

SUBSEQUENT PAROLE CONSIDERATION HEARING

STATE OF CALIFORNIA

BOARD OF PRISON TERMS

In the matter of the Life)
Term Parole Consideration) CDC Number B-51410
Hearing of:)
)
HERBERT MULLIN)
_____)

MULE CREEK STATE PRISON

IONE, CALIFORNIA

DECEMBER 27, 2001

12:30 P.M.

PANEL PRESENT:

JONES MOORE, Presiding Commissioner
ERNEST COLDREN, Deputy Commissioner

OTHERS PRESENT:

HERBERT MULLIN, Inmate
RHONDA SKIPPER-DOTTA, Attorney for Inmate
ARIADNE SYMONS, Assistant District Attorney
ROD BRAUGHTON, Deputy District Attorney
RENE LENTZ, Records, Observer
DAVID BECK, San Jose Mercury News, Observer
SHAWN MCCRAY, Acting Public Information Officer,
Observer

CORRECTIONS TO THE DECISION HAVE BEEN MADE

_____ No
_____ Yes See Errata Sheet

Debbie Owens, Capitol Electronic Reporting

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DEPUTY COMMISSIONER COLDREN: Okay, now we're on record.

PRESIDING COMMISSIONER MOORE: All right, thank you. This is a Subsequent Parole Consideration Hearing for Herbert Mullin, M-U-L-L-I-N. CDC number is boy 51410. The date of the hearing is December 27th, 2001 and the time is approximately 12:30 hours. The location is Mule Creek State Prison. The legal status, the date received is September the 18th, 1973 from the county of Santa Cruz. The offense is murder one, two counts and then murder second, eight counts, case number 50219, case, or excuse me, count numbers one through ten. Penal Code section violated is 187. The term is life, two counts, and then five life, eight counts consecutively. The minimum eligible parole date is February the 13th, 1980. And I have one additional committing offense. Let's see, murder second. Code section is 187 from Santa Clara County. Case number is 56702 and that count number is one. This hearing will be tape recorded, Mr. Mullin. For voice recognition purposes we will state our full names, spelling our last name and stating the purpose of our business, sir, and when it's your turn if you would also add your CDC number

1 please.

2 **INMATE MULLIN:** All right.

3 **PRESIDING COMMISSIONER MOORE:** We'll go
4 around the room to my left. My name is Jones Moore,
5 M-O-O-R-E, Commissioner, Board of Prison Terms.

6 **DEPUTY COMMISSIONER COLDREN:** My name is
7 Ernest Coldren. That's spelled C-O-L-D-R-E-N. I'm
8 a Deputy Commissioner.

9 **ASSISTANT DISTRICT ATTORNEY SYMONS:** I'm
10 Ariadne Symons, last name S-Y-M-O-N-S. I'm an
11 Assistant District Attorney with Santa Cruz County.

12 **DEPUTY DISTRICT ATTORNEY BRAUGHTON:** My name
13 is Rod Braughton, B-R-A-U-G-H-T-O-N. I'm a Deputy
14 District Attorney from Santa Clara County.

15 **ATTORNEY SKIPPER-DOTTA:** Rhonda
16 Skipper-Dotta, S-K-I-P-P-E-R hyphen D-O-T-T-A, legal
17 counsel for Herbert Mullin.

18 **INMATE MULLIN:** My name is Herbert William
19 Mullin, M-U-L-L-I-N, 'B' number 5 -- B-51410.

20 **PRESIDING COMMISSIONER MOORE:** Thank you,
21 sir.

22 **OBSERVER LENTZ:** Rene Lentz, L-E-N-T-Z,
23 Records.

24 **OBSERVER BECK:** David Beck, San Jose Mercury
25 News, B-E-C-K.

26 **ACTING PUBLIC INFORMATION OFFICER MCCRAY:**

1 Shawn McCray, M-C-C-R-A-Y, acting Public Information
2 Officer.

3 **PRESIDING COMMISSIONER MOORE:** And let the
4 record show that there are two correctional peace
5 officers in the room who are here strictly for
6 safety and security measures and will play no role
7 in today's proceedings. The purpose of today's
8 hearing, Mr. Mullin, is to once again consider your
9 suitability for parole, sir. We will consider your
10 crimes, your prior criminal and social history and
11 your behavior and programming since your commitment.
12 We have reviewed your Central File and your prior
13 transcripts and you will have an opportunity to
14 correct and clarify them for the record. Do you
15 understand me so far?

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

17 **PRESIDING COMMISSIONER MOORE:** We will
18 consider your progress since your last hearing, any
19 new psychiatric reports and any other information
20 that may have a bearing on your suitability for
21 parole. Any change in your parole plans should be
22 brought to our attention. Before we recess for
23 deliberations the District Attorney, your attorney
24 and you will be given an opportunity to make a final
25 statement regarding parole suitability or the length
26 of confinement. After this is done we will recess,

1 clear the room and deliberate. When we have
2 completed our deliberations we will resume the
3 hearing and announce our decision. The Board of
4 Prison Terms rules and the law state that a parole
5 date shall be denied if your release would pose an
6 unreasonable risk of danger to others. Do you
7 understand that?

8 **INMATE MULLIN:** Yes, I do.

9 **PRESIDING COMMISSIONER MOORE:** Counsel, the
10 prisoner has certain rights. Have these rights been
11 met thus far?

12 **ATTORNEY SKIPPER-DOTTA:** Yes, so far.

13 **PRESIDING COMMISSIONER MOORE:** Are there any
14 objections to the Panel members this afternoon?

15 **ATTORNEY SKIPPER-DOTTA:** No.

16 **PRESIDING COMMISSIONER MOORE:** And as well I
17 noted that he signed BPT form 1073 and he did that
18 on September the 6th, I believe, of this month, of
19 this year, excuse me, saying that you have no
20 disabilities as defined by the Americans with
21 Disabilities Act. Is that accurate?

22 **INMATE MULLIN:** That's true, yes.

23 **PRESIDING COMMISSIONER MOORE:** All right,
24 sir. Mr. Mullin, you will receive a copy of our
25 written tentative decision today and that decision
26 becomes effective in 120 days. Copies of the

1 transcript and decision will be sent to you and you
2 will have 90 days from that effective date to appeal
3 if you so desire. Do you understand that?

4 **INMATE MULLIN:** Yes, I do.

5 **PRESIDING COMMISSIONER MOORE:** You are not
6 required to discuss your offense nor are you
7 required to admit your offense, however the Panel
8 does accept as true the findings of the court. Do
9 you understand that? Tell me what that means.

10 **INMATE MULLIN:** Okay, it means that when I
11 was found guilty in 1973 you still feel that that
12 finding is true and accurate.

13 **PRESIDING COMMISSIONER MOORE:** Okay.
14 Commissioner Coldren, are there any confidential
15 materials to be used today?

16 **DEPUTY COMMISSIONER COLDREN:** No.

17 **PRESIDING COMMISSIONER MOORE:** Let's see,
18 counsel, I passed you exhibit number one. Do you
19 have all those documents?

20 **ATTORNEY SKIPPER-DOTTA:** I do.

21 **PRESIDING COMMISSIONER MOORE:** And,
22 Mr. Braughton?

23 **DEPUTY DISTRICT ATTORNEY BRAUGHTON:** I
24 believe so.

25 **PRESIDING COMMISSIONER MOORE:** Ms. Symons,
26 do you have those documents?

1 **ASSISTANT DISTRICT ATTORNEY SYMONS:** Yes, I
2 have had access to them.

3 **PRESIDING COMMISSIONER MOORE:** Thank you.
4 Counsel, do you have any additional documents to
5 submit at this time or any preliminary objections?

6 **ATTORNEY SKIPPER-DOTTA:** I have no
7 preliminary objections but I do have some
8 documentation to hand in. This is just a
9 memorandum, a second level appeal response that my
10 client filed earlier in the year, and it's for a
11 psychological report that he'd like to be referred
12 to regarding his mental state at the time of the
13 life crime, the psychological report that was done
14 by the court at that time. I think that would be
15 important. At his past hearings that issue has sort
16 of been coming up and he had to try to get these
17 through microfiche and he was able to succeed
18 earlier in the year to get them having to do with
19 the life crime. No, that's not it. This is by
20 Charles Morris it was done. Then we have some
21 parole plans right here, letters of support and some
22 NA groups, Friends Outside information. Mr. Mullin
23 has also prepared a response to the psychological
24 report by Dr. Shafer. He'd like to offer that as
25 his response, a written response, to become part of
26 the file. We know that there's information

1 regarding his programming but he's also put together
2 a file basically of chronos and things of that sort
3 that may be or not be cumulative that might be of
4 assistance. And last would be cell study, would be
5 some readings, different things that he's been
6 involved with, art projects and things of that sort.

7 **DEPUTY COMMISSIONER COLDREN:** Thank you.

8 **ATTORNEY SKIPPER-DOTTA:** I think that covers
9 it.

10 **PRESIDING COMMISSIONER MOORE:** Thank you,
11 ma'am. Will the prisoner be speaking with us today?

12 **ATTORNEY SKIPPER-DOTTA:** Yes.

13 **PRESIDING COMMISSIONER MOORE:** Mr. Mullin,
14 if you'll raise your right hand I'll swear you in.
15 Do you solemnly swear or affirm the testimony you
16 give at this hearing will be the truth, the whole
17 truth, and nothing but the truth, sir?

18 **INMATE MULLIN:** I do.

19 **PRESIDING COMMISSIONER MOORE:** Thank you.
20 You may put your hand down now. Let's see, I'm
21 going to incorporate by reference the Statement of
22 Facts from the August 15th, '96 hearing transcript,
23 pages seven through fourteen, if there are no
24 objections.

25 **ATTORNEY SKIPPER-DOTTA:** There's no
26 objection to that.

1 **PRESIDING COMMISSIONER MOORE:** All right,
2 Mr. Mullin, we have gotten through our preliminaries
3 here today. It's kind of ugly here, Mr. Mullin.
4 You killed quite a few people here. You killed a
5 Father Henry Tomeli, is it, T-O-M-E-L-I?

6 **INMATE MULLIN:** T-O-M-E-I, Tomei.

7 **PRESIDING COMMISSIONER MOORE:** Tomei?

8 **INMATE MULLIN:** Father Tomei.

9 **PRESIDING COMMISSIONER MOORE:** Tomei, okay.
10 You killed a 99 year old man, Donald Michael Hughes.

11 **INMATE MULLIN:** Fred Harry Perez. I think
12 he was 78.

13 **PRESIDING COMMISSIONER MOORE:** It says 99
14 here, this particular person. Then there's a Damian
15 Frances, age four.

16 **INMATE MULLIN:** Damien Prentice Frances,
17 yes.

18 **PRESIDING COMMISSIONER MOORE:** Do you know
19 the names of all these people?

20 **INMATE MULLIN:** Yes.

21 **PRESIDING COMMISSIONER MOORE:** Do you think
22 about them?

23 **INMATE MULLIN:** I pray for their guidance
24 and protection and improvement. I pray that God
25 will guide and protect and improve them.

26 **PRESIDING COMMISSIONER MOORE:** Why do you

1 think you did this?

2 **INMATE MULLIN:** I believe that I was a
3 victim of psychological warfare.

4 **PRESIDING COMMISSIONER MOORE:** Psychological
5 warfare. And how were you a victim of psychological
6 warfare, sir?

7 **INMATE MULLIN:** I believe that my father, my
8 parents, my family and friends due to the influence
9 predominantly of my father decided that they wanted
10 to keep me extremely naïve, gullible and immature
11 while allowing me to be academically efficient and
12 that at a certain time in my life they used their
13 influence to cause me to enter into several
14 different psychiatric facilities in California and
15 after about four years of that confusing experience
16 they caused me to commit the series of crimes. I
17 called it killjoy sadism at the time of the crime,
18 the 1973 conviction. In those records, the court
19 transcripts, I said that they were practicing
20 killjoy sadism upon my mind, body and emotions and
21 that that caused me to become extremely naïve,
22 gullible and immature because I didn't know it was
23 happening.

24 **PRESIDING COMMISSIONER MOORE:** You didn't
25 know it was happening, okay. So they guided you to
26 do this, do these crimes, to kill these ten people?

1 **INMATE MULLIN:** After I was sufficiently
2 psychotic. I believe that my father who was a drill
3 sergeant in the Marine Corp and a captain in the
4 United States Army Artillery during World War II he
5 came back with what they call shell shock and spent
6 six to eight weeks in a mental hospital. I believe
7 that he used his knowledge of military training to
8 cause me just to go out and kill anyone or anything.
9 Unfortunately I can say that at the time of the
10 crimes I believe it was a hallucination I was
11 hearing but I was hallucinating and I thought that I
12 had heard him directing me to do that.

13 **PRESIDING COMMISSIONER MOORE:** Excuse me.
14 But let me ask this and make sure there's no
15 quandary here. You did kill all these people. Is
16 that accurate?

17 **INMATE MULLIN:** Yes, Sir.

18 **PRESIDING COMMISSIONER MOORE:** And you don't
19 deny that?

20 **INMATE MULLIN:** No.

21 **PRESIDING COMMISSIONER MOORE:** Some you did
22 with a gun, some you did with a gun and a knife.
23 It's been some time. How do you feel about this
24 today? Where are you with this today?

25 **INMATE MULLIN:** Today I realize that it was
26 an insane act of mine. I feel mostly remorse and

1 sorrow when I think about this. During my busy day
2 and I come across this problem in my life I think
3 well, the sorrow and the remorse that I'm feeling
4 now when I get up in the morning or when I go to
5 sleep at night or when I come across these thoughts
6 during the day that sorrow and remorse is my way of
7 expressing the idea that I need to apologize. I
8 also ask several times a day that God guide, protect
9 and improve these victims so that they can enjoy the
10 benefits of life, liberty and the pursuit of
11 happiness. I believe in life after death. I was
12 taught ever since I was baptized that there is an
13 after life and so I pray that God will guide,
14 protect and reimburse the victims so that they can
15 feel that they've been reimbursed.

16 **PRESIDING COMMISSIONER MOORE:** All right,
17 sir, so you believe that all the victims are in an
18 afterlife at this point. Is that what I heard you
19 tell me?

20 **INMATE MULLIN:** Yes.

21 **PRESIDING COMMISSIONER MOORE:** Okay.

22 **INMATE MULLIN:** I'm sure I don't know
23 exactly what's happening. I don't think any human
24 being knows exactly what's happening but statistics
25 say that over 80 percent of Americans believe in God
26 and over 80 percent of Americans are Christian.

1 We've all been taught that there is life after death
2 and we will live again and I hope that means that
3 those people will enjoy the beauty of Santa Cruz
4 County. I mean, if they're going to grow up again I
5 think they should graduate from the University of
6 California at Santa Cruz. I think wow, that would
7 be a great experience for them.

8 **PRESIDING COMMISSIONER MOORE:** What about
9 all their loved ones that are left behind that never
10 got a chance to enjoy their presence, the young ones
11 and the old ones, you know, all the lives that you
12 changed?

13 **INMATE MULLIN:** Well, I apologize to them
14 for my part in the tragedy but also that they would
15 become more efficient in criticizing the people who
16 caused me to commit the crimes. Definitely --

17 **PRESIDING COMMISSIONER MOORE:** More
18 efficient? I'm sorry, I didn't understand you.
19 More efficient how?

20 **INMATE MULLIN:** Okay, this is an important
21 part. Those family members and the friends of the
22 people that were killed, those people I hope realize
23 that I apologize to them every single day. I wish
24 that they would get the trial testimony that I made,
25 my written documents, and my verbal testimony at the
26 trial would explain to each and every one of them

1 that there are other people who caused me to commit
2 those crimes. My family and friends knew I was
3 committing those crimes and they did not stop me nor
4 did they notify the police force and for the family
5 members --

6 **PRESIDING COMMISSIONER MOORE:** So what I
7 hear you say is that they're as culpable as you?

8 **INMATE MULLIN:** I think they're even more
9 culpable. You see there's a problem in modern day
10 America. The psychological institutions do not
11 consider killjoy sadism to be a mental illness. If
12 you study the diagnostic statistical manual that was
13 used in the evaluation, my psychological evaluation,
14 it indicates that they're not quite certain whether
15 it's insane for people to be killjoy sadistic.
16 Well, I think I'm a living example that it's insane,
17 that it causes me to go insane and it causes other
18 people to suffer quite a lot and what can I say?
19 I'm still very very sorry for what I've done and I
20 really hope that the victims and their families
21 receive God's blessings.

22 **PRESIDING COMMISSIONER MOORE:** All right,
23 sir. Let's look at your prior criminal convictions
24 and arrests. April 21st, '68 you were arrested for
25 possession of marijuana. May 16th you pled guilty
26 and the complaint was amended. You were visiting a

1 place where narcotics were being used. You were
2 given a suspended sentence of 90 days in jail and
3 placed on one year summary probation. And on July
4 the 30th of '70, let's see, again in Santa Cruz the
5 police department arrested you for being under the
6 influence of drugs. You were placed in a
7 psychiatric ward of the county hospital by order of
8 the municipal court. The charges were dropped in
9 August of '70. What types of drugs were you using?

10 **INMATE MULLIN:** I started out with alcohol
11 in high school and then in college I moved to
12 marijuana and then LSD. I was an infrequent user of
13 LSD. I didn't use it regularly but marijuana, I
14 smoked marijuana on the weekends probably four
15 months a year during '66 and '67.

16 **PRESIDING COMMISSIONER MOORE:** And then
17 March of '71, March 28th, you were again arrested.
18 Santa Cruz County Sheriff's Department this
19 time -- Excuse me, for being drunk in public and
20 resisting arrest. The charge for being drunk in
21 public was dismissed. You pled guilty and were
22 sentenced to ten days in the jail for resisting
23 arrest. Is that accurate?

24 **INMATE MULLIN:** Yes.

25 **PRESIDING COMMISSIONER MOORE:** Are there any
26 others?

1 **INMATE MULLIN:** I'm not quite certain. I'd
2 have to refer to my records. You know, I was an
3 outpatient at Santa Cruz Mental Health.

4 **PRESIDING COMMISSIONER MOORE:** I was getting
5 to that one here, your mental health history. What
6 do you want to tell us about that?

7 **INMATE MULLIN:** Well, the way they handled
8 me was basically group therapy and in my opinion the
9 Thorazine treatment which is a type of tranquilizer
10 that they use is detrimental. I've read reports in
11 Reader's Digest that say that it causes obesity and
12 lethargy and it takes away from a person's ability
13 to concentrate and accomplish. And I was using that
14 drug under their supervision and involved in group
15 therapy with dozens of people that had other
16 psychological problems and we were working on their
17 psychological problems.

18 **PRESIDING COMMISSIONER MOORE:** Excuse me.

19 **INMATE MULLIN:** And I think that that was
20 possibly detrimental to my progress as I was
21 struggling for maturity. I don't blame the Santa
22 Cruz County Mental Health Department entirely. My
23 criticism also falls upon my family and friends who
24 were not doing anything whatsoever to assist me in
25 overcoming the confusion and shame involved in being
26 classified as mentally ill.

1 **PRESIDING COMMISSIONER MOORE:** Let's see, it
2 says you also did a commitment with the Mendocino
3 State Hospital for a while.

4 **INMATE MULLIN:** Yes, that was in 1969.

5 **PRESIDING COMMISSIONER MOORE:** And then
6 let's see, --

7 **INMATE MULLIN:** See, that was --

8 **PRESIDING COMMISSIONER MOORE:** -- you were
9 discharged in May of '69 and, let's see, what did
10 you do after that? Go ahead. I'm sorry.

11 **INMATE MULLIN:** Well, I was going to say
12 that was a -- what I consider a ploy. I was at a
13 family gathering and somehow or other I entered into
14 a state of what they call echoproxia and echolalia
15 which means that I was sane when everyone else was
16 sane and doing what they were doing. If they said
17 something I would say the exact same thing. If they
18 moved their arms a certain way I would move my arms
19 a certain way and then when they asked me what's
20 happening I became extremely silent and I wouldn't
21 answer any questions. So again I felt that that was
22 due to my immaturity, naivety, gullibility in
23 combination with the fact that I trusted my parents
24 at that time and also due to the fact that I had
25 probably brain damage from the use of the LSD and
26 the marijuana, associating with people who enjoy

1 using LSD and marijuana, and yet they know that I'm
2 naïve, gullible and immature and they're going along
3 with my family program. To me that adds an extra
4 burden.

5 **PRESIDING COMMISSIONER MOORE:** Let's see,
6 also October 31st, '69 you went to San Luis Obispo
7 County Hospital after receiving telepathic messages
8 to shave your head. How long were you there at that
9 time?

10 **INMATE MULLIN:** I think it was five weeks.

11 **PRESIDING COMMISSIONER MOORE:** Let's see,
12 you were discharged November the 23rd of '69. Let's
13 see, same diagnosis as Mendocino which was a
14 schizophrenia reaction. Okay, and then you started,
15 I guess, outpatient treatment at Santa Cruz Mental
16 Health Clinic as an outpatient. That's what you
17 were referring to a few moments ago?

18 **INMATE MULLIN:** Yes.

19 **PRESIDING COMMISSIONER MOORE:** All right.
20 And then June of '70 you committed yourself to the
21 outpatient clinic in Maui and then you about a month
22 later re-admitted yourself voluntarily in July of
23 '70 to the clinic in Maui again, okay. And in all
24 of these basically the diagnosis was still the same.
25 Okay, anything else you want to tell us about your
26 personal social history, sir?

1 **INMATE MULLIN:** I had moved to San Francisco
2 in 1971 after -- I guess it was in May of 1971. I
3 had been arrested and well, I had lost my job at
4 Goodwill Industries. I moved to San Francisco and I
5 let my hair go long which was a mistake and I got
6 involved in the Golden Gloves Boxing Program. That
7 was a mistake. So I didn't find a job, I went on
8 welfare and I trained for the Golden Gloves four
9 days a week and that went from May of 1971 until the
10 Golden Gloves were held in, I think, March of 1972.
11 So I was on welfare and I was growing my hair long
12 and I think I took LSD maybe three or four times.
13 And I got involved for the first time in homosexual
14 behavior, not necessarily the first experiences but
15 it was the first time that I ever experienced
16 homosexual behavior three or four times a month,
17 month after month. And so before the -- I guess it
18 was in January of 1972 before the fight I decided to
19 give up homosexual behavior because it wasn't
20 satisfying and because I had also had a couple of
21 heterosexual experiences which I found very
22 worthwhile. Okay, --

23 **PRESIDING COMMISSIONER MOORE:** All right,
24 well I'll tell you what you do. I thank you for
25 your comments. If you'll give your attention to
26 Commissioner Coldren he's going to talk to you about

1 post-conviction factors, all right.

2 **INMATE MULLIN:** Yes.

3 **DEPUTY COMMISSIONER COLDREN:** I'm trying to
4 come up with a segue for this but I think what we're
5 going to do is just do this, we're going to go into
6 your post-conviction factors. We're going to
7 discuss what you've been doing in the prison system
8 since your last appearance before the Board of
9 Prison Terms. We might touch on some prior
10 behavior. That's important. We'll go over the most
11 recent psychological and psychiatric reports. We'll
12 try to integrate some of your concerns that you had
13 when you filed your appeal on to that, okay. I'm
14 not quite sure what the previous psych report that
15 went to the judge has to do with anything but we'll
16 touch on a few of the things on that. Then we're
17 going to touch on your parole plans, where you're
18 going to live, how you're going to support yourself
19 and any responses to the 3042 notices and any
20 letters in support or opposition, all right.

21 **INMATE MULLIN:** Okay.

22 **DEPUTY COMMISSIONER COLDREN:** I've reviewed
23 your Central File and I have reviewed the material
24 that you've submitted although I did it cursory but
25 I did as best I could. The last time you appeared
26 before the Board was August 15th of 1996 at which

1 time you were found unsuitable for parole and were
2 given a five year denial of parole. For the record
3 your current classification score is zero. You have
4 Medium A custody and the assignment that I have you
5 listed is as a porter. Is that still accurate?

6 **INMATE MULLIN:** Yes.

7 **DEPUTY COMMISSIONER COLDREN:** Okay. And in
8 the past you've been working in PIA textiles but
9 apparently you had some sort of a medical problem
10 and it looks like you went to Vacaville for
11 treatment and came back but I wasn't able to find
12 out what the problem was. What was the problem?

13 **INMATE MULLIN:** I had a cyst which
14 they --

15 **DEPUTY COMMISSIONER COLDREN:** Where?

16 **INMATE MULLIN:** -- needed to -- It was on
17 the left testicle and they needed to remove it.

18 **DEPUTY COMMISSIONER COLDREN:** Okay, and did
19 that turn out successful?

20 **INMATE MULLIN:** It was. They just removed
21 the cyst, yes.

22 **DEPUTY COMMISSIONER COLDREN:** Okay, now
23 you're back. In terms of academic achievements the
24 probation officer's report indicates that you were a
25 high school grad and you went to Cabrillo College,
26 Junior College, and received an AS degree in civil

1 highway technology or something close to that.

2 **INMATE MULLIN:** Yes.

3 **DEPUTY COMMISSIONER COLDREN:** All right. In
4 terms of vocational achievements while you've been
5 incarcerated the file reflects, I believe, a
6 completion in vocational mill and cabinet.

7 **INMATE MULLIN:** Yes.

8 **DEPUTY COMMISSIONER COLDREN:** Also some
9 training, I'm not sure how extensive, in both baking
10 and in landscaping and some construction work.

11 **INMATE MULLIN:** Okay, I have a certificate
12 of completion in vocational baking --

13 **DEPUTY COMMISSIONER COLDREN:** Okay.

14 **INMATE MULLIN:** -- as well as vocational
15 landscaping.

16 **DEPUTY COMMISSIONER COLDREN:** Okay, so three
17 certified vocational courses.

18 **INMATE MULLIN:** Yes.

19 **DEPUTY COMMISSIONER COLDREN:** All right. In
20 terms of self-help there's a number of things that
21 you submitted that are also in your Central File but
22 I think that a summary would be that you've been
23 involved for several years and have received
24 laudatory chronos from each of the following: Arts
25 and Corrections where you participated in, I think,
26 the Amador County Fair where they have a

1 display --

2 **INMATE MULLIN:** Yes.

3 **DEPUTY COMMISSIONER COLDREN:** -- for
4 prisoners. You've been involved in Narcotics
5 Anonymous at least through 1997. I saw
6 documentation on it and maybe some before that but
7 at least since your last Board of Prison Terms
8 appearance --

9 **INMATE MULLIN:** Yes.

10 **DEPUTY COMMISSIONER COLDREN:** -- there's
11 every six months or quarterly they say that you've
12 been participating in it.

13 **INMATE MULLIN:** Uh-hmm.

14 **DEPUTY COMMISSIONER COLDREN:** There's
15 another program you've been involved in and I don't
16 know how to pronounce the last word but it's Tai
17 Chih but I don't know how to pronounce the last
18 word, C-H-I-H.

19 **INMATE MULLIN:** Yeah, Tai Chicha. It's part
20 of the --

21 **DEPUTY COMMISSIONER COLDREN:** Tai -- Yeah,
22 (inaudible).

23 **INMATE MULLIN:** Yeah, it's --

24 **DEPUTY COMMISSIONER COLDREN:** I'm familiar
25 with what it is. I just can't pronounce it. In
26 addition to that you've been involved in Framework

1 for Recovery, there's a certificate in the file for
2 that, as well as STOP which is Stay Out of Prison.
3 That was in 1998 which is a component of the
4 Framework for Recovery Program. And in addition to
5 that you've been involved on an ongoing basis in the
6 Amador County Arts Show and have received
7 recognition for that.

8 **INMATE MULLIN:** Yes, it helps disadvantaged
9 children in the Amador County area I think.

10 **DEPUTY COMMISSIONER COLDREN:** Okay, and
11 that's a worthwhile goal. And the correctional
12 counselor in his report indicates that for the last
13 five years an overall assessment of your
14 institutional adjustment would be positive
15 programming, all right. Now the only 115 you've
16 received was back in June of 1983 and that was for
17 sexual behavior and it's a little bit different than
18 you said about giving up the homosexual relations
19 because apparently what happened there were two
20 gentlemen, yourself and another gentlemen, were
21 unclothed and your hand was on his penis and it was
22 determined by the observing officers that you were
23 masturbating the other person.

24 **INMATE MULLIN:** Yeah.

25 **DEPUTY COMMISSIONER COLDREN:** Would that be
26 accurate?

1 **INMATE MULLIN:** That's the 115, yes.

2 **DEPUTY COMMISSIONER COLDREN:** All right, and
3 then there's a 128 from July 23 of 1986 which I'm
4 not sure what it is. You may be involved in hobby
5 craft but anyway apparently they went into your room
6 and they found parts of animals. They found
7 drumsticks which, I believe, to be the legs of like
8 a turkey or something.

9 **INMATE MULLIN:** No, just regular wooden
10 drumsticks.

11 **DEPUTY COMMISSIONER COLDREN:** These
12 were -- Well, it's intermixed with five bird wings,
13 a miscellaneous bird feathers and beaks. How did
14 you get the beaks?

15 **INMATE MULLIN:** I didn't have beaks.

16 **DEPUTY COMMISSIONER COLDREN:** Well, it says
17 it here. Paintbrush solvent, wax blocks, a piece of
18 horn.

19 **INMATE MULLIN:** Yes, it was an antler, a
20 deer antler.

21 **DEPUTY COMMISSIONER COLDREN:** How did you
22 get that?

23 **INMATE MULLIN:** The bird wings and the
24 antler came from the Native American Indian Heritage
25 Group.

26 **DEPUTY COMMISSIONER COLDREN:** Okay, now are

1 you a Native American?

2 **INMATE MULLIN:** No, but I'm very friendly
3 with them.

4 **DEPUTY COMMISSIONER COLDREN:** Okay, and were
5 they asking you to maybe make hobby craft items for
6 their worship ceremonies?

7 **INMATE MULLIN:** No, I was learning about
8 their totem relationship with the bird
9 kingdom --

10 **DEPUTY COMMISSIONER COLDREN:** Okay.

11 **INMATE MULLIN:** -- and the deer kingdom.

12 **DEPUTY COMMISSIONER COLDREN:** All right.

13 **INMATE MULLIN:** The relationship of totem is
14 an animal --

15 **DEPUTY COMMISSIONER COLDREN:** I don't think
16 we need to go that in-depth. I was just curious of
17 what the thing was. Let's suffice it to say it had
18 to do with Native American activities and you were
19 sympathetic to that.

20 **INMATE MULLIN:** Yes.

21 **DEPUTY COMMISSIONER COLDREN:** Okay, I'm
22 ready to move to the psychiatric report. Is there
23 anything you want to discuss in terms of achievement
24 that we haven't covered? We've got the three
25 certificates in voc, high school grad, AS degree,
26 only one 115, only one 128A and self-help on an

1 ongoing basis at least for the last five years in a
2 number of areas.

3 **ATTORNEY SKIPPER-DOTTA:** Just about that he
4 has been involved in the Triple CMS Program, I
5 believe, November of '96 to March, '98.

6 **INMATE MULLIN:** Yes.

7 **ATTORNEY SKIPPER-DOTTA:** And at that point
8 he was removed from that program.

9 **DEPUTY COMMISSIONER COLDREN:** Okay, that's
10 usually a psychiatric program for people that are
11 still functional that require some intervention by
12 either some medication or therapy and what led up to
13 that? Did you have a relapse perhaps?

14 **INMATE MULLIN:** No, after the Board of
15 Prison Terms meeting in 1996 they felt that
16 receiving the five year denial they wanted me to be
17 monitored for a while to see how I would react to
18 the five year denial.

19 **DEPUTY COMMISSIONER COLDREN:** Okay, well
20 let's move to the psychiatric report or the
21 psychological report in this case. It's prepared
22 July 26th, 2001 by Dee, that's capital D-E-E, Shafer
23 or Shafer, S-H-A-F-E-R, Ph.D., contract
24 psychologist. It's a five page report and I'm just
25 going to go to the diagnostic impressions component
26 which is on page four which has diagnostic

1 impressions under Axis I, hallucinogen induced
2 psychotic disorder as well as poly-substance abuse
3 by history. Under Axis II, personality disorder not
4 otherwise specified with anti-social features and a
5 global assessment of functioning of 65. And I know
6 that you had a concern on that and I'll address that
7 right now. You filed a rebuttal to the report which
8 you're certainly -- in our rules allow that to
9 happen and you apparently looked up in the manual
10 how they arrived at that assessment of that number
11 because a 65 is a lower number which means you might
12 have difficulty in forming social relationships with
13 people and operating in a social environment and you
14 believed that a GAF score of 78 seems much more
15 appropriate from your point of view and you pointed
16 to certain readings and interpretations of that.
17 Would that be an accurate reflection of your
18 disagreement with this report?

19 **INMATE MULLIN:** Yes. Also I spoke with
20 Dr. Woodward yesterday who wrote my 1996 Board
21 Report and he indicated that he would have given me
22 an 80.

23 **DEPUTY COMMISSIONER COLDREN:** I'll look at
24 his report in a moment.

25 **INMATE MULLIN:** He didn't write a report and
26 I told him that when I spoke about this to you that

1 there would conflict and he said well, mention it
2 anyway.

3 **DEPUTY COMMISSIONER COLDREN:** So noted.
4 Moving on, review of the life crime, the doctor at
5 this particular assessment in the middle of the
6 review of the life crime component says that you
7 were unable to offer any insight into the emotional
8 impact of the realization of what happened when you
9 killed all these people. When discussing your
10 offenses you were serious but matter of fact and
11 although you stated you were remorseful there was no
12 effective response as you talked about this history
13 and of course that's a psychologist making an
14 evaluation based on your physical reactions to
15 saying some things that were quite profound and she
16 felt that it was somewhat unusual in your response,
17 is the way I read that. In the assessment of
18 dangerousness the doctor states that in prison
19 you've been a well adjusted prisoner. Haven't been
20 in any fights. No violent history, just the two
21 things we already talked about. Moving down the
22 inmate's mental illness seems to be in stable
23 remission and has been for a significant period of
24 time without treatment. There's no indication that
25 you've abused controlled substances while you've
26 been in prison. In short it appears that within the

1 controlled and structured environment of CDC which
2 is the California Department of Corrections you can
3 function without presenting a danger to yourself or
4 others. Moving on to the last page, if released to
5 the community he is not likely to receive the level
6 of support he expects from members of the Narcotics
7 Anonymous. He has no other community support having
8 discontinued his contact with family members. He
9 appears to be a somewhat dependent individual who
10 probably requires a highly structured environment in
11 order to function best. He is not likely to find it
12 easy to reenter the work environment at the age of
13 54 with no significant employment history in the
14 community. Frustration with his reception in the
15 free world is likely to increase his risk for future
16 acting out. Mr. Mullin lacks insight into factors
17 other than drug abuse and his mental illness which
18 may have been involved in his lethal behavior. He
19 tends to project some of the blame for his acting
20 out onto his relationship with his father. In this
21 relationship he sees himself as a victim. And
22 finally under the clinical observations, comments
23 and recommendation component the clinician states if
24 paroled he should be closely monitored for substance
25 abuse and provided with mental health treatment and
26 support services. And of course you filed your

1 response to that which I understand and you did end
2 your report stating I want to take this time to
3 express again my true remorse and true sorrow for
4 the commission of the crimes. I express sorrow and
5 remorse honestly and truthfully in my daily prayer
6 life and I think that you discussed that earlier
7 when you were talking to Commissioner Moore. I also
8 have this report that you submitted and I'm not sure
9 of the relevance of this.

10 **ATTORNEY SKIPPER-DOTTA:** It was more the
11 third page, third full paragraph, where it talks
12 about the doctor's conclusions at that point.
13 Dr. Charles Morris felt that between 1972, November
14 to December, that he was not legally responsible.
15 Basically he was insane during that period of time
16 due to his mental illness. The third full
17 paragraphs says in October he --

18 **DEPUTY COMMISSIONER COLDREN:** Are we talking
19 about this one here, this comment?

20 **ATTORNEY SKIPPER-DOTTA:** No, third full
21 paragraph. It's one, two, three.

22 **DEPUTY COMMISSIONER COLDREN:** Okay, because
23 the paragraph right above it says that he was sane.

24 **ATTORNEY SKIPPER-DOTTA:** Well, he was -- The
25 doctor as I read it said he was sane from January to
26 February of '73 but from November to December of '72

1 he was -- The last paragraph concludes with that.

2 **DEPUTY COMMISSIONER COLDREN:** Okay.

3 **ATTORNEY SKIPPER-DOTTA:** So the point that
4 we talked of earlier is he was able to by petition
5 get a hold of some of the older psychiatric reports
6 that just indicated that he suffered from a mental
7 illness at that time just to put on the record. And
8 we've gone over that he was incarcerated at Cabrillo
9 and San Luis Obispo and so forth but there were
10 doctors at the time of the trial that felt that the
11 crimes that occurred in October through February,
12 late '72 to early '73, some of the doctors on the
13 panel felt that he was not responsible, that he was
14 legally insane during a couple of those months but
15 then he regained his sanity. And I'm not exactly
16 sure, I don't know how to read a lot of psychiatric
17 reports, but it said in January of '73 he was able
18 to regain some type of ability to tell right from
19 wrong and Mr. Mullin just felt it was important for
20 the Board to see that there were some professionals
21 at the time this was done, and this was over almost
22 29 years ago, that felt what his mental condition
23 was at that time.

24 **DEPUTY COMMISSIONER COLDREN:** So noted, and
25 of course we tend to look at the most recent
26 psychiatric reports and see how a person has

1 improved a period of time and of course this report
2 is -- You've read it so you understand how it is.
3 All right, let's move on to the parole plans. The
4 parole plans has to do with this, you have to have a
5 place to live and you have to have some sort of
6 income so that you can have money to buy food.

7 **INMATE MULLIN:** Yeah.

8 **DEPUTY COMMISSIONER COLDREN:** How are you
9 going to do that?

10 **INMATE MULLIN:** Okay, I've been given what
11 they call an inheritance.

12 **DEPUTY COMMISSIONER COLDREN:** \$17,000.

13 **INMATE MULLIN:** Well, approximately. It
14 adds up now to about \$19,000 and a hundred.

15 **DEPUTY COMMISSIONER COLDREN:** All right, and
16 how much is your rent going to be?

17 **INMATE MULLIN:** Okay, I'll have to work on
18 that. If you give me a parole ruat, that means
19 release upon approval of parole plans, I can't get
20 out until you approve the plans. Now what I'll do
21 is I'll contact people. I have support letters of
22 people from the Christian Science Church in Felton
23 who would probably assist me in getting a place to
24 live.

25 **DEPUTY COMMISSIONER COLDREN:** May I make a
26 suggestion to you?

1 **INMATE MULLIN:** Yes.

2 **DEPUTY COMMISSIONER COLDREN:** It's just a
3 suggestion. It's probably beneficial for the Board
4 to have paperwork that's submitted signed by
5 somebody stating that number one you have a place to
6 live, some place that a parole agent can go out and
7 check out to make sure the residence actually exists
8 and also some sort of employment possibilities or at
9 least SSI or some sort of money in addition to that
10 for ongoing needs such as buying food, paying your
11 PG&E and things like that, okay.

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

13 **DEPUTY COMMISSIONER COLDREN:** And right now
14 you don't seem to have that. Now, you did submit
15 paperwork that indicates that you know where all the
16 AA and NA and therapy type situations are in those
17 counties and that's good that you've considered
18 that.

19 (And thereupon the tapes were turned)

20 **DEPUTY COMMISSIONER COLDREN:** So anyway
21 that's something I would suggest that you do in the
22 future.

23 **ATTORNEY SKIPPER-DOTTA:** I did want to note
24 that we handed you quite a lot of information from
25 Friends Outside.

26 **DEPUTY COMMISSIONER COLDREN:** And I did see

1 that.

2 **ATTORNEY SKIPPER-DOTTA:** That has a lot of
3 resources that are available in Santa Cruz and Santa
4 Clara that he did extensive work in looking at what
5 was available, not only mental health resources but
6 just general state resources, county resources, and
7 there's also some support letters from some friends
8 that he has on the outside.

9 **DEPUTY COMMISSIONER COLDREN:** And I did see
10 that from Friends Outside and that's a very
11 effective organization but it would help to narrow
12 it down to some specific places rather than some
13 sort of, you know, county as a whole.

14 **INMATE MULLIN:** Okay.

15 **DEPUTY COMMISSIONER COLDREN:** Now, moving on
16 to other things the Board is required to send out
17 3042 notices. Those are Penal Code requirements
18 that people that have an interest in the case have
19 an opportunity to respond and there are some
20 responses and letters in opposition. In addition
21 the District Attorney from the County of Santa Clara
22 and the County of Santa Cruz has sent very able
23 representatives from their office to speak
24 representing their views and they'll do that in a
25 few moments. In addition to that there is a letter
26 from Hugh F. Mullin, III who said that he was the

1 supervising judge of the criminal division of the
2 Santa Clara County Superior Court and he states I
3 feel it is my duty to respond briefly with my views.
4 Just for clarification I am in no way related to
5 this murderer and apparently there's a similar name
6 but he wanted to make sure that there was no blood
7 kin situation. I am well aware of this case and
8 reviewed the probation report dated 12/21, '73. I
9 was in the DA's office at that time that the murder
10 was committed and prosecuted. Based on the nature
11 of this offense and the fact that this murder was
12 only one of eleven murders this inmate committed he
13 should and the words never is in bold print and
14 underlined be paroled to the community for any
15 reason. If you have any questions please contact
16 me. Very truly yours, Hugh F. Mullin, III.

17 **ATTORNEY SKIPPER-DOTTA:** Could I take a look
18 at that?

19 **DEPUTY COMMISSIONER COLDREN:** Yes, did you
20 not receive that? It's dated November 20th, 2001

21 **ATTORNEY SKIPPER-DOTTA:** No.

22 **DEPUTY COMMISSIONER COLDREN:** And I got it
23 from the --

24 **ATTORNEY SKIPPER-DOTTA:** Thank you.

25 **DEPUTY COMMISSIONER COLDREN:** -- packet. We
26 also have on official stationary from

1 Baddeley -- I'm not sure if I'm pronouncing it
2 properly, B-A-D-D-E-L-E-Y, Olikier, O-L-I-K-E-R, and
3 Sartori, S-A-R-T-O-R-I, Attorneys at Law, and it's
4 in regards to you and it's signed by Robert P.
5 Olikier, O-L-I-K-E-R, and I apologize if I'm
6 mispronouncing the name and it says Dear BPT
7 Members, I am writing with regard to Herbert Mullin,
8 CDC number B-15410, who is up for a parole hearing
9 on Thursday, November 27th at 11:30. I apologize for
10 the tardiness of this letter and it happens to be
11 November 19th but I only received notice of the
12 hearing seven days ago. I urge the Board not to
13 release Mr. Mullin on parole. He murdered more
14 people than I can remember, one of whom was my older
15 brother, David. The effect that his actions have
16 had on my family have been incalculable. He can
17 never repay his debt to society nor undo what he has
18 done and he is certainly not entitled to his
19 freedom. I urge the Board to keep Mr. Mullin in
20 prison for the rest of his natural life. And then
21 we have a two page letter that was submitted by the
22 Assistant District Attorney of Santa Clara County
23 who is here to -- I mean from Santa Cruz, I
24 apologize, who is here to speak for herself.

25 **ASSISTANT DISTRICT ATTORNEY SYMONS:** Yes.

26 **DEPUTY COMMISSIONER COLDREN:** That's

1 appropriate. So do we have any other letters of
2 support or anything else other than you said Friends
3 Outside?

4 **ATTORNEY SKIPPER-DOTTA:** I did hand
5 you -- In the letter there's probably four letters.

6 **DEPUTY COMMISSIONER COLDREN:** Four letters,
7 okay, and I may have misplaced it. Do you want to
8 synopsise for me real quick?

9 **ATTORNEY SKIPPER-DOTTA:** Well, it's by
10 Connie Adams and she was a person that -- It
11 wouldn't be in there.

12 **DEPUTY COMMISSIONER COLDREN:** Okay.

13 **ATTORNEY SKIPPER-DOTTA:** It will be -- Yes,
14 it will be right past that.

15 **DEPUTY COMMISSIONER COLDREN:** Okay, I'll be
16 looking.

17 **ATTORNEY SKIPPER-DOTTA:** And they're
18 the -- Right there.

19 **DEPUTY COMMISSIONER COLDREN:** Connie
20 Adams, --

21 **ATTORNEY SKIPPER-DOTTA:** Yes.

22 **DEPUTY COMMISSIONER COLDREN:** -- member of
23 the Felton Christian Science Church.

24 **ATTORNEY SKIPPER-DOTTA:** That's correct.

25 **DEPUTY COMMISSIONER COLDREN:** And she
26 indicates that she wishes that (inaudible) and talks

1 about I can do some more investigating about
2 opportunities in this area, speaking with someone
3 there in Ione and it has to do with -- I guess it's
4 a fellow Christian --

5 **ATTORNEY SKIPPER-DOTTA:** Right.

6 **DEPUTY COMMISSIONER COLDREN:** -- trying to
7 help out.

8 **ATTORNEY SKIPPER-DOTTA:** And there's another
9 letter from --

10 **DEPUTY COMMISSIONER COLDREN:** There's
11 another one from Connie Adams. It's dated September
12 14th of 2001. It says Dear Herb, thank you for your
13 letter. I hope you have a positive outcome at your
14 parole hearing. Can you explain what it means to
15 sponsor someone? You mentioned employment and
16 unfortunately that is not something we can offer
17 you. We are a small church. But it does show
18 you've made an effort through church to find
19 employment opportunities.

20 **ATTORNEY SKIPPER-DOTTA:** Yes.

21 **DEPUTY COMMISSIONER COLDREN:** I guess that
22 would be the gist of that.

23 **ATTORNEY SKIPPER-DOTTA:** That would and
24 those are letters that he had first written to them.

25 **DEPUTY COMMISSIONER COLDREN:** Okay.

26 **ATTORNEY SKIPPER-DOTTA:** And those are his

1 responses just to show that -- And that would pretty
2 much -- That's the Friends Outside asking for
3 assistance and help through Friends Outside and the
4 paperwork that he received.

5 **DEPUTY COMMISSIONER COLDREN:** So noted.

6 **ATTORNEY SKIPPER-DOTTA:** Okay.

7 **DEPUTY COMMISSIONER COLDREN:** Will that
8 cover it?

9 **ATTORNEY SKIPPER-DOTTA:** That would cover
10 it.

11 **DEPUTY COMMISSIONER COLDREN:** All right,
12 with that if we can all focus our attention on our
13 Honorable Chairman.

14 **PRESIDING COMMISSIONER MOORE:** Thank you
15 kindly, sir. Questions. Commissioner Coldren, do
16 you have any questions?

17 **DEPUTY COMMISSIONER COLDREN:** I've been
18 advised that there is a video and let me ask this
19 because I'm not sure who the video is from, one of
20 the counties or --

21 **ASSISTANT DISTRICT ATTORNEY SYMONS:** I sent
22 it. I'm the Santa Cruz DA and it was an interview
23 that Mr. Mullin gave to Fox Television and it's
24 contrary to some of the views he expressed with his
25 evaluators but it is consistent with the views he's
26 expressed orally to the Board this morning.

1 **DEPUTY COMMISSIONER COLDREN:** And of course
2 I would defer to our Chairman on this but is it
3 necessary that we review it or would you be able to
4 articulate the gist of it or --

5 **ASSISTANT DISTRICT ATTORNEY SYMONS:** I can
6 articulate it. I also put quotes in it, in the
7 letter that I sent to the Board --

8 **DEPUTY COMMISSIONER COLDREN:** Okay.

9 **ASSISTANT DISTRICT ATTORNEY SYMONS:**
10 -- which I think fairly represents his position
11 which he gave in that interview.

12 **PRESIDING COMMISSIONER MOORE:** Thank you. I
13 was asking did you have any questions, sir?

14 **DEPUTY COMMISSIONER COLDREN:** No, I have no
15 questions.

16 **PRESIDING COMMISSIONER MOORE:** Okay, then
17 we'll go to the District Attorneys please, whichever
18 one would be first. Questions?

19 **ASSISTANT DISTRICT ATTORNEY SYMONS:** No
20 questions.

21 **DEPUTY DISTRICT ATTORNEY BRAUGHTON:** I
22 didn't think I was going to have any but I do note
23 that in some of the documents it mentions that
24 Mr. Mullin testified to having killed more people
25 than the eleven he's charged with here.

26 **PRESIDING COMMISSIONER MOORE:** Where are you

1 getting --

2 **DEPUTY DISTRICT ATTORNEY BRAUGHTON:** It was
3 in the last transcript. How many more people were
4 killed and who were they?

5 **PRESIDING COMMISSIONER MOORE:** Will you be
6 talking about that? In the last transcript it said
7 that you confessed to killing three additional
8 people.

9 **INMATE MULLIN:** On advice of counsel I'd
10 refrain from speaking at this time.

11 **DEPUTY DISTRICT ATTORNEY BRAUGHTON:** Nothing
12 else, thank you.

13 **PRESIDING COMMISSIONER MOORE:** Now, --

14 **DEPUTY DISTRICT ATTORNEY BRAUGHTON:** I --

15 **PRESIDING COMMISSIONER MOORE:** I'm sorry, I
16 thought you said you had nothing else.

17 **DEPUTY DISTRICT ATTORNEY BRAUGHTON:** I
18 don't.

19 **PRESIDING COMMISSIONER MOORE:** Are you
20 sure?

21 **DEPUTY DISTRICT ATTORNEY BRAUGHTON:** Yes.

22 **PRESIDING COMMISSIONER MOORE:** Okay.
23 Counsel, questions?

24 **ATTORNEY SKIPPER-DOTTA:** No, I have no
25 further questions.

26 **PRESIDING COMMISSIONER MOORE:** All right,

1 then we'll go to closing.

2 **INMATE MULLIN:** I think I have a question
3 myself.

4 **PRESIDING COMMISSIONER MOORE:** We'll give
5 you an opportunity during the closing portion.
6 Closing.

7 **ASSISTANT DISTRICT ATTORNEY SYMONS:** Thank
8 you. I think it's important to remember the
9 commitment offenses that occurred. This has been so
10 long ago that to you and I who were not present and
11 didn't have relatives killed these are merely names
12 on paper and in fact some of the names are even
13 wrong as they get transcribed over the years and I
14 don't think that the opportunity to remind the Board
15 of who he killed and how he killed them should be
16 missed. He killed a couple named James Skinara and
17 his wife Joan. He killed James first. He shot him
18 four times. He then killed the wife, Joan. He shot
19 her five times. He later made a statement not at
20 his trial but significantly later that indicated he
21 killed Joan because she was a witness to his killing
22 of James. He then went from that home, he went over
23 to the Prentice home and he killed Kathleen
24 Prentice. He stabbed her and he shot her. He
25 apparently killed her to cover his tracks related to
26 James and Joan because she was a friend of their

1 alls. He then went on to kill both of her little
2 boys. He killed a little boy named David. He was
3 nine years old. He was shot in the head. He then
4 killed a little boy named Damon who was four. Damon
5 was shot in the head and then he was stabbed in the
6 back. These were all on January 25th of 1973 which
7 is the time frame in which the doctors report which
8 was submitted by counsel finds him to be sane at the
9 time. Some time in February, we were never able to
10 fix the date, he killed four young men in their
11 teens who were in a cabin camping out in Felton.
12 They were Mark, Robert, Brian and David. Each one
13 was shot once in the body and shot once in the head.
14 On February 13th he then killed Mr. Perez who was the
15 old man who was out in front of his home raking
16 leaves. He was shot with a rifle while Mr. Mullin
17 was sitting in a car. Mr. Mullin commented about
18 Mr. Perez that he felt badly about him because he
19 had such sad looking eyes. It was after his arrest
20 that they discovered the first murder in time which
21 was Father Tomei out of Los Gatos who was killed in
22 his church in the confessional booth. He was
23 stabbed and he was also beaten. At the trial in
24 front of the jury that's the time when Mr. Mullin
25 admitted to additional murders. He indicated the
26 first person he killed was a homeless man who came

1 up and offered him help when he pretended to have
2 car trouble and he beat him to death with a baseball
3 bat. He also stabbed Mary Guilfoyle,
4 G-U-I-L-F-O-Y-L-E. She was a Cabrillo College
5 student and he stabbed her to death. He admitted
6 those additional murders on the stand and in
7 subsequent Department of Corrections proceedings.
8 So he has killed 13 people. The crimes were
9 especially heinous, atrocious and cruel. They
10 varied from the very young age four to the very old,
11 either 78 by Mr. Mullin's account or 99 by the
12 paperwork. He used a variety of methods of killing.
13 He stabbed, he shot with a handgun, he shot with a
14 rifle and he beat to death with a baseball bat.
15 Some of the murders were premeditated. At least one
16 was to kill a witness so he could not be identified.
17 He showed an incredibly callous disregard for the
18 human suffering both of the people he killed and
19 those who remained behind. The magnitude of these
20 offenses simply cannot be overstated. He is not
21 suitable for parole in any way, shape or kind. He's
22 an unreasonable risk to the rest of society and a
23 threat to public safety if you release him at this
24 time or quite frankly at any time. While he has
25 done some things in prison he hasn't done nearly as
26 much as he could have done and his psychiatric

1 report is not favorable at all. Yes, he does well
2 in an extremely structured society but he needs that
3 structure for him to do well. He becomes frustrated
4 when he's not in that structure and he lacks any
5 insight into why he did what it is that he did and
6 that combination is what makes him a risk if you
7 take him out of this setting. He's got no plans.
8 He's got no support. He doesn't have any idea what
9 he's going to do which means he will slip right back
10 into whatever mindset it is that led him to do this.
11 And don't ever forget that the jury found him sane.
12 Whatever his opinions were, his thoughts or his
13 justifications the jury found him sane. He says to
14 the doctor that he feels he is a victim here and he
15 says that again in his comments to you, a victim of
16 his parents, his inappropriate upbringing, his
17 naivety, a variety of things. I haven't heard him
18 take responsibility for what he has done. I've
19 talked to some family members prior to coming here.
20 One of them wrote you a letter. A number of them
21 expressed fear to even come here and face and see
22 Mr. Mullin and experience those things again but
23 they would be shocked and outraged if you were to
24 let this man out. He's done by my calculation 28
25 years, almost half of his life or more than half of
26 his life in prison. That does not begin to pay for

1 what he has done. Perhaps that would be a
2 sufficient payment for one murder, maybe two
3 murders, but not 13. And prison is not only about
4 rehabilitation, it is about retribution and he has
5 not begun to pay for his crimes. He's not suitable
6 for parole. Mr. Mullin says he believes in God and
7 80 percent of Americans believe in a life hereafter.
8 A large number of Americans believe in hell and
9 Mr. Mullin deserves to rot in hell. This Board
10 cannot send him there but on behalf of society we
11 need to deny parole and I'd ask you to give him the
12 maximum time before his next parole consideration.

13 **PRESIDING COMMISSIONER MOORE:** Thank you,
14 ma'am. Thank you for your comments.
15 Mr. Braughton.

16 **DEPUTY DISTRICT ATTORNEY BRAUGHTON:** I can
17 think of no more eloquent comments to make to you
18 other than those that counsel just made. Let me
19 reiterate, please don't release this man, and make
20 it a lengthy denial. Thank you.

21 **PRESIDING COMMISSIONER MOORE:** Thank you,
22 sir. Counsel.

23 **ATTORNEY SKIPPER-DOTTA:** Thank you. On
24 behalf of Mr. Mullin, as we can obviously see it's a
25 very emotional case. There's a lot of emotions that
26 encompass a case like this. It's a very unusual

1 case to come before the Board. I've been working
2 for years and this is the first case I've had where
3 there's multiple, multiple homicides. I just want
4 to remind the Board of a couple of things. Mr.
5 Mullin was sentenced under the law in California and
6 he's entitled to a parole hearing with the
7 possibility of parole and that's why we're here
8 today and I think that we lose sight of that. 28
9 years later let's see how Mr. Mullin is today. What
10 is he about today? Has he changed his attitude
11 which I've heard the Board say on many occasions.
12 Has he changed his actions? And how can Mr. Mullin
13 show the Board that he is suitable for parole and he
14 does that through two things. One is changing his
15 attitude and his actions and that shows through his
16 programming and his behavior. That's the only way
17 he can do that. There's no other way he can
18 magically show that he's tried to change himself.
19 First there's no doubt that Mr. Mullin suffered a
20 mental illness at this time. The jury did find him
21 responsible for this but as we can see through
22 reading the history between 1969-1972 in his early
23 mid twenties that he was suffering from an extensive
24 mental illness which he voluntarily put himself in a
25 couple times. That's in no way an excuse or
26 mitigating but we live in a civilized society and it

1 is obviously a factor to be taken in consideration.
2 The second is his programming in the institution.
3 Let me digress. Prior to the life crime it appears
4 that he did use some marijuana and he had some
5 resisting charges but nothing of a great magnitude.
6 We don't see from before 26 that he was involved
7 with weapons, assaults and things of that sort so we
8 have an escalating pattern but it was quite quick
9 and it wasn't that he was a juvenile delinquent. It
10 appears that he had his high school diploma and he
11 had an AS degree from Cabrillo Community College.
12 He was a civil highway technician, obviously a
13 bright person suffering from an extensive mental
14 illness. I'd ask the Board to take in consideration
15 that he doesn't have a juvenile record and that he
16 is a high school graduate. In the institution he's
17 really remarkable and he's been in 28 years and nine
18 months. He has one 115 and that was over 18 years
19 ago so his programming has just been excellent. I
20 mean, there's no doubt -- I think he had a 128, I
21 don't know, last time over 20 years ago. The
22 psychiatric report says that he has hallucinogenic
23 induced psychotic disorder by history, poly-
24 substance by history and Axis II, personality
25 disorder not otherwise specified with anti-social
26 features. It does talk about that he thinks that he

1 needs to be in a structured environment and that
2 would sort of lead me into his parole plans. He
3 doesn't have a lot of family on the outside. He's
4 made contact with churches. He has Friends Outside
5 information. He's trying to get -- I mean, this man
6 came in and he was 26. Tried to make some strides
7 in the community. It's very difficult. Obviously
8 any felon going out on a murder alone with his kind
9 of case history is going to have a very difficult
10 time but he has been able to establish that to a
11 certain rapport with some churches in the area. I
12 think that shows a lot of dedication on his part to
13 try to reach out to people, going out of the way to
14 get information from Friends Outside. His in
15 custody behavior, he has completed three vocations.
16 He's got very, very good work reports. He's
17 educated. The Board wanted him to do some things
18 last time. They told him to remain disciplinary-
19 free and he remained disciplinary-free. They told
20 him to upgrade vocationally and he completed, I
21 believe, since that time mill and cabinet. He was
22 in textiles. Participated in self-help. We handed
23 in probably at least 30 chronos, probably more than
24 that. Arts and Corrections, the STOP Program which
25 has many branches that he participated, Narcotics
26 Anonymous faithfully for the past four years.

1 That's what the Board wanted him to do last time and
2 that's what he did. He's been involved with the Tai
3 Chi and Framework for Recovery which is also a
4 substance abuse program. He's stayed out of
5 trouble. He's done what he's supposed to do. The
6 Board said we'd like for you to do these things to
7 show us that you're willing to program. He is a
8 good programmer. I'd ask the Board to take those
9 into consideration. He's just looking -- He's just
10 doing everything he can that the Board wants him to
11 do. He's trying to put his best foot forward. Like
12 I said I don't know how else he can show the Board
13 that he's suitable for parole. The law does allow
14 that he is able to be found suitable if the Board
15 would find that he is no longer a risk to society.
16 One thing the psych says is that they don't believe
17 that he appears to be a violent person. He hasn't
18 laid his hands upon anybody in 29 years. I think
19 that's a good indication. We don't see assaults,
20 disrespect, following the rules. If he's supposed
21 to be somewhere, he's there. He's very compliant
22 and I believe that bodes well for him and I'll
23 submit on those comments.

24 **PRESIDING COMMISSIONER MOORE:** Thank you,
25 ma'am. Thank you for your comments. Mr. Mullin,
26 you have an opportunity at this time to make a final

1 statement if you so desire or you can rest on what
2 your counsel has already said.

3 **INMATE MULLIN:** I would like to say a few
4 things. I wanted to draw attention to the Penal
5 Code 1170.2B as well as Title 15 number 2292 as well
6 as Title 15 number 2000, parentheses 'B' parentheses
7 one and two. Now, those Penal Code sections and
8 Title 15 sections refer to the sentencing laws in
9 effect at the time of my sentencing and also to the
10 rules and regulations of the adult authority at the
11 time of my sentencing as well as to the Community
12 Release Board and the Board of Prison Terms rules
13 and regulations. Basically what I'm saying is that
14 they're supposed to fix my indeterminate sentencing
15 law term in accordance with Penal Code Section
16 1170.2, parentheses 'B'. Now, I just wanted to
17 mention that because I know that in all of the
18 previous times I've met with the Parole Board
19 they've always skipped over this and said that it's
20 a matter to be handled in the court but I can't
21 handle it in the court unless I mention it at the
22 meeting and that's the only reason I mention it. If
23 you want to make a statement pertaining to that I
24 don't care but I know that if that situation is to
25 change and if you are to set my term it would be
26 first in accordance with ISL and then in accordance

1 with the DSL, determinate sentencing law. Now, this
2 meeting here today is being held under the
3 guidelines of the determinate sentencing law but if
4 you set my term I think you have to ask me questions
5 pertinent to the ISL first. Okay, other than
6 that --

7 **PRESIDING COMMISSIONER MOORE:** Mr. Mullin,
8 you're accurate but not until we give you a date
9 does that take effect so you're absolutely correct.

10 **INMATE MULLIN:** Okay.

11 **PRESIDING COMMISSIONER MOORE:** But once we
12 give you -- not until we give you a date, --

13 **INMATE MULLIN:** Okay.

14 **PRESIDING COMMISSIONER MOORE:** -- all right.

15 **INMATE MULLIN:** Yes.

16 **ATTORNEY SKIPPER-DOTTA:** Is there anything
17 else you'd like to say?

18 **PRESIDING COMMISSIONER MOORE:** Would you
19 like to make a comment in terms of your suitability
20 for parole, sir, --

21 **INMATE MULLIN:** Well, --

22 **ATTORNEY SKIPPER-DOTTA:** Go ahead.

23 **PRESIDING COMMISSIONER MOORE:** -- or the
24 length of confinement, either/or?

25 **INMATE MULLIN:** Okay, Mr. Coldren, I believe
26 that in the response that I made to Dr. Shafer's

1 report that I had made reference to the fact that my
2 realization as you indicated in your speech that
3 realization had taken place 28 years ago and I
4 referenced it this way, I said that I was
5 experiencing a psycho-emotional state of
6 disappointment and confusion when I reached that
7 realization and that was in my report. And the
8 realization that you're a victim of your family,
9 that you're the unknowing one, that you've lived
10 your whole life without knowing what normal, natural
11 mature people know and feel, that realization causes
12 discomfort, disappointment and further confusion
13 because you just don't rise up out of that condition
14 immediately. It takes years and years of
15 psychoanalysis and psychological and group therapy
16 and psychological one on one with psychological
17 staff members to get out of a situation like that.
18 I haven't visited my family since 1976 and that was
19 when Dr. Gordon Highberg and --

20 **DEPUTY COMMISSIONER COLDREN:** I think you
21 need to refocus your statement on your suitability
22 for parole.

23 **ATTORNEY SKIPPER-DOTTA:** Okay, is there a
24 reason why you want to talk about -- Because if you
25 strike the psych report you've really strived hard
26 to confirm that point.

1 **INMATE MULLIN:** Yeah, I was going to say
2 that Dr. Morton Felix and Dr. Gordon Highberg guided
3 me away from visiting my parents because they
4 believed in what I was saying. They believed in
5 what I tried to tell you today.

6 **ATTORNEY SKIPPER-DOTTA:** Okay.

7 **INMATE MULLIN:** And that's in the -- That's
8 in my Central File, those conversations I had with
9 Dr. Highberg and Dr. Morton Felix. It's also in the
10 appeal that I filed to the last Board of Prison
11 Terms meeting in 1996. Okay, concerning employment
12 and my ability to live in the free society in Santa
13 Cruz County the first job I had where I received my
14 Social Security number was at a place called
15 Johnny's Supermarket in a town called Boulder Creek
16 which is the northernmost town on the San Lorenzo
17 River that runs through Santa Cruz. Okay, the river
18 itself is probably 18 miles long.

19 **DEPUTY COMMISSIONER COLDREN:** We're not
20 going to go down the entire river I hope.

21 **INMATE MULLIN:** No, but --

22 **PRESIDING COMMISSIONER MOORE:** Not in this
23 lifetime.

24 **INMATE MULLIN:** But I worked there during
25 1962, 1963 and 1964. I worked for Johnny Mottenary
26 and I got to know everybody in town. Now, what I'm

1 trying to say is that town I don't think hates me.
2 I don't think that town is going to reject me as a
3 person. I think that town would welcome me as a
4 hard working member because I always worked hard. I
5 worked 40-50 hours a week. Now, sure I got confused
6 and I was the one that was the unwitting fool that
7 committed these crimes but I don't think that that
8 should last my entire life. I don't think that I
9 should be condemned forever to be in the California
10 Department of Corrections. I think that something
11 should be said on my behalf that indicates that I'm
12 effective and efficient in CDC because I know the
13 people and I work with the people and if I get to
14 Boulder Creek I'm going to know those people, I'm
15 going to work with those people. It's going to be a
16 tight knit closely structured town the way it always
17 has been and I'm going to be a member of it if you
18 so desire to choose to give me a parole ruat because
19 I can work there, I can think there. People will
20 listen to me and they'll guide me and they'll
21 protect me because I don't want to associate with
22 criminals any more. I'm not a drug user any more.
23 I don't mess around with any illegal behavior. I'm
24 a good person now. I don't want to overstate that
25 fact but I think -- I know that I could live a good
26 decent life and I could help other young men and

1 young women stay away from criminal behavior simply
2 by telling them my story.

3 **PRESIDING COMMISSIONER MOORE:** Thank you,
4 sir. We'll recess and let you know our decision.

5 **R E C E S S**

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1 **CALIFORNIA BOARD OF PRISON TERMS**2 **D E C I S I O N**3 **DEPUTY COMMISSIONER COLDREN:** We're on.

4 **PRESIDING COMMISSIONER MOORE:** Let the record
5 show that all interested parties have returned to
6 the room. Herbert Mullin, B-51410. The Panel has
7 reviewed all information received from the public
8 and relied on the following circumstances in
9 concluding that the prisoner is not suitable for
10 parole and would pose an unreasonable risk of danger
11 to society or a threat to public safety if released
12 from prison. Number one, the committing offense,
13 committing offenses. The offenses were carried out
14 in an especially cruel callous manner. Some ten
15 murders, multiple murders. Multiple victims were
16 attacked and killed in separate incidences over a
17 time frame from November of '72 to February of '73.
18 Some 13 people were killed, ten that you were
19 convicted on and three that you confessed to. The
20 offenses were carried out in a manner which
21 demonstrates an exceptionally callous disregard for
22 human suffering and these motives or the conclusions
23 are drawn from the Statement of Facts wherein you
24 were convicted of murder of ten human beings and you
25 admitted to three additional murders all for some
26 unknown reason that you've never accepted

1 **HERBERT MULLIN B-51410 DECISION PAGE 1 12/27/01**

2 responsibility for. You've blamed it on your
3 father, the relationship that you did not have I
4 guess. Previous record, the prisoner has an
5 escalating pattern of criminal conduct, possession
6 of marijuana, arrested for under the influence,
7 resisting arrest, drunk in public, a history of
8 unstable or tumultuous relationships with others.
9 You were hospitalized for schizophrenia three or
10 four times. Institutional behavior, you programmed
11 in a limited manner while incarcerated. You've not
12 sufficiently participated in beneficial self-help
13 and therapy programs sufficiently. Your
14 psychosocial report dated July the 26th of 2001
15 authored by Dee Shafer, S-H-A-F-E-R, Ph.D., contract
16 psychologist, writes on the last page of the report
17 that Mr. Mullin lacks insight into the factors other
18 than drug abuse and his mental illness which may
19 have been involved in this lethal behavior. He
20 tends to project some of the blame for his acting
21 out on his relationship with his father. In this
22 relationship he sees himself as a victim. Parole
23 plans, the prisoner lacks realistic parole plans, no
24 viable residential plan in the last county of legal
25 residence nor acceptable employment plans. 3042
26 notices, the hearing Panel notes that responses to

1 PC 3042 indicates an opposition to a finding of
2 **HERBERT MULLIN B-51410 DECISION PAGE 2 12/27/01**
3 parole suitability. Specifically the District
4 Attorney's Offices of both Santa Clara County and
5 Santa Cruz County are both present today in
6 opposition to a finding of parole suitability as
7 well as the receipt of two additional letters, one
8 from a victim's family member, Robert Olikier.
9 O-L-I-K-E-R, I believe, is the spelling. He wrote
10 on November the 19th of 2001 in opposition to a
11 finding of parole suitability as well as a Judge
12 Hugh Mullin, III also wrote on the 20th of November
13 of this year in opposition to a finding of parole
14 suitability for any reason. He happened to be with
15 the District Attorney's Office at the time of the
16 particular murders. Remarks, the Panel makes the
17 following findings: That the prisoner needs
18 continued therapy in order to face, discuss,
19 understand and cope with stress in a non-destructive
20 manner. Until this progress is made the prisoner
21 continues to be unpredictable and a threat to
22 others. Excuse me. Nevertheless the prisoner
23 should be commended. He's remained
24 disciplinary-free since 1983. His last 128 was in
25 '86. He's participated in NA, in the STOP Program,
26 in the Tai Chi, Arts and Corrections, Framework for

1 Recovery. He has positive work reports from the
2 textiles sewing until he was hurt as well as he has
3 **HERBERT MULLIN B-51410 DECISION PAGE 3 12/27/01**
4 three marketable skills from mill and cabinet
5 certificates, baking certificate as well as
6 landscape. However these positive aspects of his
7 behavior don't outweigh the factors of unsuitability
8 at this time. Mr. Mullin, this is a four year
9 denial and in a separate decision the hearing Panel
10 finds that the prisoner has been convicted of murder
11 and it is not reasonable to expect that parole would
12 be granted at a hearing during the next four years.
13 The specific reasons for the finding are as follows:
14 That the committing offense was carried out in an
15 especially cruel and callous manner. The prisoner
16 was convicted of murdering some ten human beings and
17 he admitted to murdering three additional victims
18 all for no real apparent reason. There were
19 multiple victims attacked and injured and killed in
20 separate incidents. The offenses were carried out
21 in a dispassionate and calculated manner. The
22 offenses were carried out in a manner which
23 demonstrates an exceptionally callous disregard for
24 human suffering. The motive for the crimes were
25 inexplicable or very trivial in relationship. The
26 prisoner has a history of criminality and misconduct

1 as already talked about, marijuana possession, under
2 the influence, resisting arrest and drunk in public.

3 And then a history of unstable and tumultuous

4 **HERBERT MULLIN B-51410 DECISION PAGE 4 12/27/01**

5 relationships in terms of his hospitalization for
6 mental illness. Let's see, recommendations to the
7 prisoner, the Panel makes the following
8 recommendations: To continue to remain
9 disciplinary-free, to upgrade vocationally and
10 educationally if it's available to you, to continue
11 to do that, if it's available to participate in
12 self-help and therapy ongoing. Your substance abuse
13 problem with marijuana and LSD and some alcohol are
14 lifetime problems that you have to deal with
15 continuously and never get off the boat or off the
16 wagon. Commissioner Coldren, any comments?

17 **DEPUTY COMMISSIONER COLDREN:** No.

18 **PRESIDING COMMISSIONER MOORE:** Mr. Mullin,
19 good luck to you, sir. This concludes our hearing.

20 **ATTORNEY SKIPPER-DOTTA:** Let me ask just a
21 specific regarding one of the recommendations.
22 Vocationally is it --

23 **PRESIDING COMMISSIONER MOORE:** There's no
24 specific vocation.

25 **ATTORNEY SKIPPER-DOTTA:** Okay.

26 **PRESIDING COMMISSIONER MOORE:** I mean, he's

1 already gotten three.

2 **ATTORNEY SKIPPER-DOTTA:** Yes.

3 **PRESIDING COMMISSIONER MOORE:** To continue to
4 upgrade, whichever that he chooses in terms of that
5 **HERBERT MULLIN B-51410 DECISION PAGE 5 12/27/01**
6 and in terms of education, whatever is available,
7 whatever he can afford to do because he already has
8 a high school diploma and an AA degree.

9 **ATTORNEY SKIPPER-DOTTA:** Okay.

10 **PRESIDING COMMISSIONER MOORE:** But if
11 something is available for him to --

12 **ATTORNEY SKIPPER-DOTTA:** Because he did bring
13 quite a bit of self-help, that he has cell study,
14 just, you know, reading different books. I think he
15 brought a list of chronological books that he does
16 read. He keeps a copy of the Board.

17 **PRESIDING COMMISSIONER MOORE:** Right,
18 exactly.

19 **ATTORNEY SKIPPER-DOTTA:** Continue that.

20 **PRESIDING COMMISSIONER MOORE:** Continue to do
21 that. Continue to do that.

22 **ATTORNEY SKIPPER-DOTTA:** Okay.

23 **PRESIDING COMMISSIONER MOORE:** All right,
24 sir, these are ugly crimes and the seriousness of
25 the offense itself is the main issue here. It's
26 going to be tough to surmount those but, yes, in

1 some point some time you will surmount those. Good
2 luck to you. This concludes our hearing at 2:14 or
3 at 14:14 hours.

4 **PAROLE DENIED FOUR YEARS**

5 **EFFECTIVE DATE OF THIS DECISION Apr. 26, 2002**

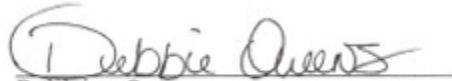
6 **HERBERT MULLIN B-51410 DECISION PAGE 6 12/27/01**

**CERTIFICATE AND
DECLARATION OF TRANSCRIBER**

I, DEBBIE OWENS, a duly designated transcriber, CAPITOL ELECTRONIC REPORTING, do hereby declare and certify under penalty of perjury that I have transcribed tape(s) which total one in number and cover a total of pages numbered 1 through 60, and which recording was duly recorded at MULE CREEK STATE PRISON, at IONE, CALIFORNIA, in the matter of the SUBSEQUENT PAROLE CONSIDERATION HEARING of HERBERT MULLIN, CDC No. B-51410, on December 27, 2001, and that the foregoing pages constitute a true, complete, and accurate transcription of the aforementioned tape(s) 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 January 15, 2002 at Sacramento County, California.


Debbie Owens
Transcriber
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