

**EXECUTIVE REPORT  
ON  
PAROLE REVIEW  
DECISIONS**

**DECISIONS FOR THE PERIOD  
January 1, 2013 through December 31, 2013**



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



OFFICE OF THE GOVERNOR

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

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

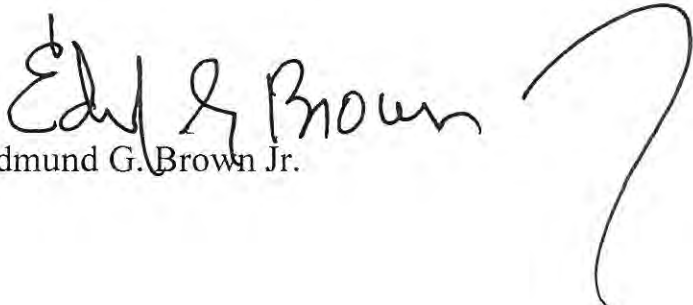
In accordance with Article V, section 8(b) of the California Constitution, I submit this report on the actions I have taken in 2013 in review of decisions by the Board of Parole Hearings. Of these decisions, I reversed 100. I have included copies of each of my actions.

The report may be found at:

[http://gov.ca.gov/docs/2013\\_Executive\\_Report\\_on\\_Parole\\_Review\\_Decisions.pdf](http://gov.ca.gov/docs/2013_Executive_Report_on_Parole_Review_Decisions.pdf).

You may also call the Governor's Office at (916) 445-2841 for a hard copy of the report.

Sincerely,

A handwritten signature in black ink that reads "Edmund G. Brown Jr." with a large, stylized flourish at the end.

Edmund G. Brown Jr.



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

**REGINALD BRYANT, C-13232**  
First-degree murder and second-degree murder

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

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

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

**STATEMENT OF FACTS**

On August 8, 1978, Reginald Bryant was the ring leader of a group of five young men who lured or forced 16-year-old LaNeice Brooks into Mr. Bryant's garage. They had Ms. Brooks smoke PCP furnished by Mr. Bryant. Several of the young men, including Mr. Bryant, then raped her, penetrated her vagina with a foreign object, and forced her to orally copulate them. Mr. Bryant decided they had to "get rid of her" because he did not want the police "coming around his house." He retrieved a rifle and a pistol and gave the pistol to Curtis Jones. Mr. Bryant then ordered Ms. Brooks to get dressed. Ms. Brooks was able to put on her sweater, pants, and stockings, but her blouse, shoes, and panties were left in the garage. Mr. Bryant, Mr. Jones, and Joseph May marched the girl to a stolen car driven by Tyrone Armstead. As Ms. Brooks pleaded with the men not to kill her, they drove her to a pedestrian tunnel under a freeway. Once the car stopped, Mr. Armstead, Mr. May, and Jerome McGhee ran away. Mr. Bryant and Mr. Jones shot Ms. Brooks five times, killing her. The following day, Mr. Bryant bragged about killing her.

Four months after the murder of Ms. Brooks, Mr. Bryant was involved in another murder. On December 28, 1978, Eliza Jones went to the house of his ex-girlfriend. While Mr. Jones was there, Mr. Bryant and Joe Jefferson arrived, saw Mr. Jones, and left. They went to retrieve a gun from a friend who lived nearby. Mr. Jones left his ex-girlfriend's house 20 minutes later and Mr. Bryant and Mr. Jefferson were waiting for him. As Mr. Jones drove away, he was shot three times in the head.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Bryant suitable for parole based on the length of his incarceration, lack of violent criminal history as an adult, age, remorse, insight into his membership in a gang, parole plans, institutional conduct, educational and vocational training, participation in self-help classes, and psychological evaluation.

I acknowledge Mr. Bryant has made efforts to improve himself while incarcerated. He has not been disciplined for serious misconduct since 2006. He earned his GED and has completed vocational training in linen management and office machine repair. He has received satisfactory and above average work ratings. He has participated in several self-help programs, including Alcoholics and Narcotics Anonymous. I commend Mr. Bryant for taking these positive steps and I acknowledge he was only seventeen when he committed these murders. But these circumstances are outweighed by negative factors that demonstrate he remains unsuitable for parole.


The gang rape and murder of Ms. Brooks was atrocious and exceedingly callous. Mr. Bryant and his friends drugged a 16-year-old stranger, raped her repeatedly, and then executed her as she pleaded for her life. Mr. Bryant clearly was the leader of this crime—he provided his garage, the drugs, the car, and the weapons; he ordered Ms. Brooks to get dressed, and he shot her. Only months after this brazen rape and murder, Mr. Bryant participated in the murder of Mr. Jones.

I am troubled by Mr. Bryant's minimization of his violence. He told the psychologist who evaluated him in 2012 that he and his friends "did not force" Ms. Brooks to have sex with them. At his hearing, he said that the five men "took advantage" of Ms. Brooks by giving her PCP, but did not "force" her to orally copulate or have sex with them. He also claimed that Ms. Brooks was not "forced" to walk to the car, although he acknowledged that she would not have walked to the car if she had a choice. Mr. Bryant does not see that he and his friends used significant coercion and force and that Ms. Brooks's actions were anything but voluntary. His statements demonstrate that he fails to appreciate the severity of his actions or show remorse for the terrible pain and fear he inflicted on Ms. Brooks.

**CONCLUSION**

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

Decision Date: June 7, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**RICKY CARPENTER, B-95921**

First-degree murder

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

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

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

**STATEMENT OF FACTS**

On January 16, 1978, eighteen-year-old Ricky Carpenter knocked on the door of his 57-year-old neighbor Evelyn Bentley. He asked if he could use her phone because his was out of order. After gaining entry to the house, Mr. Carpenter punched Ms. Bentley in the face, knocking her to the floor. He then choked Ms. Bentley until she lost consciousness. Mr. Carpenter retrieved a butcher's knife from the kitchen and began stabbing her. She revived and began to struggle. Mr. Carpenter attempted to suffocate her with a small area rug, leaving the knife embedded in her chest as he did so. Mr. Carpenter stabbed Ms. Bentley eight times, delivering a fatal stab wound to her neck. After killing her, he took \$42 from her wallet to make it look like a burglary. He went home and washed his bloody clothes.

**GOVERNING LAW:**

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

On April 30, 2013, the Superior Court for the County of Santa Clara overturned my decision to reverse Mr. Carpenter's grant of parole on March 18, 2011. In its order, the Court found that new authority from the California Supreme Court and United States Supreme Court requires "that the Board and the Governor consider an inmate's 'demonstrated maturity and rehabilitation' when making any parole suitability decision in a case involving the crime of a minor." *See* April 30, 2013 Order, at 3. Notwithstanding the fact that Mr. Carpenter was an adult when he committed this murder, the Court concluded that Mr. Carpenter's "immaturity" and "youthful faults and inadequacies" should have been given greater consideration in weighing his parole suitability. *Id.* at 4. The Court remanded the matter to me for reconsideration in light of this new authority.

The cases cited by the Court, *Miller v. Alabama* (2012) 132 S.Ct. 2455, *Graham v. Florida* (2010) 130 S.Ct. 2011, and *People v. Caballero* (2012) 55 Cal.4<sup>th</sup> 262, 269, appear to address a different issue altogether. These cases address the constitutionality of imposing a sentence of

life *without* the possibility of parole for juvenile offenders. Recognizing that life-without-parole terms for juveniles is in some ways “akin to the death penalty,” *Graham* banned the imposition of that sentence on juveniles for nonhomicide offenses, and *Miller* required that a judge or jury have the opportunity to consider mitigating circumstances attendant to youth before imposing the “harshest possible penalty on juveniles” for homicide offenses. *Graham*, 130 S.Ct. at 2027; *Miller*, 132 S.Ct. at 2475.

This case involves an eighteen-year-old adult who received an *indeterminate* life sentence for murdering his next door neighbor without provocation or warning. Mr. Carpenter has been afforded numerous opportunities to demonstrate his suitability for parole, and has therefore not been deprived of his right to due process or to be free from cruel and unusual punishment. See *Caballero*, 55 Cal:4<sup>th</sup> at 268. I agree that age is an appropriate factor to consider in assessing a person’s understanding of the crime and their current dangerousness, *see, e.g.*, Title 15, C.C.R. § 2281(d), but it does not follow that age must become the predominant inquiry for a minor—or an eighteen year old—who commits murder, to the exclusion of other suitability and unsuitability factors.

Because the evidence in 2011 indicated to me that Mr. Carpenter committed a heinous crime and demonstrated deficient insight, empathy, and limited efforts to address his anger problem, I concluded that he continued to pose an unreasonable risk to society. Implicit in such findings was my determination that Mr. Carpenter had not demonstrated sufficient “maturity and rehabilitation” to be released safely from prison. After reviewing this case again in light of the Board’s recent grant of parole and the current record, my conclusion remains unchanged.

#### **DECISION:**

On March 7, 2013, the Board found Mr. Carpenter suitable for parole based on his remorse, insight, minimal criminal history, positive disciplinary record since 1997, completion of a college degree, self-help programming and vocational training, age, psychological reports, and parole plans.

I acknowledge Mr. Carpenter has made efforts to improve himself while incarcerated. He earned a General Equivalency Diploma and an Associate of Arts degree. He completed a mill and cabinet vocational program and held several institutional positions in carpentry and furniture construction, receiving exceptional work ratings. He participated in self-help programs including Alcoholics and Narcotics Anonymous, Victim Offender Education Group, Addiction Recovery Counseling, Creative Conflict Resolution, and individual and group psychotherapy. Since my reversal, he has also participated in Anger and Stress Management, Conflict Resolution, Victim Awareness, and Advanced Insight Development. I commend Mr. Carpenter for taking these positive steps. But these circumstances are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Carpenter’s attack on his neighbor Ms. Bentley was savage and unprovoked. He donned a pair of gloves, gained entry into her home by pretending that his phone was disabled, and repeatedly stabbed, beat, and suffocated her to death over the course of twenty minutes. Mr. Carpenter’s actions had a devastating and long-lasting impact on Ms. Bentley’s loved ones.



I remain concerned by Mr. Carpenter's inability to explain why he erupted in such violence and anger against his next door neighbor of six years. Mr. Carpenter stated to the Board that he was an immature eighteen-year-old who had dropped out of high school, was abusing drugs and alcohol, he could not read or write and felt inadequate, and he was accustomed to living without rules in his home. When his mother's "carefree attitude" toward his lifestyle began to change, Mr. Carpenter became resentful of Ms. Bentley, who he blamed for his mother's changing attitude. He explained to the Board that he "was being pushed, being prodded to do something with [his] life," and it was all "too much to bear" and he was in a "state of despair."


Mr. Carpenter has great difficulty explaining why being pushed to get a job and to do something with his life caused such a violent and brutal outburst, particularly when he had never exhibited violence before. Being "immature" and dealing with the stresses and pressures typical of youth does not explain these actions. Most teenagers will at some point chafe at their parents' discipline and rules without resorting to murder, let alone killing an innocent third party. Left unexplored, I am concerned that other seemingly trivial breaking points or sources of tension and stress will push Mr. Carpenter toward violence again.

To his credit, Mr. Carpenter has worked to address many of the concerns I raised in my 2011 reversal. He has participated in anger management, conflict resolution and victim awareness programs. He appears to be remorseful for his conduct. I encourage Mr. Carpenter to continue exploring where this violence came from so that something like this can never happen again.

**CONCLUSION:**

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

Decision Date: June 7, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California



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

**ROGER HILL, C-53733**  
First-degree murder

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

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

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

**STATEMENT OF FACTS**

In the early morning of November 23, 1980, Roger Hill broke into Ralph and Gail Currier's home to rob it. Ms. Currier got up to use the bathroom and saw Mr. Hill in the living room. Mr. Hill struck her and threw her onto the floor. Mr. Currier heard his wife screaming, came to her defense, and struggled with Mr. Hill. Mr. Hill stabbed Mr. Currier 17 times in the back and abdomen, killing him, and fled with money, a watch, and a jacket. Police arrested Mr. Hill on January 7, 1981.

**GOVERNING LAW**

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

**DECISION**

On January 9, 2013, a two-member panel of the Board of Parole Hearings issued a split decision on whether to grant parole to Mr. Hill. One commissioner opposed parole and expressed concern about Mr. Hill's extensive criminal history and lack of explanation for his extreme violence, particularly against women. The other commissioner supported parole based on Mr. Hill's remorse, insight, lack of recent institutional misconduct, vocational work, and self-help programming. On February 20, 2013, the full Board met *en banc* to review the case and found Mr. Hill suitable for parole.

I acknowledge Mr. Hill has made efforts to improve himself while incarcerated. He completed extensive vocational training and received exceptional work ratings. He has not been disciplined for serious misconduct in prison since 1998, and has participated in some self-help programming including Recovery International, Emotional Awareness/Emotional Healing, and Epictetus Club. I commend Mr. Hill for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Hill's crime was brutal and vicious. He broke into the Currier's home in the early morning hours while they were asleep. Once confronted, Mr. Hill assaulted Ms. Currier and attacked and stabbed Mr. Currier in what he calls an attempt to avoid apprehension. Mr. Hill's actions had a devastating and long-lasting impact on Mr. Currier's loved ones.

Mr. Currier's murder was only the latest in a string of violent incidents perpetrated by Mr. Hill. On September 6, 1980, Mr. Hill was arrested for battery after he fought with his wife and punched her in the face several times. Twenty days later, on September 26, 1980, Mr. Hill rear-ended a woman while driving, forced his way into her car, beat and choked her, and told her he was going to kill her. Mr. Hill only stopped when the woman was able to flash her headlights and attract the attention of a friend who was passing by. Mr. Hill was arrested and charged with assault causing serious bodily injury for the incident, and was released on bail pending trial less than one month before he brutally stabbed Mr. Currier.

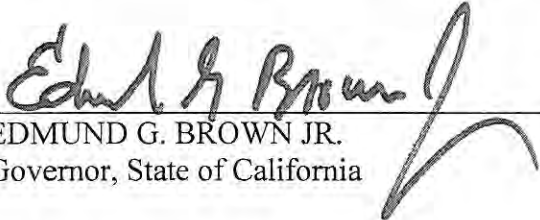
I am troubled that Mr. Hill chronically under-represents the extent of his explosive anger and violence. Mr. Hill told the Board that he stabbed Mr. Currier because Mr. Currier was overpowering him, and he only wanted to flee. This description of the crime does not explain why Mr. Hill stabbed Mr. Currier in the back and abdomen 17 times. Such extreme violence cannot be explained by a simple desire to get away. Contrary to the record, Mr. Hill denied attacking his wife, and claims that the incident involved a female friend he only "shoved." Mr. Hill also describes the fender-bender assault as merely putting the woman "in a headlock when she was trying to get into her car to get away." It is apparent that Mr. Hill underestimates his propensity for reacting to situations with extreme rage.

His statements also indicate to me that he has not sufficiently addressed or worked through the factors that led to his violence. He told the Board that his criminal behavior stemmed from a sense of rejection after his mother remarried, that he acted out to get attention and acceptance, and that he became violent when he was confronted by Mr. Currier and felt he had lost control. I am unconvinced by his explanations. Many children come from broken homes or feel abandoned after a parent remarries. Although a troubled childhood and the desire to gain acceptance might explain Mr. Hill's turn to crime, he fails to account for the other violent incidents and his disproportionate reaction to these events. I note that Mr. Hill has participated in very few self-help programs to address his anger problem. Until he has sufficiently explored and worked through all this, I am concerned he will act out violently again if he encounters a stressful situation.

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 I have discussed shows why he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Hill.

Decision Date: June 7, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**JAMES SEMISCH, C-43757**  
Second-degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

On October 8, 1982, James Semisch was looking for his girlfriend, Dana Killham, who had taken his car. He found her asleep at his grandmother's house, fought with her, and repeatedly yelled, "Whore, get out of the house." They went to Mr. Semisch's car and Ms. Killham slumped in the passenger seat, drunk or unconscious. Mr. Semisch drove erratically, hit Ms. Killham, pushed her against the passenger door, and shot her in the stomach. He stopped the car and Ms. Killham got out, holding her stomach. Mr. Semisch followed Ms. Killham out of the car, shot her in the head, and fled while she died on the side of the road.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Semisch suitable for parole based on his age, substance abuse programming, vocational training, lack of recent institutional misconduct, and the support of Ms. Killham's family.

I acknowledge Mr. Semisch has made efforts to improve himself while incarcerated. He has participated in self-help programming including Narcotics Anonymous, Alcoholics Anonymous, Victim Awareness, and Anger Management. He has completed vocational training, has received above-average work ratings from his supervisors, and has not been disciplined for serious misconduct since 1998. I commend Mr. Semisch for taking these positive steps. I acknowledge that Ms. Killham's sisters have urged that he be released on parole and have noted that he has made significant progress during his incarceration. But these circumstances are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Semisch's crime was brutal and callous. He beat his girlfriend while she was severely intoxicated, shot her multiple times, and left her to die on the side of the road. The murder was the culmination of an extensive criminal history that began when Mr. Semisch was eight years old and included convictions as a juvenile for burglary, petty theft, and escape from the California Youth Authority. As an adult, he was convicted of multiple crimes including grand theft, robbery, and false imprisonment. In 1976, he was sentenced to prison for 5 years-to-life after threatening a 68-year-old man with a ball-peen hammer and robbing him. Mr. Semisch was released from prison on parole just three months before he killed Ms. Killham. His misconduct continued well into his incarceration; he was disciplined for serious misconduct 24 times and less serious misconduct 22 times.

I am troubled that Mr. Semisch has not adequately explained what led him to murder Ms. Killham. He told the Board that the murder was a "spontaneous" incident where he exploded in a "fit of rage." When asked where his anger came from, Mr. Semisch said he believed his anger was "a learned behavior" from his mother, who would spank him when she was mad. Being spanked does not explain the extent of Mr. Semisch's anger problem, his escalating pattern of aggression, his long criminal history, or his wanton rules violations while in prison.

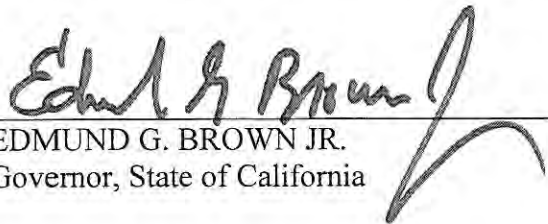
I am also concerned that Mr. Semisch minimizes his history of domestic violence. He told the psychologist in 2012 that he once pushed Ms. Killham, but denied ever hitting her. The probation report indicates, however, that Mr. Semisch once beat Ms. Killham so badly when she was pregnant that she required 18 stitches. Ms. Killham's sisters told the probation officer that Mr. Semisch had also threatened and harassed them and that they were afraid of him at the time. Despite his history, Mr. Semisch has participated in only minimal programming during his thirty years in prison to address his violence against women. Until he shows that he understands the severity of his abuse of women or his deeply entrenched criminal behavior, and that he has made greater strides to address all of these issues, I do not believe he is ready to be released.

Mr. Semisch's elevated risk scores, and particularly his high risk of recidivism, support my concerns. The 2009 psychologist rated Mr. Semisch a high risk for general recidivism, a moderate risk for violent recidivism, in the moderate range of psychopathy, and a moderate overall risk to society. These ratings were based in part on Mr. Semisch's impulsivity, failure to accept responsibility, and limited insight.

### CONCLUSION

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

Decision Date: June 14, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California



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

**RAYMOND AGUILAR, H-31637**  
Second-degree murder

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

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

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

**STATEMENT OF FACTS**

On May 14, 1991, sixteen-year-old Raymond Aguilar shot Michael Berna. According to Mr. Aguilar, he came home earlier in the day to find his grandmother crying on the living room floor because Mr. Berna had pushed her and stolen her money and drugs. Mr. Aguilar told his cousins that he wanted to shoot Mr. Berna. One of his cousins gave him a loaded gun. Mr. Aguilar rode his bike up to Mr. Berna and shot him four times. A police officer witnessed the shooting and apprehended Mr. Aguilar. Mr. Berna died at the hospital.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Aguilar suitable for parole based on the length of time since his crime, lack of violent criminal history, insight, remorse, acceptance of full responsibility, participation in self-help programs, vocational training, and age.

I acknowledge that Mr. Aguilar has made efforts to improve himself while incarcerated. He has participated in self-help programs, such as Alcoholics and Narcotics Anonymous, and Criminals and Gangmembers Anonymous, and Anger Management. Mr. Aguilar has consistently earned above average and exceptional work ratings and has completed some vocational training. Since my reversal last year, Mr. Aguilar has continued to participate in Celebrate Recovery, individual therapy, and Narcotics Anonymous and Criminals and Gangmembers Anonymous. I commend Mr. Aguilar for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Aguilar's murder was senseless and impulsive. Rather than seeking help from the nearby authorities, Mr. Aguilar engaged in vigilante justice on an unsuspecting man.

When the Board granted Mr. Aguilar parole in 2012, I reversed because I was concerned about the callous nature of his crime, his poor institutional behavior, his potentially unstable mental condition, and confidential information indicating that he was trafficking drugs into prison. My concerns remain.

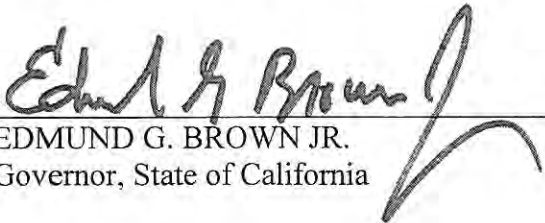
I remain troubled by information in Mr. Aguilar's confidential file indicating that he was trafficking drugs for at least a decade in prison. At his recent hearing, Mr. Aguilar denied doing so and suggested that the confidential information is erroneous and unreliable. I find that the confidential information is credible. The information consistently detailed that Mr. Aguilar was trafficking illegal substances through the visiting program. It came from multiple sources, each deemed reliable. The information was gathered between 1998 and 2008. This behavior demonstrates that he is not yet committed to living a life free from illegal activity. I encourage the Board to carefully examine Mr. Aguilar's confidential file at his next hearing. If they find the information is not credible or reliable, I ask that they record their reasons for those findings.

I am also still concerned by Mr. Aguilar's significant disciplinary history. He has been disciplined for serious misconduct 16 times and less serious misconduct 22 times. Many were for violence. In 2007, he was disciplined when a correctional officer observed him suddenly become agitated and throw a food tray across the room. In 2006, Mr. Aguilar became upset after being found guilty of a different rules violation, and spent 20 minutes hitting and pounding his cell door with his fists. His actions were abrupt and disproportionate. I am encouraged by his recent more stable behavior, but would like to see a longer period of good behavior.

### CONCLUSION

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

Decision Date: June 21, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**STEVE GONZALEZ, E-37438**

Second-degree murder

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

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

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

**STATEMENT OF FACTS**

On July 22, 1988, 16-year-old Benjamin Rivas and a friend were walking down the street. Steve Gonzalez was riding with two friends in a stolen car. The car pulled alongside Mr. Rivas, and Mr. Gonzalez yelled a gang challenge and fired a shotgun, hitting Mr. Rivas in the arm and chest, killing him. Mr. Gonzalez was arrested six months later. Mr. Gonzalez asserts that he killed Mr. Rivas in retaliation for Mr. Rivas stabbing him one month prior to the murder because Mr. Gonzalez kissed Mr. Rivas's girlfriend.

**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. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Gonzalez suitable for parole based on his lack of serious misconduct since 2005, his self-help and substance abuse programming, and his effort to earn his GED.

I acknowledge Mr. Gonzalez has made efforts to improve himself while incarcerated. He participated in self-help programming such as Alcoholics Anonymous, Narcotics Anonymous, Criminals and Gang Members Anonymous, and Anger Management. Mr. Gonzalez has learned sign language to translate for deaf inmates. I commend Mr. Gonzalez for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Gonzalez's murder of Mr. Rivas was callous. Mr. Gonzalez shot an unsuspecting 16-year-old boy without warning as an act of cold retribution.

Mr. Gonzalez has consistently shown that he cannot avoid violence or abide by the rules. Once incarcerated, he joined a prison gang and was disciplined for serious misconduct 12 times and less serious misconduct 29 times. His misconduct includes trafficking methamphetamine and heroin, mutual combat, and inciting tensions between Southern and Northern Hispanic gangs. Although Mr. Gonzalez claims he stopped his gang activities in 2005, confidential information identifies Mr. Gonzalez as an active member and "shot caller" for another disruptive group as recently as 2008. In 2011, Mr. Gonzalez was placed in administrative segregation for threatening other inmates. Mr. Gonzalez's recent and sustained misconduct and gang activity suggests that he may not refrain from violence if released.


I am troubled by Mr. Gonzalez's relatively recent drug use, especially given his significant history of substance abuse. He started frequently abusing alcohol and using marijuana daily at the age of 14. Mr. Gonzalez reported that he used methamphetamine on a daily basis for a month in prison in 2004. He was disciplined for using methamphetamine in 2005, and confidential information indicates he was trafficking drugs as recently as 2008. After his use of methamphetamine, Mr. Gonzalez did not attend any substance abuse programming until 2009. Until he has adequately addressed his risk of substance abuse and shown a more sustained period of sobriety, I do not believe he is ready to be released. I encourage Mr. Gonzalez to step away from his criminal activity and to fully engage in available self-help programming and live a life free from drugs and violence.

Mr. Gonzalez's moderate-to-high risk score supports my concerns. The risk rating was based in part on Mr. Gonzalez's limited understanding of his criminal behavior, inadequate remorse and empathy, intimidation of another inmate in 2011, and pattern of impulsive and irresponsible behavior.

### 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 I have discussed shows why he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Gonzalez.

Decision Date: June 26, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**JUAN GUERRERO, H-95325**

Second-degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

On September 5, 1987, Juan Guerrero went to a party and got into a fight. Mr. Guerrero left the party, got a gun, and took a friend's car. He stopped at several locations and brandished his gun while asking for the person he had been fighting with. Mr. Guerrero eventually saw Hector Diaz on the sidewalk with several friends. Mr. Guerrero got out of the car, argued with the group, and shot Mr. Diaz in the chest, killing him. Mr. Guerrero fled to Tijuana, and was arrested on December 25, 1992 when he tried to re-enter the United States.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Guerrero suitable for parole based on his self-help programming, vocational training, remorse, and lack of serious misconduct since 2008.

I acknowledge Mr. Guerrero has made efforts to improve himself while incarcerated. He completed vocational training and served in various work assignments, receiving satisfactory and above-average work ratings. He has participated in self-help programming including Alcoholics Anonymous, Narcotics Anonymous, Anger Management, and Alternatives to Violence. He has volunteered in the Substance Abuse Program and served as a literacy tutor and peer educator. I commend Mr. Guerrero for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Guerrero's crime was senseless and callous. He lost a fight at a party, decided to acquire a gun to exact revenge, and shot and killed someone entirely unrelated to the fight an hour later.



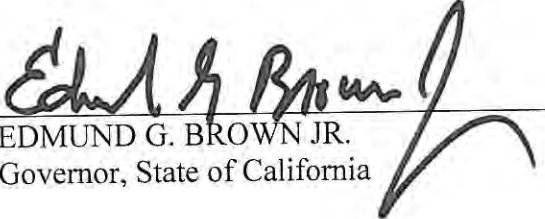
I am concerned that Mr. Guerrero has not been able to abide by the rules or remain free from violence while in prison. He has been disciplined for serious, violent misconduct eight times, including for participating in a riot in 2008, striking another inmate in the head and neck in 2005, mutual combat in 2000, and other incidents of violence in the 1990s. The psychologist who evaluated Mr. Guerrero in 2012 noted that Mr. Guerrero has had stretches of good behavior in prison punctuated by violent outbursts. She concluded, "it remains to be seen whether he can sustain a longer period of disciplinary free behavior and avoid violence relapse." I agree. While I am encouraged by Mr. Guerrero's recent behavior and commitment to self-help programming, I do not believe that he is ready to be released until he has maintained those gains for a longer period of time.

Mr. Guerrero's elevated risk scores support my concerns. The psychologist rated him as posing a moderate risk for violence if released, based in part on Mr. Guerrero's pattern of antisocial behavior, grandiosity, and inability to maintain an extended period of violence-free behavior while in prison.

### CONCLUSION

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

Decision Date: June 26, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**INFINITY, C-27692**  
First-degree murder

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

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

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

**STATEMENT OF FACTS**

Infinity<sup>1</sup> brutally beat his girlfriend, Jackie Schepis, to death. For hours on the evening of May 3, 1980, a neighbor living above Infinity's apartment heard the sounds of Ms. Schepis screaming and being repeatedly struck and pushed against the walls of Infinity's apartment. The neighbor heard Infinity tell Ms. Schepis, "get up and wash your face, you ain't dead yet." By the early morning hours, the neighbor could only hear faint moaning. On May 7, the neighbor saw Infinity carry a lumpy object wrapped in a bedspread to a moving truck and drive away. Infinity had tied Ms. Schepis's body in a ball, wrapped it in a brown plastic bag, and then wrapped it with a pink bedspread. He buried the body in a cotton field.

After he had left in the moving truck, police arrived and noticed blood on the ground next to the door of Infinity's apartment. They entered his apartment and observed bloodstains on the carpeting in the living room, on the floor of the kitchen, on the walls of the entire apartment, on the bed, and in the bathroom. The neighbor again contacted police when Infinity returned the next day. He was arrested and eventually confessed to murdering Ms. Schepis. An autopsy report disclosed that Ms. Schepis died from the effects of multiple injuries including a fractured skull, 20 rib fractures, 2 fractures to the sternum, a broken nose, and extensive bruising to her entire body and face caused by blunt force trauma.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Infinity suitable for parole based on his remorse, empathy, behavior in prison, latest psychological evaluation, parole plans, marketable skills, insight,

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<sup>1</sup> Infinity had his name legally changed from Frank Strong.

acceptance of responsibility, participation in Alcoholics Anonymous, and his interest in sharing a substance abuse program he created, Getting Over Drugs.

I acknowledge Infinity has made efforts to improve himself while incarcerated. He has not been disciplined for serious misconduct since 1993. He has held several institutional jobs and attended a few self-help programs including Alcoholics Anonymous for a number of years. I commend Infinity for taking these positive steps and I note that he currently suffers from several medical issues. But these circumstances are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Infinity's crime was cruel and unprovoked. He demonstrated a particularly callous disregard for Ms. Schepis's suffering when he beat her for hours with his bare hands, broke numerous bones, and threw her against walls of the entire apartment.

I reversed the Board's grant of parole in 2012 because of Infinity's heinous crime, his superficial insight, and his elevated risk ratings. I encouraged him to engage in self-help to explore why he harbored such anger that he would beat his girlfriend to death. Infinity has done remarkably little to address these issues and my concerns have not changed.

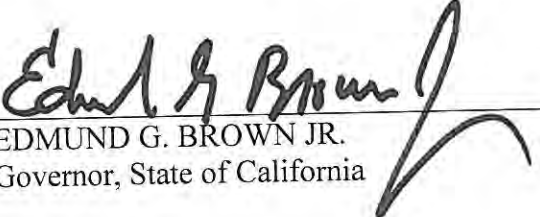
At his 2012 parole hearing, Infinity explained that he was not angry at Ms. Schepis, but angry at "the system" and frustrated that he was not as successful as he wanted to be. He blamed his rage on his use of PCP. He claimed to have no recollection of being physically abusive of Ms. Schepis in the past, but allowed that it was "possible" that he had attacked her previously. In 2013, he reiterated to the Board that he murdered Ms. Schepis because he was mad at "the system" for his own failures. He insisted he was not angry with Ms. Schepis and reported that PCP "actually makes you go against who you are really." He stated he does not remember previously hitting Ms. Schepis, but added: "I could have got drunk and hit her, but it wasn't anything."

Infinity's explanations continue to reflect his superficial understanding of his actions. He still has not explained why being angry and frustrated at "the system" would cause him to beat his girlfriend to death. Moreover, it seems implausible that he was not mad at her. Infinity's casual dismissal of his prior abuse of Ms. Schepis confirms that he has yet to explore or come to grips with his domestic violence. The 2010 psychologist's conclusion that Infinity "has significant work ahead of him in order to honestly face, confront, and discuss the causative factors of the life crime beyond a superficial and concrete attribution of the deleterious effects of PCP" remains true today. He has attended no self-help programs since 2010 and his statements reveal that his mental state remains the same. Although the psychologist in 2013 found that Infinity's deficient insight did not pose "a significant risk factor," the psychologist concluded that Infinity's moderate risk for psychopathy, violent recidivism, and general recidivism, and low-moderate overall risk rating had not changed from his 2010 evaluation. Once again, I encourage Infinity to participate in credible substance abuse programming or independent study and to make a sincere and concerted effort to address these issues.

CONCLUSION

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

Decision Date: July 3, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**THURSTON MCAFEE, B-95737**  
First-degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

On December 31, 1977, Thurston McAfee and a group of teenagers entered a department store. Mr. McAfee tried to steal a pair of pants but was caught. Arthur Jackson, the store manager, and a store employee took Mr. McAfee into a back office. Mr. McAfee's cohorts tried to get into the office and a fight ensued. Mr. McAfee took a gun from one of his friends. While Mr. Jackson was trying to handcuff one of the other teenagers, Mr. McAfee shot Mr. Jackson in the back of the head from a few inches away. Mr. McAfee fled the store but was tackled, detained, and arrested. Mr. Jackson died the following day.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. McAfee suitable for parole based on his age, length of incarceration, remorse, acceptance of responsibility, insight, self-help programming, and parole plans.

I acknowledge Mr. McAfee has made efforts to improve himself while incarcerated. He is working toward earning his associate's degree, has completed vocational programs, and has earned above-average and exceptional work ratings from his job supervisors. He has participated in self-help programming including Alcoholics Anonymous, Narcotics Anonymous, and Alternatives to Violence. I commend Mr. McAfee for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.



Mr. McAfee's crime was senseless and vicious. He was apprehended for shoplifting and responded by coldly and defiantly shooting the store manager at point blank range.

Mr. McAfee's version of the crime is not credible. He told the Board in 2013 that he did not intend to shoot Mr. Jackson, but just aimed "into the crowd" in an effort to scare the store staff. The record shows, however, that Mr. McAfee retrieved the gun, leaned over the counter, and pulled the trigger just inches from Mr. Jackson's head. Until he has sufficiently explored his culpability and come to terms with his crime, I am concerned he will act out violently again.

I am also troubled by information indicating that Mr. McAfee has been involved in gang activity in prison between 1982 and 2008. Confidential information identifies Mr. McAfee as a Crip who stabbed another inmate and smuggled dangerous contraband into prison in the 1980s. In 1991, Mr. McAfee was stabbed by a Crips gang member, and he was subsequently identified as a Bloods gang member in 1994. Non-confidential classification chronos note that Mr. McAfee was transferred to a new institution in 2008 after being identified as an "influential member of the Bloods." Mr. McAfee adamantly denies that he has *ever* been a member or associate of any gang.

Although Mr. McAfee has not been formally validated, numerous pieces of information gathered from different individuals at different institutions over nearly three decades implicate him in a range of gang activity. Given this extensive history, his denial of any gang participation shows that he continues to harbor a criminal mindset and may not refrain from violence if released.

Additionally, Mr. McAfee is not adequately prepared to remain sober if released. Despite his significant history of substance abuse and years of attending substance abuse programming, Mr. McAfee told the Board that there was "nothing" that could make him drink. The psychologist opined that Mr. McAfee had not integrated the 12-steps into his life "in a credible manner as a means of preventing future difficulties with intoxicating substances in the community." He concluded that Mr. McAfee would be "at an increased risk for violence and re-offense" if he uses substances once released. I agree. Until Mr. McAfee has sufficiently addressed his addiction, I believe he poses an unreasonable risk if released.

Mr. McAfee's elevated risk scores support my concerns. The psychologist rated him as posing a moderate risk for violence if released, based in part on Mr. McAfee's failure to address his history of substance abuse and anger problems, grandiose presentation, and "very impulsive" behavior.

**CONCLUSION**

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

Decision Date: July 3, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**MICHAEL WILLIAMSON, C-86267**  
First-degree murder

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

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

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

**STATEMENT OF FACTS**

On November 11, 1982, Michael Williamson, Joe Leggio, and James Miller spent the day together drinking. They got into an argument at a bar over \$25 that Mr. Miller owed Mr. Leggio. They then went to Mr. Williamson's apartment where Mr. Miller fell asleep on the couch. While Mr. Miller was sleeping, Mr. Leggio suggested that they kill him for being a freeloader. Mr. Williamson and Mr. Leggio started hitting Mr. Miller's head and face with two-foot dowels and continued striking Mr. Miller until the dowels broke. Mr. Williamson then retrieved a wooden club from his truck. Mr. Leggio took the club and hit Mr. Miller more than twenty times. They dragged him down the stairs by his arms and legs and to Mr. Williamson's truck. Mr. Williamson and Mr. Leggio drove to a remote area and dumped Mr. Miller onto some railroad tracks. There, Mr. Williamson slit his throat four times and Mr. Leggio stabbed him. Mr. Miller died from his injuries. An autopsy report indicated he had been stabbed ten times in the chest, eight or nine times in the throat, and once in the eye. His neck had been slashed seven times and part of his brain was protruding from his skull. He had a fractured skull and broken nose.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings granted Mr. Williamson parole based on the length of time since his crime, his lack of a criminal record, good institutional behavior, work history in prison, vocational training, self-help programming, and parole plans.

I acknowledge that Mr. Williamson has made efforts to improve himself while incarcerated. He has participated in self-help groups such as Alcoholics and Narcotics Anonymous, the Substance Abuse Program, and Anger Management. He has been disciplined for serious misconduct only

once in over thirty years. He has completed vocational programs and has routinely received satisfactory and above average work ratings. I commend Mr. Williamson for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Williamson's crime was vicious and utterly senseless. He and Mr. Leggio attacked a sleeping, defenseless Mr. Miller, smashing in his skull and repeatedly stabbing and slashing him—over a \$25 debt. Mr. Williamson's actions demonstrate a callous disregard for Mr. Miller's suffering.

Mr. Williamson minimizes his culpability in Mr. Miller's murder. He told the Board that he participated in the crime because he was afraid of Mr. Leggio and wanted his acceptance. His active involvement in this crime belies his claim. Mr. Williamson beat Mr. Miller in his own apartment, dragged Mr. Miller's body to the back of his truck, and slashed Mr. Miller's throat multiple times. Furthermore, Mr. Williamson had multiple opportunities to get away and seek help for Mr. Miller, and never did so. His failure to acknowledge the extraordinary violence he inflicted on Mr. Miller indicates that he is not ready to be released.

I am also troubled that Mr. Williamson shows little remorse for Mr. Miller. When asked what impact his actions had on the victim's family, Mr. Williamson told an evaluating psychologist that Mr. Miller was "homeless" and likely "wasn't in touch with his family." The psychologist observed "there were minimal fluctuations in [Mr. Williamson's] tone and no noticed changes in his affect or behavior when speaking about the victim or the crime as one would expect from someone reporting feelings of guilt and remorse." She found him to be callous and opined that his "feelings of regret appear to have stemmed from his own loss, rather than the loss to his victim and his family."

Finally, Mr. Williamson has not yet credibly addressed his drug and alcohol problem. Mr. Williamson started drinking when he was 15 or 16 years old, smoking marijuana on weekends at 18, and using amphetamines weekly by 22. He partially blames his use of alcohol for the murder. However, Mr. Williamson has done little to address this significant issue. The psychologist who evaluated him in 2012 concluded that Mr. Williamson "did not appear to have gained adequate insight" into his substance abuse and noted that "*meaningfully* participating in relapse prevention groups would lower his level of risk." I encourage Mr. Williamson to dedicate himself to available substance abuse self-help programming or independent study to fully address his problem.

**CONCLUSION**

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

Decision Date: July 3, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California



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

**DANNY ALLEN, C-13125**  
Second-degree murder

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

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

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

**STATEMENT OF FACTS**

Danny Allen and Morrie Allen were married in November 1978, but separated five months later. In May 1979, they were both in relationships with others. On May 29, 1979, Mr. Allen and Edwina Dotson disabled Mrs. Allen's car battery. When she was unable to start her car, Mr. Allen grabbed her and told her they "were going for a ride." Mr. Allen drove Ms. Dotson and Mrs. Allen to his home. After Mrs. Allen tried to escape through a window, he tied her hands and legs and wrapped surgical tape around her mouth and eyes. Mr. Allen beat Mrs. Allen until her face swelled over the tape, and told her he was going to kill her. Mr. Allen put her face down in a bathtub, and held her down until she stopped moving. When Mr. Allen let up, Mrs. Allen was still alive, so Ms. Dotson helped him finish drowning her. Once she was dead, Mr. Allen poured salt down Mrs. Allen's throat and around her vagina, and then poured bleach over her body. Mr. Allen covered Mrs. Allen's body with plastic bags, put her into a cardboard box, filled it with garbage, and threw the box in a dumpster. Her body was never found.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Allen suitable for parole based on his age, length of incarceration, remorse, discussion of the crime, acceptance of responsibility, behavior in prison, vocational skills, and self-help programming.

I acknowledge Mr. Allen has made efforts to improve himself while incarcerated. He earned his GED and completed several vocations. Mr. Allen has participated in self-help programming such as Alcoholics Anonymous, Narcotics Anonymous, Victim Awareness, Anger Management,

and Alternatives to Violence. He has routinely received exceptional work ratings and volunteered as a peer educator and literacy tutor. I commend Mr. Allen for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Allen's crime demonstrated a particularly callous disregard for the suffering of his wife. He kidnapped, beat, and drowned her. He defiled and discarded her body, and she was never found.

I am troubled that Mr. Allen cannot better articulate the reasons for his violence towards Mrs. Allen. He reported that he kidnapped Mrs. Allen because he simply wanted to talk about their relationship and that he started beating her when she told him that the relationship was over. He reported that he decided to kill her, "because I hated her at the time. I was upset with her, felt betrayed." He told the psychologist who evaluated him in 2011 that he was on "autopilot" when he poured bleach and salt over her body and discarded her body with the trash.

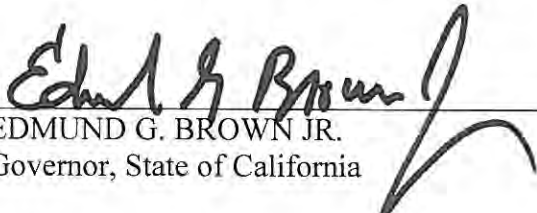
His comments do not sufficiently explain the reasons for his dispassionate crime. Mr. Allen and his wife had previously broken up and reconciled on multiple occasions. At the time of the murder, they had been separated for a month and had both reunited with old flames. Feeling betrayed and jealous on this occasion does not explain why Mr. Allen callously held Mrs. Allen's head under water until he thought she was dead. His comment that he was on "autopilot" is troubling and indicates to me that he has not adequately identified or worked through the reasons he desecrated her body. Until he can better explain how his thought process escalated from wanting to reunite with his wife to deciding to drown her in his bathtub, I am concerned he will act out violently again if he again encounters stress in a romantic relationship.

Mr. Allen's elevated risk scores support my concerns. The 2008 psychologist rated him a moderate risk for violent recidivism, a moderate risk for general recidivism, and a low-to-moderate overall risk in society. These scores were based in part on Mr. Allen's limited insight into the crime, limited "understanding of the precise risk he may face in his current relationship," and detachment when discussing the horror of his actions towards Mrs. Allen.

### CONCLUSION

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

Decision Date: July 12, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**KELLY GRAFF, D-11363**

First-degree murder

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

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

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

**X**

**STATEMENT OF FACTS**

Sheryll Graff separated from her husband, Kelly, due to his drinking, drug abuse, and habitual lying. She became romantically involved with Scott Peterson and moved into his home.

On January 5, 1984, Mr. Graff picked up their son from the babysitter and drove to Mr. Peterson's home. Using a carpenter's hammer, Mr. Graff broke into the house and ransacked several rooms to make it appear as if there had been a burglary. When Sheryll came home, Mr. Graff attacked her from behind with a steak knife. He slashed her throat and stabbed her multiple times in the neck, liver, and heart, leaving the knife buried in her chest. He pulled the hood of Sheryll's coat over her head and beat her head and face 14 times with the hammer, crushing her skull. Mr. Graff threw the hammer away and returned home with their son, who may have witnessed the attack.

Mr. Graff took steps to conceal his crime. Once he got home, Mr. Graff called the Peterson residence asking for Sheryll. In the days that followed, Mr. Graff sought comfort from Sheryll's family, wondering aloud who had committed this heinous act. He repeatedly lied to police and only confessed when he was told that his fingerprints were at the murder scene.

This was not the first time Mr. Graff was violent and aggressive towards women. When his first marriage ended, his former wife reported that he refused to return her key and would "constantly" drive by her house. She said that Mr. Graff was "sadistic," and reported that he kidnapped her best friend, took her to a park, and tore off her clothing as she screamed, cried, and tried to escape. He seemed to be "out of contact with reality" until he suddenly "clicked" and "became aware of what he was doing" and drove the woman home. On another occasion, Mr. Graff suggested to his first wife's 12-year-old brother that they pick up a hitchhiker and "[do] things to her." Yet another time, he pinned his first wife's 15-year-old sister to a couch. Mr. Graff's sons from his first marriage told their mother that they were frightened of their father because of incidents they witnessed between him and Sheryll.

**GOVERNING LAW**

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

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

### **DECISION**

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

I acknowledge that Mr. Graff has made significant efforts to improve himself while incarcerated. He has participated in self-help groups including Alcoholics Anonymous, Anger Management, and Impact of Domestic Violence on Children. He has routinely received above average and exceptional work ratings and recently completed vocational training in sewing machine operation. He has not been disciplined for any serious rule violations in his nearly 30 years of incarceration. Since I reversed Mr. Graff's grant of parole last year, he has continued to participate in Alcoholics Anonymous and attended Prisoners Against Child Abuse. I commend Mr. Graff for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

I reversed the Board's grant of parole in 2012 because of Mr. Graff's heinous crime, implausible explanation for why he committed the murder, lack of insight into his extraordinary rage and violence, and failure to work through his true reasons for killing Sheryll. There is little change in Mr. Graff's narrative and my concerns remain.

Mr. Graff's murder of his estranged wife was disturbing and horrific. Mr. Graff broke into Sheryll's house and ransacked it. He waited for her to return home. When she did, Mr. Graff stabbed Mrs. Graff many times with a steak knife and bludgeoned her in the face and head with a hammer.

During his 2012 parole hearing, Mr. Graff said that he murdered Sheryll because he had "pent up anger and frustrations" and "lost control" when he saw her. He blamed the end of their marriage on Sheryll's infidelity and cocaine addiction. He claimed that he had no intention to kill his wife, but was overcome by a jealous rage. At his 2013 parole hearing, Mr. Graff again claimed that his "pain was just building inside" and he "didn't know how to effectively communicate [his] anger." He told the 2013 psychologist that he did not go to the house with the intent to kill his wife. When the psychologist asked him why he committed the crime, he blamed the fact that his parents worked, his father drank alcohol, and that he "didn't learn communication and real caring." He said he felt humiliated and betrayed, but that he "still wanted to make [the relationship] work."

As I discussed in 2012, this explanation for the murder is completely implausible and demonstrates that he does not yet understand the dynamics underlying his behavior. Mr. Graff didn't simply "lose control" when he saw Sheryll – he laid in wait for her to return home and



attacked her from behind. The record shows that Mr. Graff contemplated Sheryll's death in the weeks before her murder. He told a co-worker that he wanted to tamper with her car so that she would get into an accident and that he was "five seconds away" from killing her. Mr. Graff still does not explain why he would ransack Sheryll's home as a way to rekindle their relationship, only to viciously attack her when she came home. He continues to be unwilling or unable to confront the true reasons he killed his wife.

I am further troubled that Mr. Graff has yet to acknowledge or sufficiently explain his pattern of controlling, obsessive, and violent behavior towards women. He told the 2013 psychologist that he "never really had an anger problem and denied previous aggressive incidents within his intimate relationship. He did admit that with [Sheryll], he tried to be somewhat controlling in the relationship." He whitewashes his prior violence and aggression towards multiple women. Until Mr. Graff has sufficiently addressed his history of attacking women, I cannot be convinced he can safely be released.

### CONCLUSION

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

Decision Date: July 12, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California



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

**KAMAL SEFELDEEN, D-65574**  
First-degree murder

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

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

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

      **X**      

**STATEMENT OF FACTS**

Kamal Sefeldeen filed for divorce from his wife Deborah in April 1985. He suspected her of having a lesbian affair and claimed she was an unfit mother. They reconciled, but his suspicions continued and he had the home “bugged.” He taped a phone conversation that was garbled, but he believed was evidence of her homosexuality. He confronted her with the tape on December 3, 1985, ordered her out of the house, hit her, and accused her of being a lesbian. The police and her father were called. The next day, Mr. Sefeldeen obtained a restraining order against his wife. On December 5, 1985, Deborah moved into her parents’ house with their 3-year-old son. The same day, Mr. Sefeldeen bought a gun, but he returned it to the store three days later.

On December 9, 1985, Mr. Sefeldeen and Deborah appeared in family court. He was ordered to move out of the apartment and mediation was scheduled for the next day. Mr. Sefeldeen returned to the store and bought a 30-30 caliber lever-action rifle and ammunition. That evening, he went to Deborah’s parents’ home. Not finding Deborah’s car, he drove to the modeling agency where Deborah worked. He waited outside for her to exit. When she did, Mr. Sefeldeen confronted and came after her before shooting her once. A bystander tried to intervene and Mr. Sefeldeen pointed the gun at him. The man ran off and Mr. Sefeldeen shot Deborah four more times, in the head, chest, back, and arm, killing her.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Sefeldeen suitable for parole based on his remorse, low risk scores, lack of criminal record, self-help programming, parole plans, and age.

I acknowledge Mr. Sefeldeen has made significant efforts to improve himself while incarcerated. He consistently received positive work ratings for institutional jobs. He has not been disciplined for a serious rule violation since 2002. He has participated in self-help programming, including Developing a Positive Attitude Group, Guiding Rage into Power, Restorative Justice Roundtable, Nonviolent Communication, and Katargeo. He has served on the Men's Advisory Council for seven years and has also served as a GED tutor. I commend Mr. Sefeldeen for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Sefeldeen's murder of his wife was callous and brutal. He became fixated with the idea that Deborah was having an affair. He bugged the house, listened in on her private conversations, and confronted her about an imagined lesbian affair. After purchasing a gun, he waited outside Deborah's place of employment, and shot her in the back of the head as she fled. Undeterred by bystanders trying to help, he then shot Deborah four more times from close range.

Mr. Sefeldeen's statements to the Board and psychologists are replete with non-answers to central questions about his crime and mental state. He does not explain why he found it was acceptable to listen in on his wife's conversations, why he imagined she was having an affair, or why he ultimately killed her. He told the Board that going to purchase a gun "became like a mechanical thing to do. It's almost an automation. I was like a walking ghost driven by all my emotion and all this thinking that my concentration on myself, my feeling and my pain." He reported to the 2013 psychologist that he has no "conscious memory" of forming an intent to kill Deborah. He told the Board that he started shooting at Deborah because she "transformed" to "personify" his feelings of shame over another failed marriage and fear of telling his family of the impending divorce. It is clear that he distances himself from his brutal, methodical murder by painting himself as overcome with emotion and incapable of rational thought. Until Mr. Sefeldeen takes full responsibility for his own actions and has confronted his reasons for becoming violent, I am concerned that he will again turn to violence in his relationships with significant others.

I am also concerned by Mr. Sefeldeen's minimization of the extent of his previous violence towards Deborah. When the Board asked about his five years of marriage, he reported that he and Deborah "got along good." He later admitted that he had hit her twice before killing her and was emotionally abusive. His conclusion that he and his wife had a happy marriage is belied by the fact that her family witnessed other abusive episodes before her murder. Deborah's sister reported, "My sister used to run to my house because he would beat and beat her. I saw the bruises. I saw the welts. I saw the scars. So that is a blatant lie. He was battering his wife horribly." Deborah's niece also described an episode in which Mr. Sefeldeen pinned Deborah against a door with a knife to her throat. He categorically denied that he ever did so and responded that people sometimes "exaggerate their pain." This is preposterous. Until he honestly faces the reality of his abuse, I do not believe he is ready to be released.

Mr. Sefeldeen has yet to acknowledge or resolve his problem with women. In 2002, he threatened to break the finger of a female staff member who was directing him to move to another location. In 2009, he was referred for mental health treatment because he had an angry

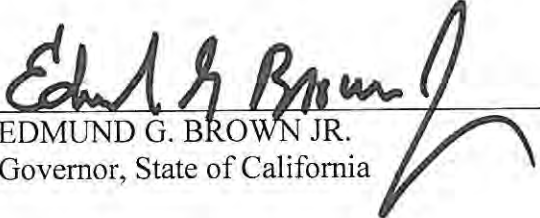
Kamal Sefeldeen, D-65574  
First-degree murder  
Page 3

affect and refused medical treatment. Staff noted that he was exhibiting bizarre behavior, had poor self-control, was unpredictable, was bothering others, and had “angry issues” and “women issues.” This behavior indicates that the same factors that led him to murder his wife – his issues with women and control – persist.

**CONCLUSION**

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

Decision Date: July 12, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**RICHARD HALL, C-07278**

First-degree murder

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

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

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

**STATEMENT OF FACTS**

Richard Hall's wife left him on September 25, 1977. Her parents helped her move out of Mr. Hall's apartment on October 12, 1977, when Mr. Hall was not there. Mr. Hall confronted his 65-year-old apartment manager, Ernesto DiCarlo, for letting his wife into the apartment and allowing her to take his property. Mr. DiCarlo told Mr. Hall that the police forced him to let her in. Mr. Hall met Randall Wickham a short time later and told Mr. Wickham about his marital troubles, saying that he wanted to kill Mr. DiCarlo, take his car, drive to Los Angeles, and kill Mr. Hall's in-laws and his wife's two brothers and kill or kidnap his estranged wife. Mr. Wickham agreed to help and to drive to Los Angeles since Mr. Hall did not know how to drive.

On October 21, 1977, Mr. DiCarlo let Mr. Hall and Mr. Wickham into his apartment, where Mr. Hall used the telephone then cut the phone line with a steak knife. Mr. Hall motioned to Mr. Wickham several times to hit Mr. DiCarlo with a bat, but Mr. Wickham refused. Mr. Hall then told Mr. DiCarlo that his wife had damaged the apartment and got Mr. DiCarlo to accompany him and Mr. Wickham into Mr. Hall's apartment to examine the damages. When Mr. DiCarlo told Mr. Hall that he would have to pay for the damage, Mr. Hall threw a heavy lamp base at him, striking him in the head and knocking him to the floor. Mr. Hall jumped on Mr. DiCarlo and stabbed him with a steak knife in the neck and back approximately 20 times. He got Mr. DiCarlo's wallet out of his pocket and instructed Mr. Wickham to get the money out of it, then dragged Mr. DiCarlo to the bedroom, beat him in the head with a glass candleholder, and took Mr. DiCarlo's car keys out of his pocket. Mr. Hall directed Mr. Wickham to get the car, but Mr. Wickham could not drive because he was too nervous, so Mr. Hall and Mr. Wickham went to a bus station and took a bus to San Diego. Mr. DiCarlo's body was found almost a week later.

**GOVERNING LAW**

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



### DECISION

The Board of Parole Hearings found Mr. Hall suitable for parole based on his length of incarceration, remorse, acceptance of responsibility, age, parole plans, self-help, and lack of institutional misconduct.

I acknowledge Mr. Hall has made efforts to improve himself while incarcerated. He has routinely received satisfactory work ratings and completed vocational training. He has recently taken some self-help correspondence courses, and has not been disciplined for serious misconduct since 2008. I commend Mr. Hall for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Hall's crime was vicious and senseless. He lured an unsuspecting Mr. DiCarlo into his apartment, knocked him down with a heavy lamp, stabbed him twenty times in the neck, and repeatedly bashed him on the head. He perpetrated this crime because he had planned to steal Mr. DiCarlo's car to drive to Los Angeles and attack his estranged wife and her family.

I am concerned that Mr. Hall has not sufficiently addressed the factors that led to this brutal murder. He told the Board and the psychologist who evaluated him in 2012 that he stabbed Mr. DiCarlo out of "displaced aggression" because he was "angry and scared." When asked why he was afraid, Mr. Hall responded:

I don't like cutting a piece of chicken. I don't like cutting meat. To sit there and stab somebody, I can't even describe to you what that feels like, and you have the person there. So it's a personal thing. It's not like I don't have any conception about how he probably felt. It ain't like shooting somebody. You don't feel the victim when you shoot somebody. The way -- What I did to Ernie, I could feel him, I could feel him.

He told the Board that he then dragged Mr. DiCarlo to the bedroom and bludgeoned him with a glass candleholder when he started moving because he "didn't want . . . to leave him there like that." He also admitted to the Board that he told Mr. Wickham he wanted to kill his mother-in-law, but denied that his threats were serious, saying that talking about violence was something he did "frequently" and "casually."

These statements don't add up. Mr. Hall's "displaced aggression" does not sufficiently explain his extreme violence or disturbed thinking, and his statement that it was the fear of stabbing Mr. DiCarlo that somehow compelled him to continue the stabbing is circular and perplexing. His attempt to paint himself as a frightened individual who put Mr. DiCarlo out of his misery severely minimizes the depravity of his actions. Further, Mr. Hall's assertion that his threat to kill his wife's family was not made in earnest is belied by Mr. Hall's claim that his threats to kill Mr. DiCarlo also amounted to braggadocio, saying, "until it happened, it was talk." The psychologist who evaluated Mr. Hall in 2011 noted that he had "limited insight into his trust, abandonment, and anger issues." I agree. Until Mr. Hall has fully come to terms with this murder and can better explain why he viciously attacked Mr. DiCarlo, I do not believe he is ready to be released.



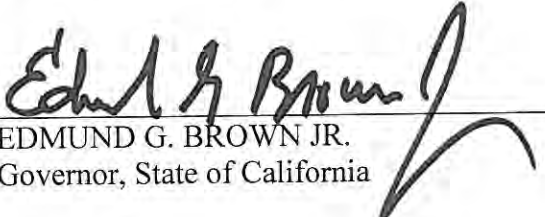
I am also troubled that Mr. Hall lacks remorse and empathy for his crime. The psychologist in 2008 wrote that Mr. Hall showed “no sign of emotion or remorse,” and that his “continuing lack of emotion and remorse appears to permeate throughout the previous reports.” The panel in 2008 agreed, noting, that “the way you came across to us really backs up a lot of [the psychologist’s] findings.” Although the 2011 psychologist found that Mr. Hall “presented as remorseful,” she also noted that Mr. Hall stated that prior to the evaluation “it never previously entered his mind that the victim had a family or how this crime would affect the victim’s family.” These observations give me pause. The inhumanity of Mr. Hall’s crime combined with his inability to express appropriate empathy for the victim tells me that there is a serious risk to the public if he is released from prison.

Mr. Hall has engaged in few self-help programs since his incarceration. In 2008, the Board echoed the psychologist’s report and urged Mr. Hall to participate “in any and all types of self-help that he can get himself into.” While I commend Mr. Hall for recently taking correspondence self-help courses, I encourage him to continue his independent study and to further avail himself of any self-help programs available to address his anger management issues and violent behavior.

### CONCLUSION

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

Decision Date: July 13, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**HECTOR CIFUENTES, J-02643**

Second-degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

On June 27, 1993, Hector Cifuentes was drinking beer and sitting in front of a house with several Sureños gang members. Tish Garcia and Rolando A. rode by on bicycles. Two years earlier, Mr. Cifuentes dated their cousin. He claims that the family routinely harassed him after the break up. When Ms. Garcia and Rolando rode by the group again, Mr. Cifuentes stood up, walked towards them, and yelled at them. Ms. Garcia and Rolando purportedly shouted insults back at Mr. Cifuentes. They rode away and Mr. Cifuentes pulled a gun from his waistband and shot several times in their direction. One shot hit Ms. Garcia in the back, killing her.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Cifuentes suitable for parole based on his insight, remorse, acceptance of responsibility, self-help programming, psychological evaluation, and parole plans.

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

Mr. Cifuentes's crime was senseless and unprovoked. He shot at the cousins who were biking away from him. They posed no threat. Mr. Cifuentes's actions were a wildly disproportionate

reaction to alleged insults made by Ms. Garcia and Rolando and resulted in the tragic death of Ms. Garcia.

I am troubled by Mr. Cifuentes's recent and serious misconduct. In 2000 and 2003, inmates identified him as a "major drug dealer." In 2006, officers intercepted several phone calls between Mr. Cifuentes and a drug supplier. The two planned to introduce a large amount of black tar heroin into prison during a scheduled visit with another inmate. Mr. Cifuentes also told the supplier that he would like some cocaine for his upcoming birthday. At the time of the planned visit, officers seized approximately 51 grams of black tar heroin. The visitor confessed that she had additional drugs in her hotel room and the Department of Justice found another 51.22 grams of black tar heroin and 6 marijuana roaches in her room. As the result of this investigation, Mr. Cifuentes was convicted of conspiring to smuggle heroin into prison and was sentenced to serve an additional 4 year term after the completion of his life term.

At his 2008 parole hearing, Mr. Cifuentes admitted that he "made a mistake by getting involved with drugs" and said that he had learned from his mistakes. But, in 2009, officers searched his cell and discovered 5 grams of heroin, packaged for sale, a sheet tracking debts incurred by other inmates, and a cellular telephone. Only a few months later, Mr. Cifuentes attacked another inmate with the help of two other inmates. The inmates would not stop fighting when ordered and an officer had to activate his alarm and fire two 40 millimeter shots at the group, striking both Mr. Cifuentes and another inmate in the thigh. In 2011, Mr. Cifuentes participated in a hunger strike organized and directed by prison gangs. This does not show that he is an independent person pointed in the direction of rehabilitation and lawful behavior. His recent actions show he has not learned from his mistakes. I am concerned that he remains a risk to society.

### CONCLUSION

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

Decision Date: August 9, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**JAMES MACKEY, E-76532**  
First-degree murder

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

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

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

**STATEMENT OF FACTS**

In the spring of 1988, James Mackey agreed to purchase a condominium owned by Michael Blatt. Mr. Mackey and his wife moved into the condominium, but the sale was not completed due to a pending lawsuit between Mr. Blatt and Lawrence Carnegie, a local realtor. After several months, Mr. Blatt mentioned to Mr. Mackey that the sale would be completed if Mr. Carnegie were no longer around. A few months later Mr. Blatt made a similar comment, and Mr. Mackey asked if Mr. Blatt wanted him to "take care" of Mr. Carnegie. Mr. Blatt responded affirmatively.

Mr. Mackey found a friend and former football teammate, Carl Hancock, who was willing to murder Mr. Carnegie. After several weeks, Mr. Mackey became directly involved when he realized Mr. Hancock was reluctant to complete the murder. He obtained money from Mr. Blatt and purchased a crossbow because it was a quiet weapon. Mr. Mackey and Mr. Hancock practiced shooting, decided Mr. Mackey would serve as the shooter because he had better aim, and scouted a place to dump Mr. Carnegie's body. The men selected a rural property to lure Mr. Carnegie to and Mr. Hancock made an appointment with him to view the house.

On February 28, 1989, Mr. Mackey hid in the garage before Mr. Carnegie arrived. Mr. Hancock got Mr. Carnegie to stand in the driveway with his back to the garage and Mr. Mackey shot him with the crossbow. The crossbow bolt did not kill Mr. Carnegie, so Mr. Mackey began to beat and kick him. A woman happened to drive up to the scene, but quickly backed out when she realized the violence she was witnessing. Mr. Mackey beat Mr. Carnegie until he was unconscious, put him into a sleeping bag and then into the truck of the car. Mr. Mackey and Mr. Hancock abandoned their plan to dump Mr. Carnegie's body in Lake Tahoe and instead, drove from Lodi to an isolated area of Sonoma County. Once there, the men fashioned a rope into a noose and put it over Mr. Carnegie's neck. Mr. Mackey pulled the rope and strangled Mr. Carnegie to death. The men dumped his body down an embankment, then changed their clothes, and washed the car before returning home. During the murder investigation, Mr. Mackey denied any involvement and obstructed the prosecution of Mr. Blatt by alerting him that he was wearing a wire.

### GOVERNING LAW

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

### DECISION

The Board of Parole Hearings found Mr. Mackey suitable for parole based on his remorse, low risk scores, minimal prison disciplinary history, lack of criminal history, stable social history, self-help programming, parole plans, and his age.

I acknowledge Mr. Mackey has made efforts to improve himself while incarcerated. He earned a Master's degree in 2008. He has consistently received exceptional work ratings for institutional jobs, and he completed two vocations. He has only been disciplined once for serious misconduct, in 1996. He has participated in numerous self-help programs, including Alcoholics and Narcotics Anonymous, Victim Awareness, Conflict Resolution, Offender Responsibility, and Anger Management. I commend Mr. Mackey for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Mackey's crime was brutal and senseless. He agreed to find a hitman for Mr. Blatt and obsessively planned Mr. Carnegie's murder over several months. At no point did Mr. Mackey come to his senses and abandon his plan; rather, he took over the task of murder himself. Mr. Mackey's actions had a devastating and long-lasting impact on Mr. Carnegie's loved ones. I note that they have written numerous heartfelt letters opposing his parole and have appeared at Mr. Mackey's parole hearings expressing their loss.

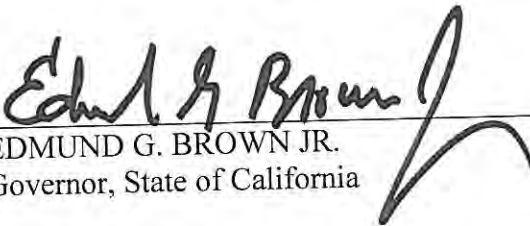
Mr. Mackey does not adequately explain why he committed such a horrible crime. He states that he lost his identity once he stopped playing football after graduating from college and felt isolated and desperate. He explains that he wanted to appear successful and desired to remain in the good graces of a wealthy businessman. But Mr. Mackey's relentless pursuit of Mr. Carnegie's death goes beyond mere loyalty to Mr. Blatt. His insecurity and desire for acceptance do not explain how he could meticulously plan and execute a cold-blooded murder. Until he can give a better explanation for his actions, I do not think he is ready to be released.



**CONCLUSION**

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

Decision Date: August 16, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**GARY ALDERETE, E-91141**

First-degree murder

**AFFIRM:**

**MODIFY:**

**REVERSE:**

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

**STATEMENT OF FACTS**

Richard Grace was having an affair with William Smith's girlfriend. After discovering the infidelity, Mr. Smith confronted Mr. Grace, fought with him, and threatened to rape Mr. Grace's parents. Mr. Grace's brother Michael called his acquaintance Gary Alderete to discuss ways to intimidate Mr. Smith. The Grace brothers, Mr. Alderete, Stacy James, and Alexander Frederick met on March 1, 1990. The group took methamphetamine and planned to have Mr. Alderete confront Mr. Smith. Mr. Alderete agreed to kill Mr. Smith and refused to accept \$150 he was offered as payment for the murder. Mr. Alderete then went to his apartment, dressed in black, and retrieved three knives, a bayonet, and two martial arts sais. After returning to Mr. Grace's apartment, Mr. Alderete cut crosses into his arms with a razor blade and chanted in a foreign language over a crystal ball. After two o'clock in the morning, the group approached Mr. Smith's house. Mr. Alderete kicked in the side door while the others waited outside. Mr. Smith found Mr. Alderete in the living room and the two began to fight. Mr. Alderete fell to the floor as Mr. Smith gained the upper hand and continued to hit him. Mr. Alderete reached for his 12 inch-long bayonet and stabbed and slashed Mr. Smith until he was dead. Mr. Smith had a total of 117 wounds on his body, including 32 stab wounds. Mr. Alderete was arrested as he fled the scene with his crystal ball and a knife.

**GOVERNING LAW**

The question I must answer is whether Mr. Alderete will pose a current danger to the public if he is released from prison. In answering this question, I must adhere to the same legal standards as the Board of Parole Hearings. The circumstances of the crime can provide evidence of current dangerousness when the record establishes that something in the inmate's history or mental state indicates that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4th 1181, 1214.)

### DECISION

The Board of Parole Hearings found Mr. Alderete suitable for parole based on his lack of violent history, behavior in prison, participation in self-help programs, remorse, and age.

I acknowledge Mr. Alderete has made efforts to improve himself while incarcerated. He attended Alcoholics Anonymous from 2008-2012 and Narcotics Anonymous from 2008-2011. He participated in self-help programs including Alternatives to Violence and Celebrate Recovery. He has no prior criminal history and has not received any serious rule violations in prison. I commend Mr. Alderete for taking these positive steps. But, these are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Alderete's crime was brutal and senseless. He invaded Mr. Smith's home by kicking down the door and brandishing several knives. Mr. Alderete used his weaponry to stab Mr. Smith 32 times and inflict a total of 117 wounds. Mr. Alderete's eagerness to conduct a brutal murder of a man he had never met is shocking.

I am troubled by Mr. Alderete's failure to adequately explain why he killed Mr. Smith or why he cut himself and chanted over a crystal ball prior to the crime. He claims that he participated in the crime to appease Michael Grace and to prove to himself he could accomplish the task, and told the Board in 2010 that he stabbed Mr. Smith 32 times because "when we started fighting, I figured we were just doing our best to take each other out." When he was last asked about the ritualistic nature of the crime in 2010, Mr. Alderete said "there's nothing logical in it," and claimed the rituals were supposed to dull his fear. I am not convinced by any of these explanations. Mr. Alderete's insecurity and desire for acceptance do not explain how he could plan and execute a gruesome murder for a casual acquaintance, and I remain concerned by his bizarre behavior. Further, Mr. Alderete's statement that he stabbed Mr. Smith over 30 times during a kind of mutual combat minimizes his instigation of the conflict and is an attempt to justify his brutality as self-defense. The psychologist who evaluated Mr. Alderete in 2012 stated that he is still "lacking some insight into his thoughts, feelings, motivations and behavior." I agree. Until he can give a better explanation for his actions, I do not think he is ready to be released.

I am also concerned with Mr. Alderete's inadequate commitment to sobriety. He regularly drank alcohol as a teenager, used marijuana from the ages of 13 to 16, and used methamphetamine from 16 to 21. Although Mr. Alderete agreed that drugs and alcohol impaired his judgment the night of the crime, he denies that his substance abuse caused any problems in his life. The psychologist who recently evaluated Mr. Alderete noted that he was "a little cavalier about the need to continue treatment" for substance abuse. I am encouraged by Mr. Alderete's recent attendance at Alcoholics and Narcotics Anonymous meetings, but I urge him to seriously reflect upon how his substance abuse impacted his life and how he can prevent future relapse.

**CONCLUSION**

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

Decision Date: August 23, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**HAROLD BROOKS, B-74384**  
First-degree murder

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

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

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

**STATEMENT OF FACTS**

On February 29, 1976, Harold Brooks went to burglarize his father's landlord's house with his friend Davis Harris. He knew that Mr. Samoza was not home and, through the closed front door, told 71-year-old Elsie Samoza that her husband had just been hit by a car. Mrs. Samoza let Mr. Brooks into the house and Mr. Harris waited outside. Once inside, Mr. Brooks tied up Mrs. Samoza and taped her mouth shut. Mr. Harris closed the door and fled when he heard Mrs. Samoza scream. Mr. Brooks ransacked the house. When he did not find anything of value, he undressed Mrs. Samoza from the waist down and threatened to sexually assault her if she did not disclose the location of any valuables. After again ransacking the house, Mr. Brooks slapped Mrs. Samoza and threatened to kill her. When Mrs. Samoza still did not provide any information, Mr. Brooks strangled her with a belt, took her to the bathroom, put her face-down in a bathtub of water, and continued strangling her until she was dead. Mr. Brooks took clothing, watches, and money and fled.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Brooks suitable for parole based on his remorse, self-help programming, vocational training, insight, parole plans, age, and lack of serious misconduct since 2001.

I acknowledge Mr. Brooks has made efforts to improve himself while incarcerated. Although he engaged in violent and aggressive behavior for his first 25 years in prison, he has not been disciplined for misconduct in over 11 years. He also has participated in numerous self-help programs, including Alcoholics and Narcotics Anonymous, Anger Management, and



Alternatives to Violence. I commend Mr. Brooks for taking these positive steps, and I acknowledge that Mr. Brooks has some mobility limitations related to surgery on his knees. But these circumstances are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Brooks's crime was cold and brutal. He invaded the home of an elderly and vulnerable woman and then bound, slapped, and undressed her. When Mr. Brooks was unable to find any valuables, he strangled Mrs. Samoza with a belt and left her in a bathtub where her husband later found her dead body.

Mr. Brooks has not adequately explained why he was so violent to a woman who did nothing to him. He acknowledged to the psychologist who evaluated him in 2012 that he became angry and depressed as a child after his parents separated and he witnessed the murder of his mother. He said he did not know how to express the anger he had towards his parents, so he "took on the role [of] being a violent person." Mr. Brooks told the Board in 2013 that he didn't want to take a life, but he did anyway because he was angry that Mrs. Samoza did not direct him to any valuables. The psychologist who evaluated him in 2009 opined that it is "important that he understand what led him to do such violence to a vulnerable woman whom he hardly knew and had done little to him." I agree. The force and rage he used to beat and strangle Ms. Samoza is not explained by anger towards his parents. Nor do his unresolved emotions explain why he forced a 71-year-old woman to undress. I encourage him to further examine what made him commit this crime through available self-help groups, reflection, and independent study.

I am also concerned that Mr. Brooks has not adequately worked through his substance abuse problems. He began abusing marijuana at age 12, cocaine at 14, and LSD at 17. Mr. Brooks told police that he drank for hours, smoked marijuana, and snorted cocaine and heroin prior to the murder. He now claims that he only drank two cans of beer and smoked marijuana before the crime. He acknowledges that his drug use continued in prison and that he last smoked marijuana in 2001. Despite abusing substances for over three decades, Mr. Brooks told the psychologist who evaluated him in 2009 that he did not believe he had a substance abuse problem. The psychologist opined that Mr. Brooks had not yet completed the "important work" of "[u]nderstanding the interaction between his substance abuse and whatever internal factors drove him to commit this crime." At the 2013 hearing, Mr. Brooks took a step in the right direction by admitting that he had been denying his drug and alcohol problem. I commend Mr. Brooks for his progress and I encourage him to further explore why he turned to illicit substances and the part they played in his crime.

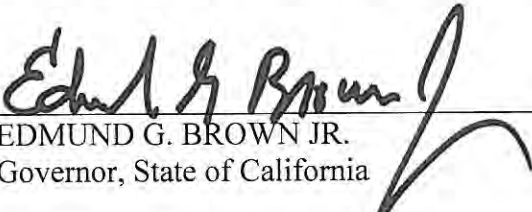
Mr. Brooks's elevated risk scores support my concerns. In 2009, the psychologist rated Mr. Brooks as a high risk for general recidivism, moderate risk for violent recidivism, and moderate overall risk in society based in part on his lack of insight into his crime and history of substance abuse.

Harold Brooks, B-74384  
First-Degree Murder  
Page 3

**CONCLUSION**

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

Decision Date: August 23, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**FRANK GARCIA, H-45960**  
Second-degree murder

**AFFIRM:**

**MODIFY:**

**REVERSE:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_X\_\_\_\_\_

**STATEMENT OF FACTS**

On October 5, 1991, Andrew Sambrano went to visit his girlfriend at the home where she lived with her mother and half-brother, Frank Garcia. Mr. Garcia and his friend Michael Ortega were at the house when Mr. Sambrano arrived. Mr. Garcia and Mr. Ortega were members of a gang; Mr. Sambrano belonged to a rival gang. Mr. Ortega and Mr. Sambrano began to argue about a drive-by shooting that Mr. Ortega believed Mr. Sambano had committed. Mr. Garcia joined the argument, retrieved his gun, and shot Mr. Sambrano in the head. As Mr. Garcia's mother carried Mr. Sambrano to a car to take him to the hospital, Mr. Garcia shot Mr. Sambrano again in the chest, killing him.

**GOVERNING LAW**

The question I must answer is whether Mr. Garcia will pose a current danger to the public if he is released from prison. In answering this question, I must adhere to the same legal standards as the Board of Parole Hearings. The circumstances of the crime can provide evidence of current dangerousness when the record establishes that something in the inmate's history or mental state indicates that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4th 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Garcia suitable for parole based on his age, remorse, vocational training, and lack of recent discipline for institutional misconduct.

I acknowledge Mr. Garcia has made efforts to improve himself while incarcerated. He has participated in self-help programs including Criminals and Gangmembers Anonymous, Alcoholics and Narcotics Anonymous, and Anger Management. He has earned vocational certificates in automotive repair and received above average and exceptional work ratings from his supervisors. He has not been disciplined for serious misconduct since 1994. I commend Mr. Garcia for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

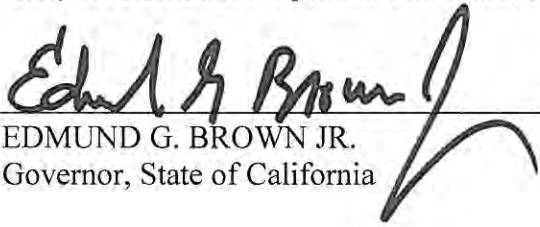
Mr. Garcia's crime was brutal and senseless. Mr. Garcia shot Mr. Sambrano in the head and the chest, firing the second shot while Mr. Garcia's mother was carrying Mr. Sambrano to the car.

I am concerned by confidential information in Mr. Garcia's prison file that indicates that he has remained active in gang activity. Mr. Garcia claims he dropped out of his gang in 1997. From 2000 to 2007, however, numerous inmates reported that Mr. Garcia was an influential member of the 2-5 gang, a disruptive group on the Sensitive Needs Yard. These inmates identified Mr. Garcia as an "enforcer" and drug trafficker for the group. Mr. Garcia told the Board in April 2010 that he was not involved in any gang activities in prison, and claimed that he had "disengaged" from all of his gang associates. The Commissioner, however, was troubled that Mr. Garcia minimized his gang activity and did not adequately explain why he had been drawn to the gang lifestyle. The Commissioner said, "I still see all the indications of a gang member. I listen to the way you talk...I still see [the] gang member philosophy that you have." Seven months later, correctional staff found two drawings in Mr. Garcia's property containing 2-5 gang symbols, and noted that the drawings were "indicative of membership and association" with the 2-5 gang. Despite this discovery, Mr. Garcia maintained at his 2013 hearing that he has not associated with any gang since 1997. I do not believe him. The drawings, coupled with the confidential information, show that Mr. Garcia remains engaged in the gang behavior that has plagued him for nearly 40 years. I encourage Mr. Garcia to be candid about this behavior and to truly distance himself from gang activity. Until he does so, I do not believe he is ready to be released.

### CONCLUSION

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

Decision Date: August 23, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**JEFFERY PERROTTE, H-89472**

Second-degree murder

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

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

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

**STATEMENT OF FACTS**

On May 6, 1992, Jeffrey Perrotte was drinking at a party when he got into an altercation with a restaurant employee and was asked to leave. He drove away, travelling at 85 miles per hour on a divided road with a 50 mile per hour speed limit when he crashed into a vehicle being driven by 75-year-old Jilly Rizzo. Mr. Rizzo was trapped in his car and called for help as Mr. Perrotte fled on foot before any witnesses arrived. Mr. Rizzo's car caught fire, and witnesses attempting to aid him were driven back by the intense flames. Mr. Rizzo was engulfed by the smoke and flames, and was killed. Mr. Perrotte returned to the scene with his wife after convincing her to claim she had been driving. Police at the scene arrested Mr. Perrotte. He tested positive for marijuana, and his blood alcohol level was estimated to be between .16 and .17 at the time of the accident.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Perrotte suitable for parole based on his acceptance of responsibility, lack of recent institutional misconduct, vocational training, educational achievements, staff support, self-help programming, and parole plans.

I acknowledge Mr. Perrotte has made efforts to improve himself while incarcerated. He completed a number of vocational training programs and received above average and exceptional work ratings from his supervisors. He has not been disciplined for serious misconduct since 2004. He has participated in self-help programs, including Alcoholics and Narcotics Anonymous, Substance Abuse Program, Denial Management, and Anger Management. I



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

Mr. Perrotte's drinking for hours, driving 85 miles an hour, and crashing into Mr. Rizzo was reckless. His running away while Mr. Rizzo burned to death was heartless. His convincing his wife to take the blame was irresponsible. Mr. Perrotte had been convicted of driving under the influence on three prior occasions, the last just three months prior to the murder. His actions had a devastating and long-lasting impact on the community and on Mr. Rizzo's loved ones. I note that many of Mr. Rizzo's family members have written heartfelt letters expressing their loss.

I am troubled that Mr. Perrotte minimizes the role of his use of alcohol in Mr. Rizzo's death. When asked by the Board why he continued to drink and drive despite his many convictions, Mr. Perrotte said, "I always believed that it would never happen to me. . . .I wish I would have been in a program." As the Commissioner pointed out, Mr. Perrotte had been ordered to attend a DUI program after his 1992 drunk driving conviction, and had been doing so for at least a month before he killed Mr. Rizzo. He told the Board that on the night of the murder he had "between five and six beers" over a four hour period, and that when he drove home he was not feeling the effects of the alcohol, saying "I thought I was fine." His claim that he was not affected by alcohol when he slammed into Mr. Rizzo's car shows that he doesn't grasp or appreciate the serious nature of his drinking habits or their lethal consequences. The psychologist who evaluated Mr. Perrotte in 2012 stated that Mr. Perrotte had "a limited awareness and understanding of the factors and underlying issues associated with his behavior leading up to, during, and following the life crime." I agree. His statements show an inability or unwillingness to accept responsibility for his crime or even his addiction.

Mr. Perrotte downplays his use of alcohol. In both 2010 and 2013, he told the Board that he had "stopped drinking" for periods of time, only to clarify that he had simply cut back on his consumption to a "couple of beers." He explained, "in comparison to what my drinking had been, it was basically a period of not drinking at all." I am concerned that Mr. Perrotte makes little distinction between a "couple of beers" and sobriety. It is clear to me that the risk Mr. Perrotte poses to society is directly linked to his inability to control his consumption of alcohol. I am troubled that despite decades of involvement in Alcoholics and Narcotics Anonymous he still minimizes the severity of his drinking problem. I am concerned he will again become overconfident about his ability to consume alcohol in moderation despite his history of alcohol-related convictions and Mr. Rizzo's tragic death.

Mr. Perrotte also engaged in recent criminal activity that did not warrant disciplinary action. Mr. Perrotte was identified as a "shot-caller" for Skinheads and other white inmates by several sources between 2003 and 2005. These sources indicated Mr. Perrotte was involved in ordering assaults and inciting riots. In 2011, a staff counselor noted that Mr. Perrotte threatened her and told white inmates that she was not to be trusted. Staff later intercepted a letter to Mr. Perrotte that spoke of an escape plan and smuggling contraband into the prison. This behavior demonstrates that he is not yet committed to living a life free from illegal activity. I direct the Board to carefully examine these issues at Mr. Perrotte's next hearing.

Mr. Perrotte's elevated risk scores support my concerns. The psychologist rated him as being in the moderate range of psychopathy, a moderate risk for violent recidivism, a medium risk for general recidivism, and a moderate overall risk if released. These scores were based in part on Mr. Perrotte's lack of insight into his personality and negative character traits, inability to fully explain his past antisocial behavior and addictions, and minimization of his personal responsibility.

**CONCLUSION**

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

Decision Date: August 28, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**GINA FLORIO, W-27500**  
First-degree murder

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

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

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

**STATEMENT OF FACTS**

Junko Owaki was an 18-year-old foreign exchange student from Japan. On February 18, 1986, Ms. Owaki mentioned to Corey Glassman that she had \$2,200 cash to pay for car repairs. Mr. Glassman told Gina Florio that he wanted to rob Ms. Owaki, and Ms. Florio responded that if they robbed her they would have to kill her to avoid getting caught.

Ms. Florio and Mr. Glassman lured Ms. Owaki through a field and tunnel until they reached a drainage ditch. During the walk, Ms. Florio handed her knife to Mr. Glassman. Once at the drainage ditch, Ms. Florio and Mr. Glassman grabbed Ms. Owaki and slammed her head against a wall several times. Ms. Owaki begged for her life, offered the money, and promised not to report them to the police. Mr. Glassman tried to kill Ms. Owaki by slitting her throat and strangling her. Because Ms. Owaki was still alive, Ms. Florio directed Mr. Glassman to stab Ms. Owaki in the neck, stating, "That's the only way we can get away with it...just do it." Mr. Glassman repeatedly stabbed Ms. Owaki in the head, back, and hands. He eventually discarded the knife on the ground, and Ms. Florio picked it up, jammed it into Ms. Owaki's throat, and twisted it around. Mr. Glassman then stuck his fingers inside Ms. Owaki's throat and ripped her flesh apart. They took the cash and threw Ms. Owaki's purse and body into the drainage ditch. They had stabbed Ms. Owaki over 100 times, including 40 times in the throat, and with such force that the blade penetrated her brain and broke two bones in her spine.

Several witnesses who observed Ms. Florio the night of the murder and in the following days reported that Ms. Florio "did not appear upset." Ms. Florio's mother testified that when her daughter returned home, "she did not act upset, worried, or out of the ordinary in any way." At one point, Ms. Florio saw a flyer with Ms. Owaki's picture on it, and simply commented, "oh, they haven't found her yet, huh?" Several weeks after the murder, when her mother told her that Ms. Owaki's body had been found, Ms. Florio "did not appear concerned or moved by the discovery."

**GOVERNING LAW**

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

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

### DECISION

The Board of Parole Hearings found Ms. Florio suitable for parole based on her acceptance of responsibility, remorse, lack of institutional misconduct, low risk scores, lack of criminal history, self-help programming, parole plans, and age.

I acknowledge Ms. Florio has made efforts to improve herself while incarcerated. She has completed three vocations and received above average to exceptional ratings from work supervisors. She has only been disciplined once for serious misconduct, in 1996. She has participated in self-help programs, including Alcoholics and Narcotics Anonymous, Relapse Prevention, Self-Esteem, Communication, Alternatives to Violence, and Anger Management. I commend Ms. Florio for taking these positive steps. But they are outweighed by negative factors that demonstrate she remains unsuitable for parole.

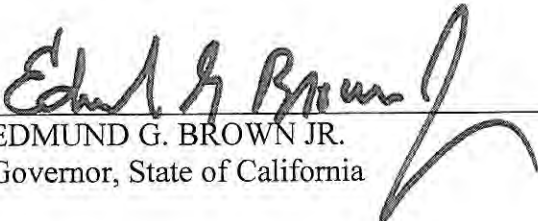
At only sixteen years old, Ms. Florio and Mr. Glassman committed a terribly gruesome crime. They took no pity on Ms. Owaki, who was pleading for her life, and savagely slammed her head into a concrete wall, tried to slit her throat, attempted to strangle her, and stabbed her over 100 times. Ms. Florio plunged her knife into Ms. Owaki's neck and twisted it before Mr. Glassman finally ripped the flesh apart with his fingers. All the more troubling, Ms. Florio did not have any discernible emotional reaction or regret in the days and weeks following this heinous murder.

Ms. Florio does not adequately explain how she could commit such an awful crime. She claims that her young parents did not provide her the guidance she needed, that her father's discipline was abusive, and that she felt that she was not worthy of love. She reported that she was introduced to drugs at a very young age and continued to use them heavily as a teenager. Ms. Florio explained that she committed this murder because she wanted acceptance and wanted to live up to the tough image she projected to others. She told the Board she did not go to the police after the murder because she was "afraid people were going to hate [her]" and did not want to be caught. She said, "the best explanation I could say is my immature, irrational, drug-fueled thinking made no sense whatsoever, and that's the hardest thing to accept about this crime." That isn't the hardest thing to accept about this crime. The hardest thing to accept is the suffering of Ms. Owaki. Ms. Florio's reasons do not explain how she could cruelly inflict such pain. All too often, teenagers are left to navigate the world without appropriate parental guidance or discipline. Many are abused, turn to drugs, and struggle with low self-esteem and a desire for acceptance. But it is exceptionally rare for any to display such a lack of empathy or to willingly participate in the prolonged torture and gruesome murder of an unsuspecting acquaintance. Even considering Ms. Florio's age, immaturity, and drug-fueled state at the time of the crime, her explanation for this extraordinary violence falls short. Until Ms. Florio can better explain why she employed such extreme brutality against another innocent teenager, I do not think she is ready to be released from prison.

**CONCLUSION**

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

Decision Date: September 20, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California



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

**ANTHONY ZATARAY, C-78567**  
Second-degree murder

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

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

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

**STATEMENT OF FACTS**

On June 8, 1983, Anthony Zataray, Gregg Walker, and a few others gathered at the home of George Morales to celebrate the birth of Mr. Morales' new baby. After a few drinks, seventeen-year-old Mr. Walker and a friend left. Mr. Zataray remained at the house and continued drinking. Around midnight, Mr. Walker returned to Mr. Morales' house. While his friend waited in the car, Mr. Walker pounded on the front door. Mr. Zataray retrieved a loaded gun, answered the door, and told Mr. Walker that Mr. Morales was asleep and to come back later. When Mr. Walker turned to walk back to his friend's car, Mr. Zataray shot Mr. Walker in the back of the neck, killing him. Mr. Morales came outside and put Mr. Walker's body into the car while Mr. Zataray held a gun to Mr. Walker's friend's head.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Zataray suitable for parole based on his vocational training, participation in self-help and substance abuse programs, parole plans, remorse, and age.

I acknowledge Mr. Zataray has made efforts to improve himself while incarcerated. He has participated in self-help programming including Alcoholics Anonymous, Criminals and Gangmembers Anonymous, Anger Management, and Alternatives to Violence. He earned his GED, completed vocational training, and received satisfactory and above average ratings from his work supervisors. I commend Mr. Zataray for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Zataray's crime was callous and senseless. After celebrating the birth of a baby with Mr. Morales earlier in the day, Mr. Zataray shot him in the back of the neck while he was walking away.

Mr. Zataray's record of violent criminal activity spans nearly four decades. He was first arrested at age 8 for sniffing glue and running away. He was arrested for assault with a deadly weapon on five occasions. At 17, he instigated a fight that led to the stabbing death of his brother-in-law. At 21, he pled guilty to kidnapping his brother's girlfriend after he and his brother abducted, beat, and threatened to kill her. At one point during the kidnapping, Mr. Zataray held his hand over the girl's mouth and nose and told her, "You're going to die... Do you know what it's like to die, die, die?" Mr. Zataray's violent behavior persisted after incarceration. He was disciplined for violence eight times in his first eleven years in prison, the most serious for the attempted murder of another inmate with a sharpened rock in 1991. He admits that he was a member of the Fresno Bulldogs for much of his life and confidential information indicates he has remained active as an "influential" member and "shot-caller" who ordered assaults, threatened inmates, and used and trafficked narcotics until at least 2006, when he was 46 years old.

I am troubled that Mr. Zataray continues to minimize the extent and severity of almost every violent episode in his life. He said that his brother's girlfriend made up the story about him and his brother kidnapping her and threatening to kill her. He alleges that his brother-in-law was killed because he was abusing Mr. Zataray's sister. When describing why he killed Mr. Walker by shooting him in the back of the neck, Mr. Zataray maintains that he "felt threatened" and believed Mr. Walker was reaching for a weapon. He told the psychologist who evaluated him in 2012 that he did "what I felt I had to do" to the inmate he stabbed in 1991, who he claimed was responsible for killing Mr. Zataray's brother in prison. He said that he only participated with the Fresno Bulldogs out of "fearfulness" and the dangers of prison life. His claim that he "distanced himself" from the Fresno Bulldogs in 1994 is contrary to numerous statements by inmates and staff about his continued involvement.

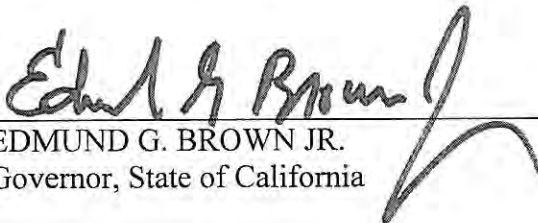
The psychologist who recently evaluated Mr. Zataray says he has "little insight into the extremely violent nature of his actions" and lacks a "thorough understanding of the internal factors which allowed him to act in such a callous manner toward others." I agree. Mr. Zataray has yet to honestly address his gang involvement, violence before prison, or responsibility for murdering Mr. Walker. He has not behaved in a manner that assures me he has turned away from his criminal values and has not demonstrated an understanding of the factors that led to his behavior. Until he develops a significantly improved understanding of how his behavior developed and persisted for so long, I do not believe he will be willing or able to avoid violent conduct if released.

Mr. Zataray's elevated risk score supports my concerns. In 2012, the psychologist assessed him as posing a moderate risk of violence if released based in part on his extensive criminal history, failure to accept full responsibility for the murder, minimization of aspects of the murder and his criminal behavior, lack of insight, and "mixed" prognosis for maintaining sobriety.

**CONCLUSION**

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

Decision Date: September 20, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**RONALD BUENROSTRO, C-97967**  
Second-degree murder

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

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

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

**STATEMENT OF FACTS**

On April 14, 1984, Ronald Buenrostro, Victor Carrasquillo, and Luis Martinez were out drinking and decided to rob a liquor store. While Mr. Martinez stayed in the car, Mr. Buenrostro and Mr. Carrasquillo, who was armed with a .38 caliber handgun, entered the liquor store and demanded money from 62 year-old owner George Matsumoto. Thinking that Mr. Matsumoto was reaching for a weapon, Mr. Carrasquillo shot him once in the chest. Mr. Buenrostro's group then drove off. Mr. Matsumoto was transported to the hospital where he died.

Police arrested Mr. Buenrostro on April 20, 1984. He pled guilty to second-degree murder and was sentenced to 15 years to life. The Board of Parole Hearings found him suitable for parole in 2009, and he was released on parole on February 9, 2010.

On September 15, 2011, Mr. Buenrostro was driving drunk and crashed into another car. His blood alcohol level was 0.23. Mr. Buenrostro was arrested and taken into custody. On November 17, 2011, his parole was revoked. The Board again granted him parole on May 7, 2013.

**GOVERNING LAW**

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

**DECISION**

The Board found Mr. Buenrostro suitable for parole based on his participation in substance abuse treatment since returning to prison, good behavior, age, and parole plans.

I acknowledge that Mr. Buenrostro has made efforts to improve himself while incarcerated. In the nearly 26 years in prison before he was released on parole, Mr. Buenrostro participated in

many years of self-help programs focused on substance abuse treatment, anger management, and gang violence prevention. He had not been disciplined for serious misconduct since 1999.

While in the community, Mr. Buenrostro lived independently, supported himself with three jobs, and had the support of his family. Since returning to prison, Mr. Buenrostro has participated in the Substance Abuse Program, Alcoholics Anonymous, and Celebrate Recovery, and completed a book report on alcohol addiction. I commend Mr. Buenrostro for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

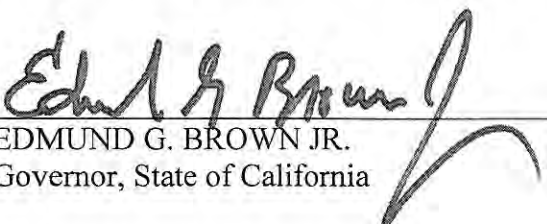
Mr. Buenrostro has a significant history of alcohol abuse. He started drinking when he was 13 years old. While serving in the Navy, he was ordered to complete a 30-day alcohol rehabilitation program. He had one drunk driving conviction and a separate drunk driving arrest. He was drinking at the time of the crime and robbed the liquor store to get money for more alcohol. Despite his assertions to the Board in 2009 that he would attend Alcoholics Anonymous, he only attended two Alcoholics Anonymous meetings after being released in 2010, never got a sponsor, and drank regularly starting July 4, 2011. Before crashing into another car on September 15, 2011, he drank three bottles of wine and two beers, and was drinking his fourth bottle of wine. He was so intoxicated that he could not stand up after the crash and fell to the ground, dislocating his shoulder. His 0.23 blood alcohol level was almost three times the legal limit.

I am concerned that Mr. Buenrostro is not ready to remain sober if released at this time. At his 2013 parole hearing, Mr. Buenrostro only had a superficial understanding of the 12 steps and his triggers for relapse, and had not developed a comprehensive plan for maintaining his sobriety. The psychologist in 2013 noted that Mr. Buenrostro seemed “new” to the 12-Step program, only knew three of the steps, and was unable to relate the “specific content of self-help groups aimed at sobriety.” The psychologist opined that Mr. Buenrostro’s “risk of violence would substantially increase if he were to relapse with alcohol” and that he needed time to “solidify” his recent gains. I agree. I am encouraged by Mr. Buenrostro’s participation in substance abuse programming, but I am not yet convinced he is prepared to remain sober in the community. I urge Mr. Buenrostro to fully commit himself to demonstrating that he can maintain his sobriety.

### CONCLUSION

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

Decision Date: September 27, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California



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

**PABLO IMERI, D-87488**  
Second-degree murder

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

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

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

**STATEMENT OF FACTS**

At around 9:30 p.m. on July 12, 1987, Pablo Imeri and his girlfriend were walking home from a day of drinking and hanging out with friends. Mr. Imeri got into a verbal altercation with two men walking down the street. While arguing, Mr. Imeri opened his pocket knife and moved it from his jacket pocket to the back pocket of his jeans. His girlfriend tried to get him to go into his apartment, but Mr. Imeri ignored her requests. The two men walked away, but Mr. Imeri believed that William Safian, a college student and San Francisco tourist who was across the street, shouted something at him. While holding his knife behind his back and rushing across the street, Mr. Imeri called the young man a "faggot." Mr. Imeri stabbed Mr. Safian in the stomach severing his aorta and slashed him across the face nearly cutting off the young man's nose. Mr. Safian collapsed on the pavement and later died from these injuries. Mr. Imeri walked back to his apartment, as if nothing had happened.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Imeri suitable for parole based on his behavior in prison, educational and vocational work, participation in self-help classes, insight, remorse, and parole plans.

I acknowledge Mr. Imeri has made efforts to improve himself while incarcerated. He has participated in a substantial number of self-help courses, including Alcoholics and Narcotics Anonymous, the Substance Abuse Program, and anger management. He was named valedictorian of his Substance Abuse Program class in 2010 and he sponsors and mentors other inmates with substance abuse problems. He has routinely received above average work ratings

and has not been disciplined for serious misconduct since 1989. I commend Mr. Imeri for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

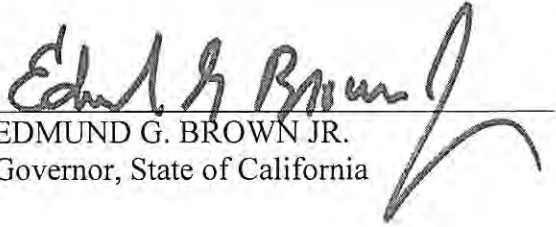
Mr. Imeri's crime was egregious and utterly senseless. Without warning, he snapped and slashed an unsuspecting stranger in the chest and face. Showing a tremendously callous disregard for Mr. Safian's suffering after the brutal attack, he simply turned and nonchalantly walked away. Mr. Imeri's actions had a devastating and long-lasting impact on Mr. Safian's loved ones. I note that they continue to express their heartfelt grief and loss and Mr. Imeri's parole hearings.

I am troubled that Mr. Imeri cannot better explain his reasons for attacking Mr. Safian. He told the Board that he committed this murder because he "had a lot of anger" and because alcohol "disinhibited" his expression of emotion. He stated that he learned to act out as a coping mechanism because he felt humiliated as a child when questioned by teachers in front of other students, because he felt abandoned by his brothers as they grew up and became interested in dating, and because he was molested once by a neighbor as a young boy. These reasons do not add up. Many children act out to cope with emotions stemming from sexual abuse, problems in school, and sibling relationships. But indiscriminately slashing an innocent twenty-year-old tourist on the street is not simply an episode of acting out. Mr. Imeri has not adequately explained the reasons behind his rage or why he was triggered to unleash it on a complete stranger. Until he does so, I cannot be convinced that he is ready to be released.

### CONCLUSION

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

Decision Date: September 27, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**JEFFREY INGLETT, C-61771**  
First-degree murder

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

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

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

**STATEMENT OF FACTS**

On April 8, 1983, 17-year-old Jeffrey Inglett and his friend, Dennis Marsh, entered 86-year-old Anna Weerts's home to steal money. When Ms. Weerts confronted Mr. Inglett and Mr. Marsh, Mr. Inglett grabbed her and ordered her not to scream. When Ms. Weerts screamed, Mr. Inglett slit her throat and struck her in the head with a hammer. Mr. Inglett and Mr. Marsh proceeded to stab her more than 90 times. After ransacking the home, Mr. Inglett set Ms. Weerts' hair on fire, set fire to the apartment, and left.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Inglett suitable for parole based on his recent good behavior in prison, insight into the crime, participation in self-help, age, family support, remorse, and time served in prison.

I acknowledge Mr. Inglett has made efforts to improve himself while incarcerated. He has completed over 20,000 hours of work in the laundry department and has been commended for his attitude, cooperation, and hard work. He earned a GED and paralegal certificate and has not been disciplined for serious misconduct since 1995. He has helped terminally ill inmates as a hospice volunteer and has continued to participate in self-help classes. I commend Mr. Inglett for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Inglett's crime was atrocious. Mr. Inglett savagely attacked a vulnerable elderly woman in her own home during a burglary. When she attempted to cry out for help, he grabbed her and slit

her throat, bashed her head with a hammer, and stabbed her many times. He insisted Mr. Marsh stab Ms. Weerts' dead body. Mr. Inglett then set fire to Ms. Weerts and to her home.

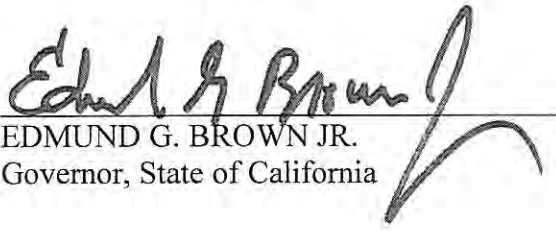
I reversed the Board's grant of parole in 2012 because of Mr. Inglett's vicious crime and his inadequate explanation of the rage and violence he unleashed against Ms. Weerts. Mr. Inglett's statements since then have not changed significantly and my concerns remain.

During his 2012 parole hearing, Mr. Inglett said that he committed the murder because he wanted to complete the robbery, felt peer pressure, and just didn't care about himself or others. He claimed that he repeatedly stabbed Ms. Weerts because he was "ashamed of finding myself in that position of committing another crime" and "projected" the "shock and anger" of being involved in another crime and getting into trouble again for killing Ms. Weerts. At his 2013 parole hearing, he acknowledged that he was not passively reacting to peer pressure, but a leader in this crime. However, he continued to claim that he stabbed Ms. Weerts so many times because he was "in shock" seeing Ms. Weerts's dead body, and because he "project[ed]" onto her his "misdirected rage." As I discussed in 2012, the fact that Mr. Inglett again found himself committing another crime does not explain how he could demonstrate such extraordinary rage that he would stab an elderly woman 90 times after slitting her throat and beating her with a hammer. His statements show that he continues to have a shallow understanding of the dynamics underlying his behavior, does not fully grasp the severity of his violence, and continues to pose an unreasonable risk if released on parole.

### CONCLUSION

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

Decision Date: September 27, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**DANIEL SANCHEZ, H-30265**

Second-degree murder

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

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

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

**STATEMENT OF FACTS**

Daniel Sanchez and Yvette Perez started dating in November 1988 and moved in together. On January 23, 1989, Mr. Sanchez and Ms. Perez began to argue about their drug and alcohol use, finances, and whether to move to a new apartment. Ms. Perez tried to take her eight- and one-year old children and leave the apartment, but Mr. Sanchez blocked their exit and dragged her to the bedroom, where Mr. Sanchez had stashed a knife. Mr. Sanchez retrieved the knife and stabbed Ms. Perez multiple times in the chest and throat as Ms. Perez's 8-year-old son looked on. When Ms. Perez continued to struggle, Mr. Sanchez went to his closet, picked up a baseball bat, and clubbed Ms. Perez in the head and body, killing her. Mr. Sanchez told the boy who witnessed the brutal murder that he would be next. Mr. Sanchez reported that he passed out after killing Ms. Perez, and that when he awoke he "couldn't believe there was so much blood in that bedroom."

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Sanchez suitable for parole based on his remorse, acceptance of responsibility, age, insight, self-help, lack of serious disciplinary misconduct, vocational work, and parole plans.

I acknowledge Mr. Sanchez has made efforts to improve himself while incarcerated. He has participated in self-help programming and written book reports related to substance abuse, anger management, domestic violence, and victim awareness. He has completed vocational programs and received above average to exceptional ratings from his work supervisors. He has not received a single rules violation report for serious misconduct in the nearly 25 years he has been



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


Mr. Sanchez's crime was exceptionally brutal. Mr. Sanchez had been dating Ms. Perez for less than three months when he stabbed and bludgeoned her to death in front of her 8-year-old son, then threatened to kill the boy as well. I note that Ms. Perez's family appeared at Mr. Sanchez's recent parole hearing to express the tremendous impact of this murder on their own lives as well as their continued grief and loss.

I am troubled that Mr. Sanchez has provided numerous inconsistent statements to the Board and to various psychologists regarding the murder. He told the psychologist in 2010 that he and Ms. Perez were arguing, and "next thing I know, I had a bat and I was swinging it. She was swinging [a knife]. I don't remember it. The outcome is she was stabbed and beaten to death." He provided more details to the Board in 2010, claiming that he remembered stabbing Ms. Perez, beating her with a bat, stabbing her again, and continuing to club her. He told another psychologist in January 2013 that he was highly intoxicated and blacked out during the crime, stating, "all I remember is I was outraged and swung a bat and a knife." He again provided a detailed account of the murder to the Board in 2013, but failed to mention beating and stabbing Ms. Perez a second time. Mr. Sanchez's statements to the Board are inconsistent with each other and with his claims that he was so intoxicated that he could not clearly remember the murder. These inconsistencies indicate to me that Mr. Sanchez is unwilling or unable to provide a convincing and credible explanation of his violence against Ms. Perez. Until he has a clearer sense of his responsibility for the terrible crime he committed, I cannot feel confident that he will not again act violently in the future.

### CONCLUSION

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

Decision Date: September 27, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**LAMORRIS DAVIS, H-20031**  
Second-degree murder

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

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

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

**STATEMENT OF FACTS**

On April 4, 1991, LaMorris Davis and two fellow 11<sup>th</sup> Street Project Crips members, Prince Shotwell and Jackie Osby, drove into rival gang territory where they spotted 17-year-old Juan Cisneros and his two friends walking on the side of the road. Mr. Davis's group asked the three young men if they were part of a gang. Mr. Cisneros and his friends replied that they were no longer gang-bangers. Mr. Davis's group challenged them to a fight, but Mr. Cisneros and his two friends ran away. As they were running, Mr. Davis fired one shot at them, but his gun jammed. Mr. Osby then fired six shots, hitting Mr. Cisneros twice in the back. Mr. Davis's group fled. Mr. Cisneros later died in the hospital.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Davis suitable for parole based on his remorse, participation in self-help classes, lack of serious misconduct since 2007, acknowledgment of drug-related misconduct, psychological evaluation, parole plans, and educational and vocational work.

I acknowledge Mr. Davis has made efforts to improve himself while incarcerated. He was only 17 at the time of the life crime and has since earned a high school diploma and completed two vocations. He has consistently received positive work ratings. He has participated in several self-help programs, including Narcotics Anonymous, Criminals and Gangmembers Anonymous, and Anger Management. I commend Mr. Davis for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

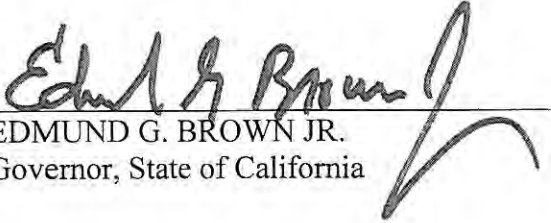
Mr. Davis's crime was cowardly and senseless. Mr. Davis and his friends entered rival gang territory and picked a fight with a group of innocent young men. Mr. Davis and Mr. Osby shot at them as they fled and killed Mr. Cisneros.

I am troubled by Mr. Davis's recent criminal activity. After sixteen years in prison, he was disciplined for serious misconduct three times in 2007, including for possession of two cell phones and possession of 0.45 grams methamphetamine. His possession of methamphetamine led to a separate criminal conviction and an additional four year prison term. At his recent hearing, he claimed that he was selling methamphetamine in prison for one year. But information in his confidential file shows that he was not telling the truth. Multiple sources consistently reported that Mr. Davis trafficked methamphetamine for substantially longer than one year, at one time was considered the "biggest dealer" in his housing unit, and threatened other inmates over drug debts. Particularly troubling is the fact that this conduct occurred while Mr. Davis was involved in Narcotics Anonymous. I am encouraged by Mr. Davis' recent progress, but given his recent criminal activity including selling drugs and lying about it under oath, shows he is not yet ready to be 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 I have discussed shows why he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Davis.

Decision Date: October 4, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**RICHARD GREGG, D-87878**  
Second-degree murder

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

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

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

**STATEMENT OF FACTS**

Richard Gregg began dating Eva Woo in early 1987. According to a number of witnesses, Mr. Gregg was abusive and controlling of Ms. Woo and had threatened to kill her. Mr. Gregg's sister called him "jealous, unstable, and suicidal," and stated she heard her brother argue with Ms. Woo and threaten to "[blow] her head off" in the days before the murder. Ms. Woo told her parents she would be moving out of the apartment she shared with Mr. Gregg and back into their home on October 24, 1987, because Mr. Gregg was "mean and violent." On the night of October 22, 1987, Ms. Woo and Mr. Gregg went out to dinner, where they argued because Ms. Woo finished their soda and because Mr. Gregg was admiring a girl in tight pants. As they drove home, Mr. Gregg fired three shots out of the car window with a .357 magnum revolver at a park on the outskirts of town. Once at the apartment, Ms. Woo returned to the car to retrieve some paper towels. When she walked back through the front door, Mr. Gregg was waiting in the living room with the revolver pointed at her, and shot her in the chest. When police arrived and asked Ms. Woo what had happened, Mr. Gregg immediately stated, "The gun fell off the T.V. and went off. It got her in the chest." Ms. Woo then told the officer, "It was an accident." She died early the next morning.

This was not the first instance of violence against a woman perpetrated by Mr. Gregg. Mr. Gregg admitted that he would "fist fight" with another girlfriend, Bernice. Mr. Gregg's ex-wife, Angelina, described instances in which he threatened to kill her, their daughter, his father-in-law, his mother, and Angelina's lawyer. In one instance, Mr. Gregg held a knife to Angelina's throat, and, in another, he threatened "to cut [her and their daughter] up into little pieces and nail parts of [them] to the wall and plead insanity."

**GOVERNING LAW**

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



### DECISION

The Board of Parole Hearings found Mr. Gregg suitable for parole based on his lack of recent institutional misconduct, self-help programming, acceptance of responsibility, insight, and age.

I acknowledge Mr. Gregg has made efforts to improve himself while incarcerated. He has participated in self-help programming including Alcoholics and Narcotics Anonymous and a correspondence course on domestic violence. He earned his GED, has not been disciplined for serious misconduct since 1994, and received above average ratings from his work supervisors. I commend Mr. Gregg for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Gregg's crime was entirely senseless and callous. Following months of physical abuse and threats at the hands of Mr. Gregg, Ms. Woo decided to move out of the apartment and back in with her parents. Before she could, Mr. Gregg shot her without warning.

Although Mr. Gregg told the Board in 2013 that he accepted full responsibility for Ms. Woo's death, he continues to claim that the murder was an accident. He details a history of "playing some weird games" with Ms. Woo that involved feigned attempts to kill each other to heighten sexual arousal. He claims that it was in the context of this "bizarre" sexual foreplay that he pointed the gun at Ms. Woo when she unsuspectingly walked through the door, "forgot it was loaded," and shot and killed her. I am not persuaded. Mr. Gregg has a history of domestic violence against the women he dated, including Ms. Woo, and had threatened to kill her several times. On the night of the murder they went out to dinner, fought, and on their way home Mr. Gregg fired the gun several times out of the car window. It is simply not believable that less than a few hours later he "forgot" the gun was loaded and accidentally shot Ms. Woo. I am also not persuaded by Ms. Woo's statement to police as Mr. Gregg stood over her that the shooting was an accident. Ms. Woo would not be the first victim of domestic violence to lie to police in order to protect her abuser. Mr. Gregg's account of the murder shows that he continues to deflect responsibility for his actions and remains unable to confront the reasons he intentionally killed Ms. Woo.

I am troubled that Mr. Gregg consistently minimizes his violence against women, even apart from Ms. Woo's murder. Mr. Gregg denies abusing his ex-wife Angelina, telling the Board in 2010 that he only "pushed her once." He said he and Bernice would often "fist fight" when they would "get drunk and one thing led to another, and next thing you know, it was on." At his Board hearing in 2013, he flatly denied any physical violence against Ms. Woo before the murder. When asked by the Board in 2010 whether he had threatened to shoot Ms. Woo, Mr. Gregg dismissed the importance of the reported death threats, saying, "I used to say I was going to shoot a lot of people, you know." Mr. Gregg's description of his relationships whitewashes the extent and severity of his violence against multiple women. Despite his assertion to the Board that he has been "studying domestic violence" for "the last almost three years," he fails to recognize that any of his relationships were rife with abuse. In doing so, Mr. Gregg significantly minimizes his culpability for his behavior.

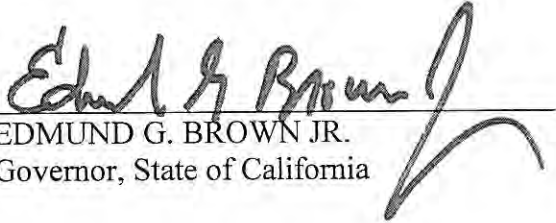


I am also concerned that Mr. Gregg cannot better articulate the reasons for his prolonged history of domestic violence. He told the psychologist in 2010, "I was a very unhappy person... I just didn't like life," and that alcohol and drugs added "fuel to the fire." He told the Board in 2013 that his domestic violence was caused by "anger issues," "not dealing with the emotional issues that were there from probably when I was a young age," and said, "I don't know how to communicate with women." These explanations are superficial and unconvincing. Mr. Gregg does not explain what emotional issues he suffered from, or how he has resolved them. He also does not explain why an inability to communicate with women – which plagues many men – led to his pattern of abuse and violence. I note that Mr. Gregg has only recently participated in self-help programs on the subject of domestic violence. When asked by the Board what he had learned from these programs, he stated, "I learned that I've got a lot of work to do," and later reiterated "I think I still need a lot more work." I agree. I encourage him to comprehensively explore what it was about his past or personality that allowed him to repeatedly abuse women so that he can constructively deal with issues that will arise in his future romantic relationships. Until he does so, I do not believe he should be released.

#### CONCLUSION

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

Decision Date: October 4, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**ANTHONY RICHARDSON, T-28027**

Second-degree murder

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

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

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

**STATEMENT OF FACTS**

Anthony Richardson's daughter, Brianna, was born in 1991 with HIV. Her prognosis was good and over the next few years her doctors repeatedly advised Mr. Richardson that Brianna needed to maintain her treatment regimen. In 1994, Mr. Richardson moved Brianna and his three other children to California and discontinued all medical care for Brianna. He took Brianna to one checkup in 1996 so that she could enroll in daycare. In completing the intake form at the doctor's office, Mr. Richardson indicated that Brianna suffered from no serious health problems and took no medications. He did not disclose to the doctor that Brianna was HIV-positive.

In 1997, Brianna's first-grade teacher noticed that she often came to school with a runny nose and cough. A teacher's assistant observed that Brianna had lice, dental problems, and often came to school hungry. The teacher's assistant, whose daughter was in Brianna's class, offered to have her church provide free food for Mr. Richardson's family and referred him to a dentist who would provide Brianna with free services. Eventually, after her many attempts to help Brianna, Mr. Richardson forbade Brianna from continuing a relationship with the teacher's assistant or her daughter.

On one occasion in October 1998, Brianna went to school "emitting a strange odor, shivering, moaning, coughing, and had a temperature of about 105 degrees." The principal could not reach Mr. Richardson. When Mr. Richardson picked Brianna up from school at the end of the day, he told school officials he would take Brianna to the hospital, but never did. The school nurse called Mr. Richardson later that evening and insisted that Mr. Richardson take Brianna to the county hospital for free treatment. Mr. Richardson refused, and the school nurse called Child Protective Services and the Sheriff's Office. When a deputy sheriff arrived at Mr. Richardson's home, Mr. Richardson convinced the deputy that he had taken Brianna to the hospital earlier that day. He never had.

In March 1999, Brianna was again sent home from school with a fever. A deputy sheriff again went to the Richardson home to check on her and again insisted that Mr. Richardson take Brianna to the hospital. Mr. Richardson loaded Brianna and his other children into his car and drove towards the hospital. Mr. Richardson never arrived at the hospital, however, and once again, he did not seek medical assistance. Brianna last attended school on April 1, 1999. When

school officials went to Mr. Richardson's house to inquire about her absences, he made excuses and would not let them into his house to see Brianna.

On June 11, 1999, paramedics were summoned to the Richardson home where they found seven-year-old Brianna dead on the floor. She was 33 pounds. Her legs and feet were covered with feces and urine. The house was filthy. Mr. Richardson told the paramedics that Brianna had not been eating well for a couple of months, but had eaten cereal that morning. Brianna had sores in and around her mouth caused by an ulcerating candida yeast infection. She had tuberculosis, acute and chronic pneumonia in both lungs, widespread infection, and other complications from AIDS. She died of severe malnutrition and sepsis.

### GOVERNING LAW

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

### DECISION

The Board of Parole Hearings found Mr. Richardson suitable for parole based on the length of his incarceration, his lack of criminal history, self-help programming, remorse, age, psychological evaluation, and parole plans.

I acknowledge that Mr. Richardson has made efforts to improve himself while incarcerated. He has been involved in self-help programs including Alcoholics and Narcotics Anonymous, the Substance Abuse Program, and Parenting Skills. He has remained disciplinary-free, completed vocational training, and regularly received above average work ratings. I commend Mr. Richardson for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Richardson's crime was heartbreaking and cruel. What parent could neglect his child, watch her waste away, and intentionally turn away medical care? Mr. Richardson allowed Brianna to suffer and die from a painful and debilitating disease, and utterly failed in his duty to her.

Mr. Richardson continues to make excuses for his abuse of his daughter and shirks his responsibility for her death. He told the psychologist that he did not seek medical care for Brianna because "We moved to California and we lived our life. I didn't take her to any doctor; we didn't have a doctor." He explained that he was in "subconscious denial" of Brianna's condition and was "deluding" himself. He reported that he "wasn't hiding from anybody" and paints himself as a father who simply chose his daughter's "quality of life" over her "quantity of life." He said, "I was involved with my children and Brianna took most of my time. If anybody was getting neglected, it was the other children."

The psychologist pointed out that Mr. Richardson “dissembles and deflects saying simply that he did not have a doctor; however he misrepresented his daughter’s health when he did come in contact with medical personnel.” The psychologist observed, “He was not just deluding himself, he refused to accept, even avoided, the advice and direction of authoritative others” and found that Mr. Richardson “does not address the thoughts, feelings, motivations, and circumstances which impelled him to live under what were apparently squalid conditions.” I agree. Mr. Richardson’s explanations are stunningly inadequate. There is no way, when faced not only with Brianna’s physical condition but also the multitude of people who tried to intervene to help her, Mr. Richardson could have been in denial about her need for medical care or food. His assertions that he was caring for Brianna at the expense of his other children shows his disconnection from reality. He seems to think he has done little wrong and has not acknowledged or come to terms with failing to care for his daughter.

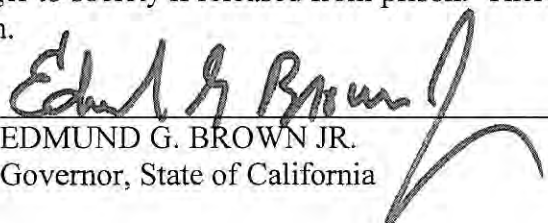
I am also troubled that Mr. Richardson has not addressed his substance abuse problem. He started using alcohol, marijuana, and methamphetamine as an adolescent. He tried cocaine and other drugs in early adulthood. He was convicted of methamphetamine possession and driving while intoxicated. When officers found Brianna’s body, they also found drug paraphernalia in the home and evidence that Mr. Richardson had been growing marijuana. Mr. Richardson downplayed the extent of his substance abuse when he told the psychologist that he was so busy as a parent that he “didn’t have time. I couldn’t drink and get high with the kids.” The psychologist opined that Mr. Richardson “seems to be minimizing and downplaying his persistent use of intoxicating substances and the negative effect it had on his life and his children’s lives” and that he “has not developed the concepts, skills, or social support to substantially reduce his risk for relapse.” I note that he only attended an Alcoholics and Narcotics Anonymous group in 2010 and 2011 and the Substance Abuse Program in 2013. Simply put, Mr. Richardson is not prepared to remain sober in the community.

Mr. Richardson has made only recent and limited efforts to rehabilitate through participation in self-help programs. Although Mr. Richardson neglected his daughter for almost five years, he takes little responsibility for his failures as a parent and has only been involved in self-help groups since 2010. I urge Mr. Richardson to earnestly participate in available self-help groups to demonstrate that he is ready to maintain his sobriety if released and to work to gain better insight into the abuse and murder of his daughter.

### CONCLUSION

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

Decision Date: October 4, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California



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

**ERIC TAYLOR, C-69872**  
Second-degree murder

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

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

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

**STATEMENT OF FACTS**

On February 21, 1983, Eric Taylor and John Irmer went to Jerry Pelosi's apartment so that Mr. Taylor could demand \$5,000 from Mr. Pelosi, claiming he was owed that sum.<sup>1</sup> Mr. Pelosi, who was Mr. Taylor's friend, allowed them into his apartment. When Mr. Pelosi refused to pay, a violent fight ensued. Mr. Taylor hit Mr. Pelosi in the head several times with a hammer, fracturing his skull. Mr. Irmer then stabbed Mr. Pelosi multiple times in the chest and back. Mr. Taylor and Mr. Irmer looted the apartment, taking cash, cocaine, and marijuana, and fled to a friend's house. Mr. Taylor boasted, "we had to bash someone's head in with a hammer. Nobody snitches on us." Mr. Pelosi died from cranial cerebral trauma and multiple stab wounds.

**GOVERNING LAW**

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

**DECISION**

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

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<sup>1</sup> Mr. Taylor's bizarre story – repeated at his most recent parole hearing – is that he told Mr. Pelosi that Mr. Irmer was responsible for an earlier burglary of Mr. Pelosi's apartment. Mr. Taylor claims that Mr. Pelosi offered him \$5,000 to kill Mr. Irmer. Offended that his supposed friend, Mr. Pelosi, would ask him to kill someone, Mr. Taylor devised a plan with Mr. Irmer. Apparently, Mr. Irmer went into hiding so it would appear as though Mr. Taylor had killed him and Mr. Taylor made a spurious claim for the money from Mr. Pelosi. Eventually, Mr. Taylor and Mr. Irmer got upset that Mr. Pelosi would not pay for the murder that Mr. Taylor had not actually carried out, so they showed up at Mr. Pelosi's apartment to demand the money on February 21, 1983.



I acknowledge Mr. Taylor has made efforts to improve himself while incarcerated. He has been incarcerated for over 30 years for the murder of Mr. Pelosi. In that time, he has earned an Associate's and Bachelor's degree, has been commended for his good behavior, respectful manner, and positive attitude, and has participated in several self-help programs, including Alcoholics and Narcotics Anonymous, Substance Abuse Program, Stress Management, Anger Management, and Victim Awareness. He volunteered in an outreach program for at-risk youth between 2009 and 2011 and has not been disciplined for serious misconduct since 1990. I commend Mr. Taylor for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Taylor's crime was callous and brutal. Mr. Taylor bludgeoned his friend's head with a hammer, crushing his skull, before Mr. Irmer began stabbing him. The reason for this murder was bizarre and senseless.

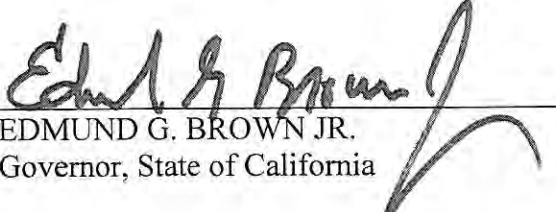
Mr. Taylor continues to downplay his role in the murder of Mr. Pelosi. He recently told the Board, "My part was trying to play both ends from the middle. Basically I set the thing in motion." He further described that he beat Mr. Pelosi with a hammer "until he couldn't defend himself is what it amounted to. And then I turned around and walked off." The psychologist who evaluated him in 2009 opined that Mr. Taylor "continues to have difficulty accepting his full role in the murder/robbery of Mr. Pelosi" and that he "still has little insight" into his reasons for doing so. I agree. I am troubled that Mr. Taylor does not recognize that he dealt several fatal blows to Mr. Pelosi himself and was not merely an instigator who weakened Mr. Pelosi to make him an easy victim for Mr. Irmer.

Mr. Taylor's elevated risk scores support my concerns. The 2009 psychologist rated him a high overall risk for violence if released, high risk for general recidivism, moderate-high risk category for violent recidivism, and in the high range of psychopathy. These elevated risk ratings were based in part on Mr. Taylor's minimization of his role in Mr. Pelosi's murder and his poor insight. I note that the psychologist who evaluated Mr. Taylor in 2013 found that he has improved in a number of areas, but did not provide new risk ratings. I direct the Board to administer a new comprehensive risk assessment before Mr. Taylor's next hearing in order to provide a more current complete assessment of the risk he poses if released.

### CONCLUSION

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

Decision Date: October 4, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**ROBERT DUREN, B-24120**

First-degree murder

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

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

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

**STATEMENT OF FACTS**

On January 16, 1969, Robert Duren went into a liquor store, shot David Munoz in the head with a .22 caliber gun, and stole approximately \$3,000 from the cash register. Mr. Munoz died from the gunshot wound.

On January 28, 1969, Mr. Duren went into another liquor store, pulled a gun on Samuel Hahn and demanded money from the cash register. The owner, Ben Dreskin, was standing nearby and told Mr. Hahn to give Mr. Duren the money. Mr. Duren went over to O.B. Hunt, a customer, and shot him in the neck. He walked over to Mr. Dreskin, shot him in the head, then turned around and shot at Mr. Hahn. Mr. Hahn used a steel chair to protect himself and was not injured. Mr. Dreskin and Mr. Hunt both died.

On January 29, 1969, Mr. Duren went to a café, ordered a meal, and then shot the owners, Ryoso and Misao DeVinna, in the forehead and cheek, killing them. The café's cash register was found open and empty.

On February 1, 1969, Mr. Duren walked into a market and pointed a gun at the owners, Mr. and Mrs. Cefter, and demanded money. Mr. Cefter followed Mr. Duren's instructions. Mr. Duren turned to Mrs. Cefter and told her that she was lucky, then left.

On February 8, 1969, Mr. Duren went to another market. While checking out, he pulled a gun on the clerk, instructed her to put money in a bag, and threatened several times to shoot her. She put approximately \$200 in the bag and Mr. Duren walked out of the store.

Mr. Duren was arrested on February 28, 1969 after entering a bar while carrying a gun. He was convicted by a jury of five counts of first-degree murder, assault with intent to murder, and two counts of robbery, and was sentenced to death. In 1973, the California Supreme Court overturned Mr. Duren's death sentence and modified the judgment to life imprisonment with the possibility of parole, holding that the death penalty violated the state constitutional provision against cruel and unusual punishment. The modification was not made on the basis of the merits of Mr. Duren's appeal. (*People v. Duren* (1973) 9 Cal.3d 218 (citing *People v. Anderson* (1972) 6 Cal.3d 628.))

### GOVERNING LAW

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

### DECISION

The Board of Parole Hearings found Mr. Duren suitable for parole based on his remorse, insight, age, lack of recent institutional misconduct, parole plans, self-help programming, and educational achievements.

I acknowledge Mr. Duren has made efforts to improve himself while incarcerated. He has served over 44 years in prison, has not been disciplined for any type of misconduct since 1984, and has earned his Associate's and Bachelor's degrees. He has participated in several self-help programs, including an Islamic substance abuse program, Violence Prevention, and Victims Awareness. I commend Mr. Duren for taking these positive steps, and I acknowledge that he suffers from some medical conditions, has limited mobility, and has been medically disabled since 2003. But these circumstances are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Duren's crimes were appalling. He shot and killed five innocent people without hesitation. After planning these robberies he calmly entered stores and cafés, demanded money, and then dispassionately shot the witnesses to prevent them from identifying him. Mr. Duren's three-week rampage terrorized the community, the victims, and their families. As our Supreme Court has acknowledged, in rare circumstances, a crime is so heinous that it provides evidence of current dangerousness by itself. This is such a case.

But there is more evidence that Mr. Duren remains dangerous. I reversed the Board's decision to grant parole to Mr. Duren in 2012 based on the heinous nature of the crime, Mr. Duren's inability to explain his actions, shaky commitment to sobriety, elevated risk ratings, and limited participation in self-help programming. I encouraged him to engage in self-help to explore how he could act so cruelly and to better address his substance abuse problems. My concerns have not changed.

Mr. Duren has yet to articulate an adequate understanding of why he killed five strangers. As he did in 2012, he explained to the Board in 2013 that he went on his crime spree because his "family was in disarray," he needed money, he was drinking and gambling, and was cowardly, selfish, angry, and greedy. He also related that he grew up in a poor family and suffered physical abuse at the hands of his mother. He attributed his actions to feelings of inadequacy stemming

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

**ERIC WICKLIFFE, E-79377**  
Second-degree murder

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

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

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

**STATEMENT OF FACTS**

Eric Wickliffe and Karen Harnage began dating in 1982. They had a child together in 1987 and exchanged wedding rings, but their relationship soon deteriorated. By 1989 they fought frequently regarding Ms. Harnage's alleged infidelity, and Ms. Harnage told Mr. Wickliffe she wanted to end the relationship. In July 1989, police arrested Mr. Wickliffe after Ms. Harnage called the police and reported that Mr. Wickliffe was outside of her house with a gun and would not leave. She told police that a day earlier he had shot at her and threatened to kill her when she refused to talk to him. On February 1, 1990, Ms. Harnage filed a request for a restraining order against Mr. Wickliffe, claiming that he had come to her house and beaten her. On February 17, Ms. Harnage went to Mr. Wickliffe's mother's house to talk to Mr. Wickliffe. The two argued outside the house, and Mr. Wickliffe pulled out a .38 caliber handgun and shot Ms. Harnage three times, killing her.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Wickliffe suitable for parole based on his remorse, acceptance of responsibility, psychological evaluation, behavior in prison, self-help programming, parole plans, and educational and vocational work.

I acknowledge Mr. Wickliffe has made efforts to improve himself while incarcerated. He has participated in self-help programming including Alcoholics and Narcotics Anonymous, Anger Management, and Domestic Violence. He completed vocational training, has not been disciplined for serious misconduct since 1994, and received above average and exceptional work



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

Mr. Wickliffe's crime was senseless and reprehensible. He abused and harassed Ms. Harnage for months, firing a gun at her and physically assaulting her as their relationship deteriorated. Ultimately, he gunned her down in front of his mother's house, devastating the lives of Ms. Harnage's family and friends.

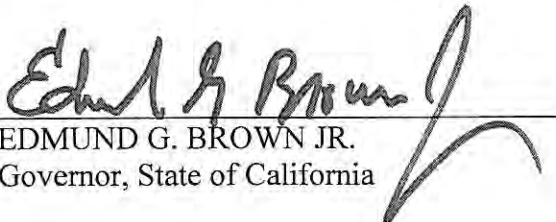
I am concerned that Mr. Wickliffe continues to minimize his violence against Ms. Harnage. He admitted to the psychologist who evaluated him in 2012 that he was verbally abusive but denied ever threatening Ms. Harnage. Although he had previously admitted that he shot at Ms. Harnage but "intentionally" missed her, until his 2013 hearing, he never acknowledged that it was threatening to do so. He has recently accepted more responsibility for his history of abuse, but he still described other episodes by saying he simply "found himself talking through a window" and his girlfriend refused to let him in and that he was yelling through his girlfriend's door. He does not acknowledge that on both occasions police arrived because he wouldn't leave. He continues to blame others by pointing out that Ms. Harnage and his subsequent wife were both responsible for their relationship problems because they both cheated on him. The psychologist noted that Mr. Wickliffe "continues to subtly minimize the extent and severity of his aggression toward the victim, suggesting a failure to accept responsibility for his actions." I agree. I note that Mr. Wickliffe has only recently participated in self-help programs on the subject of domestic violence. I encourage him to comprehensively explore and own up to his history of abuse against Ms. Harnage so that he can recognize and address conflicts in his future relationships. Until he does so, I do not believe he should be released.

I am also troubled by Mr. Wickliffe's recent behavior in prison. In November 2012, a prison physician noted that Mr. Wickliffe became "hostile and argumentative" on a number of occasions when the physician would not assign him to a lower bunk. The physician stated that he did not "feel safe" around Mr. Wickliffe and asked a correctional officer to escort him out of the clinic. Despite more than 23 years in prison and several self-help courses on anger management, this recent behavior indicates that he still struggles to control his temper in a non-violent manner and still poses an unreasonable risk of danger.

### CONCLUSION

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

Decision Date: October 11, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California



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

**ANTHONY CASTRO, C-03681**  
First-degree murder

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

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

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

**STATEMENT OF FACTS**

On October 22, 1977, gang members David Hernandez, Samuel Dominguez, Anthony Castro, and Eugene Villareal went to a park looking for rival gang members to shoot. While they were walking in the park, another car drove up to them, called out, and shot at them, hitting Mr. Castro in the finger. Mr. Castro fired his revolver at the car as it fled, but did not hit anyone. The group decided to drive through the neighborhood to look for the gang members they believed were responsible. They spotted rival gang members Esteban Fierro and Alex Santacruz standing outside of a house, and Mr. Castro yelled for Mr. Fierro to come to the car. Mr. Dominguez and Mr. Hernandez exited the car and shot at Mr. Fierro and Mr. Santacruz ten times, hitting Mr. Fierro in the chest, killing him, and Mr. Santacruz in the leg, wounding him. The group got back into their car, and Mr. Castro yelled, "Nuestra Familia" as they drove away. Police pursued the vehicle until it lost control and crashed. Mr. Hernandez, Mr. Villareal, and Mr. Castro got out of the car and one of them shot at the officers while the three fled.

**GOVERNING LAW**

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

**DECISION**

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

I acknowledge Mr. Castro has made efforts to improve himself while incarcerated. He earned his GED, completed several vocations, and has received satisfactory ratings from his work supervisors. He has participated in self-help programs, including Alcoholics Anonymous, Alternatives to Violence, and Anger Management. He has not been disciplined for serious

misconduct since 2006. I commend Mr. Castro for taking these positive steps, and I recognize that he was 17 years old when he committed this crime. But these circumstances are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Castro's crime was callous and senseless. He and his associates sought out rival gang members to shoot and kill, then fired on police officers to avoid being captured.

Mr. Castro minimizes the extent and severity of his gang activity. He recently told the Board and the psychologist that the murder was the first time he had "directly witnessed or participated in a gang-related criminal act," and denied previously having shot at anyone or having used a gun to threaten anyone. Confidential information, including Mr. Castro's own admissions, however, shows he was much more active in the gang's criminal activities before and after his incarceration. The psychologist who evaluated Mr. Castro in 2013 noted that he was "quite vague and evasive" about his gang involvement, and that he "appeared motivated to present himself in a perhaps overly-positive light and was hesitant to discuss potentially negative information." I agree. Mr. Castro's continued minimization of his gang activity indicates to me that he has yet to accept full responsibility for his prior criminality.

I am troubled that Mr. Castro has yet to genuinely explore the reasons for his criminal activity. At his recent hearing, Mr. Castro first claimed the main causes of his behavior were his "[gang] affiliation, being drunk, and immaturity." After an in-depth discussion of some of these issues and being confronted with an inconsistency, Mr. Castro back-pedaled, insisted he had misunderstood the Board's question, and claimed he was only explaining "what the doctors have said about me all these years." This pattern repeated itself throughout the hearing. Each time the Board confronted Mr. Castro with a shortcoming or inconsistency, Mr. Castro diverted responsibility by characterizing the situation as a "misstatement," or by claiming that he was "misinterpreted." Prior commissioners and psychologists noted similar issues. The psychologist who evaluated him in 2013 stated that Mr. Castro tended to "externalize responsibility and fail[ed] to adequately see his own role." When the Board denied Mr. Castro parole in 2010, the panel expressed concern that throughout the hearing Mr. Castro was "blaming other people," and because "every issue that I asked you about, you minimized." It seems apparent to me that Mr. Castro is telling the Board not what he believes to be true, but what he believes the Board wants to hear. Mr. Castro must show he is willing to honestly relate why he thinks he became involved in his criminal behavior without prevarication or evasiveness.

I am also concerned that Mr. Castro responds poorly to confrontation. He has been disciplined for serious misconduct in prison 18 times and for less serious misconduct 13 times. Many of these situations involved conflicts with staff in which Mr. Castro swore at or threatened staff when he didn't get his way. Most recently, in a disagreement with a vocational instructor in 2009, Mr. Castro insisted that the argument was done "when I say we are done." The 2013 psychologist opined that Mr. Castro continues to show "a sense of over-controlled hostility." I do not think he should be released until he shows that he will not react aggressively if he has a disagreement in the community.

**CONCLUSION**

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

Decision Date: October 18, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**SERGIO SARMIENTO, E-25579**  
First-degree murder

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

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

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

**STATEMENT OF FACTS**

On November 25, 1987, Sergio Sarmiento, Joaquin Lujano, Noe Alvarez, and three other gang members went to a convenience store to buy alcohol. At the store, Mr. Lujano argued with Henry Sao because Mr. Sao was affiliated with a rival gang. The store owner intervened, and Mr. Sao and Mr. Lujano shook hands, appeared to become friendly, bought beer, and left the store together. The group then went with Mr. Sao into a nearby alley to drink and smoke marijuana. Once there, Mr. Alvarez gave Mr. Sarmiento a sawed-off shotgun, and Mr. Sarmiento walked to the driver's side of Mr. Sao's truck and shot Mr. Sao once in the head, killing him.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Sarmiento suitable for parole based on his age at the time of the crime, insight, parole plans, lack of recent institutional misconduct, vocational work, and self-help programming.

I acknowledge Mr. Sarmiento has made efforts to improve himself while incarcerated. He has participated in self-help programs, including Alcoholics and Narcotics Anonymous, Alternatives to Violence, and Anger Management. He has completed vocational training and received satisfactory ratings from his work supervisors. I commend Mr. Sarmiento for taking these positive steps, and I recognize that he was 16 years old when he committed this crime. But these circumstances are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Sarmiento's crime was senseless and cold. Mr. Sarmiento and his fellow gang members pretended to resolve a dispute with Mr. Sao, only to decide to execute him. Mr. Sarmiento walked up to the unsuspecting Mr. Sao and shot him in the head at close range with a sawed-off shotgun.

I am concerned that Mr. Sarmiento has offered shifting explanations for why he was involved in Mr. Sao's murder. For years, he maintained that the shooting was an accident and that it was not gang related. When he spoke with the Board in 2010, he confessed for the first time that he intentionally shot Mr. Sao, but was unclear what his reasons for doing so were. He recently told the Board and the psychologist that "a lot of things played a part" in the murder, claiming both that he "made [the] decision myself" to kill Mr. Sao to gain status within his gang, and that he "felt he had no choice" because he was afraid his fellow gang members would attack him if he did not. I agree with the psychologist's conclusion that Mr. Sarmiento has recently been able to explore the factors that led to this murder "in greater detail and depth," but his conflicting statements indicate to me that he has yet to adequately understand the reasons for his violent behavior. Until he can explore more deeply why he committed this murder, I do not believe he is ready to be released.

I am also troubled that Mr. Sarmiento has not sufficiently addressed his significant history of drug and alcohol abuse. He began using alcohol at age 12, was drinking and smoking marijuana daily by age 15, and also used cocaine, methamphetamine, and PCP prior to his incarceration. He was under the influence when he murdered Mr. Sao, and continued to use drugs in prison. Mr. Sarmiento recently admitted to the Board he drank and used marijuana in prison until 2000, and that he *began* using heroin in 2000 – at the same time that he was attending Alcoholics and Narcotics Anonymous classes. He claims he finally stopped using drugs when he overdosed on heroin and was transported to the hospital in 2005. Mr. Sarmiento's explanation for his extensive drug and alcohol abuse – to help "forget about [his] problems" – is fairly superficial. The psychologist who evaluated him in 2013 found that "substance abuse relapse remains a salient risk factor for reoffense for Mr. Sarmiento." I am encouraged by Mr. Sarmiento's recent efforts to address his drug and alcohol addictions, including taking substance abuse related self-help classes since 2009. But given his extensive drug abuse history, recent relapses, and his inconsistent drug treatment, Mr. Sarmiento must demonstrate a more sustained commitment to his sobriety before he can be safely released into society.

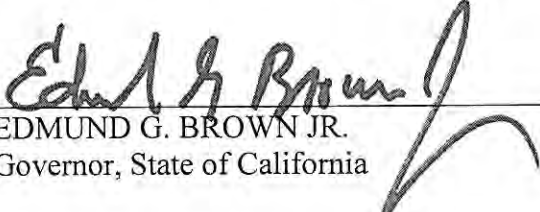
Information in Mr. Sarmiento's file also indicates that in 2004, he signed an inmate appeal alleging misconduct by a correctional officer. A subsequent investigation revealed that the allegations were false, and that Mr. Sarmiento knew they were not true at the time he signed the appeal. I direct the Board to examine these records before Mr. Sarmiento's next hearing and to question him about why he was willing to make a false allegation that had the potential to discredit the reputation of a staff member dedicated to keeping the prisons safe.



CONCLUSION

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

Decision Date: October 18, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**GILBERT TREJO, C-18226**

Second-degree murder

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

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

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

**STATEMENT OF FACTS**

On June 30, 1979, Gilbert Trejo and his fellow Sol Trece gang members were hanging out after attending the funeral of a fellow gang member. Mr. Trejo stated that he was the “craziest member of the ‘Sol Trece’ gang,” and decided that he and his fellow gang members were going to “shoot up” rival gang members to avenge their friend’s death. Mr. Trejo and three others drove into rival gang territory and there saw Robert Rodriguez walking down the street by himself. From inside the car, Mr. Trejo shot Mr. Rodriguez with a rifle and killed him. They then returned to their other gang members and boasted of shooting Mr. Rodriguez 18 times.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Trejo suitable for parole based on his long incarceration, remorse, acceptance of responsibility, self-help programming, skills, improved behavior, age, and parole plans.

I acknowledge that Mr. Trejo has made efforts to improve himself while incarcerated. He has participated in self-help groups including Alcoholics and Narcotics Anonymous, Criminals and Gangmembers Anonymous, and Anger Management. He has earned satisfactory and above average work ratings and completed vocational training. He no longer belongs to a prison gang and has not received a serious rule violation since 1998. I commend Mr. Trejo for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Trejo's crime was senseless and callous. Mr. Trejo shot Mr. Rodriguez without any provocation as he was just walking down the street – Mr. Rodriguez was not a rival gang member and did not have anything to do with the death of Mr. Trejo's friend.

Mr. Trejo has an exceptionally violent history. He was 6 years old when he first had contact with law enforcement and has a lengthy juvenile criminal history for robberies, burglaries, and other crimes. He joined the Sol Trece gang when he was 16. When he shot and killed Mr. Rodriguez at 17, he had recently escaped from a juvenile camp. Once he came to prison, Mr. Trejo continued his violent behavior. He has been disciplined 48 times for serious rule violations including six for mutual combat, three for stabbing inmates, two for kicking correctional officers in the groin, and eight for spitting or throwing hot liquid in officers' faces. He joined the Mexican Mafia and was active in the prison gang. In 1982, he stabbed a correctional officer and was convicted and sentenced to an additional 4 year prison term for possession of a weapon by an inmate and assault with a deadly weapon on a peace officer. Because the Mexican Mafia was upset with him for stabbing the guard without their permission, Mr. Trejo dropped out of the gang. In 1986, Mr. Trejo joined another prison gang, the Northern Structure. He stabbed inmates and ordered assaults for the Northern Structure until dropping out in 1989. Even after he dropped out of both prison gangs, he continued to show that he would not abide by the rules by requiring discipline for serious misconduct five times and less serious misconduct ten times. Although I commend Mr. Trejo for not receiving any serious rule violations since 1998 and ending his prison gang involvement, the extent and severity of his violence in prison remains troubling.

In his nearly 35 years in prison Mr. Trejo has done little to deal with his problems with anger, violence, and substance abuse. In that time, the record indicates he has participated in only a handful of self-help groups. Although he has undeniably made some behavioral improvement, he has not done much to show that he is committed to learning the skills necessary to turn away from the violent lifestyle he has lived and succeed in the community.

I am particularly concerned that Mr. Trejo has not adequately addressed his substance abuse problem. He started drinking alcohol and smoking marijuana at 10. He tried PCP and LSD. He tried heroin for the first time in prison when he was 30, and claims he used it for two years. Mr. Trejo sold drugs in prison to pay for his heroin habit. Eight serious rule violations were for substance abuse. Despite this history, Mr. Trejo only participated in substance abuse groups for three months in 1991 and then again since 2010, after the psychologist who evaluated him expressed concern about his "resistance" to substance abuse treatment and opined that Mr. Trejo's risk for violence would increase if he resumed his drug use. While I commend Mr. Trejo for his recent efforts to participate in substance abuse programs, I am not yet convinced that he is able to remain sober if released.

Mr. Trejo's elevated risk scores support my concerns. The 2010 psychologist rated him a moderate risk for violence if released, medium risk for general recidivism, moderate risk for violent recidivism, and in the low-to-moderate range for psychopathy. These elevated risk scores were based in part on his significant history of violence and lack of "adequate insight into his substance abuse history." The psychologist who evaluated Mr. Trejo in 2013 found that he

improved in some areas and had mitigated his risk of violent recidivism to some extent. Given his long history of drug abuse and his 48 serious rule violations, I cannot conclude that he is ready to be released.

**CONCLUSION**

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

Decision Date: October 18, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**MORGAN KANE, C-81562**  
First-degree murder

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

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

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

**STATEMENT OF FACTS**

Morgan Kane was stealing money from his stepfather, Stanley Kearns, with the help of his half-sister, Jacqueline Kearns. Mr. Kane was using Mr. Kearns' bank card in May 1983 to get cash. On July 7, 1983, he and his sister cashed two checks totaling \$440 from Mr. Kearns' bank account. Mr. Kane tried to convince Ms. Kearns on five or six occasions to kill her father to collect on his life insurance policy – one time he asked her to use a flare gun to shoot Mr. Kearns and another time he tried to convince her to kill him using liquid nicotine. On July 13, 1983, Mr. Kearns' body was found dumped in a vineyard on the side of a road. An autopsy later showed that he died of cyanide poisoning. Mr. Kane initially denied any involvement. He later told investigators that he and Mr. Kearns had gotten into an argument over another scheme to defraud an insurance company and that he had choked Mr. Kearns to death. When he pled guilty, Mr. Kane admitted that he planned the murder, helped put cyanide into Mr. Kearns' medicine capsules, urged him to take the pills, and disposed of the body.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Kane suitable for parole based on his age, limited criminal history, lack of serious misconduct since 1999, vocational work, education, support from staff, and participation in self-help classes.

I acknowledge Mr. Kane has made efforts to improve himself while incarcerated. He has been commended for his work ethic and has completed several vocational programs. Mr. Kane has attended many self-help programs on topics including anger management, conflict resolution, stress management, and victim awareness. He has not been disciplined for serious misconduct



for 14 years. He has won prizes for his poetry and art. I commend Mr. Kane for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Kane's crime was senseless and callous. He took advantage of Mr. Kearns by draining money from his bank account and eventually poisoned him because he thought he could collect on a life insurance policy.

Mr. Kane has a history of manipulation. Before he killed Mr. Kearns, Mr. Kane plotted to stage his own death to gain access to a life insurance policy on his own life. He killed Mr. Kearns after a protracted plot to extract money from him. Sixteen years later, he was still scheming – he was written up in prison because he falsely told the FBI that another inmate solicited him to commit a murder so that he could get documentation that would help him look ready for parole.

Mr. Kane's current version of his involvement in this crime is ridiculous. Even though when he pled guilty he admitted planning the murder, helping to put cyanide into Mr. Kearns's medication, and urging him to take the pills, he now denies these facts. He claims that he only came home to find Mr. Kearns' dead body on the floor. He told the psychologist who evaluated him in 2013, "I thought he had a heart attack" and he explained to the Board, "When I first found the body, I knew I couldn't have it here when [my wife] got home." He explained that he stuffed Mr. Kearns' body into a sleeping bag and put it in the back of his truck. He said, "My biggest part in this – the crime and all the situation was that I stood in the middle of a wife who didn't like a sister who didn't like her father who didn't like me and time and time and time again, I would try to fix things." He reported that, to the best of his knowledge, his wife killed Mr. Kearns. At his hearing, he first said that he was "as guilty as anybody else" because he "made sure other people were able to get away with doing things, if I had not been the person who they could rely on to fix things and do things." Next, he claimed that he was afraid he would be suspected of murder because he and Mr. Kearns had gotten into prior physical altercations, so felt it was necessary to get rid of the body. Finally, he said, "I cannot offer you even a plausible explanation how in any way I thought that that was the right thing to do except at that time, that person, you know, did not have the correct attitude to do the right thing, and once he did the wrong thing, he kept doing the wrong thing."

I find it impossible to believe that Mr. Kane simply wanted to get rid of someone he found dead on the floor in his home. The psychologist who evaluated him in 2009 reported that Mr. Kane said "he has done 25 years of his 27 years to life sentence and so far, he's stayed with the transcript for the Board. He expressed concern that if he tells the truth now, he would be changing his story." The psychologist who evaluated him in 2013 said that Mr. Kane "fails to appreciate that his denial is not credible and he would benefit by truthfully acknowledging his role in planning and completing the murder." Even if I could set aside Mr. Kane's incredible assertion that he "discovered" a dead body and immediately deciding that he had to hide it, I cannot overlook the fact that he cannot credibly explain why he played even this limited role. His alternating justifications for his behavior are inconsistent – if he really thought that Mr. Kearns had died of a heart attack, he would have no reason to think that others would suspect

him of murder or there was any reason to “fix” things for his wife or sister. His continuing dishonesty shows that he has not overcome his dangerous pattern of manipulation.

Mr. Kane’s elevated risk scores support my concerns. In 2009, the psychologist assessed him as having a moderate risk of violent recidivism, moderate risk of general recidivism, moderate-to-low overall risk in society, and in the moderate range of psychopathy. These risk ratings were based in part on Mr. Kane’s unwillingness to “state clearly and succinctly the role he played in the death of Stanley Kearns.” The 2013 psychological evaluation found “limited modifications of the relevant dynamic risk variables except for his additional development of his parole plans” and also took issue with Mr. Kane’s “limited understanding of his motivations for his actions.”

### CONCLUSION

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

Decision Date: October 25, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**CRAIG SIMPSON, J-12504**

Second-Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

    **X**    

**STATEMENT OF FACTS**

On the night of November 21, 1992, after their 8-year-old son and 5-year-old daughter had gone to bed, Craig Simpson and his wife Jacqueline argued about his depression, poor work performance, and their financial problems. Mrs. Simpson went to sleep. Two hours later, Mr. Simpson went to the kitchen, grabbed a knife, returned to the couple's bedroom, and locked the door. He got into the couple's bed, set the knife on the covers, and lay there thinking about his resentment towards his wife. He reached for the knife but could not find it, so he grabbed a hammer in the bedroom and, using the claw-side, hit Mrs. Simpson several times in the back of the head and 11 times in the front. Their young children awoke to their mother's screams. Their son banged on the bedroom door and heard his mother yelling, "Don't, don't please" and "Help, call 911!" Their son called 911. When police officers arrived and got into the bedroom, Mrs. Simpson was still alive and moaning. They noted that she had massive head injuries and looked as if she had been scalped. Mr. Simpson pretended he was sleeping on the bed. Mrs. Simpson died of multiple blunt traumas to the head shortly after arriving at the hospital.

Months before the murder, Mr. Simpson asked a California Highway Patrol Officer who attended the same church, "if a person was convicted of murder and got off on an insanity plea, he or she would go to a 'psych hospital' or 'Atascadero State Men's Colony?'" In July 1992, Mr. Simpson abruptly left his family for seven days and checked himself into a psychiatric hospital. In late October or early November 1992, Mr. Simpson asked the same officer, "what process a person would go through if he or she were criminally insane and committed a crime." Mr. Simpson claimed during his trial that he was insane when he killed his wife.

**GOVERNING LAW**

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

### DECISION

The Board of Parole Hearings found Mr. Simpson suitable for parole based his lack of a criminal history, remorse, good behavior, self-help programming, age, and parole plans.

I acknowledge that Mr. Simpson has made efforts to improve himself while incarcerated. He has participated in self-help groups including Life Skills and Self-Development, Stress Management, and Victim Awareness. He has remained disciplinary-free throughout his incarceration. He completed vocational training and earned satisfactory to excellent work ratings. I commend Mr. Simpson for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Simpson's crime was exceptionally brutal and gruesome. Using a hammer, he viciously bludgeoned his sleeping wife while his children were just on the other side of the door.

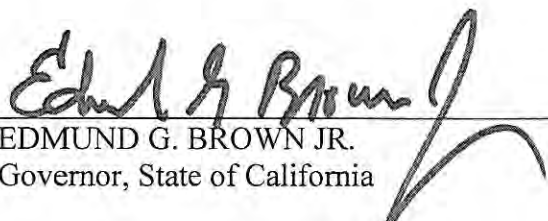
In 2012, I reversed Mr. Simpson's grant of parole based on his heinous crime and lack of insight. Mr. Simpson still minimizes his culpability by claiming that he killed his wife in the heat of passion. He told the 2013 psychologist that he "wanted to just blow [their] relationship up," and that "I just literally snapped and lost all rational thinking." At his recent parole hearing, he told the Board, "I wasn't thinking. I was just trying to eliminate the threat and I was ... just obsessing with her ruining my life. And so all that anger and hatred and rage just came out."

Although Mr. Simpson claims that he suddenly snapped, his actions show far more deliberation. Months before the murder, he asked a California Highway Patrol Officer what punishment an insane person would receive for murdering someone, and in the weeks before the murder, he asked the same officer about the process of making an insanity claim at trial. Four months before the murder, he checked himself into a psychiatric hospital. He then feigned insanity after the murder. Additionally, Mr. Simpson's actions in the hours before the murder contradict his claim that he suddenly snapped. Mr. Simpson did not attack his wife while they were arguing. He waited two hours after she had already gone to sleep to get a knife. Then, he lay in bed ruminating about his resentments toward her. Mr. Simpson didn't kill his wife in the heat of passion. Until Mr. Simpson acknowledges the full extent of his culpability, he remains a current danger to society and is not yet ready to be released.

### CONCLUSION

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

Decision Date: October 25, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California



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

**LONNIE STRINGER, K-24602**  
Second-degree murder

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

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

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

**STATEMENT OF FACTS**

Lonnie Stringer often told friends he was unhappy with his wife, Cynthia, and that he wanted to kill her. He was angry because Cynthia did not want children and she refused to adopt her niece to be eligible for a tax deduction. Mr. Stinger had a \$100,000 insurance policy on her life and told friends he wanted to divorce her and that he wanted to kill her for the insurance proceeds. Mr. Stringer tried to hire someone for \$1,000 to kill his wife, but later said he was just joking.

On April 28, 1995, Mr. Stringer beat his wife over the head with a blunt object, fracturing her skull seven times, killing her. Mrs. Stringer was supposed to give her niece a ride to school on her way to work. When Mrs. Stringer did not pick her up as scheduled, her niece called to ask why her aunt was late. Mr. Stringer answered, sounding sad, and said that Mrs. Stringer was lying down. For about an hour, Mr. Stringer left the house to run errands. When he returned home around 10 a.m., he asked a neighbor to call the police. When police arrived, Cynthia's body was already very cool and her blood was coagulated, indicating she had not died recently. There were no drops of blood leading away from the house, but Mrs. Stringer's blood was found on towels in the laundry room, suggesting that the murderer had wiped splattered blood off his clothes or body and changed his clothes inside the house. There were no signs of a struggle or forced entry.

Mr. Stringer was arrested in July 1985. A jury convicted him of second-degree murder, and he was sentenced to 16 years-to-life in prison. His conviction has been upheld by the Court of Appeal and the California Supreme Court despite his consistent assertion that he is innocent.

**GOVERNING LAW**

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



## DECISION

The Board of Parole Hearings found Mr. Stringer suitable for parole based on his age, parole plans, community support, work history, staff support, self-help programming, and lack of serious disciplinary violations in prison.

I acknowledge Mr. Stringer has made efforts to improve himself while incarcerated. He has never been disciplined for serious misconduct and has only been counseled once for violating a prison rule. He has participated in some self-help classes, including Christ Centered Marriage, Anger Management, and Marriage and Family. He has routinely received above-average and exceptional work ratings from his work supervisors. I commend Mr. Stringer for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

The murder of Mrs. Stringer was especially callous and cruel. Mr. Stringer beat in his wife's head to collect on her life insurance policy, then purposefully made himself visible in town to establish an alibi. Mr. Stringer's atrocious actions have had a devastating and long-lasting impact on Mrs. Stringer's loved ones. I note that they have written heartfelt letters to express their deep sense of loss even after many years.

I do not believe Mr. Stringer's claim that he did not murder his wife. In 1997, the Court of Appeal upheld his conviction, holding that the evidence of his guilt was "overwhelming and amply sufficient" to sustain his conviction. Mr. Stringer subsequently filed a petition claiming ineffective assistance of counsel, arguing that his attorney failed to introduce evidence that his brother-in-law may have been responsible for the murder. The Solano County Superior Court rejected that argument after holding an evidentiary hearing in 2008. In 2009, the Court of Appeal also rejected Mr. Stringer's claim of ineffective assistance of counsel, holding that "no reasonable probability of a favorable result exists in light of all the evidence, including the evidence of [his] guilt and evidence that [Mrs. Stringer] was killed before the time she would have left her residence for her appointment, while [Mr. Stringer] was present, and before the third party's supposed entry into the victim's residence." I, too, am persuaded that considerable evidence points to but one conclusion: Mr. Stringer committed this crime. Mr. Stringer had told several people he wanted to kill his wife and collect on her life insurance policy. Mrs. Stringer's brutal beating reflected a crime of passion, and there were no signs that she struggled, that someone had broken into the house, or that the murderer had left the house in a rush. Contrary to Mr. Stringer's claim that his wife was alive when he left to run errands that morning, Mrs. Stringer's body was cold when he summoned police. As the Court of Appeal concluded in 1997, "only [Mr. Stringer] had a motive, opportunity, or the means to perpetrate the crime in the place, in the manner, and at the time it occurred." Mr. Stringer's continued insistence that he is innocent strains credulity to such an extent that he continues to pose an unreasonable risk to the community. Until he has sufficiently explored why he murdered his wife, I cannot be assured that it is safe to release him from prison.


Mr. Stringer has spent over 17 years in prison, but has done little to deal with his problems with anger, relationships, and deceit. The record indicates that he has participated in only a handful of

self-help groups, and did not begin attending any classes until 2009. He has not done much to show that he is committed to learning the skills necessary to succeed in the community. The psychologist noted in 2013 that Mr. Stringer has “demonstrated a growing but still relatively low level of insight into his own personality functioning.” I encourage him to dedicate himself to available self-help programming, independent study, and self-reflection to fully analyze and address his problems.

### CONCLUSION

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

Decision Date: October 25, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**PEDRO CARRILLO, K-63918**

Second-degree murder

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

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

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

**STATEMENT OF FACTS**

On November 26, 1996, 38<sup>th</sup> Street gang members Juan Ortiz and Carlos Vargas were in a parking lot tagging a wall with graffiti. Pedro Carrillo, a member of rival gang Florencia-13, was driving with a fellow gang member known only as Shaggy. Mr. Carrillo and Shaggy were looking for 38<sup>th</sup> Street gang members to retaliate for a shooting that had happened three days before. Mr. Carrillo parked in the parking lot where Mr. Ortiz and Mr. Vargas were, and Shaggy shot a semi-automatic pistol at them, hitting Mr. Vargas five times and Mr. Ortiz, who was in a wheelchair, twice, killing both. Mr. Carrillo fled, dropping Shaggy off on the street, and was arrested that night.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Carrillo suitable for parole based on his acceptance of responsibility, age, participation in self-help groups, lack of discipline for serious misconduct since 2001, education and vocational skills, parole plans, family support, and psychological evaluations.

I acknowledge Mr. Carrillo has made efforts to improve himself while incarcerated. He earned a GED and completed vocational training programs in plumbing and mill and cabinet. He has routinely received positive work ratings. He has participated in some self-help classes, including Alternatives to Violence, Anger Management, Peer Counseling, and Alcoholics Anonymous. He has not been disciplined for serious misconduct in nearly 12 years. I commend Mr. Carrillo for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

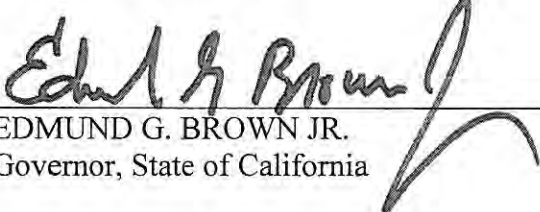
Mr. Carrillo's murder was senseless and callous. He and his fellow gang member drove into rival gang territory and shot at a group of people who posed no threat to them as an act of cold retribution.

I am troubled by confidential information in Mr. Carrillo's prison file that indicates he has been active in the Mexican Mafia prison gang. At his recent parole hearings, Mr. Carrillo adamantly told the Board that he had never been an active member of the Mexican Mafia, had never communicated with any member, had never performed any functions, tasks, or work for the gang, and had never written to or received letters from any member of the Mexican Mafia. Although gang investigators have not validated Mr. Carrillo as a member of the gang, numerous sources have reported that Mr. Carrillo was not only a member of the Mexican Mafia, but fairly recently in a leadership position for the gang at one prison. Prison officials have deemed these sources of information credible and reliable. His denial of any contact or involvement with the Mexican Mafia, given the extent of the confidential information to the contrary, is not credible. Furthermore, Mr. Carrillo participated in a hunger strike organized and directed by prison gangs in 2011. His gang activity and failure to be forthcoming about it show that he is not yet committed to turning away from gangs and his violent lifestyle, and therefore remains a risk to society.

#### CONCLUSION

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

Decision Date: October 31, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**MARIANO MUNOZ, J-04004**

Second-degree murder

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

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

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

**STATEMENT OF FACTS**

Mariano Munoz regularly beat his wife, Maria, and had threatened to kill her because she wanted to leave him. Mrs. Munoz moved out and took their toddler son with her. Mr. Munoz was due to appear in court on April 8, 1993 for assault with a deadly weapon for brandishing a knife at Mrs. Munoz. The evening before, he went to Mrs. Munoz' new house claiming to be delivering a telephone bill. Mrs. Munoz left the house because she heard her estranged husband was coming over. Rather than leaving, Mr. Munoz waited for hours for his wife to return to the house and for her new boyfriend to leave. About 30 minutes after he watched her boyfriend leave, Mr. Munoz barged into Mrs. Munoz' home. She told him that she didn't want to talk to him. He grabbed her by the arm and dragged her into a bedroom. When Mrs. Munoz tried to leave the bedroom, he shoved her back into the room and locked the door. Mr. Munoz then struck his wife in the head with a steam iron about 18 times. She screamed for help, and her roommate, Maria Campos, attempted to get into the room. While Mrs. Munoz was lying on the floor with head wounds and covered in blood, Mr. Munoz came out and told Ms. Campos, "she's fine, everything is fine." Ms. Campos grabbed her child and ran out of the house while Mr. Munoz grabbed a 14-inch butcher knife from the kitchen and returned to the bedroom. He kneeled over Mrs. Munoz and began stabbing her in the chest. The blade of the knife kept bending, so Mr. Munoz went back to the kitchen and got a shorter knife and returned to continue to stab Mrs. Munoz. He then cut his arms in an apparent suicide attempt. When Ms. Campos and Mr. Munoz' uncle returned to the house, they found Mr. Munoz lying next to Mrs. Munoz' dead body. Their son was in the room, unharmed, but raising and lowering his hand in a chopping motion.

**GOVERNING LAW**

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



### DECISION

The Board of Parole Hearings found Mr. Munoz suitable for parole based on his length of incarceration, lack of criminal history, acceptance of responsibility, self-help programming, good behavior, age, and parole plans.

I acknowledge that Mr. Munoz has made efforts to improve himself while incarcerated. He has participated in self-help groups, including Alcoholics Anonymous, Domestic Violence, Anger Management, and Victim Awareness. He has incurred only one serious rule violation in his 20 years of incarceration. He has completed vocational training and earned exceptional work ratings. Since I reviewed this case last year, Mr. Munoz has continued with Alcoholics Anonymous, attended Domestic Violence Group Therapy, and participated in a Victim Awareness class. I commend Mr. Munoz for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Munoz's crime was exceptionally brutal. Mrs. Munoz could not escape her husband's violence and was viciously attacked and killed in her own home in front of her young son.

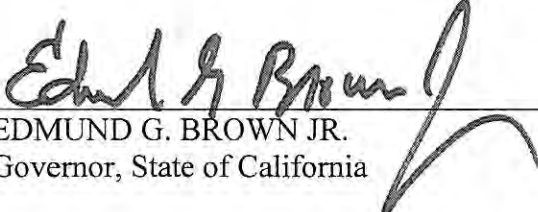
In 2012, I reversed Mr. Munoz's grant of parole because of his heinous crime and his failure to identify and come to grips with the factors that led him to murder his wife and to do so in such a brutal manner. I also concluded that he hadn't adequately prepared himself to maintain his sobriety if released. It appears that Mr. Munoz is making improvements, but I am still not convinced he is ready to be released.

Mr. Munoz still downplays his aggression and violence. He continues to claim that he was simply at the house to deliver a phone bill and drop off an outfit for his son. He said that he waited for his wife to return so that he could talk to her about her care for their child. He told the psychologist who evaluated him in 2013 that he knocked on the door and came in before he asked his wife to talk and reports that she voluntarily went into the bedroom with him. Similarly, at his recent parole hearing, he denied using any force to get Maria into the bedroom. Yet, Mrs. Munoz's roommate witnessed the events unfold. Ms. Campos told detectives that Mr. Munoz "walked into the residence through the front door without knocking or giving notice." She recounted that Mrs. Munoz repeatedly said she didn't want to talk and told Mr. Munoz that she would see him in court the following day. Ms. Campos saw Mr. Munoz grab Mrs. Munoz by the arm and drag her into the next room and heard Mrs. Munoz say, "I don't want to talk to you anymore. We're going to take care of everything in court tomorrow." Ms. Campos watched Mrs. Munoz try to get out of the room and saw Mr. Munoz grab her and shove her back into the room. She also saw Mrs. Munoz's battered body before fleeing herself. Mr. Munoz's version of events completely distorts and minimizes the type of violence he employed, indicating that he still fails to appreciate the nature and extent of his culpability. He doesn't strike me as truthful or being willing or able to grasp the true state of his mind and emotions that led him to continuously harass his wife and then so savagely kill her.

**CONCLUSION**

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

Decision Date: October 31, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**WALTER AUSTIN, C-22627**

Second-degree murder

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

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

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

**STATEMENT OF FACTS**

Walter Austin and his wife Elverta had been experiencing problems in their marriage. They separated for a period of time, reunited, and eventually agreed to an open relationship. On June 2, 1980, Elverta told Mr. Austin that she had consulted a lawyer about a divorce and provided him with projected child support payments. After feeding and tucking in their two children, two-year-old James and eight-month-old Rebecca, she went out for the evening.

Mr. Austin felt financially overburdened with bills and wanted to keep his marriage intact. He remembered he had taken out life insurance policies that would cover the children. He decided to kill one of their children because he thought the death could bring him and his wife closer together, so he put a plastic grocery bag over eight-month-old Rebecca's head. Rebecca woke up and began to whimper, but her father left the room and took a 20 minute shower. After his shower, he returned to Rebecca's room and took the bag off her head. When he could not find vital signs, he called his wife and demanded she return home right away, but did not explain why. When she arrived home, he told her that Rebecca had suffocated on a bag Elverta had left on the floor of the room. Elverta immediately called 911. Mr. Austin initially gave the same story to the police. Early the next morning, after a few hours of interviewing, Mr. Austin confessed to murdering his daughter for insurance money and was arrested.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Austin suitable for parole based on his remorse, insight, participation in self-help programs, vocational achievements, positive psychological evaluations, institutional behavior, and parole plans.

I acknowledge Mr. Austin has made efforts to improve himself while incarcerated. He obtained his high school equivalency certificate, took some college classes, learned multiple vocations, and participated in self-help programming. He has routinely received positive work evaluations, and has never been disciplined for serious misconduct in over 33 years. I commend Mr. Austin for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Austin's crime was shocking. He callously disregarded the suffering of his sleeping infant daughter by pulling a bag over her head and then leaving to take a leisurely shower while she suffocated to death.

When the Board granted Mr. Austin parole last year, I reversed their decision because of his inadequate understanding of why he was so determined to preserve his marriage that he would kill his child without a second thought. I also concluded that his claim that he lied to police immediately after the murder that he killed his child for financial gain to look "macho" was not being entirely honest with himself about his reasons for murdering Rebecca. Mr. Austin has done little to address these issues and made many similar comments at his hearing this year.

I am concerned that Mr. Austin still cannot better explain why he committed this terrible crime. At his hearing this year, Mr. Austin again explained that he was distraught over the dissolution of his marriage and wanted to both "punish" his wife for moving on with another man and to get his wife to come back to him. He decided that he would kill his daughter so that his wife would "turn to me for comfort" because he then thought "the death of the child could bring a couple back together." He said that he killed his innocent, vulnerable baby rather than directing his anger towards his wife because to hurt Elverta would have "driven her further away." These statements make no sense.

I am deeply troubled by Mr. Austin's inability to recognize or explain how he could be so indifferent to the suffering of his young daughter. At his 2013 hearing, he said "I thought – at that time, I thought nothing but my marriage was permanent. I thought the marriage was. And I really didn't realize that death was permanent, death was forever." When asked what he was thinking about when he was in the shower, he said that he could not recall what he was thinking, but agreed that he "had to have been" thinking about her death. These statements – over 33 years after the crime – are inexplicable. It is bizarre that he cannot remember his thoughts while he was in the shower after he had prepared Rebecca to be suffocated on a plastic bag. I don't believe Mr. Austin when he claims that at 22 years old, he didn't understand that death was permanent. Mr. Austin's comments indicate to me that he is still unwilling or unable to confront the enormity and depravity of his crime.

**CONCLUSION**

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

Decision Date: November 8, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California



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

**JEFFRY COOK, C-12729**

First-degree murder

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

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

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

**X**

**STATEMENT OF FACTS**

On March 13, 1979, Joseph Roberts and Jeffrey Cook planned to sell 1,000 LSD tablets to Ronald Chelius, who happened to be a Nevada undercover narcotics agent. They met Agent Chelius and a 17-year-old informant in a grocery store parking lot to complete the drug purchase. Agent Chelius walked to the driver's side window of Mr. Cook's vehicle, counted out \$1,200, handed the money to Mr. Cook, and received the drugs in return. Once the transaction was complete, Agent Chelius identified himself as a narcotics officer and advised Mr. Cook and Mr. Roberts they were under arrest. Agent Chelius reached into the truck to remove the keys from the ignition and a brief struggle ensued. Mr. Cook produced a .22 caliber derringer and shot Agent Chelius in the chest, killing him. Mr. Roberts and Mr. Cook fled and were soon arrested by other officers.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Cook suitable for parole based on his lack of violent criminal history, stable social history, age, remorse, acceptance of responsibility, institutional programming, work performance, psychological evaluations, and behavior in prison.

I acknowledge Mr. Cook has made efforts to improve himself while incarcerated. Since I reversed his grant of parole last year, he has continued to be a leader in the Substance Abuse Fellowship Group, Recovery International, and stress management classes. He has attended Al-Anon and Victim Impact. In his over 34 years in prison, he has earned his GED, has learned vocational skills, and has consistently received positive work evaluations. He has been commended by correctional staff for his demeanor, attitude, and behavior. I commend Mr. Cook

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

Mr. Cook murdered a well-respected peace officer who dedicated his life to protecting the community. His actions had a devastating impact not only on Agent Chelius's family and friends, but also on those who served with him and the law enforcement community as a whole.

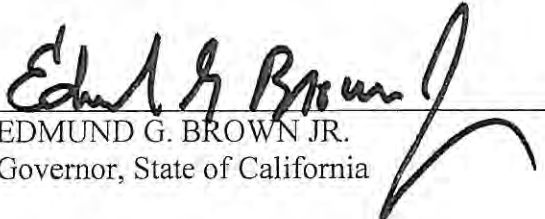
Last year, I reversed the Board's decision to grant Mr. Cook parole. I found that Mr. Cook's version of this crime – that he was not aware Agent Chelius was a peace officer and thought that he was trying to “rip him off” – was not credible in light of the record that the agent clearly identified himself and placed Mr. Cook under arrest before Mr. Cook shot and killed him.

Mr. Cook's story remains the same. At his 2013 hearing, Mr. Cook explained, “My crime partner says that [Agent Chelius] identified himself. If he did, I never heard it. He may have. He may not have.” Mr. Cook still claims that he shot Agent Chelius because he thought the agent was going to take his money and drugs. His continued insistence that he was not aware Agent Chelius was a police officer at the time of the shooting is contradicted by the testimony of both his crime partner and the informant who accompanied Agent Chelius. Furthermore, his story still fails to explain why he fled without collecting the money and drugs he was purportedly willing to kill for. I still conclude that Mr. Cook continues to pose an unreasonable risk of danger if released from prison because he still minimizes his intention and willingness to kill a law enforcement officer and therefore cannot explain his reasons for doing so.

### CONCLUSION

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

Decision Date: November 8, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**JOSE HERNANDEZ, J-12875**

Second-degree murder

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

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

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

**STATEMENT OF FACTS**

At 1:30 a.m. on January 25, 1993, Jose Hernandez went to the home of Gloria Carrasco, who had ended their 3-year romantic relationship less than a month prior. Mr. Hernandez found another man at Ms. Carrasco's house, became angry, and left when police were called. Mr. Hernandez returned to Ms. Carrasco's home early that morning and asked her to reconcile. When Ms. Carrasco refused, Mr. Hernandez picked up a coaxial cable and strangled her for at least three minutes until she lost consciousness. He then laid her on the floor, knelt on her back, and strangled her for another three minutes with the cable, killing her.

Mr. Hernandez suspended Ms. Carrasco's body from a door with the cable and penned a suicide note that read, "Jose, I love you. I'm sorry. Forgive me." Mr. Hernandez left, leaving their six-month-old son and Ms. Carrasco's four-year-old daughter alone in the home. Nearly twelve hours later, Ms. Carrasco's daughter called her grandmother to say that she could not wake her mother.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Hernandez suitable for parole based on his remorse, acceptance of responsibility, insight, participation in self-help programs, vocational and educational work, lack of recent institutional misconduct, psychological evaluations, age, and parole plans.

I acknowledge Mr. Hernandez has made efforts to improve himself while incarcerated. He participated in self-help programs, including the Substance Abuse Program, Anger Management,

and Domestic Violence. He earned several vocational certificates, received positive ratings from his work supervisors, and has been lauded by correctional officers for his behavior. He recently completed the Offender-Mentor Certification Program to become a certified alcohol and drug counselor. I commend Mr. Hernandez for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Even though two young children were in the home, Mr. Hernandez strangled Ms. Carrasco, then hung her up against the door to make it appear she had committed suicide, and even crafted a suicide note that asked him for forgiveness. He then left the children unattended for an entire day with their mother's dead body.

I am concerned that Mr. Hernandez has not explained what led him to murder Ms. Carrasco. When discussing the murder with the Board, Mr. Hernandez placed the blame on the "cultural beliefs" and "machismo" he grew up with, saying that this led him to view Ms. Carrasco as his property and that he decided he would murder her "rather than letting her belong to another man." Yet Mr. Hernandez did not mention machismo or his culture to the psychologist in 2012, instead pointing to childhood feelings of rejection and abandonment that ultimately surfaced as anger. As recently as 2009, the psychologist who evaluated Mr. Hernandez found that he could not verbalize why he was overly dependent on Ms. Carrasco, why he became jealous, and why he ultimately lost control and murdered Ms. Carrasco. Although Mr. Hernandez certainly has made gains since that time, his recent inconsistent statements indicate he has yet to understand these issues adequately to ensure that he will not become violent if presented with a stressful relationship if he were to be released.

Mr. Hernandez's elevated risk scores support my concerns. The 2009 psychologist rated him a moderate overall risk for violence if released, moderate risk for violent recidivism, and in the moderate range of psychopathy. These elevated risk ratings were based in part on Mr. Hernandez's vague and evasive answers regarding potentially negative subjects, inadequate ability to articulate why he lost control so violently, and limited willingness to accept responsibility. The psychologist also found that Mr. Hernandez "does exhibit several of the character traits associated with psychopathy," and noted that a Board commissioner in 2006 stated that Mr. Hernandez "shows definite sociopathic tendencies" and asked for a new psychological evaluation to "seriously explore" this issue and his relationships with women. I note that the psychologist who evaluated Mr. Hernandez in 2012 found that he had significantly improved in a number of areas, and that his risk for future violence had been "strongly mitigated." That psychologist, however, did not provide new risk ratings and did not address Mr. Hernandez's psychopathic or sociopathic traits. I direct the Board to administer a new comprehensive risk assessment before Mr. Hernandez's next parole hearing that addresses these issues in order to provide a more current and complete assessment of the risk he poses if released.

CONCLUSION

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

Decision Date: November 8, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California



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

**CHRISTOPHER PAONESSA, K-76620**

Second-degree murder

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

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

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

**STATEMENT OF FACTS**

On March 1, 1997, 20-year-old Jason Shaw kicked Michael Baker out of his house party after the two fought because Mr. Shaw refused to sell Mr. Baker a balloon of nitrous oxide. Mr. Baker called his friend, Christopher Paonessa, and at least eight others to retaliate against Mr. Shaw and retrieve Mr. Baker's pager from Mr. Shaw's house. Mr. Paonessa gave Mr. Baker a knife and accompanied him and their friends to Mr. Shaw's house. Mr. Paonessa had a metal pipe or flashlight, and others had wooden stakes. The group forced their way into Mr. Shaw's home, and Mr. Baker and Mr. Paonessa found Mr. Shaw and some friends in his bedroom and the two groups fought. Mr. Baker fought with Mr. Shaw and stabbed him twice in the chest, killing him. Mr. Shaw's friend, Daniel Parkinson, hit Mr. Paonessa and knocked him into a closet. Mr. Baker stabbed Mr. Parkinson six times in the chest and abdomen, lacerating his spleen. Emergency surgery was required to save Mr. Parkinson's life.

**GOVERNING LAW**

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

**DECISION**

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

I acknowledge Mr. Paonessa has made efforts to improve himself while incarcerated. He earned his GED, has nearly completed his associate's degree in science, and has received positive ratings from his work supervisors. He has participated in self-help programming, including Alternatives to Violence and victim awareness. He has only been disciplined once for serious misconduct in the nearly 17 years he has been incarcerated. I commend Mr. Paonessa for taking

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


Mr. Paonessa's crime was entirely senseless. Mr. Paonessa provided Mr. Baker with a knife and accompanied him to confront and retaliate against Mr. Shaw, and participated in the melee that ended with Mr. Shaw dead and Mr. Parkinson critically wounded. Mr. Paonessa's actions have had a devastating and long-lasting impact on Mr. Shaw's loved ones. I note that family members have appeared at Mr. Paonessa's parole hearings to oppose his release and that nearly 500 people have signed petitions or written heartfelt letters to me to express their deep sense of loss.

I am troubled that Mr. Paonessa continues to minimize the extent of his culpability for this tragic crime. He told the Board that he was never in the bedroom where Mr. Shaw was stabbed, and that he was not involved in a fight with Mr. Parkinson or anyone else. Contrary to Mr. Paonessa's claims, witnesses testified that they saw Mr. Paonessa fighting with Mr. Baker's friends inside Mr. Baker's bedroom, and saw Mr. Parkinson push Mr. Paonessa into a closet. Mr. Paonessa's version of events minimizes his role in this murder, and indicates he is not truly remorseful and fails to appreciate the extent of his culpability. The psychologist who recently evaluated Mr. Paonessa also noted that his remorse was "not immediately obvious," and that his emotional expressions were "somewhat restricted." Until Mr. Paonessa can clearly show that he truly accepts responsibility for his actions and can demonstrate that he appreciates the awful impact that his crime has had on Mr. Shaw's relatives, I do not believe that he is ready to be released.

### CONCLUSION

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

Decision Date: November 15, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**JAMES REESE, C-77827**  
First-degree murder

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

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

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

**STATEMENT OF FACTS**

In 1992, James Reese learned through his position as a substance abuse counselor for Merced County that John Moore had been charged with indecent exposure. Later that year, Mr. Reese lost his job and then fell back into substance abuse. In early January 1983, Mr. Reese and Mr. Moore drank together two or three times on different occasions with William Stephens, who Mr. Reese was living with at the time. At some point, Mr. Reese told Mr. Stephens that Mr. Moore had been charged with a sex offense.

On January 15, 1983, Mr. Reese and Mr. Moore were at Mr. Stephens' motel room drinking, smoking marijuana, and watching football. Mr. Stephens got into a confrontation with Mr. Moore and asked him to confess to being a child molester. Mr. Stephens and Mr. Reese beat Mr. Moore for approximately ten minutes — slapping him, gouging at his eyes, hitting him, and kicking him in the head — until he relented and said he was a child molester. Mr. Stephens then used a scalpel to carve “baby raper” ¼ inch deep into Mr. Moore's chest. Mr. Stephens and Mr. Reese tied ropes around each of Mr. Moore's legs and dragged him into a nearby field. Mr. Stephens then went to ask for gasoline to start a fire. Finding none, Mr. Reese and Mr. Stephens poured rubbing alcohol on Mr. Moore's chest and crotch, set him on fire, and left him to burn. Mr. Reese went back to a motel room and boasted to others, “Yeah man, we really worked him over, beat him up, drug him out and cut him up and set him — poured alcohol on him and set him on fire.” When a witness told Mr. Reese that he “really screwed up,” Mr. Reese responded, “Yeah, I know, but he deserved it.” When police arrived, Mr. Moore's skin was still burning. He had third degree burns covering approximately half of his body. He died three weeks later.

A jury found Mr. Reese guilty of first degree murder, arson, and mayhem, with a special circumstance of torture-murder. He was sentenced to life without the possibility of parole. The special circumstance finding was overturned due to an error in the jury instructions and the District Attorney declined to retry the case, leaving Mr. Reese with a 25 years to life sentence for Mr. Moore's torture and murder.

**GOVERNING LAW**

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

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

### DECISION

The Board of Parole Hearings found Mr. Reese suitable for parole based on his lack of misconduct warranting discipline in prison, acceptance of responsibility, remorse, age, participation in self-help classes, support in the community, parole plans, and psychological evaluation.

I acknowledge Mr. Reese has made efforts to improve himself while incarcerated. He has not been disciplined for any misconduct in his 31 years in prison and has completed many vocational training programs. He has routinely received above average and exceptional work ratings and has been commended for his hard work and positive attitude. Mr. Reese has participated in self-help programs including Alcoholics and Narcotics Anonymous, Celebrate Recovery, Anger Management, and Victim Awareness. I commend Mr. Reese for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Reese's crime was extraordinarily callous and brutal. He and Mr. Stephens tortured Mr. Moore for a prolonged period of time and caused immense pain. Mr. Moore suffered for three weeks in the hospital from what a doctor called "the worst deepest burns" he had ever seen before succumbing to complications from the burns. This deplorable murder was precipitated by Mr. Reese's decision to share confidential information he had obtained through his position of trust as a substance abuse counselor.

I am troubled that Mr. Reese cannot better explain his reasons for torturing Mr. Moore. He told the psychologist who recently evaluated him that he committed this terrible crime because he was an alcoholic with anger issues who "did not know how to deal with his issues in a reasonable/rational manner without the use of drugs." He claims that his anger was triggered when he heard that Mr. Moore was involved with "harming a child" and that he did not understand love or forgiveness. He told the Board he was dealing with "stressors" that added to his anger – he lost his fiancée, home, job, and sobriety and didn't know how to ask for help. These excuses do not add up and are not commensurate with the level of cruelty Mr. Reese displayed. His drug use and consequent life stresses do not explain his willingness to inflict such tremendous pain and suffering on Mr. Moore. He had no information that Mr. Moore had done anything to physically harm a child; he told the Board he knew that Mr. Moore had exposed himself to young girls, but had no information that Mr. Moore was, in fact, a child molester. He never explained what he was thinking while torturing Mr. Moore. Until he can better account for his actions, I do not think he is ready to be released.

I am also concerned by confidential information that indicates Mr. Reese recently threatened another inmate who had been convicted of a sex crime involving a minor. If true, this information shows that, despite his efforts at rehabilitation, Mr. Reese still is exhibiting the same

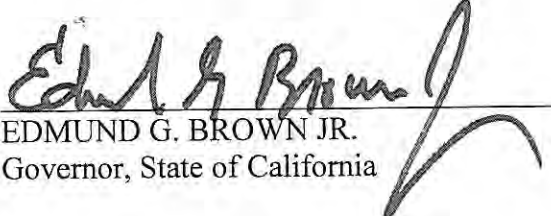


mentality and behavior that led him to participate in Mr. Moore's brutal murder 31 years ago. It is not clear to me that the Board reviewed or considered this information when finding Mr. Reese suitable for parole. I direct the Board to conduct an investigation into the reliability and validity of this information, and to examine Mr. Reese's confidential file carefully before his next hearing. If the Board finds the information is not credible or reliable, I ask that they record their reasons for those findings.

**CONCLUSION**

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

Decision Date: December 6, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California



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

**KIEN LY, E-57469**  
First-degree murder

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

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

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

**STATEMENT OF FACTS**

On September 2, 1988, Kien Ly became disruptive at a club and was forcibly removed by security guards, including off-duty Los Angeles County Deputy Marshal Henry Wong. Once outside, Mr. Ly pointed at Officer Wong and said, "Going to get you, fucker. Going to get you, mother fucker." Mr. Ly waited in the parking lot for 30 to 45 minutes while friends left to obtain a gun for him. When they returned, Mr. Ly took the gun and reentered the club, shooting Officer Wong twice in the chest from close range, killing him. Mr. Ly fled the state but was arrested in Boston on March 30, 1989.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Ly suitable for parole based on his stable social history, acceptance of responsibility, insight, lack of prison misconduct and criminal history, vocational training, remorse, parole plans, and age.

I acknowledge Mr. Ly has made efforts to improve himself while incarcerated. He has only been disciplined for misconduct once, in 1995. He has completed several vocations and received positive work ratings. He has participated in self-help programming, including Alcoholics and Narcotics Anonymous, Criminal and Gangmembers Anonymous, Anger Management, and Alternatives to Violence. I commend Mr. Ly for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Ly murdered a well-respected peace officer who dedicated his life to protecting the community, both on- and off-duty. His actions had a devastating and long-lasting impact on Officer Wong's loved ones and the law enforcement community as a whole. I note that Officer

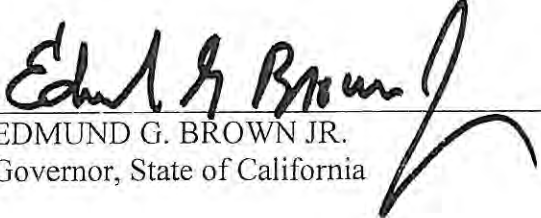
Wong's family members have written numerous heartfelt letters to express their deep sense of loss, and several law enforcement agencies have submitted letters opposing parole.

I am troubled that Mr. Ly continues to minimize his culpability for the murder of Officer Wong. At his 2013 hearing, Mr. Ly told the Board, "I just grabbed a gun, went to the door and without thinking about the consequences and pointing the gun at Mr. Henry Wong and shot ... But now looking back, I should have known that if I point the gun at Mr. Wong and pull the trigger, the result would be deadly ... But I wish that I could thought of that that night." He downplays his level of premeditation for this murder. After Mr. Ly was removed from the nightclub, he threatened Officer Wong and then waited in the parking lot for at least a half-hour, pacing in anger while his friends retrieved a gun for him. When they returned, Mr. Ly assumed a firing crouch and ambushed Officer Wong, shooting him twice at close range. His assertion that this murder was impulsive and done "without thinking" is not consistent with his actions. By making these claims, Mr. Ly minimizes the true horrific nature of his intentions and actions.

### CONCLUSION

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

Decision Date: December 20, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**STEPHEN LIEBB, C-60825**

First-degree murder

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

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

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

**STATEMENT OF FACTS**

Stephen Liebb managed an apartment building in Beverly Hills for the Diller family while he was studying law. In exchange, the Dillers gave him a rent-free apartment in the building. In February 1981, after graduating from law school, passing the bar exam, and beginning his law practice, Mr. Liebb was notified that he would have to pay a reduced rent for the apartment. Mr. Liebb refused and remained in the apartment without paying anything for two more months. He was notified that he would be replaced as the apartment manager by Joseph Gold.

On March 31, 1981, Mr. Liebb went to see Mr. Gold. He threatened Mr. Gold and hit him on the side of the head. Mr. Gold filed a complaint but withdrew the charges after Mr. Liebb called him several times to apologize. Mr. Liebb trashed his apartment as he left in April of 1981. It was later discovered that Mr. Liebb had rented an apartment before he left, requested 6 months of rent up-front, and pocketed the money.

On May 11, 1981, Mr. Liebb hid in the bushes of the apartment building waiting for Mr. Gold. He attacked Mr. Gold with a baseball bat and struck him over the head 15 times. Arthur Diller tried to separate Mr. Liebb from Mr. Gold. Mr. Liebb struck Arthur as well. Mr. Gold and Arthur fled. Mr. Gold suffered a broken arm and persistent headaches from his head injuries. He pressed charges, which were pending at the time of the murder.

Arthur Diller's mother called Mr. Liebb's father to ask him to fly from New York to look into the matter and told him of the embezzlement. Mr. Liebb called her four times on July 9, 1981 denying that he hit Arthur and Mr. Gold. In his final call at midnight, he told her if she did not retract what she told his father he would kill the entire family. The following morning, Arthur went to talk to Mr. Liebb. They fought. Arthur's nose was broken in the attack and he required several stitches.

On July 12, 1981, Michael Diller, Arthur's brother, was picking up Jody Popkin in his car. Mr. Liebb was waiting for Michael behind a tree. As Ms. Popkin shut the car door, Mr. Liebb pulled it open, jumped inside and began striking Ms. Popkin and Michael. Michael accelerated the car to get away from Mr. Liebb and Mr. Liebb grabbed the wheel and caused it to crash into a condominium building. Michael jumped from the car and ran into a park, screaming for help. Mr. Liebb followed. Michael sought refuge in a park office, with Mr. Liebb in pursuit holding a

knife. Michael grabbed the end of the knife and pleaded for his life. Mr. Liebb pulled the knife back and stabbed Michael through the chest, twisting the knife. He then calmly returned to his motorcycle and rode away.

### GOVERNING LAW

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

### DECISION

The Board of Parole Hearings found Mr. Liebb suitable for parole based on his remorse, insight, psychological evaluation, programming, work ratings, lack of discipline since 1991, parole plans, lack of criminal history, and age.

I acknowledge Mr. Liebb has made efforts to improve himself while incarcerated. He has served over 31 years in prison and has participated in self-help programming including non-violent communication, anger management, and recently Alcoholics Anonymous. He has routinely received above average and exceptional work ratings. He has volunteered as a tutor, participated in charitable walks, and contributed to disaster relief. He earned a paralegal certificate in 2006. I commend Mr. Liebb for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Liebb committed a truly abhorrent crime. The Diller family had accepted and helped him, yet he betrayed them in the most violent way. He stole money, trashed an apartment, assaulted Mr. Gold on multiple occasions, attacked Arthur Diller, and brutally murdered Michael Diller. He did all this because he was asked to pay some rent on his apartment. Until these crimes occurred, he lived what most would consider a charmed life—he had a supportive family, graduated with honors from Syracuse University and law school at the University of California, Los Angeles, lived in Beverly Hills rent-free for years, made good money working as an attorney in Century City, and pursued recreational bodybuilding activities in his leisure time. It gives me great concern that a person of such intelligence and superior education would terrorize innocent victims and ultimately decide to murder his friend for such a trivial reason.

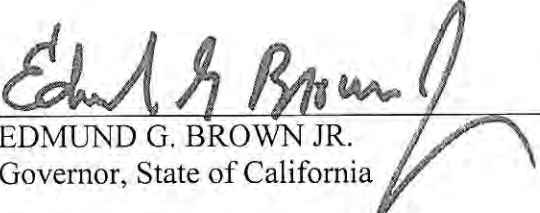
I am troubled that Mr. Liebb—after all these years—still cannot give a credible account of how it happened that he came to commit these violent crimes. Mr. Liebb reports that he was angry because he felt that he couldn't live up to his father's expectations of him and was rebelling against his Jewish religion. He says that he committed these acts of violence because he was afraid of exposing his shortcomings. He also points to his anger, sense of entitlement, and feeling unsatisfied and selfish as factors that led him to hit Arthur Diller and Mr. Gold with a baseball bat and to stab Michael Diller. These asserted reasons do not convey to me any

understanding of what led Mr. Lieb to unleash these acts of violence on Mr. Gold, Arthur Diller and Michael Diller. Mr. Liebb deliberately and violently attacked these individuals on multiple occasions over the span of several months. It was not Mr. Liebb's sense of entitlement, father's disapproval, or fear of exposing his vulnerability that made him go after Michael in the park as he was pleading for his life and murder him. Until he can shed more light on his state of mind and how it came to pass that he committed these crimes, I am not prepared to release him.

**CONCLUSION**

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

Decision Date: January 4, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California



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

**RAYMUNDO MACIAS, D-91568**

Second-degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

    **X**    

**STATEMENT OF FACTS**

On October 5, 1986, Raymundo Macias and Gilbert Coronel met Darlene Sotello and Debbie Galvan and agreed to return to Ms. Galvan's apartment. The men offered cocaine to Ms. Sotello and Ms. Galvan but did not tell them that the cocaine was laced with PCP. Their objective was to disorient and intoxicate the women to have sex with them. Both ladies snorted the tainted cocaine. Ms. Sotello then changed into a bathing suit and walked to the apartment complex swimming pool with Mr. Macias. Mr. Macias pretended that the door to the swimming pool was locked, and directed Ms. Sotello to her car. They had sex in the back seat of the car. Mr. Macias contends that Ms. Sotello was unaffected by the PCP and claims that they spoke for a minute after their intercourse and that he left Ms. Sotello as she was putting her bathing suit back on. Mr. Coronel emerged from the apartment after having sex with Ms. Galvan, and the two men left.

On October 7, 1986, Ms. Galvan was found by her apartment manager. Her clothes were on backwards and she appeared drugged and incoherent. She was taken to the hospital where doctors determined she was under the influence of PCP and had been sexually assaulted. Her intoxication from PCP was so severe that she could not be interviewed by police investigators. Her disorientation lasted for two weeks. On October 10, 1986, Ms. Sotello's naked body was discovered in her car. She died of a drug overdose caused by ingestion of PCP. From a vehicle description given by Ms. Galvan, authorities were able to identify Mr. Macias and arrest him.

**GOVERNING LAW**

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

### DECISION

The Board of Parole Hearings found Mr. Macias suitable for parole based on his lack of a violent criminal history, stable social history, remorse, age and maturity, self-help programming, limited disciplinary history, parole plans, and psychological evaluation.

I acknowledge Mr. Macias has made efforts to improve himself while incarcerated. He has participated in self-help programs including Narcotics Anonymous since 1990, the Substance Abuse Program in 2011 and 2012, anger management, re-entry programs, and victim awareness classes. He routinely received satisfactory to exceptional work ratings. He has taught music in a program for mentally ill inmates. Mr. Macias has been disciplined only three times for serious misconduct in over 26 years in prison. I commend Mr. Macias for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Macias and Mr. Coronel laced their cocaine with a lethal dose of PCP in order to severely disorient and sexually assault Ms. Sotello and Ms. Galvan. Their callous behavior resulted in the death of Ms. Sotello and enduring emotional trauma for Ms. Galvan. Mr. Macias admitted to the Board he was involved in two or three similar “drug-rapes” and estimated he has had sexual intercourse with seven or eight women who were too intoxicated to give their consent during parties with other gang members.

Mr. Macias was also a suspect in three other sexual assault crimes involving the same modus operandi—the use of PCP-laced cocaine to intoxicate the female victims before they were sexually assaulted. In one of those cases, involving a 37-year-old mother and her 17-year old daughter, the mother positively identified Mr. Macias as one of the men present at the house where she and her daughter were drugged and raped. Mr. Macias was not charged or convicted in these incidents.

I am troubled that Mr. Macias continues to minimize his actions. He told an evaluating psychologist that he gave Ms. Sotello cocaine, laced with PCP, with the goal of disorienting Ms. Sotello in order to have sex with her. However, he claims that Ms. Sotello was unaffected by the PCP and was quite coherent before and after sexual intercourse. He described having consensual sex with Ms. Sotello and denied that she was too intoxicated to give her consent. He also denied any involvement in the separate incident involving the mother and daughter. He told the Board in 2012 that “I have no idea what that was about.”

Mr. Macias’s continued insistence that he had consensual sex with a lucid Ms. Sotello strains credulity. It is implausible that Ms. Sotello—who was found naked and dead in her car from a lethal dose of PCP—was somehow unaffected by the drug during the hour she spent with Mr. Macias. And yet, she was too intoxicated to leave her car or dress herself. Ms. Galvan, who ingested a similar amount of PCP, reported that the drug had such a devastating effect on her that she was unconscious for the next two days and disoriented for two weeks. By describing the sex as “consensual” after he secretly drugged and took advantage of Ms. Sotello, Mr. Macias shows that he still lacks a proper appreciation for the gravity of his actions.

Mr. Macias's claim that he has "no idea" about the sexual assault on the mother and daughter is also questionable. The record reflects that the mother positively identified Mr. Macias as the man who brought them to the house where they unknowingly ingested cocaine laced with PCP and were sexually assaulted. At his 2005 Board hearing, Mr. Macias admitted that he picked up the mother and daughter and brought them to the house, but says he left the house before any assault took place. Given the striking similarity between that incident and this crime, and the fact that Mr. Macias admitted in 2005 to being present, it is hard to believe that he has no knowledge or responsibility for this event.

The Static-99R, a standardized test measuring deviant sexual behavior, confirms my concerns that Mr. Macias would pose a threat to public safety if released at this time. This test recently rated Mr. Macias a "low-moderate" risk of reoffending sexually in the future. The psychologist concluded that Mr. Macias might "benefit from sexual-offense specific treatment, given his history of committing sexual offense, when he is released back into the free community." This assessment result, coupled with his statement that he had consensual sex with a woman he secretly drugged and took advantage of, tells me that he harbors attitudes and proclivities that constitute a danger to the community.

### CONCLUSION

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

Decision Date: January 4, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**RONALD SIMS, B58662**

First-degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

On January 28, 1974, Ronald Sims armed himself with a sawed-off shotgun and went to a restaurant where he had previously worked. The restaurant was empty except for maintenance worker John Sullivan and assistant manager Virginia Minton. Mr. Sullivan tried to calm Mr. Sims down, and told him to put the gun away. Mr. Sims ordered Mr. Sullivan to turn around and shot him in the back, killing him. Mr. Sims then ordered Ms. Minton to open the restaurant's safe. When she could not do so because the safe was on a time-lock, he demanded money from her purse and took \$10 and her car keys. Mr. Sims then told Ms. Minton he had to shoot her because he could not leave any witnesses. He ordered her to turn around, shot her in the back, and fled. Ms. Minton survived but suffered severe physical and psychological injuries.

Mr. Sims was arrested later that day, and was convicted by a jury of first degree murder, robbery, and assault with a deadly weapon with intent to commit murder, and was sentenced to death. In 1978, a California Court of Appeal affirmed Mr. Sims's conviction but overturned his death sentence and modified the judgment to life imprisonment with the possibility of parole. This modification was not made on the basis of the merits of Mr. Sims's appeal but rather on the California Supreme Court's holding that the mandatory imposition of the death penalty violated the Constitution. (*People v. Sims* (July 31, 1978, 2 Crim. No. 29945) [nonpub. opn.] (citing *Rockwell v. Superior Court* (1976) 18 Cal.3d 420.))

**GOVERNING LAW**

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



### DECISION

The Board of Parole Hearings found Mr. Sims suitable for parole based on his institutional programming, age, recent psychological evaluation, and statements indicating he is remorseful and has accepted responsibility for the commitment offense.

I acknowledge Mr. Sims has made efforts to improve himself while incarcerated. He has served nearly 39 years in prison. He has completed an A.A. degree, completed vocational training, and has held various institutional jobs. He has participated in self-help programming, including Alcoholics Anonymous, Narcotics Anonymous, and Alternatives to Violence. Supervisors routinely gave him above average and exceptional work ratings. In 1988 he was commended for administering CPR to another inmate who had lost consciousness. I commend Mr. Sims for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Sims's crime was unprovoked, senseless, and entirely callous. Mr. Sims armed himself and shot two former co-workers in the back in the course of a robbery that only yielded \$10 dollars. Although Mr. Sims claims he did not intend to shoot anyone when the robbery began, he told Ms. Minton that he had to shoot her to keep from being identified. Mr. Sims's motive was trivial and inexplicable, and his actions had a devastating and long-lasting impact on the victims and their loved ones.

I am concerned that he has not yet convincingly explained why it was that he shot Mr. Sullivan and Ms. Minton. He identifies a turbulent childhood and unhealthy relationship with his girlfriend as the reasons for his criminal behavior. He also states that he did not intend to shoot anyone when he entered the restaurant but shot Mr. Sullivan because he felt he was being disrespected when Mr. Sullivan told him to calm down. He adds that he shot Ms. Minton because she was a witness. Mr. Sims's childhood experiences do not explain why they led him to shoot two people who presented no threat to him. And Mr. Sullivan's attempts to calm Mr. Sims do not explain why it was that Mr. Sims executed one unarmed individual and attempted to execute another to evade capture. Until Mr. Sims gives a more credible account of the circumstances that led to his killing of Mr. Sullivan and shooting of Ms. Minton, he does not demonstrate a satisfactory understanding of the basis for his actions.

Mr. Sims's elevated risk scores support my concerns that Mr. Sims currently poses a danger to society if released from prison. Mr. Sims decided not to participate in the Board's psychological assessment in 2011, thus preventing the psychologist from evaluating his current mental state and providing a grounded basis for an assessment. In 2008, the psychologist rated Mr. Sims in the moderate range of psychopathy, a moderate risk of violence, a moderate risk of general recidivism, and an overall moderate risk of violence. That assessment was based in part on his limited insight, grandiose presentation, and non-responsiveness to treatment.

I am further troubled by Mr. Sims's lack of recent participation in substance abuse programming after struggling with severe addiction. At the time of the murder, Mr. Sims had longstanding problems with alcohol, heroin, and cocaine. On the evening before the murder he overdosed on



heroin and had to be revived in an ice bath. Mr. Sims continued his drug use during his incarceration and tested positive for methamphetamine in 1996. Although Mr. Sims has participated in Alcoholics Anonymous, Narcotics Anonymous, and the Amity Program, he inexplicably stopped his participation in 2006. Given his serious drug history, I encourage Mr. Sims to dedicate himself to further programming.

**CONCLUSION**

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

Decision Date: January 4, 2012

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**CARLOS FLORES, E-58540**

Second-degree murder

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

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

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

**STATEMENT OF FACTS**

Carlos Flores was a member of the Barrio Los Padrino street gang. On the evening of December 24, 1989, Mr. Flores drove two other gang members and two teenage girls from a party into a rival gang's territory. Mr. Flores drove past a house where the group had seen three rival gang members standing, circled around the block, turned off the car's lights, and stopped the car in the driveway of the house. One of the car's occupants, Raymond Vasquez, called out a gang challenge to the three men who responded that they were from Banning Street. Mr. Vasquez fired six shots at the men, striking all three and killing one. Mr. Flores was arrested on January 26, 1990.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Flores suitable for parole based on his lack of recent disciplinary actions, vocational and self-help programming, his remorse, and his age.

I acknowledge Mr. Flores has made efforts to improve himself while incarcerated. He has completed an associate's degree and vocational training. He has participated in self-help programming, including Alcoholics Anonymous, Narcotics Anonymous, Substance Abuse Treatment Program, Victims Awareness, Alternatives to Violence, and anger management classes. He has received satisfactory work ratings and volunteered for an at-risk youth program. I commend Mr. Flores for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Flores's crime was senseless and callous. Mr. Flores and Mr. Vasquez drove into rival gang territory for the sole purpose of hunting down rival gang members. Mr. Flores admits this was the fourth or fifth time that he and Mr. Vasquez had driven into rival gang territory to shoot at rival gang members. Mr. Flores's actions had a devastating and long-lasting impact on the victims, their loved ones, and the community.

I am concerned by Mr. Flores's longstanding involvement with gangs during his incarceration, particularly when his commitment offense in 1989 was motivated by gang membership. Mr. Flores admits he was involved with gangs through 2000 and was disciplined for participating in a riot in 1999 and mutual combat in 2000, both at the behest of gangs. He further admits that he distributed drugs on behalf of his drug-dealing friends through 2009. Although Mr. Flores claims he distanced himself from gangs in 2000, he was found in possession of gang-related drawings in 2009. Mr. Flores explains that he was copying drawings containing Mexican Mafia-related symbols because he likes to draw, not as an indication of his allegiance to the prison gang. Mr. Flores's statements indicate that he either continues to minimize his gang ties or he fails to appreciate the gravity of associating with gang members.

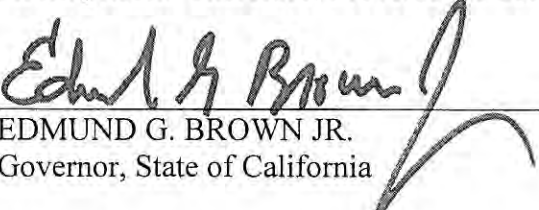
Mr. Flores's abuse of drugs and alcohol as recently as 2009 raises serious concerns about his ability to remain to sober in the community. Mr. Flores abused PCP and marijuana at the time he committed the life crime. He *began* using heroin, methamphetamine, and alcohol during his incarceration and became addicted to these substances. He continued abusing drugs in prison for over fifteen years, distributed drugs in prison, and was disciplined for possession of inmate-manufactured alcohol, possession of a hypodermic needle, and for being under the influence of heroin. Although he began participating in Alcoholics and Narcotics Anonymous in 2007, he did not end his drug use until 2009. Despite the recency of his programming, Mr. Flores told his evaluating psychologist that he did not consider himself to be vulnerable to relapse. The psychologist disagreed, concluding that based on his history "he could be at significant risk for relapse." I share this conclusion and encourage Mr. Flores to continue on the path of addressing his drug addictions with the humility and commitment it requires.

Mr. Flores's elevated risk scores support my concerns that Mr. Flores currently poses a danger to society if released from prison. The psychologist in 2012 rated Mr. Flores an overall moderate risk of violence, based in part on his antisocial personality disorder, limited insight into his personality dynamics and community reintegration, gang affiliation, and recent substance abuse.

### CONCLUSION

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

Decision Date: January 11, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

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

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

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

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

**STATEMENT OF FACTS**

Holly Ganir ended her relationship with Randall Maluenda in October 1978. Soon after the breakup, Mr. Maluenda sent Ms. Ganir a package containing ashes and a letter stating that if he had a gun, he would kill her. They reunited around Christmas and then broke up again. Mr. Maluenda became enraged and obsessed with the thought of killing Ms. Ganir. He conceived and planned elaborate scenarios of ways he would kill Ms. Ganir, and started acting them out. He went into the woods and shot at targets labeled with Ms. Ganir's name. He broke into her dormitory room to steal a ring and photographs of her, burned the items, and returned the ashes to her. On April 14, 1979, Mr. Maluenda went to a disco to find Ms. Ganir and her friends. He gave Ms. Ganir a box containing a ski mask and a gun loaded with bullets. Mr. Maluenda had carved Ms. Ganir's name and initials on the bullets and marked one with an X. Days later, Ms. Ganir went to the dean of her college and told him she was afraid she was going to be killed.

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

**GOVERNING LAW**

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



### DECISION

The Board of Parole Hearings found Mr. Maluenda suitable for parole based on his insight, psychological evaluations, vocational programming, work evaluations, lack of discipline for the past 18 years, self-help programming, parole plans, and age.

I acknowledge Mr. Maluenda has made efforts to improve himself while incarcerated. He has been disciplined only once in over 33 years of incarceration. He has participated in self-help programs including Teaching Responsibility Utilizing Sociological Training, conflict resolution, domestic violence, and individual and group therapy. He has received above average and exceptional work ratings and completed a vocational program in auto body repair in 1992. I commend Mr. Maluenda for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Maluenda's crime was utterly horrific and disturbed. He repeatedly stalked and terrorized Ms. Ganir in the months before the murder, constructing elaborate scenarios of ways he could kill her, and ultimately followed through on his fantasies. Mr. Maluenda's actions had a devastating and long-lasting impact on Ms. Ganir's loved ones. I note that they have written me heartfelt letters opposing Mr. Maluenda's parole and have appeared at Mr. Maluenda's parole hearings expressing their loss.

Mr. Maluenda does not offer a credible explanation for his distorted and dangerous thinking. He believes the core problem was that he "indulged" his fantasy of killing Ms. Ganir rather than working to identify and "process" his feelings. He described a need or urge to visualize and act out his fantasies to relieve the pain he suffered from the breakup, similar to an addict's cravings to use drugs or alcohol. Mr. Maluenda states that his persistent fantasies "brainwashed" him into believing that violent behavior was normal. He explained to the Board:

*"Well, the fantasy [of killing Ms. Ganir] kind of popped up every once in a while because I felt then I had to just go get [a gun]. It doesn't matter if I was going to kill her or not. I just had to go get it. And it soothed me out again. The fantasy died away, but it still kept percolating. It's like as if when homicide sings its song, so to speak, I eventually went – instead of shutting it off, I went and sung a duet with it."*

I find these explanations troubling and unpersuasive. Mr. Maluenda explains that he killed Ms. Ganir because he allowed himself to dwell on these elaborate homicidal fantasies, but he doesn't say whether he tried to resist them, and if not, why not. Feeling emotional distress and pain is a normal response to a romantic breakup, but having persistent, pervasive thoughts about killing that person—and being "soothed" by those thoughts—indicates a deeply disturbed and obsessive personality. Mr. Maluenda also fails to explain how it was that he bought a gun, took target practice in the woods, broke into Ms. Ganir's dormitory room, carved her name into a bullet, and threatened her in bizarre ways on more than one occasion. Finally, his statement to the Board that he sang a "duet" with his murderous thoughts gives me pause. As I reflect on this, it strikes

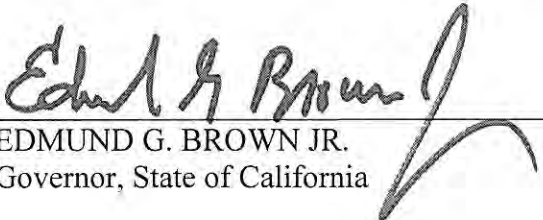


me as a very strange rationalization and expressive of a thought pattern that raises a risk of future violence.

**CONCLUSION**

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

Decision Date: January 14, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**DAVID DURANT, C-75537**  
Second-degree murder

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

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

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

**STATEMENT OF FACTS**

On February 28, 1983, David Durant woke up at midnight to take his girlfriend's three-year old daughter, Stephanie Lagunas, to the restroom. He discovered that Stephanie had already wet her bed. Enraged, Mr. Durant took Stephanie into the living room and punched her with a closed fist so many times he lost count. The next day, Stephanie was vomiting and complaining of stomach pains but was not taken to the hospital. On March 2, 1983, Stephanie's mother Lawana Lagunas called a hotline to find out where to get anonymous medical treatment. The hotline operator told her there was no such place and Ms. Lagunas hung up. Mr. Durant called five minutes later and asked again about getting anonymous medical treatment. He said that Stephanie had been vomiting for two days and had a swollen stomach. He asked the hotline, "what if it's child abuse?" The hotline operator advised that abuse would have to be dealt with but encouraged Mr. Durant to take Stephanie to the emergency room.

At the emergency room, medical staff observed that Stephanie had a cut chin, a swollen lip, significant bruises on her face, legs, ears, back, buttocks, and stomach, and several bumps on her skull. Stephanie's stomach was distended and she was in a great deal of pain. A nurse touched Stephanie and she cried out, "don't hit me." When the nurses assured her that she wouldn't be harmed, Stephanie responded, "mommy and daddy hit me, but they are always sorry." Doctors discovered that Stephanie's intestine had ruptured and that bowel contents had contaminated her abdominal cavity causing gross fecal peritonitis. Doctors also found a previous intestinal perforation that had been walled off by an old abscess and was surrounded by dense scar tissue. A large portion of Stephanie's intestine was removed in surgery, but she died of cardiac arrest later that evening. Doctors later discovered that Stephanie had four fractured ribs suffered approximately one to two months prior to her death. It was determined that Stephanie's injuries were deliberately inflicted with either a fist or a foot. According to medical experts, Stephanie's bruises and abdominal injuries were so severe that an adult of average strength would have to use almost all of their force to inflict such damage.

### GOVERNING LAW

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

### DECISION

The Board of Parole Hearings found Mr. Durant suitable for parole based on his positive prison behavior and absence of a criminal record, remorse, insight, self-help and vocational programming, institutional work experience, psychological report, age, and parole plans.

I acknowledge Mr. Durant has made efforts to improve himself while incarcerated. He earned his high school equivalency and has taken several college courses. He has held many institutional jobs and completed three vocational programs. Mr. Durant has also participated in several self-help groups, including Alcoholics Anonymous and Substance Abuse Program, Anger Management, Alternatives to Violence Project, Al-Anon, and Victim Awareness. I commend Mr. Durant for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Durant's crime was appalling. According to medical experts, Stephanie's intestinal perforation and extensive bruising on her body required an adult of average strength to use almost all of their force to inflict such damage. Stephanie was an innocent victim who did not pose a threat to Mr. Durant, and she suffered and vomited for two days before she was taken to the hospital. It is senseless that a three year old girl would suffer this violence because she wet her bed.

This was not the first time that Mr. Durant had beaten Stephanie. Mr. Durant admitted to police that he had been going "overboard" with his physical punishment of Stephanie over the previous 18 months. He stated that it would irritate him when Stephanie wet her bed. He recalled previously striking Stephanie in the stomach three to six months before the crime. Stephanie's seven-year-old sister Shawnee reported that Mr. Durant beat all three sisters with a belt or wire coat hanger any time they wet their pants, but he would single out Stephanie for the most abuse. Ms. Lagunas reported that Mr. Durant had struck her at least four times. A former neighbor told police she would often see bruises on the children, and she recalled that in October 1981—when Stephanie was one or two years old—she observed Stephanie with a blood-red eye, bruised chin, and bruised ear caused by Mr. Durant. She also observed Ms. Lagunas with a black eye, caused when she tried to stop Mr. Durant from hitting Stephanie. Mr. Durant's repeated violence and abuse against Stephanie, Ms. Lagunas, and the other girls, culminating in the brutal murder of Stephanie, demonstrates a callous disregard for their suffering.

While it appears that Mr. Durant has recently gained a better understanding of his actions, I am concerned that Mr. Durant has not fully realized or resolved his reasons for brutally beating Stephanie for two years and ultimately murdering her. In 2009, his evaluating psychologist correctly concluded that Mr. Durant minimized aspects of his crime and his physical abuse of Ms. Lagunas and all three daughters. Mr. Durant stated that he became physically abusive “four months” prior to the life crime, he abused Stephanie more severely than the other children because he “identified with her” as the third child, he denied giving Ms. Lagunas a black eye but acknowledged “pushing her,” and in response to Shawnee’s allegations that Durant abused her too, he responded, “I wouldn’t doubt it if she was.” He could not understand why Ms. Lagunas and her daughters opposed his parole and felt that “part of them is still stuck in 1983.” He also blamed Ms. Lagunas in part, stating that “she contributed to [his] delinquency.” His statements showed an unwillingness to take full responsibility for the extent and severity of his actions.

At his 2012 psychological evaluation, Mr. Durant clarified that he had abused Stephanie for “at least a year.” Mr. Durant explained that he too had been physically abused by an alcoholic father, and he practiced what he learned. He noted that he was sixteen years old when he began dating Ms. Lagunas, and financial and parental responsibilities soon overwhelmed him. When he lost his job, he increasingly abused alcohol and marijuana to “drown out his inadequacies.” He used anger to “cover up” his feelings of hurt, anger, and unresolved issues with his father, and found himself hitting Stephanie too hard with too much aggression. Mr. Durant now recognizes that striking his daughters with a belt or coat hanger also constituted abuse. He now views his pattern of spanking Stephanie in the initial months as abuse and he recognizes that the “spanking intensified in severity up until her death.”

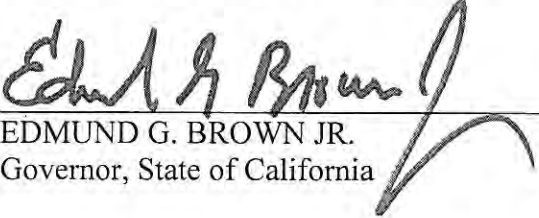
These explanations don’t really convey the nature of the violence that Mr. Durant inflicted on the young child. Stephanie was not just “spanked”—she was violently attacked, repeatedly beaten with a closed fist, given a black eye and bruised face as a one or two-year-old, and had four ribs broken and a perforated intestine in the months before the murder. The injuries that led to Stephanie’s death required Mr. Durant to expend almost all of his strength and energy to inflict such damage. Mr. Durant does not convincingly explain how it is he could lash out so violently against a toddler, and continue doing so for the next two years. In addition, his explanation of why he singled Stephanie out for this repeated abuse—that they were both “third in line in the birth order”—makes little sense. I am also concerned that Mr. Durant still denies giving Ms. Lagunas a black eye, despite corroboration by several witnesses, including Ms. Lagunas’s daughter and a former neighbor.

The psychologist in 2012 recommended that Mr. Durant “take a more explorative look into the cycle of abuse which typically begins with verbal abuse and threats, followed by a period of remorse and normalcy and then a buildup of tension and frustration that in this case led to serious incidents of emotional and physical abuse of three children; one who ultimately died. An understanding of such will decrease the likelihood that he will act similarly in the future when faced with the personal and relational stressors.” I agree. I note that Mr. Durant has taken no domestic violence or parenting classes. I encourage him to continue exploring the causes of his explosive rage against Stephanie and his violence against Ms. Lagunas and the other daughters, and to develop the coping skills necessary to handle familial stresses in the community.

**CONCLUSION**

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

Decision Date: January 18, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California



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

**HECTOR MORA, K-09073**  
First-Degree Murder

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

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

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

**STATEMENT OF FACTS**

On May 20, 1992, Mr. Mora was selling drugs at a street corner. Willie Coleman was looking for drugs, but he did not have money to purchase them. One of Mr. Mora's companions warned Mr. Coleman to leave, but he refused. Mr. Mora threatened to kill Mr. Coleman and told him that he was going to leave for ten minutes and that he did not want to see Mr. Coleman when he returned. Mr. Mora went to a friend's house to retrieve a gun. When he returned, he showed Mr. Coleman the gun. Mr. Coleman started running. Mr. Mora chased him into an alley and fired seven shots, striking him several times and killing him.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Mora suitable for parole based on his lack of significant criminal history, unstable social background, remorse, acceptance of responsibility for the murder, self-help programming, age at the time of the murder, current age, lack of discipline, lack of gang involvement, family support, and parole plans.

I acknowledge Mr. Mora has made efforts to improve himself while incarcerated. He became an ordained deacon and is active in chapel services. Mr. Mora has never been disciplined for any serious infraction in prison. He completed a vocation and has routinely received satisfactory and above average work evaluations. He has recently started to participate in self-help programs, including Anger Management and substance abuse programs. I recognize as well that Mr. Mora was only 16 when he committed the murder, and I commend him for taking these positive initial steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Mora's crime was senseless and callous. He threatened to kill Mr. Coleman merely for hanging around the street corner. When Mr. Coleman did decide to leave, he chased Mr. Coleman down an alley and shot him multiple times.

Mr. Mora has not shown that he adequately understands the reasons for his violent behavior. When asked by a psychologist why he committed the crime, he responded, "Probably anger, and I was tired, and people were controlling my life." At his parole hearing, he explained that he grew up feeling rejected and angry because he had been abandoned by his mother and forced to live in a controlling and abusive household with his grandparents in Mexico. When he came to the United States at age fifteen to live with his mother again, he rebelled and chose to live with friends and deal drugs until his commitment offense. He states that when Mr. Coleman "told me what to do, it was like an explosion, and I discharged my anger on this person."

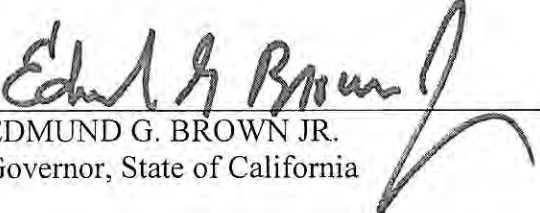
Mr. Mora's claim that he chased down and killed Mr. Coleman because he was tired of living in a controlling environment makes little sense. At the time of the murder, he was living on his own and supporting himself through criminal means. He does not convincingly explain how Mr. Coleman tried to "control him" or why he would equate Mr. Coleman's actions with those of his domineering grandparents. The psychologist concluded that Mr. Mora "verbalized a rudimentary awareness and understanding of some of the factors associated with his behavior leading up to, and during, the life crime" and he continues to "place an inordinate amount of culpability [for his behavior] on external factors, including the victim's provocation and the encouragement of his antisocial peers." I agree. Mr. Mora needs to further explore what made him so angry and willing to please his criminal peers that he would run down and shoot Mr. Coleman without hesitation.

I note that Mr. Mora's efforts to engage in available self-help programming have been limited and recent. He has served 18 years in prison, but only began attending Alcoholics and Narcotics Anonymous in 2010. Mr. Mora told the psychologist he has not yet completed the 12 steps. The psychologist found that Mr. Mora's "limited participation in formal substance abuse treatment during his incarceration gives pause to question his degree of understanding and insight into this issue" and poses "some risk for relapse." Mr. Mora has taken a few other self-help programs in the last couple of years. He is on the right track, but needs to continue programming to further develop his understanding of his substance use history and the factors underlying his crime.

### CONCLUSION

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

Decision Date: January 24, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**DAMON DABNER, D-95081**  
Second-degree murder

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

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

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

**STATEMENT OF FACTS**

On February 3, 1985, Damon Dabner and Dwayne Scott were burglarizing an apartment when the occupant, Larry Mar, arrived home and confronted them. The next day, Mr. Dabner and Mr. Scott entered a shoe repair store and robbed three people at gunpoint, taking \$1000. On February 8, 1985, Mr. Dabner and Mr. Scott robbed Massoud Illutian at gunpoint as he exited the rear of his furniture store. Mr. Illutian struggled for the gun and Mr. Scott shot him in the chest, killing him. Mr. Illutian's son, David, heard the shot and ran out of the store to help his father. Mr. Scott shot at David, and Mr. Scott and Mr. Dabner fled, commandeering Ronald Hudson's car at gunpoint to escape.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Dabner suitable for parole based on his lengthy period of incarceration, lack of significant criminal history, remorse, parole plans, and self-help and vocational programming while incarcerated.

I acknowledge Mr. Dabner has made efforts to improve himself while incarcerated. He obtained his GED, completed vocational training, and served in various work assignments. He has not been disciplined for serious misconduct since 2002. He recently began participating in self-help programming, including Narcotics Anonymous, Alcoholics Anonymous, and Criminals and Gangmembers Anonymous. I commend Mr. Dabner for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Dabner has not adequately explained what led him to become involved in this serious and escalating pattern of criminal activity. He told the evaluating psychologist in 2012 that he joined a gang as a juvenile because he felt “out of place” after moving to California from New York and was searching for acceptance. He says he participated in these armed robberies and “followed in [Mr. Scott’s] footsteps because [he] had no idea what was required; what was the norm.” He states that he began using alcohol and narcotics and participating in assaults and thefts in order to support his drug habit and “for status” among his peers. I find his explanation to be lacking.

When Mr. Dabner moved to California he had a stable and supportive family and excelled in school. He lived in an affluent neighborhood and had to pro-actively seek out gang members in other neighborhoods in order to hang out with them. It is puzzling that a person of great intelligence growing up in a positive environment would choose to seek out criminal associates and commit a string of violent armed robberies that terrorized his victims and resulted in the death of Mr. Illutian. As the psychologist points out, “[t]o state that he did not know [what] the “norm” [was] in Los Angeles would suggest that he did not realize that robbing citizen’s homes or businesses at gunpoint is wrong in any city.” Mr. Dabner is too intelligent to make such a questionable assertion.

I am also concerned that Mr. Dabner minimizes the severity of his criminal behavior. He describes his crime spree as “a couple of days in a really bad week” when he “was riding the wave” that culminated in a robbery “that went further than it was meant to.” He states that he passively followed Mr. Scott because he wanted to fit in and to “just go with the program.” The psychologist found that he “tended to minimize his participation in the life crime” and “place[d] the onus primarily on his crime partner.” The psychologist further observed that Mr. Dabner lacks “empathy about (or understanding of) the terror he inflicted on his victims,” is “glib and grandiose,” and is “flippant with regard to serious matters from his childhood and adolescence . . . over which he clearly did not want to linger.” Mr. Dabner’s statements—and these clinical observations—demonstrate to me that Mr. Dabner lacks a proper appreciation for the gravity of his actions and seeks to deflect responsibility by claiming he was just going along for the ride.

Mr. Dabner’s insubstantial participation in substance abuse programming is another area of concern. At the time of the murder, Mr. Dabner was drinking and using cocaine and marijuana “on a daily basis.” Mr. Dabner continued using alcohol during his incarceration and was disciplined for possession of inmate manufactured alcohol four times between 1991 and 1993. Despite these struggles with addiction, Mr. Dabner has only sporadically participated in substance abuse programming, attending Narcotics Anonymous from 1994 to 1996, Alcoholics Anonymous from 1994 to 1997, and Narcotics Anonymous again from 2011 to the present. The psychologist stated that Mr. Dabner’s “involvement with substances was more serious than he is currently acknowledging,” and concluded that “he is still considered at some risk for relapse.” Until Mr. Dabner has confronted and worked through his addictive patterns and his motivations for violent behavior, I believe he poses an unreasonable risk of danger to the community if released.

Finally, multiple confidential memos indicate that Mr. Dabner was actively involved in a prison disruptive group that encouraged assaults on correctional officers and committed other criminal

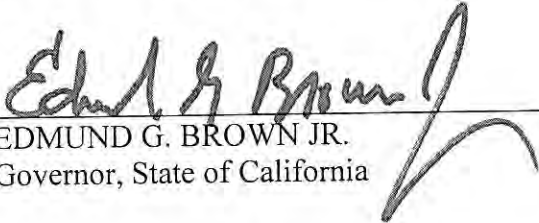


acts. Mr. Dabner's assertion that this group was merely a religious organization seems in conflict with the record and suggests that he is not being forthcoming about his gang involvement and when he ceased to participate in these activities.

**CONCLUSION**

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

Decision Date: January 24, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California



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

**ROBERT BUTLER, D-33958**  
First-degree murder

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

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

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

**STATEMENT OF FACTS**

On December 11, 1985, Robert Butler shot and killed 47-year-old high school teacher Robert Jones and seventeen-year-old Ronald McClendon. Each victim was shot twice by Mr. Butler as they slept in different rooms in the Pasadena home owned by Mr. Jones.

Mr. Butler, a twenty-two year old nationally ranked track and field star, had been living with Mr. Jones for about three years and maintained a room in the house while he was away at college. Mr. Jones was gay and allowed students to stay at his home for varying periods of time, from a few days to several months. Mr. Butler indicates that although Mr. Jones made several sexual advances toward him, he did not realize that Mr. Jones was gay until shortly before the murder. He regarded Mr. Jones as a father figure and became upset when Mr. Jones grew more distant and aloof with him. Mr. Butler states that a week before the crime, he found out that Mr. Jones had sexually molested his brother William a decade earlier when William was thirteen years old.

On the night of December 11, 1985, Mr. Butler went to confront Mr. Jones. Ronald McClendon, who had been staying with Mr. Jones for three weeks while he looked for another place to live, was asleep on the living room couch. According to Mr. Butler, Mr. Jones refused to apologize about William and said, "I don't owe you shit. Get the fuck out." Mr. Butler retrieved a gun from the house and shot Mr. Jones once behind the left ear and once in the lower back. Mr. McClendon, who had a comforter pulled up to his head, was also shot twice at close range. Both men died from their gunshot wounds. Mr. Butler fled the scene but left a scarf behind which was traced back to him. He was arrested and convicted on two counts of first-degree murder.

**GOVERNING LAW**

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

### DECISION

The Board of Parole Hearings found Mr. Butler suitable for parole based on a stable social history and no criminal record, his educational achievements, minimal prison discipline, self-help programming and vocational training, exceptional remorse and insight, psychological report, age and parole plans.

I acknowledge Mr. Butler has made substantial efforts to improve himself while incarcerated. He attained a Bachelor's degree in Social Science and a Master's degree in Community Health Administration during his incarceration. Mr. Butler has completed three vocations, has held several institutional positions, and routinely receives above average to exceptional work ratings. He has participated in and facilitated several self-help programs, including Alternatives to Violence, Anger Management, Yokefellows Peer Counseling, and Buddhist Fellowship Program. He has volunteered as a literacy tutor for over a decade, worked with developmentally disabled inmates in the Gold Coat program, and is a longtime member of Prisoners Against Child Abuse. I commend Mr. Butler for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Butler committed a senseless and truly reprehensible double-murder. He executed Mr. Jones in his sleep and then coldly killed Mr. McClendon as he hid behind his covers. Mr. McClendon was a promising young student and track and field athlete with his whole life ahead of him. Mr. Butler's actions devastated the lives of the victims' families and friends and had a long-lasting impact on the community. I note that Mr. McClendon's family members have written me numerous heartfelt letters after the Board granted Mr. Butler parole urging me to reverse the Board's decision.

From the evidence, it seems reasonably clear that Mr. Butler is not revealing his actual state of mind that led up to his brutal execution-style murders of Mr. Jones and Mr. McClendon, or he doesn't understand the dynamics underlying his behavior. At his 2009 Board hearing and 2012 psychological evaluation, Mr. Butler stated that he killed Mr. Jones because of his "emotional immaturity" rooted in his mother's abandonment of the family when he was two years old. This feeling of abandonment, he claims, "led me to write an emotional life script of parental reconciliation" in which he sought affection and attention from other parental figures, including Mr. Jones. He told the psychologist he felt deceived and rejected by Mr. Jones, and was "attempting to process the grief over the end of my parental-child relationship with Robert Jones."

I find Mr. Butler's explanations for why he murdered Mr. Jones incomprehensible. Emotional immaturity and anger over his mother's abandonment twenty years prior do not adequately explain why Mr. Butler would react with such extreme violence over Mr. Jones's rejection of him. According to the 2009 transcript, Mr. Butler felt rejected because Mr. Jones "used to bake him cookies and write him at school and he stopped doing that." There are clearly deeper, unexplored or unexplained reasons that would drive a twenty-two year old man to kill two people in premeditation merely because he was getting the cold shoulder from a father figure.

Mr. Butler's explanation of how he murdered Mr. McClendon is also unconvincing. Mr. Butler told the Board in 2012 that he did not know Ronald McClendon and was not aware that anyone was sleeping on the couch in the living room. He claims that as he tried to leave the house, he heard the sound of Mr. McClendon pulling the blanket over his head and reacted, shooting him. However, Mr. McClendon was shot twice, at close range. I find it hard to believe that Mr. Butler was only reacting to the sound of a shifting blanket when he shot Mr. McClendon not once, but two times from only a few feet away. Furthermore, Mr. Butler's scarf was found in the kitchen and his keys were found in his old bedroom. As the 2009 Board pointed out, Mr. Butler would have had to walk by the couch several times to leave his belongings in these different rooms, and somehow fail to realize that Mr. McClendon was on the couch.

I am also concerned by new information brought to my attention by the Los Angeles County District Attorney's Office and by Mr. McClendon's brother in letters to me following the Board's grant of parole. Enclosed in these letters are declarations from Gene McClendon, the brother of murder victim Ronald McClendon, and William Alton, a former friend of Mr. Butler's and cousin to the McClendons. Both declarations aver that the McClendon brothers had known Mr. Butler for four years prior to the murders, and had socialized on numerous occasions with Mr. Butler at track meets and family dinners. Mr. Alton also states that he spoke to Mr. McClendon on the night of the murder, and that Mr. McClendon told him: "Rob [Butler] was tripping about me sleeping in his room and said he [Butler] 'didn't want me sleeping in his room anymore.'"<sup>1</sup> If this information is true, it is troubling that Mr. Butler would deny ever knowing who Ronald McClendon was and deny knowing that Mr. McClendon was staying at Mr. Jones's house for several weeks.

Mr. Alton's declaration also states unequivocally that he never had a conversation with Mr. Butler in which he conveyed that Mr. Jones had molested Mr. Butler's brother, William. This statement directly contradicts Mr. Butler's testimony in 2009 that a week before the murders, William Alton visited him at college and told him, "You know, Robert Jones bragged to me about turning your brother out when your brother was in junior high school." According to Mr. Butler, it was Mr. Alton's revelation that prompted him to confront Mr. Jones. This new information, if true, raises serious questions about Mr. Butler's motivations for killing Mr. Jones and Mr. McClendon.

It is imperative that the Board give full consideration to this information and provide Mr. Butler with an opportunity to respond at his next suitability hearing.

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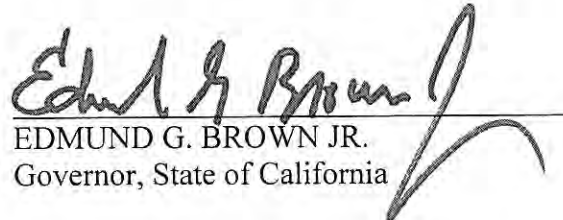
<sup>1</sup> This statement appears to be corroborated by Mr. Alton's interview with police on December 31, 1985, in which he conveyed that Mr. McClendon had called him on the night of the murders to say, "Robbie [Butler] is coming home from school and bringing his stuff home." Mr. Alton told police that "Robbie is jealous of other people using his (Robbie's) room, and to avoid trouble, just to have McClendon sleep on the sofa and he would be over later in the week and talk to Robbie."

Robert Butler, D-33958  
First-Degree Murder  
Page 4

**CONCLUSION**

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

Decision Date: February 8, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**BOYD HALL, D-65886**  
Second-Degree Murder

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

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

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

**STATEMENT OF FACTS**

On November 13, 1985, Vernon Harold and his wife Betty were returning to their car after dinner. As Mr. Harold entered the driver's side of his car, Boyd Hall appeared next to Mrs. Harold, held a handgun to her waist, and ordered her to let him into the back seat of the car. Mr. and Mrs. Harold offered Mr. Hall their money, jewelry, and car, but refused to let him into the back seat. Mr. Hall ignored their offers, and pressed a knife to Mrs. Harold's arm. Mr. Harold ran to his wife's side and struggled with Mr. Hall, allowing Mrs. Harold to run for help. Mr. Hall shot Mr. Harold twice, killing him.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Hall suitable for parole based on his lack of criminal and disciplinary history, genuine remorse, acceptance of responsibility, and favorable psychological reports.

I acknowledge Mr. Hall has made efforts to improve himself while incarcerated. Mr. Hall obtained his Associate of Arts Degree, routinely received exceptional work ratings, and is a Certified Radiologic Technologist. He has never been disciplined for a serious infraction in prison. He also participated in self-help groups including Anger Management, Alcoholics Anonymous, and the Alternatives to Violence Project. I commend Mr. Hall for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.



Mr. Hall's crime was utterly senseless. Armed with a knife and handgun, he approached a random couple, threatened them, and shot Mr. Harold when he came to his wife's aid. Mr. and Mrs. Harold posed no threat to Mr. Hall and had offered him their money, jewelry, and car. Mr. Hall's actions had a devastating and long-lasting impact on Mr. Harold's loved ones. I note that they have written several heartfelt letters and have appeared at Mr. Hall's most recent suitability hearing to express their deep sense of loss even after many years.

I am concerned that Mr. Hall has not adequately articulated the reasons for this random and extreme act of violence. At the time of the murder, Mr. Hall had a supportive family, he was a good student, he had served in the military, and he was enrolled in a community college and played on the soccer team. When asked to explain the shooting he stated, "there is no rational reason why; there is no justifiable reason; the reasons are so trivial; to me though at that point everything was so important that I wasn't ready to accept everything that happened one by one." He claims that the stress he experienced from having to succeed in school, in sports, and in his relationships was "exhausting." He told the Board that on the day of the murder, his car broke down, frustrating his attempts to get to school and study for a test. He then "transferred a lot of anger [and] frustration" onto Mr. and Mrs. Harold, who were "in the wrong place at the wrong time."

The pressure of leading a highly accomplished life does not adequately explain why Mr. Hall would kill a stranger without provocation or reason. Many college students suffer stress and frustration as the result of balancing studies, extra-curricular activities, and personal relationships, all under the pressure of societal and parental expectations. They do not respond to these stresses by killing random people. Until Mr. Hall can shed more light on what about his particular circumstances led him to violence, I am not prepared to release him.

### CONCLUSION

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

Decision Date: February 8, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**SAMUEL MEDWAY, B-88218**  
First-Degree Murder

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

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

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

**STATEMENT OF FACTS**

On May 27, 1977, Samuel Medway, Joe Tamayo, Conrad Rey, Joey Pasillas, and some friends were having a party when Dallas Foster, a transient, knocked on the door and asked for a glass of water. The group invited Mr. Foster in and gave him wine and beer. Mr. Medway became convinced that Mr. Foster was the same person who pulled a knife on Mr. Rey some months earlier. Mr. Rey punched Mr. Foster in the mouth and Mr. Medway and the other men kicked and beat him. Over the next seven to ten hours, Mr. Foster was punched, kicked, stomped on, beaten with a belt, struck with a two-by-four, stripped of his bloody clothes and paraded around naked, urinated on while unconscious, forced to drink glasses of urine, and repeatedly threatened with death. The men attempted to hang Mr. Foster in the bathroom with a belt and smother him with towels. On at least three occasions, Mr. Tamayo pointed an unloaded rifle inches from Mr. Foster's face and pulled the trigger as Mr. Foster begged for his life. Throughout this ordeal, Mr. Medway prevented Mr. Foster from leaving the residence. Mr. Tamayo eventually loaded the rifle and he, Mr. Medway, and a few others took Mr. Foster to a vacant lot. Mr. Medway and Mr. Tamayo ordered Mr. Foster to sit under a trailer and Mr. Tamayo fatally shot him in the head, neck, and stomach. Mr. Medway ordered the others to dispose of the victim's belongings, clean up the mess, and not tell anyone what happened.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Medway suitable for parole based on his lack of disciplinary history, remorse, acceptance of responsibility, participation in self-help programming, parole plans, and reduced risk of recidivism due to his age.

I acknowledge Mr. Medway has made efforts to improve himself while incarcerated. He earned his G.E.D., received vocational training, and held numerous institutional jobs. He has not been disciplined for a serious infraction in over twenty years and completed several self-help programs, including Anger Management and substance abuse programming. I commend Mr. Medway for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Medway actively participated in the torture of Mr. Foster, who had merely asked for a glass of water. Mr. Medway and the others tortured and denigrated Mr. Foster for over seven hours, for inexplicable reasons. Mr. Medway's actions were callous and reprehensible.

I am concerned that Mr. Medway minimizes his culpability for the murder. He claims that he was not present when Mr. Foster was shot and that he left the party prior to the murder because he "had a feeling something was going to happen" and "he did not want any part of it." I don't believe him. The record shows that Mr. Medway assisted in carrying Mr. Foster to the vacant lot where Mr. Tamayo shot and killed him, and then ordered the others to dispose of the evidence. Furthermore, Mr. Medway ignores the fact that he actively participated in the torture of Mr. Foster for the previous seven hours, and therefore already played a "part in it." Mr. Medway's statements indicate to me that he continues to avoid taking responsibility for Mr. Foster's torture and murder.

Mr. Medway also does not adequately explain *why* he participated in this terrible crime. He told the evaluating psychologist in 2012 that, "my thoughts, actions, and emotions were warped by alcohol. My beliefs were controlled by my addiction. I lost the ability to think rationally. I had no empathy or compassion." Alcohol alone cannot explain the depravity Mr. Medway displayed, and he does not explain how his alcoholism caused him to be able to dehumanize another human being in such a manner. His troubling behavior appears to be rooted in causes that are deeper than just alcohol or drug addiction. Until Mr. Medway can better explain what caused him to torture an innocent, random stranger, I am not prepared to release him.

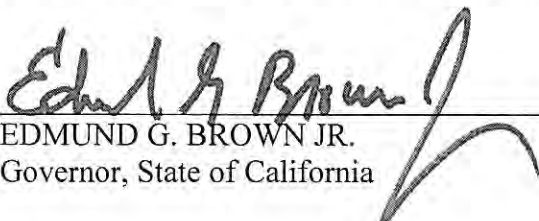
Mr. Medway's sporadic participation in substance abuse programming also gives me cause for concern. Mr. Medway began drinking and smoking marijuana at age 13, experimented with a variety of drugs, and eventually began drinking or using drugs on a daily basis. Throughout Mr. Foster's beating and murder, Mr. Medway was drinking, smoking marijuana, and sniffing spray paint. He claims the crime was motivated by his "drinking, drugs, all these things." Although Mr. Medway began participating in substance abuse programming in 1987, he inexplicably stopped his participation in 1999 and did not resume until 2011. Given his serious substance abuse history, I encourage Mr. Medway to dedicate himself to further programming.

Samuel Medway, B-88218  
First-Degree Murder  
Page 3

**CONCLUSION**

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

Decision Date: February 8, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**BERNARD WERNER, D-40204**  
Second-Degree Murder

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

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

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

**STATEMENT OF FACTS**

On March 1, 1986, Bernard Werner met Jenne Wludyka in a bar. The two left the bar intoxicated and Mr. Werner drove Ms. Wludyka to a park. They walked to a remote area in the park where a struggle ensued. Mr. Werner repeatedly struck Ms. Wludyka in the head with a 41-pound rock the size of a volleyball, crushing her face and skull. After the murder, Mr. Werner walked back to his car and sat for about five minutes. He walked over to a group of people and had a brief conversation with them. The group had seen the couple enter the bushes and when they asked him where the woman was, he told them she got mad and ran into the hills. He went home when a police car drove by. He returned to the park later that night with a friend. When Mr. Werner and his friend came upon Ms. Wludyka's body, he told his friend that he had gotten into a fight with a man who probably grabbed Ms. Wludyka and killed her. His friend reported that Mr. Werner seemed more concerned about the man than the dead, disfigured woman. When he returned home, Mr. Werner told his wife that he and his friend found a woman with no head, but that he did not want to tell the police because they would pin it on him. Ms. Wludyka's body was found the following day with her pants around her ankles and her sweater over her breasts. Her face was unrecognizable.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Werner suitable for parole based on his lack of criminal history, remorse, acceptance of responsibility, minimal disciplinary violations, parole plans, self-help programming, and psychological evaluations.



I acknowledge Mr. Werner has made efforts to improve himself while incarcerated. Mr. Werner earned an Associate of Arts degree, completed vocational training, and served in various work assignments. He has only been disciplined for one serious infraction in prison. He has participated in self-help groups including Alcoholics Anonymous for several years. I commend Mr. Werner for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Werner committed a truly heinous crime. After befriending a woman at a bar, he drove her to a park where he murdered her for no apparent reason. He bludgeoned her head with a 41-pound rock. When Ms. Wludyka's body was found, a detective described her face as being so mutilated it "appeared as if an explosion had taken place."

Mr. Werner claims that he was in an alcohol-induced blackout at the time of the murder. While he acknowledges that he committed the crime, he claims to have little recollection of anything that happened that night. He told the Board that he recalls pushing Ms. Wludyka away and that Ms. Wludyka slapped his face. He told the evaluating psychologist in 2012 that "aspects of the offense have come to [me] in dreams." Similarly, he told the Board that he has pieced together portions of the night by reading witness statements, talking to his parents and ex-wife, and "I even have dreams of the crime, so I kind of incorporate that into what all the stuff I heard and read about." He explained that he suspects his violent rage may have been triggered when Ms. Wludyka put her finger in his rectum, but added: "that's a dream, I don't know."

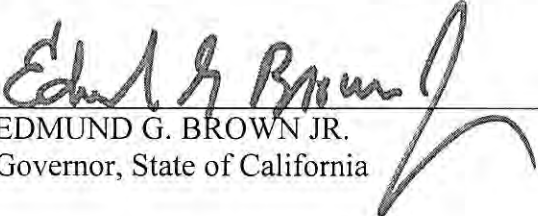
Mr. Werner's actions after the murder indicate that he was significantly more lucid than he would have me believe. After killing Ms. Wludyka, Mr. Werner approached a group of people in the park. They questioned him about the woman and he lied and told them that she became angry and ran into the hills. Mr. Werner brought his friend to the park and "discovered" Ms. Wludyka's body. He lied to his friend and stated that he had gotten into a fight with another man, and suggested that this unknown person probably grabbed Ms. Wludyka and killed her. Mr. Werner later told his wife that he had found a woman with no head, but that he did not want to tell the police. It defies logic that Mr. Werner—who was so deliberate in his actions and intentionally misleading to several people—was so intoxicated he can no longer remember what he did that evening or why he murdered Ms. Wludyka. I note that an appellate court upheld Mr. Werner's denial in 2011 for the same reasons.

Mr. Werner has not yet articulated any plausible understanding of why he bludgeoned Ms. Wludyka to death. He insists that he cannot explain his actions because of the blackout, but his dreams have conveniently unveiled that he reacted to an unwanted sexual advance from Ms. Wludyka. Whether or not Mr. Werner is being truthful about his "dreams," I am troubled that he continues to blame Ms. Wludyka for his explosive violence and rage. Mr. Werner indicates that he suffered episodes of sexual abuse as a child, but he has not demonstrated that he has addressed that trauma and would no longer react with such extreme violence the next time he has a childhood flashback.

**CONCLUSION**

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

Decision Date: February 8, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**KEVIN HOWERTON, E-96449**  
Second-Degree Murder

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

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

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

**STATEMENT OF FACTS**

Kevin Howerton first met Jeff Ross when he was 15. At the time, Mr. Ross was in his mid-thirties and a drug dealer. Mr. Howerton lived with him off and on for four years, becoming dependent on Mr. Ross for food, clothes, money, and drugs in exchange for sex.

On November 16, 1990, Mr. Howerton planned a meeting with Mr. Ross under the guise of a drug deal; however, his sole intent was to kill Mr. Ross. When he arrived at Mr. Ross's house, he asked for money. When Mr. Ross would not give him any, Mr. Howerton struck Mr. Ross on the head and face with a hammer twenty-two times, killing him. Before leaving, he took money from Mr. Ross's pocket, cleaned himself up, and put on one of Mr. Ross's clean shirts.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Howerton suitable for parole based on his acceptance of responsibility for the crime, age, no misconduct since 2004, staff support, knowledge of the 12 steps, debriefing from a prison gang, parole plans, and psychological evaluation.

I acknowledge Mr. Howerton has made efforts to improve himself while incarcerated. He regularly received above average and exceptional work ratings and has been working on getting a college degree. He has completed several self-help programs, including Alcoholics Anonymous, Criminals and Gangmembers Anonymous, conflict resolution, and victim awareness. He has participated in a youth diversion program and cooperated with gang investigators in making a video to help law enforcement help fight gangs in the prisons and on

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

Mr. Howerton's crime was senseless and callous. He devised a plan to murder Mr. Ross, and then struck Mr. Ross in the head with a hammer so many times that Mr. Ross's face and head were obliterated.

I am troubled by Mr. Howerton's decades-long involvement in dangerous gangs in prison. He began affiliating with a variety of white supremacist gangs in prison in approximately 1992. His activity with these groups included stabbing other inmates, attacking correctional staff, manufacturing and distributing weapons and handcuff keys, trafficking drugs, ordering inmates to assault others, and recruiting new members. He has tattoos indicating his membership and allegiance to these gangs. He dropped out of the Nazi Low Rider prison gang in 2005, but remains a validated member of the United Society of Aryan Skinheads. Other credible reports indicate that Mr. Howerton continued to affiliate with similar white supremacist disruptive groups as recently as 2006. He has been disciplined 17 times for serious misconduct, including possession of stabbing weapons, mutual combat, and battery on a peace officer. Mr. Howerton has been convicted twice of possession of a weapon in prison – in 1999, for stabbing another inmate, and in 2002 for hiding a slashing weapon in his rectum. He has been sentenced to serve ten years in prison for these crimes after he completes his life term. Mr. Howerton's active and long-term participation with dangerous gangs leads me to believe that he has not overcome his propensity for violence.

Mr. Howerton does not explain why he was drawn to these white supremacist gangs and eagerly participated in their goals for such a long period of time. He told the Board that he joined the Skinheads for his own protection because he had been cut and stabbed by another inmate. But his involvement went far beyond self-protection when he wholeheartedly embraced their criminal mindset and ordered and perpetrated violence against other inmates and correctional staff. He also does not explain whether he has distanced himself from these groups. Given reports of his involvement as recently as 2006, he has not behaved in a manner that assures me he has turned away from his criminal values and will not continue to act violently if released.

I am also concerned with Mr. Howerton's limited substance programming. His substance abuse has been extensive – he started using marijuana at 7 and started drinking alcohol at 14. He experimented with LSD and cocaine. In prison, he regularly used marijuana, heroin, and methamphetamine. He has been disciplined for possession of marijuana, use of methamphetamine, and possession of inmate-manufactured alcohol. He was stabbed in 1994 and 1995 after incurring large drug debts. However, in his 22 years in prison, he has only attended Alcoholics Anonymous in 1994 and between 2006 and 2009. His attendance inexplicably dropped off after 2009. This shows that he is not taking his risk of substance abuse relapse as seriously as I would expect and is not sufficiently prepared to be released.


I note as well that he has only taken one anger management class in 2009 and just began attending Criminals and Gangmembers Anonymous in 2012. I encourage him to participate in self-help groups that demonstrate that he has committed himself to learning the skills necessary

to turn away from the violent lifestyle he has lived and has successfully turned away from the prison gang's code of conduct.

**CONCLUSION**

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

Decision Date: February 15, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California



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

**DAVID LEAVITT, C-48328**

First-degree murder

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

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

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

**STATEMENT OF FACTS**

David Leavitt's girlfriend Sherry Anderson was having child custody disputes with her ex-husband David Anderson. On December 1, 1980, Sherry met Mr. Anderson to drop off the baby for a visit. At the drop-off, Mr. Anderson said he would no longer allow her to see the baby. Sherry later told Mr. Leavitt that Mr. Anderson had kidnapped the baby. Mr. Leavitt called police. The responding officer told Mr. Leavitt he would not pursue the matter because Sherry had agreed to give the baby to Mr. Anderson. Mr. Leavitt was upset Sherry had lied to him and that the police would not do anything.

Mr. Leavitt drank a case of beer and a bottle of liquor. He and his brother Andrew Leavitt armed themselves with hatchets and went to Mr. Anderson's apartment. Mr. Anderson's 67-year-old mother, Jean Anderson, opened the door and informed Mr. Leavitt that her son was not home. Mr. Anderson's 47-year-old sister, Patricia Ronayne, was the only other person at home. Patricia had recently had throat surgery and could only speak through a mechanical device.

Once inside, the Leavitt brothers began attacking the two women in the kitchen. One of the brothers knocked Jean down to the floor and put his hands around her throat. The other brother held Patricia across the kitchen table by her throat, while holding his hatchet. He told Patricia to get Mr. Anderson on the telephone and have him bring the baby back. Patricia said she would call immediately. The man on top of Jean said "I'll give you this for good measure and to help you keep quiet," and then hit her on the side of her head. Both Mr. Leavitt and his brother then began hacking the women with their hatchets.

A neighbor called police when he heard pleas for help, a male voice saying "I've got you now," and what sounded like bodies being thrown against the apartment's wall. Mr. Leavitt and Andrew left before police arrived. Officers found Patricia and Jean lying on the kitchen floor in pools of blood. Patricia had large slicing-type wounds on her neck and back. She was hospitalized but died five days later. Jean survived but suffered permanent injuries. She had deep lacerations to her face, head, neck, facial nerve and esophagus, and a fractured mandible.

### GOVERNING LAW

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

### DECISION

I acknowledge Mr. Leavitt has made efforts to improve himself while incarcerated. He earned an Associate of Arts degree, completed vocational training, and held numerous institutional jobs. He has been disciplined only one time for a serious rule violation, in 1984. Mr. Leavitt has participated in self-help programming, including Alcoholics and Narcotics Anonymous, White Bison Substance Abuse Program, Understanding Our Addictions, Anger Stress Management, and Vietnam Veteran's Group. He has also been a tutor for the Project REACH program. I commend Mr. Leavitt for taking these positive steps. But they are outweighed by negative factors that show he remains unsuitable for parole.

The murder Mr. Leavitt committed was senseless and truly reprehensible. Mr. Leavitt attacked two innocent women in their own home for no apparent reason. Jean and Patricia posed no threat to the Leavitt brothers and had nothing to do with Mr. Leavitt's anger with Mr. Anderson. The women experienced horrifying pain and suffering from their ordeal, and Jean was forced to witness the murder of her own daughter.

When I reversed Mr. Leavitt's grant of parole last year, I found that he had not provided an adequate explanation why he would attack Jean and Patricia when his anger was directed at Mr. Anderson, Sherry, and the police. In 2011, Mr. Leavitt told a psychologist he had an alcohol-induced blackout that limits his ability to remember what happened. He speculated that the victims invited him in and he accidentally fell against a table which collapsed and caused him to fall to the floor with Patricia. Mr. Leavitt surmises he then felt under attack and thus attacked Jean and Patricia. Mr. Leavitt elaborated in 2012 that his military training may have played a role in feeling "under attack" by Patricia and Jean. He told the psychologist that through his military training, "he may have developed certain 'habits' or 'default settings'" appropriate to combat but not in society, and that when Patricia fell on him, the "default setting" of defending himself was triggered. He told the Board in 2012 that he "did have certain automatic responses, some that I picked up in the military."

This explanation does not make sense. Mr. Leavitt does not explain why his military training would condition him to regard a 47-year old woman recovering from throat surgery, and a 67-year-old grandmother, as threats to his safety. Nor does an "automatic response" accurately reflect what happened. Mr. Leavitt repeatedly hacked at the women and threw them against the wall in an apparent explosion of violence and rage. Mr. Leavitt has not been able to explain why he unleashed such violence, out of all proportion to the circumstances, on two women who were

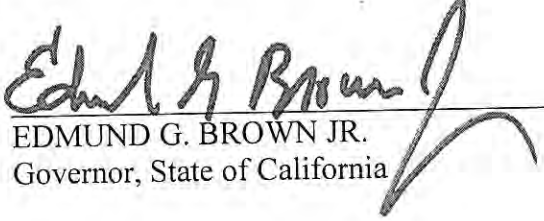
David Leavitt, C-48328  
First-degree murder  
Page 3

complying with his demands. Until he can better explain what caused his behavior, I have no assurance that he does not remain prone to violence if released back into society.

**CONCLUSION**

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

Decision Date: February 15, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**KENT WIMBERLY, C-15825**

First-degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

  **X**  

**STATEMENT OF FACTS**

Kent Wimberly and Eric Lauterbach were friends from high school who discussed killing Eric's father, Leon, and his father's girlfriend, Gloria Liebrez, because Leon was going to kick Eric out of the house. Mr. Wimberly and Eric had also had one sexual encounter, although Eric did not return the extent of Mr. Wimberly's affections. On September 3, 1979, Mr. Wimberly went to the Lauterbachs' home to help Eric carry out the murders. Eric was not home, but Leon and Gloria invited Mr. Wimberly in to wait for Eric to return. After waiting for Eric for an hour, Mr. Wimberly decided to commit the murders alone. He isolated Gloria in the kitchen and viciously attacked her with a knife while her back was turned, stabbing her multiple times. When Leon came to her assistance, Mr. Wimberly attacked him with the knife. Mr. Wimberly sat on Leon's chest and stabbed him until he stopped moving. Mr. Wimberly stood up, saw Gloria trying to leave the house, and stabbed her in the back several more times.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Wimberly suitable for parole based on his positive record in prison, stable social history, remorse, and acceptance of responsibility.

I acknowledge Mr. Wimberly has made efforts to improve himself while incarcerated. He earned his A.A. degree, completed two vocations, and received positive commendations from correctional officers. He received only one serious disciplinary violation in 1988, and participated in self-help programs including Anger Management, Alternatives to Violence, KAIROS, and Bible study. I commend Mr. Wimberly for taking these positive steps, and I

acknowledge that he was only seventeen when he committed this crime. But these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole.

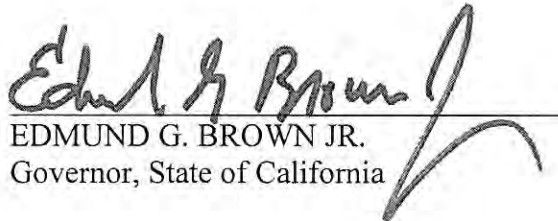
Mr. Wimberly's crime was heinous and appalling. He killed Leon Lauterbach and Gloria Liebreuz after they invited him into their home. Mr. Wimberly had never met Ms. Liebreuz, yet he stabbed her while her back was turned to him and savagely attacked Mr. Lauterbach.

I am troubled by Mr. Wimberly's explanation for this vicious crime. He describes growing up a "loner" with no real friends. He claims he distrusted his parents, and was drawn to Eric Lauterbach because he sensed a similar "darkness" in him. When he felt his relationship with Eric was at risk, Mr. Wimberly pressured Eric to follow through with the plan to kill his father as a way of cementing their friendship. This explanation is disturbing. Many teens help their peers who are frustrated with their parents without turning to murder. Mr. Wimberly did more than simply support a frustrated friend; he actively pushed Eric to kill and ultimately committed the murders on his own. What is more, he recounts that even as he stabbed the victims he realized the depravity of his actions but, on at least two occasions, told himself "in my mind, you can't stop now." This compulsion to kill two human beings despite knowing better is not adequately explained and indicates a deeply troubled mind. I am not convinced that Mr. Wimberly has sufficiently addressed the factors that led to the murders or the compulsion to kill that he described to the Board in 2012. Until he does so I cannot be assured that he does not pose a risk to public safety, and I am not prepared to release him.

### CONCLUSION

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

Decision Date: February 15, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California



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

**DAVID DUTRA, D-07171**

Second-degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

On December 6, 1983, David Dutra began to argue with his wife Joanne as they were wrapping Christmas presents. Their three-year-old daughter Katie was asleep in the next room. Mr. Dutra shoved Joanne down to the floor, causing her to hit her head on a tape dispenser. Mr. Dutra left the room and went to lie down on his bed for several minutes. When he returned, he found Joanne bleeding from a cut to her head. According to Mr. Dutra, Joanne was upset and grabbed a piece of firewood and struck Mr. Dutra on the side of his head. Mr. Dutra picked up the firewood and began beating Joanne over the head, causing severe injury. Mr. Dutra left the room again and laid down on his bed. After several minutes, he returned to the living room, picked up the firewood, and pressed down on Joanne's neck until she was dead. After strangling his wife, Mr. Dutra retrieved his gun and fired a shot down the hallway. He showered and changed clothes. He then called police and concocted a story that he and his wife had been attacked by an intruder. He later revised his story and claimed that after knocking his wife down, she was suffering to such an extent that she begged him to kill her. Mr. Dutra ultimately admitted to killing Joanne during the argument and physical altercation. He entered a plea of guilty to second degree murder and was sentenced to an indeterminate life term.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Dutra suitable for parole based on his insight, stable social history and no criminal record, minimal prison discipline, vocational training and group therapy, and favorable psychological reports.

I acknowledge Mr. Dutra has made efforts to improve himself while incarcerated. Mr. Dutra has completed four vocations, has held several institutional positions, and received satisfactory and above average work ratings. He has participated in some self-help programs, including Effective Communication in 2012, individual psychotherapy in 1987-88, and group therapy from 1993-2000 focused on inmates who have killed their spouses. He also engaged a private clinical social worker for two years at the start of his prison term to explore why he committed this crime. I commend Mr. Dutra for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Dutra's crime was callous and brutal. He repeatedly bludgeoned his wife with a piece of firewood and then strangled her to death. He committed this horrific crime with his three-year old daughter in the next room. He claims that his daughter slept through the entire argument and altercation, and yet somehow prevented him from committing suicide. Mr. Dutra's actions had a devastating and long-lasting impact on Joanne's loved ones. I note that they have written numerous heartfelt letters opposing his parole and have appeared at Mr. Dutra's parole hearings expressing their loss.

Mr. Dutra's explanation for why he committed this murder appears to be overly simplistic and incomplete. Mr. Dutra told the Board that he was raised in a family that didn't share much emotion, and he learned to "stuff his emotions." In the 9th grade, he was sexually molested by two Catholic priests at his Catholic school during the school year. He explained that his anger and inability to communicate his emotions built up for thirteen years and exploded on the night of his argument with his wife.

Childhood sexual abuse is undeniably traumatic, but it does not explain why he would focus his extreme rage and anger on his wife, and why, after beating her repeatedly, he would return to strangle her. In Mr. Dutra's telling, he was a ticking time bomb of unresolved anger and it just happened to be his wife that bore the brunt of his fury. But that explanation ignores evidence that there was significant marital turmoil and they had separated before, as well as indications by the victim's family that Joanne was deathly afraid of him and that some of Joanne's co-workers had seen bruises on her body. There are clearly deeper reasons involved in his violence toward his wife that Mr. Dutra has not explored or explained.

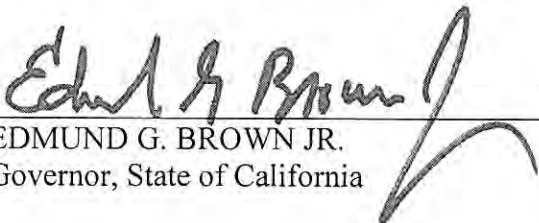
Despite repeated recommendations by the Board that he participate in further self-help programming, Mr. Dutra believes he no longer needs it. He has taken only one self-help course since 2000, and no programs for anger management, domestic violence, victim recognition, stress management, or violence prevention. Mr. Dutra explains that he has gained significantly from his dozen years of therapy. But when asked by the Board how he has learned to deal with anger, he stated that he now can freely share his emotions with others, he doesn't bottle up his emotions, and he has friends and family he can turn to for support. These are simplistic answers. It suggests that he has not given any deep thought to what immediate steps he will take the next time he encounters a stressful situation, or how he intends to deal with turmoil in a relationship, or what he will do when something makes him very angry.

I am also concerned by Mr. Dutra's parole plans. He intends to live with his mother and father, who are in their eighties, and to help care for his mother who is beginning to experience dementia. The evaluating psychologist noted that Mr. Dutra's parole plans "do not appear focused on his needs" or "address the stressors he is likely to face upon release." The psychologist expressed "significant concerns" about Mr. Dutra "being faced with enduring and significant stress of a parent who has dementia, in the face of a transition back to the community after a lengthy incarceration." I share those concerns. I note that the Board in 2009 expressed the same concern to Mr. Dutra and recommended that he seek transitional housing options. He chose not to do so. It is clear that Mr. Dutra underestimates the stressors he will face in the community, giving rise to a potentially destabilizing situation.

### CONCLUSION

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

Decision Date: February 20, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**JESUS FLORES, H-78830**  
First-Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

On November 21, 1992, Jesus Flores was walking home when he noticed a car stopped at a gas pump with the motor running. He pointed a gun at the car's owner, Terrell Simmons, and stole the car. Mr. Simmons and his friend chased after Mr. Flores in another car. As they approached, Mr. Flores pointed a gun at them and swerved towards their car. A police officer observed the chase and turned on his lights and siren. Mr. Flores refused to pull over and sped through a stop sign. He struck a passing car and killed Quinlan Cordova. Mr. Flores crawled out the car, abandoned his gun and ski mask, and was arrested in some nearby bushes.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Flores suitable for parole based on his insight, honesty, sincerity, personality, remorse, psychological reports, and parole plans.

I acknowledge Mr. Flores has made some efforts to improve himself while incarcerated. He has completed vocational training in office equipment repair and has routinely received satisfactory work ratings. I commend Mr. Flores for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Flores's crime was reckless and impulsive. He wanted a car, so he stole one. He willfully refused to pull over for law enforcement and then slammed into an innocent driver, killing him.

Mr. Flores has not adequately explained why he committed this crime. He recently told a psychologist that "the life crime was not planned" and explained, "I was walking by and saw the

car with the door open and thought it was an easier way to get home.” He happened to be carrying a gun and ski mask with him on his way home from a party, but does not explain why. His claim that he simply wanted an easier way to get home fails to address the presence of the ski mask and gun, indicative of a broader criminal motive. It shows that he has not acknowledged or dealt with the issues underlying his lawless behavior.

I am troubled by Mr. Flores’s misconduct in prison. He has been disciplined for serious misconduct 11 times, several times for possession of weapons and drugs. In 2010, he was found with a hacksaw in his cell. In 2006, he had a slingshot carved out of wood; in 2005 he barricaded his cell door and required cell extraction; in 2002 he had two stabbing weapons; in 2001 he received a package containing 24 grams of marijuana, 12 grams of heroin, and 6.2 grams of methamphetamine. Mr. Flores claims that his 2006 and 2010 disciplines were because of his wood carving hobby. Whether or not Mr. Flores was using the hacksaw and razor blades for his hobby, possession of these instruments is a serious offense that Mr. Flores apparently takes lightly. His evaluating psychologist in 2012 concluded that “continuing to accept and conform to agreed-upon rules would seem to reduce Mr. Flores’s potential for future violence.”

Finally, Mr. Flores’s participation in self-help programs has been insufficient. In his 20 years of incarceration, he only participated in Alcoholics Anonymous for six months between 2004-2005 and attended 24 meetings between 2010-2012. He joined Narcotics Anonymous in 2012, and recently attended one conflict resolution class. I encourage him to make a greater effort to engage in available self-help programming to show that he is dedicated to living a crime-free lifestyle.

### CONCLUSION

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

Decision Date: February 20, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California



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

**FRED GARCIA, B-98329**

First-degree murder

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

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

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

**X**

**STATEMENT OF FACTS**

On September 17, 1977, Fred Garcia and his uncle, Danny Trujillo, left a party they had been attending. They called a cab, driven by Joseph Peralta, to take them home. At one point, Mr. Garcia told Mr. Peralta to stop, put his belt around Mr. Peralta's neck, and strangled him, pulling his head over the back of the seat. Mr. Garcia then pulled out a screwdriver and stabbed Mr. Peralta in the eye. He pulled Mr. Peralta out of the car and proceeded to stab Mr. Peralta 37 times. Mr. Garcia then placed Mr. Peralta's head near one of the taxi's tires, and attempted to run it over.

Mr. Garcia was also convicted of two different home invasion robberies on February 23 and March 14, 1978. He demanded drugs, money, and valuables in the name of the Nuestra Familia prison gang. During the second robbery, Mr. Garcia attempted to murder a woman who was trying to run away from her home with her two-year-old daughter by stabbing her with a foot-long butcher knife. Mr. Garcia was sentenced to serve 8 years and 8 months in prison for these crimes, to run concurrent to his 7 years to life sentence for murder.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Garcia suitable for parole based on his 34 years of incarceration, stable social history, acceptance of responsibility, remorse, insight, psychological evaluations, self-help programming, lack of discipline since 1995, and positive work reports.

I acknowledge Mr. Garcia has made efforts to improve himself while incarcerated. He dropped out of the Nuestra Familia prison gang, completed vocational training, and has earned satisfactory to exceptional work ratings. He has participated in some self-help programming

including Alcoholics and Narcotics Anonymous, Anger Management, and Conflict Resolution. He has not been disciplined for serious misconduct in 17 years. I commend Mr. Medina for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Garcia's crime was brutal and senseless. Without any provocation, he committed what the Probation Officer's Report described as a "thrill killing" by strangling his cab driver with a belt and stabbing him in the eye. Mr. Garcia dragged Mr. Peralta's body out of the car. He summoned his uncle to show him the screwdriver lodged in Mr. Peralta's eyeball then stabbed Mr. Peralta over three dozen more times. He then tried to maneuver the cab to run over Mr. Peralta's head but was thwarted when Mr. Trujillo moved the body out of the way. His violent crime continued with a string of robberies and burglaries, as well as attempting to kill a woman, before he was finally arrested. A detective described Mr. Garcia as one who "enjoys hurting people."

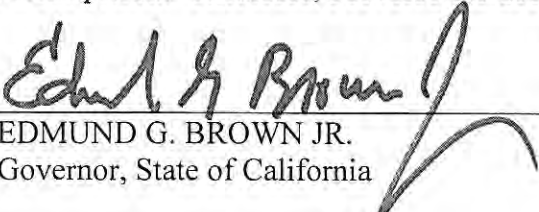
Mr. Garcia's explanation for this vicious murder is wholly inadequate. He claims he had fallen asleep in the back of the taxi and woke up to find Mr. Peralta fighting Mr. Trujillo. He says that he came to his uncle's defense, and then repeatedly stabbed Mr. Peralta because he thought that was what was expected of members of the Nuestra Familia prison gang. He also blames his level of intoxication for the murder. But his alcohol consumption does not explain the extreme violence he employed in this murder. And his uncle's testimony does not support the claims that Mr. Garcia was defending or protecting his uncle. The record indicates that Mr. Garcia was the sole aggressor during an utterly unprovoked attack on the driver. Mr. Garcia has not explained what drove him to murder and mutilate a stranger without a moment's hesitation. The psychologist who evaluated him in 2009 opined that Mr. Garcia has not completely come to terms with his criminal behavior, sense of entitlement, and impulsive approach to his environment and will continue to pose a threat of future violence until he does so.

Mr. Garcia's elevated risk scores support my concerns. In 2009, the psychologist rated Mr. Garcia in the high range for general recidivism, in the moderate range of psychopathy and violent recidivism, and in the moderate range for overall risk in society. These scores were based in part on his current lack of insight, unresponsiveness to treatment, and negative attitudes. I encourage Mr. Garcia to participate in available self-help programs to continue to examine his motives and prepare for re-entry into the community.

### CONCLUSION

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

Decision Date: February 20, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**DOUGLAS REAL, D-16502**  
First-degree murder

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

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

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

**STATEMENT OF FACTS**

Eighteen year-old Arthur Chavez stole less than an ounce of methamphetamine from Douglas Real, a neighborhood drug dealer. On July 27, 1985, Mr. Real invited Arthur and his 16-year old brother, James, to Mr. Real's house to smoke marijuana. The brothers, fearing repercussions regarding the stolen drugs, armed themselves with knives and scissors. Mr. Real began to question Arthur about the theft, ordered him at gunpoint to sit in a chair, and handcuffed one of his hands to the chair. James rushed toward Mr. Real, and Mr. Real shot James in the head, He then shot Arthur in the head and stomach. Observing that the brothers were still alive, Mr. Real strangled them with bungee cord until they died. He loaded the bodies into garbage bags, drove to a rural area, and dumped the bodies down a ravine where they were found a week later.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Real suitable for parole based on his remorse, relapse prevention plan, self-help, and insight into the causative factors of the murders.

I acknowledge Mr. Real has made efforts to improve himself while incarcerated. He earned his A.A. degree in business management, completed vocational training in several fields, and worked at various institutional assignments. He has participated in self-help programming, including Narcotics Anonymous, the Victim Awareness Offender's Program, and anger management courses. He also was a peer tutor and member of the Men's Advisory Committee. I commend Mr. Real for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Real brutally murdered an 18- and 16-year old over less than an ounce of methamphetamine after luring them into his home. He shot both boys in the head, strangled them using bungee cords because he was “so angry [at] the sound of them breathing,” and dumped their bodies into a ravine. Mr. Real’s crime was senseless and heinous and reflects an escalating pattern of criminal behavior.

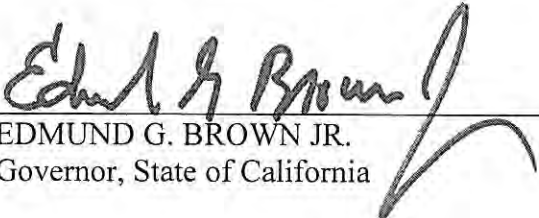
I am concerned that Mr. Real has not adequately articulated the reasons for this extreme act of violence. When Mr. Real graduated from high school in 1981 he had a supportive family, no criminal record, and was employed. Two years later he began using methamphetamine, quit his job, and began selling drugs for 20 months prior to the crime. When asked to explain the murders, Mr. Real stated he began selling drugs to make money and fell “under a delusion that I was more important than I was” and felt he “could do anything I wanted in contempt for the law.” Mr. Real claimed that when drugs were stolen from his home he was infuriated and killed the Chavez brothers out of vengeance, to keep them from stealing again, and to preserve his reputation as a drug dealer. Mr. Real does not adequately explain, however, why he descended into criminal behavior in the first place, or how he came to be so concerned with his image as a drug dealer that he would viciously murder two teenage boys. Until Mr. Real can better explain how his callous criminal attitudes developed in such a short period of time, I believe he presents an unreasonable risk to public safety if released.

I am also troubled by Mr. Real’s history of institutional misconduct. Mr. Real has received eight serious rules violations during his incarceration, including for possession of contraband twice in 2000 and once in 2009. As his evaluating psychologist noted in 2012, these recent incidents “highlights (sic) [his] inability to consistently manage [his] behavior even though he is housed in a highly structured setting” and “may increase his current dynamic risk.”

### CONCLUSION

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

Decision Date: February 20, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California



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

**BRUCE DAVIS, B-41079**  
First-degree murder (2 counts)

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

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

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

**STATEMENT OF FACTS**

Bruce Davis was a member of Charles Manson's cult known as "the Family." In the summer of 1969, the twenty-member Family lived on the Spahn Ranch and fervently embraced Manson's apocalyptic and warped worldview. Manson believed that a civilization-ending war between the races—known as Helter Skelter—was imminent, and that the Family would emerge from hiding in the desert to take control of the world. Manson came to believe that the Family would have to precipitate the race war by murdering white victims in atrocious ways and smearing the victims' blood on walls to incite violence against blacks. *See People v. Manson* (1976) 61 Cal.App.3d 102, 127-30. According to former member Barbara Hoyt, preparing for Helter Skelter physically, mentally, and financially was the all-pervasive fabric of the Manson Family daily life.

In July 1969, Manson spoke with a group of Family members, including Davis, about the need to raise money and supplies to relocate to the desert. Gary Alan Hinman, an aspiring musician known to the Family, was discussed as a possible source of funds. On July 26, 1969, Davis was seen in the company of Manson and Robert Beausoleil. Beausoleil was wearing a sheathed knife, and Davis was holding a 9-milimeter Radom gun he had purchased under a false name. That night, Davis drove Family members Mary Brunner, Susan Atkins, and Robert Beausoleil to Mr. Hinman's residence and returned to the Ranch. Two days later, Manson received a telephone call indicating that Mr. Hinman "was not cooperating."

Manson and Davis returned to Mr. Hinman's house. When they arrived, Mr. Hinman had already been struck with a gun in a struggle in which the gun had discharged. Davis took the gun away from Beausoleil and pointed it at Mr. Hinman while Manson sliced Mr. Hinman's face open with a sword, cutting from his left ear down to his chin. Mr. Hinman was bandaged and put into bed, slipping in and out of consciousness. Davis and Manson drove back to the Ranch in Mr. Hinman's Fiat station wagon. Brunner, Atkins, and Beausoleil remained at Mr. Hinman's house for two more days while Mr. Hinman lay bleeding. Beausoleil eventually stabbed Mr. Hinman in the chest and smothered him with a pillow. Mr. Hinman's badly decomposed body was found on July 31, 1969. Inside the home, the words "political piggy" and an animal paw print were drawn on the walls with Mr. Hinman's blood.



On August 9 and 10, 1969, several Family members participated in the gruesome murders of Sharon Tate, Leno and Rosemary La Bianca, and four other victims. *See generally People v. Manson, supra*, 61 Cal.App.3d 102. Davis did not participate in and was not charged with these crimes. Davis admits he found out about the Tate-LaBianca murders the next day.

Donald “Shorty” Shea was a stuntman and ranch hand at the Spahn Ranch. Manson Family members believed Mr. Shea was a police informant. In late August 1969, Manson and his followers discussed plans to kill Mr. Shea. Manson, in the presence of several members, including Davis, told them they were going to kill Mr. Shea because he believed that Mr. Shea was a “snitch.”

Around the evening of August 27, 1969, Mr. Shea asked longtime friend, Ruby Pearl, if he could stay at Mrs. Pearl’s home. Mr. Shea was very nervous and kept looking around, saying, “It gives me the creeps to stay here.” Mrs. Pearl had no place for Mr. Shea to stay. As she drove away she saw a car pull up and several Manson members emerge from the car. She saw Davis, Manson, Charles “Tex” Watson, and Steven “Clem” Grogan approach and surround Mr. Shea. She left the area and never saw Mr. Shea again.

The following day, the Manson Family left the Spahn Ranch and went to the desert. According to trial testimony from Barbara Hoyt, Manson recounted the details of the Shea murder to a group of members. Manson said that “they had killed Shorty [Shea]” and “they cut him up in nine pieces.” Manson described how they had taken Mr. Shea for a ride, hit him in the head with a pipe, and then started stabbing him and kept stabbing him. Manson also related that Mr. Shea was “real hard” to kill until they “brought him to ‘now.’” (The term “now” to the Manson Family meant absence of thought). Davis, agreeing with Manson’s description of the murder, stated: “Yeah, when we brought him to now, Clem cut his head off,” adding, “That was far out.” As Manson described the murder, Davis nodded his head and smiled several times. *See People v. Manson* (1977) 71 Cal.App.3d 1, 21-22.

Davis was arrested on December 7, 1970 after evading capture for over a year. He was convicted of two counts of first degree murder and conspiracy to commit murder and robbery. At his sentencing, the court stated that Davis had knowingly and willingly aided and abetted Mr. Hinman’s murder and had actively participated in Mr. Shea’s “peculiarly vicious and horrible” murder. The court observed that Davis had known what the purpose and intent of the Manson Family was, that Davis was older and more educated than most of the other Family members, and that Davis was capable of independent judgment but he deliberately chose to engage in these murders. In short, the court concluded that Davis “shouldn’t be treated as somebody who was just led along by the nose and at the whim and command of Charles Manson.”

### GOVERNING LAW

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

### DECISION

The Board of Parole Hearings found Davis suitable for parole based on his remorse and insight, educational achievements and self-help programming, vocational training, age, discipline-free behavior, psychological reports, and parole plans.

I acknowledge Davis has made efforts to improve himself while incarcerated. He earned a Masters in Religion and Ph.D. in Philosophy and Religion, graduating *summa cum laude*. He has been disciplined twice for serious misconduct, the last occurring in 1980. He completed vocational drafting and has held several institutional jobs. He has participated in several self-help groups, including Alcoholics Anonymous, Alternatives to Violence, Parenting, and group and individual psychotherapy. He has moderated the Yokefellows Peer Counseling group since 1983 and teaches Bible classes. I commend Davis for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Davis actively participated in the heinous and brutal murders of Gary Hinman and Donald Shea. Mr. Hinman was targeted by the Family for his money and was beaten, slashed from ear to chin, held hostage for days in pain and without medical assistance, and was finally stabbed to death. Mr. Hinman's body was desecrated, his blood used to write political messages on the walls of his home, and his corpse left to decompose. Mr. Shea was silenced to protect the Family. Surrounded by Davis and his crime partners, Mr. Shea was repeatedly stabbed and chopped, beheaded, and buried. The motives for these murders—to fund and incite a race war and to protect the Family from police intrusion—and the way they were carried out demonstrate to me an exceptionally callous disregard for human suffering.

Davis played a central role in these murders. He was a part of the Family's discussions to rob and kill Mr. Hinman. He furnished the gun that Beausoleil used in the robbery and drove Beausoleil, Atkins, and Brunner to Mr. Hinman's house. When Mr. Hinman resisted and caused problems for his captors, Manson and Davis were called to restore order. Davis now admits that he pointed the gun at Mr. Hinman while Manson mutilated Mr. Hinman's face. He left Mr. Hinman to suffer and die with his crime partners. He was also a part of the Family's discussions to kill Mr. Shea. Davis and the others surrounded and viciously attacked Mr. Shea. Davis now states he sliced Mr. Shea from his armpit to his collarbone while his crime partners repeatedly stabbed and clubbed Mr. Shea. He later bragged about how Mr. Shea's body had been

dismembered and decapitated. As our Supreme Court has acknowledged, in rare circumstances, a murder is so heinous that it provides evidence of current dangerousness by itself. This is such a case.

But there is more evidence that Davis remains a danger to society. Davis has consistently minimized his role in these crimes and the Family's activities. For decades, he claimed that he had no idea what was going to happen to Mr. Hinman and that all he did was drive people to Mr. Hinman's house. As recently as his 2009 psychological evaluation, he stated that "if he had known what was to occur, he would not have participated." At his 2010 psychological evaluation, he still denied pointing a gun at Mr. Hinman. At his 2012 Board hearing, Davis admitted for the first time that he "pointed my pistol at Gary [Hinman] in an attempt to rob him" and was "holding a gun on Gary when his face was cut open" by Manson. He still denies that he took part in the planning.

Davis has long minimized and rationalized his behavior with respect to Mr. Shea's murder as well. He told a psychologist in 1997 that he just "went along" with the plans to kill Mr. Shea. He stated that when Manson handed him a machete to cut Mr. Shea's head off, he refused and threw it away, but that he was handed a knife and "felt that he had to make at least a symbolic cut on the victim's shoulder." In 1999, he told the psychologist that "he felt himself coerced into making at least a token cut on the victim's shoulder although he thought at the time [Shea] was already dead." In 2006, he claimed that "[t]hey hit him and stabbed him. He finally went down. Charlie wanted me to cut his head off with a machete, but I wouldn't do it. I did cut his arm with the tip of a knife to say 'Ok, I did something.'" He repeated to the 2009 psychologist that he "believed that the victim was already dead when he cut his arm." In 2010, he told the Board: "Commissioner, for years I wish that I would just say, 'Oh, yeah, I was there. I stabbed him.' But it's not the truth."

In contrast to his previous statements that he made a "token cut" to a "dead" Mr. Shea under pressure from Manson, he told the Board in 2012 that he sliced Mr. Shea "from his armpit to his collarbone." He now states he doesn't know if Mr. Shea was dead at the time he stabbed Mr. Shea. He still denies, however, that he participated in planning Mr. Shea's death. After forty-two years of incarceration, it is encouraging that Davis is beginning to reveal the actual details of what happened. But it is clear that he continues to withhold information about these events. He admitted to the Board, for example, that a "Larry Jones" was present at the time Mr. Shea was murdered, and that he had been "protect[ing] Larry" all this time. Davis's choice to withhold information regarding the crimes and the identity of a potential crime partner indicates to me that his commitment to the Manson Family still exceeds his commitment to the community.

I am also concerned that Davis continues to minimize the extent of his involvement and leadership within the Family. He told the psychologist in 2010 that "I thought that I could be in the Family and have the things I wanted and stay out of the things I didn't want. [T]hat I could ride motorcycles and be with the girls and have romance and adventure but not be involved in this over here [the criminal behavior and violence toward other people]." He stated "I would try to not go on those adventures [crime and violence] and just stay with the girls."



He told the Board in 2012 that he was “willfully blind” and was “enjoying the things I thought I wanted. I had the company of the females and the drugs and at that point, I didn’t care about much else.” He claimed that after Mr. Hinman’s death, “I was more resistant to going out on the escapades, going creepy crawling as they called it. I didn’t want to do that. That was too scary for me.” Following Mr. Shea’s murder, he stated that he was “in shock” and “wanted to be isolated, away from everybody” but concedes that he “got over it.”

Davis’s continued insistence that he reluctantly involved himself in the Family’s murderous pursuits in order to indulge in its sex and drug-fueled activities strains credulity and is contradicted by his own statements and actions at the time. He had no qualms about slicing Mr. Shea “from armpit to collarbone” and participating in this vicious murder only weeks after Mr. Hinman was tortured and murdered. He claims that he was “shocked” over Mr. Shea’s death, but days later, he gleefully recounted the details of the murder, telling other Family members, “Yeah, when we brought him to now, Clem cut his head off,” adding, “That was far out.” He was seen smiling and nodding while Manson spoke about Mr. Shea’s murder. These are not the statements and actions of a man who only tolerated the Family’s violence and criminal behavior in order to partake in sex and drugs.

The record discloses that in August 1969, Davis showed a newspaper clipping to Alan Springer about the Beausoleil murder trial, at which Family member Danny DeCarlo had testified. Springer said he did not like the idea of DeCarlo testifying. Davis replied, “Yes, we’ll have to do something about that.” Davis said they had ways of taking care of “snitchers” and that they had already taken care of one. Davis told Springer, “We cut his arms, legs and head off and buried him on the ranch.” Davis added that the guy was a “snitch” and that “they were afraid that he was going to the police with information, so they ‘done away with him.’” When asked if he was referring to Mr. Shea, Davis said, “yeah.”

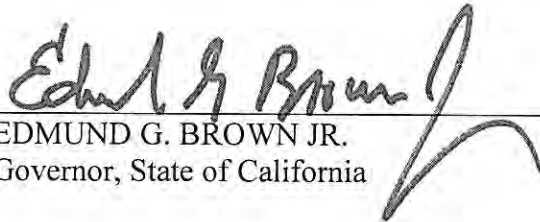
This record indicates that Davis fully embraced and championed the Family’s distorted values and goals, and was willing to protect the Family’s interests at all costs. He murdered Mr. Shea to silence him, helped kill Mr. Hinman to fund the Family’s activities, and threatened to kill Danny DeCarlo for testifying against another Family member.

But Davis in no way acknowledges this. He told the psychologist that he realizes now that “the fact that I hung out with these guys and was the second oldest person [after Manson] influenced the people to carry on with what they were doing ... my presence said ‘go on ahead.’” It was not just Davis’s “presence” that influenced other members to participate in these brutal activities; he encouraged and supported this violence by word and deed. I do not believe that Davis was just a reluctant follower who passively went along with the violence. As the sentencing court noted, Davis was older, more experienced, he knew what the Manson Family was capable of, and he knowingly and willingly took part in these crimes. Until Davis can acknowledge and explain why he actively championed the Family’s interests, and shed more light on the nature of his involvement, I am not prepared to release him.

**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 I have discussed shows why he currently poses a danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Davis.

Decision Date: March 1, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California



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

**GARY JOHNSON, H-19000**

Second-degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

    **X**    

**STATEMENT OF FACTS**

On April 18, 1990, Gary Johnson, Robert Taylor, and another man were seen chasing Danny Manley down the street. Once out of sight, witnesses heard Mr. Manley plead for his life before several gunshots were fired. Mr. Manley was found dead, having been shot eleven times in the back with a single gun. Mr. Johnson and Mr. Taylor boasted about killing Mr. Manley, who had reportedly stolen drugs and weapons. Mr. Johnson continues to deny any involvement in the crime.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Johnson suitable for parole based on his age and parole plans. The Board stated that it felt constrained by an order issued by the Los Angeles Superior Court granting a petition for writ of habeas corpus filed by Mr. Johnson challenging the Board's denial of parole in 2011. The Board specifically stated it did not feel it had "an opportunity to really delve into [their] own personal assessment of whether [Mr. Johnson was] suitable or not."

I acknowledge Mr. Johnson has made efforts to improve himself while incarcerated. He has never received a serious disciplinary violation. He completed one vocation and participated in some self-help programming, including anger management and the Balanced Reentry Activity Group. I commend Mr. Johnson for taking these positive steps. But there are other negative factors that outweigh Mr. Johnson's positive steps and demonstrate he remains unsuitable for parole.

I am aware that Mr. Johnson has consistently asserted that he was not involved in this crime. Regardless of the veracity of his claim, I am concerned that Mr. Johnson has not adequately explained the reasons for his extensive criminal history. Mr. Johnson has been convicted for robbery, being under the influence of controlled substances, possession of controlled substances for sale, and burglary. Mr. Johnson also admitted that he was a gang member since the age of seventeen or eighteen, and that he sold marijuana and crack cocaine for "seven or eight years." Mr. Johnson's only explanation for this criminal behavior is that was "hanging out with the wrong people." I find Mr. Johnson's explanation shallow and inadequate. Until Mr. Johnson can better explain what it was about his particular circumstances led him to criminal activities, and what he has done to address his criminal attitudes and behaviors, I am not prepared to release him.

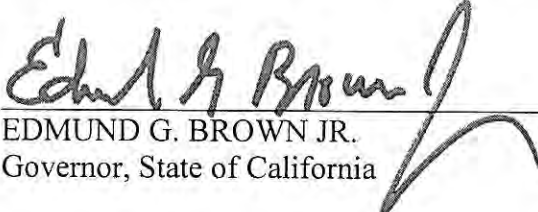
Mr. Johnson's insubstantial participation in substance abuse programming is another area of concern. Mr. Johnson had prior convictions for several substance abuse related crimes, including driving under the influence, selling illicit drugs, and being under the influence of a controlled substance. The psychologist indicated that Mr. Johnson "has a pattern of substance abuse consistent with an abusive pattern while in the community." Despite these struggles, Mr. Johnson claims he has never been an addict or had a substance abuse problem. He has only sporadically participated in substance abuse programming, attending Alcoholics Anonymous in 1997 and 1998, and Narcotics and Alcoholics Anonymous from 2009 to the present. The psychologist noted that Mr. Johnson "would be at an increased risk for engaging in impulsive behavior that may be violent or criminal in nature" if he returned to drugs or alcohol. I agree, and encourage Mr. Johnson to apply himself to his substance abuse programming with the humility and commitment it requires. I also note that Mr. Johnson has only recently begun attending self-help courses. I encourage him to continue programming.

Mr. Johnson's elevated risk scores support my concerns. The psychologist in 2011 rated Mr. Johnson in the low-moderate range of psychopathy, moderate range for risk of violent recidivism, medium and an overall low-moderate risk of violence. The evaluator noted the scores were elevated in part based on his limited insight into his criminality, limited response to treatment, and anti-social personality traits.

### CONCLUSION

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

Decision Date: March 1, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**DANIEL LINN, P-40696**  
Second-degree murder

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

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

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

**STATEMENT OF FACTS**

On October 6, 1998, Daniel Linn and three friends stole a car. The police responded to a report that the car had been stolen and began following Linn, who was driving the car. Linn tried to flee when police activated their emergency lights, driving over 80 miles an hour on surface streets and speeding through at least five stop signs as his passengers yelled at him to stop. Linn eventually lost control and slammed into a tree, killing one of his passengers and severely injuring the others.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Linn suitable for parole based on his understanding of the causative factors of the crime, remorse, self-help while incarcerated, and support.

I acknowledge Mr. Linn has made efforts to improve himself while incarcerated. He has received earned his GED and is working toward his A.A. degree, completed vocational training, and participated in some self-help programming, including anger management and alternatives to violence courses. I commend Mr. Linn for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Linn's abuse of drugs and alcohol as recently as 2010 raises serious concerns about his ability to remain to sober in the community. Mr. Linn abused alcohol and marijuana on a near-daily basis prior to being incarcerated for the life crime. The psychological evaluator diagnosed him with alcohol and cannabis dependence. He continued abusing drugs and alcohol in prison, and received serious disciplinary violations for refusing a urine test in 2003, manufacturing and


possessing alcohol in 2004, and testing positive for marijuana in 2010. Despite this history, Mr. Linn has almost no participation in substance abuse programs. The psychologist noted he “has yet to demonstrate a strong commitment to remaining clean and sober in the community” and that “he remains at an early stage of his personal recovery.” The psychologist concluded that Mr. Linn’s “risk of violent recidivism would likely *increase* if he decided to drink alcohol or use drugs.” For this reason, I find that Mr. Linn must demonstrate that he is committed to his sobriety and is willing to apply himself to his substance abuse programming before I can release him.

Evidence of recent illegal activity by Mr. Linn in prison also indicates that he has not been rehabilitated. His file contains confidential memoranda as recent as 2011 that indicate Mr. Linn was involved in planning and ordering assaults on inmates and correctional staff. Prison officials deemed the sources of the information in these memoranda reliable. This information was not considered by the Board at Mr. Linn’s hearing, and it raises serious questions in my mind about his propensity for criminal behavior and current dangerousness if released.

### CONCLUSION

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

Decision Date: March 1, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**RONALD REACH, B-64177**

First-degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      X      

**STATEMENT OF FACTS**

Ronald Reach was a bisexual prostitute who devised a plan to rob and kill one of his clients, Richard Williams. He enlisted John Dowis and John Radcliff to help him rob Mr. Williams. On June 12, 1974, Mr. Reach invited Mr. Williams over to his apartment. Mr. Dowis hid behind the door with a hammer. When Mr. Williams arrived and entered the apartment, Mr. Dowis hit Mr. Williams with the wooden handle of the hammer, dazing Mr. Williams. Mr. Reach urged Mr. Dowis to keep hitting Mr. Williams, but Mr. Dowis refused. Mr. Reach took the hammer and struck Mr. Williams eight to fifteen times with the metal end of the hammer, killing him. After washing the blood from the hammer, Mr. Reach and Mr. Radcliff put the body in a trunk and dumped it in a canyon. Mr. Reach and Mr. Radcliff took Mr. Williams' car and fled the state. Mr. Dowis told police about the murder two weeks later. Mr. Reach was arrested in Canada on June 30, 1974. He was convicted of first degree murder and robbery and sentenced to 7 years to life in prison.

In 1979, Mr. Reach escaped from prison. He was arrested in Tuscaloosa, Alabama in November, 1983 for possession of a sawed-off shotgun. He was released on bond and fled to Colorado. He was arrested again on December 26, 1984 in Leadville, Colorado for beating a woman with a belt, breaking her tooth, and shaving her pubic hair while she was sleeping. He was returned to California to serve the remainder of his sentence for murder. In October 1985, Mr. Reach attempted to escape from prison again, but was caught before he could do so.

**GOVERNING LAW**

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



### DECISION

The Board of Parole Hearings found Mr. Reach suitable for parole based on the time he has spent in prison, his stable social history, remorse, acceptance of responsibility, age, support from correctional staff, involvement in the Men's Advisory Council and self-help groups, and parole plans.

I acknowledge Mr. Reach has made efforts to improve himself while incarcerated. He has not been disciplined for serious misconduct since 2000 and has participated in some self-help programming. He has been commended for working as a mediator to help reduce conflict among inmates, finding inmate facilitators for self-help groups, and communicating well with staff. I commend Mr. Reach for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Reach's crime was brutal and callous. He lured Mr. Williams to an apartment in order to rob and kill him. When Mr. Dowis did not exhibit the violence he wanted, he took over and bludgeoned Mr. Williams to death with the metal end of the hammer. Mr. Reach dumped the body in a canyon, stole his car, and fled the country. At sentencing, the judge made it clear that Mr. Reach planned and orchestrated this murder.

I am troubled by Mr. Reach's inadequate explanations for committing this ferocious murder. At his hearing he stated, "I just panicked. We were drinking. I didn't know what to do." He claimed that he was afraid of Mr. Williams and that there was no plan to kill him. He told the psychologist that "the crime just happened to happen and the victim 'ended up dead,' as if an accident occurred." I don't believe him. Mr. Williams was on the ground, stunned by Mr. Dowis's blow, when Mr. Reach grabbed the hammer and killed him. Mr. Williams posed no threat to Mr. Reach or the others. Mr. Reach's assertion that he "panicked" is contradicted by evidence that he planned this crime, recruited Mr. Dowis and Mr. Radcliff, directed Mr. Dowis to continue striking Mr. Williams, and finally killed Mr. Williams himself. Until Mr. Reach is more forthright about his reasons for committing this brutal crime, I am not prepared to release him.

I am also concerned about Mr. Reach's lack of remorse for Mr. Williams. He told the psychologist that "I'm not here to minimize" but then stated that Mr. Williams was a drug dealer and homosexual and that is why they targeted him. The psychologist found that Mr. Reach said "almost nothing to indicate any remorse or regret, except for the fact that he ended up in prison." He said little during his hearing to lead me to believe he feels differently about the murder of Mr. Williams. Mr. Reach has yet to acknowledge his full role in the crime or demonstrate that he has genuine empathy or remorse for killing Mr. Williams.

Finally, Mr. Reach's elevated risk scores in his past two psychological evaluations also support my concerns. In 2012, the psychologist rated Mr. Reach's overall risk to society as moderate. He indicated that Mr. Reach "demonstrates most of the characterological traits and characteristics of psychopathy." Mr. Reach's moderate risk rating was also supported by his current lack of insight, lack of remorse, glibness, and manipulation. In 2008, he was rated in the

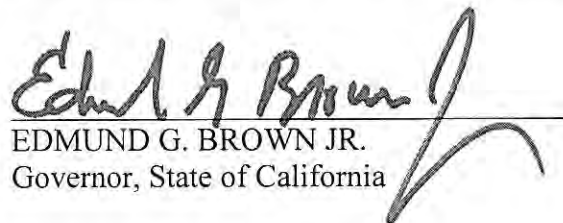
Ronald Reach  
First-Degree Murder  
Page 3

moderate-high range for overall violence potential and moderate risk of psychopathy and violent recidivism. That psychologist described his as “glib, superficially charming, and somewhat grandiose” and a “highly manipulative individual who is highly skilled at presenting a façade of honesty and openness.”

**CONCLUSION**

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

Decision Date: March 1, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**SYLVESTER STRONG, D-99287**  
Second-Degree Murder

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

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

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

**STATEMENT OF FACTS**

On December 10, 1987, Sylvester Strong called his ex-wife, Dianna, and asked for money. Dianna told him she did not have any, but ten minutes later, Mr. Strong arrived at her house. Dianna refused to open the door because she had a restraining order against him. Mr. Strong broke the door down and entered her home carrying a knife. Lavelle Jones, Dianna's gardener, was inside the house. Mr. Strong yelled at Mr. Jones and told Dianna, "bitch, I'm going to kill you." Dianna tried to leave, but Mr. Strong grabbed her. She fell to the floor as she attempted to get through the front door. Mr. Strong slashed Mr. Jones's hand and threatened to kill him before he was able to escape and drive away. Mr. Strong then turned his attention back to Dianna, took her into the house, and stabbed her multiple times, killing her.

Mr. Strong's violent attack on Dianna was not an isolated incident. Friends and family reported many instances of physical violence by Mr. Strong against Dianna, including slapping her, punching her, and using knives and guns to hurt and threaten her. In January 1987, Mr. Strong was convicted of battery for striking Dianna. In February, he was convicted of corporal injury against his spouse after he repeatedly punched her in the face. In July, he punched her in the stomach and slashed her with a pocket knife. In September, he assaulted her in the kitchen with a knife, cutting her in the abdomen. The couple's five-year-old son testified that one month before his mother's murder, he watched his father take gasoline from the garage, pour it on his mother, and attempt to light her on fire.

**GOVERNING LAW**

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

### DECISION

The Board of Parole Hearings found Mr. Strong suitable for parole based on his lack of criminal history, remorse, age, self-help programming, staff support, insight, and lack of significant misconduct in prison since 1993.

I acknowledge Mr. Strong has made efforts to improve himself while incarcerated. He has participated in self-help programming, including Narcotics Anonymous, anger management, and domestic violence courses. Mr. Strong has been recognized for working over 10 years for the Prison Industries Authority. He has not been disciplined for serious misconduct in nearly 20 years and also has earned the support of many correctional staff. I commend Mr. Strong for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Strong's crime was brutal and disturbing. After violently battering his wife numerous times, he ignored a restraining order, broke down the door to Dianna's home, slashed Mr. Jones, and viciously killed Dianna by stabbing her in the neck and chest.

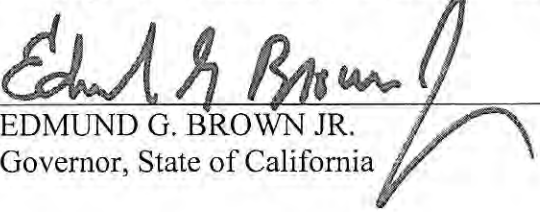
I am troubled, given Mr. Strong's prolonged history of domestic violence, that he cannot better articulate the reasons for his violence towards Dianna. He told the psychologist who recently evaluated him, "I abused my wife to get money so I could get drugs. That's it." When asked at his hearing, "why do men hit women?" he responded, "because they can, that's the main purpose, and they have the ability, the power. But mine stemmed from I didn't realize how controlling I was." He added that he was jealous on the day of the murder because he suspected Dianna was in a romantic relationship when he learned Mr. Jones was inside the house.

I do not find Mr. Strong's explanations very convincing. He does not explain why abusing his wife could get him money for his drug habit, and it is a nonsensical assertion. His claim that his anger was driven by jealousy of Mr. Jones ignores the many other instances that he beat Dianna in front of friends, family, and his five-year-old son, when the gardener was not in the house. Mr. Strong alludes to being controlling, but does not go into any depth to articulate why his need to control his former wife led to his abuse. The psychologist concluded that Mr. Strong's risk of future violence remains elevated in part because he "demonstrated no real understanding" of the interpersonal factors that contributed to his pattern of violence. I encourage Mr. Strong to work to develop a better understanding of his reasons for turning to such remarkable violence in his relationship.

**CONCLUSION**

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

Decision Date: March 1, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California



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

**SUSANNA DUENAS, W-54819**  
Second-degree murder

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

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

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

**STATEMENT OF FACTS**

Susanna Duenas lived in Mexico with her mother and young daughter for six months after her son, Diego, was born. Ms. Duenas left her children with her mother, and came to California looking for work. After Ms. Duenas moved in with a boyfriend, 20-month-old Diego and his six-year-old sister Karla came to live with her. For several months after he came to live with his mother, Ms. Duenas physically abused Diego. Three to seven days before his death, Ms. Duenas hit Diego in the stomach because he would not get into the bathtub. His liver and intestines were ruptured from the blunt force trauma.

On November 7, 1992, Diego died from cardiac arrest resulting from sepsis. He was taken to a medical clinic, but had died over an hour earlier. The doctor said it was obvious that Diego had been quite sick for an extended period of time before his death. He also had injuries on both ears, the top of his head, forehead, nose, and chin. He was bruised on his legs, back, abdomen, pelvis, ankles, and the bottoms of his feet.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Ms. Duenas suitable for parole based on her family support, remorse, acceptance of responsibility, sincerity, age, lack of misconduct in prison, educational and vocational achievements, participation in self-help programming, parole plans, marketable skills, psychological evaluation, and lack of criminal history.

I acknowledge Ms. Duenas has made efforts to improve herself while incarcerated. She has completed three vocational programs and has received positive work evaluations. Staff have

commended her for being respectful, professional, and a team player. Ms. Duenas has participated in self-help programming on topics including parenting, anger and stress management, and domestic violence. She has been a hospice volunteer since 2007 and helps translate for Spanish-speaking inmates. I commend Ms. Duenas for taking these positive steps. But they are outweighed by negative factors that demonstrate she remains unsuitable for parole.

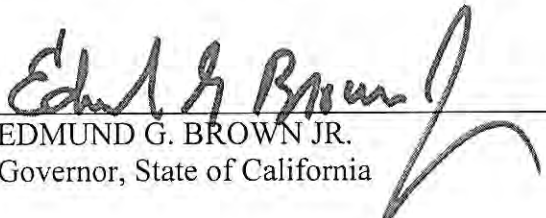
Ms. Duenas struck her toddler son so hard that his liver and intestines ruptured then sought no help for him as he suffered for days and finally died. Diego was an innocent victim who posed no threat to his mother. The severe abuse that caused his death was not an isolated incident – she physically abused him for months before he died.

I am troubled that Ms. Duenas cannot better explain what made her torture and murder her child. At her hearing, Ms. Duenas said the abuse started because Diego was stubborn and didn't want to eat his food or use the toilet. She said she was angry because of her childhood and was stressed in her abusive romantic relationship. She believes she took her emotions out on her son because she was rejecting his father. None of what she says adds up. Diego's typical toddler behavior does not explain her outrageous overreaction to his behavior or how she could be so cruel to her son for such a prolonged period of time. It is unclear how beating Diego served to get back at his father. Being abused in childhood and being a victim of domestic violence do not clarify how she could watch her son suffer with ruptured organs for up to a week and let him die. Ms. Duenas's abuse of Diego is perplexing, considering she never abused her six-year-old daughter. Until Ms. Duenas can show that she better understands why she abused her two-year-old son for months and then watched him suffer from what must have been excruciating pain, I cannot be assured that it is safe to release her from prison.

### CONCLUSION

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

Decision Date: March 8, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**MARIO GIOTTA, D-51899**  
Second-degree murder

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

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

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

**STATEMENT OF FACTS**

Mario Giotta murdered his ex-girlfriend, Debbie Cooper, after stalking and terrorizing her for a week. He also attempted to murder Chuck Yeager, the father of Ms. Cooper's two-year-old child. Ms. Cooper dated Mr. Giotta for almost three years, but in the two weeks before her murder, she repeatedly tried to end the relationship. Mr. Giotta did not agree. On July 2, 1986, Ms. Cooper's brothers found Mr. Giotta shaking her and yelling that he would kill her if he found her with another man. Several days later, Mr. Giotta waited for Ms. Cooper to return to her home. When she arrived, he again told her that he would kill her if she ever dated another man. The night of July 6, 1986, Ms. Cooper planned to spend the night at a friend's house so that Mr. Giotta could not find her. As Ms. Cooper and the friend were about to leave, Mr. Giotta drove up, blocked their car, and threw himself on the hood and windshield of the car, refusing to leave until Ms. Cooper agreed to talk to him. Later that night, Mr. Giotta left a suicide note on Ms. Cooper's pillow. The next day, Mr. Giotta showed up at the same bar Ms. Cooper and Mr. Yeager were patronizing. He once again threatened to kill himself if she did not come back to him. Alarmed by these escalating threats, Ms. Cooper got a restraining order against Mr. Giotta.

On July 9, 1986, Mr. Giotta went to Ms. Cooper's house, but she was not there. He went to a friend's house to drink, use cocaine, and play cards. Mr. Giotta left the card game to buy more beer and spotted Ms. Cooper and Mr. Yeager in a car at a park. He returned to his friend's house, got a shotgun, returned to the park, and followed the car to Mr. Yeager's parents' house. He pulled up next to them and Mr. Yeager asked him why he was following them. Rather than responding, Mr. Giotta asked Ms. Cooper why she lied to him. When Mr. Yeager got out of the car, Mr. Giotta warned him not to come closer and fired a shot into Mr. Yeager's abdomen. As Ms. Cooper struggled to free herself from her seatbelt, Mr. Giotta shot her three times, killing her. Mr. Yeager was found in the street with his intestines protruding from his abdomen. He was hospitalized for two weeks, and doctors had to remove his kidney, several ribs, part of his liver, some shattered back muscles, and other body tissue. Mr. Giotta returned to his card game, confessed to what he had done, and asked his friend for an alibi. The friend refused. Mr. Giotta withdrew \$250 from an ATM and fled. He was arrested in Nevada four days later.

### GOVERNING LAW

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

### DECISION

The Board of Parole Hearings found Mr. Giotta suitable for parole based on the stress he was under at the time of the crime, minimal criminal history, institutional behavior, acceptance of responsibility, psychological evaluations, remorse, continued participation in self-help programming, insight, associate's degree, and parole plans.

I acknowledge Mr. Giotta has made efforts to improve himself while incarcerated. He has earned a college degree, has completed several vocational programs, and has never been disciplined for serious misconduct. Mr. Giotta has participated in numerous self-help programs, including Alcoholics and Narcotics Anonymous, Alternatives to Violence, Nonviolent Conflict Resolution, and several domestic violence programs. Mr. Giotta has volunteered as a literacy tutor, facilitated several self-help courses, and become a certified substance abuse counselor. I commend Mr. Giotta for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Giotta's crime was senseless and callous. He stalked and terrorized Ms. Cooper for a week before killing her, and shot Mr. Yeager and left him for dead in the street. Mr. Giotta's actions had a devastating and long-lasting impact on Ms. Cooper's loved ones. I note that they continue to express their heartfelt grief and loss at Mr. Giotta's parole hearings.

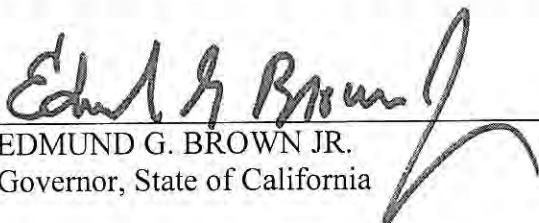
When the Board of Parole Hearings granted Mr. Giotta parole, I reversed the decision in 2012 because I was concerned about Mr. Giotta's limited and very recent participation in self-help programs related to domestic violence. While Mr. Giotta has continued to work to understand and address his domestic violence in the past year, my concerns have not been allayed. This one year of programming does not show me he has sufficiently addressed his extended violence against Ms. Cooper. Although Mr. Giotta identifies his own abuse as a child as a factor that led to his domestic violence, there is no indication he ever became abusive in his other long-term relationships. He does not identify why he targeted Ms. Cooper. Until he better understands and explains this, I cannot be assured it is safe to release him.

Mario Giotta, D-51899  
Second-Degree Murder  
Page 3

**CONCLUSION**

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

Decision Date: March 8, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California



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

**CHESTER LEBLANC, C-43549**  
Second-Degree Murder

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

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

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

**STATEMENT OF FACTS**

Chester LeBlanc abused his common-law wife, Brigid Williams, on a weekly basis. On February 18, 1980, Mr. LeBlanc grew angry with Mr. Williams because he suspected her of cheating on him. Mr. LeBlanc demanded sex from her and threatened to cut out her vagina if she refused. He continued yelling at her after she submitted to sex, and cut her hair with a butcher knife, penetrating her skull, while threatening to kill her and commit suicide. Ms. Williams grabbed a large fork and tried to stab Mr. LeBlanc, but he dragged her by the neck to the bedroom, laid on top of her, and eventually fell asleep. Somehow, Ms. Williams escaped and ran upstairs to her sister's apartment for help, leaving her two-year-old son and their nine-month-old daughter in the home. Mr. LeBlanc chased Ms. Williams upstairs, but went back home once she was safely in her sister's apartment. Police arrived and asked Mr. LeBlanc if the children were okay. Mr. LeBlanc responded, "They won't be if you try to come in." An officer forced the door partially open, and Mr. LeBlanc stabbed at him. The officer broke the door down and arrested Mr. LeBlanc. Mr. LeBlanc had already fatally stabbed Ms. Williams's toddler son, Chester Jr., once in the chest.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. LeBlanc suitable for parole based on his self-help programming, vocational training, psychological evaluations, and lack of institutional misconduct between 1996 and 2011.

I acknowledge Mr. LeBlanc has made efforts to improve himself while incarcerated. He has been regularly employed in institutional jobs and completed vocational training in dry cleaning and shoe repair. He has participated in self-help programming, including Alcoholics and

Narcotics Anonymous, Criminals and Gangmembers Anonymous, and Lifer's Support Group. I commend Mr. LeBlanc for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. LeBlanc's crime was exceptionally heinous and disturbing. Following months of domestic violence, Mr. LeBlanc threatened to cut out his wife's vagina, raped her, and cut her skull with a butcher knife. When she managed to escape, Mr. LeBlanc stabbed her two year-old son to death.

Mr. LeBlanc has failed to sufficiently explain why his history of domestic violence against Ms. Williams ultimately culminated in his stabbing a toddler. Mr. LeBlanc said he was "selfish and self-centered" and that he stabbed Chester Jr. because "I was abused and I treated this child the same way my parents treated me." He told the evaluating psychologist that he stabbed Chester Jr. because "I believed I was hurting her." I find these explanations wholly inadequate. Being "selfish and self-centered" is a shallow explanation for murdering a two year-old. Further, while witnessing and being the victim of abuse as a child is undeniably traumatic it does not adequately explain why Mr. LeBlanc suddenly chose Chester Jr. as the focus of his violence, particularly when he claims he never abused Chester Jr. in the past. Although Mr. LeBlanc states he was displacing his anger toward Ms. Williams on Chester Jr., he has not sufficiently articulated what made him believe a two-year old was the appropriate target for doing so. Until Mr. LeBlanc can better articulate the factors that allowed him to commit this heinous act, I am not prepared to release him.

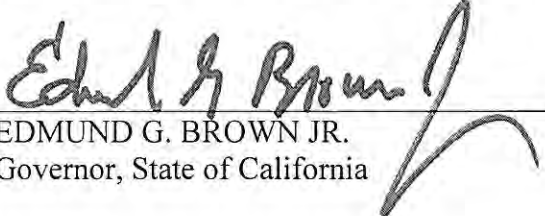
I am also troubled that, given Mr. LeBlanc's history of domestic violence, he cannot better articulate the reasons for his pattern of violence towards Ms. Williams. According to the probation report, four days before the crime Mr. LeBlanc locked Ms. Williams in a closet and nailed it shut while he hid her son. Mr. LeBlanc recently told the psychologist that he "learned that his violence toward his wife was based on his exposure to violence in the home and the belief that this was the only way to solve problems." At his hearing he stated, "I was afraid of losing my family and I dealt with it the only way I knew how." Mr. LeBlanc does not explain why he believed abusing Ms. Williams would keep their family together, and it is a nonsensical assertion. Mr. LeBlanc's claim to the psychologist that he was "very jealous" of Ms. Williams on the day of the crime ignores the pattern of extreme physical abuse he perpetrated against her. I encourage Mr. LeBlanc to work to develop a better understanding of his reasons for turning to such remarkable violence in his relationship.

I am also troubled by Mr. LeBlanc's history of mental instability. He was suffering from depression at the time of the crime and has struggled with depression in prison since 2007. While I am encouraged that Mr. LeBlanc is seeking treatment, given the close connection between his depression and his violent acts in the past, I am not prepared to release him until he has shown a significant and sustained period of improvement in his mental health.

**CONCLUSION**

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

Decision Date: March 8, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**STACEY LEE, W-58272**

First-degree murder

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

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

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

**STATEMENT OF FACTS**

On August 11, 1993, Stacey Lee argued with Deborah Williams because Ms. Williams frequently smoked crack cocaine in Ms. Lee's apartment building. Ms. Lee pushed Ms. Williams down the stairs and hit her on the head with a metal bed part. A neighbor broke up the fight and Ms. Williams left. Ms. Lee retrieved a kitchen knife from her apartment and chased Ms. Williams down the street yelling, "I'm going to kill you." Ms. Williams tried to hide from Ms. Lee in a liquor store, but was kicked out. Eventually, neighborhood thugs knocked Ms. Williams down and Ms. Lee caught up to her. Ms. Lee straddled Ms. Williams and stabbed her once, killing her. She then went across the street to buy a beer, watched the ambulance pick up Ms. Williams, and went home. She was arrested the following day.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Ms. Lee suitable for parole based on her participation in self-help programming, remorse, acceptance of responsibility, lack of serious misconduct since 2007, educational accomplishments, completion of vocational training, and support in the community.

I acknowledge Ms. Lee has made efforts to improve herself while incarcerated. She has completed several vocational programs and has earned positive work evaluations. She has been commended by correctional staff for her work ethic, communication skills, and behavioral transformation. She has participated in self-help programs including Alcoholics and Narcotics Anonymous, A Place Called Self, and conflict resolution. I commend Ms. Lee for taking these

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

Ms. Lee's crime was senseless and callous. Even though Ms. Lee had a chance to calm down from the fight a neighbor broke up, she grabbed a knife from her kitchen and chased Ms. Williams down the street to stab and kill her. Then, she coolly bought a beer and watched an ambulance pick Ms. Williams up.

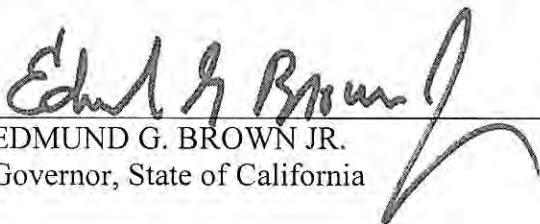
I am concerned that Ms. Lee has not yet credibly addressed her substance abuse problem. At her recent hearing, she admitted drinking almost daily and having an addiction to marijuana. She was arrested for selling crack cocaine when she was 15. Ms. Lee has participated in substance abuse programming for many years, yet she admits that she does not know the 12 steps and says that she has no "external triggers" that may cause her to relapse. Her relapse prevention plan outlines her ideas on managing her anger, but is deficient in strategies to prevent her from returning to using substances in the community. I encourage her to dedicate herself to available self-help programming, independent study, and self-reflection to fully analyze and address her addictions.

Ms. Lee's elevated risk scores support my concerns. The 2009 psychologist rated her a moderate risk of violent recidivism, high risk of general recidivism, in the moderate range of psychopathy, and a moderate overall risk in society. These risk ratings were based in part on Ms. Lee's recent disciplinary action in prison, impulsivity, and mental health issues. The psychologist noted that Ms. Lee could decrease her risk by "adhering to a substance abuse relapse prevention plan," "continuing to examine and come to terms with the causative factors of the life crime," and "developing proactive strategies to avoid these liabilities." The psychologist who evaluated her in 2012 determined that "Ms. Lee's dynamic risk factors remain largely *unchanged*," although cited improvement in her impulsivity, mental stability, community support network, and ability to abide by conditions of parole if released.

### CONCLUSION

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

Decision Date: March 8, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California



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

**THEODORE LELEAUX, D-08846**  
Second-degree murder

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

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

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

**STATEMENT OF FACTS**

On June 5, 1984, Theodore Leleaux went to the apartment of a friend and co-worker, Kenny Carlock. Mr. Leleaux stabbed Mr. Carlock 77 times and cut out his heart. The following day, Mr. Leleaux broke into a house, showered, used the homeowner's clothes, and spray painted "Jesus Saves" on the walls of the home. When the homeowner discovered and confronted him, Mr. Leleaux dove out of a window and fled on foot. When he was arrested later that day, police officers found Mr. Carlock's heart in Mr. Leleaux's jacket pocket. Mr. Leleaux later recounted that he suffered a drug-induced psychotic break at the time of the crime and that he believed that Mr. Carlock was a monster that ate children's hearts.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Leleaux suitable for parole based on his remorse and insight, self-help programming, vocational training, age, lack of institutional misconduct, and parole plans.

I acknowledge Mr. Leleaux has made efforts to improve himself while incarcerated. He has completed two vocations, held several institutional positions, and routinely received exceptional and above average work ratings. He has participated in self-help programs, including Narcotics Anonymous and Yokefellows Peer Counseling, has volunteered in the Supportive Care Services System, and has not been disciplined since 1994. I commend Mr. Leleaux for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Leleaux's crime was vicious and bizarre. He repeatedly stabbed a close friend, cut out his heart, and kept the heart in his jacket pocket. It is difficult to imagine a more disturbing crime. Mr. Leleaux's actions had a devastating and long-lasting impact on the lives of Mr. Carlock's loved ones. I note that Mr. Carlock's family members have written numerous letters in opposition to his parole and have consistently appeared at Mr. Leleaux's parole hearings expressing their grief and loss.

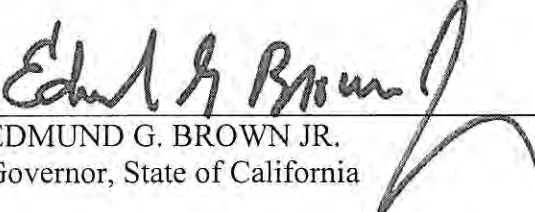
Mr. Leleaux claims that he suffering from a drug-induced psychotic break at the time of the murder. While he acknowledges that he committed the crime, he claims to have little recollection of anything that happened. He told the Board in 2012 that he has "struggled to piece it all together" and submitted a statement with his "final version" of his recollections. Mr. Leleaux still has not explained, however, why he has given different accounts of the crime over the years. He has claimed at various times that he remembered Mr. Carlock attacking him, that he believed Mr. Carlock was a monster who ate children's hearts, or that he remembered no details of the incident at all. Even if Mr. Leleaux can only remember the delusions that precipitated the murder, I find it disturbing that there continue to be variations in the delusions he does recall. As the Court of Appeal noted in upholding a previous denial of parole for Mr. Leleaux, "these variations are not meaningless." Until Mr. Leleaux has sufficiently explored and explained these inconsistencies I am not prepared to release him.

Mr. Leleaux has not yet articulated a plausible understanding of why he mutilated Mr. Carlock. He insists that he cannot explain his actions because of his psychotic break, and that he had no animosity toward Mr. Carlock. Mr. Leleaux's explanation, however, does not explain why he was violent only toward Mr. Carlock during his psychotic break, and not toward his wife, the individual whose home he broke into, or the police. In fact, the record indicates that Mr. Leleaux and Mr. Carlock did have some work-related disagreements prior to the crime. I am concerned that Mr. Leleaux has not adequately explored the underlying anger issues that may have contributed to his explosive violence toward Mr. Carlock.

### CONCLUSION

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

Decision Date: March 8, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**EARL WILSON, D-21121**  
Second-degree murder

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

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

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

**STATEMENT OF FACTS**

On February 6, 1985, Earl Wilson went to the apartment of his ex-girlfriend, Marta Gary, to get his things and give her a check. He had known Ms. Gary for a few months. Mr. Wilson and Ms. Gary began to argue about his criminal lifestyle and Ms. Gary called Mr. Wilson a "thug." Mr. Wilson hit Ms. Gary in the face and strangled her to death. Police had been called to respond to the disturbance, and forced their way into the apartment when they heard muffled screams and sounds of wrestling and scuffling. By the time they entered, Mr. Wilson had placed Ms. Gary's body in the bed with the covers placed neatly over it. He was armed with a firearm when they came in, but was disarmed and arrested.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Wilson suitable for parole based on his participation in and facilitation of self-help programs, staff support, vocational training, lack of serious misconduct since 2005, parole plans, remorse, and insight.

I acknowledge Mr. Wilson has made efforts to improve himself while incarcerated. He earned a Bachelor's Degree in social science has completed a number of vocational programs. Mr. Wilson has attended classes to address domestic violence, anger management, and substance abuse. He has not been disciplined for serious misconduct in seven years. He has routinely received positive work evaluations and his vocational instructor recommends him for a job. I commend Mr. Wilson for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Wilson senselessly murdered his ex-girlfriend by strangling her in her own apartment. He was undeterred by police attempting to get into the home, tucked Ms. Gary's body into her bed, and, when the police finally entered, emerged with a firearm. This was not the first time Mr. Wilson was violent towards a woman with whom he was in a relationship. Approximately six weeks earlier, he violently abused another former girlfriend by choking her, hitting her, sodomizing her, cutting her wrist with a scalpel, and threatening to kill her.

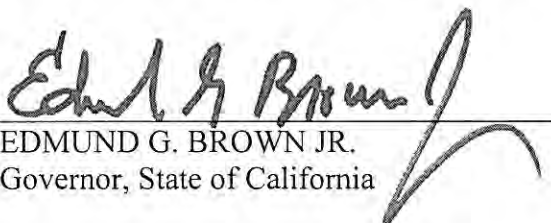
I am concerned that Mr. Wilson has not yet fully addressed the reasons he murdered Ms. Gary. In his hearing, he explained that his "possessiveness" of Ms. Gary stemmed from an incident in his childhood in which other kids took a prized basketball from him and refused to return it. In 2012, he told the psychologist who evaluated him that he wanted his way and was angry that Ms. Gary called him a thug. Being the target of petty playground bullying does not begin to explain why, years later, he violently abused one girlfriend and murdered another. Mr. Wilson believes Ms. Gary's apt description of his criminal lifestyle should not have provoked such an extreme overreaction, but he has yet to explain the underlying source of his anger. He says he "wanted his way," but has not better explained his extreme violent behavior against multiple women.

The psychologist who evaluated Mr. Wilson in 2012 opined that he had "only a superficial understanding of his conduct" and that he would benefit from reflecting upon "personal factors that have impacting his relationships with others, particularly women" and "issues related to how he expresses his emotions, particularly his anger." I agree. Until I am convinced that he better understands the reasons behind his pattern of violence against the women in his life, I am not prepared to release him.

### CONCLUSION

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

Decision Date: March 8, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California



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

**FRANCES DAVIS, W-26851**  
Second-Degree Murder

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

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

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

**STATEMENT OF FACTS**

Ms. Davis committed a spree of burglaries between May and July 1986. All of the targets of her attacks were elderly individuals. On May 20, 1986 Ms. Davis broke into 76-year-old Ivory Marshall's home and took her wallet. On June 5, 1986, Ms. Davis broke into 64-year-old Maxine Hall's home and took her coin purse. On June 10, 1986, she broke into the home of 85-year-old Olivaette Ball's home and took her purse. On June 12, 1987, she broke into the home 72-year-old Soloman Lazarowitz and his 92-year-old mother, Fannie Lazarowitz, and took a wallet.

The burglaries became increasingly violent. On June 21, 1986, Ms. Davis broke into the home of 91-year-old Eululia Newsom. Ms. Davis took Ms. Newsom's walker, drew a butcher knife across her throat, removed an emergency alert button from around her neck, threatened her, threw her into a closet, and made several cuts along her ankles, arms, and under her breasts. Ms. Davis stole money and coins before locking Ms. Newsom in the closet by jamming a knife in the doorway.

Around June 24, 1986, Ms. Davis broke into 66-year-old Jose Meza's home and took his wallet. Four days later, she broke into his home again, and was found standing in the children's bedroom. Mr. Meza chased her out. On June 28, 1986, she broke into 80-year-old Eva Fox's home and took her purse. On July 3, 1986, she broke into Richard Harrell's home and took his wallet.

On July 4, 1986, Ms. Davis broke into Solomon and Fannie Lazarowitz's home a second time. This time, she carried a gun and a meat cleaver. Ms. Lazarowitz yelled at Ms. Davis and subsequently collapsed and died from cardiac arrest due to stress. While Mr. Lazarowitz tried to revive his mother, Ms. Davis stole \$6 and two radios, and then left. The next day she burglarized 76-year-old Clint Arnold's home with a toy gun and a knife, threatened him, and threw him across the room. She was arrested the same day.

**GOVERNING LAW**

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



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

### **DECISION**

The Board of Parole Hearings found Ms. Davis suitable for parole based on her acceptance of responsibility, remorse, empathy, lack of substance abuse problems in prison, lack of previous criminal history, and work ethic.

I acknowledge Ms. Davis has made efforts to improve herself while incarcerated. She has received above average and exceptional work ratings and has been commended her for her work ethic. She has participated in some self-help programming, including Alcoholics Anonymous and Narcotics Anonymous. She has reported food thefts from the kitchen and avoids peer pressure. I acknowledge that Ms. Davis struggles with a hearing impairment and has some mental limitations. I commend Ms. Davis for taking these positive steps. But they are outweighed by negative factors that demonstrate she remains unsuitable for parole.

Ms. Davis's crimes were senseless and callous. All of the individuals she targeted were elderly and particularly vulnerable. She repeatedly invaded their homes and took advantage of them in threatening and violent ways to fulfill her drug addiction. She cut a 91-year-old woman multiple times with a knife and locked her in a closet and threw a 76-year-old man across the room. Ms. Lazarowitz ultimately died because of the stress Ms. Davis's break-ins induced.

I am troubled by Ms. Davis's conduct in prison. She has been disciplined for serious misconduct 6 times and less serious misconduct 43 times. Many of these disciplinary actions stem from physical altercations with other inmates including mutual combat, forcing an inmate to orally copulate her, causing conflict among inmates, and in 2010 attempting to kick another inmate. I am also concerned by some of Ms. Davis's behavior that did not merit disciplinary action. Over the years, she has been described as a "predatory" and "abusive" inmate with a history of harassing her roommates and staff. In 2004, several inmates reported that Ms. Davis was the source of tension among inmates and that she "verbally attacks everybody," and "gets upset with everyone." In 2006, she was moved to a different cell because she was arguing with other inmates on a daily basis. In 2007, an inmate reported that Ms. Davis was pressuring her to pay an outstanding debt. I question whether she currently has the ability and skills to live a life free of conflict, hostility, and aggression.

I am also troubled by Ms. Davis's uncertain psychological state. Mental health records show that Ms. Davis has intermittently experienced auditory hallucinations since 2007. In 2009, she was referred to mental health services, began taking anti-depressants, and was diagnosed with adult antisocial behavior. In her most recent psychological evaluation, Ms. Davis contradicted her previous statements a number of times and was unaware she was in California. She denied having auditory hallucinations to the psychologist, but a mental health record indicated that she was being treated for hearing two or three inaudible voices. The psychologist was unable to diagnose the source of her hallucinations. I note that Ms. Davis was discharged from mental

health care in September 2011. The recent and significant nature of her mental health history gives me pause. I am not convinced Ms. Davis is able to recognize when she needs mental assistance, understands the nature and extent of her mental instability, or knows where to turn for help. I urge the Board to complete a new psychological evaluation before Ms. Davis's next hearing that includes a comprehensive description of the extent of Ms. Davis's mental health issues, treatment needs, and impact on future violence.

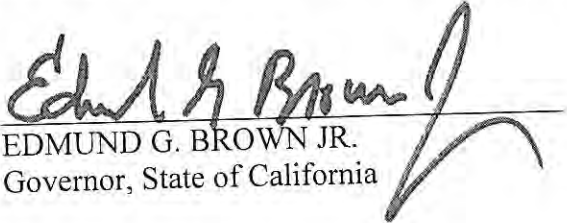
I am not convinced that Ms. Davis has sufficiently addressed her substance abuse problem. She admits using cocaine four to five times a week starting at age 15. Her drug addiction clearly fueled her crimes – she was high during the robberies she committed to get money for more drugs. Yet, her participation in substance abuse programming has been minimal and sporadic. The psychologist noted that she has “an uncertain risk of relapse” and urged her to participate in a structured substance abuse recovery support program.”

Ms. Davis's elevated risk scores support my concerns. The psychologist assessed her as a moderate risk of violent recidivism, a medium risk of general recidivism, and an overall moderate risk of violence in the community based in part on her lack of insight, symptoms of mental illness, impulse control, and limited substance abuse programming.

### CONCLUSION

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

Decision Date: March 15, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**AUBREY JOSEPH, E-00533**  
Second-Degree Murder

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

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

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

**STATEMENT OF FACTS**

On May 30, 1988, Aubrey Joseph called his estranged wife, Marylou, asking her to pick up their 3-year-old son, Kevin, from his apartment. He told her he had "found out something" about her. Marylou suspected he knew she was dating someone else. After dropping off her boyfriend at a nearby convenience store so that he could check on her if she had not returned within fifteen minutes, Marylou went to Mr. Joseph's apartment. Soon after she arrived, Mr. Joseph fatally stabbed her 8 times with a kitchen knife, slashing her throat. Two hours later, Kevin knocked on a neighbor's door, crying and pointing at the open door of his father's apartment. The neighbor called 911. Mr. Joseph walked towards the front door moments later and pretended to find Marylou's body. A licensed clinical social worker who interviewed Kevin the next day concluded that Kevin witnessed his mother's murder because he gave "a clear description of a homicide, indicating that his daddy took a knife and slashed his mommy's body."

This fatal attack was not an isolated incident. In July 1987, Mr. Joseph was arrested after he beat Marylou with his fists, cut off her clothes with a kitchen knife, and threatened to shoot her when she told him she wanted a divorce. She had two black eyes, contusions on her arm, and lacerations on her forehead. Mr. Joseph told friends that he had put a gun to her head and held a knife to her throat. He told them that he turned a gun into the police department, because he was afraid of what he might do to Marylou if he kept it. The same friends reported that Mr. Joseph had cut up all of Marylou's clothing at least twice, in 1986 and July 1987, to prevent her from leaving. Marylou sought refuge in a women's shelter in July and August 1987, before moving into her own apartment. Intake staff at the women's shelter in July 1987 recorded, "if he [Mr. Joseph] has to go to jail, he wants there to be a reason, her death." On August 2, 1987, Marylou told a therapist that Mr. Joseph frequently raped her. The couple reconciled in mid-October 1987. Marylou was hospitalized in January 1988 because she became ill when she consumed dishwasher detergent Mr. Joseph put in her diet shake powder. She also had to be treated for a vaginal infection caused by forced sex. Marylou again turned to the women's shelter for refuge the next day because Mr. Joseph had been repeatedly raping her and she feared for her safety.

**GOVERNING LAW**

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

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

### DECISION

The Board of Parole Hearings found Mr. Joseph suitable for parole based on his lack of criminal history, lack of serious misconduct in prison, remorse, acceptance of responsibility, age, parole plans, and positive work ratings.

I acknowledge Mr. Joseph has made efforts to improve himself while incarcerated. He has never been disciplined for serious misconduct and has earned positive work ratings. He has participated in some self-help programming, including Alcoholics Anonymous, Alternatives to Violence, and a Veteran's Group. I commend Mr. Joseph for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Joseph's crime was exceptionally disturbing. He raped his wife for months. He held her in his apartment against her will, cut up her clothing on multiple occasions, threatened her with weapons, and threatened to kill her. He finally killed her by stabbing her eight times and slashing her throat in front of their toddler son.

Mr. Joseph whitewashes the violence he directed at Marylou and depicts his marriage very differently than the record. He told the Board that Marylou "had no reason" to be afraid of him and reported that their arguments would escalate into violence "not too often" because he "backed away from it." He said that he got a gun for Marylou's protection because she was going to night school. When questioned about Marylou's allegations that he regularly raped her, he responded, "I don't know why she would say that," speculated that "she had to say that to get into this shelter," and denied ever forcing himself on his wife. It is well documented in police reports, women's shelter records, and preliminary hearing testimony that Mr. Joseph forcibly raped Marylou multiple times a week for months, held her in his apartment against her will, beat her with his fists, and threatened her with guns and knives. She required medical treatment on January 27, 1988 for injuries resulting from rape and sought shelter again the following day. Marylou had every reason to fear Mr. Joseph. Mr. Joseph's claim to the contrary is ridiculous.

Mr. Joseph also minimizes his culpability for the murder by depicting it as a rash reaction. According to Mr. Joseph, when Marylou arrived he was "excited to see her" and the two talked cordially for "a good 45 minutes or so." He claims he checked on his son, who was still fast asleep, and then they went into the kitchen to "settle [their] differences." Mr. Joseph claims it wasn't until Marylou told him he couldn't see his son anymore, that he picked up a kitchen knife and stabbed her. His story doesn't add up. Marylou told her boyfriend she suspected that Mr. Joseph knew about her new relationship when he told her he "found something out" about her. She was worried about going to the apartment because Mr. Joseph had previously threatened her with weapons and refused to let her leave. She told her boyfriend 15 minutes would be an ample amount of time to pick up her son before having him come to check on her. Contrary to his claim that his son was asleep, Mr. Joseph brutally murdered Maryann in front of their son – who



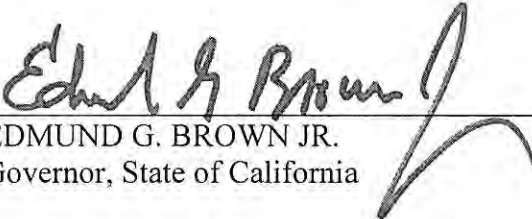
was able to tell the social worker exactly how his father killed his mother. These differences lead me to believe Mr. Joseph is not telling the truth.

His portrayal of his marriage and the murder is troubling because it indicates that Mr. Joseph has yet to acknowledge the reasons he acted so violently. Nor has he focused on working through these issues. In the last 24 years, he has not taken one class specifically designed to address intimate partner violence. Given the severity and minimization of his abuse, I encourage Mr. Joseph to participate in available self-help programming and independent study to address these issues. Until Mr. Joseph shows that he has genuinely explored and can give a credible account of the circumstances that led to the abuse and murder of his wife, I cannot be persuaded that he would not commit future acts of violence if released from prison.

**CONCLUSION**

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

Decision Date: March 21, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California



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

**HOWARD FILLER, C-87775**  
First-degree murder

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

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

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

**STATEMENT OF FACTS**

Howard Filler, Kenneth Lawson, Leroy Braman, and Tracy Osbourn were newly acquainted friends traveling together. The group ran out of money and stopped at the home of Ms. Osburn's stepfather, Wally Zumini. On March 21, 1984, Ms. Osbourn took Mr. Zumini to dinner to get him out of the house so the others could burglarize his home. When Ms. Osbourn and Mr. Zumini returned early, they interrupted the burglary. Mr. Braman struck Mr. Zumini in the head with nunchucks. Mr. Lawson shot Mr. Zumini twice with Mr. Zumini's gun, and then Mr. Filler shot Mr. Zumini five or six times. They took money, jewelry, and left in Mr. Zumini's truck.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Filler suitable for parole based on his lack of violent criminal history, age, empathy, remorse, acceptance of responsibility, insight, participation in self-help programming, lack of recent disciplinary actions, educational and vocational achievements, marketable skills, and parole plans.

I acknowledge Mr. Filler has made efforts to improve himself while incarcerated. He has routinely received positive work evaluations. Staff have commended him for being professional and diligent. Mr. Filler has participated in some self-help programming, including Alcoholics Anonymous since 2005 and recent classes on anger management. I commend Mr. Filler for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Filler's crime was senseless and callous. Mr. Filler and his friends took advantage of Mr. Zumini's hospitality by trying to burglarize his home. Mr. Zumini was partially paralyzed from a stroke, but rather than simply stopping the burglary or fleeing when Mr. Zumini caught them, they hit his head with nunchucks and shot him. Mr. Filler took the gun from Mr. Lawson and shot Mr. Zumini multiple times after he had already been beaten and shot twice.

I am concerned that Mr. Filler does not adequately understand the reasons he committed this crime. He told the Board that he shot Mr. Zumini to prevent him from reporting the crime to the authorities and out of loyalty to his friends. He told the psychologist who evaluated him in 2010 that he killed Mr. Zumini because of his low self-esteem, selfishness, tendency to follow the lead of others, and intoxication. The psychologist concluded, however, that Mr. Filler "clinically demonstrated limited insight into why he shot the victim an additional six times after his crime partner had already shot him once" and opined that Mr. Filler's limited insight increases his risk of violence in the community. I agree. None of the factors he cites adequately explain the extreme violence he exhibited. Until Mr. Filler can better explain what it was about his past or personality that allowed him to callously shoot Mr. Zumini to death, I am not prepared to release him.


I am troubled by Mr. Filler's limited and inadequate substance abuse programming in light of over 25 years of substance abuse. He started drinking at 12. By the time he was 17, he was drinking every weekend to the point of intoxication and blacked out every other weekend. He started smoking marijuana at 16. He used "whatever [he] could get [his] hands on," including cocaine, heroin, PCP, amphetamines, LSD, sedatives, and inhalants. Mr. Filler was intoxicated at the time of his crime because he and his friends had shared one-half gallon of vodka. His substance abuse continued for decades in prison. He has been disciplined for possession of inmate-manufactured alcohol in 1987 and 2004, possession of marijuana in 1985 and 2002, and trafficking marijuana in 1990. Alcohol and substance abuse were also factors leading to other disciplinary actions in prison. Confidential information indicates Mr. Filler may have been selling heroin in prison as recently as 2006. Given this history, I am not convinced that Mr. Filler has adequately addressed his dependence on drugs and alcohol. He inaccurately reported his history of drug use to the 2010 psychologist, demonstrating "some continuing degree of limited insight into his addiction behavior." I note that Mr. Filler started attending Alcoholics Anonymous in 2005. That is a step in the right direction, but, in light of his extensive substance abuse history, I am not convinced that he has sufficiently worked through his issues. I encourage him to dedicate himself to available self-help programming, independent study, and self-reflection to fully analyze and address his problem.

Mr. Filler's elevated risk scores support my concerns. In 2009, the psychologist rated Mr. Filler in the moderate range of psychopathy, medium range for risk of general recidivism, moderate range for risk of violent recidivism, and an overall moderate risk of violence. These scores were elevated in part by his limited insight into both his participation in the crime and his substance abuse.

**CONCLUSION**

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

Decision Date: March 22, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**LOUIS GARY, H-48321**  
Second-degree murder

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

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

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

**STATEMENT OF FACTS**

Louis Gary met Najat Chehade shortly after he began frequenting prostitutes in 1985. He continued to see Ms. Chehade and other prostitutes regularly, even after he met and married his wife in 1989. In May 1990, Mr. Gary and his wife separated, and Ms. Chehade moved into his apartment. On December 16, 1990, Mr. Gary agreed to give Ms. Chehade a ride from Los Angeles to Ojai so she could pay a debt she owed to a drug dealer. During the drive, they argued about which route to take and she mocked him about the size of his penis and his sexual dysfunction. Mr. Gary pulled off the freeway, strangled Ms. Chehade with a piece of rope, and pushed her body down an embankment.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Gary suitable for parole based on his social history, remorse, acceptance of responsibility, age, parole plans, and participation in self-help programs.

I acknowledge Mr. Gary has made efforts to improve himself while incarcerated. He has participated in self-help programming, including Narcotics Anonymous, the Substance Abuse Program, and victim awareness classes. In over twenty-two years, he has received only one serious disciplinary infraction. He earned a bachelor's degree in mathematics, and has volunteered as a tutor for other inmates. I commend Mr. Gary for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Gary's crime was vicious and senseless. He strangled Ms. Chehade, a woman he had known for five years and considered a "good friend," and left her body on the side of the road. This was an extreme overreaction to Ms. Chehade teasing him about his sexual performance. At the time of the murder, Mr. Gary was 41 years old, was highly educated, and had a successful career as a computer systems designer. It gives me great pause that a person of such intelligence and success would decide to murder his friend for such a trivial reason.

I am concerned that Mr. Gary has not adequately articulated the reasons for the murder. He told the Board he grew resentful and angry about work and his personal life and "had an undercurrent of hostility about the relationship" with Ms. Chehade. He said he ultimately took all of his emotions out on Ms. Chehade by strangling her. He claims he had not slept in three days because he had been abusing Ritalin, Prozac, and caffeine when he murdered Ms. Chehade, but told the psychologist that he didn't know whether his drug abuse led to his violent behavior. These reasons do not adequately explain why he was hostile toward Ms. Chehade. Everyone experiences the stress of work and relationships. He has not adequately explained what about his particular circumstances led him to kill a friend without more significant provocation or reason. Until can do so, I am not prepared to release him.

I am not assured that Mr. Gary has adequately dealt with his history of mental health problems. Mr. Gary was being treated for "a history of depression and mood swings" prior to the murder. He was examined by four different court-appointed mental health evaluators after he killed Ms. Chehade, all of whom found evidence of "significant mental illness," including bipolar disorder with manic episodes, schizoaffective disorder, indications of sexual addiction and dysthymic disorder, and chronic psychotic mental illness. Since his incarceration, Mr. Gary has been diagnosed with bipolar disorder in remission, cyclothymic disorder in remission, a substance abuse mood disorder, and features of avoidant personality disorder. Many of these symptoms undoubtedly contributed to Mr. Gary's decision to abuse prescription drugs and ultimately to murder Ms. Chehade.

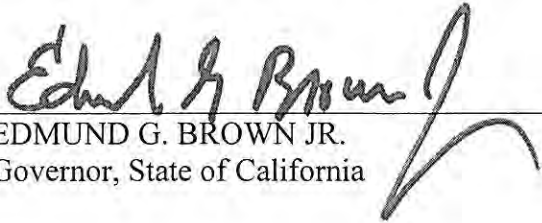
Despite this history of mental instability, Mr. Gary told the psychologist in 2009 that he "does not feel he has ever suffered from bipolar disorder or a major mood disorder." Contrary to reports that Mr. Gary was being treated for severe depression and mood swings, he claimed he was prescribed Ritalin approximately one year prior to the crime simply because he was "extraordinarily tired." The 2009 psychologist concluded that Mr. Gary "appears to dismiss or minimize his history of serious mental health symptoms, behaviors, diagnoses, and treatment." I agree. Mr. Gary's failure to acknowledge these issues indicates to me that he is not prepared to recognize and cope with them promptly if they re-emerge.



**CONCLUSION**

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

Decision Date: March 22, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**DAVID PEASLEE, C-74166**  
Second-degree murder

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

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

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

**STATEMENT OF FACTS**

David Peaslee sold a car to Bradley Greene on the condition that the car be used for parts. When Mr. Peaslee believed Mr. Greene had broken their agreement by driving the car, he enlisted the help of his friend Deadru Tinga to get the car back. On August 20, 1981, Mr. Peaslee learned that Mr. Greene and the car were at Steven Gregory's house, and went there with Mr. Tinga. Once there, Mr. Peaslee and Mr. Tinga lured Mr. Greene into the garage and attacked him. While Mr. Tinga held Mr. Greene in a headlock, Mr. Peaslee punched, kicked, and jumped on Mr. Greene until he was unconscious. Mr. Tinga loaded Mr. Greene into a car, and Mr. Peaslee kicked Mr. Greene in the head several times. They drove Mr. Greene to a remote location and dragged him out of the car. Mr. Peaslee then shot him in the head several times with a shotgun, killing him. Mr. Tinga and Mr. Gregory later returned to the body to search for drugs they believed Mr. Greene was carrying, and to gather shotgun shells left at the scene. Mr. Peaslee maintains that he did not shoot Mr. Greene and that he was shot when Mr. Gregory and Mr. Tinga returned.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Peaslee suitable for parole based on his remorse, acceptance of responsibility, vocational training, age, lack of recent institutional misconduct, medical conditions, and self-help.

I acknowledge Mr. Peaslee has made efforts to improve himself while incarcerated. He earned his GED, took college classes, and received positive work assignment reports. He has not been disciplined for serious misconduct since 1994, and has participated in some self-help

programming, including Alcoholics Anonymous, Alternatives to Violence, and Victim Awareness. I commend Mr. Peaslee for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Peaslee's crime was utterly senseless. In response to a dispute over a car, Mr. Peaslee recruited help and, after Mr. Greene was in a headlock, Mr. Peaslee beat and jumped on him until he was unconscious. He then dumped Mr. Greene on the side of the road. Mr. Peaslee's actions had a devastating and long-lasting impact on Mr. Greene's loved ones.


Mr. Peaslee has not adequately articulated the reasons for his violent behavior. When the psychologist who recently evaluated asked him to explain the reasons for the crime he stated, "anger issues, frustration, greed, selfishness, and poor problem solving." It remains unclear why Mr. Peaslee was so invested in how Mr. Greene was using a car Mr. Peaslee sold to him. His frustration and anger over Mr. Greene's failure to use the car for parts do not begin to explain the violence Mr. Peaslee leveled against Mr. Greene. He has not sufficiently explained the source of his anger, or what it was that moved him to kill another human being. Until he does so, I am not prepared to release him.

I am also not convinced that Mr. Peaslee is adequately prepared to resolve his anger in a productive manner without turning to violence. When the Board asked him what made him angry, he replied that no particular situations or emotions would now make him angry. He claimed that he has changed by getting older and by learning to "stop and think." Because Mr. Peaselee does not recognize that feeling angry is normal or have a more robust plan to work through his emotions, I am concerned he will react with violence when he is inevitably confronted with stressful situations in the community.

### CONCLUSION

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

Decision Date: March 22, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**SHEILA ANDERS, W-14543**  
Second-degree murder

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

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

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

**STATEMENT OF FACTS**

On March 4, 1979, Sheila Anders, her brother Freddie Anders, and her boyfriend James Anderson were driving to Las Vegas. Donna Coselman and her 66-year-old grandmother, Louise Flanagan, were having car trouble and were stranded on the side of the road. Mr. Anders offered to help the women, and was able to start their car. As both groups continued down the road, Mr. Anderson became angry that Ms. Coselman and Ms. Flanagan did not offer to pay for their help. Mr. Anderson urged Mr. Anders to pull up alongside Ms. Coselman's car, and motioned for them to pull over, telling them the bottom of their car was on fire. The women stopped and Mr. Anderson disabled the car while pretending to try to fix it. He offered to take Ms. Coselman to an auto parts store, and the group agreed that Ms. Flanagan would stay behind with the disabled car while the others went to the store. As her brother drove, Ms. Anders pointed a knife at Ms. Coselman and robbed her of her money. Mr. Anderson directed Mr. Anders to drive into an orange grove, where Mr. Anderson tied Ms. Coselman to a tree. Mr. Anderson and Ms. Anders returned to get Ms. Flanagan, leaving Mr. Anders with Ms. Coselman. Mr. Anders untied her and urged her to run away, but she refused to leave her grandmother. Mr. Anderson returned in the car with Ms. Anders and Ms. Flanagan, left them in the car, and walked into the grove out of sight, where Mr. Anders and Ms. Coselman remained. Upset that Mr. Anders untied Ms. Coselman, Mr. Anderson ordered Mr. Anders to go back to the car. After Mr. Anders left, Mr. Anderson strangled Ms. Coselman with a rope and left her body on the ground. He came back to the car, ordered Ms. Flanagan to get out, and he and Ms. Anders walked her into the grove and took her watch and purse. Mr. Anders followed them into the orange grove and saw Ms. Coselman face down in the dirt. He ran to his car and drove to notify the police. When he returned, Ms. Flanagan had been strangled to death and was hanging from a tree.

**GOVERNING LAW**

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

### DECISION

On October 30, 2012, a two-member panel of the Board of Parole Hearings issued a split decision on whether to grant parole to Ms. Anders. One commissioner opposed parole and expressed concern about Ms. Anders's lack of "insight to the causative factors for the commitment offense," her superficial expressions of remorse, inconsistencies in her motivations for the crime, and lack of substance abuse self-help. The other commissioner supported parole based on Ms. Anders's remorse, insight, self-help programming, and length of incarceration. On January 15, 2013, the full Board met *en banc* to review the case and found Ms. Anders suitable for parole.

I acknowledge Ms. Anders has made efforts to improve herself while incarcerated. She was 18 at the time of the murders and has been incarcerated for over 34 years. In that time she has completed several vocations, received above-average to exceptional work ratings, and volunteered for the Puppy Program and as an assistant for mentally disabled inmates. She also participated in several self-help programs, including the Long Termers' Organization and co-dependency classes. I commend Ms. Anders for taking these positive steps. But they are outweighed by negative factors that demonstrate she remains unsuitable for parole.

Ms. Anders actively participated in a horrendous and utterly senseless double-murder. She and Mr. Anderson offered to help a stranded and vulnerable grandmother and granddaughter, only to devise a plan to rob them. After robbing Ms. Coselman at knife-point, Ms. Anders did nothing to prevent Mr. Anderson from strangling Ms. Coselman and hanging Ms. Flanagan. Ms. Anders's actions were atrocious and had a devastating and long-lasting impact on Ms. Coselman and Ms. Flanagan's loved ones.

I am troubled that Ms. Anders is not able to adequately explain why she took part in such a heinous crime. She concedes she was willing to rob Ms. Coselman and Ms. Flanagan, and told the Board she did not believe anyone would be hurt. When she became aware that Mr. Anderson had killed Ms. Coselman and attacked Ms. Flanagan, however, she admits that "I did nothing to try to stop it. I didn't even know that maybe I could." I don't believe her. Her own brother *did* attempt to free Ms. Coselman and sought help from the authorities. Ms. Anders has no explanation for how she could stand by and do nothing as Mr. Anderson throttled the 66-year-old Ms. Flanagan and hung her from a tree. Until she can better describe why she was complicit in these horrific events, I am not prepared to release her.

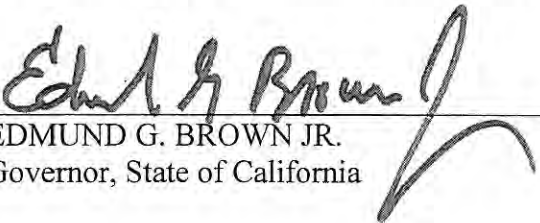


Sheila Anders, W-14543  
Second-Degree Murder  
Page 3

**CONCLUSION**

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

Decision Date: March 29, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**SALVADOR BUENROSTRO, D-04472**  
Second-degree murder

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

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

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

**STATEMENT OF FACTS**

Donald Bulpitt and Charles Snodgrass were business partners having a dispute over money. Dr. Bulpitt, through third parties, contracted with Salvador Buenrostro, a member of the Mexican Mafia prison gang, to kill Mr. Snodgrass for \$15,000. On September 11, 1979, Dr. Bulpitt scheduled a meeting with Mr. Snodgrass as a pretext for the murder. Mr. Buenrostro was provided with a gun, informed of the time and place of the meeting, and given the identity of Mr. Snodgrass. At the last minute, Dr. Bulpitt cancelled his meeting with Mr. Snodgrass. As Mr. Snodgrass and his lawyer left the appointment, Mr. Buenrostro ambushed them from behind and shot Mr. Snodgrass once in the head and once in the shoulder, killing him.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Buenrostro suitable for parole based on his lack of institutional misconduct since 1991, stable social history, family support, acceptance of responsibility, remorse, age, participation in self-help programs, completion of one vocational program, and parole plans.

I acknowledge Mr. Buenrostro has made efforts to improve himself while incarcerated. He has been incarcerated for this murder for over 32 years and is currently 67 years old. He has not been disciplined for serious misconduct since 1991. He has received above average and exceptional work ratings. Mr. Buenrostro has participated in self-help programs including Narcotics Anonymous, Criminals and Gangmembers Anonymous, Victim's Awareness, and Anger Management. He was validated as an inactive member of the Mexican Mafia in 2000. I

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

Mr. Buenrostro was a cold-blooded contract killer for the Mexican Mafia. He attacked an unsuspecting Mr. Snodgrass and killed him for the money and to increase the prison gang's notoriety. This killing was part and parcel of his extensive violent involvement with the Mexican Mafia.

I am troubled by Mr. Buenrostro's decades-long history as a powerful leader of the Mexican Mafia. As one of the Mexican Mafia's early members, Mr. Buenrostro ordered numerous stabbings of inmates, authorized the stabbing of a correctional officer, hid weapons in the prisons, had other inmates selling heroin for him, and arranged for the transportation of drugs and money in and out of the jails and prisons. From 1985 to 2002, Mr. Buenrostro was segregated because of his involvement with the gang. In 1991, due to internal conflicts within the gang, Mr. Buenrostro was stabbed 26 times in an attorney interview room of the LA County Jail by other members of the Mexican Mafia. Despite this extensive and violent involvement in the Mexican Mafia, Mr. Buenrostro recently stated at his hearing that "debriefing" – meaning dissociating from the gang – "is not in me." Until he demonstrates a clear desire to break free of the gang allegiances, I am not prepared to release him.

Furthermore, reliable confidential information details that in 2009 and 2010, Mr. Buenrostro sought to inflict violence on other inmates, engage in criminal activities, and violate prison rules. He has not behaved in a manner that assures me he has turned away from his criminal values and will not continue to act violently if released.

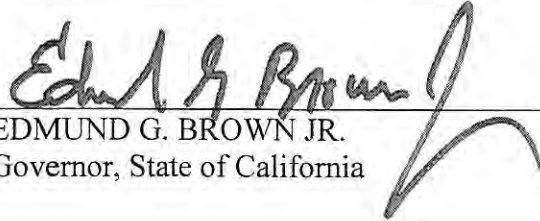
Mr. Buenrostro's substance abuse programming has been limited and insufficient. Mr. Buenrostro started sniffing glue two to three times per week in the 6<sup>th</sup> or 7<sup>th</sup> grade, drank heavily through his adulthood, regularly smoked marijuana and took barbituates, and finally, began using heroin intravenously two to three times a day. In his 32 years in prison, however, Mr. Buenrostro only attended Narcotics Anonymous from 2004 to 2006, and has not done any substance abuse treatment since then. Although Mr. Buenrostro claims that he refuses to participate in Narcotics Anonymous because it is too religious-based, he has not sought out alternative forms of treatment and has not developed a relapse prevention plan. I am not convinced that Mr. Buenrostro has sufficiently addressed his substance abuse addictions. I encourage him to recommit himself to substance abuse programming.

Salvador Buenrostro, D-04472  
Second-Degree Murder  
Page 3

**CONCLUSION**

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

Decision Date: March 29, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**JOSHUA LARK, B-84444**

First-degree murder

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

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

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

**STATEMENT OF FACTS**

On November 15, 1976, Joshua Lark and Travis Robinson went to the home of octogenarians Edward and Mary Richter to rob them. Mr. Lark knocked on the Richter's front door under the ruse of asking to use their phone. When Mr. Richter answered the door and refused to let them in, Mr. Lark and Mr. Robinson forced their way into the house. Mr. Richter tried to retrieve a Derringer handgun from his waistband, but Mr. Lark wrestled it from him. Mr. Lark beat Mr. Richter with the gun and his fists until Mr. Richter fell to the kitchen floor in a pool of blood. When Mrs. Richter started screaming, Mr. Lark told his accomplice to "shut her up." Mr. Robinson beat Mrs. Richter, who was confined to a wheelchair, and then dumped her onto the floor. When neighbors heard the screams, they called the police, armed themselves, and surrounded the Richter's house. Mr. Lark and Mr. Robinson were both shot and detained by the neighbors. Mr. Lark was immediately arrested. The Richters were taken to the hospital where Mr. Richter remained in a coma and died 3 months later from his injuries. Mrs. Richter was sent to a convalescent hospital and died a few months after her husband had passed.

This was not the first time that Mr. Lark had violently attacked and robbed elderly victims in their homes. In the three years preceding the life crime, Mr. Lark admitted to police that he had participated in two robberies, an illegal entry, a battery, and a burglary – all but one of which involved Mr. Lark inflicting violence on the resident. In one robbery, Mr. Lark pushed the 87-year-old resident, Frank Mikita, into his house and struck Mr. Mikita in the head with a wrench when Mr. Mikita denied having a wallet. Less than two weeks later, Mr. Lark and an accomplice severely beat resident Arthur Schultz, threatened him with a butcher knife, tied him up, and laid a couch on top of him.

**GOVERNING LAW**

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



## DECISION

The Board of Parole Hearings found Mr. Lark suitable for parole based on his rehabilitation, age, insight, acceptance of responsibility, remorse, vocational achievements, self-help programming, impulse control, relapse prevention plan, parole plans, and sobriety.

I acknowledge Mr. Lark has made efforts to improve himself while incarcerated. Staff have commended Mr. Lark for his excellent working relationship with staff and inmates, and for helping quell volatile situations. He helped establish the Black Education Cultural Awareness Program. He has participated in some self-help programming, including Alcoholics Anonymous and recent classes on Anger Management. I commend Mr. Lark for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Lark's crime was senseless and inhumane. Mr. Lark and Mr. Robinson targeted the elderly Richters because they were easy prey. After disarming the 89-year-old Mr. Richter and dumping the wheelchair-bound Mrs. Richter onto the floor, the couple posed no threat to Mr. Lark and his crime partner. Nevertheless, Mr. Lark and Mr. Robinson continued to beat them gratuitously and, in Mr. Richter's case, fatally – all for \$180 they eventually found.

I am concerned that Mr. Lark continues to minimize responsibility for murdering Mr. Richter. In 1986, Mr. Lark claims he did not "remember" beating Mr. Richter. In his 2011 psychological evaluation, he admitted hitting Mr. Richter with a gun while simultaneously pointing out that he did not kick Mr. Richter when he was on the ground. Mr. Lark contradicts that statement at his 2012 Board hearing by claiming he never struck Mr. Richter with a gun. I find Mr. Lark's shifting story about his attack on Mr. Richter to be suspect.

Mr. Lark also has trouble admitting to having targeted and violently attacked several victims prior to this murder. Mr. Lark states at his hearing that he only committed two robberies. But the record discloses that he committed at least five robberies from 1974 to 1976 and was suspected by police of committing several more. And, when asked by the Board what happened during his confrontation with Mr. Mikita, Mr. Lark responded, "He was tied up and *they say* he was hit with something." Later, he conceded: "I hit him. . . . I'll just admit. I'll admit that I hit him. I'll take responsibility for it." Mr. Lark's evident reluctance to fully disclose his violent behavior shows me that he remains unwilling to take responsibility for his actions.

Mr. Lark's elevated risk scores support my concerns. In 2009, the psychologist rated Mr. Lark in the medium range of psychopathy, moderate range for risk of violent recidivism, and an overall medium risk of violence. The psychologist concluded that Mr. Lark "needs to take a more explorative (and honest) look into the reasons behind his gross errors in judgment and how he will be able to satisfy any lingering or burgeoning need for quick profit while trying to adjust to community living where he will need to live within his means while meeting the mandates of parole." I agree. Until Mr. Lark can better explain what it was about his past or personality that prompted him to viciously attack so many helpless individuals, I am not prepared to release him.

**CONCLUSION**

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

Decision Date: March 29, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**AUDIE ROQUE, C-57849**  
Second-Degree Murder

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

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

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

**STATEMENT OF FACTS**

Audie Roque's 15-year-old girlfriend, Maggie Espinoza, was nearly six months pregnant with Mr. Roque's child. On August 24, 1982, they drove to the countryside and had sex. While having intercourse, Mr. Roque hit Ms. Espinoza on the head with a softball sized rock and asked, "Why did you have to get pregnant?" Mr. Roque hit Ms. Espinoza's head several more times with the rock before getting a shovel out of his car. Ms. Espinoza feigned unconsciousness, and Mr. Roque listened for breathing and began to cover her with grass. When Ms. Espinoza took another breath, Mr. Roque hit her twice more with the shovel and poked her in the eye with his finger. He wrapped Ms. Espinoza in a blanket, placed her in his car, and drove to another location. There, he pulled her from the car and let her fall to the ground. Mr. Roque again listened for signs of life. When he heard her still breathing, he beat her head with the shovel several more times and used both the shovel and the rock to strike her abdomen. Mr. Roque then returned to his car and left Ms. Espinoza for dead. Several hours later, Ms. Espinoza, naked and covered in blood, managed to make her way to a farmhouse. The residents of the house called the police. Ms. Espinoza survived, but the unborn baby died.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Roque suitable for parole based on his lengthy period of incarceration, stable social history, remorse, acceptance of responsibility, age, participation in self-help programming, and parole plans.

I acknowledge Mr. Roque has made efforts to improve himself while incarcerated. He earned an associate's degree and a general business certificate. He has participated in self-help programming, including Alcoholics and Narcotics Anonymous, Anger Management, and several

Alternatives to Violence mini-workshops. I commend Mr. Roque for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Roque's crime was exceptionally heinous. Rather than face the responsibility of being a father, Mr. Roque planned and tried to kill Ms. Espinoza and their unborn son. The ordeal she was forced to endure – being used for sex, having to pretend she was dead while her boyfriend beat her repeatedly, crawling for help, and enduring the agony of giving birth to their dead son – was horrific.

I am concerned that Mr. Roque has yet to adequately understand the reasons for his violence. Mr. Roque admits that he planned to kill Ms. Espinoza and his son. He put a shovel in the trunk of his car earlier in the day, so that he could bury Ms. Espinoza. At his hearing, he said, "this was first degree murder. This was premeditated." Yet, he also makes the contradictory statement that his anger and frustration "got the best of him" and that he felt "put on the spot" and "just wanted the situation to go away." He also explains that he decided to attack Ms. Espinoza because she wouldn't "shut up" about how they would care for their child.

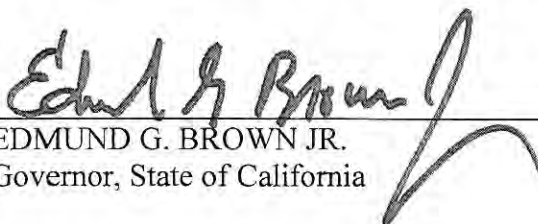
His expressed confusion about whether he planned or spontaneously attacked Ms. Espinoza and their baby indicates to me that Mr. Roque has not sufficiently explored his reasons for committing this horrific violence. Many young men face adolescent fears of fatherhood, yet do not think to kill their pregnant girlfriends. Mr. Roque continues to blame Ms. Espinoza pressuring him into fatherhood as an explanation for his rage. Until he has worked through the reasons for the extent of his rage, I am concerned he will act out violently again if he encounters a stressful situation.

Mr. Roque's elevated risk score supports my concerns. The psychologist assessed him as a moderate risk of violence based in part on his lack of insight regarding taking a human life. I encourage Mr. Roque to continue to participate in available self-help programs and independent study to better understand his reasons for committing this crime.

### CONCLUSION

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

Decision Date: March 29, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**ALFREDO ABRAHAM, J-26717**  
Second-degree murder

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

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

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

**STATEMENT OF FACTS**

On May 10, 1992, Alfredo Abraham went to purchase crack cocaine from an alley in downtown Los Angeles. He confronted William Cornejo, who was also purchasing drugs, and demanded to know Mr. Cornejo's gang affiliation. When Mr. Cornejo indicated he was from the Mara Salvatrucha gang, Mr. Abraham and his co-defendants Jesus Ruiz and Fernando Perez began beating Mr. Cornejo. Mr. Ruiz stabbed Mr. Cornejo in the abdomen. Mr. Cornejo broke free and ran for two blocks before collapsing and dying.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Abraham suitable for parole based on his insight and acceptance of responsibility, age and maturation, self-help programming, work reports, and parole plans.

I acknowledge Mr. Abraham has made efforts to improve himself while incarcerated. He obtained his high school equivalency in 1993 and completed a vocation. He has consistently held institutional positions and received above average to exceptional work ratings. Mr. Abraham has also participated in some self-help programming, including Alcoholics and Narcotics Anonymous, Anger Management, Alternatives to Violence, Life Cycle, and Communication. I commend Mr. Abraham for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Abraham has battled life-long drug addictions, and his inconsistent substance abuse programming raises serious questions about his ability to remain sober. Mr. Abraham began



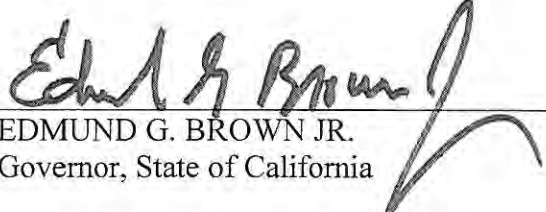
drinking alcohol, smoking marijuana, and taking cocaine and PCP at age fifteen, and using heroin intravenously by age twenty-two. He was high on crack cocaine at the time he participated in the murder of Mr. Cornejo. His drug use continued in prison. Mr. Abraham recently admitted to the Board that he was using heroin “heavily” from 2004 to 2007—at the same time that he was attending Narcotics Anonymous classes. Although Mr. Abraham indicated that he stopped using drugs in 2007, he inexplicably stopped attending substance abuse programs at the same time. He returned to Alcoholics Anonymous in 2011 and prepared a written relapse prevention plan in 2012. I am encouraged by Mr. Abraham’s recent efforts to address his drug addictions. But given his extensive drug abuse history, recent relapses, and his inconsistent drug treatment, Mr. Abraham must demonstrate a more sustained commitment to his sobriety before he can be safely released into society.

Mr. Abraham’s elevated risk scores support my concerns. In 2009, the evaluating psychologist rated Mr. Abraham in the moderate range for psychopathy, moderate range for risk of violent recidivism, and an overall moderate to medium risk of violence. The psychologist concluded that Mr. Abraham’s risk of violent recidivism “could be expected to *increase* if he ... resumed substance use.” I note that the Board has not prepared a more recent psychological evaluation that could reflect a different risk assessment given Mr. Abraham’s more recent programming. I direct the Board to prepare a new evaluation in advance of Mr. Abraham’s next suitability hearing.

### CONCLUSION

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

Decision Date: April 5, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**GERMAN ZAMORA, J-30852**  
Second-degree murder

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

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

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

**STATEMENT OF FACTS**

On August 12, 1993, German Zamora and Sergio Soberano consumed several beers together before driving home. Police observed Mr. Zamora driving in an erratic manner and attempted to pull him over. Mr. Zamora sped away, accelerated to over 100 miles per hour, and drove through several red lights before hitting a car. The driver of the other vehicle, Clarence Jones, was injured and the passenger, Willie Ramsey, was killed from massive head and body trauma. Mr. Zamora had a blood alcohol level of 0.16 an hour after the crash.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Zamora suitable for parole based on his remorse, acceptance of responsibility, insight, lack of disciplinary violations, self-help programming, educational and vocational upgrades, parole plans, lack of significant criminal history, and psychological evaluations.

I acknowledge Mr. Zamora has made efforts to improve himself while incarcerated. He has participated in many self-help programs, including Alcoholics and Narcotics Anonymous, Celebrate Recovery, Victims Reflection, and Impulse Behavioral Control. He has completed 4 vocations, and obtained his GED. I commend Mr. Zamora for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Zamora's crime was utterly senseless. Less than one year after a conviction for driving under the influence, Mr. Zamora again drove while highly intoxicated. He compounded his error by recklessly speeding away from police at over 100 miles per hour and running through several

stop lights. His callous behavior resulted in the death of Mr. Ramsey and serious injury to Mr. Jones.

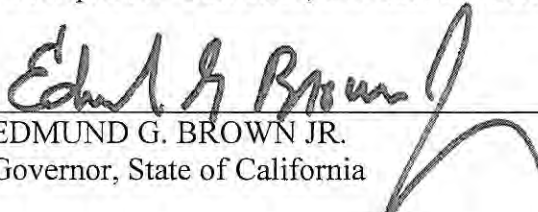
I am troubled that Mr. Zamora has not sufficiently addressed his alcohol addiction. Although he attended Alcoholics Anonymous for nearly 20 years, Mr. Zamora implausibly claims that he drank excessively only two to four times a year and was unable to identify the triggers that might lead him to relapse. His relapse prevention plan is vague and limited. When asked by the Board what led him to drink to such excess the night that Mr. Ramsey was killed, Mr. Zamora was unable to articulate any reasons beyond wanting to “feel good.” The psychologist who evaluated Mr. Zamora in 2009 concluded that Mr. Zamora’s ability to refrain from substance abuse in the community is “at best, fair” and explained that Mr. Zamora’s “understanding of the causal factors in his drinking was minimal. He could only say that he drank to relax, with no apparent awareness that needing to relax would not cause the significant amount of impairment that his history would suggest.” I encourage Mr. Zamora to develop a comprehensive relapse prevention plan, a better understanding of the root causes of his desire to drink, and coping strategies for maintaining his sobriety.

I am also concerned that Mr. Zamora does not have an adequate parole plan. Mr. Zamora entered this country illegally and will be deported to the southern border. His family lives in Tlaxcala, in southeast Mexico, but he has no apparent way to get there. He told the Board that he plans to live in Tijuana temporarily and to wash cars or carry groceries to earn enough money to travel to his parent’s home. He has not identified any Alcoholics Anonymous meetings in Tijuana and does not have a sponsor. I note that Mr. Zamora has illegally entered the United States twice before. The 2009 psychologist warned that Mr. Zamora’s risk of violent recidivism would likely increase if he “turned to the use of intoxicating substances, found himself without permanent residence, did not have sufficient income to meet his living expenses, or lack social support in the community”—all of which are likely possibilities if he lives hand to mouth on his own, just across the border in in Tijuana.

### CONCLUSION

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

Decision Date: April 5, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**BRADFORD BRYANT, C-16113**  
Second-degree murder

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

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

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

**STATEMENT OF FACTS**

Bradford Bryant was married to Beverly Kohlstaedt and lived with her and her daughter, Angela. Mr. Bryant and Beverly eventually divorced, and Beverly married Gerald Kohlstaedt. Mr. Bryant and Mr. Kohlstaedt had exchanged threats in the few months before the murder. Early in the morning on November 13, 1979, Mr. Bryant went to his ex-wife's new residence to talk to her new husband, Mr. Kohlstaedt, because Angela had accused Mr. Bryant of raping her three years earlier. Mr. Kohlstaedt planned to report Mr. Bryant to police. As Mr. Kohlstaedt left his house to go to work, Mr. Bryant met him in his driveway and tried to discuss the alleged rape. But Mr. Kohlstaedt refused to talk to him and punched Mr. Bryant in the face, knocking him to the ground. As Mr. Kohlstaedt walked away, Mr. Bryant took out his knife and stabbed Mr. Kohlstaedt in the back. The knife broke off in Mr. Kohlstaedt's back, but Mr. Bryant continued to stab him with the broken knife. Mr. Bryant stabbed Mr. Kohlstaedt a total of 13 times in the back and chest. Mr. Kohlstaedt fought back, but fell to the ground when Mr. Bryant hit him with a piece of wood. As Mr. Kohlstaedt lay on the ground, Mr. Bryant threw a 76 pound rock onto his head and left him to die. Mr. Bryant then knocked on the front door, told Beverly he had just gotten into an accident, and went inside the home to wash up. He did not tell Beverly that her husband lay dying beside the house. Beverly found Mr. Kohlstaedt's body later that day.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Bryant suitable for parole based on the length of time since his commitment offense, psychological evaluation, behavior in prison, self-help, age, and parole plans.



I acknowledge that Mr. Bryant has made efforts to improve himself while incarcerated. He has participated in self-help programs, including Alcoholics Anonymous since 1985, Anger Management, and Getting Out by Going In. He has consistently earned above average work ratings and has completed several vocational programs. He has only received one serious rule violation in over 33 years in prison. I commend Mr. Bryant for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Bryant's crime was senseless and vicious. Armed with a knife, Mr. Bryant went to confront Mr. Kohlstaedt because he intended to report the alleged rape to police. As Mr. Kohlstaedt walked away, Mr. Bryant stabbed him in the back and chest 13 times with such force that the blade broke off and remained lodged inside Mr. Kohlstaedt. As Mr. Kohlstaedt lay defenseless on the ground, Mr. Bryant crushed Mr. Kohlstaedt's head with a 76 pound rock, leaving him dying and disfigured.

I am troubled that Mr. Bryant is not being forthright about his intentions when he confronted Mr. Kohlstaedt. According to the probation report, "there was long term animosity and hostility" between Mr. Bryant and Mr. Kohlstaedt, and they had exchanged threats in the few months before the murder. Mr. Bryant also told the probation officer that Mr. Kohlstaedt "hated his guts" and that "he brought his knife with him because he knew [Mr. Kohlstaedt] did not like him." But at his recent psychological evaluation, Mr. Bryant stated that "he did not expect problems to arise between himself and the victim" and that he did not take his step-daughter's rape allegation seriously. He told the psychologist and the Board that he did not intend to harm Mr. Kohlstaedt until after he was punched in the face. I do not find Mr. Bryant's recent statements credible. Given their acrimonious relationship and the serious nature of the allegations against him, I do not believe Mr. Bryant's claim that he just wanted to talk to Mr. Kohlstaedt when he made this early-morning visit.

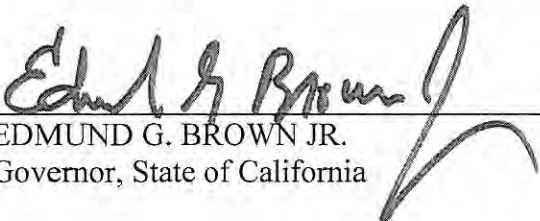
I am also not convinced that Mr. Bryant is now prepared to deal with emotions and conflict in a constructive, non-violent manner. The psychologist concluded that Mr. Bryant has limited insight into the "affective or emotional factors which contributed to his drinking as well as the life crime," and encouraged him to "focus on better accessing and understanding his emotional life" so that he can "productively address his emotional responses" and "prevent build-up of negative emotion." Mr. Bryant's inability to control his emotions led him to commit a brutal crime. When asked at his hearing about his plan to deal with conflict in the community, he reported he would just "walk away" or "let [it] go." I encourage him to come up with a more comprehensive plan to examine his emotions and resolve conflict and stressful situations in the community without violence.



**CONCLUSION**

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

Decision Date: April 26, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**GILBERT CORONEL, D-91567**  
Second-degree murder

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

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

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

**STATEMENT OF FACTS**

On October 5, 1986, Raymundo Macias and Gilbert Coronel met Darlene Sotello and Debby Galvan and agreed to return to Ms. Galvan's apartment. The men offered cocaine to Ms. Sotello and Ms. Galvan but did not tell them that the cocaine was laced with PCP. Their objective was to disorient and intoxicate the women to have sex with them. Both women snorted the drugs. Ms. Sotello left the apartment with Mr. Macias and he sexually assaulted her in the back seat of a car and left her there. Ms. Galvan remained in the apartment with Mr. Coronel. Mr. Coronel emerged from the apartment after raping Ms. Galvan, and the two men left.

On October 7, 1986, Ms. Galvan was found by her apartment manager. Her clothes were on backwards and she was drugged and incoherent. She was taken to the hospital where doctors determined she was under the influence of PCP and had been sexually assaulted. Her intoxication from PCP was so severe that she could not be interviewed by police investigators. Her disorientation lasted for two weeks. On October 10, 1986, Ms. Sotello's naked body was discovered in her car. She died of a drug overdose caused by ingestion of the PCP.

Mr. Macias and Mr. Coronel were also the suspects of three other sexual assault crimes involving the same modus operandi – drugging women with PCP-laced cocaine and raping them. Neither was charged or convicted of in these incidents. Mr. Coronel admits being involved in one of these incidents two months before this crime and says that he engaged in similar cases involving drugs and sex crimes two times.

**GOVERNING LAW**

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

### DECISION

The Board of Parole Hearings found Mr. Coronel suitable for parole based on his minimal prior criminality, institutional behavior, psychological evaluation, participation in self-help programs, acceptance of responsibility, educational and vocational development, and remorse.

I acknowledge Mr. Coronel has made efforts to improve himself while incarcerated. He earned a GED and completed several vocational programs. He participated in self-help programming including Narcotics Anonymous and the Substance Abuse Program. He routinely received satisfactory and above average work ratings. He has been disciplined only three times for serious misconduct in over 26 years in prison. I commend Mr. Coronel for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Coronel and Mr. Macias committed a despicable, calculated crime. They laced cocaine with a lethal dose of PCP in order to severely disorient and rape Ms. Sotello and Ms. Galvan. Their devious actions resulted in Ms. Sotello's death, and left Ms. Galvan in a state of severe drug intoxication. This was not the first time Mr. Coronel drugged and raped women. His repeated violent sex crimes demonstrate his callous disregard for women.

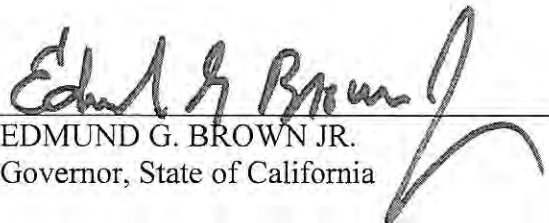
Mr. Coronel's understanding of the factors that led him to commit this senseless crime is weak and inadequate. He claims that he was simply motivated by selfishness and sexual gratification. The psychologist who evaluated Mr. Coronel in 2012 opined that his stated reasons were "rather vague, simplistic, and limited" and concluded that he had "a limited awareness and understanding of the factors and contributing causes of his behaviors leading up to, and during, the life crime." I agree. Sexual desire and selfishness do not justify or sufficiently clarify the thought process behind his actions. Mr. Coronel has yet to rationally explain how he could so easily deprive women of their free will and rape them. The fact that he has not worked through the reasons behind his pattern of sexual violence leads me to believe he remains a risk to public safety.

My concerns are confirmed by the psychologist's recent assessment of Mr. Coronel's probability of committing another sex crime. The Static-99R measures risk factors empirically shown to be associated with sexual recidivism. Mr. Coronel was rated a "low-moderate" risk using this instrument in 2012. The Sixth Appellate District previously criticized the Board for relying on a 2008 psychological evaluation that rated him a "moderate" risk of sexual recidivism. I find his current Static-99R scores probative when considered along with his deficient insight into his reasons for committing these crimes. As the United States Supreme Court has concluded, the risk of recidivism posed by sex offenders is "frightening and high" and an inmate's identification of the traits that cause such a "frightening and high" risk of recidivism is critical to his rehabilitation. (*McKune v. Lile* (2002) 536 U.S. 24, 33-34 (plur. opn. of Kennedy, J.)) Given Mr. Coronel's deficient understanding of his reasons for committing these crimes and his statistical probability of committing another crime involving sexual violence, I am not prepared to release him into the community at this time.

CONCLUSION

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

Decision Date: April 26, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**RICHARD HERRERA, D-10785**  
Second-Degree Murder

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

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

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

**STATEMENT OF FACTS**

On November 9, 1983, Richard Herrera was taking care of his girlfriend's niece, 15-month-old Naomi Del Toro. Mr. Herrera beat her, shook her, struck her head on the rail of the couch, and pulled her arms and legs. After Naomi lost consciousness, Mr. Herrera cleaned up the bloody clothing and waited several hours before he drove her to a local gas station and called an ambulance. Naomi had sustained injuries to her head, chin, neck, legs, and back, and had dried blood around her mouth. Naomi was declared brain dead at the hospital and died the next day. The coroner's report also indicated that her vagina appeared abraded and bruised and that her anus appeared dilated. Police found a blood-stained diaper in a trash can outside the house, and several items of bloody clothing inside the house.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Herrera suitable for parole based on his self-help programming, educational and vocational achievements, positive work ratings, parole plans, and lack of serious prison misconduct.

I acknowledge Mr. Herrera has made efforts to improve himself while incarcerated. He obtained his GED, completed vocational training, and was commended by his work supervisor for being a positive employee. He has only received two serious rules violations in prison, and has participated in self-help programming, including Alcoholics Anonymous, Narcotics Anonymous, and anger management courses. I commend Mr. Herrera for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.



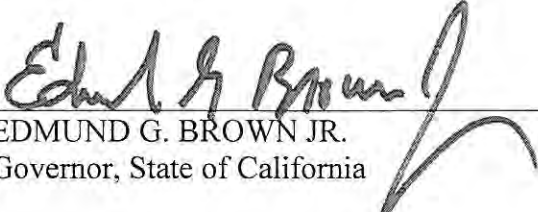
Mr. Herrera's crime was repugnant and utterly senseless. He violently beat and shook a 15-month old toddler to death. While she lay unconscious, Mr. Herrera cleaned up the bloody mess to cover up evidence of his crime, waiting hours before calling for help.

I am troubled that Mr. Herrera has not adequately explained what led him to perpetrate such extreme violence on a helpless child. Mr. Herrera told the Board he had been using marijuana and cocaine, and was "selfish" and "angry" because he felt "trapped" into taking care of Naomi. He stated that "the selfishness that I was experiencing at that time, I didn't care about what was going on around me. All I cared about was her to stop crying." I find this explanation wholly inadequate. Drug abuse, selfishness, and the stress of caring for a child do not fully explain how Mr. Herrera brought himself to so viciously attack Naomi. Child-rearing was nothing new for Mr. Herrera; when he was just eighteen he raised his infant son with his girlfriend for three years without any reported incident. He has not yet articulated why his reaction in this situation with Naomi was so different. The nature of Mr. Herrera's crime coupled with his inability to sufficiently set out some credible explanation for his actions tells me that there is substantial risk of danger to the public were he to be released from prison.

#### CONCLUSION

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

Decision Date: April 26, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**THOMAS MCCOY, C-85047**

First-degree murder

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

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

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

**STATEMENT OF FACTS**

On October 12, 1982, Thomas McCoy and Windell Paul approached Rufus Elliot, a 72-year-old security guard, intending to steal his gun. Mr. McCoy pointed a gun at Mr. Elliot and demanded that Mr. Elliot hand over his weapon. When Mr. Elliot reached for his own gun, Mr. McCoy shot him three times, killing him. Mr. McCoy ran away, then returned to Mr. Elliot's body to take his gun before fleeing again. A witness chased Mr. McCoy, but Mr. McCoy pointed his gun at him and escaped.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. McCoy suitable for parole based on his acceptance of responsibility, insight, lack of recent or violent prison misconduct, educational and vocational work, self-help programming, and parole plans.

I acknowledge Mr. McCoy has made efforts to improve himself while incarcerated. He earned his GED and a certificate in real estate practice, completed vocational training, and was commended by his job supervisor for his work ethic. He also volunteered for a juvenile diversion program, and has participated in self-help programming, including Narcotics Anonymous and anger management courses. I commend Mr. McCoy for taking these positive steps, and I acknowledge that he was only sixteen when he committed this crime. But these circumstances are outweighed by negative factors that demonstrate he remains unsuitable for parole.

I am troubled by Mr. McCoy's demeanor when discussing his crime. The psychologist who evaluated him in 2012 noted that Mr. McCoy displayed a shallow affect, and that his initial statements about the murder seemed "rehearsed," "robotic and memorized." Significantly, the psychologist stated that Mr. McCoy's "perspective on the crime and statements related to the significance of killing the victim were superficial and based in more of an intellectual understanding of the significance of his behavior rather than an emotionally-based reaction to having killed another human being." Mr. McCoy's manner of speaking about the murder, his affect, and his overall presentation in the mind of the psychologist is consistent with traits of psychopathy. This causes me concern that he remains a risk to public safety if released at this time.

Mr. McCoy's shifting accounts of his involvement in the crime are also troubling. It was only after years of denying that he even committed the crime that Mr. McCoy first admitted his involvement in 2004, claiming he was only a witness to the murder. In 2008, he confessed for the first time that he shot Mr. Elliot, although he maintained it was an accident. One year later, he recanted and again claimed he was not the shooter. After years of presenting these varying stories, Mr. McCoy finally accepted full responsibility for Mr. Elliot's murder to the psychologist and the Board in 2012. I agree with the psychologist that Mr. McCoy's acceptance of responsibility has allowed him to begin to identify and analyze the factors that led to his criminal behavior. I urge Mr. McCoy to continue to own up to his crime, to reflect on it, and to explore more deeply his reasons for committing the murder.

### CONCLUSION

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

Decision Date: April 26, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**RANDY COWELL, C-97175**  
First-degree murder

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

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

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

**STATEMENT OF FACTS**

Randy Cowell was placed into a foster home as a teenager. He lived with Hazel Yoder for approximately one year. Mr. Cowell and Ms. Yoder stayed in touch over the years. Ms. Yoder moved to California and married Dr. David Wood. Over a decade after he had lived in Ms. Yoder's foster home, Mr. Cowell moved in with Ms. Yoder and Dr. Wood and lived with them between June and November 1982. Dr. Wood and Ms. Yoder went through a contentious divorce, but Dr. Wood continued to try to help Mr. Cowell by renting him an apartment and furnishing it. Apparently Mr. Cowell was upset with Dr. Wood because of the divorce and wanted to steal a valuable coin collection, so he planned to burglarize Dr. Wood's home.

In early-January, 1984, Mr. Cowell recruited Andrew Step and Maureen Carroll to assist him in the burglary. On January 31, 1984, Mr. Cowell and Mr. Step went into the backyard of Dr. Wood's house. From their vantage point, they could see the bald head of Hugo Gonitzke, a 79-year-old house guest, watching television. They checked to see if any doors were unlocked and then Mr. Step reached through a dog door to unlock a back door to the house. Mr. Cowell and Mr. Step then left to pick up Ms. Carroll at the bar where she worked. Several hours later, the three returned to Dr. Wood's house wearing gloves, bandanas, and stocking caps. They removed their shoes, slipped in through the door they had unlocked earlier, and snuck up behind Mr. Gonitzke. Mr. Step struck Mr. Gonitzke's head a number of times with a hammer and Mr. Cowell hit him with a broken pool cue. Mr. Cowell went into the garage and got rope. He had Mr. Step and Ms. Carroll hog-tie and gag Mr. Gonitzke. Mr. Step ripped Mr. Gonitzke's watch from his arm, and all three ransacked the house, taking anything they believed had value. They loaded the stolen goods in Ms. Carroll's station wagon and left. Mr. Gonitzke was bleeding on the floor, tied up, and gagged. He died of blunt force trauma to the head and asphyxiation.

**GOVERNING LAW**

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



## DECISION

The Board of Parole Hearings found Mr. Cowell suitable for parole based on his lack of violent criminal history, age, lack of violent misconduct in prison, remorse, parole plans, family support, psychological evaluations, participation in self-help, and book reports.

I acknowledge Mr. Cowell has made efforts to improve himself while incarcerated. He has been disciplined for serious institutional misconduct only three times in nearly 29 years. He has been commended for his initiative and resourcefulness and has received positive work evaluations. He has participated in a few self-help classes, including Alternatives to Violence and Anger Management. I commend Mr. Cowell for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Cowell's crime was utterly senseless. He cruelly plotted revenge on Dr. Wood for divorcing Ms. Yoder. He and his crime partners invaded Dr. Wood's home and snuck up behind Mr. Gonitzke, a septuagenarian who posed no threat to them, to attack him with a hammer and pool cue. They bound and gagged him, ransacked the house, and left him to die.

I am troubled that Mr. Cowell is not being forthright about this crime or his reasons for committing it. He told the Board he brought the pool cue and hammer to Dr. Wood's house to break in, saying, "we didn't know how we were going to get in the house before we got there." He also claimed that the planned burglary escalated into an attack on Mr. Gonitzke because, "When we got there and we saw through the window curtain that there was someone there... good sense we should have left. Decency we should have left. But, like I said, I had talked them into this or talked the whole thing up to them..." When he was arrested, his story was quite different. He and Mr. Step independently told police that they unlocked Dr. Wood's door when they first saw Mr. Gonitzke watching television, then left for several hours before returning to break in. These disparate accounts make me doubt Mr. Cowell's honesty and lead me to believe that he is minimizing his culpability for this crime. Mr. Cowell and Mr. Step had already unlocked the door and left Dr. Wood's house for several hours. Their decision to return with weapons was calculated, made with full knowledge of Mr. Gonitzke's presence, not the impulsive result of their adrenaline and Mr. Cowell "talking up" the robbery as he now claims. Until Mr. Cowell shows that he has genuinely explored and can give a credible account of the circumstances that led to the murder, I cannot be persuaded that he would not commit future acts of violence if released from prison.

Mr. Cowell has also made limited and inadequate efforts to address the issues that contributed to the murder. In nearly 29 years in prison, he has attended only 4 self-help classes – Alternatives to Violence, Anger Management, Harmony in the Home, and Lifeskills – and participated in Alcoholics Anonymous in 2009, 2011, and 2012. Although this is his third prison term, he has made little effort to demonstrate that he is committed to overcoming his criminal lifestyle.



Randy Cowell, C-97175  
First-Degree Murder  
Page 3

**CONCLUSION**

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

Decision Date: May 3, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**BRUCE KINGMAN, E-35531**  
Second-degree murder

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

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

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

On April 19, 1989, Gail Pisula telephoned her mother and told her she was breaking up that night with her boyfriend of five years, Bruce Kingman. According to Mr. Kingman, Ms. Pisula arrived drunk at his trailer that night at 10:00 p.m. He claims a shoving match ensued, and it ended when Mr. Kingman pushed Ms. Pisula out the door where she fell onto the deck. Early the next morning, Mr. Kingman called 911 and reported that he found "a corpse" on his deck. Ms. Pisula's body was badly bruised, the thyroid cartilage in her neck on the right side was fractured, a molar from her right upper jaw and a broken necklace were found lying near her, her neck was scratched and bruised, and her left eye was swollen. Ms. Pisula died from blunt force trauma to her head, which could have resulted from her falling on the back of her head or receiving a blow to the left side of her head. Police found blood spatters inside the trailer consistent with Ms. Pisula's blood type. The coroner opined that Pisula's injuries could not have resulted from a single fall, and that some of the bruising on her neck was consistent with strangulation. Ms. Pisula's family cremated her body because it was so badly beaten.

This was not the first time Mr. Kingman had violently abused Ms. Pisula. Her father told the probation officer that he had seen Ms. Pisula with black eyes and a puffy face and that her friends commented that Mr. Kingman had beaten her. A December 1988 entry in Ms. Pisula's diary reflected that Mr. Kingman had "rearranged her face." Her family was so familiar with Mr. Kingman's abuse of Ms. Pisula that, when her mother called Ms. Pisula's sister regarding the murder, she simply explained, "He finally did it." In 1992, even Mr. Kingman admitted to having slapped Ms. Pisula and having thrown her overboard from a boat.

**GOVERNING LAW**

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

### DECISION

The Board of Parole Hearings found Mr. Kingman suitable for parole based on his stable social history, completing high school, acceptance of responsibility, age, parole plans, support from friends and family, participation in institutional activities, psychological evaluation, and lack of a juvenile criminal history, and disciplinary violations in prison.

I acknowledge Mr. Kingman has made efforts to improve himself while incarcerated. He has never been disciplined for serious misconduct and he has earned positive work ratings. He has participated in some self-help programming, including Alcoholics Anonymous and Anger Management. I commend Mr. Kingman for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Kingman's crime was vicious and disturbing. He mercilessly beat and strangled Ms. Pisula, both in and out of the trailer, such that she was bruised from head to toe. Her necklace was ripped from her neck, her molar flew out of her mouth, and the thyroid cartilage in her neck was fractured. His brutal killing of someone he supposedly loved was an extraordinarily disproportionate reaction to her being intoxicated and boisterous.

Mr. Kingman minimizes the extent of his previous abuse of Ms. Pisula and culpability for this murder. At his 2012 hearing, he reported that the only physical violence he had ever inflicted on Ms. Pisula was throwing her overboard. He explained that he took responsibility for "not identifying that there was an issue and dealing with it appropriately," "not dealing with the issue at hand when she showed up," and "overreacting to a situation and murdering Gail." Yet, he made the absurd claim to the psychologist who recently evaluated him that Ms. Pisula's bruises "had more to do with her alcohol abuse than violence perpetrated by him." Mr. Kingman's insistence that he only pushed her during the fight is not credible. His denial of any previous abuse is equally preposterous. Mr. Kingman's refusal to own up to his violence towards Ms. Pisula indicates to me that he has not dealt with the reasons for it.

Consistent with his superficial understanding of the murder and his abuse, Mr. Kingman has done little to work through the reasons he acted so violently. In the last two decades, he has taken one class specifically designed to address intimate partner violence. I encourage Mr. Kingman to participate in available self-help programming and independent study to address his issues. Until Mr. Kingman shows that he has genuinely explored and can give a credible account of the circumstances that led to the abuse and murder of Ms. Pisula, I cannot be persuaded that he would not commit similar acts of violence if released from prison.

Bruce Kingman, E-35531  
Second-Degree Murder  
Page 3

CONCLUSION

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

Decision Date: May 3, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**ANTHONY BROWN, J-20572**  
Second-degree murder

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

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

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

**STATEMENT OF FACTS**

Mia Jackson was 8 ½ months pregnant with Anthony Brown's son. They had recently broken up, so on September 21, 1993, she went to Mr. Brown's apartment to collect her things and money that he owed her. Mr. Brown found another man's telephone number on her pager and became enraged. He twice threatened to kill her and her mother. When Ms. Jackson tried to leave the bedroom, Mr. Brown pushed her to the floor, and kicked and punched her in the stomach and all over her body. Ms. Jackson crawled onto the bed and reached for the telephone, but Mr. Brown snatched it away from her. Mr. Brown hit her on the nose with the telephone when she reached for it again, making her nose bleed. As she lay on the bed, Mr. Brown leaned against the dresser and kicked and punched her in the stomach. Ms. Jackson started to feel sick, but Mr. Brown would not let her leave his room to use the bathroom. Mr. Brown yelled, "Fuck that baby. I don't care if you need to go to the bathroom. After I finish kicking your ass, you're going to be going to the bathroom on yourself." Ms. Jackson had to vomit onto a towel and comforter in his bedroom. Mr. Brown took the towel and comforter out of his room, placed them in the laundry room, and he returned to his bedroom to assault Ms. Jackson a third time. Ms. Jackson was only able to escape when Mr. Brown's mother knocked on the bedroom door and asked her to leave.

When Ms. Jackson arrived home, her mother discovered her crying and holding her stomach, with blood on her pants. She took her daughter to the hospital where doctors discovered the baby had died. They induced labor and Ms. Jackson delivered a stillborn son. The baby died from a blow to the head and asphyxiation due to separation of the placenta caused by trauma to the upper right area of the uterus.

**GOVERNING LAW**

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



### DECISION

The Board of Parole Hearings found Mr. Brown suitable for parole based on the length of time since the commitment offense, his psychological evaluation, remorse, age, self-help, vocational training, and parole plans.

I acknowledge that Mr. Brown has made efforts to improve himself while incarcerated. He has participated in self-help programming, including Alcoholics and Narcotics Anonymous, Anger Management, and Life Without a Crutch. He has routinely received exceptional work ratings. He has not incurred a serious rule violation since 2005 and has nearly completed his associate's degree. I commend Mr. Brown for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Brown's crime was brutal and reprehensible. Mr. Brown repeatedly struck his very pregnant ex-girlfriend in the stomach during at least two separate bouts of rage. He killed his nearly full-term son by kicking his head in-utero and causing him to suffocate due to placental abruption. He showed no care for Ms. Jackson's life and prevented her from leaving his bedroom or calling for help. Mr. Brown's mother told the probation officer that this was "not the first time they had an altercation with each other in the bedroom."

I am concerned that Mr. Brown has failed to come to grips with the severity and callousness of his actions. At his recent hearing, when the Board asked him what happened, Mr. Brown stated, "I slapped her on the side of the head, pushed her, and then I kicked her. I left the room. . . . She got up, walked away . . . and left." In contrast to the record, Mr. Brown claims there was only one instance of physical aggression on his part. He does not acknowledge the extent of the violence he inflicted on Ms. Jackson or his intentions when he yelled "Fuck that baby" and continued to violently beat her. He has not explained how he could so cruelly strike her until and after she became ill, prevent her from using the restroom, block her from leaving his bedroom and hit her with the phone, or fail to seek medical help for her and the baby. Mr. Brown's description of events whitewashes the extent of the violence he inflicted on Ms. Jackson, and therefore, I find that he significantly minimizes his culpability in the death of his unborn son.

Mr. Brown has not sufficiently explained the reasons for his rage and violence directed towards Ms. Jackson. He told the Board that he beat Ms. Jackson because he was jealous and selfish. The 2011 psychologist concluded that Mr. Brown "does not understand the causes of his inappropriate jealous reaction and other antisocial behavior." I agree. His reasons are superficial and miss the mark. Many are jealous and selfish, but do not abuse women. Consistent with his deficient insight, I note that Mr. Brown has not participated in any self-help programs on the subject of domestic violence or reported any independent study on the topic. I encourage him to comprehensively explore what it was about his past or personality that allowed to repeatedly beat and kick a very pregnant woman, so that he can constructively deal with issues that will arise in his future romantic relationships. Until he does so, I am not prepared to release him on parole.

**CONCLUSION**

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

Decision Date: May 8, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**PAUL TASH, C-73850**  
Second-degree murder

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

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

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

**STATEMENT OF FACTS**

On February 8, 1983, Paul Tash stole his roommate's car and drove to his drug supplier's apartment to buy methamphetamine. Armed with a handgun, Mr. Tash knocked on the door, and his drug supplier's roommate, Ronald Carpenter, opened the door. Mr. Carpenter informed Mr. Tash that his drug supplier was not there and asked him to leave. Mr. Tash left, but returned a few minutes later and forced his way into the apartment. Mr. Carpenter hid in the bathroom and closed and locked the door. Mr. Tash fired three shots through the door striking Mr. Carpenter in the head and chest, killing him.

The Board of Parole Hearings found Mr. Tash suitable for parole in 2010, and Governor Schwarzenegger allowed the Board's grant of parole to stand. Mr. Tash was released on parole on January 7, 2011. On March 24, 2011, Mr. Tash provided a urine sample that tested positive for methamphetamine. A parole revocation hearing was scheduled for May 2, 2011, but Mr. Tash did not appear and the Board issued a warrant for his arrest. Mr. Tash reported to the parole office the following day. The parole agent noted that Mr. Tash "appeared to be under the influence of a controlled substance. His speech was heavily slurred, and he was sweating profusely. A light was used to attempt to constrict his pupils, but in direct light his eyes would not adjust." Mr. Tash was arrested and taken into custody. On June 29, 2011, his parole was revoked. The Board again granted parole on January 29, 2013.

**GOVERNING LAW**

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

### DECISION

The Board found Mr. Tash suitable for parole in 2013 based on his positive work reports, family support in the community, parole plans, psychological evaluation, participation in Bible study courses, acceptance of responsibility for his crime and parole violation, and lack of misconduct since being returned to prison.

I acknowledge Mr. Tash has made efforts to improve himself while incarcerated. In the nearly 28 years in prison before he was released on parole, Mr. Tash participated in years of Alcoholics and Narcotics Anonymous, Re-engaging into Society, Substance Abuse Therapy Group, and a variety of classes on anger management and alternatives to violence. He participated in college classes and spent over 14,000 hours as the lead productions clerk in textiles. Since his return to custody just over two years ago, Mr. Tash has earned satisfactory to exceptional work ratings and has been commended for his work ethic, attitude, and reliability. He has participated in some Bible study classes and has written several book reports. I commend Mr. Tash for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

I am troubled by Mr. Tash's continued struggle with methamphetamine addiction, particularly given that his commitment offense was a murder fueled by methamphetamine. He was abusing methamphetamine by 16. He progressed to intravenous use, sometimes daily, and was frequently under the influence of methamphetamine when committing crimes. He was high on methamphetamine when he went to purchase more drugs and killed Mr. Carpenter. Although he maintained sobriety for years in prison, just 76 days after being released on parole Mr. Tash tested positive for methamphetamine. His sister told his parole agent that she "felt uncomfortable around him" because the week he tested positive for drugs his eyes were bloodshot and he was looking and acting differently. Mr. Tash told his parole agent that he did not show up for his parole revocation hearing because he ran out of gas several times and "freaked out" for four hours when a gas station attendant told him he had a bug on his forehead. When he reported to the parole office the next day, 40 days after his failed drug test, he again appeared to be under the influence of a controlled substance. He told a nurse at the jail that he was taking meth for "male enhancement."

Mr. Tash has not made it a priority to participate in substance abuse programming since his return to prison. He plans to return to live with his elderly father, the same environment where he quickly relapsed in 2011. Mr. Tash unequivocally denies that he could relapse again. I encourage Mr. Tash to dedicate significant attention to these issues. His lack of effort to address his significant addiction, plans to return to the same environment where he was unsuccessful on parole in the past, and unrealistic expectation of his chance of another substance abuse relapse indicate to me that he is not prepared to be released from prison again.

CONCLUSION

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

Decision Date: May 8, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California



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

**MICHAEL MARTIN, C-04686**

First-degree murder

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

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

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

**STATEMENT OF FACTS**

Over the course of a four-month crime spree in 1977, Michael Martin and David Benard committed at least six armed robberies that culminated in the execution-style murder of correctional peace officer Victor Sam. These violent crimes followed the same modus operandi: Mr. Martin and Mr. Benard flagged down passing motorists using the pretext that their car had stalled and robbed them at gunpoint, or they deliberately collided with the victim's car to force the victims to the side of the road. Mr. Martin admits that he committed ten such robberies.

On June 29, 1977, a passing motorist stopped to help Mr. Martin and Mr. Benard, and accelerated when they attempted to rob him. Mr. Benard fired a .38 caliber revolver at the fleeing car and shattered the car window. On August 5, 1977, Thomas McCoy and his fellow passengers were robbed of their jewelry, cash and belongings after colliding with a stolen vehicle driven by Mr. Martin and his accomplices.

On August 18, 1977, the Frazer family car was blindsided by Mr. Martin and an accomplice. Holding a .38 caliber revolver, Mr. Martin took their cash and jewelry. As Mr. Martin drove away, he shot into the Frazers' car, striking the headrest behind Mr. Frazer's head. That same day, Edward Coughlin's car was hit. One of the robbers fired a shotgun into the driver's side window, striking Mr. Coughlin in the arm. After taking his wallet, Mr. Martin shouted "run, motherfucker, run." As Mr. Coughlin ran away, two more shots were fired at him.

On the morning of August 21, 1977, sixty-year-old Clara Fullwood returned home from a night shift at the hospital. She answered the doorbell and found Mr. Martin holding a .38 caliber revolver. Mr. Martin told her, "move and you're dead." Mr. Benard then shot Ms. Fullwood in the face with his shotgun, shooting away her mouth, chin, and teeth.

Later that morning, Victor Sam, a correctional officer who was driving to work, stopped to help a car that was pulled over on the side of the road with its hood raised. Mr. Benard pointed a sawed-off shotgun at Officer Sam and searched him. After finding Officer Sam's identification card, Mr. Benard realized he was a correctional officer and remarked to Mr. Martin, "This is one of the motherfuckers that fucked with my mind in jail; he has to die." Mr. Benard forced Officer Sam up an embankment, directed Officer Sam to lie on the ground, and shot Officer Sam in the back of the head.

Officer Sam's body was found by his father three days later. Officer Sam's wife had just given birth to their infant son, and the couple had arrived home from the hospital the day before the murder. Mr. Martin was arrested on August 28, 1977, in possession of Officer Sam's car and a .38 caliber revolver.

### GOVERNING LAW

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

### DECISION

The Board of Parole Hearings found Mr. Martin suitable for parole based on his age, remorse and acceptance of responsibility, positive staff reports, cognitive limitations, lack of institutional misconduct in thirteen years, recent self-help programming, and realistic parole plans.

I acknowledge Mr. Martin has made some efforts to improve himself while incarcerated. He completed a vocation and has received positive work ratings from his job supervisors. He has participated in self-help programming, including Alcoholics Anonymous and Narcotics Anonymous, Kairos, and Purpose Driven Life. He has not been disciplined for serious misconduct in thirteen years. I commend Mr. Martin for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Martin actively participated in ten violent armed robberies that resulted in the brutal, execution-style murder of Officer Sam, a correctional peace officer. Mr. Martin preyed on the goodwill of Officer Sam and other victims who were simply trying to help stranded motorists. That Mr. Martin indiscriminately shot at several of his victims—and continued robbing people *after* watching his crime partner shoot the sixty-year-old Ms. Fullwood in the face with a shotgun—demonstrates a continuing and callous disregard for human suffering. Mr. Martin's actions had a devastating and long-lasting impact on Officer Sam's loved ones and the law enforcement community.

I am troubled that Mr. Martin minimizes the severity of these intentionally violent and serious crimes. At his recent parole hearing, Mr. Martin claimed that despite firing his gun at several robbery victims and nearly killing Mr. Frazer, he "just shot the gun ... to scare somebody" and "didn't know that it actually hit somebody" until after his arrest. He indicated that they never intended to hurt or kill anyone in the course of the robberies. He stated that he left before Mr. Benard murdered Officer Sam and didn't know that Officer Sam would be harmed.

These statements by Mr. Martin show me that he does not accept or even appreciate what he did. Mr. Martin does not explain why he fired his revolver at the Frazer family after robbing them.

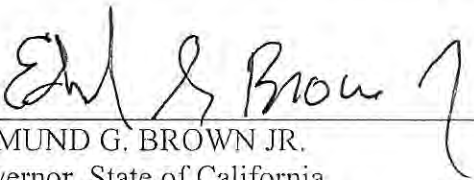
He does not explain why they shot at other fleeing victims. His assertion that they did not intend to hurt or kill anyone—when Mr. Benard shot Ms. Fullwood in the face without warning or provocation—strains credulity. Finally, I find Mr. Martin’s statement that he had “no idea” why Mr. Benard wanted him to leave before murdering Officer Sam lacks all credibility. He recalls that Mr. Benard told him, “this [is] one [of] the guys who used to F with my head, you know, when I was in prison,” and was well aware of Mr. Benard’s violent disposition. Until Mr. Martin can come to terms with his actions, and better explain what led him to become so violent and indifferent to human life, I am not prepared to release him.

Mr. Martin has participated in very few self-help programs in nearly 36 years of incarceration, and has not completed any substance abuse classes since 2009. This is concerning, particularly because he states that drug addiction fueled his violent criminal behavior. He began snorting cocaine and heroin at the age of fifteen, and smoking PCP and marijuana on a daily basis. He continued smoking marijuana in prison and received four drug-related disciplinary infractions, the most recent in 2000. He told a psychologist in 2010 that “I don’t have a problem (with drugs)” and wrongly claimed that he had not used drugs or alcohol for nearly thirty years. He told the Board that he knows he has a substance abuse problem and that “I have to have NA and AA in my life from now on.” But that begs the question, why has Mr. Martin waited for three years to begin substance abuse programming again? I encourage Mr. Martin to continue participating in self-help classes to further develop an understanding of his addictive patterns and the strategies he will need to remain sober and law-abiding.

### 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 I have discussed shows why he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Martin.

Decision Date: May 17, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**ALFREDO RODRIGUEZ, J-60038**  
Second-degree murder

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

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

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

**STATEMENT OF FACTS**

Alfredo Rodriguez lived with his girlfriend in the home of his girlfriend's sister, her husband, and their children. On January 9, 1993, Mr. Rodriguez was watching his girlfriend's 22-month-old baby, Jesus Aguilar, while his girlfriend took a shower. Mr. Rodriguez threw Jesus against the wall three to five times, inflicting a massive skull fracture, a torn urethra, and a broken clavicle. Jesus's 9-year-old aunt heard the noise and saw Mr. Rodriguez with Jesus in the kitchen. She noticed Jesus's face was red, that his eyes were half-closed, and that he could not stand on his own. Mr. Rodriguez told the 9-year-old there was nothing wrong with Jesus, then took him outside and left him slumped over a tricycle to make his injuries look accidental. An hour later, a family friend found Jesus unconscious and rushed him to the hospital, where he died the next day. Mr. Rodriguez was arrested later that day.

**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. 4<sup>th</sup> 1181, 1214.)

**DECISION**

The Board of Parole Hearings found Mr. Rodriguez suitable for parole based on his self-help programming, vocational and educational work, age at the time of the crime, parole plans, lack of institutional misconduct, remorse, and acceptance of responsibility.

I acknowledge Mr. Rodriguez has made significant efforts to improve himself while incarcerated. He earned his GED, completed several vocations, and received positive work ratings from his job supervisors. He has participated in numerous self-help programs including several parenting classes, anger management, and Alcoholics Anonymous and Narcotics Anonymous. He has served as a youth mentor, substance abuse counselor, and sign language interpreter. He has never been disciplined for any type of misconduct during the more than



twenty years he has been in prison. I commend Mr. Rodriguez for taking these positive steps, and I acknowledge that he was only sixteen when he committed this crime. But these circumstances are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Rodriguez's crime was appalling. He threw a toddler against a wall at least three times and with such force that the attending physician characterized Jesus's injuries as equivalent to being struck by a car travelling 50 miles per hour. Rather than seek aid for Jesus, Mr. Rodriguez left Jesus on a tricycle for an hour to make his injuries appear accidental.

I am concerned that Mr. Rodriguez has failed to take full responsibility for the extent and severity of his actions. Until 2012, Mr. Rodriguez claimed Jesus's death was the purely accidental result of rough-housing, and that he was not aware Jesus was injured at the time. At his recent hearing, Mr. Rodriguez stated he was playing a "tossing game" with Jesus in which he would throw Jesus into pillows. Mr. Rodriguez admitted that he got angry when Jesus did not want to play the game any further, and explained that he then threw Jesus "towards both the pillow and the wall" and that Jesus "hit the pillow and the wall at the same time."

These explanations do not truly convey the nature of the violence that Mr. Rodriguez inflicted on Jesus. According to the probation, autopsy, and medical reports, Mr. Rodriguez intentionally and repeatedly slammed Jesus into the wall with extreme force. The record indicates it was "impossible for the injuries to have been incurred by Jesus being thrown against a pillow and then hitting the wall." At least Mr. Rodriguez no longer claims the entire incident was an accident. I recognize that Mr. Rodriguez was only sixteen years old at the time he committed this murder, and he has explained that his displaced anger was fueled by his immaturity, jealousy, resentment, and sense of inadequacy. But it is clear that Mr. Rodriguez remains unable to come to terms with the fact that he intentionally hurled Jesus into the wall. Until he has sufficiently explored and worked through all this, I am concerned he will act out violently again.

### 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 I have discussed shows why he currently poses an unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Rodriguez.

Decision Date: May 17, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California



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

**TERRANCE HUNTER, D-32398**  
Second-degree murder

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

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

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

**STATEMENT OF FACTS**

On February 25, 1985, Terrance Hunter's ex-girlfriend, Astrid Washington, and his friend, Darryl Moon, arrived at Mr. Hunter's apartment to pick-up Ms. Washington's belongings after their recent break-up. Ms. Washington confronted Mr. Hunter about his infidelity and money he owed her. Mr. Hunter left the room, returned with a shotgun, and threatened Ms. Washington to "keep talking shit." Ms. Washington screamed and fled from the apartment. Mr. Hunter then shot Mr. Moon twice, hitting in the chest and killing him.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Hunter suitable for parole based on his remorse, acceptance of responsibility, age, self-help programming, lack of recent misconduct in prison, parole plans, and educational and vocational work.

I acknowledge Mr. Hunter has made efforts to improve himself while incarcerated. He earned his A.A. degree, completed several vocations, and received satisfactory work ratings from his job supervisors. He has participated in numerous self-help programs including several anger management classes, and has served as a literacy tutor. He has not been disciplined in almost twenty years. I commend Mr. Hunter for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Hunter's crime was callous and senseless. He responded to a confrontation with his ex-girlfriend by getting his shotgun and threatening her. When she was able to run for her life out of the apartment, Mr. Hunter shot his close friend, Mr. Moon, who had accompanied Ms.

Washington. This episode was not an isolated incident. Mr. Hunter had previously abused Ms. Washington, and records document abuse of his then-wife during family visits in prison nearly 10 years later. Those records include an incident in 1994 where Mr. Hunter punched his wife in the jaw, threw her to the floor, put his hands around her neck, and threatened to kill her.

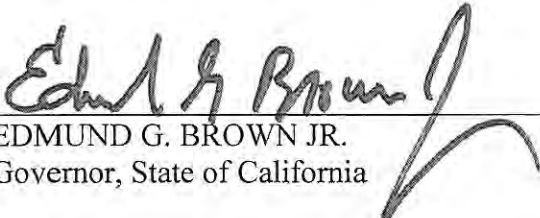
I am concerned that Mr. Hunter has not worked through his history of violence towards his romantic partners. His history clearly documents that he has a problem with violence against the women in his life. At his hearing, Mr. Hunter never mentioned his significant abuse of Ms. Washington, but rather attributed to the "turbulence" in their relationship to his infidelity. He also denied threatening Ms. Washington on the night of the murder and explained that challenging her to "keep talking shit" while he was holding a shotgun did not amount to a threat. He blames his former wife for his brutal attack on her in prison in 1994 because he felt betrayed after money from their business went missing.

While Mr. Hunter acknowledges his issues with anger and has completed anger management self-help, he has yet to acknowledge or address that his anger was especially directed toward his romantic partners. When the Board asked Mr. Hunter what he had learned in domestic violence self-help classes, Mr. Hunter said he learned that he was a violent person and went on to describe several incidents where he was aggressive and intimidating towards his military supervisors and other prisoners. Notably, he never mentioned his abuse of Ms. Washington or Mrs. Hunter. I encourage Mr. Hunter to work to develop a better understanding of his reasons for turning to violence in his romantic relationships. Until he has done so, I am concerned that he will again resort to violence in his future relationships.

### CONCLUSION

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

Decision Date: May 24, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**JAMES STEVENSON, J-69464**

Second-degree murder

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

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

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

**STATEMENT OF FACTS**

On October 2, 1993, James Stevenson went to the apartment of Frankie Yakovich to confront him regarding an incident eight or nine months earlier when Mr. Yakovich allegedly hit and pushed Angela Corrigan, resulting in a miscarriage. Mr. Yakovich had dated Ms. Corrigan for a few months but the relationship had ended earlier that year. Mr. Stevenson was dating her at the time of the crime. When Mr. Yakovich stepped outside to speak with Mr. Stevenson, Mr. Stevenson pointed a pistol at him. Mr. Yakovich's friends and family also gathered outside and some tried to intervene, but Mr. Stevenson threatened to "blow off" his father's head and grabbed his father's girlfriend. Mr. Stevenson released Mr. Yakovich's father's girlfriend and yelled at Mr. Yakovich, "So, you think you can hit a woman?" Mr. Stevenson then shot Mr. Yakovich once in the torso, killing him.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Stevenson suitable for parole based on his lack of institutional misconduct since 1996, family support, remorse, age, self-help programming, and acceptance of responsibility.

I acknowledge Mr. Stevenson has made efforts to improve himself while incarcerated. He has not been disciplined for serious misconduct since 1996 and has received above average and exceptional work ratings. He dropped out of a prison gang in 2011 and has started to participate in self-help programs including Alcoholics and Narcotics Anonymous, the Substance Abuse Program, and some self-help classes. I commend Mr. Stevenson for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Stevenson's crime was senseless and brutal. While intoxicated and on probation, he went to Mr. Yakovich's apartment with a loaded gun to confront him about an assault on his girlfriend that happened many months earlier. The shooting took place in front of Mr. Yakovich's family. Mr. Yakovich was only 17 years old at the time of his murder.

This was not the first, nor the last violent episode in Mr. Stevenson's life. He regularly abused Ms. Corrigan, who had to call law enforcement for help because of Mr. Stevenson's physical abuse. Mr. Stevenson's father told police that the two were "not good together" and her mother reported that Mr. Stevenson beat Ms. Corrigan on several occasions. Police investigation revealed that Ms. Corrigan was afraid to go home on the night of the crime because she feared Mr. Stevenson would start hitting her. When Mr. Stevenson was in jail before being sentenced for the murder, he was mentored by members of the Northern Structure prison gang. Once in prison, he did the prison gang's bidding – manufacturing, hiding, and distributing weapons, assaulting other inmates, and delivering messages from Northern Structure leaders to other inmates. For years, he insisted that he was not affiliated with the prison gang and spent over 11 years in isolated housing due to his active involvement in the Northern Structure. As recently as his 2010 parole hearing, he insisted that he never joined a gang. Ten months after the 2010 hearing, he participated in a debriefing report, acknowledging his affiliation and participation in the gang. He finished the process of dropping out of the gang in November 2011.

Mr. Stevenson cannot adequately explain the reasons for his violent crime. He told the Board that he committed this murder because he was "raised to be a violent person" by his father and grandfather. He reported that he was brooding about the incident between Ms. Corrigan and Mr. Yakovich while drinking to excess, was jealous, and had poor judgment. The psychologist who evaluated him in 2012 opined that his insight was "simplistic," that he primarily focused on "external or environmental influences," and that "questions remain about his motives and desire for a weapon." I agree. It is not clear to me why Mr. Stevenson was so offended by Mr. Yakovich's abuse of Ms. Corrigan when he was at least as violent towards Ms. Corrigan when she became his girlfriend. Nor is it clear what triggered this violent outburst so long after Mr. Stevenson knew about the incident. Until he can better explain his reasons for killing Mr. Yakovich, I do not think he is ready to be released.

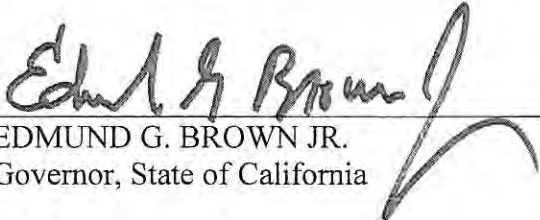
Mr. Stevenson's substance abuse programming has also been limited and insufficient. He was unable to participate in any significant substance abuse programming until he dropped out of the gang in 2011 because he remained in isolated housing due to his gang activities. Mr. Stevenson started drinking at 12; by 14, he was drinking six to twelve beers a day. He was convicted for reckless driving as a juvenile and twice for DUIs in 1991 and 1992. He was drunk when he shot and killed Mr. Yakovich. Despite this substantial history of alcohol dependence, he only began to address these issues in 2011. In 2009, the psychologist who evaluated him opined that Mr. Stevenson had not participated in adequate programming to "effectively address the dynamics associated with his alcohol abuse history." Since that time he has made some limited efforts to address his substance abuse, but I am not convinced that Mr. Stevenson has yet adequately worked through his alcohol addiction at this time.

Mr. Stevenson has just begun the rehabilitative process and has not spent much time working on his issues or reflecting upon his past misdeeds. I encourage him to continue to participate in available substance abuse programming and to spend significant time considering his reasons for perpetrating extreme domestic violence against his girlfriend and for participating in a dangerous prison gang. I am not ready to join with the Board in granting him parole until he can demonstrate that he is able to abide by the rules and avoid violence for an extended period of time and can better explain why he turned to these activities in the first place.

**CONCLUSION**

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

Decision Date: May 24, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California



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

**MICHAEL BRODHEIM, C-46663**

First-degree murder

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

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

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

**STATEMENT OF FACTS**

When Kristin Malmquist ended her three month relationship with Michael Brodheim, he could not deal with the rejection. He began to stalk her and made several harassing phone calls. In February 1981, he purchased a gun to kill Ms. Malmquist and himself. Because there was a two-week waiting period for the gun and he felt he could not wait that long, Mr. Brodheim bought a knife the next day. On February 28, 1981, Mr. Brodheim bought lighter fluid, sleeping pills, and champagne. He knocked on the door of Ms. Malmquist's Berkeley home and convinced Ms. Malmquist to let him in by lying and telling her that his mother had died. Mr. Brodheim sat on her sofa and drank the bottle of champagne by himself, then considered killing her. He thought to himself, "Now what do I do? I don't know how to kill a person." He stood behind Ms. Malmquist and hit her over the head with the empty bottle. When she slumped to the floor, he strangled her with his hands, killing her. Mr. Brodheim then had sex with Ms. Malmquist's corpse. He proceeded to douse Ms. Malmquist's body with lighter fluid and attempt to set her body on fire. Later that evening, Mr. Brodheim tried to kill himself by slashing his wrists and jumping from a freeway overpass. He suffered a fractured skull and broken collarbone. Ms. Malmquist's body was found on March 2, and Mr. Brodheim was arrested at the hospital on March 4, 1981.

This was not the first time that Mr. Brodheim had obsessively pursued an ex-girlfriend. After a previous girlfriend broke up with him in college three years earlier, he called her repeatedly, threatened to kill her, and put up flyers on his college campus listing her telephone number and suggesting that she be called for a good time. At that time, he took a leave of absence from college and saw a psychologist at the urging of his mother.

**GOVERNING LAW**

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

## DECISION

The Board of Parole Hearings found Mr. Brodheim suitable for parole based on his insight and remorse, low risk scores, minimal prison disciplinary history, lack of criminal record, self-help programming, parole plans, and his age.

I acknowledge Mr. Brodheim has made significant efforts to improve himself while incarcerated. He earned a master's degree and a paralegal certificate, and consistently received positive work ratings for institutional jobs. He has only been disciplined one time, in 1997. He has participated in many self-help programs, including individual and group therapy, domestic violence courses, and violence prevention workshops. Since my reversal, he has also participated in classes including Alcoholics Anonymous, Domestic Violence and Posttraumatic Stress Disorder, Violence Prevention, Long-Term Treatment Group, Alternatives to Violence, Victim's Awareness, and Offender Responsibility. I commend Mr. Brodheim for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Brodheim took advantage of Ms. Malmquist's compassion for him by pretending that his mother was dead, and after gaining entry into her home, he carried out his plan to murder her. Mr. Brodheim then defiled her body by having sex with her corpse and trying to set Ms. Malmquist on fire. All the more troubling is that he had stalked and threatened to kill another ex-girlfriend only a few years earlier.

I reversed the Board's 2012 grant of parole because of the heinous nature of the crime and because Mr. Brodheim lacked insight, had a rather selective memory of his actions, and has continued to exhibit many of the same traits that led him to murder. Mr. Brodheim's statements since then have not changed significantly and my concerns remain.

Mr. Brodheim still maintains that he does not recall having sex with the corpse, but acknowledges that it happened and offers an elaborate and contradictory explanation for his actions. He claims that it "provided a brief respite from that feeling that I'm not good enough and that I'm not deserving of love. This was a massive confusion of love and sex on my part." But then he stated that "having sex with Kris at that point was an expression of the rage that I felt toward Kris and also it was a way to exert a measure of control over that situation." He concluded, "But mainly it was this feeling of rejection. That I was inadequate and not worthy of being loved." Mr. Brodheim's statements—that he engaged in necrophilia as a respite from his feelings of rejection, out of a confused sense of love, as a manifestation of rage and desire for control, and because he felt rejected—is muddled and suggests a desire to propose every possible explanation without truly exploring the causes of his obsessive and violent behavior.

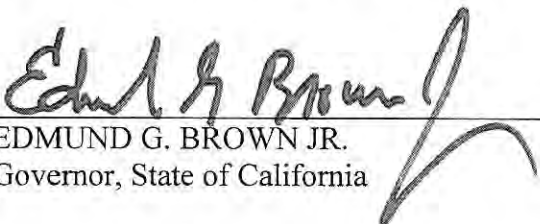
Mr. Brodheim's explanations for the planning and murder itself are also deficient. He still blames his actions on feelings of childhood vulnerability and fear of abandonment by his mother. But unresolved feelings of abandonment does not adequately explain his meticulous, obsessive plotting of Ms. Malmquist's murder as he purchased multiple weapons, bought lighter fluid, lied

to gain access to her house, bashed her head with a champagne bottle, and ultimately strangled her to death. Nor do childhood vulnerabilities explain how Mr. Brodheim became so fixated on Ms. Malmquist and willing to commit such horrific violence after only dating her for a few months, or his obsessive thinking and behavior toward his other ex-girlfriend.

### CONCLUSION

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

Decision Date: June 7, 2013

  
EDMUND G. BROWN JR.  
Governor, State of California