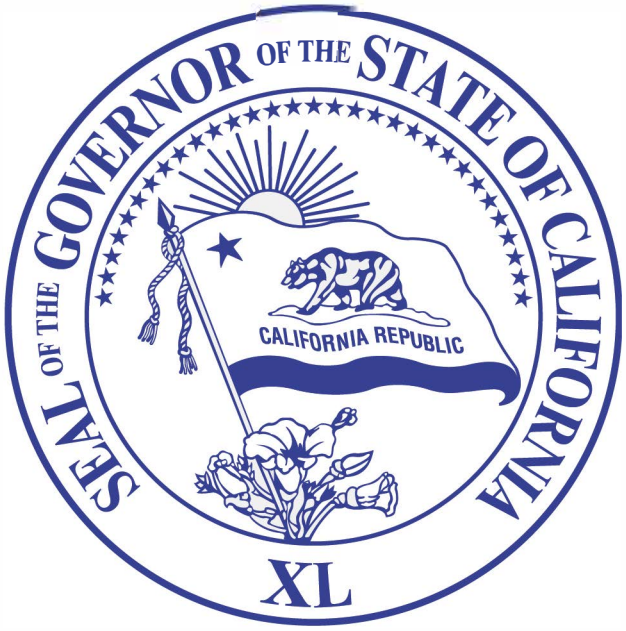
EXECUTIVE REPORT ON PAROLE

PAROLE REVERSAL DECISIONS FOR THE PERIOD JANUARY 1, 2022 THROUGH DECEMBER 31, 2022



BY GOVERNOR GAVIN NEWSOM

OFFICE OF THE GOVERNOR

MESSAGE CONCERNING 2022 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) of the California Constitution.

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

The California Department of Corrections and Rehabilitation, under the leadership of Secretary Jeff Macomber and former 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 Director 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 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 the parole process and clemency notifications, restitution, and who need general victim resources please 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,

Governor Gavin Newsom

PAROLE REVERSAL DECISIONS

2022

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW

(Penal Code Section 3041.2)

SIRHAN SIRHAN, B-21014

First Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____X_____

STATEMENT OF FACTS

On June 5, 1968, Senator Robert F. Kennedy, a candidate for president of the United States, was in Los Angeles for the California Democratic presidential primary election. That evening, Senator Kennedy was declared the winner of the election and celebrated with a large crowd of supporters at the Ambassador Hotel. While Senator Kennedy greeted hotel staff, Sirhan Sirhan shot him at close range. Mr. Sirhan also shot five bystanders, Elizabeth Evans, Ira Goldstein, Paul Schrade, Irwin Stroll, and William Weisel, all of whom survived their injuries. Senator Kennedy did not.

Mr. Sirhan was convicted by a jury of first degree murder and five counts of assault with a deadly weapon with intent to commit murder. On May 22, 1969, he was condemned to death. In 1972, following a change in California law, Mr. Sirhan's sentence was modified to life in prison with the possibility of parole.

In 1975, the Board of Parole Hearings ("Board") found Mr. Sirhan suitable for parole, but the Board rescinded his parole grant. The Board conducted fifteen subsequent hearings, and, at each one, found Mr. Sirhan unsuitable for parole. On August 27, 2021, the Board conducted Mr. Sirhan's sixteenth hearing and found him suitable for parole.

GOVERNING LAW

The California Constitution grants me the authority to review the proposed decisions of the Board. (Cal. Const. art. V, § 8, subd. (b).) I am given broad discretion to determine an inmate's suitability for parole and may affirm, reverse, modify, or refer back to the Board any grant of parole to a person convicted of murder serving an indeterminate life sentence. (*Id*.; Pen. Code, § 3041.2; see *In*

re Rosenkrantz (2002) 29 Cal.4th 616, 625-26; *In re Dannenberg* (2005) 34 Cal.4th 1061, 1080, 1082, 1088.) I am authorized to identify and weigh all "factors relevant to predicting 'whether the inmate will be able to live in society without committing additional antisocial acts.'" (*In re Lawrence* (2008) 44 Cal.4th 1181, 1205-06, quoting *In re Rosenkrantz*, *supra*, 29 Cal.4th at p. 655.)

When the Board proposes that an inmate convicted of murder be released on parole, I am authorized to conduct an independent, *de novo* review of the entire record, including "the facts of the offense, the inmate's progress during incarceration, and the insight he or she has achieved into past behavior," to determine the inmate's suitability for parole. (*In re Shaputis II* (2011) 53 Cal.4th 192, 221.)

My review is independent of the Board's authority, but it is guided by the same "essential" question: whether the inmate currently poses a risk to public safety. (Cal. Const. art. V, § 8, subd. (b); Pen. Code, § 3041.2; *In re Shaputis II, supra,* 53 Cal.4th at pp. 220-21.) In weighing this question, California law grants me the discretion "to be 'more stringent or cautious' in determining whether an [inmate] poses an unreasonable risk to public safety." (*In re Lawrence*, *supra*, 44 Cal.4th at p. 1204, quoting *In re Rosenkrantz*, *supra*, 29 Cal.4th at p. 686.)

The circumstances of the crime can provide evidence of current dangerousness when evidence in the inmate's pre- or post-incarceration history, or the inmate's current mental state, indicate that the crime remains probative of current dangerousness. (*In re Lawrence*, *supra*, 44 Cal.4th at p. 1214.) Furthermore, the gravity of the crime has "continuing predictive value as to current dangerousness" where the inmate lacks insight into their conduct and refuses to accept responsibility for their role in a crime. (*In re Smith* (2009) 171 Cal.App.4th 1631, 1639; *cf*. *In re Twinn* (2010) 190 Cal.4th 447, 465 [because the inmate accepted responsibility for the crime and expressed complete remorse, the inmate's lack of insight was not probative of present dangerousness].) In rare cases, the aggravated nature of the crime alone can provide a valid basis for denying parole, even when there is strong evidence of rehabilitation and no other evidence of current dangerousness exists. (*In re Lawrence*, *supra*, 44 Cal.4th at p. 1214.)

I am also 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).) I further must afford special consideration to whether age, the amount of time served, and diminished physical condition reduce the inmate's risk of future violence. (See Feb. 10, 2014

order issued in *Coleman v. Brown,* Case No. 2:90-cv-0520 LKK-DAD (PC) (E.D. Cal.) and *Plata v. Brown*, Case No. C01-01351 TEH (N.D. Cal.).)

DECISION

Mr. Sirhan's assassination of Senator Kennedy is among the most notorious crimes in American history. Senator Kennedy's murder caused his family immeasurable suffering, including his pregnant wife, their ten children, and the extended Kennedy family. Mr. Sirhan shot Senator Kennedy in front of news cameras, which subjected the Kennedy family and American public to a ubiquitous video loop of Senator Kennedy's violent death and his wife's anguish at his side.

Mr. Sirhan's crimes also caused great harm to the American people. Senator Kennedy's assassination upended the 1968 presidential election, leaving millions in the United States and beyond mourning the promise of his candidacy. Compounding the grief of the Kennedy family and the American public, Mr. Sirhan killed Senator Kennedy during a dark season of political assassinations, just nine weeks after Dr. Martin Luther King, Jr.'s murder and four and a half years after the murder of Senator Kennedy's brother, President John F. Kennedy.

The gravity of Mr. Sirhan's crimes alone counsels against his release. But I have concluded that he is unsuitable for parole because he poses a current threat to public safety. After decades in prison, Mr. Sirhan has failed to address the deficiencies that led him to assassinate Senator Kennedy. Mr. Sirhan lacks the insight that would prevent him from making the same types of dangerous decisions he made in the past.

The most glaring evidence of Mr. Sirhan's deficient insight is his shifting narrative about his assassination of Senator Kennedy, and his current refusal to accept responsibility for his crimes.[1] As the following examples show, Mr. Sirhan has inconsistently described his role in the assassination of Senator Kennedy, claimed shifting memory lapses, minimized his participation in the crimes, and outright denied his guilt:

- While in police custody after his arrest in June 1968, Mr. Sirhan admitted that he assassinated Senator Kennedy in a recorded statement.

[1] The evidence that Mr. Sirhan shot and killed Senator Kennedy in an act of premeditated murder is overwhelming and irrefutable, and the claims of innocence by Mr. Sirhan and his advocates have been investigated and conclusively disproved.

- At his trial, which began in February 1969, Mr. Sirhan testified that he shot Senator Kennedy but was drunk and could not remember his actions. Later during his trial, when the jury was not present, Mr. Sirhan exclaimed, "I killed Robert Kennedy willfully, premeditatively, with twenty years of malice aforethought." He later said that he made this statement to get attention.

- Mr. Sirhan told the Board psychologist who evaluated him in 1972 that he "really didn't want to commit homicide" when he shot Senator Kennedy but merely wanted to "attract attention to the plight of his fellow countrymen[.]"

- At his 1979 parole hearing, Mr. Sirhan told the Board that he was drunk at the time of his crimes. He said, "I don't feel myself to be responsible beyond the first shot."

- At his 1985 parole hearing, Mr. Sirhan admitted to writing entries in his journals, found by police in his bedroom after the crimes, that repeated, "RFK must die. RFK must be killed. Robert F. Kennedy must be assassinated" and "Robert F. Kennedy must be assassinated before 5 June 68."[2] He wrote, "[m]y determination to eliminate R.F.K. is becoming more the more of an unshakable obsession." At the same 1985 parole hearing, Mr. Sirhan stated that "liquor [was] the main culprit" for his crimes.

- At his 1987 parole hearing, Mr. Sirhan admitted that he shot Senator Kennedy but denied shooting the other victims. He said that he committed the crimes in retaliation for Senator Kennedy's statements of support for the United States' military aid to Israel. At the same time, Mr. Sirhan claimed that his memories were vague. He told the Board that he suspected he had blocked the shooting from his memory for his self-preservation.

- In 1989, Mr. Sirhan told a reporter during a televised interview that he committed the assassination because Mr. Sirhan objected to Senator Kennedy's support for Israel. Mr. Sirhan said when he assassinated Senator Kennedy, he "extinguished a great star . . . a champion of all mankind. And it's hard for me to live with this experience myself . . . . But I'm a

[2] June 5, 1968 was the one-year anniversary of the beginning of the Arab-Israeli Six-Day War as well as the date of the California primary for the 1968 United States presidential election.

human being, and I have to adjust and carry on with my life. I never dreamed of ever offending the American system of government or frustrating the votes and the hopes of millions of Americans. And having done so, sir, I can't say anything but that I apologize for having done that."

- Later in 1989, at his parole hearing, Mr. Sirhan told the Board that he could not remember the details of the crimes.

- At his 1990 parole hearing, Mr. Sirhan claimed that he derived his knowledge about the facts of the assassination from accounts of the crimes that he had read, and that, while he remembered being at the Ambassador Hotel, he had no memories of killing Senator Kennedy.

- In 1997, Mr. Sirhan began reporting his belief that he did not commit the crimes and was innocent.

- In 2001, during a forensic evaluation, Mr. Sirhan said he felt distant from responsibility and guilt and that he doubted that he committed the crimes.

- At his 2011 parole hearing, Mr. Sirhan stated that he could recall being at the Ambassador Hotel but not using his gun.

- At his 2016 parole hearing, Mr. Sirhan said he did not remember the details of the crimes but believed he was innocent based on what he had read about the case in his attorney's briefs. He told the Board, "[l]egally speaking, I'm not guilty of anything."

- In 2021, Mr. Sirhan told a Board psychologist that he was innocent of the crimes and "was in the wrong spot at the wrong time," portraying himself as the victim.

The deficiencies in Mr. Sirhan's insight and his failure to accept responsibility for his crimes are well-documented beyond his own statements. In 2021, the Board psychologist who evaluated Mr. Sirhan reported that Mr. Sirhan "denied planning the crime and denied remembering committing any illegal act on the night in question." The psychologist noted, "[d]espite multiple attempts, Mr. Sirhan would not report his understanding of the facts of the crime, as he instead referenced others' reports." The psychologist observed that "Mr. Sirhan reported significant memory impairments" that were only present "when [Mr. Sirhan was]

discussing his history of engaging in antisocial and violent actions." While the psychologist found that Mr. Sirhan's "current cognitive abilities appear grossly intact," Mr. Sirhan's answers were "evasive," he appeared to be "engaging in significant impression management," and "overall, he was not believed to be a reliable source of information."

Mr. Sirhan's implausible and unsupported denials of responsibility and lack of credibility elevate his current risk level. They indicate that Mr. Sirhan, despite decades of incarceration and purported efforts in rehabilitation, has failed to address the deficiencies that led him to assassinate Senator Kennedy.

The record further demonstrates that Mr. Sirhan has not meaningfully disclaimed political violence—committed by him or in his name—nor shown that he appreciates the unique risks created by his commission of a political assassination. These gaps in Mr. Sirhan's insight have a close nexus to his current risk of inciting further political violence.

Mr. Sirhan's prior discussion of his crimes and connections to political violence illustrate the extent of his current threat to public safety. In 1973, for example, in an effort to secure Mr. Sirhan's release from prison, terrorists took ten hostages, three of whom were killed when the terrorists' demands were not met.[3] Following his parole denial in 1987, Mr. Sirhan twice invoked this incident, stating that the terrorists took hostages on his behalf and were helping him to escape from prison. In 2021, when the evaluating psychologist asked Mr. Sirhan about the assistance he received from terrorists, Mr. Sirhan laughingly dismissed the incident. He neither disclaimed the violence committed in his name nor renounced his prior acceptance of assistance from terrorist groups. Although these events occurred decades ago, Mr. Sirhan's inability to appreciate their current relevance reveals glaring gaps in insight.

Mr. Sirhan further demonstrated his deficient insight at his 2021 parole hearing. When a commissioner suggested that Mr. Sirhan would be "naive" not to expect public attention upon his release and calls for him to express his views on the Israeli-Palestinian conflict, Mr. Sirhan remarkably replied that he found that "hard

[3] The terrorist group seized the Saudi embassy in Khartoum, Sudan, capturing ten hostages including the U.S. Ambassador to Sudan Cleo A. Noel, the Saudi Arabian Ambassador to Sudan Sheikh Abdullah al Malhouk and his wife and children, the American chargé d'affaires George Curtis Moore, the Jordanian chargé d'affaires Adli al Nasser, and the Belgian chargé d'affaires Guy Eid. The terrorists demanded the release of Mr. Sirhan and other prisoners. When negotiations failed, the hostage-takers assassinated Ambassador Noel, Mr. Moore, and Mr. Eid.

to foresee." The commissioner questioned Mr. Sirhan about the possibility of being used as a lightning rod to foment violence. Mr. Sirhan rejected this possibility out of hand, and implausibly suggested that it was equally likely that he could be used as "a peacemaker and a contributor to . . . a friendly nonviolent way of resolving the issues." The Board found his professed intention not to be "a rebel or a troublemaker" sufficient to mitigate this risk factor.

I disagree. Not only has Mr. Sirhan failed to meaningfully disclaim political violence, he lacks the skills required to control his response to external triggers, which are critical for mitigating the public safety risk he poses. At his 2021 parole hearing, for example, the Board asked Mr. Sirhan to describe his internal mental processes for dealing with stressors. Mr. Sirhan's answers demonstrated that he does not understand these processes or their steps, from self-awareness to effective self-control. Despite his incomplete answers to their questions, the Board found that Mr. Sirhan's anger management skills are sufficient to manage the public safety challenges he would face on parole.

Here, too, I disagree. I am not persuaded that Mr. Sirhan understands the steps required to manage even quotidian interpersonal conflict, let alone the complex geopolitical hazards he must navigate in California and beyond if he is allowed to parole. Mr. Sirhan cannot be safely released because he has refused to acknowledge these risks and to develop the skills to mitigate them.

Finally, I am required by law to consider the additional factors that are legally relevant to Mr. Sirhan's suitability for parole. As explained below, I have weighed these factors and conclude they do not outweigh the substantial evidence of Mr. Sirhan's current dangerousness.

First, in the cases of inmates who commit their crimes when they are under 26 years old, as in Mr. Sirhan's case, I am required to review the record for evidence of factors relevant to their diminished culpability as youthful offenders and any subsequent growth and increased maturity. Mr. Sirhan was 24 years old when he assassinated Senator Kennedy. I have carefully examined the record for evidence of youthful offender factors. I acknowledge that, at the time of his crimes, Mr. Sirhan exhibited some of the hallmark features of youth, as set forth in the relevant statutes. I have also examined the record for evidence of Mr. Sirhan's subsequent growth in prison and increased maturity and rehabilitation. I acknowledge that Mr. Sirhan has made some efforts to improve himself in prison through self-help programming and other prosocial efforts.

While Mr. Sirhan has undoubtedly matured in some ways over the last 53 years, the record evidence shows that he has not internalized his rehabilitation programming sufficiently to reduce his risk for future dangerousness. The

psychologists who evaluated Mr. Sirhan in 2010, 2015, and 2020 rated him a low risk for future violence despite his deficits in insight. The psychologist who evaluated him in 2020, however, noted a concern about Mr. Sirhan's "treatment responsiveness" in the community because Mr. Sirhan continues to have problems with certain risk factors despite engaging in relevant programming. Consequently, even after according these youthful offender factors great weight, I conclude they are eclipsed by the strong evidence of Mr. Sirhan's current dangerousness.

Second, I have given special consideration to the Elderly Parole factors for inmates who are older than 60 and who have served more than 25 years in prison. Mr. Sirhan is 77 years old and has served 53 years. While the psychologist who evaluated Mr. Sirhan in 2021 found that Mr. Sirhan "has not had any significant problems with his advancing age," the commissioners at Mr. Sirhan's 2021 parole hearing determined that he is "significantly incapacitated . . . as far as committing additional crimes."

But Mr. Sirhan's risk of committing acts of interpersonal violence is not the most relevant indication of his current risk level. As explained above, Mr. Sirhan poses a risk to public safety because he lacks insight, as demonstrated by his refusal to accept responsibility for the assassination of Senator Kennedy, his failure to renounce political violence, and his lack of the requisite skills to manage complex external triggers. Thus, evidence of Mr. Sirhan's diminished physical strength does not mitigate the serious threat to public safety that he currently poses, including the risk that he may incite political violence should he be released on parole. Accordingly, his release is not consistent with public safety.

CONCLUSION

When considered as a whole, I find the evidence in the record demonstrates that Mr. Sirhan currently poses an unreasonable danger to society if released from prison. Despite his 53 years of incarceration, Mr. Sirhan has failed to develop the insight necessary to mitigate his current dangerousness and is unsuitable for parole. Consequently, I reverse the Board's decision to parole Mr. Sirhan.

Decision Date:
January 13, 2022

GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

ALFREDO ACOSTA, B-07643
First Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____X_____

STATEMENT OF FACTS

In 1966, Alfredo Acosta accused his wife of adultery. They argued in the home they shared with their extended family, then Mr. Acosta fatally shot his wife, her brother, and her mother. Mr. Acosta dropped off his three children and niece at a cousin's home, then drove to his girlfriend's home and strangled her to death.

DECISION

I acknowledge that Mr. Acosta has made efforts to improve himself in prison. He has participated in self-help programming, earned his GED, and completed two vocations. I commend Mr. Acosta for taking these positive steps. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

In 2019, the Board of Parole Hearings found Mr. Acosta unsuitable for parole based on his inability to control his anger and jealousy, his lack of insight into his life crime, his propensity to minimize and blame others, and his lack of respect for authority as demonstrated by his 2016 rules violation. At his 2021 hearing, the panel concluded that Mr. Acosta's insight remains imperfect, but found him suitable for parole based on his advanced age and diminished physical condition, acceptance of responsibility for his crime, and abstention from violent conduct in prison.

During his 2019 comprehensive risk assessment, the psychologist who evaluated Mr. Acosta found that, while Mr. Acosta seems to "understand the gravity of the harm he caused others," his insight into the causative factors of the life crime remains rudimentary. The psychologist further concluded that, "Mr. Acosta currently does not have any medical conditions that would currently diminish his physical capacity to engage in violence if he chose to."

Mr. Acosta's gaps in insight are substantial. At his 2021 parole hearing, the panel asked Mr. Acosta about what triggered him to kill his victims. Mr. Acosta responded, "I do understand that and I'm gonna to feel guilty the rest of my life with that because I know that I did wrong." When the commissioners probed further, Mr. Acosta acknowledged, "I wasn't thinking at all. Whatever I did was wrong and I take responsibility for that, I lost my control." Mr. Acosta appears to lack even a basic understanding of the internal processes that led him to murder the four direct victims in this case.

While Mr. Acosta does take responsibility for his crimes, that is only one step in the process of developing the insight and coping skills he will need to maintain healthy relationships in the community and desist from violent conduct. I note that Mr. Acosta committed a mass shooting of his family members, then drove to another location to drop off his children, then drove to yet another location where he killed his girlfriend. The sequence of the crime highlights Mr. Acosta's need for strong coping skills to manage his response to anger and relational stress. I have concluded that Mr. Acosta must do additional work on developing these tools before he can be released.

In particular, I encourage Mr. Acosta to delve into his triggers for family violence and develop the skills he will need to manage them, including identifying parole plans that will support him in maintaining prosocial relationships. I commend Mr. Acosta for his rehabilitative efforts and encourage him to continue on this positive path.

CONCLUSION

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

Decision Date:
March 25, 2022

GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

MANUEL HERNANDEZ, E-11300
First Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____X_____

STATEMENT OF FACTS

In 1987, 18-year-old Manuel Hernandez approached a woman as she waited for a bus. When she rejected his advances, Mr. Hernandez grabbed her by the neck and dragged her behind a hedge where he stabbed her twice with a knife and sexually assaulted her. He then stabbed her numerous times, killing her.

DECISION

I acknowledge that Mr. Hernandez committed this crime when he was 18 years old and that he has since been incarcerated for 34 years. In making this decision, I gave great weight to all the factors relevant to his diminished culpability as a youthful offender, including his impulsivity, and other hallmark features of youth.

I note that Mr. Hernandez faced adverse childhood experiences that shaped his life and choices. He was physically and sexually abused, experienced prolonged periods of parental neglect, and witnessed domestic violence and substance abuse amongst his caregivers. The psychologist who evaluated Mr. Hernandez wrote that, given the unstable environment Mr. Hernandez was raised in, it would be "unreasonable to expect that a young child or adolescent could extricate himself from these negative influences and environment," and therefore, Mr. Hernandez "was susceptible to such antisocial influences given that he likely viewed them as normative."

I have also examined the record for evidence of Mr. Hernandez's subsequent growth in prison and increased maturity and rehabilitation. I acknowledge that Mr. Hernandez has made efforts to improve himself in prison. He has participated in self-help programming, including courses that address his history of sexual offending. He has also earned his GED, taken college courses, and

completed multiple vocations. After according these youthful offender factors great weight and weighing his rehabilitative progress, I conclude they are outweighed by the evidence of Mr. Hernandez's current dangerousness.

The evaluating psychologist diagnosed Mr. Hernandez with Paraphilic Disorder (Unspecified), and categorized Mr. Hernandez as representing an average risk for sexual offense reconviction but indicated that this may overstate his actual current risk due to his engagement in sex offender programming. This is a positive development, and Mr. Hernandez has made significant efforts in rehabilitation. I have concluded, however, that Mr. Hernandez has not yet sufficiently mitigated his risk factors for sexual offense reconviction and violence.

In 2016, Mr. Hernandez admitted for the first time that he sexually assaulted another woman six days before the life crime. During his 2021 risk assessment, Mr. Hernandez told the evaluating psychologist that at the time of the crime, the "[t]hings I resent[ed] from childhood, distorted sexual beliefs I adopted as a child and teenager, I was now living those beliefs and taking action on those beliefs." At his 2021 hearing, Mr. Hernandez stated he felt rejected by the victim's dismissal of his advances which "prompted [him] to [] cope and act in a way that [he] had [] developed since [a] child, which was through aggression and throwing — imposing [] what [he] wanted and not measuring the consequences of [his] actions."

While Mr. Hernandez's candor and reflection into his triggers are signs of his developing insight, he has additional work to do. The psychologist wrote that Mr. Hernandez has a "fair" understanding of his future violence risk, and, while "it did not appear that [Mr. Hernandez] was simply repeating rehearsed information in explaining the various factors that contributed to his past violence…he was almost over-inclusive in explaining the many reasons for his past violence, i.e., providing every possible reason that he may have acted in the ways he did."

Mr. Hernandez has a concerning history of substance abuse. He started using solvents when he was 14 years old. When he was 15 years old, his aunt took him for substance use treatment. He committed the life crime, as well as other acts of sexual violence, while intoxicated. The psychologist who evaluated him diagnosed him with Alcohol and Stimulant Use Disorders, in remission in a controlled environment.

There are encouraging signs of Mr. Hernandez's progress in substance use rehabilitation. He reports that he has not used any substance since 1991, and during his evaluation, the psychologist reported that he "described numerous

psychosocial problems that resulted from" substance use, including becoming aggressive, which is a sign of developing insight. The psychologist concluded, however, that his substance use remains a relevant risk factor, and I note that Mr. Hernandez, if released, faces reentry into a community where his support is limited to his two brothers who appear to have active substance use disorders. Given the stressors he is almost certain to face on parole, and given the close nexus between Mr. Hernandez's substance use and sexual violence, I have concluded that he must demonstrate an additional period of sustained sobriety before he can be safely released.

In light of the factors in this case, I have concluded that Mr. Hernandez currently remains an unreasonable risk to public safety. I encourage Mr. Hernandez to focus on deepening his insight into what has triggered his sexual violence and hone the skills he will need to be successful on parole.

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:
March 25, 2022

GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

JASON GREENWELL, AP-5598
Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____X_____

STATEMENT OF FACTS

In 2010, Jason Greenwell had been on a six-day methamphetamine binge when he and four crime partners restrained, assaulted, kidnapped, and burned the 15-year-old female victim to death. Mr. Greenwell held her down while three of his crime partners beat her with their fists, stomped on her head, hit her legs with a bat, and tied a rope around her. Mr. Greenwell and three of the crime partners then drove to a remote location where they put her body in a ditch and set it on fire.

GOVERNING LAW

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

DECISION

I acknowledge that Mr. Greenwell committed this crime when he was 20 years old and that he has since been incarcerated for 11 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Greenwell's increased maturity and rehabilitation and gave great weight to all the factors relevant to his diminished culpability as a youthful offender, including his impulsivity and other hallmark features of youth. I note that Mr. Greenwell faced adverse childhood experiences that shaped his life and choices. Mr. Greenwell reports that his father abused him, his mother, and his siblings, and he frequently tried to escape his home. The psychologist who evaluated Mr.

Greenwell noted that, "[t]his combination of a dysfunctional home and exposure to crime in his neighborhood/environment likely influenced his thinking, attitude and behavior as evidenced by his early involvement in drug use, criminal behaviors and juvenile arrests."

In determining whether Mr. Greenwell is suitable for parole at this time, I have given great weight to his growth in prison. He earned an associate degree and a vocation, and has participated in consistent self-help programming, including substance abuse prevention courses. He has also maintained an exemplary disciplinary record. I also recognize that Mr. Greenwell confessed to authorities immediately after he was arrested and testified against his crime partners at trial. I have given great weight to these factors during my consideration of his suitability for parole but conclude they are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

I have carefully examined the record for evidence that Mr. Greenwell's insight and self-awareness have developed sufficiently to minimize his risk factors. Unfortunately, I find that Mr. Greenwell's discussion of the causative factors for his involvement in the crime indicate gaps in insight that bear on his current risk level.

Mr. Greenwell and his crime partners brutally killed a vulnerable teenaged girl. More than a decade after the crime, however, Mr. Greenwell describes his role in the murder as if he stumbled upon the crime and aimlessly joined in. He admitted to the parole board in 2021 that he left the scene of the crime briefly but chose to return: "I let go, I got up and, uh, stepped back.... And, and as soon as he began hitting her with the bat, I took off…I just, I took off out of the room. And, um, for whatever reason, I went back in the room, I, I don't know why, but I went back into the room..."

Mr. Greenwell was unable to articulate the internal causative factor that led him to participate in this crime. He told the Board, "Um, I just, uh, I chose to feel sorry for myself and make excuses rather than make a change and do something. And, uh, just continue to get stuck in that cycle and continue to feel sorry for myself. I made bad decision after bad decision and blaming it on other people and it was never my fault, so, I mean, nothing was ever gonna change… There's no excuse for why, why I made the decisions I made."

While I recognize Mr. Greenwell's remorse and improving accountability for his life crime, he must do additional work to deepen his insight into the causative factors of his crime before he can be safely released on parole. In particular, I

encourage Mr. Greenwell to focus on developing a deeper understanding of his triggers for substance use, and its nexus to his violent conduct.

The psychologist who evaluated Mr. Greenwell diagnosed him with Methamphetamine and Cocaine Use Disorders, in remission in a controlled environment. Mr. Greenwell, who has a long history of drug abuse, had been on a six-day methamphetamine binge when he committed the life crime. His drug use persisted in prison, and he admitted that he abused methamphetamine "a handful of times" in 2014 and 2015. The psychologist who evaluated Mr. Greenwell found that he was, "unable to relate all of [the] 12 steps." Given the nexus between Mr. Greenwell's substance use and his participation in the life crime, and his ongoing substance use in prison with limited understanding of the 12 steps, I conclude that he needs to do additional substance use prevention programming before he can be released. I encourage Mr. Greenwell to focus on further developing his coping skills that will allow him navigate stressors in a prosocial way, and thereby avoid relapse.

I commend Mr. Greenwell for his rehabilitative efforts and encourage him to continue on this positive path.

CONCLUSION

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

Decision Date:
March 29, 2022

GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

ERIC MARUM, F-61434
Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____X_____

STATEMENT OF FACTS

In 2004, Eric Marum began dating the victim. Early in their relationship, Mr. Marum started physically and emotionally abusing her. She obtained a protective order from a judge to prevent him from contacting her. In December 2004, Mr. Marum broke into the victim's home, and when police arrived, they found him in possession of methamphetamine, for which he was convicted and placed on probation. In 2005, Mr. Marum and the victim reunited and briefly lived together, but she moved out because of his abusive behavior. In October 2005, 25-year-old Mr. Marum was high on methamphetamine and fought with the victim when she asked him to leave her apartment. Officers were called, but Mr. Marum was not arrested. Mr. Marum and the victim socialized with a neighbor for several hours after the police left. The neighbor was aware of Mr. Marum's abusive past and was concerned for the victim's safety and stayed with them until the victim went to bed. Mr. Marum and the neighbor continued to drink together after the victim went to bed. When the neighbor went home to get cigarettes, Mr. Marum entered the victim's bedroom where she was sleeping, beat her to death with the claw end of a hammer, leaving the hammer embedded in her skull.

GOVERNING LAW

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

DECISION

I acknowledge that Mr. Marum committed this crime when he was 25 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. Marum's increased maturity and rehabilitation. I gave great weight to all the factors relevant to Mr. Marum's diminished culpability as a youthful offender, including his impulsivity, inability to anticipate the consequences of his actions, and other hallmark features of youth.

I also acknowledge that Mr. Marum has made efforts to improve himself in prison. Mr. Marum has participated in self-help programming, including substance abuse prevention groups, earned an associate degree, and developed marketable skills as a welder and a plumber. He mentors at-risk youth, transcribes Braille, works as an addiction treatment counselor, and has maintained employment in prison. Staff have commended him for being dependable, positive, and trustworthy. 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. Marum started abusing substances when he was 16 years old. At the time of the life crime, he was using methamphetamine daily, and he reported to the evaluating psychologist that he associated only with people who used drugs and alcohol. Mr. Marum's longest period of sobriety in the community lasted only four months, despite several attempts to participate in rehabilitation programs. The evaluating psychologist wrote that, during Mr. Marum's 2021 risk assessment, "Mr. Marum reiterated the role of his drug use in stating that he never truly had an extended period of sobriety and never experienced a proper recovery." He admitted that he used drugs and alcohol while in custody, and reported that he last used drugs in 2007. The psychologist diagnosed him with Amphetamine, Alcohol, and Cannabis Use Disorders, in sustained remission in a controlled environment.

There is a close nexus between Mr. Marum's violent conduct toward women and his use of methamphetamine, and his behavior became increasingly erratic and aggressive as his addiction progressed. The evaluating psychologist wrote, "the increasing problems in [Mr. Marum's relationship with the victim] were usually centered on his drug use, especially because it often coincided with delusional, paranoid, and aggressive behavior."

While I have concluded that Mr. Marum must further develop the insight and coping skills that he will need to prevent relapse in the community, there is additional work he must do to address his risk factor for violence against women.

At his hearing, Mr. Marum reported that, but for his methamphetamine use, he would not have committed his life crime. The record evidence demonstrates, however, that Mr. Marum did not commit the crime solely in a rare intoxicated rage, but rather in the pattern of escalating intimate partner violence. Before the life crime, he engaged in abusive conduct toward his partner in a prior relationship. The victim of his life crime had sought a restraining order to protect herself from his violent conduct, and there is evidence that shortly before the life crime, he had planned the victim's murder, or at least threatened to kill her with the intent of terrorizing her.

The psychologist wrote that Mr. Marum, "disclosed that he had been repressing his emotions over the years, and escaped his negative emotions through his addiction. He asserted that his violent behavior was a combination of the effects of the methamphetamine and his inability to feel vulnerable in the relationship." Mr. Marum was able to identify his problematic view of the victim of the life crime. He told the commissioners, "I didn't have any concern for [the victim] as a human being. I was not seeing her as a human being at the time. I viewed her as either a goddess or a demon. I never saw her for the beautiful person that she was because I, I kept getting high and I was lost in my own world." Mr. Marum further identified low self-esteem and a warped sense of self-value as contributors to his criminal behavior. He told the psychologist, "My value of myself was based or dependent on what women thought [of] me – and that felt like emotional control." Mr. Marum viewed the victim as being responsible for his happiness, which led to his feelings of hurt, anger, and loss of control. The evaluating psychologist ultimately concluded that, "it would be beneficial for Mr. Marum to continue to examine all of the personal factors related to his entitlement, emotional dysregulation, and lack of empathy that caused him to direct and focus all of his unrestrained rage onto the victim." While Mr. Marum's candor is a positive signal that he is on a rehabilitative path, I conclude that Mr. Marum must do additional work to mitigate his risk for intimate partner violence before he can be safely released.

I encourage Mr. Marum to focus on developing an understanding of the cycles of intimate partner violence, and in particular his own triggers and their nexus with his drug use. I urge Mr. Marum to focus his rehabilitative efforts on deepening his understanding of these dynamics and developing the skills he will need to manage them and maintain prosocial relationships.

CONCLUSION

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

Decision Date:
March 29, 2022

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 1968, Leslie Van Houten met Charles Manson and began living as a member of Mr. Manson's cult, which they called "The Family." The cult believed that an apocalyptic race war, which they referred to as "Helter Skelter," was imminent. The cult members planned to hide in the desert until the race war ended, at which point they planned to seize control of the world. In 1969, however, Mr. Manson decided it was the cult's responsibility to initiate Helter Skelter by killing white victims, thereby inciting retaliatory violence against Black people.

Ms. Van Houten's crime was one in a string of brutal attacks that the Family perpetrated in Los Angeles, starting on August 8, 1969. Members of the Family brutally murdered actress Sharon Tate, who was eight months pregnant, and her friends Steve Parent, Abigail Folger, Wojiciech Fryowski, and Jay Sebring.

Two days later, on August 10, 1969, Ms. Van Houten, along with Family members Charles "Tex" Watson, Patricia Krenwinkel, Linda Kasabian, Mr. Manson, and Steve Grogan, drove to the home of Leno and Rosemary LaBianca. Mr. Manson and Mr. Watson entered the house, woke up Mr. and Mrs. LaBianca, tied them up and returned to the group outside. Mr. Manson instructed Ms. Van Houten and Ms. Krenwinkel to enter the house and follow Mr. Watson's instructions, then he drove away with Mr. Grogan and Ms. Kasabian.

Ms. Van Houten, Ms. Krenwinkel, and Mr. Watson entered the La Biancas' home. Mr. Watson, armed with a bayonet, ordered the LaBiancas to give them cash. Mrs. La Bianca gave him a small box of money. Mr. Watson then told Ms. Van Houten and Ms. Krenwinkel to take Mrs. LaBianca into a bedroom and kill her. Ms. Van Houten and Ms. Krenwinkel then transferred Mrs. LaBianca to a bedroom, and Ms. Krenwinkel retrieved two knives from the kitchen. Ms. Van Houten put a pillowcase over Mrs. LaBianca's head and wrapped a lamp cord around her neck. Meanwhile in the living room, Mr. Watson covered Mr.

LaBianca'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. LaBianca multiple times.

After hearing her husband's screams, Mrs. LaBianca grabbed a 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. LaBianca in the neck and struck her collar bone, which bent the knife's blade. Ms. Van Houten called for Mr. Watson, who came into the room and stabbed Mrs. LaBianca numerous times. Mr. Watson handed Ms. Van Houten a knife and instructed her to "do something." Ms. Van Houten stabbed Mrs. LaBianca approximately 16 times. Ms. Van Houten then wiped down surfaces in the house to eliminate fingerprints, changed into Mrs. LaBianca's clothes, and drank chocolate milk from the LaBiancas' refrigerator. The group then fled.

The next morning, Mrs. LaBianca's teenaged son discovered Mr. LaBianca's body with a knife stuck in his neck, a carving fork protruding from his stomach, and the word "war" carved into his skin. 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. In 1971, Ms. Van Houten was convicted of two counts of first degree murder and one count of conspiracy and sentenced to death. In 1972, following a change in California law, Ms. Van Houten's sentence was modified to life in prison with the possibility of parole. In 1976, Ms. Van Houten's conviction was overturned on appeal because of legal errors in her trial, which resulted in a retrial. The retrial ended in a mistrial when the jury deadlocked. In 1978, Ms. Van Houten was tried a third time and convicted of two counts of first degree murder and one count of conspiracy. She was sentenced to a term of seven years to life.

The Board of Parole Hearings (Board) has conducted 21 parole hearings for Ms. Van Houten since 1982. Since 2016, the Board has found her suitable for parole five times. Governor Brown reversed parole grants in 2016 and 2018. Governor Newsom reversed parole grants in 2019 and 2020. This decision follows her November 9, 2021 parole grant.

GOVERNING LAW

The California Constitution grants me the authority to review proposed decisions of the Board. (Cal. Const. art. V, § 8, subd. (b).) I am given broad discretion to determine an inmate's suitability for parole and may affirm, reverse, modify, or

refer back to the Board any grant of parole to a person convicted of murder serving an indeterminate life sentence. (*Id*.; Pen. Code, § 3041.2; see *In re Rosenkrantz* (2002) 29 Cal.4th 616, 625-26; *In re Dannenberg* (2005) 34 Cal.4th 1061, 1080, 1082, 1088.) I am authorized to identify and weigh all "factors relevant to predicting 'whether the inmate will be able to live in society without committing additional antisocial acts.'" (*In re Lawrence* (2008) 44 Cal.4th 1181, 1205-06, quoting *In re Rosenkrantz*, *supra*, 29 Cal.4th at p. 655.)

When the Board proposes that an inmate convicted of murder be released on parole, I am authorized to conduct an independent, *de novo* review of the entire record, including "the facts of the offense, the inmate's progress during incarceration, and the insight he or she has achieved into past behavior," to determine the inmate's suitability for parole. (*In re Shaputis II* (2011) 53 Cal.4th 192, 221.)

My review is independent of the Board's authority, but it is guided by the same "essential" question: whether the inmate currently poses a risk to public safety. (Cal. Const. art. V, § 8, subd. (b); Pen. Code, § 3041.2; *In re Shaputis II, supra,* 53 Cal.4th at pp. 220-21.)

The circumstances of the crime can provide evidence of current dangerousness when evidence in the inmate's pre- or post-incarceration history, or the inmate's current mental state, indicate that the crime remains probative of current dangerousness. (*In re Lawrence*, *supra*, 44 Cal.4th at p. 1214.) In rare cases, the aggravated nature of the crime alone can provide a valid basis for denying parole, even when there is strong evidence of rehabilitation and no other evidence of current dangerousness exists. (*In re Lawrence*, *supra*, 44 Cal.4th at p. 1214.)

I am also 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).) I further must afford special consideration to whether age, the amount of time served, and diminished physical condition reduce the inmate's risk of future violence. (See Feb. 10, 2014 order issued in *Coleman v. Brown,* Case No. 2:90-cv-0520 LKK-DAD (PC) (E.D. Cal.) and *Plata v. Brown*, Case No. C01-01351 TEH (N.D. Cal.).)

DECISION

The Manson Family murders are among the most notorious and gruesome in American history. Beyond the immeasurable suffering Ms. Van Houten caused

the LaBianca family, Ms. Van Houten's grisly acts have haunted people in California and beyond for more than half a century.

Ms. Van Houten herself described the impact of the crime in a letter to the Board in 2016. She wrote that her crime, designed to incite social unrest, "did not begin a revolution. What it did was create fear and panic across Los Angeles and the entire country for months to come. Parents kept their children home from school, doors and windows were kept locked in spite of the summer's heat, and the love and peace movement ended. The murders occurred in the privacy of a total stranger's home, which meant it could have happened to anyone. This heightened awareness of everyone's personal vulnerability and caused traumatic reactions to many."

While Ms. Van Houten's understanding of the gravity of her crime and its ongoing harm is an encouraging sign of her developing insight, I have concluded that she remains unsuitable for parole because she poses a current threat to public safety. Ms. Van Houten continues to lack sufficient insight into the risk factors that led to her violent conduct in the past and the skills to protect against her becoming susceptible to similar pressures in the future.

In November 2020, I reversed Ms. Van Houten's July 2020 parole grant based in part on her significant gaps in insight. I concluded that Ms. Van Houten needed to develop a deeper understanding of the factors that caused her to seek acceptance from a violent cult and to commit brutal acts of violence on its behalf. Following this parole reversal, Ms. Van Houten committed herself to improving her insight, and she made the decision to step away from her post as the chairperson of the Inmate Advisory Council in order to focus on her self-development. Ms. Van Houten entered Integrated Substance Use Disorder Treatment (ISUDT). Ms. Van Houten told the Board in 2021, "a lot of the ISUDT program has been focusing on what for me was my early years of… the drug use and who I was, revisiting it. And…I have been getting to the point where I can—not just remember who I was, but also feel who I was at those ages." While I commend Ms. Van Houten for taking this step forward in her rehabilitation, I find that her insight is still lacking.

Ms. Van Houten requires additional work to internalize her programming in ISUDT, given the nexus between her substance abuse history, her past feelings of stress within relationships, and her history of violence. For example, the evaluating psychologist in 2021 concluded that, "Substance abuse and problematic relationships contributed significantly to Ms. Van Houten's commission of the life crime." The psychologist also diagnosed Ms. Van Houten with Cannabis, Amphetamine, and Other Hallucinogen Use Disorders, in sustained remission in a controlled environment. The psychologist also noted that, "Ms. Van Houten will

face significant stress if granted parole supervision," especially due to her "notoriety," and that her response to these stressors remain relevant to her risk for future violence. Ms. Van Houten has historically responded to stress in interpersonal relationships and feelings of isolation by using drugs, which ultimately led her to commit extreme acts of violence. Before she can be found suitable for parole, Ms. Van Houten must demonstrate that she has sufficient coping skills to prevent substance abuse relapse in the community.

Ms. Van Houten must also better understand the internal processes that led her to commit the crimes and hone the skills to control them. While Ms. Van Houten has demonstrated some insight into the crime and shown remorse, I note that since 2020, Ms. Van Houten's explanation of her path to violent conduct focuses on external factors. She connects her initial decision to join the Manson family cult with the adverse experiences of her parents' divorce and being coerced by her mother to have an abortion. While these events may have left Ms. Van Houten vulnerable to cult recruitment when she was young, she continues to lack insight into the internal processes that led her to respond to her own trauma with brutality against Ms. La Bianca.

At her 2021 hearing, the Board asked her why she remained in the cult even after their extremely violent conduct escalated, Ms. Van Houten explained that at the time she believed Mr. Manson "was a reincarnation" of Jesus Christ and she imagined herself as a kind of disciple. This explanation also focuses on the acts of Mr. Manson rather than her own internal processes that led her to adopt this dangerous system of beliefs, and violently act on them. Ms. Van Houten, because of her self-imposed notoriety, will almost certainly experience complex, external triggers if she is released on parole. She has not demonstrated that she has the self-awareness and coping strategies to respond to externalities in a prosocial way before she can be safely released.

Finally, I am required to consider the additional factors that are legally relevant to Ms. Van Houten's suitability for parole. As explained below, I have weighed these factors and conclude they do not outweigh the substantial evidence of her current dangerousness.

First, in the cases of inmates who commit their crimes when they are under 26 years old, as in Ms. Van Houten's case, I am required to review the record for evidence of factors relevant to their diminished culpability as youthful offenders and any subsequent growth and increased maturity. Ms. Van Houten was 19 years old when she committed the life crime. I have carefully examined the record for evidence of youthful offender factors and find that, at the time of her crime, she exhibited some of the hallmark features of youth. I note that the psychologist who evaluated Ms. Van Houten in 2021 wrote, "At the time of the

life crime, Ms. Van Houten displayed hallmarks of youth such as naiveté, excessive risk-taking, attenuated ability to anticipate and appreciate consequences, and reduced ability to manage negative emotions."

I have also examined the record for evidence of Ms. Van Houten's subsequent growth in prison and increased maturity and rehabilitation. I acknowledge that Ms. Van Houten has made significant efforts to improve herself in prison through self-help programming and other prosocial efforts. She has participated in and facilitated self-help programming, including anger management, violence prevention, and substance abuse prevention courses. She has earned her bachelor's and master's degrees and completed vocational training. Ms. Van Houten has consistently engaged in individual and group therapy while in prison. She also has a laudable disciplinary record. I have given great weight to her subsequent growth in prison during my consideration of his suitability for parole. While Ms. Van Houten has certainly matured in many ways over the last 51 years, her current gaps in insight demonstrate that she has not internalized her rehabilitation programming sufficiently to reduce her risk for future dangerousness. Consequently, even after according these youthful offender factors great weight, I conclude they are outweighed by negative factors that demonstrate that she remains unsuitable for parole at this time.

Second, I have given special consideration to the Elderly Parole factors in this case. Ms. Van Hoten is 72 years old and has served 51 years and 10 months. After nearly 52 years in prison, she still has not adequately addressed why she joined and remained in a violent cult or the triggering factors that led her to murder Mrs. La Bianca. Ms. Van Houten's physical strength has lessened over the years, she was diagnosed with several chronic medical conditions that the evaluating psychologist concluded, "somewhat decrease[s] her risk of violence." I have concluded that Ms. Van Houten's age and diminished physical strength do not sufficiently mitigate her current risk to public safety.

Because of Ms. Van Houten's history of obedience to a cult, the most relevant risk factor in this case remains her negative response to adverse external factors, and her susceptibility to them. Specifically, Ms. Van Houten has not sufficiently mitigated her risks for substance use relapse and distorted thinking leading to antisocial conduct in response to stressors. Accordingly, her release is not consistent with public safety.

I commend Ms. Van Houten for her significant efforts in rehabilitation to-date and acknowledge that her statements of remorse for her crime appear sincere and deeply felt. I encourage her to continue on this positive path.

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:
March 29, 2022

GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

RONALD SHELTON, K-77012
First Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____X_____

STATEMENT OF FACTS

Between 1990 and 1991, Ronald Shelton, a high-ranking member of Nuestra Familia, and his crime partners committed four gang-related murders.

DECISION

I acknowledge that Mr. Shelton has made efforts to improve himself. He has participated in self-help programming, completed vocations, earned three associate degrees, and has not been disciplined in prison. I commend Mr. Shelton for taking these positive steps and I encourage him to continue on this positive path. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

The psychologist who evaluated Mr. Shelton in 2021 determined that, "Mr. Shelton has several historic risk factors, which contribute to his risk for current or future violence, including, his history of violence, violent attitudes, relationships, employment, personality and disorder." The psychologist wrote that Mr. Shelton presents with a long history of violence that intensified over time and that he currently demonstrates a limited capacity and unwillingness to demonstrate remorse. The psychologist wrote, "while Mr. Shelton has demonstrated increased awareness into how his history of early incarceration has impacted his behavior as an adult, he does not present with comprehensive understanding of his long-term personality traits and the consequences of those traits." The psychologist also raised concerns about Mr. Shelton's ability to comply with parole supervision and noted that a high risk rating for future violence was considered based on, "the severity of [Mr. Shelton's] past violence, violent attitudes, and long-standing antisocial personality traits."

I acknowledge that Mr. Shelton disassociated from his gang in 1993 when he was facing the death penalty for the life crimes, and that he has maintained his

sobriety in the controlled environment of prison. I also acknowledge that he appears to have made good progress in rehabilitation. However, I conclude that he must do additional work to mitigate his risk for relapse in the community.

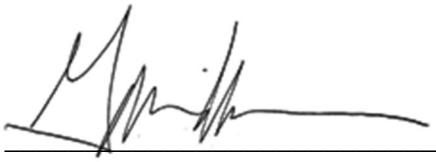
At Mr. Shelton's 2021 parole hearing, the panel questioned Mr. Shelton about how he would avoid future gang involvement. Mr. Shelton responded that he, "testified in court, word gets around." While Mr. Shelton has identified some of the external factors that may dissuade him from recidivating, he must do additional work to understand and strengthen his internal processes that will support his prosocial conduct in the community where he will face significant challenges. Mr. Shelton committed these crimes when he 29 and 30 years old, a sign that his antisocial thinking was deeply entrenched.

Considering the factors in this case, I have concluded that Mr. Shelton currently remains an unreasonable risk to public safety. I encourage him to program some more and develop the insight and coping skills he will need to be successful on parole.

CONCLUSION

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

Decision Date:
May 6, 2022



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

RONALD ANDERSON, C-17565
First Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____X_____

STATEMENT OF FACTS

In 1979, Ronald Anderson's two crime partners knocked on the door of a home and said their car had run out of gas. The victim, Leonard Luna, who was housesitting for his employer, answered the door and gave them a gas container from the garage. The crime partners later returned and asked to use the telephone, then entered the home and held the victim at gunpoint. Mr. Anderson helped hogtie the victim. One of Mr. Anderson's crime partners struck the victim in the head and threatened to kill him. They then stole a safe, guns, a knife, and watches, and fled. Mr. Luna survived. The next day, Mr. Anderson and his crime partners went to the home of Philip and Kathy Ranzo to rob them. While Mr. Anderson waited in the car, his crime partners knocked on the door and said their car had run out of gas, and asked to use their telephone. After entering the home, Mr. Anderson's crime partner held Mr. Ranzo at gunpoint, struck him several times with a bat, stabbed him, and slit his throat, killing him. The same crime partner raped Mrs. Ranzo, bound her, and then fatally beat and stabbed her. The crime partners ransacked the home and stole personal items. Mr. Anderson drove the getaway car.

GOVERNING LAW

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

DECISION

I acknowledge that Mr. Anderson committed this crime when he was 18 years old and that he has since been incarcerated for nearly 43 years. I also acknowledge that Mr. Anderson had adverse childhood experiences that shaped his life and choices. In making this decision, I gave great weight to all the factors relevant to Mr. Anderson's diminished culpability as a youthful offender, including his impulsivity, inability to anticipate the consequences of his actions, and other hallmark features of youth.

In addition, I carefully examined the record for evidence demonstrating Mr. Anderson's increased maturity and rehabilitation. I recognize that Mr. Anderson has made efforts to improve himself in prison. Mr. Anderson has participated in consistent self-help programming, earned his GED, developed vocational skills, and taken college courses. I have given great weight to his subsequent growth in prison during my consideration of his suitability for parole. I commend Mr. Anderson for his efforts in rehabilitation and encourage him to remain on this positive path. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Despite his rehabilitative efforts, Mr. Anderson continues to have concerning deficits in insight, including with respect to his role in the crimes. I understand that Mr. Anderson has made strides in developing a comprehensive understanding of the causative factors that led him to participate in this series of brutal crimes. The psychologist who evaluated Mr. Anderson in 2019 noted that there were positive signs of Mr. Anderson's developing insight throughout the assessment. The psychologist cautioned, however, that Mr. Anderson's insight remains incomplete, noting that, "[t]here remains a tendency for Mr. Anderson to portray himself in a more positive light than his codefendants, as someone who reassured [the victim], fought the codefendant he believes assaulted [the victim], and attempted to dissuade his peers from engaging in the second home robbery."

In addition to minimizing his role, Mr. Anderson has inconsistently reported the facts of the crime. In the past, Mr. Anderson admitted that he hogtied the victim during the first home invasion. However, at his 2021 hearing, he denied doing so. His shifting narrative signals persistent deficits in Mr. Anderson's insight that remain relevant to his risk level.

Mr. Anderson must develop deeper insight and coping skills before he can be released. In particular, Mr. Anderson must demonstrate that he has the tools he will need to navigate the challenges he will face on parole, including repairing

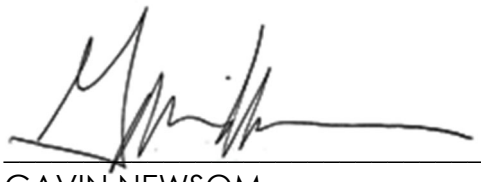
and maintaining healthy family relationships. Mr. Anderson identified as a motivating factor of the life crime his need for acceptance, which resulted from the violence and neglect he experienced in his relationship with his father. In the months before the life crimes, Mr. Anderson moved to California and lived a transient life to escape his father's abuse. Mr. Anderson has reported that he hopes to transfer his parole supervision to Washington State so that he can live with his father and stepmother. At his hearing, the Board raised concerns about whether Mr. Anderson has developed the strong self-awareness and coping mechanisms he will need to maintain a healthy and stable relationship with his father while living with him and navigating the stressors of parole. The evaluating psychologist likewise noted that Mr. Anderson's desire to reside with his father should be "considered with caution."

I have concluded that Mr. Anderson must do additional work before he can successfully manage the challenges he will face if allowed to parole. I encourage him to deepen his self-awareness and understanding of his triggers, and to continue to develop safe release plans to ensure his success on parole.

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:
May 20, 2022



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

JASON LAMARSH, H-68908
Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____X_____

STATEMENT OF FACTS

In 1990, 23-year-old Jason LaMarsh and his four crime partners planned to kill the four victims with whom they had conflict. The crime partners forced their way into the victims' home armed with baseball bats, batons, knives, and a gun. Mr. LaMarsh threatened the victims at gunpoint and beat one of the victims to death. His crime partners brutally killed the other three victims.

GOVERNING LAW

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

DECISION

I acknowledge that Mr. LaMarsh committed this crime when he was 23 years old and that he has since been incarcerated for 32 years. Mr. LaMarsh had adverse childhood experiences that shaped his life and choices, including exposure to substance use, violence by his father, poverty, and ridicule by peers. In making this decision, I carefully examined the record for evidence demonstrating Mr. LaMarsh's increased maturity and rehabilitation. I gave great weight to all the factors relevant to Mr. LaMarsh's diminished culpability as a youthful offender, including his impulsivity, inability to anticipate the consequences of his actions, and other hallmark features of youth.

I also acknowledge that Mr. LaMarsh has made efforts to improve himself in prison. Over the last four years, Mr. LaMarsh has participated in significant self-help programming, completed two vocational programs, earned his GED, and maintained employment in prison. Correctional staff have commended Mr. LaMarsh for his self-development and positive programming. I commend Mr. LaMarsh for his efforts in rehabilitation and encourage him to continue on this positive path. I have given great weight to his subsequent growth in prison, but these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

I have concluded that Mr. LaMarsh must demonstrate a longer period of prosocial behavior and impulse control before he can be safely released. Mr. LaMarsh continued to engage in violent and antisocial conduct in prison. He was involved in gang activity until 2018 and was disciplined 34 times, 27 in the last 10 years. The majority of these violations were for drug and alcohol abuse, and he also sustained numerous rules violations for violent conduct. He was last disciplined in 2018 for possessing alcohol.

There is a close nexus between Mr. LaMarsh's substance use and antisocial conduct. Mr. LaMarsh was under the influence of methamphetamine at the time of the life crime, and he continued to use substances while in prison. The evaluating psychologist diagnosed Mr. LaMarsh with opioid, stimulant, alcohol, and cannabis use disorders, in remission in the controlled environment of prison. Mr. LaMarsh reports that he has maintained his sobriety since 2017 and has embraced the 12-step recovery model, which is an encouraging sign of his progress in rehabilitation. However, these are fairly recent gains. The psychologist who evaluated Mr. LaMarsh wrote that, "[g]iven the relative recency of these changes in the context of his history, this [substance abuse] risk factor remains at least moderately relevant, though again, it would be of increased significance if he were to return to using substances."

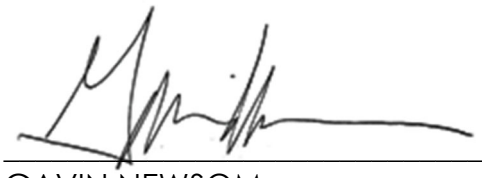
While Mr. LaMarsh's accountability and credibility have improved in recent years, he still has additional work he must do before he can be safely released. Until recent years, Mr. LaMarsh significantly downplayed his role in the life crime. At his 2022 hearing, Mr. LaMarsh admitted that he has historically minimized his role until his 2021 psychological evaluation. He told commissioners, "During my last hearing, uh, I was still active in my antisocial traits. I was still deceitful, hadn't addressed those issues yet." I conclude that he needs to continue developing his insight into the causative factors of his crime and his coping skills. The psychologist warned that, "there appears to be at least some risk he will utilize inappropriate coping strategies when faced with taxing situations and/or

interpersonal conflicts in the future." Accordingly, I encourage Mr. LaMarsh to also further develop his parole plans that will foster his success on parole.

CONCLUSION

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

Decision Date:
May 27, 2022



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

JESSE STUART, D-39873
First Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____X_____

STATEMENT OF FACTS

In 1986, Jesse Stuart and his crime partner robbed a supermarket at gunpoint and fled with more than $3,000. They unsuccessfully tried to carjack someone in the parking lot, then Mr. Stuart and his crime attempted to carjack the victim, a Sheriff's Deputy cadet. Mr. Stuart and his crime partner chased her, and Mr. Stuart fatally shot her before fleeing in her car.

GOVERNING LAW

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

DECISION

I acknowledge that Mr. Stuart committed this crime when he was 19 years old and that he has since been incarcerated for more than 36 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Stuart's increased maturity and rehabilitation. I gave great weight to all the factors relevant to his diminished culpability as a youthful offender, including his impulsivity, inability to anticipate the consequences of his actions, and other hallmark features of his youth.

I note that Mr. Stuart faced adverse childhood experiences that shaped his life and choices, including early exposure to violence and gangs. The psychologist who evaluated Mr. Stuart wrote that Mr. Stuart gravitated toward a gang after

his parents' separation, and his gang association contributed to his development of criminogenic thinking and behaviors, which ultimately culminated with the life crime. The psychologist also wrote that Mr. Stuart lacked the parental supervision that could have protected him from this path.

I also acknowledge that Mr. Stuart has made efforts to improve himself in prison. He has participated in self-help programming, including as a facilitator. He has completed multiple vocations and taken college courses. Mr. Stuart has also been commended by staff for being respectful, hardworking, and taking initiative. During my consideration of his suitability for parole, I have given great weight to his subsequent growth in prison. However, I have concluded that these factors are outweighed by negative factors that demonstrate Mr. Stuart remains unsuitable for parole at this time.

Mr. Stuart shot the victim as she fled and continues to show insufficient insight into why he used deadly force. During his 2021 risk assessment, Mr. Stuart was able to identify some of the causative factors of his crime, but he also demonstrated a lack of insight expressed through his ongoing minimization of his actions. He told the psychologist that his intention was "to stop her, not murder." At his hearing, he told the panel that, "[m]y intention was to get the keys to get away…I didn't think about the, uh, the result of shooting [the victim]." Mr. Stuart does not appear to understand that his impulsivity is not mitigating but in fact the crux of his risk factor for future violence. Without this insight, he remains at risk of impulsive conduct regardless of his intent. I encourage Mr. Stuart to do additional work to deepen his understanding of his internal processes in response to external triggers and how he can control them.

This is particularly important because Mr. Stuart will likely face significant triggers and stressors if he is released on parole. The evaluating psychologist expressed concerns that Mr. Stuart appears to lack the skills he will need to appropriately cope with these stressors and navigate the challenges. The psychologist cautioned that this factor remains highly relevant to Mr. Stuart's current risk level. The psychologist wrote that Mr. Stuart has, "a lifelong history of poor coping mechanisms and difficulty managing stressors." I am concerned that Mr. Stuart has not demonstrated that he has the tools he will need to navigate the challenges he will face on parole given his lengthy history of antisocial behaviors.

Mr. Stuart is at particular risk of substance abuse relapse if he does not develop more appropriate coping mechanisms. Mr. Stuart reported that he started drinking alcohol at age nine and regularly used marijuana and alcohol by age 12. His maladaptive behaviors continued for nearly three decades in prison,

and he told the Board that, "[F]or the most part I've been using marijuana the whole time I've been incarcerated." I note that Mr. Stuart reports maintaining sobriety since 2016, which is an encouraging sign of his progress in rehabilitation. However, given the prolonged length of Mr. Stuart's antisocial behaviors and his deficits in insight, I find that Mr. Stuart must do additional work to mitigate his risk factor for relapse before he can be safely released on parole. I encourage Mr. Stuart to focus on honing the coping skills he will need to prevent relapse and make prosocial choices in the community.

I commend Mr. Stuart for his rehabilitative progress and encourage him to continue on this positive path.

CONCLUSION

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

Decision Date:
June 17, 2022

GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

CHARLES STURM, AF-9306
Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____X_____

STATEMENT OF FACTS

In 2010, Charles Sturm argued with his girlfriend, then beat her to death in front of a group of their friends. The next day, Mr. Sturm and a friend wrapped the victim's body in a tarp, drove to a secluded location, and buried her. Mr. Sturm later returned and poured acid over the gravesite to speed decompensation.

DECISION

I acknowledge that Mr. Sturm faced adverse childhood experiences that shaped his life and choices. I also acknowledge that Mr. Sturm has made efforts to improve himself in prison. Mr. Sturm has participated in self-help programming, including an intensive year-long anger management course and domestic violence prevention groups, earned his GED, completed college courses, and maintained employment in prison. I commend Mr. Sturm for taking these positive steps. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Sturm's history of relationships with romantic partners involve a violent pattern of coercive control and abuse. Before the life crime, Mr. Sturm admitted that he assaulted the victim two times, and that he had committed acts of intimate partner violence in a prior relationship. I note that intimate partner violence was normalized by his social group, and he frequently witnessed violence inflicted by the same friend who participated in the life crime. Mr. Sturm must be able to develop and maintain healthy relationships with romantic partners, and find social support and connection with people who do the same. While Mr. Sturm appears to be developing an understanding of this risk factor, he has not yet demonstrated that he has the insight and skills he will need to maintain healthy relationships in the community.

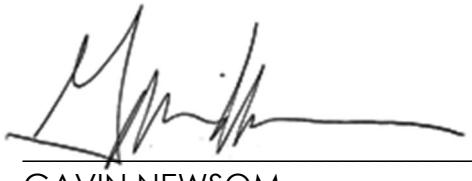
Mr. Sturm will sufficiently mitigate his risk factor for violent conduct only when he is able to manage his risk for substance use relapse. Mr. Sturm reported that both alcohol and drugs fueled his violent conduct in the past, and he admits that he was under the influence of alcohol, marijuana, and methamphetamine at the time of the life crime. It is clear that stress was a trigger for Mr. Sturm's substance use, and the evaluating psychologist wrote that, "leading up to the offense, there was evidence of instability in multiple areas of his life, which related in part to his substance use." Mr. Sturm's drug use escalated to the point where he experienced amphetamine-induced psychosis, including auditory and visual hallucinations. Past interventions were unsuccessful; while Mr. Sturm engaged in drug and alcohol treatment in the community, he reports being dismissed from the program after threatening a counselor. Mr. Sturm continued to abuse substances while incarcerated, and he told the commissioners that he drank and used drugs, "when I could find them in prison." The evaluating psychologist diagnosed him with cannabis, amphetamine, and alcohol use disorders, all currently in remission the controlled environment of prison.

I acknowledge that Mr. Sturm's candor about his past drug use and his sobriety in recent years is an encouraging sign of his offender change. I commend Mr. Sturm for his work and encourage him to continue on this positive path. I recommend that Mr. Sturm continue to deepen his understanding of the dynamics of intimate partner violence, and its nexus to substance use before he can be released.

CONCLUSION

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

Decision Date:
June 24, 2022



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

ANTWAN ALLISON, K-94914
First Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____X_____

STATEMENT OF FACTS

In 1996, Antwan Allison's cousin owed him money for a car loan. His cousin and Mr. Allison devised a plan to rob the cousin's friend and the friend's parents. The cousin arranged to spend the night at his friend's home. He left open the door so Mr. Allison could enter the home. Mr. Allison came in the home, woke up the victims, and ordered them to the floor at gunpoint. Mr. Allison and his crime partner bound their victims' hands and covered their eyes with duct tape, and removed their jewelry. The teenage victim fainted and was taken into the bathroom. The crime partners covered the heads of the adults with plastic bags and fatally shot them. They also shot the teenager in the leg, but he survived his injuries. The crime partners then ransacked the home and fled with personal items.

DECISION

I acknowledge that Mr. Allison committed this crime when he was 17 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. Allison's increased maturity and rehabilitation. The psychologist who evaluated Mr. Allison wrote that Mr. Allison appeared to participate in the life crime because of peer pressure, the desire for acceptance by negative peers, and money. I gave great weight to all the factors relevant to Mr. Allison's diminished culpability as a youthful offender, including his impulsivity, inability to anticipate the consequences of his actions, and other hallmark features of youth.

I also acknowledge that Mr. Allison has made efforts to improve himself in prison. Mr. Allison has participated in self-help programming, earned an associate degree, completed a vocational program, and is employed by the Prison Industry Authority. I have given great weight to Mr. Allison's 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. Allison maintains that he was not the shooter, and that he fled before his crime partner shot the victims. Mr. Allison is not required to admit guilt to be found suitable for parole.

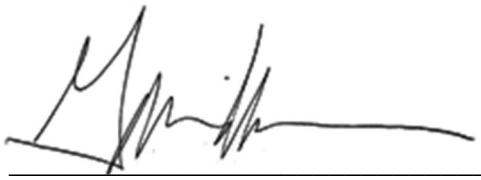
I note that Mr. Allison's claim that he was not the shooter contradicts the official appellate record. The implausibility of his denial of responsibility is relevant to the question of whether he understands his actions and their causative factors so that he can avoid repeating the same conduct in the future. While Mr. Allison demonstrates sincere remorse for his crime, there remain significant gaps in his insight into his actions. During his risk assessment, Mr. Allison attributed his participation in the crime to his cousin's outsized influence over him, his need for acceptance from his peers, and greed. He described his cousin as both the mastermind behind the crime plot and the main aggressor. Mr. Allison minimized his role and dodged full accountability for the crime, implying that he was an unwilling participant. When the panel asked Mr. Allison why he went through with the plan he claimed was his cousin's, he explained, that "[a]ll I was thinking about was. . . I'm in it now. I'm committed, and I can't back down. I can't back out of it because if I back out of it. . . I'll appear as a coward, and . . . that means rejection and I won't be accepted anymore. So I didn't even consider that."

While Mr. Allison's candor is an encouraging sign of his developing insight and internalization of his rehabilitative programming, he must do additional work before he can be safely released. In particular, I encourage Mr. Allison to deepen his insight into his internal responses to external pressures and need for acceptance from negative peers. Until he understands these dynamics, he will not be able to develop the skills he will need to manage his responses to these triggers in the community.

CONCLUSION

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

Decision Date:
July 1, 2022



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

BRYAN VULGAMORE, AU-8094
Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____X_____

STATEMENT OF FACTS

In 2002, Bryan Vulgamore was having an affair with his girlfriend's cousin. When she told Mr. Vulgamore she wanted to end their affair, he struck her several times, then fatally strangled her. He placed her body in the shower, turned on the water, and fled. The victim's father and sister found the victim's body several hours later.

DECISION

I acknowledge that Mr. Vulgamore faced adverse childhood experiences that shaped his life and choices. I also acknowledge that Mr. Vulgamore has made efforts to improve himself in prison. Mr. Vulgamore has participated in significant self-help programming, including domestic violence and substance abuse prevention courses, and has maintained employment in prison. I commend Mr. Vulgamore for taking these positive steps and encourage him to continue on this positive path. However, I find that these positive factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Vulgamore was arrested eight years after he killed the victim. Mr. Vulgamore was aware that the victim's family engaged in numerous, desperate efforts to bring her killer to justice. Mr. Vulgamore avoided accountability and maintained the façade of his innocence, causing additional suffering to the victim's family and the wider community. Even after his conviction for the life crime, Mr. Vulgamore continued to deny responsibility. It was only in 2018, 16 years after his life crime, that he admitted that he killed the victim. While Mr. Vulgamore's increased accountability in recent years is an encouraging sign of his progress in rehabilitation, I have concluded he must demonstrate a longer period of prosocial behavior, which includes taking accountability for his crime and cover-up of it, before he can be safely released on parole.

Before the life crime, Mr. Vulgamore's relationships with his partners were marked by a violent pattern of coercive control and abuse. Mr. Vulgamore admitted that, before the life crime, he emotionally and physically abused his intimate partners. At his parole hearing, he admitted to holding down his partner, threateningly breaking household items around her, and disappearing for days at a time to inflict emotional harm. While he has shown some signs of developing insight, there remain significant gaps in his understanding of the dynamics of intimate partner violence. When describing his crime in his risk assessment, he acknowledged some of his role but continued to emphasize that his violence was in response to the victim's conduct, including her standoffishness, her rejection of his physical advances, her statements that insulted him, and her slapping him. Until Mr. Vulgamore develops a sufficient understanding of his particular role in, and triggers for, unhealthy relationship dynamics, he remains at risk for resuming the cycles of violence if he relapses. I encourage him to work on deepening his understanding of the dynamics of intimate partner violence, his triggers for it, and developing the coping skills he will need to form and maintain healthy relationships in the community.

Mr. Vulgamore's significant history of substance abuse is another relevant risk factor that currently elevates his risk level. Mr. Vulgamore reports that he had used methamphetamine at the time of the life crime, and in fact lays blame for his conduct on his intoxication. Mr. Vulgamore has used substances to self-medicate and manage his resentments, beginning in his home where drug use was normalized. He told the evaluating psychologist, "I started to use [substances] for acceptance and later it made me feel better and took away feelings of unworthiness…then I became addicted." Mr. Vulgamore failed to complete treatment in the community. In fact, before he was apprehended for his life crime and while living on the lam, he admits that he "fell deeper into [his] addiction and criminality." During this period, he used drugs and committed additional, escalating crimes. He was sentenced to prison in 2004 after he beat a man with a piece of wood. Mr. Vulgamore was diagnosed with alcohol and stimulant use disorders, both in remission in a controlled environment. He reports maintaining sobriety from all substances since 2010, which is commendable. However, Mr. Vulgamore never completed treatment in the community, relapsed several times, and failed supervised release. The evaluating psychologist noted that Mr. Vulgamore's problems with treatment and supervision "will continue to be relevant during the transition to a less structured setting when/if granted release." I have concluded that Mr. Vulgamore must continue to deepen his insight into his substance abuse and its nexus to his criminal behavior, and continue to hone the skills he will need to avoid relapse in the community.

CONCLUSION

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

Decision Date:
July 21, 2022

GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

BURTON HEBROCK, H-70877
Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____X_____

STATEMENT OF FACTS

In 1991, Burton Hebrock and his crime partner were staying at the home of an 18-year-old friend while her parents were out of town. Two other female friends came to the home, and they consumed alcohol and marijuana. Mr. Hebrock argued with one of the victims, then found a gun in the home and fatally shot her. His crime partner then fatally shot the two other victims. Mr. Hebrock and his crime partner stole items and a car from the home, photographed themselves with the guns, then fled California.

DECISION

I acknowledge that Mr. Hebrock committed this crime when he was 17 years old and that he has since been incarcerated for 31 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Hebrock's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender. The psychologist who evaluated Mr. Hebrock wrote that Mr. Hebrock exhibited several hallmark features of youth in the commission of his crime, including impulsivity, immaturity, excessive risk taking, recklessness, imperviousness to punishment or negative outcomes, susceptibility to peer influence, and a lessened ability to extricate himself from disadvantageous circumstances and environments, observed aggressive models, and was comforted with controlled substances.

I also acknowledge that Mr. Hebrock has made efforts to improve himself in prison. He earned his GED and two vocational certificates. Mr. Hebrock has participated in self-help programming and charity events, and maintained employment as a plumber. 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. Hebrock's long and recent record of institutional misconduct indicates that he must do additional work before he can be safely released on parole. While in prison, Mr. Hebrock associated with white prison gangs and used drugs. He admits that he transferred to a protected prison yard, not to remove himself from negative peer associations, but to escape a drug debt he had accumulated. At his hearing, the Board noted that Mr. Hebrock's initial motive for separating himself from negative peers was not to improve himself but to avoid the consequences of his antisocial conduct.

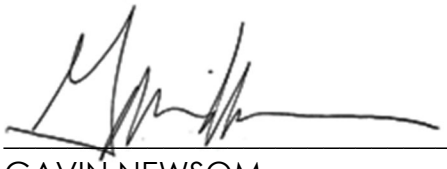
Once on the protected yard, Mr. Hebrock did not use the opportunity to rehabilitate but instead continued to engage in antisocial conduct for more than a decade. He used drugs and possessed weapons, which resulted in rules violations and two additional prison terms. Most recently, in 2013 he sustained a conviction for possession of an inmate manufactured weapon, which resulted in an 8-year term. Before that, in 2011, he sustained a conviction for possession of a sharp instrument in prison, which resulted in a 4-year term. Mr. Hebrock will not be required to serve these additional prison terms because of his status as a youth offender.

At his hearing, the Board acknowledged that Mr. Hebrock began meaningfully programming after his 2015 denial of parole. Since that time, Mr. Hebrock has made genuine efforts in rehabilitation. I commend him for his efforts and encourage him to continue on this positive path. However, I find that he must do additional work before he can be safely released. During his risk assessment, Mr. Hebrock explained that on the night of the crime, he was angry and hurt by the victim because she treated him like he "didn't matter." Mr. Hebrock was able to recite a list some of the more salient causative factors of the crime, stating, "[t]he alcohol, the anger, the disassociation with others, the callousness, and selfishness, carelessness, my codefendant feeding my anger with his, lack of empathy…my childhood abandonment issues and betrayal issues by people I perceived as caring about me." While this demonstrates some awareness of his triggers and risk factors, he did not appear to understand his own internal responses to these factors, nor how to manage them. The psychologist concluded that, "[t]here is some evidence suggesting Mr. Hebrock's self-awareness regarding violence risk could be improved" and concluded that Mr. Hebrock's most salient risk factors is his "history of coping with antisocial strategies" and "susceptibility to re-traumatization by those he loves." I encourage Mr. Hebrock to deepen his insight into the nexus between his trauma history and his risk factor for violent conduct, and his risk factor for antisocial peer association. I also encourage Mr. Hebrock to continue to develop the prosocial coping strategies he will need to navigate the triggers he may encounter in the community.

CONCLUSION

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

Decision Date:
August 4, 2022



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

RUDY LOPEZ, F-53340
Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____X_____

STATEMENT OF FACTS

In 2005, Rudy Lopez drove to work under the influence of methamphetamine and struck and killed California Highway Patrol Officer David Romero, who had stopped his motorcycle at a red light.

DECISION

I acknowledge that Mr. Lopez has made efforts to improve himself in prison. He has participated in consistent self-help programming, including substance abuse prevention, taken college courses, and maintained employment in prison. I commend Mr. Lopez for taking these positive steps, and I encourage him to continue on this positive path. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Lopez has a long history of substance abuse. He reports debilitating addictions to multiple substances starting when he was 14 years old. Before the life crime, Mr. Lopez sustained a conviction for driving under the influence. During his risk assessment, Mr. Lopez reported that in the community he drove drunk or high "every day" because he "could get away with it." Mr. Lopez attended a rehabilitation facility for six months and maintained his sobriety for two years, but relapsed with alcohol and spiraled back into drug use. The evaluating psychologist diagnosed Mr. Lopez with multiple disorders, including Alcohol, Methamphetamine, Cocaine, and Marijuana Substance Use Disorders, all in remission in the controlled environment of prison. Mr. Lopez reports abstaining from drug or alcohol use since the life crime. His sobriety has not been tested in the community and the psychologist cautioned that, "[Mr. Lopez] must remain vigilant in his recovery and committed to prosocial decision-making […]." This risk factor, combined with his recent misconduct, leads me

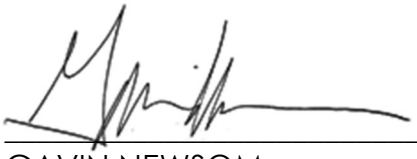
conclude that he must do additional work to develop the insight and coping skills he will need to avoid relapse in the community.

Mr. Lopez continued to engage in serious criminal behavior while incarcerated for nearly 15 years. Mr. Lopez admitted at his hearing that he engaged in gang activity until 2019. He disclosed information about his misconduct to the psychologist, detailing his cellphone use, and passing weapons and notes on behalf of his gang. He also admitted to operating a cellphone ring in prison where he directed his mother to pay a correctional employee $5,000 to smuggle cellphones into the institution until 2015. While Mr. Lopez's candor about his misconduct is an encouraging sign of his developing insight, I conclude he must demonstrate a longer period of sustained sobriety and behavioral stability before he can be safely released. I urge Mr. Lopez to focus on developing healthy relationships and supports, as well as the coping skills he will need to navigate the stressors of parole without relapse.

CONCLUSION

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

Decision Date:
August 19, 2022



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

CHRISTOPHER REINOSO, F-11130
Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____X_____

STATEMENT OF FACTS

In 2004, Christopher Reinoso stole a van and drove on a suspended license while intoxicated. He crashed into another vehicle, drove away, then collided with a car driven by a woman who was eight months pregnant. The victim sustained significant injuries and lost her pregnancy.

DECISION

I acknowledge that Mr. Reinoso faced adverse childhood experiences that shaped his life and choices. I also acknowledge that Mr. Reinoso has made efforts to improve himself in prison. Mr. Reinoso has participated in self-help programming, including substance abuse prevention groups, and has maintained employment. I commend Mr. Reinoso for taking these positive steps and I encourage him to continue on this positive path. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. Reinoso has a lengthy history of substance abuse that started in his teenage years. During his risk assessment, Mr. Reinoso described his deep addiction to alcohol and told the psychologist, "I wanted to try to stop but I couldn't. Alcohol had such a grip on me, like a little thing haunting me in my mind. I was obsessed with it." He further reported that he used methamphetamine on a weekly basis for more than two decades. During this period, he sustained seven convictions for DUI, and his license was suspended 10 times. Despite attending addiction counseling and treatment programs, Mr. Reinoso failed to maintain extended sobriety and continued to reoffend in the community. He also continued to use substances in prison. He relapsed with methamphetamine use in 2015, while actively attending Narcotics Anonymous.

The evaluating psychologist diagnosed Mr. Reinoso with multiple substance use disorders, including Alcohol and Amphetamine, in remission in the controlled environment of prison. The psychologist concluded that, "[t]here is some concern regarding treatment and supervision response given Mr. Reinoso's past history of driving under the influence despite prior convictions and placement on probation and his use of methamphetamine during his term while involved in NA."

Mr. Reinoso has made commendable progress in maintaining sobriety over the last seven years, his candor is an encouraging sign of his developing insight, and his commitment to rehabilitation appears sincere. In light of Mr. Reinoso's risk factors for substance use resulting in poor decision-making and harmful behavior, however, I have concluded that he must demonstrate a longer period of sustained sobriety before he can be safely released. I encourage Mr. Reinoso to focus on developing the coping skills that will support his safe release.

CONCLUSION

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

Decision Date:
August 19, 2022

GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

PERLA VAZQUEZ, WF-0169
Second Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____X_____

STATEMENT OF FACTS

In 2011, Perla Vazquez drove while intoxicated, sped on the highway and struck the victim's car, killing him. She was convicted of second degree murder, sentenced to a term of 15-years-to-life, and has been incarcerated for 10 years.

DECISION

I acknowledge that Ms. Vazquez faced adverse childhood experiences that shaped her life and choices, and that she committed this crime when she was 24 years old. In making this decision, I gave great weight to all of the factors relevant to Ms. Vazquez's diminished culpability as a youthful offender, including her impulsivity, inability to anticipate the consequences of her actions, and other hallmark features of youth. I carefully examined the record for evidence demonstrating Ms. Vazquez 's increased maturity and rehabilitation since the crime.

Ms. Vazquez has made efforts to improve herself in prison. She has participated in extensive self-help programming including as a facilitator, is enrolled in college courses, and works as a certified peer mentor. She founded a drunk driving prevention self-help group. 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. Vazquez has a long history of alcohol abuse that began when she was 11 years old. By high school she reports that she was drinking and using marijuana daily. She told the evaluating psychologist, "I fell in love with alcohol and what it did for me, it numbed me. I was looking for pure oblivion." Ms. Vazquez's substance use escalated, and she started using methamphetamine and other drugs. She sustained several arrests and convictions for drunk driving-related

offenses. She repeatedly failed to complete the terms of her probation. A judge ordered Ms. Vazquez to participate in an 18-month outpatient DUI program, but she completed only two months of the program before she quit. Her driver's license was suspended at the time of the life crime. Ms. Vazquez continued to use substances for several years into her incarceration. The psychologist diagnosed Ms. Vazquez with alcohol, cannabis, methamphetamine, and prescription medication use disorders, all in sustained remission in the controlled environment of prison. Ms. Vazquez reports maintaining sobriety since 2014.

There is a close nexus between Ms. Vazquez's substance use and history of unhealthy relationships. She experienced violence and coercive control by her partners, which triggered her drinking. At her parole hearing, she told the commissioners that relationships are her "biggest issue," and when she experienced relational instability, she "immediately went to drinking." She told the Board that, in almost every instance when police stopped her for drunk driving, she was driving to see her boyfriend and disregarded that she was not sober enough to drive. In short, her relationship took precedence over the risks posed by driving drunk.

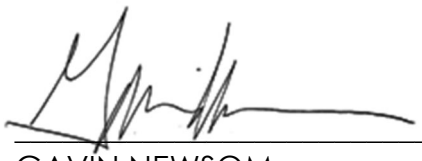
Ms. Vazquez has maintained sobriety over the last eight years, and has demonstrated candor and developing insight, both positive signs of her rehabilitative progress. I commend Ms. Vazquez and encourage her to continue on this positive path. I have concluded, however, that Ms. Vazquez must do additional work to shore up these gains before she can be safely released.

The psychologist warned that, "Ms. Vazquez achieved and maintained sobriety in prison, but that does not translate to sobriety in a less controlled and structured environment." The psychologist flagged that Ms. Vazquez must "remain vigilant" in order to avoid relapse in the face of the stressors she will face on parole, including "relationships, finances, and parole obligations." I encourage Ms. Vazquez to focus on deepening her understanding of her triggers for substance use and honing the skills she will need to manage them. I also encourage Ms. Vazquez to continue working to understand and mitigate her risk factor for unstable relationships and develop strategies for establishing and maintaining healthy relationships in the community.

CONCLUSION

I have considered the evidence in the record that is relevant to whether Ms. Vazquez 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. I therefore reverse the decision to parole Ms. Vazquez.

Decision Date:
August 26, 2022



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

PATRICIA KRENWINKEL, W-08314
First Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____X_____

STATEMENT OF FACTS

In 1967, 19-year-old Patricia Krenwinkel met 33-year-old Charles Manson and became his girlfriend and a member of his cult, "the Family." The cult believed that an apocalyptic race war, which they called "Helter Skelter," was imminent. They planned to hide in the desert until it ended, at which point they planned to seize control of the world. In 1969, Mr. Manson decided it was the cult's responsibility to initiate Helter Skelter by killing white victims, thereby inciting retaliatory violence against Black people.

On August 9, 1969, Ms. Krenwinkel, who was then 21 years old, and three other Family members drove to the home of actress Sharon Tate where she was hosting three guests: Abigail Folger, Wojiciech Frykowski, and Jay Sebring. Ms. Krenwinkel and her crime partners broke into the home and one of Ms. Krenwinkel's crime partners shot Mr. Sebring in the head. Ms. Folger and Mr. Frykowski tried to escape but Ms. Krenwinkel and a crime partner chased them, and Ms. Krenwinkel caught Ms. Folger and stabbed her 28 times, killing her. A crime partner then fatally shot Mr. Frykowski. Ms. Krenwinkel or one or more of her crime partners tied ropes around the necks of Mr. Sebring and Ms. Tate and her two crime partners stabbed them repeatedly, killing them. Ms. Tate was eight months pregnant when she was killed. The group wrote "pig" in blood on the front door before fleeing.

The next night, Mr. Manson, Ms. Krenwinkel, and four crime partners drove to the home of Leno and Rosemary LaBianca. Mr. Manson entered the home, then he left. One crime partner put a pillowcase over Mrs. LaBianca's head and attempted to strangle her with an electrical cord. Ms. Krenwinkel stabbed Mrs. LaBianca in the neck and struck her collar bone, which bent the knife's blade. Ms. Krenwinkel's crime partners then repeatedly and fatally stabbed Mrs. LaBianca. Ms. Krenwinkel's crime partners also fatally stabbed Mr. LaBianca. Before leaving the crime scene, Mr. Manson had told Ms. Krenwinkel to do something "witchy," so she stabbed Mr. LaBianca's body with a fork and used

blood to write "Death to Pigs," "Rise," and "Healter [sic] Skelter" on the walls. The next morning, Mrs. LaBianca's teenaged son discovered Mr. LaBianca's body with a knife stuck in his neck, a carving fork protruding from his stomach, and the word "war" carved into his skin.

After the murders, Ms. Krenwinkel fled to Alabama until she was extradited to California in February 1970.

The Board of Parole Hearings (The Board) has conducted 16 parole hearings for Ms. Krenwinkel since she became eligible for parole in 1977. The Board has found Ms. Krenwinkel unsuitable for parole 14 times and she stipulated to unsuitability once in 2002. The Board found her suitable for parole at her hearing on May 26, 2022. This decision follows.

GOVERNING LAW

The California Constitution grants me the authority to review proposed decisions of the Board. (Cal. Const. art. V, § 8, subd. (b).) I am given broad discretion to determine an inmate's suitability for parole and may affirm, reverse, modify, or refer back to the Board any grant of parole to a person convicted of murder serving an indeterminate life sentence. (*Id*.; Pen. Code, § 3041.2; see *In re Rosenkrantz* (2002) 29 Cal.4th 616, 625-26; *In re Dannenberg* (2005) 34 Cal.4th 1061, 1080, 1082, 1088.) I am authorized to identify and weigh all "factors relevant to predicting 'whether the inmate will be able to live in society without committing additional antisocial acts.'" (*In re Lawrence* (2008) 44 Cal.4th 1181, 1205-06, quoting *In re Rosenkrantz*, *supra*, 29 Cal.4th at p. 655.)

When the Board proposes that an inmate convicted of murder be released on parole, I am authorized to conduct an independent, *de novo* review of the entire record, including "the facts of the offense, the inmate's progress during incarceration, and the insight he or she has achieved into past behavior," to determine the inmate's suitability for parole. (*In re Shaputis II* (2011) 53 Cal.4th 192, 221.) My review is independent of the Board's authority, but it is guided by the same "essential" question: whether the inmate currently poses a risk to public safety. (Cal. Const. art. V, § 8, subd. (b); Pen. Code, § 3041.2; *In re Shaputis II, supra,* 53 Cal.4th at pp. 220-21.)

The circumstances of the crime can provide evidence of current dangerousness when evidence in the inmate's pre- or post-incarceration history, or the inmate's current mental state, indicate that the crime remains probative of current dangerousness. (*In re Lawrence*, *supra*, 44 Cal.4th at p. 1214.) In rare cases, the aggravated nature of the crime alone can provide a valid basis for denying

parole, even when there is strong evidence of rehabilitation and no other evidence of current dangerousness exists. (*Ibid.)*

I am also 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).) I further must afford special consideration to whether age, the amount of time served, and diminished physical condition reduce the inmate's risk of future violence. (See Feb. 10, 2014 order issued in *Coleman v. Brown,* Case No. 2:90-cv-0520 LKK-DAD (PC) (E.D. Cal.) and *Plata v. Brown*, Case No. C01-01351 TEH (N.D. Cal.).)

DECISION

After an independent and thorough review, the evidence establishes that Ms. Krenwinkel is not suitable for parole and cannot be safely released from prison at this time. She currently poses an unreasonable risk of danger to public safety.

In the cases of inmates who commit their crimes when they are under 26 years old, I am required to review the record for evidence of factors relevant to their diminished culpability as youthful offenders and any subsequent growth and increased maturity. Ms. Krenwinkel was 21 years old when she committed the life crimes. She had graduated high school and completed a semester of college. She left school, started to use drugs, and decided to follow Mr. Manson. The psychologist who evaluated her in 2022 wrote that Ms. Krenwinkel "exhibited several hallmark features of youth," including "impulsivity, immaturity, excessive risk taking, recklessness, low self-control, an imperviousness to negative outcomes, a susceptibility to Mr. Manson's influence, coercion, and abuse, indoctrination into a cult, and a lessened ability to extricate herself from her environment at home and in the Manson group."

I have also examined the record for all evidence of Ms. Krenwinkel's subsequent growth and increased maturity in prison as set forth in youth offender laws. Ms. Krenwinkel has demonstrated positive institutional conduct. She has never been disciplined while in prison and only twice cited for minor infractions, last in 2005 for violating a posted housing unit rule. Ms. Krenwinkel has also engaged in considered reflection on her crime. During her risk assessment and at her parole hearing she demonstrated effusive remorse for her leadership role in the Family that empowered Mr. Manson, and her violent criminal conduct. Ms. Krenwinkel has also made efforts to improve herself in prison. She earned an associate degree and a bachelor's degree in prison and completed four vocations, including recently earning a certificate in dog training. She has engaged in

significant self-help programming. Since her last parole denial in 2017, she has focused on programming that addresses her history of antisocial thinking.

After assessing Ms. Krenwinkel and giving great weight to the relevant youthful offender factors, I conclude that these mitigating factors are outweighed by negative factors that demonstrate she remains unsuitable for parole at this time. While Ms. Krenwinkel has matured in prison and engaged in commendable rehabilitative efforts, her efforts have not sufficiently reduced her risk for future dangerousness.

Specifically, Ms. Krenwinkel has not developed sufficient insight into the causative factors of her crime and her triggers for antisocial thinking and conduct in the context of maladaptive relationships. Ms. Krenwinkel committed her life crimes in the context of a romantic relationship with Mr. Manson, which was marked by coercive control and violence. The psychologist who evaluated Ms. Krenwinkel in 2022 wrote, "Ms. Krenwinkel had historical problems with relationships and traumatic experiences, both of which are highly relevant to mitigating risk of future violence…. Her relationship with [Mr.] Manson involved abuse and manipulation on his part as well as infidelity, all of which she permitted and tolerated." Ms. Krenwinkel fully accepted Mr. Manson's racist, apocalyptical ideologies, and told the psychologist, "He was a survivalist to the max…racist to the max…we all accepted that. I believed in him…. I was in it completely. I was whatever he wanted it to be, was what I wanted it to be so I could be accepted." She told the psychologist, "I felt he had control and I let him. I was completely dependent on him. I had no idea where we were going to or what we were doing. I let him take the wheel." She asked why she stayed involved with the Family after Mr. Manson started exhibiting violent and disturbing conduct, she said, "It was tangled up with love…. I never felt strong enough to stand up to it. He would shut down feelings I had." Ms. Krenwinkel demonstrated inadequate insight into why she was drawn to Mr. Manson, and so willing to follow him.

Ms. Krenwinkel was not only a victim of Mr. Manson's abuse. She was also a significant contributor to the violence and tragedy that became the Manson Family's legacy. Beyond the brutal murders she committed, she played a leadership role in the cult, and an enforcer of Mr. Manson's tyranny. She forced the other women in the cult to obey Mr. Manson, and prevented them from escaping when they tried to leave. As Ms. Krenwinkel told her evaluating psychologist, "No one can be a leader unless someone props them up. I'm responsible for that...propping this man up, for giving him power. By agreeing and saying yes, I created this monster. I'm responsible."

Ms. Krenwinkel's candor about the corrosive dynamics of her relationship with Mr. Manson is an encouraging sign of her developing insight. It also, however, reveals the extreme degree to which her distorted thinking in toxic relationships and her susceptibility to negative influences remain highly relevant risk factors. Given the close nexus between these risk factors and her violent conduct, Ms. Krenwinkel's current gaps in insight into these risk factors, and lack of related coping skills, make her unsuitable for parole at this time.

At her parole hearing, Ms. Krenwinkel accepted responsibility for her direct crimes, yet she continued to shift disproportionate blame to Mr. Manson for decisions and conduct within her control. When the psychologist asked Ms. Krenwinkel, "Did you plan the murders? Was there any premeditation at all?," she responded, "No. I didn't premeditate what we were going to do. I was not taken into the conversation." Ms. Krenwinkel's statement that she did not premeditate these murders is inaccurate. While Ms. Krenwinkel may not have been physically present for the discussions about these particular crimes, she admitted that, in the months before the murders, she willingly participated in weapons training in order to perpetrate a race war. The night after the murders at the Tate home, Ms. Krenwinkel willingly traveled to the LaBianca home where the intent was to inflict extreme violence on innocent people. This amounts to premeditation, and her statements to the contrary demonstrate that Ms. Krenwinkel continues to minimize her role in these crimes.

Ms. Krenwinkel's account of her time in the Family reflects a significant lack of insight into her own internal processes that led to her decision to join, support, and help execute Mr. Manson's terror campaign. During her evaluation, the psychologist asked Ms. Krenwinkel, "Did you know what you were doing when you stabbed the victims?" She responded, "Yes, I knew I was stabbing, I just didn't care about anyone else's lives. I didn't have/hold anything sacred. I was a monster. I had nothing in me." Ms. Krenwinkel summed up her time with the Family to the Board by saying, "I just kept accepting and allowing myself to go all along for the ride." The deputy commissioner at her hearing summed up her response by describing her as a "homicidal robot." However, Ms. Krenwinkel was not a homicidal robot—she was an adult who catered to the will of a violent and disturbed man. She made a series of conscious decisions over several years to continue her relationship with Mr. Manson, help him consolidate his power, and carry out acts of violence, even when he was not present to enforce them. Ms. Krenwinkel cannot be safely released until she improves her understanding of the internal processes that drew her to Mr. Manson and allowed her to remain in the harmful relationship for several years.

Ms. Krenwinkel also externalizes and shifts blame to Mr. Manson for her drug and alcohol use, which is another causative factor of her crime. When asked why she used drugs and hallucinogens, Ms. Krenwinkel replied, "I had to do it. I couldn't get away from doing it. We had to take it as a group. It was part of accepting being there…part of the cult…you would take it. It wasn't asked if you wanted to or not." Ms. Krenwinkel, however, has also reported that she had used drugs since she was 15 years old. She told the psychologist that she had used alcohol, Benzedrine, and marijuana in high school and discussed how a friend visiting her during her junior year of high school introduced her to LSD. Ms. Krenwinkel's drug use is a relevant risk factor especially because she had a prior history of drug abuse separate and apart from her relationship with Mr. Manson. Ms. Krenwinkel may benefit from additional self-help programming in order to better understand her substance abuse history, a key factor in preventing relapse.

Ms. Krenwinkel's gaps in insight also bear on her ability to manage the unique stressors and public safety challenges she will face on parole. Ms. Krenwinkel committed crimes that were among the most fear-inducing in California's history. While the crime facts are a static factor, Ms. Krenwinkel's ability to manage the consequences of committing a notorious crime remains a highly relevant risk factor. Ms. Krenwinkel has acknowledged the challenges of living in the community as former Manson Family member. She has indicated, for example, that she would possibly need to change her name if released on parole. She did not, however, demonstrate an adequate understanding of, and strategies for handling, the significant challenges she will have to navigate. I have concluded that she must do additional work to identify these challenges and develop the skills and parole plans to address them in a prosocial way.

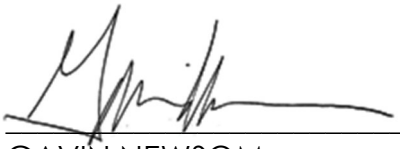
I have also given special consideration to the Elderly Parole factors for inmates convicted of murder who are older than 60 and who have served more than 25 years in prison. Ms. Krenwinkel is 74 years old and has served approximately 53 years in prison. The evaluating psychologist analyzed Ms. Krenwinkel's elderly parole factors and determined, "There is little to no evidence in the medical record suggesting Ms. Krenwinkel has experienced a significant decline in cognitive abilities with age…. She has experienced a decline in physical capacity due to comorbidities but remains mentally and physically capable of committing crimes similar to the instant offense." While Ms. Krenwinkel's life crime involved direct acts of brutal violence, as discussed above, her current physical condition is not the most relevant indication of her current risk level. Ms. Krenwinkel poses a risk to public safety because she lacks the insight and coping skills she will need to avoid maladaptive relationships and external influences. Any diminishment of her physical strength does not alone sufficiently mitigate

her risk factors for antisocial conduct. Accordingly, the elderly parole factors in this case do not outweigh the other evidence that she remains unsuitable for parole at this time.

CONCLUSION

When I consider all of the evidence, as a whole, I find that Ms. Krenwinkel still poses an unreasonable danger to society if paroled at this time. Therefore, I reverse the decision to parole Ms. Krenwinkel.

Decision Date:
October 14, 2022



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, Mark Rogowski[1] went on a date with a friend, after which they returned to Mr. Rogowski's home. As the victim was getting up to leave, Mr. Rogowski, grabbed a metal wheel lock and struck her in the face and the head. Mr. Rogowski handcuffed the victim, carried her upstairs, shackled her, cut off her clothes, then raped her for more than two hours. Mr. Rogowski stuffed the victim, who was still shackled, into a bag, before choking her to death. Mr. Rogowski drove her body to the desert and buried her in a shallow grave.

DECISION

I acknowledge that Mr. Rogowski committed this crime when they were 24 years old and that they have since been incarcerated for 31 years. The psychologist who evaluated Mr. Rogowski found that, at the time of the crime, Mr. Rogowski demonstrated hallmark features of youth, which diminished their culpability under youth offender laws. The psychologist wrote, "Multiple factors appear to have been present for M. Rogowski at the time of the life crime, including impulsivity, immature interpersonal coping strategies, recklessness, and a callous disregard for the consequences of their actions."

I also acknowledge that Mr. Rogowski has made efforts at self-improvement in prison. They have participated in significant self-help programming, including substance abuse prevention, anger management, and sex offense desistence courses. They have earned five vocations, enrolled in college courses, and work as a service dog trainer. I commend Mr. Rogowski for taking these positive steps, and I encourage them to continue on this positive path. However, these

[1] Mark Rogowski uses they/them pronouns and "Mr."

factors are outweighed by negative factors that demonstrate they remain unsuitable for parole at this time.

In 2020, I reversed Mr. Rogowski's parole grant based on their insufficient insight. I noted in the reversal decision that Mr. Rogowski had only a superficial understanding of what triggered them to inflict prolonged sexual violence on their victim before killing her. To their credit, since then Mr. Rogowski has focused on denial management and improving their insight. While Mr. Rogowski has made progress, they have not yet demonstrated that they have adequate insight to mitigate their risk for violence, nor the coping skills to succeed on parole.

Unfortunately, Mr. Rogowski has recently demonstrated that they lack the self-control and skills to prosocially navigate conflict. As documented in their risk assessment and at their parole hearing, in 2021, Mr. Rogowski had two altercations with other incarcerated people that escalated and became physically threatening. Although Mr. Rogowski's conduct did not ultimately result in disciplinary action, their discussion of the incidents highlighted gaps in insight. In both instances, Mr. Rogowski blames the other party and the staff involved for the altercation. While they may not have been the initial aggressor, they were not able to account for their contributing role, including escalating verbal disagreements and remaining in areas of conflict. Mr. Rogowski also explained that they were hesitant to ask for help in both situations, and were not fully honest with correctional staff. The psychologist noted these recent problems as relevant to Mr. Rogowski's current risk, stating "the only concern… for the examiner is the more recent lapse in judgement regarding M. Rogowski's decision to remain in circumstances that were evidently threatening for [them]." The stressors and conflict Mr. Rogowski will face on parole are different from those they face in prison, but managing them will require skills and insight that I find Mr. Rogowski must do additional work to develop.

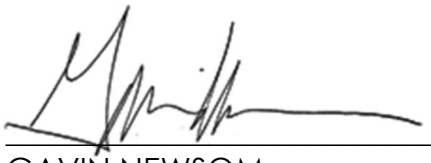
I have also concluded that Mr. Rogowski must do additional work to deepen their insight into the nexus between their reported sex addiction and violent crime. At their hearing, the Board asked Mr. Rogowski about the causative factors of their crime, and they responded, "the sexual aspect of, uh, the crime was rooted in me being a sex addict for one and not being in touch with that." Mr. Rogowski's ability to connect their history of sex addiction to their sexual violence is a first step. Mr. Rogowski did not, however, indicate that they understand the primary causative factor of the brutally violent aspect of the crime. When the psychologist asked Mr. Rogowski, "You've depicted killing her as sort of incidental to quieting her, but how else did you think it would end?" Mr. Rogowski answered, "I don't know, I don't know. [I] just didn't care, just

didn't give a damn about the consequences. This was my depravity, not caring about a human life." While Mr. Rogowski has demonstrated a sincere commitment to their rehabilitation, they must do additional work to understand what led them to act so violently, and demonstrate more developed empathy.

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 they currently pose an unreasonable danger to society if released from prison at this time. Therefore, I reverse the decision to parole Mr. Rogowski.

Decision Date:
November 4, 2022



GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

RONALD WHITE, K-16912
Second Degree Murder and Torture

AFFIRM: _____

MODIFY: _____

REVERSE: _____X_____

STATEMENT OF FACTS

In 1993, Ronald White was living with his girlfriend and her two children, including a two-month-old newborn, the victim. While under the influence of methamphetamine, Mr. White placed a blanket over the head of the crying victim to muffle her cries. The child suffocated to death. The pathology report found that the child had been smothered, and Mr. White was ultimately charged with murder.

In 1994, Mr. White's girlfriend gave birth to twins. Mr. White bit and beat the infants, and would not allow his girlfriend to tend to the babies when they cried. When the twins were five months old, Mr. White was caring for the children while under the influence of methamphetamine. He punched one of the children multiple times. The victim's body and head showed evidence of extensive swelling and bruising, and bitemarks all over his body. The victim also suffered from skull and rib fractures.

DECISION

I acknowledge that Mr. White has made efforts to improve himself in prison. He has participated in self-help programming and has completed several vocations. I commend Mr. White for taking these positive steps and I encourage him to continue on this positive path. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

Mr. White continues to minimize his actions on the day of the crime and demonstrates a concerning lack of insight into the causative factors of his violent conduct toward children in his care, and the satisfaction he derived from their suffering.

During Mr. White's 2022 risk assessment, when Mr. White was asked by the evaluating psychologist why he tortured the children, he reported that he became angry when the babies cried around him, and "started pinching the baby to make them cry. I felt that if the baby was going to cry, then I'm going to give the baby something to cry about, so I started pinching and biting the baby." When explaining what caused his anger to develop, he stated that, "he has never dealt with his anger issues," which he identified as stemming from his father's sexual molestation of his sister and niece. While Mr. White's ability to connect this early trauma with his conduct signals that he is beginning to develop insight into his triggers, his progress is nascent. I encourage Mr. White to do additional work to understand his internal processes that resulted in particularly cruel infliction of violence on extremely vulnerable victims.

I have also concluded that Mr. White must do additional work to deepen his insight into the nexus between his substance abuse and violent conduct. Mr. White has a significant history of substance abuse. During his risk assessment, Mr. White reported that he started smoking crack cocaine when he was 22 years old, and used it for five years, experiencing tolerance and cravings. He started using methamphetamine when he was 27 years old, and he was under the influence of methamphetamine during the life crime. The psychologist who evaluated Mr. White wrote that Mr. White's substance abuse is a historical factor relevant to Mr. White's current and future violence risk. The psychologist wrote, "[T]he instant offenses. . .were likely exacerbated by significant stimulant use and intoxication, which resulted in behavioral dysregulation and significantly impaired judgment."

Mr. White reports maintaining his sobriety while incarcerated. He also was able to articulate that he used substances to numb his feelings. This is an encouraging sign of his developing insight. However, I have concluded that before he can be safely released, he must be able demonstrate that he adequately understands his risk for extremely violent conduct, especially when disinhibited by alcohol or other substances, and his triggers for targeting particularly vulnerable victims. Mr. White also must do additional work to develop his relapse prevention plans, and hone his coping skills to manage his risk factor for substance abuse in the community.

CONCLUSION

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

Decision Date:
November 10, 2022

GAVIN NEWSOM
Governor, State of California

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

MARIO PADILLA, P-48648
First Degree Murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____X_____

STATEMENT OF FACTS

In 1998, 16-year-old Mario Padilla and his cousins discussed a plan to murder Mr. Padilla's mother and stepfather. Mr. Padilla and his 14-year-old cousin went to his home, covered their faces with shirts, and attacked Mr. Padilla's mother. Mr. Padilla's cousin held her down and Mr. Padilla fatally stabbed her with kitchen knives, inflicting 45 wounds. Mr. Padilla's one-month-old sister was in the room at the time of the murder.

DECISION

In making this decision, I carefully examined the record for evidence demonstrating Mr. Padilla's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender. The psychologist who evaluated Mr. Padilla wrote that multiple youth-specific factors played a role in Mr. Padilla's commitment offense, including impulsivity, an inability to extricate himself from negative home and community environments, and an inability to consider the consequences of his actions.

I also acknowledge that Mr. Padilla has made efforts to improve himself in prison over the past 24 years. Mr. Padilla earned his GED, completed a vocational program, participated in self-help programming, and is currently employed as a kitchen worker. I have given great weight to this evidence of 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. Padilla has demonstrated that he currently lacks insight into his past history of violent conduct to the extent that it elevates his risk for future violence. While Mr. Padilla has taken responsibility for killing his mother and demonstrated some

remorse, he has not yet come to see his actions in the wider context of a pattern of escalating violence around the time of the life crime.

He and his crime partner planned to kill both of his parents. They also planned to kill some of their classmates, which resulted in an additional conviction for criminal threats. When providing his account of the murder at his risk assessment, Mr. Padilla told the psychologist, "There was no detailed planning." This is inconsistent with the record. The police reports reflect that Mr. Padilla put a tremendous amount of thought into when and how he planned to kill his parents. Mr. Padilla stated that he and his cousins "planned to do this quite some time ago" but were waiting to save up money to act on their plans. Additionally, during his risk assessment, Mr. Padilla admitted that he began carrying a knife after a dispute with a classmate over a romantic interest. At no point did he acknowledge that his behavior escalated to sending the classmate letters threatening physical harm. I have concluded that Mr. Padilla's failure to acknowledge these facts demonstrates that he must do additional work to deepen his insight and understanding before he can be safely released.

The evaluating psychologist wrote that Mr. Padilla engaged in a significant amount of programming. While I commend Mr. Padilla on his efforts, a closer look at his records demonstrates that much of his programming was completed in recent years, between 2018 and 2019, and was largely focused on substance use prevention, which is only one of Mr. Padilla's relevant risk factors. Furthermore, at Mr. Padilla's suitability hearing, he was unable to meaningfully describe what he learned from these programs. Notably, the panel asked Mr. Padilla to discuss the different forms of domestic violence and he was unable to identify one. Mr. Padilla also seemed to understand domestic violence as intimate partner violence, and did not recognize the nexus between domestic violence and his murder of his mother.

Mr. Padilla's limited, recent programming, and his failure to adequately internalize it, are particularly concerning in light of the psychologist's warning that Mr. Padilla will likely face destabilizing relationship challenges on parole. While the psychologist wrote that Mr. Padilla "appears unlikely to engage in violent coping responses to stress at this point in his life," he also warned, "[g]iven the role that intense negative emotions towards close relations played in his prior violence, there is some concern that any major disappointment or bad outcome in his relationship may result in a return to negative behavior."

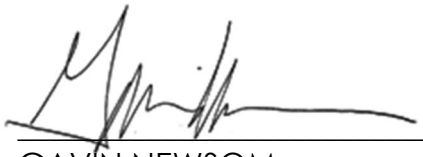
While Mr. Padilla has undoubtedly matured in some ways and made commendable rehabilitative gains, he has not sufficiently mitigated his risk for future violence. I encourage Mr. Padilla to expand his self-help programming

efforts. I urge him to deepen his understanding of the dynamics of family violence and his triggers for it, and develop the skills he will need to manage them.

CONCLUSION

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

Decision Date:
November 18, 2022



GAVIN NEWSOM
Governor, State of California