

SUBSEQUENT PAROLE CONSIDERATION HEARING  
STATE OF CALIFORNIA  
BOARD OF PAROLE HEARINGS

In the matter of the Life )  
Term Parole Consideration )  
Hearing of: ) CDC Number W-14944  
)  
BRENDA SPENCER )  
\_\_\_\_\_ )

CALIFORNIA INSTITUTION FOR WOMEN  
CORONA, CALIFORNIA  
AUGUST 13, 2009  
12:20 P.M.

PANEL PRESENT:

Timothy O'Hara, Presiding Commissioner  
Carol Williams, Deputy Commissioner  
Paul Chabot, Commissioner, Observing

OTHERS PRESENT:

Brenda Spencer, Inmate  
Heidi Rummel, Supervising Attorney  
Azeda Mirzaian, Attorney Intern  
Stephen Anear, Deputy District Attorney  
Cam Miller, Victim  
Lane Juarez, Victim Advocate  
Correctional Officer(s), Unidentified  
CORRECTIONS TO THE DECISION HAVE BEEN MADE

\_\_\_\_\_ No            See Review of Hearing  
\_\_\_\_\_ Yes          Transcript Memorandum

COLLEEN BUNKER

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**DEPUTY COMMISSIONER WILLIAMS:** We are on record.

**PRESIDING COMMISSIONER O'HARA:** Thank you. This is a Subsequent Parole Consideration Hearing for Ms. Brenda Spencer, CDC Number W-14944. Is that you, ma'am?

**INMATE SPENCER:** That's me.

**PRESIDING COMMISSIONER O'HARA:** All right. And the time is 12:20, and today's date is the 13th of August of 2009, and we're located at CIW. And you were received from San Diego County?

**INMATE SPENCER:** Yes.

**PRESIDING COMMISSIONER O'HARA:** On 4/24 of 1980 for the controlling offense of Murder First, that's Case Number C-42488, count number one, it's a violation of Penal Code section 187. There are a number of other counts that are run concurrent to the murder first that's count one. Count two is Murder First. Count four, Assault on a Peace Officer, that's 245(b), with the Use of a Firearm, so that had an enhancement under Penal Code 12022.5. Count six, Assault with a Deadly Weapon. Count eight, Assault With a Deadly Weapon. Count ten, Assault With a Deadly Weapon. Count 12, Assault with a Deadly Weapon. Fourteen was Assault with a Deadly Weapon. Sixteen is Assault With a Deadly Weapon. Eighteen is

1 Assault With a Deadly Weapon with the Use of a Firearm.  
2 Those all have an attached enhancement under Penal Code  
3 12022.5, and all of those have been run concurrent with  
4 counts one and two. And I'm a little confounded at this  
5 point, Counsel, and you may not know from reading this,  
6 but I've got count one is the controlling offense, count  
7 two was a murder first, twenty-five years to life, and  
8 it's concurrent to count one. But then I come down and  
9 I've got all these odd -- or even number counts, and they  
10 all indicate they run concurrent to one and two. So I'm  
11 curious, does anybody know whether the count two, the  
12 murder first, the second murder first, is that  
13 consecutive or is it concurrent?

14 **DEPUTY DISTRICT ATTORNEY ANEAR:** I don't know,  
15 and I left the final order of judgment in my office.

16 **PRESIDING COMMISSIONER O'HARA:** Okay. Because --

17 **ATTORNEY RUMMEL:** It sounds from what you read  
18 it's concurrent to count one.

19 **PRESIDING COMMISSIONER O'HARA:** It does, it says  
20 that up top, but then it comes down here and says all  
21 these odd numbered ones are concurrent with counts one  
22 and two. So it made me step back and say --

23 **ATTORNEY RUMMEL:** Sure. Yeah.

24 **PRESIDING COMMISSIONER O'HARA:** So not critical  
25 at this point, but I was hoping someone else would know.

1 That's okay. And I'll keep running back to the file.  
2 You have a minimum eligible parole date of the 29th of  
3 September of 1995. And what we're going to do at this  
4 point is we're going to go around the room and identify  
5 ourselves onto the tape. And what I'm going to do is  
6 start with you. If you can give me your first name, your  
7 last name, spell your last name, and give me your CDC  
8 number.

9 **INMATE SPENCER:** Brenda Spencer, S-P-E-N-C-E-R,  
10 W-14944.

11 **PRESIDING COMMISSIONER O'HARA:** Very good. Thank  
12 you. My name is Tim O'Hara, O, apostrophe, capital  
13 H-A-R-A. I am a Commissioner with the California State  
14 Parole Board.

15 **DEPUTY COMMISSIONER WILLIAMS:** Carol Williams,  
16 W-I-L-L-I-A-M-S, I am a Deputy Commissioner for the Board  
17 of Parole Hearings.

18 **DEPUTY DISTRICT ATTORNEY ANEAR:** Stephen Anear,  
19 A-N-E-A-R, Deputy District Attorney, County of San Diego.

20 **MS. JUAREZ:** Lane Juarez, J-U-A-R-E-Z.

21 **MR. MILLER:** Cam Miller, M-I-L-L-E-R, victim.

22 **ATTORNEY RUMMEL:** Heidi Rummel, R-U-M-M-E-L,  
23 supervising attorney.

24 **ATTORNEY MIRZAIAN:** Azeda Mirzaian,  
25 M-I-R-Z-A-I-A-N, certified law student intern.

1           **PRESIDING COMMISSIONER O'HARA:** And sir?

2           **COMMISSIONER CHABOT:** Paul Chabot, C-H-A-B-O-T,  
3 Commissioner, Board of Parole Hearings, and I'm observing  
4 today.

5           **PRESIDING COMMISSIONER O'HARA:** Thank you. That  
6 identifies all parties in the room, with the exception of  
7 a correctional officer who is here for security purposes  
8 only. Ms. Spencer, took the opportunity to, in  
9 preparation for this hearing, to look at what's known as  
10 the DEC system, which is a statewide system created by  
11 the Department of Corrections and Rehabilitation to  
12 basically keep an eye on everybody under their care and  
13 see whether they have any disabilities, anything that  
14 would put them at a disadvantage at a hearing. And if  
15 they do, we want to make sure you get accommodated. For  
16 instance, if you can't walk, we want to get you a  
17 wheelchair. If, you know, you can't hear or you can't  
18 hear well, we want to get you hearing aids, that kind of  
19 thing. And I was looking at this, and it says that you  
20 were, back in '07 you were mentally ill.

21           **INMATE SPENCER:** Um-hmm.

22           **PRESIDING COMMISSIONER O'HARA:** You CCCMS, EOP?

23           **INMATE SPENCER:** Um-hmm.

24           **PRESIDING COMMISSIONER O'HARA:** Which one?

25           **INMATE SPENCER:** I'm CCCMS.

1           **PRESIDING COMMISSIONER O'HARA:** CCCMS, for what?

2           **INMATE SPENCER:** Schizoaffective disorder.

3           **PRESIDING COMMISSIONER O'HARA:** And what's  
4 schizoaffective disorder? How does that affect you each  
5 day?

6           **INMATE SPENCER:** I'm on medication that controls  
7 it. I also suffer from depression.

8           **PRESIDING COMMISSIONER O'HARA:** Okay. How you  
9 doing today?

10          **INMATE SPENCER:** Doing good.

11          **PRESIDING COMMISSIONER O'HARA:** Okay. And I  
12 realize that you're on medication and have  
13 schizoaffective disorder. I want to let you know that  
14 this hearing could be a little rigorous on you. We're  
15 dealing with some very serious stuff here and some things  
16 that you're going to have to go back through and deal  
17 with, and we hope that you're going to take full part in  
18 this hearing, encourage you to, but if you need to take a  
19 moment, let me know.

20          **INMATE SPENCER:** Okay.

21          **PRESIDING COMMISSIONER O'HARA:** If you need to  
22 gather your thoughts or whatever it may be, let me know  
23 and we'll try to get you through this thing.

24          **INMATE SPENCER:** All right.

25          **PRESIDING COMMISSIONER O'HARA:** All right?

1           **INMATE SPENCER:** All right.

2           **PRESIDING COMMISSIONER O'HARA:** Oh, am I not  
3 speaking loud enough? Oh, her. Okay, I'm sorry.

4           **ATTORNEY MIRZAIAN:** Yeah.

5           **PRESIDING COMMISSIONER O'HARA:** All right.  
6 That's actually not going to help, because that goes  
7 right into the mixer there, it doesn't amplify her for  
8 the room. If you could just speak up just a little bit.

9           **INMATE SPENCER:** Okay.

10          **PRESIDING COMMISSIONER O'HARA:** Or I'm going to  
11 -- yes, we can do it for a moment, because you're going  
12 to have to speak quite a bit. Actually, no, I'm going to  
13 wait a second, then I'll turn the AC off. When I --

14          **UNIDENTIFIED CORRECTIONAL OFFICER:** We can open  
15 up this door and get the air, cool air, coming in too.

16          **PRESIDING COMMISSIONER O'HARA:** That will work.  
17 Okay. Let's do that, then, because it does get hot in  
18 here. All right. And I took an opportunity to look at  
19 what's known as a BPH 1073, which is a form where we  
20 check and see whether you have any disabilities. And  
21 what happened on the 13th of May of 2009 is -- oh boy --  
22 your counselor, Hanger --

23          **INMATE SPENCER:** Hanger.

24          **PRESIDING COMMISSIONER O'HARA:** Hager (phonetic)?

25          **INMATE SPENCER:** Hanger.



1           **PRESIDING COMMISSIONER O'HARA:** Hanger.

2           **INMATE SPENCER:** Mr. Hanger.

3           **PRESIDING COMMISSIONER O'HARA:** Okay. Mr. Hanger  
4 -- I've never seen that name before, but that's okay --  
5 saw you on the 13th of May of 2009. Indicated that in a  
6 review of your Central File that you're CCCMS, and then  
7 noted that you've got a reading level of 12.9, and then  
8 came out and talked to you, had you read a paragraph just  
9 like that one right there.

10          **INMATE SPENCER:** Um-hmm. Yeah.

11          **PRESIDING COMMISSIONER O'HARA:** And you indicated  
12 you needed prescription glasses.

13          **INMATE SPENCER:** Yeah.

14          **PRESIDING COMMISSIONER O'HARA:** Which you have  
15 today.

16          **INMATE SPENCER:** Um-hmm.

17          **PRESIDING COMMISSIONER O'HARA:** Okay. Any other  
18 physical problems you got?

19          **INMATE SPENCER:** No.

20          **PRESIDING COMMISSIONER O'HARA:** You're okay.  
21 You're going to be able to sit there for the next couple  
22 hours and be all right?

23          **INMATE SPENCER:** Yeah, um-hmm.

24          **PRESIDING COMMISSIONER O'HARA:** Good. We know  
25 that you've got some CCCMS, but you've been accommodated

1 with some medication.

2 **INMATE SPENCER:** Yes.

3 **PRESIDING COMMISSIONER O'HARA:** You also have the  
4 assistance of counsel here today.

5 **INMATE SPENCER:** Yes.

6 **PRESIDING COMMISSIONER O'HARA:** So if you have  
7 any questions, please feel free to utilize her services.  
8 All right. And you've got a grade point level of 12.9.  
9 Counsel, it looks like your client may have some  
10 disadvantages based on her vision and some psychological  
11 issues, but she's been accommodated with medication, your  
12 assistance, and prescription glasses. Are there any  
13 other disabilities?

14 **ATTORNEY MIRZAIAN:** No.

15 **PRESIDING COMMISSIONER O'HARA:** Any other  
16 accommodations to give your client?

17 **ATTORNEY MIRZAIAN:** No.

18 **PRESIDING COMMISSIONER O'HARA:** All right. On  
19 the same day that you saw counselor Hanger, you should  
20 have also received notification you were going to have a  
21 hearing this week.

22 **INMATE SPENCER:** Yes.

23 **PRESIDING COMMISSIONER O'HARA:** And should have  
24 also been noticed with a two-page BPH 1002 talking about  
25 your various rights you have regarding these hearings.

1           **INMATE SPENCER:** Yes.

2           **PRESIDING COMMISSIONER O'HARA:** All right. Good.  
3 And did you have any questions about your rights?

4           **INMATE SPENCER:** No, I don't.

5           **PRESIDING COMMISSIONER O'HARA:** Okay. All right.  
6 Have you had an opportunity to sit down with counsel in  
7 preparation for this hearing?

8           **INMATE SPENCER:** Yes.

9           **PRESIDING COMMISSIONER O'HARA:** And we've had an  
10 opportunity to review your Central File and your prior  
11 transcripts. You will be given an opportunity to correct  
12 or clarify the record as we proceed. Nothing that  
13 happens here today will change the findings of the court.  
14 The Panel is not here to retry your case, and accepts as  
15 true the findings of the court. The Panel is here for  
16 the sole purpose of determining your suitability for  
17 parole. And Counsel, have your client's rights been met  
18 to this point?

19           **ATTORNEY MIRZAIAN:** Yes, they have.

20           **PRESIDING COMMISSIONER O'HARA:** Are there any  
21 preliminary objections?

22           **ATTORNEY MIRZAIAN:** No.

23           **PRESIDING COMMISSIONER O'HARA:** All right. And,  
24 is there any confidential information?

25           **DEPUTY COMMISSIONER WILLIAMS:** Yes. There was

1 one item that was in there.

2           **PRESIDING COMMISSIONER O'HARA:** We do have a  
3 confidential letter from a victim, and I will Olsenize  
4 that, or it has been marked as confidential. Okay.  
5 We're going to utilize that, and I'll Olsenize it during  
6 the hearing and put as much as we can on without  
7 revealing the author, if that's all right. Otherwise, we  
8 can make a confidential tape of the information, which  
9 everybody leaves the room and then we make a tape, put it  
10 with -- and there's a separate transcript that's done and  
11 everything, but it never gets out to the public as to  
12 what was said. So we can do it either way, however.  
13 We'll cross that bridge when we get there. All right. I  
14 have a hearing checklist I'm going to pass across to  
15 counsel, and if you would hand that over to the district  
16 attorney. Counsel, do you have all those documents?

17           **ATTORNEY MIRZAIAN:** Yes.

18           **PRESIDING COMMISSIONER O'HARA:** All right. We've  
19 also been graced with a -- thank you -- we've been graced  
20 with a hearing brief and supporting documents, exhibits  
21 all the way up through G, and there is a letter that you  
22 prepared for this hearing that is, oh, about eight pages  
23 long?

24           **INMATE SPENCER:** Yes.

25           **PRESIDING COMMISSIONER O'HARA:** All right. Thank

1 you. I'm going to mark the hearing checklist as  
2 Exhibit 1.

3 **DEPUTY DISTRICT ATTORNEY ANEAR:** For the record,  
4 Commissioner, I have reviewed that. We believe we have  
5 all of the documents. I've initialed and dated it.

6 **PRESIDING COMMISSIONER O'HARA:** Thank you, sir.  
7 And Counsel, you had all the documents as well?

8 **ATTORNEY MIRZAIAN:** Yes.

9 **PRESIDING COMMISSIONER O'HARA:** And is there any  
10 other documents you'll be presenting at this time?

11 **ATTORNEY MIRZAIAN:** Just two support letters that  
12 we received at the last minute. One is from her sister,  
13 Bree.

14 **PRESIDING COMMISSIONER O'HARA:** Okay.

15 **ATTORNEY MIRZAIAN:** And the other is from a  
16 friend.

17 **PRESIDING COMMISSIONER O'HARA:** Okay. All right.  
18 And will your client be speaking with the Panel today?

19 **ATTORNEY MIRZAIAN:** Yes.

20 **PRESIDING COMMISSIONER O'HARA:** If you would. Do  
21 you solemnly swear or affirm that your testimony at this  
22 hearing will be the truth, the whole truth, and nothing  
23 but the truth?

24 **INMATE SPENCER:** I do.

25 **PRESIDING COMMISSIONER O'HARA:** All right. What

1 I'm going to do is, I'm going to go and use the probation  
2 officer's report, which has a distilled version, and  
3 that's on page 2, and then I'll come around and I'll talk  
4 a little bit about your version.

5 "On 1/29/79, Brenda Ann Spencer was placed  
6 under arrest by San Diego P.D. on two  
7 counts of murder and nine counts of  
8 attempted murder. The police report  
9 states that at around 8:30 a.m., police  
10 officers were notified of a shooting at  
11 Cleveland Elementary School. Responding  
12 officers found several children and two  
13 adults injured by gunshots. Officers were  
14 also confronted by gunfire while  
15 attempting to assist the injured. One  
16 officer was shot in the neck. Because of  
17 the shooting, the responding officers were  
18 forced to take cover, leaving several of  
19 the wounded unattended. One of the  
20 covering patrol units located a trash  
21 truck, which had been servicing the area a  
22 short distance away. That same patrol  
23 officer then took charge of the trash  
24 truck and drove it across the sidewalk,  
25 finally coming to rest in the shrubbery.

1           The position of the truck successfully  
2           blocked the injured from the location of  
3           the house where the shots were being  
4           fired. Officers were then able to remove  
5           those injured. Information revealed that  
6           Brenda Spencer, who lived at the house the  
7           shots were coming from, was responsible  
8           for the shooting, using a .22-caliber  
9           rifle. She had received the rifle as a  
10          Christmas present, as well as several  
11          hundred rounds of ammunition. Brenda  
12          talked several times with San Diego PD  
13          officer Mr. Olson. She admitted to the  
14          shooting, and could give no particular  
15          reason for her actions. In talking to her  
16          youth service bureau counselor, Noreen  
17          Harman, H-A-R-M-A-N, her only response  
18          was, 'I wish you were here.' When asked  
19          if she wanted to speak to her father,  
20          Brenda stated, 'Tell my dad to get  
21          screwed.' When asked if she had taken any  
22          narcotics on the date of the offense,  
23          Brenda advised she had taken some downers,  
24          smoked some pot, and drank some beer and  
25          whiskey. After several hours of

1 negotiation with the SDPD hostage  
2 negotiation team, Brenda exited her  
3 residence and placed her weapons and  
4 ammunition in the driveway. She then  
5 surrendered to police. In processing  
6 Brenda, she refused to speak to officers  
7 concerning the offense. Blood tests were  
8 taken, which revealed a 0.00 blood alcohol  
9 level. Brenda was transported to juvenile  
10 hall and booked in."

11 That's the very, very short version, and I guess it  
12 really comes down to -- actually, that version doesn't  
13 even say that two people were killed. Two folks were  
14 killed, a number were injured.

15 **INMATE SPENCER:** Yes.

16 **PRESIDING COMMISSIONER O'HARA:** You have given us  
17 a statement in that regard, and but I do want to focus --  
18 it talks a lot about your growing up, your father, the  
19 issues, and I'm going to, I'll come around to that in a  
20 moment. But I want to ask you, and I've been informed by  
21 counsel that you do struggle to speak about this crime a  
22 little bit.

23 **INMATE SPENCER:** Yes, I do.

24 **PRESIDING COMMISSIONER O'HARA:** But it is  
25 important for everyone in the room to understand why you



1 committed this crime, especially you, because if we ever  
2 let you out, we want to make sure that you understand why  
3 you did this crime so that you're not going to go do it  
4 again.

5 **INMATE SPENCER:** Right.

6 **PRESIDING COMMISSIONER O'HARA:** So you need to  
7 come to an understanding and be able to express that to  
8 us. So why did you commit this crime?

9 **INMATE SPENCER:** Because I wanted to die.

10 **PRESIDING COMMISSIONER O'HARA:** Okay.

11 **INMATE SPENCER:** I was trying to commit suicide.

12 **PRESIDING COMMISSIONER O'HARA:** Why pick the  
13 school across the street?

14 **INMATE SPENCER:** Because I knew that if I fired  
15 on the school the police would show up, and they would  
16 shoot me and kill me.

17 **PRESIDING COMMISSIONER O'HARA:** Well --

18 **INMATE SPENCER:** And every time I had tried  
19 suicide in the previous year, I had screwed it up.

20 **PRESIDING COMMISSIONER O'HARA:** Okay. Why did  
21 you have to shoot the people at the school?

22 **INMATE SPENCER:** I wasn't specifically aiming at  
23 people. I was shooting into the parking lot.

24 **PRESIDING COMMISSIONER O'HARA:** From across the  
25 street?

1           **INMATE SPENCER:** Uh-huh.

2           **PRESIDING COMMISSIONER O'HARA:** How many rounds  
3 did you go through?

4           **INMATE SPENCER:** I don't remember how many rounds  
5 I went through.

6           **PRESIDING COMMISSIONER O'HARA:** Well, that's  
7 pretty good shooting to hit as many folks as you did if  
8 you're not trying to hit anybody from across the street.

9           **INMATE SPENCER:** I don't remember aiming at  
10 anybody.

11          **PRESIDING COMMISSIONER O'HARA:** Okay. Do you  
12 remember them taking cover?

13          **INMATE SPENCER:** Vaguely.

14          **PRESIDING COMMISSIONER O'HARA:** Do you remember  
15 the cops coming?

16          **INMATE SPENCER:** I remember the police coming.

17          **PRESIDING COMMISSIONER O'HARA:** And you hit one  
18 of those fellows too.

19          **INMATE SPENCER:** Um-hmm.

20          **PRESIDING COMMISSIONER O'HARA:** Were you aiming  
21 at him?

22          **INMATE SPENCER:** No.

23          **PRESIDING COMMISSIONER O'HARA:** Okay. And you in  
24 the end finally did come out.

25          **INMATE SPENCER:** Yes.

1           **PRESIDING COMMISSIONER O'HARA:** Put your gun  
2 down. Though you didn't carry through with your plan.

3           **INMATE SPENCER:** No, I had gotten scared.

4           **PRESIDING COMMISSIONER O'HARA:** Okay. You were  
5 16 at the time.

6           **INMATE SPENCER:** Um-hmm.

7           **PRESIDING COMMISSIONER O'HARA:** Was this an  
8 elementary school?

9           **INMATE SPENCER:** Yes.

10          **PRESIDING COMMISSIONER O'HARA:** Can you imagine  
11 the terror that they all went through?

12          **INMATE SPENCER:** Yes. I can now.

13          **PRESIDING COMMISSIONER O'HARA:** Um-hmm. Do you  
14 know anything about the, any of the victims? Did you  
15 read all these reports?

16          **INMATE SPENCER:** I've read the reports.  
17 That's --

18          **PRESIDING COMMISSIONER O'HARA:** Do you understand  
19 the impact that you've had on so many people?

20          **INMATE SPENCER:** Yes, I do now.

21          **PRESIDING COMMISSIONER O'HARA:** What would you do  
22 different now?

23          **INMATE SPENCER:** I'd go get help.

24          **PRESIDING COMMISSIONER O'HARA:** Where, with whom?

25          **INMATE SPENCER:** With the mental health

1 department or counselors, or parole department if I was  
2 on parole.

3 **PRESIDING COMMISSIONER O'HARA:** Okay. All right.  
4 This gun was a gift?

5 **INMATE SPENCER:** Yes.

6 **PRESIDING COMMISSIONER O'HARA:** From whom?

7 **INMATE SPENCER:** My father.

8 **PRESIDING COMMISSIONER O'HARA:** And, you know,  
9 I've seen different things. On one report your father  
10 was a caring man and all this, and then when they asked  
11 if you want to talk to your father, you tell him, 'Get  
12 screwed,' or however you said it. In your paperwork  
13 here, it indicates that your father was not as good a man  
14 as they indicated.

15 **INMATE SPENCER:** No. He liked to keep  
16 appearances up, that everything was fine in the house.

17 **PRESIDING COMMISSIONER O'HARA:** What about your  
18 mother?

19 **INMATE SPENCER:** She just wasn't there.

20 **PRESIDING COMMISSIONER O'HARA:** Okay. But your  
21 father was always there.

22 **INMATE SPENCER:** Yeah.

23 **PRESIDING COMMISSIONER O'HARA:** And apparently  
24 you two slept in the same bed?

25 **INMATE SPENCER:** Yes.

1           **PRESIDING COMMISSIONER O'HARA:** Okay. And we'll  
2 come around to some of the issues that you had with your  
3 father. Did you have any friends out there at 16?

4           **INMATE SPENCER:** I had like one or two.

5           **PRESIDING COMMISSIONER O'HARA:** Were you going  
6 to --

7           **INMATE SPENCER:** I was in high school.

8           **PRESIDING COMMISSIONER O'HARA:** -- going to  
9 school? You didn't go to school this day?

10          **INMATE SPENCER:** No. I wasn't feeling good that  
11 day.

12          **PRESIDING COMMISSIONER O'HARA:** Okay. Did you  
13 drink, smoke pot and take some, I think it was downers?

14          **INMATE SPENCER:** Yes.

15          **PRESIDING COMMISSIONER O'HARA:** Okay. Did those  
16 have an impact on your thought process that day?

17          **INMATE SPENCER:** They made me numb so I didn't  
18 feel anything.

19          **PRESIDING COMMISSIONER O'HARA:** All right. Do  
20 you have any questions?

21          **DEPUTY COMMISSIONER WILLIAMS:** Yes. Ms. Spencer,  
22 you indicated that your firing on the school was in an  
23 attempt to get them to fire on you, or I guess to get  
24 some -- what was that reason again? I want to be real  
25 clear about that.

1           **INMATE SPENCER:** I was trying to get the police  
2 to come out and do the suicide that I couldn't do.

3           **DEPUTY COMMISSIONER WILLIAMS:** Okay. And then  
4 when they came out, there was a stand-off for like six  
5 hours.

6           **INMATE SPENCER:** Yes.

7           **DEPUTY COMMISSIONER WILLIAMS:** What happened?  
8 Because they were there, and you had shot the gun --

9           **INMATE SPENCER:** Yes.

10          **DEPUTY COMMISSIONER WILLIAMS:** -- and then you  
11 didn't come out of the house, you did not --

12          **INMATE SPENCER:** I was all up in the windows and  
13 stuff where they could see me, so I thought they would  
14 just fire through the windows or something.

15          **DEPUTY COMMISSIONER WILLIAMS:** Okay. And you'd  
16 finally decided to come out because of --

17          **INMATE SPENCER:** I was getting tired from all the  
18 drugs and everything.

19          **DEPUTY COMMISSIONER WILLIAMS:** Okay. And you had  
20 taken drugs on that day.

21          **INMATE SPENCER:** Yes, I had.

22          **DEPUTY COMMISSIONER WILLIAMS:** Okay. That's it.

23          **PRESIDING COMMISSIONER O'HARA:** All right. And,  
24 you know, do you want me to read this statement onto the  
25 record?

1           **INMATE SPENCER:** If you'd like.

2           **PRESIDING COMMISSIONER O'HARA:** All right. This  
3 is, was given to the Panel and the district attorney  
4 prior to the hearing.

5           "There are many factors that could have  
6 led up to my crime, such as sexual abuse,  
7 physical abuse, depression, verbal abuse,  
8 neglect, problems in school, drugs and  
9 alcohol. Sexual abuse. When I was nine  
10 years old, my father started touching me  
11 and fondling me. I had to sleep in the  
12 same bed with him, and almost every night  
13 he would do something. He would tell me  
14 it was all right, and that this would  
15 confuse me because at school they told us  
16 this was wrong. It created quite a  
17 turmoil inside me. How and why would my  
18 father, who was supposed to take care of  
19 me and watch over me, do things that were  
20 so very wrong to me? It really messed up  
21 my head. While I have been locked up, I  
22 have taken groups such as Adult Survivors  
23 of Abuse, a lifer's group on abuse, and  
24 therapy with the psychiatrist and  
25 psychologist, and try to understand what

1           happened. Also, as one of the steps in a  
2           group, I confronted my father about the  
3           abuse. He finally admitted to me what he  
4           had done, and why. He apologized to me  
5           for what he had done, which is probably  
6           the best I can hope for. Me and my father  
7           have come to terms with the past. I know  
8           now that I am an adult and I don't have to  
9           accept abuse from him or anyone else  
10          anymore. I can speak my mind and say the  
11          abuse was wrong. If it were to try to  
12          continue, I could just leave. I am no  
13          longer dependent on my father for  
14          everything. I can stand on my own.  
15          Physical abuse. When I was young, every  
16          time my father got angry, I would get  
17          beat. He would smack me in the face, kick  
18          me and shove me around. My older brother  
19          would also smack me around and grab me by  
20          the throat and toss me around. It was my  
21          brother's way of playing. Their anger in  
22          play scared me, so I would do everything I  
23          could to stay out of their way. I used to  
24          hide from them both in a little fort-like  
25          place I had made out in the garage.



1           Sometimes I stayed out there for days on  
2           end. It was the only place I felt safe.  
3           Neither one of them could get inside it.  
4           Now, through the self-esteem groups and  
5           the CODA groups, I know I don't have to be  
6           anyone's punching bag. As a person, I  
7           matter. I am more secure in myself as a  
8           person, and after living with the anger of  
9           my father and brother, I am extremely  
10          anti-violence because of my committing  
11          offense and all the damage it has done to  
12          everyone. I am extremely anti-violence.  
13          Depression. From a young age, about ten  
14          years old, I have suffered from  
15          depression. Some of it was caused by all  
16          the turmoil going on in my home, some of  
17          it probably genetic. My father has been  
18          treated for depression also. I was never  
19          placed on medication for it until I was  
20          incarcerated. A month prior to my crime I  
21          was taken to a psychiatrist, and his  
22          recommendation was that I be hospitalized  
23          because I was a danger to myself and  
24          possibly others. I was suicidally  
25          depressed, and had numerous suicide

1 attempts prior to my crimes, all failures.  
2 The weekend prior to my crime I had  
3 overdosed from drugs, but I woke up from  
4 them. I had failed once again. I tried  
5 to commit suicide because my life was more  
6 than I could bear, and I never saw it  
7 getting any better. With all the  
8 failures, I felt like I was such a loser.  
9 I couldn't even kill myself right. It  
10 only made the depression worse, and I had  
11 no one I could turn to for help. Now  
12 after groups and coping with depression,  
13 therapy, reading, self-help books and  
14 medication, my outlook on life is  
15 drastically different. I know now where  
16 my depression comes from, and that it is  
17 not something I can't heal from. I know  
18 there are people willing to help me with  
19 this problem, and I know how to contact  
20 them. I know not to give up looking for  
21 help if I need it, and I know the  
22 medication works and I'm prepared to take  
23 it for the rest of my life. If it works,  
24 why would I stop it? Verbal abuse. My  
25 father, brother and sister all verbally

1           abused me, constantly telling me I was a  
2           piece of shit who would never amount to  
3           anything. They would go on and on about  
4           what a loser I was, and always would be.  
5           Not all at once, but whenever one would  
6           get mad about me being there in the room  
7           when they wanted to do something, they  
8           would constantly tell me I was never going  
9           to amount to anything. This was an almost  
10          constant, everyday, all day thing. The  
11          only way to get away from it was to hide  
12          from them or leave. Their words were  
13          devastating to me. They wore my spirit  
14          down, and I started believing what they  
15          were saying. My self-esteem and  
16          self-worth were in the dirt. Now through  
17          groups and therapy, my self-esteem and  
18          self-worth don't rely on other peoples'  
19          opinions. I have dealt with the put downs  
20          and name-calling and verbal harassment  
21          over my crime for 30 years now, and have  
22          learned to deal with it in an adult  
23          manner. My self-esteem and self-worth  
24          come from my inner strength, not on what  
25          other people say. Neglect. I was

1 neglected by my mother and father. My  
2 mother by being emotionally distant, and  
3 my father in my day-to-day care. I was  
4 pretty much left to fend for myself. I  
5 had to cook my own meals every day from  
6 the age of eight. I was what they used to  
7 call a latch key kid. I made my breakfast  
8 every morning and got myself off to  
9 school. I came home from school to an  
10 empty house every day. I didn't mind the  
11 empty house because everyone was abusive  
12 when they were there. It was quiet but it  
13 was still neglect. I did my own laundry,  
14 I did everything for myself. Even when I  
15 was sick, I took care of myself. I know  
16 now that most households aren't like this.  
17 Most households the children are taken  
18 care of by the parents. They don't have  
19 to take care of themselves. One thing I  
20 learned from growing up that way was how  
21 to take care of myself. I know how to  
22 provide for myself. I have no worries  
23 that even though it will be hard, if I'm  
24 ever allowed to parole I will be able to  
25 provide and take care of myself. Problems

1 at school. I wasn't the cleanest, most  
2 well taken care of kid for my age. I got  
3 picked on constantly about my looks, my  
4 clothes. I wore torn up and dirty clothes  
5 to school. I was very small for my age  
6 also, and very quiet. I guess I was just  
7 an easy target when I was young. Having  
8 red hair didn't help. Redheads are  
9 horribly teased by all the kids. Now I  
10 don't let other people control how I see  
11 myself. There will always be bullies in  
12 the world, but I don't have to let them  
13 control my life. I am secure in myself.  
14 If the bully won't listen to reason, I  
15 just leave the area. Fighting doesn't get  
16 either one of you anywhere. Drugs and  
17 alcohol. I started using drugs and  
18 alcohol at 12 years old. It was easy to  
19 get the drugs at school, and I would get  
20 the money for them by shoplifting and then  
21 selling what I shoplifted. It's amazing  
22 what a kid could walk out of a store with  
23 30 years ago. I used drugs and alcohol as  
24 an escape from all the craziness at home.  
25 They made it so I didn't have to think or

1           feel.  When I was drunk or high, I didn't  
2           feel any pain emotionally or physically.  
3           My father used to buy me beer every week,  
4           and it was just really easy to get  
5           everything as often as I could.  I used  
6           the drugs and alcohol.  I didn't want to  
7           think or feel anything.  Now through AA/NA  
8           and group therapy, I know that all I was  
9           doing was self-medicating the depression  
10          and trying to escape all my problems.  I  
11          don't need the drugs and alcohol anymore.  
12          I have been clean and sober for 30 years  
13          now, not just because I'm locked up, but  
14          because I chose to be.  All that stuff is  
15          available in here in prison.  I just chose  
16          not to deal with my problems that way.  If  
17          I have a problem I talk about it and get  
18          help from therapists or people who have  
19          been through what I might be having a  
20          problem with.  When or if I get a second  
21          chance, I hope to get a sponsor through  
22          AA.  I know drugs and alcohol aren't the  
23          answer to anything.  They only bring a  
24          whole new set of problems.  I don't want  
25          to live my life under the influence.  I

1           want to be able to think and feel clearly  
2           at all times.  Drugs and alcohol just  
3           aren't an option for me.  I have no desire  
4           to use them, even when I'm under stress.  
5           I know any one of these things could have  
6           brought me to prison, but the combination  
7           of all of them together made it more  
8           definite.  I had already been arrested for  
9           shoplifting and breaking and entering, so  
10          I knew prison was in my future.  I just  
11          didn't think it was going to be for a  
12          crime as horrible as this one.  I have  
13          grown up a lot through the years.  I'm no  
14          longer the crazy, mixed up kid on drugs.  
15          I have become a responsible adult, one  
16          that is trusted and relied on by staff and  
17          inmates alike."

18  All right.  You guys lived right across from the school.

19           **INMATE SPENCER:**  Yes.

20           **PRESIDING COMMISSIONER O'HARA:**  And you hear  
21  those kids going to school every day?

22           **INMATE SPENCER:**  I was usually at school when  
23  they went to school.

24           **PRESIDING COMMISSIONER O'HARA:**  Okay.  Well, how  
25  about that day?

1           **INMATE SPENCER:** That day I heard them.

2           **PRESIDING COMMISSIONER O'HARA:** And it's an  
3 elementary school?

4           **INMATE SPENCER:** Yes.

5           **PRESIDING COMMISSIONER O'HARA:** A lot of kids  
6 laughing and doing their thing?

7           **INMATE SPENCER:** Yes.

8           **PRESIDING COMMISSIONER O'HARA:** Did that upset  
9 you?

10          **INMATE SPENCER:** No.

11          **PRESIDING COMMISSIONER O'HARA:** It didn't upset  
12 you that they seemed to have happier lives, and that kind  
13 of thing going on?

14          **INMATE SPENCER:** No. I was just set on  
15 committing suicide.

16          **PRESIDING COMMISSIONER O'HARA:** Understood. And,  
17 you know, based on your history and such, I am sorry that  
18 you had to go everything you went through, but what I'm  
19 trying to do is find out why you would open fire and kill  
20 two people and hurt so many others. While you indicate  
21 you weren't really trying to hit anybody -- but you did a  
22 heck of a job of hitting a lot of people.

23          **INMATE SPENCER:** The only thing I was  
24 concentrating on was getting the police there so that  
25 they could shoot me.



1           **PRESIDING COMMISSIONER O'HARA:** Well, you could  
2 have shot out one window of the school and the police  
3 would have come.

4           **INMATE SPENCER:** I didn't think that.

5           **PRESIDING COMMISSIONER O'HARA:** Okay. But you  
6 didn't have any anger at the children?

7           **INMATE SPENCER:** No.

8           **PRESIDING COMMISSIONER O'HARA:** You didn't feel  
9 like the children were getting a better life than you?

10          **INMATE SPENCER:** No.

11          **PRESIDING COMMISSIONER O'HARA:** You weren't  
12 envious of them.

13          **INMATE SPENCER:** No.

14          **PRESIDING COMMISSIONER O'HARA:** Okay. It was a  
15 matter to get the police there.

16          **INMATE SPENCER:** Yes.

17          **PRESIDING COMMISSIONER O'HARA:** And you weren't  
18 trying to hit anybody.

19          **INMATE SPENCER:** No, not that I remember.

20          **PRESIDING COMMISSIONER O'HARA:** Okay. Other  
21 questions?

22          **DEPUTY COMMISSIONER WILLIAMS:** Your dad bought  
23 you that gun and just lots of rounds. Did, had you had  
24 experience with a gun?

25          **INMATE SPENCER:** Yeah. We used to go hunting all

1 the time.

2 **DEPUTY COMMISSIONER WILLIAMS:** Okay. So you were  
3 pretty proficient with a gun?

4 **INMATE SPENCER:** Yes.

5 **DEPUTY COMMISSIONER WILLIAMS:** Okay. How much,  
6 how many years of experience would you say you had with  
7 the gun, how many hours of target practice?

8 **INMATE SPENCER:** Oh, I don't know. It would be  
9 years, actually.

10 **DEPUTY COMMISSIONER WILLIAMS:** Years. Okay.

11 **INMATE SPENCER:** It would be at least five years.

12 **DEPUTY COMMISSIONER WILLIAMS:** Okay. Did you  
13 have other guns?

14 **INMATE SPENCER:** Just like air guns, pellet guns.

15 **DEPUTY COMMISSIONER WILLIAMS:** Um-hmm. Did your  
16 dad have other guns in the house?

17 **INMATE SPENCER:** No.

18 **DEPUTY COMMISSIONER WILLIAMS:** No? Just the one  
19 that he bought you.

20 **INMATE SPENCER:** Yes.

21 **DEPUTY COMMISSIONER WILLIAMS:** Okay. Thank you.  
22 Nothing else.

23 **PRESIDING COMMISSIONER O'HARA:** Nothing else?

24 All right. Let's take a moment and talk about your  
25 criminal history. You indicated that you did some

1 shoplifting.

2 **INMATE SPENCER:** Yes.

3 **PRESIDING COMMISSIONER O'HARA:** Okay. You did  
4 some shoplifting, and anything else?

5 **INMATE SPENCER:** Breaking and entering.

6 **PRESIDING COMMISSIONER O'HARA:** Breaking and  
7 entering. What did you do when you broke and entered?

8 **INMATE SPENCER:** We vandalized the school.

9 **PRESIDING COMMISSIONER O'HARA:** Which school?

10 **INMATE SPENCER:** The one across the street from  
11 us.

12 **PRESIDING COMMISSIONER O'HARA:** Okay. And why  
13 did you break and enter there?

14 **INMATE SPENCER:** We were just drunk.

15 **PRESIDING COMMISSIONER O'HARA:** And who is 'we?'

16 **INMATE SPENCER:** Me and my friend Brent Fleming.

17 **PRESIDING COMMISSIONER O'HARA:** Okay. And what  
18 did you do inside there?

19 **INMATE SPENCER:** We just like spilled stuff out,  
20 like just kind of trashed the place.

21 **PRESIDING COMMISSIONER O'HARA:** Made a mess.

22 **INMATE SPENCER:** Yeah.

23 **PRESIDING COMMISSIONER O'HARA:** Any reason for  
24 it? Just --

25 **INMATE SPENCER:** We were just stupid.

1           **PRESIDING COMMISSIONER O'HARA:** Okay. All right.  
2 Personal factors. You are the youngest of three children  
3 born in the marriage of Wallace and Dorothy Spencer.

4           "Parents were married in December of 1954.  
5 The marriage remained intact for  
6 approximately 17 years until the parents  
7 separated in '72. All three children were  
8 awarded to Mr. Spencer, or custody for all  
9 three. He was employed in the  
10 Audio/Visual Department at San Diego State  
11 University. Mrs. Dorothy Spencer was  
12 employed as a bookkeeper for the San Diego  
13 Andy Williams Open Corporation. At the  
14 time of the offense, Ms. Spencer was an  
15 11th grade student at Patrick Henry High  
16 School."

17 You admitted using PCP, LSD, Seconal, Scrums [sic].  
18 What's a scrum?

19           **INMATE SPENCER:** I have no idea.

20           **PRESIDING COMMISSIONER O'HARA:** Maybe a shroom?

21           **INMATE SPENCER:** Oh, could be.

22           **PRESIDING COMMISSIONER O'HARA:** Well, I'm just  
23 guessing. Marijuana, and they claim that you were  
24 suffering from psychomotor seizures.

25           **INMATE SPENCER:** Yeah. I have epilepsy.

1           **PRESIDING COMMISSIONER O'HARA:** Okay. What kind  
2 of meds you taking for that now?

3           **INMATE SPENCER:** Tegritol.

4           **PRESIDING COMMISSIONER O'HARA:** Tegretol. Okay.  
5 And you think your psychomotor seizures had anything to  
6 do with the crime?

7           **INMATE SPENCER:** I don't think they did.

8           **PRESIDING COMMISSIONER O'HARA:** You knew what you  
9 were doing?

10          **INMATE SPENCER:** Um-hmm.

11          **PRESIDING COMMISSIONER O'HARA:** And you made the  
12 decision to get and load the gun.

13          **INMATE SPENCER:** Yes.

14          **PRESIDING COMMISSIONER O'HARA:** And to fire.  
15 Okay. Well, the social history doesn't quite do justice  
16 to what I've read in the probation officer's report.  
17 Apparently your dad was, I almost want to say too close  
18 to you.

19          **INMATE SPENCER:** Um-hmm.

20          **PRESIDING COMMISSIONER O'HARA:** Your dad slept in  
21 the same bed with you at times?

22          **INMATE SPENCER:** Yes.

23          **PRESIDING COMMISSIONER O'HARA:** Okay.

24          **INMATE SPENCER:** All the time.

25          **PRESIDING COMMISSIONER O'HARA:** And the question

1 then is begged, did he sexually molest you?

2 **INMATE SPENCER:** Yes.

3 **PRESIDING COMMISSIONER O'HARA:** And your mother  
4 seemed to be a bit aloof.

5 **INMATE SPENCER:** Yeah, she was very distant.

6 **PRESIDING COMMISSIONER O'HARA:** And you weren't  
7 involved in any gangs, were you?

8 **INMATE SPENCER:** No, I wasn't.

9 **PRESIDING COMMISSIONER O'HARA:** All right. You  
10 were kind of a loner in school?

11 **INMATE SPENCER:** Yes.

12 **PRESIDING COMMISSIONER O'HARA:** How did your  
13 brother and sister do?

14 **INMATE SPENCER:** They did all right.

15 **PRESIDING COMMISSIONER O'HARA:** All right being  
16 they have careers, or --

17 **INMATE SPENCER:** Yeah, they have careers.

18 **PRESIDING COMMISSIONER O'HARA:** They never went  
19 to prison or jail?

20 **INMATE SPENCER:** No, they didn't.

21 **PRESIDING COMMISSIONER O'HARA:** Okay. Yeah,  
22 apparently you had no interest in conversing with your  
23 parents at, when you were going to court or anything?

24 **INMATE SPENCER:** No.

25 **PRESIDING COMMISSIONER O'HARA:** All right. Okay.

1 Please direct your attention to Ms. Williams. She will  
2 talk to you about how you've been doing in the prison.

3 **DEPUTY COMMISSIONER WILLIAMS:** Okay, Ms. Spencer.  
4 It's indicated here that you were received at CIW on  
5 April 14th, 1980.

6 **INMATE SPENCER:** Yes.

7 **DEPUTY COMMISSIONER WILLIAMS:** Okay. Then as I  
8 read through, there were several times that you went  
9 before committee, you were moved to different yards, your  
10 classification changed.

11 **INMATE SPENCER:** Yes.

12 **DEPUTY COMMISSIONER WILLIAMS:** But you finally  
13 settled in after a period of time, and you were given a  
14 classification score of 28.

15 **INMATE SPENCER:** Yes.

16 **DEPUTY COMMISSIONER WILLIAMS:** A placement score,  
17 I'm sorry.

18 **INMATE SPENCER:** Um-hmm.

19 **DEPUTY COMMISSIONER WILLIAMS:** And you were  
20 placed in Medium A.

21 **INMATE SPENCER:** Right.

22 **DEPUTY COMMISSIONER WILLIAMS:** That's where you  
23 remain --

24 **INMATE SPENCER:** Right.

25 **DEPUTY COMMISSIONER WILLIAMS:** -- at this point.

1 Okay. Did you go out, or were you, all these placements  
2 took place inside the institution?

3 **INMATE SPENCER:** Inside the institution.

4 **DEPUTY COMMISSIONER WILLIAMS:** Okay. That took  
5 years. Okay. Let's take a look at your therapy and  
6 self-help since you've -- not since you've been here, but  
7 since the last hearing, because you have been involved in  
8 lots of things. And I'll go back a ways even before that  
9 hearing. It's indicated here that you participate in the  
10 Cat Care Program?

11 **INMATE SPENCER:** Yes. Yes, I take care of six  
12 cats.

13 **DEPUTY COMMISSIONER WILLIAMS:** Six cats.

14 **INMATE SPENCER:** Um-hmm.

15 **DEPUTY COMMISSIONER WILLIAMS:** Okay. And you've  
16 been doing that for quite a while?

17 **INMATE SPENCER:** Yes.

18 **DEPUTY COMMISSIONER WILLIAMS:** Okay. For how  
19 many years?

20 **INMATE SPENCER:** Probably two years.

21 **DEPUTY COMMISSIONER WILLIAMS:** Okay. Okay, very  
22 good. And so you have commendations for that from  
23 January of 2008, September 2008, December 2008, March of  
24 2009. And as I look back in here -- okay, so that's what  
25 you've done recently in terms of self-help.



1           **INMATE SPENCER:** Yes.

2           **DEPUTY COMMISSIONER WILLIAMS:** I do --

3           **INMATE SPENCER:** I've also taken Coping With  
4 Depression and Coping With Anxiety.

5           **DEPUTY COMMISSIONER WILLIAMS:** Okay. I see here  
6 that you have been in anger management --

7           **INMATE SPENCER:** Yes.

8           **DEPUTY COMMISSIONER WILLIAMS:** -- for quite some  
9 time, and I noticed you had chronos dating back from 2001  
10 up to 2003.

11           **INMATE SPENCER:** Right.

12           **DEPUTY COMMISSIONER WILLIAMS:** Okay. That you  
13 participated in the HIV Education Program.

14           **INMATE SPENCER:** Yes.

15           **DEPUTY COMMISSIONER WILLIAMS:** And that you  
16 became a peer mentor?

17           **INMATE SPENCER:** Yes.

18           **DEPUTY COMMISSIONER WILLIAMS:** Is that correct?  
19 Are you still doing that?

20           **INMATE SPENCER:** No.

21           **DEPUTY COMMISSIONER WILLIAMS:** Okay.

22           **INMATE SPENCER:** They changed that program.

23           **DEPUTY COMMISSIONER WILLIAMS:** Okay. You  
24 participated in Forever Free?

25           **INMATE SPENCER:** No, I haven't.

1           **DEPUTY COMMISSIONER WILLIAMS:** No. Not Forever  
2 Free. Okay, then I misspoke on that one. AA and NA.

3           **INMATE SPENCER:** Yes.

4           **DEPUTY COMMISSIONER WILLIAMS:** Okay. And you did  
5 have chronos to that effect. You have here from, for the  
6 Cat Care Program, quite a few for that. These are more  
7 related to your work. And right now you are working in  
8 the warehouse; is that correct?

9           **INMATE SPENCER:** Yes, the maintenance warehouse.

10          **DEPUTY COMMISSIONER WILLIAMS:** Okay. Maintenance  
11 warehouse. And you do have chronos indicating that  
12 you've done outstanding work.

13          **INMATE SPENCER:** Yes. I've just been promoted to  
14 the lead position in the warehouse also.

15          **DEPUTY COMMISSIONER WILLIAMS:** Okay. You have a  
16 chrono here from Frank Lopez --

17          **INMATE SPENCER:** Yes.

18          **DEPUTY COMMISSIONER WILLIAMS:** -- from March,  
19 uh-huh. And you have one here from Nate --

20          **INMATE SPENCER:** Makama (phonetic).

21          **DEPUTY COMMISSIONER WILLIAMS:** -- Makama, okay,  
22 and that's from June of this year. And that indicates  
23 that your work in maintenance -- but it also indicates  
24 that you volunteer and participate in groups with the  
25 mental health program.

1           **INMATE SPENCER:** Yes, I do.

2           **DEPUTY COMMISSIONER WILLIAMS:** Okay. You have  
3 another chrono from John Dixon, who is with you in plant  
4 operations. And he discusses your five years as  
5 maintenance warehouse clerk --

6           **INMATE SPENCER:** Yes.

7           **DEPUTY COMMISSIONER WILLIAMS:** -- and commends  
8 you. Talks about your participation in the Long Termers  
9 organization.

10          **INMATE SPENCER:** Yes.

11          **DEPUTY COMMISSIONER WILLIAMS:** Okay. And once  
12 again, they indicate that you're the primary caretaker in  
13 the Cat Care Program.

14          **INMATE SPENCER:** Yes.

15          **DEPUTY COMMISSIONER WILLIAMS:** Um-hmm. And  
16 that's a daily involvement.

17          **INMATE SPENCER:** Yes, that's a daily thing.

18          **DEPUTY COMMISSIONER WILLIAMS:** It's a daily  
19 thing. Okay. And then we have more letters regarding  
20 your positive involvement, that you are a certified  
21 forklift operator.

22          **INMATE SPENCER:** Yes, I am.

23          **DEPUTY COMMISSIONER WILLIAMS:** Okay. That you're  
24 very knowledgeable in maintenance operation, and that --  
25 and that's from Johnny Marquez.

1           **INMATE SPENCER:** Yeah, that's my boss.

2           **DEPUTY COMMISSIONER WILLIAMS:** That's your boss.  
3 Okay. And then we have your work evals, and you  
4 consistently have gotten exceptional and above average  
5 ratings.

6           **INMATE SPENCER:** Yes.

7           **DEPUTY COMMISSIONER WILLIAMS:** Okay. And then we  
8 have more certificates. Convicted Women Against Abuse.

9           **INMATE SPENCER:** Yes, I do volunteer work with  
10 them.

11           **DEPUTY COMMISSIONER WILLIAMS:** Okay. And that is  
12 current, that's from November of last year to May of this  
13 year.

14           **INMATE SPENCER:** Yes.

15           **DEPUTY COMMISSIONER WILLIAMS:** You've  
16 participated in One Heart Band?

17           **INMATE SPENCER:** Yeah. It was a musical group  
18 that the institution had.

19           **DEPUTY COMMISSIONER WILLIAMS:** Okay. So we have  
20 those things there. Okay. So that sort of hits on your  
21 involvement in, your self-help involvement, as well as  
22 your employment here.

23           **INMATE SPENCER:** Yes.

24           **DEPUTY COMMISSIONER WILLIAMS:** Okay. Was there  
25 anything else that you wanted me to make sure? Okay.

1 Okay, so let's talk about your disciplinary history. And  
2 it seems that you have not gotten one 115 your entire  
3 period here.

4 **INMATE SPENCER:** No, I haven't.

5 **DEPUTY COMMISSIONER WILLIAMS:** Or 128A, you --

6 **INMATE SPENCER:** I've had 128As.

7 **DEPUTY COMMISSIONER WILLIAMS:** Okay. Let's see  
8 here. They say none this period.

9 **INMATE SPENCER:** Oh, it was years and years ago,  
10 sometime in the early 90's.

11 **DEPUTY COMMISSIONER WILLIAMS:** It must have been  
12 a number of years ago.

13 **INMATE SPENCER:** Yeah. It was a number of years  
14 ago.

15 **DEPUTY COMMISSIONER WILLIAMS:** Okay. I'll go  
16 back through it, because I'm in the 90's now. Okay.  
17 I'll go back through. Okay. So on your, let's take a  
18 look at your parole plans.

19 **INMATE SPENCER:** I plan to go to Crossroads.

20 **DEPUTY COMMISSIONER WILLIAMS:** Okay.

21 **INMATE SPENCER:** Which is a transition house.

22 **DEPUTY COMMISSIONER WILLIAMS:** Uh-huh. And you  
23 do have a letter here --

24 **INMATE SPENCER:** Yes.

25 **DEPUTY COMMISSIONER WILLIAMS:** -- from Crossroads

1 indicating that they will accept you.

2 **INMATE SPENCER:** Yes.

3 **DEPUTY COMMISSIONER WILLIAMS:** Okay. And you  
4 also have a letter here from your mom, who says that she  
5 would like it to be known that she would like to help you  
6 with a place to stay, and also help provide you with food  
7 and medicines until you are able to support yourself.

8 **INMATE SPENCER:** Yes.

9 **DEPUTY COMMISSIONER WILLIAMS:** Okay. We have a  
10 letter here from your dad, who is supporting your parole.  
11 Both of them are supporting your parole. But he also  
12 indicates that he will assist you financially and with  
13 clothing, food and transportation. He will also assist  
14 you in securing a place to live. Wherever you're living,  
15 he's going to help you to find a job, and he once again  
16 indicates your great deal of experience that you have  
17 gained since you've been here.

18 **INMATE SPENCER:** Yes.

19 **DEPUTY COMMISSIONER WILLIAMS:** Okay. So we have  
20 those persons to assist you with your parole plans.  
21 Okay. Did you have any alternate residence -- oh, okay.  
22 These are letters of support.

23 **INMATE SPENCER:** Yeah, I just recently got those.

24 **DEPUTY COMMISSIONER WILLIAMS:** Um-hmm. And  
25 they're speaking to your, this is from your sister.

1           **INMATE SPENCER:** Yes, my younger sister.

2           **DEPUTY COMMISSIONER WILLIAMS:** Okay. And she's  
3 writing to -- and a letter of support for you. She's  
4 indicating that you're a creative person, you like to  
5 draw, paint, and write poetry. And she is supporting  
6 your parole release. Okay. And you have a quite lengthy  
7 letter here from an Irene --

8           **INMATE SPENCER:** Lemos.

9           **DEPUTY COMMISSIONER WILLIAMS:** -- Lemos. Okay.  
10 And she's in London in the United Kingdom?

11          **INMATE SPENCER:** Yes.

12          **DEPUTY COMMISSIONER WILLIAMS:** Is she more or  
13 less a pen pal, or --

14          **INMATE SPENCER:** I've visited with her. She's  
15 flown out here to visit.

16          **DEPUTY COMMISSIONER WILLIAMS:** Uh-huh. Okay.  
17 She says she began writing you in 2006 following a  
18 documentary --

19          **INMATE SPENCER:** Yes.

20          **DEPUTY COMMISSIONER WILLIAMS:** -- that was  
21 broadcasted in the United Kingdom. And she says she's  
22 your friend.

23          **INMATE SPENCER:** Yes, she is.

24          **DEPUTY COMMISSIONER WILLIAMS:** Um-hmm.

25          **INMATE SPENCER:** A very close friend.

1           **DEPUTY COMMISSIONER WILLIAMS:** Yes. And she  
2 indicates that you have been a source of inspiration to  
3 her, and an example to her and others. And she speaks  
4 about repentance and remorse and those type of things  
5 that you have been able to shed some light for her on.  
6 She says that she would not hesitate to take you into her  
7 home.

8           **INMATE SPENCER:** Yes.

9           **DEPUTY COMMISSIONER WILLIAMS:** Okay. She will be  
10 more than happy to contribute financially in order to  
11 help support you, and she offers her support and makes  
12 herself available to be contacted.

13          **INMATE SPENCER:** Um-hmm.

14          **DEPUTY COMMISSIONER WILLIAMS:** So that we can  
15 verify that. You have a letter from a Brandy --

16          **INMATE SPENCER:** Sizemore.

17          **DEPUTY COMMISSIONER WILLIAMS:** -- Sizemore.  
18 Okay. Who also indicates she is a very good friend of  
19 yours. You have known her since 1982?

20          **INMATE SPENCER:** Yes, she was an inmate here.

21          **DEPUTY COMMISSIONER WILLIAMS:** Okay. She's since  
22 been paroled?

23          **INMATE SPENCER:** Yes.

24          **DEPUTY COMMISSIONER WILLIAMS:** Okay.

25          **INMATE SPENCER:** A year ago.



1           **DEPUTY COMMISSIONER WILLIAMS:** A year ago. Okay.  
2     And she indicates that you've expressed extreme remorse  
3     for your actions. She says that everyone can make a  
4     mistake, but you have proven through time and time again  
5     to be a very responsible and sensible individual, and she  
6     has complete faith that given the opportunity you can  
7     become a productive member of society. And so she's also  
8     encouraging consideration of parole.

9           **INMATE SPENCER:** Um-hmm.

10          **DEPUTY COMMISSIONER WILLIAMS:** Okay.

11          **ATTORNEY MIRZAIAN:** I'm sorry. There was one  
12     more letter of support from another friend. There are  
13     two right there.

14          **DEPUTY COMMISSIONER WILLIAMS:** Okay. I did  
15     mention both of them. There's just the two, or is it  
16     another?

17          **ATTORNEY MIRZAIAN:** That one was another friend  
18     in England.

19          **INMATE SPENCER:** That's from Luciana Buccini  
20     (phonetic).

21          **DEPUTY COMMISSIONER WILLIAMS:** Uh-huh. Okay. I  
22     can't even make the name out there. Okay. Yes, this is  
23     a letter, and this is also as a result of the documentary  
24     that was done in the United Kingdom. And she says that  
25     after watching the documentary, it was clear to her that

1 you were disturbed as a result of the abuses that you had  
2 experienced --

3 **INMATE SPENCER:** Yes.

4 **DEPUTY COMMISSIONER WILLIAMS:** -- in your life,  
5 and the pain. And so she begs that you be considered as  
6 a responsible person, and allowed the opportunity to  
7 parole. Okay. Anything else? Okay. So it seems that  
8 you have, your initial residence plans would be to  
9 Crossroads.

10 **INMATE SPENCER:** Crossroads.

11 **DEPUTY COMMISSIONER WILLIAMS:** And that you will  
12 seek employment as a forklift driver.

13 **INMATE SPENCER:** Yes.

14 **DEPUTY COMMISSIONER WILLIAMS:** Or in electronics  
15 repair or upholstery.

16 **INMATE SPENCER:** Yes.

17 **DEPUTY COMMISSIONER WILLIAMS:** And you have  
18 gained certification for those things since you have been  
19 in custody.

20 **INMATE SPENCER:** Yes, I have.

21 **DEPUTY COMMISSIONER WILLIAMS:** Okay.

22 **INMATE SPENCER:** Basically, I'll take any job I  
23 can get.

24 **DEPUTY COMMISSIONER WILLIAMS:** Okay. Your  
25 counselor says that you are highly employable and

1 skilled.

2 **INMATE SPENCER:** Yes.

3 **DEPUTY COMMISSIONER WILLIAMS:** Okay. Any  
4 questions or anything about that? No?

5 **PRESIDING COMMISSIONER O'HARA:** No.

6 **DEPUTY COMMISSIONER WILLIAMS:** Okay. Let's go  
7 into your psych eval. I am referring to your latest  
8 psych eval, which was signed on, approved on March 26,  
9 2009.

10 **INMATE SPENCER:** Yes.

11 **DEPUTY COMMISSIONER WILLIAMS:** And I guess it was  
12 ultimately signed by Jasmine Tehrani. Is that who  
13 actually did the psych eval with you?

14 **INMATE SPENCER:** No, it's not.

15 **DEPUTY COMMISSIONER WILLIAMS:** Okay. Actually, I  
16 cannot make out the name, and it's crossed out.

17 **ATTORNEY MIRZAIAN:** It's Janna Larmer (phonetic).

18 **DEPUTY COMMISSIONER WILLIAMS:** Janna --

19 **ATTORNEY MIRZAIAN:** I'm sorry. It's on the first  
20 page.

21 **DEPUTY COMMISSIONER WILLIAMS:** On the first page.

22 **ATTORNEY MIRZAIAN:** In the bold at the bottom.

23 **DEPUTY COMMISSIONER WILLIAMS:** Okay.

24 **ATTORNEY MIRZAIAN:** In the middle.

25 **DEPUTY COMMISSIONER WILLIAMS:** Okay. And you

1 were interviewed on March 4th?

2 **INMATE SPENCER:** Yes.

3 **DEPUTY COMMISSIONER WILLIAMS:** Okay. They go  
4 through, it's a standardized psych eval, and there are  
5 several areas that are addressed, and I will go through  
6 those areas. I will not repeat some of the things that  
7 we've already gone over.

8 **INMATE SPENCER:** Okay.

9 **DEPUTY COMMISSIONER WILLIAMS:** Okay. So the  
10 initial indication, area that was covered was  
11 confidentiality, then they went on to questions that  
12 needed to be answered, and the psychological questions to  
13 be answered in the evaluation were your violence  
14 potential in the free community, and that probably came  
15 from the Board a prior time.

16 **INMATE SPENCER:** Right.

17 **DEPUTY COMMISSIONER WILLIAMS:** Okay. So they  
18 took a look at background information, and as indicated  
19 earlier, it was noted that your father was described as  
20 physically and sexually abusive toward her, that you were  
21 beaten by your dad, and the sexual abuse is also noted  
22 here to begin at the age of six -- I'm sorry, seven.  
23 However, it is noted that according to your report at the  
24 time of this eval, your relationship with your parents  
25 was very good.

1           **INMATE SPENCER:** Um-hmm.

2           **DEPUTY COMMISSIONER WILLIAMS:** Okay. You stated  
3 that your mother had not visited for ten years, but that  
4 you maintain contact with her through writing.

5           **INMATE SPENCER:** Through letters.

6           **DEPUTY COMMISSIONER WILLIAMS:** Okay. And that  
7 your brother and sisters -- how many, do you have one  
8 sister, or two?

9           **INMATE SPENCER:** I have two sisters.

10          **DEPUTY COMMISSIONER WILLIAMS:** Okay. "Write to  
11 her and are emotionally supportive."

12          **INMATE SPENCER:** Yes. That's my younger sister.

13          **DEPUTY COMMISSIONER WILLIAMS:** Okay. Once again,  
14 the education was noted, and the Commissioner indicated  
15 that you were a loner, and you indicated that you were  
16 picked on --

17          **INMATE SPENCER:** Yes.

18          **DEPUTY COMMISSIONER WILLIAMS:** -- many times in  
19 school. It is noted here that you considered yourself,  
20 or you were referred to psychosexually in your  
21 development as sort of a tomboy.

22          **INMATE SPENCER:** Yes.

23          **DEPUTY COMMISSIONER WILLIAMS:** Okay. No  
24 marriages?

25          **INMATE SPENCER:** No.

1           **DEPUTY COMMISSIONER WILLIAMS:** No gang  
2 affiliation.

3           **INMATE SPENCER:** No.

4           **DEPUTY COMMISSIONER WILLIAMS:** Okay. And we  
5 noted your employment history, and that you have very  
6 positive statements. We've already discussed your parole  
7 plans. Let's talk a little bit about your mental health  
8 history. Now, they go, they refer back to psych evals as  
9 far back as 1979, and it's indicated there that you have  
10 a history of mental illness, that both of your  
11 grandmothers and your father and brother have all  
12 experienced psychiatric symptoms. Would that be  
13 depression?

14           **INMATE SPENCER:** Yeah.

15           **DEPUTY COMMISSIONER WILLIAMS:** Okay.

16           **INMATE SPENCER:** Depression.

17           **DEPUTY COMMISSIONER WILLIAMS:** Okay. Were they  
18 treated?

19           **INMATE SPENCER:** I believe my father was, but I  
20 don't believe anybody else was.

21           **DEPUTY COMMISSIONER WILLIAMS:** Okay. It's noted  
22 here that you reported that you first began to experience  
23 symptoms of depression when you were about seven or eight  
24 years old.

25           **INMATE SPENCER:** Yes.

1           **DEPUTY COMMISSIONER WILLIAMS:** Okay. And that  
2 your first attempts at suicide were when you were ten.

3           **INMATE SPENCER:** Around that.

4           **DEPUTY COMMISSIONER WILLIAMS:** Um-hmm. You began  
5 to do some wrist slashing. Dr. Lewis indicated that you  
6 had spent many years obsessed with extremely depressed  
7 thoughts, and with thoughts of destruction.

8           **INMATE SPENCER:** Yes.

9           **DEPUTY COMMISSIONER WILLIAMS:** Okay. Was that  
10 about -- what age did that start?

11           **INMATE SPENCER:** That started probably around  
12 about eight.

13           **DEPUTY COMMISSIONER WILLIAMS:** Okay. That you  
14 stated that you began to experience paranoid thoughts of  
15 being threatened, and that you started carrying a  
16 knife --

17           **INMATE SPENCER:** Yes.

18           **DEPUTY COMMISSIONER WILLIAMS:** -- about that  
19 time.

20           **INMATE SPENCER:** Yes.

21           **DEPUTY COMMISSIONER WILLIAMS:** Okay. Were you  
22 seeing a clinician?

23           **INMATE SPENCER:** No.

24           **DEPUTY COMMISSIONER WILLIAMS:** No. Okay. Around  
25 the age of 15 or 16, you began to experience visual

1 hallucinations, auditory hallucinations, of people  
2 calling you names.

3 **INMATE SPENCER:** Yes.

4 **DEPUTY COMMISSIONER WILLIAMS:** Okay. And you  
5 have had five to six suicide attempts, with the last ones  
6 occurring when you were about 20 years old.

7 **INMATE SPENCER:** Yes.

8 **DEPUTY COMMISSIONER WILLIAMS:** Um-hmm. However,  
9 it does indicate that you have had a suicide attempt as  
10 recently as 2000.

11 **INMATE SPENCER:** No, that wasn't a suicide  
12 attempt.

13 **DEPUTY COMMISSIONER WILLIAMS:** That's not a --  
14 okay. You've been a part of the CCCMS system --

15 **INMATE SPENCER:** Um-hmm.

16 **DEPUTY COMMISSIONER WILLIAMS:** -- for many years.  
17 You have been prescribed psychotropic medication since  
18 1997.

19 **INMATE SPENCER:** Yes.

20 **DEPUTY COMMISSIONER WILLIAMS:** Okay. And you  
21 continue to take medication.

22 **INMATE SPENCER:** Yes.

23 **DEPUTY COMMISSIONER WILLIAMS:** Okay.

24 **INMATE SPENCER:** And I'll continue that probably  
25 for the rest of my life.



1           **DEPUTY COMMISSIONER WILLIAMS:** Okay. It also  
2 indicated -- oh, that you gave your diagnosis just as you  
3 did here today of schizoaffective disorder.

4           **INMATE SPENCER:** Yes.

5           **DEPUTY COMMISSIONER WILLIAMS:** Okay. This  
6 clinician indicates that you appear to lack a full  
7 understanding of the chronic nature of that disorder --

8           **INMATE SPENCER:** Yes.

9           **DEPUTY COMMISSIONER WILLIAMS:** -- at that time.  
10 And they've since explained that to you?

11          **INMATE SPENCER:** Yes.

12          **DEPUTY COMMISSIONER WILLIAMS:** Okay. There's  
13 also an indication of head injuries.

14          **INMATE SPENCER:** Um-hmm.

15          **DEPUTY COMMISSIONER WILLIAMS:** The most severe of  
16 which occurred when you were about 14 years old.

17          **INMATE SPENCER:** Yeah, that's where they think I  
18 got the epilepsy from.

19          **DEPUTY COMMISSIONER WILLIAMS:** Oh, really? Okay.  
20 You reported that that had come from a bicycle accident.

21          **INMATE SPENCER:** No, my father reported it as  
22 a --

23          **DEPUTY COMMISSIONER WILLIAMS:** Oh.

24          **INMATE SPENCER:** -- bicycle accident.

25          **DEPUTY COMMISSIONER WILLIAMS:** Okay.

1           **INMATE SPENCER:** It was actually from him kicking  
2 me in the head.

3           **DEPUTY COMMISSIONER WILLIAMS:** Okay. And that  
4 you lost consciousness, and you were hospitalized.

5           **INMATE SPENCER:** No, my sister took me to the  
6 hospital, but she didn't have the money to pay for the  
7 hospital bills, so she brought me back home and just kept  
8 me under observation.

9           **DEPUTY COMMISSIONER WILLIAMS:** Okay. So you were  
10 not even seen at that time.

11           **INMATE SPENCER:** No, I was seen by a doctor, but  
12 I wasn't hospitalized.

13           **DEPUTY COMMISSIONER WILLIAMS:** Okay. Was your  
14 dad with you?

15           **INMATE SPENCER:** No. He stayed at work.

16           **DEPUTY COMMISSIONER WILLIAMS:** Okay. And when  
17 the, when you were seen by the doctor, you did not tell  
18 him how it happened, or anything to that effect?

19           **INMATE SPENCER:** He didn't really ever ask.

20           **DEPUTY COMMISSIONER WILLIAMS:** Um-hmm. Okay.  
21 And your medical records, as you indicated, you were  
22 diagnosed with epilepsy.

23           **INMATE SPENCER:** Um-hmm.

24           **DEPUTY COMMISSIONER WILLIAMS:** Hypertension.

25           **INMATE SPENCER:** Yes.

1           **DEPUTY COMMISSIONER WILLIAMS:** High cholesterol.

2           **INMATE SPENCER:** Um-hmm.

3           **DEPUTY COMMISSIONER WILLIAMS:** And  
4 hyperthyroidism.

5           **INMATE SPENCER:** Right.

6           **DEPUTY COMMISSIONER WILLIAMS:** Okay. And do you  
7 take medication for that as well?

8           **INMATE SPENCER:** Yes. I take medication for all  
9 of those.

10           **DEPUTY COMMISSIONER WILLIAMS:** Okay. Substance  
11 abuse, it's indicated here that by the time you were in  
12 the seventh grade you had been using LSD, PCP, and  
13 heroin.

14           **INMATE SPENCER:** Yes.

15           **DEPUTY COMMISSIONER WILLIAMS:** Okay. And that  
16 you were using these intoxicating substances four to five  
17 times a week.

18           **INMATE SPENCER:** Yes. They're really easily  
19 available at school.

20           **DEPUTY COMMISSIONER WILLIAMS:** Oh, okay. What  
21 was your high school at that time?

22           **INMATE SPENCER:** Patrick Henry High School.

23           **DEPUTY COMMISSIONER WILLIAMS:** Okay. And he does  
24 note here that while you maintain that you were under  
25 drugs at the time of the incident, your, the toxicology

1 screening came back with zero toxins. Okay. He also  
2 noted that you indicated you've been sober for 30 years.

3 **INMATE SPENCER:** Yes.

4 **DEPUTY COMMISSIONER WILLIAMS:** Okay. And that AA  
5 has been particularly helpful.

6 **INMATE SPENCER:** Yes.

7 **DEPUTY COMMISSIONER WILLIAMS:** Okay. The doctor  
8 here notes that:

9 "Ms. Spencer does not appear to have a  
10 good understanding of the chronic nature  
11 of her mental illness, and intends to stop  
12 taking medication within the next ten  
13 years. If Ms. Spencer suffers a  
14 psychiatric decompensation, especially  
15 with symptoms of depression, she is  
16 significantly more likely to use substance  
17 to cope. The combination of a severe  
18 mental disorder and substance use would  
19 place her at a significantly increased  
20 risk of future violence."

21 **INMATE SPENCER:** Yeah. After I read that, it, I  
22 decided that I wouldn't try to take myself off the  
23 medication.

24 **DEPUTY COMMISSIONER WILLIAMS:** Okay.

25 **INMATE SPENCER:** I would just stay on the

1 medication.

2 **DEPUTY COMMISSIONER WILLIAMS:** Okay. So it  
3 helped you to understand.

4 **INMATE SPENCER:** Yes.

5 **DEPUTY COMMISSIONER WILLIAMS:** Okay. Very good.  
6 Okay. At the time of the interview, it's indicated here  
7 that you were alert and oriented in all spheres, and  
8 demonstrated clear and unimpaired cognitive functioning,  
9 that you understood the nature of the evaluation. Then  
10 he wants to go on to take a look at your impulsivity and  
11 behavioral control. And he indicated that at the time of  
12 the interview, that there was no evidence of behavioral  
13 or emotional instability.

14 **INMATE SPENCER:** Um-hmm.

15 **DEPUTY COMMISSIONER WILLIAMS:** You were given a  
16 clinical diagnosis on Axis I of schizoaffective disorder,  
17 depressive type. Axis II, antisocial personality  
18 disorder. And Axis III was deferred to a physician.  
19 Your records indicated that you had experienced a  
20 psychotic disorder since you were an adolescent, as  
21 demonstrated by auditory and visual hallucinations,  
22 paranoid ideation, poor hygiene, and affective flattening  
23 that had caused social dysfunction. You also suffer from  
24 a mood disorder since childhood, characterized by severe  
25 symptoms of depression along with suicidal ideation. It

1 appears that you had had periods of illness in which you  
2 continued to have hallucinations without prominent mood  
3 symptoms. Your past psychiatric evals also confirmed or  
4 reflect a diagnosis of schizoaffective disorder.  
5 Regarding the existence of antisocial personality  
6 disorder, according to the records you exhibited  
7 behaviors consistent with conduct disorder prior to age  
8 15. It's indicated here that it would appear that the  
9 diagnosis of antisocial personality disorder is  
10 appropriate. We went back through your criminal records,  
11 of which you indicated to only have three, the two that  
12 you indicated, and the --

13 **INMATE SPENCER:** Right.

14 **DEPUTY COMMISSIONER WILLIAMS:** -- for the instant  
15 offense. We discussed the life crime. It's indicated  
16 here that:

17 "Ms. Spencer stated that she experiences  
18 pain when she thinks about the victims.  
19 She stated, 'There is nothing I can ever  
20 do to make up for it, and that is kind of  
21 a hard thing to deal with.' She stated  
22 that she began to truly understand --  
23 truly experience remorse about 20 years  
24 ago" --

25 **INMATE SPENCER:** Yes.

1           **DEPUTY COMMISSIONER WILLIAMS:** -- "and she  
2 started to realize what she had put the  
3 victims and their families through.  
4 Ms. Spencer became tearful when discussing  
5 how she changed her victims' lives in such  
6 a tragic way. She stated that she  
7 imagined that the victims had nightmares  
8 and were scared all the time. Ms. Spencer  
9 said, 'I'm sorry for all the heartache  
10 I've caused them.' She blames her  
11 depression and drugs and alcohol use for  
12 her state of mind when she committed the  
13 crimes. Many reports reference  
14 Ms. Spencer as exhibiting a lack of human  
15 emotions, a callous lack of empathy toward  
16 others. She indicates that she was  
17 overwhelmed by depression and  
18 hopelessness. Whatever the cause of  
19 Ms. Spencer's emotional disregulation, it  
20 is unclear whether she has developed  
21 significant insight into how her emotions,  
22 thoughts and perceptions impacted her and  
23 brought her to the day of which she  
24 committed the crime."  
25 Okay. They talk about your institutional history, and

1 they still say no chronos, but we'll find it. Okay.  
2 Then we went to the assessment for risk of violence, and  
3 they used standardized tools. On the PCL-R, which is an  
4 instrument used to measure psychopathology, it indicates  
5 that you obtained a score which places you in the low to  
6 moderate range. Your presentation, your current  
7 presentation suggested that you have developed some  
8 insight into the causative factors of the life crime, and  
9 has gained more self awareness that enables you to begin  
10 to accept responsibility for your actions. It indicates  
11 here that you demonstrated excellent behavioral controls  
12 while incarcerated, as evidenced by your positive and  
13 rewarding relationships and your lack of rules  
14 violations.

15 **INMATE SPENCER:** Yes.

16 **DEPUTY COMMISSIONER WILLIAMS:** In the historical  
17 domain, it indicates here that in the clinical or more  
18 current dynamic domain of risk assessment, you displayed  
19 some of the predictive factors for recidivism. "She  
20 lacks insight into the symptoms and chronic nature of her  
21 mental disorder, and likely continues to have active  
22 symptoms of her mental disorder." However, it is  
23 indicated here that the HCR-20 identified some concerns  
24 for future risk of dangerousness. However, your  
25 prospective plans for parole are feasible, and you appear



1 to be employable, even though you have not proposed a  
2 specific job based upon your skills. And they speak to  
3 the distant relationship between your mom and your dad,  
4 and there's some concern about re-involvement there.

5 "Disappointment of her expectations of  
6 support from her family would be a major  
7 destabilizing stressor for Ms. Spencer.

8 Also, Ms. Spencer is quite likely to  
9 experience a great deal of stress in the  
10 community if she is released."

11 Those are things to watch out for. However, your overall  
12 score in the HCR-20 places you at a moderate risk for  
13 violent recidivism. And in the level of service/case  
14 management inventory, your score indicates that you are  
15 in the medium category for recidivism. Your overall risk  
16 assessment presents a moderate risk for violence in the  
17 free community. It states here that your,

18 "Risk of violent recidivism would like  
19 increase if she stopped taking her  
20 psychotropic medication and began to  
21 experience symptoms of mental illness.

22 Her risk of violent recidivism would also  
23 increase if she associated with antisocial  
24 peers, possessed a weapon, found herself  
25 without a permanent residence or income

1           sufficient to meet her living expenses.  
2           Ms. Spencer could decrease her risk of  
3           violence if she continued to seek  
4           treatment for mental illness, continued to  
5           abstain from drugs and alcohol, and  
6           created a relapse prevention plan that  
7           addressed both her mental illness and drug  
8           and alcohol use."

9    Okay?

10           **PRESIDING COMMISSIONER O'HARA:** Thank you.

11           **DEPUTY COMMISSIONER WILLIAMS:** It's quite  
12    lengthy. Sorry about that.

13           **PRESIDING COMMISSIONER O'HARA:** 3042 notices are  
14    sent out in preparation for this hearing. They are  
15    notices that are sent to various interested entities.  
16    One was sent to the District Attorney, County of San  
17    Diego, and we have a response and he is here, not the  
18    district attorney, but a representative, Mr. Anear, who  
19    will give a statement on the behalf of the people of San  
20    Diego County. We have a letter that was sent to the  
21    Honorable Judge McMillan, the San Diego police chief,  
22    Michael McGlynn (phonetic), and the attorney general,  
23    Jerry Brown. We have Mr. Anear for the San Diego  
24    District Attorney's Office, and we also have a letter  
25    from the City of San Diego dated May 26, 2009. It is the

1 police chief, City of San Diego. Yes, the police. And  
2 they indicate:

3 "I've reviewed the circumstances leading  
4 to the arrest and conviction of Brenda  
5 Spencer for the January 1979 murders of  
6 53-year-old Burton Wragg, W-R-A-G-G, and  
7 56-year-old Michael Suchar, S-U-C-H-A-R,  
8 and the attempted murders of eight school  
9 children and one San Diego police  
10 officer."

11 And they do run back through the offense, and ask us to  
12 consider all the victims, and they list each one with  
13 their ages at the time. That it is striking to note that  
14 the two victims were 53 and 56-year olds, those who were  
15 deceased, the officer was 28, and that all your other  
16 victims were 7, 8, 9 and 10-year-old children. And you  
17 changed the lives of a number of people. And that's from  
18 Kevin Rooney, Lieutenant, Homicide Division. And the  
19 people of San Diego from the District Attorney's Office  
20 have sent a lengthy letter, but I'll let Mr. Anear cover  
21 that ground when it comes around to him. And I have a  
22 number of support letters -- not support letters, but  
23 victim impact statements. What I'll do is I'm going to  
24 hold on to these, and I'll read them after, when we go to  
25 victim impact statements. But I kind of wanted to let

1 the hearing get warmed up and let you get a little  
2 comfortable here before I started hitting you with too  
3 many of the hard questions. And you indicated that you  
4 weren't aiming at anybody?

5 **INMATE SPENCER:** I don't believe I was aiming at  
6 anybody. I don't really remember, but --

7 **PRESIDING COMMISSIONER O'HARA:** Do you remember  
8 talking to the news reporter who called your house?

9 **INMATE SPENCER:** I don't remember talking to the  
10 news reporter.

11 **PRESIDING COMMISSIONER O'HARA:** Okay. Have you  
12 had an opportunity to read the old transcripts about all  
13 that?

14 **INMATE SPENCER:** Yes, I have.

15 **PRESIDING COMMISSIONER O'HARA:** The reporter from  
16 the San Diego Union Tribune called your home when they  
17 first got the report that shots were being fired, and  
18 then began making random phone calls around the  
19 neighborhood to get responses. You answered the  
20 telephone, you said that you were the one doing the  
21 shooting. You don't remember that?

22 **INMATE SPENCER:** I don't remember that. I only  
23 remembered speaking to the police negotiator.

24 **PRESIDING COMMISSIONER O'HARA:** Well, we'll come  
25 around on that one in a minute. But they asked you why

1 you were doing the shooting, and you indicated, "I don't  
2 know. I feel like it. I just don't like Mondays."

3 **INMATE SPENCER:** I might have said that. It  
4 would have been the drugs and the alcohol talking.

5 **PRESIDING COMMISSIONER O'HARA:** Okay. "This is  
6 the way to cheer up Monday." When they asked you, "Do  
7 you realize you've hit three or four people?" You  
8 answered, "Gee, is that all? I saw a lot of feathers  
9 flying." You don't remember that?

10 **INMATE SPENCER:** No. But it's entirely possible  
11 that I said it.

12 **PRESIDING COMMISSIONER O'HARA:** But you do  
13 remember speaking to the negotiator?

14 **INMATE SPENCER:** Yes.

15 **PRESIDING COMMISSIONER O'HARA:** Some of the  
16 things that were said to the negotiator:

17 "She advised me that there was no reason  
18 for it, and that it was just a spur of the  
19 moment thing, and that she thought it was  
20 a lot of fun seeing people being shot en  
21 route (meaning the children at school),  
22 and then one child will move around and  
23 stand around, the shot child, so she could  
24 shoot at the others. Her statement was in  
25 essence, 'It looked like a herd of cows

1 standing around,' the one that she had  
2 shot, or that was shot and killed. 'It  
3 was really easy pickings,' she stated, and  
4 that, 'It was fun to watch the children  
5 that had red and blue ski jackets on, as  
6 they made perfect targets.' She said, 'It  
7 was just like shooting ducks in the pond.  
8 It was so easy.' She stated she, 'Liked  
9 to watch them squirm around after they had  
10 been shot.'"

11 **INMATE SPENCER:** It's entirely possible I said  
12 that.

13 **PRESIDING COMMISSIONER O'HARA:** Well, and I tried  
14 to get a little bit into what was going on in your mind  
15 at the time. You were depressed and you wanted to be  
16 killed.

17 **INMATE SPENCER:** Um-hmm.

18 **PRESIDING COMMISSIONER O'HARA:** And okay, a lot  
19 of people go through depression and they get to that  
20 point. We'd hope that you would seek alternatives, but  
21 even in that state most people will not go out of their  
22 way to harm others.

23 **INMATE SPENCER:** Right.

24 **PRESIDING COMMISSIONER O'HARA:** You still, do you  
25 have any idea why you'd go out of your way to harm so

1 many innocent people?

2 **INMATE SPENCER:** I didn't consider that other  
3 people would get hurt. I just knew the police would show  
4 up, that they would come after me, and there would be  
5 probably an altercation between us. I didn't think it  
6 all the way through, that other people would get hurt.

7 **PRESIDING COMMISSIONER O'HARA:** You know, and  
8 I've looked through all your reports, and initially you  
9 were really good with school and such.

10 **INMATE SPENCER:** Um-hmm.

11 **PRESIDING COMMISSIONER O'HARA:** And even after  
12 you had your, you went to like YA or some bit, and you  
13 went to continuation school and sort of tailing off  
14 school, no one's ever called you dumb.

15 **INMATE SPENCER:** No.

16 **PRESIDING COMMISSIONER O'HARA:** You're a pretty  
17 bright lady from what I could see, and had a lot of  
18 aptitude early on that may have been stymied a little bit  
19 by your family situation. But at no point has anybody  
20 called you dumb. I find it hard to believe someone who  
21 knew weapons, your dad took you out shooting a lot, had  
22 just given you that weapon, felt you were responsible  
23 enough to have that weapon, it was, had a scope on it,  
24 and you're saying you didn't think anyone else would get  
25 hurt.

1           **INMATE SPENCER:** I didn't think it all the way  
2 through. I just thought from point A to point B. I  
3 didn't think other people would get hurt.

4           **PRESIDING COMMISSIONER O'HARA:** Okay. That  
5 answer does leave me concerned, because --

6           **INMATE SPENCER:** Now I sit and I consider  
7 everything I do. I consider who it might hurt, and if it  
8 does hurt somebody, I won't do it.

9           **PRESIDING COMMISSIONER O'HARA:** There is a  
10 certain impulsivity in life where we sometimes do  
11 impulsive things that after which we kind of look back  
12 and wish we could have retracted that. But this went on  
13 for quite some time. You were cognizant enough to make a  
14 comment about shooting a pig when the officer had been  
15 shot. You had plenty of time to consider your actions  
16 and realize that what may have started as an impulsive  
17 act on your part, you had continued on well past however  
18 long it takes to get you over an impulse. Any idea?

19           **INMATE SPENCER:** There wasn't, it wasn't shooting  
20 the whole six hours. It was only at the very beginning.

21           **PRESIDING COMMISSIONER O'HARA:** Right. But  
22 then --

23           **INMATE SPENCER:** And then the rest, I was just, I  
24 was drinking and smoking marijuana. I just --

25           **PRESIDING COMMISSIONER O'HARA:** Several children



1 were injured by gunshot wounds. The principal of the  
2 elementary school, Burton Wragg, age 53, had gone to the  
3 aid of the students, was subsequently shot himself.  
4 Michael Suchar, age 56, school custodian, went to the aid  
5 of Mr. Wragg and was also shot.

6 **INMATE SPENCER:** Um-hmm.

7 **PRESIDING COMMISSIONER O'HARA:** You kind of see  
8 how, when you say, 'They're like a bunch of cows. They  
9 stand around the one that's been shot.'

10 **INMATE SPENCER:** Yeah.

11 **PRESIDING COMMISSIONER O'HARA:** And come to  
12 there, so then you shoot them too?

13 **INMATE SPENCER:** Um-hmm.

14 **PRESIDING COMMISSIONER O'HARA:** So the statements  
15 you're making to folks, even though you're saying you're  
16 not quite sure what you're doing, fit the scenario of  
17 what's going on in reality out there.

18 **INMATE SPENCER:** Um-hmm.

19 **PRESIDING COMMISSIONER O'HARA:** And it did take a  
20 while for the cops to get there. How long did it take  
21 for them to get there?

22 **INMATE SPENCER:** It took them about half an hour.

23 **PRESIDING COMMISSIONER O'HARA:** And so you still  
24 ready to do some shooting at that time?

25 **INMATE SPENCER:** Just with the cops.

1           **PRESIDING COMMISSIONER O'HARA:** Why just with the  
2 cops?

3           **INMATE SPENCER:** Because I wanted them to shoot  
4 me.

5           **PRESIDING COMMISSIONER O'HARA:** You didn't think  
6 they were pissed off enough already?

7           **INMATE SPENCER:** I didn't think so.

8           **PRESIDING COMMISSIONER O'HARA:** All right. You  
9 ever tell them that you were having hallucinations?

10          **INMATE SPENCER:** Yes.

11          **PRESIDING COMMISSIONER O'HARA:** Were you actually  
12 having hallucinations?

13          **INMATE SPENCER:** Yes.

14          **PRESIDING COMMISSIONER O'HARA:** What were your  
15 hallucinations?

16          **INMATE SPENCER:** I was hallucinating people  
17 running up at the house.

18          **PRESIDING COMMISSIONER O'HARA:** Was that before  
19 or after you got started?

20          **INMATE SPENCER:** Before.

21          **PRESIDING COMMISSIONER O'HARA:** So you're having  
22 hallucinations, but you decide to kill yourself.

23          **INMATE SPENCER:** Um-hmm.

24          **PRESIDING COMMISSIONER O'HARA:** You can't kill  
25 yourself, so you open up on the school yard across the

1 way.

2 **INMATE SPENCER:** Yes.

3 **PRESIDING COMMISSIONER O'HARA:** Had you had  
4 hallucinations before?

5 **INMATE SPENCER:** Yes, I had.

6 **PRESIDING COMMISSIONER O'HARA:** And had they  
7 caused you any physical harm?

8 **INMATE SPENCER:** The hallucination itself?

9 **PRESIDING COMMISSIONER O'HARA:** Um-hmm.

10 **INMATE SPENCER:** No.

11 **PRESIDING COMMISSIONER O'HARA:** So I'm trying to  
12 flesh out here, you want to commit suicide, you're having  
13 hallucinations, you recognize the cops enough because you  
14 want to apparently get them riled up enough to come kill  
15 you.

16 **INMATE SPENCER:** Um-hmm.

17 **PRESIDING COMMISSIONER O'HARA:** Once they show up  
18 on scene. And you're shooting people as they come to the  
19 aid of others. You're shooting these people as they  
20 become targets, and yet you told me that you didn't  
21 intend to hit anyone.

22 **INMATE SPENCER:** No.

23 **PRESIDING COMMISSIONER O'HARA:** Are you pretty  
24 good with a rifle?

25 **INMATE SPENCER:** I don't know. I guess.

1           **PRESIDING COMMISSIONER O'HARA:** You said you were  
2 a tomboy.

3           **INMATE SPENCER:** Um-hmm.

4           **PRESIDING COMMISSIONER O'HARA:** And that you'd go  
5 out all day with your dad and shoot pellet guns.

6           **INMATE SPENCER:** Yeah.

7           **PRESIDING COMMISSIONER O'HARA:** Right? Do all  
8 that stuff?

9           **INMATE SPENCER:** Yes.

10          **PRESIDING COMMISSIONER O'HARA:** Because it's a  
11 lot easier to miss.

12          **INMATE SPENCER:** Um-hmm.

13          **PRESIDING COMMISSIONER O'HARA:** Than it is to hit  
14 somebody. And this is all the way across the street into  
15 a schoolyard, parking area?

16          **INMATE SPENCER:** Um-hmm.

17          **PRESIDING COMMISSIONER O'HARA:** And you're saying  
18 you didn't intend to hit anybody.

19          **INMATE SPENCER:** I don't believe I did intend to  
20 hit anybody.

21          **PRESIDING COMMISSIONER O'HARA:** Okay. All right.  
22 Then Ms. Williams, do you have any questions?

23          **DEPUTY COMMISSIONER WILLIAMS:** No. Not at this  
24 time.

25          **PRESIDING COMMISSIONER O'HARA:** Sir, questions

1 from the people of San Diego?

2 **DEPUTY DISTRICT ATTORNEY ANEAR:** Thank you,  
3 Commissioner. I have no questions of this inmate.

4 **PRESIDING COMMISSIONER O'HARA:** Counsel,  
5 questions of your client?

6 **ATTORNEY MIRZAIAN:** What kind of drugs did you  
7 take as a child, and at what age did you start becoming  
8 involved in them?

9 **INMATE SPENCER:** I started smoking marijuana at  
10 ten, and then at the age of twelve I started using PCP  
11 and LSD and heroin.

12 **ATTORNEY MIRZAIAN:** And how many times did you  
13 attempt suicide, do you know?

14 **INMATE SPENCER:** My whole life, or --

15 **ATTORNEY MIRZAIAN:** When, you know, before the --

16 **INMATE SPENCER:** Just previous.

17 **ATTORNEY MIRZAIAN:** -- crime.

18 **INMATE SPENCER:** About five times previous to my  
19 committing offense.

20 **ATTORNEY MIRZAIAN:** And at any point did anyone  
21 try to step in or help you, parents or counselors, or --

22 **INMATE SPENCER:** A month before I was arrested,  
23 my counselor took me to see a psychiatrist, and that's  
24 when they recommended that I be hospitalized.

25 **ATTORNEY MIRZAIAN:** About a month before the

1 crime.

2 **INMATE SPENCER:** Yes.

3 **ATTORNEY MIRZAIAN:** Was this before your  
4 birthday, or after your birthday?

5 **INMATE SPENCER:** Before my birthday.

6 **ATTORNEY MIRZAIAN:** And what became of that?  
7 Were you treated?

8 **INMATE SPENCER:** My dad told them that nothing  
9 was wrong with me and everything was fine, and leave us  
10 alone.

11 **ATTORNEY MIRZAIAN:** And then did you ask for, did  
12 you ask your dad for a gun for your birthday?

13 **INMATE SPENCER:** No. I asked him for a radio,  
14 actually.

15 **ATTORNEY MIRZAIAN:** And so why did he buy you a  
16 gun instead of a radio, do you know?

17 **INMATE SPENCER:** I don't know why he bought me a  
18 gun.

19 **PRESIDING COMMISSIONER O'HARA:** Was this  
20 Christmas or birthday?

21 **INMATE SPENCER:** Christmas.

22 **ATTORNEY MIRZAIAN:** Oh, I'm sorry. It was  
23 Christmas. So at Christmas did they know that you were a  
24 danger?

25 **INMATE SPENCER:** Yes.

1           **ATTORNEY MIRZAIAN:** But he still bought you a  
2 gun.

3           **INMATE SPENCER:** He still bought me the gun.

4           **ATTORNEY MIRZAIAN:** And switching gears and going  
5 to present day, at this point you've mentioned that you  
6 know that you're going to have to be on your medications  
7 for the rest of your life.

8           **INMATE SPENCER:** Yes.

9           **ATTORNEY MIRZAIAN:** And so how do you feel about  
10 the medications? How have they --

11           **INMATE SPENCER:** The medication works, so I want  
12 to keep taking them.

13           **ATTORNEY MIRZAIAN:** And how do you feel when  
14 you're off the medications versus how you feel when  
15 you're on them?

16           **INMATE SPENCER:** I feel real anxious when I'm off  
17 because I don't know if I'm going to start hallucinating  
18 or what. So I just prefer to stay on them, because then  
19 I'm stable.

20           **ATTORNEY MIRZAIAN:** And when you're out on  
21 parole, if you're out on parole, and if you have a  
22 situation where you're stressed out or you're having some  
23 kind of issue, do you know now what you would do to be  
24 able to cope with that issue?

25           **INMATE SPENCER:** Yes. I would go see my

1 therapist or see a counselor or see my parole officer and  
2 talk to them and get help from them.

3 **ATTORNEY MIRZAIAN:** Thank you. That's --

4 **PRESIDING COMMISSIONER O'HARA:** Closing from the  
5 people of San Diego County.

6 **DEPUTY DISTRICT ATTORNEY ANEAR:** Thank you,  
7 Commissioner. I probably will repeat some of the things  
8 that you --

9 **PRESIDING COMMISSIONER O'HARA:** Can I turn this  
10 back on now that we've got some stronger voices in here?

11 **DEPUTY DISTRICT ATTORNEY ANEAR:** Certainly. I'd  
12 appreciate it. I'm going to probably go over some areas  
13 that you've touched. You seem to have a habit of  
14 stealing some of my thunder in these hearings. On  
15 Saturday, January 27th, Saturday, 1979, 13-year-old  
16 Roderick Fleming, we've heard about him, he was part of  
17 the vandalism group, he spent about five hours with the  
18 inmate. And she told him something big was going to  
19 happen on Monday, and it would be on TV or radio. That's  
20 reporter's transcript 9799. On Monday morning,  
21 January 29th, she asked her father if she could stay home  
22 from school because she didn't feel well, and her father  
23 left the home for work at about seven o'clock in the  
24 morning. Then the inmate proceeded to commit one of the  
25 most notorious crimes in the history of this nation. At



1 8:30 a.m., the children were lining up to enter Cleveland  
2 Elementary School, which is directly across the street  
3 from her residence. She picked up her .22-caliber  
4 semi-automatic scoped rifle and began shooting children.  
5 Principal Burton Wragg heard the shooting and ran out to  
6 get the children out of harm's way, and the inmate shot  
7 him in the chest and killed him. The head custodian,  
8 Michael Suchar, known as 'Mr. Mike' to the children, ran  
9 to Mr. Wragg's aid, and the inmate shot him in the chest  
10 and killed him. She shot eight children, and she shot a  
11 responding police officer, Robert Robb, in the neck. The  
12 round actually hit him in the, in his ballistic vest and  
13 bounced into his neck, so that was probably a center mast  
14 shot, as it was with the principal and the custodian.  
15 The eight children, Christie Buell (phonetic), age nine,  
16 Mary Clark, age eight, Monica Selbick (phonetic), age  
17 nine, Charles Miller, age nine, Greg Verner, age eight,  
18 Crystal F. Hardy, age ten, Julian Robles, age ten, and  
19 Audrey Stites, age seven. But for the heroic actions of  
20 a police officer who risked his life to drive a trash  
21 truck in front of her residence to block her field of  
22 fire, no doubt further children would have been shot. As  
23 an aside, when she was talking to the police negotiator,  
24 she complained about that act and felt that it was a  
25 violation of trust by the police, and that she wasn't

1 going to cooperate with people she didn't trust. Now,  
2 why did she do this? Well, as the Commissioner has  
3 indicated, there were a couple of reporters, because this  
4 took place over about a six-hour period, there were a  
5 couple of newspaper reporters from the San Diego Union  
6 that got the bright idea to start calling houses in the  
7 neighborhood to see if they could get quotes from people  
8 that were in the neighborhood about what was going on.  
9 And lo and behold, they called the Spencer residence and  
10 the inmate answered the phone. Gus Stevens asked her,  
11 he's one of the reporters, "Why the shooting?" And she  
12 answered, "This is a way to cheer up Monday." She also  
13 stated, "I nailed me a good pig." He asked her, "Do you  
14 realize that you hit three or four people?" She  
15 answered, "Gee, is that all? I saw a lot of feathers  
16 flying." He also recalled her saying something to the  
17 effect, "I want to shoot some more," referring to police  
18 officers. Steve Waggon (phonetic), also a reporter, also  
19 talked to her, and when he called, she asked, "Is this an  
20 interview for the paper?" He answered, "Yes," and he  
21 asked her, "Why did you do it?" She answered, "I just  
22 started shooting just for the fun of it." He said, "With  
23 what?" She answered, "A .22," and then she said, "I just  
24 wanted to." She went on, when he asked her, "When did  
25 you start shooting?" She said, "About 8:30." He asked

1 her, "Why were you shooting?" She said, "I just wanted  
2 to. I don't like Mondays. This livens up the day." He  
3 asked her, "Are you shooting at anyone in particular?"  
4 She said, "No. I kind of like the red and blue jackets."  
5 And then she said something to him about wanting to shoot  
6 a pig, and hung up the phone. The police negotiators got  
7 her on the phone, and during the course of that  
8 conversation, she stated she thought it would be a lot of  
9 fun seeing people being shot in a group, meaning the  
10 children at the school, and that one child would move  
11 around and stand around the child that was shot while she  
12 could shoot the others. Her statement was, in essence,  
13 'It looked like a herd of cows standing around one that  
14 was shot and killed. It was really easy pickings.' She  
15 stated that it was fun to watch the children that had red  
16 or blue ski jackets on, as they made perfect targets.  
17 She said it was just like shooting ducks in a pond, it  
18 was so easy. She stated that she liked to watch them  
19 squirm around after they'd been shot. At this point she  
20 mentioned the custodian who was at the school after one  
21 of the children had been shot. She said that the  
22 custodian came out and attempted to get everybody off the  
23 school grounds and out of the way, at which time she said  
24 she shot him. And she shot him because, by her own  
25 words, he was making it more difficult for her to shoot

1 the kids, because he was getting the targets out of the  
2 way. In her statement to her counselor that is part of  
3 the board report for this hearing, she states:

4 "Ms. Spencer states that she knows nothing  
5 of this crime. In fact, she states she  
6 remembers nothing from Friday afternoon,  
7 January 26th, 1979 until Wednesday  
8 morning, January 31, 1979. She stated  
9 that she, on the Friday just mentioned,  
10 she overdosed on drugs at school, got sick  
11 to her stomach, threw up and subsequently  
12 left school and went home, where she  
13 slept. She states that the next thing she  
14 knew was when she woke up in juvenile hall  
15 on Wednesday morning. She stated that she  
16 knows very little about the crime that she  
17 committed."

18 Here she has, during the course of the incident, a  
19 detailed, responsive conversation with two reporters and  
20 at least a couple of police officers, yet she claims that  
21 she doesn't remember any of this. She claims that, I  
22 believe the drugs of choice on Friday were PCP, LSD,  
23 marijuana and alcohol. She stated here today that the  
24 morning of the incident that she also took drugs. And as  
25 indicated in the psychological report, when she was

1 arrested a blood sample was taken and found negative for  
2 alcohol. A urine sample was taken and a drug screen was  
3 done, negative for drugs, including the PCP and  
4 marijuana, which tends to have a very long half life, and  
5 is detectable a long period of time after ingestion. In  
6 past hearings she's changed -- she's charged that the  
7 authorities altered the results of these tests. And  
8 today in past hearings, she's claimed that she just  
9 randomly fired a rifle without aiming. Now, this is  
10 obviously false. In another part of the business that  
11 I'm in, we refer to this as 'dedicated, direct aimed  
12 fire,' and that's what this was. The number of shots  
13 fired and the number of vital hits speaks of incredibly  
14 accurate, directed shooting, and these are moving  
15 targets. When she says that she didn't intend to have  
16 anybody hurt and wasn't trying to hit anybody, that is  
17 patently ridiculous. And the prevarications regarding  
18 what she was going through and so forth is all part of  
19 this package that we refer to as lacking insight. I  
20 believe the psychological report alludes to her gaining  
21 some insight, but here's a completely coherent individual  
22 talking to the reporters and police while the incident is  
23 taking place, and for her now to claim that she was so  
24 intoxicated she didn't know what she was doing and wasn't  
25 trying to shoot anybody on purpose and that she was

1 suffering the effects of drugs that were not detected in  
2 her system is all a lie. Referring to the packet that  
3 was presented by her defense team, and I appreciated it  
4 was faxed to me, I believe I got it yesterday and I  
5 appreciate that, I don't always have the opportunity to  
6 look at these things before I get into a hearing room,  
7 shows some true professionalism. However, there's always  
8 the however, the nature, extent and history of physical  
9 and sexual abuse has only one source, the inmate, who  
10 lies about what happened the day of the incident.  
11 Siblings, neighbors, peers, teachers, counselors, nobody  
12 corroborates this. And I've seen for the first time, and  
13 I guess it was wandering around in a 1979 report that was  
14 prepared by a defense-hired psychiatrist that alludes to  
15 the possibility of brain damage. That's just a theory.  
16 There's no neural psychological data testing, there's no  
17 CT scans, there's no MRIs, there's no proof. This is  
18 basically a bucket of 'what ifs,' and nothing else. And  
19 I find it interesting about the father being willing to  
20 support her, and that he used to take her out shooting at  
21 the (inaudible) and all that sort of thing, and now he is  
22 this brutal physical and sexual abuser. During the  
23 preparation of the 707 report, and it's found at page 5  
24 and 6, she indicated that she felt her mother and her  
25 father did not spend enough time with her, completely

1 contrary to what we're getting today. Talking about the  
2 psychological report, the psychologist and the District  
3 Attorney's Office is concerned about a number of things  
4 contained in this. One of them is, and I quote from page  
5 4:

6 "Ms. Spencer stated she is not concerned  
7 that her life crime will affect how people  
8 in the community treat her. She feels  
9 that her criminal history will not  
10 interfere with her ability to reach her  
11 goals, and that people will, 'Either help,  
12 or they won't.' This seems to be a rather  
13 naïve perspective, and a minimization of  
14 the potential stigmatization given the  
15 notoriety of her case. She does not seem  
16 to be aware that she will likely  
17 experience scrutiny from the media, as  
18 well as from the people in her community,  
19 which will likely cause a great deal of  
20 stress."

21 She has apparently no appreciation for how her criminal  
22 acts will affect the community that she wants to be a  
23 member of. Another quotation from page 5 of that same  
24 report:

25 "Ms. Spencer states her diagnosis is

1 schizoaffective disorder, but appeared to  
2 lack a full understanding of the chronic  
3 nature of the disorder. She stated to  
4 this examiner that she expected to stop  
5 taking psychotropic medications within ten  
6 years. Ms. Spencer lacks a complete  
7 understanding of how psychotic and mood  
8 symptoms related to her diagnosis could  
9 cause her to become unstable and dangerous  
10 if not properly treated."

11 She doesn't have a handle on how her mental condition is  
12 going to affect her risk to the community. And at page  
13 6, the clinician notes the conflict between her history  
14 stating that she had ingested all of these drugs, and the  
15 fact that none of the tests determined that she had any  
16 alcohol or drugs in her system. The diagnosis, as the  
17 Deputy Commissioner indicated, schizoaffective disorder,  
18 depressive type, and antisocial personality disorder,  
19 which we used to call sociopath. At page 7:

20 "According to available records, she  
21 demonstrated a failure to conform to  
22 social norms. With respect to lawful  
23 behaviors, exhibited irritable and  
24 aggressive behavior, showed reckless  
25 disregard for the safety of self and



1 others, and demonstrated a lack of  
2 remorse. It would appear that the  
3 diagnosis of antisocial personality  
4 disorder is appropriate."

5 Coming back to this lack of insight, on page 11 -- or  
6 excuse me, page 8 of 11:

7 "Ms. Spencer blames her depression and  
8 drug and alcohol use for the state of mind  
9 she was in when she committed the life  
10 crime. Many reports reference Ms. Spencer  
11 as exhibiting a lack of human emotions,  
12 callous lack of empathy towards others.  
13 Other reports indicate that Ms. Spencer  
14 was overwhelmed by depression and  
15 hopelessness, which she was too young and  
16 emotionally immature to deal with, and  
17 that prompted her to commit the crime.  
18 Whatever the cause of Ms. Spencer's  
19 emotional disregulation, it is unclear  
20 whether she has developed significant  
21 insight into how her emotions, thoughts  
22 and perceptions impacted her and brought  
23 her to the day when she committed the  
24 crime."

25 I'm a little perplexed about the finding of, on the PCL-R

1 being low to moderate range of the clinical construct of  
2 psychopathy. I would think we were in the high range,  
3 but that's just me talking. She scores, HCR-20, in the  
4 moderate category for violent recidivism. And I quote  
5 from page 10:

6 "After weighing all the data from the  
7 available records, the clinical interview  
8 and the risk assessment data, it is opined  
9 that Ms. Spencer presents a moderate risk  
10 for violence in the free community."

11 That's if she takes her medicine, if she behaves, she  
12 doesn't do alcohol, she doesn't get around drugs, she  
13 doesn't get around people who use drugs, doesn't get  
14 around weapons, and so forth. Any of those little  
15 factors kick it up, kick it up into high. And I liken,  
16 you know, now that we've got these categories, the low,  
17 moderate, high, what's moderate? It's in the middle,  
18 50/50, 50/50 chance she's going to go out and shoot up a  
19 school again.

20 **ATTORNEY RUMMEL:** I object, Your Honor. Moderate  
21 is the likelihood of recidivism for this population of  
22 offenders, which is in the 12th percent. Moderate is a  
23 12 percent risk of recidivism. He's misquoting the  
24 studies.

25 **PRESIDING COMMISSIONER O'HARA:** It is true.

1           **ATTORNEY RUMMEL:** (Inaudible) population.

2           **PRESIDING COMMISSIONER O'HARA:** The studies --

3           **DEPUTY DISTRICT ATTORNEY ANEAR:** And I believe I  
4 gave the caveat that the way I look at it.

5           **PRESIDING COMMISSIONER O'HARA:** Okay.

6           **DEPUTY DISTRICT ATTORNEY ANEAR:** All right. Now,  
7 let's talk about suicide by cop. I saw this in the past.  
8 All she would have to do is call the police and then walk  
9 out in the driveway, point the gun at the police, and get  
10 shot. She wouldn't have to shoot and kill two people,  
11 shoot a police officer and shoot eight kids. And if she  
12 wanted to commit suicide by cops, how come she holed up  
13 for six hours? The reason she holed up for six hours is  
14 one, she didn't want to get shot, and two, she was having  
15 fun watching the SWAT officers maneuver, and it's in the  
16 reports, where they were trying to crawl up and get  
17 vantage points. And again, coming back to this, 'I  
18 didn't mean to shoot anybody, I didn't mean to hurt  
19 anybody, wasn't aiming,' that is so clearly inconsistent  
20 with the evidence, it is clearly inconsistent with what  
21 she was saying. And basically, what she's telling this  
22 Board are a series of untruths designed to persuade this  
23 Board to make a very grievous error. The lack of  
24 insight, the lack of truthfulness, presents a wholly  
25 inappropriate candidate for parole, and we urge this

1 Board to deny parole, and we're recommending the maximum  
2 denial under Marsy's Law. Thank you.

3 **PRESIDING COMMISSIONER O'HARA:** Thank you, sir.  
4 Counsel?

5 **ATTORNEY MIRZAIAN:** Thank you. First, I'd like  
6 to address a few of District Attorney Aneer's concerns.  
7 First, regarding her credibility when it comes to her  
8 abusive past, it's been 30 years now, and very few people  
9 can at this point say exactly what happened within the  
10 Spencer household. Her mother was no longer living with  
11 them, her two older sibling had moved out of the house,  
12 her younger sibling had not yet been born, and obviously  
13 none of the -- excuse me -- counselors or evaluators or  
14 doctors were living in the house with them. It was just  
15 Ms. Spencer and her father. And her father to this day  
16 understandably has difficulty owning up to such atrocious  
17 and unacceptable behavior. But in the 2005 BPH  
18 investigation, Dr. Connie Axelrod said that:

19 "There are suspicions of inappropriate  
20 behavior her and her father, and there may  
21 be family secrets that others will never  
22 acknowledge or discuss. This is not  
23 uncommon in such families."

24 Secondly, regarding her -- oh, I'm sorry, there's one  
25 additional thing I'd like to discuss. On that topic of

1 the inappropriate behavior on the part of her father,  
2 this, I discussed this a bit in the submission, but  
3 Ms. Spencer's father has had a track record of showing  
4 great lack of insight and lack of judgment when it comes  
5 to certain decisions, obviously such as giving her the  
6 gun. There are others regarding his behavior with her.  
7 Additionally, when she was arrested and in juvenile hall,  
8 he met a young lady in the juvenile hall where she was  
9 being held who was younger than her, and then went on to  
10 have a sexual relationship with her and married her. And  
11 I think that's a testament to -- oh, additionally, the  
12 person bore a striking resemblance to Ms. Spencer. Her  
13 attorney at that time had received some phone calls  
14 asking if Ms. Spencer had been released, because they'd  
15 seen her father with someone who looked a lot like  
16 Ms. Spencer. So I think that this is a testament to what  
17 poor judgment this man showed, and again, speaks to the  
18 inappropriate behavior that likely occurred between  
19 Ms. Spencer and her father. So secondly, regarding the,  
20 whether or not she did or did not engage in drug and  
21 alcohol use on the day of the crime, there's been a good  
22 amount of discussion during the past board hearings as to  
23 whether or not she consumed drugs or alcohol on the day  
24 of the crime. Her own memory of that day is fragmented,  
25 but she believes that she was under the influence of

1 substances on the day of the offense. Often, the Board  
2 and the D.A. rely on a drug screening done by the San  
3 Diego Police Department, which showed no presence of  
4 drugs in Ms. Spencer's system several hours after the  
5 shooting. However, another screening done by the Center  
6 for Human Toxicology did detect the presence of alcohol  
7 and Carbamazepene, which is an anti-convulsant drug, also  
8 know as Tegretol. It's also important to note that  
9 neither of these screenings tested for LSD, because back  
10 in 1979 there was no routine procedure for testing for  
11 that substance in bodily fluids. Furthermore, the 2005  
12 BPH investigation report noted that by the time  
13 Ms. Spencer was tested, "Many hours after the shooting,  
14 certain substances may no longer have been in her  
15 system." And I do have the Center for Human Toxicology  
16 report if you need it. Now, Ms. Spencer has spent the  
17 past 30 years reflecting upon this horrific crime that  
18 she committed when she was 16 years old. In the years  
19 that led up to January 29th, 1979, there were numerous  
20 aspects of Ms. Spencer's life that contributed to the  
21 disassociated state of mind that allowed her to commit  
22 this crime. As you've heard, for years her father  
23 physically abused her, attacking her in violent rages,  
24 choking her, punching her, and he also sexually abused  
25 her, forcing her to sleep in his bed, which is something

1 that he admitted to to numerous evaluators, and  
2 sodomizing her from the age of seven until the age of  
3 sixteen. And when faced with the reality of this abuse,  
4 Ms. Spencer's mother failed to react in a way that any  
5 normal, caring mother would. Instead, she renounced all  
6 responsibility for her daughter's care, and she was  
7 unwilling to protect her from her abuser. In fact, on  
8 one occasion when Ms. Spencer was 14 years old, when her  
9 father kicked her in the head and brutally beat her, she  
10 staggered to her mother's house with a serious head  
11 injury, but her mother didn't take her to the hospital  
12 because she was afraid that she may not have the legal  
13 right to seek medical attention for her daughter. So  
14 this extreme abuse and neglect that characterized  
15 Ms. Spencer's childhood caused her to develop severe  
16 depression, suicidal tendencies, and chronic, complex  
17 post-traumatic stress disorder, as diagnosed by Dr. Nancy  
18 Caserboyd (phonetic) in her 2001 evaluation. These  
19 conditions, as well as the seizure disorder she developed  
20 as a result of her father kicking her in the head, these  
21 conditions were all left untreated. In fact, these  
22 conditions were only further exacerbated by the mind  
23 altering drugs that she began using at the age of ten in  
24 order to cope with and escape from this horrific reality  
25 of her home life. In 1992, Dr. Kleibel (phonetic), a

1 senior psychologist at CIW, noted that:

2 "This heavy use of mind altering drugs  
3 disturbed the already borderline  
4 constitution of the teenager's mind, to  
5 the extent of psychotic-like behavior.  
6 She must have been out of touch with  
7 reality quite often."

8 Now, Ms. Spencer doesn't contend that all this abuse and  
9 neglect that she endured as a child is any kind of excuse  
10 for the crime that she committed. There is no excuse for  
11 the crime that she committed, and she knows that. But  
12 she does hope to explain to the victims and to the  
13 community how it was that a 16-year-old girl could have  
14 been in such a desperate, disassociated state of mind  
15 that would allow her to commit this crime. This crime  
16 was not committed because somebody didn't like Mondays.  
17 Even Dr. Ottno Lewis (phonetic) in her 1979 evaluation of  
18 Ms. Spencer said that this explanation was, "A cocky  
19 rationalization for a piece of behavior that Ms. Spencer  
20 did not understand." This crime was the tragic  
21 culmination of years of childhood abuse and neglect, and  
22 untreated neuropsychological conditions. Although it's  
23 taken her some time to fully process and comprehend the  
24 gravity of her crime, she now deeply regrets that she  
25 caused so many people so much heartache and loss. In her



1 2005 psych evaluation, she stated that, "I feel that I  
2 put a lot of people through things that I had no right  
3 to, and if I could change it, I would. Now I see that  
4 I've destroyed lives." Over the past 30 years,  
5 Ms. Spencer has strived to overcome her traumatic  
6 childhood, to manage her neuropsychological conditions,  
7 and to better herself in every way possible. She's  
8 committed to self growth, she regularly participates in  
9 counseling groups, anger management groups, one-on-one  
10 therapy, and she's gained the skills to resolve her  
11 problems in a thoughtful, constructive,  
12 non-confrontational manner. She knows now that when she  
13 feels overwhelmed by stress or any other problem, she can  
14 ask for help and she can rationally work through her  
15 problems. While she's been here at CIW, her doctors have  
16 discovered the correct combination of antidepressants,  
17 psych medications and epilepsy medications to effectively  
18 manage and maintain her mental health. As you've heard  
19 her say today numerous times, she feels that these  
20 medications have been enormously helpful to her, and she  
21 fully expects that she will have to take them for the  
22 rest of her life. All these years of therapy and groups  
23 and effective medication management have introduced a  
24 kind of stability into her life that she never knew as a  
25 child. In her 2009 psych evaluation, the most recent

1 one, Dr. Janna Larmer said that by all accounts  
2 Ms. Spencer is an above average inmate. While here at  
3 CIW, Ms. Spencer has been involved with AA/NA, the Long  
4 Termers organization, anger management groups, Convicted  
5 Women Against Abuse, and the CIW Cat Care Program. She's  
6 developed numerous vocational skills in electronic  
7 repairs, furniture upholstery and maintenance of  
8 warehouses. And for several years now she's been working  
9 in the maintenance warehouse, and I heard her say just  
10 last month she got promoted to a lead warehouse personnel  
11 position, and she plans on using the extra money that  
12 she'll be earning as a result of this promotion and  
13 putting it towards taking additional classes at Coastline  
14 Community College. And, of course, as you mentioned,  
15 Ms. Spencer has not received a single 115 or write-up for  
16 violent or aggressive behavior in the 30 years that she's  
17 been here. Ms. Spencer has developed suitable parole  
18 plans to facilitate her transition back into society.  
19 Upon her release, she plans on living at Crossroads,  
20 where she'll receive housing, therapy, career counseling,  
21 and transitional programming on life skills and healthy  
22 living. Ms. Spencer is confident that with the  
23 Crossroads job placement assistance program and her many  
24 marketable skills, she'll be able to find suitable  
25 employment upon her release. She understands that upon

1 her release she's going to be faced with all kinds of  
2 significant resistance from the community, and judgment  
3 from society as a whole. She doesn't expect hers to be  
4 an easy transition back into society, but she's confident  
5 that now she has the skills and abilities and resources  
6 to overcome any hardships that she may face. Over the  
7 course of the past 30 years, Ms. Spencer has strived to  
8 better herself in the hopes that one day she may have the  
9 opportunity to give back to the community from which she  
10 stole so much. The crime that she committed was  
11 certainly monstrous, it was, but that doesn't  
12 automatically make her a monster. Today she is  
13 fundamentally different from the frightened and damaged  
14 and delusional child that she was 30 years ago. She may  
15 not be the most eloquent or talkative person that's come  
16 before you certainly, but she does understand and fully  
17 comprehend the gravity of her past actions, and her  
18 remorse is sincere. She's benefited immensely from her  
19 time here at CIW, and she's committed to rehabilitation  
20 through therapy and through her medications. Over the  
21 past three decades she's developed into a well-liked,  
22 well adjusted woman who no longer poses any unreasonable  
23 risk to society, and accordingly, today she respectfully  
24 asks you to find her suitable for parole. Thank you.

25 **PRESIDING COMMISSIONER O'HARA:** Thank you,

1 Counsel. Ms. Spencer, this is your opportunity to tell  
2 the Panel anything that you feel is important that we  
3 need to know so that we can make our decision today.

4 **INMATE SPENCER:** Well, first I'd like to clarify  
5 that I didn't tell Roderick Fleming the weekend prior  
6 that I was going to do something big and it would be on  
7 the news. He was the kind that liked to get attention  
8 and liked to be big man on the campus, so I think that's  
9 why he said that. I do feel remorse about how I  
10 destroyed these peoples' lives, and there's nothing I can  
11 do that will ever make up for it. I know that. I just  
12 try all the therapies I can to try to correct the  
13 problems. I just continue to do everything I possibly  
14 can to make sure nothing like this will ever happen  
15 again, and I won't stop, I'll just keep going.

16 **PRESIDING COMMISSIONER O'HARA:** Anything else?

17 **INMATE SPENCER:** No. I think that's it.

18 **PRESIDING COMMISSIONER O'HARA:** All right. Let's  
19 take a moment and talk about the victims' impact  
20 statements, but before we do so, you found some chronos?

21 **DEPUTY COMMISSIONER WILLIAMS:** Yes, I did. I  
22 really had to search, but I did find, they were, there's  
23 one from July 8, 1987, and they're all related to being  
24 absent at work.

25 **INMATE SPENCER:** Yes.

1           **DEPUTY COMMISSIONER WILLIAMS:** Uh-huh. There's  
2 one from July 8, 1987, one from December 22, 1987,  
3 July 6, 1989, February 2, 1990. The one, you got one  
4 erroneously in '92.

5           **INMATE SPENCER:** Right.

6           **DEPUTY COMMISSIONER WILLIAMS:** So they kicked  
7 that one out. And one in November of 1993, one April 18,  
8 1994, and one on May 9, 1996, and each of them are for  
9 failure to report to work and not having a valid reason.

10          **PRESIDING COMMISSIONER O'HARA:** Counsel, I'll  
11 give you an opportunity to mention or speak about those.  
12 They're just counseling chronos.

13          **ATTORNEY MIRZAIAN:** Oh, I'd just like to  
14 emphasize that again, none of them are for any violent or  
15 aggressive behavior.

16          **PRESIDING COMMISSIONER O'HARA:** All right.

17          **ATTORNEY RUMMEL:** May I make one quick point? I  
18 know it's a little out of what --

19          **PRESIDING COMMISSIONER O'HARA:** You're actually  
20 supposed to make them -- one of you, only one is supposed  
21 to talk, but go ahead.

22          **ATTORNEY RUMMEL:** Thank you. I just want to talk  
23 about this crime in Ms. Spencer. We all know what  
24 happened 30 years ago, and the D.A. certainly spent a  
25 long time going over the details of the offense. No one

1 here, including Ms. Spencer, disputes the horror of it.  
2 I think -- and it's easy to point to all the horrific,  
3 horrific details of the crime and the things that she  
4 said to reporters and negotiators during the crime. But  
5 I think the harder task and the responsibility of this  
6 Board is to try to understand the crime, and how a  
7 16-year-old girl finds herself in a situation where she's  
8 able to do something like this. And the one thing that  
9 was noticeably absent from the district attorney's  
10 description of the factors that led to the crime -- he  
11 spent a lot of time talking about what drugs or what  
12 alcohol she had, and what statements she said and whether  
13 she was aiming. But the one thing conspicuously absent  
14 from his closing is her mental illness, and how these  
15 other factors are not an excuse for the crime, the abuse  
16 and the drug use are not excuses for the crime, but  
17 contributed to the mental breakdown that caused it. The  
18 experts agree that she was in a disassociative state, in  
19 a psychotic state. So whether or not -- you know, and  
20 that explains, and there's, where there's not a lot of  
21 agreement among the experts, among the many psychiatric  
22 evaluations, the point that does, that they do tend to  
23 agree on is that this was some sort of disassociative  
24 psychotic episode, and then it makes sense that she can't  
25 remember what she did. And I think if you don't

1 understand that or acknowledge that, you can't ever  
2 really understand this crime or why, how these factors  
3 contributed to bring a 16-year-old to the point where she  
4 could commit this crime. Thank you.

5 **PRESIDING COMMISSIONER O'HARA:** Thank you,  
6 Counsel. All right. I'm going to take a moment to talk  
7 about victim impact statements, and I do have one that  
8 was submitted, resubmitted by the District Attorney's  
9 Office. It was attached to their letter, and it is a  
10 recordation of a December 30th, 1997 statement.

11 "I am Kathy Wragg, W-R-A-G-G, and I think  
12 Brenda Spencer should not be paroled.  
13 Almost 19 years ago Brenda Spencer took my  
14 life partner, Burt Wragg, and smashed our  
15 dreams to smithereens. We celebrated our  
16 25th anniversary on a cruise only months  
17 before. Three fatherless children were  
18 numbed. Today there are six grandchildren  
19 asking what happened to their grandfather  
20 and why. Back on January 29, 1979, Brenda  
21 reasoned, 'Mondays are blue.' My stomach  
22 churns every time I think about this  
23 reason. I feel empty, as if only a shell  
24 remains around me. Her lethal crime not  
25 only took away my loved one, but someone

1           else's, Burt's custodian. In addition,  
2           Brenda maimed eight elementary school  
3           children and an officer to get her kicks.  
4           This senseless killing of two people also  
5           affected hundreds of friends and others  
6           whose gift cards and notes I still have.  
7           Burt's mother never did get over her son's  
8           premature death. Our community suffered a  
9           loss as well because of my husband's  
10          dedication as a principal to education,  
11          students and teachers. What a waste of  
12          mankind, because Burt had so much to give  
13          and enjoy. To this day tears still flow  
14          between family friends, and some I don't  
15          even know. All recall January 29, 1979,  
16          as a sniper attacked Cleveland Elementary  
17          School. We were so impacted by this  
18          heinous crime by an irresponsible,  
19          self-absorbed, bored and uncaring thrill  
20          seeker who dared to kill, and did. This  
21          is why I believe Brenda Spencer should be  
22          incarcerated for life for the pain and  
23          suffering we have all endured, which will  
24          continue for the rest of our lives. You  
25          know, incarceration even seems too



1           lenient. Thank you for listening."

2       And it had been transcribed at that particular hearing.

3       I do have a victim's next of kin letter that was sent in  
4       in preparation for this hearing, and I am going to

5       Olsenize it because it is under the confidential, but I  
6       really can't do that based on the first sentence, right

7       out of the gate. All right. They put it in

8       confidential, so I'm going to, we're going to have to do  
9       a confidential file on that one, or a confidential tape.

10      I've got impact statements from -- yes, I have one, and  
11      it does seem to be a bit aged, but -- this is in 1998.

12      John and Opal Suchar, brother and sister-in-law of  
13      Michael Suchar, shooting victim of Brenda Spencer.

14           "Michael was a good son. He visited his  
15           mother often. She passed away

16           December 18, 1979. He visited us very  
17           often too. He was a joy to have around.

18           He liked to cook out, and we never did, so  
19           when he came he would cook out for us, and

20           we would go antiquing and visiting

21           relatives, and go to the childrens' home

22           games. He was fun. Brenda took that away

23           from us forever. We do not wish for her

24           to have parole."

25      This is Wilfred Suchar.

1           "My wife heard on the radio of a shooting  
2           involving the custodian, the principal and  
3           some children at Cleveland Elementary  
4           School. Soon after, she got a call saying  
5           Michael was at Alvarado Hospital. She  
6           called me at work. I came home, and we  
7           went to tell my mother, Valentina. We  
8           found her singing as she gardened in the  
9           back yard. We were all very shocked and  
10          upset on the way to the hospital, because  
11          no one would tell us Michael's condition.  
12          When we arrived, we found him not in the  
13          hospital room, but down in the basement  
14          dead. He had died trying to help the  
15          children and principal Wragg, killed by  
16          Ms. Spencer trying to liven up her Monday.  
17          He was 56. His wife Valentina never fully  
18          recovered. She was lonely and scared, and  
19          became more and more depressed. There  
20          didn't seem much I or the rest of the  
21          family could do to help her. Michael had  
22          gotten out alive from some rough times in  
23          the Pacific during World War II. He was  
24          then a part of the allied occupying forces  
25          in Northern Germany. Here he met his

1           wife-to-be, Valentina. She, because of  
2           the language and cultural differences in  
3           the United States, always counted on him  
4           to manage their affairs. Suddenly he was  
5           gone. I think her premature death in 1991  
6           was at least partly the result of this  
7           traumatic experience. Both my father and  
8           mother are dead, therefore, I will say for  
9           both of them and for the remaining family  
10          members that the parole of Ms. Spencer  
11          would endanger society. My question is,  
12          will there be another boring Monday for  
13          her?"

14        Okay. This is Andrew and Mary Suchar, and:

15                "We are Andrew and Mary Suchar, brother  
16                and sister-in-law of Michael Suchar,  
17                shooting victim of Brenda Spencer.  
18                Michael was a husband, a father, a son, a  
19                brother and a friend to many. Devotedly  
20                served his country for 21 years in the  
21                Navy, surviving two naval ship sinkings.  
22                It is ironic that his life should end so  
23                senselessly, but honorably, coming to the  
24                aid of his fellow man. I, Mary Suchar,  
25                developed a close relationship with

1           Valentina Suchar, the widow of Michael,  
2           after his death. I saw firsthand the  
3           tragic effect that the shooting had on her  
4           life. Though she lived until 1991, her  
5           life actually ended in January 1979. The  
6           victims are not only those killed, but  
7           those survivors who live the tragedy the  
8           rest of their lives. I do not feel Brenda  
9           Spencer should be paroled, but should  
10          spend her maximum sentence in prison  
11          because of the horrendous acts she  
12          committed."

13        And this one has name withheld by request.

14                "I am writing this letter regarding the  
15                parole of Brenda Spencer. I truly hope  
16                this Board will not consider paroling  
17                Ms. Spencer. I believe her to be the same  
18                threat to society she was over 20 years  
19                ago. My best friend is the daughter of  
20                one of Ms. Spencer's victims of her  
21                shooting spree on January 29, 1979. I  
22                have seen the pain and suffering that  
23                Ms. Spencer has inflicted on this family.  
24                At her last parole hearing, she stated, 'I  
25                live with the unbearable pain every day of

1 knowing that I am responsible for the  
2 death of two people, and caused many  
3 others physical pain and emotional pain  
4 and suffering. Believe me when I say that  
5 unbearable pain belongs to the relatives  
6 of the victims that she shot in cold  
7 blood, not the cold-blooded murderer  
8 herself. Burton Wragg and Mike Suchar  
9 gave their lives trying to save the  
10 children that Ms. Spencer was trying to  
11 kill. These two men behaved heroically,  
12 and had their lives cut short by  
13 Ms. Spencer's premeditated shooting at the  
14 Cleveland Elementary School. She has  
15 continued to show no remorse or taken  
16 responsibility for the murder she  
17 committed. Please do not parole  
18 Ms. Spencer. She should serve out her  
19 sentence to the fullest, life in prison.  
20 I also urge this committee to issue a  
21 maximum denial of Ms. Spencer. Thank you  
22 for your time."

23 And I have another -- oh, this is from Steve Wragg, son  
24 of the deceased, Burton Arthur Wragg.

25 "Burton Arthur Wragg was a devoted father

1 and an educator in the San Diego area,  
2 where he was shot to death by a bullet  
3 from Brenda Spencer's .22-caliber gun. I  
4 would like to take this opportunity to  
5 convey my thoughts to your Board regarding  
6 the parole hearing for Ms. Brenda Spencer.  
7 I believe Ms. Brenda Spencer should not be  
8 released on parole, and furthermore, be  
9 given the maximum parole denial term of  
10 five years. In this impact statement, I  
11 would like to explain to your Board how  
12 the irresponsible actions of one person  
13 could affect so many people for so long.  
14 The actions of Brenda Spencer on  
15 January 29, 1979 have impacted not only my  
16 life, but my family's life, as well as our  
17 entire community. On that day in January,  
18 she took so much away without ever  
19 realizing the serious nature or impact of  
20 her actions. My father was a good man and  
21 an important person in the community.  
22 Being an elementary school principal at  
23 Cleveland Elementary, my father was  
24 responsible for the mental and physical  
25 well being of several hundred school age

1 children. This task was something he did  
2 not take lightly. He understood the  
3 importance of education, how education  
4 taught responsibility and accountability.  
5 My father gave his life to protect those  
6 innocent children. Whereas he was not  
7 forced to protect the children from a  
8 sniper on that day, it is what he believed  
9 in his heart to be the right thing to do.  
10 Responsibility was something my father  
11 always tried to instill at home, in his  
12 children, at work. I guess what bothers  
13 me the most is that Brenda Spencer since  
14 committing these crimes had never shown  
15 remorse for her actions, never admitted  
16 doing anything wrong, and lastly, has  
17 never been accountable for her actions.  
18 The lack of such recognition shows me that  
19 Brenda Spencer is not ready for today's  
20 society. Finally, I urge your Board to  
21 take the necessary actions to deny any and  
22 all requests for Brenda Spencer's parole."

23 Then we have -- okay. There are other letters that have  
24 been -- did I get this one already? No, I did.

25 **DEPUTY COMMISSIONER WILLIAMS:** Yes.

1           **PRESIDING COMMISSIONER O'HARA:** Yes. I have  
2 another letter from Tom Wragg, son of Burton Wragg.  
3           "This is the hardest letter I've ever had  
4 to write. My feelings are very strong.  
5 Still, at the risk of not having my  
6 feelings and thoughts heard, I realize I  
7 must speak out. Make no mistake, my  
8 inability or others' inability to speak  
9 out does not mean that all is forgiven.  
10 Quite the contrary, there's seldom a day  
11 that goes by that I don't think of my dad,  
12 and consequently, his death. You see, my  
13 dad was a very special man, and not just  
14 because he was my dad. He had a way about  
15 him that I still am at a loss to describe.  
16 My wife believes that she senses this  
17 through watching me. The reality is that  
18 any perception she had of my dad is a  
19 woefully small glimpse of what Burton  
20 Wragg really was. My wife will never know  
21 my dad. My kids ask about their grandpa,  
22 and want to know where he is and why he is  
23 dead, and why they can't see him. Most  
24 kids take their grandparents for granted.  
25 Mine will never know their daddy's dad,



1           their grandpa Wragg. But nobody knows the  
2           true loss, nobody but me. I still can't  
3           put my feelings to stark, concrete words  
4           for everyone to know just who my dad was  
5           and what they have missed. My dad was  
6           firm but fair, demanding responsibility  
7           for actions always. It is so ironic that  
8           in his death that this value of  
9           responsibility is so trampled. He acted  
10          on the sense of responsibility that day.  
11          He died by trying to save the lives of  
12          innocent students being shot while getting  
13          them out of the line of fire into safety.  
14          My dad and Mike Suchar were the only two  
15          to die that day. The kids that they were  
16          trying to save all lived. Some of them  
17          were seriously injured, but all survived.  
18          I hope that somehow my dad and Mike know  
19          this. I know that it is important to  
20          them. They paid the ultimate price. The  
21          kids, I imagine, have all grown up now and  
22          gotten on with their lives. Hopefully,  
23          their physical and emotional scars are  
24          healed, and are not noticeable to  
25          themselves or to the public. That is the

1 way it should be. But what of society's  
2 responsibility, and what of Brenda  
3 Spencer's responsibility? I think I know  
4 what my dad would say or think. I think  
5 that a life sentence should have been a  
6 minimum. She should have gotten the death  
7 penalty. That was the only way for  
8 society to have her take responsibility  
9 for murdering two people and seriously  
10 injuring all those kids. Brenda Spencer  
11 deserves no parole, period. My whole  
12 family could not bear to see Brenda  
13 Spencer released from jail and have the  
14 ability to hurt or kill someone else in  
15 the future. She shot at children, and we  
16 need to protect our children. Everyone in  
17 our family has handled my dad's death  
18 differently. For me, I can't remember the  
19 specific date he died. I do remember  
20 everything about my dad, I just find it  
21 very hard to convey this to my kids, my  
22 wife, and others. The memories are all  
23 that I have. How I wish that everyone  
24 could have met my dad."

25 That's from Tom Wragg. I have another:

1 "To Whom it May Concern, to be read aloud.  
2 I am my father's daughter, Burton Wragg's  
3 girl. People have told me that I look  
4 like him, act like him, that my children  
5 are the spitting image of him. When the  
6 kids hear this, they can't possibly relate  
7 to such statements, because they have  
8 never met their grandfather, and they know  
9 that they never will, because I've told  
10 them over and over again that he is dead,  
11 that he was murdered my Brenda Spencer.  
12 My kids are among the very few of their  
13 peers who understand when they hold their  
14 mother, and why. We hold each other at  
15 these times and cry, because we only have  
16 pictures and newspaper articles to augment  
17 the otherwise happy memories. I wish that  
18 my kids never had to consider these  
19 things, that I could somehow change our  
20 reality. Our close family friends, the  
21 old timers especially, get teary when they  
22 speak of my dad. He's etched in their  
23 memories. He's etched everywhere as far  
24 as I can see. Thirty or forty of us  
25 scattered his ashes in the desert, the

1 place he loved the most. The small  
2 ceremony solidified my understanding of  
3 love and eternity, and of our ties to one  
4 another as human beings. Yet, while it  
5 was all happening, so beautiful, so  
6 serene, I couldn't get over the perverse  
7 violence associated with my dad's passing.  
8 I still can't. I have yet to find a way  
9 to justify my dad's death. So that brings  
10 me to the subject of want-to-be parolee  
11 Brenda Spencer. I can't imagine how any  
12 person could so remorselessly deny  
13 responsibility for her actions. Is she  
14 proud of the impact she's made upon the  
15 lives of so many people? Children were  
16 wounded. Those who were lucky enough not  
17 to be hit by one of Spencer's bullets,  
18 carrying with them for the rest of their  
19 lives the terrifying images of the carnage  
20 that day, the mutilated bodies of their  
21 schoolmates, their principal and the  
22 janitor denying helplessly in the school  
23 hallway. The coroner informed our family  
24 that a .22 bullet had ricocheted through  
25 my dad's upper torso, rendering his lungs

1           and heart dysfunctional. My dad bled to  
2           death internally. The coroner said that  
3           other than that, he was a healthy man.  
4           Dad was cremated as per his wishes. A day  
5           or two after the shooting, I went to  
6           Cleveland Elementary to collect my dad's  
7           personal belongings. The blood hadn't  
8           been scrubbed from where he had fallen on  
9           the concrete. I walked around this place,  
10          not stepping on the splotches and the  
11          puddles, and didn't want to be hugged by  
12          anyone. Nothing can console me ever.  
13          It's been more than difficult for me ever  
14          since then. The things that I have had to  
15          tell my children to explain to them how  
16          their grandfather died are far beyond  
17          fairy tale status and media hype. It's  
18          the truth how a person can be attending  
19          school and be gunned down. It happened in  
20          Los Angeles, it happened here first. This  
21          defies all reason. Keep this Brenda  
22          Spencer abomination locked up. Please  
23          deny her any chance at parole. Do not let  
24          her procreate. I love my kids, I love  
25          yours too."

1            "My name is Crystal Hardy. I was ten  
2            years old when I was shot by Brenda  
3            Spencer. Although it was 19 years ago,  
4            what happened that day left a permanent  
5            scar that will never go away. I have the  
6            visual scar on my wrists, but the deeper  
7            scar lies within. The memory of that day  
8            will never go away. I can remember very  
9            clearly my mom dropped me off at school  
10           that cold Monday morning, and usually she  
11           dropped my brother off first, but I had  
12           saw some friends so I wanted to get out of  
13           the car and catch up with them. As I  
14           walked up the main sidewalk entrance to  
15           the school I heard shots, but I thought  
16           boys near me just had firecrackers or  
17           something. I walked up further and saw  
18           Mr. Wragg and the custodian dead in the  
19           bushes. At that moment, Mr. Barnes yelled  
20           for me to duck, but I wasn't able to run  
21           from the bullet Brenda had for me. I then  
22           walked into the nurse's office, and they  
23           gave me paper towels to clutch my wrists  
24           so I wouldn't bleed to death. I laid  
25           there in the nurse's office as bullets

1 crashed through the window, and Mr. Barnes  
2 kept yelling for everyone to stay down. I  
3 was greatly comforted when the policeman  
4 arrived to carry me away. I can still  
5 remember the pool of blood on the nurse's  
6 office bed, and the terror didn't end  
7 there. Later, of course, I had  
8 nightmares, and to this day sometimes I  
9 fear that someone is pointing a gun at me  
10 when I'm driving or walking in open  
11 places. And recently, my boyfriend wanted  
12 me to go to a shooting range with him  
13 because it's a sport he enjoys, and  
14 although I was hesitant, I thought, 'Well,  
15 it's been a long time, I'll probably be  
16 okay.' And I sat there as he shot the  
17 silhouette, but he had to stop because I  
18 started frantically crying. It was  
19 completely uncontrollable. I had to leave  
20 because the pain is obviously very  
21 deep-rooted. But what gives me peace  
22 today is the same thing that gave me peace  
23 that horrible day, it's the law. I have  
24 faith that the system that put her behind  
25 bars is the same system that will keep her

1           there. I know that the system who found  
2           her unfit to live in society 19 years ago  
3           will not forget their promise to keep her  
4           behind bars. When I think about how small  
5           and defenseless and young I was at the  
6           time, and how all children are helpless  
7           and defenseless, it sickens me to think  
8           that someone like Brenda Spencer would  
9           ever walk the streets again. Regardless  
10          of her childhood, the drugs she used,  
11          regardless of how much she didn't like  
12          Mondays, there is no excuse for shooting  
13          small children, police officers, and  
14          killing (inaudible) men who wouldn't have  
15          the chance to see their children and  
16          grandchildren grown because Brenda Spencer  
17          decided to take their lives. Regardless  
18          of how she behaves in prison, I hope that  
19          she never receives parole, not only for my  
20          own safety, but because people that don't  
21          know her don't know the crimes she's  
22          capable of committing. For her to be  
23          released in her 30's or 40's or even 50's  
24          would give her way too much life. She  
25          should feel fortunate that she's even



1           alive. But there isn't a prison sentence  
2           she could serve that could take away how  
3           she affected so many lives and ended the  
4           lives of some. I strongly urge you to  
5           keep Brenda Spencer in prison."

6    And that's all. Merlin Semenza, S-E-M-E-N-Z-A:

7           "Burton Wragg was my friend, and I have  
8           missed him greatly. We traveled, camped  
9           and fished together. We built a boat  
10          together. Burt was a teacher, spending a  
11          good deal of life's energy making it  
12          possible for children to become the best  
13          that they could. His life was cut short,  
14          and many people, including his future  
15          students, suffered from the loss. Burton  
16          no longer walks the streets, and the  
17          person that ended his life, Brenda  
18          Spencer, should not either."

19    And this is, does not have a signature nor name.

20          "I would like to speak against the parole  
21          of Brenda Spencer. As a family friend of  
22          one of the murder victims, Burton Wragg, I  
23          saw the effects of the loss in his wife  
24          and three young children. Theirs was a  
25          close family who did everything together.

1           They especially enjoyed camping on  
2           weekends, and trailer traveling during  
3           school and summer vacations. Burt was the  
4           enthusiastic leader of these activities,  
5           and an important part of their lives,  
6           which ceased after his death. We were  
7           partners with them in a number of these  
8           trips. My family are victims of Brenda  
9           Spencer also, in that a very wonderful  
10          association with Burt's family came to an  
11          end because of his murder. I know that  
12          members of the Wragg Camping Club felt the  
13          loss also. This kind of activity is very  
14          important to the lives of children and  
15          their families. To this day, we speak  
16          about Burt and the wonderful times our  
17          families had together. Brenda Spencer  
18          also shot and killed a second man, wounded  
19          several schoolchildren, and terrorized the  
20          neighborhood and community. One has to  
21          realize the devastation this caused. The  
22          people of San Diego County and the whole  
23          country were horrified that such a  
24          senseless, useless, cold-blooded crime  
25          could be committed so casually by a young

1 woman who has shown no remorse for the  
2 devastation she has caused. Brenda  
3 Spencer should not be paroled. No  
4 community would be safe with her in the  
5 midst."

6 And of course the last one is real small type. It says  
7 Mary -- I'm sorry, Francis Stites, S-T-I-T-E-S.

8 "I wish to offer the following statement  
9 in the matter of the Brenda Spencer  
10 incident, involving the shooting at  
11 Cleveland Elementary School in 1979. The  
12 events of that morning were seared in the  
13 memory of my wife and me. The noise of  
14 the helicopters over the neighborhood, the  
15 phone call from the neighbor who said  
16 there had been a shooting at Cleveland,  
17 the frustration of not being able to get  
18 near the school because the incident was  
19 still going on, the terror in my wife's  
20 eyes, her screams of anguish at not  
21 knowing whether our girls were involved,  
22 the phone call from the hospital telling  
23 us that one of them had been wounded,  
24 looking at the bullet hole in her right  
25 elbow and the bullet burns on the inside

1 of each thigh where a bullet had passed  
2 between her legs right at the crotch, and  
3 then all the grisly details of the hours  
4 and weeks that followed. We learned not  
5 only of the deaths of principal Burton  
6 Wragg and the maintenance man who was  
7 trying to help him, but we also learned  
8 that both men had been shot and died right  
9 before my daughters' eyes. They still  
10 speak of hearing the gurgle in Mr. Wragg  
11 as he lay there dying. We discovered that  
12 although only our younger daughter Audrey  
13 was physically wounded, bullets had passed  
14 through the coat pockets of my older  
15 daughter, Madeline. Indeed, one bullet  
16 was stopped by Madeline's loose leaf  
17 notebook that contained a pouch of pens  
18 and pencils. My two girls were walking up  
19 the walk side-by-side to the school  
20 entrance when Brenda Spencer began firing.  
21 Of course, they had never before been shot  
22 at nor heard gunfire, and so did not know  
23 what was happening. Audrey, wounded and  
24 bleeding, went crying into her schoolroom,  
25 still not knowing what had been happening.

1           That one person could inflict such pain  
2           and mortal terror on a tranquil, middle  
3           class neighborhood still troubles me. The  
4           events stand as a crossroads in my life.  
5           If such evil can occur in such a benign  
6           and tranquil setting, then it can happen  
7           anywhere and probably will, is the  
8           attitude I will have ever since. Brenda  
9           Spencer robbed my wife and me of any  
10          remnant of illusion that we could protect  
11          our daughters from harm. I'm convinced  
12          that Brenda Spencer got off light for the  
13          injuries she inflicted, and releasing her  
14          on parole would only aggravate the angry  
15          scar that this incident remains in the  
16          lives of my wife and me. She ought to  
17          spend the rest of her life behind bars.  
18          That is certainly a better deal than she  
19          gave to the two men whom she murdered and  
20          the children she assaulted, including  
21          those who are not wounded."

22         And I think we've got, I think we've covered them. Is  
23         there any that you recognize or that I haven't covered at  
24         this point, sir?

25                 **DEPUTY DISTRICT ATTORNEY ANEAR:** No, sir.

1           **PRESIDING COMMISSIONER O'HARA:** All right. Then  
2 we'll come around. Mr. Miller.

3           **MR. MILLER:** Thank you.

4           **PRESIDING COMMISSIONER O'HARA:** This is your  
5 opportunity to make a statement. If you'd introduce  
6 yourself back on the record, and then take your time and  
7 say whatever you please.

8           **MR. MILLER:** My name is Cam Miller, and --  
9 M-I-L-L-E-R, and I was nine years old when I was shot.  
10 On Monday, January 29, 1979, my mother dropped me off for  
11 school directly across from Brenda Spencer's house. As I  
12 walked up the sidewalk, not the parking lot, to go to  
13 school, I saw the principal and custodian laying in the  
14 bushes, then I suddenly blacked out. My left arm and  
15 shoulder went numb, and my entire body trembled. I  
16 reached out and grabbed the shoulder of my neighbor, who  
17 was walking directly in front of me. She led me around  
18 to the back of the school office, where I saw a teacher.  
19 I told my teacher, 'I think I've been shot.' My teacher  
20 opened my blue vest that I was wearing, and saw all the  
21 blood all over my clothes. As you can imagine, I was  
22 terrified. At first I thought this was a terrible  
23 nightmare, until reality set in. I could hear the sounds  
24 of the fire alarm and sirens in the distance. All of a  
25 sudden I realized that I had been shot. Once help

1 arrived, emergency crews had to determine how to get the  
2 -- how to rescue those who needed immediate medical  
3 attention. Brenda Spencer was directly across the  
4 street, with a clear shot of anyone crossing the short  
5 distance to get to the ambulance. After lying on the  
6 floor in the auditorium for quite some time, bleeding and  
7 not knowing how critical my injuries were, I was finally  
8 taken to the hospital. I was very fortunate. The  
9 doctors said the bullet went directly through me, with  
10 the bullet exiting the front of my chest. I did not need  
11 surgery. After being released from the hospital, I had  
12 to stay at home while my friends were outside playing.  
13 At nine years old, that's pretty tough to do. When I  
14 returned to school, I did so with great fear. I could no  
15 longer walk up the same sidewalk where this tragic  
16 nightmare began, or even go to school without being  
17 afraid of what could happen. When it was time for me to  
18 go to sleep at night, I continually had recurring  
19 nightmares of this entire tragedy. I would have to call  
20 to my mother two or three times each night to walk me  
21 around the inside of my house, just so I knew that Brenda  
22 Spencer was not inside my house. When it came time for  
23 Brenda Spencer's trial, I had to grow up fast and face  
24 this cold, ruthless murderer who attempted to take my  
25 life. When it was time for me to testify, I walked into

1 court and saw this monster glaring at me. The look that  
2 Brenda Spencer gave me was enough to scare any young  
3 child to death. After the court proceeding ended, I  
4 thought this might get better. The memory of being shot  
5 approximately one inch from my heart and almost killed is  
6 deeply engraved in my mind. Every day when I wake up, I  
7 look in the mirror, I see a scar on my body that reminds  
8 me of this nightmare, and how fortunate I am to have  
9 survived this brutal attack. When I heard that Brenda  
10 Spencer was up for parole again, I asked myself, 'Why  
11 does she think she should be released?' In 1979 Brenda  
12 Spencer was 16 years old, and had very little pressure in  
13 life. She decided to pick up the gun she received as a  
14 Christmas present and start hunting humans at the  
15 elementary school directly across the street from her  
16 house. Brenda Spencer decided that she was bored and  
17 wanted to hunt for humans because she didn't like  
18 Mondays, and wanted some excitement. The lasting memory  
19 of this tragedy replays in my mind when I drop my  
20 children off at school for the day. Why should Brenda  
21 Spencer be given the opportunity to have a second chance,  
22 when the two people she brutally murdered cannot have  
23 that chance? No one forced her to commit this brutal and  
24 senseless crime. Brenda Spencer clearly has no regard  
25 for human life. She was shooting to kill any human



1 target that walked into her path. Brenda Spencer is a  
2 cold-hearted, ruthless murderer who needs to be in prison  
3 for the rest of her life for the safety of her community.  
4 I think that her statements that she's made today are  
5 very self-serving. She's obviously been coached  
6 throughout the years on how to answer certain questions,  
7 I believe, and each time her parole hearings come up she  
8 has a different excuse. The last parole I believe she  
9 recalled a little bit more than what she's recalling now  
10 about the incident. With that, I urge this Parole Board  
11 to deny Brenda Spencer's parole for as many years as  
12 possible. Thank you.

13 **PRESIDING COMMISSIONER O'HARA:** Thank you, sir.  
14 With that, we're going to recess and deliberate. We'll  
15 call you back with our decision. The time is 1500 hours.

16 **R E C E S S**

17 **--o0o--**

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## 1 CALIFORNIA BOARD OF PAROLE HEARINGS

## 2 D E C I S I O N

3 PRESIDING COMMISSIONER O'HARA: All right.

4 DEPUTY COMMISSIONER WILLIAMS: We're back on  
5 record.6 PRESIDING COMMISSIONER O'HARA: This is the  
7 decision in the matter of Brenda Spencer, W-14944.  
8 Ms. Spencer, the Panel -- actually, you know, by the end  
9 of this hearing, we had almost more questions than we  
10 came in with, but we'll talk about that as we go. The  
11 Panel reviewed all information received the public and  
12 all relevant information that was before us today in  
13 concluding that you are not suitable for parole, you  
14 would and do currently pose an unreasonable risk of  
15 danger if released from prison. The finding of  
16 unsuitability is based on the weighing the considerations  
17 provided for in the California Code of Regulations, Title  
18 15. And this is a ten-year denial. And the first  
19 consideration which weighs heavily against suitability is  
20 the commitment offense itself, and I'll just quickly put  
21 it in abbreviated form on the record as opposed to giving  
22 it my own spin, because it does, it could go on for a  
23 long time. It is a long and very brutal crime.

24 January 29, 1979 at Cleveland Elementary School in San

25 **BRENDA SPENCER W-14944 DECISION PAGE 1 8/13/09**

1 Diego, from a place of concealment in your own home  
2 across the street, you fired a .22 rifle equipped with a  
3 telescope excite at children arriving at school across  
4 the street.

5 "Eight children ranging from the age of  
6 seven to ten were wounded. The school  
7 principal, Burton A. Wragg, W-R-A-G-G, and  
8 the school custodian, Michael Suchar,  
9 S-U-C-H-A-R, were shot to death. A San  
10 Diego police officer, Robert Robb,  
11 R-O-B-B, was wounded in the neck."

12 As well as -- this crime took apparently six hours, and  
13 you were still in your house as negotiators talked with  
14 you on the phone. They talked you out of the house  
15 finally to put down your weapon on the sidewalk. You  
16 made numerous statements at the time to reporters that  
17 you were having fun, you really enjoyed yourself, and so  
18 forth. Not to delve too deeply in this crime, because it  
19 is notorious and really well known, and people have lots  
20 of records on it and so forth, but the crime is, you  
21 know, they give us a lot of key words, and this is one  
22 that really fits almost every one of those key words. It  
23 is an especially atrocious crime. It was cruel in the  
24 manner in which it was committed, where you, from

1 concealment, starting shooting at innocent seven, eight,  
2 nine, ten-year-olds, and they don't even know what's  
3 going on.

4 **INMATE SPENCER:** Yeah.

5 **PRESIDING COMMISSIONER O'HARA:** They're getting  
6 hit and still don't know what's going on, and when  
7 finally an adult realizes what's happening, they run out  
8 to try to protect these children, and they're shot in  
9 cold blood. Multiple victims were attacked and injured  
10 and killed in the same incident, and it was carried out  
11 in a dispassionate and calculated manner. You made the  
12 decision to arm yourself, sit in an area of confinement  
13 and start picking these children off, and their rescuers.  
14 And you did carry out this crime with an exceptional  
15 callous disregard for human suffering. I can only  
16 imagine the terror that these children were going  
17 through, the principal as he laid there suffocating on  
18 his own blood, basically, the parents when they're trying  
19 to find out what happened to their children, and the  
20 repercussions of this action. For six hours this went  
21 on. And the police couldn't even get close or couldn't  
22 get the injured out of the area because you continued to  
23 fire upon them, and they finally had to take the action  
24 of bringing in a trash truck and blocking your line of

1 sight. The motive for the crime is still, we're still  
2 unsure. There are questions about your psychotic state  
3 at the time, or what was going on with you. You claim  
4 that you were highly intoxicated with drugs and alcohol.  
5 There are tests that indicate no. Counsel has offered  
6 tests that indicate maybe yeah. But during this whole  
7 time you're able to move around, you're able to plan,  
8 you're able to prepare. You're able to do all these  
9 things, tell your dad you're staying home, get the gun,  
10 load it, take your position, shoot, answer the phone,  
11 talk to reporters, talk to negotiators, make your  
12 statements, and work your way through the process of that  
13 whole day. It's not a situation where, you know, you  
14 were clearly under the influence of something and weren't  
15 able to control your actions, something of that nature.  
16 And in the end, they did find you culpable, that you had  
17 some knowledge of what you were doing and some  
18 understanding. And this Panel was unable to really  
19 determine what that was. I realize you may have had a  
20 terrible childhood. That's in dispute. But I'd assume  
21 it went really wrong as a child for you to simply make  
22 that decision that day, whether you wanted to kill  
23 yourself or what it was, where you would take it out on  
24 these innocent people in such a way that you did. And  
25 **BRENDA SPENCER W-14944 DECISION PAGE 4 8/13/09**

1 this Panel, we talked about it, Ms. Williams, and I, and  
2 certainly you are a criminal for what you have done, but  
3 at the time of the crime we are unsure about your  
4 criminal mentality. It's one of those crimes where it  
5 makes absolutely no sense. There's no benefit out of it  
6 for you or for anyone. It's just random destruction and  
7 injury and killing of people for absolutely no reason  
8 that we can discern. And I really sort of, based on  
9 counsel's assertions early on that you were hesitant to  
10 speak, and tried to work you into it slowly, but in the  
11 end we really didn't learn much more about why the crime  
12 was committed than we had heard some time ago. You know,  
13 I looked at your old transcripts, and you have come a  
14 long way from sending in a statement that you were going  
15 to have press releases and doing this and that early on  
16 to where you are today. We think you are getting a bit  
17 of an understanding of just what you've done, but really  
18 this Panel struggled to understand why you've done it,  
19 and we'll talk about that a little bit more. We do note  
20 that while you had a very limited criminality, you did  
21 have a couple of run-ins with law enforcement. I guess  
22 you had been to the equivalent of CYA at one point.

23 **INMATE SPENCER:** Um-hmm.

24 **PRESIDING COMMISSIONER O'HARA:** And then you had

25 **BRENDA SPENCER W-14944 DECISION PAGE 5 8/13/09**

1 gone to continuation school, and that's where you were  
2 when this crime went down. You did have an unstable  
3 social history, and a history of unstable or tumultuous  
4 relationships with others, exemplified by your parents.  
5 And whether that was the sexual abuse or not, it, I'm  
6 assuming, I would have to go with the side that, to  
7 believe you on that, but even with the discussions your  
8 father and your mother had with the probation officers,  
9 it certainly would indicate that there were, they had  
10 some real interesting personalities and dynamics going on  
11 at the time. That your childhood was not a particularly  
12 good childhood as far as we can tell. Clearly something  
13 was missing that would cause you at 16 to do what you  
14 did. We do note that you had been arrested as a child,  
15 or as a juvenile, and you've been to a, similar to CYA.  
16 You had a drug and alcohol use or addiction, you had gone  
17 to continuation school, but those things are in the past.  
18 I mean, the crime is a horrific crime, there's no  
19 question about it, but what's bothering this Panel  
20 significantly is that you have a lengthy history of  
21 serious mental problems related to the offense. At the  
22 time of the offense, right afterwards you're saying, 'I  
23 don't remember,' and then you're talking about all these  
24 hallucinations, allegedly where there are commandos

1 coming up, and you even told me, we talked a little bit  
2 about it today, that before you started shooting you  
3 started seeing things. And you are on medication now,  
4 but it seems to have resolved a lot of those issues. You  
5 minimize your conduct when you say you weren't shooting  
6 at them. You were a very good marksman that day, and for  
7 you to indicate you weren't shooting at anybody, you need  
8 to really step back and read the transcripts and see how  
9 good a shot you were. A good marksman would have trouble  
10 hitting the number of people you hit. If you weren't  
11 trying to hit anybody, that's just not believable. And  
12 you need to sit down at the various groups you're in and  
13 really think about that, try to utilize the groups and be  
14 truthful with yourself. So we do believe that you  
15 minimize your conduct, and you do lack insight into the  
16 causative factors of your conduct, as evidenced by we  
17 still really don't know why you committed this crime. We  
18 realize that you may have had a bad childhood, you may  
19 have had some psychological issues. But I asked you  
20 that, you know, 'Did you hear the kids? Were they  
21 laughing? Were you angry because they seemed to have a  
22 happy childhood and yours was bad?' I asked you  
23 something along those lines, you said no. All the  
24 answers we got today didn't help us, they just made more  
25 **BRENDA SPENCER W-14944 DECISION PAGE 7 8/13/09**



1 questions as to why you would commit this type of crime.  
2 And in some ways, a horrific crime like this, we may  
3 never know, you may never get to the bottom of this.  
4 There just doesn't seem to be a clear motivation. You  
5 said you wanted them to, the cops to kill you, you wanted  
6 to commit suicide by cop, but the rationale for that just  
7 doesn't fit into this pattern. You could have walked out  
8 in the yard with a gun. They would have called the cops  
9 on you, you could have done it then. You could have shot  
10 a window out at the school. But instead, you shoot these  
11 people and you start shooting the cops and then you stand  
12 them off, you say these all along the way, and then you  
13 put the gun down and come on out. It just doesn't fit  
14 the suicide theory that you've indicated that was your  
15 motivation. The psychiatric report is also unfavorable.  
16 It is dated the 4th of March of 2009, authored by  
17 Dr. Larmer. It indicates that you do lack insight, and  
18 that if released you would be a moderate risk to society.  
19 And for this Panel, moderate is far too high. We do note  
20 that while you have programmed in a limited manner while  
21 incarcerated, you need to participate more in therapy and  
22 self-help. We are concerned for the fact that you don't  
23 seem to have insight and an understanding of the  
24 motivational factors for your crime; therefore, we don't  
25 **BRENDA SPENCER W-14944 DECISION PAGE 8 8/13/09**

1 feel that the programs that you've been involved with are  
2 really taking. We need you to get in there, sort of  
3 germinate this seed and grow it up so that you have a  
4 good understanding as to why you did what you did, and be  
5 able to articulate it to us. Just saying, you know, you  
6 were trying to commit suicide just doesn't fit the fact  
7 pattern, and why you chose a school full of children, why  
8 you would say the things you did to the officers that  
9 called, to the reporters that called. We need you to  
10 really delve into your self-help and therapy. And while  
11 you have taken quite a bit, it doesn't seem to have given  
12 you the insight that you really need to understand the  
13 motivational forces for your crime. The hearing Panel  
14 notes responses to 3042 notices indicate opposition to a  
15 finding of parole suitability, specifically, the District  
16 Attorney of San Diego County sent down Mr. Anear, who has  
17 made his presentation here today, and they are opposed to  
18 a finding of suitability. There's also the San Diego  
19 Police Department, who have sent a letter indicating they  
20 are opposed to a finding of suitability. I read a number  
21 of victim impact statements onto the record. We also  
22 have Mr. Miller who has come and joined us here today to  
23 make his statement and the impact of your crime on him  
24 and his life. The Panel finds by clear and convincing  
25 **BRENDA SPENCER W-14944 DECISION PAGE 9 8/13/09**

1 evidence, after considering the public and victims'  
2 safety, as well as the parole consideration criteria set  
3 forth in Title 15, that you do not require a period of  
4 incarceration of 15 additional years before your next  
5 parole hearing because -- and the reason that we're not,  
6 we didn't give you a 15-year denial, and we talked about  
7 it, but you have done some very good things while you've  
8 been in custody, and you are making your, I guess, turn  
9 around the corner as far as your ability to function here  
10 at the institution. You are a certified forklift driver,  
11 electronics repairs, you're certified in upholstery. You  
12 have some very good warehousing skills, you are a lead  
13 person in warehousing. You're extensively involved in  
14 the Cat Care Program, Long Termers Program, HIV, peer  
15 mentoring, anger management, AA/NA, volunteer program,  
16 and the, you volunteered in a number of programs, and the  
17 Women's Inspiration for Hope. And your parole plans are  
18 solid, you've got the Crossroads out there. We're a  
19 little uncomfortable with you even considering staying  
20 with either one of your parents. We do believe that your  
21 upbringing, while we don't have, we've got varying  
22 reports on your upbringing, for a 16-year-old to do what  
23 you did, clearly there was something going on early on in  
24 life that gives us a great deal of trepidation for you to  
25 **BRENDA SPENCER W-14944 DECISION PAGE 10 8/13/09**

1 go back to either parent. And at your age, it's time for  
2 you to get out on your own in any event. All right. But  
3 one of the main factors as to why you only received a  
4 ten-year denial in the face of the heavy weight of the  
5 crime and all these other factors is the fact that you've  
6 been disciplinary-free for nearly 30 years, and we do  
7 commend you for that. We understand that it is very hard  
8 to walk the appropriate walk while you've been in  
9 custody. You've had some, I think six 128s, non-violent,  
10 they just had to do with reporting to work. And so we  
11 understand that is very hard to do, and you have managed  
12 to do that in the prison system. We commend you for  
13 that. The Panel has no substantial doubt based on the  
14 circumstances that at this time you do not require a  
15 15-year denial. While the Panel wants to commend you for  
16 these positives, on balance, the circumstances that make  
17 you unsuitable for parole, which I've already discussed  
18 with you, do heavily outweigh these positive aspects of  
19 your case. After weighing all the evidence presented  
20 today, you are unsuitable for parole because you  
21 currently pose an unreasonable risk of danger if  
22 released, and require at least an additional ten years of  
23 incarceration. Ma'am, even in the face of such a  
24 horrific crime, you can work your way out on to parole.

1 And this Panel is unsure whether you can, or -- it is  
2 conceivable you can, but we realize you have some  
3 psychological issues to one extent or another. We  
4 haven't really been able to delve into it, and you seem  
5 that your medication is helping sort you out. That  
6 brings us around to if we can remove the psychological  
7 issues. You need to understand why you did what you did,  
8 and because this Panel really do feel that you've had a  
9 tough life. Something that would make you do what you  
10 did as a 16-year-old, clearly it's a sad thing what you  
11 did to a bunch of people in such a violent and brutal  
12 way, a bunch of children and their protectors. But you  
13 need to understand from our standpoint that we cannot let  
14 you out until you understand why you did what you did,  
15 because if you don't understand that and be able to  
16 articulate it and avoid those precursors again, whether  
17 it's frustration, whether it's just drugs or alcohol,  
18 whether it's whatever, you're still going to be a big  
19 threat to society. For someone to pick up a gun like you  
20 did based on whatever it is, you are going to have to  
21 come to an understanding of it before we're going to  
22 consider paroling you. Do you have any comments?

23 **DEPUTY COMMISSIONER WILLIAMS:** Ms. Spencer, I  
24 would like to also commend you on your positive

25 **BRENDA SPENCER W-14944 DECISION PAGE 12 8/13/09**

1 adjustment within the institution, and I'd like to  
2 encourage you to, you know, to continue to make your  
3 contributions, to continue to seek some resolve in terms  
4 of your psychiatric condition, to be observant of your  
5 medication. And then we will be able to take another  
6 look at it.

7 **INMATE SPENCER:** Okay.

8 **PRESIDING COMMISSIONER O'HARA:** Ma'am, we would  
9 encourage you to remain disciplinary-free, upgrade  
10 through self-help and therapy. That really needs to be a  
11 focus for you at this point. You're real good with  
12 vocation and forth, and keep doing a good program.

13 **INMATE SPENCER:** Okay.

14 **PRESIDING COMMISSIONER O'HARA:** Good luck to you.

15 **INMATE SPENCER:** Thank you.

16 **PRESIDING COMMISSIONER O'HARA:** We thank you for  
17 your time. Thank you, Counsel.

18 **A D J O U R N M E N T**

19 **--o0o--**

20  
21 **PAROLE DENIED TEN YEARS**

22 **THIS DECISION WILL BE FINAL ON:\_\_\_\_\_**

23 **YOU WILL BE PROMPTLY NOTIFIED IF, PRIOR TO THAT**  
24 **DATE, THE DECISION IS MODIFIED.**

25 **BRENDA SPENCER W-14944 DECISION PAGE 13 8/13/09**

**CERTIFICATE AND  
DECLARATION OF TRANSCRIBER**

I, COLLEEN BUNKER, a duly designated transcriber, do hereby declare and certify under penalty of perjury that I have transcribed one audio recording which covers a total of pages numbered 1 - 140, and which recording was duly recorded at CALIFORNIA INSTITUTION FOR WOMEN, CORONA, CALIFORNIA, in the matter of the SUBSEQUENT PAROLE CONSIDERATION HEARING of BRENDA SPENCER, CDC Number W-14944, on AUGUST 13, 2009, and that the foregoing pages constitute a true, complete, and accurate transcription of the aforementioned audio recording to the best of my ability.

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 August 27, 2009, at Sacramento, California.



COLLEEN BUNKER, Transcriber  
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