



*Public Safety and Fiscal Responsibility*

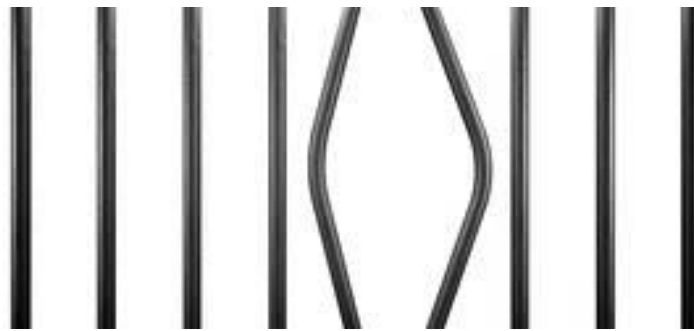
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## **THE COMMUTATIONS KEEP ROLLING**

Santa wasn't alone in dropping gifts Christmas Eve. Late in the day on December 24 California Governor Jerry Brown released his latest, and largest, batch of pardons and commutations, granting pardons to 143 applicants and changing the sentences, via commutation, of 138 current prisoners. The latest group (as of the end of the year) brings the total number of pardons issued by Brown, during his current 8-year run as Governor, to an astounding 1,189 and commutations to 152, many of those LWOP.

Following up on his pre-Thanksgiving pardon/commutation package, Brown's just-before-Christmas action brought reaction from both sides of the 'justice' debate, advocates and restorative justice champions hailing the Governor for his progressive actions, while DAs and victims' advocates largely decried the actions, claiming the Governor both re-victimized victims and made the public less safe. Brown, however, saw it differently.

"The atmosphere, the gangs, the hopelessness, sentences that are so long ... the no-exit attitude has made it virtually impossible to have any strong rehabilitative atmosphere. This has given me the interest, where I can, in instilling hope," Brown told the San Francisco Chronicle. The Governor, who, during his first 8 years as California's top elected official, presided over a major change in sentencing in 1977 which provided fixed terms for most felony convictions. Brown has said he would not sign that law today.

"I didn't fully understand the implications of where it would lead," he said, referring to what became mandated lengthy sentences, particularly for gun crimes and second and third strikers. "I thought about the idea of making things clear, certain and fair" with specified sentences for each crime would facilitate both a more just system and reduce crime. "I never thought that when you tell a man that you know when he's getting out, he loses the incentive to transform his life," thus leading to more recidivism, more prisoners and more prison crowding.

Reading through the commutation letters for each prisoner, not only those on the Christmas Eve list, but previous commutation groups, a trend is clear. Brown is making a concentrated effort to impact

those who subjected to the harshest sentences. Of the 138 commutation of sentences on Christmas Eve, more than half, 68, were LWOP inmates.

Many of those, as well as others in the commutation list, will come under YOPH guidelines at hearings, as they were under 26 at the time of their crime, the youngest singled out by Brown was 14 at the life crime. Among the 21 women prisoners who's sentences were changed by the Governor, Brown noted many had been the victim of Intimate Partner Battering. He also noted a handful who are now elderly and/or suffering from major medical ailments, severe enough to impact their ability to function in daily life, let alone criminal activities.

Some who will now be going before a parole panel sooner than expected were three strikers and several long-term determinate sentenced prisoners, who were saddled with years amounting to a toe-tag sentence. As we have noted before, in analyzing Brown's reasons for reversing parole grants, one of his triggers was the nature of the victim: women, children and/or other vulnerable individuals. Yet among this group of prisoners, there were several whose crimes involved female or child victims.

Also significant was the notice taken of VNOK opposition to any sentence change. Brown's commutation comments in these cases noted and acknowledged that opposition and the loss and damage to the victims, but pronounced the inmates' positive life change and actions overcame those objections.

In each case Brown laid out both the performance of the individual while in prison, noting those who reformed their lives while under an LWOP sentence, when there was little hope of relief. And while several of those commuted did not have pristine disciplinary records, all have accomplished major changes in their lives while incarcerated.

Perhaps reflecting his Jesuit training and background, Brown told the Chronicle, "From my background, I do believe that redemption is an essential element of being human. Many people in today's society do not believe in either forgiveness or redemption. They believe that what you do is who you are. That philosophy is not something that I share. I don't think it's Christian ... and it does not comport with historical notions of justice."

Many LWOP inmates, having already served 20 or more years, saw their sentences commuted to 25 to life, giving many of the them a chance at a parole hearing anywhere from right away to a few years. Just under a dozen will be going to hearing much sooner rather than later, Brown specifying in the commutation order that their sentences were changed to time served or sending them to immediate parole.

It should be noted that in changing the sentences of most prisoners finding relief on Christmas Eve the Governor has not thrown open the doors of prisons, allowing lifers and LWOPs to walk free. They still must prove their suitability before the Board of Parel Hearings, and, if granted parole, that decision and inmate must still face scrutiny by the Governor—albeit not Brown.

And while conventional wisdom says the Christmas Eve grace was Brown's last hurrah in this area, others note that until this Governor officially leaves office on January 6, he still has the authority, and time, to add to his legacy of restorative justice. And, as shown by Brown's predecessor, Arnold Schwarzenegger, an outgoing Governor can drop a list of last-minute sentence changes on his way to the swearing in of his successor.

For a list of those whose sentence was commuted by Brown on Dec. 24, see elsewhere in this issue.

## DECEMBER COMMUTATIONS

*Prisoner name, original sentence length, commuted sentence*

Patrick Acuna; LWOP; 25 to life; Eric Alvarado; 40 to life; 15 to life; Deryl Armstrong; LWOP; 39 to life; Blanca Avalos; 21 years; time served; Richard Bach; LWOP; 34 to life; Geraldo Bascomb; 27 to life; 15 to life; Daniel Batchelder; 15 years; eligible for parole Jan. 1, 2020.

Charles Batiste; LWOP; 29 to life; Joseph Bell; LWOP; 25 to life; Sean Benge; LWOP; 25 to life; Jessie Biggs; LWOP; 36 to life; John Butterfield; LWOP; 37 to life; Roy Camenish; LWOP; 37 to life; Michael Caputo; LWOP; 35 to life; Casey Carroll; LWOP; 25 to life; Daniel Carter; LWOP; 25 to life; John Cebreros; LWOP; 38 to life; Janine Chandler; 50 to life; 17 to life.

Monica Chavez; LWOP; 21 to life; Ceasar Cisneros, Jr.; 27 to life; 10 to life; Lamarr Cooks; LWOP; 27 to life; Manuel Cuevas; 25 to life; 15 to life; David Dougall; LWOP; 23 to life; Mario Duran; LWOP; 26 to life; Jose Esquevero; 27 to life; 22 to life; Roberto Esquivel; 48 to life; 22 to life; Huey Ferguson; LWOP; 26 to life; Robert Figueroa; LWOP X 2; 30 to life.

Michael Fischer; 35 to life; 30 to life; Gene Flack; LWOP; 29 to life; Gustavo Flores; 40 to life; 27 to life; Kelly Flynn; 33 to life; 22 to life; Palmira Galache; LWOP; 17 to life; Timothy Galvan; 77 to life; 20 to life; Vincente Godoy; LWOP; 20 to life; June Gravlee; LWOP; 30 to life; Earl Griffin; LWOP; 25 to life; Jose Gutierrez; 40 to life; 15 to life.

Anthony Guzman; LWOP; 38 to life; Jeffry hall; LWOP; 26 to life; Ricky Hamilton; 40 to life; 15 to life; Michael Hansen; 40 to life; 19 to life; Ceona Harvey; LWOP; 20 to life; Lloyd Herbert; LWOP; 23 to life; Janett Hernandez; LWOP; 17 to life; Jesus Hernandez; 36 to life; 21 to life; Ryan Hill; 28 to life; 17 to life; William Hoffman; LWOP; 20 to life; Jason Holland; LWOP; 30 to life.

Gerald Holton; LWOP; 25 to life; Daniel Hopper; 50 to life; 20 to life; Johanna Hudnall; 36 years; time served; Fateem Jackson; 36 years; immediate parole hearing; Tyrone Jackson; LWOP; 40 to life; Angel Isarraras; 59 to life; 17 to life; Dean Jacobs; LWOP; 25 to life; Howard James; LWOP; 33 to life; Daniel Johnson; LWOP; 25 to life; Charles Jones; LWOP; 26 to life; Philippe Kelly; 40 to life; 20 to life.

Adnan Kahn; 25 to life; 15 to life; James King; 30 to life; 15 to life; Karen Kirksey; 14 years; release on parole; Richardo Lagunas; LWOP; 25 to life; Ventrice Laster; 48 to life; 25 to life; Tyrell Lee; 30 to life; 15 to life; Timothy Lobertto; 23 years; immediate parole hearing; Marcella Lunsford; LWOP; 15 to life; Richard Manchego; 40 to life; 13 to life; John Manning; LWOP; 25 to life; Joseph Marshall; 79 to life; 20 to life.

Christian Martinez; LWOP; 15 to life; Christina Martinez; LWOP; 13 to life; Leugardo Martinez; LWOP; 20 to life; Rosa Martinez; 13 years; hearing in July, 2020; Demetrie Mayfield; LWOP; 36 to life; Corey McNeil; 53 to life; immediate hearing; Geraldine Meyers; 40 to life; 15 to life; Esteban Nerey; LWOP; 25 to life; Kiera Newsome; 60 to life; 20 to life.

Thaisan Nguon; LWOP; 18 to life; Heng Nguyen; LWOP; 25 to life; Si Nguyen; 48 to life; 16 to life; Tin Nguyen; LWOP; 20 to life; Walter Oatis; 22 to life; 20 to life; Armen Oganyan; 32 to life; 13 to life; Kitiona Paepule; LWOP; 30 to life; Robert Pepe; 25 to life; 11 to life; Michael Petty; 19 years; immediate hearing; Lynda Pichel; 33 to life; 16 to life.

Abraham Preciado; LWOP; 25 to life; Cynthia Purcell; LWOP; 28 to life; Dianna Preston; LWOP; 16 to life; Thomas Purscelley; 40 to life; 15 to life; Dennis Reese; LWOP; 23 to life; Richard Richardson; 47 years; immediate hearing; Genaro Rios; LWOP; 37 to life; Rick Rivera; 42 to life; 20 to life; Curtis Roberts; 50 to life; time served; Alfred Rodriguez; 50 to life; 15 to life; Risala Rose-Aminifu; LWOP; 27 to life.

Carl Saldano; 56 to life; 22 to life; Carlos Sanchez; 45 to life; 19 to life; Michelle Scott; LWOP X 2; 30 to life; Tejinder Singh; 32 to life; 20 to life; Clyde Slaughter; LWOP; 20 to life; Richard Snyder; 35 to life; 10 to life; Gabriella Solano; LWOP; 20 to life; Bonset Soun; LWOP; 28 to life; David Spivey; 58 to life; 28 to life.

David Spivey; 58 to life; 15 to life; Robert Staedel; LWOP; 30 to life; Nashawn Stewart; 35 to life; 22 to life; Ngne Tang; 35 to life; 22 to life; Mannie Thomas III; 32 to life; 14 to life; Alvin Timbol; 25 to life; 14 to life; Laura Troiani; LWOP; 35 to life; Jesus Trijullo; 50 to life; 15 to life; James Tucker, LWOP; 33 to life; John Vann; LWOP; time served; Matthey Vargas; 52 to life; immediate hearing.

Miguel Vigas; LWOP; 20 to life; Anthony Wafer; LWOP; 23 to life; Ronald Wagner; LWOP; 29 to life; Demetrius Walton; LWOP; 23 to life; Jeffrey Ward; LWOP; 20 to life; Thomas Warren; LWOP; 23 to life; Charles Weyant; LWOP; 37 to life; James White; LWOP; 38 to life; Taewon Wilson; LWOP; 24 to life; Linda Woo; 25 to life; 13 to life; Nicky Woodall; LWOP; 31 to life.



As LSA looks forward to 2019 and our ninth (!) anniversary of creation and work, looking back makes us realize how far we've come. And how far there is, yet, to go.

In some ways, it doesn't seem so long ago that LSA was started by two self-described 'pushy broads' with no money and no support, who decided that if no one else was audacious enough to take on the lifer cause, we would. The grant rate for parole was about 12%, the BPH was a seemingly impenetrable and opaque monolith and parole hearings were shrouded in mystery. All this, we hasten to add, under a very different political administration, a very different parole board and attitude.

And while only one of those 'pushy broads' remains in the fray, LSA now have support, in the form of volunteers, donors and the lifers who generously send donations and proceeds from food sales etc. while continuing to help us identify and address issues of importance to them. The BPH, under the leadership of Jennifer Shaffer (appointed in surely one of his better moves by Governor Brown) continues to increase the transparency of the process (including clearing LSA representatives to attend parole hearings as observers), commissioners receive training in and are committed to following the law, and new legislation has provided major changes in suitability factors to be considered.

The result? The grant rate is now on the upward side of 33% +/- and in the past few years (total figures for 2018 are not yet available), over 900 parole grants have been handed down annually. A far cry from the old days; when Gray Davis was governor only 8 lifers were released in his 5 years in office.

Our interaction with the BPH has become a two-way street of information and knowledge, hopefully to the benefit of all concerned. In addition to the BPH Executive Meetings, we have a chair on the Director's Stakeholder Advisory Group (the only prisoner advocate there), attend commissioner training days, attorney training workshops, and meetings with a variety of legislative offices and CDCR personnel.

Now, as more agencies, individuals, even politicians, recognize the character of lifers, their potential for change and giving back, lifers, reentry and rehabilitation have become a new 'hot topic' and growth industry. All of which we find vaguely amusing.

And LSA has been a part of this. From support of and input on legislation, to learning more about the parole and hearing process (and passing that information along to inmates) to discussions with various divisions of CDCR, we are, in fact, a recognized stakeholder, firmly seated at the table for discussion and change. And we are the ONLY consistent voice for lifers in these discussions.

It's been a long and interesting journey, one that isn't complete yet, but that continues to show great progress and potential. Lifers are coming home. It's still a difficult process, with slips and setbacks along the way, but more and more those lifers, many long-term determinate sentenced, and, gloriously now even some LWOP prisoners, who do the work, the introspection and self-change required to set them on the right path, are coming back home.

They're coming home to a much-changed world, one they, and their families, need help in negotiating and adjusting to. And thus, our mission has expanded, to assist paroled lifers and their families, as well as those still waiting release. We're a small group, but our voice is large. Numbers wise our staff is small, but in tenacity, passion for our mission and knowledge, we're huge.

And so, in 2019 we will continue to work for our expanding cohort of prisoners and families, to help educate them, explain the complicated issues and inform them of changes and upcoming actions. Some of our supporters and workers have been blessed to have their inmates come home and yet they, and many of those paroled lifers, still work for those remaining inside the wire. Others are still waiting and working for that dream, not giving up hope or the will to keep on track.

Our best counsel: stay on track, stay positive. Look to the future, don't look back. And know you are not alone, that there are those in the outside world who are working for you, aware of your struggle and here to help.



### **PLEASE PASS THE WORD....**

To those who subscribe to our sister publication, California Lifer Newsletter, we're sorry to say you'll be waiting a bit longer for the year-end issue. Because of building renovations we have been unable to access our formatting computer—which means while we have text, we have no way of creating a reproducible publication.

But—those renovations are soon to conclude and we'll be at the grindstone again, with two CLN issues back to back to start of 2019. Patience, please, and we'll see to it that everyone gets all issues.

### ATTORNEY SURVEY

Life Support Alliance is seeking information on the performance and reliability of state appointed attorneys in the lifer parole hearing process. Please fill out the form below in as much detail as possible, use extra sheets if needed. Please include your name, CDC number and date of hearing, as this will allow us to request and review actual transcripts; your name will be kept confidential if you desire. Details and facts are vital; simple yes or no answers are not particularly helpful. Mail to PO Box 277, Rancho Cordova, CA. 95741. We appreciate your help in addressing these issues.

NAME\* \_\_\_\_\_ CDC #\* \_\_\_\_\_ HEARING DATE\* \_\_\_\_\_

COMMISSIONER \_\_\_\_\_ GRANTED/DENIED(YRS) \_\_\_\_\_

INITIAL/SUBSEQUENT (how many) \_\_\_\_\_ EVER FOUND SUITABLE/WHEN \_\_\_\_\_

ATTORNEY:private/state\* \_\_\_\_\_ PRISON \_\_\_\_\_

MEET BEFORE HRG? (# of times, length) \_\_\_\_\_ HOW FAR IN ADVANCE OF HRG? \_\_\_\_\_

TIME SPENT CONSULTING \_\_\_\_\_ OBJECT TO PSYCH EVAL? \_\_\_\_\_

LANGUAGE PROBLEMS? \_\_\_\_\_ WAS ATTORNEY PREPARED? \_\_\_\_\_

DID S/HE BRING ANY DOCS NEEDED? \_\_\_\_\_ SUGGEST STIP/WAIVE? \_\_\_\_\_

**COMMENTS:**

(Please provide details regarding attorney's performance, or lack of, including interaction with parole panel and/or any DAs and VNOK present. Was attorney attentive during pre-hearing meeting and hearing, did s/he provide support/advice to you? Was s/he knowledgeable re: your case and/or parole process? Had s/he read your C-file before meeting with you? )

\*required