

EXECUTIVE REPORT ON PAROLE

**PAROLE REVERSAL DECISIONS FOR THE PERIOD
JANUARY 1, 2021 THROUGH DECEMBER 31, 2021**



BY GOVERNOR GAVIN NEWSOM



OFFICE OF THE GOVERNOR

MESSAGE CONCERNING 2021 PAROLE CASES

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

I submit this report as required by section 8, subdivision (b) of article V of the California Constitution.

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 our communities.

The California Department of Corrections and Rehabilitation, under the leadership of Secretary Kathleen Allison, 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 Operations, under the leadership of Guillermo Viera Rosa, lead this effort in our state government. I also wish to acknowledge the Office of Victim and Survivor Rights and Services led by Chief Katie James.

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 incarcerated people 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 want to specially 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, 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, or visit 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.

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 flourish extending to the right.

Governor Gavin Newsom

PAROLE REVERSAL DECISIONS 2021

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

MARCOS ORTIZ, J-09801
Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ X _____

STATEMENT OF FACTS

Marcos Ortiz immigrated to the U.S. and lived with his uncle and aunt. In 1991, Mr. Ortiz's aunt, the victim, told her husband that Mr. Ortiz tried to sexually assault her, and they told Mr. Ortiz to move out. In 1992, 21-year-old Mr. Ortiz fatally attacked his aunt, striking her head with a hammer and stabbing her multiple times in the neck, nearly decapitating her. At some point during the crime, Mr. Ortiz disconnected the phone lines.

DECISION

I acknowledge that Mr. Ortiz committed this crime when he was 21 years old and that he has since been incarcerated for 27 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Ortiz's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender—including immaturity, impulsiveness and recklessness, and a lessened ability to anticipate and appreciate consequences—and his other hallmark features of youth. The psychologist who evaluated Mr. Ortiz in 2018 noted his age at the time of his crime and evaluated his status as a youthful offender, finding that Mr. Ortiz presented with some, but not all, of the hallmark features of youth.

I have given great weight to Mr. Ortiz's growth in prison when considering his suitability for parole. He has participated in significant self-help programming, including as a facilitator, earned three vocational certificates, and his GED. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Ortiz committed a particularly brutal crime that involved calculated planning, and was followed by conduct after the crime that indicated a lack of

remorse. Mr. Ortiz has not demonstrated that he has developed sufficient insight into the causative factors of the crime.

At his 2020 parole hearing, Mr. Ortiz told the Board that his uncle and the victim helped him to enter the United States and that he was asked to leave his aunt's and uncle's house two years later. He also discussed having an affair with his aunt, the victim, who he portrayed to the Board as a lonely, sexually promiscuous housewife. He indicated that he attacked the victim out of a jealous rage that culminated in her murder, and only after the victim threatened to cut his testicles with a knife. Mr. Ortiz's account differs significantly from the record. The Probation Officer's Report indicates that, "about six months before the murder, the victim complained that the defendant had tried to sexually assault her while she was alone in the house with him. The defendant was immediately asked to move out of the house. Several witnesses testified at trial that the victim had complained about the defendant's conduct toward her. Witnesses described how the victim complained that the defendant used to covertly watch her while she was in the bathroom."

I find Mr. Ortiz's version of events implausible, and reflecting a lack of accountability. Although Mr. Ortiz is not required to admit to all elements of his life crime to be found suitable for parole, his dishonesty about the crime demonstrates a continuing lack of credibility and insight that bear on his current risk level. 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 is able to demonstrate that he can desist from repeating violent conduct in the future.

CONCLUSION

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

Decision Date:
January 8, 2021



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

KENNETH WINDERS, K-97554

First Degree Murder

AFFIRM:

MODIFY:

REVERSE:

_____ **X** _____

STATEMENT OF FACTS

In 1997, 46-year-old Kenneth Winders was drinking with several friends, and got into a fight with the victim, who broke Mr. Winders' nose and knocked out his teeth. Mr. Winders got his rifle, which he had buried in the ground, and shot the victim eight times, killing him.

DECISION

I acknowledge that Mr. Winders has made efforts to improve himself in prison over the past 23 years. Mr. Winders has participated in self-help programming, earned his GED, and completed a vocational training program. He has improved his coping skills and shown candor. I have evaluated his growth in prison when considering his suitability for parole. I also acknowledge that Mr. Winders is 69 years old and has medical conditions that may limit his ability to inflict physical violence. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time. Despite his age and physical limitations, I do not believe Mr. Winders currently has the tools or insight he will need to mitigate his risk and be safely released. Specifically, the psychologist who evaluated Mr. Winders in 2020 gave him a high risk rating for future violence based on his ongoing problems with substance abuse, minimization of his disciplinary record in prison, inauthentic remorse for the murder victim, lack of insight into his violent misconduct in the past, and insufficient parole plans.

Mr. Winders appears to be in denial about his significant history of substance abuse. While he admitted that alcohol was a causative factor in his life crime, Mr. Winders was glib and not serious when discussing how he plans to maintain his sobriety. When the psychologist asked how he intended to manage his sobriety in the community, Mr. Winders responded, "Right now, definitely no way go to a bar" and "I really don't need it [alcohol] anymore...The parties and stuff,

I'm going to avoid all that." He told the psychologist that he believed that his "willpower" will protect him from relapse. Although he has been incarcerated for more than 23 years, Mr. Winders has not yet completed all of the 12 steps of Alcoholics Anonymous because, as he stated, "It's kinda hard to do in here." Mr. Winders admitted to the evaluating psychologist and the Board during his hearing that he used marijuana in prison as recently as 2018, and told the psychologist that if released, "he would only consume marijuana 'when it was readily available,'" which nearly ensures his relapse in the community. The psychologist concluded that "[Mr. Winders'] attitudes and behavior continue to suggest a lack of regard for the rules. Despite the time he has spent in prison, as well as his participation in rehabilitative activities, the inmate has been relatively slow to make lasting changes." It is clear that Mr. Winders requires more self-help programming on substance abuse before he can be safely paroled.

Mr. Winders also demonstrates limited insight into his reasons for committing his life crime, and inauthentic remorse for the murder victim. The evaluating psychologist wrote, "When asked how [Mr. Winders] felt about the murder, he responded blandly, 'Well, I'm sorry it happened.' He argued that his actions were carried out in self-defense and denied pertinent aspects of the crime which might place him in a bad light." Mr. Winders also failed to explain why he continued to shoot the victim he was face-down on the ground. He told the psychologist and the Board that the appellate record regarding the murder was incorrect. He continues to maintain an implausible narrative about the crime—that the victim continued to charge at him after Mr. Winders shot and wounded him. The psychologist noted, "Mr. Winders' insight into factors that have led him to commit violence is relatively low. He was unable to appropriately identify his own personal factors, which led him to commit the crime. Instead, he remained focused on external factors such as the behavior of others and his alcohol use. He claimed that he had been essentially forced into his actions by what he perceived to be the wrong-doing of the victim." In its decision, the Board told Mr. Winders that "you need to show the proper remorse, and you need to have the proper tools and control." Until Mr. Winders develops sufficient insight into what triggered him to commit this offense he remains at a high risk of repeating violent conduct in the future.

I commend Mr. Winders for the rehabilitative efforts he has made to date and encourage him to continue and expand his efforts.

CONCLUSION

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

Decision Date:
January 8, 2021

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)

RODNEY MCNEAL, P-80613

Second Degree Murder

AFFIRM:

MODIFY:

REVERSE:

_____ **X** _____

STATEMENT OF FACTS

In 2000, Rodney McNeal was convicted of murdering his wife, Debra Marie BlackCrow McNeal, by hitting her on the head, stabbing her numerous times, then dragging her through the house to the bathtub where he strangled her. Ms. BlackCrow McNeal was approximately seven months pregnant with their child. Mr. McNeal has consistently maintained his innocence and has presented evidence that Ms. BlackCrow McNeal was killed by his brother.

Mr. McNeal was sentenced to 30-years-to-life. As a result of credit earning prescribed by statute, he was eligible for a parole hearing in 2021. In March 2020, I commuted his sentence based on his exceptional conduct in prison, giving him an earlier opportunity to be considered for parole. At his September 2020 parole hearing, the panel issued a split decision. The Board of Parole Hearings reviewed the decision en banc and voted to grant parole.

GOVERNING LAW

The question I must answer is whether Mr. McNeal will pose a current danger to the public if released from prison.

DECISION

I acknowledge Mr. McNeal has undertaken significant rehabilitative efforts in prison. He has engaged in significant self-help programming, earned a vocation, and two associate degrees. I also acknowledge that the clinician who evaluated Mr. McNeal in 2020 found that he represented a low risk for future violence. While I commend Mr. McNeal for his positive rehabilitative efforts, I find that he is unsuitable for parole at this time.

Before Ms. BlackCrow McNeal's murder, Mr. McNeal's relationships with his partners were marked by a violent pattern of coercive control and abuse. The San Bernardino County Sheriff's Department responded to complaints of violence at the home numerous times. On one occasion after deputies responded to calls of domestic violence at the McNeal home, Ms. BlackCrow McNeal filed a restraining order against Mr. McNeal. On another occasion, a deputy responding to a domestic violence incident in the home removed two handguns from the couple because they seemed "upset and unstable." Later that month, Ms. BlackCrow McNeal brought a handgun to the police station "because she was afraid the defendant would use it on her."

At his parole hearing, Mr. McNeal was asked to address his history of domestic violence against Ms. BlackCrow McNeal. He admitted that he assaulted her five or six times, and that he had committed acts of domestic violence against another partner in a prior relationship. The clinician who assessed Mr. McNeal found him to be a low risk for future violence but noted that his risk factor for domestic violence was a moderate concern, noting that "Factors that may involve romantic relationships are opined to still hold moderate relevance because they have not yet been tested in the community and will require future risk management strategies to ensure they are moderated."

I acknowledge that Mr. McNeal's candor about his past acts of violence against his partners indicates that he is on positive path. I also acknowledge that at his parole hearing he was able to describe the tenets of the domestic violence prevention programming in which he has engaged. He was not, however, able to satisfactorily articulate these factors with respect to his own acts of domestic violence against the victim of the life crime. After listening to Mr. McNeal's testimony at the hearing, the deputy commissioner who found Mr. McNeal unsuitable for parole concluded that Mr. McNeal's statements about his domestic violence history demonstrate that he requires additional work to mitigate this risk factor. I agree that Mr. McNeal has not yet sufficiently mitigated his risk for domestic violence. I encourage him to continue his work in this area, to deepen his understanding of his triggers for intimate partner violence, and to internalize his programming in order to develop the tools he will need to sustain healthy relationships.

Mr. McNeal must also be able to understand and address the fact that his violent conduct against Ms. BlackCrow McNeal, a member of the Oglala Sioux Tribe, occurred within the context of a national epidemic of violence against

Native women.¹ Mr. McNeal's violent conduct toward Ms. BlackCrow McNeal not only ended Ms. McNeal's life, but also had a devastating impact on her family, community, and tribal nation. Mr. McNeal must deepen his insight into the causative factors of his violent conduct toward intimate partners generally, and the specific dynamics of his victimization of Ms. BlackCrow McNeal.

CONCLUSION

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

Decision Date:
January 29, 2021

A handwritten signature in black ink, appearing to read 'Gavin Newsom', written over a horizontal line.

GAVIN NEWSOM
Governor, State of California

¹ Native women experience domestic violence at rates far exceeding women of other ethnicities—more than 50 percent higher than the next most victimized demographic. Murder rates of Native American women are more than ten times the national average. Perry, Steven W. 2004. American Indians and Crime—A BJS Statistical Profile 1992- 2002. Bureau of Justice Statistics, US Department of Justice, Office of Justice Programs. At least 70 percent of the violent victimizations experienced by American Indians are committed by persons not of the same race— a substantially higher rate of interracial violence than experienced by white or black victims. Greenfeld, Lawrence & Smith, Steven. American Indians and Crime. Bureau of Justice Statistics, US Department of Justice, Office of Justice Programs, February 1999. NCJ 173386. <http://www.bjs.gov/content/pub/pdf/aic.pdf>

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 the girls were inside the camper, Ms. Ramos's crime partner bound and gagged them 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 into 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 that Ms. Ramos has made efforts to improve herself in prison. She has participated in substance abuse programming for more than seven years and has demonstrated commitment to her in-prison employment as a lead clerk. 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.

In 2019, I reversed Ms. Ramos's first grant based on her history of substance abuse and the recentness of her sobriety. I remain concerned with Ms. Ramos's potential for relapse.

Ms. Ramos's persistent substance abuse spanned more than four decades. Although Ms. Ramos acknowledges that her substance abuse played a major role in the life crime, she continued to use drugs well into her prison term, and sold drugs to other inmates. Her institutional misconduct, which lasted until 2013, demonstrated both her lack of control over this risk factor, as well a lack of insight into the harm of her conduct on other inmates, which may have contributed to their relapse and derailed their rehabilitation efforts. This

continuing callousness regarding the vulnerability of others and the negative impact of her actions is relatively recent and remains a relevant risk factor.

I also find that Ms. Ramos's insight into the causative factors of her life crime remain underdeveloped. Ms. Ramos's testimony at her hearing makes clear that she is still grappling to understand what led her to commit this crime. Ms. Ramos has historically exhibited a lack of remorse and empathy regarding her crime which claimed the life of a young girl and irreparably changed the trajectory of another young girl's life. I note that lack of remorse has been a recurring basis for the Board's past parole denials in Ms. Ramos's case. To her credit, Ms. Ramos is making progress but, as she admits, her internal change began only in 2017. At her most recent hearing, when answering the commissioners' questions about remorse, her answers generally demonstrated that she has additional work to do in this area.

In light of these factors, I ask Ms. Ramos to continue to develop the awareness and tools she will need to succeed on parole.

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:
February 5, 2021



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

WILLIE DURST, C-42626

First Degree Murder

AFFIRM:

MODIFY:

REVERSE:

_____ **X** _____

STATEMENT OF FACTS

In 1980, 22-year-old Willie Durst lived with his girlfriend and her two daughters, ages 17 months and 3 years. Over the course of several months, Mr. Durst abused the toddler, resulting in burns on the back of her head, injuries from falling down the stairs, and a brain injury. The victim died from her injuries.

DECISION

I acknowledge that Mr. Durst committed this crime when he was 22 years old and that he has since been incarcerated for 40 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Durst's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender, including impulsivity, irresponsibility, and failure to recognize the long-term consequences of his actions. The psychologist who evaluated Mr. Durst in 2019 noted his age at the time of his crime and evaluated his status as a youthful offender, finding that Mr. Durst failed to recognize the devastating consequences of perpetrating abuse on children.

I have given great weight to his subsequent growth in prison. He has participated in consistent self-help programming, including a program designed to address childhood abuse and trauma. He has earned his GED and completed 5 vocations. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Durst has a history of abusing children. Mr. Durst admits that before the life crime he abused the infant of his prior girlfriend over a period of five months, ultimately killing the child after striking him in the chest. Mr. Durst was not charged or convicted of this crime. Mr. Durst also reported that another child died in his care, which he reports was unintentional and happened as he was

attempting to perform CPR. During his 2019 comprehensive risk assessment, the clinician note that Mr. Durst failed to verbalize a plan for desisting from violence against children and intimate partners, and the clinician concluded, "In all likelihood, it does not seem realistic that Mr. Durst has developed the skills necessary to parent, supervise, or care for children." Mr. Durst's disturbing pattern of violence toward children and his lack of adequate plans to desist from such conduct make him unsuitable for parole.

I commend Mr. Durst for beginning to explore the causative factors of his violence against children and encourage him to stay on this positive path and develop the insight and skills to support his release.

CONCLUSION

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

Decision Date:
March 12, 2021



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

KEVIN HILL, J-90664

Second Degree Murder

AFFIRM:

MODIFY:

REVERSE:

_____ **X** _____

STATEMENT OF FACTS

In 1994, 21-year-old Kevin Hill was at a party when the victim bumped into him. They argued briefly, then the victim left the party. Mr. Hill followed the victim outside and fired multiple shots, killing him.

DECISION

I acknowledge that Mr. Hill committed this crime when he was 21 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. Hill's increased maturity and rehabilitation in prison, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender—recklessness, excessive risk taking, an underdeveloped sense of responsibility, the inability to extricate himself from his environment, and the lessened ability to anticipate and appreciate the consequences of his behavior. During his 2020 comprehensive risk assessment, the clinician noted that, "Mr. Hill was raised in an abusive, unstable environment exposed to violence by his family and the community around him."

I also acknowledge that Mr. Hill has made efforts to improve himself in prison. He earned two associate degrees, completed two vocations, and has engaged in self-help programming. 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 he remains unsuitable for parole at this time.

On March 29, 2021, the California Department of Corrections and Rehabilitation issued a serious rules violation. Mr. Hill's recent misconduct demonstrates that he has not sufficiently addressed his risk factors for criminal thinking. In light of this new evidence that Mr. Hill has not yet developed the skills and insight to desist

from criminality in the community, I have concluded that Mr. Hill cannot be safely released at this time.

CONCLUSION

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

Decision Date:
April 2, 2021



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

MARTIN HARO, AS-1684
Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

In 2009, 15-year-old Martin Haro and other members of the Tinto Killers gang ("Tinto" is as a derogatory Spanish term for Black people), attended a house party. Mr. Haro and his gang associates were upset when the victim, a Black teenager named Marquis LeBlanc, danced with Latina guests at the party. After an argument, Mr. Haro and at least twelve gang members assaulted Mr. LeBlanc. Mr. Leblanc attempted to fight back, and was able to break free and run out of the home. Mr. Haro followed Mr. LeBlanc, caught him, threw him to the ground, and stomped his face multiple times. Mr. Haro's crime partners beat Mr. LeBlanc with a wood plank. One of Mr. Haro's crime partners stabbed Mr. LeBlanc twice in the back, while a second crime partner shot him in the back of the head. The crime partners left Mr. LeBlanc's body partially unclothed, an act of humiliation.

GOVERNING LAW

The question I must answer is whether Mr. Haro 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. Haro committed this crime when he was 15 years old and that he has since been incarcerated for more than 11 years. As required by Youth Offender laws, the psychologist who evaluated Mr. Haro in December 2020 assessed Mr. Haro for the hallmark features of youth at the time of the crime and concluded that he exhibited several including, "recklessness, excessive risk taking, an underdeveloped sense of responsibility, the inability to extricate himself from his environment, and the lessened ability to anticipate and appreciate the consequences of his behavior."

I also acknowledge that Mr. Haro has made efforts to improve himself in prison. He has participated in self-help programming, earned his GED, an associate degree, and completed several vocational certificates. I have also given great weight to Mr. Haro's age at the time of the crime and his subsequent growth in prison. However, these factors are outweighed by negative factors that demonstrate that Mr. Haro remains unsuitable for parole at this time.

Mr. Haro's crime was racially motivated and involved particularly brutal, violent conduct that had a close nexus to his gang involvement. While portions of the transcript of Mr. Haro's parole hearing were lost, the totality of the evidence in the record, including the rest of Mr. Haro's hearing, demonstrate that Mr. Haro has not sufficiently mitigated his risk factors to be safely released on parole at this time.

I am concerned that Mr. Haro continues to minimize his past gang involvement, which continued well into his incarceration. During Mr. Haro's 2020 comprehensive risk assessment, he admitted to "adopting a similar belief system including 'racism, solving problems with violence, fighting and demanding respect through violence,'" but he denied being a member of a gang at the time of the crime. The psychologist noted that evidence in the record indicates that Mr. Haro was a documented member of the Tinto Killers gang at the time of the crime.

I am also troubled by Mr. Haro's continued participation in racist criminal gangs well into his incarceration. In 2014, Mr. Haro beat a Black inmate during a prison race riot. Mr. Haro reported during his risk assessment that he was ready to fight on behalf of his gang. I recognize that Mr. Haro has developed some insight into his susceptibility to negative peer influences and associations. However, given the nexus of his gang involvement with his life crime, and the relative recency of his disassociation from gang involvement, I have concluded that he must do additional work to mitigate this risk factor.

I also am concerned by the recency of Mr. Haro's insight into his history of racist attitudes and conduct. Mr. Haro told the evaluating psychologist that he attacked Mr. LeBlanc because Mr. LeBlanc "was an African American and the neighborhood I grew up in was racist and I was racist." Mr. Haro articulated that he committed this crime, "[B]ecause of [his] unmanageable anger and need to protect [his] identity." This candor demonstrates Mr. Haro's developing insight, however it is only relatively recent. At his hearing, Mr. Haro reported that a turning point for him was during the national events of 2020 about racism in America, and in particular when he watched Black families cry in grief after their loved ones were victimized. Mr. Haro is making progress, but he must do additional work to understand how his belief system allowed him to associate with racist people, and 11 years ago brutally victimize a young man because he was Black.

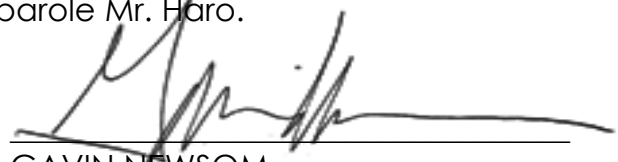
The psychologist who evaluated Mr. Haro noted some additional concerns about his suitability for release. Mr. Haro was disciplined in 2016 for failure to program during study time and in 2019 he was counseled for misusing state property. The psychologist concluded that Mr. Haro represents a moderate risk for future violence and noted, "While these infractions appear minor in nature, they do represent impulsivity and similar thinking patterns that were present at the time of the offense." The psychologist explained, "Mr. Haro has not demonstrated long-term compliance with the rules governing him, which highlight continued problems with impulsivity, the perspective that he can avert rules, and cannot anticipate the consequences of his actions. While his maturity since arriving to prison is evident, these infractions pose concerns with his ability to comply with supervisory requirements in a less controlled setting."

These factors, when considered as a whole, lead me to conclude that Mr. Haro has not yet sufficiently mitigated his risk level to be safely released in the community. I commend Mr. Haro for his efforts and progress in rehabilitation and I encourage him to continue on this positive path.

CONCLUSION

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

Decision Date:
May 21, 2021

A handwritten signature in dark ink, appearing to read 'Gavin Newsom', is written over a horizontal line.

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:

MODIFY:

REVERSE:

 X

STATEMENT OF FACTS

In the late 1960's, Bruce Davis was a member of Charles Manson's cult known as "the Family," who lived together at Spahn Ranch. 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 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 stole Mr. Hinman's vehicle and returned to the ranch.

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 body was found a week later.

In August 1969, Mr. Manson told his followers 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. Mr. Manson, and Family members Mr. Davis, Steven Grogan, and Charles Watson lured Mr. Shea into a car. They drove Mr. Shea to a secluded area and stabbed him multiple times, killing him. Mr. Davis has acknowledged that during the attack he used a knife to cut Mr. Shea from his collar bone to his armpit.

Mr. Davis was arrested in December 1970, after evading capture for more than a year.

GOVERNING LAW

The question I must answer is whether Mr. Davis will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4th 1181, 1214.) In rare circumstances, the aggravated nature of the crime alone can provide a valid basis for denying parole even when there is strong evidence of rehabilitation and no other evidence of current dangerousness. (*Id.* at pp. 1211, 1214.)

DECISION

I acknowledge that Mr. Davis has made efforts to improve himself over the last 50 years. Mr. Davis has earned several educational degrees while incarcerated, including a master's degree and a doctorate. He has earned vocational certificates, engaged in significant self-help programming, and worked for the Prison Industry Authority for more than seven years. He has not been disciplined since 1980 and has never been disciplined for violent misconduct while in prison. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Davis joined one of the most notorious cults in American history and actively aided in furthering Charles Manson's goal of triggering an apocalyptic war arising from racial tensions and with the goal of creating societal disorder. The crimes that the Manson Family committed to achieve this goal are among the most disturbing reported in our state's history. The Family robbed, tortured, and killed at Charles Manson's behest and Mr. Davis knowingly participated in two of these murders.

Despite his many years in prison, evidence of Mr. Davis's unsuitability for parole persists. Mr. Davis continues to minimize his involvement in the Hinman and Shea murders and lacks insight into how he came to follow Mr. Manson and commit such extreme acts of violence.

At his 2021 parole hearing, Mr. Davis told the panel, "I was hungry for excitement. Uh, I had a lust for women and drugs. Uh, so when all those things

appeared available, I was just, I was holed in.” Mr. Davis was not holed in – in fact, he left the Family, and the country in 1968, but returned because he preferred the lifestyle of the Family. Upon his return, Mr. Davis noticed that the dynamics of the group had changed, and it was discussing race wars, violence, and anarchy, yet he chose to stay. He told commissioners at the hearing, “I’m ashamed to say this, but I did not care as long as Charlie and I got along, and I got along with the girls and there was drugs, outside of that I had no concern.” Mr. Davis acknowledges this lack of empathy as a causative factor of the crime. The psychologist who evaluated Mr. Davis in 2020 noted that Mr. Davis’s lack of empathy may still be a risk factor: “Past problems with his personality functioning remain of high relevance to his violence risk as he continues to have difficulty with empathy which may disinhibit him to engage in violence.”

Mr. Davis continues to minimize his role and participation in the murders. Mr. Davis told the commissioners that he “never” touched Mr. Hinman and that his only role was holding a gun during one of the days the group of crime partners tortured Mr. Hinman. Although holding a gun to Mr. Hinman may have been *de minimis* in Mr. Davis’s eyes, it was a significant act in the start of the Family’s “war” that terrorized Californians. By the time of Mr. Shea’s murder, Mr. Davis certainly knew of the Family’s goal to use extreme violence, and Mr. Davis was acutely aware that he and his crime partners were going to kill Mr. Shea when they lured him into their car. Still, at his hearing, Mr. Davis attempted to minimize his participation in Mr. Shea’s torture and murder. Mr. Davis told the panel that he “found out that there was a limit to what [he] would do” and instead of cutting Mr. Shea’s head off as Manson ordered him to do, he simply “cut him” on the collarbone and down to his underarm. Mr. Davis’s statements indicate that he still lacks understanding about his conduct and the substantial role he played in the crimes. Mr. Davis does not understand that it was his agreement to participate in Mr. Manson’s plans that resulted in the torture and murder of his victims, regardless of whether he ultimately inflicted the fatal blows. This lack of insight may make him vulnerable to repeating these patterns in the future.

I commend Mr. Davis for his significant efforts in rehabilitation and encourage him to stay on this positive path. However, until Mr. Davis can demonstrate deeper insight into his involvement in these crimes and take full responsibility for his part in one of the darkest points of California’s history, he cannot 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:
June 18, 2021



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

ROYCE CASEY, K-78120

First Degree Murder

AFFIRM:

MODIFY:

REVERSE:

_____ **X** _____

STATEMENT OF FACTS

In 1995, 17-year-old Royce Casey and his two crime partners, also both juveniles, made plans to kill their 15-year-old friend and dismember, sexually violate, and cannibalize her body as part of a satanic ritual. The crime partners strangled and stabbed the victim, and Mr. Casey stomped on her head and neck, killing her. The crime partners did not carry out their other plans, and instead dragged the victim's body and attempted to hide it under leaves before fleeing.

GOVERNING LAW

The question I must answer is whether Mr. Casey 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

I acknowledge that Mr. Casey committed this crime when he was 17 years old and has since been incarcerated for 24 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Casey's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender, including his emotional immaturity, risk-taking behaviors, faulty judgement, and poor decision-making at the time of the crime. The psychologist who evaluated Mr. Casey in 2019 concluded that, when Mr. Casey committed the crime, his thinking and acts were shaped by the hallmarks of youth, including a willingness "to go along with negative behaviors in order for his negative peers to like and respect him."

In determining whether Mr. Casey is suitable for parole at this time, I have given great weight to Mr. Casey's growth in prison. He has earned his GED and an associate degree, participated in significant self-help programming, including as a mentor, and maintained employment while incarcerated. He has received exceptional work ratings from correctional staff who applaud him for his hard work, great attitude, and dependability. I also acknowledge that the psychologist who evaluated Mr. Casey in 2019 found that he represented a low risk for future violence. I commend Mr. Casey for his significant efforts in rehabilitation and encourage him to continue on this positive path. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

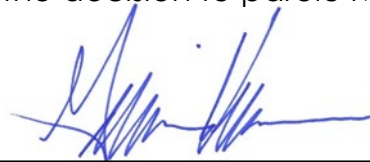
Mr. Casey and his crime partners brutally killed their young friend because they believed that a Satanic ritual sacrifice of a young virgin would help their musical abilities. This crime was not an impulsive act, but rather the crime victims discussed and planned it over the course of several months. This is also not a case where Mr. Casey was controlled by others in the group and, in fact, the psychologist who evaluated him noted that, "he seems to have gone out of his way to associate with negative peers."

I have carefully examined the record for evidence that Mr. Casey's insight and self-awareness have developed sufficiently to minimize his risk factors, including associating with negative peers, being swayed by violent and antisocial ideologies, and rationalizing brutal conduct for self-serving purposes. Mr. Casey's discussion of the causative factors for his involvement in the crime are concerningly lacking. At his parole hearing, Mr. Casey discussed his fear of judgement and need to be accepted saying, "I've tried to please people to protect myself from perceptions of when I was a little kid and being hurt and not having the ability to communicate or to express or to ask...for help from people that can help me." I have determined that Mr. Casey must do additional work to deepen his insight into the causative factors of his crime and coping skills before he can be safely released on parole.

CONCLUSION

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

Decision Date:
July 9, 2021



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

RAMIRO RODRIGUEZ, K-56235

Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

In 1996, Ramiro Rodriguez drove while intoxicated despite offers from his co-workers for a ride home. While driving at high speeds, Mr. Rodriguez crossed several lanes of traffic and struck a car that hit California Highway Patrol Officer Bruce Hinman who was assisting the driver of a disabled vehicle. Officer Hinman died from his injuries.

GOVERNING LAW

The question I must answer is whether Mr. Rodriguez 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

I acknowledge that Mr. Rodriguez has been incarcerated for 25 years and has made efforts to improve himself in prison. He has not been disciplined while incarcerated, earned a GED, and completed a vocational training program. 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.

I am concerned that Mr. Rodriguez has not sufficiently mitigated his risk for alcohol abuse, which resulted in the death of Officer Hinman who was performing his duty to serve the public. After drinking with coworkers after work,

the coworkers noticed that Mr. Rodriguez was inebriated and offered several alternatives to him driving home, including spending the night at a coworker's home that was within walking distance, which he refused. In fact, Mr. Rodriguez had previously driven while under the influence of alcohol – Mr. Rodriguez's coworkers testified that a few weeks before the life crime, Mr. Rodriguez had shown up to work hungover after sleeping in his car, and could not recall how he had driven to where he woke up.

At his parole hearing and during his 2020 comprehensive risk assessment, Mr. Rodriguez reported how he became inebriated before the life crime. He said that after he and his coworkers had finished their work for the day, "[T]here was another workmate there and he was drinking. He invited me to drink. I told him that I couldn't because it was late and I needed to return home," but that he ended up saying "yes" after his coworker repeatedly asked him. Although Mr. Rodriguez states that he takes responsibility for his crime, I find that his statements tend to minimize his decision to drink for multiple hours leading up to the commitment offense, and rejection of his coworkers' intervention efforts to prevent him from causing harm while driving drunk. The record indicates that Mr. Rodriguez drank two 12-ounce beers, drank more beers when a coworker offered, purchased another 12-pack of beers, and drank them with a coworker before driving home.

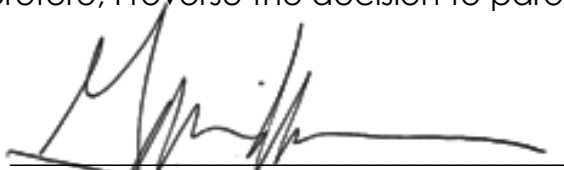
In his reversal of the Board's 2016 grant, Governor Brown expressed concern about Mr. Rodriguez's inadequate programming for substance abuse, citing the 2010 comprehensive risk assessment in which the psychologist noted that Mr. Rodriguez was unable to recite the 12-steps during the first day of his interview, and was only able to recite them after spending two hours studying them the evening before the second day of the interview. Since that reversal, Mr. Rodriguez has continued to participate in substance abuse programming and was better able to recite the 12-steps at his most recent hearing. However, I remain concerned that Mr. Rodriguez has not fully internalized his programming. I am concerned that Mr. Rodriguez is overconfident in his ability to maintain his sobriety in the community and avoid relapse when confronted with the challenges he will surely face in the community. Accordingly, I have concluded that Mr. Rodriguez must complete additional programming before he can be safely released.

Mr. Rodriguez has demonstrated efforts in rehabilitation, and I commend him for his efforts and encourage him to continue on this positive path. However, given the risks of relapse, I ask Mr. Rodriguez to fully commit to developing the insight and tools he will need to maintain his sobriety outside of a controlled environment.

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:
July 23, 2021

A handwritten signature in black ink, appearing to read 'Gavin Newsom', is written over a horizontal line.

GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW

(Penal Code Section 3041.2)

JOSE GONZALEZ, B-94419

First Degree Murder

AFFIRM:

MODIFY:

REVERSE:

_____ **X** _____

STATEMENT OF FACTS

James and Essie Effron owned a clothing store. In 1977, They decided to close the business after Mrs. Effron was diagnosed with cancer. They hired 22-year-old Jose Gonzalez to help them wind down the business but fired him after he argued with them and a customer.

In November 1977, following his termination, Mr. Gonzalez returned to the store with two crime partners, bound and blindfolded the elderly victims and then beat them in the head with metal pipes. Mrs. Effron died at the scene and Mr. Effron died in the hospital days later. Mr. Gonzalez and his crime partners robbed the store and removed Mrs. Effron's jewelry from her person.

Police discovered Mr. Gonzalez's fingerprint in the store's safe and a jewelry store owner identified Mr. Gonzalez as the person who sold him Mrs. Effron's jewelry.

GOVERNING LAW

The question I must answer is whether Mr. Gonzalez 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

I acknowledge that Mr. Gonzalez committed this crime when he was 22 years old and that he has since been incarcerated for 43 years. In making this decision, as required by law I carefully examined the record for evidence

demonstrating Mr. Gonzalez's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender, including his poor decision making skills, recklessness, emotional instability, lack of impulse control, and his other hallmark features of youth. The psychologist who evaluated Mr. Gonzalez in 2020 noted that he experienced serious childhood trauma, including his brother's accidental hanging death, abuse by both of his parents, and chaos and volatility in his childhood home. The psychologist wrote that Mr. Gonzalez's behavior at the time of the crime "may have to a degree been influenced by his environment including negative influences from his home life as a youth." The psychologist concluded that his dysfunctional upbringing "likely contributed to [Mr. Gonzalez's] violent behavior."

I also acknowledge that Mr. Gonzalez has made efforts to improve himself in prison. He has earned his GED, completed several vocational programs, and has maintained employment throughout his incarceration. He has participated in consistent self-help programming, including groups dedicated to anger management, victim impact, healthy relationships, and conflict resolutions. I also recognize his health conditions that limit his mobility. I have given great weight to his self-improvement in prison and his current physical state during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for release at this time.

Mr. Gonzalez continues to minimize his role in the violent attack that killed Mr. and Mrs. Efron. Mr. Gonzalez claims that he participated in the crime because he was afraid of his crime partner. He told commissioners at his hearing, "I didn't want to kill Mr. Efron at all. Uh, I thought I was, I didn't have the guts to fight off [my crime partner] at the time or to argue with him and I went ahead and did it." Mr. Gonzalez also reported that he felt he was not paid enough by the Efrons, which prompted him to plan the robbery. During his risk assessment he told the evaluator, "I felt victimized my whole life. I felt my family victimized me. I felt the service victimized me for feeding hungry people. I felt victimized by being forced to marry. I allowed my anger to cloud my judgment and I made a bad decision. It made no sense as I would be the obvious target of the police because I was on probation."

Mr. Gonzalez's explanations about the crimes continue to minimize of and blame-shift which demonstrate that he has not yet developed sufficient insight to be safely released. Mr. Gonzalez must do additional work to develop the skills he will need to respond appropriately in situations where he feels that he has been wronged or victimized. I also note that the psychologist who evaluated

Mr. Gonzalez noted ongoing issues with Mr. Gonzalez's insight, writing, "while he verbally accepts responsibility and expressed an understanding that he caused harm to others, his insight remains fairly superficial." While the Board ultimately found Mr. Gonzalez suitable for parole, they noted during their decision that victimization and lack of remorse are longstanding issues with Mr. Gonzalez.

For these reasons, I conclude that Mr. Gonzalez needs to improve his insight into his role in the life crime. Until then, he cannot be safely released.

CONCLUSION

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

Decision Date:
August 6, 2021



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

ELLIS LOCKETT, T-64311

First Degree Murder

AFFIRM:

MODIFY:

REVERSE:

_____ **X** _____

STATEMENT OF FACTS

In 1974, 23-year-old Ellis Lockett broke into the victim's home, raped her, then bludgeoned her with a fire poker, killing her. The victim was three months pregnant. Mr. Lockett was arrested three weeks after the crime, but the case was ultimately dismissed because of a lack of evidence and he was released from custody in 1975. Mr. Lockett was rearrested in 2000 after he was linked to the murder by DNA evidence.

GOVERNING LAW

The question I must answer is whether Mr. Lockett 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. Lockett committed this crime when he was 23 years old and that he has since been incarcerated for 21 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Lockett's increased maturity and rehabilitation, and I gave great weight to all the factors relevant to his diminished culpability as a youthful offender, including his poor judgment, intense emotionality, negative reactions to provocation, impulsivity,

and his other hallmark features of youth. The psychologist who evaluated Mr. Lockett in 2020 noted that the abuse inflicted on him by his father likely contributed to his tendency to seek acceptance from his peers, and that the negative peer group Mr. Lockett associated with at the time of the crime appeared to influence his lack of understanding about appropriate power dynamics in his relationships with women.

I also acknowledge that Mr. Lockett has made efforts to improve himself in prison. He has upgraded vocationally, completed college courses, and has maintained employment in prison. He has participated in self-help programming, including domestic violence and substance abuse prevention and sex offender treatment. Mr. Lockett reports maintaining his sobriety while in prison and has not been disciplined for misconduct.

I have given great weight to Mr. Lockett's self-improvement 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. Lockett has not yet developed sufficient insight into the causative factors of his sexually violent misconduct. In 1974, Mr. Lockett raped and killed a young, pregnant woman. When explaining to the evaluating psychologist his reasons for committing the crime, Mr. Lockett said, "I was mad at [my wife] because she wouldn't let me have sex." He said he looked for a sex worker, but instead saw the victim whom he perceived as particularly vulnerable because she was alone. He reported that his decision to kill her was impulsive and did not enter his mind until after he raped her.

While avoiding arrest for the murder, Mr. Lockett committed another violent crime in 1976. He offered the victim, a minor, a ride and threatened to leave her in an unfamiliar area unless she orally copulated him. During his psychological evaluation, Mr. Lockett admitted that he also used drugs and was violent toward his romantic partners.

Mr. Lockett denied responsibility for the murder of the victim until 2018. Mr. Lockett's long delay in evading arrest and even longer delay in accepting responsibility demonstrates that he has not yet developed the insight into the causative factors of the crimes that he will need to desist from violent conduct in the community. Mr. Lockett discussed his historical disregard and dislike of women as the primary cause of his acts of gendered sexual violence. While I am encouraged that his candor signals developing insight, I have concluded

that Mr. Lockett must do additional work to deepen his self-awareness and coping skills.

CONCLUSION

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

Decision Date:
August 13, 2021



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

DENNIS SIERRA, F-13197
Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ X _____

STATEMENT OF FACTS

On September 17, 2004, Dennis Sierra argued with his 88-year-old grandfather, the victim of the life crime. Days later, in a rage, Mr. Sierra attacked the victim with a stick. The victim went inside and called the police. Mr. Sierra broke into the house through the back door and threw concrete blocks at the victim's head, then fatally stabbed him. Mr. Sierra was combative when officers attempted to arrest him. One officer shot Mr. Sierra with a taser, which did not subdue him. It ultimately took four officers to arrest Mr. Sierra.

GOVERNING LAW

The question I must answer is whether Mr. Sierra 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

I acknowledge that Mr. Sierra has made efforts to improve himself in prison. He earned a GED and three associate degrees, completed a vocation, and has regularly participated in self-help programming. I commend Mr. Sierra for taking these positive steps. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

I previously reversed Mr. Sierra's parole grant in 2020. I have concluded that, since then, he has not sufficiently addressed the concerns I set forth in my decision reversing his parole grant.

Mr. Sierra's life crime involved an extremely violent attack on a vulnerable victim when Mr. Sierra was in emotional distress and experiencing symptoms of psychosis. In 2020, I concluded that Mr. Sierra must be able to demonstrate a clear understanding of his "need for continued treatment upon release to manage his symptoms," before he can be safely released. I acknowledge that Mr. Sierra is psychologically stable at this time, but I am unconvinced that he has developed sufficient insight into his triggers for relapse and the coping skills he will need to desist from violence when he experiences emotional stressors if released on parole.

The psychologist who evaluated Mr. Sierra in 2021 noted that Mr. Sierra's self-awareness about his mental health needs has improved, but concluded that Mr. Sierra, "would benefit from further discussing the impact of institutionalization, as well as his ability to manage adaptively in a less structured environment." The psychologist rated him a moderate risk for violence based on Mr. Sierra's history of substance abuse and violent behavior.

The close nexus between Mr. Sierra's psychotic symptoms, substance use, and violent conduct remains a significant, current risk factor. I have concluded that Mr. Sierra must further deepen his insight and develop his coping mechanisms to prevent substance abuse relapse before he can be safely released.

I commend Mr. Sierra for his continued efforts in rehabilitation and I encourage him to remain on this positive path. During his 2021 comprehensive risk assessment, Mr. Sierra told the psychologist that he intends to continue attending mental health treatment and self-help groups if released on parole. This development is an encouraging one, however it is only very recent. I feel that Mr. Sierra must demonstrate a longer period of stability, with a commitment to getting the treatment and support he will need, before he can be released.

CONCLUSION

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

Decision Date:
August 27, 2021



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

TARE BELTRANCHUC, G-47484

Second Degree Murder

AFFIRM:

MODIFY:

REVERSE:

 X

STATEMENT OF FACTS

In 2000, Tare Beltranchuc repeatedly harassed his estranged ex-girlfriend after she obtained an emergency protective order enjoining him from contacting her. On the day of the life crime, Mr. Beltranchuc entered her apartment while her two young children were home and stabbed her 17 times, killing her. Mr. Beltranchuc then fled to Mexico where he married, had a child, and lived for seven years before he was apprehended.

GOVERNING LAW

The question I must answer is whether Mr. Beltranchuc 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

I acknowledge that Mr. Beltranchuc has made efforts to improve himself in prison. He has engaged in significant programming, including an extensive anger management course, is a rape counselor, and has completed training in crisis intervention and drug counseling. He has been recognized by institutional volunteers for his compassion for others and overall dedication to rehabilitation. I commend Mr. Beltranchuc for taking these positive steps. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

In 2020, I reversed Mr. Beltranchuc's initial parole grant based on his risk factors for alcohol abuse, domestic violence, and gang involvement. I have concluded that, since then, Mr. Beltranchuc has not sufficiently mitigated his risk factors for substance use relapse and intimate partner violence.

Mr. Beltranchuc has a significant history of alcohol abuse that started when he was 16 years old. In 2019, he reported to the evaluating psychologist that he used alcohol to numb his feelings of anger and shame. He also acknowledged that his alcohol use fueled his violent conduct, including during the life crime. At his 2021 hearing, Mr. Beltranchuc told the Board that on the day of the life crime he used alcohol to "medicate" the negative feelings he felt toward the victim when she did not answer her phone, which he perceived as a sign of disrespect for his authority.

Mr. Beltranchuc continued to abuse alcohol after the life crime, and engage in unhealthy relationship patterns. After he murdered the victim, he fled the United States for Mexico where Mr. Beltranchuc married again. During his 2019 risk assessment, he reported that his alcohol use negatively impacted this marriage. Yet in 2021, Mr. Beltranchuc's second wife, now his ex-wife, wrote a letter fully supporting Mr. Beltranchuc's release on parole and speaking about their marriage in very positive terms. At his hearing, the commissioners asked him about this contradiction. Mr. Beltranchuc reported that many people in Mexico, including his former spouse, have a more narrow, limited understanding of intimate partner abuse. This is of particular relevance as Mr. Beltranchuc is subject to deportation to Mexico upon his release.

While Mr. Beltranchuc has maintained his sobriety since his 2006 arrest, it has been in the highly controlled environment of prison, without access to female partners. As the psychologist noted, Mr. Beltranchuc has not been able to fully "examine his potential conduct within intimate relationships and in response to community-based substance-related temptations." Moreover, the psychologist who most recently specifically noted Mr. Beltranchuc's "potential for a poor response to community-based stressors" based on "his history of maladaptive emotional, relational, and substance-related conduct." Accordingly, I have concluded that Mr. Beltranchuc must further develop his insight and coping mechanisms to mitigate his risk for substance abuse relapse and intimate partner violence before he can be safely released.

I commend Mr. Beltranchuc for his rehabilitative progress and encourage him to continue on this positive path.

CONCLUSION

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

Decision Date:
September 3, 2021

A handwritten signature in dark ink, appearing to read 'Gavin Newsom', is written over a horizontal line.

GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

BRIAN MARTIN, T-94632
Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

In 2001, 23-year-old Brian Martin fired a single gunshot into the residence of a man he assumed was having an affair with his wife. Mr. Martin then returned home and confronted his wife regarding the infidelity. He shoved her to the floor, ripped off her nightgown, choked her, banged her head on the floor, and head-butted her until she lost consciousness. Mr. Martin got help from a neighbor and then fled. The victim was transported to the hospital where she died from multiple blunt impact head injuries. The couple's four-year-old daughter was in the home at the time and witnessed part of the attack.

GOVERNING LAW

The question I must answer is whether Mr. Martin will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 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 recognize that Mr. Martin committed this crime when he was 23 years old and that he has since been incarcerated for 19 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Martin's increased maturity and rehabilitation and gave great weight to all the factors

relevant to his diminished culpability as a youthful offender, including his poor judgment, intense emotionality, impulsivity, failure to recognize the long-term consequences of his actions, and his other hallmark features of youth. I understand that Mr. Martin often felt rejected and belittled by his family, and adverse childhood experiences that shaped his life and choices. The psychologist who evaluated Mr. Martin in 2021 wrote that at the time of the crime, Mr. Martin was impulsive, that his sense of consequences was underdeveloped, and that he “engaged in reckless behaviors (DUIs).” The psychologist wrote that over the years, “his behavior in alter adulthood (middle 30s and above) have demonstrated decidedly more prosocial and thoughtful acts.”

I also acknowledge that Mr. Martin has matured and made efforts to improve himself in prison. He has earned vocational certificates, has participated in self-help programming, taken college courses, and currently works as a youth offender mentor. I have given great weight to Mr. Martin'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.

Mr. Martin's life crime was part of a pattern of intimate partner violence. At his 2021 parole hearing, Mr. Martin admitted that he engaged in domestic violence with previous partners. He also admitted to escalating violence with the victim of his life crime, including prior incidents where he hit her in the mouth with an open hand, dragged her by her hair and threw her out of the house, and slammed her head into a van. During his 2021 comprehensive risk assessment, in explaining why he killed the victim, Mr. Martin reported that, leading up to the crime, he believed she was having an affair. He said, “The fact that she wanted to leave the marriage and she confirmed the affair, I most definitely wanted to crush her. I wanted her to feel how bad I felt. The rejection of my family, the rejection of my marriage, the helplessness of it all, feeling alone.” Mr. Martin's feelings of rejection, isolation, and inadequacy are triggers for his substance use and violent conduct. This is of particular concern given the stressors that Mr. Martin will almost certainly face if allowed to parole, and the close nexus of Mr. Martin's substance use and violent conduct.

Mr. Martin's pervasive history polysubstance use spans many years. During his risk assessment, Mr. Martin reports first drinking alcohol at age 12 and using cocaine and methamphetamine regularly in his teens and early twenties. At his 2021 parole hearing, Mr. Martin stated, “I was so wrapped up in my addiction that there wasn't a day that went by after the age of 16 that I didn't have some sort of substance within my body.” Prior to the life crime, Mr. Martin was arrested

for driving under the influence twice and, during his risk assessment, reports that he drove under the influence undetected more than one hundred times. Mr. Martin has also been disciplined multiple times in prison for alcohol-related offenses. During his 2021 risk assessment, he reported attaining sobriety in 2008 but relapsing in 2012.

I commend Mr. Martin for his candor and efforts in rehabilitation and encourage him to stay on this positive path. However, I have concluded that Mr. Martin must do additional work to mitigate his risk for substance abuse and intimate partner violence before he can be released on parole.

CONCLUSION

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

Decision Date:
September 3, 2021



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

KEVIN ANDERSON, T-14836

Second Degree Murder

AFFIRM:

MODIFY:

REVERSE:

_____ **X** _____

STATEMENT OF FACTS

In 1999, Kevin Anderson was having an extramarital affair with the victim, a fellow pediatrician at the practice where they both worked. The victim revealed that she was pregnant with Mr. Anderson's child, and declined Mr. Anderson's demand that she terminate the pregnancy. Mr. Anderson met the victim in a remote area and strangled her with a necktie, killing her. He doused the victim's car with gasoline and, with her body inside of it, caused it to plunge off a cliff.

GOVERNING LAW

The question I must answer is whether Mr. Anderson 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

I acknowledge that Mr. Anderson has made efforts to improve himself in prison. He has engaged in self-help programming, become an addictions treatment intern, and has maintained employment while incarcerated. He has never been disciplined in prison. I commend Mr. Anderson for taking these positive steps. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Anderson has demonstrated a long history of coercive, selfish conduct in intimate relationships. The psychologist diagnosed Mr. Anderson with other specified personality disorder, with narcissistic and dependent features. The

psychologist concluded that this personality disorder is moderately relevant to his risk in the community. Mr. Anderson's personality traits resulted in his decision to exercise coercive control over his intimate partners to serve his own ends and resulted in the commission of the life crime. The evaluating psychologist noted that Mr. Anderson, "was preoccupied with his career and fantasies of unlimited success and power, need for compliance from others, [and] had a sense of entitlement [...]." At his 2021 hearing, Mr. Anderson recounted a pattern of controlling and manipulative behaviors in his relationships. He now acknowledges that this conduct was a form of intimate partner violence. When discussing his marriage, he told the panel that he assisted his wife with her debt because he knew that doing so would give him the upper hand in their relationship. He reported "I paid off all those credit cards, she would be in my debt. And then the way I was thinking at that time that that would give me some leverage with her going forward in decision-making."

This form of abuse continued in his other relationships, and he worked to maintain financial control over others because he believed it would give him the power to control them. The psychologist noted that Mr. Anderson "expected" his will to be followed. Mr. Anderson reported "I was not used to, to someone not doing what I wanted them to do." He was afraid that his status in the community would be tarnished "And that would take my image, my reputation, my delusional world, that I'd built up, all of a sudden just seemed like it would be coming down. And just the idea that she would not heed to what I wanted her to do caused a lot of anger with me at that time." While Mr. Anderson's comments demonstrate that he has begun to develop insight in this area, there remain significant deficits that he must work to address before he can be safely released.

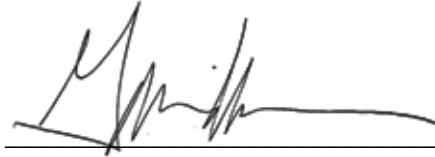
As Mr. Anderson deepens his insight, he must also do additional work to develop the coping skills he will need to manage the stressors he will almost certainly encounter upon his release. In addition to developing the skills to maintain healthy intimate relationships, he must demonstrate that he will be able to manage the ego-threatening experience he may have returning to the community not as the well-respected doctor he once was, but as a formerly incarcerated person.

Until Mr. Anderson can demonstrate that he has developed the insight and coping skills necessary to be successful on parole, his release is not consistent with public safety.

CONCLUSION

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

Decision Date:
September 10, 2021

A handwritten signature in dark ink, appearing to read 'Gavin Newsom', is written over a horizontal line.

GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

RALPH GAINES, E-39804
Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

In 1987, 25-year-old Ralph Gaines, after using cocaine-laced marijuana, violently beat his 23-year-old girlfriend, causing severe and extensive brain injuries. She died from the attack. Her six-year-old daughter, whom Mr. Gaines had considered a stepdaughter, witnessed the murder. After killing his girlfriend, Mr. Gaines grabbed the child, forced her into the kitchen, turned on the oven to its highest temperature, pushed her into the oven headfirst, then closed the oven door. The child kicked open the oven door and escaped. She suffered extensive burns to her arm, face, and neck. She survived her injuries.

GOVERNING LAW

The question I must answer is whether Mr. Gaines 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.) In rare circumstances, the aggravated nature of the crime alone can provide a valid basis for denying parole even when there is strong evidence of rehabilitation and no other evidence of current dangerousness. (*Id.* at pp. 1211, 1214.)

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 recognize that Mr. Gaines committed this crime when he was 25 years old and that he has since been incarcerated for 34 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Gaines's increased maturity and rehabilitation and gave great weight to all the factors relevant to his diminished culpability as a youthful offender, including his poor judgment, intense emotionality, impulsivity, failure to recognize the long-term consequences of his actions, and other hallmark features of youth. I also acknowledge that Mr. Gaines has matured and made efforts to improve himself in prison. He has earned vocational certificates, has participated in self-help programming, and has maintained an excellent employment record.

The psychologist who evaluated Mr. Gaines determined that Mr. Gaines suffered a significant number of traumatic, adverse childhood experiences, including physical, sexual, and emotional abuse. As a nine-year-old boy, Mr. Gaines was sexually assaulted and witnessed a murder. His mother physically abused him throughout his childhood, leaving welts, scars, and burns. She also tied him up and locked him in a dark closet, where he remained isolated for hours. Mr. Gaines recognizes that his childhood experiences shaped his life and choices. He told the evaluating psychologist that he never "processed it as a kid. I allowed it to build up in me and I believe this is why when I was out in the community, being aggressive, being violent, it was a result of me not being able to process that."

I have given great weight to these factors and Mr. Gaines's subsequent growth in prison during my consideration of his suitability for parole. I have concluded that these factors are outweighed by negative factors that demonstrate that he remains unsuitable for parole at this time.

For the 24 years that Mr. Gaines was in the parole hearing system, he repeatedly lied to Board psychologists and commissioners about the circumstances of his life crime, saying that his actions were the result of hallucinations. In 2021, Mr. Gaines finally acknowledged that he was not hallucinating at the time of the crime. As he told the psychologist who conducted his 2021 risk assessment, "I had been saying I had been hallucinating because that was a way for me downplaying and minimizing what actually happened. I didn't want to be responsible for that. That's what I told my parents what happened. I didn't want to tell them what actually happened because I was embarrassed by it." Mr. Gaines explained to the Board panel in 2021 that he kept this lie for over three decades since the murder because it was "convenient."

While I commend Mr. Gaines for his recent candor, his current discussion of the causative factors of the crime suggests deficits in Mr. Gaines's insight. At his hearing, Mr. Gaines explained that the trigger for the murder was his girlfriend's refusal to give him money so that he could purchase drugs. This explanation fails to address the degree of violence he inflicted on his victims, his longtime partner and his stepdaughter. The evaluating psychologist found Mr. Gaines's insight into the causative factors both "incomplete" and "limited." I agree with the psychologist and believe that Mr. Gaines must do additional work to develop his insight into the causative factors of his crime, and their nexus to his substance use, before he can be safely released.

A related concern is Mr. Gaines's risk factor for family violence. Mr. Gaines's life crime was part of a pattern of escalating intimate partner violence over the course of his six-year relationship with the deceased victim. In 2021, Mr. Gaines admitted at his parole hearing that he had been physically violent with the victim approximately ten to fifteen times before the life crime. While this admission was an encouraging sign of Mr. Gaines developing insight, his discussion on the issue demonstrated current deficits in his understanding of family violence dynamics. When the Board discussed how the victims feared Mr. Gaines, he responded that his stepdaughter was not afraid of him because he had never "put a hand" on her, only her mother. Minutes earlier, Mr. Gaines had reported to the Board about how frightened he was of his own father after he witnessed his father's violent conduct toward his mother. Mr. Gaines was unable to answer the panel's question about why he emulated his father's abusive conduct. He responded, "I can't, I can't — I don't know. I don't know why I would emulate it myself, my father doing it to my mother." Mr. Gaines is making progress but must do additional work to deepen his insight into his risk factor for family violence, including its roots in his childhood experiences and its close nexus to his substance use history. Only then he will be able to develop the coping skills that he will need to desist from violence and maintain healthy relationships in the community.

I commend Mr. Gaines for his recent commitment to candor and his efforts in rehabilitation. I encourage him to stay on this positive path.

CONCLUSION

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

Decision Date:
September 10, 2021



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

HAU CHAN, E-07042

Second Degree Murder

AFFIRM:

MODIFY:

REVERSE:

_____ **X** _____

STATEMENT OF FACTS

In 1984, Hau Chan and his three crime partners made detailed plans to rob a jewelry store. On the day of the crime, they entered the store and attempted to rob the store owner and his son. Two police officers responded to a silent alarm and Mr. Chan and his crime partners shot at them. One police officer and two of Mr. Chan's crime partners were killed. The second police officer, the son of the store owner, and Mr. Chan's third crime partner were shot but survived their injuries. Mr. Chan was in the store during the robbery and served as the getaway driver.

GOVERNING LAW

The question I must answer is whether Mr. Chan 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

I acknowledge that Mr. Chan has made efforts to improve himself in prison. Mr. Chan has participated in significant self-help programming, including an intensive anger management group, completed three vocational programs, and maintained regular employment in prison until he was medically unassigned in 2016. I commend Mr. Chan for taking these steps and encourage him to continue on this positive path. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

In his past parole hearings, Mr. Chan minimized his role in the crime. This continued at his most recent hearing in 2021, during which Mr. Chan reported that it was his crime partners idea to rob the jewelry store and that Mr. Chan cased the store only after he was asked. He further told the commissioners that he had not wanted to be involved in the life crime, saying, "[...] initially I was hesitant because, uh, I didn't want to put myself in harm's way." Mr. Chan claims that he did not offer to provide guns during the crime, but instead his crime partner insisted that he do so. Despite furnishing the group with weapons, Mr. Chan denied knowing the firearms would be used during the robbery. When commissioners confronted him with whether he expected his crime partners to use the guns he said, "Oh, no. I, I, I was in denial at the time, but they not even want to think of, I didn't think of that kind of stuff. I, I, you know, I should have known, I knew better. I was a criminal [...]."

Mr. Chan's efforts to avoid full accountability for the crime resulted in him being disciplined for removing a document from his permanent file without permission. The document was a witness statement regarding the life crime, indicating that Mr. Chan was present in the store during the time of the robbery, a fact he has historically denied. In 2017, he told the evaluating psychologist that he removed the document because he felt wronged by the system, so he took it upon himself to rectify the situation. Regarding the same incident he told the commissioners, "At the time I thought, uh, it was, uh, injustice and, uh, my emotions got the best of me."

The law does not require that Mr. Chan admit guilt for actions he did not commit. However, he must demonstrate sufficient insight into his role in the crime in order to avoid repeating the same thinking and conduct errors that resulted in the death of three people. I encourage Mr. Chan to focus on developing his insight into what has led him to minimize his role in the crime, and further hone the skills he will need to come into full accountability for his actions and desist from misconduct in the future.

CONCLUSION

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

Decision Date:
September 17, 2021

A handwritten signature in black ink, appearing to read 'Gavin Newsom', is written over a horizontal line.

GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

STEVEN HAMLIN, K-96746
Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

In 1997, 21-year-old Steven Hamlin and his crime partner, both under the influence of methamphetamine, invited the victim to join them by a river. Mr. Hamlin and the victim began to engage in consensual sex, but he then yelled at her that she was not pleasing him. Mr. Hamlin threatened to kill the victim, then strangled her with a rope. The rope broke. Mr. Hamlin strangled her with a second rope, which also broke. Mr. Hamlin then used his wallet chain to strangle the victim. He cut her neck with a pocketknife and used a rock to beat her head and face. The victim died from her injuries, which were so extensive that she had to be identified by her fingerprints.

GOVERNING LAW

The question I must answer is whether Mr. Hamlin 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.) In rare circumstances, the aggravated nature of the crime alone can provide a valid basis for denying parole even when there is strong evidence of rehabilitation and no other evidence of current dangerousness. (*Id.* at pp. 1211, 1214.)

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 recognize that Mr. Hamlin committed this crime when he was 21 years old and that he has since been incarcerated for 23 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Hamlin's increased maturity and rehabilitation and gave great weight to all the factors relevant to his diminished culpability as a youthful offender, including his poor judgment, impulsivity, susceptibility to peer pressure, and other hallmark features of youth. I also acknowledge that Mr. Hamlin has matured and made efforts to improve himself in prison. He has earned four vocational certificates and two associate degrees, has participated in self-help programming, serves as a peer mentor, and has maintained an exemplary employment record.

The psychologist who evaluated Mr. Hamlin documented the adverse childhood experiences that shaped Mr. Hamlin's childhood. Mr. Hamlin experienced parental neglect. He witnessed extensive drug use and sales in his home and his stepfather abused him, his mother, and his siblings. When Mr. Hamlin was three years old, Child Protective Services removed him from his parents' custody and placed him with his maternal grandparents, who emotionally and physically abused him. Mr. Hamlin's former stepfather committed suicide when he was ten years old, and that year, Mr. Hamlin sustained a traumatic brain injury in a bicycle accident.

I have given great weight to these factors and Mr. Hamlin's subsequent growth in prison during my consideration of his suitability for parole. I have concluded that these factors are outweighed by negative factors that demonstrate that he remains unsuitable for parole at this time. I encourage Mr. Hamlin to focus his rehabilitative efforts in the following areas.

Mr. Hamlin's risk for violent and harmful conduct has a close nexus to his unhealthy relationship patterns with both peers and authority figures. Before the life crime, Mr. Hamlin and his crime partner bonded over drug abuse and a fascination with murder – Mr. Hamlin told the Board psychologist months before his parole hearing in 2021 that he was “consumed” with “trying to find someone to kill.” Mr. Hamlin told his crime partner that he wanted to kill a fellow Navy veteran who Mr. Hamlin felt had betrayed him. When the two crime partners met the victim, they saw her as an opportunity to finally carry out their desire to murder. Mr. Hamlin also suggested to the panel at his hearing that the primary reason he committed the murder was to gain acceptance from his crime partner.

After a decade of violent ideation prior to the murder and over two decades of violent ideation since this murder, Mr. Hamlin's insight remains inadequate. Mr. Hamlin appears to intellectually understand the impact of his crime, but he has not yet emotionally connected its harm to the victim or her family. This risk factor is of particular concern because Mr. Hamlin still struggles with violent ideation. Mr. Hamlin admitted to the parole board that "violent images" "pop into" his head. Mr. Hamlin's ability to desist from acting on these violent urges will require more fully developed empathic feelings for others. Accordingly, I have concluded that Mr. Hamlin must do additional work to develop his empathy before he can be released. Both the panel and the psychologist found that Mr. Hamlin, without any perceptible emotion, was only able to speak to generalities about empathy and remorse. The psychologist found Mr. Hamlin's current lack of empathy and remorse to be a "risk factor of concern." The psychologist noted, "[t]here were no observable indicators of a change in emotional tone while he discussed the crime. His affect remained instead rather flat." A Board commissioner agreed with the psychologist's concerns and told Mr. Hamlin that his responses sounded like "textbook answers." One commissioner stated during the hearing that, "I'm not getting a feeling that this is something that you have truly personalized for yourself." Mr. Hamlin must do additional work to sufficiently develop his empathy before he is ready for release.

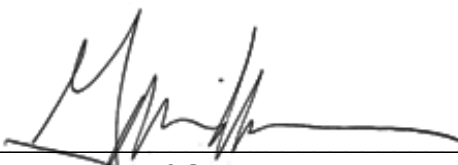
I also find Mr. Hamlin's recent prison conduct disturbing. In 2017, Mr. Hamlin engaged in a scheme to challenge the prison's authority to bar inmates from receiving sexually explicit photos through the mail by filing numerous, improper appeals. Mr. Hamlin admitted to the Board that this misconduct was triggered by his need for approbation from his peers and his desire to fight "the man," an expression of his anti-authority feelings. I also note that in 1998, while awaiting trial, Mr. Hamlin was convicted of battering a peace officer who reprimanded Mr. Hamlin for smoking. Mr. Hamlin must further develop his insight into the connection between his need for acceptance from peers, his propensity to question authority figures, and his harmful conduct, as well as master the coping skills to manage this risk factor. His success on parole is contingent upon his ability to maintain healthy relationships, including with supervising authorities.

I commend Mr. Hamlin for his candor in the parole process and for the work he has done to date. I encourage him to stay on this positive path.

CONCLUSION

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

Decision Date:
September 17, 2021

A handwritten signature in dark ink, appearing to read 'Gavin Newsom', is written over a horizontal line.

GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

ROGELIO HERNANDEZ, K-87169

First Degree Murder + Torture

AFFIRM:

MODIFY:

REVERSE:

_____ **X** _____

STATEMENT OF FACTS

In 1994, 16-year-old Rogelio Hernandez began abusing his six-week-old daughter. He burned her hands and feet, fractured her ribs, broke her ankle and leg, and caused liver damage. The child was removed from the custody of Mr. Hernandez and his wife, but the couple sought and incrementally regained guardianship by 1996. During this reunification process, Mr. Hernandez continued to abuse and torture the victim: He nearly drowned her, pulling her out of the water before she died, burned her, broke numerous bones, and left bruises all over her body. In June 1996, the baby appeared sick, was vomiting, and complained about stomach pains. Mr. Hernandez took her to a local healer instead of the hospital. The child, then three years old, died from brain and abdominal injuries.

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. 4th 1181, 1214.)

DECISION

I acknowledge that Mr. Hernandez committed these crimes when he was a teenager and he has since been incarcerated for 24 years. In making this decision, 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 youthful offender—most

notably impulsivity and his failure to appreciate the consequences of his actions—and his other hallmark features of youth.

I also acknowledge that Mr. Hernandez has made efforts to improve himself in prison. Mr. Hernandez has participated in significant self-help programming, including groups dedicated to gang diversion and substance abuse treatment, and earned his GED and two vocational certificates. 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 he remains unsuitable for parole at this time.

Mr. Hernandez has a disturbing history of mistreating those around him. He told the psychologist that he began abusing his wife when he was 15 years old after they moved in together. He reported that their relationship consisted of controlling, manipulative, and toxic behaviors, with him being the main aggressor. Mr. Hernandez described verbally fighting with his wife out of jealousy and irrational thoughts that the victim was not his biological child. His abuse did not end with his wife. Over the span of two years, Mr. Hernandez engaged in a pattern of horrifying, brutal, and callous actions toward his infant child. Mr. Hernandez has identified several reasons for his behaviors, including frustration with his child, overall disregard for her well-being, and abusing the victim to intimidate his wife when he suspected she was having an affair. He admits his complete indifference to the victim's health and suffering, an indifference that persisted to the day she died, when he refused to take her to the hospital. He admitted, "I never thought about her or her well-being, I was just worried about covering up my crime." The psychologist noted, "Mr. Hernandez readily acknowledged that he operated under a rigid and pathological belief system mindset while in the community, which led him to justify violent and controlling behavior toward his intimate partner and child."

Mr. Hernandez's lack of impulse control and poor decision-making followed him to prison. After entering prison, Mr. Hernandez associated with negative peers. He joined a notorious prison gang, developed alcohol dependence, and sold heroin until 2008. He was disciplined for violent conduct three times and his behavior did not begin to improve until 2010 when he left his gang. The psychologist wrote that Mr. Hernandez "only displayed a partial understanding and appreciation of his risk for gang-related violence and appeared to somewhat minimize the timeframe of his involvement with antisocial peers in prison." Mr. Hernandez also appears to minimize his risk factors for alcohol addiction and his need for ongoing treatment if released. The psychologist concluded, "[t]herefore, there remains room for growth regarding self-awareness into his violence and ambivalence about his need for ongoing

treatment upon parole, which is considered relevant to his risk." Given the close nexus between Mr. Hernandez's alcohol use and violent conduct, he must do additional work to mitigate his risk factor for relapse before he can be safely released.

I have also concluded that Mr. Hernandez's plans are not sufficient to support his success on parole. Mr. Hernandez married his second wife five years ago and intends to live with her in the community. His wife currently lives with her three adult children and minor grandchild. Mr. Hernandez reports that he plans to resume contact with his surviving son if released. Mr. Hernandez also reported that he would have more children "if circumstances would permit." Mr. Hernandez reports that he would never again harm his children, which I recognize is his genuine intention. However, the psychologist rated Mr. Hernandez a moderate risk for future violence and wrote, "[Mr. Hernandez's] history of problems with relationships and substance abuse continue to warrant at least moderately relevant concern during a transition to the community due to that fact the highly controlled nature of his prison environment has limited the ability to examine his potential conduct within intimate relationships and in response to community-based substance-related temptations." I encourage Mr. Hernandez to continue to develop insight into his history of family violence, and hone the skills he will need to maintain healthy relationships and desist from repeating similar patterns if he is released on parole.

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 at this time. Therefore, I reverse the decision to parole Mr. Hernandez.

Decision Date:
September 17, 2021



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

DONALD LUEBBERS, D-67932

First Degree Murder, Forcible Rape, Oral Copulation with Force, and Kidnapping

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

In 1982, Donald Luebbers agreed to drive the victim home from a bar. They had sex in his van and then the victim stabbed Mr. Luebbers several times. Mr. Luebbers grabbed the victim and choked her to death. He left her body in a deserted area and threw her clothes down a storm drain. No charges were filed.

In 1986, Mr. Luebbers and the victim, a sex worker, agreed to have sex in his van. Mr. Luebbers put a knife to the victim's throat, bound her, and then repeatedly raped her. The victim was able to escape. Two weeks later, Mr. Luebbers approached the same victim at a liquor store, handed her cash, and told her not to report the sexual assault to the police.

GOVERNING LAW

The question I must answer is whether Mr. Luebbers 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

I acknowledge that Mr. Luebbers has made efforts to improve himself in prison. He has participated in self-help programming, including courses addressing sex addiction and domestic violence. He completed multiple vocations and has worked as a hospice worker since 2017. I commend Mr. Luebbers for taking

these positive steps and encourage him to stay on this positive path. I also acknowledge that Mr. Luebbers's advanced age and diminished physical condition may impact his current risk level. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Luebbers's criminal history spans decades and includes numerous violent sexual offenses. Before the life crime, Mr. Luebbers was convicted of attempted rape and forcible rape. In both assaults, he stopped a woman on the highway, told her he had car troubles, then threatened her with a knife. At his 2021 hearing, Mr. Luebbers stated he raped the second victim because he had not "accomplished [his] goal, [his] intention" of raping the first victim. In 2021, he reported to the evaluating psychologist that he committed numerous other violent sexual offenses for which he was not arrested, including three additional rapes and another attempted rape. He also reported committing approximately 15 burglaries for which he was not arrested.

The evaluating psychologist diagnosed Mr. Luebbers with Sexual Sadism Disorder. During his evaluation, Mr. Luebbers stated that his goal during the commitment offense was "to have [his] way. To be in control. The sexual orgasm wasn't [his] goal. [His] goal was to have control, make this person suffer." At his hearing, Mr. Luebbers reported his intention was to rape a sex worker because he "felt that prostitutes don't report crimes against them" and thus was not worried about her being able to identify him. He brought along the tools he would need to place the victim in bondage – including handcuffs, clips, and a knife – and rape her, which demonstrates a significant level of planning. The psychologist categorized Mr. Luebbers as an above average risk of sexual offense reconviction and concluded that this categorization is "a fair representation of his current risk to reoffend sexually." He stated, Mr. Luebbers "presented with a lack of self-awareness into personality factors associated with his severe sexually violent history and his actions in the commitment offense. He would benefit from engaging in further self-exploration while actively participating in self-help courses that are made available to him."

In light of the factors in this case, I have concluded that Mr. Luebbers currently remains an unreasonable risk to public safety. I encourage Mr. Luebbers to focus on deepening his insight into what has triggered his sexual violence and hone the skills he will need to desist should he be released on parole.

CONCLUSION

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

Decision Date:
September 17, 2021

A handwritten signature in dark ink, appearing to read 'Gavin Newsom', is written over a horizontal line.

GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

JOHN NEWMAN, P-49993
Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

In 1997, John Newman was driving at night while intoxicated and crashed into a car carrying a family of four including a father and his daughters aged 11, 14, and 16 years old. The gas tank in the victims' car ruptured and ignited. The 11- and- 14-year-old girls were trapped in the car and burned to death at the scene. The other victims survived their injuries.

GOVERNING LAW

The question I must answer is whether Mr. Newman 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

I acknowledge that Mr. Newman has made efforts to improve himself in prison. He has participated in self-help programming and has not been disciplined in prison. I commend Mr. Newman for his rehabilitative work and I encourage him to stay on this positive path. However, these factors are outweighed by negative factors that demonstrate that he remains unsuitable for parole at this time.

Mr. Newman's insight into his history of alcoholism remains a relevant risk factor, and he must further mitigate this risk before he can be safely released on parole.

Before the life crime, Mr. Newman had a significant history of alcohol abuse in the community, including four prior convictions for driving under the influence. During his comprehensive risk assessment, Mr. Newman acknowledged that he used alcohol to relieve job- and financial-related stressors. He reported that he felt unfulfilled in his relationships. At his most recent parole hearing, Mr. Newman reported that he thought he could manage his alcoholism and felt as if he had everything under control. When asked by the commissioners to explain how his control over his alcoholism is currently different, Mr. Newman gave limited responses that conveyed a lack of insight.

Mr. Newman reported that his programming has helped him maintain his sobriety. In the past, he has participated in court-ordered substance abuse programming, which did not deter him from repeatedly driving under the influence. I commend Mr. Newman for his commitment to self-improvement, and I urge him to continue to deepen his insight and further establish the tools he will need to desist from relapse and harmful conduct in the community.

CONCLUSION

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

Decision Date:
October 8, 2021



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

PETE WIELAND, P-91963
Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

In 1998, Pete Wieland was speeding on a highway while under the influence of alcohol, methamphetamines, marijuana, sleeping medications, and lithium. He weaved in and out of traffic while driving 75 to 80 miles per hour, lost control of his car and hit a car stopped on the shoulder and struck California Highway Patrol Officer Scott Greenly who was standing near the stopped car. Mr. Wieland then swerved back onto the highway and crashed into the center barrier. Officer Greenly died from his injuries.

DECISION

I acknowledge that Mr. Wieland has made efforts to improve himself in prison. He has participated in self-help programming, earned a GED, participated in college courses, and completed multiple vocations. I commend Mr. Wieland for taking these positive steps and encourage him to continue on this path. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Wieland will need to take medications for the rest of his life to treat his various mental and behavioral health symptoms. This includes lithium, which he takes to prevent manic episodes brought on by his bipolar disorder. I am encouraged that his manic symptoms appear to be stabilized at this time. I acknowledge that Mr. Wieland has developed some insight into his medical and mental health conditions and what he must do to manage them. I have determined, however, that he must develop a deeper understanding of the care he will need to manage them should he be released on parole.

Mr. Wieland appears to believe that he knows more than his treating physicians about his medications. Mr. Wieland was under the influence of multiple substances at the time of his life crime. In addition to alcohol and illegal drugs,

Mr. Wieland had also taken several prescription medications, including lithium. At his 2021 parole hearing, Mr. Wieland admitted that his doctors had warned him not to drive after taking lithium, but he ignored the doctors and their warnings. When discussing this with the panel, Mr. Wieland disputed the legitimacy of these warnings, saying he read that lithium is “not affected by other drugs or...alcohol,” and that lithium, “has no effect on me...it's a mood, mood stabilizer.”

Mr. Wieland also rejected the panel's suggestion that he consider applying for Social Security disability benefits based on his mental health symptoms. Mr. Wieland told the Board he believed he would not qualify. The Board concluded that Mr. Wieland's ego “makes [him] want to be right all the time,” and that his typical “knee jerk reaction of, well, I've never heard of it, so I'm...going to disregard it.” Also at his hearing, Mr. Wieland explained that his doctor had noticed his lithium levels were low seven months prior to the accident, and that “she should have done something,” but did not.

Before Mr. Wieland can be released on parole, he must be able to find a balance in the relationship with his care providers, where he is ultimately personally accountable for his own well-being but also able to effectively advocate for himself without disregarding the advice of the experts with whom he may disagree.

I commend Mr. Wieland for his rehabilitative efforts and encourage him to continue on this positive path. I find however, that Mr. Wieland's history of ignoring medical orders represents too great a risk to the public safety to allow his release at this time. I encourage Mr. Wieland to focus on developing the insight and tools he will need effectively manage his symptoms in the community.

CONCLUSION

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

Decision Date:
October 8, 2021



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

LOUIS ALVAREZ, K-80484

Second Degree Murder

AFFIRM:

MODIFY:

REVERSE:

_____ **X** _____

STATEMENT OF FACTS

In 1996, Louis Alvarez punched his seven-year-old son in the stomach. The child died from his injuries. The autopsy revealed that the child also had broken bones, abrasions, scars, and a brain hemorrhage, injuries estimated to be several weeks old. Prior to his trial for the life crime, Mr. Alvarez beat his other children to discourage them from testifying about the abuse he had inflicted on them.

GOVERNING LAW

The question I must answer is whether Mr. Alvarez 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

I acknowledge that Mr. Alvarez has made efforts to improve himself in prison. Mr. Alvarez has participated in self-help programming, earned three vocational certificates, and is currently enrolled in adult basic education courses. I commend Mr. Alvarez for taking these positive steps. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Alvarez must further mitigate his risk factors for family violence before he can be safely released. An essential element of this work involves deepening his insight and accepting accountability for his actions.

Mr. Alvarez appears to maintain his innocence for the crime. As recently as February 2021, he told staff that he is in prison because he is taking the blame for his wife's actions. Staff documented that, during a mental health check-in, he "[falsely] admitted to hitting his son in the stomach, which ultimately caused [the child's] death, to prevent his wife from being accused and arrested; patient states he is innocent. Patient reports he is worried he will be denied parole if he does not admit killing his son." Mr. Alvarez is not required to admit his guilt to be found suitable for parole. He must, however, demonstrate an understanding of the nexus between his own experiences and his subsequent actions.

To the extent Mr. Alvarez acknowledges that he was violent with his children, he portrays it as justifiable punishment following their misconduct. He told the commissioners at his hearing that, "when I would perceive, or I felt like, um, [the victim] was disobeying me, then, I would act violently towards him." Mr. Alvarez described feelings of "resentment and hatred" toward his son. Mr. Alvarez discussed the association between his conduct and his childhood experiences. He described that his father used violence to discipline Mr. Alvarez for disobedience when Mr. Alvarez was an adolescent. Beyond this, Mr. Alvarez is not yet able to identify the deeper internal triggers for his violent feelings toward his children, nor how the emotions resulted in his extremely violent response.

I acknowledge that Mr. Alvarez has maintained a positive disciplinary record beginning in 2012. The psychologist who evaluated him in 2021, however, noted gaps in Mr. Alvarez's insight into the causative factors for his earlier prison misconduct, writing that he has only "demonstrated a beginning willingness to acknowledge his problematic conduct within the prison system; his explanations did not fully account for these behaviors nor explain how he will avoid future antisocial conduct or negative influences [...]."

I commend Mr. Alvarez for his efforts in rehabilitation and encourage him to continue on this positive path. I encourage him to expand his understanding of the causes and impact of family violence, and deepen his insight into his own experiences, triggers, and roles in these dynamics that resulted in the death of his child so that he can avoid repeating the cycle when he is released.

CONCLUSION

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

Decision Date:
October 15, 2021

A handwritten signature in black ink, appearing to read 'Gavin Newsom', is written over a horizontal line.

GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

MICHAEL SHIRES, H-94184

Second Degree Murder

AFFIRM:

MODIFY:

REVERSE:

_____ **X** _____

STATEMENT OF FACTS

In 1999, Michael Shires beat his two-year-old son. The child died from his injuries, which included numerous bruises on his back, right eye, chest, head, and it appeared that a foreign object may have been inserted into his anus causing bruising. Mr. Shires initially told police that the victim had drowned in the bathtub, but later confessed that he had injured the child.

GOVERNING LAW

The question I must answer is whether Mr. Shires 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

I acknowledge that Mr. Shires committed this crime when he was 25 years old and that he has since been incarcerated for 22 years. In making this decision, I also carefully examined the record for evidence demonstrating Mr. Shires's increased maturity and rehabilitation and gave great weight to all the factors relevant to his diminished culpability as a youthful offender—including impulsivity and his inability to anticipate the consequences of his actions—and his other hallmark features of youth. I also acknowledge that Mr. Shires experienced adverse childhood experiences that shaped his life and choices. He was exposed to substance abuse and family violence from a young age, and reported that his father physically abused him and his mother.

Mr. Shires has made efforts to improve himself in prison. He has participated in self-help programming, earned a GED, and maintained employment. 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 he remains unsuitable for parole at this time.

At his 2021 parole hearing, Mr. Shires explained that he had argued with his girlfriend, the child's mother, earlier in the morning and was extremely irritated when his son came to him seeking attention. Mr. Shires explained that his selfishness and insecurity were primary factors for his actions, and that at the time, he viewed himself as a victim of his circumstances. Mr. Shires explained to the Board that, "I was really insecure of myself and my abilities to, um, to communicate," and that "I feel [sic] I had a right to be angry in my life." Mr. Shires further explained that "I felt that if I could control others, I could control how I felt," and, "it gave me an excuse to be angry, gave me an excuse to, to do the things I was doing." This explanation and his candor demonstrate some developing insight into the causative factors of the life crime, but Mr. Shires must do additional work to deepen his understanding of, and thereby mitigate, his risk factor for family violence.

This is particularly important given Mr. Shires's history of family violence. Before the life crime, Mr. Shires was convicted of child cruelty with injury in 1995 and of inflicting corporal injury on a spouse or cohabitant in 1997. The 1995 conviction resulted from an incident with his girlfriend (whose other child was the victim of the life crime). Mr. Shires reported to the Board at this parole hearing that he was holding his girlfriend's son in his arms when he started arguing with the child's mother. Mr. Shires reports that she tried to grab the child out of his arms, and Mr. Shires pulled him back, injuring him in the process. Mr. Shires stated that the child was "probably" injured because of the way he was holding him when the mother tried to pull him away. Mr. Shires told the Board that the victim of the 1997 crime—his girlfriend and the mother of Mr. Shires' child who was killed in the life crime—had bruises on her legs and he was arrested, but he does not recall inflicting the injuries. He did admit, however, that he had abused the victim in the past.

The psychologist who evaluated Mr. Shires found that Mr. Shires expresses genuine remorse for the harm he caused the victim and the victim's mother. The psychologist noted, however, that Mr. Shires's "understanding of their suffering appeared somewhat superficial and he did not discuss his own experience of losing his son. Further, given that his violence against his son appeared to be in part due to his volatile relationship with his significant other, he would benefit from a deeper understanding of his underlying anger at his

partner." I encourage Mr. Shires to improve his understanding of the dynamics of family violence, his triggers for it, and what coping skills and supports he will need to form and maintain healthy relationships in the community.

The evaluating psychologist diagnosed Mr. Shires with multiple substance use-related disorders, including severe Amphetamine-type substance use disorder. These disorders are in remission, and Mr. Shires has made commendable progress in maintaining his sobriety. The psychologist, however, found that, "additional time is needed in order for these prosocial changes to become more solidified. Should he continue to remain drug and violence free, engage in positive programming, and continue to work on increasing his self-awareness and insight, it is expected that his violence risk will likely decrease in the future." Mr. Shires recognizes that substance use is a relevant risk factor and his parole plans include regular participation in self-help programming targeting substance use. This is a solid start, however based on the nexus of Mr. Shires's risk factors for substance use and violent conduct, he must demonstrate an additional period of sustained sobriety and mental health stability before he can be safely released.

I commend Mr. Shires for his progress to-date and encourage him to continue on this positive path.

CONCLUSION

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

Decision Date:
October 15, 2021



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

JOSE VELASQUEZ, B-06047

First Degree Murder

AFFIRM:

MODIFY:

REVERSE:

_____ **X** _____

STATEMENT OF FACTS

During a violent crime spree in 1966, 24-year-old Jose Velasquez and his crime partners killed four victims. In the first incident, Mr. Velasquez and his crime partners robbed a man, fatally stabbed him, and left his body in a ditch. Two weeks later, Mr. Velasquez and his crime partners robbed a man, shot him in the head, then stabbed him 55 times, killing him. Mr. Velasquez then sodomized the body and buried it in a shallow ditch. While driving away from the scene of the crime, Mr. Velasquez and his crime partners drove over three men with whom they had previously had an altercation, killing one of the victims on impact. Mr. Velasquez's crime partner then robbed a surviving victim, hit him with a club with nails in it, and Mr. Velasquez stabbed the victim 82 times, killing him.

GOVERNING LAW

The question I must answer is whether Mr. Velasquez 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

I acknowledge that Mr. Velasquez committed this crime when he was 24 years old and that he has since been incarcerated for 55 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Velasquez's increased maturity and rehabilitation and gave great weight to all the factors relevant to his diminished culpability as a youthful offender, including his poor judgement, immaturity, and other hallmark features of youth. I also

acknowledge that Mr. Velasquez has matured and made efforts to improve himself in prison and has maintained his sobriety.

I acknowledge that Mr. Velasquez experienced adverse childhood experiences that shaped his life and choices. The psychologist who evaluated Mr. Velasquez noted that Mr. Velasquez's father died when Mr. Velasquez was 13 years old. Mr. Velasquez then began associating with people who exerted negative and antisocial influence when he was 13 years old and his environment lacked a positive male role model. Mr. Velasquez also was under the influence of drugs and alcohol when he committed the crime, and this coupled with his immaturity contributed to his behavior in the life crime spree.

I have given great weight to these factors and Mr. Velasquez'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.

Although I commend Mr. Velasquez for recognizing that he had anger issues, I still find his response to lack substance into why he committed a crime spree of several murders. When asked what led him to commit the crime, Mr. Velasquez explained that he had displaced anger and resentment because he lost his father and because he lacked behavioral controls. At his most recent 2021 suitability hearing, Mr. Velasquez discussed his character defects at the time of the crime in the same way he discussed them in the past. Mr. Velasquez stated that he had low self-esteem because he was, "a short guy and could not make a living." Mr. Velasquez's comments indicate that he must do additional work to deepen his understanding about his triggers and his risk factors for violence. Unless he fully understands these, he cannot develop the coping mechanisms he will need to succeed on parole.

I commend Mr. Velasquez for maintaining his sobriety while in prison and for his continued efforts towards his rehabilitation. I encourage him to remain on this positive path.

CONCLUSION

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

Decision Date:
October 15, 2021



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

STEPHEN CARDOZA, T-25716

Second Degree Murder

AFFIRM:

MODIFY:

REVERSE:

_____ **X** _____

STATEMENT OF FACTS

In 1995, 25-year-old Stephen Cardoza and his girlfriend spent the day doing methamphetamine. They later drove to an abandoned construction site where Mr. Cardoza fatally stabbed her numerous times and then ran her over with his truck.

DECISION

I acknowledge that Mr. Cardoza committed this crime when he was 25 years old and that he has since been incarcerated for 21 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Cardoza's increased maturity and rehabilitation. I gave great weight to all the factors relevant to Mr. Cardoza's diminished culpability as a youthful offender, including his impulsivity, inability to anticipate the consequences of his actions, and his other hallmark features of youth. The evaluating psychologist wrote that it is likely that Mr. Cardoza's involvement in the life offense was significantly impacted by his characteristics of youth, including his "inability to extricate himself from a negative early environment that included abuse and violence." Mr. Cardoza experienced adverse childhood experiences that shaped his life and choices. Mr. Cardoza experienced and witnessed significant family violence and instability, and he reported to the psychologist who evaluated him in 2018 that he "grew up with a lot of fear" and "couldn't express it."

I also acknowledge that Mr. Cardoza has made efforts to improve himself in prison. He has participated in self-help programming, maintained employment earning positive work reviews from his supervisors, and completed two vocations. Additionally, Mr. Cardoza has not been disciplined while incarcerated, and has maintained sobriety since 2001. I have given great weight to Mr. Cardoza's growth in prison as part of 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.

The Board found Mr. Cardoza unsuitable for parole in 2018 based on the crime, Mr. Cardoza's lack of credibility, his manipulative behavior, and his lack of insight into his criminal behavior and thinking. The Board was particularly concerned with Mr. Cardoza's recitation of the facts of the life crime, finding that his version of events was contradictory and not credible. The Board noted that Mr. Cardoza initially claimed to have no recollection of many parts of the life crime because he "blacked out" during the event, but then provided inconsistent information. The Board noted that there was a particularly close nexus to Mr. Cardoza's conflicting statements and his history of manipulative behavior. The Board was also concerned with Mr. Cardoza's effort during the hearing to attempt to evade or steer the Board's questions.

At his 2021 parole hearing, the Board stated that there was no evidence that Mr. Cardoza was "outright lying to them" about the facts of the life crime but commissioners noted that his version "certainly can raise some doubts" about his credibility. The Board also noted that during his hearing Mr. Cardoza was extremely defensive, at times to the point of rudeness, when answering questions about the crime. Despite these findings, the Board ultimately found him suitable for parole.

I acknowledge that the psychologists who evaluated Mr. Cardoza found that he demonstrates insight into the contributing factors of his life crime. His conduct at his hearings, however, indicates that, he continues to struggle with managing his reaction to stressful situations. I have concluded that Mr. Cardoza must do additional work to strengthen his coping skills and control his conduct before he can be safely released.

I recognize that Mr. Cardoza has been working to manage his Post-Traumatic Stress Disorder and Panic Disorder. According to his Comprehensive Risk Assessment, Mr. Cardoza's anxiety manifests as panic attacks that occur when he "feels he is in a chaotic environment and feels insecure." Mr. Cardoza will encounter stressors in the community. I encourage him to focus on improving his coping skills, which will help him to manage his stress in prosocial ways. This is a particularly important area of focus because of Mr. Cardoza's risk factor for substance use, his history of using substances to manage stress, and the nexus between his substance use and criminality.

I commend Mr. Cardoza for his rehabilitative efforts and encourage him to continue on this positive path.

CONCLUSION

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

Decision Date:
October 22, 2021

A handwritten signature in dark ink, appearing to read 'Gavin Newsom', is written over a horizontal line.

GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

ALBERTO LIM, J-71679

First Degree Murder

AFFIRM:

MODIFY:

REVERSE:

 X

STATEMENT OF FACTS

In 1994, 25-year-old Alberto Lim was high on marijuana, cocaine, and LSD. He became agitated and paranoid and paced in his home while holding two knives because his 8-year-old niece saw him steal money from his grandmother's purse. Mr. Lim's mother-in-law approached him, and he stabbed her multiple times. He then went through the house and stabbed several other family members, including his eight-year-old niece, who died. The other victims, including his mother-in-law and his four-year-old niece, survived their injuries.

DECISION

I acknowledge that Mr. Lim committed this crime when he was 25 years old and that he has since been incarcerated for 27 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Lim's increased maturity and rehabilitation and gave great weight to all the factors relevant to his diminished culpability as a youthful offender—impulsivity, lessened susceptibility to deterrence, diminished control, and transient immaturity—and his other hallmark features of youth. Mr. Lim reported associating with negative peers who used substances and committed property crimes, and the psychologist who evaluated Mr. Lim in 2021 noted, "[t]hese peers likely exerted a negative influence on Mr. Lim and in some ways, contributed to his criminogenic thinking and behaviors." I also acknowledge that Mr. Lim experienced adverse childhood experiences that shaped his life and his choices. Mr. Lim's mother committed suicide when Mr. Lim was around two years old. He was physically and emotionally abused by family members, and when he was 15 years old, he was sexually coerced by an older woman.

Mr. Lim has made efforts to improve himself in prison. He has participated in self-help programming, maintained employment, and has not been disciplined in

the last 10 years. I have given great weight to his growth in prison as part of 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. Lim committed a particularly violent offense against numerous family-member victims. In 2018, the Board found Mr. Lim unsuitable for parole primarily because he had “not developed any level of understanding of the causative factors of his conduct.” At that hearing, Mr. Lim told the Board that his jealousy and anger were contributing factors, but the Board concluded that his explanation for the crime was inconsistent and incomplete. I note that at his 2018 hearing, Mr. Lim denied that he was high on LSD and marijuana at the time of the crime.

At his 2021 parole hearing, Mr. Lim admitted that he was under influence of LSD and marijuana at the time of the crime, and that he had previously lied about this. I commend Mr. Lim for his candor at his most recent hearing, which is an encouraging sign of developing accountability. Mr. Lim, however, did not demonstrate sufficiently improved insight into the causative factors of the life crime. The psychologist who evaluated Mr. Lim diagnosed him with Alcohol, Cannabis, and Stimulant Use Disorders, in Sustained Remission in a Controlled Environment.

At the 2021 parole hearing, Mr. Lim told the Board that his life crime was a product of his inability to manage his anger and his substance abuse, but he did not appear to understand how those factors led to such extreme acts of family violence. He reported that that he decided to kill his family members because he was caught stealing money, and he was desperate to get money to buy more crack cocaine. Mr. Lim reported that, “at that very moment that I couldn’t think straight. I couldn’t think why. All I wanted was just to get my – to get a crack cocaine.” At his 2018 hearing he told the Board, “I was so ang – I was so mad, I didn’t know what to do. I just...my emotion got over me, and I didn’t know how to control it at that time,” and, “I just wanted...you know, what they have....”

Although Mr. Lim appeared to be more candid and forthcoming about the details of his crime at his most recent hearing, his discussion of the triggers for it revealed that he must do additional work before he can be released. The psychologist who evaluated Mr. Lim in 2021 wrote that Mr. Lim’s response to treatment and/or supervision could “be further improved upon with more sustained periods of involvement in self-help programming as his self-help programming only began in 2018.” I encourage Mr. Lim to continue to deepen

his understanding of his triggers for substance use, as well as his risk factors for family violence, and the coping mechanisms he will need to maintain healthy relationships in the community.

I commend Mr. Lim for his positive institutional behavior, programming, and developing candor, and I encourage him to remain on this positive path.

CONCLUSION

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

Decision Date:
October 22, 2021



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

RICKY MCCONNAUGHY, F-15606

Second Degree Murder + Assault with a Deadly Weapon

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

In 2008, Ricky McConnaughy asked an acquaintance, the victim, if he could stay in his trailer. When the victim refused, Mr. McConnaughy fatally beat and strangled him, put his body in a sleeping bag, then buried the body in a dry riverbed. Mr. McConnaughy then stole the victim's credit cards, cash, and phones and fled in the victim's car. Mr. McConnaughy drove to visit his girlfriend, who refused to spend the night with him. He grabbed her by the hair and drove her to an orchard where he physically assaulted her throughout the night. She was able to escape the next day. Officers tried to pull over Mr. McConnaughy when he was driving the stolen car. He led officers on a highspeed chase, and eventually crashed into a vineyard.

DECISION

I acknowledge that Mr. McConnaughy has made efforts to improve himself in prison. He has participated in self-help programming, earned his GED, and completed college courses. He has maintained an excellent disciplinary record in prison. I also acknowledge that Mr. McConnaughy experienced adverse childhood experiences that shaped his life and choices. I commend Mr. McConnaughy for taking these positive steps. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. McConnaughy's life crime involved an extremely violent attack on two victims. Mr. McConnaughy has a significant history of substance use that impacted all areas of his life and contributed to his criminal and violent conduct, including his life crime. Mr. McConnaughy was previously convicted of substance-use related crimes and was sentenced to terms in jail and prison. Upon release, he violated the terms of supervised release. Mr. McConnaughy

started abusing substances when he was 14 years old and was deep in his addiction to methamphetamine when he committed the life crime at age 38.

Mr. McConnaughey was admitted to prison in 2010 and reports that he has maintained his sobriety since then, which is commendable. His period of sobriety in custody, however, is considerably shorter than the period during which he used substances in the community. The triggering event for Mr. McConnaughey's life crime was his inability to find housing. I also note that in 2007, while on parole for a drug-related offense, he violated the terms of his supervision and was returned to prison. Mr. McConnaughey will undoubtedly face significant stressors in the community that he will have to navigate in prosocial ways. Given the close nexus between his past substance use and his violent conduct, including acts of violence, I have concluded that he must demonstrate a longer period of sustained sobriety before he can be safely released. Mr. McConnaughey must deepen his coping skills and demonstrate that he has the tools to avoid relapse and comply with all conditions of supervision.

I commend Mr. McConnaughey for his commitment to programming and his sobriety. I encourage him to continue on this positive path and to further develop the skills he will need to prevent substance use relapse and maintain healthy relationships in the community.

CONCLUSION

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

Decision Date:
October 22, 2021



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

MICHAEL PANELLA, T-02350

First Degree Murder

AFFIRM:

MODIFY:

REVERSE:

 X

STATEMENT OF FACTS

In 1999, Michael Panella punched his girlfriend's 20-month-old son in the stomach multiple times. The child died from his injuries. The autopsy report revealed that the child had additional bruising on his abdomen, hips, head, and extremities from abuse inflicted by Mr. Panella in the weeks before the life crime.

DECISION

I acknowledge that Mr. Panella has made efforts to improve himself in prison. He has participated in significant self-help programming, including courses on domestic violence and substance use prevention. He completed multiple vocations, earned his GED, and has taken college courses. I also acknowledge that the psychologist who conducted Mr. Panella's comprehensive risk assessment in 2021 found that Mr. Panella represents a low risk for future violence. I commend Mr. Panella for his rehabilitative efforts and encourage him to continue on this positive path. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

When Mr. Panella was sentenced for his life crime, the court ordered him to pay \$4,741.76 in direct restitution to the victim's family for mental health and funeral costs. CDCR automatically deducts restitution payments from monies deposited into an inmate's trust account. At his 2021 hearing, Mr. Panella admitted that, for eight years, from 2008 to 2014, he largely circumvented this automatic restitution payment process by directing his family to send money to him through the account of another inmate who did not owe restitution and was not subject to the automatic deduction. He paid the inmate for this service. When the Board questioned Mr. Panella about this misconduct, he replied that he had not intended to harm the victim's family but avoided restitution because "I didn't have an understanding of why this is in place and, and why I owed them

money. . . .And, I didn't want to lose 55% of the money that I had for canteen for the month." Mr. Panella acknowledged that his misconduct was "self-centered" and showed a lack of "empathy for these people and their loss." He also acknowledged that his conduct was a way of evading accountability and acceptance of the fact that he was "the one responsible for this damage." While Mr. Panella has now paid the restitution in full, I have concluded that Mr. Panella's relatively recent misconduct reveal significant gaps in his insight that bear on his current risk level.

There is evidence, including in his comprehensive risk assessment, that the primary reason Mr. Panella stopped evading his financial obligation to the victim's family after eight years was his concern that he was being exploited by the inmates he was paying to help him circumvent restitution. The psychologist who evaluated Mr. Panella noted Mr. Panella's "tendency to minimize his problematic behaviors." The psychologist wrote that although Mr. Panella was "forthcoming during the present interview, he did not provide any details that were not already disclosed within the record." At his hearing in 2021, Mr. Panella's statements demonstrated some insight into the harm caused by his scheme to avoid restitution; however, this understanding is recent and remains underdeveloped. I also note that Mr. Panella used drugs in prison until 2007 but reports maintaining his sobriety since. According to this timeline, Mr. Panella circumvented restitution for eight years while he was sober, which demonstrates that his criminal thinking was deeply engrained and persistent. I encourage Mr. Panella to deepen his understanding of the causes of his antisocial thinking so that he will be able to desist from antisocial conduct in the future.

Mr. Panella allowed his perceived financial needs to take precedence over appropriate conduct. If allowed to parole, Mr. Panella will undoubtedly face financial challenges in the community. Before he can be released, Mr. Panella must develop the skills he will need to navigate stressors in a prosocial manner. Additionally, it is significant that Mr. Panella was able to engage his family members in his scheme to avoid paying restitution. The evaluating psychologist found lingering concerns with Mr. Panella's "understanding of his personality traits and vulnerability for violence" and noted that "his awareness of problematic behaviors within relationships was primarily focused on the commitment offense." In light of these factors, I encourage Mr. Panella to focus on developing and maintaining healthy relationships with people who will support his prosocial choices and hold him to account for his missteps.

CONCLUSION

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

Decision Date:
November 19, 2021

A handwritten signature in dark ink, appearing to read 'Gavin Newsom', is written over a horizontal line.

GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

STEVE BERINTI, V-72913

First Degree Murder

AFFIRM:

MODIFY:

REVERSE:

_____ **X** _____

STATEMENT OF FACTS

In 2002, 25-year-old Steve Berinti invited his girlfriend's four-year-old son, the victim, to live with him, his daughter and girlfriend. The victim moved from Japan and did not speak English. Over the course of several days, Mr. Berinti forcefully hit, kicked, punched, and threw the victim, leaving welts and bruises, and knocking out his front teeth. One night, Mr. Berinti took a shower with the victim and hit the victim in the chest, shook, and choked him, threw him against a wall, then punched the victim on the head. The victim died from his injuries several days later. An autopsy revealed bruises to the victim's genitals consistent with someone having pinched his penis with their fingernails.

DECISION

I acknowledge that Mr. Berinti committed this crime when he was 25 years old and that he has since been incarcerated for 19 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Berinti's increased maturity and rehabilitation and gave great weight to all the factors relevant to his diminished culpability as a youthful offender, including his impulsivity, immaturity, and other hallmark features of youth. I note that Mr. Berinti experienced adverse childhood experiences that shaped his life and choices. Mr. Berinti's parents were addicts, and he experienced neglect and an unstable home. From a young age, he witnessed family violence. Starting when Mr. Berinti was four years old, his mother's boyfriend physically abused him.

I also acknowledge that Mr. Berinti has made efforts to improve himself in prison. He earned a GED and five associate degrees, maintained employment, and has participated in self-help programming. I have given great weight to these factors during my consideration of his suitability for parole but conclude they are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Berinti started using alcohol on a daily basis when he was 15 years old. He then started using other drugs on a regular basis. Although he has not been disciplined in prison, he admitted to using drugs and alcohol without being caught, last in 2007. The psychologist who evaluated him diagnosed him with Alcohol Use Disorder, Cannabis Use Disorder, Stimulant Use Disorder, Amphetamine Type and Cocaine, all moderate and in sustained full remission in a controlled environment.

The evaluating psychologist identified violence, substance abuse, traumatic experiences, and violent attitudes as relevant factors in assessing Mr. Berinti's risk for violence. The psychologist acknowledged that Mr. Berinti has never been disciplined in prison but noted that he "spent the whole of his life outside the institution beginning at a young age acclimated to violence and aggression as a way of controlling others and maintaining the stability that he required in relationships. When that stability was threatened, Mr. Berinti became intimidating, manipulative, and/or aggressive. Use of substances greatly exacerbated his liabilities further diminishing his ability to regulate impulse."

The psychologist also identified Mr. Berinti's ability to cope with stressors in the community as a moderately relevant factor, and wrote that, in the past, "when experiencing stress in the context of intimate relationship, Mr. Berinti has resorted to violence on habitual basis in the past. Substance use further disinhibited/exacerbated personality-based liabilities and made Mr. Berinti substantially more vulnerable to engaging in physical violence." The evaluator acknowledged that Mr. Berinti has been dedicated in prison "to developing resources and identifying the pathways to violence and how to prevent that violence in the future," however "the distress associated with introduction to the free community after 20 years of incarceration. . . should not be underestimated."

I note that, at his parole hearing, Mr. Berinti described the life crime and showed self-awareness. He reported, "I was calculated in my abuse. Like I knew what I was doing," and admitted he took the victim into the bathroom as part of his plan to "teach him a lesson." Mr. Berinti acknowledged that the victim was particularly vulnerable because he was in an unfamiliar country, not fluent in English, and forced to accept a stranger as his father figure. Mr. Berinti also admitted that he physically, emotionally, and financially abused his girlfriend before the life crime. His candor and self-awareness are encouraging signs of his developing insight. However, given the nexus between his substance use and violent conduct, and his risk factor for substance use relapse, I have concluded that Mr. Berinti must do additional work before he can be released.

In particular, I encourage Mr. Berinti delve deeper into the triggers for his substance use and violent behavior and strengthen his coping tools that will support his sobriety beyond the controlled environment of prison. I also encourage Mr. Berinti to further develop his coping mechanisms that will allow him to maintain healthy relationships regardless of what circumstances he may encounter in the community. At his hearing, Mr. Berinti reported that, upon his release, he will not father any additional children and he will not allow himself to be around young children. He reported, "I can't imagine a woman being comfortable with me," when he reveals details of his life crime. I am concerned that both of these strategies for managing his risk factors rely on external conditions that he cannot control—a partner's refusal to have children with him, and his ability to avoid contact with children. I encourage Mr. Berinti to focus on further developing his coping skills that will allow him to control his response to triggering conditions that he may encounter despite his best efforts to avoid them.

I commend Mr. Berinti for his rehabilitative efforts and encourage him to continue on this positive path.

CONCLUSION

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

Decision Date:
November 29, 2021


GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

RALPH CONTRERAS, AC-0066

Second Degree Murder

AFFIRM:

MODIFY:

REVERSE:

 X

STATEMENT OF FACTS

Ralph Contreras worked as a detention officer in the Kern County Sheriff's Department. In 2005, Mr. Contreras and at least four other Sheriff's Department staff assaulted and tortured a man who was in their custody. The victim, who was restrained on a gurney with leg restraints, was being transported by the Sheriff's Department to the hospital for medical clearance. While in transit, Mr. Contreras and his crime partners beat and tortured the victim. Mr. Contreras struck the victim in the face with a baton and balanced his baton on the victim's face in a gesture of humiliation. Mr. Contreras held down the victim's head while others were punching him, and then punched the victim in the face and neck. At the hospital, Mr. Contreras took photographs of the unconscious victim's swollen and bloodied face. The victim died from his injuries. Mr. Contreras later bragged to a fellow officer about assaulting the victim and sent an email to other officers with photos of the victim and a message that said, "This dude got f---ed up!"

DECISION

I acknowledge that Mr. Contreras has made efforts to improve himself in prison. He has participated in significant self-help programming and is close to completing an associate degree. Mr. Contreras has never been disciplined in prison. I commend him for taking these positive steps, and I encourage him to continue on this positive path. However, these positive factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Contreras has not accepted full responsibility for his role in the victim's murder and lacks insight into the causative factors that led him to commit it. Therefore, he has not sufficiently mitigated his risk factors for criminal thinking and gang-mentality violence.

Mr. Contreras has never taken full responsibility for his role in the crime. At the time of his conviction, Mr. Contreras maintained his innocence and claimed that he was not directly involved in the victim's death. Since then, he has accepted some responsibility, but he still significantly minimizes his role. During his evaluation, Mr. Contreras told the psychologist that he never had any intention of murdering the victim and blamed his participation on the "culture of authoritarianism" at the Sheriff's Department. He also told the Board that he never used his baton against the victim, which is directly contradicted by record evidence. During his testimony to the Board, Mr. Contreras attempted to justify his unlawful use of force by describing the victim as "combative" and describing their interactions as a "struggle." His minimization and externalization of accountability reveal that he lacks insight into the internal processes that led him to commit this crime.

Mr. Contreras identified his experience of being bullied by his father, his need for acceptance from other officers, and his desire to feel in control as factors that led him to use aggression towards inmates. However, he lacked insight into the internal processes that took him from these early experiences and feelings to brutalizing the victim in his crime.

I encourage Mr. Contreras to focus on developing insight into the causative factors of this crime, namely the criminal and gang-mentality thinking that led him to join with others to attack and kill the victim. To his credit, Mr. Contreras was candid with the psychologist about his prior experiences as a detention officer. The psychologist wrote, "Mr. Contreras... stated he regularly engaged in threatening and aggressive behavior towards inmates." The psychologist also added, "[h]e admitted the life crime in 2005 was not an isolated incident, but a continuation of a pattern of behavior he exhibited since the beginning of his career." While Mr. Contreras acknowledged that he had a "gang mentality" at the time of the murder, he was not able to meaningfully explain how he will mitigate his risk for engaging in future violence.

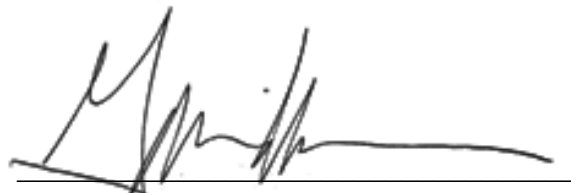
While Mr. Contreras was an active participant in other self-help programs, he has never taken Criminals and Gangmembers Anonymous, a fact that surprised the panel at his hearing. He told the Board he has concerns that he will relapse into problems with entitlement and low self-esteem in an unstructured environment and noted that having a supervisory role at a job may be a potential trigger for violence. I appreciate his candor, which is a developing sign of insight. It is clear, however, that Mr. Contreras's programming is incomplete. It would serve Mr. Contreras well to take more relevant

programming and more directly confront these potential triggers so that he may be safely released.

CONCLUSION

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

Decision Date:
December 10, 2021

A handwritten signature in black ink, appearing to read 'Gavin Newsom', is written over a horizontal line.

GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

WILLIAM LEASURE, H-21376

Second Degree Murder

AFFIRM:

MODIFY:

REVERSE:

 X

STATEMENT OF FACTS

William Leasure worked as an officer for the Los Angeles Police Department for 17 years beginning in 1969. In 1980 and 1981, Mr. Leasure also worked as a hired hitman. Mr. Leasure and his crime partner were contracted to kill a man's estranged wife. They were also contracted to kill a woman's husband. In both crimes, Mr. Leasure stayed in the car as the get-away driver while his crime partner shot and killed the victims. According to Mr. Leasure's crime partner, Mr. Leasure paid him an additional \$1,000 to kill the second victim's stepfather, which he did with the help of a third crime partner. Mr. Leasure was not convicted of that crime. Mr. Leasure denies any criminal involvement in the murders. An innocent man was wrongfully charged and convicted of the first murder in 1983 before Mr. Leasure's crime partner ultimately confessed to the crimes in 1987 and implicated Mr. Leasure. Mr. Leasure and his crime partner were also charged in a multi-million-dollar yacht and luxury car theft and resale scheme.

DECISION

I acknowledge that Mr. Leasure has made efforts to improve himself in prison. He has participated in self-help programming and has completed two vocations. I commend Mr. Leasure for taking these positive steps and encourage him to continue on this positive path. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Leasure lacks insight into his criminal history. The psychologist who evaluated Mr. Leasure in 2018 wrote that, when Mr. Leasure was asked why he lowered his professional standards and made compromises in his career as a police officer by not upholding the law, he "seemed a bit lost and was unable to offer meaningful responses." The psychologist further notes that, "a greater

understanding of his vulnerabilities to influences of others and his need to be liked by everyone, especially as it was demonstrated in the past-may advance his personal awareness and increase his vigilance to questionable situations and unsavory characters in the future."

Not much has changed since the 2018 comprehensive risk assessment. Mr. Leasure continues to minimize his role in the life crime and his subsequent criminal activities. At his hearing in 2021, Mr. Leasure reported that he did not commit the murders and was set up. He further explained that, while he was discussing with an individual his involvement in other crimes, it was interpreted as him admitting his involvement in the murders.

When asked to describe his involvement in the yacht theft scheme at his 2021 hearing, Mr. Leasure continued to minimize his role. Mr. Leasure said that he did not help steal the boats: "I just helped him to transport them from point A to point B."

Mr. Leasure's ongoing minimization of his crimes and externalization of accountability demonstrate that, despite decades of incarceration and purported efforts in rehabilitation, he has failed to address the deficiencies that led him to commit these crimes. He therefore remains at risk for reoffending. I encourage Mr. Leasure to focus on developing his insight into his risk factor for vulnerability to the influences of others and the nexus between his lack of accountability and his current risk level.

CONCLUSION

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

Decision Date:
December 10, 2021



GAVIN NEWSOM
Governor, State of California