

EXECUTIVE REPORT ON PAROLE

**PAROLE REVERSAL DECISIONS FOR THE PERIOD
JANUARY 1, 2023 THROUGH DECEMBER 31, 2023**



BY GOVERNOR GAVIN NEWSOM



OFFICE OF THE GOVERNOR

MESSAGE CONCERNING 2023 PAROLE CASES

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

I submit this report as required by article V, section 8, subdivision (b) 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 in state government including the California Department of Corrections and Rehabilitation under the leadership of Secretary Jeff Macomber, 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 Director Jason Johnson. I also wish to acknowledge the Office of Victim and Survivor Rights and Services led by Chief Katie James.

I am also grateful to our community partners who provide rehabilitative programming in prisons and reentry services in the community, attorneys who represent incarcerated people in the parole process, victim advocates and representatives, prosecutors, and the people in prison, on parole, and post-parole who have committed themselves to rehabilitation and accountability.

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

The report may be found at www.gov.ca.gov/clemency, or, for a printed copy, contact the Governor's Office at 916-445-2841. Crime victims and survivors who would like information about the parole process and clemency notifications, restitution, and who need general victim resources please 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,



Governor Gavin Newsom

GOVERNOR GAVIN NEWSOM • SACRAMENTO, CA 95814 • (916) 445-2841

PAROLE REVERSAL DECISIONS 2023

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

DAVID LEONARDO, AS-9564

Second Degree Murder

AFFIRM:

MODIFY:

REVERSE:

_____ **X** _____

STATEMENT OF FACTS

In 2011, David Leonardo struck his girlfriend's two-year-old daughter, killing her.

DECISION

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

I acknowledge that Mr. Leonardo has made efforts to improve himself in prison over the last decade. He has participated in self-help programming, completed a vocation, is enrolled in college courses, and has maintained employment. I commend Mr. Leonardo for taking these positive steps and I 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.

I have concluded that Mr. Leonardo must do additional work to mitigate his risk factors for family violence before he can be safely released. Before the life crime, Mr. Leonardo's relationships with his partners were marked by a violent pattern of coercive control and abuse. To his credit, Mr. Leonardo candidly described his misconduct to the evaluating psychologist, admitting to "intimidating, yelling, breaking things, throwing things, grabbing [his partners], belittling them, calling names, (and) shaming them." He further admitted to abusing the victim during the two months before her death.

Mr. Leonardo faced adverse childhood experiences that shaped his life and choices, including family violence and instability. Mr. Leonardo has begun to demonstrate some insight into the nexus between his untreated childhood trauma and his low self-esteem and need for control that triggered his violent conduct. He reported that on the day of the life crime, he believed he had

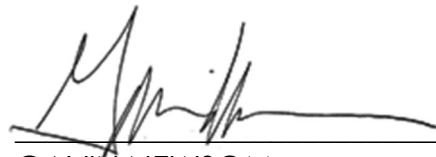
“lost control” of his relationship with the victim's mother, which led him to harm the victim.

The psychologist found that Mr. Leonardo has gaps in his self-awareness and wrote, “His identified triggers to violence were interpreted to have minimal relevance with his actions in the commitment offense.” I encourage Mr. Leonardo to focus on further developing his insight into his triggers for antisocial conduct, in particular in the context of family relationships. I also encourage Mr. Leonardo to continue to work on his coping skills, which will help him maintain healthy relationships in the community and respond to stressors in a prosocial way.

CONCLUSION

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

Decision Date:
March 17, 2023

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)

KAYLEE WEISENBERG, WE-4203

Second Degree Murder

AFFIRM:

MODIFY:

REVERSE:

_____ **X** _____

STATEMENT OF FACTS

In 2010, 22-year-old Kaylee Weisenberg was driving while under the influence of methamphetamine and struck and killed California Highway Patrol Officer Brett Oswald.

DECISION

In making this decision, as required by youth offender parole laws, I carefully examined the record for evidence demonstrating Ms. Weisenberg's increased maturity and rehabilitation. I acknowledge that Ms. Weisenberg committed this crime when she was 22 years old and that she has since been incarcerated for 12 years. I also acknowledge that Ms. Weisenberg faced adverse childhood experiences that shaped her life and choices. I gave great weight to all the factors relevant to Ms. Weisenberg's diminished culpability as a youthful offender, including her impulsivity, inability to anticipate the consequences of her actions, and other hallmark features of youth.

I further acknowledge that Ms. Weisenberg has made efforts to improve herself in prison. Ms. Weisenberg has participated in self-help programming, earned her GED and two associate degrees, completed vocational training, and is participating in an intensive community reentry preparation program. I have given great weight to her subsequent growth in prison during my consideration of her suitability for parole. However, these factors are outweighed by negative factors that demonstrate she remains unsuitable for parole at this time.

Ms. Weisenberg has a significant history of substance use that began when she was 12 years old and progressed over time. When she was 16 years old, she was introduced to methamphetamine, which she reported using daily at the time of her crime. During her evaluation, Ms. Weisenberg reported that she repeatedly tried to stop using substances, but was unable to avoid relapse. At her parole

hearing, she also admitted to the panel that she regularly drove on a suspended license and under the influence of methamphetamine, alcohol, and Xanax. She told the panel, "I had criminal thinking patterns that justified my criminal behavior, justified driving behind the wheel, intoxicated. I had complete disregard for the law, for other people's wellbeing, for safety of others and myself."

The psychologist diagnosed Ms. Weisenberg with methamphetamine, Xanax, and alcohol use disorders, all in institutional remission. While Ms. Weisenberg has made progress in maintaining her sobriety, the psychologist warned that Ms. Weisenberg is expected to face significant stressors if released on parole, including exposure to substances in a less controlled environment. I have concluded that Ms. Weisenberg must do additional work to further develop the tools she will need before she can be safely released. I encourage Ms. Weisenberg to focus on deepening her skills to manage her risk factor for substance abuse relapse, including further developing her insight into her triggers for substance abuse.

CONCLUSION

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

Decision Date:
May 3, 2023



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

CURTIS MORRISON, A-90679

First Degree Murder

AFFIRM:

MODIFY:

REVERSE:

_____ **X** _____

CRIME

In 1973, while on parole, Curtis Morrison was driving while intoxicated when his truck broke down on the highway. Mr. Morrison got out of his truck and lied by the side of the road. Police were called to the area, and an officer walked Mr. Morrison to his patrol vehicle and attempted to search him. A scuffle ensued and Mr. Morrison grabbed the officer's gun and shot him. Mr. Morrison then dragged the officer to the side of the road, kicked and beat him, and then shot him again, killing him.

STATEMENT OF REASONS

I acknowledge that Mr. Morrison has made efforts to improve himself in prison. He engaged in vocational training, participated in self-help programming, and has maintained a positive employment record. I commend Mr. Morrison 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.

Mr. Morrison had a lengthy criminal history prior to the life crime, including convictions for property offenses, domestic violence, and manslaughter. While those offenses are now decades old, he continues to minimize his criminal conduct in the community. He has also been disciplined multiple times while incarcerated, including for fighting and battery on an inmate with a weapon (he strangled his cellmate). In 2017, Mr. Morrison was arrested for manufacturing a weapon. In 2020, he received a rules violation for disrespecting a correctional officer. He similarly minimizes his culpability for these actions.

When asked to describe his misconduct, Mr. Morrison continues to give inconsistent accounts that reveal gaps in his insight. For example, when discussing his manslaughter charge, he reported that he shot the victim

because the victim was shooting at him, however, the record evidence is that Mr. Morrison and his crime partner started and escalated the confrontation that resulted in the victim's death. At his parole suitability hearing, Mr. Morrison reported that "the real crime" took place months earlier when he acquired the gun that he used to kill the victim. Mr. Morrison maintains his innocence. While he is not required to admit guilt to be found suitable for parole, he must demonstrate that he has insight into his triggers and the coping skills to manage them before he can be safely released.

At his parole hearing, Mr. Morrison was questioned about his history of domestic violence. As with the other examples, Mr. Morrison tended to minimize and shift blame to the victim for his misconduct.

It is particularly important that Mr. Morrison mitigate his risk factors because he has demonstrated a poor response to supervised release in the past. He was on active parole when he attacked his pregnant partner in 1970 and when he committed the life crime. The evaluating psychologist wrote, "Given [Mr. Morrison's] significant history of violating the terms of his supervision both in the community and within CDCR, Mr. Morrison is at risk of continuing to do so in the future." The evaluating psychologist wrote, "Mr. Morrison's receipt of a [rules violation] as recently as 2020 suggest ongoing problems with his ability to comply with expectations of his behavior while under supervision."

I encourage Mr. Morrison to further develop insight into his triggers for misconduct and develop the skills he will need to manage them. I also encourage Mr. Morrison to continue to work to mitigate his risk factor for substance use relapse. The psychologist diagnosed Mr. Morrison with Alcohol Use Disorder, in institutional remission. To his credit, Mr. Morrison acknowledges that alcohol affected most of his actions before the life crime, and reports maintaining his sobriety since his arrest. At his hearing, however, Mr. Morrison reported attending Alcoholics Anonymous meetings regularly, yet was unable to discuss the steps or identify the ones he uses to manage his triggers. The evaluating psychologist noted, "The social acceptability of alcohol outside of the correctional environment may place Mr. Morrison at risk of relapse, which would in turn elevate his risk of violence."

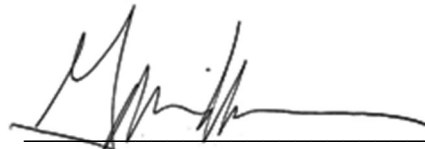
CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Morrison is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if

Curtis Morrison, A-90679
First Degree Murder
Page 3

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

Decision Date:
May 26, 2023

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GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

JOSELUIS VARELA, AY-3619

Second Degree Murder

AFFIRM:

MODIFY:

REVERSE:

_____ **X** _____

STATEMENT OF FACTS

In 2013, Joseluis Varela, while on supervised release for a prior DUI conviction, drove while intoxicated. His wife and their seven-week-old son, who was not properly fastened into his car seat, were in the car. Mr. Varela drove erratically, reaching speeds of more than 90 miles per hour. Mr. Varela accidentally drove off the road, and crashed the car, fatally injuring the child.

DECISION

I acknowledge that Mr. Varela committed this crime when he was 25 years old and that he has since been incarcerated for 9 years. As required by youth offender laws, in making this decision, I gave great weight to all of the factors relevant to his diminished culpability as a youthful offender, including the adverse childhood experiences that shaped his life and choices, his impulsivity and self-serving behavior, and other hallmark features of youth.

Also in accordance with youth offender laws, I have carefully examined the record for evidence demonstrating Mr. Varela's increased maturity and rehabilitation since the life crime. I acknowledge that Mr. Varela has made efforts to improve himself in prison. He has participated in self-help programming, completed his GED, and is taking college courses. In making this decision, I have given great weight to Mr. Varela's progress in rehabilitation and subsequent growth in prison. I commend Mr. Varela for his efforts and encourage him to continue on this positive path. However, I have concluded that these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Varela was intoxicated at the time of the life crime and sustained a conviction for driving under the influence about 10 months before the life crime.

Mr. Varela has a significant history of substance abuse. He started drinking alcohol when he was 14 years old and his use progressed over time. Mr. Varela told the evaluating psychologist that, at the time of the life crime, when he drank alcohol on the weekends, he “would binge drink to the point of intoxication each time.”

Mr. Varela reported to the panel at his hearing he never had a driver’s license and at the time of the life crime, he was prohibited from drinking under the terms of his supervision. Nonetheless, he insisted on driving while intoxicated. He explained that, at the time, he believed that he should drive because he was the man in the relationship. Moreover, Mr. Varela sustained a rules violation in 2017 for possession of alcohol. The psychologist diagnosed Mr. Varela with alcohol use disorder, in a controlled environment. The evaluating psychologist cautioned that “sobriety remains of the utmost seriousness for [Mr. Varela’s] parole success,” and that “his sobriety was challenged by internal stressors, therefore, his internal emotional state also served as a significant risk factor, of which he should remain aware.”

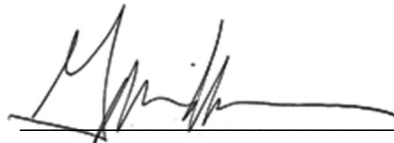
To his credit, Mr. Varela has maintained his sobriety since 2017, and at his hearing, Mr. Varela was able to identify some of his triggers, including, “insecurities, fear of rejection, feeling powerless, excitement, [explaining that he] might want to celebrate with a drink [or during] a stressful situation.”

Mr. Varela’s increased insight is commendable, but I have concluded that he must do additional work to develop the insight and coping skills he will need to avoid relapse in the community. I encourage Mr. Varela to focus on increasing his self-awareness and continue to build the community supports and relapse prevention plans he will need to successfully manage his risk factor for substance abuse relapse. I also ask Mr. Varela to continue to work on developing the skills he will need to maintain prosocial family relationships in the community.

CONCLUSION

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

Decision Date:
July 28, 2023

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)

KRISSY WERTZ, WE-9815

Second Degree Murder

AFFIRM:

MODIFY:

REVERSE:

_____ X _____

STATEMENT OF FACTS

In 1999, Krissy Wertz and her crime partner lived in Vermont and had a son together. When their son was six weeks old, the crime partner hit the child's head on the edge of a table, causing fatal injuries. Ms. Wertz never alerted the authorities about the murder or intervened to prevent it. Ms. Wertz and her crime partner kept the child's body in a bowling bag for 18 months, and then left his body in a storage facility in Arizona.

Ms. Wertz and her crime partner had a second child, a girl. In 2001, while they were living in California, the crime partner abused the child and broke her leg. Ms. Wertz did not seek medical care for the child. Weeks later, when the child was two months old, the crime partner attacked the child, fracturing her skull and leg. Ms. Wertz discovered the child's dead body, but did not report the crime to authorities. Ms. Wertz and her crime partner kept the child's body in their home for six months, until they left the child's body in a storage facility in Arkansas. In 2002, police arrested Ms. Wertz and her crime partner in Maine. The couple had a four-month-old child who had sustained life-threatening injuries.

DECISION

As required by youth offender laws, I have considered the fact that Ms. Wertz committed these crimes when she was 21 years old and that she has since been incarcerated for more than nine years. The psychologist who evaluated Ms. Wertz in 2023 found that, at the time of the crimes, Ms. Wertz demonstrated hallmark features of youth, which diminished her culpability under youth offender laws. I acknowledge that Ms. Wertz faced adverse childhood experiences, including sexual abuse by multiple people, neglect, and physical and verbal abuse.

I also acknowledge that Ms. Werntz has made efforts to improve herself in prison. She has participated in extensive self-help programming, including courses on domestic violence, codependency, and parenting. She earned an associate degree and a vocation. She has never been disciplined in prison and resides in an honor dorm. I commend Ms. Werntz for taking these positive steps, and I encourage her to continue on this positive path. However, I find that these positive factors are outweighed by negative factors that demonstrate that she remains unsuitable for parole at this time.

Ms. Werntz has a history of unstable relationships. Her relationship with her crime partner was a primary causative factor of her life crimes. The psychologist who evaluated Ms. Werntz in 2023 found that "abusive intimate relationships" and "seeking men that were similar to [her] dominant caregivers" were Ms. Werntz's most salient current risk factors for future violence. The psychologist described Ms. Werntz's relationship with her crime partners as toxic and codependent: "They shared a codependent relationship, where [Ms. Werntz] felt controlled, yet also felt deserving of abuse, as it reminded her of childhood patterns."

Even after Ms. Werntz and her crime partner were arrested and separated, she continued to engage in antisocial relationships with others.

To her credit, Ms. Werntz has recently demonstrated insight into her risk factor for unstable relationships. She told the evaluating psychologist in 2023 that her crime partner "reminded me of my stepdad. He would choke me out, [act] sexually violent as well, but I enabled the abuse, he was extremely controlling, I felt whatever I lacked inside, felt weak, incapable, I searched for that in a partner, wanted someone to be in charge, dominant, controlling. I felt I needed to be abused, felt familiar to me and comfortable."

Ms. Werntz's insight into the nexus between her relationship patterns and her childhood trauma is an encouraging sign of her developing insight. I find, however, that Ms. Werntz has not demonstrated that her insight and coping skills have been sufficiently developed to support her safe release into the community at this time.

Ms. Werntz's statements demonstrate that she has not developed a sufficient understanding of how she can be both victimized by her crime partner and ultimately responsible for her own conduct that directly led to the victims' death. At Ms. Werntz's parole hearing in 2023, Ms. Werntz initially told the Board about the child's death, "I thought I had to be quiet. I couldn't speak up." Later, however, Ms. Werntz said, "I chose to be quiet. I chose not to confront, I chose to comply." This vacillation demonstrates that while Ms. Werntz has learned how

to articulate the tenets of healthy relationships and accountability for her own actions despite her experiences of victimization, she has not fully internalized them. Until Ms. Werntz can fully recognize her agency over and responsibility for her decisions and conduct within all relationships, she cannot be safely released.

I encourage Ms. Werntz to focus her rehabilitative efforts on deepening her understanding of intimate relationship dynamics and developing the coping skills she will need to manage them.

CONCLUSION

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

Decision Date:
September 8, 2023



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

JASON GREENWELL, AP-5598

Second Degree Murder

AFFIRM:

MODIFY:

REVERSE:

_____ **X** _____

STATEMENT OF FACTS

In 2010, Jason Greenwell, while high on a methamphetamine binge, and his four crime partners kidnapped, assaulted, and burned the 15-year-old female victim, killing her. Mr. Greenwell held her down while three of his crime partners beat her with their fists, stomped on her head, hit her legs with a bat, and tied a rope around her. Mr. Greenwell and three of the crime partners then drove to a remote location where they put her body in a ditch and set it on fire.

DECISION

As required by youth offender laws, in making this decision, I have considered the fact that Mr. Greenwell committed this crime when he was 20 years old and that he faced adverse childhood experiences, including physical and emotional abuse, that shaped his life and choices. I gave great weight to all the factors relevant to his diminished culpability as a youthful offender, including his impulsivity and other hallmark features of youth.

I acknowledge that Mr. Greenwell has since been incarcerated for nearly 13 years. I carefully examined the record for evidence demonstrating Mr. Greenwell's increased maturity and rehabilitation. I have also given great weight to Mr. Greenwell's subsequent growth in prison during my consideration of his suitability for parole. He has participated in self-help programming, earned an associate's degree, and completed a vocation. He has also maintained an exemplary disciplinary record. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

In 2022, I reversed Mr. Greenwell's 2021 parole grant based in part on his gaps in insight. I concluded that Mr. Greenwell needed to develop greater insight into the causative factors of this crime, and deepen his understanding of his triggers for substance abuse and its nexus to his violent conduct.

Since that reversal, Mr. Greenwell credibly reports maintaining his sobriety and developed his relapse prevention plans. He completed additional substance use prevention coursework, including exploring the nexus between his childhood trauma and past antisocial conduct. I commend Mr. Greenwell's continued rehabilitative efforts and encourage him to continue on this positive path, however, I find that he must do additional work before he can be safely released.

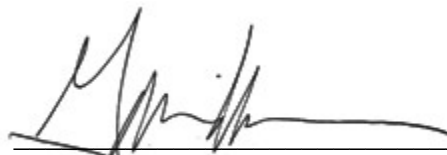
At his 2023 hearing, the Board asked Mr. Greenwell why he had participated in the life crime with people he had only known for a week. Mr. Greenwell discussed his need for acceptance, his substance abuse, and his low self-esteem. He stated, "I just wanted to be accepted by anyone at that point. I mean, I felt so like alone at that point. . . I didn't have anybody. So I just, any acceptance at that point was better than no acceptance." The Board asked Mr. Greenwell about his plans to avoid antisocial peers in the community. He responded, "Just to avoid them, I mean, at all costs."

Mr. Greenwell's plan for avoiding antisocial peers, while no doubt sincere, demonstrates a lack of understanding of the affirmative work that is required to develop prosocial community support systems, which will be critically important to his success on parole. It will take more than mere avoidance. I encourage Mr. Greenwell to further develop his support systems and plans for developing positive community ties. Without these supports, Mr. Greenwell will be at risk for relapse and will have challenges navigating the stressors he is certain to face in a prosocial way. Until he does this additional work, I find that Mr. Greenwell's release is not consistent with public safety.

CONCLUSION

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

Decision Date:
September 14, 2023

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)

SINA KHANKHANIAN, AL-8228

Second Degree Murder

AFFIRM:

MODIFY:

REVERSE:

_____ **X** _____

STATEMENT OF FACTS

In 2010, Sina Khankhanian experienced suicidal ideations. He drove his car recklessly down the Pacific Coast Highway, ran multiple cars off of the road, then struck a 13-year-old pedestrian, killing her.

DECISION

I acknowledge that Mr. Khankhanian has made efforts to improve himself in prison. He completed a vocation, engaged in self-help programming, participated in college courses, and works as a teacher's aide. I commend Mr. Khankhanian for taking these positive steps and encourage him to continue on this positive path. However, I have concluded that his rehabilitative gains are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Khankhanian began taking medications early in his life to manage his mental health. He reported that the medications were effective but he became noncompliant with treatment, in part because Mr. Khankhanian did not like the side effects. Mr. Khankhanian was then prescribed a new medication that was effective, but he subsequently ceased treatment against medical advice because he was doing well. Mr. Khankhanian admitted that, prior to the life crime, he had been deceptive about his noncompliance with his treatment. During his comprehensive risk assessment, Mr. Khankhanian reported that, at the time of the life crime, he had been off of his medication "for five years. So, I know all that had a big effect. Also my depression, rage, impatience. I had no way of venting but trying to take my own life."

To his credit, Mr. Khankhanian has shown an increased understanding that, in order to manage his mental health symptoms, he must remain compliant with treatment. His symptoms appear to be stabilized at this time, which is

encouraging. In the last few years, however, Mr. Khankhanian has demonstrated inconsistent treatment compliance. Mr. Khankhanian has requested to be taken off of his medications because he reported, "I have good support and I feel I'm doing well." In 2021, Mr. Khankhanian was noncompliant with his medication on one occasion. The evaluating psychologist wrote, "Though [Mr. Khankhanian's] openness about these cognitions and willingness to continue following his treatment plan and work with his psychiatrist is to be commended, these contemplations warrant concern about his risk for noncompliance with interventions that appear necessary to his stability."

Mr. Khankhanian expressed a desire to work with psychiatrists and seek help if released, but he placed much emphasis on his community supports to help him manage his mental health stability. While this strategy is one important part of a mental health wellness plan, I have determined that Mr. Khankhanian's over-reliance on external support to monitor his mental health symptoms, as well as his history of discontinuing his medication once he attains stability, makes him unsuitable for parole at this time.


At his parole hearing, Mr. Khankhanian reported that a few months earlier, he asked his psychiatrist to assess and increase his medication because his companions noticed a change in his conduct and pointed it out to him. Later, the panel asked Mr. Khankhanian if he would be able to recognize when he is starting to have unhealthy thoughts about his need for medication. Mr. Khankhanian indicated that he would rely on his accountability partners and family to let him know if anything arose that he himself did not notice. The evaluating psychologist noted Mr. Khankhanian's heavy reliance on others to manage his mental health treatment, and noted that in the community, Mr. Khankhanian may find himself with limited contact with others and will have to be able to rely on himself.

Mr. Khankhanian's ability to cultivate a strong prosocial support network is an encouraging sign of the progress he has made in his rehabilitation. Given the close nexus of his mental health stability and his risk for future violence against himself or others, I have determined that Mr. Khankhanian must demonstrate a longer period of sustained medication compliance, improved self-awareness, and increased self-reliance before he can be safely released. I encourage Mr. Khankhanian to focus on further developing his internal coping mechanisms that will help him manage his symptoms in the community with his medical team, regardless of the availability of other external supports.

CONCLUSION

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

Decision Date:
October 18, 2023

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)

JACOB DELASHMUTT, K-89394

First Degree Murder

AFFIRM:

MODIFY:

REVERSE:

 X

STATEMENT OF FACTS

In 1995, Jacob Delashmutt and two crime partners planned to rape and kill their 15-year-old friend, and then dismember and cannibalize her body as part of a satanic ritual. Mr. Delashmutt strangled the victim with his belt, all three crime partners stabbed her, and one crime partner stomped on her head and neck. After the victim died from her injuries, Mr. Delashmutt pulled down her pants and touched her buttocks. The trio abandoned their original plans, hid her body under some leaves, and then fled.

DECISION

In the cases of parole applicants who commit their crimes when they are under 26 years old, I am required to review the record for evidence of factors relevant to their diminished culpability as youthful offenders. Mr. Delashmutt committed this crime when he was 15 years old. At the time of the crime, Mr. Delashmutt demonstrated hallmark features of youth, which diminished his culpability under youth offender laws. The psychologist who evaluated Mr. Delashmutt in 2021 concluded that, at the time of his crime, Mr. Delashmutt exhibited "low levels of self-control combined with a lack of appreciation for consequences, and a lack of response to consequences."

I have also examined the record for evidence of Mr. Delashmutt's subsequent growth and increased maturity since his life crime as set forth in youth offender laws. He has been incarcerated for 27 years and has made efforts to improve himself during that time. He earned his GED and two associate degrees, completed three vocational training programs and is currently assigned to a fourth, participated in self-help programming including as a facilitator, served as a peer literacy mentor, and enrolled in college courses. Mr. Delashmutt has engaged in programming to address his risk factors. He has not been disciplined in the last 10 years, and he disassociated from his gang in 2014. Mr. Delashmutt

reports maintaining sobriety since 2009. I commend him for taking these steps and I encourage him to continue on this positive path.

After assessing Mr. Delashmutt's record and giving great weight to the relevant youthful offender factors, I conclude that these mitigating factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Delashmutt has a history of violent conduct in the community. At the time of the life crime, Mr. Delashmutt was on probation for battery after he was adjudicated for choking his 12-year-old classmate. In prison, he continued to engage in violent conduct for the first decade of his prison term. During that time, he sustained two arrests for assault with a deadly weapon and participation in a riot. Ultimately, Mr. Delashmutt was disciplined administratively for these in-prison offenses. To his credit, Mr. Delashmutt has desisted from violent conduct in recent years. The psychologist who evaluated him, however, cautioned, "[T]here are concerns that [Mr. Delashmutt's] lack of awareness of his desensitization to such extreme violence may make it easier to commit violence in the future."

Mr. Delashmutt also has a history of susceptibility to negative peer associations. During his evaluation, he acknowledged that his hesitation about committing the particularly brutal life crime was "overcome by a need to be accepted by others and he eventually took a lead role in carrying out the offense."

Mr. Delashmutt was a teen at the time of the crime, but this risk factor continued in prison. At his parole hearing, Mr. Delashmutt discussed his decision to transfer to a sensitive needs yard in 2014. Mr. Delashmutt admitted that he had been resistant in the past because he did not want to be rejected, mocked, or ridiculed by others who view that yard as a place for sex offenders or gang dropouts. Mr. Delashmutt admitted, "I didn't want to admit to that sexual component of the crime. I didn't want to admit that I fit in that category." When released on parole, he will almost certainly face significant stressors, including negative feedback resulting from the stigma of his notorious case.

I acknowledge that Mr. Delashmutt has demonstrated some awareness about this risk factor, which is an encouraging sign of his developing insight. However, I have concluded that Mr. Delashmutt must do additional work before he can be safely released. In particular, I encourage Mr. Delashmutt to deepen his insight into the causative factors for his violent conduct in the past and further develop coping skills to manage them in the future. I also encourage him to further develop his self-awareness into his triggers for yielding to antisocial external pressures.

CONCLUSION

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

Decision Date:
December 15, 2023



GAVIN NEWSOM
Governor, State of California