

# Memorandum

Date : September 7, 2011

To : Timothy Baker  
Chief of Investigations  
Board of Parole Hearings

Subject: REQUEST FOR CONSIDERATION OF A RECALL OF COMMITMENT FOR  
CARL HAMPTON WADE, E-18321

Attached is a copy of the diagnostic study, pursuant to Penal Code Section 1170, subdivision (e), for Inmate Carl Hampton Wade, E-18321. After careful evaluation of this case, it is my recommendation the current prison commitment and sentence of Mr. Wade be recalled.

The diagnostic study reveals Mr. Wade has been diagnosed with chronic obstructive pulmonary disease with chronic hypoxia complicated by cor pulmonale (pulmonary heart disease). He suffers from severe hypoxia, requires continuous oxygen therapy, and experiences severe shortness of breath even at rest. He also suffers from severe coronary artery disease with associated ischemic cardiomyopathy and congestive heart failure with chronic angina occurring even at rest which classifies him at New York Heart Association Class IV. He is essentially wheelchair bound. He is able to walk several steps to get from his wheelchair to his bed; however, this minor exertion causes severe shortness of breath. He is able to perform the activities of daily living, including feeding, bathing, and dressing himself, with minimal assistance. His life expectancy has been determined to be less than six months.

Mr. Wade would not pose a threat to public safety, if released. He was convicted of 1<sup>st</sup>-degree murder, with an enhancement for the use of a firearm during the commission of the crime. He was committed to the California Department of Corrections and Rehabilitation on May 20, 2000, to serve a 32-year to life term. His criminal history includes arrests and/or convictions for cultivation of marijuana, drunk driving, public intoxication, and assault with serious bodily injury.

Mr. Wade's institutional adjustment is considered acceptable. He has remained disciplinary free during his term. His minimum eligible parole date is October 3, 2019. His Initial Parole Consideration Hearing is scheduled for September 2018.

If released, Mr. Wade will reside with his sister, Kathy Fiscus, and her daughter, Wendy Gillespie, in Chico, California. California Department of Corrections and Rehabilitation staff contacted Ms. Gillespie, via telephone, who confirmed that she and her mother would be assuming responsibility for Mr. Wade, if he is granted sentence recall.

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Timothy Baker  
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If you have any questions or require further information, please contact Maria Rocha,  
Classification Analyst, Classification Services Unit, at (916) 323-2670.

  
SCOTT KERNAN  
Undersecretary, Operations

Attachment

cc: Sharon Aungst  
Terri McDonald  
Vimal J. Singh  
Joseph Bick, M.D.  
Sara Stuart  
Scott Taylor  
Jill Dubbs  
Pam Christiansen  
Tangie Washington  
Tosca Toussaint  
Maria Rocha

ESTIMATE COPY

**NOTIFICATION TO INMATE/INMATE DESIGNEE  
COMPASSIONATE RELEASE - RECALL AND RESENTENCING PROCEDURE  
[Penal Code Section 1170(e) (4)]**

Inmate Name: WADE, CARL CDCR# **[REDACTED]**

This will serve as the required notification that the Compassionate Release process has been initiated on behalf of the above named inmate.

The California Department of Corrections and Rehabilitation Form 128-C, Medical Chrono, (or memorandum), dated 7-11-11, signed by JOSEPH BICK, M.D., Chief Medical Office/Health Care Manager, establishes the eligibility based on:

- The inmate is terminally ill with an illness or disease that would produce death within six months.
- The inmate is permanently medically incapacitated with a medical condition that renders him or her permanently unable to perform activities of basic daily living and results in the inmate requiring 24-hour total care.
- The inmate is not sentenced to death or life without possibility of parole.

This is a voluntary process. Does the inmate wish to participate in the recall and resentencing process?

- Yes. By indicating yes, the inmate understands that he/she is authorizing the release of all medical related information to those individuals involved in the compassionate review process. This includes all CDCR institution and headquarters staff, the Receiver's Office staff and the sentencing court.
- No. If the inmate decide he/she would like to participate in the recall and resentencing process at a later date, the inmate is instructed to apprise medical staff and or his/her assigned counselor of his/her request.

As required pursuant to Penal Code (PC) Section 1170 (e) (4), the warden or the warden's designee shall arrange for the prisoner to designate a single family member **or** other outside agent to be notified of the inmate's medical condition and prognosis and as to the recall and resentencing procedures.

- If mentally unfit, in lieu of the inmate's personal designation, contact will be made with the inmate's emergency contact.

Designee: KATHY FISCUS OR WENDY GILLISPIE	Telephone number: [REDACTED] OR [REDACTED]
Relationship: SISTER OR GRAND DAUGHTER	Date of designation: 8-10-11

- CDCR Form 7385, Authorization for Release of Information. Completed for the designee.
- The inmate does not wish to designate a family member or outside agent at this time.

**INMATE COPY**

**PENAL CODE SECTION 1170(e)**

**WADE, CARL E-18321**

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This evaluation was initiated in response to medical documentation requesting that Inmate Wade be considered for a Compassionate Release from CDCR custody. Noted within his central file is a medical report dated July 11, 2011, authored by Jarom Daszko, M.D., Physician, and Joseph Bick, M.D., Chief Medical Executive, indicating that Wade suffers from severe chronic obstructive pulmonary disease with chronic hypoxia complicated by cor pulmonale. He suffers from severe hypoxia even at rest despite 6 liters of oxygen per nasal cannula. Wade requires continuous oxygen therapy. Wade was diagnosed with severe coronary artery disease with associated ischemic cardiomyopathy and congestive heart failure with chronic angina occurring even at rest which classifies him as New York Heart Association Class IV. He is essentially wheelchair bound. He is able to walk several steps to get from his wheelchair to his bed; however, even this minor exertion causes severe shortness of breath. Based on this, it the professional opinion of both his Pulmonologist Dr. David Carlson at Queen of the Valley Medical Center as well as his Cardiologist Dr. Brian Mundy at Queen of the Valley Medical Center that this patient's prognosis is less than 6 months of survival. Based on this it is felt that the patient does meet the criteria for a compassionate release.

**IV. CRITERIA FOR CONSIDERATION:**

- Subject is considered terminally ill with a life expectancy of less than six months to live.
- Subject's commitment offense is Murder 1<sup>st</sup> with Prior Felony Convictions, and Use of Firearm.
- Subject is not designated as a high notoriety case.
- Subject's prior criminal history does reflect a pattern of convictions for violent acts against persons.
- Subject has prior criminal convictions preceding the commitment offense.
- There are documented next of kin of the commitment offense in the community who would suffer fear from the release of the inmate back into the community.
- Subject's documented institutional behavior does not reflect an ongoing serious pattern of force, violence, assault, arson, or predatory sexual behavior.
- There are community resources potentially appropriate, sufficient to provide support and sustenance to meet the Subject's medical needs upon release, however no confirmation of placement has been established.

**PENAL CODE SECTION 1170(e)**

**WADE, CARL E-18321**

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**VI. RELEASE PLANS:**

On August 10, 2011, A. Reyes, Correctional Counselor I, interviewed Inmate Wade to determine potential release plans should the court consider his release from state prison. Inmate Wade informed Reyes that if the court granted his release from prison he would stay with his sister

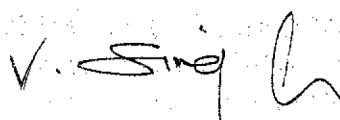
Kathy Fiscus at [REDACTED]. Wade provided his sister's telephone and he informed Reyes that his sister was deaf and would require some form of specialized communication. On August 11, 2011, Reyes contacted Ms. Fiscus at [REDACTED], which was a Video Relay Service (VRS), which allows people who use Sign Language to place phone calls by signing instead of typing. The VI(video interpreter) uses a webcam or videophone to voice the Deaf, Hard-Of-Hearing or Speech-Impaired person's signs to a hearing person and sign the hearing person's words to the Deaf, Hard-of-Hearing or Speech-Impaired person. Reyes was unable to make contact with Ms. Fiscus, however, a video message was left with the assistance of the video interpreter and Reyes will conduct a follow up call at a later time.

Inmate Wade provided Reyes with another contact person Wendy Gillispie (Ms. Fiscus's daughter) in the event Ms. Fiscus was unavailable. Reyes also contacted Ms. Gillispie at [REDACTED]. Ms. Gillispie was able verify Wade's residential plans and she stated that her and her mother Ms. Fiscus would be assuming responsibility of Inmate Wade should he be released. She stated that Wade will reside at her mother's residence; transportation will be provided and any other medical assistance that Wade requires.

In the event Inmate Wade's condition continues to deteriorate and he require placement into a specialized nursing care facility the assistance of a Clinical Social Worker will be needed to facilitate an alternative placement in the County. This would additionally require reasonable time to successfully coordinate with the County.

Should questions or needs arise concerning this request please feel free to contact D. Halverson, Classification and Parole Representative at (707) 449-6518 or J. Brannan, Clinical Social Worker at (707) 448-6841 x2097.

Sincerely,



**VIMAL SINGH  
WARDEN (A)**

**INMATE COPY**

*66*  
California Medical Facility

CDCR 128-C

NAME: WADE, Carl	CDCR#: E18321	DATE OF CHRONO: 07/11/2011
DATE OF BIRTH: 03/26/1946	HOUSING: MIG3 341W	PAROLE DATE: LIFE

This is a Compassionate Release Chrono. Pursuant to California Penal Code 1170E it is requested that this patient be considered for compassionate release. This patient is a 65-year-old male who suffers from severe chronic obstructive pulmonary disease with chronic hypoxia complicated by cor pulmonale. He suffers from severe hypoxia even at rest despite 6 liters of oxygen per nasal cannula. He does require continuous oxygen therapy. He suffers from severe shortness of breath even at rest. He also suffers from severe coronary artery disease with associated ischemic cardiomyopathy and congestive heart failure with chronic angina occurring even at rest which classifies him as New York Heart Association Class IV. He is essentially wheelchair bound. He is able to walk several steps to get from his wheelchair to his bed however even this minor exertion causes severe shortness of breath. Based on this, it is the professional opinion of both his Pulmonologist Dr. David Carlson at Queen of the Valley Medical Center as well as his Cardiologist Dr. Brian Mundy at Queen of the Valley Medical Center that this patient's prognosis is less than 6 months of survival. Based on this it is felt that the patient does meet criteria for compassionate release and should be strongly considered for this.

Jarom Daszko, MD  
Physician

Joseph Bick, MD  
Chief Medical Executive

JD/gf D: 07/11/2011 05:51:00 pm T: 07/14/2011 08:12:49 am Job #: 213494  
Orig: Outpatient Health Record cc: C-File, Inmate, Facility Captain, Writer  ADA CC-I  C&PR  
Other \_\_\_\_\_