

**BOARD OF PAROLE HEARINGS**  
**Executive Board Meeting**  
[http://www.cdcr.ca.gov/BOPH/meeting\\_agenda.html](http://www.cdcr.ca.gov/BOPH/meeting_agenda.html)  
**Monday, September 15, 2014**  
**OPEN SESSION**  
*(All times are approximate and subject to change.)*

1515 K Street  
Executive Board Meeting Room  
Suite 550  
Sacramento, California 95814

START TIME: 1:00 p.m.

**AGENDA**

**MEETING CALLED TO ORDER**

**CONSENT CALENDAR**

1. Roll Call
2. Comments and Clarification regarding Board of Parole Hearings (BPH) Meeting Minutes: August 18 and 19, 2014
3. Parole Suitability Hearings and Backlog Report
4. Public Comment on Consent Calendar – Comments are limited to five minutes. Items on the consent calendar are considered routine and non-controversial. All matters are approved by one motion unless pulled by a Board Member for discussion or separate action.

**REPORTS AND PRESENTATIONS**

5. Report from Executive Officer
  - Electronic Packets for BPH Hearings
  - Commissioner Appointments
  - Assembly Bill 1479
  - Gate Clearances for Board-Appointed Attorneys
6. Report from Chief Counsel
7. Report from Chief Deputy of Program Operations
  - Overview of New Functions of the Decision Processing Unit
8. Report from Chief Deputy of Field Operations
  - National Judicial College
9. Program Inventory, presented by Jane Soria, Manager for the Community Partnerships Unit, Office of Policy Standardization
10. Electronic Packets for BPH Hearings: WatchDox, presented by Sandra Maciel, Chief Deputy of Program Operations, and Tara Doetsch, Staff Services Manager I
11. Overview of Consultations, presented by Howard Moseley, Chief Counsel

**OPEN COMMENTS**

12. BPH Commissioners – Agenda Items for Future Meetings
13. Public Comment – Comments are limited to five minutes. The public may comment on any item related to Board business. The Board will not consider comments about future parole hearings. Those comments should be sent to the prison where the inmate is housed so that they can be considered by the panel assigned to the case.

**MEETING RECESSED TO TUESDAY, SEPTEMBER 16, 2014**

**For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinators at (916) 445-6631 or (916) 323-7997, at least five (5) working days prior to the scheduled meeting. All persons and property entering into this facility may be subject to search. No unauthorized weapons are allowed pursuant to Penal Code Section 171b.**

**BOARD OF PAROLE HEARINGS**  
**Executive Board Meeting**  
**Monday, September 15, 2014**  
**CLOSED SESSION**  
*(All times are approximate and subject to change.)*

1515 K Street  
Executive Board Conference Room  
Sacramento, California 95814

START TIME: **Directly following open session**

**DISCUSSION**

**Overview of Pending Litigation and Writs of Habeas Corpus**

Pursuant to Government Code section 11126(e)(1)  
*(Nothing in this article shall be construed to prevent a state body, based on the advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.)*

Issues

1. *Sherman-Bey v. Hoshino* (Super. Ct. Sac. County, 2014, Case No. 34-2011-80000970), presented by Howard Moseley, Chief Counsel, and Dr. Cliff Kusaj, Chief Psychologist
2. *In re Rodarte* (Super. Ct. S.F. City and County, 2014, Writ No. 6799), presented by Howard Moseley, Chief Counsel

**Overview of Facts and Circumstances with Significant Exposure to Litigation**

Pursuant to Government Code section 11126(e)(2)(B)(i)  
*(For purposes of this subdivision, litigation shall be considered pending when any of the following circumstances exist: A point has been reached where, in the opinion of the state body on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the state body.)*

Issue

3. Ex Parte Communications, presented by Jennifer Shaffer, Executive Officer, and Howard Moseley, Chief Counsel

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**BOARD OF PAROLE HEARINGS  
Executive Board Meeting  
Tuesday, September 16, 2014  
CLOSED SESSION**

*(All times are approximate and subject to change.)*

1515 K Street  
Executive Board Conference Room  
Sacramento, California 95814

START TIME: 9:00 a.m.

**DISCUSSION**

**Overview of Pending Litigation and Writs of Habeas Corpus**

Pursuant to Government Code section 11126(e)(1)

*(Nothing in this article shall be construed to prevent a state body, based on the advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.)*

Issues

1. *Coleman/Plata v. Brown* (E.D. Cal., Case No. 2:90-CV-0520 LKK JFRM P and N.D. Cal., Case No. C01-1351 THE)(pending), presented by Jennifer Shaffer, Executive Officer, and Howard Moseley, Chief Counsel
2. *Johnson v. Shaffer* (E.D. Cal., Case No. 2:12-CV-01059 GGH P)(pending), presented by Howard Moseley, Chief Counsel

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17. Referral by the Chief Counsel pursuant to California Code of Regulations, title 15, section 2042, to assure complete, accurate, consistent and uniform decisions and the furtherance of public safety. Members of the public may address the Board for a period not to exceed five (5) minutes.

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| <b>G. CHANDLER, STEVEN</b><br>Sentencing Court(s):<br>San Bernardino | <b>P-43473</b> | <b>To reconsider the base term and the adjusted base term</b>                                      |
| <b>H. COPELAND, JAY</b><br>Sentencing Court(s):<br>San Joaquin       | <b>K-27866</b> | <b>To reconsider the base term and the adjusted base term</b>                                      |
| <b>I. GOINS, LEE</b><br>Sentencing Court(s):<br>San Bernardino       | <b>D-96901</b> | <b>To reconsider the base term and the adjusted base term</b>                                      |
| <b>J. GRAHAM, OTTO</b><br>Sentencing Court(s):<br>Los Angeles        | <b>D-26955</b> | <b>To consider new information regarding the inmate's medical condition</b>                        |
| <b>K. GUTIERREZ, FORTINO</b><br>Sentencing Court(s):<br>Orange       | <b>H-49665</b> | <b>To consider a rehearing due to loss of audio recording (Pen. Code, § 3041.5(a)(4).)</b>         |
| <b>L. HARRIS, WILLIAM</b><br>Sentencing Court(s):<br>San Joaquin     | <b>E-73299</b> | <b>To consider a rehearing due to loss of confidential audio recording (Pen. Code, § 3042(c).)</b> |
| <b>M. KENNEDY, JAMES</b><br>Sentencing Court(s):<br>Madera           | <b>D-59009</b> | <b>To reconsider the base term and the adjusted base term</b>                                      |
| <b>N. MALDONADO, GABRIELLA</b><br>Sentencing Court(s):<br>Orange     | <b>W-43603</b> | <b>To consider new information regarding inmate conduct</b>  |
| <b>O. OTERO, RICKY</b><br>Sentencing Court(s):<br>Sacramento         | <b>T-17022</b> | <b>To reconsider the base term and the adjusted base term</b>                                      |
| <b>P. ROSALES, DAVID</b><br>Sentencing Court(s):<br>San Diego        | <b>J-99296</b> | <b>To reconsider the base term and the adjusted base term</b>                                      |

18. Referral by the Governor pursuant to Penal Code section 3041.1 and California Code of Regulations, title 15, section 2044 to request review of a parole decision by the full board. Members of the public may address the Board for a period not to exceed five (5) minutes.

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| <b>Q. FUNK, RUSSELL</b><br>Sentencing Court(s):<br>Los Angeles | <b>F-15794</b> |
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| <b>R. LORD, CARMEN</b><br>Sentencing Court(s):<br>Los Angeles | <b>X-37707</b> |
| <b>S. ROBISON, CARL</b><br>Sentencing Court(s):<br>Kings      | <b>K-27060</b> |
| <b>T. SEWELL, TERRY</b><br>Sentencing Court(s):<br>Yuba       | <b>T-45639</b> |

### **OPEN COMMENTS**

19. Public Comment – Comments are limited to five minutes. The public may comment on any item related to Board business. The Board will not consider comments about future parole hearings. Those comments should be sent to the prison where the inmate is housed so that they can be considered by the panel assigned to the case.

The decision in the above hearings will be posted no later than 4:00 p.m. in the lobby on the ground floor of 1515 K Street and also on the BPH internet page at the following address:  
[www.cdcr.ca.gov/BOPH/enbanc.html](http://www.cdcr.ca.gov/BOPH/enbanc.html).

### **CLOSED SESSION – EN BANC REFERRALS**

Pursuant to Government Code section 11126(c)(4)  
*(“...[N]or shall anything in this article be construed to prevent a state body from holding a closed session when considering and acting upon the determination of a term, parole, or release of any individual or other disposition of an individual case, or if public disclosure of the subjects under discussion nor consideration is expressly prohibited by statute.”)*

### **ADJOURNMENT**

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