

SUBSEQUENT PAROLE CONSIDERATION HEARING

STATE OF CALIFORNIA

BOARD OF PAROLE HEARINGS

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

MULE CREEK STATE PRISON

IONE, CALIFORNIA

FEBRUARY 17, 2011

9:32 A.M.

PANEL PRESENT:

MIKE PRIZMICH, Presiding Commissioner
FRANK LOPEZ, Deputy Commissioner

OTHERS PRESENT:

HERBERT MULLIN, Inmate
CANDICE CHRISTENSEN, Attorney for Inmate
BOB LEE, District Attorney
RONALD RICO, Deputy District Attorney

CORRECTIONS TO THE DECISION HAVE BEEN MADE

 No See Review of Hearing
 Yes Transcript Memorandum

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1 **P R O C E E D I N G S**

2 **DEPUTY COMMISSIONER LOPEZ:** We're on record.

3 **PRESIDING COMMISSIONER PRIZMICH:** This is
4 Subsequent, number ten, Parole Consideration Hearing for
5 Herbert Mullin. Is that right?

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

7 **PRESIDING COMMISSIONER PRIZMICH:** Okay, CDC
8 number B, as in boy, 51410. Today's date is 2/17/2011.
9 The time is 9:32. We're located at Mule Creek State
10 Prison. The inmate was received on 9/18/73 from two
11 counties, Santa Clara and Santa Cruz. The life term
12 began on 9/18/1973. Minimum eligible parole date is
13 2/13/80. Controlling offense for which the inmate is
14 committed is set forth in two case numbers 56702
15 through, well, more than two, 50219, charging in count
16 one violation of two counts of murder in the first
17 degree, that's 187 of the Penal Code, and eight counts
18 of murder in the second degree. Victims in this case
19 are as follows: Kathleen Luis Prentiss, P-R-E-N-T-I-S-S,
20 David Michael Hughes, H-U-G-H-E-S. He was nine. Daemon
21 Francis, F-R-A-N-C-I-S. He was four. James and Joan,
22 pardon? James and Joan Gianera, G-I-A-N-E-R-A, Brian
23 Card, Mark Johnson, also known by a last name I'll spell
24 D-R-E-I-B-E-L-B-I-S, Davis Oliker, O-L-I-K-E-R, Robert
25 Spector, S-P-E-C-T-O-R, and Fred Abby Perez, P-R-E-Z,

1 check that, P-E-R-E-Z. This hearing is being tape
2 recorded, and the first thing we're going to do is go
3 around the room and introduce ourselves. Mr. Mullin,
4 I'm going to start with myself. I'll introduce myself
5 by saying my first and last name. Then I'll spell my
6 last name. When I'm done, I'll move to my left. Mr.
7 Lopez will introduce himself. We'll then go to the end
8 of the table, the gentleman at the far end of the table
9 will introduce himself. He's a representative from
10 Santa Cruz. The next individual is the representative
11 from the DA's office out of Santa Clara. He'll
12 introduce himself. We'll then go to your attorney who
13 will introduce herself. We'll end with you, sir. If
14 you would introduce yourself by saying your first and
15 last name, give us a spelling on your last name, and
16 also give us your CDC number, we would appreciate that.
17 We also have two correctional officers in the room, but
18 they're here for security purposes only. So let me get
19 started. My name is Mike Prizmich, P-R-I-Z-M-I-C-H.
20 I'm Presiding Commissioner, sir.

21 **DEPUTY COMMISSIONER LOPEZ:** Frank Lopez,
22 L-O-P-E-Z, Deputy Commissioner.

23 **DISTRICT ATTORNEY LEE:** Bob Lee, L-E-E, District
24 Attorney of Santa Cruz County.

25 **DEPUTY DISTRICT ATTORNEY RICO:** Ronald Rico,

1 R-I-C-O, Deputy District Attorney, Santa Clara County.

2 **ATTORNEY CHRISTENSEN:** Candice Christensen,

3 C-H-R-I-S-T-E-N-S-E-N, Attorney for Mr. Mullin.

4 **INMATE MULLIN:** Herbert William Mullin, B number
5 51410.

6 **PRESIDING COMMISSIONER PRIZMICHE:** Could you spell
7 your last name, Mr. Mullin, please.

8 **INMATE MULLIN:** M-U-L-L-I-N.

9 **PRESIDING COMMISSIONER PRIZMICHE:** All right. And
10 you might want to move your chair up a little closer to
11 the mike. You're a little bit far away, but that might
12 be helpful. So let me go on to the next part of the
13 hearing, and that is we want to make sure if there's any
14 disability or challenge that you have under Americans
15 With Disabilities Act, that we've identified that and
16 made proper accommodation. The easy way for me to make
17 that assessment is to simply look in the form identified
18 by the numbers 1073. And you signed this form on August
19 3rd, 2010, and in the form there is no listed
20 disabilities at all. Is that correct, sir?

21 **INMATE MULLIN:** That's true.

22 **PRESIDING COMMISSIONER PRIZMICHE:** All right. Let
23 me ask you some questions to make sure if there is
24 something, we now identify what it is. I notice you're
25 wearing glasses. And that is considered a disability.

1 Are they for seeing distance or up close or both?

2 **INMATE MULLIN:** These are bifocals.

3 **PRESIDING COMMISSIONER PRIZMICH:** So they cover a
4 wide range then?

5 **INMATE MULLIN:** That's true.

6 **PRESIDING COMMISSIONER PRIZMICH:** Okay. Do you
7 have any hearing problems?

8 **INMATE MULLIN:** No.

9 **PRESIDING COMMISSIONER PRIZMICH:** Have you ever
10 been included in Triple-CMS or EOP mental health
11 programs?

12 **INMATE MULLIN:** Triple-CMS.

13 **PRESIDING COMMISSIONER PRIZMICH:** All right.
14 Tell me when that was and what that was about?

15 **INMATE MULLIN:** After my parole hearing in, I
16 guess it was 2001.

17 **PRESIDING COMMISSIONER PRIZMICH:** Okay.

18 **INMATE MULLIN:** They said that to prevent
19 decomposition, I was to --

20 **PRESIDING COMMISSIONER PRIZMICH:** Decompensation
21 probably is what they said.

22 **INMATE MULLIN:** Decompensation?

23 **PRESIDING COMMISSIONER PRIZMICH:** Yeah.

24 **INMATE MULLIN:** Okay. I don't know what that
25 means, but I spent --

1 **PRESIDING COMMISSIONER PRIZMICH:** Well, if you
2 get worse.

3 **INMATE MULLIN:** Okay.

4 **PRESIDING COMMISSIONER PRIZMICH:** If you start
5 going downhill. They're kind of similar terms, but one
6 has to do with the body and the other has to do with the
7 -- never mind. Go ahead.

8 **INMATE MULLIN:** Well, I spent 18 months there.

9 **PRESIDING COMMISSIONER PRIZMICH:** Okay. And what
10 did they do for you? Did you talk to the doc?

11 **INMATE MULLIN:** Yeah, it was a one-on-one
12 relationship with a psychologist.

13 **PRESIDING COMMISSIONER PRIZMICH:** Did you take
14 any meds?

15 **INMATE MULLIN:** No. I haven't been on meds since
16 April of 1976.

17 **PRESIDING COMMISSIONER PRIZMICH:** Okay. All
18 right. So you were there for 18 months, and did you
19 take any group classes or anything like that.

20 **INMATE MULLIN:** No, it was just one-on-one.

21 **PRESIDING COMMISSIONER PRIZMICH:** Just with the
22 doc, okay.

23 **INMATE MULLIN:** Yeah, Triple-CMS.

24 **PRESIDING COMMISSIONER PRIZMICH:** Was that every
25 60, 90 days? Thirty days?

1 **INMATE MULLIN:** I think it was we met once a
2 month.

3 **PRESIDING COMMISSIONER PRIZMICH:** Okay.

4 **INMATE MULLIN:** It's in the file. I'm not quite
5 certain.

6 **PRESIDING COMMISSIONER PRIZMICH:** All right.
7 Well, yeah. All right, let me ask you, how far did you
8 get in school prior to coming to prison?

9 **INMATE MULLIN:** I graduated from junior college.

10 **PRESIDING COMMISSIONER PRIZMICH:** Okay.

11 **INMATE MULLIN:** A two year course, 66 and a half
12 units construction technology, civil highway technology.

13 **PRESIDING COMMISSIONER PRIZMICH:** All right.

14 When you were in --

15 **INMATE MULLIN:** Executive science degree.

16 **PRESIDING COMMISSIONER PRIZMICH:** Okay. When you
17 were in school, did you take any remedial or special
18 education classes? Were you behind in any way?

19 **INMATE MULLIN:** No, ut-hmm.

20 **PRESIDING COMMISSIONER PRIZMICH:** All right. Do
21 you have any back, leg, or neck problems that would give
22 you difficulty getting around at all?

23 **INMATE MULLIN:** No.

24 **PRESIDING COMMISSIONER PRIZMICH:** All right. Is
25 there any disability, any injury, any illness, any

1 condition at all that we have not thus far mentioned
2 that would affect or impact your ability to participate
3 in this hearing that you wish to tell us about?

4 **INMATE MULLIN:** No.

5 **PRESIDING COMMISSIONER PRIZMICH:** All right. And
6 Ms. Christensen, does it appear as though your client's
7 ADA rights have been met?

8 **ATTORNEY CHRISTENSEN:** That's correct.

9 **PRESIDING COMMISSIONER PRIZMICH:** Thanks. The
10 next thing I want to do, Mr. Mullin, is make sure you
11 understand what rights you have to this hearing.
12 There's another easy process for me here. There's a
13 form. It's identified by the number 1002. You signed
14 this form also on August 3rd, 2010. The form itself
15 contains all your rights. It's a couple pages long.
16 And in signing this form, you acknowledge that you've
17 read it and that you understood what your rights were.
18 But I want to make sure. Do you have any question about
19 what your rights are, sir?

20 **INMATE MULLIN:** No.

21 **PRESIDING COMMISSIONER PRIZMICH:** All right. So
22 let me describe what we'll do here today. The hearing
23 will be conducted in two phases. The first half, the
24 first phase, will be the Commissioner and myself will
25 read into the record various items and then discuss with

1 you what we've read into the record. For example, I'll
2 read into the record the Statement of Facts, which is
3 the statement about the crime, and then we'll talk about
4 that. We'll be going over your prior criminal history.
5 We'll be reviewing your social history, which is
6 essentially your upbringing, what you've done prior to
7 coming to prison. We'll be going over your
8 institutional behavior. We'll review your counselor's
9 report, your psychological evaluation, letters of
10 support or opposition that may be in your file. That
11 will comprise the first part of the hearing. The second
12 part of the hearing will incorporate the two DAs that
13 are here, your attorney and you. We'll start with one
14 of the DAs. He'll be given an opportunity to ask
15 questions of you. The way that works is he'll pose the
16 questions to me. Then I'll ask you and you'll respond
17 back to me. So that's how that process will work. Once
18 he's done, we'll go to the second DA. He'll be given
19 that same opportunity. Once that's done, we'll go to
20 your attorney. She'll be given an opportunity to ask
21 questions of you. She won't go through me. She'll
22 simply ask you questions directly. Once that part of
23 the hearing is done, we'll return to the one DA. He'll
24 make a closing statement. The second DA will make a
25 closing statement. Your attorney on your behalf then

1 will make a closing statement. And then at the end of
2 the hearing, you'll be given an opportunity to make a
3 closing statement. When you make your closing
4 statement, it should be focused and directed at why you
5 feel you're suitable for parole. That's a quick
6 overview of the process. Do you understand it so far?

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

8 **PRESIDING COMMISSIONER PRIZMICH:** All right. I
9 said I'm going to read into the record the statement of
10 the crime and talk to you about that. There's a couple
11 of things I want you to understand about that part of
12 the hearing. The mere fact that I read this information
13 into the record and talk about it is not an effort on
14 the part of this Panel to retry the case. That's
15 already been done. The court has already made their
16 determination, and we're going to take their findings as
17 true and accurate. What we're trying to do in talking
18 to you about the crime is identifying your possible
19 suitability for parole. So when we look into that
20 aspect of it, we're looking into your insight. We're
21 looking into taking responsibility, your understanding
22 of the impact of what you've done. Your honesty. As I
23 said, taking responsibility. Those are the kinds of
24 things we're exploring. We're not trying to retry the
25 case is the point I'm trying to make. Secondly, on the

1 same matter, you're not required to admit to this crime
2 nor are you required to answer our questions regarding
3 the crime. If that's what you choose to do, we'll try
4 to find some other means of determining that part of
5 your suitability without asking direct questions. Do
6 you understand that, sir?

7 **INMATE MULLIN:** Yes.

8 **PRESIDING COMMISSIONER PRIZMICH:** Okay. You have
9 three rights. Those rights include the right to a
10 timely notice of this hearing, the right to present
11 relevant documents, and the right to be heard by an
12 impartial Panel. Today your Panel consists of myself,
13 Mike Prizmich, and Mr. Lopez. We're the two who will be
14 making the decision today regarding your suitability.
15 Now I'll ask you first and then I'll ask Ms.
16 Christensen, do you have any objection to this Panel,
17 sir?

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

19 **PRESIDING COMMISSIONER PRIZMICH:** Ms.
20 Christensen, do you have any objections?

21 **ATTORNEY CHRISTENSEN:** No.

22 **PRESIDING COMMISSIONER PRIZMICH:** Are there
23 additional documents to be submitted? We got some ahead
24 of time. I'll go over those in just a second. But
25 besides what we've already got?

1 **ATTORNEY CHRISTENSEN:** That's it.

2 **PRESIDING COMMISSIONER PRIZMICH:** That's it.

3 Okay, what I'm going to do, we do have some documents
4 here. I'm going to share them with the DAs so that they
5 -- You didn't have an extra copy for them, did you, Ms.
6 Christensen?

7 **ATTORNEY CHRISTENSEN:** Uh-hmm.

8 **PRESIDING COMMISSIONER PRIZMICH:** You did?

9 **ATTORNEY CHRISTENSEN:** I'm sorry?

10 **PRESIDING COMMISSIONER PRIZMICH:** Did you have an
11 extra copy of the documents?

12 **ATTORNEY CHRISTENSEN:** No.

13 **PRESIDING COMMISSIONER PRIZMICH:** Okay. What
14 I'll do is I'll share mine with them.

15 **ATTORNEY CHRISTENSEN:** Okay. Thank you.

16 **PRESIDING COMMISSIONER PRIZMICH:** We've got some
17 items here that relate to parole plans and relate to
18 some book reports that you've put together. They talk
19 about some of the network opportunities and advantages
20 that you would be taking with you as you went out. Some
21 of your donations, they're kind of put together in like
22 three separate sections. I'm going to share them with
23 the DAs so they can have an opportunity to look at them
24 as the hearing goes on. And besides that, there was
25 nothing else. Are there any preliminary objections?

1 **ATTORNEY CHRISTENSEN:** No, there are not.

2 **PRESIDING COMMISSIONER PRIZMICH:** And will the
3 inmate be speaking with the Panel?

4 **ATTORNEY CHRISTENSEN:** He will. However, he has
5 chosen not to discuss the crime with the Commissioner.

6 **PRESIDING COMMISSIONER PRIZMICH:** All right.

7 Okay. Well, we're not going to ask you any direct
8 questions about the crime, crimes, plural. We are going
9 to be talking to you about a number of other things.
10 And it's very important, as I mentioned a little
11 earlier, that you be honest with us. That's an
12 important concept and quality that we look for in these
13 hearings. So besides me just telling you honesty is
14 very important, I'm also going to swear you in. So if
15 you could just raise your right hand, I'll give you the
16 oath. Sir, do you solemnly swear or affirm the
17 testimony you are about to give at today's hearing will
18 be the truth, the whole truth, and nothing but the
19 truth?

20 **INMATE MULLIN:** I do.

21 **PRESIDING COMMISSIONER PRIZMICH:** Thank you, sir.

22 And I have a form 1008. Mr. Mullin, this is simply a
23 check box form. It's got some boxes on one column.
24 Some of the boxes are checked indicating I have those
25 documents in my file. I'm going to share them with both

1 DAs and your attorney. They're going to check it
2 against a similar, hopefully the same, document. And
3 we're just making sure we have the same set of
4 documents. If the attorneys would just initial that.
5 If there are any objections, let me know verbally,
6 otherwise we'll just initial that. So with that, I'll
7 ask Mr. Lopez, is there any confidential material in the
8 file that we'll be utilizing today?

9 **DEPUTY COMMISSIONER LOPEZ:** We will not be using
10 confidential information at this hearing.

11 **PRESIDING COMMISSIONER PRIZMICH:** Okay. If that
12 changes, if it comes up that we decide that it's needed,
13 we will make proper notifications. And Mr. Mullin, did
14 you go through your Central File? Did you do an Olsen
15 review?

16 **INMATE MULLIN:** I didn't do that this time, no.

17 **PRESIDING COMMISSIONER PRIZMICH:** Okay. All
18 right. Well, you don't have to, but it's sometimes a
19 good habit just to make sure that stuff in there is
20 indeed yours.

21 **INMATE MULLIN:** I did it in 2009.

22 **PRESIDING COMMISSIONER PRIZMICH:** Okay.

23 **INMATE MULLIN:** I felt it was sufficient.

24 **PRESIDING COMMISSIONER PRIZMICH:** All right.
25 Well, if you feel comfortable. But listen up. If

1 something doesn't sound right, let us know, okay?

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

3 **PRESIDING COMMISSIONER PRIZMICH:** So this form
4 1008 that's been signed by the attorneys here I've
5 marked in as Exhibit Number One. All right. And when
6 both attorneys, DAs are done with that, could you get
7 them back to me, because I'll have to review them before
8 we get started. I'm going to read into the record the
9 Statement of Facts. I think I'm going to read it from
10 the December 2005 calendar. It's got a foreshortened
11 version of one crime on page 1 and a second set of
12 crimes on page 2 I think it is, and the prisoner's
13 version on page 3. Are there any objections to that
14 reading?

15 **ATTORNEY CHRISTENSEN:** No.

16 **DISTRICT ATTORNEY LEE:** No.

17 **PRESIDING COMMISSIONER PRIZMICH:** So we'll go
18 ahead and proceed here then. Let me find the page
19 again. Page 1 of the December 2005 counselor's report.
20 On the morning of January 25th, 1973, Mullin, M-U-L-L-I-N,
21 went to the home of James G-I-A-N-E-R-A, Gianera, I
22 think, in Santa Cruz. Shot Gianera four times with a
23 .22 caliber pistol, killing him. He then shot Gianera's
24 wife, Joan, J-O-A-N, five times, also killing her.
25 Mullin then went to the home of Kathleen Prentiss.

1 Kathleen is spelled with a K, K-A-T-H-L-E-E-N, Prentiss
2 is P-R-E-N-T-I-S-S. He entered the home and stabbed
3 her to death, then shot her. In the same room were her
4 two sons, David, age nine, and Daemon Francis, age four.
5 Mullin shot each in the head, and stabbed Daemon in the
6 back as well. The same .22 caliber pistol was used in
7 these killings. On February 17th, 1973, the bodies of
8 Mark Johnson Drebabis, I'm sure I didn't say that
9 right. It's D-R-E-B-E-L-B-I-S, and Robert Spector,
10 S-P-E-C-T-O-R, Brian Card, C-A-R-D, and David Oliker,
11 O-L-I-K-E-R, were discovered by Card's brother in a
12 makeshift -- in their makeshift cabin in the mountains
13 near Felton. Each had been shot in the body and the
14 head by a .22 caliber pistol Mullin used in the other
15 five killings. These killings were thought to have
16 taken place on or before February 13th. A .22 caliber
17 rifle was taken from the cabin together with some
18 traveler's checks and ten dollars in currency. At about
19 eight a.m., February 13th, 1973, Fred Abby Perez, Perez
20 is spelled P-R-E-Z [sic] was killed by Mullin as he
21 worked in front of his residence in Santa Cruz. Mullin,
22 while seated in his car, fired a single bullet into
23 Perez from a distance of approximately 123 feet using a
24 .22 caliber rifle taken from the cabin where he had
25 killed four young men. A neighbor of Perez heard the

1 shot and saw Mullin's car. She alerted Santa Cruz
2 police, who arrested Perez and the pistol -- check that.
3 She alerted Santa Cruz police who arrested Herbert
4 Mullin some ten minutes later in his car. The police
5 recovered the rifle used to kill Perez and the pistol
6 used to kill the other victims. Moving on to the next
7 page, on November 2nd, 1972, at approximately 4:26,
8 officers from the Los Gatos Police Department received a
9 report of an assault at St. Mary's Church in Los Gatos
10 had occurred and the victim reportedly being a priest.
11 While investigating officers were responding to St.
12 Mary's Church, an ambulance happened to be proceeding in
13 the area of St. Mary's. The attendants in the ambulance
14 were beckoned to Father Howley, H-O-W-L-E-Y, a pastor of
15 St. Mary's who requested the attendant come to the
16 church. The attendant was directed to the confession
17 booth at the rear of the church, where he observed
18 Father Henri, H-E-N-R-I, Tomei, T-O-M-E-I, age 64, the
19 victim, sitting on the floor of the confessional booth.
20 The victim was leaning back against the chair in the
21 booth with his head resting against the chair and wall.
22 The attendant immediately checked the victim. However,
23 he found no signs of life. He was immediately
24 transported to Los Gatos Community Hospital where he was
25 pronounced dead on arrival apparently the result of

1 several stabbings of the chest and back area.
2 Investigating officers subsequently made contact with an
3 apparent witness to the homicide who related that she
4 had been climbing the outer steps of the church. Upon
5 opening the door leading to the center aisle, she heard
6 groans that were becoming greater in intensity. She
7 observed two subjects at the confessional booth. One
8 witness related she believed both subjects to be
9 priests. After a brief period of time, she realized the
10 subject who was standing was assaulting the individual
11 seated in the chair in the confessional booth. The
12 subject standing up, later identified as Herbert Mullin,
13 was described as moving in a very quick manner. The
14 witness related she observed Herbert strike the victim
15 with his left hand. However she was unable to note if
16 he was holding anything in the hand. The witness
17 observed him kick the victim with his right leg,
18 describing the kick as a karate style kick. The victim
19 suffered four stab wounds. In addition to the 11
20 murders, Mullin admitted to two more murders while on
21 the witness stand. The prisoner's version: "I am very
22 grateful that I have been allowed to achieve a good
23 mental health. I spent approximately three years at the
24 California Medical Facility in Vacaville, 16 and a half
25 years at the California Men's Colony, San Luis Obispo,

1 and the last 12 years at Mule Creek State Prison for a
2 total of 32 years. During those years, I have worked my
3 way out of paranoid schizophrenia and/or indifferent --"
4 How do you say that?

5 **ATTORNEY CHRISTENSEN:** Undifferentiated.

6 **PRESIDING COMMISSIONER PRIZMICH:** What is that?
7 Okay, all right. "Schizophrenia and into a state of
8 good mental health. I am grateful for the thousands and
9 thousands of hours of psychological counseling and self-
10 help programming and vocational training that CDC has
11 made available to me. Thank you. I'll do my best to
12 improve myself." And I assume that's your statement
13 today, sir?

14 **INMATE MULLIN:** Yeah, except for the time. It's
15 18 years here instead of 12.

16 **PRESIDING COMMISSIONER PRIZMICH:** Okay. So you
17 added from the 2005. All right. I'm not going to ask
18 you any questions about the crime. But let me ask you
19 surrounding the circumstance of all this, were you using
20 drugs at all? I'll talk about this a little later
21 during that timeframe.

22 **INMATE MULLIN:** I'm choosing not to talk about
23 the crimes today.

24 **PRESIDING COMMISSIONER PRIZMICH:** Yeah, I'm not
25 asking about the crime. I was just asking if you used

1 drugs during that time.

2 **INMATE MULLIN:** Well, I prefer --

3 **PRESIDING COMMISSIONER PRIZMICH:** You don't want
4 to answer that?

5 **INMATE MULLIN:** If I could refrain from --

6 **PRESIDING COMMISSIONER PRIZMICH:** Okay.

7 **INMATE MULLIN:** -- answering it.

8 **PRESIDING COMMISSIONER PRIZMICH:** I'm going to
9 ask you the same question a little later on because we
10 look into your drug history.

11 **INMATE MULLIN:** Okay.

12 **PRESIDING COMMISSIONER PRIZMICH:** So we'll go to
13 -- Okay.

14 **INMATE MULLIN:** All of that pertains to
15 undifferentiated schizophrenia and paranoid
16 schizophrenia. And I believe that was the cause of the
17 crimes. And so I can't really talk about it because I
18 was at the time diagnosed with undifferentiated
19 schizophrenia and then paranoid schizophrenia.

20 **PRESIDING COMMISSIONER PRIZMICH:** Okay. So why
21 can't you talk about it if that's what your diagnosis
22 was?

23 **INMATE MULLIN:** Well.

24 **PRESIDING COMMISSIONER PRIZMICH:** I don't
25 understand.

1 **INMATE MULLIN:** You're asking me what I remember.

2 **PRESIDING COMMISSIONER PRIZMICH:** No, I didn't.

3 I just asked if you were using drugs.

4 **INMATE MULLIN:** Well.

5 **ATTORNEY CHRISTENSEN:** I think he means that he
6 just doesn't wish to talk about the crimes. So if you
7 ask him about what was going on like in terms of any
8 possible drug use, he considers that as possibly having
9 some relationship to the crime.

10 **PRESIDING COMMISSIONER PRIZMICH:** All right. Is
11 that what you're thinking?

12 **INMATE MULLIN:** Yes.

13 **PRESIDING COMMISSIONER PRIZMICH:** All right. All
14 right, I won't ask you anything about it then.

15 **ATTORNEY CHRISTENSEN:** Okay.

16 **INMATE MULLIN:** Okay.

17 **PRESIDING COMMISSIONER PRIZMICH:** Let me go into
18 your criminal history. As a juvenile you have no
19 history. Is that right? Did you ever get kicked out of
20 school though for anything or cut school or fighting or
21 anything like that?

22 **INMATE MULLIN:** No.

23 **PRESIDING COMMISSIONER PRIZMICH:** No? On April
24 21st, 1968, you were arrested by Santa Cruz sheriff's
25 office, this was as an adult, for possession of

1 marijuana. Do you remember that? Do you remember that?

2 **INMATE MULLIN:** I choose not to talk about that.

3 **PRESIDING COMMISSIONER PRIZMICH:** So you don't
4 want to talk about the crimes either?

5 **INMATE MULLIN:** No, all of that -- Not about the
6 crimes or my previous history because I was
7 undifferentiated schizophrenia. I was --

8 **PRESIDING COMMISSIONER PRIZMICH:** I don't see how
9 that -- Whatever. You don't have to answer the
10 question, but I don't see how that has anything to do
11 with the crime at all, but. So you choose not to talk
12 about the arrest for marijuana.

13 **INMATE MULLIN:** That's true.

14 **PRESIDING COMMISSIONER PRIZMICH:** You were given
15 a suspended sentence on that in jail and placed on one
16 year summary probation for the amended charge of
17 visiting a place where narcotics were being used. Okay,
18 on July 30th, 1970, you were arrested by Santa Cruz
19 police for being under the influence of drugs. You're
20 not going to answer any of these questions that I may
21 have?

22 **INMATE MULLIN:** No, Sir.

23 **PRESIDING COMMISSIONER PRIZMICH:** Okay. All
24 right. He was placed in a psych ward of the county
25 hospital by an order of the municipal court. Charges

1 were later dropped. On March 28th, 1971, you were
2 arrested by Santa Cruz sheriff for being drunk in public
3 and resisting arrest, and you were sentenced to ten days
4 in the county jail. All right. Let's see, your
5 personal and social history, it looks like your birth
6 date is 4/18/1947?

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

8 **PRESIDING COMMISSIONER PRIZMICH:** Is that right?
9 And give me a hand here. Where were you born?

10 **INMATE MULLIN:** My birth certificate says I was
11 born in Salinas, California.

12 **PRESIDING COMMISSIONER PRIZMICH:** Do you not
13 believe that?

14 **INMATE MULLIN:** I have doubts. The birth
15 certificate was signed by the sheriff and all of my
16 first memories for the first five years were from
17 Boulder Creek.

18 **PRESIDING COMMISSIONER PRIZMICH:** From where?

19 **INMATE MULLIN:** Boulder Creek.

20 **PRESIDING COMMISSIONER PRIZMICH:** Colorado?

21 **INMATE MULLIN:** No, California.

22 **PRESIDING COMMISSIONER PRIZMICH:** Boulder Creek.
23 Where is that?

24 **INMATE MULLIN:** It's near Big Basin Redwood State
25 Park. About 60 miles south of San Francisco.

1 **PRESIDING COMMISSIONER PRIZMICH:** All right. Why
2 would the sheriff sign your birth certificate? Do you
3 have any idea?

4 **INMATE MULLIN:** No, I have no idea. I think I
5 was born at the old house where we were living for the
6 first five years.

7 **PRESIDING COMMISSIONER PRIZMICH:** All right.

8 **INMATE MULLIN:** But my father had a job, they
9 say, in Salinas at a furniture store. And so he had to
10 commute, I guess. I don't know why. I mean, I'm just
11 speculating.

12 **PRESIDING COMMISSIONER PRIZMICH:** But you're not
13 sure you were born in --

14 **INMATE MULLIN:** It says that I was born at a
15 general hospital in Salinas. But it was signed by a
16 sheriff. It wasn't signed by a doctor.

17 **PRESIDING COMMISSIONER PRIZMICH:** Okay. Well, I
18 don't have access to that so --

19 **INMATE MULLIN:** It's in my Central File.

20 **PRESIDING COMMISSIONER PRIZMICH:** Is it? I don't
21 have that. He's got the Central File.

22 **INMATE MULLIN:** Maybe the trust. Wherever they
23 keep the documents.

24 **PRESIDING COMMISSIONER PRIZMICH:** So where do you
25 think you were born if it wasn't there?

1 **INMATE MULLIN:** Boulder Creek.

2 **PRESIDING COMMISSIONER PRIZMICH:** Okay. And

3 that's the area that you have first memories of?

4 **INMATE MULLIN:** First memories.

5 **PRESIDING COMMISSIONER PRIZMICH:** All right. How
6 old were you when you started remembering that kind of
7 stuff?

8 **INMATE MULLIN:** Probably one year old.

9 **PRESIDING COMMISSIONER PRIZMICH:** You remember
10 one year old stuff?

11 **INMATE MULLIN:** Yes, Sir. I was crawling around
12 on my hands and knees.

13 **PRESIDING COMMISSIONER PRIZMICH:** Okay. Okay.

14 What was your dad and mom doing up there? Was he
15 working and she working?

16 **INMATE MULLIN:** It was an old home built in the
17 1870s by loggers.

18 **PRESIDING COMMISSIONER PRIZMICH:** Okay. Was your
19 dad a logger?

20 **INMATE MULLIN:** It was 200 people in Boulder
21 Creek. My father was using the house with my mother
22 because, I guess, it was economical. The house belonged
23 to my grandfather.

24 **PRESIDING COMMISSIONER PRIZMICH:** Okay.

25 **INMATE MULLIN:** Who was also in the furniture

1 industry.

2 **PRESIDING COMMISSIONER PRIZMICH:** But what kind
3 of work was he doing? Do you remember what he was
4 doing?

5 **INMATE MULLIN:** I was told that they were factory
6 representatives. They would work for a factory that was
7 selling furniture from Louisiana to the people in the
8 San Francisco Bay area.

9 **PRESIDING COMMISSIONER PRIZMICH:** Okay. Were they
10 making custom stuff? Is that what it was?

11 **INMATE MULLIN:** It was called Thomasville. Maybe
12 you're familiar with that?

13 **PRESIDING COMMISSIONER PRIZMICH:** Yeah, I heard
14 of that.

15 **INMATE MULLIN:** Okay, my grandfather and my
16 father worked as factory representatives.

17 **PRESIDING COMMISSIONER PRIZMICH:** Okay.

18 **INMATE MULLIN:** They would sell to the retail
19 stores.

20 **PRESIDING COMMISSIONER PRIZMICH:** Got you. All
21 right. So what was your mom doing? Was she a homemaker
22 during that time?

23 **INMATE MULLIN:** She was just a homemaker, yes.

24 **PRESIDING COMMISSIONER PRIZMICH:** Well, that's
25 more than just. That's a big load, you know?

1 **INMATE MULLIN:** Exactly, yes.

2 **PRESIDING COMMISSIONER PRIZMICH:** So are they

3 both living or are they passed?

4 **INMATE MULLIN:** They both passed.

5 **PRESIDING COMMISSIONER PRIZMICH:** When did your

6 mom die?

7 **INMATE MULLIN:** I received word from a sergeant
8 that she passed away the first Saturday in May 1982.

9 **PRESIDING COMMISSIONER PRIZMICH:** That's too bad.

10 Do you know why she passed away? What the deal was?

11 **INMATE MULLIN:** No, I have no idea.

12 **PRESIDING COMMISSIONER PRIZMICH:** All right.

13 What about your dad? When did he pass away?

14 **INMATE MULLIN:** I received word from my sister
15 through the mail and I think it was in April of 19, let
16 me see if I can remember 1998.

17 **PRESIDING COMMISSIONER PRIZMICH:** Okay. Do you
18 know why he died?

19 **INMATE MULLIN:** No, I don't. But I received a
20 letter from the insurance company and it was a, like a
21 stipend, a financial --

22 **PRESIDING COMMISSIONER PRIZMICH:** Okay. They
23 gave you some money?

24 **INMATE MULLIN:** Yeah, from his insurance company.

25 **PRESIDING COMMISSIONER PRIZMICH:** Estate? Okay.

1 All right.

2 **INMATE MULLIN:** Yeah.

3 **PRESIDING COMMISSIONER PRIZMICH:** All right. You
4 have how many brothers and sisters?

5 **INMATE MULLIN:** I have one sister.

6 **PRESIDING COMMISSIONER PRIZMICH:** How old is she?

7 **INMATE MULLIN:** If she's still alive, she's five
8 years older than me.

9 **PRESIDING COMMISSIONER PRIZMICH:** All right. And
10 you don't have contact with her any longer?

11 **INMATE MULLIN:** No.

12 **PRESIDING COMMISSIONER PRIZMICH:** When did that
13 end?

14 **INMATE MULLIN:** In 1976.

15 **PRESIDING COMMISSIONER PRIZMICH:** All right. Now
16 how would you describe your upbringing? Were you in a
17 loving home do you think or were there issues there that
18 you recall? Was it a difficult upbringing do you think?
19 Tell me a little bit about it.

20 **INMATE MULLIN:** I believe that I was deliberately
21 forced into a state of extreme naiveté, gullibility and
22 immaturity by my family.

23 **PRESIDING COMMISSIONER PRIZMICH:** What does that
24 mean?

25 **INMATE MULLIN:** That means that I was not taught

1 to be a mature young person growing up along with the
2 other youngsters.

3 **PRESIDING COMMISSIONER PRIZMICH:** Were you not
4 allowed to play with the other kids or?

5 **INMATE MULLIN:** I was allowed to play with them
6 academically and in sports, but emotionally and in terms
7 of mental development, I was psychologically deprived.

8 **PRESIDING COMMISSIONER PRIZMICH:** Did you go to
9 school?

10 **INMATE MULLIN:** I went to school.

11 **PRESIDING COMMISSIONER PRIZMICH:** So when you got
12 home would they lock you in a room or something? What
13 would they do?

14 **INMATE MULLIN:** No, it wasn't that. It was that
15 they programmed me to be academically efficient.
16 Efficient in terms of sports. But immature, naïve and
17 gullible in terms of social and emotional interaction.

18 **PRESIDING COMMISSIONER PRIZMICH:** Well, give me
19 an example. That's really vague. What would they do?
20 If you talked to --

21 **INMATE MULLIN:** I can't really give you an
22 example. That's just my statement.

23 **ATTORNEY CHRISTENSEN:** Excuse me, Commissioner.
24 My pen has run out of ink. I'm wondering if anyone --

25 **PRESIDING COMMISSIONER PRIZMICH:** All right.

1 These fine officers will no doubt produce one
2 immediately for you. If they don't, I tell you what, I
3 will. How's that?

4 **ATTORNEY CHRISTENSEN:** Thank you.

5 **PRESIDING COMMISSIONER PRIZMICH:** For cryminey
6 sakes. There you go.

7 **ATTORNEY CHRISTENSEN:** Thank you very much.
8 Alrighty.

9 **PRESIDING COMMISSIONER PRIZMICH:** All right. So
10 you can't give me an example. If you went to school and
11 you were trained, overly trained I guess is what you're
12 saying, in the areas of sports and academics and you had
13 friends that you played with, did you?

14 **INMATE MULLIN:** Yes.

15 **PRESIDING COMMISSIONER PRIZMICH:** And you can't
16 give me any example of what your parents would do to
17 create this unusual living environment for you?

18 **INMATE MULLIN:** No.

19 **PRESIDING COMMISSIONER PRIZMICH:** Okay. But you
20 have a feeling that's what happened. Is that what I'm
21 getting?

22 **INMATE MULLIN:** Well, because of my conversations
23 with Dr. Gordon Heiberg, and Dr. Morten Felix, I believe
24 that they truthfully told me that, yes, that's exactly
25 what happened.

1 **PRESIDING COMMISSIONER PRIZMICH:** Okay. So
2 looking back now, even with your newfound understanding,
3 how would you describe your upbringing?

4 **INMATE MULLIN:** I was in an upper middle class
5 family, Catholic. We had a summer home where I think I
6 was born. I was given a very good education
7 academically. I was a B plus student. I played first
8 string on the basketball and baseball teams during
9 grammar school. So other than being left as a naïve,
10 gullible and immature individual, I was given an upper
11 middle class San Francisco, Santa Cruz County, Boulder
12 Creek upbringing. I did not realize that I was naïve,
13 gullible, or immature until after this crime.

14 **PRESIDING COMMISSIONER PRIZMICH:** Well, how does
15 that manifest itself? What did you walk around in a
16 daze? Were you not able to function in society?

17 **INMATE MULLIN:** I was functioning, but I was
18 functioning as someone who was naïve, gullible and
19 immature. My family and my friends probably knew it
20 most of them, almost 90 percent of them.

21 **PRESIDING COMMISSIONER PRIZMICH:** Can you give me
22 an example of what you would do that would be
23 illustrative of being naïve for example?

24 **INMATE MULLIN:** Well, the idea is is that this
25 crime spree is the result of that naiveté, gullibility

1 and immaturity which eventually manifested itself --

2 **PRESIDING COMMISSIONER PRIZMICH:** No, I think
3 it's the result of you taking actions. But you don't
4 want to talk about that.

5 **INMATE MULLIN:** No, it manifested as
6 undifferentiated schizophrenia and then paranoid
7 schizophrenia. If I had --

8 **PRESIDING COMMISSIONER PRIZMICH:** Were you
9 treated for that at any point?

10 **INMATE MULLIN:** Yes.

11 **PRESIDING COMMISSIONER PRIZMICH:** That was the
12 commitment to the hospital case which was one arrest
13 that I read there. You were later sent to a mental
14 health, where is it? You didn't want to talk about, but
15 the municipal court sent you to the psych ward. Was
16 that -- Was it -- Well, you don't want to talk about it,
17 so okay. What kind of work did you do?

18 **INMATE MULLIN:** In high school I got a job as a
19 store clerk, someone who filled up the beverage cases
20 and the dry goods.

21 **PRESIDING COMMISSIONER PRIZMICH:** Stock boy kind
22 of thing.

23 **INMATE MULLIN:** Stock work, yes.

24 **PRESIDING COMMISSIONER PRIZMICH:** Now where was
25 that at?

1 **INMATE MULLIN:** Boulder Creek, California.

2 **PRESIDING COMMISSIONER PRIZMICH:** All right. So

3 that was a small town though, right?

4 **INMATE MULLIN:** Yeah, it was 200 people when I

5 first got there. Now it's about five thousand, six
6 thousand.

7 **PRESIDING COMMISSIONER PRIZMICH:** All right. But

8 when you were there, it was a couple hundred people?

9 **INMATE MULLIN:** Two hundred people back in the

10 1940s. In the 1950s, it started to blossom up to 500.

11 **PRESIDING COMMISSIONER PRIZMICH:** All right. And

12 what other jobs have you had?

13 **INMATE MULLIN:** I worked at a gas station during

14 high school and junior college.

15 **PRESIDING COMMISSIONER PRIZMICH:** What about any

16 others?

17 **INMATE MULLIN:** I worked for the Department of

18 Public Works, Santa Cruz County during the summers of

19 1966 and 1967.

20 **PRESIDING COMMISSIONER PRIZMICH:** That's a pretty

21 good job.

22 **INMATE MULLIN:** It was very nice.

23 **PRESIDING COMMISSIONER PRIZMICH:** What did you

24 do?

25 **INMATE MULLIN:** It tied in with my college

1 training, civil highway technology, construction
2 technology. I was an engineering aide.

3 **PRESIDING COMMISSIONER PRIZMICH:** I see.

4 **INMATE MULLIN:** First degree. They have two
5 degrees.

6 **PRESIDING COMMISSIONER PRIZMICH:** None of that
7 sounds like you were immature or naïve.

8 **INMATE MULLIN:** No, I was academically excellent,
9 yeah.

10 **PRESIDING COMMISSIONER PRIZMICH:** And you were
11 operating in society?

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

13 **PRESIDING COMMISSIONER PRIZMICH:** Okay. Do you
14 have any children, sir?

15 **INMATE MULLIN:** No.

16 **PRESIDING COMMISSIONER PRIZMICH:** Have you ever
17 been married?

18 **INMATE MULLIN:** No. That's a disappointment to
19 me.

20 **PRESIDING COMMISSIONER PRIZMICH:** And let me ask
21 you about your drug use. Obviously you had some drug
22 use in the past. What did it involve, marijuana?

23 **INMATE MULLIN:** I'd just as soon not talk about
24 that.

25 **PRESIDING COMMISSIONER PRIZMICH:** Any LSD or

1 anything like that?

2 **INMATE MULLIN:** I'd just as soon not mention
3 anything.

4 **PRESIDING COMMISSIONER PRIZMICH:** You don't want
5 to talk about the drug use.

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

7 **PRESIDING COMMISSIONER PRIZMICH:** Okay. All
8 right, because we do -- I think you did talk to the
9 psych about that at some point if I'm not mistaken, but
10 we'll go into that a little bit later. All right, you
11 never served in the military, correct?

12 **INMATE MULLIN:** No.

13 **PRESIDING COMMISSIONER PRIZMICH:** Okay. I'm
14 going to turn your attention to Mr. Lopez. He's going
15 to go over your post-conviction factors.

16 **DEPUTY COMMISSIONER LOPEZ:** Yes, sir, I'm going
17 to go over your post-conviction factors from your last
18 Board hearing which was conducted on March 22nd, 2006.
19 I'm going to go over your work history, your self-help
20 programming, your disciplinary history, as well as your
21 psych report. I do note for the record you do have a
22 rebuttal on the psych report. I'm going to cover some
23 specific portions of that report and then I'll allow you
24 or your attorney to introduce the rebuttal statements,
25 but after I complete my portion. As I'm going through

1 each of the areas, please feel free to correct me if I
2 misstate something or I omit something.

3 **INMATE MULLIN:** Okay.

4 **DEPUTY COMMISSIONER LOPEZ:** I also do note for
5 the record that I've received from your attorney several
6 it looks like documents identifying books that you've
7 read and identifying extracurricular activities that
8 you've participated in on your own. That's what it
9 appears to me, but I'll go over it a little bit more in
10 detail at a later time, okay?

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

12 **DEPUTY COMMISSIONER LOPEZ:** All right, sir, you
13 were, as I indicated at your last hearing on March 22nd,
14 2006, you received a five year denial. The Panel at
15 that time recommended that you not receive any 115s or
16 any 128As, that you remain disciplinary free, that you
17 obtain positive chronos, and get self-help therapy as
18 available. At your last unit classification committee
19 action which occurred on it looks like February 5th,
20 2010, have you gone to classification since then?

21 **INMATE MULLIN:** Yes.

22 **DEPUTY COMMISSIONER LOPEZ:** You did? Because
23 it's not noted on your --

24 **INMATE MULLIN:** Classification committee, no,
25 they said that they were going to take care of it at

1 post-Board.

2 **DEPUTY COMMISSIONER LOPEZ:** Okay. Okay.

3 **INMATE MULLIN:** So it's the same yearly thing
4 though.

5 **DEPUTY COMMISSIONER LOPEZ:** Yeah, so at your last
6 classification committee action occurred on February
7 5th, 2010, you had Medium A custody and a placement
8 score of 28. Your A1A status, and that's, A1A status
9 has been since June 1st, 1982.

10 **INMATE MULLIN:** Okay.

11 **DEPUTY COMMISSIONER LOPEZ:** That's commendable.

12 **INMATE MULLIN:** Right.

13 **DEPUTY COMMISSIONER LOPEZ:** Your CDC 812, or your
14 gang affiliation, your enemy document, indicates that
15 you're not gang affiliated nor do you have any enemies
16 in the system. You're currently assigned as a program
17 porter. You've been in that assignment basically since
18 your last hearing. It's been quite a while that you've
19 been in that.

20 **INMATE MULLIN:** Yes. Yeah, ten years now.

21 **DEPUTY COMMISSIONER LOPEZ:** Okay. And you've
22 been receiving exceptional work reports.

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

24 **DEPUTY COMMISSIONER LOPEZ:** As I was going
25 through the file, I noted that with respect to self-help

1 programming, there was very little chronos in the file
2 and it basically reflected that you were participating
3 in AA programs prior to -- It looks like you stopped
4 going to AA in '07.

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

6 **DEPUTY COMMISSIONER LOPEZ:** And I read in the
7 Board report that was because of your assignment to the
8 third watch or the evening assignment?

9 **INMATE MULLIN:** Third watch porter, yes, Sir.

10 **DEPUTY COMMISSIONER LOPEZ:** So with that said,
11 there's five or six chronos that are identifying your AA
12 participation in '06 and '07 and nothing after that.

13 **INMATE MULLIN:** Okay.

14 **DEPUTY COMMISSIONER LOPEZ:** I do note that there
15 are no self-help programming regarding issues such as
16 anger management or conflict resolution or impulse
17 control, anything of that nature. Am I correct?

18 **INMATE MULLIN:** I've taken quite a few of those
19 types of courses. But it was back in the 1980s and
20 early '90s.

21 **DEPUTY COMMISSIONER LOPEZ:** But nothing since
22 '06, yes.

23 **ATTORNEY CHRISTENSEN:** Also if you will review
24 some of the documentation --

25 **DEPUTY COMMISSIONER LOPEZ:** Yeah, I'll get into

1 that.

2 **ATTORNEY CHRISTENSEN:** -- it pertains to those
3 issues.

4 **DEPUTY COMMISSIONER LOPEZ:** Right, but in the
5 file, I just want to make sure that it was --

6 **INMATE MULLIN:** It was Framework for Recovery.
7 Did you see that was a recent one during the 2003, 2002.

8 **DEPUTY COMMISSIONER LOPEZ:** No, my question is
9 since '06.

10 **ATTORNEY CHRISTENSEN:** Since your last hearing.

11 **INMATE MULLIN:** Not since the last hearing, no,
12 Sir.

13 **DEPUTY COMMISSIONER LOPEZ:** Okay. Moving on to
14 your -- And I'll cover this in a second.

15 **ATTORNEY CHRISTENSEN:** Thank you.

16 **DEPUTY COMMISSIONER LOPEZ:** Moving on to your
17 disciplinary history, over your incarceration, you've
18 only received one CDC 115 on June 25th, 1983, for sexual
19 behavior.

20 **INMATE MULLIN:** Okay.

21 **DEPUTY COMMISSIONER LOPEZ:** And two CDC 128As,
22 last of which occurred on July 23rd, 1986, but I do note
23 a chrono in there dated January 31st, 2008. It
24 apparently looks like you were a victim of an assault?

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

1 **DEPUTY COMMISSIONER LOPEZ:** What happened?

2 **INMATE MULLIN:** Well, me and the guy that I was
3 living with in the cell.

4 **DEPUTY COMMISSIONER LOPEZ:** He was your cellie?

5 **INMATE MULLIN:** Yeah, my cellie. We had been
6 having trouble and trying to get moved to different
7 cells. And he had been taking some postage stamps from
8 me, a book, ten stamps, and he had been scratching some
9 of my books. I'd come home and find a thumb scratch
10 right across some of my nice books. And so we were
11 having problems, you know. And I was trying to get out
12 of the cell and he's -- From what I heard, he likes to
13 assault other people. So he came home and accused me of
14 locking the door so that he couldn't get in. And I
15 didn't lock the door because he couldn't get in, I
16 locked the door because he had gone to work. But he
17 came back and accused me of keeping the door, locking
18 the door when I shouldn't have. So I just left. I
19 walked out the door and was going to go away, and he
20 came right out of the door after me and started
21 screaming at me, and I said, hey, wait a minute, you
22 know? And then he reached up and did his little karate
23 thing.

24 **DEPUTY COMMISSIONER LOPEZ:** Did you fight back?

25 **INMATE MULLIN:** No. They called a code right

1 away.

2 **DEPUTY COMMISSIONER LOPEZ:** Okay. And I do note
3 that for the record, you were a victim of that assault.
4 I'm going to move on to the information that your
5 attorney provided to me. It looks like the first
6 document I have is called a story telling notes and
7 natural sciences by H. W. Mullin, yourself. And it
8 basically identifies cloud formations.

9 **INMATE MULLIN:** And stars, astronomy, and
10 meteorology.

11 **DEPUTY COMMISSIONER LOPEZ:** So it's basically an
12 overview of what you read or what you --

13 **INMATE MULLIN:** What I've seen, yeah. Natural
14 science, observing the stars and the clouds and so
15 forth.

16 **DEPUTY COMMISSIONER LOPEZ:** And it identifies,
17 you write in there, the cloud formations and how they
18 look and the stars and things of that nature.

19 **INMATE MULLIN:** Uh-hmm, yes, Sir.

20 **PRESIDING COMMISSIONER PRIZMICH:** So what did you
21 learn? What do you get out of that?

22 **INMATE MULLIN:** It's earth science like
23 meteorology, geology, astronomy, geo zoology.

24 **DEPUTY COMMISSIONER LOPEZ:** So you like to read,
25 right?

1 **INMATE MULLIN:** Yeah, I like to explore nature
2 and write about it.

3 **DEPUTY COMMISSIONER LOPEZ:** I also have another
4 package indicating "Books I'm reading now," November
5 2010, Oxford Dictionary of Science, Journey through
6 Genius: The History of Great Theorems of Mathematics by
7 William Dunham, Myths of the Norsemen by H. A. Guerber,
8 The Poetic Edda by, it doesn't have an author on there,
9 excuse me, by Caroline Larrington. Love, An Inner
10 Connection by Carol K. Anthony, The Psyche Revealed by
11 Hanna Moog?

12 **INMATE MULLIN:** Moog.

13 **DEPUTY COMMISSIONER LOPEZ:** Moog. Runs by Sirona
14 Knight.

15 **INMATE MULLIN:** Runes.

16 **DEPUTY COMMISSIONER LOPEZ:** Excuse me?

17 **INMATE MULLIN:** It's pronounced Runes, R-U-N-E-S.
18 It's a Scandinavian word.

19 **DEPUTY COMMISSIONER LOPEZ:** Okay. By Sirona
20 Knight. The Declaration of Independence and the
21 Constitution of the USA by the Cato Institute. Pocket
22 Ref by Thomas J. Glover. Saddle Making by Dusty
23 Johnson. Ideas and Opinions by Albert Einstein. The
24 Collective Papers of Albert Einstein by Anne Beck.
25 National Autobahn Society. The Poetic Edda. I Ching by

1 Carol K. Anthony. Research and Studies in Astro?

2 **INMATE MULLIN:** Asatru

3 **DEPUTY COMMISSIONER LOPEZ:** Asatru Odinism,
4 Equals Odinism, Myths of the Norsemen, Fiolsvinn,
5 F-I-O-L-S-V-I-N-N, Much Wise. Is that another book on
6 Norse language?

7 **INMATE MULLIN:** Yes. That's Scandinavian.

8 **DEPUTY COMMISSIONER LOPEZ:** And you have some
9 attached additional documents regarding ethics and
10 afterlife and beliefs. The I Ching Research by Dr. Gary
11 Elam.

12 **INMATE MULLIN:** Now I think that says that my
13 studies in the I Ching were directed by Dr. Elam who is
14 one of the therapists.

15 **DEPUTY COMMISSIONER LOPEZ:** That treated you?

16 **INMATE MULLIN:** Yes.

17 **DEPUTY COMMISSIONER LOPEZ:** Okay. So the
18 therapist recommend that you review these?

19 **INMATE MULLIN:** Yes, I think there's two people
20 mentioned there. Both of them were therapists.

21 **DEPUTY COMMISSIONER LOPEZ:** I Ching Research
22 recommended by Dr. Gary Elam and recommended by Marian
23 Merit, Carl Jung.

24 **INMATE MULLIN:** That would be one of the persons
25 that wrote about it. He was an author. Carl Jung.

1 **DEPUTY COMMISSIONER LOPEZ:** Again, I Ching
2 Concepts from Anthony Publishing Company. I Ching, a
3 Guide to the I Ching Love and Interconnection, the Other
4 Way. The Psyche Revealed. Those books authored by
5 Carol Anthony. Ling Ching, Qi Ti Singh, Return of the
6 Hidden. Together these -- And these books that I'm just
7 going over about the I Ching, those are just books that
8 were recommended to you by the psychologist and you've
9 read all these books.

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

11 **DEPUTY COMMISSIONER LOPEZ:** And it's all
12 regarding I Ching?

13 **INMATE MULLIN:** It's regarding self-improvement,
14 mental health.

15 **DEPUTY COMMISSIONER LOPEZ:** Okay.

16 **INMATE MULLIN:** But from an oriental point of
17 view.

18 **DEPUTY COMMISSIONER LOPEZ:** And an additional The
19 Psyche Revealed, another I Ching type by Carol Anthony.
20 Be in Harmony with our True Nature, Our True Nature is
21 Good and Whole, and these are all cosmic virtues. These
22 are all subcomponents of the program that you were
23 reading?

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

25 **DEPUTY COMMISSIONER LOPEZ:** Okay.

1 **INMATE MULLIN:** Those would be like a book
2 report.

3 **DEPUTY COMMISSIONER LOPEZ:** Okay. The Path of
4 the Wanderer. Book reports again on I Ching. Numerous
5 subtitles. RNA equals ribonucleic acid. What is that
6 about?

7 **INMATE MULLIN:** Ribonucleic acid.

8 **DEPUTY COMMISSIONER LOPEZ:** Ribonucleic acid,
9 what is that about?

10 **INMATE MULLIN:** I did a research concerning the
11 metabolic processes of a human being and ribonucleic
12 acid is one of the basic building blocks of our mass.
13 Whatever material we find in our bodies is made up of
14 those particular four types of ribonucleic acid.

15 **DEPUTY COMMISSIONER LOPEZ:** Okay, I have a
16 Buddhist correspondence course and self-study course.
17 And I assume that's your participation in that process?

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

19 **DEPUTY COMMISSIONER LOPEZ:** Again a simple
20 explanation of fractal geometry, a more complex
21 explanation of fractal geometry and fractal dimensions,
22 and it goes into that process. A couple of things by
23 Einstein, his life and times. Your taking excerpts from
24 the book of ideas and opinion and geometry and
25 experience. Again, your outline regarding unified

1 theories. You have a summary of extracurricular
2 activities that you've done as of November 23rd, 2010.
3 You've been taking folk guitar practice sometimes two
4 hours per day. You listen to radio three hours a day.
5 You read books three hours a day, Odinism study group
6 three hours a day, Sunday afternoons. Odinism religious
7 self-study. Exercise calisthenics. Definitions of
8 various concepts of words and definitions, you know,
9 individualism.

10 **INMATE MULLIN:** Those would be psychological
11 definitions.

12 **DEPUTY COMMISSIONER LOPEZ:** Psychological
13 definitions including ego in nature, psyche, et cetera.
14 An overview of the Dr. Ronald David Lang's --

15 **INMATE MULLIN:** His view of schizophrenia.

16 **DEPUTY COMMISSIONER LOPEZ:** Dr. Gustav Jung, his
17 views on what?

18 **INMATE MULLIN:** Psychoanalysis, the ID, the ego
19 and the superego, introvert, extrovert.

20 **DEPUTY COMMISSIONER LOPEZ:** Again, William James.
21 What is that about?

22 **INMATE MULLIN:** He was one of the early America
23 philosophers that led the way into the development of
24 psychology in America.

25 **DEPUTY COMMISSIONER LOPEZ:** And you have some

1 additional philosophy information. The three great
2 Greek tragedians.

3 **INMATE MULLIN:** Tragedians, yes, Sir.

4 **DEPUTY COMMISSIONER LOPEZ:** And platiness. What
5 is that, the Greek philosopher?

6 **INMATE MULLIN:** He was a -- Platonius.

7 **DEPUTY COMMISSIONER LOPEZ:** Platonius.

8 **INMATE MULLIN:** Neo platonism.

9 **DEPUTY COMMISSIONER LOPEZ:** That's pretty
10 impressive, the area that you choose to be involved in.
11 That is impressive.

12 **INMATE MULLIN:** Thank you.

13 **DEPUTY COMMISSIONER LOPEZ:** I just want to let
14 you know that. I'm going to move on to your psych
15 report. It was completed by Dr. Jacqueline Caoile. You
16 were interviewed on November 23rd, 2010. It is not a
17 supportive evaluation. The doctor indicates that you
18 are a moderate to high risk of future violence if
19 released to the community. I'm going to incorporate the
20 report by reference. But I'm going to cover some
21 specific areas of that report. I know you're choosing
22 not to speak about substance abuse and your, you know,
23 anything about the crime, et cetera, but I will give you
24 an opportunity once I've gone through my portion to
25 identify any rebuttal statements, you or your attorney,

1 okay?

2 **INMATE MULLIN:** Okay.

3 **DEPUTY COMMISSIONER LOPEZ:** The first area that I
4 want to cover on your report is the diagnostic
5 impressions. On page 11, the doctor under the Axis I
6 category indicates you have a Psychotic Disorder not
7 otherwise specified, Hallucinogen Abuse by history,
8 Cannabis Abuse by history. Under the Axis II area of
9 the evaluation, the doctor indicates you have a
10 Personality Disorder, not otherwise specified with
11 Schizoid and Antisocial Traits, premorbid. Moving on to
12 the assessment tools that the doctor utilized to make
13 his evaluation, the first of those tools being the PCL-
14 R, the doctor indicates that you're in the low range of
15 psychopathy. The HCR-20, the doctor places you, gives
16 you an overall rating of high risk for violent
17 recidivism, and the LS/CMI, again the doctor places you
18 in the medium level risk category. I'm going to go over
19 some specific excerpts. Again, I understand that you
20 don't want to comment. The first of those excerpts are
21 on page 8. At the bottom paragraph, quote, "Mr. Mullin
22 identified his personal strengths as logic and reasoning
23 during out loud conversations and his weaknesses as
24 having difficulty finding compatible people, friends in
25 prison. Therefore it seems that while Mr. Mullin has

1 developed positive interests and engaged in productive
2 activities over the course of his incarceration, he
3 continues to have a skewed view of himself. He
4 acknowledges a history of mental health problems, but
5 continues to lack full insight into some of the faulty
6 beliefs, e.g., delusional ideations, that contributed to
7 his current circumstances." Again to summarize your
8 substance abuse identified by the clinician, you have
9 used alcohol in the past, marijuana and LSD during prior
10 to the commitment offense. Moving on to page 10, under
11 current mental health status treatment needs, second
12 paragraph, however, he presented with delusional
13 ideations, erroneous beliefs that were persecutory and
14 paranoid in nature. In particular, he continues to
15 believe that his family caused him to commit the
16 murders. Moreover, while discussing his delusional
17 thoughts about his family, he repeated the words
18 gullible, naïve, and immature numerous times throughout
19 the interview and seemed to persevere on this phase.
20 And it seems to us that you again utilized those terms
21 while speaking to Commissioner Prizmich. Commissioner,
22 that's all I have on the post-incarceration factors.
23 Now, Counsel and Mr. Mullin, you have an opportunity, if
24 you choose, you don't have to, to identify any rebuttals
25 to the report. Again, you don't have to. We can just

1 review the rebuttal in our deliberations.

2 **ATTORNEY CHRISTENSEN:** Well, he has prepared a
3 very comprehensive rebuttal in which he very adequately
4 sets forth the various areas in the evaluation with
5 which he disagrees. Actually, we strongly disagreed
6 with the conclusions of the doctor. Mr. Mullin feels
7 that he poses no degree of threat whatsoever to anyone
8 in society if he were to be released from prison.

9 **DEPUTY COMMISSIONER LOPEZ:** Is that all, Counsel?

10 **ATTORNEY CHRISTENSEN:** Mr. Mullin, would you like
11 to add to that?

12 **INMATE MULLIN:** No, I feel that that was good.
13 That's very nice. Thank you.

14 **DEPUTY COMMISSIONER LOPEZ:** Thank you.

15 **PRESIDING COMMISSIONER PRIZMICHI:** All right.
16 Were the two DAs given an opportunity to go through that
17 rebuttal?

18 **DEPUTY COMMISSIONER LOPEZ:** No, they were not.
19 No.

20 **PRESIDING COMMISSIONER PRIZMICHI:** Why don't we
21 make sure that they get that. All right, thank you.
22 Let me go into -- I'm guessing you're not going to want
23 to talk about this, but I want to bring it up anyway.
24 You have what looks like four mental health commitments
25 to various hospitals. Do you wish not to talk about

1 that?

2 **INMATE MULLIN:** Yes.

3 **PRESIDING COMMISSIONER PRIZMICH:** All right.

4 That's what it looks like to me. Just going through the
5 record, so. So let me go into your parole plans.

6 **INMATE MULLIN:** You might want to put down the
7 dates that that happened.

8 **PRESIDING COMMISSIONER PRIZMICH:** Yeah. Yeah,
9 March 29th, 1969, October 31st, 1969, June 26th, 1970,
10 and July 30th, 1970. That's what it looks like to me.

11 **DEPUTY DISTRICT ATTORNEY RICO:** Commissioner?

12 **PRESIDING COMMISSIONER PRIZMICH:** Sir?

13 **DEPUTY DISTRICT ATTORNEY RICO:** If I might as
14 just kind of a head's up, Mr. Lee and I would like to
15 have a copy of the rebuttal as well as some of those
16 handwritten documents on yellow sheets.

17 **PRESIDING COMMISSIONER PRIZMICH:** Sure.

18 **DEPUTY DISTRICT ATTORNEY RICO:** If I may --

19 **DEPUTY COMMISSIONER LOPEZ:** I'm not picking you
20 up.

21 **DEPUTY DISTRICT ATTORNEY RICO:** I'll try that
22 again. I'll repeat it. Mr. Lee and I would like to
23 have copies of the rebuttal as well as copies of the
24 yellow handwritten papers that were in there.

25 **PRESIDING COMMISSIONER PRIZMICH:** All of them?

DEPUTY DISTRICT ATTORNEY RICO: Most of them.

2 And perhaps at some point during deliberations, someone
3 could be making those copies?

4 **PRESIDING COMMISSIONER PRIZMICH:** Yeah, I'm not
5 sure deliberations is -- Let me just take a brief
6 recess. You guys stay here, Ms. Christensen. Just take
7 the inmate out for just a second. I just want to ask
8 the officer something. The time is 10:31.

DEPUTY COMMISSIONER LOPEZ: We're off record.

10 (Off the record.)

DEPUTY COMMISSIONER LOPEZ: We're back on record.

12 **PRESIDING COMMISSIONER PRIZMICH:** Thank you. The
13 time is 10:32. Thank you. Just needed to ask the
14 officers a question. We are back on record. We're
15 going to move to your parole plans. And in the most
16 recent counselor's report, we have this statement.
17 Should Mullin be given a grant of parole, he intends to
18 return to Santa Cruz County and contact employment
19 referral agencies at Santa Cruz County One Stop Center
20 in Santa Cruz. He does not have any residential plans.
21 Is that accurate?

INMATE MULLIN: Well, in terms of residential, I
thought that I'd get a hotel room to begin with.

24 PRESIDING COMMISSIONER PRIZMICH: Right.

INMATE MULLIN: And work with my parole officer,

1 join --

2 **PRESIDING COMMISSIONER PRIZMICH:** You did say
3 that. But do you have any idea where that -- Do you
4 have anybody on the outside that you interact with or
5 contact at all?

6 **INMATE MULLIN:** No. I can't claim anyone in
7 Santa Cruz County. But I know that Al-Anon and the
8 American Association of Retired People would help me
9 find an apartment within a month.

10 **PRESIDING COMMISSIONER PRIZMICH:** Okay.

11 **INMATE MULLIN:** I'd have to stay --

12 **PRESIDING COMMISSIONER PRIZMICH:** Within a month
13 -- I notice, because again you don't want to talk about
14 this part of it, your alcohol and drug abuse, but I
15 notice that your focus on the 12 steps and your recovery
16 had to do with Al-Anon versus drugs and alcohol.

17 **INMATE MULLIN:** Yes.

18 **PRESIDING COMMISSIONER PRIZMICH:** Why is that?
19 Do you wish to tell us about that?

20 **INMATE MULLIN:** I can mention that, yes.

21 **PRESIDING COMMISSIONER PRIZMICH:** All right, do
22 it.

23 **INMATE MULLIN:** Okay. The idea of Alcoholics
24 Anonymous and Narcotics Anonymous is that other people
25 who have drug problems help people who have drug

1 peoples. The people that had drug problems that I
2 talked to, people that had alcohol problems that I
3 talked to, what they told me was --

4 **PRESIDING COMMISSIONER PRIZMICH:** Excuse me just
5 a second. Are we ready to go or?

6 **DEPUTY DISTRICT ATTORNEY RICO:** I can pass these
7 back.

8 **PRESIDING COMMISSIONER PRIZMICH:** Okay, great.
9 Could we get something started.

10 **DEPUTY DISTRICT ATTORNEY RICO:** I think there's
11 another item there that we don't have. There was some
12 folded sheets.

13 **PRESIDING COMMISSIONER PRIZMICH:** The financial
14 things?

15 **DEPUTY DISTRICT ATTORNEY RICO:** No. Handwritten
16 notes, but they were yellow sheets and they were folded
17 in half.

18 **PRESIDING COMMISSIONER PRIZMICH:** You've got
19 both. Maybe I have it here. I think I have it. I have
20 it here. Sorry.

21 **DEPUTY DISTRICT ATTORNEY RICO:** Thank you.

22 **PRESIDING COMMISSIONER PRIZMICH:** Is it just
23 everything there? Why don't we just do that?

24 **DEPUTY DISTRICT ATTORNEY RICO:** That would
25 probably be the best way.

1 **PRESIDING COMMISSIONER PRIZMICH:** Okay, so let's
2 just do that. So one of you guys can make two copies of
3 everything. Thanks. I'm sorry, you know, we're trying
4 to get this thing to move along and trying to get it
5 coordinate. All right, great. I'm so sorry. Could you
6 go over the Al-Anon thing? Start again so you get a
7 full commentary on it.

8 **INMATE MULLIN:** The reason I mentioned only Al-
9 Anon was because when I was attending the AA and NA,
10 they focused on the idea that alcoholics and narcotics
11 users help one another achieve sobriety. And the
12 alcoholics and the narcotics people that I talk to
13 indicated to me that I did not have an alcohol problem
14 or a drug problem, what I had was a mental illness. And
15 that I should get help from Al-Anon because Al-Anon has
16 many people that are adults and they have problems with
17 people who are alcoholics, like say, for instance, my
18 family and/or drug addicts, say, for instance, my peers
19 in high school and college. So focusing on that, I
20 thought that yes, most definitely, I've read their big
21 book and took notes. You might have seen the notes I
22 took from the big book in Al-Anon. I would join an Al-
23 Anon group immediately when I get out. That would be
24 one of the first things I did. And also American
25 Association of Retired People. I hear that their

1 support groups, both of those organizations' support
2 groups, are excellent and I feel that I could
3 satisfactorily integrate with them.

4 **PRESIDING COMMISSIONER PRIZMICH:** Typically what
5 we get is a more concise updated written commitment on
6 the part of people or places with regard to parole
7 rather than this kind of vague, they'll get a place for
8 me in a month. That's usually what we look for. I
9 think that's been told in the past to you, right?

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

11 **PRESIDING COMMISSIONER PRIZMICH:** Yeah. So it
12 just gives us a sense of a commitment that's greater
13 than, "Well, I'll go find something. I'll contact these
14 people and they'll find me something." You know?
15 Obviously you don't have any family members that are,
16 you know, that are helpful or that just is what it is.
17 But there's a lot of transitional housing opportunities
18 available that incorporate a lot of the stuff that you
19 have some -- You've done some studying in, so with that
20 said, I didn't see any updated letters. I did see the,
21 I think he's got it out of here now, the pamphlet from
22 Santa Cruz County where, you know, it was kind of a one
23 stop shopping deal where you would go to one place and
24 get --

25 **INMATE MULLIN:** Yeah, it's an employment agency.

1 **PRESIDING COMMISSIONER PRIZMICH:** Yeah, I
2 understand.

3 **INMATE MULLIN:** But it's basically digital.

4 **PRESIDING COMMISSIONER PRIZMICH:** Yeah. Okay.
5 So anything else besides -- What do you plan to do when
6 you get out? What kind of work do you plan to do?

7 **INMATE MULLIN:** I'll get my resume, my college
8 resume, as well as my work history.

9 **PRESIDING COMMISSIONER PRIZMICH:** And your
10 college degree was in what, sir? I'm sorry?

11 **INMATE MULLIN:** Civil highway technology and
12 construction technology.

13 **PRESIDING COMMISSIONER PRIZMICH:** Do you think
14 that's changed over this amount of time much?

15 **INMATE MULLIN:** Not at the engineering aide level
16 that I'm educated at, no.

17 **PRESIDING COMMISSIONER PRIZMICH:** I see. Okay.

18 **INMATE MULLIN:** I'd be working for a professional
19 and he could train me within a matter of weeks to do
20 exactly what he wants.

21 **PRESIDING COMMISSIONER PRIZMICH:** Okay. I was
22 under the impression it would take a little bit more
23 than that. Do you have some leaning in terms of a
24 religious commitment at all? Is that an area that has
25 any pull towards you at all?

1 **INMATE MULLIN:** Well, at the present time, I'm
2 involved in Buddhism study group, Hinduism reading, and
3 Odinism, which is the ancient word would be called
4 Osatru. In North America and in Europe, the Odinist
5 religion is having what they call a reconstruction
6 because a thousand years ago the Christian invaders of
7 Scandinavia and Germany destroyed all of the ancient
8 artifacts and literature of the Odinist religion. So
9 they're trying to put it back together as best they can.

10 **PRESIDING COMMISSIONER PRIZMICH:** Right.

11 **INMATE MULLIN:** They're using archeological and
12 language techniques so that different places that are
13 named have reference to certain gods and or goddesses.

14 **PRESIDING COMMISSIONER PRIZMICH:** So what does it
15 do for you?

16 **INMATE MULLIN:** Well, at the present --

17 **PRESIDING COMMISSIONER PRIZMICH:** What benefit do
18 you get out of it besides this study of the historical
19 looking at it?

20 **INMATE MULLIN:** It gives me a sense that my
21 ancestors who were Germanic had a very definite way of
22 looking at life spiritually and that I can benefit from
23 that way more so than the Christian, Catholic education.

24 **PRESIDING COMMISSIONER PRIZMICH:** All right. So
25 what benefit do you get out of it?

1 **INMATE MULLIN:** I get a feeling of peace and
2 calm, progress in terms of mental and physical and
3 spiritual development.

4 **PRESIDING COMMISSIONER PRIZMICHI:** Okay. All
5 right. So Mr. Lopez, any questions?

6 **DEPUTY COMMISSIONER LOPEZ:** No questions.

7 **PRESIDING COMMISSIONER PRIZMICHI:** We'll go to
8 questions from the DA. I assume -- We'll go with Mr.
9 Lee first?

10 **DISTRICT ATTORNEY LEE:** Sure, thank you.

11 **PRESIDING COMMISSIONER PRIZMICHI:** Go ahead, sir.
12 Remember he's going to ask me the questions and then
13 I'll ask you, okay?

14 **INMATE MULLIN:** Okay.

15 **PRESIDING COMMISSIONER PRIZMICHI:** Sir.

16 **DISTRICT ATTORNEY LEE:** If the Commissioner can
17 ask Mr. Mullin why no contact with his sister?

18 **PRESIDING COMMISSIONER PRIZMICHI:** How come you
19 haven't had contact with your sister?

20 **INMATE MULLIN:** I believe that she was part of
21 the cause of me becoming naïve, gullible and immature.

22 **PRESIDING COMMISSIONER PRIZMICHI:** All right.

23 **DISTRICT ATTORNEY LEE:** Do you believe that she
24 should be charged with the crime?

25 **PRESIDING COMMISSIONER PRIZMICHI:** Do you think

1 she should be charged with this crime?

2 **INMATE MULLIN:** I believe that if she was
3 questioned by psychologists and psychiatrists, they
4 could determine that she is guilty. Whether they would
5 recommend that she be tried, I don't know.

6 **PRESIDING COMMISSIONER PRIZMICHE:** Do you think
7 you're guilty of what you did?

8 **INMATE MULLIN:** I know that I'm physically guilty
9 of committing the crimes.

10 **PRESIDING COMMISSIONER PRIZMICHE:** Okay. Sir.

11 **DISTRICT ATTORNEY LEE:** Thank you. Can the
12 Commissioner ask Mr. Mullin whether he thinks that he is
13 actually guilty of the crimes the jury found him of or
14 different crimes?

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

17 **INMATE MULLIN:** Yes.

18 **PRESIDING COMMISSIONER PRIZMICHE:** Go ahead.

19 **INMATE MULLIN:** Okay. I think I should have been
20 found not guilty by reason of insanity.

21 **PRESIDING COMMISSIONER PRIZMICHE:** Okay. Sir?

22 **DISTRICT ATTORNEY LEE:** Don't you also believe
23 that you should have been found not guilty by
24 involuntary manslaughter?

25 **PRESIDING COMMISSIONER PRIZMICHE:** Do you believe

1 that was an appropriate charge against you that you
2 should have been charged with?

3 **INMATE MULLIN:** No, uh-hmm.

4 **PRESIDING COMMISSIONER PRIZMICH:** No? Okay.

5 **DISTRICT ATTORNEY LEE:** Okay. You said that you
6 don't believe that your degree of threat to society if
7 released from prison. Can the Commissioner ask hasn't
8 that been his position since 1979?

9 **PRESIDING COMMISSIONER PRIZMICH:** Has that been
10 your position for quite some time, since '79? About
11 then?

12 **INMATE MULLIN:** Well, I was coming out of
13 schizophrenia. Undifferentiated schizophrenia was what
14 they placed me in and then I developed paranoid
15 schizophrenia, which was what they placed me in at the
16 time of the crime. So I was arrested in February 1973.
17 By the time 1979 rolled around, I felt that I was coming
18 out of schizophrenia.

19 **PRESIDING COMMISSIONER PRIZMICH:** And that you
20 weren't a risk to the community, is that what you felt?

21 **INMATE MULLIN:** I felt that I was overcoming my
22 mental illness and that I was trustworthy, yes. It
23 wasn't actually until between 1982 and 1987 that Dr.
24 Caoile said that the undifferentiated schizophrenia was
25 going into remission. I think they call it remission.

1 So does that answer your question?

2 **PRESIDING COMMISSIONER PRIZMICH:** It's his
3 question. Go ahead, sir.

4 **DISTRICT ATTORNEY LEE:** Can the Commissioner ask
5 Mr. Mullin even though you believe your schizophrenia is
6 in remission, you still believe that your sister is a
7 co-conspirator who should be charged with murder?

8 **PRESIDING COMMISSIONER PRIZMICH:** Do you still
9 believe your sister, if properly evaluated, should be
10 charged with murder as well?

11 **INMATE MULLIN:** I believe that she's guilty of
12 causing me to be naïve, gullible, and immature. That
13 that led to my development of paranoid, undifferentiated
14 schizophrenia and that the crimes were committed because
15 I was a paranoid undifferentiated schizophrenic.

16 **PRESIDING COMMISSIONER PRIZMICH:** Okay. Sir.

17 **DISTRICT ATTORNEY LEE:** Thank you.

18 **PRESIDING COMMISSIONER PRIZMICH:** Okay, sir.

19 **DISTRICT ATTORNEY LEE:** Thank you. You described
20 your dad as a killjoy sadist for 40 years, almost 40
21 years. Do you think your dad should be charged, if he
22 was alive, with the murder of these 13 people?

23 **PRESIDING COMMISSIONER PRIZMICH:** Is that
24 correct? Do you think your dad should be?

25 **INMATE MULLIN:** I would again recommend that he

1 should have been psychoanalyzed because of my
2 accusations at the time of the crime when I took the
3 stand. And that psychoanalysis probably would have
4 determined his culpability in the commission of the
5 crime.

6 **PRESIDING COMMISSIONER PRIZMICH:** But do you feel
7 he was culpable?

8 **INMATE MULLIN:** I think that -- yes. Yes.

9 **PRESIDING COMMISSIONER PRIZMICH:** Okay. All
10 right, sir?

11 **DISTRICT ATTORNEY LEE:** Can the Commissioner ask
12 Mr. Mullin do you think his mother should also be
13 charged with the crimes?

14 **PRESIDING COMMISSIONER PRIZMICH:** Do you believe
15 your mother should be charged? Same question.

16 **INMATE MULLIN:** I think to a lesser extent.

17 **PRESIDING COMMISSIONER PRIZMICH:** Why is that?
18 But she should be charged, just to a lesser extent.

19 **INMATE MULLIN:** To a lesser extent because she
20 was dependent upon him for food, shelter, clothing and
21 love.

22 **PRESIDING COMMISSIONER PRIZMICH:** So would she
23 be, in your mind, this is hypothetical, would she be
24 charged with something less than the murders like aiding
25 and abetting. Is that what you're saying?

1 **INMATE MULLIN:** What I said from the beginning
2 was they should have been psychoanalyzed. As far as --
3 The psychoanalysts should recommend one way or the other
4 concerning crime or punishment.

5 **PRESIDING COMMISSIONER PRIZMICH:** What about the
6 other -- I'm not talking about the crime itself, the
7 other arrests that you had. Would they be responsible
8 for those as well? The use of narcotics?

9 **INMATE MULLIN:** I think that they knew what was
10 going on and they allowed it.

11 **PRESIDING COMMISSIONER PRIZMICH:** So they
12 contributed to it?

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

14 **PRESIDING COMMISSIONER PRIZMICH:** All right.
15 Sir?

16 **DISTRICT ATTORNEY LEE:** Can the Commissioner ask
17 Mr. Mullin doesn't his peer group, his social peers
18 during that time back in 1972, '73, aren't they
19 responsible for him committing these crimes too?

20 **PRESIDING COMMISSIONER PRIZMICH:** What do you
21 think about that? The group that you were hanging with
22 or running whatever you called it, were they -- because
23 apparently they were using drugs as I recall reading.
24 Were they somehow responsible for any of these acts?

25 **INMATE MULLIN:** I would say that they contributed

1 to my continuing to be in a state of naiveté,
2 gullibility and immaturity.

3 **PRESIDING COMMISSIONER PRIZMICH:** Okay, your
4 friends?

5 **INMATE MULLIN:** And so that developed into
6 schizophrenia and therefore, yes. I would say so.

7 **PRESIDING COMMISSIONER PRIZMICH:** Okay. Thank
8 you, sir.

9 **DISTRICT ATTORNEY LEE:** Can the Commissioner ask
10 him more specifically do you believe that your dad took
11 pleasure when you killed? Do you believe, Mr. Mullin
12 believe, that his dad took actual pleasure when he
13 killed? His dad took pleasure.

14 **PRESIDING COMMISSIONER PRIZMICH:** Do you
15 understand the question? I don't understand the
16 question. Do you understand the question? Did your dad
17 take pleasure in when you killed. You're talking about
18 him killing?

19 **DISTRICT ATTORNEY LEE:** Yes.

20 **PRESIDING COMMISSIONER PRIZMICH:** Okay. Do you
21 think your dad enjoyed that?

22 **INMATE MULLIN:** I don't know. I don't know.

23 **PRESIDING COMMISSIONER PRIZMICH:** Okay.

24 **DISTRICT ATTORNEY LEE:** If your dad is a killjoy
25 sadist, when he left you 17 thousand dollars, why did

1 you accept the money?

2 **PRESIDING COMMISSIONER PRIZMICH:** Why did you
3 take the money?

4 **INMATE MULLIN:** I've never been married and I've
5 never sired children, and so I'm trying to use the money
6 wisely so that I can eventually get married and sire
7 children.

8 **PRESIDING COMMISSIONER PRIZMICH:** It's
9 interesting you used the word sired.

10 **INMATE MULLIN:** Well, it's an old English adage.

11 **PRESIDING COMMISSIONER PRIZMICH:** Yeah. Okay.
12 All right.

13 **DISTRICT ATTORNEY LEE:** Why didn't you give the
14 money, if you're truly remorseful, to the family of the
15 victims?

16 **PRESIDING COMMISSIONER PRIZMICH:** Why didn't you
17 think about that maybe?

18 **INMATE MULLIN:** My rationale was that I am truly
19 remorseful and truly sorrowful for my commission of the
20 crimes physically. I kept the money because I have
21 never been married, never sired children, so I'm using
22 it to try to prove my relative predicament. The
23 predicament I'm in a paranoid schizophrenic at the time
24 of the crimes as somebody who has achieved mental
25 health, rehabilitation and re-education now some 40

1 years later.

2 **PRESIDING COMMISSIONER PRIZMICH:** Yeah. Sir?

3 **DISTRICT ATTORNEY LEE:** Thank you. Can the
4 Commissioner ask Mr. Mullin that over the last 20 or 30
5 years, you have been through numerous parole hearings.
6 You've gone through your CDC file numerous times. You
7 now have a letter from the daughter of Jane, excuse me,
8 James and Joan Gianera, who wasn't present when you
9 killed her parents, her mom and dad, and she asks you to
10 answer this question. Can you name all the victims of
11 your 13 homicides.

12 **PRESIDING COMMISSIONER PRIZMICH:** Can you name
13 the victims of the homicides?

14 **INMATE MULLIN:** Okay, I've read the files and
15 I've read some of the transcripts from the trial.

16 **PRESIDING COMMISSIONER PRIZMICH:** Yeah.

17 **INMATE MULLIN:** And so since I've been in prison,
18 yes, I have memorized their names, but at the time of
19 the crimes, I did not know any of them.

20 **PRESIDING COMMISSIONER PRIZMICH:** No, but today
21 could you -- Do you know their names?

22 **INMATE MULLIN:** I do know their names, yes.

23 **PRESIDING COMMISSIONER PRIZMICH:** All right. Am
24 I guessing correctly, do you know -- Can you tell them
25 to us?

1 **INMATE MULLIN:** Okay.

2 **PRESIDING COMMISSIONER PRIZMICH:** Is that what
3 you want?

4 **DISTRICT ATTORNEY LEE:** Sure. That's what she
5 wants. That's what she asked for.

6 **PRESIDING COMMISSIONER PRIZMICH:** Okay.

7 **INMATE MULLIN:** Their names were Lawrence White,
8 Mary Guilfoyle, Henri Tomei, James Gianera, Joan
9 Gianera, Kathleen Prentiss, the two young children I
10 don't remember. At the time, let's see, David Oliker,
11 Robert Spector, Michael Drebelbis, and I'm missing one
12 of the campers there. I only mentioned three of them.
13 And the last gentleman's name was Fred Abby Perez. The
14 two children I believe were the children of Kathleen
15 Prentiss. I don't remember their names.

16 **PRESIDING COMMISSIONER PRIZMICH:** David and
17 Daemon.

18 **INMATE MULLIN:** Daemon Francis.

19 **PRESIDING COMMISSIONER PRIZMICH:** Sir?

20 **DISTRICT ATTORNEY LEE:** Can the Commissioner ask
21 him besides knowing these names that he's seen literally
22 dozens and dozens of times, can he tell me one thing
23 about David Oliker?

24 **PRESIDING COMMISSIONER PRIZMICH:** Do you know
25 anything about David Oliker? Anything at all?

1 **INMATE MULLIN:** No, I can't.

2 **PRESIDING COMMISSIONER PRIZMICH:** All right.

3 **DISTRICT ATTORNEY LEE:** Can Mr. Mullin tell this
4 Board one thing about like where Mary Guilfoyle was
5 from?

6 **PRESIDING COMMISSIONER PRIZMICH:** Do you know
7 where she was from?

8 **INMATE MULLIN:** I think I read in the files that
9 she was as student at Cabrillo Junior College.

10 **PRESIDING COMMISSIONER PRIZMICH:** Okay.

11 **DISTRICT ATTORNEY LEE:** Do you know what state
12 she was from?

13 **INMATE MULLIN:** No.

14 **PRESIDING COMMISSIONER PRIZMICH:** No.

15 **DISTRICT ATTORNEY LEE:** Can you tell me one thing
16 whether Fred Perez had sons, daughters, grandchildren or
17 whatever?

18 **PRESIDING COMMISSIONER PRIZMICH:** Mr. Perez, did
19 he --

20 **INMATE MULLIN:** No, I don't know.

21 **PRESIDING COMMISSIONER PRIZMICH:** No.

22 **DISTRICT ATTORNEY LEE:** You say that you study
23 Odinism. Can you tell us about that?

24 **PRESIDING COMMISSIONER PRIZMICH:** Can you tell us
25 about Odinism. I think he kind of went into part of it.

1 **ATTORNEY CHRISTENSEN:** I think he did.

2 **PRESIDING COMMISSIONER PRIZMICH:** Go ahead. Go
3 ahead, if you want to.

4 **DISTRICT ATTORNEY LEE:** Well, would the
5 Commissioner ask whether Mr. Mullin would agree with
6 this. That Odinism is a warrior religion. A creed that
7 glorifies the hero over the saint. The mailed fist over
8 the nailed hands. Would he agree with that?

9 **PRESIDING COMMISSIONER PRIZMICH:** Is that
10 accurate?

11 **INMATE MULLIN:** No, from my point of view
12 Odinism is in a process of reconstruction. The Odinist
13 religion --

14 **PRESIDING COMMISSIONER PRIZMICH:** But that's what
15 it's in the process of doing. What is the religion? Is
16 it a warrior religion?

17 **INMATE MULLIN:** No, three thousand years ago,
18 yes, it was a warrior religion.

19 **PRESIDING COMMISSIONER PRIZMICH:** What is it now?

20 **INMATE MULLIN:** I basically practice a single
21 person type of Odinism where I'm trying to see Odinism
22 in the terms of social, economic and political struggle.

23 **PRESIDING COMMISSIONER PRIZMICH:** So it's kind of
24 warrior.

25 **INMATE MULLIN:** Well, it's like the bankers.

1 **PRESIDING COMMISSIONER PRIZMICH:** Yeah.

2 **INMATE MULLIN:** If you have 15 different banks
3 and you have 15 different bankers, those people are in a
4 social, economic and political struggle to get social,
5 economic and political power. So that's where --

6 **PRESIDING COMMISSIONER PRIZMICH:** Maybe they're
7 just making a living though, you know?

8 **INMATE MULLIN:** Well, there's a struggle going on
9 to see who can be top dog in the banking industry
10 worldwide, and it's a dog eat dog world when you play
11 Wall Street.

12 **PRESIDING COMMISSIONER PRIZMICH:** Yeah, so how
13 does Odinism deal with that?

14 **INMATE MULLIN:** Well, Odinism is in
15 reconstruction mode. It's trying to say, hey, our old
16 religion wants to play in the banking community. We're
17 not just going to sit by and be servants. You know, I
18 mean, a thousand years ago Christianity came in and
19 made --

20 **PRESIDING COMMISSIONER PRIZMICH:** So what would
21 be like a general plan? Would it be the individuals
22 stockholders take over or?

23 **INMATE MULLIN:** No, no. It would be more like we
24 can learn from going to college how to become financial
25 advisors, financial investors. And in so doing, we have

1 to be somewhat aggressive the way the people in Wall
2 Street and the banking community already are. But we're
3 doing it from a polytheistic point of view. We have
4 many gods and many goddesses. We don't just have one.

5 **PRESIDING COMMISSIONER PRIZMICH:** Okay. Sir?

6 **DISTRICT ATTORNEY LEE:** Would the Commissioner
7 ask the lifer whether he would agree that Odinism is a
8 religion that creates no laws only virtues. It's a
9 revolt against the modern world with its laws and moral
10 codes. Would he agree with that? That's what Odinism
11 stands for?

12 **PRESIDING COMMISSIONER PRIZMICH:** Is that a --

13 **INMATE MULLIN:** No. No.

14 **PRESIDING COMMISSIONER PRIZMICH:** All right.

15 **INMATE MULLIN:** I would like to hear that again
16 before I say --

17 **PRESIDING COMMISSIONER PRIZMICH:** Go ahead. Say
18 it again, please.

19 **DISTRICT ATTORNEY LEE:** Odinism is a religion
20 that creates no laws only virtues.

21 **INMATE MULLIN:** No what?

22 **PRESIDING COMMISSIONER PRIZMICH:** Laws.

23 **DISTRICT ATTORNEY LEE:** No laws.

24 **PRESIDING COMMISSIONER PRIZMICH:** Only virtues.

25 **DISTRICT ATTORNEY LEE:** A revolt against the

1 modern world with its laws and moral codes. That's what
2 Odinism stands for, would he agree with that?

3 **INMATE MULLIN:** No, I wouldn't.

4 **PRESIDING COMMISSIONER PRIZMICH:** No? Okay. No,
5 he wouldn't.

6 **DISTRICT ATTORNEY LEE:** And would he agree that
7 Odinism teaches that gods made men, they also made a
8 weapon for the men to carry?

9 **PRESIDING COMMISSIONER PRIZMICH:** Do you remember
10 reading that in your teachings?

11 **INMATE MULLIN:** No, ut-hmm.

12 **PRESIDING COMMISSIONER PRIZMICH:** No?

13 **INMATE MULLIN:** I would say that the computer
14 could be considered a weapon in terms of Wall Street and
15 the banking community. So tools nowadays are used for
16 social, economic and political acquisition whereas
17 probably what he's referring to are the thousand and two
18 thousand year old code of ethics of the warrior class,
19 the Vikings. And I'm not a Viking. I've claimed to be
20 nonviolent and moral and ethical. And I believe Odinism
21 is nonviolent, moral and ethical.

22 **PRESIDING COMMISSIONER PRIZMICH:** Okay. Mr. Lee?

23 **DISTRICT ATTORNEY LEE:** Thank you. Can the
24 Commissioner ask him how did he get involved in this
25 Odinism? Was it through his cell mate?

1 **PRESIDING COMMISSIONER PRIZMICH:** How did you get
2 involved in it? Was your cell mate an introductory
3 partner or something?

4 **INMATE MULLIN:** No.

5 **PRESIDING COMMISSIONER PRIZMICH:** How did you get
6 involved?

7 **INMATE MULLIN:** They built an Odinist sanctuary
8 on our yard next to the Native American Indian
9 sanctuary. And I went to them and questioned them and
10 said well, what are you doing, you're building a fire
11 pit and you have a circle and I would like to know more
12 about your viewpoint.

13 **PRESIDING COMMISSIONER PRIZMICH:** So you looked
14 into it on your own?

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

16 **PRESIDING COMMISSIONER PRIZMICH:** You saw it in
17 progress and you decided to look into it.

18 **INMATE MULLIN:** Yes.

19 **PRESIDING COMMISSIONER PRIZMICH:** All right.
20 Sir?

21 **DISTRICT ATTORNEY LEE:** Thank you. Can the
22 Commissioner ask him whether he still believes that he
23 is a victim in this particular case?

24 **PRESIDING COMMISSIONER PRIZMICH:** Do you still
25 believe you're a victim?

1 **INMATE MULLIN:** I believe that my family and
2 friends scapegoated me, made me into a naïve, gullible,
3 immature person and then forced me into paranoid,
4 undifferentiated schizophrenia and that that is why the
5 crime spree occurred.

6 **DISTRICT ATTORNEY LEE:** Can the Commissioner ask
7 him about his parole plans. He told Doctor -- I don't
8 want to get her name wrong -- Caoile?

9 **PRESIDING COMMISSIONER PRIZMICH:** Caoile.

10 **DISTRICT ATTORNEY LEE:** Caoile. Tell Dr. Caoile
11 that he plans to sell CDs and DVDs about your life
12 philosophy. What did he mean by them?

13 **PRESIDING COMMISSIONER PRIZMICH:** What did you
14 mean by that?

15 **INMATE MULLIN:** I've been playing music with
16 people on the yard. One of my things is --

17 **PRESIDING COMMISSIONER PRIZMICH:** Guitar.

18 **INMATE MULLIN:** -- guitar. And so if I was to
19 get out, I would want to associate with more musicians
20 and possibly form a band and give my philosophy of
21 nonviolence and of --

22 **PRESIDING COMMISSIONER PRIZMICH:** Through your
23 music? Is that what you mean?

24 **INMATE MULLIN:** -- altruism through music and
25 poetry, yes.

1 **PRESIDING COMMISSIONER PRIZMICH:** All right.

2 Sir?

3 **DISTRICT ATTORNEY LEE:** Can the Commissioner ask
4 Mr. Mullin why would people buy them in his opinion.

5 **PRESIDING COMMISSIONER PRIZMICH:** Why would
6 somebody be interested in that? Do you have any
7 thoughts on that?

8 **INMATE MULLIN:** Hopefully because our music was
9 good enough.

10 **PRESIDING COMMISSIONER PRIZMICH:** Okay. Sir?

11 **DISTRICT ATTORNEY LEE:** Does Mr. Mullin still
12 agree that his notoriety would be a possible stressor if
13 he was freed in the outside world.

14 **PRESIDING COMMISSIONER PRIZMICH:** Your notoriety
15 as a result of these crimes, do you think that that
16 would be a possible stressor on the outside?

17 **INMATE MULLIN:** In the beginning I think it
18 would, but as time went by, I don't. No, I think people
19 would accept me for being a rehabilitated American
20 citizen.

21 **PRESIDING COMMISSIONER PRIZMICH:** All right.

22 Sir?

23 **DISTRICT ATTORNEY LEE:** Did Mr. Mullin know that
24 his artwork is being sold on the Internet?

25 **PRESIDING COMMISSIONER PRIZMICH:** Your artwork is

1 being sold on the Internet. Are you aware of that?

2 **INMATE MULLIN:** Yeah, people have written me
3 about that and so forth, yes.

4 **PRESIDING COMMISSIONER PRIZMICH:** All right.
5 Sir?

6 **DISTRICT ATTORNEY LEE:** Does Mr. Mullin approve
7 of this?

8 **PRESIDING COMMISSIONER PRIZMICH:** Do you approve
9 of it?

10 **INMATE MULLIN:** No, I don't. I think it's giving
11 the wrong message. Are you familiar with the --

12 **PRESIDING COMMISSIONER PRIZMICH:** These are his
13 questions, no mine.

14 **INMATE MULLIN:** Okay, the surgeon general's
15 report on violence in America, written by C. Everett
16 Koop, the surgeon general?

17 **PRESIDING COMMISSIONER PRIZMICH:** He was the
18 surgeon general.

19 **INMATE MULLIN:** He was the surgeon general, yeah.
20 His report said that violence on television and in the
21 movies causes crime. It causes people to go crazy. And
22 so I think that this selling of my artwork and so forth
23 is detrimental. I don't think it --

24 **PRESIDING COMMISSIONER PRIZMICH:** Does it have a
25 violent leaning?

1 **INMATE MULLIN:** Well, no. It's of mountains and
2 snow, snow-capped mountains.

3 **PRESIDING COMMISSIONER PRIZMICH:** How is that
4 detrimental to violence out there?

5 **INMATE MULLIN:** Well, the only reason they're
6 selling it I think is because I have notoriety.

7 **PRESIDING COMMISSIONER PRIZMICH:** Okay.

8 **INMATE MULLIN:** And so it gives the wrong
9 message. It doesn't give the message of nonviolence and
10 rehabilitation for the television and motion pictures.

11 **PRESIDING COMMISSIONER PRIZMICH:** I see. Let me
12 ask you. When these crimes occurred, without talking
13 about the crimes, you mentioned several times your
14 mother to you a lesser extent, your sister and your
15 father were somehow a driving force behind this and
16 should, in your mind, in some way be culpable. When did
17 they convince you by their actions to do this crime?

18 **INMATE MULLIN:** That would fall under --

19 **PRESIDING COMMISSIONER PRIZMICH:** How old were
20 you?

21 **INMATE MULLIN:** That would fall under the domain
22 of paranoid schizophrenia and I really couldn't answer
23 that question.

24 **PRESIDING COMMISSIONER PRIZMICH:** You don't know.
25 Okay. Sir?

1 **DISTRICT ATTORNEY LEE:** That's all I have. Thank
2 you.

3 **PRESIDING COMMISSIONER PRIZMICH:** Mr. Rico?

4 **DEPUTY DISTRICT ATTORNEY RICO:** Thank you. I
5 don't want to get into areas that have been covered, but
6 the psych eval at page 2 indicates in the last
7 paragraph, Mr. Mullin expressed negative feelings
8 towards his parents and added, quote, "They set me up to
9 commit this crime spree," unquote. And all I wanted to
10 ask in that regard, does he have anything else to add
11 that he hasn't added what he meant by set him up?

12 **PRESIDING COMMISSIONER PRIZMICH:** You heard the
13 question. Can you answer that?

14 **INMATE MULLIN:** Okay. By that, I think I meant
15 that my father was a drill sergeant in the United States
16 Marine Corps, a captain in the artillery, United States
17 Army during World War II, and he knew that what he was
18 doing would lead to a violent crime. And so by saying
19 set me up, I guess that's what I was trying to refer to.

20 **PRESIDING COMMISSIONER PRIZMICH:** All right. Can
21 I get some -- I'm still, what's the timeframe on that?
22 How long was he, quote, "setting you up," a year before
23 this thing, two years? When? I'm trying to get an idea
24 of what you think.

25 **INMATE MULLIN:** I would say that about the year

1 when I was five years old.

2 **PRESIDING COMMISSIONER PRIZMICH:** From five years
3 on he was setting you up?

4 **INMATE MULLIN:** That's what I think, yeah.

5 **PRESIDING COMMISSIONER PRIZMICH:** All right.

6 Okay.

7 **DEPUTY DISTRICT ATTORNEY RICO:** Thank you. And I
8 think that Mr. Mullin who obviously is highly
9 intelligent was talking about his study of, I may say it
10 wrong, ribonucleic acids and the metabolic processes of
11 the human body. In his studies in that regard, has he
12 been able to gain any insight into possibly what makes
13 him tick?

14 **PRESIDING COMMISSIONER PRIZMICH:** Have you had
15 any insight into what makes you work?

16 **INMATE MULLIN:** Not from studying RNA,
17 ribonucleic acid, no.

18 **PRESIDING COMMISSIONER PRIZMICH:** All right. No.

19 **DEPUTY DISTRICT ATTORNEY RICO:** All right. The
20 psych eval at page 3 says, at the top in the first
21 paragraph, however he, meaning Mr. Mullin, asserted that
22 everyone in his family had alcohol problems because,
23 quote, "They convinced me to commit this crime spree,"
24 quote-unquote. So my question would be has Mr. Mullin
25 been aware or become aware of any research that

1 indicates that possibly alcohol problems in a family can
2 be genetic or hereditary?

3 **PRESIDING COMMISSIONER PRIZMICH:** Have you become
4 aware of anything like that?

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

6 **PRESIDING COMMISSIONER PRIZMICH:** No.

7 **DEPUTY DISTRICT ATTORNEY RICO:** The psych eval at
8 page 5 says that Mr. Mullin does not believe it is
9 necessary to attend substance abuse treatment in the
10 community. Does he still feel that way? That he
11 doesn't need that out there?

12 **PRESIDING COMMISSIONER PRIZMICH:** Do you still
13 feel that you don't need to attend a substance abuse
14 treatment facility or treatment programs such as AA or
15 NA, something like that?

16 **INMATE MULLIN:** I mentioned that I would join Al-
17 Anon. And Al-Anon uses the 12 steps and the 12
18 traditions of Alcoholics Anonymous. So I would be using
19 AA, NA, and Al-Anon going through using their steps and
20 their traditions.

21 **PRESIDING COMMISSIONER PRIZMICH:** Well, you would
22 not go to AA or NA. You would just go to Al-Anon.

23 **INMATE MULLIN:** Just Al-Anon, unless required.

24 **PRESIDING COMMISSIONER PRIZMICH:** And the focus
25 on that is a little bit different.

1 **INMATE MULLIN:** Okay.

2 **PRESIDING COMMISSIONER PRIZMICH:** So.

3 **DEPUTY DISTRICT ATTORNEY RICO:** But I guess the
4 question really is is he saying he would go there if it
5 was a condition?

6 **PRESIDING COMMISSIONER PRIZMICH:** He said unless
7 required.

8 **DEPUTY DISTRICT ATTORNEY RICO:** All right.

9 **PRESIDING COMMISSIONER PRIZMICH:** So if there was
10 a condition. Right?

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

12 **DEPUTY DISTRICT ATTORNEY RICO:** All right. But
13 does he think he really needs it?

14 **PRESIDING COMMISSIONER PRIZMICH:** Do you think
15 you need it?

16 **INMATE MULLIN:** I need Al-Anon.

17 **PRESIDING COMMISSIONER PRIZMICH:** All right.

18 **DEPUTY DISTRICT ATTORNEY RICO:** And in terms of
19 his thoughts about the family setting him up to do this,
20 the psych eval at page 3 says, in the last paragraph,
21 similar to his views on his family, he accused his
22 fiancée of keeping him, quote, "gullible, naïve, and
23 immature." Is that true?

24 **PRESIDING COMMISSIONER PRIZMICH:** Is that true
25 too?

1 **INMATE MULLIN:** I met her when I was 16 years old
2 and we didn't break up until I was 21, approximately 21.
3 And so, yeah, those years of still remaining in naiveté,
4 gullibility, and immaturity.

5 **PRESIDING COMMISSIONER PRIZMICH:** She contributed
6 to that.

7 **INMATE MULLIN:** To my mental illness, yes.

8 **PRESIDING COMMISSIONER PRIZMICH:** Sir?

9 **DEPUTY DISTRICT ATTORNEY RICO:** I noted in some
10 of Mr. Mullin's writings, he talked about thinking that
11 he was suitable for parole/pardon. Does he believe that
12 he should be pardoned and excused for his crimes?

13 **PRESIDING COMMISSIONER PRIZMICH:** Do you think
14 you should be pardoned in some way?

15 **INMATE MULLIN:** The idea of pardon came to me
16 from my very first adult authority meeting in 1976. The
17 two Commissioners that I sat before mentioned in there
18 handwritten statement at the end of the parole
19 consideration hearing that they recommended after ten
20 years I apply to the Governor for a pardon.

21 **PRESIDING COMMISSIONER PRIZMICH:** Okay. Sir?

22 **DEPUTY DISTRICT ATTORNEY RICO:** What would Mr.
23 Mullin consider to be his primary goal on the outside if
24 he were to be released?

25 **PRESIDING COMMISSIONER PRIZMICH:** What is your

1 primary goal if you get out?

2 **INMATE MULLIN:** To meet a young lady, fall in
3 love, get married, and sire children.

4 **PRESIDING COMMISSIONER PRIZMICH:** Sir?

5 **DEPUTY DISTRICT ATTORNEY RICO:** What does Mr.
6 Mullin believe would be his greatest challenge on the
7 outside if he were to be released?

8 **PRESIDING COMMISSIONER PRIZMICH:** What would be
9 the biggest challenge?

10 **INMATE MULLIN:** I have never thought of that idea
11 or that question. Spontaneously I would say the first
12 two weeks are going to be kind of rough in terms of
13 notoriety, but I'm sure I'm strong and healthy enough to
14 go through all that. After the first two weeks, I would
15 say just locating employment. I would work with Al-Anon
16 and the American Association of Retired People, and I
17 would also make use of any private employment agencies
18 just to get myself started.

19 **PRESIDING COMMISSIONER PRIZMICH:** Okay.

20 **DEPUTY DISTRICT ATTORNEY RICO:** And how does Mr.
21 Mullin feel about having committed two murders of
22 Lawrence White and Mary G-U-I-L-F-O-Y-L-E, of which he
23 was not convicted? And I'm not asking him to talk about
24 the murders. I'm just asking about how he feels about
25 the --

1 **PRESIDING COMMISSIONER PRIZMICH:** How do you feel
2 about those two murders?

3 **INMATE MULLIN:** I just as soon not talk about
4 them.

5 **PRESIDING COMMISSIONER PRIZMICH:** All right. He
6 doesn't want to talk about them.

7 **DEPUTY DISTRICT ATTORNEY RICO:** All right. And
8 what is it that makes Mr. Mullin a different man today
9 than the one he was back in 1972?

10 **PRESIDING COMMISSIONER PRIZMICH:** What's
11 different about you today?

12 **INMATE MULLIN:** I worked my way out of
13 schizophrenia. I have developed marketable skills in
14 the community. I have a Certificate of Completion in
15 mill and cabinetry making, vocational landscape and
16 gardening, vocational bakery. I've taken thousands of
17 hours of self-help, mental health programs here in CDCR,
18 and I feel that my time in AA and NA approximately 12
19 years, six years and six years, I think that that has
20 matured me. I've gotten over my gullibility and
21 naiveté. I'm no longer susceptible to suggestion like I
22 was when I was naïve and gullible.

23 **PRESIDING COMMISSIONER PRIZMICH:** Okay.

24 **DEPUTY DISTRICT ATTORNEY RICO:** Just a couple
25 more questions. I know that Mr. Mullin has said that a

1 couple of times, that he worked his way out of paranoid
2 schizophrenia. Could he explain to this Panel how one
3 does that?

4 **PRESIDING COMMISSIONER PRIZMICH:** How do you do
5 that?

6 **INMATE MULLIN:** The way I did it was by attending
7 group therapy sessions and I had a one-on-one nine month
8 psychological relationship with Dr. Gordon Heiberg in
9 1976 and at the same time with Dr. Morton Felix. And I
10 even met with Dr. Gordon Heiberg and my parents in the
11 visiting room at California Medical Facility in
12 Vacaville. And all of that psychological self-help and
13 those one-on-one relationships with those two doctors
14 helped me get my feet on the path towards good healthy
15 mental stability.

16 **DEPUTY DISTRICT ATTORNEY RICO:** And the last two
17 questions. Does Mr. Mullin feel that he has been
18 rightfully convicted and fairly sentenced?

19 **PRESIDING COMMISSIONER PRIZMICH:** Do you feel
20 you've been rightly convicted and fairly sentenced?

21 **INMATE MULLIN:** I'd just as soon refrain from
22 answering that question.

23 **PRESIDING COMMISSIONER PRIZMICH:** He doesn't want
24 to answer that.

25 **DEPUTY DISTRICT ATTORNEY RICO:** The last question

1 would be looking back on his life, including why he's
2 here today, what is it that Mr. Mullin regrets most
3 about his past?

4 **PRESIDING COMMISSIONER PRIZMICH:** What do you
5 regret most?

6 **INMATE MULLIN:** I regret having committed the
7 crimes.

8 **DEPUTY DISTRICT ATTORNEY RICO:** And I would have
9 nothing further.

10 **PRESIDING COMMISSIONER PRIZMICH:** All right.

11 **ATTORNEY CHRISTENSEN:** No questions from me.

12 **PRESIDING COMMISSIONER PRIZMICH:** No questions?

13 Mr. Lopez, any questions?

14 **DEPUTY COMMISSIONER LOPEZ:** No questions.

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

16 We'll go to closing, sir. Mr. Lee.

17 **DISTRICT ATTORNEY LEE:** Thank you. Thank you,
18 Commissioners and the Board for letting myself appear in
19 this very, very important hearing. You know, the last
20 couple of weeks, I've been sifting through the actual
21 evidence in this particular case. I represent Santa
22 Cruz County and, of course, we still have boxes and
23 boxes of evidence that involves Mr. Mullin's terrible,
24 terrible crimes. And, of course, as a representative,
25 it's just to remind myself how truly savage, senseless,

1 and horrific these 13 murders were. You know, I didn't
2 really have to necessarily remind myself because back in
3 1972, I was a 15-year-old boy growing up in Santa Cruz
4 County. And this Board can trust me when I say that
5 when you're 15 years old watching other 15-year-olds
6 being killed and murdered and hearing about it in the
7 paper, you never really forget it. And, of course,
8 while going through his life crimes, I spent the last
9 week going through his California Department of
10 Corrections files. And going through Mr. Mullin's CDC
11 file, reading psych report after psych report, reading
12 his correspondence, his lawsuits. It's come to the
13 conclusion, and the reason for that, of course, is do we
14 have to come to the conclusion does he currently pose an
15 unreasonable risk for dangerousness to the society if
16 he's released. And a lot of people believe that in the
17 human condition, people are capable of changing. They
18 believe that in the possibility of reform, I'm not
19 always agreeing and don't always agree with them, but I
20 do know when I don't see it. And having gone through
21 Mr. Mullin's almost 40 years of record in the past three
22 weeks where he still blames others for his crime, where
23 he has complete lack of insight, he shifts
24 responsibility for these horrible crimes that he
25 committed even with his own hands. I'm asking this

1 Board to deny Mr. Mullin for the maximum of a 15 year
2 denial. In looking at the commitment offenses, the
3 horror and magnitude of these cold-blooded stabbing,
4 shooting, bludgeoning, cutting, kicking, clubbing,
5 beating, dissecting, cannot be overstated. The ages
6 were from a child four to nine years old to a man 73
7 years old with everything in between, men, women,
8 adults, children, teenagers, clergy, hitchhikers,
9 Cabrillo college students. The locations also varied
10 from the street to a tent to a cabin to a home to a
11 field to a confessional booth. And, of course, the
12 manner of these terrible killings also were divergent,
13 beating with a bat to shooting 123 feet away in kind of
14 a sniper style with a .22 rifle that he stole in a
15 previous murder. Some of these crimes are so cruel, so
16 callous, and impossible to adequately describe them.
17 Mary Guilfoyle, who we've all described as a 24-year-old
18 hitchhiker from Cabrillo College who was born in Newark.
19 She was picked up by Mr. Mullin, immediately stabbed
20 numerous times in his car and then dragged out to a
21 field where he dissected her. He split her open by
22 using a T formation with a knife to look at her kidneys,
23 her liver, her heart, her lungs because he saw pictures
24 in a book that he had read about Michelangelo. In fact,
25 took out some of these kidneys and liver and hung them

1 on a tree. He's also involved in the other type of
2 killings which is a premeditated killing to prevent
3 someone from being a witness. That was his friend, a
4 woman named Kathleen Prentiss and her nine-year-old and
5 four-year old sons, David Hughes and Daemon Francis.
6 These execution style murders. And it's important to
7 note even though Mr. Mullin didn't answer questions
8 today about being under the influence, he did say before
9 that many times possible drugs were a co-contributor to
10 these crimes. When he shot Mr. Perez, he was
11 immediately captured and a blood test was taken which
12 was negative for all substances. The effect on the
13 victims' families is just immeasurable. You received
14 two letters from two victims' families that talk about
15 the terrible suffering that they both occurred. One
16 brother never seeing his older brother grow up. A
17 daughter never seeing her mom and dad again. And, in
18 fact, for years and years and years was looking for both
19 of them at different locations hoping that they'd
20 somehow magically appear. At this same time, Mr. Mullin
21 was using years and years and years to blame others for
22 these crimes. And, of course, in looking at the
23 commitment offenses, it affected their entire community.
24 He changed the way people live in Santa Cruz County.
25 Just front and center. He changed the way parents

1 raised their kids. He changed the way kids played in
2 the streets. He stopped kids from, you know, going into
3 the forest and the way the whole community treated
4 strangers. You know, it's ironic one of the reasons Mr.
5 Mullin killed people, he claimed at the very beginning
6 was to prevent a catastrophic earthquake. Mr. Mullin
7 actually killed more people in Santa Cruz County than
8 the last terrible earthquake in Santa Cruz County in
9 1989. The irony of that is stunning. You received
10 letters from two victims' families, the brother and the
11 daughter. And they are actually fairly direct because
12 both of them don't understand how it's even possible of
13 a mass murderer getting out. In fact, the Gianeras
14 daughter stated how can someone who doesn't really know
15 the victims ever get out and be paroled while the
16 brother of David Oliker said how can a mass murderer
17 ever be rehabilitated. Thirteen deaths, seven different
18 locations, seven different dates, and they died for
19 different reasons. And the reason why these two
20 questions are so poignant is because they really go to
21 the heart of the matter why we're here today. I always
22 tell victims' families in lifer hearings why the why is
23 so important. Because why would somebody motivate
24 somebody to be so cruel as Mr. Mullin? What could cause
25 someone to be like that? Why did this happen? And I

1 appreciate this Board and five years ago the last Board
2 looking at his family and diagnosing Mr. Mullin's family
3 because that's one of the first places we always look.
4 And even though he couldn't give any examples at all, it
5 appears that Mr. Mullin was from a, as he said, middle
6 class, upper class family. He lived a fairly good life
7 in Boulder Creek, California. He was good
8 scholastically and in sports. And he had a sister that
9 didn't commit crimes, didn't commit murders. And
10 parents, a dad that was a salesman and a mom, a stay at
11 home mom who actually volunteered for the disabled. So
12 after looking at the family, look at Mr. Mullin. And
13 you literally need a scorecard to determine Mr. Mullin's
14 numerous excuses over the years of why these crimes were
15 committed. He was compelled to commit these murders to
16 prevent earthquakes. He then said it was family members
17 conspired him to commit these murders which has been
18 basically a similar statement for 38 years. That
19 homosexuals and bisexuals made him commit these crimes.
20 He read a book in the '80s about pre-medicated murder.
21 It was then that he said that his pre-medications he
22 took for mental illness which compelled him to commit
23 these murders. He then got involved in witchcraft
24 because he believed that peers put a spell on him which
25 caused him to commit these crimes. And, of course, his

1 dad has always been this killjoy sadist that has made
2 him naïve, immature, and gullible, who intended for him
3 to commit these murders. And then finally 2006, he said
4 the psychedelic drugs contributed to make him do these
5 crimes. He's got no insight. He doesn't take
6 responsibility. And one doctor back in 1988, I think
7 it's Dr. Allison, said that Mr. Mullin switches back and
8 forth. He goes from at least an awareness now that he's
9 responsible although it's an awareness that he
10 immediately switches and says no, it's my parents. It's
11 my fiancée. It's my sister. It's my mother. It's my
12 peer group. It's the Catholic Church. It's even my
13 aunt who made me fall off a horse when I was seven years
14 old that kept me immature, naïve and gullible that was
15 part of this general conspiracy that wanted me to commit
16 these crimes. He's basically had 38 years of, in
17 essence, blaming others. He's clearly incapable,
18 intellectually and morally, of taking responsibility.
19 The Board mentioned Dr. Caoile's report, C-A-O-I-L-E,
20 which is negative for Mr. Mullin. And negative in two
21 ways. Even though Mr. Mullin didn't talk about the
22 offenses and failed to talk about the offenses, he gives
23 the immediate insight from the very get-go that he
24 blames his family, his mom, his dad and his sister in
25 particular for intending and convincing him to commit

1 these crimes. He just can't help himself and that just
2 comes out throughout the interview. She basically finds
3 that a very strong opinion that he's a moderate to high
4 risk of violence in the free community. In fact, in
5 some categories, he was a high risk for violent
6 recidivism. And basically, it was her opinion that his
7 inability to recall details of the crime, fixed with his
8 delusional system, particularly about his family being
9 involved in these murders, it prohibited him from
10 engaging in meaningful exploration of the underlying
11 causes of behavior and faulty logic. He has no insight.
12 You know, at some point, you know, Mr. Mullin says, you
13 know, "I'm responsible for this murder." But he's like
14 a man jumping over a pond where he sees himself in a
15 reflection, but doesn't want to get immersed and wet.
16 He hasn't had any deep insight. His depth of looking at
17 himself and his responsibility is very limited and we
18 agree with Dr. Caoile's report that he would present a
19 high risk of violence in a free community. In fact,
20 when you look at Mr. Mullin, you try to determine
21 whether he even has any remorse. And even though he
22 handed us some documents today that he said he had
23 remorse and talks about remorse. He always couples
24 remorse. He always couples his remorse with him getting
25 his parole date. In fact, in Dr. Caoile's report, she

1 mentions when he talks about remorse, he's almost
2 detached. That he's not really kind of caring. And how
3 can you really ask this Board, how can you really have
4 remorse when he actually believes these verdicts are
5 unfair. He doesn't believe that he should have been
6 convicted of murder. He surely doesn't believe he
7 should be convicted of first degree, premeditated murder
8 in two counts and second degree murder. In fact,
9 numerous times over the last 38 years, he said he should
10 have been convicted of not guilty by reason of insanity
11 or involuntary manslaughter. It's very hard to be
12 remorseful when you haven't accepted your
13 responsibility. Lastly, his parole plans are totally
14 unrealistic. I tried to find this one spot that he
15 described. I couldn't find it in Santa Cruz County.
16 He's got no family support. He wants to stay in a
17 hotel. He plans to sell these DVDs and CDs although
18 four years ago, he said that would be a stressor, a
19 major stressor of notoriety and he would try to do
20 anything to keep himself from having that attention. He
21 has no plans whatsoever how to deal with the unique
22 stressors of the outside and that makes his parole plans
23 unrealistic. Clearly he's got no friends now in prison.
24 And it's interesting to note when he committed these
25 crimes, he had no friends at that time either. I

1 respectfully ask this Board to find Mr. Mullin
2 unsuitable for parole and make it the maximum 15 year
3 denial under Marsy's law. It is by clear and convincing
4 evidence that Mr. Mullin has to prove that he can
5 actually improve and see some kind of improvement within
6 the next 15 years. I think it is extremely doubtful
7 that any kind of therapy can dislodge any of his beliefs
8 that his parents and others caused him to commit these
9 crimes. It's almost impossible for our county to
10 believe that he could ever be capable of functioning in
11 a free society without posing a risk of reoffending.
12 The most interesting report of all the reports that I
13 saw was one done by Dr. Allison in 1988. Why it was
14 interesting is because Dr. Allison actually saw Mr.
15 Mullin back in 1973. He was the very first psychiatrist
16 to see him. He was actually hired by defense counsel,
17 Jim Jackson. And then he actually analyzed him again
18 1981. And at the end of his report, he says that Mr.
19 Mullin has not been a dangerous individual in prison,
20 but he would be totally unpredictable outside due to his
21 tendency to place blame and responsibility for his
22 misdeeds on others that he may or may not know. This
23 leaves him free in his mind to do anything he wants
24 because somebody else can always be blamed for it. That
25 sums up Mr. Mullin's belief back in 1988. It sums up

1 Mr. Mullin's belief back in 1977. And it sums up Mr.
2 Mullin's belief in 2011. We believe and we're asking
3 this Board to have and give him the maximal denial.
4 Thank you.

5 **PRESIDING COMMISSIONER PRIZMICH:** Thank you. Mr.
6 Rico.

7 **DEPUTY DISTRICT ATTORNEY RICO:** Thank you,
8 Commissioner. I don't have a lot to add to Mr. Lee's
9 closing. I'm here on behalf of Santa Clara County. And
10 I would just note a couple of things. That Mr. Mullin
11 was, I believe, 25 years old in 1972 when he began this
12 murder spree. And the first murder took place on
13 October 13th, 1972, in Santa Cruz County, when he went
14 out and beat Lawrence White, a 55-year-old homeless man
15 to death with a baseball bat. The last murder, the 13th
16 murder, took place on February 13th, 1973, when Mr.
17 Mullin used that .22 caliber rifle that he had taken
18 from the four teenage boys that he shot to death in the
19 Santa Cruz mountains and killed 72-year-old Fred Abby
20 Perez. Thirteen murders between October 13th, 1972 and
21 February 13th, 1973. A four month period of time. The
22 Santa Clara murder took place on Thursday November 2nd,
23 1972. This was after Mr. Mullin had killed his first
24 two victims in Santa Cruz. Mr. White and Ms., and I'll
25 spell it again, G-U-I-L-F-O-Y-L-E, Ms. Guilfoyle. Four

1 days after her murder on Thursday, November 2nd, 1972,
2 he apparently went into St. Mary's Church in Los Gatos,
3 presumptively to confess and encountered the 64-year-old
4 priest, father Henri, H-E-N-R-I, Tomei, T-O-M-E-I. In
5 the sanctity of a church, in the sanctity of a
6 confessional, Mr. Mullin attacked the priest kicking him
7 with karate style kick and brutally stabbing him four
8 times. An incredibly violent crime as well as a
9 horrendous crime because of the nature in which it was
10 committed and the location and the victim. And the
11 violence that was used. There were four stab wounds.
12 Three to the back, one stab wound entering the left back
13 penetrating into the area of the tenth vertebra. A
14 second stab wound entering the upper back in the area of
15 the thoracic vertebra. And a third stab wound entering
16 the back of the head, penetrating down towards the right
17 base of the skull. The fourth stab wound in the front
18 of the chest, penetrating the chest wall and entering
19 the heart. And Mr. Mullin then fled leaving the elderly
20 priest to die in the confessional. It was later that
21 the area was dusted for prints and a palm print was
22 lifted from the paneling on the right side of the
23 confessional booth. Latent fingerprints were lifted
24 from inside of the confessional booth door as well as
25 the outside of the door near the doorknob and they were

1 subsequently analyzed and found to match those of Mr.
2 Mullin. But meanwhile, Mr. Mullin had returned to Santa
3 Cruz where he had committed the other murders that he
4 did there. And after he was finally -- After he finally
5 committed that February 13th, murder of Mr. Perez, he
6 was apprehended because a witness got a license plate.
7 He had not gotten too far away and stopped him. The
8 police stopped him and he was apprehended. A short
9 period of time, as Counsel has indicated, as Mr. Lee has
10 indicated, more murders committed by Mr. Mullin during
11 that period of time than the Loma Prieto earthquake.
12 And he sits here today and he indicates now at, I
13 believe, he's 63. He indicates that he is asking for
14 parole or pardon. It is beyond human doubt that the
15 crimes of which he was convicted were horrendous. I'm
16 fully aware of the Lawrence decision which indicates
17 it's not just the crime or crimes in this case, but the
18 issue is current dangerousness. And as Mr. Lee has
19 pointed out, current dangerousness is all over this room
20 when Mr. Mullin speaks. He lacks insight. He has no
21 insight. He blames others just as in the 1988 psych
22 eval when it indicated he was blaming others. He is
23 still blaming others. He will mouth the words that he
24 is responsible and I think when asked what's the
25 greatest regret that you have, he said that I've

1 committed these murders. Well, it sounds good, but it's
2 not heartfelt. There is nothing to show that Mr. Mullin
3 overall of the time that he has spent has done anything
4 to truly address the underlying causes that led him to
5 become for a brief period of time a monstrous murderer
6 that left Santa Cruz County and local environs in a
7 state of fear. Now I look at the psych eval, which is
8 highly, highly nonsupportive. And it indicates that he
9 is in the moderate, the overall risk assessment says
10 that he's in the moderate to high risk for violence in
11 the free community. And I think one thing that is
12 troubling, and I won't go through all of the details in
13 the psych eval, but there are numerous portions of it
14 that indicate that he lacks insight. That he is still a
15 danger. It points out Mr. Mullin had some difficulty
16 identifying the challenges he may face in the community
17 and/or the ways in which his criminal history may impact
18 his goals. And back in 2001 I think it was, there was
19 an evaluation done by Dr. Shaffer, S-H-A-F-F-E-R, and
20 it's interesting that Dr. Shaffer at that time appears
21 to be a somewhat dependent individual who probably
22 requires a highly structured environment in order to
23 function best. It was further noted, and this is a
24 troubling part, quote, "Frustration with his reception
25 in the free world is likely to increase his risk for

1 future acting out," unquote. Now, Mr. Mullin sits here
2 today and he says, "I'm all better. Over the years I've
3 managed to overcome my paranoid schizophrenia. I'm no
4 longer a risk." If Mr. Mullin were to be released to
5 the community, I don't think he has a clue as to how his
6 release into the community would affect other
7 individuals. How they would respond to him because of,
8 as he put it, his notoriety, which he does recognize.
9 And I think it's a bit troublesome when he is asked
10 what's your primary goal if released. Is it to be a
11 better person? Is it to help others. Is it to
12 integrate back? His primary goal, as he indicated, is
13 to seek out a wife, get married and sire children with
14 very little insight into how he's going to be received.
15 And what Dr. Shaffer said back in 2001, that when he
16 finds out what happens out there, the frustration is
17 going to increase his risk of acting out. And it's
18 troublesome to think that he's still in that stage. As
19 Mr. Lee has pointed out, there's been very little
20 change. He's still doing the same things. He's still
21 refusing to accept responsibility, still lacking
22 insight, still blaming others, still feeling that he was
23 wrongfully convicted of the wrong charges, that his
24 family should have been convicted of various crimes for
25 what they allegedly did to him. He's fixated on that

1 phrase that he uses about being immature, being -- He,
2 in effect, takes no true personal responsibility. And
3 he may voice his thought. He may even believe it, that
4 he is remorseful and that he has changed, but it hasn't
5 been demonstrated today. And the psych eval shows that
6 his plan to go off and live in a hotel and find a job
7 somewhere with no support is, quite frankly, from this
8 chair a very scary situation to find an individual who
9 has demonstrated his violence in such thorough fashion
10 as Mr. Mullin has. He's talked about what he does in
11 prison. Three hours of music a day. He talks about his
12 reading. He talks about various other things. He
13 hasn't picked up any 115s, if I recall correctly since
14 that one back in the '80s. He does well being locked
15 up. He has demonstrated what he is capable of when he
16 is not locked up. The best predictor of future behavior
17 is past behavior. And to hear Mr. Mullin today, still
18 talk with some animation and emotion about blaming his
19 family for things that they did to set him up to create
20 this, demonstrates that the man that sits across the
21 table from this Panel is still a highly unpredictable
22 and highly dangerous individual that should not be
23 released anywhere near in the foreseeable future. And I
24 ordinarily don't indicate to the Panel what number of
25 years I believe would be appropriate. But I have to

1 agree with Mr. Lee that I don't see any way around under
2 the circumstances here. I think that a maximum denial
3 of 15 years would be appropriate in this case, and I
4 would ask that the Panel deny Mr. Mullin accordingly.
5 Thank you.

6 **PRESIDING COMMISSIONER PRIZMICH:** Thank you. Ms.
7 Christensen, please.

8 **ATTORNEY CHRISTENSEN:** Well, first of all, I want
9 to make it clear that the two Deputy DAs' requests for a
10 maximum period of denial of 15 years is completely
11 unreasonable given the positive steps that Mr. Mullin
12 has undertaken over a sustained period of time to
13 improve himself. We certainly feels that a maximum
14 period of denial should be reserved for those inmates
15 who are troublemakers, who have constant 115s, who do
16 not program, who do not do anything to improve
17 themselves and that certainly does not describe Mr.
18 Mullin at all. Yes, the best predictor of future
19 behavior is past behavior. Now Mr. Mullin committed
20 these crimes over a four month period of time. And they
21 were committed as a result of untreated mental illness.
22 Since coming to prison, he has availed himself of all
23 opportunities to improve and learn and grow and delve
24 into those psychological factors that brought him to
25 prison. He's done a remarkable job in his self-study

1 and also in his one-on-one therapy with the doctors and
2 in groups as well. He has not shied away from that at
3 all, but he's just delved right into that. And he
4 certainly is a very intelligent inmate, as we can all
5 tell. In fact, it's really been a pleasure representing
6 Mr. Mullin. He is a very interesting person. Now we
7 take a four month period of time versus how many years
8 have you been in prison now, Mr. Mullin?

9 **INMATE MULLIN:** About 38.

10 **ATTORNEY CHRISTENSEN:** A long period of time,
11 during which he's done extremely well. He only has one
12 115 which he acquired some 28 years ago. It was not for
13 any force or violence. Now, before coming to prison, he
14 had a minimal criminal history. I believe he had no
15 record as a juvenile and some minor issues as an adult.
16 So he had been doing well before he came to prison. He
17 graduated from high school. He graduated from community
18 college. He had several years of work experience, but
19 he had issues with mental health. Now when we talk
20 about his blaming others, his parents, friends, fiancée
21 and so forth, well, there just might be a possible basis
22 for the way he feels because perhaps his parents and
23 friends should have recognized some of the warning signs
24 of mental illness and tried to get help for him. Now we
25 find in cases even today, such as the Gabrielle Giffords

1 case in Arizona and the young man who sits in jail
2 today, there has been quite a bit of information out in
3 the news and many commentators have said why didn't his
4 parents recognize this? He lived right in the same
5 house with them. Why didn't they try and get help for
6 him? His friends and classmates as well. People have
7 said, well, how come those close to him did not try and
8 get help for him? So the same thought is also true in
9 his case. Now when these crimes occurred, there was not
10 as much known about the causes of schizophrenia.
11 Certainly not as much as we know today. But as to
12 whether Mr. Mullin is remorseful for his crime, yes, he
13 is deeply remorseful for the harm that he has caused and
14 it is really unproductive to focus on the crimes because
15 those situations will never, ever change. They are
16 factors of unsuitability, certainly, but then we have to
17 look at all the positive things that he has done since
18 coming to prison. And what are those things? Well, he
19 has acquired numerous vocational skills, mill and
20 cabinetry, bakery, landscaping. He's an excellent
21 worker in his present job assignment. I believe he's
22 been a porter now for ten years. He gets outstanding
23 evaluations, and he uses his time very productively.
24 How many inmates do we seek actually writing book
25 reports? I can tell a hundred inmates to do it, and

1 maybe one or two actually will. And as you can tell
2 from the wide variety of the subjects of the book
3 reports, he certainly is an avid reader, has an
4 inquiring mind, and is interested in a vast number of
5 subjects. And a larger percentage of his time is spent
6 exploring various psychological issues, as you'll see
7 when you go into -- during break hopefully you will,
8 into the types of things that he has looked into and
9 actually studied during this period of time. He really
10 wants to know and improve himself. So I believe that
11 were it not for the untreated mental health issues at
12 the time, he certainly would not have committed these
13 crimes. He has not shown any violent tendencies
14 throughout his period of incarceration. In fact, quite
15 the opposite. He is very peaceful, totally nonviolent.
16 He is very prosocial in his thinking and in his
17 behavior. Mr. Lee questioned him about the various
18 theories of Odinism. I'm not quite sure what all that
19 was about, but we certainly cannot say that because that
20 is one thing that he is interested in and it's a rather
21 unusual topic, that that means that he is in some way
22 not suitable for parole. That's just one area of
23 inquiry. He reads very, very widely. I'm extremely
24 disappointed in the psychological evaluation. It is
25 highly negative and unfair that in, of course, the facts

1 of the crime will not change. I believe he got off on
2 the wrong foot with this particular psychologist. I
3 don't think they ever really acquired much of a rapport
4 from what I'm able to tell. But I just feel that in
5 certain ways it does not present an accurate portrayal
6 of his degree of dangerousness and, in fact, one must
7 ask what really is his degree of dangerousness today if
8 any. He's done a great deal of work on himself. He has
9 not been violent at all in prison. He basically is
10 extremely conforming to the rules and regulations in
11 here. He gets along with people. When attacked by
12 another inmate, he did not engage in that. Otherwise he
13 would have gotten a 115 for mutual combat. That did not
14 happen. So that indicates that he is able to control
15 his impulses and behave in socially appropriate ways.
16 He's been very serious about his rehabilitation. Today
17 he takes no medication. He seems to be someone who is
18 able to function quite well. Then I also want to point
19 out that he's made many donations over the years to
20 various groups as you'll see from the material that he's
21 left you there. He contributes to a lot of charities
22 and that certainly indicates a good heart and someone
23 who wishes to help others. With whatever little he has,
24 he shares with others. So all in all, let's remember
25 that although there were numerous victims during this

1 four year period of time, he is after all a first termer
2 and everyone should be entitled to be looked at fairly
3 as possibly being found suitable to be given a second
4 change. And I don't believe that Mr. Mullin would
5 commit any crimes if he were to be released from prison.
6 He would be under the supervision of the Parole
7 Outpatient Clinic. They would monitor him very closely.
8 If they felt that he needed any psychotropic medication,
9 that would be prescribed for him. And also he does have
10 a little nest egg, approximately 17 thousand dollars
11 that he has invested in an Vanguard account. So that
12 would tide him over at least for the time being. He's
13 reached out to the community and he knows the various
14 resources out there that would help him. And all in
15 all, he certainly has explored the psychological factors
16 which led to this crime. And I think it is most
17 impressive the amount of work that he has put in to his
18 rehabilitation. So, once again, I want to emphasize
19 that Mr. Mullin is not an inmate who should be granted
20 15 years nor ten years or even seven years. None of
21 those things. That would be extremely unfair and
22 totally inappropriate. So on that note, I will stop and
23 let Mr. Mullin tell you why he believes he should be
24 found suitable for parole. Thank you.

25 **PRESIDING COMMISSIONER PRIZMICH:** Thank you. Mr.

1 Mullin, you can make a closing statement. Now remember,
2 it needs to be focused on why you feel you're suitable
3 for parole.

4 **INMATE MULLIN:** Okay. Before I do that, I'd like
5 to read two sentences from the psychological assessment.

6 **PRESIDING COMMISSIONER PRIZMICH:** No, we've
7 already covered that. You need to talk about why today
8 you feel you need to be suitable -- you need to be
9 paroled.

10 **INMATE MULLIN:** Okay. I feel that I am a good
11 healthy man at the present time deserving of my parole
12 because I have proved over the last 38 years that once I
13 was captured and allowed to express myself to competent
14 psychiatric staff, my insight into what actually had
15 happened became evident to me. Before I was arrested, I
16 was in a nonverbal state of paranoid schizophrenia,
17 undifferentiated. I could not think and I could not
18 talk about my personal problems. I could not solve
19 them. And my personal history testifies to that. When
20 I talked to Dr. Caoile, she made several statements in
21 her --

22 **PRESIDING COMMISSIONER PRIZMICH:** We're not
23 talking about the psych, sir.

24 **INMATE MULLIN:** Yeah, but her statement --

25 **PRESIDING COMMISSIONER PRIZMICH:** We're not going

1 to talk about the psych, sir. Talk about why you feel
2 you're suitable today.

3 **INMATE MULLIN:** Well, because she said so. She
4 said that the way he treats himself in prison is
5 excellent. He's a model prisoner under these structured
6 settings. And what I'm trying to say is that, yes, if
7 you give me a chance to parole, I can prove to you on
8 the outside that I'm as good or even better a citizen
9 out there than I am in here. And that you would be
10 proud of me for proving a California Department of
11 Corrections and Rehabilitation can and does do such
12 excellent work. I gave 84 dollars in donations during
13 the last five years, since my last denial. That means
14 that I do, in fact, share. That I do feel compassion
15 and remorse and sorrow and that I'm trying to do
16 something good for the nation and for the state and the
17 county. I believe that all of those things add up and
18 that it should indicate that I deserve parole, not only
19 now, but if you can't do the thing that should be done
20 and grant me parole now, at least only give me a three
21 year denial. That's what my request would be. Because
22 I've proved and am still proving that I'm trying to be
23 compatible and logical and reasonable in my approach to
24 the problems that I woke up in prison to. When I came
25 to prison, I was a non thinking, non speaking reaction

1 to some very bad stimuli. And now that I'm here, I hope
2 that I can receive your mercy. In my closing statement,
3 I expressed sorrow and remorse for having committed
4 these crimes.

5 PRESIDING COMMISSIONER PRIZMICH: Okay.

6 | INMATE MULLIN: Thank you.

7 PRESIDING COMMISSIONER PRIZMICH: Thank you, sir.

8 The time is now 11:52. We're going to recess for
9 deliberations.

10 DEPUTY COMMISSIONER LOPEZ: We're off record.

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 LOPEZ:** We're back on record.

4 **PRESIDING COMMISSIONER PRIZMICH:** All right. We
5 are back on record in the matter of Herbert Mullin, CDC
6 number B, as in boy, 1410 [sic], the Panel has reviewed
7 all the information received from the public and all
8 relevant information that was before us today in
9 concluding the prisoner is not yet suitable for parole
10 and would pose an unreasonable risk of danger or a
11 threat to public safety if released from prison. Mr.
12 Mullin, there are a number of factors we look into.
13 Typically when Panels review crimes over time, the
14 importance of the crime diminishes unless, and we have
15 that in this case, it is one that is so shocking that
16 the nature of the crime and the magnitude of the crime
17 is still troubling for a Panel. And this one was. Now,
18 I want to explain to you, there's something that's even
19 more problematic for us than the numbers of bodies that
20 you left behind. And I'll talk about that in just a
21 second. But the crime itself is something we're still
22 concerned about. You know, officially ten people, you
23 were charged with the murder of ten people. Random
24 acts. There didn't seem in our view, because I think as

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1 a human you try to put some reason behind all of this.
2 Even these bizarre cases that you're involved in here.
3 And we didn't see a pattern. Typically it's something
4 that someone can hook on to. There was nothing here.
5 Different days, different weapons, different focuses,
6 that is different victims. They didn't seem to have any
7 connection, you know, and you didn't speak of the crime,
8 which is your right, and we don't hold that against you.
9 But in our effort not only to wrap our heads around and
10 come to grips with the magnitude of the loss here that
11 you were responsible for, it was problematic for us. So
12 it did give us -- There is a part of our decision that
13 deals with just the sheer magnitude of 11 official and
14 two more unofficial dead people at your hands. The
15 thing that was most disturbing to the Panel, and I want
16 to tell you right off, is your continuing from virtually
17 the time that you got into prison to today's hearing not
18 some time ago, but today's hearing, was your effort to
19 divert any responsibility from you, other than the
20 physical act itself, to anyone else, whether it be your
21 father, your sister, your fiancée or friends because
22 that's the lifestyle you had. It's as though you are
23 faced with this horrific crime and are trying your
24 darnedest to not deal with it. We have people all the

1 time that sit on the other side of the table from us who
2 commit single acts of violence, multiple crimes. I've
3 given dates to guys that have had multiple murders. And
4 all of them or most of them I should say, are raised in
5 a family that has some dysfunction. All of them that
6 get a date and that come to grips with the crime have an
7 understanding that they were the ones that committed the
8 crime. Have a greater understanding, a greater level of
9 insight, when you talk about your responsibility and we
10 looked through the records here. We looked through the
11 records to try to find out where you were with taking
12 responsibility for this crime. And here today, at every
13 opportunity given you to not, again, talk about the
14 crime but to absorb and provide to us some ability to
15 say no it was really my responsibility. I had some
16 difficulties. You left in the process of growing, and I
17 believe you have grown. I want to give you that. In
18 the process of growing, you stopped at a certain point
19 and that's comfortable for you. And that point is to
20 blame others for your actions. And that's what you're
21 still doing. You're still doing that today. I mean,
22 it's clear as a bell to this Panel. That doesn't give
23 us insight, give us a sense that you have insight.
24 Again, you have a number of psychs. Just to go over the
25

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1 psychs. You have a number of psychs that say within a
2 controlled environment and it's evident within a
3 controlled, confined environment you're able to focus,
4 to work on yourself, to do the right kinds of things.
5 But what do you ask for in a parole grant and in your
6 release plans? To be in a completely uncontrolled
7 environment with no definite place to go, with no
8 definite job, just this vague thing. That is the
9 antithesis of everything the psychs have been saying for
10 years. You work well in a controlled environment, yet
11 when you want to parole, you want to go to some motel
12 someplace, find some job, marry and have children.
13 That's extraordinarily vague for a guy that has lived
14 that life before and as a result of some of that living
15 that life, ended up killing 13 people. We need a lot
16 more than that. We need a lot more insight. We need a
17 lot more taking responsibility. Virtually all of the
18 commentary as we were talking to you today for a guy
19 that has killed, officially 11, unofficially 13, two
20 more, all of your commentary with regard to the stock
21 market was very aggressive. That's the last thing that
22 this Panel nor society wants to hear from a guy who has
23 killed 13 people to make aggressive comments about you
24 got to be the top dog. And those are comments you made

1 here today. You can think you didn't. It's a dog eat
2 dog world. Everything that you talked about was done in
3 an aggressive way. Perhaps you don't see that, but I
4 would encourage you to re-read the record, because that
5 is what you did. You know, your religion, your teaching
6 or your following is whatever it is, but in terms of
7 your coming to grips with this crime and as I've already
8 described and in terms of your view of the world that
9 you haven't been in for 38 years, we still find some
10 chilling commentary on your part that it is an
11 aggressive situation. And that is not what we should be
12 hearing from you, one that has come to grips with the
13 crime. So there were multiple victims, without question
14 they certainly were abused. It was carried out in a
15 manner that was apparently some degree of planning. You
16 didn't talk about the crime nor did you talk about any
17 of your arrests prior nor did you talk about your mental
18 commitments. I mentioned four of them. You didn't
19 dispute them. So clearly you were having mental health
20 issues which is something we gave consideration. Your
21 commentary today still seems somewhat detached from what
22 it is that got you here. In terms of your description
23 of your family upbringing which was -- I was intrigued
24 to find out what was going on. You were unable or

1 unwilling, I'm not sure which, but the end result is the
2 same. We heard nothing from you that described a
3 disruptive upbringing of a family that would give rise
4 to this kind of action on your part. We heard nothing
5 of that nature. But what we heard from you was blaming
6 your family members, each and every one with your mother
7 being the least to blame. But even her, not only
8 blaming them, but thinking they should have been charged
9 for the murders you committed. It's beyond
10 comprehension that with all this work, all these years,
11 this is where you're at. It does still leave us with a
12 great deal of concern that you have certainly an
13 unreasonable risk at this point. We looked at your
14 criminal history. You didn't speak of it. During that
15 time, one of your criminal arrests resulted in a mental
16 health conviction. I did note when I was reading
17 through the commentary from one of those convictions, I
18 don't recall which one it was. One of those placements
19 I should say. Where your parents were greatly upset.
20 It's mentioned in the probation officer's report. They
21 were greatly upset that you stopped going to your
22 treatment, your outpatient treatments. They tried to
23 get that done. So the commentary that somebody should
24 have done something, they were trying to. You were

1 doing your own thing. So that doesn't give us a good
2 feeling that whatever directions we give you on the
3 outside are going to necessarily be followed at this
4 point. In terms of your remorse and understanding of
5 the life crime, when I first read the crime into the
6 record and read your statement, your statement had
7 nothing to do with an explanation of the crime nor any
8 area of remorse, contriteness, anything. It just talked
9 about yourself. And I asked you if that's all you had,
10 if that was accurate. And you said, yeah, that's it.
11 That doesn't speak to the crime. That doesn't give us
12 any sense of what you feel today at all. You haven't
13 had 115s, and that, believe me, that is going to work in
14 your favor because you're in a structured environment.
15 I'm not condemning you forever, but you've got to go
16 beyond where you are. You're simply at a sticking
17 point, and you can stay there or you can move on, but at
18 this point, you're still a risk. I did not see any
19 remorse from you for what you did. I've personally done
20 thousands of these hearings. I know what remorse is,
21 and I didn't see it today from you. Continuing, we
22 listened to the DAs' office out of two counties intently
23 and gave consideration to their comments. We don't
24 believe that a 15 year denial is needed nor warranted in

1 your case. Again, you've not had any disciplines.
2 You've worked on some vocations. Those are things that
3 are positive kinds of things. And you've certainly
4 worked on yourself. But you are not progressing any
5 further than your comfort level. And I think you need
6 to, particularly in a crime of this nature. The Panel
7 finds that there is clear and convincing evidence after
8 considering the victims and the public safety as well as
9 the criteria set forth in Title 15, that the prisoner
10 will require a period of ten additional years. You're
11 getting a ten year denial, sir. I hope and pray that
12 you do the kind of work that we think is necessary. The
13 reason you didn't get 15, quite frankly, was you didn't
14 have 115s and you had done some work on yourself. I'll
15 give Mr. Lopez an opportunity to make a closing
16 statement at this point.

17 **DEPUTY COMMISSIONER LOPEZ:** I agree with the
18 Commissioner's statements, with his evaluation of your
19 lack of insight. And I agree that your statements
20 regarding remorse were hollow. They weren't backed up
21 by anything. Your continuing feelings that it was
22 always somebody else's fault. Again, I don't want to be
23 redundant, but it created a lot of concern to this Panel
24 in that you have not accepted responsibility for your

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1 crime. Until you do so, I don't see any Panel in the
2 future identifying or recommending that you're suitable
3 for parole. That's all I have, Commissioner.

4 **PRESIDING COMMISSIONER PRIZMICH:** Thank you, Sir.
5 So you have a ten year denial. We wish you luck, sir.
6 The time is 12:19. This hearing is now concluded.

7 **INMATE MULLIN:** Thank you.

8 **PRESIDING COMMISSIONER PRIZMICH:** Thank you, sir.

9 **DEPUTY COMMISSIONER LOPEZ:** We're off record.

10 A D J O U R N M E N T

21 **PAROLE DENIED TEN YEARS**

22 **THIS DECISION WILL BE FINAL ON: June 17, 2011**

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

25 **HERBERT MULLIN B-51410 DECISION PAGE 9 2/17/11**

**CERTIFICATE AND
DECLARATION OF TRANSCRIBER**

I, Sandra Tillman, as the Official Transcriber,
hereby certify that the attached proceedings:

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

MULE CREEK STATE PRISON

IONE, CALIFORNIA

FEBRUARY 17, 2011

9:32 A.M.

were held as herein appears. Further, this transcript
is a true, complete, and accurate record, to the best of
my ability, of the recorded material provided for
transcription.

Sandra Tillman
Sandra Tillman
March 4, 2011
Capitol Electronic Reporting
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