

1 were just being kids. The inmate talked about the life
2 crime and said, well, he committed this because he
3 needed money. I would submit to this Panel that this
4 man has not advanced from that. He will do whatever he
5 needs to, whatever is in his best interest, whatever he
6 thinks is in his best interest. Not once during the
7 time that anything was discussed did he ever say
8 anything about the victim and his loss of life.
9 Everything about this crime is as it relates to the
10 inmate. It's, well, I've learned the consequences of
11 the crime, what it's going to have in terms of an effect
12 on me, not about what a horrible thing I did that as a
13 result of my shooting I killed another human being.
14 It's, no, I'm now in prison, that's awful, so I know the
15 consequences and for that reason I'm not going to do
16 that. I would submit to the Panel what is most striking
17 about this individual is the fact that he has so little
18 insight about this crime. He's never been totally
19 honest with this Panel or any other Panel about this
20 particular life crime. He and his crime partners went
21 to rip off Mr. Horace. At some point, when they
22 realized he didn't have any money, they kicked him out
23 of the car and at that point they decided they better
24 kill him because at that point he knew that they were
25 ripping him off. His crime partner started shooting and

1 then his crime partner had Mr. Chavez Lopez basically
2 fire the fatal blows, killing the victim. Until we can
3 be sure that this man has insight into his crime,
4 accepts responsibility and actually has the proper
5 remorse, this man continues to be a threat. We are
6 asking this Panel deny him parole. Thank you.

7 **PRESIDING COMMISSIONER ENG:** Thank you. Miss
8 Rutledge, final statement.

9 **ATTORNEY RUTLEDGE:** Thank you. Commissioner, it's
10 not -- it's not counsel's plan to annoy the Panel when
11 interrupting the People, but it is my job to protect my
12 client, make sure he gets a fair hearing. And it's a
13 little hard for him to get a fair hearing when so much
14 garbage is allowed into this hearing because it does
15 create a bias. I would note that the last -- I looked
16 at the last transcript and I found it disturbing that
17 the Panel allowed to hear what was more like testimony
18 from a District Attorney who did not qualify himself as
19 an expert and he was not sworn in. But yet he sat there
20 and provided -- told his opinion about how guns work,
21 having -- didn't qualify himself as saying, I've
22 reviewed the ballistic reports or I've worked with guns
23 for 20 years or anything. All's he did was sit there
24 and opine, which of course led to my client being a
25 liar, and that should not have been -- that should have

1 been objected to last year, it's trash, it's garbage. I
2 think Mr. Easton knows better. And for -- for Deputy
3 District Attorney Delagarza to even refer to that is
4 more garbage upon garbage. And I would ask the Panel
5 not to, first of all, consider any of that statement
6 last year by Mr. Easton, which was completely
7 inappropriate and unreliable. And I secondly would ask
8 the Board not to consider any of these comments about an
9 arrest, I mean a situation where he wasn't even arrested
10 about a bag, and also, you know, opining about a setup
11 when we know that there are always inconsistencies.
12 When we bring them up it's like, well, yeah, there's
13 always inconsistencies. But when you know -- my
14 client's always a liar if there's anything inconsistent
15 in the report. So I would ask that no credibility and
16 no weight be given to the -- The People's statement is
17 resting solely upon the crime and their opinions about
18 what my client has said. He sat here and told this
19 Panel, ask me whatever. In fact, when I'm done talking,
20 if you still have more questions based on what the
21 People said, my client is here to answer whatever you
22 want to ask of him. He has nothing to hide about this
23 offense. And I would also ask you, also point out, the
24 People have never sat down and talked to my client.
25 They didn't try this case. They don't know him from

1 Adam except from a file. He has three different --
2 different chronos from three different correctional
3 officers who work in the area where he lives and works.
4 They've watched him. The most recent one says I've been
5 watching this guy for three years. Let me just read
6 this from Correctional Officer Van Patton, Jr.

7 "This laudatory chronos is to inform the
8 reader of inmate Chavez's ability to work
9 well with both correctional staff and
10 other inmates. In the past three years
11 I've worked in the housing unit in which
12 he lives, in X wing, the wing in which he
13 worked. I am impressed with him
14 consistently trying to better himself and
15 his complete lack of disciplinary actions.
16 When at work, inmate Chavez's quality and
17 quantity of work is always excellent.
18 That is important due to the fact that X
19 wing runs many different programs. He is
20 currently assigned to the lead man
21 position. When inmate Chavez is back in
22 his housing unit, his comradery with other
23 inmates and respect towards correctional
24 staff is commendable. I hope the best for
25 inmate Chavez."

1 That's last month. There was -- He also had a
2 recent one from AA. There was one written in
3 2006 by -- or actually there was another one from
4 2007 also in September, Correctional Officer B.
5 Kline (phonetic). He's X wing, unit two.

6 "This laudatory is to inform the reader of
7 inmate Chavez's adherence and compliance
8 toward the proper operation of the
9 workflow within the guidelines of X wing's
10 program. As the wing's tier officer for
11 the last four years it is my duty to
12 observe and maintain a constant visual of
13 the tier. While performing my duties, I
14 am always aware of the workers, inmate
15 Chavez, among others, in the midst of
16 their jobs. I am always impressed by both
17 the quality and quantity in which he
18 performs these jobs. This is especially
19 important due to the fact of X wing having
20 to maintain more than just one program.
21 They do Ad Seg overflow, GP, close custody
22 and reception, RTQ slash CGQ inmates. I
23 impressed with -- I'm impressed with the
24 workers comradery and willingness to work
25 as a team regardless of race or other

1 differences. This behavior is very
2 commendable. It has been a pleasure
3 overseeing inmate Chavez and hope the best
4 for him."

5 Now these are two from 2007. I'm going read the
6 one from 2006 from Correctional Officer J.A.
7 Cordier, C-O-R-D-I-E-R.

8 "This laudatory is to inform the reader of
9 inmate Chavez's adherence and compliance
10 toward the proper operation of the
11 workflow within the guidelines of X wing's
12 program. As the wing's inside tier gunner
13 for the last three years it is my duty to
14 observe and maintain a constant visual of
15 the tier. While performing my duties, I'm
16 always aware of the workers, among others,
17 in the midst of their jobs. I am always
18 impressed by both the quality and quantity
19 in which -- in which he performs these
20 jobs. This is especially important -- "

21 And it talks about the program. It's almost the
22 same one that was written by the two -- the two
23 other officers. We've got three correctional
24 officer that are working where Mr. Chavez lives
25 and works. And I would ask more weight be given

1 to their opinions given their background, they're
2 -- they're living -- they're virtually -- because
3 some of them work 16-hour shifts -- living and
4 breathing with the criminal element. And for
5 them to voluntarily write a chrono for Mr. Chavez
6 says a lot. It says a lot more than what the
7 DA's theories are. These are people -- This is
8 reality. These are people that are living with
9 my client that know him. And they -- what they
10 have said about him I would ask the -- the Panel
11 to give more weight to that again and to exclude
12 any consideration of comments about the weapon
13 with no information, supportive document to
14 support that. Now going to the factors that
15 weigh in support of suitability. Age of course
16 plays a big role. Mr. Chavez was 19 at the time
17 of this crime. This was a crime involving one
18 victim. The motive was explicable, it was for
19 money. It was also during a time when Mr. Chavez
20 was separated from his family in Mexico. He was
21 19 years old and this is not a situation that
22 would be likely to repeat itself. Not that he's
23 not going to have money problems. But, one, he's
24 got skills, he's got maturity and he's learned
25 his lesson about trying to get something for

1 free. Now again, and his priors, all of his
2 priors didn't involve him beating on people or
3 doing anything. They were all kind of theft
4 things. I think it's true that at that time he
5 was trying to get over. He was desperate and he
6 thought there were easier ways to get money. And
7 clearly he knows different now. And the bottom
8 line is not whether he mentions, you know, his
9 impact on those things, it's whether he poses an
10 unreasonable risk. Not only does he not pose an
11 unreasonable risk, he's gotten zero write-ups.
12 He hasn't bothered anybody. He's earning the
13 respect of the staff. But he's going to be in
14 Mexico with his family. He's not even going to
15 be in Los Angeles County. You know, in fact I'm
16 going to ask the Board not even to consider the
17 comments of Los Angeles County. Their job was
18 over when they prosecuted this case. This was
19 not a case prosecuted by Miss Delagarza. And
20 he's -- he's going to, by his INS hold, we've all
21 agreed he's being shipped back over to Mexico.
22 So it's really not their concern or their place
23 to provide an opinion when it's not going to
24 affect them. The other thing I wanted to point
25 out too is this was, you know, it was actually

1 described by a previous Panel as gunfire
2 contagion where people just start shooting. And
3 that's not an excuse for the crime but it shows a
4 dynamic of not, you know, planning, it was not a
5 very well planned out situation. We have
6 Mr. Horace, who also had some -- helped create
7 this situation in that he was also dealing --
8 trying to complete an illegal deal and he was
9 trying to rip these people off. It's almost like
10 a -- very ironic that they were both trying to
11 rip each other off. And I think everybody's paid
12 the price for what happened on that day. And I
13 think Mr. Chavez has definitely served the
14 indicated sentence that he agreed or that was
15 actually imposed by the judge who heard the case.
16 You know all about his vocs. He has very
17 realistic plans. He's got lots of marketable
18 skills. He told you he purposely got skills so
19 he would have choices when he was faced with
20 economic pressure. He's been the building
21 maintenance, carpentry, electrical repair guy for
22 the past five years. Again, that's -- he's
23 trusted with how things work here at the
24 institution. And they're not going to give that
25 job to a conman liar who poses an unreasonable

1 risk to society. He's got numerous job offers in
2 Mexico. And they're not just, oh, we're going to
3 let him sweep. These are jobs in the field where
4 he has skills. So his -- his parole plans are
5 very realistic, very reasonable. He's going back
6 to be with his mother and grandmother and people
7 who love him. And you know, it's not in his
8 mind. They're writing letters saying, look, we
9 want him to come back, we're there for him. And
10 all of that considered, I just lastly -- and let
11 the Panel know that I've asked -- my client --
12 was asked last time to read a letter or I'm sorry
13 to write a letter to the victim, which he did,
14 and we're going to close this hearing, unless
15 again if the Panel has more questions, he'll
16 answer anything that you ask him. Anything the
17 DA wants to ask him or you want to ask him, he'll
18 answer. He's going to go ahead and read that
19 letter. Thank you.

20 **PRESIDING COMMISSIONER ENG:** Okay. So Mr. Chavez,
21 this is going to be your final statement, your letter?

22 **INMATE CHAVEZ:** Yeah, why not.

23 **PRESIDING COMMISSIONER ENG:** Okay. Go ahead.

24 **INMATE CHAVEZ:** Last time you asked -- you guys
25 asked me to send a letter to the victim wife. I didn't

1 want to do it. Why? Because I've been trying to follow
2 the five steps from the AA, not all of them. I only
3 follow the one that I have to make the inventory and the
4 ones that I have to repair any damage that I have done.
5 One of them is to make a list and try to repair the
6 damage. The damage that I did in this case I'm not
7 going to be able to change it. What is done is done and
8 I'm really sorry for that. The other one, step number
9 nine, it says that -- to keep repairing the damage, I'm
10 trying to translate this so if it's a little --

11 **ATTORNEY RUTLEDGE:** That's okay.

12 **INMATE CHAVEZ:** -- rough you already know. Try to
13 repair it, but not unless you can cause like some harm
14 to anybody, an exception it's called. And for me, this
15 letter is what it is. If I do send it in to the
16 District Attorney so they will send it to the victim,
17 for me it's like if I'm causing more pain. And a long
18 time ago when this passed I made a promise to myself
19 that no matter what I will never cause anybody any harm.
20 And because you guys asked me for this, this is the most
21 I can do. I won't send it. If you guys want to send
22 it, I'm glad if you want to do it.

23 **DEPUTY COMMISSIONER PEREZ:** We'd prefer if you'd
24 read it.

25 **PRESIDING COMMISSIONER ENG:** Yeah.

1 **INMATE CHAVEZ:** Okay. Dear Mrs. -- Miss Horace.
2 Our paths in life crosses -- crossed over an
3 unforgivable -- unforgivable and horrific act. If you
4 will please read -- read on and to understand my
5 heartfelt now much regret. The grievous action of the
6 callous and ignorant youth that took someone dear away
7 from you did the unforgivable. My bad judgment affected
8 the lives of so many people, your family, my parents and
9 siblings and any reasonable, life loving person even
10 remotely -- remotely connected to our individual --
11 individual lives. Through the years of continual
12 self-reproach and searching for answers while examining
13 with (indiscernible) honestly my soul -- my soul for
14 some sense, I am at loss to find any acceptable reason
15 for this crime other than it is manifestation was an
16 accomplice as the crime is horrible. Nothing -- Nothing
17 has horrific as this crime will (indiscernible) excuses
18 and I offer none now. Yet, if permitted, please know
19 that this longtime is of repentance as my days do not
20 end without talk of my crime, providing motivation
21 (indiscernible) to not now live in any regard in which
22 something might be regretted tomorrow. During this time
23 I have upgraded education, learning to better speak
24 English and helping those around -- around me. As I am
25 able in here (indiscernible) my kindness of extending a

1 helping hand to another who often won't ask.

2 (Indiscernible) and connection to God it is very least
3 -- it is the very least we can do. This letter should
4 have been writing many years ago. But to this day
5 finding the words that adequately express my sorrow and
6 regret elude me. I pray for guidance everyday and
7 conduct myself (indiscernible) to earn whatever grace
8 and wisdom can be brought in this life. There are no
9 amends available to any human who has done what I am
10 responsible for. If there might be an expression of
11 understanding or peace offering taken, please find it in
12 your heart to accept.

13 **DEPUTY COMMISSIONER PEREZ:** Thank you.

14 **PRESIDING COMMISSIONER ENG:** Okay. Thank you.

15 **INMATE CHAVEZ:** I'm sorry, if I didn't read it that
16 good, but I try.

17 **PRESIDING COMMISSIONER ENG:** Why don't you go ahead
18 and leave that for us too. Okay. Yeah, just leave it
19 on the side there. That's all right. So we'll now
20 recess for deliberation. The time is 10:46.

21 **R E C E S S**

22 --oOo--

23

24

25

CALIFORNIA BOARD OF PAROLE HEARINGS**D E C I S I O N**

ATTORNEY RUTLEDGE: You know --

DEPUTY COMMISSIONER PEREZ: It's not true.

PRESIDING COMMISSIONER ENG: Oh, I didn't know that, huh, okay.

DEPUTY COMMISSIONER PEREZ: Okay. We're back on record.

PRESIDING COMMISSIONER ENG: All right. Time is 11:07. All parties that were present prior to our recess for deliberations have since returned. In the matter of Jesus Lopez Chavez, CDC number J-01868, the Panel has reviewed all the information received from the public and relied on the following circumstances in concluding that the prisoner is not suitable for parole and would pose an unreasonable risk of danger to society or a threat to public safety if released from prison. One of the many factors that the Panel did take into serious consideration does go back to the commitment offense itself. And that offense was done in a very cruel and callous manner. This man jumped out of the car, even -- regardless, you know, it was three against one. Two of which were armed and ended up shooting at him. It was very, very calculated. One of the crime

JESUS CHAVEZ J-01868 DECISION PAGE 1 10/4/07

1 partners, Mr. Duran, had apparently talked to Mr. Chavez
2 and Mr. Dominguez about the plan to -- to basically rip
3 off Paul Horace in setting up some sort of a drug deal
4 and figuring that they could sell him a chunk of cocaine
5 that was actually bread for a lot of money because
6 Mr. Chavez needed money. He was in somewhat of
7 financial dire straits at the time and agreed to go
8 along with this drug sort of robbery type situation. So
9 it was very calculated. According to the Appellate
10 decision, which I read earlier, that one of the
11 witnesses saw the car that they were driving come around
12 first in the neighborhood and then returned around noon
13 time, probably an hour or so later and that's when this
14 incident happened with Mr. Horace. In any event,
15 Mr. Lopez Chavez ended up arming himself with that .45
16 caliber weapon and proceeded to discharge that weapon
17 out of the back window. He and I believe it was
18 Mr. Dominguez ended up discharging the two weapons that
19 they had. And Mr. Horace ended up sustaining multiple
20 gunshot wounds. After they were shooting, then they
21 just took off and left Mr. Horace there in the street.
22 What's lucky is that no one else was in or around the
23 area and nobody else was struck down by one of those
24 stray bullets because the number of rounds that were
25 **JESUS CHAVEZ J-01868 DECISION PAGE 2 10/4/07**

1 discharged between Mr. Chavez and his crime partner were
2 quite a few. And we're just lucky that more people
3 weren't hurt during this -- this shooting. It really
4 showed a total callous disregard for human suffering and
5 human life to -- to discharge weapons that much at a
6 person and then just take off and leave them there is
7 very, very cruel. And the motive for this crime was
8 really for apparently financial gain. And in any event,
9 very trivial in relation to the results of this offense.
10 These conclusions are drawn from the Statement of Facts
11 wherein sometime a little after noon on May 1, 1992
12 Mr. Duran had apparently convinced Paul Douglas Horace
13 that Mr. Dominguez and Chavez had some cocaine for sale
14 and he had set up a meeting basically to rip off
15 Mr. Horace by offering him this package of bunk in lieu
16 of cocaine and getting the money for it. So basically
17 they all got together. And Mr. Chavez ended up sitting
18 next to Mr. Horace in the backseat. Mr. Dominguez did
19 have -- who was driving -- did have a nine millimeter
20 handgun and Mr. Chavez had access, according to him, of
21 a .45 caliber semiautomatic gun that was underneath I
22 believe in front of him while he was in the backseat.
23 Basically, after Horace apparently became suspicious and
24 in any event he got out of the backseat of the car,
25 **JESUS CHAVEZ J-01868 DECISION PAGE 3 10/4/07**

1 shots were fired. Mr. Chavez ended up getting his
2 weapon and shooting out of their rear window. As they
3 were driving away, Mr. Dominguez -- actually it was
4 witnessed by I believe the police that he had dropped
5 the nine millimeter handgun out of the driver's side
6 window. In any event, Mr. Horace did end up succumbing
7 to those gunshot wounds and it was shown I believe in
8 the autopsy that he actually died at the hands of
9 Mr. Chavez because it was from the .45. Regarding prior
10 record, it seems like in a very short amount of time
11 Mr. Chavez quickly escalated in this type of misbehavior
12 or criminal conduct. He had only in not quite a two
13 year period went from vehicular arrest all the way to
14 murder. And again, all we see in those vehicular
15 arrests was driving without a license, driving without
16 insurance and speeding, etcetera. There was also
17 another arrest for I believe it was possession or
18 something of a controlled substance but that did get --
19 get thrown out. But all that led up very quickly in a
20 short amount of time again to this instant offense. He
21 ended up with adult probation and a -- and actually it
22 was summary probation and a few days here and there for
23 -- in county jail. Institutionally he's done very well.
24 His only misconduct while incarcerated includes one

25 **JESUS CHAVEZ J-01868 DECISION PAGE 4 10/4/07**

1 128(a) counseling chrono, that date -- dates back to
2 August 6, 1994 for possession of inmate manufactured
3 alcohol. The psychological evaluation, the most recent
4 one dated August of 2007 and authored by Dr. S. Hoyt,
5 H-O-Y-T, is not totally supportive of release in that
6 Dr. Hoyt does diagnosis Mr. Lopez Chaves with -- under
7 Axis II having antisocial personality traits, along with
8 -- when we take a look at the risk assessment and the
9 tools that were used, he did fall within the low range
10 for psychopathy. However, when we take a look at the
11 HCR-20, the history, clinical risk management, his --
12 apparently under the history, his subscales scores, he
13 was in the moderate range, while a decrease in score was
14 noted on both the clinical and risk management subscales
15 which came out low. But of concern to the Panel is also
16 in terms of the level of service inventory case
17 management which measures risk of recidivism that
18 Mr. Lopez Chavez fell into the medium range to
19 recidivate. So that is of some concern. In terms of
20 parole plans, it's obvious to this Panel that Mr. Lopez
21 Chavez has excellent family support out there. He's got
22 a rather large family back in Mexico and provided the
23 Panel with a lot of different letters of support from
24 not just family members but extended family members and
25 **JESUS CHAVEZ J-01868 DECISION PAGE 5 10/4/07**

1 also people that he -- that he grew up with. And he had
2 -- I believe there were possibly three or four job
3 offers all in auto repair back in his hometown.
4 Regarding 3042 responses, the Panel does recognize that
5 the representative from the District Attorney's office
6 of Los Angeles County was present and did state their
7 opposition to parole. A couple of things that we would
8 like to commend this prisoner with. Number one is that
9 he has been able to obtain two vocations, and as he
10 stated he sees it more like five because he did take the
11 one in the Small Engine Repair and address some
12 sub-specialties. So he is thinking about his future.
13 But he does have the Small Engine Repair that he
14 received in 2000 and then I believe it's Computer
15 Refurbishing. And there's something about a certified
16 electronic technician also. He did obtain his GED back
17 in 2001, another major accomplishment. He has excellent
18 -- excellent work reports at least as a Porter since
19 2004 to the present and the fact that he does not have
20 any 115's. But these positive aspects of his behavior
21 do not outweigh the factors of unsuitability. This is a
22 two-year denial. In a separate decision, the hearing
23 Panel finds it is not reasonable to expect that parole
24 would be granted at a hearing during the following two

25 **JESUS CHAVEZ J-01868 DECISION PAGE 6 10/4/07**

1 years. Specific reasons for this finding as follows.
2 This prisoner did commit the offense in a very cruel
3 manner, specifically he made the choice to participate
4 in this planned drug rip off of this person. And they
5 were well prepared that if things didn't start unfolding
6 the way they anticipated, he was well aware that not
7 just he but another person in the vehicle would be armed
8 with a firearm. And as he so aptly put it that he --
9 when he thought about it he thought he could get away
10 with this and he realizes that was a big mistake, but
11 still he thought he could get away with it. This was
12 definitely calculated. And he ended up pulling that
13 weapon and discharging it to a point where he ended up
14 taking the life of -- of this man. Again, it shows --
15 And the way it was carried out and the way they took off
16 and left this man bleeding there in the middle of the
17 street really shows a total disregard of human suffering
18 and human life. And the fact is they had ample
19 opportunities to cease and desist and not go through
20 with this. We're lucky that more people weren't hurt
21 and/or killed during the same incident. And the motive
22 was all for financial gain. The psychological report
23 from August 2007 by Dr. Hoyt just indicate a need for a
24 longer period of observation and evaluation. This

25 **JESUS CHAVEZ J-01868 DECISION PAGE 7 10/4/07**

1 prisoner has not completed the necessary programming
2 that's essential to his adjustment and he needs
3 additional time to gain this programming. A couple of
4 things that Mr. Lopez shows that I hope when he calms
5 down and maybe reviews the transcript he'll think about
6 this, when you chose different programs, be able to
7 explain why you chose those programs and what you
8 thought it would help you to address within yourself and
9 what specific things did you learn and how do you apply
10 any of the things that you learn so you don't fall back
11 on your poor decision making of the past. The other
12 thing that was of tremendous concern to this Panel, and
13 we did discuss this a lot, is that both of us -- both of
14 us thought that we saw a total lack of insight on your
15 part regarding what -- what caused you, what brought you
16 to think the way that you did and participate and then
17 end up taking this man's life. And also, remorse. We
18 believe that you have remorse, but you only have -- we
19 felt in what you exhibited to us that your remorse is
20 for this crime as it relates to you. And really we saw
21 no indications that you really had remorse for this
22 victim and this victim's family, but it was, you know,
23 with your own situation. And a give away was earlier in
24 the hearing when you stated yourself that it was --

25 **JESUS CHAVEZ J-01868 DECISION PAGE 8 10/4/07**

1 unlucky shot for me as you were relating to yourself.
2 And I responded to you by stating it was an unlucky shot
3 for the victim. But that came through loud and clear
4 that you were thinking in terms of this crime and how it
5 only related to you. And it really didn't -- it didn't
6 show any -- any feelings or thoughts about the victim
7 and -- and the people that were left behind for him. So
8 we felt that a longer period of observation and
9 evaluation of this prisoner -- required before a Board
10 should find that he is suitable for parole. We
11 recommend that the prisoner remain disciplinary-free and
12 that if available he participates in any and all types
13 of shelf-help, things that might help him gain some
14 insight and think about why you made the decisions that
15 you did that led you to where you are. You're -- And
16 I'm going to be honest with you, sir, you're a charmer.
17 Okay. And I think that you know how to use your charm
18 to try to get what you want and which is -- it's not bad
19 as long as you use that for good purposes and not
20 antisocial purposes. So I think that you can do a lot
21 of good things. But time will tell. So that basically
22 concludes the reading of the decision. I wish you luck.
23 Continue, you know, upgrading yourself educationally,
24 vocationally, everything that you can do, but get more
25 **JESUS CHAVEZ J-01868 DECISION PAGE 9 10/4/07**

CERTIFICATE AND**DECLARATION OF TRANSCRIBER**

I, Marsha Mees, as the Official Transcriber, hereby
certify that the attached proceedings:

In the matter of the Life)	CDC Number: J-01868
Term Parole Consideration)	
Hearing of:)	
)	
JESUS CHAVEZ)	
)	

CORRECTIONAL TRAINING FACILITY

SOLEDAD, CALIFORNIA

OCTOBER 4, 2007

8:42 A.M.

were held as herein appears. Further, this transcript
is a true, complete and accurate record, to the best of
my ability, of the recorded material provided for
transcription.

Marsha Mees

Marsha Mees
October 29, 2007
WPU, Inc.

EXHIBIT

(PSYCH REPORTS)

B 10/24 A

Inmate Copy

**PSYCHOLOGICAL EVALUATION
FOR THE BOARD OF PAROLE HEARINGS
OCTOBER 2007 SUBSEQUENT CALENDAR
FORENSIC ASSESSMENT DIVISION
CORRECTIONAL TRAINING FACILITY - SOLEDAD**

I. IDENTIFYING INFORMATION

Inmate Name:	Chavez, Jesus
CDC Number:	J-01868
DOB (Current Age):	7/8/1972 (currently 35 years old)
Controlling Offense:	Murder 2 nd with use of firearm
Date of Offense (Age at time):	5/1/1992 (then 19 years old)
Sentence:	15 years to life
County of Commitment:	Los Angeles County
Date Entered into CDCR:	12/6/1993
Date Received at CTF:	7/12/2000
Placement Score:	19 points
CDCR Forensic Evaluator:	Susan M. Hoyt, Psy.D.
Date of Evaluation:	8/22/2007

II. SOURCES OF INFORMATION

The inmate's Central File (C-File) and Unit Health Record (UHR) were reviewed. This review included a full psychological evaluation report on the inmate for the Board of Parole Hearings (BPH) authored by Dr. Macomber and dated 2004. For the purpose of the current evaluation, the inmate was interviewed on 8/22/07. He was informed that the interview was not confidential and that a report with the results of the evaluation would be submitted to the BPH to assist in determining his eligibility for parole. The inmate appeared to understand the nature of the evaluation and the possible consequences of the interview to the best of the inmate's ability. For reasons not limited to the possibility that an individual may have a mental disability or condition, which may qualify under the Americans with Disabilities Act, the evaluation was conducted by a licensed psychologist. Also, it is the conclusion of the undersigned examiner that it was not necessary to provide auxiliary aids or assistance to achieve effective communication. This evaluator is not responsible for any inaccurate statements, or subsequently changed opinions, expressed by the inmate.

This current report is an addendum for update to the BPH, and only information relevant to the current assessment, and more recent to prior reports, will be addressed. The report from May 2004, written for the BPH Subsequent Hearing should be consulted for any questions or concerns regarding background information, unless clarified otherwise below.

III. QUESTIONS POSED BY MOST RECENT (October) BPH

After the inmate's most recent BPH hearing, the panel subsequently submitted BPH Form 1000(a) requesting an updated psychological assessment of the inmate to include:

- 1). The prisoner's violence potential in the free community;
- 2). The significance of alcohol/drugs as it relates to the commitment offense and an estimate of the prisoner's ability to refrain from the use/abuse of same when released;
- 3). The extent to which the prisoner has explored the commitment offense and come to terms with the underlying causes;
- 4). The need for further therapy programs while incarcerated.

IV. INTERVIEW INFORMATION

At the outset of the interview for the purpose of this report to the Board of Parole Hearings, the planned focus was to update any information relative to the most recent full evaluation, as well as to deal with any unexamined issues relative to intrapersonal functioning at the time of the index offense. Mr. Chavez was alert and oriented in all spheres, demonstrated clear and unimpaired cognitive functioning, and was organized in expressing his thoughts and feelings in a meaningful fashion. He was assessed as having normal cognitive functioning without related adaptive needs (NCF) on 4/2/03 by the prison psychology staff, and most recent TABE test results placed the inmate at the 8th grade level (lower end). The inmate remains in communication with his family through letters, occasional visits, and on the telephone. Current leisure time activities include participation in sports, board games, and reading fantasy books.

INSTITUTIONAL PROGRAMMING: At present, Mr. Chavez remains programming in the same exemplary fashion that has characterized his entire imprisonment, and is currently working in building maintenance. While in prison, the inmate's programming has remained stable since the last report. He has received no disciplinary infractions since the last report, reflecting continued compliance with rules and expectations in prison for the past 14 years. His placement score is presently at the mandatory 19 points, where it has been since 2000. He is not seen as a management problem by custody staff, nor has he ever been deemed as such over his 14 years of imprisonment. He is not currently a member of the Mental Health Services Delivery System (MHSDS), nor has he ever been, since his CDCR imprisonment began in 1993.

The inmate attended school until the 9th grade prior to leaving Mexico, and acquired his GED while in prison. Since imprisonment, he has received vocational training in Computer Refurbishing and Small Engine Repair. He has worked in Building Maintenance for the past five (5) years where he performs such tasks, as carpentry and electrical repair. His work supervisory reports vary between satisfactory and above average. Noteworthy, he has also received several laudatory chronos for the quality and the quantity of his work, as well as for being a team player, regardless of race or differences with his peers. Self-help and therapy group participation includes Fathers and Anger Management, Impact Workshop, as well as Alcoholics Anonymous.

INSIGHT / SELF ASSESSMENT: The inmate stated his belief that he is currently a criminal, as he is in prison, but contends that "criminal behavior is not in (his) future." He reported he now feels that he is a "caring" person. He described his greatest personal strength as "my family," while his biggest weakness was described as "my temper." When asked that he provide details about his temper, he explained, "It takes me a long time to get angry, and I usually walk away, but I'm also scared of losing control." He opined that the biggest change in him over the past 14 years of his imprisonment was, "I've learned self-discipline."

PAROLE PLANS IF GRANTED A RELEASE: The inmate's current plans for parole remain the same as before, which was noted in his most recent BPH decision transcript, dated 10/30/06, as being feasible and appropriate. These plans include the inmate returning to Mexico to reside with his family, and working in an automobile repair shop. Inmate Chavez indicated that he has four (4) offers of employment and is currently awaiting support letters to confirm these plans. There are no current mental health concerns for this inmate, and diagnostically there is no change from the previous psychological report to the BPH. There is no evidence of severe mental illness in the inmate, nor is there any suggestion or documentation of a substance abuse disorder. He has no record of previous criminal behaviors before the commitment offense.

INMATE UNDERSTANDING OF LIFE CRIME: According to the Probation Officer's Report (POR), Inmate Chavez and two of his cohorts convinced the victim that they had a bundle of cocaine for sale. He (the victim) was taken for a drive by the inmate and one of his cohorts, at which time the victim's money was demanded. When the victim reported that he had no money on his person, the inmate and his cohort demanded that the victim divulge the location of the "buy money." When the victim kept insisting that there wasn't any money, he (the victim) was ordered out of the car. After the victim exited the vehicle, the inmate's cohort fired several shots at the victim and he began staggering as a result of the bullet wounds. The inmate was then urged by his cohort to "kill him," at which time Inmate Chavez smashed the rear window of the vehicle and fired several shots at the victim, one of which hit him. The inmate and his cohort then fled the crime scene and were later arrested.

Relative to the life crime, Inmate Chavez explained that he was young and immature; and, because he wished to marry his girlfriend, he made the mistake of listening to a few friends who had contrived a plot to sell a bundle of "bunk" (fake) cocaine to make money. In their attempt to do so, the inmate and cohort were driving the victim to the victim's house to obtain the money when the victim suddenly jumped out of the vehicle; Inmate Chavez had been riding in the backseat along with the victim at that time. The inmate reported that, subsequent to the victim exiting the car, he heard shots fired and consequently, he (the inmate) reached for a gun on the floor of the vehicle and began shooting at random through the rear window. He stated he couldn't see where he was shooting, because he was lying down in the backseat; he explained, "A bullet just happened to hit him (victim)." He added, "I'm not trying to make myself less guilty."

When the inmate was asked if he believed his life sentence to be a fair one, Mr. Chavez replied, "Yes and no." He explained that it wasn't his intention that someone die and wished to emphasize to the BPH how sorry he is that the tragedy occurred.

MENTAL HEALTH CONCERNS OR PERSONALITY DISORDERS: There are no current mental health concerns or substance abuse issues concerning this inmate. Similarly, the inmate denied using substances the day the commitment offense occurred. Inmate Chavez admitted to having a juvenile history which included occasional fighting, causing him to be suspended from school on one occasion. The inmate has no history of juvenile arrests. His first formal contact with the legal system was at the age of 18, in California, when he was arrested twice for driving without a license; each arrest occurred approximately one month apart. When the inmate was 19 years old, he was arrested for Possession of Narcotics, although the probation officer was unable to find any record of a complaint being filed. He was arrested a second time, at the same age, for Grand Theft Auto and Receiving Stolen Property. This second arrest occurred approximately two (2) months prior to the commitment offense. Inmate Chavez was also arrested for the commitment offense of 2nd degree murder when he was 19.

Although Mr. Chavez does not present as having a formal personality disorder, he does have a history of traits associated with such a diagnostic formulation. Due to the nature of personality traits, this diagnosis could remain with the inmate until he is able to demonstrate continued prosocial and unimpaired functioning for a protracted period of time without being under a supervised custodial living circumstance.

V. DIAGNOSTIC IMPRESSION

Axis I:	V1.09	No diagnosis or condition on Axis I
Axis II:		Antisocial personality traits
Axis III:		None known
Axis IV:		Incarceration for life term.
Axis V:		GAF: 70

VI. PREVIOUS EVALUATION SUMMARIES

There is no evidence of mental illness in the inmate, nor is there any suggestion or documentation of a substance abuse disorder. He has a minimal record of previous criminal behaviors prior to the commitment offense. Mr. Chavez was disciplinary free for his entire incarceration and had not received any CDC-115s during that 13 year time period; however, he did receive one (1) CDC-128a Counseling Chrono in 1994 for Possession of Inmate Manufactured Alcohol, which Mr. Chavez explained was "a mistake." The inmate has not been a management problem, and is typically seen as a responsible and dedicated worker in several of his job assignments, many with laudatory chronos.

Diagnostic assessment and conclusions remain similar to the previous report submitted to the BPH by Dr. Macomber. The 2004 report on the inmate suggested that risk

assessment for involvement in violent behaviors was "extremely low," and that estimate is just slightly higher at the present time, based on the instruments utilized in the current assessment.

VII. RISK ASSESSMENT/CONCLUSIONS

The current research literature indicates that an empirically based approach is the most reliable and valid method for assessing risk of future violence. In the present evaluation, two separate assessment guides were used to help estimate this individual's risk for future violence in the community: the Psychopathy Checklist – Revised (PCL-R) and the History – Clinical – Risk Management – 20 (HCR-20). The LS/CMI (Level of Service/Case Management Inventory) was utilized as an objective, actuarial assessment of the inmate's risk for general recidivism. The data for scoring these instruments were obtained from information derived in both the inmate interview and the files reviewed. These measures are widely used and are supported by years of research in the risk assessment field. They have been cross-validated with various forensic populations, including United States males in correctional settings; however, the following results need to be regarded with some level of caution since some individuals may possess idiographic differences that could limit the applicability of these instruments. The evaluator has taken these factors into consideration in determining how much weight to allot each of the measures and in formulating an overall estimate of risk for future violence in the community. Estimates of risk for violence will be presented categorically: low, moderate, or high.

Assessment Results:

PCL-R: The Psychopathy Check List – Revised, 2nd Ed., (PCL-R) is a standardized rating scale of psychopathy, which is a personality trait that is strongly linked with risk for future violence. Mr. Chavez's overall score on this rating scale placed him at the 8th percentile, which is within the **low** range and does not meet the cutoff score indicative of significant psychopathy. The items on this instrument make up two PCL-R factors, measuring the extent of a selfish, callous and remorseless use of others (interpersonal and affective traits), as well as a chronically unstable and antisocial lifestyle (general social deviance). Mr. Chavez's scores on these factors were at the 40th percentile and 5th percentile range for male prison inmates, respectively. Results of Factor 1 fell within the "moderate" range reflecting moderate deficits in interpersonal functioning and affective processes. His score on Factor 2 fell within the "very low" range with regard to general social deviance.

HCR-20: The History – Clinical – Risk Management – 20 is a measure that includes 20 risk factors for future violence that are divided between historical, clinical, and future risk management items. Mr. Chavez's subscale scores were in the **moderate** range on the history scales while a decrease in score was noted on the clinical and risk management subscales, both of which were **low**. The inmate's total score on the HCR-20 indicated that, overall, he has risk factors that place him in the **low** risk range for future violence.

LS/CMI: The Level of Service Inventory/Case Management Inventory is an actuarial instrument designed to evaluate levels of risk to recidivate. This instrument is focused on

a risk of general recidivism and not violence per se. The inmate's overall LS/CMI score indicates that he is in the **medium** range, having scored equal to or higher than 9% of the North American sample of incarcerated male offenders.

The Board of Parole Hearings' questions will be addressed for each issue presented, as noted in an earlier section of this report.

1). *The prisoner's violence potential in the free community;*

In the "historical" domain of assessing likelihood of future violence, available information indicated that the inmate came from a non-abusive one-parent household where he was raised by his grandfather for the first few years of life, after which he went to live with his mother. When the inmate was approximately 13 years of age, he went to reside with his father. Inmate Chavez arrived in the U.S. illegally, with his father, when he was 16 and he remained until he was arrested for the commitment offense at the age of 19. ~~The inmate admittedly began experimenting with drugs and alcohol when he was~~ approximately 14 years of age as a result of peer pressure, but stated that he "didn't like them." He was employed by his uncle as a plasterer and painter from the ages of 16 until approximately 18, and until his uncle lost his business. The inmate then began working for a tire repair shop, where he remained for approximately six (6) months and until he was arrested for the index offense. The inmate has no history of juvenile arrests.

As a young adult, behavioral control was generally inadequate, although criminal arrests were exclusive to vehicular, property or drug crimes prior to the controlling offense. The inmate was arrested twice when he was 18 years of age for Driving without a License. When he was 19, he was arrested for Possession of a Controlled Substance, Grand Theft and for Receiving Stolen Goods prior to being arrested for 2nd degree murder at the same age. Mr. Chavez resided with his common-law wife of one year prior to his arrest. Since his imprisonment, the inmate has received no CDC-115's and only one Counseling Chrono. He currently has a mandatory minimum of 19 points which he has maintained since 2000. Supervisory work reports range between satisfactory and above average. He also has received laudatory chronos commending him for the quantity and quality of the work he performs, as well as for his ability to get along with others.

The inmate has no juvenile criminal history, including no gang involvement, substance abuse, school failure, legal detention, failure on supervised release (probation), nor court wardship. He did not become involved in criminal activity until he was an adult, and that behavior appears to have progressed fairly quickly, going from traffic tickets to Grand Theft Auto to murder; all within a two-year time period. While in prison, however, the inmate has made significant life progress and improvements in education, vocational upgrades, self-help programming, and general maturation. He has been disciplinary free for his entire 14 years of imprisonment, and has held a placement score of the mandatory 19 points for the past seven (7) years. In this domain, the inmate presents a *low* risk of future violence. Given that the bulk of data contributing to this estimate is historical, then by definition, this score is not amenable to significant change regardless of the number of years of his incarceration.

In the "clinical" or more current and dynamic domain of risk assessment, the inmate presented as mildly glib and immature while continuing to demonstrate a lack of insight into his part in the commitment offense. Mr. Chavez has adequate access to the appropriate use of judgment and reasoning. He has no significant attitudinal difficulties, has no major mental illness, and is emotionally and behaviorally stable. In this domain, the inmate presents a *moderately low* risk of future violence.

As for the "management of future risk" domain, Mr. Chavez will be exposed to a variety of situations in the community which may have led to violence in the past and which may try coping skills in the future. Therefore, it is also important to determine the likelihood of the inmate's exposure to significant stress and/or destabilizers, as well as evaluating the nature and extent of outside support and how the inmate will respond to that support. In this inmate's case, his parole plans appear to be feasible with the necessary personal and social supports in place. At this time, the inmate also reported being very amenable to any recommendations or requirements as set forth by the BPH in helping to justify a parole. In this domain, the inmate presents a *low* risk of future violence.

Overall, then, risk assessment estimates suggest that the inmate poses a *low* likelihood to become involved in a violent offense if released into the free community. This estimate takes into account the inmate's cultural background, personal, social and criminal history, institutional programming, community/social support, release plans, and current clinical presentation. In addition, there is the caveat that such an assessment is at least partially based on the likelihood of continued abstinence from any substance abuse.

2.) *The significance of alcohol/drugs as it relates to the commitment offense and an estimate of the prisoner's ability to refrain from the use/abuse of same when released;*

The inmate reported he experimented briefly with substances when he was approximately 14 years of age, but has maintained sobriety for the past 20 years. Additionally, he has participated in AA/NA for a number of years, and he reported that he attends so that he might learn and gain a better understanding of the negative consequences of substance use/abuses. As such, the inmate's ability to refrain from use/abuse when he is released appears to be minimized.

3.) *The extent to which the prisoner has explored the commitment offense and come to terms with the underlying causes;*

Inmate Chavez has participated in several self-help groups while in prison and has matured in doing so. It is unlikely that a requirement for further exploration of the instant offense will produce more significant behavioral changes of a positive or prosocial nature in the inmate.

5.) *The need for further therapy programs while incarcerated.*


Inmate Chavez does not currently present as a candidate for additional noteworthy change as a result of psychotherapeutic intervention, from which he is effectively precluded by virtue of his GP status. Ongoing education, and involvement in self-help, self study (bibliotherapy), or introspective treatments groups (if available to life term inmates without mental health issues) is encouraged, but his group treatment should not be considered mandatory



Susan M. Hoyt, Psy.D., CA License # PSY-19651
Forensic Psychologist / Forensic Assessment Division
Board of Parole Hearings
California Department of Corrections and Rehabilitation

8/28/07

Date Submitted



Reviewed by: Steven Walker, PhD; CA License #PSY-11894
Senior Psychologist, Supervisor

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**PSYCHOLOGICAL EVALUATION FOR THE BOARD OF PRISON TERMS
REVISED SEPTEMBER 1998
PAROLE CONSIDERATION HEARING
JANUARY 2006 LIFE-TERM INMATE CALENDAR
CORRECTIONAL TRAINING FACILITY, SOLEDAD
DECEMBER 10, 2005**

ADDENDUM TO PSYCHOLOGICAL EVALUATION OF 05/29/04

NAME: CHAVEZ, JESUS
CDC #: J-01868

On 08/04/04, the Board of Prison Terms' panel requested a new psychological evaluation to address inmate Chavez's progress during their one-year denial. This evaluator completed the last psychological evaluation, which is still current and valid. All of the statements and conclusions made in that evaluation are still appropriate. The psychosocial assessment was reviewed and is still current. Therefore, that information will not be repeated at this time. This addendum evaluation is based on a 60-minute interview.

Inmate Chavez continues to remain disciplinary-free. He spends his time participating in self-help classes in order to improve his understanding and knowledge. He has completed parenting classes, Anger Management classes, and several Criminon classes during the last year. He also is active in playing soccer, and he has several certificates indicating that. He also continues to read his Bible regularly.

I reviewed the details of the Life crime with inmate Chavez. The discussion of the circumstances of the Life crime listed in the previous evaluation by this writer is still current and valid. He continues to have feelings of remorse about the victim's death. He has feelings of remorse about his actions at that time, in his being involved in this illegal and dirty transaction that he should never have become involved in.

The Level of Service Inventory-Revised, was administered. This is an actuarial measure that assesses criminal history, substance abuse (which in this case is not an issue), educational attainment, vocational attainment, emotional problems, and several other factors. His score indicated a 1.4 cumulative frequency for prison inmates. This means that if 100 men were released on parole, he would do better

CHAVEZ, JESUS
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than 98% of them. This is an extremely low risk score. The prognosis for successful adjustment in the community is excellent.

He continues to be determined to reside in Mexico with his family upon his release from prison. He stated that, although America is the "land of opportunity," he threw away his opportunity to continue to live in the United States because of his irresponsible and foolish actions in the commitment offense. He stated that he will be very happy to return to Mexico, and stay there for the rest of his life.

In summation, inmate Chavez continues to make good use of his time, improve in his understanding of life by taking courses, and he does have viable skills that will enable him to support himself in the community. He also has considerable family support, as well as job offers.

M. Macomber, PhD

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Correctional Training Facility, Soledad

B. Zika, Ph.D.

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Senior Supervising Psychologist
Correctional Training Facility, Soledad

MM/gmj

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**PSYCHOLOGICAL EVALUATION FOR THE BOARD OF PRISON TERMS
(REVISED AUGUST 1998)
PAROLE CONSIDERATION HEARING
AUGUST 2004 LIFER CALENDAR**

**CORRECTIONAL TRAINING FACILITY, SOLEDAD
MAY 29, 2004**

PSYCHOSOCIAL ASSESSMENT

I. IDENTIFYING INFORMATION:

Inmate Chavez is a 32-year-old (date of birth: 07/08/72), first term, Hispanic male who is serving a 15-year to life sentence from Los Angeles County for the offense of PC 187, Murder, Second Degree. This offense occurred on 05/01/92. Inmate Chavez is an illegal alien with a United States Immigration hold from Mexico. He is a Catholic. His MEPD is 04/23/05. Inmate Chavez has learned English as a second language. He was able to communicate very well in English, and no interpreter is needed. He does not have any disabilities according to the Americans with Disabilities Acts.

Sources of information: Inmate Chavez was interviewed on 05/28/04 for 90 minutes. In addition, his Central file and medical file were reviewed.

II. DEVELOPMENTAL HISTORY:

Inmate Chavez was born and raised in Mexico. He stated that his birth was normal. As a child, his health was good. There is no evidence of any abnormalities in speech, language, or motor development. He denied ever having a history of arson or cruelty to animals. He stated that he did wet the bed until about the age of seven. He denied being abused as a child. He admitted that his mother used to hit him whenever he did something wrong. He was raised in a home that did not have stable parental supervision, as his father was never there. Information in the record suggests that he was physically abused as a child.

III. EDUCATIONAL HISTORY:

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Inmate Chavez completed the ninth grade in Mexico. His grades were average. He denied ever being suspended. He stated that he did get in a few fights with other students. He stated that he enjoyed school, and he enjoys learning. He stated he had many friends. He left school in order to move to another area to live with his father. At that point, he started working with his father. He has, on his own, by cell study, completed his GED. He completed his GED on 04/03/01. His TABE scores indicate that he was reading at the ninth grade level. Completing his GED with English as a Second Language on his own is quite an achievement.

IV. FAMILY HISTORY:

Inmate Chavez's biological father died three years ago from heart failure at the age of 58 in Mexico. His mother lives in Mexico and is 51 years of age. She visits him at least once a year. He stated that his grandfather raised him until he was four years of age. At that point, he moved in with his mother, who raised him until his mother and father separated when he was about eight years of age. He stayed with his mother until he left in the ninth grade to live with his father.

Inmate Chavez stated that there is no family history of mental illness, criminal behavior, or drug or alcohol abuse. He did indicate that his grandfather used to drink alcohol. He is the oldest of five children born in Mexico to his biological mother. Counting his father's children, there are 13 siblings in the family. He keeps in regular contact with all of his siblings who live primarily in Mexico. He listed five of his sisters that come to Soledad on a regular basis to visit him, in addition to his mother. He described his relationship with his family as being very close. Based upon the numerous letters of support in his file, this would appear to be a very close, supportive family.

When asked to describe his home life, he stated that he felt somewhat confused as a child. He was initially raised by his grandparents, then his mother, and then his father. He stated that he was disciplined by being grounded. His mother also would physically discipline him. He denied running away from home as a child. He stated that he can remember getting into trouble up until the age of [REDACTED]. He left home at the age of 16, and came to the United States to work with his uncle in the construction business. His uncle had his own construction business, which failed, resulting in his unemployment and subsequent involvement with the law.

V. PSYCHOSEXUAL DEVELOPMENT AND SEXUAL ORIENTATION:

Inmate Chavez describes himself as having a heterosexual orientation. No history of sexual aberrant behavior. There is no history of high-risk behavior or aggression. He stated that his first sexual relationship was at the age of 14, and he has had three partners in his lifetime.

VI. MARITAL HISTORY:

Inmate Chavez has never been married, and has no children.

VII. MILITARY HISTORY:

Inmate Chavez has never been in the military.

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VIII. EMPLOYMENT/INCOME HISTORY:

Inmate Chavez was arrested at the age of 19. From the ages of 16 until he was arrested, he worked for his uncle in construction. When that work ended, he worked in a tire shop.

In the institution, he has obtained certification and completion in vocational small engine repair. He stated that he worked on small diesel engines, motorcycles, and marine motors. He has been certified as employable in this field. He also worked in vocational computer repair for two years until that program was discontinued. He would like to obtain further vocational training in computer repair. He also has a strong interest in automobile engine repair.

IX. SUBSTANCE ABUSE HISTORY:

Inmate Chavez stated that he experimented with alcohol at the age of 14, using it two times. He disliked the taste, and stopped any further use of alcohol. He also experimented with cocaine on one occasion, but did not like it. He also experimented at the age of 14 with marijuana, but also stopped this use because he did not like its effects. He has not become involved with any other drugs. It is evident that he does not have a history of alcohol or substance abuse or dependence. He has attended Alcoholics Anonymous and Narcotics Anonymous on a voluntary basis in prison for his own personal edification and goals.

X. PSYCHIATRIC AND MEDICAL HISTORY:

Other than the fact that one leg is shorter than the other (which has caused him chronic backache in the past). He now wears a lift on his shoe that has corrected his problem, and his backache is in remission.

When he first came to prison, inmate Chavez was advised by other inmates that he would obtain favorable placement if he was mentally ill and complained of auditory hallucinations. He stated that he tried this, but did not like the medications that he was given, which he knew he did not need. He finally came to mental health staff and explained what he was doing, and he was taken out of the mental health program.

In reviewing his mental health file, on 08/19/94, he received a psychiatric evaluation at California State Prison in Los Angeles County by Geoffrey Di Bella, M.D., staff psychiatrist, who had prescribed Mellaril for his alleged voices. He was described as an individual with a basic decency who was striving to improve himself. The diagnostic impression was intermittent explosive disorder, personality disorder with immaturity, and perhaps some antisocial personality features.

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On 03/24/98, he received a psychological evaluation prepared for the Board of Prison Terms, written by Robert Fire, Psy.D., psychologist, who indicated that as a child he was beaten a lot and didn't feel that he was loved. He has since reconciled with his parents. The mental status examination was within normal limits, with no evidence of psychopathology. The diagnostic impression was adult antisocial behavior, no personality disorder.

XI. PLANS IF GRANTED RELEASE:

Inmate Chavez has a U.S. immigration hold to return to Mexico when he is released on parole. He is very enthusiastic about returning to Mexico. He has strong family support in Mexico, as well as four different job offers from members of his family who own automobile repair shops. His mother lives in Sinaloa, Mexico. Although he does have family members that live in California, and would offer him some support, he is definite about wanting to return to Mexico to be close to his family.

CLINICAL ASSESSMENT

XII. CURRENT MENTAL STATUS/TREATMENT NEEDS:

Inmate Chavez was alert and well oriented. His thinking was rational and logical. His speech was normal, fluent, and goal oriented. Although English is his second language, he communicates very well in English, and is very easy to understand. His self-awareness, insight and judgment are normal. His memory is intact. His attitude was enthusiastic and upbeat. It is evident that he does have strong feelings of empathy towards others.

As the previous evaluator noted, he does impress as being a basically decent individual. It is evident that he is a loving, caring individual who has matured a great deal over the years, and has a basic sense of concern and empathy towards others.

There is no evidence in the written documentation or the interview that he experiences symptoms of a personality disorder at this point in his life. Despite his history of minor delinquent behavior as well as the commitment offense, there is no indication of antisocial thinking or values. There is no history of serious problems with drug or alcohol abuse in this case.

CURRENT DIAGNOSTIC IMPRESSIONS:

AXIS I: No Mental Disorder.
AXIS II: No Mental Disorder.

AXIS III: No Disorder.
AXIS IV: Life term incarceration.
AXIS V: Current GAF = 85.

XIII. REVIEW OF LIFE CRIME:

Inmate Chavez stated that at the time of this offense, he was living with a woman, and they were engaged to be married. He had lost his job with his uncle due to the failure of his uncle's construction company. He was trying to work in a tire shop, but was not earning enough to pay the bills and the rent.

Why

Inmate Chavez stated that he was feeling bad because the rent was due, and he ran into a friend who offered to help him raise money for the rent. The plan was to wrap a loaf of bread up in tinfoil to look like a ~~roll of money~~. His friend knew of a drug dealer that he thought would buy this item. He went with his friend as they met with the drug dealer on a street corner in Los Angeles. The drug dealer gave them some money, and then asked them to drive him to his house.

As the drug dealer was giving directions toward his house, inmate Chavez realized that they were being led into an industrial area, which was not at all residential, and he became quite suspicious. He communicated this suspicion in Spanish to his friend. They were guided into a cul-de-sac in an industrial area, where they pulled up to the curb and stopped. At the end of the street, there were two men, friends of the drug dealer, who were hiding in a car so they couldn't be seen. The drug dealer got out of the car and began to run. The two other men that were hiding proceeded to shoot at inmate Chavez and his crime partners. A crime partner shot towards the victim, who stumbled. Inmate Chavez then reached under his seat to grab a gun, and stated that the back window "blew out." He stated that he aimed the gun behind him without turning to look in the direction he was shooting, and pulled the trigger several times. He stated that he hit the victim in the heart with one of his shots. He stated that the first shots were fired by the victim's friends.

action

Inmate Chavez expressed feelings of remorse about the victim's death. He stated that he was very immature at the time of the offense. He stated that he is responsible for the victim's death. He stated that the damage that he has done can never be corrected. He stated he feels shame and regret about what he did. He stated that he had no business getting involved in this illegal, dirty transaction, and that he should have never become involved. His feelings of remorse and sorrow appear to be quite sincere.

*How I
Feel
about
my crime
and the
pain that
I cause to
his family
and my
family*

XIV. ASSESSMENT OF DANGEROUSNESS:

A. Inmate Chavez has remained disciplinary-free over the years. This is quite an achievement. He did receive a CDC-128A informational chrono indicating possession of alcohol, or "pruno." He stated that this alleged

CHAVEZ, JESUS
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pruno was found in the kitchen, and he was not involved in the kitchen. He stated that it was very difficult for a young Hispanic male to stay out of difficulties in the prison environment, and ~~he is currently being pressured to get into trouble with the prison.~~ He stated that he has had to learn how to handle this pressure and frustration in a positive way so that he doesn't get into trouble.

Inmate Chavez stated that the commitment offense was related to his severe immaturity and poor judgment. He stated that he thinks about the consequences of his actions now. He also thinks about the negative effects of having bad associates and making bad choices. He values his family, and he said he thinks of them whenever he is in a difficult situation, resulting in his making prosocial choices. Inmate Chavez has remained disciplinary-free, and this is quite commendable. It does show evidence of self-control, maturity, and the ability to handle sometimes extreme social pressure in a positive manner.

In comparison to other inmates, his potential for dangerous behavior in the institutional environment is definitely below average.

- B. It is evident that inmate Chavez has grown in maturity, social responsibility, and life skills since the commitment offense occurred. It was also evident in the interview that he does have deep feelings of concern for the welfare of others. He is free from any symptoms of personality disorder. His thinking does not show any evidence of antisocial values. He is not at all criminally oriented. When released on parole, his potential for dangerous behavior in the community is no greater than the average person in the community.
- C. ~~In considering risk factors in this case, there is no history of drug or~~ alcohol abuse or dependence that would contribute towards a risk when he is released on parole. He does not have antisocial thinking or values that would cause a risk for reversion to criminal actions. There does not appear to be any risk factors in this case at this time.

XV. CLINICIAN OBSERVATIONS/COMMENTS/RECOMMENDATIONS:

There is no evidence of mental or emotional problems in this case that would interfere with being granted a parole date. Inmate Chavez does have skills that would enable him to support himself in the community in small engine repair. He also has job offers as an automobile mechanic from family members in Mexico. He plans on returning to Mexico immediately upon his release. He stated that he knows very well the negative consequences of ever returning to the United States when he is released.

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I agree with the previous evaluators that have said he seems to be exerting his best effort at improving his life, acquiring good skills for his life, and upgrading himself academically. Passing the GED with English as a Second Language is quite an achievement.



Melvin Macomber, Ph.D.
Licensed Psychologist
Correctional Training Facility, Soledad



B. Zika, Ph.D.
Senior Supervising Psychologist
Correctional Training Facility, Soledad

MM/gmj

D: 05/29/04
T: 06/03/04

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EXHIBIT

(EDUCATION / VOCATION)

STATE OF CALIFORNIA
CDC 153-B (11/82)

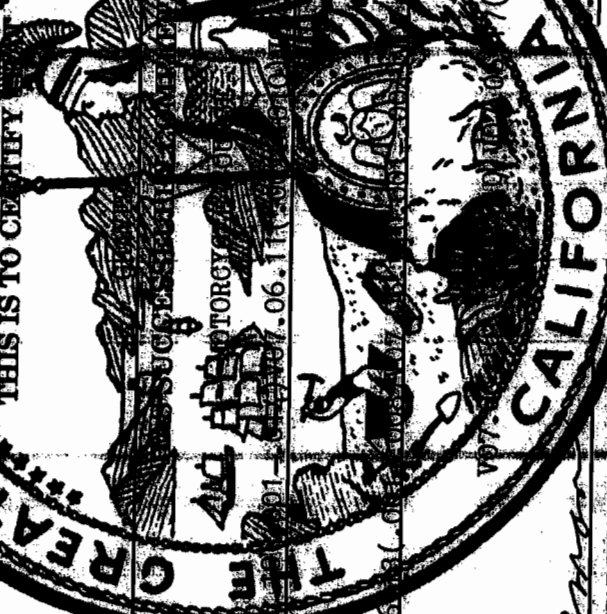
DEPARTMENT OF CORRECTIONS
J-01868

Vocational Instruction

CERTIFICATE OF COMPLETION

THIS IS TO CERTIFY

STATE OF CALIFORNIA



ALL RIGHTS RESERVED

VO7.06 (11-01-06) (004)

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VO7.06 (11-01-06) (004)

B. Freeman
SUPERVISOR OF VOCATIONAL INSTRUCTION

[Signature]
VOCATIONAL INSTRUCTOR

LOG # BSE-00181

DATE _____

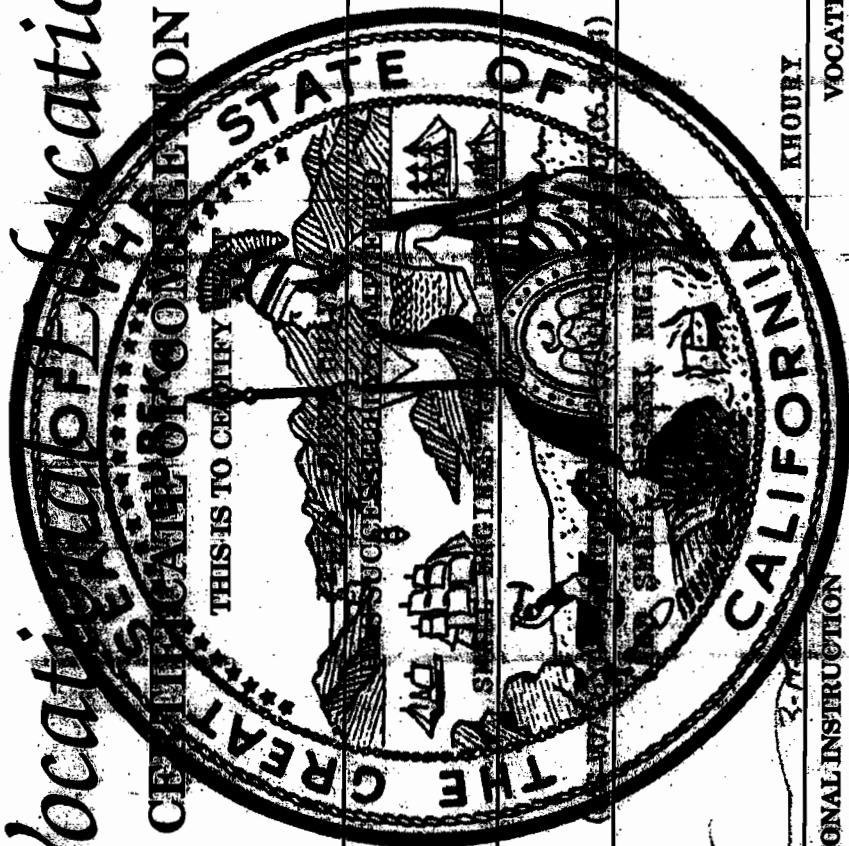
STATE OF CALIFORNIA
CDC 153-B (11/82)

DEPARTMENT OF CORRECTIONS
CDC# J-01868

Vocational Off-Programmer Education

CERTIFICATE OF COMPLETION

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L. JACKSON
SUPERVISOR OF VOCATIONAL INSTRUCTION

LOG# BSE-00 241

KHOUBY
VOCATIONAL INSTRUCTOR

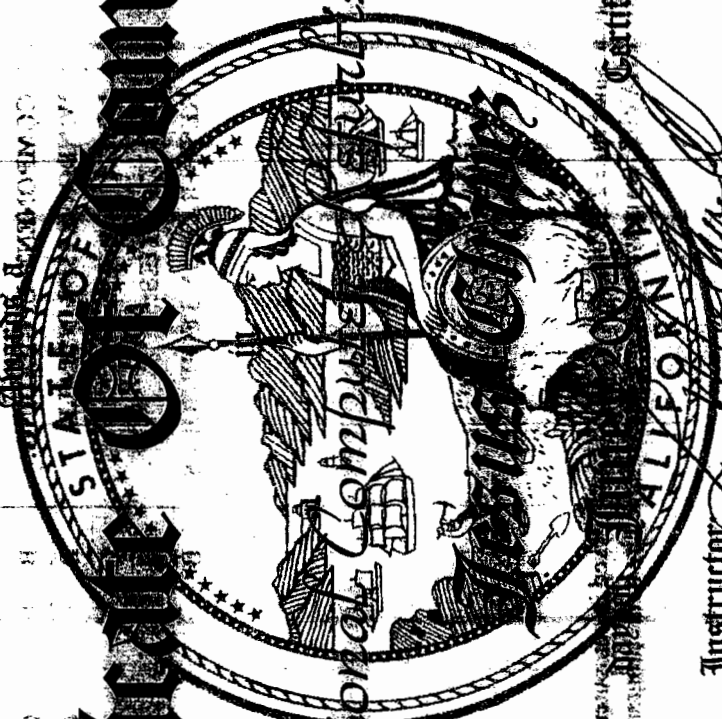
03/22/2000
DATE

Valley Adult School

STATE OF CALIFORNIA
DEPARTMENT OF EDUCATION
OFFICE OF VOCATIONAL INSTRUCTION
SACRAMENTO, CALIFORNIA

Certificate of Completion

Vocational Completion in *Bookbinding*



Presented on the **7th** day of **July**, 19**21**.
Certificate number: **0406-007**

Instructor: *L. Hatherbell*
L. Hatherbell
Supervisor of Education
G. Stehley

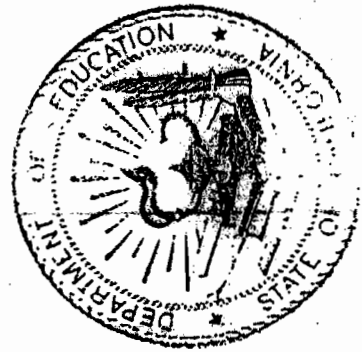
State of California

General Educational Development Certificate

This is to certify that

JESUS LOPEZ CHAVEZ

has met the standards established by the California State Board of Education for successful completion of the tests of General Educational Development and is therefore entitled to this High School Equivalency Certificate.



April 3, 2001

Robert P. Jorgensen

President of the California State Board of Education

Department of Public Instruction

TEST RESULTS	TESTS OF GENERAL EDUCATIONAL DEVELOPMENT (GED)	
	STANDARD SCORE TOTAL	STANDARD SCORE AVERAGE
TEST 1: WRITING SKILLS	50	50
TEST 2: SOCIAL STUDIES	50	50
TEST 3: SCIENCE	50	50
TEST 4: INTERPRETING LITERATURE AND THE ARTS	50	50
TEST 5: MATHEMATICS	50	50
<input checked="" type="checkbox"/> PASSED* <input type="checkbox"/> FAILED* <input type="checkbox"/> INCOMPLETE		
		*Pass or Fail as determined by state policy.

INTERPRETING GED TEST RESULTS

Performance on the GED Tests is reported in two ways:

(1) Standard scores and percentile ranks -

Results on each of the GED Tests are given as standard scores ranging from 20 to 80 and percentile ranks ranging from 1 to 99; higher scores result from correctly answering more test questions. Both scores compare the examinee's results to those of a recent representative national sample of high school seniors. The average standard score for graduating high school seniors is 50; therefore, standard scores above 50 are above those of the typical recent high school graduate. The percentile ranks show the percent of the graduating seniors who earned scores at or below those of the examinee. For example, if an examinee's percentile rank is 30, the examinee's score is better than those of about 30 percent of the seniors.

(2) Passed, Failed, or Incomplete -

Each state, province and territory sets its own minimum scores for earning a high school equivalency credential. These minimum scores require examinees to earn scores as high as those of at least 27% of recent high school graduates. If the examinee scores meet or exceed the minimum required, the "Passed" box is marked. If not, the "Failed" box is marked. If any of the five sub tests have not been completed, the "Incomplete" box is marked. Examinees who do not pass may retake the GED Tests in order to raise their scores. The local GED testing center can provide information about retesting. Additional preparation is usually recommended. If examinees earn standard scores below 40, local adult education programs often provide preparation classes as an aid in improving performance.

NOTE FOR RETEST SCORES: The scores on this report are the highest scores achieved by the examinee and not necessarily the most recent scores. If retest scores are lower than scores previously achieved, the retest scores are not reported.

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State GED Office
 California Department of Education
 P.O. Box 710273
 Sacramento, CA 95824-0273

RICHARD DIAZ
 STATE GED ADMINISTRATOR

Richard Diaz

PERMANENT RECORDS: GED records, like high school or college records, are permanent. The information on these official documents should reflect the information provided to the testing center at the time of testing. Changing this information is not permitted.

The California Department of Education considers GED records confidential. GED records will not be released to any individual or agency, other than an authorized GED Testing Center, without a signed request from the examinee.

Correspondence regarding the GED testing program in California may be directed to the following address:



"There is no person alive who cannot make a new beginning."

- The Way to Happiness

Does hereby certify that

Jesus L. Cha'uez

Has satisfactorily attained the requirements necessary and is hereby awarded a Certificate of Completion of

The Personal Integrity Course

This 17 *day of* June 20 06

Certificate # 1689

Tom J.

Bob Veach

Extension Course Supervisor

CRIMMINON Executive Director

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