

# **EXECUTIVE REPORT ON PAROLE**

**DECISIONS FOR THE PERIOD  
JANUARY 7, 2019 THROUGH DECEMBER 31, 2019**



**BY GOVERNOR GAVIN NEWSOM**



## OFFICE OF THE GOVERNOR

### MESSAGE CONCERNING PAROLE CASES

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

I submit this report as required by Article V, Section 8, subdivision (b).

The parole process in California, a critical cornerstone of our criminal justice system, is made stronger by the efforts of many, throughout state government, the legal system, and in our communities.

The California Department of Corrections and Rehabilitation, under the leadership of Secretary Ralph Diaz, the Board of Parole Hearings, including the Parole Commissioners and the Deputy Parole Commissioners, under the leadership of Executive Officer Jennifer Shaffer, and the Division of Adult Parole lead this effort in our state government. I also wish to acknowledge the Office of Victim and Survivor Rights and Services led by Chief Nolice Edwards.

I am also grateful to the community organizations that provide rehabilitative programming in prisons and reentry services to people on parole in the community; the attorneys who represent inmates in the parole process; the prosecutors who appear at the hearings; and the people in prison, on parole, and post-parole who have committed themselves to rehabilitation and accountability.

Finally, I acknowledge and thank crime victims and survivors for their participation in the parole process. I have been inspired by their courage and resilience.

The report may be found at [www.gov.ca.gov/clemency](http://www.gov.ca.gov/clemency), or, for a printed copy, contact the Governor's Office at 916-445-2841. Crime victims and survivors who would like information about parole and clemency notification, restitution, and referral and support services can call 1-877-256-6877, email [victimservices@cdcr.ca.gov](mailto:victimservices@cdcr.ca.gov), or visit [www.cdcr.ca.gov/victim-services](http://www.cdcr.ca.gov/victim-services). Californians who would like information and instructions on how to apply for clemency may visit [www.gov.ca.gov/clemency](http://www.gov.ca.gov/clemency).

I look forward to our continued partnership in ensuring a fair criminal justice system for all Californians.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gavin Newsom', with a long horizontal line extending to the right.

Governor Gavin Newsom

# **PAROLE REVERSAL DECISIONS 2019**

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

**JESUS CECENA, C-08487**  
First Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

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**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

On November 3, 1978, 17-year-old Jesus Cecena and a fellow gang member picked up a gun, bought some PCP, drank alcohol and smoked marijuana laced with the PCP. Around 1:00am, while Mr. Cecena was driving, they were stopped for speeding by San Diego Police Officer Archie Buggs. Officer Buggs was in full uniform and was driving a marked patrol vehicle with the red light flashing. He approached Mr. Cecena's car and saw a beer can in the front seat. When Officer Buggs walked toward the rear of the car, Mr. Cecena got out, followed him, and fired six shots at him. Officer Buggs was shot three times in the chest and once in the temple. Two additional shots were deflected by his bulletproof vest. Mr. Cecena sped off in his car, leaving Officer Buggs dead at the scene. Mr. Cecena and his crime partner went to a friend's house, where they tried to dispose of evidence by wiping down the gun, hiding the gun and bullet casings, and washing away Officer Buggs' blood, which was all over Mr. Cecena's hands. Mr. Cecena was arrested on November 4, 1978.

**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 age at the time of the crime and subsequent maturity, his psychological risk assessment, his lack of recent violence and rules violations, his remorse, and his participation in self-help programs and other positive activities.

I acknowledge that Mr. Cecena's crime was committed when he was 17 years old and that he has since been incarcerated for 40 years. Mr. Cecena told the psychologist who evaluated him in 2018 that he was deeply affected by his parents' divorce and his difficult relationship with his father. He reported that he began associating with gang members in his teens as a way to gain the acceptance and validation that he felt he lacked at home. The psychologist concluded that at the time of the crime, Mr. Cecena was likely "immature, reckless, lacked mindfulness about the consequences of his actions, was impervious to punishment, and was highly susceptible to negative peer influences." I also acknowledge that Mr. Cecena is now 57 years old and has made some efforts to improve himself in prison. The psychologist noted that while Mr. Cecena initially "continued to demonstrate antisocial behavior upon entering prison," he has not been disciplined for misconduct since 1987. He earned his GED and is currently taking college classes, and has participated in self-help programs including Criminal Lifestyles and Substance Abuse, Relapse Prevention, and Insight. Mr. Cecena earns positive work ratings and has completed several vocational training programs.

I carefully examined the record for evidence demonstrating Mr. Cecena's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a juvenile, his immaturity, his inability to appreciate the consequences of his actions, and his other hallmark features of youth, and his subsequent growth in prison during my consideration of his suitability for parole. These factors are outweighed by negative factors that demonstrate Mr. Cecena remains unsuitable for parole.

Mr. Cecena committed a heinous crime. When stopped for a routine traffic violation, he intentionally gunned down a uniformed police officer, firing multiple shots as he charged toward the officer. Officer Buggs' tragic death is still mourned by his family and many members of the law enforcement community, who have written to oppose Mr. Cecena's release from prison.

Despite his many years of incarceration, Mr. Cecena has not sufficiently explained his callous actions on the night of this crime. At his parole hearing, he reported that when Officer Buggs pulled him over, he realized that his father would find out that he had been drinking, using drugs, and associating with gang members. He said that his crime partner handed him the gun, and "I [made] a decision right then and there that I'm gonna – I'm gonna murder this officer." Mr. Cecena said that at the time, he was "more fearful of being rejected" by his father for his misconduct than he was of murdering a police officer. Mr. Cecena explained that he intended "to execute this officer" without warning so he wouldn't get in trouble with his father.

These statements show me that Mr. Cecena has not gained adequate insight into his actions. Many children have strained relationships with their parents and fear disappointing them, but exceptionally few would respond to those feelings by intentionally murdering a uniformed police officer. Mr. Cecena's statements do little to shed light on his extreme and violent decision-making, and show that he has still not confronted his own motivations. Until he demonstrates that he fully understands how he came to commit this crime and is capable of refraining from similar behavior in the future, I do not believe he should be released from prison.

I am also disturbed that Mr. Cecena's account of the crime minimizes his culpability. Mr. Cecena maintains that he "rapidly" fired multiple shots at Officer Buggs from several feet away, quickly emptying his gun. At his parole hearing, he specifically denied approaching the officer and firing a final shot at his head at close range. However, the San Diego District Attorney's office has submitted evidence indicating that after firing the first few shots, Mr. Cecena approached the injured officer and fired an additional, execution-style shot at his head. At trial, a witness testified that he heard several shots fired in quick succession, followed by a pause and one additional shot. The sentencing judge stated that Mr. Cecena's actions showed "cool, calculated judgment, a deliberate killing...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." The appellate court concluded that "the single shot to Officer Buggs' temple was likely designed to accomplish its purpose as the last shot fired, the finishing wound." When considered together, the evidence in the record contradicts Mr. Cecena's account and shows that he is minimizing his horrific actions. Mr. Cecena's unwillingness to accept responsibility for the true nature of his attack on Officer Buggs further indicates that he is unsuitable for parole.

### 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: January 18, 2019



GAVIN NEWSOM  
Governor, State of California

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

**JOSEPH BELL, E-08844**  
Second Degree Murder

**AFFIRM:**

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**MODIFY:**

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**REVERSE:**

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

**STATEMENT OF FACTS**

On August 23, 1993, Tyrone Hudson, a 28-year-old member of the Shelly Street Piru Bloods, saw Joseph Bell, a member of the rival Watergate Crips, riding a bicycle. Mr. Hudson approached Mr. Bell, pushed Mr. Bell off of his bicycle, got in his car, and drove away. Later, Mr. Bell and Anthony Shaw, another Watergate Crip, walked by a house several times to which they saw Mr. Hudson drive earlier. Mr. Bell and Mr. Shaw saw Mr. Hudson's car approach the house again, but Mr. Hudson made a U-turn and drove away. Hiawatha English, Benjamin English, and Antoine English walked outside and asked Mr. Bell and Mr. Shaw about Mr. Hudson. Mr. Shaw suggested they go around a corner and talk, but Hiawatha refused because he didn't want to be involved. Mr. Bell pulled out a .38 caliber automatic handgun and fired at Hiawatha, Benjamin, and Antoine as they tried to flee. Hiawatha was shot twice in the back and once in the hand, and was transported to the hospital where he later died from his injuries. Antoine and Benjamin were uninjured.

**GOVERNING LAW**

The question I must answer is whether Mr. Bell 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. Bell suitable for parole based on his lack of recent violence and rules violations, his participation in self-help programs, his developed insight and remorse, and his attempts toward educational upgrades. I acknowledge Mr. Bell has made efforts to improve himself while incarcerated. He has earned his GED and a vocational certificate in Digital Literacy. He also participated in self-help programming, including Alcoholics Anonymous, Anger Management, Life Awareness, and Insight. He received multiple commendations from correctional staff

regarding his positive attitude, his participation in charitable events and mentoring at-risk youths. These factors all support Mr. Bell's release from prison to parole. However, these factors are outweighed by negative factors that demonstrate Mr. Bell remains unsuitable for parole.

Mr. Bell's senseless shooting was unprovoked and reckless. Mr. Bell opened fire on three individuals who were not directly involved, if at all, with Mr. Bell's prior scuffle with Tyrone Hudson. Mr. Bell explained to the Board he was very angry and feared Mr. Hudson could have killed him. These basic reasons for committing the crime in no way justified his actions and violent behavior toward the victim.

I am concerned that Mr. Bell has not been able to avoid violence or abide by the rules. Once incarcerated, he continued his association with prison gangs and was disciplined for serious misconduct eight times and counseled for less serious misconduct 17 times. His misconduct included possessing inmate-manufactured alcohol, possessing an inmate-manufactured weapon, and participating in a melee between inmates – the latter resulting in security housing unit placement for four months. Although Mr. Bell claims he stopped his gang activities in 2002, confidential information documented Mr. Bell as a suspected affiliate as recently as 2012. The psychologist who evaluated Mr. Bell in 2016 noted that Mr. Bell has a "history of problems with violent attitudes as evidenced by his violent and aggressive behavior in the community and through his associations with gangs that utilize violence." He concluded many of the violent factors "are less evident within the last 10 years." While I am encouraged by Mr. Bell's recent behavior and commitment to self-help programming, I do not believe that he is ready to be released until he has consistently maintained those gains for a longer period of time.

The psychologist's evaluation that Mr. Bell poses a moderate risk of future violence supports my concerns. The risk rating was based in part on Mr. Bell's difficulty in following the rules and complying with supervision outside of a controlled environment and his superficial insight. The psychologist who assessed him noted that it was "unclear if he will comply with all supervision requirements while on parole." Mr. Bell also has demonstrated a limited understanding of his potential risk factors for violence and his undeveloped coping strategies needed upon his release.

**CONCLUSION**

Mr. Bell has made commendable gains in prison. But after carefully considering the same factors the Board must consider, I believe Mr. Bell would pose an unreasonable risk to public safety if released from prison at this time. Therefore, reverse the decision to parole Mr. Bell.

Decision Date:  
January 25, 2019



GAVIN NEWSOM  
Governor of California

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

**CHARLES ERVIN, B-90114**  
First Degree Murder

**AFFIRM:**

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**MODIFY:**

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**REVERSE:**

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

**STATEMENT OF FACTS**

On December 19, 1976, Charles Ervin, age 18, who was on bail, Dennis Campbell, and Willie Jackson approached George Session in a parking lot and kidnapped him at gunpoint. Mr. Ervin, Mr. Campbell, and Mr. Jackson drove Mr. Session to a remote area, robbed him, and tied his hands behind his back. Mr. Ervin, Mr. Campbell, and Mr. Jackson forced Mr. Session to walk into a lake and fled in Mr. Session's van. Mr. Session drowned.

On December 23, 1976, Mr. Ervin, Mr. Campbell, and Mr. Jackson drove Mr. Session's van to a gas station where they grabbed an attendant, Vadrarin Boonspangson, and dragged him into their van. They tried to grab another attendant, but the attendant escaped. The men drove away with Mr. Boonspangson. One of the men shot Mr. Boonspangson in the neck and abdomen with a shotgun, killing him.

**GOVERNING LAW**

The question I must answer is whether Mr. Ervin 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. 4th 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. Ervin suitable for parole based on his age and youthfulness at the time of the crime, current age and physical condition, remorse, acceptance of responsibility, risk assessment, and lack of recent rules violations.

I acknowledge that Mr. Ervin committed his crime when he was 18 years old and that he has since been incarcerated for 42 years. Mr. Ervin told the psychologist who evaluated him in 2017 that he left home at age 12 and started hanging out with older peers. The psychologist concluded that he "developed exceptionally impulsive behavioral patterns with little regard for how his actions impacted others." However, the psychologist also determined that his "record indicates limited growth in terms of mitigating youth-related violence risk issues." While Mr. Ervin is now 60 years old and has made some efforts to improve himself in prison, he continued to violate the rules until 2009. He has participated in some self-help programs, including Criminal and Addictive Thinking and Houses of Healing, but the psychologist noted that "Mr. Ervin has not applied information from groups to his life." I carefully examined the record for evidence demonstrating Mr. Ervin's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender, his susceptibility to peer influences, and his other hallmark features of youth, and his subsequent growth in prison during my consideration of his suitability for parole.

Mr. Ervin participated in two extremely callous murders. He and his crime partners kidnapped Mr. Session from a parking lot at gunpoint, and forced him to walk into a lake until he drowned. A few days later, undeterred by the first murder, Mr. Ervin again joined his crime partners in the kidnapping and murder of Mr. Boonspanson. Mr. Ervin had previously committed several other armed robberies, demonstrating a pattern of indifference to the lives of others.

Despite his many years in prison, Mr. Ervin has given only shallow explanations for his willingness to participate in these very violent crimes. At his 2018 parole hearing, he explained that he wanted to be accepted by his older crime partners and "hang out with the big boys." He admitted discussing a plan to rob Mr. Boonspanson, but denied knowing about or directly participating in the actual murders. These statements indicate that Mr. Ervin has devoted little time or reflection to understanding his motivations for participating in these crimes, and that he has insufficient self-awareness about the extent of his violent behavior. The 2018 psychologist determined that Mr. Ervin "demonstrated little to no understanding of risk factors associated with past violence and no clear plans for how to address these issues in the future" and had "poor insight into the impact of substance abuse on his past violence." The psychologist concluded, "Mr. Ervin has been markedly resistant to change during his incarceration."

I acknowledge that Mr. Ervin's age and medical condition have some bearing on his risk of future violence. He is now 60 years old and uses a wheelchair and an oxygen tank due to several chronic conditions, including Parkinson's disease, sarcoidosis, and epilepsy. Mr. Ervin is blind in one eye and has glaucoma, further diminishing his sight. However, notwithstanding these issues, he was counseled twice by staff in 2017 for disobeying orders and being disrespectful. One staff member wrote that he was "disrespectful and rude, always yelling, [and] threatening staff." The psychologist concluded that these episodes showed Mr. Ervin's "ongoing opposition to authority"

and wrote that he "continues to spar verbally with authority figures despite his physical limitations." In light of his ongoing combative behavior and his lack of insight into his violent history, I am not convinced that Mr. Ervin is prepared for release at this time.

### **CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Ervin 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. Ervin.

Decision Date:  
January 25, 2019



GAVIN NEWSOM  
Governor, State of California

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

**DANIEL HERNANDEZ, J-83393**

First Degree Murder

**AFFIRM:**

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**MODIFY:**

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**REVERSE:**

\_\_\_\_\_ X \_\_\_\_\_

**STATEMENT OF FACTS**

On June 9, 1995, Daniel Hernandez drove his brother Larry Hernandez and Robert Ramirez to a store to commit a robbery. While Daniel waited in the car, Mr. Ramirez and Larry, armed with handguns, entered the store and ordered a developmentally disabled employee, Bryan Ryall, to the floor. One of the men hit Mr. Ryall twice in the head with his gun. The men approached the cashiers and demanded that they hand over their money. Lewis Pompei, an off duty police officer, was in the store at the time. Mr. Pompei drew his service weapon and exchanged shots with Mr. Ramirez and Larry, striking both men. Mr. Ramirez and Larry fled the market pursued by Mr. Pompei. The shoot-out continued, and Mr. Pompei was shot five times. Mr. Pompei was later transported to the hospital and was pronounced dead. Mr. Ramirez, Larry, and Daniel fled. Daniel was arrested later that same day.

**GOVERNING LAW**

The question I must answer is whether Mr. Hernandez 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. Hernandez suitable for parole based on his age at the time of the crime and subsequent maturity, his remorse, and his participation in self-help programs and other positive activities.

I acknowledge that Mr. Hernandez's crime was committed when he was 19 years old and that he has since been incarcerated for almost 24 years. Mr. Hernandez told the psychologist who evaluated him in 2017 that he witnessed domestic violence between his parents, including his father attempting to stab his mother when Mr. Hernandez was six years old. Mr. Hernandez recounted how his father's extensive drug abuse, infidelity, and money problems led to his mother leaving with Mr. Hernandez's younger siblings when he was 12 years old. He also described being sexually abused multiple times during his childhood. Mr. Hernandez reported joining a gang at 15. The psychologist noted that at the time of the crime, Mr. Hernandez was "vulnerable and susceptible to negative influences in the community." The psychologist concluded that Mr. Hernandez "struggled with impulsivity and recklessness, lack of responsibility, a lessened ability to appreciate consequences, imperviousness to punishment, and excessive risk-taking." I also acknowledge that Mr. Hernandez is now 43 years old and has made efforts to improve himself in prison. Mr. Hernandez has not been disciplined for misconduct in 13 years. He earned his GED and completed vocational training in office services. He has participated in self-help programs, including Victim Awareness, Alternatives to Violence, and Criminals and Gangmembers Anonymous.

I carefully examined the record for evidence demonstrating Mr. Hernandez's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youth, his immaturity, his inability to appreciate the consequences of his actions, and his other hallmark features of youth, and his subsequent growth in prison during my consideration of his suitability for parole. These factors are outweighed by negative factors that demonstrate Mr. Hernandez remains unsuitable for parole.

Mr. Hernandez participated in a heinous crime. He planned and helped execute a robbery with his juvenile crime partners that resulted in the senseless beating of a disabled man and the murder of a police officer. Officer Pompei's tragic death is still mourned by his family and many members of the law enforcement community, who have written to oppose Mr. Hernandez's release from prison.

Mr. Hernandez's crimes demonstrate a pattern of indifference to the lives of others. I am concerned by Mr. Hernandez's extensive history of crime and his failure to adequately explain his prolonged pattern of violent behavior. At his parole hearing and in his psychological evaluation, Mr. Hernandez reported committing approximately 40 robberies prior to this crime because he was out of money for drugs. At his parole hearing, he similarly said that he participated in this robbery because he was "out of money" and out of drugs. Mr. Hernandez also described to the psychologist six incidents in which he shot or shot at rival gang members prior to this robbery. Mr. Hernandez told the psychologist that he was seeking acceptance from his fellow gang members and that "All I thought about what how I was looked [at] by fellow gang members."

I am also concerned about the extent of Mr. Hernandez's substance abuse issues and related serious rules violations in prison. Mr. Hernandez admitted that prior to his incarceration he sold drugs to support himself and that his drug use was a motivating factor for his crimes. Yet, at his 2018 hearing, Mr. Hernandez admitted that he continued to sell and use drugs and alcohol in prison until 2013. Mr. Hernandez reported that he sold heroin and PCP, smoked marijuana, and sold alcohol. While Mr. Hernandez has completed self-help programming related to substance abuse and claims that he has been sober since 2009, his ongoing substance abuse for at least 14 of his 24 years of incarceration, together with his lifelong substance abuse that preceded incarceration, raise ongoing concern for me about Mr. Hernandez's likelihood of avoiding the substance abuse that has triggered such violence and criminality for Mr. Hernandez. The psychologist noted in finding that Mr. Hernandez represented a moderate risk of future violence that "there exists the risk Mr. Hernandez will utilize inappropriate coping strategies when faced with taxing situations and/or interpersonal conflicts in the future." Mr. Hernandez needs to do more to demonstrate a sustained commitment to his sobriety and that he is prepared to address the severity of his addictions.

I also have concerns about Mr. Hernandez's inadequate parole plans. He intends to live with family in Georgia, but has not made long-term parole plans in the event that he must stay in California.

Despite his many years of incarceration, Mr. Hernandez continues to lack insight into his history of violence, and I have concerns about his ability to remain sober, especially because he continued using and selling drugs in prison for so many years. For these reasons, I do not believe he can be safely released at this time.

### **CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Hernandez 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. Hernandez.

Decision Date: January 25, 2019



GAVIN NEWSOM  
Governor, State of California

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

**CROSSAN HOOVER, C-95830**

First Degree Murder

**AFFIRM:**

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**MODIFY:**

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**REVERSE:**

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

**STATEMENT OF FACTS**

Crossan Hoover, age 17, was an employee of Mark Richards. Mr. Richards offered Mr. Hoover \$5,000, a car, and a place to live in exchange for an agreement to murder Richard Baldwin, who owed Richards money. Mr. Hoover agreed to kill Mr. Baldwin. On July 6, 1982, Mr. Hoover, Richards, and Baldwin were in Mr. Baldwin's shop. Richards distracted Baldwin and gave a signal to Mr. Hoover to attack Mr. Baldwin. Mr. Hoover approached Mr. Baldwin from behind and struck the back of Mr. Baldwin's head with a baseball bat, knocking him down. Mr. Richards told Mr. Hoover to finish the job and gave Mr. Hoover a knife and a screwdriver. Mr. Hoover stabbed Mr. Baldwin in the chest with both the knife and the screwdriver and then stabbed Mr. Baldwin in the eye with the knife. Mr. Hoover then struck Baldwin multiple times in the head with the baseball bat, crushing Baldwin's skull. The combination of the stab wounds and blows to the head killed Mr. Baldwin. Mr. Hoover, Mr. Richards, and their acquaintance, Andrew Campbell, transported Mr. Baldwin's body to a boat and dumped Mr. Baldwin's body in a bay. Mr. Hoover was arrested on July 16, 1982.

**GOVERNING LAW**

The question I must answer is whether Mr. Hoover 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. 4th 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. Hoover suitable for parole based on his age and youthfulness at the time of the crime, remorse, acceptance of responsibility, lack of history of violent crime, and lack of recent rules violations.

I acknowledge that Mr. Hoover committed his crime when he was 17 years old and that he has since been incarcerated for over 36 years. While Mr. Hoover is now 54 years old and has made some efforts to improve himself in prison, he continued to violate the rules until 2016. The psychologist who evaluated Mr. Hoover noted that "he has continued to struggle to respond positively to management in prison as evidenced by his disciplinary history, which includes violations as recently as 2016. Mr. Hoover has participated in some self-help programs, including Alcoholics Anonymous and Anger Management, but the psychologist noted that Mr. Hoover's participation has been recent. I carefully examined the record for evidence demonstrating Mr. Hoover's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender, his susceptibility to peer influences, and his other hallmark features of youth, and his subsequent growth in prison during my consideration of his suitability for parole.

Mr. Hoover participated in a premeditated and extremely violent murder. On orders from his crime partner, Mr. Hoover viciously beat and stabbed Mr. Baldwin before dumping his body in a bay. Despite his many years in prison, Mr. Hoover has given conflicting and superficial explanations for his willingness to perpetrate this brutal and senseless murder. Mr. Hoover told the psychologist in 2018 that he committed the murder for money, for the "Pendragon" cult he was involved with, and because he believed that Mr. Baldwin was gay and a child molester. The psychologist determined that Mr. Hoover had "some limited insight in his potential for violence, as well as factors which contributed to his criminal behavior, including the life crime specifically." Mr. Hoover has also failed to take responsibility for his role in Mr. Baldwin's killing. When discussing Mr. Hoover's Antisocial Personality Diagnosis, the psychologist noted that Mr. Hoover "tended to focus on external factors (i.e. associates) which influenced his behavior and at times seemed to shift some responsibility to these individuals (i.e. indicated he sold drugs because his roommate sold drugs)." The psychologist concluded, "Mr. Hoover expressed limited insight into the personality characteristics he possesses which contributed to his difficulties in life and which qualified him for an Antisocial Personality Disorder diagnosis." Finally, the psychologist noted "some relatively recent continued willingness to break rules," which contributed to Mr. Hoover's moderate risk rating for future violence.

I acknowledge that Mr. Hoover was young and impressionable when he committed this crime and have given great weight to his diminished culpability as a juvenile offender. Yet, despite almost four decades of incarceration Mr. Hoover has failed to gain significant insight into why he committed this heinous crime. In light of this, I am not convinced that Mr. Hoover is prepared for release at this time.

**CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Hoover 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. Hoover.

Decision Date:  
January 25, 2019



GAVIN NEWSOM  
Governor, State of California

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

**JIMMIE JONES, D-82763**

First Degree Murder

**AFFIRM:**

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**MODIFY:**

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**REVERSE:**

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

**STATEMENT OF FACTS**

In May 1986, 19-year-old Jimmie Jones noticed Kevin Carbins' car parked on the street and decided to commit a carjacking. Mr. Jones approached the car with a handgun and ordered Mr. Carbins, Anthony Weathers, Pamela Scott, Enola Sanders, and David Walker out of the car. As Mr. Carbins exited the car, he grabbed the car keys from the ignition, and fled. Mr. Jones shot twice at Mr. Carbins, 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.) 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. Jones suitable for parole based on his remorse, current age, earning his GED, self-help programming, vocational training, and parole plans.

I acknowledge that Mr. Jones was a youthful offender when he committed this crime and he has since been incarcerated for over 32 years. Mr. Jones told the 2016 board psychologist who evaluated him that by the time he turned 9 years old, both of his parents had died. He was then adopted and was later sent to live with his older sister because of his behavioral problems. Mr. Jones further discussed his gang membership, which began at age 13 and continued into adulthood. Over his lengthy incarceration, Mr. Jones has made some efforts to improve himself in prison. He has participated in

self-help including Alcoholics and Narcotics Anonymous, Celebrate Recovery, Addiction Counseling, and has participated in the curriculum offered by the Long Term Offenders Pilot Program. He has earned vocations in horticulture and carpentry. Correctional staff have also commended Mr. Jones for his positive attitude and work ethic. I carefully examined the record for evidence demonstrating Mr. Jones's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender, his lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, his hallmark features of youth, and his subsequent growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by evidence that he remains unsuitable for parole.

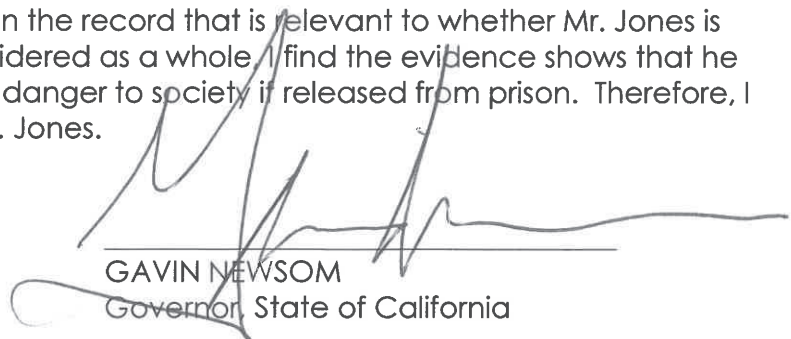
At the 2018 parole hearing, Mr. Jones admitted that at the time of the crime, he was standing on a street corner selling drugs. Mr. Jones has had previous incarcerations for committing robberies and selling drugs. He admitted during the 2018 parole hearing that he trafficked and sold drugs in prison between the years 2000 and 2009, well past his youth. Mr. Jones' decision to sell drugs in prison shows a disregard for prison rules, his own rehabilitation and the rehabilitative efforts of his fellow inmates. His decision to prey on this vulnerable population – those who are in a controlled environment and who remain susceptible to drug addictions – calls into question his readiness to be released. While trafficking and selling drugs in prison, Mr. Jones was also participating in Alcoholics and Narcotics Anonymous from 2003 to 2009. His ability to participate in substance abuse related self-help treatment, while selling drugs calls into question his true commitment to rehabilitation.

I am hopeful that Mr. Jones can gain an even deeper understanding into substance abuse and the deleterious effects it has had on himself and our community at large. Until this happens, I do not believe Mr. Jones should be released.

### **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:  
January 25, 2019



GAVIN NEWSOM  
Governor, State of California

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

**CHI CHI LOCCI, W-92797**  
Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

  **X**  

**STATEMENT OF FACTS**

On February 6, 2000, Chi Chi Locci was watching her 3-year-old grandson Jordan when he defecated in his pants twice. Ms. Locci took Jordan's clothes off and threw him into the bathtub. Ms. Locci gave Jordan a bath, treating him roughly. When Jordan climbed out of the bathtub, Ms. Locci hit him on the back of the head, knocking him down. She then picked Jordan up and "just dropped him on the floor." Ms. Locci punched Jordan in the stomach twice and noticed that he was unconscious and unresponsive. Jordan died from his injuries, and Ms. Locci called authorities several hours later. An autopsy determined that Jordan suffered a blow to his stomach that severed his pancreas, bruising and hemorrhaging to the adjacent organs, a broken leg, numerous healed bruises, and injuries consistent with strangulation. The cause of death was determined to be as a result of multiple blunt force trauma. Ms. Locci was arrested on February 9, 2000.

**GOVERNING LAW**

The question I must answer is whether Ms. Locci 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. Locci suitable for parole based on her self-help programming, low risk rating for future violence, lack of institutional misconduct, and insight into her crime.

I acknowledge Ms. Locci is now 62 years old and has been incarcerated for 19 years for this crime. I also acknowledge that Ms. Locci has made efforts to improve herself while incarcerated. She earned a GED and an associate's degree. She completed many self-help programs, including Narcotics Anonymous, Denial Management, Victim

Impact, Healthy Interpersonal Relationships, Alternatives to Violence, and Houses of Healing. Ms. Locci has only been disciplined once for misconduct in almost two decades of incarceration. I commend Ms. Locci for taking these positive steps. However, these factors are outweighed by negative factors that demonstrate she remains unsuitable for parole.

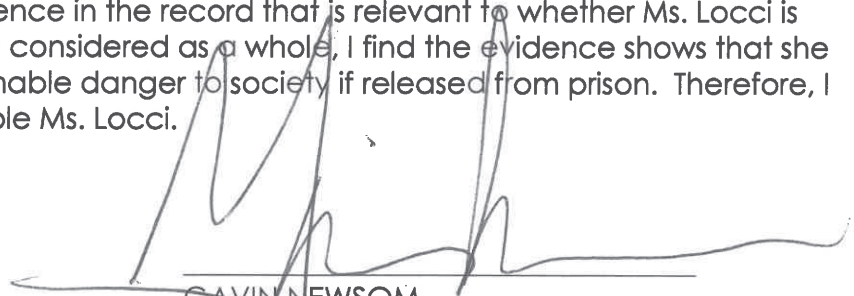
Ms. Locci's crime was senseless and brutal and targeted an extremely vulnerable victim, her 3-year-old grandson. At the time of the murder, Ms. Locci was separated from her husband and caring for her grandson and two other grandchildren. The psychologist who evaluated Ms. Locci in 2016 noted that Ms. Locci's characterological problems, combined with feeling overwhelmed by her marital problems and the responsibility of caring for several children, led to her developing "some fairly serious emotional and behavioral problems leading up to the commitment offense." I am troubled by the fact that instead of acknowledging that she was overwhelmed with her responsibilities and reaching out for help, Ms. Locci targeted her grandson for protracted and extreme abuse. At her 2018 suitability hearing, Ms. Locci told the Board that prior to the commitment offense she was abusing Jordan emotionally and physically, in public and at home. She noted that she began abusing Jordan as soon as he was in her care, and that the abuse intensified over time, including tripping, striking, kicking, and throwing the toddler across the floor. In addition to the injuries Jordan suffered leading to his death, the coroner noted healed bruises on the young boy, evidence of Ms. Locci's systemic pattern of abuse of her grandson.

I am concerned that Ms. Locci cannot better explain how she came to commit this horrific crime. Ms. Locci told the psychologist that symptoms of mental illness she was experiencing at the time of the murder were somehow linked to her impulsive violent behavior. She explained that her actions were "completely out of character for her." However, Ms. Locci failed to acknowledge her previous conviction in 1989 for battery or explain how her violence became so protracted and extreme. The psychologist found that Ms. Locci "continues to lack insight into her characterological problems" and noted that "her purported honesty regarding her actions at and around the time of the commitment offense appears questionable." In light of Ms. Locci's pattern of violence, she must do more to ensure that she fully understands the reasons for her crime. I believe Ms. Locci needs to reflect more deeply on the circumstances that led her to kill her own grandson and demonstrate that her current state of mind would prevent her from doing anything like this again.

**CONCLUSION**

I have considered the evidence in the record that is relevant to whether Ms. Locci 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. Locci.

Decision Date:  
January 25, 2019



GAVIN NEWSOM  
Governor, State of California

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

**ANTHONY ROSSER, H-30020**

First Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

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**REVERSE:**

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

**STATEMENT OF FACTS**

On June 21, 1991, 14-year-old William Pineda, who was not a gang member, and Lemel Jackson, a member of the Crips, drove through Bloods gang territory. Mr. Pineda drove down a narrow street when he stopped to allow oncoming cars to pass. Anthony Rosser, age 30, a Six Deuce Brims member, was driving past Mr. Pineda and Mr. Jackson when he noticed Mr. Jackson's blue clothing. Mr. Pineda drove off, making several turns to evade Mr. Rosser but Mr. Rosser continued to pursue them. As Mr. Rosser got closer he shot at Mr. Pineda and Mr. Jackson five times, striking Mr. Pineda in the head, killing him. Mr. Jackson was left uninjured and survived.

**GOVERNING LAW**

The question I must answer is whether Mr. Rosser 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. 4th 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Rosser suitable for parole based on lack of significant violent criminal history, his positive engagement in self-help programming, his improved behavior, and his insight. I acknowledge Mr. Rosser has made efforts to improve himself while incarcerated. He has earned a vocational certificate in Computer Literacy. He also participated in an array of self-help, including Substance Use, Criminal Thinking, Denial Management, Victim Impact, Gang Awareness, Gang Rehabilitation and Prevention, Insight, and Domestic Violence. He routinely received satisfactory to exceptional work ratings and multiple commendations from correctional staff in the last five years regarding his communication skills, his strong work ethic, and his positive attitude. These factors all support Mr. Rosser's release from prison to parole. However, these factors are outweighed by negative factors that demonstrate Mr. Rosser remains unsuitable for parole.

Mr. Rosser's crime involved two victims, one of whom was only 14 years old. While the victims attempted to evade Mr. Rosser, he continued to pursue them and eventually shot at Mr. Pineda and Mr. Jackson, killing Mr. Pineda. Mr. Rosser explained to the Board in 2018 that his motive for firing upon Mr. Pineda and Mr. Jackson was solely gang-related and based upon Mr. Jackson's blue clothing as an indicator that he was a member of a rival gang. This motive and explanation is trivial in relation to the magnitude of the crime he committed.

I am troubled by Mr. Rosser's history of failing to conform his behavior to the rules, the evidence that he lacks insight into his crime, and his history of substance abuse. The latter is supported by his ongoing use of substances in prison. During his incarceration for the life offense, Mr. Rosser has been disciplined 12 times for rules violations, six of which resulted from his refusal to submit to urinalysis. Mr. Rosser explained to the psychologist who assessed him in 2018 that he refused to submit to drug testing on numerous occasions because he wanted to maintain his Prison Industry Authority job. The psychologist reported, "while his explanation seems questionable it is unclear why he would admit to being manipulative versus admitting to substance use and then also admit that he sold inmate-manufactured alcohol as recently as 2005." Mr. Rosser was also counseled one time for less serious misconduct in 2000. Most recently, his misconduct included possessing a cell phone and charger in 2013 and 2014. In addition, while Mr. Rosser reported his gang activities stopped in 2010, he remained entrenched in gang activity and associated with negative and antisocial influence in the community and in prison for nearly two decades.

The psychologist's evaluation that Mr. Rosser poses a moderate risk of future violence supports my concerns. The risk rating was based in part on Mr. Rosser's current struggles with residual criminal thinking, his gang involvement in the community, past gang-related violence, substance abuse, and problems with supervision. The psychologist who evaluated Mr. Rosser in 2018 also noted that he appeared to "continue to have difficulty taking full responsibility for his actions." While I am encouraged by Mr. Rosser's recent behavior and commitment to self-help programming, I do not believe that he is ready to be released until he has regularly maintained these positive gains for a longer period of time.

### **CONCLUSION**

Mr. Rosser has been incarcerated for more than 27 years and has made some notable gains in prison, including taking steps to address his substance abuse problem and gang activities. But given the current record before me, and after carefully considering the same factors the Board must consider, I believe Mr. Rosser would pose an unreasonable risk to public safety if released from prison at this time given his criminal

history, his history of substance abuse, and his lack of insight into the crime. Therefore, I reverse the decision to parole Mr. Rosser.

Decision Date:  
January 25, 2019



GAVIN NEWSOM  
Governor of California

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

**CARLTON SCOTT, D-67202**  
Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

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**REVERSE:**

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

**STATEMENT OF FACTS**

On August 4, 1986, 23-year-old Carlton Scott and Linda Prescott were in Mr. Scott's house, using cocaine and drinking alcohol, when they began arguing over money. Mr. Scott hit Ms. Prescott with a crutch he had due to a leg injury and attacked her with a knife. Ms. Prescott suffered multiple blunt force lacerations, contusions, and abrasions on her neck and face and incurred 20 stab wounds, including to her eye and chest. Ms. Prescott died of a stab wound to her heart and lung. Ms. Prescott was 10 weeks pregnant. Mr. Scott was arrested that same day.

**GOVERNING LAW**

The question I must answer is whether Mr. Scott 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. 4th 1181, 1214.) Additionally, I am required to give "great weight to the diminished culpability of youthful offenders 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. Scott suitable for parole based on his self-help programming, his lack of significant violent criminal history, his parole plans, and his insight. I acknowledge that Mr. Scott's crime was committed when he was 23 years old and that he has since been incarcerated for over 32 years. I also acknowledge that Mr. Scott has made some efforts to improve himself in prison. He has earned his GED and a vocation. He has completed a significant array of self-help programming, including Alcoholics Anonymous, Narcotics Anonymous, Criminal Thinking, and Anger Management. I carefully examined the record for evidence demonstrating Mr. Scott's increased maturity and rehabilitation, and gave great weight to all the factors relevant

to his diminished culpability as a youth offender, his hallmark features of youth, and his subsequent growth in prison during my consideration of his suitability for parole. Although Mr. Scott has made commendable strides in his rehabilitation, these factors are outweighed by negative factors that demonstrate Mr. Scott remains unsuitable for parole.

Mr. Scott's crime was vicious and unpredictable, and he has yet to accept full responsibility and discuss the crime candidly. After the crime, Mr. Scott told the police that Ms. Prescott's injuries were self-inflicted, as she had gone into a frenzy, stabbing and hitting herself and banging her head on various objects. Mr. Scott told the psychologist that the crime was preceded by an argument with Ms. Prescott, whom he described as his "really good friend," over a small amount of money and an unwanted sexual advance made by Ms. Prescott. According to Mr. Scott, after Ms. Prescott hit him with a closed fist, his "aggression got the best of [him]" and he knocked her into the corner where she fell into an aquarium. Mr. Scott continued, "I panicked, so I grabbed a knife. It just went too far as far as me trying to stab her and I penetrated her," and added, "[i]t was just my way of trying to be a man and not be fearful." In response to being asked why he believes it escalated, resulting in multiple stab wounds, Mr. Scott stated, "I was just angry at the time. Angry that I was living alone and not taking care of my business. I felt there were many things I wasn't pursuing. I took it out on her. I was 23 or 24 years old." The psychologist who evaluated Mr. Scott in 2017 wrote, "His crime clearly suggests callousness and lack of empathy for the victim.... He also has lied about his involvement in the crime, and later minimized his responsibility, suggesting an unwillingness to accept responsibility for his actions and limited remorse." According to the psychologist, Mr. Scott's insight has "gradually improved over time" as has his "willingness to accept responsibility for his violent behavior." Additionally, he has "evolved from complete denial to blatant minimization" to accepting responsibility for the death of Ms. Prescott. However, the psychologist also notes, "from his current telling of the story, it would seem that he stabbed [Ms. Prescott] once" and then immediately tried to get her help, which is "not in congruence with the official record, which indicates multiple stab wounds and evidence of beating." Mr. Scott's explanation of why he committed this brutal crime is simply inadequate. Mr. Scott should be credited for his recent willingness to discuss more details of the crime and his motivations. However, as he has not yet reliably discussed all relevant aspects that contributed to the crime, including his history of substance abuse and his mental health, he continues to fall short of expressing a level of insight that demonstrates he will not be a risk upon release.

Mr. Scott has a history of mental problems related to the offense. When asked if he believes he was experiencing a hallucination at the time of the crime, Mr. Scott told the Board in 2018, "I could have been. I could have had, uh, audio and - and visual hallucinations. It could have been overwhelmed with - due to alcohol and the pill consumption." Notably, Mr. Scott told the Board he ignored voices around the time of the crime because "I didn't need, uh, another episode, going, you know, back and forth to these places.... And with insurance rates going up, you know? It was causing a lot of uh, harm, and uh, a lot of monetary damages towards the, uh - my mom's bank

accounts." In 1990, Mr. Scott told a Board of Parole Hearings evaluator that he was relieved to be incarcerated because on the streets "he might be changed to a different race or sex," and stated he planned to seek "revenge on the devil." The 2017 psychologist noted that Mr. Scott reported to the psychologist who evaluated him in 2014 that he had not experienced psychotic symptoms "in decades." However, in 2015, Mr. Scott told a clinician that he had not heard voices in four to five years. In response to being asked during his 2017 assessment whether he ever experienced hallucinations, he said, "You know what? It kind of maybe made me think I did. Those are the diagnoses they've given me. They have more info on that than I do.... These are hard questions to answer because my mind is fresh." At his 2018 suitability hearing, Mr. Scott told the Board he has not had any audio or visual hallucinations since he arrived to prison in 1987, stating, "[a]ll my hallucinations have - uh, seemed to, uh, take their own way and just leave. So, uh, I haven't had any in a number of years.... No I wasn't hallucinating inside of prison," thus continuing his pattern of unreliability as to the severity of his hallucinatory episodes, and contradicting what he told the clinician in 2015. Mr. Scott will face challenges in the community after so many years in prison. It is crucial that he demonstrate a clear grasp of his need for continued mental health treatment upon release to manage his symptoms, especially given his history of ignoring them due to the financial burden of treatment.

Mr. Scott has also been unwilling to address the effect of his history of substance abuse on his actions. He reported to the police that he drank on the day of the crime, but later denied drinking to his probation officer. He also denied using cocaine on the day of the offense to both the police and his probation officer, though records indicate he was drinking and using cocaine that day. Mr. Scott received a rules violation in 2015 for testing positive for codeine and possessing three pills that tested positive for codeine, which he initially denied belonged to him. He told a clinician during a screening for the 2015 citation that he had been drinking heavily for two days prior to the commitment offense and feels this influenced his behavior, which he contradicted in 2017. In his 2017 evaluation, he reported that he only drank beer on the day of the crime, and does not feel it greatly influenced his decision-making and behavior, and continued to deny using cocaine. He also relayed that he used alcohol and drugs in the community to "get away from my funk and feel a little better." Mr. Scott's history of substance abuse and the recentness of misconduct involving a controlled substance is alarming. Mr. Scott needs to show that he is not at risk of resorting to controlled substances to manage his pain or to get high, to which he attributed his violation in 2015.

The above concerns are supported by Mr. Scott's elevated risk rating. The psychologist rated Mr. Scott as a "moderate" risk for future violence. I believe Mr. Scott needs to reflect more deeply on the circumstances that led him to kill his own friend and demonstrate that he has a stable grip on his current state of mind to prevent him from doing anything so extreme again.

**CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Scott 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. Scott.

Decision Date:  
January 25, 2019



GAVIN NEWSOM  
Governor, State of California

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

**WILLIAM SEARCY, A-83091**  
Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

\_\_\_\_\_   X   \_\_\_\_\_

**STATEMENT OF FACTS**

In December 1978, William Searcy, armed with a gun and multiple rounds of ammunition, entered a mall parking lot during a busy time of day. He approached Leonore Ziebell who was sitting in her car, broke her window, and fired several shots into her car. Fortunately, she was not harmed. Mr. Searcy turned his attention to Joseph and Georgia Tromley who were preparing to leave the mall after shopping for their grandchildren. He fired several shots at the couple, killing Mr. Tromley. Mr. Searcy then ran through a nearby field and was confronted by responding police officers. After evading the officers, Mr. Searcy approached Ruth and Joseph Harris, ordered them to stop walking, and shot at them when they refused. Fortunately, the Harrises were not harmed. Mr. Searcy then ran to another area of the parking lot, carjacked a car driven by Pablo Vasquez, and ordered him to drive him away. As Mr. Vasquez was driving, Mr. Searcy fired at pursuing officers, causing them to return fire. Mr. Vasquez jumped out of the moving car, but was struck by several bullets and killed.

**GOVERNING LAW**

The question I must answer is whether Mr. Searcy 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. 4th 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Searcy suitable for parole based on his remorse, lengthy incarceration, acceptance of responsibility, positive rehabilitation, and lack of recent rules violations.

I acknowledge Mr. Searcy has made efforts to improve himself while incarcerated. Mr. Searcy has participated in self-help including Alcoholics Anonymous, Stress Management, and is currently participating in classes that teach mindfulness and

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

I am troubled by the 2016 psychologist's determination that Mr. Searcy poses a high risk for future violence. The psychologist specifically noted that "it does not appear that Mr. Searcy's advancing age or long term confinement has made a positive impact on his violence risk potential. Even after being incarcerated for 35 years in highly structured settings, he still lacks the ability to manage his impulsivity and aggressiveness." Mr. Searcy's risk of violence is evidenced by his significant in-prison misconduct, which includes threatening officers and other inmates. Mr. Searcy also admitted to raping three inmates – prison misconduct that went undetected and unreported to correctional staff. The psychologist also found that Mr. Searcy scored high on the Hare Psychopathy Checklist-Revised, rating him "far above the mean of North American male inmates and exceeds the cutoff or threshold commonly used to identify dissocial or psychopathic personality."

I am also concerned that Mr. Searcy does not fully grasp the need to remain compliant with his medication regimen. The 2016 psychologist noted: "Mr. Searcy's vulnerability to a reoccurrence of severe mental illness, treatment noncompliance, violence and lack of insight into his substance abuse issues are of note. Even in highly structured settings such as [the California Department of Corrections and Rehabilitation] and state hospital settings, Mr. Searcy continues to demonstrate a pervasive disregard for rules and expectations."

After 40 years in prison, Mr. Searcy fails to take full responsibility for the deaths of multiple victims. Mr. Searcy minimized his role in the deaths of the victims by telling the 2016 psychologist that "actually the cops killed [Mr. Vasquez]." Mr. Searcy also told the 2016 psychologist that a few weeks before the crime, he went to see his probation officer who gave him a "phone number to some mental health clinic or something. . . . And I left there and felt like he didn't do what I felt he needed to do and lock me up because I was a danger to my family at the time." Mr. Searcy continued that, "I should have shot him," referring to the probation officer who gave him a referral, rather than taking him into custody. Although Mr. Searcy retracted this statement at the 2018 parole hearing, I am concerned that as of two years ago, Mr. Searcy believed this was an acceptable way to deal with controversy.

I encourage Mr. Searcy to continue to seek therapy, follow the orders of institutional staff, and remain disciplinary free. I am hopeful that soon his high risk-rating for future violence, psychopathy rating, and his history of medication noncompliance can be ameliorated with time and effort. However, at this point, Mr. Searcy is not ready for release.

**CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Searcy 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. Searcy.

Decision Date:  
January 25, 2019



GAVIN NEWSOM  
Governor, State of California

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

**FRANK SERRANO, H-21510**  
Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

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**REVERSE:**

\_\_\_\_\_   X   \_\_\_\_\_

**STATEMENT OF FACTS**

In 1990, 17-year-old Frank Serrano committed a series of drug-related shootings that resulted in the death of five victims. On May 16, 1990, Mr. Serrano drove Jesse Wells and Robert Cheatum to purchase cocaine from his cousin, Ernesto Serrano. When Mr. Wells and Mr. Cheatum tried to back out of the deal, Mr. Serrano shot Mr. Wells three times in the back of the head, killing him. His cousin shot Mr. Cheatum ten times in the wrist, torso, and head, killing him.

On August 28, 1990, Mr. Serrano, his cousin, and Gary Henderson went to Virgil Castleman's house to collect a drug debt from Dee Nichols. Mr. Serrano and his cousin waited in the car while Mr. Henderson approached the house. Mr. Castleman advised Mr. Henderson that Ms. Nichols was not present. Mr. Henderson responded, "You'd better watch your family." Mr. Castleman then came outside and followed Mr. Henderson toward the car. Mr. Serrano's cousin pulled out a gun and shot Mr. Castleman in the chest, killing him. Mr. Castleman's wife, who also came out of the house, began to run inside. Mr. Serrano fired several shots in her direction, but did not hit her.

On September 18, 1990, Mr. Serrano arranged to purchase a pound of methamphetamines from Augusto Gomez and Robin Rasco. Mr. Gomez and Mr. Rasco pulled up to Mr. Serrano's house. Mr. Rasco told Mr. Serrano that he did not have the drugs with him. Mr. Gomez grabbed the bag of money from Mr. Serrano. Mr. Serrano told Mr. Gomez to let go of the money or he would shoot him. Mr. Serrano and his cousin pulled out their guns and ordered the two men into the backseat of the car. Mr. Serrano and his cousin got into the car and drove off. During the drive, Mr. Serrano turned around and shot Mr. Gomez, killing him. Mr. Serrano then duct taped Mr. Rasco's mouth and hands, and his cousin shot Mr. Rasco, killing him. Mr. Serrano and his cousin drove the bodies to a desert, poured gasoline on them, and set them on fire.

**GOVERNING LAW**

The question I must answer is whether Mr. Serrano 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. Serrano suitable for parole based on his age at the time of the crime, his remorse, acceptance of responsibility, good behavior in prison, self-help programming, separation from gangs, insight, positive work history, educational and vocational accomplishments, and adequate parole plans.

I acknowledge that Mr. Serrano committed these crimes when he was 17 years old and that he has since been incarcerated for over 28 years. He reported a dysfunctional childhood. He witnessed domestic violence between his parents; his father was violent and would abuse Mr. Serrano's mother when he was drunk or high on cocaine. Mr. Serrano stated a number of his family members were involved in illegal activity and had been killed as a result. Mr. Serrano's father was a drug dealer and had introduced him to a life of drugs, violence, and crime early on. By the age of 13, Mr. Serrano became involved in gangs. He engaged in frequent fights, truancy from school, and eventually dropped out in the 10<sup>th</sup> grade.

Mr. Serrano has made efforts to improve himself in prison. He has not been disciplined for any serious misconduct since 2008. He has maintained a good work history, receiving satisfactory to above average work ratings and earning vocational certifications in office services and auto body repair. He has taken advantage of self-help programming, including Insight, Criminals and Gangmembers Anonymous, and Alternatives to Violence. Notably, Mr. Serrano disengaged from all gang involvement in 2008. I carefully examined the record for evidence demonstrating Mr. Serrano's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a juvenile, the hallmark features of youth, and his subsequent growth in prison. However, these factors are outweighed by evidence that demonstrates he remains unsuitable for parole.

Mr. Serrano has a history of exhibiting disruptive and violent behavior. He reported that he began committing crimes as early as the age of 9. In his teens, Mr. Serrano began engaging in further illegal activities with his gang, including selling drugs. His father also recruited him to start selling drugs, which he continued up until the commitment offense. Before dropping out of school, Mr. Serrano was suspended twice and expelled once for fighting. Mr. Serrano has been surrounded by negative influences for much of his life. He made the deliberate and repeated decision to shoot and kill his victims.

Mr. Serrano willingly participated in the killing of five victims over the course of five months – over drug disputes. Mr. Serrano thought it was appropriate to shoot and kill Mr. Wells and Mr. Cheatum, leaving their bodies to decompose in the desert, simply because they did not want to purchase drugs from his cousin. In addition, he was willing to place Mrs. Castleman's life at risk by firing multiple shots in her direction, over a drug debt that had nothing to do with him. Neither of these two incidents were enough to deter Mr. Serrano. Just a month later, he decided to kill again, this time setting the bodies on fire. At no point in time did Mr. Serrano stop to reflect on his actions, or to turn himself in. These crimes demonstrate a complete disregard for the lives of his victims, whose family and community live with the effects.

Mr. Serrano continued his violent behavior in prison. His first rule violation was for stabbing two inmates. Mr. Serrano and another inmate ran up beside two unsuspecting inmates and repeatedly stabbed them. His persistent pattern of violence continued on for several years, resulting in multiple terms in the Segregated Housing Unit. Of the fifteen rule violations Mr. Serrano incurred during his incarceration, over half of them are for fighting and stabbing. He also joined a gang, where he reportedly became a high-ranking member. Mr. Serrano stated at the 2018 suitability hearing that he ceased all gang involvement in 2008. However, he also incurred a rule violation that same year for engaging in business dealings. While Mr. Serrano has managed to remain violence-free, he continued to demonstrate a disregard for institutional rules and regulations. Given his extensive record of violence and gang involvement, Mr. Serrano needs to demonstrate that he is capable of controlling his behavior and would not resort to such criminal inclinations if released.

Mr. Serrano's psychological evaluation supports my concerns. The 2016 psychologist rated him a "moderate" risk for future violence. He acknowledged that Mr. Serrano "has used violent confrontation (both verbally and physically) in an attempt to solve disputes throughout his life." The psychologist concluded, "Mr. Serrano evidenced characteristic behaviors indicative of a juvenile delinquent attempting to win the approval of others. He was immature, impulsive, reckless, violent, and engaged in numerous acts of criminal behavior ... Since his incarceration, Mr. Serrano has not matured; rather he has continued to demonstrate a willingness to engage in criminal and violent behavior ... violence and general criminal behavior were not transient features of Mr. Serrano's adolescence/juvenile years." I acknowledge that Mr. Serrano has made considerable efforts to turn his life around. However, I think he needs additional time to demonstrate a longer period of positive behavior and stability before he can safely be released.

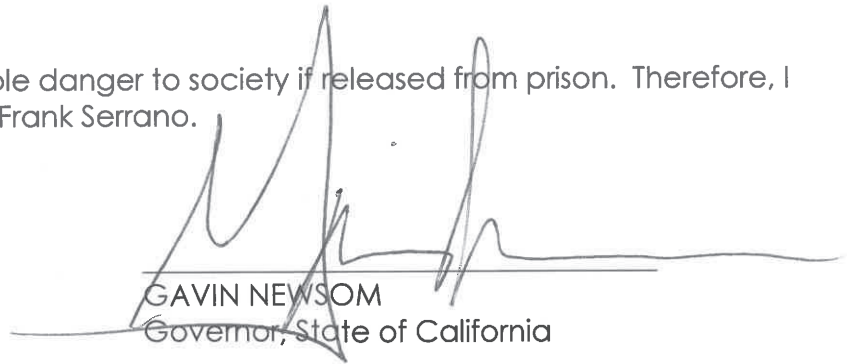
### **CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Serrano is currently dangerous. When considered as a whole, I find the evidence shows that he

Frank Serrano, H-21510  
2<sup>nd</sup> Degree Murder  
Page 4

currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Frank Serrano.

Decision Date:  
January 25, 2019



GAVIN NEWSOM  
Governor, State of California

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

**ANTHONY TAYLOR, E-63367**

Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

\_\_\_\_\_   X   \_\_\_\_\_

**STATEMENT OF FACTS**

On January 14, 1990, 25-year-old Anthony Taylor sold cocaine to Denny Chavez on a local street corner. Mr. Chavez drove away, but turned around and demanded his money back due to the inferior quality of the cocaine. As Mr. Chavez was driving away, Mr. Taylor pulled out a gun and fired five shots at Mr. Chavez, striking him once in the back of the head, killing him.

**GOVERNING LAW**

The question I must answer is whether Mr. Taylor 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. Taylor suitable for parole based on his showing of remorse, his rehabilitation, his positive programming, and his strong support in the community. I acknowledge Mr. Taylor has made efforts to improve himself while incarcerated. He has earned his GED and completed four vocations in Landscaping, Auto Detail, Janitorial Maintenance, and Painting and Decorating. He also participated in multiple self-help classes, including Alcoholics Anonymous, Power Over Addiction, Victim Impact, Substance Abuse, Gang Awareness, and Conflict Resolution. He routinely received above average to exceptional work ratings and, in 2013, two correctional officers commended Mr. Taylor for his willingness to help others and his positive attitude and programming. I carefully examined the record for evidence demonstrating Mr. Taylor's increased maturity and rehabilitation, and gave great

weight to all the factors relevant to his diminished culpability as a juvenile, his immaturity, his inability to appreciate the consequences of his actions, and his other hallmark features of youth, and his subsequent growth in prison during my consideration of his suitability for parole. However, they are outweighed by negative factors that demonstrate Mr. Taylor remains unsuitable for parole.

Mr. Taylor explained to the Board in 2018 that he committed the crime because he had a reputation to maintain and wanted to instill fear in people. He reported to the psychologist in 2016 that he was motivated by the "image and lifestyle" that he was living. He continued, "Being a part of the drugs scene, growing up saying that I didn't have a father that steered me on the right path to get an education...I used all the information in my life to be a street thug." These explanations are based purely on his struggle with his cocaine addiction and his criminal thinking.

In reviewing Mr. Taylor's case, I considered various positive factors. However, I am troubled that Mr. Taylor's criminal activity, in which he began engaging at 10 years old, did not cease when he entered prison. Mr. Taylor was last disciplined in 2015 for possession of a cell phone and charger. He incurred nine other rules violations, including masturbating in front of a female correctional officer, mutual combat, possession of inmate-manufactured alcohol, and starting a fire and throwing items from his cell onto a lower level tier. Mr. Taylor's adult criminal record coupled with his continued failure to live within the rules while incarcerated weigh heavily against his parole suitability at this time.

The psychologist's evaluation that Mr. Taylor poses a moderate risk of future violence supports my concerns. The risk rating was based in part on Mr. Taylor's irresponsibility, impulsivity, problems with supervision response and behavioral instability, after incurring his last three rules violations for prohibited electronic devices. The psychologist who evaluated Mr. Taylor in 2016 noted his rather recent change in behavior and concluded that he was still in the process of making positive changes. The psychologist did not disregard the fact that Mr. Taylor was only 25 years old at the time of the offense, yet concluded that his behavior did not appear to be the "product of diminished accountability due to youth." While I am encouraged by Mr. Taylor's commitment to self-help programming, I do not believe that he is ready to be released until he has maintained those gains for a longer period of time.

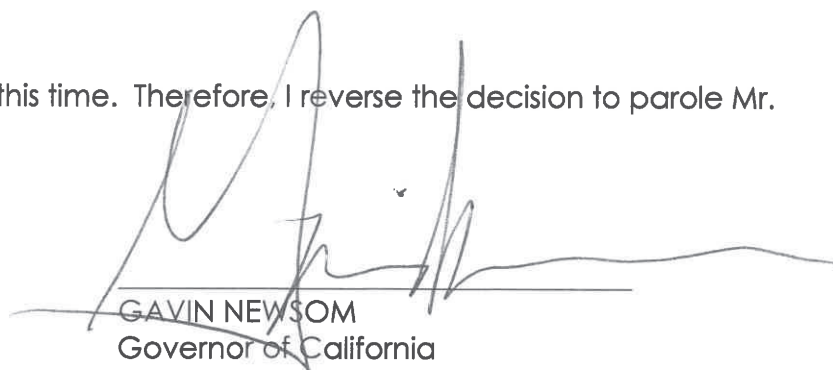
### **CONCLUSION**

At the age of 54, after being incarcerated for nearly 29 years, Mr. Taylor has demonstrated focus on more positive behavior, albeit only in the last eight years. Given the current record before me, and after carefully considering the same factors the Board must consider, I believe Mr. Taylor would pose an unreasonable risk to public

Anthony Taylor, E-63367  
Second Degree Murder  
Page 3

safety if released from prison at this time. Therefore, I reverse the decision to parole Mr. Taylor.

Decision Date:  
January 25, 2019



GAVIN NEWSOM  
Governor of California

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

**ESTEBAN VARELAS, J-70178**  
Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

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

**STATEMENT OF FACTS**

On October 2, 1994, Esteban Varelas and his friends, and Roberto Palomo and his friends, were drinking in front of an apartment building. One of the men in Mr. Varela's group got into an argument with Mr. Palomo. Mr. Palomo did not want to fight and retreated. Shortly thereafter, Mr. Varelas started a fight with Mr. Palomo as Mr. Palomo tried to walk away. Mr. Palomo struck Mr. Varelas in the eye and knocked him to the ground. Mr. Varelas rose to his knees, pulled out a .22-caliber handgun from his waistband and pointed it at Mr. Palomo. As Mr. Palomo ran to hide behind a nearby car, Mr. Varelas fired four or five shots, striking Mr. Palomo in the back. Mr. Palomo was transported to the hospital, where he died from the gunshot wound. Police arrested Mr. Varelas on October 3, 1994.

**GOVERNING LAW**

The question I must answer is whether Mr. Varelas 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. Varelas suitable for parole based on his remorse, his parole plans in Mexico, and the commendations he received from prison staff. I acknowledge Mr. Varelas has made efforts to improve himself while incarcerated. Mr. Varelas has received positive work ratings and has recently participated in self-help programming, including Alcoholics Anonymous, Victims Awareness, and TimeList. To his credit, Mr. Varelas has not received any rules violations since 2003; however, the three he has received during his incarceration have all been violent. I commend Mr. Varelas for taking these positive steps, but they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

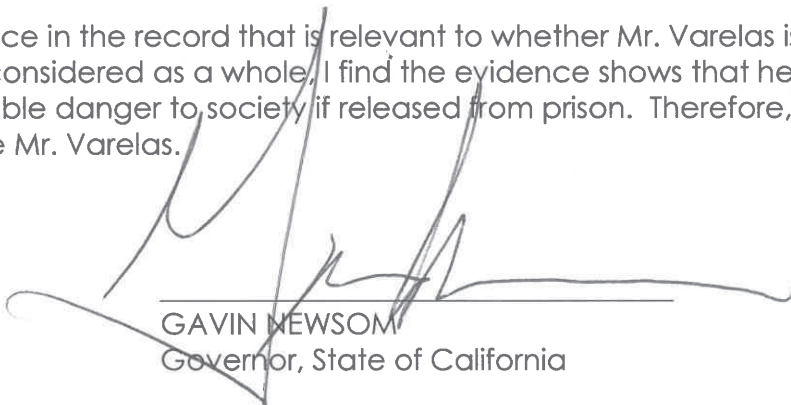
Mr. Varelas escalated a trivial dispute to a lethal encounter. At his 2018 suitability hearing, Mr. Varelas told the Board, "[The day before the crime] I was on my way home from work and there were some cholos that approached me wanting to sell a television and offering me a gun also." He continued, "I was more interested in getting the gun than I was in getting the television and I felt proud and I felt like I was untouchable with the gun and it gave me pleasure to purchase it." Mr. Varelas revealed that he went out on the morning of the crime to purchase bullets for the gun. Mr. Varelas kept the gun at his side to show it to his friends and family while they were outside drinking. When there was an argument between his social group and another nearby group, Mr. Varelas and the victim got into a fist fight. In his explanation about why he decided to shoot Mr. Palomo, Mr. Varelas told the Board, "Because when he knocked me to the ground, I felt humiliated." When questioned whether he felt better when he shot the victim, to which he replied, "Yes." He was then asked, "Did Mr. Palomo deserve to die?" Mr. Varelas responded, "At that moment, yes." These answers do little to illuminate what Mr. Varelas has learned in over two decades of reflection. The psychologist who evaluated Mr. Varelas in 2017 wrote, "[H]e did not provide an adequate explanation for why he responded with such intense and lethal violence" in the commission of his commitment offense. The psychologist also noted that his "plans to avoid engaging in violent behavior appeared nonspecific and insufficient." The psychologist concluded that Mr. Varelas "has not yet developed adequate insight regarding his violent and impulsive behavior." While Mr. Varelas has made improvements since telling the Board in 2010 that he was under attack by seven men and was only acting in self-defense when he shot Mr. Palomo, his insight still needs further development before he can be safely released.

Mr. Varelas' elevated risk rating supports my concerns. The psychologist rated him a "moderate" risk for future violence, based on Mr. Varelas' insufficient parole plans and plans to avoid alcohol, citing his limited self-help and substance abuse recovery programming. Mr. Varelas indicated that at the time of the crime he had consumed "six to seven beers," a drinking practice that was not unusual for him. Mr. Varelas' nonspecific plans on how to address the factors that led to Mr. Palomo's death indicates that he does not have adequate insight into his behaviors.

### **CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Varelas 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. Varelas.

Decision Date:  
January 25, 2019



GAVIN NEWSOM  
Governor, State of California

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

**ALBERT YOUNG, B-53150**

First Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

\_\_\_\_\_   X   \_\_\_\_\_

**STATEMENT OF FACTS**

On February 11, 1976, Albert Young, Robert Williams, and Johnny Sam went to 66-year-old Minnie Devereaux's home. When Ms. Devereaux answered the door, Mr. Young grabbed her by the throat, punched her, and forced his way into her home. Mr. Young gagged Ms. Devereaux, tied her hands, and told Mr. Sam to start gathering up items from the apartment. Mr. Sam ransacked the apartment and took Ms. Devereaux's record player, television, and fur coat. Mr. Young threatened to kill Ms. Devereaux if she did not tell him where her money was. After dumping out the contents of her purse, Mr. Young stabbed Ms. Devereaux in the back six times, killing her.

On February 19, 1976, Mr. Young, Mr. Williams, Sam, and Kim Curry arrived at Leroy Brown's home. Mr. Brown told Ms. Curry, who was his stepdaughter, to leave. Mr. Young hit Mr. Brown in the face with a tire iron and Mr. Williams said, "Kill him! Kill him!" Mr. Brown was struck several more times with the tire iron and suffered two broken arms, but survived.

On February 20, 1976, Mr. Young, Mr. Williams, and Mr. Sam, went to 84-year-old Ulysses Stephenson's home. Mr. Young asked Ms. Stephenson about a nearby rental property, then left. Mr. Young came back and asked to use Ms. Stephenson's phone. When Ms. Stephenson refused, Mr. Young grabbed her by the throat, forced his way into her home, tied her up, and started taking things from her home. Police arrived and arrested Mr. Young at the scene. Ms. Stephenson survived.

**GOVERNING LAW**

The question I must answer is whether Mr. Young 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. Young suitable for parole based on his age, physical and medical condition, participation in substance abuse programs, insight into his history of substance abuse, and remorse.

I acknowledge Mr. Young has made efforts to improve himself while incarcerated. He is 72 years old and has been in prison for almost 43 years. In that time, he participated in self-help programs including Narcotics Anonymous, Substance Abuse Program, Criminal Thinking, and Victim Awareness. He earned his GED and a paralegal certification, and received positive ratings from his work supervisors. I commend Mr. Young for taking these positive steps. However, they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

These crimes were cold and senseless. Mr. Young participated in a series of violent robberies with a group of crime partners, and was convicted of stabbing one victim to death. His actions were especially heinous because they involved attacks on multiple victims, including two who were elderly and particularly vulnerable.

Before committing these offenses, Mr. Young had a lengthy history of other criminal convictions, including for battery on a peace officer, drunk and disorderly conduct, assault with a deadly weapon, battery, robbery, grand theft, and drug use and sales. Mr. Young's antisocial behavior continued well into his incarceration for this crime. He has been disciplined 18 times for serious misconduct, most recently in 2010 for possession of inmate-manufactured alcohol, and previously for fighting, threatening an officer, failure to follow orders, masturbating, and possession of alcohol, marijuana, and drug paraphernalia. The psychologist who evaluated Mr. Young in 2018 diagnosed him with antisocial personality disorder and noted that throughout his adulthood, he has exhibited "a pervasive pattern of disregard for and violation of the rights of others." Mr. Young also has a long history of substance abuse. He was using marijuana daily by age 13, and was drinking regularly by age 15. He started using heroin in 1965 and continued on and off for many years, even after prior drug-related convictions and efforts at treatment. The psychologist also diagnosed Mr. Young with severe alcohol and heroin use disorders and moderate cannabis use disorder, in sustained remission, in a controlled environment.

Mr. Young has shown little insight into his very troubling pattern of violence and drug abuse. He attributes much of his criminal history to his substance abuse, and told the 2018 psychologist, "It was just bad behavior. I knew it was wrong but I just couldn't seem to not use drugs and alcohol...Most of it was about getting money to buy drugs." At his most recent parole hearing, he told the Board that he "goofed up" in 2010 when he was caught again with alcohol. Mr. Young denied murdering Ms. Devereaux but acknowledged his long history of committing other crimes, including his "[t]errible behavior" in prison. He said that he accepted responsibility for his past violence, but provided no indication that he understands why he acted violently for so many years or

how he plans to act differently in the future. As the presiding parole commissioner said, "[T]he Board clearly recognizes that Mr. Young, over these years, has not developed the insight." The psychologist also noted that Mr. Young's insight was incomplete, explaining, "Mr. Young's insight into the personal risk factors – his thoughts, affect, and behaviors – remains limited as he tends to emphasize the contextual and interpersonal risk factors when discussing past offenses." The psychologist concluded that Mr. Young represents a "moderate" risk for future violence, based in part on his many years of violence and his current lack of insight.

I acknowledge that Mr. Young's age and medical condition have some bearing on his risk of future violence. He is now 72 years old, uses a cane, and has been diagnosed with liver cancer, cirrhosis of the liver, and several other chronic conditions. However, based on Mr. Young's lengthy pattern of criminal activity and rules violations, his serious history substance abuse, his current lack of insight into these issues, and the psychologist's elevated risk assessment, I do not believe Mr. Young can be safely released at this time.

### **CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Young 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. Young.

Decision Date:  
January 25, 2019



GAVIN NEWSOM  
Governor, State of California

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

**PENIANMINA AHYOU, J-21874**

First Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

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

**STATEMENT OF FACTS**

On February 26, 1993, 17-year-old Penianmina Ahyou and Eliu Simms entered Nam Sok Ko's store, purchased some beer and returned to their vehicle parked outside. Moments later, Mr. Ahyou and Mr. Simms reentered the store. Mr. Simms approached Mr. Ko at the service counter, pointed a gun at him, and demanded money. Mr. Ahyou approached store employee Oscar Renteria and punched him. Mr. Simms shot Ko once in the head, killing him. Both men fled in their vehicle.

**GOVERNING LAW**

The question I must answer is whether Mr. Ahyou 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 youth 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. Ahyou suitable for parole based on his age at the time of the crime, his remorse, maturity in prison, vocational accomplishments, self-help programming, and adequate parole plans.

I acknowledge that Mr. Ahyou's crime was committed when he was 17 years old and that he has since been incarcerated for over 25 years. Mr. Ahyou was born out of an affair between his parents, causing his father to be and out of Mr. Ahyou's life. He reported early behavioral problems and stated he ran away from home at age 9. His father died when he was about 12 or 13, causing his behavior to escalate. He began

associating with negative peers, using and selling drugs, and joined a gang. He engaged in numerous fights at school, resulting in suspensions and expulsion. His behavioral problems culminated in the commission of his commitment offense. The 2017 psychologist evaluated Mr. Ahyou's diminished culpability as a juvenile and wrote, "...At the time, his actions were the epitome of conduct disorder – including impulsivity, irresponsibility and an overall inability to consider the long-term impact of his actions."

Mr. Ahyou has made some efforts to improve himself in prison. He has never been disciplined for any violence. He earned two vocational certifications in custodial maintenance and truck driving. He has held consistent employment throughout his incarceration, routinely receiving above average to exceptional work ratings. Correctional staff have commended Mr. Ahyou for his work ethic, positive attitude, and positive programming. He also participated in self-help programming such as Advanced Addiction Recovery, Criminals and Gangmembers Anonymous, Victim Impact, and Criminal and Addictive Thinking. I carefully examined the record for evidence demonstrating Mr. Ahyou's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a juvenile, his hallmark features of youth, and his subsequent growth in prison. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole.

I am concerned about Mr. Ahyou's institutional behavior. He has incurred 15 rule violations during his incarceration. Half of those are for substance abuse. Mr. Ahyou reported to the psychologist that he has been clean and sober since 2007. However, he was last disciplined in 2012 for possessing tobacco. At his 2018 suitability hearing, Mr. Ahyou also admitted to selling drugs in prison up until 2010. It is clear that receiving multiple write-ups did not deter his substance abuse nor criminal activity. Also, as recent as 2017, Mr. Ahyou admitted to associating with members of a prison gang. While Mr. Ahyou has managed to remain discipline and violence free since 2012, this progress is recent compared to his long history of criminal activity and disregard for institutional rules and regulations.

I am not convinced Mr. Ahyou fully understands what led to his violence. Mr. Ahyou explained that he became involved with drugs, gangs and the commitment offense due to low self-esteem and the loss of his father. However, Mr. Ahyou began exhibiting behavioral problems well before his father's death; he ran away from home at the age of 9, joined a gang at the age of 12, and also began abusing alcohol and marijuana around that same time. The psychologist wrote, "While abandonment may play some role, it fails to explain Mr. Ahyou's well documented early behavioral problems. Overall, Mr. Ahyou needs to explore what personality factors contributed to his behaviors, the susceptibility to be negatively influenced by antisocial peers and the disinhibiting effects of early substance abuse."

Mr. Ahyou also lacks insight into his substance abuse. He did not discuss substance abuse as an influencing factor to the commitment offense and did not include it as part of his post release plans despite a long history of abuse – as recent as 2012. The psychologist opined, "He really needs to examine, in a more comprehensive manner,

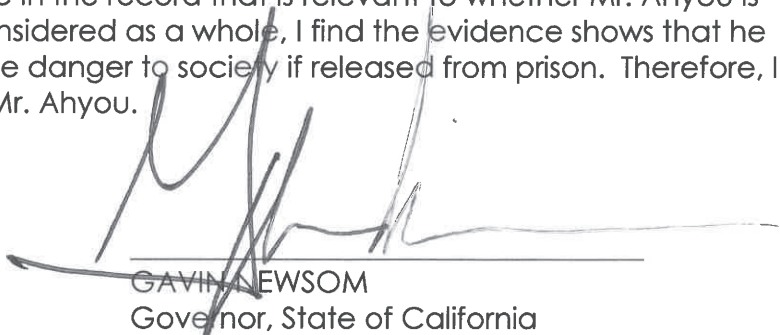
the factors that led to abuse of drugs and alcohol in the community and while incarcerated ... he struggled to communicate alternative and prosocial means to alternatively cope with urges to use drugs and alcohol ... His relapse prevention plan requires reworking and he needs to demonstrate a continuous pattern of compliance with self-help groups specifically related to substance abuse. Perhaps then, Mr. Ahyou will come to recognize abstinence in the community is not synonymous with abstinence in prison." If Mr. Ahyou cannot understand and articulate what led him to resort to violence and substance abuse, he remains at risk for resorting back to similar criminal activity if released.

Mr. Ahyou's psychological evaluation supports my concerns. The psychologist rated him a "moderate" risk for future violence. She wrote, "Mr. Ahyou has received various CDCR disciplinary action since his last risk assessment, which indicates a pattern of substance abuse, difficulty following institutional rules and irresponsibility." I acknowledge Mr. Ahyou has made some progress to turn his life around. However, I think he needs additional time to demonstrate prolonged stability and to understand how he came to commit this crime.

### **CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Ahyou 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. Ahyou.

Decision Date:  
February 1, 2019



\_\_\_\_\_  
GAVIN NEWSOM  
Governor, State of California

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

**DANIEL ARCHULETA**  
First Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

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

**STATEMENT OF FACTS**

On October 1, 1978, 25-year-old Daniel Archuleta, a former Nuestra Familia gang member, and his brother, Richard Archuleta, were driving around when they saw Eddie Gutierrez and Jaime Rodriques sitting on a curb. Daniel and Richard drove away but returned a few minutes later, and asked if Mr. Gutierrez and Mr. Rodriques were members of a rival gang. Mr. Rodriques said they were and walked toward the car. Richard told Daniel to shoot Mr. Rodriques as he approached. Daniel shot Mr. Rodriques in the chest with a .22 caliber rifle, killing him. Richard then directed Daniel to shoot at Mr. Gutierrez. Daniel shot at Mr. Gutierrez in the abdomen and chest, but he survived.

**GOVERNING LAW**

The question I must answer is whether Mr. Archuleta 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 youth 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. Archuleta suitable for parole based on his age at the time of the crime, remorse, acceptance of responsibility, current age and physical condition, parole plans, vocational training, lack of recent violence, and participation in self-help groups.

I acknowledge that Mr. Archuleta's crime was committed when he was 25 years old and that he has since been incarcerated for 40 years. He reported he experienced

excessive physical discipline and sexual abuse at home when he was growing up, and started acting out and participating in criminal activity at age 12. Mr. Archuleta first drank alcohol when he was 11 years old, and drank daily from when he was 16 until he committed this crime. The psychologist who evaluated Mr. Archuleta in 2018 concluded that he demonstrated impulsivity as a juvenile and "was undeterred by the consequences of his early criminal sanctions." However, the psychologist also noted that Mr. Archuleta continued to participate in violent activity during his adulthood, "indicating that youth was not the only contributing factor to his early deviance."

I also acknowledge that Mr. Archuleta has made some efforts to improve himself in prison. He has not been disciplined for serious misconduct for more than ten years. He earned his GED and completed a vocational training program. Mr. Archuleta has participated in self-help programs including Alcoholics Anonymous, Criminal thinking, and Criminals and Gangmembers Anonymous. He received positive work ratings and was most recently assigned as caregiver for inmates with disabilities. I carefully examined the record for evidence demonstrating Mr. Archuleta's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youth, his impulsivity and his other hallmark features of youth, and his subsequent growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Archuleta opened fire on two men simply because he thought they were rival gang members, killing one of them and seriously injuring the other. This incident was part of a long pattern of violent behavior. Mr. Archuleta had previously been convicted of many crimes, including assault, burglary, grand theft auto, assault to commit rape, and rape. After coming to prison, he was disciplined 25 times for serious misconduct, including for fighting, battery on an inmate, possession of material used to make weapons, and possession of alcohol. As recently as 2017, when Mr. Archuleta was 64 years old, he was counseled by staff for firing a staple gun in the air, nearly hitting another inmate and a staff member. For many years, Mr. Archuleta demonstrated a serious disregard for the safety of others and the rule of law.

I am troubled that Mr. Archuleta still cannot explain his long pattern of violent conduct. When the 2018 psychologist asked why he shot at Mr. Gutierrez and Mr. Rodriques, Mr. Archuleta responded, "Why did I react like that? My dad, watching him. Oh, and I'd been shot before. It all points back to fear. It's back there subconsciously." At his parole hearing, he further explained that he had watched his father respond with "inappropriate" violence in the past, which "contributed to my criminal way of thinking." Mr. Archuleta acknowledged participating in a variety of criminal activity at an early age, but showed little insight into why he thought this was an acceptable way to behave for so long. The psychologist observed that Mr. Archuleta "had at best a superficial impression of understanding his behaviors." She concluded that his lack of insight "remained a relevant risk factor," and noted that while he could list some factors that contributed to his actions, his understanding of them "remained shallow." I agree with the psychologist's conclusions. Mr. Archuleta's statements demonstrate an

inadequate understanding of his many years of violent actions. Until he demonstrates stronger insight into his actions, I cannot be confident that he will refrain from violent, impulsive behavior if released.

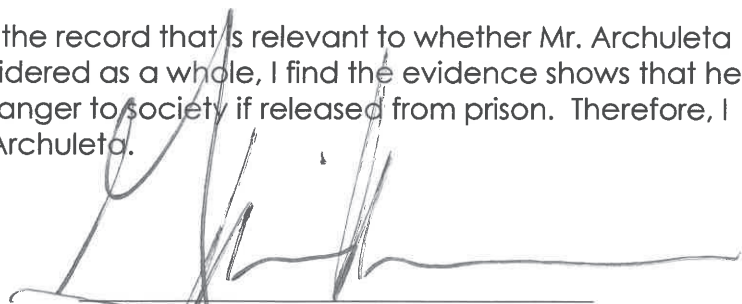
I am also concerned that Mr. Archuleta is minimizing his prior conviction for rape and assault with intent to commit rape. When the psychologist asked him about the offense, he said, "I was drunk and I was trying to get more money to buy liquor. Grabbed [the victim's] arm and told her I had a gun, but I didn't have a gun." He explained that he pleaded guilty to the rape charge so that he could be released from custody more quickly. However, according to the probation officer's report, Mr. Archuleta pulled the 16-year-old victim into some bushes, threatened to hurt her unless she took off her undergarments, and tried to penetrate her. The record indicates that Mr. Archuleta only stopped after the victim screamed and attracted the attention of an approaching car. The discrepancy between these two accounts indicates that Mr. Archuleta is downplaying the severity of his criminal history.

The psychologist's recent evaluation supports my concerns. She determined that Mr. Archuleta poses a "moderate" risk of future violence, based in part on his lack of insight into his lengthy criminal history. The psychologist also rated Mr. Archuleta an "above average" risk for sexual recidivism. These elevated risk ratings, along with Mr. Archuleta's inadequate insight, minimization of his criminal past, and significant history of violence and misconduct, indicate that he cannot be safely released at this time.

### **CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Archuleta 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. Archuleta.

Decision Date:  
February 1, 2019



GAVIN NEWSOM  
Governor, State of California

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

**JOHN BADGETT, E-92535**  
First Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

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

**STATEMENT OF FACTS**

In January 1989, 20-year-old John Badgett and his brother went to California because there were warrants out for their arrest in Texas. Their friend Michael Palmer went with them to California. At some point, Mr. Badgett and his brother discovered that Mr. Palmer wanted to return to Texas, and they became angry and worried that Mr. Palmer would reveal their location or turn them in. On February 18, 1989, Mr. Badgett, his brother, and Mr. Palmer were drinking alcohol and took a drive to the mountains. Mr. Badgett's brother shot Mr. Palmer in the head, killing him. Mr. Badgett dismembered Mr. Palmer's body and threw some body parts in the ocean, and left the rest of his body near the highway. Mr. Palmer's head, hands, and feet washed up on the shore the next day, and the rest of his body was discovered a few days later.

**GOVERNING LAW**

The question I must answer is whether Mr. Badgett 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 youth 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. Badgett suitable for parole based on his age at the time of the crime, growth and maturity since then, remorse, acceptance of responsibility, lack of significant criminal history, current age, realistic parole plans, and participation in positive activities in prison.

I acknowledge that Mr. Badgett's crime was committed when he was 20 years old and that he has since been incarcerated for almost 30 years. He reported enduring a tumultuous childhood; his stepfather was an alcoholic who abused drugs and physically abused Mr. Badgett for many years. Mr. Badgett's stepfather encouraged him to fight others, leading him to conclude that violence was an appropriate "solution, whether for insult, control, to get my way....It was the only tool in the toolbox." The psychologist who evaluated Mr. Badgett in 2016 noted that by the time he committed this crime, Mr. Badgett had been using violence to solve his problems for many years, and his "capacity to show restraint at the time was severely damaged, no doubt due to the abuse he suffered at home." However, the psychologist also concluded that Mr. Badgett's actions did not show "transient immaturity or impulsiveness" due to the planned nature of the crime.

I also acknowledge that Mr. Badgett has made some efforts to improve himself in prison. He has not been disciplined for serious misconduct since 2004. He earned an A.A. degree and completed multiple vocational certification programs. Mr. Badgett has participated in self-help groups including Narcotics Anonymous, Criminals and Gangmembers Anonymous, Victim Impact Awareness, and Anger Management. He earns positive ratings from his work supervisors, and has been commended by officers for his good attitude and behavior. I carefully examined the record for evidence demonstrating Mr. Badgett's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youth, his immaturity and lessened inability to understand the consequences of his actions, his other hallmark features of youth, and his subsequent growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Badgett committed an especially heinous crime. He and his brother – motivated by nothing but mere speculation that Mr. Palmer might disclose their location – planned together to murder him. After Mr. Badgett's brother shot and killed Mr. Palmer, Mr. Badgett coldly dismembered his friend's body and attempted to dispose of the parts. Mr. Badgett's willingness to kill and mutilate the body of his good friend was chilling.

I am troubled that Mr. Badgett has not adequately explained his decision to employ such extreme violence. At his parole hearing, he explained that he developed a "chip on my shoulder" and felt betrayed after a high school acquaintance's testimony sent him to prison in Texas. After he and his brother overheard Mr. Palmer calling someone in Texas, they assumed that he would turn them in. Mr. Badgett explained that his "overriding concern was not going back to prison, was not getting told on." He felt angry and threatened, and Mr. Palmer's actions reminded him of the betrayal he experienced in Texas. Mr. Badgett initially decided to beat Mr. Palmer up, but then, after being awake for a few days working and using drugs, he said "I had been angry and I turned to my brother and said I'm going to kill him."

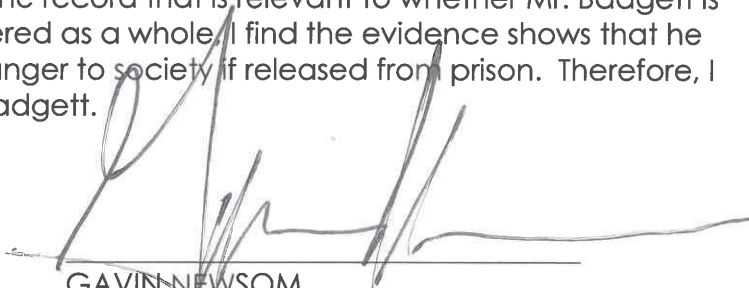
Mr. Badgett's explanations shed little light on his willingness to brutally murder his close friend. By Mr. Badgett's own account, this was not an impulsive crime. He and his

brother discussed killing Mr. Palmer, and then carried out their plan, and Mr. Badgett personally cut off Mr. Palmer's hands, feet, and head. Anger, betrayal, and a history of fighting to solve his problems simply do not explain the deliberate and shocking violence Mr. Badgett chose to employ against Mr. Palmer. Mr. Badgett's statements demonstrate some understanding of his emotions at the time, but he has not yet shown sufficient insight into his conscious decision to act on those emotions in such an extreme and violent way. Until Mr. Badgett can show that he has a comprehensive understanding of his calculated decision to kill and dismember his good friend, I do not believe he can be safely released from prison.

### **CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Badgett 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. Badgett.

Decision Date:  
February 1, 2019



GAVIN NEWSOM  
Governor, State of California

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

**PETER BURZA, K-00891**  
Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

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

**STATEMENT OF FACTS**

On October 7, 1994, Peter Burza rented a room in his girlfriend's home to Craig Kensinger. Mr. Burza became angry with Mr. Kensinger's repeated drug use in the house. On October 11, 1994, Mr. Burza and Mr. Kensinger were in the basement of the home where Mr. Kensinger was looking for his drugs. Mr. Burza struck Mr. Kensinger in the back on the head with a .45 handgun. When Mr. Kensinger turned around, Mr. Burza shot him once in the left eye, killing him. Mr. Burza put Mr. Kensinger's body under a bed, went upstairs, showered, and went to sleep. The next day, Mr. Burza bought six bags of cement mix. He removed the box spring and mattress from the bed, used wood to make a frame around Mr. Kensinger's body, and poured the cement mix over the body. He then placed the box spring and mattress on top of wooden frame and assembled the room back in the same configuration. A few days later, Mr. Burza's girlfriend began to complain about a foul odor coming from under the house. Mr. Burza discovered that the cement tomb had cracked and could not conceal the odor. He broke up the concrete and dismembered the body with a power saw and an ax. He disposed most of the body parts at a gas station dumpster and burned Mr. Kensinger's head and torso in his fireplace.

**GOVERNING LAW**

The question I must answer is whether Mr. Burza 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. Burza suitable for parole based on his remorse, acceptance of responsibility, current age, discipline-free record, self-help programming, educational and vocational accomplishments, positive work ratings, and stable relationships with inmates and staff.

I acknowledge Mr. Burza has made efforts to improve himself while incarcerated. He has held consistent employment since his incarceration and has worked as a clerk for the past 10 years, earning exceptional work ratings. Correctional staff have commended Mr. Burza for his work ethic, positive attitude and positive programming. He is now 65 years old and has never been disciplined for misconduct during his over 24 years of incarceration. He earned a GED and has participated in self-help programming, including Alcoholics Anonymous, Narcotics Anonymous, Anger Management, and Insight. I commend Mr. Burza for taking these positive steps. However, they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Burza perpetrated a heinous and disturbing crime. A day after shooting the victim and leaving his body in the basement for using drugs in his home, Mr. Burza decided to hide the body by covering it with concrete and encasing the victim in a makeshift tomb. Mr. Burza carried on as normal for several days, deceiving his girlfriend that Mr. Kensinger had moved out of the home, remaining apathetic as Mr. Kensinger's mother filed a missing persons report, and even allowing the police into his home for questioning. Once the odor from Mr. Kensinger's decaying body permeated the house, Mr. Burza decided that the only way to get rid of Mr. Kensinger was to dismember him. In his statement to the police, Mr. Burza stated, "Knowing I couldn't move him like that, I figured, well, I'd have to move him in pieces." At no point in time over the course of those several days did Mr. Burza stop to reflect on his actions, or to turn himself in. This crime demonstrates a callous disregard for Mr. Kensinger and has devastated his family, who have spoken movingly about their continuing sense of loss and pain.

Mr. Burza's explanations for this crime are inadequate in light of the violence he inflicted on Mr. Kensinger. He explained to the 2018 psychologist that he had been angry with Mr. Kensinger and wanted him to move out because Mr. Kensinger had been using drugs and was unwilling to share his drugs with Mr. Burza. He stated that Mr. Kensinger had a "Charles Manson" type of look on his face when he turned around to face Mr. Burza in the basement, which scared him so much that he decided to pull out his gun and shoot. The psychologist wrote, "When Mr. Burza was queried as to his motivation for committing the life crime, he explained that he was selfish, manipulative and had no regard for others ...When asked how he was able to dismember and attempt to dispose the victim's body, he explained he was in a state of panic and was only focused on avoiding going to jail." These simple explanations do little to account for the nature and extent of violence that he took out on Mr. Kensinger. It also fails to explain the several days that had passed in which Mr. Burza had time to reflect on his actions and could have ceased furthering his crime.

I have doubts regarding Mr. Burza's credibility. Mr. Burza's statement that he was angry with Mr. Kensinger for not sharing drugs with him is at odds with information in the appellate record, which indicates that Mr. Burza was strongly opposed to Mr. Kensinger's drug use in the home and that his repeated use led to several conflicts

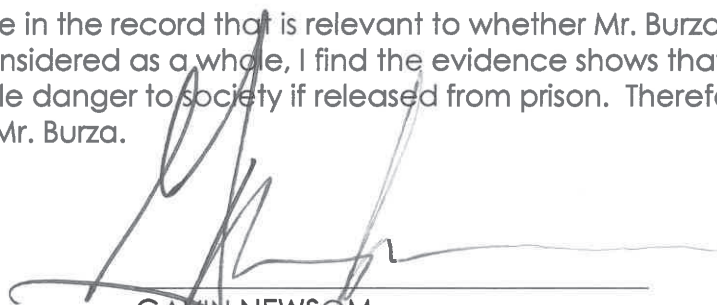
between them. He stated to the police, "By Sunday I was sick of him ...I was so sick of him, I wanted him out, and I didn't want to get into a fist fight with him, because I didn't want him coming back and – he's a junkie, he was like a junkie." Also – for the first time since his incarceration – Mr. Burza admitted to the psychologist that he struck Mr. Kensinger in the back of the head with his gun before he shot him in the left eye. He stated, "I thought this would knock him unconscious and I could drag him out of the basement and would be rid of him. This did not work and he was unaffected by the blow. He then stood up turning around in an attempt to fight back. I thought to myself "F" this guy ... [and] in a fit of rage, I shot Craig and killed him." I am troubled that after 24 years in prison and undergoing his third psychological evaluation, Mr. Burza is not only unable to be more forthcoming about what led to the crime, but he also omitted a crucial piece of information to avoid taking total responsibility. If Mr. Burza cannot fully understand and appreciate what led him to commit this horrible crime, he continues to be at risk for committing additional crimes in the future.

The 2018 psychologist shared my concerns. While the psychologist rated Mr. Burza a "low" risk for future violence based on his discipline-free record in prison, work ethic, and self-help involvements, the psychologist voiced his concerns about Mr. Burza's "lack of insight." He stated, "Mr. Burza has been less than honest about the events of the life crime offense for many years; and today he added that he first struck the victim before shooting him. His explanation for assaulting and shooting the victim as well as his ability to dismember the body in an attempt to avoid detection for the life crime seems underdeveloped." The psychologist concluded, "In this evaluator's opinion, his lack of insight regarding his motivating factors leading to this murder still appears somewhat relevant in his risk for future violence." I agree. I am not convinced that Mr. Burza has adequately confronted the nature and extent of his actions.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Burza 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. Burza.

Decision Date:  
February 1, 2019



GAVIN NEWSOM  
Governor, State of California

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

**SUNYHE CHOI, WE-5692**  
Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

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**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

On August 1, 2005, Sunyhe Choi babysat 10-month-old Nicole and her own 22-month old daughter. Later that afternoon, Ms. Choi's husband called paramedics and told them that Nicole was not breathing. Nicole was transported to the hospital and was declared dead from her injuries. Ms. Choi was arrested on August 5, 2005. At her 2018 suitability hearing, Ms. Choi admitted she slammed Nicole's head onto the bathroom floor several times because Nicole had vomited on the living room floor after falling off of the couch.

**GOVERNING LAW**

The question I must answer is whether Ms. Choi 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. Choi suitable for parole based on her lack of prior criminal history, her educational and self-help programming, positive work ratings, insight into her crime, and lack of disciplinary history.

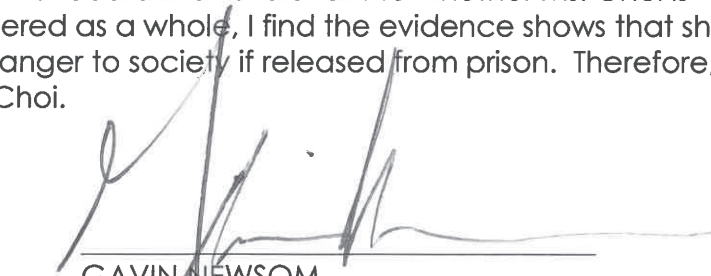
I acknowledge Ms. Choi has made efforts to improve herself while incarcerated. She has completed extensive self-help programming and lived in an honor dorm for several years. Ms. Choi also earned her GED in 2013. She has never been disciplined for any misconduct while incarcerated. I commend Ms. Choi for taking these positive steps. However, these factors are outweighed by negative factors that demonstrate she remains unsuitable for parole.

Ms. Choi's crime was senseless and tragic. She told the 2018 psychologist that her attack on Nicole was a result of the baby crying and then vomiting after having a sticker removed from her mouth. She described hitting Nicole's head on the floor many times. Then, instead of calling authorities, Ms. Choi put Nicole down for a nap. It was Ms. Choi's husband who eventually called emergency personnel. Ms. Choi's explanations for why she brutally beat Nicole's head against the floor are inadequate. Ms. Choi told the psychologist that when the baby began to vomit, "I got so mad. . .like crazy angry and irritated." Ms. Choi described in her hearing how her anger and frustration escalated throughout the day. She told commissioners that both her daughter and Nicole were whining and crying that day, and that her frustration grew after Nicole vomited and later began crying in the bathtub. Ms. Choi explained to commissioners that at the time of the crime, "I hated my job—watching Nicole and I hated myself, my marriage." She described low self-esteem as a result of her husband's poor treatment of her, feelings that she left unexpressed and unaddressed. I am troubled by the fact that instead of acknowledging what she was feeling and seeking help, Ms. Choi unleashed a violent attack on a vulnerable 10-month-old baby. Her explanations for why she committed this crime are inadequate and do not explain how she could commit such a heinous act. While I commend Ms. Choi for her efforts at self-improvement and the insight she has gained into why she committed this crime, I am not prepared to release her at this time.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Ms. Choi 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. Choi.

Decision Date:  
February 1, 2019



GAVIN NEWSOM  
Governor, State of California

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

**EMIL DURANT, P-82966**  
Second Degree Murder

**AFFIRM:**

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**MODIFY:**

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**REVERSE:**

\_\_\_\_\_   X   \_\_\_\_\_

**STATEMENT OF FACTS**

On June 3, 1996, William Russell went to a park that was known to be a meeting place for gay men. He approached Gildardo Avina and asked him for money. Emil Durant, Mr. Russell's 22-year-old cousin, came up behind Mr. Avina and pretended to get into an argument with Mr. Russell. Mr. Russell suddenly hit Mr. Avina with a stick or a tree branch. Mr. Durant grabbed Mr. Avina from behind while Mr. Russell hit and kicked him. Mr. Durant threw Mr. Avina to the ground and he and Mr. Russell hit and kicked him. Mr. Durant and Mr. Russell called Mr. Avina a "faggot" and told him they were going to kill him. After a few minutes, Mr. Avina escaped. Mr. Durant and Mr. Russell chased him, but stopped when he went into a restaurant.

On June 13, 1996, Mr. Durant and Mr. Russell went back to the same park. They each had a tree branch the size of a baseball bat. Mr. Durant said, "Let's go up and get the faggot." Mr. Russell agreed, and they ran up a hill and started beating Dwight Harmon with the branches. A witness heard Mr. Harmon yelling for help. A few minutes later, Mr. Durant and Mr. Russell ran back down the hill. They had blood on their clothing, and Mr. Durant told the witness that someone had tried to assault them. Mr. Durant said that he was glad he had not been scratched, since he was afraid of catching AIDS from the victim. Mr. Harmon's body was found in the park the next morning. He had been beaten in the head, chest, and stomach, and was manually strangled. Mr. Harmon's wedding ring, watch, and key ring were missing.

**GOVERNING LAW**

The question I must answer is whether Mr. Durant 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 youth 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. Durant suitable for parole based on his age at the time of the crime, subsequent growth and maturity, lack of rules violations, remorse, acceptance of responsibility, lack of juvenile criminal history, current age, realistic parole plans, and participation in positive activities in prison.

I acknowledge that Mr. Durant's crime was committed when he was 22 years old and that he has since been incarcerated for 22 years. He told the psychologist who evaluated him in 2016 that he started getting into fights with other children around age 10, and started shoplifting, breaking curfew, and robbing others as an adolescent. Mr. Durant spent "a great deal of his time" with gang members and adopted their values. He drank and smoked marijuana regularly at age 15, and began using methamphetamines at age 19. The psychologist concluded that Mr. Durant showed "elements of immaturity and poor decision-making" at the time of the crime, that he participated in criminal activity in an attempt to "impress his gang-member friends," and that he did not consider the consequences of his actions.

I also acknowledge that Mr. Durant has made some efforts to improve himself in prison. He has never been disciplined for serious misconduct, and has been commended by correctional officers for his positive behavior and attitude. He completed several vocational certifications and regularly receives positive work ratings from his supervisors. Mr. Durant has participated in self-help programs including Alcoholics Anonymous, Victim Impact, Criminal Thinking, and Alternatives to Violence. I carefully examined the record for evidence demonstrating Mr. Durant's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youth, his immaturity and other hallmark features of youth, and his subsequent growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Durant and his cousin launched a completely unprovoked attack on Mr. Harmon, and ultimately beat and strangled him to death in a public park. The presiding commissioner at Mr. Durant's parole hearing aptly described this as a "vicious, disturbing, and senseless" crime. Mr. Durant committed this crime less than two weeks after beating another stranger in the same park while yelling homophobic slurs and threatening to kill him before he managed to escape.

Mr. Durant's insight into his violent conduct is insufficient. At his parole hearing, he explained that he was motivated to rob Mr. Harmon out of greed, and that he became angry when Mr. Harmon fought back. He said, "[I]t was the mindset that I had I wouldn't tolerate no disrespect," so he decided to kill Mr. Harmon. Mr. Durant also admitted that at the time, he thought it was "fun" to "beat somebody up," and that "the more the crime, the worse the crime," the more accolades he would get from his

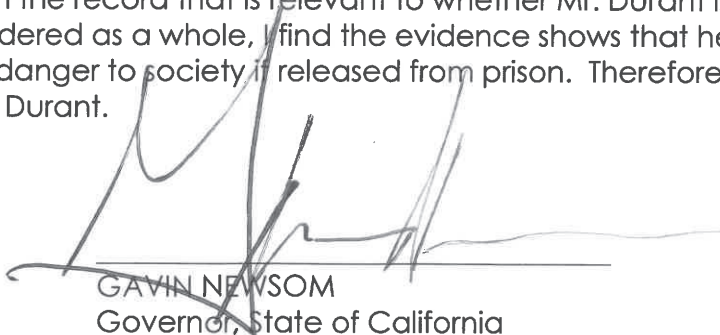
peers. These statements indicate that Mr. Durant has a relatively shallow understanding of his actions. Greed, anger, and a desire to impress his peers simply do not account for Mr. Durant's willingness to inflict such an extreme level of violence on Mr. Harmon. I am also disturbed by facts in the record that indicate that Mr. Durant targeted Mr. Harmon and Mr. Avila based on their sexual orientation. According to the appellate record, Mr. Durant and Mr. Russell sought out victims in a known meeting place for gay men, and they attacked both victims "supposedly because [they] had made a homosexual pass" at Mr. Russell. A witness also reported that Mr. Durant referred to Mr. Harmon as a "faggot" before beating him to death. At his parole hearing, Mr. Durant denied targeting these victims based on their sexual orientation. However, he acknowledged that his crime partner had "been hit on by men at that park" and that they planned to "use that to our advantage" when robbing them. Given the evidence in the record and Mr. Durant's own admissions, it appears that he is seriously minimizing this aspect of his commitment offense.

My concerns are supported by Mr. Durant's 2016 psychological evaluation. The psychologist determined that he poses a "moderate" risk of future violence. He concluded, "[Mr. Durant] has demonstrated permissive attitudes regarding violence and crime and a failure to consider how his actions might affect others...He continued to lack adequate insight into his history of violent behavior as well as his need for ongoing services to refrain from violence in the future." The psychologist also raised concerns about Mr. Durant's statements of remorse, which "appeared disingenuous and insincere." The psychologist continued, "It seems that the inmate is more concerned about being caught than he is about refraining from crime because it is potentially harmful." For all of these reasons, I do not believe that Mr. Durant is ready to be released at this time.

### **CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Durant 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. Durant.

Decision Date:  
February 1, 2019



GAVIN NEWSOM  
Governor, State of California

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

**BRUCE FOSTER, D-36509**  
First Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

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**REVERSE:**

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

**STATEMENT OF FACTS**

On August 10, 1985, 16-year-old Bruce Foster and his two crime partners entered a local market with their faces covered with masks to commit a robbery. Mr. Foster and one of his crime partners were armed with a revolver and a BB gun, respectively. Upon entering the market, Mr. Foster shot the owner, Ahmed Alhalemi, in the chest, killing him. Mr. Foster and his crime partners then fled.

**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. 4th 1181, 1214.) Additionally, I am required to give "great weight to the diminished culpability of youth 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. Foster suitable for parole based on his age at the time of the crime, his remorse and accepted responsibility, his viable parole plans, and his subsequent growth and maturity in prison.

I acknowledge Mr. Foster was only 16 years old when he committed this crime and has since been incarcerated for over 33 years. Mr. Foster experienced a very turbulent childhood. He explained he never met his father and had "no personal relationship with his mother." He reported that he was physically abused by a man he believed to be his uncle and witnessed "a great deal of violence including shooting within his extended family." He also reported that when he was 8 years old, he was molested by his karate instructor, an incident for which his mother blamed him "because he had spent time with the neighbor." Mr. Foster explained to the psychologist that he "did not enjoy school due to his unstable home life." As a result, he was suspended three or four

times for fighting at school. He later began associating with negative peers and joined the Crips gang when he was just 13. His criminal behavior started at an early age with arrests for burglary, petty theft, and later escalated to his commitment offense of murder and robbery. The psychologist who evaluated Mr. Foster in 2018 wrote, "it is clear that he was significantly susceptible to the influences of other gang members and antisocial individuals at the time he committed the life crime."

Mr. Foster has made efforts to improve himself while incarcerated. He has earned his GED and completed two vocational classes in air conditioning and electrical repair. He also participated in some self-help, including Denial Management, Criminal Thinking, Victim Impact, and Criminals and Gang Members Anonymous, but the psychologist noted that "based on his lack of full transparency regarding his behavior in prison, it is not yet clear Mr. Foster would fully comply with the requirements of supervision in the community." I share this concern and note that Mr. Foster only recently started to increase his participation in self-help programming. I carefully examined the record for evidence demonstrating Mr. Foster has increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender, his susceptibility to peer influences, and his other hallmark features of youth, and his subsequent growth in prison during my consideration of his suitability for parole. However, they are outweighed by negative factors that demonstrate Mr. Foster remains unsuitable for parole.

Mr. Foster and his crime partners entered a market for the sole purpose of stealing money because they were told the market "kept thousands of dollars on site." Despite over three decades in prison, Mr. Foster has given superficial explanations for his willingness to participate in this violent crime.

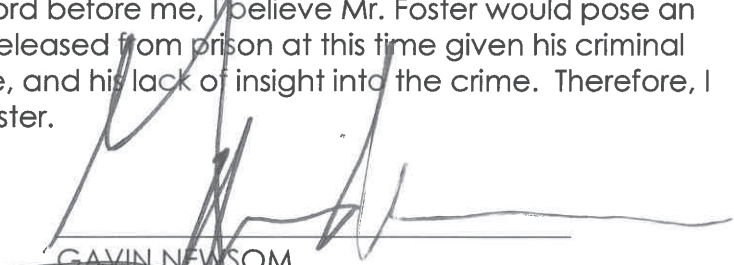
I am troubled by Mr. Foster's history of failing to conform his behavior to the rules, both prior to and in prison. Mr. Foster has not responded well to previous discipline and has been unable to maintain prosocial behavior and stability. Mr. Foster explained to the psychologist in 2018 that he witnessed a lot of violence during his childhood and grew up in a community surrounded and influenced by gang activity. When asked why he engaged in criminal activity, Mr. Foster explained, "I was a follower. I was looking for the same attention my brother got. My mother loved him to death." Mr. Foster had previously committed a burglary, petty thefts, and battery as a juvenile, demonstrating an escalating pattern of violent behavior and tendencies. During his incarceration for the life offense, Mr. Foster has been disciplined 15 times for rules violations, six of which involved violence, including an assault on a correctional staff member. Mr. Foster was also counseled 13 times for less serious misconduct. Most recently, his misconduct included possessing a cell phone in 2011. In addition, Mr. Foster denied any gang involvement in prison, yet he provided contradictory statements to the psychologist when he admitted passing "kites" and drugs for gang members when he was assigned as a porter. This behavior shows Mr. Foster's inability to leave gang activity and associations with negative influences behind, despite his lengthy incarceration.

The psychologist's evaluation that Mr. Foster poses a moderate risk of future violence supports my concerns. The risk rating was based in part on Mr. Foster's current struggles with residual criminal thinking, his gang involvement in the community, past gang-related violence, and problems with supervision. The psychologist who evaluated Mr. Foster in 2018 noted that he was on juvenile probation at the time he committed this offense and was concerned that his most recent rules violation was only in 2011. The psychologist concluded that Mr. Foster still has difficulties related to supervision. While I am encouraged by Mr. Foster's recent behavior and commitment to self-help programming, I do not believe that he is ready to be released until he has regularly maintained these positive gains for a longer period of time.

### **CONCLUSION**

Mr. Foster has been incarcerated for almost 34 years and has made some notable gains in prison, including taking steps to address his criminal behavior and substance use issues. But given the current record before me, I believe Mr. Foster would pose an unreasonable risk to public safety if released from prison at this time given his criminal history, his history of substance abuse, and his lack of insight into the crime. Therefore, I reverse the decision to parole Mr. Foster.

Decision Date: February 1, 2019



GAVIN NEWSOM  
Governor of California

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

**JOSEPH LYNCHARD, F-73524**  
Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

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

**STATEMENT OF FACTS**

On the afternoon of March 28, 2005, Joseph Lynchard was at a bar drinking alcohol. On his drive home, he struck Kathryn Black who was riding her bicycle. Mrs. Black died at the scene due to blunt force trauma. Mr. Lynchard had a .24% blood alcohol content level.

**GOVERNING LAW**

The question I must answer is whether Mr. Lynchard 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. Lynchard suitable for parole based on his current age, his medical and cognitive conditions, no previous record of violence, and no disciplinary history in prison.

I acknowledge Mr. Lynchard has made some efforts to improve himself while incarcerated. He has never been disciplined for any serious misconduct. He also participated in some self-help such as Alcoholics Anonymous and Veteran's Group. When he was able to work in prison, he received satisfactory work ratings. I commend Mr. Lynchard for taking these positive steps. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Lynchard has an extensive criminal history related to alcohol abuse. Between 1975 and 2001, he received six convictions for driving under the influence (DUI) and reckless driving. Mr. Lynchard violated conditional sentences on multiple occasions for his DUI convictions. He has demonstrated a repeated disregard for the laws and the safety of others. Mr. Lynchard has not responded well to previous interventions designed to

deter his alcohol abuse and criminal behavior. Despite his many convictions, he has been unable to maintain his stability and sobriety, resulting in a risk of injury or death to others.

Mr. Lynchard has yet to address his substance abuse. In his over 13 years of incarceration, Mr. Lynchard has minimally engaged in his rehabilitation. He participated in Alcoholics Anonymous from 2011-2012. Despite a pervasive history of alcohol abuse, he has not taken advantage of additional substance abuse treatment nor substance abuse programming to understand his reasons and triggers for alcohol. The 2018 psychologist who unsuccessfully attempted to evaluate him – due to his refusal to participate – wrote, “He has declined groups that may be beneficial to him.” Although he has not incurred any rule violations for substance abuse, Mr. Lynchard admitted at his 2018 suitability hearing that he drank inmate manufactured alcohol once in 2010. This relapse – without intervention – is concerning because Mr. Lynchard has not grasped the consequences of his alcohol abuse. If he does not understand the consequences of his actions, he is at risk for continuing such behavior if released. The psychologist concluded, “Unfortunately he has not completed a sustained pattern of substance abuse treatment in prison and is unlikely to complete in the community. Alcohol abuse appears to be a setting and exacerbating event for his life crime and which makes it highly relevant ... He is not likely to complete treatment based on his history of non-compliance. Therefore he’s unlikely to comply with supervision or treatment requirements making treatment and supervision moderately relevant.” If Mr. Lynchard is unwilling to address his problems with alcohol, he continues to pose an unreasonable risk of danger to the public.

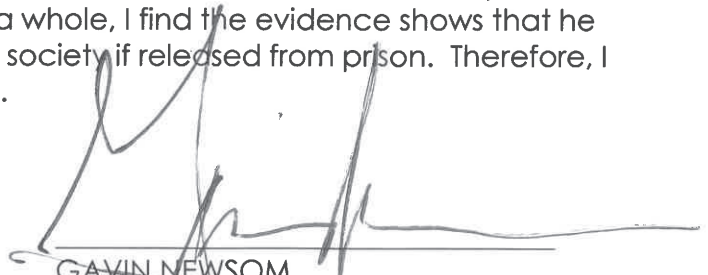
I am troubled by Mr. Lynchard’s lack of insight and remorse for his crime. At his suitability hearing, Mr. Lynchard maintained he did not have a drinking problem. He stated, “I just didn’t have a drinking problem, but – I – I did – maybe I couldn’t handle it. I would only have a couple and leave.” When asked by the Board how he would know if he did have a drinking problem, he responded, “Well, that’s, uh, when you’re falling down drunk, uh, that’s a drinking problem, but I – I was never that way.” The psychologist opined, “It is more likely than not that within the past few years Mr. Lynchard has had problems with insight and treatment response.” In light of his long history of alcohol abuse, his multiple convictions, and commitment offense, I am concerned that Mr. Lynchard continues to downplay the magnitude of his substance abuse. He maintained at his hearing – as he has since his arrest for the crime – that he was not at fault for Mrs. Black’s death and suggested that she had been on drugs. He stated, “Evidently, something was wrong with her before she run down this hill wobbling on her bicycle, uh, and hit the side of my truck as I was going up the road.” I am disturbed that Mr. Lynchard continues to blame the victim for her death instead of confronting his own shortcomings. The Board also took issue with this and stated, “We didn’t see any remorse here for your behavior. You know -- and you said you feel bad, um, but to us, those were just words.” The Board made clear that their reason for granting Mr. Lynchard parole was his medical condition. They concluded, “If you weren’t in the condition that you are in today, this Panel would likely not grant you parole.” I recognize that Mr. Lynchard is now 86 years old and has many medical

conditions. However, his minimal rehabilitation and lack of insight and remorse are deeply troubling and demonstrates that he remains at risk for future violence. Until Mr. Lynchard can show that he understands and appreciate the severity of his actions, I am not prepared to approve his release.

### **CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Lynchard 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. Lynchard.

Decision Date:  
February 1, 2019



GAVIN NEWSOM  
Governor, State of California

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

**ANDRES MICHAL, H-93344**  
Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

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

**STATEMENT OF FACTS**

Andres Michal, who was 17 years old, lived with his uncle, his uncle's wife, and his uncle's wife's daughter, Yolanda Astorga. On February 21, 1992, Mr. Michal shot Ms. Astorga in the chest with a .38 caliber revolver, killing her. Mr. Michal dragged Ms. Astorga's body into his bedroom, undressed her, fondled her, and then had sexual intercourse with her. Mr. Michal then put Ms. Astorga's body in his closet. When the family was looking for Ms. Astorga, Mr. Michal told them that she had gone out with friends, but Mr. Michal eventually told his uncle that Ms. Astorga's body was in his closet. Mr. Michal was arrested the next day. Mr. Michal was released on February 22, 1992 and re-arrested on February 24, 1992.

**GOVERNING LAW**

The question I must answer is whether Mr. Michal 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 youth 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. Michal suitable for parole based on his age at the time of the crime, his credibility, his insight, and lack of recent institutional misconduct.

I acknowledge that Mr. Michal's crime was committed when he was 17 years old and that he has since been incarcerated for 27 years. I also acknowledge that Mr. Michal has made some efforts to improve himself in prison. He has earned a GED,

participated in self-help programming, and completed vocational training. Mr. Michal endured a turbulent childhood. He reported to the psychologist a history of strained and conflicted relationships, which contributed to increased behavioral instability. He also reported being molested in sixth grade and working as a teenage prostitute. I carefully examined the record for evidence demonstrating Mr. Michal's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a juvenile, his immaturity and impetuosity and his other hallmark features of youth, and his subsequent growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Michal continues to lack insight regarding his crime and has yet to come to terms with the sexual nature of his offense. He told the psychologist in 2018 that he killed Ms. Astorga because he was angry that his uncle was sending him back to Mexico, and Ms. Astorga attempted to calm him down. Mr. Michal asserted that the gun went off as he attempted to give it to Ms. Astorga, resulting in Ms. Astorga's death. I find this account of the shooting implausible. Mr. Michal explained that he "lost control" and sexually abused Ms. Astorga, then hid her body in a closet because he was confused with his thoughts. Mr. Michal reasoned that he had sex with Ms. Astorga as a result of his own history of sexual abuse, stating that every time he got drunk he "was always doing something sexual." The psychologist's findings support my concerns about Mr. Michal's credibility and his lack of insight into his crime. When concluding that Mr. Michal represents a moderate risk of future violence, the psychologist noted, "Mr. Michal's credibility is compromised by various changes over the years to his version of events and his thoughts regarding causative factors." The psychologist called his insight "a moving target, and difficult to analyze, because the details keep changing." The 2018 psychologist wrote that "Mr. Michal's explanation of how sexual trauma contributed to the life crime leaves more questions than answers," and noted that there are no other documented incidences of him acting out sexually either before or after the crime. The psychologist determined that Mr. Michal continues to demonstrate a "clear lack of insight" into the sexual assault. The board acknowledged at Mr. Michal's 2018 suitability hearing that Mr. Michal needed more work to understand the sexual component of his crime.

I am also concerned with Mr. Michal's institutional misconduct and his honesty regarding when his gang involvement ceased. Mr. Michal reported to the psychologist in 2018 that he stopped associated with gangs in 2005, when he requested placement on a Sensitive Needs Yard. At his hearing in 2018, Mr. Michal reported that he last engaged in gang activity in 2001. Yet, information in Mr. Michal's file indicates that he was still associating with the Mexican Nationals and ordering assaults on other inmates in 2011. I am troubled by Mr. Michal's lack of credibility and honesty regarding when his gang involvement and related violence ended.

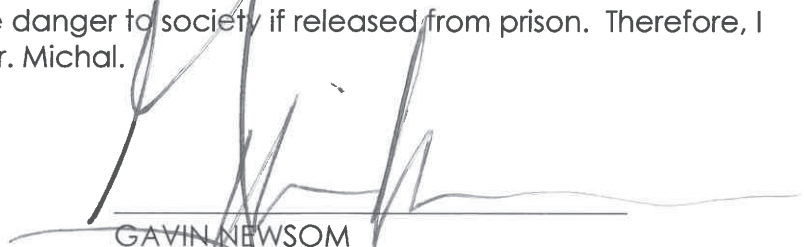
I am not satisfied that Mr. Michal has gained meaningful insight into his crime and am concerned by the inconsistencies regarding when his institutional misconduct ceased. I encourage Mr. Michal to continue participating in self-help classes to assist him in

gaining a better understanding of why he committed these acts. Until he does so, I do not believe he can be safely released.

**CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Michal 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. Michal.

Decision Date:  
February 1, 2019



GAVIN NEWSOM  
Governor, State of California

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

**KACEE MONROE, V-42864**  
Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

\_\_\_\_\_ X \_\_\_\_\_

**STATEMENT OF FACTS**

On November 15, 2001, 16-year-old Kacee Monroe believed that Austin Ross had broken into his bedroom to steal a gun that Mr. Ross had recently sold him. Later that night, Mr. Ross and Mr. Monroe were at Frank Heinz's home. Mr. Monroe confronted Mr. Ross about the gun, but Mr. Ross denied stealing it. Mr. Monroe, pretending to believe Mr. Ross, asked him to help him bury some stolen items in the nearby woods. Around two hours later, Mr. Monroe returned to Mr. Heinz's house alone, with scratches on his face, out of breath, and covered in dirt. Mr. Monroe claimed that Mr. Ross had run into the woods. A few days later, Mr. Monroe led law enforcement to the woods where Mr. Ross's body was found lying next to a bloody axe handle. An autopsy confirmed that Mr. Ross received approximately fifteen blows to his head, and died from blunt force trauma.

**GOVERNING LAW**

The question I must answer is whether Mr. Monroe 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 youth 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. Monroe suitable for parole based on his growth and maturity, his acceptance of responsibility for the crime, and his disciplinary record.

I acknowledge that Mr. Monroe's crime was committed as a youthful offender and he has since been incarcerated for over 17 years – more than half of his life. In his 2016 psychological evaluation, Mr. Monroe mentioned growing up with both parents until

around age 8. He was placed in foster care several times. He was also placed in a group home where he claims he was sexually abused. As he aged, Mr. Monroe became involved with criminal activity. Mr. Monroe estimated that he committed at least 17 residential burglaries between ages 13 and 16. I acknowledge that Mr. Monroe has made some efforts to improve himself in prison. Mr. Monroe has participated in self-help programming, including Criminal Thinking, Anger and Stress Management, and Criminals and Gangmembers Anonymous. I am impressed with Mr. Monroe's commitment to education. He earned his GED and is currently working toward an A.A. degree. I carefully examined the record for evidence demonstrating Mr. Monroe's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender, the hallmark features of youth, and his subsequent growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Monroe's crime was a shockingly cold and calculated execution. His young victim suffered greatly in the last moments of his life, receiving 15 blows to the head from a handle of a sledgehammer. I am troubled that as recently as his 2016 psychological evaluation, Mr. Monroe attempted to reframe the facts of his case to place himself in a more positive light. Mr. Monroe claimed he thought the victim was reaching for a weapon and acted in self-defense when the victim hit him with a shovel. At the 2018 hearing, however, Mr. Monroe admitted this account is not true. He admitted he knew he was going to kill the victim when he asked him to accompany him to the woods.

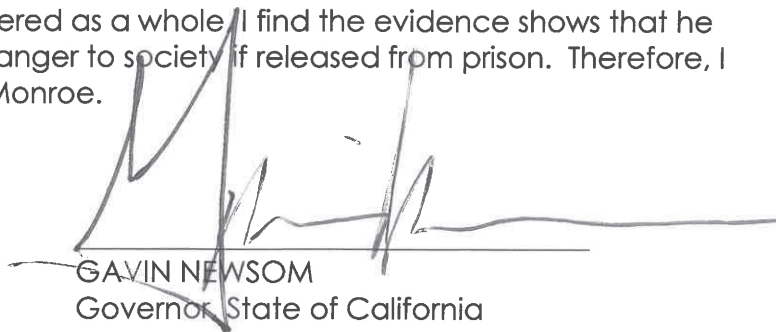
Although Mr. Monroe has now given a more accurate description of the crime in 2018, he has yet to sufficiently explain why he inflicted such violence on his victim. He told the Board that he "lost it" and that the pinned up anger from childhood was unleashed on the victim. Mr. Monroe discussed his upbringing at length – having been the victim of sexual abuse and being bullied by gang members in his neighborhood. In fact, the gun he purchased from the victim was intended for personal protection. Regarding he and the victim, Mr. Monroe explained, "...we had previous issues, you know, and, um, it all just came forward in that moment, you know everything was there. You know, the other gang members and everybody else was far away and this was happening in the moment." I find it troubling that when Mr. Monroe discusses this crime, it comes across as being an impulsive act – this is simply not true. It is clear Mr. Monroe lured the victim out to the woods under false pretenses and bludgeoned him to death. Even if he were acting on impulse, these explanations simply do not account for his extremely violent actions and I do not find them convincing.

I commend Mr. Monroe for taking positive steps toward rehabilitation. However, in light of the tremendous violence he committed, Mr. Monroe must do more to ensure that he fully understands the reasons for his crime and will not return to violence when he is released.

**CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Monroe 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. Monroe.

Decision Date:  
February 1, 2019



GAVIN NEWSOM  
Governor, State of California

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

**MARCOS NAJERA, P-71009**  
Second Degree Murder

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

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

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

**STATEMENT OF FACTS**

On August 29, 1999, 23-year-old Marcos Najera and Jose Alcala got into a fight on the street. During the fight, Mr. Najera pulled out a knife and stabbed Mr. Alcala twice in the stomach, killing him. Mr. Najera fled, but was arrested that day.

**GOVERNING LAW**

The question I must answer is whether Mr. Najera 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 youthful offenders 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. Najera suitable for parole based on his remorse for the crime, his self-help programming, and his parole plans. I acknowledge that Mr. Najera's crime was committed when he was 23 years old and that he has since been incarcerated for over 19 years. I also acknowledge that Mr. Najera has made some efforts to improve himself in prison. He received positive work ratings and has taken Adult Basic Education classes for several years. He completed self-help programming, including Alcoholics Anonymous, Narcotics Anonymous, Family Relationships, and Anger Management. I carefully examined the record for evidence demonstrating Mr. Najera's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youth offender, his hallmark features of youth, and his subsequent growth in prison during my consideration of his suitability for parole. Although Mr. Najera has made commendable strides in his rehabilitation, these factors

are outweighed by negative factors that demonstrate Mr. Najera remains unsuitable for parole.

Mr. Najera has a history of criminal behavior and escalating violence as a gang member, which combined with his history of substance and alcohol abuse to lead to the commission of his crime. Mr. Najera told the psychologist who evaluated him in 2018 that he began using marijuana at age 12, started using a gram of cocaine every two days at age 14, and was regularly drinking alcohol by age 15. He has received two rules violations for manufacturing alcohol in prison, one in 2002 and one in 2008. He reported that he most recently used alcohol and controlled substances in prison in 2010. Mr. Najera further reported to the psychologist and the Board that he was under the influence of alcohol and was in a period of drug use when he killed Mr. Alcala. At his suitability hearing, Mr. Najera told the Board he was at a party drinking all day and armed himself with a knife in case he encountered any rival gang members. He added that he had spent his rent money on alcohol and drugs, which stressed him out and prompted him to attempt to rob the victim. He told the Board, "I see that is an easy target as to robbing Mr. Alcala just to come up with some of that money I needed [for rent and bills]." Mr. Alcala resisted and Mr. Najera stabbed him twice in the stomach. The psychologist determined that Mr. Najera meets the criteria for Alcohol Use Disorder, Cannabis Use Disorder, and Stimulant Use Disorder, all in a controlled environment. It is critical that Mr. Najera demonstrate a longer period of sobriety and have a robust relapse prevention plan to ensure he is in control of his substance abuse and will not relapse, putting the public in danger of another violent outburst.

The above concerns are supported by Mr. Najera's elevated risk rating. The psychologist rated Mr. Najera as a "moderate" risk of future violence based on his recent commitment to self-help programming, his unverified parole plans, and his need for continued substance abuse recovery and treatment. The psychologist noted that "while some of his behavior in the commitment offense may have been attributable or related to facets of youth.... [h]e has continued to display antisocial behavior and attitudes well into adulthood, which is indicative of an entrenched overall character style...." While Mr. Najera's progress is commendable, his rehabilitation is still in progress and requires further development before he can be safely released.

### **CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Najera 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. Najera.

Decision Date:  
February 1, 2019



GAVIN NEWSOM  
Governor, State of California

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

**RUBEN PEREZ, B-88910**  
First Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

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

**STATEMENT OF FACTS**

On May 21, 1977, 25-year-old Ruben Perez searched for his ex-wife, Judy Coldiron, at her aunt's house where a party was taking place. Mr. Perez argued with Ms. Coldiron and threatened to kill her. Mr. Perez then attempted to strike Ms. Coldiron, but a party guest restrained him. Mr. Perez then left the home. He returned that night again looking for Ms. Coldiron. The next day, Mr. Perez threatened to break down the door if Ms. Coldiron did not open it. Ms. Coldiron's cousin opened the door, and Mr. Perez confirmed that Ms. Coldiron was not there. As he was leaving, he yelled, "I'm going to take care of you honkies, and I'm going to take care of all of you tonight!" Later that evening, the home of Ms. Coldiron's parents was set on fire and burned down. Investigators later found Buck Hughes' body in the home. Mr. Perez maintains his innocence.

**GOVERNING LAW**

The question I must answer is whether Mr. Perez 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 youth 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. Perez suitable for parole based on his age at the time of the crime, his lack of violent criminal history, his subsequent growth and maturity, and lack of rules violations in almost two decades.

I acknowledge Mr. Perez was 25 years old when he committed this crime and that he has made some efforts to improve himself while incarcerated. He earned his GED and participated in some self-help programming, including Substance Abuse, Domestic

Violence, Insight, Victim Impact, and Anger Management. I carefully examined the record for evidence demonstrating Mr. Perez has increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender, his susceptibility to peer influences, and his other hallmark features of youth, and his subsequent growth in prison during my consideration of his suitability for parole. However, they are outweighed by negative factors that demonstrate Mr. Perez remains unsuitable for parole.

Mr. Perez's crime was extremely reckless and showed a callous disregard for human life. After several unsuccessful attempts at talking to his ex-wife, Ms. Coldiron, Mr. Perez followed through on the threats he made regarding members of her family, by setting her parents' mobile home on fire, where the victim, a family friend, died due to serious burns to his entire body and carbon monoxide poisoning.

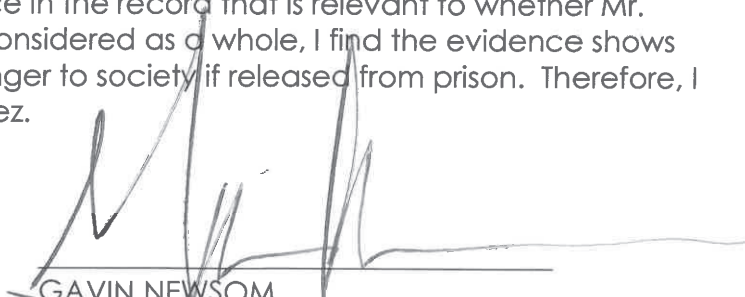
Mr. Perez has not responded well to discipline in the past and has been unable to conform to prosocial behavior and stability for years after committing the offense. While in prison, Mr. Perez was disciplined 32 times for rules violations, with many of the violations showing an inclination to participate in violent behavior, including making threats to correctional staff and participating in a melee, in which he was placed in the security housing unit for the latter violation. Even more concerning was the violation he received in 2015, at the age of 64, for refusing assigned housing, after more than a decade of no rules violations. Though not violent, the recent violation shows his inability to remain disciplinary-free even after a long period of positive behavior. Mr. Perez was also counseled 24 times for less serious misconduct.

The psychologist's evaluation in 2018 concluded that Mr. Perez poses a moderate risk of future violence, based on concerns that have not dissipated despite Mr. Perez being incarcerated for over 40 years. The psychologist noted that Mr. Perez "had a history of alcohol and drug use, which coincided with his criminal activities, and continued while in the controlled prison setting." Mr. Perez received seven substance-related rules violations, but noted that he has been sober for approximately 20 years. Mr. Perez reported that he had consumed alcohol and a "red pill," which he stated was either an opiate or barbiturate, on the night of the offense. At the time of arrest, Mr. Perez's blood alcohol content was 0.15, nearly twice the legal limit. While he has maintained his innocence regarding this offense, Mr. Perez acknowledged the use of substances made him "feel very bold." His statement is very unsettling, given the fact that he indicated to the psychologist that he did not have a formal relapse prevention plan in place if released on parole. In addition, he only participated in Alcoholics Anonymous meetings for a short duration and only recently completed the Substance Abuse Program in 2016. While I am encouraged by Mr. Perez's recent efforts to address his substance abuse issues, I do not believe that he is ready to be released until he has maintained these efforts for a longer period.

**CONCLUSION**

Mr. Perez has been incarcerated for almost 42 years and has made notable gains in prison, including taking some steps to address his criminal behavior and substance use issues. I have considered the evidence in the record that is relevant to whether Mr. Perez is currently dangerous. When considered as a whole, I find the evidence shows that he remains an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Perez.

Decision Date:  
February 1, 2019



GAVIN NEWSOM  
Governor of California

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

**DAT PHAN, E-60091**  
First Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

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

**STATEMENT OF FACTS**

On November 17, 1985, Dat Phan, age 16, and Hung Ly, both members of the Pomona Boys gang, went to a restaurant with three other friends. While Mr. Phan and his friends ate, they noticed that another customer, Quy Nguyen, was staring at them. Mr. Ly instructed Mr. Phan to call other Pomona Boys members, including Ninh Nguyen, and summon them to the restaurant. Mr. Phan complied. When the other Pomona Boys members arrived, Mr. Phan, Mr. Ninh, and another Pomona Boys member approached Mr. Quy and shot at him with handguns. Mr. Quy and another customer, Minh Luu, were both killed. Two other customers, Tam Huynh and Loc Tran, a busboy, Rigoberto Nava, and the manager, Phuc Phung, were all wounded, but survived. Mr. Phan and his friends fled. Mr. Phan was arrested on January 22, 1988.

**GOVERNING LAW**

The question I must answer is whether Mr. Phan 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. Phan suitable for parole based on the length of Mr. Phan's incarceration, his young age at the time of the crime, his self-help programming, acceptance of responsibility, vocational training, and release plans. I acknowledge that Mr. Phan's crime was committed when he was 16 years old and that he has since been incarcerated for 31 years. I also acknowledge that Mr. Phan

has made some efforts to improve himself in prison. He has participated in self-help programming, including Anger Management, Criminal Thinking, and Substance Abuse. Mr. Phan also completed vocational training. I carefully examined the record for evidence demonstrating Mr. Phan's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a juvenile offender, his immaturity and failure to appreciate risks and consequences and his other hallmark features of youth, and his subsequent growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Phan participated in a brutal and senseless crime that resulted in the death of two people, injuries to four others, and risk of death or injury to many others. Mr. Phan and his crime partners terrorized patrons at a crowded restaurant simply because one of the customers looked at a gang member's girlfriend the wrong way. I am troubled by Mr. Phan's continued gang association in prison. Mr. Phan reported to the psychologist in 2018 that he associated with the Pomona Boys from 1983 until 2015. Mr. Phan admitted dealing drugs and participating in prison politics on behalf of the gang over the course of his incarceration. At his 2018 suitability hearing, Mr. Phan noted that he was "living in denial" regarding his participation in gang activity and "fully involved in gangs." It was only in 2015 that he had a "wake-up call from the Board" as a result of the board denying him a parole grant based on his minimization. I am troubled by the fact that Mr. Phan continued his gang association and misconduct for decades following this crime. While I commend Mr. Phan for disassociating himself from gang activities, it is concerning that it took a parole denial and many decades of incarceration for Mr. Phan to "wake up."

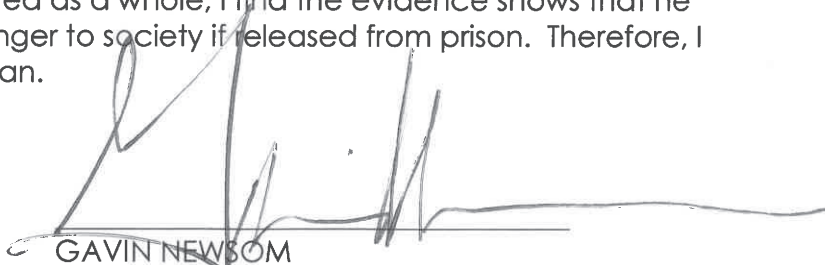
I am also concerned by Mr. Phan's drug and alcohol use in prison. Five of Mr. Phan's six rules violations are a result of substance abuse. He also acknowledged to the psychologist "having a substance use problem and vulnerability to relapse." Mr. Phan reported both at his hearing and to the psychologist in 2018 that he has been sober since 2014. He has participated in substance abuse programming, beginning largely in 2014. While I commend Mr. Phan for his efforts to address his addictions, I am concerned about his chances of relapse considering the relative recency of his sobriety.

The psychologist's findings in 2018 support my concerns regarding Mr. Phan's substance use and gang involvement. The psychologist noted that "Problems with antisocial association, violent attitude and substance use persisted after entering State Prison. The inmate presents a relatively recent commitment to pro-social goals, including commitment to abstinence in 2014 and effort to extricate himself from negative influences in 2015." While I am moved by Mr. Phan's commitment to sobriety and pro-social values, I believe he needs a longer period of rehabilitation before I am convinced he is ready to be safely released.

**CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Phan 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. Phan.

Decision Date:  
February 1, 2019



GAVIN NEWSOM  
Governor, State of California

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

**JOHN PHAYSALEUM, P-42804**

Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

  **X**  

**STATEMENT OF FACTS**

In October 1998, 16-year-old John Phaysaleum, a member of the Asian Crips, rode past Lue Vang, Xer Lee, Koua Vang, Peter Moua, and Julie Xiong, some of whom were members of a rival gang. Mr. Lee and Mr. Phaysaleum got into a verbal altercation where gang language was exchanged. Ten minutes later, Mr. Phaysaleum returned with a semi-automatic gun, and fired five or six rounds at the group. One of the bullets struck Mr. Lue Vang in the chest, killing him. Fortunately, no one else was physically injured.

**GOVERNING LAW**

The question I must answer is whether Mr. Phaysaleum 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. 4th 1181, 1214.) Additionally, I am required to give "great weight to the diminished culpability of youth 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. Phaysaleum suitable for parole based on his positive programming, marketable skills, and subsequent growth and maturity. I acknowledge that Mr. Phaysaleum was a youthful offender when he committed this crime and he has since been incarcerated for more than 20 years – over half of his life. During his 2018 psychological evaluation, Mr. Phaysaleum told the psychologist that he and his siblings experienced severe physical abuse as children. As he aged, he began to emulate his older siblings who were gang members. At age 15, Mr. Phaysaleum joined the Asian Crips and engaged in vandalism and fighting. Since his incarceration, Mr. Phaysaleum has made some efforts to improve himself. Mr. Phaysaleum has participated in self-help courses including Criminal Thinking, Alternatives to Violence,

and more recently, Criminals and Gangmembers Anonymous. I carefully examined the record for evidence demonstrating Mr. Phaysaleum's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a juvenile, the hallmark features of youth, and his subsequent growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Phaysaleum committed a senseless crime. He fired a semi-automatic weapon into a group of teenagers because he felt disrespected. I am troubled that after claiming the life of teenager due to gang violence, Mr. Phaysaleum continued his gang involvement in prison until 2013 – well into his adulthood. Mr. Phaysaleum has received 11 rules violations, including one for participating in a riot and several for possessing a cellphone. Mr. Phaysaleum told the 2018 psychologist that, as recently as 2013, he used illegal cellphones to contact former gang members. It appears that even a lengthy incarceration has only recently deterred Mr. Phaysaleum from interacting with negative social groups.

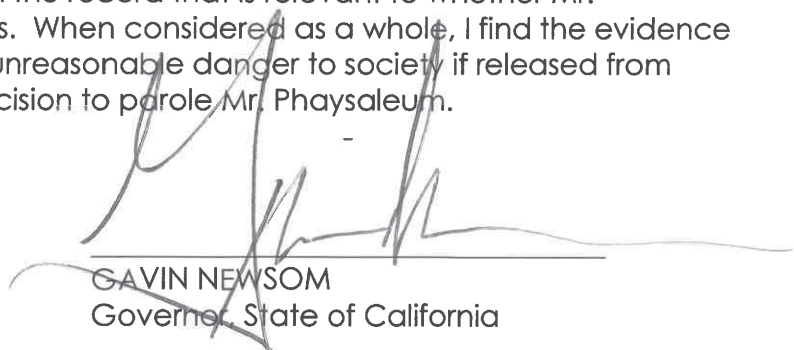
Mr. Phaysaleum's most recent risk ratings support my concerns. The 2018 psychologist rated Mr. Phaysaleum a moderate risk for future violence and concluded that his "risk of violence is closely associated with his ability to avoid influences of criminally oriented peers." The psychologist further noted that "up until recently, Mr. Phaysaleum's relationships continued to influence antisocial and sometimes violent behavior." This included being influenced by older inmates to commit violence in order to gain acceptance.

I am encouraged by the 2018 suitability hearing, during which Mr. Phaysaleum showed growth and maturity. He expressed a clear desire to remain discipline-free and has continued to distance himself from gangs. I commend him for his positive steps toward rehabilitation, however, this turnaround is fairly recent. Given Mr. Phaysaleum's long history with gangs, and his susceptibility to negative influences, I believe he needs more time to show he can withstand the lure of the gang lifestyle once released.

### **CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Phaysaleum 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. Phaysaleum.

Decision Date:  
February 1, 2019



GAVIN NEWSOM  
Governor, State of California

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

**RANDY PIERCE, F-48204**

Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

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

**STATEMENT OF FACTS**

Steven Miloviez and Randy Pierce were friends. On May 31, 2004, Mr. Miloviez and Mr. Pierce's girlfriend were walking on the street. Mr. Pierce was driving and saw the two walking together. Mr. Pierce stopped his truck and got out. Mr. Pierce and Mr. Miloviez got into an argument, and Mr. Miloviez began to chase Mr. Pierce on foot as Mr. Pierce drove away. Mr. Pierce turned his truck around and followed Mr. Miloviez, who ran into an empty lot. Mr. Pierce drove over a sidewalk into the empty lot and hit Mr. Miloviez, knocking him down, and then ran Mr. Miloviez over, killing him. Mr. Pierce fled and was arrested the next day.

**GOVERNING LAW**

The question I must answer is whether Mr. Pierce 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. Pierce suitable for parole based on his remorse, his parole plans, his self-help programming, and his recent sobriety. I acknowledge that Mr. Pierce has made some efforts to improve himself in prison. In 2018, he completed training as a drug and alcohol counselor. He has participated in significant self-help programming, including Alcoholics Anonymous, Narcotics Anonymous, Victim Impact, and Veteran's Support. Although Mr. Pierce has made commendable strides in his rehabilitation, these factors are outweighed by negative factors that demonstrate Mr. Pierce remains unsuitable for parole.

The psychologist who evaluated Mr. Pierce in 2018 wrote, "Mr. Pierce's history was significant for episodes of violence and attitudes in support of said violence, including his life crime." At his 2018 suitability hearing, Mr. Pierce recounted that he and the

victim were friends who would use alcohol and methamphetamine together. He told the Board that Mr. Miloviez had embarrassed him in front of his girlfriend and a group of people at a party on the day of the crime by throwing him to the ground, biting him in the face, and holding him down to hit him before letting him go. Mr. Pierce, furious about being embarrassed and that his girlfriend and Mr. Miloviez had been together the night before, drove to his home after this encounter. He told the Board, "I sat there and contemplated what happened and I just stewed in my anger and I kept getting madder and madder and I kept thinking about revenge and getting even." Several hours later, while he was still angry, his girlfriend called him for a ride. Mr. Pierce recalled that he went to pick her up only to see Mr. Miloviez still there walking alongside his girlfriend, which was "like throwing gasoline on a fire." Following a confrontation with Mr. Miloviez, Mr. Pierce returned to his truck, saw Mr. Miloviez behind his truck, "exploded on him again", and realized he "did not finish what [he] started out to do, so he ran Mr. Miloveiz over with his truck. Both the Board and the psychologist recognized Mr. Pierce's remorse for his crime. However, this was a calculated decision by Mr. Pierce, who had time to reflect on his actions and could have driven away without harming Mr. Miloveiz. Mr. Pierce has repeatedly engaged in criminal behavior while in the community, including domestic violence, property crimes, and drug-related crimes, and is at risk of endangering the public should he relapse or be confronted with a challenge to his masculinity.

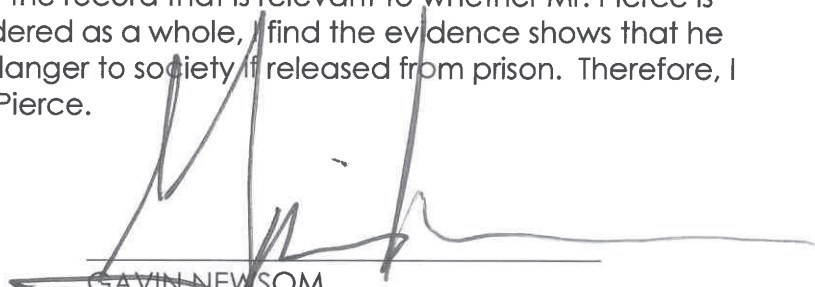
Mr. Pierce's history of substance abuse is particularly troubling. The psychologist wrote, "He has demonstrated a great deal of trouble with substance abuse, relationship problems, and repeated criminality, despite having been repeatedly sanctioned." Mr. Pierce reported to the psychologist that after a period of significant substance abuse, he served two years of drug rehabilitation at the California Rehabilitation Center from 1998 to 1999, but returned to using multiple drugs once paroled, including injecting heroin and inhaling methamphetamine. His return to substance abuse caused problems with employment, difficulties in his romantic relationships, and strife with his children. Mr. Pierce received a rules violation for being under the influence of alcohol in November 2011. Mr. Pierce has made progress in his struggle with substance abuse, but given the increased access to controlled substances Mr. Pierce will have if released on parole, and the nexus between his substance abuse and his criminal behavior, it is imperative that he shows a lasting commitment to his recovery before he can be safely released.

The psychologist rated Mr. Pierce as a "low" risk for future violence. However, the psychologist encouraged Mr. Pierce to "seek mental health treatment specifically related to his mood dysregulation," noting "to leave a mood disorder untreated could potentially amplify other areas of stress." I believe Mr. Pierce needs to demonstrate a more steady commitment to sobriety to ensure he does not relapse into substance abuse as he has done in the past.

**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:  
February 1, 2019



GAVIN NEWSOM  
Governor, State of California

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

**JERRARD ROBERSON, D-93532**

Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

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

**STATEMENT OF FACTS**

On June 10, 1987, Dwayne Howard stole 21-year-old Jerrard Roberson's car. When Mr. Roberson noticed Mr. Howard riding down the street in his car, Mr. Howard jumped out of the car and ran away. Mr. Roberson pursued Howard, pulled out his handgun, and fired several shots at him, striking him in the hip, leg, mid-back, chest, and grazing his forehead. Mr. Howard survived and Mr. Roberson fled.

On June 11, 1987, while Mr. Roberson was still at-large, police performed a probation search of his home and found evidence of controlled substances and drug paraphernalia.

On June 29, 1987, Marion Porter rode off with Roberson's bike. Mr. Roberson pursued Mr. Porter on foot and stabbed him in the chest with a large hunting knife, killing him. Mr. Roberson fled on the bike.

On July 7, 1987, Mr. Roberson was arrested at a nightclub and was in possession of three pieces of rock cocaine and cash.

**GOVERNING LAW**

The question I must answer is whether Mr. Roberson 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 youth 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. Roberson suitable for parole based on his remorse for the crime, his self-help programming, and his parole plans. I acknowledge that Mr. Roberson crime was committed when he was 21 years old and that he has since been incarcerated for over 31 years. I also acknowledge that Mr. Roberson has made some efforts to improve himself in prison. He has earned his GED and completed multiple vocational trainings. He has received positive work ratings and has been commended by staff. He completed self-help programming, including Alcoholics Anonymous, Narcotics Anonymous, Alternatives to Violence, and Relapse Prevention. I carefully examined the record for evidence demonstrating Mr. Roberson's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youth offender, his hallmark features of youth, and his subsequent growth in prison during my consideration of his suitability for parole. Although Mr. Roberson has made commendable strides in his rehabilitation, these factors are outweighed by negative factors that demonstrate Mr. Roberson remains unsuitable for parole.

Mr. Roberson has recently made troubling admissions about his crimes. In his 2017 psychological evaluation, Mr. Roberson reported that the motivation for stabbing and killing Mr. Porter was because he was told that Mr. Porter had raped his sister. Rather than call the police, Mr. Roberson stated he went to look for Mr. Porter and once he found him, stabbed him in the chest while asking, "What the hell did you do to my sister?" At his 2018 suitability hearing, he told the Board that he knew the victim he shot multiple times and did so because he needed to be "swift and firm" in his response when he believed someone had done something to threaten his reputation. He told the psychologist he believed his actions were justified at the time, but were "shortsighted." At his 2015 and 2018 suitability hearings, Mr. Roberson admitted to committing a rape in 1984, for which he was arrested but not convicted. Mr. Roberson reported that he raped a woman after she told him she did not want to continue their relationship because Mr. Roberson would not get out of another relationship he was in. According to the psychologist who evaluated Mr. Roberson in 2017, he displayed a "lack of insight with regard to his past behaviors." Mr. Roberson has a number of disturbing instances in his past that require substantial insight in order to assure he is not at risk of committing similar offenses should he be released.

Mr. Roberson has a history of using and selling controlled substances. He sold cocaine and heroin to support himself and used marijuana daily prior to his arrest. Mr. Roberson told the psychologist in 2017, "I can honestly say I don't think the marijuana had any effect." Mr. Roberson also told the psychologist he tried methamphetamine one time, but, during his 2015 evaluation, he told the psychologist he first used methamphetamine at age 17 and continued to use it occasionally. Mr. Roberson's 1996 psychological evaluation indicated Mr. Roberson admitted to the use of methamphetamine, cocaine, alcohol, and marijuana for several years. Further, his 1988 Institution Staff Recommendation Summary indicated that Mr. Roberson reported that he used methamphetamine for approximately five years and experimented with cocaine.

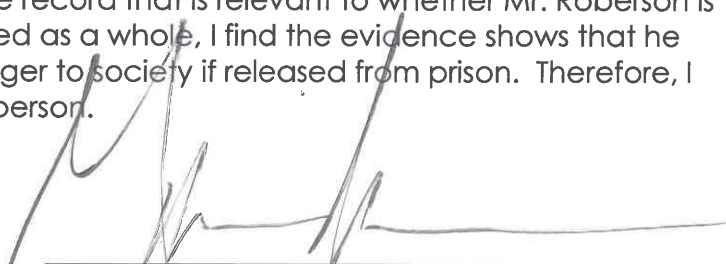
According to the psychologist, Mr. Roberson's "insight with regard to his substance use remains concerning as he appears to continue to minimize his past history of substance use as well as the negative consequences for such behavior." The psychologist added, "He does not believe he has ever had a problem with drugs or alcohol nor is he intending to participate in substance abuse treatment." To his credit, Mr. Roberson did tell the Board in 2018, "I used to smoke the weed to feel better about myself. I didn't -- and surprisingly enough, sir, I didn't feel that way last year.... I didn't feel that it impacted my thinking at all last year." Mr. Roberson's recent minimization of his struggles with substance abuse is concerning. I am encouraged by his progress, but his insight into his past substance abuse requires further development to ensure he remains committed to sobriety in the community.

The above concerns are supported by Mr. Roberson's elevated risk rating. The psychologist rated Mr. Roberson as a "moderate" risk of future violence based on his minimization of his negative behavior and limited understanding of his history of antisocial behavior. I believe Mr. Roberson needs to reflect more deeply on the circumstances that led him to commit this series of crimes to prevent him from doing anything so extreme again.

### **CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Roberson 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. Roberson.

Decision Date:  
February 1, 2019

  
\_\_\_\_\_  
GAVIN NEWSOM  
Governor, State of California

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

**MICHAEL SHANNON, H-75565**  
Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

  **X**  

**STATEMENT OF FACTS**

Michael Shannon and David Thursdale had a tumultuous romantic relationship. Mr. Shannon moved out of state when the relationship ended. Over the course of three months, Mr. Shannon threatened and harassed Mr. Thursdale and his family. On November 14, 1992, Mr. Shannon went to Mr. Thursdale's home to propose reconciliation. After arguing for a few moments, Mr. Shannon strangled Mr. Thursdale with a cord, killing him.

**GOVERNING LAW**

The question I must answer is whether Mr. Shannon 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.4th 1181, 1214).

**DECISION**

The Board of Parole Hearings found Mr. Shannon suitable for parole based on acceptance of responsibility for the crime, commitment to sobriety, and his participation in self-help programs and other positive activities. I acknowledge Mr. Shannon has made efforts to improve himself while incarcerated. He has participated in self-help groups, including Alcoholics Anonymous, Cage Your Rage, and Victim Awareness. I commend Mr. Shannon for taking these positive steps. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Shannon committed a brutal crime that may have been the result of delusional and paranoid thought processes. In the months preceding the crime, Mr. Shannon made numerous threats to the victim and the victim's family. Before his death, the victim reported to law enforcement that Mr. Shannon had left a threatening voice message accusing him of "generating thought patterns," saying, "it is nothing you are doing consciously, you're doing it subconsciously. . . . I'll do what I have to do to stop it. If I

have to come out and drive a stake through your heart. You've got one more day." When Mr. Shannon was asked about the details of his crime during the 2018 psychological evaluation, the psychologist noted that it was "virtually impossible to follow Mr. Shannon's account of the life crime," and the parts of the account that could be followed were "nonetheless notable for delusional content and severe disorganization." The fact is that multiple psychological evaluations over the years have confirmed Mr. Shannon's need for psychiatric treatment, however, he has not engaged in treatment since 2015. I am troubled that given Mr. Shannon's history of mental illness, including two psychiatric commitments before the crime, he has not, at the very least, taken steps to comply with trained medical staff's recommendations regarding his psychiatric needs— a factor that will certainly affect his ability to be successful on parole.

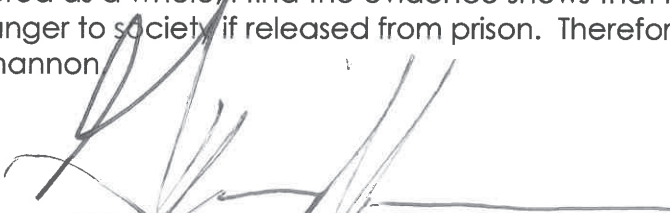
My concerns are further supported by Mr. Shannon's elevated risk rating. The 2018 psychologist gave Mr. Shannon a moderate risk for future violence, stating that he remains "actively symptomatic" and added that the "acuity of his psychiatric symptoms and the apparent relationship between his symptoms and the life crime, continued to warrant" this rating. The psychologist concluded, "Given the apparent role of psychiatric dysfunction in the life crime, he would potentially benefit from a better understanding of how to recognize and address delusional ideation so he is less vulnerable toward once again acting out those beliefs." I am aware that at the 2018 suitability hearing, the Board found that "at the time of [the] interview with the [psychologist] [Mr. Shannon] apparently [was] showing some acute psychiatric symptoms. We didn't really see a lot of that today." However, this finding supports my concerns – until Mr. Shannon's mental stability is documented over a sustained length of time, I do not believe he should be released.

However, I commend Mr. Shannon for maintaining a disciplinary-free record for over five years, as well as actively participating in self-help. I encourage him to remain on this path, but implore him to continue to seek therapy and follow the orders and recommendations of institutional staff. I am hopeful that compliance with his recommended treatment plan will help to lower his risk rating in the future.

### **CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Shannon 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. Shannon.

Decision Date:  
February 1, 2019



GAVIN NEWSOM  
Governor, State of California

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

**JAMES WORTHAM, D-36154**  
Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

In June 1985, Melvin Owens was approached by 18-year-old James Wortham who asked if he wanted to purchase cocaine. Mr. Owens declined. The two men had a history – Mr. Wortham had accused Mr. Owen's friend of selling him fake drugs. Ten minutes later, Keith Parker drove up and parked next to where Mr. Owens and Mr. Wortham stood. Mr. Wortham asked Mr. Parker if he wanted to buy cocaine, but before he could answer, Mr. Owens said, "We don't want to buy any of that bunk shit." Mr. Wortham, still upset over the previous failed drug transaction, swung at Mr. Owens with his fist, but missed. Mr. Owens and Parker tried to walk away, but Mr. Wortham grabbed Mr. Parker. Mr. Wortham pulled out a handgun and shot Mr. Parker in the abdomen, killing him.

**GOVERNING LAW**

The question I must answer is whether Mr. Wortham 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. 4th 1181, 1214.) Additionally, I am required to give "great weight to the diminished culpability of youth 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. Wortham suitable for parole based on his rehabilitative efforts, his years of disciplinary-free behavior, parole plans, and extensive institutional and family support.

I acknowledge that Mr. Wortham's crime was committed when he was a youthful offender and that he has since been incarcerated for close to 39 years. During his 2016 psychological evaluation, Mr. Wortham told the psychologist that he began committing

crimes as early as age 10. He began using marijuana and alcohol at age 12, and sought the acceptance of his father and his father's family, who were involved in criminal activity. Mr. Wortham has made some efforts to improve himself in prison. He has participated extensive self-help programming, including Narcotics Anonymous, Relapse Prevention, and other classes that focus on restorative justice and teaching inmates how to rebuild their lives. I carefully examined the record for evidence demonstrating Mr. Wortham's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender, the other hallmark features of youth, and his subsequent growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole.

I am deeply troubled by Mr. Wortham's dishonesty about his gang involvement in prison. I understand that Mr. Wortham entered prison as a youthful offender, however, his criminal behavior continued well into his incarceration and adulthood. It appears that early in his incarceration, Mr. Wortham began associating with the 415/Kumi gang – a prison gang established in the 1990s by inmates from the San Francisco Bay Area. Mr. Wortham was repeatedly asked about his involvement and he has been dishonest until recently.

Two suitability hearings were conducted in 2018 – the first was in April. The April suitability hearing focused primarily on Mr. Wortham's association with 415/Kumi. Information in Mr. Wortham's file not only showed that he was a member, but that he was one of the highest ranking leaders of this gang while housed in Solano prison. Mr. Wortham told the Board, "Well through self-help [Commissioner] I understand that two or more people committing illegal activities are considered a gang." The Board continued questioning Mr. Wortham about the name of the gang he was affiliated with, to which he responded, "We didn't have no name... Some of my friends were Kumi and I socialized with them, so I was affiliated with them." Mr. Wortham was clear, however, that he held no rank or leadership role in 415/Kumi. Because of the discrepancies between Mr. Wortham's testimony and documentation in his file, the hearing was continued and the Board ordered an investigation. The investigation confirmed that Mr. Wortham was not only a member of 415/Kumi, but that he also held a high ranking position within the gang. At the October 2018 suitability hearing, Mr. Wortham explained that he denied being a member of 415/KUMI for many years, believing an admission would lead to a parole denial. This explanation is wholly inadequate and shows that after 38 years of incarceration, Mr. Wortham still harbors some lingering criminal thinking.

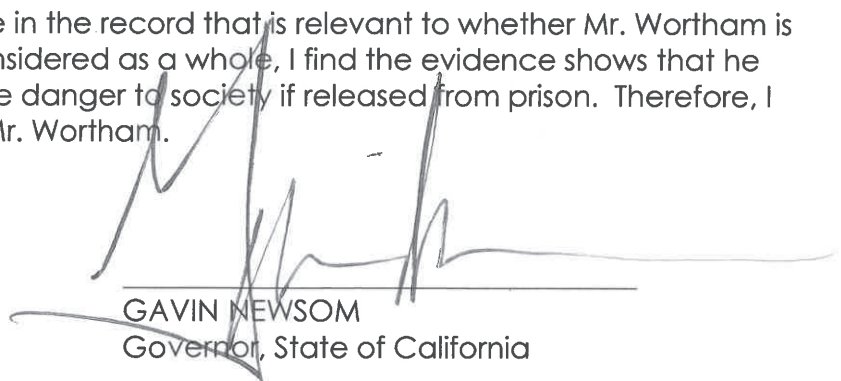
Mr. Wortham's elevated risk rating supports my concerns. The 2016 psychologist gave Mr. Wortham a moderate risk rating because he "has not demonstrated an ongoing commitment to manage his antisocial behavior patterns evidenced by his relatively recent [rules violations]." The psychologist added, "[H]e has yet to demonstrate a commitment to behavioral changes on an ongoing basis."

I encourage Mr. Wortham to continue to work on consistent prosocial behavior. In addition to the skills he is learning while taking self-help classes and vocational training, I encourage him to incorporate honesty. I am hopeful that soon Mr. Wortham will be ready to be released on parole, but not at this time.

### **CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Wortham 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. Wortham.

Decision Date:  
February 1, 2019



GAVIN NEWSOM  
Governor, State of California

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

**CURTIS MCKENZIE, C-18116**

First Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

\_\_\_\_\_ X \_\_\_\_\_

**STATEMENT OF FACTS**

On September 9, 1979, Curtis McKenzie, who was 23 years old, and Darrell Mills went to Jack Werre's house to rob him. Mr. Mills knew Mr. Werre and the layout of his house. Mr. Mills demanded Mr. Werre's house and car keys. Mr. Werre refused and argued with Mr. Mills. Mr. Mills began to beat Mr. Werre with his hands and a steel bar. Mr. McKenzie joined in the assault. One of the men smothered Mr. Werre with a pillow, killing him. Mr. McKenzie and Mr. Mills then ransacked the house, taking several items. They loaded the items into Mr. Werre's car and fled to San Diego. Mr. McKenzie was arrested the next day.

**GOVERNING LAW**

The question I must answer is whether Mr. McKenzie 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 youth 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. McKenzie suitable for parole based on his age at the time of the crime, his age today, and his lack of recent institutional misconduct. I acknowledge that Mr. McKenzie's crime was committed when he was 23 years old and that he has since been incarcerated for almost 40 years. I also acknowledge that Mr. McKenzie has made some efforts to improve himself in prison. He has completed vocational training and some self-help courses. I carefully examined the record for evidence demonstrating Mr. McKenzie's increased maturity and rehabilitation, and

gave great weight to all the factors relevant to his diminished culpability as a youthful offender—his immaturity, impetuosity and failure to appreciate risks and consequences—and his other hallmark features of youth. I have also given great weight to his subsequent growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. McKenzie continues to minimize his participation in this crime. In 2018 Mr. McKenzie told the psychologist that when he arrived at the scene following a call for help from Mr. Mills, he saw a body on the floor. He told the psychologist that he helped Mr. Mills get away by taking the victim's vehicle, but denied participating in the killing. At his 2018 suitability hearing, Mr. McKenzie persisted in this story. I have serious doubts that Mr. McKenzie has been honest and forthcoming about the killing in this case. Mr. McKenzie admitted culpability to the crime during a taped interview with police. He later characterized the crime as "fun," and went on to work out an appropriate cover story with Mr. Mills in a recorded conversation between the two. These details suggest that Mr. McKenzie was far from a passive participant. The psychologist's findings support my concern. The psychologist noted that Mr. McKenzie "continued to exhibit a marked failure to accept responsibility for his actions, denying culpability for the commitment offense even in the face of his prior taped confession."

I am also concerned by Mr. McKenzie's moderate risk rating of future violence. The psychologist concluded that Mr. McKenzie exhibited a "lack of insight" across multiple domains. Although Mr. McKenzie has participated in some self-help programming following his last suitability hearing, the psychologist found that "there was evidence to indicate that he has not realized any gains as the result of his involvement." The psychologist concluded that "He continued to lack insight into himself, his past behaviors, and his future challenges." I am not convinced that Mr. McKenzie is being truthful regarding this crime, and given that, it does not appear that Mr. McKenzie has confronted or addressed what it was that led him to participate in such a callous act. Mr. McKenzie's failure to participate in significant self-help programming and his concomitant lack of insight and moderate risk rating also lead me to believe that he is not ready to be released.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. McKenzie 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. McKenzie.

Decision Date:  
February 8, 2019



GAVIN NEWSOM  
Governor, State of California

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

**PABLO MORALES, B-33187**  
Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

\_\_\_\_\_ X \_\_\_\_\_

**STATEMENT OF FACTS**

In 1980, Pablo Morales was paroled from prison for a 1970 murder. While on parole, Mr. Morales married Lois Washabaugh, a 75-year-old widow, who had befriended him when he was in prison. On July 4, 1980, Ms. Washabaugh left her mobile home, and told friends that she was moving to live with her husband. On July 7, 1980, Ms. Washabaugh's severed hand was found on a highway. The rest of her body never discovered. Police found Mr. Morales in possession of Ms. Washabaugh's car, purse, credits cards and diamond ring. He was arrested for the murder of Ms. Washabaugh, and pleaded no contest to the charges. However, Mr. Morales has maintained that he is innocent of this crime.

**GOVERNING LAW**

The question I must answer is whether Mr. Morales 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. Morales suitable for parole based on his positive disciplinary record, educational and vocational accomplishments, self-help programming, current age and medical condition, and adequate parole plans.

I acknowledge Mr. Morales has made efforts to improve himself while incarcerated. In his 38 years in prison, he has never been disciplined for any serious misconduct. He earned his B.A. degree in social history, and two vocational certifications. He has maintained positive and consistent employment, and routinely received positive work ratings. Correctional staff have commended Mr. Morales for his work ethic, positive attitude, leadership skills, and his reliability. He has also participated in self-help programs, including Alcoholic Anonymous, Long Term Offenders Program, Criminals

and Gangmembers Anonymous, and Victim Awareness. I commend Mr. Morales for taking these positive steps. However, they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Morales has a long history of criminal and violent behavior. He previously received convictions for prowling, loitering, and burglary, and admitted to using several different aliases. In 1970, Mr. Morales was sentenced to life in prison for the murder of his girlfriend. His girlfriend's body was found in an abandoned building. She was shot in her head, neck, and abdomen. Her face was slashed several times and her right thumb was severed from her body. Mr. Morales was found in possession of his girlfriend's car following her death. He was on parole just a few months before this crime occurred. His prior behavior while on parole supervision does not give me confidence that he will comply with parole and refrain from violence if released now.

Additionally, Mr. Morales has a history of unstable social relationships. Mr. Morales had difficult relationships with his parents, and stated that he has avoided developing close relationships with peers or family members, including his own son. His history also reflects serious problems with intimate partners. He was unable to maintain stable, healthy relationships with the women he had been involved with – both of whom were murdered during their relationships with Mr. Morales. The psychologist concluded, "It seems that Mr. Morales' involvement in these relationships was manipulative in nature, and two of these relationships ended with violence/death."

Mr. Morales has not sufficiently addressed his criminal and violent behavior, or this history of unstable relationships. He has repeatedly given different accounts about his background and has refused to discuss any aspect of either of his convictions for murder. The psychologist who evaluated Mr. Morales in 2009 noted that "his consistent evasiveness regarding his history and general unwillingness to engage wholeheartedly in psychological evaluations casts doubt on the authenticity of his presentation." The 2018 psychologist similarly concluded that "given Mr. Morales' statements regarding the legalities of the commitment offense and his inability or unwillingness to discuss the crime, it is not possible to assess his understanding of the causative factors for the crime."

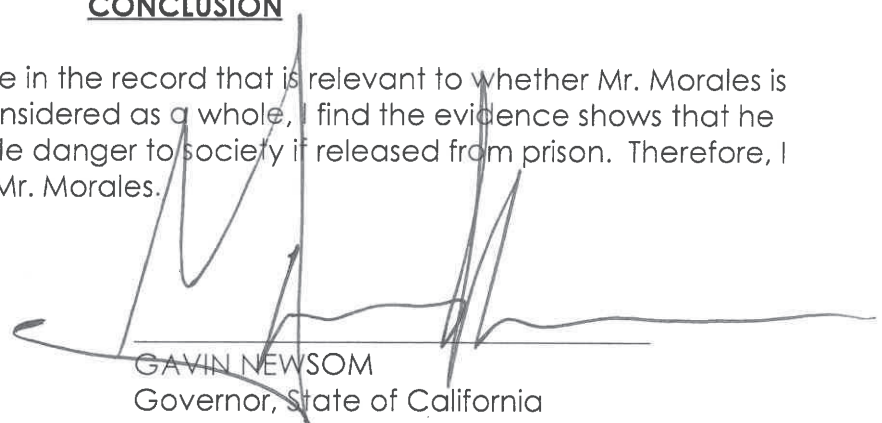
The 2018 psychologist rated Mr. Morales a low risk of future violence. However, the psychologist also expressed – in detail – current concerns about his lack of insight. The psychologist wrote that Mr. Morales has "continued problems demonstrating insight into the personal factors that have contributed to his violent behavior in the past." The psychologist continued, "...he still has not fully examined these issues and continues to resist attempts to further explore how these experiences contributed to his decisions and behavior." The psychologist concluded, "Mr. Morales has not demonstrated the type of self-reflection and personal insight that might be expected given his age and length of incarceration. It seems he continues to resist or have difficulty examining some of the more negative aspects of his life, and how these experiences affected his development and contributed to his maladaptive personality traits and interpersonal deficits that may have played a role in his history of criminal/violent behavior."

I agree with the serious concerns raised by the psychologist. Mr. Morales has demonstrated very little insight into the personality traits that contributed to his history of criminal behavior and unstable relationships. He has participated in self-help programs, but has not demonstrated that he has internalized their content or done any work to understand his past decisions and prepare to behave differently – and without violence – in the future. Until Mr. Morales can show adequate insight into these crimes, his pattern of difficult relationships, and his other criminal behavior, I do not believe he can be safely released.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Morales 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. Morales.

Decision Date:  
February 8, 2019



GAVIN NEWSOM  
Governor, State of California

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

**FRANCISCO RUBIO, T-89385**

Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

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

**STATEMENT OF FACTS**

In late March 1998, 18-year-old Francisco Rubio and his girlfriend Lori Smith were living at a campsite with Paul Smith, Mr. Smith's girlfriend Amy S., and Lora Sinner. The two couples discussed killing Ms. Sinner because they were irritated by her perceived flirtations with Mr. Rubio and Mr. Smith. They also felt she knew too much about their involvement in some thefts, and they wanted her car and \$50 she had recently received.

On the day of the murder, Amy argued with Ms. Sinner and hit and kicked her. Ms. Smith slammed Ms. Sinner's head against a tree and a rock. At Ms. Smith's instruction, Amy hit Ms. Sinner in the head repeatedly with a large can of chili. Amy and Ms. Smith hit Ms. Sinner in the head with a metal rod. Ms. Smith, Mr. Smith, and Amy took Ms. Sinner to a nearby creek to clean up. When they returned to the campsite, they bound Ms. Sinner's hands and feet. Mr. Rubio made a noose and placed it around her neck. While they tied her up, Ms. Sinner pled for her life. Mr. Smith cut Ms. Sinner's wrists, poured whiskey over them, and held her hands over a campfire to accelerate the bleeding. Mr. Smith and Ms. Smith continued to beat Ms. Sinner and put two plastic bags over her head to suffocate her and muffle the sounds of her gasping. Eventually, Mr. Smith struck Ms. Sinner in the back of the head with the metal rod, killing her. Mr. Smith and Mr. Rubio dragged Ms. Sinner's body a short distance from the campsite, dug a shallow grave, stripped her, and buried her. They made a fire on top of her grave and burned her belongings. The two couples continued living at the campsite for 10 to 14 days.

**GOVERNING LAW**

The question I must answer is whether Mr. Rubio 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 youth 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. Rubio suitable for parole based on his age and youthfulness at the time of the crime, subsequent growth and maturity, lack of violent criminal history, acceptance of responsibility, insight, marketable skills, parole plans, participation in positive activities in prison, and low risk rating.

I acknowledge that Mr. Rubio committed this crime when he was 18 years old and that he has since been incarcerated for almost 21 years. At his 2016 psychological evaluation, Mr. Rubio reported that he experienced a very unstable childhood; both of his parents were incarcerated for much of his childhood, he experienced poverty and often went hungry, and he was physically and sexually abused as a child. Many of his relatives struggled with substance abuse and were involved in criminal activity. Mr. Rubio dropped out of school in seventh grade, spent time with antisocial peers, and started drinking and using drugs regularly in his teens. Mr. Rubio clearly had a limited ability to avoid the negative influences around him, was susceptible to the influence of his peers, and lacked an appreciation for the impact of his actions on the victim of this crime.

I also acknowledge that Mr. Rubio has made some efforts to improve himself in prison. He has not been disciplined for serious misconduct since 2013. Mr. Rubio earned his GED, completed a vocational training program, and regularly receives positive ratings from his work supervisors. He has participated in self-help programs including Alcoholics Anonymous, Lifers, KidCAT, and Alternatives to Violence. I carefully examined the record for evidence demonstrating Mr. Rubio's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender—his immaturity, impetuosity, and failure to appreciate risks and consequences—and his other hallmark features of youth. I have also given great weight to his subsequent growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Rubio participated in a heinous attack on an innocent woman. He and his crime partners plotted in advance and then ganged up on Ms. Sinner, brutally killing her at their campsite and burying her body in a shallow grave. Mr. Rubio acted with callous disregard for Ms. Skinner by contributing to her murder.

Mr. Rubio has not yet demonstrated sufficient insight into how he came to participate in this very violent crime. At his 2018 parole hearing, he explained that he and his crime partners talked about killing Ms. Sinner, but he thought they were lying and said that attacking her "didn't make sense to me." However, he stood by while his crime partners beat, cut, and suffocated Ms. Sinner to death, and personally placed a noose

around her neck. Mr. Rubio said that during the crime, he did not think about trying to stop his crime partners. He explained, "They were my friends...I felt like they were my family. I had to protect them." He told the Board that he shut down emotionally during the crime, and said, "I needed my friends more than I needed anything else – to be accepted."

These statements simply do not explain Mr. Rubio's active participation in this extreme violence against Ms. Sinner. Friendship, feeling protective, and wanting to be accepted can explain many things, but they do not in any way justify Mr. Rubio's decision to join in this horrific attack. He had several opportunities to stop his crime partners, or, at the very least, to leave the scene, but he instead chose to participate and ultimately helped bury Ms. Sinner's body. Mr. Rubio has not yet demonstrated adequate insight into his own willingness to escalate his violence to this level. Until he can explain, in a more comprehensive manner, how he came to act so violently with so little provocation, I am not confident that he is prepared behave differently in the future.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Rubio 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. Rubio.

Decision Date:  
February 8, 2019



GAVIN NEWSOM  
Governor, State of California

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

**COLE BIENEK, E-20151**

Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

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

**STATEMENT OF FACTS**

In September 1988, 18-year-old Cole Bienek broke into Hans Hungerbuhler's home and stole his car. Mr. Bienek was pulled over and the car was impounded and returned to Mr. Hungerbuhler. A few nights later, Mr. Bienek returned to Mr. Hungerbuhler's house and waited for him to return home from work. When Mr. Hungerbuhler got home, Mr. Bienek struck him multiple times in the head and face with a rock, killing him. Mr. Bienek stole several credit cards from Mr. Hungerbuhler's wallet and fled in Mr. Hungerbuhler's car.

**GOVERNING LAW**

The question I must answer is whether Mr. Bienek 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 youth 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. Bienek suitable for parole based on his remorse, subsequent growth and maturity, involvement in substance abuse treatment, educational achievements, and his substantial relapse prevention plans. I acknowledge that Mr. Bienek's crime was committed when he was a youthful offender and that he has since been incarcerated for more than 30 years. Mr. Bienek told the 2016 psychologist that he was raised by adoptive parents. He reported struggling to fit in, but was eventually accepted by teenagers who were drinking alcohol, smoking marijuana, and snorting methamphetamine. Since his incarceration, Mr. Bienek has

participated in self-help groups, including many years in Alcoholics and Narcotics Anonymous, as well as Relapse Prevention. I am impressed by his vocational training—he has earned five vocations, including a certification as an Alcohol and Drug Counselor. He has furthered his education by receiving an AA degree. With these advancements in mind, I carefully examined the record for evidence demonstrating Mr. Bienek's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender—his immaturity, impetuosity and failure to appreciate risks and consequences—and his other hallmark features of youth. I have also given great weight to his subsequent growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Bienek committed a cold and callous crime. He lied in wait for his victim and then beat him to death with a rock. Given this level of violence, Mr. Bienek articulates a shallow understanding of how he came to commit such a violent crime. At the 2018 suitability hearing, Mr. Bienek stated, "I wanted another human being to be hurt....I just wanted somebody else to hurt the way I did. I wanted to lash out. I wanted to cause pain. I wanted to wreck stuff." This explanation is wholly inadequate. Mr. Bienek explained in his 2016 psychological evaluation that he "does not think of [himself] as a violent person" and that he had no intent to kill his victim, still, he repeatedly struck his victim to death. Indeed, the 2016 psychologist stated that Mr. Bienek's explanation for committing the crime remains unclear. The psychologist further stated "[Mr. Bienek's] lack of insight into the driving factors of his violence points to some continued need for growth."

I am also concerned that after such a lengthy incarceration, Mr. Bienek continues to exhibit criminal and manipulative thinking. He admitted to devising a plan to introduce cellphones, tobacco, and other prohibited items into prison. This in-prison criminal enterprise lasted between 2009 and 2011. Considering this behavior, the 2016 psychologist opined, "His long pattern of deceitfulness and manipulation makes it difficult to take his word that he has made permanent changes to his personality....he has gone long periods of time in the past in which he was violating rules without being caught doing so. As such, a longer period of disciplinary free behavior and participation in self-help/substance abuse treatment appears warranted to ensure confidence that he has genuinely adopted a pro-social lifestyle."

The 2016 psychologist risk rating supports my concerns—Mr. Bienek was given a moderate risk rating for future violence. The psychologist noted that Mr. Bienek's "potential for full compliance with supervision terms in the community appears questionable at this point based on the history of his problems with full compliance," referring to his institutional misconduct. Mr. Bienek has spent a very long time in prison—over 30 years.

I am encouraged by Mr. Bienek's 2018 suitability hearing. It appears he is beginning to grasp the need to be forthcoming and honest. I encourage him to continue on this path. I further encourage him to delve deeper into understanding why he committed

such a brutal murder, and why he continued to be manipulative and commit crimes while incarcerated. Until he does so, he should not be released.

**CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Bienek 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. Bienek.

Decision Date: February 10, 2019



GAVIN NEWSOM  
Governor, State of California

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

**JEFFREY BRYDEN, D-32812**  
Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

\_\_\_\_\_ X \_\_\_\_\_

**STATEMENT OF FACTS**

While in prison, Robert Vandevort and Joaquin Padin discussed plans to set up a methamphetamine lab. Once paroled, Mr. Padin and Mr. Vandevort enlisted George Friberg to help carry out an assault and Jeffrey Bryden to manufacture the methamphetamine. At some point, Mr. Padin discovered Mr. Friberg was stealing from him, and recruited Mr. Bryden to help kill Mr. Friberg. Sometime between November 30 and December 5, 1993, Mr. Padin snuck up behind Mr. Friberg and hit him in the head with a baseball bat and Mr. Bryden stabbed Mr. Friberg multiple times in the chest with a small knife. When the men realized Mr. Friberg was still alive, Mr. Padin instructed Mr. Bryden to retrieve a larger knife from the kitchen. Mr. Bryden then stabbed Mr. Friberg in the chest, and slit his throat, killing him. Mr. Padin, Mr. Vandevort, and Mr. Bryden drove to an isolated area, and buried Friberg's body.

**GOVERNING LAW**

The question I must answer is whether Mr. Bryden 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. Bryden suitable for parole based on his positive disciplinary record in prison, self-help programming, acceptance of responsibility, and insight into his anger and the commitment offense.

I acknowledge Mr. Bryden has made efforts to improve himself while incarcerated. Since his recommitment to prison in 2016, he has not received any rule violations. He participated in Adult Basic Education, earned a GED and has taken vocational courses in small engine repair, computer repair, electronics, and health education. He has also

participated in self-help programming, including Anger Management, Denial Management, and Victim Impact. I commend Mr. Bryden for taking these positive steps. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Bryden has a significant history of crime and violence. Over the course of a decade, he received 18 convictions for burglary, possession of stolen property, forgery, vehicle theft, petty theft, and possession of syringes. In 1989, Mr. Bryden attempted to escape from county jail, and was successful in escaping in 1992. Of these convictions, Mr. Bryden received two prison sentences, both one year a part. However, even serving two prison terms was not enough to deter his criminal behavior – he went on to commit a murder less than a year after being paroled. His criminal and violent propensity also continued in prison for several years, resulting in multiple terms in the Segregated Housing Unit. Of the 11 rule violations he incurred, about half of them are for violence. In 1998, Mr. Bryden slashed an inmate with a razor. A year later, he battered an inmate in concert with another inmate. In 2001, he battered an inmate with an electric hair clipper. Given his extensive criminal record and his poor performance on supervised release, Mr. Bryden remains at risk for resorting to similar behavior if released.

Mr. Bryden's alcohol relapse in 2016 is concerning in light of his substance abuse history. In his 2017 psychological evaluation, Mr. Bryden acknowledged he had a problematic history of substance abuse. He used and built up tolerances for alcohol, marijuana, cocaine, methamphetamines, heroin, and other drugs for much of his life. He stated that he has not used any drugs or alcohol since 2001. However, his records indicate that he was intoxicated at one of his transitional placements from 2014 to 2016. In view of the role drugs have played in his life and in his commitment offense, I am concerned that Mr. Bryden was able to relapse just months after being paroled. Since his recommitment to prison, Mr. Bryden has yet to adequately address his substance abuse, either through treatment or self-help programming. If Mr. Bryden cannot address his problems with drugs and alcohol, he continues to pose an unreasonable risk of danger to the public.

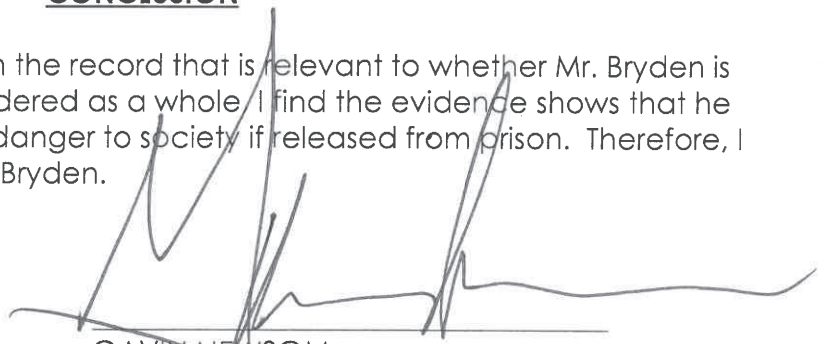
Mr. Bryden minimizes the severity of his parole violations. He was released on parole in June 2014. He went through several transitional placements due to repeated poor performance. Mr. Bryden's first choice was to live with his wife, however he was prohibited once it was discovered that marijuana was being grown in the home. In response to the psychologist asking whether he knew he could not be around drugs, Mr. Bryden responded, "Yes, but I thought it wouldn't be a big deal because it's legal ... And it is not a problem to me because I don't smoke it." Afterwards, Mr. Bryden was placed in a substance abuse transitional home but was discharged after two months for his negative attitude. In discussing this placement, he stated, "I think I bumped heads with a counselor that was there." At his third transitional home, Mr. Bryden had consumed alcohol and threatened staff. He stated, "No! Wouldn't they be testing me for that stuff? ... That's a mistake, I guarantee you I never [threatened the staff]!" At his last placement, records indicated that he went to AA meetings once a week and became belligerent when asked to increase his attendance. In response, Mr. Bryden

stated, "No, [that is] a blatant lie." At some point during parole, Mr. Bryden was found in possession of an ice pack wrapped in black tape, a pocket knife, and a sabre sword attached to his cane. When asked about why he had the sword attached to the cane, he stated, "It belonged to someone else. They found it in my property." This conflicts with information he provided at his reconsideration hearing in which he stated that the cane was gifted to him. He told the psychologist, "In my mind, I should not have been violated." I am troubled that Mr. Bryden continues to minimize his actions and place blame on others for his circumstances. Until Mr. Bryden can fully understand and appreciate the severity of his actions, he continues to be at risk for committing additional crimes in the future.

### **CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Bryden 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. Bryden.

Decision Date:  
February 10, 2019



GAVIN NEWSOM  
Governor, State of California

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

**MICHAEL DUBOV, J-96133**  
First Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

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

**STATEMENT OF FACTS**

Michael Dubov and Mika Bissett were in a relationship that ended sometime in 1993, but Ms. Bissett allowed Mr. Dubov to continue living in her apartment. On December 13, 1993, Ms. Bissett, who was 18 weeks pregnant, returned home from a date with a man. Mr. Dubov banged on Mr. Bissett's bedroom door, burst into her bedroom, confronted her, and threatened the man, who left the apartment. Later that day, a maintenance worker heard Mr. Dubov say, "Fucking bitch. I'm going to kill this bitch." On December 14, 1993, while under the influence of methamphetamine, Mr. Dubov returned to Ms. Bissett's apartment, fought with and strangled her, killing her. Mr. Dubov kept Ms. Bissett's body in the apartment for two days before dumping her body on a hillside.

**GOVERNING LAW**

The question I must answer is whether Mr. Dubov 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 youthful offenders 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. Dubov suitable for parole based on his age at the time of the crime, his positive programming while incarcerated, his insight, his remorse, his viable parole plans, and his subsequent growth and maturity in prison.

I acknowledge Mr. Dubov was only 22 years old when he committed this crime and has since been incarcerated for over 25 years. Mr. Dubov reported that he "learned to use violence as a means of controlling others in his youth," admitting, "I think I was always an aggressive person." Mr. Dubov also explained to the psychologist in 2016 that

"growing up in a competitive environment led him to believe he needed to 'be the best instead of do my best.'" I also acknowledge that Mr. Dubov is now 48 years old and has made some efforts to improve himself in prison. He has never received a rules violation since being incarcerated. He also participated in and served as a facilitator in numerous self-help programs, including Alcoholics Anonymous, Denial Management, Ending Intimate Partner Violence, Alternatives to Violence, Understanding and Overcoming Addiction, and Relationship Awareness. He has also completed three vocational programs and upgraded educationally. He earned both masters and bachelor's degrees in psychology, in addition to three associate's degrees. He routinely received above average to exceptional ratings from work supervisors. Between 2015 and 2018, 14 correctional officers commended Mr. Dubov for being respectful, having a strong work ethic and positive attitude, positive programming, ethical decision-making, and being an overall model inmate. Mr. Dubov was a literacy tutor, participated in charitable events, and mentored at-risk youth. He was also a member of the Men's Advisory Council in 2003.

I carefully examined the record for evidence demonstrating Mr. Dubov's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender—his immaturity, impetuosity and failure to appreciate risks and consequences—and his other hallmark features of youth. I have also given great weight to his subsequent growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Dubov's crime was callous and cruel. Despite not being in a relationship, the victim allowed Mr. Dubov to stay with her. After getting into an argument, Mr. Dubov, while under the influence of methamphetamine, strangled and killed his ex-girlfriend, who was 18 weeks pregnant.

I am troubled that Mr. Dubov still does not have a better understanding of how he came to inflict such violence on another human being. He told the psychologist who evaluated him in 2016 that he always needed to "win," which indicated that he has an "innate belief that he or his desires are more important or take precedence." When he explained his reasons for committing the crime at his 2018 parole hearing, he reported, "...it was definitely my anger and control. My, uh, power and control issues, um, those are extended into entitlement. I had fear of failure as a child, which stemmed to me creating ego, and entitlement, and grandiosity. And validation – external validation." These statements show me that Mr. Dubov has not gained adequate insight into his actions. Mr. Dubov had a stable upbringing and there were no indications that he was exposed to domestic violence, substance use, or criminal activity in his childhood home. Mr. Dubov further explained at his hearing that Ms. Bissett was his "last string of hope" in giving him the validation that he was seeking, yet he chose to participate in this horrendous murder. He also described his addiction to methamphetamine, which he was under the influence of at the time of and in the days leading up to the crime. When asked about the affect his drug use had on his willingness to commit the crime, Mr. Dubov casually stated, "It was an incendiary. I'd like to say no, but it would have

happened anyway. I don't think drugs have a primary role." Until he demonstrates that he fully understands how his drug addiction contributed to his criminal actions, and shows that he is capable of refraining from similar behavior in the future, I do not believe he should be released from prison.

### CONCLUSION

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

Decision Date: February 10, 2019



GAVIN NEWSOM  
Governor of California

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

**CHARLES MCDONALD, D-30115**  
First Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

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

**STATEMENT OF FACTS**

Charles McDonald began dating Helen Muro in early 1984 and moved into her home. There were many domestic violence disputes, where Ms. Muro called the police on more than one occasion and reported Mr. McDonald hit her. On November 12, 1984, Mr. McDonald and Ms. Muro fought for several hours. Mr. McDonald shot Ms. Muro multiple times with a .22 caliber revolver, striking her in her arm and face. After 15 minutes, he turned Ms. Muro over on the bed and shot her once in the back, killing her. Mr. McDonald arranged her body on the bed as though she was sleeping, cleaned the room, and took a shower. Mr. McDonald went out to the living area and spent a few minutes with one of Ms. Muro's roommates and Ms. Muro's aunt, who was visiting. He told Ms. Muro's aunt and roommate that Ms. Muro was ill and sleeping in her bedroom so they should not disturb her. Mr. McDonald told them he was going to the store and fled to Las Vegas.

**GOVERNING LAW**

The question I must answer is whether Mr. McDonald 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. McDonald suitable for parole based on his age, his remorse, his adequate insight, participation in self-help programming, and his lack of significant criminal history.

I acknowledge Mr. McDonald has made efforts to improve himself while incarcerated. He is 78 years old and has been in prison for 34 years. In that time, he has participated in self-help programs, including Substance Abuse, Denial Management, Victim Impact, Criminal Thinking, Family Relationships, and Alternatives to Violence. He completed a vocational program and routinely received exceptional ratings from work supervisors. Additionally, he participated in charitable events. I commend Mr. McDonald for taking

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

Mr. McDonald callously shot and killed his girlfriend, Ms. Muro, after they argued for several hours. His actions were especially heinous as he nonchalantly cleaned the room, took a shower, and proceeded to talk to Ms. Muro's aunt and roommate as if nothing happened. He explained that just before he committed the crime, she "threatened him with the gun, a struggle ensued, and he then threw the victim onto the bed and began shooting." Mr. McDonald claimed he "never meant to hurt the victim." Mr. McDonald's claim is not credible. After shooting Ms. Muro, Mr. McDonald not only arranged her body in a sleeping position, but also advised her roommate and aunt not to bother her, as she was ill and resting upstairs in bed.

Before committing this crime and contrary to what Mr. McDonald reported, the record shows that he had a lengthy history of domestic violence. The psychologist who evaluated him in 2018 noted that his past romantic relationships "are arguably his largest historical risk factor with current relevance," which included his relationship with the victim of the commitment offense. The Probation Officer's Report from 1996 noted his physical abuse toward his first and second wives. His first wife reported he was physically abusive toward her and her son and threatened to shoot her in the face. However, his second wife seemed more deeply affected by his abusive behavior, explaining that he was dangerous, and that she "lived in fear Mr. McDonald would find her." She even obtained a temporary restraining order, specifically identifying his history of "violent rages."

I am troubled by the fact that Mr. McDonald has not accepted full responsibility for committing this crime and blamed the victim for his actions. During his evaluation with the psychologist, Mr. McDonald admitted that there was domestic violence present in his relationship with the victim, but that it was her aggressive behavior toward him and not the other way around. He believed that she was an alcoholic, who would verbally abuse him, and seemed to be the instigator in most of their arguments. He stated, "I was in over my head. I thought I could sober her up. I didn't know she was an alcoholic until I moved in with her. She was a functional drunk." He also claimed that he was "talked into" moving back into her house a few months prior to the crime.

The psychologist's evaluation that Mr. McDonald poses a moderate risk for future violence supports my concerns. She concluded that "he has displayed incidents of rule-breaking historically, and despite participation in self-help treatment endeavors, does not appear to have responded adequately to it or internalized it to the point of meaningfully addressing his salient risk factors related to violence and romantic relationships." I believe Mr. McDonald must not only engage in more self-help programming regarding domestic violence issues, but also encourage him to gain a better understanding as to how he will avoid resorting to violence against those with whom he has a romantic relationship with in the future.

**CONCLUSION**

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

Decision Date: February 10, 2019



GAVIN NEWSOM  
Governor of California

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

**MICHAEL MESSENGER, C-90648**

Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

\_\_\_\_\_ X \_\_\_\_\_

**STATEMENT OF FACTS**

Michael Messenger had two roommates: Terry Williams and his girlfriend, Kathy Vierra. After an argument, Mr. Messenger shot and stabbed Mr. Williams and Ms. Vierra to death. He then decapitated both bodies, dismembered Ms. Vierra's body, and dumped the bodies into a river and the heads in an unknown area.

**GOVERNING LAW**

The question I must answer is whether Mr. Messenger 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. Messenger suitable for parole based on his health issues, his incarceration, remorse, and acceptance of full responsibility for his crime. I acknowledge Mr. Messenger has made efforts to improve himself in prison. He sustained two rules violations in prison, but it has been two decades since his last one. He earned two vocational certificates. When he was able to work, correctional staff gave him above average and exceptional work ratings. I commend Mr. Messenger for taking these positive steps. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Messenger committed two extremely gruesome murders and desecrated the victims' bodies. Mr. Messenger has maintained that he committed the murders in self-defense. Even if this were true, and there is no evidence of that, it does little to justify the level of brutality he inflicted on both victims. The psychologist who conducted Mr. Messenger's evaluation in 2016 noted, "Despite the benefits of long-term incarceration and the opportunity to reflect on his violence, he continues to display a clear lack of

insight into the causative factors. There is no indication that his lengthy incarceration has mitigated his risk."

I am disturbed by the level of violence Mr. Messenger inflicted on his victims. Even if Mr. Messenger were acting in self-defense, he has yet to explain why his violence escalated in this manner. Mr. Messenger must now focus on the level of rage he exhibited in the commission of this crime. During his 2016 psychological evaluation he said, "It happened and there is nothing that I can do to make it different. As much as I wish I could, I'm not sure how I would have ever done that differently." It is clear that Mr. Messenger has demonstrated limited insight into this crime. I encourage Mr. Messenger to participate in self-help classes to better understand and develop coping skills to address his issues. Until he does so, I believe he will pose an unreasonable risk of danger to the community.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Messenger 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 at this time. Therefore, I reverse the Board's decision to parole Mr. Messenger.

Decision Date: February 22, 2019



GAVIN NEWSOM  
Governor, State of California

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

**DESMON CRAIN, J-41451**  
Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

\_\_\_\_\_ X \_\_\_\_\_

**STATEMENT OF FACTS**

In March 1994, 22 year-old Desmon Crain went to the home of his friend Orel Davis. Mr. Davis introduced Mr. Crain to the people in the home, then Mr. Crain and Mr. Davis walked outside. Moments later, Mr. Crain shot Mr. Davis multiple times with a .22 caliber rifle, killing him. Mr. Crain said he acted in retaliation for what he called years of mistreatment. A bullet traveled through the wall and struck Mr. Davis's aunt in the groin. Fortunately, she survived.

**GOVERNING LAW**

The question I must answer is whether Mr. Crain 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. 4th 1181, 1214.) Additionally, I am required to give "great weight to the diminished culpability of youth 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. Crain suitable for parole based on his increased age and maturity. I acknowledge that Mr. Crain's crime was committed when he was a youthful offender and that he has since been incarcerated for over 24 years—more than half of his life. During the 2018 suitability hearing, Mr. Crain explained that his parents were addicted to drugs and the presence of drugs was a normal part of his upbringing. Mr. Crain began using methamphetamine, marijuana, and alcohol in 11<sup>th</sup> grade. Shortly before the commitment offense, Mr. Crain's brother was murdered.

While under the influence of methamphetamine and cocaine, Mr. Crain committed a brutal murder claiming the life of a friend and permanently injuring another person. After serving close to 20 years of incarceration, Mr. Crain was released on parole. Four months later, Mr. Crain began using cocaine, methamphetamine, and alcohol again.

Mr. Crain has at times indicated that he views his sobriety as being outside of his control. When questioned by the Board at the 2018 suitability hearing about his relapse, Mr. Crain referenced a number of reasons, many of which focused on external factors. The Board refocused Mr. Crain and emphasized that he never told his parole officer that he had started using drugs again and that in failing to do so, he was not honest with himself or his parole officer. The Board further noted that even after being re-incarcerated, Mr. Crain continued to use methamphetamine in 2015.

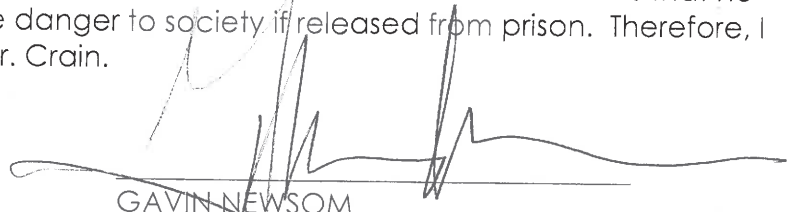
Mr. Crain has made some efforts to improve himself. He has participated in self-help groups, including drug treatment programs. He also earned his high school diploma, as well as earned certificates in two vocational trades. I carefully examined the record for evidence demonstrating Mr. Crain's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender—his immaturity, impetuosity and failure to appreciate risks and consequences—and his other hallmark features of youth. I have also given great weight to his subsequent growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

During his 2016 psychological evaluation, Mr. Crain delved into what caused his relapse. He told the psychologist he had "succumbed to the feeling that he deserved the opportunity to use substances again as he had accomplished a lot, and rationalized that it 'wouldn't hurt'." The psychologist noted that Mr. Crain had "voiced a greater awareness and intention to maintain a sober living mindset and lifestyle, but has not yet laid down a foundation over a significant length of time to demonstrate that his verbal intentions will match his behavioral manifestations." In view of his recent substance abuse relapse, the psychologist rated Mr. Crain a moderate risk for future violence, noting Mr. Crain's vulnerability while on parole and "difficulty acting upon his level of insight to ensure sobriety and conformity to rules and laws." Given his relapse into drug use after such a lengthy sentence, I believe he needs more time to show that he will not revert to drug use in the future. I encourage Mr. Crain to maintain his sobriety, continue focusing on substance abuse related self-help treatment, and to continue seeking the guidance of mental health professionals.

**CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Crain 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. Crain.

Decision Date: March 8, 2019



GAVIN NEWSOM  
Governor, State of California

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

**CHRISTOPHER CRAWFORD, H-63145**

Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

In July 1991, 25-year-old Christopher Crawford was arrested for rape in Washington State. While on supervised release, he fled to California. After arriving in Los Angeles, Mr. Crawford entered a sexual relationship with 42-year-old Erasmo Hignojoz, who supplied Mr. Crawford with alcohol and food.

On September 21, 1991, a witness saw Mr. Crawford with the victim, Mr. Hignojoz, and another man, Keith Franklin. A neighbor living in the apartment adjacent to the victim heard a "thud" that sounded "like an earthquake." Mr. Crawford and Mr. Hignojoz got into an altercation because Mr. Hignojoz grabbed Mr. Crawford's penis. Mr. Crawford beat Mr. Hignojoz on the head with a mug, frying pan, and dumbbell, eventually killing him. Mr. Crawford then searched Mr. Hignojoz's pants and fled to Nevada in Mr. Hignojoz's car with Mr. Franklin.

On September 23, 1991, police found the victim's body on the kitchen floor. There was a hole in the wall apparently made by the victim's head. A five-pound dumbbell weight was between the victim's legs. A dumbbell bar, covered in blood, was found in the kitchen sink. The police also found two pans lying on the floor. The victim died from multiple traumatic blunt force injuries to the head. Mr. Hignojoz had seven lacerations and multiple skull fractures, each caused by a separate blow. Mr. Crawford was taken into police custody on September 25, 1991 in Reno, Nevada.

**GOVERNING LAW**

The question I must answer is whether Mr. Crawford 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 youth 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. Crawford suitable for parole based on his maturation, his educational and vocational upgrades, his self-help programming, and his remorse.

I acknowledge that Mr. Crawford's crime was committed when he was 25 years old and that he has since been incarcerated for over 27 years. I also acknowledge that Mr. Crawford has made some efforts to improve himself in prison. He has participated in self-help programming, including Alcoholics Anonymous, Narcotics Anonymous, and Anger Management. He has also earned his GED and two vocations. I carefully examined the record for evidence demonstrating Mr. Crawford's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender – his immaturity, impetuosity and failure to appreciate risks and consequences – and his other hallmark features of youth. I have also given great weight to his subsequent growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Crawford's history of sexual violence is alarming. The Division of Adult Parole Operations rated Mr. Crawford as a "moderate-high" risk of sexual recidivism. Mr. Crawford was previously convicted of raping a woman in Washington in 1987. He also admitted to raping another woman in Washington in 1991, after which he fled to California and murdered the victim of his commitment offense. Mr. Crawford's proclivity toward sexual violence is disturbing. His explanations for what led him to commit a series of violent crimes revolving around sex evidence inadequate insight. Mr. Crawford has only recently been forthcoming about his crime. The psychologist who evaluated Mr. Crawford in June 2018 wrote, "Over the years, he has either not discussed the life crime events or had offered varying versions about what precipitated him attacking the victim." To Mr. Crawford's credit, the psychologist noted "He seemed to have some insight pertaining to the contributing factors in his commitment and sexual offenses" and "he appeared to take responsibility for his actions and evidenced some remorse." However, the psychologist continued, "He could benefit from continuing to broaden his introspection into his life crime's contributory factors and relative to his overall past behavior." The psychologist also stated that he would benefit from participating in sexual offending treatment. Mr. Crawford must take the psychologist's recommendation seriously and show that he has made demonstrable gains in insight into why he was driven to commit these brutal crimes and how he will manage stressors in the community to ensure he will not return to such violence before he can be safely released on parole.

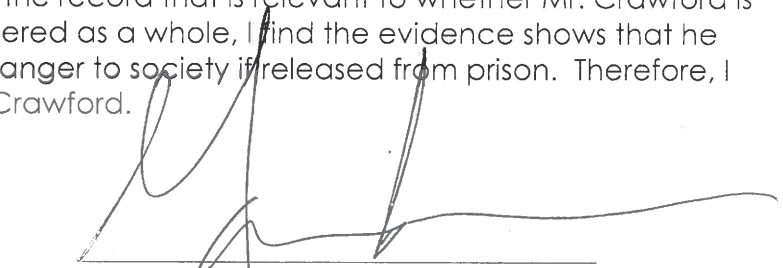
Mr. Crawford's risk rating supports my concerns. According to the psychologist, "While some of his behavior in the commitment offense may have been attributable or related to facets of youth, other of his actions (particularly his introduction of violence against

another person) are likely related to his personality deficits and poor coping skills." Mr. Crawford was rated a "moderate" risk of future violence based on his need for additional self-help programming, his increased risk should he return to substance abuse, and his lack of personal support in the community given his need for social support and structure to be successful on release. Therefore, it is vital that he develop a more thorough parole plan, including suitable housing and relapse prevention plans. At this time, Mr. Crawford has not demonstrated that he has made adequate preparations to be successful on parole.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Crawford 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. Crawford.

Decision Date:  
March 8, 2019



GAVIN NEWSOM  
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 six months. After their break-up, Mr. Ward became obsessed with Ms. Davis and began stalking her, fantasizing about killing her. On October 20, 1982, Mr. Ward purchased a knife and went to Ms. Davis' home with the intention of killing her. They got into an argument and Mr. Ward strangled Ms. Davis. He then used a knife from her kitchen to fatally stab her multiple times in the neck and chest.

**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 remorse, acceptance of responsibility, minimal disciplinary history in prison, educational and vocational accomplishments, self-help programming, and adequate parole plans.

I acknowledge Mr. Ward has made efforts to improve himself in prison. He has been disciplined once for misconduct during his over 36 years of incarceration. He earned an associate's degree and a bachelor's degree, both with high honors. He is now a certified Alcohol and Drug Counselor. He has participated in self-help programming, including Narcotics Anonymous, 12 Steps, Domestic Abuse, and Anger Management. He has maintained a consistent work history and has routinely received satisfactory to exceptional work ratings. I commend Mr. Ward for taking these positive steps. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Ward has a pervasive history of violence against intimate partners. At the age of 18, he engaged in physical violence against an ex-girlfriend when she decided to end their relationship. Mr. Ward was then arrested and convicted of assault to commit murder following the brutal attack of another ex-girlfriend. Mr. Ward had confronted her at her job, hit her in the head with a tire iron, and proceeded to stab her multiple times with a pair of scissors. Mr. Ward told the psychologist who evaluated him in 2018 that he began stalking the ex-girlfriend he attacked with a tire iron after she broke up with him. He admitted that he previously tried to loosen the lug nuts on one of the wheels of her car, hoping that she would have an accident on the freeway. Shortly after serving time for that conviction, Mr. Ward continued his abusive behavior in yet another relationship before meeting Ms. Davis. Despite prior interventions – including a period of incarceration – Mr. Ward returned to the same obsessive and violent behaviors, ultimately killing Ms. Davis.

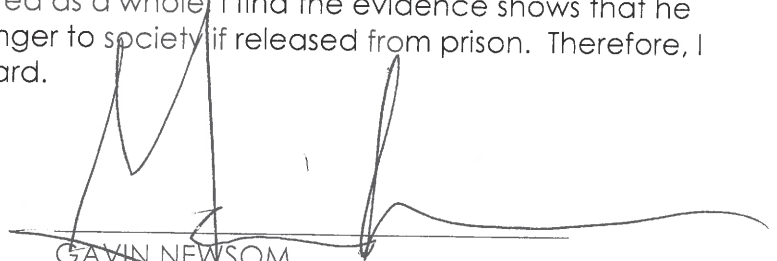
Mr. Ward's understanding of his obsessive and violent personality remains inadequate. In discussing the crime with the psychologist, Mr. Ward explained that he felt abandoned when Ms. Davis broke up with him and was therefore going to take away her opportunity for happiness by ending her life. While a feeling of abandonment may be an appropriate response to the end of a romantic relationship; extreme acts of violence are not. The examining psychologist expressed concern regarding Mr. Ward's ability to understand the nature and extent of his personality characteristics that led to these repeated instances of violence against the women in his life. The psychologist wrote, "He has not come to understand how he developed his personality characteristics, their prevalence and course, and how that relates to his plans for release. That is, given their prevalence and course, and the intensity with which Mr. Ward experiences rejection or perceived rejection or boredom, he could easily fall back into old ways of coping." The psychologist also expressed concern regarding Mr. Ward's relapse prevention plan for relationships and/or violence. Despite availing himself of rehabilitative programs such as Domestic Abuse and participating in mental health counseling, Mr. Ward's understanding of his own personality remains underdeveloped. Until Mr. Ward can demonstrate that he understands how his personality characteristics contributed to his violence against intimate partners, he remains at risk for repeating those behaviors in the future.

My concerns are supported by Mr. Ward's risk rating. The psychologist rated Mr. Ward a "moderate" risk for future violence based on his limited insight. The psychologist noted that while he has attended mental health counseling and self-help groups, he has not come to understand the workings of his personality disorders and how he is likely to be impacted should he be released. Likewise, his parole plans similarly do not reflect an understanding of these disorders. Mr. Ward needs additional time to understand the nature and extent of his personality and a well-developed plan for how he will not resort to committing violent acts against intimate partners in the future.

**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:  
March 8, 2019



GAVIN NEWSOM  
Governor, State of California

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

**DANIEL RUSK, J-68423**

First Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

On September 17, 1993, 16-year-old Daniel Rusk, armed with a revolver and a knife, approached Kenneth and Marjorie Stotz's (ages 75 and 66) home under the guise of looking for his lost dog. Mr. Rusk then pulled out the gun, forced his way into the home, and demanded money. Mrs. Stotz told him they did not have money in the home. Mr. Rusk tied up the couple and ransacked their house, finding a wallet with cash. Angered by the lie about the money, Mr. Rusk brutally and repeatedly stabbed the couple, killing them. Mr. Rusk fled with the wallet and the couple's car.

**GOVERNING LAW**

The question I must answer is whether Mr. Rusk 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 youth 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. Rusk suitable for parole based on his age at the time of the crime, his credibility, positive disciplinary history since 2014, remorse and acceptance of responsibility, self-help programming, educational and vocational accomplishments, and growth and maturity in prison.

I acknowledge that Mr. Rusk's crime was committed when he was sixteen years old and that he has since been incarcerated for over 25 years. Mr. Rusk experienced a difficult childhood. He witnessed domestic violence between his parents, which led to their divorce when Mr. Rusk was six years old. Mr. Rusk began running away from home and

using drugs at a young age. Mr. Rusk associated with anti-social peers, engaged in fights, and began committing crimes. By the time he was sixteen, he received several adjudications for burglary and animal cruelty. Mr. Rusk admitted that, during one of the burglaries, he killed a parakeet because it had made too much noise. Mr. Rusk stated to the Board, "I got frustrated, I got angry and so I grabbed it and I decapitated it."

I also acknowledge that Mr. Rusk has made some efforts to improve himself in prison. He has not been disciplined for any serious misconduct since 2014. Mr. Rusk participated in Adult Basic Education, earned a GED, and received vocational training in upholstery. He routinely received above average work ratings, and has been commended by multiple correctional staff. He also has participated in self-help programming, including the Long-Term Offender Program, Substance Abuse, and Conflict Resolution. In making this decision, I carefully examined the record for evidence demonstrating Mr. Rusk's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender – his immaturity, impetuosity and failure to appreciate risks and consequences – and his other hallmark features of youth. I have also given great weight to his subsequent growth in prison. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Rusk's crime demonstrates a callous disregard for the lives of Mr. and Mrs. Stotz. Mr. Rusk targeted two innocent, elderly victims in an attempt to steal their money. However, Mr. Rusk did not leave the home after finding the money for which he came. Instead, he viciously and repeatedly stabbed Mr. and Mrs. Stotz while they were bound and helpless.

Mr. Rusk's understanding of, and explanation for, his crime is inadequate. Mr. Rusk stated to the psychologist who evaluated him in 2018 that he could not remember what he did to Mr. and Mrs. Stotz. He stated, "I was about to leave and then it gets hazy. I'm not sure what happened. I thought about it. I remember flashes of it. It was horrible. It is still hard to accept I did that." In response to the Board's question about his motivation for the crime, Mr. Rusk stated, "The only thing I can think of is that they lied to me. Uh, growing up, I had an issue with being lied to. My family would -- many times, I would be told we're going to the lake or we're gonna do this or we're gonna do that and it never happened. I would become disappointed." A feeling of anger or disappointment may be an appropriate response to being lied to; his extreme and brutal acts of violence are not. I am troubled that, in his over 25 years of incarceration, Mr. Rusk has not further explored the very violent aspects of his behavior and crime. If he cannot articulate a more meaningful understanding and appreciation for his violent propensity, he is at risk for resorting to similar behavior if released.

Mr. Rusk's violence and behavioral issues persisted in prison. He received six rules violations for engaging in violence, and possessing drugs and alcohol. In 2011, Mr. Rusk received a 14-month term in the Segregated Housing Unit for battering an inmate in concert with a third inmate, inflicting substantial bodily injury. Mr. Rusk was also involved in a prison gang for many years. He admitted to transporting drugs, checking

inmates' paperwork, and enforcing the gang's policies. As recently as 2014, Mr. Rusk was disciplined for possessing alcohol. This was his second time being disciplined for the same infraction. Mr. Rusk's conduct in prison evidences his poor behavioral control.

My concerns are supported by Mr. Rusk's risk rating. The psychologist rated him a "moderate" risk for future violence based on concerns regarding his incomplete insight into the crime, his recent rule infraction in 2014, and his relatively recent participation in self-help programming. The psychologist stated that Mr. Rusk demonstrated a preliminary understanding of his sobriety and expressed concern regarding whether Mr. Rusk has internalized what he has gained from his rehabilitative programs. Mr. Rusk needs to demonstrate a longer period of positive behavior and stability before he can safely be released.

### **CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Rusk 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. Rusk.

Decision Date:  
March 13, 2019



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GAVIN NEWSOM  
Governor, State of California

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

**ROGER CHAVEZ, H-70157**  
Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

\_\_\_\_\_ X \_\_\_\_\_

**STATEMENT OF FACTS**

On September 13, 1992, Roger Chavez and his girlfriend, Sharon Taylor, argued in front of Ms. Taylor's home. Ms. Taylor yelled, "Get out of my face! Don't touch me!" Mr. Chavez then stabbed Ms. Taylor 15 times in the face, neck, chest, back, and legs with a knife, killing her.

**GOVERNING LAW**

The question I must answer is whether Mr. Chavez 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. Chavez suitable for parole based on his positive programming while incarcerated, his insight, his remorse, and his subsequent growth and maturity in prison.

I acknowledge Mr. Chavez has made some efforts to improve himself while incarcerated. He has only incurred one rules violation, which was over 15 years ago. He has also participated in numerous self-help programs, including Alcoholics Anonymous, Domestic Violence, Criminals and Gang Members Anonymous, Alternatives to Violence, Anger Management, and Victim Offender Reconciliation Group. He completed one vocational program in Building Maintenance and routinely received exceptional ratings from work supervisors. In 2016, a work supervisor and a correctional officer commended Mr. Chavez for

being professional and respectful. I commend Mr. Chavez for taking these positive steps. However, they are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Chavez's crime was callous and cruel. After getting into an argument with his girlfriend, he viciously attacked her in an intense rage, leaving her three children without a mother.

I am troubled that Mr. Chavez still does not have a better understanding of how he came to inflict such violence on another human being. It also is concerning that Mr. Chavez admitted at his 2018 Board hearing that he committed acts of domestic violence on most of his intimate partners, especially when the use of substances was involved. Particularly troubling is the fact that Mr. Chavez does not yet appear to take full responsibility for his actions. According to the psychologist's report, Mr. Chavez continues to "subtly blam[e] the victim" and makes "no mention of the impact of his actions upon his daughter or the victim's family." Mr. Chavez has not gained adequate insight into his actions.

Further, the psychologist noted that Mr. Chavez seemed to avoid delving further into topics such as aspects of the life crime and his history of substance abuse. The psychologist concluded that Mr. Chavez "continues to lack an understanding of what factors promoted a pattern of violence in romantic relationships and he remains unable to articulate a personal/specific plan for avoiding these behaviors in the future." Even more concerning is that Mr. Chavez "was not concerned about acting out violently again" when he was asked about engaging in romantic relationships in the future.

Until Mr. Chavez can fully understand and appreciate the severity of his actions, he continues to be at risk for committing additional crimes of domestic violence in the future. I believe that he needs to demonstrate that he is capable of refraining from similar behavior in the future, and until then, I do not believe he should be released from prison.

### **CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Chavez is currently dangerous. When considered as a whole, I find the

Roger Chavez, H-70157  
Second Degree Murder  
Page 3

evidence shows that he remains an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Chavez.

Decision Date: March 22, 2019



GAVIN NEWSOM  
Governor of California

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

**JAMES LEE, D-81193**  
Second Degree Murder

**AFFIRM:**

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**MODIFY:**

\_\_\_\_\_

**REVERSE:**

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

**STATEMENT OF FACTS**

On October 9, 1986, shortly after being released from a state hospital, James Lee went to his mother's home. Mr. Lee stabbed his mother 28 times in the face and upper body with an eight inch butcher knife, killing her. Mr. Lee was arrested on October 20, 1986.

**GOVERNING LAW**

The question I must answer is whether Mr. Lee 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. Lee suitable for parole based on his health condition, notably a past stroke that resulted in brain injury and confinement to a wheelchair, and a period of time without displaying aggressive behavior at the time of the Board's decision in October 2018.

I acknowledge Mr. Lee has made some efforts to improve himself in prison. Mr. Lee was a participant in the Mental Health Services Delivery System at the Enhanced Out Patient level of care for many years, which included group and individual therapy. Mr. Lee also refrained from violence in prison from August 2012 until January 2019. I commend Mr. Lee for taking these positive steps. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Lee has a pervasive history of violence that has steadily continued throughout his incarceration despite his medical conditions. Mr. Lee has received 18 rules violations in prison, 14 of which were for violent behavior. In addition to many instances of mutual combat with other inmates and attacking correctional officers, Mr. Lee has perpetrated several acts of violence against medical staff. In 2009, Mr. Lee was disciplined for

repeatedly punching a psychiatrist in the head. Mr. Lee was temporarily released on medical parole in 2011 due to deteriorating health, but was returned to prison after assaulting a staff member at the facility to which he was released and because his health improved. Mr. Lee was returned to prison custody in April 2012. In August 2012, Mr. Lee was disciplined for throwing items at a correctional officer and again for spitting on a nurse. Mr. Lee's health has worsened since 2012 and he did not receive any rules violations between August 2012 and the time of the Board's decision to grant him parole in October 2018. However, since the Board's decision, Mr. Lee has received two additional rules violations. In January 2019, Mr. Lee was disciplined for punching a nurse in the chest when the nurse attempted to secure him to his wheelchair. In February 2019, Mr. Lee was disciplined for grabbing a nurse's buttocks. These habitual acts of aggression and sexual violence have not subsided despite Mr. Lee's health conditions, which signals that Mr. Lee's threat to public safety has not sufficiently diminished after over three decades in prison. Mr. Lee's presence at a lower-security care facility would place the facility staff and other patients at risk of harm. Mr. Lee's risk to others can be more effectively mitigated at his current placement at the California Health Care Facility rather than at an outside facility that is not equipped to respond to violent patients.

During his incarceration, Mr. Lee has struggled with insight and has failed to recognize his need for continued mental health treatment. At his 2009 comprehensive risk assessment with a psychologist, Mr. Lee reported that the police were responsible for his mother's death and that the police "crushed up" her body to "make free base rock [cocaine]." Mr. Lee's has not developed insight into his crime nor has he made progress in managing his mental health since his 2009 psychological evaluation. The psychologist who evaluated Mr. Lee in July 2017 wrote, "Mr. Lee's lack of insight was pervasive and a cause for significant concern." The psychologist continued, "His lack of insight regarding his need for treatment, as well as his lengthy history of intermittent non-compliance, suggests that Mr. Lee would not participate meaningfully in the type of intensive treatment he would require." The psychologist also noted, "Mr. Lee's criminal and violent behaviors are indicative of a pervasive pattern of disregard for and violation of the rights of others...." Mr. Lee was rated a "high" risk of future violence by the psychologist in 2017 based on his failure to accept responsibility for his crime, his lack of insight into his mental illness, and his limited understanding of the importance of maintaining medication and treatment compliance. Mr. Lee brutally murdered his mother when he was non-compliant with treatment, shortly after being released from a state hospital. It is critical that he understands the importance of maintaining compliance with all of his medical needs, including mental health treatment, to ensure that he does not endanger his caretakers or those around him. Mr. Lee has not shown that will be able to take the appropriate steps to limit his risk to others should he be released. Thus, he has not shown that he is ready to be released on parole without significant assistance.

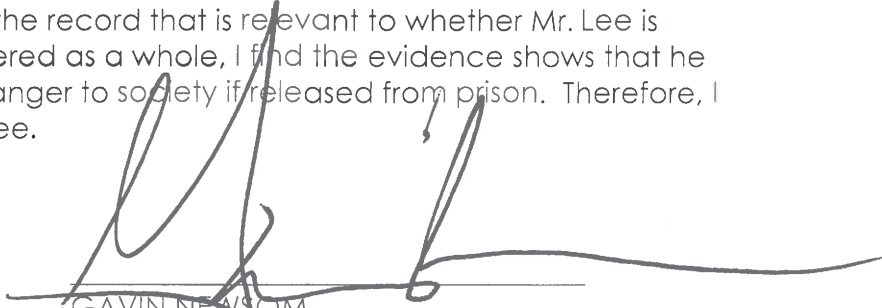
Mr. Lee's lack of parole plans is concerning. Mr. Lee told the psychologist in 2017 that he did not know where he would live or how he would support himself. At his 2018 suitability hearing, Mr. Lee had not made arrangements for his care in the event he was

granted parole. Mr. Lee has yet to secure transitional housing nor has he made arrangements for the medical care he needs upon release. Mr. Lee's parole plans amount to an emergency care stay at a Los Angeles area hospital, with no guaranteed length of stay. Mr. Lee has not been accepted into any long-term care facilities and has been denied entrance to the facility to which he was released on medical parole in 2011 because of his assault on staff during his last stay. Mr. Lee has not demonstrated that he will be able to secure the dedicated medical attention he requires upon release. Mr. Lee's lack of adequate parole plans, including essential medical care, evidences that he is not equipped for release.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Lee 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. Lee.

Decision Date:  
March 22, 2019



GAVIN NEWSOM  
Governor, State of California

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

**DEAN ANCHOR, D-71039**  
Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

\_\_\_\_\_ X \_\_\_\_\_

**STATEMENT OF FACTS**

In July 1985, Linnea Green, who was working as an outcall masseuse, went to Dean Anchor's home for an appointment. Ms. Green's body was subsequently found in the home Mr. Anchor shared with other family members. After an investigation, law enforcement determined that Mr. Anchor committed the murder, striking Ms. Green with a crow bar 23 times.

In 2011, after serving more than 25 years of incarceration for his commitment offense, Mr. Anchor was released on parole. Four years later, Mr. Anchor was arrested for driving under the influence of alcohol, convicted of a misdemeanor, and sentenced to three years of probation. In 2017, Mr. Anchor was again arrested for driving under the influence of alcohol and was re-incarcerated.

**GOVERNING LAW**

The question I must answer is whether Mr. Anchor 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**

I acknowledge Mr. Anchor has made efforts to improve himself in prison. Mr. Anchor participated in eight years of substance abuse related self-help groups. His last rules violation while in prison was in 1995. I commend Mr. Anchor for taking these positive steps. However, these factors are outweighed by negative factors and his conduct while recently paroled that demonstrate that he remains unsuitable for parole at this time.

During his 2018 psychological evaluation, Mr. Anchor told the psychologist he had used alcohol, cocaine, and marijuana prior to committing the murder of Ms. Green. He

stated that for him, drugs and alcohol "removed any influence or regard for right or wrong." Regarding the intensity of his violence against Ms. Green, Mr. Anchor stated, "I don't think I've admitted it before, but I think the root of it was alcohol. I used to think it was mostly drugs, but now the alcohol played a much larger role that I ever gave it credit for." He stated that his alcohol use is the reason for his incarceration. I am encouraged by Mr. Anchor's current insight into the role alcohol played in his commitment offense. This insight, however, comes after his continued alcohol use and two alcohol-related crimes committed after serving 25 years in prison.

I am also troubled by Mr. Anchor's belief that therapy would have been a better choice than re-incarceration for his second DUI conviction. The psychologist noted "Mr. Anchor believes that given the circumstances of his re-incarceration, he should have been directed to therapy instead of prison, and should be in an intensive substance abuse program."

While Mr. Anchor may indeed benefit from intensive substance abuse counseling, he poses too great a risk to public safety to allow him to live in the community at the present time. I believe Mr. Anchor is sincere in his desire to maintain his sobriety, but it will take a longer period of sustained sobriety and good decision-making before he earns his third chance at parole.

It is clear that Mr. Anchor does not yet appreciate the danger alcohol presents to his current dangerousness and the discipline he must undertake to minimize that risk. At the time Mr. Anchor was convicted of the DUI in 2015, Mr. Anchor was required by his parole officer to go to "daily reporting, group therapy, and substance abuse treatment." These conditions of parole were not enough to deter him from committing a second DUI two years later. Indeed, Mr. Anchor admitted to the psychologist that he was not attending classes regularly at the time of his second relapse in 2017. His decisions to drink violate the terms of his parole, break the law, and put people in his community at grave risk.

Although I am encouraged by Mr. Anchor's recent reenrollment in the Long Term Offenders Program, which addresses substance abuse and other issues, I believe he requires more to address his abusive and harmful use of alcohol as a coping mechanism. Until he does so, he cannot not be released safely from custody.

### **CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Anchor 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. Anchor.

Decision Date: April 12, 2019



GAVIN NEWSOM  
Governor, State of California

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

**ELIO CASTRO, D-36836**  
Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

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**REVERSE:**

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

**STATEMENT OF FACTS**

On August 3, 1985, Elio Castro climbed through a kitchen window in Ofelia Godinez's home where she lived with her sister, Maria Godinez, intending to rob them. Mr. Castro confronted Ms. Ofelia and Ms. Maria in their bedroom. Ms. Ofelia and Ms. Maria managed to push Mr. Castro out of the house, but during the struggle Mr. Castro stabbed Ms. Ofelia in the chest, killing her.

**GOVERNING LAW**

The question I must answer is whether Mr. Castro 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**

I acknowledge Mr. Castro has made efforts to improve himself in prison. He has remained discipline-free and violence-free for over 20 years. Mr. Castro has routinely received exceptional work ratings and participated in self-help programming, including Criminals and Gangmembers Anonymous, Victim Awareness, House of Healing, and Life Long Learning. I commend Mr. Castro for taking these positive steps. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

In addition to the callous violence of Mr. Castro's commitment offense, I am concerned that Mr. Castro's history of sexual violence against children also poses a current risk to public safety. In 1977, Mr. Castro lured a 9-year-old boy to an orange grove under the guise that he would give the boy money, recyclables, and a bicycle. When the victim hesitated, Mr. Castro pulled out a knife and threatened to cut off his head. Once at the grove, Mr. Castro forced the victim to orally copulate him, and then attempted to anally penetrate the victim. Although the charges against Mr. Castro were later

dismissed by the court, Mr. Castro went on to commit another disturbing act against a young child. This time, Mr. Castro sexually assaulted his 7-year-old cousin. While Mr. Castro was being investigated for this offense, his 6-year-old stepson also reported that Mr. Castro had orally copulated him on several occasions. Mr. Castro's repeated acts against children demonstrate a pattern of predatory conduct.

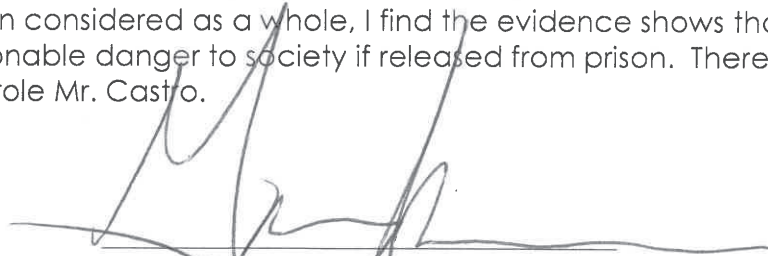
I am not convinced Mr. Castro understands the gravity of his past sexual offenses and why they elevate his risk level today. When asked by the Board why he committed sexual acts towards his 7-year-old cousin, Mr. Castro responded, "I was stupid." In response to the Board asking why it would be bad for him to be around small children, Mr. Castro replied, "Cause it hurts my feelings. I remember what I did." I recognize that Mr. Castro's current intellectual functioning is limited. However, I believe he has the ability to attain better insight into his sexual predation of young children. If Mr. Castro cannot understand the significance of his past offenses, beyond the fact that "it's bad," he is at risk for repeating similar behaviors in the future if released.

My concerns are supported by the psychologist's risk rating. Mr. Castro was rated a moderate risk for future violence, and a well-above-average risk for sexual recidivism. The psychologist noted Mr. Castro's risk for future violence would increase if he were to live in an unsupervised setting, be left alone with children, or return back to drugs and alcohol. The psychologist concluded that, despite Mr. Castro's medical limitations, he is still physically capable of committing crimes similar to those he committed in the past. It is not without significance that Mr. Castro's conduct in prison has improved. Given his limited insight into his past sexual crimes, however, I am not prepared to approve his release at this time.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Castro 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. Castro.

Decision Date:  
April 12, 2019



GAVIN NEWSOM  
Governor, State of California

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

**RENE ENRIQUEZ, H-69471**  
Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

\_\_\_\_\_   X   \_\_\_\_\_

**STATEMENT OF FACTS**

Rene Enriquez joined the Mexican Mafia in 1985 while serving prison terms for forcible rape and armed robbery. In subsequent years he rose to become a high-ranking leader in the gang. On December 23, 1989, while on parole, Mr. Enriquez was at a home with Gilbert Ruiz, Cynthia Galvaden, and several other Mexican Mafia members. Mr. Enriquez handed Mr. Ruiz a gun and ordered him to kill Ms. Galvaden, a subordinate drug dealer who Mr. Enriquez believed was stealing from him. Mr. Ruiz left the house with Ms. Galvaden, took her to a remote area, and fatally shot her in the head and chest.

On December 30, 1989, Mr. Enriquez carried out a contract hit on David Gallegos, a disfavored Mexican Mafia member. Mr. Enriquez and some associates injected Mr. Gallegos with large amounts of heroin, intending to kill him with an overdose. After Mr. Gallegos lost consciousness, Mr. Enriquez and his associates put Mr. Gallegos in a car and drove him to the home of other Mexican Mafia members to show them that Mr. Enriquez was carrying out a hit for the gang. They then drove him to a deserted area, dumped him in an alley, and shot him five times in the back of the head.

Mr. Enriquez was arrested in 1990 for 15 counts of robbery. While in custody in the Los Angeles County Men's Central Jail, on July 16, 1991, Mr. Enriquez carried out another contract hit by the Mexican Mafia. Mr. Enriquez, Benjamin Peters, and Salvador Buenrostro were handcuffed in a prison attorney room. Mr. Enriquez and Mr. Peters removed their handcuffs using makeshift keys, and attacked Mr. Buenrostro multiple times with inmate-manufactured weapons. When officers responded, Mr. Enriquez held them off with his knife, saying, "This has nothing to do with you. Stay away," while Mr. Peters continued stabbing Mr. Buenrostro. Mr. Buenrostro was stabbed 26 times, but survived.

Mr. Enriquez is currently serving three concurrent life terms for two counts of second degree murder and one count of assault with a deadly weapon.

### **GOVERNING LAW**

The question I must answer is whether Mr. Enriquez 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**

I acknowledge that Mr. Enriquez has made efforts to improve himself in prison. He has remained discipline-free for more than 15 years and violence-free for over 22 years. Mr. Enriquez debriefed from the Mexican Mafia more than 15 years ago and has since earned the praise, admiration, and appreciation of law enforcement officers and prosecutors whom he has helped with investigations and trainings relating to gangs, as well as testimony against gang members. Mr. Enriquez has also earned the praise of correctional staff, who have commended him on his work ethic, positive behavior, and for being a role model for other inmates. He has earned a GED and participated in self-help programming, including Criminal and Addictive Thinking, Criminals and Gangmembers Anonymous, and Alternatives to Violence. I commend Mr. Enriquez for taking these positive steps. However, they are insufficient to demonstrate he can be safely paroled at this time.

Mr. Enriquez has a pervasive history of violence. He joined a street gang at the age of 12 and engaged in a series of crimes. Mr. Enriquez received several juvenile adjudications for burglary, vehicle theft, robbery, and malicious mischief. At the age of 17, Mr. Enriquez violently gang raped and sodomized a young woman. In addition, Mr. Enriquez participated in more than 15 armed robberies. For these crimes, Mr. Enriquez was convicted and sentenced to prison, yet that did not deter Mr. Enriquez's criminal conduct. Less than a week after being released on parole, he ordered hits on people and participated in a series of murders and assaults.

Mr. Enriquez joined the Mexican Mafia at the age of 23 and quickly rose to become one of its most notorious, high-ranking members. During that time, he used his power and influence to enhance the gang's violent reputation. As a leader of the gang, he ordered attacks on other members, stabbed inmates, manufactured and distributed weapons, conspired to distribute drugs into prison, recruited and trained new members, and oversaw a group of drug dealers in the community. Mr. Enriquez told the psychologist who evaluated him in 2017 that he "pursued his place within the Mexican Mafia because he craved the attention and recognition of being one of its "elite" members." He also stated in his 2018 suitability hearing that "everything I did was related to the Mexican Mafia."

In addition to his gang activity, Mr. Enriquez has received several rules violations for misconduct, including stabbing an inmate, possessing weapons, and trafficking drugs

into prison. Notably, Mr. Enriquez admitted to committing a second rape in prison. In past hearings and psychological evaluations, he admitting to sexually assaulting another inmate. Mr. Enriquez's criminal behavior and sexual violence persisted after initial periods of incarceration, release on parole, and for several years into his re-incarceration.

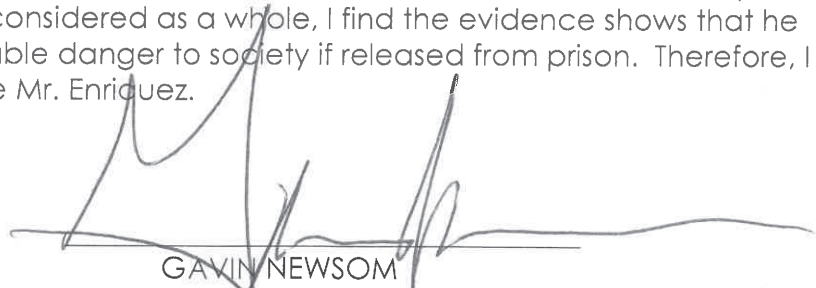
Although Mr. Enriquez has debriefed from the Mexican Mafia, his extensive history of callous violence, as well as the strikingly high number of those violent crimes on countless victims, remain a relevant risk factor for his future violence. Mr. Enriquez continues to blame the violent culture of the gang on his past conduct, lack empathy and insight, and demonstrate troubling behavior. The psychologist who evaluated Mr. Enriquez stated that he meets the diagnostic criteria for Anti-Social Personality Disorder with Narcissistic features. This diagnosis is evidenced by Mr. Enriquez's repetitive and pervasive pattern of behavior of violating other people's basic rights, a lack of empathy, a sense of grandiosity and entitlement, including to special treatment, and a tendency to inflate his accomplishments while minimizing his faults and failing to take full responsibility for his past conduct. Current evidence of these personality traits and attitudes indicate that Mr. Enriquez's personality disorder has not sufficiently resolved to allow for his safe release from custody at this time.

Mr. Enriquez's conduct in prison has improved and he has taken steps to advance his education, engage in rehabilitative programs, and contribute to the law enforcement community. I encourage him to continue down this path of self-development and insight. However, given his current risk to public safety, I am not prepared to approve his release.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Enriquez 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. Enriquez.

Decision Date:  
April 12, 2019



GAVIN NEWSOM  
Governor, State of California

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

**COLE YOUNG, K-06158**

Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

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

**STATEMENT OF FACTS**

In 1995, 18 year-old Cole Young and his crime partner approached a transient man. After an argument, Mr. Young and his crime partner punched and kicked the man multiple times, killing him, and then took money out of his pocket.

**GOVERNING LAW**

The question I must answer is whether Mr. Young 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. 4th 1181, 1214.) Additionally, I am required to give "great weight to the diminished culpability of youth 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**

I acknowledge that Mr. Young's crime was committed when he was a youthful offender and that he has since been incarcerated for 23 years. During his 2018 psychological evaluation, Mr. Young discussed his early childhood which was unstable. He had 16 siblings and both parents used drugs and abused alcohol. Mr. Young and his siblings were initially placed in foster care, but were later adopted by his foster parents. Mr. Young attempted to suicide at age 9 when his adopted mother died. The remainder of Mr. Young's childhood and his teenage years were largely unsupervised. As a teenager, Mr. Young experimented with PCP.

While in prison, Mr. Young, used methamphetamine and marijuana. He acknowledges developing an addiction to methamphetamine while in prison.

Since his incarceration, Mr. Young has made some efforts to improve himself. He earned his GED and participated in self-help groups. He reports that he stopped using methamphetamine after attending a support group that resonated with him.

In making this decision, I carefully examined the record for evidence demonstrating Mr. Young's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender—his immaturity, impetuosity and failure to appreciate risks and consequences—and his other hallmark features of youth. I have also given great weight to his subsequent growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

I am troubled that Mr. Young's most recent psychological evaluation resulted in a "high risk" rating for future violence. The evaluating psychologist stated that Mr. Young's behavior appeared unstable despite years of treatment, referenced recent mental health concerns, and noted the absence of a plan for the prevention of substance abuse related relapse. The psychologist also discussed a 2015 violent rules violation that resulted from Mr. Young's fight with another inmate. When asked how he could have avoided that situation, Mr. Young indicated that he saw few options to settling the dispute other than to engage in a physical altercation. This response is concerning given the violence and brutality he inflicted on the victim of his commitment offense. I encourage Mr. Young to develop and practice non-violent ways to deal with the difficult people he is bound to encounter, both while incarcerated and once he is released.

I am encouraged by Mr. Young's 2018 suitability hearing. His overall demeanor and responses to the Board showed a marked improvement in his insight. He provided a viable relapse prevention plan for substance abuse. He carefully described the tools he has at his disposal to address his mental health concerns, including therapy, mindfulness meditation, and following the advice of mental health professionals. I am also encouraged by Mr. Young's recent conduct—he has had no rules violations since 2015 and continues to participate in self-help groups. I believe he is now on the right path, but still needs more time to show consistent behavioral stability and sobriety that can help to reduce his risk rating and allow him to safely parole into the community.

### **CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Young 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 at this time. Therefore, I reverse the decision to parole Mr. Young.

Decision Date: April 12, 2019



GAVIN NEWSOM  
Governor, State of California

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

**ROBERT BEAUSOLEIL, B-28302**  
First Degree Murder

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

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

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

**STATEMENT OF FACTS**

Robert Beausoleil was a member of Charles Manson's cult known as "the Family." In the summer of 1969, the group fervently embraced Mr. Manson's apocalyptic and brutal worldview. Mr. Manson and his followers 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. Mr. Manson and his followers came to believe that the Family would have to trigger the start of a race war by committing atrocious, high-profile murders of white victims to incite retaliatory violence against black people. See *People v. Manson* (1976) 61 Cal.App.3d 102, 127-130. The Manson Family's stated goal was to prepare for Helter Skelter, physically, mentally, and financially.

In July 1969, Mr. Manson and a group of Family members, including Mr. Beausoleil, discussed ways to raise money to relocate their group to the desert. They identified an acquaintance, Gary Alan Hinman, as a potential source of funds. On July 26, 1969, Mr. Beausoleil was seen in the company of Mr. Manson and Bruce Davis. Mr. Beausoleil was carrying a sheathed knife, and Bruce Davis had a 9-millimeter gun. That night, Mr. Davis dropped off three Family members: Mary Brunner, Susan Atkins, and Mr. Beausoleil at Mr. Hinman's residence. Two days later, the group of three called Mr. Manson from Mr. Hinman's house and reported that Mr. Hinman "was not cooperating."

Mr. Manson and Mr. Davis returned to Mr. Hinman's house. When they arrived, Mr. Hinman had already been struck with a gun; during that struggle the gun had discharged. Mr. Davis took the gun from Mr. Beausoleil and pointed it at Mr. Hinman while Mr. Manson sliced Mr. Hinman's face open with a sword, cutting from his left ear down to his chin. Mr. Davis and Mr. Manson drove back to the Ranch in Mr. Hinman's vehicle. Ms. Brunner, Ms. Atkins, and Mr. Beausoleil remained at Mr. Hinman's house for two more days while Mr. Hinman lay bleeding. Mr. Beausoleil eventually stabbed Mr. Hinman in the chest and smothered him with a pillow, killing him.

Inside the home, using Mr. Hinman's blood, the group wrote the words "political piggy" and drew an animal paw print on the walls. Mr. Beausoleil fled, but later returned to the house to wipe the paw print off the wall. Mr. Hinman's badly decomposed body was found on July 31, 1969. Police arrested Mr. Beausoleil in Mr. Hinman's car on August 6, 1969.

### GOVERNING LAW

The question I must answer is whether Mr. Beausoleil 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 youth 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

I acknowledge that Mr. Beausoleil's crime was committed when he was 21 years old and that he has since been incarcerated for more than 49 years. I also acknowledge that Mr. Beausoleil has made efforts to improve himself in prison. He has participated in self-help programming, including Alcoholics Anonymous, Anger Management, Parenting, and Effective Communication. He earned a GED, completed two vocational programs, and has received positive ratings from work supervisors.

I carefully examined the record for evidence demonstrating Mr. Beausoleil's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender—his immaturity, impetuosity and failure to appreciate risks and consequences—and his other hallmark features of youth. I have also given great weight to his subsequent growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Beausoleil helped perpetrate the first of the Manson Family's atrocious, high-profile murders in an attempt to start a civilization-ending race war. Mr. Beausoleil and other Manson family members kept Mr. Hinman hostage and tortured him over several days in an attempt to finance their apocalyptic scheme. When Mr. Hinman refused to cooperate, Mr. Manson sliced Mr. Hinman's throat and severed his ear, before Mr. Beausoleil stabbed him to death.

The circumstances of this brutal killing are not the only evidence that proves Mr. Beausoleil remains unsuitable for parole. The 2016 psychologist found that Mr. Beausoleil demonstrated only partial insight into the motives behind the crime, noting that he "lacks appreciation for the predatory, antisocial motivations for the crime, especially his willingness to engage in violence in order to achieve a goal." The psychologist also concluded that Mr. Beausoleil's lack of insight into his prior substance use makes him vulnerable to relapse and contributes to his risk of future violence. The psychologist

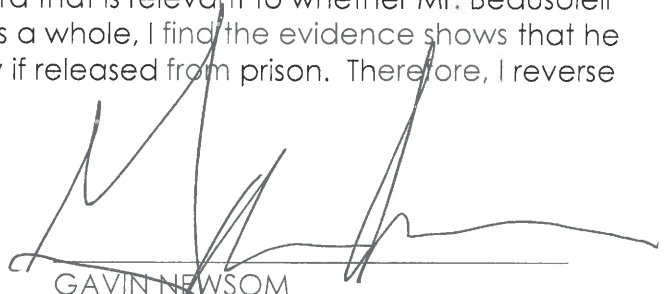
noted that Mr. Beausoleil's prior drug use led to his involvement with the victim, continued into his incarceration, and "caused significant impairment in his overall functioning." While Mr. Beausoleil has participated in substance abuse programming, the psychologist determined that he "continues to demonstrate limited insight into his substance abuse" and "underestimates the significance of his prior use, as well as the risk of relapse."

Over the course of his incarceration, Mr. Beausoleil has made admirable efforts at self-improvement. While Mr. Beausoleil reports to have accepted responsibility for his crime, I am troubled by his lack of insight into his underlying motives for committing such extraordinary violence. I am also concerned that Mr. Beausoleil will relapse into substance abuse if released. Given the heinous nature of this crime and Mr. Beausoleil's limited insight into his violence and substance abuse, I do not believe he can be safely released at this time.

### CONCLUSION

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

Decision Date:  
April 26, 2019



GAVIN NEWSOM  
Governor of California

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

**JOHN ROBB C-44202**

First Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

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

**STATEMENT OF FACTS**

On January 18, 1980, John Robb helped two crime partners, Brian Thomas and Lisa Grow, kill their acquaintance, Harold Weinberg. Mr. Weinberg had previously stolen jewelry from Ms. Grow. On the night of the crime, they lured Mr. Weinberg to the apartment by asking him to come sell them cocaine. Mr. Thomas waited for Mr. Weinberg while Mr. Robb and Ms. Grow hid. When Mr. Weinberg arrived, Mr. Robb hit him on the head with a pipe. Mr. Robb then pointed a gun at Mr. Weinberg's face while Mr. Thomas handcuffed Mr. Weinberg. Mr. Thomas punched and kicked Mr. Weinberg while Mr. Robb kicked him and beat him with a club. Mr. Thomas and Mr. Robb then tied and gagged Mr. Weinberg, wrapped him in a blanket, put him in the trunk of a car, and drove to the desert. They took Mr. Weinberg out of the trunk. Mr. Robb shot Mr. Weinberg five times in the head, reloaded the gun and fired at him at least five more times. Mr. Robb and Mr. Thomas then drove to Mr. Weinberg's apartment. Mr. Robb lured Mr. Weinberg's roommate out of the apartment to talk with him while Mr. Thomas ransacked the apartment to recover Ms. Grow's jewelry. Mr. Thomas and Mr. Robb fled.

Mr. Robb had become involved with Jeannine Larrison. Ms. Larrison hired Mr. Robb to kill her estranged husband Donald Larrison. Mr. Robb in turn hired Mr. Thomas and Angela Heidke to help him. Mr. Robb, Mr. Thomas, and Ms. Heidke made several attempts to kill Mr. Larrison, including placing a bomb in Mr. Larrison's car. The bomb was discovered and dismantled by police. Mr. Robb, Mr. Thomas, or Mrs. Larrison then directed Ms. Heidke to go to Mr. Larrison's apartment, seduce him, put a tranquilizer in his drink, and inject him with battery acid once he passed out. Ms. Heidke did not carry out the plan. Mr. Robb was arrested on March 6, 1980.

**GOVERNING LAW**

The question I must answer is whether Mr. Robb 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

I acknowledge Mr. Robb has made efforts to improve himself in prison. Mr. Robb has earned an associate degree, a bachelor's degree, and seven vocations, including several in construction trades. Mr. Robb has participated in self-help programming, including Alcoholics Anonymous, Narcotics Anonymous, and Veterans Healing Veterans. He has received exceptional work ratings and served as a peer counselor. I commend Mr. Robb for taking these positive steps. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

In addition to his commitment offenses, Mr. Robb committed a violent sexual assault. Mr. Robb was convicted of burglary in 1977. During the commission of the burglary, Mr. Robb beat two women, a mother and daughter, bound and gagged them, and repeatedly sexually assaulted them. The psychologist who evaluated Mr. Robb in March 2017 wrote, "Mr. Robb's description of his 1977 sexual offense was "problematic in many ways." Mr. Robb insisted that he "didn't follow through with the rape" of his victim. Mr. Robb continued to demonstrate a lack of insight during his suitability hearing. When asked by the Board why he sexually assaulted the women, Mr. Robb stated, "I lost control." Mr. Robb added that he believed one of the women had smiled at him, which he took as "an invitation." Mr. Robb's explanations are inadequate and his minimization is troubling. Mr. Robb must demonstrate that he understands the seriousness of the sexual assault he committed and must sufficiently explain how he will avoid repeating similar behavior before he can be safely released.

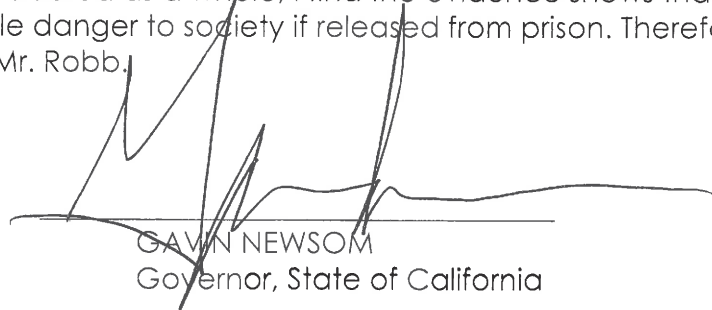
Mr. Robb has exhibited little insight into and continues to minimize his commitment offenses, even after nearly four decades in prison. The psychologist noted that Mr. Robb's insight into the causative factors of his crimes are "underdeveloped." When asked to describe his attempted murder of Mr. Larrison by using a car bomb, Mr. Robb replied the "whole thing was stupid," which the psychologist found "woefully inadequate." Mr. Robb reported to the psychologist that he "hated" most people and was willing to harm others for money, drugs, and sex. Mr. Robb was not able to discuss what drove him to commit these crimes with convincing depth or a satisfactory understanding of the causative factors that led to his actions. Mr. Robb displayed "minimal emotionality" and used "matter-of-fact statements when describing his numerous acts of violence," which suggests a persisting lack of empathy for his victims. According to the psychologist, "Mr. Robb's problems with insight are relevant to his risk for violence." Mr. Robb was rated as a "moderate" risk of future violence based on his rules violation for possession of alcohol in 2013, his underdeveloped insight into his vulnerability for temptation to use controlled substances, and his lack of insight into the causative factors of his physically and sexually violent crimes. Mr. Robb must address these issues before he can be safely released on parole. He must demonstrate that he has made sufficient gains in insight into why he was driven to commit several brutal

crimes, and that he has sufficient plans to manage the stressors he will face in the community to ensure he will not repeat similar acts.

### **CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Robb 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. Robb.

Decision Date:  
April 26, 2019



GAVIN NEWSOM  
Governor, State of California

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

**KHOA NGUYEN, F-41565**  
Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

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

**STATEMENT OF FACTS**

On March 11, 1995, Khoa Nguyen and his crime partners went to a cafe armed with guns and shot at rival gang members who earlier in the day had shot their friend. During the incident, Mr. Nguyen and his crime partners shot and killed three men.

**GOVERNING LAW**

The question I must answer is whether Mr. Nguyen 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. 4th 1181, 1214.) Additionally, I am required to give "great weight to the diminished culpability of youth 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**

I acknowledge that Mr. Nguyen's crime was committed when he was 21 years old and that he has since been incarcerated for over 24 years. He reported that his childhood in America was difficult and he often experienced "racism at school through acts of bullying and being picked on and teased by peers." Mr. Nguyen also indicated that by the time he was a senior in high school, he was abusing alcohol on the weekends on a consistent basis and smoking marijuana. He engaged in antisocial behavior, which culminated in the commission of his commitment offense. The psychologist who evaluated Mr. Nguyen's diminished culpability as a juvenile and wrote, "These behaviors are impulsive, irresponsible and reflect an inability to consider the long-term consequences of one's actions. These behaviors also suggest the presence of a negative attitude and difficulty managing emotions that are intense or negative."

I acknowledge that Mr. Nguyen has made some efforts to improve himself in prison. He earned a vocational certificate and held a job while incarcerated. He also participated in self-help programming. I carefully examined the record for evidence demonstrating Mr. Nguyen's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender—his immaturity, impetuosity and failure to appreciate risks and consequences—and his other hallmark features of youth. I have also given great weight to his subsequent growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

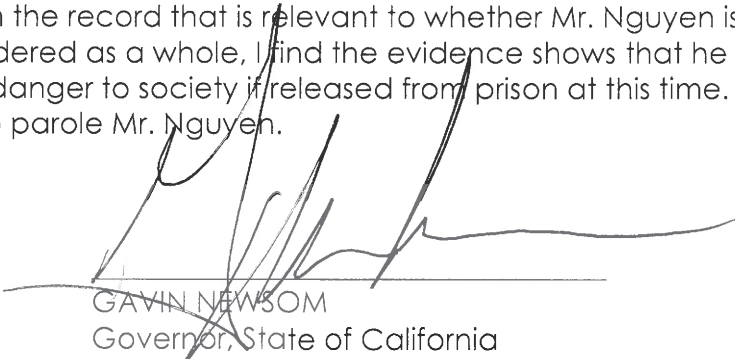
I am concerned by Mr. Nguyen's violent behavior in prison, resulting in eight rule violations. The last three violations involved extreme violence against others. It is clear that receiving multiple write-ups deterred neither his substance abuse nor his violent criminal activity. While Mr. Nguyen has managed to remain discipline and violence free for several years, this progress is recent compared to his long history of criminal activity and disregard for institutional rules and regulations. I am also troubled by his relatively recent use of alcohol in prison. The psychologist noted that Mr. Nguyen's progress is "tenuous" due to his relatively recent changes and also opined that Mr. Nguyen "may continue to have some difficulty refraining from associating with negative peers, which has led to a series of poor choices and acts of an antisocial nature."

Mr. Nguyen does not yet fully understand what led to his violent act that resulted in the deaths of three people. While Mr. Nguyen has made some progress in recognizing the factors that led to his involvement with gangs, substance abuse, and violence, it is insufficient. The psychologist who evaluated him wrote that Mr. Nguyen "fails to fully comprehend his attraction to negative peers groups, or the reasons he sabotaged himself in the community for the sake of acceptance." The psychologist consequently rated him a moderate risk for future violence. I acknowledge Mr. Nguyen is on the right path and has made good efforts at self-improvement. However, I think he needs additional time to demonstrate prolonged stability and sobriety, and develop further insight into why he committed this crime.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Nguyen 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 at this time. Therefore, I reverse the decision to parole Mr. Nguyen.

Decision Date:  
May 3, 2019



GAVIN NEWSOM  
Governor, State of California

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

**BRIAN SHEPPARD, J-44638**  
Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

\_\_\_\_\_   X   \_\_\_\_\_

**STATEMENT OF FACTS**

On November 9, 1991, 16-year-old Brian Sheppard and his two crime partners picked up the victims, two female acquaintances. The group drove to buy alcohol and then headed to a party. Over the objection of the young women, Mr. Sheppard and his crime partners instead drove to a motel. Once there, one young women got out of the car and said she wanted to leave. Mr. Sheppard shot her in the head with a firearm, killing her. As his crime partner drove Mr. Sheppard and the rest of the group away, Mr. Sheppard hit the second victim across the nose with the gun. He told her that he was going to have sex with her, and she said no. When the car was stopped, Mr. Sheppard yanked her out of the car, partially undressed her, and raped her on the front lawn of a private residence. Afterward, Mr. Sheppard ordered her back into the car and repeatedly hit her in the back of the head with his gun until she passed out. They stopped at a house where Mr. Sheppard's crime partner forced her into a shower where he sexually assaulted her. Mr. Sheppard then took the victim into a bedroom where he raped her again and threatened to "kill" and "blow" her up. Mr. Sheppard and his crime partner eventually drove the victim to her home, threatening to throw her off of a cliff or come back to her house and kill her if she reported the crimes.

**GOVERNING LAW**

The question I must answer is whether Mr. Sheppard 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 youth 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

I acknowledge that Mr. Sheppard's crime was committed when he was 16 years old and that he has since been incarcerated for over 27 years.

I also have considered the circumstances that shaped his development. The psychologist who evaluated Mr. Sheppard concluded that as a result of his traumatic childhood experiences, Mr. Sheppard "gravitated towards his older half-brothers, who were heavily involved in a gang lifestyle." Mr. Sheppard was influenced by older siblings who abused drugs and alcohol. When Mr. Sheppard was five years old, he was sexually abused by a family friend's son. He also endured physical abuse by his father. Mr. Sheppard reported that after his parents' difficult custody dispute, his behavior worsened considerably and he became a "serious" gang member. He then engaged in a number of criminal activities, including fighting, drug and alcohol use, vandalism, theft, and carrying weapons.

I also acknowledge that Mr. Sheppard has made some efforts to improve himself in prison. He earned his GED and has been employed. He has also engaged in programming.

I carefully examined the record for evidence demonstrating Mr. Sheppard's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender—his immaturity, impetuosity and failure to appreciate risks and consequences—and his other hallmark features of youth. I have also given great weight to his subsequent growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

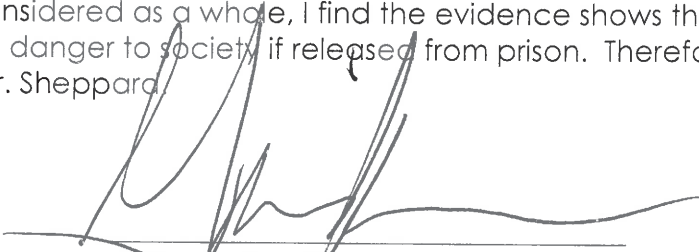
Mr. Sheppard has only recently started to accept responsibility for his role in this brutal crime. I am troubled by Mr. Sheppard's history of failing to conform his behavior to the rules, both prior to and in prison. Mr. Sheppard has not responded well to previous discipline and has been unable to maintain prosocial behavior and stability. Mr. Sheppard had previously committed vandalism, vehicle theft, assault with a deadly weapon, and attempted murder as a juvenile, demonstrating an escalating pattern of violent behavior and tendencies. During his incarceration for the life offense, Mr. Sheppard has been disciplined 12 times for rules violations, six of which involved violence, including his participation in an attempted battery of a peace officer during a riot.

The psychologist who evaluated Mr. Sheppard noted concerns regarding the severity of the life crime, his criminality prior to 2010, and the "relatively recent nature of his positive behavioral and belief transformation." I commend Mr. Sheppard for the progress he has made to-date, as well as his participation in self-help. Nonetheless, his rehabilitation is still in progress and requires further development before he can be safely released.

**CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Sheppard 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. Sheppard.

Decision Date:  
May 3, 2019



GAVIN NEWSOM  
Governor, State of California

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

**MICHLLE JENNINGS W-92315**

First Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

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

**STATEMENT OF FACTS**

In 1996, 20-year-old Michelle Jennings and her husband Martin Jennings severely abused their five-year-old son A.J.<sup>1</sup> A.J. had recently been returned to their care after living with a relative since birth. Over the course of several months, the couple starved, drugged, burned, and beat A.J. On February 4, 1996, Mr. Jennings struck A.J. on the back of the head with a fireplace shovel and then confined him to his room, where he died. An autopsy showed that A.J. died of a combination of toxic levels of medication, malnutrition, and the shovel strike. The couple buried A.J. in a shallow grave inside a chicken coop. Afraid of being caught, the couple exhumed A.J.'s body and threw him into an abandoned mine shaft that was forty feet deep.

**GOVERNING LAW**

The question I must answer is whether Ms. Jennings 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. 4th 1181, 1214.) Additionally, I am required to give "great weight to the diminished culpability of youth 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 Ms. Jennings suitable for parole based on her status as a youthful offender, her childhood trauma, significant self-help programming related to improving self-esteem, and staff commendations. The Board also gave great weight to evidence of intimate partner battery presented at the hearing.

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<sup>1</sup> In the interests of the victim's privacy, I refer to him by his initials throughout this decision.

I acknowledge that Ms. Jennings' crime was committed when she was 20 years old and that she has since been incarcerated for 23 years. Ms. Jennings' childhood was turbulent, marked with extreme physical and sexual abuse. Eventually, Ms. Jennings ran away from home when she was 14. Mr. Jennings, who was 15 years older than her, offered her a place to live. Shortly after moving in with him, he introduced her to methamphetamine and began to physically and sexually abuse her. Ms. Jennings became pregnant and gave birth to A.J. at age 15. The psychologist who evaluated Ms. Jennings in 2016 concluded, "Ms. Jennings experienced significant problems as a youth that likely affected her growth and maturity. This would include the extensive physical and sexual abuse she was subjected to first by her parents, and then by a 'family friend' (her crime partner) who also abused her from 14 years until 20 years of age, when she committed the crime."

Ms. Jennings is now 44 years old and has made efforts to improve herself in prison. She has participated in self-help groups, most recently adding Narcotics Anonymous to her portfolio. She earned a high school diploma, an associate's degree, and two vocational certificates. In her 23 years of incarceration, Ms. Jennings incurred three rules violations. She received exceptional work ratings, as well as commendations from correctional staff. I commend her for these efforts. In making this decision, I carefully examined the record for evidence demonstrating Ms. Jennings' increased maturity and rehabilitation, and gave great weight to all the factors relevant to her diminished culpability as a youthful offender—her immaturity, impetuosity and failure to appreciate risks and consequences—and her other hallmark features of youth. I have also given great weight to her subsequent growth in prison during my consideration of her suitability for parole. However, these factors are outweighed by negative factors that demonstrate she remains unsuitable for parole at this time.

A.J. died an especially brutal death at the hands of his parents after months of starvation and torture. It is difficult to imagine the extraordinary suffering A.J. felt during the last months of his life. Prior to committing this crime, Ms. Jennings, too, was the victim of severe abuse that was perpetrated by her husband and her father. Since her incarceration, Ms. Jennings has begun to address her own traumas and coping mechanisms that may have contributed to her commission of this heinous crime.

However, I am troubled by Ms. Jennings' only recent focus on substance abuse programming in view of the tremendous role her addiction played in her life at the time of the crime. During the 2016 psychological evaluation, Ms. Jennings admitted being high on methamphetamine at the time A.J. was murdered and using methamphetamine twice a week around the time of the crime. According to Ms. Jennings, she used methamphetamine to cope with the abuse she was suffering from A.J.'s father. She acknowledged that drug use negatively affected her relationship with her children, causing her to neglect them. Based on Ms. Jennings' history of substance abuse, the psychologist diagnosed her with moderate stimulant substance abuse disorder, in sustained remission, in a controlled environment.

Although Ms. Jennings acknowledged her addiction to methamphetamine, the psychologist noted that Ms. Jennings "did not plan to participate in substance abuse recovery support or treatment groups, which she seems to believe is not helpful because of her one experience with it while in prison." At her 2019 parole hearing, Ms. Jennings indicated that she is "trying" to work the 12 steps, has a sponsor, and intends to participate in substance abuse support groups if released. I am encouraged that Ms. Jennings now appears to be more open to treatment for her addiction. However, I do not believe she has sufficiently developed the tools and skills she needs to remain sober given the relatively recent programming. In light of the seriousness of her addiction and its role in her violence toward her son, I believe Ms. Jennings must demonstrate a more long-term commitment to her sobriety by continuing to participate in these groups and developing greater insight into her substance abuse.

The psychologist's evaluation also supports my concerns. The psychologist wrote, "Although Ms. Jennings appears to be making some progress regarding insight into herself, her characterological problems, and into the commitment offense, she still has a ways to go regarding self-knowledge and developing insight into her substance abuse problems." The psychologist rated Ms. Jennings a moderate risk for future violence based partly on her inadequate insight. I believe Ms. Jennings needs to more deeply examine her propensity to resort to drug use as a means to cope with trauma to ensure that she is capable of making different choices in the future. Until she does, I do not believe she should be released.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Ms. Jennings 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. Jennings.

Decision Date: May 24, 2019



GAVIN NEWSOM  
Governor, State of California

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

**WILLIAM RUSSELL, P-85236**  
Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      X      

**STATEMENT OF FACTS**

On June 3, 1996, 17-year-old William Russell approached Gildardo Avina in a park that was known to be a meeting place for gay men. Mr. Russell and his cousin, Emil Durant, approached Mr. Avina, struck him with a stick or a tree branch, and hit and kicked him. Mr. Durant threw Mr. Avina to the ground and he and Mr. Russell continued to hit and kick him. Mr. Durant and Mr. Russell called Mr. Avina a "faggot" and told Mr. Avina they were going to kill him. After a few minutes, Mr. Avina escaped and ran off.

On June 13, 1996, Mr. Durant and Mr. Russell were in the same park. They each had a tree branch the size of a baseball bat. Mr. Durant said, "Let's go up and get the faggot." They ran up a hill and started beating Dwight Harmon with the branches. A witness heard Mr. Harmon yelling for help. A few minutes later, Mr. Durant and Mr. Russell ran back down the hill. They had blood on their clothing, and Mr. Durant told the witness that someone had tried to assault them. Mr. Durant said that he was glad he had not been scratched, since he was afraid of catching AIDS from the victim. Mr. Harmon's body was found in the park the next morning. He had been beaten in the head, chest, and stomach, and was manually strangled. Mr. Harmon's wedding ring, watch, and key ring were taken.

**GOVERNING LAW**

The question I must answer is whether Mr. Russell 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 youth 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. Russell suitable for parole based on his age at the time of the crime, his subsequent growth and maturity, his insight, his acceptance of responsibility, his remorse, and his participation in self-help programs.

I acknowledge that Mr. Russell's crime was committed when he was 17 years old and that he has since been incarcerated for nearly 23 years. In his 2018 psychological evaluation, Mr. Russell reported experiencing a turbulent home life as a child. He was influenced by his older cousins, who encouraged him to skip school and use drugs. By the time Mr. Russell was 17, he was abusing marijuana and alcohol extensively and had a history of fighting, robberies, and theft. The psychologist noted that Mr. Russell "developed a criminal mindset" in response to the loss he experienced as a child. However, the psychologist also concluded that Mr. Russell's "longstanding criminality and violent behavior reflect an antisocial mentality beyond the developmental stages of adolescence."

I also acknowledge that Mr. Russell has made some efforts to improve himself in prison. He has not been disciplined for serious misconduct since 2013, and has maintained a positive work record. He completed several vocational programs, and was commended by several staff members for his respectful behavior and work ethic. Mr. Russell has participated in self-help programs. In making this decision, I carefully examined the record for evidence demonstrating Mr. Russell's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender—his immaturity, impetuosity and failure to appreciate risks and consequences—and his other hallmark features of youth. I have also given great weight to his subsequent growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Russell and his cousin attacked Mr. Harmon without provocation. They severely beat him, strangled him, and left him to die in a public park. This disturbing attack was not an isolated incident – just a few days earlier, Mr. Russell and Mr. Durant assaulted another stranger in the same park.

I do not believe that Mr. Russell has demonstrated sufficient insight into his decision to participate in these brutal attacks. He told the 2018 psychologist that his anger, rebellion, substance use, and the influence of his cousins contributed to his commission of this crime. At his 2019 parole hearing, he explained that he idolized his older cousins, and that he had low self-esteem and craved their acceptance. However, he also acknowledged that he and his crime partner made a "mutual agreement" to rob someone, and that he was an equal participant in the planning of the crime. Mr. Russell's statements do not adequately account for his willingness to inflict such great violence on complete strangers. He must demonstrate deeper insight into what triggered these behaviors to show that he is capable of acting differently in the future.

I am also disturbed by facts in the record that indicate that Mr. Russell and his crime partner targeted these victims based on their sexual orientation. According to the appellate record, they attacked Mr. Avina and Mr. Harmon because each of them "had made a homosexual pass at Russell." They referred to the victims as "faggot[s]" and referenced "catching AIDS" from Mr. Harmon. At Mr. Russell's 2017 parole hearing, he denied selecting the victims based on their sexual orientation but acknowledged that they started beating Mr. Avina after he "had propositioned" them. At his 2019 hearing, Mr. Russell admitted that their altercation with Mr. Avina somehow gave them the idea to attack Mr. Harmon, the second victim. He said that "[Mr. Avina] was the one that actually approached us, and that's how we came up with the story for Mr. Harmon." At the end of the 2019 hearing, the presiding commissioner concluded that the first robbery was "clearly about [the victim's] sexual orientation." Given the facts in the record, I am not persuaded by Mr. Russell's claim that he was merely looking for unsuspecting victims to rob. I believe he is seriously minimizing this aspect of his crimes.

Mr. Russell's 2018 psychological report supports my concerns. The psychologist determined that he poses a moderate risk of future violence. During the evaluation, Mr. Russell admitted that he had only just begun examining his relationship with his crime partner. The psychologist noted that Mr. Russell "would benefit from exploring why he gravitated to his cousins who he described as violent and 'antisocial.'" It is clear that Mr. Russell has more work to do before he can be safely released from prison.

Finally, I am troubled by Mr. Russell's disciplinary history while incarcerated. He has been disciplined twelve times for serious misconduct, including possessing marijuana, participating in a riot, possessing a weapon, fighting, and barricading himself in his cell. Well into his 30s, Mr. Russell demonstrated a pattern of violent conduct. It appears that he now is working toward his rehabilitation but, in light of Mr. Russell's many years of violent conduct, his insufficient insight, and the psychologist's concerns, I do not believe he is ready for release at this time.

### CONCLUSION ✓

I have considered the evidence in the record that is relevant to whether Mr. Russell 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. Russell.

Decision Date:  
May 20, 2019



GAVIN NEWSOM  
Governor, State of California

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

**LESLIE VAN HOUTEN, W-13378**  
First Degree Murder (2 counts)

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

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**REVERSE:**

\_\_\_\_\_   X   \_\_\_\_\_

**STATEMENT OF FACTS**

In the summer of 1968, 19-year-old Leslie Van Houten met Charles Manson and began living as a member of Manson's cult, "the Family." Members of the cult subscribed to Mr. Manson's belief that "Helter Skelter," a civilization ending race-war, was imminent. Mr. Manson planned to hide in the desert with the Family until the conclusion of Helter Skelter, when the Family would take control of the world. In the late summer of 1969, Mr. Manson believed that it was the Family's responsibility to initiate Helter Skelter by committing murders of white victims in order to incite retaliatory violence against black people.

On August 8, 1969, Charles Watson, Susan Atkins, Patricia Krenwinkel, and Linda Kasabian, all members of the Family, drove to the home of Sharon Tate, where they killed her, Steve Parent, Abigail Folger, Wojciech Fryowski, and Jay Sebring. Ms. Tate, who was eight months pregnant, was stabbed 16 times. Mr. Parent was shot five times. Ms. Folger was stabbed 28 times. Mr. Fryowski was stabbed 51 times, shot twice, and suffered 13 scalp lacerations. Mr. Sebring was stabbed seven times and shot once.

Two days later, on August 10, 1969, Mr. Manson, Ms. Van Houten, Mr. Watson, Ms. Krenwinkel, Ms. Kasabian, and another member of the Family, Steve Grogan, drove to the home of Leno and Rosemary La Bianca. Mr. Manson and Mr. Watson went inside the house, tied Mr. and Mrs. La Bianca up, took Mrs. La Bianca's wallet, and returned to the group outside. Mr. Manson instructed Ms. Van Houten and Ms. Krenwinkel to go inside the house and do whatever Mr. Watson instructed them to do. Mr. Manson, Mr. Grogan, and Ms. Kasabian drove away. Ms. Van Houten, Ms. Krenwinkel, and Mr. Watson entered the La Biancas' house. Mr. Watson, armed with a bayonet, ordered the La Biancas to hand over their cash. Mrs. La Bianca gave him a small box of money. Mr. Watson told Ms. Van Houten and Ms. Krenwinkel to take Mrs. La Bianca into the bedroom and kill her. Ms. Van Houten and Ms. Krenwinkel took her into a bedroom, and Ms. Krenwinkel retrieved two knives from the kitchen. Ms. Van Houten put a pillowcase over Mrs. La Bianca's head and wrapped a lamp cord around her neck.

In the living room, Mr. Watson covered Mr. La Bianca's head with a pillowcase, tied his hands behind his back with a leather thong, and tied an electrical cord around his neck. Mr. Watson stabbed Mr. La Bianca multiple times.

Upon hearing her husband struggle, Mrs. La Bianca forced her way up from the bed, grabbed the lamp, and swung it at Ms. Van Houten. Ms. Van Houten knocked the lamp from Mrs. La Bianca's hands, wrestled her back onto the bed, and pinned her down. Ms. Krenwinkel stabbed Mrs. La Bianca in the collar bone, causing the blade to bend. Ms. Van Houten called for Mr. Watson, who came into the room and stabbed Mrs. La Bianca eight times. Mr. Watson handed Ms. Van Houten a knife and instructed her to "do something." Ms. Van Houten stabbed Mrs. La Bianca repeatedly. Ms. Van Houten wiped down surfaces in the house to eliminate fingerprints, changed clothes, and drank chocolate milk from the La Biancas' refrigerator. The group fled.

Mr. La Bianca was found with a knife protruding from his neck, a carving fork protruding from his stomach, and the word, "War" scratched into his stomach. He died as a result of 13 stab wounds and suffered 14 puncture wounds. Mrs. La Bianca died as a result of approximately 41 stab wounds. The phrases "Death to Pigs," "Rise," and references to Helter Skelter were written in the victims' blood on the walls and the refrigerator. Ms. Van Houten was arrested on November 25, 1969.

### **GOVERNING LAW**

The question I must answer is whether Ms. Van Houten 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 youth 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).)

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. (*In re Lawrence*, *supra*, at 1211, 1214.)

### **DECISION**

The Board of Parole Hearings found Ms. Van Houten suitable for parole based on her youth at the time of the crime, lack of prior criminality, stable social history before and while incarcerated, and "decades of prosocial work and – positive programming."

I acknowledge that Ms. Van Houten's crime was committed when she was 19 years old and that she has since been incarcerated for 48 years. The psychologist who evaluated Ms. Van Houten in 2018 concluded that it was very likely that her involvement in the life offense was significantly impacted by characteristics of youth, including impulsivity, the inability to adequately foresee the long-term consequences of her behavior, and the inability to manage her emotions that resulted from trauma.

I also acknowledge that Ms. Van Houten is now 69 years old and has made commendable efforts to improve herself in prison, earning a bachelor's and master's degree and completing extensive self-help programming. Ms. Van Houten has served on the Inmate Advisory Council and as a facilitator for Victim Offender Education.

In making this decision, I carefully examined the record for evidence demonstrating Ms. Van Houten's increased maturity and rehabilitation, and gave great weight to all the factors relevant to her diminished culpability as a youthful offender—her immaturity, impetuosity and failure to appreciate risks and consequences—and her other hallmark features of youth. I have also given great weight to her subsequent growth in prison during my consideration of her suitability for parole. However, these factors are outweighed by negative factors that demonstrate she remains unsuitable for parole at this time.

Ms. Van Houten and the Manson Family committed some of the most notorious and brutal killings in California's history. The gruesome crimes perpetrated by Ms. Van Houten and other Manson Family members in an attempt to incite social chaos continue to inspire fear to this day. As acknowledged by the Board in Ms. Van Houten's parole hearing, the crimes were "heinous, cruel, and inexplicably disturbing and dispassionate." Almost 50 years later, the magnitude of these crimes and their impact on society endure.

While I commend Ms. Van Houten for her efforts at rehabilitation and acknowledge her youth at the time of the crimes, I am concerned by her role in these killings and her potential for future violence. Ms. Van Houten was an eager participant in the killing of the La Blancas and played a significant role. She pinned Mrs. La Bianca down so that Ms. Krenwinkel could stab her. When Ms. Krenwinkel's knife bent, Ms. Van Houten summoned Mr. Watson, who viscously stabbed Mrs. La Bianca multiple times, then handed a knife to Ms. Van Houten. Ms. Van Houten then stabbed Mrs. La Bianca at least 16 additional times. Afterwards, Ms. Van Houten wiped the house of the group's fingerprints. When asked at her parole hearing about removing the fingerprints, Ms. Van Houten said that she focused on the task because she felt like a failure for not mutilating the bodies per Mr. Manson's instructions. In discussing Ms. Van Houten's role in the crime, the Board noted that she was not simply a passive follower but a "leader in there too, with your behavior and your actions."

It is difficult to understand how someone could commit these extreme crimes, and Ms. Van Houten's explanation for her willingness to perpetrate such violence is insufficient.

She told the evaluating psychologist in 2018 that she believed she had been "chosen" by Mr. Manson and that she committed the crimes because she "had to kill them for the beginning of the revolution." She stated that at the time of the murders she was "desperate to be accepted" and that her "value came in the eyes of other people." Ms. Van Houten's need for acceptance does not explain her primary role in the brutal slaying of Mrs. La Bianca, and her failure to adequately explain her willing participation indicates that Ms. Van Houten is still minimizing her responsibility.

I am also concerned that Ms. Van Houten continues to lack insight into the causative factors of her crime. When questioned by the Board regarding what she would do differently, Ms. Van Houten responded, "So if I could redo it all over, I would be a much better daughter to my mom when my dad left. . . . I guess if I could redo it, I would want to be a supportive daughter." Before this crime occurred, Ms. Van Houten had suffered serious trauma and lived in a dysfunctional family environment. Instead of recognizing and fully grappling with these external factors and her response to them, Ms. Van Houten's answer demonstrates that she still cannot adequately explain her destructive reaction to difficult external factors beyond her control.

Furthermore, I am troubled by Ms. Van Houten's answer when asked by the Board if Mr. Manson had ever forced himself on her sexually. She replied, "No. But my first meeting with him, I'm—he gave us some kind of a drug. . . . And he sodomized me, you know when I was half in and half out, but I was there willingly." Ms. Van Houten's characterization of this as a consensual encounter – rather than an assault by an older man who drugged her and held a position of power within her cult – is troubling. She still minimizes Mr. Manson's violent and controlling actions. This indicates that she has not fully examined her ongoing susceptibility to negative influences and manipulation. Without a deeper understanding of what led her to submit to Mr. Manson and participate in these horrific murders, I cannot be sure that Ms. Van Houten is capable of acting differently in the future.

The evaluating psychologist in 2018 found that Ms. Van Houten displayed predictive factors for future dangerous behavior, including prior violence, violent attitude, other antisocial behavior, troubled relationships, substance abuse problems, and traumatic experiences. The psychologist also noted that Ms. Van Houten has a "history of engaging in impulsive behavior, including drug use and promiscuity, and her involvement in the life crime reflected a callous lack of empathy for the victims." Given the horrendous nature of these murders and Ms. Van Houten's current, related lack of insight, Ms. Van Houten must take additional steps that demonstrate she will never return to this type of submission or violence again.

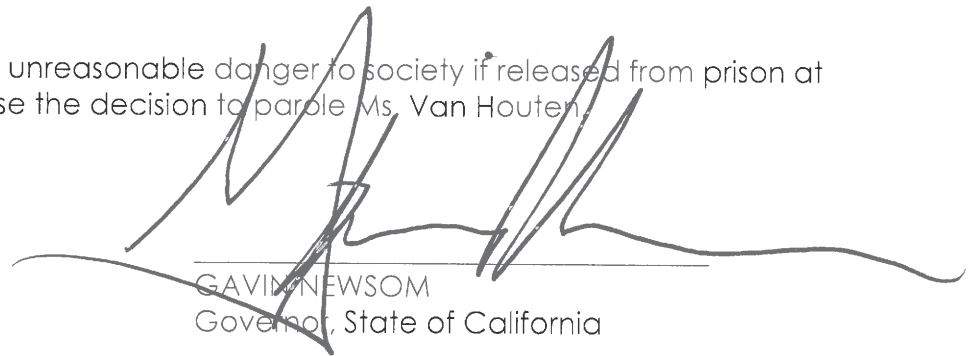
### **CONCLUSION**

I have considered the evidence in the record that is relevant to whether Ms. Van Houten is currently dangerous. When considered as a whole, I find the evidence shows

Leslie Van Houten, W-13378  
First Degree Murder (2 counts)  
Page 5

that she currently poses an unreasonable danger to society if released from prison at this time. Therefore, I reverse the decision to parole Ms. Van Houten.

Decision Date:  
June 3, 2019



GAVIN NEWSOM  
Governor, State of California

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

**CLARENCE ELLESBURY, H-28893**

2<sup>nd</sup> Degree Murder

**AFFIRM:**

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**MODIFY:**

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**REVERSE:**

  X  

**STATEMENT OF FACTS**

Clarence Ellesbury and his wife Pamela Jo Ellesbury had a tumultuous relationship. On the evening of April 21, 1991, after a weekend of escalating arguments, Mr. Ellesbury strangled Ms. Ellesbury to death in front of their three-year-old son and Ms. Ellesbury's six-year-old daughter. Mr. Ellesbury placed Ms. Ellesbury's body in the front seat of his car, placed the children in the back seat, drove to a remote area, and pushed her body down a ravine in the presence of the children. The next day, Mr. Ellesbury called Ms. Ellesbury's parents and told them she was missing. That same day, he confessed the crime to a neighbor, saying that he "looked at the last gleam in [Ms. Ellesbury's] eyes and got a rush." Mr. Ellesbury then solicited the neighbor's help hiding Ms. Ellesbury's body by dissolving it in lye, but the neighbor reported the plan to police. Mr. Ellesbury was arrested on April 24, 1991.

**GOVERNING LAW**

The question I must answer is whether Mr. Ellesbury 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**

I acknowledge Mr. Ellesbury has made efforts to improve himself in prison. He has completed some self-help programming, has only received one rule violation in the last 20 years, and received exceptional work ratings. I commend Mr. Ellesbury for taking

these positive steps. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Ellesbury's crime was especially senseless and horrific. After a weekend of drinking, Mr. Ellesbury brutally strangled his wife in front of their two children, then loaded them into the car with him to dispose of their mother's body. After dumping Ms. Ellesbury's body in a ravine, Mr. Ellesbury engaged in a plan to cover up the murder, reporting his wife's disappearance to her family, and attempting to conspire with a neighbor to dissolve the body in lye.

I am not convinced that Mr. Ellesbury has gained adequate insight into his past history of domestic violence and potential for violence in the future. In his hearing, Mr. Ellesbury denied ever physically abusing his wife prior to killing her. When asked by the commissioner if he ever had prior abusive physical contact with her, he stated, "No. No physical contact with her. I never, I never touched her." Yet there is ample evidence that Mr. Ellesbury had a history of physically abusing his wife. Ms. Ellesbury's sister reported that Mr. Ellesbury attempted to burn down the trailer Ms. Ellesbury and the two children were living in three weeks prior to the murder. She also stated that Mr. Ellesbury "had beat[en] [Ms. Ellesbury] many times before." A neighbor reported that Mr. Ellesbury had beaten his wife "pretty bad" prior to this crime. In light of this evidence in the record, I find Mr. Ellesbury's explanation of his actions – that he "did a lot of throwing things around," but "[not] even in her direction" – implausible. Despite completing some self-help programming related to domestic violence, Mr. Ellesbury continues to minimize his behavior.

Given Mr. Ellesbury's horrific crime and the alcohol abuse that precipitated his murder of his wife, I am also concerned by Mr. Ellesbury's limited self-help programming in prison. In the past five years, he participated in only three self-help programs, and he has not completed any self-help programming since 2016. In the decision granting parole, the commissioners expressed concern regarding Mr. Ellesbury's "lack of meaningful participation in programs" and noted that they were especially concerned by Mr. Ellesbury's failure to adequately address his substance abuse problem. Given Mr. Ellesbury's diagnosis of alcohol use disorder and his history of violence related to his drinking, I am troubled by his failure to complete more programming in this area.

While I commend Mr. Ellesbury on his positive work record and behavior in prison, his lack of insight into his history of domestic violence and his potential for alcohol relapse indicate that he is not ready for parole. I encourage Mr. Ellesbury to complete additional programming to address these issues to ensure he can be safely released.

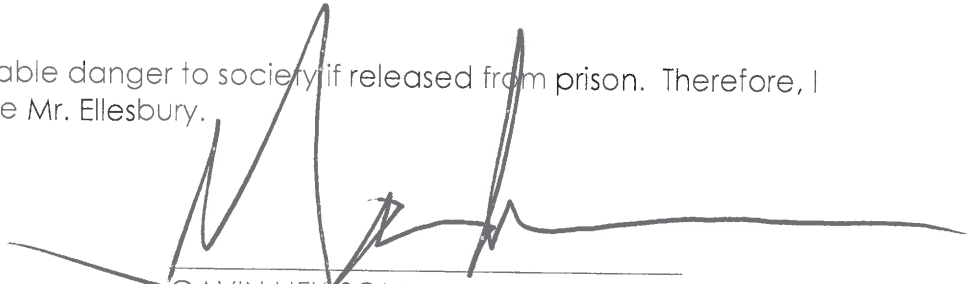
### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Ellesbury is currently dangerous. When considered as a whole, I find the evidence shows that he

Clarence Ellesbury,  
Second Degree Murder  
Page 3

currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Ellesbury.

Decision Date:  
June 7, 2019



GAVIN NEWSOM  
Governor, State of California

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

**HAROLD BICKNELL, B-94325**  
First Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

          X          

**STATEMENT OF FACTS**

Harold Bicknell's 66-year-old grandmother, Josephine Smith, lived with his aunt, Suzanne Harris, and two cousins, 6-year-old Rachel Harris and 15-year-old Renee Ferguson. On August 9, 1977, another cousin, Rayleen Ferguson, came over to visit with her friend, 14-year-old Karen Kirby. Rayleen and Ms. Kirby arrived at the same time as Ms. Smith's grandson, 19-year-old Mr. Bicknell, and his 14-year-old girlfriend, Terri Milligan. Mr. Bicknell and Renee got into an argument and Mr. Bicknell stabbed Renee 24 times, killing her. Ms. Smith, Suzanne, and Rachel, were forced into the kitchen. Rayleen remained in the dining room. She heard screaming and saw Mr. Bicknell swinging his knife at Rachel. When the screaming stopped, she saw Ms. Milligan standing over Suzanne, Ms. Kirby standing over Ms. Smith, and Mr. Bicknell standing between the two. Ms. Smith was fatally stabbed 16 times. Suzanne was fatally stabbed 34 times. Rachel was fatally stabbed 41 times. Mr. Bicknell, Ms. Milligan, and Ms. Kirby cleaned up and gathered personal items to take. One of the crime partners struck Rayleen in the back of the head, causing her to lose consciousness. She awoke the next day at Ms. Kirby's house. Although Mr. Bicknell confessed to the crime, he later recanted and has maintained his innocence since entering prison.

**DECISION**

I acknowledge that Mr. Bicknell's crime was committed when he was 19 years old and that he has been incarcerated for almost 42 years. He reported a tumultuous childhood; he described his relationship with his father as strained and distant after the passing of his mother and said that he was placed in three different foster homes. Mr. Bicknell also reported that he was sexually abused when he was 10 years old and experienced physical abuse as well.

I also acknowledge that Mr. Bicknell has made efforts to improve himself in prison. He has not been disciplined for any misconduct during his incarceration. He earned his GED and an A.A. degree, and completed a vocational program in mechanical drawing. Mr. Bicknell has participated in self-help groups including Alternatives to Violence, Celebrate Recovery, Malachi Dads, and Forgiveness. He earns positive ratings from his work supervisors, and has been commended by correctional staff for his

good attitude and behavior. In making this decision, I carefully examined the record for evidence demonstrating Mr. Bicknell's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender – his instability, lack of direction, and irresponsibility – and his other hallmark features of youth. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Bicknell committed an especially heinous crime. After Mr. Bicknell got into an argument with his cousin, he and his two crime partners brutally stabbed his grandmother, aunt, and two cousins. Afterward, they attempted to clean up, and then took the victims' personal belongings. Mr. Bicknell's willingness to kill several members of his own family is inexplicable.

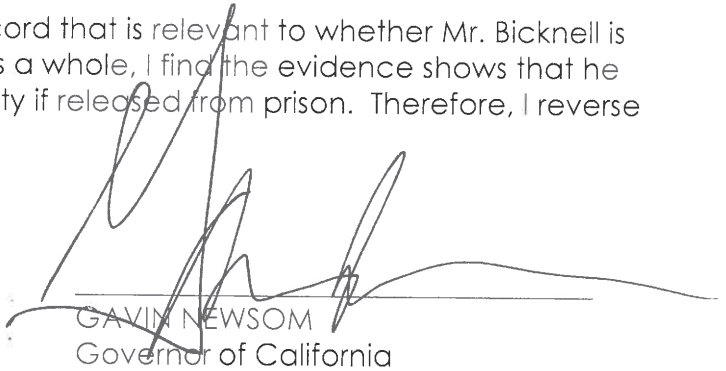
I am troubled that Mr. Bicknell has not addressed his violent behavior. He maintains that he did not commit this crime. However, evidence from the appellate record included eyewitness testimony about Mr. Bicknell's involvement in the crime. Mr. Bicknell also made several incriminating admissions and previously admitted killing his family members. At his 2017 comprehensive risk assessment, the psychologist who evaluated Mr. Bicknell wrote, "Concerns about interpersonal violence when not in a controlled environment remain and potentially elevate his risk for violence. In the absence of understanding the causal factors into the life crime...concerns regarding insight remain." Mr. Bicknell 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 and worked through why he viciously murdered four members of his own family, I cannot be assured that it is safe to release him from prison.

I am also concerned about Mr. Bicknell's history of substance abuse. The 2017 psychologist rated Mr. Bicknell a moderate risk for future violence and expressed concerns about his "poor insight" into his substance abuse history. When asked by the psychologist whether he believed he had a problem with drugs or alcohol, Mr. Bicknell replied, "For me it was experimenting and socialization." Mr. Bicknell also stated, "I didn't really like substances. Alcohol I thought was socially acceptable." According to the record, Mr. Bicknell started drinking at age 12 or 13 and used marijuana regularly. The psychologist concluded that his substance use "caused clinically significant distress and impairment in his functioning marked by use in hazardous situations," including driving while impaired and being arrested while under the influence. The psychologist wrote, "Despite Mr. Bicknell's statement that he doesn't believe he had a substance use problem, his use attests otherwise and is too much to ignore." Based on his lack of insight into his violent history and his past substance abuse, as well as his moderate risk rating, I do not believe Mr. Bicknell should be released at this time.

**CONCLUSION**

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

Decision Date:  
June 14, 2019



GAVIN NEWSOM  
Governor of California

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

**VICTOR LOZADA, AB-5863**  
Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

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

**STATEMENT OF FACTS**

On August 15, 2003, Victor Lozada dropped off Jesus Penuelas and Sergio Arias on his way to work, letting Mr. Penuelas take plastic work gloves from his trunk before he drove away. Mr. Penuelas and Mr. Arias then went to the home of 18-year-old Jessica De La Torre to rob her. Mr. Penuelas and Mr. Arias tortured, raped, and sodomized Ms. De La Torre. Mr. Penuelas and Mr. Arias stole Ms. De La Torre's bank card and other property. They bound Ms. De La Torre, who was alive and naked, put her into the trunk of her father's car, and set the house on fire. Mr. Penuelas and Mr. Arias drove the stolen car to Mr. Lozada's house. Mr. Lozada, who was home between work shifts, helped Mr. Penuelas and Mr. Arias unload the stolen property. Mr. Lozada agreed to follow Mr. Penuelas as he drove the stolen car to a desolate area. Mr. Lozada remained in his car while Mr. Penuelas removed Ms. De La Torre from the trunk of her father's car. Ms. De La Torre was still alive, and still bound and naked when they placed her on the ground. Mr. Penuelas then used the stolen car to drive over Ms. De La Torre repeatedly, killing her. Mr. Penuelas drove the stolen car and Mr. Lozada followed him in his car to a parking lot where Mr. Penuelas wiped down and abandoned the stolen car. Mr. Lozada and Mr. Penuelas picked up Mr. Arias in Mr. Lozada's car and drove the group to various ATMs to withdraw money using Ms. De La Torre's ATM card. Mr. Lozada then dropped off Mr. Penuelas and Mr. Arias and returned to work.

**DECISION**

I acknowledge Mr. Lozada has made efforts to improve himself in prison. He has never been disciplined for misconduct, and has taken Adult Basic Education classes. Mr. Lozada has also participated in many self-help programs. I commend Mr. Lozada for taking these positive steps. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

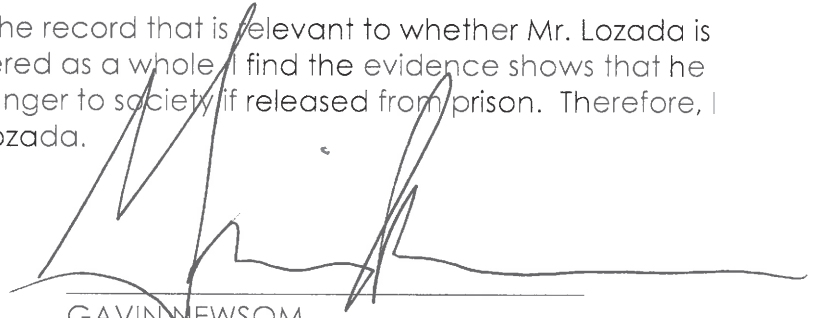
Mr. Lozada's insight into his participation in this crime is insufficiently developed. At his 2019 parole hearing, he reported that he didn't play an active role in the crime. He said, "I think my role was mostly that of a coward." He explained that he was trying to please and stay loyal to his friends, and that he didn't ask what his crime partners were doing to Ms. De La Torre "because I didn't care at that moment. I had my own

problems and really I didn't care what was happening anywhere else." He said that he didn't give his crime partner's statements about Ms. De La Torre "much importance" at the time because he was thinking about work. These statements show that Mr. Lozada has a shallow understanding of the personality traits and psychological responses that led him to participate in a brutal crime. He has not yet demonstrated that he has the insight to explain his extreme indifference to, and participation in, Ms. De La Torre's suffering. Similarly, Mr. Lozada does not yet appear to have the self-awareness to understand why he felt the need to maintain such strong loyalty to his crime partners – one of whom he had only known for a few weeks – that he was willing to abet their extreme violence and help them steal from the victim after her death. Until Mr. Lozada can demonstrate more comprehensive insight into his participation in this violent crime, I am concerned that in the future he may be unable to refrain from violent conduct, or refrain from abetting violent conduct out of pressure or loyalty to others.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Lozada 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. Lozada.

Decision Date:  
June 14, 2019



GAVIN NEWSOM  
Governor, State of California

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

**TERRY MARLIN, T-82129**  
Second Degree Murder

**AFFIRM:**

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**MODIFY:**

\_\_\_\_\_

**REVERSE:**

\_\_\_\_\_ X \_\_\_\_\_

**STATEMENT OF FACTS**

On March 19, 2002, Terry Marlin, who was driving after he had been drinking, swerved into the path of a car carrying Russell and Jeanette Armitage. Ms. Armitage was six months pregnant. The cars collided, injuring Mr. and Ms. Armitage and killing the fetus. Mr. Marlin's blood alcohol level was tested after the collision; the results showed his blood alcohol level was two to three times the legal limit.

**DECISION**

I acknowledge Mr. Marlin has made efforts to improve himself in prison. Mr. Marlin has earned three vocations and has participated in self-help programming, including Alcoholic Anonymous. He currently works as an adult caregiver, providing help to elderly and infirm inmates. Several staff members have praised his positive behavior and attitude. I commend Mr. Marlin for taking these positive steps. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Marlin has a substantial criminal history linked to his alcohol abuse. He has been convicted of multiple DUI offenses in addition to his commitment offense, including one in 1985 when, while driving drunk he crashed his vehicle into a car carrying a pregnant woman, causing her to miscarry. Mr. Marlin has also engaged in intimate partner violence while abusing alcohol. It is clear that Mr. Marlin spent many years drinking excessively and inflicting violence on others as a result.

Mr. Marlin has not yet developed adequate insight into his substance abuse patterns or the causative factors of this crime. The psychologist who evaluated Mr. Marlin in 2018 noted that his list of triggers for drinking "seems rather generic" and was not tied to "the types of situations and emotions he knows triggered him in the past." At his 2019 parole hearing, the Board asked Mr. Marlin to describe the causative factors that led to his commitment offense. In response, Mr. Marlin listed several factors such as "approval seeking... bad choices, bad associates, glamorization for the lifestyle, low self-esteem, attention seeking, lack of... morals, respect for others, coping skills." However, when prompted to discuss specifics of the factors he listed, Mr. Marlin was unable to

elaborate or offer meaningful explanations of his own conduct. Like the psychologist, I found Mr. Marlin's understanding of the causative factors of his conduct to be underdeveloped. The psychologist also raised concerns about Mr. Marlin's perception that he does not need the assistance of transitional housing to reintegrate back into the community, citing Mr. Marlin's "pattern of arrogance," something that has played a role in his prior poor decision making. While the Board did order a special condition of parole that Mr. Marlin participate in transitional housing for a minimum of three months, Mr. Marlin's dismissive attitude toward the challenges he will face in the community is concerning. Mr. Marlin must develop more meaningful insight into his behavior, understand the specific triggers that put him most at risk of relapse, and show that he is prepared to take the steps needed for his safe reentry into the community before he can be released on parole.

This is particularly important because in the past, Mr. Marlin has been repeatedly unsuccessful on supervised release. At his hearing, Mr. Marlin reported he received many of his prior DULs while driving with a suspended license and his license was suspended "at least" six times. Mr. Marlin told the Board that his commitment offense occurred while he was 13 months into an 18-month alcohol program that could have led to the reinstatement of his driver's license, but he continued to drive drunk without a license during the program. In prison, Mr. Marlin continued his practice of breaking rules. The psychologist wrote that his pattern of criminal activity despite numerous interventions is "reflected in his ongoing receipt of counseling chronos as recently as [2017]." Mr. Marlin told the psychologist that he "gave [him]self permission" to possess contraband at that time. Mr. Marlin's willingness to break rules for his benefit and, as the psychologist put it, "his ongoing pattern of justifying the breaking of minor rules in prison," indicate to me that he is not ready to abide by the conditions of parole that ensure the safety of the public. Until Mr. Marlin can demonstrate that he will not revert to the same dangerous conduct he has returned to in the past, he is not ready for release.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Marlin 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 at this time. Therefore, I reverse the decision to parole Mr. Marlin.

Decision Date:  
June 24, 2019



GAVIN NEWSOM  
Governor, State of California

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

**UVALDO NEVAREZ, J-10696**  
Second Degree Murder

**AFFIRM:**

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**MODIFY:**

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**REVERSE:**

\_\_\_\_\_ X \_\_\_\_\_

**STATEMENT OF FACTS**

In 1992, 17-year-old Uvaldo Nevarez and his crime partner, both gang members, noticed a car occupied by several rival gang members driving down the street. Mr. Nevarez asked his crime partner to drive up next to it. Using a semi-automatic gun and a machine pistol, Mr. Nevarez fired multiple shots into the other car, killing one person and seriously injuring two others.

**DECISION**

I acknowledge that Mr. Nevarez has made efforts to improve himself during the 27 years he has been in prison. He participated in self-help programming, including anger management and courses designed to address long-term gang membership. Mr. Nevarez also earned his GED. In making this decision, I carefully examined the record for evidence demonstrating Mr. Nevarez's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender—susceptibility to pressure from others and his inability to extricate himself from the criminal activity occurring in his home environment—and his other hallmark features of youth. I have also given great weight to his subsequent growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

I am concerned that despite being sentenced to a lengthy prison term for this gang-related murder, Mr. Nevarez continued to participate in violence and in gang activity throughout much of his incarceration. Mr. Nevarez held a leadership position in a prison gang until 2017. Indeed, at his parole hearing, Mr. Nevarez stated that he continued to traffic drugs and order assaults on behalf of the gang until 2017. To his credit, Mr. Nevarez fully debriefed in 2018 and was validated as a gang dropout by prison staff. This is to be commended. However, given how recent his dissociation was, I believe Mr. Nevarez needs more time to show an enduring commitment to positive behavior and rehabilitation.

My concerns are supported by Mr. Nevarez's elevated risk rating. In his 2018 comprehensive risk assessment, the evaluating psychologist determined that Mr.

Nevarez posed a moderate risk for future violence, and concluded, "Given his lengthy history of gang activity, the inmate would benefit from demonstrating a sustained period of time absent of gang associations/activity." I agree. Mr. Nevarez is now seriously engaging in programming, and I encourage him to continue on his path to rehabilitation. Mr. Nevarez must demonstrate a longer period of growth and maturity to give me confidence that he is prepared to refrain from gang activity and violence in the community.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Nevarez 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. Nevarez.

Decision Date:  
June 24, 2019



GAVIN NEWSOM  
Governor, State of California

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

**TOMMY WILLIAMS, P-17061**  
Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

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

**STATEMENT OF FACTS**

In 1998, Tommy Williams drove his car while drunk and struck a motorcycle driven by Kevin Aubrey. Mr. Aubrey's 11-year-old daughter, Jessica, was riding on the back. Mr. Aubrey died from the head and brain injuries he sustained in the accident. Jessica sustained multiple head injuries and broken bones, but survived. At the time of the accident, Mr. Williams had a blood alcohol content of approximately 0.27 – more than three times the legal limit for driving.

**DECISION**

I acknowledge that Mr. Williams has made efforts to improve himself in prison. He has participated in self-help programming, including courses related to substance abuse prevention as well as domestic violence. He has only received one rule violation, which occurred more than a decade ago. He has received exceptional work ratings and earned two vocational certificates. He is to be commended for taking these positive steps. However, they are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Before this offense, Mr. Williams had a fourteen-year record of drinking and driving and public intoxication. At his 2019 parole hearing, Mr. Williams told the Board he had been arrested approximately ten times for driving under the influence, and the same number of times for public intoxication. Despite repeated arrests, convictions, incarceration, and fines for the same class of crime, Mr. Williams continued to drive under the influence, with tragic results. I am not convinced that Mr. Williams has broken this longstanding cycle.

My concerns are supported by the psychologist's observations during the comprehensive risk assessment. Although the psychologist determined that Mr. Williams poses a low risk for future violence, the psychologist concluded that Mr. Williams has three factors that may elevate his overall violence risk, including his significant criminal history. The psychologist wrote, "His history is notable for numerous (over forty) arrests for a wide variety of crimes, suggesting that both his substance use and criminality has historically been quite resistant to attempts at remediation." Much like the psychologist,

I believe Mr. Williams's extensive pattern of returning to crime despite repeated interventions is a significant risk factor that mitigates against release.

During his 2017 comprehensive risk assessment, Mr. Williams stated that prior to committing this crime, he held a core belief that he could drink and drive without causing any "serious" problems. He further noted that it was not until he realized how badly he could hurt other people did he consider the effects of his behaviors on other people. While Mr. Williams is sober now, I am not convinced that once he is in the community -- and confronted by temptations and stressors -- he will be able to keep himself from returning to alcohol use, thereby returning to the dangerous pattern of thinking that allowed him to justify his drinking and driving.

I am encouraged by Mr. Williams's sobriety in prison and his consistent participation in substance abuse related programming. At the 2019 hearing, Mr. Williams presented a detailed relapse prevention plan and committed to not driving once released. These steps show me he is on the right track. However, Mr. Williams's history shows a repeated pattern of alcohol abuse followed by poor decision making. At this point, I am not persuaded that he is capable of following his parole conditions and abstaining from alcohol, which is necessary before he can safely be 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:  
June 24, 2019



\_\_\_\_\_  
GAVIN NEWSOM  
Governor, State of California

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

**PHILLIPE FARGO, D-07649**

First Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

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**REVERSE:**

\_\_\_\_\_   X   \_\_\_\_\_

**STATEMENT OF FACTS**

In 1984, Phillipe Fargo committed two murders. The first occurred in January. Mr. Fargo and some men spent the day at Mr. Fargo's ranch butchering a calf and drinking beer. After a minor verbal altercation, Mr. Fargo shot one of the men in the neck and right arm, killing him.

While on bail for the first murder, Mr. Fargo committed a second murder. Mr. Fargo, a criminal defense attorney, had been supplying one of his clients with cocaine and heroin to sell. The client, who was addicted to drugs, accrued a \$17,000 drug debt to Mr. Fargo. In August 1984, Mr. Fargo fatally shot him over the debt.

**DECISION**

I acknowledge Mr. Fargo is now 72 years old and has made efforts to improve himself during his 35 years in prison. He participated in substance abuse related self-help groups and earned two vocational certificates. He has not incurred any rules violations in over a decade. I commend Mr. Fargo for taking these positive steps. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

After more than three decades of incarceration, Mr. Fargo still cannot adequately explain how he came to commit such violent crimes with seemingly minimal provocation. At his 2019 parole hearing, Mr. Fargo was asked by the Board why he committed the first murder. He explained that throughout the day the victim had said and done things that irritated him. For instance, the victim remarked that Mr. Fargo was drinking his beer "too slow." Mr. Fargo's irritation and anger came to a peak; he explained, "...he was looking at me and I exploded and I shot him." Similar to the first murder, Mr. Fargo said to the Board that prior to killing his client, "I don't know. I got irritated, I – I got angry, uh, I was, uh all over the place in my mind." These explanations are wholly inadequate and show that Mr. Fargo has only a shallow understanding of how he came to commit such violent crimes. Mr. Fargo's statements are particularly unacceptable in light of his training and practice as a criminal defense attorney, which should give him greater understanding and insight regarding criminal activity than other

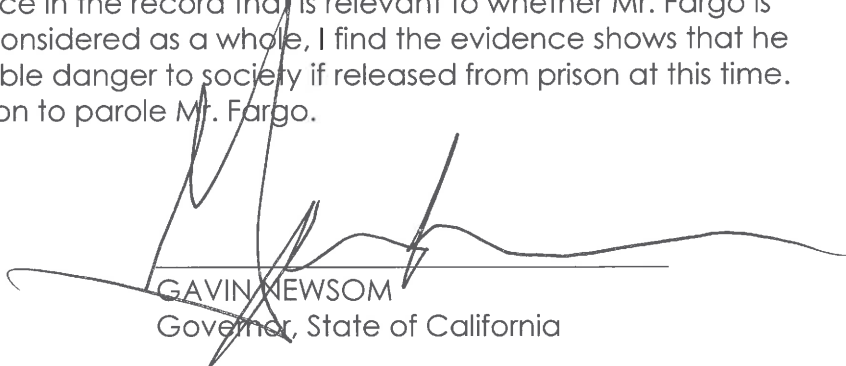
inmates who have not had the benefit of such training and practice. I believe Mr. Fargo needs to gain more awareness into the causative factors of his crimes, and in particular his impulsivity, to ensure that he will not react violently in the future when triggered by irritation and anger.

My concerns are supported by Mr. Fargo's 2016 comprehensive risk assessment. The psychologist noted, as do I, that Mr. Fargo has not had any violent incidents during his incarceration and has participated in self-help groups. Despite his pro-social behavior in prison, the psychologist concluded that Mr. Fargo's lack of insight was an area of concern that is relevant to his risk of future violence. The psychologist also noted that "[Mr. Fargo's] impaired empathy for others, his significant lack of insight into his risk for violence and substance use, his tendencies to engage in self-deception/distorted thinking, and his underdeveloped relapse prevention plans," were factors that may indicate that Mr. Fargo's "belief system has not been fundamentally altered" since he committed these crimes. With these considerations in mind, the psychologist determined that Mr. Fargo posed a moderate risk of future violence. I agree with the psychologist's assessment. Until Mr. Fargo demonstrates deeper insight into his crimes and the factors that precipitated his violent reactions, I do not believe he can be released from prison safely.

### **CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Fargo 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 at this time. Therefore, I reverse the decision to parole Mr. Fargo.

Decision Date:  
June 28, 2019



GAVIN NEWSOM  
Governor, State of California

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

**WILLIAM HITE, H-92183**

First Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

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**REVERSE:**

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

**STATEMENT OF FACTS**

On the night of August 22, 1992, William Hite, armed with a handgun, entered the backyard of his ex-girlfriend. She called her neighbor, off-duty Los Angeles Police Department detective Ed Kislo, and asked him for help. Detective Kislo and a friend armed themselves and rushed over. Detective Kislo approached the bushes in the backyard where Mr. Hite was hiding, extended his gun and identified himself as a police officer. Mr. Hite shot Detective Kislo once in the neck, killing him.

**DECISION**

I acknowledge Mr. Hite has made efforts to improve himself during his nearly 27 years in prison. He has not been disciplined for misconduct since 1995. Mr. Hite has participated in multiple self-help programs including Alcoholics Anonymous, Anger Management, and Breaking the Cycle of Domestic Violence. He also has been praised by several staff members for his good behavior and attitude. I commend Mr. Hite for taking these positive steps. However, they are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Despite his many years of incarceration, Mr. Hite continues to lack insight and minimizes his actions at the time of this crime. At his 2019 parole hearing, he reported that he was drunk and heard someone in his ex-girlfriend's backyard, so he took his gun and jumped the fence to investigate. Mr. Hite said he felt "irrational fear" when he saw Detective Kislo walking toward him, worried that he had a weapon and would harm him. Mr. Hite reported that he could not see Detective Kislo well, and "didn't hear anything" before he shot and killed the victim. However, the appellate record clearly states that a witness heard Detective Kislo identify himself as a police officer to Mr. Hite and ordered Mr. Hite to show himself. It is difficult to reconcile these two different accounts, and I am not persuaded that Mr. Hite is being forthright in light of the record. Even if Mr. Hite truly didn't hear Detective Kislo identify himself, he has not adequately explained why he decided to arm himself and go into his ex-girlfriend's yard in the first place. Because of his minimization and insufficiently developed insight, I am not convinced that Mr. Hite understands his past behaviors and is prepared to react differently in the future.

I acknowledge that Mr. Hite's advanced age and health status have some bearing on his risk of future violence. I also acknowledge that the psychologist who evaluated him in 2017 concluded that Mr. Hite "may not show much further progress" in his understanding of the factors that contributed to his behavior due to his neurocognitive condition. However, given the seriousness of this crime and Mr. Hite's current minimization and lack of insight into his violent actions, I do not believe he can be safely released at this time.

### **CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Hite 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. Hite.

Decision Date:  
June 28, 2019



GAVIN NEWSOM  
Governor, State of California

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

**ARTHUR VASQUEZ, D-18083**

First Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

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**REVERSE:**

\_\_\_\_\_   X   \_\_\_\_\_

**STATEMENT OF FACTS**

In 1985, 20-year-old Arthur Vasquez got into an argument with some rival gang members, including Joe Hernandez. Mr. Hernandez got into a car with his mother, his sister, and two fellow gang members and drove away. Mr. Vasquez and his crime partner followed in another car. They pulled up next to Mr. Hernandez's car and Mr. Vasquez started shooting, killing Mr. Hernandez and injuring Mr. Hernandez's sister.

**DECISION**

I acknowledge that Mr. Vasquez's crime was committed when he was 20 years old and that he has since been incarcerated for more than 34 years. His parents divorced when he was a teenager, and his father began to abuse drugs and alcohol more heavily. He started participating in gang activity when he was young, which was normalized in his family and in his neighborhood. Mr. Vasquez also started abusing drugs and alcohol when he was 13 years old. These factors undoubtedly had an impact on his decision-making at the time of this crime. I also acknowledge that Mr. Vasquez has made efforts to improve himself in prison. He earned his GED and two associate's degrees. He has participated in self-help programs including Alcoholics and Narcotics Anonymous, Criminals and Gangmembers Anonymous, and Breaking Barriers. Additionally, several staff members have commended Mr. Vasquez for his positive behavior and attitude.

In making this decision, I carefully examined the record for evidence demonstrating Mr. Vasquez's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender—his inability to remove himself from his surroundings, his susceptibility to the influence of others, and his recklessness—as well as his other hallmark features of youth. I have also given great weight to his subsequent growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Vasquez has a long history of violence and gang activity. After committing this murder, Mr. Vasquez began associating with the Mexican Mafia in prison and spent

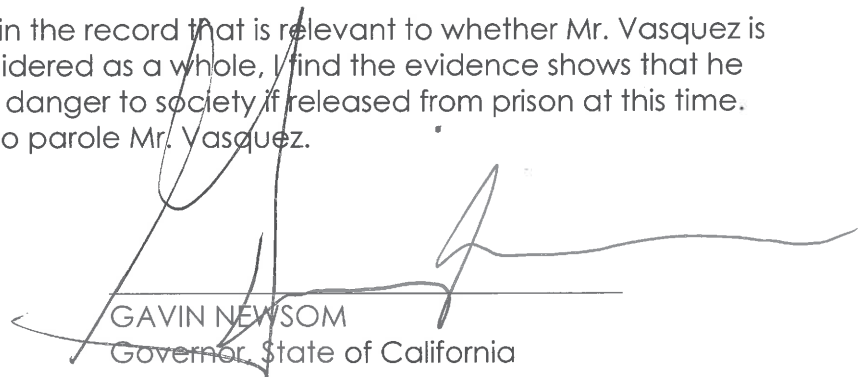
years in the Security Housing Unit as a result of his ongoing gang participation. At his 2019 parole hearing, he acknowledged authorizing assaults, moving weapons, sending messages, and collecting money on behalf of the gang. Mr. Vasquez has been disciplined six times in prison, including for possession of heroin, possession of alcohol, and most recently for possession of gang paraphernalia in 2013. He was also counseled in 2015 for writing to a former inmate who was a gang member. Mr. Vasquez reported that he stopped participating in gang activity in 2015, and it appears that he has begun to work on his rehabilitation in earnest since then. However, in light of his relatively recent gang activity and the degree of his involvement, Mr. Vasquez must do more to demonstrate that he has made a long-term commitment to refraining from gang activity and violence in the future.

Mr. Vasquez's 2017 comprehensive risk assessment supports my concerns. The psychologist rated him a moderate risk of future violence and determined that while he has made progress, his "insight into the underlying personality traits that made him more vulnerable to engaging in violence, and how these factors may impact his future decision-making and behavior remains limited." The psychologist also concluded that Mr. Vasquez "appears to lack insight regarding his substance abuse and his motivation to be drawn into the gang lifestyle." I commend Mr. Vasquez for his efforts and encourage him to continue on this path. However, based on his history of gang activity and violence, his risk rating, and his current level of insight, I do not believe Mr. Vasquez can be safely released at this time.

### **CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Vasquez 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 at this time. Therefore, I reverse the decision to parole Mr. Vasquez.

Decision Date:  
June 28, 2019



GAVIN NEWSOM  
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 1978, 23-year-old Craig Stevenson shot his roommate in the stomach, killing him. Mr. Stevenson then staged the scene to look like a suicide. He shot his roommate again in the head, put the gun in his hand, and left a suicide note at the scene.

**DECISION**

I acknowledge that Mr. Stevenson's crime was committed when he was 23 years old and that he has since been incarcerated for 41 years. The psychologist who evaluated him in 2018 noted that Mr. Stevenson reported "an upbringing with both positive and traumatic aspects." The psychologist concluded that his perpetration of this crime "reflect[s] some derailment in mature development...relationships and emotional self-management" as a young man. I also acknowledge that Mr. Stevenson has made efforts to improve himself in prison. He has not been disciplined during more than four decades of incarceration. Mr. Stevenson earned his A.A. degree and completed several vocational certifications. He has participated in self-help programs. In making this decision, I carefully examined the record for evidence demonstrating Mr. Stevenson's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender—his immaturity, recklessness, and inability to fully appreciate the consequences of his actions—and his other hallmark features of youth. I have also given great weight to his subsequent growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

I do not believe that Mr. Stevenson has shown sufficient insight into all of his past violent behavior. Four years before he committed this murder, Mr. Stevenson was suspected of killing his 17-year-old wife, who was seven months pregnant at the time, by asphyxiating her and arranging the scene to look like an accident. Mr. Stevenson flatly denies that he killed his wife. Although he was acquitted at his criminal trial, Mr. Stevenson was later found responsible for her death in civil court. The judge who presided over the civil case found that her death was caused by Mr. Stevenson's willful, felonious, and intentional actions, a conclusion based on considerable and compelling evidence. Mr.

Stevenson also denies acting violently against another girlfriend, who reported that he had choked her and threatened to kill her.

I acknowledge that Mr. Stevenson is not required to admit guilt to be released from prison; however, I am not required to accept his implausible denials when there is significant evidence in the record that contradicts him. Mr. Stevenson's statements show a current lack of credibility and insight. I do not believe he can be safely released from prison until he demonstrates that he fully understands his past and current patterns of thinking and behaving and is prepared not to repeat them. Until he does so, his lack of insight remains a factor that increases his risk of future dangerousness.

### **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 at this time. Therefore, I reverse the decision to parole Mr. Stevenson.

Decision Date:  
July 8, 2019



GAVIN NEWSOM  
Governor, State of California

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

**TERRY ULLRICH, H-90471**  
Second Degree Murder

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

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

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

**STATEMENT OF FACTS**

In 1993, Terry Ullrich got into an argument with a friend after drinking all day, and shot and killed him. In 2011, after serving 18 years in prison for murder, Mr. Ullrich was released on parole. In 2012, he was arrested for driving drunk. He was continued on parole. In 2014, he was arrested again for a parole violation after he was found drunk and passed out in a hotel lobby. Mr. Ullrich's parole was revoked, and he was returned to prison.

**DECISION**

I acknowledge Mr. Ullrich has made efforts to improve himself in prison. Since he returned to prison in 2014, he has not been disciplined for misconduct, he completed vocational training, and he has participated in self-help groups, including those that focus on substance abuse. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Ullrich has a troubling history of alcohol abuse and of failure on parole. Even after experiencing serious deterrents – including nearly two decades in prison for an alcohol-fueled murder – he resumed drinking shortly after returning to the community. Mr. Ullrich told the Board that he began drinking again because he thought that after so many years of sobriety, he could control his alcohol use. After he realized he could not, he continued drinking anyway because he was depressed, discouraged, and “felt like I threw everything away again.” I am not persuaded that Mr. Ullrich currently has the tools and self-awareness that will allow him to remain sober in the face of certain common stressors and emotions he will face upon release – the same ones that prompted him to resume drinking last time he was released, and to continue drinking even after a drunk driving arrest while on parole. I am concerned about the risk he poses based on his repeated failures to stay sober while under parole supervision in the past, and his history of engaging in violent and dangerous behavior while under the influence of alcohol.

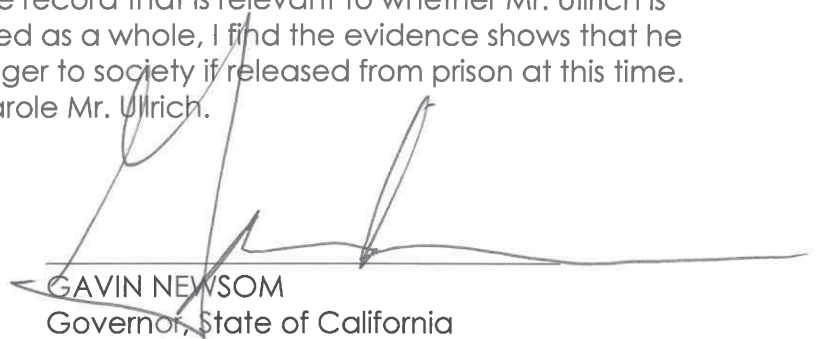
My conclusions are supported by the findings of the psychologist who evaluated Mr. Ullrich in 2017. The psychologist concluded that although Mr. Ullrich said that he has

now learned from his mistakes regarding alcohol, "his failure on parole previously and the connection to alcohol does raise concerns about his future supervision response and ability to maintain sustained sobriety despite all the best intentions." The psychologist continued, "If he were to return to the use of alcohol, his risk for violence would increase." While I am encouraged by Mr. Ullrich's renewed commitment to his sobriety, and I encourage him to continue on this positive path, I believe he must do more to demonstrate that he has insight into his addiction and triggers, and that he is truly prepared to keep himself from drinking if released.

### **CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Ullrich 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 at this time. Therefore, I reverse the decision to parole Mr. Ullrich.

Decision Date:  
July 8, 2019



GAVIN NEWSOM  
Governor, State of California

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

**MARIYA STEPANOV, X-26663**  
Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      X      

**STATEMENT OF FACTS**

On October 4, 2005, 18-year-old Mariya Stepanov went on a date and had sex with Dmitriy Paskar. She later overheard Mr. Paskar make a bet with a friend that he would have sex with Ms. Stepanov again. After hearing that, Ms. Stepanov told her ex-boyfriend that Mr. Paskar had raped her, which was untrue. Ms. Stepanov lured Mr. Paskar to a meeting where her ex-boyfriend shot and killed him.

**DECISION**

I acknowledge Ms. Stepanov was only 18 years old when she committed this crime and has since been incarcerated for nearly 14 years. The psychologist who conducted Ms. Stepanov's 2018 comprehensive risk assessment concluded, "[I]t is reasonable to consider that hallmarks of youth were significant factors in her thinking, emotions and behaviors associated with her life crime." I note that during her comprehensive risk assessment, Ms. Stepanov discussed challenges that she faced growing up, including experiencing "extensive" emotional abuse by her mother.

I also acknowledge that Ms. Stepanov has made efforts to improve herself in prison. She participated in and served as a facilitator for self-help programs, and completed eight vocational programs. She received positive ratings from work supervisors and received several commendations from correctional staff. I carefully examined the record for evidence demonstrating Ms. Stepanov's increased maturity and rehabilitation, and gave great weight to all the factors relevant to her diminished culpability as a youthful offender—her short-sightedness, impulsivity, and naiveté—and her other hallmark features of youth. I have also given great weight to her subsequent growth in prison during my consideration of her suitability for parole. However, these factors are outweighed by negative factors that demonstrate she remains unsuitable for parole at this time.

I am troubled that Ms. Stepanov does not have a better-developed understanding of what caused her to use extreme violence to solve an interpersonal problem. Ms. Stepanov told the Board that she committed this crime because of her fear of rejection, co-dependency, and interest in people pleasing. She felt that her future would be jeopardized because the victim told people about their sexual relationship. The psychologist said that Ms. Stepanov explained that she "could not imagine overcoming

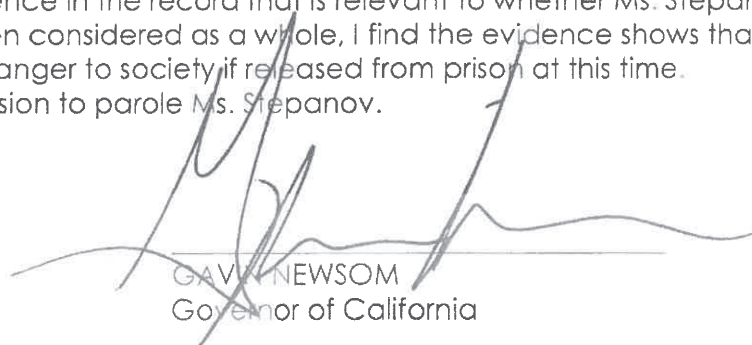
her tarnished reputation or problem-solve a way out of her perceived situation without extreme actions." Ms. Stepanov's statements may explain why she felt threatened by the situation she was in, but they do not account for the extreme nature of her reaction. She had many options at the time, but chose to contact someone she knew would kill the victim in order to "fix all my problems." Her plan to use extreme violence was not merely fleeting. When the first attempt to kill the victim was foiled, Ms. Stepanov orchestrated a second attempt on his life that was, unfortunately, successful. The psychologist concluded that Ms. Stepanov's "ability to manage stress and cope with the rigors of the free community remained a point of possible concern." I agree with the psychologist's concern. Until Ms. Stepanov develops a deeper understanding into the causative factors that led her to respond to a painful interpersonal situation with extreme violence, she is more likely to repeat her past conduct and resort to violence in the future.

I commend Ms. Stepanov on her successes in prison to date, and I encourage her to continue on this positive path. But I believe that before she can be safely released, she needs to make additional efforts to gain more self-awareness and skills so that she can refrain from similar behavior in the future.

#### CONCLUSION

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

Decision Date:  
July 12, 2019



GAVIN NEWSOM  
Governor of California

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

**SCOTT DUVAL, P-45496**

First Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

\_\_\_\_\_ X \_\_\_\_\_

**STATEMENT OF FACTS**

Scott Duval and Margaret Fleming were married but separated. On August 31, 1996, Mr. Duval beat Ms. Fleming to death. He then cut off Ms. Fleming's legs at the knees and waist with a circular saw, and disposed of her body parts in a river. More than a week later, Mr. Duval reported Ms. Fleming missing. Mr. Duval was arrested on October 25, 1996.

**DECISION**

I acknowledge Mr. Duval has made efforts to improve himself in prison. He has participated in self-help programs including Domestic Abuse and Anger Management, and completed several vocational certifications. Mr. Duval has not been disciplined for misconduct in more than a decade. Several prison staff have commended him for his positive attitude and behavior. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

I believe that Mr. Duval has inadequate insight into how he came to commit this murder. When he discussed the crime with the psychologist who evaluated him in 2017, Mr. Duval said that he was "in a rage" and "out of control" while fighting with his estranged wife, which ultimately led him to kill her. The psychologist concluded that while trying to explain his emotions and actions, Mr. Duval "struggled to offer meaningful responses" and "offered merely perfunctory replies" to questions about how his anger escalated so quickly. Mr. Duval reiterated these explanations at his 2019 parole hearing, and said that he reacted so strongly because his wife was criticizing him the same way his father did when Mr. Duval was growing up. Mr. Duval said, "It wasn't her per se, it was the stuff that I've been hearing all my life." These are shallow explanations for his extremely violent reaction to a fight with his estranged wife. Until Mr. Duval demonstrates that he has developed a deeper understanding of what led him to brutally attack his wife with so little provocation, it is not clear to me that he will be able to stop himself from reacting violently in the future.

I am also concerned about Mr. Duval's lack of insight into his current risk factors in relationships. The psychologist noted that he presented only a "basic grasp" of the

cycle of domestic violence, and offered merely "generic responses" about it. The psychologist concluded that Mr. Duval "remained unsure of ways in which he could become vulnerable to similar escalating pattern of anger and aggression in the future, in the context of intimate relationships," and was "unsure of his high risk situations and personal characteristics." Accordingly, the psychologist determined that Mr. Duval's lack of insight into his issues in relationships and his "troubling" overconfidence in his ability to manage interpersonal problems were risk management factors should he be released.

I commend Mr. Duvall on his efforts and successes in prison to date, and I encourage him to continue on this positive path. But I believe that before he can be safely released, he needs to gain more self-awareness and skills so that he can refrain from similar violent behavior in future relationships.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Duval 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 at this time. Therefore, I reverse the decision to parole Mr. Duval.

Decision Date:  
July 26, 2019



GAVIN NEWSOM  
Governor, State of California

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

**RICHARD GREGG, D-87878**  
Second Degree Murder

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

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

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

**STATEMENT OF FACTS**

On October 23, 1987, 22-year-old Richard Gregg snuck into his girlfriend's apartment while she was getting something from her car. When she returned to the apartment, Mr. Gregg shot her in the chest, killing her.

**DECISION**

I acknowledge that Mr. Gregg's crime was committed when he was 22 years old and that he has since been incarcerated for 31 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Gregg's increased maturity and rehabilitation and gave great weight to all the factors relevant to his diminished culpability as a youthful offender – his immaturity, irresponsibility, and impulsivity – and his other hallmark features of youth. The psychologist who conducted Mr. Gregg's 2019 comprehensive risk assessment concluded that the crime "does appear to be influenced by his youth as well as his domestic violence core beliefs, substance abuse, and borderline and antisocial personality traits."

I also acknowledge that Mr. Gregg has made efforts to improve himself in prison. He has not been disciplined for misconduct in over a decade. He earned his high school diploma and completed three vocational programs. Mr. Gregg has participated in self-help groups, including Alcoholics Anonymous, Domestic Violence Therapy, and Taking a Stand Against Violence. Additionally, several staff members have commended Mr. Gregg for his positive attitude and behavior. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

After more than three decades of incarceration, Mr. Gregg still cannot adequately explain how he came to commit such a violent crime with such minimal provocation. At his 2019 parole hearing, Mr. Gregg explained the anger he brought into his personal relationships stemmed from his childhood anger against family members and that he "was just mad at the world period." When explaining why he had engaged in constant domestic violence against three different partners, Mr. Gregg said to the Board, "[Y]ou know what, they're vulnerable because you know what, I had access to them and that's why I, you know, admit to being a bully towards them and getting off on it because it's just that cycle." These explanations Mr. Gregg provided show that, even

after 30 years, he still has an underdeveloped understanding of what led him perpetuate the cycle of domestic violence. Until he has a more firm grasp of the causative factors that led to his violence against his partners and culminated in the murder of his girlfriend, I believe that he cannot be safely released into the community. The risk is too great that he will revert to the same violent conduct.

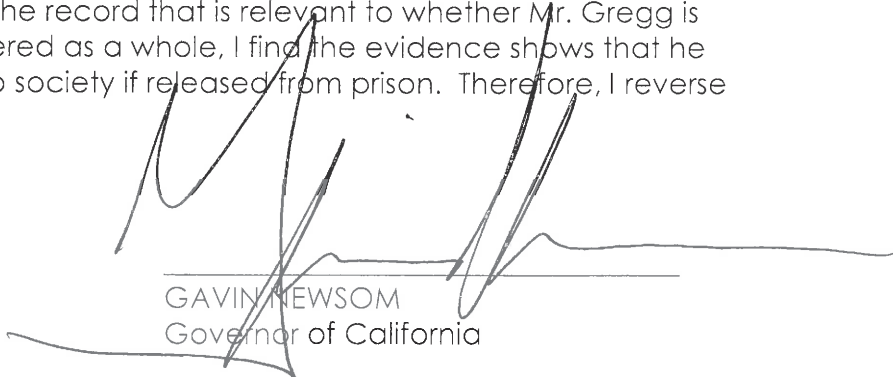
My concerns are supported by the psychologist who evaluated Mr. Gregg. In his 2019 comprehensive risk assessment, the psychologist determined that Mr. Gregg posed a moderate risk for future violence, in part because Mr. Gregg's incomplete account of his history of domestic violence showed he was still "minimizing his prior conduct and not accepting full responsibility for his actions." The psychologist concluded Mr. Gregg's risk for violence could decrease if he is more forthcoming regarding his personal triggers that led him to perpetrate domestic violence.

I acknowledge Mr. Gregg has medical challenges and is now 53 years old, which has some bearing on his risk of future violence. However, based on his current lack of insight into his domestic violence and his elevated risk rating, I do not believe Mr. Gregg can be safely released at this time. I commend Mr. Gregg for his efforts and encourage him to continue on this path.

### CONCLUSION

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

Decision Date:  
July 26, 2019



GAVIN NEWSOM  
Governor of California

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

**ERNESTO SERRANO, H-43694**  
Second Degree Murder

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

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

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

**STATEMENT OF FACTS**

In May 1990, 16-year-old Ernesto Serrano and his crime partners got into a dispute with two men over a drug deal. Mr. Serrano shot one of the men in the back of the head, killing him. One of his crime partners shot the other man, killing him. A few months later, in August, Mr. Serrano shot and killed another man over a drug deal. In September, Mr. Serrano and his cousin shot and killed two more men, took their bodies to the desert, poured gasoline on them, and set them on fire.

**DECISION**

I acknowledge that Mr. Serrano's crimes were committed when he was 16 years old and that he has since been incarcerated for nearly 29 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Serrano's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender – immaturity, imperviousness to punishment, and disregard for the consequences of his actions – and his other hallmark features of youth. I also acknowledge that Mr. Serrano has made efforts to improve himself in prison. He has participated in self-help groups, including Getting Out by Going In, Criminal and Gang Members Anonymous, Increasing Your Peace, and Anger Management. Additionally, several staff members have commended Mr. Serrano for his work ethic, his leadership skills, his positive attitude, and his respect for others. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Despite his many years in prison, Mr. Serrano's explanations for his violent actions demonstrate inadequate insight, especially given the severity of his crimes and the prolonged period during which he committed them. At his 2019 parole hearing, Mr. Serrano explained that at the time of the first murder, he just "wanted to make money." He reported that after the first murder, he continued his killing spree because he had become "very indifferent" and felt "numb." These statements indicate that Mr. Serrano has devoted insufficient time and reflection to his personal motivations for committing these crimes. The crimes were not spur-of-the-moment confrontations. Over several months, Mr. Serrano and his co-defendants made a series of conscious decisions to kill multiple men culminating in setting two of their bodies on fire. I am also concerned that Mr. Serrano's explanations indicate that he has not accepted full responsibility for his

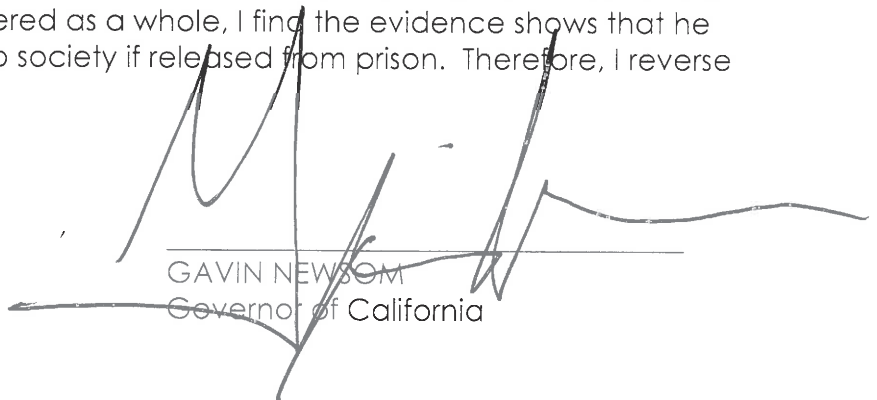
actions. Until he can demonstrate a more comprehensive understanding of the causative factors that led him to participate in these five murders, I cannot be confident that he will be able to refrain from resorting to violence in the future.

I commend Mr. Serrano for his efforts toward rehabilitation to-date, and I encourage him to continue to work to gain a deeper understanding of his past actions so that he can safely reenter his community.

### CONCLUSION

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

Decision Date:  
August 2, 2019



GAVIN NEWSOM  
Governor of California

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

**JIMMIE COURTRIGHT, P-78238**

Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

\_\_\_\_\_   X   \_\_\_\_\_

**STATEMENT OF FACTS**

In 1998, Jimmie Courtright attacked a man at a motel to rob him of his drugs. Before Mr. Courtright could leave the parking lot, he was confronted by the man and they argued. Mr. Courtright stabbed him in the chest, killing him. During his trial for murder, Mr. Courtright pleaded guilty to a prior assault with a deadly weapon and a vehicle theft.

**DECISION**

I acknowledge Mr. Courtright has made efforts to improve himself in prison. Mr. Courtright has participated in self-help programming, including Narcotics Anonymous, Criminal and Addictive Thinking, and Criminals and Gangmembers Anonymous. Mr. Courtright earned his GED and participates in the Paws for Life program training companion dogs. He has only been disciplined four times in over two decades in prison. I commend Mr. Courtright for taking these positive steps. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Courtright's insight into why he committed the crime is insufficient. Regarding his motivation for committing the life crime, Mr. Courtright told the psychologist who evaluated him in 2017, "The fact we had gotten into a fight and being disrespected when he spit on me. That's when the stabbing came in . . . when he spit on me." In his version of events to the psychologist, Mr. Courtright reported that the victim spitting on him after he had attacked and robbed the victim upset him so greatly he fatally stabbed the victim. According to the psychologist, Mr. Courtright's insight into why he committed the life crime is "deficient" and "he has not taken full responsibility for his actions of murder." At his 2019 parole hearing, Mr. Courtright was asked to describe the circumstances surrounding stabbing the victim. Mr. Courtright's explanation for the crime varied throughout his parole hearing. Mr. Courtright first insisted to the Board he did not kill the victim for spitting on him as he had reported in the past, but because "I just wanted to get out of there and get away before the cops came." Mr. Courtright told the Board, "I used the excuse that he spit on me and disrespected me to rob him." Mr. Courtright then added that he was "disrespected" by the victim on the phone the

evening before the crime and he used that to “make it right” in his mind when he committed the crime. Mr. Courtright’s statements about the crime are contradictory and show that he has a relatively shallow understanding of his motivations. Mr. Courtright has begun to explore the factors that led him to commit this crime, but he has not yet demonstrated adequate insight nor provided a consistent answer explaining why he was driven to fatally stab the victim.

I am also concerned about Mr. Courtright’s lack of insight into his current risk of violence. When asked to identify his potential violence risk factors, Mr. Courtright told the psychologist, “Zero. I don’t have any.” The psychologist concluded, “His self-knowledge and awareness with respect to violence (and mitigation of the same) are markedly poor.” At his parole hearing, Mr. Courtright did acknowledge to the Board that his history of substance abuse was a contributing factor to his life crime and his other criminal behavior. However, the Board was concerned that Mr. Courtright did not have a developed relapse prevention plan that addressed his internal and external triggers. Mr. Courtright must show that he recognizes the triggers to which he is susceptible and that he has a plan to address them so he will not return to substance abuse or violence in the community. The psychologist’s “moderate” risk rating for future violence – based in part on these issues – supports my concerns. I encourage Mr. Courtright to continue to increase his understanding of the contributing factors that led him to commit violence in the past and to develop better awareness of these triggers to ensure he will not return to such violence in the future.

### **CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Courtright 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 at this time. Therefore, I reverse the decision to parole Mr. Courtright.

Decision Date:  
August 14, 2019



GAVIN NEWSOM  
Governor, State of California

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

**CELIA WIDMAN, WA-0741**  
Second Degree Murder

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

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

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

**STATEMENT OF FACTS**

In 2004, Celia Widman and her crime partner fatally shot the crime partner's ex-boyfriend, and dumped his body in another county. Ms. Widman convinced her crime partner, Nancy, that the victim was attempting to poison Ms. Widman and Nancy and that the victim had molested Nancy's son. Ms. Widman and Nancy invited the victim to Nancy's home, where the victim gave Ms. Widman a tattoo. As the victim began to tattoo Nancy, Nancy shot the victim in the chest. The victim stumbled out of the room and Ms. Widman shot the victim, killing him.

**DECISION**

I acknowledge Ms. Widman has made efforts to improve herself in prison. She has participated in self-help programming, including Domestic Violence, Codependency, and Alternatives to Violence. She has not been disciplined for serious misconduct during her incarceration. Ms. Widman has received staff commendations, has lived in the honor dorm, and participated in the Prisoner Puppy Program. I commend Ms. Widman for taking these positive steps. However, these factors are outweighed by negative factors that demonstrate she remains unsuitable for parole at this time.

Less than two years before her 2019 parole hearing, Ms. Widman attempted to manipulate the psychologist at her 2017 comprehensive risk assessment and the Board during her 2017 parole hearing by lying about her role in the crime and the motivation for murdering the victim. At her 2017 comprehensive risk assessment, Ms. Widman fabricated an elaborate story that placed the blame on Nancy and substantially minimized her role in the crime. She told the psychologist who evaluated her in 2017 that after the victim was dead, "Nancy came in and pointed the gun at my face and said if I said anything she was going to kill me too." At her 2019 parole hearing, Ms. Widman admitted that the story she told the psychologist and the Board in 2017 was untrue and the true motivation for the crime was to secure all of Nancy's attention. While it appears Ms. Widman has now accepted more responsibility for her actions, I am not convinced she has truly come to terms with her role in the crime in a way that will prevent her from acting similarly in the future.

Ms. Widman has also not demonstrated a sufficient commitment to internalizing the tools and coping skills from her self-help programming to be successful on parole. For example, Ms. Widman told the Board that she did not feel accepted by her adoptive family, which caused her to engage in unhealthy relationships and friendships throughout her life, including the one in which she was in with Nancy. Despite identifying this harmful pattern of behavior, Ms. Widman acknowledged that she continued to engage in related patterns of unhealthy relationships during her incarceration. Ms. Widman recalled one unhealthy relationship with another inmate in 2010, and another such relationship that ended in approximately 2015, during which Ms. Widman was counseled by staff related to that relationship. At the time of her 2017 comprehensive risk assessment, the psychologist found Ms. Widman "was not able to clearly articulate warning signs" she looks for in a relationship to determine if it is unhealthy and instead identified recent unhealthy relationships in which she involved herself. Ms. Widman has also only recently began to develop insight into her substance abuse addiction. Ms. Widman abused alcohol prior to beginning her close relationship to Nancy, at which point she started using methamphetamine. Ms. Widman said that just two years ago, she "still hadn't understood the depth of the addiction." Ms. Widman told the Board she now realizes that she "could very easily relapse" and has to use the tools and coping skills she is learning in her programming to ensure she does not. I am concerned that although Ms. Widman has spent many years in self-help groups, she only recently acknowledged her level of involvement in the crime, continued to engage in the type of relationships that led to this crime, and has shown an underdeveloped understanding of some of the factors that led to the crime. This leads me to believe that she has not yet developed the skills she needs to behave differently in the future with respect to relationships and substance abuse.

I commend Ms. Widman for her positive efforts and good conduct in prison, but I believe she has more work to do to demonstrate that she is no longer a risk to the community. I encourage Ms. Widman to continue meaningful participation in self-help programming to further develop her understanding of her motivation for the crime and the triggers that led her to be able to commit such a violent act.

### **CONCLUSION**

I have considered the evidence in the record that is relevant to whether Ms. Widman 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 at this time. Therefore, I reverse the decision to parole Ms. Widman.

Decision Date:  
August 14, 2019



GAVIN NEWSOM  
Governor, State of California

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

**KENNETH DONNEY, K-16669**  
Second Degree Murder

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

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

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

**STATEMENT OF FACTS**

Kenneth Donney and Nina Leibman were in the midst of divorce proceedings. On October 27, 1995, while their children were in the house, Mr. Donney stabbed Ms. Leibman 29 times, killing her.

**DECISION**

I acknowledge that Mr. Donney has made some efforts to improve himself in prison. Mr. Donney has participated in self-help groups, including Anger Management, Mental Health, Victim Impact, Denial Management and Criminal Thinking. He has only been disciplined for misconduct once during more than two decades of incarceration. Additionally, he has been commended by staff members for his positive programming and behavior, his compassion and charity toward staff and peers, and for being respectful. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

I am concerned that despite his many years of incarceration, Mr. Donney still cannot adequately explain how he came to commit such a violent crime and does not yet accept full responsibility for his actions. At his parole hearing in 2019, Mr. Donney provided inadequate explanations for his actions. He stated the crime was led by his "rage out of control," and he "didn't realize how much rage until it was too late." Rather than assuming responsibility for his actions, Mr. Donney blamed his violent overreaction on his wife. He claimed that she gave up on their marriage, accused her of using a "charade" in their child custody negotiations, and alleged that she had stopped taking her medication. These statements do not explain Mr. Donney's own extremely violent reaction, and instead minimize his culpability by attempting to pin blame on his victim.

The psychologist who evaluated Mr. Donney in 2019 also expressed concerns about his insight. She determined that he "does not have an adequate grasp of the personal, interpersonal and contextual factors relating to his life crime." The psychologist noted that while Mr. Donney evidenced some insight related to his crime, "his understanding of why he would respond with such deadly force is fairly limited." The psychologist also concluded that Mr. Donney painted an "overly positive picture regarding his relationship with his wife and children," which also troubles me.

I commend Mr. Donney for maintaining a positive path toward rehabilitation, but I believe that he needs to continue to make progress on these issues. Until Mr. Donney can demonstrate that he has gained an adequate understanding of what allowed him to inflict such violence upon his wife, he remains at risk of resorting to similar behavior in the event of his release. He must demonstrate that he has the insight necessary to refrain from future violence before he can be safely released from prison.

### CONCLUSION

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

Decision Date:  
August 16, 2019



GAVIN NEWSOM  
Governor of California

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

**KENNETH KOVZELOVE, E-44065**

First Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

\_\_\_\_\_ X \_\_\_\_\_

**STATEMENT OF FACTS**

In 1988, 17-year-old Kenneth Kovzelove and his crime partner drove around looking for Mexicans to rob or kill. Mr. Kovzelove crouched in the back of his crime partner's truck with an assault rifle and fired 18 rounds at two victims based on their appearance, killing both of them.

**DECISION**

I acknowledge that Mr. Kovzelove's crime was committed when he was 17 years old and that he has since been incarcerated for more than 30 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Kovzelove's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender—his susceptibility to the influence of others, his recklessness, and his immaturity—and his other hallmark features of youth. Mr. Kovzelove told the psychologist who evaluated him in 2017 that his parents had "a completely dysfunctional marriage" and described his father as "very mean, sadistic, and cruel." Mr. Kovzelove also reported that he experienced childhood trauma and chaos, including physical and psychological abuse and homelessness.

I also acknowledge that Mr. Kovzelove has made efforts to improve himself in prison. He has participated in self-help programming, including Alternatives to Violence, Narcotics Anonymous, and Criminal Thinking. He earned his GED and a vocation, has received positive work ratings, and was commended by a correctional officer for volunteering in the visiting room as an interpreter. I have also given great weight to Mr. Kovzelove's growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Kovzelove's explanation for his senseless crime is insufficient. At his 2017 comprehensive risk assessment, Mr. Kovzelove told the psychologist that he believed the victims were criminals and said that he had "anger and frustration" that he had not dealt with. The psychologist concluded, "[H]is explanation regarding his motivations seemed somewhat inadequate in relation to the degree of callousness and calculation

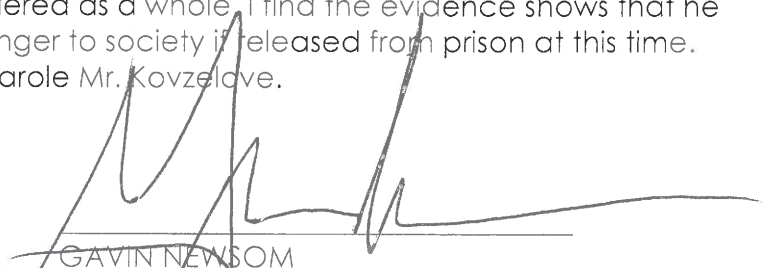
he displayed" in the crime. At his 2019 parole hearing, the Board asked Mr. Kovzelove to describe what motivated him to want to target a specific population in his attack. Mr. Kovzelove told the Board that he had a "flawed belief system" that he had been taught growing up. He added, "[W]hen I became overwhelmed . . . and I couldn't function anymore . . . I disassociated from all my emotions. I didn't feel anything. I didn't care. I was just engaging in impulsive acts." However, based on the record, it appears that Mr. Kovzelove made a calculated decision to kill people based on their ethnicity. His statements do little to connect his emotional disassociation to his bias-motivated attack, or demonstrate that he now has a comprehensive understanding of the internal factors that led him to act out so violently.

I commend Mr. Kovzelove for his continued efforts to gain insight into the reasons he was driven to commit an act of such violence, and urge him to continue to develop his understanding of his actions. However, until Mr. Kovzelove can show that he understands why he was susceptible to committing such a hateful, violent act, I do not believe he is ready to be released back into the community.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Kovzelove 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 at this time. Therefore, I reverse the decision to parole Mr. Kovzelove.

Decision Date:  
August 16, 2019



GAVIN NEWSOM  
Governor, State of California

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

**MICHAEL CRENSHAW, C-58218**

First Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

\_\_\_\_\_   X   \_\_\_\_\_

**STATEMENT OF FACTS**

In March 1981, 18-year-old Michael Crenshaw and his crime partner Kelvin Malone ordered a gas station employee into the trunk of a car at gunpoint. Mr. Malone sodomized her, then killed her by striking her head with a pipe. Later, Mr. Malone and Mr. Crenshaw were driving when they saw a car stopped on the road. Mr. Malone got out of their car, approached the stopped car and pulled out the driver. Mr. Malone forced the driver into the trunk of her car and fatally shot her. The two men fled in her car. They were approached by police while parked in the stolen car. Mr. Malone drove away, striking the officer's leg with the car, and then led officers on a high-speed chase before they were ultimately arrested.

Mr. Crenshaw was convicted of two counts of first degree murder. In addition to those crimes, Mr. Crenshaw reported that he and Mr. Malone also kidnapped another man, who Mr. Malone shot and killed.

**DECISION**

I acknowledge that Mr. Crenshaw's crimes were committed when he was 18 years old and that he has since been incarcerated for over 38 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Crenshaw's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender – recklessness, excessive risk-taking, lessened ability to anticipate and appreciate consequences, susceptibility to negative peer relationships – and his other hallmark features of youth. I also acknowledge that Mr. Crenshaw has made efforts to improve himself in prison. He has participated in self-help groups, including Criminal and Addictive Thinking, Criminals and Gang Members Anonymous, and Victim Awareness. Additionally, several staff members have commended Mr. Crenshaw for being determined and professional. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Despite his many years in prison, and given the severity of his crimes, I do not believe that Mr. Crenshaw has shown sufficient insight into all of his past violent behavior. At his 2019 parole hearing, Mr. Crenshaw explained, "I'm responsible for being with Malone. He took them people life. I didn't stop it. I'm responsible for being there. I am

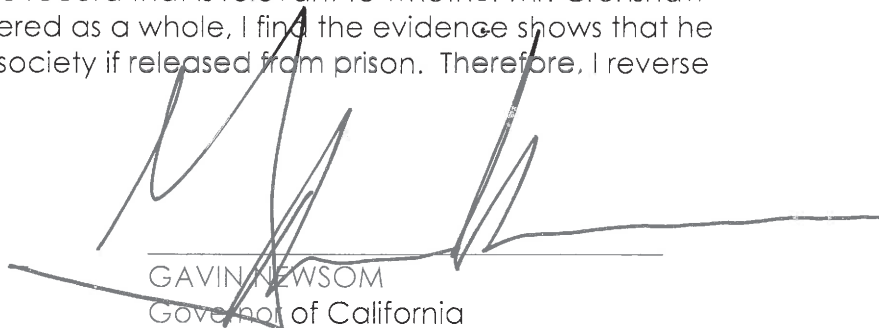
responsible for not stopping it or calling the police." He explained, "[I]n my mind, I thought he was gonna let me go. Like he said, he was gonna let me go when we get to his mom's house. You know, at that young, I was very easy to be misled." These statements indicate that he has not yet shown sufficient insight into his willingness to participating in this killing spree. His age and lack of independence may shed some light on his actions, but they do not fully account for his deliberate choice to continue abetting his crime partner, who showed no hesitation in killing completely innocent strangers. Mr. Crenshaw must do more to demonstrate that he fully understands the factors that led him to participate in one serious crime after another with Mr. Malone, and show that he is prepared to behave differently in the future.

Mr. Crenshaw's comprehensive risk assessment supports my concerns. The psychologist rated him a moderate risk of future violence and determined that while he has not been violent in prison for many years, "his defensiveness, deceitfulness, and repeated deflection of responsibility suggest that he still has considerable work to do." The psychologist also concluded that Mr. Crenshaw has "participated at some level in extreme violence, with a limited understanding of how that happened and with no particular plans to ensure it does not happen again." I commend Mr. Crenshaw for his efforts toward rehabilitation to date, and I encourage him to continue on this path. However, based on the superficial explanations he provided to the psychologist and the Board regarding his participation in these murders, I am not confident that Mr. Crenshaw can be safely released at this time.

### CONCLUSION

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

Decision Date:  
August 23, 2019



GAVIN NEWSOM  
Governor of California

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

**JASON CRUZ, T-04898**  
Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

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

**STATEMENT OF FACTS**

In 2000, 22-year-old Jason Cruz picked up his 2-year-old daughter by her arm and leg, swung her around, and intentionally banged her head against the floor multiple times until she stopped moving. The toddler was rushed to the hospital where she was pronounced dead as a result of a subdural hematoma and two skull fractures.

**DECISION**

I acknowledge that Mr. Cruz committed this crime when he was 22 years old and that he has since been incarcerated for more than 19 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Cruz's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender—including his inability to extricate himself from the physical abuse he suffered at home as a young child—and his other hallmark features of youth. The psychologist who conducted Mr. Cruz's 2019 comprehensive risk assessment concluded that Mr. Cruz's involvement in the crime "was impacted by characteristics of youth, including impulsivity, the inability to adequately foresee the long-term consequences of his behavior, and the inability to extricate himself from an environment that promoted criminality (i.e., family members in gang)."

I also acknowledge that Mr. Cruz has made efforts to improve himself in prison. He has participated in substance abuse self-help programs, earned vocational certificates, and has received exceptional work ratings as well as staff commendations. I commend him for his efforts. I have also given great weight to his subsequent growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

I believe Mr. Cruz has not done enough to address his pervasive issues with domestic violence, which were a large component of this crime. Mr. Cruz's criminal history includes convictions for battery on his wife, as well as slapping his daughter in the mouth when she was just one year old. At the 2019 hearing, Mr. Cruz admitted to other acts of domestic violence, including choking his ex-wife until she was unconscious and bullying and physically abusing his children. Despite these previous acts of domestic

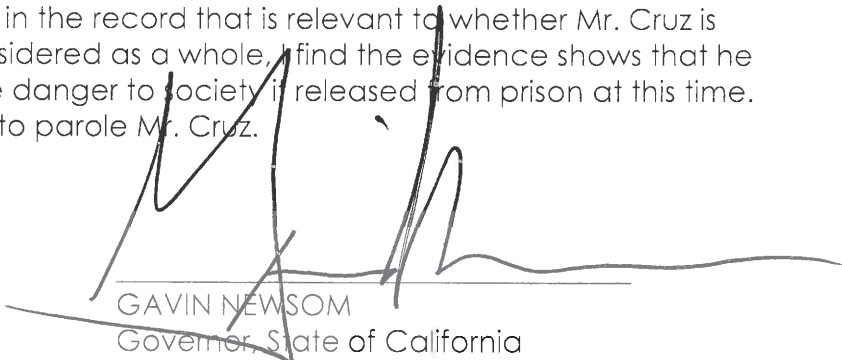
violence and the commitment offense itself, it appears Mr. Cruz has not yet exerted sufficient effort to understand and transform his issues with domestic violence. At the hearing, Mr. Cruz said that he believed that domestic violence treatment would be a "lifelong process" for him. However, he also admitted that he has only taken about a year of domestic violence programming, and has not participated in domestic violence groups for several years now. Mr. Cruz's stated commitment to his treatment is a step in the right direction, but he must back up that commitment with action to ensure that he does not revert to violence again when released. I also note that the psychologist determined that Mr. Cruz poses a moderate risk of future violence. The psychologist concluded that he "would benefit from continuing to gain awareness into criminogenic factors," and said that Mr. Cruz's lack of insight remains "relevant to [his] violence risk."

I commend Mr. Cruz for his efforts to address his issues with substance abuse. However, he must gain more insight into his past violence toward his family, and develop the self-awareness and skills that will keep him from committing similar acts in the future. Until he does so, I do not believe he can be safely released. I encourage him to continue his rehabilitation efforts.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Cruz 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 at this time. Therefore, I reverse the decision to parole Mr. Cruz.

Decision Date:  
August 23, 2019



GAVIN NEWSOM  
Governor, State of California

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

**DAVID RODRIGUEZ, H-62243**

Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      X      

**STATEMENT OF FACTS**

In 1992, David Rodriguez and his neighbors got into verbal altercation. Mr. Rodriguez used racial epithets and threatened the neighbors. Later that evening, four additional guests appeared at the neighbor's apartment. Mr. Rodriguez and his crime partners circled the neighbor's apartment. Three of the guests fled. Mr. Rodriguez and his crime partner beat the remaining man, and then Mr. Rodriguez fatally shot him.

**DECISION**

I acknowledge that Mr. Rodriguez has made efforts to improve himself in prison. He has participated in self-help programming, has been lauded by correctional staff for his positive behavior, and received exceptional work ratings. I commend Mr. Rodriguez for taking these positive steps. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Despite his many years of incarceration, Mr. Rodriguez is only in the beginning stages of understanding how he came to commit this callous crime. During both his 2019 parole hearing and his 2018 comprehensive risk assessment, Mr. Rodriguez continued to minimize his role in the crime and exhibited a concerning lack of insight into his substance abuse issues. As a result, I believe the evidence, as a whole, shows that Mr. Rodriguez is currently dangerous.

Mr. Rodriguez has continued to give problematic accounts of the offense that minimize his culpability. At his 2019 hearing, he implausibly shifted blame to his crime partners for planning the offense, contended that he attended to the dying victim, brought the victim to his porch, and called 911. None of these claims are supported by the evidence. The psychologist who evaluated Mr. Rodriguez in 2018 concluded that he had "limited" insight into this crime, and that he "grossly minimized his role in the murder." She wrote that Mr. Rodriguez "would prefer to be viewed as the person who called 911 rather than the one who shot and killed an innocent man." The psychologist determined that Mr. Rodriguez poses a moderate risk for future violence, based in part on his minimization and insufficient insight. I believe that Mr. Rodriguez must develop a better understanding of his responsibility for the murder. He must also develop a

deeper understanding of the causative factors that led him to commit this crime so that he is capable of stopping himself from acting violently in the future.

I am also troubled by Mr. Rodriguez's inadequate appreciation for the risk that substance use presents for him. Before this crime, Mr. Rodriguez was convicted of multiple DUIs. At the time he committed this crime, he was very intoxicated. After he was incarcerated, he continued drinking and using drugs in prison, where he has been disciplined 10 times for drug and alcohol-related offenses. Despite this history of substance abuse, Mr. Rodriguez has not consistently participated in self-help programs related to substance abuse. According to the psychologist who evaluated him, he "was not able to convey even the basic principles of that recovery model." The psychologist concluded that Mr. Rodriguez "neither perceived that he had a substance abuse problem nor that he would be particularly vulnerable to relapse in the community, despite his track record in custody." To his credit, at the time of his parole hearing, Mr. Rodriguez appeared to have a better grasp of his chosen recovery model. Still, due to the nexus between his substance use and violent conduct, I believe he needs to deepen his commitment to his sobriety before he can be safely released.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Rodriguez 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 at this time. Therefore, I reverse the decision to parole Mr. Rodriguez.

Decision Date:  
August 23, 2019



\_\_\_\_\_  
GAVIN NEWSOM  
Governor, State of California

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

**DOMINIQUE TANKS, F-68441**  
First Degree Murder

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

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

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

**STATEMENT OF FACTS**

In December 2004, 16-year-old Dominique Tanks planned to rob a grocery store. During the robbery, Mr. Tanks and a security guard exchanged fire. Mr. Tanks struck the security guard multiple times, killing him.

**DECISION**

I acknowledge that Mr. Tanks' crimes were committed when he was 16 years old and that he has since been incarcerated for almost 15 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Tanks' increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender – lack of responsibility, recklessness, excessive risk-taking, lessened ability to anticipate and appreciate consequences, imperviousness to punishment – and his other hallmark features of youth.

I also acknowledge that Mr. Tanks has made efforts to improve himself in prison. He has participated in self-help groups, including Alternatives to Violence, Criminals and Gang Members Anonymous, Addiction Counseling Program, and Victim Awareness. Additionally, several staff members have commended Mr. Tanks for being helpful, sincere, honest, respectful, prosocial, compliant, and for his positive programming. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

After nearly 15 years in prison, I am troubled that Mr. Tanks' insight into this crime is insufficiently developed. At his 2019 parole hearing, he reported that committing a robbery that evening was not a spur-of-the-moment decision. He said, "I wasn't sure who I was going to rob. I just knew I wanted to rob someone." He explained "being callous and having the gang mentality and having a disregard for life" as the reasons for committing this crime. Mr. Tanks also told the Board that he believed his own life was worth more than that of the security guard. These statements do not adequately account for his willingness to inflict such violence on a complete stranger. He has yet to demonstrate deeper insight into what triggered these behaviors to show that he can act differently in the future. Until then, it is clear that Mr. Tanks has more work to do before he can be safely released from prison.

I commend Mr. Tanks for his efforts toward rehabilitation to date but, in light of his inadequate explanations, I do not believe he is ready for release at this time.

**CONCLUSION**

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

Decision Date:  
September 5, 2019



GAVIN NEWSOM  
Governor of California

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

**JUSTIN CHUNG, G-06281**

First Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

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

**STATEMENT OF FACTS**

In 2006, 16-year-old Justin Chung opened fire on a car carrying several rival gang members. Mr. Chung shot two men, killing one and injuring the other.

**DECISION**

I acknowledge that Mr. Chung's crime was committed when he was 16 years old and that he has since been incarcerated for almost 13 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Chung's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender—his recklessness, susceptibility to peer pressure, and inability to appreciate the consequences of his actions—and his other hallmark features of youth. I also considered the findings made by the psychologist who conducted Mr. Chung's 2019 comprehensive risk assessment. The psychologist concluded that "the hallmark stages of youth likely played a large contributing role in his actions and behaviors at the time of the commitment offense," and that he has made "notable changes" since then.

I also acknowledge that Mr. Chung has made good efforts to improve himself in prison. He dropped out of his gang, and has never been disciplined for any rules violations while incarcerated. He earned his GED and completed a vocational certification. Mr. Chung has been commended by multiple staff members for his positive behavior and attitude, and has participated in many self-help programs including Celebrate Recovery, Nonviolent Conflict Reconciliation, and Victim Awareness. I have given great weight to Mr. Chung's growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

According to the psychologist who evaluated Mr. Chung, he presents with several historic factors that increase his risk, including a history of relationship problems, employment problems, substance use problems and problems with violence and other antisocial behavior. Based on his own admission, for nearly half of his incarceration period, Mr. Chung continued to use marijuana. Additionally, I do not believe that Mr.

Chung has demonstrated sufficient insight into this crime. At his parole hearing, Mr. Chung explained that a few months earlier, an older member of the gang had given him the gun he used in this crime, which made him feel "powerful." He said that he and his crime partners "pumped each other up" before attacking the victims. Mr. Chung admitted that he volunteered to carry out the shooting, and said, "I felt like that was an opportunity for me to prove to myself and to the gang that I was courageous and that I was manly enough." None of these statements justify Mr. Chung's decision to open fire on the highway and harm these victims. Given the severity of this offense and the multiple historic factors that increase Mr. Chung's risk, I do not believe he has demonstrated deep enough insight into his behavior to warrant his release.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Chung 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 at this time. Therefore, I reverse the decision to parole Mr. Chung.

Decision Date:  
September 10, 2019



GAVIN NEWSOM  
Governor, State of California

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

**LARRY JAY, B-79273**

First Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

\_\_\_\_\_ X \_\_\_\_\_

**STATEMENT OF FACTS**

In 1976, Naomi Harris was working as a bartender. Larry Jay waited in the bar where she worked after closing time. After the bar was empty, Mr. Jay beat Ms. Harris severely with a hammer, killing her. He took money from the cash register and fled.

**DECISION**

I acknowledge Mr. Jay has made efforts to improve himself during his 43 years of incarceration. He has not been disciplined for serious misconduct since 1998. Mr. Jay earned several vocational certifications and routinely receives positive work ratings. He has been commended by correctional staff members for his leadership and positive attitude. I commend Mr. Jay for taking these positive steps. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Jay lacks credibility and has not demonstrated sufficient insight into this crime. At his 2019 parole hearing, he reported that on the night he attacked Ms. Harris, he was "just cruising around looking for a place to rob," and decided to target a female bartender. Mr. Jay denied that he intended to kill Ms. Harris. Instead, he claimed that he hit her multiple times with a hammer because she started screaming after she gave him money from the cash register. Mr. Jay said that he "was just real angry and scared" because he did not want to be caught for the robbery. These are relatively shallow explanations that do little to shed light on Mr. Jay's willingness to inflict such great violence on Ms. Harris. The psychologist who conducted Mr. Jay's most recent risk assessment in 2017 concluded that he "lack[ed] insight into the personal causative factors of the life crime." Mr. Jay must do more to show that he understands why he acted so violently, and that he is capable of refraining from violence in the future.

I am also disturbed by allegations raised by the Ventura County District Attorney's office regarding Mr. Jay's history of violence. In 1972, he apparently was involved in a conspiracy to commit murder. According to the District Attorney's office, Mr. Jay agreed to throw gasoline on his friend's wife and set her on fire. Although Mr. Jay did not ultimately follow through on this agreement, he has admitted that he went to the

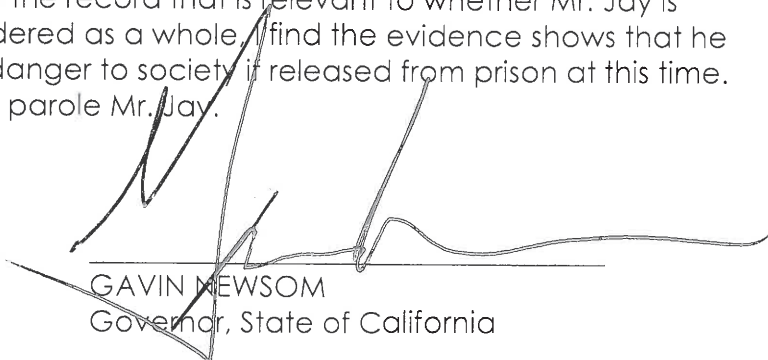
victim's home. Mr. Jay was also suspected of killing another woman, who was stabbed over 40 times in her home in 1975. If true, these allegations indicate that Mr. Jay was engaged in an extremely violent pattern of behavior around the time that he killed Ms. Harris. Significantly, Ms. Harris, who Mr. Jay admits killing, had been interviewed as a witness to verify an alibi Mr. Jay provided for his whereabouts during the 1975 murder. Mr. Jay's claims that he did not target Ms. Harris or intend to kill her simply are not credible.

In light of Mr. Jay's lack of credibility, his insufficient insight into this crime, and serious allegations about his involvement in other violent incidents, I do not believe he should be released at this time. I encourage Mr. Jay to continue to participate in self-help programs to develop a deeper understanding of his history of violence so that he can be safely released in the future.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Jay 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 at this time. Therefore, I reverse the decision to parole Mr. Jay.

Decision Date:  
September 10, 2019



GAVIN NEWSOM  
Governor, State of California

**INDETERMINATE SENTENCE PAROLE RELEASE REVIEW**  
**REQUEST FOR EN BANC REVIEW**  
(Penal Code Section 3041.1)

**LINDA HARLEY, W-98031**

Torture

**CRIME**

Linda Harley's 8-year-old son told her that Ms. Harley's 7-year-old son had been sexually abused by a family member. Ms. Harley, who was under the influence of drugs and alcohol, responded by beating both boys severely. There was also evidence that she had regularly physically abused the boys before this offense.

**STATEMENT OF REASONS**

I acknowledge Ms. Harley has made efforts to improve herself in prison. She has participated in self-help programming, including Narcotics Anonymous, Alternatives to Violence, and Beyond Violence. She earned an A.A. degree, completed a vocational training program, and has received staff commendations. However, I find this case warrants the consideration of the full Board to determine whether Ms. Harley can be safely released at this time.

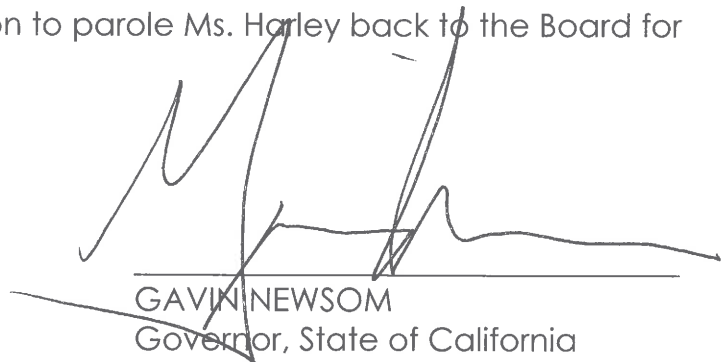
I am concerned by Ms. Harley's minimization of her actions in this disturbing crime. At her 2017 comprehensive risk assessment, Ms. Harley reported that she was under the influence of cocaine during her commitment offense and used cocaine to "escape from [her son's] torment." She characterized this crime as "[t]hat accident with my children." The psychologist rated Ms. Harley a moderate risk for future violence and concluded that she "tended to blame others for her misconduct, attempted to justify her actions, and minimized her misconduct" and "offered a superficial self-assessment." Ms. Harley's relatively recent description of her prolonged violent attack on her children as an "accident" raises concerns about her current insight. It did not appear that Ms. Harley's insight had significantly improved by her 2019 parole hearing. Ms. Harley asserted that she would not return to her abusive behavior, but offered little more than vague assurances that she understands the factors that led her to abuse her children, or how she will avoid reoffending in a similar manner. Her inability to explain to the Board in concrete terms how she will refrain from engaging in violence against children in the future indicates to me that she has not yet fully addressed the severity of her actions and made plans to prevent herself from repeating them in the future.

I ask the full Board to examine Ms. Harley's current insight and acceptance of responsibility to determine whether she has made sufficient progress to mitigate her risk level and warrant her safe release back into the community.

**CONCLUSION**

For these reasons, I refer the decision to parole Ms. Harley back to the Board for *en banc* consideration.

Decision Date:  
September 19, 2019



GAVIN NEWSOM  
Governor, State of California

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

**MARSHA RAMOS, W-38977**

Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

\_\_\_\_\_   X   \_\_\_\_\_

**STATEMENT OF FACTS**

In 1987, Marsha Ramos lured two girls, ages 13 and 14, into a camper by pretending that she needed their help. Once they were inside the camper, Ms. Ramos's crime partner bound and gagged the girls at gunpoint. The crime partner ordered one of the girls and Ms. Ramos into the camper's bathroom while he forced the other girl to orally copulate him and attempted to sodomize her. He then told Ms. Ramos to bring him a syringe, which she filled with cocaine and injected one of the girls. The crime partner ordered the girls out of the camper, then shot them, killing one and seriously injuring the other.

**DECISION**

I acknowledge Ms. Ramos has made efforts to improve herself in prison. She has participated in self-help programming, including Narcotics Anonymous, Life Scripting, and Religious Studies. Ms. Ramos has received staff commendations for being respectful and a role model to other inmates. I commend Ms. Ramos for taking these positive steps. However, these factors are outweighed by negative factors that demonstrate she remains unsuitable for parole at this time.

I believe Ms. Ramos has not yet done enough to address her substance abuse, which was a significant causative factor of this crime. Ms. Ramos started using drugs when she was 14 years old, and continued to use for more than four decades. During that period, Ms. Ramos sustained multiple drug-related arrests and convictions. When using drugs, she exposed herself and her children to serious harm. She continued to use drugs in prison, which resulted in work-related problems and rules violations, including for trafficking drugs, refusing a drug test, and refusing to report to work. The psychologist who evaluated Ms. Ramos in 2017 diagnosed her with severe opioid use disorder and severe stimulant use disorder in a controlled environment. Ms. Ramos reported that she has been sober since 2013. However, the psychologist found Ms. Ramos had

"not maintained regular participation in an organized program to support sobriety" and concluded that Ms. Ramos "lacks a functional foundation for sobriety." Two years have passed since Ms. Ramos was last evaluated, during which time Ms. Ramos has maintained her sobriety. I commend her for that, and I encourage her to continue meaningful participation in substance abuse programming to further develop her understanding of the triggers that led her to past conduct. However, Ms. Ramos's insight into her substance abuse addiction is relatively recent. Her six years of sobriety in a controlled environment after nearly 45 disastrous years of drug abuse is not a strong enough foundation to persuade me that she can be safely released at this time.

I appreciate the insight that Ms. Ramos had in reporting to the evaluating psychologist that relapse is "always a possibility." The consequences of a relapse in Ms. Ramos's case are too great, which is why she must demonstrate a longer period of sobriety and a commitment to internalizing the tools she has learned through programming so that she can stay sober and make better choices in the future.

### **CONCLUSION**

I have considered the evidence in the record that is relevant to whether Ms. Ramos 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 at this time. Therefore, I reverse the decision to parole Ms. Ramos.

Decision Date:  
September 19, 2019



GAVIN NEWSOM  
Governor, State of California

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

**ANA CUATLAYOTL, WE-2715**

Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

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

**STATEMENT OF FACTS**

In 2007, 20-year-old Ana Cuatlayotl babysat her nieces and nephews, including 17-month-old J.R., while her family was at work. After caring for the children for a week or two, Ms. Cuatlayotl began abusing J.R. – pushing him against the wall causing him to hit his head, shaking him, dropping him on the floor, and telling the other children to hit him with objects. J.R.'s parents noticed that his head was swollen and that he had strange scratches on his shoulder. J.R. was rushed to the hospital the following day when he fell into a coma. His brain was bleeding and his skull was fractured. He survived, but was permanently blinded, unable to communicate or walk, and required a feeding tube and a respirator. In 2011, Ms. Cuatlayotl was sentenced to 9 years in prison for abusing and endangering the health of a child and inflicting great bodily injury on a child under five years of age.

In 2015, J.R. died from complications that resulted from the injuries Ms. Cuatlayotl inflicted on him. Ms. Cuatlayotl pled guilty to second degree murder and was sentenced to 15 years to life in prison.

**DECISION**

I acknowledge that Ms. Cuatlayotl's crime was committed when she was 20 years old and that she has since been incarcerated for more than 8 years. In making this decision, I carefully examined the record for evidence demonstrating Ms. Cuatlayotl's increased maturity and rehabilitation, and gave great weight to all the factors relevant to her diminished culpability as a youthful offender – including her inability to appreciate the consequences of her actions – and her other hallmark features of youth. I also note that the psychologist who conducted Ms. Cuatlayotl's 2019 comprehensive risk assessment concluded that the "hallmarks of her youthful thinking and emotions were evident in the commission of her crime."

I also acknowledge that Ms. Cuatlayotl is now 32 years old and that she has made efforts to improve herself in prison. She has never been disciplined for misconduct and has lived in an honor dorm since 2013. Ms. Cuatlayotl also participated in self-help groups and has been commended by staff members for her positive behavior. I have given great weight to her subsequent growth in prison during my consideration of her suitability for parole. However, these factors are outweighed by negative factors that demonstrate she remains unsuitable for parole at this time.

I am troubled by Ms. Cuatlayotl's minimization of her actions and failure to take responsibility for the severe abuse she inflicted on such a vulnerable victim. Despite her participation in self-help groups geared toward developing insight and understanding crimes from a victim's standpoint, Ms. Cuatlayotl presented with a dearth of insight into her violent actions during her 2019 comprehensive risk assessment, which leads me to believe she is not ready to be released.

During the risk assessment, Ms. Cuatlayotl severely downplayed how her frustration with her family responsibilities resulted in her inflicting devastating injuries on such a vulnerable victim. When discussing the crime, the psychologist noted that Ms. Cuatlayotl "spoke in a removed tone, drew few connections between her treatment of [J.R.] in the week leading up to his significant injuries, and required prompting to admit additional harm done to him prior to the date in question." The psychologist noted, "In general, her appreciation of the gravity of her treatment of [the victim] was insufficient," and stated that Ms. Cuatlayotl "would benefit by getting a better understanding regarding how she was able to justify intentionally hurting her young child victim because she was resentful about needing to care for him and/or resentful about his mother putting that burden on her." The psychologist found that Ms. Cuatlayotl's minimization was a "notable concern." Ultimately, the psychologist concluded that Ms. Cuatlayotl's "ability to discuss how to prevent such violence in the future remained tenuous," and determined that she poses a moderate risk for future violence. I agree with the psychologist's conclusions. I believe Ms. Cuatlayotl has more work to do to understand her very violent behavior, accept full responsibility for the severe and fatal injuries she caused, and show that she has the tools and self-awareness needed to manage stressful situations in the future.

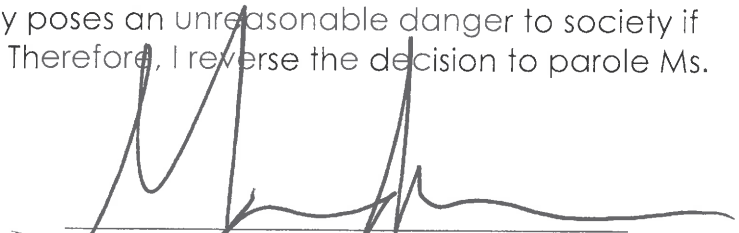
At her parole hearing, Ms. Cuatlayotl showed improving insight into her crimes and a renewed effort to take responsibility for her actions. I am encouraged by her recent efforts. However, I believe she needs more time to explore the internal

characteristics that led her to commit such a violent crime, so that she has the insight and skills to prevent herself from repeating this behavior in the future.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Ms. Cuatlayotl 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 at this time. Therefore, I reverse the decision to parole Ms. Cuatlayotl.

Decision Date:  
October 8, 2019

  
\_\_\_\_\_  
GAVIN NEWSOM  
Governor, State of California

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

**RAUL HIGGINS, P-29949**  
Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

\_\_\_\_\_   X   \_\_\_\_\_

**STATEMENT OF FACTS**

In 1998, Raul Higgins went to his ex-girlfriend's house, spoke with her, then drove her two children to school. When he returned to her house, they argued, and he strangled her to death.

**DECISION**

I acknowledge Mr. Higgins has made efforts to improve himself in prison. He has participated in self-help programming, including Alcoholics Anonymous, Narcotics Anonymous, and Victim impact. He has been disciplined once in prison and has received staff commendations for his positive behavior. He earned an associate degree and completed vocational training. I commend Mr. Higgins for taking these positive steps. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

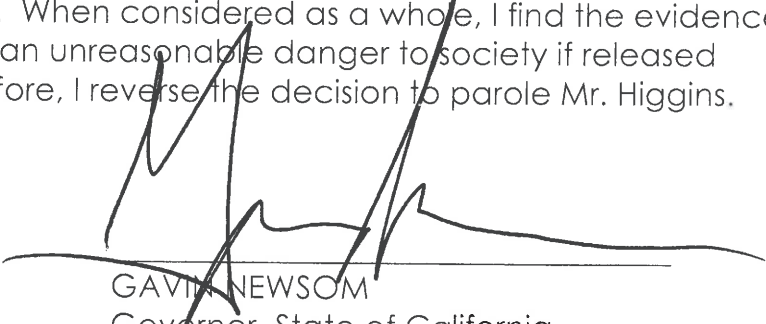
Mr. Higgins's insight into the factors that led him to commit this crime is insufficient. Mr. Higgins told the psychologist that he felt "entitled" to women and viewed them as "possessions," had resentment toward his mother, and felt rejected by the victim. Mr. Higgins added that he has only recently identified desperation and fear of rejection and abandonment as motivators for his violent behavior in the past. At his 2019 parole hearing, Mr. Higgins reported that rejection still makes him feel "very uncomfortable," and that he is still "triggered" and "hurt" by rejection. It appears that Mr. Higgins is still developing his insight into these critical factors that drove him to violently attack his ex-girlfriend. I believe Mr. Higgins must demonstrate a more comprehensive understanding of the causative factors that led him to commit this crime before he can be safely released.

I also have concerns about Mr. Higgins's history of substance abuse and ability to engage in healthy intimate relationships. According to the psychologist who evaluated Mr. Higgins in 2019, Mr. Higgins's "history of relationship problems and substance abuse problems continue to warrant highly relevant concern." Mr. Higgins told the Board he believes his use of Xanax, which he was abusing around the time of the crime, "may have clouded" his decision making. Mr. Higgins told the psychologist that he knows it is likely he may be in another romantic relationship in the future. I am concerned that Mr. Higgins has not yet developed sufficient tools to deal with the stressors in the community that led him to abuse substances and lash out against his ex-girlfriend. I encourage Mr. Higgins to continue to participate in self-help programs to develop a deeper understanding of the risk factors identified by the psychologist so that he can be safely released in the future.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Higgins 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 at this time. Therefore, I reverse the decision to parole Mr. Higgins.

Decision Date:  
October 8, 2019



GAVIN NEWSOM  
Governor, State of California

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

**EILEEN VILLAMAYOR, X-29595**

Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

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

**STATEMENT OF FACTS**

In 2006, Eileen Villamayor lived with her boyfriend, who had three children from prior relationships, including his 8-month-old daughter. While her boyfriend was at school, Ms. Villamayor threw the infant on the ground by her hair, threw her on the ground a second time, and squeezed her head until she broke her skull. The infant was taken to the emergency room and died the same night from her injuries.

**DECISION**

I acknowledge Ms. Villamayor has made efforts to improve herself in prison. She has participated in self-help programming, including Anger Management, Family Relationships, and Criminal Thinking. She has not been disciplined for misconduct during her incarceration and served on the Inmate Advisory Council. She also earned two associate degrees and completed three vocational programs. I commend Ms. Villamayor for taking these positive steps. However, these factors are outweighed by negative factors that demonstrate she remains unsuitable for parole at this time.

Ms. Villamayor has a history of abusing vulnerable victims and others close to her. According to the psychologist who evaluated Ms. Villamayor in 2019, she has a history of throwing things and hitting others when angry or frustrated, had problems maintaining stable interpersonal relationships, and frequently experienced conflict with family members and intimate partners. Ms. Villamayor told the Board at her 2019 parole hearing that her relationship with the victim's older siblings was "rough," but denied abusing them. However, according to the San Diego County District Attorney's office, the children reported that she had physically abused them before committing this crime. If these allegations are true, Ms. Villamayor was engaged in a serious pattern of violent abuse of children.

I find that Ms. Villamayor's explanations for her actions are simply inadequate. During her psychological evaluation, Ms. Villamayor denied previously abusing the victim, and said that she "felt [the victim] was in the way of what I wanted, and my anger was taken out on her." Ms. Villamayor reported that she "took [it] personally" when the baby would cry, and that she resented the baby because she wanted to have her own child with the victim's father. At her parole hearing, Ms. Villamayor added that she was jealous of the attention the baby received and had feelings of inadequacy for not being able to care for the baby. I am also troubled by Ms. Villamayor's decision to delay obtaining medical care for the victim. Rather than calling 911, Ms. Villamayor called the victim's father several times and waited to speak to him before seeking medical attention for the victim, delaying medical care for over an hour. Ms. Villamayor blamed the delayed arrival on "morning traffic" and said she wanted to "be the one to save" the victim.

None of Ms. Villamayor's statements sufficiently explain the internal characteristics that led to her heinous treatment of the victim. It is clear that she had serious issues with anger and impulse control, but she must do more to develop an understanding of the internal factors that led her to lash out violently against others, particularly this very vulnerable victim. Ms. Villamayor's vicious treatment of this infant is especially disturbing because she was a nurse and spent eight years as a corpsman in the Navy – she had the medical training and experience to know that she was acting very inappropriately. Ms. Villamayor must do more to show that she has insight into why she acted so violently toward a helpless infant, and that she is capable of refraining from violent outbursts in the future. Until she demonstrates more comprehensive insight into her anger and violence, I do not believe she can be safely released.

### **CONCLUSION**

I have considered the evidence in the record that is relevant to whether Ms. Villamayor 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 at this time. Therefore, I reverse the decision to parole Ms. Villamayor.

Decision Date:  
October 8, 2019



GAVIN NEWSOM  
Governor, State of California

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

**JEFFREY WALSH, D-37767**

Second Degree Murder,  
Solicitation to Commit Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

\_\_\_\_\_ X \_\_\_\_\_

**STATEMENT OF FACTS**

In 1985, 21-year-old Jeffrey Walsh solicited multiple people to kill his estranged wife. Mr. Walsh offered money in exchange for the killing, provided maps of the apartment his wife shared with a friend, and indicated that he would kill his wife himself if he could not get someone to do it for him. The next month, Mr. Walsh arranged to meet his wife at a restaurant. While she was waiting for him there, Mr. Walsh went to his wife's apartment, where he argued with her roommate, then stabbed her multiple times, and beat her head repeatedly with a tire iron, killing her. Mr. Walsh later made efforts to frame his wife for the murder of her roommate.

**DECISION**

I acknowledge that Mr. Walsh's crime was committed when he was 21 years old and that he has since been incarcerated for nearly 34 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Walsh's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender—his rash decision-making, inability to cope with his emotions, and recklessness—and his other hallmark features of youth. I also note that the psychologist who evaluated Mr. Walsh in 2019 concluded that he "evidenced multiple hallmarks of youth in the past which appear to have diminished his culpability...to some degree" around the time of this crime.

I also acknowledge that Mr. Walsh has made efforts to improve himself in prison. He has not been disciplined for misconduct while incarcerated. He has participated in self-help programs, completed vocational certifications, and earns positive work ratings. I have given great weight to this evidence of Mr. Walsh's subsequent growth in prison in considering his suitability for parole.

However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

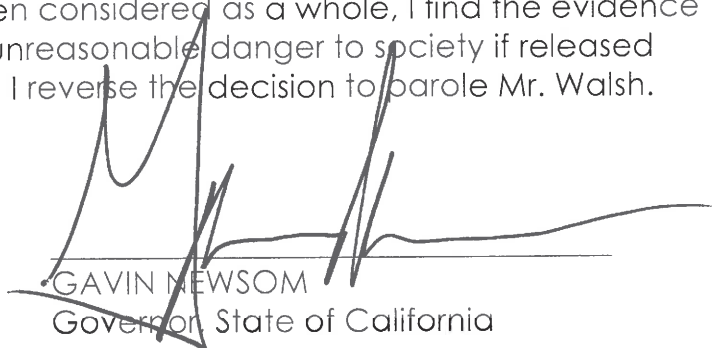
I do not believe that Mr. Walsh has demonstrated adequate insight into his violent crimes, including his efforts to have his wife killed. At his 2019 parole hearing, Mr. Walsh explained that when they got married, his wife filled an emotional void he carried from his childhood and adolescence. Mr. Walsh stated that he was angry and jealous when his wife left him, and that he did not want to lose money to her in a divorce. Mr. Walsh explained that he began fixating on his wife's roommate, who he felt was "interfering in my divorce." He said that on the night of the murder, "I just felt that she just stuck her nose where it didn't belong," and he decided to go kill her.

Mr. Walsh's explanations of the crime fail to account for his prolonged and repeated attempts to have his wife killed, and they demonstrate limited insight about what led him to commit such an extreme attack on his wife's roommate. Mr. Walsh made a series of deliberate decisions to use violence to deal with his relationship and financial issues. He must show that he now fully understands the causative factors that contributed to his extreme and violent decision-making at the time. Until he can demonstrate that he has the insight and coping skills to prevent himself from reacting similarly in the future, I do not believe he is ready to be released. I encourage Mr. Walsh to continue participating in self-help programs to more deeply understand his motivations and actions so that he is better prepared to return to the community.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Walsh 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 at this time. Therefore, I reverse the decision to parole Mr. Walsh.

Decision Date:  
October 8, 2019



GAVIN NEWSOM  
Governor, State of California

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

**WILLIAM BRADFORD, T-59708**

First Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

\_\_\_\_\_ X \_\_\_\_\_

**STATEMENT OF FACTS**

In February 1988, William Bradford and his wife divorced. Mr. Bradford was ordered to pay monthly child and spousal support, but he never made any payments. On September 8, 1988, a court issued a writ of execution against Mr. Bradford, requiring him to pay more than \$36,000 in payments that he owed his ex-wife. On September 15, Mr. Bradford learned that the outstanding payments would be withheld from his share of the proceeds from the sale of the family home. On September 16, he went to his ex-wife's home and shot her multiple times, killing her. Mr. Bradford was arrested later that month, but no charges were filed and he was released. He was arrested again in 2001, prosecuted, and convicted of first degree murder.

**DECISION**

I acknowledge Mr. Bradford has made efforts to improve himself in prison. He has never been disciplined for misconduct during more than 18 years of incarceration. He participated in some self-help programs, including Victim Awareness. I commend Mr. Bradford for taking these positive steps. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Bradford's insight into this violent crime is inadequate. During his comprehensive risk assessment in 2017, he chose not to discuss this crime with the psychologist. The psychologist concluded that it was "prudent to assume Mr. Bradford does not understand the personal factors that will likely aggravate or mitigate his acting violently in the future." The psychologist determined that Mr. Bradford poses a moderate risk of future violence, based in part on his failure to participate in programs to address his risk factors, as well as his insufficient parole and relapse prevention plans. At his 2019 hearing, Mr. Bradford discussed the crime but demonstrated minimal insight into his actions. He explained that

he was surprised but not angry about the child and spousal support he owed. He described the crime as "spur of the moment" and "out of character," and said, "I don't know what caused me to react that day the way I reacted." Mr. Bradford also denied any history of domestic violence against the victim, contrary to statements their children have made on the record. Mr. Bradford has clearly shown that he does not understand the personal, internal factors that led him to arm himself and attack his ex-wife. I do not believe that he has the insight and skills to prevent himself from reacting violently to difficult situations in the future.

I am also deeply troubled by allegations from the Los Angeles District Attorney's office that Mr. Bradford threatened to kill a prosecutor and the prosecutor's family after his conviction. If true, these allegations indicate that Mr. Bradford's pattern of violence extended well beyond this crime and his relationship with the victim and make his current lack of insight into his violence even more relevant to his future risk.

I note that Mr. Bradford's age and health condition have some bearing on his risk of future violence and his ability to develop insight. He is 86 years old and uses a walker. He has been diagnosed with a mild neurocognitive disorder and has several chronic medical conditions. The presiding commissioner at the 2019 parole hearing concluded that Mr. Bradford had experienced "significant decline" after a 2014 brain surgery. However, given the seriousness of Mr. Bradford's crime and his wholly inadequate insight, I do not believe that these factors mitigate his risk enough to warrant his release. Until Mr. Bradford demonstrates insight that is sufficient to ensure that he will refrain from violence in the future, I do not believe he should be released.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Bradford 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 at this time. Therefore, I reverse the decision to parole Mr. Bradford.

Decision Date:  
November 1, 2019



GAVIN NEWSOM  
Governor, State of California

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

**STEVEN BURR, G-37732**  
Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

\_\_\_\_\_   X   \_\_\_\_\_

**STATEMENT OF FACTS**

On June 24, 2006, Steven Burr and his wife argued. Two days later, they again argued. Mr. Burr, who had been drinking, choked her, then beat her with a trophy, killing her.

**DECISION**

I acknowledge Mr. Burr has made efforts to improve himself in prison. He has completed extensive self-help programming, including programming in domestic violence, anger management, and substance abuse. Mr. Burr has never been disciplined for misconduct in 13 years of incarceration. I commend Mr. Burr for taking these positive steps. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Burr committed an extremely violent crime against his wife after years of abusing her and other partners. Mr. Burr admitted that he abused his first wife, who left him after one month of marriage and filed a restraining order against him. Mr. Burr was arrested in 2004 for battery against his roommate, with whom he was in a sexual relationship. Before he beat the victim of his commitment offense to death, he was arrested in 2005 for battery against her. According to the psychologist's 2019 evaluation, Mr. Burr "engaged in a pattern of emotional and physical abuse against his wife leading up to her murder," including emotionally tormenting her by threatening to harm her animals and forcing her to call and constantly check in with him when she left the house. Mr. Burr admitted demanding sex from the victim when she was not interested and grabbing her and pushing her down multiple times.

Given Mr. Burr's extensive history of domestic violence, I am not satisfied he has gained the necessary insight to ensure that he can be safely released. When

asked by the parole commissioners how his anger elevated to murder, he stated that he did not want another failed relationship. Mr. Burr explained that he wanted to "hold onto" his wife and expected that a "guy and girl should be together forever." These statements shed very little light on the internal factors that led Mr. Burr to inflict such great violence on his wife. I do not believe this shallow insight is enough to keep Mr. Burr from falling back into the same pattern of escalating violence against romantic partners in the future.

I am also concerned about Mr. Burr's risk of substance abuse relapse. Mr. Burr had a decades-long addiction to alcohol, resulting in three DUI convictions. When asked by commissioners if alcoholism played a role in this crime, he answered "Slightly." Mr. Burr told commissioners that he drank to cope with emotions and that he would fight the urge to drink again because he has coping skills today. But Mr. Burr admitted that he had not identified a sponsor in the free community and said he would rely on family members for support. I am concerned about the adequacy of Mr. Burr's relapse prevention plan and his risk of returning to substance use if released to the community.

The psychologist who evaluated Mr. Burr in 2019 noted that while in the community, Mr. Burr was possessive, controlling, and jealous within his relationships and his judgment and behavioral control were further undermined by his severe alcohol abuse. The psychologist also found that "the prison environment has not challenged him in the same ways he was triggered previously (within an intimate relationship)," and that future relationships could be "destabilizing" for Mr. Burr and threaten his sobriety. Based on these concerns, Mr. Burr's lack of insight into his violence, and his insufficient preparation to avoid relapse, I do not think Mr. Burr is ready to be released at this time.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Burr 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 at this time. Therefore, I reverse the decision to parole Mr. Burr.

Decision Date:  
November 1, 2019



GAVIN NEWSOM  
Governor, State of California

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

**BENJAMIN FRANDSEN, F-29177**

Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

\_\_\_\_\_ X \_\_\_\_\_

**STATEMENT OF FACTS**

Benjamin Frandsen, Shane Huang, and several others forcibly detained two men who they believed had stolen thousands of dollars worth of marijuana from Mr. Huang. The victims were bound and subjected to hours of interrogation and torture at knifepoint. Mr. Huang took one of the victims into the restroom, where witnesses overheard splashing and screaming. The victim admitted to stealing the marijuana shortly after. Mr. Huang found a translator and called the victims' relatives, who live overseas, and demanded that they pay for their sons' theft of the marijuana. The translator overheard Mr. Huang say, "I don't want dirt on my hands." Mr. Frandsen replied, "I'll do it."

Mr. Frandsen and Mr. Huang drove to the local hardware store and purchased a shovel, rope, and a tarp. When they returned to the house, Mr. Frandsen and Mr. Huang untied the victims and told the other people present that they could go home. Once the other men left, Mr. Huang took one of the victims into the bathroom where Mr. Frandsen heard a snapping sound, which evidence suggests could have been Mr. Huang snapping the victim's neck. The second victim, hearing the snap, ran toward Mr. Frandsen with a "shiny object." Mr. Frandsen elbowed the victim in the neck, causing his neck to fracture. Mr. Huang then tied a plastic bag around the second victim's neck and twisted it. Both victims died. Mr. Frandsen and Mr. Huang put the men's bodies in the trunk of a car and buried them in the Las Vegas desert. An autopsy confirmed that the first victim died of blunt force trauma to the neck. The second victim's body was too decomposed to determine the cause of death. Mr. Frandsen was arrested two years later.

During his 2019 comprehensive risk assessment, Mr. Frandsen admitted that the blow he inflicted to the second victim's neck was more than likely the cause of his death.

### DECISION

I acknowledge Mr. Frandsen has made efforts to improve himself in prison. He has an exemplary behavioral record in prison. He earned five associate degrees, as well as numerous vocational certificates. He has participated in extensive self-help programming and has been lauded by correctional staff for being an "exemplary inmate." I commend Mr. Frandsen for taking these positive steps. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

The victims in this case suffered hours of physical and psychological torture. Yet, Mr. Frandsen has consistently minimized his participation in this extremely violent crime, stating that "the crime was not planned by me at all." At his 2019 parole hearing, Mr. Frandsen told the Board that he didn't know that the victims were going to be killed and never became aware of that fact. However, evidence in the record suggests that Mr. Frandsen knew before he returned to the house that the victims were going to be killed – he was present when his crime partner bought the tools that would later be used to bury the victims' bodies in the desert, and witness testimony indicated that Mr. Frandsen said he would kill the victims. These facts point to Mr. Frandsen's role in planning the crime, his awareness that both victims would be murdered, and his decision to continue participating in this crime regardless. The psychologist who conducted his 2019 comprehensive risk assessment noted that Mr. Frandsen's account of the life crime "somewhat" minimized his level of involvement, and concluded that as a result, "some credibility concerns are present." I agree that Mr. Frandsen has not been forthcoming about his degree of participation in this double homicide. I do not believe that he has honestly confronted his willingness to participate in the torture, murder, and burial of these two victims. Given the level of violence Mr. Frandsen inflicted on the victims, he must demonstrate comprehensive insight into his role in this crime to ensure that he is capable of abstaining from violent conduct in the future.

The psychologist also concluded that Mr. Frandsen meets the diagnostic criteria for Narcissistic Personality Disorder. The psychologist noted that Mr. Frandsen "presents with pervasive antisociality characterized by glibness, grandiosity, need for stimulation, chronic dishonesty, lack of remorse or guilt, lack of empathy/callousness, parasitic lifestyle, promiscuity, poor behavioral controls, impulsivity, irresponsibility, failure to accept responsibility, and many short-term marital relationships." The psychologist also found that Mr. Frandsen's total psychopathy score is above the mean of North American male inmates, but below the cutoff or threshold commonly used to identify dissocial or

psychopathic personality. The psychologist concluded that "this factor is highly relevant to his ongoing violence risk." Current evidence of these personality traits and attitudes indicates that Mr. Frandsen's personality disorder has not sufficiently resolved to allow for his safe release from custody at this time

Mr. Frandsen has spent his 15 years incarcerated programming and has had exemplary conduct. I encourage him to continue this positive trajectory. However, given his continued minimization of his role in the commitment offense, I do not believe he is ready for release at this time.

### CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Frandsen 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 at this time. Therefore, I reverse the decision to parole Mr. Frandsen.

Decision Date:  
November 1, 2019



\_\_\_\_\_  
GAVIN NEWSOM  
Governor, State of California

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

**MICHAEL GASNER, E-22757**

First Degree Murder

**AFFIRM:**

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**MODIFY:**

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**REVERSE:**

\_\_\_\_\_ X \_\_\_\_\_

**STATEMENT OF FACTS**

In 1988, Michael Gasner armed himself with a gun, knife, and rope and, in violation of a restraining order, went to the home that his estranged wife's sister shared with her husband James, and James's brother Mark. Mr. Gasner first encountered Mark and bound him, then cut his throat, killing him. Then Mr. Gasner shot, bit, and cut James, who survived.

**DECISION**

I acknowledge that Mr. Gasner is now 69 years old, has been incarcerated for more than three decades, and is eligible for elderly parole consideration. Accordingly, I have considered that his advanced age, long-term confinement, and diminished physical condition reduce Mr. Gasner's risk for future violence. I have carefully weighed Mr. Gasner's largely positive adjustment in prison during my consideration of his suitability for parole. He has only been disciplined four times, and never for violence. I also acknowledge that Mr. Gasner has made efforts to improve himself in prison, including since his last suitability hearing in 2015. He participates in Alcoholics Anonymous and has received commendations from staff members for his positive programming and for being a positive influence. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

I do not believe that Mr. Gasner has demonstrated sufficient insight into his history of domestic violence and into the harm that he caused on the day of this crime. During both his recent psychological evaluation and his parole hearing, Mr. Gasner continues to minimize his actions. The psychologist who conducted his 2019 risk assessment determined that he poses a moderate risk for future violence. She concluded that Mr. Gasner "continues to present himself as a rather benevolent individual who acted out of character while under stress," and that "[h]is seeming tendency to minimize his actions is also suggestive of

some degree of deceit and attempt to deflect responsibility." I agree – I do not believe that Mr. Gasner has identified the internal characteristics that caused him to commit ongoing domestic violence and this brutal crime. Some of his answers to questions during his parole hearing were inconsistent, and some of his explanations were implausible. It is especially troubling that Mr. Gasner continues to dismiss the legitimacy of his estranged wife's reasons for obtaining a restraining order against him. He told the psychologist that she did not want him talking to her relatives simply because "she wanted them to believe her side of the story." Mr. Gasner still fails to grasp the much grimmer truth – that his actions prompted her to seek the protective order, which could not ultimately protect the victims from his violence.

Until Mr. Gasner develops deeper self-awareness and a more comprehensive understanding of what motivated him to commit this brutal crime, I cannot be assured that he has the insight and skills to prevent himself from repeating similar behavior in the future.

The psychologist who evaluated Mr. Gasner expressed hope, "that with further programming, [Mr. Gasner] can arrive at a deeper understanding of his personality and environmental influences that shaped him and his behavior." I agree and encourage Mr. Gasner to continue his work to develop insight into the causative factors of his crime.

### **CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Gasner 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 at this time. Therefore, I reverse the decision to parole Mr. Gasner.

Decision Date:  
November 7, 2019

A handwritten signature in black ink, appearing to read "Gavin Newsom", written over a horizontal line.

GAVIN NEWSOM  
Governor, State of California

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

**DAVID LEITCH, D-11422**  
Second Degree Murder

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

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

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

**STATEMENT OF FACTS**

In 1981, 22-year-old David Leitch was involved in the murder of his ex-wife's roommate. She went missing after spending the evening with Mr. Leitch and his crime partner. Her body was discovered several days later; the cause of death was stab wounds to her head. Her head was wrapped in tape, towels, and sheets, and her jacket, shirt, and bra were cut open.

**DECISION**

I acknowledge that Mr. Leitch's crime was committed when he was 22 years old and that he has since been incarcerated for 38 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Leitch's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender and his other hallmark features of youth. I note that the psychologist who evaluated Mr. Leitch in 2019 concluded that his upbringing resulted in his "stunted social and moral development and lack of appreciation for the consequences of his behaviors." The psychologist determined that Mr. Leitch's "youthful thinking appeared to play a contributory role in the crime."

I acknowledge that Mr. Leitch has made efforts to improve himself in prison. He is now 60 years old and has only been disciplined twice for misconduct during nearly four decades of incarceration. He participates regularly in Alcoholics Anonymous, and earned his GED. I have given great weight to Mr. Leitch's subsequent growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

I do not believe that Mr. Leitch has demonstrated sufficient insight into his role in this brutal crime. He claims that he was not involved in the murder itself, and

that he helped his crime partner dispose of the victim's body because the crime partner threatened him and his family. During both his recent psychological evaluation and parole hearing, Mr. Leitch's explanations for his actions were shallow and limited. The psychologist who conducted his risk assessment concluded that Mr. Leitch's insight was "incomplete," and that "[d]espite repeated encouragement, Mr. Leitch has yet to fully explain the factors that allowed himself to be part of such a scheme outside of his purported fear at the time. He has yet to explore how other criminal factors may have contributed" to his participation. I agree – I do not believe Mr. Leitch has identified the internal characteristics that allowed him to participate in such violence. Without a comprehensive understanding about what motivated him to engage in such a heinous crime, I cannot be assured that Mr. Leitch now has the self-awareness and skills to prevent himself from falling into similarly violent behavior in the future.

I am also concerned about Mr. Leitch's lack of remorse and empathy. The psychologist observed that during his assessment, Mr. Leitch "appeared to be working overtime to come across as remorseful," and seemed "somewhat indignant" that the victim's brother attended his parole hearings. The psychologist also noted that Mr. Leitch lacked appreciation for how his comments about the victim impacted her family. The psychologist's observations make me question whether Mr. Leitch is genuinely remorseful for his participation in this crime, and whether he has true empathy for the harm he caused to others in committing it. The psychologist also concluded that Mr. Leitch "demonstrated a number of the characteristics associated with psychopathy," and that his overall psychopathy score "is slightly above the mean of North American inmates." Based on Mr. Leitch's lack of insight, empathy, and remorse, I do not believe he can be safely released at this time.

### **CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Leitch 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 at this time. Therefore, I reverse the decision to parole Mr. Leitch.

Decision Date:  
November 7, 2019



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GAVIN NEWSOM  
Governor, State of California

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

**BRUCE DAVIS, B-41079**

Two Counts of First Degree Murder

**AFFIRM:**

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**MODIFY:**

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**REVERSE:**

      X      

**STATEMENT OF FACTS**

Bruce Davis was a member of Charles Manson's cult known as "the Family," who lived together at Spahn Ranch in the summer of 1969. In July 1969, Mr. Manson and a group of Family members, including Mr. Davis, discussed ways to raise money to relocate their group to the desert. They identified an acquaintance, Gary Hinman, as a potential source of funds. On July 26, 1969, Mr. Davis dropped off three Family members at Mr. Hinman's residence. Two days later, the group of three called Mr. Manson from Mr. Hinman's house and reported that Mr. Hinman was not cooperating. Mr. Manson and Mr. Davis returned to Mr. Hinman's house. When they arrived, Mr. Hinman had already been struck with a gun; during that struggle, the gun had discharged. Mr. Davis took the gun and pointed it at Mr. Hinman while Mr. Manson sliced Mr. Hinman's face open with a sword, cutting from his left ear down to his chin. Mr. Davis and Mr. Manson drove off in Mr. Hinman's vehicle.

The other three Family members remained at Mr. Hinman's house for two more days while Mr. Hinman lay bleeding. Robert Beausoleil eventually stabbed Mr. Hinman in the chest and smothered him with a pillow, killing him. Inside the home, using Mr. Hinman's blood, the group wrote the words "political piggy" and drew an animal paw print on the walls. Mr. Hinman's decomposed body was found on July 31, 1969.

In August of 1969, Mr. Manson expressed his belief that Donald Shea, who worked as a ranch hand at Spahn Ranch, was a police informant and was working with a neighbor to have the Family removed from the ranch. Family members Mr. Manson, Mr. Davis, Steven Grogan, and Charles Watson lured Mr. Shea into a car with them. They drove Mr. Shea to a secluded area and stabbed him multiple times, killing him. Mr. Davis has acknowledged that he used a knife to cut Mr. Shea from his collar bone to his armpit during the attack.

Mr. Davis was arrested in December 1970, after evading capture for more than a year. He was convicted of two counts of first degree murder and conspiracy to commit murder and robbery.

### **DECISION**

I acknowledge Mr. Davis has made efforts to improve himself in prison. He has been disciplined only twice during nearly five decades of incarceration. He earned several educational degrees in prison, including a master's degree and a doctorate. Mr. Davis has participated in many self-help programs, including Alcoholics Anonymous, Anger Management, and Alternatives to Violence. He has donated to charity and receives positive work ratings from his supervisors. I commend Mr. Davis for taking these positive steps. I also note that Mr. Davis is now 77 years old, and that the psychologist who evaluated him in 2016 concluded that "as he has aged he has shown less criminality and increased prosocial endeavors." However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Davis was part of one of the most notorious criminal cults in California history. He and his fellow Family members robbed, tortured, and killed many victims in Southern California in 1969. During his time on the ranch, Mr. Davis furthered the Family's cult objectives – to start a race war and trigger the apocalypse – and participated in these two extremely calculated and violent murders to that end. It is difficult to overstate how impactful these crimes were on the people of California. They left a legacy of terror and pain that continues to haunt the state today.

In addition to the horror of these crimes, there is additional evidence that Mr. Davis should not be released from prison. I do not believe that he has demonstrated adequate insight into his willingness to engage in such extreme violence. At his 2019 parole hearing, Mr. Davis explained that he was initially drawn to the culture of "sex, drugs, and rock and roll" that surrounded Mr. Manson. He left California for about a year, then returned to Spahn Ranch and found that "[t]he whole scene had changed" and the discussions there had turned to race wars, riots, and disrupting society. Mr. Davis claimed that he did not believe that Mr. Manson sincerely held those beliefs, and that the first time he saw the Family's vision being fulfilled was the torture and murder of Mr. Hinman. Mr. Davis acknowledged helping plan the attack on Mr. Hinman, and continuing to associate with Mr. Manson and the Family after learning of Mr. Hinman's death. He also admitted that he stayed with the group even after finding out about the heinous Tate-LaBianca murders, during which five more people were killed by the Family. Mr. Davis told the Board, "[A]s long as I felt like

Manson was my friend and that I was having affection from girls, and I could get loaded when I felt like it, nothing else really mattered.” He explained that he lacked empathy and simply did not care about the Family’s activities and ideology since his own “psychological” and “emotional needs” were being met. Mr. Davis acknowledged that he willingly participated in the attack on Mr. Shea, and that he knew in advance that Mr. Shea would be killed. He admitted cutting Mr. Shea, and said that “when it really came down, I didn’t care...if Mr. Shea had been alive or dead didn’t make any difference to me.”

None of Mr. Davis’s statements at his 2019 hearing indicate that he has a comprehensive understanding of how he came to participate in such extreme violence. As a result, I do not believe that he has the current insight and skills to abstain from violent situations in the future if released. A lack of empathy and a desire for drugs do little to account for Mr. Davis’s repeated and deliberate decisions to remain by Mr. Manson’s side, furthering the cult’s warped goals and actively engaging in violence. He has not sufficiently explained why he was so indifferent to the suffering and deaths of the victims of the Family, even as the cult’s body count continued to rise. Mr. Davis had ample opportunities to alert the authorities, personally intervene to stop these crimes, or even to just walk away. Instead, he escalated his own violent participation and deepened his connection to Mr. Manson, all in pursuit of his own “little personal gratification.” Until Mr. Davis can adequately explain the internal characteristics and decision-making that led him to these extreme actions, I do not believe he can be safely released.

### 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 at this time. Therefore, I reverse the decision to parole Mr. Davis.

Decision Date:  
November 14, 2019

A handwritten signature in black ink, appearing to read 'Gavin Newsom', written over a horizontal line.

GAVIN NEWSOM  
Governor, State of California

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

**LANCE BADGETT, E-92528**

First Degree Murder

**AFFIRM:**

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**MODIFY:**

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**REVERSE:**

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

**STATEMENT OF FACTS**

In 1989, Lance Badgett, his brother, and the victim, who were all friends, were living in California after leaving Texas where there were warrants for Mr. Badgett and his brother's arrest. Mr. Badgett and his brother worried that the victim would turn them into the authorities, so they planned to kill him. Mr. Badgett shot the victim in the head, killing him. Mr. Badgett's brother dismembered the victim's body and disposed of some body parts in the ocean, and left the rest of his body near the highway.

**DECISION**

I acknowledge that Mr. Badgett's crime was committed when he was 19 years old and that he has since been incarcerated for more than 30 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Badgett's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender—his impulsivity and irresponsibility—and his other hallmark features of youth. The psychologist who evaluated Mr. Badgett noted that "Mr. Badgett's early years were filled with a variety of traumatic events, including the loss of his biological father, emotional and physical abuse and abandonment." The psychologist added that Mr. Badgett's lack of positive role models and an inconsistent home environment likely played a role in Mr. Badgett's anger and insecurity.

I also acknowledge that Mr. Badgett has made efforts to improve himself in prison. Mr. Badgett has participated in self-help programming, including Narcotics Anonymous, Denial Management, and Domestic Violence. He also earned his GED and received staff commendations. I have given great weight to his subsequent growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate that Mr. Badgett remains unsuitable for parole at this time.

Mr. Badgett has not yet demonstrated sufficient insight into why he participated in this crime and how he will avoid repeating similar behavior in the future. At his 2019 parole hearing, Mr. Badgett recounted that he and his brother planned the murder, including the calculated plan to dismember the body for disposal. Mr. Badgett volunteered to shoot the victim because he "didn't want to be a coward." The psychologist who evaluated Mr. Badgett asked him to explain why he resorted to extreme violence in the life crime. Mr. Badgett told the psychologist, "The prison system is much different. Ever seen Cool Hand Luke? I fought a lot. I spent 15 days in the box." Mr. Badgett's response does not begin to explain how, even as a young man afraid about returning to prison, he could be driven to commit such a brutal act on a friend. Accordingly, the psychologist rated Mr. Badgett a moderate risk for future violence and determined that "Mr. Badgett has only started to explore the underlying motivations related to the murder." I agree with this assessment, and encourage Mr. Badgett to work on deepening his understanding of what triggered his violent responses in the past so he can avoid repeating violent behavior in the future. Until he develops his insight, I do not believe he can be safely released into the community.

I am also concerned by Mr. Badgett's history of substance abuse and Mr. Badgett's propensity for violence while under the influence. The psychologist determined that Mr. Badgett's relapse prevention plan was lacking in "an understanding [of] how feelings of depression and loss of relationships lead to acts of impulsivity and avoidance by abusing drugs and alcohol." This is particularly troubling because Mr. Badgett was abusing substances, including methamphetamine and alcohol, in the days leading up to the crime, and was motivated in part to murder the victim out of fear of the loss of a relationship. Mr. Badgett admitted that he continued to abuse substances in prison until as recently as 2015. Mr. Badgett told the psychologist that he tried heroin once in 1990, that it made him violently ill, and did not report additional use. However, at his 2019 hearing, he told the Board that he became addicted to heroin while in prison, manipulated doctors in the institution to increase his access to opiates, began buying opiates from other inmates, and eventually bought and injected heroin. Mr. Badgett's recent motivation to address his substance abuse is certainly a positive step, and I encourage Mr. Badgett to maintain his sobriety and further develop his insight into his substance abuse so that he can succeed while on parole and beyond.

**CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Badgett 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 at this time. Therefore, I reverse the decision to parole Mr. Badgett.

Decision Date:  
November 27, 2019

A handwritten signature in black ink, appearing to read "Gavin Newsom", written over a horizontal line.

GAVIN NEWSOM  
Governor, State of California

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

**STANLEY WILLIAMS, J-24577**

Second Degree Murder

**AFFIRM:**

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**MODIFY:**

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**REVERSE:**

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**STATEMENT OF FACTS**

Eighteen-year-old Stanley Williams and a crime partner, both gang members, approached a rival gang member. Mr. Williams shot her five to seven times, killing her.

**DECISION**

I acknowledge that Mr. Williams committed his crime when he was 18 years old and that he has since been incarcerated for 26 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Williams's increased maturity and rehabilitation, and gave great weight to the factors relevant to his diminished culpability as a youthful offender—impulsivity, recklessness, and an intense, negative reaction to provocation—and his other hallmark features of youth. Mr. Williams was exposed to gang culture and exhibited signs of conduct disorder at a young age. The psychologist who evaluated Mr. Williams in 2017 concluded, "It seems evident his thinking, attitudes, and behaviors were shaped from an early age given his father was a Crips founder" and many of his relatives engaged in criminal behavior.

I also acknowledge that Mr. Williams has made efforts to improve himself in prison. Mr. Williams has recently participated in self-help programming, including Anger Management, Criminal and Addictive Thinking, and Getting Out by Going In, and earned his GED. In considering his suitability for parole, I have given great weight to his subsequent growth in prison. However, these factors are outweighed by negative factors that demonstrate he is unsuitable for parole at this time.

Mr. Williams has not demonstrated that he has developed sufficient insight into his risk factors and triggers for future violence. The psychologist noted Mr. Williams's "extensive history of violent behavior," that Mr. Williams had not

participated in adequate self-help programming, and that Mr. Williams is "considered by custody to be an active gang member." The psychologist concluded that given his limited self-help programming, "it is unlikely at this time Mr. Williams will respond to appropriate coping strategies if sufficiently stressed in the community." Accordingly, the psychologist rated Mr. Williams a high risk for future violence and determined that Mr. Williams "evidenced a lack of understanding regarding his risk factors."

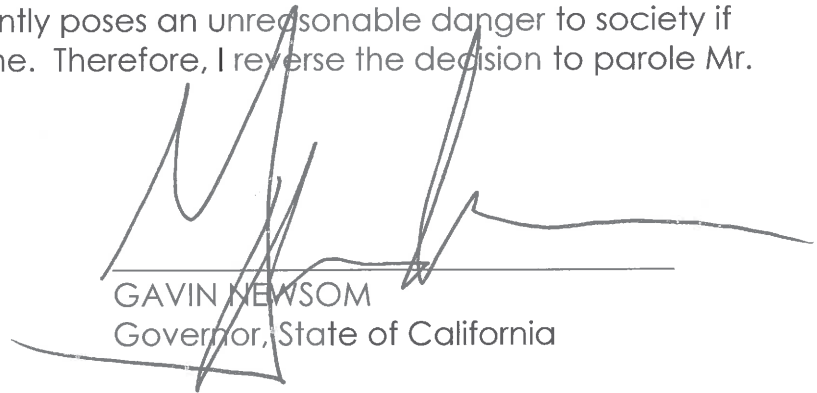
Mr. Williams has increased his participation in self-help programming since the 2017 comprehensive risk assessment, but I do not feel confident that he has made sufficient gains to mitigate his risk factors at this time. I am concerned that Mr. Williams has not internalized the programming he has undertaken nor evidenced genuine progress in his rehabilitation. At his 2019 parole hearing, Mr. Williams listed several of his triggers but was unable to connect them to his violent behavior in a meaningful way. His explanation made clear that Mr. Williams has more work to do to develop the skills he will need to be successful on parole.

I am particularly concerned by recent assertions from prison staff that Mr. Williams remains gang-involved. Mr. Williams told the Board in 2019 that he "straddled the fence" by continuing to perpetuate gang principles in prison, such as maintaining a willingness to commit acts of violence, and was "being true to nothing," despite claiming at his 2017 parole hearing that he was engaging in prosocial behavior. Mr. Williams's candor about his challenges in this area is commendable, but it is ultimately meaningless unless it is accompanied by changes in his daily conduct and thinking. Mr. Williams must commit to sincerely and permanently moving on from his gang affiliation, and then develop the skills that will allow him to sustain this transformation, before he can be safely 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 at this time. Therefore, I reverse the decision to parole Mr. Williams.

Decision Date:  
December 11, 2019



GAVIN NEWSOM  
Governor, State of California