

EXECUTIVE REPORT ON PAROLE

**PAROLE REVERSAL DECISIONS FOR THE PERIOD
JANUARY 1, 2020 THROUGH DECEMBER 31, 2020**



BY GOVERNOR GAVIN NEWSOM



OFFICE OF THE GOVERNOR
MESSAGE CONCERNING 2020 PAROLE CASES

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

I submit this report as required by article V, section 8, subdivision (b).

The parole process in California, a critical cornerstone of our criminal justice system, is made stronger by the efforts of many, throughout state government, the legal system, and in our communities.

The California Department of Corrections and Rehabilitation, under the leadership of Secretary Kathleen Allison, the Board of Parole Hearings, including the Parole Commissioners and the Deputy Parole Commissioners, under the leadership of Executive Officer Jennifer Shaffer, and the Division of Adult Parole Operations, under the leadership of Guillermo Viera Rosa, lead this effort in our state government. I also wish to acknowledge the Office of Victim and Survivor Rights and Services led by Acting Chief Katie James.

I am also grateful to the community organizations that provide rehabilitative programming in prisons and reentry services to people on parole in the community; the attorneys who represent incarcerated people in the parole process; the prosecutors who appear at the hearings; and the people in prison, on parole, and post-parole who have committed themselves to rehabilitation and accountability.

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

The report may be found at www.gov.ca.gov/clemency, or, for a printed copy, contact the Governor's Office at 916-445-2841. Crime victims and survivors who would like information about parole and clemency notification, restitution, and referral and support services can call 1-877-256-6877, email victimservices@cdcr.ca.gov, or visit www.cdcr.ca.gov/victim-services. Californians who would like information and instructions on how to apply for clemency may visit www.gov.ca.gov/clemency.

I look forward to our continued partnership in ensuring a fair criminal justice system for all Californians.

Sincerely,

A handwritten signature in black ink, appearing to read "Gavin Newsom", written over a horizontal line.

Governor Gavin Newsom



PAROLE REVERSAL DECISIONS

2020

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

DAVID WEIDERT, C-39455
First Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ X _____

STATEMENT OF FACTS

In 1980, 17-year-old David Weidert asked his co-worker, the victim, to act as a lookout during a burglary. The victim had a developmental disability. After the victim later reported the burglary to law enforcement, Mr. Weidert devised a plan to kill him. Mr. Weidert and his two crime partners waited at the victim's apartment and then lured him to a parking lot where they bound him and forced him into a vehicle. They drove the victim to a remote a location and Mr. Weidert forced him to dig a shallow grave. The crime partners beat the victim with a baseball bat, Mr. Weidert stabbed him, and then Mr. Weidert buried him in the grave. When the victim, who was still alive, tried to crawl out, Mr. Weidert used his foot to push the victim into the ground, suffocating him.

DECISION

I acknowledge that Mr. Weidert committed this crime when he was 17 years old and that he has been incarcerated for 40 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Weidert's increased maturity and rehabilitation and gave great weight to all the factors relevant to his diminished culpability as a youthful offender including his rash decision-making, inability to cope with his emotions, and recklessness, as well as his other hallmark features of youth. I also acknowledge that Mr. Weidert has made efforts to improve himself in prison. He has not received a rules violation in more than three decades, he has participated in self-help programming, and earned a vocational certification. I have given great weight to his subsequent growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

I do not believe that Mr. Weidert has accepted full responsibility for his leading role in this brutal murder of a vulnerable victim. The psychologist who evaluated

Mr. Weidert in 2016 noted Mr. Weidert's evasive and inconsistent statements regarding his motivation for committing the crime. At first, Mr. Weidert told the evaluator that he felt obligated to continue with the murder because his "crime partner was expecting [him] to," thereby minimizing his role as the primary planner and perpetrator of the murder. Mr. Weidert then backtracked, acknowledging his role in planning the crime, and admitted, "[B]y noon of the day of the life crime, I had decided to kill him." The evaluating psychologist concluded that although Mr. Weidert did ultimately say that he accepted personal responsibility for the crime, he seemed to only now report the crime as a premeditated act because he "made a bad answer to the Board last time." It is critically important for Mr. Weidert to fully confront and accept the impact of his past decisions and actions so that he can abstain from repeating them in the future. While it appears that Mr. Weidert is moving toward accepting full responsibility for the role he played in this crime, the inconsistencies in his statements make it difficult to assess their authenticity, and, accordingly, his fitness for parole.

I am also troubled that even 40 years after Mr. Weidert committed this offense, he continues to show an underdeveloped sense of remorse for the suffering he caused. The psychologist who evaluated Mr. Weidert noted that his statements regarding remorse "appeared to be insincere." I am concerned that this lack of remorse signals Mr. Weidert's inability to manage and control what the psychologist identified as "longstanding characterological features" and what Mr. Weidert himself identified at his 2019 parole hearing as "narcissistic characteristics."

Mr. Weidert's statements at his parole 2019 hearing indicate that he has made some progress since his 2016 comprehensive risk assessment, and I encourage him to stay on this positive path. Before he can be safely released, however, Mr. Weidert must continue his work to recognize and control his anti-social character traits.

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 at this time. Therefore, I reverse the decision to parole Mr. Weidert.

Decision Date:
January 9, 2020



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

GERALDO BASCOMB, F-13633

First Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

In 2000, Geraldo Bascomb and his crime partner forcibly entered an apartment to steal marijuana. Mr. Bascomb and his crime partner held two victims at gunpoint while a third hid in the bathroom. After a struggle, Mr. Bascomb's crime partner fatally shot one victim. Mr. Bascomb fled the state and was arrested three years later. In 2018, Mr. Bascomb's sentence was commuted from 27 years to life to a 15-years-to-life term.

DECISION

I acknowledge that Mr. Bascomb committed this crime when he was 21 years old and that he has since been incarcerated for 16 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Bascomb's increased maturity and rehabilitation and gave great weight to all the factors relevant to his diminished culpability as a youthful offender—his rash decision-making, susceptibility to peer pressure, and inability to appreciate the consequences of his actions—and other hallmark features of youth. The psychologist who evaluated Mr. Bascomb in 2019 concluded that “[Mr. Bascomb's] decision to rob the life crime victim does appear reckless and he may not have fully considered the potential outcomes.”

I also acknowledge and have given great weight to the efforts that Mr. Bascomb has undertaken to improve himself in prison. Mr. Bascomb has participated in and facilitated self-help programs, and earned vocational certificates and exceptional work ratings. Several correctional staff commended Mr. Bascomb for his positive rehabilitation. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Bascomb continues to minimize his role in this crime. During his 2019 risk assessment, Mr. Bascomb said that he accepted responsibility for the death of the victim, but then told the evaluating psychologist, "I've never fired a gun in my life and I still end up in prison behind [the victim's] murder!" Mr. Bascomb fails to grasp the impact of his role-- he was the one who suggested committing the robbery, armed himself with a gun, and held one of the occupants of the apartment hostage at gunpoint. My concerns are underscored by the findings of the psychologist who evaluated Mr. Bascomb. The psychologist diagnosed him with personality disorders and stated that Mr. Bascomb "demonstrated little interest in better understanding or working on these issues. . . . [H]e appeared to justify his actions and claimed others (e.g., his mother and various girlfriends) have supported his rule breaking." The psychologist also noted that Mr. Bascomb was "notably manipulative" throughout the evaluation, and found him to be "unemphatic." Accordingly, the psychologist assessed Mr. Bascomb as a moderate risk for future violence. Until Mr. Bascomb meaningfully works on addressing his personality traits that led him to commit this crime, he remains at risk for repeating similar conduct in the future.

Mr. Bascomb has a significant history of substance abuse, which fueled his violent conduct. The evaluating psychologist concluded that Mr. Bascomb continues to lack insight into his relationship with drugs and alcohol, with "no clear plans for how to manage this factor upon parole to the community." Despite Mr. Bascomb's participation in self-help programming, it appears that he has not yet made enough progress to sufficiently mitigate his risk of relapse in the community.

I commend Mr. Bascomb for his efforts in prison and I encourage him to continue participating in and—most important—internalizing, programming that will give him the skills he will need to be successful on parole and beyond.

CONCLUSION

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

Decision Date:
January 9, 2020



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

KEVIN ANDERSON, T-14836

2nd degree murder

AFFIRM:

MODIFY:

REVERSE:

 X

STATEMENT OF FACTS

Mr. Anderson was having an extramarital affair with the victim, a fellow pediatrician at the practice where they both worked. After the victim revealed that she was pregnant with his child, Mr. Anderson lured her to a remote area and strangled her to death. He then doused the victim's car with gasoline and, with her body inside, caused it to plunge off a cliff.

DECISION

I acknowledge that Mr. Anderson has made efforts to improve himself in prison. He has participated in a significant amount of self-help, including domestic violence prevention, victim awareness, and other therapeutic programs. I commend Mr. Anderson for taking these positive steps and encourage him to stay on this positive path. However, these factors are outweighed by current risk factors that indicate he remains unsuitable for parole at this time.

Since his arrest for this crime, Mr. Anderson has implausibly denied that he took the victim to the remote location with the intent to kill her. Mr. Anderson's denial about his intent has persisted until only very recently. During Mr. Anderson's 2017 comprehensive risk assessment, he told the clinician that he did not intend to kill the victim, and at his initial suitability hearing in March 2018, the Board found him unsuitable, in part, based on his changing account of his intent and premeditation. At his August 2019 hearing, the Board found Mr. Anderson suitable for parole, concluding that he had finally been candid about the crime and why he had changed his account of it over time.

Mr. Anderson is not required to admit his culpability to be found suitable for parole. However, his dishonesty about the crime, which persisted until recently, demonstrates a lack of credibility and insight that bear on his risk level. I do not believe he can be safely released from prison until he demonstrates that he fully

understands his past and current patterns of thinking and behaving and is prepared not to repeat them. Until he does so, his lack of insight remains a factor that increases his risk of future dangerousness.

The Board's 2019 decision to release Mr. Anderson is based on a faulty comprehensive risk assessment, rating Mr. Anderson a low risk for future violence. Mr. Anderson lied to the evaluator, who therefore could not properly assess Mr. Anderson's true risk. During the risk assessment interview, Mr. Anderson was untruthful about the crime, including his premeditation. I acknowledge that the panel expressly gave the risk assessment less weight for this reason. However, without a reliable risk assessment, based on complete and truthful information, I do not have the sufficiently reliable evidence about Mr. Anderson's risk level I need to release him into the community.

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 at this time. Therefore, I reverse the decision to parole Mr. Anderson.

Decision Date:
January 16, 2020



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

JAMES COPELAND, G-35373

Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

In 1993, 24-year-old James Copeland shook and dropped his ten-week-old son, causing a severe and fatal head injury. The autopsy revealed that the victim had suffered another significant head injury approximately ten days before he died. Mr. Copeland initially denied assaulting the victim and avoided prosecution. Fifteen years after the crime, police questioned him again, and he admitted causing the victim's fatal injuries.

DECISION

I acknowledge that Mr. Copeland committed this crime when he was 24 years old and that he has since been incarcerated for more than 11 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Copeland's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender—his impulsivity, recklessness, and immaturity—and his other hallmark features of youth. The psychologist who evaluated Mr. Copeland in 2018 noted that, around the time of the life crime, Mr. Copeland was using alcohol almost daily and crystal methamphetamine on a regular basis, and that Mr. Copeland was immature and impulsive. However, the psychologist categorized Mr. Copeland's behavior as transcending "adolescence sensation-seeking, bearing in mind he continued, into his mid-adulthood, to perpetrate violence on those who could not otherwise defend themselves well."

I acknowledge that Mr. Copeland has made efforts to improve himself in prison. Mr. Copeland has participated in self-help programming, including Alcoholics Anonymous, Journey to Wellness, and Anger Management. He earned his GED and has not been disciplined in prison. I have given great weight to his subsequent growth in prison during my consideration of his suitability for parole.

However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

The psychologist who evaluated Mr. Copeland stated that Mr. Copeland “lacked any appreciable understanding of the nexus between his maladaptive personality traits and associated manifestations of violence.” The psychologist observed that Mr. Copeland “lacked an appreciable awareness of why he so easily gets angered,” and noted Mr. Copeland’s recent angry outbursts, including punching lockers. Accordingly, the psychologist rated him a moderate risk for future violence.

I am concerned that Mr. Copeland has not yet developed the tools to avoid returning to his significant pattern of violent conduct, in particular, violence following flashes of anger, that resulted in this crime.

It does appear that Mr. Copeland is beginning to identify and manage his highly-charged emotions, especially anger. Mr. Copeland told the psychologist that when he abused the victim during the incidents prior to the life crime, “It was just to hear him cry.” Mr. Copeland could not explain why he wanted to hear the victim cry and instead told the psychologist, “that’s something I need to dig into right there.” However, Mr. Copeland’s acknowledgement about the extent of his violence, in this crime and in other incidents, is only recent. It was not until his 2018 comprehensive risk assessment that Mr. Copeland was forthcoming with the evaluator about his violence toward the infant, admitting that approximately ten days before the life crime, he bruised the victim’s buttocks by spanking him, and he admitted to pinching and dropping the infant in other incidents. Mr. Copeland also admitted to domestic violence with two romantic partners, and to physically and verbally abusing his two developmentally disabled stepchildren from his marriage after the life crime.

I encourage Mr. Copeland deepen his understanding of the nexus between his triggers for violence and his violent outbursts, and master the skills to control them. Until he develops those, he remains at risk of repeating his past conduct.

CONCLUSION

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

Decision Date:
January 16, 2020

A handwritten signature in black ink, appearing to read "Gavin Newsom", written over a horizontal line.

GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

JOHNNY SOMMERHALDER, A-88252

First Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

In 1968, 24-year-old Johnny Sommerhalder and several crime partners, all members of a motorcycle gang, participated in two crime sprees over three months during which they committed three murders and two rapes. In the first incident, Mr. Sommerhalder shot and killed a man, and then, with two crime partners, raped the man's girlfriend. In the second incident, Mr. Sommerhalder participated in the murder of two people, a husband and wife. The crime partners killed the husband, and when the wife came home, Mr. Sommerhalder and his crime partners raped, strangled, stabbed, and shot her. Later, when police arrived, the group fired multiple gunshots at the officers, but did not strike them.

DECISION

I acknowledge that Mr. Sommerhalder committed these crimes when he was 24 years old and that he has since been incarcerated for 52 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Sommerhalder's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender—his impulsivity and aggression—and his other hallmark features of youth.

I also acknowledge that Mr. Sommerhalder has made efforts to improve himself in prison. He has participated in self-help programming, including Anger Management, Houses of Healing, and Victim Awareness. He also earned his high school diploma and completed a vocational training program. I have given great weight to his subsequent growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Sommerhalder repeatedly gave conflicting versions of the crimes including regarding the rape of the woman during the first crime spree. During his comprehensive risk assessment, he told the psychologist he never talked to the female victim but was later told she had been raped. Later during the same evaluation, he told the psychologist that he had been friends with the victim, and that she had not been raped- "nobody touched her." At his 2019 parole hearing, the Board asked Mr. Sommerhalder if his crime partners raped the victim in the first incident and Mr. Sommerhalder admitted that he was aware the first victim was raped after he heard his two crime partners talking about it. Mr. Sommerhalder's inconsistent reporting suggests that he has not yet fully confronted the realities of the brutal crimes he helped perpetrate.

Mr. Sommerhalder's lack of insight extends to the causative factors of the crimes. The psychologist who evaluated Mr. Sommerhalder concluded that he "continues to have a poor understanding of his personality dynamics and the causative factors of his violent crimes" and he "has not demonstrated adequate insight into his violent behavior and demonstrates little remorse for his actions." The psychologist concluded that Mr. Sommerhalder "has not meaningfully benefited" from self-help programming, and despite his participation in it, he continues to minimize his responsibility, "tends to diffuse his responsibility by pointing out the influence/involvement of others," and struggles "with verbalizing empathy and understanding the impact of his violent crimes on others." At his 2019 parole hearing, the Board also noted the limits of his current insight.

Mr. Sommerhalder served in a leadership role among his crime partners during the crime sprees. Mr. Sommerhalder "masterminded all of the violent offenses... and undoubtedly directed the activities of the other participants" during the commission of the life crimes. Before Mr. Sommerhalder can be safely released, he must demonstrate that he understands the factors that led him to participate in the life crimes so that he can avoid repeating similar conduct in the future.

I acknowledge that Mr. Sommerhalder's advanced age has bearing on his current risk level. The psychologist who evaluated Mr. Sommerhalder noted that "if [he] were a healthier man, the evaluator would suggest that he presented at least a moderate risk for violence in the community." Mr. Sommerhalder made statements to the Board at his hearing, however, that indicate he retains the physical capacity to engage in violent conduct. Mr. Sommerhalder told the Board that he was healthy enough to participate in recreational activities and plans to obtain his driver's license. Mr. Sommerhalder is physically capable of perpetrating violence, especially if he uses a gun or directs crime partners as he did in his life crime.

CONCLUSION

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

Decision Date:
January 16, 2020

A handwritten signature in black ink, appearing to read "Gavin Newsom", written over a horizontal line.

GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

CARLOS GOMEZ, F-91550
Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

In 1987, 24-year-old Mr. Gomez showed up to work drunk and his supervisor sent him home. Mr. Gomez then fatally stabbed the coworker whom he believed told the supervisor that Mr. Gomez had been drinking. Mr. Gomez then fled to Mexico. In 2006 Mr. Gomez was arrested in the United States for driving under the influence of alcohol. He was subsequently charged for the murder of his coworker.

DECISION

I acknowledge that Mr. Gomez committed this crime when he was 24 years old and that he has since been incarcerated for 15 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Gomez's increased maturity and rehabilitation and gave great weight to all the factors relevant to his diminished culpability as a youthful offender—his shortsightedness, recklessness and impulsivity—and his other hallmark features of youth. The psychologist who conducted Mr. Gomez's 2019 comprehensive risk assessment noted that Mr. Gomez's "history provides significant evidence regarding the presence of instability, a lack of responsibility, and recklessness, as well as a diminished capacity to appreciate the consequences of his actions."

I also acknowledge that Mr. Gomez has made efforts to improve himself in prison by participating in self-help programming and maintaining a good disciplinary record. I have given great weight to his subsequent growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Gomez's insight into his alcohol abuse and how it relates to his violent conduct remains underdeveloped. During his 2019 comprehensive risk assessment, Mr. Gomez reported that his brother had been assaulted the week before the crime, which left Mr. Gomez mentally unstable. Even after being

prompted by the psychologist to discuss the role Mr. Gomez's substance abuse played in the life crime, Mr. Gomez was unable to recognize the nexus of these factors. He stated, "One of the things I want to tell is I'm responsible but that was one of the factors that took place for me to do this, and it had something to do with it. I didn't think clearly, and I just did it." At his parole hearing, Mr. Gomez again failed to make a meaningful connection between his alcohol use and the life crime, repeating that he had committed the crime because he had felt destabilized by the attack on his brother. An attack on a sibling is of course unrelated to his stabbing a coworker with no connection to the sibling; most people who suffer concern about harm to their siblings are able to manage their pain without murdering others in response. Mr. Gomez acknowledged the role of his alcohol use in the crime only after the Board prompted him, admitting that he would not have committed the crime if he had been sober.

I also note that during the eighteen years that Mr. Gomez evaded arrest for the life crime and lived in the community in Mexico and the United States, he continued to abuse alcohol and engage in high risk behavior. He admits that he regularly drove while under the influence of alcohol, which resulted in a 2006 DUI conviction.

I am encouraged by the detailed substance abuse and anger relapse prevention plans Mr. Gomez presented to the panel at his hearing, as well as his candor about his past misconduct, and I encourage Mr. Gomez to continue on this positive path. However, Mr. Gomez cannot be safely released until he better understands the relationship among his emotional triggers, alcohol abuse, and violent and reckless conduct, and develops the skills to manage them.

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 shows that he currently poses an unreasonable danger to society if released from prison at this time. Therefore, I reverse the decision to parole Mr. Gomez.

Decision Date:
February 4, 2020



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

JOSEPH SHELTON, C-40228
Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ X _____

STATEMENT OF FACTS

In 1981, Joseph Shelton and two crime partners planned to kidnap and rape a woman. Mr. Shelton and his crime partners went to a gas station, saw a woman and her boyfriend, the victims, and decided to kidnap them. Mr. Shelton and his crime partners waited along the road, posed as police officers, and stopped the couple. One of Mr. Shelton's crime partners drove the couple to Mr. Shelton's ranch at gunpoint, then shot and killed the couple's dog. The group of crime partners ransacked the couple's car and chained the male victim by his neck to a tree overnight. Mr. Shelton raped the woman. The next morning, one of Mr. Shelton's crime partners raped the woman while Mr. Shelton and the other crime partner took the male victim up a hill. Mr. Shelton and his crime partner killed the male victim by taking turns shooting him with a machine gun. One of Mr. Shelton's crime partners cut up the male victim's body with an axe, then buried it. The woman was kept at the ranch for four more days. Mr. Shelton and his crime partners raped her several more times before Mr. Shelton and one of his crime partners drove her to a remote area where Mr. Shelton's crime partner fatally shot her.

DECISION

I acknowledge Mr. Shelton has made efforts to improve himself in prison. He has participated in self-help programming, including Addiction Recovery and Victim Awareness. He earned his GED and completed four vocational training programs. He also has not been disciplined for serious misconduct in more than three decades. I commend Mr. Shelton for taking these positive steps. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

I am concerned by Mr. Shelton's persistent minimization of his role in the series of crimes against both victims. Mr. Shelton maintains that he did not intend to

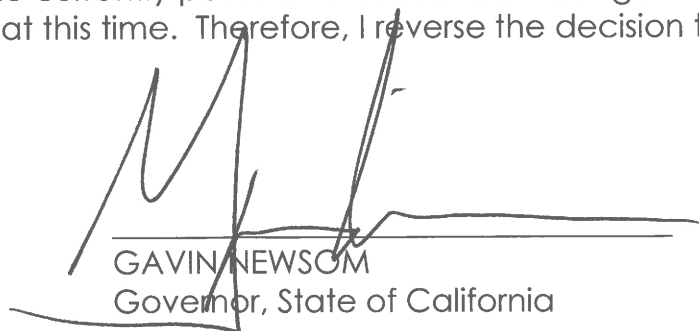
commit the life crimes and told the psychologist who evaluated him in 2017 that he had “[n]o motivation” and “didn’t want to do the crime,” and instead blamed his involvement on “serious fear” of one of his crime partners. At his 2019 parole hearing, Mr. Shelton told the Board that he had “no knowledge” of any plan to kidnap anyone until his crime partner identified the victims and told him “we’re going to do this.” The evidence in the record, including Mr. Shelton’s own admissions to investigators, however, shows that Mr. Shelton and his two crime partners “discussed kidnapping a girl a few weeks before the crimes” and that Mr. Shelton and one of his crime partners purchased a red light in advance of the kidnapping to disguise their vehicle as a police car. At his 2019 parole hearing, Mr. Shelton denied ever sexually assaulting the rape victim and told the Board he even made efforts to save her. However, in interviews with investigators shortly after the life crimes, Mr. Shelton testified that he had sex with the female victim while she was held on his property but, claimed that, unlike his crime partners, his sexual acts were not forcible. Mr. Shelton’s inconsistent version of his role in the crimes and his present minimization suggest that he has not yet genuinely addressed the factors that led to his substantial involvement in the life crimes.

One of these factors may indeed be susceptibility to others’ undue influence. Mr. Shelton described himself to the Board as “pretty gullible,” and it is not clear to me that he is currently capable of resisting involvement in violent behavior in the community if presented with the opportunity. Until Mr. Shelton can show that he understands the factors that led him to commit these crimes, and that he has developed the tools to avoid repeating similar conduct, I do not believe he is ready to be released on parole at this time.

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 demonstrates that he currently poses an unreasonable danger to society if released from prison at this time. Therefore, I reverse the decision to parole Mr. Shelton.

Decision Date:
February 13, 2020



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

DENNIS SIERRA, F-13197
Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

In 2004, Dennis Sierra beat his 88-year-old grandfather with a stick during an argument. The victim was able to escape into his home and call for help, but Mr. Sierra broke into the house, threw concrete blocks at the victim, then stabbed him to death.

DECISION

I acknowledge Mr. Sierra has made efforts to improve himself in prison. Mr. Sierra has earned two associate degrees and a vocational training certificate. He has participated in self-help programming, including Anger Management, Alcoholics Anonymous, and the Long-Term Offender Program. Mr. Sierra has also maintained consistent employment in prison, earning positive work ratings. I commend Mr. Sierra for taking these positive steps. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Sierra's crime was brutal and unpredictable and committed against an aging and vulnerable family member. At his 2019 parole hearing, Mr. Sierra told the Board he threw concrete blocks at his grandfather one at a time, entering and exiting the home each time to grab an additional concrete block to throw before stabbing his grandfather as he attempted to call for help on the phone. Mr. Sierra reported that he committed the crime because he thought his grandfather was a cannibal who was harvesting body parts and that he was himself a prophet. According to the appellate record, Mr. Sierra was hospitalized twice within a matter of weeks before the life crime.

I am concerned by the severity of Mr. Sierra's violent conduct given his history of violence before and after the life crime. Prior to the commitment offense, Mr. Sierra was convicted twice of assault with a deadly weapon and battery. While

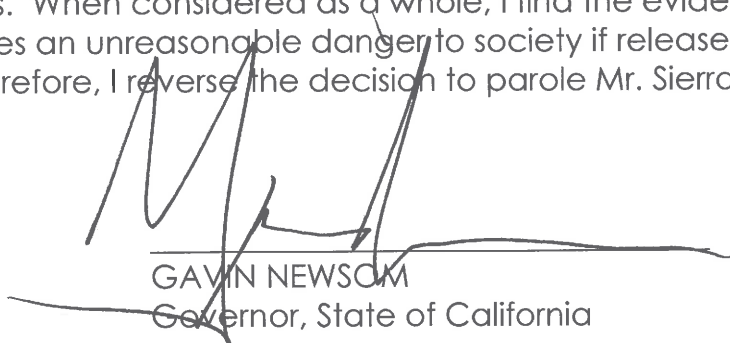
incarcerated, Mr. Sierra has been disciplined for violence and hostility, as recently as 2013. Considering Mr. Sierra's history, the psychologist who conducted his 2018 comprehensive risk assessment categorized him as representing a moderate risk for future violence, noting that his "emerging insight and developing understanding including his history of anger and aggression have been relatively recent" and that it was "not always clear that he understood [his explanation of his insight] in a meaningful way." The psychologist further noted that Mr. Sierra's risk of violent recidivism would increase if "he returned to the use of intoxicating substances, did not seek substance abuse and mental health treatment in the community," and several other factors. It is crucial that Mr. Sierra demonstrate a clear grasp of his need for continued treatment upon release to manage his symptoms, especially given the evaluating psychologist's opinion that Mr. Sierra has a "history of problematic compliance with supervision in prison as well as previously in the community [that] raises concerns regarding his ability to comply with supervision as well as the law in general."

I am encouraged by the progress Mr. Sierra exhibited at his 2019 parole hearing and believe he is on a positive path. However, I believe that Mr. Sierra needs more time to demonstrate his ability to comply with rules, regulations, and guidelines designed to keep himself and society safe before he can be released.

CONCLUSION

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

Decision Date:
February 13, 2020



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

AZUL GALEANA, X-24570
Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

In 2006, 22-year-old Azul Galeana married her crime partner and he moved in with her and her three children, a 5-year-old and 3-year-old twins. Two months later, Ms. Galeana contacted her mother and reported that her 3-year-old daughter, the victim, was sick and asked her to take the child to a hospital in Tijuana, where the victim died from injuries resulting from being shaken or beaten. The victim also had extensive bruising on her body; the mark of a belt buckle on her back; cigarette burns on her arms, feet, and ears; whipping marks on her ribs; and hematomas in her vagina and anus. Ms. Galeana reported that on the day of the crime, her crime partner violently beat the child, which Ms. Galeana witnessed, but Ms. Galeana neither intervened nor sought medical help for the child at the time. The police later interviewed Ms. Galeana's two surviving children and both reported that their stepfather had physically and sexually assaulted them.

DECISION

I acknowledge that Ms. Galeana committed this crime when she was 22 years old and that she has since been incarcerated for 14 years. In making this decision, I carefully examined the record for evidence demonstrating Ms. Galeana's increased maturity and rehabilitation, and gave great weight to all the factors relevant to her diminished culpability as a youthful offender—her ineffective problem solving skills and immaturity—and her other hallmark features of youth. I acknowledge that Ms. Galeana's own life was shaped by the experiences of prolonged sexual abuse by a family member and emotional and physical abuse by her mother. According to the psychologist who evaluated Ms. Galeana in 2019, "her unstable childhood contributed to her unhealthy adult relationships, poor problem-solving skills, and ultimately the life crime."

I also acknowledge that Ms. Galeana has made efforts to improve herself in prison. She has participated in self-help programming, including Anger Management, Criminal Thinking, and Choice Theory, and has completed a vocational training program. I commend Ms. Galeana for the progress she has made in prison, and I encourage her to stay on this positive path. I have given great weight to her subsequent growth in prison during my consideration of her suitability for parole. However, these factors are outweighed by negative factors that demonstrate she remains unsuitable for parole at this time.

Ms. Galeana has expressed remorse for these crimes, but she has not yet demonstrated sufficient insight into why she participated in this crime, the extent of her participation, or how she will avoid similar maladaptive relationships in the future. The psychologist who evaluated Ms. Galeana noted that while she has shown some areas of “emerging” insight, Ms. Galeana’s “insight into the codependency, cycle of violence, and underlying internal factors that contributed to the life crime” were less well developed.

Ms. Galeana lacks insight about how she came to be in such a dysfunctional relationship. Ms. Galeana told the evaluating psychologist that she stayed in the abusive relationship with her husband and crime partner because she was “trying to prove [her] mom wrong” about not succeeding in her marriage. The psychologist concluded that this assertion “suggests some superficial understanding of her maladaptive relationship dynamics and the internal factors that drove them.” Ms. Galeana’s discussion of this issue at her 2019 parole hearing was similarly superficial: “All the abuse that I went through as a child. All that led me not to have good communication skills. Not to ask for help, to be so immature. So irresponsible, to have bad relationship skills. To be so -- to have codependency, to feel that I needed to have someone in order to make me feel accepted. The needed validation.” This is especially concerning because, as the psychologist noted, Ms. Galeana’s “exposure to groups focused on domestic violence/abuse and codependency” has been limited.

I am troubled by another indicator of Ms. Galeana’s underdeveloped insight. She admitted to the psychologist that she allowed and encouraged her husband’s physical abuse of her children by remaining silent. At both her comprehensive risk assessment and parole hearing, however, Ms. Galeana denied that she knew her husband was sexually abusing her children. Yet Ms. Galeana’s surviving children described being sexually abused while Ms. Galeana observed; the children suffered indicators of sexual abuse – including bruising of the anus and vagina – that an adult caregiver would have observed when, for example, bathing or otherwise attending to the children’s daily needs; and Ms. Galeana told the psychologist she witnessed her crime partner

repeatedly expose his penis around the house. If Ms. Galeana is being forthright about not knowing that her husband was sexually abusing her children, before she can be safely released she must deepen her insight into the internal factors that allowed her to avoid seeing what was happening before her eyes, and develop the skills to control those factors, including recognizing and avoiding maladaptive relationships, in the future.

CONCLUSION

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

Decision Date:
February 21, 2020



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

JESUS MACIAS, J-11795
Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

In 1992, at the direction of his crime partner, 16-year-old Jesus Macias was driving an SUV full of people who were being illegally transported into the United State from Mexico. After noticing that Border Patrol officers were following the SUV, Mr. Macias sped away, which resulted in a high-speed chase. Mr. Macias crashed the SUV into a car and hit pedestrians, killing a total of six people—one passenger in the SUV, three passengers in the car he hit, and two pedestrians.

DECISION

I acknowledge that Mr. Macias committed this crime when he was 16 years old and that he has since been incarcerated for 27 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Macias's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender—his impulsivity and immaturity—and his other hallmark features of youth. Mr. Macias reported a history of physical abuse by his mother and that he escaped to live with his older brother when he was 15 years old, a short time before the commission of the life crime. In addition, Mr. Macias himself was trafficked into the United States.

I acknowledge that Mr. Macias has made efforts to improve himself in prison. Mr. Macias has been disciplined twice for serious misconduct over 27 years in prison. He has participated in self-help programming, including Criminals and Gangmembers Anonymous, Guiding Rage into Power, and Victim Impact. He also earned his GED and has completed two vocational training programs. I have given great weight to his subsequent growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

I question whether Mr. Macias has developed the tools to resist pressure by others to engage in conduct that could lead to violence. While I recognize the unfortunate circumstances of Mr. Macias's crime, his response to those circumstances was wholly inappropriate and resulted in multiple deaths. At his 2019 hearing, Mr. Macias explained that before the life crime, he had been involved in helping his crime partner traffic people across the border for five to six months and that he volunteered to drive on the day of the life crime to prove that he "was not an idiot." Mr. Macias reported that at the time of the crime he was "nervous," felt "pressured," and "felt intimidated" by his crime partner, which caused him to drive faster and resulted in a horrific collision with pedestrians and another vehicle. Mr. Macias has explained that he was participating in trafficking to repay a debt to the people who trafficked him into the United States. In Mr. Macias's 2018 comprehensive risk assessment, the psychologist who evaluated him determined that although some of Mr. Macias's "behavior in the commitment offense may have been attributable or related to facets of youth, other aspects of his actions are related to his developing personality deficits and poor coping skills."

I am also concerned that just two weeks after he was granted parole in 2014, Mr. Macias, who was previously involved in gang activity including drug distribution, at least as recently as 2011, was involved in a fight in prison. Mr. Macias told the psychologist and the Board at his 2019 hearing that the fight was the result of him declining to have a visitor hold a package for inmates involved in prison gangs. Rather than inform prison staff, Mr. Macias attempted to resolve the issue on his own and ended up fighting with two other inmates. This demonstrates that Mr. Macias lacked the skills to lawfully resist external pressure to engage in anti-social conduct. As a result, I do not believe he can be safely released on parole.

My concerns are underscored by the findings of the psychologist who evaluated Mr. Macias and categorized him as a moderate risk for future violence, citing his "history of impulsivity, failure to plan ahead, violating the rights of others, irresponsibility" and misbehavior in prison. According to the psychologist, "[b]eing involved with negative peers, or those endorsing violence-accepting attitudes, is highly relevant to his violence risk." The psychologist also noted Mr. Macias's "untreated history of traumatic experiences, and his problems with relationships" as relevant to his risk of future violence. I find these risk factors particularly relevant in light of Mr. Macias's prior involvement with violent individuals and because the psychologist's conclusion that Mr. Macias's "awareness and anticipation of potential stressors is limited." Accordingly, I believe that Mr. Macias needs to gain more awareness into the

causative factors of his crime and further develop the skills that will allow him to desist from dangerous conduct in the future.

CONCLUSION

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

Decision Date:
February 27, 2020



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

DAMIEN GUERRERO, G-32227

2nd Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

18-year-old Damien Guerrero was approached by his crime partner who asked him to help her kill their mutual friend. Mr. Guerrero and his crime partner planned the murder and lured the victim to a secluded area where they had dug a grave the day before. Mr. Guerrero brought a gun. Once there, Mr. Guerrero shot the victim once in the head from behind then handed the gun to his crime partner who shot the victim in the head a second time. Mr. Guerrero put the victim's body into the grave, they filled it with dirt, and pushed a couch over it, then left in the victim's car. The victim's body was not discovered for three weeks.

DECISION

I acknowledge that Mr. Guerrero committed this crime when he was 18 years old and that he has since been incarcerated for 16 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Guerrero's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender—his inability to adequately assess the risk involved with associating with less than prosocial individuals, his susceptibility to negative peer influences and lessened capacity to extricate himself from negative settings, and a failure to appreciate the consequences of his actions—and his other hallmark features of youth.

I also acknowledge that Mr. Guerrero has made efforts to improve himself in prison. The psychologist who evaluated Mr. Guerrero notes that he has participated in substantial self-help programming. He has earned 3 associate degrees and completed 2 vocations, and is a few credits away from receiving a bachelor's degree. I commend Mr. Guerrero for his efforts. I have given great weight to his subsequent growth in prison during my consideration of his

suitability for parole. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Guerrero participated in a disturbing crime, luring a young woman who believed she was going out with friends, killing her, and leaving her body in a shallow grave, allowing her family to search in vain for her for a month. Mr. Guerrero's explanations for his willingness to participate in this crime continue to be inadequate. During his 2017 comprehensive risk assessment, Mr. Guerrero told the evaluator that he was in a codependent relationship with his crime partner. He explained that he and his crime partner had had a "falling out" and he "just wanted to be her friend again." However, at his 2019 parole hearing, Mr. Guerrero discussed having had a prior romantic relationship with the victim, which he has minimized throughout prior hearings. Indeed, Mr. Guerrero stated that the victim "was the other -- the other woman, um, and so once that ended, well, I was told by my girlfriend that I wasn't allowed to see her anymore." Mr. Guerrero stated that after luring the victim to the remote area she "tease[d] him for being there [be]cause she didn't think [he] was supposed to hang out with her anymore." He and his crime partner shot the victim shortly thereafter. Mr. Guerrero's recent discussion of the crime raises questions about if, or how, these facts contributed to his motivation for committing the life crime that should be further explored.

I believe Mr. Guerrero is only in the beginning stages of understanding how he came to commit this brutal crime. While I am encouraged by Mr. Guerrero's behavior in prison and rehabilitative efforts, until Mr. Guerrero can adequately explain the internal characteristics and decision-making that led him to this extreme action, I do not believe he can safely be released.

CONCLUSION

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

Decision Date:
March 5, 2020



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

TARE BELTRANCHUC, G-47484
Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

In 2000, Tare Beltranchuc repeatedly harassed his estranged ex-girlfriend, the victim, after she obtained an emergency protective order against him. Mr. Beltranchuc entered the victim's apartment while her two young children were home and stabbed her 17 times, killing her. Mr. Beltranchuc fled to Mexico but was apprehended and extradited to California in 2007.

DECISION

I acknowledge Mr. Beltranchuc has made efforts to improve himself in prison. Mr. Beltranchuc has participated in self-help programming, including Alcoholics Anonymous, Narcotics Anonymous, and Guiding Rage Into Power. He earned his GED and completed four vocational training programs. I commend Mr. Beltranchuc for taking these steps and encourage him to stay on this positive path. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

I am concerned by Mr. Beltranchuc's history of alcohol abuse and violent treatment toward his romantic partners. Mr. Beltranchuc told the psychologist who evaluated him in 2019 that his resentment toward women led him to believe "when women have power, they can hurt me, and the only way to regain balance was to use physical violence." The psychologist concluded that Mr. Beltranchuc's "history of relationship problems and substance abuse problems continue to warrant highly relevant concern during a transition to the community" because he has had limited exposure to intimate relationships and controlled substances while in prison. In the year before the life crime, Mr. Beltranchuc was convicted of DUI and inflicting corporal injury on the same victim he later murdered.

Mr. Beltranchuc told the psychologist that in addition to being physically abusive to the victim of the life crime, he was controlling and emotionally abusive. He informed the Board that he had consumed more than 20 beers on the day of the crime. Mr. Beltranchuc explained that he repeatedly stabbed the victim because she told him she had an abortion. Mr. Beltranchuc's candor about his history is a sign of developing insight. However, I do not see evidence that Mr. Beltranchuc has developed sufficient insight into his pervasive history of violence and abuse that culminated in the life crime.

After fleeing the United States following the life crime, Mr. Beltranchuc married a woman in Mexico. Mr. Beltranchuc reported to the evaluating psychologist that he was not a good partner to her because of his alcohol abuse. Mr. Beltranchuc has not been disciplined for alcohol use in prison yet despite his reported sobriety he has engaged in violent behavior in prison. Mr. Beltranchuc held a position of authority in a prison gang as recently as 2013. Mr. Beltranchuc told the Board he did not hesitate to assume a leadership position within the gang because he wanted "power and control" and did not hesitate to send other members of his gang to assault other inmates. Mr. Beltranchuc implied that he only stopped his association with the gang because he was transferred to different institution. I acknowledge that Mr. Beltranchuc's candor about his past misconduct is an indicator of rehabilitation. However, Mr. Beltranchuc has not yet demonstrated a sufficiently long period of sobriety and desistance from violence and anti-social conduct to show he can be safely release. I urge Mr. Beltranchuc to continue to develop the tools he will need to refrain from future alcohol use and violence.

CONCLUSION

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

Decision Date:
March 12, 2020



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

MICHAEL SOUZA, P-29196
First Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

In 1993, 19-year-old Michael Souza's mother got into an altercation with a woman at a fundraising party. Later that night, at his mother's insistence, Mr. Souza and his two crime partners, including his brother, went to the woman's home armed with guns. There were numerous people in the home and an argument ensued. Mr. Souza and his crime partners fatally shot three victims, including the woman who had argued with their mother, and injured two others. Two victims in the home were uninjured.

DECISION

I acknowledge that Mr. Souza committed this crime when he was 19 years old and that he has since been incarcerated for 26 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Souza's increased maturity and rehabilitation. I gave great weight to all the factors relevant to his diminished culpability as a youthful offender—his immaturity and impulsivity—and his other hallmark features of youth. Mr. Souza reported a tumultuous and traumatic childhood. According to the psychologist who evaluated Mr. Souza in 2018, Mr. Souza "evidenced a decreased ability to anticipate and appreciate consequences" and "demonstrated underdeveloped empathy and extreme recklessness" at the time of the life crime.

I also acknowledge that Mr. Souza has made efforts to improve himself in prison. Mr. Souza has participated in self-help programming, including Alcoholics Anonymous, Getting Out by Going In, and Victim Awareness. He completed multiple vocational training programs and was commended by staff for his positive programming. I also note that at the hearing, he expressed sincere remorse for the crime, and its impact on the family. I have given great weight to his subsequent growth in prison during my consideration of his suitability for

parole. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Souza played a crucial role in a brutally violent crime. Mr. Souza deliberately involved himself in the crime by going to the home where the victims were gathered. His purpose was to inflict fear and extreme violence on them in retribution for a perceived slight – his mother felt that she had been disrespected. After Mr. Souza and his crime partners arrived and threatened the victims, one of the victims tried to deescalate the situation, and Mr. Souza struck him with his gun. Mr. Souza had an opportunity to leave at that point, but instead he chose to help unleash additional violence, as his younger brother opened fire on the victims resulting in multiple deaths and injuries as well as lifelong trauma for the survivors and their families.

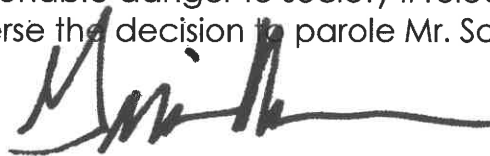
I believe that Mr. Souza has not yet demonstrated that he fully understands how his own propensity for violence contributed to the crime. I am worried that he is minimizing his role in the crime and deflecting responsibility for his behavior. At his 2019 parole hearing, Mr. Souza told the Board that he was primarily motivated to commit the life crime because he “wanted [his] mother’s acceptance.” Mr. Souza told the psychologist, “I didn’t want to hurt anyone... not like this. I wanted people to be scared and I wanted to feel like I was in control of the situation.” This explanation, especially given his role in escalating the crime, and the degree of violence that Mr. Souza perpetrated against the victims, is inadequate. Considering the gravity of the crime and Mr. Souza’s role as a leader, it is essential Mr. Souza develop a comprehensive understanding of the factors that led him to participate in this crime. Mr. Souza has not demonstrated that he has developed this necessary insight.

I commend Mr. Souza for beginning to address some of the factors that contributed to his conduct and encourage Mr. Souza to continue to broaden his introspection and develop the tools to ensure he can avoid violent conduct in the future.

CONCLUSION

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

Decision Date:
March 12, 2020



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

BRIAN LAUDENBACK, J-62437
Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ X _____

STATEMENT OF FACTS

In 1993, Mr. Laudenback, his girlfriend, and his girlfriend's 22-month-old son moved in together. In the month before the life crime, Mr. Laudenback often physically abused the child when his girlfriend was at work. On the day of the murder, Mr. Laudenback asked a neighbor to drive him and the child to the doctor because the child was not breathing. The child died at the hospital; an autopsy revealed extensive injuries consistent with battering, including multiple bruises and scratches, trauma, and hemorrhaging to the victim's rib cage, fractured ribs, and tears and hemorrhaging to several major organs. Mr. Laudenback admitted that on the day of the crime, after the child's mother left for work, the child kept asking Mr. Laudenback where she was. Mr. Laudenback picked up the child and kned him repeatedly in the stomach, then banged the child's head against the wall while carrying him.

DECISION

I acknowledge that Mr. Laudenback has made efforts to improve himself in prison. Mr. Laudenback has participated in self-help programming, including Alcoholics Anonymous, Victim Offender, Insight into Victim's Impact, Domestic Violence, and Anger Management. He has earned two vocational training certificates. I commend Mr. Laudenback for taking these steps and encourage him to stay on this positive path. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

The violence Mr. Laudenback inflicted on the victim during the life crime was not an isolated incident but rather the culmination of a period of acute abuse. In the weeks before the child died, his mother noticed that he had injuries that progressed from bruises under the child's ribcage to larger bruises and scratches on his head as well as swelling. Not long before the life crime, the child was treated at the hospital for a skull fracture. Mr. Laudenback continued to abuse the child.

Mr. Laudenback continues after all these years to lack understanding about why he committed this crime. His explanations, which include troubled past relationships, losing money gambling, and not wanting to care for the child, are wholly inadequate given the brutality he inflicted. During Mr. Laudenback's 2020 parole hearing, the panel questioned Mr. Laudenback about his prolonged abuse of the victim. Mr. Laudenback explained that he was overwhelmed and that he did not care about the victim, adding, "...it wasn't my child" and "[the child's] dad did the same thing." These statements indicate that Mr. Laudenback lacks a meaningful understanding of the factors that led him to commit the crime, and how he could have escalated the violence against a child in response to the normal stressors of caring for a small child, whatever his relationship to the child.

I commend Mr. Laudenback for his positive disciplinary record in prison. I encourage him to continue on this path. However, I find that Mr. Laudenback's lack of insight into the causative factors of his crime elevate his risk for violence in response to common stressors he is likely to encounter when he is released from prison. I encourage Mr. Laudenback to deepen his self-awareness and continue to work to develop the tools that will allow him to cope with stress in the community.

CONCLUSION

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

Decision Date:
March 19, 2020



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

DAVID ADKINS, H-70868

First Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

In 1991, 16-year-old David Adkins and his crime partner were living at the home of one of the victims while her parents were out of town. On the night of the murders, Mr. Adkins, his crime partner, and the three victims were drinking and using drugs. Mr. Adkins's crime partner got into an argument with two of the victims. Mr. Adkins directed his crime partner to shoot one of the victims, killing her. Mr. Adkins then shot the other two victims, killing them.

DECISION

I acknowledge that Mr. Adkins committed this crime when he was 16 years old and that he has since been incarcerated for 29 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Adkins's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender—his impulsivity and immaturity—and his other hallmark features of youth. The psychologist who evaluated Mr. Adkins in 2019 concluded that “in some ways” Mr. Adkins’s “ability to fully grasp the potential consequences of his actions was compromised by his youthfulness and impulsivity,” but “his decision to go with his crime partner and retrieve the shotgun suggests some level of understanding of the ramifications.”

I also acknowledge that Mr. Adkins has made efforts to improve himself in prison. He has participated in self-help programming, including the Anti-Recidivism Coalition Youth Offender program, Anger Management, and Narcotics Anonymous. He also earned his GED and received positive work ratings. I have given great weight to his subsequent growth in prison during my consideration of his suitability for parole. I commend Mr. Adkins for his efforts and encourage him to stay on this positive path. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

I am troubled by Mr. Adkins's inability or unwillingness to discuss the details of the crime and what led him to kill the victims. At his 2019 parole hearing, Mr. Adkins told the Board that on the day of the crime he was high like he "had never been before," and could not remember what happened in the period of time between the argument between his crime partner and gave little explanation for his decision to retrieve a gun and commit multiple murders. The Board found that Mr. Adkins's "credibility was in doubt," because despite his claim that his memory was impaired by his drug and alcohol intake, Mr. Adkins was able to remember many other details surrounding the crime.

According to the psychologist, Mr. Adkins "is still in the process of fully understanding all of the causative factors that contributed to his violent behavior in the commitment offense." Mr. Adkins added that he does not know why he shot the two girls. The psychologist concluded, "it is difficult to understand his motivations for shooting [the victims], and the deeper reasons for resorting to such violent behavior that was so out of proportion to the situation and level of provocation."

At his hearing, the Board determined that Mr. Adkins "still lack[s] insight." Mr. Adkins must do more to deepen his insight and develop the tools to control his triggers before he can be safely released.

CONCLUSION

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

Decision Date:
April 1, 2020



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

FABIOLA SAINZ, X-26931
Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

In 2006, Ms. Sainz gave birth to a son who was born with methamphetamine in his system. She fled the country and the child was placed in foster care. She later sought and was granted custody of the child. One month later, Child Welfare Services conducted a home visit and found the 10-months-old child lethargic and unresponsive. Ms. Sainz had beaten the child, but failed to seek meaningful medical treatment. The child died from his injuries.

DECISION

I acknowledge that Ms. Sainz has made efforts to improve herself in prison. She has participated in self-help programming, including for anger management, and substance abuse treatment. I commend Ms. Sainz for taking these positive steps. However, these factors are outweighed by negative factors that demonstrate she remains unsuitable for parole at this time.

The violence Ms. Sainz inflicted on the child was not an isolated incident, but rather the culmination of a period of abuse that began when she resumed care of the child. I am concerned that Ms. Sainz has not done enough to address her risk of substance abuse relapse, her primary risk factor. Ms. Sainz reports that the causative factor of her abuse and ultimately murder of the victim was resentment for having to remain sober—a court had ordered Ms. Sainz to remain sober and in order to retain custody of the victim. During her comprehensive risk assessment, Ms. Sainz told the psychologist “When I stopped using drugs because of [the victim], I felt angry. I was blaming him all the time.” She continued, “And I was hitting him with everything that was in my hand, with shoes, my fists, I was throwing him in the bed really hard with the intention to hurt him.... I always hit him in the head so nobody could see the bruises and know that I was hitting him.... That was happening the whole time I had him back over the month.”

The psychologist rated Ms. Sainz a low risk for future violence, noting that this low risk is “predicated on the notion that she will not be in a caregiving role for children” and that her risk would increase if she using alcohol or drugs, among other risk factors.

Ms. Sainz has not yet demonstrated that she has the tools necessary to mitigate her risk of relapse. Ms. Sainz needs to maintain her sobriety for a longer period and deepen her understanding of her triggers for substance abuse and violence before she can be safely released into the community.

CONCLUSION

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



Decision Date:
April 1, 2020

GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

WILLIAM LEASURE, H-21376

Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

William Leasure worked as a patrol officer for the Los Angeles Police Department (LAPD) for seventeen years. In 1980 and 1981, he also worked as a hired hitman. A man paid Mr. Leasure and his crime partner to kill the man's estranged wife, and Mr. Leasure's alleged girlfriend hired him and his crime partner to kill her husband. In both crimes, Mr. Leasure stayed in the car as the get-away driver while his crime partner shot and killed the victims. An innocent man was wrongfully charged and convicted of the first murder years before Mr. Leasure's crime partner ultimately confessed to the crimes in 1987, after he and Mr. Leasure were caught in a multi-million-dollar yacht and vehicle theft scheme.

DECISION

I acknowledge that Mr. Leasure is now 73 years old, and that he committed his life crimes 39 years ago. I also acknowledge Mr. Leasure's efforts to improve himself in prison over the last 33 years. Mr. Leasure has never been disciplined in prison. He has participated in self-help programming, including Narcotics Anonymous, Alcoholics Anonymous, and a Lifers Support Group. He also received many staff commendations. I also note that the psychologist who evaluated him concluded that "his consistent prison programming, stellar work ethic, respectful and helpful interactions with prison staff and peers alike, pro-social convictions, and his advanced age have mitigated even his previously determined low level of risk." However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time. Mr. Leasure had been a police officer for 17 years with no public grievances or serious disciplinary issues. Mr. Leasure used his badge and reputation as a police officer to perpetuate these murders. Mr. Leasure's criminal actions went undetected for more than five years, during which time he colluded in multi-million-dollar theft schemes.

I am troubled that Mr. Leasure has not yet fully addressed his violent behavior. He maintains that he did not commit the murders. However, there is significant evidence in the record establishing his involvement, including trial testimony from a credible witness about Mr. Leasure's involvement in the murder-for-hire crimes, video evidence documenting his desire to destroy physical evidence, and corroborating circumstantial evidence. Mr. Leasure 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. Mr. Leasure has not yet confronted his gambling problem that may have been a motive for participating in the murders and the thefts. The panel asked Mr. Leasure about this at his hearing, but he implausibly denied a gambling problem stating, "I didn't really have to gamble. I just enjoyed it and it was only a problem because it was affecting the relationship with my wife." In addition, Mr. Leasure has not demonstrated sufficient insight into the misconduct that he does acknowledge committing. The psychologist who evaluated Mr. Leasure asked him about the yacht and vehicle schemes, and "why he lowered his professional standards and made compromises in upholding the law sworn to do it?" The evaluator noted that Mr. Leasure "seemed a bit lost and was unable to offer meaningful responses." Ultimately, Mr. Leasure blamed his participation in the yacht scheme on being "too trusting" and "somewhat naïve." At his hearing, the panel also asked about the yacht scheme, "[W]hy would a LAPD officer even want to do that?" Mr. Leasure answered, "It's fun." He acknowledged that he has suffered from low self-esteem and the desire to be liked by others, which are two reasons that contributed to his involvement in the yacht scheme. This second answer indicates that Mr. Leasure may be beginning to delve deeper into the causative factors of his crime, but he has additional work to do before he can be safely released.

I am concerned that Mr. Leasure does not fully recognize the stressors he will face upon release, and consequently has not developed the skills to address them. At his parole hearing, Mr. Leasure indicated that he would not need transitional housing and programming upon release. He told the Board that "there's three things that bring people back [to prison] and usually it's drugs, alcohol, and relationships and I have none of that." The panel responded that Mr. Leasure's overconfidence made them "nervous" because his relationships were a clear risk factor and his prior relationship with his crime partner and others (including his mistress and his LAPD partner) directly contributed to the deaths of two people and millions in stolen property. It is critical that Mr. Leasure develop concrete and realistic plans for managing his risk factors in the community.

Mr. Leasure's recent motivation to acknowledge his active participation in the yacht and vehicle theft crimes is a positive step, and I encourage Mr. Leasure to further develop his insight into his criminality and the causative factors of his life crimes. Until he does, I do not believe he can be safely released.

CONCLUSION

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



Decision Date:
April 23, 2020

GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

MARK ROGOWSKI, H-27508

First Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

In 1991, 24-year-old Mr. Rogowski and his date went to his apartment and watched movies and drank wine. When the victim went outside to leave, Mr. Rogowski got a metal wheel lock/club from his car and used it to hit the victim on the head two or three times. He then handcuffed her wrists and ankles and carried her back to his apartment where he raped her. After several hours, Mr. Rogowski put the victim in a surfboard bag and strangled her to death. Mr. Rogowski then drove to the desert and buried the victim in a shallow grave.

DECISION

I acknowledge that Mr. Rogowski committed this crime when he was 24 years old and that he has since been incarcerated for 29 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Rogowski's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender—his recklessness, rash decision-making, and his inability to cope with his emotions—and his other hallmark features of youth. During his comprehensive assessment, the clinician noted "Mr. Rogowski's unstable sense of self, impulsivity, and relationship problems were highly apparent in the months leading up to the commitment offense" but concluded "his actions during the life crime were quite extreme, and beyond would be considered 'hallmark' for a juvenile/young adult."

I acknowledge that Mr. Rogowski has made efforts to improve himself in prison. He has participated in self-help programming, including for Alcoholics Anonymous and Alternatives to Family Violence, and has earned six vocations. He has been disciplined only once for serious misconduct. I commend Mr. Rogowski for taking these positive steps. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Rogowski's crime involved a high degree of callousness and brutality. Despite many years of incarceration, Mr. Rogowski appears to still have only a superficial understanding of what triggered him to inflict prolonged sexual violence on his victim and then kill her. Mr. Rogowski told the clinician during his 2019 comprehensive risk assessment that he did not take pleasure in the victim's suffering, but that "[he] just wanted to humiliate her and her to feel [his] pain." The clinician concluded that "Mr. Rogowski meets the diagnostic criteria for Other Specified Paraphilic Disorder (Sexual Sadism over a period of less than six months), in remission, in a controlled environment. This risk factor was highly relevant to his behavior in the instant offense. To his credit, he has engaged in individual therapy as well as other programming and self-study to address his interpersonal and sexual issues, though he continues to contend that the sexual sadism diagnosis is not accurate. Thus, this risk factor remains at least moderately relevant at this time." The clinician ultimately rated Mr. Rogowski a moderate risk for future violence.

I believe it is critical that Mr. Rogowski develop a comprehensive understanding of the underlying issues that led him to commit the life crime before he can be safely released. I encourage him to develop a deeper understanding of his triggers, and the tools to curb them.

CONCLUSION

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

Decision Date:
April 23, 2020



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

JOSE VELASQUEZ, B-06047

First Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

During a violent crime spree in 1966, 24-year-old Mr. Velazquez and his crime partners killed four victims. In the first incident, Mr. Velasquez and his crime partners robbed a man, fatally stabbed him, and left his body in a ditch. Two weeks later, Mr. Velasquez and his crime partners robbed a man, shot him in the head, then stabbed him 55 times, killing him. Mr. Velasquez then sodomized the body and buried it in a shallow ditch. While driving away from the scene of the crime, Mr. Velasquez and his crime partners drove over three men with whom they had previously had an altercation, killing one of the victims on impact. Mr. Velasquez's crime partner then robbed a surviving victim, hit him with a club that had nails attached to it, and Mr. Velasquez stabbed the victim 82 times, killing him.

DECISION

I acknowledge that Mr. Velazquez committed these crimes when he was 24 years old and that he has since been incarcerated for 53 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Velazquez's increased maturity and rehabilitation and gave great weight to all the factors relevant to his diminished culpability as a youthful offender—his immaturity, rash behavior, and irresponsibility—and his other hallmark features of youth. The psychologist who evaluated Mr. Velasquez noted that he was raised in a negative environment surrounded by antisocial people and that he was struggling with substance abuse issues at the time of his life crimes.

I also acknowledge that Mr. Velazquez has made efforts to improve himself in prison by participating in self-help programming, upgrading educationally, and earning a vocational certificate. Mr. Velasquez has also been commended by staff for his spiritual devotion and helpfulness.

I have given great weight to Mr. Velasquez's growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Although Mr. Velasquez has admitted to being the leader of his crime partners, he has continued to minimize his conduct and has given inconsistent explanations for it. Mr. Velasquez committed a series of extremely violent acts, taking the lives of four people with particular brutality and cruelty, stabbing two of the victims dozens of times and sodomizing the body of the second victim. During his psychological evaluation, Mr. Velasquez said that he only mimicked the act of sodomy but did not penetrate the victim's body. However, at his 2020 suitability hearing, Mr. Velasquez admitted to sexually assaulting the victim's body and also admitted to sexually assaulting several other victims. Mr. Velasquez's recent candor is a sign that he is finally confronting the full scope of his past misconduct and the harm it caused. I commend him for this. However, in light of the recentness of this development, I believe he has additional work to do before he can be safely released.

I also am concerned about Mr. Velasquez's limited self-awareness and insight into the causative factors that led him to commit these crimes. At his 2020 suitability hearing, he said he committed the crime because he was "angry at the world," grew up without a father figure, and was subjected to humiliation because of his short stature. Mr. Velasquez was not able to articulate the internal processes that led him to respond to these external factors with such extreme violence. I encourage him to work to deepen his understanding of why and how he responds to his triggers so that he can develop the tools he will need to manage them.

I commend Mr. Velasquez for his positive behavior in prison and efforts in rehabilitation to date. I encourage him to remain on this positive path. However, I believe that he must do additional work before he can be safely released.

CONCLUSION

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

Decision Date:
May 15, 2020



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

ANTHONY KING, E-01758

First Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

In 1987, over a three-day period 16-year-old Mr. King and his crime partner fatally shot three different victims who were fishing, and then disposed of their bodies in the water.

DECISION

I acknowledge that Mr. King committed this crime when he was 16 years old and that he has since been incarcerated for 32 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. King's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender—recklessness, excessive risk-taking, and his lessened ability to anticipate and appreciate consequences—and his other hallmark features of youth. I understand that Mr. King's life was shaped by the negative experiences of his youth and that these experiences contributed to his criminality. According to the psychologist who evaluated him in 2020, "Mr. King's childhood history suggests violence-related factors including: trauma related to physical disability, learning disorders, and peer teasing, which may have set the stage for Mr. King seeing the world through the lens of being different, less than, or unimportant. It appears he sought to bolster his low self-esteem with criminal behavior and substance use."

I also acknowledge that Mr. King has made efforts to improve himself in prison. He earned three associate degrees, has developed a vocational skill, and has maintained continuous employment throughout his incarceration. I commend Mr. King for the progress he has made in prison and I encourage him to stay on this positive path. I have given great weight to his growth while incarcerated during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

I am troubled that Mr. King does not better understand how he came to commit these murders. At his comprehensive risk assessment, Mr. King explained to the clinician that, had it not been for his crime partner, he would not have killed the victims. Mr. King explained his reasons for committing the life crime as "fear, loyalty to [his crime partner and] not understanding how to get out of it." At his hearing, the Board asked why he committed his crime, and Mr. King stated, "I felt like an outcast. . . .I was always being teased about my reading, about my red hair, about my acne, and I was trying to fit in. And so, I, I would do things to get the attention of the other kids, uh, in hoping that I would be accepted by them." I acknowledge that Mr. King was a youth when he committed this crime, however, it is concerning that Mr. King is still not able to articulate a deep understanding of the causative factors of the crime, and has not yet developed the tools to avoid returning to his dependent behavior.

The evaluating psychologist shares my concerns, and noted that Mr. King is particularly susceptible to peer pressure. The clinician observed that "these features were contributing factors to the life crime, and were particularly salient in his adolescence and early adulthood. Although Mr. King has worked to mitigate these characteristics, they are entrenched features, and remain moderately relevant" risk factors.

I commend Mr. King for his positive institutional record and encourage him to maintain his good conduct. However, Mr. King must understand the factors that led him to commit this crime and gain the skills necessary to avoid returning to dependent behavior before he can be successful on parole and released into the community.

CONCLUSION

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



Decision Date:
May 22, 2020

GAVIN NEWSOM

Anthony King, E-01758
First Degree Murder
Page 3

Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

VINH TRAN, K-48016
First Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ X _____

STATEMENT OF FACTS

In 1995, 16-year-old Mr. Tran and his crime partners robbed a home occupied by a family with four children. Mr. Tran's crime partners shot and killed the couple and their children, except the two-year-old who was injured but survived after being left alone with his slain family for nearly 12 hours before he was found.

DECISION

I acknowledge that Mr. Tran committed this crime when he was 16 years old and that he has since been incarcerated for 24 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Tran's increased maturity and rehabilitation, and gave great weight to all of the factors relevant to his diminished culpability as a youthful offender—his recklessness and poor judgement—and his other hallmark features of youth. The psychologist who evaluated him in 2020 noted that, "Mr. Tran grew up in a chaotic and abusive environment. As an adolescent, he sought acceptance and approval from gang members. Thus, he appeared to have been significantly susceptible to the influences of his negative peers."

I also acknowledge that Mr. Tran has made efforts to improve himself in prison. He has participated in significant self-help programming, earned a GED and an associate degree, has earned three vocational skills, and has been commended by correctional staff for his positive rehabilitative efforts. I have also given great weight to his subsequent growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Tran has a history of gang membership and violence. Mr. Tran participated in the murder of a family and cited gang loyalty as his motivation for the crime.

At his 2020 parole hearing, Mr. Tran admitted to engaging in other violent acts with his fellow gang members only days before the life crime. Mr. Tran told the Board, "I was willing to do anything for [the gang]. You know, they gave me the affirmations, the acceptance that I wanted, that I crave for it."

Even after being sentenced to a lengthy prison term for a gang-related multiple murder, Mr. Tran continued his gang association in prison for nearly 20 years, including committing gang-related assaults. He separated from gangs in 2013. For these reasons, the psychologist who evaluated Mr. Tran 2020 considered a moderate risk rating and warned that his gang involvement "remains highly relevant to his risk for violence as it played a central role in the Life Crime and his subsequent violent behavior." The psychologist further noted, "[Mr. Tran] has exhibited a history of problems related to violence and violent attitudes" and concluded "these antisocial personality characteristics remain highly relevant to his future violence risk, as they would likely influence his decision to act in a violent manner and/or impair his ability to employ nonviolent problem-solving strategies."

I am encouraged by Mr. Tran's recent prosocial behavior and his candor at his parole hearing. However, I believe that before Mr. Tran can be released, he must demonstrate a longer period of prosocial behavior and continue to remain fully separated from the gang activity and that led him to commit his life crime.

CONCLUSION

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

Decision Date:
May 22, 2020



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

HARRY SASSOUNIAN, C-88440

First Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

In 1982, Kemal Arikan, the Turkish Consul General in Los Angeles, was driving to work. Harry Sassounian and his crime partner, who had been lying in wait for Mr. Arikan, approached his car when it stopped at an intersection and fired multiple shots at close range, killing Mr. Arikan. Mr. Sassounian and his crime partner fled. Mr. Sassounian was later apprehended, convicted of first degree murder, and sentenced to 25 years to life. Mr. Sassounian's crime partner fled the country and was never adjudicated for the crime. Mr. Sassounian has an active ICE detainer and is subject to deportation if released on parole.

GOVERNING LAW

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

DECISION

The Board of Parole Hearings found Mr. Sassounian suitable for parole noting that as a child he was subjected to the trauma of war and political strife, that he has participated in self-help programming in prison, he has developed extensive

parole plans, he has taken responsibility for the harm that he has caused, he has demonstrated a history of change and increased maturity, and he has given serious thought to how his actions are perceived by others. The Board concluded that he possesses the tools to avoid resorting to violence.

I acknowledge that Mr. Sassounian committed this crime when he was 19 years old, a youthful offender, and that he has since been incarcerated for 38 years, and is now 57 years old. I have also considered the circumstances that shaped Mr. Sassounian's life. As a child, he experienced significant challenges in his family of origin, including the consequences of intergenerational trauma, poverty, and instability resulting from the Armenian Genocide in which Mr. Sassounian's family members were killed. Following forced deportation from Anatolia, Mr. Sassounian's family lived in exile in Lebanon. He grew up in a war zone and regularly witnessed extreme violence and killings, an experience that had a significant impact on his life.

I also acknowledge that Mr. Sassounian has made efforts to improve himself in prison. He participated in self-help programming including substance abuse treatment, Nonviolent Communication, and Anger Management. He completed multiple vocational programs and had a lengthy and satisfactory work record. He has not been disciplined for serious misconduct in nearly two decades.

I carefully examined the record for evidence demonstrating Mr. Sassounian's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a young person, his youthfulness at the time of this crime, and his subsequent growth in prison. I commend Mr. Sassounian for his rehabilitative efforts in prison, but I find they are outweighed by negative factors that show he remains unsuitable for parole at this time.

Mr. Sassounian and his crime partner planned and carried out a public assassination of a diplomat, a crime that had national and international repercussions, including increasing the threat to diplomats and their family members around the world. When Mr. Sassounian killed Mr. Arian—who was a son, a husband, and a father—he inflicted immeasurable, lifelong pain on Mr. Arian's family.

Mr. Sassounian has acknowledged that he killed Mr. Arian in retaliation for actions by the country Mr. Arian served, specifically the genocide of 1.5 million Armenians between 1915 and 1923, and Turkey's subsequent ongoing denial of it. The historical and political context of Mr. Sassounian's crime does not justify it. It does increase the burden on Mr. Sassounian to develop the insight and tools

he will need to manage the unique public safety risks that will result from his release from prison.

I believe that Mr. Sassounian has not yet demonstrated that he has developed and sustained the necessary insight and skills for a sufficiently long period. In particular, I am concerned that Mr. Sassounian has continued to underestimate the vigilance that is required of him, now and in the future, to consistently conduct himself in a manner that promotes the rule of law and avoids fomenting violence, even inadvertently.

For many years, Mr. Sassounian espoused a violent Armenian nationalistic ideology. In 2012, Mr. Sassounian wrote a letter to Armenian soldiers that was published in *Hay Zinvor*, an Armenian military newspaper. He wrote, "I promise that when I return [to Armenia], I will want to go, if allowed, to the border for a few days, to guard it and defend our country's frontiers. I will do that even when I am at an advanced age. . . I am a soldier of my Fatherland until the day I die – this is something my Armenian blood taught me."

Mr. Sassounian has acknowledged to the Board that sending this letter to *Hay Zinvor* was a "bad decision" but said that "in [his] mind [he] wasn't advocating violence" and he did not think there was anything violent about the letter. He has previously claimed that he is "done with politics."

Mr. Sassounian may feel "done with politics" but because he chose to commit a political crime and targeted a high profile victim, Mr. Sassounian's actions will always carry outsized political import and be subject to manipulation for political purposes. Mr. Sassounian is not required to disavow his political beliefs in order to be found suitable for parole. Before he can be safely released from prison, however, he must demonstrate that he fully understands the nexus between nationalism and violence, as well as the public safety risks that attend his notoriety.

The psychologist who evaluated Mr. Sassounian in 2019 noted that, if paroled, "he will likely be deported to Armenia, which has the potential to present several unique challenges with regard to risk factors" and that "[a]lthough Mr. Sassounian denies knowledge of Armenian organizations or factions that utilize violence, the risk of future association with such could serve to increase Mr. Sassounian's risk of future violence." The clinician noted that Mr. Sassounian appears to have worked to mitigate this risk, and I am encouraged by recent efforts in this regard. In 2019, Mr. Sassounian had a second letter published in *Hay Zinvor* in which he disavowed his 2012 statements. Additionally, at Mr. Sassounian's most recent parole hearing, also in 2019, he told the Board that he

had previously failed to fully consider the impact that his nationalism could have, and he acknowledged that, because of the nature of his crime, it was inappropriate for him to write anything politically charged that could be taken out of context. Finally, I acknowledge Mr. Sassounian's statements at his most recent hearing about his commitment to nonviolence and his hope for peace between Turks and Armenians.

These are positive developments, but they are very recent. The evaluating psychologist also noted that Mr. Sassounian's transformation is relatively new, and wrote, "it is difficult to ignore the passion with which he identified with Armenian soldiers and impossible to know with certainty that his views on the matter have changed so significantly in the span of just six years." Mr. Sassounian must continue to develop his insight into his risk factors, and demonstrate a sustained commitment to avoiding conduct that could be used to incite violence or radicalize others as he himself was radicalized when he was young.

CONCLUSION

After reviewing and considering the evidence in the record, I believe that Mr. Sassounian must do additional work before he can be safely released. Accordingly, I find that he still poses an unreasonable danger to society if released and I reverse the Board's decision to parole Mr. Sassounian.



Decision Date:
May 25, 2020

GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

CHARLES GREEN, B-93617

First Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

In 1977, 25-year-old Mr. Green and his crime partner kidnapped Mr. Green's teenaged wife, drove her to a secluded area and forced her to undress. Mr. Green then stuck a shotgun barrel into her mouth and fatally shot her.

DECISION

I acknowledge that Mr. Green committed this crime when he was 25 years old and that he has since been incarcerated for 42 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Green's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender— his callousness born out of his antisocial influences and narcissistic thinking—and his other hallmark features of youth. I also considered the challenging experiences that shaped Mr. Green's early life. He was sexually and physically abused by caretakers and a family member, his family members were gang members or associated with gang members, including his father, a gang member who was killed by gang violence. During his comprehensive risk assessment, the psychologist who evaluated him concluded “[Mr. Green's] life-crime reflected values and callousness born out of his antisocial influences and narcissistic thinking often associated with youth.”

I also acknowledge that Mr. Green has made efforts to improve himself in prison. He has not been disciplined in ten years. He has participated in self-help programming, including Anger Management and Self Awareness and Recovery. He has earned his GED and has completed four vocational certificates. I have given great weight to Mr. Green's youth at the time the crime was committed and his subsequent growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate Mr. Green remains unsuitable for parole at this time.

Mr. Green has a history of committing crimes that involve a high degree of callousness and brutality. In addition to his life crime, his past offenses include multiple sexual assaults and being an accessory to a felony where he helped to dispose of the bodies of two murdered men. Despite many years of incarceration, Mr. Green appears to have only a superficial understanding of the causative factors of his life crime. He continues to shift blame for it and to minimize other aspects of his criminal history. For instance, the evidence in the record of one of Mr. Green's prior sexual assault offenses suggests that he abducted the victim, drove her to a remote location, where he held a hunting knife to her back and raped her. Yet when discussing this offense with the psychologist, Mr. Green stated, "the victim's husband catches us, she yelled rape..." and "[the victim] later admitted to my mom, I'm not going to lose this marriage over this kid." The clinician stated, "I am unable to determine if Mr. Green lacks insight into his past criminal behavior or if he has the insight but is intentionally minimizing. Either way, his accounts are inconsistent with the record and he did not verbalize a complete understanding of the risk factors associated with his previous violence. Thus, possible problems with insight and treatment response remain." I am concerned that Mr. Green's failure to accept responsibility for his criminal past and his lack of sufficient insight into how he came to commit these violent crimes indicates that he has not yet developed the tools he will need to manage the stressors he will certainly experience outside of prison.

At his 2020 parole hearing, Mr. Green showed sincere remorse for the crime and discussed ongoing work toward rehabilitation through self-help programming. I note his efforts and encourage him to remain on this positive path. Before he can be released, he must first develop sufficient insight into what led him to commit his prior crimes and resort to relational violence.

CONCLUSION

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

Decision Date:
May 29, 2020



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

MICHAEL CLARK, AN-5941

Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

In 1981, Michael Clark reported his wife missing. Over the next 30 years, law enforcement unsuccessfully investigated her disappearance while Mr. Clark further intertwined himself in his dead wife's family, never informing them while they grieved that he was her murderer. He was ultimately convicted for his wife's murder, and at his sentencing hearing, he admitted that the victim died after she fell and hit her head after they argued about her infidelity. Mr. Clark has given different accounts of where he buried the victim, but her body has never been recovered.

DECISION

I acknowledge that Mr. Clark has made efforts to improve himself in prison. He has participated in self-help programming and has made efforts to upgrade his education by completing college courses. Several correctional staff have praised Mr. Clark for his positive programming. I commend Mr. Clark for taking these positive steps. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

I am troubled by Mr. Clark's life crime and his subsequent 30-year cover up, in addition to indications that he has not yet addressed his risk factors for future violence. Not only did Mr. Clark keep the victim's death hidden from her family and law enforcement for three decades, but during this time he interacted with the victim's family, inherited their family business, and kept his children from getting answers to their questions about what happened to their mother. After the crime was discovered, Mr. Clark's continued to minimize his conduct. During the risk assessment, when questioned about his motive for lying about where the victim's body was buried, Mr. Clark responded, "I didn't want [the victim] to be disturbed, that was selfish of me, didn't think her mom would want her back, didn't want it to be circus show, with helicopters, tents. I didn't want her to be part of that." I am not persuaded that Mr. Clark's motive for his ongoing

deception is a desire protect the victim and her family rather than an attempt to avoid full detection and punishment for her murder.

At his 2020 parole hearing, Mr. Clark admitted to the panel that he lied about the location of the victim's body to protect himself. However, he again reiterated, that "he did not want her body to be disturbed" and that he wanted to protect her and her family from the media circus. I acknowledge that Mr. Clark has made some progress in developing the accountability and insight that will allow him to parole safely in the community, but he has additional work to do before he can be safely released.

I am also troubled by Mr. Clark's undeveloped insight into the impact of his crime on the victim's family, including his own children. The evaluator asked Mr. Clark how his children managed after the life crime. Mr. Clark responded: "Nothing really changed too much, I don't know how to answer that question." When the evaluator pointed out that his children lost their mother, Mr. Clark answered: "They didn't think it was permanent, didn't affect them as badly as...I think it softened the blow of it because they kept thinking she would come back. They never broke down or anything like that." Mr. Clark also told the evaluator that he hopes to sit down with his mother-in-law and discuss the crime. When the psychologist queried whether the victim's family would welcome this interaction or support parole, Mr. Clark noted that he would respect the victims' wishes but "I will bet you that [the victim's sister] and her mother want me to come out because [my daughter] has nobody. I almost asked [my daughter] to call them and see if they will write me a letter, but I can't go there...but I wouldn't be surprised if they wrote me one. I would bet on it. Not for me, they want me to come out for her, for [my daughter]." The clinician concluded, "Mr. Clark appears less aware of how this offense impacted others, and his perception that allowing his children and the victim's family to believe she was still alive somehow diminished the impact is self-serving." Until Mr. Clark's can demonstrate that he fully understands the complex impact of his crime and subsequent long deception on the many people they touched, I do not believe he will be able to maintain prosocial relationships upon release.

For these reasons, I believe that Mr. Clark needs to do more work to explore and understand the internal characteristics that led him to commit and conceal this crime for 30 years, and develop the tools to manage them when he is released.

CONCLUSION

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

A handwritten signature in black ink, appearing to read "Gavin Newsom", with a long horizontal line extending to the right.

Decision Date:
July 23, 2020

GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

ARISTEO HERNANDEZ, E-67117

Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

In 1988, Aristeo Hernandez and his wife divorced. His ex-wife obtained a restraining order against him and moved to an apartment with their two young children. Later that year, Mr. Hernandez, armed with a gun, went to his ex-wife's apartment to confront her about custody of their children and a recent wage garnishment order for child support. She was six months pregnant with his child. Neighbors heard the argument and tried to intervene. Mr. Hernandez shot his ex-wife, killing her and their unborn child, and fatally shot two of the neighbors who tried to intervene.

DECISION

I acknowledge that Mr. Hernandez has made efforts to improve himself in prison. He has participated in self-help programming, including Narcotics Anonymous, Alcoholics Anonymous, and domestic violence prevention. Mr. Hernandez has also completed vocational training programs and earned positive work ratings. I commend Mr. Hernandez for taking these positive steps. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

I note, as did the panel at his hearing, that Mr. Hernandez has taken full responsibility for his crime. However, Mr. Hernandez's conflicting statements about what led him to commit this crime demonstrate that he is not ready to parole. At his hearing, Mr. Hernandez attempted to explain his actions, acknowledging that he bought a gun so that he could kill his ex-wife and any new romantic partner should she have become romantically involved with another person. Later in the hearing, Mr. Hernandez stated that, on the day of the crime, he argued with his ex-wife and became angry when the first male victim started asking him questions. Mr. Hernandez explained. "I felt that he wants to prove that he has power over [my ex-wife], and that made me jealous and due to my pride, that was when I decided to kill him. When I shot him in the

face, [my ex-wife] was in the corner, just stood up, and she was asking me not to shoot anymore. That moment. I felt jealous because I thought she was defending him, and due to my beliefs, my pride, I decide to kill her, too, on that moment." The shifting narrative is relevant to his current risk factors because it indicates either a lack of candor or self-awareness, both of which relate to Mr. Hernandez's ability to desist from violence in the community.

The factors present at the time of his life crime—his anger and need to control his romantic partner—may be present should he be released on parole. Mr. Hernandez's history of violent and dysfunctional romantic relationships remains a risk factor, as discussed by the psychologist who conducted Mr. Hernandez's 2020 risk assessment. The clinician noted the progress Mr. Hernandez has made but identified some lingering concerns surrounding his ability to cope with disappointment in romantic relationships. Specifically, the psychologist observed that Mr. Hernandez recently ended a long marriage to a woman he was involved with while married to his then-wife. The psychologist concluded, "Given his history of violence against romantic partners and the particular trigger of a recent breakup, Mr. Hernandez's interactions with his ex-wife should be closely monitored, and he will need to distance himself from any interaction with her which triggers negative emotions from him."

I commend Mr. Hernandez for taking self-help programming that addresses domestic violence prevention, prosocial relationships, and anger management, and I encourage him to continue his work in these areas. I ask him to work to deepen his insight and self-awareness, and improve the tools he has learned to successfully desist from violent and controlling conduct in the future.

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 at this time. Therefore, I reverse the decision to parole Mr. Hernandez.



Decision Date:
September 4, 2020

GAVIN NEWSOM
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

In 1985, while serving a prior prison term, Rene Enriquez joined the Mexican Mafia and eventually became a high-ranking member. While on parole in 1989, Mr. Enriquez committed a series of crimes over three days. In the first incident, Mr. Enriquez ordered his crime partner to kill a drug dealer who he suspected was stealing from him. The crime partner took the victim to a remote area and fatally shot her. In the second incident, the Mexican Mafia placed a contract on the victim's life. Mr. Enriquez and his crime partner overdosed the victim with heroin and then drove the victim to a remote area where Mr. Enriquez fatally shot him. In the third incident, Mr. Enriquez, while serving a prison sentence, attempted to carry out another contract murder ordered by the Mexican Mafia. Mr. Enriquez, his crime partner, and the victim were handcuffed in an attorney conference room. Mr. Enriquez and his crime partner freed themselves and stabbed the victim 26 times; he survived his injuries.

DECISION

I acknowledge Mr. Enriquez has made efforts to improve himself in prison. Mr. Enriquez has participated in self-help programming, including Criminals and Gangmembers Anonymous, Victim Awareness, and Criminal and Addictive Thinking and earned his GED. Since debriefing from the Mexican Mafia, Mr. Enriquez has assisted law enforcement with gang training, investigations, and has testified against gang members. Mr. Enriquez has been commended by law enforcement officers and prosecutors for his efforts. I commend Mr. Enriquez for taking these positive steps. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Enriquez has an extensive history of violent and sexually violent behavior both in and out of custody. He has personally engaged in a range of criminal activities, including but not limited to several armed robberies, gang rape and

sodomy of a young woman, sexual assault against another inmate, and multiple murders and assaults. As a high-ranking member of the Mexican Mafia, Mr. Enriquez also ordered attacks on other gang members, manufactured and distributed weapons, trafficked drugs, and recruited and trained new members. Mr. Enriquez's violent conduct for his personal gain continued until he began assisting law enforcement, which resulted in favorable treatment.

I acknowledge that Mr. Enriquez has not been disciplined for misconduct since debriefing from the Mexican Mafia, however I believe that Mr. Enriquez's extensive history of violent and manipulative behavior elevates his current risk level. The psychologist who evaluated Mr. Enriquez acknowledged that he has made prosocial changes but noted that because of Mr. Enriquez's "ingrained patterns of antisocial and narcissistic thinking and behavior. . . some of the prosocial changes he has made may not have been altruistic." The psychologist also concluded that Mr. Enriquez "tends to present as a 'smooth talker' who is facile with communication. He is bright and has adequate resources to research what he believes is expected of him and address the issues the parole board and the governor have raised in the past." Mr. Enriquez must do more to demonstrate that his desistance from misconduct represents an authentic and enduring transformation in thought and conduct, and not merely an attempt to game the system for his needs.

The psychologist identified several of Mr. Enriquez's current risk factors for violence including "significant personality disorder traits, substance abuse issues, extremely negative/violent attitudes, involvement with antisocial individuals, and limited insight into these issues." Additionally, the psychologist categorized Mr. Enriquez as representing an above-average risk of sexual offense reconviction. Notably, the psychologist concluded that, despite the mitigating factors of Mr. Enriquez's age and the absence of information that Mr. Enriquez has sexually offended for more than 30 years, this categorization only "slightly" overstates his current risk level.

I encourage Mr. Enriquez to continue his efforts in rehabilitation. In light of his current risk factors, he must show additional progress before he can be released without undue risk to public safety.

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 at this time. Therefore, I reverse the decision to parole Mr. Enriquez.

Decision Date:
September 18, 2020



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

JOSEPH PAGADUAN, T-95381

Second Degree Murder and Voluntary Manslaughter

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

In 1999, 18-year-old Mr. Pagaduan shot his father in the head and shot and strangled his mother, killing them.

DECISION

I acknowledge that Mr. Pagaduan committed this crime when he was 18 years old and that he has since been incarcerated for 21 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Pagaduan's increased maturity and rehabilitation and gave great weight to all the factors relevant to his diminished culpability as a youthful offender. I note that Mr. Pagaduan suffered sexual, emotional, and physical abuse perpetrated by his parents, the victims of his life crime. The psychologist who evaluated Mr. Pagaduan concluded, "Mr. Pagaduan is a unique case of a youth offender with no prior criminal history as a juvenile or as an adult, no antisocial behavior, no prior violence, or past diagnosis of conduct disorder or personality disorder, no history of substance abuse and no history of treatment and supervision failures. His only crime was the death of his parents."

I also acknowledge that Mr. Pagaduan has made efforts to improve himself in prison. He has participated in consistent self-help programming, including as a facilitator and mentor, earned his GED and an associate degree, and is enrolled in college courses. He has also participated in several additional prosocial activities. I have given great weight to his subsequent growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

I am concerned that Mr. Pagaduan has yet to fully explore, understand, and control the causative factors that led him to commit such a violent act that took the lives of two people.

During his 2020 comprehensive risk assessment, Mr. Pagaduan discussed the years preceding the life crime and his relationship with the victims. The psychologist observed that Mr. Pagaduan “vacillated between minimizing [the abuse he experienced] and acknowledging that at other moments he hated his parents.” Mr. Pagaduan “appeared aware that he had internalized his anger at his parents which exploded when he committed the life crime. His behavior is consistent with individuals who have been severely abused, who have conflicting emotions regarding their abusers.” The psychologist further noted that “[Mr. Pagaduan] presented with some degree of cognitive instability, in that he may not always consider the consequences of his actions [...]” This risk factor is one that Mr. Pagaduan must address before he can be safely released. On parole he will certainly encounter stressors that, like the ones he faced growing up, are beyond his control. To be safely released on parole, he must demonstrate having developed the insight and skills to respond to such challenges in a prosocial way.

I commend Mr. Pagaduan for his candor during his parole hearing and encourage him to remain on this positive path. However, in light of his current risk factors and his extreme violent response to stressors in the past, Mr. Pagaduan must continue to explore and resolve his underlying causative factors before he can be safely release.

CONCLUSION

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

Decision Date:
September 25, 2020



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

JESUS CECENA, C-08487
First Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

In 1978, 17-year-old Mr. Cecena drove recklessly after an evening of drinking and smoking phencyclidine (PCP) with his crime partner, a fellow gang member. San Diego City Police Officer Archie Buggs pulled Mr. Cecena over for a traffic stop. Mr. Cecena's crime partner handed him a revolver, Mr. Cecena got out of the car, walked toward Officer Buggs, shot him six times, then continued to shoot as the officer fell to the ground. Officer Buggs fired two or three shots, but did not strike Mr. Cecena. Mr. Cecena fled the scene, leaving Officer Buggs to die in the street.

DECISION

I acknowledge that Mr. Cecena committed this crime when he was 17 years old and that he has since been incarcerated for 42 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Cecena's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender—his callousness resulting from his antisocial and gang influences—and other hallmark features of his youth. I also considered the difficult experiences that shaped Mr. Cecena's early life. At age 13, Mr. Cecena's parents went through an acrimonious divorce and his abusive father left the family while his mother became increasingly depressed and turned to alcohol. Mr. Cecena explained his relationship with his father to the Board psychologist in 2018: "Nothing I did seemed good enough for him; he never told me he loved me." In response to feeling abandoned by his parents, Mr. Cecena sought acceptance and protection from a street gang. He also began sniffing paint and using PCP, which grew into an addiction. Mr. Cecena told the psychologist that he started using drugs "to get away from what was going on at home with my mom and dad" and "to fit in" with his fellow gang members.

I also acknowledge that Mr. Cecena is now 59 years old and has made efforts to improve himself in prison. He has not been disciplined in 33 years. He has maintained his sobriety for 33 years. He disassociated from prison gangs in 1990. He has participated in numerous self-help programs, including Alcoholics Anonymous and Criminals and Gangmembers Anonymous. He has earned his GED, his high school diploma, and has completed three vocational certificates. He has worked as a Prison Industry Authority optician, was promoted to a leadership role, and earned exceptional work reviews. I have given great weight to Mr. Cecena's youth at the time of the life crime and his subsequent growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate Mr. Cecena remains unsuitable for parole at this time.

Mr. Cecena's murder of Officer Buggs was a senseless act that adversely impacted countless lives. Officer Buggs was one of only a small number of African American officers in the San Diego Police Department in 1978, was respected and beloved by his family and the greater law enforcement community. He had worked as a police officer for four years before he was murdered. Before joining the San Diego Police Department, he served in the Army and fought in the Vietnam war. At the 2020 parole hearing, Mr. Cecena acknowledged the harm he caused: "I murdered an innocent human being, a man, 30 years old. He was just doing his job. When I think about it... it tears me apart because he wasn't trying to hurt me that night. Officer Buggs was trying to save me. When I read the police reports describing how I was driving that night, he's trying to save me. And I didn't see that, and I murdered him because of my selfishness, because of the fact that I didn't have no empathy for anybody else but myself. I didn't care about anybody but myself." Previously, Mr. Cecena minimized his role in the offense. At his 2020 parole hearing, Mr. Cecena showed marked improvement in this area. He now acknowledges that he "executed" Officer Buggs and continued to shoot at him as he lay on the ground, and Mr. Cecena has shown genuine remorse and nuanced understanding of victim impact.

Although Mr. Cecena acknowledges the impact of his crime on the victim's family and community, I am concerned that he fails to fully understand the causative factors that led him to murder Officer Buggs. This is Mr. Cecena's fifth parole grant since 2014. The four previous parole grants were reversed on the basis of Mr. Cecena's insufficient insight. Specifically, Mr. Cecena's has not accepted that this murder was gang-motivated, and not just gang-related. Mr. Cecena repeated the same logically inconsistent narrative at his 2020 parole hearing that he gave at his prior hearings: that he killed Officer Buggs solely because he did not want to get in trouble with his father for being pulled over

for driving under the influence. He told the panel, "People are saying I murdered this police officer because my intentions were to murder a police officer. That's not the truth. My intentions to execute this officer was because I didn't want to face my father. I believed at that time, by murdering this police officer, that it would just go away." Mr. Cecena still is unwilling to acknowledge the underlying or causative factors that are in evidence, specifically that he belonged to a gang where killing a peace officer was seen as an ultimate goal, that a more senior and respected gang member handed him a firearm so he could to kill Officer Buggs, and that killing Officer Buggs was a way for Mr. Cecena to gain more respect and power within his gang. Mr. Cecena now admits that he authored a poem shortly after the murder which celebrated Officer Buggs's death and the power of his gang, yet he fails to connect his own written words with his intent.

The psychologist who evaluated Mr. Cecena in 2018 raised concerns about Mr. Cecena's insight, and wrote that Mr. Cecena's "understanding about the precipitants of his controlling offense represented a relative weakness." This psychologist found that Mr. Cecena failed to connect his gang mentality to his violent choices, unless openly confronted with the obvious connection. The panel at Mr. Cecena's 2020 hearing also acknowledged that his insight was lacking, and the Presiding Commissioner said, "[W]e do acknowledge that there is some concern about your motivations in the crime, and I don't want to undervalue that or minimize those concerns." Forty-two years of self-help programming and rehabilitation have provided Mr. Cecena with countless opportunities to deepen his insight. In fact, he has facilitated Criminals and Gangmembers Anonymous and should be an expert in understanding the connection between the politics of gang life and the murder he committed. Mr. Cecena has additional work to do in this area before he can be safely released.

CONCLUSION

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

Decision Date:
October 9, 2020



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

PHILLIPE FARGO, D-07649

First and Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

In 1984, Phillipe Fargo, then a California licensed criminal defense attorney, committed two murders. The first murder occurred after Mr. Fargo and several other men spent the day together, drinking alcohol. Mr. Fargo fatally shot one of the men after a confrontation.

While on bail for the first murder, Mr. Fargo committed a second murder. Mr. Fargo had been supplying one of his clients with cocaine and heroin to sell. The client, who was addicted to drugs, accrued a \$17,000 drug debt to Mr. Fargo. Mr. Fargo fatally shot him over the debt.

DECISION

I acknowledge Mr. Fargo has made efforts to improve himself in prison. He has not been disciplined for misconduct for more than 12 years and has not been disciplined for violence while incarcerated. I commend Mr. Fargo for his positive disciplinary record. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Fargo continues to lack insight into the causative factors of the two murders he committed. During his risk assessment and at his parole hearing, Mr. Fargo explained that he killed both men after they inflicted blows to his ego. The first victim said Mr. Fargo was a "homosexual," which he reports caused him to "explode." Mr. Fargo reported killing the second victim in an attempt to preserve his self-image, stating that he felt the victim was beneath him and "he was embarrassed when [the victim] showed up at his house [because] he did not want to look bad in front of his neighbors." Both of these explanations are superficial and I am troubled that Mr. Fargo has still not developed the self-awareness into the underlying factors for his violent conduct. Until he better

understands his triggers, I believe he will not be able to control them if released on parole.

I am also concerned by Mr. Fargo's underdeveloped insight into his escalating alcohol abuse prior to committing these murders. Mr. Fargo sustained multiple convictions for driving under the influence of alcohol and had been drinking heavily shortly before he committed the first murder. Mr. Fargo continued to drink and drive despite law enforcement interventions. The psychologist noted that, "Although Mr. Fargo seems amenable to supervision in prison's structured environment, historically, his response to community supervision was poor. As a result, potential problems with supervision remain moderately relevant in his risk for future violence."

I commend Mr. Fargo maintaining his sobriety since very early in his incarceration and I encourage him to stay on this positive path. However, once released, Mr. Fargo will have to contend with his status as a formerly incarcerated person and the loss of his license to practice law, both stressors that he may experience as a blow to his ego, one of his triggers for relapse and violent conduct. Mr. Fargo must deepen his understanding of what led him to commit two murders before he can be safely released.

CONCLUSION

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



Decision Date:
October 23, 2020

GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

DOUGLAS WINSTON, B-74654

First Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

During a one-month period, 19-year-old Douglas Winston committed a series of violent robberies that resulted in the deaths of three people.

In December 1974, Mr. Winston and a crime partner broke into an elderly woman's home to commit a robbery. When the victim confronted Mr. Winston, he stabbed her multiple times, killing her. Mr. Winston and his crime partner then stole items from the home and fled.

Later that month, Mr. Winston and his crime partners stole a man's car then kidnapped and put him in the trunk. Mr. Winston drove to the man's home and encountered the man's wife and their three-year-old son. One of Mr. Winston's crime partners bound and raped the woman. Mr. Winston then shot the woman and the victim in the trunk, killing them. The child was not injured, and led officers to his mother's body when they arrived.

In January 1975, Mr. Winston and his crime partners robbed a market. One of Mr. Winston's crime partners shot an employee, who survived. Later that day, Mr. Winston and his crime partners burglarized another home.

The next day, Mr. Winston and two crime partners broke into a home and exchanged gunfire with the homeowner. Mr. Winston struck the man in the head with the butt of his gun before the group stole money and personal items from the home. The man survived but sustained head injuries that required serious medical intervention.

DECISION

I acknowledge that Mr. Winston committed these crimes when he was 19 years old and that he has since been incarcerated for more than 45 years. In making

this decision, I carefully examined the record for evidence demonstrating Mr. Winston's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender—his immaturity, impulsivity, and lessened ability to appreciate the consequences of his actions—and the other hallmark features of his youth. The psychologist who evaluated Mr. Winston in 2020 noted that, in his youth, Mr. Winston's feelings of abandonment and rejection from his biological parents and negative peer influences led to vulnerability to outside pressures. Mr. Winston sustained a juvenile adjudication for killing an elderly woman before the life crimes.

I acknowledge that Mr. Winston has made efforts to improve himself in prison. Mr. Winston has participated in significant self-help programming, earned his GED, and completed a vocational training program. I have given great weight to his subsequent growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

After more than four decades in prison for very violent crimes, Mr. Winston's statements about his offenses demonstrate a concerning lack of insight into the factors that triggered him to commit these offenses, and the gravity of their violence. At his 2020 parole hearing, Mr. Winston told the Board that his feelings of "rage and anger" after being fired from his job led to his crime spree and the murder of the three victims. He explained, "I was angry, I was mad, I wanted revenge, you know, I wanted to las[h] out at somebody, because I felt that I was also, again, being rejected. All those old feelings came back up, and I found myself in a stressful situation. I just wanted to take it out on anybody. And, I think that the victims became, uh, the objects of funneling that rage and that anger." He denied intending to kill the first victim when he entered her home. Regarding the second incident, Mr. Winston told the Board that he encountered the male victim after the victim offered Mr. Winston a ride. The panel asked Mr. Winston why not rob the victim and let him go, Mr. Winston replied, "Uh, I can't answer that. I don't know. I wish I had, but, you know, I was more inclined to get what I can get, whatever I could get, and he was – the opportunity was there and, uh, I wish it hadn't turned out like that." Despite ultimately finding Mr. Winston suitable for parole, the Board noted that Mr. Winston still has issues with "deflection" and "minimization" and, contrary to Mr. Winston's insistence that he was following the lead of his other crime partners, he actually "took a more assertive role" in the crimes, including deciding to kill each of the victims.

The psychologist who evaluated Mr. Winston noted that "lack of insight" has been a consistent feature in Mr. Winston's comprehensive risk assessments and

concluded that although Mr. Winston was “able to identify contributing emotions, such as rage and fear,” he “continues to lack understanding regarding why his emotional state, combined with alcohol abuse, led him to commit such heinous acts.” Until Mr. Winston develops sufficient insight into what triggered him to commit these violent offenses, he is at risk of resorting to violent conduct in the future.

While I acknowledge that Mr. Winston has medical conditions that limit his ability to inflict physical violence, he is not so incapacitated as to be non-threatening should he relapse into criminal conduct in the community. Indeed, the psychologist determined that, although Mr. Winston does have “diminished [physical] capacity to commit similar crimes” at present, “once his medical conditions improve, he may no longer present with diminished capacity.”

I commend Mr. Winston for the rehabilitative efforts he has made to date and encourage him to continue on a positive rehabilitative path. At this time, I do not believe he has the tools and insight he will need to mitigate his risk factors on parole.

CONCLUSION

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



Decision Date:
October 30, 2020

GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

LESLIE VAN HOUTEN, W-13378

First Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

In the summer of 1968, 19-year-old Leslie Van Houten met Charles Manson and began living as a member of Manson's cult, "the Family." Members of the cult subscribed to Mr. Manson's belief that "Helter Skelter," a civilization ending race-war, was imminent. Mr. Manson planned to hide in the desert with the Family until the conclusion of Helter Skelter, when the Family would take control of the world. In the late summer of 1969, Mr. Manson believed that it was the Family's responsibility to initiate Helter Skelter by committing murders of white victims in order to incite retaliatory violence against Black people.

On August 8, 1969, Charles Watson, Susan Atkins, Patricia Krenwinkel, and Linda Kasabian, all members of the Family, drove to the home of Sharon Tate, where they killed her, Steve Parent, Abigail Folger, Wojciech Fryowski, and Jay Sebring. Ms. Tate, who was eight months pregnant, was stabbed 16 times. Mr. Parent was shot five times. Ms. Folger was stabbed 28 times. Mr. Fryowski was stabbed 51 times, shot twice, and suffered 13 scalp lacerations. Mr. Sebring was stabbed seven times and shot once.

Two days later, on August 10, 1969, Mr. Manson, Ms. Van Houten, Mr. Watson, Ms. Krenwinkel, Ms. Kasabian, and another member of the Family, Steve Grogan, drove to the home of Leno and Rosemary La Bianca. Mr. Manson and Mr. Watson went inside the house, tied Mr. and Mrs. La Bianca up, took Mrs. La Bianca's wallet, and returned to the group outside. Mr. Manson instructed Ms. Van Houten and Ms. Krenwinkel to go inside the house and do whatever Mr. Watson instructed them to do. Mr. Manson, Mr. Grogan, and Ms. Kasabian drove away. Ms. Van Houten, Ms. Krenwinkel, and Mr. Watson entered the La Biancas' house. Mr. Watson, armed with a bayonet, ordered the La Biancas to hand over their cash. Mrs. La Bianca gave him a small box of money. Mr. Watson told Ms. Van Houten and Ms. Krenwinkel to take Mrs. La Bianca into the

bedroom and kill her. Ms. Van Houten and Ms. Krenwinkel took her into a bedroom, and Ms. Krenwinkel retrieved two knives from the kitchen. Ms. Van Houten put a pillowcase over Mrs. La Bianca's head and wrapped a lamp cord around her neck.

In the living room, Mr. Watson covered Mr. La Bianca's head with a pillowcase, tied his hands behind his back with a leather thong, and tied an electrical cord around his neck. Mr. Watson stabbed Mr. La Bianca multiple times.

Upon hearing her husband struggle, Mrs. La Bianca forced her way up from the bed, grabbed the lamp, and swung it at Ms. Van Houten. Ms. Van Houten knocked the lamp from Mrs. La Bianca's hands, wrestled her back onto the bed, and pinned her down. Ms. Krenwinkel stabbed Mrs. La Bianca in the collar bone, causing the blade to bend. Ms. Van Houten called for Mr. Watson, who came into the room and stabbed Mrs. La Bianca eight times. Mr. Watson handed Ms. Van Houten a knife and instructed her to "do something." Ms. Van Houten stabbed Mrs. La Bianca repeatedly. Ms. Van Houten wiped down surfaces in the house to eliminate fingerprints, changed clothes, and drank chocolate milk from the La Biancas' refrigerator. The group fled.

Mr. La Bianca was found with a knife protruding from his neck, a carving fork protruding from his stomach, and the word, "War" scratched into his stomach. He died as a result of 13 stab wounds and suffered 14 puncture wounds. Mrs. La Bianca died as a result of approximately 41 stab wounds. The phrases "Death to Pigs," "Rise," and references to Helter Skelter were written in the victims' blood on the walls and the refrigerator. Ms. Van Houten was arrested on November 25, 1969.

DECISION

I acknowledge that Ms. Van Houten committed this crime when she was 19 years old and that he has since been incarcerated for 50 years. In making this decision, I carefully examined the record for evidence demonstrating Ms. Van Houten's increased maturity and rehabilitation, and gave great weight to all the factors relevant to her diminished culpability as a youthful offender—her impulsivity, inability to adequately foresee the long-term consequences of her behavior, and the inability to manage her emotions—and her other hallmark features of youth. The psychologist who evaluated Ms. Van Houten in 2018 concluded that "it seems very likely that Ms. Van Houten's involvement in the life offense was significantly impacted by" these youth factors.

I also acknowledge that Ms. Van Houten has made efforts to improve herself in prison. She has participated in and facilitated self-help programming, including Narcotics Anonymous, Victim Offender Education Group, and the Actors' Gang Prison Project. She has earned her bachelor's and master's degree and completed vocational training. Additionally, Ms. Van Houten has served on the Inmate Advisory Council and has an exemplary disciplinary record. I have given great weight to her subsequent growth in prison during my consideration of her suitability for parole. However, these factors are outweighed by negative factors that demonstrate she remains unsuitable for parole at this time.

Ms. Van Houten's explanation of what allowed her to be vulnerable to Mr. Manson's influence remains unsatisfying. At her parole hearing, Ms. Van Houten explained that she was turning her back on her parents following their divorce and after a forced abortion. She described herself at the time of her involvement in the Manson Family as a "very weak person that took advantage of someone that wanted to take control of my life and I handed it over." I am unconvinced that these factors adequately explain her eagerness to submit to a dangerous cult leader or her desire to please Mr. Manson, including engaging in the brutal actions of the life crime.

I remain concerned by Ms. Van Houten's characterization of her participation in this gruesome double murder, part of a series of crimes that rank among the most infamous and fear-inducing in California history. Ms. Van Houten explained to the evaluating psychologist that she was "desperate to be accepted," was "chosen" by Mr. Manson, "had to kill them for the beginning of the revolution," and wanted Mr. Manson to "know I was completely committed to him and his cause." At her 2020 parole hearing, Ms. Van Houten reiterated that this was her state of mind at the time of the life crime, adding "I felt obligated to participate. I wanted to participate." Ms. Van Houten recalled that while she was holding Ms. La Bianca down, her crime partner Ms. Krenwinkle, stabbed the victim in the collar bone, which bent the knife. Ms. Van Houten told the psychologist, "I ran to the door of the bedroom, said, 'We can't do it. We can't kill her.' [Mr. Watson] came into the bedroom, [Ms. Krenwinkle] went into the living room, I stood at the doorway, none of this was conscious, I was running on fear. Tex [Watson] had stabbed her. I assumed she was dead." Ms. Van Houten continued, "She could have been alive, but I assumed she was dead, Tex said, 'Do something,' and handed me a knife. So, I stabbed her in the lower torso 16 times. It was a horrible, predatory feeling." I note that Ms. Van Houten's report that committing the offense was "horrible" conflicts with her subsequent conduct. After the murders, Ms. Van Houten reportedly told a young female follower of Mr. Manson that participating in the murders was "fun." Moreover, she continued to follow Mr. Manson's instructions and "continued to prepare for

the revolution” until she was arrested. The inconsistency indicates gaps in Ms. Van Houten’s insight or candor, or both, which bear on her current risk for dangerousness. The evaluating psychologist noted that several historical factors including “prior violence, violent attitude, other antisocial behavior, troubled relationships, traumatic experiences, and substance abuse problems are present and relevant to future risk of violent recidivism.” These factors remain salient despite Ms. Van Houten’s advanced age and remain cause for concern should she be released into the community.

Given the extreme nature of the crime in which she was involved, I do not believe she has sufficiently demonstrated that she has come to terms with the totality of the factors that led her to participate in the vicious Manson Family killings. Before she can be safely released, Ms. Van Houten must do more to develop her understanding of the factors that caused her to seek acceptance from such a negative, violent influence, and perpetrate extreme acts of wanton violence.

CONCLUSION

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



Decision Date:
November 27, 2020

GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

KENNETH VERNON, K-46975

First Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

In 1995, 23-year-old Kenneth Vernon fatally shot his girlfriend after an argument. He staged the crime scene to look like a break-in and sexual assault, then pretended to "discover" the victim's body.

DECISION

I acknowledge that Mr. Vernon committed this crime when he was 23 years old and that he has since been incarcerated for 26 years. In making this decision, I carefully examined the record for evidence of Mr. Vernon's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender—his immaturity, insecurity, and immaturity—and his other hallmark features of youth. The psychologist who evaluated Mr. Vernon in 2019 noted that when he was young, Mr. Vernon was susceptible to the negative influence of his father. The psychologist added that even though Mr. Vernon "was functioning as an independent adult at the time of the life crime, it would appear that the lessons learned throughout childhood were deeply engrained and have taken many years to alter."

I also acknowledge that Mr. Vernon has made efforts to improve himself in prison. He has participated in self-help programming, including the Youth Offender Program, Guiding Rage Into Power, and Domestic Violence Prevention. He has also completed vocational training and has taken college courses. I have given great weight to his subsequent growth in prison when considering his suitability for parole. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Vernon engaged in extensive gang activity while incarcerated. Mr. Vernon started associating with white identity gangs, including the Aryan Brotherhood, soon after he began serving his sentence. The psychologist who evaluated Mr.

Vernon noted that his early association “began many years of deep entrenchment in racial and gang related prison politics.” Mr. Vernon admitted holding a position of authority among white inmates, and to committing violent and other antisocial acts. While the psychologist commended Mr. Vernon for the progress that he appears to have made in recent years, she categorized Mr. Vernon as a moderate risk for future violence noting that, “Given the relative recency of shifts in thinking and behavior, it remains to be seen whether these changes will be sustained in the long term.” I commend Mr. Vernon for his recent rehabilitative efforts, but I have concluded that he must sustain them for a longer period before he can be safely released.

Mr. Vernon has a troubling history of abusive and manipulative behavior in his personal relationships. Before he killed his girlfriend, there is evidence that Mr. Vernon abused his past romantic partners psychologically, financially, and physically. Mr. Vernon sustained a conviction for domestic violence before the life crime and, while incarcerated, he involved his spouse in his gang activity. I have reviewed evidence that, in 2014, Mr. Vernon’s wife passed information to Mr. Vernon through telephone communications with another inmate regarding the assault of third inmate. The evaluating psychologist expressed similar hesitation about Mr. Vernon’s history of domestic abuse, noting, “given Mr. Vernon’s domestic violence history, concern remains upon his being faced with the inevitable routine stressors in the community and how this may negatively affect relational dynamics.”

Mr. Vernon’s willingness to involve his spouse in illicit gang-related misconduct relatively recently, and her willingness to be involved, indicates that Mr. Vernon’s has not yet sufficiently addressed his risk factors for dysfunctional relationships, which have a close nexus with his life crime and ongoing criminal conduct. At his September 2020 parole hearing, Mr. Vernon told the Board that he could tell that his wife was worried about his reaction about a recent financial decision she made without first getting his approval. Mr. Vernon’s candor about this dynamic in his relationship is a positive sign that he is recognizing unhealthy patterns in his relationship, but it is clear that he has additional work to do in this area. I encourage Mr. Vernon to continue on his positive path, but he must demonstrate additional rehabilitative progress before he can be safely released.

CONCLUSION

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

A handwritten signature in black ink, appearing to read "Gavin Newsom", written over a horizontal line.

Decision Date:
December 4, 2020

GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

LARRY JOHNSON, T-33730
Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

In 1998, Larry Johnson and his girlfriend, the victim, ended their relationship. After their breakup, Mr. Johnson stalked his ex-girlfriend. He tried to convince her to reconcile with him, and when she refused, he killed her. Mr. Johnson buried the victim in a shallow grave and later filed a missing person's report.

Eighteen months later, the victim's remains were found buried in a shallow grave. Law enforcement was unable to determine the victim's cause of death, however, they found traces of the victim's blood on a kitchen knife in Mr. Johnson's apartment, in his hallway, and on a shirt in Mr. Johnson's closet. An autopsy revealed that the victim had sustained various injuries before her death.

At Mr. Johnson's sentencing hearing, the judge stated that the evidence indicated that, "it would appear that the defendant was armed with a kitchen knife at the time of the offense and that it was used in the commission of the offense" and that "it appears that the defendant's acts were particularly vicious and brutal in this case."

DECISION

I acknowledge that Mr. Johnson has made efforts to improve himself in prison. He has participated in extensive self-help programming, including Anger Management, Victim Awareness, and Criminal Thinking. He has an exemplary disciplinary record and is studying to be a mentor. I commend Mr. Johnson for taking these positive steps. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

His minimization of the offense demonstrates serious deficits in his insight and self-awareness. Mr. Johnson's life crime was disturbingly callous and he then covered it up for a more than a year in a disturbingly calculated manner. While

the victim's family searched for her, Mr. Johnson attended vigils held in her honor and lied to law enforcement about his knowledge of the crime and the location of the victim's body. Mr. Johnson continues to minimize and downplay his actions during the commission of the life crime. The record shows that Mr. Johnson inflicted a great deal of violence on the victim, about which he has never been candid. During his comprehensive risk assessment and his parole hearing, Mr. Johnson implausibly recounts having an argument with the victim, pushing her, which caused her to hit her head on a table, then choking her to death. This account fails to account for the numerous intentional wounds to the victim, including cuts on her face, and the victim's blood around Mr. Johnson's apartment and on his kitchen knife. Mr. Johnson's limited insight about the extent of his past conduct has bearing on his future risk for violence. If he cannot account for the full extent of his past actions, he cannot effectively redress them, and until he does so, remains at risk of repeating them in the future.

I am also concerned that Mr. Johnson has not yet developed the skills he will need to maintain healthy relationships in the community. During his 2018 comprehensive risk assessment, Mr. Johnson told the psychologist that, in a past relationship, he controlled his partner's every movement and frequently dehumanized her. This pattern progressed with the life crime victim when he began stalking the victim when she asserted her independence. At his 2020 parole hearing, Mr. Johnson told the commissioners that he, "went into a straight panic" when the victim told him their relationship was over. He reported, "I did not know how to deal with that rejection. I didn't know how to deal with the event [...]. I didn't know how to process it." Mr. Johnson said that all the emotions he had avoided during his life were "in his face" at that moment, resulting in him becoming enraged and committing murder. The clinician was unable to fully evaluate the impact a romantic relationship would have on Mr. Johnson's risk rating because, while incarcerated, Mr. Johnson has not been exposed to those potential triggers. I have concluded that he needs to develop additional skills to manage this risk factor on parole. I encourage Mr. Johnson to continue with his programming, develop a deeper understanding of risk factors and improve his skill at controlling them.

CONCLUSION

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

Decision Date:
December 11, 2020

A handwritten signature in black ink, appearing to read "Gavin Newsom", written over a horizontal line.

GAVIN NEWSOM
Governor, State of California