

SUBSEQUENT PAROLE CONSIDERATION HEARING
STATE OF CALIFORNIA
BOARD OF PAROLE HEARINGS

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

MULE CREEK STATE PRISON
IONE, CALIFORNIA
MARCH 22, 2006

PANEL PRESENT:

ARCHIE JOE BIGGERS, Presiding Commissioner
NOREEN BLONIEN, Deputy Commissioner

OTHERS PRESENT:

HERBERT MULLIN, Inmate
ARIADNE SYMONS, Deputy District Attorney
RONALD RICO, Deputy District Attorney
LARRY CHLADEK, Attorney for Inmate
THELMA JONES, Observer
SHMUEL THALER, Observer
Correctional Officers, Unidentified

CORRECTIONS TO THE DECISION HAVE BEEN MADE

----- No See Review of Hearing
----- Yes Transcript Memorandum

Ruby M. Dougherty, Peters Shorthand Reporting

INDEX

	<u>PAGE</u>
Proceedings	1
Case Factors	20
Pre-Commitment Factors	32
Post-Commitment Factors	39
Parole Plans	51
Closing Statements	73
Recess	81
Decision	82
Adjournment	91
Transcriber Certification	92

P R O C E E D I N G S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

DEPUTY COMMISSIONER BLONIEN: On record.

Good morning.

DEPUTY COMMISSIONER BLONIEN: This is a subsequent parole consideration for a Mr. Herbert Mullin, CDC No. B-51410. Today's date is March the 22nd, 2006. We're located at the Mule Creek State Correctional Facility -- I'm sorry, Mule Creek State Prison. Today's date, as I mentioned before, is the 22nd of March. The inmate was received on -- was received on September 18th, 1973. Controlling offense -- and the minimum eligibility date -- excuse me. Was received on September the 18th, 1973. His life term began on September 18th, 1973, and the minimum eligibility parole date is set for 12/16/2002. The controlling offense for which the inmate has been committed is murder one, two counts, and murder two, eight counts.

DEPUTY COMMISSIONER BLONIEN: I show a minimum eligible parole date of 2/14/80.

ATTORNEY CHLADEK: That's what I have.

PRESIDING COMMISSIONER BIGGERS: I have 2002 over here. I need to check that for a minute. Let's go off tape and do some research on this one.

[Off the record.]

1 **PRESIDING COMMISSIONER BIGGERS:** On tape.
2 To clarify, the minimum eligibility parole date
3 is actually February the 13th, 1980. That was
4 my mistake, thank you. And I see also that we
5 have an additional commitment offense from --
6 all those previous offenses were from Santa Cruz
7 County. The -- I see we have an additional
8 commitment offense which (indiscernible) Code
9 187 from Santa Clara County. That case number
10 is 56702, and it has one count. The hearing is
11 being tape-recorded, and for the purpose of
12 voice identification each of us will speak our
13 first and last name, spelling our last name.
14 When it gets to be your time there Mr. Mullin,
15 after spelling your last name please give us
16 your CDC number. I'm going to start, and I'm
17 going to go to my left. And, my name is Archie
18 Joe Biggers, and I'm a Commissioner with the
19 Board of Parole Hearings.

20 **DEPUTY COMMISSIONER BLONIEN:** I'm Noreen
21 Blonien, B-L-O-N-I-E-N. I'm a Deputy
22 Commissioner.

23 **PRESIDING COMMISSIONER BIGGERS:** Okay.
24 Back here, please.

25 **MS. JONES:** Thelma Jones.

26 **PRESIDING COMMISSIONER BIGGERS:** Spell
27 your last name, please.

1 **MS. JONES:** J-O-N-E-S.

2 **PRESIDING COMMISSIONER BIGGERS:** And
3 you're with?

4 **MS. JONES:** (Indiscernible) Sentinel.

5 **PRESIDING COMMISSIONER BIGGERS:** Okay.

6 **DEPUTY COMMISSIONER BLONIEN:** Observer.

7 **PRESIDING COMMISSIONER BIGGERS:**

8 Observer.

9 **MR. THALER:** Shmuel Thaler, S-H-M-U-E-L,
10 Thaler, T-H-A-L-E-R, Los Angeles Sentinel,
11 observer.

12 **DEPUTY DISTRICT ATTORNEY SYMONS:** Ariadne
13 Symons, S-Y-M-O-N-S, head of Trial Operations,
14 District Attorney's Office, Santa Cruz County.

15 **PRESIDING COMMISSIONER BIGGERS:** Thank
16 you.

17 **DEPUTY DISTRICT ATTORNEY RICO:** Ronald
18 Rico, R-I-C-O, Deputy District Attorney, Santa
19 Clara County.

20 **PRESIDING COMMISSIONER BIGGERS:** Thank
21 you.

22 **ATTORNEY CHLADEK:** My name is Larry
23 Chladek, C-H-L-A-D-E-K. I'm the attorney for
24 Mr. Mullin.

25 **INMATE MULLIN:** My name is Herbert
26 William Mullin, M-U-L-L-I-N, CDCR No. B-51410.

27 **PRESIDING COMMISSIONER BIGGERS:** Okay.

1 For the record, note that there are two
2 Correctional Officers present and they are here
3 for security purposes only and they will not be
4 participating in the hearing. Before we begin,
5 Mr. Mullin, there is a ADA Statement that's
6 right there in front of you. Would you please
7 read that for us?

8 [Recording equipment malfunction, placement of
9 equipment, background noise, and or volume of
10 participants resulted in indiscernible content.]

11 **INMATE MULLIN:** "ADA Statement. The
12 Americans with Disabilities Act is
13 a law to help people with
14 disabilities. Disabilities are
15 problems that make it harder for
16 some people to see, hear, breathe,
17 talk, walk, learn, think, work, or
18 take care of themselves than it is
19 for others. Nobody can be kept
20 out of public places or activities
21 because of a disability. If you
22 have a disability you have the
23 right to ask for help to get ready
24 for your BPT hearing, get to the
25 hearing, talk, read forms and
26 papers, and understand the hearing
27 process. BPT will look at what

1 you ask for to make sure that you
2 have a disability that is covered
3 by the ADA, and that you have
4 asked for the right kind of help.
5 If you do not get help, or if you
6 don't think you got the kind of
7 help you need, ask for a BPT 1074
8 Grievance Form. You can also get
9 help to fill it out."

10 **PRESIDING COMMISSIONER BIGGERS:** Did you
11 understand what that means?

12 **INMATE MULLIN:** Yes.

13 **PRESIDING COMMISSIONER BIGGERS:** What
14 does it mean to you?

15 **INMATE MULLIN:** It means that people who
16 cannot read or talk, walk, learn, think or work,
17 hear or see correctly and properly are going to
18 be protected by the Americans with Disabilities
19 Act, and if I don't think that I have received
20 help in that area from the government that I sit
21 before that I can use the BPT 1074 Grievance
22 Form to request such help.

23 **PRESIDING COMMISSIONER BIGGERS:** Okay.
24 Now, the record reflects that you signed a BPT
25 Form 1073 on 8/15/05 indicating that you do not
26 have a disability.

27 **INMATE MULLIN:** No, I don't think that I

1 have a disability other than the fact that I
2 belong to Alcoholics Anonymous and also I'm
3 trying to become a member of Al-Anon family
4 group.

5 **PRESIDING COMMISSIONER BIGGERS:** Okay.
6 That's not really a disability.

7 **INMATE MULLIN:** Well, it can be used as a
8 disability in some courts of law.

9 **PRESIDING COMMISSIONER BIGGERS:** Okay.
10 But as for the ADA requirements, it's really not
11 listed as one of the ADA (indiscernible)
12 requirements that we have for alcohol abuse that
13 you --

14 **INMATE MULLIN:** Is that like part of the
15 Grievance Form?

16 **PRESIDING COMMISSIONER BIGGERS:** No,
17 we'll talk about that as we get into it. Right
18 now I'm only concerned about your ADA rights?
19 Did you have any problem walking here today?
20 Getting here?

21 **INMATE MULLIN:** No, none whatsoever.

22 **PRESIDING COMMISSIONER BIGGERS:** Do you
23 wear glasses?

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

25 **PRESIDING COMMISSIONER BIGGERS:** Okay,
26 are they prescription glasses?

27 **INMATE MULLIN:** Yes.

1 **PRESIDING COMMISSIONER BIGGERS:** Okay.

2 Do you use those prescription glasses when you
3 did your Olsen Review?

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

5 **PRESIDING COMMISSIONER BIGGERS:** Okay, so
6 then -- have you -- do you have any hearing
7 impairments?

8 **INMATE MULLIN:** No, I don't.

9 **PRESIDING COMMISSIONER BIGGERS:** Okay.
10 Do you need a magnifying device or anything to
11 help you read the documents, or was one provided
12 for you in the event that you need it?

13 **INMATE MULLIN:** No.

14 **PRESIDING COMMISSIONER BIGGERS:** Okay.
15 Have you ever been involved in the CCMS, which
16 is -- you know what that is, right? CCMS --

17 **DEPUTY COMMISSIONER BLONIEN:** Triple CMS.

18 **INMATE MULLIN:** Yes. After my last Board
19 appearance I had to spend three months with
20 them. They said it was to prevent
21 decomposition.

22 **PRESIDING COMMISSIONER BIGGERS:** Okay.
23 And that's part of the record, so -- did they
24 give you a diagnosis?

25 **INMATE MULLIN:** I'm not certain. They
26 just told me one day, you're okay, you don't
27 have to come back any more.

1 **PRESIDING COMMISSIONER BIGGERS:** Okay.
2 It's in the record -- that reflects that he has
3 a problem on the mental health side.

4 **DEPUTY COMMISSIONER BLONIEN:** You're not
5 currently on any medication?

6 **INMATE MULLIN:** I haven't been on
7 medication since April of 1976.

8 **DEPUTY COMMISSIONER BLONIEN:** It's
9 documented in the file that he has no problem.

10 **PRESIDING COMMISSIONER BIGGERS:** Okay,
11 documented (indiscernible). Okay. How far did
12 you get in school?

13 **INMATE MULLIN:** I graduated from San
14 Lorenzo Valley High School in 1965, and then I
15 spent two years at Rio Junior College in Aptos,
16 Santa Cruz County.

17 **PRESIDING COMMISSIONER BIGGERS:** Have you
18 been taking any psychotropic medicines? You've
19 indicated that you haven't been taking any
20 medication since 1976.

21 **INMATE MULLIN:** April of 1976 was the
22 last time.

23 **PRESIDING COMMISSIONER BIGGERS:** Okay.
24 Do you suffer from any disability that would
25 prevent you from participating in today's
26 hearing?

27 **INMATE MULLIN:** No, I don't.

1 **PRESIDING COMMISSIONER BIGGERS:** You do
2 not, okay. All right, let the record reflect
3 that Mr. Mullin said he does not have a
4 disability that would prevent him from
5 participating in today's hearing. This hearing
6 is being conducted pursuant to Penal Code 3041
7 and 3042 and the rules and regulations of the
8 Board of Prison Terms governing Parole
9 Consideration Hearings for life inmates. The
10 purpose of today's hearing is to once again
11 consider the number and the nature of the crimes
12 you were committed for, your prior criminal and
13 social history, and your behavior and
14 programming since your commitment. We will have
15 the opportunity -- we have had the opportunity
16 to review your file -- your Central File, and
17 your prior transcript and you will be given the
18 opportunity to correct or clarify the record.
19 Do you understand that?

20 **INMATE MULLIN:** Yes.

21 **PRESIDING COMMISSIONER BIGGERS:** If
22 there's anything we leave out, you have the
23 right to -- the opportunity to correct that. We
24 will reach a decision today and inform you
25 whether or not we find you suitable for parole,
26 and the reasons for our decision. If you are
27 found suitable for parole, the length of your

1 confinement will be explained to you. Nothing
2 that happens here today will change the finding
3 of the Court. This Panel is not here to retry
4 your case. This Panel is here for the sole
5 purpose of determining your suitability for
6 parole. Do you understand that?

7 **INMATE MULLIN:** Yes.

8 **PRESIDING COMMISSIONER BIGGERS:** Okay.
9 The hearing will be conducted in three phases.
10 I will discuss with you the crime for which you
11 are committed, your prior criminal and social
12 history. Then the Deputy Commissioner will
13 discuss with you your progress since your
14 commitment, and post factors. Then I will come
15 back and -- let me back up. The Deputy
16 Commissioner will discuss not only your progress
17 since your commitment but also your parole plans
18 and letters of support that may be in your file.
19 Then I'll come back with some questions that I
20 may have after she goes and is finished with
21 your post conviction. Once that is concluded
22 both the Deputy Commissioner and I, the District
23 Attorney -- we have two -- and your attorney
24 will be given the opportunity to ask you
25 questions. The questions will be directed --
26 from the District Attorney will be asked through
27 me as the Chair and you will direct your answers

1 to the Panel. Next the District Attorney --
2 both District Attorneys, then your attorneys and
3 then yourself will be given an opportunity to
4 make a final statement regarding your parole
5 suitability. Your statement should address why
6 you feel you are suitable for parole. After
7 your statement the Panel will then recess, clear
8 the room and deliberate. Once the deliberations
9 are complete, the Panel will resume the hearing
10 and announce its decision. Now the California
11 Code of Regulations state that regardless of
12 time served, a life inmate shall be found
13 unsuitable for and denied parole if in the
14 judgment of the Panel the inmate would pose an
15 unreasonable risk of danger to society if
16 released from prison. You have certain rights.
17 Those rights include the right to a timely
18 notice of this hearing, the right to review your
19 Central File -- did you get a chance to review
20 your Central File, sir?

21 **INMATE MULLIN:** I did, yes.

22 **PRESIDING COMMISSIONER BIGGERS:** Okay.
23 And the right to present relevant documents.
24 I'm going to ask your attorney if you feel that
25 his rights have been met.

26 **ATTORNEY CHLADEK:** As far as I know they
27 have been.

1 **PRESIDING COMMISSIONER BIGGERS:** You have
2 an additional right to be heard by an impartial
3 Panel. Do you have any objection to the Panel
4 members?

5 **INMATE MULLIN:** No, I don't.

6 **ATTORNEY CHLADEK:** (Indiscernible) okay.

7 **PRESIDING COMMISSIONER BIGGERS:** You will
8 receive a written copy of our tentative decision
9 today. This decision becomes effective within
10 120 days. A copy of the decision and a copy of
11 the transcript will be sent to you, and you will
12 have 90 days from that date to appeal if you so
13 desire. Now, let me just explain something to
14 you about the appeals process. There has been a
15 recent change. I think it was 2004 where your
16 appeal would come to the Board, but we do not
17 hear appeals anymore. Your appeal now goes
18 directly to the Court.

19 **INMATE MULLIN:** Okay.

20 **PRESIDING COMMISSIONER BIGGERS:** Do you
21 understand that?

22 **INMATE MULLIN:** Yes.

23 **PRESIDING COMMISSIONER BIGGERS:** Okay.
24 You're not required to admit your offenses or
25 discuss your offenses. However, the Panel does
26 accept the findings of the Court to be true. Do
27 you understand that?

1 **INMATE MULLIN:** No, could you repeat that
2 please?

3 **PRESIDING COMMISSIONER BIGGERS:** You're
4 not required to admit your offense or discuss
5 your offenses. Okay? There's not a requirement
6 for you to do that. However, we -- this Panel
7 does accept the finding of the Court to be true.
8 Do you understand that?

9 **INMATE MULLIN:** Yes. Yes, I --

10 **PRESIDING COMMISSIONER BIGGERS:** In other
11 words, we're not here to retry your case.

12 **INMATE MULLIN:** Okay.

13 **PRESIDING COMMISSIONER BIGGERS:** Okay.
14 But, you've already been found guilty of the
15 charges. Okay? So as far as we're concerned,
16 you're guilty of those charges.

17 **INMATE MULLIN:** Right.

18 **PRESIDING COMMISSIONER BIGGERS:** Okay.
19 Do you understand that now?

20 **INMATE MULLIN:** Yes, I brought material
21 for you to look at --

22 **PRESIDING COMMISSIONER BIGGERS:** We'll
23 get into that.

24 **INMATE MULLIN:** Okay.

25 **PRESIDING COMMISSIONER BIGGERS:** We'll
26 get into that.

27 **INMATE MULLIN:** Right.

1 **PRESIDING COMMISSIONER BIGGERS:** I just
2 want to make sure that you understand --

3 **INMATE MULLIN:** That part.

4 **PRESIDING COMMISSIONER BIGGERS:** -- you
5 don't -- this part of it. That you do not have
6 to talk about your crime --

7 **INMATE MULLIN:** Right.

8 **PRESIDING COMMISSIONER BIGGERS:** -- but
9 at the same time, we are going to take the
10 findings of the Court to be true.

11 **INMATE MULLIN:** Okay. That's the sticky
12 part right there. I mean, it's hard for me to
13 understand why you would accept the findings of
14 the Court.

15 **PRESIDING COMMISSIONER BIGGERS:** A jury
16 found you guilty of the charges. As far as
17 we're concerned, you are in fact guilty of those
18 offenses.

19 **INMATE MULLIN:** That goes back to the
20 fair -- do I feel I can receive a fair and
21 impartial hearing from both of these members.
22 How -- you see, do you see what I'm trying to
23 tell you?

24 **PRESIDING COMMISSIONER BIGGERS:** We --
25 yeah, but at the same time we did not try you on
26 these charges.

27 **INMATE MULLIN:** Okay, but I don't think

1 that I can get a fair hearing from either one of
2 you if you accept those guilty verdicts. I
3 mean, that problem there is what I'm here to try
4 to clear up.

5 **PRESIDING COMMISSIONER BIGGERS:** Why do
6 you feel that we can't? We don't know anything
7 about you other than what we read in the files.

8 **INMATE MULLIN:** Well, possibly it's
9 because of my conversation with psychiatrists
10 from CDC, California Department of Corrections
11 --

12 **PRESIDING COMMISSIONER BIGGERS:** Okay.
13 Did they tell you anything about me? Do you
14 know me? Have you ever met me before?

15 **INMATE MULLIN:** What they told me was --

16 **PRESIDING COMMISSIONER BIGGERS:** No, I
17 asked you a question. Have you ever met me?

18 **INMATE MULLIN:** Okay, you asked two
19 questions, Sir.

20 **PRESIDING COMMISSIONER BIGGERS:** Well,
21 I'm going -- answer the first one please.

22 **INMATE MULLIN:** Okay, the first one was
23 why do I think that.

24 **PRESIDING COMMISSIONER BIGGERS:** Well,
25 we'll come back to that.

26 **INMATE MULLIN:** The second question is
27 how do I feel about you --

1 **PRESIDING COMMISSIONER BIGGERS:** We will
2 come back to that. Have you ever met me before?

3 **INMATE MULLIN:** No, I've never met you
4 before.

5 **PRESIDING COMMISSIONER BIGGERS:** Okay.
6 Have you ever met the Deputy Commissioner
7 before?

8 **INMATE MULLIN:** No, I never have.

9 **PRESIDING COMMISSIONER BIGGERS:** Then how
10 can you -- how do you feel that we will be
11 impartial to you, to find you suitable, if
12 you've never met us before?

13 **INMATE MULLIN:** Based upon the fact that
14 you accept that the guilty verdicts are true and
15 valid. I don't believe that you should accept
16 that.

17 **PRESIDING COMMISSIONER BIGGERS:** Well,
18 the California law requires us to be able to and
19 Title XV gives us certain latitude to accept
20 certain things to be true. And in this --

21 **DEPUTY COMMISSIONER BLONIEN:** Mr. Mullin,
22 you have two separate tracks here. Right now
23 you're involved in a parole consideration
24 hearing, and the rules of the parole
25 consideration hearing are set up in Title XV.

26 **PRESIDING COMMISSIONER BIGGERS:** Title
27 XV.

1 **DEPUTY COMMISSIONER BLONIEN:** If your
2 other track that you're talking about is a Court
3 track, where you're going to pursue through the
4 Court your guilty pleas and I don't know -- we
5 don't know anything about that or where you are,
6 but your only track here today is your
7 suitability and that's what we're here for.

8 **INMATE MULLIN:** Okay. To plead
9 mitigation so that I could get a date, I felt
10 that I should say that there is a conflict of
11 interest between us on those two points that we
12 just discussed.

13 **DEPUTY COMMISSIONER BLONIEN:** Well, in
14 the process --

15 **INMATE MULLIN:** Otherwise I would have
16 just agreed --

17 **DEPUTY COMMISSIONER BLONIEN:** In the
18 process of the hearing you have the opportunity
19 to present your side, if you wish to discuss the
20 case.

21 **INMATE MULLIN:** Okay.

22 **PRESIDING COMMISSIONER BIGGERS:** And I
23 haven't got that far yet --

24 **INMATE MULLIN:** Okay. (Indiscernible)
25 great. I mean -- I don't mean to stay on that
26 point.

27 **PRESIDING COMMISSIONER BIGGERS:** --

1 understand.

2 **INMATE MULLIN:** But could you read it one
3 more time and I'll just agree?

4 **PRESIDING COMMISSIONER BIGGERS:** Well,
5 no. I don't want you to just do that. I'm just
6 trying to establish to you that first of all
7 we're here to determine whether or not you are
8 suitable for parole. We're not retrying your
9 case at all, but there are certain parameters
10 that we have that we have to work off of that
11 have been spelled out in Title XV. Now again,
12 as was explained to you by the Deputy
13 Commissioner, if you do not like for some reason
14 our decision today you have the right to appeal.
15 Okay? As for us, I don't see where you have
16 been able to establish that we would not be
17 impartial so therefore I'm going to continue
18 with the case. Do we have any confidential
19 information that will be -- in the files?

20 **DEPUTY COMMISSIONER BLONIEN:** There is
21 confidential information in the file that we may
22 use.

23 **PRESIDING COMMISSIONER BIGGERS:** Okay.
24 I'm going to provide a checklist to your
25 attorney and also to the -- both of the District
26 Attorneys for them to review to make sure that
27 we're all on the same (indiscernible) when it

1 comes to the documents that we're going to use
2 today. Okay?

3 **ATTORNEY CHLADEK:** I have all of these
4 documents.

5 **DEPUTY DISTRICT ATTORNEY SYMONS:** I have
6 these documents. Did you need me to sign and
7 initial it --

8 **PRESIDING COMMISSIONER BIGGERS:** Yeah,
9 please do. And that was the District Attorney
10 from Santa Clara -- Santa Cruz. And we also
11 have the District Attorney here from Santa
12 Clara, and let him check the document as well.

13 **DEPUTY DISTRICT ATTORNEY RICO:** I have
14 those documents --

15 **PRESIDING COMMISSIONER BIGGERS:** Okay,
16 thank you very much. And I -- and for the
17 record, the inmate's attorney brought in a --
18 some additional information that we'll -- that
19 the Deputy Commissioner will go over with you
20 shortly. But there was some additional
21 documents that were brought in by the inmate.
22 Do you have any objections to -- any preliminary
23 objections?

24 **ATTORNEY CHLADEK:** No objections at this
25 time.

26 **PRESIDING COMMISSIONER BIGGERS:** Thank
27 you. Will the inmate be speaking to the Panel?

1 **ATTORNEY CHLADEK:** He will be talking
2 about everything except for the crime. He does
3 not wish to talk about that at this time.

4 **PRESIDING COMMISSIONER BIGGERS:** Okay,
5 well if that's the case I need you to please
6 raise your right hand as best as you can. Do
7 you solemnly swear or affirm that the testimony
8 you give at this hearing will be the truth and
9 nothing but the truth?

10 **INMATE MULLIN:** I do.

11 **PRESIDING COMMISSIONER BIGGERS:** Thank
12 you very much. I'm going to read in to the
13 record the offensive summaries from the life
14 prisoner evaluation that was conducted on
15 September 30th of 2005. And I'll start with the
16 -- with the offensive summary from Santa Cruz.

17 "On the morning of January 25th,
18 1973, Mr. Mullin went to the home
19 of James Gianera, G-I-A-N-E-R-A,
20 in Santa Cruz. He shot him four
21 times with a .22 caliber pistol,
22 killing him. He went -- then went
23 to Gianera's wife Joan and shot
24 her five times, also killing her.
25 Mr. Mullin then went to the home
26 of Cathleen Prentiss,
27 P-R-E-N-T-I-S-S. He entered the

1 home and stabbed her to death, and
2 then shot her. In the same room
3 were her two sons David, aged
4 nine, and Damian Francis,
5 F-R-A-N-C-I-S, aged four. Mullin
6 shot each in the head and stabbed
7 Damian in the back as well. The
8 same .22 caliber pistol was used
9 in these killings. On February
10 the 17th, 1973, the bodies of Mark
11 Johnson -- and I'll spell the last
12 name, D-R-E-B-E-L-B-I-S, Robert
13 Spector, S-P-E-C-T-O-R, Brian
14 Card, C-A-R-D, and David -- and
15 I'll spell the last name, oh liker
16 is the way it's pronounced,
17 O-L-I-K-E-R, were discovered by
18 Card's brother in the make-shift
19 cabin in the mountains near
20 Felton. Each had been shot in the
21 body and the head by the .22
22 caliber pistol Mullin used in the
23 other five killings. These
24 killings were thought to have
25 taken place on or before February
26 13th. The .22 caliber rifle was
27 taken from the cabin together with

1 some traveler's checks and \$10.00
2 in currency. At about 8:00 a.m.
3 on February the 13th, 1973, Fred
4 Albie Perez, P-E-R-E-Z, was killed
5 by Mullins as he worked in front
6 of his residence in Santa Cruz.
7 Mullins, while seated in his car,
8 fired a single bullet into Perez
9 from a distance of approximately
10 123 feet using the .22 caliber
11 rifle taken from the cabin where
12 he had killed the four young men.
13 A neighbor of Perez heard the shot
14 and saw Mullin's car. She alerted
15 the Santa Cruz police who arrested
16 Mr. Mullin some ten minutes later.
17 In the car police recovered the
18 rifle used to kill Perez and the
19 pistol used on the other victims.
20 The additional crime -- that I
21 spoke of previously -- occurred on
22 November the 2nd, 1972. At
23 approximately 4:26 p.m. office of
24 the Las Galos Police Department
25 received a report that an assault
26 at the Saint Mary's Church in Las
27 Galos had occurred, the victim

1 reportedly being a priest. While
2 investigating officers were
3 responding to the Saint Mary's
4 Church an (indiscernible) happened
5 to be proceeding in the area of
6 Saint Mary's. The attendants in
7 (indiscernible) were beckoned by
8 Father Howley, H-O-W-L-E-Y, Pastor
9 of Saint Mary's, who requested the
10 attendant come into the church.
11 The attendant was directed to a
12 confessional booth at the rear of
13 the church where he observed
14 Father Henry Tomei, T-O-M-E-I, age
15 64, the victim, sitting on the
16 floor of the confessional booth.
17 The victim was leaning back
18 against the chair in the booth
19 with his head resting against the
20 chair and the wall. The attendant
21 immediately checked the victim.
22 However, he found no sign of life.
23 He was immediately transported to
24 Las Galos Community Hospital where
25 he was pronounce dead on arrival,
26 apparently the result of several
27 stabblings of the chest and back

1 area. The investigating officers
2 subsequently made contact with an
3 apparent witness to the homicide
4 who related that she had been
5 climbing the outer steps of the
6 church. Upon opening the door
7 leading to the center aisle she
8 heard groans that were becoming
9 greater in intensity. She
10 observed two suspects at the
11 confessional booth. The witness
12 related she believed both subjects
13 to be priests. After a brief
14 period of time she realized the
15 subject who was standing was
16 assaulting the individual seated
17 in a chair in the confessional
18 booth. The subject standing up,
19 later identified as Herbert
20 Mullin, was described as moving in
21 a very quick manner. The witness
22 related she observed Herbert
23 strike the victim with his left
24 hand. However she was unable to
25 know if he was holding anything in
26 his hand. The witness observed
27 him kick the victim with his right

1 leg, described the kick as a
2 karate style kick. The victim
3 suffered four stab wounds. In
4 addition to the 11 murders,
5 Mullins admitted to two more
6 murders while on the witness
7 stand."

8 Is -- these statements correct Mr. Mullin?

9 **INMATE MULLIN:** I would say not guilty by
10 reason of insanity. The people that I'm accused
11 of killing I did kill, but as to the dates and
12 the facts I can't stipulate to whether those
13 facts or dates are true.

14 **ATTORNEY CHLADEK:** My client was not
15 going to talk about the crime. I think that --

16 **INMATE MULLIN:** Okay, so I could just say
17 I refuse to talk about it?

18 **PRESIDING COMMISSIONER BIGGERS:** Okay.
19 All right. I understand.

20 **INMATE MULLIN:** My basic first statement
21 would be not guilty by reason of insanity with
22 mitigating circumstances.

23 **PRESIDING COMMISSIONER BIGGERS:** Okay.
24 Well, we'll get into that a little later on.
25 This is just a -- there's a lot of things here.
26 This is a very ugly crime that you've been
27 convicted of by reason of insanity or whatever.

1 Did you know any of the victims prior to --

2 **INMATE MULLIN:** I knew Jim Gianera and
3 Joan Gianera, and Cathleen Prentiss and David
4 and Damian.

5 **PRESIDING COMMISSIONER BIGGERS:** Okay.
6 How did you know them?

7 **INMATE MULLIN:** Jim Gianera and I went to
8 high school together, San Lorenzo Valley High,
9 1963, '64, '65.

10 **PRESIDING COMMISSIONER BIGGERS:** The
11 other victims?

12 **INMATE MULLIN:** His wife -- when Jim got
13 married and his wife was pregnant he approached
14 me and asked me if I wanted to smoke some
15 marijuana with him and so that's -- that was
16 when I first met her.

17 **PRESIDING COMMISSIONER BIGGERS:** How
18 about the priest?

19 **INMATE MULLIN:** The priest -- there's a
20 difference of opinion about the priest. At the
21 trial I thought the priest was one of the
22 priests that occasionally was a visitor at Saint
23 John's Parish in Felton, where I was a member.
24 Saint John's Catholic Church in Felton, which is
25 in Santa Cruz, something that (indiscernible).
26 Well, the priest Henry Tomei, he used to
27 substitute there as a confessor. I went -- I

1 thought I had gone to him several time in
2 confession and he also gave Mass and Holy
3 Communion.

4 **PRESIDING COMMISSIONER BIGGERS:** Okay, so
5 that was the only --

6 **INMATE MULLIN:** They told me at the trial
7 that no, he -- that's not the same man.

8 **PRESIDING COMMISSIONER BIGGERS:** So, in
9 other words, you didn't know him?

10 **INMATE MULLIN:** Well, who's telling the
11 truth?

12 **PRESIDING COMMISSIONER BIGGERS:** Well,
13 I'm just trying to find out how you picked this
14 priest to commit the crime.

15 **INMATE MULLIN:** Pardon?

16 **PRESIDING COMMISSIONER BIGGERS:** How did
17 you pick this particular individual out for the
18 crime?

19 **INMATE MULLIN:** I really don't want to
20 discuss the actual --

21 **PRESIDING COMMISSIONER BIGGERS:** I'm not
22 asking you to discuss what took place, I'm
23 trying to figure out how. What I'm trying to
24 establish here Mr. Mullins is, did you know your
25 victims? Okay. And how did you go about, you
26 know, and your relationship with the victims.

27 **INMATE MULLIN:** Okay, yes. I guess this

1 is the part where I have to try to explain that
2 during those five years before, the crime spree
3 -- the crime spree started on October 13th,
4 1972, and it ended on February 13th, 1973.
5 During those four or five years before the crime
6 spree I was in what they call a state of
7 undifferentiated schizophrenia. That's what the
8 Mendocino State Mental Hospital had diagnosed me
9 as. I couldn't keep a job for more than six
10 months. I didn't have any girlfriends. I
11 didn't have any friends basically. This is
12 where I start to try to plead to the Board of
13 Parole Hearings that there's an instance of
14 mitigation that can be taken into account. I
15 was not a thinking individual, I was a reacting
16 individual. I didn't sit down and think about
17 what I was going to do. I was just reacting to
18 impulses that I received from the community
19 around me. My peer group, my family, and so
20 forth.

21 **PRESIDING COMMISSIONER BIGGERS:** Sir,
22 you're going to get a chance to go into all the
23 mitigation and everything. What I'm concerned
24 about right now -- I know you don't want to talk
25 about the crime but I'm going to ask you, did
26 you kill those people?

27 **INMATE MULLIN:** Am I supposed to --

1 **ATTORNEY CHLADEK:** You don't have to
2 answer any question you don't want to, but I
3 think you --

4 **INMATE MULLIN:** It's already -- okay.
5 I've already said that, yeah. That somebody
6 started me on this while I was in a state of
7 undifferentiated schizophrenia, paranoid
8 schizophrenia. They started me on this and I
9 had no intentions of hurting anyone --

10 **PRESIDING COMMISSIONER BIGGERS:** You said
11 they. Who is they?

12 **INMATE MULLIN:** Well, it was my parents,
13 my mother and father.

14 **PRESIDING COMMISSIONER BIGGERS:** We'll
15 talk about your social history a little bit
16 later on but I wanted --

17 **INMATE MULLIN:** Well, those are the
18 people who started me --

19 **PRESIDING COMMISSIONER BIGGERS:** How did
20 they go about doing that?

21 **INMATE MULLIN:** By denying me maturity --

22 **PRESIDING COMMISSIONER BIGGERS:** How did
23 they go about denying you maturity?

24 **INMATE MULLIN:** By not teaching me the
25 facts of life or the idea of the pecking order
26 in society, how to deal with the life and death
27 of the ego. How to think about heterosexuality,

1 bisexuality, homosexuality, any type of
2 sexuality. They left me in a state of
3 immaturity, naiveté, and gullibility while they
4 allowed my peer group in grammar school and high
5 school and college to mature and become strong
6 and healthy and worthwhile so-called members of
7 society.

8 **PRESIDING COMMISSIONER BIGGERS:** So
9 you're telling me that the reason you went on
10 this killing spree was the fact that your
11 parents did not allow you -- didn't teach
12 anything about sexuality?

13 **INMATE MULLIN:** Not just sexuality, but
14 also the pecking order. How the life and death
15 of the ego --

16 **PRESIDING COMMISSIONER BIGGERS:** When you
17 say the life and death of the ego, clue me in.
18 I don't -- I don't understand what you're
19 saying.

20 **INMATE MULLIN:** Okay. When we're in a
21 social situation and people are conversing, and
22 one person indicates that that person is the
23 alpha male so to speak, then the alpha male can
24 get everybody else to keep quiet while the alpha
25 male speaks and makes his power and influence
26 and desires known. Okay. I was not given any
27 of this information from my parents or my school

1 teachers or the Catholic priests that I went to
2 confession to, and that lack of information kept
3 me immature to the point that I become
4 undifferentiated schizophrenic. And then, just
5 before the crime occurred my parents pushed me
6 over the line into paranoid schizophrenia and
7 the crime spree happened.

8 **PRESIDING COMMISSIONER BIGGERS:** All
9 right.

10 **INMATE MULLIN:** I feel that that's wrong
11 on their part and that the State should have
12 punished my parents. At least chastised them
13 publicly in the newspapers and on the
14 televisions and in the radio.

15 **PRESIDING COMMISSIONER BIGGERS:** Yeah,
16 but don't you think that the fact that you
17 committed those acts is really creating a
18 problem for your parents at this point. They
19 didn't actually do the killing.

20 **INMATE MULLIN:** Both of my parents are
21 dead now.

22 **PRESIDING COMMISSIONER BIGGERS:** But, did
23 they do the killing?

24 **INMATE MULLIN:** They are responsible for
25 causing me to do it.

26 **PRESIDING COMMISSIONER BIGGERS:** Well,
27 because they did not take you and give you

1 certain things that you feel that you were
2 missing?

3 **INMATE MULLIN:** No, they put me in a
4 situation where I became mentally insane and
5 that insanity led to the crime spree.

6 **PRESIDING COMMISSIONER BIGGERS:** But you
7 did pull the trigger, and you did the stabbing?

8 **INMATE MULLIN:** Well -- no comment.

9 **PRESIDING COMMISSIONER BIGGERS:** All
10 right. Let's move into your social history
11 here. We've got (indiscernible) talk a little
12 bit about your parents. Both deceased, and I'm
13 sorry about that. Do you have a -- do you have
14 an older sister?

15 **INMATE MULLIN:** She's five years older
16 than me, if she's still alive. I don't know.

17 **PRESIDING COMMISSIONER BIGGERS:** Oh, you
18 have no contact with her?

19 **INMATE MULLIN:** I haven't had contact
20 with her since, I guess, '75, '76.

21 **PRESIDING COMMISSIONER BIGGERS:** Well I
22 see in here -- one of the reports in the file
23 here, you said that you broke up with your
24 family because you felt that the relationship
25 was unhealthy as you have described to me right
26 now.

27 **INMATE MULLIN:** Right.

1 **PRESIDING COMMISSIONER BIGGERS:** Okay.
2 And you did not wish to have any contact with
3 your sister. In the report it also indicates
4 that you had no problems with sexual abuse, or
5 substance abuse, or violence in the home when
6 you were growing up.

7 **INMATE MULLIN:** There was violence. I
8 mean, there was boxing. He -- the old man took
9 me out and put on the gloves at least once a
10 week.

11 **PRESIDING COMMISSIONER BIGGERS:** Just for
12 fun, or was he just trying to teach you
13 something or was it --

14 **INMATE MULLIN:** I had just explained that
15 he kept me naïve and gullible and immature and
16 so it wasn't for fun, no.

17 **PRESIDING COMMISSIONER BIGGERS:** Okay,
18 all right. You said that your father was also
19 hospitalized for shell shock?

20 **INMATE MULLIN:** Yes, he was.

21 **PRESIDING COMMISSIONER BIGGERS:** Okay.
22 Did any other family members have any
23 psychological problems which you are aware of?

24 **INMATE MULLIN:** I don't know. They kept
25 secrets from me. They might have.

26 **PRESIDING COMMISSIONER BIGGERS:** You've
27 also indicated here in the record that you've

1 had several sexual contacts with different
2 partners -- with multiple partners. And that
3 you're not denying any homosexual activity. Is
4 that still --

5 **INMATE MULLIN:** Uh, yes.

6 **PRESIDING COMMISSIONER BIGGERS:** Okay.

7 It also stated in here in the facts that the
8 record did contain --

9 **INMATE MULLIN:** Can I say something on
10 that? I haven't had any sexual experiences with
11 anyone else for years and years and --

12 **PRESIDING COMMISSIONER BIGGERS:** Oh,
13 well, we're going back to age 20.

14 **INMATE MULLIN:** Oh, age 20, okay. Yeah.
15 And on the heterosexual monogamous I never --
16 when I release, I really would like to get
17 married and experience that normal aspect of
18 American society --

19 **PRESIDING COMMISSIONER BIGGERS:** You've
20 never been married?

21 **INMATE MULLIN:** That would be a mature,
22 natural experience for me --

23 **PRESIDING COMMISSIONER BIGGERS:** I agree.

24 **INMATE MULLIN:** -- and it's something
25 I've never had.

26 **PRESIDING COMMISSIONER BIGGERS:** Okay.

27 So you've never been married and you don't have

1 any children.

2 **INMATE MULLIN:** No, correct.

3 **PRESIDING COMMISSIONER BIGGERS:** Okay.

4 You haven't served in the military. I see here
5 that you applied and received conscientious
6 objector status in the military. Is that
7 correct?

8 **INMATE MULLIN:** Yes, and I actually
9 received conscientious objectorship --

10 **PRESIDING COMMISSIONER BIGGERS:** Okay.

11 **INMATE MULLIN:** -- and I had discussed
12 that with my father who was a Marine Corps drill
13 sergeant before World War II and he was a
14 Captain in the United States Army artillery
15 during World War II, and so he was very
16 disappointed that I had chosen conscientious
17 objectorship. But I have, and I thoroughly
18 believe in myself.

19 **PRESIDING COMMISSIONER BIGGERS:** But I
20 see here in the record again, it says that you
21 changed your mind and later attempted to enlist
22 during the period of time when you were
23 committing the offenses.

24 **INMATE MULLIN:** Yes, that's when my
25 father and mother played those psychological
26 mind games on me and --

27 **PRESIDING COMMISSIONER BIGGERS:** And I'm

1 sure that the Deputy Commissioner is going into
2 this, but in the report it also says that you
3 took LSD approximately three times a year
4 between 1967 and 1972.

5 **INMATE MULLIN:** Yeah, maybe less than a
6 few. A couple years there wasn't any.

7 **PRESIDING COMMISSIONER BIGGERS:** And
8 about 50 doses of marijuana during the time that
9 you were committing the offenses.

10 **INMATE MULLIN:** No, at -- Jim Gianera was
11 growing -- he had about 17 plants growing and we
12 smoked some marijuana with Prentiss and her
13 husband and the two children and his wife, Jim's
14 wife Joan. That was in September of 1972.

15 **PRESIDING COMMISSIONER BIGGERS:** Okay.
16 Were you under the influence of drugs when you
17 committed these offenses?

18 **INMATE MULLIN:** I think I probably was
19 under the influence. I mean, it's not
20 necessarily immediate like right now that -- it
21 could have been like a previous month, a month
22 earlier.

23 **PRESIDING COMMISSIONER BIGGERS:** Okay --

24 **INMATE MULLIN:** Like, in December I think
25 I took LSD. In December of 1972. Whereas --

26 **PRESIDING COMMISSIONER BIGGERS:** Let's
27 talk a little bit about your priors.

1 **INMATE MULLIN:** That was 33 years ago,
2 and so I'm, you know, I'm trying to --

3 **PRESIDING COMMISSIONER BIGGERS:** I know
4 it's very difficult for you to --

5 **INMATE MULLIN:** -- to recall --

6 **PRESIDING COMMISSIONER BIGGERS:** -- all
7 of that.

8 **INMATE MULLIN:** I was a paranoid
9 schizophrenic, an undifferentiated paranoid
10 schizophrenic, so I -- my recollections can't be
11 taken as absolute facts.

12 **PRESIDING COMMISSIONER BIGGERS:** Oh, I
13 understand that. Sure. I mean, I would have a
14 difficult time going back 33 years and
15 remembering something. But I'm just trying to
16 get a feeling for what you can in fact remember.

17 **INMATE MULLIN:** I think that
18 psychedelics, LSD and marijuana, the two drugs
19 that I used -- I think that they damaged me and
20 that they are partially responsible. That
21 damage is partially responsible for the
22 commission of the crime.

23 **PRESIDING COMMISSIONER BIGGERS:** Okay.
24 Let's talk a little bit about your priors. You
25 were arrested for possession of marijuana, the
26 one time.

27 **INMATE MULLIN:** Uh, yes. Mmm-hmm.

1 **PRESIDING COMMISSIONER BIGGERS:** Arrested
2 for under the influence and resisting arrest?

3 **INMATE MULLIN:** Yes.

4 **PRESIDING COMMISSIONER BIGGERS:** Drunk in
5 public?

6 **INMATE MULLIN:** I don't -- wasn't that
7 the same on you just read?

8 **PRESIDING COMMISSIONER BIGGERS:** It could
9 be. It could be. I see that you were also
10 hospitalized for schizophrenia. Is that
11 correct?

12 **INMATE MULLIN:** Yes, it -- several times.
13 I don't remember how many times. The first time
14 was at Mendocino State Mental Hospital. The
15 second time I think was in Santa Cruz, and then
16 there was a time in Maui over in Hawaii, and
17 then another time in Santa Cruz. I was really
18 having a terrible time. Couldn't figure out who
19 I was and what I should be doing.

20 **PRESIDING COMMISSIONER BIGGERS:** Okay.
21 When you were having a difficult time -- then
22 I'm going to turn it over to the Deputy
23 Commissioner. Before you went on this spree,
24 did you try to get -- or did you seek help with
25 anyone?

26 **INMATE MULLIN:** I volunteered for
27 outpatient mental health at Santa Cruz County

1 and I was with them for -- 1969, 1970, 1971.

2 **PRESIDING COMMISSIONER BIGGERS:** Okay,
3 and why did they release you?

4 **INMATE MULLIN:** I don't know. I feel
5 that in some ways they were inefficient.

6 **PRESIDING COMMISSIONER BIGGERS:**
7 Inefficient? From what standpoint?

8 **INMATE MULLIN:** Well, they didn't discuss
9 with me like we were talking earlier about the
10 pecking order, and the life and death of the
11 ego.

12 **PRESIDING COMMISSIONER BIGGERS:** I'm
13 still confused about those, you know, the
14 pecking order and everything. I'm confused.
15 Could you just enlighten me on what you mean by
16 the pecking order?

17 **INMATE MULLIN:** Well, no comment.

18 **PRESIDING COMMISSIONER BIGGERS:** Okay.
19 We'll move to the Deputy Commissioner now, who
20 will talk to you about some of the
21 post-conviction factors.

22 **DEPUTY COMMISSIONER BLONIEN:** Mr. Mullin,
23 your last appearance before the Board was
24 December 27th of 2001, and the decision was for
25 a four-year denial, and the Panel recommended
26 that you remain disciplinary-free, that you
27 upgrade vocationally and participate in

1 self-help. Your current Custody Level is
2 Medium-A, and Classification Level is 28 which
3 is the lowest possible for an inmate with your
4 multiple commitments. So in order to do this
5 report I've gone over two volumes of your
6 C-file, I've read your counselor's report by
7 Counselor Hyland, H-Y-L-A-N-D, dated September
8 30th of 2005, I read the psych report by Dr.
9 Shafer, S-H-A-F-E-R, dated July 26th of 2001,
10 and I went through the two volumes of material
11 that you've presented and took some of them out
12 which I'm going to discuss with you. But as I
13 told you at the beginning you have two courses
14 that you're following and this is your
15 suitability hearing, and I'm here to talk to you
16 about the factors of your suitability.

17 **INMATE MULLIN:** Okay.

18 **DEPUTY COMMISSIONER BLONIEN:** So you did
19 --

20 **INMATE MULLIN:** Can I ask you a question?

21 **DEPUTY COMMISSIONER BLONIEN:** Uh-huh.

22 **INMATE MULLIN:** Why didn't the Board of
23 Parole Hearings request a current update on my
24 psychological evaluation? The last one you just
25 mentioned was 2001.

26 **DEPUTY COMMISSIONER BLONIEN:** Well,
27 psychological evaluations are asked for not of

1 every hearing. So sometimes we ask for one, and
2 sometimes we don't. They're not mandatory that
3 you get one, and determining on the outcome of
4 this hearing we would ask for a new
5 psychological if you were found unsuitable.

6 **PRESIDING COMMISSIONER BIGGERS:** But at
7 the same time the Board -- the last Board, did
8 they tell you that they were going to request a
9 psychological evaluation?

10 **INMATE MULLIN:** I don't remember.

11 **PRESIDING COMMISSIONER BIGGERS:** Okay. I
12 don't see anything in the record where they
13 indicated they were asking for one.

14 **DEPUTY COMMISSIONER BLONIEN:** No. No.

15 **PRESIDING COMMISSIONER BIGGERS:** And, you
16 know, if -- if we find that it is necessary we
17 will then request one for you. But as far as I
18 can determine right now, there was none
19 requested. There's nothing in the file that
20 indicates --

21 **DEPUTY COMMISSIONER BLONIEN:** There's
22 nothing in the file that one was requested.
23 It's not an automatic. I guess that's the
24 bottom line answer. It's not automatic that you
25 get a new psych for every hearing.

26 **INMATE MULLIN:** Okay.

27 **DEPUTY COMMISSIONER BLONIEN:** In going

1 over your correctional history, you've had one
2 115 and that was in 1983 for sexual behavior.
3 You've had one 128 and that was in 1986. So
4 you've been disciplinary-free for over 20 years.

5 **INMATE MULLIN:** Yeah, I have.

6 **DEPUTY COMMISSIONER BLONIEN:** You have a
7 vocational certification in Mill and Cabinet; is
8 that true?

9 **INMATE MULLIN:** Yes.

10 **DEPUTY COMMISSIONER BLONIEN:** In 1994?

11 **INMATE MULLIN:** I was there three years.
12 I spent 36 months at Mill and Cabinet. I think
13 '93, '94, '95, and part of '96.

14 **DEPUTY COMMISSIONER BLONIEN:** You've
15 worked in PIA Textiles extensively.

16 **INMATE MULLIN:** Yeah, about 30 months.

17 **DEPUTY COMMISSIONER BLONIEN:** And you
18 currently are a janitor, and you receive
19 exceptional reviews from your supervisor.

20 **INMATE MULLIN:** Yeah.

21 **DEPUTY COMMISSIONER BLONIEN:** Do you have
22 another vocational achievement? I looked at
23 your last transcript, it said you had three, but
24 I --

25 **INMATE MULLIN:** Yeah, vocational Bakery
26 and vocational Landscape and Gardening.

27 **PRESIDING COMMISSIONER BIGGERS:** And

1 where did you get Landscape and Gardening?

2 **INMATE MULLIN:** At -- let's see,
3 California Men's Colony in San Luis Obispo.

4 **DEPUTY COMMISSIONER BLONIEN:** And the
5 Bakery?

6 **INMATE MULLIN:** The instructor's name was
7 Romero. Vocational Bakery was at California
8 Men's Colony.

9 **DEPUTY COMMISSIONER BLONIEN:** CMC?

10 **INMATE MULLIN:** Yeah.

11 **DEPUTY COMMISSIONER BLONIEN:** Okay. As
12 -- you had your high school diploma when you
13 came to prison and you had -- did you have an AA
14 degree or units towards an AA degree?
15 I have an Associative Science Degree from
16 Cabrillo Junior College in Civil Highway
17 Technology and Construction Technology.

18 **DEPUTY COMMISSIONER BLONIEN:** So, in
19 terms of self-help and therapy you have gone to
20 either AA or NA for a long time. Correct?

21 **INMATE MULLIN:** Yes, yeah, over ten
22 years.

23 **DEPUTY COMMISSIONER BLONIEN:** And have
24 you worked through all the steps?

25 **INMATE MULLIN:** Yes.

26 **DEPUTY COMMISSIONER BLONIEN:** And are
27 there any steps that you especially rely on?

1 **INMATE MULLIN:** Yes.

2 **DEPUTY COMMISSIONER BLONIEN:** Which ones?

3 **INMATE MULLIN:** I started with step 11.

4 We sought through prayer meditation to improve
5 our conscious contact with God as we understood
6 him praying only for knowledge of his will for
7 us and the power to carry that out.

8 **DEPUTY COMMISSIONER BLONIEN:** You started
9 with step 11? You skipped one through ten, and
10 went right to 11?

11 **INMATE MULLIN:** Yes, and it --

12 **DEPUTY COMMISSIONER BLONIEN:** You know
13 that's a maintenance step, not a starting step.

14 **INMATE MULLIN:** Well, for me it was
15 number one.

16 **DEPUTY COMMISSIONER BLONIEN:** Okay. So
17 --

18 **INMATE MULLIN:** Number two was number
19 two. We came to believe in a power greater than
20 ourselves (indiscernible) --

21 **DEPUTY COMMISSIONER BLONIEN:** And you
22 have a religious background?

23 **INMATE MULLIN:** Yes. Those two steps
24 were the first -- or three here.

25 **DEPUTY COMMISSIONER BLONIEN:** And now,
26 when you go to meetings and you work through the
27 steps, do you especially rely on any of them?

1 **INMATE MULLIN:** No, now I'm trying to,
2 you know, make the whole program part of my
3 daily life.

4 **DEPUTY COMMISSIONER BLONIEN:** And do you
5 actively participate in the meetings?

6 **INMATE MULLIN:** Yes, I do. I speak
7 extensively from time to time.

8 **DEPUTY COMMISSIONER BLONIEN:** Have you
9 ever been the Chair or --

10 **INMATE MULLIN:** No, I've never taken that
11 responsibility, not as yet.

12 **DEPUTY COMMISSIONER BLONIEN:** You also
13 participate in a program called STOP.

14 **INMATE MULLIN:** Yeah, Stay Out of Prison
15 program. Yeah. Very good program.

16 **DEPUTY COMMISSIONER BLONIEN:** And what
17 did you learn from that?

18 **INMATE MULLIN:** We got into, like,
19 psychological personalities, the different types
20 of psychological personalities. It was based on
21 a book by Carl Jung, Mankind and His Types and
22 His Dreams and so forth.

23 [Thereupon the tape was turned over.]

24 **DEPUTY COMMISSIONER BLONIEN:** Okay, we're
25 back on record. It led you toward --

26 **INMATE MULLIN:** The basis was that we
27 have a conscious mind and an unconscious, and we

1 have to learn how to balance both our conscious
2 and unconscious mind in order to achieve a state
3 called individuation, where we become an
4 individual. We have to work with our society
5 with the people in our environment in a
6 compatible way so that we mature
7 psychologically, socially, economically,
8 politically to the point where we're no longer
9 being controlled -- where we're in control and
10 --

11 **DEPUTY COMMISSIONER BLONIEN:** And
12 responsible.

13 **INMATE MULLIN:** -- and responsible.
14 Yeah.

15 **DEPUTY COMMISSIONER BLONIEN:** You also
16 participated and learned how to do Tai Chi.

17 **INMATE MULLIN:** Yes.

18 **DEPUTY COMMISSIONER BLONIEN:** I didn't
19 even know they offered that here.

20 **INMATE MULLIN:** They did at one time back
21 in the '90s, '96 through '98 I was --

22 **DEPUTY COMMISSIONER BLONIEN:** Do you
23 still practice?

24 **INMATE MULLIN:** I do a little bit of it,
25 yes.

26 **DEPUTY COMMISSIONER BLONIEN:** And you
27 participated in Arts in Corrections?

1 **INMATE MULLIN:** Arts in Corrections, yes.

2 **DEPUTY COMMISSIONER BLONIEN:** And I don't
3 think that's available anymore, is it?

4 **INMATE MULLIN:** No, it isn't. No --

5 **DEPUTY COMMISSIONER BLONIEN:** That's too
6 bad. That was a good program. So in terms of
7 your daily endeavors currently, you go to work.
8 Do you work four days a week or five?

9 **INMATE MULLIN:** I work five days a week,
10 about seven and a half hours a day.

11 **DEPUTY COMMISSIONER BLONIEN:** You go to
12 AA regularly?

13 **INMATE MULLIN:** Yes, every week.

14 **DEPUTY COMMISSIONER BLONIEN:** And you're
15 currently reading --

16 **INMATE MULLIN:** I have a desk
17 encyclopedia by the Columbia University and it's
18 got about 400 pages and it's the history of the
19 world and some of the more important people.

20 **DEPUTY COMMISSIONER BLONIEN:** That's
21 quite interesting. When I did look at your
22 psych report -- and we noted that it was from
23 2001, and I noted in here that you talked a lot
24 about your psych report and the differences that
25 you had with it. But I have to take, you know,
26 what the psychiatrist psychologist said -- and
27 your difference of opinion with him like in your

1 Global Assessment Functioning ability and such
2 is something that you can take up with the next
3 psych. And I understand Global Assessment
4 Functioning is a subjective score. So in terms
5 of your GAF, under Axis I he notes that you have
6 hallucinogen induced psychotic disorder,
7 polysubstance abuse by history, and a
8 personality disorder not otherwise specified
9 with antisocial features. That you have no
10 medical disabilities under Axis III, and gave
11 you a Global Assessment Functioning score of 65
12 which is still a moderately functioning
13 individual in the institution and would be in
14 the community also. In terms of talking about
15 the life crime he notes that you are unable to
16 offer any insight into the emotional impact and
17 that when discussing your offenses you were
18 serious but matter of fact. That you've been a
19 well-adjusted person in prison as a prisoner.
20 That your mental illness seems to be in stable
21 remission, so that the diagnostic impressions
22 under Axis I are stabilized so that you no
23 longer show any symptomatic. That,
24 "In short, it appears that within
25 the controlled setting and
26 structured environment of the
27 Department you can function

1 without presenting a danger to
2 yourself or to others. If
3 released in the community, he is
4 not likely to receive the level of
5 support he expects from members of
6 NA. He has no other community
7 support, having discontinued his
8 contact with family members. He
9 appears to be somewhat dependant
10 individual, who probably requires
11 a highly structured environment in
12 order to function best. He is not
13 likely to find it easy to re-enter
14 the work environment at then age
15 54, with no significant employment
16 history in the community.
17 Frustration with his reception in
18 the free world is likely to
19 increase his risk for future
20 acting out. Mr. Mullin lacks
21 insight into factors other than
22 drug abuse and his mental illness,
23 which may have been involved in
24 his lethal behavior. He tends to
25 project some of the blame for his
26 acting out onto his relationship
27 with his father. In this

1 relationship he sees himself as
2 victim. If paroled he should be
3 closely monitored for substance
4 abuse, and provided with mental
5 health treatment and support
6 services."

7 That brings us --

8 **INMATE MULLIN:** That was written in 2001.

9 **DEPUTY COMMISSIONER BLONIEN:** Two
10 thousand one. And you think that your progress
11 in certain arenas would enable you to function
12 better in the community than four years ago?

13 **INMATE MULLIN:** Oh, yeah, I would give
14 myself a Global Assessment Functioning score of
15 87.

16 **DEPUTY COMMISSIONER BLONIEN:**

17 Eighty-seven?

18 **INMATE MULLIN:** Yes, I would.

19 **DEPUTY COMMISSIONER BLONIEN:** That's a
20 highly functioning individual.

21 **INMATE MULLIN:** Yes --

22 **DEPUTY COMMISSIONER BLONIEN:** Not many
23 people in the community have 87.

24 **INMATE MULLIN:** You know that would be an
25 interesting study for me to look into some day
26 --

27 **DEPUTY COMMISSIONER BLONIEN:** You should,

1 it is interesting.

2 **INMATE MULLIN:** Yeah, I know the
3 University of California at Santa Cruz has a
4 psychology department and I often wondered if I
5 might be able to audit some classes.

6 **DEPUTY COMMISSIONER BLONIEN:** Well, in
7 tying in the psych report into your parole plans
8 I see that the number one step -- number -- wait
9 a minute here. You're going to contact AA or NA
10 almost immediately, if paroled, and you even
11 have locations in Felton and where else?

12 **INMATE MULLIN:** Ben Lomand, Boulder
13 Creek, and the New Life Community Service Center
14 has a place where I can live. Food, shelter,
15 and clothing, and they'll help me find
16 employment and after a month or so they'll help
17 me find a place to live.

18 **DEPUTY COMMISSIONER BLONIEN:** So your
19 plan would be to live at New Life Community
20 Services Center?

21 **INMATE MULLIN:** Yeah.

22 **DEPUTY COMMISSIONER BLONIEN:** Did you
23 type this yourself?

24 **INMATE MULLIN:** Yes.

25 **DEPUTY COMMISSIONER BLONIEN:** You have
26 your own typewriter?

27 **INMATE MULLIN:** Yes.

1 **DEPUTY COMMISSIONER BLONIEN:** So the
2 number one thing you'd do if granted a parole
3 date, is you'd contact the Santa Cruz County
4 Parole Unit and you know where it is. You have
5 the address. And number two, you'd contact the
6 New Life Community Services organization, which
7 you've already contacted and --

8 **INMATE MULLIN:** They were supposed to
9 send you a brochure. I got a mimeographed copy
10 of it --

11 **DEPUTY COMMISSIONER BLONIEN:** Right here.
12 And this organization provides food, shelter and
13 clothing for parolees and they also provide
14 employment counseling and referring. Number
15 three, you'd go to the One Stop Center in Santa
16 Cruz and this is in lieu of my hope for
17 association. So if it doesn't work out at New
18 Life Community, you'd be at the One Stop Center
19 --

20 **INMATE MULLIN:** Well, if --

21 **DEPUTY COMMISSIONER BLONIEN:** -- for
22 employment?

23 **INMATE MULLIN:** Yeah. If my parole agent
24 doesn't allow me to join the New Life Community
25 Center then I'd need employment and One Stop
26 Community Centers they allow you to find
27 employment (indiscernible).

1 **DEPUTY COMMISSIONER BLONIEN:** And you do
2 have skills in Textiles, in Mill and Cabinet,
3 and Janitorial.

4 **INMATE MULLIN:** Mmm-hmm. And also I'm
5 qualified to be a stock clerk in a grocery store
6 and gasoline station attendant.

7 **DEPUTY COMMISSIONER BLONIEN:** Everything
8 is self-serve now.

9 **INMATE MULLIN:** Well, you see, I've --
10 it's different.

11 **DEPUTY COMMISSIONER BLONIEN:** Well, 30
12 years is a long time and the world has changed
13 significantly and it would take you a while to
14 get up to speed with new things that have
15 happened. You're going to rely heavily on your
16 parole agent for suggestions and different
17 parole programs, and you have a statement that
18 you want to be hard-working, tax-paying -- we
19 like that -- worthwhile citizen, and you'll obey
20 the laws and that you look forward to living a
21 life as a free respected citizen in Boulder
22 Creek, the gateway to Big Basin Redwood State
23 Park. So, you've thought of steps. The first
24 living in Santa Cruz and then getting a job, and
25 then maybe living on your own. And there's a
26 letter from New Life that tells you that they've
27 sent you a brochure and you need to call them

1 when you're released to set up an appointment
2 for an interview. So depending on their
3 availability at that time --

4 **INMATE MULLIN:** Did you get the brochure,
5 because I --

6 **DEPUTY COMMISSIONER BLONIEN:** I have
7 yours.

8 **INMATE MULLIN:** Okay.

9 **DEPUTY COMMISSIONER BLONIEN:** I went
10 through all your stuff.

11 **INMATE MULLIN:** Well, no, my counselor,
12 Ms. Hyland, she was supposed to send you the
13 color coded brochure. I don't know if it's --
14 if you are --

15 **DEPUTY COMMISSIONER BLONIEN:** I didn't
16 see it. It would be in your C-file. I'm really
17 good at C-file -- I didn't see it. But having a
18 copy here is good. And then there's a letter
19 that you wrote to New Life. And you have some
20 paperwork about on the day that you're paroled,
21 which tells you what your responsibilities are
22 in terms of parole. That you'd looked into
23 that. And paperwork on the One Stop Career
24 Centers, and the services that they offer. You
25 had several different parole plans -- just a
26 little bit different, but I thought that the one
27 that I read was the one that you were basically

1 relying on.

2 **INMATE MULLIN:** Yeah, that one was
3 probably from a different date because it's --
4 as I got closer to this meeting I updated it but
5 I wanted to show you that those were the
6 stepping stones leading me to this place.

7 **DEPUTY COMMISSIONER BLONIEN:** And you
8 have done significant work in that area. And
9 you have a letter from Mary Allen. You
10 contributed some money to the National Arbor Day
11 Foundation?

12 **INMATE MULLIN:** Yes. I told them that I
13 thought that we should try to grow redwood trees
14 throughout the planet Earth because redwood
15 trees are good for our environment and good for
16 the atmosphere, they absorb pollutants --

17 **DEPUTY COMMISSIONER BLONIEN:** They're
18 beautiful. And you have copies of chronos that
19 we talked about. Your work supervisory reports,
20 showing that you're above average in your work
21 and you show a positive attitude. I'm going to
22 put all these back in that folder so you --
23 because it is your responsibility to maintain a
24 record. And you're maintaining a very good
25 record. And we talked about all your
26 certificates and participation in AA.

27 **INMATE MULLIN:** That's my favorite book.

1 I'd like to own that book. I've never owned it.
2 I've never even looked at it.

3 **DEPUTY COMMISSIONER BLONIEN:** That -- the
4 -- this one?

5 **INMATE MULLIN:** The plane crash. It was
6 written in 1911.

7 **DEPUTY COMMISSIONER BLONIEN:** Well, it
8 would be hard to get your hands on one probably.

9 **INMATE MULLIN:** Yeah, but I'm still
10 trying.

11 **DEPUTY COMMISSIONER BLONIEN:** So, we
12 talked about all you've been doing in the
13 institution. We talked about your parole plans
14 and what you'd be doing. We also sent out 30 --
15 but you have a letter of support that I didn't
16 read.

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

18 **DEPUTY COMMISSIONER BLONIEN:** I have it
19 here. From a Kenneth Karnig, K-A-R-N-I-G, and
20 who is he?

21 **INMATE MULLIN:** He's a gentleman that
22 wrote me around 14 years ago and we've
23 corresponded almost every month since then.

24 **DEPUTY COMMISSIONER BLONIEN:** He lives in
25 Tampa, Florida, and he says that he's known you
26 for about 14 years and you've corresponded, and
27 that you show true remorse for the murders for

1 which you've been convicted. That you've spent
2 your years of incarceration continuing your
3 education and rehabilitation, and that you
4 express remorse every day of your life for the
5 crimes.

6 "When paroled, Mr. Mullin should
7 continue seeing a doctor,
8 counseling, and continued
9 rehabilitation on a regular parole
10 date. He is free to contact me,
11 and I will establish employment
12 and finding of permanent
13 residence."

14 So he'd help you?

15 **INMATE MULLIN:** Yeah, but he lives in
16 Tampa, Florida.

17 **DEPUTY COMMISSIONER BLONIEN:** "Mr. Mullin
18 knows that he can contact me for any kind of
19 positive support." Then there was a -- we sent
20 out 3042 Notices to law enforcement and to
21 victim next of kin and we did receive some
22 answers to those, and we have both the
23 representative of the District Attorney's Office
24 in Santa Cruz and Santa Clara who will be
25 speaking when appropriate. So I'm not going to
26 read their letter, because they'll be speaking
27 for themselves. There was a letter that was

1 written by one of the victim's brothers. And he
2 said that -- he urges us not to release you on
3 parole. That you murdered more people that he
4 can remember, and one of them was his brother.
5 And, he thinks of his brother often and can only
6 imagine what he would have accomplished in this
7 life if not been -- for being murdered. And
8 that you can never repay the debt to society or
9 undo what you've done, and how can a mass
10 murderer ever be rehabilitated? You continue to
11 represent a danger to us all, and he urges us to
12 keep you in prison. So with that, I'm going to
13 return it to the Chair.

14 **PRESIDING COMMISSIONER BIGGERS:** I just
15 have a couple of questions that I that -- in my
16 mind, based on what the Deputy Commissioner
17 asked you. You mentioned something about you
18 are now -- what is your religious background? I
19 understand you (indiscernible) minister or
20 something?

21 **INMATE MULLIN:** Agnostic.

22 **PRESIDING COMMISSIONER BIGGERS:**
23 Agnostic, okay. And when did you start this?

24 **INMATE MULLIN:** Agnosticism I guess is
25 about 12 years old. Twelve years now.

26 **PRESIDING COMMISSIONER BIGGERS:** You've
27 been doing it for 12 years?

1 **INMATE MULLIN:** Yeah.

2 **PRESIDING COMMISSIONER BIGGERS:** Okay.

3 And I see this Mr. Karnig, K-A-R-N-I-G, that
4 wrote you a letter of support -- how did you
5 meet him? You said you met him 14 years ago?

6 **INMATE MULLIN:** He wrote me a letter and
7 said that he was interested in my artwork,
8 because he had heard from some of his friends
9 that I occasionally when I write penpals I send
10 them pieces of art. And so he wrote me a nice
11 letter and sent me some stamps, and so I --

12 **PRESIDING COMMISSIONER BIGGERS:** It was
13 through a third party that you met this
14 individual?

15 **INMATE MULLIN:** Yes.

16 **PRESIDING COMMISSIONER BIGGERS:** All
17 right. Okay, thank you. Deputy Commissioner,
18 do you have anything else you want to add?

19 **DEPUTY COMMISSIONER BLONIEN:** You haven't
20 talked about remorse.

21 **INMATE MULLIN:** Okay, in the files that I
22 gave you there was several pages of handwritten
23 journal and in those journal notes I expressed
24 on seven or eight different occasions what I
25 actually think about and pray about every day,
26 and that is that I'm extremely remorseful and
27 sorrowful for my part in committing the crime.

1 That I pray that the God of America who died
2 (indiscernible) souls of the people, the actual
3 victims, and that God can forgive me and that
4 society can forgive and give me a second chance.
5 Sorrow and remorse is really part of my everyday
6 life. It's not just when I wake up in the
7 morning or when I go to sleep at night. It is
8 at those times, but it's all through the days.
9 Whenever I get a chance, I express sorrow and
10 remorse for committing the crimes and I pray
11 that the victims can receive Gods blessing. I
12 honestly do.

13 **DEPUTY COMMISSIONER BLONIEN:** Okay, that
14 was my only question.

15 **PRESIDING COMMISSIONER BIGGERS:** I hope
16 to follow up on that when you said -- well, I'll
17 wait. Let's --

18 **DEPUTY COMMISSIONER BLONIEN:** And I did
19 just notice that your brochure came in with late
20 material.

21 **INMATE MULLIN:** Yeah, okay. It's a nice
22 brochure. It really is. It offers hope.

23 **PRESIDING COMMISSIONER BIGGERS:** At this
24 point I'm going to ask the District Attorney
25 from Santa Cruz to -- do you have any questions
26 for Mr. Mullin?

27 **DEPUTY DISTRICT ATTORNEY SYMONS:** When

1 Mr. Mullins was first arrested and tried for
2 these offenses in 1973, he contended that he was
3 compelled to commit these murders to avoid
4 earthquakes. He then, in 1996, said homosexuals
5 or bisexuals made him commit the murders. He
6 then read a book or became aware of a book
7 called Pre-medicated Murder, after which he
8 decided it was medication which pushed him to
9 commit murder. In 2001 he decided that in fact
10 it was his parent's fault. I'm interested in
11 how he explains these different excuses for the
12 murders that he committed?

13 **PRESIDING COMMISSIONER BIGGERS:** Mr.
14 Mullin?

15 **INMATE MULLIN:** I would say that if you
16 add them all up you're seeing a person who is
17 trying to explain why the terrible crimes --
18 crime spree happened. And at any given moment,
19 when people are questioning me I can't give all
20 the reasons at one time. And so, if I happen to
21 give one reason on one day or one reason on
22 another day it's probably just part of a
23 progression of my learning how to describe and
24 explain why the crimes happened.

25 **PRESIDING COMMISSIONER BIGGERS:**
26 (Indiscernible).

27 **DEPUTY DISTRICT ATTORNEY SYMONS:** Mr.

1 Mullin now contends that it's his mothers and
2 fathers fault, that they forced him to commit
3 this murder. I wonder if his mother and father
4 forced his sister to murder anybody?

5 **PRESIDING COMMISSIONER BIGGERS:** Mr.
6 Mullin?

7 **INMATE MULLIN:** No, they didn't. Not to
8 my knowledge.

9 **PRESIDING COMMISSIONER BIGGERS:** Okay,
10 thank you.

11 **DEPUTY DISTRICT ATTORNEY SYMONS:** I have
12 no other questions. Thank you.

13 **PRESIDING COMMISSIONER BIGGERS:** Thank
14 you. Now we move to Mr. Rico from Santa Clara.

15 **DEPUTY DISTRICT ATTORNEY RICO:** Thank
16 you. Could Mr. Mullin elaborate a little bit on
17 what kind of art work he does?

18 **PRESIDING COMMISSIONER BIGGERS:** Mr.
19 Mullin?

20 **INMATE MULLIN:** In the beginning I did
21 mountain scenes with acrylics. I used two
22 colors, blue -- what they call cobalt blue, and
23 white, and I did mountain scenes like the
24 Alaskan Rockies with the blue sky and clouds,
25 the snow clouds and the mountains with the snow
26 and the rocks and so forth. And then as time
27 progressed I went on to just doing pencil

1 sketches with colored pencils, like geometric
2 figures, hexagons, pentagons, triangles and so
3 forth. Like you would consider, like classical
4 colored stained glass work with no physical
5 object being portrayed. Just geometrical
6 figures. And now I've gone back to the scenes
7 of nature. The mountain scenes, the green
8 grasses, the rolling hills. I don't do people's
9 faces. I don't do people's bodies. I don't
10 draw animals or anything. One time I painted my
11 hand. My left hand. I did an acrylic painting
12 of my left hand, but that was the only time.
13 That's my artwork.

14 **PRESIDING COMMISSIONER BIGGERS:** Thank
15 you.

16 **DEPUTY DISTRICT ATTORNEY RICO:** The
17 hexagon or pentagon period in his artwork, does
18 that coincide with the time where his religious
19 interests had to do with witchcraft and
20 Satanism?

21 **INMATE MULLIN:** I don't think so, no. It
22 was called -- it's not called Satanism. I have
23 no interest in Satanism. Witchcraft was -- I
24 think in my file it shows that it was the church
25 and school Wiccan from a place in North Carolina
26 and they were giving me --

27 **DEPUTY COMMISSIONER BLONIEN:** Yeah, I'm

1 just getting ready.

2 **INMATE MULLIN:** -- they were teaching a
3 course in -- they were giving a doctorate in
4 Celtic witchcraft and I was studying the stone
5 circles of Ireland and England and Scotland.
6 And apparently the people that practice Wicca or
7 what some people call witchcraft -- Wicca was
8 the basic ancient religion of the stone circles
9 of Ireland, England, and Scotland, and so I --
10 when I was doing those colored paintings of the
11 five sided figures and the geometrical figures,
12 that came during the 1990s whereas the
13 investigation into Wicca came during -- I think
14 it was 1998 -- 1986, 1987. One of those two
15 years.

16 **PRESIDING COMMISSIONER BIGGERS:** So for
17 example with these psychological evaluation from
18 June of 1991, where it indicates that Mr. Mullin
19 apparently told the author of the report that
20 the reason for his problems was that he had been
21 cursed and he appeared to be -- Mr. Mullin was
22 spending a great deal of time, energy, and
23 trouble in practicing witchcraft and occult
24 practices and is highly focused on that. Is
25 that still the case?

26 **INMATE MULLIN:** No. No, it's not true.

27 **DEPUTY DISTRICT ATTORNEY RICO:** Not true

1 that it's still the case, or not true that it
2 was back then when you apparently --

3 **PRESIDING COMMISSIONER BIGGERS:** You
4 understand the question?

5 **INMATE MULLIN:** Oh, okay. I was not
6 allowed to take the course in Wicca from the
7 church and school of Wicca. They would -- the
8 authorities said that the \$130.00 for the
9 14-month course was probably too expensive for
10 me to spend.

11 **PRESIDING COMMISSIONER BIGGERS:** I don't
12 think that was the question. The question was
13 -- correct me if I'm wrong, was you were
14 practicing something and that you told the
15 psychiatrist back in --

16 **DEPUTY DISTRICT ATTORNEY RICO:** June of
17 1991.

18 **PRESIDING COMMISSIONER BIGGERS:** -- June,
19 1991, and wanted to know if you're still
20 practicing that type of --

21 **INMATE MULLIN:** I never practiced. I
22 wanted to learn about witchcraft because I felt
23 that my parents and my sibling rivals were
24 practicing a form of killjoy sadistic witchcraft
25 on me, and that by practicing killjoy sadistic
26 witchcraft on me they placed me in a position
27 where my mind is not capable of solving problems

1 and then paranoid schizophrenia kicked in.

2 **PRESIDING COMMISSIONER BIGGERS:** Okay,
3 and the second point -- I think the District
4 Attorney's question was, are you still doing it
5 now?

6 **INMATE MULLIN:** I have never practiced
7 witchcraft. All -- I think I'm trying to say
8 again -- I think this is the third time I've
9 tried to say this. I think I've said it pretty
10 good each time. I never practiced witchcraft.
11 I signed up to learn about it. Not to practice
12 it, but to learn about it. To learn how people
13 can do such things, and I was not allowed to do
14 that.

15 **PRESIDING COMMISSIONER BIGGERS:** Okay.
16 Okay, all right. Thank you.

17 **DEPUTY DISTRICT ATTORNEY RICO:** And I --
18 I think that in terms of religion I noted
19 somewhere in the packet that apparently Mr.
20 Mullin has indicated that one of the reasons he
21 gave up organized religion was that
22 practitioners of that were not helping him in
23 his search to procure a wife. Is that accurate,
24 Mr. Mullin?

25 **INMATE MULLIN:** I suppose that that's
26 part of the reason, yes.

27 **DEPUTY DISTRICT ATTORNEY RICO:** And I've

1 noted in the file that one of Mr. Mullin's
2 expressed intentions what he wanted to do -- he
3 said that today -- when he gets out, is to find
4 a wife. Is that accurate?

5 **INMATE MULLIN:** Yes, that's true. I even
6 mentioned that earlier when I was talking to --

7 **PRESIDING COMMISSIONER BIGGERS:** Yes
8 (indiscernible). Thank you.

9 **DEPUTY DISTRICT ATTORNEY RICO:** And he
10 referred to Maui earlier, and he talked about
11 some difficulties back then. I note that
12 apparently there was a situation that was
13 reflected in the June 1996 Board of Prison Terms
14 evaluation, and it talks about -- this would
15 have been back in the -- in 1970, when Mr.
16 Mullin was on Maui. Apparently he was escorted
17 to the airport by the Maui police, and told that
18 he had to leave Hawaii. Something about a
19 concern about strong aggressive impulses. Could
20 he related what that was about?

21 **INMATE MULLIN:** I really don't remember.
22 Honest. I was -- I guess I was -- if that was
23 1969, and I think it was probably 1970 I was in
24 the middle of undifferentiated schizophrenia so
25 I -- I don't know. I remember that I had got
26 the money by working at a place in Santa Cruz,
27 Holiday Inn on Ocean Street in Santa Cruz. And

1 one of my sibling rivals, so to speak, somebody
2 that I went to high school with and junior
3 college with, introduced me to a girl who along
4 with his assistance convinced me to go to Hawaii
5 and to buy tickets and so forth. So I lost my
6 job, and I spent all the money I'd made at the
7 job. I -- a wrong decision on my part, but I
8 was struggling for maturity.

9 **DEPUTY DISTRICT ATTORNEY RICO:** Ms.
10 Symons has summed up Mr. Mullin's statements in
11 the past, blaming certain things for his crimes,
12 certain people, or certain factors. I think
13 today he also said that he thought psychedelic
14 drug damage was partially responsible for the
15 murders. Is that what he believes?

16 **INMATE MULLIN:** Yes.

17 **DEPUTY DISTRICT ATTORNEY RICO:** And does
18 he think that that psychedelic drug damage that
19 he did to himself has somehow dissipated and
20 resolved itself?

21 **INMATE MULLIN:** Yeah.

22 **DEPUTY DISTRICT ATTORNEY RICO:** Does he
23 disagree with the psychiatric evaluation that
24 the Deputy Commissioner read into the record?

25 **INMATE MULLIN:** Yes.

26 **DEPUTY DISTRICT ATTORNEY RICO:** And if
27 Mr. Mullin were to be released, I think it's

1 already been pointed out that things have
2 changed in the last 30 years. Gas stations are
3 self-serve these days. What stressors does Mr.
4 Mullin think may be waiting on the outside that
5 may present the greatest risk to him?

6 **PRESIDING COMMISSIONER BIGGERS:** Do you
7 understand the question?

8 **INMATE MULLIN:** Okay. The stressors I
9 guess would be like people approaching me and
10 wanting me to tell my story. I'm not going to
11 tell my story. I'm not -- I don't have any
12 intention of writing a book or getting anyone
13 else to write a book. I just want to get back
14 to trying to live my life as a free and healthy
15 person, to be a benefit to society. And I think
16 that Alcoholics Anonymous and Al-Anon can really
17 help me make that transition, to stay away from
18 all those negative stressors. So --

19 **DEPUTY DISTRICT ATTORNEY RICO:** Does -- I
20 assume from that that Mr. Mullin recognizes that
21 because he has killed 11 people he's been
22 convicted of and by his admission 13, that
23 there's a certain amount of notoriety that he
24 may have. So if he goes out into the world
25 people may confront him because of that
26 notoriety. Does he recognize that?

27 **INMATE MULLIN:** Yes, I do, and I think

1 that as a member of Al-Anon I can get away from
2 that type of stressor.

3 **DEPUTY DISTRICT ATTORNEY RICO:** Does he
4 believe that the same pecking order that he
5 referred to earlier still exists out there, that
6 he would not get concerned?

7 **INMATE MULLIN:** The pecking order is a
8 interesting phenomenon. In this room here the
9 pecking order would be the Commissioner and the
10 Deputy Commissioner. They would be the ones
11 that I would -- trying to show deference and
12 respect to. I have learned how to deal with the
13 pecking order. The captains, the sergeants, the
14 Correctional Officers. I know how to think and
15 act and react properly now in terms of the
16 social order, and I think that, yes, it exists
17 there in the outside world as well as it does
18 here in this room.

19 **DEPUTY DISTRICT ATTORNEY RICO:** However,
20 if Mr. Mullin were to get a date and we released
21 him to the outside world in an uncontrolled
22 environment outside the prison walls, does he
23 believe that he would be able to practice his
24 deference and the mechanism that he has utilized
25 inside to get along with the pecking order?

26 **INMATE MULLIN:** Yes, I definitely do, and
27 I'm proud to be complimenting the Department of

1 Corrections and Rehabilitation for giving me the
2 opportunity to come out of the insanity and into
3 a sane world in my own mind and in my own heart.
4 They've given me thousands of hours of
5 psychological self-help group, and I'm really
6 grateful for that in and of itself.

7 **DEPUTY DISTRICT ATTORNEY RICO:** So I
8 guess my last question would be this, then, if
9 Mr. Mullin has learned on the inside to deal
10 with the pecking order is he saying that he
11 presents an image that he thinks those higher up
12 in the pecking order want to perceive or is he
13 presenting what he truly is? Does that make
14 sense? Does he understand?

15 **PRESIDING COMMISSIONER BIGGERS:** Do you
16 understand the question?

17 **INMATE MULLIN:** Could you rephrase --

18 **DEPUTY DISTRICT ATTORNEY RICO:** I can
19 rephrase it.

20 **INMATE MULLIN:** I asked, Commissioner,
21 could you rephrase it.

22 **PRESIDING COMMISSIONER BIGGERS:** I'm not
23 so sure I got -- I'll have him rephrase it for
24 you.

25 **INMATE MULLIN:** Okay, what about you,
26 Deputy Commissioner? Could you rephrase his
27 question? It's a very good one --

1 **DEPUTY COMMISSIONER BLONIEN:** It's a very
2 good question, and I think he could best
3 rephrase it.

4 **PRESIDING COMMISSIONER BIGGERS:** I don't
5 like to read anybody's mind. I think that the
6 District Attorney would be the best to rephrase his
7 question.

8 **INMATE MULLIN:** Okay, let me -- maybe I
9 could answer myself then.

10 **PRESIDING COMMISSIONER BIGGERS:** No, let
11 him rephrase the question first.

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

13 **DEPUTY DISTRICT ATTORNEY RICO:** I guess
14 what I'm asking, I thought I'd heard Mr. Mullin
15 say that in the last 30 years in prison he has
16 learned to deal with the pecking order. And I
17 think he referred to the Commissioner and the
18 Deputy Commissioner here being the highest up in
19 this room in the pecking order. And he's
20 learned to respond and to show deference and to
21 act and say certain things. And I guess my
22 question is, when he presents as he does today
23 is he acting or is he truly indicating how he
24 thinks and feels?

25 **PRESIDING COMMISSIONER BIGGERS:** Do you
26 understand that question (indiscernible)?

27 **INMATE MULLIN:** Yes. Okay, yes. I'm

1 truthfully who I am. I really present myself
2 truthfully to you, and I'm not just acting to
3 make my parole seem proper to you. I'm acting
4 the way I truthfully am. I think I deserve my
5 parole. I think I've worked hard for it, and I
6 think that I'd really benefit society and show
7 that rehabilitation is very very possible, and
8 in my case, it's already happened.

9 **DEPUTY DISTRICT ATTORNEY RICO:** Nothing
10 further.

11 **PRESIDING COMMISSIONER BIGGERS:** Thank
12 you very much. And, Mr. Chladek?

13 **ATTORNEY CHLADEK:** Chladek. I have no
14 questions.

15 **PRESIDING COMMISSIONER BIGGERS:** Okay. I
16 will ask Ms. Symons to close for us, please.
17 And she'll be representing Santa Cruz County.

18 **DEPUTY DISTRICT ATTORNEY SYMONS:** I'm
19 surprisingly offended by his statement, I
20 deserve my parole. I would like to commend the
21 Deputy Commissioner for the amount of work she's
22 obviously spent reviewing his file,
23 acknowledging the things that he's done in
24 prison. I was going to say something that
25 (indiscernible) community services, as Mr.
26 Mullin has made the odd choice of choosing the
27 one program in Santa Cruz where I serve on the

1 Board of Directors, and I can't imagine that
2 that program would ever accept a person like Mr.
3 Mullin into the program with his absence of
4 responsibility for his crimes. He does nothing
5 but blame other people, and he changes who he
6 chooses to blame. The Twelve Steps start with
7 admitting responsibility. Rehabilitation starts
8 with admitting responsibility. He murdered 13
9 people. Surely a horrible crime, but those
10 crimes are especially heinous atrocious and
11 cruel. The youngest little boy he killed was
12 four. The eldest person he killed was in his
13 90s. He killed a friend from high school. He
14 killed his wife because she was a witness to the
15 first murder. He was found guilty of two
16 premeditated murders, in separate
17 (indiscernible). The disregard for human
18 suffering is astonishing. The magnitude of the
19 crimes that he has committed cannot be
20 overstated, so I do not care how well he has
21 behaved in prison. I understand that the prison
22 must, and that's important to the prison. But I
23 don't think he'll even get there because of what
24 he has done. Prison is not merely about
25 rehabilitation. Sometimes it does achieve that,
26 and it's to be commended for that, but prison is
27 also about retribution. He's spent 32 years of

1 his life in prison. He hasn't even begun to pay
2 for his crimes. It's not long enough. He can
3 never pay for what he has done, at least not in
4 this lifetime. He does not deserve parole. He
5 does not deserve to live out in free society
6 among people who have not done anything near to
7 what he has done. I cannot be articulate enough
8 to describe the injury that he's inflicted. Not
9 merely on the 13 people that he killed, but
10 their families, their loved ones, the community.
11 He doesn't deserve parole, and if he thinks he's
12 presented to this Board a face of a man who is
13 sane and full of remorse in his (indiscernible)
14 he is sadly mistaken. I ask that you deny
15 parole. I specifically ask that you deny his
16 hearing for the maximum time allowable. Thank
17 you.

18 **PRESIDING COMMISSIONER BIGGERS:** Thank
19 you very much. Okay, Mr. Rico?

20 **DEPUTY DISTRICT ATTORNEY RICO:** I
21 absolutely and wholeheartedly agree with Ms.
22 Symons. I was thinking of sitting here and
23 reading into the record the names of the 13
24 victims, but that's already been done.
25 Commissioner, you did that (indiscernible) and
26 you don't have to do that. This is not a place
27 for dramatics or theatrics. But the fact

1 remains that Mr. Mullin has one of the all time
2 highest body counts, and that is basically
3 (indiscernible) factor and when I heard him say
4 what Ms. Symons is commenting about, that --
5 that he deserves release I was hearing him
6 express the sense of entitlement. After sitting
7 here and blaming today and over the years a
8 number of others for his crimes, and today
9 talking about some kind of damage from
10 psychedelic drugs that seems to have evaporated
11 and gone away and it's okay now, you can let me
12 out. That doesn't fit, that doesn't. I looked
13 at the letter that the Deputy Commissioner
14 referred to, the opposition letter from one of
15 the family members of one of the victims, and
16 there's a line in it that says "He can never
17 repay his debt to society, nor undo what he has
18 done, and he is certainly not entitled to his
19 freedom." Mr. Mullin seems to think that he is
20 entitled. The letter from the family member
21 goes on to ask questions -- very important, and
22 it says "How could a mass murderer every be
23 rehabilitated?" And I think that that's a
24 significant question that comes into play here.
25 It is a good thing that Mr. Mullin has been
26 almost disciplinary-free since he has been in
27 custody. That's a good thing, and it is true

1 that he should be commended for behaving behind
2 prison walls. The fact remains that he can do
3 that because it is behind prison walls that he
4 belongs. He has demonstrated what happens to
5 members in society who have the unfortunate
6 consequence of crossing paths with him. Whether
7 it be because they knew him in high school,
8 because they married somebody who knew him in
9 high school, because they happened to be an
10 acquaintance, because they happened to be the
11 four-year-old or the nine-year-old child of an
12 acquaintance who was present at the time, or
13 whether because they happened to be a Catholic
14 priest in a confessional that he mistakes for
15 somebody that he has previously encountered and
16 confessed to. Now, if -- there's a lot going on
17 here that maybe Mr. Mullin is a character study
18 for psychologist or psychiatrists who would
19 indicate and pontificate and theorize that he
20 was raised by a former Marine drill instructor,
21 a former military man. He was raised in the
22 Catholic faith, and Mr. Mullin goes the other
23 way and gets his conscientious objector status,
24 and has problems with his family because of that
25 or at least his father. And then he withdraws
26 that status, and after apparently unsuccessful
27 attempts to get into the military he goes out

1 and starts killing people on his own. So if he
2 was trying to make a statement to his father,
3 whether he was trying to make a statement to the
4 world or society, or whether mental issues or
5 drug issues were involved, the fact remains
6 after all of these years he sits at this table
7 and expresses to this Panel that yes I did the
8 crimes. But what I'm hearing him express is
9 still hate towards his parents because he told
10 you today that he thought the State of
11 California should have punished his parents for
12 what they made him do. They didn't give him the
13 .22. They didn't give him the knife. They
14 didn't tell him to kill a four-year-old and a
15 nine-year-old. It's Mr. Mullin who did that.
16 But everyone else, everything else was to blame.
17 He has not -- he is no closer now to accepting
18 responsibility than he was when he walked
19 through the gates of the California Department
20 of Corrections. And I agree wholeheartedly with
21 Ms. Symons that he has a long way to go. I
22 don't think that he will ever get there, but I
23 do know from what I've heard today that a
24 maximum denial would be appropriate and I would
25 ask that. Thank you.

26 **PRESIDING COMMISSIONER BIGGERS:** Defense
27 counsel?

1 **ATTORNEY CHLADEK:** Yes. Mr. Mullin is
2 here today to ask for a date. My client, when
3 he committed these murders, was suffering from
4 serious mental disorder. He doesn't deny that.
5 At this point my client feels that he has
6 improved drastically. He has taken no
7 medications whatsoever for 28 years and this 28
8 years that he has been better he has lived in
9 prison, he has been monitored 24 hours a day,
10 and during that period he has received only two
11 -- only one 115 and one 128. For 23 years
12 there's been no discipline -- disciplinarys.
13 There's no violence whatsoever in prison. None.
14 There has been no substance abuse in prison,
15 although all of the substances are available.
16 For the last ten years he's been in NA and AA.
17 My client has a great many skills to draw upon
18 when he gets out. He's got a high school
19 education, he's got a two-year college degree,
20 he's got three skilled vocations. Mill and
21 Cabinet, Landscaping, and Bakery. My client can
22 also read and write very well. He can type. My
23 client could be a clerk. My client has a job
24 working as a janitor, and he's worked for five
25 and a half years consistently and his reports
26 are exceptional. My client has been an
27 extremely model prisoner since coming into

1 prison, certainly for the last 23 years. He's
2 been here for 32 years. He's 59 years old. My
3 client feels that he is ready for a date. He
4 feels that he has been rehabilitated, and he's
5 asking for a date today. And with that, we
6 would submit it.

7 **PRESIDING COMMISSIONER BIGGERS:** Mr.
8 Mullin?

9 **DEPUTY COMMISSIONER BLONIEN:** Let me
10 change the tape.

11 **PRESIDING COMMISSIONER BIGGERS:** Okay.
12 Before we -- before you get started.

13 [Thereupon the tape was changed to tape two.]

14 **DEPUTY COMMISSIONER BLONIEN:** Okay, we're
15 back on tape.

16 **PRESIDING COMMISSIONER BIGGERS:** Thank
17 you, counsel. Mr. Mullins?

18 **INMATE MULLIN:** Okay. In closing, I just
19 want to reiterate that I'm extremely sorry for
20 having committed the crimes, that they took
21 place over 33 years ago, and if I could I would
22 change all that. I would go back and make sure
23 that no one got hurt, that I never committed any
24 crime whatsoever. And, if the Board gives me a
25 date, and I really believe I deserve a date,
26 I'll do the best I can to prove that
27 rehabilitation is a reality and that I am

1 rehabilitated and that I'm grateful that my mind
2 has been healed and that I've been given a
3 second chance. And I hope that God guides and
4 protects and improves the souls of the four
5 victims, and I hope that God blesses America.
6 Thank you.

7 **PRESIDING COMMISSIONER BIGGERS:** We'll
8 recess at this point, and deliberate our
9 decision. Thank you.

10 **R E C E S S**

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1 CALIFORNIA BOARD OF PAROLE HEARINGS

2 D E C I S I O N

3 DEPUTY COMMISSIONER BLONIEN: We're on
4 record.

5 PRESIDING COMMISSIONER BIGGERS: The time
6 is now 1:45 p.m. Let the record reflect that
7 all previous parties are now present. Mr.
8 Mullins, the Panel has reviewed all the
9 information received from the public and has
10 relied on the following circumstances in
11 concluding that the prisoner is not suitable for
12 parole and would pose an unreasonable risk of
13 danger to society or a threat to public safety
14 if released from prison. And this was
15 determined by many factors. The first one being
16 that the offense was carried out in an
17 especially cruel and callous manner. You either
18 shot or stabbed 11 victims, and you made
19 reference to the fact -- and you were convicted
20 of ten of those. I mean 11 -- 11. You were
21 convicted of 11 murders. And you even went so
22 far as to confess two other murders. Multiple
23 victims you either stabbed or shot. You -- in
24 one incident the offense was carried in a
25 calculated manner such as an execution style
26 murder in that you murdered a whole family, and
27 HERBERT MULLIN B-51410 DECISION PAGE 1 03/22/06

1 one of those victims was four-years-old and the
2 other was nine. The offense was carried out in
3 a manner which demonstrated an exceptionally
4 callous disregard for human suffering. And I'm
5 talking primarily about the victims of -- of the
6 family -- the victim's families, for example.
7 You talked in here today about everything, about
8 how you hope that their souls are blessed by
9 God or something but I never heard you say
10 anything at all about the family of the victims
11 that you murdered. And I think that they are
12 suffering quite a bit for the loss of their life
13 -- of their loved ones. The motive for the
14 crime was very trivial in the fact that you
15 killed a priest, and you said it in here today
16 that you mistook him for another priest. And I
17 don't quite understand how you would even --
18 well, let me back up. How you would -- if you
19 didn't recognize the individual or you didn't
20 know who the individual was, and in some cases I
21 think you knew some of your victims and in some
22 cases you didn't. That you would just
23 arbitrarily go to a church where they hold
24 confession and kill a person. And I draw these
25 conclusions from the fact that you were
26 convicted of murdering 11 people, and I don't
27 **HERBERT MULLIN B-51410 DECISION PAGE 2 03/22/06**

1 know for what reason. You did not provide a
2 reason, other than the fact that you laid
3 everything on your parents and you blame this on
4 your parents but yet you have a sister and I
5 don't think that she has been involved in any of
6 this type of behavior. I don't think you've
7 accepted responsibility. In fact, I thought it
8 was said very well earlier that you feel
9 entitled to be suitable for parole but yet you
10 still have not taken upon yourself to determine
11 -- or accepted the fact as to why you did what
12 you did. In my few short years of doing this, I
13 have not had the opportunity to talk to someone
14 who has done something such as this for no
15 apparent reason, because you have not provided
16 me with a reason. Normally someone will tell me
17 why they did something, but you won't do that
18 for whatever reason. We looked at your previous
19 record, and I see here that you said that you
20 were not under the influence but this time you
21 said you may or may not be. You have a history
22 of marijuana use. I couldn't determine one way
23 or the other if you were under that, but it
24 didn't matter. You still killed 11 people on
25 different occasions. I want to commend you for
26 your attending AA and NA over the last ten

1 years, some of the self-help things that you're
2 doing here, and also for not having but only one
3 128 and one 115. The psychological report dated
4 2001 that was authored by a Dr. Shaffer -- and I
5 wanted to read that to you just so I want to get
6 it on the record so that you can understand
7 what's going through my mind at this point.

8 "In short, it appears that within
9 the controlled and structured
10 environment of CDC he can function
11 without presenting a danger to
12 himself or others. If released to
13 the community he is not likely to
14 receive the level of support he
15 expects from members of Narcotics
16 Anonymous. No other community
17 support, having discontinued his
18 contact with family members --
19 which is what you have done. That
20 you are someone dependent -- you
21 are a dependant individual who
22 probably requires a highly
23 structured environment in order to
24 function best."

25 He also went on, and I'm going to paraphrase him
26 now, that your frustrations with the free world

1 increase your risk for future acting out.
2 Things have changed out there and I don't know
3 that much about your religion. I'd be the first
4 to say that I don't know that much about your
5 religion, but I think that you need to come to
6 the reality that something else other than your
7 parents were responsible for you committing
8 these offenses. You're -- you are not the
9 victim. The victims and their families are the
10 victim. You are the individual who made them
11 victims. You need to accept that. I don't
12 think you have very good realistic parole plans.
13 You talked about going up to this place or that
14 place and you were going to go to an area in
15 Santa Cruz and stay there but you had no
16 employment. You said you're going to have to go
17 look and request work. You know, if you -- if
18 we would have given you a date, we just would
19 have thrown you out there and there's no way --
20 you don't know whether you even have a job. So,
21 you should probably have a job all lined up
22 before you consider coming back to this parole
23 to get a -- come back and get a date that's
24 suitable. The Panel also notes the responses of
25 -- 3042 responses -- where we have the District
26 Attorneys of both Santa Clara and Santa Cruz who
27 **HERBERT MULLIN B-51410 DECISION PAGE 5 03/22/06**

1 indicate their opposition to -- of us finding
2 you suitable for parole. I also want to take
3 notice that you did have a supportive letter
4 from a gentleman in Florida, but I also want to
5 get on the record that this gentleman never met
6 him. He -- it seems more like he's a penpal
7 because you've never seen him face to face. You
8 -- someone else told him something and he
9 started writing you, and yet he doesn't know
10 that much about you other than what you've
11 written, but yet he can write a letter of
12 support and so on. I just wanted to note for
13 the record that we did have in fact that --

14 **DEPUTY DISTRICT ATTORNEY RICO:**

15 Commissioner?

16 **PRESIDING COMMISSIONER BIGGERS:** Yes.

17 **DEPUTY DISTRICT ATTORNEY RICO:** There was
18 also a letter in opposition from the family
19 member that --

20 **PRESIDING COMMISSIONER BIGGERS:** Yes. I
21 will (indiscernible). Thank you. And then we
22 have the letter of opposition from the family
23 member that I -- that I want to go on record as
24 well. Again you say you have remorse for the
25 victims, but I go back to the fact that I never
26 heard anything about the victims' families at

1 all. I mean, the whole hearing today -- nothing
2 was ever mentioned about the victims' families,
3 what pain and suffering you caused them. Again
4 I want to commend you for your AA participation
5 for the last ten years and your exceptional work
6 reports from your supervisor (indiscernible)
7 while you're in prison. But these positive
8 aspects of your behavior don't outweigh factors
9 of being unsuitable for parole as far as we are
10 concerned. In a separate decision the Panel
11 finds it is not reasonable to expect that parole
12 will be granted at a hearing in the next five
13 years. And the reason that we did that was the
14 fact that you murdered 11 people and the fact
15 that you admitted to murdering other
16 individuals. And again specifically, you know,
17 of the 11 people that you murdered and were
18 convicted of, four of them were from the same
19 family and two of them were kids, ages four and
20 nine that were just beginning their life. And
21 by your own admission you didn't even know them.
22 The motive for the crime was trivial in
23 relationship to the offense. I mean, again, you
24 go back to the (indiscernible) that you
25 murdered. Again, someone that you didn't even
26 know. You just picked them at random I guess,
27 **HERBERT MULLIN B-51410 DECISION PAGE 7 03/22/06**

1 and did that. We took into consideration your
2 history of criminality and that, you know, you
3 were picked up on marijuana possession, you were
4 resisting arrest, drunk in public, and also your
5 history of unstable and tumultuous relationship
6 with others. You were hospitalized for mental
7 illness and -- on three or four different
8 occasions and by your own admission you said
9 that the treatment here has been great, and you
10 appear -- you say that you realize that you want
11 to thank the CDC, and I hope I'm getting this
12 correct, that -- for making you sane. But at
13 the same time we felt that the entitlement that
14 because you've done all this you've asked them
15 to bless the souls of the -- of your victims,
16 that you are entitled to be suitable. And just
17 let me just clarify that even further by stating
18 that no one forced you to pull the trigger, no
19 one forced you to knife those people. You did
20 this all yourself. You did it, no one else.
21 Not your family, not your father, not your
22 mother. A lot of people come from families that
23 are dysfunctional. I can't find anything in
24 your record that shows that your family was
25 dysfunctional, so I find that just unbelievable
26 that you would even go to that extent. Your
27 **HERBERT MULLIN B-51410 DECISION PAGE 8 03/22/06**

1 psychological evaluation that I read earlier I
2 want to put on record as another reason that we
3 went into a multi-year denial, and primarily the
4 part that states that it appears that you --
5 that within a controlled and structured
6 environment of CDC you can function without
7 presenting a danger to yourself or others. And
8 I just feel that if -- we, the Panel feels that
9 if you are released that you have a tendency to
10 want to do that again. That you would in fact
11 be a danger to society if you are in fact
12 released. The Panel -- we also recommended you
13 remain disciplinary-free, would like you to
14 participate in some self-help programs and some
15 therapy programs if they are available. The
16 Panel also requests a clinical evaluation prior
17 to your next hearing, and I'm going to ask you
18 to cooperate with the clinicians in the
19 completion of this clinical evaluation prior to
20 your next hearing. Did I miss anything?

21 **DEPUTY COMMISSIONER BLONIEN:** No.

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1 **PRESIDING COMMISSIONER BIGGERS:** Well,
2 that concludes the reading of the decision.
3 Good luck to you, sir, and hopefully you can
4 look into your own mind and determine, you know,
5 who's responsible for this and I guarantee it's
6 not your family. That concludes the hearing. I
7 wish you the best of luck, sir.

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23 **PAROLE DENIED FIVE YEARS**

24 **THIS DECISION WILL BE FINAL ON: 07/18/2006**

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

27 **HERBERT MULLIN B-51410 DECISION PAGE 10 03/22/06**

CERTIFICATE AND
DECLARATION OF TRANSCRIBER

I, RUBY M. DOUGHERTY, a duly designated transcriber, PETERS SHORTHAND REPORTING, do hereby declare and certify under penalty of perjury that I have transcribed tape(s) which total two in number and cover a total of pages numbered 1 - 91, and which recording was duly recorded at MULE CREEK STATE PRISON, IONE, CALIFORNIA, in the matter of the SUBSEQUENT PAROLE CONSIDERATION HEARING for HERBERT MULLIN, CDC NO. B-51410, on MARCH 22, 2006, and that the foregoing pages constitute a true, complete, and accurate transcription of the aforementioned tape to the best of my ability.

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

Dated APRIL 11, 2006, at Sacramento,
California.



RUBY M. DOUGHERTY
TRANSCRIBER
PETERS SHORTHAND REPORTING