

Chapter Eight

Another Bite of the Apple

The Subsequent Hearing

All parole candidates who were previously denied parole shall be reconsidered for a parole hearing in the same manner as at the initial parole hearing. The hearing panel shall consider the same information considered at the initial hearing. Like the initial parole hearing, the panel will generally be comprised of a commissioner, deputy commissioner and an ADA (prosecutor representative). At least one person on the new panel shall have been present at the past parole suitability hearing, unless it is not feasible to do. Scheduling of the subsequent parole suitability hearing shall be scheduled as provided in Penal Code section 3041.5. In cases in which the panel may deny a subsequent parole hearing for more than a statutory minimum the panel shall utilize the same criteria used in determining parole suitability in initial parole hearings as applicable. The panel shall make written findings stating the bases for the decision to defer the subsequent suitability hearing for 3, 5, 7, 10, or 15 years.

If the Board defers a hearing for five (5) years, the parole candidate's C-File shall be reviewed by a deputy commissioner that a hearing be held within one (1) year if the parole candidate has been disciplinary free and programming in accordance with Board direction since the last hearing. The Board shall notify the parole candidate in writing of the Deputy Commissioner's decision. The same rights provided to a parole candidate in the initial parole hearing, are applicable to the subsequent parole suitability hearing and post-hearing procedures.

Three Year Review - Automatic

Review of three (3) year denials are automatic under Marsy's law. From now on lifers who receive a 3 year denial of parole will get an automatic review of their hearing and possibly chance to advance the next hearing ahead of the 3 years under a new policy put into effect recently by the BPH. The Administrative Review process will be initiated by the BPH and will not prevent prisoners from filing a 1045(A) Petition to Advance (PTA) at any time during the 3 year period. The review process will operate much like the inmate-initiated PTA process, and will be done in a month-for-month time frame following the denial. Thus a 3 year denial given in August, 2013, will be reviewed in August 2014 to see if the prisoner is eligible for an advanced hearing. These reviews will be conducted at the BPH headquarters in Sacramento, by a group of Deputy Commissioners, whose primary job will be to review, consider and decide on these potential hearing advancements. If a "change in circumstances or new information" and after "considering views and interests of victims," there exists a "reasonable likelihood that consideration of public and victim's safety does not require the additional incarceration," a hearing date will be advanced. The decision on whether to advance a hearing or not could take anywhere from 2 weeks to more than 30 days, depending in part on whether or not there are registered victims who must be notified. The new hearing could then be held within 5 months. **Note:** Before granting a PTA, the Board must solicit the views of the victim or VNOK before it grants a request for an advance hearing. If the Board grants the request, it must provide 90 days' notice to the victim or VNOK before it holds the hearing.

Remember the feeling of being denied parole at my Initial (Sub. 1) hearing. I was simply emotionally torn to pieces. I had thought I presented a good case for being found suitable for parole – I couldn't have been more wrong. After my Subsequent #1 (Sub. 1) hearing, I went back to my cell and started going over the pieces of the puzzle I failed to put together correctly. I kept wondering “Where did I go wrong?” I momentarily remember being told by the panel the reasons “Why I was being found unsuitable for parole” – yet it hadn't quite registered with me. All I could think about was doing everything I can to get back early and hopefully get another bite at the apple to regain my freedom. Prior to receiving my transcripts from my hearing, I had already began to set things in motion to go back early under the petition to advance hearing process. While I did not have any knowledge of how to exercise the right to apply early, I felt that what I needed to do was to basically create a new PRO-Plan for the Subsequent 2 hearing using a format that would be similar to presenting an initial parole hearing résumé (See Chapter 2).

Having the above in mind, my next move was to make sense of the subsequent hearing process. I knew that there was something missing in my presentations from the previous hearing. I began to explore the mechanics of how Marsy's Law impacted the hearing panel into giving me a five (5) year denial of parole at my Sub. 1 hearing. What I discovered was a complex process of changes in the law that directly affected my being found suitable for parole at further subsequent hearings. This chapter, in retrospect to the passage of Marsy's Law, covers two main STRATEGIES for future suitability hearing preparation: 1) filing a petition to advance a hearing date (BPH-1045(A); and 2) preparing a PRO-Plan résumé for the subsequent hearing.



Note: This chapter does not cover hearings for parole candidates with new criminal or disciplinary charges; hearings for parole candidates with a change in legal status (i.e., final court decisions altering a commitment status, modification of the judgment, and new commitments); or a parole candidate with a previously established date who then received a new commitment to State prison. This chapter only provides informational strategies to filing a petition to advance hearing date and information that might help in preparing for a subsequent parole suitability hearing.

Stripping Down “Marsy’s Law”

Before Proposition 9 was enacted, the length of the deferral (time between parole suitability hearings) was determined by California Penal Code section 3041.(5)(b)(2). That section provided:

The board shall hear each case annually..., except the board may schedule the next hearing no later than the following:

- A. Two years after any hearing at which parole is denied if the board finds that it is not reasonable to expect that parole would be granted at a hearing during the following year and states the bases for the finding.*
- B. Up to five (5) years after any hearing at which parole is denied if the prisoner has been convicted of murder and the board finds that it is not reasonable to expect that parole would be granted at a hearing during the following years and states the bases for the finding in writing.*

Proposition 9 significantly changed the law governing deferral periods. The relevant changes were codified in California Penal Code section 3041.5(b)(3) and provide:

The board shall schedule the next hearing, and after considering the views and interests of the victim, as follows:

- A. Fifteen years after any hearing at which parole is denied, unless the board finds by clear and convincing evidence that the criteria relevant to the setting of parole*

release dates enumerated in subdivision (a) of Section 3041 are such that consideration of the public and victim's safety does not require a more lengthy period of incarceration for the prisoner than 10 additional years.

B. Ten years after any hearing at which parole is denied, unless the board finds by clear and convincing evidence that the criteria relevant to the setting of parole release dates enumerated in subdivision (a) of Section 3041 are such that consideration of the public and victim's safety does not require a more lengthy period of incarceration for the prisoner than 7 additional years.

C. Three years, five years, or seven years after any hearing at which parole is denied, unless the board finds by clear and convincing evidence that the criteria relevant to the setting of parole release dates enumerated in subdivision (a) of Section 3041 are such that consideration of the public and victim's safety does not require a more lengthy period of incarceration for the prisoner than 7 additional years.

Cal. Penal Code section 3041.5(b)(3) (2010) (emphasis added).

Stripping Marsy's Law down further, the most significant changes are as follows: the minimum deferral (delay) period is increased from one year to three years, the maximum deferral period is increased from five years to fifteen years, and the default deferral period is changed from one year to fifteen years. (*Ibid.*) Further, the burden to impose a deferral period other than the default period increased. Before Proposition 9 was enacted, the deferral period was one year unless the Board found it was *unreasonable* to expect the prisoner would become suitable for parole within one year. (*Id.*) After Proposition 9, the deferral period is fifteen years unless the Board finds by *clear and convincing* evidence that the prisoner will be suitable for parole in ten years, in which case the deferral period is 10 years. (*Id.*) If the Board finds by *clear and convincing* evidence that the prisoner will be suitable for parole in seven years, the Board has discretion to set three-, five-, or seven-year deferral period.

Advancing a Hearing Date: BPH Form 1045(A)

Proposition 9 also amended the law governing parole deferral periods by authorizing the Board to advance a hearing date. The Board may exercise its discretion to hold an advance hearing sua sponte (on its own review) or at the request of the prisoner. "The Board may in its discretion ... advance a hearing ... to an earlier date, when a change in circumstances or new information establishes a reasonable likelihood to that consideration of the public and victim's safety does not require the additional period of incarceration of the prisoner... (*Id.*) Also, a prisoner may request an advance hearing by submitting a written request that "set[s] forth the change in circumstances or new information that establishes a reasonable likelihood that consideration of the public does not require the additional period of incarceration." *A prisoner is limited to one such request every three years.* Although the minimum deferral period is three years, there is no minimum period the Board must waive before it holds an advance hearing. (*Id.*)



Key Thought to Consider: *The application for requesting advancement of a new parole hearing does not guarantee the parole candidate will be granted an earlier parole hearing. Do not be naive and believe that if you simply program (i.e., only stay disciplinary free, attend religious services, and/or meet the recommendations outlined by the hearing panel) you will be granted an early hearing. A parole candidate must be able to document a change in circumstances. This means you must be able to show exceptional performance or extraordinary achievement or be able to prove inadequate performance by your assigned Board attorney, factually inaccurate psychological reports or other documents on which the prior decision was based, dismissal of disciplinary charges that were considered*

in denying parole, bias on the part of a panelist, and issues of that nature. The Board will take a serious look at such applications, provided you provide the documentation to support the change in circumstances.

In general, once you have appeared at an initial hearing, if you have not been found suitable for parole by the hearing panel, the Board, and/or the Governor, then the process begins to repeat itself for the next hearing. In this process, the parole candidate cannot simply rely on his/her initial parole board résumé plans or his/her initial hearing PRO-Plan (or equivalent) – additional information and planning becomes necessary. To advance a hearing date, it now becomes a greater importance to *identify how the specific circumstances have changed, and/or what new information would be acceptable to advance the hearing?* As stated above, if you received a new risk assessment report, this would qualify to submit the petition to advance your hearing date. Further, while a new risk assessment report would be considered new evidence (example: maybe the BPH-FAD changed risk assessment tests during the intervening period of your deferral period and the hearing panel relied on the outdated risk instrument the FAD eliminated prior to your hearing?), the parole candidate can also attach a supplemental petition to advance a hearing date in the form of an **Addendum to the Petition to Advance Hearing Date [BPH-Form 1045(A)]**.

The nature of the petition to advance a hearing date (BPH-1045(A), provides the parole candidate with an opportunity to address previous hearing panel recommendations and new information that directly answers the question, “*is the parole candidate currently dangerous and thus, unsuitable for parole?*” The BPH-1045 (A) form provides for the parole candidate or his/her attorney to attach a copy of any supporting document(s) (i.e., support letters, job offers, and/or vocational or education certificates). But, *what if the change in circumstances is new insights into the causative factors of the life crime, and/or new insights into historical elements of your past prior to the life crime?* The majority of parole candidates may not have the financial resources to hire an attorney or mental health professional to document new insights. After all, developing new insights **IS** new information. For example: the passage of time is a change in circumstances that may affect a parole candidate’s suitability for parole (i.e., the prisoner’s dangerousness) even though his/her prior criminal history has not changed. A parole candidate can, in a request for an advance hearing, explain that he/she has accepted full responsibility for his/her crime and convey his or her remorse (*See In re Lawrence* 44 Cal.Rptr.3d 169 (2008)). But do not despair; there is a way to **SHOW** how your new insights or change of circumstances should warrant the relief in granting a petition to advance hearing date.

Cultivating our Garden

In adopting the Old French saying: “*il faut cultiver no-tre jar-din*”, “We must cultivate our garden: we must tend to our own affairs” (*Webster’s Collegiate Dictionary*, Tenth Ed. (2007)), preparing to write the addendum to your BPH-1045(A) is going to take some hard work on the parole candidate’s part. The idea of writing an addendum is to supplement the petition to advance hearing date with a complete *picture of who you are*. Writing out the pros and cons of your life story is going to be like writing a legal brief for the court. The subtle differences are visible, but no less important in the approach the parole candidate is not required to follow the specific rules of the court. Here, the intended goal is to “cultivate the history of your life” with a descriptive written picture that more than shows the earliest of your memories as a child and the new discovered insights into the causative factors of your life crime. Cultivating your psychological, emotional and spiritual garden, will at times, be challenging, fearful, brutal and rewarding. The bottom line is this, your life from the moment of birth did not start out with you being a criminal – so how did the influences you learned, the behaviors you adapted too, and the people in your life, impact you into making poor decisions as an adult and following the path that led to the crime that ultimately occurred? Below is a SAMPLE format from the author’s own works that resulted in having a BPH-1045(A) granted.



Note: The addendum to the BPH-1045(A) included in this chapter is taken from the author’s own works and knowledge. The author’s formula is not a Board of Parole Hearings approved strategy or method to advancing a hearing date. The below sample is for instructional purposes only. Before writing an addendum or following the samples in this chapter to advance a hearing date, a parole candidate should consult with his/her attorney if necessary. The following formula is merely suggestive and does not guarantee the petition to advance a hearing date will be granted.

The Petition to Advance Hearing Date – Addendum

When requesting a BPH-1045(A) form the parole candidate can either request a form from their Housing Unit Counselor, or he/she can send a request to the Board of Parole Hearings:

**Board of Parole Hearings
Decision Processing and Scheduling Unit
Attn: Petition Review
P.O. Box 4039
Sacramento, California 95812-4036**

Organizing the addendum should begin by having the following:

- **Cover page** (this should be the first page)
- **Table of Contents** (Second, third, page, etc.)

Because the addendum is being written informally to enhance the BPH-1045(A), writing to the Board of Parole Hearings in a business letter format is preferable. Next, when drafting the addendum, it is advisable to format the addendum similar to the way a petition with the court is filed. You would begin by identifying the nature of the petition:

- **RE: PETITION TO ADVANCE HEARING DATE**
- **Petitioner/Applicant: [Insert Name, CDCR NO]**

The base/foundation to the petition starts with an introductory paragraph to inform the Board the nature and purpose of what you are petitioning, why you are submitting the petition, and what reason you believe entitles you to relief (having the petition granted).

EXAMPLE

- Dear Review Panel:
 - *Petitioner JAMES J. BLACK #A-00000, hereby petitions the Board of Parole Hearings ('Board') to grant the request to move his hearing date forward following a five-year denial on August 8, 2013. Petitioner respectfully requests the Board to grant the petition, based on new evidence of new information and/or change in circumstances supporting a reasonable likelihood that consideration of the public safety does not require the additional period of incarceration.*

The next two sections will also be similar to the legal brief. You want to provide facts of the crime as it is written in the Court of Appeal Opinion. You don't need to try and add facts or minimize facts. You simply need to describe the legal facts as recorded by the court. Note: If your life term sentence was the result of a plea agreement, than include the summary of the facts accepted and approved in your 859(a) Plea agreement transcript. Your facts may be short or long, depending on the circumstances of your conviction.

Don't try to manipulate the facts to your benefit. You should merely state the facts identified in the court record. After you have written out the facts of the crime, the tone shifts to the parole candidate's last parole suitability hearing. All parole candidate's who have been denied parole, were denied because of the ultimate conclusion that he/she continues to pose unreasonable risk to public safety.

EXAMPLE

➤ Facts of the Crime

- *On July 1, 1993, I beat and stomped Daniel Brown to death. (1997 Court of Appeal Opinion, pp. 2-3)...*

After you have written out the facts of the crime, the tone shifts to the parole candidate's last parole hearing. All parole candidate's who have been denied parole, are denied because the ultimate conclusion is that he/she continues to pose unreasonable risk to public safety. In this section, what you are trying to convey (make known) to the hearing panel, are the reasons why you were found unsuitable for parole at your last hearing. This will require the parole candidate to review his/her last parole hearing transcripts and take from the transcripts the hearing panel's expressed concerns for denying you parole.

EXAMPLE

➤ The Parole Suitability Hearing – August 8, 2013

- *On August 8, 2013, the Board conducted my parole suitability hearing at Calipatria State Prison. After consideration of the appropriate parole suitability factors, the hearing panel ultimately concluded that I was not yet suitable for parole in that I continue to pose an unreasonable danger to society if released from prison. The hearing panel denied me for five years. The hearing panel articulated to me that the greatest concern with me was my attitude towards the crime ... The hearing panel found that until I fully understand why I committed this crime, I am destined to reoffend and thus remain a current danger to society. The hearing panel found that my expressions of reform were not credible (2013 Board Hearing Transcript, p. 198) ... The hearing panel further concluded that I had taken positive steps toward reformation which may justify another hearing in five years rather than a lengthier period of time of up to fifteen years as now authorized in Penal Code section 3041.5.*



Note: If the hearing panel encouraged the parole candidate to utilize the BPH-1045(A) form once the parole candidate was able to express fully causative factors that led to the crime that ultimately occurred, then this should be stated at the conclusion of writing out the hearing panel's articulated concerns for denying the parole candidate parole.

In all cases of parole denial, the parole candidate is always given specific, articulated facts, by the hearing panel that led to the panel's decision. You want to address the specific facts which are basically enlarging the panel's concerns for denying parole. This becomes particularly important if the parole candidate has not been fully forthcoming in past parole hearings where the expressed level of insight has resulted in different versions of circumstances or events, especially if the specific facts of the case were not discussed during the last parole hearing.

EXAMPLE

➤ The Specific, Articulated Facts Leading to the 2013 Board of Parole Hearings Denial

- *The hearing panel noted that when asked why I committed the underlying offenses, I have given multiple stories over the course of time...*

By now, you should have established the foundations into the reasons why the petition to advance hearing date is being submitted. Next, we move into developing the body of the petition. In doing so, your petition should contain an autobiography of the insights into your life, which may have contributed to the life crime ultimately occurring. This needs to be written to show the Board you have developed insight.

EXAMPLE

➤ **INSIGHT STATEMENTS POST 2011 PAROLE HEARING**

- ***Insight into my Life Prior to the Life Crime (Autobiography)***
 - *In the reflection of my life, my childhood was fragmented by a sequence of ...*
 - *Looking into the portrait of my childhood, as a child, I...*
 - *In my new reflections, I have...*
- **Insight into the Underlying Key Personality Trait Characteristics Preceding the Immediate Triggers to my Life Crime**
 - **Emotional:** *I wanted to be liked by others. I suffered from low-self-esteem...*
 - **Psychological:** *I believed the world evolved around me. The more I believed I was in control, the stronger my ego became...*

If the parole candidate's life crime was prompted by premeditated reasons, this needs to be expressed in the form of insight. However, in expressing your insight, be careful not to bring forth facts that can potentially lead to the Board believing you are being less than credible. This is particularly important for the parole candidate who was charged with a first degree murder, but was found guilty either by plea or jury trial of second degree murder. If you felt disrespected, betrayed, humiliated, frustrated, irritated, or angry, etc., these defects of character and shortcomings might be premeditated reasons for committing the life crime.

EXAMPLE

➤ **Insight into the Premeditated Reason for the Life Crime**

- *I admit that I had thoughts to robbing Mr. Smith ... I wanted to kill him because of ...*

First...

Second...

Third...

Fourth...

Expressing culpability has to be shown squarely. In other words, the parole candidate must be able to describe the insights into the immediate factors that resulted in the behavior that ultimately occurred. Remember, the FOCAL Examination (Chapter 3). You must have insight awareness for why the crime occurred, as it unfolded before, during, and after the crime taking place.

EXAMPLE

➤ **Insight into the Immediate Factors that Resulted in the Behavior that Ultimately Occurred**

- *On all levels, I realize that I am culpable for the murder I committed. I allowed my anger to be controlled by my bruised ego. I wanted to rob Mr. Smith because I felt he betrayed my trust and I convinced myself that I had to get even with him for playing me for a fool. When he did not give me his car willingly, I murdered him and took it because of my bruised ego and greed...*

After the base of the factual insights have been written out, the next section starts identifying the new evidence or new information and/or change in circumstances that will support the advance of a Board hearing.

EXAMPLE

➤ **Change of Circumstances that Support Advancing a Board Hearing - My Acceptance of Culpability and Responsibility**

- *I acknowledge that...*
- *My new insight has allowed me to confront my actions and heal the shame that has bound me. What I have discovered about myself is ... The change in circumstances that warrant the grant of an advanced parole hearing is that I have developed new insights into the unresolved questions of my credibility leading to my life crime behavior...*

Once the parole candidate has described the new evidence of new information and/or change in circumstances, the parole candidate should write out the steps he/she has taken to heal and understand the detrimental impact of his/her actions towards the victim, victim's family, the community, his/her own family and his/herself. This involves characterizing (describing) the signs of your remorse (what you learned, how you learned it, what do you continue to do to heal and understand the detrimental impact of your actions??)

EXAMPLE

➤ **The Steps I Have Taken to Heal and Understand the Detrimental Impact of My Actions Towards Mr. Smiths, His Family, the Community, My Family, and Myself**

- **Signs of Remorse:** *Being in prison over the last twenty years, has given me time to think, and do a searching and fearless moral inventory of myself; allowing me to reflect back on the crimes I have committed...*
- *Since changing my life around, I have gained the life tools necessary to ...*
- *Most importantly, I accept that I alone am responsible for the absence of life and the pain and suffering that is felt by everyone who was touched by Mr. Smith's presence. I have matured into a man who understands that even in lacking the necessary skills to cope with my own childhood fears; I did not have the right to take away Mr. Smith's life or take away the rights of Mr. Smith's family, his loved ones, and friends to enjoy their life experiences with him ... Mr. Smith had right to feel safe in his own home ... I had no right to betray his trust by inflicting my cruelty onto him...*
- *I have learned to manage my life and not fall into old destructive behaviors of the past for emotional and psychological survival. I continue to gain the tools necessary to cope with managing my anger and resentment towards my biological mother and father for abandoning me. I have learned to let go of my anger from my abusive childhood and teenage years. I have come to appreciate that I am a worthy person and an insightful survivor of a broken childhood. I believe that I am redeemable for society. I am no longer the irresponsible man I once was. I have come to see that the significance and importance of making amends for my conduct, is not to gain forgiveness for myself; but to take responsibility for my actions and to show my respect to those I have harmed. Finally, I have learned to accept that managing my defects of character will be a life long journey; a journey of compassion and serenity on the path to regaining a positive social rehabilitation...*

The next sections entail the following:

➤ **Institutional Behavior**

If the parole candidate is working or assigned to an A1-A position, show the Board what your job responsibilities are and describe any positive supervisor work reports or chronos.

➤ **Work Performance**

The petition may be supported by describing marketable skills that have also been acquired by the parole candidate, showing the development of his/her technical/life skills and leadership qualities while in prison. Be sure to show how they apply to you.

EXAMPLE

- *I worked as a Voluntary Education Program (VEP) Tutor/Clerk. I was assigned as a Clerk/Tutor in the in the VEP Program from January 8, 2011, to February 8, 2013. My Supervisors, Correctional Educators, thought favorably of my personality and work...*
 - *I currently work as the...*
- **Marketable Skills:** *I have developed technical/life skills and leadership qualities...*
- **Teaching:** *As a mentor in the Inmate Volunteer Mentoring Program (IV-MP), I have...*
- **Leadership:** *I have been the Chairman for Narcotics Anonymous since ...*
- **Verbal Communication:** *I have performed television and public speaking commentaries...*
- **Clerical-Education:** *I liaison with prison administrators, distant education coordinators...*
- **Written Communication:** *I have written editorials and published...*
- **Clerical-Legal:** *I am a qualified paralegal/legal assistant...*
- **Computer & Office:** *I have learned basic Microsoft programming and Excel programs...*

The parole candidate should also describe any self-help programming completed, or continuous, that he/she is involved with or participating in. This way, it can be shown with self-help programming, how the parole candidate is able to gain insight into understanding the underlying and causative factors of his/her life crime.

EXAMPLE

➤ **Self-help Programming**

- *In realizing that my past anabolic steroid addiction and self-image addiction was not only a factor in my criminal past; preventing me from leading a productive and pro-social life, I have participated in weekly NA meetings since August 9, 2007 to Present. I have been the Chairman for the Thursday night Narcotics Anonymous program for the past three years. I continue to participate in various self-help groups that help to promote living right. These programs include but are not limited to... I have completed and received certifications of completion in the following Correctional Learning Network program modules...*

Towards the end of the petition, the parole candidate may want to consider describing his/her parole plans. This might include showing three (3) reasonable parole plans (transitional housing, following transitional housing, emergency), and indicate any job offer and mandatory 12 Steps meetings and random drug testing that may be necessary.

EXAMPLE

➤ **Reasonable Parole Plans:**

- *I have three concrete and reasonable plans:*
 - *Plan "A" – Transitional Housing. I will parole to the following address for the first 90 days upon my release:*
 - *Plan "B" – Following a successful reentry transition, I will reside with my wife at:*
 - *Plan "C" – in the event of an emergency, I will stay at:*

A brief summary of the job position should be expressed, as well as any transportation assistance, and assistance with purchasing long term transportation. Selling yourself on what makes you valuable to a potential employer greatly increases the Board's reassurance that the parole candidate has reasonable and viable (workable/practicable) parole plans. In summing up the petition, the parole candidate should think about discussing what recommendations were made at the last parole hearing. Showing how the recommendations have taken to heart, may impact the way the Board decides the petition.

The Conclusion is last. Here, the parole candidate has the opportunity to leave a lasting impression. Here is where you tie everything up into why you should be granted an advance hearing date. *What have you learned? What do you value? How have you been guided? And, what do you embrace about yourself and life?* Writing out your conclusion must come from the heart.

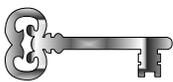
CONCLUSION

- *I am no longer 25 years of age acting out the destructive patterns of my abusive childhood, teenage years, and irresponsible adulthood. I am no longer looking for self-validation in the fear of the way how others may see and judge me. I have worked hard to find my identity and understand my destructive behaviors. I have learned to confront the pool of pain, grief, and guilt which I expressed in anger, aggression, and manipulation. I have learned to value myself as a decent human being. I humbly accept that I am not able to change the hurt that has resulted from my life crime. I however, strive to grow and be a pro-social influence in the lives of my loved ones and the community, so that I will be of assistance to those in need in the future...*
- *For the above reasons, I respectfully ask that the panel find that I have grown into a man who is worthy of being a positive contributing member of society, by granting me the privilege of parole suitability.*

Date:

Respectfully submitted,

*[Name]
[CDC #] [Housing Unit #]
[Name of] State Prison*



Key Thought to Consider: *Remember, you are not entitled to an advance hearing being granted. You are merely requesting the Board to grant the petition to advance your parole hearing date. So what you write, how you express your words, thoughts and insights do matter. Keep that in mind when reflecting on the length of time you have been away from your family, friends and loved ones. And, never forget that others have suffered greatly as a result of the crime that ultimately occurred.*

A sample Table of Contents might include the following:

	Page
INTRODUCTION	
<i>Facts of the Crime</i>	
INSIGHT STATEMENTS POST [Year] PAROLE HEARING	
<i>Insight into my Life Prior to the Life Crime (Autobiography)</i>	
<i>Insight into the Underlying Key Personality Trait Characteristics Preceding the Immediate Triggers to my Life Crime</i>	
<u><i>Emotional:</i></u>	
<u><i>Psychological:</i></u>	
<i>Insight into the Premeditated Reason for the Life Crime</i>	
<i>Insight into the Immediate Factors that Resulted in the Behavior that Ultimately Occurred</i>	
<i>My Acceptance of Culpability and Responsibility</i>	
<i>The Steps I have taken to Heal and Understand the Detrimental Impact of My Actions towards [Victim's Name], His Family, the Community, My Family, and Myself</i>	
PRISON PROGRAMMING POST [YEAR] PAROLE HEARING	
<i>Work Performance</i>	
<i>Educational Development</i>	
<i>Self-help Programming</i>	
<i>Prison Leadership</i>	
<i>Institutional Behavior</i>	
<i>Laudatory/Support Chronos</i>	
<i>Personal Growth: Counseling/Therapy</i>	
<i>Personal Growth: Moral Inventory/Spiritual Nourishment</i>	
<i>Self-Improvement Book Reports, Essays, & Position Papers</i>	
<i>Community Outreach</i>	
<i>Personal Accomplishment</i>	
PAROLE AND RELAPSE PREVENTION PLANS	
RÉSUMÉ, FINANCIAL, JOB OFFERS & TRANSPORTATION	
LETTERS OF ATONEMENT	
LETTERS OF GENERAL AND REHABILITATION SUPPORT	
<i>General Support Letters/Rehabilitation Support Letters</i>	
CONCLUSION	

SAMPLE

Augmenting supporting documents might consist of the following page titles and/or sections:

**Documents In Support of the Petition to Advance
Parole Hearing Of:
[Insert Name, CDCR NO.]**

- ❖ Table of Supporting Documents
- ❖ Resume and Job Offers
- ❖ Release Plans
- ❖ Financial, Transportation, & Additional Living Support
- ❖ Support Letters
- ❖ Programming, Certificates, Awards, Etc.
- ❖ Recent Accomplishments
- ❖ Pictures of Family & Social Support Network
- ❖ Letters of Atonement
- ❖ Personal Growth: Spiritual Nourishment
- ❖ Laudatory Support/Chronos
- ❖ Health Care
- ❖ Self-Improvement Book Reports
- ❖ Personal Growth: Education
- ❖ Work Supervisor Reports



Key Thought to Consider: *If the Board denies the BPH-1045(A) to advance hearing, the Board's decision to deny a parole candidate's request for an advance hearing is subject to judicial review. In filing a petition for writ of habeas corpus, the parole candidate or his/her legal representative must be able to demonstrate the Board did not follow its statutory commands and internal policies in fulfilling its obligations (See Gilman v. Schwarzenegger, 638 F.3d 1101). The key here is when challenging the denial of a BPH-1045(A) petition, the parole candidate or his/her attorney must be able to advance (put forth) evidence the Board has arbitrarily denied or failed to respond to the request for advance hearing. Id. Distinguishing the above, once the request to advance a hearing is made, the Board must solicit (ask for) the views of the victim or VNOK before it grants a request for an advance hearing, and if the Board grants the request, it must provide 90 days' notice to the victim or next of kin before it holds the hearing. Id. However, if a postponement occurs before the hearing, the victims and/or VNOK are given an opportunity to waive the mandatory 90 days notice. If the notice is not waived, the parole candidate will have to wait the full 90 days before the advanced hearing date can be rescheduled and heard.*

Writing your Subsequent Hearing Parole Plan:

PAROLE PLANS

[Summary]

Plan A.

Residence: *[Name of Transitional house, address, and contact name and phone number]*

Employment: *[Name of Employer, address, and contact name and phone number]*

Employment: *[Name of Transitional house, address, and contact name and phone number]*

Contacts to Assist with Finding Employment:

- *[Name of person who is assisting, address, and phone number]*
- *[Name of person who is assisting, address, and phone number]*
- *[Name of person who is assisting, address, and phone number]*

I will actively participate in substance abuse meetings, self-help programs, therapy, and spiritual enrichment as permitted during my stay at Stalwarts.

Plan B.

Residence: Living with my *[Name of person, address, phone number]*

- Behavioral Counseling: *[Name of person who is counseling, address, and phone number]*
- Marriage Counseling: *[Name of person who is counseling, address, and phone number]*
- Narcotics Anonymous, *[Name of person who is sponsor, address, and phone number]*
- Meetings will be held once a week during the hour of 7:30 – 8:30 P.M.)
- Medical Insurance: *[Name of company who is providing insurance, address, and phone number]*
- Transportation: Walk, City Bus, Personal Vehicle
- Savings Account/Credit Building: *[Name of Banking Agency who is providing assistance, address, and phone number]*
- Recreation: College, Community Volunteer Activities, Life Skills Mentoring
- Spiritual Development: *[Name of spiritual organization who will provide spiritual growth, address, and phone number]*

Plan C.

Alternate/Emergency Residence & Community Support Assistance

- *[Name of Transitional house, address, and contact name and phone number]*
- *[Name of Transitional house, address, and contact name and phone number]*
- *[Name of Transitional house, address, and contact name and phone number]*
- *[Name of Transitional house, address, and contact name and phone number]*
- *[Name of Transitional house, address, and contact name and phone number]*
- *[Name of Transitional house, address, and contact name and phone number]*

The above community support networks offer assistance with substance abuse counseling mental health services, Case Management, job training and release program services, etc.

SAMPLE

Writing your Subsequent Hearing Relapse Prevention Plan:

RELAPSE PREVENTION PLAN

(This plan is for anger, substance abuse, mental health, and to avoid criminality or the lifestyle)

Sobriety/Support Network:

- [Name] - N.A. Sponsor
- Narcotic Anonymous Meetings – Available Daily
- Narcotics Anonymous Meetings – Thursdays nights, “Space Cowboys Men’s Group” @ 7:30 – 8:30 P.M.
- Stalwart’s Transition Home Weekly Meetings – Steve Goralski, Founder/Director
- Spiritual Fellowship – Zen Center Los Angeles – Saturday Zendo Session
- Parole Agent and Supervisor
- Suzanne Red – Dual Diagnosis Counselor
- Antoinette Pink, LMFT – Couples Counseling
- Karen Color, LSCW – Individualized Behavioral Therapy
- Spiritual Advisors – Rev. Knight, Gary King Jack, Sensei, Rev. Wendy New, Father Gregory J. Boyd, Sister Mary Happy, and men in Stalward’s transitional home
- Family – Kim, (Wife), Elle (Sister), Alan (Brother), and extended family

Continuing Recovery Plan:

A Healthy and Well-Rounded Lifestyle:

Zen Meditation, Ask for help, Having a sponsor and sponsees, Proper Diet, Exercise (moderately), Journaling, Self-Honesty, Humility, and Daily Sitting

- Rely upon the ingrained N.A. step program, practicing the steps
- Establish a healthy balanced lifestyle by eating properly and exercising
- Attending N.A. meetings regularly (local and transitional home)
- Utilize support network for successful integration into society
- Maintain close contact with N.A. sponsor and support network
- Regular Zendo (Zen-Buddhist) attendance and volunteer activities
- Maintain employment and being financially responsible through budgeting
- Be humble and ask for help
- Daily meditation and spiritual reading
- Stable employment
- Stable residence
- Know my local resources
- Working Step 10 – a daily inventory
- Volunteering for community service with Fair Chance Project and Families ACT!

Problem Solving Skills or Coping Skills for Relapse Prevention:

Positive Self-Talk → remind myself how far I’ve come

Keeping it Real → be honest about everything

Time Outs → step back and evaluate

Make Good Choices → think before deciding/read my Relapse Prevention Card

Self-Awareness → know triggers and pitfalls

Acceptance → practice serenity prayer

H.A.L.T. → No important decisions when hungry, angry, lonely, or tired

Journaling → Write my challenges, results and plans down

Stop/Time Out → Take a step back from a situation

80/20 Rule → Spend 20% of the time identifying the problem and 80% of the time identifying the solution

Know Triggers (internal & external):

- Recognize stressors such as rejection, fear of the unknown, financial, family
- Wrong places, people, music or things that remind of steroid usage
- All illegal drugs and alcohol
- Poor marriage stability
- Any mood or mind altering chemical
- People, places or things that have anything to do with criminal activity
- Story telling that glamorizes criminal lifestyle
- Being yelled at, talked down to, or feeling belittled in front of others
- Aggressive, inconsiderate or invasive people
- People questioning my credibility, questioning my delusional perceptions, and allowing others to over-inflate my ego
- People emotionally hurting me

Warning Signs:

- ✓ Unresolved stress
- ✓ Difficulty in sleeping
- ✓ Isolation
- ✓ Procrastination
- ✓ Frustration
- ✓ Increased heart rate
- ✓ Increased body temperature
- ✓ Financial irresponsibility
- ✓ Negative self-talk
- ✓ Blaming others
- ✓ Repressed feelings
- ✓ Impulsive behavior
- ✓ Being resentful and/or judgmental
- ✓ Stockpiling emotions

High Risk Urge Control Plan:

- Stop or change my dangerous criminal thoughts by yelling STOP to myself and substitute any negative thought of being arrested or humiliated at work, along with causing my wife/loved ones unnecessary grief.
- Think about what needs I am trying to satisfy through re-offending and try to find some other ways of satisfying them.
- Talk to a friend, counselor, spiritual advisor, sponsor, or parole officer, or call the 211 crisis hotline
- Remove myself from the area and go someplace where I cannot offend (to someone else's house, to the police department, parole office, spiritual center, etc.)

SAMPLE

