

PAROLE SUITABILITY HEARING
STATE OF CALIFORNIA
BOARD OF PAROLE HEARINGS

In the matter of the Parole CDCR Number: **AK2960**
Consideration Hearing of:

EMMANUEL YOUNG

SALINAS VALLEY STATE PRISON
SOLEDAD, CALIFORNIA
OCTOBER 24, 2024
8:40 AM

PANEL PRESENT:
MICHAEL RUFF, Presiding Commissioner
JAMES WEILBACHER, Deputy Commissioner

OTHERS PRESENT:
EMMANUEL YOUNG, Incarcerated Person
ROSEMARY MBELU, Attorney for Incarcerated Person
UNIDENTIFIED, Correctional Officers

Transcribed by:
JOHN SMITH

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PROCEEDINGS

1 **DEPUTY COMMISSIONER WEILBACHER:** We're on the record,
2 sir.

3 **PRESIDING COMMISSIONER RUFF:** All right. Today's date
4 is, uh, Thursday, October 24, 2024. And this is the first
5 subsequent Parole Suitability Hearing for Mr. Young, who is
6 currently housed at Salinas Valley State Prison. Mr. Young
7 was received by the Department of Corrections and
8 Rehabilitation on November 18, 2011, uh, for the controlling
9 offense of second-degree murder. He received a term of 15
10 years of life with enhancements for the use of a deadly
11 weapon, and he has a minimum eligible parole date of November
12 2, 2022. Um, today's proceedings are being, uh, audio
13 recorded. So for the purpose of voice identification, all
14 participants will be asked to state their full name, spell
15 their last name. Mr. Young, you'll go after your attorney,
16 Ms. Mbelu. And in addition to spelling your last name, when
17 we get to you, we'll need your CDCR Number. I'll go first
18 and then I'll prompt all the other participants. My name is
19 Michael Ruff. Last name spelling is R-U-F-F. I am a
20 Commissioner with the Board of Parole Hearings. I am
21 participating in today's hearing remotely utilizing Microsoft
22 Teams. Commissioner Weilbacher.

24 **DEPUTY COMMISSIONER WEILBACHER:** My name is James
25 Weilbacher, W-E-I-L-B-A-C-H-E-R. I'm a Deputy Commissioner

1 with the Board of Parole Hearings, appearing in the same
2 fashion.

3 **PRESIDING COMMISSIONER RUFF:** Ms. Mbelu.

4 **ATTORNEY MBELU:** Good morning. My name is Rosemary
5 Mbelu, M-B-E-L-U, attorney for Mr. Young, appearing via video
6 conference.

7 **PRESIDING COMMISSIONER RUFF:** All right, Mr. Young.

8 **EMMANUEL YOUNG:** My name is Emmanuel Young. Young, Y-O-
9 U-N-G. My CDC Number is AK2960. I'm in -- I'm an inmate at
10 Salinas Valley State Prison and, uh, this is my hearing.

11 **PRESIDING COMMISSIONER RUFF:** All right, thank you. We
12 also note Correctional Staff may be in the room They're there
13 for security purposes only. Mr. Young, I want to swear you
14 in. If you may please raise your right hand.

15 **EMMANUEL YOUNG:** Yes, sir.

16 **PRESIDING COMMISSIONER RUFF:** You solemnly swear, affirm
17 the testimony you give at today's hearing be the truth, the
18 whole truth, and nothing but the truth.

19 **EMMANUEL YOUNG:** Yes, sir.

20 **PRESIDING COMMISSIONER RUFF:** All right, you can put
21 your hand down. I'm going to do what's called the Americans
22 with Disability Review. I did review the DECS database.
23 Noticed you signed your request for assistance form, is Form
24 1073 and have a TABE score of 12.0. In regards to
25 accommodations, it says you wear glasses. Did you bring your

1 glasses to the hearing room?

2 **EMMANUEL YOUNG:** No, I did not, sir.

3 **PRESIDING COMMISSIONER RUFF:** There should be a
4 magnifying device in the room. Is there one on the table or
5 something that looks like a sheet of paper there?

6 **EMMANUEL YOUNG:** No, sir.

7 **PRESIDING COMMISSIONER RUFF:** Is the officer in there?

8 **EMMANUEL YOUNG:** (Inaudible) that.

9 **PRESIDING COMMISSIONER RUFF:** Yeah -- yeah, that's it.
10 That's -- that's your magnifying device. Yeah, that's --

11 **EMMANUEL YOUNG:** (Inaudible) it doesn't really work.

12 **PRESIDING COMMISSIONER RUFF:** You keep putting it to the
13 screen. Um, no, that -- that -- that would -- that would --
14 it would be like a magnifying device if you didn't have your
15 glasses. Any other accommodations we're not aware of, like a
16 hearing aid, back brace, knee brace?

17 **EMMANUEL YOUNG:** No, sir -- no, sir.

18 **PRESIDING COMMISSIONER RUFF:** All right. Counsel, it's
19 my understanding you have a request?

20 **ATTORNEY MBELU:** Yes, Commissioner. We are requesting
21 for stipulation -- three-year stipulation for ~~un~~suitability
22 because here he wants to go ahead and address his rule
23 violation and also get more self-help program. And that
24 we're asking the Panel to give him an insightful
25 recommendation in how to be better prepared at his next

1 hearing. And, um, in addition to that, I think Mr. Young
2 will also want the opportunity to address some court order
3 that he -- so was it two years ago, so I'll let him go ahead
4 and address that if the Panel will help me in any manner
5 regarding that court order. So that's -- those are the
6 requests that we have this morning.

7 **PRESIDING COMMISSIONER RUFF:** All right, so, Mr. Young,
8 did you make this request to stipulate of your own free will?

9 **EMMANUEL YOUNG:** Yes, sir -- yes, sir, I did.

10 **PRESIDING COMMISSIONER RUFF:** Were you coerced or
11 threatened?

12 **EMMANUEL YOUNG:** Not in any way.

13 **PRESIDING COMMISSIONER RUFF:** You understand by
14 stipulating, you're stipulating you're not suitable, you
15 would not be scheduled for another suitability hearing until,
16 uh, on or before 20 -- 2027?

17 **EMMANUEL YOUNG:** Yes, sir.

18 **PRESIDING COMMISSIONER RUFF:** All right. It does not
19 preclude you from Petition To Advance if you felt that maybe
20 you've improved to the point to where you wanted to try to go
21 back to your hearing earlier. Um, what's this question you
22 have about a court order? We don't usually respond or have
23 any responses to anything that has to do with a court order,
24 but what is it? Uh, I will hear you out. What is -- what
25 specifically are you referring to?

1 **EMMANUEL YOUNG:** Well, uh, my, uh, initial -- thank you,
2 sir, first of all. Uh, my initial life term, uh, what's
3 seven to life plus six years. And, um, it -- it concluded
4 with me coming to Board, I believe in 2019. Uh, after 2020,
5 that specific life term was vacated. And I was, uh, re-
6 sentenced with that, with, uh, to sen -- 15 of life. With
7 that life-term, having me going to Board in 2022. 2022, I
8 was never brought up to Board and that, you know, really
9 crippled my rehabilitation and everything like that. I
10 wanted to know why I was never brought to Board in 2022, yet
11 this is being called my subsequent, uh, Board Hearing when
12 that initial life-term was vacated? And I just wanted --

13 **PRESIDING COMMISSIONER RUFF:** Well, I can -- I can try
14 to answer your question. Um, and I'll have the Deputy
15 Commissioner weigh in also if he has some insight in regards
16 to this. So if you were originally -- you said you had a
17 seven year to life term, your sentence -- it does show on my
18 records your -- your sentence was amended --

19 **EMMANUEL YOUNG:** Yes, sir.

20 **PRESIDING COMMISSIONER RUFF:** -- to, uh, second-degree
21 murder. Second-degree murder occurs a 15-year to not, uh,
22 life term, uh, attempted murder carries a seven-year to life
23 term. So --

24 **EMMANUEL YOUNG:** Yes, sir.

25 **PRESIDING COMMISSIONER RUFF:** -- you got a five-year

1 denial at your initial Parole Suitability Hearing.

2 **EMMANUEL YOUNG:** Yes, sir.

3 **PRESIDING COMMISSIONER RUFF:** That was based on the Board
4 seeing you, you were eligible at that time, uh, for parole or
5 -- or they wouldn't have bought you there. All right, so --

6 **EMMANUEL YOUNG:** Yes, sir.

7 **PRESIDING COMMISSIONER RUFF:** -- the MEPD changing has
8 to do with the amended sentence. The amended sentence just
9 says that you were eligible now to be released based on the
10 amendment in 2022, but you had already received the five-year
11 denial. For you to get a better, uh, answer, it might be
12 better if you write the BPH regarding that. Um, I'm not sure
13 that it would've, uh, changed unless that, uh, sentence got
14 saved to a determinant term where your release date would've
15 been changed. But you're still, as far as I'm concerned,
16 even with the modification, you're still controlled by the
17 Board. Meaning you have an indeterminate term and the Board
18 will determine when you're going to be released. So maybe
19 Commissioner Weilbacher can add something to that.

20 **DEPUTY COMMISSIONER WEILBACHER:** You know, Commissioner,
21 I really can't, I can add that information and verify the
22 same information you had already had a hearing in 2019. And
23 so that's the -- that's the reason. They don't just bring
24 you back because your MEPD changes, you're already in the
25 process. However, to confirm that information, I can give

1 you the same thing that the Commissioner has said. If you go
2 on to your tablet and you get the information for the Board
3 of Parole Hearings, the legal division, you can write them
4 and then you can ask them to verify that information. So
5 you'll have it in writing from them that policy. It's also
6 contained in the parolee, uh, or the -- the --

7 **PRESIDING COMMISSIONER RUFF:** Handbook.

8 **DEPUTY COMMISSIONER WEILBACHER:** -- the handbook that
9 they just created, it'll be able to explain those things.
10 But once you're in the process, you're in it. And so then
11 you --

12 **EMMANUEL YOUNG:** So -- so, my question was, my -- my --
13 my Board hearing date wasn't predicated on the court -- on
14 the court ruling -- on the court order. It was predicated on
15 -- on pretty much, uh -- uh, the Board finding. Because my --
16 -- my question is that the initial life term was -- was
17 amended, but that part was vacated. And every -- the only
18 thing -- only part that was left on that term was the, uh,
19 definite --

20 **PRESIDING COMMISSIONER RUFF:** Yeah.

21 **EMMANUEL YOUNG:** -- was -- was the -- the -- was
22 sentence which -- which had -- had been stayed. But if we're
23 going to address that, it was -- it was -- so my thing was
24 that secondary or the -- the -- the current life term had me
25 going to Board in 2022. But it -- it -- but I kind of

1 understand what you're saying, Mr. Ruff, that once that
2 process started, even though that term was vacated, it was no
3 longer -- it was out in that -- the hands of the court.

4 **PRESIDING COMMISSIONER RUFF:** Right. And -- and it --
5 and it really would -- I mean, I don't want to be negative
6 about it. It wouldn't have made a difference in that even if
7 MEPD changed, you're still controlled by the Board. See, now
8 where it would've changed for you is if you would've went
9 from an indeterminate to a determinant. So if they would've
10 gave you like a flat term of you're going to do 15 years and
11 you're out. Yeah. Unless you catch a new case, you're out.
12 All right. But, um, I like what Commissioner Weilbacher
13 said, um, our -- we have a whole legal division that focuses
14 on release dates and they -- they can assist you with maybe a
15 more succinct answer to your question.

16 **EMMANUEL YOUNG:** Yeah.

17 **PRESIDING COMMISSIONER RUFF:** Um, now I'm going to give
18 you some advice. Um --

19 **EMMANUEL YOUNG:** Yes, sir.

20 **PRESIDING COMMISSIONER RUFF:** -- so me and Commissioner,
21 we do, uh, hearings and we do consultations. Commissioners -
22 - Deputy Commissioners do a number of other, uh, tasks, um,
23 in addition to that. Um, so it is smart that you stipulated
24 today because you've got a lot going on and, you know, um, so
25 my recommendation, it's going to be candid and you can take

1 it or leave it. You -- you -- first and foremost, you can't
2 get any more 115s. You can't come to the Board and expect to
3 get a date and you still got violence going on because your
4 crime is quite violent. Um, I don't know if you've done an
5 Olson review?

6 **EMMANUEL YOUNG:** Yes, sir.

7 **PRESIDING COMMISSIONER RUFF:** But if you haven't, you
8 should do one before your next hearing. Go and read the
9 transcripts from your case. Because when I read your version
10 of what happened, and I read the version from the victim of
11 what happened, this -- this -- the victim who you knew for
12 about five months, and you know, her version is significantly
13 different than yours. It makes your version look like you're
14 minimizing because, um, she was beat to death basically. And
15 -- and her version of it is you wanted her to use some
16 methamphetamine. She didn't want to, and then you accused
17 her cheating. And then the beating started. And then these
18 witnesses who are in these reports, they report that. So my
19 expectation if you came before me and the Board, is that you
20 one, have a self-awareness, meaning understanding of why this
21 crime occurred. Some people say, well, I was on meth, or I
22 was on PCP, I was on crack. And my question is always were -
23 - were you using those drugs before? And if your answer is
24 yes, did you beat anyone to death? Did you do this? Did you
25 do that? No. Then you can't blame it on the drugs.

1 **EMMANUEL YOUNG:** Right.

2 **PRESIDING COMMISSIONER RUFF:** The drugs may have been an
3 inhibitor. Right? And they may have made you do something
4 that you didn't have the -- I won't say you didn't have the
5 ability to stop, that you chose not to stop. So there's more
6 to it, you know, you should -- when you come before the
7 Board, first and foremost, you should demonstrate a prolonged
8 period of, "prosocial behavior." Meaning if your crime is
9 violent, there can't be any violence with anyone. And how
10 old are you now, Mr. Young?

11 **EMMANUEL YOUNG:** I'm 40 -- 42, sir.

12 **PRESIDING COMMISSIONER RUFF:** You're not a kid anymore,
13 so you -- you grown man. All right.

14 **EMMANUEL YOUNG:** Yes, sir.

15 **PRESIDING COMMISSIONER RUFF:** And -- and you got to use,
16 you know, I didn't -- I -- I know a lot of people found
17 success in anger management and they talk about -- the one
18 that I hear most of people talk about GOGI, boss of my own
19 brain, you know. And -- and really I worked in that system.
20 I worked at San Quentin 12 and a half years. I worked at DVI
21 another five, and then I was with SSU and the manager and --
22 and I retired and I came back and worked for the Board for
23 now almost seven years. And I can tell you that, um, I -- I
24 understand the violence of prison in general. When I started
25 at San Quentin, there was shots being fired and I witnessed

1 things that I could write books about my first couple years
2 there. So I understand the prison -- prison environment, but
3 I also understand that as you get older, you start -- you
4 start playing I don't know if you play chess and checkers,
5 but as you know, checkers is just jump the guy, crown me
6 king. Chess is thinking two or three moves ahead. Most time
7 -- most of the time, not all the time. Most of the time when
8 there's a conflict, there's something to proceed the
9 conflict, whether it be --

10 **EMMANUEL YOUNG:** Yes, sir.

11 **PRESIDING COMMISSIONER RUFF:** -- somebody talking,
12 "disrespectful." There's always going to be something
13 usually. Not -- I mean, if you're dealing with somebody who
14 has mental health issues, maybe not. But most of the time
15 there's going to be something that tells you this is getting
16 ready to go in a direction and so on and so forth. If it is
17 you -- if you're the person that can't control your anger,
18 then you need to work on that. You need to work on
19 developing the tools to, uh, avoid anger. Anger is a
20 secondary emotion. You know, you choose to be angry. You
21 know, if somebody says something to you in that environment,
22 and -- and some people know if a person has a short temper,
23 they go up to them and -- and gout them, you know, "hey man,
24 F you." What you know, now it goes into a whole different
25 level. Now you're seeing red and -- and -- and you're ready

1 to fight. You're going to have to show the Board one that
2 you can no longer involved in fights. You've been in quite a
3 few fights this year. One of them, you're found not guilty.
4 One of them, you got a battery and another one. So you got a
5 couple fights. You're going to -- you're going to have to
6 show the Board, you're not a violent person anymore. That
7 you don't use your fist when you have conflict, that you've
8 developed the necessary coping skills to avoid being angry.
9 'Cause if you're angry in there, you're definitely going to
10 be angry in the community. 'Cause there's a lot of things to
11 you off. The other thing is, um, domestic violence. You
12 should understand the cycle of violence. You should
13 understand domestic violence. You should understand domestic
14 violence and how it related to your own relationship and why
15 it was part of that relationship. I can tell you there was a
16 common thing I heard in your statement, and it's almost -- if
17 somebody asks me as a Commissioner, just interview me and
18 say, what is the common thing you see in domestic violence?
19 I said, jealousy or the -- the perpetrator always
20 believes that the victim was -- was cheating on them, whether
21 they were cheating or not. And, uh, that in itself
22 demonstrates that there's some issues there that need to be
23 resolved. So I strongly encourage that you remain
24 disciplinary free. That you get engaged in programming, not
25 just to get the certificate, but to actually learn from it.

1 So basically, because you're going to be back in the
2 community, Mr. Young, and you got to be able to function
3 because you only get so many bites of the apple. If you get
4 back up there and you're given your freedom again you can't --
5 -- you can't get in a -- you can't say you're still going to
6 be young enough to get involved in a relationship. And --
7 and -- and if you -- you haven't resolved those issues, your
8 life will be there. All right, any questions you have of me
9 before I have, uh, Commissioner Weilbacher talk to you?

10 **EMMANUEL YOUNG:** Uh, no, thank you for it. I just thank
11 you.

12 **PRESIDING COMMISSIONER RUFF:** Yep. Commissioner
13 Weilbacher anything?

14 **DEPUTY COMMISSIONER WEILBACHER:** Yeah. Thank you,
15 Commissioner. Yo -- you know, Mr. Young, I just want to
16 ditto what the Commissioner said, but I'm just going to add
17 one thing because I know you're hearing him, you're shaking
18 your head, you're acknowledging him. You're -- you're doing
19 those positive things. The domestic violence, of course, is
20 crucial. That's the reason I repeat it. The Alternatives to
21 Violence. There are programs called AVP, Alternatives to
22 Violence. GOGI is the same thing I've heard about, is really
23 good. The -- all those programs. Um, create relapse
24 prevention plans for those that are real. You -- you make
25 sure that you -- you go over them a few times. And then when

1 you come to the Board, you create a packet of those that you
2 think are most important. Now, I wrote this down in the
3 stipulation, uh, that we -- we filled out today. There's a
4 little section, you'll see the reasons why. Now usually I
5 don't put those programs in like the Commissioner pointed
6 out. But I put them in this time so you could be reminded --
7 you -- I know you don't have a -- a memory issue, but I just
8 want you to be able to look at that in the future. And then
9 the other thing I'm going to do is I'm going to go ahead and
10 email that document over to the officer. And if you want,
11 and with your counsel's understanding, there is a
12 transitional housing program, self-help packet that I give
13 out during -- that include correspondence courses that you
14 can do in addition to the tablet that you have now is a world
15 of information. But it'll have addresses for you to write
16 like GOGI, it'll have addresses for PREP and the Americans
17 Community Corrections Institute. It basically has all the
18 programs that we can -- that we hear about. It doesn't mean
19 anyone's better than the other, but it means that you'll have
20 those information besides your tablet, which is a world of
21 information, uh, for you now with the programs they have on
22 there. So unless counsel has an objection to that, which,
23 um, it's just a generic document we give to everybody, and in
24 fact it goes around, the Counselor --Counsel probably has the
25 same copy. Uh, I'll -- I'll email those over and then the

1 officer will give them to you, okay?

2 **EMMANUEL YOUNG:** Okay. Thank you, sir.

3 **DEPUTY COMMISSIONER WEILBACHER:** Yep. Thank you.

4 **PRESIDING COMMISSIONER RUFF:** All right -- all right.

5 If you --

6 **ATTORNEY MBELU:** Commissioner --

7 **PRESIDING COMMISSIONER RUFF:** -- don't have -- yes, go
8 ahead.

9 **ATTORNEY MBELU:** -- I'm sorry. Can you -- can you send
10 me a copy so I have some, but I just want to see, crosscheck
11 and see what you have and what I have. I can always use that
12 -- those and share with my clients also. Thank you.

13 **DEPUTY COMMISSIONER WEILBACHER:** I will do, yeah.

14 **ATTORNEY MBELU:** Thank you. Okay.

15 **PRESIDING COMMISSIONER RUFF:** All right.

16 **EMMANUEL YOUNG:** And if you guys give me opportunity, I
17 promise the next time I come, I'll be in a better light and
18 I'll be I'll -- I'll -- I'll -- I'll make you guys proud, I
19 promise.

20 **PRESIDING COMMISSIONER RUFF:** Well, and the bottom line,
21 Mr. Young --

22 **EMMANUEL YOUNG:** Yes, sir.

23 **PRESIDING COMMISSIONER RUFF:** -- um, like I said, you
24 only get so many bites of the apple. You're still young
25 enough that you can make the changes and get back in the

1 community, but you got to make the changes. And then the
2 other thing, how many points -- what's your current
3 classification score?

4 **EMMANUEL YOUNG:** I, uh, I, uh, I have a 68 points, sir.

5 **PRESIDING COMMISSIONER RUFF:** All right. So that's not
6 bad compared to some of the ones I see where 300 and
7 something, it's not good, but it's not bad. It's -- it is --
8 it's -- it's low enough that you can get an override, but
9 they're not going to give you an override when you're still
10 involved in violence. Sometimes the change of venue is what
11 you need, is you need to get away from the environment that's
12 not conducive to change. All right. Get around people who
13 the majority of them are trying to get home. They're not
14 trying to stay there. I think that the -- your location is
15 not always conducive to, you know, if you want to make
16 changes, you can't always make those changes. All right? So
17 good luck going --

18 **EMMANUEL YOUNG:** Yes, sir.

19 **PRESIDING COMMISSIONER RUFF:** -- forward and, uh, do it
20 for yourself. Do it for your family. And do it for your --

21 **EMMANUEL YOUNG:** Yes, sir.

22 **PRESIDING COMMISSIONER RUFF:** -- victims, you know, and
23 that's how you make amends. It's showing that I'm not the
24 same person that committed this crime. I'm a -- I'm a
25 different person. All right?

EMMANUEL YOUNG: Yes, sir.

PRESIDING COMMISSIONER RUFF: All right. Good luck going forward. That will conclude today's proceedings. The time right now is 9:01 a.m.

DEPUTY COMMISSIONER WEILBACHER: We're off record.

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.

EMMANUEL YOUNG AK2960 10/24/2024 DECISION PAGE 1

CERTIFICATE AND DECLARATION OF TRANSCRIBER

I, John Smith, 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:

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SALINAS VALLEY STATE PRISON

SOLEDAD, CALIFORNIA

OCTOBER 24, 2024

8:40 AM

Signed: *John Smith*

Transcribed by: John Smith

Dictate Express Transcription

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