

**EXECUTIVE REPORT  
ON  
PAROLE REVIEW  
DECISIONS**

**DECISIONS FOR THE PERIOD  
January 1, 2015 through December 31, 2015**



**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 2015 in review of decisions by the Board of Parole Hearings. Of these decisions, I reversed 95 and modified 1. I have included copies of each of my actions.

The report may be found at [http://gov.ca.gov/docs/2015\\_Executive\\_Report\\_on\\_Parole\\_Review\\_Decisions.pdf](http://gov.ca.gov/docs/2015_Executive_Report_on_Parole_Review_Decisions.pdf). You may also call the Governor's Office at (916) 445-2841 for a hard copy of the report.

Sincerely,

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

Edmund G. Brown Jr.

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

**ANGELA GLASGOW, W-52955**  
Second degree murder

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

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

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

**STATEMENT OF FACTS**

In April 1993, neighbors noticed that Jason and Angela Glasgow's two-month old daughter Patricia had peeling, red, and raw skin and that she smelled like spoiled milk. One of the neighbors was concerned that Angela did not know how to care for Patricia and she showed Angela how to bathe Patricia and exercise her legs. On May 22, 1993, the same neighbor saw Patricia in her car seat with "green stuff" under her chin. The neighbor questioned Angela about her preparation of Patricia's formula after she noticed her bottle contained "watered down" formula. The neighbor bathed the baby, but could not extend Patricia's arms and legs. She also noticed Patricia's head was flat, she had a rash on her abdomen and open sores all over her body. The neighbor made a report with Child Protective Services the following day. Other neighbors and the Glasgows' roommate expressed concerns to Angela about Patricia after noticing a rash and sores on Patricia's body, and they told Angela that Patricia needed to be seen by a doctor. Angela told them she would do so, but never sought medical attention for Patricia's condition. Neighbors overheard Jason asking Angela about Patricia's health on several occasions between April and June 1993, yet Angela still did not seek medical care for Patricia.

On June 3, 1993, in response to neighbors' complaints, a Child Protective Service worker and police officer went to the Glasgows' apartment to check on the condition of Patricia. Patricia was sitting in a car seat on the floor. The car seat was in a lying down position; Patricia was backwards, her feet toward the top of the seat, her head pushed against the base. The skin between Patricia's mouth and chin was cracked and bleeding and she had a severe rash with open and oozing sores over most of her body. The sores on her back were the result of being left in one position for most of her life. Her arms were red, drawn up tight, her fingers clenched in fists, and her legs were also drawn up with her knees at her sides and positioned like those of a frog. Patricia was essentially molded to the car seat and her head was flat. She was taken to the hospital, and doctors concluded that she was extremely malnourished, suffering from starvation, hypothermic, severely neglected, and her joints were nearly frozen in place because she had been kept in her car seat for weeks. She weighed less at admission than she had at birth, nearly four months earlier. Patricia died on June 9, 1993. Her death was caused by disseminated candidiasis due to chronic malnutrition.

### GOVERNING LAW

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

### DECISION

The Board of Parole Hearings found Ms. Glasgow suitable for parole based on her age, participation in self-help classes, insight, educational achievements, institutional behavior, remorse, risk assessment, and her parole plans.

I acknowledge Ms. Glasgow has made efforts to improve herself while incarcerated. She earned a GED and has maintained her sewing position for over 14 years. She has not received any rules violations reports for violent behavior and has participated in self-help programs, including Alcoholics Anonymous/Narcotics Anonymous, Parenting, Domestic Violence, and 12 Step Codependency. I commend Ms. Glasgow for taking these positive steps. But they are outweighed by negative factors that demonstrate she remains unsuitable for parole.

Ms. Glasgow allowed her baby to suffer a slow, tortured death during the less than four months she was alive. Ms. Glasgow left Patricia in a car seat for nearly all of her life, failed to properly feed her, and did not seek medical care for Patricia, even after her husband and neighbors expressed concerns about Patricia's health. Ms. Glasgow did next to nothing in caring for her totally dependent and vulnerable newborn baby, and her inaction led to the horrible death of Patricia. This is not Ms. Glasgow's first conviction stemming from child neglect. About 16 months prior to the life crime, she was convicted of child neglect for possessing a loaded sawed-off shotgun within her older daughter's reach and keeping an unsanitary house with no food inside. Therefore, Ms. Glasgow was aware of concerns about her failure to care for her other two daughters prior to Patricia's birth, yet she continued in her neglectful conduct.

Ms. Glasgow minimizes the severity of her neglect in caring for Patricia. She told the psychologist in 2014 that she regularly fed, picked up, bathed and changed Patricia's diaper. She also told the psychologist that she did not notice that Patricia had not grown at all since birth. When asked at the hearing whether she regularly picked up Patricia, she did not directly answer the question, instead stating, "Not like I should have." Ms. Glasgow's assertions that she provided care for Patricia are wholly inconsistent with the record. Patricia weighed less than she did at birth, she suffered from starvation and malnutrition, there was an extreme breakdown of her skin, the back of her head was flat and she was essentially molded to her car seat, her limbs were contracted, and she had oozing sores over most of her body. It is clear that Ms. Glasgow failed to provide any level of meaningful care for Patricia during her short life. Her failure to accept full responsibility for her inaction and acknowledge the extent of her neglectful conduct causes me grave concern.

I am also shocked by Ms. Glasgow's inability to explain the reasons she severely neglected her child leading to her horrific death. At her 2014 suitability hearing, she was asked if she knew why she neglected Patricia. She responded, "No, I don't." She told the psychologist in 2014, "I was so worried about what other people thought. I didn't want to ask for help because I didn't want people to think I was stupid, so I would try my best, trying to make sure my other two girls were OK. I was too busy trying to keep the house clean . . . ." The psychologist that conducted her 2014 risk assessment stated, "She continues to have no explanation as to why she neglected her daughter, and why she did not recognize her deteriorating condition." The psychologist went on to say, "Ms. Glasgow stated that she was experiencing depression, which is likely true, but she does not appear to have a clear understanding of how her mental illness impacted her inability to bond with or properly care for her infant daughter." She told the psychologist that she did not seek medical attention for Patricia because she believed the hospital staff was "rough," a statement very hard to square with how she treated her child. Moreover, she cannot explain why she did not seek care in another hospital.

This is a perplexing case. The explanation that Ms. Glasgow gives about taking care of her child does not make any sense. There is an evident disconnect between the physical facts of the child's neglect and Ms. Glasgow's reported understanding of the events. I encourage her to make greater efforts to understand this tragic situation, either through self-help classes or by working with a psychologist or other persons available who could help deepen and clarify her understanding.

### CONCLUSION

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

Decision Date: January 16, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**JOSHUA WORSTELL (K-74436)**  
Second degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

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**REVERSE:**

          **X**          

**STATEMENT OF FACTS**

Joshua Worstell was in a live-in relationship with 44-year-old Christina Kemp. On the morning of June 29, 1997, Mr. Worstell and Ms. Kemp got into a fight over Mr. Worstell's request for a car ride. The fight escalated into physical violence. Mr. Worstell used a telephone cord to strangle Ms. Kemp until she was unconscious. He then used a razor knife to slit her throat. After Ms. Kemp regained consciousness, Mr. Worstell went to the garage to get a saw to finish killing Ms. Kemp. Mr. Worstell returned with a vineyard saw and cut her throat twice until the saw hit bone, killing Ms. Kemp. The cut to Ms. Kemp's throat was so severe that her head was partially detached from her body. When police arrived on scene, Mr. Worstell threatened to kill himself. After a lengthy negotiation, Mr. Worstell was removed when officers introduced chemical gas inside the residence.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Worstell suitable for parole based on his institutional behavior, lack of violent criminal history, remorse, insight, educational and vocational achievements, participation in self-help classes, and parole plans.

I acknowledge Mr. Worstell has made efforts to improve himself while incarcerated. He earned his GED and completed a welding vocational training program. He has participated in self-help groups, including Alcoholics Anonymous, Narcotics Anonymous, Anger Management, Managing Mental Illness, and Alternatives to Violence. He has received positive work reports and has not received any violent rules violation reports during his incarceration. I commend

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

Mr. Worstell's crime was atrocious. The amount of violence directed toward on his then-girlfriend after a trivial argument, resulting in partial decapitation, is horrific. His actions demonstrated a complete disregard for human life and suffering.

I am troubled by Mr. Worstell's unstable mental state. During the 2014 parole hearing, Mr. Worstell indicated that his current symptoms include anxiety, stress, hearing voices, paranoia, delusional thinking, mania, and depression. Mr. Worstell has had these symptoms both before and during his current incarceration. Prior to the life crime, he was placed on an involuntary psychiatric hold after experiencing auditory hallucinations and delusional thoughts at about age 22. During his hearing, Mr. Worstell said that at the time of the life crime, he heard the voices of Ms. Kemp and another man planning their relationship, and he is not currently sure whether this was a delusion. He has consistently received mental health care since he came to prison in 1997. While in prison, he has reportedly attempted suicide twice and was placed in a Mental Health Crisis Bed more than once. His psychiatric condition has resulted in three administrative transfers to the Department of Mental Health for more intensive inpatient treatment between 2002 and 2012. The psychologist in 2009 noted, "Records further indicate [Mr. Worstell] has a history of minimizing his symptoms, and has a history of medication non-compliance, which may have contributed to his history of psychiatric decompensation and admissions to [Atascadero State Hospital]" for inpatient psychiatric treatment. In 2012, another psychologist indicated that Mr. Worstell "[d]emonstrates limited understanding into the full scope of his psychiatric issues." In 2014, a psychologist found that Mr. Worstell's records, self-report, and presentation "indicate that he continues to experience some symptoms of a mental disorder, and this remains a relative risk factor for future violence."

I am encouraged by Mr. Worstell's recent efforts to gain a better understanding of his mental disorders and how to manage them. In 2014, the psychologist that conducted his risk assessment stated, Mr. Worstell's "[r]ecords indicate that since his return from [California Medical Facility], he has been taking his psychiatric medications as prescribed." He has not required intensive inpatient treatment since 2012 and the same psychologist indicated that he has recently complied with all aspects of his prescribed treatment. At the 2014 hearing, the panel found that Mr. Worstell had a "profound understanding of his own mental illness." I also commend him for his efforts to gain a deeper understanding of his mental disorders through continued participation in self-help programs. But these gains are recent. Given his extensive history of mental illness, I hope to see sustained compliance with his treatment plan and medication regimen before he is ready to be released.

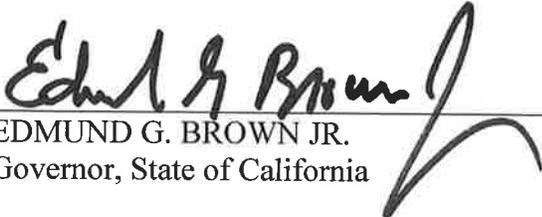
### CONCLUSION

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

Joshua Worstell, K-74436  
Second Degree Murder  
Page 3

unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Worstell.

Decision Date: January 23, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**ARTIE GILBERT (H-28631)**  
First degree murder

**AFFIRM:**

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**MODIFY:**

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**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

Artie Gilbert and Bill Johnson were both members of the 90 Hoovers Crips. On April 5, 1990, Mr. Gilbert and Mr. Johnson were both driving through their neighborhood and spotted Sean Rowe and Jimmy Dawson exiting a liquor store. Mr. Gilbert and Mr. Johnson pulled into the parking lot, and Mr. Gilbert exited his vehicle and asked Mr. Dawson what gang he belonged to. Mr. Dawson said he was a member of the 99 Mafia. Mr. Gilbert said, "We don't get along" and punched Mr. Dawson, knocking him to the ground. Mr. Gilbert told Mr. Johnson, "Get the gun." It is uncertain who started shooting at Mr. Rowe and Mr. Dawson as they fled. Mr. Dawson was shot in the back of the neck, killing him.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Gilbert suitable for parole based on his acceptance of responsibility, remorse, vocational and educational achievements, and age.

I acknowledge Mr. Gilbert has made efforts to improve himself while incarcerated. He earned his GED and completed three vocational programs. He participated in self-help groups including Alcoholics Anonymous, Narcotics Anonymous, Insight, and Anger Management. In 2013, he was commended by a work supervisor for his diligent work performance, and he routinely received satisfactory to above average work ratings. I commend Mr. Gilbert for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Gilbert's crime was callous and senseless. He stopped Mr. Dawson and Mr. Rowe on the street, asked them their gang affiliation, and punched Mr. Dawson in the face. He then directed a fellow gang member to retrieve a gun and shoot at the victims, killing Mr. Dawson.

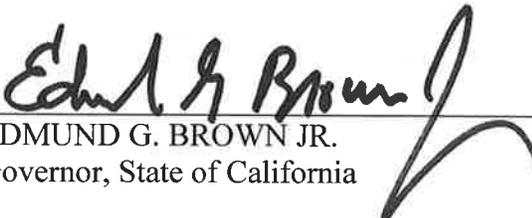
I am not convinced that Mr. Gilbert is prepared to remain sober given his recent drug use in prison and his lengthy history of substance abuse. Mr. Gilbert started drinking alcohol at age 12 and using marijuana at 14. In 2008, Mr. Gilbert tested positive for marijuana use. In 2010, the psychologist who evaluated Mr. Gilbert concluded that his ability to refrain from substance use if released was "fragile." Mr. Gilbert told the Board that he used marijuana as recently as 2012, despite his participation in Alcoholics Anonymous and Narcotics Anonymous at that time. While I am encouraged that he continues to work on his substance addiction, in light of his recent drug use Mr. Gilbert must demonstrate a more sustained commitment to his sobriety before he can safely be released.

Mr. Gilbert's elevated risk scores support my concerns. The 2010 psychologist rated Mr. Gilbert a moderate-to-high overall risk if released, and a moderate-to-high risk for violent recidivism. These risk ratings were based in part on his minimization of his participation in this crime and his history of manipulation. The psychologist also noted that his recent rules violations suggest that he still has "tendencies to engage in illicit behavior to obtain a desired outcome," and that he "overly idealize[d]" his participation in gang activity. I direct the Board to administer a new comprehensive risk assessment before Mr. Gilbert's next hearing to provide a more current and complete assessment of the risk he poses.

### CONCLUSION

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

Decision Date: January 30, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**LAWRENCE VITELLO (D-73624)**

Second degree murder

**AFFIRM:**

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**MODIFY:**

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**REVERSE:**

  **X**  

**STATEMENT OF FACTS**

Lawrence Vitello, Mark Wright, and several of their friends lived in a house together. They all used methamphetamines regularly and sold drugs at the house. On October 16, 1992, Mr. Wright returned home and went to the bathroom to take a shower. A few minutes later, Mr. Vitello entered the bathroom holding a six inch knife. The other roommates heard a commotion and heard Mr. Wright yell out. The roommates ran to the bathroom and found Mr. Vitello standing over Mr. Wright, who had been stabbed and was bleeding from his mouth and his chest. When asked, Mr. Vitello said he didn't know why he stabbed Mr. Wright. He told the roommates a few minutes later, "I did it for you." He left the knife in the kitchen and fled while the others sought medical help for Mr. Wright. Mr. Wright died from stab wounds to his chest, upper back, lower abdomen, and leg.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Vitello suitable for parole based on his lack of juvenile criminal history, his age, remorse, self-help programming, marketable skills, realistic parole plans, and acceptance of responsibility for his crime.

I acknowledge Mr. Vitello has made efforts to improve himself while incarcerated. He participated in self-help programs including Alcoholics Anonymous, Narcotics Anonymous, Victim Awareness, and Impulse Control. Mr. Vitello completed three vocational programs and received above average to exceptional work ratings. Several correctional officers commended him for being positive and respectful. I commend Mr. Vitello for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Vitello's crime was senseless and brutal. Without provocation, he stabbed his friend and roommate Mr. Wright to death in the bathroom of their shared house. Mr. Vitello had spent two days high on methamphetamine and apparently believed Mr. Wright was a police informant who would impede Mr. Vitello's access to drugs.

I am troubled by Mr. Vitello's many years of involvement in violent crime and dangerous gangs. Before this crime, he engaged in an escalating pattern of criminal activity to fuel his addiction to methamphetamine, marijuana, and cocaine, which culminated in his incarceration for this murder. During his current prison term, Mr. Vitello joined the Nazi Low Riders and assumed a leadership position within the gang. He transported weapons and helped plan vicious attacks on other inmates. In 2001, he stabbed a fellow inmate and was sentenced to four additional years in prison for assault with a deadly weapon. Two years later, he stabbed another inmate at the behest of the Nazi Low Riders and was disciplined for attempted murder. Mr. Vitello also continued using drugs in prison. He admitted using heroin for approximately ten years while incarcerated, and was disciplined three times for using methamphetamine and possessing drug paraphernalia. Mr. Vitello's file contains a confidential memo that indicates that in 2013 he approached another inmate offering to help him circumvent the disciplinary system in exchange for money. The memo also alleges that Mr. Vitello helped another inmate extort money from someone in the community. These serious allegations show that his propensity for criminal behavior has not changed.

I am encouraged that Mr. Vitello recently dropped out of the gang in 2008 and has taken some self-help classes to address his history of substance abuse. However, his lengthy gang participation and recent allegations of criminal activity give me pause. Mr. Vitello's risk ratings support my concerns. The psychologist who evaluated Mr. Vitello in 2014 rated him an overall moderate risk of future violence if released. These ratings were based in part on his severe drug history and his 2003 attempted murder. Based on this information, I cannot be confident Mr. Vitello will not return to criminal activity if released from prison.

### CONCLUSION

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

Decision Date: January 30, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**STEPHEN POLLEY, C-57727**  
First degree murder

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

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

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

**STATEMENT OF FACTS**

In October 1981, Maria Polley filed for divorce from her husband of three years, Stephen Polley. During their marriage, Mr. Polley frequently beat Maria and her children and threatened to kill her on numerous occasions. During their divorce, he burned all of Maria's clothing and destroyed her property and furniture. In December 1981, Maria moved to hide from Mr. Polley. On January 4, 1982, Mr. Polley managed to find her apartment, told his friend he was going to kill her, and broke a window in her apartment while she was at work. He returned to work, called Maria to tell her he knew where she lived, and headed back to her apartment in his friend's car. Maria returned home and refused to let Mr. Polley in, but he entered her apartment through the broken window. The two argued and Mr. Polley shot Maria in the chest and back of the head with a .357 magnum revolver, killing her.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Polley suitable for parole based on his age, lack of criminal history, lack of recent institutional misconduct, self-help programming, insight, acceptance of responsibility, risk assessment, support in the community, and parole plans.

I acknowledge that Mr. Polley has been incarcerated for more than 30 years, is now 62 years old, and has made efforts to improve himself while incarcerated. He has participated in numerous self-help groups including Anger Management, Violence Prevention, and Nonviolent Communication. In 2014, two work supervisors commended Polley's work ethic and positive attitude. He has continually volunteered and participated in various prison veterans groups. He has not been disciplined for serious misconduct since 2002. I commend Mr. Polley for taking

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

Mr. Polley's murder of his estranged wife was heinous and appalling. After three years of mental and physical abuse at the hands of Mr. Polley, Maria filed for divorce. She obtained a restraining order and moved into an apartment in an attempt to hide from Mr. Polley. Mr. Polley tracked her down, broke her apartment window, and called her to tell her he knew where she lived. He returned later that day with a loaded handgun, entered through the broken window, and shot her to death. Maria was a mother of four, including her and Mr. Polley's then two-year-old son. I note that Maria's children have appeared at Mr. Polley's parole hearings to express their lasting grief and to emphasize the violence and terror their family suffered at Mr. Polley's hands.

I am concerned that Mr. Polley continues to minimize his history of violence toward Maria and her children, as well as his intent to kill her. Mr. Polley admitted to the Board that he was verbally abusive and controlling, and that he had threatened to kill Maria. He claimed, however, that he was physically abusive on only one occasion when he pushed her, and denied ever hitting her. He also denied that he intended to kill Maria when he went to her apartment, saying instead that he brought the gun to Maria's apartment to give it to her.

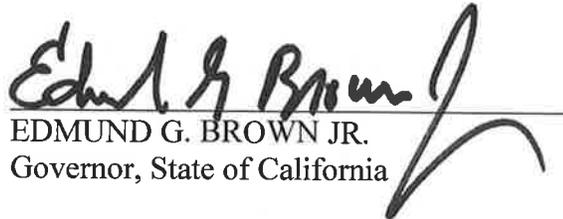
The record paints a very different picture. Maria was terrified of Mr. Polley, who physically abused her and her children on many occasions. She ultimately obtained a restraining order against him and went into hiding. Maria's children have always maintained that Mr. Polley continuously abused them and their mother. Mr. Polley's claim that he did not intend to kill Maria is also incredible in light of his actions. He hunted Maria down after she left him; at one point he attempted to enlist the help of a friend who worked for the telephone company to attempt to find Maria's address. On the day of the murder, Mr. Polley told a friend that he had discovered Maria's whereabouts and planned to kill her, then entered her home through the window he had broken earlier that day. These are not the actions of a man simply attempting to give a gun to his ex-wife.

I commend Mr. Polley for his behavior in prison and his attempts to understand his violent and controlling behavior. But I remain troubled that he has yet to acknowledge or address the extent of his violence and abuse of his family, or his cold plot to kill Maria. In light of these concerns, I am not convinced that he will be able to refrain from violence in his romantic relationships if he is released.

**CONCLUSION**

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

Decision Date: February 6, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**CHARLES RILEY, B-70738**

First degree murder

**AFFIRM:**

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**MODIFY:**

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**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

Charles Riley and his 16-year-old girlfriend, Marlene Olive, planned to kill Marlene's adoptive parents, James and Naomi Olive, for several months. Marlene frequently expressed hatred for her parents, and she and Mr. Riley planned to collect the insurance money after the murders and flee to South America. On June 21, 1975, Marlene telephoned Mr. Riley and told him to come to the house with his gun. Marlene was to lure her father from the house, allowing Mr. Riley to kill Marlene's mother with a hammer and then shoot her father. Mr. Riley, armed with a .22 caliber pistol, went to the Olive residence and bludgeoned Naomi to death with a hammer while she was sleeping. Mr. Riley then hid, awaiting James' arrival. When James saw his dead wife, Mr. Riley shot him in the back, killing him. Marlene and Mr. Riley then tidied up the house, wrapped the bodies in sheets, took them to a fire pit, doused the bodies in gasoline, and burned them.

Mr. Riley was convicted by a jury of two counts of first-degree murder, and was sentenced to death. In 1978, the First District Court of Appeal modified the sentence to life imprisonment with the possibility of parole based on the California Supreme Court's holding California's death penalty scheme unconstitutional. The modification was not made on the basis of the merits of Mr. Riley's appeal. (*People v. Riley* (May 5, 1978, Crim. No. 16548 [nonpub. opn.] (citing *Rockwell v. Superior Court* (1976) 18 Cal.3d 420.))

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Riley suitable for parole based on his age, lack of violent history, lack of recent institutional misconduct, commendations from staff, self-help, work ratings, demeanor, acceptance of responsibility, remorse, and risk assessments.

I acknowledge that Mr. Riley has served nearly 40 years in prison, is now 59 years old, and has made efforts to improve himself while incarcerated. He earned an associate's and a bachelor's degree, and received positive ratings from his work supervisors. He has participated in self-help programming, including Narcotics Anonymous, Alternatives to Violence, and Conflict Resolution. He has not been disciplined for serious institutional misconduct since 1979. I commend Mr. Riley for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Riley's crime was utterly callous and heinous. He and his girlfriend plotted the grisly murder of her parents so that they could flee with the proceeds. Once they decided to execute the plan, Mr. Riley attacked Ms. Olive with a hammer while she was sleeping and entirely defenseless. He then hid until Mr. Olive returned to the house, and then shot him in the back.

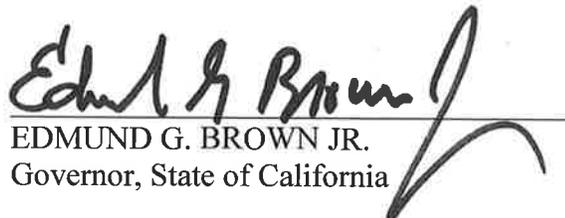
I am troubled that, even after nearly 40 years, Mr. Riley continues to downplay his active role in planning and carrying out these murders. He told the psychologist in 2014 that although he and Marlene had discussed killing her parents on prior occasions, "he did not take her discussions seriously...assuming she was simply 'venting.'" He said that on the night of the murders he went to Marlene's home to meet Marlene, and only realized that he was expected to carry out the murders when he saw Ms. Olive sleeping. He also claimed that he attempted to sneak out of the house after killing Ms. Olive, and only shot Mr. Olive because Mr. Olive turned and saw him. He told the Board that the murders were "an impulsive act" carried out after plans made the same day. Mr. Riley continues to paint himself as a bystander caught in the grip of romantic infatuation. This simply is not the case. The Court of Appeal's 1978 opinion found that Mr. Riley and Marlene had been planning to murder the Olives "for some time" because the Olives objected to their relationship. The two had "prearranged" for Marlene to lure her father out of the house so that Mr. Riley could enter and kill Mrs. Olive with a "conveniently placed hammer," and then shoot Mr. Olive with a gun to be brought to the house. Mr. Riley's actions were not impulsive; they were calculated and entirely without empathy.

I note that many psychologists who have evaluated Mr. Riley over the years have found his risk to society to be low, and that the Court of Appeal found no evidence supporting a finding of current danger when it reversed the Board's 2011 parole denial. After conducting an independent review of the record, however, I cannot agree with those conclusions. Mr. Riley continues to minimize the extent of the planning he and Marlene undertook. This minimization indicates to me that, although he professes to accept some responsibility, he continues to downplay his role in this crime. Until Mr. Riley is able to come to terms with his role in this horrendous double murder, I do not believe he will be able to avoid violent behavior if released.

CONCLUSION

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

Decision Date: February 6, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**ROY GRAY, C-49147**

First degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

On January 8, 1980, Roy Gray broke a window and entered the home of 77-year-old Sophie Von Flue armed with a .38 caliber revolver. He began rummaging around her belongings looking for jewelry. Ms. Von Flue confronted Mr. Gray, and when she moved towards the telephone to call the police, Mr. Gray shot her in the back of the head. He then shot her twice in the chest as she lay on the ground, killing her. Mr. Gray grabbed Ms. Von Flue's purse and fled. He went home and told his wife, Linda, that he had killed a woman. Linda and Mr. Gray drove to a canal where Linda disposed of the revolver. Mr. Gray admitted to the murder on June 17, 1982 while serving time in prison for two subsequent burglaries and an attempted murder of an elderly woman in her trailer.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Gray suitable for parole based on his remorse, age, self-help programming, realistic parole plans, and marketable skills.

Mr. Gray has been incarcerated for over 32 years and is now 61 years old. I acknowledge he has made efforts to improve himself while incarcerated. He has participated in self-help programs including Narcotics Anonymous, Victim Impact, and Life Values. He has not been disciplined for serious misconduct since 2005. He earned a recent vocation and received positive work ratings. I commend Mr. Gray for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Gray's crime was heartless. When confronted by the elderly Ms. Von Flue in her home, he shot her in the head from a five-foot range. After hearing her groaning on the floor, he decided to shoot her twice more because "just like a wounded animal" she was suffering and you "shoot it again to stop the pain." This was not the first time Mr. Gray was violent. His juvenile record includes ten counts of burglary, grand theft, and an assault on a supervisor while escaping from juvenile hall. Additionally as an adult, he had convictions for assault with a deadly weapon, multiple burglaries, possession of a deadly weapon, and an attempted murder of another elderly woman a year after this crime. After his conviction, he threatened to kill the case investigator and a citizen in the community if he did not get a retrial. Furthermore, a reliable informant reported Mr. Gray planned to kill a correctional officer while being transported to his court proceedings so he could escape and kill his wife and brother-in-law to prevent them from testifying against him.

Mr. Gray's continuing pattern of manipulative and aggressive behavior is alarming. In 1991, he was suspected of writing a letter to a woman containing statements such as "I'll hunt you like a wild animal" signed "a friend, or your worst nightmare you decide;" he was not disciplined on this occasion. However, during his first twenty-three years of incarceration, Mr. Gray was disciplined 9 times for serious misconduct. Seven of these violations were for threatening behavior towards staff. In 1992, he threatened to kill himself if he was not moved to another building. In September 1993, he falsely claimed an officer put his life in danger because he was upset he had to move housing units. In November 1993, when Mr. Gray allegedly did not receive mail, he threatened an officer by stating he would have a "family member talk to you. They don't play games." In April 2002, he attempted to bribe a female officer by giving her a jewelry box if she mailed two items of contraband. He threatened that if she did not do it he would file a complaint against her. He continued to harass her and in September 2002, she requested that he transfer. In July 2002, Mr. Gray falsely accused two staff members of having sex in the hobby shop because he was angry he could not take his crafts with him. In July 2003, he wrote an anonymous threatening note that stated another inmate wanted to have sex with a staff member. After denying writing the note, Mr. Gray admitted he wrote the note to have that inmate removed from general population. In December 2005, Mr. Gray threatened a staff member by attempting to extort money and wrote in a letter, "Someone needs to cover the \$300.00 that I lost; I guess I could have a friend from Sac. or Stockton find out where you live, so we can talk." This behavior demonstrates a serious and sustained pattern of impulsivity and violent threats that extended decades into Mr. Gray's incarceration.

I am troubled that Mr. Gray cannot better explain this pattern of his violent and threatening behavior. When questioned about the number of his serious rules violations at his most recent hearing, he responded, "I think I only had three 115s." When he began discussing the 2005 incident he explained he wrote a letter stating, "because of your lie, you owe me three hundred bucks. And that was the extent of the letter." However, this contradicts the rules violation report. The language in the letter suggests a much more serious threat which Mr. Gray did not admit or address in his answer. His statements are inadequate and I cannot be assured that he has outgrown his criminal thinking. Until Mr. Gray can better explain his menacing behavior and the source of his anger, I do not think he is ready to be released.

Mr. Gray's elevated risk scores support my concerns. The 2011 psychologist rated Mr. Gray a moderate overall risk if released. These risk ratings were based in part on the fact that Mr. Gray "displayed a less than optimal amount of insight." I direct the Board to administer a new comprehensive risk assessment before Mr. Gray's next hearing and to question him more thoroughly on the reasons for his pattern of violent and threatening behavior in order to provide a more current and complete assessment of the risk he poses if released.

**CONCLUSION**

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

Decision Date: February 13, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**DAVID HOLLY (J-14950)**

Second degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

On August 2, 1991, David Holly, Nora Patty, and James Balestra were at a friend's drinking alcohol and using methamphetamine. Mr. Holly and Mr. Balestra argued and Mr. Holly shot Mr. Balestra once in the head with a .25 caliber pistol, killing him. Mr. Holly wrapped Mr. Balestra's head in a plastic bag and dragged it into a storage shed in the yard, then later disposed of his body in an isolated river bottoms area. Mr. Holly told Ms. Patty to say that she shot Mr. Balestra because he did not want to get convicted of another killing. In the month prior to the murder, Mr. Holly and Ms. Patty discussed killing Mr. Balestra on several occasions because Mr. Holly believed Mr. Balestra was a child molester.

Mr. Holly was arrested for murdering Mr. Balesta on March 13, 1993. He was also charged with the 1983 murder of a woman who was shot in the chest with a shotgun and found in a remote rural location. She was last seen alive with Mr. Holly. The detective investigating the woman's murder believed that Mr. Holly killed her because she had previously informed police that Mr. Holly had committed arson and that his sister had embezzled from her employer. Mr. Holly's girlfriend reported that Mr. Holly said he "blew up" a girl who was going to testify against his sister. Mr. Holly was also convicted of a 1983 voluntary manslaughter for shooting his roommate twice in the chest and disposing of his body in a remote river bottoms area. The investigating detective believed that Mr. Holly killed his roommate because detectives questioned him about Mr. Holly's involvement in the woman's murder.

**GOVERNING LAW**

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

### DECISION

The Board of Parole Hearings found Mr. Holly suitable for parole based on his age, acceptance of responsibility, remorse, lack of serious misconduct while incarcerated, vocational training, and participation in self-help programming.

I acknowledge Mr. Holly has made efforts to improve himself while incarcerated. He earned his GED and has completed seven vocational programs. He has participated in self-help groups including Alcoholics Anonymous, Alternatives to Violence, and Anger Management. In 2014, a work supervisor commended Mr. Holly for being a reliable and valuable employee. I commend Mr. Holly for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Holly's crime was callous and senseless. He shot and killed his best friend, dumped the body and disposed of the murder weapon to avoid detection. He told two people who knew about the murder that he would kill them if they told police. Mr. Holly also attempted to cover up his involvement by telling his girlfriend to take responsibility for this murder.

Given Mr. Holly's disturbing criminal history, I am troubled by his inability to better explain his violent actions. Mr. Holly told the Board that he was under the influence of drugs and does not remember killing Mr. Balestra, but likely did so because of his inability to deal with "stress issues that popped up in normal life." He told the Board that he was coming down off of 20 days of heavy methamphetamine use and "I used that as an excuse, I guess...to kill him." He attributed his actions to alcohol, drugs, and anger, but failed to articulate why they prompted him to react so violently and shoot the victim. These explanations simply do not account for Mr. Holly's pattern of violent responses to normal stressors. I encourage the Board to explore these issues in depth at his next hearing.

Mr. Holly's elevated risk scores support my concerns. The psychologist who evaluated him in 2011 rated Mr. Holly in the high range for psychopathy, based partly on his ongoing unwillingness to accept responsibility for his actions, his lack of remorse, and his lack of control over his behavior. The psychologist rated him an overall moderate risk for violence if released, based in part on his history of "excessive anger" and reported that he could mitigate his risk of violence by addressing his underlying anger issues. The psychologist who evaluated him in 2014 reported that Mr. Holly did not yet "fully evaluate and understand his problems with anger" and had "limited" anger management strategies. I direct the Board to administer a new comprehensive risk assessment before Mr. Holly's next hearing to provide a more current assessment of the risk he poses.

CONCLUSION

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

Decision Date: February 13, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**ARTHUR HULSE, B-33433**

First degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      X      

**STATEMENT OF FACTS**

Arthur Hulse was a 16-year-old "prospect" to join the Sons of Satan motorcycle gang. On June 1, 1970, Mr. Hulse and Steven Hurd, Herman Taylor, Melanie Daniels, Christopher Gibboney, Timothy Montag, and Terry Husted decided to commit a robbery. Mr. Hulse armed himself with an old, wood-handled, rusty hatchet and Mr. Hurd, Mr. Hulse, and Mr. Taylor found a gas station to rob. Mr. Hulse and Mr. Hurd entered the gas station and informed the attendant, Jerry Carlin, that he was being robbed. Mr. Carlin turned over \$40 and then Mr. Hurd and Mr. Hulse forced him into the bathroom. Mr. Carlin begged, "Don't hurt me. I've been robbed twice before." Mr. Hulse then attacked Mr. Carlin with the hatchet. Mr. Hulse struck Mr. Carlin in the upper chest and head until he felt Mr. Carlin's skull cave in and had difficulty pulling the hatchet from his head. The men left Mr. Carlin's body, which was later discovered by two ambulance drivers who stopped to use the gas station's restroom. They found the walls of the restroom splattered with blood and pieces of scalp. Mr. Carlin's skull had been crushed and there were cuts across the front of his throat.

The next day, the gang members left the motel where they were staying, loaded their belongings into a car, and started driving to find a new place to stay. The car broke down and, after a brief interaction with officers from the California Highway Patrol and Orange County Sheriff's Department, the group decided to sleep in the car and a nearby orange grove. The next day, Mr. Hurd, Mr. Taylor, and Mr. Gibboney set out to find another car. They returned with the car of Florence Brown, a school teacher and mother of two small children. Mrs. Brown's dead body was inside the car. She had been robbed and stabbed 21 times in the back by Mr. Hurd and Mr. Gibboney when they stole her car. Mr. Hulse, Mr. Daniels, Mr. Gibboney, and Mr. Husted dug a shallow grave and buried Mrs. Brown's body. An autopsy revealed that her heart, both lungs, right arm, and right breast had been removed, which the coroner believed had been done "surgically," not by animals after she was buried.

**GOVERNING LAW**

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

circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.) 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. Hulse suitable for parole based on the amount of time since the crime, the fact that Mr. Hulse was only 16 at the time of the crime, his growth and maturity, remorse, reflection, current age, parole plans, and psychological evaluation.

I recognize that Mr. Hulse’s culpability is somewhat diminished because he was only 16 when he committed this crime. His childhood experiences were described by the psychologist who evaluated Mr. Hulse in 2014 as “turbulent;” his mother was a paranoid schizophrenic who experienced “catatonic and erratic behaviors,” forcing him to physically and emotionally care for himself and his younger brother. He began having problems in school and rebelling by using drugs and alcohol and associating with “undesirable peers.” His drug addiction led to an apparent overdose and being admitted to a psychiatric hospital. Mr. Hulse was eventually expelled from school and, about two weeks before these horrific crimes, he “became enticed” by the Sons of Satan, led by Mr. Hurd. The psychologist found that his “poor coping skills, chronic substance addictions, immaturity (young age) and highly impressionable personality led to particularly shocking crimes.” Mr. Hulse has spent the past 44 years – his entire adult life – in prison. He is now 61 years old and has health issues. He cannot walk independently for long stretches of time and uses a wheelchair. He has been unable to work in prison because of his disability since 1998. Mr. Hulse has not been disciplined for any misconduct since 1998 and has recently started to participate in self-help groups and classes. He spoke credibly at his recent hearing about the role his religion has played in his rehabilitation. I commend him for making these efforts. I give great weight to Mr. Hulse’s age at the time of the crime, unstable childhood, and his increased maturity, and rehabilitative efforts. I also took into account Mr. Hulse’s long incarceration, age, and medical issues. Nevertheless, I believe he is unsuitable for parole.

The crimes committed by Mr. Hulse and the members of the Sons of Satan motorcycle gang are absolutely shocking. He and his crime partners, in an effort to get money, targeted a gas station to rob. Mr. Hulse then brutally slaughtered the attendant with a hatchet. Less than 48 hours later, Mr. Hulse helped bury the body of Mrs. Brown, who had been gruesomely stabbed to death by others in the gang. The actions of Mr. Hulse and the Sons of Satan had a devastating and long-lasting impact on the families and friends of Mr. Carlin and Mrs. Brown, who wrote movingly about their loss and urged that Mr. Hulse remain in prison.

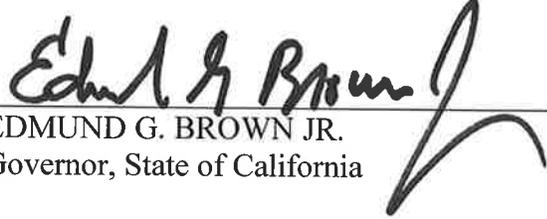
I am troubled that Mr. Hulse cannot better explain his particularly gruesome crimes. He told the Board that he willingly and immediately joined Mr. Hurd to commit the robbery when asked to do so because he was a “prospect of the club” and reported that he committed the murder because, “I was told to kill him.” Mr. Hulse told the 2014 psychologist that his “explosion” of violent behavior was the result of being bullied for being overweight as a child and because of

his drug use. He told the psychologist that he “participated in the crimes as a way to gain social acceptance from the Sons of Satan and obediently followed the orders of the leader (Hurd) to murder and then partake in the burial of the second victim.” These reasons do not account for the horror of Mr. Hulse’s crime. It remains unclear to me why Mr. Hulse was so desperate for the approval of Mr. Hurd and the Sons of Satan that he was willing to commit murder in the first place, let alone a murder as gruesome and extreme as this one. Far too many are bullied as children or struggle with drug addiction, but Mr. Hulse’s level of violence is, thankfully, exceedingly rare. Until Mr. Hulse can adequately explain his reasons for committing these vicious crimes, I do not think he is ready to be released.

**CONCLUSION**

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

Decision Date: February 13, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**JIM DELGADO, C-14633**

Second degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

Jim Delgado was part of the Vagos motorcycle gang. On October 12, 1979, Mr. Delgado went to a friend's house where George Schreiber was working on a car. Mr. Delgado suspected Mr. Schreiber of being a rival motorcycle gang member who had attempted to kill him on previous occasions. Mr. Delgado drove up to Mr. Schreiber, got out of his car, shot Mr. Schreiber once in the chest, and then shot Mr. Schreiber three more times as Mr. Schreiber lay on the ground, killing him.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Delgado suitable for parole based on his age, physical and mental disabilities, and risk assessment.

I acknowledge that Mr. Delgado has been in prison for over 35 years, is now 67 years old, suffers from health and mobility issues, and has made some efforts to improve himself while incarcerated. He has not been disciplined for serious misconduct since 2009. I commend Mr. Delgado for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Delgado committed a callous crime. He shot an unsuspecting man numerous times, executing him while he was defenseless on the ground. This was not Mr. Delgado's first act of extreme violence. The psychologist who evaluated Mr. Delgado in 2011 noted that Mr. Delgado was sent to Patton State Hospital as a juvenile after he beat another youth to death.

I am concerned by Mr. Delgado's history of mental health issues. Psychologists have noted Mr. Delgado's "long history of psychiatric symptoms" going back to his childhood. Once incarcerated, Mr. Delgado has required consistent treatment from mental health professionals. In 2011, the psychologist rated him in the high range of psychopathy, a high risk for violent recidivism, and a high risk for general recidivism in the free community. The psychologist noted that Mr. Delgado had a history of refusing to take prescribed medications, and that Mr. Delgado believed it "seems impossible" that he would continue his medication regimen if released.

Following the 2011 psychological evaluation, Mr. Delgado stopped taking his psychotropic medications, and suffered "more severe symptoms of mental illness" including paranoid delusions. He was eventually referred to Atascadero State Hospital, where he was diagnosed with "Schizoaffective Disorder, Bipolar Type; Polysubstance Dependence; Dementia and Antisocial Personality Disorder." He was placed on a mood stabilizer and antipsychotic medication, and was discharged in August 2013. The psychologist who evaluated him in April 2014 noted that Mr. Delgado had remained compliant with his mental health treatment, and therefore his risk had been "significantly mitigated." The psychologist also noted, however, that Mr. Delgado had a "very rudimentary grasp" of his mental health issues, could not identify his "early signs of decompensation," and did not know when he would have to talk with a clinician to prevent his mental health symptoms from returning. The psychologist found it "critical" for Mr. Delgado to develop a parole plan "which addresses issues related to mental illness, aggression and use of intoxicating substances. It is likely that he would require ongoing professional help for the remainder of his life, whether in prison or in the community."

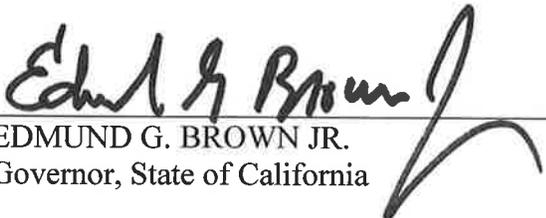
Mr. Delgado's mental health issues were readily apparent during his parole hearing. He claimed he once was a member of "the Davine," "a group of people who can turn themselves into skeletons and therefore the good people," but that Howard Hughes helped him become human again. He also said he had seen President Kennedy in Vacaville, but that "they killed him again." He said there were some people who deserve to be shot and killed, including "people who eat babies and kill pregnant women." He told the Board that he was angry, that while he was waiting for the hearing to begin he "was about to explode," and that if he was faced with a situation similar to the crime where he felt someone was going to kill him he would handle it the "same way." The Board noted that Mr. Delgado's "mental illness was evident at every juncture of this meeting."

Given Mr. Delgado's mental health concerns, I am not convinced that he can be safely released at this time. Mr. Delgado told the panel and the psychologists that he wasn't sure he wanted to be released from prison. He has no support in the community, has not been accepted by any transitional housing or residential care facility, and is not capable of caring for himself. As the Board noted, "Mr. Delgado will require 24/7 care and the residence must be appropriate given his needs." I am not aware of any steps that have been taken to mitigate the concerns associated with Mr. Delgado's major mental illness, health concerns, mobility impairments, and dementia. I am not prepared to release him until these concerns have been addressed.

CONCLUSION

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

Decision Date: February 20, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**RENE ENRIQUEZ, H-69471**  
Second Degree Murder

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

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

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

**STATEMENT OF FACTS**

Rene "Boxer" Enriquez joined the Mexican Mafia in 1985 while serving prison terms for armed robbery and forcible rape. He became a leader in the organization and helped establish a hierarchy that gave gang leaders authority over and profits from drug dealers and gang members in the community. 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 ordered him to kill Ms. Galvador. On December 23, 1989, Ms. Galvador was driven to a secluded area and shot once in the head and once in the chest, killing her.

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 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 to make sure he was dead.

Mr. Enriquez was arrested in 1990 for 15 counts of robbery. On July 16, 1991, Mr. Enriquez, Benjamin "Topo" Peters, and Salvador "Mon" Buenrostro were handcuffed in an attorney room at the Los Angeles County Men's Central Jail. Mr. Buenrostro had conflicts with Mr. Enriquez' faction of the Mexican Mafia. Mr. Enriquez and Mr. Peters used makeshift keys to remove their handcuffs. They stabbed Mr. Buenrostro with inmate-manufactured weapons until officers were able to incapacitate them. Mr. Buenrostro was stabbed 26 times but survived.

Mr. Enriquez is currently serving three concurrent life terms for two counts of second degree murder and one count of assault with a deadly weapon.

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

### DECISION

The Board of Parole Hearings found Mr. Enriquez suitable for parole based on his remorse, acceptance of responsibility, recent good behavior, cooperation with law enforcement agencies, realistic parole plans, and risk assessment.

I acknowledge Mr. Enriquez has made efforts to improve himself while incarcerated. He has not been disciplined for a rules violation since 2004. At great risk to his own safety, he has provided officials with valuable information about the inner workings of the Mexican Mafia. Mr. Enriquez has testified as an expert at multiple criminal trials, served as an informant for law enforcement gang investigations, and delivered informational presentations about gang activity to various law enforcement agencies. He participated in at-risk youth outreach programs. I commend Mr. Enriquez for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Enriquez has a decades-long record of violent crime. Prior to these two murders and the assault on Mr. Buenrostro, Mr. Enriquez was convicted of burglary, forcible rape, and more than 20 counts of armed robbery. In prison, he has been disciplined 28 times for serious misconduct. For nearly twenty years, he was deeply involved in and devoted to one of the most violent gangs in the country. As a leader of the gang, he stabbed other inmates, manipulated correctional staff, manufactured and distributed weapons, trafficked drugs, recruited and trained new members, and oversaw a crew of violent drug dealers in East Los Angeles. Mr. Enriquez helped design the gang's organizational structure to allow Mexican Mafia leaders to collect money from extortion and drug sales in the community without doing any "dirty work" themselves. He worked for years to expand the gang and enhance its violent reputation. Mr. Enriquez ordered members of his gang to attack or execute anyone who stood in his way.

Mr. Enriquez presents a rather shallow understanding of how he came to perpetuate so many extremely violent crimes. At his recent parole hearing, he referenced the role that drugs and a desire for acceptance played in his past. But when the Board asked why he repeatedly chose to participate in criminal activity, Mr. Enriquez responded that he "lacked...the qualifications to diagnose myself...I could sit here and...guess as to what I was looking for...I don't know what it was." When questioned about his conviction for forcible rape, he said that when his victim started crying, he "had an understanding that what I was doing was wrong at the time...I wasn't the man I am today and I lacked that social awareness at that time." Mr. Enriquez claims that he was "forced" against his will to join a street gang before he went to prison. Similarly, when asked why he associated with the Mexican Mafia, Mr. Enriquez said, "I didn't want to be one of them" and that his involvement with the gang was "basically, kind of a survival tactic." The psychologist who evaluated Mr. Enriquez in 2014 pointed out that many people use drugs without turning to violence and asked him to explain why he chose the path he did. He replied, "I don't know."

These explanations suggest that Mr. Enriquez has not yet deeply examined or forthrightly explained why he pursued for decades a life of violence. His involvement with the Mexican Mafia went far beyond self-protection and survival. He knowingly and voluntarily embraced the philosophy and goals of this dangerous prison gang and did everything in his power to promote its criminal activity. His claim that he was involved in the gang for “survival” minimizes his deliberate commitment to the Mexican Mafia and the depth of his participation.

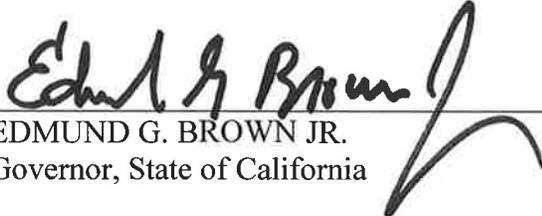
Mr. Enriquez says he can refrain from crime and drugs primarily because of his “career” as a law enforcement informant. At his hearing, Mr. Enriquez explained that this career was central to his ability to refrain from criminal activity, his sobriety, and his understanding of “who I was then and who I should be now.” But, in 2004 and 2005, Mr. Enriquez returned not only to drug use, but to smuggling and dealing drugs in prison. He explained to the Board that when he was “not being used by law enforcement—everything fell apart” and he “went into a period of depression.” There is no guarantee that Mr. Enriquez will have a lifetime role in giving anti-gang testimony, and it is not clear that his commitment to avoid criminal behavior and use of drugs is lasting. It is critical that he develop a relapse prevention plan that will outlast his role in testifying about his former gang.

Finally, because he is a high-profile drop out targeted by the Mexican Mafia, Mr. Enriquez’ parole poses a serious security risk to him, his family, his parole agents, and the community in which he is placed. Due to his conviction for a sex offense, Mr. Enriquez’ address will be publicly available. To date, no housing plan that would mitigate these risks has been confirmed as a viable option.

### 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: February 20, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**ALAN FREDERICKS, C-98145**  
Second Degree Murder

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

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

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

          X          

**STATEMENT OF FACTS**

On July 8, 1983, Alan Fredericks and his mother, Louise, got into an argument over allowing Alan's 17-year-old girlfriend, Kristen Teele, to share his room in Louise's home. Alan handcuffed his mother's wrists, tied her feet together, and hit her in the head with a glass bottle. Alan then retrieved a 22-pound weight lifting bar from his room and hit Louise three times in the head, splitting her skull and killing her. Alan and Ms. Teele went to an arcade, and played video games. In the next few days, Alan and Ms. Teele sold his mother's television, stereo, and car for cash and fled.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Fredericks suitable for parole based on his recognition of the factors that contributed to his crime, participation in self-help programs, recent sobriety, and family support.

I acknowledge Mr. Fredericks has made efforts to improve himself while incarcerated. He has been disciplined only twice in over 31 years of incarceration and has earned both an associate's degree and bachelor's degree. Mr. Fredericks has participated in self-help groups including Alcoholics Anonymous, Anger Management, and Alternatives to Violence. He has been commended by correctional officers and work supervisors for his performance at work, respectful attitude, and calm demeanor. I commend Mr. Fredericks for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Fredericks' crime was senseless and callous. He tied up his mother and beat her to death, splitting her skull. He went to this extreme simply because his mother would not allow his young girlfriend to move into the house.

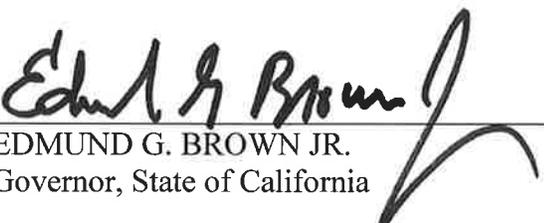
I am troubled by Mr. Fredericks' version of the violence he perpetrated against his own mother. He claims that his mother got down on the ground voluntarily, because he asked her to do so and because she "trusted" her son. He insisted that he did not physically force her to the ground or threaten her in any way. He told the psychologist who evaluated him in 2014 that when he handcuffed his mother and tied her ankles together, she "did not offer resistance or say anything ('she just laid there')." This story seems highly unlikely. He had a long history of violent tantrums and threats against his mother. On several occasions before her murder, Mr. Fredericks' mother called the police, complaining that her son "had threatened her or that he had damaged her home, usually by smashing his fist through a wall." The 2012 psychological evaluation details that by age 12, Mr. Finney had "begun exhibiting rage episodes that included property damage, prolonged temper tantrums and threats toward his mother when he did not receive something he felt he deserved." He threatened to jump off of the lip of a quarry when his demands for a car and cash were not met at 14 years old, was committed for 48 hours in a psychiatric ward, and returned home to his mother. At 17 years old, he was ordered by a judge to participate in family counseling, and by 19, he went to his mother's psychiatrist. Simply put, I do not believe Mr. Fredericks is being forthright about the manner in which he committed this crime.

I am also concerned that Mr. Fredericks is not yet adequately prepared to maintain his sobriety. Mr. Fredericks started smoking marijuana at age 10, alcohol at 16, and also abused barbiturates, cocaine, and methamphetamine. He was intoxicated when he killed his mother. Mr. Fredericks admitted to the psychologist who evaluated him in 2012 that he used crank approximately 18 months earlier, "because he had forgotten how badly the substance made him feel." The 2012 psychologist concluded that Mr. Fredericks' ability to maintain sobriety was "heavily dependent" on those surrounding him. Although I am encouraged that Mr. Fredericks is currently involved in Alcoholics Anonymous and a Native American prayer circle, I note that his relapse occurred despite years of involvement in similar substance abuse self-help programs. Given his history of substance abuse and violence, I am not prepared to release him until Mr. Fredericks can demonstrate that he is better able to maintain his sobriety.

### CONCLUSION

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

Decision Date: February 20, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**GEORGE LEE, D-97373**

First degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

On December 4, 1987, George Lee and his attorney went to court for a final divorce proceeding with Mr. Lee's ex-wife, Laneve Jordan. The couple had separated after six years of marriage, and Mr. Lee was angry over the distribution of their property. At the courthouse, Mr. Lee and his attorney took seats in the courtroom, while Ms. Jordan and her adult daughter, Jane Romo, sat on a bench in the hallway. Mr. Lee left the courtroom to use the restroom and walked by Ms. Jordan and Ms. Romo. Ms. Jordan and Mr. Lee exchanged hellos. When Mr. Lee returned from the restroom, he stood directly in front of Ms. Romo and said in a "very level, pragmatic, rational" tone of voice, "You caused me nothing but grief." He then shot Ms. Romo twice, once in the chest and wrist. Ms. Jordan and Ms. Romo attempted to run away, and Mr. Lee fired one or two more shots at them. Mr. Lee began to run when a bailiff, Clifford Davis, stepped out of a courtroom. Mr. Lee aimed the gun at Mr. Davis, and Mr. Davis shot Mr. Lee, disabling him. Ms. Romo died hours later from her injuries.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Lee suitable for parole based on his age, medical disabilities, remorse, acceptance of responsibility, lack of a violent criminal history, lack of serious institutional misconduct since 2002, participation in self-help programming, and risk assessment.

I acknowledge that Mr. Lee is 78 years old, is legally blind with limited mobility, and has made efforts to improve himself while incarcerated. He has not been disciplined for serious misconduct since 2002, and he has received positive work ratings from his supervisors. He has

participated in self-help groups including Alcoholics Anonymous, Victim Awareness, and Anger Management. I commend Mr. Lee for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

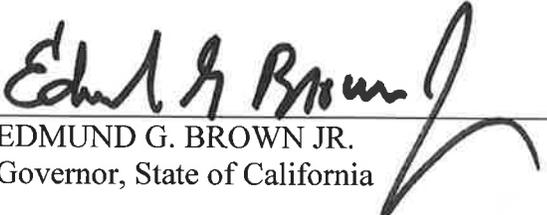
Mr. Lee's crime was shocking and senseless. He brought a gun into a courthouse intending to murder his ex-wife over a disagreement about how their property should have been divided. Mr. Lee fired two shots at Ms. Romo in the middle of a crowded courtroom hallway and then fired at Ms. Jordan as she attempted to flee. He also threatened an officer of the court, pointing his gun at the bailiff who responded to Ms. Jordan's cries for help. I note that Ms. Romo's husband appeared at Mr. Lee's hearing and spoke of the devastating and long-lasting impact of Mr. Lee's crime on Ms. Romo's loved ones. Four hundred members of the public also signed a petition opposing Mr. Lee's parole.

I am concerned that Mr. Lee does not understand why he killed Ms. Romo. In 2014, Mr. Lee told the Board he "just went crazy" after learning that his ex-wife was awarded sole title to the apartment buildings that they had acquired during their marriage. He said he felt he had been cheated, and that when he confronted Ms. Jordan and Ms. Romo with these allegations in the courthouse, Ms. Romo provoked him by smiling and saying, "prove it." He claimed that even though he had planned the murder for a week, it was Ms. Romo's behavior that led him to carry out the shooting. When asked by the psychologist in 2014 why this crime occurred, Mr. Lee said that he was angry and lacked communication skills. Anger over the outcome of the divorce proceedings and poor communication skills do not sufficiently explain why Mr. Lee planned to murder Ms. Jordan and Ms. Romo by bringing a gun and bullets to the courthouse. Further, Mr. Lee's responses at his hearing indicate that he is blaming Ms. Romo and is not accepting full responsibility for his actions. I encourage Mr. Lee to continue attending self-help classes to further develop an understanding of the personality factors that led to his violent behavior so that he will be able to avoid such behavior once released.

### CONCLUSION

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

Decision Date: February 20, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**DAVID SHULER, D-98033**  
Second degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

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

**STATEMENT OF FACTS**

On August 9, 1987, David Shuler was driving his car erratically while intoxicated. Mr. Shuler sideswiped a parked, unoccupied vehicle and continued driving on city streets at speeds in excess of 90 miles per hour. Mr. Shuler attempted to make a turn, but his high speed forced him into oncoming traffic, where he collided head-on with a vehicle driven by 18-year-old Jason Sievers. Both Mr. Shuler and Mr. Sievers were pinned inside of their vehicles for a short time; Mr. Sievers died from his injuries. When Mr. Shuler was examined at the hospital, his blood alcohol level was .30. An open bottle of whiskey was found in the glove compartment of his car.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Shuler suitable for parole based on his remorse, acceptance of responsibility, parole plans, risk assessment, lack of recent serious rules violations, and participation in self-help programming.

I acknowledge that Mr. Shuler has made efforts to improve himself while incarcerated. He has participated in self-help programs including Alcoholics and Narcotics Anonymous, Pathways to Sobriety, and Victim Awareness. He has not been disciplined for serious misconduct since 2000. He completed vocational training, earned credits toward an associate's degree, and received positive ratings from his work supervisors. I commend Mr. Shuler for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

This crime was wildly reckless. Mr. Shuler was extremely intoxicated when he sideswiped a parked car, drove over 90 miles per hour on city streets, and collided head-on with Mr. Sievers' car, killing him. This was not the first time Mr. Shuler drove drunk. He was convicted of driving while intoxicated on five prior occasions between 1982 and 1987, including once just one week before he killed Mr. Sievers.

I am concerned that Mr. Shuler is not prepared to maintain his sobriety if released. He began drinking alcohol at 16, smoking marijuana at 17, and using methamphetamine at 22. He was convicted of driving under the influence five times before he drove with a .30 blood alcohol level and killed Mr. Sievers. In 2000, Mr. Shuler received a serious rules violation after using methamphetamine. Although he participated in some substance abuse related self-help classes in prison, the psychologist noted in 2012 that Mr. Shuler could not list the 12 steps, could not articulate the 12 steps in his own words, and could not identify his internal or external triggers that could lead him to relapse. The psychologist found that Mr. Shuler had a cursory understanding of his addictive behaviors and the underlying cause of his alcoholism, and stated he "doubts whether Mr. Shuler would be able to continue his presently sober gains in the community for the remainder of his life without a better understanding of his triggers, warning signs, and a detailed plan." In January 2013, the Board denied Mr. Shuler parole, finding that he "failed to understand his addiction," that the information from his substance abuse self-help was not "sinking in," and that his relapse prevention plan had "no depth."

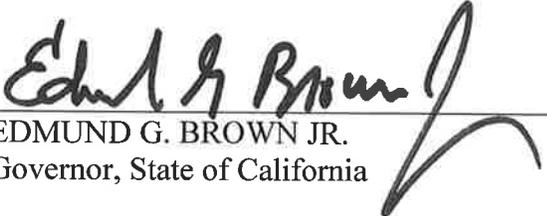
In October 2014, Mr. Shuler told the Board that since his last parole denial he had come to realize that he had been "trying to do the [substance abuse] program [his] way," but had now changed. He claimed that he abused alcohol and was drinking and driving in the community because he "kind of wanted to fit in with everybody." He said that he continued driving drunk despite his many convictions because he "wasn't thinking," he "thought [he] could get away with it," and he "was trying to impress people." He told the Board, "I was looking out for myself. I didn't really care too much about anybody else...Because the alcohol was clouding my head. I had to have alcohol at pretty much any cost at that time." He also admitted that he had been lying up to that point about using methamphetamine in 2000 because, "I thought I could get away with it." Mr. Shuler claimed that he had overcome his problems with alcohol and drugs because, "I know that I don't need to impress nobody."

These explanations are inadequate. Trying to fit in or impress one's peers does not explain Mr. Shuler's alcoholism or his pattern of driving while intoxicated. It is troubling that, despite his history of substance abuse culminating in this crime, Mr. Shuler did not begin earnestly addressing his addiction until 2013. I am encouraged that Mr. Shuler's understanding of his substance abuse problem has improved somewhat, but these gains are simply too recent and too shallow in light of his extended and serious history of substance abuse. I urge him to continue participating in self-help programs to better understand his addiction and to show that he is prepared to remain sober if released.

**CONCLUSION**

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

Decision Date: February 20, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**LEO BERMUDEZ, C-41126**  
Second degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

On August 5, 1982, Leo Bermudez was serving a three-year prison term at the Correctional Training Facility for assault with a deadly weapon. Mr. Bermudez and three other inmates, Juan Herrera, Miguel Gonzales, and Tony Marez, were drinking inmate manufactured alcohol in Mr. Gonzales and Mr. Herrera's cell. Mr. Herrera and Mr. Bermudez began to argue about which one of them had more influence over the prison staff. The argument escalated, and Mr. Herrera and Mr. Bermudez exchanged punches. Mr. Bermudez knocked Herrera down, got on top of him, and stabbed him 25 times in the chest, face, arms, and back. Mr. Gonzales watched the attack from the doorway of the cell, but made no attempt to interfere. After Mr. Bermudez left the cell, Mr. Gonzales dragged Mr. Herrera outside of the cell, pushed him off the tier to the floor below, and began cleaning the blood in the cell. Mr. Herrera died shortly after arriving to the prison medical center.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Bermudez suitable for parole based on his age, remorse, acceptance of responsibility, insight, lack of recent institutional misconduct, parole plans, and risk assessment.

I acknowledge that Mr. Bermudez is 65 years old, has been in prison for nearly 33 years, and has made efforts to improve himself while incarcerated. He earned his GED, volunteered in the Gold Coat Mentoring Program, and received positive ratings from his work supervisors. He participated in self-help programming, including Alcoholics and Narcotics Anonymous, Criminals and Gangmembers Anonymous, and Anger Management. He has not been disciplined

for serious misconduct since 2005. I commend Mr. Bermudez for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

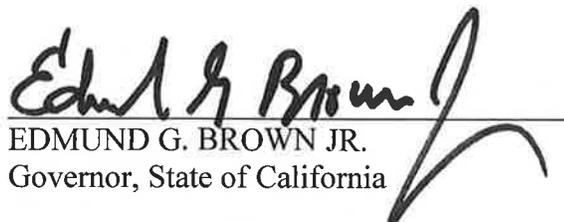
Mr. Bermudez's crime was brutal. He attacked and stabbed a fellow inmate 25 times over a disagreement about which of them held more sway in the prison. This was not his first incident of violence; Mr. Bermudez had a criminal history that spanned more than a decade before this murder. In 1969, when he was 19, Mr. Bermudez held a woman he did not know at knifepoint for several hours and raped her repeatedly. While serving a term of three years to life for the rape, he joined the Mexican Mafia. When he was released from prison, he committed three DUIs and two assaults with deadly weapons from 1977 to 1979. In 1981, he and several friends attacked a group of people having a picnic in a park. Mr. Bermudez hit one of the victims, and he and his friends tried to drown another in a nearby river; two of the victims were stabbed during the incident. Mr. Bermudez turned again to violence when he was incarcerated for that assault, viciously stabbing Mr. Herrera to death. Mr. Bermudez also received 12 serious rules violations in prison, including for possession of a razor blade in 1982, throwing his food tray at an officer in 1984, possession of weapons on two occasions in 1985, possession of alcohol and razor blades in 1986, and participating in a melee in 1998.

Mr. Bermudez is not able to adequately explain his very violent behavior. He told the psychologist who evaluated him in 2014 that he had built up anger and resentment issues because an older step-brother molested him when he was 13. He claimed that his anger, substance abuse issues, and "gang mentality" contributed to his violent lifestyle. He told the Board that he joined the Mexican Mafia because his brother was a member of a different gang, and Mr. Bermudez "felt rejected" because his brother would "push [him] away." He claimed his behavior was influenced by his alcohol use and "all the violent, all the child abuse, the abuse, the sexual abuse, all that caught up to me." These statements do not account for the many acts of extreme violence that Mr. Bermudez engaged in for much of his life. The psychologist who evaluated Mr. Bermudez in 2014 concluded that "greater [disclosure] regarding interpersonal history and dynamics would facilitate more complete insight into causative factors related to this brutal and violent act." The psychologist rated him a moderate overall risk of future violence if released, based in part on "partial problems with insight for violent risk." Given these risk ratings and his inadequate explanations for his actions, I do not think Mr. Bermudez is ready to be released. I direct the Board to administer a new comprehensive risk assessment before Mr. Bermudez's next hearing to provide a complete assessment of the risk he poses.

### CONCLUSION

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

Decision Date: March 6, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**THOMAS HYATT, H-43972**  
First degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

On November 3, 1991, Thomas Hyatt and Henri Morlet were drinking together. Mr. Morlet grabbed Mr. Hyatt's crotch and Mr. Hyatt punched and kicked him. Mr. Morlet made another sexual advance and Mr. Hyatt beat him to the ground and began kicking him. Mr. Hyatt then stabbed Mr. Morlet several times, and cut his throat. Mr. Hyatt fled the scene and met with his friend Andrew Navarro. The two returned to the scene about six hours later where they found Mr. Morlet alive. Mr. Hyatt then stabbed Mr. Morlet several more times, put his boot on the side of Mr. Morlet's head to hold him down, and cut his throat again, killing him. Mr. Hyatt and Mr. Navarro dragged the body to another location, and then fled.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Hyatt suitable for parole based on his age, acceptance of responsibility, remorse, insight, lack of substance abuse violations while incarcerated, parole plans, and marketable skills.

I acknowledge Mr. Hyatt has made efforts to improve himself while incarcerated. He earned his GED and completed three vocational programs. He has participated in self-help groups including Alcoholics Anonymous, Victim Awareness, and Anger Management. In 2015, a correctional officer commended Mr. Hyatt for his exemplary behavior and good relationship with staff and other inmates. I commend Mr. Hyatt for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Hyatt's crime was heinous and disturbing. There was no evidence that 57-year-old Mr. Morlet presented a threat to Mr. Hyatt, either at the time of the initial attack or hours later, but Mr. Hyatt stabbed and slashed Mr. Morlet twelve times and left him to die in a parking lot.

Mr. Hyatt has not yet adequately explained why he committed this disturbing crime. He told the psychologist who evaluated him in 2012 that "alcohol, drugs and poor choices" led him to commit the life crime, but he was unable to connect those influences to his decisions. The psychologist concluded that Mr. Hyatt had "limited insight" into why he committed this murder, and that he did not explain "his repeated decision to be antisocial and violent." The psychologist wrote that Mr. Hyatt "has displayed negative attitudes, with minimization of responsibility in the commitment crime, shifting blame to the victim and a companion, and citing intoxication." Mr. Hyatt told the Board in 2014 that he would not have committed the murder if he had not been intoxicated. This is utterly unpersuasive. More than six hours elapsed between the two stabbings, and Mr. Hyatt slept and ate between the two attacks. Even if Mr. Hyatt was intoxicated when he first attacked the victim, alcohol does not explain his deliberate decision to return to the scene and slit Mr. Morlet's throat.

Mr. Hyatt has shown that he still cannot avoid violence or abide by the rules. Before this murder, Mr. Hyatt was convicted of battery, and he has been disciplined nine times for violent or threatening conduct while incarcerated. As recently as 2010, he received a serious rules violation for fighting with another inmate. When the Board asked him why he repeatedly found himself in violent fights in prison, Mr. Hyatt indicated that he was targeted by others because of racism and because he testified against his crime partner. Despite his serious disciplinary history, Mr. Hyatt has only participated in a few self-help programs and appears to have learned little from those he has engaged in. The psychologist noted that Mr. Hyatt has been "unresponsive to treatment" and "he could not describe the content of self-help programs he has attended or what he gained from his participation that might help prevent future crime, violence, or substance abuse." Mr. Hyatt must look more deeply at his behavior and equip himself with skills and strategies to avoid violence.

Mr. Hyatt's elevated risk scores support my concerns. The psychologist who evaluated him in 2012 rated Mr. Hyatt a moderate-high risk for future violence based in part on his aggression and violence both in the community and in prison, "continued compliance problems," projection of blame onto others, and the fact that "[s]ocietal interventions and sanctions have produced little change in his attitude or behavior." The psychologist noted that "he has been manipulative, deceitful and untruthful with minimization and denial." I am not prepared to release Mr. Hyatt until he resolves these underlying issues and demonstrates that he is able to refrain from violence for a sustained period.

**CONCLUSION**

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

Decision Date: March 11, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**JAMES WALLACE, J-79966**  
Second degree murder

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

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

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

**X**

**STATEMENT OF FACTS**

On July 31, 1993, James Wallace drank approximately six to nine beers at the Santa Clara County Fair before driving his three children aged two, three, and ten years old and his 16-year-old step-brother, Billy Duarte, home. At a high rate of speed, Mr. Wallace side-swiped one vehicle and then rear-ended a second vehicle that was waiting at a red light. The two occupants of the first vehicle Mr. Wallace hit were not injured. However, the impact of the second collision crushed the rear portion of the victims' vehicle and injured four of the five people in the car.

Cynthia Howell suffered extreme soft tissue injuries, a sore neck, and difficulty breathing. Ms. Howell's 14-year-old son Lynford Howell had multiple injuries including severe head trauma and a lacerated liver. He was kept alive on life support for approximately two weeks and died as a result of his injuries. Her 12-year-old Joel Howell had multiple injuries including a fractured skull. His brain injuries resulted in having to relearn the alphabet, how to eat, dress, and perform normal life functions. Additionally, he had a "flat affect," indicating that the part of his brain allowing him to experience "glee or joy" was damaged. Ms. Howell's nephew, 28-year-old Raynard Hines, suffered a traumatic brain injury that caused him to experience amnesia. He had to learn how to walk and talk again, how to feed himself, and had no control over his bowel movements. Mr. Duarte received a compound fracture to his nose that required surgery, and two of Mr. Wallace's children sustained cuts and bruises from the accident.

During a search of Mr. Wallace's vehicle, officers found .06 grams of cocaine. Mr. Wallace's blood alcohol level was .19 percent after arriving to the hospital.

**GOVERNING LAW**

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

### DECISION

The Board of Parole Hearings found Mr. Wallace suitable for parole based on his lack of history of violent crime, remorse, acceptance of responsibility, current age, vocational skills and self-help programming, and parole plans.

I acknowledge Mr. Wallace has made efforts to improve himself while incarcerated. He has only been disciplined once for misconduct during his 21 years of incarceration. He participated in self-help programs, including Alcoholics Anonymous, Narcotics Anonymous, and Life-Skills. He earned a vocation and received above average work ratings. I commend Mr. Wallace for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

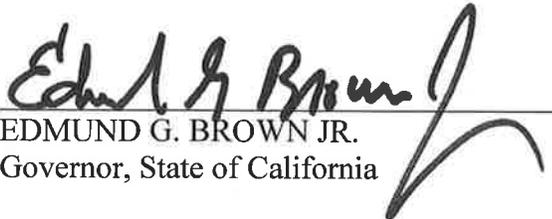
This was an utterly senseless crime that resulted in horrific injuries. Mr. Wallace willfully disregarded the safety of others including his own children, killed a 14-year-old boy, and injured three others causing severe brain damage to two of the victims. This was not the first time Mr. Wallace consciously chose to get behind the wheel after drinking. At the time of the life crime, he had a suspended driver's license due to three prior DUI convictions and his repeated failure to comply with a mandatory drinking and driving education program. Several people had previously tried to help Mr. Wallace with his addiction, but he refused.

I am concerned that Mr. Wallace has not yet fully addressed his extensive substance abuse problem. He began drinking at age 14 and continued to use alcohol as an adolescent, eventually drinking 12 beers daily by the time he reached adulthood. He also used cocaine on a regular basis starting at 19. He admits that he had three prior DUI convictions in the years leading up to the life crime, including one that resulted in a three-year prison term. The psychologist who evaluated Mr. Wallace in 2010 stated that his insight into his substance abuse was "under-developed." The psychologist noted, "His apparent sincerity notwithstanding, Mr. Wallace has not yet verbalized a clear, specific and personalized awareness of the underlying triggers contributing to his history of substance abuse. Without a more comprehensive understanding of the internal, emotional or interpersonal triggers that shaped his previous use patterns, it is this writer's opinion that Mr. Wallace remains potentially vulnerable to future substance-related lapses outside of a structured environment." At his most recent hearing when asked about the root of his alcoholism and his triggers, he again did not give an adequate explanation. Instead, he focused on how he was an angry and abandoned child who never got over his parents' divorce. These statements do not explain his sustained pattern of driving while intoxicated. I urge him to continue participating in self-help programs to further understand his addiction.

**CONCLUSION**

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

Decision Date: March 11, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**KEVIN HENRIQUES, H-71885**

Second Degree Murder

**AFFIRM:**

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**MODIFY:**

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**REVERSE:**

  X  

**STATEMENT OF FACTS**

Kevin Henriques lived with his girlfriend Teresa Cacho and another roommate, Brian Davidson. Mr. Henriques and Mr. Davidson both sold drugs out of the home. Ms. Cacho wanted to break up with Mr. Henriques and move out. She was trying to save up money to leave and wanted to get back \$1,500 that she had lent to Mr. Henriques. In the month before the crime, Mr. Henriques had told Mr. Davidson that he wanted to get rid of Ms. Cacho because she was going to ruin his life. Around December 23, 1990, Ms. Cacho and Mr. Henriques were arguing at home. Mr. Henriques asked Mr. Davidson to leave for a while so he and Ms. Cacho could talk alone. The argument escalated and Ms. Cacho tried to leave, but Mr. Henriques pushed her, causing her to hit her head on a door jam. She threatened to report Mr. Henriques' drug dealing to the police. Mr. Henriques became angry and grabbed Ms. Cacho's throat with both hands. They fell over and Mr. Henriques sat on top of Ms. Cacho, strangling her to death.

When Mr. Davidson returned, Ms. Cacho was handcuffed and had a pair of socks wrapped in a plastic bag stuffed in her mouth. Mr. Henriques asked Mr. Davidson and another friend, Tom Good, to help him dispose of the body. Mr. Henriques drove to an embankment overlooking Cleveland National Forest to plan where to dispose of the body. Later, the three men wrapped Ms. Cacho's body in a blanket and put it in the trunk of Mr. Henriques' car. They returned to the location selected by Mr. Henriques and threw Ms. Cacho's body over the embankment. Ms. Cacho's body was discovered by hikers more than a month later, and could not be identified for another two months due to its decomposition.

**GOVERNING LAW**

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

### DECISION

The Board of Parole Hearings found Mr. Henriques suitable for parole based on his lack of significant criminal record, vocational training, receiving only one rules violation while incarcerated, acceptance of responsibility, and remorse.

I acknowledge Mr. Henriques has made efforts to improve himself while incarcerated. He has only been disciplined once for serious misconduct during his 22 years in prison. Mr. Henriques obtained vocational training and routinely received satisfactory to exceptional work ratings. He participated in self-help programs including Alcoholics Anonymous, Narcotics Anonymous, and Victim Awareness. I commend Mr. Henriques for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

This was a cruel and callous crime. Mr. Henriques had discussed killing Ms. Cacho throughout the previous month. She told several friends that she was scared of him and his mood swings, and that she wanted to leave but could not afford to. During an argument, Mr. Henriques manually strangled Ms. Cacho as she cried out for him to stop. After he killed her, he shoved a sock down her throat and recruited friends to help him dispose of her body. He dumped her body over an embankment, apparently hoping to pin the murder on a serial killer in the area.

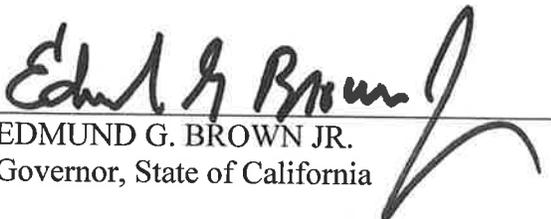
The explanation that Mr. Henriques gives for this crime is not convincing. He is just now, over two decades after the murder, starting to come clean. He consistently reported to psychologists who evaluated him in 2011, 2007, 2003, and 1995 that Ms. Cacho's death was an accident. He said that he pushed her during their fight, and that she somehow died as a result of hitting her head "just right" on the door jam. At Mr. Henriques' 2014 hearing, he admitted for the first time that he, in a "moment of rage" and with "no intent," strangled Ms. Cacho. He told the Board that when Ms. Cacho tried to leave, he felt the same abandonment he had felt two years earlier when he moved out of his mother's house and she did not ask him to stay. Many people are faced with far more difficult family and relationship situations, and they do not respond to them with such violence. Mr. Henriques' feelings of abandonment alone don't really explain why he strangled Ms. Cacho when for a month he told others he needed to "get rid" of her. The 2011 psychologist noted that Mr. Henriques "demonstrated surface understanding of factors that led to his current incarceration," and that his "insight was limited." I am encouraged that he is starting to tell the truth, but until Mr. Henriques shows a better understanding of his motives, I cannot be confident that he will not return to violence when faced with difficult situations in the future.

Mr. Henriques' risk ratings support my concerns. In 2011, the psychologist rated him a moderate overall risk in society, moderate risk of violent recidivism, and in the moderate range for psychopathy. These ratings were based in part on his lack of insight into the underlying causes of the crime and his unrealistic parole plans. The psychologist also concluded that Mr. Henriques "demonstrated an inflated sense of self-importance, a sense of entitlement, has a pattern of being interpersonally exploitative with others, shows arrogance and a limited, superficial sense of empathy toward the experiences of others." I direct the Board to administer a new comprehensive risk assessment and I encourage Mr. Henriques to speak honestly with this psychologist so that the Board can get a more recent assessment of his current risk of violence.

**CONCLUSION**

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

Decision Date: March 20, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**RONALD JENSON, C-12541**  
First Degree Murder

**AFFIRM:**

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**MODIFY:**

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**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

On March 13, 1979, 64-year-old L.C. Walker was visiting his friend, Walter Diggs, at the gas station where Mr. Diggs worked. Ronald Jenson, Robert Mitchell, James Dowdy, and Joe Young entered the gas station to commit a robbery. Mr. Jenson pressed a shotgun against Mr. Walker's side. One of Mr. Jenson's accomplices instructed Mr. Walker and Mr. Diggs not to move. Mr. Walker reached for a revolver that he carried in his jacket pocket, tried to remove it, and said, "Why don't you kids go on away from here." Mr. Jenson saw the handle of the revolver and fired the shotgun, hitting Mr. Walker in the right arm and chest, killing him. Mr. Jenson and the others fled. Mr. Jenson was arrested March 19, 1979.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Jenson suitable for parole based on his lack of recent rules violations, staff support, remorse, insight, self-help programming, and educational upgrades.

I acknowledge Mr. Jenson has made efforts to improve himself during his 36 years of incarceration. He has participated in some self-help programming, including Alcoholics Anonymous, Narcotics Anonymous, and Creative Conflict Resolution. He obtained his GED and vocational training. Correctional staff members commended Mr. Jenson for his positive attitude and motivation. I commend Mr. Jenson for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Jenson's crime was senseless. During the course of an armed robbery, he shot and killed 64-year-old Mr. Walker with a shotgun. Prior to this crime, Mr. Jenson had an extensive criminal history. As a juvenile, he was convicted of robbery, two counts of assault with a deadly weapon, burglary, threats to commit violent injury, and auto theft. He also told the Board that he perpetrated approximately five burglaries and two robberies for which he was not caught. After his incarceration, he was convicted of three additional offenses: escape from prison, possession of a deadly weapon, and assault with a deadly weapon on a peace officer.

Mr. Jenson's conduct in prison demonstrates an inability to control his temper and abide by the rules. He has been disciplined for serious misconduct 48 times and less serious misconduct 42 times. Ten of his serious disciplinary actions were for violent behavior including stabbing a correctional officer in the neck, attempting to stab staff, assaulting an inmate, stabbing an inmate, spitting in staff members' faces, fighting with another inmate, and possession of inmate-manufactured weapons.

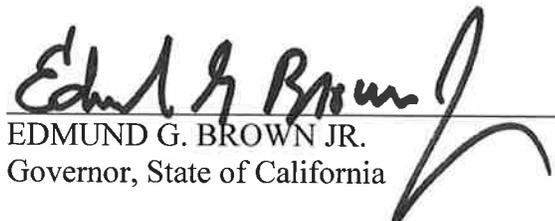
After so many years of serious misconduct, I want to commend Mr. Jenson's behavior in recent years, when he has taken self-help programs and shown he is turning his life around. But Mr. Jenson must do more to show that he is prepared to live a different life than he the one he lived in the past. He has spent 36 years in prison for this crime. In that time, the record indicates his participation in self-help is not particularly extensive. I encourage Mr. Jenson to continue to engage in available programs that focus on re-entry, anger and stress management, victim awareness, and turning away from a criminal lifestyle to ensure that he will not return to violence if released.

Mr. Jenson's elevated risk ratings support my concern. The psychologist who evaluated him in 2011 rated him an overall moderate risk of violence if released, a high risk of general recidivism, and scored him in the high range for psychopathy. These ratings were based in part on Mr. Jenson's extensive criminal history and many violent acts while incarcerated. I direct the Board to administer a new comprehensive risk assessment before Mr. Jenson's next hearing that takes into account Mr. Jenson's more recent rehabilitative efforts and good conduct.

**CONCLUSION**

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

Decision Date: March 20, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**WILLIAM WILLIAMS, C-12156**

First degree murder

**AFFIRM:**

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**MODIFY:**

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**REVERSE:**

  **X**  

**STATEMENT OF FACTS**

William and Catherine Williams were married in 1976. In January 1979, Catherine told Mr. Williams that she was pregnant. Mr. Williams suspected Catherine was cheating on him, believed the baby belonged to someone else, and began looking for someone to kill Catherine. On January 15, 1979, Mr. Williams talked to a friend, Mark Routt, and told Mr. Routt that he wanted his wife dead. Mr. Routt arranged a meeting between Mr. Williams and John Lane. The next day, Mr. Williams paid Mr. Lane \$500 to murder Catherine during her lunch hour. Mr. Lane did not go forward with the murder.

Mr. Routt arranged another meeting, this time between Mr. Williams and Ronald Diaz. On January 18, 1979, Mr. Williams offered Mr. Diaz \$1,500 to murder Catherine, gave him a .38 caliber revolver, and instructed him to kill Catherine that night while Mr. Williams was at school. Mr. Williams met with Catherine for dinner that evening, then attended a night-school class while Catherine returned home. When Catherine arrived home, she was ambushed and attacked by Mr. Diaz and a friend he had enlisted to help him, Mike Hernandez. Catherine attempted to flee, but Mr. Diaz grabbed her by the hair and Mr. Hernandez struck her over the head four times with a stick, knocking her unconscious. Mr. Diaz then placed a pillow over Catherine's head, and shot her once in the head. When Mr. Williams came home, he found Catherine on the bedroom floor still alive. She was rushed to a hospital, but died shortly after her arrival.

Just days before the murder, Mr. Williams had purchased a life insurance policy on Catherine in the amount of \$35,000. Mr. Williams lived with Catherine's parents for three weeks after her murder, but was ultimately arrested on February 7, 1979.

**GOVERNING LAW**

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

### DECISION

The Board of Parole Hearings found Mr. Williams suitable for parole based on his lack of violent criminal history, remorse, acceptance of responsibility, age, institutional activities, lack of recent rules violations, parole plans, and risk assessment.

I acknowledge that Mr. Williams has been incarcerated for over 36 years, is now 60 years old, and has made efforts to improve himself while incarcerated. He earned a Bachelor's Degree, worked for several years in the Prison Industry Authority, completed vocational training, and received positive ratings from his work supervisors. He participated in self-help groups including Domestic Violence Awareness, Alternatives to Violence, and Victim Awareness. He has volunteered as a hospice worker since 2002, and has only been disciplined for serious misconduct once, in 1980. I commend Mr. Williams for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

This crime was absolutely horrific. Mr. Williams hired a hit man to kill his pregnant wife on two occasions, and took out an insurance policy that would benefit him after she was killed. Mr. Williams' actions had a devastating and long-lasting impact on his wife's family and friends, who have appeared at Mr. Williams' parole hearings and written several letters to urge that he remain in prison.

Mr. Williams continues to downplay the cold-blooded nature of his plan to have his wife murdered. He described his initial conversation with Mr. Lane as a situation where Mr. Lane, not he, pursued the plan to murder Catherine, saying that Mr. Lane, "took off with it, and saw it as a way to get money from me." He said that once he learned that Mr. Lane had not carried out the plan he was "elated," but conveniently decided to take out a life insurance policy on her because he "knew that we were light on life insurance." He claimed that Mr. Diaz pursued him to carry out the crime despite his own reservations, saying that he turned Mr. Diaz away twice but that when he was approached for the third time he "just gave up inside" because he was experiencing a "bipolarism" of love and hate for Catherine.

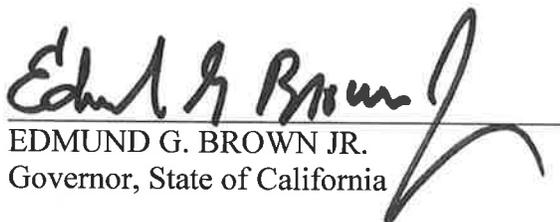
Mr. Williams describes this murder as an emotionally driven crime of passion that he was pressured into reluctantly committing. The record, on the other hand, shows that Mr. Williams perpetrated the cold, calculated murder of his pregnant wife for financial gain. Mr. Williams' descriptions of the events that led to this crime whitewash his active role in his wife's murder, ignore his financial motivations, and place much of the blame for the entire plan on Mr. Lane and Mr. Diaz. While Mr. Williams purports to accept responsibility for his actions, his statements minimize his involvement and culpability, and show that he lacks insight into his reasons for murdering Catherine. I recognize that the psychologist found that he "demonstrated an above average level of insight," and did not believe that Mr. Williams' insight was "a significant risk factor for future violence at this time." Given Mr. Williams' profound distortion of the nature of his criminal acts, however, I cannot agree with the psychologist's conclusions, which did not address the significant differences between the record and Mr. Williams' version

of the crime. Until Mr. Williams can more honestly account for his actions, I do not believe that he can be released without committing further acts of violence.

**CONCLUSION**

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

Decision Date: March 20, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**PHILLIP ANDERSON, J-00778**  
Second degree murder

**AFFIRM:**

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**MODIFY:**

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**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

Phillip Anderson and his wife, Rebecca, lived at a motel with their children. Both Mr. Anderson and Rebecca regularly used methamphetamine. They were friends with Frank Dines and Mr. Dines' girlfriend, Joyce Deane, who also lived in the motel. On Saturday, July 31, 1993, Rebecca went to a swap meet with Mr. Dines and Ms. Deane. After the swap meet, Rebecca did not want to go home because she worried that Mr. Anderson would beat her up for being late. She complained that she was tired of Mr. Anderson frequently beating her up. Mr. Dines and Ms. Deane rented a room at another motel, as did Rebecca. Later that day, Mr. Anderson came to the motel looking for Rebecca. Rebecca hid in the bathroom while Mr. Dines and Ms. Deane told Mr. Anderson that she was not there.

The next morning, Mr. Anderson returned to Mr. Dines and Ms. Deane's motel room. He was yelling for Rebecca and carrying a knife. He kicked open their door but then left. Mr. Dines and Ms. Deane retrieved their belongings from the first motel. Mr. Anderson went to Ms. Deane's room with a claw hammer and butcher knife. He asked where Mr. Dines was and tried to push his way into the room, but Ms. Deane blocked his way. They fought and Mr. Anderson hit Ms. Deane on the side of the head with the hammer. Mr. Anderson left. Later, as Mr. Dines and Ms. Deane were loading their belongings into a car, Mr. Anderson arrived with a revolver. He fired several shots at Mr. Dines, hitting him in the head and killing him. Ms. Deane went to help Mr. Dines, but Mr. Anderson said he would shoot her unless she left, so she ran to call the police. Mr. Anderson fled and was arrested the next day.

**GOVERNING LAW**

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

### DECISION

The Board of Parole Hearings found Mr. Anderson suitable for parole based on his lack of serious misconduct in prison, classification score, self-help programming, vocations, educational upgrades, parole plans, and risk assessments.

I acknowledge Mr. Anderson has made efforts to improve himself while incarcerated. He has completed vocational training, worked in the Prison Industry Authority, and received positive ratings and commendations from his work supervisors. He has completed self-help programming, including Alcoholics and Narcotics Anonymous, Anger Management, and Domestic Violence. He has never been disciplined for serious misconduct in the more than 21 years he has been in prison, and was counseled for minor misbehavior last in 1999. I commend Mr. Anderson for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Anderson's crime was disturbing and senseless. He violently pursued his wife as she hid from him, attacking Mr. Dines and Ms. Deane in the process. After several confrontations with Mr. Dines and Ms. Deane, Mr. Anderson shot Mr. Dines in the head and threatened to execute Ms. Deane as well. I note that Mr. Dines' loved ones have appeared at Mr. Anderson's parole hearings to oppose parole and describe their sense of grief and loss.

I reversed Mr. Anderson's grant of parole in 2012 because of the nature of this crime and Mr. Anderson's minimization of his responsibility for it, lack of insight, and concerns regarding his ability to remain sober if released. Little has changed in Mr. Anderson's narrative since that time, and my concerns remain.

Mr. Anderson continues to minimize his responsibility for his attacks on Mr. Dines and Ms. Deane, and still denies any history of violence or aggression toward his wife. Mr. Anderson told the Board that he simply was looking for his wife because he was concerned about her safety, and reacted with anger and violence because Mr. Dines first hit him and came at him while armed with a knife. Although he purports to accept responsibility for this crime and denies purporting to have acted in self-defense, he continually asserts that he attempted to remove himself from each situation and that it was Mr. Dines who was the aggressor. As I noted in 2012, the record reveals that it was Mr. Anderson who initiated the violence at every turn. It was Mr. Anderson who kicked down a motel room, assaulted Ms. Deane with a hammer, and shot Mr. Dines in the head. Mr. Anderson was not able to square his version of events with the record, including statements from witnesses who reported that Mr. Anderson threatened to kill his wife and Mr. Dines, except to say that he did not recall making those statements but that if he did he likely was just "beating on my chest" and "making sure that in my mind I knew that I had to follow through."

These are not minor discrepancies. Like the psychologist who evaluated Mr. Anderson in 2010, the psychologist in 2013 noted that "despite his repeated statements that he took full ownership for this crime, he attempted to paint the victim as the aggressor and he stressed several times that he was reacting to the victim's comments or behaviors." The Board noted that Mr. Anderson's

testimony about the facts of the murder were “pretty weak,” and that he minimized his own negative behavior while blaming his wife, Mr. Dines, and Ms. Deane. Although the Board ultimately determined that Mr. Anderson’s positive behavior in prison outweighed their concerns, I am not persuaded. Until Mr. Anderson can more credibly account for his actions and demonstrate that he understands what he actually did and the full extent of the violence he perpetrated, I do not believe that he can be released.

I also noted in 2012 that Mr. Anderson had participated in substance abuse related self-help for only five years of his incarceration, despite his history of methamphetamine abuse. Although the psychologist who evaluated Mr. Anderson in 2013 noted that he “has gained greater insight into his addictive behaviors,” the psychologist also reported, as had the psychologist in 2010, that Mr. Anderson’s “continued statements regarding his sales of intoxicants remain ambiguous and are yet to be address[ed] with sufficient clarity.” I am encouraged that Mr. Anderson has participated in Alcoholics and Narcotics Anonymous since that time, and I encourage him to continue his programming in order to ensure that he will remain sober if released.

I also ask that the Board administer a new comprehensive risk assessment, and I encourage Mr. Anderson to speak honestly with the psychologist so that the Board can get a more recent assessment of his risk of violence.

### CONCLUSION

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

Decision Date: March 27, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**JESSIE GOMEZ, B-80247**

First Degree Murder

**AFFIRM:**

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**MODIFY:**

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**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

Jessie “Black Jess” Gomez, Robert Rocha, and Rafael Gabriel were all members of the Nuestra Familia. Richard Din Castro, a high-level gang leader, ordered Mr. Gomez, Mr. Rocha, and Mr. Gabriel to kill 19-year-old Gloria Rice. Ms. Rice had testified against another Nuestra Familia member who murdered her husband. On December 31, 1976, Mr. Rocha served as lookout while Mr. Gomez and Mr. Gabriel stabbed Ms. Rice 94 times, killing her. Mr. Gomez, Mr. Rocha, and Mr. Gabriel then fled on foot.

**GOVERNING LAW**

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

**DECISION**

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

I acknowledge Mr. Gomez has made efforts to improve himself during his 37 years of incarceration. He has not been disciplined for serious misconduct since 2010. He has participated in self-help programs, including Alcoholics and Narcotics Anonymous, Criminals and Gangmembers Anonymous, and Anger Management. He routinely received average work ratings. In 2014, a correctional officer commended Mr. Gomez for working with little direction and being quick to volunteer when needs arise. I commend Mr. Gomez for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Gomez' crime was vicious and calculated. He and a fellow gang member brutally stabbed Ms. Rice after she testified against another gang member who murdered her husband. Mr. Gomez reported that he and his crime partner stabbed Ms. Rice 94 times to send a message to the community about what would happen to anyone who defied the gang.

For decades, Mr. Gomez was extensively involved in violent crime. While incarcerated, Mr. Gomez joined the Nuestra Familia and took on a leadership position within the gang. He carried out assaults, ordered hits, and recruited new members as a gang lieutenant. Confidential information in Mr. Gomez' file suggests that he was involved in threats against staff and drug trafficking as recently as 2007. He has been disciplined for serious misconduct 50 times; more than 20 of these rules violations were for violent or threatening behavior, including assaulting staff, fighting, spitting in staff members' faces, and throwing urine at staff. He still must serve an additional four-year term for stabbing a member of a rival gang faction. As recently as 2010, Mr. Gomez instigated a fight when another inmate changed the television station in a classroom where Mr. Gomez was a teacher's aide. Mr. Gomez shoved his desk aside and began punching the inmate.

Mr. Gomez also continues to minimize the extent of his participation in his prison gang. At his 2014 hearing, Mr. Gomez adamantly denied ordering any assaults on other inmates. He told the psychologist who evaluated him in 2014 that he "never specifically harmed anyone" when he was a gang member, a claim he reiterated at his most recent hearing. Mr. Gomez' denial is simply not credible based on his record. Debriefing inmates reported that Mr. Gomez ordered at least seven assaults, and the record clearly shows he committed many others himself. In one instance, Mr. Gomez handed another inmate a weapon and told him to stab as many members of a rival gang as he could. By minimizing the violent nature of his activity and leadership in the Nuestra Familia, Mr. Gomez diminishes his years of active participation and shows that he is not fully committed to honestly addressing these issues and turning away from gangs and violence.

Even at age 59, after distancing himself from the gang and completing multiple self-help classes on anger management, Mr. Gomez was still unable to refrain from violence. Mr. Gomez must do more to show that he is prepared to live a different life than the one he lived in the past before he can be released. I encourage him to engage deeply in self-help programming to help him come to terms with his past violence and better develop his anger management skills.

### CONCLUSION

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

Decision Date: March 27, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**DONALD RASMUSSEN, B-45455**

First degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

On September 23, 1972, Donald Rasmussen and Robert Hayes burglarized a drug store for prescription drugs. After stealing a pillowcase full of drugs, the pair fled via the roof of the store. As Mr. Rasmussen and Mr. Hayes climbed down from the roof, Sunnyvale Public Safety Officer Charles Morris confronted the men while in uniform, driving an official, marked police vehicle. As Officer Morris opened his door to get out of the car, Mr. Rasmussen pushed him back into his seat and attacked him. During the struggle, Mr. Rasmussen gained control of Officer Morris' gun. Mr. Rasmussen held the gun and stated, "Hey, I got the gun why don't you just give it up." Officer Morris replied, "No. If I'm going to go we are both going to go." Mr. Rasmussen then shot Officer Morris and heard him groan. As Officer Morris fell to the ground Mr. Rasmussen shot him three more times. When responding officers arrived at the scene, Officer Morris was struggling for his last breath, but was able to point officers in the direction of Mr. Rasmussen. Officer Morris died at the hospital due to gunshot wounds to his chest and abdomen.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Rasmussen suitable for parole based on his age, positive work ratings, educational and vocational upgrades, self-help programming, lack of serious institutional misconduct since 2001, acceptance of responsibility, insight, remorse, and risk assessment.

I acknowledge that Mr. Rasmussen is 72 years old, has been in prison for over 42 years, and has made efforts to improve himself while incarcerated. He has not been disciplined for serious misconduct since 2001, and he has not been disciplined for violence in over 30 years. He has participated in self-help programming including Alcoholics and Narcotics Anonymous, Relapse Prevention, and Victim Impact. I commend Mr. Rasmussen for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Rasmussen's crime was utterly deplorable and callous. With the officer's own gun, Mr. Rasmussen executed a well-respected police officer who dedicated his life to protecting the community. I am particularly taking this horrific crime into consideration given the fact that it is such a rare thing to shoot an officer in cold blood. Mr. Rasmussen's actions had a devastating impact not only on Officer Morris' family and friends, but also on those who served with him, and the entire law enforcement community statewide, especially the Sunnyvale Department of Public Safety.

Mr. Rasmussen has yet to fully address the reasons why he so readily and coldly murdered a police officer. When asked by the Board in 2014 what factors contributed to the murder and his criminality, Mr. Rasmussen blamed a learning disability, his poor hearing, and feeling self-conscious from having a father with a war injury. He further claimed that he would "definitely not" have killed Officer Morris had he not been under the influence of Seconal. I find Mr. Rasmussen's statements unconvincing. None of his excuses account for the conscious and deliberate nature of his actions. His father's injury, his hearing problems, his purported dyslexia, and issues he may have faced as a child do not even come close to explaining why he chose such extreme violence in this situation.

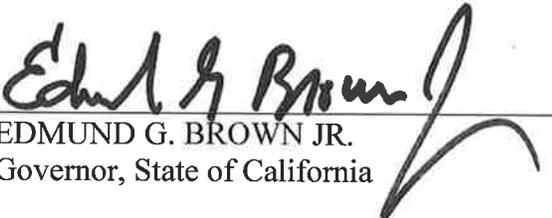
I am also concerned that Mr. Rasmussen whitewashes his execution of Officer Morris. Mr. Rasmussen told the Board in 2014 that "everything happened so quickly" and "I put no thought into it. It was a reaction." When talking about how he took the officer's gun he stated, "I'm not sure whether he started to reach for his gun or whether my hand hit the gun and I felt it there...but I came up with the gun." Mr. Rasmussen paints a scenario where he haphazardly gained control of the officer's gun, and that everything happened in a "matter of seconds." This directly contradicts the record. Mr. Rasmussen did not unexpectedly attain possession of the gun and shoot Officer Morris. He deliberately pushed Officer Morris into the police car, grabbed his gun, and even had time to threaten the officer to "give it up" before consciously deciding to kill him. When Officer Morris refused to comply, Mr. Rasmussen shot him, and then fired at him at least three more times as Officer Morris fell defenseless to the ground. Mr. Rasmussen's characterization of his actions indicates to me that he is downplaying his intent to kill Officer Morris. I am not convinced that Mr. Rasmussen will be able to abstain from violence because he has yet to confront—in an adequate and forthcoming manner—the nature of his actions and what led him to gun down a weaponless police officer.

Donald Rasmussen, B-45455  
First degree murder  
Page 3

CONCLUSION

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

Decision Date: March 27, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California



Over the course of two to three hours, Mr. Thomas chopped up Mr. Thorpe's body with an axe into at least ten pieces at Mr. Silva's direction. Mr. Thomas then placed the pieces into plastic bags and buried them while Mr. Silva watched and contemplated whether he should keep Mr. Thorpe's skull as a souvenir.

Ms. Craig was kept hostage and alive at the ranch for four more days and repeatedly raped. Mr. Thomas testified that Mr. Shelton "spent more time" with Ms. Craig than the other two men. On January 16, 1981, five days after the initial kidnapping, Mr. Shelton and Mr. Silva left the ranch with Ms. Craig and drove to Shasta County. During the drive, Mr. Silva stopped the truck. He pulled Ms. Craig out of the car by her hair and shot her in the head. Mr. Shelton attempted to remove Ms. Craig's rings, and then helped Mr. Silva drag Ms. Craig's body down a ravine, covered her body with dirt and leaves, and drove to Sacramento.

### GOVERNING LAW

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

### DECISION

The Board of Parole Hearings found Mr. Shelton suitable for parole based on his lack of violent behavior prior to or after the life crime, acceptance of responsibility, self-help participation, educational and vocational achievements, and advanced age, as well as the psychologist's findings that he had insight into and had accepted responsibility for the crime.

I acknowledge Mr. Shelton has been incarcerated for over 34 years and is now 62 years old. He has made efforts to improve himself while incarcerated. He has not been disciplined for serious misconduct in over 30 years. He earned his GED, completed several vocations, and has received positive reviews from work supervisors. He has participated in self-help programming, including Narcotics Anonymous, Victim Awareness, and Anger Management. I commend Mr. Shelton for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Shelton's crimes were horrifying and disturbing. Mr. Shelton and his crime partners planned to kidnap and rape a random woman. They posed as police officers in order to carry out the kidnapping of Ms. Craig and Mr. Thorpe. Once at the ranch, Mr. Thorpe was chained to a tree overnight, and then begged for his life before he was riddled with bullets from a machine gun, chopped up, and buried. Ms. Craig was held for days and repeatedly raped. This terrifying and perverse ordeal finally ended when Mr. Shelton and Mr. Silva left the ranch with Ms. Craig, shot her in the head at close range, and dumped her body down a ravine. The callousness and brutality displayed in these crimes is unfathomable.

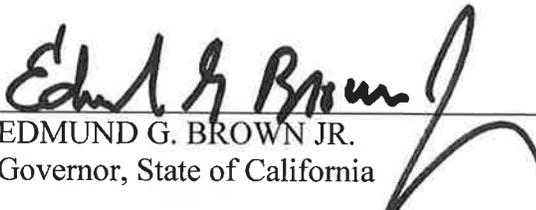
Mr. Shelton's minimization of his involvement in the kidnapping, rape, and murders is extremely troubling. During his 2014 parole hearing and psychological evaluation, Mr. Shelton portrayed himself as a follower who feared that he or his family would be killed if he did not go along with Mr. Silva's plan. In 2014, he told the psychologist that his crime partners "wanted to get a woman for sex...I didn't think they were serious at the time." He stated that he "was in a daze" when the group planned the kidnapping after seeing the couple at the gas station. Mr. Shelton claimed that he refused to approach the couple's car when asked to do so, but that he followed the other men back to his ranch in his truck because he "was scared" of Mr. Silva. At his 2014 parole hearing, Mr. Shelton denied that he raped Ms. Craig or knew at the time that Mr. Thomas had raped her. He also denied that the group kept Ms. Craig alive for several days for the purpose of raping her, and even claimed that he unsuccessfully tried to help Ms. Craig escape from his ranch. When discussing his role in Mr. Thorpe's murder, Mr. Shelton said that Mr. Silva directed him to shoot Mr. Thorpe and he followed the order "out of fear" of what would happen to him if he disobeyed. He explained that fear was the primary reason he participated in these crimes and failed to get help for Ms. Craig and Mr. Thorpe, and that he "was just like a robot" after seeing Mr. Silva shoot Mr. Thorpe.

The record indicates that Mr. Shelton was far from a passive participant in these crimes. Mr. Shelton and the other two men planned to kidnap and rape a woman. Mr. Shelton and the others also discussed killing whoever they kidnapped. He willingly followed his crime partners in his own vehicle to his ranch, where the other crimes took place. Mr. Shelton assisted Mr. Silva in chaining Mr. Thorpe to a tree and later shot Mr. Thorpe several times with a machine gun. He repeatedly raped Ms. Craig, both before and after he murdered her boyfriend. Mr. Shelton participated in burning Mr. Thorpe's belongings. He was present when Ms. Craig was murdered and helped to dispose of her body. While Mr. Shelton purports to accept responsibility for his actions, his statements minimize his involvement and culpability, and show that he lacks insight into his reasons for kidnapping, raping, and murdering Ms. Craig and Mr. Thorpe. Given Mr. Shelton's profound distortion of the nature of his criminal acts, I cannot agree with the psychologist's conclusions that there were no significant discrepancies between his version of the crime and the record or that he has insight into the crime. Based on Mr. Shelton's minimization of his role in the face of overwhelming evidence that he was actively involved in planning and carrying out these appalling crimes, I cannot conclude that he has been rehabilitated or that he is ready to be released.

### CONCLUSION

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

Decision Date: April 3, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**ABE WILLIAMS, D-48163**  
Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

On May 27, 1984, Abe Williams was with his girlfriend, Deborah Harris, and her three-year-old daughter, Tequila Hawkins. Mr. Williams tied the toddler's hands to one door and her feet to another door and he and Ms. Harris beat her with a belt and stick until she lost consciousness. Ms. Harris took her child to the emergency room where she was pronounced dead from blunt trauma to the head.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Williams suitable for parole based on his age, remorse, psychological evaluation, participation in self-help, lack of other violent criminal history, and relapse prevention plan.

I acknowledge Mr. Williams has made efforts to improve himself while incarcerated. He has routinely received above average and exceptional work ratings, and supervisors have commended him for his professional and courteous attitude. He has completed several vocational training programs. Mr. Williams has not been disciplined for misconduct since 2011. He has served nearly 31 years in prison and is now 65 years old. Mr. Williams has participated in some self-help programs including Alcoholics and Narcotics Anonymous, Abuse and Addiction, and Victim Awareness, and has participated in at least three National Crime Victim's Week events. I commend Mr. Williams for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

This crime was appalling. Mr. Williams murdered a three-year-old by tying her body between two doors and beating her to death with a broomstick. Mr. Williams' participation in this horrific crime demonstrates a cruel and callous disregard for the suffering of a particularly vulnerable victim. Tequila could do nothing to defend herself against this attack by her mother and Mr. Williams.

I am concerned that Mr. Williams is not being forthcoming about his involvement in this crime and claims he took no part in Tequila's beating or death. He told the Board, "on that particular day I got up and did the same thing I did every day and that was going out hunting for drugs." He explained, "I spent most of the morning doing that, you know, getting high. When I arrived back at our address and I walked through that door, Ms. Harris was on the bed with the child laying prone not moving." Mr. Williams claimed that he attempted to resuscitate Tequila and then drove Ms. Harris and Tequila to the hospital, where Ms. Harris blamed him for beating the toddler to death.

However, Mr. Williams' appellate decision spells out a detailed confession by Mr. Williams himself. At trial, two tape-recorded interviews with the police were played for the jury. In the first statement, Mr. Williams denied beating Tequila. But in the second, Mr. Williams said, "I'll tell you the truth" and explained that he became angry when Tequila asked for a soda without permission when visiting friends earlier that day. He claimed that Ms. Harris beat Tequila for five minutes upon their return home and he went out on a liquor run. When he got back, Tequila was in the corner and had soiled her underpants. The appellate decision continues to describe his second statement:

Defendant became upset and beat the child 10 to 15 times with a belt. He then tied her hands to the kitchen doorknob with another belt, and every 15 minutes or so he and Harris returned and whipped the child for being "defiant," a total of five or six times. When the child tried to hide behind the door, defendant "poked" her numerous times with a wooden broom handle. At one point, as the girl cowered behind the door, he became enraged and slammed the broomstick against the door with sufficient force to break it. To prevent her from running behind the door out of his reach, he tied the girl's feet to another door handle and left her hanging for 30 to 45 minutes before taking her down. Defendant estimated that the child was tied to the door by her hands or both her hands and feet for up to two hours.

Mr. Williams' confession was detailed and corroborated by testimony by the doctor that Tequila's injury "was consistent with repeated blows to the head from a broom handle" and by evidence found in the apartment, including belts, a broken broom handle, and the child's soiled underpants. I find it difficult to believe he could have confessed in such detail without participating in the murder. Mr. Williams is not required to admit guilt to be granted parole, but I am also not required to accept his claim of innocence in the face of the evidence establishing his guilt, including his own taped confession.

Furthermore, Mr. Williams has an extensive history of drug addiction and criminal activity. He began drinking alcohol as a teenager and using marijuana at 17. As an adult, his abuse of alcohol

and marijuana intensified and he experienced extreme withdrawal symptoms when he did not drink. Mr. Williams regularly used heroin, cocaine, and LSD in the 1970s, spending \$100 a day on heroin. He continued to drink alcohol in prison for years. Mr. Williams' significant criminal history includes multiple burglaries, DUIs, and forgeries. He admitted to the Board, "most of my criminality centered around using drugs and getting money for drugs." He said that his drug use turned him into a "pathetic human being, a person that had basically lost his humanity. Someone that had become so deprived that, you know, he disregarded the suffering of children." I am glad to see that Mr. Williams has made some effort to address his severe drug addiction while incarcerated, and that he has not been disciplined for using drugs since 1993. But it appears he has not participated in self-help programs of any kind since 2012. While Mr. Williams told the Board that he currently attends Narcotics Anonymous meetings, there is nothing in the record to support his claim. Given the seriousness of his addiction and the crimes he committed to obtain drugs, I direct the Board to carefully examine Mr. Williams' participation in substance abuse self-help programs and his commitment to living a drug-free life.

### CONCLUSION

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

Decision Date: April 3, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**MITCHELL FARRELL, D-45355**

First degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

          **X**          

**STATEMENT OF FACTS**

On August 21, 1986, Mitchell Farrell went to the residence of Cheryl Horn looking for Paul Snipes. Mr. Snipes owed Mr. Farrell money for marijuana. Ms. Horn told Mr. Farrell that Mr. Snipes was not there, but was on his way. When Mr. Snipes arrived, Mr. Farrell kicked and punched him several times and tied his hands behind his back. Mr. Farrell's friend, Jim Balfour, arrived at the residence and called Guy Stringham because Mr. Snipes' friend, Larry Moriarty, owed Mr. Stringham money. For roughly three hours, Mr. Farrell and Mr. Stringham took turns beating Mr. Snipes. Mr. Farrell bent several of Mr. Snipes' fingers back until they snapped, exhibited a knife, and threatened to cut off Mr. Snipes' fingers or his testicles. At one point, Mr. Snipes said, "quit beating me," or "let me die." Mr. Stringham and Mr. Farrell then loaded Mr. Snipes into Mr. Stringham's truck and drove to find Mr. Moriarty. When they couldn't find Mr. Moriarty, Mr. Stringham pulled into a turnout and the three men walked down an embankment to an area next to a stream. Mr. Snipes told Mr. Farrell, "If you're going to kill me, just get it over with." Mr. Stringham handed Mr. Farrell a 20-gauge shotgun, and Mr. Farrell shot Mr. Snipes in the back of the neck and then beat him over the head several times with the shotgun, killing him. Mr. Farrell hid Mr. Snipes' body into a nearby culvert, where it was discovered one week later. Mr. Farrell fled to Oregon, but was arrested on September 5, 1986.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Farrell suitable for parole based on his acceptance of responsibility, remorse, insight, vocational and educational achievements, lack of recent violent misconduct, commendations from staff, self-help programming, risk assessments, and parole plans.

I acknowledge Mr. Farrell has made efforts to improve himself while incarcerated. He has participated in self-help programming including Alcoholics and Narcotics Anonymous, Alternatives to Violence, and Anger Management. He earned his GED, completed vocational training, and has received positive work ratings and commendations from prison staff. He has not been disciplined for serious misconduct since 2010, and was last disciplined for violent misconduct in 2002. I commend Mr. Farrell for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Farrell's crime was vicious and callous. He bound and beat Mr. Snipes for several hours, broke several of his fingers, and threatened him with a knife. He and Mr. Stringham then drove Mr. Snipes to a remote location, shot him in the back of the neck, and attempted to hide his body by stuffing it into a drainage culvert. A witness reported that after the murder Mr. Farrell stated, "You don't have to worry about Paul anymore. He's gone for good. I asked Guy for the gun and blew half his neck off."

I am troubled that, even after nearly 30 years, Mr. Farrell continues to minimize his actions severely. At his recent parole hearing, Mr. Farrell told the Board that he and Mr. Snipes had a "hate-love kind of connection." He said that he began to beat Mr. Snipes because Mr. Snipes called him a "punk" and Mr. Farrell was "so mad and tired of being bullied by Paul, and it was like [he] was trying to get even with him." He stated that he continued beating Mr. Snipes because "his temper just took over," but denied threatening him with a knife and claimed that he somehow broke Mr. Snipes' fingers unintentionally while "trying to stop him from getting up." He claimed that once Mr. Stringham arrived, Mr. Stringham began beating Mr. Snipes despite Mr. Farrell's alleged protests. He said that when he got into Mr. Stringham's truck, he only thought he was getting a ride home. He claimed that he did not intend to kill Mr. Snipes, but that he saw Mr. Stringham with the shotgun, grabbed the gun, slipped, and somehow accidentally pulled the trigger. I find Mr. Farrell's version of the events utterly unconvincing in light of his actions before and after the murder. Several witnesses contradicted Mr. Farrell's story, and indicated that he planned the attack on Mr. Snipes and bragged about the murder. Mr. Farrell's actions were not impulsive or accidental; they were calculated and stretched over several hours. Until he is more forthcoming about his role in this murder and has honestly addressed how he came to commit such violence over an extended period of time, I do not believe he will be able to avoid violent behavior if released.

Mr. Farrell's most recent risk ratings support my concerns. The 2011 psychologist rated Mr. Farrell a moderate overall risk if released, a high risk for general recidivism, and a moderate risk for violent recidivism. These ratings were based in part on Mr. Farrell's minimization of his role in the murder and concerns regarding his ability to remain sober if released. The psychologist noted that Mr. Farrell "appeared to significantly minimize" his substance abuse history, and that "his ability to refrain from future use in free society is considered to be questionable at this time." I note that the psychologist who evaluated Mr. Farrell in 2014 noted that his insight into the crime and his substance abuse had improved, but found that his dynamic risk factors had "not changed significantly." I direct the Board to administer a new comprehensive risk assessment

before Mr. Farrell's next hearing in order to provide a more current assessment of the risk he poses.

**CONCLUSION**

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

Decision Date: April 10, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**RONALD NICHOLS, D-27314**

Second degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

Scott Tucker had a newspaper delivery route in San Diego and hired his long-time friend, Ronald Nichols, to assist him. Mr. Nichols had dated Caryn Adkins from Fall 1983 until early February 1985, when she broke up with Mr. Nichols to pursue a relationship with Mr. Tucker. Mr. Nichols frequently told a former girlfriend he was unhappy and angry over his break-up with Ms. Adkins, and once said, "So help me God, Cher, if Scott every hurts Caryn, I'll kill him." Mr. Nichols also told another acquaintance, "Well, I could always kill Scott, and that would take care of everything, and then I'd get her back."

On at least two occasions, Mr. Nichols followed Mr. Tucker in apparent attempts to harm or kill him. On April 9, 1985, Mr. Nichols was stopped for speeding after driving erratically while following Mr. Tucker on the freeway. The officer who cited Mr. Nichols reported that Mr. Nichols had a large, unsheathed knife in the car at the time. On April 21, Mr. Nichols called Mr. Adkins at 6:00 a.m. and asked her to go to Catalina Island with him. She declined. When she discussed the call with Mr. Tucker, he reported that he had seen Mr. Nichols' truck coming toward him that day, but that the truck had veered off and made an illegal turn. Mr. Tucker stated that this "scared and startled" him. Mr. Tucker and Ms. Adkins became engaged in mid-April 1985. On May 14, 1985, Mr. Nichols and Ms. Adkins had lunch together, and Mr. Nichols saw her engagement ring.

On the morning of May 15, 1985, Mr. Nichols and Mr. Tucker left the newspaper plant to deliver newspapers along separate ends of the route. Around 4:00 a.m., Mr. Nichols drove to a liquor store that was one of Mr. Tucker's delivery spots and waited for him in the parking lot. A retired newspaper delivery man described the store as inconvenient and isolated. When Mr. Tucker exited his truck to drop off the newspapers, Mr. Nichols attacked Mr. Tucker and stabbed him 40 times in the face, neck, chest, back, abdomen, and extremities, killing him. In an attempt to make the crime look like a robbery, Mr. Nichols stabbed himself in the leg and shoulder, threw the knife onto the roof of the liquor store, and took Mr. Tucker's wallet. When police arrived, Mr. Nichols claimed he had seen a man with scraggly hair and a beard struggling with Mr. Tucker, that he tried to help Mr. Tucker, and that the man had stabbed him and fled.

### GOVERNING LAW

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

### DECISION

The Board of Parole Hearings found Mr. Nichols suitable for parole based on his lack of criminal history, remorse, acceptance of responsibility, insight, age, lack of institutional misconduct, self-help programming, individual therapy efforts, vocational and educational achievements, parole plans, and psychological evaluations.

I acknowledge Mr. Nichols has made efforts to improve himself while incarcerated. He has completed numerous book reports and participated in one-on-one therapy and self-help programming, including Victim Awareness, Domestic Violence Prevention, and Anger Management. He earned a Bachelor's degree, is a certified Braille transcriber, and received positive ratings from his work supervisors. He has not been disciplined for serious misconduct in the nearly 30 years he has been in prison. I commend Mr. Nichols for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Nichols' crime was callous and vicious. He ambushed Mr. Tucker, his childhood friend, in a dark parking lot in the early morning hours while Mr. Tucker was totally vulnerable. This vicious attack came after Mr. Nichols stalked Mr. Tucker and Ms. Adkins for several weeks, and mentioned killing Mr. Tucker to others. I note that Mr. Tucker's family members have appeared at Mr. Nichols' parole hearings and written letters to oppose parole and convey their sense of grief and loss.

I am troubled that Mr. Nichols has yet to acknowledge or explain the level of planning that precipitated this murder, maintaining an unbelievable story that he never planned to kill Mr. Tucker. Mr. Nichols told the psychologist who evaluated him in 2014 that he and Mr. Tucker got into an argument and Mr. Tucker fired him, which elicited feelings of jealousy and anger about Mr. Tucker and Ms. Adkins' relationship as well as childhood issues of anger and insecurity stemming from his parents' abuse. He stated that "all of the feelings of fear, abandonment, and resentment he had suppressed exploded at one moment." He incredibly asserted that he stabbed himself for "punishment," and "to prevent [himself] from being able to run away." Similarly, he told the psychologist in 2011 that he threw the knife on the roof of the building "to stop [himself] from hurting himself further," and denied that he had stabbed himself to support his initial claim that a third party had attacked Mr. Tucker.

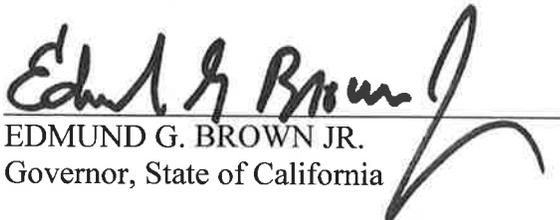
Mr. Nichols' claims are flatly contradicted by the record. The Court of Appeal, in upholding Mr. Nichols' conviction, noted that the jury examined the evidence and concluded that Mr. Nichols had planned to harm or kill Mr. Tucker on at least two occasions, that he made repeated comments that he hated Mr. Tucker, and that he was "lying in wait" for Mr. Tucker and "ambushed him from behind." The judge who presided over Mr. Nichols' trial wrote a letter to the Board in 1997 stating that the crime was "a deliberate, pre-planned murder." Mr. Nichols told multiple people he had thought about killing Mr. Tucker in the weeks leading up to the crime. When he was first contacted by police after the murder, Mr. Nichols maintained that Mr. Tucker was attacked in an apparent robbery; his self-inflicted wounds and attempts to conceal the knife furthered that narrative, although he now asserts he stabbed himself not to stage a robbery but for "punishment." These claims are entirely unbelievable.

The psychologist who evaluated Mr. Nichols in 2011 found that he had "limited" and "superficial" insight, that he seemed "unwilling to fully accept personal responsibility for his actions," and that his "explanation for his violent behavior is one-dimensional." I note that the psychologist who evaluated Mr. Nichols in 2014 found that he "provided an insightful account of the life crime" and "never attempted to minimize his actions or justify his behaviors." Given Mr. Nichols' continued claims that he did not plan this murder, however, I cannot agree with the psychologist's 2014 conclusions, which did not address the significant differences between the record and Mr. Nichols' version of the crime. I am not convinced that Mr. Nichols has addressed the factors that led to this murder if he cannot more credibly account for his actions. Until he can demonstrate that he understands what he actually did, I do not believe that he can be released without committing further acts of violence.

### CONCLUSION

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

Decision Date: April 10, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

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

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

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

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

Mr. Stringer initially lied to police about his whereabouts the previous evening and the morning of the murder, but he was eventually arrested in July 1996. A jury convicted him of second-degree murder, and he was sentenced to 16 years to life in prison. His conviction has been upheld by the Court of Appeal and the California Supreme Court despite his assertions of innocence.

**GOVERNING LAW**

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

### DECISION

The Board of Parole Hearings found Mr. Stringer suitable for parole based on his lack of criminal history, self-help programming, vocational training, parole plans, and lack of serious disciplinary violations in prison.

I acknowledge Mr. Stringer has made efforts to improve himself while incarcerated. He has never been disciplined for serious misconduct and has only been counseled once for violating a prison rule. He has recently participated in self-help classes, including Family Relationships, Creative Conflict Resolution, and Domestic Violence Awareness. He has routinely received above-average and exceptional work ratings from his work supervisors and has earned several vocations. I commend Mr. Stringer for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

The murder of Mrs. Stringer was especially brutal and cold-hearted. Mr. Stringer repeatedly beat his wife's head until it fractured in seven places for trivial reasons. He purposefully ran errands in town to establish an alibi and then returned home and had a neighbor call the police when he "discovered" his wife's body. Mr. Stringer's vicious actions have had a devastating and long-lasting impact on Mrs. Stringer's loved ones and the community. I acknowledge that they continued to write several letters to express their deep sense of loss even after many years.

I reversed Mr. Stringer's grant of parole in 2013 because I found Mr. Stringer's claim of innocence so implausible that it strained his credibility to an extent that he posed an unreasonable risk to the community.

I find Mr. Stringer's version of the crime utterly implausible given the strong circumstantial evidence showing his culpability. At his most recent hearing, he again denied any role in Mrs. Stringer's murder despite the "overwhelming and amply sufficient" evidence against him. Mr. Stringer believes that his sister's ex-husband, whom he had not seen in a "number of years," committed the murder. When asked by the Board what motive his ex-brother-in-law had to kill his wife, Mr. Stringer merely said the man was "a very violent individual" and an "alcoholic" who had abused his sister. But, his ex-brother-in-law had no connection to Mrs. Stringer. As the Court of Appeal determined in 1997, "no one except [Mr. Stringer] had a motive, or the opportunity and means, to kill the victim." Mr. Stringer was angry at his wife because she did not want children and did not want to adopt her niece to be eligible for a tax deduction. He had told several people he wanted to kill his wife, and had even tried on at least one occasion to hire someone to do it for him. Mr. Stringer was in debt, had just lost money gambling, and knew he would be the beneficiary of his wife's life insurance proceeds if she was dead. Contrary to Mr. Stringer's claim that his wife was alive when he left the morning of the murder to run errands, Mrs. Stringer's body was cold when he summoned police, suggesting she had been dead before he left the house. Mr. Stringer's continued claim of innocence in light of the evidence is troubling because it shows he has yet to demonstrate any genuine remorse or begin to explore his motivations for killing his wife.

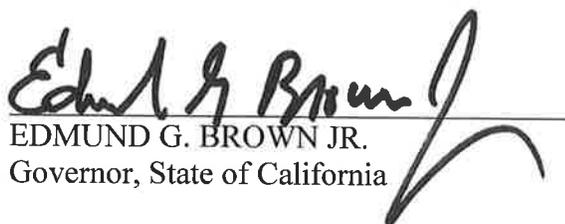
Lonnie Stringer, K-24602  
Second Degree murder  
Page 3

I am encouraged that Mr. Stringer has recently increased his participation in self-help programming. His enrollment in self-help groups demonstrates to me that he is on the right track. However, it is still recent in light of his over 19 years in prison with virtually no programming. I urge him to continue to dedicate himself to available self-help groups and independent study to fully reflect on the murder.

### CONCLUSION

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

Decision Date: April 10, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**CHARLES CAIN, C-41832**

Second degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

Sixteen-year-old Charles Cain was friends with the son of Paul and Carol Glover. On at least two occasions, Mr. Cain had lived at the Glovers' house after his stepfather kicked him out of his house. On the morning of May 28, 1981, Mr. Cain walked to the Glovers' house. When Mrs. Glover answered the door, Mr. Cain lied to lure her outside. Mr. Cain followed behind Mrs. Glover as she walked into her garage, then pulled out a pocket knife, and stabbed her several times in her back. As Mr. Cain stabbed her, Mrs. Glover screamed, "No! What have I done?" Mrs. Glover fell to the floor, and Mr. Cain stabbed her twice in the neck. Mr. Cain watched as she died—according to him, her face turned pale and her eyes rolled back in their sockets. He wiped Mrs. Glover's blood off of himself, and then fondled her breasts and defiled her body by raping her. Mr. Cain took money out of Mrs. Glover's purse, wrapped her body in a bedspread, and placed her in the back of her new car. He drove to a deserted area, dumped Mrs. Glover's body, and went to a shopping center where he bought clothes with Mrs. Glover's money. Mr. Cain then disposed of the knife, abandoned the car, and hitchhiked to a friend's house. Mrs. Glover's body was found later that night by two joggers. She had been stabbed over 13 times, including 10 times in the back, once in the armpit, and twice in the neck, and bled to death from wounds to her lungs, aorta, and carotid artery.

**GOVERNING LAW**

The question I must answer is whether Mr. Cain will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.) 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. Cain suitable for parole based on his remorse, acceptance of responsibility, lack of violent criminal history, age, self-help programming, parole plans, psychological evaluation, and his age at the time of the crime.

I acknowledge Mr. Cain has made efforts to improve himself while incarcerated. He has been incarcerated for nearly 34 years and has not been disciplined for serious misconduct since 1996. He has participated in self-help groups, including Alcoholics and Narcotics Anonymous, Alternatives to Violence, and Anger Management. He earned his GED, completed vocational programs, and has received positive reviews from work supervisors. I commend Mr. Cain for taking these positive steps.

I recognize that Mr. Cain was 16 years old when he committed this crime. I acknowledge that Mr. Cain grew up in a dysfunctional and unstable home environment. His parents were teenagers when he was born, and they divorced, remarried, and divorced again before he was 12. He stated that he was physically abused by his father who had a substance abuse problem. Mr. Cain reported that he developed a drug addiction as an adolescent and used drugs and alcohol with his father. He felt repeatedly rejected by his father and resented his mother because she was strict. After his mother remarried, Mr. Cain was physically abused by his stepfather. He reported that shortly before the crime, he discovered that his mother had initially planned to give him up for adoption, which led him to feel abandoned. Mr. Cain also had difficulty in school and was suspended several times for truancy and fighting. The psychologist who evaluated him in 2014 observed that he “was subjected to abusive childrearing practices” and “demonstrated a lessened capacity to extricate himself from a dysfunctional home environment.” The psychologist concluded that “[h]e has shown that his antisocial personality characteristics have been somewhat ameliorated by growth and maturity.” I carefully examined the record for evidence demonstrating Mr. Cain’s increased maturity and rehabilitation, and gave those factors great weight during my consideration of his parole suitability. However, they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Cain committed an especially brutal and disturbing crime. He fabricated a story to gain entry into Mrs. Glover’s home and brutally stabbed her to death. Mr. Cain was sexually excited and raped Mrs. Glover’s lifeless body. Viciously murdering someone and then defiling the dead body is highly unusual behavior, but it is particularly alarming that Mr. Cain committed these acts when he was only 16 years old.

I am concerned by Mr. Cain’s explanations for why he murdered Mrs. Glover. At his 2014 parole hearing, Mr. Cain told the Board that he was angry because he felt rejected by his father and had a strained relationship with his mother, in part because she did not stop his stepfather’s abuse. He stated that he was also angry at Mrs. Glover and wanted revenge because she had made him feel powerless when she “told [him] that all the problems [he] was having at home were [his] own fault.” Mr. Cain explained that Mrs. Glover’s statements and the other problems in his life led him to “a tipping point.” He told the Board that when he went to Ms. Glover’s house he “didn’t want to physically hurt her,” but planned to rape her and “panicked” when he

was in the garage with Mrs. Glover, causing him to stab her. These rationalizations show that Mr. Cain has not adequately explained why he murdered Mrs. Glover. His strained relationships with his parents do not account for his brutal acts on his neighbor. Neither does his anger at Mrs. Glover's comments that he was responsible for all his problems. Many teenagers have unstable home lives and relationships, but very few resort to murder and rape of an innocent third party.

At his 2014 hearing, Mr. Cain reported that he decided a week before Mrs. Glover's murder that he was going to rape her, and had not planned to physically hurt Mrs. Glover. When discussing the rape, he stated that after stabbing Mrs. Glover, "I was already excited from the thought of taking her power from her, making her feel the way that I felt, that at that point, that I was already[,] was ready [to have sex]. ... It was giving me power over her, and that's what I wanted." Mr. Cain claimed that he did not realize Mrs. Glover was dead when he had sex with her.

These explanations simply don't add up. He does not explain why he viewed an inherently violent act—rape—as not physically harmful. Mr. Cain's claim that he was not aware that Mrs. Glover was dead when he raped her is belied by the record. He stabbed Mrs. Glover over a dozen times in the neck and back, and earlier reports indicate that he watched her face turn pale and saw her eyes roll back in their sockets. Because the facts of this crime are so disturbing, Mr. Cain needs to demonstrate much greater insight, which he has clearly not done. I encourage him to engage in self-help classes or independent study to address, in a comprehensive way, the violent sexual nature of this crime.

Finally, Mr. Cain has made limited efforts to address his substance abuse. He began drinking alcohol and smoking marijuana when he was 12. Mr. Cain drank regularly and often to the point of passing out, and he continued drinking over 10 years into his incarceration. Further, he began using heroin and methamphetamine regularly in prison. He has received eight substance-related serious rules violations, and he has only recently begun to consistently participate in substance abuse classes. Mr. Cain's rather limited participation in self-help classes does not give confidence that he has fully developed the skills necessary to maintain his sobriety.

### CONCLUSION

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

Decision Date: April 17, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**CARL HANCOCK, H-43946**

First degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

On February 28, 1989, Carl Hancock lured Lawrence Carnegie, a real estate agent, to a Lodi property under the guise of a potential cash purchase of the property. James Mackey was hiding in the garage of the property, waiting to shoot Mr. Carnegie. When Mr. Hancock led Mr. Carnegie to the garage, Mr. Mackey shot Mr. Carnegie in the back with a crossbow then beat and kicked him until he was unconscious. They wrapped Mr. Carnegie's body in a sleeping bag and placed him into the trunk of a rental car. Mr. Mackey and Mr. Hancock drove the car to an isolated area. They discovered Mr. Carnegie was still alive, so Mr. Hancock tied a rope around Mr. Carnegie's neck and gave the other end to Mr. Mackey. Both men strangled Mr. Carnegie to death. They discarded the crossbow and the rope and threw Mr. Carnegie's body down an embankment. Mr. Mackey and Mr. Hancock were old friends that played college football together years earlier. They had no personal relationship with Mr. Carnegie. After Mr. Hancock's arrest, both he and Mr. Mackey implicated Michael Blatt, a successful local businessman with extensive professional football contacts, as the person who solicited and paid for Carnegie's murder because of business disputes. Mr. Blatt, however, was not convicted of involvement in Mr. Carnegie's murder.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Hancock suitable for parole based on his acceptance of responsibility, lack of prior criminal history, age, remorse, insight, self-help programming, lack of violent conduct in prison, psychological evaluation, and parole plans.

I acknowledge Mr. Hancock has made efforts to improve himself while incarcerated. He has participated in self-help groups including Alcoholics and Narcotics Anonymous, Alternatives to Violence, and Anger Management. He has completed four vocational programs and has received several commendations from prison staff. Also, he has not received a serious rules violation report for violent conduct during his nearly 26 years in prison. And he is currently the Chairman of the Men's Advisory Council. I commend Mr. Hancock for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

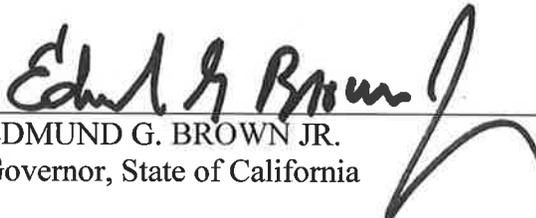
Mr. Hancock's crime was brutal and callous. Mr. Hancock and Mr. Mackey, former football teammates, extensively planned Mr. Carnegie's death—a man neither Mr. Hancock nor Mr. Mackey knew personally. Mr. Hancock gained Mr. Carnegie's trust by acting as a potential real estate buyer then lured him to a location where Mr. Mackey shot him with a crossbow and beat him nearly to death. Upon discovering that Mr. Carnegie was still alive, Mr. Hancock strangled him to death. I note that Mr. Carnegie's family and friends have appeared at Mr. Hancock's parole hearings to oppose parole and wrote heartfelt letters about the devastating and long-lasting impact of this horrific crime.

I am concerned that Mr. Hancock has not adequately explained why he so willingly participated in the murder of Mr. Carnegie. At his 2015 hearing, when asked by the panel why he agreed to participate in the murder, Mr. Hancock said he considered Mr. Mackey a "good friend" and has "never been accustomed to saying no to anybody, especially people that are close to me." He also told the panel, "[I]n my mind, . . . if I involved myself with somebody who [Mr. Blatt] was involved with, then maybe somewhere down the line, I might get a shot at, at playing in the pros or getting a look at the NFL." In 2012, Mr. Hancock told a psychologist that he was experiencing high levels of stress at the time of the crime because his business was failing, he was struggling financially and was unable to generate sufficient income for himself and his pregnant girlfriend, and his grandmother had recently passed away. However, many people deal with these common life stressors on a daily basis and do not resort to murdering innocent victims. Not wanting to say no to a friend or hoping to receive a favor that would allow him to play professional football also do not sufficiently explain why Mr. Hancock, a college graduate with no criminal history, would be so willing to commit this heinous murder. In 2012, the psychologist stated that "[Mr. Hancock] will need to take a more exploratory look into the internal root causes of this crime that are related to his attitudes, motivations, emotions and absence of empathy" if he would like to decrease his risk of future violence. I encourage him to continue attending self-help classes to better understand the internal factors that led to his violent behavior. Until he does so, I am concerned that he will resort to violence again if faced with common stressors in the community.

CONCLUSION

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

Decision Date: April 24, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**KENNETH KOVZELOVE, E-44065**  
Two counts, First Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

On November 9, 1988, Kenneth Kovzelove and Dennis Bencivenga drove around looking for "Mexicans" to rob or kill. As Mr. Bencivenga drove, Mr. Kovzelove laid down in the bed of the pickup truck, armed with an assault rifle. Mr. Kovzelove was wearing black clothing, a bulletproof vest, and draped a black shirt around his head to conceal himself. After they turned down a dirt road, Mr. Kovzelove spotted Hilario Salgado and Matilde Delasancha walking. Mr. Kovzelove hit the roof of the cab and said, "two walkers," so Mr. Bencivenga pulled his truck over. Mr. Kovzelove described that he had enough time to then "pop up [out of the truck bed], lock in sight, lock and load, a second to two seconds. I had to lock the bolt to the rear." He then fired 18 rounds from the assault rifle while screaming, "Die." Mr. Salgado was hit 5 times in the chest, abdomen, and leg. Mr. Delasancha was shot 8 times in the legs, abdomen, arm, and hand. Once Mr. Kovzelove saw the men fall to the ground, he dropped down and told Mr. Bencivenga to drive away. Both Mr. Salgado and Mr. Delasancha died.

Mr. Kovzelove confessed to the shooting and said that he "just wanted to shoot someone" and he "did not like Mexicans." Mr. Kovzelove told officers that after shooting the victims, "I was kind of motivated. I just wanted to go for it...I wish there were like 40 of them and they just rushed me so I could go off on everybody." When an officer asked Mr. Kovzelove if he was still willing to kill someone if he had the chance, he replied, "Yes sir, I just wish I could do it in a more just way." He told the officer, "I guess I'm just going to have to get into a mercenary field when I get out. There wouldn't be much more for me." He said, "There's like a violence dial on me, it has to be turned down somehow."

**GOVERNING LAW**

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

## DECISION

The Board of Parole Hearings found Mr. Kovzelove suitable for parole based on his age at the time of the crime, growth and maturity in the past 25 years, educational accomplishments, participation in self-help, lack of serious disciplinary history since 1999, risk rating, remorse, and parole plans.

I recognize that Mr. Kovzelove was only 17 years old when he committed this crime. His parents' marriage was described as "extraordinarily turbulent." A 1990 psychological evaluation explained that Mr. Kovzelove "had a very strict, domineering, unpredictable, and violent father" and his mother "appeared to be very passive and was drug dependent and unable to provide any kind of structure or control for Kenneth." At a very early age, Mr. Kovzelove "engaged in violent fantasies, used drugs and learned maladaptive ways of coping with his overwhelming need for attention." He was using alcohol, marijuana, and prescription drugs from age 9, LSD by age 12, and methamphetamine by age 14. According to a 1992 psychological evaluation, he "began to demonstrate self-destructive or perhaps thrill-seeking behavior such as driving at a high rate of speed and jumping out of fast moving cars." His father put him in a hospital, where he was diagnosed with adjustment disorder. Mr. Kovzelove's father pulled him out of the hospital three days later against medical advice. After being arrested for trying to steal cars from a dealership, he was ordered to see a psychiatrist. He and his friends reportedly drove around five or six times looking for people to shoot before this double murder. The psychologist who evaluated him in 2014 found that Mr. Kovzelove has "generally evolved to be able to demonstrate appropriate, non-violent behavior." Indeed, Mr. Kovzelove has not been disciplined for serious misconduct since 1999. He has participated in some self-help courses and reports that he has read extensively during his 26 years in prison. He has earned a GED, taught himself foreign languages, and has been certified as a customer service specialist. He has routinely received satisfactory and above average work ratings. He has been a literacy tutor and volunteered to be a caregiver for disabled inmates. I commend him for making these efforts. I give great weight to Mr. Kovzelove's age at the time of the crime, unstable childhood, as well as his increased maturity and rehabilitative efforts. Nevertheless, I believe he is unsuitable for parole.

Mr. Kovzelove's crime was callous and disturbing. Mr. Kovzelove had no qualms about gunning down two field workers who were simply walking down a dirt road, killing them simply because he "wanted to."

Mr. Kovzelove has not adequately explained his reasons for this double murder. He told the Board, "I simply was not biologically developed to have the judgment skills and the empathy to understand that I cannot take my problems out on other people. The things that I go through that frustrate me have nothing to do with you." Mr. Kovzelove described being "very, very upset" with his father for abusing him. When asked why he took his anger out on two strangers rather than his father, Mr. Kovzelove said that he was mentally ill and "fractured from reality" because of his drug use and abusive and dysfunctional family. He explained, "after years of not being able to cope because I didn't have the mechanism to cope with what was happening at home, I externalized the threat. ... In my mind, I picked people to where I'd have an excuse, of if they

were breaking the law, that's why I did it." While I appreciate the particularly difficult childhood Mr. Kovzelove was subjected to, I do not think it fully explains this crime. Mr. Kovzelove gained access to sophisticated weapons, dressed in black clothing and a bullet-proof vest, hid in the bed of a truck, and carried out a plot to kill unsuspecting strangers. It remains unclear to me why Mr. Kovzelove was fascinated with violence and whether he has overcome this dangerous pattern of thinking.

Mr. Kovzelove needs to demonstrate that he understands the factors that led to his killing of two complete strangers and also needs to show that he has changed his attitude in ways that will enable him to avoid such violence in the future. In the past 26 years, however, he has attended few formal rehabilitative programs. I am glad to see that Mr. Kovzelove has recently begun to attend self-help courses and encourage him to dedicate himself to gain deeper insight into his actions and develop skills to manage his anger and emotions in the future.

### CONCLUSION

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

Decision Date: April 24, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**ANTHONY RICHARDSON, T-28027**  
Second Degree Murder

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

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

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

**STATEMENT OF FACTS**

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

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

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

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

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

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

### GOVERNING LAW

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

### DECISION

The Board of Parole Hearings found Mr. Richardson suitable for parole based on his lack of violent criminal history, remorse, age, engagement in self-help programming, psychological evaluations and parole plans.

I acknowledge that Mr. Richardson has made efforts to improve himself while incarcerated. He participated in several self-help programs including Substance Abuse Program, Parenting Skills, and Denial Management. Mr. Richardson has never been disciplined for any misconduct during his 15 years of incarceration. He completed multiple vocational programs and has been lauded by his supervisors for his work ethic. I commend Mr. Richardson for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Richardson demonstrated a callous disregard for the suffering of his own daughter. He knowingly rejected much needed medical care and circumvented everyone who tried to help. He lied to authorities and allowed his daughter to suffer for years and die, rather than act as a responsible parent.

Last year, I reversed Mr. Richardson's grant of parole because of his cruel crime, his claims that he was in denial about his daughter's need for medical care, and his only limited efforts to participate in self-help programs.

Mr. Richardson continues to minimize his role in Brianna's death. He unbelievably told the Board that his children were "never sick to take them to the county health other than the update on the shots again for school, stuff like that." He claimed that he thought people were "crazy"

when they attempted to intervene and provide medical care for Brianna, because “there [was] nothing wrong with Brianna, look at her...she didn’t fit my view of an AIDS patient.” He still maintains that all of his actions were attributable to his “delusion” and “denial” about Brianna’s illness. But Mr. Richardson did not merely ignore Brianna’s condition – he actively lied to concerned authorities and school officials and kept them away from her. Mr. Richardson’s insistence that his children were never in need of medical care strains credulity given school officials’ repeated observations of symptoms of Brianna’s serious illness and malnutrition. Even Mr. Richardson admits that he now knows it was “obvious” Brianna needed treatment because of her diagnosis. He still questions whether he is responsible for Brianna’s death, evident in his comments to the 2014 psychologist, “they don’t have a cure for AIDS...the word *blame* is what’s catching me.” He still does not seem to appreciate that he completely neglected his daughter for almost five years.

When I reversed his parole grant in 2013, I urged Mr. Richardson to participate in more substance abuse self-help programs to prepare himself for release. I was troubled by the psychologist’s observation that Mr. Richardson “has not developed the concepts, skills, or social support to substantially reduce his risk for relapse.” He has made little effort to address my concerns.

### CONCLUSION

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

Decision Date: April 24, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**WALTER ROMINE, K-78735**  
Second degree Murder

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

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

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

**STATEMENT OF FACTS**

On December 29, 1996, Walter Romine was driving approximately 60 miles per hour down a street with a posted speed limit of 30 miles per hour. Mr. Romine ran a red light and crashed into a car occupied by Jose and Martha Limas, their four-year-old son, and their two-year old daughter. Mrs. Limas suffered a fractured skull and died shortly after the accident. Mr. Lemus and their son suffered head injuries but survived. Mr. Romine's blood alcohol content after the crash was 0.23.

**DECISION**

Mr. Romine has never been disciplined for misconduct during his 18 years of incarceration. He has obtained several vocational certifications and received above average to exceptional work ratings. In 2014, a supervisor commended Mr. Romine for his leadership and trustworthiness. When I reversed Mr. Romine's 2011 parole grant, I asked him to demonstrate a more sustained commitment to treatment and to develop a relapse prevention plan. Since then, Mr. Romine has continued to participate in Alcoholics and Narcotics Anonymous and he developed a relapse prevention plan. The psychologist who evaluated Mr. Romine in 2014 found that he had a "notable shift" in his attitude to alcohol and "had developed a greater personalized awareness of the negative consequences to himself and others resulting from alcohol use."

Despite this progress, I remain troubled by Mr. Romine's history of drinking and driving. Before this murder, Mr. Romine had been convicted of six DUIs and had been arrested for several others. He showed an appalling disregard for the safety of others and took the life of Mrs. Limas and injured her husband and young son.

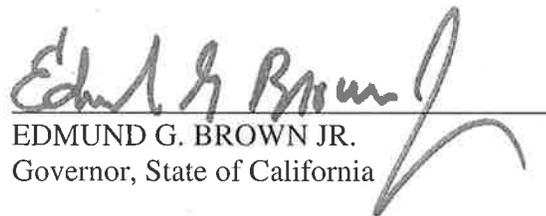
In light of his serious addiction and Mr. Romine's willingness to overlook the mortal danger of drinking and driving, I am not comfortable allowing Mr. Romine to get behind the wheel of a vehicle again. The psychologist who evaluated Mr. Romine in 2014 concluded that if Mr. Romine broke his commitment to complete abstinence from alcohol "to any degree...Mr. Romine's risk of involvement in an incident resulting in violence would rise significantly and in an unpredictable manner."

Walter Romine, K-78735  
Second Degree Murder  
Page 2

Consequently, I am modifying the Board's decision to add the following special conditions of parole:

- Do not operate any motor vehicle.
- Abstain from the use of alcoholic beverages.
- Do not purchase or possess any alcohol.
- Do not enter any bar, liquor store, or other establishment that primarily sells alcoholic beverages.
- Submit to random testing for alcohol as directed by parole agent.

Decision Date: May 1, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**ROBERT SOLORIO, E-17818**

First degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

Robert Solorio had been living with his girlfriend, Delia Ortiz, for about 18 months. During that period, he perpetrated several episodes of documented domestic abuse. He was arrested in December 1987 for punching Ms. Ortiz three to four times, giving her a black eye because he was angry at her behavior at a Christmas party. When questioned by police, he reported another incident in which he pushed Ms. Ortiz into a wall, leaving a hole.

On the afternoon of October 28, 1988, Mr. Solorio and Ms. Ortiz drank with friends. Mr. Solorio left for work later that night and Ms. Ortiz went to several bars with a friend. Mr. Solorio left work in the early hours of October 29 to find Ms. Ortiz. He found her at a friend's apartment and threatened her, "If you don't come with me, I'm going to drag you out of here." He drove her to a remote location where he stabbed Ms. Ortiz more than 20 times, beat her with a pipe-like object, and pushed her body into a canal. Her body was found that morning, beaten so badly that she could not be identified without dental records.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearing found Mr. Solorio suitable for parole based on his self-help programming, risk assessments, lack of violent disciplinary history, and acceptance of responsibility for the crime.

I acknowledge Mr. Solorio has made efforts to improve himself while incarcerated. He has been disciplined for serious misconduct only once and has routinely received above average work ratings. Since I reversed Mr. Solorio's grant of parole in 2012, he has participated in self-help programming including Alcoholics and Narcotics Anonymous, Family Violence, and Anger Management. I commend Mr. Solorio for taking these positive steps. However, they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

I reversed the Board's grant of parole in 2012 because of Mr. Solorio's minimization of the murder, his depiction of his violent actions, his attempts to shift the blame for the murder onto Ms. Ortiz, and his risk ratings. I asked him to continue his involvement in self-help programming to explore the gravity of his actions and his escalating pattern of violence and control of Ms. Ortiz. While Mr. Solorio has made some recent improvements, my concerns remain.

Mr. Solorio's crime was utterly disturbing. He angrily forced Ms. Ortiz out of her friend's house, drove her to an isolated area, stabbed her over twenty times in the face, torso, chest, hands and legs, and then repeatedly beat her with a pipe, obliterating her face and skull. He admitted during his most recent hearing that he made her face unrecognizable to take away her "beauty" so when her family went to her memorial service, "they won't be able to see her."

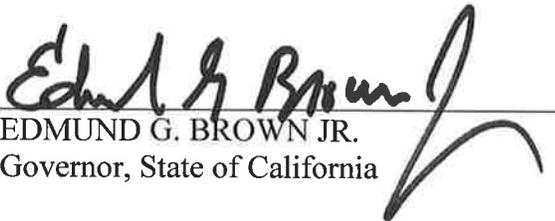
I am still troubled by Mr. Solorio's minimization of his actions in this murder. At his parole hearing in 2012, Mr. Solorio stated he forced Ms. Ortiz to leave with him by threatening her because he did not want to embarrass her in front of friends. He said that he wanted to protect her from "getting taken advantage of because she's intoxicated." During his 2015 parole hearing he said he picked Ms. Ortiz up from her friend's house and told her, "you've been drinking all day, which she was, and you've had enough already, you know. Let me take you home." Later in the hearing, he said he wanted, "to control her, to get her out of there before something – if something happens, to get her out of there." He added that Ms. Ortiz had been raped in the past. When the panel pointed out the inconsistency between wanting to control Ms. Ortiz versus trying to protect her from something bad, Mr. Solorio finally stated that he didn't think anything bad would happen to Ms. Ortiz, he just didn't want her "partying." Mr. Solorio is still making equivocating statements that make me question whether he truly understands that he was in no way protecting Ms. Ortiz. I urge Mr. Solorio to continue to take classes or complete independent study on domestic violence to reflect on the circumstances that led to his pattern of abusive behavior and ultimately the murder of his girlfriend.

Mr. Solorio's psychological risk scores remain unchanged from 2009 when he scored in the moderate range for overall risk to society. In 2011, a psychologist opined that Mr. Solorio "needs to better develop his understanding of the contributing factors to his life crime" and had not "adequately addressed" his substance abuse and anger problems. In 2013, another psychologist noted Mr. Solorio "appears to have explored, and continues to examine, the commitment offense and his thought processes leading up to" the crime, but did not expressly mitigate his risk ratings. I direct the Board to administer a new comprehensive risk assessment before Mr. Solorio's next hearing in order to provide a more current assessment of the risk he poses.

CONCLUSION

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

Decision Date: May 1, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**MICHAEL BRODHEIM, C-46663**

First degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

          X          

**STATEMENT OF FACTS**

After Kristin Malmquist ended her three month relationship with Michael Brodheim, he began to stalk her and make harassing phone calls. In February 1981, he purchased a gun to kill Ms. Malmquist and himself. Because there was a two-week waiting period for the gun and he felt he could not wait that long, Mr. Brodheim bought a knife. On February 28, 1981, Mr. Brodheim bought lighter fluid, sleeping pills, and champagne. He knocked on the door of Ms. Malmquist's Berkeley home and convinced Ms. Malmquist to let him in telling her that his mother had died, which was not true. Mr. Brodheim sat on Ms. Malmquist's sofa, drank the champagne, and considered killing her. He thought to himself, "Now what do I do? I don't know how to kill a person." He then stood behind Ms. Malmquist and hit her over the head with the empty bottle. When she slumped to the floor, he strangled her with his hands until she died. Mr. Brodheim then had sex with Ms. Malmquist's corpse. He proceeded to douse Ms. Malmquist's body with lighter fluid, and attempted to set her body on fire. Later that evening, Mr. Brodheim slashed his wrists and jumped from a freeway overpass. He suffered a fractured skull and broken collarbone, but survived. Ms. Malmquist's body was found on March 2, 1981. Mr. Brodheim was arrested at the hospital two days later.

This was not the first time that Mr. Brodheim had obsessively pursued an ex-girlfriend. Three years earlier, a previous girlfriend ended a relationship with Mr. Brodheim while he was in college. Mr. Brodheim proceeded to call her repeatedly, threaten to kill her, and put up flyers on his college campus listing her telephone number and suggesting that she be called for a good time. After that incident, he took a leave of absence from college and saw a psychologist at the urging of his mother.

**GOVERNING LAW**

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

### DECISION

The Board of Parole Hearings found Mr. Brodheim suitable for parole based on his age, insight, remorse, acceptance of responsibility, self-help programming, lack of prior criminal history, lack of recent institutional misconduct, parole plans, support in the community, and risk assessments.

I acknowledge that Mr. Brodheim has been incarcerated for over 34 years, is 56 years old, and has made substantial efforts to improve himself while incarcerated. He has only been disciplined once for misconduct in prison, in 1997. He has participated in numerous self-help programs, including therapy groups and classes focused on anger management, domestic violence, and substance abuse prevention. Since I reversed his parole grant in 2013, he has worked as a Braille translator, continued to participate in, and in some cases facilitate, self-help classes including Alternatives to Violence, Controlling Anger, and Alcoholics Anonymous. He continues to have significant support from his family, friends, and several members of the community. I commend Mr. Brodheim for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Brodheim murdered Ms. Malmquist in a cold, brutal manner. Despite dating Ms. Malmquist for only three months, he grew infatuated with her and began to stalk and harass her when she ended their relationship. He eventually preyed on her kindness, got into her home, and attacked and killed her. He then had sex with her dead body, and attempted to set her on fire. This disturbing behavior was not an aberration; just a few years before he had stalked and threatened to kill another ex-girlfriend, and saw a psychologist as a result of his behavior.

I reversed the Board's grants of parole in 2012 and 2013 because of the shocking nature of the crime and because Mr. Brodheim's statements regarding why he murdered Ms. Malmquist and defiled her body have been inadequate and concerning to me. Although the Board found Mr. Brodheim suitable for parole again in 2014, my concerns have not been alleviated.

Mr. Brodheim has yet to offer a coherent explanation for having sex with Ms. Malmquist's corpse. He told the Board that "human emotions are complicated," and at the time of the murder, he was experiencing "love, rage and hate." He said that he went to Ms. Malmquist's home to resume their relationship, but that he also "was prepared on the other hand to kill her and I did kill her." He claimed that he had "unresolved childhood feelings" that gave him "a sense of powerlessness that I had throughout my life," and that his murder and defilement of Ms. Malmquist was "an attempt to exert a measure of control over a situation where I felt powerless, but that powerlessness was not really just about being rejected by [Ms. Malmquist]. This is a much larger sense of having felt powerlessness in my...entire life." He told the Board psychologist in 2014 that he wanted to have sex after he murdered Ms. Malmquist in order to feel "accepted" and to get "some comfort."

It is clear that Mr. Brodheim has put significant effort into researching psychological theories to explain his behavior. His statements, however, remain contradictory and confused. The Board psychologist found Mr. Brodheim's "responses concerning post-mortem sexual contact with the victim's body ... not clearly articulated and explored," and raised concerns that Mr. Brodheim's

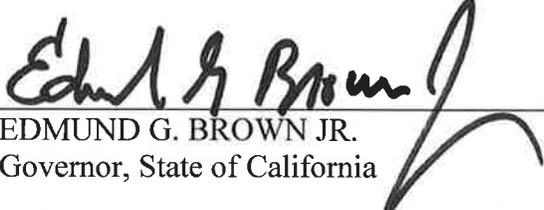
intellectualization of these issues “serve[s] as detachment from painful though not fully explored emotions.” Indeed, Mr. Brodheim’s statements seem to reflect less an understanding of his emotions than an ability to memorize and repeat statements by psychologists. I acknowledge that Mr. Brodheim has submitted private psychological evaluations concluding that he has insight into his behavior and no longer poses a danger to society. In light of the heinous nature of this crime, however, I cannot overlook the conclusions of the Board’s psychologist, and do not believe it is safe to release Mr. Brodheim.

I also remain concerned that Mr. Brodheim’s explanations for the planning and murder of Ms. Malmquist are deficient. He told the Board that there were “many, many factors” that contributed to his actions, including his relationship with his parents and siblings, how he “got along in society,” his temperament, and his “genetic makeup [and] my biochemical imbalances.” He stated that the most powerful of those was his relationship with his mother, and that the “personal rejection” he felt when Ms. Malmquist ended their relationship triggered his “underlying feeling of abandonment that I wasn’t good enough to be loved by my mother, that raised the intensity of the situation to...where it was.” Although he claimed at one point that he went to Ms. Malmquist’s home to rekindle their relationship or to kill her, he later stated that he “had gone there with intent to commit murder suicide.” I still find these statements inadequate. The myriad factors Mr. Brodheim cites do not address or explain his stalking of Ms. Malmquist or his plot to murder her, particularly after having dated her for only three months.

### CONCLUSION

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

Decision Date: May 8, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**RICHARD CRUZ, E-44111**  
First Degree Murder

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

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

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

**STATEMENT OF FACTS**

On June 10, 1988, Richard Cruz, Guillermo Gutierrez, and John Muzquiz drove to La Cabana Club. Renee Armstrong approached their vehicle and asked for ride. The men agreed to give her a ride after she told them she had \$2,800 and two ounces of cocaine. The group began to drink and smoke cocaine and eventually drove to a nearby park.

At the park, Mr. Muzquiz had sex with Ms. Armstrong while Mr. Cruz and Mr. Gutierrez searched her clothing, but did not find the money. Mr. Cruz and Mr. Gutierrez then had sex with Ms. Armstrong. After they all had sex with her, Mr. Muzquiz began stabbing her with a knife in the throat, chest, and stomach, while Mr. Cruz held her up. Mr. Muzquiz tied a plastic bag around her head to muffle her screams. Mr. Muzquiz dragged her down to river edge and held her head underwater as she pled for her life. Mr. Cruz beat her over the head with a hammer on Mr. Muzquiz's orders, but Mr. Muzquiz took the hammer from him because "he was not hitting the woman hard enough." Mr. Muzquiz then stabbed Ms. Armstrong with a screwdriver and slit her throat with a knife. Mr. Gutierrez pushed her body into the river and she floated away, "still 'gurgling.'" Ms. Armstrong's dead body was discovered the next day. She had been stabbed 24 times, her throat was slashed, and she had sustained eight blunt force trauma injuries to the head.

**GOVERNING LAW**

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

I acknowledge Mr. Cruz has made efforts to improve himself while incarcerated. He has participated in self-help programming, including Alcoholics and Narcotics Anonymous, Criminal Addictive Thinking, and Freedom to Choose. He has not been disciplined for serious misconduct since 2005 and has received positive ratings from his work supervisors. I commend Mr. Cruz for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

I recognize that Mr. Cruz was 16 years old when he committed this crime and that he has now been incarcerated for 26 years. I acknowledge that Mr. Cruz grew up in an unstable home environment; he described his childhood as “highly dysfunctional,” and said that he grew up in a “ghetto” plagued by violence, gangs, and drug activity. His mother and stepfather were drug addicts who encouraged him to engage in criminal activity, and his biological father was not involved in his life. The psychologist who evaluated him in 2014 opined that “these factors, in combination with his immaturity, faulty judgment, and poor decisions, likely contributed to the inmate’s reckless and impulsive behavior at the time of the life crime.” I carefully examined the record for evidence demonstrating Mr. Cruz’s increased maturity and rehabilitation, and gave those factors great weight during my consideration of his parole suitability. However, they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Cruz’s crime was exceptionally brutal and cruel. Mr. Cruz and his crime partners drove Ms. Armstrong to an isolated park and took turns having sex with her. Upon discovering that Ms. Armstrong did not have any money, Mr. Cruz held Ms. Armstrong up while Mr. Muzquiz violently stabbed her. Mr. Cruz then beat her over the head with a hammer and helped dispose of her body in a nearby river. The amount of violence the group used to torture and kill Ms. Armstrong is disturbing. Mr. Cruz’s violence and criminal activity did not cease once he entered prison; he was validated as a member of the Northern Structure in 2009, and only debriefed later that year.

I am troubled by Mr. Cruz’s minimization of his role in this murder. In 2014, he told the psychologist that he participated in the murder because he was “seeking acceptance” from Mr. Muzquiz, who he described as “his older and more sophisticated crime partner.” He explained that the lack of any stable adult figures “contributed to a general tendency to ‘latch onto male figures’ for acceptance.” He denied that he was afraid of Mr. Muzquiz, but stated that he was “most fearful of not being accepted by Mr. Muzquiz.” During his 2014 hearing, he claimed he did not want to hurt Ms. Armstrong, but was only following Mr. Muzquiz’s instructions. He told the Board, “I was just doing what John wanted me to do. And I really didn’t want to, my intent was to hit her.”

The need for acceptance in no way explains why Mr. Cruz participated in the torture and murder of Ms. Armstrong, regardless of the instability Mr. Cruz may have faced in his own life. Mr.

Cruz has not adequately explained why he sought acceptance by acting out violently instead of in some other manner. Further, his claim that he did not intend to hurt Ms. Armstrong whitewashes the extreme violence he personally leveled against her. Until Mr. Cruz is more forthcoming about his role in this murder and has more thoroughly addressed how he came to commit such violence, I do not believe he will be able to avoid violent behavior if released.

Mr. Cruz's risk assessment supports my concerns. In 2014, the psychologist rated him a moderate overall risk of future violence if released, based in part on Mr. Cruz's lengthy gang association and his lack of responsiveness to rehabilitative efforts for years. I encourage Mr. Cruz to continue self-help programming and to maintain his disciplinary-free behavior to demonstrate that he can avoid criminal behavior if released.

### CONCLUSION

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

Decision Date: May 8, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**ROBERT BUTLER, D-33958**

First degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

On December 11, 1985, Robert Butler shot and killed 47-year-old high school teacher Robert Jones and 17-year-old Ronald McClendon. Each victim was shot twice by Mr. Butler as they slept in different rooms in the Pasadena home owned by Mr. Jones.

Mr. Butler, a 22-year-old nationally ranked track and field star, had been living with Mr. Jones for about three years and maintained a room in the house while he was away at college. Mr. Jones was gay and allowed students to stay at his home for varying periods of time, from a few days to several months. Mr. Butler indicates that although Mr. Jones made several sexual advances toward him, he did not realize that Mr. Jones was gay until shortly before the murder. He regarded Mr. Jones as a father figure and became upset when Mr. Jones grew more distant and aloof with him. Mr. Butler states that a week before the crime, he found out that Mr. Jones had sexually molested his brother William a decade earlier, when William was thirteen years old.

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

**GOVERNING LAW**

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

## DECISION

The Board of Parole Hearings found Mr. Butler suitable for parole based on his stable social history, lack of prior criminal history, remorse, acceptance of responsibility, institutional activities, self-help programming, educational and vocational achievements, positive work ratings, lack of recent institutional misconduct, parole plans, and risk assessments.

I acknowledge Mr. Butler has been incarcerated for nearly 30 years, is 52 years old, and has made significant efforts to improve himself while incarcerated. He has only been disciplined once for serious misconduct, in 1999. He earned a Bachelor's and Master's degree, completed vocational training, and received commendations from correctional officers and supervisors. Since I reversed his parole grant in 2013, he has continued to participate in self-help programming, including Victim Impact and Life Skills. He continues to have support from his family, friends, and several members of the community. I commend Mr. Butler for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

This was a cold, heinous double murder. Mr. Butler executed Mr. Jones and Mr. McClendon with little provocation. Both victims were entirely defenseless when Mr. Butler shot them multiple times. I note that Mr. McClendon's family has written letters and appeared at Mr. Butler's recent hearing to oppose parole and express their ongoing sense of loss.

I reversed in 2013 because of the brutal nature of this crime, Mr. Butler's superficial explanations for his actions, and his unbelievable claim that he shot Mr. McClendon out of some sort of reflexive panic. I also expressed concern about information provided by Mr. McClendon's family and the Los Angeles County District Attorney's Office that called into question Mr. Butler's credibility regarding the facts surrounding this crime. Mr. Butler's statements have not significantly changed, and my concerns remain.

It still seems that Mr. Butler is not being forthcoming about the murders of Mr. Jones and Mr. McClendon. Although Mr. Butler now acknowledges that he "make the decision to point the gun and shoot" Mr. McClendon, he told the Board that he felt he "unexpectedly" encountered Mr. McClendon on the couch when fleeing from killing Mr. Jones, and that he felt that he was "being blocked from getting out to where I want to go." Yet the record is clear that Mr. Butler fired multiple shots very close to Mr. McClendon's head, leaving gunshot residue on the blanket. Mr. Butler also maintains that he was not jealous of Mr. McClendon and, in fact, did not know Mr. McClendon before killing him. This is inconsistent with evidence provided by Mr. McClendon's cousin, a friend of Mr. Butler's in high school. Mr. Butler also claims that it was a conversation with Mr. McClendon's cousin that provoked him to go to the home that night and to kill Mr. Jones. However, Mr. McClendon's cousin was unequivocal that no such conversation ever happened. These inconsistencies go to the heart of Mr. Butler's claimed motives for killing two people and raise very serious questions about how or why he came to commit this crime.

Robert Butler, D-33958  
First Degree Murder  
Page 3

CONCLUSION

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

Decision Date: May 21, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**JOHN CLUTCHETTE, C-23857**

First degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

On July 11, 1978, John Clutchette, Dawn Poulson, and Robert Bowles drove from Oakland to Sacramento to pick up heroin. When they arrived in Sacramento, Mr. Clutchette told Ms. Poulson to wait in the front passenger seat while Mr. Clutchette and Mr. Bowles left the car. When the two men returned, Mr. Clutchette told Ms. Poulson to drive while Mr. Clutchette sat in the backseat with Mr. Bowles. Ms. Poulson realized Mr. Clutchette had shot Mr. Bowles and refused to drive. Mr. Clutchette drove a short distance, dragged Mr. Bowles out of the car, and shot him a second time in the head, killing him. Mr. Clutchette and Ms. Poulson returned to Oakland, washed the blood off of the seat covers, and paid to have the seats reupholstered. Police arrested Mr. Clutchette on August 25, 1978, but murder charges were dismissed due to insufficient evidence. On April 6, 1979, Mr. Clutchette's wife provided police with receipts of the car reupholstering. Police rearrested Mr. Clutchette on February 1, 1980. He was convicted of first degree murder after a jury trial. Mr. Clutchette maintains that he did not kill Mr. Bowles.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Clutchette suitable for parole based on his current age, length of incarceration, lack of violent misconduct in prison, educational upgrades, and recent self-help programming.

I acknowledge that Mr. Clutchette has been incarcerated for more than 35 years, is now 72 years old, and has made efforts to improve himself while incarcerated. He has not been disciplined for serious misconduct since 2008. He has participated in self-help programming including Alcoholics and Narcotics Anonymous, Substance Abuse Program, and Anger Management. He

completed the step-down program in 2013 and is now deemed an “inactive” Black Guerrilla Family member. I commend Mr. Clutchette for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Clutchette’s crime was ruthless. He drove to pick up heroin and after the drug deal, shot his fellow drug dealer in the head and left him in a parking lot. Mr. Clutchette claims he is innocent. Yet, the record indicates that Mr. Clutchette shot Mr. Bowles in the head, threatened Ms. Poulson to remain silent, and then attempted to cover up the murder by cleaning the car seats and getting them reupholstered. This was not Mr. Clutchette’s first act of violence. His criminality began over a decade before the murder of Mr. Bowles. Prior to the life crime, Mr. Clutchette was convicted of carrying a deadly weapon, resisting arrest, battery, theft, hit and run, and served a prison term for burglary.

Mr. Clutchette denies any involvement with the Black Guerrilla Family. This is not credible. At his 2015 parole hearing, Mr. Clutchette told the Board, “I’ve never been a gang member. Never.” and, “I never had a gang mentality.” However, as early as the 1970s, Mr. Clutchette was identified as a “field general,” one of the highest ranking officers, for George Jackson whose ideologies inspired the Black Guerrilla Family. In January 1970, while he was serving a prior prison term for burglary, Mr. Clutchette, along with Mr. Jackson and Fleeta Drumgo, were charged with the murder of Correctional Officer John Mills at Soledad State Prison. After the murder, the trio became known as the “Soledad Brothers.” In August 1970, Mr. Jackson’s brother, Jonathan entered a Marin County Courtroom with a gun, took Judge Harold Haley, a deputy district attorney, and three jurors hostage for the release of the “Soledad Brothers.” The attempt failed and Jonathan, along with inmates William Christmas and James McClain, and Judge Haley, were killed in a shootout. In August 1971, Mr. Jackson devised a plan to escape from San Quentin, where the “Soledad Brothers” were being held awaiting trial. At gunpoint, Mr. Jackson ordered officers to release Mr. Clutchette, and then several inmates began attacking officers. The violence ended with Mr. Jackson dead along with several correctional officers and inmates. In 1972, Mr. Clutchette and Mr. Drumgo were acquitted of Officer Mills’ murder; however, Mr. Clutchette later admitted to at least two inmates that he knocked Officer Mills unconscious before Mr. Jackson killed him. More recently, confidential information indicates Mr. Clutchette was an active Black Guerrilla Family member in 2007 and told at least one inmate that he was “one of the founding BGF members.” In 2008, Mr. Clutchette possessed the name and contact information of a validated Black Guerrilla Family member. As recently as 2009, Mr. Clutchette was identified as one of the “two most influential BGF members.” The evidence simply does not support Mr. Clutchette’s claims of non-involvement with the Black Guerrilla Family. Until he is more forthcoming, I believe he remains a risk to society.

Mr. Clutchette’s risk assessment supports my concerns. In 2014, the psychologist rated him a moderate overall risk of future violence if released, based in part on Mr. Clutchette’s “tendency to minimize his past antisocial behavior” and his “limited” insight into his personality issues. I encourage Mr. Clutchette to continue self-help programming to further reflect on the life crime and his criminal past.

**CONCLUSION**

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

Decision Date: May 21, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**STANFORD BRYANT, E-46727**  
Second Degree Murder; Kidnapping for Ransom

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

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

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

**STATEMENT OF FACTS**

On July 26, 1988, Stanford Bryant and Calvin Jackson, along with two fellow gang members, went searching for rival gang members to retaliate for a prior murder. The group was armed with an AK-47 rifle and a handgun. The group arrived at a residence in Lynwood, where they suspected rival gang members were congregated. Mr. Bryant, Mr. Jackson, and their associates surrounded the house, forced their way inside, and began arguing with the occupants. Ultimately, Mr. Jackson shot Gary Brown three times, killing him.

On October 19, 1988, balloon deliverymen Jeffery Nicholson and John Burton arrived at an apartment complex in Inglewood to make a delivery. Mr. Bryant and Norman Mitchell jumped out of nearby bushes, Mr. Bryant brandished a shotgun, and Mr. Mitchell said, "This is a jack." Mr. Mitchell held a handgun to Mr. Nicholson's head, and he and Mr. Bryant threatened to kill Mr. Nicholson and Mr. Burton and forced them into the back of their delivery van. Mr. Bryant blindfolded and bound Mr. Nicholson and Mr. Burton, and drove the van around for about an hour. Mr. Mitchell and Mr. Bryant took Mr. Nicholson and Mr. Burton's money and jewelry, and struck the two victims several times and threatened to kill them. Eventually, Mr. Mitchell and Mr. Bryant forced Mr. Nicholson and Mr. Burton into an apartment in Rialto, where they were beaten and kept blindfolded and bound. Mr. Bryant called Mr. Nicholson's mother and demanded a \$125,000 ransom. Mr. Nicholson's mother coordinated a ransom drop and contacted police. Later that day, police found Mr. Nicholson and Mr. Burton bound and blindfolded in the apartment.

Mr. Bryant was arrested on December 31, 1988. He was convicted of second degree murder, two counts of kidnapping for ransom, and two counts of robbery. He was sentenced to 21-years-to-life in prison for the kidnapping incident, concurrent with a 15-years-to-life sentence for the murder.

**GOVERNING LAW**

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

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

### DECISION

The Board of Parole Hearings found Mr. Bryant suitable for parole based on his recent gains in prison, insight, age, lack of recent institutional misconduct, work ratings, educational and vocational achievements, self-help programming, laudatory commendations, acceptance of responsibility, remorse, parole plans, and risk assessment.

I acknowledge Mr. Bryant has made efforts to improve himself while incarcerated. He earned his GED and a paralegal certificate. He has participated in some self-help programming, including Alcoholics and Narcotics Anonymous, Anger Management, and Life Skills. He has not been disciplined for serious misconduct since 2008. I commend Mr. Bryant for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Bryant participated in a gang shooting and a violent kidnapping. Mr. Bryant and his fellow gang members descended on a house where they believed they would find rival gang members, ultimately shooting Mr. Brown to death. Several months after his involvement in the murder, Mr. Bryant willingly agreed to participate in the kidnapping. He and Mr. Mitchell threatened Mr. Nicholson and Mr. Burton, held them at gunpoint, and beat them over the course of several hours. Mr. Bryant's actions showed a callous disregard for human life.

Mr. Bryant's violent conduct did not stop once he was incarcerated. During his time in prison, he received 26 serious rules violations, including several for violence or misbehavior directed at correctional staff. He was found guilty of mutual combat in 1998 and 1999, possession of a weapon in 2002, two incidents of cursing at officers in 2005, and spitting in an officer's face in 2007, almost 20 years after he was first incarcerated. He was also convicted and sentenced to an additional four-year term for battery on a peace officer following a 2003 incident where he punched a correctional officer several times during an altercation. As the psychologist who evaluated Mr. Bryant in 2012 noted, his conduct indicates "a tendency to respond to frustration, conflict, or provocation with verbal or physical aggression."

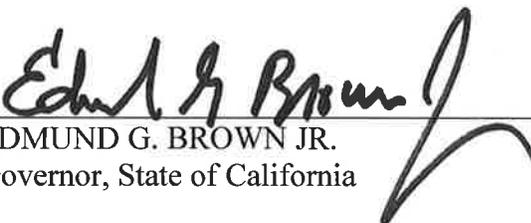
I also find Mr. Bryant's claim that he was not involved in any way in the murder of Mr. Brown utterly implausible. Mr. Bryant told the Board that he "didn't participate in the murder, nor am I legally culpable for the murder." He claimed that at least one eyewitness who identified him had done so falsely, and that he was implicated because "people knew me as an active gang member." The record, however, reflects that at least two eyewitnesses confirmed that Mr. Bryant was present when Mr. Brown was murdered, one of whom stated she saw Mr. Bryant choking another woman. No evidence before me undermines those eyewitnesses or Mr. Bryant's ultimate conviction. Mr. Bryant's continued claim of innocence in light of the evidence is troubling. Mr. Bryant is not required to admit guilt to be granted parole, but I am also not required to accept his entirely unbelievable claim of innocence.

Mr. Bryant's elevated risk rating supports my concerns. The 2012 psychologist rated Mr. Bryant a moderate-to-high overall risk of violence if released, based in part on Mr. Bryant's "unknown" risk of substance abuse relapse, criminal history, institutional misconduct, and statements made in prior evaluations indicating a lack of insight and remorse. I note that Mr. Bryant did not participate in the 2012 evaluation, and accordingly the psychologist's findings were based solely on his record. I am encouraged that Mr. Bryant has recently increased his participation in self-help programming, and has remained free from misconduct since 2008. I direct the Board to administer a new comprehensive risk assessment before Mr. Bryant's next hearing, and I urge Mr. Bryant to cooperate fully with the psychologist in order to provide a more current and complete assessment of the risk he poses.

### CONCLUSION

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

Decision Date: June 5, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**ANTHONY CLIFFORD, E-84740**  
Second Degree Murder

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

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

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

**STATEMENT OF FACTS**

On March 4, 1989, Julie Gannon left her two sons, 17-month-old Brian Gannon and 3-year-old Mitchell Gannon, with her live-in boyfriend, Anthony Clifford. Julie had told Mr. Clifford previously that Brian was his son. When Julie returned home, Mr. Clifford walked out of Brian's bedroom tying the drawstring on the front of his sweatpants. When Julie asked him what he was doing, Mr. Clifford replied, "What are you accusing me of?" Julie observed bruises on Brian's face and saw that he was acting strangely, so she took him to the hospital. At the hospital, doctors determined that Brian had been sodomized and had suffered chronic physical and sexual abuse. Mr. Clifford was arrested for sodomy on a child under 14 on March 4, 1989. Brian died on March 7, 1989 of severe internal injuries, and Mr. Clifford was arrested for murder that day. The autopsy determined that the cause of death was blunt force trauma caused by blows to the infant's abdomen. The autopsy also revealed a deep internal bruise that was consistent with "an attempt at sexual penetration" of Brian's anus. The doctor who performed the autopsy concluded that "sexual assault had occurred or at least had been attempted." Mr. Clifford claims that he did not sodomize Brian.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Clifford suitable for parole based on his lack of violent criminal history, remorse, acceptance of responsibility, age, participation in self-help programming, and risk assessment.

I acknowledge Mr. Clifford has made efforts to improve himself while incarcerated. He has only been disciplined for serious misconduct once in 26 years of incarceration. He has participated in

self-help programming, including Alcoholics and Narcotics Anonymous, Family Relationships, and Anger Management. In 2015, a chaplain and a program director commended Mr. Clifford for being conscientious and mature. Mr. Clifford has routinely received satisfactory to exceptional work ratings. I commend Mr. Clifford for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Clifford's crime was appalling. He sodomized a 17-month-old infant, then punched and squeezed him to death. Brian's 3-year-old brother watched as Mr. Clifford screamed at Brian while hitting and shaking him. The attack was so severe that it bent the support bars under Brian's crib. Although he immediately noticed signs that Brian was seriously injured, Mr. Clifford failed to bring him to the hospital, instead bringing him along as Mr. Clifford bought alcohol and went to a fast food restaurant. The record indicates that Mr. Clifford had previously physically and sexually abused Brian.

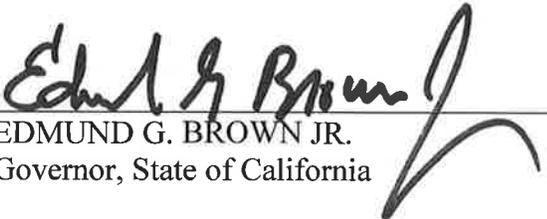
Mr. Clifford's claims that he did not sodomize Brian and that he had only physically abused him once are simply not credible. He told the Board that Brian was bruised all over because he was learning to walk. Mr. Clifford said that all the other people who bathed Brian and changed his diaper "would have noticed signs of chronic physical and sexual abuse of a child." But the probation officer's report notes that the doctor who examined Brian in the emergency room told investigators that "there is no doubt that [Brian's] anus has been penetrated by an object and appearances are that it has been repetitive." Another doctor concluded that Brian had been "chronically abused both physically and sexually." His mother told officers that Brian was fearful and cried whenever he was in Mr. Clifford's presence. Several months before this crime, she found dark blue bruising on Brian's penis after Mr. Clifford watched the children. Brian was covered in bruises of varying ages when he went to the hospital. In the face of this evidence, Mr. Clifford's account of his actions is not believable. By minimizing the violence he inflicted on Brian, he shows that he has not yet come to terms with the extent and severity of his actions.

Additionally, Mr. Clifford has not yet adequately explained how he came to perpetrate violence on such a vulnerable victim. He told the Board that he and Brian's mother had argued earlier in the day about his failure to take responsibility for Brian. Mr. Clifford said, "I was angered about what she was saying to me about not being responsible around the house with the kids and calling me a no good father." He had used methamphetamine and drank alcohol throughout the day. Mr. Clifford reported that he continued to "obsess" about their argument until he was "consumed with rage," and that he took it out on Brian when the baby vomited on him. He told the Board that he immediately noticed that Brian was "lethargic" and had a "numb look" that "wasn't his normal behavior." Despite this, Mr. Clifford went about his normal routines. Being angry that his parenting skills were criticized does not explain Mr. Clifford's violent attack on Brian, and certainly does not account for his failure to obtain medical care for a child in obvious distress. Until Mr. Clifford can better explain why he committed this atrocious crime, I cannot release him.

**CONCLUSION**

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

Decision Date: June 5, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**TONY KIM, D-67618**

First degree murder and two counts of second degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

On August 1, 1985, 17-year-old Tony Kim drove to 16-year-old Peter Chung's residence to retrieve borrowed football equipment. Mr. Chung's grandmother let Mr. Kim into the home, and Mr. Kim went to Mr. Chung's bedroom. The two began to argue and fought. During the fight, Mr. Kim picked up a hammer from Mr. Chung's bedside table and struck Mr. Chung several times on the head until Mr. Chung collapsed, killing him. Mr. Chung's grandmother entered the bedroom after hearing the commotion, and Mr. Kim also struck her with the hammer several times on the head, killing her. Mr. Kim remained in the house and waited for John Chung, Peter's 14-year-old brother, to return home. When John returned home, Mr. Kim followed John to his bedroom and hit John on the head several times with the hammer, killing him. Mr. Kim dragged John's body into a bedroom so that it could not be seen from the window, remained at the Chung residence for nearly seven hours until it was dark, and then drove home, disposing of the hammer into a sewer.

**GOVERNING LAW**

The question I must answer is whether Mr. Kim will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.) 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. Kim suitable for parole based on his age at the time of the crime, remorse, acceptance of responsibility, insight, lack of misconduct in prison, laudatory commendations, self-help programming, current age, and risk assessment.

I recognize that Mr. Kim was 17 years old when he committed these murders. I acknowledge that Mr. Kim grew up in a somewhat unstable home environment. He immigrated to the United States from South Korea with his parents when he was 8 years old, and experienced difficulty adjusting and fitting in. He stated that his parents were reserved and did not show affection, and often argued about finances. He also claimed that his father was an alcoholic, and that he was physically abused by his older brother. The psychologist who evaluated him in 2014 noted that at the time of the murders Mr. Kim “struggled as a youth to acculturate and fit in with his peers,” was irresponsible, impulsive, and that his violent behavior was “reflective of a situational emotional collapse.” The psychologist found that, “based on behaviors as well as his presentation in the interview that Mr. Kim has matured significantly during this period of incarceration.” I acknowledge Mr. Kim has made efforts to improve himself while incarcerated. He earned an associate’s degree and a general business certificate. He participated in self-help programming, including Anger Management, Victim’s Impact, and Alternatives to Violence. He has received only one serious rules violation, in 1993, and numerous laudatory commendations for his positive behavior from correctional staff. I carefully examined the record for evidence of Mr. Kim’s increased maturity and rehabilitation, and gave those factors great weight during my consideration of his parole suitability. However, they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Kim committed a heinous triple murder. He attacked his friend with a hammer over a petty disagreement, and then bludgeoned his friend’s grandmother to death as well. Even after committing these heinous acts, Mr. Kim waited for his friend’s 14-year-old brother to return home before attacking and killing him, too. In a further effort to avoid detection, Mr. Kim waited at the house for several hours with the three bodies until he could leave unobserved.

I am troubled by Mr. Kim’s explanations for these murders. He said that he was upset over the missing football equipment and money Mr. Chung allegedly owed him. He stated that he was angry, frustrated, and humiliated when Mr. Chung caught him taking money, and that as the two struggled he was afraid because he “didn’t want to be a victim.” He said that he lashed out because of the “culmination” of several “little minor irritations and discomfort” – he had recently broken up with his girlfriend, his brother had been “on [his] case,” and, “that morning I woke up moody.” He claimed that he attacked Mr. Chung’s grandmother because he was scared and “panicked,” and that he decided to wait for John Chung to return home because the 14-year-old had seen him at the house earlier and Mr. Kim was concerned he “could be a witness.”

I acknowledge that the psychologist found that these explanations constituted a “high degree of insight.” I cannot agree. The “minor irritations” Mr. Kim describes do not sufficiently explain the level of extreme brutality he displayed, particularly for someone of his age. The problems Mr. Kim faced are common for teenagers. His reaction to them was not. It remains unclear to me why Mr. Kim so readily resorted to deadly force against three people. While it is undeniable that Mr. Kim’s attack against Mr. Chung and Mr. Chung’s grandmother is somewhat explained by his anger and impulsiveness, Mr. Kim has not really explained his cold, callous decision to wait for John Chung to return home beyond wanting to eliminate a potential witness. Until Mr. Kim has adequately addressed these issues, I do not believe he is prepared to be released.

Tony Kim, D-67618

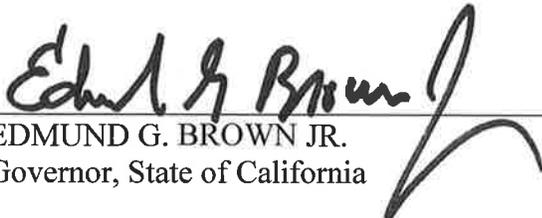
First Degree Murder and Two Counts of Second Degree Murder

Page 3

**CONCLUSION**

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

Decision Date: June 5, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**CUAHUTEMOC ROMERO, P-36707**  
Second degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

Cuahutemoc Romero lived with his girlfriend, Herlinda Maldonado, and her six-year-old son and two-year-old daughter, Irma Nunez. On April 2, 1998, Ms. Maldonado left the sleeping children in Mr. Romero's care when she went to work. Mr. Romero claims that later that morning, he discovered that Irma was not breathing. He says that he attempted to wake her by slapping her face, administering CPR, and choking her. A neighbor called an ambulance, but Irma died before she reached the hospital. The autopsy concluded that Irma died of blunt force trauma to the head and manual strangulation. She had bleeding around her spinal cord and two black eyes, one of which was swollen shut. There were bruises and marks on Irma's face, wrists, ribcage, arms, thighs, buttocks, and around her eyes, and she had a cut on her chin.

A few months prior, Ms. Maldonado's son had told his grandmother that Mr. Romero often beat him, Irma, and Ms. Maldonado. He told officers after the murder that Mr. Romero tied Irma to a toilet with an electric cord, put her in cold baths, and hung her in a closet by her hands.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Romero suitable for parole based on his lack of serious prison misconduct, remorse, acceptance of responsibility, self-help and vocational programming, psychological report, age, and parole plans.

I acknowledge Mr. Romero has made efforts to improve himself while incarcerated. He has never been disciplined for serious misconduct. He has participated in self-help programs, including Narcotics Anonymous, Anger Management, Domestic Violence, and parenting classes.

He completed one vocation, earned his GED, and has taken several college courses. I commend Mr. Romero for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Romero's crime was horrific. He beat and strangled to death a vulnerable two-year-old girl. It is unfathomable that a 250-pound man used such force on a 37-pound child that he caused bleeding around her spinal cord and ultimately killed her.

Mr. Romero's continues to minimize the harm he inflicted on Irma. While describing the events leading up to Irma's murder during his 2014 psychological evaluation, Mr. Romero stated that he threw Irma against a bedroom wall a couple of days prior to Irma's death. He reported that on the day of her murder, Irma would not wake up so he "tapped her on the face" and tried to give her CPR. He said that he then grabbed Irma by the neck and choked her while telling her to wake up. During his 2015 parole hearing, Mr. Romero acknowledged that he had slapped, spanked, and threw Irma against the wall, but denied ever hitting her with a closed fist or otherwise physically abusing her. Mr. Romero's claim that he never abused Irma beyond those incidents is unbelievable. Officers observed that Irma had two black eyes, one of which was swollen shut, and numerous bruises on her face, wrists, ribcage, arms, legs, buttocks, and around her eyes. There was also bleeding around Irma's spinal cord. Mr. Romero has not been able to account for all of these injuries, and the number and severity of her injuries strongly suggest that she had been severely beaten to death.

Mr. Romero's understanding of the reasons why he beat and strangled two-year-old Irma is shallow, especially given his account of her death. In 2014, he told the psychologist that he was angry and frustrated when Irma would not wake up. Mr. Romero stated, "I can remember...while I was trying to give her CPR, feeling scared and in some way, knowing I had caused this...in giving her CPR, in a moment of frustration, I grabbed her by the neck and I tightened my grip on her neck." He explained that the frustration that he felt on the day of the crime stemmed from his feeling that he was a "failure" and a "coward." He said that he never talked about those feelings with Ms. Maldonado or others because he was ashamed. I do not find Mr. Romero's explanations convincing. He has not explained why feeling like a failure caused him to beat and then strangle an innocent 37-pound sleeping child. I encourage Mr. Romero to continue participating in self-help classes so that he can develop a more comprehensive understanding of the factors that led him to abuse and ultimately kill Irma. Until he has done so, he is not prepared to be released.

Mr. Romero's substance abuse history is also concerning. He started drinking alcohol and smoking marijuana at 16, and he regularly used both substances at the time of the crime. He also regularly used cocaine from 18 to 20, and experimented with LSD, PCP, and methamphetamine. Mr. Romero has acknowledged that he was an addict and that his alcohol and drug use had a detrimental effect on his relationships. He also told the psychologist in 2014 that his substance abuse played a role in Irma's murder, but the psychologist observed that Mr. Romero "never elaborated further on the impact of substance use on his sense of anger or behavior toward the victim." I note that Mr. Romero recently started attending substance abuse classes. Given his history and the role his substance abuse played in Irma's murder, however, his efforts remain too

limited and recent to assure me that he will remain sober. I encourage him to continue his participation in substance abuse classes to ensure that he is equipped to maintain his sobriety in the community.

**CONCLUSION**

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

Decision Date: June 5, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**RALPH GAINES, E-39804**  
Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

Ralph Gaines and his girlfriend, Brenda Baker, shared a home with their 3-year-old daughter and Ms. Baker's 6-year-old daughter from a previous relationship, Erica Moppins. On August 21, 1987, Mr. Gaines severely beat and kicked Ms. Baker and bashed her head against the wall, killing her. Ms. Baker was beaten so badly that the bedroom where she was beaten was covered in her blood and brains.

As Mr. Gaines beat Ms. Baker, 6-year-old Erica yelled for him to stop, saying, "Daddy, I love you, why are you doing this to Momma?" Mr. Gaines yelled at Erica to shut up, then grabbed her and dragged her into the kitchen. Mr. Gaines turned the oven on to its highest temperature, forced Erica into the oven head-first, and closed the oven door, yelling, "burn, burn, burn." Erica kicked the oven door open and climbed out, but she suffered burns to her arm and a bruise on her face.

When neighbors knocked on the door to investigate, Mr. Gaines yelled, "Get away, get away, I will kill. This is my family. Get away from the door. Leave us alone." Neighbors also heard Mr. Gaines yell, "God take me, I'm ready." A short time later, police arrived, kicked in the door, and found Mr. Gaines on a sofa bed holding the children, who were crying. Mr. Gaines claims that he and Ms. Baker had been using marijuana and cocaine, and that he was suffering from drug-induced hallucinations at the time of the crime.

**GOVERNING LAW**

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

### DECISION

The Board of Parole Hearings found Mr. Gaines suitable for parole based on his risk assessment, lack of recent institutional misconduct, insight, remorse, educational and vocational achievements, positive work ratings, self-help programming, and parole plans.

I acknowledge Mr. Gaines has made efforts to improve himself while incarcerated. He worked in various positions for the Prison Industry Authority for nearly 20 years, completed vocational training, and received positive ratings from work supervisors. He earned his GED and has participated in self-help programming, including Alcoholics and Narcotics Anonymous, Anger Management, and Alternatives to Violence. He has not been disciplined for serious misconduct since 2005. I commend Mr. Gaines for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Gaines' crime was heinous and disturbing. He brutally beat Ms. Baker to death, inflicting such severe trauma that brain matter was found coming out of her ears. Mr. Gaines then tried to kill 6-year-old Erica by forcing her into an oven.

Mr. Gaines' reasons for throwing a 6-year-old child into a hot oven remain deficient. He told the Board that he was hallucinating when he attacked Erica, but offered no other explanation for why he chose Erica as the focus of his violence after beating her mother to death. It is difficult to understand how intoxicated one would have to be to carry out such a callous act against a child as she yelled, "Daddy, I love you." I am concerned that Mr. Gaines has not adequately explored the underlying anger issues that may have contributed to his violence toward a child.

Mr. Gaines has also not sufficiently explained his extreme violence against Ms. Baker. He told the Board that he suffered a drug-induced psychosis when he attacked Ms. Baker, that he hallucinated that her face became red and demonic, and that "something was telling [him] that she was evil." He claimed that he blamed Ms. Baker for their ongoing drug abuse, that the two were fighting over money, and that he was dealing with "overall stress, feeling guilty about [his] life, bitter." Mr. Gaines also admitted in 2015 for the first time that he and Ms. Baker had a "very violent relationship," and had separated on one occasion because of the abuse. He claimed that he grabbed, slapped, and "pulled on her" prior to the crime, but that he "never really injured her." He told the Board that he normalized violence because he grew up in a violent household, and that he abused Ms. Baker because he "was out of control," and therefore "was trying to control everything around [him] and trying to control Brenda."

These explanations are superficial and inadequate. While Mr. Gaines admitted that he and Ms. Baker regularly argued and regularly abused drugs, he was unable to explain why he reacted with such extreme violence on this occasion beyond their argument over money and "overall stress." Drug abuse, an argument over money, and underlying stress and anger simply do not explain the magnitude of violence that Mr. Gaines leveled against Ms. Baker. Mr. Gaines also has not adequately explained why he attempted to regain control of his life by attempting to control Ms. Baker through violence. I am encouraged that Mr. Gaines is now more forthcoming about the extent of his violence against Ms. Baker, but I am not convinced that he has adequately

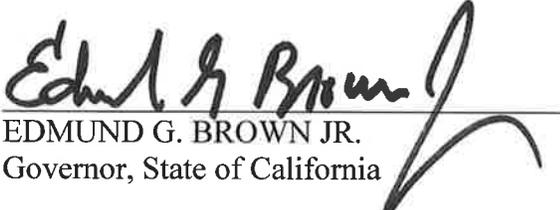
Ralph Gaines, E-39804  
Second Degree Murder  
Page 3

addressed his history of domestic violence, why he murdered Ms. Baker, or how he could put a little child into the oven and turn it on full blast. Until he has done so, I do not believe he is ready to be released.

**CONCLUSION**

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

Decision Date: June 12, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**JEFFREY WALSH, D-37767**  
Second Degree Murder

**AFFIRM:**

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**MODIFY:**

\_\_\_\_\_

**REVERSE:**

    X    

**STATEMENT OF FACTS**

Jeffrey Walsh was a sailor stationed on the U.S.S. Marvin Shields. He had been married to Cheryl Walsh for about six months, and they were having marital problems. In October 1985, Mr. Walsh was demoted and restricted to the ship for 30 days due to a disciplinary violation. During his restriction, Cheryl filed for divorce and moved into Tammy Swetof's apartment. Cheryl also asked Mr. Walsh for money several times, and tried to get the Navy to provide her a share of his salary.

During the month he was on restriction, Mr. Walsh solicited at least four fellow shipmates to kill Cheryl. He offered up to \$3,500 in exchange for the murder, and suggested using a pipe, a knife, or a bat to kill his wife. Mr. Walsh urged them to kill Cheryl while he was on restriction so he would have an alibi. He drew maps and diagrams of Cheryl's apartment for them, and told several men that if Ms. Swetof got in the way, they should kill her too.

On November 25, 1985, Mr. Walsh arranged to meet Cheryl at a restaurant to sign paperwork. Instead of going to the restaurant, Mr. Walsh armed himself with a tire iron and a steak knife and went to Ms. Swetof's apartment, where she was alone. He accused Ms. Swetof of sleeping with his wife and stabbed her 9 times. He then bludgeoned her in the head more than 25 times with the tire iron while she fought to get away. During his attack, Mr. Walsh answered the phone twice. The first call was Ms. Swetof's husband, who heard Ms. Swetof moaning in the background and called the police. Mr. Walsh then went home and showered. He threw away the knife, tire iron, and some of his bloody clothes. Cheryl came to his house because he had not met her at the restaurant. He told her that he had overslept and the two went to the restaurant. Mr. Walsh told Cheryl he was going to be in "big trouble" for something that he did.

Mr. Walsh was arrested that night. He later solicited at least two people to say they had seen him at the restaurant at the time of the murder. He asked them to tell authorities that they had seen Cheryl that night with blood on her hands and face. Cheryl's father reported that Mr. Walsh continued to call and harass her after he was arrested. For years, he maintained that he was not serious when he asked others to kill his wife, and that he only killed Ms. Swetoff because she attacked him with a rolling pin.

### GOVERNING LAW

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

### DECISION

The Board of Parole Hearings found Mr. Walsh suitable for parole based on his lack of criminal history, age, lack of rules violations while incarcerated, remorse, acceptance of responsibility, parole plans, and risk assessment.

I acknowledge Mr. Walsh has made efforts to improve himself while incarcerated. He has not been disciplined for any serious rules violations during his almost 30 years of incarceration. He routinely received satisfactory to above average work ratings, and was commended by a PIA supervisor for working well with others. Mr. Walsh has participated in self-help programs including Anger Management, Conflict Resolution, and Alternatives to Violence. Since 2004, he has received multiple commendations from correctional officers for his good behavior in prison. I commend Mr. Walsh for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Walsh's crime was brutal and calculated. He armed himself and went to Ms. Swetof's apartment when he knew she would be alone. He entered the apartment intending to kill her, and stabbed and beat her mercilessly. Mr. Walsh paused his attack twice to answer the phone, and then resumed bludgeoning Ms. Swetof in the head with a tire iron after he hung up. In addition to this vicious murder, Mr. Walsh spent a full month obsessing about having his wife murdered. He solicited several men to kill Cheryl, offering them money, his car, and multiple ways to execute her while he was restricted to his Navy ship. Mr. Walsh denied soliciting others to kill his wife until 2009, and for years claimed that Ms. Swetoff was the aggressor and attacked him when he went to her apartment. I note that Cheryl has written to the Board several times in recent years, describing the devastating effect Mr. Walsh's crime had on her. Ms. Swetof's sister also wrote movingly about the pain she and her family continue to feel as a result of her Ms. Swetof's death.

Mr. Walsh has yet to adequately explain how he came to plan his wife's murder or perpetrate such extreme violence against Ms. Swetof. He told the Board that he became increasingly angry with Cheryl during the 30 days he was restricted to his Navy ship, and that he was jealous when he heard that she had been out at clubs. He said that when he asked multiple shipmates to murder Cheryl, "I was just losing control of my emotions and I wasn't thinking straight...It was becoming very serious." When he was released from his restriction, Mr. Walsh decided he would kill Ms. Swetof and sought her out, unprovoked, when he knew she would be alone at the apartment. He told the Board that he felt that Ms. Swetof was "pulling [Cheryl's] strings," and

that “she knew what Cheryl was entitled to” from the Navy. The psychologist who evaluated Mr. Walsh in 2014 noted that “it remains somewhat puzzling as to why the victim became the object of his rage and violence.” Feeling emotional distress is a normal response to the end of a marriage, but having persistent, pervasive thoughts about killing that person and taking active steps to carry out the murder is deeply disturbing. Mr. Walsh did not commit these crimes in the heat of passion. He had ample opportunity to control his emotions and cool off during his time on the ship and in the days after he was released. Instead of doing so, he obsessed for a full month about killing his wife, and then killed Ms. Swetof. Mr. Walsh continued his criminal behavior after his arrest, asking others to lie about his alibi and implicate Cheryl in the murder, maintaining that he was not guilty of soliciting others to kill his wife, and incredibly claiming that he only attacked Ms. Swetof because she swung a rolling pin at him. Until Mr. Walsh can better account for this pattern of cold, calculated actions, I am not prepared to release him.

During his almost 30 years of incarceration, Mr. Walsh has only participated in a few self-help programs. The psychologist noted that he has developed “increasing insight” into the factors that led to this crime, and that by continuing to participate in self-help programs, “he will likely continue to gain new insights into himself.” Mr. Walsh must do more to demonstrate that he is committed to understanding what led him to act so violently, and that he understands how to keep himself from acting violently in the future.

Additionally, I direct the Board to conduct an investigation into the allegation made in a 2014 letter from the El Cajon Chief of Police. The letter reported that although Cheryl has moved and changed her last name several times, she has received a number of letters during Mr. Walsh’s incarceration that she believes are from Mr. Walsh. He flatly denies sending the letters to Cheryl. If this disturbing allegation is true, Mr. Walsh has made a significant effort to keep track of Cheryl’s location over the years which indicates to me that he still poses a serious risk to her safety.

### CONCLUSION

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

Decision Date: June 12, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**MELVIN SMITH, C-95985**  
First Degree Murder

**AFFIRM:**

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**MODIFY:**

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**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

On June 26, 1983, Melvin Smith was seen driving his van down a dirt road leading away from a trailer that was on fire. Inside the trailer were the burned remains of a woman in her 20s, although much of her body had been destroyed by the fire. The woman's body had a wire wrapped around her neck. According to the Probation Officer's Report, a radiator hose protruded from the remains of her vagina. An autopsy confirmed that the woman died from ligature strangulation before the fire. A bloodstained shirt was recovered from Mr. Smith's van, along with red duct tape similar to tape discovered on the victim's jaw.

Mr. Smith has claimed that the woman was a hitchhiker he picked up and that he knocked her out by hitting her several times when he caught her attempting to steal his wallet. He has maintained that when she collapsed, he thought he had killed her, so he taped a blanket around her head and wrapped wire around her head and body. Mr. Smith claimed that he then drove the body to an abandoned trailer, shoved a radiator hose between her legs, and set the trailer on fire. The victim has never been identified.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Smith suitable for parole based on his lack of violent criminal history, remorse, insight, acceptance of responsibility, age, self-help programming, and vocational achievements.

I acknowledge Mr. Smith has made efforts to improve himself while incarcerated. He is now 58 years old, and has been incarcerated for 32 years. Mr. Smith earned his GED, completed

vocational training, and received positive work ratings and commendations from his supervisors. He participated in self-help programming, including Alcoholics Anonymous, Victim Awareness, Conflict Resolutions, and Alternatives to Violence. He has not been disciplined for serious misconduct since 2007. I commend Mr. Smith for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Smith's crime was entirely callous. Mr. Smith beat and strangled a woman he barely knew. He wrapped her body with a blanket, tape, and wire, and buried the body in debris. Mr. Smith shoved a radiator hose between her legs, and then burned the body in an attempt to cover up the crime.

Mr. Smith articulates a shallow understanding of how he came to commit such a violent crime. He told the Board that he returned to his van and believed the victim was attempting to steal his wallet, so he beat her to death. When asked why he responded to the victim with such extreme anger, he told the Board that he was drunk and that he was "just angry and at that point...I guess I just lost it...I wasn't even thinking really. I was just reacting." He said that he had been feeling stress because he had a young daughter and bills to pay, and that he was working and drinking more in response. Mr. Smith's explanations simply do not account for his extreme actions. He had every opportunity to end this interaction differently, but instead he beat and strangled a complete stranger. He has not yet explained why he reacted with such anger and violence in the face of relatively minor provocation. The psychologist who evaluated Mr. Smith in 2014 reported that "it seems likely that there are some underlying and unresolved issues regarding the roots of his anger that have yet to be explored." Mr. Smith must show that he has more deeply examined his anger issues to demonstrate that he is prepared to act differently in the future.

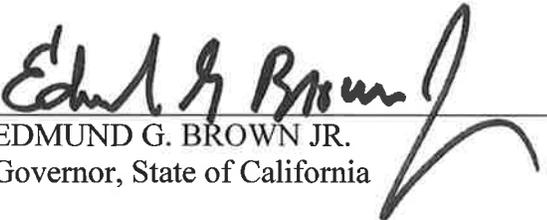
Additionally, Mr. Smith has not adequately explained the sexual aspect of this crime. He told the Board that as he piled items onto the victim's body, he saw "just the opportunity...I saw the way her dress was open and I saw the hose there," so he shoved the hose between her legs. Mr. Smith described ramming the radiator hose into the victim's vaginal area as "more angry than sexual." He explained that he was thinking about "what kind of trouble I was in...and I transferred it" to the victim because "she was the cause of the trouble...if she hadn't been hitchhiking even, that I wouldn't be in this mess." Mr. Smith told the Board that he felt "resentment" towards women because of his "transient relationships" with his mother and previous girlfriends, but told the psychologist "I don't think it mattered that [the victim] was a woman." Mr. Smith's explanation places an inordinate amount of blame on the victim and does little to account for his bizarre actions. Anger, "opportunity," and the victim's alleged actions do not explain why he felt the need to sexually violate a woman he had just met and murdered. The psychologist who evaluated Mr. Smith in 2014 concluded that he "has had difficulty identifying all of the causative factors" for this murder. She suggested that he could benefit from examining the "internal factors" that led to the crime, and taking a "closer look at some of the more perplexing aspects of the crime, including the extent of his violent behavior towards the victim, particularly after she expired." Mr. Smith has not sufficiently explained his violent, disturbing actions, and I do not believe he is prepared to be released.

Melvin Smith, C-95985  
First Degree Murder  
Page 3

**CONCLUSION**

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

Decision Date: June 26, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**DAVID WEIDERT, C-39455**  
First Degree Murder

**AFFIRM:**

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**MODIFY:**

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**REVERSE:**

      X      

**STATEMENT OF FACTS**

David Weidert and Michael Morganti worked as janitors at a doctor's office. Mr. Morganti was described as "mildly retarded" and "easily manipulated." In June 1980, Mr. Weidert convinced Mr. Morganti to serve as a lookout while he burglarized the doctor's office. Mr. Morganti was arrested and confessed, implicating Mr. Weidert. The doctor wanted Mr. Weidert to be arrested and confronted Mr. Weidert on multiple occasions, eventually telling him that he knew Mr. Morganti was an eyewitness to the crime. According to the doctor, when Mr. Weidert heard this, "the whole tenore [*sic*]" of the conversation changed and Mr. Weidert became angry and said, "listen, nobody is going to believe that idiot in court. Nobody's going to believe him. I'll see to it that they don't."

Mr. Weidert decided that he wanted to eliminate the possibility of Mr. Morganti testifying against him, so convinced his friend, 16-year-old John A., to help him kill Mr. Morganti. On November 21, 1980, the two lured Mr. Morganti out of his apartment and made him get into Mr. Weidert's pickup truck. They tied his hands behind his back with telephone wire and Mr. Weidert drove them into the mountains. They eventually found a secluded location where Mr. Weidert took a shovel and aluminum baseball bat from the truck and had Mr. Morganti walk up a hill. Mr. Weidert untied Mr. Morganti's hands, gave him the shovel, and made him dig a grave. After he got tired, John A. dug for five minutes and Mr. Weidert dug for ten minutes, before making Mr. Morganti continue. Mr. Weidert ordered Mr. Morganti to get in the hole, lying on his back. Because the hole was too short for Mr. Morganti, Mr. Weidert ordered Mr. Morganti to continue digging until it was long enough to accommodate Mr. Morganti's entire body. Mr. Weidert finally made Mr. Morganti lie in the hole and slammed the baseball bat into Mr. Morganti's head four or five times. Mr. Morganti pled, "I won't tell on you Dave. Stop it. No, Dave." Mr. Weidert yelled at John A. for his buck knife and stabbed Mr. Morganti, who was then screaming. Mr. Weidert ordered John A. to hit Mr. Morganti with the baseball bat. John A. complied and hit Mr. Morganti on the head with the bat while Mr. Morganti was lying on his back. Mr. Weidert told John A. that Mr. Morganti was dead or almost dead and that he had to die so they would not go to jail. Mr. Weidert and John A. then shoveled dirt on top of Mr. Morganti until he was completely covered.

But Mr. Morganti was not dead, and he pushed his hand through the dirt to grab Mr. Weidert's leg. He pulled his head and upper body through the dirt, but Mr. Weidert put his foot on Mr. Morganti's head and forced him back down. Mr. Weidert wrapped the telephone cable around Mr. Morganti's neck and strangled him. As Mr. Morganti kicked, Mr. Weidert said, "You son of a bitch die, die. This son of a bitch won't die." Mr. Weidert and John A. watched until Mr. Morganti appeared to be dead and buried him again. Mr. Morganti suffocated to death and dirt was found in his lungs. After murdering Mr. Morganti, Mr. Weidert and John A. returned home, washed up, and then went to a party.

An anonymous tip led the investigation to focus on John A., who was granted immunity in exchange for his testimony against Mr. Weidert. Mr. Weidert was arrested on December 17, 1980. He was convicted of kidnapping and murder. Two special circumstances were found to be true: that the murder had occurred while Mr. Weidert had been engaged in a kidnapping, and that the murder was committed to prevent Mr. Morganti from testifying in a criminal proceeding. He was sentenced to life without the possibility of parole. On appeal, the California Supreme Court upheld the murder and kidnapping convictions, but struck both special circumstances. (*People v. Weidert* (1985) 39 Cal.3d 836.) The Court held that Mr. Morganti's kidnapping was "merely incidental" to his murder, and therefore could not support the special circumstance finding. The Court also held that Mr. Weidert had not killed Mr. Morganti to prevent him from testifying in a "criminal proceeding" because he could only face juvenile charges, which would not be considered a "criminal proceeding." Therefore, Mr. Weidert was given life with parole.

### GOVERNING LAW

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

### DECISION

The Board of Parole Hearings found Mr. Weidert suitable for parole based on his participation in self-help classes, length of incarceration, lack of other violence in his juvenile and adult life, current age, age at the time of the offense, lack of serious institutional misconduct since 1986, and psychological evaluation.

I acknowledge Mr. Weidert had just turned 18 when he committed this crime and that he has now been in prison for over 34 years. He has made efforts to improve himself while incarcerated. He earned his GED, completed vocational training, and received positive ratings from his supervisors. Mr. Weidert has completed self-help programs including the Substance Abuse Program, Anger Management, and Victim Awareness. He has not been disciplined for serious misconduct since 1986. I commend Mr. Weidert for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Weidert committed a premeditated, vicious murder of a friend. He kidnapped Mr. Morganti, made him dig his own grave and savagely attacked him without provocation. As Mr. Morganti pleaded for his life, Mr. Weidert stabbed him, beat him with a bat, strangled him, and buried him alive. In planning and carrying out this cold-blooded and brutal murder, Mr. Weidert showed a particularly callous disregard for Mr. Morganti's life and suffering. Mr. Morganti's family and friends have spoken movingly about their loss and pain, continuing since Mr. Morganti was taken from them nearly 35 years ago.

It is shocking that Mr. Weidert, even after all these years, still insists that he did not set out to kill Mr. Morganti. He told the Board at his recent hearing that he knew killing Mr. Morganti "could be the result" that day, but "the act of killing him was the impulsive act." He claimed that he and John A. "had a discussion about killing him and we also had a discussion about breaking his legs and we also had a discussion about hiring somebody to deal with him." He continued, "we talked about a lot of things, but actually deciding on what we were planning on doing really didn't happen until that day." Mr. Weidert clarified that the intention to kill Mr. Morganti was formed by "the rage when we were up there," but that he only intended to intimidate and scare Mr. Morganti before he began to beat him with the baseball bat.

These claims are not believable. The California Supreme Court struck the special circumstance that would have justified a term of life without the possibility of parole precisely because Mr. Weidert's "avowed purpose was to kill Morganti in order to prevent him from testifying, not to kidnap him," that his "primary goal was not to kidnap but to kill," and because the kidnapping was "merely incidental" to the murder. Mr. Weidert and his friend planned to kill Mr. Morganti. They brought a bat, shovel, knife, and telephone wire with them when they went to lure Mr. Morganti into the truck, and Mr. Weidert took the bat and shovel out of the car when they arrived in the mountains. Mr. Weidert forced Mr. Morganti to continue digging his own grave even after he promised not to "tell on" Mr. Weidert. Mr. Weidert's continued insistence that killing Mr. Morganti was an unplanned and impulsive act minimizes his culpability and shows that he has not yet acknowledged the true horrific nature of his crime.

I am also troubled by Mr. Weidert's explanations for his callous and violent acts. He blamed his family's frequent moves for his father's jobs, the fact that he did not communicate well with his parents, and that he felt like "a piece of furniture essentially that was taken like property from one place to another." Mr. Weidert claimed these moves, along his parents' high expectations of him, their rules about his hair and his clothing, and the fact that they "groomed him to be a politician," led him to feel a need for control over his own life. He admitted that he had poor judgment, made bad choices, and that he made a "very poor choice of peers." He told the Board that he committed the burglary, "To do it. To get away with it. A little excitement in your life. And, you know, complacency in your life when you're a teen, those are the kinds of bad ideas kids come up with. And that was one of the things that we did." He claimed that he wanted to regain the control over his life that he lost after the burglary, because his friends were pressuring him to "deal with that guy," because he didn't want to lose his parents' respect when they discovered he was involved in the burglary, and because he didn't want the burglary to "reflect negatively" on his father. Mr. Weidert told the 2014 psychologist that if he could go back and

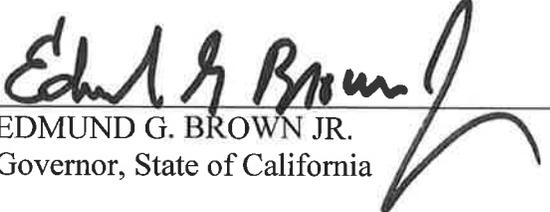
change things, “he would ask his parents to communicate with him more and raise him in a stable situation” because “it would’ve cushioned the landing so I didn’t do the crime.”

These reasons are superficial and inadequate. Nothing about multiple family moves as a child or wanting control explains Mr. Weidert’s extreme rage and callous murder. Neither do feelings of neglect and anger justify Mr. Weidert’s intent to kill his friend. The 2011 psychologist concluded that “Mr. Weidert’s most salient risk issue appears to be his lack of insight into his anger at the time of the commitment offense, his sense of entitlement, as well as his lack of empathy for the victim.” Until Mr. Weidert demonstrates a more substantial understanding of his reasons for committing this crime, I do not believe he is prepared to be released.

### CONCLUSION

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

Decision Date: June 26, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**MARSHALL FIELD, C-13607**  
Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

On November 15, 1979, Marshall Field met his ex-girlfriend, Sarah Preuitt, and her friend, Leslie Freitas, in a parking lot. Mr. Field and Ms. Preuitt spoke briefly, and Ms. Preuitt got into her car to drive away. Mr. Field maneuvered his truck so that his driver's door was next to Ms. Preuitt's door, got out of his truck, and told her that he was going to kill himself. She told him he was being foolish and put her keys in the ignition to leave. Mr. Field retrieved a hunting rifle from under the seat of the truck and used it to motion for Ms. Preuitt to get out of her car. She ran into the middle of the parking lot, and attempted to wave down a passing car. Mr. Field motioned with his rifle for the car to keep moving, and the driver continued on. Ms. Preuitt then turned to Mr. Field and said, "If you are going to shoot me, go ahead." Mr. Field raised the rifle to his shoulder and shot Ms. Preuitt twice in the chest, killing her. He approached Ms. Freitas, who was still in Ms. Preuitt's car, and said, "I did it because I love her," and left. In the months leading up to the Ms. Preuitt's murder, Mr. Field beat her several times, threatened her family, including two toddlers, and, only days prior to the murder, pushed her head into the ground and struck her with his fists.

This was not Mr. Field's first act of violence against a woman. In May 1975, Mr. Field got a revolver, walked into a different ex-girlfriend's high school art class, and told her to get outside or he would blow her brains out. When the teacher intervened, Mr. Field pointed the gun at him and told him he would blow his brains out. Mr. Field then forcibly took his ex-girlfriend out of the classroom where they encountered the principal and another teacher, who tried to reason with Mr. Field. In response, Mr. Field pointed his gun at them and continued to the parking lot. In the parking lot, he pulled his ex-girlfriend by her hair and forced a student at gunpoint to get out of his car. The police arrived, and he brandished his gun at them. When his ex-girlfriend pushed his gun away, a struggle ensued. Mr. Field pointed the gun at her torso and pulled the trigger. Thankfully, the gun malfunctioned and did not fire. Mr. Field pled guilty to kidnapping and was sentenced to prison for a 1-to-25 year term. He spent three years in prison and was paroled in June 1978, only about a year prior to the life crime.

**GOVERNING LAW**

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

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

### DECISION

The Board of Parole Hearings found Mr. Field suitable for parole based on his current age, length of incarceration, lack of recent misconduct, remorse, insight, self-help programming, and parole plans.

I acknowledge Mr. Field is 61 years old, has been in prison for 35 years, and has made efforts to improve himself while incarcerated. He has not been disciplined for serious misconduct since 2005. He completed vocational training and earned positive work ratings. Since I reversed Mr. Field's grant of parole in 2012, he has continued to participate in Alcoholics Anonymous, Alternatives to Violence, and Victim Impact. I commend Mr. Field for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Field's crime was heartless and disturbing. After months of abusing Ms. Preuit, he cornered her in a parking lot, ordered her out of the car at gunpoint, and shot her in front of her best friend. This murder is even more troubling because it was not an isolated incident. He previously kidnapped a different girlfriend at gunpoint and attempted to kill her. These events, combined with his escalating abuse of Ms. Preuit, show a disturbing pattern of violence against women.

I reversed the Board's grant of parole in 2012 because Mr. Field minimized the extent of his abusive and violent behavior, failed to recognize the extent of his domestic violence in his relationships, and continued to engage in serious misconduct in prison. Unfortunately, little has changed in Mr. Field's narrative and his understanding of domestic violence, and my concerns remain.

Mr. Field continues to minimize his abusive and violent behavior toward Ms. Preuit. In his 2013 parole hearing the panel noted Mr. Field became "visibly angry and agitated" when discussing domestic violence, and the panel ultimately denied parole. At his 2015 parole hearing, while he did admit hitting and throwing Ms. Preuit to the ground prior to the murder, he said he didn't "beat her," and qualified his violence by saying "there was domestic violence but it wasn't the kind that people think." He claimed that "most of the time it was like throwing her because I was responding to being slapped," and depicted Ms. Preuit as the instigator by stating, "it is domestic violence that I responded to it." In regards to the 1975 kidnapping, he told the panel that he "did not have any problems" in his prior relationship and claimed that he "didn't really point [the gun] at her." He claimed the gun discharged only after his girlfriend grabbed it. This is incredible given that shortly after his arrest he admitted that he "pointed the gun at her, but I couldn't do it; there were too many cops around." These statements are extremely concerning given the magnitude and extent of his violence. While I note that Mr. Field has continued to engage in self-help programming since my last reversal, I encourage him to take

Marshall Field, C-13607  
Second Degree Murder  
Page 3

classes or complete self-study to address his history of domestic violence. At this time, however, I remain concerned that he still does not have a sufficient understanding of his violence against women and may repeat his behavior if released.

**CONCLUSION**

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

Decision Date: July 1, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**JOSE GONZALEZ, B-94419**  
First Degree Murder (two counts)

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      X      

**STATEMENT OF FACTS**

James and Essie Effron owned a clothing store in downtown San Diego. In 1977, after years of running a successful business, the Effrons planned to retire. Mr. Effron, who was 62, suffered from severe ulcers, and Mrs. Effron, who was 59, had recently undergone surgery and chemotherapy for cancer. The couple hired Jose Gonzalez to help during the store's final weeks. Throughout his employment, Mrs. Effron told her daughter that she "found [Mr. Gonzalez] downright frightening." Mrs. Effron eventually fired Mr. Gonzalez for being disrespectful to a customer. She told her daughter that "the stare he gave her [said] that he was going to kill her."

On November 21, 1977, three customers entered the store after closing time. They found the store empty and the safe open, and called the police. Police responded and found the Effrons in separate rooms in the basement of the store, each severely beaten in the head with a lead pipe. Their hands were bound with neckties and their heads were covered with a jacket or smock. Mrs. Effron had been beaten to death, and her jewelry had been taken from her body; her blood covered the wall and the floor, and her brain and skull protruded from the back of her head. In the next room, Mr. Effron was discovered tied to a clothing rack by the legs, face down in a pool of his own blood, but alive and asking for help. He was taken to the hospital, where he named "Juan, Jesus, and Jose" as his attackers. He died from severe head injuries several days later.

During their investigation, police noted that the store's safe was empty except for some papers and a torn envelope containing \$600. The cash register and cash box, containing \$350, were intact. A technician identified a fingerprint on the torn envelope as Mr. Gonzalez's. Police contacted the store manager, who reported that there had been a disagreement between the Effrons and several former employees, including Mr. Gonzalez. Police subsequently obtained a search warrant and arrested Mr. Gonzalez. At the time of his arrest, Mr. Gonzalez had \$360 and a business card for a diamond store in his wallet. An employee at the diamond store identified Mr. Gonzalez as the individual who sold him a diamond ring that had been taken from Mrs. Effron's body.

**GOVERNING LAW**

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

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

### DECISION

The Board of Parole Hearings found Mr. Gonzalez suitable for parole based on his age, medical conditions, length of time in prison, self-help programming, educational and vocational achievements, lack of recent institutional misconduct, parole plans, and risk assessment.

I acknowledge Mr. Gonzalez has been in prison for nearly 40 years, suffers from various medical conditions, is now 60 years old, and has made efforts to improve himself while incarcerated. He has not been disciplined for serious institutional misconduct since 2007. He participated in self-help programming, including Alternatives to Violence, Anger Management, and Victim Offender Insight. He earned his GED, completed vocational training, and received positive ratings from his work supervisors. I commend Mr. Gonzalez for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Gonzalez's crime was chilling and unconscionable. He participated in a brutal double murder where the Effrons were bound, beaten in the head with a lead pipe, and left for dead in the basement of their store. Mrs. Effron had recently undergone surgery and chemotherapy and was particularly vulnerable when she was attacked. I note that the Effrons' children have appeared at Mr. Gonzalez's hearings to express their ongoing sense of loss, and that many members of the community have written to oppose parole.

Mr. Gonzalez continues to minimize his role in this crime. He told the Board that he was angry and felt "cheated" because he had been fired by the Effrons over a pay dispute. He claims, however, that he and his co-defendants planned only to rob the Effrons. He said that while he went through the store safe his co-defendants were supposed to be binding and blindfolding the Effrons in the basement, and that after some time passed he went into the basement to see what was taking them so long. According to Mr. Gonzalez, one of his crime partners was arguing with Mr. Effron, who was tied to clothing rack. The crime partner allegedly pointed a gun at Mr. Gonzalez and ordered him to kill Mr. Effron. Mr. Gonzalez asserts that he took a lead pipe, stood between his crime partner and Mr. Effron, and struck Mr. Effron multiple times with the pipe while also hitting the pipe of the clothing rack that Mr. Effron was tied to, in an attempt "to knock him unconscious, not to kill him." He denies ever seeing Mrs. Effron on the night of the murders. He told the Board he was "in shock," but then accompanied his crime partners to Tijuana, where they divided the proceeds from the robbery.

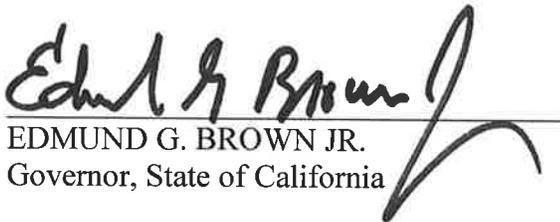
These claims are entirely implausible. Mr. Gonzalez left behind a substantial amount of money in the store's safe, cash register, cash box, and Mrs. Effron's purse. He beat Mr. Effron several times in the head with a lead pipe and left him face down in a pool of blood, causing brain contusions and a massive skull fracture that eventually killed him. Even after he claims he was "forced" to kill Mr. Effron, Mr. Gonzalez accompanied his crime partners to Tijuana, pawned the

jewelry taken from Mrs. Effron's body, and maintained his innocence after he was arrested. Until recently, Mr. Gonzalez denied that anger or resentment played any role in his decision to rob the Effrons, and he continues to claim that he "didn't hurt them out of revenge." Mr. Gonzalez's statements simply do not add up. The psychologist who evaluated Mr. Gonzalez in 2014 noted that he "continues to have ongoing difficulty accepting responsibility for past transgressions," including his criminal history, institutional misconduct, and the life crime. Similarly, the Board noted that he "minimizes his responsibility" for the murders, that he did not "take culpability for this [crime] and for a lot of your negative behaviors," and that his version of the crime "really doesn't make sense to us." Until Mr. Gonzalez accepts responsibility for his actions and can better explain the rage and violence he displayed in carrying out this horrific crime, I do not believe that he is prepared to be released.

### CONCLUSION

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

Decision Date: July 1, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**LARRY JAY, B-79273**  
First Degree Murder

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

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

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

**STATEMENT OF FACTS**

On the evening of May 6, 1976, Larry Jay went to a bar in Ventura, drank beer, and played several games of pool with other patrons and bartender Naomi Harris. Around 11:30 p.m., Mr. Jay called his girlfriend and told her he was at a different bar in Oxnard; in fact, he was still at the bar in Ventura. As the bar started to close, Mr. Jay hid in the bathroom until all of the customers left. After Ms. Harris locked the front door, Mr. Jay came out of the restroom, approached Ms. Harris, and demanded money. After securing approximately \$168, Mr. Jay grabbed a hammer and struck Ms. Harris numerous times in the back of the head, killing her. Ms. Harris' body was found lying face down on the floor with her head rested on her folded hands, her legs straight out, and her feet together. The injuries suggested that Mr. Jay struck Ms. Harris once while she was standing, ordered her to lie face down, and then killed her by inflicting multiple blows to the back of her skull, fracturing it completely.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Jay suitable for parole based on his current age, length of incarceration, remorse, lack of recent misconduct, risk assessment, and parole plans.

I acknowledge Mr. Jay is 67 years old, has been in prison for over 39 years, and has made efforts to improve himself while incarcerated. He has not been disciplined for serious misconduct since 1998. He participated in self-help programs including Alcoholics Anonymous, Celebrate Recovery, Domestic Violence, and Anger Management. He served on the Inmate Advisory Council and received positive work ratings. I commend Mr. Jay for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Jay's crime was calculated and disturbing. He established an alibi, hid in the bar as it closed, and ambushed Ms. Harris in the dark as she closed the bar alone. After securing the money from Ms. Harris, he repeatedly bashed her head with a hammer, crushing her skull and killing her.

This crime was not the first time Mr. Jay was implicated in a murder plot. In 1972, Mr. Jay was allegedly hired to kill Judy Marks at the request of her husband, Tommy, who was also Mr. Jay's friend. Police reports and witness interviews indicated Mr. Marks told Mr. Jay to throw gasoline on Judy's car and light her on fire. The plan failed when Judy was not home. In a 2002 psychological assessment, Mr. Jay admitted going to Judy's house, but claimed he only agreed "to go mess up her car." In 1975, months before Ms. Harris' murder, 21-year-old Lynn Mueller was murdered; she was brutally stabbed over forty times. According to the Ventura County District Attorney, Mr. Jay remains the "prime suspect" in Ms. Mueller's unsolved murder. Numerous letters submitted by the District Attorney's office and the City of San Buenaventura Police Department document that Ms. Mueller and Mr. Jay were "known enem[ies]," and had argued for eight months over Ms. Mueller's attempts to recruit Mr. Jay's wife and mother-in-law to join her church. According to these reports, on the night of Ms. Mueller's murder Mr. Jay left his sister's house around 10:15 p.m. in a white two-door car. At approximately 10:30 p.m., a neighbor observed a white-two door car park in front of Ms. Mueller's house and saw a person matching Mr. Jay's description enter the house. Ms. Mueller was found dead in her house shortly after midnight. The day after the murder, Mr. Jay painted red primer on parts of his car and completely ripped out the vinyl-covered dash despite no defects that required repair. Small spots of blood were found on his jacket, but could not be tested. Mr. Jay admitted to arguing with Ms. Mueller over religious differences, but denied any involvement in the murder. In light of the numerous letters based on the investigation of these incidents, I believe Mr. Jay is not being truthful about his past and lacks any credible insight into his violent behavior.

I am also concerned that Mr. Jay has yet to acknowledge or explain the level of planning that precipitated Ms. Harris' murder. At his 2015 hearing, Mr. Jay claimed he "was just searching for a place, a place to rob" and that when he walked into the bar "it wasn't planned." Mr. Jay acknowledged at the hearing that Ms. Harris was not a physical threat to him, but that he killed her "for screaming" and because he "was in a rage." He told the psychologist in 2014, "That's the first time I've ever experienced that kind of rage. I never wanted to hurt anyone." Mr. Jay's claim that he merely went into a rage is flatly contradicted by the record and the Court of Appeal opinion upholding his first degree murder conviction. The record shows that hours before the murder, Mr. Jay fabricated an alibi, hid in the bathroom as the last customers left the bar, and ultimately laid in wait until Ms. Harris was alone. Despite the fact Ms. Harris gave him the money he allegedly wanted, Mr. Jay murdered Ms. Harris. The position of her body and her injuries indicated that she was first struck while standing, and "then ordered to lie down under her own power where the fatal blows were administered." This was not simply an uncontrolled fit of anger; it was a cold and calculated murder. A 2002 letter from the San Buenaventura Police Department stated that Ms. Harris was "interviewed as a witness" in the homicide of Ms. Mueller in which Mr. Jay was a suspect. The implication that Ms. Harris' statements to police in any way motivated Mr. Jay to kill her is very disturbing. Regardless, Mr. Jay's version of the crime depicting this as an impulsive attack is not credible. Until he is more forthcoming about Ms. Harris' murder and can better explain his violent behavior, I am not prepared to release him.

Larry Jay, B-79273  
First Degree Murder  
Page 3

**CONCLUSION**

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

Decision Date: July 1, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**ERIC LEWIS, E-29675**  
First Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

          X          

**STATEMENT OF FACTS**

Eric Lewis and Beverly Jordan were engaged and lived together in an apartment. On November 29, 1988, Mr. Lewis and Ms. Jordan drove in separate cars to a condominium they were considering purchasing. Mr. Lewis entered Ms. Jordan's car and they got into an argument about the location of the condominium and what Mr. Lewis would wear for their wedding. Mr. Lewis pulled out a .45 caliber pistol and shot Ms. Jordan three times in the head and once in the arm, killing her.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Lewis suitable for parole based on his current age, lack of institutional misconduct, lack of criminal history, plausible version of the crime, insight, remorse, self-help programming, risk assessment, and parole plans.

I acknowledge Mr. Lewis is 60 years old, has been in prison for over 26 years, and has made efforts to improve himself while incarcerated. Mr. Lewis has never been disciplined for serious misconduct. He has completed vocational training, and has received positive work ratings and several commendations from supervisors and staff. He has participated in self-help programming including Alternatives to Violence, Victim Awareness, and Anger Management. I commend Mr. Lewis for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Lewis's crime is especially disturbing. Mr. Lewis and Ms. Jordan were newly engaged and had just spent Thanksgiving with her family. Days later, Mr. Lewis callously shot his fiancée three times in the head after a minor argument. His unexpected violence, unleashed against the woman he supposedly loved and would soon marry, was alarming. Ms. Jordan's family has spoken movingly about the loss and pain they have suffered over the past decades.

Mr. Lewis's explanations for murdering Ms. Jordan are inadequate. Mr. Lewis told the Board that he was angry because Ms. Jordan did not like the location of the condominium they were considering buying, and they began arguing about what he was going to wear for their wedding. He claimed these issues compounded on top of other problems in his life, including contemplating a job change, planning a wedding, and trying to get custody of his son. He told the Board that he formed the intent to kill Ms. Jordan when, during their argument in the car, she said, "we're done talking." He continued, "I'd lost complete control. I was never going to get her back." The Commissioner then asked Mr. Lewis what would have happened if Ms. Jordan had not said those words. Mr. Lewis responded, "I wouldn't have shot her."

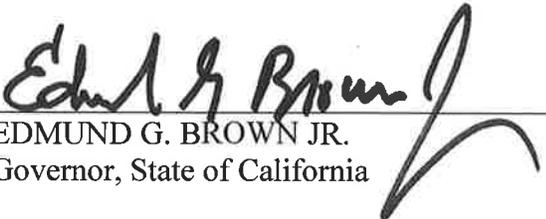
Mr. Lewis has yet to acknowledge or explain the level of planning surrounding Ms. Jordan's murder. His depiction of the crime as an impulsive act of "rage" after he heard the words "we're done talking" is not supported by the record. The detective who investigated the murder noted that Mr. Lewis was "a cold-blooded killer who premeditated the murder of his fiancée for financial gain." The record establishes that approximately a year or two prior to the murder, Mr. Lewis had filed for bankruptcy and changed his name. A month prior to the murder, Mr. Lewis convinced Ms. Jordan to take out a \$150,000 life insurance policy, naming Mr. Lewis as the beneficiary. Ms. Jordan had also given Mr. Lewis approximately \$7,000 to \$9,000 to deposit in a joint bank account, but the funds were never deposited. The day before the murder, Ms. Jordan called the bank to inquire about the funds and planned to confront Mr. Lewis the next day about the money. She also called her friend to tell her about the life insurance policy and about her suspicion that Mr. Lewis had purchased a timeshare in his name alone with her money. She voiced concern to her friend, saying, "I wonder if he wants to knock me off." That same day, Mr. Lewis called Ms. Jordan's father, also her employer, to tell him she would not be at work the next day. The day of the murder, after killing Ms. Jordan, Mr. Lewis disassembled and discarded the gun, and made a phone call to Ms. Jordan's mother and father inquiring about plans for the upcoming wedding and asking if they had heard from Ms. Jordan. He then went home and changed his message machine greeting to play, "Hello, I'm not here right now," from their previous recorded greeting, "Hello, we're not home." This was a murder Mr. Lewis had been contemplating for at least a month, yet he has failed to acknowledge any sort of planning. Mr. Lewis's failure to be forthcoming about the reasons that led him to murder Ms. Jordan leads me to believe he is not committed to rehabilitation or avoiding similar, violent behavior if released.

Even if I accept Mr. Lewis's version of the crime — that he flew into a murderous rage because of a trivial dispute with his fiancée — he doesn't come close to accounting for his extraordinary violence given the minor nature of the disagreement. The issues Mr. Lewis faced are common in any relationship. His attempt to blame Ms. Jordan's statement for instigating his violent behavior is not convincing. I encourage Mr. Lewis to continue to reflect on his actions.

CONCLUSION

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

Decision Date: July 10, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**RAMIN NIKOOSERESHT, H-66070**

Second Degree Murder

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

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

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

**STATEMENT OF FACTS**

Ramin Nikooseresht, 25, and Debbie De Leon, 17, dated for 10 months. Her family disapproved of their relationship because of Mr. Nikooseresht's age and his controlling behavior towards Ms. De Leon. On April 23, 1992, Mr. Nikooseresht and Ms. De Leon drove from their homes in Los Angeles to San Francisco and rented a hotel room together. Two days later, Mr. Nikooseresht strangled, suffocated, slapped, bit, and head-butted Ms. De Leon while she was sleeping in their hotel room. He then took her to the bathroom and held her head under water in the sink for several minutes to ensure that she was dead. He then bathed and dressed Ms. De Leon's body before placing it back on the bed. He slit one of her wrists with a knife before cutting his own wrists. Police found Ms. De Leon dead from multiple traumatic injuries and Mr. Nikooseresht still alive. Ms. De Leon had bruises on her lips and nose, abrasions on her face, and bruises and abrasions on her neck.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Nikooseresht suitable for parole based on his lack of criminal history, lack of rules violations in prison, participation in self-help, and insight.

I acknowledge Mr. Nikooseresht has made efforts to improve himself while incarcerated. Several staff members commended Mr. Nikooseresht for his positive attitude, including an office technician, a self-help coach, and several correctional officers. He earned a bachelor's degree and completed vocational training. Mr. Nikooseresht participated in self-help programs including Alternatives to Family Violence, Criminals and Gangmembers Anonymous, and

Victim's Awareness. I commend Mr. Nikooseresht for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Nikooseresht's crime is horrific and disturbing. He attacked his underage girlfriend as she slept, and bit and head-butted her face as he strangled her. To make sure she was dead, he dragged her body to the bathroom and held her head under water in the sink. Mr. Nikooseresht then used a knife to cut one of her wrists. He slit his own wrists, but survived. Until 2013, Mr. Nikooseresht lied about the crime, claiming that he and Ms. De Leon had a suicide pact and that she wanted to be killed. Mr. Nikooseresht's actions had a devastating and long-lasting impact on Ms. De Leon's loved ones. I note that they have appeared at Mr. Nikooseresht's parole hearings expressing their loss.

Mr. Nikooseresht has not yet adequately explained why he committed this heinous crime. He told the Board in 2015 that on the night of the murder, he told Ms. De Leon that he planned to commit suicide. He claims that when she locked herself in the bathroom crying after his announcement, he "lost control of her" because "she wasn't responsive at all to my attempts to calm her." Mr. Nikooseresht said that he left the hotel room, and when he returned, Ms. De Leon was asleep on the bed, which he perceived as "the first time ever in our relationship that she rejected me" because "she went against my demands." He elaborated that "I knew I had to kill myself that night. There was no time for me to amend my ways with Debbie." Mr. Nikooseresht said that before he killed Ms. De Leon, he spent several hours thinking about her "being with somebody else after I was long gone. That made me extremely, extremely jealous." He explained that "I had lost control of Debbie ... And the ugly truth is that my motivation was that if I couldn't have her, then nobody else would."

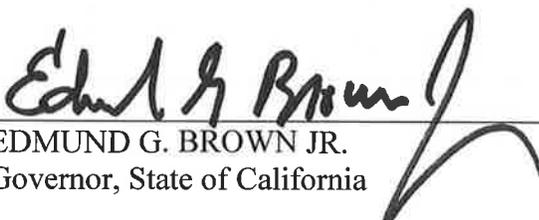
Mr. Nikooseresht's explanations do not account for the extreme rage and violence he perpetrated when, unprovoked, he began strangling the Ms. De Leon in her sleep. Even if he felt compelled to kill Ms. De Leon and himself, he inflicted extreme and unnecessary suffering on her by viciously biting, hitting, and head-butting her as he strangled her. His claim that she rejected him by expressing concern about his suicide is bizarre. Jealousy and a desire to control the victim simply do not account for the unbridled anger that Mr. Nikooseresht displayed in committing this murder. None of his statements to the Board indicate that he adequately understands the source of his rage, or how to control it. Until Mr. Nikooseresht can better explain his behavior and demonstrate that he is prepared to act differently in future relationships, I do not believe he is ready to be released.

I note that during all of Mr. Nikooseresht's psychological evaluations, including the 2012 evaluation that assessed him as a low-to-moderate overall risk in society, he was lying about the motivations for this crime. I encourage Mr. Nikooseresht to provide an honest account of his actions and motivations at his next psychological evaluation. I am also troubled by reports that Mr. Nikooseresht physically abused Ms. De Leon. He has denied committing any physical domestic violence against her. If these reports from Ms. De Leon's family members are true, Mr. Nikooseresht is whitewashing the extent and severity of his abuse against her. I direct the Board to conduct a thorough investigation into these allegations.

**CONCLUSION**

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

Decision Date: July 10, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**ABEL SAPP, H-09105**  
First Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

Abel Sapp met Sue Eslinger at her apartment complex pool and the two spent the weekend drinking heavily and having sexual relations. Ms. Eslinger's roommate, Sandra Swiggard, was out of town. The following morning, Ms. Eslinger went out of town and Ms. Swiggard returned. Mr. Sapp stopped by to visit Ms. Eslinger. Ms. Swiggard let him in and the two watched a movie. As they discussed one of the characters in the movie, Ms. Swiggard asked, "you're gay aren't you?" Mr. Sapp denied it. The conversation continued and Ms. Swiggard again voiced her belief that he was gay. According to Mr. Sapp, he became enraged and afraid that Ms. Swiggard would disclose this information to others. He picked up a decorative rock and struck Ms. Swiggard in the head while her back was turned. He then choked her and cut her throat with a knife. Ms. Swiggard died of asphyxiation. Mr. Sapp took some of her belongings and left.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Sapp suitable for parole based on his insight, lack of history of other violent crime, supportive family, remorse, acceptance of responsibility, age, participation in self-help, and parole plans.

I acknowledge Mr. Sapp has made efforts to improve himself while incarcerated. He has participated in a good deal of self-help since I reversed his grant of parole in 2012. These programs include Narcotics Anonymous, Relapse Prevention, Victim Impact and Awareness, the Long Term Offender's Pilot Program, Conflict Resolution, Alternatives to Violence, and others. He earned an associate's degree in 2014 and has been praised for his outstanding work ethic, honesty, dedication, patience, and cooperation with other inmates. He has not been disciplined

for serious misconduct since 2001. I commend Mr. Sapp for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Sapp's crime is shocking. He attacked Ms. Swiggard because of an innocent comment about his sexual orientation, viciously bashing her over the head, strangling her, and slitting her throat. This was an exceptionally callous overreaction to such a slight provocation. I note that Ms. Swiggard's family continues to write to oppose parole, expressing their enduring pain from her loss.

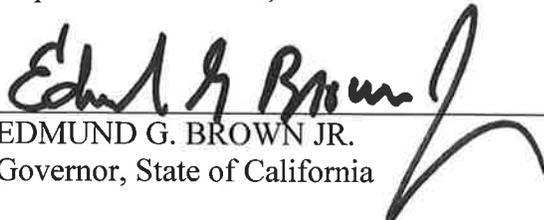
Even though two different parole panels have now concluded that Mr. Sapp is ready to be released, I remain troubled by his explanations for his crime. I reversed Mr. Sapp's grant of parole in 2012 because of his horrific crime and because he had only a superficial understanding of his reasons for killing Ms. Swiggard. He told the Board at his 2015 hearing that he lashed out at Ms. Swiggard's comments about his sexuality because he "hated the idea that other people might find out who I was" and that he feared Ms. Swiggard might tell Ms. Eslinger or his sister, who also lived in the apartment complex. He stated that even though he'd been accused of being gay before, "it was always in public or it was around other people." Ms. Swiggard's comment was a "catalyst" to push Mr. Sapp "over the edge" because Ms. Swiggard was "everything I wanted to be. She was strong, she was powerful, she was self confident. I wasn't and I hated her for it." He reported that if Ms. Swiggard had been a man, he probably would have just left the apartment, rather than kill her.

I am still not convinced that Mr. Sapp adequately understands how he came to fly into such a rage that he brutally murdered Ms. Swiggard, a near-stranger. As I discussed in 2012, his asserted fear that she would tell people that he was gay does not explain his crime. Furthermore, nothing about Ms. Swiggard's confidence, strength, or gender makes this murder more understandable. The psychologist who evaluated Mr. Sapp in 2013 observed that "the intensity of his rage was quite puzzling" and that Mr. Sapp has "not grasped the complexities" of his "anger, rage, tempestuous mood" as they relate to Ms. Swiggard's murder. I acknowledge that the psychologist believed that Mr. Sapp has made "profound strides toward his personal transformation" and that Mr. Sapp has recognized some of the most "critical factors" that "shaped his behavior at the time." Nevertheless, I am not persuaded that Mr. Sapp is ready to be paroled. I encourage Mr. Sapp to reflect more deeply on why he reacted so violently to the comment that Ms. Swiggard made to him.

### CONCLUSION

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

Decision Date: July 10, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**MARK LUGO, E-14658**  
First Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

Mark Lugo and his live-in girlfriend Eydie Lopez had been together for about a year when they decided the relationship was not working. Mr. Lugo moved out, and they both began seeing other people. Three weeks later, Mr. Lugo called Ms. Lopez and asked her to meet him in an abandoned parking lot to discuss their unresolved financial issues. When she agreed to meet, Mr. Lugo got a wire hanger and fashioned handles on the ends of it, and armed himself with a knife. The next day, on November 16, 1987, Ms. Lopez drove to the abandoned lot. Mr. Lugo got into her car, put the wire hanger around Ms. Lopez' throat, and began to strangle her. After Ms. Lopez was unconscious, Mr. Lugo took out his knife and cut her throat twice, severing her carotid arteries and killing her.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Lugo suitable for parole based on his lack of violent criminal history, educational and vocational attainments, lack of serious rules violations while incarcerated, remorse, acceptance of responsibility, and risk assessment.

I acknowledge Mr. Lugo has made efforts to improve himself while incarcerated. He has never been disciplined for a serious rule violation in nearly 28 years of incarceration. Mr. Lugo has participated in self-help programs including Alternatives to Violence, Victim Awareness, and Anger Management. Mr. Lugo was commended by multiple correctional officers and staff members for his work ethic. He earned his associate's degree and has obtained vocational training. I commend Mr. Lugo for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

This murder was cold and senseless. Mr. Lugo spent the night before the murder preparing weapons and planning to kill Ms. Lopez. He lured her to an isolated area where he strangled and slashed her throat. Mr. Lugo then lied about the crime for nearly three decades, and made extensive efforts to demonstrate his innocence. He maintained this claim — even asking his parents to spend their retirement savings to pursue his claim of innocence in court — until his January 2015 psychological evaluation, when he finally confessed to killing Ms. Lopez. Mr. Lugo’s actions have had a devastating and long-lasting impact on Ms. Lopez’ loved ones. I note that they have appeared at Mr. Lugo’s parole hearings expressing their continuing loss.

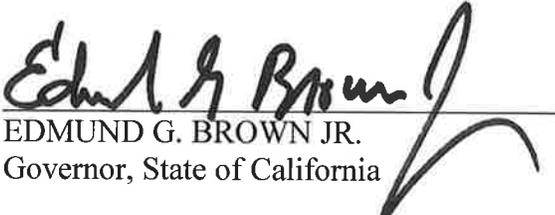
Mr. Lugo articulates a shallow understanding of how he came to commit such a violent crime. He told the psychologist who evaluated him in 2015 that in the week before the murder, he began blaming Ms. Lopez for his problems and that he went from “just [needing] to get rid of her to thinking about ways to do it to going through the motions of getting it together and planning it out.” Mr. Lugo reported that he thought that if he killed Ms. Lopez, he could reunite with his former fiancée and his life would be “perfect.” He claims that he was reminded of all his failed relationships, and that his ego could not “let it go,” so he decided to murder Ms. Lopez. He told the psychologist, “I can’t explain, the relationship issues spiraled out of control and led to this.” Mr. Lugo said that committing the murder was “like a suicide where at the time you think it’s a good idea until you take that first step off the cliff and realize it’s not a good idea.”

Mr. Lugo’s explanations do little to account for his deliberate and violent actions. He did not merely take a “first step” towards murder before realizing he had made a mistake; he intentionally prepared weapons, lured Ms. Lopez to an abandoned area, and killed her. Mr. Lugo had every opportunity to stop, but instead he strangled and stabbed his former girlfriend. Further, Mr. Lugo’s claim that he felt compelled to kill her so he could return to his fiancée is puzzling, especially since he was the one who broke up with Ms. Lopez and both he and Ms. Lopez had started dating other people. Many people experience regret when their relationships end, but few respond by coldly planning to murder their former partners. The 2015 psychologist concluded that Mr. Lugo’s “insight into how he became someone who committed the life crime in a calculating manner ... was limited” and that he “had little insight into his risk factors” for committing future offenses. In light of his very recent acceptance of responsibility, I encourage Mr. Lugo to participate in self-help and independent study to address the factors that led him to murder. Until he can better explain his extreme behavior and show that he is prepared to act differently in future relationships, I do not believe he is ready to be released.

### CONCLUSION

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

Decision Date: July 17, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**RANDAL MCKISSICK, C-31884**

Second degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

  **X**  

**STATEMENT OF FACTS**

In September 1980, Randal and Janice McKissick had been married for approximately one month and were in the process of separating, in part because Mr. McKissick was physically abusive. On September 12, 1980, Janice left him a note stating that she was going on a trip to Santa Barbara with some friends. Upon receiving this note, Mr. McKissick called several of Janice's friends to find out who she had gone with. On September 15, 1980, Mr. McKissick called Janice at work and demanded to know the truth about her trip to Santa Barbara. Janice told Mr. McKissick that she went to Santa Barbara with her co-worker, Jose Flores. Mr. McKissick asked if he could go to the convalescent hospital where they both worked to talk to them, but Janice told him that was not a good idea. Mr. McKissick responded that he was going to leave town and wished her luck.

Approximately a half hour later, Mr. McKissick arrived at the convalescent hospital and told an employee he was Mr. Flores' friend and wanted to see him. The employee recognized Mr. McKissick as Janice's estranged husband and told him to leave. Mr. McKissick continued to walk down the hallway, approached Mr. Flores, and asked, "Are you Jose Flores?" Mr. Flores lifted up his nametag, acknowledging his identity, and Mr. McKissick removed a .45 caliber handgun from his waistband and shot Mr. Flores in the head, killing him.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. McKissick suitable for parole based on his current age, lack of criminal history, lack of prison misconduct, educational and vocational achievements, self-help programming, risk assessment, and parole plans.

I acknowledge Mr. McKissick is 60 years old, has been incarcerated for over 34 years, and has made efforts to improve himself while incarcerated. He has only been disciplined once for serious misconduct in 1998. He earned his associate's and bachelor's degrees and completed vocational training. He has participated in self-help programming including Alcoholics Anonymous, Anger Management, and Domestic Violence Awareness. I commend Mr. McKissick for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. McKissick committed a heinous crime. After finding out his estranged wife spent the weekend with her co-worker, Mr. McKissick went to Janice's place of employment to confront Mr. Flores despite the fact that Janice told him not to come. He sought out Mr. Flores and shot him in the head in front of his colleagues, demonstrating a cruel and callous disregard for human life.

I am concerned that Mr. McKissick is minimizing his violence towards Janice. The record indicates that Mr. McKissick had previously struck Janice and threatened her with a gun. Two weeks prior to the murder, according to Janice's immediate supervisor, Janice had arrived at work "badly beaten." Janice told her supervisor that her husband had beaten her, and had done so before. Janice told investigating officers his abuse was one of the reasons for their divorce. At Mr. McKissick's 2015 hearing, he claimed that he was only "verbally abusive" and denied beating Janice or threatening her with a gun. He stated that one time she picked up his gun and he got angry, but insisted he never threatened her with it. He further unbelievably claimed that the injuries her supervisor reported were due to her insulin injections and frequent seizures from epilepsy. Later in the hearing, Mr. McKissick admitted that he was physically violent with her once, but claimed it was after she started hitting him first. Mr. McKissick is not being forthcoming about the true extent his violence in his relationship with Janice. I urge him to continue his participation in domestic violence self-help classes.

I am also troubled that Mr. McKissick is still exhibiting signs of anger. In December 2014, Mr. McKissick abruptly walked out of his interview with the psychologist who was evaluating him and "became visibly agitated, and stated, 'I object to the badgering and harassing questions.'" This occurred after the psychologist simply asked Mr. McKissick when the last time his sister had visited him. Furthermore, several mental health progress notes summarized in his psychological risk assessment document a pattern of concerning behavior. In 2013, a nurse referred Mr. McKissick for a mental health screening due to an "anger episode." Also in 2013, a medical progress note reported that Mr. McKissick appeared "very angry," "menacing," and was "scowling and squinting," and another note documented that he was "very bitter" and "obsessed with the many wrongs that are 'inflicted on him.'" In 2014, treating clinicians stated that Mr. McKissick's mood was "irritable" and that "anger issues remain," and noted that he was no longer interested in mental health programs. In 2014, the evaluating psychologist concluded, based in part on these mental health notes, that "Mr. McKissick still struggles with recognizing or acknowledging his anger prior to his reaction or actions. He apparently tends to rationalize and minimize his level of anger that is more apparent to others, particularly in challenging/arduous/stressful situations." Given these troubling observations from multiple

people who have interacted with him recently, I am concerned that Mr. McKissick may not be able to control his anger if released. I encourage Mr. McKissick to continue to address his anger. I also ask the Board to give Mr. McKissick one more chance to fully participate in a psychological evaluation so that they can have the benefit of a thorough assessment of his current mental state.

**CONCLUSION**

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

Decision Date: July 17, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**JAMES EVERS, E-95816**  
Second Degree Murder

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

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

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

**STATEMENT OF FACTS**

James Evers lived with his wife, Shawn, their one-year-old, Brianna, and his two-year-old stepson, Michael. On November 13, 1990, Mrs. Evers put Michael to bed. A few minutes later, Mrs. Evers went to check on Michael, but Mr. Evers blocked her from entering Michael's room. Although Mrs. Evers found this unusual, she went to bed. The next morning, Mrs. Evers' mother, Elizabeth Landerts, arrived at the apartment to take the children to their babysitter. When Ms. Landerts entered Michael's bedroom, she found him face down on the floor with vomit nearby. Michael was not breathing. Mrs. Evers' resuscitation efforts were unsuccessful; Michael was already dead. The medical examiner concluded that the cause of death was the result of nonaccidental blunt injury to the head, caused by "very major force" that was likely caused by "violent shaking, violent angry whipping back and forth in the head" or by slamming Michael down on a soft surface. Michael's external injuries consisted of contusions and abrasions on various parts of his body, including his scalp, face, and jaw. The internal autopsy revealed that Michael suffered brain hemorrhaging and a tear in the structure that joins the brain's hemispheres. Additionally, a weeks-old hemorrhage in the fatty tissue covering the kidneys and pancreas was discovered. Another doctor found that Michael suffered injuries to his abdomen that most often occur from "being stepped on, stomped on, or struck with a fist" and that the injuries could have been inflicted up to 12 hours prior to Michael's arrival at the hospital.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Evers suitable for parole based on his minimal prior criminal history, acceptance of responsibility, insight, self-help programming, educational and vocational achievements, parole plans, lack of serious prison misconduct, and risk assessment.

I acknowledge Mr. Evers has made efforts to improve himself while incarcerated. He has never been disciplined for serious misconduct during the nearly 25 years he has been incarcerated. Mr. Evers has participated in self-help programming, including Prisoners Against Child Abuse, Child Abuse Awareness, Domestic Violence, and Anger Management. He has also served as a hospice volunteer and worked as a caregiver for disabled inmates. I commend Mr. Evers for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Evers' crime was appalling. He admitted that he slammed his vulnerable 2-year-old stepson onto his bed twice, with enough force to kill him. Examining physicians also observed injuries on Michael's abdomen consistent with being stomped on. This was not the first time Mr. Evers abused his children. He was previously charged with child abuse for immersing Michael's feet in scalding water when he was only 11 months old, causing second-degree burns and blistering. During another incident, Mr. Evers shook his 6-week-old daughter so violently that he caused her to become functionally blind and permanently disabled. As a result of pleading guilty to child abuse for burning his stepson's feet, a no-contact order was in place at the time of Michael's murder, and Mr. Evers should not have been anywhere near Michael at the time of this crime. Finally, Mr. Evers denied this horrific crime for over 20 years until admitting in 2013 that he intentionally hurt Michael and caused his death.

I am concerned that Mr. Evers minimizes the extent of his violent behavior. In addition to the head trauma Michael sustained, he also suffered abdominal injuries. One doctor believed the injuries were caused by being stepped or stomped on and occurred the night of Michael's murder. When discussing Michael's murder with the Board, Mr. Evers mentioned punching Michael in the stomach three to four weeks prior to his death, but he never explained the more recent abdominal injuries that doctors observed. Similarly, Mr. Evers has failed to take responsibility for the injuries Michael suffered stemming from the earlier child abuse conviction. Although Mr. Evers pled guilty to child abuse for burning Michael's feet in water, he told the Board that he did not intentionally hurt Michael. He claimed that he left Michael in the bathtub and did not realize that the water was very hot. However, the doctors who examined Michael opined that the burn marks indicated Michael had been forcefully immersed in hot water. It took Mr. Evers many years to accept responsibility for Michael's murder, and I am not convinced that he has accepted responsibility for all of his violent behavior.

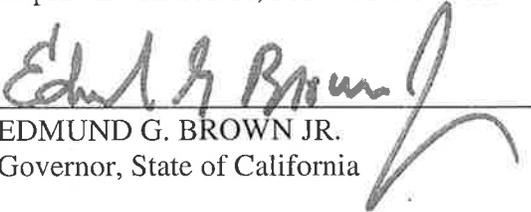
Mr. Evers has also not sufficiently explained why he continuously abused his children, or why he ultimately killed Michael. During his most recent psychological evaluation, Mr. Evers stated that he beat Michael because he had "no control." He said that he was angry and frustrated because his "life was a mess" and because he was having marital problems. Mr. Evers reported that he was unwilling to end his marriage because he did not want to be like his father. During his hearing, Mr. Evers told the Board that his anger developed during childhood because he was abused. He said that he directed his anger at the children because he "blamed them for everything that was wrong in [his] life." He further claimed that his lack of parenting and communication skills contributed to his violence.

These explanations are inadequate. Experiencing abuse as a child, marital discord, and lack of parenting skills do not account for the extreme violence Mr. Evers inflicted upon his children, or why he ultimately killed Michael. It is unfathomable that none of the prior incidents of abuse, including the one that led to a conviction, got through to Mr. Evers that he had a very serious anger problem that had to be faced and dealt with. He had several opportunities to address his issues, but even failed to attend court-ordered counseling. Until Mr. Evers is able to come to terms with the full extent of his abuse, I am concerned that he will act out violently again if released.

**CONCLUSION**

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

Decision Date: July 31, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**MANUEL HERNANDEZ, E-11300**  
First Degree Murder

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

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

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

**STATEMENT OF FACTS**

On October 4, 1987, Melissa Rubin took BART to visit her grandmother. Once she got off the train, Manuel Hernandez approached her and tried to convince her to go to dinner or a nightclub with him. She declined and asked him to leave her alone several times. Mr. Hernandez persisted, and as she walked away, he grabbed her from behind her neck and threatened her with a kitchen knife in his hand. Ms. Rubin screamed and struggled, and Mr. Hernandez stabbed her multiple times. He pulled her body to a bush approximately 70 feet away, where he digitally penetrated her. He then continued stabbing her in the chest, abdomen, and throat, killing her. When police found Ms. Rubin's body, her shirt was pulled up to expose her breasts and her pants were pulled down to her knees. She had been stabbed eighteen times.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Hernandez suitable for parole based on his participation in self-help classes, his insight, lack of recent misconduct, support in the community, parole plans, and acceptance of responsibility.

I acknowledge Mr. Hernandez has made efforts to improve himself while incarcerated over the last 27 years. He has participated in numerous self-help programs including Alcoholics Anonymous, Alternatives to Violence, and Anger Management. He was elected to be a facilitator in Alternatives to Violence and Criminals and Gangmembers Anonymous. He has written book reports on Domestic Violence, Sexual Assault, and Anger Management. He has completed several vocational training programs. He has support from a priest, a co-facilitator for Alternatives to Violence, the executive director of Bay Area Women against Rape, and from his

family in Mexico. I commend Mr. Hernandez for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Hernandez's crime was cruel and unprovoked. Mr. Hernandez approached a stranger as she exited a BART train. She repeatedly rebuffed his advances, and instead of respecting her wishes, Mr. Hernandez violently attacked her, stabbing her to death and sexually assaulting her. The fact that he would react so violently to a conversation that lasted only a few minutes is unsettling and demonstrates a callous disregard for the welfare of others. It is further troubling to see that Mr. Hernandez was arrested and charged with attempted rape for a similar assault of a 23-year-old developmentally delayed woman at another BART station. She identified Mr. Hernandez as the person who put a knife to her throat and tried to force her to remove her clothes. I note that Mr. Hernandez continues to deny this allegation and that a judge dismissed the charge against him. In doing so, the judge said that he "believed that the crime occurred but felt that there was too much conflicting evidence to justify the charge."

I am troubled that Mr. Hernandez cannot better explain his vicious crime. He told the Board that he "wanted to use a knife to persuade her, force her to go with me and spend the night with me." He said that he struggled with Ms. Rubin "to stop her from screaming, not more than that." He told the psychologist who evaluated him in 2014 that he stabbed Ms. Rubin because he was angry, felt a sense of losing control, wanted to "get even" with her, and wanted to "humiliate" her for refusing his advances. He acknowledged that it "wasn't realistic and it was delusional" to believe Ms. Rubin would have gone with him voluntarily because he threatened her with a knife. Ms. Rubin's refusal of Mr. Hernandez's advances in no way explains this brutal murder and sexual assault. It makes little sense that Mr. Hernandez wanted to "humiliate" and "get even" with a woman he had barely met and had spoken to for a total of three minutes. Further, by claiming that he only struggled with Ms. Rubin "to stop her from screaming," Mr. Hernandez minimizes the severity of his extraordinary and unprovoked attack. I am encouraged that Mr. Hernandez now admits that he sexually assaulted Ms. Rubin, although he had denied doing so for decades. I remain concerned, however, that Mr. Hernandez has yet to adequately explain why he attacked and killed a random woman.

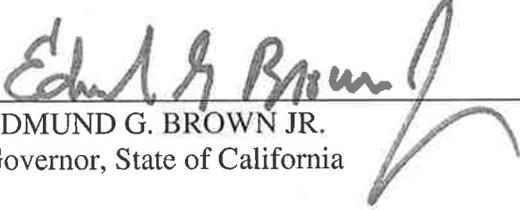
I am also not convinced that Mr. Hernandez is willing or able to abide by the rules. While in prison, Mr. Hernandez has been disciplined for serious misconduct 12 times, six of which were for violence with other inmates. In 2008, officers observed Mr. Hernandez attacking another inmate. Correctional Officers fired a .40 mm round in his direction, yet Mr. Hernandez continued to chase the other inmate, eventually pinning him to the ground until staff could arrive to stop the fight with pepper spray. This was less than a year after Mr. Hernandez got into a fight with two other inmates. During that incident, Mr. Hernandez and the two other inmates refused to stop fighting and lay on the ground, even when ordered to do so numerous times while surrounded by a skirmish line of Correctional Officers. When the two other inmates finally started to follow the directions of the officers, Mr. Hernandez used the opportunity to attack one of the inmates, and officers had to use pepper spray to stop the fight. Simply put, Mr. Hernandez's persistent and relatively recent violent behavior in prison does not assure me that he is ready to be released.

Manuel Hernandez, E-11300  
First Degree Murder  
Page 3

CONCLUSION

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

Decision Date: July 31, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**RAE LIU, W-86408**  
Second Degree Murder

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

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

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

**STATEMENT OF FACTS**

In 1995, Rae Liu and Robert Savela started having an affair and divorced their spouses. Their relationship began to deteriorate due to arguments and Ms. Liu's aggressive behavior, and Ms. Liu moved out in June 1996. Between December 1996 and September 1998, as Mr. Savela attempted to end the relationship, Ms. Liu made 2,053 phone calls to Mr. Savela at his work and home. She left numerous voicemails threatening to kill Mr. Savela and his family, including his six-year-old daughter, stating, "Tonight you'll be dead. The whole family will be dead," and "You're gonna die in a horrible way." Ms. Liu also made several unannounced visits to Mr. Savela's home, where she threatened him and herself with a knife and hit, bit, and attempted to choke him.

On September 13, 1998, Ms. Liu called Mr. Savela twice in the morning and then came to his house. Mr. Savela left with Ms. Liu, telling his ex-wife who had moved back in with him, "If I'm not back by midnight, call the police because I'm dead." Ms. Liu and Mr. Savela drove to a park, where he told her that she could not "let go." Mr. Savela got out of the car, and Ms. Liu rammed her car into him. Based upon the tire marks and other physical evidence, investigators concluded that Ms. Liu had accelerated backwards and forwards a number of times, ran over a concrete bump, and then hit Mr. Savela while driving at about 25 miles per hour, pinning him between the car and a guardrail. Mr. Savela's body was twisted and contorted; he died later the same day of massive internal injuries to his kidney, bowels, and spleen.

**GOVERNING LAW**

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

### DECISION

The Board of Parole Hearings found Ms. Liu suitable for parole based on her lack of prior criminal history, positive behavior in prison, self-help, remorse, acceptance of responsibility, and risk assessment.

I acknowledge Ms. Liu has made efforts to improve herself while incarcerated. She has participated in self-help programming, including Domestic Violence, Emotions Anonymous, and Alternatives to Violence. She completed several vocational training programs and received positive assessments and commendations from work supervisors and prison staff. Ms. Liu has never received a serious rules violation during the nearly 17 years she has been in prison. I commend Ms. Liu for taking these positive steps. But they are outweighed by negative factors that demonstrate she remains unsuitable for parole.

Ms. Liu's crime was appalling and cruel. Ms. Liu stalked Mr. Savela for two years, calling him thousands of times and threatening him and his family, before running him down with her car and killing him. Incredibly, Ms. Liu maintained she had accidentally killed Mr. Savela until 2007. I note that Mr. Savela's family has expressed their ongoing sense of loss and continues to oppose Ms. Liu's parole.

I am concerned that Ms. Liu has not adequately explored what led to her obsessive behavior that culminated in Mr. Savela's murder. She told the Board that she was insecure, and when Mr. Savela tried to end their relationship she became "very miserable, very angry, and violent. ... I was very, very jealous. Insanely jealous." She claimed that she was raised in a violent, tumultuous household, and so she learned to manipulate people to get her way and believed that violence was "acceptable behavior." She said that she has now learned to communicate effectively and to ask for help, saying, "I don't act on my emotions, impulse."

These explanations fall short. Ms. Liu was a 34-year-old, financially independent, highly educated woman who had been in serious relationships before. Although Ms. Liu's actions were emotional and manipulative, they were far from impulsive. It remains unclear to me why Ms. Liu could not move on when her relationship with Mr. Savela ended, why she was overpowered by her compulsions for so long, and why she ultimately killed him after two years of threats and stalking. Ms. Liu claims that she now thinks before she acts and uses "self-talk" to avoid confrontation and control her anger. I would like to see a more fully developed relapse prevention plan that demonstrates Ms. Liu knows how she intends to deal with such powerful feelings in the future, who she plans to call, and when she feels it is necessary to ask for help. Until Ms. Liu has addressed these issues, I am not convinced that she will be able to respond without violence if she is released and encounters hardships in another relationship.

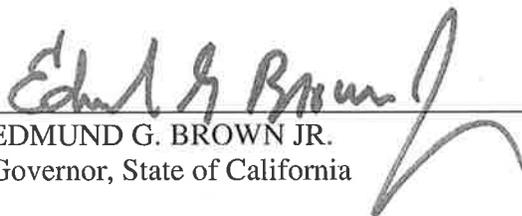
### CONCLUSION

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

Rae Liu, W-86408  
Second Degree Murder  
Page 3

unreasonable danger to society if released from prison. Therefore, I reverse the decision to parole Ms. Liu.

Decision Date: July 31, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**TIMOTHY CALDERON, J-91302**  
Second Degree Murder

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

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

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

**STATEMENT OF FACTS**

Timothy Calderon began dating Violet Guerrero in June 1994. On March 30, 1995, Mr. Calderon and Ms. Guerrero were drinking at Mr. Calderon's house. They left in Ms. Guerrero's car and parked a few blocks away. Ms. Guerrero accused Mr. Calderon of cheating on her, and Mr. Calderon grabbed Ms. Guerrero by the throat and strangled her to death. Mr. Calderon went home and told his seventeen-year-old brother about the murder. They moved Ms. Guerrero's body to the trunk of her car, and drove her car to the store to buy supplies to dispose of her body. Mr. Calderon and his brother wrapped Ms. Guerrero's body in garbage bags and duct tape, and dumped her off a bridge onto a river bank.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Calderon suitable for parole based on his participation in self-help classes, acceptance of responsibility, insight, parole plans, education, vocational training, and his risk assessment.

I acknowledge Mr. Calderon has made efforts to improve himself while incarcerated. He has not been disciplined for serious misconduct since 2000. Since then, he has earned his GED and associate's degree, as well as multiple vocational certifications. Mr. Calderon has participated in self-help programs including Alcoholics Anonymous, the Substance Abuse Program, and Anger Management. I commend Mr. Calderon for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

This was a senseless and cruel crime. When Ms. Guerrero confronted Mr. Calderon about his infidelity, he strangled her to death with his own hands. Mr. Calderon then disposed of her body, dumping it over a bridge.

I reversed Mr. Calderon's 2013 parole grant based on his minimization of his crime and his superficial insight regarding his substance abuse. Although the Board found Mr. Calderon suitable for parole again in April, my concerns are not yet alleviated.

Mr. Calderon continues to minimize his role in Ms. Guerrero's murder. He told the Board that he had been drinking, and that he became angry because Ms. Guerrero "got in [his] face" and grabbed his shirt collar. He said that he then "pushed her back." He continued, "She was kind of pinned in the back seat a little bit...that's when I ended up – she, I guess passed out but I didn't notice any of that and I was – she died because of the result of me grabbing her by the neck." Mr. Calderon maintains that he was unaware that he was strangling Ms. Guerrero because he was drunk, it was dark in the car, a tape was playing, and he was yelling at her. I find these explanations difficult to believe. Mr. Calderon did not merely "grab" Ms. Guerrero by the neck; he strangled her to death while she fought to survive. The doctor who conducted the autopsy reported that the bruising on Ms. Guerrero's neck indicated that she engaged in a "struggle for life or death" with Mr. Calderon before falling unconscious. Mr. Calderon's claim that he did not notice this struggle because of music playing and his own yelling strains credulity and minimizes his responsibility for her violent death. Mr. Calderon's account also does little to explain why he reacted so violently to their argument. The psychologist who evaluated Mr. Calderon in 2015 noted that despite his intelligence and participation in self-help programs, his insight into the crime and his violent conduct remained "limited" and "superficial." Mr. Calderon's minimization of his crime and shallow explanations indicate that he has not yet confronted the reality of his actions.

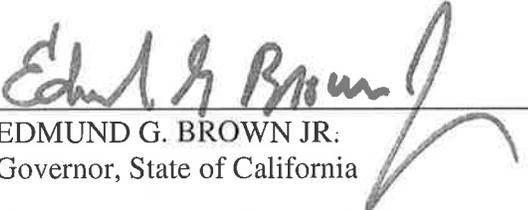
Additionally, I remain concerned about Mr. Calderon's sobriety. Anyone who claims he was so drunk that he killed without even realizing it has a serious problem. Because of the extreme violence he perpetrated while under the influence, Mr. Calderon must do more to assure me that he has a good handle on his alcohol use. It is not clear from the record whether Mr. Calderon now knows the steps or has an understanding of how he came to drink so much. The 2015 psychologist concluded that Mr. Calderon's "insight into his substance usage (particularly internal factors which may have contributed to his usage, and might place him at risk for further usage)...was generally superficial." While I commend Mr. Calderon for his recent participation in self-help classes, it does not appear to have contributed to his understanding of his substance abuse. Mr. Calderon must master the twelve steps or show in some equivalent way that he is prepared to control his alcohol use.

Timothy Calderon, J-91302  
Second Degree Murder  
Page 3

CONCLUSION

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

Decision Date: August 14, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**PAUL TANIMITSU, C-57091**  
Second degree murder

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

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

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

**STATEMENT OF FACTS**

On the evening of October 11, 1980, Paul and Sok Tanimitsu's 3-year-old daughter, Nancy, would not stop crying. To discipline her for crying, from 7 p.m. to 4 a.m., Paul and Sok beat Nancy with their hands, a wooden stick, and a rubber hose. They forced Nancy to stand in a corner with her arms raised and if she lowered them, they shoved a stick down her throat. Paul and Sok placed Nancy in the bathtub and sprayed her face and body with cold water, and Paul gagged Nancy with a towel to muffle the noises she was making. Nancy lost four teeth because she was clenching her teeth so tightly due to the pain and she asphyxiated on her own vomit while the towel was tied around her head. She had over 60 contusions and injuries on her body from the abuse. Mr. Tanimitsu was arrested that day.

The couple had disciplined Nancy for over a year before her death in the same manner. Reiko, the couple's 5-year-old daughter, "indicated similar physical abuse" and reported nightmares about her sister's death, her parents coming to kill her, and being locked in a dark garage by her mother.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Tanimitsu suitable for parole based on his length of incarceration, lack of disciplinary history, lack of criminal history, remorse, acceptance of responsibility, self-help programming, and current age.

I acknowledge Mr. Tanimitsu has been incarcerated for over 34 years and is now 63 years old. He has made efforts to improve himself while incarcerated. He has never been disciplined for any misconduct throughout his incarceration. Since I reversed Mr. Tanimitsu's grant of parole last year, he has continued his enrollment in Alcoholics Anonymous and Anger Management, and has participated in Domestic Violence and Ending Intimate Partner Violence. He completed vocational training and routinely received positive work ratings. I commend Mr. Tanimitsu for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Tanimitsu's crime was utterly reprehensible and violative of every notion of parental love and responsibility. Rather than care for their young child, both parents tortured their three-year-old daughter for nine hours straight until she ultimately asphyxiated in her own vomit. The pain and suffering Nancy endured in her short life is unimaginable. This was not the first time Mr. Tanimitsu abused his own daughter. He had previously abused Nancy for over a year and also abused his older daughter, Reiko, who has had no further contact with him.

In 2014, I reversed the Board's grant of parole because of Mr. Tanimitsu's failure to adequately explain why he tortured and killed his own daughter, his minimization of his role in the crime, and his insufficient rehabilitative efforts. Unfortunately, Mr. Tanimitsu still cannot give a credible account of his behavior.

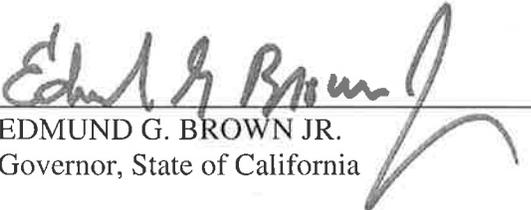
I am deeply troubled by Mr. Tanimitsu's lame explanations for why he killed Nancy. When asked by the psychologist in 2015 why he killed Nancy, Mr. Tanimitsu merely said, "Because I didn't know how to deal with the situation." When asked what factors led to the building pressure that erupted into the life crime he replied, "I can't really say. It was a 180 degree difference between the children and the circumstances." The psychologist noted that "this does not explain his actions, or why he did what he did," yet concluded that Mr. Tanimitsu "exhibited a thorough understanding of his role in the life crime." Given Mr. Tanimitsu's superficial responses, I find the psychologist's conclusion unsubstantiated. During his most recent hearing, Mr. Tanimitsu again placed the blame on his wife and the situation itself by stating he tied Nancy up because he "wanted to keep peace" between his wife and Nancy, and because he had "to get in between the two of them." He later added that he also tied Nancy so that he could sleep. His statements are not illuminating and undermine the severity and extent of his abuse of Nancy. They show that he continues to portray himself as a victim by stating he was just trying to "help" the situation. It is troubling that, even after 35 years, he continues to give shallow answers for why he killed his daughter. I am encouraged to see that Mr. Tanimitsu has participated in some additional self-help classes in the last year, but I urge him to continue exploring his crime and his own role in the violence by participating in self-help programming and counseling.

Paul Tanimitsu, C-57091  
Second degree murder  
Page 3

**CONCLUSION**

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

Decision Date: August 14, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**FRANCISCO LEDESMA, J-68529**  
Second degree murder

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

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

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

**STATEMENT OF FACTS**

On September 4, 1994, Francisco Ledesma drove Luis Mejia and two other men to Francisco Flores' house to settle a dispute. As Mr. Ledesma drove slowly by Mr. Flores' house, Mr. Mejia fired seven shots towards the house. One shot hit Mr. Flores in the chest, killing him. Mr. Flores' 14-year-old cousin, Poli Flores, was shot in the left arm, and a family friend, Henry Mascorro, suffered a wound to the leg; both survived. Mr. Ledesma turned off the car's headlights and drove away from the scene.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Ledesma suitable for parole based on his remorse, acceptance of responsibility, lack of violent criminal history, age at the time of the crime, disassociation from gangs, candor, self-help programming, and staff support.

I acknowledge Mr. Ledesma has made efforts to improve himself while incarcerated. He has participated in self-help programming including Alcoholics and Narcotics Anonymous, Life-Skills, Victim Awareness, and Nonviolent Communication. He has not been disciplined for serious misconduct since 2009 and claims he distanced himself from gang activity in 2010. He has completed vocational training and has received several commendations from staff. I commend Mr. Ledesma for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Ledesma's crime was callous. Mr. Ledesma drove a car into rival gang territory with knowledge that his co-defendants were going to open fire at a rival gang member's house. As a result of Mr. Ledesma's participation in the drive-by shooting, Mr. Flores died, and two others were injured, including a 14-year-old girl. Mr. Ledesma was willing to participate in this crime without any personal motivation or concern for anyone who would be hurt.

I am concerned about Mr. Ledesma's ability to remain sober. Mr. Ledesma began drinking at age 12, smoking marijuana at 16, using and selling methamphetamine at 16, and using cocaine at 17. By 18, Mr. Ledesma was smoking "an eight ball" of methamphetamine on a daily basis. Hours before the life crime, Mr. Ledesma used "\$50 worth" of methamphetamine. He told the psychologist in 2013 that being under the influence of methamphetamine had "a lot" to do with his actions and judgment on the day of the crime and "blinded" his thinking. He reiterated to the Board in 2015 that methamphetamine played a role in the life crime. Mr. Ledesma continued using drugs and alcohol in prison. He received serious rules violations for possession of alcohol in 1997, possession of 33 bindles of tobacco and one bindle of heroin in 2008, and for a positive urinalysis for methamphetamine in 2009. As a result of his 2008 heroin possession, he received a new criminal conviction and must serve an additional two year and eight month prison term.

The 2013 psychologist rated Mr. Ledesma a moderate-to-high overall risk if released. These ratings were based in part on Mr. Ledesma's history of substance abuse coupled with his recent disciplinary violations for heroin and methamphetamine. The psychologist noted that Mr. Ledesma continued to abuse narcotics despite being enrolled in substance abuse treatment programs and receiving an additional prison term. The psychologist opined that, "Such a pattern of behavior suggests that not only does Mr. Ledesma have a hard time abstaining from substance use, but ongoing sanctions do not appear to have a sufficient effect on him." The psychologist had "significant concerns about Mr. Ledesma's ability to remain clean and sober in stressful situations," and concluded that the nature of his most recent disciplinary violations "increase[s] his risk of relapse, which in kind, increases his risk of poor judgment, impulsivity and ultimately his risk of future violence."

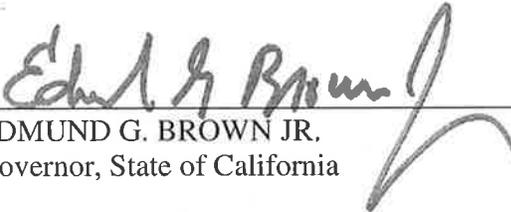
Given these concerns, I am not prepared to release Mr. Ledesma at this time. I commend Mr. Ledesma for remaining sober since 2010, but his drug abuse continued for well over a decade into his incarceration, despite sanctions placed upon him and his enrollment in substance abuse treatment programs. Given the severity of his addiction, I believe he needs more time to demonstrate he can remain sober if released. I urge Mr. Ledesma to continue participating in substance abuse programming to address his addiction, and to remain free of serious and minor disciplinary violations. I also direct the Board to administer a new comprehensive risk assessment before Mr. Ledesma's next hearing to provide a current assessment of the risk he poses.

Francisco Ledesma, J-68529  
Second degree murder  
Page 3

CONCLUSION

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

Decision Date: August 21, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**TYREE DABNEY, K-55204**  
First Degree Murder

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

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

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

**STATEMENT OF FACTS**

On January 26, 1994, Tyree Dabney and Ricardo Grant drove to a furniture and appliance store operated by Harry and Tracy Ngo with plans to rob the store. Mr. Grant was armed with a .32 caliber revolver and Mr. Dabney was armed with a .357 magnum revolver. Mr. Dabney and Mr. Grant entered the store, pretended to be customers, and brandished their guns. Mr. Ngo pulled out a .38 caliber revolver he kept at the store and the three exchanged gunfire. Mr. Ngo and Mr. Grant were shot, and Mr. Dabney and Mr. Grant fled; Mr. Grant died in the car a quarter mile from the store. Mr. Ngo was shot a total of five times, and died; the fatal wound came from Mr. Dabney's .357 magnum.

Mr. Dabney was originally sentenced to two consecutive terms of life without the possibility of parole after a jury convicted him of two counts of first degree murder with special circumstances and one count of second degree robbery. In 1999, the Second District Court of Appeal reversed Mr. Dabney's murder conviction as to Mr. Grant's death, but upheld the conviction for Mr. Ngo's murder. In 2014, the Los Angeles Superior Court recalled Mr. Dabney's sentence pursuant to Penal Code section 1170, subdivision (d)(2) because of his age at the time of the crime, and resentenced him to a term of 29 years to life. He has now served just under 22 years and is eligible for parole.

**GOVERNING LAW**

The question I must answer is whether Mr. Dabney will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.) 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. Dabney suitable for parole based on his age at the time of the crime, minimal criminal history, maturity, educational achievements, self-help programming, disassociation from gangs, and parole plans.

Mr. Dabney was only 17 years old when he callously shot and killed Mr. Ngo at his own business in front of his wife and other customers. I acknowledge that Mr. Dabney reported having a "highly unstable and dysfunctional childhood." He reported that he did not find out his biological mother's identity until he was six years old and he was molested by a neighbor for several years starting when he was twelve. In 2015, the psychologist who evaluated Mr. Dabney opined that "his behavior was largely a product of his circumstances. His early home life was abusive and highly dysfunctional, and he was surrounded by substance use, crime, and violence. He had very few positive influences in his life, and he was taken away from or lost those few positive influence[s] he did have. As such, he was vulnerable and susceptible to adopting the mindset and actions of those in his environment." Mr. Dabney has had a significant opportunity to reform in his nearly 22 years in prison. I commend Mr. Dabney for dropping out of a gang, earning his high school diploma, receiving positive work ratings, and recently participating in self-help programming including Narcotics Anonymous, Addiction and Anger Management, and Victim Sensitivity. I carefully examined the record for evidence of his increased maturity and rehabilitation and gave great weight to these factors when considering Mr. Dabney's suitability for parole. However, they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

For the majority of his incarceration, Mr. Dabney has not shown that he can avoid violence or abide by the rules. Mr. Dabney associated with the Crips for nearly 15 years in prison, until he disassociated in 2010. He was disciplined 9 times for serious misconduct. Five of these violations were for violent behavior including battery on an inmate, mutual combat, and participating in a riot that required the use of pepper spray. In 2009, he flushed a cell phone down the toilet to destroy evidence as officers were actively trying to confiscate the phone. Even after his disassociation from the gang, he continued to engage in serious misconduct. He was disciplined for attempting to flush another cell phone down the toilet in 2010, and again for possession of a cell phone in 2012. This behavior demonstrates a sustained and serious pattern of impulsivity and violence that extended years into Mr. Dabney's incarceration.

I am encouraged to see that Mr. Dabney began engaging in self-help classes in 2013 and that he distanced himself from gangs. However, given his poor behavior for many years and his only recent progress, I believe he needs more time to demonstrate a sustained commitment to prosocial behavior.

Tyree Dabney, K-55204  
First Degree Murder  
Page 3

CONCLUSION

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

Decision Date: August 28, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**CHRISTOPHER GILMORE, D-75500**  
Second Degree Murder

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

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

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

**STATEMENT OF FACTS**

On June 21, 1987, Carrie Gilmore went to work while her husband, Christopher Gilmore, watched their four-month old son, Talon. At about 5:50 p.m., Mr. Gilmore went to his wife's workplace and told her Talon was sick and needed to be taken to a hospital. She closed her place of business and went to the car. Talon was not breathing and felt cool to her touch. Mrs. Gilmore told a probation officer that she would "never understand" why Mr. Gilmore decided to come and get her, rather than taking the baby to the hospital directly, which was closer to their house than her business. She also noted that Mr. Gilmore "drove perfectly normal, not as a man in a hurry who was concerned about his baby's health," and said that she thought he knew the child was already dead. Once they arrived at the hospital, efforts were made to revive the baby. Talon was pronounced dead the following morning. An autopsy determined that the cause of Talon's death was craniocerebral trauma with blunt force to the skull, and that Talon had likely been previously battered.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Gilmore suitable for parole based on the amount of time he has served, his lack of criminal history, family support, acceptance of responsibility for his child's death, his current age, parole plans, vocational training, lack of violent misconduct for the last ten years, participation in self-help programs, and risk rating.

I acknowledge Mr. Gilmore has made efforts to improve himself while incarcerated. He has completed vocational training in office services and masonry and has not been disciplined for serious misconduct since 2011. He has participated in some self-help programming. He has received positive work ratings and has donated money to community programs. I commend Mr. Gilmore for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Gilmore's crime was appalling. A father is supposed to protect his children, not unleash such rage on the most vulnerable and helpless of victims. Talon could not get away from his father's attack, defend himself, or seek help of any kind. Mr. Gilmore summoned no medical assistance immediately; he took the time to pick up his wife before going to the hospital. And when she got into the car, Talon's body was already cold and he was not breathing. Even after he was extradited back to California to be held accountable for his horrible crime and had pled to the charges, Mr. Gilmore blamed his wife for his troubles and threatened to "come after her" upon his release from prison.

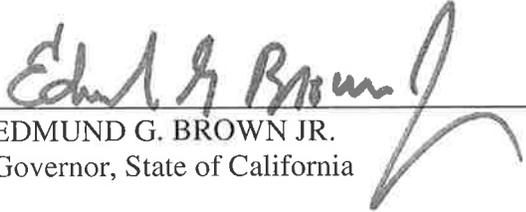
I am troubled by Mr. Gilmore's varying descriptions of Talon's death and his failure to honestly acknowledge the level of violence he used to kill his son. Mr. Gilmore initially told his wife that Talon had rolled off the couch and onto the floor. She overheard him later telling his mother that he had put the baby on a pillow in the bedroom face down and that the baby was not breathing afterwards. Mr. Gilmore told the probation officer that he was "in a fit of anger and could not get the baby to quit crying." In his most recent account, Mr. Gilmore claimed that the child had begun to cry, so he "played" with him by laying Talon on the bed and pressing down on the mattress with both of his hands, causing Talon to "bounce slightly." He claimed he continued to bounce the child on the bed until, at one point, "the child stopped crying and he realized the infant was not breathing." I note that the psychologist who evaluated Mr. Gilmore in 2011 believed there was "no current clinically valid way to determine whether or not Mr. Gilmore's account is medically plausible." I must disagree. Common sense dictates that this new account for the murder is not credible. Infants do not suffer fatal trauma from being playfully bounced on a mattress. In fact, the Long Beach Police Department has written letters through the years referencing the post-mortem medical examination done in this case. It found that Talon suffered a skull fracture behind both ears with subdural hematomas on the right and left sides of his skull, a subarachnoid hemorrhage, and had grab marks on his abdomen and four previously-broken ribs. Importantly, the medical examiner concluded that the baby's death "was caused either by being held and hit against a curved object or being struck by an object." These findings are neither consistent with Mr. Gilmore's initial claim that Talon rolled off of a sofa, nor his story now that the baby died from being bounced on the bed. It is clear that Mr. Gilmore has not yet come to terms with the fact that he intentionally killed his child. Until he has sufficiently worked through this, I am concerned he will act out violently again and I am not ready to release him.

Christopher Gilmore, D-75500  
Second Degree Murder  
Page 3

CONCLUSION

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

Decision Date: August 28, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**GEORGE RAMIREZ , B-97007**  
First Degree Murder

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

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

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

**STATEMENT OF FACTS**

On January 15, 1978, a K.S. Longo gang member stabbed and killed a rival Hawaiian Gardens gang member. The victim's brother was housed in the California Youth Authority, as were Hawaiian Gardens members Eddie Blajos and George Ramirez. Later that day, Mr. Blajos came up behind Joseph Trujillo, a K.S. Longo member. Mr. Blajos took a clothes hanger and wrapped it around Mr. Trujillo's neck. Mr. Trujillo struggled, slipped out of his chair, and fell to the floor. Mr. Blajos continued to strangle Mr. Trujillo, putting his knee on Mr. Trujillo's back and pulling on the coat hanger. Mr. Ramirez began punching Mr. Trujillo in the head. Mr. Blajos ordered Mr. Ramirez and Richard Salcido to "keep the staff away from me." Mr. Ramirez and Mr. Salcido threw chairs at a staff member who was attempting to intervene and chased him out of the room. After the staff member left to get assistance, Mr. Ramirez pulled out an inmate manufactured weapon, stabbed Mr. Trujillo several times, and stomped on his head. Mr. Blajos, Mr. Ramirez, and Mr. Salcido laughed, shook hands, and played ping pong until staff arrived and they were arrested.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Ramirez suitable for parole based on his length of incarceration, age at the time of the crime, current age, his acceptance of responsibility, early drop out from gangs, parole plans, participation in self-help, and vocational programming.

I acknowledge Mr. Ramirez has made efforts to improve himself while incarcerated. He has completed his GED and has completed some vocational training. He has not been disciplined for serious misconduct since 2011 and has routinely received positive work ratings. He has written

to at-risk youth in the community and has donated money to charity. He has participated in some self-help classes, including Alcoholics and Narcotics Anonymous, Celebrate Recovery, Criminals and Gangmembers Anonymous, and Anger Management. I commend Mr. Ramirez for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Ramirez's crime was brutal and cruel. He and his fellow gang members, already in the California Youth Authority, heard of gang activity on the street and voted to take the life of a rival gang member. They carried out their plan by attacking an unsuspecting young man with inmate-manufactured weapons, stomping on his head, and throwing chairs at staff members.

I am not convinced that Mr. Ramirez will be willing or able to follow the law if he returns to society. Mr. Ramirez has a long criminal record. With the exception of only a few months, he has been incarcerated since he was 14 years old. During this prison term, Mr. Ramirez has received two consecutive prison terms for possession of drugs in prison in 1989 and 2000. Yet, additional sentencing and punishments have not seemed deter Mr. Ramirez's criminal behavior. Mr. Ramirez has shown blatant disregard for the rules, receiving 51 rules violations reports, including eight for violence and eight for substance abuse. Two of his last three rules violations – most recently in 2011 – have been for mutual combat with other inmates, his version of which is completely different than that of the officers on the scene. Until Mr. Ramirez demonstrates a longer-term commitment to following the rules, I cannot be convinced he will not be violent again.

I am troubled by Mr. Ramirez's attitude towards his substance abuse problem. In various psychological evaluations, Mr. Ramirez has admitted using alcohol, PCP, LSD, cocaine, marijuana, and inhalants. He admitted in his 2011 psychological evaluation that he began using heroin, acid, and marijuana in his early teens. As discussed above, Mr. Ramirez has earned multiple rules violations and additional prison terms for possession and consumption of substances. As recently as 2006, Mr. Ramirez has tested positive for cannabinoids. Despite this history, Mr. Ramirez told the 2011 psychologist that he "did not have a substance abuse problem" and said that he had not been involved in the twelve steps even though the record shows he attended Alcoholics or Narcotics Anonymous for several years. When asked by the psychologist whether he would remain sober if granted parole Mr. Ramirez replied, "I don't know." He told the Board at his 2015 hearing that he "never became an addict." The psychologist opined that if Mr. Ramirez were to use substances again, he would be "at significantly increased risk for engaging in impulsive behavior that may be violent or criminal in nature." From all this, I have to conclude that Mr. Ramirez has not yet made a serious commitment to do what is necessary to avoid the kind of drug and alcohol problems that he's clearly had during his life.

Mr. Ramirez's elevated risk scores support my concerns. The psychologist who most recently evaluated him gave him moderate ratings for psychopathy and violent recidivism and a high risk of general recidivism. He was a moderate overall risk in society. These risk ratings were in part due to Mr. Ramirez's history of violent crime and substance abuse problems and "inadequate

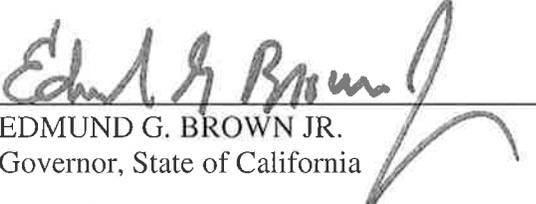
level of insight into understanding the factors that contributed to his antisocial / criminal conduct, substance use / abuse, and ultimately the commission of the life crime.”

Mr. Ramirez could have been out of prison by now – in fact many, many years ago – if he had only refrained from breaking the rules like thousands of other inmates have been able to do. I encourage him to conscientiously engage in serious drug abuse programs and take stock of his life and what he’s done up until now. I am directing the Board to administer a new comprehensive risk assessment before his next parole hearing, and I direct Mr. Ramirez to take that assessment seriously because this is a real opportunity for him to demonstrate that he is finally ready to return to free society.

**CONCLUSION**

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

Decision Date: August 28, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**MICHAEL DUBOV, J-96133**

First Degree Murder

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

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

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

**STATEMENT OF FACTS**

Michael Dubov and Mika Bissett had previously dated and broken up, but she let him stay on the couch in her apartment. On December 13th, 1993, Ms. Bissett kicked Mr. Dubov out of her apartment after they got into an argument about her relationship with another man. Two people saw Ms. Bissett and Mr. Dubov arguing. Ms. Bissett looked scared and would not let Mr. Dubov into her apartment. Mr. Dubov told one man that he would have to break in to get his stereo and mumbled under his breath, "Fucking bitch. I'm going to kill this bitch." Ms. Bissett called her mother that day in hysterics. Later that day or the next, Mr. Dubov got back into the apartment and strangled Ms. Bissett to death. She was 18 weeks pregnant.

In the days that followed, Mr. Dubov went to great lengths to cover up his horrific crime. On December 15, Ms. Bissett's mother called about a shopping date she and her daughter had scheduled, but Mr. Dubov answered and told her that Ms. Bissett had traveled north to visit friends. Mr. Dubov called Ms. Bissett's mother two days later and they discussed filing a missing person report. Mr. Dubov talked Ms. Bissett's mother out of filing a report, and later called her back to tell her that he had spoken to Ms. Bissett and that everything was all right. On December 21, Ms. Bissett's mother again called to find that Mr. Dubov had changed the message on the answering machine. Ms. Bissett's mother came to the apartment and could not find her daughter's purse or ATM card. She also noticed a rug was missing from the apartment. Her daughter's ATM card was used to make withdrawals on December 16th and 20th.

On December 29, detectives interviewed Mr. Dubov, who finally admitted to strangling Ms. Bissett to death. He claimed that they both were under the influence of crystal meth and fought over their living arrangement. He reported that he kept her body in the apartment for two days, then wrapped her body in a blanket, stuffed it in a duffel bag, and dumped it on the side of a road.

**GOVERNING LAW**

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

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

### DECISION

The Board of Parole Hearings found Mr. Dubov suitable for parole based on his current age, maturity, minimal history of violent crime, good work ratings, commendations by correctional staff, educational accomplishments, vocational training, participation in self-help programs, lack of serious misconduct in prison, insight into his crime, and support in the community.

I acknowledge that Mr. Dubov has made efforts to improve himself while incarcerated. He has never been disciplined for any misconduct and has earned several associate's degrees, a bachelor's degree, and a master's degree. Mr. Dubov has participated, facilitated, and created a variety of self-help classes, including Alternatives to Violence, Victim Awareness, Domestic Violence Treatment, and substance abuse programs. He is now a substance abuse counselor. Mr. Dubov had been recognized for his work in the prison veterans' group and has received numerous positive commendations from correctional staff. I commend Mr. Dubov for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Dubov cruelly strangled his ex-girlfriend to death rather than being appreciative of her kindness in letting him sleep on her sofa when he had nowhere else to stay. Her murder has had a profound impact on her family. Her mother spoke movingly at Mr. Dubov's 2015 parole hearing about her daughter's kindness, her own panic when her daughter went missing, and the fact that Mr. Dubov callously treated her with his series of lies that went on for more than two weeks. She spoke of the family's ongoing pain for Ms. Bissett and her unborn child. She paid an attorney to communicate her heartbreak at Mr. Dubov's hearing. But she needs no attorney to convey what she has survived and tells so well herself.

Mr. Dubov's disturbing behavior was not an aberration; in February 1993, Mr. Dubov and Ms. Bissett got into an argument and Mr. Dubov ran over her foot with the wheel of his car. Later the same day, he went to her apartment when she was not there, opened several bottles of nail polish, and poured them on the carpet in her closet and on a pair of tennis shoes. Mr. Dubov's father paid for the damages, and charges for trespassing and vandalism were dropped. Ms. Bissett told police that she was afraid of Mr. Dubov and fearful that he might cause her further physical injury. She said that Mr. Dubov had hit her on a number of occasions during their two year relationship. She had also mentioned to friends that Mr. Dubov was violent with her.

I am troubled by Mr. Dubov's descriptions of his violence. He told the Board that Ms. Bissett had thrown him against the wall and that he thought, "you've given me the excuse to hurt you now." He reported, "I gave myself a self-permission statement. ... I grabbed her by the throat, put her down." He claimed that he had "no awareness" of what he had done and told the Board, "And did I believe or did I know that I was choking her for that long? No. Did I even know she was getting choked? No. I didn't." It is impossible to believe that Mr. Dubov had no idea that he was choking Ms. Bissett when he strangled her to death with his own bare hands. By making

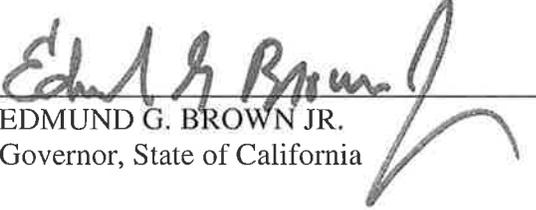
these claims, Mr. Dubov is minimizing his responsibility for her violent death. I don't believe that Mr. Dubov has adequately confronted the reality of his actions. Until he does, I am concerned he will act out violently again.

I would also like to see Mr. Dubov give a better explanation for his willingness to manipulate and lie to Ms. Bissett's family and friends, telling them Ms. Bissett was alive and well, when he knew he was responsible for killing her, keeping her dead body in the same apartment for days, and later leaving her body to rot on the side of the road. He told the Board simply, "I tried to run from the truth. I tried to hide the truth. I even tried to kill myself. It's the whole entire thing of how cowardly I was." Being able to deceive under these circumstances is more than cowardly. He told lie after lie without compunction. I direct the Board to explore these issues thoroughly with Mr. Dubov at his next hearing.

### CONCLUSION

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

Decision Date: September 3, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**RALPH MOORE, K-48460**  
First Degree Murder

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

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

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

**STATEMENT OF FACTS**

Ralph Moore moved in with 22-year-old Dawn Edwards in September 1993. On several occasions, Mr. Moore stole money from Ms. Edwards and assaulted her to get money. On September 28, 1994, Mr. Moore and Ms. Edwards argued over money Mr. Moore had taken from Ms. Edwards. When she refused to give him more money, Mr. Moore threw a vase at her, ripped the phone cord out of the wall as Ms. Edwards tried to call 911, stuck a sock in her mouth, and tied her hands behind her back with the phone cord. He wrapped the cord around her wrists several times, and then brought the cord down to her feet where he wrapped her ankles together. Ms. Edwards was unable to breathe and started to cry, and Mr. Moore said, "You can just lay there and die for all I care." Mr. Moore searched the apartment for money, then held a knife to Ms. Edwards' throat and said, "I will make you the next Nicole Simpson." Mr. Moore untied Ms. Edwards and forced her to an ATM at knifepoint, where she withdrew money for him. Ms. Edwards called police and reported the crime, but moved to Kansas out of fear of Mr. Moore. As a result, Mr. Moore was never prosecuted for this incident.

In October 1994, Mr. Moore met 18-year-old Lydio Tranquilino, and Mr. Tranquilino moved into Ms. Edwards' apartment. On January 11, 1995, Mr. Moore walked into a sheriff's station and confessed to killing Mr. Tranquilino sometime in late December 1994. Deputies discovered Mr. Tranquilino's decomposing body in the apartment. He was wearing only boxer shorts, and his wrists and ankles were hogtied with an electrical cord. Police initially believed Mr. Tranquilino had been shot in the head because the trauma was so severe, but an autopsy revealed he had died of blunt force trauma to the face and back of the head. Many of Mr. Tranquilino's belongings were missing from the apartment, including gold jewelry, a television, and clothing.

**GOVERNING LAW**

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

### DECISION

The Board of Parole Hearings found Mr. Moore suitable for parole based on his lack of institutional misconduct since 2001, current age, self-help programming, positive work ratings and commendations, vocational training, relapse prevention plan, insight, remorse, acceptance of responsibility, parole plans, and risk assessment.

I acknowledge Mr. Moore is now 66 years old and has made efforts to improve himself while incarcerated. He has participated in self-help programming, including Narcotics Anonymous, Alternatives to Violence, and Anger Management. He has completed vocational training, and received positive work ratings and commendations from prison staff. He has received only one serious rules violation in prison, in 2001. I commend Mr. Moore for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Moore's attack on Ms. Edwards and murder of Mr. Tranquilino were vicious and disturbing. His pattern of violent behavior escalated quickly from brandishing a knife at his ex-wife (an incident he denies), to threatening Ms. Edwards at knifepoint (which he also denies), and finally to bludgeoning Mr. Tranquilino to death. I note that Ms. Edwards appeared at Mr. Moore's parole hearing, described Mr. Moore's predatory, abusive behavior, and recounted her ongoing fear and trauma as a result of his actions.

Mr. Moore continues to minimize his violent behavior, particularly his attack on Ms. Edwards. He admitted that he and Ms. Edwards had some prior "altercations" and "pretty loud arguments." Mr. Moore claimed that on the day he attacked Ms. Edwards they had an argument about money and he tied her wrists because he wanted her to withdraw money from her bank account and "didn't want her to leave." He denied throwing a vase at her, threatening to kill her, threatening her with a knife, robbing her, or preventing her from calling 911. When he first described the incident he only admitted to binding Ms. Edwards' wrists and forcing her into the bathroom. Only after several questions did he also admit to stuffing a sock in her mouth, saying that "she was yelling" and that "it was only for a short while." These statements and others like it minimize the terror and violence Mr. Moore inflicted on Ms. Edwards and are entirely inconsistent with the chilling account Ms. Edwards has consistently described for over 20 years. It is clear that Mr. Moore has not yet addressed what motivated him to commit this horrific attack. Until he has done so, I am concerned he will act out violently again if released.

I am also troubled by Mr. Moore's description of the murder of Mr. Tranquilino. He initially told police that Mr. Tranquilino had threatened him at gunpoint, that he acted in self-defense when he bashed Mr. Tranquilino's head in, that he did not recall what he used to beat Mr. Tranquilino, and that he did not know how Mr. Tranquilino was tied up. In 2015, he told the Board that he tried to kick Mr. Tranquilino out of the apartment, but Mr. Tranquilino refused to leave. He claimed that they got into an argument, and that Mr. Trainquilino "makes a statement about getting a gun" and "rushed up on me." He clarified that Mr. Tranquilino was "acting like he had a gun. I kind of thought he did, but I didn't see a gun." When asked later whether he believed Mr. Tranquilino was armed, he said, "Not really...I didn't see a gun, even though he tried to act that way, but just as he's rushing me like that, it infuriated me." Like his description

of the attack on Ms. Edwards, Mr. Moore's shifting explanations do not square with the record. The probation report, appellate decision upholding Mr. Moore's conviction, and a letter from the Los Angeles District Attorney's Office all note that Mr. Moore's motive was likely that he was trying to rob Mr. Tranquilino. Mr. Moore was more than six feet tall and weighed about 220 pounds at the time of the murder, while Mr. Tranquilino, who was wearing only boxer shorts when he was murdered, stood at just over 5 feet tall and weighed 104 pounds at the time of his autopsy. It is incredible that Mr. Moore has maintained for so long that he believed Mr. Tranquilino had a gun or posed any real threat to him. Mr. Moore's failure to accept full responsibility for this murder and acknowledge the extent of his violent conduct causes me grave concern.

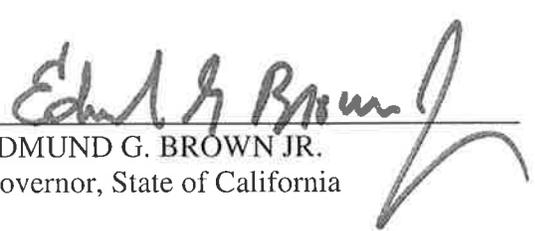
Even if Mr. Moore's description of the crime had some basis in fact, his statements – that he “snapped” and felt “rage” that he had bottled up because of his father's abuse and people who “tried to bully me or push me around” – do not explain why he would attack Mr. Tranquilino with a dumbbell or hogtie him, especially when Mr. Moore was nearly a foot taller than Mr. Tranquilino and outweighed him by over 100 pounds. That Mr. Moore describes himself as the victim of bullying despite his own extensive criminal history, including armed attacks on his ex-wife and Ms. Edwards, indicates to me that he has not adequately addressed his history of violence, and will not be able to keep himself from acting violently in the future. I acknowledge that the psychologist who evaluated Mr. Moore in 2015 found that his insight “does not presently appear to be of relevance as a risk factor” and rated him a low risk for violence, but I cannot agree with those conclusions since the psychologist did not address the discrepancies in Mr. Moore's version of the murder or even mention his attack on Ms. Edwards. I direct the Board to administer a new comprehensive psychological evaluation that addresses these issues and to explore them in depth at Mr. Moore's next parole hearing.

I am also troubled by Mr. Moore's history of substance abuse. He told the psychologist that he began drinking and using marijuana at age 17, and became addicted to cocaine when he was 37. He reported that after committing this murder, he began drinking heavily. Despite this history, Mr. Moore has participated in a scant number of substance abuse self-help programs during his 20 years of incarceration. Until Mr. Moore can demonstrate that he is prepared to remain sober in the future, I do not believe he should be released.

### CONCLUSION

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

Decision Date: September 3, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**DANIEL WOLFF, C-44281**  
First Degree Murder

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

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

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

**STATEMENT OF FACTS**

In September 1981, Daniel Wolff had a brief sexual relationship with Lewis Stunston. When their relationship ended, Mr. Stunston hired Mr. Wolff as a chauffeur, and Mr. Wolff moved into Mr. Stunston's home in Bel Air. On October 1, 1981, Mr. Stunston confronted Mr. Wolff over money that was missing and Mr. Wolff left the house. Shortly after midnight that night, Mr. Wolff ran into George Goodnough and they injected Preludin together. Mr. Wolff and Mr. Goodnough planned to steal two cars and some valuables from Mr. Stunston. They broke into Mr. Stunston's home and disabled the alarm. Once inside, Mr. Wolff and Mr. Goodnough put on gloves provided by Mr. Wolff and armed themselves with kitchen knives. They went to a guest room, found John Greenland sleeping, and stabbed and slashed him numerous times in his chest and neck, killing him. Soon afterward, Mr. Stunston walked into the bedroom. Mr. Wolff and Mr. Goodnough stabbed and slashed Mr. Stunston numerous times in the neck, chest, back, and wrist, killing him. They covered the bodies with sheets, and Mr. Wolff changed his shirt and locked the room.

Later that morning, John Scott, who also lived in Mr. Stunston's house, asked Mr. Wolff where Mr. Stunston was. Mr. Wolff gave an evasive answer and asked for the keys to the limousine, but Mr. Scott refused. When Mr. Scott later attempted to open the guest bedroom door where the bodies were, Mr. Wolff threatened him with a spear gun and chased Mr. Scott from the property. Mr. Wolff and Mr. Goodnough finally got into one of Mr. Stunston's cars and fled.

**GOVERNING LAW**

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

### DECISION

The Board of Parole Hearings found Mr. Wolff suitable for parole based on his acceptance of responsibility, remorse, empathy, insight, and good behavior since his last risk assessment.

I acknowledge Mr. Wolff has made efforts to improve himself during nearly 34 years of incarceration. He has not been disciplined for any misconduct since 2007. A work supervisor commended Mr. Wolff in 2015 for working well with others. Mr. Wolff served as a hospice volunteer. He earned his GED and has participated in self-help programming including Narcotics Anonymous, Substance Abuse Program, and Emotions Anonymous. I commend Mr. Wolff for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Wolff's crime was appalling. He and his crime partner went on a rampage, brutally stabbing two unarmed men to death in the middle of the night, and chasing another off the property with a spear gun. He displayed an alarming disregard for human life by committing these brutal murders.

Mr. Wolff has not yet adequately explained how he came to act so violently. He told the Board and the psychologist who evaluated him in 2012 that he was upset because had not been paid by Mr. Stunston, so he decided to rob Mr. Stunston. He reported that on the way to Mr. Stunston's house, "I talked myself into such an anger that I had made the decision that I was going to kill him and anybody with him." He said that he was angry and hopeless because he had worked as a prostitute for years and it "caused such loathing" for himself. Mr. Wolff told the Board, "I was failing. Everything I'd ever done was going nowhere and I had nowhere to turn...I couldn't even stand up for myself anymore." He said that because he met Mr. Stunston when he was working as a prostitute, he saw Mr. Stunston as "another one of those victimizers." Mr. Wolff recounted that he attacked Mr. Greenland, "Because he was there...I guess [to] get away with hurting Mr. Stunston...I wanted to get away with it." These statements do little to account for why Mr. Wolff decided to kill Mr. Stunston and anyone who stood in his way. Many people face personal failure and difficult circumstances, but few respond by setting out to kill multiple people and doing so in such a horrific way. Until Mr. Wolff can better explain how he came to perpetrate such extreme violence with so little provocation, I do not believe he should be released.

My concerns about Mr. Wolff's mental state are confirmed by his recent misconduct in prison. In 2007, he was disciplined for trafficking heroin into the prison, and he spent 8 months in the security housing unit. In 2010, he was placed in administrative segregation after he started banging on a canteen window and threatening a staff member, saying, "I'm going to kill you. I'm going to kick your ass. You better not come out here." These serious incidents make me question whether he is willing or able to live without drugs and violence if released.

**CONCLUSION**

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

Decision Date: September 3, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**LARRY BURNS, C-27269**  
First Degree Murder

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

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

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

**STATEMENT OF FACTS**

On February 22, 1979, the body of Malcolm Robinson was found in a house that was undergoing construction after a fire. The cause of death was determined to be blunt force trauma to the head, and Mr. Robinson had been stabbed about six times in the neck, face, side, and thigh. There were no eyewitnesses and little physical evidence. At the scene was a blood-stained 2x4 board that could have caused the fatal injury. Mr. Robinson's wallet, jewelry, and vehicle were missing. A witness came forward and reported that Larry Burns admitted to hitting Mr. Robinson with the 2x4, and that Michael Smith stabbed Mr. Robinson. Mr. Burns allegedly told the witness that as they beat Mr. Robinson, he said, "Please don't hurt me, I have a wife and kids."

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Burns suitable for parole based on his remorse, insight, acceptance of responsibility, age, self-help participation, vocational training, risk rating, and lack of violent rules violations.

I acknowledge Mr. Burns has made efforts to improve himself during his 36 years of incarceration. He has participated in self-help programs including Alcoholics Anonymous, Criminals and Gangmembers Anonymous, and Domestic Violence. In 2014, four correctional officers commended Mr. Burns for his positive attitude and behavior. Mr. Burns received vocational training and has routinely received satisfactory to above average work ratings. I commend Mr. Burns for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

This was a brutal crime. Mr. Burns and his crime partner beat and stabbed the victim, robbed him, and left him to die in an abandoned building. This was not an isolated incident; Mr. Burns had a lengthy history of violence and crime. Prior to this murder, he was convicted of grand theft, burglary, and multiple counts of battery. In 1976, he was charged with rape by force. According to the Probation Officer's Report, Mr. Burns held a kitchen knife to a friend's throat, said, "Don't scream bitch or I will cut your throat," and forcibly raped her. In 1978, he was charged with assault with intent to murder after he beat his ex-girlfriend with an axe handle.

Mr. Burns has not yet adequately explained how he came to inflict such extreme violence with so little provocation. He told the psychologist who evaluated him in 2015 that as he was beating Mr. Robinson, Mr. Robinson's pleas about his wife and children reminded Mr. Burns of a time his ex-girlfriend criticized him for not taking care of their family. Mr. Burns said, "And then there's Mr. Robinson telling me I got a wife and kids...and that just clicked and I hit him." He told the Board that, "up until today I thought it was five dollars that I killed him for and I realized that when he made me see what – the monster I was and then made me feel the shame...It was my lack of being a man is why I killed him. He showed me something I didn't want to see."

These statements reveal little about why Mr. Burns beat Mr. Robinson to death, or about what motivated his criminal activity and violence. Many people face personal failure and economic challenges, but few respond by robbing and beating a stranger to death. Until Mr. Burns can better account for his pattern of violent behavior that culminated in this murder, and demonstrate that he is prepared to live without violence in the future, I do not believe he should be released. Additionally, I direct the Board to thoroughly question Mr. Burns at his next hearing about why he perpetrated so much violence and crime for years before this murder.

### CONCLUSION

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

Decision Date: September 11, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**HUBERT MARTIN, C-28644**  
Second Degree Murder

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

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

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

**STATEMENT OF FACTS**

On August 23, 1980, Paula West's half-naked body was discovered behind a halfway house where Hubert Martin worked as a federal correctional officer. A trail of blood led from Mr. Martin's car to the halfway house, and from the halfway house to her body. Blood was discovered in the halfway house, in Mr. Martin's car, and on the clothes he was wearing. Ms. West had been stabbed four times in the head, neck, forearm, and hand. The cause of death was hemorrhage, and according to a doctor's testimony it would have taken approximately 15 to 30 minutes for Ms. West to bleed to death. Mr. Martin was arrested that day. He admitted killing Ms. West, but maintains he only did so because she attacked him with a knife.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Martin suitable for parole based on his insight, self-help participation, education, vocations, parole plans, and age.

I acknowledge Mr. Martin has made efforts to improve himself during his 35 years of incarceration. He has earned several associate degrees and a bachelor's degree. In 2014, four correctional officers and a correctional sergeant commended Mr. Martin for his positive attitude and behavior. He has participated in self-help programs including Alcoholics Anonymous, Victim Awareness, and Alternatives to Violence. I commend Mr. Martin for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

This crime was exceptionally brutal. Mr. Martin, who was working in a position of power as a federal correctional officer at a halfway house, stabbed Ms. West several times, and then allowed her to bleed to death rather than calling for medical assistance. He then dragged her body behind the building, attempted to clean up the blood, and threw her pants over a fence to mislead investigators. I note that Ms. West's sisters have written many letters over the years describing their ongoing sense of loss and the impact her death had on their family.

Mr. Martin has not yet adequately explained how he came to commit this very violent crime. He told the Board that he was angry because his wife and stepson left him, his family was not grateful for financial sacrifices he made for them, and his mother kicked him out of the house the morning of the crime. Mr. Martin said that Ms. West, a stranger, came to the halfway house during the night shift looking for a resident who owed her money, and that she attacked him with a 14-inch kitchen knife when he told her to come back in the morning. He reported that the kitchen knife was "made available" to him for protection on the job, and that he had left it on the counter earlier in the night. Mr. Martin said he grabbed the knife from the victim and, "It was no break in the action...then when I cut her throat, it was just like one continuous motion...It was like a blur." He told the psychologist who evaluated him in 2015 that he thought about calling his supervisor at the time of the crime, but that, "I thought about how weak I would look...at 2 AM to call and tell him I'm having an argument with a female." Mr. Martin said, "I think I just snapped. It was a combination of this action and what was going on in my life, and transferring the pain that I felt to Paula."

None of these statements explain why Mr. Martin, who was in a position of authority, acted so violently to a complete stranger he encountered while he was performing his duties as a law enforcement officer. Mr. Martin's extreme reaction to relatively minor provocation and his failure to obtain medical treatment that could have saved the victim's life were antithetical to his professional duties. It is unclear to me why Mr. Martin was carrying a kitchen knife for protection on the job, or why he decided that involving his supervisor in a workplace altercation would make him look "weak." Even if Mr. Martin's description of the crime is accurate, his statements—that he "snapped" and that "rage just overtook" him due to anger that he had bottled up from his volatile relationship with his family—do not explain why he slashed Ms. West's throat rather than disarming or subduing her. Mr. Martin's explanations also do not account for why he allowed Ms. West to bleed out for 15 to 30 minutes rather than calling for help, or why he attempted to clean up the crime scene and hide the body after she died.

I am also concerned that this is far from an isolated incident. Mr. Martin continued to act violently while incarcerated. He was disciplined for mutual combat in 1981, twice for mutual combat in 1985, possession of marijuana in 1989, mutual combat in 1992, threatening to cause racial tension in 1995, mutual combat in 2002, and indecent exposure in 2010. Until Mr. Martin can better account for how he came to act so violently and demonstrates that he is prepared to act differently in the future, I do not believe he should be released.

Hubert Martin, C-28644  
Second Degree Murder  
Page 3

CONCLUSION

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

Decision Date: September 11, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**RICHARD JONES, D-48757**  
First Degree Murder

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

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

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

**STATEMENT OF FACTS**

On the morning of March 17, 1986, Billy Connor's body was found on the floor of his apartment with the lights on and the door wide open. Mr. Connor had been stabbed 44 times with more than one knife. Most of the wounds were in Mr. Connor's back, some as deep as 4 to 6 inches. One of the fatal wounds was a 4-inch-deep wound in Mr. Connor's neck. Fingerprints left at the scene tied Richard Jones to Mr. Connor's murder. Mr. Jones was arrested on May 29, 1986, and was convicted of first degree murder. Mr. Jones claims that he murdered Mr. Connor during a drug deal after they got into an argument about the price of the narcotics and Mr. Connor pulled out a knife.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Jones suitable for parole based on his insight, support in the community, acceptance of responsibility, remorse, and age.

I acknowledge Mr. Jones has made efforts to improve himself during his 29 years of incarceration. Mr. Jones has participated in self-help programs including Alcoholics and Narcotics Anonymous and Celebrate Recovery. He earned his GED and multiple vocational certifications. He was commended by multiple work supervisors for his work ethic and reliability. I commend Mr. Jones for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

This was an appalling crime. Mr. Jones flew into a violent rage and stabbed Mr. Connor 44 times, including many times in the back. Several of the wounds were 4 to 6 inches deep, including a deadly 4-inch stab wound to Mr. Connor's neck.

Mr. Jones told the Board that he got involved with drugs and criminal activity at a very early age because friends from his father's biker gang spent a lot of time at his home. Mr. Jones said he was attracted to the gang because they had "motorcycles, money, [and] drugs." He told the Board, "I was [on] a one-way path and it was destructive." Mr. Jones continued on his destructive path when he came to prison. Information in Mr. Jones' file, including confidential memoranda, identified Mr. Jones as a gang associate in prison for many years, and indicates that he made weapons, assaulted inmates, trafficked narcotics, and ordered other inmates to commit assaults. He was disciplined in 1999 for participating in a race-related melee, in 2004 for conspiracy to batter an inmate, and in 2006 for mutual combat requiring the use of pepper spray, when he broke another inmate's clavicle during a fight.

Mr. Jones must better explain his history of gang activity and violence. He told the Board that in 1998, "drugs and violence were a big part of my life...I reached a point in my life where I finally understood I needed help. I needed help in my life not only with my addiction, but acquiring tools needed to live life as a person, not a criminal and an addict." He claimed that he has been sober since 1998, and that he distanced himself from gang activity in 2006. Mr. Jones has not explained why, if substance abuse was the main cause of his criminal behavior, he continued to participate in violent, gang-related activity for another decade after he claims he became sober. I am also troubled that the record indicates Mr. Jones was involved in gang activity more recently than he admits. I direct the Board to thoroughly discuss Mr. Jones' violent history at his next hearing to ensure that he is prepared to avoid violence if released.

Mr. Jones also has an extremely serious history of substance abuse. He first used alcohol, marijuana, hash, and other "pills" when he was 4 to 6 years old. He began using methamphetamine intravenously when he was 8 years old, and used it daily for much of his life. He first used cocaine when he was 12 to 15 years old, and would use as much as possible whenever he had access to it. He also used heroin and PCP when he was 15 to 16 years old, and he admits that he continued using drugs for more than a decade in prison until 1998. With a substance abuse history this significant, I would expect to see Mr. Jones devote considerable time and effort to demonstrate that he understands his issues with drugs and is committed to sobriety. I note that although Mr. Jones took some substance abuse related self-help in the early 2000s, he did not begin participating consistently until 2010. At his psychological evaluation in September 2014, Mr. Jones did not have a relapse prevention plan prepared. The psychologist noted that his lack of a relapse prevention plan was "of particular relevance given the reported circumstances of his life crime, the nature and seriousness of his past substance abuse, and the amount of time he has had up until now to develop such a plan." While I commend Mr. Jones for his current period of sobriety and for developing a relapse prevention plan that he presented to the Board, Mr. Jones must do more to assure me that he is prepared to remain sober and refrain from violence if released. Given the extent of his substance abuse, its role in this murder, and his history of violence, I am not prepared to release Mr. Jones until these concerns have been alleviated.

Richard Jones, D-48757  
First Degree Murder  
Page 3

**CONCLUSION**

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

Decision Date: September 18, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**DAVID COFIELD, J-43741**  
Second Degree Murder

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

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

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

**X**

**STATEMENT OF FACTS**

David Cofield and Lisa Publicover started dating in 1988. They moved in together and had two children. Mr. Cofield had a long history of physically abusing Ms. Publicover. On August 15, 1994, while their 2-year-old son and 4-year-old daughter were in the next room, Mr. Cofield and Ms. Publicover started fighting. Mr. Cofield beat Ms. Publicover throughout the day, slapping her, pushing her to the floor, pulling her hair, punching her numerous times in the nose and the head, and kicking her. At approximately 3:30 p.m., several friends came over to the apartment and noted that it was in disarray. Ms. Publicover was in the bedroom with a blanket covering her body, and told the friends that she was sick and that she did not want company, so they left. Around 4:00 p.m., Mr. Cofield went to a neighbors' home and told them to call an ambulance. He repeatedly called Ms. Publicover a "fucking bitch" and said that they had been fighting and he had "socked her up." Ms. Publicover was placed on life support and was declared brain dead. Her family removed her from life support later that night, and she died. She had been struck numerous times in the face and head, suffered a subdural hemorrhage due to blunt force trauma to her head, and had 60 acute bruises covering her body.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Cofield suitable for parole based on his lack of violent conduct in prison, participation in self-help programming, sobriety, and parole plans.

I acknowledge Mr. Cofield has made efforts to improve himself while incarcerated. He has never been disciplined for serious misconduct during his incarceration. He has participated in self-help programs including Narcotics Anonymous, Ending Intimate Partner Violence, and

Victim Awareness. Mr. Cofield has been commended by multiple correctional officers and work supervisors for his positive behavior and attitude. He earned his A.A. degree and several vocational certifications. I commend Mr. Cofield for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

This crime was the culmination of Mr. Cofield's pattern of violent emotional and physical abuse for years preceding Ms. Publicover's death. Over the course of a full day, Mr. Cofield cruelly beat Ms. Publicover to death while their two young children were in the next room. She sustained multiple serious injuries and fell into a coma, and died when her family removed her from life support.

I reversed a grant of parole for Mr. Cofield in 2014 based on his minimization of his physical abuse against Ms. Publicover, his limited insight, and his lack of empathy. Although the Board found Mr. Cofield suitable for parole again in May 2015, little has changed since my last reversal.

It is astounding how little responsibility Mr. Cofield takes for the years of violence he perpetrated against Ms. Publicover. Mr. Cofield told the Board, "I had struck her on a previous occasion, yes. And that was it, a few weeks, a couple weeks prior to my having killed her." He said that in the years before this crime, he escalated from verbal abuse to breaking things in their home to "scare" her, to hitting her on just one occasion. Mr. Cofield explained that he was angry and wanted to control Ms. Publicover because she cheated on him and she abused methamphetamine. I remain unconvinced by Mr. Cofield's account of his relationship with the victim. According to the Probation Officer's Report, Ms. Publicover told her sister in October 1993 that Mr. Cofield had assaulted her multiple times in the previous year, and said she would leave him if he did not stop using drugs. She told her sister that she loved Mr. Cofield, but she was also afraid of him. A friend reported that Ms. Publicover told her that if Mr. Cofield found out she talked to anyone about the beatings, his beatings would be worse. In June 1994, Ms. Publicover's aunt visited and observed that Ms. Publicover had a black eye and bruises on her arm; Ms. Publicover said they were from Mr. Cofield hitting her, and called him "crazy and completely unreasonable." Several weeks later, Ms. Publicover called her aunt and said that the abuse was continuing, and asked if she could come live with her. In early August 1994, Ms. Publicover took her children to a neighbor's home and asked the neighbor to call a taxi so they could get away from Mr. Cofield. She had a black eye and said she was leaving Mr. Cofield because he repeatedly assaulted her. Mr. Cofield arrived at the neighbor's home a short time later, demanded to speak with Ms. Publicover, and persuaded her to return home.

In the face of these reports, I am struck by the seriousness of Mr. Cofield's minimization of his actions. It is perplexing that he continues to deny the pattern of physical abuse that multiple people witnessed in the years before this crime. His unwillingness to acknowledge the extent of his violence indicates that he has made only a shallow attempt at understanding himself and his past actions. Mr. Cofield's recent good behavior in prison does not convince me that he has changed because he has not encountered the stressors in prison that he claims precipitated the tremendous violence he inflicted on Ms. Publicover. The Kern County District Attorney, who prosecuted this case, wrote to me offering her personal opinions about the case. In her mind, Mr.

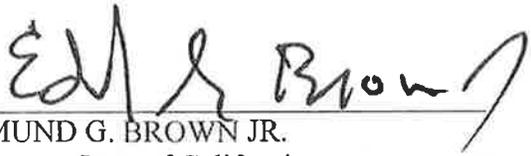
Cofield "should be able to honestly describe all of the details of not only the lifer crime, but admit and 'own' his prior acts of brutality towards that same victim." He must acknowledge and confront his pattern of physical abuse against Ms. Publicover so he can learn to stop himself from acting violently toward a romantic partner the future. I do not believe Mr. Cofield has yet developed the skills to do so.

Additionally, I direct the Board to administer a new comprehensive risk assessment so that a psychologist can probe the reasons for the significant discrepancies between Mr. Cofield's account of his actions and the information in the record.

### CONCLUSION

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

Decision Date: October 2, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**JOSEPH REMIRO, B-66003**

First Degree Murder

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

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

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

**STATEMENT OF FACTS**

Joseph Remiro was a member of the Symbionese Liberation Army, a self-proclaimed revolutionary group that formed in California in the 1970s. In 1973, Mr. Remiro and other members of the SLA plotted the murder of the Superintendent of Oakland Public Schools, Marcus Foster. Mr. Foster's murder was "only a step in a planned series of terrorist activities designed to accomplish the SLA's avowed goal of fomenting a violent upheaval within American society in order to effect revolutionary change." (*People v. Remiro* (1979) 89 Cal.App.3d 809, 842.)

On November 6, 1973, Mr. Foster and Mr. Blackburn were leaving a school board meeting. As they walked toward Mr. Blackburn's car, the two were ambushed and shot by SLA members. Mr. Foster was shot six times with .380 caliber hollow-tip bullets, five of which contained cyanide. An autopsy determined that one shot was fired execution style while Mr. Foster was incapacitated and lying on the ground. Mr. Blackburn was also seriously injured by the blast from a 12 gauge shotgun. Mr. Blackburn crawled to a nearby building to summon help, and was rushed to a hospital. He sustained permanent injuries, but survived. Two days after the murder, the SLA released a letter entitled "Communique No. 1," ordering the execution of Mr. Foster and Mr. Blackburn by cyanide bullets. The communique denounced the Oakland School Board, the "fascist ruling class," and the "fascist government of Amerika."

In the early morning of January 10, 1974, a Concord Police officer pulled over a van driven by Russell Little, with Mr. Remiro in the passenger seat. The officer approached the van and asked Mr. Little and Mr. Remiro for identification, and then approached the passenger side of the car and asked Mr. Remiro if he had any weapons. Mr. Remiro pulled open his jacket, revealing the bulge of a pistol, and the officer ran to his patrol car. Mr. Remiro fired several shots from a .380 automatic pistol at the officer, who returned fire. Mr. Remiro fled on foot, and Mr. Little fled in the van. Officers responded and were able to find and arrest both Mr. Little and Mr. Remiro. Mr. Remiro was carrying a .380 automatic pistol when he was arrested. The pistol was the same weapon that had fired five of the bullets recovered from Mr. Foster's body.

The day that Mr. Remiro and Mr. Little were arrested, firemen responded to a house fire close to where Mr. Remiro and Mr. Little had been stopped. Authorities recovered firearms, ammunition, pipe bombs and Molotov cocktails, several SLA "communiques" which revealed

plans to attack Department of Corrections officials and their families, a hand-drawn map of the area where Mr. Foster was ambushed and murdered, cyanide bullets similar to those which killed Mr. Foster, and other incriminating evidence. The fingerprints of Mr. Remiro, Mr. Little, and several other SLA members were found on various documents in the house.

On March 1, 1975, Mr. Little was visiting his attorney at the Oakland courthouse jail. The attorney requested that Mr. Remiro be brought into the room as well, and asked a deputy for an additional chair. When the deputy entered the room with the chair, Mr. Little lunged at the deputy and stabbed him in the throat with a pencil. Mr. Remiro knocked down a sergeant, attempted to gouge his eyes out with a pencil, and beat him in the head with a microphone. Mr. Remiro attempted to access a gun locker, but was stopped by one of the officers. Additional staff responded and eventually subdued Mr. Remiro and Mr. Little. The deputy and sergeant suffered serious injuries, but both survived; at the hospital after the attack, the deputy still had a portion of the pencil lodged in his neck, and the sergeant's eye was severely damaged.

Mr. Remiro was eventually convicted of first degree murder, attempted murder, attempted escape, and two counts of assault with a deadly weapon.

#### GOVERNING LAW

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

#### DECISION

The Board of Parole Hearings found Mr. Remiro suitable for parole based on his age, time in prison, acceptance of responsibility, insight, educational and vocational achievements, self-help programming, laudatory commendations, lack of recent institutional misconduct, parole plans, and risk assessment.

I acknowledge Mr. Remiro has been incarcerated for nearly 42 years, is now 69 years old, and has made efforts to improve himself while incarcerated. He participated in educational and vocational training, and received positive ratings from his work supervisors and commendations from staff, including a commendation from a retired Associate Warden. He has participated in some self-help programming in the last few years, including Alcoholics and Narcotics Anonymous, Anger Management, and Victim Awareness. He has been housed on a Progressive Programming Facility since 2012 and has not been disciplined for serious misconduct since 2001. I commend Mr. Remiro for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Remiro and the SLA inflicted a reign of terror on the community. The group plotted murders, kidnappings, and bank robberies, stockpiled arms and explosives, and issued directives advocating the execution of various public officials. The SLA meticulously planned for these violent activities and carried out their plots on numerous occasions, including the murder of Mr. Foster and attempted murder of Mr. Blackburn using cyanide laced bullets. Mr. Remiro was active in these pursuits, shot at an officer during a traffic stop, and violently attacked officers during an escape attempt before his trial.

More than just the crime and Mr. Remiro's involvement in the SLA demonstrate that Mr. Remiro is unsuitable for parole. Mr. Remiro has yet to adequately explain why he became involved in the SLA, and he continues to minimize the extent of his role within the organization. In 2015, he told the psychologist who evaluated him and the Board that he was suffering from Post-Traumatic Stress Disorder when he returned from deployments in Vietnam, and that he was "angry, hostile, [and] isolated." He claimed that he had "lost [his] moral compass" in Vietnam, and that he "gradually found himself not trusting the status-quo, authority figures, or the government." He stated that he joined the SLA because "he felt extreme anger at 'the system.'" He told the Board that he began associating with SLA members "less than two months" before Mr. Foster's murder, but denied being involved in the planning of any of the group's terrorist activities, saying he was "not aware of what they were planning....I was just interested in being a hero." He denied being deeply involved in any of the group's political discussions, claiming that he "wasn't there regularly" and felt that their plans were all "fantasy and delusion." He described his 1975 escape attempt as a kind of suicide mission, claiming he was "opting for death by cop."

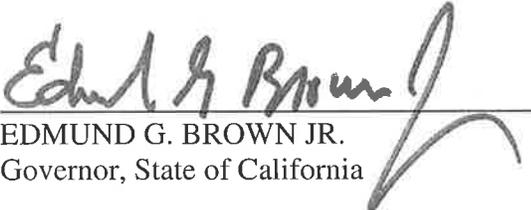
Mr. Remiro was not simply a follower or a "grunt" caught up in a group that dabbled in "fantasy and delusion." The Court of Appeal noted there was a "plethora of evidence" tying Mr. Remiro to the SLA for over two years, and that Mr. Foster's murder was only one step in the SLA's plan to incite a violent revolution. The court also noted that the bombs found in the SLA safe house after Mr. Remiro's arrest showed that Mr. Remiro's involvement with the SLA "was more than a mere devotion to the group's fanatical rhetoric and in fact extended to participation in amassing arms as called for by the organization's written credo." Mr. Remiro's description of his allegedly peripheral involvement with the SLA is entirely incredible. He was an active participant in a violent terrorist group and helped murder Mr. Foster, shot at police with very little provocation, and brutally attacked officers at the Oakland jail. During his sentencing hearing, Mr. Remiro stated, "it's a gas to be called a terrorist. I am really kind of proud of it, because I didn't terrorize a whole lot of folks." I acknowledge that the psychologist concluded that Mr. Remiro has insight into his actions and represents a low risk for violence if released. I cannot agree with these conclusions, however, particularly because the psychologist accepted without question Mr. Remiro's description of his allegedly limited involvement with the SLA. Further, Mr. Remiro's claim that he suffered from PTSD does not even come close to explaining these crimes. Far too many Americans suffer from PTSD following military conflicts, but very few choose to join terrorist organizations. Until Mr. Remiro can acknowledge and explain why he actively championed the SLA's interests, I am not prepared to release him.

Mr. Remiro's extensive misconduct in prison and his statements regarding his behavior also indicate to me that he has yet to recognize or adequately explain his violence. Mr. Remiro told the Board in 2015 that he never felt the "urge" to act out violently while he was incarcerated, but that he was merely "on defensive mode." Mr. Remiro's pattern of violent behavior, however, flatly contradicts that claim. Mr. Remiro received 30 serious rules violations between 1977 and 2001, 27 of them for violence, possession of a weapon, or participating in group disturbances. His most recent act of violence came in 2001, when he punched another inmate. Mr. Remiro's behavior resulted in him being housed in a Security Housing Unit for 19 years of his incarceration. Confidential information also documents that Mr. Remiro was involved in conspiracies to escape in 1977 and 1988 that involved plots to murder correctional staff, and confidential information from 2009 indicates that Mr. Remiro's mentality has not really changed in the last 40 years. It has only been since 2012, when Mr. Remiro was moved to a Progressive Programming Facility, that he has consistently participated in self-help programming. That Mr. Remiro still, after over 40 years in prison, describes this behavior as "defensive" indicates to me that he does not really appreciate the nature of his actions. Mr. Remiro has not explained why he was so violent for so long or shown that he has truly distanced himself from the mentality that led to his involvement with the SLA and his violence in prison.

#### CONCLUSION

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

Decision Date: October 2, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**SAMUEL DUBYAK, D-54700**  
First Degree Murder

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

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

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

**STATEMENT OF FACTS**

Lourdes Dubyak disappeared in August 1985. Lourdes and her husband, Samuel Dubyak, had marital problems and were sleeping in separate bedrooms at the time of her disappearance. Lourdes had discussed her desire to divorce Samuel with her brother sometime before she disappeared. Samuel told police that on the night he last saw her, Lourdes had dropped their child off in his room and said she had to go out for a while. He said that when he woke in the morning she and the bed she slept in were gone. An investigation revealed that on August 16, 1985, Samuel, his brother, and a 13-year-old juvenile loaded Lourdes's bed into a truck and dumped it in a nearby flood control channel. The bed had a bullet hole through the mattress and box springs and a .22 caliber bullet lodged in the box springs. Two holes had been cut in the foam part of the mattress. Traces of blood were found in the room where Lourdes slept and there was a trail of blood in the hallway leading from her room to the garage. Blood was also found in the hatchback of Samuel's car. Lourdes's body was never found.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Dubyak suitable for parole based on his current age, medical conditions, lack of criminal history, self-help programming, lack of prison misconduct, and parole plans.

I acknowledge Mr. Dubyak is 72 years old, suffers from health ailments, and has made efforts to improve himself while incarcerated. He has only been disciplined once for misconduct in 1994. Since I reversed Mr. Dubyak's grant of parole last year, he has continued to participate in the Balanced Reentry Activity Group and Alternatives to Violence, and he attended Victim's

Awareness, Criminal Thinking, Self-Reflection, and Fathers Behind Bars. He received positive work reports. I commend Mr. Dubyak for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

I reversed Mr. Dubyak's grant of parole in 2014 based on his implausible claim of innocence, his lack of remorse and empathy, and his lack of self-help programming especially in the area of domestic violence. While I commend Mr. Dubyak for enrolling in self-help programming, little has changed since my last reversal and my concerns remain.

Mr. Dubyak's crime was violent and heartless. Mr. Dubyak brutally murdered his wife of four years and mother of his child. He then solicited the help of his brother and a 13-year-old boy to help him cover up any sign of the murder and hide her body so no one would ever find it. I acknowledge that Lourdes's brother, on behalf of the entire family, continues to oppose parole and was not notified again of Mr. Dubyak's parole hearing.

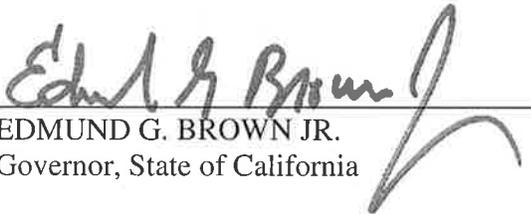
I continue to remain troubled by Mr. Dubyak's claim of innocence despite evidence supporting his conviction, and his lack of remorse and empathy. A jury convicted Mr. Dubyak of first degree murder for the death of his wife and an appellate court upheld his conviction. Despite this, Mr. Dubyak "spins an increasingly complicated story with claims of mistreatment, conspiracy, and malfeasance. He relates some fantastical scenarios, which appear to be of a persecutory nature." The psychologist described his perspective as "troubling." His depiction of the crime demonstrates he also continues to lack remorse. The psychologist noted that "he appeared almost robotic in his portrayal of his feelings toward his wife, with virtually no expression of empathy or sympathy regardless of the cause for her disappearance or death." When asked by the psychologist what he would say to the victim if he could, he stated "he was sorry that he ever met her." When asked how he would feel if he found out that she had been killed, he digressed to note that "if he saw a police officer killed he could care less, although he knows that he would actually aid him." These statements are disturbing and demonstrate to me that he has not reflected on his actions or understands the gravity of his behavior. Given these concerns, I cannot be assured he would abstain from violence if released.

Mr. Dubyak's risk rating supports my concern. Since my reversal, Mr. Dubyak received a new comprehensive risk assessment, which elevated his overall risk of future violence from a low to a moderate. The psychologist concluded he "exhibits very little empathy toward the victim whether or not she disappeared, died at his hands, or was killed by someone else, and he continues to maintain an egocentric focus with persecutory delusions, and thereby evidences no particular progress in terms of developing improved skills in emotional attachment, and responsibility in interpersonal relationships." I encourage Mr. Dubyak to continue his recent efforts reflecting on the factors that contributed to his life crime. I also direct the Board to properly notice the victim's family before Mr. Dubyak's next parole hearing and to take into account the victim's family's concerns.

**CONCLUSION**

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

Decision Date: October 9, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**MICHAEL LOVE, C-46953**

First degree murder

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

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

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

**STATEMENT OF FACTS**

Michael Love did yard work and various odd jobs for Faye and Charles Alexander, a couple in their sixties. On August 9, 1979, Mr. Love went to the Alexanders' home and asked for an advance of money for future work. Mrs. Alexander refused. Later that night, Mr. Love went to a friend's house and asked to borrow a knife and a flashlight or some matches, and borrowed a screwdriver from another friend. Mr. Love returned to the Alexanders' home and encountered Mrs. Alexander outside the house, struck her in the head with the bat several times, and then stabbed her in the throat and back several times with the kitchen knife, killing her. Mr. Love then went into the house and approached Mr. Alexander as he was lying on the couch, struck him in the head three times with the bat, and stabbed him five times in the neck and four times in the chest, killing him. The Alexanders' three dogs started barking at Mr. Love, and Mr. Love strangled two of them to death and stabbed the third, killing it. Mr. Love then went outside, dragged Mrs. Alexander's body into the house, poured lighter fluid over the bodies and the house, and lit the house on fire.

**GOVERNING LAW**

The question I must answer is whether Mr. Love will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.) 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. Love suitable for parole based on his age at the time of the crime, lack of recent prison misconduct, mental stability, educational and vocational upgrades, and self-help programming.

I recognize that Mr. Love's culpability is somewhat diminished because he was only 17 when he committed this crime. The psychologist noted that his childhood was "chaotic and rife with conflict, violence and destructive family relationships." His mother was only 15 when she gave birth to him and she and Mr. Love's father separated when he was four years old. Mr. Love had problems with mental health as a child, and used valium, marijuana, paint, methamphetamine, LSD, and alcohol. He was in and out of group homes, mental hospitals, and his mother's home. By all accounts, his childhood was very difficult. Mr. Love has struggled throughout his life with issues of aggression and rage. The Probation Officer Report notes that since the age of two, Mr. Love "has displayed an aggressive personality with outbursts of rage," "tremendous hostility which emerged at unexpected times," that he "fantasized of murder but with no associated guilt or remorse," and that he "was depressed and displayed feelings of helplessness." When he was seven years old, Mr. Love was placed in a psychiatric ward for two years after he attempted to strangle another child and his two-year-old brother. While hospitalized, he had auditory and visual hallucinations and was placed in isolation frequently. Upon discharge, Mr. Love was placed in a series of group and foster homes, until he was again hospitalized after he threatened his mother and her boyfriend with a knife in 1976. After these murders, Mr. Love told a child psychiatrist who treated him that the "devil" in him had "exerted extreme power over him" and was responsible for the crimes. In prison, Mr. Love has not been disciplined for serious misconduct since 2003 and has participated in some self-help groups and classes. He is now 53 years old. He has received positive work ratings and completed vocational training. I commend him for making these efforts. I give great weight to Mr. Love's age at the time of the crime, unstable childhood, and his increased maturity, and rehabilitative efforts. Nevertheless, I believe he is unsuitable for parole.

The double murder committed by Mr. Love is extremely violent and disturbing. When the elderly couple who employed Mr. Love would not give him money, he brutally beat and stabbed the couple to death with a baseball bat and knife. Instead of fleeing after the murders, he strangled and stabbed the couple's three dogs to death. The amount of violence displayed in the perpetration of this crime is unfathomable.

I am troubled that Mr. Love cannot better explain his particularly gruesome crime. He told the psychologist who evaluated him in 2015, "I never had a sense of connection to people so there was no empathy to others. I have been isolated since I was a child for bad behavior. I did not develop healthy social relationships. I was either enraged or depressed. I never developed the full range of emotional senses that others have." He told the Board that he had "no actual rational explanation for what was going on in my head at that time," but was under the influence. Mr. Love said that he committed this double murder because he wanted \$20 to buy a ticket to a concert at the state fair. He reported that he killed Mrs. Alexander because he wanted to cover up his burglary attempt, then killed Mr. Alexander to cover up the murder of Mrs. Alexander. When the Board pressed him on his reason for committing the second murder, as Mr. Alexander did not know of the murder of his wife and would not suspect him of committing the crime, Mr. Love reiterated that it did not make sense. He said that he killed the dogs "to keep neighbors from being drawn to the crime that I had just committed," but also that he set the house on fire, which would necessarily attract attention, to attempt to "cover up the crimes of murder."

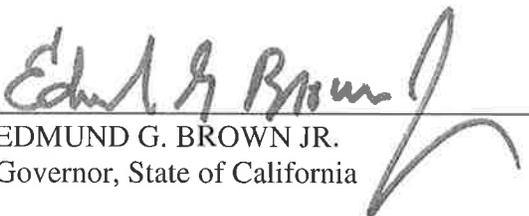
The psychologist found that the reasons Mr. Love gave for killing Mr. and Mrs. Alexander were “not clear” and “the utterances of Mr. Love do not explain the level of extreme violence he used in the Life crime.” Mr. Love, more than three and a half decades later, can’t give an satisfying explanation of how he came to kill two people and three dogs, all in connection with trying to obtain a concert ticket. Unless he can show that his thinking, attitude, and whole orientation has radically changed, I cannot be confident that he is not currently a threat to others.

Mr. Love’s psychological evaluation supports my concerns. The psychologist who evaluated Mr. Love in 2015 rated him a moderate risk for future violence, based in part on his inability to better explain his crime. The psychologist noted, “his violence does not appear to be simply a feature of his juvenile delinquency, it is a stable and enduring characteristic of his personality.” The psychologist documented Mr. Love’s continued mental health struggles. I am glad to see that Mr. Love’s behavior has been more stable and predictable recently and that he has sought help. I encourage Mr. Love to continue to participate in self-help courses and independent study, get the help he needs to maintain his mental health, and keep up his good behavior. These may help him finally overcome his difficult upbringing and persistent struggles to control his violent and irrational thoughts.

### CONCLUSION

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

Decision Date: October 9, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**MARK MCGUIRE, C-47837**  
Second Degree Murder

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

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

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

**STATEMENT OF FACTS**

On July 7, 1981, Mark McGuire and his wife Daisy argued about finances and Mark's recent termination from his job. During the argument, their six-month-old daughter Tori started crying. Daisy left the house to make a phone call, and Mark took Tori upstairs to her crib. Tori continued to cry, and Mark started severely beating Tori. When Daisy came back, Tori was having difficulty breathing. Mark and Daisy took Tori to the hospital where she died.

An autopsy revealed 17 contusions to Tori's chest, 29 contusions in her abdominal area, a split liver, a split pancreas, a lacerated large intestine, and damage to her heart and lungs. The autopsy also uncovered evidence of rectal tearing, which was at least six weeks old, and evidence of partially healed rib fractures, which were approximately seven weeks old. The doctor who conducted the autopsy opined the "lacerated anus resulted from the insertion of an object, which was larger than the elastic limits of the anus." The doctor concluded Tori was the victim of battered child syndrome.

**GOVERNING LAW**

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

**DECISION**

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

I acknowledge Mr. McGuire has made efforts to improve himself while incarcerated. He has not been disciplined for serious misconduct since 1999. He has earned his bachelor's degree, completed two vocational training programs, and received positive reviews from work

supervisors. He has participated in self-help programs, including Victim Awareness, Anger Management, and Alternatives to Violence. I commend Mr. McGuire for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. McGuire's crime was appalling. While watching his six-month-old baby for a brief period of time, he beat her to death. The beating was so violent that he severely damaged Tori's heart, lungs, liver, large intestine, and pancreas, and left numerous contusions on her chest and abdomen. Mr. McGuire lied about this murder for over 30 years until he admitted in 2015 that he intentionally hurt Tori, caused her death, and had previously abused her. For years, he denied responsibility for murdering Tori, at one time blaming an intruder and even allowing his wife to accept blame. More recently, Mr. McGuire claimed that he placed sofa cushions on Tori's body before beating her.

Mr. McGuire has not sufficiently explained why he continuously abused Tori, or why he ultimately beat her to death. In 2015, he told the psychologist that he had "a lot of anger that [he] hadn't dealt with" and had not gotten the help that he needed to address his anger because he was irresponsible. Mr. McGuire explained that at the time of Tori's murder, he and his wife had been arguing because he was unemployed and they were having financial problems. He stated that he blamed his wife and Tori, and that he "melted down." He reported that he felt used by his wife which triggered memories of his childhood abuse. At his hearing, Mr. McGuire told the Board, "[A] rage boiled out of me when Tori started crying. I just kept hitting her with my fists to get her to stop." When asked why he took out his anger on vulnerable people, Mr. McGuire acknowledged that his anger was "misplaced."

Mr. McGuire abused Tori for two to three months before beating her to death. Financial problems, marital discord, and experiencing abuse as a child do not explain the extent of violence Mr. McGuire inflicted upon Tori, or why he ultimately killed her. Furthermore, he has not sufficiently accounted for some of Tori's injuries, including the anal lacerations and numerous rib fractures, which the physician performing the autopsy determined were several weeks old at the time of her death. Mr. McGuire's inability to provide a reason for why he targeted a vulnerable six-month-old baby as the object of his anger indicates that Mr. McGuire has yet to sufficiently explore and deal with his reasons for committing this murder. For these reasons, I do not believe Mr. McGuire is prepared to be released.

### CONCLUSION

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

Decision Date: October 9, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**PABLO MORALES, B-33187**  
Second Degree Murder

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

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

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

**STATEMENT OF FACTS**

Pablo Morales was convicted of first degree murder for killing his 35-year-old girlfriend Gina Wallace in 1970. While serving his prison term, he met 75-year-old Lois Washabaugh, a prison volunteer. The pair began corresponding in 1979. On April 14, 1980, Mr. Morales was transferred to a halfway house. Ms. Washabaugh visited Mr. Morales and they secretly married on April 30, 1980. Mr. Morales was paroled on June 22, 1980. On July 4, 1980, Ms. Washabaugh left her home in Northern California and told friends she was going to live with her new husband in Los Angeles. She bought gas that day in Los Angeles and was never seen again.

On July 7, 1980, a human hand was found on a freeway in Los Angeles. A subsequent investigation revealed that the hand belonged to Ms. Washabaugh. Police discovered that Mr. Morales had obtained possession of Ms. Washabaugh's car, and had used her credit cards, forging her name. Mr. Morales was arrested on August 22, 1980. At the time of his arrest, he was in possession of her car, purse, credit cards, and diamond ring. Ms. Washabaugh's body was never found. Mr. Morales pled nolo contendere to the charges brought against him and he was sentenced to 15-years-to life for second degree murder.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Morales suitable for parole based on his current age, lack of prison misconduct, length of incarceration, vocational training, self-help programming, health, and risk assessment.

I acknowledge Mr. Morales is 75 years old with health ailments, has been in prison for over 35 years, and has made efforts to improve himself while incarcerated. He has never been disciplined for serious misconduct. He has participated in self-help programs including Alcoholics and Narcotics Anonymous, Anger Response, Lifer Support Group, and Victim Awareness. He has worked in the Prison Industry Authority for over a decade and has completed several vocational training programs. I commend Mr. Morales for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Morales' crime was chilling and disturbing. He befriended an elderly prison volunteer while incarcerated for killing his girlfriend, married the volunteer, and then killed her just days after he was paroled for Ms. Wallace's murder. Ms. Washabaugh's body was never found, yet her hand was found on a Los Angeles freeway.

Mrs. Washabaugh's murder is eerily similar to Ms. Wallace's murder whose thumb had been severed from her body. On July 14, 1970, Mr. Morales was charged with the murder of his live-in girlfriend Gina Wallace. After Ms. Wallace's disappearance, Mr. Morales explained her absence with several different stories. Ms. Wallace's body was found in a vacant office building, brutally disfigured, and her right thumb had been amputated. Investigation confirmed Mr. Morales' fingerprint at the location where her body was found. Furthermore, records established Mr. Morales had pawned her diamond rings and that he had used her car after her disappearance. Mr. Morales continues to claim he did not kill Ms. Wallace despite the fact he was convicted by a jury for Ms. Wallace's murder and an appellate court upheld his conviction. However, at his 2015 hearing he admitted, for the first time, that he was "present" for her murder, but did not commit it. He claimed it was a "gang thing."

Mr. Morales also continues to maintain his innocence for Ms. Washabaugh's murder despite the fact that he pled *nolo contendere* to the charges. Ultimately, Mr. Morales' *nolo contendere* plea has the same effect "as that of a plea of guilty for all purposes" in felony cases, and an appellate court upheld his plea. (Cal. Pen. Code § 1016.) Mr. Morales has repeatedly stated he does not know anything about her death or whether she is even dead. When asked by the psychologist why he was in possession of all her belongings, he stated, "her car was dropped off at his hotel by a Caucasian male, and that all of her things were in the car. He admittedly used her credit cards, but claimed he paid them back." When asked further about the crime by the Board, he reiterated her things were dropped off by a "Caucasian gentleman" whom he did not know. He explained since the car was hers he "assumed everything was okay" and did not contact police despite the fact she was missing. It does not seem believable that after his new wife went missing he did not contact police, and instead, used her credit cards and car that was dropped off by a mysterious unknown man. Simply put, Mr. Morales' claim of innocence is not credible given the facts and his plea, and demonstrates that he has yet to explore the reasons he committed these crimes in a manner sufficient to assure me he will not act out with similar violence yet again.

I am also troubled by Mr. Morales' lack of remorse and empathy. The 2015 psychologist noted that Mr. Morales, "did not exhibit or express significant feelings of remorse for the victim's

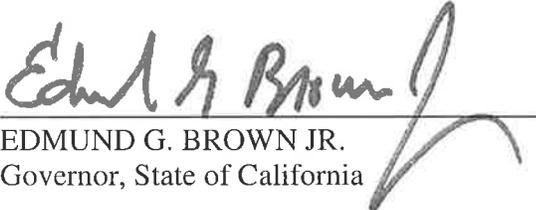
death.” When queried about the death of Ms. Wallace, he “admitted that he was not tremendously sad that she was murdered because ‘circumstances happen.’” During the hearing, Mr. Morales stated he cannot “pretend” any longer that he is sorry about “this” or “that.” When asked about how he has changed, he said, “that, I don’t know,” and merely stated that now he knows who he does not “want to be around.” I am concerned that Mr. Morales has yet to demonstrate any genuine remorse or begun to explore his motivations for these crimes. Until he does so, I cannot be assured that it is safe to release him from prison.

Mr. Morales’ risk rating supports my concerns. The 2015 psychologist rated Mr. Morales a moderate overall risk of violence if released. The psychologist concluded that Mr. Morales “has not sufficiently examined his overall violence potential or the underlying causative factors for the life crime. He does not seem to have an in-depth understanding of the personality traits/deficits that contributed to some of his decisions and behavior in the community, and his failure to explore these issues elevates his risk potential.” I encourage Mr. Morales to continue his efforts reflecting on the factors and personality traits that contributed to the life crime and his criminal history.

#### CONCLUSION

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

Decision Date: October 9, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**GREGORY WEINTRAUB, K-23736**

First Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

  **X**  

**STATEMENT OF FACTS**

On January 26, 1995, approximately one month after he learned that his wife, Inessa, was leaving him for Gary Mirman, Gregory Weintraub knocked on the door to the apartment she shared with Mr. Mirman. When Mr. Mirman opened the door, Mr. Weintraub fired 5 shots; one hit Mr. Mirman in the face and another in the chest. Mr. Weintraub then looked at Mrs. Weintraub, who was present, and said "you can go home to your children now." Mr. Weintraub then drove to the family home where his young daughters were waiting to have dinner with him.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Weintraub suitable for parole based on his remorse, age, acceptance of responsibility, insight, participation in self-help programming, and his relatively discipline-free incarceration period.

I acknowledge Mr. Weintraub is 63 years old and has made efforts to improve himself while incarcerated. Mr. Weintraub has participated in self-help programs including in Alcoholics Anonymous, Conflict Resolution, Alternatives to Violence, Child Abuse Awareness, and recently, Domestic Violence Awareness. He has also donated money to charity, and supplied books for the prison library. He has only been disciplined for serious misconduct once, in 2014. He routinely received positive work ratings. I commend Mr. Weintraub for taking these positive steps, but they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Weintraub's crime was calculated and callous. Two weeks after Mrs. Weintraub informed him that she was leaving him for Mr. Mirman, her fiancé, Mr. Weintraub bought a gun. Two days before the life crime, Mr. Weintraub picked up the gun and purchased bullets. On the night of Mr. Mirman's murder, Mr. Weintraub sat down to have dinner with his daughters, but could not stop ruminating about Mr. Mirman. Mr. Weintraub told his daughters he was going for a drive and drove to the home Mrs. Weintraub shared with Mr. Mirman. When Mr. Mirman answered the door, he was shot by Mr. Weintraub without any warning. At the hearing, Inessa Weintraub eloquently explained that this senseless crime left her and three young daughters, including Mr. Mirman's daughter, devastated and in a perpetual state of fear.

Mr. Weintraub is downplaying the extent to which this crime was pre-meditated. Mr. Weintraub pled guilty to first degree murder. Yet he now claims that he had no intent to kill Mr. Mirman and only purchased the gun because he wanted to convince Mrs. Weintraub that he desperately wanted their marriage and was serious about killing himself if she did not leave Mr. Mirman and come back to him. This explanation does not make sense. Mr. Weintraub purchased the gun and bullets two weeks prior, after receiving divorce papers. Afterwards, he had a conversation with Mrs. Weintraub begging her not to proceed with the divorce. Yet, Mr. Weintraub never mentioned that he had purchased a gun. It is clear Mr. Weintraub purchased the gun and bullets to shoot and kill Mr. Mirman. Until Mr. Weintraub has confronted the true nature of his actions, I cannot be convinced he is willing to act differently in the future.

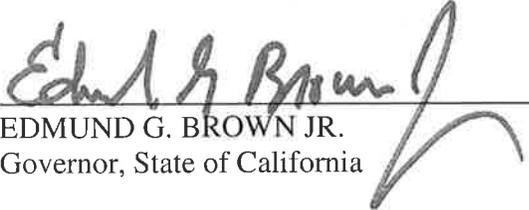
Information appearing in Mr. Weintraub's confidential file gives me grave concern that Mr. Weintraub is not at all remorseful. This information shows that he still thinks of himself as a victim of these circumstances. Additionally, Mr. Weintraub's ex-wife appeared at the hearing and discussed his "total lack of self-control" in recent communications with his daughters. Mr. Weintraub does not understand and appreciate that he cannot control how and when his family interacts with him, one of the issues that clearly contributed to the murder of Mr. Mirman.

I cannot be sure that when faced with rejection or perceived loss of control in the future, Mr. Weintraub will not develop, harbor, and act on violent thoughts. I encourage Mr. Weintraub to dedicate significant effort to understanding and addressing his desire to use power and control in his relationships.

### CONCLUSION

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

Decision Date: October 9, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**STEVEN DRAKE, H-68468**  
Second Degree Murder

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

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

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

**STATEMENT OF FACTS**

On October 13, 1991, Linda Turner went to Steven Drake's apartment. Ms. Turner was six months pregnant. Mr. Drake wanted to have sex with Ms. Turner, but she refused. Mr. Drake got angry and hit her in the face several times, splitting her lip, giving her a black eye, and making her nose bleed. Mr. Drake then pushed Ms. Turner out of an open window. Ms. Turner fell four stories and landed on the sidewalk, killing her and her fetus.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Drake suitable for parole based on his acceptance of responsibility for the crime, remorse, age, self-help, and efforts to gain insight.

I acknowledge Mr. Drake has made efforts to improve himself while incarcerated. He has participated in self-help programs including Alcoholics Anonymous, Anger Management, and Criminals and Gangmembers Anonymous. He routinely received satisfactory or above average work ratings. I commend Mr. Drake for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

This was a horrific crime. Mr. Drake beat up a woman who was six months pregnant because she refused to have sex with him, and pushed her out of a fourth-floor window. She was conscious when she hit the sidewalk, and screamed to passersby for help before she and her fetus succumbed to her wounds. Before this crime, Mr. Drake had a serious criminal history and had been convicted of robbery, assault with a deadly weapon, and several burglaries and assaults.

Mr. Drake has not yet adequately explained how he came to commit such a violent crime. He told the Board and the psychologist who evaluated him in 2015 that his life was “a fog,” and that he knew before the crime that he was “messed up.” He said he was “irritable, paranoid, didn’t like anything,” and that he had been “dodging responsibility all my life.” Mr. Drake claimed that on three prior occasions, he had given Ms. Turner drugs in exchange for sex, but that each time she ran out of his hotel room before they had sex. He said that on the day of the crime, he again gave her drugs and she tried to run out. He claimed that he told her, “You owe me. I am not going to let you out the door,” began hitting her in the face, and wanted to figure out how to “contain” the situation. Mr. Drake told the Board that he could not remember pushing Ms. Turner out the window, but that “logic tells me – the facts tell me that I pushed her out that window.” He said, “All I know is it was very crazy and the last time I saw her she was in the window sill holding the window. And then the next thing she’s on the ground...maybe I got a block there. I don’t know. This was something that maybe will come out in therapy.”

Mr. Drake’s explanations simply do not account for his extensive criminal history and the brutal nature of this crime. His statements about his criminal history, including being “in a fog” and “dodging responsibility,” are superficial and do not begin to explain why his behavior continued for so long. He had every opportunity to end this interaction with Ms. Turner differently, but instead he beat her and pushed her out the window merely because she would not have sex with him. Mr. Drake has not yet explained why he reacted with such violence in the face of such minor provocation. The psychologist concluded that Mr. Drake “did not express significant insight into his crime.” She also noted that while there are “a variety of plausible explanations” for Mr. Drake’s inability to remember some details about the crime, “selective memory impairment...is self-serving and relieves the individual of further responsibility to examine and explore the issues related to the offense.” I acknowledge that Mr. Drake was intoxicated at the time of this crime, but I find that he has not adequately explained how he has detailed recollections regarding some aspects of the crime, but not others. I am encouraged that Mr. Drake is now receiving therapy and participating in self-help programs. But these issues indicate that he has yet to come to terms with the severity of his violence, or to demonstrate an understanding of his criminal behavior. Until he can better explain this crime, his past criminal behavior, and his strategies for coping with future stress without resorting to alcohol, drugs, and violence, I do not believe he is ready to be released.

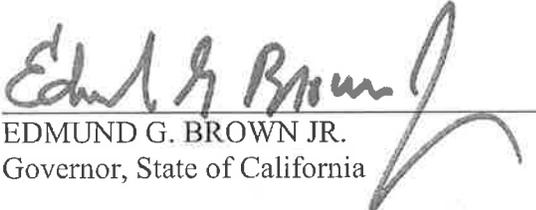
Mr. Drake’s recent psychological evaluation supports my concerns. In 2015, the psychologist rated him a moderate risk of future violence based in part on his lack of insight, potential problems coping with stress in the future, and his history of mental health issues. The psychologist diagnosed him with paranoid personality disorder, and previous psychologists also noted that Mr. Drake had a history of paranoid thoughts and behavior. In light of this history and his current explanations for his actions, I am not comfortable releasing Mr. Drake at this time.

Steven Drake, H-68468  
Second Degree Murder  
Page 3

**CONCLUSION**

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

Decision Date: October 16, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**EUGENE NOBLE, C-50712**  
First Degree Murder

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

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

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

**STATEMENT OF FACTS**

On November 10, 1981, Eugene Noble and Wesley Owens went looking for Michael Harper because Mr. Owens believed Mr. Harper had stolen his shotgun. When they found Mr. Harper, he denied having the gun. Mr. Noble and Mr. Owens threatened and hit Mr. Harper, and drove him to a friend's house where they continued to beat him. At one point, Mr. Noble put a shotgun barrel in Mr. Harper's mouth. Mr. Noble and Mr. Owens then drove Mr. Harper to a park, and Mr. Harper was shot twice and killed. Mr. Noble maintains that he was not the shooter.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Noble suitable for parole based on his current age, lack of misconduct in prison, length of incarceration, vocational training, acceptance of responsibility, remorse, self-help programming, and parole plans.

I acknowledge Mr. Noble is 69 years old, has been incarcerated for over 33 years, and has made efforts to improve himself while incarcerated. He participated in self-help programs including Alcoholics and Narcotics Anonymous, Stress Management, Domestic Violence, and Victim Awareness. He has not been disciplined for serious misconduct since 1991. He has worked in the Prison Industry Authority for the past seven years and completed vocational training. I commend Mr. Noble for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Noble's crime was senseless and callous. He agreed to help Mr. Owen beat and kill Mr. Harper – who Mr. Noble had no connection to – over something as trivial as a missing shotgun.

This crime was the culmination of a long pattern of criminal behavior, including numerous thefts and burglaries.

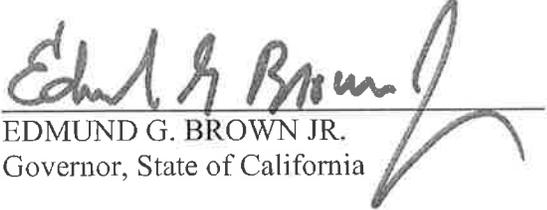
Mr. Noble minimizes his extensive participation in prison gangs while incarcerated. He told the Board that he joined the Kumi 415 when he arrived at prison in 1986 because his son-in-law told him the founder of the gang needed help controlling younger inmates. He claimed that he started distancing himself from the gang in 2010 because gang members started receiving indeterminate terms in the Security Housing Unit. When the Board asked what he had been doing for the gang, Mr. Noble said, "Not a damn thing. Just being a figure that some of the guys looked up to for being involved for many years...I would delegate the responsibility to someone on the yard, and then when we had discussions and things that happened, we would all get together and voice our opinions."

According to Mr. Noble's confidential file, however, he was a much more active leader in the gang than his statements to the Board indicate. He was validated as a member of the gang in 2008, when he wrote to gang investigators saying he had written the gang's loyalty oath, and that it was the only gang he would ever join. Reports in Mr. Noble's file indicate that he smuggled drugs into prison through 2000, threatened or pressured inmates as recently as 2005, and was a commander in the gang as recently as 2007. I am encouraged by Mr. Noble's recent positive behavior and his willingness to discuss his history of gang activity with the Board. Given the information in his file, however, his efforts to minimize his gang leadership give me pause. It does not appear that he is being entirely forthcoming or honestly acknowledging the true nature and extent of his activities. Until he does so, I cannot be assured that he is committed to turning away from gangs and violence. I direct the Board to discuss these issues with Mr. Noble more thoroughly to determine whether he is giving a complete and candid account of his gang activity over the years, whether he has truly distanced himself from this lifestyle, and whether he is prepared to support himself in the future without turning to gangs and violence.

### CONCLUSION

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

Decision Date: October 19, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**REAVOUS THOMAS, D-87821**  
Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

Raevous Thomas and Tonia Seabron were dating and had a two year old son with cerebral palsy. On March 12, 1988, Mr. Thomas went to Ms. Seabron's apartment and the two argued. Mr. Thomas stabbed Ms. Seabron 15 times in the chest, abdomen, and back in front of their son, killing her. Mr. Thomas left the apartment, leaving his son with Ms. Seabron's body.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Thomas suitable for parole based on his insight, remorse, psychological evaluation, and participation in self-help programs.

I acknowledge Mr. Thomas has made efforts to improve himself while incarcerated. He has served nearly 28 years and has never been disciplined for violent misconduct in prison. He has completed several vocational training programs and earned a GED. He has participated in self-help classes including Domestic Violence, Alternatives to Violence, Alcoholics and Narcotics Anonymous, and the Substance Abuse Program. He has been commended by correctional staff for being respectful and hard-working, and a chaplain wrote that he is a model inmate. I commend Mr. Thomas for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Thomas' crime was callous and cruel. He had been having an affair with Ms. Seabron for nearly three years, but when she decided to move on and refused to have sex with him, he got a knife and stabbed her in the back while she was in bed. He continued to attack her, stabbing her more than a dozen times and leaving the knife lodged in her chest. This was the culmination of

what neighbors in the apartment complex characterized as a “stormy” relationship. Ms. Seabron had asked the apartment manager a month earlier to change the locks to her apartment so that Mr. Thomas could not enter. It was clear to neighbors that Ms. Seabron “didn’t want Mr. Thomas around anymore.” Another individual reported that approximately four days before the murder, Mr. Thomas was “very angry” at Ms. Seabron and “said that he wanted to kill her, although he didn’t say how he was going to kill her or how he planned to do it.”

I am troubled that Mr. Thomas downplays the extent of his violence towards the women in his life. While he admitted at his hearing that there was domestic violence in his relationship with Ms. Seabron, when asked to describe it, he said, “we would yell and scream at each other.” When the Commissioner specifically asked whether Mr. Thomas ever hit Ms. Seabron, Mr. Thomas avoided the question, saying, “She would tell me I need to hurry up and leave my wife. And I would tell her no; wait, I’m trying, you know; give her that song and dance; yeah.” He only later discussed an incident he described to the psychologist in which he hospitalized Ms. Seabron because “the tip of her nose was broken...but only a tiny bit.” At his hearing, Mr. Thomas also admitted slapping his wife twice, “because she was mad and upset because I was in an adulterous relationship at the time.” He continued, “And she would find out, and she would get irate. And she would, you know, hit me and slap me, and then I would end up slapping her back.” Mr. Thomas told the psychologist who evaluated him in 2014 that he slapped his wife because she was upset that he had two children with other women during their marriage. He explained, “She came at me and I slapped her once or twice. I was not trying to punch her. I was trying to get her to wake up to her senses.”

The psychologist accurately found that Mr. Thomas “clearly trivialized” his history of domestic violence and that he “struggled to provide meaningful answers and attempted to divert the conversation toward a more positive topic.” He observed, “the key factors, which shaped his behavior toward women and toward the victim of the life crime, are yet to be explored comprehensively and in a sufficient depth.” Given all of this, I am not convinced Mr. Thomas is ready to be released. I am glad to see that he has recently taken a domestic violence class and I encourage him to continue to dedicate significant attention to addressing his significant history of violence against women. Until he has done so, however, I am concerned that he will react violently when faced with relationship problems in the future.

### CONCLUSION

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

Decision Date: October 23, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**JOHN TIDWELL, C-00305**  
First Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

In early December 1973, Harold Reinhart and two other individuals stole \$98,000 in silver certificates. Mr. Reinhart told his girlfriend, Alexandria Bard, about his heist and gave her some of the money. Ms. Bard told John Tidwell about Mr. Reinhart's newly acquired wealth and arranged for Mr. Reinhart to fence his money through Mr. Tidwell. Mr. Tidwell came to California from Las Vegas, Nevada on December 12, 1973. On December 13, 1973, Mr. Tidwell and Ms. Bard met. Mr. Tidwell left Ms. Bard's home with Mr. Reinhart. The next day, Mr. Reinhart was found dead. He had been shot in the back with a shotgun. Mr. Tidwell returned to Las Vegas, had a large sum of money, and said he killed someone for a lot of money.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Tidwell suitable for parole based on his insight into his criminal history, remorse, length of time in prison, lack of substantial institutional misconduct, self-help programming, educational and vocational achievements, laudatory commendations, risk assessment, parole plans, age, and health issues.

I acknowledge Mr. Tidwell has been in prison for over 37 years, is now 67 years old, and has made some efforts to improve himself while incarcerated. He completed vocational training, and earned positive work reports and commendations from staff. He has participated in some self-help programming, including a Veterans Therapy Group, Victim Awareness, and Alternatives to Violence. He has only been disciplined once for serious misconduct, in 1983. I commend Mr. Tidwell for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Tidwell's crime was horrific and cold. He executed Mr. Reinhart, took his money, and then bragged about it. Even more alarming is that this was not an isolated incident of violence in Mr. Tidwell's life. Mr. Tidwell started pimping women for profit across a number of states. He was convicted of credit card forgery, suspected of shooting a colleague in the face, and convicted of assault with a deadly weapon, assault with intent to commit rape, interstate racketeering, and prostitution. He was charged with four counts of first degree murder and one count of burglary after shooting an elderly couple in Ohio. One witness reported that after shooting the couple in Ohio, Mr. Tidwell said, "Have you ever seen inside someone's head before," and, "This is the seventh or eighth time for me."

Mr. Tidwell reported that he is innocent of Mr. Reinhart's murder. This claim is troubling because it flies in the face of a great deal of evidence and shows that he has no remorse, no appreciation for his violence, and no willingness to show that he will act any differently if released. The murder of Mr. Reinhart was not solved for a number of years. It was the Ohio Sheriff's Department who contacted Orange County with information about the case when Mr. Tidwell was in their custody for the double murder in Ohio. Investigators spoke to at least nine different people across three states who told strikingly similar stories. Each person reported that Mr. Tidwell left Las Vegas for California in December 1973. When he returned, he had thousands of dollars and told others he made a large "score" in California. A woman, Alexandria Bard, called Mr. Tidwell frequently, asking for her share in the money, \$9,000 or \$10,000. Mr. Tidwell told people that he was trying to "shut her up" and that he did not share the money with her because she "couldn't go to the police over it." Police interviewed the individual who had loaned Mr. Tidwell his driver's license in exchange for money and had driven him to the rental car company. It was this individual's name who matched a rental car and a motel room used by Mr. Tidwell. Another man corroborated this story of a "rented" identification and confirmed that he had set up the transaction. The mother of the woman Mr. Tidwell was living with in Las Vegas asked him directly if he had killed someone to get all the money he obtained and reported, "Tidwell just grinned and told her that the less she knew about it the better." Investigators surreptitiously recorded a conversation with Ms. Bard, in which she confirmed that Mr. Tidwell had been at her home the evening of the murder, had left with Mr. Reinhart, was the last to see him, and killed him somewhere in the hills of Orange County. She confirmed that she was the "tip" who told Mr. Tidwell about Mr. Reinhart's stolen loot that prompted to murder. The evidence that Mr. Tidwell committed this crime is overwhelming.

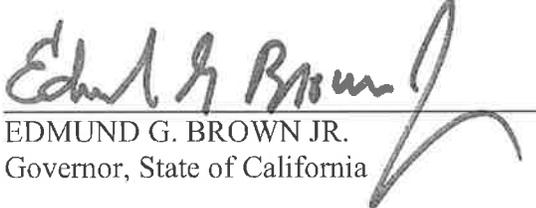
The psychologist who evaluated Mr. Tidwell in 2014 found that he demonstrated "a clear lack of regard for all three victims with a striking lack of remorse for those he has hurt." She found his "lack of willingness to take responsibility for the totality of his actions, including the perpetration of violence" was "of significant concern" and that his risk for violent re-offense was elevated by "his distorted thinking (denial, rationalization, and minimization) around his established pattern of committing violence in order to achieve his goals. He has shown no interest in developing insight into the functions of his violence, and as such, there is no reassurance that he has developed necessary strategies to avoid potentially tumultuous situations in the future regardless of whether or not he intends to commit a violent act." Previous psychologists have also raised concerns. Although the psychologist in 2014 believed Mr.

Tidwell was below the threshold to diagnose psychopathy, in 2011, the psychologist found, "Mr. Tidwell exhibits a number of the behavioral and interpersonal traits characteristic of psychopathy," "presented as both glib and grandiose," and that he "minimized the harm he caused suggesting an absence of remorse." At that time, Mr. Tidwell scored "higher than 71% of the normative sample of North American male offenders" on the PCL-R, a standardized instrument used to assess the lifetime presence of psychopathy and psychopathic traits. Similarly, in 2009, he was rated a "high moderate to high" on the same test. Mr. Tidwell is not required to admit guilt to be granted parole, but I am also not required to accept his claim of innocence in the face of overwhelming evidence establishing his guilt. In over 37 years, Mr. Tidwell has made no effort to confront the reality that he has committed multiple murders and other violent crimes. Until he does this or shows some remorse or appreciation for his actions, he belongs in prison.

### CONCLUSION

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

Decision Date: October 23, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**LOUIS WRIGHT, D-78824**  
Second Degree Murder

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

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

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

          X          

**STATEMENT OF FACTS**

Louis Wright and Margaret Rullo had dated for approximately seven months beginning in 1986. At one point, Ms. Rullo allowed Mr. Wright to move in with her because his mother had kicked him out, although their romantic relationship was tumultuous and intermittent. On March 26, 1987, Mr. Wright and Ms. Rullo began arguing, and Ms. Rullo told Mr. Wright he could not stay at her home any longer. Ms. Rullo then went to her bedroom to go to sleep. While she was on the bed, Mr. Wright began to strangle her with his hands, and Ms. Rullo passed out. Mr. Wright went to a closet, retrieved a belt, wrapped it around her neck, and continued strangling her until she died. Mr. Wright picked up her body, carried her downstairs, and placed her in the trunk of a car. He drove around with her body in the trunk for about an hour before returning to the house and attempting suicide by cutting his wrists and stabbing himself in the abdomen. Ms. Rullo's mother arrived at the house, discovered Mr. Wright and Ms. Rullo's body, and called the police.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Wright suitable for parole based on his lack of prior criminal history, parole plans, support in the community, self-help programming, lack of institutional misconduct, insight, remorse, and risk assessment.

I acknowledge Mr. Wright has made efforts to improve himself while incarcerated. He participated in some self-help programming, including Alternatives to Violence, Victim Awareness, and Anger Management, and submitted reports on family violence and domestic abuse. He earned his A.A. degree, completed vocational training, and has received positive ratings from his work supervisors. He has only been disciplined once for serious misconduct, in

2000. I commend Mr. Wright for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Wright's crime was horrific and disturbed. He strangled Ms. Rullo when she was totally defenseless. Mr. Wright's actions had a devastating and long-lasting impact on Ms. Rullo's loved ones, who have written letters and appeared at Mr. Wright's hearings opposing parole for many years.

Ms. Rullo's murder was the culmination of an extended period of threatening and disturbing acts carried out by Mr. Wright. Ms. Rullo's sister told the probation officer that although Ms. Rullo did not seem to be seriously involved with Mr. Wright, he became jealous and obsessed with her. In the weeks leading up to the murder, Mr. Wright put a laxative in Ms. Rullo's coffee, put a note in her pocket with a skeleton with a knife drawn on it, crossed out all the names of men in her address book, made threatening calls to men Ms. Rullo knew, and hung a stuffed animal in her bathroom. Once, when Ms. Rullo was out on a date with another man, she returned home and found that Mr. Wright had driven a knife through one of her stuffed animals and left a note saying, "How would you like to be him?" On March 3, 1987, Ms. Rullo reported to police that on the previous day she had told Mr. Wright to leave the house, and that he had become violent, throwing her to the floor, sitting on her, yelling at her, and slapping her face.

Mr. Wright does not adequately explain his distorted thinking that led to this pattern of abuse and Ms. Rullo's murder. He told the Board that he suffered from low self-esteem and depression because he was not able to support himself, and that he grew dependent on Ms. Rullo after his mother kicked him out and a potential job opportunity fell through. He said that his relationship with Ms. Rullo deteriorated when he discovered she was sleeping with another man, and that he felt "useless" when Ms. Rullo called him her "boy toy." He claimed that he contemplated suicide, and that he instead targeted his anger at Ms. Rullo because he was dependent on her, did not understand his emotions, and "learned" abuse from his father, who had been physically abusive of Mr. Wright's mother. At his hearing in 2012, Mr. Wright characterized the incidents of threatening Ms. Rullo by leaving ominous notes or putting laxatives in her coffee as a "stupid joke." It was not until his parole hearing in 2015 that Mr. Wright admitted that his pattern of bizarre behavior leading up to the crime was a deliberate attempt to control and intimidate Ms. Rullo. He further claimed that on the night of the murder Ms. Rullo attempted to end their relationship, and that they had a heated argument where she told him he had to get his "life together." He said that the argument escalated and he "just lost it" and decided to kill Ms. Rullo and himself because he had a "fear of being homeless, a fear of taking responsibility."

I find these explanations unpersuasive. Mr. Wright's childhood exposure to domestic violence and the stress in his life may explain some of the problems in his relationship with Ms. Rullo, but it does not account for his pattern of disturbing behavior and ultimate decision to kill her, particularly after having dated her sporadically for less than one year. Mr. Wright also places much emphasis on his dependency issues and inability to fend for himself, but he has done surprisingly little in prison to remedy those issues. I would expect to see him dedicate significantly more time to self-help and vocational training to learn the skills needed to live independently in the community. I encourage Mr. Wright to take additional steps to address

these issues so that he can show that he better understands his threatening and abusive behavior and will not repeat it if faced with similar stressful circumstances when released.

**CONCLUSION**

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

Decision Date: October 23, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**GUILLERMO FALCONI, P-14259**  
Second Degree Murder

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

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

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

          X          

**STATEMENT OF FACTS**

Guillermo Falconi was not licensed as a doctor in the United States, but he sold his services as a plastic surgeon. In July or August of 1996, Mr. Falconi performed liposuction on Lisa Ann West's stomach in a chiropractor's office for \$1,000. Ms. West complained to another doctor after the surgery that her stomach was "lumpy and irregular." A licensed physician later opined that the procedure was negligently performed and that Ms. West was not an appropriate candidate for the procedure. In December 1996 and March 1997, Rose Meza paid Mr. Falconi \$200 to remove two tattoos from her hands. Mr. Falconi performed the removal in the front room of his house using equipment that was designed to cauterize tissue, not remove tattoos. After the procedure, Ms. Meza reported that her hands were red and "ugly." A licensed physician referred to Mr. Falconi's treatment of Ms. Meza as "frank fraud" and "gross negligence and incompetence."

On May 21, 1997, Barbara Rojas paid Mr. Falconi \$500 to remove fat and skin from her upper arms. The surgery was performed in Ms. Rojas' bedroom. During the operation, Mr. Falconi told Ms. Rojas' 14-year-old daughter to hold a grocery bag and catch the fat and flesh as he cut it away from her mother's body. Mr. Falconi suggested to the daughter that she could feed the skin and fat to the family dogs, and joked that the tissue could be used to cook a meal. He wrapped Ms. Rojas' incisions and left her in the care of her daughter. Later that night, Ms. Rojas' daughter called Mr. Falconi because Ms. Rojas was bleeding. Mr. Falconi returned to the home, spent ten minutes re-wrapping the incisions, and left. Ms. Rojas' daughter called him again the next day and reported that she was still concerned about her mother. Mr. Falconi was at a social event and did not want to be bothered with the situation. Ms. Rojas' daughter eventually called 911, and Ms. Rojas was brought to the hospital. She died on June 9, 1997 due to excessive bleeding.

**GOVERNING LAW**

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

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

### DECISION

The Board of Parole Hearings found Mr. Falconi suitable for parole based on his lack of criminal history, remorse, acceptance of responsibility, age, maturity, positive activities in prison, low risk rating, and parole plans.

I acknowledge Mr. Falconi has made efforts to improve himself while incarcerated. He is now 60 years old. He has never been disciplined for serious misconduct. A librarian and a chaplain commended him in 2015 for his positive attitude. Mr. Falconi routinely received above average to exceptional work ratings. He earned his GED and several vocational certifications. He has participated in self-help programs including Alcoholics Anonymous, Insight, and Alternatives to Violence. I commend Mr. Falconi for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Falconi's behavior was shocking and unconscionable. His patients trusted him to provide appropriate medical care, yet he was arrogant enough to perform surgery on people in their own homes, and without appropriate medical staff, anesthesia, medication, laboratory work, post-operative care, or countless other necessary measures. Ms. Rojas tragically died because of Mr. Falconi's flagrant disregard for her care. Her young daughter was forced to assist in her mother's operation and was left to try to provide care for her mother during the complications after the surgery. Ms. Rojas' daughter called Mr. Falconi repeatedly the day after the operation, but got no response from him because "he was at a social event with friends and apparently did not want to be bothered with the situation." It is no wonder she continues to suffer from the trauma of her mother's death.

I am troubled that Mr. Falconi severely discounts the gravity of his actions. He told the psychologist who interviewed him earlier this year that Ms. West "did not like the results" of her liposuction, and that Ms. Meza "complained that only some of the tattoo had been removed." When asked to discuss the murder of Ms. Rojas, Mr. Falconi said, "Shamefully, I disregarded everything I learned." He reported that his behavior was "irresponsible" and "criminal," that he "demonstrated a lack of integrity and dishonesty," and that failing to call 911 or provide appropriate care to Ms. Rojas after the surgery was "a cowardly act that led to her losing her life." He claimed that his statements to Ms. Rojas' daughter during the operation about feeding Ms. Rojas' flesh to the dogs were "jokes" and "stupid comments." His description of Ms. Meza as "complaining" and Ms. West "not liking" the results of her botched procedure show that he has yet to appreciate the true nature of his actions. The reality is that Mr. Falconi performed a substantial number of surgical procedures; his own reports have ranged—in 2010 he estimated 75 separate procedures, and at his hearing in 2015, he reported 25 or slightly more surgical cases. In every one of these cases, Mr. Falconi flagrantly disregarded the laws in place to protect the safety and well-being of patients in the United States.

Additionally, Mr. Falconi has yet to provide a convincing explanation for committing his crimes. He told the Board, "I was accustomed to make money. After one year of doing nothing here, I feel like I am – I am no – I wasn't identified with my – with my profession. I thought in my mind that I was – I was the doctor, nothing else." He further explained his actions by saying, "I was greedy. I was arrogant. I was self-centered, above all, distant, disconnected from people." None of these reasons adequately explain his actions. It is true that Mr. Falconi was greedy, arrogant, and self-centered, but these traits do not account for his care for others, or lack thereof. Mr. Falconi did not "identify with his profession" enough to actually provide care to his patients. Feeling disconnected from others does not justify disregarding all appropriate standards of medical care and operating on people in their own homes, or using their children to provide nursing care.

I would like to see Mr. Falconi spend some significant time reflecting on the gravity of his actions and the impact he has had on countless families. Perhaps in this way, he can come to actually understand the mortal danger of his actions in a way that will convincingly show that he will never commit such crimes in the future.

#### CONCLUSION

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

Decision Date: October 30, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**LAWRENCE ADAIR, C-22124**  
Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

On February 15, 1980, witnesses saw Lawrence Adair and Carol Ellen Fillbach dancing and drinking at a bar. They left the bar around 12:30 a.m. On February 16, Ms. Fillbach's body was found face-up in six inches of water in a drainage ditch in Westminster. Her body was naked except for a bra. The autopsy revealed multiple blows from a blunt instrument to the face, kidney area, and ribs, which broke and punctured her lungs, filling them with blood. There were bite marks to Ms. Fillbach's left breast and stomach, and her right nipple was bitten off. The coroner indicated that the bites were inflicted post-mortem.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Adair suitable for parole based on his sobriety, lack of criminal history, insight, remorse, vocational training, age, self-help programming, and parole plans.

I acknowledge Mr. Adair has made efforts to improve himself while incarcerated. He is now 60 years old and has been incarcerated for 35 years. Mr. Adair earned his GED and has completed some vocational training programs. He has received satisfactory and above average work ratings and he has participated in self-help programs including Alcoholics Anonymous, Life Skills, and Alternatives to Violence. I commend Mr. Adair for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

This was a vicious crime. He ran into Ms. Fillbach that night at a bar, where she was celebrating her graduation from nursing school. Mr. Adair violently attacked Ms. Fillbach, beat her to death,

bit her body, and tore her nipple off with his teeth. His brutal attack cut her promising future short. I note that members of her family have written movingly over the years describing the pain and anguish they continue to feel as a result of her death.

Mr. Adair has not yet adequately explained how he came to direct so much violent rage at Ms. Fillbach. He told the Board that he struggled from "turmoil and emotional trauma" in early childhood because he had alcoholic parents who separated. He felt abandoned by his mother, resented both parents for divorcing, and blamed his father for "putting my life through what I had to go through with my father and his new wife." He reported that he began drinking and using drugs early, which led to "emotional isolation." Mr. Adair told the Board that at the time of the crime, he had been feeling "emotional anguish" because he and his wife had separated a couple of years earlier and that he had been binge drinking and using drugs in the week leading up to the crime. Mr. Adair reported that he smoked angel dust, "and that's when everything went south on me." He continued, "the effects of everything really took me into a frame of mind to where I became angry." He claimed that he and Ms. Fillbach "tried to become intimate" and that a stranger, known only as "Cowboy," asked to join in. This reportedly upset Mr. Adair so much that he "blew up" with a "superhuman strength like in this rage." He told the Board, "I had a mental breakdown. I couldn't control the anger and the rage, and I just took it out on Carol, which was wrong." Mr. Adair believes that he passed out "from hyperventilating to dizziness to nauseous." He told the Board that he bit Ms. Fillbach's nipple off because he thought it would "make her move," because he didn't "want to accept the fact that she was dead." He said that he then "panicked" and bit her again. He also told the psychologist that he bit Ms. Fillbach's nipple off because "it was my way of saying 'no' to Carol. That, 'No, I'm not gonna please you, please you or pleasure you.' It was my way to be the one to deny the sex." When asked by the psychologist why he committed the crime, Mr. Adair said, in part, "I believe I was trying to kill myself, not Carol, and I, in some twisted way, I was trying to kill myself."

These explanations simply do not account for the extreme violence that Mr. Adair inflicted on Ms. Fillbach, who had not provoked him in the slightest. Many people have overcome the "trauma" of parents who divorce and remarry and even later end their own marriages without beating an acquaintance to death. Drugs and alcohol also do not begin to explain why Mr. Adair acted so violently. Although Mr. Adair has provided several explanations for defiling Ms. Fillbach's body by biting her nipple off after she was dead, they are inconsistent and none explain this bizarre act in a meaningful way. Finally, it is nonsensical to say that Mr. Adair was trying to kill himself when he so brutally murdered Ms. Fillbach and so callously dumped her body in the street.

I am also concerned by Mr. Adair's recent violent behavior. In 2009, Mr. Adair was placed in Administrative Segregation because he was identified as an active participant in a racial riot. In 2013, he admitted to a correctional officer that he was involved in a fight with another inmate. The other inmate confirmed that Mr. Adair was involved and Mr. Adair received a counseling chrono for his behavior. The 2015 psychologist concluded that Mr. Adair's "[o]ngoing impulsivity and poor judgment at the age of 60 may be considered an aggravating factor in his future risk of violence." She rated him a moderate risk for future violence, concluding that his "insight (understanding) into the factors that prompted his sexual aggression, as well as his

misconduct as recently as 2013 in CDCR, remains under-developed.” Mr. Adair must do more to demonstrate that he understands how he came to kill Ms. Fillbach and to show that he has made a long-term commitment to refraining from violence.

**CONCLUSION**

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

Decision Date: November 5, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**GORDON BROOKS, H-40512**  
Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

On June 23, 1990, Gordon Brooks, Mark Frombaugh, and Wesley Pini attended a party at David Terry's house. During the party, Mr. Frombaugh went into the garage and saw Mr. Brooks kicking Mr. Pini. Mr. Brooks told Mr. Frombaugh, "Mind your own fucking business," and Mr. Frombaugh went back into the house. About 30 minutes later, Mr. Frombaugh returned to the garage and saw Mr. Brooks kick Mr. Pini in the stomach and ordered Mr. Pini to write out a confession that he stole \$10,000 from Mr. Terry. Later that night, Mr. Brooks told Mr. Frombaugh they were going for a boat ride and ordered him to gather rope and duct tape. They drove Mr. Pini out to a nearby lake and loaded him onto a boat. Mr. Frombaugh tied Mr. Pini up and taped his mouth. Mr. Frombaugh and Mr. Brooks tied a weight to Mr. Pini's body and threw him into the lake. Mr. Pini sank and drowned. On July 18, 1990, police discovered Mr. Pini's badly decomposed body.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Brooks suitable for parole based on his remorse, acceptance of responsibility, lack of violent misconduct in prison, commendations from prison staff, parole plans, vocational training, and risk assessment.

I acknowledge Mr. Brooks has made efforts to improve himself while incarcerated. He earned his GED, completed several vocations, and has received positive ratings from his work supervisors. He participated in self-help programming, including Alcoholics and Narcotics Anonymous, Victim Impact Awareness, and the Life Term Offender Pilot Program. He has not been disciplined for serious misconduct since 2010. I commend Mr. Brooks for taking these

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

This was a horrible and vicious crime. Mr. Brooks attacked Mr. Pini over a debt Mr. Brooks admits he was never sure existed. He beat and kicked Mr. Pini over several hours before tying his hands, covering his mouth, taking him to a lake, weighing him down, and throwing him into the water. Mr. Pini's family and friends have appeared at Mr. Brooks' parole hearings and written heartfelt letters over the years describing the horrific nature of this crime and its ongoing impact on them.

Mr. Brooks has not adequately explained why he was so willing to torture and kill Mr. Brooks. He told the psychologist who evaluated him in 2013 that he wanted to impress Mr. Terry and show that he was "dedicated and loyal." He told the Board that the crime occurred because he was insecure and had no self-esteem, and said, "I really don't know what I was thinking at the time. I'd been up for five or six days on speed." He claimed that he had not planned to kill Mr. Pini, but decided to do so after Mr. Terry told him to take Mr. Pini to the lake and "show him we mean business." He said that he was "floating along," "was willing to go to any lengths" to please Mr. Terry, and fed off Mr. Frombaugh's anger, saying, "I was too weak to stop it."

These explanations fall short. Being under the influence and feeling the need to impress a drug dealer do not explain Mr. Brooks' behavior. His participation in another kidnapping at Mr. Terry's behest months earlier put him on notice as to the type of characters he was associating with, but he did nothing to distance himself from this violent group. Instead, Mr. Brooks willingly acted as Mr. Terry's enforcer. Mr. Brooks' statements that he was "floating along" and "too weak to stop" the murder minimize the active role he played in this group. Mr. Brooks had a lot of time to think about what he was doing as he beat Mr. Pini, bound him, drove him to the lake, and threw him overboard to his death. Mr. Brooks' explanations do not reflect the personal and intimate nature of this murder. His characterization of his actions as those of an impulsive follower indicates that he has yet to understand his behavior or to accept his role in this crime. Until he does so, I do not believe he is prepared to be released.

I am also troubled that Mr. Brooks has not adequately addressed his significant history of substance abuse. He told the 2013 psychologist that he abused alcohol, marijuana, and methamphetamine, and was "heavily intoxicated" on marijuana and methamphetamine at the time of the crime. The psychologist concluded that he had a "guarded to fair" chance of remaining sober, and noted concerns that Mr. Brooks did not believe he was vulnerable to relapse, was "somewhat passive" regarding whether he would attend substance abuse self-help in the community, and lacked an "overt and active relapse prevention plan." I acknowledge that Mr. Brooks continued his participation in substance abuse self-help since that time, and presented a relapse prevention plan to the Board. Given the role that substance abuse played in this crime, however, I encourage Mr. Brooks to show a more enduring dedication to addressing his potential for relapse if released.

**CONCLUSION**

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

Decision Date: November 5, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**TIMOTHY HANNON, H-16381**  
Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

On November 2, 1988, the body of Willie Tagulao was found in a cloth surfboard bag in the San Diego Bay. The medical examiner determined that the cause of death was blunt force head injuries and ligature strangulation. The examiner also found sperm in Mr. Tagulao's mouth. The case remained open until November 1992, when Timothy Hannon's cousin told investigators that Mr. Hannon admitted that he beat a person to death in 1988 with a car axle and dumped the body in the bay near Imperial Beach. Another witness reported that Mr. Hannon had been "bragging" about beating a man to death because the man was homosexual. One of Mr. Hannon's sisters told investigators that she asked him about the murder and that he said it was self-defense and that he did not want to talk about it anymore because what happened would make "Jeffrey Dahmer look like a saint."

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Hannon suitable for parole based on his remorse, acceptance of responsibility, age, participation in self-help programs, parole plans, marketable skills, and risk assessment.

I acknowledge Mr. Hannon has made efforts to improve himself while incarcerated. He has been disciplined only once for serious misconduct during almost 22 years of incarceration. Mr. Hannon earned several vocational certifications, and received positive ratings from his work supervisors. He participated in self-help programs including Narcotics Anonymous, Impulse Control, and Victim Impact. I commend Mr. Hannon for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

This crime was horrific. Mr. Hannon beat Mr. Tagulao to death, strangled him, and dumped his body in the bay. Mr. Hannon was not apprehended for several years, during which his criminal activity continued. Ultimately, he was caught because he bragged to other people about Mr. Tagulao's murder.

I am not convinced that Mr. Hannon adequately understands why he brutally murdered Mr. Tagulao. He has presented wildly inconsistent accounts of the crime over the years, including claims that he awoke to find a stranger performing oral sex on him, that he invited Mr. Tagulao into his home, or that he believed that Mr. Tagulao was a "wife beater." The psychologists who evaluated Mr. Hannon in 2003 and 2007 both expressed concerns about his varying explanations and tendency to rationalize his actions. During his April 2015 psychological evaluation, Mr. Hannon claimed for the first time that he was molested by his cousin as a child, and that as a result he took on a "tough guy" persona and feared for years that he was homosexual. Mr. Hannon said that on the night of the crime, he invited Mr. Tagulao into his apartment for a drink after Mr. Tagulao gave him a ride home, and that Mr. Tagulao offered to perform oral sex on him. Mr. Hannon told the Board that after Mr. Tagulao finished performing oral sex he felt "a flood of emotions and feelings rear up inside me from things that had happened to me in my past," and beat Mr. Tagulao to death as a result.

Mr. Hannon's many conflicting stories make me question his credibility. Mr. Hannon told the Board in 2015 that he had been in "utter denial" and "if I told about one thing, I'd have to go back and tell more and more." He claimed, "I was so uncomfortable with the fact that I had engaged in a homosexual act with a man that I wasn't willing to come clean and take responsibility for killing" him. Mr. Hannon's history of dishonesty makes it difficult to believe that this new explanation is the result of a genuine exploration of his past. The 2015 psychologist noted that Mr. Hannon "has provided various, self-serving accounts of the life crime in an attempt to case himself in the most positive light. As such, there is concern that his new version of the crime, with the claim of childhood abuse, represents a deliberate attempt to assuage his guilt in some way." After years of telling different stories about this crime, Mr. Hannon must do more to convince me he is finally being truthful. Even if this new version of the crime is accurate, Mr. Hannon has only very recently begun to examine his childhood molestation and his violent history. He has done little to account for how he came to be so full of rage that he beat the Mr. Tagulao to death without provocation. Until he can more adequately explain his extreme behavior and show that he is prepared to act differently in the future, I do not believe he is ready to be released.

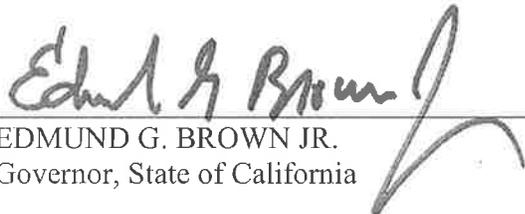
Finally, I am troubled by the pattern of allegations of sexual misconduct in Mr. Hannon's history. For many years, he denied consenting to oral sex before killing Mr. Tagulao. At the time of his arrest for this crime, Mr. Hannon was on parole and wanted for numerous parole violations, including allegations that he had kidnapped and raped a woman who had offered him a ride in 1992. One witness indicated that Mr. Hannon had raped the same woman before. Another report indicates that Mr. Hannon had been involved in another sexual assault around the same time. Although not questioned by the Board or the psychologist in 2015 about these incidents, Mr. Hannon told the psychologist in 2007 that the rape allegations "were all a farce." Mr. Hannon was also disciplined in 2010 for leering at a female correctional officer while

masturbating; he denies any sexual misconduct, and told the Board that he was “adjusting” himself. When considering this latest incident, the psychologist incorrectly noted that Mr. Hannon’s “sex history revealed no prior or subsequent sexually deviant acts.” Mr. Hannon demonstrated a willingness to obscure the truth about the life crime for many years. I direct the Board to thoroughly examine these issues and to question Mr. Hannon to determine whether he is doing the same with respect to these disturbing allegations.

**CONCLUSION**

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

Decision Date: November 5, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

**INDETERMINATE SENTENCE RELEASE REVIEW**  
(Cal. Const., art. V, § 8(b))

**ROBERTO HOLGUIN, YA-91449**  
First Degree Murder

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

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

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

**STATEMENT OF FACTS**

After midnight on February 27, 2005, 13-year-old Roberto Holguin snuck into the trailer of 87-year-old Gerald O'Malley to steal his car. Mr. O'Malley woke up and confronted Mr. Holguin in the hallway. In response, Mr. Holguin bludgeoned Mr. O'Malley with the skateboard he was holding. Mr. O'Malley fell to the floor, but was still breathing. Mr. Holguin then found cash, credit cards, and Mr. O'Malley's car keys. He drew a cartoon devil on a blackboard in the trailer and wrote "The Tin House" and "Jerry's House." Mr. Holguin left and went home, only to return with a padlock, which he placed on the only door Mr. O'Malley could have used to escape. Mr. Holguin again went home, only to return to the mobile home to take Mr. O'Malley's car, this time accompanied by a friend. Mr. Holguin and his friend used the car to joyride and the two were eventually arrested by police.

**GOVERNING LAW**

The question I must answer is whether Mr. Holguin will pose a current danger to the public if released. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.) 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 Juvenile Parole Board found Mr. Holguin suitable for discharge based on his recent positive gains, insight into the crime and his behavior while in custody, participation in therapy and support groups, treatment summary, and plans once released.

I recognize that Mr. Holguin's culpability is somewhat diminished because he was only 13 when he committed this vicious crime. A psychologist noted in 2014 that his childhood was "chaotic," and that his father was violent, often absent, and abused narcotics. Mr. Holguin had little

supervision, and began acting out at a young age. He claimed that his misbehavior was an attempt to impress his friends and “prove” himself to others. He related that those factors also influenced his decision to write me a threatening e-mail in 2012 and to otherwise misbehave while in custody. I acknowledge that Mr. Holguin has made recent gains. He is now 23 years old, has not been disciplined for misconduct since 2012, and has participated in therapy and job training programs. The treatment summary prepared by the psychologist in September 2015 noted that Mr. Holguin “has met and surpassed all expectations, does not present as a risk to the community, and has gained maximum benefit from his treatment and training at DJJ.” I commend him for making these efforts. I give great weight to Mr. Holguin’s age at the time of the crime, his unstable childhood, and his increased maturity and rehabilitative efforts. Nevertheless, I believe he is unsuitable for discharge at this time.

I reversed the decision to discharge Mr. Holguin in 2014 based on the crime and his behavior while incarcerated, including a threatening e-mail he sent to me in 2012 and a journal found in his room that included references to violence, firearms and explosives, and an interest in fame, violence, and “media violence.” After my decision, staff noted that Mr. Holguin became “despondent and hopeless,” and began to “decompensate psychologically, as well as behaviorally, evidencing increased paranoia, depression, perseveration, and non-compliance with staff direction.” His treating psychologist opined that Mr. Holguin was “attempting to manipulate and maneuver his situation by demonstrating suicidal ideations and demandingness.” Mr. Holguin was eventually transferred to Patton State Hospital in July 2014. When staff transferred Mr. Holguin to another facility in January 2015, he became “angry, frustrated, irritable and argumentative,” and made “vague suicidal threats.” Staff noted that for the first two weeks of January 2015 he was “confrontational and threatening of staff,” instigated a fight between two other wards, and encouraged other wards not to follow staff instructions. This behavior mimics Mr. Holguin’s history of manipulation and misconduct throughout his incarceration. He has been disciplined numerous times over the years, and has threatened or attempted suicide in disturbing ways on several occasions when facing stressful or difficult circumstances, including cutting himself with a crucifix and writing “kill me” on the wall in his own blood in 2007, attempting to hang himself and smearing “666” in blood on his door in 2009, and attempting to hang himself and smearing feces on the walls of his room in 2011.

I acknowledge that Mr. Holguin’s behavior has stabilized since January 2015. He continued therapy and job skills programs, was placed on the Youth Advisory Council, was named Youth of the Month in April, and was removed from the mental-health unit in September. As I noted last year, however, I am not willing to set aside Mr. Holguin’s pattern of disturbed thinking and manipulation after such a brief period of therapy and good behavior. In light of his behavior following my decision last year, I am not convinced that he has yet to develop and mature sufficiently to ensure he will not act out when faced with stressful situations or setbacks if released. I encourage Mr. Holguin to continue to build on his recent gains, and to respond to this decision in a manner that shows his increased maturity and ability to be safely released when he has his next hearing in six months. I also recognize that this case presents a difficult challenge because Mr. Holguin must be discharged before December 2016 if he is to be supervised at all as he transitions into the community. I direct the Division of Juvenile Justice to continue to monitor Mr. Holguin closely over the next several months in order to determine whether he has

Roberto Holguin, YA-91449  
First Degree Murder  
Page 3

maintained his recent gains. Until he shows a more consistent and sustained period of stability and positive behavior, however, I do not believe he is ready to be released.

**CONCLUSION**

I have considered the evidence in the record that is relevant to whether Mr. Holguin is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released. Therefore, I reverse the decision to discharge Mr. Holguin from the Division of Juvenile Justice.

Decision Date: November 4, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**HARVEY JACOBS, P-73870**  
Second Degree Murder

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

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

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

**STATEMENT OF FACTS**

On April 10, 1999, 56-year-old Harvey Jacobs married 52-year-old Nadine Loucks after cohabitating for over a year. Fifteen days after their marriage, following an argument over Christmas travel plans, Mr. Jacobs strangled Ms. Loucks for at least three minutes, killing her. After Ms. Loucks had been dead for at least 30 minutes, Mr. Jacobs called 911 and reported that despite his efforts to resuscitate her with CPR, she had apparently choked to death on a pastry. A routine autopsy disclosed Mr. Jacobs inflicted a blow to the top of her head, and caused hemorrhages in the muscle tissue of her shoulders and her neck, as well as two fractures in the airway from her mouth to her lungs.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Jacobs suitable stating he had developed some insight into the causative factors of his crime, he did not have a criminal history, he did not have any institutional misconduct, he participated in self-help programming, he had a low risk rating, he had accepted responsibility, and he presented viable parole plans.

I acknowledge that Mr. Jacobs is now 73 years old and has made efforts to improve himself while incarcerated. He participated in some self-help programming, such as Alcoholics and Narcotics Anonymous, Insight, Domestic Violence, Anger Management, Stress Management, and Victim Awareness. He has a strong work history, has engaged in pro-social community activities, and has not been issued any serious rules violations. I commend Mr. Jacobs for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Jacobs' crime was dispassionate and disturbing. On the night of the crime, the couple reportedly had a petty argument. The autopsy report suggests that when Mr. Jacobs strangled Ms. Loucks, she was already unconscious from an impact blow to the top of her head. After strangling his new bride for three minutes, he left her body lying on the floor and went to his bedroom to take a 20-minute shower. Mr. Jacobs was a highly educated, twice-married man approaching his 60<sup>th</sup> year of life. He had no reason to turn on his new bride during what should have been their honeymoon period. His actions were callous and cruel.

I am not convinced that Mr. Jacobs now understands the magnitude of his actions. During the murder investigation and well into his incarceration, Mr. Jacobs concocted many stories designed to escape responsibility for murdering his new wife, including that she choked on a pastry, had a thyroid condition, and was an alcoholic. In 2012, he told the psychologist that Ms. Loucks lunged at him first. In a 2013 letter to the Board, he claimed he choked his wife for "SECONDS and NOT MINUTES" and insisted he was never controlling or possessive. Purporting to accept responsibility for Ms. Loucks' death, Mr. Jacobs still takes great measures to minimize his culpability. In 2015, he told the Board "I pushed her hard. She fell down. I grabbed her neck -- my arm. Hard as I could. And the next thing I remembered was her head on my chest. My arm against her throat and when I saw, I just stopped. I just let go and I ran upstairs shaking and crying." His current representations continue to subtly minimize the inhumane manner in which he ended Ms. Loucks' life. He has never directly accepted that he choked his wife for three minutes, killing her.

Further, it is clear Mr. Jacobs has not developed sufficient insight into what caused him to commit this heinous crime. Mr. Jacobs now claims he killed his wife because he never learned how to be affectionate and did not develop good self-esteem. In support of this explanation, he cites his father's lack of affection and his mother's work ethic. This explanation does not make sense given that he was married twice before and claims he was not violent or controlling in either marriage. He has yet to come to terms with his desire to control the more vulnerable 52-year-old Nadine Loucks. I remain concerned that Mr. Jacobs could again become overwhelmed when a romantic interest is not willing to devote her entire life to him. The psychologist said, "he maintains a risk of recapitulating a dominant role in a romantic relationship, although he voices an intention to be more open and forthright with his feelings before emotional factors overwhelm the relationship." I encourage Mr. Jacobs to continue his efforts to develop insight into his desire to control Ms. Loucks and to ultimately take her life.

### CONCLUSION

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

Decision Date: November 5, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**HUNG NGO, J-23017**  
Second Degree Murder

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

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

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

**X**

**STATEMENT OF FACTS**

On March 18, 1993, Hung Ngo strangled his 20-year-old girlfriend, Tram Cao, to death. Her body was found by a family member laying on her bedroom floor; her legs were shoulder-width apart, her arms outstretched, and her lips purple.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Ngo suitable for parole based on his remorse, lack of criminal history, age, insight, educational achievement, and participation in self-help programs.

I acknowledge Mr. Ngo has made efforts to improve himself while incarcerated. He participated in self-help programs, including Victims Awareness, Alternatives to Violence, and Anger Management. Mr. Ngo routinely received positive work ratings, and in 2015 was commended for his efforts by a work supervisor and a teacher. He earned his high school diploma and several vocational certifications. I commend Mr. Ngo for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

This was a disturbing crime driven by deadly obsession. Mr. Ngo dated Ms. Cao for approximately two years. Their relationship was plagued by frequent arguments and Ms. Cao had previously reported being slapped on many occasions. Two weeks before the murder, he was asked to move out of Ms. Cao's family home. At that time, he threatened to kill Ms. Cao and her entire family. Fixated on having Ms. Cao for himself, Mr. Ngo's behavior grew more intimidating. One week before the murder, to prevent Ms. Cao from leaving with a male friend, Mr. Ngo walked in front of the friend's car and initiated a verbal fight with Ms. Cao. He

convinced her to go back into the house where the male friend heard screaming and yelling. The friend later noticed bruises on Ms. Cao's body. On another occasion, Mr. Ngo threatened to buy a gun and kill himself. On a different occasion, he took Ms. Cao on a drive but began "acting crazy" and speeding. He ultimately drove to the beach, dragged her out of the car, and started pulling her toward the water saying he was going to drown them both. His pattern of intimidation and violence culminated when he entered Ms. Cao's bedroom window, argued with her over the break-up, then cold-heartedly choked her for five minutes until she died.

Mr. Ngo has not yet adequately explained how he became so fixated on Ms. Cao or what drove him to inflict such prolonged suffering on a woman he claims he loved. In 2011, he told the evaluating psychologist that he didn't mean to kill her. He said, "By that point I drink too much. I don't mean, I tie her neck and did, had too much to drink. I'm sorry." In 2015, he told the Board, "I kill her because she told me she break up with me" and "I still love her. I still have her picture in my cell." These comments demonstrate his shallow self-reflection. Despite his persistent efforts to control, intimidate, and abuse Ms. Cao, Mr. Ngo has not taken a single domestic violence course. Until he can demonstrate that he understands what led him to stalk, abuse, and strangle Ms. Cao and can show that he is prepared to act differently in future relationships, I do not believe he is ready to be released.

I am also concerned by Ngo's violence in prison. He went into prison with no criminal history. Yet, he received rules violations for stabbing an inmate, participating in a melee, and four instances of mutual combat, most recently in 2005. His violent behavior makes me question his commitment and ability to live without violence in the future.

Mr. Ngo's most recent risk assessment supports my concerns. The 2011 psychologist rated him an overall moderate risk of future violence, based in part on his "minimal insight into the seriousness of his past actions." She reported that he "demonstrated limited understanding into internal factors that led to a jealousy and need to control his girlfriend that were so intense he ultimately killed her." The psychologist had "concerns about how Mr. Ngo will manage interpersonal conflict in future romantic relationships." I encourage Mr. Ngo to engage in relevant programming and to develop greater insight into his past violence. I direct the Board to administer a new psychological evaluation to provide a current and thorough assessment of his risk of violence. I urge Mr. Ngo to utilize the services of the translators provided to him so that the Board can best understand the depth of his insight into both this crime and his behavior in prison.

### CONCLUSION

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

Decision Date: November 5, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**RUBEN RUIZ, H-67621**  
First Degree Murder

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

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

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

**STATEMENT OF FACTS**

On December 3, 1991, Ruben Ruiz and Gilbert Mendez picked up three cases of beer at a liquor store and tried to exit without paying. When the clerk, Alireza Khaleghimoghadam, told Mr. Ruiz and Mr. Mendez that they had to pay for the beer or leave, they knocked him down and broke his ankle. Mr. Ruiz jumped on Mr. Khaleghimoghadam's chest and punched him in the face while Mr. Mendez kicked him. Azim Taherian, another clerk, came out from behind the counter holding a baseball bat, and made a threatening gesture towards Mr. Mendez. Mr. Ruiz and Mr. Mendez attacked Mr. Taherian, took the bat from him, and Mr. Mendez struck Mr. Taherian with the bat several times in the back. Mr. Ruiz held Mr. Taherian down while Mr. Mendez struck him several more times in the back, abdomen, head, and face. After Mr. Taherian fell to the floor, they continued beating him and Mr. Ruiz hit him in the head with the bat. When Mr. Khaleghimoghadam yelled at them to stop, they pushed and punched him, and kicked his broken ankle. Mr. Khaleghimoghadam stated the police were coming, and Mr. Mendez grabbed him by the shirt and punched his face stating, "You deserve it, son of a bitch." Mr. Ruiz and Mr. Mendez fled, taking two cases of beer and the bat. They were arrested shortly thereafter. Mr. Taherian died of a skull fracture and brain injuries on December 15, 1991.

Mr. Ruiz was originally sentenced to life without the possibility of parole after a jury convicted him of first degree murder with special circumstances. In 2014, the Los Angeles Superior Court recalled Mr. Ruiz's sentence pursuant to Penal Code section 1170, subdivision (d)(2), and resentenced him to a term of 33 years to life. He has now served just under 24 years in prison.

**GOVERNING LAW**

The question I must answer is whether Mr. Ruiz will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.) 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. Ruiz suitable for parole based on his age at the time of the crime, remorse, acceptance of responsibility, self-help programming, parole plans, maturity, and risk assessment.

Mr. Ruiz was only 17 years old when he viciously beat Mr. Taherian to death with a baseball bat after he tried to stop Mr. Ruiz from stealing beer. I acknowledge that Mr. Ruiz reported that his family was “plagued by his father’s alcoholism.” Mr. Ruiz explained that he yearned for a close relationship with his father, who was indifferent towards him, and instead found acceptance in gangs. In 2015, the psychologist who evaluated Mr. Ruiz opined, “it appears that Mr. Ruiz’s perceived indifference from his alcoholic father led him to seek belonging elsewhere. His gang associates, mostly older than him, provided him with the attention he lacked at home and made him feel as though he belonged and mattered. His participation in the life crime suggests the presence of youthful characteristics of impulsivity and failure to foresee the consequences of his actions.” Mr. Ruiz has had a significant opportunity to reform in his nearly 24 years in prison. I commend Mr. Ruiz for debriefing from the Mexican Mafia in 2011, earning his high school diploma and a paralegal certificate, and recently participating in self-help programming including Alcoholics and Narcotics Anonymous, Parenting, Staying Sober, and Anger Management. I carefully examined the record for evidence of his increased maturity and rehabilitation and gave great weight to these factors when considering Mr. Ruiz’s suitability for parole. However, they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Ruiz’s crime was violent and senseless. Mr. Ruiz and his crime partner attempted to steal beer from a liquor store, and when confronted by the store clerks they violently beat the two men. Mr. Ruiz ultimately killed Mr. Taherian with the baseball bat that Mr. Taherian used for his own protection. The level of violence given the lack of provocation was beyond extreme.

For the majority of his incarceration, Mr. Ruiz has not shown that he is willing or able to avoid violence or abide by the rules. Once in prison, Mr. Ruiz joined the Mexican Mafia and was validated as an associate in 2000. He served an indeterminate term in the Security Housing Unit at Pelican Bay State Prison from 2000 to 2011, when he debriefed from the gang. He was validated as a Mexican Mafia dropout in 2013. During his incarceration, he was disciplined 8 times for serious misconduct including conspiracy to traffic narcotics, positive urinalysis for alcohol and possession of a hypodermic needle kit, participation in a riot, possession of altered razor blades, and destroying state property. Mr. Ruiz admitted he made and carried weapons, enforced drug debts, and passed notes on behalf of the gang; confidential information indicates more substantial involvement. I am especially concerned by reliable confidential information from 2013 that leads me to believe Mr. Ruiz may still be involved in illegal activity even after his disassociation from the gang. Mr. Ruiz’s behavior demonstrates a sustained and serious pattern of impulsivity and violence that extended decades into his incarceration.

I am encouraged to see that Mr. Ruiz began engaging in self-help classes in 2012 and that he distanced himself from gangs even prior to any promise of parole eligibility. However, given his

poor behavior for many years and his only recent progress, I believe he needs more time to demonstrate a more sustained commitment to positive behavior and programming. I further direct the Board to closely examine Mr. Ruiz's confidential file to determine whether he has actually distanced himself from criminal conduct.

CONCLUSION

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

Decision Date: November 5, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**ADAM ESPINOZA, D-95175**  
First Degree Murder

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

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

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

**X**

**STATEMENT OF FACTS**

Adam Espinoza and Tina Guadiana dated for two years. In early fall of 1986, the couple moved in together. The relationship deteriorated, and Mr. Espinoza threatened to kill Ms. Guadiana if she left him. On October 26, 1986, Ms. Guadiana moved out. Later that day, Ms. Guadiana returned with her brother to retrieve some of her belongings. Mr. Espinoza attempted to convince Ms. Guadiana to resume their relationship; the pair argued and Mr. Espinoza pushed Ms. Guadiana. On November 6, 1986, Ms. Guadiana sought a restraining order against Mr. Espinoza.

Over the next several weeks, Mr. Espinoza followed Ms. Guadiana. On one occasion, Ms. Guadiana's roommate borrowed her car and was cut off by Mr. Espinoza who demanded to know where Ms. Guadiana was. On another occasion, Mr. Espinoza attempted to cut in front of Ms. Guadiana's car while she was driving. She pulled over and eventually left with Mr. Espinoza; she missed work the following day. On November 19, 1986, Ms. Guadiana reported that Mr. Espinoza had kidnapped and raped her the previous day. On December 1, 1986, Mr. Espinoza spoke with the detective investigating the kidnapping and rape case; he denied raping, kidnapping, harassing, or following Ms. Guadiana. On December 5, 1986, Ms. Guadiana and her brother met with the detective and deputy district attorney to discuss the rape and kidnapping allegations, and Ms. Guadiana's brother saw Mr. Espinoza watching them when they arrived for the meeting. Mr. Espinoza drove away when Mr. Guadiana's brother motioned to him to stop.

On December 8, 1986, Mr. Espinoza called Ms. Guadiana's employer, but she had not arrived at work yet. The secretary told Ms. Guadiana about the call when she arrived, and Ms. Guadiana said that she would record any future calls from Mr. Espinoza. A few minutes later, Mr. Espinoza called again and Ms. Guadiana tried to record the call. Ms. Guadiana appeared nervous after the call ended. Less than a half hour later, Mr. Espinoza arrived at Ms. Guadiana's desk and demanded that she step outside to talk to him. Ms. Guadiana refused, and Mr. Espinoza grabbed her and pulled her out of her chair by her hair. Ms. Guadiana screamed for help, a co-worker yelled at Mr. Espinoza to leave Ms. Guadiana alone, and another co-worker called security. Mr. Espinoza then pulled out a handgun, shot Ms. Guadiana once in the chest. He then paused before shooting her twice more, once in the chest and once in the face, killing her. Mr. Espinoza then walked out of the office and fled.

### GOVERNING LAW

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

### DECISION

The Board of Parole Hearings found Mr. Espinoza suitable for parole based on his current age, the length of his incarceration, remorse, participation in self-help programs, lack of serious misconduct since 2004, parole plans and support in the community, psychological evaluations, insight into his crime, and laudatory chronos from staff.

I acknowledge Mr. Espinoza has made efforts to improve himself while incarcerated. He has attended a great deal of self-help programming, including Alcoholics and Narcotics Anonymous, Domestic Violence, Victim Awareness, and others. He has written book reports on domestic violence and other topics. He has completed several vocational training programs and has been commended for displaying integrity and ethical boundaries, and being a positive influence on others. I commend Mr. Espinoza for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Espinoza stalked and terrorized his girlfriend for months. He followed her, burned her clothes up, threatened to kill her, showed up at her workplace, and would not allow her to move on with her life. Ms. Guadiana told police that Mr. Espinoza forced her off the road, forcibly took her to a mountain area, threatened to throw her off a cliff, and then raped her in the front seat of his car. Mr. Espinoza has now admitted that he kidnapped and raped Ms. Guadiana on two separate occasions before killing her. Mr. Espinoza showed up at her office desk and shot her three times while standing over her. While this murder was callous and cruel, Ms. Guadiana's daughter description that Mr. Espinoza made her mother "a victim long before he killed her" is entirely accurate.

Mr. Espinoza has not demonstrated convincingly that he understands how he came to kill his girlfriend. At his 2015 hearing, Mr. Espinoza reported that he did not form the intent to shoot Ms. Guadiana until he got into the hospital, and did so "because ultimately I was fed up with the back and forth, with the yes and no, with the come here, go away." When asked about why Ms. Guadiana sought the first restraining order, Mr. Espinoza speculated, "To keep me away from her. ... She felt that she had to have some kind of maybe paperwork. Maybe she was put up to it. I don't know." He described their relationship as "on-again, off-again" and said, "I wasn't going to take no for an answer." By characterizing the relationship as "on-again, off-again" and speculating that Ms. Guadiana may have been "put up to" getting a restraining order, Mr. Espinoza minimizes the fact that he stalked her for months after knowing that she no longer wanted a relationship and fails to take responsibility for his own behavior. He blames Ms.

Guadiana's indecision or the "back and forth" of the relationship for instigating his murderous rage, but nothing in the record suggests that Ms. Guadiana was not clear in her desire to have nothing to do with Mr. Espinoza. The appellate court noted, "Guadiana's killing climaxed an increasingly tense six-week period in which Espinoza repeatedly failed to revive his moribund relationship with her." Ms. Guadiana had moved out of the house with her daughter. Her family and friends had started stepping in to protect her and Ms. Guadiana had sought multiple restraining orders. Ms. Guadiana had tried to record her phone call with Mr. Espinoza just before the murder and appeared nervous to co-workers that morning. Ms. Guadiana's actions are not indicative of indecision on her part about the relationship. By making claims to the contrary, Mr. Espinoza demonstrates that he has yet to understand the reality that Ms. Guadiana was rightfully terrified of him or why he reacted by stalking, kidnapping, raping her repeatedly, and ultimately killing her.

### CONCLUSION

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

Decision Date: November 13, 2015

  
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 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 group 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 axe handle. Mr. Ranzo was hog-tied; a rope was placed around his neck and tied to his hands and feet. Mr. Spears also cut Phillip'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. Both Mr. Ranzo and Mrs. Ranzo suffered 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. 4<sup>th</sup> 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 acceptance of responsibility, lack of a prior violent criminal history, increased maturity, participation in self-help classes, educational and vocational achievements, staff commendations, and parole plans.

Mr. Maria was only 17 years old when he participated in this vicious double murder. I acknowledge that Mr. Maria 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 felt isolated. He also claimed that he lacked communication skills, was impulsive, and did not consider the long-term consequences of his actions. The psychologist who evaluated Mr. Maria in 2015 stated that "his age at the time of the crime is a noted consideration," and that he "was highly impressionable and easily influenced by others," which led to his involvement in the crimes. I commend Mr. Maria for earning his GED, receiving positive work ratings, completing vocational training programs, and serving as a hospice volunteer. I also commend Mr. Maria for participating in self-help programming, including Alcoholics and Narcotics Anonymous, Insight, and Alternatives to Violence. I carefully examined the record for evidence of his increased maturity and rehabilitation and gave great weight to these factors when considering Mr. Maria's suitability for parole. However, they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Maria's crime was especially gruesome and disturbing. This was a night of horrors; the Ranzos were bound and beaten, Mrs. Ranzo was brutally raped, and the couple's necks were stabbed and slashed. This shocking crime had a profound impact on the Ranzos' loved ones. Family members have appeared at Mr. Maria's hearings to express their ongoing sense of loss, and many members of the community have written to oppose parole.

Mr. Maria whitewashes the violence of his crime. During his 2015 hearing, Mr. Maria claimed that he did not believe that the Ranzos would be harmed during the burglary. He explained that Mr. Anderson had voiced concerns that the Ranzos would be injured. Mr. Anderson's concerns were assuaged by Mr. Lee's assurances that he had previously committed a home invasion robbery and the victim was not injured. Mr. Maria also claimed that he never heard any of his crime partners suggest hurting or killing the Ranzos, despite evidence to the contrary in the record. Mr. Maria's statements that he did not think that the Ranzos would be injured are also contradicted by his actions at the time of the crime. Mr. Maria and his crime partners were armed with guns and Mr. Maria acknowledged that his role in the crime was to help overpower the Ranzos, if necessary, in order to help tie them up. Mr. Maria was well aware that the Ranzos would be injured if they interfered with the group's plan.

Furthermore, Mr. Maria has not shown that he can abide by the rules. He has been disciplined thirteen times for serious misconduct, including for assaulting an inmate, fighting, and possession of marijuana. In 2011, Mr. Maria was disciplined after an officer observed him and another inmate pushing each other. One of his most concerning rules violations occurred in 2006, when Mr. Maria was disciplined for attempting to escape after correctional staff found two

holes in the floor of his cell that contained two chisels, a hammer, grey paint, and a digital camera. It is alarming that after 25 years in prison, Mr. Maria was engaged in this type of very serious misconduct. Although he had sustained a lengthy period of disciplinary-free behavior prior to his escape attempt, his more recent behavior demonstrates a sustained and serious pattern of impulsivity that extended years into his incarceration. I am encouraged to see that Mr. Maria has recently been making efforts to rehabilitate himself, including attending self-help classes, taking college courses, and serving as a hospice volunteer. However, given the recency of his progress, I believe he needs more time to demonstrate a sustained commitment to prosocial behavior.

### 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: November 13, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**DARIN REED, H-23787**  
Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

On May 24, 1991, Darin Reed and three other Bahala Na gang members, Marco Alvear, Mark Izquierdo, and Chad Buligon, drove in two cars past 16-year-old Fred Avila and his girlfriend who were walking along a road. Mr. Reed's group yelled at Mr. Avila, and then both cars made a U-turn and pulled alongside Mr. Avila and his girlfriend. The cars stopped, and Mr. Alvear exited and began beating Mr. Avila with his hands. When Mr. Avila fought back, Mr. Izquierdo and Mr. Buligon joined Mr. Alvear. The three men punched and kicked Mr. Avila for several minutes as he laid on the ground in a fetal position. Mr. Reed then exited one of the cars armed with a .38 caliber handgun. Mr. Reed told his friends to move out of the way, and then he shot Mr. Avila four times, killing him.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Reed suitable for parole based on his acceptance of responsibility, remorse, vocational and educational achievements, participation in self-help classes, parole plans, and age.

I acknowledge Mr. Reed has made efforts to improve himself while incarcerated. He earned his GED, completed several vocations, and received positive ratings from work supervisors. He participated in self-help programming, including Alcoholics and Narcotics Anonymous, Substance Abuse Program, Criminals and Gangmembers Anonymous, and Victim Awareness. I commend Mr. Reed for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Reed's crime was senseless. After his crime partners had beaten Mr. Avila for several minutes, Mr. Reed callously shot him four times. This unprovoked attack occurred for no other reason than that Mr. Reed was looking for validation from his friends and notoriety for their gang. I note that Mr. Avila's loved ones appeared at Mr. Reed's hearing and spoke of the devastating and long-lasting impact Mr. Reed's crime had on their family.

I am concerned that Mr. Reed is not prepared to maintain his sobriety given his history of substance abuse and recent relapse. He began drinking alcohol and smoking marijuana during his high school years. By 19, Mr. Reed was smoking marijuana on a near daily basis. He also experimented with PCP and methamphetamine in his early adult years. On the night he murdered Mr. Avila, Mr. Reed had been drinking with his crime partners. He told the psychologist who evaluated him in 2015 that his intoxication played a contributing role in the crime by giving him courage and self-confidence. After almost 20 years of sobriety and while attending substance abuse classes, Mr. Reed relapsed and started smoking marijuana in 2009. Shortly after, he started regularly using methamphetamine and continued using until 2011. During his 2015 parole hearing, Mr. Reed discussed his triggers for relapse, how he applied the 12 steps to his life, and his role as a substance abuse mentor for other inmates. I am encouraged that following his relapse, Mr. Reed is now taking his sobriety seriously and appears to be engaging in substance abuse classes. Despite these recent gains, I am concerned by the recency of Mr. Reed's relapse and believe he is now only minimally prepared to maintain his sobriety. I urge him to continue to participate in substance abuse self-help groups and to maintain his sobriety, but I do not think he is ready to be released at this time.

### CONCLUSION

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

Decision Date: November 13, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**BRIAN DANIELS, P-09817**  
Second degree murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      X      

**STATEMENT OF FACTS**

Brian and Sonya 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 Brian 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. He had previously weighed 31 pounds at age two-and-a-half. An autopsy revealed Jory had scabies lesions on his skin and died due to "long standing nutritional deprivation." 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. Brian and Sonya were arrested on June 23, 1994. At the time of his arrest, the Daniels' other children also appeared to have suffered intermittent malnutrition.

It was not only that Mr. Daniels starved his child to death, the record reveals "an alarming record of physical abuse and neglect." In 1989, when Jory was four months old, Mr. Daniels was convicted of willful child cruelty with the possibility of injury or death. In this episode, he fractured Jory's skull with his fist resulting in mild developmental delay, and swung him by the leg resulting in paralysis. Jory displayed symptoms of a "failure to thrive," usually caused by inadequate nutrition, and was placed in protective custody. Mr. Daniels also admitted striking his wife badly and slamming her head down that same night. Jory remained in foster care until age two and showed signs of progress, but when he returned from visitation weekends with the Daniels, he was "ravenous" and suffered a diaper rash on at least three occasions from the Daniels' failure to change his diaper. Eventually, Jory was placed under the care of his maternal grandparents, Robert and Maxine Hicks, who shared a home with the Daniels, and Jory's health began to deteriorate again. Witnesses recalled never observing or hearing the Daniels' children playing outside. Other neighbors noticed the "unusually small children were often hungry and thirsty," and a family friend thought Mr. Daniels was "harsh" in his physical discipline of Jory. 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 Sonya. He was released four days later after Sonya stated she did not want charges filed. After Jory's death, and before the Daniels were convicted, Sonya 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 Mr. 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. 4<sup>th</sup> 1181, 1214.)

### DECISION

The Board of Parole Hearings found Mr. Daniels suitable for parole based on his remorse, acceptance of responsibility, current age, lack of institutional misconduct, self-help programming, marketable skills, risk assessment, and parole plans.

I acknowledge Mr. Daniels has made efforts to improve himself while incarcerated. He has never been disciplined for serious misconduct throughout his incarceration. He has received positive commendations from his Prison Industry Authority supervisors. He has participated in self-help programs, including Al-Anon, Victim Impact, Family Relationships, Domestic Violence, and Parenting. I commend Mr. Daniels for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Fathers are supposed to love, protect, and care for their children. Mr. Daniels severely neglected and abused his 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." He weighed significantly less than he did three years prior despite being the same height. Despite knowing that Jory would "forage" for food, Mr. Daniels chastised him for "stealing" food. The amount of suffering young Jory endured is incomprehensible and inexcusable.

I am deeply troubled by Mr. Daniels' explanations for why he neglected and abused Jory and his wife for such an extended period of time. He told the psychologist in 2013 that he was "too self-absorbed," and in an attempt to keep a promise not to hit Sonya, he "ended up running from her and neglecting the kids." He claimed that even though he lived at home, he worked long hours and saw the children "perhaps once weekly." In 2015, he told the Board that he fractured Jory's skull because he was "angry" with his wife, "overwhelmed" because he was failing, and that he became annoyed when Jory started to cry. Mr. Daniels admittedly noticed Jory's frail condition, but stated he "couldn't handle any more to be concerned about" and he was only focused on himself. With respect to the nutritional deprivation of his children, he reiterated that he was "very irresponsible" and "self-absorbed." Mr. Daniels also claimed the only time he physically abused Jory was in 1989 when he fractured his skull and leg. Once Jory was taken into protective custody, he said that Ms. Daniels and he decided to have another child to "replace" Jory.

Mr. Daniels' explanations are wholly inadequate. His actions go beyond mere self-absorption, and his claim that he neglected his child to avoid battering his wife is extremely disconcerting.

Mr. Daniels' neglect and abuse of Jory extended for years and was the result of many factors and a repeated and conscious pattern of mistreatment. He had plenty of options, including leaving his son in foster care or with the Hicks, giving him up for adoption, or being a responsible parent, yet he failed miserably. Furthermore, I am concerned Mr. Daniels is not being forthright about the extent of his abuse given contrary information in the record. The psychologist opined that Mr. Daniels "appears to lack some appreciation of factors related to a long history of child abuse, if not also domestic violence," and cautioned that Mr. Daniels "appears to view the past relationship with Sonya somewhat simplistically in seeming to believe that not listening to her and not loving her were primary factors in the crime (rather than seemingly overwhelming personality factors)." The psychologist ultimately concluded, "While he appears quite remorseful, and has worked actively to reorient relationships into a more proactive nature, it is not clear that he has a more complete awareness of ongoing personality factors contributing to an apparently long standing neglect and abuse of Jory." I do not think that Mr. Daniels appreciates the magnitude of his actions, and therefore I cannot be certain that he will not repeat similar conduct if released. He is clearly an intelligent man, but he has yet to explain how he could look at his own emaciated child for years and do nothing. I encourage Mr. Daniels to make greater efforts to understand this tragic situation, through participating in self-help classes geared towards parenting and domestic violence, and by working with a psychologist or other persons available that could help deepen and clarify his understanding.

#### CONCLUSION

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

Decision Date: December 4, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**TIMOTHY LEFFLER, K-98643**  
Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

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

**STATEMENT OF FACTS**

On March 16, 1997, Christopher Gordon, Joshua Guthrie, and Joshua Fithian met at Mr. Fithian's home and walked to a nearby convenience store. When they returned to Mr. Fithian's house, they saw Timothy Leffler and Rafael Balderas leaving the house. Mr. Leffler and Mr. Balderas were carrying a radio that belonged to Mr. Guthrie; the radio was collateral for an unpaid debt. The men started arguing. Mr. Guthrie retrieved his radio and started walking away with Mr. Gordon and Mr. Fithian. Mr. Guthrie then heard Mr. Leffler or Mr. Balderas say, "We're going around the corner to the bushes to get something." Moments later, Mr. Leffler and Mr. Balderas ran toward the three men. Mr. Balderas was armed with a rifle, and Mr. Leffler was armed with a bat. Mr. Balderas shot Mr. Fithian in the head, killing him. Mr. Gordon dropped to the ground, and Mr. Balderas walked over to him and shot him in the abdomen. Mr. Balderas and Mr. Leffler fled. Mr. Gordon was transported to the hospital, where doctors had to remove both of his kidneys, his spleen, and gallbladder due to the gunshot wound. Mr. Gordon died of his wounds on July 14, 1997. Mr. Guthrie survived and did not sustain any injuries.

**GOVERNING LAW**

The question I must answer is whether Mr. Leffler will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.) 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. Leffler suitable for parole based on his increased maturity, lack of violent behavior in prison, remorse, self-help programming, insight, vocational training, psychological evaluation, and parole plans.

Mr. Leffler was only 17 years old when he participated in this callous double murder. I acknowledge that Mr. Leffler reported having an unstable childhood. He claimed that he was abandoned by his mother when he was 5 and placed in foster care for several years. He said that he was frequently physically abused while living with his father for a year when he was 13, and then returned to his former foster home. Mr. Leffler stated that he witnessed domestic violence in his foster home, joined a gang at 13, and struggled academically. He described himself as an impulsive and immature follower who wanted his friends' approval. The psychologist who evaluated Mr. Leffler in 2015 observed that there were "virtually no positive influences in his life when he was 17 years old," and concluded that "it appeared that the majority of characteristics evident in his youth have diminished with age." I commend Mr. Leffler for earning his GED, receiving positive work ratings, and completing vocational training programs. I also commend Mr. Leffler for participating in self-help programming, including Alcoholics and Narcotics Anonymous, Alternatives to Violence, and Impact of Crime on Victims. I carefully examined the record for evidence of his increased maturity and rehabilitation and gave great weight to these factors when considering Mr. Leffler's suitability for parole. However, they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Leffler's crime was vicious and calculated. He and Mr. Balderas murdered two young men over a trivial \$40 debt. I note that Mr. Guthrie, as well as Mr. Gordon's and Mr. Fithian's loved ones, appeared at Mr. Leffler's parole hearing and made heartfelt statements describing the horrific nature of this crime and its ongoing impact on them.

I am concerned that Mr. Leffler has not adequately addressed his substance abuse problem, especially in light of his long history of addiction. By the time he was 17, Mr. Leffler was using alcohol, marijuana, and methamphetamine daily. He was under the influence of alcohol and methamphetamine when he participated in the ambush on Mr. Guthrie, Mr. Gordon, and Mr. Fithian. His drug use continued and even escalated in prison. Mr. Leffler drank alcohol weekly until 2005 when he stopped because he "was strung out on heroin." He used marijuana and methamphetamine regularly until 2008, and he used heroin daily between 2005 and 2008. He was also disciplined in 2008 for possession of heroin, methamphetamine, and marijuana. At his 2015 hearing, Mr. Leffler admitted to selling drugs for three years while incarcerated to support his drug addiction. He reported that he attended a few Alcoholics Anonymous classes in 2008, but "wasn't taking it seriously" and "was just attending for a chrono." He claimed that he only began to meaningfully participate in substance abuse groups in 2013. Although I am encouraged that Mr. Leffler has recently begun to engage in substance abuse treatment, I am not persuaded that he is sufficiently prepared to maintain his sobriety if released at this time. I urge Mr. Leffler to dedicate himself to available self-help programming and independent study to fully address his problem to demonstrate that he is suitable for release.

Timothy Leffler, K-98643  
Second Degree Murder  
Page 3

CONCLUSION

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

Decision Date: December 4, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**KEVIN ANDITON D-96017**  
First Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

On May 19, 1986, sixteen-year-old Kevin Anditon and eight-year-old Casey Fleming were playing hide-and-seek in a neighborhood field. The two began to argue over who would hide next. Mr. Anditon grabbed Casey by the arm to convince her that it was her turn to seek. When Casey began to scream, Mr. Anditon choked her until blood and mucous flowed from her mouth and nose. When Casey gasped for air, he strangled her for another six minutes. Once Casey was dead, Mr. Anditon pulled Casey's pants down to her ankles. He then pulled his own pants down and started fondling Casey, eventually penetrating her vagina with both his fingers and his penis. Once he was done, he put the clothing back on Casey's body and left her in the field behind her family's home. Mr. Anditon tried to run home, but was spotted and stopped by Casey's older brother who had been looking for his sister for an hour.

**GOVERNING LAW**

The question I must answer is whether Mr. Anditon will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4<sup>th</sup> 1181, 1214.) 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. Anditon suitable for parole based on his age, insight, remorse, self-help programming, lack of violent conduct before and after prison, educational achievements in prison, parole plans, and risk assessment.

Mr. Anditon was only 16 years old when he committed this crime. He reported having an unstable childhood. He explained that he stopped growing at age eight due to a medical condition, and therefore his friends were years younger than he was. He said that his stepfather

was physically abusive. Further, he reported that he was the victim of sexual molestation once by a stranger in a public restroom and just recently claimed that he was molested by a family friend for four years. He described himself as too young and immature to know how to deal with the rejection that he repeatedly faced as a result of being physically small and not fitting in with same-aged peers. The psychologist who evaluated Mr. Anditon in 2013 observed that his past behavior and decision-making, including his thought process at the time of the crime, was indicative of transient immaturity, impulsivity, recklessness, and an under-developed sense of responsibility. The psychologist concluded that he “no longer demonstrates ongoing impulsivity or reckless behavior,” and has “demonstrated growth and maturity.” I commend Mr. Anditon for earning his GED and receiving positive work ratings; he has not been disciplined for misconduct since 2001. I also commend Mr. Anditon for participating in self-help programming, including Victim Impact, Anger Management, Family Relationships, and Child Abuse Awareness. I carefully examined the record for evidence of his increased maturity and rehabilitation and gave great weight to these factors when considering Mr. Anditon’s suitability for parole. However, they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

This crime shocks the conscience. Mr. Anditon’s decision to take an eight-year-old girl into a field, choke and strangle her, and then rape and molest her dead body is not explained by youthful indiscretion. Mr. Anditon admitted choking Casey once, and then again for six minutes after she gasped for air. He then removed her clothing and his own, fondled her body, and penetrated her with his fingers and penis. Early in his incarceration, he reported to a psychologist that “he was attracted to girls aged eight to ten years.” The report continued on to say that he “developed techniques for obtaining childrens’ [sic] attention as he ha[d] been generous to children by buying them presents and by playing with them.”

Mr. Anditon has yet to offer a coherent explanation for having sex with Casey’s corpse. When the 2013 psychologist inquired why murder and the presence of Casey’s dead body did not deter his sexual arousal, he replied, “Can’t really say.” At his 2015 hearing, Mr. Anditon disclosed for the first time that he was molested by a male family friend from age 12 until age 16. Regarding this alleged molestation, he explained, “I believe to tie it into the situation with Casey, after 4 ½ years, knowing that Casey couldn’t do anything, I took advantage of her . . . to prove to myself that I was still attracted to the opposite sex.” He currently denies that he raped Casey, despite telling investigators that he had done so. Mr. Anditon also told the Board that he did not know how to control his anger, did not have good coping skills, and had a terrible sense of self-esteem. He further explained, “When I hurt Casey, I should have stopped and went for help. Forget the ramifications, getting into trouble, get help because no one deserves that.”

I am troubled that Mr. Anditon cannot better explain his actions. His statements severely minimize his conduct. He did not “take advantage” of the eight-year-old girl he had just strangled to death. As he admitted during the investigation into this crime, he raped Casey. He has not come to terms with the magnitude of the sexual assault Casey was subjected to, and that he admitted to during the investigation. He had no understanding of the sexual component of his crime when he spoke to the psychologist in 2013. He should have stopped long before the girl was dead and there should never have been a need for help. It makes no sense to try to prove his attraction to the opposite sex by raping or molesting a bloody, dead body. I would like to see

Kevin Anditon, D-96017  
First Degree Murder  
Page 3

Mr. Anditon dedicate significant attention to understanding how he came to commit this atrocious crime to show that he will never act out in such violent sexual perversion again.

CONCLUSION

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

Decision Date: December 18, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California

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

**STEVE GONZALEZ, E-37438**  
Second Degree Murder

**AFFIRM:**

\_\_\_\_\_

**MODIFY:**

\_\_\_\_\_

**REVERSE:**

      **X**      

**STATEMENT OF FACTS**

On July 22, 1988, 16-year-old Benjamin Rivas and a friend were walking down the street. Steve Gonzalez was riding with two friends in a stolen car armed with a shotgun. The car pulled alongside Mr. Rivas, and Mr. Gonzalez fired the shotgun, hitting Mr. Rivas in the arm and chest, killing him.

**GOVERNING LAW**

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

**DECISION**

The Board of Parole Hearings found Mr. Gonzalez suitable for parole based on his dissociation from gangs, insight, participation in self-help programming, educational advancement, and vocational certifications.

I acknowledge Mr. Gonzalez has made efforts to improve himself while incarcerated. He has not been disciplined for serious misconduct since 2005. He completed two vocations, earned his GED, and routinely received satisfactory work ratings. A correctional officer praised Mr. Gonzalez in 2014 for his positive behavior and attitude. I commend Mr. Gonzalez for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

I reversed Mr. Gonzalez' grant in 2013 based on his lengthy history of gang activity and rules violations, his failure to address his significant past substance abuse, and his elevated risk rating. Although the Board found Mr. Gonzalez suitable for parole again in July 2015, little has changed since my last reversal.

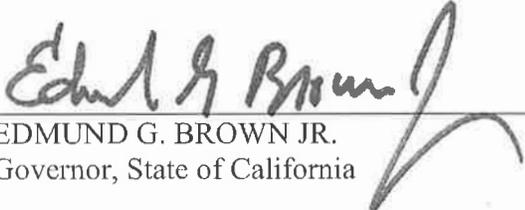
I remain troubled by Mr. Gonzalez' history of substance abuse and gang activity. The record indicates that once in prison, Mr. Gonzalez started using methamphetamine and heroin, abused alcohol, and trafficked drugs for years. Also, his gang involvement escalated. For the benefit of the gangs, including the Mexican Mafia, he incited unrest, ordered assaults on other inmates, and trafficked drugs. He was disciplined 12 times for serious misconduct, and 29 times for less serious misconduct. In my last reversal, I directed Mr. Gonzalez to fully engage in self-help programming to address his risk of future violence and potential relapse. He did so for some time in 2013 and again in 2015, but Mr. Gonzalez has yet to demonstrate a sustained commitment to rehabilitation. He has not participated in any substance abuse groups since 2013. I would expect someone in Mr. Gonzalez' position to commit himself whole-heartedly to self-improvement to demonstrate that he is committed to living without violence and drugs if released. I encourage him to dedicate himself to his rehabilitative efforts to show that he is prepared to be released and to ensure that, if faced with disappointment, he will refrain from drugs and violence.

As I noted in 2013, Mr. Gonzalez' moderate-to-high overall risk rating from 2011 supports my concerns. I acknowledge that the 2014 psychologist mitigated Mr. Gonzalez' risk. I direct the Board to administer a new psychological evaluation to provide a current and comprehensive assessment of Mr. Gonzalez' risk of future violence. I would like this assessment to take into account the progress Mr. Gonzalez has clearly made since his last comprehensive evaluation.

### CONCLUSION

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

Decision Date: December 18, 2015

  
EDMUND G. BROWN JR.  
Governor, State of California