

# Parole Suitability Hearings What You Need to Know

from The Law Office of

————— **Douglas D. Maner** —————

Criminal Defense Attorney

[www.dougmaner.com](http://www.dougmaner.com)



CONTACT DOUG MANER

THE LAW OFFICE OF DOUGLAS D. MANER

1500 J Street • Modesto, CA 95354

209-581-2985 (office)

209-315-5898 (mobile, text)

[ManerLawFirm@gmail.com](mailto:ManerLawFirm@gmail.com) (email)

## **LIFE PAROLE - WHEN IS AN INMATE ELIGIBLE?**

If an incarcerated individual is serving a sentence of 15-years-to-life, he/she will be eligible for a Parole Suitability Hearing in Year 14 of the sentence.

## **SHOULD YOU HIRE AN ATTORNEY?**

YES. If you can possibly afford to hire a private attorney, do so. Do not hire an attorney who your family likes but has no Parole or Criminal Court experience. You want an attorney who has extensive Criminal Trial experience as either a Defense Attorney or as a D.A. and preferably has comprehensive experience with Parole hearings.

There are only a few attorneys in the State of California with as much experience as Doug Maner. Doug was a District Attorney for over 20 years before going into private practice as a criminal defense attorney. He has tried over 100 criminal cases in court and has served on California Deputy District Attorneys Association Lifer Committee and the California Deputy District Attorneys Parole Committee. He is a recognized expert in this special field.

## **WHAT HAPPENS AT A PAROLE SUITABILITY HEARING?**

At a Parole Suitability Hearing, you will meet with the State Parole Board. The Parole Board is comprised of a Commissioner, appointed by the Governor, and a Deputy Commissioner who is a civil servant. Your attorney will be there with you and there will be a District Attorney, who 99% of the time, would like to use the hearing to attempt to retry your case and keep you incarcerated. The victim or victim's next of kin (VNOKs) will also likely be there.

You will have the opportunity to present to the Board convincing evidence that you are no longer a threat to society, that you are rehabilitated, and that, once released from prison, you are ready, willing, and able to become a productive member of society and exemplary citizen.

## **IT IS OF THE UTMOST IMPORTANCE THAT YOU ARE IMPECCABLY PREPARED FOR YOUR HEARING.**

Preparing for the hearing is an overwhelming process and can be very intimidating. Your attorney (provided he/she has parole expertise - a rare specialty), and your friends, family and supporters on the outside will be invaluable resources to help you through your preparation with things like phone calls, photocopying, etc. and provide emotional support and help with post-parole planning arrangements that you might not have access to in prison. **AND YOU? WALK THE WALK. TALK THE TALK.** Keep your eye on the prize and make sure your behavior in prison is beyond reproach. At your hearing, tell the truth, make eye contact, stay calm, and don't forget to breathe.

"Be the change you want to see in the world." - Mahatmas Gandhi

## **PROP 9 AND PAROLE ELIGIBILITY**

The passage of Prop 9 (also known as Marsy's Law) in 2008 dramatically changed the landscape of parole. If you are denied Parole at your hearing, it will be a term of either 3 or 15 years until you may apply again. Prior to Prop 9, an inmate could apply again in 1, 3, or 5 years. For someone who was convicted prior to 2008, this is a sea change. Currently, there are legal arguments being heard by the 9th Circuit Supreme Court arguing that this dramatic increase in time before trying again for eligibility is unconstitutional and a violation of the civil rights of those convicted before these rules were changed in 2008.

THE PASSAGE OF PROP 9 MAKES IT EVEN MORE PRESSING TO PRESENT THE BEST POSSIBLE CASE AT YOUR SUITABILITY HEARING. BE PREPARED. HAVE AN EXPERIENCED LIFER PAROLE ATTORNEY BY YOUR SIDE. PREPARATION AND A GOOD FRAME OF MIND ARE CRUCIAL TO YOUR SUCCESS.

PAROLE SUCCESS STATISTIC: During the Davis and Schwarzenegger Administrations, parole was granted to only 1/2 of 1% of those who applied in California. THE GOOD NEWS: Under the Brown administration, 1/3 to 1/2 of those who apply are granted parole. THE BAD NEWS: 1/2 to 2/3 of those who apply are NOT granted parole and now must wait another 3 or 15 years before they can apply again.

## **PREPARING FOR A PAROLE SUITABILITY HEARING: WHAT YOU NEED TO KNOW**

At your hearing, your file will be thoroughly reviewed and you will be asked questions about its contents. Make sure that all of your supporting documents are in order. Your attorney can help review your file to make sure nothing is missing or inaccurate. REMEMBER, your #1 job here will be to make a favorable impression and convince the Parole Board that you are ready to succeed in society and feel deep remorse regarding your crime.

Practice your answers ahead of time so you can speak with self-confidence, not nervousness that might be misinterpreted as attitude. Tell the truth. Stay calm. Be respectful.

### **PRE-HEARING WORK WITH YOUR ATTORNEY. WHAT YOU WILL NEED TO DO.**

- Write a self evaluation of your lifestyle at the time of your lifecrime emphasizing how your life choices placed you in that situation. Be honest with yourself, and work on developing insight and understanding into the factors that contributed to your choices. Be prepared to take responsibility for what you did, and to explain what this means to you.
- Prepare to explain how you have developed remorse and empathy for the victim(s). Write a letter to the victims expressing your remorse. Be yourself, open, honest and sincere. Each sincere expression of remorse is different, so there is no one correct way to do this, . Please resist the temptation to copy or mimic someone else's thoughts or writings. Make it your own. Discuss this letter with me, or mail it to me in advance. Once you are satisfied with it, send it to the lifer desk at your prison for the Board to read at your hearing. Be prepared to see the victims next of kin at the hearing.
- Develop viable parole plans and document them. This should include stable housing, with at least one back-up if the first option fails. Consider transitional housing. Maximize your educational and vocational skills and opportunities. Be prepared to tell the Board how they will help you get work and integrate back into society. Do your best to get a verifiable job offer. If you do not have a solid offer, prepared a resume and show concrete plans on how you'll find work.
- If you have a substance abuse issue, be prepared to tell the board how you will seek help with your substance abuse problem if/when you are released. Do you have a Sponsor? Think about what are your triggers. Have a personalized relapse prevention plan.
- Contact as many people who will be able to help you integrate yourself into society as possible. Obtain letters documenting your housing, employment plans, family support and , if necessary, substance abuse counseling and support.
- Get an Olson review. Make sure all the information in your C-file is accurate, and take steps to correct any errors. Check to see if there is any confidential information.
- Review transcripts of previous hearings if this is not your first hearing. How would you answer those questions better today than you did previously? Anticipate additional questions and be ready with replies.
- Prepare a closing statement for the Board. Be brief, sincere and honest. Explain how your choices caused you to commit the lifecrime and what steps you have taken, and what you will do in the future to avoid placing yourself in a similar situation. Explain how your parole plans will prepare you for success in today's world and how you will integrate yourself into society after spending so much time in prison. Document educational and vocational training you've undertaken, GED or above earned, correspondence courses, etc. Write book reports on books you are reading/have read that inspire you to be a better person.

### **FILE CHECKLIST**

I. Papers You Should Have Ready For Your Attorney at the Interview:

Parole Plans, Support Letters, Resume, Book Reports & Budget

Letter of Remorse

Relapse Prevention Plan (Substance Abuse and/or Crime)

Closing Statement

List of Self-Help, Education, Vocations, and other Achievements while in prison

Court Orders/Decisions

List Of Past Issues At Hearing(s)

Copy Of Last Hearing Transcript / Other Previous Transcripts from previous hearings

Copies of I 15s – Whole Document Including Hearing/any proof of 602 and Writ

2. Important Topics to Discuss with Your Attorney:

Is a Waiver Appropriate?

Should You Discuss the Crime; Any Problems With the Facts; Your Statement of the Facts and Any Corroboration

Version of the Crime in the Record to Be Used at the Hearing

Strong/Weak Areas of Your Case – Incl: Psych Eval, History of VNOKS

Adequacy of Parole Plans, Letters

I 15s/I 28s – Whole Record & What You Have Done To Challenge Them or to Correct the Behavior

What You Have Done Since Your Last Hearing

3. Parole Packet to Bring to the Hearing for the Commissioners

Parole Plans, Support Letters, Resume, photos of residence/family

Letter of Remorse (written with sincerity and sensitivity)

Relapse Prevention Plan (12 step programs, sponsor, etc)

List of Self-Help, Education, Vocations, and other Achievements – (The Board will usually only review what you've done since your last hearing, but your attorney should have this list which he can add to closing statements.

4. Papers to Have at the Hearing for You/Attorney NEATLY ORGANIZED

- Copy of packet you gave to Commissioners
- Closing Statement
- Court Orders/Decisions
- Previous Hearing Transcripts
- Copies of I 15s – Whole Document Including Hearing/any proof of 602 and Writ
- ALL OF YOUR CHRONOS, CERTIFICATES, MEMOS ORGANIZED BY TYPE OF PROGRAMS IN DATE ORDER

**SAMPLE QUESTIONS YOU MIGHT BE ASKED BY THE PAROLE BOARD AT YOUR HEARING.**

Every case is different and there's no guarantee what you'll be asked. Please consider this a guide to the self-analysis necessary to maximize your chance for a successful hearing.

1. Why did you commit this crime? (the heart of this question is how you were capable of murder or some other serious crime)
2. Did you have any other options? Why did you ignore them?
3. Where did you get the gun? (more questions about details of the weapon)
4. Why did you shoot more than once?
5. Do you or did you have anger issues? Why?
6. What have you done to address your anger or other problems?
7. What are the most important things you learned in self-help programs?
8. Have you written a letter of remorse? When?
9. What is the victim's name? What do you know about the victim?

10. Who are all the victims in your case?
11. How do you feel about what you did?
12. What has changed about you? Why/when did you decide to change for better?
13. How do we know you will not commit any more crimes if released?
14. Who visits you in prison and how often?
15. Did alcohol or drugs play a role in your crime?
16. How much did you drink or use each day (many questions about specifics of substance use)?
17. How did you support your habit?
18. Were you committing crimes to support your habit?
19. Did you ever drive while under the influence?
20. Are you an addict or alcoholic?
21. How did you get clean and sober? How do you stay clean and sober?
22. Do you have a sponsor or list of AA meetings in your area?
23. Name some steps, how you use them; which are most important to you & why?
24. Have you ever made a list of the people you harmed and made amends to anyone?
25. Who is on that list?
26. Name some of your triggers: (things that might lead you to drink or use)
27. How do you plan to cope with triggers on the outside?
28. What is your relapse prevention plan?
29. How will you stay clean and sober so that you do not reoffend?
30. Are any of your family members in prison?
31. What are your children doing and do they keep in touch with you?
32. Why did you get divorced?
33. What crimes have you done for which you did not get caught?
34. Is your sentence fair?
35. How long do you think you should have to do for this crime?
36. Did your trial attorney do a good job?
37. Did you enter this country illegally; # of times? Why don't you speak English?
38. What is an average day in prison for you?
39. What books have you read and what books are your reading now?
40. Why haven't you done any vocations or recent vocations or more self-help?
41. Why didn't you do what the last Board asked you to do?
42. Why are you suitable for parole?

### **SB 260 AND YOUTHFUL OFFENDERS SEEKING LIFER PAROLE.**

California Youth Offender Parole, SB 260, was passed on Jan 1, 2014. Under this new law, juveniles who were under the age of 18 will have a Parole Hearing that will offer a "meaningful"\* opportunity to obtain release.

\* meaningful in this case means a real, significant chance of getting out of prison on parole.

A person may be eligible for an SB 260 Suitability Hearing as a youth offender IF (1) they were under the age of 18 when the crime was committed; (2) were tried as adults and given life or determinate sentences; and (3) are not excluded for one of the following reasons.

1. Sentenced to Life without the possibility of parole
2. Convicted on a "one strike" law for certain serious sex offender crimes,, and
3. "Three Strikes" life sentence based on two or more prior serious or violent felonies.

THERE IS A CURRENT BACKLOG OF CASES PENDING. Cases will be heard beginning in Fall, 2014

## **PREPARING FOR A YOUTH OFFENDER PAROLE SUITABILITY HEARING**

You need to know that preparing for an SB 260 Parole Board Hearing is every bit as rigorous as preparing for an adult hearing. Marsy's Law also applies. Please read the section to the right on this page about Parole Hearings.

**TO LEARN MORE: please download this excellent pdf.**

**[SB-260-Guide-for-Prisoners-and-Their-Families-and-Friends-5-1-14-v3.pdf](#)**

### **MORE INTERNET LINKS:**

- **[Parolee Rights Manual by the Prison Law Project \(8/13\)](#)**

Also in Spanish --

- **[Manual De Los Derechos Para Los Presos En Libertad Condicional \(8/13\)](#)**

- **[Benefits Available to Paroling and Discharging Inmates \(8/11\)](#)**

- **[CDCR Handbook For Parolees](#)**

- **[.lifesupportalliance.org/Planning-for-Parole.html](http://lifesupportalliance.org/Planning-for-Parole.html)**

- **[.cdcr.ca.gov/BOPH/lifer\\_parole\\_process.html](http://cdcr.ca.gov/BOPH/lifer_parole_process.html)**