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5 ATTORNEYS FOR PETITIONER

6
7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 IN AND FOR THE COUNTY OF LOS ANGELES

9
10 In re

11 RENE ENRIQUEZ,
12 CDCR #H69471

13
14 On Habeas Corpus

Case No.: BH013600

DENIAL AND EXCEPTION TO THE
RETURN; MEMORANDUM OF POINTS
AND AUTHORITIES IN SUPPORT
THEREOF

Clara Foltz Criminal Justice Center
Attn: Department 100, 13th Floor
Action Filed: 4/27/2021

15
16 For his denial and exception to the return to the order to show case, Petitioner states:

17 EXCEPTION

18 Respondent has failed to set forth sufficient facts or law to show cause why the relief
19 requested in the petition should not be granted.

20 DENIAL

21 Petitioner Rene Enriquez admits and denies the allegations in the return as follows:

22 1. Petitioner denies the allegation in paragraph 1 of the return that he is lawfully in
23 the custody of the California Department of Corrections and Rehabilitation. Petitioner was found
24 suitable for parole on May 6, 2020, and the Governor's subsequent reversal of his parole grant

1 was unlawful, for the reasons set forth in the memorandum of points and authorities and exhibits
2 submitted with the petition and the reasons set forth in the enclosed memorandum of points and
3 authorities. Petitioner should be released in accordance with the Board of Parole Hearings' usual
4 procedures.

5 2. Petitioner admits the allegation in paragraph 2 of the return.

6 3. Petitioner denies the allegations in paragraph 3 of the return, for the reasons set
7 forth in the memorandum of points and authorities and exhibits submitted with the petition and
8 the reasons set forth in the enclosed memorandum of points and authorities. As explained at
9 greater length in these supporting materials, in his reversal decision, the Governor baselessly
10 speculated about the genuineness of Petitioner's motives for engaging in rehabilitative efforts
11 without any evidence that these motives were linked to Petitioner's current risk of violence.
12 (Petn. at pp. 31-35.) The Governor also grossly mischaracterized the 2020 Comprehensive Risk
13 Assessment (CRA) as identifying "current" risk factors for Petitioner, when the CRA itself
14 emphasized—repeatedly, see *infra* p. 9, fn. 2—that these risk factors were historical in nature
15 and that Petitioner's risk of violence is **low**. (Petn. at pp. 37-45.)

16 4. Petitioner denies the allegations in paragraph 4 of the return, for the reasons set
17 forth in the memorandum of points and authorities and exhibits submitted with the petition and
18 the reasons set forth in the enclosed memorandum of points and authorities. As explained at
19 greater length in these supporting materials, because the stale risk factors cited by the Governor
20 are not "current"—as the CRA made explicitly clear—they do not provide a "rational nexus"
21 (Return at p. 2) between Petitioner's criminal history and the risk he *currently* poses to public
22 safety.

23 5. Petitioner does not dispute the legal statement in paragraph 5 of the return, to the
24 extent that it states that the some-evidence standard governs this Court's review.

1 6. Petitioner denies the legal conclusion in paragraph 6 of the return, to the extent
2 that it characterizes the petition as seeking to vacate the Governor’s decision based on only the
3 positive factors in Petitioner’s record. Petitioner’s entire record—including his unparalleled
4 record of assistance to and support from law enforcement—is material to evaluating the
5 Governor’s reversal of parole.

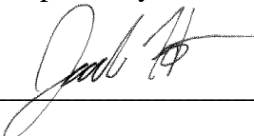
6 7. With respect to Respondent’s view of the proper remedy in this case, as set forth
7 in paragraph 7 of the return, Petitioner agrees that, if this Court finds that the Governor’s
8 decision violated Petitioner’s due process rights, the proper course would be to vacate the
9 Governor’s decision, reinstate the Board’s grant of parole, and direct the Board to “proceed in
10 accordance with its usual procedures for release of an inmate on parole unless within 30 days of
11 the finality of this decision the Board determines in good faith that cause for rescission of parole
12 may exist and initiates appropriate proceedings to determine that question.” (*In re Twinn* (2010)
13 190 Cal.App.4th 447, 474.)

14 8. Except as expressly admitted herein, Petitioner denies each allegation of the
15 return. This denial is based on the record in this case, the memorandum of points and authorities
16 and exhibits submitted with the petition, and the enclosed memorandum of points and authorities
17 and exhibits in support of the denial. Petitioner re-alleges and incorporates herein by reference
18 all the allegations in his petition and exhibits thereto.

19 WHEREFORE, Petitioner requests that the relief prayed for in the petition be granted.

20
21 Dated: August 18, 2021

Respectfully Submitted,



Jacob J. Hutt
Rita Lomio
Attorneys for Petitioner

1 **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DENIAL**

2 **I.**

3 On May 6, 2020, for the fifth consecutive time, the Board of Parole Hearings found
4 Petitioner Rene Enriquez suitable for parole. (Petn. at p. 6.) This brought the total number of
5 Commissioners who have concluded that Petitioner does not pose a risk to public safety to
6 eleven. (*Id.* at pp. 6, 37.) Petitioner had presented no ordinary parole packet to the Board, but one
7 that included over eighty letters of support from law enforcement actors across the federal, state,
8 and local spectrum, ranging from FBI agents to now-federal judges, from local prosecutors to
9 multiple Chiefs of Police at the Los Angeles Police Department.¹ (*Id.* at p. 25.) Correctional staff
10 of various ranks in the California Department of Corrections and Rehabilitation advocated for his
11 early release, noting *inter alia* his “exceptional displays of change and positive behavior” and his
12 readiness to become “a productive member of the community once released on parole.” (*Id.* at p.
13 12.)

14 Why this outpouring of support for a former Mexican Mafia member? Or, to be more
15 precise, how are the dozens of law enforcement officials and agencies who vouch for Petitioner
16 so certain that he does not pose a current risk to public safety? Because, put simply, there is no
17 evidence to the contrary. As the Board of Parole Hearings psychologist who evaluated Petitioner
18

19 ¹ This support has only grown in the months since Petitioner filed the underlying petition.
20 First, on May 26, 2021, the Los Angeles County District Attorney’s Office submitted a
21 personalized letter—beyond the standard policy of the Office to support parole for non-high-risk
22 individuals who have completed their mandatory minimum period of incarceration—in support
23 of Petitioner’s upcoming parole date. (Exhibit A.) Second, on July 14, 2021, the Institutional
24 Classification Committee of the California Department of Corrections and Rehabilitation took
25 the rare step of recommending Petitioner for an Extraordinary Conduct Credit sentence
reduction. (Exhibit B.) The Committee noted that Petitioner “has placed his life in danger” and
“has been targeted by the Mexican Mafia for providing insight into their criminal organization.”
(*Ibid.*) The Committee concluded that “Enriquez’[s] actions have gone above and beyond what is
expected of the average inmate.” (*Ibid.*)

1 concluded, “he has moved as far away from gang participation as possible as he would not be
2 welcome in any gang after debriefing and testifying against Mexican Mafia members.” (*Id.* at p.
3 40; see also *id.* at pp. 12-13 [internal CDCR record describing Ironwood State Prison’s
4 termination of Petitioner’s validation status in the gang, stating: “In the history of ISP,
5 ENRIQUEZ is one of only four inmates to ever have this prove[n,] granted and completed.”]) One
6 FBI Special Agent who worked closely with Petitioner remarked that “[n]early three years after first
7 meeting Mr. Enriquez, I am convinced in the veracity of his deeply held desire to have a positive
8 impact on society . . . Mr. Enriquez continues to prove, inarguably, through his actions, that he is a
9 changed man.” (*Id.* at p. 10.) As explained in more detail previously, Petitioner is committed to
10 helping others and improving himself while in prison, including through intensive academic study of
11 the links between narcissism and criminality, participation in Narcotics Anonymous and Alcoholics
12 Anonymous, and serving as a mentor for numerous incarcerated individuals, such as through the
13 Youthful Offender Program. (*Id.* at pp. 13-14.) Those who have spent time with Petitioner and have
14 mentored youth alongside him—including *Petitioner’s former enemies*—attest to “[h]ow much Rene
15 has changed.” (*Id.* at p. 14.)

16 Echoing the consensus among law enforcement actors that Petitioner is ready to reenter
17 society, the Board of Parole Hearings psychologist concluded in Petitioner’s 2020 Comprehensive
18 Risk Assessment (CRA) that he posed a “Low risk for violence” and that he would be “expected to
19 commit violence much less frequently than other parolees.” (*Id.* at pp. 19-20.) The Board
20 psychologist meticulously evaluated each of the various risk factors in Petitioner’s case and detailed
21 how none of them represented current issues in his life. (See, e.g., *id.* at p. 44 [“Mr. Enriquez
22 currently displays no predictive factors for recidivism.”], *id.* at p. 17 [“No evidence of psychotic
23 symptoms, mood issues, or other signs of major mental illness have been noted in available records.
24
25

1 Similarly, during the current evaluation, no overt signs or symptoms of a severe mental disorder were
2 observed.”].)

3 Yet on September 18, 2020, the Governor reversed the Board’s decision to grant parole,
4 ignoring the utter lack of evidence that Petitioner represents a current risk to public safety, and
5 offering three reasons for his reversal. (*Id.* at p. 21.) First, the Governor reasoned that Petitioner’s
6 criminal history “elevates his current risk level.” (*Ibid.*) Second, the Governor reasoned that
7 Petitioner’s past “manipulative behavior” and the Board psychologist’s suggestion that “some of the
8 prosocial changes [Petitioner] has made may not have been altruistic” showed that Petitioner had not
9 yet shown “an authentic and enduring transformation in thought and conduct.” (*Ibid.*) Finally, the
10 Governor stated that Petitioner has “current risk factors,” and selectively quoted a portion of the
11 CRA. (*Ibid.*) The Governor did not acknowledge that, for each of these risk factors, the Board
12 psychologist had emphasized that they represented past—not present—concerns for Petitioner.

13 On April 22, 2021, Petitioner filed the underlying petition for a writ of habeas corpus in Los
14 Angeles County Superior Court, challenging the Governor’s reversal of the Board’s grant of parole.
15 (*Id.* at pp. 1, 46.) Petitioner contended that the Governor’s reversal violated Petitioner’s due process
16 rights because no evidence in the record supported the Governor’s suitability determination, and
17 argued that none of the three reasons offered by the Governor in support of the reversal decision
18 identified “some evidence” of Petitioner’s current dangerousness. (*Id.* at pp. 22, 27.) First, Petitioner
19 explained that his criminal history, standing alone, may not serve as the basis for a denial of parole,
20 and noted that the Governor had pointed to no evidence indicating that Petitioner’s past offenses
21 remain probative of his current risk of dangerousness. (*Id.* at pp. 27-28.)

22 Second, with respect to the Governor’s concern that Petitioner has been more interested in
23 cooperating with law enforcement for external recognition rather than for altruistic reasons,
24 Petitioner offered three arguments in response. First, the fact that external recognition had previously
25

1 motivated his cooperation with law enforcement has no bearing on whether, at present, his
2 rehabilitation is genuine. Indeed, as the Board psychologist concluded, “[Petitioner’s] behavior
3 indicates that whatever his motivations may be, he has been capable of managing his behavior, taking
4 in feedback from his hearings and the governor’s denials of his parole grants, and addressing the
5 issues adequately.” (*Id.* at p. 33.) Second, even if there were *current* evidence that Petitioner is
6 engaged in rehabilitative efforts in part out of a desire for accolades, the Governor has identified no
7 evidence that this would make Petitioner violent. (*Ibid.*) Nowhere in the Board psychologist’s risk
8 assessment or anywhere else in the record is there evidence that a potential desire for affirmation by
9 law enforcement—the only ulterior motive suggested in the CRA—somehow makes Petitioner an
10 unreasonable risk to public safety. Third, Petitioner argued that on a practical level, the Governor’s
11 reasoning set him up for inevitable and never-ending failure: the Governor vaguely faulted Petitioner
12 for not “do[ing] more” to rehabilitate while simultaneously faulting him for “research[ing] what he
13 believes is expected of him and address[ing] the issues the parole board and the governor have raised
14 in the past.” (*Id.* at p. 36.)

15 As for the Governor selectively quoting from the CRA and stating that Petitioner’s “current
16 risk factors” make him unsuitable for release, Petitioner explained how the Governor had grossly
17 mischaracterized the CRA. Both with respect to individual risk factors and to Petitioner’s holistic risk
18 assessment, the CRA repeatedly emphasized that there is no current evidence demonstrating that
19 Petitioner poses a risk to public safety. For each individual risk factor cited by the Governor,
20 Petitioner set forth a detailed account of how the CRA clarified that Petitioner had resolved these
21 issues and that there was no evidence that these risk factors are current or indicate that Petitioner may
22 recidivate. (*Id.* at pp. 38-44.) Petitioner also explained that longstanding caselaw prohibited the
23 Governor from plucking statements without critical context from the CRA and relying on them to
24 reverse a parole grant. (*Id.* at pp. 38, 44-45 [quoting *In re Loresch* (2010) 183 Cal.App.4th 150,

1 160 and *In re Twinn* (2010) 190 Cal.App.4th 447, 472].) For all these reasons, Petitioner
2 requested that the Court grant his petition for writ of habeas corpus and order his release.

3 On May 14, 2021, the Court issued an order finding that Petitioner had made a prima
4 facie showing that he is entitled to habeas corpus relief. (Order at p. 2.) The Court ordered
5 Respondent to show cause within 30 days why the relief requested by Petitioner should not be
6 granted. (*Ibid.*) Respondent thereafter sought an extension of time to file a return, which the
7 Court granted. (Order Granting Extension of Time.)

8 II.

9 Respondent's return reads as if the Order to Show Cause never issued. It simply quotes
10 the Governor's stated reasons for reversing the parole grant, and—without addressing
11 Petitioner's explanations for why these reasons are unsupported by the record, grossly
12 mischaracterize the CRA, conflict with governing law, and otherwise do not satisfy the some-
13 evidence standard—concludes that the Governor's reasons were "reasonable." (Return at p. 5;
14 see also *id.* at p. 5 [stating that the Governor "reasonably" questioned whether Petitioner's
15 prosocial conduct is sincere].) But asserting that something is "reasonable" does not make it so.
16 Respondent cannot answer an Order to Show Cause why the Governor's decision should not be
17 vacated by rotely restating the Governor's decision.

18 In fact, only two sentences in the return respond to the actual arguments presented in the
19 petition. Namely, after quoting a sentence in the petition that "the Governor relied on a host of
20 risk factors that were taken out of context from the Comprehensive Risk Assessment and that
21 were based on immutable and historical—not current—events that are not relevant to
22 determination of Petitioner's current dangerousness," Respondent asserts:

23 *Not so. As outlined above, in addition to relying on immutable and historical*
24 *factors, the Governor relied on current risk factors in finding Enriquez unsuitable*
for parole.

1 (Return at p. 6.) That conclusory and circular argument fails entirely to address the legal
2 infirmities in the Governor’s decision. Like the rest of the return, these statements do not
3 meaningfully respond to what Petitioner has already explained: The very document on which the
4 Governor relied to conclude that Petitioner is an unreasonable risk to public safety (the 2020
5 CRA) makes explicitly clear that the six identified risk factors *are not based on current evidence*.
6 Indeed, nowhere in the CRA does the Board psychologist refer to them as “current risk factors”;
7 this is a label of the Governor’s own invention. Instead, the Board psychologist repeatedly
8 emphasized that these risk factors—which, in their entirety, amounted to a “low risk” of
9 violence—were based on historical evidence.² (Petn. Ex. E, 2020 Comprehensive Risk
10 Assessment, at p. 8.)

11 In sum, Petitioner’s arguments have been left essentially unchallenged by Respondent.
12 Indeed, Respondent does not offer a single legal citation in response to an argument made in the
13

14 ² (See, e.g., Petn. Ex. E, 2020 Comprehensive Risk Assessment, at p. 15 [“In the *Clinical*
15 domain, which reflects current behavior and functioning, Mr. Enriquez displayed no predictive
16 factors for recidivism at this time.” (italics in original)]; *id.* at p. 10 [“No evidence of psychotic
17 symptoms, mood issues, or other signs of major mental illness have been noted in available
18 records. Similarly, during the current evaluation, no overt signs or symptoms of a severe mental
19 disorder were observed.”]; *ibid.* [“Notably, Mr. Enriquez reported that he has not used alcohol,
20 marijuana, or any other substance since December 2005.”]; *id.* at p. 15 [“[Petitioner] has shown
21 willingness to conform to supervision, with no evidence of aggression, impulsivity, or rebellion
22 against authority for over a decade.”]; *ibid.* [“[Petitioner] disassociated from antisocial
23 individuals and has worked to establish positive relationships with both peers, law enforcement
24 officers, and staff.”]; *id.* at p. 14 [“[H]e has moved as far away from gang participation as
25 possible as he would not be welcome in any gang after debriefing and testifying against Mexican
Mafia members.”]; *id.* at pp. 15-16 [“[Petitioner] conveyed an understanding of the personal,
interpersonal, and contextual factors that contributed to his antisocial and violent behavior.”]; *id.*
at p. 19 [noting that Petitioner’s risk of sexual re-offense captured by the Static-99R reflected his
risk at age 21 (he is now 59 years old) and that there is no present or recent information to
support the theory that Petitioner has an elevated risk of sexual re-offense]; *id.* at p. 14 [“[T]he
current relevance of all of these [historic] factors is low.”]; *id.* at p. 20 [“[H]e has shown an
increasing appreciation of the causative factors of his *past* antisocial and violent behavior.”
(italics added.)].)

1 petition; the only legal citations in the return simply set forth the general standard of review in a
2 habeas petition challenging a parole suitability determination. It is worth reiterating how
3 completely the return failed to acknowledge—let alone respond to—Petitioner’s arguments:

4 1. Respondent references Petitioner’s criminal history as a risk factor. (Return at p.
5 4.) But Petitioner previously explained that his criminal history, standing alone, may
6 not serve as the basis for a denial of parole, and noted that the Governor had pointed
7 to no evidence indicating that Petitioner’s past offenses remain probative of his
8 current risk of dangerousness. (Petn. at pp. 27-30.) **Respondent’s return points to**
9 **no such evidence, and instead refers to stale risk factors, as discussed at length**
10 **above and in the underlying petition.**

11 2. Respondent references Petitioner’s past narcissistic behavior and the Board
12 psychologist’s observation that some of his cooperation with law enforcement
13 may have been an effort to seek attention to conclude that Petitioner’s
14 transformation may not be authentic. (Return at p. 5.) But Petitioner previously
15 explained that even if his past motives for assisting law enforcement included a
16 desire for attention, that cannot establish *current dangerousness*, the operative
17 issue in a suitability determination. (Petn. at pp. 31, 33-35.) Petitioner also
18 explained that there is no evidence that his past desire for attention somehow
19 undermines his decades of proven commitment to rehabilitation. (*Id.* at pp. 31-
20 33.) Finally, Petitioner explained that the Governor’s reasoning—which vaguely
21 asks Petitioner to “do more” to demonstrate authentic rehabilitation, without
22 explaining what more he can do—sets Petitioner up for inevitable, never-ending
23 reversals of parole grants, despite governing law prohibiting the Governor from
24 denying parole simply because not enough time has passed in an individual’s

1 sentence. (*Id.* at pp. 35-37.) **Respondent’s return contests none of these**
2 **arguments.**

3 3. Respondent references the Board psychologist’s identification of Petitioner’s risk
4 factors, refers to them as “current,” and states that they make Petitioner unsuitable
5 for release. (Return at p. 6.) But Petitioner previously explained that the Board
6 psychologist, who concluded that Petitioner represents a low risk to public safety,
7 made clear throughout the 2020 CRA that Petitioner’s risk factors were based on
8 historical—not current—behavior, and explicitly remarked for each factor that it
9 did not reflect a present concern with Petitioner’s risk of danger to the public.
10 (See Petn. at pp. 38-44; e.g. *id.* at p. 44 [“Mr. Enriquez currently displays no
11 predictive factors for recidivism”].) **Respondent’s return does not contest this**
12 **argument.**

13 4. Respondent references one line from the CRA regarding risk factors as a
14 justification for denying parole. (Return at p. 6.) But Petitioner already explained
15 that governing law prohibits the Governor from basing a parole reversal on a line
16 from a Board psychologist’s CRA that was “not offered as a reason for [the
17 petitioner] to remain incarcerated or to show that [the petitioner] posed a current
18 danger.” (Petn. at p. 38, quoting *In re Twinn, supra*, 190 Cal.App.4th at p. 472;
19 see also *In re Loesch, supra*, 183 Cal.App.4th at p. 160 [granting petition where,
20 among other things, Governor had focused on a single statement in the CRA and
21 had ignored the psychologist’s determination that “[t]here was no evidence in the
22 current interview that [petitioner] is an imminent threat for future violence”].)
23 **Respondent’s return does not contest this argument.**

24 ***

1 Respondent was ordered by this Court to show cause why Petitioner's petition should not
2 be granted, and Respondent has declined to meaningfully respond to the arguments in the
3 petition. Accordingly, the return fails to show cause why the relief requested should not be
4 granted. For the foregoing reasons, Petitioner respectfully requests that this Court grant his
5 petition for writ of habeas corpus and order his release.

6
7 Dated: August 18, 2021

8 Respectfully submitted,

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10 By:  _____

11 Jacob J. Hutt
12 Rita Lomio
13 Prison Law Office
14 Attorneys for Petitioner
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LIST OF EXHIBITS

- Exhibit A: Los Angeles DA Letter in Support of Rene Enriquez’s 2021 Parole Date
- Exhibit B: CDCR Extraordinary Conduct Credit Sentence Reduction Referral

DECLARATION OF SERVICE BY MAIL

In re Rene Enriquez on Habeas Corpus (Case No. BH013600)

Superior Court of California, County of Los Angeles

I am employed in the County of Alameda, California. I am over the age of 18 years and not a party to the within entitled cause: my business address is Prison Law Office, 1917 Fifth Street, California 94710. **On August 18, 2021**, I served the attached:

DENIAL AND EXCEPTION TO THE RETURN; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF

in said cause, placing, or causing to be placed, a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid in the United States Mail at Berkeley, California, addressed as follows:

Clara Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012
Attn: Department 100, 13th Floor

Warden Neil McDowell
19005 Wiley's Well Road
Blythe, CA 92225

California Department of Justice
Office of the Attorney General
300 South Spring Street, Suite 1702
Los Angeles, CA 90013
Attn: Jennifer Cano, DAG

Rene Enriquez (#H69471)
Ironwood State Prison
P.O. Box 2229
Blythe, CA 92226

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed at Berkeley, California, on August 18, 2021.

/s/ Ashley Kirby

Ashley Kirby

EXHIBIT A

DATE: May 26, 2021

Dear Board Members:

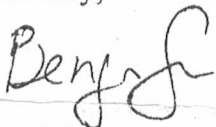
My name is Ben Schwartz. I am a Deputy District Attorney for the Los Angeles County District Attorney's Office. This letter is written in support of Rene Enriquez's (CDC# H69471) upcoming parole date.

Rene Enriquez testified as an expert witness in prison gang culture in People vs. Guillen, BA448771. This occurred on May 17, 2021 in Department 109 of the Clara Shortridge-Foltz Criminal Courthouse in Los Angeles. Throughout the process, Mr. Enriquez conducted himself with dignity and integrity and treated all members of the court with respect.

Pursuant to Special Directive 20-14, enacted under the administration of District Attorney George Gascon, it is this office's default policy to support parole for prisoners who have served their mandatory minimum period of incarceration and who have been determined, by the CDCR pursuant to the Comprehensive Risk Assessment, not to be a high risk for recidivism. It is my understanding that Mr. Enriquez has completed his mandatory minimum period of incarceration and has not been deemed a high risk for recidivism. In fact, Mr. Enriquez has previously been granted parole by the Board of Parole on multiple occasions. Accordingly, this office supports parole for Mr. Enriquez

Last, due to the clear and present danger to Mr. Enriquez's life, as well as the life of his family, due to his cooperation with law enforcement, I support his enrollment in CalWRAP (California Witness Relocation and Assistance Program).

Sincerely,



Ben Schwartz

Deputy District Attorney

Los Angeles County

BENJAMIN SCHWARTZ
DEPUTY DISTRICT ATTORNEY
HARDCORE GANG DIVISION



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E-MAIL: bschwartz@da.lacounty.gov

JACKIE LACEY • DISTRICT ATTORNEY • LOS ANGELES COUNTY

EXHIBIT B



CLASSIFICATION COMMITTEE CHRONO

Inmate Name: ENRIQUEZ, RENE O.	Date: 07/14/2021
CDC#: H69471	Date of Birth: 07/07/1962
Control Date: 03/11/2004	Control Date Type: Minimum Eligible Parole Date

Hearing Date: 07/23/2021	Hearing Type: DRB Referral
Committee Type: Institution Cls. Committee (GP-ICC)	Correctional Counselor: Y. Touchton

STATIC CASE FACTORS

CRITICAL CASE FACTORS

CLINICIAN COMMENTS

COMMITTEE ACTION SUMMARY

ACTION: Refer to the DRB RQ 12 month Extraordinary Conduct Credit sentence reduction. Custody remains MEDA/S, WG/PG A1/A 04/24/15, Single Cell Approved. Retain ISP-III SNY. CPP

COMMITTEE COMMENTS

DUE PROCESS: Inmate made a personal appearance before ISP's Institutional Classification Committee (ICC) this date for a DRB referral for Extraordinary Conduct Credit sentence reduction review. The inmate was notified of committee review via the CDCR 128B -1 dated 07/14/21. He was given his 72 hours' notice to appear in today's committee. He stated he was in good health and ready to proceed. A review of SOMS indicates he has a reading level of 9.9. When questioned by committee as to what the committee's decision was, he was able to clearly articulate a response in his own words in a manner that demonstrated that no accommodation for effective communication was necessary.

A request was received by ISP authored by Rene Enriquez H69471 requesting evaluation for an Extraordinary Conduct Credit sentence reduction. He has requested that CDCR consider reducing his current term for a period of 12 months as consistent with the policy defined by CCR 3043.6.

ICC has convened to consider this request and do a comprehensive evaluation of all the associated case factors to determine the appropriateness of a meritorious sentence reduction.

CCR 3043(g) states, Heroic acts and exceptional assistance. Up to 12 months reduction of sentence may be awarded for the following acts;

- (1) Acts preventing loss of life or Injury to the public, staff, or other inmates.
- (2) Acts preventing significant loss or destruction of state property.
- (3) Providing sworn testimony in judicial proceedings involving prosecution of a felony offense which occurred within a prison.

ICC notes ENRIQUEZ has numerous documentations from Law Enforcement in ERMS including from CDCR detailing his cooperation in multiple investigations, and providing testimony as an expert witness. He has also aided in multiple investigations and provided sworn testimony for the United States Federal Government and local Prosecutors. As a result of his testimony and cooperation he has placed his life in danger. Per CDCR Memorandum dated 01/28/2021 authored by the Office of Correctional Safety located in ERMS MISC Section; ENRIQUEZ has been targeted by the Mexican Mafia for providing insight into their criminal organization.


Inmate Enriquez is currently serving a sentence of 20 year to life sentence for the offense of PC 187 2nd Murder Second two counts, PC245(a)(2) Assault with a firearm and HS11352(a) Transport sell Controlled Substance - Conspiracy.

Inmate Enriquez has a placement score of 19, is MEDA/S custody, and Work Group/Privilege Group A1/A. He has a current MEPD of 03/11/2004. Enriquez has received five serious Rules Violation Reports since his incarceration started in 1993. He has completed multiple courses towards his rehabilitative efforts.

GP-ICC has reviewed the confidential section which contains numerous confidential reports that outlines case factors that meet the criteria Extraordinary Conduct Credit.


As a result of this information, ICC has determined that Enriquez' actions have gone above and beyond what is expected of the average inmate and warrants an Extraordinary Conduct Credit sentence reduction.

RECORDER

Y. Touchton  07/23/2021

Date

CHAIRPERSON

P. Messerli 	07/23/2021 Date
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CDCR SOMS ICCT162 - Classification Committee Chrono