

**EXECUTIVE REPORT
ON
PAROLE REVIEW
DECISIONS**

**DECISIONS FOR THE PERIOD
January 1, 2017 through December 31, 2017**



BY GOVERNOR EDMUND G. BROWN JR.



OFFICE OF THE GOVERNOR

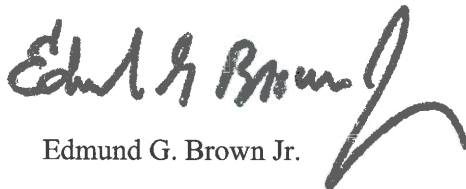
MESSAGE FROM THE GOVERNOR CONCERNING PAROLE REVIEW DECISIONS

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 2017 in review of decisions by the Board of Parole Hearings. Of these decisions, I reversed 25. I have included copies of each of my actions.

The report may be found at <https://www.gov.ca.gov/wp-content/uploads/2018/02/2017-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 stylized flourish at the end.

Edmund G. Brown Jr.

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

DAVID BELTRAN, C-27881
Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

On November 9, 1980, David Beltran, Cruz Talamantes, and Arthur Salazar were all sleeping in an abandoned apartment. Mr. Beltran and Mr. Talamantes started beating Mr. Salazar with their fists, then Mr. Talamantes beat him with a tire iron and Mr. Beltran beat him with a wooden mop handle. Mr. Salazar cried out for help but they continued beating him. Officers, responding to the scene, found Mr. Salazar naked and breathing with great difficulty. The room was covered in blood and officers found a pool of blood containing part of one of Mr. Salazar's fingers, pieces of his skull, and a piece of his ear. Mr. Salazar was taken to the hospital and pronounced dead. The autopsy determined that the cause of death was at least 18 wounds to the back of his head with a sharp instrument. The doctor also noted that Mr. Salazar's penis had a wooden splinter in it and a mop handle had been violently inserted into his rectum, causing severe intestinal damage.

GOVERNING LAW

The question I must answer is whether Mr. Beltran will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4th 1181, 1214.) Additionally, I am required to give "great weight to the diminished culpability of juveniles as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity of the prisoner" when determining a youthful offender's suitability for parole. (Pen. Code, § 4801, subd. (c).)

DECISION

The Board of Parole Hearings found Mr. Beltran suitable for parole based on his age at the time of the crime, subsequent maturity, educational and vocational achievements, insight, participation in self-help programs, and disciplinary history.

I acknowledge that Mr. Beltran was 22 years old when he committed this crime, and that he has since been incarcerated for 36 years. He has reported that he was sexually abused by his father

for years, starting when he was just 9 years old. Mr. Beltran also started drinking alcohol at age 9 and regularly abused marijuana, inhalants, heroin, and prescription medications at an early age. The psychologist concluded that he “displayed many of the characteristics of a young adult as evident by his actions and behavior,” and that he was “reckless, rebellious and impulsive.” I also acknowledge that Mr. Beltran has made efforts to improve himself in prison. He has not been disciplined for serious misconduct since 1994. Mr. Beltran participated in self-help programs including Alcoholics Anonymous, Celebrate Recovery, Getting Out by Going In, and Anger & Violence. He earned his GED, several vocational certifications, and positive work ratings. The psychologist noted that Mr. Beltran “has evidenced increased maturity and growth” while incarcerated. I gave great weight to all the factors relevant to his diminished culpability as a young person, his youthfulness at the time of this crime, and his subsequent growth in prison during my consideration of his suitability for parole. But they are outweighed by negative factors that demonstrate that he is not ready to be released.

Mr. Beltran committed a truly shocking crime. He severely beat Mr. Salazar, violently sodomized him with a mop handle, and left him to die in a pool of his own blood. It is difficult to comprehend Mr. Beltran’s willingness to inflict such violence on a man he has described as a friend.

Mr. Beltran’s explanations for his willingness to inflict such great violence on Mr. Salazar are inadequate. He told the 2016 psychologist that the crime was spontaneous, and that it was “an argument that got out of hand.” Mr. Beltran said that he began beating Mr. Salazar because he had been drinking and he was “dumb and angry.” He reported that he wanted Mr. Salazar to experience the same pain he had experienced when he was sexually abused as a child, and that he “wanted to see how much pain he could handle.” Mr. Beltran told the Board, “I was going to degrade him as much as possible. And I went to that extreme...like a wild animal, go after their prey.” These explanations simply do not account for why Mr. Beltran targeted his rage at Mr. Salazar, what led him to beat Mr. Salazar so severely, or why he progressed from beating Mr. Salazar to violently sodomizing him. Mr. Beltran’s history of sexual abuse does not fully explain his decision to inflict such significant violence with so little provocation. The psychologist noted that Mr. Beltran referred to his history of sexual abuse “without identifying why he determined that this particular victim should experience this.” The psychologist also concluded that Mr. Beltran had “incomplete insight” and that he “has not examined...why he opted to turn the assault into a sexual act.” While the Board noted that Mr. Beltran “may have made some strides with the respect to the sexual component of the life crime” at his hearing, he must do more to demonstrate that he has an adequate understanding of his actions and show that he is prepared to live without violence in the future, especially in light of his 2016 risk ratings. I direct the Board to conduct a new psychological evaluation before his next hearing to provide a current and comprehensive assessment of his risk.

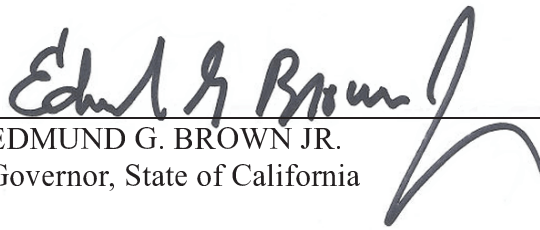
CONCLUSION

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

David Beltran, C-27881
Second Degree Murder
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unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Beltran.

Decision Date: January 27, 2017


EDMUND G. BROWN JR.
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

MICHAEL GASNER, E-22757

First-degree murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

Marine Corps Captain Michael Gasner and his wife Leslie separated in June of 1988. Mr. Gasner, angry about losing his wife, was also angry that his brother-in-law James Fox had not tried to help keep the couple together. On September 23, 1988, Mr. Gasner armed himself with a .357 Magnum, a K-bar Marine survival knife, and rope, and went to the house where James and his 20-year-old brother Randy Fox lived. Mr. Gasner also brought 11 rounds of ammunition in case the police came and a shootout resulted. He parked his car on a side street so the brothers wouldn't see it and call the police. Only Randy was home when Mr. Gasner entered. Mr. Gasner held him at gunpoint and tied his hands behind his back. Mr. Gasner took Randy into the bathroom, forced him into the bathtub, and slashed his throat ear-to-ear from behind, killing him.

When James got home, Mr. Gasner came up behind him and placed the gun to the back of his head. Mr. Gasner said he wanted to talk. James said he wanted to see Randy, who Mr. Gasner claimed was tied up in the shed, and moved towards the front door. Mr. Gasner threatened that if he did not stop, he would kill him. James went through the front door, and Mr. Gasner tried to pull him back into the house. When he couldn't pull James inside, Mr. Gasner shot him in the shoulder, then said, "See what you made me do?" James, a Marine Sergeant himself, fought Mr. Gasner for the gun, but Mr. Gasner clubbed him in the head with it. The gun discharged, fell, and slid across the floor. When James tried to go for the gun, Mr. Gasner bit James's ear and cut his neck with the knife. James grabbed for the knife, cutting his finger to the bone. He pushed Mr. Gasner away and ended up standing with his foot on the gun while Mr. Gasner stood five feet away with the knife. They stood that way for an hour and a half as James tried to negotiate his release while bleeding from his wounds. They finally came to an agreement and James unloaded the gun and handed it back to Mr. Gasner. Mr. Gasner tried to reload the gun as James escaped to a neighbor's house to get help. James was taken to the hospital, where he had surgery and stayed for seven days. He suffered nerve damage from the gunshot wound, lost partial use of his arm, and had nerve damage in his fingers.

GOVERNING LAW

The question I must answer is whether Mr. Gasner 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. Gasner suitable for parole based on his remorse, acceptance of responsibility, age, length of time in prison, many years of good behavior, medical problems, acknowledgment of longstanding alcoholism, identification of character flaws, relapse prevention plans, and supportive family.

I acknowledge that Mr. Gasner is now 67 years old and has been incarcerated for more than 28 years. He has made some efforts to improve himself in prison. He participated in self-help programs including substance abuse treatment, Stress Management, Anger Management, Domestic Violence, and Victim Impact. He completed vocational programs and had a positive work record. He has not been disciplined for serious misconduct since 2002. I commend Mr. Gasner for taking these positive steps. But they are outweighed by negative factors that show he remains unsuitable for parole.

Mr. Gasner's crime was senseless and cruel. Despite having no conflict with Randy Fox, Mr. Gasner coldly executed him by nearly decapitating him. Randy's carotid artery and jugular vein were severed, his esophagus was cut almost in half, and his vertebrae bore marks from the knife blade. Mr. Gasner hid the telephone and several rifles that were in the house. When James came home, Mr. Gasner snuck up behind him while he was putting his military uniform in the closet and held him at gunpoint. Mr. Gasner shot James in the shoulder, and the men got into a violent struggle. Mr. Gasner nearly bit off James' ear and slashed his neck and hand, but James was somehow able to get the gun from Mr. Gasner and ultimately negotiate an escape. The calculated and gruesome nature of Mr. Gasner's actions is particularly disturbing.


I am troubled that Mr. Gasner does not better understand why he committed this crime. He told the Board that he went to the Fox home "to talk to James Fox, to get some answers one way or the other of why he didn't help me, why he ostracized me, why he didn't help try to save my marriage." When asked why he needed to bring a knife and gun, Mr. Gasner responded, "My intent was to hurt him until I get the answers that I wanted." He explained that he carried out this crime due to the stress he was experiencing – his marriage was ending, his sister was getting divorced, he was caring for his ailing mother, his sister and nephew were living with him, he was soon to retire from the Marines, and he was having financial difficulties. Mr. Gasner acknowledged, "Randy never threatened me or talked mean to me or anything. He was completely innocent in this whole ordeal." Mr. Gasner explained that he killed Randy because of "transposed anger" at his wife. When pressed by the Board about why his anger with his wife resulted in Randy's murder, he answered, "It was a strictly impulsive reflex. I had the knife in my hand. I had cut the ropes off his hands and then the phone rings. [James's] truck pulls up. [Randy] starts hollering and climbing out of the tub and I just lost it and cut his throat and he had nothing to do with anything."

These statements don't add up. As the Board noted, many marriages end in divorce. Mr. Gasner's plot to forcibly "get some answers" from James is not explained by the various stresses in his life. Furthermore, Mr. Gasner did not kill Randy out of an "impulsive reflex"; he had heavily armed himself, hidden his car to ambush the Fox brothers, and tied Randy up in the bathtub before nearly beheading him. It is hard to believe that these actions were reflexive responses to the phone ringing and James pulling into the driveway. Mr. Gasner's insufficient insight was noted by the 2015 psychologist, who wrote that Mr. Gasner "continues to view himself as a victim of circumstances" and that Mr. Gasner "does not yet understand the reasons for his actions or other factors associated with violence risk in depth." I encourage Mr. Gasner to make additional and more serious efforts to better understand his extreme violence in order to show that he will not similarly respond to stressful circumstances in the future.

CONCLUSION

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

Decision Date: March 3, 2017


EDMUND G. BROWN JR.
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

RONALD HANES, JR., J-92798
Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ X _____

STATEMENT OF FACTS

On March 16, 1994, Ronald Hanes, Jr., became angry at his girlfriend's 3-year-old son, Andrew Hackler, for urinating on the floor. Mr. Hanes pinched Andrew's penis, and then pounded Andrew's head down on the floor repeatedly until he heard a loud pop. Mr. Hanes called emergency responders, who found Andrew on the floor, unconscious and unresponsive. Andrew had a serious head injury and severe retinal hemorrhaging; bruises covered his forehead, neck, forearms, ear, upper lip, and knees. His arm had been broken for several weeks. There were bite marks on Andrew's body, bruising on the tip of his penis, and reddish-purple bruising on the bottom of his penis and surrounding his anus, consistent with the use of pliers or tweezers. Andrew underwent surgery and was put on life support before dying from his injuries on March 18, 1994.

GOVERNING LAW

The question I must answer is whether Mr. Hanes will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4th 1181, 1214.) Additionally, I am required to give "great weight to the diminished culpability of juveniles as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity of the prisoner" when determining a youthful offender's suitability for parole. (Pen. Code, § 4801, subd. (c).)

DECISION

The Board of Parole Hearings found Mr. Hanes suitable for parole based on his lack of a criminal history, acceptance of responsibility, self-help programming, educational and vocational achievements, parole plans, and risk assessment.

I acknowledge that Mr. Hanes' crime was committed when he was only 21 years old. Without question, Mr. Hanes had a highly dysfunctional childhood. He told the 2016 psychologist that his father physically abused him, "pushing, kicking, punching, slapping, and choking" him

almost daily as well as burning him with cigarettes. His father also made him “touch his mother while she was asleep” as his father watched. After Mr. Hanes reached puberty, his father fondled Mr. Hanes’ genitals to arouse the boy and force him to have intercourse with his mother. His father was eventually convicted of molesting Mr. Hanes’ sister. Mr. Hanes’ mother was diagnosed with schizophrenia, was an alcoholic, and was unavailable to care for him. This traumatic upbringing left him to struggle with substance abuse and mental health problems.

I recognize that Mr. Hanes has made significant efforts to improve himself while in prison. He is now 44 years old and has been incarcerated for nearly 23 years. He has not been disciplined for serious misconduct since 2000. He earned two associates degrees and completed vocational training programs. He has participated in self-help programs, including Domestic Violence, Victim Awareness, Anger Management, and Alternatives to Violence, and has participated in therapy and other mental health programs. I gave great weight to all the factors relevant to Mr. Hanes’ diminished culpability as a youthful offender, his difficult childhood and juvenile traits at the time of this crime, and his subsequent growth in prison. But these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Hanes’ crime was appalling. While Andrew may not have been his biological son, Mr. Hanes acted as his stay-at-home father. Instead of caring for Andrew, Mr. Hanes spent months beating and torturing the child. His attacks on the boy were ongoing and cruel. Andrew spent months terrified and in pain, and finally died because of the horrible beatings that Mr. Hanes inflicted on him.

Mr. Hanes told the Board that he had to be in “complete control” and was “intolerant” of the children in his home. He reported that he would beat Andrew because he was crying, not going to bed when told, not eating dinner, and not using the bathroom when told. He said to the psychologist who evaluated him in 2016, “I thought I was doing him a favor.” And he explained to the Board, “I really believed at that time ... that’s what I needed to do in order to raise them and raise them right.” He said, “At the time, I really believed that, in a twisted perception that I was merciful because I wasn’t burning him with cigarettes and I wasn’t beating him with a belt. I really believed...I was showing more restraint than my dad ever did...” He reported that he “had a lot of stress” and did not know how to manage it. When asked why his “discipline” of Andrew was so much more severe than that of his biological son, Mr. Hanes explained that he “didn’t love him as much as I loved my own son” and that he was jealous of the attention the three-year-old got from his mother.

The psychologist believed Mr. Hanes’ insight “appeared to be adequate,” but I do not agree. Mr. Hanes tortured this child for behaving like a typical toddler. This was a profound overreaction to stress and jealousy. While I do not overlook the significant abuse Mr. Hanes suffered as a child, this does not explain how he could be so cruel to Andrew for such a prolonged period of time. Mr. Hanes asserted that at the time, he felt that his actions were “merciful” and that he was doing what was necessary to raise Andrew right. That seems preposterous in light of the extreme nature of his actions – he used pliers or tweezers on the child’s penis and anus, broke his arm, pounded his head into the floor repeatedly, and covered his body with bruises. While I am glad that Mr. Hanes no longer believes that his actions were for the benefit of the toddler, it remains

unclear how he could ever think that such severe treatment was doing the child a “favor.” I am encouraged by Mr. Hanes’ positive behavior in prison and rehabilitative efforts, but I am not convinced that he adequately understands how he could cause such violence against a vulnerable child; I can’t yet conclude that he is prepared to manage his stress differently in the future.

CONCLUSION

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

Decision Date: March 24, 2017


EDMUND G. BROWN JR.
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

LESLIE BYRD, D-30420
Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ X _____

STATEMENT OF FACTS

On June 17, 1985, Leslie Byrd told 19-year-old Cynthia Engstrom, a prostitute, that he would pay her \$500 to let him tie her up and have sex with her. They went to Mr. Byrd's house, where he bound her ankles and wrists with athletic tape and they had sex. Mr. Byrd suggested they move to the bathtub. While Ms. Engstrom was bound and struggling to escape the restraints, Mr. Byrd strangled Ms. Engstrom and held her head underwater in the bathtub, killing her. Mr. Byrd dumped Ms. Engstrom's naked body on the side of the road and disposed of her belongings. Her body was found the next day. Signs of violence were noted on her body, including bruises on her forehead and the backs of her hands, a large area of bruising on the top of her head, swelling over her left eye, and markings on her left ankle and wrist indicating that she had been tied up. The autopsy determined that the cause of death was asphyxia, and there was evidence that Ms. Engstrom's neck had been forcibly constricted.

During the investigation into Ms. Engstrom's death, another woman reported that Mr. Byrd also paid her to have sex while tied up, and that he made bizarre statements about cutting women's breasts cut off, his fantasy of having sex in a bathtub, and films in which women were murdered. Another prostitute told officers that while she and Mr. Byrd engaged in bondage sex, he told her that when he was in Vietnam he used to bind women prisoners and rape them before he executed them. Mr. Byrd told her, "I was thinking of killing you but I liked you and I want to be friends." She said that Mr. Byrd also talked about seeing the fear in a woman's eyes before she died, and about films about killing a woman by tying her up and drowning her in a bathtub. At trial, additional testimony established that Mr. Byrd fantasized about raping and violently killing women who complained about his offensive workplace conduct, and that he spoke to a woman at work about bombing his wife's car.

GOVERNING LAW

The question I must answer is whether Mr. Byrd 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. Byrd suitable for parole based on his lack of violent history, disciplinary record in prison, age, physical condition, family support, and risk assessment.

I acknowledge Mr. Byrd has made efforts to improve himself while incarcerated. He is now 71 years old, has been incarcerated for 31 years, is diagnosed with multiple sclerosis, and uses a wheelchair. He has never been disciplined for misconduct while in prison and has participated in a few self-help programs. Routinely, he received positive work ratings. But these efforts are outweighed by negative factors that demonstrate he remains unsuitable for parole.

After talking with multiple women about his desire to tie up, harm, and kill women, Mr. Byrd ultimately strangled and drowned Ms. Engstrom while she was tied up in a bathtub. He then coldly dumped her naked body on the side of a road for neighbors to find the next day. He displayed a complete disregard for Ms. Engstrom's humanity in committing this crime. I note that Ms. Engstrom's family members have attended Mr. Byrd's parole hearings and described their ongoing pain as a result of her death.

Mr. Byrd articulates a shallow understanding of how he came to commit such a violent crime. He told the Board in 2016 that he started having sex with prostitutes and tying them up because he was overwhelmed by stress at work and could no longer run to relieve his stress. Mr. Byrd said that while he and Ms. Engstrom were having sex in his bathtub, Ms. Engstrom "became resistive, and all of a sudden, I couldn't control that situation, I just – all that anger just exploded." He reported that "it was only in the last few years that I've come to realize that I had actually acted deliberately out of rage." Mr. Byrd said that his "basic problem" was "repressed anger," but maintained that "I was probably the most boring individual you have ever seen, outside of this brief period of time when I was – completely lost control." He admitted discussing violence against women with other prostitutes, but claimed that "that was not to arouse myself. Basically it was to get them interested...It was more a question of the – just spiced up the whole encounter with whoever I was with." Mr. Byrd said, "I guess it's hard for me to reconcile in my mind that I have those fantasies for sexual – wasn't the fantasies that caused the sexual interest. It was the – it was the girl that caused the sexual interest. And the fantasies seemed to help that along." Mr. Byrd also admitted fantasizing about raping a woman he worked with, and said that he wasn't attracted to her so the fantasies were "strictly based on anger toward her. Rape is a violent and an angry act. And if I was fantasizing about her, it would have been because I wished her harm."

Mr. Byrd's explanations simply do not account for his extreme actions. Work-related stress and "repressed anger" do little to shed light on why Mr. Byrd began fantasizing about raping and harming women, soliciting prostitutes to engage in bondage sex, and ultimately tying up and killing Ms. Engstrom in a method he discussed previously with at least one other woman. His assertion that he fantasized about raping a coworker because he "wished her harm" is extremely disturbing. And he has not yet explained why he reacted with such anger and violence in the face of such minor provocation when Ms. Engstrom struggled as they had sex. The psychologist

who evaluated Mr. Byrd in 2014 determined that his lack of insight was “troubling,” and observed that “his account of key aspects of this event remains at odds with information” in the record. The psychologist concluded that Mr. Byrd was “rationalizing and minimizing his actions,” and that his account of his encounters with prostitutes “suggests a passivity that is in contrast to what appears to have been an obsessive/compulsive attraction to them... While claiming to accept responsibility for his actions, he continues to blame others for his circumstances.” I cannot agree with Mr. Byrd that this crime was an isolated incident when he merely “lost control” for a “brief period of time.” He engaged in an escalating pattern of fantasizing about and committing violence against the women around him that culminated in this murder – and he has not yet demonstrated that he understands why or how he could entertain these violent fantasies in the first place and what led him to act on them. While I acknowledge Mr. Byrd’s age and medical condition are beginning to limit his ability to repeat this offense, I am not convinced that he is physically unable to harm others at this point. In light of his limited insight into his issues with anger and violence against women, I cannot conclude that he can be safely released at this time.

CONCLUSION

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

Decision Date: March 30, 2017


EDMUND G. BROWN JR.
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

BRIAN LAUDENBACK, J-62437
Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

In March 1994, Tyler Jaeger was a 22-month-old toddler who could not go to daycare for a short time because he had an eye infection. His mother left him in the care of her boyfriend, Brian Laudenback, while she went to work. On March 17th, she noticed a bruise on Tyler's side and asked Mr. Laudenback about it. Mr. Laudenback reported that it was the result of a boy pushing Tyler into a slide at the park. The next day, Tyler's mother returned home from work to find a large bruise on her son's forehead and swelling on his temple. Mr. Laudenback reported that it was the result of Tyler falling off of a children's picnic table and hitting his head. Tyler's mother rushed him to the hospital, where he was admitted to the Intensive Care Unit for two days for a skull fracture. Tyler was released to his mother with instructions for his care. She stayed home from work to care for him for the next two days.

On March 23rd, Tyler's mother returned to work and again left him in Mr. Laudenback's care. When she returned home on the 23rd and 24th, Mr. Laudenback reported that Tyler was "perfect" while she was at work. On Friday, March 25th, Mr. Laudenback was again charged with Tyler's care. In the late morning, Mr. Laudenback "nonchalantly" asked a neighbor to drive him and Tyler to the doctor. Tyler was unconscious, and had "yellowish" skin. When admitted to the hospital, Tyler was in full cardiac arrest, not breathing, with fixed and dilated pupils. Tyler was pronounced dead after attempts to resuscitate him were unsuccessful.

An autopsy revealed extensive injuries including numerous bruises, trauma and hemorrhage to Tyler's rib cage, two fractured ribs, a tear in his liver, a hemorrhage and tear to the soft bowel tissue, a hemorrhage to abdominal tissue, a lacerated pancreas, and that Tyler's abdomen was filled with blood. His cause of death was determined to be hemorrhage shock due to internal bleeding. The pathologist opined that Tyler's injuries were the cause of a very forceful trauma like a punch or an automobile accident, likely inflicted in episodes. Tyler had been the victim of Mr. Laudenback's continued abuse for at least a week.

GOVERNING LAW

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

incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4th 1181, 1214.) Additionally, I am required to give "great weight to the diminished culpability of juveniles as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity of the prisoner" when determining a youthful offender's suitability for parole. (Pen. Code, § 4801, subd. (c).)

DECISION

The Board of Parole Hearings found Mr. Laudenback suitable for parole based on his acceptance of responsibility, remorse, current age, participation in self-help groups, completion of vocational training, lack of violence in prison, and low risk rating.

I acknowledge Mr. Laudenback has made efforts to improve himself while incarcerated. He has participated in self-help including Alcoholics and Narcotics Anonymous, Criminal Thinking, Anger Management, Alternatives to Violence, and others. He earned an associate's degree in church ministries and completed vocational training in offset print technology. Mr. Laudenback routinely received above average and exceptional work ratings and has been commended for being respectful to staff. I commend Mr. Laudenback for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Tyler had no chance against the 6 foot tall, 150 pound, 32-year-old man trusted to care for him. Mr. Laudenback used his full force to knee the little boy in the head for acting like a normal toddler. He was not deterred by Tyler's injuries and stay in the ICU, but attacked him even more brutally – kneeling him in the stomach four times as hard as he could – in the days following his return from the hospital. Even after inflicting major injuries, Mr. Laudenback callously turned a blind eye to Tyler's suffering as he was dying. This murder was devastating to Tyler's family, who continue to appear at Mr. Laudenback's parole hearings to oppose parole and speak movingly about their ongoing pain and loss.

I find Mr. Laudenback's explanation for why he committed this murder insufficient. He told the Board that he was not prepared to live with the family and had relapsed on cocaine. When asked why he abused Tyler, Mr. Laudenback responded, "I didn't want to be in that house." Mr. Laudenback explained that he did not leave because was frustrated and had nowhere else to go. Mr. Laudenback reported that he was angry, suicidal, hated his own life, considered himself an "absolute failure," and was ashamed of his failures. He said that he "wanted Tyler to hurt as much as I was hurting" and said "it was a stress release" to beat the child. Mr. Laudenback reported, "I could not handle my own emotional state. I could not handle – and so I disciplined him. I wanted him to behave the way I expected him to behave – wanted to behave." These statements don't add up. While it is not uncommon to be frustrated when caring for a small child, Mr. Laudenback's repeated violence against the boy was far from a normal response. Feeling like a failure and being suicidal do not explain why Mr. Laudenback felt Tyler had to "hurt." It remains unclear why beating the boy was a stress release for Mr. Laudenback, or why he repeatedly attacked Tyler despite his reported immediate remorse after each incident. Mr. Laudenback's capacity to take out his frustrations on a toddler was appalling; I am not yet

Brian Laudenback, J-62437

Second Degree Murder

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convinced that he should be released. He has to give a more convincing account for his actions to demonstrate that he will never resort to such acts again.

CONCLUSION

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

Decision Date: March 30, 2017


EDMUND G. BROWN JR.
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

JEFFREY MARIA, C-17317
First Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

On June 25, 1979, Jeffrey Maria, Darren Lee, Ronald Anderson, and Marty Spears planned to burglarize the home of Phillip and Kathryn Ranzo. Once at the Ranzos' house, Mr. Anderson waited in the car, while Mr. Maria, Mr. Lee, and Mr. Spears approached the home. Mr. Maria and the other two men were armed with pistols, a sawed-off rifle, and knives. The group knocked on the door. Mr. Ranzo answered the door, and the men pretended to be out of gas for their car and asked to use the Ranzos' telephone. The phone was not working so Mr. Ranzo offered to give them a can of gas and opened the garage door. The three men followed Mr. Ranzo into the garage, and Mr. Spears pulled out a gun and pointed it at Mr. Ranzo. Mr. Spears then hit Mr. Ranzo in the head approximately six times with a bat or ax handle. Mr. Ranzo was hog-tied; a rope was placed around his neck and tied to his hands and feet. Mr. Spears also cut Mr. Ranzo's face and head, and stabbed and slashed his neck, killing him. The group then went into the living room where they found Mrs. Ranzo. Mr. Spears ordered Mrs. Ranzo at gunpoint to go upstairs. Once upstairs, Mr. Spears raped Mrs. Ranzo, and then hog-tied her and beat her in the head with a blunt object. Mr. Spears also slashed Mrs. Ranzo's throat and stabbed her neck several times, killing her. While Mr. Spears was with Mrs. Ranzo, Mr. Maria and Mr. Lee ransacked the home and took \$2,000 in cash, a shotgun, and two diamond pendants. Mr. Maria and Mr. Lee left the house, and Mr. Anderson drove them home before returning to pick up Mr. Spears. A single-bladed ax with blood on it and a large butcher knife were found near Mrs. Ranzo's body. The bodies of Mr. Ranzo and Mrs. Ranzo had blunt force injuries to the head, deep stab wounds to the neck, and cuts to their faces and heads.

GOVERNING LAW

The question I must answer is whether Mr. Maria will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4th 1181, 1214.) Additionally, I am required to give "great weight to the diminished culpability of juveniles as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity of the prisoner" when determining a youthful offender's suitability for parole. (Pen. Code, § 4801, subd. (c).)

DECISION

The Board of Parole Hearings found Mr. Maria suitable for parole based on his age at the time of the crime, lack of criminal history, participation in self-help classes, vocational and educational accomplishments, staff commendations, parole plans, and acceptance of responsibility.

I recognize that Mr. Maria was only 17 years old when he participated in this horrific double murder. I acknowledge that he had some instability in his life following his parents' divorce when he was 3. He reported that his older brother blamed him for their parents' divorce, that his family frequently relocated, and that he "didn't really feel like I fit in." He also claimed that he lacked communication skills, was impulsive, and did not consider the long-term consequences of his actions. He started to use drugs, and lost his motivation and work ethic. In his 2017 hearing, Mr. Maria stated that he was a "follower" and sought "acceptance from my friends," which led to poor choices and his involvement in the crime.

I also acknowledge that Mr. Maria has made efforts to improve himself while incarcerated. I commend Mr. Maria for taking college courses, receiving laudatory reports from correctional officers, completing vocational training in office services, and serving as a hospice volunteer. Mr. Maria participated in Celebrate Recovery and Victim's and Offenders Insight Group, and became a facilitator for Alternatives to Violence. I carefully examined the record for evidence demonstrating his increased maturity and rehabilitation, and gave great weight to all the factors relevant to diminished culpability as a juvenile, his hallmark features of youth, and his subsequent growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by evidence that demonstrates he remains unsuitable for parole.

Mr. Maria preyed on the kindness of Mr. Ranzo, who was willing to help motorists who claimed they had run out of gas. In return, both Mr. and Mrs. Ranzo were bound, beaten, stabbed, and killed. Before she was killed, Mrs. Ranzo was raped by Mr. Spears while Mr. Maria and Mr. Lee ransacked the house. Mr. Maria's actions had a devastating impact on the Ranzo's family, friends, and community. Family members still appear at Mr. Maria's hearings to express their ongoing sense of loss.

I reversed the Board's 2015 grant of parole because Mr. Maria downplayed the violence he employed during his crime as well as the plan he and his co-conspirators came up with to rob and kill the Ranzos. I had concerns about his conduct in prison, including his participation in mutual combat in 2011 and his attempted escape from prison in 2006. Although the Board found Mr. Maria suitable for parole again in January 2017, I still believe he poses an unreasonable risk of danger to the public if released from prison.

Mr. Maria continued to minimize his role in these murders at his hearing in 2017. He repeated many of the same explanations as he has in the past. He stated that he was "just standing there listening" to his co-defendants plan a crime they wanted to commit, and there was no mention of the possibility of killing the Ranzos in the planning phases of the robbery. He stated that when he was in the garage with Mr. Spears and Mr. Ranzo, he heard loud noises, turned his head, and "just went oh, okay." He also claimed that despite acting as the guard, he "couldn't really see"

Mr. Ranzo hogtied in the garage, and “was not really watching him.” Mr. Maria also claims he never went inside of the house. All of these statements are inconsistent with the record. The Appellate Court Opinion stated that Mr. Maria participated in the planning of the burglary and “the participants discussed the possibility the Ranzos would have to be killed.” In the Probation Officer’s Report, Mr. Lee stated that Mr. Maria helped ransack an office in the home. In light of this evidence, I am not convinced by Mr. Maria’s depiction of these events – that he was merely standing by passively as his crime partners committed this extremely violent crime. The 2015 psychologist believed Mr. Maria’s insight was “extensive,” but I do not agree. Even though Mr. Maria says he accepts full responsibility, he still continues to downplay his willing participation, the extent to which he participated in the planning of the murders in advance, and the significant violence he and his crime partners inflicted. I am not convinced that Mr. Maria will be able to abstain from violence given the fact he has yet to confront—in an adequate and forthcoming manner—the nature of his actions.

CONCLUSION

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

Decision Date: April 21, 2017


EDMUND G. BROWN JR.
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

HARRY SASSOUNIAN, C-88440

First-degree murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

On January 28, 1982 Kemal Arikan, the Turkish Consul General in Los Angeles, was driving to work in a car with California Consular Corps license plates. As Mr. Arikan stopped at an intersection, Harry Sassounian and Krikor Saliba, armed with a .45 caliber and a .9 millimeter, each approached opposite sides of the car and fired a number of shots at Mr. Arikan at close range. Mr. Arikan died within minutes from multiple gunshot wounds to the head and chest. Mr. Sassounian and Mr. Saliba ran, hid their guns under a hedge, and fled in a car. A witness noted the license plate number of the car, which was registered to Mr. Sassounian. Mr. Sassounian was arrested later that day.

GOVERNING LAW

The question I must answer is whether Mr. Sassounian will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4th 1181, 1214.) Additionally, I am required to give "great weight to the diminished culpability of juveniles as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity of the prisoner" when determining a youthful offender's suitability for parole. (Pen. Code, § 4801, subd. (c).)

DECISION

The Board of Parole Hearings found Mr. Sassounian suitable for parole, pointing out that as a child, he was subjected to the traumas of war and political strife in Lebanon, that he has accepted responsibility for the crime and the suffering he caused, that he has shown remorse and maturity in prison, and that he has participated in self-help prison programs.

I acknowledge that Mr. Sassounian's crime was committed when he was 19 years old and that he has since been incarcerated for 35 years. Mr. Sassounian's childhood was, without question, deeply violent and traumatic. He told the 2016 psychologist that during his childhood, he saw piled up dead bodies in war zones, people tied to trees and burned, and others with their ears cut

off. Eventually, this violence necessitated his family's emigration to the United States when Mr. Sassounian was 13. I also acknowledge that Mr. Sassounian has made efforts to improve himself in prison. He participated in self-help programs including substance abuse treatment, Nonviolent Communication, and Anger Management. He completed multiple vocational programs and had a lengthy and satisfactory work record. He has not been disciplined for serious misconduct since 2001. I carefully examined the record for evidence demonstrating Mr. Sassounian's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a young person, his youthfulness at the time of this crime, and his subsequent growth in prison. I commend Mr. Sassounian for taking positive steps in prison. But they are outweighed by negative factors that show he remains unsuitable for parole.

Mr. Sassounian's crime was a deliberate, planned assassination of a diplomat. Mr. Sassounian and his crime partner spent at least two weeks before the murder took place planning the crime; they acquired guns and, on the day of the crime, they waited for twenty minutes until Mr. Arikian approached the intersection where they carried out the attack. Mr. Sassounian and Mr. Saliba then opened fire in a public intersection, executing the Turkish Consul General. In a recent letter, United States Attorney General Jefferson Sessions and Secretary of State Rex Tillerson noted, "An attack on a diplomat is not only a grave crime against a particular individual: it is an attack on diplomacy itself." They continued, "to allow Mr. Sassounian to be paroled here would undercut the position that the United States takes worldwide, and would make all diplomats – whether from the United States or elsewhere – less safe."

There is no doubt that the mass killings of Armenians in Turkey between 1915 and 1923 was a horror and that no Turkish government has ever offered an apology for the killings or taken any responsibility. Nevertheless, this does not justify Mr. Sassounian's killing of Mr. Arikian decades later.

In 2012, Mr. Sassounian wrote to *Hay Zinvor*, an Armenian military newspaper, explicitly addressing Armenian soldiers and saying that he dreamed of the day Armenia would be able to manufacture their own tanks, helicopters, missiles, and machine guns. He said, "I promise that when I return, I will want to go, if allowed, to the border for a few days, to guard it and defend our country's frontiers. I will do that even when I am at an advanced age." He vowed, "I am a soldier of my Fatherland until the day I die – this is something my Armenian blood taught me."

When asked about this letter, Mr. Sassounian said that it was a "bad decision" and asserted: "I don't think there is anything violent about [the letter]." He made a point of saying that he didn't mention "any Turks or Azerbaijan's or anybody" and swore he was "done with politics." While the Board was swayed by Mr. Sassounian's explanations, I have my doubts. Mr. Sassounian, on his own initiative, wrote an impassioned letter to soldiers, emphasizing violent weapons and avowing that "I am a soldier of my Fatherland until the day I die."

The content and tone of this rallying cry to his "fellow warriors" and his pledge to "fight and suffer" are profoundly different from what he told the psychologist and the Board in 2016. To the Board's psychologist he said, "I focus on my transformation. I think about peace and about improving my life as a human being. I think about family and that's what I focus on. To learn

as much as I can. Legal and peaceful stuff and family. That's my focus in life." This is a real and troubling inconsistency – between his 2012 letter and his more recent statements – that he has not adequately explained.

CONCLUSION

After considering the evidence in the record, I am not yet convinced that Mr. Sassounian has left behind the violent ideology that led him to carefully plan and carry out the assassination of a Turkish diplomat. Accordingly, I find that he still poses an unreasonable danger to society if released and I reverse the decision to parole Mr. Sassounian.

Decision Date: May 12, 2017


EDMUND G. BROWN JR.
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

MARTY SPEARS, C-14921

Two Counts of First Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

On June 25, 1979, Marty Spears and Daniel Geisler approached a home's caretaker, Leonard Luna, and told him they were out of gas. Mr. Luna gave them a gas can and they left, but they quickly returned and asked to use a phone. Once inside the house, Mr. Spears and Mr. Geisler pulled out revolvers, threatened Mr. Luna, and tied him up. Mr. Geisler struck Mr. Luna multiple times in the head with a revolver, knocking him unconscious. Darren Lee and Ronald Anderson joined Mr. Spears and Mr. Geisler, and all four men ransacked the house, stealing multiple guns, a knife, and a safe.

Later that night, Mr. Spears, Mr. Maria, Mr. Lee, and Mr. Anderson planned to steal money from Phillip and Kathryn Ranzo. Once at the Ranzos' house, Mr. Anderson waited in the car, while Mr. Maria, Mr. Lee, and Mr. Spears approached the home. Mr. Maria and the other two men were armed with pistols, a sawed-off rifle, and knives. The group knocked on the door. Mr. Ranzo answered the door, and the men pretended to be out of gas for their car and asked to use the Ranzos' telephone. The phone was not working so Mr. Ranzo offered to give them a can of gas and opened the garage door. The three men followed Mr. Ranzo into the garage, and Mr. Spears pulled out a gun and pointed it at Mr. Ranzo. Mr. Spears then hit Mr. Ranzo in the head approximately six times with a bat or ax handle. Mr. Spears hog-tied Mr. Ranzo and placed a rope around his neck tied to his hands and feet. Mr. Spears also cut Mr. Ranzo's face and head, and stabbed and slashed his neck, killing him. The group then went into the living room where they found Mrs. Ranzo. Mr. Spears ordered Mrs. Ranzo at gunpoint to go upstairs. Once upstairs, Mr. Spears raped Mrs. Ranzo, and then hog-tied her and beat her in the head with a blunt object. Mr. Spears also slashed Mrs. Ranzo's throat and stabbed her neck several times, killing her. While Mr. Spears was with Mrs. Ranzo, Mr. Maria and Mr. Lee ransacked the home and took \$2,000 in cash, a shotgun, and two diamond pendants. Mr. Maria and Mr. Lee left the house, and Mr. Anderson drove them home before returning to pick up Mr. Spears. A single-bladed ax with blood on it and a large butcher knife were found near Mrs. Ranzo's body. The bodies of Mr. Ranzo and Mrs. Ranzo had blunt force injuries to the head, deep stab wounds to the neck, and cuts to their faces and heads.

GOVERNING LAW

The question I must answer is whether Mr. Spears will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4th 1181, 1214.) Additionally, I am required to give "great weight to the diminished culpability of juveniles as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity of the prisoner" when determining a youthful offender's suitability for parole. (Pen. Code, § 4801, subd. (c).)

DECISION

The Board of Parole Hearings found Mr. Spears suitable for parole based on his age at the time of the crime, lack of a violent criminal history as a juvenile, current age, parole plans, participation in self-help classes, vocational and educational accomplishments, and institutional behavior.

I recognize that Mr. Spears was only 17 years old when he participated in these crimes. He told the 2015 psychologist that he was sexually assaulted when he was eight years old, and was subjected to physical abuse and neglect. He dropped out of school and used alcohol, marijuana, LSD, and PCP. The psychologist who evaluated him in 2015 observed that Mr. Spears "failed to sufficiently internalize ethical standards, which allowed him to ignore any sense of responsibility or consideration of the consequences of his actions." She also noted, "[h]e was highly susceptible to the negative influences of his peers and especially to the influence of Darren Lee." Over his lengthy incarceration, it is clear that Mr. Spears has matured and made efforts to improve himself. He earned an Associate of Arts degree in 1990 and completed vocational training in electronics. Mr. Spears participated in Alcoholics Anonymous, Victim Offender Education, Restorative Justice, and other self-help groups. He has routinely received above average work ratings and has not been disciplined for serious misconduct since 1991. I carefully examined the record for evidence demonstrating his increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a juvenile, his hallmark features of youth, and his subsequent growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by evidence that demonstrates he remains unsuitable for parole.

Mr. Spears' crimes were shocking. He and his friends targeted the Ranzos and planned to rob them. They claimed to have run out of gas and Phillip Ranzo was kind enough to offer to help. In return, he was bound, beaten, and killed. Mr. Spears and his friends then invaded the house. Mr. Spears raped Mrs. Ranzo and then stabbed and slashed her to death. It is hard to comprehend the impact that these murders and the rape of Mrs. Ranzo had on their loved ones and, indeed, the whole community. Several family members have appeared at Mr. Spears' hearings to express their loss and pain.

I am troubled that although Mr. Spears has been incarcerated over 37 years, he continues to minimize his role in these crimes. He told the psychologist that he was trying to “live up to the expectations” of his crime partner, Darren Lee, and raped Mrs. Ranzo because “I thought it was what he expected.” He told the Board that he looked up to Mr. Lee because he always had drugs, money, and girls. When describing the rape to the psychologist, Mr. Spears said, “She didn’t resist, she didn’t say anything. There were no threats. I didn’t say anything; I just hurt her for no reason. I was just angry, full of rage.”

Mr. Spears’ explanations are not consistent with his actions the night of the murders. While Mr. Spears claims that he was only trying to emulate and please Mr. Lee, it is clear from the record that Mr. Spears was the one issuing orders to his crime partners and carrying out the most brutal aspects of the crimes. Mr. Spears was the only one who raped Mrs. Ranzo and was the one who killed Mr. and Mrs. Ranzo. His claim that “there were no threats” to Mrs. Ranzo at the time of the rape is absurd – he and his friends had beaten and tied up Mr. Ranzo, invaded the home, hit Mrs. Ranzo and ripped her dress, and had her “face down on the bed.” While Mr. Spears claims that he accepts full responsibility for his actions, his statements fail to capture all that he did and the fact that he alone carried out the murder and he alone raped Mrs. Ranzo.

CONCLUSION

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

Decision Date: May 18, 2017


EDMUND G. BROWN JR.
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

TIMOTHY VELASCO, E-97287

1st Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

On October 4, 1990, Timothy Velasco went to his girlfriend, Ellen Cleary's, house and entered through an unlocked door. Mr. Velasco found Ms. Cleary orally copulating another man. Ms. Cleary asked Mr. Velasco to leave, but he stayed, and the other man left. Mr. Velasco and Ms. Cleary had lunch together and engaged in sexual intercourse. Mr. Velasco then went into the kitchen, retrieved a knife, and knelt over Ms. Cleary, who was lying face down on the floor. Mr. Velasco cut her neck twice in an unsuccessful attempt to find an artery. Mr. Cleary was able to get up and wrap a towel around her neck. She asked Mr. Velasco to call 911. Instead, Mr. Velasco knelt down and strangled her for several minutes, killing her. He then tied several plastic bags around her head, filled the bathtub with scalding water, and placed her body into the tub. An autopsy concluded that Ms. Cleary's cause of death was manual strangulation.

GOVERNING LAW

The question I must answer is whether Mr. Velasco will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4th 1181, 1214.) Additionally, I am required to give "great weight to the diminished culpability of juveniles as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity of the prisoner" when determining a youthful offender's suitability for parole. (Pen. Code, § 4801, subd. (c).)

DECISION

The Board of Parole Hearings found Mr. Velasco suitable for parole based on their conclusion that Mr. Velasco understood his mental health issues and the impact of his crime. They found that his record in prison, lack of serious rule violations for a period of 25 years, and successful management of his mental illness demonstrated that he was ready for parole.

I acknowledge that Mr. Velasco's crime was committed when he was 22 years old and that he has since been incarcerated for nearly 27 years. Despite growing up in a loving and supportive home, Mr. Velasco spent much of his childhood with a mental illness that he attempted to manage through substance abuse at the time. He reports trying alcohol for the first time at 13 to self-medicate his auditory hallucinations; he stated that the alcohol "made him feel normal." By the time he was in high-school and up until murdering Ms. Cleary, Mr. Velasco was drinking heavily every night of the week. His untreated mental illness led to angry and violent outbursts and trouble in school. Mr. Velasco has made efforts to improve himself in prison. He has actively received and participated in mental health counseling, and has participated in some programming on his substance abuse issues. He received his last serious rules violation in 1992 and has been compliant in taking his medication for over two decades. I carefully examined the record for evidence demonstrating Mr. Velasco's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a juvenile, youthfulness at the time of this crime, and subsequent growth in prison. However, these factors are outweighed by evidence that demonstrates he remains unsuitable for parole.

The cruelty and violence of Mr. Velasco's crime is disturbing. Ms. Cleary suffered as Mr. Velasco cut her twice, leaving her bleeding and pleading for help. Instead of getting help, Mr. Velasco viciously strangled her to death. This crime is particularly horrific given that Ms. Cleary and Mr. Velasco calmly enjoyed a lunch and had sex just before Mr. Velasco murdered Ms. Cleary.

I am troubled by Mr. Velasco's extensive history of mental illness and his uncertain psychological state. In 2016, the Board psychologist rated Mr. Velasco at a moderate risk for violence and diagnosed him with schizoaffective disorder, multiple episodes, currently in partial remission. The psychologist stated that: Mr. Velasco "was reluctant to discuss his symptoms; minimized the extensiveness of his past treatment; appeared to lack an appreciation for the severity of his aggressive and violent outbursts leading up to the commitment offense; and may possess unrealistic ideas about the intensity of treatment he will require upon release as well as the ways his treatment may impact his day to day life in the community." While Mr. Velasco's mental health has stabilized with treatment, according to the psychologist, he still has "fleeting signs of paranoia."

Given the fact that his mental illness contributed to the murder of Ms. Cleary, I am concerned about his current mental state. As the psychologist noted, "his symptoms contributed to his choking one romantic partner and murdering another." It is positive that Mr. Velasco has developed some insight into the mental issues that have affected him for most of his life, and that he has been largely stabilized through medication. However, I would like to see a more extended period of stability, compliance with his medication regimen, and a solid plan for treatment in the community.

Timothy Velasco, E-97287

1st Degree Murder

Page 3

CONCLUSION

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

Decision Date: May 18, 2017


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 (two 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 at the end of the war to take control of the world. Manson came to believe that the Family would have to trigger the start of the race war by committing atrocious, high-profile murders of white victims to incite retaliatory 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’s 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-millimeter 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 then returned to the Ranch by himself. 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 LaBianca, 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 stabbed him repeatedly. 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 later bragged to one Family member, Alan Springer, that they had ways of taking care of “snitchers” and had already taken care of one. Davis told Springer, “We cut his arms, legs and head off and buried him on the ranch.”

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.

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. 4th 1181, 1214.) In rare circumstances, the aggravated nature of the crime alone can provide a valid basis for denying parole even when there is strong evidence of rehabilitation and no other evidence of current dangerousness. (*Id.* at pp. 1211, 1214.)

DECISION

The Board of Parole Hearings found Davis suitable for parole based on his lack of violent juvenile history, his few rules violations in prison, his participation in self-help programs, his risk rating, his age, his educational achievements, and his work ratings.

I acknowledge that Davis is now 74 years old and has been incarcerated for 46 years. He has not been disciplined for any misconduct for 25 years, and he has made efforts to improve himself while incarcerated. Davis has earned several vocational certifications, a master's degree, and a doctorate degree. He regularly receives positive work ratings and he has continued to participate in self-help programs including Alcoholics Anonymous, Denial Management, and Victim Awareness. I commend Davis for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Bruce Davis and the Manson Family committed some of the most notorious and brutal killings in California's history. With the perverse goal of starting a race war, Davis and other members of the Manson Family robbed, tortured, and killed numerous victims in Southern California in 1969. Davis himself participated in two of these calculated murders. He drove others to Gary Hinman's house so they could rob him to finance their apocalyptic scheme. Davis returned to the scene two days later and held Mr. Hinman at gunpoint while Manson sliced his face open with a sword. Davis left Mr. Hinman in the hands of his fellow cult members, who extorted Mr. Hinman and allowed him bleed profusely before ultimately stabbing and strangling him to death. In the coming days, other Manson Family members committed the gruesome Tate and LaBianca murders, leaving behind bloody political messages in an attempt to prompt "social chaos." Davis, Manson, and others later beat and stabbed Donald Shea to death, buried his body, and bragged about dismembering him. These cult murders have left an indelible mark on the public – the Manson Family is still feared to this day. Incredibly heinous and cruel offenses like these constitute the "rare circumstances" in which the crime alone can justify a denial of parole.

And these crimes aren't the only evidence that Davis should not be released from prison – his continued minimization of his own violence and his role in the Manson Family further shows that he remains an unreasonable risk to the public. As I discussed in my previous decisions reversing Davis's grants of parole, Davis has long downplayed his role in these murders and in the Manson Family. Although the Board granted him parole again in February 2017, he has done little to address my concerns.

Davis's claim that he was a reluctant participant in these murders and the Manson Family is completely unconvincing. Davis told the psychologist who evaluated him in 2016 that while he "went very willingly in the Hinman case," he became afraid when he saw Manson cut Mr. Hinman's face and decided "I'm out of here...I made a decision, hey, I'm gone." He said that he didn't participate in the Family's "creepy crawling" excursions because he was too scared. Davis continued, "But, with the Shea thing, I'm standing there, I'm like what am I gonna do? I would've liked to opt out, but what was I going to do?" He explained that he that he had "adopted Charlie [Manson] as my dad" and couldn't leave the Family because he felt connected to Manson. At his 2017 parole hearing, Davis said that he "wanted to be a leader" of the Manson

Family and “wanted to be Charlie’s favorite guy.” He claimed that he didn’t buy into Manson’s “silly” plan to provoke a revolution, but that he agreed with whatever Manson said because he was afraid of Manson’s “disapproval.” Davis explained, “I had convinced myself that if I don’t get directly involved...in anything that’s – that they’re doing wrong, then I’ll be all right.” When asked why he carved a swastika into his forehead in jail after his arrest, Davis responded, “It was just part of goin’ along...part of what they were doing.” These statements severely understate Davis’s active participation in these murders and the Manson Family. The 2016 psychologist concluded that Davis maintained “some ongoing blame toward others” and characterized himself as an unwilling participant in these crimes. The psychologist opined that “when it came to discussing the actual violence he engaged in, [Davis’s] insight was limited and he tended to deflect responsibility.” The psychologist continued, “[T]here is a dearth of deeper explanation of why he personally was willing to enact such violence and continue associating with people who executed such a plethora of additional violence.”

Davis’s statements show that he still has not come to terms with his central role in these murders and in the Manson Family. He was far from an unwilling participant. By his own account, Davis idolized an extremely violent cult leader – he wanted to be Manson’s favorite, did whatever Manson said, and wanted to help Manson lead the group – and actively participated in these two murders as a result. Although Davis tries to distinguish between himself and the other Family members by saying that he was simply associating with them to get drugs and girls, the fact is that he continued his active involvement with the Family even after witnessing firsthand the violent manifestation of their perverse ideology. Davis knew when he drove Manson and others to Mr. Hinman’s home that they planned to rob and kill him. Davis was aware of the stakes when he held Mr. Hinman at gunpoint and watched Manson cut into him with a sword. And Davis didn’t just happen to find himself present at Mr. Shea’s murder – he discussed it in advance with Manson and then helped stab Mr. Shea to death. Davis’s commitment to the Family continued well after his participation in these murders. He evaded capture for more than a year and ultimately branded himself with a swastika in jail along with the other Manson Family members. Davis’s portrayal of himself as a disinterested follower is belied by his repeated violent actions and his continued dedication to the Manson Family.

I am also disturbed by Davis’s apparent lack of remorse for his participation in these heinous murders. During his hearing, the Board questioned Davis’s remorse and empathy, observing, “[Y]ou say the right words, but do you really feel it? That didn’t really come out today.” The presiding commissioner reported that Davis was “smirking smugly” and smiled as he discussed the crimes. She explained, “It’s like you’re reminiscing about it...that’s why it’s disturbing.” The 2016 psychologist also had concerns about Davis’s “possible ongoing callousness, lack of empathy (especially for the victims’ families) poor judgment, and lack of remorse to an extent.” It is difficult to understand how someone could commit these extreme crimes and still, after more than four decades in prison and 32 parole hearings, show anything but profound regret and remorse. Davis’s demeanor demonstrates a chilling disregard for his victims and the families who mourn them, and the magnitude of his crimes.

CONCLUSION

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

Decision Date: June 23, 2017


EDMUND G. BROWN JR.
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

DAVID HAYWARD, D-84182
Second Degree Murder

AFFIRM: _____
MODIFY: _____
REVERSE: _____ **X** _____

STATEMENT OF FACTS

David Hayward and Michael Sheehan were roommates at a board and care facility for mentally handicapped individuals. The two men started arguing immediately and were frequently involved in disagreements. Mr. Hayward was often verbally and physically abusive to Mr. Sheehan. On July 22, 1987, Mr. Hayward and Mr. Sheehan had a disagreement after which Mr. Hayward forced Mr. Sheehan to march 1.8 miles to the beach. The two men began to wrestle and Mr. Hayward repeatedly slammed Mr. Sheehan's face on the ocean floor, rendering him unconscious. With him immobile, Mr. Hayward drowned Mr. Sheehan in the water and spent several minutes watching the body float away. Mr. Hayward then changed into dry clothes and participated in the subsequent search for Mr. Sheehan.

GOVERNING LAW

The question I must answer is whether Mr. Hayward will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4th 1181, 1214.) Additionally, I am required to give "great weight to the diminished culpability of juveniles as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity of the prisoner" when determining a youthful offender's suitability for parole. (Pen. Code, § 4801, subd. (c).)

DECISION

The Board of Parole Hearings found Mr. Hayward suitable for parole based on a lack of violence while incarcerated, growth and maturity while incarcerated, controlled mental health needs, admission of responsibility, and parole plans.

I acknowledge that Mr. Hayward's crime was committed when he was only 19 years old and that he has since been incarcerated for nearly 30 years. The psychologist noted that Mr. Hayward "had a number of environmental experiences which were entirely out of his control, including his father's physical discipline, his experience with sexual abuse at age twelve, and his ongoing

problems with psychiatric illness, which began at age five and required hospitalization by age fifteen.” He struggled with impulse control and anger. It is clear that Mr. Hayward’s childhood was difficult to say the least. He has also made efforts to improve himself in prison. Because he has worked with clinicians to manage his mental health issues and find medications that seem to work for him, Mr. Hayward has been mentally stable for several years. He has not acted out violently towards others and has only been reprimanded four times for serious misconduct. Mr. Hayward consistently received above-average work ratings before he was terminated from work assignments. He has received vocational certificates and has participated in therapy and self-help programs such as Anger Management, Personal Growth, and Alcoholics Anonymous. Mr. Hayward is now 49 years old and has recently been diagnosed with cancer. I carefully examined the record for evidence demonstrating Mr. Hayward’s increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youth and his subsequent growth in prison. But these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Hayward’s crime was exceptionally callous. After a disagreement with his roommate, Mr. Sheehan, Mr. Hayward decided to commit this appalling act. He proceeded to force Mr. Sheehan to walk nearly two miles to the beach then drowned Mr. Sheehan. He watched Mr. Sheehan’s body float out to sea and, when the facility discovered he was missing, Mr. Hayward even participated in the search for Mr. Sheehan.

When I considered Mr. Hayward’s previous grant of parole in 2016, I outlined my concerns about his ability remain free of violence in light of his extensive history of mental health problems and his pattern of failing to take his prescribed medication. My concerns remain. The psychologist who evaluated Mr. Hayward in 2016 detailed his “significant mental health history, with numerous behavioral difficulties related directly to his mental health issues.” This history included severe temper outbursts, psychotic symptoms, and significant emotional disturbance as a child. He was diagnosed with schizoaffective disorder at age 15 and bipolar disorder with psychotic features at age 18. Mr. Hayward killed Mr. Sheehan when he was 19 years old while living at a board and care facility and while he was non-compliant with his medication regimen. He has been committed for psychiatric hospitalization in 1990, 2000, 2006, 2008, and 2010. The 2016 psychologist observed that Mr. Hayward continued “to show some evidence of poor treatment compliance well into adulthood, as evidenced by medication noncompliance in 2010, and self-admitted methamphetamine use four years ago.” Mr. Hayward has been compliant with his medication more recently and his symptoms have been “‘well-controlled’ in recent years.” I am pleased to hear that his clinical psychologist for the last several years reports “steady progress and growth” and that Mr. Hayward “takes all aspects of his treatment quite seriously.” He deserves commendation for his efforts. However, I still have significant concern that Mr. Hayward will not be able to maintain this progress if released at this time. I encourage Mr. Hayward not to lose hope, but to continue his efforts to show that he is preparing for the challenges he will face when he is released.

CONCLUSION

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

David Hayward, D-84182
Second Degree Murder
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unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Hayward.

Decision Date: June 23, 2017


EDMUND G. BROWN JR.
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

DENNIS SCOTT, P-91582
Second degree murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

In February 1998, Dennis Scott, Glenn Mason, and Elizabeth Mangham were living in an abandoned mental health facility. This location contained Satanic references, pictures of demons, and the body of a decapitated pigeon positioned next to a pentagram drawn in blood. Mr. Mason, a proclaimed Satanist, tutored Scott about the principles of Satanism. Mr. Mason and Mr. Scott discussed the idea of “stealing souls” for Satan, and Mr. Scott said he wanted to kill somebody so he would know what it would be like to take a soul for Satan. On February 24, 1998, Mr. Mason lured 14-year-old Shevawn Geoghegan, whom he had formerly dated, to the abandoned facility. Ms. Mangham and Mr. Scott bound Ms. Geoghegan’s legs and wrists to a chair with rope and duct tape, and then Mr. Mason used a dog collar-like strap to strangle Ms. Geoghegan. Mr. Mason and Mr. Scott placed Ms. Geoghegan’s body in a canvas bag and concealed it behind several wooden pallets. Ms. Mangham and Mr. Scott cleaned up items used to kill Ms. Geoghegan before bragging to their roommate about collecting a “trophy.” The night of the murder, Mr. Scott noticed Ms. Geoghegan’s mother in the area of the abandoned mental facility looking for her daughter. Finally, on February 26, 1998, through the tireless canvassing of abandoned buildings by Ms. Geoghegan’s parents, she was located by police.

GOVERNING LAW

The question I must answer is whether Mr. Scott will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate’s pre- or post-incarceration history, or the inmate’s current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4th 1181, 1214.) Additionally, I am required to give “great weight to the diminished culpability of juveniles as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity of the prisoner” when determining a youthful offender’s suitability for parole. (Pen. Code, § 4801, subd. (c).)

DECISION

The Board of Parole Hearings found Mr. Scott suitable for parole based on his age at the time of the crime, growth and maturity, rehabilitation during his incarceration, insight, psychological evaluation, and parole plans.

I acknowledge Mr. Scott was 22 years old when he committed this crime, and that he has since been incarcerated for almost 18 years. Mr. Scott was homeless for several years starting at 18-years-old. He described himself to the psychologist as “a ‘troubled’ and ‘impulsive’ youngster.” He began using drugs and chose a transient way of life, apparently thinking it would be exciting and enriching. The psychologist concluded that “[Mr. Scott’s] mild to moderate substance-abuse problems soon exacerbated to the point they consumed his life.” Mr. Scott is now 41-years-old and has made efforts to improve himself while in prison. He has not been disciplined for serious misconduct since 2009. He has completed vocational training, has held several institutional jobs, and has received positive ratings from his work supervisors. He earned his High School Diploma and has participated in self-help programs, including Alcoholics Anonymous, Narcotics Anonymous, and Victim’s Awareness. The psychologist noted that Mr. Scott “appears to have matured over the years, including becoming clean and sober in 2005.” I commend Mr. Scott for taking these positive steps. I gave great weight to all the factors relevant to his diminished culpability as a young person, his youthfulness at the time of this crime, and his subsequent growth in prison during my consideration of his suitability for parole. But they are outweighed by negative factors that demonstrate that he is not ready to be released.

The crime committed by Mr. Scott was chilling. He and his crime partner believed that by killing another human being, Satan would deliver that person’s energy into their bodies. It is difficult to imagine the terror Ms. Geoghegan must have experienced when she was being held down by both Mr. Scott and Mr. Mason. Despite the loud screams from Ms. Geoghegan and her plea to call her parents, she received no sympathy from her perpetrators. Mr. Scott wrestled Ms. Geoghegan to the ground as Mr. Mason slowly suffocated her with a dog collar. They then rolled her body up in a sleeping bag and threw her body into a dark corner of the basement in the abandoned building.

Mr. Scott has yet to explain in an adequate way how his criminality evolved from torturing a pigeon a week before the crime, to assisting in the brutal murder of Ms. Geoghegan. In talking with the psychologist, Mr. Scott said he “struggled with feelings of ‘powerlessness’ and inferiority.” He stated in his 2017 hearing, “I was unsatisfied by practices of Paganism. I was seeking magic and power and not finding it, so, when Mr. Mason was promising power that actually works--magic that actually works--I was willing to try it.” Mr. Scott also stated in his hearing, “Mason was giving me, in a sense, permission to do things that I really wanted to, but was afraid to.” After killing Shevawn he bragged to others “we got our trophy.” When asked what he meant by this statement at his hearing, he indicated that by “murdering someone and claiming their soul, I would increase our personal power.” Though Mr. Scott was able to satisfy both the psychologist and the Board, I am unconvinced that the reasoning behind this vicious murder was a need for “belonging,” ‘acceptance,’ and ‘increased status’ within his peer group.”

His conclusion shows a lack of insight into why he committed this crime. These feelings of powerlessness and inferiority are not unique to Mr. Scott; many others suffer from the same issues every day and chose not to kill. Mr. Scott has not explained what it was about his own past or personality that prompted him to commit such a disturbing, callous murder. Until he can better demonstrate what led him to participate in such a violent murder, I believe Mr. Scott remains a danger to the public.

CONCLUSION

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

Decision Date: June 30, 2017


EDMUND G. BROWN JR.
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

JESUS CECENA, C-08487
First Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

On November 3, 1978, 70's gang members Jesus Cecena and Jose Arteaga drank beer with friends and smoked marijuana laced with PCP. Shortly before 1:00 a.m., Mr. Cecena and Mr. Arteaga were pulled over for speeding by San Diego Police Officer Archie Buggs. Officer Buggs was in full uniform, including a bullet-proof vest, and he was driving a marked patrol vehicle with his red lights flashing. Officer Buggs approached Mr. Cecena, who was in the driver's seat, and saw a beer can in the vehicle, which he removed and placed on the roof. As Officer Buggs walked to the rear of the car, Mr. Cecena grabbed Mr. Arteaga's revolver, got out of the car, and followed Officer Buggs. Mr. Cecena opened fire and shot six rounds at Officer Buggs; two shots deflected off Officer Buggs' bullet-proof vest, three struck Officer Buggs in the right side, and, lastly, Mr. Cecena shot Officer Buggs once in the right temple from close range, splattering blood all over his hands and clothing. Mr. Cecena then ran back to the car and sped away with the lights off, nearly hitting a witness as he fled. Mr. Cecena and Mr. Arteaga went to Mr. Cecena's girlfriend's mother's house, where they wiped down the revolver and wrapped the weapon and the expended casings in a red bandana. Mr. Cecena washed Officer Buggs' blood off his hands, and hid the pistol and casings under a bucket in the backyard. Mr. Cecena and Mr. Arteaga were arrested November 4, 1978.

Mr. Cecena was initially sentenced to life in prison without the possibility of parole for first degree murder with a special circumstance. In 1982, the Court of Appeal reduced his sentence to 7 years to life pursuant to the California Supreme Court's decision in *People v. Davis* (1981) 29 Cal.3d 814. That case held that the Penal Code did not permit minors convicted of murder with special circumstances to be sentenced to life without the possibility of parole. In 1990, Proposition 115 passed which amended the Penal Code to explicitly allow for life without parole sentences for minors like Mr. Cecena who are convicted of murder with special circumstances.

GOVERNING LAW

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

44 Cal. 4th 1181, 1214.) Additionally, I am required to give “great weight to the diminished culpability of juveniles as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity of the prisoner” when determining a youthful offender’s suitability for parole. (Pen. Code, § 4801, subd. (c).)

DECISION

The Board of Parole Hearings found Mr. Cecena suitable for parole based on his age at the time of the crime, rehabilitative efforts, growth and maturity, genuine remorse for crime, and the marketable skills he has gained since incarceration.

I recognize Mr. Cecena was only 17 when he committed this crime. Throughout his life, Mr. Cecena dealt with an unstable family environment. His father, at times, was physically abusive, using a “switch” to punish him that left welts. At age 13, his parents divorced. This reportedly gave Mr. Cecena a sense of abandonment by his father. His mother gravitated towards alcohol as a way to cope with the separation. Mr. Cecena indicated that his mother “became depressed and increasingly distant, often cried, and no longer hugged or comforted him or his siblings.” This disruption in his family environment caused Mr. Cecena to adopt a lifestyle that involved drugs, gangs, and criminal activity. He espoused a belief that gangs would “offer him protection, and more importantly, a sense of belonging, loyalty, and acceptance.” His behavior became so out of control that his mother relinquished custody and asked his father to step in and parent. This now gave Mr. Cecena a feeling of abandonment from both parents.

I also acknowledge that Mr. Cecena has taken steps to improve himself while incarcerated. He received positive reviews for his work at the Prison Industry Authority and completed several vocational training programs. He has been free of any serious institutional misconduct for almost 30 years. He participated in self-help programming, including Celebrate Recovery, Alcoholics Anonymous, Relapse Prevention, Anger Management, and Criminal and Gangmembers Anonymous. He has also acted as a facilitator to many of the above programs. I commend Mr. Cecena for taking these steps. I carefully examined the record for evidence demonstrating his increased maturity and rehabilitation, and gave great weight to all the factors relevant to diminished culpability as a juvenile, his hallmark features of youth, and his subsequent growth in prison during my consideration of Mr. Cecena’s suitability for parole. However, they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Cecena carried out a cold-blooded killing that took a beloved member of the San Diego community away from his family. He callously executed a well-respected officer who dedicated his life to protecting the public. This crime devastated an entire community, and city, based on its heinous nature. Thirty years later, there is still significant outrage regarding the crime.

I reversed the Board’s decisions in 2014 and 2016, based on Mr. Cecena’s resistance to explore the motivations behind executing Officer Buggs. One year later, he still presents with the same issues. He also continues to minimize his role in the premeditated shooting of Officer Buggs. Although the Board found Mr. Cecena suitable for parole again in February of 2017, I am

unconvinced of any significant changes in Mr. Cecena's insight into his motivation for this crime.


Mr. Cecena has yet to offer a plausible explanation for the reasons he killed Officer Buggs. During his 2017 hearing, Mr. Cecena explained that he killed Officer Buggs because he knew his father was going to find out about the traffic ticket and alcohol. He stated, "my dad's gonna know about this, he's gonna know I'm in trouble again, he's gonna leave me, he's not gonna want me no more, so I start to panic." This does not add up. Mr. Cecena also told the psychologist in 2105 that "his reasons for committing his crime were simply to 'get away' and 'not get caught'." I also find this explanation inadequate. Mr. Cecena had multiple contacts with law enforcement prior to this crime. He was admonished in juvenile proceedings for malicious mischief, possession of a knife, and curfew violations. In his 2017 hearing, Mr. Cecena indicated that for the majority of the time, he was simply "taken home" after committing these offenses. The most severe punishment he ever faced was a short stint at a "ranch style" school for boys which Mr. Cecena explained was "more like summer camp" with "counselors and mini bikes." I do not believe that these experiences with law enforcement created so much fear in Mr. Cecena that he believed his "only option" was to murder Officer Buggs. It is clear to me that Mr. Cecena has not adequately assessed his motivations for perpetrating this horrific crime.

Furthermore, it was not until his 2017 hearing that Mr. Cecena admitted he "want[ed] to execute" Officer Buggs. Unfortunately, Mr. Cecena still seems hesitant to explain exactly what happened that night. He maintains that his actions were "impulsive and rather panicked." The Appellate Court found that "the single shot to Officer Buggs' temple was likely designed to accomplish its purpose as the last shot fired, the finishing wound." At sentencing, the trial court judge observed that the evidence "showed a cool, calculated judgment, a deliberate killing." The Appellate Court, in confirming Mr. Cecena's conviction for first degree murder, noted that the shots "were clustered in a pattern between one and one and a half inches in diameter so as to show Cecena took careful aim." The blood spatter found on the front end of Officer Buggs' patrol car is consistent with a close range, execution-style, shot to the temple. Over the years, Mr. Cecena has insisted there was no conversation between him and Mr. Arteaga when he was handed the gun. He has insisted that he never fired a gun before this crime. He has insisted that he never shot Officer Buggs in the head execution-style. These facts are not square with the record. Mr. Cecena's continued characterization of his actions as impulsive indicates to me that he is still minimizing the callousness of the crime and his intent to execute Officer Buggs. Moreover, I find the horrendous nature of this crime and its impact on the community deeply troubling. I am not convinced that Mr. Cecena will abstain from violence.

CONCLUSION

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

Decision Date: July 14, 2017


EDMUND G. BROWN JR.
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

FRANCISCO RUBIO, T-89385
Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

Between the dates of March 25, 1998, and April 10, 1998, Francisco Rubio, Paul Smith, Lori Smith, Amy S., and Lora Sinner, maintained a small campsite for several weeks in Shasta County. Amy and Paul were in a relationship, as were Lori and Mr. Rubio. These four shared a tent, and the victim, Ms. Sinner, slept alone in a second tent. Over the days before the killing, the co-defendants Mr. Rubio, Paul, Lori, and Amy discussed killing Ms. Sinner for several reasons, including: jealousy by the women over Ms. Sinner's flirting with the men, the impression that Ms. Sinner knew too much about the others' participation in multiple thefts, the desire to take Ms. Sinner's car as well as fifty dollars sent to her from her father, and an overall dislike of the victim.

On the day of the killing, all five individuals were at the campsite. Late in the day or early evening, Amy initiated an argument with Ms. Sinner. The argument turned physical when Amy punched Ms. Sinner in the face. Ms. Sinner was struck several times by Amy, and kicked as well. At that point, Lori entered the beating and began to slam Ms. Sinner's head into a tree and large rock. Lori asked Amy for "something metal" and Amy returned with a large can of chili and a long metal rod. Lori used the can to hit Ms. Sinner in the head and then used the metal rod to keep injuring Ms. Sinner. Lori then gave the metal rod to Amy, which she used to injure Ms. Sinner even further.

Afterwards, Paul, Lori, and Amy briefly took Ms. Sinner to a creek to clean her up, but then returned to the campsite where Paul proceeded to hog-tie Ms. Sinner's hands and feet together and put a noose, that Mr. Rubio had fashioned, around her neck. Paul then continued to assault Ms. Sinner with the metal rod and hit and kicked her in the face. As she pled for her life, Paul taunted Ms. Sinner repeatedly. Paul then untied Ms. Sinner and instructed her to cut her own wrists with a razor blade, or he would do it himself. Ms. Sinner attempted to cut her own wrists as Paul had instructed, but was unsuccessful. Paul then instructed Ms. Sinner to put her hands over the campfire, where he poured whiskey on Ms. Sinner's wounds, and used the razor blade to cut her wrists himself. As Ms. Sinner was lying on the ground close to the campfire, her gasping breaths began to annoy the assailants, so they placed two plastic bags over her head to muffle the sounds. Finally, Paul took the metal rod and dealt a final blow to Ms. Sinner's head, killing her.

Paul and Mr. Rubio then dragged Ms. Sinner's body a short distance, dug a shallow grave and buried her. The assailants burned Ms. Sinner's belongings and continued to live at the campsite for approximately two weeks before Mr. Rubio and Paul were caught driving a stolen car.

GOVERNING LAW

The question I must answer is whether Mr. Rubio will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4th 1181, 1214.) Additionally, I am required to give "great weight to the diminished culpability of juveniles as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity of the prisoner" when determining a youthful offender's suitability for parole. (Pen. Code, § 4801, subd. (c).)

DECISION

The Board of Parole Hearings found Mr. Rubio suitable for parole based on Mr. Rubio's lack of violent criminal history as a juvenile, his age at the time of the crime, his unstable social history, and on his positive programming and work history.

I acknowledge that Mr. Rubio's crime was committed when he was 18 years old and that he has since been incarcerated for more than 19 years. He endured a turbulent childhood and was raised by extended family members because his mother and father were incarcerated for murder when Mr. Rubio was just six years old. He often went hungry and reported being the victim of physical and sexual abuse. He started using drugs and alcohol almost every day in his early teens. I also acknowledge that Mr. Rubio is now 38 years old and has made some efforts to improve himself in prison. He has earned a GED and a vocation; he has received positive work reports and participated in self-help, recently including Alcoholics Anonymous. I commend Mr. Rubio for taking these positive steps.

I carefully examined the record for evidence demonstrating Mr. Rubio's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a juvenile, his youthfulness at the time of this crime, and his subsequent growth in prison during my consideration of his suitability for parole. But these factors are outweighed by the evidence that demonstrates he remains unsuitable for parole.

At the hands of Mr. Rubio and his crime partners, Ms. Sinner endured extreme torture without any rational justification. Perceived flirtations and fifty dollars are no reason to severely beat, kick, cut, and suffocate somebody. The suffering that Ms. Sinner experienced is unfathomable and Mr. Rubio's claim that he was not an active participant in this violent attack is deplorable. At his 2017 parole hearing, Mr. Rubio denied committing any violence against Ms. Sinner when in fact, Mr. Rubio fashioned a noose and helped drag Ms. Sinner's savagely beaten body to bury her in a grave that he helped dig. He lived with that buried body at a campsite for almost two

weeks and partook in eating the contents of the can of chili that had been used to hit Ms. Sinner over the head. I don't think Mr. Rubio has yet demonstrated that he takes full and sufficient responsibility for the horrific nature of this crime. Moreover, Mr. Rubio does not convincingly explain how he could witness and participate in such torture and brutality, without even attempting to intervene or stop his co-defendants.

I am also concerned about the extent of Mr. Rubio's substance abuse issues and related serious rules violations in prison. In Mr. Rubio's 2016 psychological evaluation, he reported that he began regularly drinking alcohol at the age of 14, using cannabis "almost every day" by the age of 15, and started using methamphetamine daily at the age of 17. As recently as 2012, Mr. Rubio was acquiring hundreds of dollars in heroin and breaking in to a sergeant's locker to acquire items to pay off his debts. Mr. Rubio claims that he has been sober since 2013, and I commend him for his recent efforts in rehabilitation. However, I don't think these recent efforts are enough in light of his lifelong substance abuse. Mr. Rubio needs to do more to demonstrate a sustained commitment to his sobriety and that he is prepared to address the severity of his addictions.

CONCLUSION

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

Decision Date: July 21, 2017


EDMUND G. BROWN JR.
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

FRANK SERRANO, H-21510
Second Degree Murder (2 Counts)

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

Frank Serrano was involved in three incidents over a five month period that resulted in the death of five individuals. On May 15, 1990, Mr. Serrano arranged to kill Jesse Wells and Robert Cheatum because of a cocaine deal that went bad with Perry Wagner and Gary Henderson. After Mr. Wells and Mr. Cheatum left without buying the cocaine, Mr. Wagner and Mr. Henderson told Mr. Serrano he would be killed unless he set up Mr. Wells and Mr. Cheatum. Later that day, Mr. Serrano picked up Mr. Wells and Mr. Cheatum and drove them to the desert in Eastern Los Angeles County. On May 17, 1990, officers found Mr. Wells in the front passenger seat with three gunshot wounds to the back of his head. Mr. Cheatum was also in a passenger seat with ten gunshot wounds to the head and upper torso.

On August 28, 1990, Mr. Serrano was riding in car with Mr. Henderson, and his cousin, Mr. Ernesto Serrano. They drove to Dee Nichol's house to discuss a prior drug deal. When the three of them arrived, Mr. Henderson approached the house and asked for Ms. Nichols. Virgil Castleman opened a window and told Mr. Henderson that Ms. Nichols was not home at the time. Mr. Henderson told Mr. Castleman, "You better watch your family" through the window and walked back to the car. Mr. Castleman jumped out of the window, followed Mr. Henderson to his car, and asked him what he said. While Mr. Castleman was talking to Mr. Henderson, Mr. Serrano's cousin pointed a shotgun from the back window behind Mr. Henderson and fired one shot into Mr. Castleman's chest, killing him. Mr. Castleman's wife, who also came out of the house, began to run inside. Mr. Serrano fired several shots with a .45 handgun, but none of them hit her. All three men fled.

On September 18, 1990, Mr. Serrano arranged to purchase a pound of methamphetamine from Robby Rasco. Mr. Rasco showed up at Mr. Serrano's house with Augusto Gomez. Mr. Rasco told Mr. Serrano he did not have the methamphetamine with him. Mr. Serrano told his girlfriend to bring the money out and give it to him. Mr. Gomez grabbed the money from Mr. Serrano. Mr. Serrano told Mr. Gomez to let go of the money or he would shoot him. Once Mr. Gomez released the money, Mr. Serrano ordered Mr. Gomez and Mr. Rasco into the backseat of the car. Mr. Serrano and his cousin got in the car and drove off. During the drive, Mr. Serrano turned around and shot Mr. Gomez with a .45 handgun, killing him. Mr. Rasco began to yell and threaten Mr. Serrano and his cousin for shooting Mr. Gomez. After returning to his house, Mr. Serrano duct taped Mr. Rasco's mouth and hands, and his cousin shot Mr. Rasco, killing him. Mr. Serrano and his cousin drove the bodies to the desert, poured gasoline on the bodies, and set them on fire.

GOVERNING LAW

The question I must answer is whether Mr. Serrano will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4th 1181, 1214.) Additionally, I am required to give "great weight to the diminished culpability of juveniles as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity of the prisoner" when determining a youthful offender's suitability for parole. (Pen. Code, § 4801, subd. (c).)

DECISION

The Board of Parole Hearings found Mr. Serrano suitable for parole based on his age at the time of the crime, adequate signs of remorse, responsibility he took for the crimes committed, growth and maturity, separation from gangs, positive institutional behavior, and satisfactory parole plans.

I recognize that Mr. Serrano was just 17 when he committed the first of many murders. He has since been incarcerated for more than 26 years. Mr. Serrano was raised in a particularly brutal and dysfunctional environment. His father was a drug dealer connected with the Sinaloa Cartel. Mr. Serrano was employed by his father at the young age of 16 to assist in the business. His father exposed him to a life of drug dealing, murder, and other activities. He recalled his father "when he was drunk or high on cocaine, would come home and if he did not like the food that [his wife] cooked, he would throw the food and slap [his wife]." Mr. Serrano joined the 12th Street Pomona gang when he was 13 years old. He joined the gang because his uncle was a member of the gang. His uncle was later killed as a result of gang retaliation. Mr. Serrano told the Board, "[his uncle] was like my idol to me, so when he was killed, I was devastated by his death, and I told myself that as I -- as soon as I get a little older, I -- I'm gonna be like him." He also reported that a number of his family members were "killed" as a result of their involvement in illegal activity.

Mr. Serrano has made efforts to improve himself while incarcerated. He routinely received satisfactory work ratings. He has been free of any serious institutional misconduct since 2008. He participated in self-help programming, including, Alcoholics Anonymous, Alternative to Violence, Gang Diversion, and Criminal and Gangmembers Anonymous. Mr. Serrano also began debriefing from the Mexican Mafia in 2008. I commend Mr. Serrano for taking these steps. I carefully examined the record for evidence demonstrating his increased maturity and rehabilitation, and gave great weight to all the factors relevant to diminished culpability as a juvenile, the hallmark features of youth, and his subsequent growth in prison. However, these factors are outweighed by evidence that demonstrates he remains unsuitable for parole.

Mr. Serrano was involved in the killing of five individuals just months after turning 18 years old. Most of these murders were committed through the deliberate planning of Mr. Serrano and his cousin. Each of these murders displayed an unusual callousness.

Mr. Serrano willingly murdered Mr. Wells during a dispute over drugs. After shooting Mr. Wells in head, he and his cousin left the bodies of Mr. Wells and Mr. Chetatum in the middle of the desert for days. He then continued his rampage by participating in the murder of Mr. Castleman three months later, which was also precipitated by a soured drug transaction worth only fifty dollars. Lastly, Mr. Serrano participated in the double homicide of Mr. Gomez and Mr. Rasco. This murder occurred out of Mr. Serrano's fear that he would be "robbed" by Mr. Gomez. After ordering Mr. Gomez into the rear seats of a car, Mr. Serrano shot him in the head. Mr. Serrano then proceeded to take duct tape and gag Mr. Rasco and bind his feet. Witness statements, at the time of the crime, stated that Mr. Rasco "pled for his life" while being duct taped by Mr. Serrano. Mr. Serrano and his cousin then threw Mr. Rasco into the trunk of Mr. Gomez's car and drove into the desert. While Mr. Serrano's cousin shot Mr. Rasco multiple times, killing him, it was Frank Serrano who took both bodies and burned them.

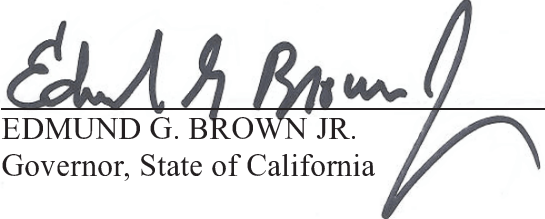
It is troubling that Mr. Serrano continues to minimize his role in the killings of Mr. Wells and Mr. Castleman. In regard to the murder of Mr. Wells, Mr. Serrano stated, "It wasn't something we planned to do." This statement does nothing to account for the planning involved in this murder. Mr. Wells was killed in a calculated manner. Mr. Serrano was angry after the ongoing dispute over narcotics. He then shot Mr. Wells three times in the back of the head, execution style, and drove the bodies to the desert where they remained for days. In discussing the murder of Mr. Castleman and the shots he delivered to his wife, Mr. Serrano said, "I shot at her direction, but not at her. I was not aiming at her 'cause I did not want to shoot nobody." This statement is another minimization of his violent behavior and attitude. The record noted that "two of the bullets fired at Mrs. Castleman struck her home 'near' where she was standing." The psychologist concluded that "Mr. Serrano has not matured; rather he has continued to demonstrate a willingness to engage in criminal and violent behavior."

While it appears that Mr. Serrano is starting to pursue a more positive path, I do not believe that he has demonstrated that he is ready to be released. Even now, Mr. Serrano does not appear to grasp the magnitude of the destruction that he created, nor does it appear that he has sufficient insight into this crime spree. Without deeper insight, I don't believe Mr. Serrano should be released.

CONCLUSION

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

Decision Date: July 21, 2017


EDMUND G. BROWN JR.
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

MICHAEL SHANNON, H-75565
Second Degree Murder

AFFIRM: _____
MODIFY: _____
REVERSE: _____ **X** _____

STATEMENT OF FACTS

Michael Shannon engaged in a casual relationship with David Thursdale for a number of years. After a separation, Mr. Shannon moved to Virginia. In September 1992, Mr. Shannon began leaving death threats on Mr. Thursdale's answering machine, alleging that Mr. Thursdale had been "generating thought patterns." Mr. Shannon stated that if Mr. Thursdale did not stop generating the thought patterns, he would "drive a stake" through Mr. Thursdale's heart. Then in November 1992, Mr. Shannon took a five day bus trip to California and began living in Mr. Thursdale's garage. A few days after moving in the garage, Mr. Thursdale was found dead of asphyxiation at the foot of his bed.

GOVERNING LAW

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

DECISION

The Board of Parole Hearings found Mr. Shannon suitable for parole based on signs of remorse, his mental condition at the time of the crime, his lack of violence while incarcerated, and his steps towards addressing some of his mental health issues.

I acknowledge Mr. Shannon has made efforts to improve himself while incarcerated. He has received treatment for both his mental-health issues and his substance dependence issues and has not engaged in violent behavior while incarcerated. He has participated in some self-help programming while in prison, including Cage Your Rage, Depression Management, and Anger Management. Additionally, Mr. Shannon has actively engaged in various Enhanced Outpatient Programs such as Substance Abuse, Street Management, and the Linkage Program. I commend Mr. Shannon for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Shannon's crime was exceptionally unsettling. Mr. Shannon befriended Mr. Thursdale and maintained a relationship with him for several years before moving to Virginia. While the two men were living on different sides of the country, Mr. Shannon began leaving messages on Mr. Thursdale's answering machine accusing Mr. Thursdale of "generating thought patterns." The messages also stated, "I'll do what I have to do to stop it, even if I have to come out and drive a stake through your hearts. If you don't stop, I will hop a plane out there and do what I have to do." True to his word, Mr. Shannon traveled across the country and, after staying with Mr. Thursdale for two days, strangled Mr. Thursdale to death.

I am troubled by Mr. Shannon's long history of mental illness. The psychologist wrote that "Mr. Shannon did not appreciate the need for mental health treatment and feels he has dealt with all of his mental health issues." In contrast to Mr. Shannon's beliefs as to his mental health, the psychologist noted that "symptoms of [Mr. Shannon's] mental illness were evident during the current interview. Specifically, he expressed delusional content and his thoughts were disorganized during the evaluation." Rather than discussing his history of mental illness, "Mr. Shannon spoke about his thoughts regarding the victim at length which were paranoid and delusional." It is also apparent that Mr. Shannon has no insight into how his substance abuse is related to his long standing mental health issues. When asked about his substance abuse issues with the psychologist in 2015 he responded, "I have no substance abuse issues at all" and "If they wanted me to do any follow up sure I would be willing to do [it] but do I need it? No." Given the relationship between Mr. Shannon's mental health and his drug use and his current attitudes about both, I am not ready to release him. Additionally, I believe a new comprehensive risk assessment is necessary in order to provide a more complete and current assessment of his psychiatric needs and the risk that he poses so that the Board can again assess these issues at Mr. Shannon's next hearing.

CONCLUSION

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

Decision Date: July 21, 2017


EDMUND G. BROWN JR.
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

THOMAS DUNAWAY, K-55407

First Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

On January 22, 1994, Amber Slaughter had sex with Thomas Dunaway, Thomas Winger, and Abraham Gerving. Mr. Gerving heard from Ms. Slaughter's friends that she was gossiping about having sex with the men, so he and his friends decided to kill Ms. Slaughter. On January 23, 1994, Ms. Slaughter snuck out of her house in the middle of the night and met Mr. Dunaway, Mr. Winger, and Mr. Gerving. They drove Ms. Slaughter to an isolated location and got out of the car. Ms. Slaughter was walking on the road in front of Mr. Winger, with Mr. Gerving and Mr. Dunaway trailing behind them. One of the men shot Ms. Slaughter in the head, causing her to collapse. The others also fired the gun at her, but missed. They covered their hands with socks while handling the gun, washed their hands with Coca-Cola to get rid of gunpowder residue, and threw the gun into a nearby bay. They left her on the road, and a pickup truck struck Ms. Slaughter when the driver had been unable to avoid her lying in the roadway, resulting in numerous abrasions and pavement burns to her body. Ms. Slaughter was found on the side of the road later that night. She had a slight pulse but was not breathing. She was transported to the hospital where she was pronounced dead several hours later. The coroner found that she died from the bullet wound.

GOVERNING LAW

The question I must answer is whether Mr. Dunaway will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4th 1181, 1214.) Additionally, I am required to give "great weight to the diminished culpability of juveniles as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity of the prisoner" when determining a youthful offender's suitability for parole. (Pen. Code, § 4801, subd. (c).)

DECISION

The Board of Parole Hearings found Mr. Dunaway suitable for parole based on his age at the time of the crime, growth and maturity, facilitation of self-help groups, his support network, his

acceptance of responsibility, realistic parole plans, educational and vocational accomplishments, involvement in charitable activities, and his low risk rating for future violence.

I recognize that Mr. Dunaway was just 17 when he committed this murder. He was exposed to violence early in his life, growing up in a low income neighborhood where gangs and drugs were prevalent. He told the 2017 psychologist that his grandfather would take him to the park and demand that he engage in fights with other children. His grandfather would beat him with his fists if he did not fight others. He also reported being raped by a neighbor. By age 12, he started shoplifting, stealing bikes, and vandalizing property. His behavior progressed to his initiation into the Eureka Crips at 15 and this crime.

Mr. Dunaway is now 41 years old and has made efforts to improve himself in over 23 years of incarceration. He routinely received satisfactory to above average work ratings. He participated in self-help programming, including Alcoholics Anonymous, Narcotics Anonymous, and Victim Awareness. He facilitated classes in Anger Responses and Criminal and Gangmembers Anonymous. He earned his GED, and also completed vocational training in cabinet making and building maintenance. In 2017, a staff psychologist commended Mr. Dunaway on his integrity and being a positive example to other inmates. He also donated money to community programs and participated in charitable events. I carefully examined the record for evidence demonstrating his increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a juvenile, his hallmark features of youth, and his subsequent growth in prison. However, these factors are outweighed by evidence that demonstrates he remains unsuitable for parole.

Ms. Slaughter died a very violent death at a very young age at the hands of Mr. Dunaway and his codefendants. Mr. Dunaway and his codefendants knocked on her window and led her to believe they wanted to hang out with her. Instead, the men shot her at close range in the back of the head and left her to die in the middle of the road. Ms. Slaughter was also hit by a truck driver who did not see her in the dark and in the rain. Mr. Dunaway's crime was clearly premeditated, brutal, and utterly callous. I also note that Ms. Slaughter's family members continue to appear at hearings and express their ongoing pain as a result of her death.

Mr. Dunaway's understanding of the factors that led him to murder 14-year-old Ms. Slaughter is not adequate. Mr. Dunaway told the Board "I was angry and resentful. . . I was constantly trying to be who I thought other people wanted me to be and being involved in stuff that other people seem to value." When asked how he could engage in such a violent act, Mr. Dunaway explained, "It was to get acceptance from the social circle I was involve[d] in and the way to get that was through extreme behavior and the extreme behavior kept escalating over time. And eventually I got to the point to where not only was I okay with having a gun but I was okay with using that gun." These explanations don't add up. Mr. Dunaway's desire for his peers' acceptance does not explain why he killed Ms. Slaughter with such indifference. Furthermore, his explanation that killing Ms. Slaughter would make other people value him does not assure me that he has genuinely taken responsibility for his role in the crime or fully confronted how he came to commit such a heinous crime himself.

I am also concerned that Mr. Dunaway has maintained a record of violent, criminal behavior both in and outside of prison. He joined a gang as a teenager and committed multiple assaults, some with deadly weapons. Once in prison, Mr. Dunaway's violent behavior persisted. He associated with gang members and received eight serious rules violations reports, most recently in 2011 for mutual combat requiring a correctional officer to use pepper spray and another officer to handcuff him. Half of his rules violations were for mutual combat. He also reported in his 2017 hearing that despite being placed in Sensitive Needs Yard in 2004, he trafficked drugs, fought with other inmates, and extorted other prisoners up until 2009. His long period of criminal behavior in prison demonstrates a deeply embedded antisocial and violent attitude. Although Mr. Dunaway is now seriously engaging in vocational training and self-help programs and avoiding fighting and rules violations, I don't think this recent period is long enough to give me confidence that he is ready to be released. I encourage him to continue the positive steps that he is taking and to further deepen his insight.

CONCLUSION

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

Decision Date: August 11, 2017


EDMUND G. BROWN JR.
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

HAU CHAN, E-07042
Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

For over two weeks, Hau Chan, Robert Woo, John Cheong, and Sang Chinh, planned the robbery of Leon Lee's jewelry store. Mr. Chan "cased" the store and arranged for two getaway cars. Mr. Chan told his co-conspirators how long he thought it would take police to respond to an alarm call. On December 19, 1984, Leon Lee and his son Robert Lee were working in their jewelry store. Mr. Woo and Mr. Cheong walked in the store wearing suits, feigned interest in some coins, and once they were led to a safe, they drew guns and ordered the Lees to go to the rear of the store. Mr. Lee activated a silent alarm. Mr. Woo then opened the front door to let in Mr. Chinh, who was also armed with a gun. Mr. Woo, Mr. Cheong, and Mr. Chinh began bagging jewelry. When customers knocked on the front door, the men let them in and forced them to the rear of the store. Los Angeles Police Department Officers Duane Johnson and Archie Nagao responded to the silent alarm and Mr. Cheong let them in. Mr. Cheong approached Officer Nagao and shot him in the neck. Both officers fired their guns at Mr. Cheong, killing him. Mr. Chinh approached Officer Johnson and shot him several times point blank, killing him. Mr. Chinh then shot at Officer Nagao, who returned fire. Mr. Chinh was wounded and fled to the rear of the store. Leon Lee grabbed a .38 caliber revolver and shot Mr. Woo, killing him. Robert Lee confronted Mr. Chinh as he tried to flee and Mr. Chinh shot him in the chest. Mr. Chan and his co-conspirators then fled.

GOVERNING LAW

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

DECISION

The Board of Parole Hearings found Mr. Chan suitable for parole based on his remorse, acceptance of responsibility, current age, positive programming, prison work record, parole plans, vocational training, and low risk rating of reoffending.

I acknowledge that Mr. Chan is now 61 years old and has made efforts to improve himself in over 32 years of incarceration. The 2017 psychologist evaluated him as a low risk of violence. He has participated in Criminal and Gangmembers Anonymous, Alternatives to Violence, and other self-help programs. Mr. Chan worked as a porter, teacher's aide, and a clerk. Mr. Chan also completed vocational training in computer literacy, electrical circuits, and air conditioning. In 2014, two library staff members commended Mr. Chan's work ethic, his positive attitude, and his willingness to learn. Mr. Chan also participated in charitable events and a book club. I commend Mr. Chan for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Chan orchestrated a sophisticated armed robbery of a jewelry store that was planned for weeks, and resulted in a scene the Second Appellate District Court has described as a "blood bath" and "straight out of hell." (*People v. Chinh* (Apr. 28, 1993, B035806) [nonpub. opn.]). Officer Johnson lost his life responding to the call, Robert Lee and Officer Nagao were seriously wounded, and two of Mr. Chan's co-conspirators were killed. This was not Mr. Chan's first crime, as he had participated in several robberies. Mr. Chan even anticipated the police coming, and thought they could finish the robbery before police would respond to an alarm call. I also note that law enforcement organizations have written to express their loss of a community member and Officer Johnson's family members continue to appear at his hearings to oppose parole.

I am troubled that Mr. Chan is minimizing his role in this crime. Mr. Chan describes himself primarily as a "getaway driver" although he acknowledges helping to plan the crime. Mr. Chan also told the 2017 psychologist that his friend suggested the robbery. Mr. Chan's assertions are belied by the record. The Appellate Court described Mr. Chan as "the leader of this congerie of crooks." Mr. Chan planned the manner and details of the robbery; from anticipating the store owner Mr. Lee to be inside, who would carry which guns, how long it would take for the police to arrive, and which car was going to carry the stolen merchandise. Mr. Chan continues to downplay the extent to which he led the planning of this armed robbery and has not confronted his actions.

Furthermore, I am not persuaded by Mr. Chan's explanation for this crime. Mr. Chan told the psychologist that he committed robberies because he longed for material things and "worshipped people with nice clothes." He justified his stealing, believing there were no injuries or fatalities in prior robberies. Mr. Chan claimed that he gave his codefendant a gun because he was "blinded by greed and was so busy thinking about how much I could get." Mr. Chan does not explain what it was, other than his desire for easy money, that allowed him to utterly disregard the probable consequences of committing an armed robbery in a jewelry store. I encourage Mr. Chan to continue his recent efforts to understand more clearly the reasons for his criminal behavior.

CONCLUSION

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

Decision Date: September 15, 2017


EDMUND G. BROWN JR.
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

ROBERT HAWKINS, B-81427

First Degree Murder and Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

On March 1, 1976, Robert Hawkins and his brother Michael Hawkins armed themselves with knives and took a bus to the home of their grandparents, 75-year-old Pearl Hawkins and 79-year-old Cleo Hawkins. The brothers had discussed killing their parents and killing their grandparents. When the brothers arrived, Pearl got up to get food for them. Robert and Michael grabbed Pearl, forced her to the ground, beat and strangled her, and then slit her throat with a knife, killing her. Robert then kicked Cleo out of bed, started severely beating him in the chest, and covered his mouth and nose in an attempt to induce a heart attack. When that failed, both brothers stabbed Cleo, cutting his throat multiple times, killing him. They ransacked the house, stole money and jewelry, cut the phone lines, drove off in their grandparents' car, and got hamburgers. After his arrest, Robert reported, "We were really planning to kill our parents if you really want to know... It isn't that hard to kill somebody. I was taught to kill in the Army." He told an investigator, "I want the whole world to know why we murdered our grandparents."

GOVERNING LAW

The question I must answer is whether Mr. Hawkins will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4th 1181, 1214.) Additionally, I am required to give "great weight to the diminished culpability of juveniles as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity of the prisoner" when determining a youthful offender's suitability for parole. (Pen. Code, § 4801, subd. (c).)

DECISION

The Board of Parole Hearings found Mr. Hawkins suitable for parole based on his age at the time of the crime and subsequent maturity, years of sobriety, lack of recent rules violations, vocational certifications, parole plans, and risk assessment.

I acknowledge that Mr. Hawkins's crime was committed when he was 19 years old and that he has since been incarcerated for 41 years. He reported that he had a tumultuous childhood. His mother left when he was 6 years old and Mr. Hawkins was placed in an orphanage until his father could gain custody. His father was distant and was a harsh disciplinarian; Mr. Hawkins told the psychologist who evaluated him in 2016 that he couldn't live up to his father's expectations and didn't understand why his father was disappointed in him. Mr. Hawkins began using drugs and alcohol in his early teens and consumed beer and marijuana before committing this crime. I also acknowledge that Mr. Hawkins has made some efforts to improve himself in prison. He is now 61 years old and has not been disciplined for serious misconduct since 2001. He earned several vocational certifications, earned positive work ratings, and was commended by staff members for his work ethic and attitude. The 2016 psychologist concluded that while Mr. Hawkins "lacked direction in his life and was highly irresponsible" when he was 19, he has since "demonstrated reformability and greater maturity through behavioral and emotional stability." He determined that Mr. Hawkins "represents a Low risk for violence." I carefully examined the record for evidence demonstrating Mr. Hawkins's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a young person, immaturity, failure to appreciate the consequences of his actions, and the other hallmark features of his youth, and his subsequent growth in prison during my consideration of his suitability for parole.

Mr. Hawkins committed a horrible crime – he and his brother attacked and killed both of his elderly grandparents, who were no match for the violence inflicted on them by their grandsons. Mr. Hawkins directed his brother to cut his grandmother's throat and then ultimately slashed both her and his grandfather's throats with a knife himself. His willingness to commit these two murders shows a chilling lack of empathy, even for members of his own family.

Mr. Hawkins's explanations for his attack on his grandparents are inadequate. He told the psychologist that he and his brother had previously discussed killing their parents, but that they didn't really plan to kill their grandparents and they had "just entertained some thoughts" about it. Mr. Hawkins said that he went to their grandparents' house intending to ask to stay with them, but that he became angry when their grandmother criticized him and his brother for their recent trouble with the police and so they attacked and killed her and their bedridden grandfather. Mr. Hawkins told the Board, "I cowardly used...my grandparents...as a means of, uh, letting go of my animosity towards my dad." He reported that he feared his father and was anticipating "the rejection that I felt coming" because he had been dishonorably discharged from the military. Mr. Hawkins said that his grandparents' vulnerability partially led to their choice as victims, and said that it "made it easier for me to release frustrations" he had with his father.

Mr. Hawkins did much more than "release frustrations" – he brutally attacked two elderly family members and directed his brother to do the same. His explanation that he had animosity toward his father does little to account for his decision to target his grandparents, who were both in their 70s and unable to defend themselves. The 2016 psychologist concluded, "Despite Mr. Hawkins' best attempt at explaining the crime, the level of violence inflicted is still perplexing." The clinician also noted that "[c]oncerns still remain with regard to his insight and empathy," and that "there remains a disconnect between his emotion and his portrayal of a violent and callous crime

against grandparents he supposedly cared about.” Mr. Hawkins must provide a more comprehensive explanation for how he became so willing to inflict this extreme violence on such helpless victims. Until he does so, I cannot be sure he can be safely released.

CONCLUSION

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

Decision Date: September 15, 2017


EDMUND G. BROWN JR.
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

CRAIG STEVENSON B-98650

First Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

In 1977, Craig Stevenson rented a room from George Michaud. After a few months, Mr. Michaud revealed to Mr. Stevenson that he was gay. Mr. Stevenson claims that he awoke, on January 18, 1978, to Mr. Michaud fondling his genitals. Mr. Stevenson punched and kicked Mr. Michaud off him. Mr. Stevenson retrieved his .38 caliber handgun and pistol whipped Mr. Michaud several times. The fight ended and Mr. Stevenson took a shower. After Mr. Stevenson got out of the shower, Mr. Michaud joked about telling Mr. Stevenson's girlfriend about the incident. Mr. Stevenson shot Mr. Michaud in the stomach, killing him. After Mr. Michaud was dead, Mr. Stevenson shot him in the head. He then placed the gun in Mr. Michaud's hand and forged a suicide note. The autopsy concluded that the victim had marks on his wrist compatible with having been bound, and that the blows to his head were sufficient to render him unconscious.

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. 4th 1181, 1214.)

DECISION

The Board of Parole Hearings found Mr. Stevenson suitable for parole based on his lack of violence while incarcerated, his age, parole plans, educational upgrades, vocations, and self-help efforts.

I acknowledge Mr. Stevenson has made efforts to improve himself while incarcerated. He earned an associate's degree in 2013 and is very close to completing his bachelor's degree. He has remained discipline free for over 20 years and has not been disciplined for any serious rule violations during his 39 years of incarceration. He participated in self-help programs including Celebrate Recovery, Anger Management, Seeking Peaceful Solutions, Conflict Resolution, and

Alternatives to Violence. He has been commended by correctional staff for his leadership skills, sincerity, and maturity. I commend Mr. Stevenson for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

I reversed Mr. Stevenson's last grant of parole in 2014 based on the severity of this crime, his lack of credibility, insight, and alleged past acts of criminal history. I was concerned that he did not have clear insight into what drove him to commit this crime. This problem continues to persist with Mr. Stevenson.

Mr. Stevenson committed a cold and heinous crime. He not only assaulted Mr. Michaud after he was allegedly fondled the morning of the shooting, but there remains evidence that he failed to account for. Mr. Michaud was bound at the hands and suffered severe blows to the head before being killed. After killing Mr. Michaud, Stevenson staged the crime scene to make it look like a suicide; even placing a forged suicide note near the body.


I am concerned that Mr. Stevenson continues to minimize his involvement in this crime and additional violence over the years. During Mr. Stevenson's 2017 Board hearing, he denied wiping down the gun that was used in the killing of Mr. Michaud, despite sufficient evidence at the time of the crime that the murder weapon had been tampered with to eliminate Mr. Stevenson's fingerprints. He adamantly denied the accusations of Ms. Bonnie Gaines, an ex-girlfriend and past victim that he allegedly assaulted and attempted to kill. Ms. Gaines continues to oppose parole, detailing the violence she suffered at the hands of Mr. Stevenson. During his Board hearing, he refused to answer any questions surrounding the mysterious death of his 17-year-old, seven-month pregnant wife in Maryland that occurred four years before this current offense was committed. Mr. Stevenson was found not guilty in a jury trial for his wife's murder, however, a judge presiding over a subsequent civil trial over the proceeds of life insurance Mr. Stevenson purchased shortly before his wife's death later found the death to be the result of Mr. Stevenson's willful, felonious, and intentional actions. During his Board hearing he chose not to supplement the record regarding the death of his former wife, at the insistence of his attorney. Though Mr. Stevenson is not required to discuss these past acts of violence with the Board, I am not required to overlook his lack of insight into these acts.

Mr. Stevenson has yet to come to terms with his criminality. The psychologist stated that "Mr. Stevenson's insight into the factors that led him to commit the crime is limited despite his extensive participation in both individual therapy and self-help groups." He was described as "callous and manipulative" during his 2015 psychological examination. The psychologist concluded her risk assessment with a moderate risk rating based on evidence that "[a]lthough Mr. Stevenson has developed these preliminary ideas about what contributed to his violent behavior, he has not developed a comprehensive or deep understanding of his individual characteristics that led him to commit violence of this severity." Until Mr. Stevenson can better acknowledge and explain what caused his past behavior and what led to this horrific crime, I do not believe he should be released.

CONCLUSION

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

Decision Date: October 6, 2017


EDMUND G. BROWN JR.
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

RAYMOND DENTLEY, E-20500

Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

On April 15, 1988, Charles Waddell approached Raymond Dentley and told him not to sell drugs in their neighborhood. Mr. Waddell was also apparently upset that Mr. Dentley was talking to a group of girls. Mr. Dentley and Mr. Waddell got into an argument. Mr. Dentley retrieved a gun from his vehicle, chased Mr. Waddell, and fired four or five times, hitting a juvenile bystander in the leg. When Mr. Dentley eventually caught up to Mr. Waddell, Mr. Dentley hit him in the head with the gun, held it against Mr. Waddell's head, and pulled the trigger, killing him.

On December 4, 2013, the Board of Parole Hearings found Mr. Dentley suitable for release, and Mr. Dentley was released in March 2014. Within a year of being released, Mr. Dentley got married. On July 26, 2015, Mr. Dentley and his wife, Anita, were arguing over finances. The argument escalated and Mr. Dentley pushed Anita into a bathroom. Mr. Dentley grabbed Anita's neck with his right hand and yelled, "You're a bitch and a ho." Anita escaped and called the police. Mr. Dentley punched two holes in the bathroom door, and then fled.

GOVERNING LAW

The question I must answer is whether Mr. Dentley will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4th 1181, 1214.) Additionally, I am required to give "great weight to the diminished culpability of juveniles as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity of the prisoner" when determining a youthful offender's suitability for parole. (Pen. Code, § 4801, subd. (c).)

DECISION

The Board of Parole Hearings found Mr. Dentley suitable for parole based on his acceptance of responsibility, self-help programming, support letters from family and friends, and parole plans.

I acknowledge that Mr. Dentley reported growing up in an environment where he witnessed domestic violence between his mother and stepfather. Mr. Dentley was 21 when he committed this murder and he has been incarcerated for a total of over 28 years. I also acknowledge that Mr. Dentley has made some efforts to improve himself in prison. Mr. Dentley participated in the Long Term Offender Program and self-help courses such as Substance Abuse Treatment, Anger Management, and Domestic Violence. Mr. Dentley wrote letters to struggling youth and participated in charitable events. Mr. Dentley also completed a voluntary American Sign Language course to communicate with hearing impaired at-risk youth. I carefully examined the record for evidence demonstrating Mr. Dentley's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a juvenile, his impulsivity, his poor-decision making, and his other hallmark features of youth, and his subsequent growth in prison.

Mr. Dentley's crimes were cruel and shocking. After arguing with Mr. Waddell about drugs and girls, Mr. Dentley shot Mr. Waddell in the head and also shot a bystander in the leg. Years later, after arguing with his wife about finances, Mr. Dentley exploded and forced her into the bathroom where he grabbed her and choked her, yelling obscenities at her before she was able to escape.

I am concerned that even after spending almost 26 years of his life incarcerated and earning release from prison, Mr. Dentley was not able to control his anger. In both the murder in 1988 and the 2015 battery on his wife, Mr. Dentley demonstrated that his response to conflict was violence. Mr. Dentley explained his parole violation: "I simply lost control." Although Mr. Dentley reported that he has an impulse control and healthy communication plan, he also told the Board he was having a hard time internalizing his plans. This does not convince me that Mr. Dentley is able to refrain from violence.

Mr. Dentley's psychological evaluation supports my concerns. The 2017 psychologist rated him a moderate overall risk of future violence, finding that "Mr. Dentley's personality disorder and inability to manage impulses remains problematic... [he] has not benefited from treatment and his disregard for following the basic rules of society remains questionable." The psychologist further noted that Mr. Dentley "demonstrated remarkably little insight for his behavior, and a lack of understanding regarding the factors associated with a history of reactive violence and aggression towards others." Mr. Dentley's "past supervision failures, history of violence and entrenched violent attitudes, and a lack of insight are correlated with recidivism." Until Mr. Dentley evidences a better understanding of why he so easily reacts with violence, I do not believe he can safely be released.

CONCLUSION

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

Decision Date: November 2, 2017


EDMUND G. BROWN JR.
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

RENE ENRIQUEZ, H-69471

Two Counts of Second Degree Murder, Assault with a Deadly Weapon

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

Rene Enriquez joined the Mexican Mafia in 1985 while serving prison terms for armed robbery and forcible rape. Over the years, he became a leader in the organization. While on parole in 1989, Mr. Enriquez suspected that one of his subordinate drug dealers, Cynthia Galvador, was shorting buyers by keeping drugs for herself. To set an example, Mr. Enriquez gave an associate a gun and directed him to kill Ms. Galvador. On December 23, 1989, on Mr. Enriquez's orders, Ms. Galvador was driven to a secluded area and executed. She was shot once in the head and once in the chest.

On December 30, 1989, Mr. Enriquez carried out a contract hit on David "Pelon" Gallegos, a disfavored Mexican Mafia member. Mr. Enriquez injected Mr. Gallegos with heroin several times, attempting to kill him with an overdose. After Mr. Gallegos lost consciousness, Mr. Enriquez and other gang associates put Mr. Gallegos in a car and drove him to the home of other Mexican Mafia members to show them that Mr. Enriquez was carrying out the hit for the gang. They then drove to a deserted area. Mr. Enriquez dumped Mr. Gallegos in an alley and shot him in the back of the head five times with a .38 caliber pistol.

Before his arrest for these murders, Mr. Enriquez was arrested in 1990 for 15 counts of robbery. On July 16, 1991, Mr. Enriquez, Benjamin Peters, and Salvador Buenrostro were handcuffed in an attorney room at the Los Angeles County Men's Central Jail. Mr. Enriquez and Mr. Peters used makeshift keys to remove their handcuffs. They attacked Mr. Buenrostro with inmate-manufactured weapons. When officers responded to the scene, Mr. Enriquez turned toward the officers with his weapon in his hand and said, "This has nothing to do with you. Stay away." They continued to stab Mr. Buenrostro until officers were able to incapacitate them. Mr. Buenrostro sustained 26 stab wounds but survived.

GOVERNING LAW

The question I must answer is whether Mr. Enriquez will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the

circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4th 1181, 1214.)

DECISION

The Board of Parole Hearings found Mr. Enriquez suitable for parole based on his parole plans, remorse, insight, lack of recent rules violations, current age, and relapse prevention plans.

I acknowledge Mr. Enriquez has made efforts to improve himself while incarcerated. He dropped out of the Mexican Mafia and has spent many years cooperating with law enforcement agencies and testifying against the gang. I commend him for these efforts and note that his cooperation has earned him praise from prosecutors and many law enforcement agents. Additionally, Mr. Enriquez has not been disciplined for serious misconduct since 2004. He is pursuing an A.A. degree and has continued participating in self-help programs like Alcoholics Anonymous, Gang Awareness and Recovery, and Criminals and Gangmembers Anonymous. Mr. Enriquez has earned support from several staff members, who commended him for his positive attitude, work ethic, and being a role model for other inmates. It is clear that Mr. Enriquez has taken steps to turn his life around. But they are outweighed by negative factors that demonstrate that he remains unsuitable for parole.

As I wrote in 2015 and 2016 when I reversed his prior grants of parole, Mr. Enriquez is personally responsible for an immeasurable amount of death and destruction. Before his incarceration for these murders, he was convicted of forcible rape, burglary, and 23 counts of robbery. He admitted committing over 20 more robberies, and forcing an inmate into nonconsensual sex – additional crimes for which he was never convicted. For nearly two decades, Mr. Enriquez used violence to bolster his reputation within the gang, personally committed and authorized murders and assaults, trafficked narcotics into prison, and directed and profited from a network of drug dealers and gang affiliates who terrorized communities far outside the prison walls. At his 2017 parole hearing, Mr. Enriquez acknowledged the extent of his actions, telling the Board, “I can never, ever fully encompass the breadth and width of the impact of my crimes...I could never even put a number on the people that have been victimized.”

Mr. Enriquez’s statements about how he came to embrace this extreme and violent lifestyle remain inadequate. In my previous decisions, I asked him to better explain why he sought out gang leadership and violence for so long. For the first time, Mr. Enriquez disclosed to the 2017 psychologist that he was physically abused by his parents and sexually abused by his older brother when he was young. He explained that he had low self-esteem and self-doubt as a result of the abuse, and that he sought approval from gang members because he felt unloved and rejected at home. Mr. Enriquez reported that he had not previously disclosed the abuse because he didn’t want to bring shame to his family while his parents and older brother were still alive. Mr. Enriquez told the Board that he followed his brother’s example when joining the gang, and said, “I wanted to outdo my brother, who was my victimizer...it’s something that I did, quite frankly, better than my brother. I could be crazier than him, I could participate in more violence than him, I could be more respected in the gang than him.” He explained, “I believe that my

participation in these crimes were a result of being sexually abused, that I went on to become the perpetrator rather than the victim and doing so, um, gave me a sense of, uh, omnipotence rather...than impotence.” These new explanations might shed some light on what motivated Mr. Enriquez to join a gang in the first place, but they do little to explain his single-minded pursuit of violence and control within the Mexican Mafia for so many years. Mr. Enriquez was not a low-level gang member – both in and outside of prison, he climbed the ranks, consolidated the gang’s power and resources, and led others in carrying out its vicious objectives. The psychologist who evaluated Mr. Enriquez in 2017 noted that it appeared that “he had only recently...begun to examine the causative factors of his criminal lifestyle and sexual violence and discuss it openly.” Childhood abuse is undoubtedly difficult, but such circumstances do not fully account for the many years Mr. Enriquez spent pursuing such extreme and violent goals. I still do not believe that he has shown an adequate understanding of why he was so willing to devote himself to brutality and gang leadership.


The 2017 psychologist also raised concerns about Mr. Enriquez’s credibility given his only recent disclosure of these apparently formative experiences. She noted that Mr. Enriquez had previously denied any history of abuse, and that he failed to report it even at his 2016 Board hearing, “which was subsequent to his brother’s, father’s, and mother’s deaths.” She concluded that “his credibility becomes suspect in the wake of these new disclosures and the reasons he cited for his silence until now.” The psychologist determined that Mr. Enriquez currently poses a moderate risk of future violence and an above-average risk of sexual recidivism. She concluded that “his insight into how his antisocial and narcissistic personality dynamics remain active...could be enhanced.”

Additionally, I am still concerned about the risk to public safety posed by Mr. Enriquez’s potential release from custody. Recent information shows that he is still considered an enemy of the Mexican Mafia. Because of his status as a sex offender, his identifying information must be posted online, which clearly compounds the risk the Mexican Mafia poses to Mr. Enriquez, his family, the parole agents who will supervise him, and the community where he will ultimately reside. To his credit, Mr. Enriquez recognizes the difficulty of his situation, and is actively trying to find a solution that would conceal his identity or otherwise address this issue. However, at this time, there is no plan in place that will adequately mitigate the serious risks his release would pose.

CONCLUSION

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

Decision Date: November 2, 2017


EDMUND G. BROWN JR.
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

VICTOR LOZADA, AB-5863
Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

In August 2003, Victor Lozada was sharing a house with Sergio Arias and another man. On the night of August 14, 2003, Mr. Lozada, Mr. Arias, and Mr. Lozada's friend, Jesus Penuelas were all at the house. As the three men were getting ready to go to sleep, Mr. Penuelas and Mr. Arias were discussing plans for the next day. They asked Mr. Lozada to drop them off the next morning on his way to work. The next morning, Mr. Lozada dropped off Mr. Penuelas and Mr. Arias. When they got out of Mr. Lozada's car, Mr. Penuelas opened the trunk and removed plastic gloves. Mr. Penuelas and Mr. Arias went to the home of 18-year-old Jessica De La Torre. Mr. Penuelas previously worked with Ms. De La Torre, and he believed she had several thousand dollars in her bank account that she was saving to buy a car. Once inside Ms. De La Torre's house, Mr. Penuelas and Mr. Arias tortured, raped, and sodomized her. Mr. Penuelas and Mr. Arias took Ms. De La Torre's ATM card and several stereos. They bound Ms. De La Torre, put her in the trunk of a car belonging to her father, and before driving away, set fires in an attempt to burn down the house.

Mr. Penuelas and Mr. Arias drove the stolen car with Ms. De La Torre in the trunk back to Mr. Lozada's house. Mr. Lozada was home from his first shift at work. He helped Mr. Penuelas and Mr. Arias unload the stolen stereos from the stolen car and bring them in the house. Mr. Penuelas told Mr. Lozada he had to drop off the stolen car and asked Mr. Lozada to follow in his own car. Mr. Lozada, in his car, followed Mr. Penuelas, in the stolen car, to a desolate area. Mr. Lozada knew the car was stolen and he knew that Ms. De La Torre was in the trunk of the car and she was still alive. They drove to the end of a paved road where Mr. Penuelas stopped, got out, and had a conversation with Mr. Lozada. Mr. Penuelas got back in the car and drove down a dirt road. Mr. Lozada followed for a bit and then stopped his car and turned around facing back toward the paved road. Mr. Penuelas drove the stolen car another 50 to 70 yards down the dirt road, stopped, and removed Ms. De La Torre, bound and still alive, from the trunk. He then repeatedly drove the car over her, killing her. Mr. Penuelas drove the car back down the dirt road to where Mr. Lozada was waiting, and Mr. Lozada followed him to a shopping center. Mr. Lozada waited while Mr. Penuelas wiped down the stolen car. Mr. Penuelas got in Mr. Lozada's car and as they drove back to Mr. Lozada's house, Mr. Penuelas told him he "just finished killing the girl." The men picked up Mr. Arias and Mr. Lozada drove them around to different locations where they used Ms. De La Torre's ATM card to withdraw money. Mr. Arias told Mr. Lozada what he and Mr. Penuelas did to Ms. De La Torre at her house. Eventually, Mr. Lozada returned to work.

GOVERNING LAW

The question I must answer is whether Mr. Lozada 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. Lozada suitable for parole based on his lack criminal of history and rules violations in prison, his low risk rating, his participation in self-help programing, and his demonstration of remorse and acceptance of responsibility.

I acknowledge that Mr. Lozada has made efforts to improve himself while incarcerated. He has participated in adult basic education classes and has received positive work ratings. He has no serious rule violations and has participated in self-help programing including Criminals and Gangmembers Anonymous, Insight, and Victim Impact. I commend Mr. Lozada for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Lozada's friends orchestrated a horrific attack on Ms. De La Torre, which Mr. Lozada clearly aided and abetted. Beyond robbing Ms. De La Torre and her home, Mr. Lozada's crime partners tortured, raped, and sodomized Ms. De La Torre and attempted to burn down her house. While Mr. Lozada knew Ms. De La Torre was still alive and bound in the back of a stolen car, he helped his crime partners unload stolen property from the stolen car. Mr. Lozada then followed Mr. Penuelas as he drove the car with Ms. De La Torre in the trunk down a dirt road in a remote area and waited some 50 yards away as Mr. Penuelas repeatedly drove over Ms. De La Torre with the stolen car, killing her. Then, he waited while Mr. Penuelas wiped evidence from the car and, in fact, drove his crime partners around to steal money using Ms. De La Torre's ATM card even after he had learned Ms. De La Torre had been murdered. Mr. Lozada failed to object, intervene in any way, or even report the crime to police. I note the devastating effect Ms. De La Torre's brutal torture, rape, and murder had on her family, and the small community Ms. De La Torre called home.

I am troubled by Mr. Lozada's explanation for why he failed to object or intervene. In his 2017 psychological evaluation, Mr. Lozada reported that at the time of the crime, he "didn't have control" of his life and that he didn't care about anything because his girlfriend had left him six months earlier. The reaction Mr. Lozada displayed upon learning about the extent of the brutality that Ms. De La Torre endured is not explained by a break-up months earlier. A lack of control does little to clarify Mr. Lozada's behavior. Mr. Lozada needs to do more to explore and explain his role on the day of the murder before I am prepared to release him.

CONCLUSION

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

Decision Date: November 2, 2017


EDMUND G. BROWN JR.
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

SONYA DANIELS, W-75006
Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

Sonya and Brian Daniels were married in 1988 and had four children together. On April 6, 1994, their oldest son, five-year-old Jory Daniels, was found dead in the Daniels' home. Police arrived after Mr. Daniels called for help when he noticed his son was not breathing. At the time of his death, Jory was less than three feet tall and weighed only 19 pounds. An autopsy revealed Jory had scabies lesions on his skin and died due to "long standing nutritional depravation." He had unusual patterns of old tissue injury on his neck, a looping pattern on his left leg and right chest, and two black eyes. Mr. and Ms. Daniels were arrested on June 23, 1994. At the time of his arrest, the Daniels' other children also suffered intermittent malnutrition.

There was "an alarming record of physical abuse and neglect" of Jory. In 1989, Mr. and Ms. Daniels took 4-month-old Jory to the hospital where doctors found that Jory was underweight, had a serious skull fracture, a spiral tibial fracture, an inguinal hernia, swelling, and bruising. Doctors concluded that Jory was a victim of child abuse and battered child syndrome. Jory was declared a court dependant and placed in foster care. Mr. and Ms. Daniels were allowed visits with Jory, which were later terminated because Jory often returned from the visits very hungry, with bumps on his face, and severe diaper rash. Eventually, Jory was placed under the care of his maternal grandparents, Robert and Maxine Hicks, who shared a home with the Daniels. Jory's health began to deteriorate again. Ms. Daniels frequently took food away from Jory and called him a "pig" when he ate too fast. Jory was also not properly toilet-trained and frequently wet his pants, and Ms. Daniels did not change his clothing or bedding, resulting in Jory's room smelling strongly of urine. Shortly before Jory's death, the Daniels took the children and moved out of the Hicks' home against court orders. A week prior to Jory's death, Mr. Daniels was arrested for inflicting corporal injury on a spouse after he reportedly shook Ms. Daniels. He was released four days later after Ms. Daniels stated she did not want charges filed. After Jory's death, and before the Daniels were convicted, Ms. Daniels filed a restraining order against Mr. Daniels, stating that he had made her kill Jory and that she was afraid for her life.

GOVERNING LAW

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

incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4th 1181, 1214.) Additionally, the parole authority is required to give "great weight to any information or evidence that, at the time of the commission of the crime, the prisoner had experienced intimate partner battering." (Pen. Code, § 4801, subd. (b)(1).)

DECISION

The Board of Parole Hearings found Ms. Daniels suitable for parole based on her lack of a violent criminal history, her remorse, her acceptance of responsibility, her current age, her participation in self-help programming, her parole plans, her vocational achievements, and laudatory commendations from prison staff.

I acknowledge that Ms. Daniels' crime was committed when she was married to Mr. Daniels, who was extremely physically abusive. She reported that Mr. Daniels pushed her down stairs, knocked her unconscious, hurt her during sex, and hit, punched, and choked her. Ms. Daniels also claims that she stayed in the relationship because she feared his violence if she left. The Board of Parole Hearings conducted an investigation in 2008 addressing Ms. Daniels' claims and determined that Ms. Daniels was abused by her husband and had experienced symptoms consistent with intimate partner battering. I carefully examined the record and gave great weight to all the evidence of Ms. Daniels' experience as a victim of intimate partner battering.

I also acknowledge that Ms. Daniels has made some efforts to improve herself in prison. Ms. Daniels participated in self-help programs such as Criminal Lifestyles, Parenting, and Family Relationships. She earned vocations in office services and carpentry, and is a substance abuse counselor. She routinely received exceptional work ratings and volunteered as a big sister mentor. I commend Ms. Daniels for taking these positive steps. But they are outweighed by negative factors that demonstrate she remains unsuitable for parole.

Ms. Daniels' crime was horrendous. Ms. Daniels severely neglected her oldest son for the majority of his short life and ultimately allowed Jory to die a slow and painful death from starvation. At the time of his death, Jory was emaciated and weighed only 19 pounds, significantly less than he did three years prior. Ms. Daniels utterly failed in her duty as a parent to love, protect, and care for her child.

I am deeply disturbed by Ms. Daniels' explanations for why she neglected Jory for such an extended period of time. She told the 2016 psychologist "it was my selfishness; being caught up in an abusive relationship, denial, the refusal to put my children first, the not taking responsibility for my life and turning it over to someone else therefore doing the same things for my children. Sensing danger for myself, but not for my child. Making excuses. Not allowing anyone to help me, that is the biggest thing." Ms. Daniels claimed that she didn't notice that Jory was losing weight and "didn't see what was obvious to others." Ms. Daniels stated that she was too afraid to do anything because of her husband's abuse. She told the 2017 Board that she was "selfish" and "immature," and that she "would hear [Jory] crying and know he needed me and I would consider something else more important over in another area of my life... I wouldn't

make him go days, but obviously, there were times that he went days without formula, but those incidences, I can't speak on."

I am not convinced that selfishness explains her crime. Her actions go beyond mere selfishness; Ms. Daniels' neglect and abuse of Jory extended for years and showed a repeated and conscious pattern of mistreatment of Jory. The appellate record showed that Ms. Daniels did not permit Jory to drink any liquids when he complained of thirst, yet punished him for drinking out of the toilet. The record also stated that Ms. Daniels was "very particular with what the children ate," and got upset when she learned that other people were sneaking food to her children. Ms. Daniels also did not maintain sanitary living conditions and failed to give Jory scabies medication. I acknowledge that Ms. Daniels was in a long-term, abusive relationship with her husband, who also abused Jory. However, the record is clear that Ms. Daniels also actively abused her son. The psychologist stated that Ms. Daniels "continues to minimize her role in the ongoing neglect and life crime and almost entirely externalizes blame." The psychologist rated Ms. Daniels a moderate overall risk of future violence, concluding that "there are other factors and personality characteristics which likely played a role in the ongoing neglect of her children, and... a clear understanding of all of the causal factors of the life crime is crucial." I do not think that Ms. Daniels appreciates the magnitude of her actions, and I cannot be certain that she will not repeat similar conduct if released. I encourage Ms. Daniels to make greater efforts to understand her role in abusing Jory so severely for so many years.

CONCLUSION

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

Decision Date: November 22, 2017


EDMUND G. BROWN JR.
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

WILLIAM HITE, H-92183
First Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ X _____

STATEMENT OF FACTS

On August 22, 1992, William Hite climbed over the backyard fence of the home of his ex-girlfriend, Fredrica Haymaker. Ms. Haymaker called her neighbor, off-duty LAPD Detective Edward Kislo, and asked him for help because she thought someone was in her backyard. Mr. Kislo and his friend armed themselves and rushed over to Ms. Haymaker's home. Detective Kislo entered the backyard, approached the bushes, extended his gun outward, and announced, "This is the police. Show yourself." Mr. Hite was hiding in the bushes and shot Detective Kislo once in the neck with a .9 mm handgun, killing him. In the weeks prior to Detective Kislo's murder, Mr. Hite had stated that he was going to kill "that cop across the street" and that he would "blow away" anyone he found in Ms. Haymaker's backyard.

GOVERNING LAW

The question I must answer is whether Mr. Hite 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. Hite suitable for parole based on his length of incarceration, his lack of rules violations in the last 20 years, his acceptance of responsibility for this crime, his insight, his risk rating, his current age, his medical condition, and his participation in domestic violence programs.

I recognize that Mr. Hite is 76 years old, suffered a stroke in 2015, and has been diagnosed with Parkinson's Disease. I also acknowledge that he has made serious efforts in his over 25 years of incarceration to rehabilitate himself while in prison. Mr. Hite participated in self-help courses including Alcoholics Anonymous, Denial Management, and Family Relationships. He routinely received positive work ratings and has not been disciplined for serious misconduct since 1995. A correctional officer praised Mr. Hite for being a model inmate, getting along well with others,

and for mentoring other inmates. I commend Mr. Hite for taking these positive steps, but they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

I reversed the Board's 2016 grant of parole because of Mr. Hite's crime and because Mr. Hite minimized his history of domestic violence. I also had concerns about his lack of realistic plans for any future relationships. Although the Board found Mr. Hite suitable for parole again in August 2017, I still believe he poses an unreasonable risk of danger to the public if released from prison.

Mr. Hite, at close range, shot and killed Detective Kislo, who was responding to his neighbor's call for help. I note that Detective Kislo's family members and coworkers have expressed their ongoing sense of loss and have opposed Mr. Hite's parole.

I am concerned that Mr. Hite is still minimizing his violent behavior. He maintains that he did not know that Detective Kislo was a police officer, that he just felt an "irrational fear" when he was confronted in Ms. Haymaker's yard, and that he had been drinking earlier that night. Mr. Hite also said that when he shot Detective Kislo, he was jealous because he thought, "What does this guy want at 12:00...coming out of my girlfriend's house." These statements may explain some of Mr. Hite's actions on that night, but they do little to account for why he was in his ex-girlfriend's yard in the first place – or why he had previously threatened to kill a police officer. The Chief of the Los Angeles Police Department opposes Mr. Hite's parole, and writes, "William Hite's brutal act typified his vicious nature and was a blatant reminder of his lack of regard for mankind...He is a cruel man who has no compunction about preying on the communities we vow to protect." The psychologist who evaluated Mr. Hite in 2017 concluded that he "has a tendency to minimize and rationalize his behavior, and there were some concerns related to the lack of depth evident in his insight." While I acknowledge that Mr. Hite is being more forthcoming than he had been previously, I am still not convinced that he has confronted his history of violence and is prepared to act differently in the future.

CONCLUSION

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

Decision Date: December 1, 2017


EDMUND G. BROWN JR.
Governor, State of California