehearsed and flat and void of emotion." A psychologist found that during his August 2013 psychological evaluation, Mr. Davidson's "display of emotion was nil." When he was again evaluated in November of 2013, the psychologist said, "at present, although he verbalized guilt and feelings of remorse for the life crime, he does not appear to be genuinely experiencing these emotions as his behavioral cues were incongruent with his reported emotions. He appeared unable to put himself 'in another person's shoes' and appeared indifferent to the feelings of others." At Mr. Davidson's January 2014 hearing, the panel made similar observations about his limited display of emotions. On the other hand, Mr. Davidson's father also spoke at the parole hearing and claimed that his son has experienced and expressed true emotion for his crime, but said that his son "has never been an emotional person. ... His emotions don't show."

These evaluations give me pause, especially in the context of Mr. Davidson's crime. He contemplated killing his mother for years before coldly doing so. Many children experience similar conflicts with their parents and struggle with their inability to change their circumstances or escape the control of their parents. But it is extraordinarily rare for a child to seriously contemplate killing a parent as a solution and even more rare to carry out the murder. The 2013 psychologist opined that Mr. Davidson's lack of general empathy and shallow affect when discussing this crime "appeared to raise his risk more significantly than any other factor" and advised that his narcissistic personality and lack of empathy "should be the focus of treatment in the future." In light of these observations, I do not believe Mr. Davidson is ready to be released.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Davidson is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Davidson.

Decision Date: April 25, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**MARK OUELLETTE, J-00953**  
Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

Mark Ouellette lived with his girlfriend and her 2 ½-year-old son, Jacob, at her apartment. Beginning around August 1992, Mr. Ouellette physically abused Jacob. Witnesses reported that Jacob was afraid of Mr. Ouellette and would stay in his room for hours to avoid Mr. Ouellette without eating or using the bathroom. Mr. Ouellette would pick Jacob up by his head and carry him to bed, and would squeeze Jacob's cheeks so hard that Jacob developed sores on the inside of his mouth. On November 5, 1992, Mr. Ouellette became angry because Jacob would not stop crying. Mr. Ouellette put his hand over Jacob's mouth and smothered him, told him to "be quiet," and shook him, killing him. When police arrived Mr. Ouellette was attempting to administer CPR to Jacob. The officers noted that Jacob's lips were blue, his pupils were fixed, he had bruises on his leg and face, and rigor mortis was present. The autopsy revealed that Mr. Ouellette had inflicted multiple traumatic injuries on Jacob in the month before he killed him, including deep bruising, broken ribs, and damage to his back.

**GOVERNING LAW**

The question I must answer is whether Mr. Ouellette will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Ouellette suitable for parole based largely on the Los Angeles Superior Court's 2013 order granting Mr. Ouellette's habeas petition which challenged the Board's 2012 parole denial. The superior court found that Mr. Ouellette "does not lack insight," accepted responsibility, and was remorseful, and that his most recent psychological evaluation also "reflected deep levels of insight and remorse."

I acknowledge Mr. Ouellette has made efforts to improve himself while incarcerated. He has participated in some self-help programming, and has completed book reports and independent

study on topics including substance abuse, anger management, and abuse. He participated in several vocational programs, and received positive ratings and laudatory chronos from his supervisors. He has never been disciplined for misconduct during the 21 years he has been incarcerated. I commend Mr. Ouellette for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Ouellette's crime was appalling. He abused his girlfriend's toddler for over three months, inflicting physical and psychological terror on the child until he finally killed him. These actions have had a devastating and long-lasting impact on Jacob's mother and grandmother, who spoke at Mr. Ouellette's recent parole hearing.

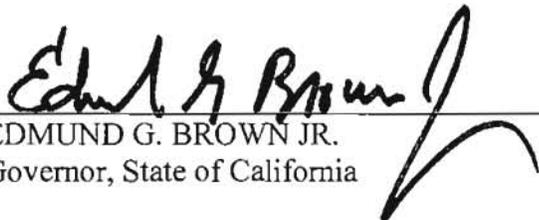
Mr. Ouellette has not adequately explained how his violence against Jacob could extend for so long. He told the Board that he abused and eventually killed Jacob because he felt abandoned by his own father and grew up feeling as though he "wasn't a good kid" and internalized feelings of anger. He stated that this led to "self destructiveness" and drug abuse, which caused feelings of shame, powerlessness, hopelessness, and "loss of control." He claims that he felt "very, very angry" at who he had become, and that abusing Jacob gave him "a sense of power and control." He told the Board he would feel "terrible" and "ashamed" after he abused Jacob, but did not leave because he also "got a sense of satisfaction of having someone to pick on," that he didn't want to leave, and that he "didn't know where to go."

I note that psychologists who have recently evaluated Mr. Ouellette found his explanations insightful, as did the courts when they reversed the Board's 2010 and 2012 parole denials. After conducting an independent review of the record, however, I cannot agree with those conclusions. Mr. Ouellette's statement that he "got a sense of satisfaction" out of this prolonged abuse of a young child is disturbing. Mr. Ouellette's childhood, feelings of neglect, substance abuse, and need for a sense of power and control may explain some aspects of his violence, but they do not explain how abusing and terrorizing a toddler over many months would be pleasing or gratifying. Until Mr. Ouellette can more convincingly explain his actions, I do not believe he is prepared to be released.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Ouellette is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Ouellette.

Decision Date: April 25, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**GORDON KIMBROUGH, J-57011**

First-degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

On June 21, 1993, Kristy Ramsey called off her wedding to bodybuilder Gordon Kimbrough. The couple argued, and Mr. Kimbrough tackled Ms. Ramsey and choked her. He then wrapped the cord of an iron around Ms. Ramsey's neck and choked her again. Mr. Kimbrough repeatedly stabbed Ms. Ramsey in the throat with a knife, killing her. After the murder, Mr. Kimbrough took a shower and then attempted to commit suicide by ingesting pills and injecting a cocktail of chemicals into his neck.

This was the final episode of a long history of domestic abuse. In October 1992, an officer was dispatched to Mr. Kimbrough's apartment and found Ms. Ramsey with a black eye and bruises on her legs. The following morning, Mr. Ramsey confided to a friend that Mr. Kimbrough had beaten her and she was afraid to return to his apartment. Ms. Ramsey stayed with her sister for three weeks following this incident before returning to Mr. Kimbrough's apartment. Ms. Ramsey's sister told investigators that Mr. Kimbrough had abused Ms. Ramsey on prior occasions. Ms. Ramsey had discussed calling off the wedding for three months prior to her murder and planned to do so in a public restaurant. While the couple fought in a restaurant parking lot after going out to dinner the night of the murder, a witness overheard Ms. Ramsey shriek, "Somebody help me! Call the police!" In addition to abusing Ms. Ramsey, Mr. Kimbrough also abused his first wife.

**GOVERNING LAW**

The question I must answer is whether Mr. Kimbrough will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

### DECISION

The Board of Parole Hearings found Mr. Kimbrough suitable for parole based on his lack of criminal history before the life crime, lack of serious prison misconduct, participation in self-help programs, completion of vocational training, insight, parole plans, and remorse.

I acknowledge Mr. Kimbrough has made efforts to improve himself while incarcerated. He has never been disciplined for serious misconduct. He has completed several vocations and has been commended by several work supervisors for his work ethic. He has participated in a great deal of self-help programming, including Domestic Violence, Victim Awareness, Alternatives to Violence, and Anger Management. I commend Mr. Kimbrough for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Kimbrough's crime was vicious and brutal. After Ms. Ramsey told Mr. Kimbrough that she was ending their relationship, he strangled and stabbed her. While Ms. Ramsey's body lay on the floor, he called several friends but did not call for help. Instead, he sat in bed for hours until the police arrived. The autopsy report indicated that one of the stab wounds went all the way through Ms. Ramsey's neck and concluded that Ms. Ramsey had suffered a "painful and protracted death." Ms. Ramsey lived in fear of Mr. Kimbrough's violence which ultimately culminated in her tragic murder as she tried to escape from this violent relationship.

Mr. Kimbrough's understanding of his reasons for murdering his fiancée is inadequate. He offered three reasons for his use of violence in relationships to the 2013 psychologist: his lack of communication skills, his desire to maintain control, and that it was a learned behavior as the result of witnessing domestic violence in his family. The psychologist found these to be deficient and concluded that Mr. Kimbrough "continues to lack insight into his violent behavior within his romantic relationships" and "has yet to explore the aspects of his own personality that attributed to his violent behavior." At his recent hearing, Mr. Kimbrough added that he felt entitled to control his romantic partners because he received preferential treatment as the only male child in his family. Being the only boy in a family does not help clarify Mr. Kimbrough's reasons for abusing his romantic partners or killing Ms. Ramsey.

I am also troubled that Mr. Kimbrough's version of his history of violence is inconsistent with the record. After previously denying that he had abused Ms. Ramsey and stating that the violent episodes with his first wife were due to her "hot-headed nature," he finally acknowledged that he abused both women during his most recent psychological evaluation. He reported to the psychologist that he slapped Ms. Ramsey twice and then discussed those incidents at his parole hearing, but never mentioned the 1992 incident discussed above, or any other abuse. It took Mr. Kimbrough over 20 years to acknowledge any abusive and controlling behavior in his relationship with Ms. Ramsey, but he still has not accepted the extent of his violence. Until he does so, I do not think he is ready to be released.

**CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Kimbrough is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Kimbrough.

Decision Date: May 16, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**RANDALL MALUENDA, C-12906**  
Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_     X     \_\_\_\_\_

**STATEMENT OF FACTS**

Holly Ganir began dating Randall Maluenda in June 1978, and broke up with him in October. Soon after the breakup, Mr. Maluenda sent Ms. Ganir a package containing ashes and a letter stating that if he had a gun, he would kill her. In December, Ms. Ganir and Mr. Maluenda rekindled their relationship, but she broke up with him again in January 1979. Mr. Maluenda became enraged and obsessed with the thought of killing Ms. Ganir. He conceived, planned, and acted out elaborate scenarios of ways to kill Ms. Ganir. He obtained a gun, went into the woods, and shot at targets labeled with Ms. Ganir's name. He broke into her college dormitory room to steal a ring and photographs of her, burned the items, and returned the ashes to her. He carved Ms. Ganir's name and initials on several bullets, and marked one with an X. On April 14, 1979, Mr. Maluenda went to a disco to find Ms. Ganir and her friends. He brought with him a box containing a ski mask and a gun loaded with the carved bullets. Mr. Maluenda was arrested, and the gun was taken from him. Days later, Ms. Ganir went to the dean of her college and told him she was afraid Mr. Maluenda would kill her.

On May 30, 1979, Ms. Ganir told her new boyfriend, Timothy Baker, that Mr. Maluenda had called to tell her he was leaving the state and wanted her to pick up some of her personal belongings. Ms. Ganir felt she needed to go on a "mission of mercy" because she was concerned about Mr. Maluenda. Ms. Ganir and Mr. Baker went to Mr. Maluenda's apartment. Mr. Maluenda and Ms. Ganir went into a bedroom to talk and began arguing. Mr. Maluenda shot Ms. Ganir five times in the head, neck, chest, and hand, killing her. He exited the bedroom and threatened Mr. Baker with the gun. Mr. Baker called police, and Mr. Maluenda was arrested at the scene.

**GOVERNING LAW**

The question I must answer is whether Mr. Maluenda will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

## DECISION

The Board of Parole Hearings found Mr. Maluenda suitable for parole based on his insight, remorse, acceptance of responsibility, self-help and vocational programming, age, lack of extensive criminal history or institutional misconduct, parole plans, and psychological evaluations.

I acknowledge Mr. Maluenda has made efforts to improve himself while incarcerated. He has participated in individual and group therapy as well as self-help programming on topics including domestic violence, anger management, conflict resolution, and victim awareness. He completed vocational training, received positive ratings from his work supervisors, and was commended for his role in facilitating domestic violence awareness programs. He has only been disciplined once for serious misconduct in the nearly 35 years he has been incarcerated. I commend Mr. Maluenda for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Maluenda's crime was disturbing. He stalked and terrorized Ms. Ganir over the course of several months, fantasized about killing her, and finally murdered her. Mr. Maluenda's actions had a devastating and long-lasting impact on Ms. Ganir's loved ones. I note that they have written heartfelt letters opposing Mr. Maluenda's parole and have appeared at Mr. Maluenda's parole hearings expressing their loss.

When the Board of Parole Hearings granted Mr. Maluenda parole in 2012, I reversed the Board's decision because I was concerned that Mr. Maluenda had not offered a credible explanation for his distorted and dangerous thinking that led him to murder Ms. Ganir. Mr. Maluenda's statements to the Board continue to reflect very strange rationalizations of his actions, and my concerns remain.

At his parole hearing in 2012, Mr. Maluenda told the Board that he "indulged" his fantasy of killing Ms. Ganir because it relieved the pain he suffered from when their relationship ended. Mr. Maluenda stated that his persistent fantasies "brainwashed" him into believing that violent behavior was normal. I noted in my decision last year that I was concerned that Mr. Maluenda did not explain whether he tried to resist these homicidal fantasies, and if not, why not.

At his parole hearing in 2014, Mr. Maluenda repeated many of these explanations, stating that he fantasized about killing Ms. Ganir after she ended their relationship. He claimed that the fantasies scared him at first, "but I found that the more I fantasized, the more the pain would go away, and I couldn't identify the pain then, but it would go away, and I wanted it to go away, and I did not know what to do." He said that he stalked Ms. Ganir for several months, broke into her apartment, burned photos, gave her ashes, carved her name into bullets, and threatened her multiple times because he was trying to "make a connection with her," but that "it was a maladaptive way for me to connect with her." After he was arrested for bringing the gun and carved bullets to the disco, Mr. Maluenda bought another gun, "because I couldn't quite shake the feeling" that he wanted to kill Ms. Ganir. He told the Board that he realized it was wrong to have these homicidal fantasies, and that he "repeatedly" tried "very hard" to resist the fantasies

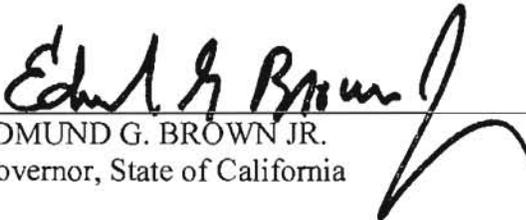
by “telling myself it would not make sense to do it. I would not be able to get away with it, and how would I be doing it in the first place.” He explained that at the time of the murder he “was just moving along like a piece of meat. Whereas now, I know that I’m the boss of my brain. Okay. Like, like in the – in South Asia, they have these elephants that are steered by a little boy on the top. Okay. The little boy can command the elephant, and the elephant will usually obey. If the boy doesn’t pay attention to the elephant, the elephant will do whatever he does.” He told the Board that he now realizes that if he has homicidal thoughts about a future relationship, he will “change the subject, go for a walk. I’d break the cycle in that regard. I don’t have to think about killing her. I can think about going and playing tennis, you know, talking to a friend about something.”

Mr. Maluenda’s statements remain troubling and unpersuasive to me. It strikes me as sadistic for Mr. Maluenda to have derived pleasure from thoughts of murdering Ms. Ganir. Moreover, he fails to explain how a relationship of such brief duration could give rise to such prolonged and bizarre fantasies. Although he claims that he tried to resist these fantasies, his reasons for doing so – that it would not make sense, that he would not get away with it, that he did not know how he would do it – neglect to appreciate the callous nature of the thoughts. I find it unsettling that he claims he was trying to “connect” with Ms. Ganir when he bought a gun, took target practice in the woods, broke into Ms. Ganir’s dormitory room, carved her name into a bullet, and threatened her. It is disturbing that he claims his actions were aimed at rekindling the relationship when, in fact, he was stalking Ms. Ganir and planning her death. I acknowledge that the psychologist who evaluated Mr. Maluenda in 2011 and 2013 found that Mr. Maluenda understood what led him to murder Ms. Ganir and that he posed a low risk for re-offense if released, but I find these circumstances to raise such doubts in my mind that I would like another psychologist to look deeply into these unusual facts of his actions and make whatever findings he deems warranted by his examination.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Maluenda is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Maluenda.

Decision Date: May 16, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**SAMUEL BRADLEY, C-22628**

First-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On November 24, 1979, Ignacio Carbajal and Bernabbe Montoya were at work at a Mexican restaurant. Mr. Montoya was sweeping in the back area and came back into the building through a back door. Samuel Bradley, armed with a .38 caliber pistol and wearing a Halloween mask, walked in behind him and demanded money. Mr. Carbajal and Mr. Montoya tried to show Mr. Bradley there was no money in the restaurant, but Mr. Bradley grabbed Mr. Montoya around the collar and forced him over to the cash register. When Mr. Bradley saw for himself there was no money, he hit Mr. Montoya in the forehead with the gun, pushed him into a room, and shot him in the chest and arm, killing him.

**GOVERNING LAW**

The question I must answer is whether Mr. Bradley will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.) Additionally, I am required to give "great weight to the diminished culpability of juveniles as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity of the prisoner" when determining a youthful offender's suitability for parole. (Pen. Code, § 4801, subd. (c).)

**DECISION**

The Board of Parole Hearings found Mr. Bradley suitable for parole based on his age at the time of the crime, positive work ratings and GED, participation in self-help, recent improved behavior, parole plans, and assertions that he is no longer a gang member.

I recognize that Mr. Bradley was only 16 years old when he callously overreacted and shot an innocent young man just because he didn't find the money he wanted. I acknowledge that Mr. Bradley reported having an abusive home environment and feeling significant peer pressure from his fellow gang members to deal drugs, beat people, and commit other crimes. Mr. Bradley has an extensive criminal history as a juvenile, including convictions for kicking a youth in the face,

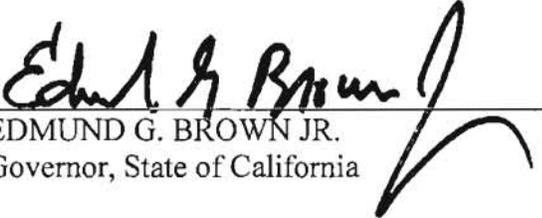
kicking a mentally ill boy, burglary, petty theft, possession of stolen property, and theft by fraud. The psychologist who evaluated Mr. Bradley in 2013 opined that his "behavior in his youth appears to be the result of susceptibility to negative familial and peer influences and a lessened capacity to remove himself from a dysfunctional home environment, as well as the result of transient characteristics of youth including impulsivity and the diminished ability to anticipate and appreciate the probable consequences to his behavior." I acknowledge that even though this crime was senseless and brutal, Mr. Bradley's crime does not mean that he cannot be rehabilitated. In his 34 years of incarceration, there has been significant opportunity for Mr. Bradley to reform. I carefully examined the record for evidence of his increased maturity and rehabilitation and gave great weight to these factors when considering Mr. Bradley's suitability for parole. However, they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Bradley has not shown he can avoid violence or abide by the rules. He has been disciplined for serious misconduct in prison 19 times. Ten of these rules violation reports were for violent behavior including mutual combat requiring the use of pepper spray, attempting to assault an inmate with a broom, participation in a fight the resulted in the death of two other inmates, threatening correctional officers on two different occasions, and involvement in four other episodes of mutual combat. He must serve an additional 16 month term for possession of weapons in prison. Mr. Bradley admitted at his recent parole hearing that as an incarcerated member of the gang for 26 years, he manufactured weapons, sold drugs and inmate-manufactured alcohol, participated in riots and fights, and had a leadership position on the prison yard. He also acknowledged that he made no effort to distance himself from his gang until 2005, three decades after first forming the gang with his friends. I note that in November 2013, Mr. Bradley was placed in administrative segregation pending an investigation into threats made against staff. Mr. Bradley has been incarcerated for over 34 years, many of which were dedicated to committing serious violence. In recent years, he has intensified his participation in educational and self-help programs. However, given his extensive history of violence, Mr. Bradley needs a little more time to show that he really is a changed person and has put his violent ways behind him.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Bradley is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Bradley.

Decision Date: May 23, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**DANIEL ADAMIK, C-91853**

First-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_   X   \_\_\_\_\_

**STATEMENT OF FACTS**

Daniel Adamik and Danny Cochran were hiding out in a remote cabin after having committed a robbery. On April 14, 1981, they decided to steal a car because they believed police were looking for them. Mr. Adamik armed himself with a loaded .357 magnum pistol and posed as a hitchhiker on the side of the road. Jon Pierre Garbera stopped and picked Mr. Adamik up. After driving for a while, Mr. Adamik feigned illness and asked Mr. Garbera to pull over. When Mr. Garbera pulled over, Mr. Adamik brandished the gun. He told Mr. Garbera he only wanted the car, claimed he only would tie Mr. Garbera to a tree, and offered to call one of Mr. Garbera's friends and report where he was. Mr. Adamik directed Mr. Garbera out of the truck, took his wallet, walked him off the road at gunpoint, and ordered him to get on his knees and put his hands behind his head. When Mr. Garbera complied, Mr. Adamik threw some rope over Mr. Garbera's arm as though he was going to tie him up, then shot him in the back of the head, killing him.

**GOVERNING LAW**

The question I must answer is whether Mr. Adamik will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Adamik suitable for parole based on his acceptance of responsibility, remorse, insight, parole plans, educational and vocational achievements, age, lack of recent institutional misconduct, self-help programming, and psychological risk assessments.

I acknowledge Mr. Adamik has made efforts to improve himself while incarcerated. He earned his GED, completed vocational training, and participated in some self-help programming. He received positive ratings from his work supervisors, as well as commendations from correctional staff. He has served nearly 30 years in prison, is now 58 years old, and has not been disciplined

for misconduct since 1996. I commend Mr. Adamik for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Adamik's crime was heinous and appalling. He posed as a hitchhiker needing assistance, took advantage of the Good Samaritan who picked him up, ordered him to his knees on the side of the road, and executed him.

I am troubled by Mr. Adamik's inability to better explain why he committed this murder. He told the Board that he only intended to steal the car, but that Mr. Cochran directed him to kill whoever picked him up to avoid leaving a witness. Mr. Adamik claimed that he complied with Mr. Cochran's demand because he was "desperate for somebody to accept me," and "was seeking to turn [Mr. Cochran] into my father." He recounted a childhood of severe physical abuse at the hands of his father and step-father, as well as sexual abuse, homelessness, and drug abuse. He stated that Mr. Cochran, "showed me attention," "gave me the impression that . . . he was there for me unconditionally," and offered "that love, that security, that safety that I hadn't had all through my childhood." He also told the psychologist who evaluated him in 2013 that he was afraid of Mr. Cochran, who he described as very violent and physically imposing, and stated he thought that if he did not comply, "Maybe he'd do me?" Mr. Adamik also told the Board that he committed the murder because he was acting on "subconscious suicidal tendencies" stemming from his abusive childhood, and that the murder was like "killing myself" and his abusive parents.

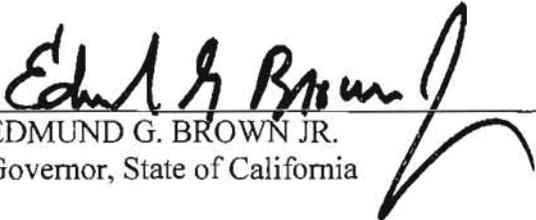
I do not find Mr. Adamik's explanations very convincing. Too many individuals suffer from tumultuous and abusive childhoods, but few seek acceptance by turning to murder. It is not clear why Mr. Adamik felt so compelled to impress Mr. Cochran, whom he had known for less than three months, or was so afraid at the prospect of "losing" him that he would agree to murder someone. And although Mr. Adamik told the psychologist he was motivated in large part by his fear of Mr. Cochran, nowhere in his hearing does he make the same claim to the Board, and Mr. Cochran was not even present to witness whether Mr. Adamik carried out the crime or left the victim on the side of the road unharmed. I am also not persuaded by Mr. Adamik's claim that he committed this murder because he was "killing himself" or his abusive parents; displaced aggression and self-destructive behavior does not explain Mr. Adamik's execution of an innocent stranger. Until Mr. Adamik can better explain why he was so easily persuaded to kill another human being, I do not believe he is ready to be released.

Mr. Adamik's elevated risk scores support my concerns. The 2010 psychologist rated Mr. Adamik a moderate-to-high overall risk if released, high risk for violent recidivism, and in the high range for psychopathy. These elevated risk ratings were based in part on Mr. Adamik's risk of substance abuse relapse given his "significant" substance abuse history, criminal history, and his exhibited "traits of psychopathology." I note that the psychologist who evaluated Mr. Adamik in 2013 found that his "dynamic risk factors have generally improved or mitigated," but did not provide new risk ratings. I direct the Board to administer a new comprehensive risk assessment before Mr. Adamik's next hearing in order to provide a more current and complete assessment of the risk he poses.

CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Adamik is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Adamik.

Decision Date: June 6, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**GARY WESLEY, C-23599**

Second-degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

          X          

**STATEMENT OF FACTS**

On July 12, 1980, Gary Wesley met Ralph Savoie at a bar where they drank and ingested LSD. Mr. Savoie invited Mr. Wesley to his apartment. While at the apartment, Mr. Wesley viciously stabbed Mr. Savoie 56 times with a large kitchen knife. Mr. Wesley then took a broom, inserted the handle into Mr. Savoie's rectum, and kicked the broom until the 3 foot long handle went through Mr. Savoie's abdomen and hit the interior of his chest. After killing Mr. Savoie, Mr. Wesley orally copulated his corpse before he washed off and went to a bath house. Mr. Savoie's naked and bloody body was discovered by the apartment building manager several hours later and was covered with stab wounds, many as deep as 5 inches.

**GOVERNING LAW**

The question I must answer is whether Mr. Wesley will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Wesley suitable for parole based on his remorse, lack of institutional misconduct, lack of violent criminal history, self-help programming, parole plans, and age.

I acknowledge Mr. Wesley has made efforts to improve himself while incarcerated. He is 61 years old and has been incarcerated for nearly 34 years. He has completed vocational training and routinely received positive work ratings. He has not been disciplined for serious prison misconduct since 1984. He has participated in self-help programs, including Alcoholics Anonymous, Dealing with Emotions, Victim Awareness, and Insight. I commend Mr. Wesley for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Wesley's crime was horrific and unprovoked. Stabbing Mr. Savoie over 50 times was brutal. Impaling him with a broom was appalling. Orally copulating Mr. Savoie's corpse was repulsive. It is difficult to imagine a more shocking or disturbing crime.

Mr. Wesley's explanations for Mr. Savoie's murder are insufficient. He told the Board at his 2014 parole hearing that he was an angry person because he was sexually abused as a child, but that he had never acted violently before murdering Mr. Savoie. He stated that the reason that he was so violent on this occasion was that he experienced a drug-induced hallucination during which his mother called him "drunk" and a "faggot." I am not convinced. Childhood sexual abuse is undeniably traumatic, but it does not explain the unfathomable degree of violence carried out when Mr. Wesley repeatedly stabbed Mr. Savoie, and then impaled and orally copulated the corpse. Furthermore, the record reflects that Mr. Wesley had a poor relationship with his mother and that he had previously ruminated over her name-calling and hurtful words, but he had never resorted to harming others. Without a better understanding of why this horrendous murder occurred, I do not believe Mr. Wesley is ready to be released.

Mr. Wesley's elevated risk scores support my concerns. In 2013, the psychologist rated him as being in the moderate range of psychopathy, a moderate risk for violent recidivism, a moderate risk for general recidivism, and a moderate overall risk if released. These risk ratings were elevated in part by Mr. Wesley's "lack of" and "moderate" insight. I encourage Mr. Wesley to dedicate significant effort to addressing the relationship between his past anger and violence to show that he is ready to be released from prison.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Wesley is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Wesley.

Decision Date: June 6, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**ALBERT WILLIAMS, C-35686**

Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_

**X**

**STATEMENT OF FACTS**

On December 1, 1979, Albert Williams went to a night club armed with a .32 caliber semiautomatic handgun. Mr. Williams stepped outside to smoke a cigarette, and the doorman, Manuel Norwood, asked him to pay three dollars to re-enter. Mr. Williams and Mr. Norwood argued, and Mr. Williams and another man pinned Mr. Norwood against a wall in the entrance to the club. Mr. Williams backed off and then shot Mr. Norwood in the back twice, killing him.

**GOVERNING LAW**

The question I must answer is whether Mr. Williams will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Williams suitable for parole based on his acceptance of responsibility, remorse, parole plans, participation in self-help, age, and lack of recent institutional misconduct.

I acknowledge Mr. Williams has made efforts to improve himself while incarcerated. He has been incarcerated for 34 years and is now 65. He has received above average work ratings and has been commended by staff. He has participated in a few self-help classes and programs to help at-risk youth. I commend Mr. Williams for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Williams' crime was senseless and unprovoked. His motive for shooting the doorman in the back was extremely trivial—a three dollar entrance fee. Even more troubling is the fact that Mr. Williams was previously convicted for another 1<sup>st</sup> degree murder. In that case, he and a group of friends were committing a robbery, when one of Mr. Williams' crime partners shot and killed a milkman. Mr. Williams served approximately eight years in prison for this first murder, and was released just over two years before killing Mr. Norwood.

I am troubled that Mr. Williams does not have a better understanding of his reasons for committing this murder. He told the psychologist who evaluated him in 2010, "It was fear. I was really getting beaten that night and I thought I was going to be injured real bad." In 2013, he said that having a weapon made him feel invincible, so that "everything should have gone the way I wanted." Mr. Williams told the Board that he was angry because his father died earlier in the year, his family was struggling for money, he was having problems with his ex-wife, and he felt that his life "wasn't going anywhere." He flatly denied that he was a violent person at 30 years old, but admitted being selfish. Neither his anger that his life "wasn't going anywhere" nor his feelings of invincibility explain this crime. It is absurd for Mr. Williams to assert that he was not a violent person when he instigated a fight over a three dollar cover charge and shot a man twice in the back shortly after being released from prison for another murder charge.

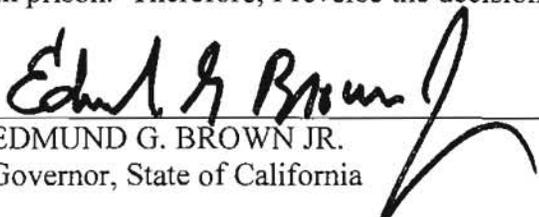
Mr. Williams is also severely minimizing his criminal behavior in prison. He was disciplined in 2004 for selling and distributing drugs. At his 2014 hearing, Mr. Williams described that he was "taking drugs from one cell to another" and "transporting drugs from one end to the other and bringing the proceeds back from one end to the other." But records clearly show that Mr. Williams was not merely carrying drugs for other inmates; he played a far greater role in the drug trafficking operation over a span of several years. He was directing other inmates to smuggle drugs into the prison from visitors, he was actively selling drugs out of his own cell, he was helping to smuggle drugs himself, and he was calling others outside of prison and using coded messages to find out which drug debts had been paid. One officer in the Investigative Services Unit explained that Mr. Williams "has strong ties with the 415 / Kumi Disruptive Group ... who supplied him with most of the drugs he sold." While it has been some time since he was disciplined for this misconduct, his behavior and his failure to be forthcoming about it shows that he has not yet turned away from his criminal mindset and lifestyle.

Finally, Mr. Williams has done little to work through his problems. He has spent more than 42 years in prison for two different murder convictions. In the last 34 years, the record indicates he has participated in only a handful of self-help classes. The psychologist who evaluated Mr. Williams in 2013 indicated, "[t]o date, Mr. Williams has not identified any aspects of a personalized relapse prevention plan or anger management plan and he has a limited history of demonstrated commitment to the types of programs designed to facilitate those goals." I am encouraged that Mr. Williams now seems to have prepared a relapse prevention plan to avoid drugs and alcohol. He has not done enough to show that he is really committed to learning the skills necessary to avoid violence and criminal behavior in the future.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Williams is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Williams.

Decision Date: June 6, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**JACKIE HENDERSON, H-90256**  
Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On September 11, 1990, Jackie Henderson went to Eric Borchert's home. Mr. Borchert told Mr. Henderson that Robert Casebolt needed someone to kill his parents, Michelle and James, so that Mr. Casebolt could receive \$1,000,000 from his parents' life insurance policy. Mr. Henderson agreed to kill Mr. Casebolt's parents for \$25,000, a car, and housing. On December 16, 1990, Mr. Henderson went to the Casebolt home, took a TV and VCR, and gave the items to two acquaintances who then left. Mr. Henderson and Mr. Casebolt talked, and one of them shot Mr. Casebolt's parents in the head while they slept in their bed, killing Mr. Casebolt's mother and injuring his father. Mr. Henderson fled to a waiting car driven by Mr. Borchert. Mr. Henderson was arrested later that day. He initially confessed to shooting Mr. Casebolt's parents, but has since recanted and now claims that Mr. Casebolt was the shooter.

**GOVERNING LAW**

The question I must answer is whether Mr. Henderson will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.) Additionally, I am required to give "great weight to the diminished culpability of juveniles as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity of the prisoner" when determining a youthful offender's suitability for parole. (Pen. Code, § 4801, subd. (c).)

**DECISION**

The Board of Parole Hearings found Mr. Henderson suitable for parole based on his support in the community, acceptance of responsibility, remorse, age at the time of the crime, educational and vocational work, self-help, lack of recent misconduct, laudatory chronos, and psychological evaluations. The panel noted that it considered confidential information in Mr. Henderson's file, but found that it was "not germane" to its decision.

I acknowledge Mr. Henderson has made efforts to improve himself while incarcerated. He earned his GED, and completed vocational training. He has participated in self-help classes, including Alcoholics Anonymous, Victim Awareness, and Anger Management. He has also received commendations from prison staff and has participated in charitable work. I commend Mr. Henderson for taking these positive steps.

I also recognize that Mr. Henderson was only 16 years old when he participated in the shooting of Mr. Casebolt's parents. I acknowledge that Mr. Henderson came from an unstable upbringing. He reported being raised by an alcoholic mother who, along with other family members, physically and emotionally abused him. Mr. Henderson also reported that he was sexually abused by an older cousin for an extended period of time when Mr. Henderson was only 12 years old. While Mr. Henderson does not have a substantial history of criminal convictions, he told the psychologist in 2013 that he participated in alcohol use, shoplifting, stealing cars, running away from home, vandalism, bullying, and fire-setting as an adolescent. The psychologist opined that Mr. Henderson's upbringing and factors including "his immaturity, faulty judgment, and poor decisions, likely contributed to [his] reckless and impulsive behavior at the time of the life crime." I acknowledge that even though this crime was senseless and brutal, Mr. Henderson has the ability to be rehabilitated. During his nearly 24 years in prison, there has been significant opportunity for Mr. Henderson to reform. I carefully examined the record for evidence demonstrating his increased maturity and rehabilitation, and gave those factors great weight during my consideration of Mr. Henderson's suitability for parole. However, they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

I am troubled by information in Mr. Henderson's confidential file that indicates he still is not able to avoid violence or abide by the rules. Multiple confidential sources between 2006 and 2013 independently identified Mr. Henderson as being involved in smuggling narcotics and contraband into the prison, dealing drugs in prison, and threatening and assaulting an inmate. Youthful indiscretion may explain Mr. Henderson's involvement in the life crime, but it does not explain his ongoing misconduct after 23 years of incarceration. Until Mr. Henderson has demonstrated a commitment to remaining free from criminal activities for an extended period of time, I do not believe he is ready to be released.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Henderson is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Henderson.

Decision Date: June 13, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**ALBERT LOPEZ, D-00645**  
Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On November 22, 1983, Albert Lopez was at a bar. He followed his 55-year-old neighbor, Donald Culbertson, out of the bar when Mr. Culbertson left. Mr. Lopez snuck up behind Mr. Culbertson, held a knife to his back, demanded his money, and instructed Mr. Culbertson not to look at him. While Mr. Lopez searched Mr. Culbertson's pockets, Mr. Culbertson looked at him. Mr. Lopez cut Mr. Culbertson's cheek and then stabbed him once in the chest and twice in the back. Mr. Lopez took Mr. Culbertson's wallet containing \$2 and his watch, and put him in a dumpster. Mr. Culbertson was found lying in the street and taken to the hospital, but he died during surgery.

**GOVERNING LAW**

The question I must answer is whether Mr. Lopez will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Lopez suitable for parole based on his honesty at his hearing, participation in self-help programming in the last few years, parole plans, lack of recent gang involvement, and time spent in prison.

I acknowledge Mr. Lopez has made efforts to improve himself while incarcerated. He has participated in self-help including Alcoholics and Narcotics Anonymous, Victim Awareness, Anger Management, and Criminals and Gangmembers Anonymous. He has been commended for his good work ethic, dependability, positive attitude, leadership, and personal growth. He has not been disciplined for misconduct since 2006. Mr. Lopez has family support, has plans to live at a transitional home, and has a job offer. I commend Mr. Lopez for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Lopez's crime was vicious and cruel. He accosted a neighbor who was over 30 years older than he was, slashed and stabbed him with a knife, and left him in a dumpster to die.

I am troubled by Mr. Lopez's significant disciplinary history in prison. He has been disciplined for serious misconduct 25 times and counseled for less serious misconduct another 24 times. Many of these have been for violence and substance abuse. In 2006, he was disciplined for fighting with another inmate. The two were fighting on the ground and would not stop when ordered to do so. Officers had to spray the pair with two bursts of pepper spray before Mr. Lopez and the other inmate would separate and stop fighting. Mr. Lopez was also caught with inmate-manufactured alcohol five times, in 2005, 2001, 2000, 1999, and 1997. He refused to provide a urine sample for testing in 2005 and 1996. He was caught in the possession of inmate-manufactured syringes in 2005, 2004, and 1996. He was disciplined in 1993 for possession of methamphetamine and also received an additional two year prison term, to be served concurrent to his murder conviction. Mr. Lopez committed a battery on a peace officer in 1999 and was given a one year term in the Security Housing Unit. He was placed in Administrative Segregation for poking a work supervisor in 2007. Additional confidential memoranda detail further alleged misconduct in 2004, 2005, and 2006. I am encouraged by Mr. Lopez's more stable behavior recently as well as his increased participation in self-help programming, but I would like to see a longer period of good behavior to be sure Mr. Lopez is really dedicated to a different lifestyle.

Mr. Lopez's elevated risk scores support my concerns. In 2010, the evaluating psychologist rated Mr. Lopez in the moderate range for psychopathy, high range for risk of general recidivism, moderate range for risk of violent recidivism, and an overall moderate risk. The psychologist who evaluated Mr. Lopez in 2013 believed Mr. Lopez had made "notable progress" and had "a remarkable change in his attitude and perspective since the previous evaluation." This psychologist opined that Mr. Lopez's risk of future violence was likely "considerably" lower than in 2010, but did not provide new risk ratings. I direct the Board to complete a new comprehensive risk assessment in advance of Mr. Lopez's next parole suitability hearing in order to provide a more current and complete assessment of the risk he poses if released.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Lopez is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Lopez.

Decision Date: June 13, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**DANIEL MARTIN, C-70256**

First-degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

Daniel Martin arranged to live in his brother's apartment while his brother was stationed overseas in the military. His brother's wife, Valda, planned to move to Ohio. Less than a week before Mr. Martin's brother shipped out, Valda changed her mind and decided she would live in the apartment with Mr. Martin. Mr. Martin's brother left on August 8, 1981. A day later, Mr. Martin began to think about killing Valda. On August 11, 1981, Mr. Martin came home after drinking with a friend, and took a knife and a pillow to the bedroom where Valda was sleeping. He jumped on top of Valda, covered her face with the pillow, and started stabbing her in the chest and abdomen. Valda started screaming and bit Mr. Martin's thumb. He punched Valda repeatedly in the head, and stabbed her three more times in the neck to get her to stop screaming. Valda eventually lost consciousness. Neighbors heard Valda screaming for several minutes and called police, but when police responded to the house Mr. Martin turned out the lights, hid in the bathroom, and did not answer the door. Once the officers left, Mr. Martin took a nap and woke up a few hours later to dispose of Valda's body. He drove to a ravine, where he dumped her body.

When police found Valda's body her intestines were protruding from her abdomen, she was naked from the waist down, and her legs were spread. An autopsy found semen in her rectum, three stab wounds to her neck and six to her chest, and a gaping wound to her abdomen. The autopsy determined that she had died of a fractured skull caused by blunt force trauma to her head. Police were unable to identify Valda's body for several months, and Mr. Martin told his mother that Valda had packed up her belongings and left. His mother reported Valda missing, and police eventually arrested Mr. Martin in Ohio on November 7, 1981.

**GOVERNING LAW**

The question I must answer is whether Mr. Martin will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

### DECISION

The Board of Parole Hearings found Mr. Martin suitable for parole based on his acceptance of responsibility, remorse, insight, self-help programming, educational and vocational achievements, age, commitment to sobriety, commendations from correctional staff, parole plans, and psychological evaluations.

Mr. Martin has been in prison for nearly 33 years and is now 56 years old. I acknowledge he has made efforts to improve himself while incarcerated. He has participated in self-help programming, earned a paralegal certificate, and completed vocational training. He has not been disciplined for misconduct since 2005. I commend Mr. Martin for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Martin's crime was appalling and senseless. He ruminated on killing his sister-in-law, attacked her while she slept in her bed, stabbed and beat her to death, then dumped her body and claimed she had left of her own accord. Mr. Martin's actions have had a devastating and long-lasting impact on Valda's family.

Mr. Martin has not adequately explained why he killed Valda. He told the Board that he hated Valda and felt a need to protect his brother because Mr. Martin believed Valda was cheating on his brother. Mr. Martin also claimed he was angry that Valda moved back into the apartment when he was supposed to be living there alone, and that he was afraid that Valda would come onto him and he would "break down" and "allow her" to "incorporate [him] in her behavior." These explanations do not make sense. It is not clear why Mr. Martin was compelled to kill Valda for her alleged infidelity when, as Mr. Martin admitted to the Board, his brother knew of the allegations and did nothing. Mr. Martin's statements that he wanted the apartment to himself and was afraid he would be tricked into being intimate with Valda also do not adequately explain his sudden thought to kill her once his brother left, his pondering the murder for two days, or his final decision to carry out his plan. The psychologist who evaluated Mr. Martin in 2013 also found these explanations "vague," and noted that Mr. Martin "had a difficult time offering any real explanation for his decision to kill the victim." Until Mr. Martin can better explain the reason he attacked and murdered his sister-in-law, I do not believe he is ready to be released.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Martin is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Martin.

Decision Date: June 13, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**SAMUEL MEDWAY, B-88218**  
First-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On May 27, 1977, Samuel Medway had a party at the apartment where he lived with his girlfriend and her two young children. In attendance were Conrad Rey, Michael Bettencourt, and Joe Tamayo. They were all drinking and sniffing spray paint. At about 3 o'clock in the afternoon, Dallas Foster, a transient on his way to hop a train to work in the fields, knocked on the door and asked for a drink of water. The group invited him in and gave him beer and wine. Mr. Medway prevented him from leaving. About an hour after Mr. Foster had arrived, Mr. Medway apparently became convinced that Mr. Foster had pulled a knife on Mr. Rey months earlier. Mr. Medway asked Mr. Rey what he would do about it, and Mr. Rey punched Mr. Foster in the mouth, knocking him to the floor, then started kicking him. The other men joined in the beating and kicking of Mr. Foster while he begged them to stop and leave him alone.

Over the next seven to ten hours, the group viciously beat Mr. Foster on seven or eight separate occasions. These beatings included punching Mr. Foster, kicking him and stomping on him, beating him with a belt, and striking him with a two-by-four. At some point, when it was determined that Mr. Foster's body was too bloody, Mr. Medway and another individual took him to a bathroom and stripped him of his clothes. He was then paraded naked in front of the two women and two small children who were at the party. Mr. Foster was on the floor, naked and crying, asking to be left alone. The men took him back into the bathroom and one came out to announce that they were in the bathroom "trying to hang the guy by the neck with a belt." Later, while Mr. Foster was unconscious on the floor, one of the men urinated on his face and into his open mouth. Twice, Mr. Medway forced Mr. Foster to drink Mr. Bettencourt's urine from a cup, threatening to kill him if he refused. Another time, Mr. Tamayo tried to smother Mr. Foster with towels. At least three times, Mr. Tamayo held a .22 caliber automatic rifle within inches of Mr. Foster's face, cocked the weapon, and pulled the trigger while Mr. Foster begged not to be killed. Each of these times, the weapon was empty.

In Mr. Medway's presence, Mr. Tamayo announced, "We have to get rid of him or kill him, do something." Mr. Tamayo threatened to shoot and kill Mr. Foster, aimed a rifle at him, loaded it, and concealed it in his clothing. Mr. Medway then "helped him ... had his arm around him," and the men took Mr. Foster out of the apartment to a nearby empty lot. On his way out, Mr. Medway ordered Mr. Rey to dispose of Mr. Foster's belongings and clean up the blood, saying, "Can't let him go because if we let him go, he'll go to the pigs and tell them and everybody

would get busted.” Once in the vacant lot, Mr. Foster was ordered to sit under a trailer. Mr. Tamayo then shot him in the head, neck, and stomach. Mr. Medway was “right there” when Mr. Medway was shot. When they returned to the apartment, Mr. Medway told the others that Mr. Foster had been shot and warned that if they said anything, they would be hurt or killed.

Mr. Foster’s body was found a few days later. An autopsy revealed that he died from the gunshot wound to his head. He had extensive abrasions, lacerations, and bruises over his entire body. Eight of his ribs had been fractured, as well as his jaw, nose, skull, and both cheekbones.

### GOVERNING LAW

The question I must answer is whether Mr. Medway will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate’s pre- or post-incarceration history, or the inmate’s current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

### DECISION

The Board of Parole Hearings found Mr. Medway suitable for parole based on his remorse, acceptance of responsibility, age, participation in self-help programs, lack of violent misconduct while in prison, parole plans, psychological evaluations, and positive work ratings.

Mr. Medway has been incarcerated for more than 37 years and is now 60 years old. I acknowledge he has made efforts to improve himself while incarcerated. He has routinely received exceptional work ratings and has worked to complete vocational training. He has not been disciplined for serious misconduct for 27 years. For many years, Mr. Medway has earned commendations from correctional staff for being reliable, trustworthy, responsible, conscientious, and professional. I commend Mr. Medway for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Medway’s crime was utterly shocking. Without any provocation, Mr. Medway and his friends tortured a man for hours, inflicting excruciating pain, before killing him. At sentencing, the judge appropriately characterized this as “a serious, sadistic, vicious crime with an apparently quite vulnerable victim who suffered grievous injuries before death,” and continued, “death in this case I guess was merciful.”

When Mr. Medway was granted parole in 2012, I reversed the Board’s decision because Mr. Medway actively participated in this horrific crime, was minimizing his culpability for the murder, had not offered a credible explanation for torturing Mr. Foster, and had only sporadically participated in substance abuse programming.

I remain troubled by Mr. Medway’s explanation for his crime. While he acknowledges that it was “atrocious,” “horrible,” “ugly,” and “violent,” Mr. Medway still offers little explanation for

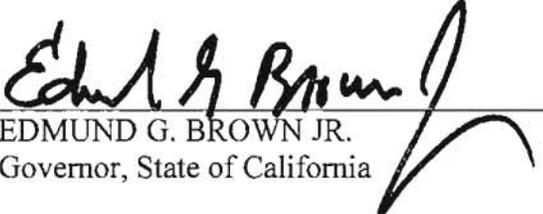
how he came to fully participate in this torture and murder. Mr. Medway told the Board that, at the time, he didn't care about what Mr. Foster was going through, but now recognizes, "no human being should be treated like that." Mr. Medway cited his intoxication, unresolved anger issues stemming from abuse by his stepfather, "bottled up" feelings, and peer pressure as reasons for his involvement. These reasons—anger, abuse, alcohol, and peer pressure—do not explain this level of depravity and cruelty. While Mr. Medway may have felt some degree of pressure to participate in the beatings and murder, the record shows he was a leader and willing participant throughout the event. It remains unclear to me why Mr. Medway was willing to commit this terrible crime.

I am glad to see that Mr. Medway has continued to participate in an Alcoholics and Narcotics Anonymous group in the past year. I encourage Mr. Medway to continue to take and intensify his participation in self-help programs so that he can truly come to grips with the horror of this crime and his role in it.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Medway is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Medway.

Decision Date: June 20, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**VICTOR BLANK, H-12070**  
Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On May 9, 1990, Alena Blank left her three-year-old son, Brandon, at home with his stepfather, Victor Blank, while she went to buy cocaine. When she returned thirty minutes later, she found Brandon with blood on his mouth and nose. Throughout the night, Brandon vomited several times and appeared restless. At 4:30 the next morning, Mr. Blank called 911 to report that Brandon was not breathing. Medical personnel responded and attempted CPR, but Brandon was already dead. It was later determined that Brandon had died four to six hours prior to their arrival.

An autopsy revealed that Brandon's death was caused by blunt trauma to the abdomen, including small contusions with hemorrhage and several lacerations to the liver. Brandon also had extensive contusions and abrasions on his face, trunk, back, and extremities, some of which were not new. Mr. Blank initially claimed that these injuries were the result of his attempt to administer CPR, but later admitted to squeezing Brandon, swinging him hard causing Brandon to fall and hit his stomach hard on the toilet bowl and head on the floor, and hitting Brandon in the chest several times.

Brandon had been physically abused over sixteen months prior to his death. Brandon and Alena began living with Mr. Blank in January of 1989. People close to Brandon began noticing physical injuries on Brandon's body. A day care owner noticed Brandon limping, bruises on his body, two black eyes, and a knot on his chin. She notified Child Protective Services twice, but the case was closed. Brandon's father also filed a report with Child Protective Services after observing red marks that looked like a hand imprint on Brandon's buttocks and a bruise on his back, but the case was again closed. A medical clinician contacted Child Protective Services in July 1989 after Brandon was brought to the clinic with a swollen eye and broken arm, and Mr. Blank's aunt also notified Child Protective Services after seeing bruises on Brandon's body, but no action was taken. Brandon received more bruises and was taken to the doctor in December 1989 and April 1990. A month later, Brandon was dead.

**GOVERNING LAW**

The question I must answer is whether Mr. Blank will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current

dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

### DECISION

The Board of Parole Hearings found Mr. Blank suitable for parole based on his acceptance of responsibility for the crime, remorse, institutional behavior, age, and realistic parole plans.

I acknowledge Mr. Blank made efforts to improve himself while incarcerated. After his grant of parole in 2011 was reversed, Mr. Blank continued his participation in self-help classes, including Alternatives to Domestic Violence, Alcoholics Anonymous, and Anger Management. He has received commendations from work supervisors and has not been disciplined since his last hearing. I commend Mr. Blank for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Blank's crime is horrendous. He severely beat his three-year old stepson over a sixteen-month period, ultimately resulting in his death. Child Protective Services was contacted no less than five times and many people close to Brandon expressed concern for his wellbeing. Rather than caring for and protecting his stepson, Mr. Blank instead repeatedly inflicted horrific pain on his child, despite his small size and young age.

When the Board of Parole Hearings granted Mr. Blank parole in 2011, I reversed the Board's decision, because I was concerned that Mr. Blank minimized the degree to which he abused Brandon. His recent statements to the Board and psychologist demonstrate that he continues to understate the abuse and the pain he inflicted for so long on Brandon and still lacks a sufficient understanding of his actions.

Mr. Blank's explanation for brutally abusing Brandon is still not convincing. Mr. Blank told the psychologist in 2013 that he "was jealous of [Brandon's] relationship with his mom. I did not know that I was jealous because I did not have it with my mom [the closeness]. This may have impacted my rage toward Brandon." While his relationship with his mother may be one factor that hindered his relationship with Brandon, it still does not explain why he continued to torment and torture Brandon for over a year prior to Brandon's murder, especially in light of the fact that Mr. Blank was not physically abused during his childhood. The psychologist in 2013 had similar concerns and found it "difficult to grasp the intensity of [Mr. Blank's] rage and violence toward his stepson." It is clear that Mr. Blank's difficult relationship with his stepmother was strikingly different than the abusive relationship he had with Brandon prior to his death. Mr. Blank's insight is shallow and demonstrates that he does not yet completely understand why he abused Brandon in the way that he did.

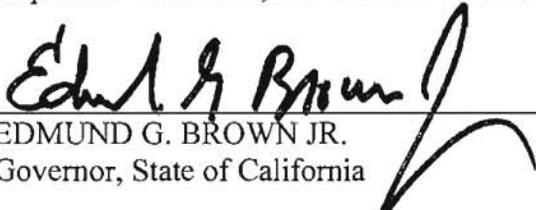
I am also troubled by Mr. Blank's continued minimization of the degree to which he abused Brandon. Brandon had black eyes, a broken arm, numerous bruises, hand imprints, and a knot on his chin while he lived with Mr. Blank. Yet, during his 2013 risk assessment, he was asked to

comment on the many calls and reports made to Child Protective Services. He failed to address each one of them systematically and only stated very generally: "Yes, [Brandon] was abused." Regarding the numerous bruises observed on Brandon while in his care, Mr. Blank told the psychologist that there were times when he was "rough" with Brandon and that his supervision of Brandon was negligent. Mr. Blank reported to the psychologist that, "I hit him in the chest but it was not hard, but he cried," and, "I didn't think he could be so badly hurt." The abuse Brandon suffered cannot be fairly characterized as being the result of Mr. Blank merely being "rough" or negligent. It was far more. Until Mr. Blank improves his insight and ceases to minimize his abuse of Brandon, I do not believe he is ready for release.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Blank is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Blank.

Decision Date: June 27, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**CALVIN COOK, B-78830**

First-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

In late September 1975, Calvin Cook saw an ad that Richie Farmer had placed in a newspaper to sell a Jaguar sedan. Mr. Cook called Mr. Farmer to inquire about purchasing Mr. Farmer's car. On the morning of September 26, 1975, Mr. Cook met Mr. Farmer at the tire shop under the pretext of buying Mr. Farmer's car. During their meeting, Mr. Cook hit Mr. Farmer 20 to 30 times in the head and chest with a tire hammer, killing him. Mr. Cook then put Mr. Farmer's body in the Jaguar and dumped the body in a canyon area before selling the car to a dealership.

**GOVERNING LAW**

The question I must answer is whether Mr. Cook will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Cook suitable for parole based on his age, medical conditions, lack of violent prison misconduct, remorse, parole plans, and psychological evaluations.

I acknowledge Mr. Cook has made efforts to improve himself while incarcerated. In the 38 years that he has been incarcerated, he has only been disciplined for serious misconduct once, in 2008. I acknowledge that Mr. Cook suffers from Meniere's disease and leg thrombosis, and has also suffered a stroke, all of which have limited his ability to work, to attend self-help classes, and to complete vocational training. Before his physical health began to deteriorate, Mr. Cook held several institutional jobs and attended some self-help classes in the 1980s and early 1990s. I note that he has managed to attend Alcoholics Anonymous classes in recent months, despite his medical conditions. I commend Mr. Cook for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

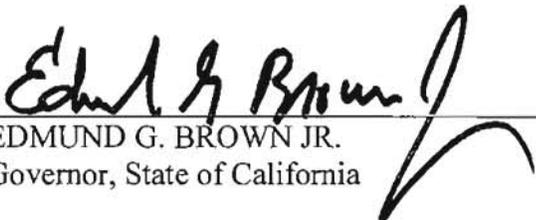
Mr. Cook's crime was calculated and callous. He lured Mr. Farmer to the empty tire shop where he worked in order to murder Mr. Farmer and steal his car. He then cleaned up the shop and dumped Mr. Farmer's body in a canyon in an attempt to avoid arrest. Mr. Cook's crime had a devastating and long-lasting impact on Mr. Farmer's loved ones, including the family members who appeared at the parole hearing and several others who wrote letters opposing Mr. Cook's parole.

I am troubled by Mr. Cook's continuing lies about the circumstances of Mr. Farmer's murder. The version of the crime that Mr. Cook told to the Board at his 2014 parole hearing and to evaluating psychologists differs significantly from the version in the record. Mr. Cook maintains that he had prior dealings with Mr. Farmer, that Mr. Farmer backed out of a deal that the two men had made, and that he was merely reacting to an attack by Mr. Farmer in the tire shop. Mr. Cook's version is clearly not true. The record indicates that Mr. Cook had called the phone number listed in Mr. Farmer's ad numerous times over several days, and refused to identify himself until Mr. Farmer's mother gave him her son's direct phone number. Mr. Cook then convinced Mr. Farmer that he had enough money to pay for the car and arranged to meet with him at Mr. Cook's place of employment in the early morning hours while the store was closed. After murdering Mr. Farmer and dumping his body, Mr. Cook went to a car dealership and identified himself as Mr. Farmer in order to sell the car and received a check for \$3,600. Because Mr. Cook has not confronted the true nature of his actions, I do not think he is ready to be released.

#### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Cook is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Cook.

Decision Date: June 27, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**FRED GARCIA, B-98329**  
First-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On September 17, 1977, Fred Garcia and his uncle, Danny Trujillo, called a cab to get home from a party. Joseph Peralta responded to the call and picked them up. On the way, they stopped at a convenience store where a police officer interviewed Mr. Garcia and Mr. Trujillo after a minor disturbance. Mr. Garcia, who had recently been released on parole, gave the police officer his brother's name before getting back into the cab and leaving. Mr. Garcia instructed Mr. Peralta to stop the taxi close to his home. Once stopped, Mr. Garcia put his belt around Mr. Peralta's neck and began strangling him. Mr. Trujillo saw Mr. Garcia strike Mr. Peralta once before Mr. Garcia dragged him out of the car. Mr. Garcia plunged a screwdriver into Mr. Peralta's left eye, kicked him in the head, and then proceeded to stab Mr. Peralta with the screwdriver 37 more times, killing him. Mr. Garcia placed Mr. Peralta's head near the rear tire and attempted to run him over, but Mr. Trujillo moved Mr. Peralta's body out of the way. After this brutal attack, Mr. Garcia wiped down the entire car to get rid of any fingerprints and he and his uncle left. The next morning, someone discovered Mr. Peralta's body. Mr. Peralta's pockets had been turned inside out and his wallet was lying on the ground. Mr. Garcia later threatened to kill anyone who testified against him.

After the murder of Mr. Peralta, Mr. Garcia continued his violent criminal behavior. He committed one home invasion robbery demanding drugs and money, threatening as he left that if anyone reported the crime, the Nuestra Familia would be back. Nearly a month later, Mr. Garcia committed another armed robbery. He initially stole a stereo, but returned two hours later claiming the stereo was not enough. When he came back, he tried to kill a woman who was holding her small child by stabbing her with a foot-long butcher knife. Mr. Garcia received two prison terms of 8 years and 8 months for these crimes, to be served concurrently to his conviction for first degree murder.

**GOVERNING LAW**

The question I must answer is whether Mr. Garcia will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the

circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

### DECISION

The Board of Parole Hearings found Mr. Garcia suitable for parole based on his many years of incarceration, insight into his crime, remorse, acceptance of responsibility, insight, age, lack of discipline since 1995, staff support, self-help programming, vocational training, positive work reports and laudatory chronos from his supervisors, mitigated psychological risk ratings, and status as a gang dropout.

Mr. Garcia is now 58 years old and has spent over 35 years in prison. I acknowledge Mr. Garcia has made efforts to improve himself while incarcerated. He dropped out of the Nuestra Familia and has not been disciplined for serious misconduct for nearly two decades. Mr. Garcia has completed vocational training and has earned positive work ratings and commendations from staff. He has continued to be active in self-help groups, including Anger Management, Life Skills, Makin' It Work, and Narcotics Anonymous in the last year. I commend Mr. Garcia for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

The exceptionally cruel and unprovoked murder of Mr. Peralta was not an isolated episode. Even after strangling Mr. Peralta and stabbing him 37 times, he went on to commit two more violent robberies in the name of his gang. He was a dedicated criminal for a number of years.

I reversed the Board's decision to release Mr. Garcia last year because of his series of brutal crimes and his failure to adequately explain what drove him to murder and mutilate a stranger without a moment's hesitation. My concerns were supported by Mr. Garcia's elevated psychological risk ratings and I urged him to continue to examine his motives and prepare for re-entry into the community by participating in available self-help programs.

While Mr. Garcia has made efforts to improve his explanations for his vicious crimes, there remain a few deficiencies in his current account. He told the Board that he was severely intoxicated and perceived that the cab driver and his uncle were fighting when he suddenly awoke in the back of the cab. "Without thinking about anything," Mr. Garcia removed his belt and started strangling Mr. Peralta. He claimed he wanted no part in the gang and stabbed Mr. Peralta because he was under a significant amount of stress because he was being recruited by the Nuestra Familia. But, he also explained that he counted the number of times he was stabbing Mr. Peralta to boast about it later to gang members. He added that he stabbed Mr. Peralta 37 times "because I was a gang member and I was maybe trying to set an example, for anybody that might want to fight with a gang member."

Mr. Garcia's explanations remain somewhat inconsistent. While Mr. Garcia claims he was so heavily intoxicated at the time of the life crime that he was seeing double and stumbling, he was sober enough to give a police officer a different name and birthdate in order to evade arrest before the crime, clearheaded enough to count the times he stabbed Mr. Peralta, and coherent

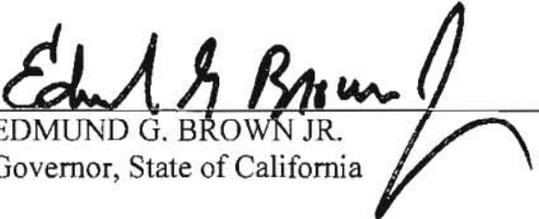
enough to wipe down the taxi to remove his fingerprints before leaving the scene. His reasons for stabbing Mr. Peralta—the stress of being recruited into the Nuestra Familia against his will and his desire to impress his fellow gang members—are internally inconsistent and do not account for his gratuitous level of violence against a complete stranger.

I note, as I did last year, that Mr. Garcia's current risk ratings support my concerns. The 2009 psychologist determined that Mr. Garcia was in the moderate range of psychopathy and violent recidivism, high range for general recidivism, and in the moderate range for overall risk in society. The psychologists in 2012 and 2013 felt Mr. Garcia had improved his insight and that therefore their concerns had been "mitigated." I would like the Board to complete a new comprehensive psychiatric evaluation before the next hearing so that the panel can have the benefit of an updated assessment of Mr. Garcia's current risk of violence.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Garcia is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Garcia.

Decision Date: June 27, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**ART PRADO, C-65338**  
Second-degree murder

**AFFIRM:** \_\_\_\_\_  
**MODIFY:** \_\_\_\_\_  
**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On January 10, 1982, Art Prado, Guillermo Ledesma, Luis Castillo, and Frank Castillo decided to rob a restaurant. The group armed themselves with handguns and a shotgun then entered a restaurant, selected by Mr. Prado, with 128 customers inside. The restaurant manager asked them to leave because they were not dressed in proper attire, but then allowed the men to use the restroom. Later, when the manager went to check on the men, they robbed him of his wallet and watch. Luis went to the bar and shot at the ceiling with a shotgun and robbed customers and employees of money and jewelry with the help of his crime partners. When an off-duty police officer, working as the restaurant's security, walked towards the bar with his revolver drawn, Luis saw the officer and ordered him to lay face-down. Once the officer was down, the men in the group took his gun, kicked him in the ribs, and told him he was going to die that night. Once they were alerted that the police were coming, the group fled. During a high speed chase, the others shot at police vehicles and a police helicopter while Mr. Prado drove. Mr. Prado's car spun out of control and stopped against a curb. Officers returned fire, and Frank was killed from a gunshot wound to the head during the shootout with police.

**GOVERNING LAW**

The question I must answer is whether Mr. Prado will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Prado suitable for parole based on his acceptance of responsibility for the crime, remorse, age, and recent institutional behavior.

I acknowledge Mr. Prado has made efforts to improve himself while incarcerated. He earned his GED and completed four vocational training programs. He has received positive work ratings and has been a peer literacy tutor. He has also participated in numerous self-help classes, including Alcoholics Anonymous, Criminals and Gangmembers Anonymous, Anger Management, and Victims Awareness. I commend Mr. Prado for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Prado participated in a deplorable and senseless crime. He and his friends terrorized over one hundred restaurant customers and employees during the armed robbery, and callously endangered the lives of peace officers and the community during their high speed chase and shootout with police officers.

I am troubled that Mr. Prado has not better explained the reasons he was so willing to participate in a crime that endangered so many innocent victims and police personnel. At his 2014 hearing, Mr. Prado explained that his brothers-in-law invited him to participate in the robbery and he “didn’t have the guts to say no.” He went on to say “[I] kind of like wanted to be accepted by them” and “I didn’t want to be like the oddball.” These reasons are insufficient because Mr. Prado was not a reluctant participant in this crime. The men piled into Mr. Prado’s wife’s car to commit this robbery and Mr. Prado was the person who selected the restaurant to rob. Mr. Prado drove the car during the high speed chase while the others shot at the police pursuing them and Mr. Prado did not stop until he lost control of the vehicle. He was not simply tagging along with his brothers-in-law, but was a full and active participant in this crime.

I am also concerned by Mr. Prado’s continued drug use in prison, particularly given his use of alcohol, marijuana, PCP, and LSD as a teenager. In 2008, Mr. Prado was prosecuted and given an additional six-year prison term for possession of marijuana, despite his participation in numerous Alcoholics and Narcotics Anonymous groups from 1991 to 1998 and 2004 to 2008. The psychologist in 2010 expressed concerns that Mr. Prado had a “rehearsed set of answers regarding his past use of substances and what he thinks that the board and evaluators may want to hear” and opined that “he has not fully internalized the seriousness of what he has done and clarified an awareness of the fact that he needs to more actively address his substance abuse issues.” I note that Mr. Prado has re-engaged in substance abuse self-help groups since his 2008 relapse, and I encourage him to continue participating in substance abuse self-help classes.

Concerns that were raised in Mr. Prado’s 2010 Comprehensive Risk Assessment, which resulted in his elevated risk ratings, were mitigated by the 2013 Subsequent Risk Assessment. But such elevated risk ratings still remain. I direct the Board to prepare an updated Comprehensive Risk Assessment prior to Mr. Prado’s next hearing. If the new risk ratings are, in fact, mitigated and Mr. Prado continues his positive programming and behavior in prison, he will be a definite candidate for release at his next parole hearing.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Prado is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Prado.

Decision Date: June 27, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**JOHN FIELD, H-59376**

First-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On July 7, 1989, John Field, his girlfriend Theresa Marandola, and Billy Richardson were driving to Russ and Buffy Wilson's apartment. During the drive, Mr. Field and Mr. Richardson argued about alleged tape recordings of phone calls regarding their drug deals. Mr. Richardson pulled out a .44 caliber revolver from under the seat of the car and threatened Mr. Field with it. When they arrived at the Wilsons' apartment, Mr. Field and Ms. Marandola went inside while Mr. Richardson stayed in the truck. Inside the apartment, Mr. Field waved around a .22 caliber pistol and talked about killing Mr. Richardson. The group went outside, and while the Wilsons and Ms. Marandola waited near the carport, Mr. Field approached Mr. Richardson, who was asleep in the truck, and shot him once in the head, once in the shoulder, and four times in the chest, killing him. When Mr. Wilson attempted to intervene, Mr. Field threatened him with the gun and forced the Wilsons and Ms. Marandola to drive with him and dispose of the weapon and the truck. Mr. Field threatened to kill the Wilsons and Ms. Marandola if they reported the murder, and fled to Massachusetts. He was extradited to California on January 29, 1992, while in Massachusetts state prison for armed robbery.

**GOVERNING LAW**

The question I must answer is whether Mr. Field will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Field suitable for parole based on his self-help programming, educational and vocational work, family support, parole plans, insight, remorse, and acceptance of responsibility.

I acknowledge Mr. Field has made efforts to improve himself while incarcerated. He participated in self-help programming including Alcoholics and Narcotics Anonymous,

Alternatives to Violence, and Anger Management. He earned a paralegal certificate and an associate's degree, and completed vocational training. I commend Mr. Field for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Field's crime was cold and callous. He murdered Mr. Richardson as he slept, then threatened his friends and fled the state. There were reports that Mr. Field threatened Mr. Richardson's family and the prosecutor. His actions have had a devastating and long-lasting impact on Mr. Richardson's family members, who have appeared at Mr. Field's parole hearings. His very long criminal record includes two assaults on police officers, an attack on another man with a crowbar during a dispute over a parking spot, and an armed robbery of a convenience store.

I am troubled that Mr. Field has not sufficiently explained this crime or his extensive violent criminal history. He told the Board that he had abandonment and anger issues, was stressed due to financial and family obligations, and was under the influence of methamphetamine. He said that these feelings "came to the surface" when Mr. Richardson threatened him with a gun, and went on to say that "these are the things that happen when you're involved in this type of lifestyle and you're in this type of culture and you're around drugs and you're not thinking straight." He also described his criminal history as "nothing serious," and claimed that he became involved in the armed robbery and assaults because such things were "common" where he grew up and he simply "made the wrong decision." Mr. Field's statements reflect little understanding of the severity or extent of his violent behavior. Many individuals are raised in troubled neighborhoods, but few turn to aggressive behavior themselves and ultimately commit murder. Until Mr. Field can better explain his violent history and how he has ensured he will not react with violence again in the future, I do not believe he is prepared to be released.

Mr. Field's conduct in prison is also troubling. Mr. Field has been disciplined 25 times throughout his incarceration, including two instances of refusing to obey orders in 2004, and causing a disruption in the prison dining hall as recently as 2013. Given these incidents, I do not believe Mr. Field has demonstrated an ability to interact with others without conflict if he is released.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Field is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Field.

Decision Date: July 11, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**PAUL WILLIAMS, C-55647**  
Second-degree murder

**AFFIRM:** \_\_\_\_\_  
**MODIFY:** \_\_\_\_\_  
**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

Paul Williams and Pamela Ornelas dated and lived together from 1976 until about 1980, when Ms. Ornelas moved out and married another man. After some time, Ms. Ornelas moved back in with Mr. Williams and they continued dating. On June 3, 1982, Ms. Ornelas and Mr. Williams were at Ms. Ornelas' sister's home drinking with her sister Flo and Flo's boyfriend Marty Pritchard. Mr. Williams asked Ms. Ornelas if she still loved her husband. Ms. Ornelas said she did, and she and Mr. Williams began to argue. Mr. Williams said, "If you love him, I'm going to kill you, and I'm going to take Flo and Marty with you." Mr. Williams pulled out a six-inch kitchen knife and stabbed Ms. Ornelas once in the abdomen. Mr. Williams turned to attack Flo, but Mr. Pritchard intervened. Mr. Williams stabbed Mr. Pritchard in the shoulder with the knife and fled. Ms. Ornelas died almost one month later due to an infection from her wound.

**GOVERNING LAW**

The question I must answer is whether Mr. Williams will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Williams suitable for parole based on his age, mobility and medical impairments, classification score, educational and vocational work, self-help programming, insight, lack of recent violent behavior, laudatory chronos, psychological evaluations, remorse, acceptance of responsibility, and parole plans.

Mr. Williams is 69 years old, suffers some mobility and medical issues, and has been in prison for over 32 years. I acknowledge that he has made efforts to improve himself while incarcerated. He has participated in self-help programming, completed vocational training, earned positive reports from his work supervisors, and been commended by several prison staff members. He has not been disciplined for misconduct since 2003. I commend Mr. Williams for taking these

positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Williams' crime was senseless and callous. He stabbed his girlfriend with little provocation, then turned to attack her sister and sister's boyfriend. This was not Mr. Williams' first episode of violence. His criminal history includes a 1970 conviction for assaulting and kissing his 13-year-old sister-in-law, and a 1971 conviction for 2<sup>nd</sup> degree murder. Mr. Williams also admitted that he stabbed Ms. Ornelas' husband in 1979, although he was not convicted for that attack.

Mr. Williams' understanding of this murder and his criminal history remains underdeveloped. He told the Board that he had an "emotional breakdown" as the result of years of stress, jealousy, and pain Ms. Ornelas had caused him during their relationship, and that his stabbing of Ms. Ornelas was "just a reflex," "just a spontaneous thing. Happened all at once." He told the Board that he "poked" Mr. Pritchard with the knife because he was afraid that Mr. Pritchard had a gun. Mr. Williams also wrote to the Board in 2008, saying that the murder "was done by reflex/action, an unconscious act where it appears the criminal behavior was a result of his long term victimization." Similarly, he claimed that both the first murder he was convicted of and the prior stabbing of Ms. Ornelas' husband were committed in self-defense. Mr. Williams' explanations place a significant amount of blame on his victims, and do not indicate that he understands with any depth the reasons for his troubled relationship with Ms. Ornelas, why he resorted to violence in his relationship, or why he has consistently resorted to violence when faced with confrontation. The psychologist who evaluated Mr. Williams in 2013 found that he demonstrated a "fairly significant lack of insight into the dynamics of his violence and aggression." Because Mr. Williams has yet to confront the true nature of his actions, I do not believe he is ready to be released.

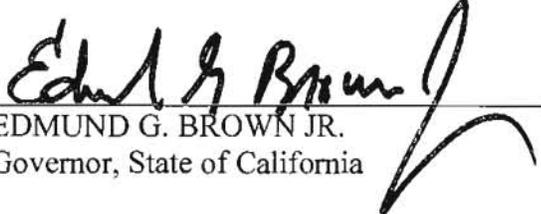
I am also concerned that Mr. Williams has not acknowledged or addressed his substance abuse history. He told the Board that he only drank occasionally, did not believe he was an alcoholic, and denied committing any crimes while he was under the influence. The record, however, shows that Mr. Williams was drinking on the night that he murdered Ms. Ornelas, and that alcohol had been a factor in several of his prior crimes, including his prior convictions for murder and assaulting his sister-in-law. The psychologist noted that Mr. Williams had "an ongoing pattern of intermittent and problematic alcohol abuse," and that he "has done nothing to indicate that he has developed the self-awareness and coping skills" to ensure he will refrain from drinking in the future. I encourage Mr. Williams to commit himself to self-help programming to explore why he turned to alcohol, the role it played in his criminal history, and how he will avoid it in the future.

Mr. Williams' elevated risk scores support my concerns. The 2013 psychologist rated Mr. Williams a moderate overall risk if released, based in part on Mr. Williams' limited insight, failure to accept responsibility, externalizing blame, and minimal self-awareness into his alcoholism and violence. Because Mr. Williams declined to be interviewed by the psychologist, this assessment was completed with minimal input from Mr. Williams. I encourage him to fully participate in future evaluations so that the psychologist and the Board can better assess his current risk.

**CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Williams is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Williams.

Decision Date: July 11, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**ALFREDO ACOSTA, B-07643**

First degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On August 14, 1966, Alfredo Acosta confronted Jenny Acosta, his wife, about an alleged affair at the home of his mother-in-law, Maria Sanchez. His three children, niece, and brother-in-law, Yisodoro Cortez, were also present that night. During the argument Mr. Acosta pushed his wife to the floor. He then threatened to pack his bags and leave with the children. His wife, mother-in-law, and brother-in-law told Mr. Acosta that they would call the police, to which Mr. Acosta replied, "Go ahead and call them and I'll kill each one that comes over here." Mr. Acosta and his wife continued to argue and Mr. Acosta pulled a gun out of his waistband and shot her as she sat on a couch. He ignored her pleas to stop and shot two more times, killing her. He then shot and killed Ms. Sanchez and Mr. Cortez. Mr. Acosta gathered the four crying children and left them and the gun at his cousin's house. Mr. Acosta then walked to the home of his girlfriend, Victoria Macias, and strangled her to death.

**GOVERNING LAW**

The question I must answer is whether Mr. Acosta will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Acosta suitable for parole based on his good prison behavior, programming, advanced age, and medical condition.

Mr. Acosta is now 75 years old and has been incarcerated for over 47 years. I acknowledge Mr. Acosta has made efforts to improve himself while incarcerated. He has only been disciplined for serious misconduct twice. He has participated in self-help classes, including Alcoholics Anonymous, Alternatives to Violence, and Effects of Domestic Violence. He earned his GED and completed vocational training in auto mechanics and laundry machine operation. I

commend Mr. Acosta for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Acosta's crimes were cold-blooded and senseless. The murder of his wife was a stunning overreaction to his discovery of her alleged affair. He then callously shot his 80-year-old mother-in-law and his brother-in-law, bystanders who were not involved in the Acostas' argument. After a period of time, Mr. Acosta went to Ms. Macias' house and strangled her to death in bed without provocation.

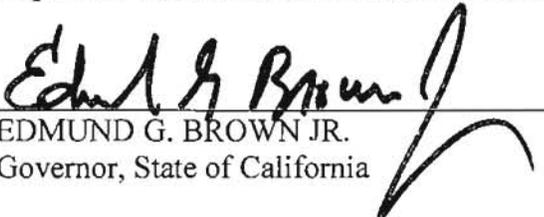
Mr. Acosta has offered insufficient reasons for murdering four people. He has maintained that he confronted his wife over a suspected affair and that he killed her because he was angry. He described their marriage as "excellent" and reported that he had never argued with or physically abused his wife. He described that he was not an angry or violent man at the time of his wife's murder. He could not point to anything about his personality that could explain why he murdered his wife. Mr. Acosta claimed that he shot his mother-in-law and brother-in-law after they grabbed and hit him during the confrontation with his wife. Mr. Acosta also unbelievably claimed that he murdered his girlfriend after she asked him to kill her because she was so distraught over the idea of him going to prison for murdering his family members. When asked by the panel at his 2014 parole hearing why he murdered the victims, Mr. Acosta merely stated that he had "lost control" and "My mind was...confused at that time."

I am deeply troubled that after nearly fifty years of incarceration, Mr. Acosta's explanations for murdering four people are extremely superficial. The psychologist who evaluated Mr. Acosta in 2013 was concerned by his "continued inability to identify any of the factors which shaped the violent death of four people he adamantly claims to have loved just prior to that night." The psychologist concluded, "To date, there is no clear indication he has ever identified the triggers to that violence." Mr. Acosta has had decades to reflect upon his actions, but he has never identified what it was about his personality that allowed him to coldly murder four people.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Acosta is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Acosta.

Decision Date: July 18, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**KENT WIMBERLY C-15825**  
First Degree Murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

Eric Lauterbach was having problems at home. He wanted to kill his father, Leon, and his father's girlfriend, Gloria Liebrez, because he was going to be kicked out of the family home. He turned to his friend from high school, Kent Wimberly, for help and they concocted a plan. On September 3, 1979, Mr. Wimberly went to the Lauterbach home. Eric was not home, but Leon and Gloria invited Mr. Wimberly into the house to wait for Eric to return. While waiting for Eric, Mr. Wimberly decided to commit the murders on his own. Mr. Wimberly approached Gloria in the kitchen, and stabbed her multiple times. Gloria attempted to escape and ran into Leon's arms as he came to investigate the ruckus. Mr. Wimberly then stabbed and killed Leon when he tried to come to Gloria's aid. He then again turned his attention to Gloria, who was attempting to escape, and stabbed her again, killing her.

**GOVERNING LAW**

The question I must answer is whether Mr. Wimberly will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.) The parole authority is required to give "great weight to the diminished culpability of juveniles as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity of the prisoner" when determining a youthful offender's suitability for parole. (Pen. Code, § 4801, subd. (c).)

**DECISION**

The Board of Parole Hearings found Mr. Wimberly suitable for parole based on his age at the time of the crime, his institutional behavior, parole plans, and most recent risk assessment score.

I recognize that Mr. Wimberly was only 17 when he committed this double murder. The psychologist who evaluated him in 2014 found that he "remained immature at that age, particularly in the area of developing social connections." He was not close to his father and didn't feel he could discuss his emotional issues or homosexuality with him. His mother was

controlling and emotionally abused him. He reported being taunted daily by bullies. He had few friends, and once he formed a relationship with Eric, he became quite dependent on him. The psychologist found that Mr. Wimberly was easily overwhelmed by emotions. He clearly failed to appreciate the consequences of his actions, and had no plan of how he intended to get away with this crime. I acknowledge that because Mr. Wimberly was so young when he committed this crime, his culpability is somewhat diminished. Since this crime, Mr. Wimberly has been incarcerated for nearly 35 years. He earned his Associate of Arts degree and completed vocational programs. He has continued to participate in self-help classes, even after I reversed his grant of parole last year. He has not been disciplined for serious misconduct since 1988. I give great weight to Mr. Wimberly's diminished culpability, the juvenile characteristics that made him susceptible to commit this crime, and his subsequent growth and maturity. I commend him for taking positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Wimberly's crime is shocking. He brutally murdered his friend's father and his friend's father's girlfriend in their own home after they kindly welcomed him inside. Mr. Wimberly's actions in stabbing these two people to death demonstrate a cruel and callous disregard for human suffering.

I reversed Mr. Wimberly's grant of parole in 2013, because I was troubled by Mr. Wimberly's explanation for this vicious crime. I continue to have the same concern today. Mr. Wimberly told the psychologist in 2014 that Mr. Lauterbach began to avoid him after the two had a sexual encounter, and he "offered to help with the murder so [he] could get in with Eric again." Mr. Wimberly went on to say "[t]he reality of it was not hitting me. I felt I needed to be part of this to cement my relationship with Eric" and that Mr. Lauterbach would be "indebted to me forever and couldn't kick me to the curb." The fact that Mr. Wimberly murdered two people in cold blood to "cement" his relationship with his friend remains disturbing and is not adequately explained. Mr. Wimberly has not fully addressed the factors that led him to believe that stabbing two individuals to death was necessary to mend his relationship with his friend. I encourage Mr. Wimberly to continue participating in self-help classes, and seek mental health services, to help gain a better understanding of the reasons he resorted to murder solely for the purpose of maintaining a friendship, however intense.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Wimberly is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Wimberly.

Decision Date: July 18, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**SALVADOR BUENROSTRO, D-04472**  
Second-Degree Murder

**AFFIRM:** \_\_\_\_\_  
**MODIFY:** \_\_\_\_\_  
**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

Donald Bulpitt decided that he wanted to have Charles Snodgrass, his business partner, killed. Dr. Bulpitt set up the contract killing with a third party, who in turn contracted with Salvador Buenrostro, a member of the Mexican Mafia who had recently been released from federal prison. Mr. Buenrostro agreed to carry out the hit for \$15,000. Dr. Bulpitt scheduled a meeting with Mr. Snodgrass for September 11, 1979. Mr. Buenrostro was informed of the time and place of the meeting, provided with a weapon, and given the identity of Mr. Snodgrass. As Mr. Snodgrass and his lawyer left the appointment, Mr. Buenrostro approached and shot Mr. Snodgrass once in the head and once in the shoulder, killing him.

**GOVERNING LAW**

The question I must answer is whether Mr. Buenrostro will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Buenrostro suitable for parole based on his age, acceptance of responsibility for the crime, participation in self-help classes, length of incarceration, lack of discipline for substance abuse, remorse, and dissociation from the Mexican Mafia.

Mr. Buenrostro is currently 69 years old and has been incarcerated for this crime for over 33 years. I acknowledge that he has made efforts to improve himself while incarcerated. He has not been disciplined for serious misconduct since 1991 and was validated as an inactive member of the Mexican Mafia 14 years ago. He has participated in some self-help programs, including Criminals and Gangmembers Anonymous, Narcotics Anonymous, Victim's Awareness, and Anger Management. He has been commended for his work habits, leadership, positive and respectful attitude, and being a role model for others. He has routinely received satisfactory to

exceptional work ratings and is the lead baker at his institution. I commend Mr. Buenrostro for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

This is an unusual crime because Mr. Buenrostro was a cold-blooded contract killer who executed an unsuspecting stranger without passion or emotion. After he returned to prison for this murder, Mr. Buenrostro was one of the top leaders of the Mexican Mafia for decades, orchestrating and carrying out ruthless criminal activity even while isolated in the Security Housing Unit for 17 years.

Last year, my decision to reverse Mr. Buenrostro's grant of parole was based on the senseless violence of his crime, his extensive and violent involvement with the Mexican Mafia, his continuing loyalty to the gang, his relatively recent criminal activity, and his limited and inadequate substance abuse programming.

Even though two different parole panels have concluded that Mr. Buenrostro is ready to be released, I remain troubled by the nature of the killing in this case, Mr. Buenrostro's two decades of leadership and violence in the Mexican Mafia, and a report of recent criminal activity. Although Mr. Buenrostro is no longer active in the Mexican Mafia and has made positive efforts to change, there is troublesome information in his confidential file. A reliable informant reported that Mr. Buenrostro was still willing to engage in threats of violence against others as recently as 2010. In light of his long and particularly violent criminal history, this information—deemed reliable by highly trained gang experts—gives me pause. The hearing panel found the report from the 2010 confidential informant unreliable because Mr. Buenrostro was not disciplined and because there was no follow-up investigation in the file to verify the information provided. However, I cannot conclude—based on this long and serious record and the disturbing information provided by an informant—that Mr. Buenrostro is currently suitable for parole.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Buenrostro is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Buenrostro.

Decision Date: July 25, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**EUGENE BUSH, H-01689**

First degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_

**X**

**STATEMENT OF FACTS**

On January 17, 1991, Eugene Bush, Rote Mythong, and five friends were pushing a car down the street when John Clary drove by and asked what they were doing in his neighborhood. Mr. Bush replied that he lived in the neighborhood, and Mr. Clary began arguing with Mr. Bush and his friends. Mr. Clary went to his brother's house and reported that Mr. Bush was hassling him. Mr. Clary, his brother, and three friends went back outside, and Mr. Clary continued to argue with Mr. Bush. Mr. Bush told Mr. Mythong to retrieve a gun, and Mr. Mythong ran to Mr. Bush's house. The argument between Mr. Bush and Mr. Clary died down, and Mr. Clary started to leave when Mr. Mythong returned with a .25 caliber handgun. Mr. Bush confronted Mr. Clary again and yelled at Mr. Mythong, "Shoot him, shoot him, shoot him!" Either Mr. Mythong or Mr. Bush shot Mr. Clary three times, hitting him in the abdomen, killing him.

**GOVERNING LAW**

The question I must answer is whether Mr. Bush will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Bush suitable for parole based on his lack of violent criminal history, age, remorse, acceptance of full responsibility, insight, and parole plans.

I acknowledge Mr. Bush has made efforts to improve himself while incarcerated. He earned his GED in prison and received satisfactory work reports for his jobs within the prison. He has participated in some self-help classes, including Alcoholics Anonymous, Narcotics Anonymous, and Anger Management. I commend Mr. Bush for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

I am troubled with Mr. Bush's history of gang membership and only recent attempt to dissociate from his prison gang. Mr. Bush was member of a street gang prior to and at the time he committed this crime. In his 2014 hearing, Mr. Bush acknowledged that his actions in the life crime were associated with gang activity, by saying "I think it influenced my decisions that night. I think it had a lot to do with it." Mr. Bush continued his gang membership in prison. During his time in the prison gang, he received 22 Rules Violations Reports, including for striking another inmate in the torso with his fists requiring use of pepper spray to stop him, striking another inmate in the face and body, possession of a stabbing weapon, and threatening to assault a correctional officer. In 2009, Mr. Bush finally decided to disassociate from his prison gang. I acknowledge that since 2009, Mr. Bush has remained disciplinary free and has participated in self-help classes. However, his improved institutional behavior is recent. I encourage Mr. Bush to stay on this positive path by continuing to participate in self-help classes and pro-social activities while remaining disciplinary free.

I am also concerned that Mr. Bush has only recently stopped using heroin. Mr. Bush told the psychologist in 2013 that he used drugs on a daily basis prior to committing this crime and used heroin in prison from 1992 through 2009. Mr. Bush continued to use heroin in prison while he was participating in Narcotics Anonymous. In 2008, he was counseled after informing medical staff that he had broken a needle inside his arm. After 17 years of abusing heroin, Mr. Bush claims that he finally stopped his heroin use after receiving a Rules Violation Report in 2009 for testing positive for morphine and codeine. While I commend Mr. Bush for his efforts to maintain his sobriety, he has not fully addressed his substance abuse issues, evident by his acknowledgement to the psychologist in 2013 that he was currently "not familiar with [the 12-Steps]" of Alcoholics Anonymous. I agree with the psychologist's assessment that Mr. Bush "needs to develop a more complete relapse prevention program and should become more familiar with the 12-Steps." Until he does so, I believe he will remain a danger to the community if released.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Bush is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Bush.

Decision Date: July 25, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**THEODORE LELEAUX, D-08846**

Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_

**X**

**STATEMENT OF FACTS**

On June 5, 1984, Theodore Leleaux visited the apartment of his friend and co-worker, Kenny Carlock, and attacked Mr. Carlock with a kitchen knife. Mr. Leleaux stabbed Mr. Carlock 77 times and cut out his heart. The next day, Mr. Leleaux broke into a stranger's house, took a shower, put on the homeowner's clothing, and spray painted "Jesus Saves" on the walls. When the homeowner confronted him, Mr. Leleaux dove through a closed window and fled. When he was later arrested, authorities found Mr. Carlock's heart in Mr. Leleaux's jacket pocket. Mr. Leleaux claims he suffered a psychotic break, thought Mr. Carlock had transformed into a character from the Book of Revelations who ate children's hearts, and believed he had to deliver Mr. Carlock's heart to the Virgin Mary.

**GOVERNING LAW**

The question I must answer is whether Mr. Leleaux will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Leleaux suitable for parole based on his remorse, insight, acceptance of responsibility, vocational training, lack of criminal history, lack of recent institutional misconduct, parole plans, self-help programming, psychological evaluations, and commendations from correctional staff.

I acknowledge Mr. Leleaux has made efforts to improve himself while incarcerated. He participated in self-help programming, including Narcotics Anonymous, the Drug Talk, and Victim Awareness. He has completed vocational training, and received exceptional work ratings and commendations from his supervisors. Mr. Leleaux volunteered with the prison's Supportive Care Services program and has not been disciplined for institutional misconduct since 1994. I

commend Mr. Leleaux for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Leleaux's crime was grotesque and incredibly bizarre. He broke down a door to stab Mr. Carlock 77 times, cutting out Mr. Carlock's heart to carry in his pocket until his arrest. Mr. Leleaux's actions had a profound and ongoing effect on the members of Mr. Carlock's family, who have continued to write letters to oppose Mr. Leleaux's parole.

When the Board granted Mr. Leleaux parole in 2012, I reversed the Board's decision because I was troubled that Mr. Leleaux could not give a better account of his differing stories of the crime in recent years, or why he attacked only Mr. Carlock. My concerns remain.

Mr. Leleaux told the Board in 2014 that he had been using methamphetamine for weeks before the crime, had not slept in several days, and suffered a delusional psychotic break that led him to murder Mr. Carlock. As I noted last year, however, there have been significant variations in the delusions Mr. Leleaux has reported after he recovered from his psychotic break—that he remembered Mr. Carlock attacking him, that he remembered nothing at all, or that he believed Mr. Carlock was a monster that ate children's hearts. When asked by the Board to reconcile these differences, he stated, "I've tried to give a very, very honest answer to everything that I remember. I remember the delusions...I've had to go back and work with clinicians and piece back some of the details because of what I remember is delusions and totally delusional and just not reality." And despite statements by Mr. Carlock's family and Mr. Leleaux's wife that Mr. Leleaux and Mr. Carlock had some work-related animosity, Mr. Leleaux maintained in 2014 that he never argued with Mr. Carlock and described him as a "close friend." Mr. Leleaux's statements shed no further light on why he has made varying statements regarding his memory of Mr. Carlock's murder, or why he was violent only towards Mr. Carlock during his psychotic break. I remain concerned that he is not ready to be released until he can better explain these inconsistencies and why he murdered and mutilated Mr. Carlock.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Leleaux is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Leleaux.

Decision Date: August 1, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**RICHARD PHINNEY, C-08643**

First-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On January 6, 1979, Richard Phinney and two friends stopped in Placerville. Mr. Phinney bought two knives at a department store and went to a dress shop, looking for a leather jacket. Sixty-two-year-old Rebecca McCoy, a saleswoman at the dress shop, approached Mr. Phinney to assist him. He stabbed her once in the chest and once in the back, killing her.

**GOVERNING LAW**

The question I must answer is whether Mr. Phinney will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Phinney suitable for parole based on his remorse, acceptance of responsibility, lack of serious misconduct since 1994, positive work ratings, relapse prevention plan, parole plans, and self-help programming.

I acknowledge Mr. Phinney has made efforts to improve himself while incarcerated. He is now 64 years old and has spent over 35 years in prison. He has not been disciplined for serious misconduct in over 20 years. Mr. Phinney has received above average and exceptional work ratings. He has participated in self-help programs including Narcotics Anonymous, Conflict Resolution, and Anger Management. I commend Mr. Phinney for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Phinney's crime was senseless and disturbing. Without any provocation, Mr. Phinney stabbed an elderly stranger while she was trying to help him. This was not his first episode of violence. In the months before Ms. McCoy's murder, he stabbed a woman in the chest over a drug deal and on another occasion, stabbed a man twice in the chest.

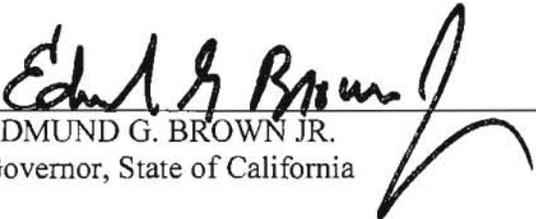
I am troubled by Mr. Phinney's explanation for this murder. He told the Board at his 2014 hearing that two years before he murdered Ms. McCoy, "I believed I had sold my soul to the devil." He explained that the devil presented him with options to earn riches. One option was to murder someone. Another was to get into a car accident. He believed that the devil would somehow reward him for his actions. Moments before he stabbed Ms. McCoy, he heard a voice say "now," which he believed was instruction to stab her. He told the evaluating psychologist in 2013 that his desire to be rich was "probably why I let these delusions take such a strong hold on me." The psychologist concluded that Mr. Phinney "had minimal understanding as to why he would stab a complete stranger," other than that drugs had impaired his judgment. Until Mr. Phinney gives a better account of his long-term deluded thinking and what it was about his personality that allowed him to callously murder an innocent woman, he is not ready to be released.

I am also concerned that Mr. Phinney has not fully addressed his substance abuse problem, particularly given his long history of addiction. Mr. Phinney began using marijuana at 14, methamphetamine regularly by the time he was 21, and experimented with several other drugs. He injected methamphetamine daily for 8 years and was severely intoxicated when he killed Ms. McCoy. Although Mr. Phinney has participated in Narcotics Anonymous since 2006, he admitted to the psychologist who evaluated him in 2013 that he did not consistently work the 12 Steps. Mr. Phinney also said that he had a relapse prevention plan but was unable to locate it because "it was done long ago." The psychologist concluded that Mr. Phinney "appears to have a more lackadaisical approach to substance abuse treatment" and noted that "he has yet to really internalize and 'buy into' his relapse prevention plan." It is troubling that Mr. Phinney was unable to discuss his relapse prevention plan after attending substance abuse classes for over seven years and shows that he has not made serious efforts to address this significant issue. I encourage him to genuinely engage in substance abuse programming so that he can fully prepare himself to maintain his sobriety.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Phinney is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Phinney.

Decision Date: August 1, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**CORY WOODS, K-51499**

Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_

**X**

**STATEMENT OF FACTS**

In July 1994, Cory Woods moved in with his girlfriend and her two daughters, aged five and two, and three-year old son, Cory Archer. After about three months, Mr. Woods began to physically abuse the children. On July 14, 1995, Mr. Woods was watching the children for his girlfriend. He used marijuana and cocaine, then became angry because the children would not take a nap. Mr. Woods called Cory to his bedroom and, when he saw that Cory had defecated in his pants, shook, slapped, punched, and stomped on Cory in front of Cory's five-year old sister, Katina. Cory staggered out of the bedroom with blood coming out of his mouth, fell down, and eventually collapsed after trying to get up several times. Katina began to cry, and Mr. Woods slapped her several times in the head and told her she would be next if she did not be quiet. Mr. Woods poured water on Cory then ran outside holding him to ask for someone to take him to the hospital. Cory died within hours. He had mortal injuries consistent with being shaken violently—he had bleeding on his brain and at the back of his eyes, as well as swelling of his brain and other brain damage. He also had fatal injuries from blunt trauma to his body, including a lacerated liver, bruised heart and lungs, and multiple rib fractures. The following day, Mr. Woods made his girlfriend and Katina clean up the blood from the attack, and Katina discarded the bloody clothes, bed sheets, and toys in a trash bin outside their apartment complex.

**GOVERNING LAW**

The question I must answer is whether Mr. Woods will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Woods suitable for parole based on his remorse, self-help programming and independent study, acceptance of responsibility, insight, psychological evaluation, lack of institutional misconduct, parole plans, and laudatory commendations.

I acknowledge Mr. Woods has made efforts to improve himself while incarcerated. He has participated in self-help programming, including Alcoholics and Narcotics Anonymous, Anger Management, and Nonviolent Communication, and has completed independent study on child abuse issues. He received positive ratings from his work supervisors, and has been commended for his positive behavior by correctional staff. He has never been disciplined for serious institutional misconduct in the 19 years he has been incarcerated. I commend Mr. Woods for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Woods' crime was appalling. He abused his girlfriend's children for several months, eventually punching, shaking, and stomping Cory to death. After killing Cory, Mr. Woods threatened to kill Katina, then forced his girlfriend and Katina to clean up the blood from the attack and dispose of the evidence.

Mr. Woods has not sufficiently explained why he continuously abused Cory, or why he ultimately beat him to death. He told the Board that he was under the influence of cocaine and marijuana, felt inadequate and worthless, and that he would abuse the children when they misbehaved because he was "out of control" and had not resolved his "own inner conflict." He claimed that he had been abused by his grandparents as a child, and that his abuse of Cory was a "pattern" where "what was inflicted upon me I inflicted upon Cory." He said that he was especially angry on the day he killed Cory because his girlfriend had told him she was pregnant, and he had recently found out it was a lie. When asked why he targeted his rage toward Cory and other vulnerable people, Mr. Woods stated, "I can't answer that. They were present, you know. They were the victims I chose."

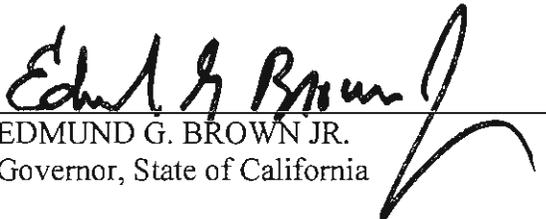
These explanations are inadequate. Mr. Woods abused Cory for almost nine months before finally killing him. Feelings of inadequacy and experiencing abuse as a child do not explain the extent of the violence Mr. Woods inflicted on Cory, or why he ultimately killed him. Mr. Woods' inability to provide any reason for why he targeted Cory as the object of his anger other than the fact that he was present tells me that Mr. Woods has yet to sufficiently explore and work through his reasons for committing this murder. Until Mr. Woods can more convincingly explain his actions, I do not believe he is prepared to be released.

I am also concerned that Mr. Woods minimizes the extent of his violent behavior. Although Katina told police that Mr. Woods had punched her on prior occasions and threatened to kill her on the day of the murder, Mr. Woods told the Board that he had only slapped her before, and did not mention slapping or threatening her after he had attacked Cory. Just months before his parole hearing in 2014, Mr. Woods denied the full extent of his physical abuse of Cory, telling the psychologist that he only punched Cory once and shook him. Until Mr. Woods is able to come to terms with his violence against these children, I am concerned that he will act out violently again if released.

CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Woods is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Woods.

Decision Date: August 1, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**ERIC BROWN, D-14622**

First degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

While awaiting sentencing for an involuntary manslaughter conviction in an unrelated case, Eric Brown met Rosa Fricke. After dating for three months, Mr. Brown moved in with Ms. Fricke. On November 15, 1983, according to Mr. Brown, they fought over a man that Ms. Fricke had been dating. He claims Ms. Fricke retrieved a knife from the kitchen, but Mr. Brown took it away from her. Mr. Brown struck Ms. Fricke several times with a pipe, choked her, and bound her hands behind her back. Ms. Fricke attempted to escape by jumping out of a window, but Mr. Brown dragged her back inside, continued beating her with the pipe, punched her, stomped on her with his feet, and stabbed her with the knife 12 times, killing her.

**GOVERNING LAW**

The question I must answer is whether Mr. Brown will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Brown suitable for parole based on his current age, disciplinary-free behavior since 1995, insight, and parole plans.

I acknowledge Mr. Brown has made efforts to improve himself while incarcerated. He has participated in some self-help classes, including Alternatives to Violence and 12-Step Recovery. He has received positive work ratings and a substantial number of commendations from prison staff. I commend Mr. Brown for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

This crime was horrific. Mr. Brown viciously beat his girlfriend, who he described in the hearing as "the best thing that happened to [him,]" with a pipe, choked, stomped, punched, and stabbed her over a trivial matter. Mr. Brown's actions in committing the crime show a complete

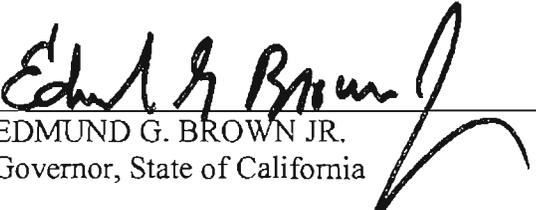
and total disregard for the value of human life and suffering. This was not the first time Mr. Brown killed another person. He also was convicted of involuntary manslaughter and was awaiting sentencing at the time he committed this crime; he was ultimately sentenced to five years concurrent.

I am concerned that Mr. Brown has not sufficiently addressed his domestic violence issues. Mr. Brown told the psychologist in 2013 that on the day of Ms. Fricke's murder, he was drinking alcohol and using cocaine before the crime occurred. He said he was angry because he believed the victim was seeing another man, and when he asked her where she had been that evening, he "felt that she was not responding sufficiently, so he 'attacked her.'" He also told the psychologist that during the two-week period before this crime occurred, he had encountered a number of stressors, including the death of two childhood friends and concerns about his involuntary manslaughter conviction. Being angry, using drugs, and these stressors do not adequately explain the reason he so willingly beat his girlfriend with a pipe then choked, stomped, punched and stabbed her. More concerning is the fact that this was not the first time Mr. Brown physically abused a significant other. He also detailed his acts of physical violence towards his prior fiancée to the psychologist, which included striking her in the face on several occasions and choking her. These abusive episodes occurred well before the two-week stressful period he claims contributed to this crime, indicating that he has other unidentified issues that have contributed to his pattern of domestic violence against his romantic partners. I find it troubling that despite this abusive history, Mr. Brown has only taken one domestic violence self-help class during his 30 years of incarceration. This class was over a decade ago. I am concerned that until he more fully addresses his domestic violence issues, he remains an unreasonable danger.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Brown is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Brown.

Decision Date: August 8, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**BRUCE DAVIS, B-41079**

First-degree murder (two counts)

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

Bruce Davis was a member of Charles Manson's cult known as "the Family." In the summer of 1969, the twenty-member Family lived on the Spahn Ranch and fervently embraced Manson's apocalyptic and warped worldview. Manson believed that a civilization-ending war between the races—known as Helter Skelter—was imminent, and that the Family would emerge from hiding in the desert at the end of the war to take control of the world. Manson came to believe that the Family would have to trigger the start of the race war by committing atrocious, high-profile murders of white victims to incite retaliatory violence against blacks. *See People v. Manson* (1976) 61 Cal.App.3d 102, 127-30. According to former member Barbara Hoyt, preparing for Helter Skelter physically, mentally, and financially was the all-pervasive fabric of the Manson Family's daily life.

In July 1969, Manson spoke with a group of Family members, including Davis, about the need to raise money and supplies to relocate to the desert. Gary Alan Hinman, an aspiring musician known to the Family, was discussed as a possible source of funds. On July 26, 1969, Davis was seen in the company of Manson and Robert Beausoleil. Beausoleil was wearing a sheathed knife, and Davis was holding a 9-millimeter Radom gun he had purchased under a false name. That night, Davis drove Family members Mary Brunner, Susan Atkins, and Robert Beausoleil to Mr. Hinman's residence and returned to the Ranch. Two days later, Manson received a telephone call indicating that Mr. Hinman "was not cooperating."

Manson and Davis returned to Mr. Hinman's house. When they arrived, Mr. Hinman had already been struck with a gun in a struggle in which the gun had discharged. Davis took the gun away from Beausoleil and pointed it at Mr. Hinman while Manson sliced Mr. Hinman's face open with a sword, cutting from his left ear down to his chin. Mr. Hinman was bandaged and put into bed, slipping in and out of consciousness. Davis and Manson drove back to the Ranch in Mr. Hinman's Fiat station wagon. Brunner, Atkins, and Beausoleil remained at Mr. Hinman's house for two more days while Mr. Hinman lay bleeding. Beausoleil eventually stabbed Mr. Hinman in the chest and smothered him with a pillow. Mr. Hinman's badly decomposed body was found on July 31, 1969. Inside the home, the words "political piggy" and an animal paw print were drawn on the walls with Mr. Hinman's blood.

On August 9 and 10, 1969, several Family members participated in the gruesome murders of Sharon Tate, Leno and Rosemary LaBianca, and four other victims. *See generally People v. Manson, supra*, 61 Cal.App.3d 102. Davis did not participate in and was not charged with these crimes. Davis admits he found out about the Tate-LaBianca murders the next day.

Donald “Shorty” Shea was a stuntman and ranch hand at the Spahn Ranch. Manson Family members believed Mr. Shea was a police informant. In late August 1969, Manson and his followers discussed plans to kill Mr. Shea. Manson, in the presence of several members, including Davis, told them they were going to kill Mr. Shea because he believed that Mr. Shea was a “snitch.”

Around the evening of August 27, 1969, Mr. Shea asked longtime friend, Ruby Pearl, if he could stay at Mrs. Pearl’s home. Mr. Shea was very nervous and kept looking around, saying, “It gives me the creeps to stay here.” Mrs. Pearl had no place for Mr. Shea to stay. As she drove away she saw a car pull up and several Manson members emerge from the car. She saw Davis, Manson, Charles “Tex” Watson, and Steven “Clem” Grogan approach and surround Mr. Shea. She left the area and never saw Mr. Shea again.

The following day, the Manson Family left the Spahn Ranch and went to the desert. According to trial testimony from Barbara Hoyt, Manson recounted the details of the Shea murder to a group of members. Manson said that “they had killed Shorty [Shea]” and “they cut him up in nine pieces.” Manson described how they had taken Mr. Shea for a ride, hit him in the head with a pipe, and then started stabbing him and kept stabbing him. Manson also related that Mr. Shea was “real hard” to kill until they “brought him to ‘now.’” (The term “now” to the Manson Family meant absence of thought). Davis, agreeing with Manson’s description of the murder, stated: “Yeah, when we brought him to now, Clem cut his head off,” adding, “That was far out.” As Manson described the murder, Davis nodded his head and smiled several times. *See People v. Manson* (1977) 71 Cal.App.3d 1, 21-22. Davis later bragged to one Family member, Alan Springer, that they had ways of taking care of “snitchers” and had already taken care of one. Davis told Springer, “We cut his arms, legs and head off and buried him on the ranch.”

Davis was arrested on December 7, 1970, after evading capture for over a year. He was convicted of two counts of first degree murder and conspiracy to commit murder and robbery.

### GOVERNING LAW

The question I must answer is whether Davis will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate’s pre- or post-incarceration history, or the inmate’s current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.) In rare circumstances, the aggravated nature of the crime alone can provide a valid basis for denying parole even when there is strong evidence of rehabilitation and no other evidence of current dangerousness. (*Id.* at pp. 1211, 1214.)

### DECISION

The Board of Parole Hearings found Davis suitable for parole based on his satisfactory conduct in prison, age, parole plans, positive psychological evaluation, acceptance of responsibility, participation in self-help programming, laudatory notes from correctional staff, work ratings, and educational accomplishments.

Davis is now 71 years old and has been in prison for over 43 years. I acknowledge Davis has made efforts to improve himself while incarcerated. He has not been disciplined for serious misconduct since 1980 and earned his Master of Arts and Doctor of Philosophy in religion from Bethany Bible College, graduating *summa cum laude*. He has been commended for his outstanding job performance, high personal standards, and excellent people skills. He has worked in the chapel for nearly three decades, teaches Bible study classes, and has moderated Yokefellows Peer Counseling since 1983. He has participated in self-help classes including Alcoholics and Narcotics Anonymous, Alternatives to Violence, and others. I commend Davis for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

The exceptional brutality of these crimes and the terror the Manson Family inflicted on the Los Angeles community 45 years ago still resonate. The sentencing judge aptly noted that “these were vicious murders. They indicate a very depraved state of mind on the part of the defendant.” Davis’s crimes were intended to fund and protect the cult and to trigger an apocalyptic race war. The Family planned a violent robbery of Gary Hinman because they believed he had money to fund the cult’s endeavors. Davis armed himself with a gun and drove others to Mr. Hinman’s home. Two days later, Davis and Manson were summoned for help. Davis pointed a gun at Mr. Hinman while Manson slashed Mr. Hinman’s face from ear to chin. The two left the others to continue to hold Mr. Hinman hostage in his own home while he bled profusely, and Beausoleil finally stabbed him to death and smothered him with a pillow. The Family used Mr. Hinman’s blood to write messages on his walls and left his body to decompose and rot. Two weeks later, other members of the cult carried out seven more horrific murders. Seventeen days after the Tate-LaBianca massacre, Davis, Manson, and others killed Mr. Shea because they suspected he was a police informant. They surrounded Mr. Shea, relentlessly beat and stabbed him, chopped up his body, and hid his remains. Davis finally admitted in 2012 that he sliced Mr. Shea from his armpit to his collarbone while the others stabbed Mr. Shea. Davis and Manson later bragged about the gory details of the murder. These crimes represent that “rare circumstance” in which the aggravated nature of the crimes alone is sufficient to deny parole.

The crimes alone, however, are not the only evidence that Davis is unsuitable for parole. Davis continues to paint himself as a passive bystander who took part in these appalling events because he was afraid of the repercussions of breaking away. He told the psychologist who evaluated him in 2013, “I was a dependent person. I needed attention and approval. I wasn’t my own person. I wanted sex, drugs, and rock ‘n roll.” He later continued, “I wasn’t looking out for my best interests; I was led by fools, bigger fools than myself.” Davis told the Board that he was willing to do “whatever it took” because he wanted to be “Charlie’s favorite guy.” He still maintains that he did not participate in the planning of the murders of Mr. Hinman or Mr. Shea.

Davis explained that he “deceived himself” by telling himself that it was “okay” as long as he did not actually “pull the trigger” to kill Mr. Hinman. He claims that he refused to go out on August 9 and 10, 1969 to participate in the Tate-LaBianca murders because “I didn’t want to be involved in something that could be physically confrontive.” He claims that he reluctantly participated in the stabbing of Mr. Shea because he was threatened by Manson and said that immediately after he “cut” Mr. Shea, “I looked around as if I hope you’re happy, threw down the knife and left. And that was a shock. That was a shock.” He said, “I felt terrible about it. I didn’t feel, of course, too terrible not to do it, because I was – I had – there was other considerations like what will happen if I say no.”

Davis’s explanations show he is still dodging responsibility for his active role in these murders. Each of the members of the Manson Family, including Davis, knew full well what the purpose and intent of the cult was—to prepare for and instigate Helter Skelter. Davis’s actions show that he, too, signed on to the plan and didn’t merely tolerate the violence of the others. Davis did not just “cut” Mr. Shea, he sliced Mr. Shea “from armpit to collarbone.” As I noted in my reversal last year, Davis bragged about murdering and dismembering Mr. Shea, stating “Yeah, when we brought him to now, Clem cut his head off,” adding, “That was far out.” Davis also bragged to Springer about dismembering Mr. Shea as a way to “tak[e] care of snitchers.” Although Davis did not participate in the Tate-LaBianca murders, those grisly crimes neither caused him to question his involvement with the Family, nor deterred him from participating in the brutal murder of Donald Shea weeks later. Davis then evaded capture for over a year, hiding in the desert with the other cult members. These are not the actions of a distraught and reluctant participant.

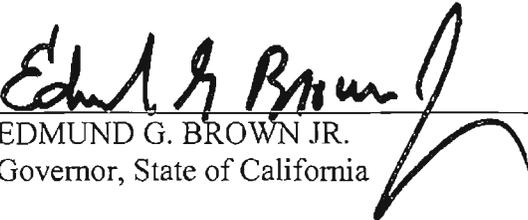
Davis was not simply a follower. At his sentencing, the judge stated, “I don’t want to give...the impression that Mr. Davis was at all a dupe...in these cases or simply a foil of Charles Manson.” The judge, who reviewed the facts of this case first-hand, observed that Davis was older and more educated than most of the other members of the cult and capable of independent judgment, and said “he shouldn’t be treated as somebody who was just led along by the nose and at the whim and command of Charles Manson. He’s a man who is capable of going on his own path and he deliberately chose to engage in these murders.”

My reversal of Davis’s grant of parole last year was based on the gravity of his offenses as well as his minimization of his role in these events. I noted that Davis was still revealing new details about the murders over 40 years later. I asked Davis to explain why he has shielded other Family members from prosecution by withholding information about these crimes, and to finally reveal what he knows. I asked him to reconcile his version of being a follower with the evidence that he was a leader who actively championed the Family’s values. He did not address these concerns at his most recent parole hearing. For the same reasons I articulated last year, I find that Davis is not suitable for parole.

**CONCLUSION**

I have considered the evidence in the record that is relevant to whether Davis is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Davis.

Decision Date: August 8, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**RONNIE WILLIAMS, D-51040**

First-degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

On January 13, 1986, Ronnie Williams and Jesse Stuart entered a supermarket and grabbed the assistant manager, Robert Hardesty, as he dropped money into a safe. Mr. Stuart held a .38 caliber revolver to the back of Mr. Hardesty's head while Mr. Williams pressed a .357 caliber revolver into Mr. Hardesty's stomach and said "this is a holdup... You want to get killed?" They grabbed between \$2000 and \$3000 and ran outside where their cohort, Prentice Byrd, said he would be waiting in a car they stole earlier. Unable to find Mr. Byrd, Mr. Williams and Mr. Stuart approached Jay Wood as he was sitting in the driver's seat of his car, brandished their weapons, and demanded that he get out of the car. Mr. Wood removed his four-year-old daughter from the backseat of the vehicle and surrendered the car. When Mr. Stuart was unable to drive the car, he and Mr. Williams fled on foot. As they ran, Mr. Williams and Mr. Stuart saw a uniformed Deputy Sheriff Cadet, Kelly Bazer, getting out of her car. Mr. Williams and Mr. Stuart ran at Ms. Bazer with their guns drawn, and Mr. Stuart demanded she drop her keys. Ms. Bazer ran, and Mr. Stuart shot her in the back, killing her. Mr. Stuart and Mr. Williams fled in Ms. Bazer's car, and were arrested after being chased by a U.S. Border Patrol Agent.

**GOVERNING LAW**

The question I must answer is whether Mr. Williams will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Williams suitable for parole based on his acceptance of responsibility, remorse, insight, family support, age, parole plans, academic and vocational achievements, lack of recent institutional misconduct, self-help programming, and psychological evaluations.

I acknowledge Mr. Williams has made efforts to improve himself while incarcerated. He earned his GED, completed vocational training, and has received positive ratings from his work supervisors. He has participated in self-help programming, including Narcotics Anonymous, Criminals and Gangmembers Anonymous, and victim awareness classes. He has not been disciplined for serious misconduct since 1997. I commend Mr. Williams for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Williams' crime was senseless and callous. He and Mr. Stuart threatened a store clerk at gunpoint, attempted to carjack a man with his four-year-old daughter, rushed at Ms. Bazek, a uniformed peace officer cadet, then gunned her down as she attempted to flee.

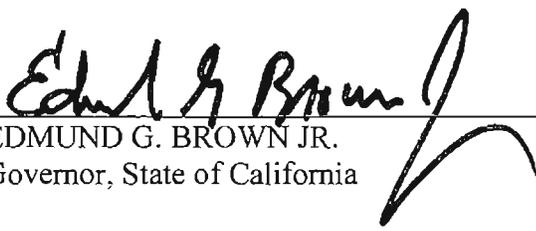
I am concerned that Mr. Williams has not adequately explained why he committed this murder. He told the Board that "validation and greed" led him to participate in the robbery with Mr. Stuart, and that he was searching for a "sense of being, a sense of mattering." He said that he did not think anyone would get hurt because he had carried out prior robberies without incident. He claimed that he was not dissuaded from participating in the robbery despite being released on probation two days earlier after stabbing a rival gang member because crime "was just a way of life" and "just the way we did things." I do not find these explanations very convincing. It is unfortunate that many young men seek acceptance by engaging in criminal activities, but few choose to attack uniformed peace officers in order to do so. Until Mr. Williams can better explain why he became involved in Ms. Bazer's murder, I do not believe he is prepared to be released.

Mr. Williams' elevated risk scores support my concerns. The 2010 psychologist rated Mr. Williams a moderate overall risk if released, moderate risk for violent recidivism, and in the high range of psychopathy. These elevated risk ratings were based in part on Mr. Williams' criminal history, limited feelings of remorse regarding prior crimes, and lack of substantial self-help before 2006. I am encouraged that the same psychologist noted in 2013 that Mr. Williams had made positive strides, but in light of his 2010 risk ratings I direct the Board to administer a new comprehensive risk assessment before Mr. Williams' next hearing in order to provide a more current and complete assessment of the risk he poses if released.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Williams is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Williams.

Decision Date: August 8, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**JAMES MURRELL, K-14750**  
Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On June 20, 1994, Matthew Tonakavich and Stanley Harris met Millard Betts at a bar. Mr. Harris told Mr. Betts that he wanted to get high and Mr. Betts offered to locate drugs for him. Before they left, Mr. Betts retrieved a shotgun from outside of the bar. Mr. Tonakavich drove Mr. Harris and Mr. Betts around to look for drugs. They bought methamphetamine, but wanted more drugs. The car stopped in front of a house, and four or five men, including James Murrell, approached the car. The men engaged in a brief conversation before Mr. Murrell pulled out a .38 caliber shotgun and fired twice, hitting Mr. Harris in the chest, and Mr. Betts in the neck, killing them both. Mr. Tonakavich drove away, and Mr. Murrell shot two more times in the direction of the car.

**GOVERNING LAW**

The question I must answer is whether Mr. Murrell will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Murrell suitable for parole based on his remorse, acceptance of responsibility, educational and vocational achievements, self-help programming, parole plans, and age.

I acknowledge Mr. Murrell has made efforts to improve himself while incarcerated. He has not been disciplined for serious misconduct since 2003. He earned his associate's degree and completed vocational training. He has participated in self-help programming, including Alcoholics and Narcotics Anonymous, Criminal and Gangmembers Anonymous, Anger Management, and Getting Motivated to Change. I commend Mr. Murrell for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Murrell's crime was senseless and cold-blooded. He callously shot and killed two strangers during an argument, and continued to shoot as Mr. Tonakavich drove away.

Mr. Murrell's understanding of his double murder is shallow. In 2012, he told the evaluating psychologist that the murders occurred because he was "already intoxicated and angry, arguing with them, the sudden movement of two of the individuals in the car led to the firing of the two rounds." At his 2014 parole hearing, Mr. Murrell told the panel that he shot Mr. Betts and Mr. Harris because he was an angry and violent gang member who was desensitized to others' feelings. He reported that he grew angry during an argument with Mr. Betts and reacted without thinking when he thought he saw Mr. Betts reach for a gun. The psychologist concluded that Mr. Murrell's explanation of his reasons for killing two strangers without significant provocation was "less than maturely developed" and that he could reduce his risk of violent recidivism "by confronting the specific issues involved in the life crime." It remains unclear why this double homicide occurred—the murders were not gang-related or drug-related. Killing these men was an extreme overreaction, and Mr. Murrell needs to provide a better account of what it was about his personality that enabled him to kill two men for such trivial reasons. I urge Mr. Murrell to continue to reflect upon his reasons for his violent actions.

I am concerned that Mr. Murrell has only recently begun to address his substance abuse problem. His alcohol use began at 14 and eventually escalated to daily use. Mr. Murrell said he had been drinking for twelve hours at the time he murdered Mr. Betts and Mr. Harris. Given this history of substance abuse, I would have expected to see Mr. Murrell dedicate significant effort to addressing his alcoholism. But, nearly a decade into his incarceration, Mr. Murrell was disciplined for possession of alcohol. The psychologist who evaluated Mr. Murrell in 2012 observed that he did not know his relapse triggers and that his knowledge of the 12 steps was "quite rudimentary." His documented participation in substance abuse treatment programming began in 2013. I recognize that the Board concluded that Mr. Murrell has now better incorporated the steps into his daily life, but I am not persuaded that Mr. Murrell is ready to maintain his sobriety if released at this time. I encourage him to dedicate himself to available self-help programming and independent study to fully address his problem to demonstrate that he is suitable for release.

Mr. Murrell's moderate risk score supports my concerns. The 2012 psychologist elevated his risk of violence in part because of his lack of self-help programming, lack of substance abuse treatment, and limited understanding of the underlying factors of the life crime. I direct the Board to administer a new comprehensive risk assessment before Mr. Murrell's next hearing in order to provide a more current and complete assessment of the risk he poses.

CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Murrell is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Murrell.

Decision Date: August 15, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**JOHN DUPORT, E-44188**

First degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

    **X**    

**STATEMENT OF FACTS**

John Duport, James Clark, Steven Clark, and Gloria Jenkins spent two days planning the robbery and murder of 54-year-old Louise Welch and 38-year-old Michelle Grangier. Ms. Grangier was confined to a wheelchair due to multiple sclerosis. Ms. Jenkins had previously worked as a housekeeper for Ms. Welch and believed there would be \$2000 in her home. The group drove to Ms. Welch's home on two occasions, but left because no one answered the door, and again when they saw men inside the home. On April 4, 1986, Ms. Jenkins dropped Mr. Duport, James, and Steven at Ms. Welch's home. James knocked on the door, stabbed Ms. Welch in the stomach when she opened the door, pushed his way inside the residence, and continued stabbing her. Steven ran into the house, found Ms. Grangier, and began stabbing her. James left Ms. Welch in the hallway to find Steven, and Mr. Duport took over stabbing Ms. Welch. When James approached Steven and saw him stabbing Ms. Grangier, he slit Ms. Grangier's throat, then returned to Ms. Welch and slit her throat as well. The group searched the house for money, took \$400, and fled. Ms. Welch was stabbed over 60 times, killing her. Ms. Grangier was stabbed over 30 times, killing her.

**GOVERNING LAW**

The question I must answer is whether Mr. Duport will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.) Additionally, I am to give "great weight to the diminished culpability of juveniles as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity of the prisoner" when determining a youthful offender's suitability for parole. (Pen. Code, § 4801, subd. (c).)

**DECISION**

The Board of Parole Hearings found Mr. Duport suitable for parole based on his acceptance of responsibility, remorse, participation in self-help classes, and age at the time of the crime. I acknowledge Mr. Duport has made efforts to improve himself while incarcerated. He completed

vocational training and has taken several college courses. He has also participated in self-help classes, including Alcoholics Anonymous, Narcotics Anonymous, Victims Awareness, and Anger Management. I commend Mr. Duport for taking these positive steps.

I also recognize that Mr. Duport was 17 years old when he participated in this crime. I acknowledge that Mr. Duport came from an unstable upbringing. He reported that he was verbally abused by his parents, and once his parents divorced when he was 10 years old, he was responsible for caring for his younger brother and sister. He blamed his mother for abandoning him after the divorce. He reported that after his parents' divorce, he began to engage in delinquent behavior, including running away from home, stealing, skipping school, fighting with others, and abusing alcohol and drugs. In his 2014 Comprehensive Risk Assessment, the psychologist opined, "[b]ased on Mr. Duport's history, it appear[s] that his young age and subsequent immaturity at the time of the life crime played a significant role in the commission of the life crime. However, he continued to struggle with antisocial types of behavior following his commission of the crime and as described by him, only really began to make positive changes and mature following the death of his father in 2010." I carefully examined the record for evidence demonstrating his increased maturity and rehabilitation, and gave those factors great weight during my consideration of Mr. Duport's suitability for parole. However, they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

This crime was brutal and shocking. Mr. Duport, along with his crime partners, forced their way into the home of two innocent women, one of whom was wheelchair bound, and stabbed them a combined total of nearly 100 times and slit both of their throats so severely that Ms. Welch's spinal cord was penetrated by the knife and Ms. Grangier was slit from ear to ear. Mr. Duport's actions show a complete and total disregard for human suffering.

I am concerned that Mr. Duport has not identified nor fully addressed the reasons he was so willing to participate in these heinous murders. He told the psychologist in 2014 that he "traced" his actions at the time of the crime to "a complete lack of caring about anyone and desire to lash out violently," which he believed emanated from his "desire to rebel against his parents . . . , feelings of resentment and misguided anger, use of drugs and a desire to impress his friends." Many teenagers have the same typical teen angst, but are not willing to participate in a double murder. I do not believe he has sufficiently explored his motivation for participating in this crime.

I am also troubled that he continues to lash out violently in prison. As recently as 2008, Mr. Duport was fighting with another inmate. Mr. Duport committed the life crime at age 17, yet he still continues to act violently at the age of 38. It is clear that Mr. Duport has not addressed his anger management issues nor developed coping skills to avoid physical confrontation.

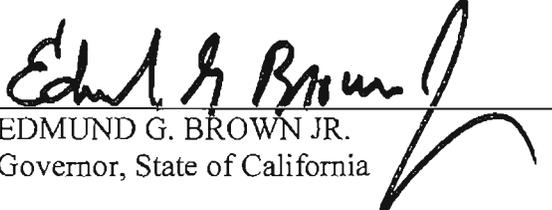
I also do not believe Mr. Duport has sufficiently addressed his substance abuse issues. He told the psychologist that he began drinking alcohol at age 7, which progressed to taking shots of liquor by the time he was 12 years old. He said that when he drank alcohol, he would "drink as much as he could until he blacked out." He also reported using marijuana daily by age 14, methamphetamine daily by age 16, and LSD weekly by age 16. He was also under the influence

of methamphetamine at the time of the crime. Mr. Duport said that it was not until 2010 that he became “[g]enuinely committed to making positive changes” and indicated that he continued to have cravings for all substances except heroin until 2012. The psychologist opines that his risk of future violence would increase if he returned to substance use. I commend Mr. Duport for participating in substance abuse self help classes, but his positive gains are recent. I encourage him to continue addressing his substance abuse issues in order to avoid future relapse.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Duport is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Duport.

Decision Date: August 22, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**HECTOR MEJIA, J-39600**

First-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_

  **X**  

**STATEMENT OF FACTS**

The evening of March 26, 1994, Hector Mejia drank for several hours at a friend's house with his estranged girlfriend, Natividad Romero. Later that night, Mr. Mejia told Ms. Romero to get into his truck. Frightened, she did so. Mr. Mejia took her to a motel, where he accused her of seeing another man. He beat Ms. Romero for two hours, punching her in the face, arms, and chest, and pulling out several clumps of her hair. He dropped her off at their friend's house around 2:00 a.m. and left. The friend called police and Ms. Romero was hospitalized.

At about 6:30 a.m., Mr. Mejia arrived at his apartment building. He was still drinking. About an hour later, Mr. Mejia encountered a neighbor, Jose Orellano. The two had argued earlier in the month because Mr. Mejia had walked out of a restaurant and driven away, leaving Mr. Orellano to pay the bill and walk home. In the earlier argument, Mr. Orellano had knocked Mr. Mejia to the ground and Mr. Mejia warned him that he would "pay." When Mr. Mejia saw Mr. Orellano at the apartment, he pulled out a gun and shot him three times, killing him. Mr. Mejia ran down an alley toward his truck, put the gun in his pants, and drove off.

The same evening, Mr. Mejia returned to the apartment he shared with Theresa Gomez and her husband. He went into their bedroom and took \$200 and several shirts. When Ms. Gomez confronted Mr. Mejia, he pointed a .38 caliber revolver at her and said, "I'm sorry but I need the money." Mr. Mejia left the apartment.

Two days later, a witness spotted Mr. Mejia and called the police. Mr. Mejia barricaded himself in a private guest house and refused to exit. The S.W.A.T. team had to extract him from the building using tear gas.

**GOVERNING LAW**

The question I must answer is whether Mr. Mejia will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

### DECISION

The Board of Parole Hearings found Mr. Mejia suitable for parole based on his lack of previous violent criminal history, remorse, empathy, participation in self-help classes, marketable skills, insight, and explanation for his recent serious misconduct.

I acknowledge Mr. Mejia has made efforts to improve himself while incarcerated. He has been disciplined for serious misconduct only once, in 2011. He has completed vocational training programs and has participated in self-help programs including Alcoholics Anonymous, The Most Excellent Way, Alternatives to Domestic Violence, Anger Management, and Victims Awareness. He routinely received satisfactory work ratings. I commend Mr. Mejia for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Mejia did not target anonymous strangers, but friends and loved ones. This was a cruel and violent crime spree. Mr. Mejia severely beat his girlfriend for hours because another man had flirted with her at a party, then shot his neighbor to even the score after an earlier disagreement. He stole money and clothing from his housemates and threatened Ms. Gomez at gunpoint. Even after being caught, he barricaded himself in a guest house and required a tactical team to extract him.

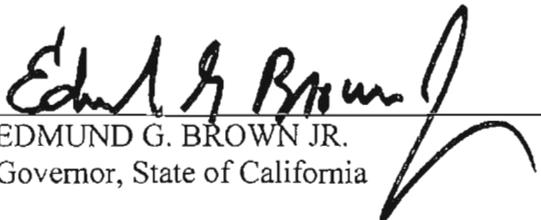
I am not convinced that Mr. Mejia has adequately explored the issues that led him to commit these senseless crimes. During his 2011 psychological evaluation, Mr. Mejia told the psychologist that he acted violently against his girlfriend, neighbor, and housemate because he grew up in Honduras without a father figure, had a third grade education, and became an alcoholic at an early age. At his recent parole hearing, Mr. Mejia told the Board that his problems started because his mother disciplined him by beating him with a rope and because "there were no values in my home." The psychologist aptly found these reasons to be superficial. Many people grow up in single-parent homes without the benefit of a formal education and do not resort to violence against others. Similarly, Mr. Mejia's alcohol abuse does not adequately explain Mr. Mejia beating Ms. Romero for two hours or shooting and killing Mr. Orellano.

I am also troubled that Mr. Mejia was disciplined for fighting with another inmate only a couple of months after his most recent psychological evaluation in 2011. The rules violation report notes that both inmates were hitting each other in the upper torso and head using clenched fists. The officer twice ordered the inmates to get down to the ground and activated his personal alarm device before Mr. Mejia and the other inmate stopped fighting and complied. This relatively recent behavior shows that Mr. Mejia still cannot or will not avoid violence.

**CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Mejia is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Mejia.

Decision Date: August 22, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**DAVID CARRILLO, D-99840**  
Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

David Carrillo and his wife, Alice Carrillo, were having problems in their marriage. Mr. Carrillo had been arrested twice for driving under the influence of alcohol and they had financial difficulties. Mr. Carrillo did not like Mrs. Carrillo's work schedule. Mrs. Carrillo told Mr. Carrillo that the relationship was not working and suggested that they get a divorce. Mr. Carrillo told her that they would not and that under no circumstances would she take the kids away from him. On July 21, 1988, Mrs. Carrillo informed Mr. Carrillo that she had made the decision to get a divorce and believed he was not fit to be a good father to their children.

On July 22, 1988, Mr. Carrillo decided that when Mrs. Carrillo got home from work, he would confront her with a gun and say, "either you stay with me and the kids, or I'm going to kill you." Later that evening, Mr. and Mrs. Carrillo argued over her work schedule. She went into the back yard to have a cigarette while the couple's children and other family members slept inside. Mr. Carrillo went to the bathroom, then went outside. While his wife was seated in a lawn chair, Mr. Carrillo shot her five times – in the face, head, and chest. Mrs. Carrillo died. Mr. Carrillo got into his car and drove "aimlessly." He disposed of the .22 caliber revolver then returned to the house and called the police.

**GOVERNING LAW**

The question I must answer is whether Mr. Carrillo will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Carrillo suitable for parole based on his lack of serious misconduct in prison, participation in self-help and vocational programs, lack of violent criminal history, acceptance of responsibility, remorse, age, parole plans, and insight into the crime.

I acknowledge Mr. Carrillo has made efforts to improve himself while incarcerated. He has never been disciplined for serious misconduct in prison. He earned an Associate's degree and has completed numerous vocational training programs. He has participated in many self-help programs, including Alcoholics Anonymous, Alternatives to Family Violence, Anger Management, and others. He has been commended for being reliable and trustworthy, and for being a good worker. I commend Mr. Carrillo for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

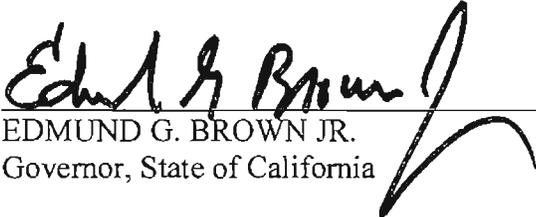
Mr. Carrillo's crime was brutal and devastating. He shot his wife five times, all because she made the decision to divorce him. His actions have had a long-lasting impact on family members and friends. The couple's children have written moving letters expressing their loss and opposing their father's release.

I am troubled that Mr. Carrillo still has an inadequate understanding of why he killed his wife. He told the Board that he intended to "scare" his wife into staying with him and told the psychologist that he kept shooting until his gun was empty because he was "in a rage and just kept firing." This story—that Mr. Carrillo intended only to scare his wife and shot her because he was in a rage—is not consistent with the facts. Mr. Carrillo shot his wife five times and his actions were not impulsive. Mr. Carrillo decided earlier in the day that he would kill his wife if she insisted on leaving him. The psychologist noted that he "lacked an internal understanding of why he left the victim without seeking medical attention for her, and was unable to account for the disconnect in his thinking at that moment with the organized thinking he demonstrated moments later when he disposed of the gun before returning home and contacting authorities." Until Mr. Carrillo can better explain, without minimizing his intent, why he decided to kill his wife, I do not think he should be released.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Carrillo is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Carrillo.

Decision Date: August 29, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**JIMMIE JONES, D-82763**

First-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_

**X**

**STATEMENT OF FACTS**

On May 30, 1986, Kevin Carbins, Anthony Weathers, and two other friends drove to Enola Sanders' house to pick her up. As Ms. Sanders exited her house and got into the car, Jimmie Jones ran up to the Mr. Weathers' window armed with a handgun, and ordered everyone out of the car. Mr. Weathers and Ms. Sanders exited the car, and Mr. Carbins grabbed the car keys and ran. As Mr. Carbins fled, Mr. Jones shot at him four or five times, hitting him in the back and thigh, killing him.

**GOVERNING LAW**

The question I must answer is whether Mr. Jones will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Jones suitable for parole based on his remorse, acceptance of responsibility, age, self-help programming, parole plans, family support, lack of recent violent rules violations, and candor.

I acknowledge Mr. Jones has made efforts to improve himself while incarcerated. He earned his GED, completed vocational training, and received positive ratings from his work supervisors. He has participated in self-help programming, including Alcoholics and Narcotics Anonymous, Anger Management, and Victim Awareness. He has been disciplined for serious misconduct only once since 1999, in 2010. I commend Mr. Jones for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Jones' crime was cowardly and senseless. He attempted to carjack Mr. Weathers, then shot Mr. Carbins in the back as he fled.

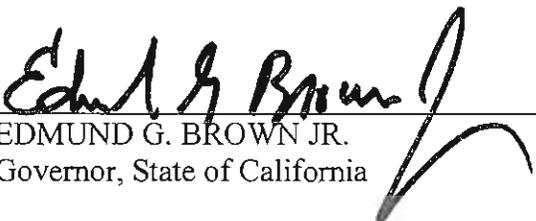
I am concerned that Mr. Jones is not adequately prepared to remain sober if released. He began drinking alcohol and smoking marijuana at age 13, sold marijuana and cocaine for several years prior to his arrest, and has provided conflicting statements regarding his level of intoxication at the time of the life crime. The psychologist noted that although Mr. Jones could recite the 12-steps, "he would need to gain a better understanding of his triggers to use, unique to him, rather than simply listing or voicing random triggers." Similarly, when asked by the Board what the most important thing was that he learned while taking substance abuse awareness classes, Mr. Jones simply responded, "recovery." When pressed by the Board to clarify, he again said, "going about your recovery." These answers are superficial and inadequate. I am encouraged that Mr. Jones has participated in Alcoholics and Narcotics Anonymous for many years, but given his history of substance abuse, I do not believe he should be released until he has a more complete understanding of how he will avoid drugs and alcohol outside of prison.

Mr. Jones' elevated risk scores support my concerns. The 2013 psychologist rated Mr. Jones a moderate overall risk if released, based on factors including Mr. Jones' muted affect, lack of appreciation for the severity of his crime, and a lack of insight into his triggers to use drugs and alcohol. The psychologist also found that Mr. Jones "made few statements reflecting his reported feelings of remorse and empathy for the victim and his statements often appeared superficial," that he "reported the life crime in a matter-of-fact manner and he did not express these feelings through behavioral observations," and that his "feelings of regret appear to have stemmed from his own loss, rather than the loss to the victim and his family." I direct the Board to address these concerns, as well as information in Mr. Jones' confidential file that indicates he has been active in narcotics and other criminal activities, contrary to his claims. If the Board finds the information is not credible or reliable, I ask that they record their reasons for those findings.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Jones is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Jones.

Decision Date: August 29, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**DAVID MCGRAW, D-39435**  
First-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On July 18, 1983, marijuana dealer, Edward Hall, and his girlfriend, Babette Bordenave, drove to pick up David McGraw. Mr. McGraw got into the back seat, and Mr. Hall and Ms. Bordenave sat in the front. Mr. Hall gave Mr. McGraw a package of cocaine, and the group went for a short drive. Mr. McGraw told Mr. Hall to stop the car in front of a park. When Mr. Hall stopped the car, Mr. McGraw shot Mr. Hall in the back of the head with a .38 caliber handgun, killing him. Mr. McGraw then shot Ms. Bordenave three times, paralyzing her from the waist down. Mr. McGraw got out of the car, took money from Mr. Hall's sock, and fled. Mr. McGraw was arrested on August 2, 1983 and released on bail on November 21, 1983. He surrendered on December 7, 1984.

**GOVERNING LAW**

The question I must answer is whether Mr. McGraw will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. McGraw suitable for parole based on his acceptance of responsibility, remorse, insight, positive programming, parole plans, participation in substance abuse classes, and family support.

I acknowledge Mr. McGraw has made efforts to improve himself while incarcerated. He has not been disciplined for serious misconduct since 2006. He completed vocational training as an ophthalmic technician and has received positive work ratings from his supervisors in the optical lab. He helped to establish a program counseling at-risk youth and has participated in self-help programming, including Alcoholics and Narcotics Anonymous, Victim Impact, Criminal and Gangmembers Anonymous, and Conflict Management. I commend Mr. McGraw for taking

these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. McGraw's crime was cold and callous. He got into Mr. Hall's car with the intention of killing him over an unpaid drug debt. After killing Mr. Hall, Mr. McGraw shot Ms. Bordenave, who had nothing to do with the drug deals, three times to silence her screams.

I am concerned that Mr. McGraw has not fully addressed his substance abuse problem, particularly given his long history of addiction. Mr. McGraw began using marijuana and alcohol during junior high school, drank daily from 14 to 16, and used cocaine several times per week during the year preceding Mr. Hall's murder. He was under the influence of alcohol and cocaine when he murdered Mr. Hall, and continued to use cocaine, marijuana, and alcohol while out on bail. He has been disciplined several times for substance-related violations in prison, including possession of heroin, marijuana, and inmate-manufactured alcohol. At his 2014 parole hearing, Mr. McGraw reported that he finally stopped using all substances in 2006. He continued to abuse drugs and alcohol over twenty years into his incarceration.

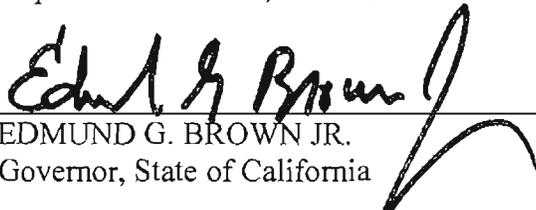
Mr. McGraw's sporadic attendance in substance abuse classes began in 1998, but he was still abusing substances for a number of years while he attended these groups. He has recently begun to consistently participate in substance abuse treatment. The psychologist who evaluated Mr. McGraw in 2011 expressed concerns about his ability to refrain from substances if released given his long history of substance abuse, his substance use during prison, including while attending substance abuse classes, and his irregular participation in substance abuse classes. I acknowledge that Mr. McGraw has been taking substance abuse classes since 2010, but I am not persuaded that Mr. McGraw is prepared to maintain his sobriety if released at this time. I encourage him to dedicate himself to available self-help programming and independent study to fully address his problem to demonstrate that he is suitable for release.

Mr. McGraw's moderate risk ratings support my concerns. The 2011 psychologist rated Mr. McGraw a moderate overall risk if released and a moderate risk for violent recidivism. These elevated risk ratings were based in part on his significant history of substance abuse, limited understanding of his relapse triggers, and his lack of a comprehensive relapse prevention plan. I direct the Board to administer a new comprehensive risk assessment before Mr. McGraw's next hearing in order to provide a more current and complete assessment of the risk he poses.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. McGraw is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. McGraw.

Decision Date: August 29, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**REGINALD WOOD, C-57489**  
Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On March 24, 1989, Reginald Wood, Shelton Smallwood, and David Rhambo recruited 16-year-old Shanon Mines to help them commit a robbery. Mr. Rhambo had previously run drugs for Wali Andrews, and knew that Mr. Andrews had a safe in his house with a large amount of money. Ms. Mines agreed to help with the robbery, and the group drove to Mr. Andrews' house. Ms. Mines went to the front door, knocked, and asked Tonya Wallace to use the telephone. When Ms. Wallace let her in, Mr. Wood and Mr. Smallwood forced their way inside, forced Ms. Wallace to the ground at gunpoint, carried her upstairs, bound her, and demanded to know the combination to the safe. Ms. Mines, Mr. Rhambo, and Mr. Smallwood carried the safe outside and loaded it into the car. Mr. Wood then stabbed Ms. Wallace several times. When she did not die, Mr. Wood shot her in the head with a .45 caliber automatic handgun, killing her. The group fled and split the money that was in the safe.

**GOVERNING LAW**

The question I must answer is whether Mr. Wood will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Wood suitable for parole based on his remorse, insight, acceptance of responsibility, age, educational and vocational achievements, self-help programming, risk assessments, and lack of recent institutional misconduct.

I acknowledge Mr. Wood has made efforts to improve himself while incarcerated. He has earned several Associate Degrees and completed several vocations. He has participated in self-help programming, including Alcoholics and Narcotics Anonymous, Alternatives to Violence, and Gang Prevention. He has not been disciplined for serious misconduct since 1997. I

commend Mr. Wood for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

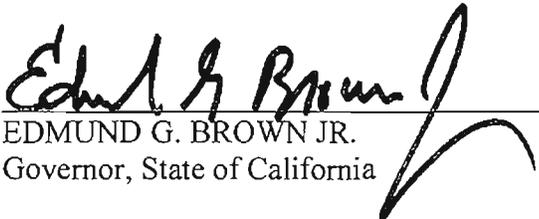
Mr. Wood's crime was callous and senseless. Just one month after being released from prison, Mr. Wood agreed to participate in a home-invasion robbery, and coldly executed Ms. Wallace. This was not Mr. Wood's first act of violence; during his first term in prison for an armed robbery, he was an active gang member and participated in numerous assaults on inmates and correctional officers.

I am troubled that Mr. Wood cannot better explain why he committed this murder. He told the psychologist who evaluated him in 2013 that he did not plan to kill Ms. Wallace at the outset of the robbery and claimed that Mr. Smallwood in fact stabbed her. Mr. Wood said that once he saw Ms. Wallace had been stabbed he shot her because he, "wanted to get away and didn't want to get caught." He told the Board that when he saw Ms. Wallace bleeding from the stab wound he, "told her to go back in the room and she wouldn't, so I pushed her in there...And when I was about to leave, she looked like she was going to get up and come out, and I turned around and pointed the gun at her and shot her." I do not find these explanations very convincing. Mr. Wood's statements depict a scene where he tried to leave the house without harming Ms. Wallace, and only shot her because she was going to follow him. Until Mr. Wood fully appreciates the severity of his actions and can better explain why he murdered Ms. Wallace, I do not believe he is ready to be released.

#### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Wood is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Wood.

Decision Date: August 29, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**JESUS CECENA, C-08487**

First-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_

**X**

**STATEMENT OF FACTS**

On November 3, 1978, 70's street gang members Jesus Cecena and Jose Arteaga drank beer with friends and smoked marijuana laced with PCP. Shortly before 1:00 a.m., Mr. Cecena and Mr. Arteaga were pulled over for speeding by San Diego Police Officer Archie Buggs. Officer Buggs was in full uniform, including a bullet-proof vest, driving a marked patrol vehicle with his red lights flashing. Officer Buggs approached Mr. Cecena, who was in the driver's seat, and saw a beer can in the vehicle, which he removed and placed on the roof. As Officer Buggs walked to the rear of the car, Mr. Cecena retrieved Mr. Arteaga's revolver, got out of the car, and followed Officer Buggs. Mr. Cecena opened fire and shot six rounds at Officer Buggs; two shots deflected off Officer Buggs' bullet-proof vest, three struck Officer Buggs in the right side, and, lastly, Mr. Cecena shot Officer Buggs once in the right temple. Mr. Cecena then ran back to the car and sped away with the lights off, nearly hitting a witness as he fled. Mr. Cecena and Mr. Arteaga went to Mr. Cecena's girlfriend's mother's house, where they wiped down the revolver and wrapped the weapon and the expended casings in a red bandana. Mr. Cecena washed Officer Buggs' blood off his hands, and hid the pistol and casings under a bucket in the backyard. Mr. Cecena and Mr. Arteaga were arrested November 4, 1978.

Mr. Cecena was initially sentenced to life in prison without the possibility of parole for first-degree murder with the special circumstance that Mr. Cecena knew that Officer Buggs was a police officer engaged in the performance of his duty. In 1982, the Court of Appeal reduced his sentence to 7 years to life pursuant to the California Supreme Court's decision in *People v. Davis* (1981) 29 Cal.3d 814. That case held that the Penal Code did not permit minors convicted of murder with special circumstances to be sentenced to life without the possibility of parole. Proposition 115, passed in 1990, amended the Penal Code to explicitly allow for life without parole sentences for minors like Mr. Cecena who are convicted of murder with special circumstances.

**GOVERNING LAW**

The question I must answer is whether Mr. Cecena will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the

circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.) Additionally, I am required to give “great weight to the diminished culpability of juveniles as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity of the prisoner” when determining a youthful offender’s suitability for parole. (Pen. Code, § 4801, subd. (c).)

### DECISION

The Board of Parole Hearings found Mr. Cecena suitable for parole based on his remorse, insight, self-help programming, lack of recent institutional misconduct, staff support, risk assessment, parole plans, family support, current age, age at the time of the crime, and maturity and rehabilitation. I acknowledge Mr. Cecena has made efforts to improve himself while incarcerated. He earned his GED, completed several vocations, and received positive ratings for his work with the Prison Industry Authority. He participated in self-help programming, including Alcoholics Anonymous, Victim Impact, and Criminals and Gangmembers Anonymous. He has not been disciplined for serious institutional misconduct since 1987, and received several laudatory chronos from correctional staff and work supervisors. I commend Mr. Cecena for taking these positive steps.

I also recognize that Mr. Cecena was a minor when he committed this crime; he was 17 years old, just four months short of his 18<sup>th</sup> birthday. I acknowledge that Mr. Cecena came from an unstable upbringing. He reported that he feared his father as a child, and that his father struck him with a switch as discipline, and was strict and unapproachable. He claimed he witnessed a significant amount of arguing between his parents, who divorced when he was 13, and that he blamed himself for the divorce at the time. He stated that he had little contact with his father after the divorce, and that his mother began to drink and became depressed and distant. He reported that these issues led him to join a street gang for acceptance, and that he became involved in gang activities and began using alcohol and drugs. The psychologist who evaluated Mr. Cecena in 2014 stated that Mr. Cecena’s “age at the time of the crime is a noted issue,” and that “factors including immaturity, impulsivity, recklessness...and lessened capacity to extricate himself from a dysfunctional home environment and crime-producing settings all conceivably contributed to the controlling offense.” I carefully examined the record for evidence demonstrating his increased maturity and rehabilitation, and gave those factors great weight during my consideration of Mr. Cecena’s suitability for parole. However, they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Cecena’s crime was deplorable. He callously and knowingly executed a well-respected police officer who dedicated his life to protecting the community. Mr. Cecena’s actions had a devastating impact not only on Officer Buggs’ family and friends, but also on those who served with him, the entire law enforcement community, and the San Diego public as a whole. Mr. Cecena’s criminal behavior did not stop once he committed this terrible crime and was incarcerated. Instead, it escalated. Information in Mr. Cecena’s disciplinary records and confidential file indicates that once he entered prison he became an active, validated associate of the Mexican Mafia prison gang, and was involved in ordering assaults, weapons and narcotics trafficking, and fomenting racial unrest.

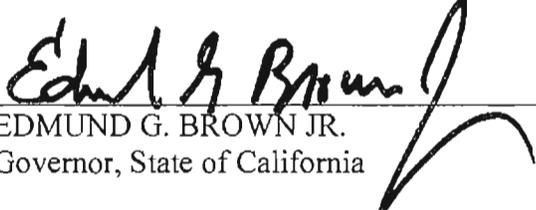
Mr. Cecena has yet to identify or fully address the reasons he so readily and coldly executed a police officer. He told the Board in 2012 that when Officer Buggs pulled him over he “was in fear of what my father would think about me,” and that he intended to brandish the gun to intimidate Officer Buggs because he “just wanted to get away.” He told the psychologist in 2014 that he was motivated by “fear of disappointing his father” and a gang mentality of “do whatever you need to do to get away with something.” He finally admitted to the Board in 2014 that he intended to kill, not just intimidate, Officer Buggs. He again claimed he was motivated by fear of disappointing his father, and stated, “I didn’t want to get caught. I didn’t want to go to jail...my belief at that time was to get away like other things, other criminal acts that we would do using any means necessary.” These explanations, 36 years into Mr. Cecena’s prison term, fall way short. Few people, even hardened gang members, think to avoid being arrested for minor crimes by murdering police officers. And fear of disappointing a parent because of a DUI does not explain gunning down a uniformed police officer during a traffic stop. I do not believe Mr. Cecena has sufficiently explored his motivations for perpetrating this crime, and therefore I do not believe he is suitable for release.

Mr. Cecena also refuses to accept full responsibility for this heinous execution, and still has yet to admit the truth of Officer Buggs’ murder to himself or the Board. He told the Board in 2012 that he only intended to intimidate Officer Buggs, that he did not remember “actually walking right up to” Officer Buggs as he shot him, and that after he shot Officer Buggs he tried to roll him over “maybe to see if he’s okay.” He was asked multiple times during his 2014 hearing whether he delivered a final shot to Officer Buggs’ head as Officer Buggs lay on the ground. Each time, Mr. Cecena refused to answer directly, saying only, “I’m responsible for every one of those shots,” and, when pressed again, “I kept firing at the officer walking up to him as he kept going down, I kept firing until even beyond it empty. It was clicking, click, click, click.” He claimed that he never saw Officer Buggs get hit by any bullets, and again stated he got blood on himself because he “just touched [Officer Buggs] to see what I had done.” These statements show that Mr. Cecena continues to minimize the brutality of his actions. The appellate opinion affirming Mr. Cecena’s conviction noted that the shots to Officer Buggs’ side “were clustered in a pattern between one and one and a half inches in diameter so as to show Cecena took careful aim.” The Court also noted that “the single shot to Officer Buggs’ temple was likely designed to accomplish its purpose as the last shot fired, the finishing wound.” Contrary to Mr. Cecena’s statements, a witness related hearing several gunshots, a period of silence, and then a final gunshot – the shot to Officer Buggs’ temple. While Mr. Cecena claims he got out of his car and “just kept firing,” the sentencing judge noted that his actions, “showed a cool, calculated judgment, a deliberate killing. The shots fired in that officer were deliberate and were with skill, and I think it was very reprehensible for the final shot to be shot in the head, and you ended up with blood all over your hands and on your clothing.” Because Mr. Cecena has not confronted the true nature of his actions, I do not believe he is ready to be released.

CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Cecena is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Cecena.

Decision Date: September 5, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**BRANDON EDWARDS, E-59776**

Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On September 14, 1989, Brandon Edwards, Kennedy Edwards, Salvador Garcia, Robert Wilson, and Debra Scott discussed robbing and killing Julio Chavez because he had allegedly stolen cocaine from Kennedy Edwards. The group went to Mr. Chavez's apartment and Ms. Scott knocked on the door. As Mr. Chavez opened the door, Mr. Garcia shot him in the chest, killing him.

**GOVERNING LAW**

The question I must answer is whether Mr. Edwards will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Edwards suitable for parole based on his age at the time of the crime, remorse, acceptance of responsibility, letters of support, self-help programming, parole plans, educational and vocational achievements, current age, lack of recent institutional misconduct, genuine and respectful demeanor, and risk assessment.

I acknowledge Mr. Edwards has made efforts to improve himself while incarcerated. He earned his high school diploma, completed several vocations, and received positive ratings from his work supervisors. He earned a certificate as a Drug and Alcohol Treatment Specialist, and participated in self-help programming, including Alcoholics and Narcotics Anonymous, Alternatives to Violence, and Victim Awareness. He has not been disciplined for serious misconduct since 2008. I commend Mr. Edwards for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Edwards' crime was callous. He and his fellow drug dealers ambushed Mr. Chavez at his home and killed him over an alleged drug theft that Mr. Edwards admits may never have even occurred.

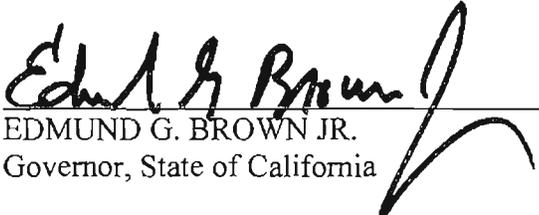
I am not convinced that Mr. Edwards is prepared to remain sober if he is released. Mr. Edwards began using alcohol and marijuana at age nine, started selling crack cocaine at age 13, and admitted that he was “very intoxicated” when he participated in Mr. Chavez’s murder. He told the psychologist that he continued to abuse alcohol in prison until approximately 1993, and smoked marijuana last in 2010. He told the Board that he had not worked the 12-Steps, and that his relapse prevention plan consisted of “strategies to not hang around criminal, maladaptive behavior people” and to “stay in regular contact with my sponsors and my mentors.” The psychologist noted that Mr. Edwards’ “ability to convey knowledge of 12-step principles...was very poor” and that his ability to refrain from using drugs or alcohol if released is “guarded.” I am encouraged by Mr. Edwards’ recent efforts to address his substance abuse problems; he began attending substance abuse self-help classes in 2011 and earned a certificate as a Drug and Alcohol Treatment Specialist in 2013. Mr. Edwards’ only recent drug treatment and inability to better articulate the principles of substance abuse prevention demonstrate that he has not yet overcome his extensive drug abuse history. Mr. Edwards must demonstrate a more sustained commitment to his sobriety before he can be safely released into society.

I am also concerned by information in Mr. Edwards’ confidential file that indicates he was recently involved in serious, violent misconduct. Staff found the information reliable, and Mr. Edwards was transferred to another institution as a result. These recent allegations are troubling, and indicate to me that Mr. Edwards is not yet prepared to be released.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Edwards is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Edwards.

Decision Date: September 5, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**PEARL LICANO, W-82654**  
Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On December 24, 1997, Pearl Licano, a 35-year-old drug dealer, had a party at her home. Kelly Blanchard, David Segura, Eva Fierro, and several others attended the party. Ms. Licano's three children, ages eight, fourteen, and sixteen, were also home. Ms. Licano and Ms. Blanchard got into an argument, and Ms. Licano became livid and spoke aggressively to Ms. Blanchard. Ms. Licano and Ms. Blanchard moved into a bathroom, and the argument escalated into a physical altercation. Ms. Licano left the bathroom and went to her bedroom, and Mr. Segura and Ms. Fierro went into the bathroom and beat Ms. Blanchard while she cried for help and begged them to stop. Mr. Segura and Ms. Fierro cut off Ms. Blanchard's shirt and bra, and continued to beat her. At some point, Ms. Licano entered the bathroom and saw Ms. Blanchard crying and bleeding in the bathtub, trying to apologize to Ms. Licano. Ms. Licano turned and went back into her bedroom. Mr. Segura asked Ms. Fierro if he could kill Ms. Blanchard, and Ms. Fierro went to Ms. Licano's bedroom, consulted Ms. Licano, then returned and told him "no" or "not yet." Sometime later Ms. Fierro again consulted Ms. Licano, told her that Ms. Blanchard "has to be taken out," then returned to the bathroom and told Mr. Segura to "do it" or "handle it" or "finish her off." Mr. Segura and Ms. Fierro duct-taped Ms. Blanchard's hands and mouth, wrapped her in a blanket, and carried her into the back of a vehicle. Ms. Licano told her daughter that she was going to get help for Ms. Blanchard, then drove away with Ms. Fierro. The two returned an hour or two later with Ms. Blanchard still in the vehicle. Ms. Licano's daughter looked into the garage and saw Ms. Blanchard moving slightly in the back of the car, apparently still alive. The next morning, Ms. Fierro and Mr. Segura left in the vehicle and dumped Ms. Blanchard on a dirt road. When she was found by police, she was dead, clad only in jeans, covered with blankets, with her lower face tightly taped. A pathologist who performed an autopsy testified that Ms. Blanchard was covered with multiple bruises, abrasions, and burns. She had been stabbed twelve times with a screwdriver, including fatal wounds to the jugular vein and carotid artery. The pathologist testified that Ms. Blanchard's wounds and the amount of blood found in the vehicle suggested that the stabbing had occurred in the vehicle. Police searched Ms. Licano's house and found bloody duct tape, a propane torch, and Ms. Blanchard's blood-stained wallet.

### GOVERNING LAW

The question I must answer is whether Ms. Licano will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

### DECISION

The Board of Parole Hearings found Ms. Licano suitable for parole based on her remorse, age, educational and vocational achievements, self-help programming, volunteer work, parole plans, and risk assessment.

I acknowledge Ms. Licano has made efforts to improve herself while incarcerated. She has participated in self-help programming, including Alcoholics and Narcotics Anonymous, Anger Management, and Alternatives to Violence. She earned her Associate's degree, completed vocations, and volunteered in the prison's hospice program. She has never been disciplined for serious misconduct in the nearly 17 years she has been incarcerated, and has been commended for her behavior by correctional staff and work supervisors. I commend Ms. Licano for taking these positive steps. But they are outweighed by negative factors that demonstrate she remains unsuitable for parole.

Ms. Licano's crime was horrendous. Ms. Blanchard was tortured over the course of several hours before she was eventually killed and dumped on a dirt road. Ms. Licano instigated the violence against Ms. Blanchard and was the leader in this terrible murder. I note that Ms. Blanchard's family has appeared at Ms. Licano's parole hearings and written letters to express the extent of their pain and loss.

Ms. Licano continues to minimize the extent of her role in Ms. Blanchard's murder. She told the Board that she thought Ms. Fierro and Mr. Segura were "just breaking up the fight" between her and Ms. Blanchard, and said that she later went to check on Ms. Blanchard when she heard "banging" in the bathroom. She claimed that when she and Ms. Fierro first left the house in the vehicle, she refused to dump Ms. Blanchard, urged Ms. Fierro to take Ms. Blanchard to the hospital, and insisted they take her to a friend who was a nurse. Ms. Licano stated that she blames herself for the murder because she did not stop Ms. Fierro and Mr. Segura, did not accept Ms. Blanchard's apology or try to get her out of the house, and did not check on Ms. Blanchard once she was in the back of the vehicle. Ms. Licano paints herself as an intoxicated bystander who knew little of the murder and torture that was taking place in her own home. This simply is not the case. Ms. Fierro and Mr. Segura regularly acted with violence on Ms. Licano's behalf to enforce drug debts. Ms. Licano knew Ms. Fierro and Mr. Segura were beating Ms. Blanchard as she cried for help, and did nothing to stop Ms. Fierro when she told Ms. Licano that Ms. Blanchard had to be "taken out." And, despite her claims that she wanted to get medical aid for Ms. Blanchard, Ms. Licano did not assist or even check on Ms. Blanchard after returning to the

house. Instead, she left Ms. Blanchard in the back of the car, bound, bleeding, and wrapped in a blanket. Until Ms. Licano is able to come to terms with her role in this murder, I do not believe she is prepared to be released.

**CONCLUSION**

I have considered the evidence in the record that is relevant to whether Ms. Licano is currently dangerous. When considered as a whole, I find the evidence shows that she currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Ms. Licano.

Decision Date: September 5, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**ROBERT LUCA, H-12604**  
Second degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On February 25, 1989, Robert Luca, Sergio Rodriguez, Luis Alvarez, and Leonardo Ramos, all Burlington Locos gang members, drove to the Crazy Rider's gang territory to do a drive-by shooting in retaliation for a previous shooting. Mr. Luca drove the car while Mr. Rodriguez and Mr. Alvarez were armed with two loaded 12 gauge shotguns. Once the group identified the rival gang members, Mr. Luca turned the car around to give Mr. Alvarez and Mr. Rodriguez a chance to open fire. Blanca Guevara and her 11-year old niece, Jasmine Guevara, walked in between Mr. Luca's car and their intended targets. Mr. Rodriguez and Mr. Alvarez each fired their shotgun approximately three times. Jasmine was fatally shot in the head. Blanca was stuck in the face and neck, but survived.

**GOVERNING LAW**

The question I must answer is whether Mr. Luca will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Luca suitable for parole based on his educational achievements, recent participation in self-help classes, insight, and positive support from friends and family in the community.

I acknowledge Mr. Luca has made efforts to improve himself while incarcerated. He has earned his GED and has received commendations from work supervisors. He wrote letters to struggling youth and has recently begun participating in self-help classes, including Alcoholics and Narcotics Anonymous, Anger Management, and Victims Awareness. I commend Mr. Luca for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Luca's crime was senseless and tragic. His attempt to seek retribution from a rival gang resulted in the death of an innocent child and severe trauma to the child's aunt. His loyalty to his gang clearly took precedence over the safety of those in the community.

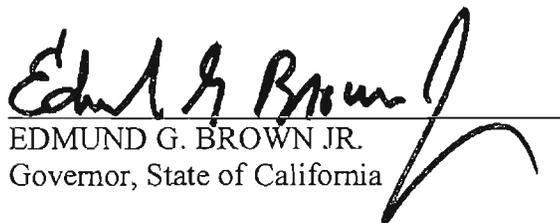
I am troubled by Mr. Luca's long history of gang membership and only recent attempt to disassociate from his prison gang. Mr. Luca was a founding member of the Burlington Locos street gang at the age of 13. During his 2014 hearing, he recalled "going out to shoot other gang members on a weekly basis" and being involved in gang-related assaults and burglaries. His involvement in the life crime was also gang-related. Mr. Luca began associating with the Mexican Mafia in prison. He was validated as an associate of the Mexican Mafia in 2000, but said that he actually began his prison gang involvement a decade earlier. During his time in the prison gang, he received 16 Rules Violation Reports for misconduct which included battery on an inmate causing serious injury, possession of inmate manufactured weapons, mutual combat, and stabbing another inmate. He received four 15-month terms in the Security Housing Unit for his misconduct. He also spent over 12 years in the Security Housing Unit, because of his prison gang involvement. It was not until 2012 that Mr. Luca finally decided to formally disassociate himself from his prison gang, and he was not considered a validated dropout until 2013. I acknowledge that Mr. Luca has remained disciplinary-free since 2004 and has begun to participate in self-help classes. However, his improved behavior and programming is very recent given his over 25 years of incarceration and 27 years as a gang member, all of which indicates a violent gang mentality that has been deeply internalized.

Mr. Luca's 2013 risk assessment, which rated him a moderate risk for violence if released, supports my concerns. This score was based in part on his institutional misconduct, gang affiliation, and lack of empathy relating to his violent behavior. The psychologist opined that Mr. Luca's risk of violent recidivism would likely increase if he associated with antisocial peers or gangs in the future. The psychologist recommended that he "continue to examine his intrapersonal and interpersonal issues that were instrumental in fashioning his criminal record, and explore the causative factors for his past poor choices." I encourage Mr. Luca to stay on this new positive path of disassociating from his violent past by continuing to participate in self-help classes and pro-social activities while continuing to remain disciplinary-free.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Luca is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Luca.

Decision Date: September 5, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**LAUREN SMITH, W-18438**

First-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_

**X**

**STATEMENT OF FACTS**

In early 1982, Lauren Smith and Connie Monteer began living together after Ms. Monteer kicked her former lover, Dilisa Pitts, out of her house. Ms. Smith had a physical altercation with Ms. Pitts, and Ms. Smith severely assaulted Ms. Pitts and chopped off her hair. Ms. Pitts was hospitalized for two days. Ms. Monteer gave Ms. Smith a .38 caliber hand gun and told her to "do what she had to do." On February 1, 1982, Ms. Smith, Debra Skillings, and Mark Sorensen entered a tavern where Ms. Pitts and Mark Avery were patrons. Ms. Smith engaged in a heated discussion with Ms. Pitts and they began pushing and shoving each other. After being kicked out of the tavern, all parties returned to their vehicles, and Mr. Avery and Ms. Pitts followed Mr. Sorensen, who was driving Ms. Smith and Ms. Skillings. Mr. Sorensen stopped his vehicle in an alleyway, and Ms. Smith exited the vehicle and fired several shots with the .38 caliber handgun into the other vehicle. Ms. Smith hit Mr. Avery in the arm and Ms. Pitts in the face, abdomen, and arm, killing her.

**GOVERNING LAW**

The question I must answer is whether Ms. Smith will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Ms. Smith suitable for parole based on her lack of violent criminal history, remorse, participation in self-help classes, age, medical issues, risk assessment, support in the community, and parole plans.

Ms. Smith is 52 years old, has been in prison for over 32 years, and has significant medical issues affecting her hearing, vision, and mobility. I acknowledge Ms. Smith has made efforts to improve herself while incarcerated. She has participated in self-help classes, including Alcoholics and Narcotics Anonymous, Conflict Resolution, and Alternatives to Violence. She

has received positive ratings from her work supervisors and commendations from correctional officers and other prison staff. I commend Ms. Smith for taking these positive steps. But they are outweighed by negative factors that demonstrate she remains unsuitable for parole.

Ms. Smith's crime was senseless and callous. She badly beat Ms. Pitts prior to the murder, hospitalizing her for two days. On the night of the murder, Ms. Smith physically assaulted Ms. Pitts again, then shot her and her companion. Ms. Smith's actions showed a complete disregard for human suffering.

I am concerned that Ms. Smith is not taking full responsibility for this murder. She told the Board that when she and Ms. Pitts got kicked out of the tavern she asked Ms. Pitts to "go somewhere and talk," and that when she brandished the gun she "was just trying to scare her, to get her to back off." She affirmed her statement to the psychologist that she "never meant to or wanted to do it," and told the Board, "I was high, I wasn't even thinking, I was drinking." Ms. Smith's explanations are not consistent with her behavior. She beat Ms. Pitts so badly that she was hospitalized, argued with her on multiple occasions, then shot at her multiple times from close range. Until recently, Ms. Smith claimed that she did not know the gun was loaded, and that she only fired the gun accidentally. Until Ms. Smith is able to come to terms with her violent behavior, I am concerned that she will act out violently again if released.

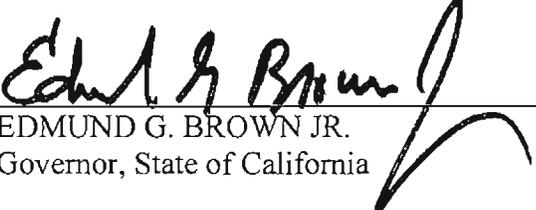
Ms. Smith has shown that she is not committed to turning away from violence or following the rules. During her incarceration, Ms. Smith has been disciplined 134 times: 40 times for serious misconduct and 94 times for less significant misconduct. Seven of her offenses were violence-related, most recently threatening staff in 1994. In 2009, an inmate who was Ms. Smith's former lover claimed that Ms. Smith was stalking her, and staff confirmed that Ms. Smith had caused disruptions in the library and had to be removed from the Honor Dorm. This behavior demonstrates a serious pattern of impulsivity and violence that extended well into Ms. Smith's incarceration. The psychologist noted that Ms. Smith "has continued to struggle with poor impulse and behavior control," and that despite her misconduct she, "tended to take a victim stance and evidenced greater difficulty perceiving herself as a perpetrator." Ms. Smith also evidenced mental health instability; staff suspected she was attempting to commit suicide in 2007, and she declined mental health treatment in 2008 despite symptoms of depression.

Ms. Smith's elevated risk scores support my concerns. The 2010 psychologist rated Ms. Smith a moderate overall risk if released, a moderate risk for violent recidivism, and in the moderate range for psychopathy. These elevated risk ratings were based in part on Ms. Smith's institutional misconduct, impulsivity, and "impaired" insight into the crime and her behavior in prison. I direct the Board to administer a new comprehensive risk assessment before Ms. Smith's next hearing in order to provide a more current and complete assessment of the risk she poses.

CONCLUSION

I have considered the evidence in the record that is relevant to whether Ms. Smith is currently dangerous. When considered as a whole, I find the evidence shows that she currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Ms. Smith.

Decision Date: September 5, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**ARLENE WHITNEY, W-57696**  
First-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On July 18, 1994, Rebecca Jensen left her three children at a neighbor's house, saying she was going to the grocery store and would be back in 20 minutes. The following afternoon, Ms. Jensen's 12-year-old daughter called the police to report that her mother had never returned. Through the course of an investigation, it was revealed that Arlene Whitney and Julie Moore, both transients, came across Ms. Jensen. Ms. Jensen apparently asked Ms. Whitney and Ms. Moore about where she could find vacuum parts. Ms. Whitney told Ms. Jensen she could find the parts near their transient camp, so Ms. Jensen offered Ms. Whitney and Ms. Moore a ride back to their camp. Once there, Ms. Whitney demanded money from Ms. Jensen. Ms. Whitney and Ms. Jensen argued, and Ms. Whitney stabbed Ms. Jensen. Ms. Jensen broke away and fled. Ms. Whitney told Ms. Moore to follow Ms. Jensen; Ms. Moore complied, caught her, and hit her on the back of the head with a large rock. Ms. Whitney stabbed Ms. Jensen in the neck and chest, killing her. Ms. Whitney and Ms. Moore dragged Ms. Jensen's body off the road and, hours or days later, buried her in a shallow grave with the help of Dennis Hendrickson. Ms. Whitney kept Ms. Jensen's car keys and used the car and let others use the car after the murder.

**GOVERNING LAW**

The question I must answer is whether Ms. Whitney will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Ms. Whitney suitable for parole based on her lack of violent criminal history, lack of violent behavior in prison, sobriety, remorse, age, participation in self-help courses and therapy, and family support.

I acknowledge Ms. Whitney has made efforts to improve herself while incarcerated. She has completed vocational training in office services and landscaping and has participated in self-help

classes on topics including substance abuse, conflict resolution, anger management, and self-esteem. I commend Ms. Whitney for taking these positive steps. But they are outweighed by negative factors that demonstrate she remains unsuitable for parole.

It is difficult to cobble together the exact details of this murder because of the many different stories Ms. Whitney told during the homicide investigation. What is clear is that Ms. Jensen's death was brutal, and that Ms. Whitney and Ms. Moore were callous and cruel when they decided to kill her and stabbed her to death.

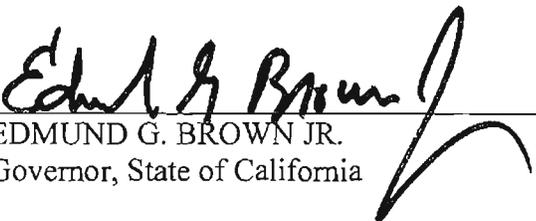
Ms. Whitney has not adequately explained why she was involved in this murder. When asked why the murder occurred, Ms. Whitney blamed her "pent up anger" from being sexually abused as a child, her need to "control a situation" and "be empowered," her serious drug abuse, and the fact that she was "governed by emotions" at the time. Ms. Whitney reported, "I wanted [Ms. Moore] to think I had more courage than she," so Ms. Whitney suggested that they kill Ms. Jensen instead of just beating her, which had been Ms. Moore's plan. It is totally unclear how this murder empowered her or served her need to control a situation. While sexual abuse can be devastating, it does not ordinarily lead to stabbing strangers. Similarly, Ms. Whitney's serious substance abuse, her desire to demonstrate her courage to Ms. Moore, and her failure to thoughtfully consider the consequences of her actions do not justify or explain this crime.

Additionally, I am not convinced that Ms. Whitney has the skills necessary to maintain her sobriety if released at this time. She began using methamphetamine at 32 years old and used daily for nearly a decade. She sold drugs to support herself and was convicted of drug offenses four times before she committed this crime, also under the influence of methamphetamine. While Ms. Whitney claims she has been sober since her incarceration, her participation in documented substance abuse self-help groups has only been sporadic. The psychologist expressed concern over her inconsistent participation in these groups and indicated that if Ms. Whitney returned to using substances, her risk of violent recidivism would likely increase. I encourage Ms. Whitney to commit herself to these substance abuse self-help groups to show that she is ready to be released.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Ms. Whitney is currently dangerous. When considered as a whole, I find the evidence shows that she currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Ms. Whitney.

Decision Date: September 5, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**CHARLES BROWN, E-25371**  
Second degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

Michael Konz's sister owed a drug debt to Charles Brown, and after she left town, Mr. Brown held Mr. Konz responsible for the debt. On April 23, 1988, Mr. Brown went to a friend's house where Mr. Konz and others were present. Mr. Brown confronted Mr. Konz in a bedroom, grabbed him then punched him several times in the face. Mr. Brown accused Mr. Konz of planting a bomb in Mr. Brown's vehicle. Mr. Brown then took Mr. Konz into the living room where he beat him repeatedly. One of the witnesses in the room attempted to break up the fight, but Mr. Brown produced a large caliber revolver and pointed it towards the others in the living room stating, "Do you want some of this mother fucker?" Mr. Brown pulled out a large knife and used it to cut Mr. Konz in several places, resulting in one of Mr. Konz's fingers almost being amputated. Mr. Brown stabbed Mr. Konz in the chest then threw Mr. Konz on the couch, fired two times, hitting him once in the head, killing him. During the assault, Mr. Brown made statements such as, "You want to play games? Let's play my way. Do you want to die?"

**GOVERNING LAW**

The question I must answer is whether Mr. Brown will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Brown suitable for parole based on his remorse, current age, parole plans, insight, and vocational training.

I acknowledge Mr. Brown has made efforts to improve himself while incarcerated. He earned his GED and completed a welding vocational program. He has participated in self-help classes, including Alcoholics Anonymous, Relapse Prevention, Denial Management, and Anger Management. I commend Mr. Brown for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Brown committed a brutal murder of a man he considered his friend by beating Mr. Konz, almost amputating one of his fingers, stabbing him multiple times then shooting him in the head. Mr. Brown's actions were callous and cruel. However, this was not the first time Mr. Brown assaulted Mr. Konz. Mr. Brown told the psychologist in 2010 that he also physically assaulted the victim "pretty badly" on a prior occasion.

I am concerned that Mr. Brown continues to minimize his role in this crime. Unfortunately, there was a recorder malfunction at his 2014 hearing; therefore, I did not have the benefit of reviewing the 2014 hearing transcript. Mr. Brown chose not to speak about the facts of the crime during his previous hearing in 2010. So, the most current information available to me regarding Mr. Brown's version of the life crime is his 2010 risk assessment. In his 2010 risk assessment, Mr. Brown describes the crime as one of mutual combat, which is inconsistent with witness reports that he was the aggressor. Mr. Brown said that he and the victim began fighting, that Mr. Brown "got kicked in the face and pulled his knife out. The victim grabbed for [Mr. Brown's] hair and the knife and almost got two fingers cut off. They fought, and [Mr. Brown] was in a rage." Mr. Brown went on to say that he pulled out his gun and when he tried to hit the victim "the victim grabbed the barrel. He hit him, and the gun went off." Witnesses said that Mr. Brown beat, stabbed, and shot the victim, and was not merely warding off the victim's attacks, as he seems to suggest. Additionally, the gun did not just go off. The gun was only ¼ inch from the victim's head when it was fired. This was not an accidental shooting, this was deliberate. Until Mr. Brown accepts full responsibility for his actions in this murder, I believe he will pose an unreasonable danger to the community if released.

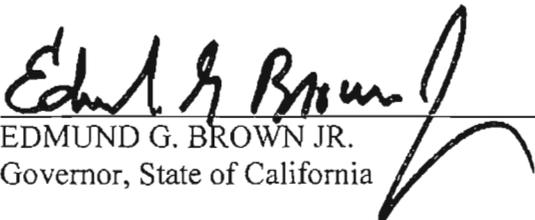
I am troubled that Mr. Brown has continued his violent behavior during his incarceration. While in prison, between 1993 and 2009, several inmates reported that Mr. Brown threatened them. Between 1995 and 2008, numerous inmates reported that Mr. Brown was in a position of leadership amongst White supremacist groups and ordered assaults on other inmates. He also received Rules Violation Reports for a battery on an inmate and mutual combat, one of which resulted in a 2-month term in the Security Housing Unit. Mr. Brown's actions in prison do not show me that he has sufficiently distanced himself from his violent path during his 26 years in prison.

Mr. Brown's 2010 risk assessment, which rated him a moderate risk for violence in the free community, supports my concerns. This score was based in part on his record of violent criminal conduct, institutional misconduct, association with criminal acquaintances, as well as pattern of early and diverse antisocial behavior. The Board should conduct a new risk assessment prior to his next hearing.

**CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Brown is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Brown.

Decision Date: September 12, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**KEVIN GENTRY, J-52567**

First degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_

**X**

**STATEMENT OF FACTS**

In February 1993, Kevin Gentry devised a plan to rob a pawn shop owned by Rob Miller, and to kill Mr. Miller in the process. Mr. Gentry solicited two or three friends to help him with the robbery and murder, including Joseph Flauta. Over several weeks, Mr. Gentry cased the pawn shop, talked with Mr. Miller, and studied the value of coins at Mr. Miller's shop. Mr. Gentry and his friends attempted to hatch the robbery/murder plan on two occasions, but were unsuccessful. On March 16, 1993, Mr. Gentry and Mr. Flauta entered Mr. Miller's pawn shop. Mr. Flauta distracted Mr. Miller by asking for a baseball card, and Mr. Gentry came up behind Mr. Miller and shot him in the head with a .22 caliber handgun. Mr. Miller fell to the ground, and Mr. Gentry shot him four more times in the head, killing him. Mr. Gentry and Mr. Flauta moved Mr. Miller's body out of sight, then ransacked the pawn shop, taking \$50,000 worth of cash, coins, bullion, jewelry, guns, and baseball cards. Mr. Gentry and Mr. Flauta then went to Mr. Gentry's uncle's home, where Mr. Gentry announced, "it's payday," and said, "I shot him five times." Mr. Gentry also boasted to his friends about the murder.

**GOVERNING LAW**

The question I must answer is whether Mr. Gentry will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.) Additionally, I am required to give "great weight to the diminished culpability of juveniles as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity of the prisoner" when determining a youthful offender's suitability for parole. (Pen. Code, § 4801, subd. (c).)

**DECISION**

The Board of Parole Hearings found Mr. Gentry suitable for parole based on his lack of violent criminal history, stable social history, age at the time he committed the crime, risk assessment, and educational achievements.

I acknowledge Mr. Gentry has made efforts to improve himself while incarcerated. He only received one Rules Violation Report during his 20 years of incarceration. He also completed two vocational programs and participated in self-help classes, including Alcoholics Anonymous, Anger Management, and Alternatives to Violence. Mr. Gentry also earned his GED, High School Diploma, Paralegal Certificate, and Associate of Arts Degree while in prison. I commend Mr. Gentry for taking these positive steps.

I also recognize that Mr. Gentry was 17 years old when he committed this crime. I acknowledge that Mr. Gentry had an unstable upbringing. He reported a lack of parental supervision, his parents' failure to set appropriate behavioral boundaries, and his mother's unwarranted lapses in control in response to everyday pressures, which resulted in Mr. Gentry receiving corporal punishment for trivial reasons. In his 2014 risk assessment, the psychologist noted, "Mr. Gentry has shown vast improvements in maturity and impulse control over the course of his incarceration (advancing age), such as demonstrating stronger commitments towards his educational, work and self-help obligations, as well as demonstrating relatively good behavioral control. I carefully examined the record for evidence demonstrating his increased maturity and rehabilitation, and gave those factors great weight during my consideration of Mr. Gentry's suitability for parole. However, those factors are outweighed by negative factors that demonstrate he remains unsuitable for parole.

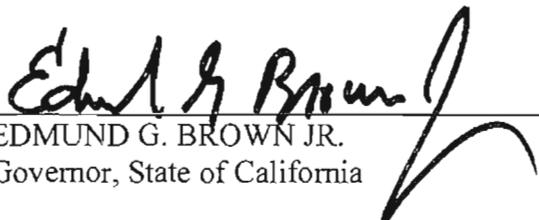
Mr. Gentry's crime was calculated and dispassionate. Mr. Gentry acknowledged that he had interacted with the victim on 15 to 20 prior occasions when Mr. Gentry pawned items in the victim's shop. When describing the victim, Mr. Gentry said, "Mr. Miller was always nice to me. He never treated me unfairly." Nevertheless, he planned the robbery and Mr. Miller's murder for four months. Mr. Gentry said he chose Mr. Miller's shop, because "Mr. Miller had a lock on his door and he would only buzz people in who in essence he was comfortable letting [] in his store. And I knew he trusted me to that extent." Mr. Gentry told the psychologist that once he shot Mr. Miller, he immediately saw the bullet hit Mr. Miller, and said "I could see his hair on the back of his right ear stand up, and Mr. Miller did not respond. And after, he fell slumped against the window." However, even though that shot was clearly fatal, Mr. Gentry brutally shot the victim four more times in the head. Mr. Gentry's actions demonstrate a total disregard for human suffering and lack of empathy.

I am also troubled that he fails to adequately explain why he would commit this heinous crime. During his 2014 hearing, when asked why he committed this crime, Mr. Gentry said that he "placed value and things above anybody's well-being, above anybody's happiness, above just about anything else." He went on to say "[n]othing was above what I wanted, and I was willing to go to any extent to get what I wanted at that time." The desire for material things does not sufficiently explain why he was so willing to plan and carry out the murder of a man that trusted him and showed Mr. Gentry nothing but kindness. I do not believe Mr. Gentry has adequately explored the reasons he was so willing to commit this murder. I encourage Mr. Miller to continue participating in self-help classes in order to better address my concerns.

**CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Gentry is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Gentry.

Decision Date: September 12, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**JERRE ALLEN, K-05360**

First-degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

Jerre Allen and Barbara Diann Allen were married for 22 years and divorced in 1990. For four years, Mr. Allen schemed and manipulated to try to convince Diann to reconcile their relationship. He spread rumors about Diann, incessantly questioned their children about Diann's whereabouts, would show up unannounced at her house and let himself in, threatened her suspected suitors, and tried everything he could do to manipulate Diann into coming back to him. His behavior became increasingly alarming, and in the days before the crime, Diann told co-workers and friends she was afraid of Mr. Allen, that he had been following her, that he had entered her home without permission, and that she wanted to get a restraining order.

On September 19, 1994, Mr. Allen went to Diann's house; they had agreed to meet at her home to discuss an issue they were having with their children. Mr. Allen arrived carrying a .357 magnum and a .22 caliber rifle. After a struggle, Mr. Allen shot Diann in the heart at close range, killing her. Neighbors heard Diann scream "no, stop" or "no, don't" just before the gunshot. She was later found lying on her back with her hands extended in a defensive position. Her legs were drawn back toward the center of her body and directed upward, in a defensive position.

After shooting Diann, Mr. Allen washed his hands and made phone calls to Diann's sister, leaving a message on her answering machine that he had shot Diann and that the children would need her now more than ever; to a friend of Diann's, asking her to care for the children; and to his daughter's boyfriend, telling him to go to his daughter. Mr. Allen re-loaded his weapon and then went to a church and asked to speak to a priest. Father Timothy O'Sullivan invited Mr. Allen into his office. Mr. Allen placed the revolver on Father O'Sullivan's desk, directed Father O'Sullivan to sit down and not to move, and said that he had shot his ex-wife and wanted to commit suicide. Mr. Allen gave Father O'Sullivan several letters written to his ex-wife and kids, and burned some of them. When another priest, Father Castro, walked in, he joined them and persuaded Mr. Allen not to kill himself. Father O'Sullivan convinced Mr. Allen to call an attorney. Mr. Allen spoke with the attorney, who agreed to come to the church, and also called the police. Police called the church, and Mr. Allen became agitated and decided to burn a list of names he had. As he burned the list, he put down his gun, and Father Castro grabbed the gun and fled. Mr. Allen told Father O'Sullivan that he only had one choice left, to turn himself in. He walked outside and surrendered to police.

### GOVERNING LAW

The question I must answer is whether Mr. Allen will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

### DECISION

The Board of Parole Hearings found Mr. Allen suitable for parole based on his age, lack of previous violence, acceptance of responsibility, remorse, participation in self-help, lack of serious misconduct in prison, and psychological evaluation.

Mr. Allen is now 72 years old and has been in prison for 20 years. I acknowledge Mr. Allen has made efforts to improve himself while incarcerated. He has never received a rules violation report for serious misconduct and has received above average and exceptional work ratings. He has participated in some self-help programs including Victim Awareness, and Self-awareness and Recovery. He wrote a book report on domestic violence. He has some family and friends supporting him in the community. I commend Mr. Allen for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Allen's crime was vicious and cruel. After he and his wife divorced, Mr. Allen stalked her for four years before he ambushed her in her own home and shot her at close range. This callous crime has had a lasting impact on Diann's family and friends; among others, the couple's children appeared at Mr. Allen's parole hearing to oppose parole. They spoke movingly of the loss of their mother and detailed episodes of previous physical and emotional abuse by Mr. Allen.

I am troubled that Mr. Allen is not being honest about how he killed Diann. For many years, Mr. Allen claimed that the shooting was accidental, that she tried to stop him from committing suicide by wrestling the gun away from him and was shot during the scuffle. By 2005, Mr. Allen had admitted that Diann's death was not an accident, but a planned murder and suicide. He told the psychologist who evaluated him in 2012 that he moved towards Diann and said that he loved her and no one else could have her. He reported that she fell and that he "fell on top of her and the gun went off and hit her in the chest." He later clarified to the psychologist, "I pointed the gun and pulled the trigger." At his hearing, Mr. Allen explained, "she just was talking and next thing I knew, she fell and I fell on top of her. And I had a choice to either pull the trigger or not pull the trigger. I'm positive that I pulled the trigger." But this story is not consistent with the evidence in the record. As the District Attorney pointed out, Mr. Allen was not covered in blood, as he would have been if he were lying on top of Diann when he shot her. She was found in a defensive position and neighbors heard her scream "no, stop" or "no, don't" just before they heard the gunshot. Mr. Allen still refuses to accept full responsibility for his actions and by

minimizing his crime, he shows that he lacks insight into his reasons for murdering Diann. His current mental state indicates to me that he is still prone to committing further acts of violence.

**CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Allen is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Allen.

Decision Date: September 19, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**ROBERT BERTOLDO, C-94377**

Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On April 13, 1981, Robert Bertoldo went to John Simerly's house. Mr. Bertoldo had worked for Mr. Simerly on prior occasions and, according to Mr. Bertoldo, had been involved in drug deals with Mr. Simerly. At the house, Mr. Bertoldo and Mr. Simerly argued, then fought, and Mr. Bertoldo stabbed Mr. Simerly sixteen times, including one wound that extended from one side of Mr. Simerly's mouth to his ear, exposing part of his jawbone. Mr. Bertoldo then retrieved one of Mr. Simerly's .22 caliber pistols from another room and shot Mr. Simerly in the head, killing him. Mr. Bertoldo stole Mr. Simerly's wallet, a watch, a necklace, several rifles, and a safe, and fled.

**GOVERNING LAW**

The question I must answer is whether Mr. Bertoldo will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Bertoldo suitable for parole based on his age, health issues, academic achievements, lack of recent institutional misconduct, self-help programming, psychological assessments, support in the community, and parole plans.

I acknowledge that Mr. Bertoldo has been in prison for over 33 years, is now 63 years old, and suffers from several medical issues. He has made efforts to improve himself while incarcerated. He earned his GED, became a certified optician, and received positive ratings from his work supervisors. He participated in self-help programming including Narcotics Anonymous, and helped establish and facilitate another substance abuse program, The Most Excellent Way. He has not been disciplined for serious institutional misconduct since 2000. I commend Mr. Bertoldo for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Bertoldo's crime was callous and vicious. He brutally stabbed Mr. Simerly, shot him in the head as he lay incapacitated on the floor, and robbed him. Mr. Bertoldo's actions had a devastating impact on Mr. Simerly's family members, who have appeared at Mr. Bertoldo's parole hearings to express their grief and opposition to Mr. Bertoldo's parole. Mr. Bertoldo was initially found guilty by a jury of first degree murder with a special circumstance and sentenced to life in prison without the possibility of parole. The trial court reduced his conviction second degree murder, struck the special circumstance finding, and sentenced Mr. Bertoldo to 19 years-to-life in prison with the possibility of parole.

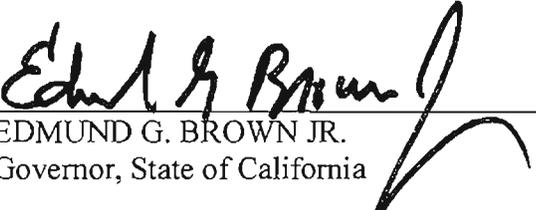
Mr. Bertoldo has not credibly explained the reasons he so viciously attacked and murdered Mr. Simerly. He told the Board that he got into an argument with Mr. Simerly regarding drugs and money, that Mr. Simerly pushed him and pulled out a knife, and that he was able to wrestle the knife from Mr. Simerly. He claimed that he stabbed Mr. Simerly sixteen times, including the wound exposing Mr. Simerly's jawbone, because Mr. Simerly "was still trying to get me," and said he didn't intend to kill Mr. Simerly, saying "I felt fear. I don't remember anger." He claimed that after he stabbed Mr. Simerly he was going to run out of the house, but heard Mr. Simerly begging for help, and saying "that I would pay for it or I would – something like that," so he retrieved the gun and shot him. Mr. Bertoldo's account paints himself as fearful and acting in self-defense, but these statements do not explain the vicious nature of the attack, why Mr. Bertoldo felt the need to execute Mr. Simerly once he was lying on the ground terribly wounded, or why instead of fleeing he decided to ransack Mr. Simerly's home. Until Mr. Bertoldo has better explored why he perpetrated this crime, I do not believe he is ready to be released.

Mr. Bertoldo's elevated risk ratings support my concern. In 2014, the psychologist rated Mr. Bertoldo a moderate overall risk if released, based in part on his "superficial" insight, denial of prior acts of domestic violence that he had once admitted, and minimization of his violent conduct.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Bertoldo is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Bertoldo.

Decision Date: September 19, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**PHILLIP GOLOB, D-08364**

First-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

While at a park on April 20, 1984, Phillip Golob and John Gresham discussed robbing a gay man to get a car and money to go to Texas. While Mr. Golob and Mr. Gresham were at the park, Howard Maddux approached Mr. Golob and asked him if he would like to come to his apartment to watch pornographic films. Mr. Golob agreed and told Mr. Gresham that he was leaving with Mr. Maddux. Mr. Golob and Mr. Gresham agreed to meet at a later time. While watching a pornographic film, Mr. Golob repeatedly hit Mr. Maddux in the face and body with his fists, killing him. Mr. Golob then took Mr. Maddux's wallet and keys before fleeing to Texas in Mr. Maddux's car. Mr. Maddux was found naked in the bathtub and had at least 27 separate injuries to his body, including several fractures extending from his left eye socket to his jaw. The autopsy report concluded that the injuries that caused Mr. Maddux's death could have been caused by kicking or the use of a blunt instrument and were unlikely to have been caused by the use of fists.

**GOVERNING LAW**

The question I must answer is whether Mr. Golob will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Golob suitable for parole based on his remorse, acceptance of responsibility, age, vocational and educational achievements, positive work reports, parole plans, and participation in self-help classes. Unfortunately, there was a recorder malfunction at his 2014 hearing; therefore, I did not have the benefit of reviewing the 2014 hearing transcript.

I acknowledge Mr. Golob has made efforts to improve himself while incarcerated. He has not been disciplined for serious misconduct in over fifteen years. He earned his GED, completed

vocational training, and has received commendations from work supervisors. He has participated in self-help programming, including Alcoholics Anonymous, Victim Awareness, and Anger Awareness. I commend Mr. Golob for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Golob brutally beat Mr. Maddux to death, leaving him bloodied and severely bruised with several facial fractures. He then stole Mr. Maddux's wallet and car, treated himself and his crime partner to dinner paid for with Mr. Maddux's credit card, and fled to Texas.

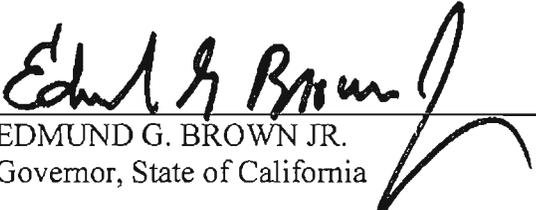
I am troubled by Mr. Golob's understanding of why he murdered Mr. Maddux. During his 2013 psychological evaluation, Mr. Golob offered an account of the crime that differed significantly from the record. He said that he hit Mr. Maddux twice, but the autopsy report indicated that Mr. Maddux had 27 separate injuries. When addressing this discrepancy, Mr. Golob stated, "I don't remember doing that. I don't know—a blackout? Rage?" The discrepancy between Mr. Golob's account and the record is concerning. Given that he was not intoxicated at the time of the murder, it seems unlikely that he would have no recollection of hitting Mr. Maddux over 20 times. Furthermore, Mr. Golob's explanations for why he murdered Mr. Maddux are unsatisfactory. Mr. Golob told the psychologist that he was angry and "hated the world" at the time of the crime. He reported that he "had no stability, no awareness, and I held in those feelings... And then I took it all out on him." Mr. Golob's anger and instability do not explain why this planned robbery turned into a gruesome murder. I encourage Mr. Golob to more deeply examine how he came to brutally murder a stranger.

I am concerned that Mr. Golob has only recently begun to address his substance abuse problem. His alcohol, marijuana, and heroin use began during high school. He continued to use marijuana and heroin while incarcerated, as well as methamphetamine. Given this history of substance abuse, I would have expected to see Mr. Golob dedicate significant effort to addressing his drug addiction. But instead, over ten years into his incarceration, Mr. Golob was disciplined for possession of heroin and methamphetamine. During his 2013 psychological evaluation, Mr. Golob expressed a commitment to his sobriety and reported that he had developed a relapse prevention plan, but the psychologist concluded that "his commitment to a clean and sober life would be more credible if he were also currently involved in AA/NA, and had been for a protracted period of time." Although his attendance in substance abuse classes has been more consistent recently, I am not persuaded that Mr. Golob is ready to maintain his sobriety if released at this time. I encourage him to dedicate himself to available self-help programming to demonstrate that he is suitable for release.

CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Golob is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Golob.

Decision Date: September 19, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**RICHARD HERRERA, D-10785**  
Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On November 9, 1983, Richard Herrera was taking care of his girlfriend's niece, 15-month-old Naomi Del Toro. Mr. Herrera became enraged when Naomi refused to put away her toys. Mr. Herrera beat her, shook her, struck her head on the rail of the couch, and pulled her arms and legs. After Naomi lost consciousness, Mr. Herrera cleaned up the bloody clothing and waited several hours before he drove her to a local gas station and called an ambulance. Naomi had bruises and abrasions on her head, chin, neck, ears, legs, and back, had dried blood around her mouth, and both of her eardrums were perforated. Naomi was declared brain dead at the hospital and died the next day. The coroner's report also indicated that her vagina appeared abraded and bruised and that her anus appeared dilated. Police found a blood-stained diaper in a trash can outside the house, and several items of bloody clothing inside the house.

**GOVERNING LAW**

The question I must answer is whether Mr. Herrera will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Herrera suitable for parole based on his remorse, acceptance of responsibility, insight, self-help programming, lack of recent serious misconduct in prison, academic and vocational achievements, age, parole plans, and support in the community.

I acknowledge that Mr. Herrera has served over 30 years in prison and has made efforts to improve himself while incarcerated. He earned his GED, has worked toward earning an associate's degree, and has completed vocational training. He participated in self-help programming, including Alcoholics and Narcotics Anonymous, Anger Management, and Alternatives to Violence. He has been disciplined only twice for serious misconduct, last in

1994. I commend Mr. Herrera for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Herrera's crime was terrible and abhorrent. He viciously beat a 15-month-old toddler for nearly ten minutes, leaving her brain dead and lifeless. Even after realizing the extent of his violence, Mr. Herrera waited hours before seeking help for the defenseless child.

Mr. Herrera told the Board in 2012 that he was under the influence of marijuana and cocaine, and was "selfish" and "angry" because he had to care for Naomi while his girlfriend was at work. I reversed the Board's grant of parole in 2012 because of the nature of Mr. Herrera's heinous crime and because I found his statements did not explain his crime adequately and did not explain why he was so overwhelmed in caring for Naomi when he had raised his own infant son when he was just eighteen. His statements have not changed much, and my concerns remain.

Mr. Herrera told the Board in 2014 that his father was an abusive alcoholic, and that as a result he "was constantly wanted to be in control, and when things didn't go my way, I became frustrated. I became angry. I yelled. I threw things." He said that he had been fighting with his girlfriend because he did not want to care for Naomi, that he felt "stuck" with Naomi, that he grew angry and resentful, and that when Naomi would not stop crying he "became enraged" and attacked her for "five [or] ten minutes." He stated that he was angry at his girlfriend, angry at Naomi, and "carrying this anger from way back, from the life I was living and the things that I was doing and the things that happened to me as a child. I was carrying all that with me and it all came to a head." He claimed that he never abused his son because, although he sometimes became angry and frustrated, "it seemed that there was always somebody there," so "it never came out towards [his son]. It was never where I found myself in that situation." He also said that he had never had any other violent episodes before the crime because his anger was "not with people so much as it was with just myself," and that his anger "was coming to a head...I mean you can only live that way so long without something bad happening, you know."

These explanations remain inadequate. Many people harbor anger and resentment from childhood abuse and not wanting to care for a toddler, but do not express their feelings by beating the child severely for several minutes. Further, Mr. Herrera's claim that he simply never found himself alone in a stressful situation while caring for his son does not explain to me why he reacted so violently against Naomi. Until Mr. Herrera can give some credible explanation for his actions, I do not believe that he is prepared to be released.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Herrera is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Herrera.

Decision Date: September 19, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**CHARLES NICHOLSON, D-37493**

First-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On January 18, 1980, Charles Nicholson, Phillip Phillips, and James Dougherty had been using drugs together, and Mr. Nicholson suggested they rob Awtar Athwal's home. Mr. Nicholson and Mr. Dougherty had previously worked for Mr. Athwal, who owned a trucking company, and they knew that Mr. Athwal regularly kept large amounts of cash in his home, where he lived with his wife, Rashpal Athwal, and their three children. Mr. Nicholson, Mr. Phillips, and Mr. Dougherty placed several phone calls to Mr. Athwal's residence to make sure that he was home, and went to Mr. Athwal's home when they were told he had arrived. Mr. Nicholson was armed with a buck knife, Mr. Phillips with a handgun, and Mr. Dougherty with a sawed-off shotgun. They covered their heads and faces with nylon stockings and rang the doorbell. When Mr. Athwal's 17-year-old daughter opened the door they forced their way inside and demanded money while Mr. Nicholson held Mr. Athwal's daughter with a knife to her neck. Mr. Athwal offered money, and was pushed into a bathroom. He was able to close and lock the bathroom door, but Mr. Phillips broke down the door and began to struggle with Mr. Athwal. Mr. Athwal wrestled the gun from Mr. Phillips and hit him over the head with it, and tried to run outside. He was stabbed in the chest, and Mrs. Athwal ran toward him. Mr. Nicholson stabbed her four times in the chest, killing her. Mr. Nicholson, Mr. Phillips, and Mr. Dougherty fled, and Mr. Nicholson joked that he wouldn't be able to get into heaven because he had killed someone. Mr. Athwal was hospitalized for twelve days, but survived. Mr. Nicholson remained at large and was not arrested for five years, until September 19, 1985.

**GOVERNING LAW**

The question I must answer is whether Mr. Nicholson will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

### DECISION

The Board of Parole Hearings found Mr. Nicholson suitable for parole based on his age, self-help programming, lack of recent institutional misconduct, parole plans, marketable skills, psychological evaluations, and insight into his substance abuse history.

Mr. Nicholson has been incarcerated for 29 years, and currently is 59 years old. I acknowledge he has made efforts to improve himself while incarcerated. He participated in self-help programming including Alcoholics and Narcotics Anonymous, Victim-Offender Education, and Anger Management. He earned his GED, completed vocational training, and received positive ratings and commendations from his work supervisors. He has only been disciplined once for serious misconduct, in 1998. I commend Mr. Nicholson for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Nicholson's crime was cold and callous. He planned a home-invasion robbery, knowing that Mr. Athwal, his wife, and young children were home, then stabbed Mrs. Athwal several times. Mr. Nicholson's actions had a devastating impact on Mrs. Athwal's family, especially her children, who appeared at Mr. Nicholson's parole hearings to oppose his parole.

I am not convinced that Mr. Nicholson has accepted full responsibility for Mrs. Athwal's murder. He told the psychologist who evaluated him in 2013 that he was fighting with Mrs. Athwal and stabbed her because he "was scared. I was freaking out. There was screaming, hollering, yelling. My reaction was to try to get away. Without thinking about it I stabbed Ms. Athwal to get her to release my arm so I could get away." He told the Board that he "was just in full panic" and was trying to run out of the house when Mrs. Athwal grabbed his arm. He claimed that he tried to break away from her but couldn't and stabbed her because he "wasn't thinking. That's the problem. The only thing I was doing was trying to get away." He said that when he planned the robbery and armed himself with a knife he did not intend to hurt anyone, and that he stabbed Mrs. Athwal "without thinking about what I was doing."

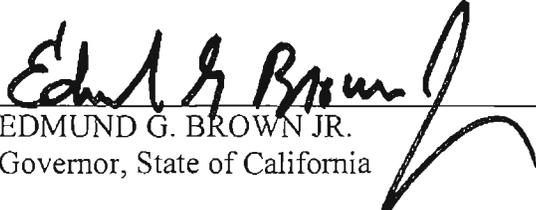
These statements fail to acknowledge the level of planning and violence that Mr. Nicholson perpetrated during this crime. Mr. Nicholson may have been panicked and afraid, but it was Mr. and Mrs. Athwal and their three children who had their home invaded by three armed men. His claims that he was trying to get away from Mrs. Athwal ignore that he plotted the robbery, made calls to the house over several hours to make sure the Athwals were home, armed himself with a knife, held a 17-year-old girl at knife point, and ultimately stabbed Mrs. Athwal to death. The psychologist noted that he "had difficulty acknowledging that he intentionally stabbed Rashpal Athwal." The Commissioner also noted that "it's still a difficult thing for you to admit that you actually stabbed Mrs. Athwal...that's still an area that you need to look into and really verbalize and internalize the fact that you actually did stab Mrs. Athwal." Until Mr. Nicholson is able to accept full responsibility for his actions, I do not believe that he is ready to be released.

Charles Nicholson, D-37493  
First-Degree Murder  
Page 3

CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Nicholson is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Nicholson.

Decision Date: September 19, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**EDWARD SARAGOSA, C-76826**  
Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On January 18, 1981, Jessie Galvez attended a party with his cousin. Mr. Galvez got into a confrontation with three men at the party, pulled out a knife, and challenged the men to fight. The men left, and returned later with Edward Saragosa. Mr. Saragosa and several of his friends, all Cedar Street gang members, began asking where Mr. Galvez was and asking people at the party if they were gang members. One of the party hosts called police, and several police cars arrived, but left because there did not appear to be a problem. Soon after police left, a fight broke out in the backyard of the house between Mr. Saragosa and his group and Mr. Galvez and his friends. During the fight, Mr. Galvez was stabbed seven times, and was killed. A witness identified Mr. Saragosa as one of the attackers, and testified that Mr. Saragosa threw a buck knife onto the roof of a neighboring residence, where it was found with Mr. Saragosa's blood on it. Prosecutors conceded during Mr. Saragosa's trial that he did not inflict the fatal wound on Mr. Galvez.

**GOVERNING LAW**

The question I must answer is whether Mr. Saragosa will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Saragosa suitable for parole based on his remorse, acceptance of responsibility, age, self-help programming, insight, lack of recent institutional misconduct, parole plans, vocational and educational achievements, psychological assessments, and credibility.

I acknowledge that Mr. Saragosa has been in prison for over 33 years and has made efforts to improve himself while incarcerated. He has participated in some self-help programming, including Alcoholics and Narcotics Anonymous, Alternatives to Violence, and Criminals and

Gangmembers Anonymous. He earned his GED, completed vocational training, and has received positive ratings from his work supervisors. He has not been disciplined for serious misconduct since 2006. I commend Mr. Saragosa for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Saragosa's crime was callous. Mr. Saragosa and his fellow gang members jumped, stabbed, and ultimately killed Mr. Galvez because they believed he was a rival gang member. Once in prison, Mr. Saragosa continued his violent behavior. He admitted that he was an associate of the Mexican Mafia who ordered assaults on other inmates and was in charge of a prison yard for the gang. He was disciplined for serious misconduct forty times, including five for violence.

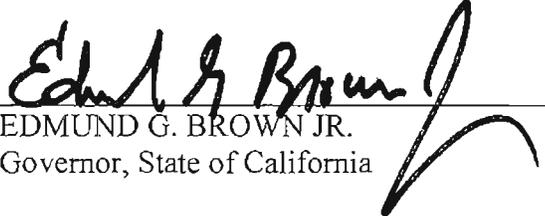
I am concerned that Mr. Saragosa has not fully addressed his serious substance abuse problem. Mr. Saragosa began abusing alcohol and drugs — including heroin, marijuana, methamphetamine, and LSD — when he was about 10 years old, and did not stop until he was 45. Mr. Saragosa admitted he was under the influence of alcohol and heroin at the time of the murder, and that he continued using and trafficking heroin and other drugs in prison as recently as 2006; eleven of his serious rules violations in prison were related to drugs or alcohol. Despite this serious history, he only began attending substance abuse self-help classes only in 2009; in 2010 the psychologist noted that Mr. Saragosa was able to recite only four of the 12 steps of Alcoholics and Narcotics Anonymous. The psychologist who evaluated Mr. Saragosa in 2013 also found that he was “having difficulty making more progress in being able to demonstrate his understanding of substance abuse treatment.” I commend Mr. Saragosa for beginning to participate in substance abuse self-help classes and making some progress internalizing the 12-Steps, but his progress is still fairly recent given his extensive and prolonged history of substance abuse. I encourage him to continue working to better address his substance abuse issues in a manner that ensures he can remain sober if released.

Mr. Saragosa's elevated risk ratings support my concern. In 2010, the psychologist rated Mr. Saragosa a moderate overall risk if released, a moderate risk for violent recidivism, a high risk for general recidivism, and in the moderate range for psychopathy. These elevated risk ratings were based in part on Mr. Saragosa's limited insight into the crime and his criminal history, misconduct in prison, somewhat grandiose presentation, his attempts to portray himself in an overly favorable manner, his negative attitude regarding his prison sentence, and the fact that he had only “somewhat” integrated the 12-Steps into his life. The 2013 psychologist noted that some factors had mitigated Mr. Saragosa's risk and other factors aggravated his risk, including remaining concerns about his ability to remain sober. I direct the Board to administer a new comprehensive risk assessment before Mr. Saragosa's next hearing in order to provide a more current and complete assessment of the risk he poses.

CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Saragosa is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Saragosa.

Decision Date: September 19, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**CHARLES SCHMIDT, H-62909**  
First-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

Charles and Patricia Schmidt married in 1986. In 1989, Charles had two extra-marital affairs, one with Ana Calderon. Ana pressured Charles to leave Patricia, but Charles was afraid that if he divorced Patricia, she would take the majority of their money. He also believed that he would not be able to marry Ana in the Church if he obtained a divorce because Ana was Catholic. In early 1989, Charles asked at least three people to murder Patricia. He offered one co-worker \$10,000, but he declined. Charles' friend, Noel Armstrong, agreed to kill Patricia for \$1,000.

On June 15, 1989, Charles and Mr. Armstrong met and planned the details of Patricia's murder. Charles went home, had sex with Patricia, and then suggested they go for a run. While they were out running, Mr. Armstrong drove by on his motorcycle and shot Patricia once in the head with a .22 caliber handgun, killing her. Charles told police he had not seen what had happened, and Patricia's death was originally believed to be a hit-and-run. It was not until the autopsy revealed a bullet in Patricia's head that police classified her death as a homicide and began to investigate. Meanwhile, Charles received \$75,000 from two life insurance policies and retained the deed on his and Patricia's property. He gave Mr. Armstrong \$400 and a leather jacket. He married Ana in May 1991, and the couple had a child. Charles was finally arrested nearly three years after Patricia's murder on May 8, 1992.

**GOVERNING LAW**

The question I must answer is whether Mr. Schmidt will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Schmidt suitable for parole based on his remorse, lack of prison misconduct, lack of violent or criminal history, acceptance of responsibility, insight, psychological evaluation, age, parole plans, and vocational and educational achievements.

I acknowledge Mr. Schmidt has made efforts to improve himself while incarcerated. He has never been disciplined for misconduct. He earned his bachelor's degree and has completed several vocations. He has received commendations from correctional officers and work supervisors. He has participated in self-help programs, including Victim's Awareness, Domestic Violence Prevention, Timelist, and Victim Recognition. I commend Mr. Schmidt for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

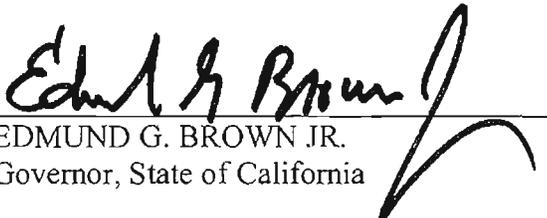
Mr. Schmidt's crime was ruthless and cold. He asked three people to kill his wife, and then planned the murder with his co-defendant. In the years following Patricia's murder, Mr. Schmidt acted as if he knew nothing about the circumstances of her death. He used the life insurance money he received after Patricia's death to purchase a luxury vehicle and married his former mistress. I note that Patricia's loved ones appeared at Mr. Schmidt's 2014 hearing and spoke of the devastating and long-lasting impact Mr. Schmidt's crime has had on their family.

Mr. Schmidt continues to minimize his role in Patricia's murder. Unfortunately, there was a recorder malfunction at his 2014 hearing; therefore, I did not have the benefit of reviewing the 2014 hearing transcript. However, Mr. Schmidt did participate in his 2012 parole hearing and psychological evaluation. During his 2012 psychological evaluation, Mr. Schmidt said that his crime partner came up with the idea of killing his wife and "kept mentioning it" and "wanting to plan it." Mr. Schmidt explained that he "just kinda agreed to everything" and believed Mr. Armstrong insisted on going forward with the murder because he knew about the couple's problems and looked up to Mr. Schmidt. The psychologist expressed concerns about Mr. Schmidt's placement of "the onus of the responsibility on his crime partner...including who mainly came up with, planned, encouraged, and executed the murder," and concluded that Mr. Schmidt's level of remorse was diminished by his portrayal of himself as a passive and naive participant in the murder. Mr. Schmidt's statements at his 2012 parole hearing further demonstrate his tendency to minimize his role in the murder. He told the panel that he "wasn't a hundred percent certain" that Patricia would be shot during their jog. This is unbelievable—Mr. Schmidt acknowledged that Mr. Armstrong knew what Patricia looked like and knew when and where the couple would be jogging, as the men had previously discussed these details when planning the murder. Until Mr. Schmidt accepts complete responsibility for his role in his wife's murder, I do not think he should be released.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Schmidt is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Schmidt.

Decision Date: September 19, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**TIMOTHY CHAVIRA, D-81127**  
First degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On August 23, 1986, Timothy Chavira returned home and caught his stepmother, Ann Chavira, having sex with his paternal uncle. After his uncle left, Mr. Chavira claims he argued with Mrs. Chavira. He hit her in the head four times with the wooden leg of a table and stabbed her in the chest with the leg. Mr. Chavira claims she fell and broke her neck on the corner of a table. Mr. Chavira stuffed a towel down her throat, wrapped her body in a bed sheet, and placed Mrs. Chavira's body in the trunk of her car. Her badly decomposed body was discovered in the trunk of her car, parked near her home, on September 2, 1986. The stab wound to Mrs. Chavira's chest killed her, and multiple blunt force injuries to her head, chest, and thyroid cartilage contributed to her death.

**GOVERNING LAW**

The question I must answer is whether Mr. Chavira will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Chavira suitable for parole based on his risk assessment, lack of violent criminal history, participation in self-help classes, and age.

I acknowledge Mr. Chavira has made efforts to improve himself while incarcerated. He earned his GED and Associate of Science degree. He has participated in some self-help classes, including Alcoholics Anonymous, Narcotics Anonymous, and Alternatives to Violence. He has also completed two vocational training programs. I commend Mr. Chavira for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

This crime was brutal and callous. Mr. Chavira had a relationship with his stepmother that he described as “always cordial.” Yet, he beat her in the head and stabbed her with an oak table leg, gagged her, then left her body in the trunk of her car.

I am concerned that Mr. Chavira has not adequately addressed his substance abuse issues. During his 2013 risk assessment, he told the psychologist that he began drinking alcohol at 14. He also said that he began using marijuana and cocaine at age 13, and by the age of 23, he was using cocaine daily. Despite his substance abuse history, his participation in substance abuse self-help classes has been inconsistent. The psychologist indicated that he “denied any further need for substance abuse programming, or that he was at risk of relapse ‘at this stage of [his] life.’” Although the psychologist opined that Mr. Chavira may have misunderstood her question about the need for ongoing substance abuse treatment, his statement still gives me pause. I encourage Mr. Chavira to gain a better understanding of his substance abuse issues by participating in substance abuse self-help classes on a consistent basis.

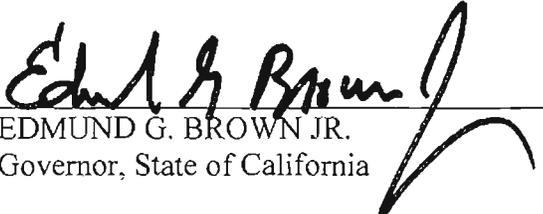
I am also troubled that Mr. Chavira's statements to psychologists and the Board indicate that he is less than credible. During his 2014 hearing, Mr. Chavira told the Board that in 2008 he was diagnosed with “Stage III prostate cancer,” that he underwent radiation and chemotherapy treatments in 2008, and the illness causes him to have “trouble getting around,” so he uses a cane for walking. He also told a psychologist in 2013 of this cancer diagnosis and said he chose not to use the pain management medications that he has been offered to deal with the side effects of his cancer. He never mentioned this diagnosis or subsequent cancer treatments during his 2009 hearing or during his 2009 risk assessment. In fact, during his 2009 hearing, when asked in what sense his health was poor, Mr. Chavira did not mention that he was diagnosed with cancer. There is absolutely no indication in the record that he has ever been diagnosed with prostate cancer. During his 2009 hearing, the panel expressed concerns about Mr. Chavira's credibility, because he appeared to be dishonest about a job offer, publication of a book, whether proceeds from book sales went to charity, the name of the mother of his child, the number of vocations he completed, and whether he authored certain letters. The psychologist that conducted his 2009 risk assessment similarly expressed doubts about his credibility, and opined that some of the statements he made during the risk assessment “were questionable.” Given my apprehensions about his credibility, I have no reason to believe his statements explaining the reasons he committed this crime and his statements of remorse. I set aside the conclusions of the 2013 risk assessment, because the psychologist relied heavily upon his representation that he was suffering from a terminal illness. I direct the Board to complete a new comprehensive risk assessment that takes into consideration his frequent and significant pattern of lying.

Timothy Chavira, D-81127  
First Degree Murder  
Page 3

CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Chavira is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Chavira.

Decision Date: September 26, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**CHHOUY CHHOUN, J-16821**  
Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On July 25, 1991, an Oriental Boys gang member was at a house party where he saw members of a rival gang. The rival gang had allegedly shot and killed two Oriental Boys associates. The Oriental Boys member left the party and gathered at least six other fellow gang members, including Chhouy Chhoun. The group drove to the party and parked one block away, and decided that four would go to the party and shoot at the rival gang members while the others stayed with the cars to shoot anyone who gave chase. Mr. Chhoun and three others armed themselves with 9 millimeter semi-automatic handguns, walked to the house, hid behind cars parked across the street, and opened fire at people gathered in the front yard, shooting approximately 31 times. Shots hit and killed Va Lee, a marine on leave and not affiliated with the gangs. A rival gang member, Koua Moua, was also shot in the neck and chest, but survived.

Over two years later, on September 18, 1993, Mr. Chhoun, Roland Enriquez, and other gang members discussed killing Thoun Sos because he was an associate of a rival gang. The next day Mr. Enriquez drove his car with Mr. Chhoun as a passenger to look for Mr. Sos. When they saw Mr. Sos driving his own car, they gave chase. Mr. Sos tried to get away, and eventually parked in front of a friend's house when he thought he had safely distanced himself from Mr. Chhoun and Mr. Enriquez. As Mr. Sos got out of the car, Mr. Enriquez and Mr. Chhoun drove by and Mr. Chhoun shot at Mr. Sos three times, hitting Mr. Sos's car but missing Mr. Sos. Mr. Chhoun was arrested on November 30, 1993, and convicted of attempted murder. It was not until this time that investigators were able to tie Mr. Chhoun to Mr. Lee's murder, for which Mr. Chhoun was finally charged and convicted.

**GOVERNING LAW**

The question I must answer is whether Mr. Chhoun will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

### DECISION

The Board of Parole Hearings found Mr. Chhoun suitable for parole based on his remorse, acceptance of responsibility, insight, lack of recent institutional misconduct, sincerity, educational and vocational achievements, self-help programming, parole plans, risk assessments, family support, and age at the time of the murder.

I acknowledge that Mr. Chhoun was only 17 years old at the time of the murder, and that he has made efforts to improve himself while incarcerated. He earned his GED, completed several vocations, and received positive ratings from his work supervisors. He participated in self-help programming, including Alcoholics and Narcotics Anonymous, and Alternatives to Violence. He has not been disciplined for institutional misconduct since 2001. I commend Mr. Chhoun for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Chhoun's crime was callous and reckless. He and fellow gang-members indiscriminately opened fire on an unsuspecting group standing outside of a home, killing a marine who happened to be home on leave. Despite knowing that his actions resulted in the death of an innocent person, Mr. Chhoun did not cease his gang activities, but instead chose to lead another violent gang shooting over two years later.

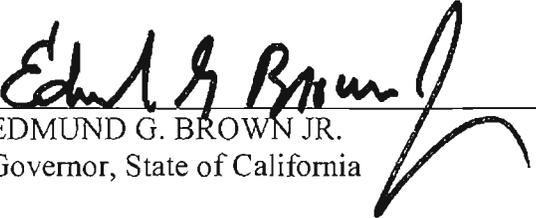
Mr. Chhoun has not adequately explained why he became so involved in violent gang activity. He told the Board that he was picked on at school because his family had emigrated from Cambodia and he spoke little English. He claims he gravitated toward gangs because other Asian friends were members and he felt a sense of acceptance and camaraderie. He stated that he became violent because he had a "hostile mentality" and wanted to "represent my gang with loyalty." He said that he was not deterred by his participation in Mr. Lee's murder, noting that although he felt it was "a mistake," "had he was (sic) a gang member, I wouldn't feel as bad." I am not convinced by these statements. As the psychologist who evaluated Mr. Chhoun in 2012 noted, "many children are bullied and 'picked on' and have trouble with their studies, but do not join gangs or participate in a murder." It is also not clear to me why his involvement in Mr. Lee's death would not make him question his gang mentality and loyalty. Until Mr. Chhoun can better explain his violent actions and why they continued for so long, I do not believe he is ready to be released.

Mr. Chhoun's risk scores support my concerns. The 2010 psychologist rated Mr. Chhoun a moderate overall risk if released, high risk for general recidivism, moderate risk for violent recidivism, and in the moderate range for psychopathy. These elevated risk ratings were based in part on Mr. Chhoun's lack of insight and concerns regarding his ability to remain sober. I note that the psychologist who evaluated Mr. Chhoun in 2013 found that there were "several salient dynamic factors that served to mitigate Mr. Chhoun's risk to violently re-offend." I direct the Board to administer a new comprehensive risk assessment before Mr. Chhoun's next hearing in order to provide a more current and complete assessment of the risk he poses.

CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Chhoun is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Chhoun.

Decision Date: September 26, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**GILBERT CORONEL, D-91567**  
Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On October 5, 1986, Raymundo Macias and Gilbert Coronel met Darlene Sotello and Debby Galvan and agreed to return to Ms. Galvan's apartment. The men offered cocaine to Ms. Sotello and Ms. Galvan but did not tell them that the cocaine was laced with PCP. Their objective was to disorient and intoxicate the women to have sex with them. Both women snorted the drugs. Ms. Sotello left the apartment with Mr. Macias and he sexually assaulted her in the back seat of a car and left her there. Ms. Galvan remained in the apartment with Mr. Coronel. Mr. Coronel emerged from the apartment after raping Ms. Galvan, and the two men left.

On October 7, 1986, Ms. Galvan was found by her apartment manager. Her clothes were on backwards and she was drugged and incoherent. She was taken to the hospital where doctors determined she was under the influence of PCP and had been sexually assaulted. Her intoxication from PCP was so severe that she could not be interviewed by police investigators. Her disorientation lasted for two weeks. On October 10, 1986, Ms. Sotello's naked body was discovered in her car. She died of a drug overdose caused by ingestion of the PCP.

Mr. Macias and Mr. Coronel were also the suspects of three other sexual assault crimes involving the same modus operandi – drugging women with PCP-laced cocaine and raping them. Neither was charged or convicted of in these incidents. Mr. Coronel admitted in 2012 that he was involved in one of these incidents two months before this crime and said that he engaged in similar cases involving drugs and sex crimes two times.

**GOVERNING LAW**

The question I must answer is whether Mr. Coronel will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

### DECISION

The Board of Parole Hearings found Mr. Coronel suitable for parole based on his insight, remorse, age, risk assessments, lack of recent institutional misconduct, self-help, vocational and educational achievements, parole plans, and support in the community.

I acknowledge Mr. Coronel has made efforts to improve himself while incarcerated. He earned a GED, completed several vocations, and received positive ratings from his work supervisors. He participated in self-help programming, including Narcotics Anonymous and the Substance Abuse Program. He has not been disciplined for serious misconduct in prison since 2003. I commend Mr. Coronel for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Coronel's participation in this and prior crimes involving drugging and raping women was callous and utterly reprehensible. He and Mr. Macias forced cocaine laced with PCP on Ms. Sotello and Ms. Galvan in order to incapacitate and rape them. These underhanded and cold actions led to Ms. Sotello's death and Ms. Galvan's severe intoxication.

I reversed Mr. Coronel's grant of parole last year because I found his understanding of why he committed this crime — that he was motivated by selfishness and sexual gratification — to be weak and inadequate. Since last year, Mr. Coronel has been interviewed by another psychologist and appeared again before the Board. Unfortunately, there was a recording error during Mr. Coronel's 2014 hearing, and the panel summarized much of Mr. Coronel's statements in a subsequent recording while he was present. I have examined these statements, and remain concerned that Mr. Coronel's understanding regarding this crime has not sufficiently developed.

Mr. Coronel agreed with the panel's summary that he committed the crime because he had low self-esteem, did not think about the consequences of his actions, was "basically in lust," and thought that the drugs "would help [him] get the sexual act completed versus just asking for the sex." He stated that the crime happened because, "I was young, I didn't think about the consequences. I only thought about my own personal pleasure, my drugs, and being a part of people and just running the streets recklessly and wildly." Mr. Coronel told the psychologist who evaluated him in 2013 that he "committed this crime because, from the age of 14, I chose to be negative, to live a street life...I was self-centered, and my life was all negative behavior. I didn't think about others. I didn't think." Although the 2012 psychologist found Mr. Coronel's statements "rather vague, simplistic, and limited," the 2013 psychologist stated that "while [Mr. Coronel's] level of insight is not at a comprehensive level, it appears to be sufficient." I find that Mr. Coronel's explanations remain superficial and inadequate in light of his actions — knowingly drugging and raping women. Mr. Coronel has yet to explain his actions beyond attributing them to his sexual desires, immaturity, and selfishness. Until Mr. Coronel can better explain the reasons behind his pattern of sexual violence, I do not believe he is prepared to be released.

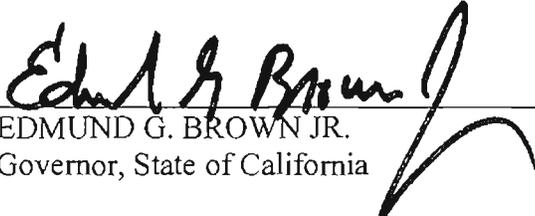
As I noted last year, the 2012 rated Mr. Coronel a "low-moderate" risk of committing another sex crime. Although the psychologist who evaluated Mr. Coronel in 2013 noted that several

factors mitigated his overall risk if released, she did not opine as to whether his risk for sexual recidivism had been changed. In light of Mr. Coronel's failure to develop an adequate understanding of why he committed these crimes, I find that the 2012 Static-99R score remains probative of Mr. Coronel's risk if released.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Coronel is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Coronel.

Decision Date: September 26, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**VICTOR MUNOZ, H-05277**  
Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On March 16, 1990, Victor Munoz, Sam Williams, Manuel Gonzalez, and Mr. Munoz's step-brother, Robin, were at Mr. Williams' home drinking whiskey. Robin and Mr. Gonzalez started arguing and Mr. Williams told them to continue the argument outside. Mr. Munoz, his step-brother, and Mr. Gonzalez were standing on the porch when Robin hit Mr. Gonzalez in the head with a piece of wood. Mr. Munoz and his step-brother decided to rob Mr. Gonzalez. Mr. Munoz went through Mr. Gonzalez's pants pocket and took some change. When Mr. Gonzalez rolled forward and sat up, Robin hit him in the head again with the board. Robin continued to hit Mr. Gonzalez every time he tried to get up. Robin hit Mr. Gonzalez in the head at least five times, killing him. The following day Mr. Gonzales' body was found in the bushes at the Williams' home. Victor was arrested on March 4, 1991.

The Board of Parole Hearings found Mr. Munoz suitable for parole and he was released on July 7, 2011. In May 2012, he tested positive for the use of methamphetamines. He also admitted using methamphetamines on June 1 and 2, 2012. On June 18, 2012, Mr. Munoz was spotted by two officers riding a motorcycle without a license plate or brake lights. The officers attempted to pull Mr. Munoz over using their emergency lights and sirens. They saw Mr. Munoz look over his shoulder toward them before he increased his speed and tried to avoid the stop. During the pursuit, Mr. Munoz used both lanes of traffic at speeds of up to 45 miles per hour. Mr. Munoz lost control of the motorcycle going into a turn and was thrown onto the shoulder of the road. The officers found a small bag of marijuana in his pocket and Mr. Munoz reported that he had just smoked some of the marijuana. Mr. Munoz was arrested. His parole was revoked and he pled no contest to evading a peace officer. He was sentenced to two years in prison for his new felony, to be served concurrent to his indeterminate sentence for second degree murder. The Board again granted parole on April 30, 2014.

**GOVERNING LAW**

The question I must answer is whether Mr. Munoz will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the

circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

### DECISION

The Board found Mr. Munoz suitable for parole in 2014 based on his identification of his errors in thinking, participation in self-help programming, lack of misconduct since his return to prison, and parole plans.

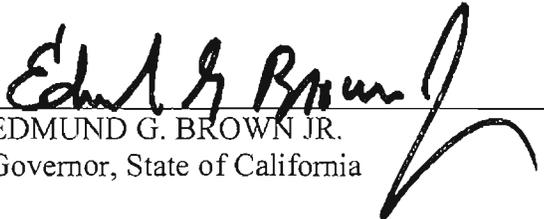
I acknowledge Mr. Munoz has made efforts to improve himself while incarcerated. He has sought out workbooks and 12-step materials since his return to prison and has corresponded with an Alcoholics Anonymous sponsor. Before he was released in 2011, Mr. Munoz earned a GED, completed a vocational training program in small engine repair, and participated in a few years of self-help, including Alcoholics Anonymous, Stress Management, and Anger Management. He has the support of his family in the community. I commend Mr. Munoz for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

I am not convinced that Mr. Munoz has overcome his significant problem with alcohol and drugs. Mr. Munoz, his step-brother, and his friends were drinking whiskey when he and his brother decided to rob Mr. Gonzalez, killing him in the process. He spent two decades in prison and convinced the Board that he was committed to maintaining his sobriety. Yet, less than a year after being released from prison, Mr. Munoz began using methamphetamine and marijuana. The psychologist who evaluated Mr. Munoz in 2013 noted that it was unclear why Mr. Munoz did not follow through with his plan of therapy and Alcoholics Anonymous groups and why he did not seek help before getting into trouble. The psychologist expressed concern about the adequacy of Mr. Munoz's relapse prevention plan and found Mr. Munoz had "limited insight into the full scope of his substance abuse and relationship needs." I acknowledge that Mr. Munoz's placement in the Reception Center limited his opportunities to participate in self-help classes and other programming. I am encouraged that he sought out some resources on his own. I urge him to maintain his sobriety and to commit to substance abuse self-help groups as soon as he is able to, but I do not think he is ready to be released at this time.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Munoz is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Munoz.

Decision Date: September 26, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**CHARLES NEWPORT, T-16959**  
Second degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On June 10, 2000, Charles Newport and Melissa Hanson went to a party where Mr. Newport consumed cocaine and alcohol. They left the party and went to Ms. Hanson's house where they began kissing on her bed. Mr. Newport became upset when he felt Ms. Hanson rejected his sexual advances. Mr. Newport began calling her vulgar names, and Ms. Hanson slapped him. He then grabbed a pillow and smothered her by putting it over her face, killing her. Ms. Hanson's mother came to the door after hearing a noise and Mr. Newport told her he was changing so she left. Mr. Newport put Ms. Hanson's body in the closet and fled through the window. Ms. Hanson's mother found her body in the closet. When Mr. Newport was found by police officers, it appeared he had attempted suicide by consuming an excessive amount of sleeping pills. A confession note, wherein Mr. Newport admitted to the murder, and a suicide note were found in his car at the time of his arrest.

**GOVERNING LAW**

The question I must answer is whether Mr. Newport will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Newport suitable for parole based on his acceptance of responsibility for the crime, remorse, stable support network, institutional behavior, participation in self-help classes and vocational training, and parole plans.

I acknowledge Mr. Newport has made efforts to improve himself while incarcerated. He has received no Rules Violation Reports during his incarceration. He has consistently participated in Alcoholics Anonymous since 2006, while also participating in other self-help classes, including Relapse Prevention, Alternatives to Violence, and Anger Management. He has completed a vocational training program and has been a hospice volunteer since 2010. I commend Mr.

Newport for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

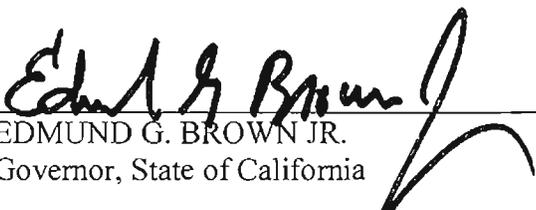
Mr. Newport's crime is senseless. He berated the victim, a woman whom he considered a friend, suffocated her in her bedroom then tossed her lifeless body into the closet for her mother to find moments later. Mr. Newport's actions show a complete disregard for human suffering. The victim's family, friends, and concerned citizens have written to me to express their deep sorrow over the loss of this young woman.

I am concerned that Mr. Newport has not sufficiently explained the reason he committed this heinous crime. When discussing the reason he committed this crime, Mr. Newport told the hearing panel that he was frustrated with the events occurring throughout the night, which included being upset that another group of girls did not want to "hang out" with him, believing a man that he sent to purchase alcohol for him had "ripped [him] off," being upset that he had to drive his friends home, feeling rejected by the victim, and being slapped by the victim after he called her vulgar names. He said he was also heavily intoxicated. He went on to say, "[I] was just angry at the world. I was angry at how the evening had unfolded, I was angry at how my life had unfolded." Although these occurrences may explain why he was upset throughout the night, they do not explain why he would resort to murdering his friend. Mr. Newport will, undoubtedly, be exposed to similar daily frustrations when he is released into the community. I encourage him to continue participating in self-help classes to gain a better understanding of what caused him to resort to such violence in the face of such trivial frustrations.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Newport is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Newport.

Decision Date: September 26, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**ELISEO RAMIREZ, E-35751**  
Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On May 27, 1982, Delmonte Henderson went to a convenience store. Eliseo Ramirez and Salvador Ramirez drove to the store, parked on the street, and waited for Mr. Henderson to come out. When another car drove by, they said to the car's occupants, "We are waiting for this Negro," and "we are going to fuck him up." The driver of the other car said, "Oh, you guys can handle it" and drove away. Mr. Henderson saw Eliseo and Salvador and told his friend he was going to talk to Eliseo and Salvador about his mother's windshield, which Salvador had broken. Salvador took a screwdriver from the car, which he raised in a striking motion as he took a step forward. Mr. Henderson kicked Salvador in the chest, knocking him to the ground. Mr. Henderson stepped back and Eliseo pulled out a gun and tried to fire it at Mr. Henderson, but the gun jammed. Mr. Henderson continued to retreat and ran. Eliseo fired a shot, which hit the window of the store then fired another shot, missing Henderson. Eliseo and Salvador continued to pursue Mr. Henderson, who ran to a fruit stand and grabbed a broomstick to defend himself. Eliseo and Salvador caught up with Mr. Henderson, and Salvador stabbed him in the back and stomach with the screwdriver. Mr. Henderson tried to flee, but Eliseo and Salvador caught up with him again. This time, Eliseo stabbed Mr. Henderson in the chest with the screwdriver. Mr. Henderson was stabbed 23 times, in the heart, spleen, and lungs, and died.

**GOVERNING LAW**

The question I must answer is whether Mr. Ramirez will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Ramirez suitable for parole based on the length of time since his last serious disciplinary report, his remorse, participation in self-help programming, and parole plans.

I acknowledge Mr. Ramirez has made efforts to improve himself while incarcerated. He has served over 25 years for this crime. While in prison, he earned his GED and routinely received satisfactory work reports. He has taken some self-help classes, including Alcoholics and Narcotics Anonymous, Alternatives to Violence, and Nonviolent Conflict Resolution. I commend Mr. Ramirez for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

This crime was callous and cruel. Mr. Ramirez and his friend waited for Mr. Henderson to emerge from the store, they got into a fight and Mr. Ramirez pulled out a gun and fired several shots. They would not allow Mr. Henderson to get away and ran after him. They viciously stabbed him 23 times with a screwdriver.

I am troubled by Mr. Ramirez's account of this crime. He told the psychologist in 2010 that he was involved in this murder because he was "around the wrong guys and acting to protect my little friend." At his recent parole hearing, Mr. Ramirez painted himself as a peacekeeper. He said that when his friend was stabbing Mr. Henderson, "I was trying to tell him, hey, just leave the guy alone. Let's go back to the neighborhood, but he never listened. But at the same time, at that time, I was kind of wishing that Salvador could get Mr. Henderson." He said that he got the screwdriver himself because, "My concern was taking the weapon out of their hands, they were like struggling for it." When pressed on why he killed Mr. Henderson, Mr. Ramirez responded, "That's something I cannot even explain to myself. If I wasn't intending to kill him, and then I end up doing it, I can't explain myself that. ... I just did it at the last moment, but I was trying not to do it." Mr. Ramirez's statements are not consistent with his crime. He and his friend were waiting for Mr. Henderson outside the store. They told others they intended to "fuck him up." Mr. Henderson repeatedly tried to get away and escape their vicious attack. The psychologist concluded that Mr. Ramirez "was unable to demonstrate a functional understanding of the events and motivating factors that contributed to the offense." Until he better explains his motives, I do not think he is ready to be released.

Mr. Ramirez has continued his violent behavior in prison. He has been disciplined for serious misconduct 19 times. Five of these disciplinary reports were for possession of weapons, twice leading to subsequent criminal convictions. Two have been for possession of alcohol. Seven of his disciplinary reports have been for violent, combative behavior. Mr. Ramirez has been given at least eight different Security Housing Unit terms because of his misconduct in prison. Although Mr. Ramirez has never been validated as a gang member and denies ever being a member of a gang, his disciplinary history, as well as confidential information in his file, indicate to me that he has been affiliated with the Border Brothers in prison. He requested placement on the Sensitive Needs Yard in 2006, and has started to participate in self-help programs. I encourage him to continue to participate in classes designed to help him turn away from his gang mentality and address his substance abuse problem, and to behave in a manner to assure me that he will not continue to act violently if released.

Mr. Ramirez's elevated risk scores support my concern. The 2010 psychologist rated Mr. Ramirez a moderate overall risk if released, moderate risk for violent recidivism, and in the medium range for general recidivism. These elevated risk ratings were based in part on his

Eliseo Ramirez, E-35751  
Second-Degree Murder  
Page 3

limited insight, lack of detailed and solidified employment plan, and concerns surrounding Mr. Ramirez's ability to remain sober in an uncontrolled environment.

**CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Ramirez is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Ramirez.

Decision Date: September 26, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**DANIEL REES, D-49508**  
Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On October 3, 1985, Daniel Rees was at the home he lived in with his girlfriend, Wendy Lovell, and her three-year-old son, Christopher Lovell. Mr. Rees lay in bed as Ms. Lovell showered, and became upset when he heard Christopher crying. Mr. Rees entered Christopher's bedroom, pulled the bed covers over Christopher, struck Christopher three times directly on the forehead and right side of his head using the back of his hand, and returned to bed. When Ms. Lovell finished her shower she noticed that Christopher had urinated in his pants, and that his breathing was labored and his eyes were open, but he failed to track objects. Ms. Lovell took Christopher to the hospital, even though Mr. Rees said he did not believe Christopher needed medical treatment. A medical examination revealed that Christopher had sustained multiple bruises on his head, several minor nicks on his penis, and bruising on his abdomen, had labored breathing, and was in a comatose state. Christopher was placed on a respirator. A doctor informed investigators that Christopher had sustained major head trauma resulting from several direct blows to the forehead and head. The doctor also observed bruising on Christopher's right shoulder that appeared to be 3 or 4 days old. A neurologist determined that Christopher was the victim of severe shaking and that the bruise on his abdomen appeared to have been caused by the knuckles of a person's hand. On October 16, 1985, Christopher was pronounced brain dead and died the following day as a result of massive head trauma.

**GOVERNING LAW**

The question I must answer is whether Mr. Rees will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Rees suitable for parole based on his insight, remorse, lack of other criminal history, age, family support, self-help, lack of serious or violent institutional misconduct, prison staff commendations, parole plans, and risk assessments.

I acknowledge Mr. Rees has made efforts to improve himself while incarcerated. He earned his associate's degree, completed vocational training, and participated in self-help programming, including Parenting, Alternatives to Violence, and Anger Management. He has received only one institutional rules violation, in 1996. Multiple correctional officers, work supervisors, and prison staff commended him for his behavior in prison. I commend Mr. Rees for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Rees' crime was appalling. He viciously beat three-year-old Christopher, causing massive head trauma, a coma, and death. This was not the first time that Mr. Rees had beaten and abused Christopher. Mr. Rees had lived with Ms. Lovell and Christopher since February 1985, and Mr. Rees admitted that for months before the murder he spanked, slapped, and punched Christopher. In September 1985, Mr. Rees struck Christopher in the back of his head with the back of his hand with enough force to knock Christopher off of his feet, and held Christopher's head underwater in the bathtub. Christopher's father and grandmother questioned Mr. Rees about bruises and marks they found on Christopher after he had been in Mr. Rees' care, but Mr. Rees denied having caused any of them. Mr. Rees' repeated violence and abuse against Christopher, ultimately ending in Christopher's murder, demonstrates a callous disregard for his suffering. I note that Christopher's family members have written numerous letters over the years opposing Mr. Rees' parole and expressing their ongoing sense of pain and loss.

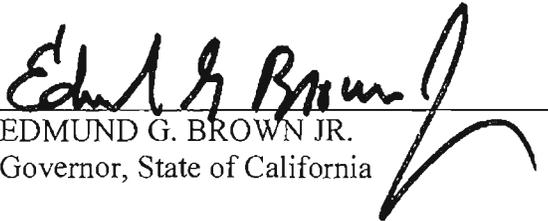
Mr. Rees has not adequately explained why he so violently abused Christopher over such a long period of time. He told the Board that his own father was controlling and abusive, and that he therefore developed an expectation that he would have control in his own home. He claimed that he wanted "acceptance and love" from Christopher, but grew angry when Christopher did not reciprocate those feelings the way Mr. Rees' own son did. He claimed that he began to abuse Christopher to discipline him for not being accepting of him, and the abuse escalated because Christopher would respond the way Mr. Rees wanted to, reinforcing Mr. Rees' future abuse. Mr. Rees also claimed that he was insecure, felt inadequate, and was stressed because of his relationship with Ms. Lovell and his own financial obligations. He said that he tried to hide these feelings and instead "projected those weaknesses and defects on to Christopher," and that Christopher "became the object of my anger and my failure" because "I saw in him what I was, what I felt I was as a child...Being inferior." Mr. Rees also told the Board that he was ashamed of his abuse of Christopher but did nothing to stop it, saying, "There was a release of the aggression, but shortly after that, I always felt shame. I knew what I was doing was wrong, but I wasn't changing."

These explanations are entirely inadequate. Christopher was a three-year-old child; it is unclear to me how Mr. Rees could see Christopher as "inferior" because he did not immediately accept Mr. Rees as his father, or how beating Christopher could be expected to instill feelings of love and acceptance. Mr. Rees knew what he was doing was wrong, but instead of extracting himself from the situation he escalated his abuse and lied to those who questioned Christopher's injuries. Until Mr. Rees can explain more convincingly how it was that he did these terrible things to Christopher, I do not believe he is ready to be released.

CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Rees is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Rees.

Decision Date: September 26, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**ROBERT FRYBURGER, E-06303**  
Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

Robert and Rebecca Fryburger married in 1980. Rebecca maintained contact with friends she had prior to marrying Mr. Fryburger, and saw an ex-boyfriend on more than one occasion. Mr. Fryburger was jealous of these continuing relationships. On January 22, 1987, Mr. Fryburger repeatedly struck Rebecca in the head with an unknown object, causing multiple skull fractures and killing her. Mr. Fryburger placed a plastic bag over Rebecca's head, wrapped her body in blankets, and drove to a remote location where he buried her body. During the following weeks, Mr. Fryburger gave several conflicting stories about Rebecca's disappearance. Her body was finally discovered on November 14, 1987, and Robert was arrested on November 23, 1987.

**GOVERNING LAW**

The question I must answer is whether Mr. Fryburger will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Fryburger suitable for parole based on his lack of violent criminal history, remorse, level of insight, lack of serious misconduct in prison, and participation in self-help classes.

Mr. Fryburger has been incarcerated for over 26 years and is now 63 years old. I acknowledge he has made efforts to improve himself while incarcerated. He has never been disciplined for serious misconduct and has been counseled only once for less serious misconduct. He has participated in self-help programs including Alternatives to Family Violence, Defining Domestic Abuse, and Anger Management. He earned his GED and has routinely received above average work ratings. He has been commended for his strong work ethic, interpersonal skills, positive attitude, honesty, and leadership skills. I commend Mr. Fryburger for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Fryburger's crime was brutal and disturbing. He violently bludgeoned his wife to death, fracturing her skull multiple times, then hid her body and lied to her friends and family about her disappearance until her remains were found ten months later.

Mr. Fryburger is minimizing his own responsibility for his vicious crime. He admitted a history of domestic violence with Rebecca and told the psychologist who evaluated him in 2011, "when she'd get drinking she'd try to put hands on you. There were a couple times I had to slap her to get [her] to stop 'cause she'd come at you with stuff." He kicked Rebecca out of their home twice, because "she started messing around with guys again." Mr. Fryburger told the Board that he now knows that he was getting "angrier and angrier" because Rebecca worked in a bar and smelled like alcohol. He claimed the odor of alcohol brought back unresolved emotions from being molested as a child. Mr. Fryburger told the psychologist that he and Rebecca had gotten into a "physical altercation" that resulted in her murder because she told him she was going to teach her daughter how to use a sex toy and told the Board, "I just got so doggone mad, I started beating on her. I was wanting to punish her. And then it was -- I went too far."

The psychologist noted, "the inmate demonstrated limited to no insight into how he may have contributed to the conflicts he had with the victim, or the idea that intimate partner violence is sometimes about the interaction between two people and how those interactions escalate to physical violence." He still places an inordinate amount of blame on Rebecca for allegedly having affairs, smelling like alcohol because she worked at a bar, and for precipitating her own murder. These statements are particularly troubling in light of his thoughts on how to form better romantic relationships in the future. He intends to communicate more, be open and honest, and talk out problems, but he also told the Board, "I want to find somebody that's, you know, not promiscuous. I'm going to investigate things this time." Until Mr. Fryburger takes more responsibility for his own remarkably violent behavior, I do not think he is ready to be released.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Fryburger is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Fryburger.

Decision Date: October 3, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**COREY GLASSMAN, D-65638**

First degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

Junko Owaki was an 18-year-old foreign exchange student from Japan. On February 18, 1986, Corey Glassman, Gina Florio, and James Hamilton were drunk and leaving a friend's house and saw Ms. Owaki. Ms. Owaki mentioned to Mr. Glassman that she had just received \$2,200 from her father to pay for car repairs. Mr. Glassman told Ms. Florio about the money, and Ms. Florio said she wanted to steal the money, but said that they would have to kill Ms. Owaki to avoid getting caught. Mr. Glassman agreed. Ms. Florio sent Mr. Hamilton home and invited Ms. Owaki to a friend's house. Ms. Florio and Mr. Glassman lured Ms. Owaki through a field and tunnel until they reached a drainage ditch. During the walk, Ms. Florio handed her knife to Mr. Glassman. Once at the drainage ditch, Ms. Florio and Mr. Glassman grabbed Ms. Owaki and slammed her head against a wall several times. Ms. Owaki said "I know what you want. Just take the money" and promised not to report them to the police. Mr. Glassman said, "no, we can't take that chance." Mr. Glassman tried to kill Ms. Owaki by slitting her throat and strangling her. Mr. Glassman repeatedly stabbed Ms. Owaki in the head, back, and hands. He eventually discarded the knife on the ground, and Ms. Florio picked it up, jammed it into Ms. Owaki's throat, and twisted it around. Mr. Glassman then stuck his fingers inside Ms. Owaki's throat and ripped her flesh apart. Ms. Owaki was stabbed 99 times, including 40 times in the throat, and with such force that the blade penetrated her brain and broke two bones in her spine. Mr. Glassman and Ms. Florio pushed Ms. Owaki's body into the drainage water, took her purse, and fled. Ms. Florio gave Mr. Glassman \$150 and promised Mr. Hamilton \$400 as "hush money." The pair returned to their friend's house and told Kevin McGuffey about the murder, and gave him the money and knife to hide.

**GOVERNING LAW**

The question I must answer is whether Mr. Glassman will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.) Additionally, I am to give "great weight to the diminished culpability of juveniles as compared to adults, the hallmark features of youth, and any subsequent growth and

increased maturity of the prisoner” when determining a youthful offender’s suitability for parole. (Pen. Code, § 4801, subd. (c).)

### DECISION

The Board of Parole Hearings found Mr. Glassman suitable for parole based on his lack of violent criminal history, remorse, acceptance of responsibility, age at the time of the crime, institutional behavior, risk assessment, parole plans, and educational and vocational achievements.

I acknowledge Mr. Glassman has made efforts to improve himself while incarcerated. He has participated in self-help classes, including Alcoholics Anonymous, Victim Awareness, Creative Conflict Resolution, and Anger Management. He completed 3 vocational training programs, and earned his GED and two Associate degrees. I commend Mr. Glassman for taking these positive steps.

I also recognize that Mr. Glassman was only 16 years old when he committed this crime. I acknowledge that he was raised in an unstable environment when his father died of a heart attack when Mr. Glassman was nine years old. He claims he was sexually molested by an adult male park ranger at 11 years old. That individual introduced him to alcohol and drugs, and despite the fact that Mr. Glassman was being sexually molested by this man, Mr. Glassman was upset when he no longer wanted to continue their relationship. In response to the feeling of abandonment, Mr. Glassman said that he began associating with negative peers who were abusing intoxicating substances. Mr. Glassman began using marijuana at age 11 or 12, LSD at age 14, and by age 13 or 14, Mr. Glassman was using alcohol and marijuana two or three times per week and drinking to the point of intoxication. Mr. Glassman’s substance abuse continued until he was arrested for this crime. When he was 15, Mr. Glassman was also upset when his stepfather failed to continue their positive father-son relationship once his stepfather married Mr. Glassman’s mother. The psychologist who conducted his Comprehensive Risk Assessment in 2014 opined that Mr. Glassman’s reasoning “was impaired at the time [of the life crime] by his lifestyle, his drug use, and his intoxicated state at the time. He was disinhibited by his negative self-concept stemming from the trauma he experienced as a youth and being a victim of sexual abuse.” I carefully examined the record for evidence demonstrating his increased maturity and rehabilitation, and gave those factors great weight during my consideration of Mr. Glassman’s suitability for parole. However, they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Glassman’s crime was senseless and utterly horrific. He preyed upon an innocent foreign exchange student and brutally murdered her, even when she expressed a willingness to give him the money he desired. Mr. Glassman’s actions show a complete disregard for human suffering.

I am troubled that Mr. Glassman has yet to adequately explain the reason he was so willing to participate in this heinous crime. Mr. Glassman’s explanation to the psychologist for the brutal slaying of the victim is that “he wanted the money” and “all he wanted to do at the time was ‘get high.’” He went on to say, “I felt entitled. It turned from robbery to murder and then became

about the connection with” his crime partner. He said that “he thought it was mostly about trying to get closer to [his crime partner], who he looked up to and thought committing this crime would create a deeper connection or bond between them . . . .” When asked during his 2014 hearing how he could have committed such a cruel and vicious murder, he pointed to his father’s death, feelings of abandonment, being sexually molested by a park ranger then being angry because the park ranger did not want to continue the relationship, associating with negative peers, using intoxicating substances, and a failed relationship with his stepfather. While I acknowledge that these experiences may have made for a troubling and unstable childhood, they do not sufficiently explain why he would participate in strangling and stabbing an innocent young girl nearly 100 times, especially when she was willing to give him the money he wanted. Others suffer terrible childhoods and turn to peers for approval and acceptance, but they do not commit murder in response to those circumstances. Until Mr. Glassman can better explain the reason he was so willing to participate in this callous crime, I do not believe he is ready to be released to the community.

**CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Glassman is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Glassman.

Decision Date: October 3, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**RICHARD LOYA, E-28771**

First-degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

          **X**          

**STATEMENT OF FACTS**

On September 26, 1988, Richard Loya drove his friend, Carlos Meza, and Carlos' father, Ramon, to Fontana. Carlos and Ramon believed that Mr. Loya was taking them to his cousin's house where Carlos was going to buy a truck. Mr. Loya pretended to be lost while driving, and the group stopped at a convenience store where Mr. Loya and Ramon switched seats. After directing Ramon to their destination, Mr. Loya told him to stop, and the three men exited the car. Mr. Loya shot Ramon with a .25 caliber handgun, killing him, and then shot Carlos. Mr. Loya placed both bodies back in the car. He drove a mile down a dirt road and pulled over. Mr. Loya then took an envelope containing \$2,000 from Ramon's body and dumped both bodies. As Mr. Loya walked back to the vehicle, he shot Carlos again. Carlos survived and staggered to the street where he was able to make contact with police.

**GOVERNING LAW**

The question I must answer is whether Mr. Loya will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.) Additionally, I am required to give "great weight to the diminished culpability of juveniles as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity of the prisoner" when determining a youthful offender's suitability for parole. (Pen. Code, § 4801, subd. (c).)

**DECISION**

The Board of Parole Hearings found Mr. Loya suitable for parole based on his acceptance of responsibility, maturation, remorse, lack of serious prison misconduct, lack of a history of violence, educational and vocational achievements, participation in self-help classes, and parole plans.

I acknowledge Mr. Loya has made efforts to improve himself while incarcerated. He has never been disciplined for serious prison misconduct. He has completed several vocations and has

been commended by correctional staff. He has participated in self-help programs, including Criminals and Gangmembers Anonymous, Conflict Resolution, and Victim Offender Educational Workshop. I commend Mr. Loya for taking these positive steps.

I also recognize that Mr. Loya was 16 years old when he committed this crime. I acknowledge that Mr. Loya grew up in a neighborhood plagued with crime and violence, and joined a gang at a young age for protection. His family also struggled economically and his father was an alcoholic. The psychologist who evaluated Mr. Loya in 2014 stated that Mr. Loya's "age at the time of the crime is a noted consideration," and that "his immaturity, faulty judgment, and poor decisions were contributory" to the life crime. I carefully examined the record for evidence demonstrating his increased maturity and rehabilitation, and gave those factors great weight during my consideration of Mr. Loya's suitability for parole. However, those factors are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Loya's crime was exceptionally cold and calculated. For two weeks, he planned to rob and murder his friend and his friend's father. After shooting both men, he callously took \$2,000 from Ramon's pocket, dumped the bodies on an isolated road, and shot Carlos again when he realized that Carlos was still alive. He told the panel at his most recent hearing that he never had second thoughts about following through with his plan to murder Carlos and Ramon. This is highly unusual behavior for a 16 year old; this was not a gang-related shooting and Mr. Loya was not under the influence at the time of this crime. I note that Carlos Meza appeared at Mr. Loya's hearing and gave a moving statement about the devastating impact these crimes have had on him and his family.

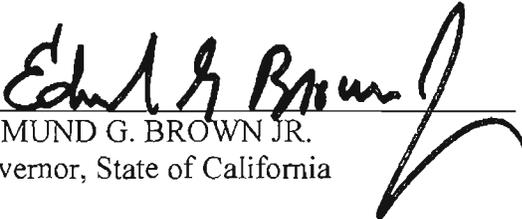
Mr. Loya has yet to fully address the reasons he was so willing to murder his friend and his friend's father. He told the Board during his 2014 parole hearing that he had anger and resentment issues because his family's home had been burglarized, and he had been the victim of gang violence prior to joining a gang. He explained, "I was self-centered and I only thought about myself because I wanted to get a car or truck and be better accepted," and that he planned to kill Carlos and Ramon because he did not want to get caught for the robbery. These explanations are shallow and do not explain why he acted so ruthlessly. Mr. Loya devised a sophisticated plan entirely on his own to rob and murder his friend and his friend's father. He targeted Carlos because he knew that Carlos trusted him, and Mr. Loya valued his status within his gang more than the lives of Carlos and Ramon. He has not offered an adequate explanation of his motivations for committing this crime other than to say that he was selfish and wanted to steal Ramon's money to buy a car to impress other members of his gang. It remains unclear how committing this crime would have improved his status within the gang. I do not believe Mr. Loya sufficiently understands what led him to carry out a plan to viciously murder his friend and his friend's father, and therefore I do not believe he is suitable for release.

Richard Loya, E-28771  
First-Degree Murder  
Page 3

CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Loya is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Loya.

Decision Date: October 3, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**DARRELL MORA, H-93994**

Second-degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

          X          

**STATEMENT OF FACTS**

In July 1992, Darrell Mora and his wife divorced and were awarded joint custody of their six-year-old son. Mr. Mora's ex-wife started dating Ralph Elguezabal and animosity developed between the two men. Mr. Elguezabal was the third base coach for Mr. Mora's son's baseball team. During one of his son's games, Mr. Mora told his ex-wife's father, "I guess I'm gonna go. I see Darrell's other dad, or should I say step-dad or should I say your nigger son-in-law... has everything under control." A few days later, on August 22, 1992, Mr. Mora attended another little league game. Mr. Elguezabal approached Mr. Mora and told him, "If you've got a problem, talk to me about it." Later, as Mr. Mora was leaving, he told Mr. Elguezabal, "I'm going to get my gun and I'm going to shoot and kill you." Mr. Elguezabal shrugged his shoulders. About twenty minutes later, Mr. Mora returned to the park with a gun and fired a shot in the air in the parking lot. Mr. Elguezabal, who was coaching, ran towards Mr. Mora and Mr. Mora began firing at Mr. Elguezabal. Mr. Elguezabal jumped on Mr. Mora, and Mr. Mora shot Mr. Elguezabal six times, in the chest, shoulder, and legs, killing him.

**GOVERNING LAW**

The question I must answer is whether Mr. Mora will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Mora suitable for parole based on his acceptance of responsibility, participation in self-help programming, vocational and educational achievements, insight, remorse, lack of prison misconduct, positive work reviews, age, and lack of a history of violence.

I acknowledge Mr. Mora has made efforts to improve himself while incarcerated. He has never been disciplined for serious prison misconduct. He earned an associate's degree and completed

several vocations. He has participated in several self-help classes, including Victim Awareness, Victim Recognition, and Anger Management. I commend Mr. Mora for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

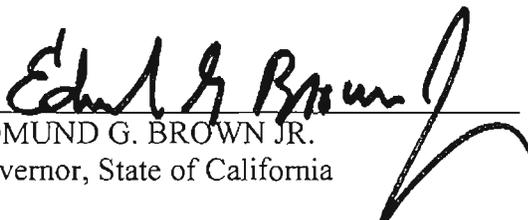
Mr. Mora's crime was senseless and tragic. He threatened to kill Mr. Elguezabal, went home to retrieve a gun, and then shot Mr. Elguezabal six times while children played baseball nearby. I note that Mr. Elguezabal's loved ones appeared at Mr. Mora's 2014 hearing and have written letters, speaking of the devastating and long-lasting impact Mr. Mora's crime has had on their family and friends.

I am troubled by Mr. Mora's explanations for murdering Mr. Elguezabal. In 2013, he told the psychologist that he had anger, control, and jealousy issues. He reported that he returned to the park with a gun after exchanging words with Mr. Elguezabal because he "was trying to control the situation." At his 2014 parole hearing, Mr. Mora again discussed his anger issues and stated that he suppressed his anger, avoided confrontation, and would then "blow up." He said that he "wanted to control what was going on" and carrying a gun allowed him to do so. He further explained, "I felt really hurt because I felt that Ralph was taking my position as a father." These explanations do not make sense. It is unclear how returning to the park with a gun twenty minutes after threatening to kill Mr. Elguezabal would have helped him regain control of the situation. Mr. Mora's jealousy of his son's relationship with Mr. Elguezabal also does not sufficiently explain why he shot Mr. Elguezabal six times. Relationships frequently end, and people often develop relationships with the children from a partner's former relationship. Mr. Mora has yet to credibly explain why his jealousy and anger were so extreme that he murdered another man and was willing to put so many others in danger.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Mora is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Mora.

Decision Date: October 3, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**LANNY POINDEXTER, K-34848**  
Second degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On August 8, 1995, Lanny Poindexter and his girlfriend of eight years, Alice Waldon, argued about an affair Ms. Waldon had a few years earlier. Mr. Poindexter told Ms. Waldon he was going to shoot her and yelled, "You're through!" He ordered Ms. Waldon to lie down, knelt beside Ms. Waldon, stuck a .9 mm semiautomatic handgun in her mouth, and shot her. Mr. Poindexter's three children were present during the shooting. Mr. Poindexter threatened to hunt this children down if he went to jail for shooting Ms. Waldon. Mr. Poindexter was arrested that day.

**GOVERNING LAW**

The question I must answer is whether Mr. Poindexter will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Poindexter suitable for parole based on his lack of violent criminal history, lack of Rules Violation Reports in prison, vocational achievements, remorse, acceptance of responsibility, risk assessment, and parole plans.

I acknowledge Mr. Poindexter has made efforts to improve himself while incarcerated. He has no serious rule violations during his 19 years in prison, he has received positive work reports, and has completed two vocational training programs. He has participated in some self-help classes, including Alcoholics Anonymous, Narcotics Anonymous, and Effects of Domestic Violence on Children. I commend Mr. Poindexter for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Poindexter's crime was cruel and senseless. He shot his long-term girlfriend in the mouth while his three children were present in the residence, because he was reportedly upset about an

affair she had many years earlier. Mr. Poindexter's actions resulting from such a dated and trivial matter, and the trauma his children undoubtedly suffered because of his actions, are shocking.

Mr. Poindexter has not adequately explained the reason he committed this brutal crime. He told the psychologist in 2010 that his anger at the victim, "alcoholism, ignorance, and poor judgment played roles in the offense." He went on to say, "I was just being mean; trying to scare her." The psychologist opined that he had a "lack of significant insight" at that time. Mr. Poindexter told the psychologist in 2013 that "he recalled feeling angry, insecure and jealous, saying he was 'fueling' negative emotions with alcohol" and told the hearing panel in 2014 that he was arguing with the victim about her "infidelity and the fact that [he] was unhappy in [their] relationship, and it had come[sic] to this point that [he] just wanted to resolve it." When asked why he was so mad, angry and frustrated on the day of the crime, Mr. Poindexter said "I was jealous. I was very jealous. I was rageful, rageful in my jealousy and my resentments." Mr. Poindexter also indicated to the hearing panel and psychologists that he was heavily intoxicated on the night of the murder. The victim's infidelity, which occurred several years earlier, and Mr. Poindexter's intoxication do not sufficiently explain why he committed this horrible crime. I encourage Mr. Poindexter to continue participating in self-help classes, to address his anger issues and to assist him in gaining a better understanding of the reason he murdered the victim. Until he does so, I do not believe he is ready to be released from prison.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Poindexter is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Poindexter

Decision Date: October 3, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**DAVID BERNICH, H-30688**  
Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On July 14, 1991, David Bernich, Anthony Nix, and Donald Howard were at Mr. Bernich's apartment drinking. Mr. Howard argued with his girlfriend and was told to leave. As Mr. Howard was leaving, he broke a window in the apartment, and shattered glass fell onto Mr. Bernich's sleeping infant daughter. Mr. Bernich and Mr. Nix followed Mr. Howard to confront him and the three fought in the street. Mr. Howard overpowered Mr. Bernich and Mr. Nix and they fled. They returned with sticks and a garden hoe while Mr. Howard returned with a butcher knife. Mr. Bernich struck Mr. Howard several times, knocking him down. Mr. Bernich and Mr. Nix continued striking and kicking Mr. Howard as he lay unconscious. Mr. Howard sustained a jab to the heart from a garden hoe and a blow to his head, killing him.

**GOVERNING LAW**

The question I must answer is whether Mr. Bernich will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Bernich suitable for parole based on his status as a gang dropout, efforts to program, recent disciplinary-free behavior, insight, expressions of remorse, psychological evaluation, stabilized mental health status, completion of vocational training, and age.

I acknowledge Mr. Bernich has made efforts to improve himself while incarcerated. He earned a GED in 2008, completed a drug and alcohol counseling program and two vocations, and has not been disciplined for institutional misconduct since 2003. He has attended Alcoholics Anonymous, Alternatives to Violence, Criminal and Gangmembers Anonymous, Anger Management, and Coping Skills programs in the last three years. I commend Mr. Bernich for

taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Bernich's actions were senseless and brutal. He retaliated against Mr. Howard for trivial reasons. He had multiple opportunities to de-escalate or remove himself from the situation but instead chose to be the aggressor. He viciously beat Mr. Howard when Mr. Howard lay unconscious on the ground and no longer posed a threat.

Mr. Bernich's propensity for violence and criminal-thinking worsened in prison. He joined the United Society of Aryan Skinheads and was disciplined sixteen times for serious misconduct, several times for fighting or stabbing another inmate and possessing alcohol. He has six gang-related tattoos on his body which include the word "Skinhead" across his back, "Hitler," a rune symbol and fist indicating allegiance to the United Society of Aryan Skinheads, and at least four swastikas.

Mr. Bernich explains that he distanced himself from the white supremacist gang in 2005 and that he no longer harbors any allegiance to their views and goals. But I am not convinced. Mr. Bernich continued to receive tattoos until 2009, the most recent covering his neck up to his jawline, and most of his head. At his recent parole hearing, he admitted for the first time that he was involved with a white supremacist gang, but claimed that "it wasn't something that I committed myself to a hundred percent." He also downplayed his involvement by claiming that he joined the group for protection and that "everybody's got swastikas in prison if you're white." Given his decade-long disciplinary record and extensive gang-related tattoos, these statements indicate that he has not yet turned away from his criminal values. Furthermore, confidential memoranda as recent as 2013 raise questions about whether Mr. Bernich has indeed left his gang affiliations in the past. I encourage him to be more forthright about his gang involvement—both past and present—and his decision to continue tattooing his body. Mr. Bernich's recent programming is commendable and he should continue on that path.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Bernich is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Bernich.

Decision Date: October 10, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**CHERI DALE, W-60748**

First-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_

    **X**    

**STATEMENT OF FACTS**

Lisa Stanton began selling methamphetamine out of her house in January 1990. Cheri Dale had known Ms. Stanton for about six months at that time, and regularly came to her house to buy and use methamphetamine. During the latter part of January 1990, Susan Taylor moved in with Ms. Stanton. On the morning of January 25, 1990, Ms. Dale went to a friend's house to party and use methamphetamine, but the group ran out of drugs. They decided to pool their money, and sent Ms. Dale to Ms. Stanton's home to buy more. When Ms. Dale arrived at Ms. Stanton's house, Ms. Stanton was gone, but Ms. Taylor was home. Ms. Dale hit Ms. Taylor in the head and torso with a roofing hammer approximately 46 times, killing her. Ms. Taylor suffered a fractured arm, a fractured jawbone, scalp lacerations, and a shattered skull. A bite mark found on Ms. Taylor's arm matched Ms. Dale's teeth, and two witnesses at trial testified that Ms. Dale had bitten or tried to bite them during previous fights. Ms. Taylor was 16 weeks pregnant at the time of her death. Ms. Dale stayed in California for about a year and a half after Ms. Taylor's death, moved to Texas for a period of time, returned to California, and was arrested on January 20, 1995.

**GOVERNING LAW**

The question I must answer is whether Ms. Dale will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Ms. Dale suitable for parole based on her self-help, parole plans, lack of recent institutional misconduct, vocational and educational achievements, age, and risk assessment.

I acknowledge Ms. Dale has made efforts to improve herself while incarcerated. She earned her GED, completed vocational training, and has earned positive ratings from her work supervisors. She has participated in some self-help classes, including Alcoholics and Narcotics Anonymous,

Life Scripting, and Alternatives to Violence. She has not been disciplined for serious misconduct since 2007. I commend Ms. Dale for taking these positive steps. But they are outweighed by negative factors that demonstrate she remains unsuitable for parole.

Ms. Dale's crime was vicious and horrible. She attacked Ms. Taylor and bludgeoned her to death with a roofing hammer, hitting her nearly 50 times. Ms. Dale has consistently denied any involvement in this murder. She initially told police that she was in the house when Ms. Taylor was killed, but that she hid in a closet, saw blood on the ceiling and walls, and believed Ms. Taylor "already had to have been hit and bit and stuff before I got there." In a later interview, she changed many details of her story, but continued to assert she had been hiding in the closet at the time of the murder. She told the Board, however, that she was not in the house at all on the day of the murder, and that she had been confused and likely under the influence when she made her initial statements to police.

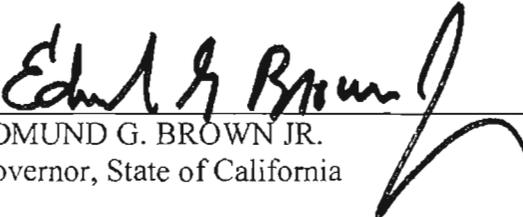
I find these claims difficult to believe. The Court of Appeal upheld Ms. Dale's conviction, saying that, "there was abundant direct and circumstantial evidence that Dale killed Taylor while committing a burglary." From the evidence introduced at trial, "the jury could have concluded that Dale, receiving no answer to her knock on the door [when she came to buy methamphetamine] and believing no one was home, decided to open the garage, obtain a tool, and forcibly enter the house through the window," was "surprised at finding Taylor in the house, and then [beat] her to death in a prolonged infliction of violence." A bite mark was found on Ms. Taylor's arm that matched Ms. Dale, and two witnesses testified that Ms. Dale had bitten or tried to bite them during altercations. The Commissioner stated in granting Ms. Dale parole, "I don't believe you. I don't believe your version. I don't believe you weren't there. ...I didn't find you overly credible." Ms. Dale is not required to admit guilt to be granted parole, but I am also not required to accept her entirely unbelievable claim of innocence in the face of overwhelming evidence. I've read her explanations very carefully and I find them simply inadequate.

I am also concerned that Ms. Dale has yet to fully address her serious substance abuse problem. Ms. Dale began using methamphetamine at age 16, and admits that she rapidly progressed to daily usage. She told the Board that she was engaged in manufacturing methamphetamine, and soon began using the drug "every day all day." According to the record, Ms. Dale was attempting to purchase methamphetamine when the murder occurred, and was seen under the influence a short time after the murder took place. Despite this serious history, Ms. Dale told the Board that she only began taking her substance abuse treatment seriously in 2006, she told the psychologist who evaluated her in December 2010 that she did not believe she needed ongoing substance abuse treatment if released. She only began consistently participating in substance abuse related self-help classes within the last five years. I am encouraged by Ms. Dale's recent self-help involvement and her ability to discuss with the Board many aspects of her plan to remain sober. Given her extensive history of substance abuse, however, until she has shown a deeper dedication to programming and sobriety, I do not believe she is prepared to be released.

CONCLUSION

I have considered the evidence in the record that is relevant to whether Ms. Dale is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Ms. Dale.

Decision Date: October 10, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**ROLANDO BIGGS, C-61382**

Second degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On March 18, 1982, Rolando Biggs went to talk to his estranged girlfriend, Dorothy Thomas, at her mother's house. Inside the home, Ms. Thomas refused to speak with Mr. Biggs and threatened to call the police if he did not leave. Mr. Biggs pulled out a 10-inch knife from his waistband and stabbed Ms. Thomas in the chest. Ms. Thomas's younger sister witnessed the stabbing and Ms. Thomas's mother saw Mr. Biggs leaving the kitchen with a knife in hand. When Ms. Thomas's mother approached Mr. Biggs, he made slashing motions at her and screamed for her to get out of the way. Mr. Biggs fled and turned himself in the same day, telling police, "I killed her. I stabbed her heart, and I'm glad, I wanted to kill her." Ms. Thomas died in the hospital from her injuries on April 11, 1982.

**GOVERNING LAW**

The question I must answer is whether Mr. Biggs will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Biggs suitable for parole based on his remorse, age, lack of prior criminal history, commitment to sobriety, lack of recent discipline for serious misconduct in prison, and parole plans.

I acknowledge Mr. Biggs has made efforts to improve himself while incarcerated. He has not received a Rules Violation Report for serious misconduct since 2005. He also received satisfactory work reports. I commend Mr. Biggs for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Biggs' crime was brutal. He murdered his girlfriend while her family members were present. Shortly thereafter, while surrendering to police officers, he boasted about being glad that he had killed her.

I am concerned that Mr. Biggs has not provided an adequate explanation for this crime. During his 2013 risk assessment, when asked the underlying causes for committing the crime, he said, "[I] think she put voodoo on me . . . She tried to control me." He chose not to discuss the crime at his recent hearing. Even if Mr. Biggs truly believes that Ms. Thomas had placed a spell on him, he has not adequately explained why this belief compelled him to murder her. I encourage Mr. Biggs to participate in self-help classes in an effort to gain a better understanding of the reasons he committed this crime. Until he does so, I am not confident that he will avoid similar violent behavior once returned to the community.

I am also concerned by Mr. Biggs' history of mental instability. Following Mr. Biggs' arrest for this crime, he was found mentally incompetent to stand trial and was admitted to Patton State Hospital until the following year, when he was found mentally competent. He received a diagnosis of Paranoid Schizophrenia in 1991, and the psychologist that conducted his 2013 risk assessment gave him the same diagnosis. Although correctional psychiatrists in 1991 and 1992 considered Mr. Biggs' schizophrenia to be in remission without medication, he has exhibited bizarre behavior for most of his time in prison. In 2007, a correctional officer expressed concerns that Mr. Biggs' was becoming "more delusional" after he smeared feces on the floor and inside books in his cell. As recently as 2012, he was admitted to a mental health crisis bed for exhibiting bizarre and unpredictable behavior. The psychologist in 2013 indicated that Mr. Biggs was still taking psychotropic medication. During his hearing in 2014, he initially denied taking psychotropic medication, but then later said that he was unsure of the names of the medications he has been given. The psychologist noted that Mr. Biggs "does not demonstrate psychological stability; he requires placement in the Enhanced Outpatient Program." I am concerned that if Mr. Biggs is released he will not be able to remain psychologically stable. I direct the Board to conduct a new psychological evaluation before Mr. Biggs' next parole hearing, and for the psychologist to address whether Mr. Biggs will pose a risk to others if he is deported to Panama and stops taking his medication.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Biggs is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Biggs.

Decision Date: October 17, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**HOWARD BURGESS, D-39411**

First degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_

**X**

**STATEMENT OF FACTS**

From 1979 to 1985, Ramona Young was involved in an on-and-off affair with Howard Burgess. Ms. Young became upset after learning that Mr. Burgess was seriously involved with another woman. On June 11, 1985, Ms. Young and Mr. Burgess argued. Mr. Burgess strangled Ms. Young with his hands and a swimsuit strap, killing her. Mr. Burgess put Ms. Young's body in a sea bag, drove to a bridge, and dumped her body into Shasta Lake. Mr. Burgess was arrested on August 2, 1985 after confessing to the murder.

**GOVERNING LAW**

The question I must answer is whether Mr. Burgess will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Burgess suitable for parole based on his lack of criminal history, lack of violence in prison, and age.

I acknowledge that Mr. Burgess is 85 years old, suffers from several medical conditions, has been incarcerated for over 29 years, and has made efforts to improve himself while incarcerated. He has completed one vocation, and received positive ratings from his work supervisors in the past. He has never been disciplined for violent misconduct, and has participated in a few self-help classes. I commend Mr. Burgess for taking these positive steps. But these circumstances are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Burgess' crime was callous and brutal. After strangling Ms. Young, he dumped her body in a lake and then told investigators for weeks that he did not know anything about her murder. I note that Ms. Young's son appeared at Mr. Burgess' hearing and spoke of the devastating and long-lasting impact this crime had on Ms. Young's family.

Mr. Burgess has denied any involvement in this murder for many years. After initially confessing to the crime, Mr. Burgess recanted his statement, and has continued to deny that he murdered Ms. Young or that they were ever in a romantic relationship. I find Mr. Burgess' claims extremely difficult to believe. The record indicates that Mr. Burgess and Ms. Young were in a relationship for over five years and that Ms. Young's family was aware of the relationship. Mr. Burgess was seen arguing with Ms. Young at her place of employment on the day she was last seen, and Mr. Burgess' family identified the sea bag in which Ms. Young's body was found as belonging to Mr. Burgess. Mr. Burgess is not required to admit guilt to be granted parole, but I am also not required to accept his claim of innocence in the face of overwhelming evidence.

I am also concerned by Mr. Burgess' lack of self-help participation. In his nearly 30-year incarceration, Mr. Burgess has participated in only a handful of self-help classes. The psychologist who evaluated Mr. Burgess in 2014 noted that he has a "persistent refusal to attend self-help programs" despite recommendations from the panels at his previous parole hearings. The psychologist also observed that Mr. Burgess was "uninterested in personal growth and exploration of his beliefs, motives, attitudes, and behaviors." Mr. Burgess' limited self-help was also troubling to the Board. The Commissioner stated in granting Mr. Burgess parole that "it was not an easy decision, Mr. Burgess, because you have frankly done very little to improve yourself during the course of your incarceration." Until Mr. Burgess is willing to make some effort to show that he is suitable for parole, I am not prepared to release him.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Burgess is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Burgess.

Decision Date: October 17, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**DOUGLAS ELLIOTT, C-80363**

First degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

          **X**          

**STATEMENT OF FACTS**

In March, 1983, Richard Sherwood and Stacy Arnold drove from Arizona to San Diego in Mr. Sherwood's van. Mr. Sherwood was a paraplegic and confined to a wheelchair. Mr. Sherwood and Mr. Arnold stopped at a mini-mart in Campo and met some people who invited them to a party on the Baron Long Viejas Indian Reservation. Driving to the party, Mr. Sherwood and Mr. Arnold picked up 15-year-old Joyce Largo and 13-year-old Norma Aguilara. The group partied all night and spent the night at the house where the party was. The next morning, Mr. Sherwood got into an argument with some people from the party. After the argument was over, Ms. Largo drove the van with Mr. Sherwood, Mr. Arnold, and several others from the party to buy gas. While they were stopped at the gas station, Mr. Arnold jumped out of the van and told the store owner to call the police because he believed they were being kidnapped. Ms. Largo chased Mr. Arnold and tried to get him back in the van, but the store owner called police and Ms. Largo fled in the van with Mr. Sherwood and the others. The group drove around drinking, picking people up, and dropping people off. At one point they picked up 17-year-old Marguerite Benjamin and Douglas Elliott. The group continued drinking and drove to San Diego, where they parked the van downtown.

Once in San Diego, Mr. Sherwood became upset, yelled at the group to get out of his van, and started screaming for help saying "they're going to kill me." When Ms. Largo tried to get the van keys from Mr. Sherwood, he slapped and bit Ms. Largo and pulled her hair. Mr. Elliott pulled Mr. Sherwood into the back of the van and knocked him unconscious, then ordered Ms. Largo to drive away. After discussing the idea of dumping Mr. Sherwood off a cliff in San Diego, Mr. Elliott ordered Ms. Largo to drive back to the reservation. There, Mr. Sherwood regained consciousness and Mr. Elliott began beating him again. The group went to a friend's house to drink, and Mr. Elliott stayed in the van with Mr. Sherwood. Over the course of the night, Mr. Elliott, Ms. Benjamin, and Ms. Largo beat Mr. Sherwood, stripped him naked, took his money, stabbed him in the legs, and burned his legs and stomach with a cigarette lighter. Mr. Elliott then ordered Ms. Largo and Ms. Aguilara to drive to a remote mountainous area to "dump" Mr. Sherwood. There, Mr. Elliott pulled Mr. Sherwood out of the van by his ankles as he was bound with his own clothes, dragged him by the legs to the side of the road, and rolled him down an embankment. When Mr. Sherwood cried for help, Mr. Elliott walked down the embankment and hit Mr. Sherwood on the head with a rock. Mr. Sherwood initially did not die and ate leaves to attempt to survive, but soon died of starvation, dehydration, and exposure. He was found dead three days later.

### GOVERNING LAW

The question I must answer is whether Mr. Elliott will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

### DECISION

The Board of Parole Hearings found Mr. Elliott suitable for parole based on his age, self-help programming, parole plans, lack of institutional misconduct, and vocational skills.

I acknowledge that Mr. Elliott is now 69 years old, has been in prison for over 31 years, and has made efforts to improve himself while incarcerated. He has participated in some self-help programming, including Alcoholics Anonymous and Victim Awareness. He has completed vocational training and received positive ratings from his work supervisors. He has never been disciplined for serious institutional misconduct. I commend Mr. Elliott for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Elliott's crime was horrific. He tortured Mr. Sherwood over the course of several hours before leaving him to die. I note that Mr. Sherwood's family members have written to oppose parole for many years, conveying their ongoing sense of grief and loss. This was not the first violent incident in Mr. Elliott's life. His criminal history includes a conviction for manslaughter when he was a juvenile, as well as numerous substance abuse related convictions as an adult.

I am troubled that Mr. Elliott can give no real explanation for his actions. He has consistently maintained that he remembers little of the crime because he was heavily intoxicated, but tends to minimize his involvement in what he does remember. He told the Board that he was not present when Mr. Sherwood was dumped off the embankment, but admitted that he pulled Mr. Sherwood into the back of the van because he believed Mr. Sherwood was "striking at" the girls. He told the psychologist that he "was not present when the victim was harmed," and said he did not know why Mr. Sherwood was attacked, "but he speculated that his crime partners were 'being knuckleheads' and may have become angry at Mr. Sherwood." He told the Board that he was involved in the crime because he was drunk, and because "I was a substandard individual at that time." These statements are entirely inadequate. The record indicates that Mr. Elliott was the main perpetrator of physical violence and torture against Mr. Sherwood. He was 38 years old at the time of the crime, yet he places most of the blame on the teenage girls he was with. The psychologist who evaluated Mr. Elliott in 2010 noted that he "appeared to appreciate the seriousness of the offense but offered very little explanation for how he would be involved in such a crime with several juvenile crime partners." The psychologist in 2012 noted that he "has not made gains in acknowledging or understanding his role in the life-crime," and that some of his statements regarding the crime "appeared to suggest a victim stance, as well as a

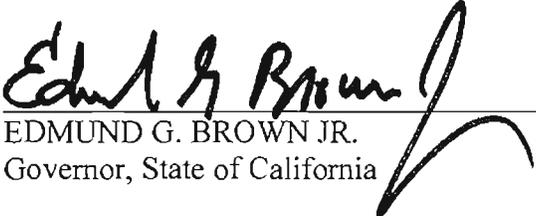
minimization of his role in the violence that occurred.” Even if Mr. Elliott was so intoxicated that he can remember little about the circumstances of the murder, he has yet to adequately explain how he found himself in such a situation in the first place, or what other than alcohol precipitated his extreme violence.

I am also concerned that Mr. Elliott will not be able to remain sober if he is released. Mr. Elliott has a long history of alcohol abuse, beginning at the age of 12. Prior to Mr. Sherwood’s murder, he was convicted of over a half-dozen alcohol-related crimes. He admits that he was extremely intoxicated during the extent of Mr. Sherwood’s murder. Despite this history, Mr. Elliott has only attended Alcoholics Anonymous sporadically in prison, and stopped entirely between 2006 and 2012. The psychologist who evaluated Mr. Elliott in 2012 noted that he has “little self-understanding” with regard to his history of alcohol abuse, did not understand the possibility of relapse, and had not developed a relapse prevention plan. The psychologist who evaluated Mr. Elliott in 2012 also noted that Mr. Elliott “has ceased participating in self-help programs which may assist him in developing a better understanding of himself” and his substance abuse issues. Mr. Elliott told the psychologist he had “no good reason” for stopping his Alcoholics Anonymous, and that he has “had [his] share” of self-help and “would like to give other inmates a chance to participate.” I am encouraged that since that evaluation Mr. Elliott has once again started participating in Alcoholics Anonymous and other self-help classes. But given his extensive alcohol abuse history and inability to adequately discuss how he will remain sober in the community, I do not believe he is prepared to be released.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Elliott is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Elliott.

Decision Date: October 17, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**KALVIN HARRIS, C-71291**

First degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On February 27, 1982, Calvin Harris, Michael Jackson, Anthony Debose, and Delano Whitlock were driving to Los Angeles after casing a jewelry store in Torrance. All four men were carrying revolvers. They saw Javier Razo driving a car with chrome rims. Mr. Harris suggested the group steal Mr. Razo's car for the rims. The driver rear-ended Mr. Razo to get him to stop under the pretext of a traffic accident. Mr. Razo, his wife, and their infant daughter got out of their car to assess the damage, while Mr. Harris, Mr. Whitlock, and Mr. Debose got out of their car. One of the men shot Mr. Razo once in the chest with a .22 caliber revolver, killing him. The victims were left on the street while Mr. Harris and his crime partners drove off in both cars. Mr. Jackson, Mr. Debose, and Mr. Whitlock identified Mr. Harris as the shooter.

**GOVERNING LAW**

The question I must answer is whether Mr. Harris will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Harris suitable for parole based on his remorse, age, participation in self-help classes, acceptance of responsibility, and risk assessment.

I acknowledge Mr. Harris has made efforts to improve himself while incarcerated. He has participated in self-help classes, including Relapse Prevention, Anger Management, and Alternatives to Violence. He earned his GED and completed seven vocations. Also, he has received commendations from prison staff for his work performance and rehabilitation efforts. I commend Mr. Harris for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Kalvin Harris, C-71291  
First Degree Murder  
Page 2

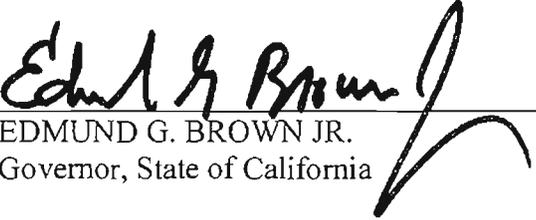
Mr. Harris's crime was vicious and senseless. He and his friends murdered an innocent man in front of his wife and child because they wanted his chrome rims. Mr. Harris's actions showed a complete disregard for human suffering.

I am concerned about confidential information appearing in Mr. Harris's file, including a report that was written after Mr. Harris's 2014 parole hearing and therefore was not reviewed by the Board prior to its finding of suitability. I ask the Board to carefully examine Mr. Harris's entire confidential file prior to his next suitability hearing, especially the most recent memorandum, and to conduct an investigation into its veracity if necessary. Based on this information, however, I am not prepared to release him at this time.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Harris is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Harris.

Decision Date: October 17, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**KEVIN O'CONNOR, E-19309**  
Second degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On May 31, 1988, three-year-old Curtis Cruz began crying, which upset his mother's boyfriend, Kevin O'Connor. Mr. O'Connor took Curtis into a room, beat him, and then forced him to stand in a corner of the garage for one to two hours. Curtis vomited during the night. The following morning, Curtis complained of being cold and thirsty, but was unable to keep any liquids down. Curtis told his mother that Mr. O'Connor had hit him in the stomach. Curtis's mother drove him to Mr. O'Connor's work. Mr. O'Connor told her to take Curtis home and give him some medication. Curtis's mother returned home with Curtis and gave him medication, which he promptly threw up. Curtis's condition worsened and his mother took him back to Mr. O'Connor's work again. Curtis stopped breathing and Mr. O'Connor tried to revive him. They drove Curtis to a hospital fifteen miles away where he was declared dead. The doctor who examined Curtis noted multiple abrasions to Curtis's forehead, cheeks, and bridge of the nose. Curtis also had several round bruises on his chest and bruises on his arms and legs in varying stages of healing. The doctor observed that Curtis's stomach was swollen and had extensive bruising, and concluded that Curtis' death was caused by a ruptured intestine.

**GOVERNING LAW**

The question I must answer is whether Mr. O'Connor will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. O'Connor suitable for parole based on his remorse, acceptance of responsibility, minimal disciplinary history, insight, educational and vocational achievements, age, and parole plans.

I acknowledge Mr. O'Connor has made efforts to improve himself while incarcerated. He has only been disciplined for serious misconduct once, in 1994. He has earned two associate's

degrees and completed several vocations. He has received positive work reviews and been commended by his work supervisors. He has participated in several self-help classes, including Alcoholics and Narcotics Anonymous, Relapse Prevention, Domestic Violence, and Anger Management. I commend Mr. O'Connor for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. O'Connor's crime was cruel and reprehensible. Mr. O'Connor beat a vulnerable and defenseless three-year-old child so severely that the child's intestine ruptured. Despite obvious signs of severe injury, Mr. O'Connor did not seek medical help for Curtis. Instead, he gave the child a bath, put him in bed, and went to work the following morning. When Curtis was finally taken to the hospital, it was too late.

Mr. O'Connor continues to minimize the extent of his violent behavior. When asked during his parole hearing if he had physically abused Curtis prior to the murder, Mr. O'Connor said that he had never hit Curtis or the other children in the home, other than "a swat on the butt, a swat on the leg or a swat on the head." He also claimed that he never saw any bruises on Curtis during the four months that they lived together. Mr. O'Connor stated that he had seen Curtis's mother abuse the child, but when asked if she was the cause of the injuries found on Curtis, he responded, "I'm going to say that I am." During the investigation of Curtis's murder, however, Curtis's mother told investigators that she had observed bruises on Curtis and that Mr. O'Connor denied hitting Curtis when she asked him about the injuries. In addition, Curtis's brother told a social worker that Mr. O'Connor had hit him, and Mr. O'Connor's ex-wife also reported that he had abused their son as well. I note that Curtis and his brother were removed from the home by Child Protective Services for a year and a half amid concerns over abuse while Mr. O'Connor was living with the children before the murder.

It is alarming that after 26 years of incarceration, Mr. O'Connor is not being honest about the extent of his previous abuse. Mr. O'Connor has a history of domestic violence, and although he has acknowledged that he abused both of his ex-wives, he has minimized his history of abusing children. In light of his history of abusing women and children and the medical report's conclusion that Curtis had been subjected to an extended period of physical abuse, I do not find Mr. O'Connor's statements that he had never hit Curtis prior to the night before his death to be credible. Until Mr. O'Connor can fully account for the abuse he inflicted upon Curtis and come to terms with his violence against children, I do not believe he is ready to be released.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. O'Connor is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. O'Connor.

Decision Date: October 17, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**THOMAS PORTER, C-70352**  
Second degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On September 7, 1981, Thomas Porter, a maintenance worker at a hotel, approached Rex Held, an 82-year-old woman living at the hotel. Mr. Porter pushed her backwards and her head struck a cigarette machine. Ms. Held told Mr. Porter that she was going to call the police. Mr. Porter left, but later returned with two other men. They picked up Ms. Held and threw her in the air. She landed on tile floor and broke her hip.

On October 2, 1981, Mr. Porter struck 86-year-old Michael Reidy, a resident at the hotel. Mr. Porter then took \$40 or \$50 dollars from Michael and pushed him down a flight of stairs. Michael suffered a concussion and several bruises.

On October 3, 1981, Porter pushed 78-year-old Cornelius Reidy, another hotel resident, down a hallway, pulled him by the collar, and dragged him to the roof of the hotel. Mr. Porter pushed Mr. Reidy off the roof, and he fell five stories and died upon hitting the pavement.

**GOVERNING LAW**

The question I must answer is whether Mr. Porter will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Porter suitable for parole based on his remorse, acceptance of responsibility, age, participation in self-help classes, vocational and educational achievements, lack of violent misconduct in over 20 years, age, and parole plans.

I acknowledge Mr. Porter has made efforts to improve himself while incarcerated. He has earned an associate's degree and completed two vocational programs. He has participated in self-help classes, including Alternatives to Violence, Anger Management, and Stress

Management. He has received positive reviews from work supervisors and has been commended by correctional staff for his leadership skills and with ethic. I commend Mr. Porter for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Porter's crimes were senseless and disturbing. He burglarized the rooms of the elderly hotel residents where he was a trusted employee. At the time of the life crime, Mr. Porter was also awaiting trial for two violent kidnappings. His predatory nature eventually led him to callously murder a 78-year-old man by pushing him off of the hotel's roof.

I am concerned that Mr. Porter continues to minimize his intent to kill Mr. Reidy. He told the Board that he did not intend to kill Mr. Reidy when he pushed him off of the hotel roof. Mr. Porter stated that Mr. Reidy confronted him about the burglaries that Mr. Porter had committed and that he "wanted to hurt him and break him up" in order to "silence him." He further explained that there was a catwalk two floors below the roof that he believed Mr. Reidy would fall onto when pushed off of the roof, and that he only anticipated that Mr. Reidy would break an arm or leg. However, these statements are inconsistent with Mr. Porter's prior statements about this crime. In his 2001 psychological evaluation, Mr. Porter said that "The best way [to prevent Mr. Reidy from going to the police] was to dispose of the victim." He also told the psychologist, "The plan was to make it look like a suicide." Mr. Porter accounted for these inconsistencies by saying that he was lying in 2001 and "was still going through the denial process, mitigating and minimizing my involvement in the crime." It is not clear how denial or minimization would lead Mr. Porter to admit that he intended to kill Mr. Reidy. Instead, it seems evident that Mr. Porter is now minimizing his intent to kill Mr. Reidy when he dragged him to the hotel roof and pushed him to the pavement five stories below.

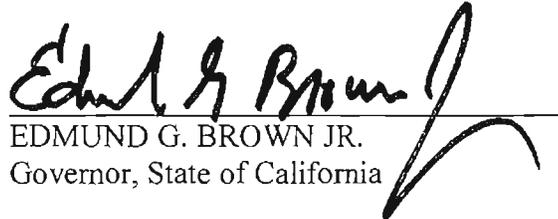
I am also troubled by Mr. Porter's shallow understanding of why he preyed upon the elderly residents of the hotel. During his 2014 psychological evaluation, he attributed his violence to his anger, low self-esteem, selfishness, and impulsivity. He told the Board that he believed the hotel's residents were easy targets for theft because they could be intimidated, making them less likely to report him to law enforcement. These reasons may explain why he targeted elderly residents to rob, but they do not explain why he killed Mr. Reidy or seriously injured his two other victims. Until Mr. Porter has developed a more comprehensive understanding of why he would brutally murder and assault his elderly victims, I do not believe that he is prepared to be released.

The information in Mr. Porter's file, including confidential memos, indicates that he has a long history of manipulating staff. The panel stated, "This was not an easy decision" and noted concerns about Mr. Porter's history of manipulation. I acknowledge that several correctional officers and lieutenants have authored laudatory chronos on Mr. Porter's behalf, but the extensive accounts of Mr. Porter's manipulation gives me pause. I ask the Board to carefully consider all of the information in Mr. Porter's file related to his manipulation of staff when making a determination next year about whether he poses a danger.

CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Porter is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Porter.

Decision Date: October 17, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**CHRISTOPHER STEWART, J-98422**

Second degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

          X          

**STATEMENT OF FACTS**

On September 5, 1994, Christopher Stewart and his girlfriend were awoken by the cries of his girlfriend's 13-month-old son, Steven Dom. Mr. Stewart checked on Steven, changed his diaper, and gave him a bottle. Mr. Stewart put Steven back into the crib, but Steven stood up in his crib and continued to cry. Mr. Stewart hit Steven in the back of the head then laid him back down in the crib. Mr. Stewart left the apartment. When he returned a few hours later, Steven was lying face down in his crib and was not breathing. Mr. Stewart sprinkled water on his face and administered CPR, and then woke his girlfriend and she called 911. Steven did not survive the injury he received from Mr. Stewart. An autopsy determined the cause of death to be cranio cerebral trauma from a 6.5 centimeter depressed skull fracture. Steven had ten bruises on his head, one bruise on his cheek, two bruises on his chin, and five bruises on his leg.

**GOVERNING LAW**

The question I must answer is whether Mr. Stewart will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Stewart suitable for parole based on his acceptance of responsibility for the crime, remorse, insight, age, participation in self-help classes, risk assessment, and parole plans.

I acknowledge Mr. Stewart has made efforts to improve himself while incarcerated. He has participated in self-help classes, including Alcoholics Anonymous, Creative Conflict Resolution, and Anger Management. He has completed two vocational programs, earned his GED, and received positive work ratings. Mr. Stewart has only received one Rules Violation Report for serious misconduct during his nearly 20 years in prison. I commend Mr. Stewart for taking these

positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Stewart's crime was brutal and callous. He hit the back of a 13-month old baby's head hard enough to kill him, merely because the baby was crying. While Mr. Stewart was in jail before he was sentenced for this crime, he had a visit with his sister. During the visit, Mr. Stewart admitted hitting Steven and telling Steven, "Die fucker." Mr. Stewart also told his sister "I hate that little fucker."

I am troubled that Mr. Stewart has not adequately explained the reason he committed this crime. He told the psychologist that "his impulsivity, absence of love for his girlfriend's children (including the victim), negative emotions such as anger and frustration (including a proclivity to hit), and disenchantment with his life as well as stressors (i.e., he didn't love his girlfriend, his relationship with his mother was marked by significant discord, he was unemployed, and his tires lacked tread)" as factors that caused him to commit this crime. During the hearing, he pointed to the physical abuse he received from family members during his childhood as another factor in his abusive behavior. When the hearing panel asked him why he hit Steven the day of the crime, Mr. Stewart said "[I] intended for him to stop crying." Mr. Stewart's explanations do not adequately explain why he was so angry at the time of this crime or why he was so willing to brutally attack this 13-month old child, especially when he denies ever abusing his own children. I also find it troubling that he can provide no explanation for the numerous other bruises on the victim. Until Mr. Stewart can better explain the reasons he committed this crime, I am concerned he will revert back to his violent behavior if he is angered in the community.

I am also concerned that Mr. Stewart has not adequately explored his extensive substance abuse issues. During his 2013 risk assessment, he told the psychologist that as a teenager he regularly used alcohol and marijuana and sold marijuana cigarettes at school. He also said he was arrested for driving under the influence of alcohol at age 14. Between the ages of 11 and 16, he reportedly abused large quantities of Valium. At age 16, he was psychiatrically hospitalized by his father because of his prescription medication abuse, and he was using LSD weekly at age 17. As an adult, he reported regularly using methamphetamine, describing his usage as "hard core." He remembered drinking up to one case of beer daily and reported being under the influence of methamphetamine and alcohol when he committed this crime. Based on his extensive history of substance use and abuse, I am concerned that Mr. Stewart only began participating in substance abuse self-help classes in the last two years, despite being in prison for nearly two decades. I acknowledge that Mr. Stewart has made efforts to explore and address his substance abuse issues, but his efforts are limited and recent. He should continue to participate in self-help classes, so that he will have the tools and coping skills necessary to remain sober in the community.

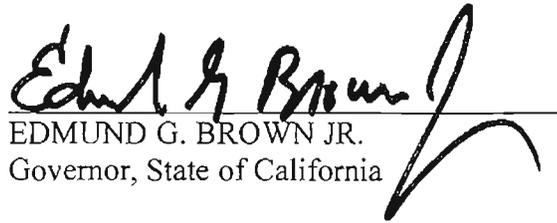
### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Stewart is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an

Christopher Stewart, J-98422  
Second Degree Murder  
Page 3

unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Stewart.

Decision Date: October 17, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**STEVE MORRISON, C-08740**  
Second degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On April 14, 1989, Steve Morrison was detained and awaiting sentencing on a burglary conviction in the South Bay Detention Facility. Upon learning that fellow inmate, Jose Luis Mena, was a convicted child molester, Mr. Morrison unscrewed a broomstick from the bottom attachment of a push broom and struck Mr. Mena in the head with the bottom attachment six to eight times using a "baseball-type swing." After pausing to look for correctional staff, Mr. Morrison struck Mr. Mena two more times in the head. Mr. Morrison reassembled the push broom and left Mr. Mena in a pool of blood. When staff arrived, Mr. Mena appeared disoriented and incoherent. Staff took Mr. Mena to the hospital where he remained in critical condition until his death three weeks later.

**GOVERNING LAW**

The question I must answer is whether Mr. Morrison will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Morrison suitable for parole based on his calm demeanor, insight, remorse, positive work performance, self-help and vocational programming, age, lack of violent criminal history, and parole plans.

I acknowledge Mr. Morrison has made efforts to improve himself while incarcerated. He has earned his GED and completed vocational training. He has recently participated in self-help programming, including Alcoholics and Narcotics Anonymous, Anger Management, and Life Skills. He has never been disciplined for violent misconduct in the 25 years he has been incarcerated. I commend Mr. Morrison for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Morrison's crime was brutal and callous. He bludgeoned Mr. Mena to death with the head of a push broom and left him in a pool of blood.

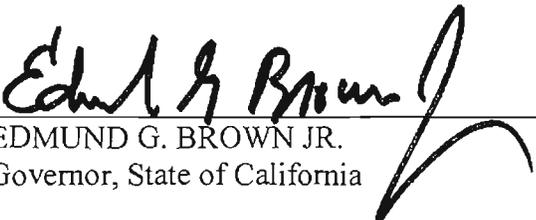
I am concerned that Mr. Morrison has not adequately addressed his significant drug addiction. Mr. Morrison began using heroin at 18 and spent \$200 a day on his addiction. He had multiple drug-related convictions before he came to prison for murder. In prison, he used heroin regularly for over twelve years and OxyContin from 2005 to 2006. He told the psychologist who evaluated him in 2010 that he spent a \$35,000 settlement he received in 2005 on drugs. He also admitted he had extensive heroin debts in 2006. Given this history, it is troubling that he told the psychologist during his 2010 risk assessment that he did not need support from community-based organizations such as Alcoholics Anonymous. I am encouraged that he has since started attending Alcoholics and Narcotics Anonymous and has now memorized the steps. I commend Mr. Morrison for beginning to address this issue, but given his 35-year history of drug use and abuse his efforts are limited and recent. He should continue to participate in self-help classes, so that he will have the tools and coping skills necessary to remain sober in the community.

Mr. Morrison's elevated risk scores support my concerns. The 2010 psychologist rated Mr. Morrison a moderate-to-high overall risk if released, high risk for general and violent recidivism, and in the moderate range of psychopathy. These elevated risk ratings were based in part on Mr. Morrison's lengthy criminal history, extensive history of substance abuse, and lack of insight into his crime and drug addiction. The 2013 psychologist found that Mr. Morrison's risk of violence had been both mitigated and aggravated since the 2010 evaluation. I direct the Board to administer a new comprehensive risk assessment before Mr. Morrison's next hearing in order to provide a more current and complete assessment of the risk he poses if released.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Morrison is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Morrison.

Decision Date: October 22, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**JAMES WARD, C-70093**

First degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

James Ward and Shirlon Davis dated for a few months before breaking up. After the break-up, Mr. Ward stalked Ms. Davis for several months, sometimes following her and watching her for hours. He had fantasies about killing her. On October 20, 1982, Mr. Ward purchased a knife from a grocery store, intending to use it to kill Ms. Davis. He went to Ms. Davis's home, concealing the knife in his shirt sleeve, approached Ms. Davis, and talked to her. Mr. Ward then had second thoughts about killing Ms. Davis and threw out the knife in a garbage can outside of Ms. Davis's house. Mr. Ward went inside Ms. Davis's home and chatted with Ms. Davis about her weekend plans. Mr. Ward became jealous and strangled Ms. Davis, retrieved a knife from the kitchen, and stabbed her multiple times in the neck and chest, killing her.

**GOVERNING LAW**

The question I must answer is whether Mr. Ward will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Ward suitable for parole based on his age, participation in self-help programs, remorse, acceptance of responsibility, lack of serious disciplinary reports since 1989, educational and vocational accomplishments, and psychological evaluations.

I acknowledge Mr. Ward has made efforts to improve himself while incarcerated. He earned an associate's degree with high honors and a bachelor's degree with great distinction. He is now a certified alcohol and drug counselor. He has routinely received above average and exceptional work ratings. He has been commended for being highly motivated, intelligent, empathetic, and hard working. Mr. Ward has taken self-help classes on topics including substance abuse, anger management, and the impact of crime on victims. I commend Mr. Ward for taking these positive

steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Ward's crime was atrocious. He stalked Ms. Davis for months after they broke up and then brutally killed her in her own home. This was not the first time Mr. Ward acted out violently after a relationship had ended. Mr. Ward reported that his first sexual relationship ended when he was 8 or 10 years old, after he became jealous and jumped on his partner's back, scratching and biting her. At 18, he slapped another girlfriend for breaking up with him. In August of 1976, Mr. Ward stalked and severely assaulted another girlfriend after breaking up with her. Mr. Ward beat this woman, threatened further beatings, and threatened to kill her. A few days after being released for this assault, Mr. Ward found his ex-girlfriend at work, said he wanted to talk to her about the previous incident, and chased her when she ran away from him. He struck her over the head with a tire iron and stabbed her multiple times with a pair of scissors. A co-worker intervened by striking Mr. Ward over the head with a thermos. Mr. Ward was convicted of assault to commit murder for this attack and was sentenced to four months in jail and three years on probation. Six years later, Mr. Ward killed Ms. Davis.

Mr. Ward has not adequately explained his level of obsession with Ms. Davis or his willingness to entertain violent fantasies about her death before he carried out this murder. Mr. Ward explained to the psychologist who evaluated him in 2013 that "coming from an abusive home environment created a heightened sense of fear of abandonment." As a result of this upbringing, Mr. Ward opined that his "obsession" led to the couple's breakup because he "sabotaged the relationship to the point of being unsalvageable," and that his "'obsessive' thoughts played a primary role in the commitment offense" because he thought, "If I can't have her, no one can." He told the Board "my old thinking was if a woman hurts me emotionally, I will hurt her back a thousand-fold—to the extent of murder." He continued, "Now my thinking is my emotional pain does not justify me murdering anybody."

Persistent, pervasive thoughts about murder and vengeance, stalking an ex-girlfriend for months, and carrying out a plan to stab and kill her are not normal responses to the end of a romantic relationship. Abandonment issues from an abusive childhood do not fully explain why Mr. Ward stalked Ms. Davis and plotted violence for months or why he reacted with escalating aggression and violence after women broke up with him over the course of twenty years. Until Mr. Ward can better explain how he became so obsessed with these women that he was willing to stalk and attack them, I cannot be convinced that he will now be able to stop himself from committing further violent acts against intimate partners.

CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Ward is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Ward.

Decision Date: October 22, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**FERNANDO ARREOLA, J-49675**  
Second degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On October 31, 1993, Stephanie Allen left her 10-month-old son, Jordan Allen, in the care of her husband, Fernando Arreola, while she ran errands. When Ms. Allen returned, Mr. Arreola told her that Jordan was not breathing and Ms. Allen called 911. Jordan died the next day due to blunt force trauma to the head. Numerous injuries were found on Jordan's body, including a broken artery in his head, blood behind his retinas, a wrist fracture, bruising on his arm, abrasions and multiple bruises on his head and face, bruising inside his ear, and an abrasion on his back. Mr. Arreola later admitted to physically abusing Jordan on the day of the murder, as well as at least 20 or 30 times in the months before.

**GOVERNING LAW**

The question I must answer is whether Mr. Arreola will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Arreola suitable for parole based on his age, lack of violent criminal history, work performance, insight, and parole plans.

I acknowledge Mr. Arreola has made efforts to improve himself while incarcerated. He participated in many self-help programs, including Victim's Awareness and parenting classes. He was commended by correctional officers, has completed vocational training, and has not been disciplined for serious misconduct since 2006. I commend Mr. Arreola for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Arreola's crime was heinous. Mr. Arreola physically abused Jordan for months, head-butting him, shaking him, and throwing heavy toys at his head. Neighbors and friends noticed that Jordan was not as lively and active as a normal child, that he often appeared dazed, and that there were bruises on his body for several months prior to his death. One neighbor noticed that Jordan had a black eye in July 1993, four months before Jordan's death, and confronted Mr. Arreola about the injury. Mr. Arreola admitted to the Board that Jordan was "terrified" of him as a result of the abuse.

Mr. Arreola's explanations for why he continued this cycle of severe abuse against an infant are inadequate. He told the Board that he lost his ability to communicate with others after his parents divorced when he was 17, and that he felt neglected by his mother and began bottling up his emotions. He also claimed he was under severe stress because he was the only one in the household working to provide for his wife and her children as well as his brother's family. He said that he often abused Jordan because he would be left alone to watch him after long work hours, and that he would become angry when Jordan would not stop crying. Mr. Arreola told the Board that he realized what he was doing was wrong and tried to remove himself from the situation, but did not leave because he did not want to be seen as a failure.

These explanations simply fall short. Feelings of anger and neglect from a parental divorce do not explain the prolonged abuse Mr. Arreola inflicted on Jordan. And while Mr. Arreola's home situation was certainly challenging, many people face similar stresses and do not respond to them by inflicting months of physical abuse on a helpless child. It is chilling that Mr. Arreola, who was not under the influence of any narcotics during this period, understood the consequences of his actions throughout the abuse but did nothing to stop himself from harming a baby or remove himself from the situation. The psychologist who evaluated Mr. Arreola noted that he shows a "developing" understanding of this crime. Until Mr. Arreola demonstrates a more substantial understanding of why he abused this young child for so many months and ultimately killed him, I do not believe he is prepared to be released.

Mr. Arreola's risk assessment supports my concerns. The psychologist who evaluated Mr. Arreola in 2012 rated him a moderate overall risk if released, based in part on his limited understanding of his pattern of abuse. I direct the Board to administer a new comprehensive risk assessment before Mr. Arreola's next hearing in order to provide a more current and complete assessment of the risk he poses if released.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Arreola is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Arreola.

Decision Date: October 31, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**MICHAEL DAVIS, D-78054**

Second degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_

**X**

**STATEMENT OF FACTS**

On the night of June 13, 1986, Michael Davis stopped to talk to 16-year-old Jaynee Waters while she waited at a bus stop. Ms. Waters asked Mr. Davis if he knew her boyfriend and he responded that he did. Mr. Davis offered to drive Ms. Waters to see her boyfriend and she agreed to go with him. After going to see Ms. Waters' boyfriend, Mr. Davis and Ms. Waters left together. In the early morning hours of June 14, 1986, Ms. Waters was found in an alley struggling for her life. Mr. Davis had stabbed her four times in the chest, face, and neck with a screwdriver. Ms. Waters was transported to a hospital where doctors asked her if she had been raped. Unable to speak, Ms. Waters nodded affirmatively that she had been orally, vaginally, and anally raped. Ms. Waters died the next day.

**GOVERNING LAW**

The question I must answer is whether Mr. Davis will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Davis suitable for parole based on his remorse, lack of recent rules violations, vocational and educational achievements, insight, self-help programming, and age.

I acknowledge Mr. Davis has made efforts to improve himself while incarcerated. He has earned his GED, completed vocational training, and received positive work ratings from work supervisors. He has never been disciplined for violent misconduct. He has participated in self-help programs including Alcoholics and Narcotics Anonymous, Criminal and Gangmembers Anonymous, Cage Your Rage, and Anger Management. I commend Mr. Davis for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Davis committed a brutal and horrendous crime. At 25 years old, he savagely raped and stabbed a 16-year-old girl and then callously left her to die after the attack. I note that Ms. Waters' mother appeared at Mr. Davis' hearing and spoke of the devastating and long-lasting impact this crime had on her family.

I am troubled by Mr. Davis' inconsistent accounts of his horrific crime over the years. In his initial interview with investigators, Mr. Davis denied that Ms. Waters had ever been in his car or that he knew anything about her murder. The following day, he reported that he had given Ms. Waters a ride, that they had engaged in consensual sex, and that he had stabbed Ms. Waters after she attacked him with a screwdriver. Since that time, he has gone back and forth between claiming innocence and admitting culpability for Ms. Waters' murder. In 2014, he told the Board that he did not have sex with Ms. Waters, but admitted that he had stabbed her after she attacked him because he felt threatened and disrespected by her. Mr. Davis attempted to explain the inconsistencies in his versions of the crime, claiming that his embarrassment and frustration led him to tell investigating officers "basically what they wanted to hear"—that he had sex with Ms. Waters. However, Mr. Davis also reported that he had sex with Ms. Waters when recounting the crime during his 1994 psychological evaluation, eight years after the crime and investigation took place. I note that all of the versions Mr. Davis has provided to hearing panels and psychologists have minimized his culpability for Ms. Waters' murder. When he has admitted to murdering Ms. Waters, he has always claimed he did so in self-defense. Until Mr. Davis can account for these inconsistencies, he is not ready to be released.

Mr. Davis also has a superficial understanding of why he murdered Ms. Waters. He told the psychologist in 2013 that he stabbed Ms. Waters "out of anger," but never explained where his anger came from. When the psychologist asked him what he could have done to avoid the crime, Mr. Davis responded, "not give her a ride." The psychologist observed that he "did not further elaborate on alternatives available to him to have prevented the crime." After 28 years, Mr. Davis remains unable to articulate a convincing reason why he repeatedly stabbed Ms. Waters nor what actually took place. He also was unable to imagine a different course of action that he could have taken instead of murdering Ms. Waters. I encourage Mr. Davis to continue to participate in self-help programming to develop a better understanding of why his anger led him to viciously stab a 16-year-old girl.

Michael Davis, D-78054  
Second Degree Murder  
Page 3

CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Davis is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Davis.

Decision Date: October 31, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**CHRISTOPHER DUNAWAY, J-60249**

Second-degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On April 14, 1994, Christopher Dunaway called Dusan Lalich's auto repair shop and arranged to stop by the shop after closing to talk with Mr. Lalich about repairs to Mr. Dunaway's car. Once at the shop, Mr. Dunaway and Mr. Lalich argued about the repair cost and Mr. Dunaway stabbed Mr. Lalich in his throat, chest, and abdomen 23 times, exposing his intestines and puncturing his heart and lungs, killing him. The autopsy indicated that Mr. Dunaway twisted the knife when stabbing Mr. Lalich and reporting officers found Mr. Lalich's office covered in blood.

**GOVERNING LAW**

The question I must answer is whether Mr. Dunaway will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.) Additionally, I am required to give "great weight to the diminished culpability of juveniles as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity of the prisoner" when determining a youthful offender's suitability for parole. (Pen. Code, § 4801, subd. (c).)

**DECISION**

The Board of Parole Hearings found Mr. Dunaway suitable for parole based on his remorse, acceptance of responsibility, lack of prison misconduct, educational and vocational achievements, self-help programming, parole plans, and age.

I acknowledge Mr. Dunaway has made efforts to improve himself while incarcerated. During his 20-year incarceration, he has never been disciplined for prison misconduct. He earned his high school diploma and two associate's degrees, and has completed vocational training. He has received positive work ratings and been commended by correctional staff for his good behavior and strong work ethic. He has attended self-help programs, including Alternatives to Violence, Victim Awareness, and Anger Management. I commend Mr. Dunaway for taking these positive

steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

I recognize that Mr. Dunaway was 17 years old when he committed this crime. I acknowledge that Mr. Dunaway had some instability in his life following his parents' divorce when he was 13. He reported that he blamed himself for the divorce at the time, had limited contact with his mother, and was not close to his father. He said that the family struggled financially and moved to a dangerous neighborhood where each member of his family became the victim of violent crime. He also said that he was harassed at school because of his mixed ethnicity. The psychologist who evaluated Mr. Dunaway in 2014 stated that "his age at the time of the crime is a noted consideration," and that he "was immature and significantly insecure, and in many ways bereft of social connection and a sense of security." The psychologist further observed that Mr. Dunaway did not have "a family or peer support system to help him resolve conflicts or solve problems" and "was overtaxed by the car repair, leading to the life crime." I carefully examined the record for evidence demonstrating his increased maturity and rehabilitation, and gave those factors great weight during my consideration of Mr. Dunaway's suitability for parole. However, they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

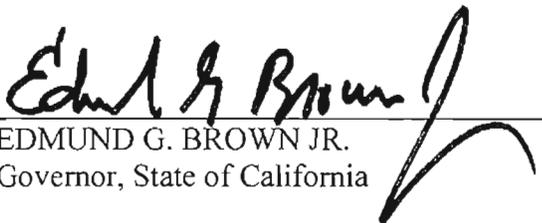
Mr. Dunaway committed an especially gruesome and disturbing crime. He brutally murdered a stranger over an auto repair bill that he could not pay. This is highly unusual behavior for a 17 year old; Mr. Dunaway planned this murder, acted alone, and was not under the influence of alcohol or drugs at the time of this crime. Further, it is unsettling that an honor student with no history of prior violence committed such a vicious murder. I note that several of Mr. Lalich's loved ones appeared at Mr. Dunaway's hearing and spoke of the devastating and long-lasting impact this crime had on them. They described Mr. Lalich as a loving and hard-working family man whose death shocked the community. He was mourned by more than 900 people who attended his funeral. His family made moving statements of their loss of a father and uncle and how their children will never have an opportunity to know him.

Mr. Dunaway's explanations for murdering Mr. Lalich are inadequate. Mr. Dunaway told the Board at his 2014 hearing that at the time of the crime he was angry because he was isolated from his peers, was living in poverty, had witnessed his family become victims of crime, was bullied at school, and lacked emotional support from his parents. He said that he did not have any outlets for his anger, had reached his "breaking point," and projected his anger onto Mr. Lalich. Mr. Dunaway explained, "I was hurt so I wanted to hurt somebody else and I selfishly thought that I did have a raw deal when I didn't." The circumstances that led to Mr. Dunaway's anger are common in the lives of many teens. None of these reasons sufficiently explain why he planned to murder a stranger over a repair bill he could not afford or the extreme level of violence he exhibited in this horrendous crime. I encourage Mr. Dunaway to continue participating in self-help classes to develop a more comprehensive understanding of the reasons why he murdered Mr. Lalich. Until he does so, I am not confident that he will avoid similar unexpected violent behavior once returned to the community.

CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Dunaway is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Dunaway.

Decision Date: October 31, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**SEAN MUSTILL, K-34298**  
Second degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On May 31, 1996, Daniel Buckingham and a co-worker went to Travis Cobarrubia's residence. As Daniel entered the house he passed Sean Mustill. Mr. Mustill asked Daniel if he was crazy. Daniel ignored him and walked into the house. Inside the house, Mr. Mustill again confronted Daniel, asked if he had a problem, pointed a 12-gauge shotgun at his face, and said he didn't know who he was "fucking with." Mr. Mustill eventually lowered the shotgun and went upstairs, and Daniel went home and told his parents what happened. Daniel's father, Gary Buckingham, decided to speak with Mr. Cobarrubia's father, and went to the Cobarrubia residence. When he returned, he told Daniel someone had pulled a gun on him at the house. Daniel and Gary decided to find Mr. Cobarrubia's father. As they were driving to the house, Mr. Mustill drove up to them in a pickup with Mr. Cobarrubia. Mr. Mustill pointed a shotgun at them, and Daniel drove home, retrieved two handguns, and gave one to Gary. As Daniel and Gary were in the driveway of their home, Mr. Mustill drove up. Daniel and Mr. Mustill cursed at each other, and Mr. Mustill shot twice at Gary and Daniel, hitting Gary in the chest, killing him. Daniel returned fire, and Mr. Mustill fled.

**GOVERNING LAW**

The question I must answer is whether Mr. Mustill will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Mustill suitable for parole based on his self-help programming, educational and vocational achievements, lack of recent institutional misconduct, risk assessment, and parole plans.

I acknowledge Mr. Mustill has made efforts to improve himself while incarcerated. He stopped his prison gang involvement in 2007, and has not been disciplined for serious misconduct in over

13 years. He participated in self-help programming, including Alcoholics and Narcotics Anonymous, and Criminal and Gangmembers Anonymous. He earned an associate's degree and a paralegal certificate, has completed vocational training, and has received positive work reviews from work supervisors. I commend Mr. Mustill for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Mustill's crime was callous and senseless. He instigated the confrontation with Daniel Buckingham, then continued to escalate the conflict until he shot and killed Gary. Mr. Mustill's actions have had a devastating impact on the Buckingham family. Gary Buckingham's wife appeared at Mr. Mustill's hearing to oppose parole and her ongoing grief. Understandably, she expressed concern that a friend of hers had been contacted on Facebook by Mr. Mustill, apparently through an account Mr. Mustill's sister managed for him.

Mr. Mustill's history of violence did not end with this murder; indeed, it escalated. Once he was in prison, Mr. Mustill immediately joined a prison gang. He carried out assaults, trained new gang members, and was in charge of a prison building on behalf of the gang as recently as 2006. He finally dropped out in 2007.

I am concerned that Mr. Mustill continues to minimize his role in this murder. Although Mr. Mustill told the Board that he accepted full responsibility for the incident and was responsible for instigating and escalating the situation, he also claimed that the Buckinghams brandished guns at him, that he tried to get Daniel to lower his gun, and that Daniel fired first. He claimed that he shot Gary because he was "enraged" and scared because he thought that he or Mr. Cobarrubia had been shot. Although Mr. Mustill claims to be accepting full responsibility for this crime, his statements seem to place a large amount of blame on the Buckinghams. I am encouraged that Mr. Mustill dropped out of gang activity, has since participated in many positive activities, and has not been disciplined for serious misconduct since 2001. Given his extensive period of violence, however, his efforts remain relatively recent. I encourage him to continue to participate in self-help in order to address the extent of his responsibility for this murder so that he can show he is truly prepared to be released.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Mustill is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Mustill.

Decision Date: October 31, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California



I also recognize that Mr. Payan was only 16 years old when he committed this crime. I acknowledge that he was raised in an unstable environment growing up in an area of Mexico known for crime, gangs, and drugs. As a youth, he began associating with gang members and using narcotics on a regular basis. The psychologist who evaluated Mr. Payan in 2013 noted that at the time of the crime he “lacked the opportunity for prosocial, supervised experiences in being able to appropriately manage his impulses and control...His susceptibility to the influence of others was evident via his involvement in early criminality and street gangs, as was his failure to consider the consequences of his actions.” I carefully examined the record for evidence demonstrating his increased maturity and rehabilitation, and gave those factors great weight during my consideration of Mr. Payan’s suitability for parole. However, they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Payan’s crime was brutal. He shot Mr. Perez five times, and then participated in setting his body on fire and dismembering him. This murder was only part of Mr. Payan’s extensive criminal history that began at the age of 10. Mr. Payan was arrested nearly 20 times in six years for crimes including petty theft, burglary, trespassing, and vandalism. He was identified as a suspect in a prior murder that took place in 1983. He was repeatedly deported to Mexico, but continued to re-enter the United States illegally and continue his criminal behavior.

Even after he was incarcerated for killing Mr. Perez, Mr. Payan continued his disruptive behavior. He was disciplined for serious misconduct 22 times, including for attempting to stab another inmate in 1990, refusing to get down during a riot in 1988, possession of alcohol in 1987, and swearing at staff in 1986. He was removed from his work assignment in 2013 after a supervisor noted that he showed little interest in working and was often asleep on the job. Another work supervisor in 2008 gave him unsatisfactory work ratings, and noted he had a negative attitude toward staff and other inmates. He has participated in some positive programming efforts during his nearly 30 years in prison, including self-help, education, and vocational classes, but as the psychologist noted, “his programming accomplishments are relatively limited, particularly involvement in self help activities.”

I am troubled that Mr. Payan has yet to adequately explain his extensive criminal history or his violent murder of Mr. Perez. He told the Board that he was teased as a child because he was poor, and as a result he was ashamed and sought acceptance through drug use. He eventually began participating in burglaries and other criminal behavior to support his drug habit. He claimed that he shot Mr. Perez during an argument over drugs and an allegation that Mr. Perez had raped Mr. Payan’s girlfriend, and that Mr. Perez had threatened him with a knife. He said that he planned to burn the body, but that Ms. Palacio came up with the idea to dismember the body and he could not bring himself to help. He told the psychologist that his actions were due to “drugs, anger, and poor judgment.” These explanations are superficial and unconvincing. Being young, angry, and under the influence may explain some of Mr. Payan’s actions, but these do not explain the disturbing manner in which Mr. Payan and his associates burned and dismembered Mr. Perez’s corpse. Mr. Payan has provided varying accounts throughout his incarceration of why he killed Mr. Perez or what he remembers of the crime, and as the psychologist noted his current statements minimize his role and project blame on Mr. Perez and

his co-defendants. Until Mr. Payan can better explain what motivated him to murder and dismember Mr. Perez, I do not believe he is prepared to be released.

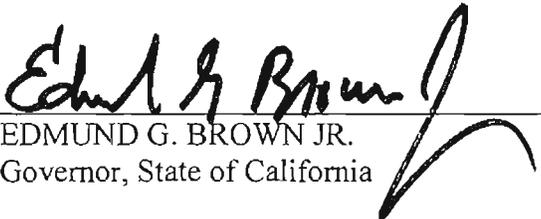
I am also concerned that Mr. Payan is not prepared to remain sober if he is released. He told the psychologist that he “occasionally” used alcohol beginning at age 13, frequently and excessively used inhalants from 10 to 14, used cocaine and heroin daily from 14 to 16, and was under the influence of cocaine and heroin when he killed Mr. Perez. He denied using any illegal substances in prison, but was documented for possession of alcohol in 1987 and for possession of a heroin-like substance in 1998. Despite this history, Mr. Payan had no detailed relapse prevention plan at the time of his psychological evaluation in December 2013, although he had prepared one for his parole hearing six months later. He has participated in some substance abuse self-help classes, but initially could not explain to the Board what his triggers for relapse were beyond “being around drugs” and “cravings.” Given Mr. Payan’s history of drug abuse, I am not convinced that he has sufficiently developed the tools and coping skills necessary to remain sober in the community.

Mr. Payan’s recent risk assessment supports my concerns. In December 2013, the psychologist rated Mr. Payan a moderate risk for violence if released, based in part on Mr. Payan’s criminal history, behavior in prison, minimization of his criminal behavior, limited self-help, concerns about his ability to remain sober, and lack of insight. The psychologist noted that although Mr. Payan was a juvenile at the time of this murder, “his behavior in custody has continued to be problematic. He has incurred numerous rule violations for misconduct and rebelliousness, as well as violations for controlled substances and aggressive behavior (including attempted stabbing assault)...His programming has been limited considering the length of his incarceration. He has not demonstrated significant growth and maturity since his imprisonment.”

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Payan is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Payan.

Decision Date: October 31, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**DYWAYNE REYNOLDS, H-21844**

First degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

          X          

**STATEMENT OF FACTS**

On April 17, 1990, Dywayne Reynolds smoked crack cocaine with some friends. When they ran out of drugs, Mr. Reynolds decided to steal his employer Timothy Fitting's computer so that he could sell it and purchase more drugs. Mr. Reynolds entered the building where he worked, stole Mr. Fitting's computer, sold it, and bought more cocaine. Mr. Reynolds and his friends then went back to the building where Mr. Reynolds worked and used the drugs. Mr. Reynolds' friends left the next morning after they had used all of the crack cocaine. Mr. Reynolds stayed in the building until Mr. Fitting came in to work, and decided to kill Mr. Fitting to cover up the theft. Mr. Reynolds called out to Mr. Fitting and lured him into the rear section of the building. Once Mr. Fitting had his back turned, Mr. Reynolds hit him in the head with a 3-foot wrench. Mr. Fitting fell and Mr. Reynolds hit him another 28 times, killing him. Mr. Reynolds took Mr. Fitting's wallet, left, changed clothes at his uncle's house, then returned to work and "discovered" Mr. Fitting's body.

**GOVERNING LAW**

The question I must answer is whether Mr. Reynolds will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Reynolds suitable for parole based on his acceptance of responsibility, remorse, risk assessments, lack of any institutional misconduct, support, laudatory chronos, self-help programming, efforts to address his substance abuse issues, age, and parole plans.

I acknowledge Mr. Reynolds has made efforts to improve himself while incarcerated. He is a certified substance abuse counselor, and has participated in self-help programming including Alcoholics and Narcotics Anonymous, Addiction Recovery Counseling, and the Victim Offender

Education Group. He has received positive ratings from his work supervisors and commendations from prison staff. He has never been disciplined for any misconduct during the 24 years he has been incarcerated. I commend Mr. Reynolds for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

This crime was extraordinarily heinous. Mr. Reynolds waited for Mr. Fitting to arrive at work, distracted him, and then viciously attacked him with a wrench, bludgeoning him nearly thirty times. Mr. Reynolds' actions had a devastating impact on Mr. Fitting's family, who have appeared at Mr. Reynolds' parole hearings to recount their ongoing sense of loss. This was not the first time that Mr. Reynolds had reacted violently in a drug-related situation. In 1983, he was convicted of assault with a deadly weapon after he stabbed someone numerous times during an altercation related to crack cocaine.

I am concerned that Mr. Reynolds has not sufficiently explored the connection between his drug use and his violence. Mr. Reynolds admits that he had a debilitating drug problem, particularly related to his use of crack cocaine for 8 years before the murder. He told the Board that he decided to kill Mr. Fitting because when he stole the computer "that was a game changer... There was so much shame, so much hurt that I would stoop that low to steal from someone that cared for me... I could see Timothy looking at me in disappointment, I can visualize it in my mind that why (sic). I was so afraid. I was petrified." He said that he struck Mr. Fitting so many times "to make sure that [he] was dead," and because "I was so much full of anger, enraged, directed at myself. I had spent so many years of chasing drugs where I had become so ashamed, and I felt so bad that I could steal from someone that was so good to me, and in my thinking was that I couldn't face Timothy."

It is unclear to me why Mr. Reynolds' fear of disappointing Mr. Fitting would lead him to murder, or why his anger at himself would propel him to bludgeon Mr. Fitting so many times. The psychologist who evaluated Mr. Reynolds in 2011 noted that while Mr. Reynolds' understanding of his drug use and violent behavior was developing, he could further develop "the underlying triggers to anger/aggressiveness that appear to have been associated with some (but not all) incidents of drug use" and had yet to identify "any of the emotional/cognitive factors shaping" his violent acts. I am encouraged to see that Mr. Reynolds has taken steps to address his substance abuse problems, including becoming a certified drug and alcohol counselor. Given the severity of this murder, however, until Mr. Reynolds can better explain his decision to murder Mr. Fitting and the extreme violence he used when doing so, I do not believe that he is prepared to be released.

CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Reynolds is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Reynolds.

Decision Date: October 31, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**JOHNNY SALMON, C-58206**  
First Degree Murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

Terri Gadzinski was a receptionist who had an affair with her boss, Dr. Thomas Luparello. She decided to move back in with her husband. On May 12, 1981, Dr. Luparello hired Johnny Salmon and Carlos Orduna to locate Ms. Gadzinski. The next day, Mr. Salmon, Mr. Orduna, and a third person went to obtain information from 21-year-old Mark Martin, Ms. Gadzinski's close friend, but Mr. Martin would not disclose her location. On May 14, 1981, Mr. Salmon and Mr. Orduna returned to Mr. Martin's house. Mr. Orduna knocked on the door, and asked for Mr. Martin. Mr. Martin's brother fetched him. As Mr. Martin came to the door, Mr. Salmon shot him five times with a .22 caliber rifle, killing him in front of his brother. Both men fled.

**GOVERNING LAW**

The question I must answer is whether Mr. Salmon will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.) Additionally, I am required to give "great weight to the diminished culpability of juveniles as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity of the prisoner" when determining a youthful offender's suitability for parole. (Pen. Code, § 4801, subd. (c).)

**DECISION**

The Board of Parole Hearings found Mr. Salmon suitable for parole based on his remorse, acceptance of full responsibility, insight, self-help and vocational programming, positive work ratings, and parole plans.

Mr. Salmon was only 17 years old when he senselessly shot Mr. Martin five times in front of Mr. Martin's 15-year-old brother. I acknowledge that Mr. Salmon reported having a severely abusive home environment and felt acceptance by joining a gang. In 2013, the psychologist who evaluated Mr. Salmon stated that "at the time of the life crime, the inmate demonstrated severe transient immaturity, impulsiveness and recklessness, excessive risk-taking, underdeveloped sense of responsibility, lessened ability to anticipate and appreciate consequences, imperviousness to punishment, susceptibility to negative familial and peer influences, and a lessened capacity to extricate himself from a dysfunctional home environment." In Mr. Salmon's nearly 33 years of incarceration, there has been significant opportunity for him to reform. I commend Mr. Salmon for dropping out of a gang, earning his GED and several vocations, receiving exceptional work ratings, and recently taking a leadership role in Criminals and Gangmembers Anonymous. I carefully examined the record for evidence of his increased maturity and rehabilitation and gave great weight to these factors when considering Mr. Salmon's suitability for parole. However, they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

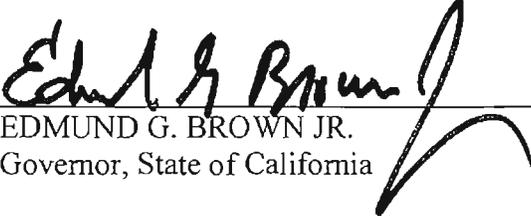
For the majority of his incarceration, Mr. Salmon has not shown that he can avoid violence or abide by the rules. During his first twenty-three years of incarceration, Mr. Salmon was disciplined 16 times for serious misconduct. Ten of these violations were for violent behavior including possession of a 12-inch hacksaw blade and a 6-inch inmate manufactured weapon for which he received an additional 16-month prison sentence, threatening a correctional officer with 22-inch piece of broken wood, attempting to extort money from inmates, striking an inmate on the head while straddling him, and assisting in an inmate stabbing. Additionally, Mr. Salmon admitted drinking alcohol from age 8 to 42, using marijuana from age 12 to 35, using heroin from age 17 to 42, and using methamphetamine from age 19 to 42. He received drug-related rules violation reports for possessing a hypodermic needle, marijuana, and for drug trafficking. This behavior demonstrates a sustained and serious pattern of impulsivity and violence that extended decades into Mr. Salmon's incarceration.

I am also troubled by Mr. Salmon's explanations for his criminal history. Mr. Salmon's juvenile record consists of an armed robbery, grabbing a woman's crotch on the beach, being drunk in public, and possessing a cane sword. While he was awaiting trial in prison for the life crime, he participated in a gang rape by sodomizing a fellow inmate and received a 5-year prison sentence. When asked during the hearing how he sexually assaulted the woman on the beach, he minimized his conduct by stating he "grabbed her butt." When explaining why he sodomized another inmate, he said he felt humiliated when the inmate didn't give him drugs and he "wanted to beat him up and humiliate him the way he humiliated me." These statements fail to adequately explain the reasons for his violence. Mr. Salmon's moderate-to-high risk for sexual recidivism and his moderate overall risk of violence support my concerns. Given these ratings along with Mr. Salmon's lack of explanation for his criminal record and his significant disciplinary history, I am not prepared to release him at this time.

CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Salmon is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Salmon.

Decision Date: October 31, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**MICHAEL DAVIS, D-78054**  
Second degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On the night of June 13, 1986, Michael Davis stopped to talk to 16-year-old Jaynee Waters while she waited at a bus stop. Ms. Waters asked Mr. Davis if he knew her boyfriend and he responded that he did. Mr. Davis offered to drive Ms. Waters to see her boyfriend and she agreed to go with him. After going to see Ms. Waters' boyfriend, Mr. Davis and Ms. Waters left together. In the early morning hours of June 14, 1986, Ms. Waters was found in an alley struggling for her life. Mr. Davis had stabbed her four times in the chest, face, and neck with a screwdriver. Ms. Waters was transported to a hospital where doctors asked her if she had been raped. Unable to speak, Ms. Waters nodded affirmatively that she had been orally, vaginally, and anally raped. Ms. Waters died the next day.

**GOVERNING LAW**

The question I must answer is whether Mr. Davis will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Davis suitable for parole based on his remorse, lack of recent rules violations, vocational and educational achievements, insight, self-help programming, and age.

I acknowledge Mr. Davis has made efforts to improve himself while incarcerated. He has earned his GED, completed vocational training, and received positive work ratings from work supervisors. He has never been disciplined for violent misconduct. He has participated in self-help programs including Alcoholics and Narcotics Anonymous, Criminal and Gangmembers Anonymous, Cage Your Rage, and Anger Management. I commend Mr. Davis for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Davis committed a brutal and horrendous crime. At 25 years old, he savagely raped and stabbed a 16-year-old girl and then callously left her to die after the attack. I note that Ms. Waters' mother appeared at Mr. Davis' hearing and spoke of the devastating and long-lasting impact this crime had on her family.

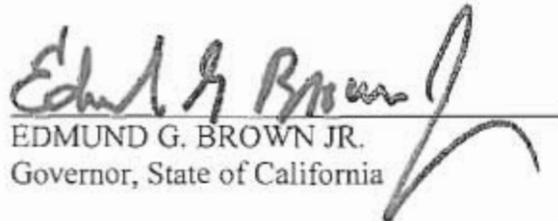
I am troubled by Mr. Davis' inconsistent accounts of his horrific crime over the years. In his initial interview with investigators, Mr. Davis denied that Ms. Waters had ever been in his car or that he knew anything about her murder. The following day, he reported that he had given Ms. Waters a ride, that they had engaged in consensual sex, and that he had stabbed Ms. Waters after she attacked him with a screwdriver. Since that time, he has gone back and forth between claiming innocence and admitting culpability for Ms. Waters' murder. In 2014, he told the Board that he did not have sex with Ms. Waters, but admitted that he had stabbed her after she attacked him because he felt threatened and disrespected by her. Mr. Davis attempted to explain the inconsistencies in his versions of the crime, claiming that his embarrassment and frustration led him to tell investigating officers "basically what they wanted to hear"—that he had sex with Ms. Waters. However, Mr. Davis also reported that he had sex with Ms. Waters when recounting the crime during his 1994 psychological evaluation, eight years after the crime and investigation took place. I note that all of the versions Mr. Davis has provided to hearing panels and psychologists have minimized his culpability for Ms. Waters' murder. When he has admitted to murdering Ms. Waters, he has always claimed he did so in self-defense. Until Mr. Davis can account for these inconsistencies, he is not ready to be released.

Mr. Davis also has a superficial understanding of why he murdered Ms. Waters. He told the psychologist in 2013 that he stabbed Ms. Waters "out of anger," but never explained where his anger came from. When the psychologist asked him what he could have done to avoid the crime, Mr. Davis responded, "not give her a ride." The psychologist observed that he "did not further elaborate on alternatives available to him to have prevented the crime." After 28 years, Mr. Davis remains unable to articulate a convincing reason why he repeatedly stabbed Ms. Waters nor what actually took place. He also was unable to imagine a different course of action that he could have taken instead of murdering Ms. Waters. I encourage Mr. Davis to continue to participate in self-help programming to develop a better understanding of why his anger led him to viciously stab a 16-year-old girl.

CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Davis is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Davis.

Decision Date: October 31, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**RICHARD FOSTER, C-64813**

First degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_

**X**

**STATEMENT OF FACTS**

On November 20, 1984, John Whiteside told his girlfriend, Anita Williams, who was a prostitute, to lure a client to a predetermined alley where Mr. Whiteside and Richard Foster would rob him to get money to buy cocaine. Ms. Williams picked up Robert Bailey and they drove to the alley in Mr. Bailey's car. Mr. Foster approached the car and grabbed the steering wheel, while Mr. Whiteside forcibly entered Mr. Bailey's car. Mr. Foster demanded Mr. Bailey's money, and hit Mr. Bailey with his fist on the back of the head when Mr. Bailey said he only had \$12. Mr. Whiteside drove the group to an alley and ordered Mr. Bailey out of the car. Mr. Bailey was taken to the rear of the car, where he was made to kneel down. Mr. Whiteside then struck Mr. Bailey's head with a 12-inch pipe-like object while Mr. Foster robbed Mr. Bailey of his money and jewelry. Mr. Bailey was placed in the trunk of his car and the group drove to buy cocaine with the robbery proceeds. Ms. Williams, Mr. Whiteside, and Mr. Foster used the cocaine and then picked up Mr. Foster's girlfriend. After purchasing more cocaine, the group drove to an alley, where they opened the trunk and Mr. Foster hit Mr. Bailey. They abandoned the car with Mr. Bailey in the trunk, where he died.

**GOVERNING LAW**

The question I must answer is whether Mr. Foster will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Foster suitable for parole based on his lack of a violent criminal history, lack of violent misconduct in prison, remorse, support in the community, parole plans, educational and vocational achievements, age, and participation in self-help classes.

I acknowledge Mr. Foster has made efforts to improve himself while incarcerated. He has participated in self-help programming including Alcoholics and Narcotics Anonymous,

Alternatives to Violence, and Victim Awareness. He earned a GED and completed vocational training in carpentry and construction. He has not been disciplined for serious misconduct since 2003 and has routinely received satisfactory to exceptional work ratings. I commend Mr. Foster for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Foster's crime was callous and cruel. Simply to get money to buy cocaine, Mr. Foster and his friends lured Mr. Bailey into an alley, where they robbed him and beat him until he lost consciousness. They then trapped Mr. Bailey in the trunk of his own car and left him to die.

I am troubled that for the past decade, multiple psychologists have consistently expressed concerns about Mr. Foster's risk of violence if released. In 2003, the evaluating psychologist determined that his risk was high. In 2008, the psychologist found that his risk of violent recidivism was moderate to high, his risk of general recidivism high, and that he was in the moderate range of psychopathy, finding him to be an overall moderate to high risk. The 2008 psychologist observed that Mr. Foster had "limited insight into his own thinking errors and past substance misuse patterns" and was concerned by his failure to regularly participate in self-help programs. In 2010, the psychologist rated him a moderate-high overall risk if released, medium risk for general recidivism, moderate risk of violent recidivism, and in the high range of psychopathy. These elevated ratings were based in part on Mr. Foster's continued minimization of the crime, callousness, lack of empathy, disciplinary history in prison, and lack of vocational achievement. The psychologist who conducted a subsequent risk assessment of Mr. Foster in 2013 found that a number of factors have mitigated the prior psychologist's concerns, and acknowledged that Mr. Foster's insight had evolved, but stated, "he continues to minimize his behavior" and "became visibly agitated" when discussing aspects of the crime. I cannot set aside these consistent concerns by experts evaluating Mr. Foster's risk of violence if released, especially in light of his continued minimization of his actions and responsibility for his own violence at his 2014 hearing.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Foster is currently dangerous. When considered as a whole, I find the evidence I have discussed shows why he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Foster.

Decision Date: November 7, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**LESLIE LUNDBLAD, H-93271**  
First degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

Leslie and Nancy Lundblad were married in 1990. In 1992, they decided to divorce, and Nancy planned to move out of their home on December 30, 1992. On the morning of December 29, as Nancy was preparing to move, she and Leslie argued over jewelry that would be divided between them in the divorce. Leslie retrieved his gun and shot Nancy four times in the chest, killing her.

**GOVERNING LAW**

The question I must answer is whether Mr. Lundblad will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Lundblad suitable for parole based on his acceptance of responsibility, age, lack of institutional misconduct, self-help programming, parole plans, and risk assessment.

I acknowledge that Mr. Lundblad is now 76 years old, has some health impairments, and has made efforts to improve himself while incarcerated. He received positive ratings from his work supervisors and has participated in self-help programming, including Alternatives to Domestic Violence, Anger Management, and Victim Impact. He has no other criminal history, and has never been disciplined for serious institutional misconduct during the more than 24 years he has been incarcerated. I commend Mr. Lundblad for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Lundblad's crime was entirely callous. At 54 years old, he shot and killed his wife the day before she was supposed to move out of their home. Nancy's murder was only the culmination of an abusive relationship, as described by several of Nancy's family members, co-workers, and acquaintances. One of Nancy's co-workers told police that the day before the murder Nancy had

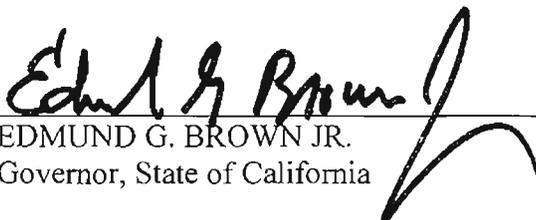
said she was afraid of Mr. Lundblad, that he was jealous and unstable, and that he had threatened her at gunpoint. Nancy's daughter reported that Mr. Lundblad was verbally abusive, that Nancy had told her Mr. Lundblad had threatened her at gunpoint, and that "on occasions she had heard [Mr. Lundblad] throw her mom against the door." Another witness reported that Mr. Lundblad had threatened to kill attorneys involved in his bankruptcy and the employees at a bank. These reports were corroborated by statements made by Nancy's sister and daughter at Mr. Lundblad's recent parole hearing when they appeared to oppose parole.

I am troubled that Mr. Lundblad continues to minimize the extent of the violence he perpetrated against Nancy prior to her murder. He has consistently denied that he abused or threatened Nancy or her co-workers in any manner, although he told the Board that Nancy's family "probably" thought he was verbally abusive toward them and toward Nancy. He acknowledged reports that Nancy was afraid of him, but claimed he didn't know why she would be. He also denied threatening her at gunpoint, although he admitted he held a gun on one occasion when he and Nancy were in the car together. The record, as I've noted above, contradicts Mr. Lundblad's claims. The history of Mr. Lundblad's behavior indicates that Mr. Lundblad continues to minimize his violence and aggression, particularly against his wife who he eventually murdered. Until he can come to terms with his violent behavior and explain how he has dealt with it, I am concerned that he will become violent again if he finds himself in a confrontation in the future.

#### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Lundblad is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Lundblad.

Decision Date: November 7, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**ERA ROSS, W-38702**  
Second degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On June 27, 1989, Era Ross found her boyfriend, Horton Washington, having sex with Ms. Ross's 11-year-old daughter, Sharon. Ms. Ross became angry and stabbed Mr. Washington in the buttocks with a knife. Later that evening, Ms. Ross and Sharon got into a physical altercation. Ms. Ross put a pillow over Sharon's face and sat on it, suffocating her daughter to death. The investigating officer reported that prior to the murder, Ms. Ross and Mr. Washington continually molested Sharon, and that Ms. Ross held her down while Mr. Washington had sex with her on at least one occasion.

**GOVERNING LAW**

The question I must answer is whether Ms. Ross will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Ms. Ross suitable for parole based on her lack of violent criminal history, lack of serious disciplinary history, positive work ratings, participation in self-help classes, age, medical issues, risk assessment, remorse, and parole plans.

Ms. Ross is 58 years old, has been in prison for over 25 years, and has health issues requiring use of a walker. I acknowledge Ms. Ross has made efforts to improve herself while incarcerated. She has participated in self-help classes, including Alcoholics and Narcotics Anonymous, Pathways to Wholeness, and Stress Management. She has not received a Rules Violation Report for serious misconduct since 2001. I commend Ms. Ross for taking these positive steps. But they are outweighed by negative factors that demonstrate she remains unsuitable for parole.

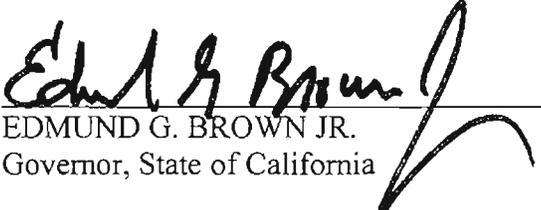
Ms. Ross's crime was appalling. Sharon was repeatedly physically and sexually abused, raped by Ms. Ross's boyfriend for two years, and then suffocated by her own mother. Despite Sharon's kicking and screaming, Ms. Ross placed a pillow over her daughter's face and "crushed" her until she was no longer moving.

I am concerned that Ms. Ross refuses to acknowledge the facts of her exceptionally disturbing murder of her daughter and the abuse leading up to the death. When asked about the crime, she told the 2012 psychologist that she did not intend to kill her daughter and insinuated she was only trying to help her get dressed to go to the doctor. She stated, "I knew she would need help." At her recent hearing when asked about putting the pillow over Sharon's face she responded, "I didn't think that it was on her face. I thought it was on her arm." She claimed the killing was accidental and denied ever previously physically or sexually abusing Sharon. However, her explanation of the crime is inconsistent with the evidence and her pattern of behavior. The preliminary investigation revealed that multiple witnesses had seen Ms. Ross on different occasions beat Sharon "with fists" and "strike [her] in the face." Additionally, Ms. Ross claimed that she was not aware that her boyfriend of three years was raping her daughter until the day of the life crime. However, Mr. Washington raped Sharon numerous times during the two years preceding the murder. Ms. Ross and Mr. Washington "had been continually molesting the victim" and Ms. Ross "held [Sharon] down so that Washington could have sex with her." In her 1998 parole hearing Mr. Ross admitted that she did, in fact, hold Sharon down while Mr. Washington raped her and she did so because "[Washington] made me." Ms. Ross has yet to acknowledge her full responsibility for the murder of her daughter and has not provided a reasonable explanation for either the murder or her participation in years of physical and sexual abuse of her daughter. Until Ms. Ross shows that she has genuinely explored and can give a credible account of the circumstances that led to her murdering her own daughter, I do not think she should be released.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Ms. Ross is currently dangerous. When considered as a whole, I find the evidence shows that she currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Ms. Ross.

Decision Date: November 7, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**CRAIG STEVENSON B-98650**  
First Degree Murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

In 1977, Craig Stevenson rented a room from George Michaud. After a few months, Mr. Michaud revealed to Mr. Stevenson that he was gay. On January 18, 1978, Mr. Stevenson claims that he awoke to Mr. Michaud fondling his genitals. Mr. Stevenson punched and kicked Mr. Michaud off him. Mr. Stevenson retrieved his .38 caliber handgun and pistol whipped Mr. Michaud several times. The fight ended and Mr. Stevenson took a shower. After Mr. Stevenson got out of the shower, Mr. Michaud joked about telling Mr. Stevenson's girlfriend about the incident. Mr. Stevenson shot Mr. Michaud in the stomach, killing him. After Mr. Michaud was dead, Mr. Stevenson shot him in the head. He then placed the gun in Mr. Michaud's hand and forged a suicide note. The autopsy concluded that the victim had marks on his wrist compatible with having been bound, and that the blows to his head were sufficient to render him unconscious.

**GOVERNING LAW**

The question I must answer is whether Mr. Stevenson will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Stevenson suitable for parole based on his lack of juvenile violent crime, lack of violent history, remorse, his age, parole plans, vocations, lack of serious disciplinary reports, and self-help efforts.

I acknowledge Mr. Stevenson has made efforts to improve himself while incarcerated. He has not been disciplined for any serious rule violations during his over 36 years of incarceration. He earned an associate's degree in 2013 and has completed several vocational training programs. He participated in self-help programs including Alcoholics Anonymous, Personal Integrity, Marriage and Family, Men's Violence Prevention, Conflict Resolution, and Alternatives to

Violence. He has been commended by correctional staff for being respectful, mature, courteous, and helpful. I commend Mr. Stevenson for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

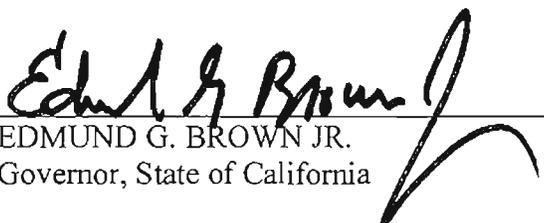
Mr. Stevenson's crime was callous and cruel. He shot a man he was renting a room from, then staged the scene as a suicide. He had plans to move out several weeks later and could have easily removed himself from the situation rather than escalating the physical altercation.

I am troubled by the violent crime, and also by allegations about Mr. Stevenson's past. In 1974, Mr. Stevenson was charged with the murder of his 17-year-old, seven-month pregnant wife after she was found asphyxiated at the bottom of the stairs in their home. Mr. Stevenson was found not guilty in a jury trial for his wife's murder, however, a judge presiding over a subsequent civil trial over the proceeds of life insurance Mr. Stevenson purchased shortly before his wife's death later found the death to be the result of Mr. Stevenson's willful, felonious, and intentional actions. These allegations are substantiated by testimony in the civil trial that Mr. Stevenson wanted to get out of his marriage before it occurred; that he told a doctor, "God is punishing me for killing Sandra;" that he made incriminating statements to other inmates who were in jail with him, but did not come forward until after he was acquitted; and statements from his then-girlfriend, who was also pregnant with Mr. Stevenson's child at the time of his wife's death. His former girlfriend continues to write to oppose parole. She recounts chilling details of Mr. Stevenson's admission to her that he killed his wife and his attempt to kill her. Mr. Stevenson categorically denies any participation in his wife's death or any abuse of his then-girlfriend. In light of the number of consistent statements made by numerous sources, I believe he is severely whitewashing his past and lacks any credible insight into his violent behavior and should not be released.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Stevenson is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Stevenson.

Decision Date: November 7, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**ADOLPH LAUDENBERG, F-86896**  
First degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On December 24, 1972, Adolph Laudenberg sexually assaulted and manually strangled Lois Petrie, killing her. At the time of the investigation, no witnesses or physical evidence was found. However, in 1975, a witness came forward and reported that Mr. Laudenberg had confessed to her that he had killed four women. On July 15, 1975, Mr. Laudenberg was interviewed by detectives, but there was insufficient evidence against him to make an arrest. On March 15, 2002, Mr. Laudenberg's ex-daughter-in-law contacted police and reported that Mr. Laudenberg told her that he had murdered four women when he was a cab driver in the past, and he provided her with the location of the victims' bodies. On June 9, 2003, a detective contacted Laudenberg under the ruse that he was conducting an auto theft investigation. During the meeting at a donut shop, the officer was able to obtain Mr. Laudenberg's used cup. A DNA sample from the cup linked Mr. Laudenberg to Ms. Petrie's murder. Mr. Laudenberg was finally arrested on September 5, 2003. Currently, he has an outstanding warrant in San Francisco County for another homicide.

**GOVERNING LAW**

The question I must answer is whether Mr. Laudenberg will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Laudenberg suitable for parole based on his age, risk assessment, health, and lack of criminal history.

I acknowledge Mr. Laudenberg has made efforts to improve himself while incarcerated. He has not been disciplined for misconduct during his incarceration and has suffered medical ailments that may have prevented him from completing educational and vocational programs. I also acknowledge that he is 88 years old and has serious medical issues, including a history of strokes

and chronic anemia, visual and auditory impairment, chronic pulmonary disease, congestive heart failure, coronary artery disease, vascular dementia, and is bedridden. But these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Laudenberg's crime is horrific. He sexually assaulted and manually strangled an unsuspecting female stranger. He told his ex-daughter-in-law in 2002 that he had murdered four women in his past because they either said something or did something that reminded him of his wife. His heinous actions show a complete disregard for the suffering of others.

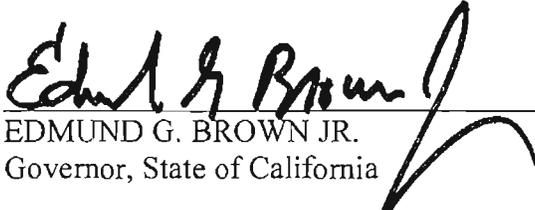
It is troubling that Mr. Laudenberg has not accepted full responsibility for his actions in committing this murder over 40 years ago. He chose not to participate during his 2013 risk assessment and 2014 parole suitability hearing. However, he did discuss the crime during his 2008 psychological evaluation. During that evaluation, when asked his version of the life crime, he stated, "My boss put me in the bed with the four women. He knew I was drunk. He confessed to the killing. They were already dead. I tried to choke them." Mr. Laudenberg went on to say "I do not feel guilty." There is no indication in the file before me reflecting Mr. Laudenberg's boss's involvement in this crime. I am concerned that Mr. Laudenberg attempts to shift blame for this crime onto another person. The psychologist shared my sentiments, by stating, "It is interesting that he admits to his actions but not to the crime a convenient attempt to absolve his guilt without taking responsibility for his crime." I am also concerned that Mr. Laudenberg has not appeared truly remorseful for this horrific crime. Although Mr. Laudenberg suffers from serious medical issues, he was able to communicate his desire to have a suitability hearing and be released from prison with his attorney prior to his 2014 hearing. His attorney told the hearing panel Mr. Laudenberg "[h]as some awareness in what's going on here." Thus, in light of his communications with his attorney, it seems that Mr. Laudenberg has the ability to express his acceptance of responsibility for his crime, but chooses not to do so.

The time Mr. Laudenberg has served is not commensurate with the brutality of this crime. Mr. Laudenberg was not arrested for this crime until 2003 — over 30 years after he committed the murder. He was not sent to prison until 2007. Many offenders who committed far less troubling crimes have served significantly more time than Mr. Laudenberg. Based on the circumstances of this crime, seven years in prison does not constitute justice in my mind.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Laudenberg is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Laudenberg.

Decision Date: November 14, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**PETER BROWN, B-97054**  
First degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On August 18, 1977, Peter Brown went to the law office of 64-year-old Eva Ringwald. Ms. Ringwald's husband, Siegfried Ringwald, opened the door to let Mr. Brown inside the building after Mr. Brown claimed he was there to deliver rent money and to inquire about renting a property. Once inside, Mr. Brown asked to see a property, and Mr. Ringwald turned to get the keys. When he turned back to face Mr. Brown, Mr. Brown had pulled a sawed-off shotgun from his jacket sleeve. Mr. Brown ordered Mr. and Ms. Ringwald to get down on the floor. Before they could move, Mr. Brown shot Ms. Ringwald once in the chest, killing her.

**GOVERNING LAW**

The question I must answer is whether Mr. Brown will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.) Additionally, I am required to give "great weight to the diminished culpability of juveniles as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity of the prisoner" when determining a youthful offender's suitability for parole. (Pen. Code, § 4801, subd. (c).)

**DECISION**

The Board of Parole Hearings found Mr. Brown suitable for parole based on his age at the time of the crime, acceptance of responsibility, remorse, risk assessment, self-help programming, laudatory chronos, lack of recent institutional misconduct, current age, and parole plans.

I acknowledge Mr. Brown has made efforts to improve himself while incarcerated. He has completed educational and vocational training, and has received positive ratings from his work supervisors. He has participated in self-help programming, including Alcoholics and Narcotics Anonymous, Alternatives to Violence, and Communication. He has not been disciplined for serious misconduct since 2001. I commend Mr. Brown for taking these positive steps.

I also recognize that Mr. Brown was 16 years old when he committed this crime, and has now been incarcerated for over 37 years. I acknowledge that Mr. Brown had some instability in his life; he claims that he idolized his older brother, who drew him into criminal activities and substance abuse from a young age. He sought attention from his parents, who had eleven children, by acting out and being disruptive at school and at home. The psychologist who evaluated Mr. Brown in 2014 stated that at the time of the crime he “lacked a sense of self, or the ability to think for himself and to speak up when a situation seemed incorrect...However, at this time, the inmate has grown and matured, and no longer struggles with the hallmarks of youth that once plagued him as a 16 year old.” I carefully examined the record for evidence demonstrating his increased maturity and rehabilitation, and gave those factors great weight during my consideration of Mr. Brown’s suitability for parole. However, they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Brown’s crime was callous and utterly senseless. He threatened Mr. and Ms. Ringwald at gunpoint, and then executed Ms. Ringwald without any provocation or reason. Mr. Ringwald and his family have appeared at Mr. Brown’s parole hearings to oppose parole and to discuss the devastating impact that this murder continues to have on their lives.

I am troubled that Mr. Brown continues to minimize his culpability for this murder. He told the psychologist who evaluated him in 2014 that he accidentally shot Ms. Ringwald, claiming that the gun “slipped out of my sleeve” and that he “heard a car door slam and I turned around and the gun went off.” He told the Board that when he heard a noise he “swung around and I swung my body around with the gun and pointed the gun and pulled the trigger,” but that he “didn’t mean to do that.” Mr. Brown’s statements do not square with the record or with Mr. Ringwald’s description of what happened during the murder. Mr. Brown entered Ms. Ringwald’s law office, brandished a gun, ordered her to the ground, and shot her without provocation. Mr. Brown initially claimed his brother was the culprit in the murder, and later stated that he shot Ms. Ringwald because he was scared when she rushed toward him. Although Mr. Brown told the Board in 2014 that he does not dispute Mr. Ringwald’s version of the crime, he continues to describe his actions as entirely accidental. Youth may explain some of Mr. Brown’s actions, but it does not excuse Mr. Brown from minimizing the severity of his actions and his culpability for Ms. Ringwald’s death after nearly 40 years.

I am also concerned that Mr. Brown’s violent conduct did not stop once he entered prison; rather, it accelerated. Mr. Brown has received more than 20 rules violations reports for serious misconduct, and more than 40 counseling chronos for less serious misconduct. These incidents have included several assaults on other inmates, the stabbing of another inmate, and possession of marijuana and over 40 grams of heroin. In 2008, an inmate reported that Mr. Brown punched him in the face after an argument and that he was afraid Mr. Brown would assault him again if given the opportunity. Although Mr. Brown was not disciplined for this incident, staff deemed Mr. Brown “a threat to the safety and security of the institution” and referred Mr. Brown for transfer to another prison. Given that Mr. Brown’s misconduct has continued well into his incarceration, I do not believe that he has demonstrated the growth and maturity required to be released at this time.

CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Brown is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Brown.

Decision Date: November 21, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**BASIL HENNEN, J-26216**  
Second degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

Basil and Margie Hennen were married for five years, and Margie was eight months pregnant. On July 21, 1991, Mr. Hennen and Margie were involved in an argument. During the argument, Mr. Hennen became enraged, grabbed Margie by the head and throat, and threw her to the floor. He pushed her head into the corner of a dresser three times. When she started bleeding and became unresponsive, Mr. Hennen moved her to a bed. He got dressed and ransacked the apartment to make it look like someone else had been there. Without calling the paramedics, he left the apartment and ran errands to give himself an alibi. Three hours later he returned to the apartment and asked the neighbors to call the paramedics, saying that an intruder had attacked his wife. Margie was taken to the hospital with bruises on her neck, lacerations on her scalp, a skull fracture, and a blood clot overlying her brain. She died as a result of her injuries a few weeks later. The Hennens' baby was delivered by emergency cesarean section, but she died a few months later from severe brain damage caused by lack of oxygen at or near the time of her birth. After an 11-month investigation, Mr. Hennen was arrested on June 23, 1992.

**GOVERNING LAW**

The question I must answer is whether Mr. Hennen will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Hennen suitable for parole based on his lack of criminal history, insight, psychological risk assessment, institutional behavior, and participation in self-help programming.

I acknowledge Mr. Hennen has made efforts to improve himself while incarcerated. He has participated in self-help classes, including Domestic Violence, Victim Awareness, Effects of Domestic Violence on Children, and Anger Management. He completed two vocational training

programs and received positive work ratings. I commend Mr. Hennen for taking these positive steps, but they are outweighed by the negative factors that demonstrate that he remains unsuitable for parole.

Mr. Hennen's crime is horrific. Mr. Hennen grabbed his very pregnant wife by her head and throat then slammed her head against a dresser three times, causing her to bleed from the head and lose consciousness. He then left her in their apartment, unconscious and bleeding, for hours before returning to the apartment and pretending that she had been brutally attacked by an unknown assailant. He continued to claim innocence during the 11-month investigation into his wife's murder and their baby's subsequent death. Mr. Hennen's vicious actions resulted in the death of two vulnerable victims and had a devastating and long-lasting impact on the victims' family. I note the victims' family members continue to appear at Mr. Hennen's suitability hearings and provide heartfelt opposition to his release.

When the Board granted Mr. Hennen's parole in 2010, I reversed his grant because I was concerned about his failure to develop adequate insight into the reasons he committed this crime and his attempt to partially blame the victim. I remain concerned about his understanding of the reasons for his actions in this crime.

I am troubled that Mr. Hennen has failed to develop insight into the factors that led him to commit this crime. On the one hand, he told the psychologist in 2014 that he and his wife began arguing about baby names and his wife "blurted out that the baby was not his daughter." He said they "[y]elled at each other, and he reacted, grabbed her, and threw her on the dresser – bashing her head three times." He said "his goal was to be in control, and show her that she was hurting him, and his actions emanated from jealousy." He also identified betrayal and revenge as additional factors underlying his actions. On the other hand, he later told the psychologist his wife "[m]erely claimed he was not the father out of anger, he does not believe that she had an affair or that the baby was not his, he has no idea why she would have had an affair, she likely thought the marriage was 'perfect' as he did chores, ... and that she had no complaints in the relationship." It is difficult to believe that Mr. Hennen was experiencing "intense anger" about his wife's statement about the paternity of their child when he says he did not believe that statement. Mr. Hennen's contradictory statements lead me to question whether he is telling the truth. I do not believe that he has addressed the factors that led him to commit this crime in a way that will prevent him from becoming violent again in the future.

I am also concerned that despite his participation in self-help classes about marriage, relationships, and communication, he still exhibits unrealistic relationship beliefs and dependent personality traits. In his 2014 risk assessment, the psychologist found that "[w]hile he has made personal improvements in self-understanding related to self-expression, suppression of feelings, and conflict resolution, he continues to exhibit relationship beliefs that appear unrealistic and to reveal a continuing underlying dependency to maintain relationships at excessive, and even all costs." The psychologist noted, "While he would now seek to resolve relationship conflicts verbally, he would essentially run roughshod over his partner's sentiments in doing so." While I am encouraged that Mr. Hennen is actively participating in self-help programming, he has not

fully addressed his relationship issues. Until he does so, I am concerned that he may resort back to violence if he experiences troubles in his future relationships.

**CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Hennen is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Hennen.

Decision Date: November 21, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**MARVIN NOOR, C-13932**

First degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

          X          

**STATEMENT OF FACTS**

On January 13, 1979, Marvin Noor, his girlfriend Dani Shope, and friend James McCarter decided they would all go deer hunting with a .30-.30 rifle. When they failed to find any deer, they looked for cows to hunt instead. When they failed to find any cows, Mr. Noor and Mr. McCarter decided they should hunt black people. Mr. Noor drove the pickup truck, with Ms. Shope in the middle and Mr. McCarter on the passenger side armed with a rifle. They drove to the outskirts of Chico where they passed Jimmy Campbell, a deaf black man, walking along the street. Mr. Noor turned the vehicle around and urged Mr. McCarter to shoot Mr. Campbell. Mr. Campbell fired a single shot, killing Mr. Campbell. Wanting to continue, the group set out for an area they described as "nigger town." They came upon three black men standing next to a pickup truck. Mr. Noor drove up to the men, stopped the truck, and hailed them. He took the rifle from Mr. McCarter, aimed, and pulled the trigger. The rifle jammed, allowing the three men to flee. Mr. Noor drove off and the group continued searching for another victim. They spotted a young black girl, Michelle King, walking along the street. Mr. Noor pulled within five feet of her and called out to her. As she turned toward him, he fired at her face. She was not struck by the bullet, but her face was burned by the gunpowder. Thinking that Mr. Noor had shot her, Mr. McCarter protested shooting a woman, to which Mr. Noor replied, "What's the difference, a critter is a critter." After dropping Mr. McCarter off at his house, Mr. Noor and Ms. Shope visited friends and relatives in several locations, smiling and bragging about killing two people. Ms. Shope told them, "It was so neat, you should have seen it," and explained that it was now her turn to "shoot a nigger." Police arrested Mr. Noor the next day.

**GOVERNING LAW**

The question I must answer is whether Mr. Noor will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

### DECISION

The Board of Parole Hearings found Mr. Noor suitable for parole based on his acceptance of responsibility, remorse, age, parole plans, positive work ratings, vocational training, laudatory chronos, insight, risk assessment, and participation in self-help programming.

I acknowledge that Mr. Noor has made efforts to improve himself while incarcerated. He has participated in self-help classes, including Alcoholics Anonymous, Narcotics Anonymous, and Anger Management. He earned his associate's degree and has received positive ratings and commendations from his work supervisors and correctional staff. He has not been disciplined for misconduct since 2006. I commend Mr. Noor for taking these positive steps, but they are outweighed by the negative factors that demonstrate that he remains unsuitable for parole.

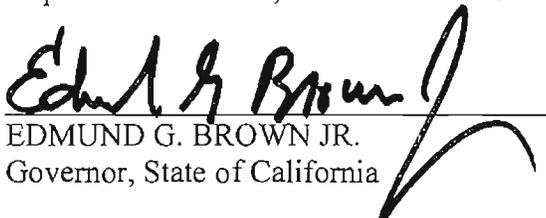
This crime was shocking and truly deplorable. Mr. Noor and his friends decided to hunt and kill human beings based on the color of their skin. They callously targeted vulnerable, unsuspecting victims in the street and shot at them without warning. They killed a deaf man, Mr. Campbell, and tried to kill four others, leaving gunpowder burns on young Ms. King's face. Their horrific actions terrorized the entire community. I note that Mr. Campbell's family has appeared at Mr. Noor's parole hearings to oppose parole and to express their ongoing sense of grief and loss.

Mr. Noor has yet to adequately explain why he participated in such an utterly reprehensible and racially charged crime. He told the Board and the psychologist who evaluated him in 2014 that he suffered terrible abuse as a child at the hands of his step-father, and that as a result he became angry and "desired to hurt others because in hurting them, he did not feel hurt himself." He stated that he used alcohol and numerous narcotics to "deaden the pain" from the abuse. He claimed that he was a bigot at the time of the crime because he had memories of African-Americans rioting in Detroit after Martin Luther King, Jr. was assassinated, and because he had violent encounters with black youths while he was housed in the California Youth Authority. Mr. Noor's explanations fall short. Childhood abuse, bigotry, and intoxication do not sufficiently explain why Mr. Noor would decide to actively seek out several African-American people to shoot. Many people may foster racial prejudices, but they do not decide to hunt people down and kill them for sport. Mr. Noor has not sufficiently explained why his group went from hunting deer to hunting people. Until Mr. Noor can better explain his actions, I am not prepared to release him.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Noor is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Noor.

Decision Date: November 21, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**JUAN BRIZUELA, K-10051**  
Second degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On March 29, 1996, 9-year-old Eulalio Padilla came to 15-year-old Juan Brizuela's house and asked to play with Mr. Brizuela's younger brother, who was not home. Mr. Brizuela invited Eulalio inside to wait and the two watched television together. Mr. Brizuela then received a call from his uncle that his brother would be spending the night at his grandparents' house. When Mr. Brizuela told Eulalio, Eulalio did not believe him and refused to leave. Mr. Brizuela became angry, and strangled Eulalio with a Nintendo cord for several minutes until Eulalio passed out. Mr. Brizuela then covered Eulalio's face with duct tape from his eyebrows to his chin, bound his hands behind his back with duct tape and a cable wire, and placed him in his bedroom closet. Eulalio suffocated and died. Mr. Brizuela dug a shallow grave in his backyard, removed Eulalio's body from his closet, pushed him out of his bedroom window into the backyard, and buried Eulalio. Later that night, Mr. Brizuela confessed to his mother and his uncle what he had done, and his uncle called the police.

**GOVERNING LAW**

The question I must answer is whether Mr. Brizuela will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.) Additionally, I am required to give "great weight to the diminished culpability of juveniles as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity of the prisoner" when determining a youthful offender's suitability for parole. (Pen. Code, § 4801, subd. (c).)

**DECISION**

The Board of Parole Hearings found Mr. Brizuela suitable for parole based on his age at the time of the crime, insight, self-help programming, educational and vocational achievements, lack of recent institutional misconduct, current age, parole plans, and risk assessments.

I acknowledge Mr. Brizuela has made efforts to improve himself while incarcerated. He earned an associate's degree, completed studies to be a drug and alcohol specialist, and underwent vocational training. He participated in self-help programming, including Alcoholics and Narcotics Anonymous, Victim Impact, and Anger Management. He has not been disciplined for serious institutional misconduct since 2008, and received commendations from correctional staff. I commend Mr. Brizuela for taking these positive steps.

I also recognize that Mr. Brizuela was 15 years old when he committed this crime. I acknowledge that Mr. Brizuela had an unstable childhood; he described his stepfather as severely physically and sexually abusive, and his mother as "acutely physically abusive." He claimed he felt abandoned and acted out by striking his siblings, fighting at school, associating with gang members, and abusing drugs and alcohol. He was eventually expelled for assaulting another student in 1995, and enrolled in a continuation school that he never attended. The psychologist who evaluated Mr. Brizuela in 2014 noted that a number of factors related to his youth, "conceivably contributed to the controlling offense," including his "immaturity, impulsivity, ... susceptibility to negative familial and peer influences, and lessened capacity to extricate himself from a dysfunctional home environment or crime-producing settings." I carefully examined the record for evidence demonstrating his increased maturity and rehabilitation, and gave those factors great weight during my consideration of Mr. Brizuela's suitability for parole. However, they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Brizuela's crime was horrific and utterly bizarre. He strangled a 9-year-old child he had only met once before, covered his face with duct tape, and buried him in the backyard. It is difficult to imagine a more heinous act being committed by such a young individual.

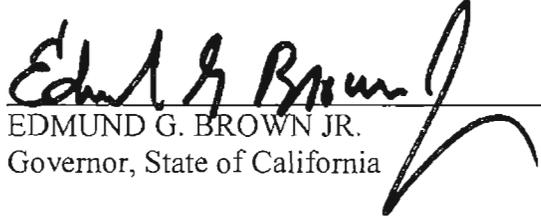
I am troubled that Mr. Brizuela cannot adequately explain what led to his murderous conduct. He told the Board that he had been sexually and physically abused by his step-father, and that his mother was also physically abusive. He claimed that he became "frustrated and angry" when Eulalio refused to leave the house, and that "all the anger, all the hatred that was built up, I just took it out on him." He stated that Eulalio "seemed happy. And I was just mad that for some reason he thought it was all a joke, all a game....I felt I never experienced happiness in my life. So I took it upon myself to take that away from him. You know, I saw it as why is he happy, why can't I be happy."

These explanations fall short. Many children suffer physical and sexual abuse, experience similar conflicts with their parents and siblings, and fall into gang and drug activity. But it is highly unusual for a teenager to throttle another young child. Mr. Brizuela had only met Eulalio once before, and describes very little provocation that explains his actions. The 2014 psychologist opined that Mr. Brizuela "demonstrated deficient insight" into the crime, but noted that "this shortcoming is unlikely to significantly aggravate his risk of violent recidivism in the future at this time." I am not convinced. It remains unclear to me why Mr. Brizuela reacted with such extreme violence when he murdered Eulalio. Until Mr. Brizuela has adequately addressed these issues, I am concerned that he will react with violence again if confronted with stressful situations in the community.

CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Brizuela is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Brizuela.

Decision Date: November 26, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**STACEY GAYLORD, E-95081**  
Second degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On July 1, 1990, Stacey and Jackie Gaylord planned to go to a fireworks show with their 10-week-old son, Derrek. Mrs. Gaylord got ready and asked Mr. Gaylord to feed Derrek. Derrek began to cry, and Mr. Gaylord was unable to calm him. In response, Mr. Gaylord began to violently shake Derrek. Derrek collapsed and stopped breathing. Mr. Gaylord told his wife that the baby had stopped breathing, and they drove Derrek to the hospital. He was pronounced dead on arrival. The cause of death was shaken baby syndrome characterized by blunt force and whiplash injuries resulting in bruising to Derrek's brain, hemorrhaging on the surface of his lungs, retina, and spinal cord, and bruises and cuts on the exterior of his body. The autopsy also revealed Derrek had 11 to 17 fractured ribs and a fracture on his right arm caused by a twisting motion. The rib fractures were determined to be four to five weeks old.

**GOVERNING LAW**

The question I must answer is whether Mr. Gaylord will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Gaylord suitable for parole based on his acceptance of responsibility, remorse, lack of prison misconduct, lack of violent criminal history, participation in self-help classes, staff support, vocational achievements, psychological evaluation, and age.

I acknowledge Mr. Gaylord has made efforts to improve himself while incarcerated. He has only been disciplined once for serious misconduct during his 24-year incarceration. He has completed vocational training programs and received positive reviews from his work supervisors. He has completed self-help programs including Stress Management, Thinking Errors, and parenting classes. I commend Mr. Gaylord for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Gaylord's crime was reprehensible. He physically abused his 10-week-old son for nearly half of his short life, shaking, squeezing, and hitting him. Mr. Gaylord hit and squeezed Derrek with such force that he fractured over 10 of Derrek's ribs and left bruises on his upper body and head. Family members and neighbors noticed bruising on Derrek's face during the month before his death. It is difficult to imagine any parent would treat his own child like this, especially one so young and vulnerable. I note that several of Derrek's loved ones, including his mother, wrote moving letters that spoke of the devastating and long-lasting impact this crime had on them.

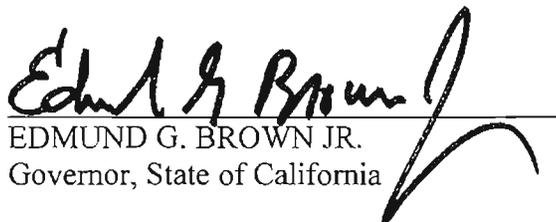
Mr. Gaylord's explanations for why he murdered his 10-week-old baby are insufficient. He told the Board at his 2014 parole hearing that he was experiencing a great deal of work-related stress at the time of the crime and that his wife's unplanned pregnancy was "very overwhelming." He said Derrek threatened his independence and he "ended up despising him for that." He reported that he never had a close relationship with Derrek, took it personally when Derrek cried around him, and felt jealous of the infant because he interfered with time Mr. Gaylord expected to spend with his wife. He claimed that his pride prevented him from asking for help and he feared what others would think if they knew he was struggling. Instead, he harbored his feelings of anger and took them out on his young baby. Mr. Gaylord told the Board that he knew shaking Derrek could harm him, but that he did not care.

These explanations do not adequately address why Mr. Gaylord physically abused and murdered his son. Mr. Gaylord was experiencing significant stress in his life. But many people face similar stresses and do not respond by inflicting physical abuse on a helpless child. Mr. Gaylord was not under the influence of any narcotics during this period and understood the consequences of his actions. Yet, he did nothing to remove himself from the situation or to stop the abuse. Mr. Gaylord has failed to explain why he thought directing his rage toward his baby was more acceptable to him than admitting to others that he was having a difficult time parenting and handling the various stresses in his life. Until Mr. Gaylord can better explain why he abused his 10-week-old son and ultimately killed him, I do not believe he is prepared to be released.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Gaylord is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Gaylord.

Decision Date: November 26, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**BENJAMIN WILSON, C-28727**

Second degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_     X     \_\_\_\_\_

**STATEMENT OF FACTS**

On September 18, 1979, Benjamin Wilson was drinking with several friends at a community center in a park. One of his friends told him that Romero Gonzales was also at the park. Mr. Wilson did not like Mr. Gonzales because he thought Mr. Gonzales was a “snitch.” Mr. Wilson left the park, borrowed a .20 gauge shotgun from a friend, and returned to the area of the park where Mr. Gonzales was hanging out. Mr. Wilson called Mr. Gonzales over to him, pulled out the shotgun, and ordered Mr. Gonzales to take his hands out of his pockets. Mr. Gonzales complied, and Mr. Wilson shot him in the stomach from three feet away. Mr. Gonzales turned to run and Mr. Wilson shot him twice more in the back, killing him, and then fled.

**GOVERNING LAW**

The question I must answer is whether Mr. Wilson will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate’s pre- or post-incarceration history, or the inmate’s current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Wilson suitable for parole based on his acceptance of responsibility, remorse, self-help programming, positive work ratings and laudatory chronos, parole plans, and risk assessments.

I acknowledge Mr. Wilson has made efforts to improve himself while incarcerated. He earned his associate’s degree, completed vocational training, and received positive ratings from his work supervisors. He participated in self-help programming, including Alcoholics and Narcotics Anonymous, Anger Management, and Criminals and Gangmembers Anonymous. He has not been disciplined for serious institutional misconduct since 1985. I commend Mr. Wilson for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Wilson's crime was senseless. Knowing that Mr. Gonzales was nearby, Mr. Wilson armed himself, returned to the park, and shot the unarmed Mr. Gonzales several times at close range. Even more troubling, this was not the first instance where Mr. Wilson killed another person. In 1973 when Mr. Wilson was 17 years old, he was convicted of first degree murder after he shot and killed a store clerk during an armed robbery. Mr. Wilson was sent to the California Youth Authority for that murder, and was released in 1976. Three years later, he killed Mr. Gonzales.

I am concerned that Mr. Wilson minimizes his responsibility for his history of violent behavior. He told the Board that the first murder he was convicted of was "an accident" that occurred because the store clerk pulled out a gun during the armed robbery, and Mr. Wilson "was just trying to get his gun." He told the Board that he killed Mr. Gonzales mainly because he was drunk, saying, "what enabled me to do it that night, I think more than anything, was the alcohol." He also claimed that he had discovered Mr. Gonzales was a police informant seven years before the murder, and that two weeks before the murder Mr. Gonzales had told someone he was going to "take care" of Mr. Wilson and his brother. Mr. Wilson stated that he retrieved a gun and returned to the park because he was aware of the threats, and his "belief system" at the time taught him not to run.

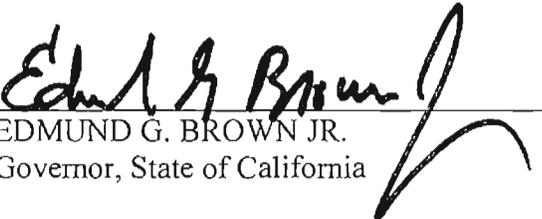
These statements minimize the active role Mr. Wilson played in this murder. Mr. Wilson did not simply respond to a threat from Mr. Gonzales. Rather, he left, armed himself, returned for several hours, and shot Mr. Gonzales at close range. Mr. Wilson places much of the blame for his crime on alcohol, but in doing so he fails to adequately explain the active role he played in this murder and ignores the fact that his violent criminal history, including the first murder he committed, was not tied to his substance abuse. The psychologist who evaluated Mr. Wilson in 2014 noted that he "provided a perfunctory assessment of his personality and behavior," and that he "presents as having only recently begun to address and understand his criminality. . . . He would benefit from exploring the basis of his anger and aggression, and further exploring his life crime to develop a greater understanding of internal factors which likely contributed to his criminality." These observations give me pause, especially given Mr. Wilson's criminal history. Until Mr. Wilson can better explain his anger, aggression, and pattern of violence, I do not believe that he is prepared to be released.

I am also troubled by information in Mr. Wilson's file that indicates he has continued his involvement with gangs in prison. Mr. Wilson told the Board that he was "forced" to participate in gang activities in prison because he was "a Northern Hispanic from Northern California," but that he "walked away from all that lifestyle years ago." Information in Mr. Wilson's confidential file that was deemed reliable by correctional staff, however, shows that he was an active gang member throughout his incarceration, even after he requested to dissociate from gang activity and be placed on a Sensitive Needs Yard in 2009. This information raises serious questions in my mind about his propensity for criminal behavior if released. I direct the Board to carefully examine Mr. Wilson's confidential file at his next hearing. If they find the information regarding his gang activity is not credible or reliable, I ask that they record their reasons for those findings.

CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Wilson is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Wilson.

Decision Date: November 26, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**KELLY GRAFF, D-11363**  
First degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

In November 1983, Sheryll Graff separated from her husband, Kelly, due to his drinking, drug abuse, and habitual lying. She became romantically involved with Scott Peterson and moved into his home.

On January 5, 1984, Mr. Graff picked up their son from the babysitter and drove to Mr. Peterson's home. Using a carpenter's hammer, Mr. Graff broke into the house and ransacked several rooms to make it appear as if there had been a burglary. When Sheryll came home, Mr. Graff attacked her from behind with a steak knife. He slashed her throat and stabbed her multiple times in the neck, liver, and heart, leaving the knife buried in her chest. He pulled the hood of Sheryll's coat over her head and beat her head and face 14 times with the hammer, crushing her skull. Mr. Graff threw the hammer away and returned home with their son, who may have witnessed the attack. Once he got home he took steps to conceal the crime by calling the Peterson residence to ask for Sheryll and by seeking comfort from Sheryll's family, wondering aloud who had committed this heinous act. He repeatedly lied to police and only confessed when he was told that his fingerprints were at the murder scene.

**GOVERNING LAW**

The question I must answer is whether Mr. Graff will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Graff suitable for parole based on his lack of criminal history, lack of institutional misconduct, marketable vocational skills, self-help programming, insight, remorse, age, and parole plans.

I acknowledge that Mr. Graff has made significant efforts to improve himself while incarcerated. He has routinely received above average and exceptional work ratings and recently completed vocational training in sewing machine operation. He has not been disciplined for any serious rule violations in his 30 years of incarceration. Since I reversed Mr. Graff's grant of parole last year, he has continued to participate in Alcoholics Anonymous and Yokefellows, and he attended Anger Management and the Long-Term Offender Pilot Program. I commend Mr. Graff for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

I reversed the Board's grants of parole in 2012 and 2013 because of Mr. Graff's heinous crime, implausible explanation for why he committed the murder, failure to understand the dynamics underlying his anger, and his failure to explain his pattern of controlling and violent behavior towards women. In 2013, I asked him to better address his history of attacking women and to confront the true reasons he killed his wife. Unfortunately, nothing in Mr. Graff's narrative has changed and my concerns remain.

Mr. Graff's murder of his estranged wife was utterly appalling and disturbing. Mr. Graff broke into Sheryll's house and ransacked it to stage a burglary. He waited for Sheryll to return home. When she did, Mr. Graff grabbed her from behind, bludgeoned her in the face and head 14 times with a hammer, stabbed her in the heart with a steak knife, and left the knife protruding from her chest. This was not the first time Mr. Graff was violent and aggressive towards women. As documented in the Probation Officer's Report, when Mr. Graff's first marriage ended, his former wife reported that he refused to return her key and would "constantly" drive by her house. She said that Mr. Graff was "sadistic," and reported that he kidnapped her best friend, took her to a park, and tore off her clothing as she screamed, cried, and tried to escape. He seemed to be "out of contact with reality" until he suddenly "clicked" and "became aware of what he was doing" and drove the woman home. On another occasion, Mr. Graff suggested to his first wife's 12-year-old brother that they pick up a hitchhiker and "[do] things to her." Yet another time, he pinned his first wife's 15-year-old sister to a couch. Mr. Graff's sons from his first marriage told their mother that they were frightened of their father because of incidents they witnessed between him and Sheryll. Sheryll's father appeared at the recent parole hearing and detailed other instances of violence he learned from Sheryll before her death. Sheryll told him that Mr. Graff was "physically abusive and vicious to their pets and to the children" and that she didn't visit her parents because she couldn't hide the bruises from his abuse.

Mr. Graff consistently fails to explain the magnitude and severity of his own violence. During his 2014 parole hearing, Mr. Graff said that he murdered Sheryll because he "thought my life was over. Everything had done crumbled. And I went straight for her in a rage." He maintains that he did not premeditate the murder and only decided to kill her when "she came in the door." However, his explanation of the crime is inconsistent with the evidence and his pattern of violent and disturbing behavior. Mr. Graff didn't simply go into a "rage" when he saw Sheryll – he laid in wait for her to return home and attacked her from behind. The record shows that Mr. Graff contemplated Sheryll's death in the weeks before her murder. He told a co-worker that he wanted to tamper with her car so that she would get into an accident and that he was "five seconds away" from killing her. Mr. Graff claims he ransacked Sheryll's home "to scare her in

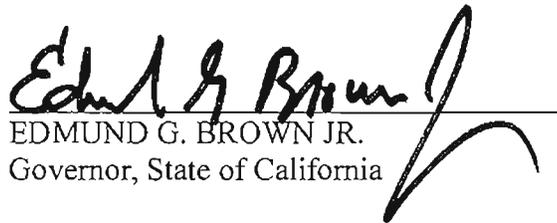
feeling uncomfortable and hopefully getting her to move back home,” but he still cannot explain how this led him to brutally murder her when she came home. Furthermore, Mr. Graff continues to deny any history of domestic violence in his relationships despite evidence from multiple sources that he was violent and physically abusive.

As the psychologist in 2014 opined, “there is limited evidence to support that Mr. Graff has a thorough understanding of how his anger is triggered within romantic/intimate relationships” and he “still does not readily present with a comprehensive understanding of some aspects of his ongoing dynamic risk, and the steps he will need to take in managing those risks in the community.” I encourage Mr. Graff to take classes on domestic violence and to continue anger management self-help to explore the origins of his anger and to reflect on the circumstances that led to murder of his estranged wife.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Graff is currently dangerous. When considered as a whole, I find the evidence I have discussed shows why he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Graff.

Decision Date: December 5, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**JAMES MACKEY, E-76532**  
First degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

Michael Blatt, a real estate developer, knew James Mackey because Mr. Blatt was a football booster and Mr. Mackey was a player who had been injured and unable to continue his football career. Mr. Blatt remained somewhat of a benefactor to Mr. Mackey, allowing him to move into a condominium and mentoring him in the real estate business. Mr. Blatt and Lawrence Carnegie, a local realtor, were involved in litigation involving real estate. Mr. Blatt repeatedly made comments about how Mr. Mackey could buy a condominium from him if Mr. Carnegie were no longer around. Mr. Mackey finally asked if Mr. Blatt wanted him to “take care” of Mr. Carnegie, and Mr. Blatt responded affirmatively. Mr. Mackey tried to get others to carry out the murder, but eventually took the matter into his own hands. He convinced Carl Hancock to help, got money from Mr. Blatt to purchase a crossbow, came up with a plan to dump Mr. Carnegie’s body, and made an appointment to show Mr. Carnegie a rural property.

On February 28, 1989, Mr. Hancock showed Mr. Carnegie around the property, eventually leading him to a spot in the driveway with his back to the garage, where Mr. Mackey was hidden with the crossbow. Mr. Mackey shot Mr. Carnegie and then beat and kicked him until he was unconscious, put him into a sleeping bag, and into the trunk of the car. Mr. Mackey and Mr. Hancock drove the car to an even more isolated area, where they put a noose around Mr. Carnegie’s neck and Mr. Mackey strangled him to death. Mr. Mackey and Mr. Hancock threw Mr. Carnegie’s body down an embankment. Mr. Mackey denied any involvement in the crime during the investigation. Even after being arrested, Mr. Mackey again showed his loyalty to Mr. Blatt by warning him that he was wearing a wire so that Mr. Blatt would not incriminate himself.

**GOVERNING LAW**

The question I must answer is whether Mr. Mackey will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate’s pre- or post-incarceration history, or the inmate’s current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

### DECISION

The Board of Parole Hearings found Mr. Mackey suitable for parole based on the amount of time since the murder, his acceptance of responsibility, remorse, age, exceptional behavior in prison, participation in self-help, laudatory notes from staff, educational accomplishments, parole plans, and psychological evaluations.

I acknowledge Mr. Mackey has made significant efforts to improve himself while incarcerated. He earned a paralegal certificate 2004 and, even more impressive, a Master of Arts in Humanities in 2008. Mr. Mackey has participated in and facilitated many self-help classes including Life Skills, Conflict Resolution, Victim Awareness, and Anger Management. He has routinely received exceptional work ratings and has been commended for his positive attitude, respect for others, dependability, and maturity. Work supervisors have opined that Mr. Mackey would succeed if paroled and that he will be an asset to his employer once paroled. He has participated in charitable fundraisers and has been disciplined for misconduct only once, nearly twenty years ago. I commend Mr. Mackey for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

I reversed Mr. Mackey's grant of parole last year because of the crime and because I did not think he had adequately explained how he could plan and carry out this murder. My concerns remain.

Mr. Mackey's actions are particularly troubling because he had so little at stake in the dispute between Mr. Blatt and Mr. Carnegie, yet he agreed to kill Mr. Carnegie. He coldly plotted the murder over several months and eventually took it upon himself to shoot Mr. Carnegie with a crossbow and strangle him with a noose. Mr. Carnegie's surviving family members remain staunchly opposed to Mr. Mackey's release and spoke of the impact this heartless crime had on their family and friends.

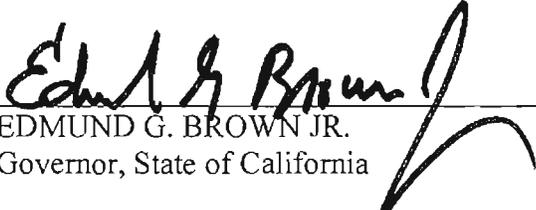
I still am not convinced by Mr. Mackey's explanations for his cold-blooded violence. At his recent parole hearing, Mr. Mackey explained that he was "addicted" to the attention he received when playing football. He said, "that acceptance, that roar of the crowd, my name in the newspaper every week, that was -- that became like a drug to me." Mr. Mackey continued that once his football career ended, "I still had that need and I think like a drug addict, that desperation to get that high, I still -- I had that feeling and I was willing to do anything for it. Mr. Blatt supplied that for me." Mr. Mackey described, "I felt like I had nothing." He said that his need for Mr. Blatt's acceptance "was just all consuming and I could not see anything else." It is bizarre that Mr. Mackey felt that murder gave him the same feelings of acceptance playing football had provided in the past. Feelings of loyalty to Mr. Blatt and of desire to please him do not account for Mr. Mackey's willingness to kill Mr. Carnegie.

James Mackey, E-76532  
First Degree Murder  
Page 3

CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Mackey is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Mackey.

Decision Date: December 5, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**TIMOTHY BUSCH, E-14667**  
Second degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

Timothy Busch and his two-year-old son lived with Mr. Busch's fiancée and her two-year-old daughter, Shaena. On May 14, 1988, Shaena was left in the care of Mr. Busch while Shaena's mother went to work. Mr. Busch had two friends and their children over at his home. Twenty minutes after Shaena's mother left, Mr. Busch put Shaena to bed. About an hour later, Mr. Busch checked on Shaena. When he returned to his guests, he told them that Shaena had fallen out of the bed and was breathing erratically. Mr. Busch called Shaena's mother and then rushed Shaena to the hospital. Shaena arrived in a coma and exhibited signs of severe injuries. She was then taken to another hospital by helicopter. Shaena had a massive skull fracture, a subdural hematoma, and massive brain swelling and brain bruises. She also had bruises on her left jaw, chest, arm, and leg. Shaena was taken off life support two days later and died. Mr. Busch was ultimately convicted of second-degree murder after a jury found that he had killed Shaena.

**GOVERNING LAW**

The question I must answer is whether Mr. Busch will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Busch suitable for parole based on his lack of a prior criminal history, lack of prison misconduct, self-help, educational and vocational achievements, and positive work reviews.

I acknowledge Mr. Busch has made efforts to improve himself while incarcerated. He has never been disciplined for misconduct. He has completed two vocations and received positive reports from work supervisors. He has participated in self-help programming including Alternatives to Violence, Defining Domestic Abuse, and Victim Awareness. I commend Mr. Busch for taking

these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

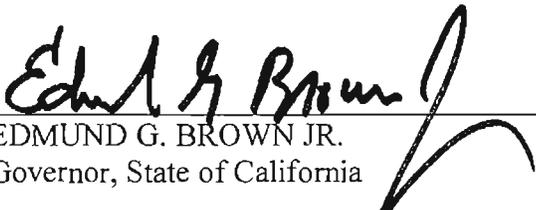
Mr. Busch's crime was horrific. He struck a helpless two year old with such force that she suffered a massive skull fracture and serious brain injuries which caused her death. Witnesses reported that they had observed bruises on Shaena's face in the months leading up to her death and suspected that she had been physically abused.

Mr. Busch has consistently maintained his innocence and denied that he ever physically abused Shaena. These claims are entirely implausible. During his 2014 parole hearing, Mr. Busch told the Board that after he put Shaena to bed, he checked on her and found her on the floor. He said that he believed that her head injuries were caused by falling out of bed. Mr. Busch's claims are impossible to believe. More than one doctor concluded that the injuries that caused Shaena's death could not have been caused by her falling out of bed. Two doctors concluded that a fall of at least 20 feet would have been required to cause the massive head injuries Shaena suffered. In addition, the treating physician observed five circular bruise marks on Shaena's jaw, consistent with the shape and size of fingertips, suggesting that her head had been grabbed. A doctor who was hired by the district attorney's office to review the medical records and reports related to Shaena's death opined that the following was the most likely explanation for Shaena's head injury: "A hand was held forcefully over her mouth to keep her from making noise...[and] the back of her head was violently pushed against a hard surface one or more times." The record also indicates a troubling pattern of abuse. Shaena had at least three injuries on her face over a five-month period. The most serious injury observed by others was a black eye that Shaena suffered a couple of months before she was killed. When asked about Shaena's injury, Shaena's mother and Mr. Busch told conflicting stories about the cause of Shaena's black eye. Bruises and marks on Shaena's face were observed on at least two other occasions. Shaena's babysitter also told investigators that Shaena was often fearful of Mr. Busch and did not want to leave with him when he would stop by her home to pick up Shaena. Shaena's previous injuries and the doctors' conclusions that falling out of bed could not have caused Shaena's massive head injury indicate that Mr. Busch's claim of innocence is unbelievable. Mr. Busch is not required to admit guilt to be granted parole, but, under these circumstances, his claim that Shaena died because she fell out of bed is implausible. His story, to me, indicates that he is not yet honestly addressing the underlying issues that led to the death of this child.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Busch is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Busch.

Decision Date: December 12, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**MICHAEL HAWK, H-58416**  
First degree murder

**AFFIRM:** \_\_\_\_\_

**MODIFY:** \_\_\_\_\_

**REVERSE:** \_\_\_\_\_ **X** \_\_\_\_\_

**STATEMENT OF FACTS**

On March 20, 1992, Michael Hawk and Richard Hernandez went to the home of Mr. Hawk's sixty-five-year-old boss, Jacqueline Stotz, intending to burglarize her home while she was out of town. Mr. Hawk and Mr. Hernandez knocked on the door and were surprised when she answered the door. She invited them into the house when they invented a story about needing to use the telephone because of a broken-down car. While Mr. Hernandez was on the phone in another room, Mr. Hawk and Ms. Stotz had a brief conversation about the car. Unexpectedly, Mr. Hawk strangled Ms. Stotz to death with his hands, fracturing her hyoid bone in two places. Mr. Hawk then got a cord, wrapped it tightly twice around Ms. Stotz's neck, and tied her hands behind her back. He retrieved a stainless steel steak knife from the kitchen and plunged it into Ms. Stotz's neck, penetrating front to back. Mr. Hawk and Mr. Hernandez then ransacked the house, took her car, and fled to Las Vegas, paying for the trip with Ms. Stotz's credit cards.

**GOVERNING LAW**

The question I must answer is whether Mr. Hawk will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Hawk suitable for parole based on his acceptance of responsibility for the crime, lack of violent criminal history, psychological risk assessment, participation in self-help programming, age, education, and family support.

I acknowledge that Mr. Hawk has made efforts to improve himself while incarcerated. He has participated in self-help classes, including Alcoholics Anonymous, Addition Recovery, Alternatives to Violence, and Anger Management. He has received positive work ratings and has not been disciplined for misconduct since 1999. I commend Mr. Hawk for taking these

positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Hawk's crime was callous and brutal. He, unexpectedly and without provocation, strangled Ms. Stotz to death with his hands. He later tied up her body, wrapped a cord around her neck, and left a knife sticking out of her throat.

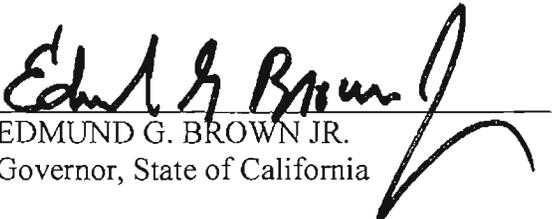
I am troubled that Mr. Hawk cannot better explain why he chose to so brutally kill Ms. Stotz. He told the psychologist that he was partying too much and, consequently, struggling at work. He reported having financial trouble and told the Board that he and his co-worker decided to burglarize Ms. Stotz's house because they knew she kept cash there, but the plan was for no one to be hurt. He described that he hated Ms. Stotz because she was "verbally abusive" and "tough to work for." Mr. Hawk also told the Board that he had repressed his anger over his parents' separation when he was 17 and felt "thrust into an adult role [of working] that I wasn't prepared for." He claimed that they were surprised and frustrated to find Ms. Stotz at home, and when she made a comment to him, "I lashed out because I just felt like there was just one more shot to me." At that time, Mr. Hawk "grabbed her" and "manually strangled her."

None of these explain the sudden and intense violence Mr. Hawk used to kill Ms. Stotz. As the Board pointed out, "a lot of people have verbally abusive bosses" yet, "it never occurs to them ... to burglarize their homes, let alone strangle them to death." Similarly, financial gain, the pressures of having to work from the ages of 17 to 22, and dealing with parental divorce do not explain his unprovoked rage. Until Mr. Hawk can shed more light on what about his past or personality led him to such extraordinary violence, I am not prepared to release him.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Hawk is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Hawk.

Decision Date: December 12, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
(Penal Code Section 3041.2)

**MICHAEL DE LA GARZA, T-20883**

Second degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

**X**

**STATEMENT OF FACTS**

On April 20, 2000, Michael De La Garza drank heavily and smoked marijuana at a hotel in Carlsbad. Friends told him he had too much to drink and that he should not drive. He told a concerned cocktail waitress that his wife was driving him home, even though he was not married. The bartender finally refused to serve him unless he stayed at the hotel so he would not have to drive, so he rented a room that he had no intention of staying in. He told the bartender, "I've had a couple DUIs. I wouldn't drink and drive now." Two bar patrons reported that he told them that he did not like drinking and driving because if he drove under the influence and killed someone, he "could not live with [himself]." After the bar closed around 12:45 a.m., the hotel manager noticed Mr. De La Garza standing outside the hotel looking confused. The manager led Mr. De La Garza to his room, but he was too drunk to open the door on his own, so the manager let him in. In the early morning hours, Mr. De La Garza went to his car intending to smoke more marijuana, but realized he had none left. He then decided to drive himself home. Instead of driving north toward his home, he drove southbound on Interstate 5. He did not realize his mistake until he crossed the Mexican border, where he turned around and proceeded north.

Around 3:45 a.m., Mr. De La Garza was driving northbound on Interstate 5 where the California Department of Transportation had closed three lanes of traffic to perform maintenance. A maintenance truck was slowly backing up, and Salvador Hernandez was picking up traffic cones and loading them onto the truck. Gary Jones, another Caltrans employee, saw Mr. De La Garza's oncoming headlights and tried to warn Mr. Hernandez, screaming his name and honking the truck's horn. Mr. De La Garza drove through 300 to 400 feet of cones at around 75 miles per hour, then slammed into the maintenance truck, crushing Mr. Hernandez between the two vehicles, severing his legs and killing him instantly. The impact also injured Mr. Jones, who suffered 13 fractured ribs, a broken sacrum, a broken ankle, and internal injuries. Mr. De La Garza was arrested at the scene. Tests administered almost two hours later indicated that he had a blood alcohol level of 0.15% and he was still actively under the influence of marijuana.

**GOVERNING LAW**

The question I must answer is whether Mr. De La Garza will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current

dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.)

### DECISION

The Board of Parole Hearings found Mr. De La Garza suitable for parole based on his lack of a juvenile record, insight, maturity, education, self-help programming, staff support, and lack of rules violations while incarcerated.

I acknowledge Mr. De La Garza has made efforts to improve himself while incarcerated. He has never been disciplined for misconduct during his 14 years of incarceration. He participated in self-help programs, including Alcoholics Anonymous, Narcotics Anonymous, and Overcoming Addictions. He earned his associate's degree, and was commended by several staff members for his job performance and programming. I commend Mr. De La Garza for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

This was a horrific and senseless crime. Mr. De La Garza willfully disregarded the safety of others, killing Mr. Hernandez and seriously injuring Mr. Jones. Many people attempted to prevent Mr. De La Garza from driving drunk the night of this murder. He repeatedly assured them that he would not drive in order to keep drinking. Rather than acknowledging at any point that he should not be driving, he got behind the wheel and ultimately crashed into Mr. Hernandez, killing him. Mr. De La Garza's actions caused persistent and unspeakable pain to his victims and their families.

I am troubled by Mr. De La Garza's overwhelming addiction to alcohol and drugs. He began drinking at age 14 and binged regularly in high school. He estimated that in his late 20s and early 30s, he drank 8 to 12 beers per day, and regularly used marijuana. For one year during his adulthood, he heavily used cocaine. At two separate points, Mr. De La Garza checked into a hospital and into a substance abuse treatment facility, but continued drinking and using marijuana afterwards. In the years before this crime, he drove drunk 300 times a year. He was convicted of two DUIs in 1987, with blood alcohol levels of 0.10% and 0.21%. He reported that he thought that his attendance at Alcoholics Anonymous meetings for nine months meant that he would be able to handle his alcohol and drink socially. He told the psychologist who evaluated him in 2014 that on the night of this crime he "made a conscious decision to drive home," reasoning that "I've driven drunk before, I could do it." Mr. De La Garza risked his own life and the lives of others not just once or twice, but hundreds of times, willfully ignoring the threat he posed to so many lives.

I am not persuaded by Mr. De La Garza's good behavior in prison because his real problem is that he becomes a menace when he has access to alcohol and cars. It is clear from the record that Mr. De La Garza was aware of the possible consequences of driving drunk at the time of this murder. This is a person who allowed his alcoholic pride and the insidious nature of his

addiction to overcome his better judgment, causing enduring and overpowering pain to his victims and their families. Three of Mr. Hernandez's siblings could not even speak at Mr. De La Garza's hearing because they remain upset and distraught these many years later. I would like to see Mr. De La Garza spend the next year reflecting deeply on the agony and suffering he has caused. Perhaps then, Mr. De La Garza will be able to convincingly show that he is able to actually understand the mortal danger of his driving and drinking.

**CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. De La Garza is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. De La Garza.

Decision Date: December 19, 2014

  
EDMUND G. BROWN JR.  
Governor, State of California