

SUBSEQUENT PAROLE CONSIDERATION HEARING

STATE OF CALIFORNIA

BOARD OF PRISON TERMS

In the Matter of the Life)
Term Parole Consideration)
Hearing of)

CDC Number: W-14944

BRENDA SPENCER)

ORIGINAL

CALIFORNIA INSTITUTION FOR WOMEN

FRONTERA, CALIFORNIA

DECEMBER 14, 1994

12:00 P.M.

PANEL PRESENT:

Mr. Tom Giaquinto, Presiding Commissioner
Ms. Carol Bentley, Commissioner
Mr. Richard Beekman, Deputy Commissioner

OTHERS PRESENT:

Ms. Brenda Spencer, Inmate
Mr. Richard Jallins, Attorney for Inmate
Mr. Lester Bow, San Diego County District Attorney
Ms. Sloan, Correctional Officer, Security

CORRECTIONS TO THE DECISION HAVE BEEN MADE

No

X Yes

See Errata Sheet

Terri Radovich, Transcriber, Legal Typing Services

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P R O C E E D I N G S

(TRANSCRIBER'S NOTES: POOR TAPE QUALITY, CHANNELS THREE AND FOUR OUT. EXCESSIVE BACKGROUND NOISE AND CONSTANT BLOWING SOUND MAKING TAPE INAUDIBLE. PRESIDING COMMISSIONER GIAQUINTO AND THE INMATE ARE VERY HARD TO HEAR).

PRESIDING COMMISSIONER GIAQUINTO: Okay. We are on record. The time is 12:00 o'clock noon. This is a Subsequent Parole Consideration Hearing for Brenda Spencer, CDC-Number W-14944. The date of today's hearing is 12-14-94. We're located at CIW.

The prisoner was received on 4-14, 1980, from the County of San Diego, for two counts of murder in the first degree; and one count of assault on a police officer; and eight counts of assault with a deadly weapon. And each of the counts, IV, VI, VIII, X, XII, XIV, XVI, XVIII, XX, and Counts I and II, the offense of felon with a firearm. That is 187 P.C., 245(b) P.C., and 245(a) P.C., 12022.5 P.C. The term is 25 years to life with a minimum eligible parole date of 2-23-94.

At this time, what we're going to do is make voice identification. I know you've done this before. I'm going to start with myself, go to my left. And then when we get to you, please state your name, spell your last name, and your CDC-Number. My name is Tom Giaquinto, G-i-a-q-u-i-n-t-o, Commissioner, Board of Prison Terms.

1 COMMISSIONER BENTLEY: Carol Bentley, B-e-n-t-l-e-
2 y, Commissioner, Board of Prison Terms.

3 DEPUTY COMMISSIONER BEEKMAN: Richard Beekman, B-
4 e-e-k-m-a-n, Deputy Commissioner.

5 DEPUTY DISTRICT ATTORNEY BOW: Lester Bow, B -- B-
6 o-w, Deputy District Attorney, County of San Diego.

7 ATTORNEY JALLINS: Richard Jallins, J-a-l-l-i-n-s,
8 State Appointed Counsel for the Prisoner.

9 INMATE SPENCER: Brenda Spencer, S-p-e-n-c-e-r, W-
10 14944.

11 CORRECTIONAL OFFICER SLOAN: Officer Sloan, S-l-o-
12 a-n, Security.

13 PRESIDING COMMISSIONER GIAQUINTO: Okay. The
14 purpose of today's hearing is to again consider your
15 suitability for parole. In arriving at a decisio, we
16 will consider the commitment offense, your prior
17 criminality, and your behavior since you've been
18 incarcerated.

19 The -- regarding the Statement of Facts, I'm
20 going to utilize the Board report of 11-13-92, pages two
21 through three. Any objections?

22 ATTORNEY JALLINS: No.

23 PRESIDING COMMISSIONER GIAQUINTO: Okay. We have
24 reviewed your Central-File and other pertinent documents
25 that we'll be utilizing to conduct today's hearing. And
26 during the proceedings, you or your Attorney will be
27 given an opportunity to make corrections or

1 clarifications to the record.

2 The law and the Board of Prison Terms Rules
3 states you are to be denied a parole date if your release
4 would pose an unreasonable risk of danger to others.

5 Now, there are certain rights that you are
6 afforded, and I will ask Counsel if the prisoner's rights
7 have been afforded?

8 ATTORNEY JALLINS: Yes, they have been.

9 PRESIDING COMMISSIONER GIAQUINTO: Okay. You're
10 also entitled to be heard by an impartial Panel. Do you
11 have any objection to the composition of this Panel?

12 INMATE SPENCER: No, I don't.

13 PRESIDING COMMISSIONER GIAQUINTO: Mr. Jallins?

14 ATTORNEY JALLINS: No, I do not.

15 PRESIDING COMMISSIONER GIAQUINTO: Okay. You will
16 -- will receive a copy of the tentative written decision
17 today. That decision will be effective 90 days after
18 review. You will receive a transcript and a copy of the
19 decision. You have 90 days to appeal from the effective
20 date of the decision.

21 You're not required to discuss this matter
22 with the Panel. You're not required to admit the
23 offense. However, the Panel does accept as true the
24 Court Findings.

25 Is any confidential information going to be
26 used today?

27 DEPUTY COMMISSIONER BEEKMAN: No.

1 PRESIDING COMMISSIONER GIAQUINTO: Okay. Is
2 prisoner going to speak with the Panel today?

3 ATTORNEY JALLINS: Yes, she will.

4 PRESIDING COMMISSIONER GIAQUINTO: Okay. I'm
5 going to pass to your Attorney the Hearing Checklist,
6 that's Exhibit Number I. And if you would give it to the
7 Deputy District Attorney? And make sure we have all the
8 same documents for today's hearing.

9 ATTORNEY JALLINS: I have all the documents, also
10 submitted a Memorandum on behalf of the prisoner. Also,
11 I do want to state for the record, just uhm, even though
12 this is her Subsequent Hearing, she did not appear at her
13 first hearing, so this will be the first time she'll come
14 face to face with the Panel.

15 PRESIDING COMMISSIONER GIAQUINTO: Okay.

16 DEPUTY DISTRICT ATTORNEY BOW: I have all the
17 documents as enumerated in the form.

18 PRESIDING COMMISSIONER GIAQUINTO: Okay. Would
19 you raise your right hand? Do you swear -- do you swear
20 and affirm that in talking to the Panel, you will tell
21 the truth, the whole truth, and nothing but the truth?

22 INMATE SPENCER: I do.

23 PRESIDING COMMISSIONER GIAQUINTO: Okay. Well, as
24 I understand this offense, this occurred on or about 1-
25 29-79, in the City of San Diego. The (inaudible) and at
26 some point in time you armed yourself with a .22 caliber
27 rifle, and began firing the rifle from your home.

1 INMATE SPENCER: Yes.

2 PRESIDING COMMISSIONER GIAQUINTO: And -- and
3 there were children in the area, 'cuz there was an
4 elementary school across the street. (Inaudible,
5 coughing) Elementary School. And as a result of that,
6 two persons were killed, I think there was a principal of
7 the school and the school custodian who received fatal
8 wounds. There were other people wounded, including a
9 police officer who received a gunshot wound to the neck,
10 as I recall. And then a number of other (inaudible)
11 several children were (inaudible) also.

12 INMATE SPENCER: Yes.

13 PRESIDING COMMISSIONER GIAQUINTO: So, therefore,
14 that counts for the two counts of murder, and the second
15 assault -- first assault charge would be assault on a
16 peace officer, that's the person that was shot in the
17 neck. And the other eight counts were for the other
18 people that were injured on this (inaudible).

19 And after -- thereafter, police officers
20 arrived at the scene, of course, and you were in the
21 house and ultimately they spoke with you, directly, I
22 guess, or was it?

23 INMATE SPENCER: (Inaudible).

24 PRESIDING COMMISSIONER GIAQUINTO: (Inaudible) and
25 then they asked you to give yourself up, and that
26 ultimately occurred and you came out of the house and
27 officers took you into custody. And as -- as I read in

1 the reports, it didn't appear that there was a real clear
2 understanding on your part as to how this occurred. At
3 -- at one point, I believe you said that you had ingested
4 some drugs several days before and then --

5 INMATE SPENCER: (Inaudible).

6 PRESIDING COMMISSIONER GIAQUINTO: -- And on that
7 day. And that you really did not become aware of the
8 totality of the circumstances until, I believe the
9 following day or the day after, when you came out of the
10 drug -- out from under the influence of the drugs. Is
11 that the still the situation?

12 INMATE SPENCER: Yes, it is.

13 PRESIDING COMMISSIONER GIAQUINTO: Do you remember
14 the shooting at all?

15 INMATE SPENCER: I don't remember the shooting at
16 all.

17 PRESIDING COMMISSIONER GIAQUINTO: Okay. Then why
18 do you think you armed yourself with it?

19 INMATE SPENCER: Well, I was at a very large
20 (inaudible) that was going on in my life at the time.
21 And (inaudible, excessive background noise and banging).
22 I was very depressed, I had (inaudible). It was
23 (inaudible).

24 PRESIDING COMMISSIONER GIAQUINTO: Had you ever
25 tried to commit suicide before?

26 INMATE SPENCER: No.

27 PRESIDING COMMISSIONER GIAQUINTO: I had read in

1 your report her where you had contemplated taking --
2 committing suicide or even committing an assault on other
3 people.

4 INMATE SPENCER: Well, I had tried and completely
5 failed.

6 PRESIDING COMMISSIONER GIAQUINTO: At --

7 INMATE SPENCER: (Inaudible, background noise and
8 talking at the same time).

9 PRESIDING COMMISSIONER GIAQUINTO: You're talking
10 about suicide now.

11 INMATE SPENCER: Right. I had (inaudible,
12 excessive background noise).

13 PRESIDING COMMISSIONER GIAQUINTO: Yeah. The
14 Board report that I was referring to (inaudible) said
15 that you had plans of such (inaudible) here that
16 (inaudible) a peace officer was going over to the school
17 or murdering somebody (inaudible). Is that so? Had you
18 thought about that prior to committing it?

19 INMATE SPENCER: I hadn't thought of it at that
20 time.

21 PRESIDING COMMISSIONER GIAQUINTO: Where -- where
22 did that come from? Do you know? It came from
23 (inaudible, coughing and excessive background noise)?

24 INMATE SPENCER: (Inaudible, background noise).

25 PRESIDING COMMISSIONER GIAQUINTO: Uh, who's .22
26 rifle was that?

27 INMATE SPENCER: It was mine.

1 PRESIDING COMMISSIONER GIAQUINTO: It was your's.
2 Okay. It did say that at about age ten, (inaudible) date
3 of the offense, that you had considered suicide in the
4 past.

5 INMATE SPENCER: Yes.

6 PRESIDING COMMISSIONER GIAQUINTO: And I know that
7 there were some thought (inaudible) in the family. You
8 had been to CYA. Had you been to --

9 INMATE SPENCER: No, I --

10 PRESIDING COMMISSIONER GIAQUINTO: -- CYA prior to
11 coming --

12 INMATE SPENCER: -- Had been recently to CI -- CYA
13 after I was (inaudible).

14 PRESIDING COMMISSIONER GIAQUINTO: After the
15 sentence. I guess you were having problems in school. I
16 guess you were in continuation school. Is that correct?

17 INMATE SPENCER: Yeah.

18 PRESIDING COMMISSIONER GIAQUINTO: And you had
19 problems there.

20 INMATE SPENCER: No, I didn't have any problems
21 there.

22 PRESIDING COMMISSIONER GIAQUINTO: Did you not
23 show up for class or something like that?

24 INMATE SPENCER: I showed up with the (inaudible,
25 coughing and background noise) school (inaudible).

26 PRESIDING COMMISSIONER GIAQUINTO: Okay.

27 (Inaudible) tired to commit suicide by ingesting glue and

1 aspirins. And then you were released to the custody of
2 your parents. You (inaudible) therapy just before the
3 offense.

4 INMATE SPENCER: (Inaudible).

5 PRESIDING COMMISSIONER GIAQUINTO: Had -- what
6 kind of therapy did you have prior to the --

7 INMATE SPENCER: I had a Probation Officer.

8 PRESIDING COMMISSIONER GIAQUINTO: And what did
9 the therapy in -- involve? Did you (inaudible)?

10 INMATE SPENCER: They sent me to see a
11 psychiatrist and (inaudible, coughing and background
12 noise) parole and I had therapy sessions with him.

13 PRESIDING COMMISSIONER GIAQUINTO: Okay. Now, in
14 terms of -- in regards to the -- the life crime, do you
15 remember shooting the two adults, the principal and the
16 custodian?

17 INMATE SPENCER: I don't remember shooting
18 anything (inaudible, background noise).

19 PRESIDING COMMISSIONER GIAQUINTO: Okay. I'm
20 trying to (inaudible), now you see people outside your
21 house, right?

22 INMATE SPENCER: Uh-hum.

23 PRESIDING COMMISSIONER GIAQUINTO: And they're at
24 the school, which is located across from your home.

25 INMATE SPENCER: Yeah, across from my home.

26 PRESIDING COMMISSIONER GIAQUINTO: Okay. And did
27 you -- had you met the principal or --

1 INMATE SPENCER: No.

2 PRESIDING COMMISSIONER GIAQUINTO: Okay. I -- I
3 assume there were a lot of people there, 'cuz you're
4 still (inaudible). But the principal was just outside at
5 that time. Was he (inaudible, excessive background noise
6 and talking at the same time).

7 INMATE SPENCER: (Inaudible, talking at the same
8 time and excessive background noise).

9 PRESIDING COMMISSIONER GIAQUINTO: Okay. When you
10 first started shooting, there was -- were there just
11 children there or was -- was the custodian there or --

12 INMATE SPENCER: There wasn't any injuries or any
13 (inaudible, background noise).

14 PRESIDING COMMISSIONER GIAQUINTO: Okay. And then
15 ultimately, these people were there, you're still
16 shooting. Now, then, at some point in time, the police
17 arrive.

18 INMATE SPENCER: Yes.

19 PRESIDING COMMISSIONER GIAQUINTO: And you saw the
20 police officers there, right?

21 INMATE SPENCER: Yeah.

22 PRESIDING COMMISSIONER GIAQUINTO: And the officer
23 that was injured at that -- Count Number, I think IV, did
24 you aim at him?

25 INMATE SPENCER: No.

26 PRESIDING COMMISSIONER GIAQUINTO: Where -- where
27 were you aiming?

1 INMATE SPENCER: I was just aiming up.

2 PRESIDING COMMISSIONER GIAQUINTO: You were aiming
3 up in the air.

4 INMATE SPENCER: I was aiming straight up.

5 PRESIDING COMMISSIONER GIAQUINTO: You mean
6 horizontally.

7 INMATE SPENCER: Yeah.

8 PRESIDING COMMISSIONER GIAQUINTO: You could see
9 people in front of you.

10 INMATE SPENCER: Yes.

11 PRESIDING COMMISSIONER GIAQUINTO: And what was
12 your intention?

13 INMATE SPENCER: I had no (inaudible, background
14 noise).

15 PRESIDING COMMISSIONER GIAQUINTO: Okay. I guess
16 I'm trying to determine -- it's related back to your
17 suicide, your intention to commit suicide, were you --
18 because at this time, you see police officers, and you
19 know that there's going to be some ramifications from
20 that. They're liable to shoot you back or something.
21 But, you keep shooting at this time.

22 INMATE SPENCER: Yes. But, I didn't (inaudible,
23 background noise).

24 PRESIDING COMMISSIONER GIAQUINTO: Was this from
25 alcohol, you felt -- and -- and you had taken some drugs?
26 (Inaudible, background noise).

27 INMATE SPENCER: The day -- when I had bought 'em,

1 they were just regular street drugs, they were downers.
2 Sectional and (inaudible, background noise).

3 PRESIDING COMMISSIONER GIAQUINTO: How old were
4 you at the time this happened?

5 INMATE SPENCER: Sixteen.

6 PRESIDING COMMISSIONER GIAQUINTO: And -- all
7 right. Now, we might have some more questions about this
8 from the other Panel members, you know, or your Attorney,
9 Mr. Jallins.

10 You felt (inaudible, background noise) by
11 your natural parents. Is that correct?

12 INMATE SPENCER: Yes.

13 PRESIDING COMMISSIONER GIAQUINTO: Okay. Have you
14 tried to figure this (inaudible)?

15 INMATE SPENCER: Yes.

16 PRESIDING COMMISSIONER GIAQUINTO: In addition to
17 the other stuff? (Inaudible). Had been arrested
18 previously for petty theft.

19 INMATE SPENCER: Yes.

20 PRESIDING COMMISSIONER GIAQUINTO: And burglary.

21 INMATE SPENCER: Right.

22 PRESIDING COMMISSIONER GIAQUINTO: And you were --
23 you were received by the Youth Services Bureau.

24 INMATE SPENCER: Yes.

25 PRESIDING COMMISSIONER GIAQUINTO: And this was
26 all prior to the (inaudible, background noise).

27 INMATE SPENCER: Yes.

1 PRESIDING COMMISSIONER GIAQUINTO: And it said
2 that you were the youngest of three children born to the
3 marriage of Wallace and Dorothy. And that your parents
4 separated in 1972. Is that correct?

5 INMATE SPENCER: Yes.

6 PRESIDING COMMISSIONER GIAQUINTO: And that you
7 were -- who took custody of you?

8 INMATE SPENCER: My father.

9 PRESIDING COMMISSIONER GIAQUINTO: Okay. And he
10 was employed in San Diego.

11 INMATE SPENCER: Yes.

12 PRESIDING COMMISSIONER GIAQUINTO: And as was your
13 mother. And it talks briefly about your problems in
14 school, and that you were (inaudible, background noise).
15 Describes (inaudible, background noise). And you thought
16 (inaudible, background noise), I guess. (Inaudible,
17 background noise). And it said that you used PCP, LSD,
18 seconal, acid, shirms, and marijuana.

19 INMATE SPENCER: Yes.

20 PRESIDING COMMISSIONER GIAQUINTO: And you had --
21 ended up having headaches and blackout spells because of
22 an accident the prior year in (inaudible)?

23 INMATE SPENCER: Uh-hum.

24 PRESIDING COMMISSIONER GIAQUINTO: Is that still a
25 condition that exists?

26 INMATE SPENCER: Yes.

27 PRESIDING COMMISSIONER GIAQUINTO: Okay. And --

1 okay. That -- that covers all of that area. And I know
2 we've gone through a lot of detail on the murder or on
3 the assaults, and I went into a little bit more detail
4 than I normally would, because you hadn't attended on
5 your Initial.

6 INMATE SPENCER: Yes.

7 PRESIDING COMMISSIONER GIAQUINTO: And I wanted to
8 indicate in the -- on the record, but that's already been
9 established in the prior record.

10 Okay. With that, I'll go to post conviction
11 factors.

12 DEPUTY COMMISSIONER BEEKMAN: Thank you. You got
13 a high school diploma, correct?

14 INMATE SPENCER: Correct.

15 DEPUTY COMMISSIONER BEEKMAN: That was in -- while
16 you were in Ventura School.

17 INMATE SPENCER: Yes.

18 DEPUTY COMMISSIONER BEEKMAN: And also, I -- I saw
19 that you attended, I'm not -- I -- it's not totally clear
20 to me whether you completed the vocational animal
21 grooming program there.

22 INMATE SPENCER: Yes.

23 DEPUTY COMMISSIONER BEEKMAN: Did you complete
24 that?

25 INMATE SPENCER: (Inaudible response).

26 DEPUTY COMMISSIONER BEEKMAN: What other program
27 did you do there in Ventura School?

1 INMATE SPENCER: I had -- after I completed the
2 animal grooming, I was (inaudible, background noise).

3 DEPUTY COMMISSIONER BEEKMAN: All right. And I --
4 I saw one disciplinary, there's no 115's in your file,
5 but I saw 1981, reference to an arson that occurred at
6 Ventura School. Do you recall that incident?

7 INMATE SPENCER: Yes.

8 DEPUTY COMMISSIONER BEEKMAN: Would you tell me a
9 little bit about that?

10 INMATE SPENCER: I just lit my room on fire.

11 DEPUTY COMMISSIONER BEEKMAN: Why did you do that?

12 INMATE SPENCER: (Inaudible) I was (inaudible,
13 coughing).

14 DEPUTY COMMISSIONER BEEKMAN: Angry.

15 INMATE SPENCER: Uh-hum.

16 DEPUTY COMMISSIONER BEEKMAN: At who?

17 INMATE SPENCER: At myself, mostly.

18 DEPUTY COMMISSIONER BEEKMAN: Did you remain in
19 the room after you set it on fire?

20 INMATE SPENCER: Yes.

21 DEPUTY COMMISSIONER BEEKMAN: Were you injured?

22 INMATE SPENCER: Smoke inhalation.

23 DEPUTY COMMISSIONER BEEKMAN: Hmm. Do you
24 consider that some sort of suicide attempt?

25 INMATE SPENCER: Yeah.

26 DEPUTY COMMISSIONER BEEKMAN: Yeah. Have you
27 tried anything since then, like that?

1 INMATE SPENCER: No.

2 DEPUTY COMMISSIONER BEEKMAN: Any suicide attempts
3 since then?

4 INMATE SPENCER: No.

5 DEPUTY COMMISSIONER BEEKMAN: Ever thought about
6 it?

7 INMATE SPENCER: No.

8 DEPUTY COMMISSIONER BEEKMAN: No. All right. Got
9 a good work record. I saw in -- and primarily, I'll be
10 talking about the -- the period of time since your last
11 Board appearance. I saw that you were in vocational
12 electronics. Is that correct?

13 INMATE SPENCER: That's correct.

14 DEPUTY COMMISSIONER BEEKMAN: Have you completed
15 that program?

16 INMATE SPENCER: I completed it up to the
17 communication.

18 DEPUTY COMMISSIONER BEEKMAN: So, you're still
19 working on it.

20 INMATE SPENCER: Yes.

21 DEPUTY COMMISSIONER BEEKMAN: Okay. And what will
22 that qualify you to do?

23 INMATE SPENCER: I can work in any (inaudible) in
24 electrical, test technician.

25 DEPUTY COMMISSIONER BEEKMAN: Of what?

26 INMATE SPENCER: Of --

27 DEPUTY COMMISSIONER BEEKMAN: What?

1 INMATE SPENCER: -- Assembly line.

2 DEPUTY COMMISSIONER BEEKMAN: Is that something
3 you'd like to do on parole?

4 INMATE SPENCER: Yes.

5 DEPUTY COMMISSIONER BEEKMAN: So, how much -- how
6 -- how -- how many more months do you think this course
7 will last?

8 INMATE SPENCER: That I don't know, 'cuz now I'm
9 working as a repair technician in that.

10 DEPUTY COMMISSIONER BEEKMAN: All right. So, it
11 may -- may continue on for quite sometime then.

12 INMATE SPENCER: Yes.

13 DEPUTY COMMISSIONER BEEKMAN: Is that a full-time
14 assignment?

15 INMATE SPENCER: Yes.

16 DEPUTY COMMISSIONER BEEKMAN: What kind of self-
17 help were you involved in? If anything?

18 INMATE SPENCER: I go to AA/NA, and I program.

19 DEPUTY COMMISSIONER BEEKMAN: You --

20 INMATE SPENCER: I go to Group Therapy.

21 DEPUTY COMMISSIONER BEEKMAN: With a -- with a
22 doctor?

23 INMATE SPENCER: Yes.

24 DEPUTY COMMISSIONER BEEKMAN: What do you talk
25 about in Group Therapy?

26 INMATE SPENCER: Well, we talk about anger
27 management; the -- the issues that come up in prison that

1 we have to (inaudible).

2 DEPUTY COMMISSIONER BEEKMAN: Do you get anything
3 out of it?

4 INMATE SPENCER: Yeah, I'm getting a lot out of
5 it.

6 DEPUTY COMMISSIONER BEEKMAN: What?

7 INMATE SPENCER: Well, to better myself.

8 DEPUTY COMMISSIONER BEEKMAN: All right. Now,
9 with regards to the AA/NA, you claimed that you have used
10 drugs in the past. Do you know anything about the 12
11 Steps?

12 INMATE SPENCER: Yeah, I'm -- I'm working on them.
13 It's -- it's an ending thing.

14 DEPUTY COMMISSIONER BEEKMAN: Well, --

15 INMATE SPENCER: I don't have 'em memorized, I do
16 one (inaudible).

17 DEPUTY COMMISSIONER BEEKMAN: Well, is -- is there
18 anyone in particular that you've focused on?

19 INMATE SPENCER: Well, right now, there's none in
20 particular, it's -- it's the whole program.

21 DEPUTY COMMISSIONER BEEKMAN: Are you gonna -- do
22 you think it does any good for you?

23 INMATE SPENCER: Yeah.

24 DEPUTY COMMISSIONER BEEKMAN: How long you been
25 involved in it?

26 INMATE SPENCER: Uhm, off and on about eight years
27 in all.

1 DEPUTY COMMISSICNER BEEKMAN: Well, I -- I would
2 think that by now, you -- with that many years, you would
3 have at least focused enough on the 12 Steps to be able
4 to at least discuss it a little bit.

5 INMATE SPENCER: Well, I don't have 'em -- each
6 step memorized.

7 DEPUTY COMMISSIONER BEEKMAN: Well, I'm not
8 talking about memory, but some of them talk about moral
9 inventory.

10 INMATE SPENCER: Yeah.

11 DEPUTY COMMISSIONER BEEKMAN: Have you -- have you
12 done that?

13 INMATE SPENCER: Yes, I'm doing that. I'm working
14 currently in focusing on CODA, co-dependency.

15 DEPUTY COMMISSIONER BEEKMAN: Uh-huh.

16 INMATE SPENCER: And with that (inaudible) a
17 person (inaudible) working with my pier help (inaudible).

18 DEPUTY COMMISSIONER BEEKMAN: Yeah.

19 INMATE SPENCER: That and the (inaudible).

20 DEPUTY COMMISSIONER BEEKMAN: If -- it's -- it's
21 difficult if -- if I -- 'cuz I really -- I'm not here to
22 play 20 questions or to try to pry stuff out of you, but
23 the -- the problem is, is that it's difficult to
24 determine whether you -- you know, whether you benefit
25 from any of this -- this programming, or any of the stuff
26 soaks in, if you can't dialogue it a little bit with us.
27 You don't seem like you really like to talk very much.

1 INMATE SPENCER: No, I really don't talk a lot in
2 (inaudible).

3 DEPUTY COMMISSIONER BEEKMAN: Yeah. That's -- so
4 you think you absorb this stuff then by listening.

5 INMATE SPENCER: Some of it. If I have a
6 question, then I'll go and ask the (inaudible).

7 DEPUTY COMMISSIONER BEEKMAN: All right.

8 INMATE SPENCER: And work on it privately.

9 DEPUTY COMMISSIONER BEEKMAN: Why do you want to
10 do all this privately?

11 INMATE SPENCER: Well, some of it, I can't
12 interrupt the group while they're talking.

13 DEPUTY COMMISSIONER BEEKMAN: I see. Well, you
14 may want to think about becoming a little more assertive
15 in terms of learning -- learning how to speak up a little
16 bit, and it -- it -- normally, it will help you -- when
17 you come to these hearings.

18 INMATE SPENCER: Yes.

19 DEPUTY COMMISSIONER BEEKMAN: Correct?

20 INMATE SPENCER: Yeah.

21 DEPUTY COMMISSIONER BEEKMAN: Do you agree with
22 that?

23 INMATE SPENCER: Yes.

24 DEPUTY COMMISSIONER BEEKMAN: All right. Is there
25 any other programming that you're involved in?

26 INMATE SPENCER: I work with the NARS program.
27 The Native American Religious Services.

1 DEPUTY COMMISSIONER BEEKMAN: I see. And what do
2 you do with that program?

3 INMATE SPENCER: I -- I help with the religious
4 services.

5 DEPUTY COMMISSIONER BEEKMAN: I see. Anything
6 else?

7 INMATE SPENCER: I go to L.T.O., Long Termer's
8 Organization.

9 DEPUTY COMMISSIONER BEEKMAN: All right. Do you
10 participate in that?

11 INMATE SPENCER: Yes. I'm a Sergeant at Arms with
12 that.

13 DEPUTY COMMISSIONER BEEKMAN: I see. You have
14 some medical problems too, chronic viral infection, viral
15 infection, I guess is the way it is pronounced, and a
16 seizure disorder which we're aware of. The seizure
17 disorder certainly might have an impact on job
18 assignments.

19 INMATE SPENCER: Yeah.

20 DEPUTY COMMISSIONER BEEKMAN: When -- when did you
21 have your last seizure?

22 INMATE SPENCER: About two weeks ago.

23 DEPUTY COMMISSIONER BEEKMAN: Yeah. Do you
24 receive medication?

25 INMATE SPENCER: Yes. I'm on Talazol (phonetic),
26 right now.

27 DEPUTY COMMISSIONER BEEKMAN: Oh, does that help?

1 INMATE SPENCER: (Inaudible).

2 DEPUTY COMMISSIONER BEEKMAN: And what about the
3 viral infection?

4 INMATE SPENCER: It's the X and Bar Virus.

5 DEPUTY COMMISSIONER BEEKMAN: Yeah.

6 INMATE SPENCER: And (inaudible).

7 DEPUTY COMMISSIONER BEEKMAN: But it is an
8 impairment to you. Correct?

9 INMATE SPENCER: Yes.

10 DEPUTY COMMISSIONER BEEKMAN: All right. Anything
11 else about your programming?

12 INMATE SPENCER: No, I'm trying to stay out of
13 trouble.

14 DEPUTY COMMISSIONER BEEKMAN: Well, you do a
15 pretty good job of that. You do a pretty good job of
16 that.

17 INMATE SPENCER: I do volunteer work (inaudible).

18 DEPUTY COMMISSIONER BEEKMAN: I also see you --
19 your not hesitant about filing appeals, and that's --
20 that -- that's not a negative, all right, I want -- I
21 don't want you to construe that as being a negative. But
22 one of the things I'm kind of curious about, it shows
23 some pretty articulate arguments. Do you prepare those
24 or do you get some help?

25 INMATE SPENCER: No, I prepare them.

26 DEPUTY COMMISSIONER BEEKMAN: You do all that
27 yourself.

1 INMATE SPENCER: Yes.

2 DEPUTY COMMISSIONER BEEKMAN: Well, if you can do
3 it in writing, maybe you can start working -- working on
4 doing it out verbally.

5 INMATE SPENCER: That's what I'm hoping will
6 happen (inaudible).

7 DEPUTY COMMISSIONER BEEKMAN: Uh-huh.

8 INMATE SPENCER: It bring up your self-esteem and
9 everything.

10 DEPUTY COMMISSIONER BEEKMAN: So, is that an area
11 that you think you need to continue working on then,
12 right?

13 INMATE SPENCER: Yes.

14 DEPUTY COMMISSIONER BEEKMAN: All right. Anything
15 else in the area of programming? Otherwise, I'll move
16 over to the psychiatric report.

17 INMATE SPENCER: No, you can move over.

18 DEPUTY COMMISSIONER BEEKMAN: All right. I'll
19 move to the psychiatric report. And it's a really long,
20 long, in depth report, it goes for seven pages, and it's
21 prepared by Robert D. McDaniel, M-c-D-a-n-i-e-l, M.D.,
22 Staff Psychiatrist, September 28th, 1994. It goes into a
23 whole lot of detail with relate -- your side of the --
24 the life crime, and some of the background. Not -- not
25 all of which the doctor believes. I'm not going to
26 dialogue the doctor's questions in his mind about some of
27 the responses to some of the questions about your being

1 under the influence, and some other -- other factors.

2 But, I am going to go over to the psychiatric
3 conclusions, which sort of brings everything together and
4 read from that. It says the diagnosed psychopathology
5 has been related to criminal behavior directly.
6 Antisocial behavior manifested in the killing of others
7 without guilt or remorse.

8 During observation in the institution, she
9 has psychiatrically not significantly changed. This is
10 based on observation that she displays no emotion
11 whatsoever in describing the wounding and killing of
12 others, including small children. This is also based on
13 her efforts to suggest that other circumstances or
14 reasons were at play when, in fact, there is evidence to
15 the contrary. There is no evidence that suicidal
16 feelings, nor drugs or alcohol had anything to do with
17 her instant crime.

18 In a less controlled setting, such as return
19 to the community, this inmate can be considered to
20 deteriorate due to lack of insight into her personality
21 disorder.

22 From a psychiatric standpoint, this inmate
23 should continue in her present rehabilitation program,
24 but should significantly increase efforts to attend
25 psychological groups and attain individual counseling if
26 possible. Even under the best circumstances, however,
27 individual counseling of this particular diagnosis is

1 rather difficult and frequently unsuccessful.
2 Individuals typically only improve when they begin to
3 feel bad about what they do. There is no evidence that
4 this inmate has reached this point.

5 Violence potential outside a controlled
6 setting is considered to have been greater than average
7 in the past, and is now perhaps decreased, because she's
8 not currently abusing drugs. Although I have little
9 confidence in her ability to maintain herself outside a
10 controlled setting. Condition of parole should include
11 out-patient treatment, no drugs or alcohol, and strict
12 attendance in AA/NA Groups. Half-way house would be
13 optimal to closely monitor her behavior. Drug therapy is
14 not presently needed nor anticipated to be required in
15 the future due to any psychiatric reason.

16 And the doctor's primary diagnosis is, Axis
17 I, no diagnosis; Axis II, antisocial personality
18 disorder; Axis III, epilepsy, traumatic in origin.

19 Would you say that's a favorable report or an
20 unfavorable report?

21 INMATE SPENCER: Unfavorable.

22 DEPUTY COMMISSIONER BEEKMAN: Unfavorable. Do you
23 agree with the doctor's conclusions?

24 INMATE SPENCER: No, I don't.

25 DEPUTY COMMISSIONER BEEKMAN: What do you disagree
26 with?

27 INMATE SPENCER: (Inaudible) antisocial and

1 (inaudible).

2 DEPUTY COMMISSIONER BEEKMAN: You don't think that
3 you're antisocial.

4 INMATE SPENCER: Not really. I mean, to be
5 antisocial in here, as opposed to being out on the yard
6 with all the drugs and the fightings. So, I -- I do my
7 program, my job, and stay in my room.

8 DEPUTY COMMISSIONER BEEKMAN: Okay. I -- I -- I
9 don't want to speak for the doctor, but I think one of
10 the problems the doctor had is -- is he -- he reviewed
11 your file extensively and all the other reports, and part
12 of the problem is, is that your -- your version and your
13 perception of what -- what -- what was involved in the
14 life crime, is not borne out by the facts. You seem to
15 stick with that story, and it doesn't seem to be
16 supported and you apparently don't really show any
17 remorse.

18 INMATE SPENCER: I'm (inaudible, crying and
19 background noise), I felt I did. I have the toxicology
20 reports that show that I was on drugs and alcohol. And
21 I don't use it as an excuse.

22 DEPUTY COMMISSIONER BEEKMAN: Well, I -- I --
23 without you crying, I didn't mean to get you crying, but
24 that's the first emotion you've showed today. You know,
25 and apparently you didn't show any emotion when you
26 talked with the doctor.

27 INMATE SPENCER: Well, he left me waiting in the

1 hallway for three hours.

2 DEPUTY COMMISSIONER BEEKMAN: Well, maybe that's
3 part of the test.

4 INMATE SPENCER: Maybe.

5 DEPUTY COMMISSIONER BEEKMAN: If I -- if I had
6 been waiting three hours, I'd of been a little irritated
7 rather than no emotion. But, you know, that -- that's --
8 that's the way I would react.

9 INMATE SPENCER: Yeah.

10 DEPUTY COMMISSIONER BEEKMAN: So, do you -- do you
11 feel you react normally to stressful situations?

12 INMATE SPENCER: Hmm, at (inaudible), pretty much.

13 DEPUTY COMMISSIONER BEEKMAN: Pretty much. Well,
14 apparently that's not the perception of other people. I
15 -- I don't want to get into it too deeply, 'cuz I think
16 then we'll -- I'm starting to get into psychotherapy and
17 all these other things, and that's not really in my role
18 here. But there is a lot for us to concern on the part
19 of the staff, particularly psychiatrists and about you --
20 your being a real danger to the community and a danger to
21 yourself to the extent that -- that if you were released,
22 you'd be -- you know, you'd be in all likelihood to
23 deteriorate.

24 INMATE SPENCER: And the staff that I work with
25 every day (inaudible).

26 DEPUTY COMMISSIONER BEEKMAN: Well, that's because
27 you're in a controlled setting here. It's a lot

1 different being in prison than behaving yourself -- than
2 being out on the streets and behaving yourself.

3 Anyway, that's all I have. Anything you'd
4 like to add about your prison adjustment or the psych
5 reports?

6 INMATE SPENCER: No, that's all.

7 DEPUTY COMMISSIONER BEEKMAN: All right. We'll
8 return it to the Chair.

9 PRESIDING COMMISSIONER GIAQUINTO: Ms. Bentley.

10 COMMISSIONER BENTLEY: Uh-hum. What are your
11 parole plans?

12 INMATE SPENCER: Well, I'd like to go and live
13 with my uncle at (Inaudible).

14 COMMISSIONER BENTLEY: Uh-hum.

15 INMATE SPENCER: And some kind of (inaudible).

16 COMMISSIONER BENTLEY: Okay. And it says in the
17 Board report that your uncle lives in Camarillo.

18 INMATE SPENCER: Yes.

19 COMMISSIONER BENTLEY: And you know that the law
20 requires you have to go back to the county of commitment.

21 INMATE SPENCER: Yes. But, I did apply for a
22 transfer.

23 COMMISSIONER BENTLEY: But. your first -- your
24 primary plans would have to first be --

25 INMATE SPENCER: I could -- I could live with my
26 mother.

27 COMMISSIONER BENTLEY: Your mother, okay. So,

1 they -- are you contact with your mother?

2 INMATE SPENCER: Yes.

3 COMMISSIONER BENTLEY: Does she come to visit?

4 INMATE SPENCER: She comes to visit (inaudible).

5 COMMISSIONER BENTLEY: Okay. And what about your
6 father?

7 INMATE SPENCER: She comes also.

8 COMMISSIONER BENTLEY: Okay. Okay. (Inaudible)
9 comes to visit you. So they've been very supportive of
10 you, right?

11 INMATE SPENCER: Yes.

12 COMMISSIONER BENTLEY: Why would you rather go to
13 Camarillo than to go live with your mother?

14 INMATE SPENCER: Well, because there's (inaudible)
15 in San Diego.

16 COMMISSIONER BENTLEY: Yeah. Well, that sounds
17 reasonable. You want to work in the electronics field.

18 INMATE SPENCER: Yes.

19 COMMISSIONER BENTLEY: And what exactly would you
20 do?

21 INMATE SPENCER: How the job market is, anything I
22 could find.

23 COMMISSIONER BENTLEY: Uh-hum. What would you do
24 in electronics?

25 INMATE SPENCER: (Inaudible).

26 COMMISSIONER BENTLEY: And what -- what would you
27 repair?

1 INMATE SPENCER: VCR's, T.V.'s, radios.

2 COMMISSIONER BENTLEY: You could probably work on
3 a VCR that I can't. What other support are you going to
4 need on the outside?

5 INMATE SPENCER: Well, you know, (inaudible) and
6 stuff or --

7 COMMISSIONER BENTLEY: Oh, you're going to have to
8 speak up, 'cuz I can't hear you and if I can't hear you,
9 it won't get on the tape.

10 INMATE SPENCER: I see.

11 COMMISSIONER BENTLEY: Hmm.

12 INMATE SPENCER: (Inaudible).

13 COMMISSIONER BENTLEY: Yeah. But what else? Are
14 you going -- are you going to like get involved in AA or
15 NA?

16 INMATE SPENCER: Yes, I'm going to get involved in
17 AA and there's -- there's a (inaudible) that (inaudible).

18 COMMISSIONER BENTLEY: Okay. And (inaudible) is
19 located here.

20 INMATE SPENCER: She's located in -- in Santa Ana.

21 COMMISSIONER BENTLEY: Okay. Which isn't real
22 close to Camarillo or San Diego.

23 INMATE SPENCER: Yeah. Eat, it is (inaudible).

24 COMMISSIONER BENTLEY: Is this Dr. Parker?

25 INMATE SPENCER: Yes.

26 COMMISSIONER BENTLEY: Okay. So, are you in her
27 Group -- Group Therapy Meetings?

1 INMATE SPENCER: I just completed in the group.

2 COMMISSIONER BENTLEY: Okay.

3 INMATE SPENCER: And I (inaudible).

4 COMMISSIONER BENTLEY: Okay. All right. I didn't
5 get any letters from anybody, did you have anybody write?

6 INMATE SPENCER: No, I -- I had written my uncle,
7 but I guess he hasn't gotten one in.

8 COMMISSIONER BENTLEY: Okay. And nothing from
9 your mom or dad.

10 INMATE SPENCER: No.

11 COMMISSIONER BENTLEY: That's important for us to
12 have to -- so we really know that you got support out
13 there.

14 INMATE SPENCER: (Inaudible).

15 COMMISSIONER BENTLEY: Do you think you're ready
16 for parole?

17 INMATE SPENCER: Right now?

18 COMMISSIONER BENTLEY: Uh-hum.

19 INMATE SPENCER: Obviously, no.

20 COMMISSIONER BENTLEY: No, you don't think -- you
21 don't think you are.

22 INMATE SPENCER: No.

23 COMMISSIONER BENTLEY: What -- what do you need to
24 get ready for parole?

25 INMATE SPENCER: Well, I (inaudible) and
26 (inaudible).

27 COMMISSIONER BENTLEY: Uh-hum. Okay. And you

1 feel that if you hadn't been using alcohol and drugs that
2 day this wouldn't have happened.

3 INMATE SPENCER: (Inaudible).

4 COMMISSIONER BENTLEY: But, you know, a lot of
5 people use alcohol and drugs and they don't go around
6 shooting little kids.

7 INMATE SPENCER: Yeah.

8 COMMISSIONER BENTLEY: We did send out what are
9 called 3042 Notices, those go out to anybody that would
10 have an interest in your case. And the Deputy District
11 Attorney from San Diego is here in response to that.

12 We also got a letter from the Chief of Police
13 from San Diego, and said -- and -- and it's signed by the
14 Lieutenant Cheryl Meyers (phonetic). And it says that in
15 1979, Brenda Spencer lived with her father across the
16 street from an elementary school. On January 29th, she
17 took a .22 caliber rifle and shot and killed the
18 principal of the school and the custodian. She also shot
19 and injured eight school children and a police officer.
20 Her explanation for the assault was that she was having a
21 bad day. This is a vicious, senseless attack, which
22 outraged not only the victim's family, but also the
23 citizens of San Diego. The case generated world wide
24 attention and still haunted many areas.

25 It is the recommendation of the San Diego
26 Police Department that Ms. Spencer serve the full term of
27 her sentence.

1 So, do you have anything else you'd like to
2 add?

3 INMATE SPENCER: (Inaudible response).

4 COMMISSIONER BENTLEY: Okay. I'll return it to
5 the Chair.

6 PRESIDING COMMISSIONER GIAQUINTO: In some of the
7 reports it says that, and I know you're aware of this, I
8 -- you had told a neighbor that you would do something
9 big on Monday. This was the preceding Saturday,
10 (inaudible). Do you remember that?

11 INMATE SPENCER: We were talking about a party
12 that was going to be happening.

13 PRESIDING COMMISSIONER GIAQUINTO: He didn't know
14 what you meant by that, from what I've been able to see.

15 INMATE SPENCER: In the report he says
16 (inaudible).

17 PRESIDING COMMISSIONER GIAQUINTO: Well, okay.
18 How about -- this was a (inaudible).

19 INMATE SPENCER: Uh-hum.

20 PRESIDING COMMISSIONER GIAQUINTO: (Inaudible).
21 He said that -- the report says -- the report, let me
22 find it, indicates that the -- the planned incidents
23 (inaudible) policeman (inaudible).

24 INMATE SPENCER: Okay. These were (inaudible).

25 PRESIDING COMMISSIONER GIAQUINTO: And he
26 indicated that he had visited her, meaning you, on the
27 Saturday before the incident occurred and that she had

1 stated she was going to something real big on Monday.
2 You did, however, comment that they were always saying
3 these kinds of things and never did.

4 INMATE SPENCER: I believe that was (inaudible).

5 PRESIDING COMMISSIONER GIAQUINTO: So, you
6 (inaudible, background noise and coughing) impress that
7 -- that he didn't know what she meant by that. But,
8 okay. Also, there was some indication on the -- on the
9 night prior, you had gotten into your father's locked van
10 and taken out about six or seven (inaudible).

11 INMATE SPENCER: No.

12 PRESIDING COMMISSIONER GIAQUINTO: Did you break
13 into the van or get into the van or how did it happen?
14 'Cuz your father said that -- that you had gotten into
15 the van the night before the incident and taken something
16 out of it, he didn't know what it was --

17 INMATE SPENCER: (Inaudible, talking at the same
18 time).

19 PRESIDING COMMISSIONER GIAQUINTO: -- (Inaudible,
20 talking at the same time). Well had -- where did -- did
21 you normally have ammo in your room?

22 INMATE SPENCER: I (inaudible, background noise).

23 PRESIDING COMMISSIONER GIAQUINTO: He didn't know
24 about that. Okay.

25 INMATE SPENCER: That's where I kept it all the
26 time.

27 PRESIDING COMMISSIONER GIAQUINTO: He said there

1 was six or 700 rounds of ammo.

2 INMATE SPENCER: There had been (inaudible).
3 There (inaudible).

4 PRESIDING COMMISSIONER GIAQUINTO: Oh, okay, then
5 you brought 'em back into the house.

6 INMATE SPENCER: Uh-hum.

7 PRESIDING COMMISSIONER GIAQUINTO: Okay. Mr.
8 Beekman, do you have any questions?

9 DEPUTY COMMISSIONER BEEKMAN: No.

10 PRESIDING COMMISSIONER GIAQUINTO: Ms. Bentley?

11 COMMISSIONER BENTLEY: Uh-hum. What's -- what's
12 this logo in here?

13 INMATE SPENCER: I play on the AA/NA softball
14 team, and (inaudible).

15 COMMISSIONER BENTLEY: What does -- what does it
16 stand for.

17 INMATE SPENCER: One of the girls looking in --

18 COMMISSIONER BENTLEY: Oh.

19 INMATE SPENCER: -- (Inaudible, talking at the
20 same time) pictures and things.

21 COMMISSIONER BENTLEY: Okay. All right. You
22 know, the report said that -- that you didn't -- that you
23 didn't have any drugs or alcohol in your blood. And you
24 say you have another report that would indicate that.

25 INMATE SPENCER: Yeah.

26 COMMISSIONER BENTLEY: Where is that report?

27 INMATE SPENCER: In the (inaudible).

1 COMMISSIONER BENTLEY: Okay.

2 INMATE SPENCER: (Inaudible).

3 COMMISSIONER BENTLEY: Well, we'll review that
4 during -- during the recess. What are -- what are your
5 --

6 ATTORNEY JALLINS: (Inaudible, whispering to
7 client). Before the in -- incident, I think it was --

8 COMMISSIONER BENTLEY: Oh, sure.

9 ATTORNEY JALLINS: -- (Inaudible, talking at the
10 same time). I just wanted to -- go ahead.

11 COMMISSIONER BENTLEY: What -- what do you think
12 about all that?

13 INMATE SPENCER: Well, I think it was bad, it
14 should have never happened.

15 COMMISSIONER BENTLEY: And how do you (inaudible)?

16 INMATE SPENCER: Through therapy.

17 COMMISSIONER BENTLEY: And -- and you were even --
18 did you shoot the children first?

19 INMATE SPENCER: I don't remember (inaudible).

20 COMMISSIONER BENTLEY: But then you -- you shot a
21 police officer when he was trying to help those that were
22 injured.

23 INMATE SPENCER: Yes, they (inaudible).

24 COMMISSIONER BENTLEY: And you claim you were
25 trying to commit suicide, yet you weren't -- you got
26 (inaudible) shooting.

27 INMATE SPENCER: That's the only conclusion I can

1 come to. I really don't know why I did it.

2 COMMISSIONER BENTLEY: Those are all the questions
3 I have.

4 PRESIDING COMMISSIONER GIAQUINTO: Okay. Yeah.
5 Because, you know, there's some real question marks about
6 what you intended to do that day. (Inaudible) one
7 report, so we -- we may not have mentioned (inaudible)
8 here, the telescopic sides and (inaudible) involved your
9 shooting (inaudible). And the fact that you were a
10 pretty proficient shooter, you went out on a routine
11 basis with your father, out to Prescaro (phonetic) to
12 shoot.

13 INMATE SPENCER: Uh-hum.

14 PRESIDING COMMISSIONER GIAQUINTO: And -- and
15 there's some real question marks about what your
16 intentions were that day?

17 Mr. Bow, do you have any questions?

18 DEPUTY DISTRICT ATTORNEY BOW: Yes, I have and I
19 -- I know it hasn't been referred to, the 128 of November
20 9th, does the Board have that? Well, it was furnished --

21 PRESIDING COMMISSIONER GIAQUINTO: (Inaudible,
22 talking at the same time).

23 DEPUTY DISTRICT ATTORNEY BOW: -- To me this
24 morning.

25 PRESIDING COMMISSIONER GIAQUINTO: Well, what's it
26 say?

27 DEPUTY DISTRICT ATTORNEY BOW: Uh, --

1 PRESIDING COMMISSIONER GIAQUINTO: I'll let you
2 know if we have it.

3 DEPUTY DISTRICT ATTORNEY BOW: --- Suicide attempts
4 ... I may --

5 PRESIDING COMMISSIONER GIAQUINTO: Well, why don't
6 you talk about it and I'll see if we've got it.

7 DEPUTY DISTRICT ATTORNEY BOW: It basically
8 indicates that Inmate Brenda Spencer is requested by the
9 medical department for evaluation of her suicidal attempt
10 by overdose of seizure medication. Patient presents in a
11 depressed mood, but she denies suicidal ideation at this
12 time. She shows no physical distress, no psychotic
13 symptoms. This is the second time during the last two
14 months that this patient is referred by internist
15 physician for psychiatric evaluation. And it's dated
16 November 9th, 1994.

17 DEPUTY COMMISSIONER BEEKMAN: It's in the Central-
18 File.

19 COMMISSIONER BENTLEY: Okay. We don't have it in
20 the Board report or what?

21 DEPUTY COMMISSIONER BEEKMAN: No, it's not in the
22 Board report, but there's a chrono in the C -- in the C-
23 File.

24 DEPUTY DISTRICT ATTORNEY BOW: Okay. And my -- my
25 question would be, when is the last -- I know
26 Commissioner Giaquinto asked, or Ms. Spencer was asked
27 when the last suicidal attempt was made, and I believe

1 she said two weeks ago.

2 PRESIDING COMMISSIONER GIAQUINTO: Well, account
3 -- it -- it -- Mr. D.A., here, excuse me, I forgot your
4 name, but the reason I didn't read it into the record, is
5 there's a follow-up that says there was no evidence of
6 psychiatric suicidal --

7 DEPUTY DISTRICT ATTORNEY BOW: Oh, okay.

8 PRESIDING COMMISSIONER GIAQUINTO: -- I mean,
9 that's why I didn't, for the record, there's a follow-up
10 chrono dated the 15th, that doesn't address that -- based
11 on the --

12 DEPUTY DISTRICT ATTORNEY BOW: Okay.

13 PRESIDING COMMISSIONER GIAQUINTO: -- Psych --
14 psychiatrist wrote it, that says there was no evidence
15 that that was the case.

16 DEPUTY DISTRICT ATTORNEY BOW: Okay.

17 PRESIDING COMMISSIONER GIAQUINTO: That's one of
18 the reason I always -- I was wondering why I had not gone
19 over it and then I went back.

20 DEPUTY DISTRICT ATTORNEY BOW: Okay.

21 PRESIDING COMMISSIONER GIAQUINTO: Had it moved, I
22 think, --

23 DEPUTY DISTRICT ATTORNEY BOW: I don't have no
24 follow-up, that's why.

25 PRESIDING COMMISSIONER GIAQUINTO: You don't --
26 Okay.

27 DEPUTY DISTRICT ATTORNEY BOW: (Inaudible, talking

1 at the same time). It's okay.

2 PRESIDING COMMISSIONER GIAQUINTO: Well, I'll
3 apologize for the system, you should have had the follow-
4 up.

5 DEPUTY DISTRICT ATTORNEY BOW: Okay. I have no
6 other questions.

7 ATTORNEY JALLINS: I -- I had had the chrono, but
8 I had reviewed her C-File and seen the follow-up, so I
9 didn't --

10 PRESIDING COMMISSIONER GIAQUINTO: Okay.

11 ATTORNEY JALLINS: -- (Inaudible, talking at the
12 same time).

13 PRESIDING COMMISSIONER GIAQUINTO: All right.
14 Well, let -- let me ask a question. Considering your
15 history since you were a very young child, concerning
16 that issue, even (inaudible). Is there some basis for
17 that?

18 INMATE SPENCER: No.

19 PRESIDING COMMISSIONER GIAQUINTO: Do you feel
20 suicidal?

21 INMATE SPENCER: No.

22 PRESIDING COMMISSIONER GIAQUINTO: Why do you
23 think that (inaudible)?

24 INMATE SPENCER: Well, because it was (inaudible),
25 I used my seizure medication, the doctors had raised it
26 and didn't do a follow-up, make sure (inaudible).

27 PRESIDING COMMISSIONER GIAQUINTO: They raised the

1 level of medication.

2 INMATE SPENCER: Uh-hum.

3 PRESIDING COMMISSIONER GIAQUINTO: Or the dosage?

4 INMATE SPENCER: Yes. Yeah, they raised it 35
5 (inaudible).

6 PRESIDING COMMISSIONER GIAQUINTO: Okay. You had
7 no further questions, Mr. ---

8 DEPUTY DISTRICT ATTORNEY BOW: No further
9 questions.

10 PRESIDING COMMISSIONER GIAQUINTO: -- Bow? Mr.
11 Jallins?

12 ATTORNEY JALLINS: Brenda, in any of the questions
13 that the Board has asked you, do you want to be -- go
14 back over and answer, change, modify, any of them?

15 INMATE SPENCER: No.

16 ATTORNEY JALLINS: Okay. I don't have any
17 questions.

18 PRESIDING COMMISSIONER GIAQUINTO: Okay. Then
19 closing, Mr. D.A.

20 DEPUTY DISTRICT ATTORNEY BOW: Thank you. To this
21 day, Ms. Spencer maintains she took drugs on the offense
22 date and that she really didn't know what she was doing,
23 uh, and couldn't tell whether it was a suicide attempt or
24 not. I remember that day, I remember her statements, I
25 remember watching all of that. I also remember her face
26 when they took her into custody and it is the same as it
27 is today. The point is, she has a telescopic site and

1 when --- and she was a pretty good marksman. And when you
2 have a seven or an eight year old child in the cross-
3 hairs, and you pull the trigger, and then you move to
4 another seven, eight, nine year old child in your cross-
5 hairs, and pull the trigger, and you keep doing this for
6 11 times that we know, eight children shot, the officer
7 shot, and two -- the principal and custodian killed. I
8 mean, this is not something that is occurring in a split
9 second. This is something that is occurring over moments
10 or -- long moments where each time she pulls the trigger,
11 she premeditates and deliberates murder. And it is only
12 by an act of God that eight children are alive, because
13 it -- it was nothing that Brenda Spencer did to attempt
14 to -- to save those children.

15 The most intriguing thing about all of this
16 is that when she was removed out of that -- out of her
17 home, and brought in, no one could say that she was
18 angry. No one could say that she was upset. No one
19 could say that she had suicidal ideations. No one can
20 answer the question as to why? And I see throughout her
21 psychological reports, and psychiatric reports, the Anger
22 Management, this wasn't a situation where she repressed
23 anger. None of this was applicable. What happened was,
24 is Brenda Spencer was board, and in that boredom, she
25 decided to make news, or do something great in her mind,
26 at the expense of babies. It's most heinous offense that
27 I've ever seen, and I've been attending Parole Hearings

1 for years and years and years.

2 But this -- and -- and there is no difference
3 with her at the present time. She is no different today
4 than she was on the date of that shooting. She's a
5 little older. But, she has no fur -- no more insight
6 into why she committed those acts today than she did back
7 then. She is no different a person today than she was
8 back then. And frankly, she scares me to death. And to
9 -- to put her out, to set a parole date and to put this
10 creature on the streets, to the peril of the rest of
11 society would be an unconscionable act.

12 I would recommend denial.

13 PRESIDING COMMISSIONER GIAQUINTO: Mr. Jallins.

14 ATTORNEY JALLINS: We all know that the facts of
15 the case and the facts of her adjustment speak for her,
16 you know, speak for the -- speak for themselves.

17 Prior to this offense, she had had only
18 basically two contacts with -- with juvenile authorities,
19 both of them were theft related offenses. She did not
20 show any indication of aggression or any -- any violence.
21 Her background all lead to this, a broken home, she had
22 no female figure at home to -- to -- to guide her. And a
23 lot of these are observations that were based on the
24 psychiatric evaluations done shortly after the -- after
25 her arrest.

26 She had trouble in and out of -- out of
27 school. And her father, and I'm not blaming the crime on

1 her father, gives her a shotgun the Christmas before this
2 occurs. She's largely at home to care of herself. Her
3 mother basically gave up custody to -- to her dad, gave
4 her to her dad and all -- all -- and it's admirable now
5 that she has reconciled with -- with both of her -- with
6 her parents. Uhm, the dispute will go on for years and
7 years in the reports, whether she was under the influence
8 at that time.

9 It's her version of the events, she was very
10 substantially impaired that day. Uhm, with all that, I
11 think she has more than enough -- she pleaded guilty to
12 this offense, she accepts responsibility for this
13 offense, she has accepted responsibility in ever single
14 report that has ever been done. There's been no question
15 in her mind that she did this event. There's no question
16 in mind that -- that, I think she feels remorse. I think
17 she -- I was glad she started to cry today, tearful,
18 because it shows that -- and -- and her Counselor noted
19 it this year, that -- Correctional Counselor Geary
20 (phonetic), when she -- he was interviewing her that she
21 got tearful when -- when talking about the offense. Even
22 in her statement at her last hearing, which I -- which I
23 read, she says I must tell you that there's not a day
24 that I don't see those people and those children in my
25 mind. And not a day I don't wish them with all my heart,
26 I could bring them back.

27 This was a terrible crime. I can't -- I

1 won't tell you whether it was a heinous, atrocious crime
2 that's ever been committed. It was a terrible crime.
3 But, this was a 16 year old girl with self-esteem
4 probably as low as it can get. Who felt that she had
5 nothing to loose. And -- and probably was on a suicide
6 -- probably was on a suicide uh, you know, suicide wish.
7 And I don't think she formed -- or did she have -- I
8 don't think she set out that morning to go out and -- and
9 plan, you know, -- it's suggested that this was a
10 sophisticated planned killing, no I don't think it was
11 anything -- anything that -- Dr. McDaniel, who is a
12 psychiatrist says, you know, she indicates -- he has
13 trouble believing that she could have shot that
14 accurately. And -- and -- and makes some observations in
15 his report that I might accept from Commissioner
16 Giaquinto, because of his years in law enforcement, going
17 to have a real trouble accepting those types of
18 observations from a psychiatrist, who -- who is a
19 psychiatrist and certainly doesn't have the experience of
20 a -- of a -- of an individual determined, you know, just
21 -- just what was going on and how accurate she would have
22 been? And -- and starts getting into the particular
23 details of the offense to lay -- you know, to basically
24 what Dr. McDaniel did in his report, was re-litigate the
25 offense. And -- and not look at the reasons for it.

26 His report is so out of sink with all the
27 other reports, I mean, in -- in reality, and this has

1 been noted by several reports, that -- that Brenda
2 represents a bit of an enigma. There's some reports will
3 -- will -- will -- will -- will have very clear
4 explanations as to what -- what happened, there's others
5 who are -- are -- throw up their arms and -- and wonder
6 what's going on.

7 You know, way back in 1989, where Dr.
8 Armstrong evaluated her, Dr. Armstrong said there was no
9 evidence that there would be a reoccurrence of the
10 behavior similar to that which would produced the crime.

11 Dr. Clavelle, in her last psychiatric report,
12 last -- two years ago, indicated that she had
13 significantly and psychologically improved; and her
14 violence potential was substantially decreased.

15 Her Counselor this year says that her
16 violence potential is -- she is a low -- is a low risk.
17 I doubt that the situation that brought her to that crime
18 -- brought her to that crime, would -- would -- would --
19 would -- although circumstances and all that situation
20 would come to -- would come to roosting, you know, would
21 -- would -- would come to fruition at -- at that point in
22 time. I mean, she's 30 -- she's -- she's more than 30
23 years old now, she was 16 years of age back then, and --
24 and in -- and in a far different situation than she would
25 be if she was placed into -- into society.

26 There were reports, there were differences of
27 opinion when she was evaluated as to whether she could be

1 tried as a juvenile or whether she should be tried as an
2 adult. There was a great deal of discussion about her --
3 about her past and her background. And I think all those
4 things, you know, created the very significant stress in
5 her life that, unfortunately, came up that -- came up
6 that day. I don't think she planned this out over a
7 period of time. I don't think there's any indication
8 that she did. I think she -- she -- it was a terrible
9 offense, and a terrible -- a terrible crime, but one that
10 I think the people of San Diego -- some are -- are trying
11 to put -- (TAPE ENDED).

12 (END OF TAPE ONE, SIDE ONE)

13 (TAPE ONE, SIDE TWO)

14 DEPUTY COMMISSIONER BEEKMAN: Side two.

15 ATTORNEY JALLINS: Just quoting from the article
16 in the last -- in the -- in the January 22nd issue of the
17 -- of the Union, 1993, Norman Buell's (phonetic),
18 daughter, Christy, who was nine when she was hit twice by
19 the bullets (inaudible) Ms. Spencer of -- of -- Buell
20 (Inaudible), troubled adolescents in a group home said he
21 would have no objection to Ms. Spencer being paroled from
22 prison. He cited Spencer's youth at the time of the
23 shooting as belief that Spencer was abused. These things
24 put together are not a good chemical mix, and I could see
25 where it would happen. Norman Buell said, I personally
26 would say that she served her sentence. That's from a
27 father of one of the children. I mean, there's some

1 attempt -- some point in time we have to say enough is
2 enough, and try to put this, you know, tragedy behind,
3 you know, tragedy to -- to -- you know, tragedy behind us
4 as I think Ms. Spencer has tried to do over the years in
5 her programming.

6 Since she has come into the pris -- since
7 she's come into the prison system, outside of that one
8 incidence of the fire, she's remained basically
9 disciplinary free. She has upgraded educationally by
10 getting her -- her high school diploma very early on in
11 her -- in her -- basically, she -- she got her high
12 school diploma at that she would have if she had remained
13 in school and -- and continued -- and continued on.
14 She's upgraded educationally with the animal grooming and
15 the -- and the vocational electronics, which are -- are
16 marketable skills. Especially electronics which she
17 could take out in the community. Her work performances
18 have been high exceptional. She's taken college classes.
19 She continues -- has continued to upgrade educationally.
20 She has a laudatory chrono in the file for assisting a --
21 an injured staff member. She is well respected within
22 the institution. She had a very difficult time to
23 adjusting to the institution, came in the institution
24 from the Ventura School, had a tough time because anyone,
25 you know, and -- and as the Board knows, anyone with her
26 type of offense and the victims that were involved are --
27 are subject to some -- some difficult times and yet she

1 has worked through those. Now how do you work through
2 those? She could have worked through those with violence
3 and striking out and -- and being angry and being mad.
4 And let me tell you something, she had no business being
5 angry, even if the psychiatrist kept her for three hours.
6 If the psychiatrist kept her for three days, she
7 understood that she's in the institution and she has to
8 follow the rules and I think her performance in prison
9 has -- has -- has demonstrated that.

10 She's taken a great deal of self-help, AA,
11 NA, she's been trying to work the 12 Steps, she
12 understands the importance of -- of -- of CODA. She's
13 been in L.T.O., she's -- she's very much an important
14 part of the institution and has been quite active in a
15 number of things. Talks about making amends to society.
16 She's earned a college degree, tut -- tutor, and has been
17 very helpful and -- and -- and many laudatory chronos in
18 the file for her work performance over the years.

19 I've basically discussed the psychiatrics and
20 Dr. McDaniel, who I think spent more time wanting to uhm,
21 make legal judgments as to what she was capable of doing
22 and not doing. I don't think -- alcohol works on
23 different people, how it works, uh, uh, how it works, and
24 how it works on a person of her statute, look at people
25 handle alcohol in different ways. And I -- I think he,
26 frankly, went out on a limb in a number of areas where --
27 where, you know, where I think he -- he's made some

1 judgments and some conclusions that I just don't think
2 are backed up psychiatrically, or at least addressed
3 psychiatrically.

4 When you look at her performance all through
5 the years of prison, I think that should speak for itself
6 as to how she has conducted herself and how she will
7 conduct herself out in -- out in society.

8 She makes a very good point about her parole
9 plans, which I think are realistic. She has reconciled
10 and that's admirable for a mother who -- who -- who
11 basically threw her out in -- in, you know, threw her --
12 threw the kids out and handed them over to the father,
13 and -- and that's she's reconciled with her, and worked
14 that out and as far as making amends. And -- and she's
15 worked out things with her father, and she gets very good
16 results. I think she may -- and -- and they have good
17 visits. And I think she has worked very well with --
18 she's worked very well -- you know, her uncle, I think is
19 a good parole plans, because, frankly, I don't think the
20 people in San Diego would want her residing in -- in --
21 in San Diego Basin at times. I think that's -- that's a
22 logical argument, and a log -- logical thing that she
23 would want to get out from that -- that -- from that
24 area.

25 In conclusion, I think that as bad as this
26 crime was, I think that Brenda Spencer has made more than
27 -- than a -- has ma -- has made a splendid -- has done an

1 outstanding job in prison. And I think if you look at
2 those reports that -- that really state the -- state it
3 honestly, you know, Dr. Clavelle, last year, said her
4 violence potential has substantially decreased. Then I
5 think that when you look at -- look at it in terms of
6 that, then I think she represents a -- a -- a very good
7 candidate for parole.

8 And with that, I'll submit it for the record.

9 PRESIDING COMMISSIONER GIAQUINTO: Well, let me
10 ask you a question, where's Camarillo? What county is
11 that in?

12 DEPUTY DISTRICT ATTORNEY BOW: Ventura County.

13 PRESIDING COMMISSIONER GIAQUINTO: 'Cuz her county
14 of commitment is Orange, it's not San Diego. I just
15 wanted to --

16 DEPUTY DISTRICT ATTORNEY BOW: Well, there was a
17 change of venue.

18 PRESIDING COMMISSIONER GIAQUINTO: Okay. I
19 understand, but it's still the county of commitment and
20 that's very well documented, even though it's a San Diego
21 case. So, I just wanted to mention that. Is Camarillo
22 closer to Orange County?

23 DEPUTY DISTRICT ATTORNEY BOW: Than San Diego.

24 PRESIDING COMMISSIONER GIAQUINTO: Well, where's
25 Ventura, is that next to Orange County?

26 DEPUTY DISTRICT ATTORNEY BOW: It's right next to
27 L.A.

1 COMMISSIONER BENTLEY: It's south of Santa
2 Barbara.

3 PRESIDING COMMISSIONER GIAQUINTO: South of Santa
4 Barbara, and where is it from Orange?

5 DEPUTY DISTRICT ATTORNEY BOW: Simi.

6 COMMISSIONER BENTLEY: (Laughing).

7 ATTORNEY JALLINS: No, but I would suspect -- I
8 would suspect that since the crime occurred in San Diego
9 that she would probably be first required to parole back
10 to San Diego than Orange County.

11 PRESIDING COMMISSIONER GIAQUINTO: Okay.

12 ATTORNEY JALLINS: I would think.

13 PRESIDING COMMISSIONER GIAQUINTO: Okay. Is there
14 anything that you wanted to add to what your Attorney
15 said at this time?

16 INMATE SPENCER: No.

17 PRESIDING COMMISSIONER GIAQUINTO: Okay. We'll be
18 in recess and the time is 12:(inaudible) o'clock.

19 ---o0o---

20
21 R E C E S S

CALIFORNIA BOARD OF PRISON TERMS

D E C I S I O N

PRESIDING COMMISSIONER GIAQUINTO: Okay. We are back on record and Ms. Spencer, we did deny you parole for a period of three years. Okay. I have to read you this formal statement.

INMATE SPENCER: Okay.

PRESIDING COMMISSIONER GIAQUINTO: The Panel reviewed all the information received from the public and relied on the following circumstances in concluding that the prisoner is not suitable for parole and would pose an unreasonable risk of danger to society and a threat to public safety if released from prison.

The offenses were carried out in an especially cruel and calloused manner, with a disregard for life and suffering of another. In a dispassionate manner. Multiple victims were attacked, injured, and killed in the same incident. These came from the general -- from the Statement of Facts, wherein prisoner was firing a .22 caliber rifle from the window of her residence, and as a result eight children were injured, a police officer was shot in the neck, and two other victims were murdered.

The prisoner has an unstable social history and a prior criminality which includes arrest for petty theft and burglary. A very unstable social and family

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1 setting. Parents divorced at an early age. And there
2 were -- there was some indications of possible suicidal
3 ideations by the prisoner prior to the incident. She had
4 previously induced PCP, LSD, marijuana, seconal, and
5 acid.

6 And the prisoner has not sufficiently
7 participated in beneficial self-help and therapy
8 programming.

9 The most recent psychiatric report, by Dr.
10 Clavelle, is not totally supportive of release. The
11 doctor states in part, under psychiatric conclusions that
12 the diagnosed psychopathology has been related to
13 criminal behavior directly; antisocial behavior
14 manifested in the killing of others without personal
15 remorse. In a less controlled setting, such as return to
16 the community, this inmate can be considered to
17 deteriorate due to the lack of insight into her
18 personality disorder.

19 The District Attorney's Office of San Diego
20 has voiced opposition to the granting of a parole date.

21 The Panel Makes the Following Findings:
22 Additional therapy is necessary in order to face,
23 discuss, understand, and cope with stress in a non-
24 destructive manner. Until progress is made, the prisoner
25 continues to be unpredictable and a threat to others.

26 The prisoner should be commended however, for
27 BRENDA SPENCER W-14944 DECISION PAGE 2 12-14-94

1 some of the good things she's done. And she's been
2 disciplinary free; she received her high school diploma
3 since she's been incarcerated; furthered her educational
4 animal grooming; and is involved in vocational
5 electronics; she's had involvement in AA/NA, CODA, and
6 even though she doesn't have a very good working
7 knowledge of it, probably could learn a lot more by
8 (inaudible). Nevertheless, the Panel recognizes the fact
9 that she is participating in it. She should be
10 recognized for her effort. She's participated in Project
11 (Inaudible), CIRCA, and Long Termers' Organization; and
12 she should be commended for all those things. However,
13 these positive aspects of her -- of her behavior, do not
14 outweigh the factors of unsuitability.

15 This denial is for three years. The Panel
16 finds that the prisoner has been convicted of more than
17 one offense which involves the taking of a life. And the
18 Panel further finds that it's not reasonable to expect
19 that parole would be granted at a hearing during the next
20 three years.

21 The prisoner committed the offenses in an
22 especially cruel and calloused manner; as I previously
23 indicated. And as a result, a longer period of
24 observation/evaluation is required before the Board
25 should set a parole date.

26 The prisoner has not completed necessary

1 programming which is essential to her adjustment and
2 needs additional time to gain such programming. In this
3 case, she needs continuing therapy, and -- and continue
4 her involvement in AA and NA.

5 And the psychological or psychiatric report
6 that I previously spoke to, indicates a need for a longer
7 period of observation, evaluation, or treatment.

8 The Panel recommends that you remain
9 disciplinary free; continue to upgrade educationally or
10 vocationally; and parietic -- or participate in self-help
11 and therapy programming.

12 And that ends the reading of the formal
13 decision.

14 You've got some time to do, you (inaudible).

15 INMATE SPENCER: I agree with that.

16 PRESIDING COMMISSIONER GIAQUINTO: You know, this
17 is a terrible crime. You've been getting denied two
18 years, I guess, the last years, and that's because of the
19 Morales Decision.

20 And there may come a point of time in your
21 life somewhere down the line that you are going to get
22 paroled, you'll feel comfortable being released, even
23 though Mr. Jallins stated that a real (inaudible) effort
24 on his part for you to get out. But, you know,
25 (inaudible, background noise) terrible crimes that
26 affected an extraordinary number of people and their

27 BRENDA SPENCER W-14944 DECISION PAGE 4 12-14-94

1 families. So many people were impacted by this, it's,
2 you know, just something that the -- the -- you're going
3 to have to do some time on it and help yourself through
4 therapy. And maybe you have made some progress over the
5 years, you know, in terms of planning and who you are.
6 Surely, you need to explore the life crime a little bit
7 more, see if you can find out who you were and what
8 caused you to do that that day, 'cuz it's still a little
9 cloudy. (Inaudible) in your responses to why that
10 happened?

11 Ms. Bentley, anything?

12 COMMISSIONER BENTLEY: No, I have nothing.

13 PRESIDING COMMISSIONER GIAQUINTO: Mr. Beekman?

14 DEPUTY COMMISSIONER BEEKMAN: Nothing. Good luck.

15 PRESIDING COMMISSIONER GIAQUINTO: That ends this
16 hearing, The time is 1:00 o'clock. Good luck to you.

17 DEPUTY DISTRICT ATTORNEY BOW: Thank you.

18 ---o0o---

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25 PAROLE DENIED THREE YEARS

26 EFFECTIVE DATE OF DECISION

.1111 1 3 1995

27 BREND A SPENCER

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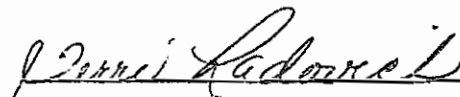
CERTIFICATION AND
DECLARATION OF TRANSCRIBER

I, TERRI RADOVICH, a duly designated transcriber of Legal Typing Services, do hereby declare and certify under penalty of perjury that I have transcribed tape(s) which total one in number and cover a total of pages numbered 1 - , and which recording was duly recorded at CALIFORNIA INSTITUTION FOR WOMEN, FRONTERA, CALIFORNIA, in the matter of the SUBSEQUENT PAROLE CONSIDERATION HEARING of BRENDA SPENCER, CDC-Number W-14944, on December 14, 1994, and the foregoing pages constitute a true, complete, and accurate transcription of the aforementioned tape(s) to the best of my ability.

The tape had an excessive amount of background noise causing it to be inaudible. Presiding Commissioner Giaquinto and the inmate were barely audible.

I hereby certify that I am a disinterested party in the above-captioned matter and have no interest in the outcome of the hearing.

DATED: June 28, 1995, at Sonora, California.



TERRI RADOVICH, TRANSCRIBER