

PAROLE SUITABILITY HEARING

STATE OF CALIFORNIA

BOARD OF PAROLE HEARINGS

In the matter of the Parole    CDC Number: **WA8178**  
Consideration Hearing of:

CRISTINA CHAVEZ

CALIFORNIA INSTITUTION FOR WOMEN

CORONA, CALIFORNIA

09/30/2021

11:55 AM

PANEL PRESENT:

KEVIN R. CHAPPELL, Presiding Commissioner  
JOHN F. GARCIA, Deputy Commissioner

OTHERS PRESENT:

DANIEL IYAYI, Attorney for Inmate  
CRISTINA CHAVEZ, Inmate  
UNIDENTIFIED, Correctional Officers

Transcribed by:

Karthik Balasubramaniam

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**PROCEEDINGS**

**DEPUTY COMMISSIONER GARCIA:** Okay. On the record.

**PRESIDING COMMISSIONER CHAPPELL:** All right. Thank you. Good morning. Today's date is September, 30th 2021. The time is approximately 11:55 A.M. We are conducting this hearing by video conference. Ms. Chavez, can you hear and see me?

**INMATE CHAVEZ:** Yes, I can Commissioner.

**PRESIDING COMMISSIONER CHAPPELL:** Okay. If at any time that changes just let us know we can take a break and make any necessary adjustments. Just for the record, I can hear and see you. Deputy Commissioner, can you see and hear Ms. Chavez?

**DEPUTY COMMISSIONER GARCIA:** I can.

**PRESIDING COMMISSIONER CHAPPELL:** Okay, thank you. All right. So this is a Subsequent Parole Suitability Hearing for Ms. Chavez, who is present in a Board of Parole Hearing Room at the California Institution for Women. Ms. Chavez qualifies for Youth Parole Consideration. Today's panel shall give great weight to the youth offender factors in assessing her suitability. This hearing is being audio recorded. So for the purpose of voice identification, I will identify each participant. When I do, each person is asked to state your full name and spell your last name. I'll go first. My name is Kevin

1 Chappell, C-H-A-P-P-E-L-L. I'm the Presiding Commissioner  
2 participating by videoconference. Would the Deputy  
3 Commissioner please identify yourself?

4 **DEPUTY COMMISSIONER GARCIA:** Good morning. I'm John  
5 Garcia, G-A-R-C-I-A, Deputy Commissioner, Board of Parole  
6 Hearings.

7 **PRESIDING COMMISSIONER CHAPPELL:** Thank you. And Ms.  
8 Chavez, can you please identify yourself and include your  
9 CDCR number?

10 **INMATE CHAVEZ:** Okay. My name is Christina Chavez. Uh,  
11 you want me to spell my last name you said?

12 **PRESIDING COMMISSIONER CHAPPELL:** Yes please.

13 **INMATE CHAVEZ:** My last name is Chavez, C-H-A-V-E-Z.  
14 And my CDC number is WA8178.

15 **PRESIDING COMMISSIONER CHAPPELL:** Okay, thank you.  
16 And would Ms. Chavez's Attorney who's participating  
17 remotely please identify yourself and spell your name?

18 **ATTORNEY IYAYI:** Yes. Daniel Iyayi, I-Y-A-Y-I,  
19 Attorney for Ms. Chavez and I'm appearing by video from  
20 Los Angeles. Thank you Commissioner.

21 **PRESIDING COMMISSIONER CHAPPELL:** Okay, thank you.  
22 So Ms. Chavez, were you able to hear all the participants  
23 who identified themselves?

24 **INMATE CHAVEZ:** I did. Thank you Commissioner.

25 **PRESIDING COMMISSIONER CHAPPELL:** Okay, great. Thank

1 you. So, as I mentioned this proceeding is being recorded  
2 as mandated by Penal Code section 3042 (b) and will be  
3 transcribed as the official record of this hearing. No  
4 other recordings are authorized including a recording  
5 available by videoconference software. A violation of this  
6 provision may result in exclusion from this or future  
7 hearings. Deputy Commissioner, do we need to take a break  
8 to check the quality of our recordings?

9 **DEPUTY COMMISSIONER GARCIA:** Yes, briefly. Thank you  
10 Commissioner.

11 **PRESIDING COMMISSIONER CHAPPELL:** Okay.  
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20 **[RECESS]**  
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1           **DEPUTY COMMISSIONER GARCIA:**    On the record.

2           **PRESIDING COMMISSIONER CHAPPELL:**   All right. Thank  
3   you. All right. So the time is approximately 11:59 A.M. So  
4   Ms. Chavez, as this hearing is being conducted by  
5   videoconference, I'm going to notify you of certain rights  
6   you have and ensure you want to continue with this  
7   hearing. First, you have a right to be present at the  
8   hearing and meet with the Board of Parole Hearing Panel.  
9   Do you accept this videoconference satisfies that right?

10          **INMATE CHAVEZ:** Yes, I do.

11          **PRESIDING COMMISSIONER CHAPPELL:**   All right. You  
12   also have a right to be represented by an Attorney at your  
13   parole consideration hearing. Do you accept that your  
14   Attorney's appearance via videoconference and your ability  
15   to have privileged communications with your Attorney by  
16   telephone satisfies that right?

17          **INMATE CHAVEZ:** Yes, I do.

18          **PRESIDING COMMISSIONER CHAPPELL:**   All right. So Ms.  
19   Chavez, we're not here to reconsider the findings of the  
20   trial and or appellate courts nor are we here to retry  
21   your case. In other words, this panel accepts as true all  
22   the findings of the previous courts. Instead, the purpose  
23   of today's hearing is to find out who you are today and  
24   whether you would pose an unreasonable risk of danger to  
25   society if released. Now, we'll consider many factors

1 including your criminal history, your behavior and  
2 programming since your commitment, your plans if released  
3 as well as your testimony today, okay?

4 **INMATE CHAVEZ:** Okay.

5 **PRESIDING COMMISSIONER CHAPPELL:** So I strongly  
6 encouraged you to be completely honest with us today.

7 **INMATE CHAVEZ:** Okay.

8 **PRESIDING COMMISSIONER CHAPPELL:** All right, so this  
9 panel – we're going to ask you some questions. We're going  
10 to put some information on the record. Then we're going to  
11 open the hearing up for clarifying questions from your  
12 Attorney. After clarifying questions, we'll move to  
13 closing statements. Your Attorney will provide a closing  
14 statement and you'll have an opportunity to provide a  
15 closing statement if you like. After closing statements,  
16 we'll call a recess. We'll go offline. The Deputy  
17 Commissioner and I will go over all the information. We'll  
18 deliberate. We'll reach a decision. We'll bring everyone  
19 back online and then you'll have our decision today. Okay?

20 **INMATE CHAVEZ:** Okay.

21 **PRESIDING COMMISSIONER CHAPPELL:** Okay. Any  
22 questions?

23 **INMATE CHAVEZ:** No questions for now.

24 **PRESIDING COMMISSIONER CHAPPELL:** All right. So I  
25 have a question for you. Are you going to talk to us about

1 everything today?

2 **INMATE CHAVEZ:** I couldn't hear you, sir. What did you  
3 say, Commissioner?

4 **PRESIDING COMMISSIONER CHAPPELL:** I said, are you  
5 going to talk to us about everything today?

6 **INMATE CHAVEZ:** Yes.

7 **PRESIDING COMMISSIONER CHAPPELL:** Okay. Is the sound  
8 going in and out?

9 **INMATE CHAVEZ:** Yes.

10 **PRESIDING COMMISSIONER CHAPPELL:** Yes, we've been  
11 having that problem today. Commissioner, let's go off  
12 record.

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18 **[RECESS]**  
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1           **DEPUTY COMMISSIONER GARCIA:**    On the record.

2           **PRESIDING COMMISSIONER CHAPPELL:**   All right. Thank  
3   you. Time is approximately 12:03 P.M. Okay. So Ms. Chavez,  
4   at this time I like to swear you in. Please raise your  
5   right hand. Do you solemnly swear or affirm that the  
6   testimony you provide at this hearing will be the truth,  
7   the whole truth and nothing but the truth.

8           **INMATE CHAVEZ:** Yes.

9           **PRESIDING COMMISSIONER CHAPPELL:**   All right. Thank  
10   you, Ms. Chavez. So I'd like to ask you some medical  
11   questions and conduct an ADA review. I see listed here in  
12   the record. You have a date of birth of June, 14th 1986.  
13   Is that correct?

14          **INMATE CHAVEZ:** Yes.

15          **PRESIDING COMMISSIONER CHAPPELL:**   All right. You're  
16   currently 35 years old?

17          **INMATE CHAVEZ:** Yes, Commissioner.

18          **PRESIDING COMMISSIONER CHAPPELL:**   Okay. And then  
19   reviewing our DECS database, your Counselor fills out a  
20   form, it's called a notice and request for assistance  
21   form. It will list any type of medical accommodations  
22   needed for this hearing. Let me ask you this. Do you wear  
23   glasses?

24          **INMATE CHAVEZ:** No, Commissioner.

25          **PRESIDING COMMISSIONER CHAPPELL:**   Okay. Any problems

1 with your hearing?

2 **INMATE CHAVEZ:** No, Commissioner.

3 **PRESIDING COMMISSIONER CHAPPELL:** Okay. Any problems  
4 sitting for long periods of time.

5 **INMATE CHAVEZ:** No.

6 **PRESIDING COMMISSIONER CHAPPELL:** All right. Any  
7 problems with your mobility? Any problems with walking?

8 **INMATE CHAVEZ:** It went out.

9 **PRESIDING COMMISSIONER CHAPPELL:** All right. How is  
10 that? Okay. Can you hear me now?

11 **INMATE CHAVEZ:** Uh, yes, you left out the room.

12 **PRESIDING COMMISSIONER CHAPPELL:** Can you hear me?

13 **INMATE CHAVEZ:** Yes, I could Commissioner.

14 **PRESIDING COMMISSIONER CHAPPELL:** Okay. All right.  
15 So, I asked you if you had any problems with your  
16 mobility, any problems with walking?

17 **INMATE CHAVEZ:** No, no problems.

18 **PRESIDING COMMISSIONER CHAPPELL:** Okay. All right.  
19 Do you currently wear any type of special braces? Like a  
20 knee brace or ankle brace, compression socks, inserts in  
21 your shoes, anything?

22 **INMATE CHAVEZ:** No, Commissioner, I don't.

23 **PRESIDING COMMISSIONER CHAPPELL:** Okay. Are you  
24 currently taking any type of medication that could affect  
25 your ability to participate in this hearing?

1       **INMATE CHAVEZ:** No, Commissioner, I don't.

2       **PRESIDING COMMISSIONER CHAPPELL:** All right. And it  
3 looks like you – are you working on your GED?

4       **INMATE CHAVEZ:** Yes, I am.

5       **PRESIDING COMMISSIONER CHAPPELL:** You are?

6       **INMATE CHAVEZ:** Yes, Commissioner. I am working on it.

7       **PRESIDING COMMISSIONER CHAPPELL:** Okay. And how  
8 close are you to receiving that GED?

9       **INMATE CHAVEZ:** I mean, from compared to the last  
10 hearing to this hearing the difference is that I got into  
11 the testing area. So I started taking my test, yes. So I'm  
12 about close. I just need to study a bit more.

13       **PRESIDING COMMISSIONER CHAPPELL:** Okay. It looks  
14 like, let me double check this, but it looks like you have  
15 a grade point level of 12.9?

16       **INMATE CHAVEZ:** Yes.

17       **PRESIDING COMMISSIONER CHAPPELL:** Okay. All right.  
18 And, so let me ask you this. What's been the holdup, with  
19 you receiving your GED because you had that high grade  
20 point level, reading level?

21       **INMATE CHAVEZ:** Yes, I do. Uh, I believe I struggle a  
22 lot in math, in math I've been struggling. Um, but I did  
23 get a high score. I was excited about that. I got a high  
24 score in math. That was one of my highest scores. So I was  
25 very, very excited about that. Um, however, I do struggle

1 with it and I tend to go back. When I do go back to school  
2 I want to keep studying for that math and to, you know,  
3 score high on my GED test.

4 **PRESIDING COMMISSIONER CHAPPELL:** Okay. All right.  
5 So Ms. Chavez, are there any medical accommodations that  
6 we have not discussed that you feel you need for this  
7 hearing?

8 **INMATE CHAVEZ:** No Commissioner, I don't need any  
9 more.

10 **PRESIDING COMMISSIONER CHAPPELL:** All. Alright. Uh,  
11 Counsel, do you feel your client's ADA concerns have been  
12 met?

13 **ATTORNEY IYAYI:** Um, yes, Commissioner. I just  
14 noted that she does have something in the DECS deck system  
15 that says to use simple language and things like that. I  
16 already told Ms. Chavez that if she didn't understand a  
17 question to speak up, you know, and I'm sure the  
18 Commissioners will gladly do that. I told her. Thank you,  
19 Commissioner. That's all.

20 **PRESIDING COMMISSIONER CHAPPELL:** Okay, great. Thank  
21 you. And Ms. Chavez, just a follow-up on that – yes, if at  
22 any time during this hearing if there's something that you  
23 don't understand, please, like your Attorney said, please  
24 speak up okay. We want to make sure you understand  
25 everything today, okay?

1           **INMATE CHAVEZ:** Okay, thank you, Commissioner.

2           **PRESIDING COMMISSIONER CHAPPELL:**   All right. Thank  
3   you. So Ms. Chavez, do you remember signing your notice of  
4   hearing rights?

5           **INMATE CHAVEZ:** Yes, I do.

6           **PRESIDING COMMISSIONER CHAPPELL:**   Okay. So at that  
7   time did your Counselor have an opportunity to go over  
8   those rights with you?

9           **INMATE CHAVEZ:** Yes, he did.

10          **PRESIDING COMMISSIONER CHAPPELL:**   Okay. Did you also  
11   have an opportunity to go over your rights with your  
12   Attorney?

13          **INMATE CHAVEZ:** Yes, I did, Commissioner.

14          **PRESIDING COMMISSIONER CHAPPELL:**   Okay. Any  
15   questions about your rights?

16          **INMATE CHAVEZ:** No. No questions.

17          **PRESIDING COMMISSIONER CHAPPELL:**   All right.  
18   Counsel, do you feel your client's rights have been met to  
19   this point?

20          **ATTORNEY IYAYI:**           Yes, we believe so, sir. Thank  
21   you.

22          **PRESIDING COMMISSIONER CHAPPELL:**   All right. Thank  
23   you. Counsel, were there any additional documents to pass  
24   on behalf of Ms. Chavez?

25          **ATTORNEY IYAYI:**           Yes, Commissioners. In addition

1 to delayed mail which was updated, we detained a packet  
2 got outdated with. My client walked in today with a recent  
3 certificate from participation in August in the – what was  
4 that program again, Ms. Chavez, I'm sorry?

5 **INMATE CHAVEZ:** Yes, it is Integrated Substance Use  
6 Disorder Treatment.

7 **ATTORNEY IYAYI:** Okay, the ISUDT program. Thank  
8 you, Commissioners.

9 **PRESIDING COMMISSIONER CHAPPELL:** Okay, and so Ms.  
10 Chavez has that chrono with her?

11 **ATTORNEY IYAYI:** Yes, she has the certificate with  
12 her today. That did not make it into the late mail  
13 package.

14 **PRESIDING COMMISSIONER CHAPPELL:** Okay. So Ms.  
15 Chavez, we'll talk to you about that today, okay about  
16 that certificate and then if we need a copy of it, we'll  
17 make arrangements to have the copy sent over to the Board,  
18 okay?

19 **INMATE CHAVEZ:** Okay. Yes. Thank you, Commissioner.

20 **PRESIDING COMMISSIONER CHAPPELL:** All right. Thank  
21 you. Counsel, I asked you if any preliminary objections?

22 **ATTORNEY IYAYI:** Uh, thank you Commissioners, we  
23 have no objections.

24 **PRESIDING COMMISSIONER CHAPPELL:** Okay. All right.  
25 Great. Thank you. All right. So Ms. Chavez, this panel, we

1 reviewed your entire record. We reviewed your Central  
2 File. We reviewed the Comprehensive Assessment and you'll  
3 be encouraged to clarify or correct the record as we go  
4 through this hearing. Uh, we've also reviewed the  
5 confidential portion of your Central File. We'll advise  
6 you if we'll be relying on any confidential information  
7 for our decision today, okay?

8 **INMATE CHAVEZ:** Okay.

9 **PRESIDING COMMISSIONER CHAPPELL:** All right. So I  
10 want to start off with – this is your Subsequent Parole  
11 Hearing. This is your sub one. So it looks like the last  
12 time you were at the hearing now, it was your initial, it  
13 looks like it was December of 2019. Is that correct?

14 **INMATE CHAVEZ:** Yes, that's correct Commissioner.

15 **PRESIDING COMMISSIONER CHAPPELL:** Okay. All right.  
16 Now, do you remember why the panel denied you parole at  
17 that time. You were denied for three years?

18 **INMATE CHAVEZ:** Yes, Commissioner? They told me – the  
19 Commissioners told me that I have no insight.

20 **PRESIDING COMMISSIONER CHAPPELL:** Okay?

21 **INMATE CHAVEZ:** Yes, that's the most that I can  
22 remember in that hearing.

23 **PRESIDING COMMISSIONER CHAPPELL:** Okay. And do you  
24 remember them having any discussion with you about your  
25 history of institutional misconduct?

1       **INMATE CHAVEZ:** Yes, Commissioner, they did talk to me  
2 about that.

3       **PRESIDING COMMISSIONER CHAPPELL:**    Okay. All right.  
4 And they also had a concern with you minimizing your  
5 criminal behavior.

6       **INMATE CHAVEZ:** I do recall that, yes.

7       **PRESIDING COMMISSIONER CHAPPELL:**    Okay. All right.  
8 So have you worked on those areas since your last hearing?

9       **INMATE CHAVEZ:** I did, Commissioner.

10       **PRESIDING COMMISSIONER CHAPPELL:**    You have, okay.  
11 All right. So we're going to talk about those areas today,  
12 okay. And we may talk about some other areas that may be  
13 the last panel went over with you as well, okay?

14       **INMATE CHAVEZ:** Okay, yes.

15       **PRESIDING COMMISSIONER CHAPPELL:**    Okay. So I want to  
16 start off with just a discussion with you about your prior  
17 criminal history. And did see in your records, as far as  
18 your criminal history, it looks like for the records, you  
19 didn't have a history of arrest as a juvenile. However,  
20 you reported that you were arrested once as a juvenile for  
21 shop lifting, you were released to your mother.

22       **INMATE CHAVEZ:** That's correct.

23       **PRESIDING COMMISSIONER CHAPPELL:**    Okay. And then as  
24 an adult, record notes that you have prior arrest in our  
25 convictions, it says several drug and alcohol-related



1 offenses, driving violations, assault with a firearm  
2 failure to appear, false ID to a Peace Officer, burglary,  
3 vandalism, assault on a Peace Officer and attempted  
4 murder. And then, it says this is your first prison  
5 sentence. So talk to us about why you were involved in –  
6 well, let me back up. And how old were you at the time of  
7 the life crime?

8 **INMATE CHAVEZ:** At the time of my life crime, I was 22  
9 years old.

10 **PRESIDING COMMISSIONER CHAPPELL:** 22 years old. So  
11 just going back and looking at your criminal history. You  
12 were really young when you committed that life crime but  
13 even going back to your criminal history, you were even  
14 younger. And so I'm going to ask you why – why were you  
15 involved in so much criminal behavior?

16 **INMATE CHAVEZ:** Can I take a couple seconds to think  
17 about that question?

18 **PRESIDING COMMISSIONER CHAPPELL:** Absolutely.

19 **INMATE CHAVEZ:** Okay Commissioner. Well, I can  
20 remember that it started off in my childhood, you know, I  
21 grew up in a core family and my mom, my dad they struggled  
22 to make ends meet, you know, and they worked a lot and I  
23 feel like I was involved in such criminal behavior due to  
24 the way I was brought up, you know, my dad he used to hit  
25 my mom a lot and he would be very violent at home and all

1 that affected me, all that affected me. And, uh, till this  
2 day I still think about it and I still cry. It just, it  
3 hurts me deeply, you know, that I had to see an innocent  
4 woman get hit every day almost, you know. Well, she got  
5 yelled at a lot. The violence was you know, and all that  
6 affects me still to this day.

7 **PRESIDING COMMISSIONER CHAPPELL:** Okay.

8 **INMATE CHAVEZ:** And I can always remember me being  
9 molested, me being molested affecting me tremendously, you  
10 know, I was only eight years old and it was during the  
11 1994 Northridge earthquake. And I went to the window to  
12 see where – I went to see the earthquake outside. That's  
13 all I can remember. And my uncle that, you know, he was  
14 laying there drunk. Excuse me, Commissioner. My uncle was  
15 laying there – I believe he was drunk to this day. I don't  
16 know for sure. He took upon himself to start touching me  
17 in my private area. And he was fondling on me right and I  
18 remember I got scared, I got shocked. I got up from the  
19 sofa where he was laying and I remember feeling scared and  
20 unprotected, unloved, I felt violated. I felt like it was  
21 my fault because I had got on that sofa where he was at.  
22 So I ran to – I walked fast to my mom's and my dad's room  
23 where they were sleeping at and I can remember me keeping  
24 it a secret. I didn't want to tell anybody because I  
25 already knew my dad was a violent man, you know, and I

1 could only think at that young age, I was like, I don't  
2 want to get my dad in trouble if he goes off on this man,  
3 right? And so all that affected me and me bottling it up  
4 and not being able to share my feelings what I felt to  
5 date. It affected me and I didn't feel loved and I didn't  
6 feel like I have no attention given to me at that time.

7 **PRESIDING COMMISSIONER CHAPPELL:** So, let me ask you  
8 this. So how do you tie that in with your criminal history  
9 that incident of being sexually assaulted as a child?

10 **INMATE CHAVEZ:** Well, after this incident happened to  
11 me it didn't take long for me to run to drugs and find  
12 that escape there in drugs and alcohol. And that made me  
13 feel like all the weight that I had on my shoulders was  
14 lifted. When I got – when I had my first drink of alcohol  
15 at age 12, yes, it just made me feel better like – it made  
16 me feel like all that weight had lifted off my shoulders.  
17 So I ended up on drugs and alcohol eventually and I turned  
18 to negative influences, negative peers that – you know at  
19 that time I was my boyfriend and he was a tagger and I  
20 understand he supposed to protect me and guide me in the  
21 right way and want my best interests at heart and he  
22 didn't. You know, I was easily influenced to go steal and  
23 make easy money that way. And that only progressed and my  
24 drug addiction progressed as well. And, uh, by the age of  
25 17 – by the age of 15, I started using cocaine. And I

1 remember that making me feel like I wasn't controlled. And  
2 then I was powerful. And after that I progressed from  
3 there to the age of 17, I ended up using a rock cocaine.  
4 It was introduced by my boyfriend, but I chose to use,  
5 right. I chose to use that rock cocaine and I went out  
6 stealing with my boyfriend that I had at the time. And  
7 from there I felt love and attention from him still, you  
8 know, I still feel that he gave me that attention I so  
9 much yearn for, you know, and from there he ended up  
10 passing away at age 18. And from there

11 **PRESIDING COMMISSIONER CHAPPELL:** Let me ask you  
12 this, how did he pass away?

13 **INMATE CHAVEZ:** Well, I never got to find out the real  
14 reasons. I was already too involved in drugs that I never  
15 really asked for the right answers. And I know that when I  
16 did go visit him at the hospital, they told me that he had  
17 got kind of a liver, something going on with his liver,  
18 that's all I remember.

19 **PRESIDING COMMISSIONER CHAPPELL:** Okay. Well, let me  
20 go – let me ask you this. I want to go back to your  
21 criminal history, right, because you had some pretty  
22 serious violence in your history even before the life  
23 crime, right?

24 **INMATE CHAVEZ:** Right.

25 **PRESIDING COMMISSIONER CHAPPELL:** You were once

1 arrested for assault with a firearm. What was that about?

2 **INMATE CHAVEZ:** Excuse me, Commissioner. Excuse me.  
3 Assault with a firearm?

4 **PRESIDING COMMISSIONER CHAPPELL:** Yes.

5 **INMATE CHAVEZ:** Okay. If I can think back to that day,  
6 I can't really recall it but I know that they — when I got  
7 arrested, they charged me. They — I really don't  
8 understand how I got charged right now at that time. I  
9 don't understand. I want to say they wanted to pin me with  
10 that charge, but I don't think it's stood that it took on  
11 me, but I don't remember.

12 **PRESIDING COMMISSIONER CHAPPELL:** Do you remember  
13 the circumstances of what happened?

14 **INMATE CHAVEZ:** I can't. I can't think about it  
15 Commissioner.

16 **PRESIDING COMMISSIONER CHAPPELL:** I mean, were you  
17 with your boyfriend, were you by yourself?

18 **INMATE CHAVEZ:** Can I get a few seconds to think about  
19 it?

20 **PRESIDING COMMISSIONER CHAPPELL:** Sure.

21 **INMATE CHAVEZ:** No, I can't recall Commissioner.

22 **PRESIDING COMMISSIONER CHAPPELL:** Okay. Give me a  
23 second here. All right, so there was an assault on a Peace  
24 Officer. Do you remember that?

25 **INMATE CHAVEZ:** Uh, I can't remember that one either.

1           **PRESIDING COMMISSIONER CHAPPELL:**   Okay. Well, talk  
2 to us about some of the violence in your history. What  
3 time you've been violent outside the life crime?

4           **INMATE CHAVEZ:** Okay, Commissioner. Okay Commissioner,  
5 I was violent many a times when I went stealing and I  
6 would shoot out with my BB gun to break a bunch of windows  
7 to see what I could retrieve out of those cars – or let me  
8 say that again, the vans or trucks that I found parked in  
9 the street. I was very violent at that time that I could  
10 remember.

11          **PRESIDING COMMISSIONER CHAPPELL:**   Okay. So you were  
12 shooting out windows of vehicles that you were  
13 burglarizing.

14          **INMATE CHAVEZ:** That's correct.

15          **PRESIDING COMMISSIONER CHAPPELL:**   All right. And  
16 anything else, were you ever – did you ever engage in any  
17 assaults or fights?

18          **INMATE CHAVEZ:** I did not engage in fights. No.

19          **PRESIDING COMMISSIONER CHAPPELL:**   Okay. And so  
20 there's also – there's another attempted murder. Is that  
21 your life crime or is that another count of attempted  
22 murder?

23          **INMATE CHAVEZ:** That's the life crime Commissioner.

24          **PRESIDING COMMISSIONER CHAPPELL:**   All right. So  
25 looking at the life crime and the doctor in the risk

1 assessment provides a summary. It says according – and  
2 this is on page four of the report. It says according to  
3 the pellet transcripts on December, 9th 2008, Jesse Cox  
4 had finished work at 2:00 A.M, stopped at a fast food  
5 restaurant to get something to eat. At the pay window, he  
6 looked in the rear view mirror, saw a woman walk up behind  
7 his car. She said, hi, and pulled out a gun. He held his  
8 hands up and she began firing. He identified Ms. Chavez is  
9 the perpetrator. He remembers four to six shots. As a dark  
10 blue Nissan pulled up next to Mr. Cox and Ms. Chavez got  
11 in and drove off. Mr. Cox sustained staying one bullet  
12 wound to the right shoulder and one in the left elbow, at  
13 least two in the abdomen and one in the left hip, both  
14 arms were broken. He was hospitalized for six days and had  
15 three surgeries. And the doctor questions you about the  
16 life crime, and this is under the analysis of clinical  
17 factors portion of the report. It says when discussing  
18 their life crime, Ms. Chavez stated that she's working  
19 with California Innocence Project, does not know anything  
20 about the life crime. Is that still your position today?  
21 You don't know anything about the life crime?

22 **INMATE CHAVEZ:** That's correct Commissioner. I want to  
23 say that the Innocent Project is currently – has my case  
24 on hold due to them waiting on some papers, some paperwork  
25 and as soon as they get those papers they will pick up my

1 case again, right. And I would just like to add that if I  
2 really did this crime, I just want to tell you right now  
3 that I would tell you, like, I've been honest right now  
4 and I did not commit that crime. I would really say if I  
5 did it, but I want to tell you that I didn't do it and  
6 that they got the wrong person, you know. How was it that  
7 I cannot walk you through this crime, you know, it's  
8 because I didn't do it and I just want to tell you that I  
9 didn't commit that crime still.

10 **PRESIDING COMMISSIONER CHAPPELL:** I see. So if you  
11 didn't commit the crime, why are you sitting in prison  
12 today?

13 **INMATE CHAVEZ:** I know that I did a lot of mistakes in  
14 my life that I know I deserve to be here. And that's the  
15 reason why I think I'm still sitting here because of all  
16 the wrongs that I've done, you know, all those windows  
17 that I shot out that I didn't get caught for, you know,  
18 all that stuff. I know I'm paying for it today.

19 **PRESIDING COMMISSIONER CHAPPELL:** Okay. So you had a  
20 non-controlling offense, right? Second-degree, burglary,  
21 vandalism, right? And I asked you about violent acts that  
22 you've committed in the past and you said, well, you've  
23 shot the windows out with your BB gun on vehicles that you  
24 wanted to burglarize, right?

25 **INMATE CHAVEZ:** That's correct.



1           **PRESIDING COMMISSIONER CHAPPELL:**   But you also  
2 admitted to the doctor, and this is under that same  
3 portion where the doctor attempted to talk to you about  
4 the life crime where you admitted to firing the BB gun at  
5 Sergio Perez, victim of your non-controlling offense. Do  
6 you remember telling the doctor that?

7           **INMATE CHAVEZ:** Excuse me, um, yes, I do remember  
8 that. Yes, I would like to clarify that part Commissioner  
9 today.

10          **PRESIDING COMMISSIONER CHAPPELL:**   Okay.

11          **INMATE CHAVEZ:** Uh, yes, that day when I took my co-  
12 defendant to steal from this man, at that point when I  
13 took him, I didn't know what he was going to do, right. I  
14 drove him to in front of this house because he told me  
15 that, this man owe him money, that's all I remember. And  
16 when I drove him in front of this house, I stopped mom's  
17 van that I was driving and he got off the car. When he got  
18 off the car, he burglarized his car, right. He broke the  
19 window and burglarized it. Um, and that's what I took him.  
20 I was just there to help him, you know, just like being  
21 the getaway driver. And he got out and took the stereo and  
22 when the guy came out from the side of the house to yell  
23 out, Hey, you know, because he heard the alarm go off of  
24 that car. And when my co-defendant came into my van, he  
25 shut the door and I was really on drugs, I was really high

1 on methamphetamine and my adrenaline was going, it was  
2 going high, it was highest. I decided to drive off a  
3 little and stopped and I pulled out BB gun and I shot him.  
4 My intentions were always to shoot at the back of the  
5 Explore window. That was my intention at all times. And  
6 also to intimidate

7 **PRESIDING COMMISSIONER CHAPPELL:** So let me ask you  
8 this. If you are already taken off leaving the scene, why  
9 would you stop to shoot at the window?

10 **INMATE CHAVEZ:** I was really immature back then. I was  
11 reckless. I did not think before I did things. I was  
12 really implicit. So,

13 **PRESIDING COMMISSIONER CHAPPELL:** Okay. And what  
14 vehicle – what kind of vehicle were you in at that time?

15 **INMATE CHAVEZ:** I was in a Dodge Caravan.

16 **PRESIDING COMMISSIONER CHAPPELL:** And whose Dodge  
17 Caravan was that?

18 **INMATE CHAVEZ:** That was my mother's and my father's.

19 **PRESIDING COMMISSIONER CHAPPELL:** Okay. So you were  
20 taking your boyfriend around at the time. Is this the  
21 boyfriend that passed away at 18?

22 **INMATE CHAVEZ:** No, it was not Commissioner.

23 **PRESIDING COMMISSIONER CHAPPELL:** Another boyfriend?

24 **INMATE CHAVEZ:** Yes, it is, yes.

25 **PRESIDING COMMISSIONER CHAPPELL:** So you were taking

1 him around at that time to commit burglaries. Is that what  
2 it was?

3 **INMATE CHAVEZ:** It was, yes.

4 **PRESIDING COMMISSIONER CHAPPELL:** All right. You  
5 know, let's take a brief break.

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1           **DEPUTY COMMISSIONER GARCIA:**    On the record.

2           **PRESIDING COMMISSIONER CHAPPELL:**   All right. So the  
3 time is approximately 12:43 P.M. All the same parties that  
4 were present prior to the break have returned. Okay Ms.  
5 Chavez, I want to go back through your criminal history.  
6 Um, you talked to us about the incident where you had said  
7 you had taken your boyfriend around to burglarize a  
8 vehicle. You were in a Dodge Caravan. Um, you talked about  
9 the incident where you received a charge of assault with a  
10 deadly weapon. You had indicated that as your boyfriend  
11 was trying to steal something out of the car, I think it  
12 was a stereo, the victim came out, you guys took off, you  
13 stopped and you shot your BB gun at a window, correct?

14           **INMATE CHAVEZ:** That's correct, Commissioner.

15           **PRESIDING COMMISSIONER CHAPPELL:**   And how far were  
16 you, I mean, was this a powerful BB gun because I'm  
17 reading in the report. I mean, it shattered a window of a  
18 car. Was it a BB gun or was it a regular lethal weapon?

19           **INMATE CHAVEZ:** It was a BB gun. It looked like a 9  
20 millimeter, but it wasn't, it was a BB gun.

21           **PRESIDING COMMISSIONER CHAPPELL:**   Okay. And tell us  
22 again why you stopped to shoot at the victim?

23           **INMATE CHAVEZ:** My intention that morning was to  
24 intimidate Sergio Perez so that he won't go following me,  
25 you know.

1           **PRESIDING COMMISSIONER CHAPPELL:**    Okay. All right.

2   And then just going through your record, there was another  
3   assault with a deadly weapon and it looks like this  
4   happened in 2007 and I'm reading and for Mr. Iyayi, I'm  
5   reading from page 49 of our Master's. It's part of the  
6   Probation Officer's report. There's a summary of activity.  
7   It says on September, 15th 2007, approximately at 2000  
8   hours, my partner officer Holzer and I officer Herrera  
9   were working mission division unit 19895. We were in full  
10   uniform driving a Mark black and white vehicle when we  
11   received a radio call for assault with a deadly weapon  
12   investigation. It says upon our arrival we located the  
13   victim, Renee and Omayra who pulled into the mobile gas  
14   station. It stated at approximately 1945 hours, he had  
15   witness Liana Peralta were stopped in the vehicle. A red  
16   Chevy Sprint with three occupants pulled up to the  
17   passenger side of the vehicle, Omayra and Peralta looked  
18   over to their right side at the vehicle and identified the  
19   occupants as a female driver, a male front passenger and a  
20   male rear passenger. As they looked the front passenger  
21   later identified a suspect one Thomas Lopez as Omayra and  
22   Peralta and this is in quotes "what the fuck were you  
23   looking at" Peralta replied to Lopez that he did not speak  
24   English. So Lopez then said to Peralta in Spanish, uh -  
25   I'm not going to, I can't repeat it, but what it meant

1 was, um, what the fucker are you looking at? What is your  
2 problem? Omayra then said to Lopez and this is in quote  
3 "don't listen to him. He's drunk." Lopez asked Peralta one  
4 more time that what was problem was, at that time pointing  
5 at him, what appeared to be a black semiautomatic firearm  
6 or handgun. Omayra then attempted to leave the area,  
7 stepped on his accelerator and continued North Mountains,  
8 pulled it up. The female driver later identified as  
9 Christina Chavez also accelerated to gain speed to get  
10 alongside of Omayra. Chavez then sped up in front of Omayra  
11 in attempt to cut him off, but when she reached the  
12 intersection, made a sharp right turn east on  
13 <UNINTELLIGIBLE>. Omayra was able to write down the license  
14 plate of the vehicle, which was 3NAE696 on his right hand  
15 when they made the turn. So were you involved in that?

16 **INMATE CHAVEZ:** Commissioner, I can remember that the  
17 police did show up at my parents' apartment and they  
18 raided my parents' apartment. That's all I remember.

19 **PRESIDING COMMISSIONER CHAPPELL:** Well, listen to  
20 the question. So, were you involved in this crime?

21 **INMATE CHAVEZ:** No. It was false allegations. It was  
22 false allegations. We didn't even get arrested for it  
23 because there was no weapon at all, no firearm in the  
24 vehicle at all.

25 **PRESIDING COMMISSIONER CHAPPELL:** What do you mean,

1 there was no firearm in a vehicle. So did you encounter  
2 the victims, like they said but there was just no firearm  
3 or firearms?

4 **INMATE CHAVEZ:** I can't recall that far back of the  
5 incident. I do remember something similar where my  
6 passenger did say something to a man in a car next to mine  
7 that's all I remember. And he did point, but he had a  
8 pipe. It was a weed pipe. I remember him pointing  
9 something like that with his hand and I believe that they  
10 made false allegations with that. That's all I can recall.

11 **PRESIDING COMMISSIONER CHAPPELL:** Okay. So who was  
12 Lopez to you? Was he a friend of yours, was he your  
13 boyfriend, was he a crime partner?

14 **INMATE CHAVEZ:** It could have been somebody I was  
15 dating at that time. I don't remember his name.

16 **PRESIDING COMMISSIONER CHAPPELL:** Okay. So why do  
17 you think you're having a hard time remembering all this  
18 stuff? Because I'm reading more into this report right now  
19 on page four, the report they interviewed you. It says  
20 Chavez has stated that she had seen a gun on Lopez on the  
21 prior day and knew that he had left it at his house in  
22 mission unit conducted a parole search at Thomas Lopez's  
23 residence but also were <UNINTELLIGIBLE>

24 **INMATE CHAVEZ:** To be honest Commissioner, I can't  
25 remember that statement that I said that. Yes, it was such

1 a while back that I cannot remember many details of it. I  
2 do remember of me dating the guy I was seeing him, but I  
3 don't remember his real name. I knew him by his nickname.  
4 That's what I do remember. I just knew him by Mojo.

5 **PRESIDING COMMISSIONER CHAPPELL:** Okay. Well, you  
6 said that you weren't arrested, but I'm seeing in this  
7 report, it says Lopez and Chavez were placed under arrest  
8 for 245(a)(2) PC assault with a deadly or with a firearm,  
9 excuse me. It says Lopez, Chavez and Mendoza were  
10 transported to mission station. And you don't remember any  
11 of that?

12 **INMATE CHAVEZ:** Can I get a few seconds Commissioner  
13 to try to think back? It's been awhile back. That's why I  
14 can't recall. Okay Commissioner. I did - I do remember  
15 getting handcuffed that's all I remember from that. That  
16 it did take me to the station, I don't recall anything  
17 else from there. I did get arrested.

18 **PRESIDING COMMISSIONER CHAPPELL:** So you remember  
19 them taking you to the station?

20 **INMATE CHAVEZ:** What was that?

21 **PRESIDING COMMISSIONER CHAPPELL:** You said, you  
22 remember getting handcuffed. Did you say you did remember  
23 them taking you to the station or you don't remember them  
24 taking you to the station?

25 **INMATE CHAVEZ:** I do remember taking to the station.



1 From there I don't remember anything else, Commissioner.  
2 Yes, they came and searched my parents' apartment. I  
3 believe they were looking for this firearm and there was  
4 nothing and I do remember now being arrested and taken to  
5 the mission station, I do.

6 **PRESIDING COMMISSIONER CHAPPELL:** Okay. And so do  
7 you remember making — providing a voluntary written  
8 statement about the incident?

9 **INMATE CHAVEZ:** I don't remember that. No, I did not.

10 **PRESIDING COMMISSIONER CHAPPELL:** All right. Because  
11 it says, and this is under additional portions of the  
12 report, it is on page five. It says "Mendoza and Chavez,  
13 both provided voluntary written statements of the  
14 incident. Chavez stated that they did have a confrontation  
15 with Omayra and Peralta, but at no time did anyone in her  
16 car pull out a gun. She did state that the only time she  
17 had seen Lopez with a handgun was the day before the  
18 incident when he went to his brother's house and picked up  
19 a gun and a vest. He then went to another house and spoke  
20 to another male, went to the home and left the gun and  
21 vest? Do you remember any of that?

22 **INMATE CHAVEZ:** No. Commissioner, the audio is  
23 sounding a little choppy again and it's going in and out.

24 **PRESIDING COMMISSIONER CHAPPELL:** Okay, so you  
25 didn't hear what I said?

1           **INMATE CHAVEZ:** I couldn't really hear, no.

2           **PRESIDING COMMISSIONER CHAPPELL:**    Okay. How's this  
3 sound now.

4           **INMATE CHAVEZ:** Okay. It sounded a little better, yes.  
5 It just keeps going on at several times, you know, at  
6 different little times it goes in and out.

7           **PRESIDING COMMISSIONER CHAPPELL:**    Okay. So you can  
8 hear me okay now.

9           **INMATE CHAVEZ:** It wants to go in and out again, it  
10 wants to go in and out.

11           **PRESIDING COMMISSIONER CHAPPELL:**    All right. Let's  
12 take a break Commissioner. Sorry.

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1           **DEPUTY COMMISSIONER GARCIA:**    On the record.

2           **PRESIDING COMMISSIONER CHAPPELL:**    Okay. Thank you.

3       So the time is approximately 12:57 P.M. We're going to try  
4       and continue. Um, so Ms. Chavez, before we went on break,  
5       I was just going over there – in a police report or the  
6       Probation Officer's report there's a continuation sheet  
7       and it's on page five of the report on page 52 of the  
8       Master. And I have a concern with your description of  
9       things and you're like – I indicated earlier, you're being  
10      very vague and then it appears you're being very evasive,  
11      but we see that according to the report you even provided  
12      a voluntary written statement about the incident. Um,  
13      before you've told us that you really don't understand, I  
14      really can't say if you were there or not really, really  
15      wasn't an incident, you really didn't know Mr. Lopez. He  
16      may have been somebody you dated, but it was really clear  
17      in your statements at least in the report, it says,  
18      "Chavez stated that they did have a confrontation with  
19      Omayra and Peralta, but at no time did anyone in their car  
20      pulled out a gun. She did state the only time she had seen  
21      Lopez with a handgun was the day before the incident when  
22      he went to his brother's house and picked up a gun and a  
23      vest. He then went to another house and spoke to another  
24      male, went to his home and left the gun and vest." So  
25      that's a statement that you provided.

1           **INMATE CHAVEZ:** Right, okay.

2           **PRESIDING COMMISSIONER CHAPPELL:**   My question is why  
3 are you being evasive now about this information?

4           **INMATE CHAVEZ:** Commissioner, I want to apologize if  
5 it seems like I'm being evasive. I really don't remember  
6 much of these events, but as you're talking about them,  
7 I'm kind of getting some kind of recollection of them. And  
8 I do remember making a statement about a vest. That part I  
9 do remember about that vest because it just seemed like –  
10 that I didn't seem right for him to have a vest like that.  
11 And I do want it to be honest.

12           **PRESIDING COMMISSIONER CHAPPELL:**   So Ms. Chavez, you  
13 see where this is going, right? I mean, you start off the  
14 conversation with I don't even remember that, I wasn't  
15 involved and then I give you a little information and  
16 you're like, oh yes, now yes I do remember, you know,  
17 being handcuffed and maybe I was taken to the station and  
18 then you said, but that's it. That's all I remember. And  
19 then I bring this up and you're like, oh yes, you know,  
20 well, I do remember making some statement about the vest.  
21 Why do you think you're having a hard time remembering  
22 this stuff?

23           **INMATE CHAVEZ:** Honestly, I always thought that when  
24 they took me to the station and they released me, I  
25 thought that I was okay. That's why I never really given

1 much thought, you know, I did think it that because I  
2 didn't have a firearm anywhere in the car. So I thought  
3 that, you know, it was done and I never thought about it  
4 ever again, you know?

5 **PRESIDING COMMISSIONER CHAPPELL:** Yes, but you know  
6 what the concern we have right, is this is all part of  
7 your criminal history and the this shows that you involved  
8 in an act of violence and the concern is that, like you  
9 just told us, you haven't given it much thought. And what  
10 we're here to do today is we're here to figure out if you  
11 have done that deep exploration, you have thought about  
12 the violence that you've been involved in, you have  
13 thought about the criminal behavior that you've been  
14 involved in and you've addressed those issues. And so I've  
15 got a big concern right now. Um, but anyway, Commissioner,  
16 I'm going to pass it over to you for any questions.

17 **DEPUTY COMMISSIONER GARCIA:** All right. Thank you,  
18 Commissioner. Uh, Ms. Chavez, you stated to the last panel  
19 that you were involved in about 300 incidents where you  
20 shot at people or property. Do you recall that?

21 **INMATE CHAVEZ:** Yes, I do, Deputy Commissioner, I do.

22 **DEPUTY COMMISSIONER GARCIA:** Okay. Um, when you say  
23 you shot, what were you using?

24 **INMATE CHAVEZ:** I was using a BB gun?

25 **DEPUTY COMMISSIONER GARCIA:** Every time?

1           **INMATE CHAVEZ:** Yes, that's right, Deputy  
2 Commissioner.

3           **DEPUTY COMMISSIONER GARCIA:** Did you ever shoot a  
4 firearm that's not a BB gun?

5           **INMATE CHAVEZ:** No. I never shot a real firearm, only  
6 a BB gun.

7           **DEPUTY COMMISSIONER GARCIA:** And tell me about those  
8 300 incidents. Uh, what did that involve? And I know it's  
9 a lot, so let me ask you this way. How many of those 300  
10 involved you shooting at people?

11           **INMATE CHAVEZ:** None of them, Deputy Commissioner.  
12 None of them involved shooting at people. It was only at  
13 the vehicles. I was shooting at the vehicles to rob what  
14 was inside of the vehicles. Mainly it was construction  
15 tools, radio, and garden tools.

16           **DEPUTY COMMISSIONER GARCIA:** Well, you earlier  
17 during this hearing you told the Commissioner that you  
18 shot at Sergio Perez to intimidate him so he wouldn't  
19 follow you. You shot at him, right?

20           **INMATE CHAVEZ:** Um, can you repeat that question  
21 again?

22           **DEPUTY COMMISSIONER GARCIA:** Did you shoot at Sergio  
23 Perez?

24           **INMATE CHAVEZ:** I did not intend to shoot at Sergio  
25 Perez ever. It was to shoot at the car window.

1           **DEPUTY COMMISSIONER GARCIA:** Did you not say you  
2 shot at him to intimidate him, so he wouldn't follow you?

3           **INMATE CHAVEZ:** I shot at the window. My intention was  
4 to shoot at the window and it was to place intimidation on  
5 him. It was for that reason.

6           **DEPUTY COMMISSIONER GARCIA:** How far was he from the  
7 vehicle you shot at – because you saw him, right?

8           **INMATE CHAVEZ:** Yes. Uh, the vehicle was parked in the  
9 driveway and I don't know how many feet is that, but he was  
10 coming from the side of the house.

11           **DEPUTY COMMISSIONER GARCIA:** Okay. So when you say –  
12 you used the word intimidate him, so he wouldn't follow  
13 me. What act did you commit for him to not follow you?

14           **INMATE CHAVEZ:** Can you repeat that question again?

15           **DEPUTY COMMISSIONER GARCIA:** Earlier you said, you  
16 did something so that he would not follow you, right?

17           **INMATE CHAVEZ:** That's correct, Deputy Commissioner.

18           **DEPUTY COMMISSIONER GARCIA:** Okay. What did you do  
19 so to get him to not follow you?

20           **INMATE CHAVEZ:** What I did was shoot out through the  
21 passenger window with a BB gun and I shot at the window of  
22 the truck that was parked in the driveway.

23           **DEPUTY COMMISSIONER GARCIA:** Well, why would he not  
24 follow you? You shot out a window, you didn't – if you say  
25 you didn't shoot at him, why would he not follow you?

1       **INMATE CHAVEZ:** Okay. At that time, I thought that  
2 because I placed — I knew I had placed fear in him at that  
3 time. I knew that he would not come after me. That's what  
4 I thought in my head.

5       **DEPUTY COMMISSIONER GARCIA:** Okay. So the 300  
6 incidents — how did you calculate that? That's a lot,  
7 right? Do you believe that's a lot?

8       **INMATE CHAVEZ:** I do believe it's a lot.

9       **DEPUTY COMMISSIONER GARCIA:** Is that an  
10 overestimation or is that an underestimation?

11       **INMATE CHAVEZ:** I think is an underestimation.

12       **DEPUTY COMMISSIONER GARCIA:** Could be more?

13       **INMATE CHAVEZ:** Could be more.

14       **DEPUTY COMMISSIONER GARCIA:** Were there ever people  
15 in the vehicles that you shot out the windows?

16       **INMATE CHAVEZ:** Can you repeat that question?

17       **DEPUTY COMMISSIONER GARCIA:** You said you shot out  
18 windows, vehicle windows, right?

19       **INMATE CHAVEZ:** Yes. That's correct.

20       **DEPUTY COMMISSIONER GARCIA:** Okay. Did you ever  
21 shoot out a residence window?

22       **INMATE CHAVEZ:** Residents?

23       **DEPUTY COMMISSIONER GARCIA:** Yes.

24       **INMATE CHAVEZ:** No, I did not, Deputy Commissioner.

25       **DEPUTY COMMISSIONER GARCIA:** Windows to a home. You



1 never shot out windows to a home?

2 **INMATE CHAVEZ:** No, Deputy Commissioner, I did not.

3 **DEPUTY COMMISSIONER GARCIA:** Um, When you shot out  
4 vehicle windows, where the vehicles moving or where they  
5 always parked?

6 **INMATE CHAVEZ:** They were always parked.

7 **DEPUTY COMMISSIONER GARCIA:** Did you ever shoot at a  
8 moving vehicle?

9 **INMATE CHAVEZ:** I did not, Deputy Commissioner.

10 **DEPUTY COMMISSIONER GARCIA:** Were there ever people  
11 on the sidewalk when you shot out parked vehicles?

12 **INMATE CHAVEZ:** No. There were no people walking on  
13 the sidewalks at all.

14 **DEPUTY COMMISSIONER GARCIA:** So how did you know  
15 which car to target or which vehicle to target? Walk me  
16 through that? How did that work?

17 **INMATE CHAVEZ:** Can I get a couple seconds please,  
18 Deputy Commissioner?

19 **DEPUTY COMMISSIONER GARCIA:** Okay.

20 **INMATE CHAVEZ:** Deputy Commissioner, I know that when  
21 I would shoot at the van, I would mainly aim at the vans  
22 like white trucks, I mean white vans that seemed like  
23 there were like – that could contain construction tools or  
24 gardening tools inside of them. I would mainly in for  
25 those type of vans. And for car stereos, it was just

1 randomly choosing cars.

2 **DEPUTY COMMISSIONER GARCIA:** So would you go  
3 approach to car first and look inside before you shot the  
4 window?

5 **INMATE CHAVEZ:** For the most part, it was just  
6 shooting at it and then checking after.

7 **DEPUTY COMMISSIONER GARCIA:** Okay. So you never  
8 really checked to see if there was anybody actually  
9 sitting in a vehicle?

10 **INMATE CHAVEZ:** I do not check, no. For the most part  
11 I didn't.

12 **DEPUTY COMMISSIONER GARCIA:** All right. Uh, now,  
13 were you doing this with other people being with you?

14 **INMATE CHAVEZ:** Can you repeat that question again?

15 **DEPUTY COMMISSIONER GARCIA:** Were you shooting out  
16 vehicle windows with other people in the car with you?

17 **INMATE CHAVEZ:** That's correct.

18 **DEPUTY COMMISSIONER GARCIA:** Okay.

19 **INMATE CHAVEZ:** For the most part I had a passenger  
20 and sometimes I'll go by myself.

21 **DEPUTY COMMISSIONER GARCIA:** Okay. Were you part of  
22 a gang?

23 **INMATE CHAVEZ:** I was not part of a gang, Deputy  
24 Commissioner.

25 **DEPUTY COMMISSIONER GARCIA:** Do you know what a gang

1 is?

2 **INMATE CHAVEZ:** A gang to me is when there are two or  
3 more together committing a crime to cause harm to others.

4 **DEPUTY COMMISSIONER GARCIA:** Okay. And knowing that  
5 definition, were you ever in a situation where you were  
6 with two or more people committing a crime?

7 **INMATE CHAVEZ:** That is correct, Deputy Commissioner.

8 **DEPUTY COMMISSIONER GARCIA:** So then you could say  
9 you did gang-like activity?

10 **INMATE CHAVEZ:** Yes. I could admit I was gang  
11 affiliated — with gang mentally.

12 **DEPUTY COMMISSIONER GARCIA:** Okay. Going to the life  
13 crime, right and I understand your position that you  
14 didn't do it. But you know about it, right. You know, you  
15 know what happened just from reading the report. Did you  
16 read the report about the crime, about the life crime that  
17 you were convicted of?

18 **INMATE CHAVEZ:** I did Deputy Commissioner, I did.

19 **DEPUTY COMMISSIONER GARCIA:** Okay. The report, and  
20 I'm sure it came out at trial that there was a dark Nissan  
21 involved. You recall that?

22 **INMATE CHAVEZ:** I do recall the dark Nissan.

23 **DEPUTY COMMISSIONER GARCIA:** Okay, do you recognize

24 **INMATE CHAVEZ:** What was that?

25 **DEPUTY COMMISSIONER GARCIA:** I haven't asked the

1 question yet, but I'm going to. Okay. Did you know anyone  
2 that owned a car that was similar to the one that was  
3 identified in the life crime? I think it was dark or blue  
4 Nissan. Did you know anyone that owned a car like that or  
5 drove a car like that?

6 **INMATE CHAVEZ:** I do not, Deputy Commissioner. I did  
7 not know anybody that owns a Nissan, a dark Nissan like  
8 that.

9 **DEPUTY COMMISSIONER GARCIA:** Okay. Why do you think  
10 you were tied to that crime?

11 **INMATE CHAVEZ:** I think it's because of my lifestyle –  
12 all the bad choices I made in life and how I was hanging  
13 around negative influences, doing criminal activity. I  
14 know that that made me a probable cause to put me in a  
15 lineup where my picture was chosen for this life crime  
16 that I have right now.

17 **DEPUTY COMMISSIONER GARCIA:** Okay. So the victim,  
18 Mr. Jesse Cox identified you?

19 **INMATE CHAVEZ:** Yes, he did.

20 **DEPUTY COMMISSIONER GARCIA:** Okay. Um, all right. I  
21 want to move on to post-conviction factors, Commissioner,  
22 unless you have any questions about other areas.

23 **PRESIDING COMMISSIONER CHAPPELL:** No, I'm fine.  
24 Thank you. Appreciate it.

25 **DEPUTY COMMISSIONER GARCIA:** Okay, Ms. Chavez, when

1 we talk about post-conviction, what that means is what  
2 you've done after the conviction, right, after you are  
3 received into CDCR. Your disciplinary record and then  
4 we'll talk about your programming, okay?

5 **INMATE CHAVEZ:** Okay.

6 **DEPUTY COMMISSIONER GARCIA:** As far as your  
7 disciplinary record, the last thing I see was 2016  
8 contraband for earrings, right? You were carrying earrings  
9 into the visitor section.

10 **INMATE CHAVEZ:** Yes. I recall that. That's correct.

11 **DEPUTY COMMISSIONER GARCIA:** Okay. So what did you  
12 do wrong?

13 **INMATE CHAVEZ:** First of all, Deputy Commissioner, I  
14 would like to clarify that incident. I had told my mother  
15 to – knowing that she loves me so much and that she would  
16 do anything for me, I manipulated her into bringing me  
17 some earrings through visiting and I regret it so much  
18 today. And so that's how I brought the earrings through  
19 visiting, and I know I did a mistake that I will not ever  
20 do again and I learned from it today. Uh, I did think  
21 about this that multiple times since that occasion and to  
22 tell you that I did take – for change in ISUDT, Integrated  
23 Substance Use Disorder Treatment. And I thought about what  
24 I did and how the consequences that come after it, right,  
25 and how I will never commit a crime like this by criminal

1 thinking. And I don't act impulsively anymore. I think  
2 before I react or respond to any situation now.

3 **DEPUTY COMMISSIONER GARCIA:** You previously said  
4 that you had the earrings in already in your housing area  
5 and you took them out to visiting because you didn't want  
6 to leave them there right, so that was a lie.

7 **INMATE CHAVEZ:** Right and I want to clear it up today  
8 in front of you two Commissioners.

9 **DEPUTY COMMISSIONER GARCIA:** So what did you do with  
10 to your mother by having her bring in contraband would she  
11 could have been arrested.

12 **INMATE CHAVEZ:** Uh, can you repeat that question  
13 again, Deputy Commissioner?

14 **DEPUTY COMMISSIONER GARCIA:** What do you think about  
15 the fact that you've put your mother in a situation where  
16 she would have been arrested for bringing in contraband to  
17 the prison?

18 **INMATE CHAVEZ:** That's correct. I know that I put my  
19 mom at risk from getting arrested. I put my mom through  
20 pain that if they would have, you know, because they did  
21 suspend our visits for a couple months, could have been  
22 like a couple years more than likely. Um, so I know that  
23 all that pain that it caused her for not being able to  
24 come see me due to my impulses and wanting those earrings  
25 that bad. And so I know I caused her stress and paranoia,

1 and I know that she probably has nightmares still this  
2 day.

3 **DEPUTY COMMISSIONER GARCIA:** Why would your mother  
4 do that?

5 **INMATE CHAVEZ:** Can you repeat that question again,  
6 Commissioner?

7 **DEPUTY COMMISSIONER GARCIA:** Why would your mother  
8 bring you something to visiting and she probably knew that  
9 was not lawful?

10 **INMATE CHAVEZ:** Right. I know my mom knew that. Uh,  
11 however, I know that I pushed her to doing it by asking  
12 her more than likely pleading with her to bring them to me  
13 through visiting.

14 **DEPUTY COMMISSIONER GARCIA:** What did you say to  
15 her?

16 **INMATE CHAVEZ:** I told my mother that if she could  
17 please bring me some earrings and that more than likely I  
18 could bring them through and with no problems and I would  
19 not get caught. And if she could please, please do it for  
20 me. And that's what I told her. And she agreed.

21 **DEPUTY COMMISSIONER GARCIA:** Okay. Had she taken you  
22 other things in the past, besides earrings?

23 **INMATE CHAVEZ:** What was that, Deputy Commissioner?

24 **DEPUTY COMMISSIONER GARCIA:** Had your mother taken  
25 you other items in the past, right, through visiting?

1           **INMATE CHAVEZ:** No, Deputy Commissioner. It was only  
2 those earrings.

3           **DEPUTY COMMISSIONER GARCIA:**   What – okay you  
4 identified a few things that you believe you should be  
5 working on, right. Violence – do you believe you were a  
6 violent person?

7           **INMATE CHAVEZ:** Yes, I do believe I was a violent  
8 person.

9           **DEPUTY COMMISSIONER GARCIA:**   You were using drugs,  
10 you had gang-like mentality and then you had the issue  
11 with childhood molestation that you talked about, and I'm  
12 sorry that happened to you. It might be difficult for you  
13 to talk about, but it's important because you identified  
14 that as a source, right. As a driver of why you became  
15 antisocial. So I think it's important to talk about it,  
16 not to talk about the act, but to talk about what you've  
17 done about it, right. What work have you done to resolve  
18 that or to address it?

19          **INMATE CHAVEZ:** Right. Deputy Commissioner, I have  
20 attended several classes that I've been able to talk about  
21 what I went through and talk about all those feelings I  
22 felt at that time to be able to heal for me. I also go see  
23 a therapist here in the institution, and I talked to her  
24 about it as well.

25          **DEPUTY COMMISSIONER GARCIA:**   Okay.



1       **INMATE CHAVEZ:** To be able to heal from it and move  
2 forward.

3       **DEPUTY COMMISSIONER GARCIA:** It is that ongoing for  
4 you? What's going on?

5       **INMATE CHAVEZ:** Oh, no, not ongoing.

6       **DEPUTY COMMISSIONER GARCIA:** Well, I mean, the  
7 therapy sessions, the work that you're doing on the issue  
8 of the childhood molestation is that something that you're  
9 continuing to work on?

10       **INMATE CHAVEZ:** Can you repeat that question one more  
11 time, Deputy Commissioner?

12       **DEPUTY COMMISSIONER GARCIA:** Okay. Are you  
13 continuing to work on the childhood molestation issue?

14       **INMATE CHAVEZ:** I am, yes. I'm continuously work on  
15 it? Yes.

16       **DEPUTY COMMISSIONER GARCIA:** Okay. And how do you do  
17 that?

18       **INMATE CHAVEZ:** I share my story at groups and to be  
19 able to tell others what I've been through and be able to  
20 heal for me. I also talked to the therapist, like I said  
21 earlier, I did talk to the therapist so that she could  
22 help me through this process of healing.

23       **DEPUTY COMMISSIONER GARCIA:** Okay. So it's an  
24 ongoing process. Um, how much work have you done regarding  
25 gang activity?

1       **INMATE CHAVEZ:** Gang activity. I thought about that  
2 many times. I am taking a class for now with Gang Members  
3 Anonymous and I was about to finish it. And the thing is  
4 that we've got locked down again for COVID-19.

5       **DEPUTY COMMISSIONER GARCIA:** But tell me whether you  
6 learned something from it so far?

7       **INMATE CHAVEZ:** Oh, I did. I was able to make – to  
8 plan out and make a relapse prevention plan for gang  
9 mentality.

10       **DEPUTY COMMISSIONER GARCIA:** Okay. That's good.

11       **INMATE CHAVEZ:** Yes. So it taught me all that, what am  
12 I triggers for it and what really hit me was when they  
13 told me about how – when two or more are gathered that's  
14 considered gang mentality, when two or more gathers to  
15 cause harm to somebody, like I was.

16       **DEPUTY COMMISSIONER GARCIA:** Okay. In what year did  
17 you start taking that Criminal Gangs Anonymous course?

18       **INMATE CHAVEZ:** We just began that class. It was like  
19 a month ago.

20       **DEPUTY COMMISSIONER GARCIA:** Okay. And I'm looking  
21 at your relapse prevention plan for gang association and  
22 you identified certain triggers. You said low self-esteem,  
23 insecurity, wanting acceptance, difficulty expressing your  
24 thoughts and feelings. I get that. Um, you also identify  
25 external triggers. You said listening to Spanish music.

1 How does listening to Spanish music trigger you into gang  
2 activity?

3 **INMATE CHAVEZ:** Okay. Deputy Commissioner, a lot of  
4 the Spanish music that talks about gang, I mean they talk  
5 about mafias and they talk about drugs selling and all  
6 that. All those songs trigger me to want to hang around  
7 and have gang mentality around negative peers.

8 **DEPUTY COMMISSIONER GARCIA:** Okay. And where were  
9 you listening to that music?

10 **INMATE CHAVEZ:** I was listening to that music when I  
11 was out, when I was living that lifestyle before I got  
12 arrested for the life crime.

13 **DEPUTY COMMISSIONER GARCIA:** Uh, are you talking  
14 about Banda music, Banda?

15 **INMATE CHAVEZ:** Yes, Banda and Corridos, yes.

16 **DEPUTY COMMISSIONER GARCIA:** Okay. Because when you  
17 generalize, you say Spanish music. There is a lot of  
18 Spanish music that's in the Spanish language, right.

19 **INMATE CHAVEZ:** There is, there is, yes.

20 **DEPUTY COMMISSIONER GARCIA:** But you are talking  
21 about a specific type of music.

22 **INMATE CHAVEZ:** Okay. Yes. It is Banda and Corridos.

23 **DEPUTY COMMISSIONER GARCIA:** Okay. All right. And  
24 I've heard that their themes are related to mafia and  
25 gangsters and I get that. So you're telling me that when

1 you hear that music it inspired you to commit crimes and  
2 go out and shoot out cars?

3 **INMATE CHAVEZ:** That's correct, Deputy Commissioner.

4 **DEPUTY COMMISSIONER GARCIA:** All right. So, well,  
5 how do you avoid that? I mean, you could be driving down  
6 the street, right? And the guy next to you at a red light  
7 is playing Bando music. What's going to happen to you?

8 **INMATE CHAVEZ:** I know that. I would not dwell on that  
9 type of music like that anymore. And I would catch myself  
10 faster and stop and think and reframe my thinking from  
11 whatever thoughts I could be thinking at that time. And I  
12 could also do breathing, deep breathing works good for me.

13 **DEPUTY COMMISSIONER GARCIA:** You were exposed to  
14 domestic violence, you say, right, your father hitting  
15 your mother, abusive behavior. I saw that in the CRA. Did  
16 you take any domestic violence courses?

17 **INMATE CHAVEZ:** Yes, I did, Deputy Commissioner.

18 **DEPUTY COMMISSIONER GARCIA:** Right. Did you ever  
19 commit domestic violence yourself? Did you ever hit or  
20 shoot at your boyfriend or beat your boyfriend or be  
21 abusive towards your boyfriend?

22 **INMATE CHAVEZ:** No, I was not.

23 **DEPUTY COMMISSIONER GARCIA:** Okay. What about in  
24 prison? Have you been in a relationship where you may have  
25 been abusive to a friend or some other person?

1           **INMATE CHAVEZ:** No, Deputy Commissioner, I have not.

2           **DEPUTY COMMISSIONER GARCIA:**    Okay. So how has the  
3 domestic violence in your own home affected you?

4           **INMATE CHAVEZ:** Can I get a minute to think about that  
5 question?

6           **DEPUTY COMMISSIONER GARCIA:**    Okay.

7           **INMATE CHAVEZ:** Okay. Deputy Commissioner, I know that  
8 this trauma that I had to endure has affected me by  
9 causing me till this day to think about this event. And I  
10 instantly cry when I think about it and it hurts me. And  
11 to add to that I decided to be the opposite from that a  
12 violent person, like in a relationship or anything like  
13 that when I get out, if I'm ever in a intimate  
14 relationship with somebody. I know not to act in that way  
15 where I'm being violent, abusive to my partner at that  
16 time. Uh, it affected me because I have nightmares till  
17 this day. I have nightmares thinking of how my father hit  
18 my mother and

19           **DEPUTY COMMISSIONER GARCIA:**    But didn't you say to  
20 the evaluator that you never witnessed your father hit  
21 your mother?

22           **INMATE CHAVEZ:** I had, yes – I want to clarify that I  
23 did witness my father hit my mother.

24           **DEPUTY COMMISSIONER GARCIA:**    Okay.

25           **INMATE CHAVEZ:** Yes, I want to clarify that.

1           **DEPUTY COMMISSIONER GARCIA:**   All right. So let me  
2 get to that because I thought that was important.

3           **INMATE CHAVEZ:** Okay.

4           **DEPUTY COMMISSIONER GARCIA:**   Uh, you said you didn't  
5 witness it. Why would you say that?

6           **INMATE CHAVEZ:** For the most part – I can't – I used –  
7 I would run. When I would hear them arguing, my parents, I  
8 would run for shelter somewhere else, like in another room  
9 or in the living room. And I can remember that I didn't –  
10 I don't want to look into it, right. I didn't want to pay  
11 attention to it, but I do remember, I do recall a couple  
12 of times when my father would backhand my mom, smack her  
13 or you know, in some occasions he would throw objects on  
14 her.

15           **DEPUTY COMMISSIONER GARCIA:**   Okay. Do you believe  
16 that would have been an important thing to say to the  
17 doctor that interviewed you?

18           **INMATE CHAVEZ:** Yes, I know that was very important.  
19 And at that moment I was really nervous. I didn't know  
20 that it wasn't going to be very important to say that.

21           **DEPUTY COMMISSIONER GARCIA:**   Well, so what have you  
22 done to deal with that issue? Because, I mean, as you put  
23 it, that that affected you, right, it had some kind of an  
24 impact on you. It was a childhood thing that you  
25 witnessed. So what have you done in prison to address the

1 effects of you experiencing domestic violence as a victim?

2 **INMATE CHAVEZ:** I've gone to domestic violence classes  
3 where I've learned that was acceptable in a relationship  
4 and the different types of abuses that I didn't know when  
5 I was out at that time before the life crime. I did not  
6 know that verbal abuse was the type of abuse. I didn't  
7 know sexual abuse was an abuse. I didn't know a lot of  
8 those abuses where, you know, where they – was the other  
9 abuse – where they take your money with a partner or  
10 someone will take their money.

11 **DEPUTY COMMISSIONER GARCIA:** Okay. All right. Well,  
12 you're telling me generalities about what domestic  
13 violence is, but what I want to know from you is, number  
14 one, that domestic violence impacted you in some way,  
15 right, as a child in a negative way, right?

16 **INMATE CHAVEZ:** Yes.

17 **DEPUTY COMMISSIONER GARCIA:** Okay. And do you agree  
18 that the way that impacted you may have had something to  
19 do with your misbehavior, your misconduct, you hanging out  
20 with people in the streets, you using drugs? I don't want  
21 to put words in your mouth, but did any of that domestic  
22 violence affect the way you came out, the way you acted  
23 up?

24 **INMATE CHAVEZ:** Yes, I could recall that. When my  
25 parents violence going on at home, I didn't feel the love

1 and attention that I needed at that time. So I went out of  
2 the house and looked for it elsewhere and I got on drugs,  
3 I got really strung out on drugs. And that caused me to  
4 become real reckless, rebellious, and it did lead me to  
5 hang around with gang mentality peers.

6 **DEPUTY COMMISSIONER GARCIA:** Okay. So here's my  
7 question, Ms. Chavez and you agree that that's a problem  
8 that needed to be worked on, right. How domestic violence  
9 affected you as a victim, right?

10 **INMATE CHAVEZ:** Yes.

11 **DEPUTY COMMISSIONER GARCIA:** Okay. So what have you  
12 done to address that, uh, the effect that domestic  
13 violence had on you as a child?

14 **INMATE CHAVEZ:** Can I get a couple of seconds to think  
15 about it?

16 **DEPUTY COMMISSIONER GARCIA:** Sure.

17 **INMATE CHAVEZ:** Okay. Deputy Commissioner, I've  
18 thought about it. And I know that I've taken several  
19 classes, several classes that have taught me to not think  
20 with gang mentality, like the Criminal Gangs Anonymous  
21 class that I was just taking. It has taught me to not hang  
22 around with those type of influences anymore and make my  
23 own decisions in life and hang around with better healthy  
24 people that are more healthier in my life today. And for  
25 the violence part of it, I know that I've gone to ISUDT,



1 Integrated Substance Use Disorder Treatment and I know  
2 that they've taught me several things to not to go back to  
3 violence when I get out and how to be a mature,  
4 responsible individual.

5 **DEPUTY COMMISSIONER GARCIA:** Have you had a  
6 conversation with your parents about the domestic violence  
7 that happened in the home?

8 **INMATE CHAVEZ:** Can you repeat that question one more  
9 time?

10 **DEPUTY COMMISSIONER GARCIA:** When was the last time  
11 you spoke with your mother?

12 **INMATE CHAVEZ:** The last time I spoke with her was  
13 last night.

14 **DEPUTY COMMISSIONER GARCIA:** Okay. What was the last  
15 time you spoke with your father?

16 **INMATE CHAVEZ:** With my father was the night before  
17 yesterday.

18 **DEPUTY COMMISSIONER GARCIA:** Okay. So you have an  
19 ongoing communication with your parents.

20 **INMATE CHAVEZ:** Oh, yes, yes.

21 **DEPUTY COMMISSIONER GARCIA:** Have you had a  
22 discussion with them about the childhood, the domestic  
23 violence that went on while you were growing up?

24 **INMATE CHAVEZ:** Okay. Can you repeat that question one  
25 more time?

1           **DEPUTY COMMISSIONER GARCIA:**   Have you had a  
2 discussion with your parents about the domestic violence  
3 in the home while you were growing up?

4           **INMATE CHAVEZ:** I did, Deputy Commissioner. I did. I  
5 have talked with them about it.

6           **DEPUTY COMMISSIONER GARCIA:**   And what – what of it –  
7 what did you talk about? What was the outcome of that  
8 discussion?

9           **INMATE CHAVEZ:** I tell my parents how they've affected  
10 me by their violence at home and you know all the anger  
11 that witnessed and they've told me that they apologize  
12 that they are very sorry for ever putting me through all  
13 that trauma.

14           **DEPUTY COMMISSIONER GARCIA:**   Do you have other  
15 siblings that you grew up with?

16           **INMATE CHAVEZ:** Yes, I do.

17           **DEPUTY COMMISSIONER GARCIA:**   How many?

18           **INMATE CHAVEZ:** I had four more.

19           **DEPUTY COMMISSIONER GARCIA:**   Okay. You are number  
20 five. Are you the youngest?

21           **INMATE CHAVEZ:** I'm the second eldest.

22           **DEPUTY COMMISSIONER GARCIA:**   Did any of them get  
23 into crime?

24           **INMATE CHAVEZ:** One of my younger sisters did, yes.  
25 Two of my sisters did, I apologize. Two of my other

1 sisters did.

2 **DEPUTY COMMISSIONER GARCIA:** Okay. Are they doing  
3 time? Did they have to do time?

4 **INMATE CHAVEZ:** Um, they did have to do time. Uh, one  
5 was a juvenile and that was already in here, right. I  
6 don't know the outcome of that, but she's out and she's  
7 doing wonderful right now.

8 **DEPUTY COMMISSIONER GARCIA:** Okay.

9 **INMATE CHAVEZ:** And my other sister, she was a  
10 juvenile as well when she was doing her time and got out  
11 and she's doing wonderful right now as well.

12 **DEPUTY COMMISSIONER GARCIA:** Okay. What else do you  
13 want to say about your rehabilitative programming that you  
14 haven't told us already that you want to tell us that you  
15 haven't discussed yet – that you think is very important  
16 for us to know?

17 **INMATE CHAVEZ:** Can you repeat that again?

18 **DEPUTY COMMISSIONER GARCIA:** What else do you want  
19 us to know about your rehabilitation, about your programs,  
20 right, about your drug use?

21 **INMATE CHAVEZ:** Okay. Yes. I know that ISUDT and my  
22 Narcotics Anonymous classes have taught me to maintain  
23 sobriety and to always pay attention to my triggers so  
24 that I won't have to relapse back into addiction and know  
25 the proper coping skills to deal with those triggers,

1    which my coping skills are to call sponsor, which I'm  
2    planning to get. Uh, 30 days after I get released, I will  
3    make sure I get a sponsor. Right now, I have another of my  
4    coping skills is I have an accountability partner where  
5    that accountability partner keeps me accountable of all my  
6    behaviors. I have two accountability partners that keep me  
7    accountable of all my behaviors and I journal, as you  
8    could see I brought my journal because I journal and I  
9    make sure I journal all my thoughts in here. And that's  
10   another of my coping skills. I also go for walks and  
11   listen to music.

12       **DEPUTY COMMISSIONER GARCIA:**    Okay. Not Spanish  
13   music.

14       **INMATE CHAVEZ:** No, no, Spanish music please. No.

15       **DEPUTY COMMISSIONER GARCIA:**    I'm looking at your  
16   relapse prevention plan for drug use and you identify you  
17   listening to Spanish – actually you said listening to  
18   English and Spanish music. So that's kind of genre we've  
19   already gone through that. Uh, the other internal triggers  
20   are stressed out being yelled at and then you talked about  
21   being bored and sad and those are the things that trigger  
22   your drug use. Who's the most important person in the  
23   community for you that's going to be helpful to you?

24       **INMATE CHAVEZ:** I know that the person that's going to  
25   be more important to me in the community would be my

1 parole agent. I know that I could go to that person to get  
2 all the resources I need to make it up there.

3 **DEPUTY COMMISSIONER GARCIA:** Is there a family  
4 member that – or friend that you also can rely on?

5 **INMATE CHAVEZ:** I do. I have my mother, of course, my  
6 mother that is supportive of me, a hundred percent and my  
7 younger sisters and my oldest sister as well, and my  
8 brother.

9 **DEPUTY COMMISSIONER GARCIA:** Okay. I'm not too sure  
10 about your mother. She's sort of an enabler for you  
11 because she brought you some contraband into prison and I  
12 have my doubts about whether she's going to put you in  
13 your place when you need to be. Um, all right. You  
14 identify a couple of programs Crossroads, Time to Change.  
15 You've worked as a Porter and you talked about your GED  
16 that you're working on. You did some computer literacy. Do  
17 you have any tattoos?

18 **INMATE CHAVEZ:** Oh, the volume went off, the volume.

19 **DEPUTY COMMISSIONER GARCIA:** How about now?

20 **INMATE CHAVEZ:** They are okay. I got it, yes.

21 **DEPUTY COMMISSIONER GARCIA:** Do you have tattoos?

22 **INMATE CHAVEZ:** What was that, Deputy Commissioner?

23 **DEPUTY COMMISSIONER GARCIA:** Do you have tattoos?

24 **INMATE CHAVEZ:** No, I don't have any tattoos.

25 **DEPUTY COMMISSIONER GARCIA:** Okay. Um, that's all I

1 have. I'm going to give this back to the Commissioner.

2 Thank you.

3 **PRESIDING COMMISSIONER CHAPPELL:** All right, thank  
4 you. So Ms. Chavez, I'm going to ask you a question. I  
5 know the Deputy Commissioner just went over your self-help  
6 programming. You had indicated that you've taken some  
7 Domestic Violence. Let me ask you this? Do you think  
8 manipulation is a form of domestic violence?

9 **INMATE CHAVEZ:** Yes.

10 **PRESIDING COMMISSIONER CHAPPELL:** Yes. Okay. And I  
11 heard your responses to the Deputy Commissioner. And you  
12 say, you told him that, you know, every time you even  
13 think about all the domestic violence that was perpetrated  
14 upon your mother by your father, when you think about it  
15 you cry to this day. And my question to you is if you feel  
16 manipulation was part of domestic violence, why on earth  
17 would you manipulate your mom to bring that contraband in  
18 to prison for you?

19 **INMATE CHAVEZ:** Can I get a couple seconds to think  
20 about it?

21 **PRESIDING COMMISSIONER CHAPPELL:** Sure.

22 **INMATE CHAVEZ:** Okay. Commissioner, I understand I'm  
23 manipulating my mother and I regret it. I do you believe  
24 right now and I was not thinking at that time I was being  
25 impulsive still and I don't — I regret my actions and I

1 know I would never do something like that again.

2 **PRESIDING COMMISSIONER CHAPPELL:** Okay. All right.

3 And so just going back to the Comprehensive Risk  
4 Assessment, the doctor found you to be a moderate risk for  
5 violence. How do you feel about the doctor's assessment of  
6 you?

7 **INMATE CHAVEZ:** I don't agree with her. The reason  
8 being that I feel like I'm a low risk, you know, I've been  
9 sober for many years now and I have learned from my  
10 mistakes, I'm a more matured person. And I don't think the  
11 way I used to think. I don't hang around unhealthy people  
12 and I do not think criminally anymore. I do not think  
13 about gang mentality, none of that. I'm responsible human  
14 being now.

15 **PRESIDING COMMISSIONER CHAPPELL:** Okay. All right.  
16 So Ms. Chavez, at this time we are going to move to  
17 clarifying questions. So we're going to ask your Attorney  
18 if he has any questions of you.

19 **ATTORNEY IYAYI:** Thank you, Commissioners. Ms.  
20 Chavez, can you hear me?

21 **INMATE CHAVEZ:** Yes, I can.

22 **ATTORNEY IYAYI:** Okay. Just to piggy back on, you  
23 know, that question or one of the questions that the  
24 Commissioners asked you. You've taken classes to help you  
25 manage your tendency in the past to be violent, right? So

1 you took AVP Alternatives to Violence, right?

2 **INMATE CHAVEZ:** Right.

3 **ATTORNEY IYAYI:** Okay. Can you tell the  
4 Commissioners what you learned, what you got from that  
5 program?

6 **INMATE CHAVEZ:** What I learned in AVP you're saying?

7 **ATTORNEY IYAYI:** Yes.

8 **INMATE CHAVEZ:** What I learned in Alternatives to  
9 Violence project was that I am in control of myself, you  
10 know, to not think impulsively anymore and think before I  
11 respond to any situation and to be a more responsible  
12 person so that I don't have to go out and robbing from  
13 people anymore. And that helped me – that really helped me  
14 to change my way of thinking and want to get a job instead  
15 of robbing people – get a decent job where I can make a  
16 decent living out of me.

17 **ATTORNEY IYAYI:** Okay. Did it also give you the  
18 coping skills or coping tools for maybe when you get angry  
19 or you know when you're upset at a situation instead of  
20 lashing out, how to handle it?

21 **INMATE CHAVEZ:** Yes, correct. Yes. It did give me  
22 coping skills to how to manage my anger and that would be  
23 by thinking before I respond. Of course, that's what I  
24 said earlier. And also I would like to say that it also  
25 helped me the way I would manage my anger today is by, you



1 know, going for a walk and removing myself from the place  
2 where I'm angry at. And so I get clear my head and give  
3 myself time to calm down.

4 **ATTORNEY IYAYI:** Okay. Now in all the time that  
5 you've been in prison, you haven't used any substances,  
6 right? Is that correct?

7 **INMATE CHAVEZ:** That's correct.

8 **ATTORNEY IYAYI:** Okay. How have you been able to  
9 avoid the temptation to use substances? How have you been  
10 able to avoid that?

11 **INMATE CHAVEZ:** Can you repeat that question one more  
12 time?

13 **ATTORNEY IYAYI:** Yes. How have you been able to  
14 stay away from using drugs or alcohol in prison?

15 **INMATE CHAVEZ:** How have I been able to stay away from  
16 drugs and alcohol in prison?

17 **ATTORNEY IYAYI:** Yes.

18 **INMATE CHAVEZ:** By continuously going to NA classes  
19 and really working the steps every day, working the steps  
20 has helped me out in knowing that what my triggers are and  
21 how to be able to cope with them. That has really helped  
22 me throughout my whole time being in prison to be able to  
23 attend my classes and learn from those spiritual  
24 principles that I've learned, to have courage to have  
25 humility, to have willingness, to want to be sober and

1 have integrity, especially.

2 **ATTORNEY IYAYI:** Why is that important to you?

3 **INMATE CHAVEZ:** Why are those principles important to  
4 me?

5 **ATTORNEY IYAYI:** Yes.

6 **INMATE CHAVEZ:** Because it helps me be a better  
7 person. It helps me to be willing to be sober and it helps  
8 me to have the courage to ask for help if I needed and go  
9 to a sponsor and so that I won't have to relapse. All  
10 those are very important to me for those reasons.

11 **ATTORNEY IYAYI:** Okay. You wrote remorse letters  
12 to your victims and you also wrote a remorse letter to Mr.  
13 Cox, the victim of the life crime. What prompted you to do  
14 that? Why did you do those remorse letters?

15 **INMATE CHAVEZ:** You mean all of my remorse letters?

16 **ATTORNEY IYAYI:** Yes.

17 **INMATE CHAVEZ:** You know, that's the way that I live  
18 my life in amends by writing remorse letters to my  
19 victims. So that I could let them know that I've  
20 understood how I've impacted their lives and caused trauma  
21 to their lives. And it's in a form of living my life in  
22 amends every day.

23 **ATTORNEY IYAYI:** Let's take the burglaries, right.  
24 The victims that you were shooting out at their windows  
25 and robbing of their property, right, the tools and the

1 stereos, how do you think you affected their lives?

2 **INMATE CHAVEZ:** Today, I understand that I've impacted  
3 them by causing them stress, worry, paranoia, mistrust,  
4 disbelief. I understand that I could have caused them to  
5 even question God that you know God about what I did to  
6 them. And I could have cost them their whole livelihood  
7 that was probably their only means of support at that  
8 time. And by me going and breaking these windows they more  
9 than likely couldn't get back to work and who knows for  
10 how long.

11 **ATTORNEY IYAYI:** Okay. About your sobriety, right.  
12 Do you understand, Ms. Chavez that not using drugs and  
13 alcohol in prison is different from not using in the  
14 community and that the challenges you're going to face,  
15 the stress is going to be different. Do you understand  
16 that?

17 **INMATE CHAVEZ:** Can you repeat that question, it was a  
18 little choppy.

19 **ATTORNEY IYAYI:** Okay. Sorry about that. Do you  
20 understand that if when your suitable for parole, right,  
21 when you're back in the community that you are not just  
22 going to be able to say, because I didn't use drugs in  
23 prison in all these years, I'm fine. I'm not going to use  
24 you. Do you understand that, the challenges you will be  
25 facing on the outside are going to be different from the

1 challenges in prison, right?

2 **INMATE CHAVEZ:** I couldn't understand your question,  
3 sir. I apologize.

4 **ATTORNEY IYAYI:** Okay. Well, let me ask a better  
5 question. Do you think that when you get out of prison  
6 you're going to face temptations to use drugs, things that  
7 will trigger you to want to use drugs when you get out of  
8 prison?

9 **INMATE CHAVEZ:** Yes. I'm sure that I would face  
10 temptation out there. I'm very aware of that. And I know  
11 that that's why I'm going to maintain NA groups and make  
12 sure I get a sponsor 30 days after I get out of prison and  
13 I'll make sure that I find an accountability partner to  
14 keep me accountable of all my actions. I would maintain NA  
15 meetings for the rest of my life and make sure that – I  
16 know my triggers and warning signs and my coping skills as  
17 well.

18 **ATTORNEY IYAYI:** Okay. So you're still relatively  
19 young, Ms. Chavez. Do you think you're over the whole  
20 thing about wanting acceptance from people and gravitating  
21 to people to accept you that you think you're over that?

22 **INMATE CHAVEZ:** Yes. Most definitely I know that. I  
23 don't need nobody's acceptance. I know that I accept  
24 myself the way I am and I know that I am enough.

25 **ATTORNEY IYAYI:** Okay. All right thank you,

1 Commissioner. That's all I have.

2 **INMATE CHAVEZ:** All right. Thank you. So before we  
3 moved to closing statements, I do want to take another,  
4 just brief break.

5 **ATTORNEY IYAYI:** Okay.

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1           **DEPUTY COMMISSIONER GARCIA:**   We're on the record.

2           **PRESIDING COMMISSIONER CHAPPELL:**   All right. Thank  
3   you. Time is approximately 02:03 P.M. All the same parties  
4   that were present prior to the break have returned. Okay,  
5   Ms. Chavez, at this time we are going to move to closing  
6   statements and we're going to turn it over to your  
7   Attorney for a closing.

8           **ATTORNEY IYAYI:**           Thank you, Commissioners. Ms.  
9   Chavez is a different person today, Commissioners. She is  
10   somebody who would no longer possess an unreasonable risk  
11   to the public because after all the tasks that you have  
12   Commissioners is to decide whether or not she currently  
13   represents an unreasonable risk of danger to society or  
14   threat to public safety. The person you have in front of  
15   you today is somebody who is very thoughtful. Somebody who  
16   recognizes the gravity of the damage that she did to not  
17   just her victims but to society prior to coming to prison,  
18   somebody who's made a conscious effort to distance herself  
19   from that person. Um, you know, so she's a different  
20   present today and should be reentering society,  
21   Commissioners with a very robust support system, not only  
22   from her parents, her siblings, both from pro-social  
23   organizations like ARC, the Homeboy Industries, the  
24   transitional housing that have accepted her, Crossroads,  
25   Time for Change, and New Way of Life. So these support

1 systems that she assembled will help her reenter society  
2 in such a way that she's not a danger to the public  
3 anymore. In deciding her case today, you have to give  
4 great weight to the fact that she qualifies as a youth  
5 offender and having committed this crime at the age of 22,  
6 she suffered that at that time from the diminished  
7 culpability of youth as compared to adults and displayed,  
8 you know, many of the hallmark features of youth that  
9 typically plagued people at that age. And if you just  
10 start with the domestic violence in the home that she  
11 witnessed, the sexual abuse, what control did Ms. Chavez  
12 have over those conditions? Very little or none and those  
13 things drove her. You see the correlation from her  
14 testimonies today, drove out right into the arms of these  
15 social peers that she was going to for acceptance and to  
16 feel good and willing to do anything to stay in that cycle  
17 to be accepted by those people. Uh, you see the hallmark  
18 features of youth in her earliest <UNINTELLIGIBLE> not  
19 being deterred by previous punishment for previous  
20 misbehaviors. You see it in the impulsivity something that  
21 my client repeatedly said today that she was impulsive and  
22 you see it in the lack of appreciation of the consequences  
23 of her actions. The <UNINTELLIGIBLE> and just the sheer  
24 volume of the crimes that she engaged in. However,  
25 Commissioners you're required to measure my client's

1 subsequent growth immaturity and I think when you do that  
2 you really do see just real qualitative type of growth and  
3 maturity in Ms. Chavez. You see her – the person that came  
4 to prison was addicted to substances and in all the time  
5 she's been in prison, you know, has been able to stay away  
6 from substances. You see somebody who was prone to using  
7 violence, a lot of violence prior to coming to prison. But  
8 again, she has been able to manage that so much so that in  
9 all the term she's been in prison, she's only suffered  
10 only one rules violation, no violence. That is growth.  
11 That is maturity. She goes from somebody who was robbing  
12 people and victimizing members of our community to  
13 somebody who's diligently pursuing education and somebody  
14 who's participating in numerous self-help groups and you  
15 see it in the growth and insight and remorse and empathy  
16 because you see her participating in things like juvenile  
17 offender programs, you know, where she is sharing her  
18 experience and trying to basically lead younger persons  
19 off of the type of track that she succumb to. You see her  
20 engagement in charitable activities, like the charitable  
21 house program and you see her from somebody who was a  
22 defiant to authority to somebody who's been lauded now by  
23 her teachers, like you see in any laudatory chrono from  
24 the GED instructors. So this is how you measure a change  
25 Commissioners. This is how you measure subsequent growth



1 and maturity. You see it in her work history, as a porter,  
2 her work in the kitchen, you see it in the pursuit of  
3 educational upgrades, and you especially see it in the  
4 engagement in self-help programs, you know, whether is it  
5 ISUDT, the Bridges to Life, the AVP, the 12 steps program,  
6 the AA and NA, the CGA, and in this case you don't just  
7 have a client who sat through those classes. She got  
8 something from those classes. She is able to tell you  
9 every time you asked her what lessons she took from this  
10 classes, she was able to tell you, she was able to tell  
11 you this is how it relates to me and this is how I deploy  
12 those tools now. And of course, don't just take her word  
13 for it, you know, just look at her behavior, with the  
14 exception of the one 115 in 2016 about five years ago,  
15 she's been stable in terms of behavior and able to really  
16 deploy these tools to not get in trouble in prison. Uh,  
17 that is to that we can't ignore, that is subsequent growth  
18 and maturity and those are tools that she's going to take  
19 with her back to society so that she's able to stay out of  
20 trouble. You also see the growth and maturity and the  
21 change in her in the way she is planning to reenter  
22 society, identifying several transitional houses. She did  
23 a relapse prevention plan that actually addresses her key  
24 issues. She did one for drugs, she did one for unhealthy  
25 relationships, and she did one for gangs. Those were the

1 exact issues that plagued her before she came to prison  
2 and she understands what the triggers are for these issues  
3 and what coping skills to deploy to each one of those  
4 challenges. That should reassure you, Commissioners that  
5 she's not likely to go back to the person that she used to  
6 be. We know that the Comprehensive Risk Assessment that  
7 you have Commissioners is a moderate. It's also more than  
8 a year and a half old. We believe that the work that my  
9 client has continued to do staying out of trouble engaging  
10 in more self-help and really giving you a solid parole  
11 plans, we know that all of those things further mitigate  
12 the risk potentials identified by the doctor. So in terms  
13 of your structure decision making format Commissioners, we  
14 believe that the support system is mitigating for this  
15 client. We believe that her age is mitigating. We believe  
16 that her institutional behavior and programming are  
17 mitigating. We believe that our parole plans are  
18 mitigating. And in terms of offender change, we again ask  
19 you to measure her by her record in prison. The fact that  
20 in all the time that she's been in prison she's only  
21 suffered one rules violation. It wasn't for violence, it  
22 wasn't for substances, and it wasn't for gangs. Those were  
23 the things that played that previously. So for these  
24 reasons, Commissioners we ask that you find her suitable  
25 for parole. She's not perfect. She's going to always need

1 to keep working on herself, but she's not an unreasonable  
2 risk to public safety at this time. Thank you.

3 **DEPUTY COMMISSIONER GARCIA:** Thank you.

4 **PRESIDING COMMISSIONER CHAPPELL:** Thank you. Ms.  
5 Chavez, now is an opportunity for you to provide a closing  
6 statement if you like.

7 **INMATE CHAVEZ:** Okay. Yes. Thank you, Commissioner. I  
8 would like to begin this statement by apologizing to  
9 Sergio and Norma Perez for all the pain and suffering I  
10 caused them on May, 15th 2008. If I had never drove Mario  
11 to your house, none of this would have happened to Sergio  
12 and Norma Perez. None of their property would have been  
13 stolen or damaged. I took away your sense of peace. I  
14 caused you to feel mistrust, anger, fear, anxiety, and  
15 sadness. I truly have a deep sense of understanding of the  
16 impact I had on you, your sister, Norma, your family and  
17 the community. I would also like to apologize to all the  
18 people I robbed from. I was selfish and immature. I hung  
19 around the wrong people because I wanted to feel like I  
20 belonged. I was even promiscuous in getting what I wanted.  
21 I prostituted my body to get drugs. I want Sergio Perez,  
22 Norma Perez, and all the human beings I robbed from to  
23 know that I am deeply ashamed and remorseful for the pain  
24 and suffering that they had to feel. Throughout these 12  
25 years, I have learned to understand the impact of my poor

1 choices. Upon reflecting on my wrongs, I've made a change  
2 in my life. I no longer have destructive patterns that  
3 caused me to harm others and their property. While being  
4 here, I've had the chance to go to many self-help programs  
5 that have helped me grow like Intensive Substance Use  
6 Disorder Treatment, ISUDT, Anger Management and Bridges to  
7 Life have given me the tools to handle life's stressful  
8 situations in a more healthy way. I know what I did can  
9 never be taken back and I regret that so much today. I'm  
10 living my life in amends for all the pain I inflicted on  
11 others. I'm truly remorseful for my actions. In my effort  
12 to give back to the community, I can say that I encouraged  
13 and invite others to go to a meeting when they are  
14 struggling with addiction. I apply step 12 to my life  
15 every day. I want to serve others so that no one committed  
16 crime like mine. I share my experience with anyone who  
17 cares to listen. I am a changed woman and I know how to  
18 make better choices for myself. I now think about the  
19 impact I can have on others today and I choose to be a  
20 positive in all my new relationships. Respectfully, your  
21 Cristina Chavez.

22 **PRESIDING COMMISSIONER CHAPPELL:** Thank you, Ms.  
23 Chavez.

24 **DEPUTY COMMISSIONER GARCIA:** Thank you.

25 **PRESIDING COMMISSIONER CHAPPELL:** So the time is

1 approximately 2:16 P.M. We will recess for deliberation.

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**CALIFORNIA BOARD OF PAROLE HEARINGS****DECISION**

**DEPUTY COMMISSIONER GARCIA:** On the record.

**PRESIDING COMMISSIONER CHAPPELL:** All right. Thank you. So the time is approximately 2:58 P.M. All the same parties that were present prior to the recess have returned. In review of the legal standards, oh, excuse me. We're now ready to reconvene this hearing for pronouncement of the panel's decision. In review of the legal standards as the panel, we must determine if the inmate continues to pose an unreasonable risk to public safety and a denial of parole must be based on evidence and record of inmate's current dangerousness. In the case of Ms. Chavez, this panel was required to give great weight to the mitigating effects of diminished culpability of youth as compared to adults, hallmark features of youth and any subsequent growth and maturity of Ms. Chavez in assessing her suitability for parole. And this panel did give great weight to those youth offender factors. We also considered the evidence and then considering the evidence, we considered Ms. Chavez's Central File, the Comprehensive Risk Assessment, all documents received in our 10-day and Master File. We also considered Ms. Chavez's testimony today. We also considered the input from Ms. Chavez's

**CRISTINA CHAVEZ WA8178 09/30/2021 DECISION PAGE 1**

1 Attorney as well. The confidential portion of the Central  
2 File was reviewed, but the panel did not rely on any of  
3 the information contained in that section in reaching our  
4 decision today. So based on the legal standards and the  
5 evidence considered, we find that you, Ms. Chavez, you do  
6 pose an unreasonable risk to public safety. Therefore,  
7 this panel finds you unsuitable for parole at this time.  
8 Now, there are some factors that mitigate your risk which  
9 were considered by this panel. We consider your plans for  
10 release. We feel you have adequate plans for release, you  
11 out support from family and others in the community, you  
12 have acceptance to multiple transitional housing programs,  
13 you have support letters from other programs within the  
14 community, and you've also submitted relapse prevention  
15 plans addressing your risk factors. We go back to those  
16 youth offender factors and we considered the diminished  
17 culpability of youth as compared to adults which states  
18 that at the time of your crime parts of your brain were  
19 not fully matured resulting in a lack of impulse control  
20 and inability to plan ahead and an inability to avoid  
21 risks. We see that at the time of life crime that you  
22 demonstrated reckless immature thinking, you're less  
23 acceptable to deterrence in an adult because of your lack  
24 of maturity and underdeveloped sense of responsibility. We

25 **CRISTINA CHAVEZ WA8178 09/30/2021 DECISION PAGE 2**

1 also considered that it appeared that you exhibited some  
2 of those hallmark features of youth resulting from your  
3 incomplete brain development, your actions and decisions  
4 demonstrated significant recklessness <UNINTELLIGIBLE>  
5 risks taken. And we do see at the time you were influenced  
6 by negative peers. In assessing subsequent growth and  
7 maturity while incarcerated we find that there has been  
8 some growth in maturity. We considered your institutional  
9 behavior and although you've received several counseling  
10 chronos and one administrative 115 during your  
11 incarceration. The last time you received a violation was  
12 over five years ago. Uh, also you have not received a  
13 serious 115 during your entire incarceration and there's  
14 no evidence that you've engaged in any violent acts or  
15 used illegal or banned substances during your  
16 incarceration as well. So that speaks to your growth and  
17 maturity. Additionally, we considered that you've received  
18 a laudatory chronos from your participation in charitable  
19 events, for your membership on the juvenile offenders  
20 committee and from your GED instructors. However, in  
21 finding you unsuitable today, we find the factors  
22 mitigating your risk are currently outweighed by factors  
23 that aggravate your risk. The first area of concern we  
24 have and we see as an aggravating factor for you is, your

25 **CRISTINA CHAVEZ WA8178 09/30/2021 DECISION PAGE 3**



1 history of self-control. We see in the past you've  
2 struggled in this area. You've been engaged in extensive  
3 substance abuse. You associated with negative peers that  
4 were also involved in criminality. You were violent,  
5 impulsive, callous, and you had a criminal attitude. We  
6 considered your criminal parole history. According to the  
7 record, you had an early onset of criminality. You  
8 reported that you first were arrested for shoplifting as a  
9 juvenile. You have subsequent arrest and are convictions  
10 as an adult for several drug and alcohol related offenses,  
11 driving violations, assault with a firearm, failure to  
12 appear, false ID to a Peace Officer, burglary, vandalism,  
13 assault on a Peace Officer, and attempted murder. Also  
14 your history of supervised release was poor. You have a  
15 history of violating prior terms of your probation. You  
16 also have a history of failing to appear. We considered  
17 your commitment offenses and your actions in the crimes  
18 were vicious and deplorable. Your actions did demonstrate  
19 a high level of violence and resulted in the shooting and  
20 attempted murder of the victim, Mr. Jesse Cox. So in the  
21 areas of self-control, criminal and parole history, we  
22 find these areas to be aggravating in your case. Then, we  
23 considered your institutional adjustment. We first take  
24 into consideration your programming and we find this area

25 **CRISTINA CHAVEZ WA8178 09/30/2021 DECISION PAGE 4**

1 to be neutral for you. And then you have participated in  
2 various self-help programs to address your criminogenic  
3 needs, the Comprehensive Risk Assessment lists, some of  
4 the programs that you've attended and we've talked to you  
5 during this hearing about your programming. So I'm not  
6 going to go back over that discussion because it's already  
7 part of the record, but we do acknowledge your attendance  
8 in these programs and we commend you for your efforts.  
9 However, we find at that this time you have not adequately  
10 internalized your programming related to some of those  
11 factors that plagued you in the past, such as your  
12 negative peer association, your violence and criminal  
13 thinking, which leads me to the next area of offender  
14 change. And at this time, we find this area to be  
15 aggravating for you, Ms. Chavez. You know, we mentioned  
16 earlier we considered those factors related to youth and  
17 we found that you have grown and matured in some areas and  
18 we mentioned those factors earlier in this decision. Um,  
19 but there are also some areas or some of those youth  
20 factors that we find were not just transient in nature,  
21 but lasted well into your adulthood and some of those  
22 negative factors were exhibited today in our discussion  
23 with you. Um, today, when we discussed your criminal  
24 history with you, we found at times you engaging in

25 **CRISTINA CHAVEZ WA8178 09/30/2021 DECISION PAGE 5**

1 criminal thinking and that at times we just did not find  
2 you credible. When we talked to you about your criminal  
3 history, you are really evasive and we mentioned this  
4 during the hearing. When we brought up the violent crime  
5 that you have been arrested for him in the past, you  
6 either denied committing your crime or you told us that  
7 you just couldn't remember with no valid explanation or a  
8 reason why you couldn't remember these crimes, you know,  
9 and it wasn't until we go back into the record and we read  
10 specifically from the court documents and/or the probation  
11 officer's report is when we're able to pull information  
12 out of you. And even then you continue to be evasive and  
13 not forthcoming. And I say, we had to pull information out  
14 of you because we would say, hey look, this is what it  
15 says in the record, you're denying that you were even part  
16 of this crime and then you would say, well, oh yes, you  
17 know what I do remember, you know, maybe I remember going  
18 over there or I remember being handcuffed but that's all I  
19 remember. And then we would read a little bit more and  
20 then you would give us a little bit more. And like I said,  
21 it's like we were pulling this information out of you. And  
22 we shouldn't have had to do that. You know, somebody that  
23 has truly worked on themselves, somebody that has truly  
24 gone back and said, hey, look, you know what, I want to

25 **CRISTINA CHAVEZ WA8178 09/30/2021 DECISION PAGE 6**

1 figure out who that person was, you know, back when I was  
2 committed those crimes so I can work on those factors and  
3 evolve and turn into this pro-social person, you know,  
4 they're able to come into the hearing and just lay it all  
5 out on the table for you, you know what Commissioner I was  
6 involved in that assault with the deadly weapon, I'm not  
7 proud of it, but this is what I know about my actions.

8 This is what was driving me, this is how I worked on it,  
9 and this is a different person sitting in front of you  
10 today. Unfortunately, we didn't get that from you. Like I  
11 said, today it was a lot of minimizing, a lot of denying,  
12 and it was a concern because that speaks to your mentality  
13 where your head is at right now. And if you're displaying  
14 still some criminal thinking and you're displaying that  
15 gang mentality. That's what gang members do. Gang members  
16 come in and they don't want to admit to things. Gang  
17 members come in and, you know, they shift blame on others,  
18 you know, and that's what we saw you doing today. You  
19 know, when we talked to you about the crime against Sergio  
20 Perez, you basically gave us this story that you were this  
21 past that participant and you know you drove, Mario your  
22 crying partner at the time to his house, you know, and you  
23 tell us that no, you know — the record says that I was  
24 shooting at him, but I wasn't shooting at him. I was

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1 shooting at the car, you know, and we see that that was  
2 the minimization because you tell us that you were  
3 shooting to intimidate him, one. Two, at least, there was  
4 at least four shots according to the record, only one of  
5 those shots hit the car. The other four hit the garage. So  
6 it's indication that you weren't just shooting at that  
7 car. And, you know, like I said, and we find at this time  
8 you're not taking full responsibility for your actions.  
9 Even when you talk to us or when you provide us with your  
10 closing statement, you're talking to the victim and in  
11 your statement you tell the victim and his wife, you know,  
12 that you apologize, you apologize for driving Mario to  
13 their house or maybe this crime wouldn't happen. There's  
14 no mention of you apologizing for you shooting at him in  
15 an effort to intimidate him or in an effort to scare him  
16 or in an effort to harm him, nothing, nothing like that.  
17 It was all about, you know, I drove Mario to the house and  
18 it was more, you were an active participant in that crime  
19 and at this time we you find that you are failing to  
20 understand that. So you'll need more work. You'll need  
21 more work and we know you've taken some CGA, but like I  
22 said, that's still that gang mentality. So you will need  
23 more work in development in that area. Also for you to  
24 come into the hearing today and not be credible with the

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1 panel about your history, not be forthcoming and shift  
2 blame to others it demonstrates that you're still  
3 impulsive, you're still engaging in immature thinking and  
4 you're not appropriately weighing out consequences of your  
5 actions. We also considered the Comprehensive Risk  
6 Assessment. The doctor determined that you represented a  
7 moderate risk for future violence, which means you pose a  
8 somewhat elevated risk relative to other long-term  
9 offenders which we find supports our decision today. Uh,  
10 Commissioner?

11 **DEPUTY COMMISSIONER GARCIA:** I concur with the  
12 finding of unsuitability. Thank you, Commissioner.

13 **PRESIDING COMMISSIONER CHAPPELL:** All right. Thank  
14 you. So Ms. Chavez, based on these findings we conclude  
15 that you do pose an unreasonable risk to public safety.  
16 Accordingly this panel finds you unsuitable for parole.  
17 Now, as far as length of denial, based on some of those  
18 positives that I talked about you haven't been involved in  
19 any violence during your incarceration. There was no  
20 evidence of substance abuse and there is a willingness by  
21 you to get involved in programs to aid in your  
22 rehabilitation. So based on that this panel found clear  
23 and convincing evidence that neither a 10 or a 15 year  
24 denial is appropriate in considerations of victims and

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1 public safety. Instead, your next scheduled parole  
2 suitability hearing shall be set in three years' time and  
3 that's the time that we feel is necessary for you to  
4 address those factors that continue to aggravate your risk  
5 as previously discussed. Now, you can request an earlier  
6 hearing than the denial period we've issued today,  
7 provided there's been a change of circumstance or new  
8 information establishing a reasonable likelihood that you  
9 do not require an additional period of incarceration. The  
10 Petition to Advanced Form 1045A can be provided to you by  
11 your Counselor. There's also a separate process that takes  
12 place with all three year denials. It's called  
13 Administrative Review. About a year from now, staff from  
14 the Board of Parole Hearings, they're going to pull the  
15 transcripts from this hearing and they're going to conduct  
16 a check. They're going to check to see if you remain  
17 disciplinary free. They are also going to check to see you  
18 engage in those programs focusing on the areas of  
19 deficiency that we've talked about today. If those factors  
20 are present, there is a strong likelihood that your  
21 hearing will be advanced automatically. Uh, now we do have  
22 recommendations and that is for you continue to stay  
23 disciplinary free for you to continue to earn positive  
24 chronos and continue in your self-help programming, not

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1 just attend the programs, we want you to internalize your  
2 program. We'd like to see you take more programming  
3 related to Criminal Thinking, more programming related to  
4 Alternatives to Violence, more programming related to  
5 Criminal and Gang Members Anonymous. Also, just want to  
6 let you know that this decision is not final. This  
7 decision will be reviewed by the Board of Parole Hearings.  
8 You'll be notified in writing if there's any changes to  
9 this decision. So with that, I'd like to wish you good  
10 luck. I'd like to thank everyone who participated in this  
11 hearing today. The time's approximately 3:13 P.M. This  
12 hearing is adjourned. Good luck to you, Ms. Chavez.

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**ADJOURNMENT**

THIS TRANSCRIPT CONTAINS THE PROPOSED DECISION OF THE BOARD OF PAROLE HEARINGS (BOARD) ANNOUNCED AT YOUR RECENT BOARD HEARING AND IS PROVIDED TO YOU IN COMPLIANCE WITH PENAL CODE SECTION 3041.5, SUBDIVISION (A) (4), AND CALIFORNIA CODE OF REGULATIONS, TITLE 15, SECTION 2254. THIS PROPOSED DECISION WILL BECOME FINAL WITHIN 120 DAYS OF THE DATE OF THE HEARING AS REQUIRED BY PENAL CODE SECTION 3041, SUBDIVISION (B), UNLESS THE BOARD NOTIFIES YOU IN WRITING BEFORE THEN THAT THE PROPOSED DECISION HAS BEEN MODIFIED, VACATED OR REFERRED TO THE FULL BOARD, SITTING EN BANC, DUE TO AN ERROR OF LAW, ERROR OF FACT OR NEW INFORMATION PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 15, SECTION 2042. THEREAFTER, THE GOVERNOR HAS AUTHORITY TO REVIEW THE BOARD'S DECISION AND AFFIRM, MODIFY, OR REVERSE IT PURSUANT TO PENAL CODE SECTIONS 3041.1 AND 3041.2.

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I, Karthik Balasubramaniam, am a disinterested party, and have no interest in the outcome of the hearing. Further, I certify this transcript is a true, complete, and accurate record, to the best of my ability, of the recorded material provided for transcription of proceeding for:

In the matter of the Parole CDC Number: **WA8178**  
Consideration Hearing of:

CRISTINA CHAVEZ

CALIFORNIA INSTITUTION FOR WOMEN

CORONA, CALIFORNIA

09/30/2021

11:55 AM

Signed: *Karthik Balasubramaniam*

Transcribed by: Karthik Balasubramaniam

Conduit Transcriptions

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