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8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF LOS ANGELES
11

12
13 In re

14 **DAVID RUSSELL ADKINS,**
15 Petitioner,

16 **On Habeas Corpus.**
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Case No. 25CJHC00034-01

**RETURN TO ORDER TO SHOW CAUSE;
MEMORANDUM OF POINTS AND
AUTHORITIES**

Dept: 100
Judge: The Honorable William C. Ryan
Action Filed: 3/24/2025

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RETURN

As a return to the order to show cause, respondent admits, denies and alleges as follows:

1. Petitioner David Russell Adkins is lawfully in the custody of the California Department of Corrections and Rehabilitation. In 1992, Adkins was convicted of three counts of first degree murder and sentenced to life without the possibility of parole. (Exh. 1, Judgment.)

2. Adkins does not directly challenge his underlying criminal convictions. Instead, Adkins challenges the Governor's April 1, 2020 decision finding him unsuitable for parole. (See generally Petn.)

3. Respondent admits that Adkins appeared before the Board of Parole Hearings (Board) on November 14, 2019, and was found suitable for release to parole. (Exh. 2, 2019 Board Transcript.) Respondent further admits that on April 1, 2020, the Governor considered all the parole suitability factors required by law, including the youth offender parole factors, and reversed the Board's decision, relying on Adkins' lack of credibility and insight into the causative factors of the life crimes. (Exh. 3, 2020 Governor's Decision.) In particular, the Governor found Adkins "must do more to deepen his insight and develop the tools to control his triggers before he can be safely released." (*Id.* at p. 2.)

4. Respondent denies that no evidence supports the Governor's decision, that the decision is arbitrary or capricious, that the positive factors outweigh the negative, that the Governor's decision was not the result of his independent assessment of Adkins' individual public safety risk, or that the Governor failed to state a rational nexus to Adkins' current dangerousness. Respondent contends the Governor's findings provide the requisite nexus to current dangerousness because without sufficient insight, Adkins cannot adequately develop the tools to control the triggers that led him to commit his crimes, and he therefore remains susceptible to these triggers and future criminal behavior. (*In re Shaputis* (2011) 53 Cal.4th 192, 218 (*Shaputis II*).)

5. Respondent asserts the Governor's parole decision is entitled to deference from the Court and must be upheld because the decision is neither procedurally flawed nor arbitrary.

///

1 (*Shaputis II, supra*, 53 Cal.4th at p. 221 [“The executive decision of the Board or Governor is
2 upheld unless it is arbitrary or procedurally flawed.”].) A decision is not arbitrary if, reviewing
3 the record in the light most favorable to the parole decision at issue, it is supported by some
4 evidence in the record. (*Id.* at p. 214.) This standard is highly deferential, and only a modicum of
5 evidence is required. (*Id.* at p. 210, citing *In re Rosenkrantz* (2003) 29 Cal.4th 616, 677, *In re*
6 *Lawrence* (2008) 44 Cal.4th 1181, 1204, *In re Shaputis* (2008) 44 Cal.4th 1241, 1260-1261
7 (*Shaputis I.*) “Any relevant evidence that supports the parole authority’s determination is
8 sufficient to satisfy the ‘some evidence’ standard.” (*Shaputis II, supra*, 53 Cal.4th at p. 214
9 [italics added].) Respondent asserts the Governor’s decision is supported by more than the
10 modicum of evidence necessary to satisfy the some-evidence standard, and thus due process.

11 6. Respondent denies that the Governor’s ability to reverse parole grants violates youth
12 offenders’ due process rights or their constitutional and statutory right to a meaningful
13 opportunity to obtain release.

14 7. Respondent admits that the Board found Adkins unsuitable for parole on April 14,
15 2022. Respondent denies that decision has any effect on the instant case.

16 8. Respondent denies the petition for writ of habeas corpus sets forth any ground
17 warranting habeas corpus relief. Nevertheless, respondent asserts that if the Court finds the
18 Governor’s decision violates due process because there is no evidence to support the decision, the
19 appropriate remedy is an order that “vacates the Governor’s reversal, reinstates the Board’s grant
20 of parole, and directs the Board to conduct its usual proceedings for a release on parole.” (*In re*
21 *Lira* (2014) 58 Cal.4th 573, 582.) Respondent denies any other remedy would be appropriate.

22 9. Except as expressly admitted herein, respondent denies each allegation of the petition.
23 Respondent specifically denies that the Governor’s decision was in any way improper or that
24 Adkins’ rights were violated in any way by the decision denying him release to parole.
25 Respondent also denies that Adkins is entitled to the relief requested or to any relief whatsoever.

26 This return is based upon the allegations made in the pleading portion of the return, the
27 supporting memorandum of points and authorities, and the attached exhibits, all of which are
28 incorporated as though fully set forth herein.

MEMORANDUM OF POINTS AND AUTHORITIES

INTRODUCTION

Adkins is serving a life term for three counts of first degree murder for killing three of his friends when he was 16 years old. In 2020, the Governor found Adkins unsuitable for parole, a decision Adkins now challenges on two grounds. First, he contends that the Governor's ability to reverse parole grants violates youth offenders' due process and their constitutional and statutory right to a meaningful opportunity to obtain release. Second, he contends that the Governor's decision is not supported by "some evidence."

As set forth below, Adkins' challenge to the Governor's constitutional authority to review parole grants for youth offenders who commit murder fails. Additionally, Adkins lacks credibility and insight into the causative factors of his life crimes, and has failed to develop the tools to control the triggers that led him to commit these crimes. As such, the Governor's decision finding Adkins unsuitable for parole is supported by at least a modicum of evidence that Adkins remains dangerous; therefore, the petition should be denied.

ARGUMENT

I. THE GOVERNOR'S 2020 PAROLE DECISION IS SUPPORTED BY SOME EVIDENCE AND THUS DOES NOT VIOLATE DUE PROCESS

The Governor's determination that Adkins' release on parole would pose a current danger should be upheld because it is not arbitrary or procedurally flawed and is otherwise supported by the record. In determining whether to parole an inmate, the executive branch has the sole authority to make the subjective determination as to "whether the inmate currently poses a threat to public safety." (*Shaputis II, supra*, 53 Cal.4th at p. 220.) The Governor may be more cautious than the Board when determining if an inmate is suitable for parole. (*Shaputis I, supra*, 44 Cal.4th at p. 1258.) Due process requires the Governor support his decision denying parole with some evidence that the prisoner poses a current risk to public safety. (*Shaputis II*, at pp. 212, 214-215; *In re Lawrence, supra*, 44 Cal.4th at p. 1212; *Shaputis I*, at pp. 1258-1260.) The some-evidence standard is minimally stringent and meant to guard against decisions based on "mere guesswork." (*Shaputis II*, at p. 219; *In re Davidson* (2012) 207 Cal.App.4th 1215, 1219; *In re*

1 *Mims* (2012) 203 Cal.App.4th 478, 486.) For that reason, the Court’s review for some evidence is
2 extremely deferential to the Governor’s determination about releasing an inmate to parole—“[it]
3 is limited, and narrower in scope than appellate review of a lower court’s judgment.” (*Shaputis*
4 *II*, at p. 215; see *In re Davidson*, at p. 1219.) In fact, “[o]nly when the evidence reflecting the
5 inmate’s present risk to public safety leads to but one conclusion may a court overturn a contrary
6 decision by the Board or the Governor.” (*Shaputis II*, at p. 211.) Thus, properly applying the
7 some-evidence standard requires that a court review the entire record in a light most favorable to
8 the Governor’s decision. (*Id.* at pp. 212, 214-219.) Under this very deferential standard, the
9 Governor’s decision must be upheld. (*Id.* at p. 214; *In re Lawrence*, at p. 1214.)

10 As the Governor recounted,¹ 16-year-old Adkins and his crime partner were living at the
11 home of one of the victims while her parents were out of town. On the night of the murders,
12 Adkins, his crime partner, and the three victims were drinking and using drugs. Adkins’ crime
13 partner got into an argument with two of the victims. Adkins directed his crime partner to shoot
14 one of the victims, killing her. Adkins then shot the other two victims, killing them.

15 In finding Adkins unsuitable for parole, the Governor relied on Adkins’ lack of credibility
16 and insight into the causative factors of the life crimes. (Exh. 3 at p. 2.) Lack of insight can be
17 probative of current dangerousness. (*In re Busch* (2016) 246 Cal.App.4th 953, 968 [“An inmate’s
18 acceptance of responsibility and development of insight are also appropriate considerations in
19 determining parole suitability.”]; *Shaputis I, supra*, 44 Cal.4th at p. 1260 [finding the petitioner’s
20 failure to “gain insight or understanding into either his violent conduct or his commission of the
21 commitment offense” supported denial of parole]; *In re Rozzo* (2009) 172 Cal.App.4th 40, 47-48
22 [the circumstances of the petitioner’s commitment offense continued to have probative value in
23 predicting his current level of dangerousness due in large part to the petitioner’s lack of insight
24 into his crime]; Cal. Code Regs., tit. 15, § 2402, subd. (b) [past and present attitude toward the
25 crime], (d)(3) [indicating understanding nature and magnitude of offense].) In *In re Shippman*,
26 the petitioner claimed that his Board testimony demonstrated that he had addressed his past

27 ¹ The following recitation of facts is taken mostly verbatim from the Governor’s 2020
28 decision finding Adkins unsuitable for parole. (Exh. 3 at p. 1; see also Exh. 4, Appellate Court
Decision at pp. 2-3 [setting forth the facts of Adkins’ life crimes].)

1 problems with trying to control the women in his life. (*In re Shippman* (2010) 185 Cal.App.4th
2 446, 459.) The court acknowledged that much of the petitioner’s testimony appeared “quite
3 reflective and forthcoming,” but reasoned that in determining whether “some evidence” supports
4 the parole authority’s contrary decision, it must not only consider select portions of the
5 petitioner’s testimony, but the record as a whole. (*Ibid.*) In reviewing the whole record, the court
6 concluded that there was other evidence in the record to “at least raise an inference” that the
7 petitioner remained dangerous because, without a deeper understanding of what triggered the
8 petitioner’s extreme and violent behavior toward women, he may return to it upon release.”
9 (*Ibid.*) The court reasoned that its “role on appeal is simply to identify this evidence, not to
10 reweigh it.” (*Ibid.*)

11 Like in *Shippman*, although Adkins has made efforts to improve himself in prison, the
12 Governor found he has not yet developed sufficient insight into the causative factors of his life
13 crimes. (Exh. 3 at p. 2.) This finding is supported by the record. Specifically, in his testimony
14 before the Board, Adkins gave little explanation for his decision to retrieve a gun and commit
15 multiple murders, claiming that he was “high like he ‘had never been before, and could not
16 remember what happened[.]’” (*Ibid.*) Yet, Adkins was able to remember many other details
17 surrounding the crime, calling his credibility into question. (*Ibid.*; Exh. 2 at p. 48 [finding Adkins
18 “still lack[s] insight and [his] credibility was in doubt”]; see *In re Juarez* (2010) 182 Cal.App.4th
19 1316, 1341-1342 [parole authority is “certainly entitled to rely on a finding that a prisoner lacks
20 credibility to deny parole].)

21 Moreover, Adkins stated that he did not know why he shot the two girls, leading the
22 psychologist who evaluated Adkins to find that he “is still in the process of fully understanding
23 all of the causative factors that contributed to his violent behavior in the commitment offense.”
24 (Exh. 3 at p. 2; Exh. 5, Comprehensive Risk Assessment at p. 10, 11.) The psychologist also
25 concluded, “it is difficult to understand his motivations for shooting [the victims], and the deeper
26 reasons for resorting to such violent behavior that was so out of proportion to the situation and
27 level of provocation.” (Exh. 5 at p. 12.) Given these findings, the Governor’s conclusion that
28 Adkins remains a current threat to public safety, and that “he must do more to deepen his insight

1 and develop the tools to control his triggers before he can safely be released,” is reasonable.
2 (Exh. 3 at p. 2.) Indeed, without a deeper understanding of what triggered his violent behavior,
3 Adkins may return to it upon his release from prison. (See *In re Shippman*, *supra*, 185
4 Cal.App.4th at pp. 458-460.)

5 Adkins claims “the record unilaterally demonstrates [his] maturity and rehabilitation.”
6 (Petn at pp. 35-39.) But the Governor has the authority to weigh all the evidence in the record
7 and independently draw his own conclusions regarding that evidence. (*Shaputis II*, *supra*, 53
8 Cal.4th at p. 214; *In re Rosenkrantz*, *supra*, 29 Cal.4th at p. 677; *In re Dannenberg* (2005) 34
9 Cal.4th 1061, 1082; *In re Bettencourt* (2007) 156 Cal.App.4th 780, 798.) And “it is not for the
10 reviewing court to decide which evidence in the record is convincing.” (See *Shaputis II*, at pp.
11 199, 214.) Thus, while Adkins believes his positive gains are persuasive, the Court must defer to
12 the Governor’s weighing of the parole factors. (*Shaputis II*, at p. 210; *In re Rosenkrantz*, at p.
13 677.)

14 Here, the Governor considered positive factors in the record, including the youth offender
15 parole factors, and Adkins’ “efforts to improve himself in prison.” (Exh. 3 at p. 1.) However,
16 considering Adkins’ insufficient insight and lack of credibility, the Governor’s decision to deny
17 parole was not arbitrary. That Adkins disagrees with the Governor’s assessment of the factors is
18 irrelevant under the deferential some-evidence standard. (*In re Rosenkrantz*, *supra*, 29 Cal.4th at
19 p. 677.) Indeed, “[o]nly when the evidence reflecting the inmate’s present risk to public safety
20 leads to but one conclusion [that the inmate poses no risk] may a court overturn a contrary
21 decision by the Board of Parole Hearings or Governor.” (*Shaputis II*, *supra*, 53 Cal.4th at p. 211.)
22 Adkins does not present such a case. The claim should therefore be denied.

23 **II. ARTICLE V, SECTION 8, SUBDIVISION (B) OF THE CALIFORNIA CONSTITUTION**
24 **DOES NOT VIOLATE DUE PROCESS OR THE RIGHTS OF YOUNG PEOPLE TO A**
MEANINGFUL OPPORTUNITY FOR RELEASE

25 Adkins attacks on the Governor’s constitutional authority to review murderers’ parole
26 suitability—which has existed since 1988—likewise fail. (See Cal. Const., art. V, § 8, subd. (b).)
27 Adkins alleges this authority “violates the rights of young people to a meaningful opportunity for
28 release.” (Petn. at pp. 25-32.) He also claims it “violates the rights of young people to due

1 process.” (*Id.* at pp. 32-34.) As evidence of these purported violations, Adkins points to
2 “historical use of the Governor’s reversal authority” and “evidence from other jurisdictions,”
3 which he claims demonstrates the Governor’s “reversal authority is arbitrary and political.” (*Id.*
4 at pp. 25-29.) He fails to state a prima facie case for relief on these claims.

5 As an initial point, the Governor’s authority to reverse an incarcerated person’s parole grant
6 under California’s Constitution has been in effect for decades, and that authority has been applied
7 to youth offenders since 2014 when the Legislature enacted a youth offender parole scheme in
8 response to judicial decisions recognizing constitutional limits on the length of sentences for
9 juvenile offenders. (Cal. Const., art. V, § 8, subd. (b); Pen. Code, §§ 3051, 4801; see also *In re*
10 *Williams* (2020) 57 Cal.App.5th 427, 431-433 [summarizing history of youth offender parole in
11 California].) Accordingly, if Adkins’ arguments were valid, “every gubernatorial reversal of a
12 Board decision granting parole . . . would have been constitutionally flawed. It would be
13 surprising, to say the least, to discover such a fundamental constitutional problem at this late
14 date.” (*Rosenkrantz, supra*, 29 Cal.4th at p. 638.) The Governor’s authority to reverse parole
15 grants has withstood various challenges throughout the years and has long been upheld by the
16 courts. For example, the California Supreme Court in *Rosenkrantz* considered evidence that
17 Governor Davis followed a policy of denying parole to all inmates convicted of murder. (*Id.* at
18 pp. 683-685.) The Court concluded evidence that Governor Davis reversed 47 of 48 parole grants
19 in a roughly three-year period was insufficient to support a due process violation. (*Id.* at p. 685)

20 Adkins’ argument here, although directed solely toward youth offenders is similarly
21 unpersuasive. The purported evidence Adkins offers to demonstrate that the law is invalid for
22 youth offenders does nothing of the sort. Nor does the evidence rebut the assumption that the
23 Governor properly performed his official duties, especially where the record shows Adkins had
24 an individualized and thorough assessment of parole suitability, and the Governor great weight to
25 the youth offender parole factors as is statutorily required. (Exh. 3; Evid. Code, § 664; see also *In*
26 *re Morrell* (2002) 102 Cal.App.4th 280 [“[W]ith respect to the exercise of executive authority, we
27 rely in the first instance upon the Governor’s fidelity to the duties of his office.”].)

28 ///

1 Notably, the enactment of the youth offender parole scheme did not alter the fundamental
2 consideration in parole decisions, which is whether release is consistent with public safety.
3 (Stats. 2013, ch. 312, § 1 [“Nothing in this act is intended to undermine the California Supreme
4 Court’s holdings in information *In re Shaputis* (2011) 53 Cal.4th 192, *In re Lawrence* (2008) 44
5 Cal.4th 1181, and subsequent cases”].) Instead, the Legislature “create[d] a process by which
6 growth and maturity of youthful offenders can be assessed and a meaningful opportunity for
7 release established.” (Stats. 2013, ch. 312, § 1.) Penal Code section 4801 does not mandate a
8 favorable parole suitability determination for youthful offenders who may have acted in
9 accordance with those hallmark features of youth, irrespective of their current risk.

10 Rather, like the Board, in considering an inmate’s suitability for parole, the Governor is
11 permitted to review and weigh factors in evidence in the case. To be sure, although the Governor
12 may be “‘more stringent or cautious’ in determining whether a defendant poses an unreasonable
13 risk to public safety” the Governor’s authority to reverse a parole grant is not unfettered.
14 (*Shaputis I, supra*, 44 Cal.4th at p. 1258.) The Governor must apply the same legal standards as
15 the Board, including an individualized consideration of an inmate’s suitability for parole, and as
16 this case demonstrates, the Governor’s decision is subject to judicial review to determine whether
17 it is supported by some evidence. (Pen. Code, §§ 3041, 3041.5; *Rosenkrantz, supra*, 29 Cal.4th at
18 p. 625.) Additionally, “an inmate may elect to challenge the constitutionality of the long years of
19 imprisonment the inmate has served.” (*In re Palmer* (2021) 10 Cal.5th 959, 971 [explaining the
20 three types of constitutional challenges that a life-top inmate can bring to his sentence under the
21 Eighth Amendment or article I, section 17 of the California Constitution].) These protections
22 remedy any purported defects or flaws in the law. Accordingly, Adkins fails to state a *prima facie*
23 case for relief.

24 **III. ADKINS’ SUBSEQUENT BOARD DENIAL HAS NO EFFECT ON THIS CASE**

25 The Court asked respondent to “discuss the effect, if any, of the April 14, 2022, Board
26 denial.” (Order at p. 2.) Although a subsequent parole hearing may moot out the challenge to an
27 earlier parole denial in some cases (*In re Hunter* (2012) 205 Cal.App.4th 1529, 1536 fn. 2), that is
28 not the case here.

1 Indeed, unlike the remedy for a successful due process challenge to a Board’s parole denial
2 (see *In re Prather* (2010) 50 Cal.4th 238, 253), the remedy for a successful due process challenge
3 to Governor’s parole denial is not a new parole hearing. Rather, the remedy is to reinstate the
4 Board’s decision and direct the Board “to proceed in accordance with its usual procedures for
5 release of an inmate on parole unless within 30 days of the finality of th[e] decision the Board
6 determines in good faith that cause for rescission of parole may exist and initiates appropriate
7 proceedings to determine that question. [Citations.]” (*In re Twinn* (2010) 190 Cal.App.4th 447,
8 474; see also *In re Lira*, *supra*, 58 Cal.4th at p. 582 “[E]ven when a court determines that a
9 gubernatorial reversal of a parole decision is unsupported, the remedy is not an order for the
10 inmate’s immediate release; rather, the court vacates the Governor’s reversal, reinstates the
11 Board’s grant of parole, and directs the Board to conduct its usual proceedings for a release on
12 parole.”].) Therefore, Adkins’ petition challenging the Governor’s decision is not rendered moot
13 by the subsequent parole hearing finding Adkins unsuitable for parole, a hearing that would have
14 not been held had the Governor not reversed Adkins’ parole grant.

15 CONCLUSION

16 For the foregoing reasons, the petition for writ of habeas corpus should be denied.

17
18 Dated: July 10, 2025

Respectfully submitted,

19 ROB BONTA
20 Attorney General of California
21 JULIE A. MALONE
Supervising Deputy Attorney General

22 /s/ Jennifer O. Cano
23 JENNIFER O. CANO
24 Deputy Attorney General
Attorneys for Respondent

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Exhibit – 1

H70868

m/p 4-5-93

OK'D TO GO SW NOTED

DEPT. NE F

MBJ

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date:

MARCH 10, 1993

HONORABLE:

J MICHAEL BYRNE

JUDGE

M TAPOYA

MAR 29 1993

Deputy Clerk

S. MEINOZ

Deputy Sheriff

L HENRY

(Parties and counsel checked if present)

GA007013-01

PEOPLE OF THE STATE OF CALIFORNIA

Counsel for
PlaintiffGIL GARCETTI
N NASTEL

DISTRICT ATTY.

BY

DEPUTY

VS

01) ADKINS, DAVID RUSSELLCounsel for
Defendant

S ROMERO, 987.2

~~XXXXXXXXXXXX~~~~XX~~

X-1475725

260-4763m

~~XXXXXXXX~~

NATURE OF PROCEEDINGS PROBATION AND SENTENCE

(Boxes checked if order applicable)

PROBATION DENIED, SENTENCE AS INDICATED BELOW.

Whereas the said defendant having BEEN duly FOUND
 guilty in this court of the crime of FIRST DEGREE MURDER (SEC. 187(a)PC*), a felony as charged
 in Count I of the Information. The Jury also found the defendant GUILTY of FIRST
DEGREE MURDER (SEC. 187(a)PC*), a felony as charged in Count II of the Information.
 The Jury also found the defendant GUILTY of FIRST DEGREE MURDER (SEC. 187(a)PC*),
 a felony as charged in Count III of the Information.

It is Therefore Ordered, Adjudged and Decreed that the said defendant be punished by imprisonment in the
 State Prison. **LIFE WITHOUT THE POSSIBILITY OF PAROLE** as to Counts I, II, III.

☒ Defendant is given credit for 1077 (019) days in custody (includes 359 days good time/work time).

It is further Ordered that the defendant be remanded into the custody of the Sheriff of the County of Los Angeles and
 delivered by him into the custody of the Director of Corrections at the California State Institution.

☒ for Men at Chino, California

☐ for Women at Frontera, California

☐

☐ Remaining count(s) dismissed in interests of justice.

☐ Bail exonerated.



ENTERED
03/22/93

JAMES H DEMPSEY
EXECUTIVE OFFICER

AND CLERK OF THE
SUPERIOR COURT

JUDGMENT

Exhibit – 2

INITIAL PAROLE CONSIDERATION HEARING

STATE OF CALIFORNIA

BOARD OF PAROLE HEARINGS

In the matter of the Life)
Term Parole Consideration)
Hearing of:)
)
DAVID RUSSELL ADKINS)
_____)

CDC Number: H-70868

R.J. DONOVAN CORRECTIONAL FACILITY

SAN DIEGO, CALIFORNIA

NOVEMBER 14, 2019

08:22 A.M.

PANEL PRESENT:

ROSALIO CASTRO, Presiding Commissioner
KRYOS CHAKUR, Deputy Commissioner

OTHERS PRESENT:

DAVID RUSSELL ADKINS, Inmate
MICHELLE GARFINKEL, Attorney for Inmate
STEVEN WEISS, Deputy District Attorney
CORRECTIONAL OFFICER(S), Unidentified

CORRECTIONS TO THE DECISION HAVE BEEN MADE

_____No See Review of Hearing
_____Yes Transcript Memorandum

HANNAH AVERETTE, Transcriber, DE

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P R O C E E D I N G S

DEPUTY COMMISSIONER CHAKUR: All right, we're on the record.

PRESIDING COMMISSIONER CASTRO: Thank you, Commissioner. We're on the record. Today's date is November 14th, 2019. The time's 8:22 AM. We're located RJD in San Diego, California. This is an initial parole suitability hearing for David Adkins, CDC number H70868. He is present here in the BPH hearing room. We are recording, so for the purpose of voice identification, everyone present is asked to state their full name, spell their last name and give us your role at today's hearing. And we get to you, Mr. Adkins, please confirm the CDC number. I'll start and we'll go to the left. Rosalio Castro, C-A-S-T-R-O, Commissioner.

DEPUTY COMMISSIONER CHAKUR: Kryos Chakur, C-H-A-K-U-R, Deputy Commissioner.

INMATE ADKINS: Adkins, H70868.

DEPUTY COMMISSIONER CHAKUR: Spell your last name.

INMATE ADKINS: Adkins, A-D-K-I-N-S.

ATTORNEY GARFINKEL: Michelle Garfinkel, G-A-R-F-I-N-K-E-L, attorney for Mr. Adkins.

PRESIDING COMMISSIONER CASTRO: And on the phone,

DEPUTY DISTRICT ATTORNEY WEISS: Steven Weiss, W-

1 E-I-S-S, deputy DA, Los Angeles County.

2 **PRESIDING COMMISSIONER CASTRO:** Thank you. Also
3 have a correctional officer in the room for security
4 purposes only. Will Mr. Adkins be, uh, testifying?

5 **ATTORNEY GARFINKEL:** Yes sir.

6 **PRESIDING COMMISSIONER CASTRO:** Raise your right
7 hand to be sworn. Do you solemnly swear or affirm the
8 testimony you give at this hearing will be the whole
9 truth and nothing but the truth?

10 **INMATE ADKINS:** Yes.

11 **PRESIDING COMMISSIONER CASTRO:** Thank you. Your
12 date of birth is April 29, 1974?

13 **INMATE ADKINS:** Correct.

14 **PRESIDING COMMISSIONER CASTRO:** You were 16 years
15 old at the time of the crime?

16 **INMATE ADKINS:** Correct.

17 **PRESIDING COMMISSIONER CASTRO:** You're now 45?

18 **INMATE ADKINS:** Yes sir.

19 **PRESIDING COMMISSIONER CASTRO:** And you've been
20 detained approximately 26 years?

21 **INMATE ADKINS:** Correct.

22 **PRESIDING COMMISSIONER CASTRO:** Our records
23 indicate you have a 12.9 grade placement level score.
24 Records also indicate that you wear glasses. Do you
25 have those?

1 **INMATE ADKINS:** No, I didn't bring them with me.

2 **PRESIDING COMMISSIONER CASTRO:** You didn't bring
3 them?

4 **INMATE ADKINS:** They're for distance.

5 **PRESIDING COMMISSIONER CASTRO:** They're for
6 distance. Okay.

7 **INMATE ADKINS:** Sometimes reading, I'm okay right
8 here.

9 **PRESIDING COMMISSIONER CASTRO:** Oh, there's a
10 magnifying device there.

11 **INMATE ADKINS:** Okay.

12 **PRESIDING COMMISSIONER CASTRO:** If it helps.

13 **ATTORNEY GARFINKEL:** And I can help you too if
14 you need to look at something.

15 **INMATE ADKINS:** Thank you.

16 **PRESIDING COMMISSIONER CASTRO:** And if you need a
17 break to go get them, we can do that.

18 **INMATE ADKINS:** Thank you.

19 **PRESIDING COMMISSIONER CASTRO:** You do have a
20 GED?

21 **INMATE ADKINS:** Yes.

22 **PRESIDING COMMISSIONER CASTRO:** And some college.

23 **INMATE ADKINS:** Yes.

24 **PRESIDING COMMISSIONER CASTRO:** Completed any
25 degrees?

1 **INMATE ADKINS:** Not yet. I'm still working on my
2 AA.

3 **PRESIDING COMMISSIONER CASTRO:** All right. And
4 you're not part of the mental health system currently?

5 **INMATE ADKINS:** No.

6 **PRESIDING COMMISSIONER CASTRO:** Are you taking
7 any drugs or medication or anything that might affect
8 your ability to understand and answer questions today?

9 **INMATE ADKINS:** No.

10 **PRESIDING COMMISSIONER CASTRO:** Counsel, any
11 other ADA concerns?

12 **ATTORNEY GARFINKEL:** No. Thank you.

13 **PRESIDING COMMISSIONER CASTRO:** Any concerns with
14 legal rights?

15 **ATTORNEY GARFINKEL:** No.

16 **PRESIDING COMMISSIONER CASTRO:** And there were
17 additional documents?

18 **ATTORNEY GARFINKEL:** There were. Those are
19 relapse prevention plans and I do have two support
20 letters. They might be duplicative, but I'll pass them
21 over just in case cause I'm not sure if they made it in
22 or not.

23 **PRESIDING COMMISSIONER CASTRO:** All right, so
24 there's a one page document called anger management
25 relapse prevention plan. We'll talk to you about that

1 in more detail and there's another one page document, a
2 relapse prevention plan for substance abuse. We'll talk
3 to you about that in a bit. Then you have a page that
4 talks about causative factors, contributing factors,
5 root causes. We'll talk to you about that just a bit.
6 And then there's parole plans. A two page document, it
7 talks about day one, week one, first month, and then the
8 second page has a list of AA/NA locations in the Los
9 Angeles area. And the two additional -- two letters are
10 -- one is from Pam Neal and one's from Trina Flak.

11 **ATTORNEY GARFINKEL:** Thank you.

12 **PRESIDING COMMISSIONER CASTRO:** And we'll look to
13 see if those were already in there, but we'll keep them
14 for now.

15 **ATTORNEY GARFINKEL:** I'll double check.

16 **PRESIDING COMMISSIONER CASTRO:** All right. And
17 then the comprehensive risk assessment prepared in this
18 case was prepared by Dr. -- I don't know how to
19 pronounce it. Caoile, I guess C-A-O-I-L-E. Was that a
20 male or female?

21 **INMATE ADKINS:** It was female.

22 **PRESIDING COMMISSIONER CASTRO:** Female. And this
23 report is based on an interview with you on July 26,
24 2019 and was approved by forensic assessment division on
25 September 3rd, 2019. It rated you a low risk for

1 violence. Did you get a copy of the report?

2 **INMATE ADKINS:** Yes I did.

3 **PRESIDING COMMISSIONER CASTRO:** Any corrections
4 you want to make to the report?

5 **INMATE ADKINS:** No, they seemed pretty accurate.

6 **PRESIDING COMMISSIONER CASTRO:** All right. We've
7 reviewed everything in your file and we have clarifying
8 questions, uh, on -- to ask. First, just a general
9 question of, uh, insight, the doctor thought you were
10 still in the process of, um, developing insight into
11 what led to these murders. Can you tell me why -- why
12 this happened?

13 **INMATE ADKINS:** I think that, um, developing
14 insight is something that continues, I don't think it's
15 something that you just understand and you get it.

16 **PRESIDING COMMISSIONER CASTRO:** You don't -- you
17 don't think you're ever going to get insight?

18 **INMATE ADKINS:** Oh no, I'm getting it. I think
19 it continues.

20 **PRESIDING COMMISSIONER CASTRO:** Well, do you know
21 why -- why? Can you answer the question why this
22 happened?

23 **INMATE ADKINS:** The murder?

24 **PRESIDING COMMISSIONER CASTRO:** The murders, you
25 shot two young ladies, right?

1 **INMATE ADKINS:** Correct.

2 **PRESIDING COMMISSIONER CASTRO:** You shot Heather
3 and Dene.

4 **INMATE ADKINS:** Correct.

5 **PRESIDING COMMISSIONER CASTRO:** And Catherine was
6 also shot.

7 **INMATE ADKINS:** Correct.

8 **PRESIDING COMMISSIONER CASTRO:** And you
9 threatened Fielder?

10 **INMATE ADKINS:** I did. I did. Um, I was angry.
11 I was in a rage. My -- I was triggered is the best way
12 that I can explain it. Um, I was told that I was
13 worthless and, uh, that I was a drain and, uh, and that
14 my girlfriend shouldn't waste her time with me.

15 **PRESIDING COMMISSIONER CASTRO:** She what?

16 **INMATE ADKINS:** And that my girlfriend shouldn't
17 waste her time with me. Heather was telling me this and
18 it brought up stuff, uh, from when I was growing up, I
19 just saw red.

20 **PRESIDING COMMISSIONER CASTRO:** Anything else?
21 Have you reported that before, by the way?

22 **INMATE ADKINS:** Excuse me?

23 **PRESIDING COMMISSIONER CASTRO:** Had you reported
24 that to anybody that Heather was demeaning you?

25 **INMATE ADKINS:** Yes.

1 **PRESIDING COMMISSIONER CASTRO:** I didn't see it
2 in the report. In the report you talked about on page
3 11, that your codefendant, Hebrock was scratched up.

4 **INMATE ADKINS:** Correct.

5 **PRESIDING COMMISSIONER CASTRO:** Got in a fight
6 with one of them.

7 **INMATE ADKINS:** That's right.

8 **PRESIDING COMMISSIONER CASTRO:** And that you were
9 told everybody had to leave.

10 **INMATE ADKINS:** My girlfriend told -- told me
11 that everybody had to leave.

12 **PRESIDING COMMISSIONER CASTRO:** Instead, you went
13 downstairs with Hebrock, grabbed the shotgun, grabbed
14 some ammo, loaded it and came back and -- and shot them.

15 **INMATE ADKINS:** That is correct. Um, when she
16 told me that everybody had to leave, I told Vinny he had
17 to leave Heather and Dene and Fielder. Um, at that
18 time, Heather started yelling at me and Heather and, uh,
19 Catherine, um, she was telling Kathy that, that I was a
20 drain on her and then I was worthless and that I
21 shouldn't even -- I shouldn't -- I shouldn't be there
22 either.

23 **PRESIDING COMMISSIONER CASTRO:** What prompted
24 that?

25 **INMATE ADKINS:** Because my friend Vinny started a

1 fight with Heather and Dene. And so then Catherine told
2 Heather, okay, everybody has to leave. So Heather and
3 Catherine started to argue. Uh, at that time, Vinny and
4 I went downstairs, went into the, uh, the main house and
5 then grabbed the shotgun.

6 **PRESIDING COMMISSIONER CASTRO:** All right. And
7 how is that decision formed to go down there? Did you
8 talk about it?

9 **INMATE ADKINS:** I don't remember any conversation
10 about it. I don't remember the walk. I don't remember
11 going to the bedroom. I don't remember grabbing the
12 shotgun. Um, I -- I know -- I know what happened. I'm
13 not denying that it happened. I just have no
14 recollection -- no recognition of it at all.

15 **PRESIDING COMMISSIONER CASTRO:** Do you have
16 recognition of -- of shooting them?

17 **INMATE ADKINS:** Yes.

18 **PRESIDING COMMISSIONER CASTRO:** You remember the
19 shooting them but not going to get the shotgun?

20 **INMATE ADKINS:** I don't remember that part. I
21 don't remember that part. There are, uh, bits and
22 pieces of that week that I -- I don't remember. We'd
23 been using a lot that whole week and the week before.

24 **PRESIDING COMMISSIONER CASTRO:** Were you under
25 the influence?

1 **INMATE ADKINS:** Yes, we had taken LSD earlier.

2 **PRESIDING COMMISSIONER CASTRO:** You think that's
3 what caused you to have memory gaps?

4 **INMATE ADKINS:** I'm sure.

5 **PRESIDING COMMISSIONER CASTRO:** Substance abuse.

6 **INMATE ADKINS:** I'm sure. Absolutely.

7 **PRESIDING COMMISSIONER CASTRO:** How high were
8 you?

9 **INMATE ADKINS:** We had eaten LSD earlier that
10 morning. Um, we were smoking pot, did a little cocaine,
11 uh, and drinking that morning.

12 **PRESIDING COMMISSIONER CASTRO:** So how high were
13 you compared to other times that you were high?

14 **INMATE ADKINS:** Like I have never been before.

15 **PRESIDING COMMISSIONER CASTRO:** So Vinny was
16 upset because he got into a fight. Who -- who did he
17 fight with?

18 **INMATE ADKINS:** He fought with Heather and he was
19 all --

20 **PRESIDING COMMISSIONER CASTRO:** But he shot
21 Catherine?

22 **INMATE ADKINS:** Yes he did because she told him
23 you have to leave. You got to go. You're the problem.
24 He was mad at her because he -- she had kicked him out.

25 **PRESIDING COMMISSIONER CASTRO:** Okay. So why did

1 you shoot Heather?

2 **INMATE ADKINS:** Because of what she said to me.

3 **PRESIDING COMMISSIONER CASTRO:** All right. And
4 why did you shoot Dene?

5 **INMATE ADKINS:** Because she was laughing. She
6 was laughing at me.

7 **PRESIDING COMMISSIONER CASTRO:** Laughing at what?

8 **INMATE ADKINS:** She was laughing at the way that
9 Heather was talking to me. She had her finger in my
10 face and told me that I should just leave and she wished
11 that I would just die, go away. She thought that was
12 funny.

13 **PRESIDING COMMISSIONER CASTRO:** When you came
14 back with the shotgun, was there any more argument, any
15 more discussion or just the shooting?

16 **INMATE ADKINS:** There was no discussion.

17 **PRESIDING COMMISSIONER CASTRO:** Just the
18 shooting.

19 **INMATE ADKINS:** Vinny ran in and shot Catherine.
20 And at that point I grabbed the gun from Vinny and
21 Heather was trying to get past me and I pushed her back.

22 **PRESIDING COMMISSIONER CASTRO:** Okay.

23 **INMATE ADKINS:** And then shot her and then turned
24 around and shot Dene.

25 **PRESIDING COMMISSIONER CASTRO:** Cause -- cause

1 earlier she had been laughing. Why didn't you do
2 something else like punch them, fight with them, some
3 other stuff? Why did it go right away to --

4 **INMATE ADKINS:** From zero to 60, yeah.

5 **PRESIDING COMMISSIONER CASTRO:** Zero to 100.

6 **INMATE ADKINS:** No coping skills. No -- no
7 coping skills. I didn't -- at that time, I didn't know
8 what anger -- I didn't know why I was angry in the first
9 place. I didn't know what set me off. I had no idea.

10 **PRESIDING COMMISSIONER CASTRO:** Okay. Any --
11 anything else?

12 **INMATE ADKINS:** About that night?

13 **PRESIDING COMMISSIONER CASTRO:** No. About the
14 reason that you killed these girls.

15 **INMATE ADKINS:** That was why, pure anger.

16 **PRESIDING COMMISSIONER CASTRO:** Anger. She told
17 you that you were worthless. That you were a drain.
18 You were living with -- you were living with Catherine.

19 **INMATE ADKINS:** I was living with Catherine at
20 the time.

21 **PRESIDING COMMISSIONER CASTRO:** At her parents'
22 home.

23 **INMATE ADKINS:** Yes. In the guest house.

24 **PRESIDING COMMISSIONER CASTRO:** Did you have a
25 job?

1 **INMATE ADKINS:** No.

2 **PRESIDING COMMISSIONER CASTRO:** And you were
3 using drugs?

4 **INMATE ADKINS:** Yes.

5 **PRESIDING COMMISSIONER CASTRO:** You wrote here
6 that you were committing crimes to be accepted too.

7 **INMATE ADKINS:** Yes.

8 **PRESIDING COMMISSIONER CASTRO:** What kind of
9 crimes were you committing?

10 **INMATE ADKINS:** Burglary. Maybe vandalism.
11 Maybe stealing something from the store.

12 **PRESIDING COMMISSIONER CASTRO:** So it hurt
13 because it was true? Were you contributing? Were you
14 paying rent?

15 **INMATE ADKINS:** No, I was --

16 **PRESIDING COMMISSIONER CASTRO:** Bringing
17 groceries, anything like that?

18 **INMATE ADKINS:** I wasn't contributing at all.
19 She was right. She was absolutely right.

20 **PRESIDING COMMISSIONER CASTRO:** So how'd you end
21 up like that? And some psychologists call parasitic
22 type of lifestyle.

23 **INMATE ADKINS:** I, uh, I ran away from home. I
24 had been running away from home. I didn't want to be
25 around my mother. I couldn't be around my brother. Um,

1 it was a lot of abuse going on in the home. So I didn't
2 have anything. I had -- and no means at all. Just her,
3 just my girlfriend and she, uh, willingly took care of
4 me.

5 **PRESIDING COMMISSIONER CASTRO:** You also have as
6 your causative factors, wrong type of role models.

7 **INMATE ADKINS:** I looked up to the older kids. I
8 was always the youngest one in the group.

9 **PRESIDING COMMISSIONER CASTRO:** Was Vinny older
10 than you?

11 **INMATE ADKINS:** Vinny?

12 **PRESIDING COMMISSIONER CASTRO:** Was Vinny older
13 than you?

14 **INMATE ADKINS:** Yes.

15 **PRESIDING COMMISSIONER CASTRO:** Did his fight
16 have anything to do with your crime?

17 **INMATE ADKINS:** His fight?

18 **PRESIDING COMMISSIONER CASTRO:** Yeah. The fact
19 that you were with him, were you like helping him,
20 defending him?

21 **INMATE ADKINS:** He was smaller than me and when I
22 saw him scratched up, I saw -- I saw what I saw when I
23 was growing up.

24 **PRESIDING COMMISSIONER CASTRO:** Okay.

25 **INMATE ADKINS:** And that angered me.

1 **PRESIDING COMMISSIONER CASTRO:** If Heather had
2 been saying this and you weren't there with -- with, uh,
3 Vinny, you think you would have done the same thing?

4 **INMATE ADKINS:** I couldn't say. I don't think
5 so. I think it was a combination of seeing him
6 scratched up and her verbally assaulting me. I don't
7 want to blame her. Don't take it that way. Please.
8 It's not -- this is just what happened.

9 **PRESIDING COMMISSIONER CASTRO:** Okay. And do you
10 think you would've done this if you were sober and the
11 same situation happened?

12 **INMATE ADKINS:** No.

13 **PRESIDING COMMISSIONER CASTRO:** Okay. So
14 substance abuse was a big contributing factor?

15 **INMATE ADKINS:** Oh, absolutely. Yes.

16 **PRESIDING COMMISSIONER CASTRO:** Why were you
17 using drugs?

18 **INMATE ADKINS:** I thought for many years that I
19 used drugs because I just wanted to fit in. Uh, but it
20 wasn't that, it was a little deeper than that. The
21 group of kids that I hung out with, some of them smoked
22 pot, some of them drank, some of them did nothing. And
23 I've had time to sit back and reflect. And the kids
24 that were smoking pot and drinking all had something
25 going on in their homes, either single parent, no

1 parent, some type of abuse in their house. The ones
2 that passed when the marijuana was going around had a
3 pretty good home life it seems. So I was looking for
4 acceptance. I wasn't getting it at home. I needed to
5 get it somewhere else and that was my way of -- a way to
6 feel accepted. Um, numbing the pain I guess is another
7 way to say it. Um, but it doesn't last. It only lasts
8 as long as the high is there. When the high goes away,
9 the pain is still there.

10 **PRESIDING COMMISSIONER CASTRO:** You'd -- so you
11 think that your home life kind of caused you to get into
12 drugs?

13 **INMATE ADKINS:** Absolutely. Absolutely.

14 **PRESIDING COMMISSIONER CASTRO:** Did you have
15 other negative peer associations? Were you in a gang?

16 **INMATE ADKINS:** No.

17 **PRESIDING COMMISSIONER CASTRO:** Have you ever
18 been in a gang?

19 **INMATE ADKINS:** No.

20 **PRESIDING COMMISSIONER CASTRO:** Ever?

21 **INMATE ADKINS:** No. Never.

22 **PRESIDING COMMISSIONER CASTRO:** Not even when you
23 came to prison?

24 **INMATE ADKINS:** No. Absolutely not.

25 **PRESIDING COMMISSIONER CASTRO:** Even associated

1 with -- with a gang, hang out with a certain gang?

2 **INMATE ADKINS:** No.

3 **PRESIDING COMMISSIONER CASTRO:** Have you ever
4 admitted that you were in a gang?

5 **INMATE ADKINS:** No.

6 **PRESIDING COMMISSIONER CASTRO:** You never
7 admitted you were a skinhead?

8 **INMATE ADKINS:** Absolutely not.

9 **PRESIDING COMMISSIONER CASTRO:** Okay.

10 **INMATE ADKINS:** In fact, that was my problem on
11 the main line is I didn't, uh, I didn't fall into their
12 category. I didn't agree with their politics and I
13 didn't agree with the, uh, um, the preying on people and
14 the, uh, the racial stuff. And I don't -- it didn't
15 work for me.

16 **PRESIDING COMMISSIONER CASTRO:** Did you have drug
17 debts in prison?

18 **INMATE ADKINS:** I did. I ran up a drug debt back
19 in 2000 maybe.

20 **PRESIDING COMMISSIONER CASTRO:** And who did you
21 owe?

22 **INMATE ADKINS:** Uh, everybody on the yard, lots
23 of people.

24 **PRESIDING COMMISSIONER CASTRO:** Do you know what
25 antisocial personality disorder is?

1 **INMATE ADKINS:** Yeah. Somebody who would prefer
2 to be by themselves.

3 **PRESIDING COMMISSIONER CASTRO:** You mean like not
4 go to parties, things like that?

5 **INMATE ADKINS:** Right. Yeah.

6 **PRESIDING COMMISSIONER CASTRO:** Not hang out with
7 people.

8 **INMATE ADKINS:** Correct. A loner would be an
9 antisocial person.

10 **PRESIDING COMMISSIONER CASTRO:** But I'm asking
11 you specifically antisocial personality disorder.

12 **INMATE ADKINS:** I don't think I'm like that. No,
13 I don't think I have that problem. I like people. I,
14 uh, I like being introduced to new people, learning
15 their culture, learning their heritage. It's great.

16 **PRESIDING COMMISSIONER CASTRO:** So where do you
17 get your acceptance and self-worth from nowadays? Seems
18 that was a vulnerability you had.

19 **INMATE ADKINS:** Uh, people who are likeminded,
20 people who are doing positive programming, um, people
21 who aren't -- who aren't wearing that mask anymore.
22 People who can be who they want to be and be proud of
23 who they are regardless of --

24 **PRESIDING COMMISSIONER CASTRO:** What are you
25 proud of about yourself? Okay. We lost connection with

1 the DA. We're gonna take a short pause. Hold on. Stay
2 on the record.

3 **DEPUTY DISTRICT ATTORNEY WEISS:** Steve Weiss.

4 **PRESIDING COMMISSIONER CASTRO:** Hi, Mr. Weiss.
5 We're continuing with the hearing.

6 **DEPUTY DISTRICT ATTORNEY WEISS:** Yeah. We lost
7 the connection a few minutes ago and I tried calling
8 back and couldn't get through. Finally I got through.

9 **PRESIDING COMMISSIONER CASTRO:** All right.

10 **DEPUTY DISTRICT ATTORNEY WEISS:** I think you can
11 just proceed though. If there are any apparent gaps
12 later, it will be apparent in my questions or comments.

13 **PRESIDING COMMISSIONER CASTRO:** Okay, so you get
14 acceptance and self-worth now from likeminded people and
15 you were telling me what -- what are you most proud of
16 about yourself?

17 **INMATE ADKINS:** I'm proud that I'm not the person
18 that I thought I was. For many years I thought that I
19 was broken and that I couldn't be fixed. I'm not that
20 person. I'm a human being.

21 **PRESIDING COMMISSIONER CASTRO:** So you're proud
22 about your rehabilitation? You're moving your head up
23 and down.

24 **INMATE ADKINS:** Yes. I'm proud of who I am
25 today.

1 **PRESIDING COMMISSIONER CASTRO:** Okay, so what are
2 you like nowadays?

3 **INMATE ADKINS:** Pretty happy.

4 **PRESIDING COMMISSIONER CASTRO:** You're happy?

5 **INMATE ADKINS:** I'm happy with who I am.

6 **PRESIDING COMMISSIONER CASTRO:** How can you be
7 happy? You're in prison.

8 **INMATE ADKINS:** That's okay. It's just a place.

9 **PRESIDING COMMISSIONER CASTRO:** You've been in
10 mental health, CCCMS up until June of 2018, right? So
11 this happiness is recent or what? Cause I think you
12 were kind of depressed.

13 **INMATE ADKINS:** I was, um, in 2010 or 11, I
14 watched a -- a partner of mine get his throat cut in
15 front of me and I hadn't been around violence in quite a
16 while. I had been away from the main line for a while.
17 So violence being around me wasn't a -- wasn't a norm.
18 And seeing that happen in front of me gave me anxiety.
19 And so I went to mental health.

20 **PRESIDING COMMISSIONER CASTRO:** Okay. I have a
21 question back on the crime.

22 **INMATE ADKINS:** Okay.

23 **PRESIDING COMMISSIONER CASTRO:** What did you do
24 afterwards? Did you --

25 **INMATE ADKINS:** We went downstairs and grabbed

1 some laundry out of a -- out of a dryer.

2 **PRESIDING COMMISSIONER CASTRO:** Okay.

3 **INMATE ADKINS:** That was -- it was going. We got
4 into Catherine's mother's Mercedes, left, took Mr.
5 Fiedler home. Dropped him off.

6 **PRESIDING COMMISSIONER CASTRO:** Who drove?

7 **INMATE ADKINS:** I drove. Um, I remember --

8 **PRESIDING COMMISSIONER CASTRO:** How far away is
9 Fiedler or Fielder?

10 **INMATE ADKINS:** Fiedler.

11 **PRESIDING COMMISSIONER CASTRO:** Fiedler.

12 **INMATE ADKINS:** Fiedler.

13 **PRESIDING COMMISSIONER CASTRO:** How far away did
14 he live?

15 **INMATE ADKINS:** Um, 20 minutes, 15 minutes.

16 **PRESIDING COMMISSIONER CASTRO:** Do you remember
17 where?

18 **INMATE ADKINS:** Uh, the city of El Sobrino.

19 **PRESIDING COMMISSIONER CASTRO:** And where'd you
20 go after that?

21 **INMATE ADKINS:** Uh, we went to, uh, uh, a
22 teacher, uh, that was, uh, I guess trying to help me
23 out, trying to mentor me. She lived in Sylmar.

24 **PRESIDING COMMISSIONER CASTRO:** So then you drove
25 to Sylmar?

1 **INMATE ADKINS:** Yes, I went to her with the
2 intentions of -- of telling her what happened. But, uh,
3 I got there and I just couldn't, I told her that, uh,
4 that we were going to be traveling. We were going to
5 Oregon. And, uh --

6 **PRESIDING COMMISSIONER CASTRO:** And did you do
7 that?

8 **INMATE ADKINS:** Yes.

9 **PRESIDING COMMISSIONER CASTRO:** And how do you
10 feel about the murders?

11 **INMATE ADKINS:** I feel horrible. There isn't a
12 date -- there isn't a day that goes by that I don't
13 regret what I did. There's nothing that I can do to
14 turn it back.

15 **PRESIDING COMMISSIONER CASTRO:** Where did you go
16 wrong? What did -- what do you think -- if you went
17 back, what would you do or not do so these murders
18 wouldn't have happened?

19 **INMATE ADKINS:** I would've never used drugs. I
20 would have asked for help. I didn't even know that I
21 could ask for help.

22 **PRESIDING COMMISSIONER CASTRO:** Okay. Questions,
23 Commissioner?

24 **DEPUTY COMMISSIONER CHAKUR:** Thank you. So you
25 made a statement and you said that you had no idea what

1 set you off.

2 **INMATE ADKINS:** At the time, I didn't know.

3 **DEPUTY COMMISSIONER CHAKUR:** And no idea why you
4 were angry. So do you know now?

5 **INMATE ADKINS:** Yes.

6 **DEPUTY COMMISSIONER CHAKUR:** Why?

7 **INMATE ADKINS:** It was her belittling me. I
8 didn't know that, uh, I didn't know that while growing
9 up I was belittled, bullied.

10 **DEPUTY COMMISSIONER CHAKUR:** By whom?

11 **INMATE ADKINS:** Mother and brother. I didn't
12 realize that it would affect me later on. Um, I thought
13 I just got angry because people made me mad. I didn't
14 realize that there was a chain reaction. There was a
15 story to it. I didn't know that story. I do today.

16 **DEPUTY COMMISSIONER CHAKUR:** All right. So what
17 are your triggers to anger?

18 **INMATE ADKINS:** Oh, fear of being bullied.
19 Mostly, being bullied.

20 **DEPUTY COMMISSIONER CHAKUR:** Okay. When was the
21 last time that happened?

22 **INMATE ADKINS:** Uh, fear, uh, when I saw my
23 friend get his throat cut, I was scared.

24 **DEPUTY COMMISSIONER CHAKUR:** 2011 you said?

25 **INMATE ADKINS:** 2011.

1 **DEPUTY COMMISSIONER CHAKUR:** And how did you deal
2 with that?

3 **INMATE ADKINS:** I went to mental health. I
4 didn't know what to do. Um, they put me on a low dosage
5 of Prozac.

6 **DEPUTY COMMISSIONER CHAKUR:** So you asked for
7 help?

8 **INMATE ADKINS:** Oh, absolutely. Um, it helped.
9 And when I got here in 2017, um, I asked to be taken
10 off. They took me off.

11 **DEPUTY COMMISSIONER CHAKUR:** So besides asking
12 for help, what other coping skills have you used when
13 you do get triggered to get angry?

14 **INMATE ADKINS:** Um, here's -- I think I learned
15 from a guy named Tommy. It's called QTIP. It's quit
16 taking it personal. Um, when I get angry, I start to
17 get anxiety, uh, blood pressure, start breathing fast.
18 Um, knowing that whatever it is that's making me angry
19 is -- is not me. It's, um, it's the other person. It's
20 their ignorance. They don't -- they don't realize that
21 they're making me angry. Um, I don't take it personal
22 anymore. Things don't, uh, it doesn't affect me, what
23 other people do.

24 **DEPUTY COMMISSIONER CHAKUR:** When was the last
25 time you got angry?

1 **INMATE ADKINS:** Uh, probably 2014. I was a -- it
2 was a cell search in the middle of the night. And, uh,
3 after they were done, they said, we're sorry we made a
4 mistake. Wrong information. Put your cell back
5 together. The Lieutenant was really cool about it. He
6 said, hey, if anything's broken or missing, just write
7 it down. I'll do what I can to replace it. Uh --

8 **DEPUTY COMMISSIONER CHAKUR:** Okay, so the cell
9 search made you angry?

10 **INMATE ADKINS:** What they did to the cell made me
11 angry. Yes. I understand they need to do cell search,
12 security reasons. It's -- it's the way that they did
13 it, I felt was, uh, I felt was wrong. I took it
14 personal.

15 **DEPUTY COMMISSIONER CHAKUR:** What did you do?

16 **INMATE ADKINS:** I didn't listen to the
17 lieutenant. I just waved him off and he said, look, I
18 understand that you're angry, but it was a mistake. Bad
19 information. Uh, later that day --

20 **DEPUTY COMMISSIONER CHAKUR:** What do you mean you
21 waved him off? What transpired?

22 **INMATE ADKINS:** He -- he tried to talk to me and
23 apologize and I just kind of put my hand up and said,
24 hey, I don't want to hear it. Um, later that day I
25 thought about it and you know, he was -- he was being

1 very cool. He didn't have to say anything. He could
2 have just said, well, you're in prison, dude, sorry.
3 Uh, I found him later that day walking around. I
4 apologized to him and his thank you meant everything to
5 me. It showed me -- it showed me that I have control.

6 **DEPUTY COMMISSIONER CHAKUR:** All right. Let's
7 clear this a skinhead situation up. There was a --
8 there's a confidential memo.

9 **INMATE ADKINS:** Okay.

10 **DEPUTY COMMISSIONER CHAKUR:** All right. December
11 26, 2000, it was an interview with yourself.

12 **INMATE ADKINS:** Okay.

13 **DEPUTY COMMISSIONER CHAKUR:** All right. And it
14 says that you said that you were a skinhead prior to
15 coming to LAC, Lancaster.

16 **ATTORNEY GARFINKEL:** What year was that? I'm
17 sorry.

18 **DEPUTY COMMISSIONER CHAKUR:** 2000.

19 **ATTORNEY GARFINKEL:** 2000. So go back when you
20 were a kid.

21 **INMATE ADKINS:** Right.

22 **DEPUTY COMMISSIONER CHAKUR:** All right. So did
23 you ever say that?

24 **INMATE ADKINS:** I don't remember saying that.

25 **DEPUTY COMMISSIONER CHAKUR:** You don't remember

1 saying it?

2 **INMATE ADKINS:** No.

3 **DEPUTY COMMISSIONER CHAKUR:** Were you ever part
4 of this skinheads?

5 **INMATE ADKINS:** No. Absolutely not.

6 **DEPUTY COMMISSIONER CHAKUR:** Did anything with
7 them, any activity?

8 **INMATE ADKINS:** I was trying to get away from
9 them. Maybe running from the skinheads, not running
10 with them.

11 **DEPUTY COMMISSIONER CHAKUR:** Okay. All right.
12 So let's talk about drugs and alcohol. When was the
13 last time you used any substances? Drugs, alcohol.

14 **INMATE ADKINS:** 2002, 2003. I don't know the
15 exact date.

16 **DEPUTY COMMISSIONER CHAKUR:** Okay. And what was
17 it that you used?

18 **INMATE ADKINS:** Alcohol.

19 **DEPUTY COMMISSIONER CHAKUR:** Okay. And what was
20 -- why was that the last time?

21 **INMATE ADKINS:** Um, they had taken some wine from
22 us in 2002, maybe. And, um, it was a couple of days
23 later that somebody said, hey, I heard they took your
24 wine, you know, here's some, uh, and then we had it in a
25 like Folger containers and I took it home, uh, back to

1 my cell. And, uh, when I gave it to my celly, watching
2 him sit there and gulp it down, I didn't like what I
3 saw. And I knew that's exactly what I did.

4 **DEPUTY COMMISSIONER CHAKUR:** What -- what did you
5 see that you didn't like?

6 **INMATE ADKINS:** I saw an alcoholic. Um, I saw
7 somebody who didn't care. When I was still explaining
8 to him where it came from, he wasn't even listening to
9 me. He was just drinking and I knew that's exactly how
10 I was and I didn't like what I saw and I didn't want to
11 be like that anymore.

12 **DEPUTY COMMISSIONER CHAKUR:** All right. So what
13 are your triggers to using?

14 **INMATE ADKINS:** Oh, feelings of low self-worth
15 probably, feeling bad about myself. Um, guilt, shame.

16 **DEPUTY COMMISSIONER CHAKUR:** Okay. And what
17 skills have you learned if you do get triggered to keep
18 yourself from drinking?

19 **INMATE ADKINS:** I talk to my sponsor. I, uh, I
20 go jog, um, I paint now, part of a project paint. Are
21 you familiar with that?

22 **DEPUTY COMMISSIONER CHAKUR:** No, go ahead.

23 **INMATE ADKINS:** It's, um, it's an art class that
24 we have, uh, on echo yard and I'm a facilitator in
25 there. Uh, help people get their brushes, paints, give

1 them advice on drawing, painting, various different art.

2 **DEPUTY COMMISSIONER CHAKUR:** You self-studied AA,
3 is that right?

4 **INMATE ADKINS:** Yes.

5 **DEPUTY COMMISSIONER CHAKUR:** Okay. Do you use AA
6 or is -- is it other methods?

7 **INMATE ADKINS:** Uh, I use other methods.

8 **DEPUTY COMMISSIONER CHAKUR:** Okay.

9 **INMATE ADKINS:** I hang out with --

10 **DEPUTY COMMISSIONER CHAKUR:** Tell us more. What
11 other methods do you use to keep yourself from using?

12 **INMATE ADKINS:** Um, like I said, positive self-
13 talk, hanging out with the right people. Um, I
14 recently, um, started the steps. Um, my sponsor said,
15 look, don't try to remember the steps. Don't try to do
16 them all. Just take one step at a time. Um, use your
17 step and use it in your daily life. And once you have
18 that step, then move to the next one. Don't try to just
19 do it. It doesn't work that way.

20 **DEPUTY COMMISSIONER CHAKUR:** When was the last
21 time you were triggered to using?

22 **INMATE ADKINS:** It's been quite a while. Uh --

23 **DEPUTY COMMISSIONER CHAKUR:** After -- after that
24 last time that you used 2002 or 2003.

25 **ATTORNEY GARFINKEL:** Feeling not the action.

1 **INMATE ADKINS:** Uh, probably when the, that, uh,
2 Lieutenant searched the cell.

3 **DEPUTY COMMISSIONER CHAKUR:** What year was that?

4 **INMATE ADKINS:** 2014.

5 **DEPUTY COMMISSIONER CHAKUR:** 14 you said. Okay.

6 **INMATE ADKINS:** Yeah.

7 **DEPUTY COMMISSIONER CHAKUR:** And then how'd you
8 deal with it?

9 **INMATE ADKINS:** Um, I meditated on it. I made
10 sure that that's not what I needed to do. I could go
11 down the tier and get high or go out to the yard and
12 find something. I didn't, I stayed in the cell and
13 meditated and I made sure that, uh, that's not what I
14 wanted to do. I gave myself positive self-talk. You
15 don't need to do this.

16 **DEPUTY COMMISSIONER CHAKUR:** All right. Your
17 last disciplinary was in 2002 and that was for use the
18 alcohol. You've had about seven, one for violence,
19 which was a 97 for fighting. All right. Talk to us
20 about your parole plans. You have a letter from
21 Francisco Homes. Is that where you're planning on
22 going?

23 **INMATE ADKINS:** Correct.

24 **DEPUTY COMMISSIONER CHAKUR:** When you first get
25 out. Okay. How are you going to support yourself?

1 **INMATE ADKINS:** Um, that was -- that was a tough
2 -- a tough decision because I've had life without, I
3 haven't had very many opportunities to have vocations.
4 We keep going to the back of the list with life without.
5 Uh, transitional homes I believe I've written to them
6 and they said that they will help with jobs. They'll
7 help us place in, uh, uh, what do you call it? A
8 training -- not training centers, um --

9 **ATTORNEY GARFINKEL:** Francisco Homes has a
10 training program with interviews and resource.

11 **INMATE ADKINS:** What do you call it? Um, I can't
12 remember the name right now.

13 **DEPUTY COMMISSIONER CHAKUR:** That's okay. Have
14 you -- after Francisco Homes, are you planning on going
15 to live with your mother?

16 **INMATE ADKINS:** Um, I could. I would say
17 depending on her health.

18 **DEPUTY COMMISSIONER CHAKUR:** Okay. Have you
19 resolved issues with her? Have you talked to her?

20 **INMATE ADKINS:** We have over the years, yes. She
21 is, um, she's actually taken a parenting class a couple
22 of years ago. Uh, and they asked her, why are you --
23 why are you taking this class? Your kids are grown.
24 And, uh, she said because she wanted to be a better
25 mother.

1 **DEPUTY COMMISSIONER CHAKUR:** Talk to me about
2 your relapse prevention plan. Substance abuse.

3 **INMATE ADKINS:** Okay.

4 **DEPUTY COMMISSIONER CHAKUR:** What are you going
5 to do? What's your plan to keep yourself from not using
6 if you do get triggered out there?

7 **INMATE ADKINS:** Sure. Uh, I would call a
8 sponsor. Um --

9 **DEPUTY COMMISSIONER CHAKUR:** Do you have a
10 sponsor yet?

11 **INMATE ADKINS:** I have a sponsor here, but not
12 out there.

13 **DEPUTY COMMISSIONER CHAKUR:** Okay.

14 **INMATE ADKINS:** Um, I think that would be the
15 first thing is to find a good sponsor. Somebody
16 reliable. Leave the area. You know, I'm not stuck
17 there like I am here. Uh, positive self-talk is the
18 best way that that works for me. Uh, telling myself
19 that I'm not that person anymore that I don't need to
20 use. I don't even associate with those people anymore.

21 **DEPUTY COMMISSIONER CHAKUR:** All right. And you
22 have a relapse prevention plan for anger. Tell us about
23 that. What's your plan?

24 **INMATE ADKINS:** When I recognize my anger, um, I
25 -- I see it, I feel it. Heartbeat, um, I do yoga. Uh,

1 I eat, I love to eat, I love to sample new foods. I
2 QTIP, I quit taking it personal because it's not
3 personal anymore. It's just someone else doing whatever
4 it is that they do.

5 **DEPUTY COMMISSIONER CHAKUR:** All right, so let's
6 say you're out, you're in a supermarket line, somebody
7 just cuts in front of you.

8 **INMATE ADKINS:** Laugh. Go ahead. I'm in no
9 hurry anyway.

10 **DEPUTY COMMISSIONER CHAKUR:** What do you think is
11 going to cause you stress when you get out there?

12 **INMATE ADKINS:** I think finding a job. I think
13 that would be a little stressful. Uh, the Francisco
14 Homes assured me, they said, no, we will place you.
15 Don't worry about that. And that was -- that was my one
16 thing that I asked them. I need a job. I want to be
17 able to provide for myself. They said, we will take
18 care of that for you.

19 **DEPUTY COMMISSIONER CHAKUR:** Anything else that
20 might cause you stress or might be difficult out there
21 for you?

22 **INMATE ADKINS:** I'm not -- I don't -- I don't
23 know. I haven't been out there in quite a long time.

24 **DEPUTY COMMISSIONER CHAKUR:** All right. Thank
25 you, Commissioner.

1 **PRESIDING COMMISSIONER CASTRO:** What are you
2 tattoos about?

3 **INMATE ADKINS:** Yes, sir. Artwork.

4 **PRESIDING COMMISSIONER CASTRO:** When did you get
5 them?

6 **INMATE ADKINS:** Wow. 2000, uh, 2004 was my last
7 tattoo. 2004, 2005.

8 **PRESIDING COMMISSIONER CASTRO:** All right. Okay.
9 Mr. Weiss, clarifying questions?

10 **DEPUTY DISTRICT ATTORNEY WEISS:** Yes, thank you.
11 Um, I hope I don't go over something that I missed in
12 the few minutes I was off the call. But, uh, reviewing
13 the probation officer's report, I have some questions
14 about the retrieval of the rifle from the main house.
15 Um, did he explain yet, uh, whose idea that was and how
16 they found it? The -- the POR indicates it was well
17 hidden.

18 **PRESIDING COMMISSIONER CASTRO:** You indicated you
19 don't remember that part walking down there?

20 **INMATE ADKINS:** I don't remember walking down
21 there, but the shotgun we had been playing with for the
22 last week or so.

23 **PRESIDING COMMISSIONER CASTRO:** All right. So
24 you guys knew where it was.

25 **INMATE ADKINS:** Everyone knew where it was. Yes.

1 **PRESIDING COMMISSIONER CASTRO:** Okay.

2 **DEPUTY DISTRICT ATTORNEY WEISS:** And the POR also
3 indicates, uh, I -- I -- I think that, uh, he directed
4 the other person to load it. Does he remember anything
5 about the shotgun getting loaded?

6 **PRESIDING COMMISSIONER CASTRO:** Do you remember
7 loading it?

8 **INMATE ADKINS:** I don't remember that, but I'm
9 not denying it.

10 **DEPUTY DISTRICT ATTORNEY WEISS:** And has he
11 explained that the reason for retrieving the shotgun and
12 bringing it back to the guest house?

13 **PRESIDING COMMISSIONER CASTRO:** Did you guys talk
14 about what you're going to do with it?

15 **INMATE ADKINS:** No, I don't remember that
16 conversation.

17 **DEPUTY DISTRICT ATTORNEY WEISS:** I have no
18 further clarifying questions.

19 **PRESIDING COMMISSIONER CASTRO:** All right. Ms.
20 Garfinkel.

21 **ATTORNEY GARFINKEL:** I have nothing to clarify.
22 Thank you.

23 **PRESIDING COMMISSIONER CASTRO:** Okay. Mr. Weiss,
24 your closing.

25 **DEPUTY DISTRICT ATTORNEY WEISS:** Thank you. Um,

1 it's the people's position that, um, Mr. Adkins is not
2 yet the suitable for parole. I take a lot of, uh, issue
3 in disagreement with the CRA in this case. Uh,
4 obviously it does deem him a low risk. And, uh, I find
5 that conclusion something that I disagree with and I'll
6 explain why. Um, uh, first of all, until today, I
7 think, um, he really has said he has had no reason why -
8 - why these three senseless murders had to be committed.
9 Um, today he did say something about, uh, because he had
10 been bullied, but even as recent as the CRA, he said he
11 really has no idea. Obviously a main issue at any of
12 our hearings is the issue of insight. So I find him
13 totally lacking in insight. He has, I would say
14 superficially, maybe that's too strong a word, but done
15 some self-help, but none of it has resulted in any
16 really insight as to why these crimes happened. He does
17 say that he was steeped in substance abuse, um, from a
18 young age. I forget it was 11 or 12 or 13. Uh, he
19 started in, um, marijuana was his drug of choice, but he
20 dabbled with PCP, meth, mushrooms, alcohol, et cetera,
21 et cetera. And specifically he does say that at the
22 time of the murders, I think it was quite a bit of time,
23 I think two weeks or so that he was continually high or
24 under the influence of something. So drug usage is
25 extremely -- is an extremely important factor in this

1 case, yet we find that he hasn't done, um, and, uh, are
2 you still there? Can you still hear me?

3 **PRESIDING COMMISSIONER CASTRO:** Yes, we're still
4 here.

5 **DEPUTY DISTRICT ATTORNEY WEISS:** Oh good. Okay.
6 I heard some electronic tone there. Um, has chosen not
7 to engage in AA or NA in prison and I -- I find this
8 extremely troubling. I also find somewhat troubling the
9 clinician's explanation. I guess it comes directly from
10 Mr. Adkins that he didn't want to do this because of
11 some negative influences there. I would have liked to
12 see the clinician explore that rather than simply accept
13 it, um, um, so I find that quite troubling and whatever
14 these negative influences are, if they were explored,
15 we'd have a chance to really, um, balance them and see
16 if there appears to be any validity or sincerity to
17 them. Um, the fact that he has not engaged in, uh, NA
18 or AA in prison is referred to two or three times in the
19 report, which makes it to me only more glaring that he
20 has not addressed this very, very serious issue that
21 obviously in some way did contribute to these three, uh,
22 murders. Um, and then we find a reference that, well,
23 he has however found a list of -- of places he can go
24 when he's out. He's identified some, uh, places for
25 meetings, but I -- I don't find any belief that he will

1 or will want to go. Um, whatever those negative
2 influences are, are they going to be present in the same
3 meetings out there? I find the whole lack of addressing
4 substance abuse to be very troubling. And it of course
5 goes to the heart of the matter as to whether, uh, uh,
6 we can predict what his behavior on the outside would
7 be, and it also goes to insight. Uh, another thing that
8 troubles me is that, um, up until 2018 he was still
9 receiving some mental health services. Um, the
10 conclusion was reached that he could stop with his meds,
11 et cetera. And I hope that conclusion is accurate, but
12 2018 is so recent that I feel we need a longer period
13 of, um, treatment free, uh, time to see that he in fact
14 no longer suffers from the, uh, issues of mental
15 instability that caused him to get the treatment. Um, I
16 think while the CRA does point out and I -- I do agree
17 with this part that, um, let me just flip my pages here
18 for a moment. Uh, he does need to develop a
19 comprehensive relapse prevention -- prevention --
20 prevention plan. That's mentioned in the CRA. So
21 today, uh, as a new and late document, he has submitted
22 a few pages that, um, at least on their surface do
23 address these issues. But, um, given the length of time
24 involved and the contents of them, as I understand them,
25 I think they're somewhat superficial and inadequate.

1 Uh, his plans when just asked by the panel, how is he
2 going to support himself? There was really no answer.
3 It was just that, well, they told me they'd helped me
4 find a job. Um, um, and so, uh, overall I find the CRA
5 to be lacking in -- in, uh, in support for finding that
6 he's a low risk. Um, I do think he's right, uh, when he
7 says, uh, because his sentence was originally LWOP, he
8 really didn't give a lot of time -- a lot of thought to
9 some of these things about how he would be on the
10 outside. That's understandable, but it's still not --
11 not an excuse or not a reason for us to conclude that he
12 is ready to be on the outside. He now needs to take the
13 time, um, to develop appropriate plans, uh, to show --
14 to really learn, uh, insight, which is totally lacking
15 here. Uh, I would suggest, assuming, uh, that the panel
16 does deny him today that one of the things they instruct
17 them to do is to do AA and NA in prison unless there's a
18 really good reason, which we still haven't heard yet,
19 that's obviously a key issue for him. Um, it goes
20 without saying and I -- I haven't mentioned much that
21 these killings were senseless, unnecessary, unprovoked,
22 horrible. Um, a rereading of the probation officer's
23 report gives a wrenching description of the effect that
24 these murders have had on the relatives of the victims.
25 I've read thousands of probation reports in my career

1 and I don't think I've seen any that go into such detail
2 and -- and gut wrenching explanation of the
3 psychological and emotional effects, um, um, on
4 surviving family members as I've seen in this report.
5 He's been in less than 30 years, which if you just look
6 at it as a lay person is less than 10 years per -- per
7 person who's basically had their head blown off for no
8 good reason. Um, and, uh, um, I just think he needs a
9 lot more insight and he needs to address his drug abuse
10 a lot more and he needs to come up with better parole
11 plans. So at this point, I -- to me, he's definitely
12 unsuitable. Thank you.

13 **PRESIDING COMMISSIONER CASTRO:** Thank you. Ms.
14 Garfinkel.

15 **ATTORNEY GARFINKEL:** Thank you very much. Mr.
16 Adkins is not an unreasonable risk of danger to society
17 and we do ask that you grant him parole today. Um,
18 first I'll address some of Mr. Weiss's concerns for the
19 people of Los Angeles. Regarding his insight, it is not
20 lacking. Today he had a conversation and he talked
21 about what triggered him at the life crime. He related
22 it to his childhood trauma. That's also discussed at
23 length in the risk assessment. We didn't talk about him
24 being a youthful offender or the hallmark features of
25 youth, but they were definitely present at the time. He

1 talked about the abuse and bullying he suffered and that
2 when the comments were brought to him the night of the
3 life crime about him being worthless, et cetera, that
4 was the trigger in addition to the anger of seeing his
5 friend harmed. Um, regarding the self-help and not
6 having insight from it regarding the drugs, he's done a
7 tremendous amount of self-studying. He has a sponsor.
8 He works his step and he does have extensive relapse
9 prevention plans that are personal to him, not only for
10 substance abuse, but also for anger. Um, not believing
11 he's going to go to meetings that doesn't make him a
12 danger. He's chosen one of the best transitional
13 facilities in the state, Francisco Homes. They've never
14 had a life or return to custody ever that's gone through
15 that program. They have meetings regularly, they have
16 full assistance. Every single month they have group
17 meetings to welcome new men home and it's a great form
18 of support. Maybe Mr. Weiss isn't familiar with the
19 program, but it's a phenomenal parole plan because they
20 offer him everything and they're very hands on. Um,
21 regarding him having mental health services until 2018,
22 again, depression doesn't equal danger and it's not a
23 reason to deny him or else half of society would be in
24 prison. He's going to go to the parolee outpatient
25 clinic. He's going to be assessed by a clinician there

1 and if they feel that he needs treatment, he'll get it.
2 Um, he should be commended for the fact that he's no
3 longer receiving mental health services. And he should
4 also be commended for the fact that when he was
5 depressed, he went and asked for them instead of acting
6 out, which shows that he's grown. He submitted his
7 relapse prevention plans today. And to say they're
8 inadequate without even looking at them, I -- I think
9 means basically nothing if you don't read them to say
10 they're inadequate and I'll just leave it at that. I
11 also want to remind everyone that he had no idea he even
12 had a hearing until five months ago, so everything that
13 he's done, he's been doing for himself. He was
14 sentenced to life without parole. He's been working to
15 better himself, not to get out of prison. He had a
16 horrific childhood full of abuse and left home early.
17 He talked about the substance abuse issues and the
18 doctor even commends him about how the turning point in
19 his life was becoming sober. And on pages 14 to 15 of
20 the report, she really talks about the greater
21 understanding that he has with this crime and she
22 commends him for the progress that he's made in the last
23 26 years. He hasn't had a rule violation since 2002 and
24 he's had zero violence since the 90s. Again, he's a
25 youthful offender. He has matured as expected and as

1 science says. His programming, he's in the pooch
2 program, so he's training dogs. He does the PEP
3 program. He's done CGA. He does AA on his own. He
4 uses art as a coping skill. He's been sober for over 16
5 years. He uses meditation and yoga and mindfulness as
6 his release and coping skill and that's phenomenal,
7 especially in prison. It takes a lot. I have a lot of
8 clients that won't even think about doing yoga in prison
9 and the ones that do it, it really helps because when
10 you can sit back and meditate and be mindful and when he
11 gives examples of when he got angry with the cell search
12 that he takes time to meditate, that's something he
13 could never have done when he was 16 years old. He
14 talked about 2011 watching his friend's throat gets slit
15 and he sought help again, something he never would have
16 done when he was younger. He's a member of the YAP
17 program. He has a sponsor. He has coping skills. He's
18 able to tell you the physical warnings that he gets
19 before he gets angry and the tools that he has to manage
20 it. Again, the most recent clinician, Dr. Caoile found
21 him to be a below average risk for danger. She found
22 that the majority of the historical factors have
23 diminished in relevance over time, that he is developing
24 insight, and that he's quite responsive to treatment and
25 he's made considerable progress. He is a youthful

1 offender. The hallmark features of youth were
2 definitely present and his subsequent growth and
3 maturity is evident. He's no longer the broken child
4 that came to prison and he's proud of the man he is
5 today because he has the skills to be successful on the
6 outside. His parole plans are feasible and on point.
7 He has family, he has prosocial friends, he has a
8 tremendous amount of support, and he has Francisco
9 Homes. All of that sets him up for success and we do
10 ask that you find him suitable today because today he is
11 not an unreasonable risk of danger to society. Thank
12 you.

13 **PRESIDING COMMISSIONER CASTRO:** Thank you. Mr.
14 Adkins, would you like to provide a closing statement?

15 **INMATE ADKINS:** I just want to thank you for your
16 time today and hearing what I had to say. Thank you.

17 **PRESIDING COMMISSIONER CASTRO:** Okay. All right.
18 We'll recess for deliberations. Time is 9:17 AM. We'll
19 call you back Mr. Weiss.

20
21 **R E C E S S**

22 ---oOo---

CALIFORNIA BOARD OF PAROLE HEARINGS**D E C I S I O N**

DEPUTY COMMISSIONER CHAKUR: We're back on the record.

PRESIDING COMMISSIONER CASTRO: Thank you, Commissioner. We're back on -- back on the record. The date is November 14th, 2019. The time is 9:44 AM. We have reconvened for pronouncement of the panel's decision in the case of David Adkins, CDCR number H70868. In this case, we must determine if the inmate continues to pose an unreasonable risk to public safety and a denial of parole must be based on evidence in the record of the inmate's current dangerousness. In this case we read and considered the inmate's central file, the comprehensive risk assessment, additional documents submitted during this hearing, written responses received from the public such as the Pasadena Police Department letter in opposition to release, your testimony, the arguments of both attorneys. We looked at confidential information. We did not use any due to the passage of time, lack of relevance and lack of reliability. Based on current legal standards and the evidence that we considered, we find that you do not pose an unreasonable risk to public safety and therefore

DAVID ADKINS H-70868 DECISION PAGE 01 11/14/19

1 you are suitable for parole. There were some facts that
2 aggravated your risk and this decision was reached as a
3 result of balancing all the positives on all the
4 negatives. So the life crime was a negative, an
5 aggravating factor in your case, horrific crime. Three
6 girls were -- three girls, two 18, one 17 year olds were
7 murdered by you and your partner. You shot two of them.
8 They were all shot in the head over you being angry and
9 being under the influence. That in no way justified the
10 amount of damage that you caused and this decision does
11 not diminish that fact. And your reasons for doing it
12 does not justify what you did. There's some aspects of
13 offender change that were still aggravating in your
14 case. You still lack insight and your credibility was
15 in doubt also. With your insight, that was documented
16 by the doctor. The doctor agreed. You made a statement
17 even in there that you still didn't know why you -- why
18 you killed them and today you listed off a bunch of
19 things, being angry and raged, being told that you were
20 worthless and Heather making statements to you. That
21 was new to us. I had not read that in the record
22 before. Um, and then when we talk about, well what
23 about Dene, well, she was just laughing. So there's
24 still some work that you can do on -- on insight. We

25 **DAVID ADKINS H-70868 DECISION PAGE 02 11/14/19**

1 think that, uh, it's still lacking. And credibility,
2 kind of an issue for us. We believe you that you don't
3 remember what you said 19 years ago when you were 26,
4 um, issue of whether you were high as you had never been
5 before is kind of questionable. You appear to be able
6 to drive after that and you remember what happened,
7 where you went, how long the distances are, things of
8 that nature. So there was some credibility issue there
9 on insight too. You should read about antisocial
10 personality disorder. It's not what you said. It's
11 something different that the doctor diagnosed you with.
12 And that also reflected some lack of insight on your
13 part. But these -- these negatives were outweighed.
14 You know, we put them in the -- in the consideration,
15 but they were outweighed and I just want to acknowledge
16 that you're not perfect. They're still work for you to
17 do in these areas. Overall, we don't think that makes
18 you a current danger or an unreasonable risk, but we
19 want to alert you that they're still there and you
20 should continue to work on them. And like I said, the
21 factors that aggravate your risk were outweighed by
22 factors that mitigate your risk. And there was just a
23 lot more mitigation overall in this case. Uh, the first
24 is the comprehensive risk assessment rates you a low,

25 **DAVID ADKINS H-70868 DECISION PAGE 03 11/14/19**

1 uh, compared to other long-term offenders and long-term
2 offenders recidivate less than the general population,
3 so really puts you away in the bottom of everybody as
4 far as rest for recidivating -- recidivating. And the
5 doctor acknowledged that you have additional work to be
6 done on insight. And even with that acknowledgement,
7 the doctor rated you a low -- a low risk and we gave
8 that report considerable weight. Your criminal and
9 parole history is also mitigating. You had a
10 misdemeanor battery but no other violence. It seems
11 like in this case you exploded. Um, but you didn't have
12 a record of committing other violence and that was
13 mitigating. Your programming in prison is mitigating.
14 You've done NA, self-awareness groups, CGA, anger
15 management, victim's awareness, the youth diversion
16 programs. You've programmed in the targeted areas.
17 These were our concerns. NA, and you've done self-study
18 for AA. So these were your issues. You had a substance
19 abuse problem, self-awareness groups to work on insight,
20 CGA because you're acting in concert with your buddy and
21 the rest of the record says you did this because you
22 were helping out your buddy cause he got scratched. So
23 there's an element of group thinking of a gang like
24 behavior. So you addressed up there and you haven't

25 **DAVID ADKINS H-70868 DECISION PAGE 04 11/14/19**

1 been associated with gangs here in prison for a long
2 time at least. Anger management. This was definitely a
3 factor in your case, maybe the greatest factor.
4 Victim's awareness because of what you've done and the
5 youth diversion programs to help you understand
6 yourself. You were 16 when this happened. So you did
7 the programming in the areas that we were concerned
8 about and you appeared to have learned from it. It was
9 meaningful participation in those programs. And that's
10 shown in your institutional behavior which was
11 mitigating. No RVR since 2002 so you've been stable for
12 about 17 years with the exception of those tattoos in
13 2004, which are -- are still rule violations.

14 **INMATE ADKINS:** Sure.

15 **PRESIDING COMMISSIONER CASTRO:** But you raised
16 your hands, you're not covering them up.

17 **INMATE ADKINS:** No.

18 **PRESIDING COMMISSIONER CASTRO:** You showed them
19 to me. It all does appear to be, uh, artwork. I didn't
20 see any --

21 **INMATE ADKINS:** It's just artwork.

22 **PRESIDING COMMISSIONER CASTRO:** I didn't see any
23 gang, uh, tattoos there in there. And so that was, uh,
24 it was bad, but it's still 15 years ago also. So you've

25 **DAVID ADKINS H-70868 DECISION PAGE 05 11/14/19**

1 been stable in your institutional behaviors, which is
2 mitigating. And then your -- when we look at offender
3 change, that area -- that domain was mitigating for you
4 as well. You have no substance abuse since 2002, no
5 violence in prison since 1997. Uh, no official evidence
6 of you belonging to any STGs or your statement there.
7 But, uh, that was back in 2000, uh, no RVR since 2002
8 and there's no analogous conduct that we would be
9 concerned about. So in your case, we'd be looking at
10 other violence, other substance abuse or other gang
11 membership or anything like that. And we don't see that
12 for these periods of time that I discussed. We look at
13 your remorse and it appears, uh, legitimate to us. The
14 doctor says you appear genuinely remorseful. It appears
15 to us that you are remorseful, you were very emotional
16 when it came to these discussions and you've done the
17 work in victim's awareness and you apologized and
18 apologetic for the behavior. You took responsibility
19 for your actions.

20 **INMATE ADKINS:** Absolutely.

21 **PRESIDING COMMISSIONER CASTRO:** So we see
22 offender change in you. I'll talk about that a little
23 bit more in just a second. Your release plan is
24 acceptable. Francisco Homes is a good program. You

25 **DAVID ADKINS H-70868 DECISION PAGE 06 11/14/19**

1 have support from family and including your mother who's
2 now taking parenting and apparently has been working on
3 issues herself to help you out. Your work reports are
4 exceptional. And, um, from average to exceptional. We
5 were concerned about that because you had a parasitic
6 lifestyle prior to that. You were depending on others.

7 **INMATE ADKINS:** Sure.

8 **PRESIDING COMMISSIONER CASTRO:** And committing
9 crimes, robbing. Not robbing, I'm sorry. Burglaries.
10 Uh, so we wanted to know, well, at least in prison, you
11 know, has he done well and your supervisor's reports are
12 good. So that's --

13 **INMATE ADKINS:** I've had some good bosses.

14 **PRESIDING COMMISSIONER CASTRO:** -- that bodes
15 well for your future employment. And you have relapse
16 prevention plans that addressed concerns -- the issues
17 we're concerned about. And -- and you knew what was in
18 them when they were asking you. You talked about this
19 stuff. A lot of times inmates give us documents and
20 then when they're asked about it, then they don't
21 mention -- they don't mention information that's in the
22 report, in their plans and shows that they haven't
23 internalized it. So we recommend that you keep those
24 with you, keep working on them and internalize them so

25 **DAVID ADKINS H-70868 DECISION PAGE 07 11/14/19**

1 they can become tools that you can use. We also gave
2 great weight to the youthful offender factors that we
3 found to be present. And this really in your case
4 tipped the scale. You had diminished culpability as
5 compared to adults. You were 16 years old at the time.
6 At that time -- at that age, brain is not fully mature,
7 resulting in lack of impulse control, inability to plan
8 ahead, and an inability to avoid risks. And you had
9 nearly all the hallmark features of -- of youthfulness.
10 Your actions leading to and throughout the commission of
11 the crime demonstrated immaturity in your decision
12 making. You had underdeveloped understanding of your
13 responsibility for your actions and decisions, which led
14 to poor decisions. Your actions and decisions, uh,
15 demonstrated impulsiveness, uh, which resulted in poor
16 decisions or inexplicable reactions to your
17 circumstances. We found that was, uh, um, applicable
18 here because your reaction, like you said, you may work
19 on insight forever, but it's inexplicable the level of
20 violence that you use for -- for what you did. The
21 doctor also noted was out of proportion and you may
22 never able -- be able to explain that just other than
23 you were just very angry and immature. And that's one
24 of the things that we took into account here and that

25 **DAVID ADKINS H-70868 DECISION PAGE 08 11/14/19**

1 the youthful offender factors look at and we found that
2 one particularly applicable in your case. So keep
3 working on it. But it may be your youthfulness because
4 you were doing things that were inexplicable. You were
5 also more vulnerable and susceptible -- susceptible to
6 negative influences and outside pressures. You were
7 parasitic, unemployed and you were very vulnerable to
8 attacks on your low self-esteem, which motivated this
9 crime in part. You were exposed to deviant family
10 members. Your brother abused you, bullied you, you
11 didn't -- you said you could not go back to live with
12 him or your mother. She neglected you. Your actions
13 and decisions demonstrated a significant recklessness or
14 heedless risk-taking. That's true. Your burglaries you
15 were committing, the -- your substance abuse, all that
16 exposed you to that. And as a youthful offender, you
17 were more capable of change and I'll discuss that next
18 because you also had subsequent growth and increased
19 maturity since incarcerated. You've engaged in
20 considered reflection and made an attempt to think about
21 the reasons for -- for and impact of your actions.
22 You've demonstrated maturity in your judgment through
23 impulse control here in prison, the past 17 -- 15 years.
24 You've engaged in reflection, demonstrating an enhanced

25 **DAVID ADKINS H-70868 DECISION PAGE 09 11/14/19**

1 self-recognition of human worth and potential. We
2 talked about that, talked about what are you proud now?
3 Why are you, um, why do you feel good about yourself?
4 How have you overcome that low self-esteem? And you
5 talked about it, um, your accomplishments and how you
6 use QTIP and you don't let it become personal anymore
7 and let it flow off your back. And you've demonstrated
8 additional rehabilitation by developing empathy and
9 remorse. Again, we thought those statements, um, of
10 remorse and empathy and your emotion today, uh, you --
11 you wept during parts of your testimony. We thought all
12 that was very credible and genuine and so did the
13 doctor. And your rehabilitation overall as an amends,
14 working on yourself to try understand what you did and
15 helping others in the youthful offender program. That's
16 all amends and signs of -- of remorse that we took into
17 account. So for all those reasons, we -- we just felt
18 that the positives in your case outweighed all that
19 negatives that did exist. And another factor that we
20 considered was that you were doing a lot of this stuff
21 before the law changed, which made it change your LWOP
22 status. For a great portion of -- of your
23 rehabilitation, you were doing that even with an LWOP
24 sentence.

25 **DAVID ADKINS H-70868 DECISION PAGE 10 11/14/19**

1 **INMATE ADKINS:** True.

2 **PRESIDING COMMISSIONER CASTRO:** And so that gives

3 a lot of, um, support to the genuineness of your change,

4 uh, which we see and accept today. So based on all

5 that, we think you're no longer an unreasonable risk to

6 public safety and, uh, we find you suitable. Now this

7 decision is not final. The Board will review it for up

8 to 120 days and the governor will review it for 30 days.

9 If there are any changes, you will be notified in

10 writing. When released, you'll have general and special

11 conditions of parole. We are going to put special

12 conditions on you. First that you be evaluated by the

13 parolee outpatient clinic. You had that mental health

14 issue going on until very recently. That's something

15 that'll help you anyway. And if they, uh, and you

16 mentioned that you might access that anyway, so we're

17 gonna make it a requirement that you go. Okay. And you

18 talked about transitional housing and Francisco Homes,

19 that's great. We're going to require that you do six

20 months of transitional living minimum at a home that

21 provides substance abuse treatment. You need to do the

22 actual programs. You haven't had a problem with

23 substance abuse in prison for a long time, but we want

24 you in those programs. You're gonna have to deal with

25 **DAVID ADKINS H-70868 DECISION PAGE 11 11/14/19**

1 those people that are in there, um, because, uh, we want
2 to make sure that you do that. We can't just leave it
3 up to you.

4 **INMATE ADKINS:** Correct.

5 **PRESIDING COMMISSIONER CASTRO:** And that's
6 something for -- for public safety. You should be able
7 to handle it. You should be able to actually help
8 others in there.

9 **INMATE ADKINS:** That's my goal.

10 **PRESIDING COMMISSIONER CASTRO:** Think sobriety
11 inside is not the same as sobriety outside.

12 **INMATE ADKINS:** Correct.

13 **PRESIDING COMMISSIONER CASTRO:** There's going to
14 be more pressures out there, more availability, more
15 stressors on your life, finding a place to live,
16 supporting yourself legally, staying away from drugs
17 when they're all out there, it's going to be more
18 problematic. So for all those reasons, we impose those
19 special conditions. Good luck, sir. Thank you
20 everyone. The time is 10:00 AM. The hearing is
21 adjourned.

22 **INMATE ADKINS:** Thank you for your time.

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

24
25 **DAVID ADKINS H-70868 DECISION PAGE 12 11/14/19**

1
2
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8
9 THIS TRANSCRIPT CONTAINS THE PROPOSED DECISION OF THE
10 BOARD OF PAROLE HEARINGS (BOARD) ANNOUNCED AT YOUR
11 RECENT BOARD HEARING AND IS PROVIDED TO YOU IN
12 COMPLIANCE WITH PENAL CODE SECTION 3041.5, SUBDIVISION
13 (A) (4), AND CALIFORNIA CODE OF REGULATIONS, TITLE 15,
14 SECTION 2254. THIS PROPOSED DECISION WILL BECOME FINAL
15 WITHIN 120 DAYS OF THE DATE OF THE HEARING AS REQUIRED
16 BY PENAL CODE SECTION 3041, SUBDIVISION (B), UNLESS THE
17 BOARD NOTIFIES YOU IN WRITING BEFORE THEN THAT THE
18 PROPOSED DECISION HAS BEEN MODIFIED, VACATED OR REFERRED
19 TO THE FULL BOARD, SITTING EN BANC, DUE TO AN ERROR OF
20 LAW, ERROR OF FACT OR NEW INFORMATION PURSUANT TO
21 CALIFORNIA CODE OF REGULATIONS, TITLE 15, SECTION 2042.
22 THEREAFTER, THE GOVERNOR HAS AUTHORITY TO REVIEW THE
23 BOARD'S DECISION AND AFFIRM, MODIFY, OR REVERSE IT
24 PURSUANT TO PENAL CODE SECTIONS 3041.1 AND 3041.2.
25 DAVID ADKINS H-70868 DECISION PAGE 13 11/14/19

**CERTIFICATE AND
DECLARATION OF TRANSCRIBER**

I, HANNAH AVERETTE, as the Official Transcriber,
hereby certify that the attached proceedings:

In the matter of the Life)	CDC Number: H-70868
Term Parole Consideration)	
Hearing of:)	
)	
DAVID RUSSELL ADKINS)	
_____)	

R.J. DONOVAN CORRECTIONAL FACILITY

SAN DIEGO, CALIFORNIA

NOVEMBER 14, 2019

08:22 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.



Hannah Averette
November 19, 2019
Dictate Express
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Exhibit – 3

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

DAVID ADKINS, H-70868
First Degree Murder

AFFIRM:

MODIFY:

REVERSE:

 X

STATEMENT OF FACTS

In 1991, 16-year-old David Adkins and his crime partner were living at the home of one of the victims while her parents were out of town. On the night of the murders, Mr. Adkins, his crime partner, and the three victims were drinking and using drugs. Mr. Adkins's crime partner got into an argument with two of the victims. Mr. Adkins directed his crime partner to shoot one of the victims, killing her. Mr. Adkins then shot the other two victims, killing them.

DECISION

I acknowledge that Mr. Adkins committed this crime when he was 16 years old and that he has since been incarcerated for 29 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Adkins's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender—his impulsivity and immaturity—and his other hallmark features of youth. The psychologist who evaluated Mr. Adkins in 2019 concluded that "in some ways" Mr. Adkins's "ability to fully grasp the potential consequences of his actions was compromised by his youthfulness and impulsivity," but "his decision to go with his crime partner and retrieve the shotgun suggests some level of understanding of the ramifications."

I also acknowledge that Mr. Adkins has made efforts to improve himself in prison. He has participated in self-help programming, including the Anti-Recidivism Coalition Youth Offender program, Anger Management, and Narcotics Anonymous. He also earned his GED and received positive work ratings. I have given great weight to his subsequent growth in prison during my consideration of his suitability for parole. I commend Mr. Adkins for his efforts and encourage him to stay on this positive path. However, these factors are outweighed by negative factors that demonstrate he remains unsuitable for parole at this time.

I am troubled by Mr. Adkins's inability or unwillingness to discuss the details of the crime and what led him to kill the victims. At his 2019 parole hearing, Mr. Adkins told the Board that on the day of the crime he was high like he "had never been before," and could not remember what happened in the period of time between the argument between his crime partner and gave little explanation for his decision to retrieve a gun and commit multiple murders. The Board found that Mr. Adkins's "credibility was in doubt," because despite his claim that his memory was impaired by his drug and alcohol intake, Mr. Adkins was able to remember many other details surrounding the crime.

According to the psychologist, Mr. Adkins "is still in the process of fully understanding all of the causative factors that contributed to his violent behavior in the commitment offense." Mr. Adkins added that he does not know why he shot the two girls. The psychologist concluded, "it is difficult to understand his motivations for shooting [the victims], and the deeper reasons for resorting to such violent behavior that was so out of proportion to the situation and level of provocation."

At his hearing, the Board determined that Mr. Adkins "still lack[s] insight." Mr. Adkins must do more to deepen his insight and develop the tools to control his triggers before he can be safely released.

CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Adkins is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison at this time. Therefore, I reverse the decision to parole Mr. Adkins.



Decision Date:
April 1, 2020

GAVIN NEWSOM
Governor, State of California

Exhibit – 4

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

DAVID RUSSELL ADKINS and BURTON
VINCENT HEBROCK,

Defendants and Appellants.

B076174

(Super. Ct. No. GA007013)

COURT OF APPEAL - SECOND DIST.

F I L E D

JUN 21 1995

JOSEPH

Clerk

Z. HERALDEZ

Deputy Clerk

APPEAL from judgments of the Superior Court of Los Angeles County.

J. Michael Byrne, Judge. Affirmed.

Shulman, Shulman & Siegel, Corinne S. Shulman, Dain & Li, and Anthony J.

Dain, under appointment by the Court of Appeal, for Defendants and Appellants.

Daniel E. Lungren, Attorney General of the State of California, George
Williamson, Chief Assistant Attorney General, Carol Wendelin Pollack, Senior Assistant
Attorney General, Susan D. Martynec, Supervising Deputy Attorney General, and Arthur
H. Auerbach, Deputy Attorney General, for Plaintiff and Respondent.

Following a jury trial, appellant David Russell Adkins was convicted of three counts of first degree murder. A separate jury convicted appellant Burton Vincent Hebrock of three counts of second degree murder for the same killings. Both were sixteen years old when the offenses were committed. Both were found unfit to be dealt with under juvenile court law under Welfare and Institutions Code section 707 and were tried as adults. Adkins was sentenced to life without possibility of parole, while Hebrock was sentenced to state prison for a term of 46 years to life, plus a five-year gun use enhancement term. The court imposed restitution fines of \$10,000 on each appellant. Adkins and Hebrock each appeal from the judgments of conviction. Adkins claims that the matter should be remanded for resentencing because the trial court was unaware that it had the discretion to sentence him to a term of 25 years to life and because the sentence of life without possibility of parole was unconstitutionally disproportionate to the circumstances of his offenses. Hebrock also seeks to have this matter remanded for resentencing, claiming that the trial court failed to exercise its discretion in determining whether to sentence him to state prison rather than commit him to the CYA, and that the trial court failed to state adequate reasons for imposing the upper term for the gun use enhancement. Both appellants claim that the \$10,000 restitution fines are improper. We affirm the judgments.

Facts

During the evening of March 21, 1991, Katherine McCaulay, Heather Goodwin and Danae Palermo were killed by shotgun blasts to their heads. McCaulay was shot from a distance of four to eight feet, Goodwin from a distance of less than six inches, and Palermo received a contact wound. McCaulay and Goodwin were 18 years old when they were killed; Palermo was 17. The murders occurred in a guest apartment over the garage at the Pasadena residence of McCaulay's mother and step-father.

Cayle Fielder, a friend of the young women, was asleep on a bed in the guest apartment when the shooting began. He was awakened by the sound of shotgun blasts and saw appellants Adkins and Hebrock in the room. Adkins reloaded the shotgun and shot Palermo in the head. Adkins then pointed the weapon at Fielder and asked Fielder if he was with them. Fearing for his life, Fielder said yes. Adkins and Hebrock then collected Adkins's laundry from the dryer. All three young men then drove away in McCaulay's stepfather's Mercedes. Adkins and Hebrock let Fielder out at his home, threatening to kill him if he told anyone what had happened. They then stopped by the house of a former teacher to say good-bye.

Adkins and Hebrock were arrested on the evening of March 22 in Salem, Oregon. McCaulay's stepfather's Mercedes was found nearby. Adkins and Hebrock subsequently admitted to being present at the killings. They each gave several different accounts of the killings to the police. On two occasions, Hebrock admitted shooting McCaulay, although he claimed that the gun discharged only because Adkins pulled on it. Hebrock consistently denied shooting Goodwin or Palermo; at various times he claimed that Adkins and/or another young man, Cayle Fielder, had killed them. At one point, Adkins admitted to shooting Goodwin and Palermo together with Hebrock. Fielder, who was present for all three shootings but conscious only for the shooting of Palermo, testified that he saw Adkins shoot Palermo.¹

The three men, who were friends of the victims, claimed to have been drinking and using drugs with them on the night of the killings. Adkins and Hebrock took the shotgun used to kill the three young women from the main house. After the murders, McCaulay's mother discovered that the safe in the main house was broken into, and some of her jewelry was missing. Neither Adkins nor Hebrock provided any reason for the killings.

¹ Fielder was not tried with Adkins and Hebrock. From the record before us, it does not appear that Fielder was charged with any of the killings. At various times Adkins and Hebrock stated that Fielder was not involved in the shootings.

Discussion

A. Hebrock

1. Sentence to state prison

Because Hebrock was 16 at the time these murders were committed, the court had the choice to commit Hebrock to state prison or to the California Youth Authority. (Welf. & Inst. Code, § 1731.5; *People v. King* (1993) 5 Cal.4th 59, 67-68.) The primary considerations in the court's determination of an appropriate disposition are: "[T]he need to protect society, the nature and seriousness of the offense, the interests of justice, and the needs of the minor. . . ." (Welf. & Inst. Code, § 707.2.) Hebrock contends that the record does not show that the trial court was aware that it had the choice of sentencing him to CYA instead of state prison and that it did not take into account the factors set forth in section 707.2 in choosing state prison as the appropriate disposition. Appellant also contends that the sentence is erroneous because the court did not state on the record its reasons in rejecting commitment to the CYA.² These contentions are unmeritorious.

During the October, 1992, sentencing hearing, the trial court stated: "Prior to imposing a prison commitment I am required to get a diagnostic study by the California Youth Authority to determine if they are amenable for treatment in the California Youth Authority. . . . In this matter, proceedings under 707.2 of the Welfare and Institutions Code are suspended." The trial court then ordered that diagnostic studies of both appellants be conducted "as to their amenability to treatment and custody within the California Youth Authority." The sentencing hearing was continued for several months. When the sentencing hearing resumed on March 10, 1993, the court stated: "I've read and

² Hebrock did not raise these objections at his sentencing hearing. Our Supreme Court has recently held that a defendant waives his right to appeal by failing to object to the manner in which the trial court exercises its sentencing discretion or the manner in which it articulates the reasons for its sentencing decision. (*People v. Scott* (1994) 9 Cal.4th 331, 356.) However, the holding of *Scott* does not apply to cases like the present one, in which the sentencing hearing took place before *Scott* became final. (*Id.* at pp. 357-358.)

considered the diagnostic study by the California Youth Authority as to both defendants." The court also stated: "Diagnostic reports were very detailed and complete. I used those and relied on those."³ The court's action in referring Hebrock to the diagnostic center and its comments concerning the reports leave no doubt that it was aware that it had discretion to sentence Hebrock to the CYA.

The trial court followed the guidelines set forth in Welfare and Institutions Code section 707.2 and properly exercised its discretion in sentencing Hebrock to state prison rather than the CYA. The court noted that it had read and considered Hebrock's probation reports which indicated that Hebrock had had difficulty with school authority and discipline and that this difficulty was relevant in determining whether Hebrock would be amenable to the CYA. When the sentencing hearing resumed on March 10, 1993, the court noted again that it had read and considered Hebrock's probation reports. Moreover, the court noted that it had read and relied upon the diagnostic reports prepared by the CYA, the purpose of which is to assess a minor's amenability to the CYA. Thus, the court considered Hebrock's suitability to the training and treatment offered by the CYA, and his needs, both legitimate factors under Welfare and Institutions Code section 707.2.

Immediately before pronouncing sentence, the court noted that Hebrock had committed a "systematic killing of 3 people that acted in a role as a friend with him, done without any reason." Thus, the sentencing decision was based in part on the nature and seriousness of Hebrock's offenses, a legitimate factor under Welfare and Institutions Code section 707.2. The court also referred to the damage done to the families of the three victims. Taken together, these statements indicate that the court took into account the protection of society and the interests of justice, both legitimate factors under Welfare and Institutions Code section 707.2.

³ The diagnostic reports are not part of the record on appeal.

2. Gun use enhancement.

Hebrock was sentenced to the upper term of five years for the personal gun use enhancement. He contends that the trial court improperly considered circumstances in aggravation other than those that relate directly to the fact giving rise to the enhancement. He further contends that there was no evidence to support the "facts" which the court did consider.

Contrary to Hebrock's contention, our Supreme Court has concluded that sentencing courts may "consider the full range of mitigating and aggravating circumstances (including those relating to the defendant as well as those relating to the offense itself) in choosing which sentence-enhancement term to impose." (*People v. Hall* (1994) 8 Cal.4th 950, 962.) Here, the trial court stated that it was imposing the upper term for the personal use enhancement because Hebrock was involved in the "direct use and carrying of the weapon up to the room and then rapidly upon entering the room used it and used it to kill" McCaulay. This statement shows that the trial court found that Hebrock demonstrated planning, sophistication or professionalism in carrying out the murder of McCaulay, a valid sentencing factor under the California Rules of Court. (Cal. Rules of Court, rule 421(a)(8).)

Circumstances in aggravation need only be established by a preponderance of the evidence. (Cal. Rules of Court, rule 420(b).) There is substantial evidence in the record to support the trial court's finding that Hebrock carried the gun upstairs. Hebrock told the police that he loaded the shotgun while he and Adkins were in the main residence. Adkins told the police that he took the gun from Hebrock after Hebrock shot McCaulay, and then shot Goodwin and Palermo. This testimony supports a reasonable inference that Hebrock carried the gun from the main house to the guest apartment. Thus, the trial court properly imposed the upper term for the gun use enhancement.

Moreover, even if we were to assume that the trial court failed to state sufficient reasons for the upper term enhancement, remand for resentencing in this egregious case

would be unwarranted because it is not reasonably probable that a more favorable sentence would be forthcoming. (*People v. Porter* (1987) 194 Cal.App.3d 34, 39.) Hebrock's probation report lists other circumstances in aggravation that would support the trial court's sentencing choice, such as the fact that the crime involved great violence disclosing a high degree of cruelty, viciousness or callousness. (Cal. Rules of Court, rule 421(a)(1).) The trial record also reveals additional circumstances that would support the trial court's sentencing choice, such as the fact that the victims were particularly vulnerable. (Cal. Rules of Court, rule 421(a)(3).) A remand would not benefit Hebrock in light of these other applicable aggravating factors. We have no doubt that, on remand, the trial court would consider these additional aggravating factors and reach the same result. (See, e.g., *People v. Skenandore* (1982) 137 Cal.App.3d 922, 925.)

B. Adkins

Adkins contends that the trial court was not aware that it had discretion to sentence him to a term of 25 years to life rather than life without possibility of parole. He also contends that his sentence of life without possibility of parole was unconstitutionally disproportionate. We find that both contentions are meritless.

1. Sentencing discretion

In some circumstances, if the record indicates that a trial court was not aware of its sentencing discretion, the matter will be remanded in order to permit the court to properly exercise its discretion. (*People v. Chambers* (1982) 136 Cal.App.3d 444, 457.) Where a defendant under the age of 18 is found guilty of special circumstances first degree murder, the trial court's sentencing discretion is limited. The sentence for such a defendant is life without possibility of parole "or, at the discretion of the court, 25 years to life." (Penal Code, § 190.5, subd. (b).) Life without possibility of parole is the presumptive sentence; in the absence of sufficient mitigating factors, a sentence of 25 years to life cannot be imposed. (*People v. Guinn* (1994) 28 Cal.App.4th 1130.)

The record demonstrates that the trial court, the prosecution and Adkins's trial counsel were all aware that the trial court had discretion to sentence Adkins to a term of 25 years to life. Before the sentencing hearing, Adkins's counsel submitted to the court a Statement of Mitigation in which he informed the court of its discretion to impose a sentence of 25 years to life. The prosecution, in its Statement in Aggravation, advised the court that it had discretion to sentence Adkins to a term of 25 years to life as provided in Penal Code section 190.5, subdivision (b). At the sentencing hearing, the trial court indicated that it had read both of these Statements. Clearly, the court was aware of its discretion to impose a sentence of 25 years to life on Adkins, if sufficient mitigating factors were present.

Adkins attempts to make much of the trial court's comment that the "Legislature has made that a punishment either by death or by life imprisonment without the possibility of parole. . . . The defendant was under the age of 18 at the time of the commission of this and so therefore the penalty of death does not apply." This comment, however, does not demonstrate the court's lack of awareness of its discretion to sentence Adkins to a term of 25 years to life, but rather reflects the fact that "16- or 17-year-olds who commit special circumstances murder *must* be sentenced to LWOP, *unless* the court, in its discretion, finds good reason to choose the less severe sentence of 25 years to life." (*People v. Guinn*, *supra*, 28 Cal.App.4th at p.1141; emphasis in original.)

After making the statement relied upon by Adkins, the court discussed the nature of the killings, stating: "I don't see any reason that justified the killing. I don't see any rationale for this. It was a senseless killing of three friends of Mr. Adkins." The court also referred to the level of planning and execution involved in the killings and the systematic nature of the killings. The court's comments make it clear that a sentence of life without possibility of parole was required because there was no reason to impose the lesser sentence of 25 years to life.

2. Proportional severity

Adkins also claims that his sentence of life without possibility of parole was so disproportionately severe as to constitute cruel or unusual punishment. In determining whether a sentence is disproportionately severe, the nature of the offense and of the offender, with particular regard to the degree of danger both present to society, must be considered. (*People v. Dillon* (1983) 34 Cal.3d 441, 479.) We examine the offense both in the abstract and in light of the totality of circumstances surrounding the commission of the offense, including its motive, the way it was committed, the extent of appellant's involvement and the consequences of his acts. (*Ibid.*)

Here, Adkins was convicted of three counts of first degree murder. Intentional, premeditated murder is one of the most heinous crimes imaginable. It presents the highest level of danger to society of any crime. (*Ibid.*) Here, there was no apparent motive for the murders: they were simply senseless killings. The manner in which the murders were committed was horrifying. Adkins walked into a room and shot two defenseless young women who trusted him. He either assisted or caused Hebrock to shoot the third young woman. As a result of his acts, three young women lost their lives and their families suffered devastating emotional trauma.

We must also examine the nature of Adkins himself, focusing on such factors as his age, prior criminality, personal characteristics, and state of mind. (*Ibid.*) Adkins was only 16 at the time he committed the murders. However, he had already had juvenile petitions sustained for felony burglary, battery, theft, and violation of probation. Adkins stopped attending high school after five weeks because he did not feel like going and wanted "to party" instead. His former employer stated that he refused to follow directions at work. Adkins's own mother stated that, for the 18 months preceding the murders, Adkins was defiant of her authority; she described him as "incorrigible." He callously killed two unarmed defenseless young women who posed no threat to him and who had

offered him no provocation. There can be no doubt that he poses a great danger to society.

We conclude that Adkins's sentence of life without possibility of parole is entirely appropriate in light of his three convictions for first degree murder and his past personal history. Adkins's attempt to analogize his situation to the one before the Supreme Court in *People v. Dillon*, *supra*, 34 Cal.3d 441, is not convincing. The only factor which Adkins has in common with the defendant in *Dillon* is their relative youth at the time they committed first degree murder. Adkins was 16, while Dillon was 17. Dillon, however, shot an armed adult male out of fear and panic, while Adkins shot two defenseless young women who had befriended him and who posed no threat to him whatsoever. Dillon had no prior convictions, juvenile offenses or arrests, while Adkins had had juvenile petitions sustained for felony burglary, battery, theft, and violation of probation.

Adkins also claims that his sentence is disproportionately severe in light of the sentence given to Hebrock. Although we are not required to make such a comparison, we recognize that the Supreme Court has noted in dicta that disparities in sentencing between or among individuals involved in the same crime or crimes can be an indication that a sentence is disproportionately severe. (*People v. Dillon*, *supra*, 34 Cal.3d at p. 488; *People v. Weddle* (1991) 1 Cal.App.4th 1190.) We find, however, that Adkins's longer sentence is appropriate under the facts of this case. Hebrock, who was convicted of three counts of second degree murder and who personally shot one of the three victims, received a sentence of 51 years to life, the maximum sentence which could be imposed on him under the law. Adkins was convicted of three counts of first degree murder, a more serious crime, and personally shot two of the victims. It is not disproportionate to punish him more harshly than Hebrock.

C. Restitution Fine

Adkins and Hebrock both acknowledge that a trial court may make an implied finding that a defendant has the ability to pay a restitution fine pursuant to Government Code section 13967, subdivision (a). They point out, however, that even an implied finding must be supported by the evidence in the record and contend that there is no evidence to support a finding that they had the ability to pay \$10,000 restitution fines. (*People v. Romero* (1985) 167 Cal.App.3d 1148, 1157.) While conceding that potential prison earnings may support an implied finding of ability to pay, they contend that their potential prison earnings will not enable them to pay such large fines. They are incorrect.

Prisoners may earn up to \$56 per month in prison. (Cal. Dept. of Corrections Operations Manual, § 51120.7.) At that rate, if Adkins and Hebrock applied all of their prison earnings towards their fines, they could pay the fines in 15 years. If they applied half of their prison earnings to the fines, they could pay the fines in 30 years. Both time periods fall within the prison terms and normal life spans for both appellants. We find that the trial court properly imposed \$10,000 restitution fines on both Adkins and Hebrock.

The judgments are affirmed.

NOT TO BE PUBLISHED.

ARMSTRONG, J.

We concur:

TURNER, P.J.

GODOY PEREZ, J.

Exhibit – 5

BOARD OF PAROLE HEARINGS

EXECUTIVE OFFICE

P.O. Box 4036

Sacramento, CA 95812-4036

Hearing Date
11/14/19

**COMPREHENSIVE RISK ASSESSMENT
BOARD OF PAROLE HEARINGS
FORENSIC ASSESSMENT DIVISION
RICHARD J. DONOVAN CORRECTIONAL FACILITY**

IDENTIFYING INFORMATION

Inmate Name:	Adkins, David
CDCR Number:	H70868
Date of Birth (current age):	04/29/1974 (current age: 45)
MEPD:	01/25/9999
EPRD:	N/A
YPED:	03/24/2015
EPED:	N/A
Latest Admission Date:	04/07/1993
Life Term Start Date:	04/07/1993
Commitment Offense (s):	PC 187, Murder 1 st degree (2 counts)
County of Commitment:	Los Angeles
Placement Score:	19
CDCR Forensic Psychologist:	J. Caoile, Ph.D.

SOURCES OF INFORMATION AND SCOPE OF COMPREHENSIVE RISK ASSESSMENT

The evaluator considered relevant information contained in the inmate's Unit Health Record and Central File, including the confidential file, and incorporated findings from clinical interview and administration of standardized approaches to risk assessment. This evaluator met with Mr. Adkins on July 26, 2019 and informed him that the interview was not confidential, that he had a right not to participate in the examination, and that a written report would be submitted to the BPH. He appeared to understand the nature of the evaluation and the possible consequences of the interview to the best of his ability. The undersigned evaluator reviewed the Disability and Effective Communications System (DECS) system and 1073, which reflected high cognitive scores and no need for adaptive services (per CDATS; 01/08/2003).¹

¹ FAD Comprehensive and Subsequent Risk Assessments are administered by licensed psychologists and reviewed by Senior Psychologist supervisors.

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PSYCHOSOCIAL DEVELOPMENT

CHILD AND ADOLESCENT DEVELOPMENT:

Mr. Adkins was born the second of three children in Glendale, California. He is unaware of any problems or complications at the time of his birth, and believes he reached all developmental milestones at the appropriate ages and stages. His parents divorced when he was 2 or 3-years-old, and he and his older brother remained in the care of his mother. His father moved to Oregon and had another child (Mr. Adkins' younger sister). He never had a relationship with his father and had no contact with him after the divorce. However, he had a relationship with his half-sister because his mother would invite her to visit in the summers. Overall, Mr. Adkins described a rather difficult childhood. He recalled feeling "scared" and "lonely," and felt abandoned by his father and neglected by his mother who worked 16 to 18 hours a day to enable the family to stay in an upscale area in South Pasadena. Although he had a good relationship with his mother when she was around, he generally felt neglected by her, and she did not discipline him because she was absent.

Mr. Adkins reported that while they lived in a nice neighborhood with little to no crime, he described a difficult environment inside the home. He stated that he was bullied by his older brother and his friends, and experienced nearly daily physical (punching and hitting) and emotional abuse from his brother, and often avoided going home to escape the abuse. Although his brother has never been in trouble with the law, he had a history of substance abuse (alcohol and marijuana). Mr. Adkins denied a history of sexual abuse as a child, or exposure to domestic violence. His mother remained single, but had a boyfriend for a period of time.

Mr. Adkins admitted that he started engaging in troublesome behavior, including stealing and curfew violations at the age of 12 or 13. His relationship with his mother became more conflictual at this time because she was home more and monitoring his behavior. As a result, he began feeling more anger towards her. He was first arrested at the age of 14, and established a juvenile record that included placements in boys' homes (including a placement for 6 to 8 months) and juvenile hall. In junior high, he began associating with negative peers who also had trouble in school and had poor relationships with their parents. Mr. Adkins described himself as a follower of his friends, and was willing to follow their behavior in order to be appreciated and accepted. He found that they gave him praise for his negative peer.

Academically, Mr. Adkins reported that he received very poor grades in school. He was held back in the 1st grade, and placed in special education classes and diagnosed with dyslexia in elementary school. He was suspended one time in junior high for fighting, and started cutting classes in the 9th grade. He was suspended and then expelled for chronic truancy, and placed in a continuation school. Mr. Adkins acknowledged that he simply did not like being in class, and dropped out of continuation school in the 10th grade.

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According to the Probation Officer's Report (POR), Mr. Adkins' mother moved them to Grants Pass, Oregon for approximately one year. When they returned to California in 1988, he continued to associate with negative peers whom he described as "party animals." He stated that his peer group (around the time of the commitment offense) was always focused on "getting high" and drinking alcohol. It should also be noted that according to the POR and appellate court documents, Mr. Adkins ran away from home approximately ten times, and his mother reported that he had been defiant and "incorrigible" in the 18 months leading up to the crime.

ADULT DEVELOPMENT:

Given his young age at the time of the commitment offense, Mr. Adkins' employment history is limited. He worked at a pizza restaurant and as a busboy where his mother worked for approximately six months. Apart from selling marijuana once or twice, he denied engaging in any illegal occupations.

Mr. Adkins reported a mostly unremarkable sexual and relationship history. He reported that his first sexual experience was at the age of 12 or 13 with a similarly aged female. He reported approximately 10 to 12 sexual partners in his lifetime, which primarily consisted of casual encounters and a few relationships. He has never been married or fathered any children. Mr. Adkins denied a history of paraphilias, using the services of prostitutes, or sexual misconduct.

Mr. Adkins reported two serious relationships in the community. He met Katherine (one of the victims) when he was 12 or 13-years-old, and they intermittently dated. They had been dating at the time of the crime, and his mother did not like her because she was older than him and seemed to have a lot of influence over him. He reported that she came from an affluent family, and thus, basically paid for everything. Since he was not getting along with his mother, he started living with her in the family guesthouse in the three or four months leading up to the crime. He believed that her parents were not paying close attention to what she was doing, and were often gone (traveling). In addition, Mr. Adkins reported that he dated another girl (at the same time) from the ages of 14 to 16. They eventually found out about each other, but this ended when he moved in with Katherine. Mr. Adkins denied any incidents of violence or abuse in his relationships with females. He also denied any problems or conflicts with Katherine leading up to the crime. Although he has had a few relationships in prison, he has remained single.

Mr. Adkins denied a history of gang involvement in prison. He stated that the "Woods" (also known as the "Peckerwoods") prison gang tried to recruit him and/or get him involved in gang activity. However, he asserted that he was able to avoid gang involvement because he did not want to be involved with gang politics or racial conflicts in prison. Indeed, a chrono dated 06/29/15 indicates that there is no evidence of STG (security threat group) affiliation.

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CRIMINAL HISTORY

JUVENILE AND ADULT RECORD / PRIOR PRISON COMMITMENTS:

According to the Probation Officer's Report (POR), Mr. Adkins was arrested in 1988 (age 14) for receiving stolen property (dismissed) and burglary (sustained, home on probation); and battery on person (camp community placement). In 1990, he was found in violation of probation following arrests related to stealing money from his mother's bank account, truancy, and failing to obey curfew. He was placed at a boys' home where he went AWOL. He was also arrested for defrauding an innkeeper in 1990 (no disposition provided); and burglary in 1991 (dismissed). Mr. Adkins' adult criminal record consists only of the commitment offense.

PRIOR PERFORMANCE ON SUPERVISED RELEASE:

It appears that Mr. Adkins' performance on supervised release as a juvenile was poor. As noted above, he violated probation and went AWOL while at a community placement.

PRIOR VIOLENCE:

The following account of the commitment offense was summarized from the Court of Appeal of the State of California, Second Appellate District filed June 21, 1995:

During the evening of March 21, 1991, Katherine M. (age 18), Heather G. (age 18), and Danae P. (age 17) were killed by shot gun blasts to their heads. Katherine M. was shot from a distance of four to eight feet, Heather G. from a distance of less than six inches, and Danae P. received a contact wound. The murders occurred in a guest apartment over the garage at the residence of Katherine's mother and stepfather.

Mr. Fielder, a friend of the young women, was asleep on a bed in the guest apartment when the shooting began. He was awakened by the sound of shotgun blasts and saw Mr. Adkins and his crime partner (Mr. Hebrock) in the room. Mr. Adkins reloaded the shotgun and shot Danae P. in the head. He then pointed the weapon at Fielder and asked him if he was with them. Fearing for his life, he said 'yes.' They collected Mr. Adkins laundry and all three males drove away in Katherine's parents' Mercedes. Mr. Adkins and Mr. Hebrock dropped Mr. Fielder off at his home, and threatened to kill him if he told anyone what happened. Mr. Adkins and Mr. Hebrock were arrested on the evening of March 22 in Salem, Oregon, and the Mercedes was found nearby. They subsequently admitted to being present at the killings, and each gave different accounts of the killings. They admitted that they took the shotgun used to kill the three young women from the main house, and claimed to have been drinking and using drugs that night. Neither one could provide any reason for the killings.

According to the POR, Mr. Adkins and Mr. Hebrock went to the master bedroom of the home and took an unloaded shotgun and ammunition that had been hidden by Katherine's parents. Mr. Hebrock loaded the gun, and both left the house and returned to the guesthouse. After entering the guesthouse, Mr. Adkins gave the shot gun to Mr. Hebrock who shot Katherine M. It was noted that Mr. Adkins then took the shotgun and racked it. Heather G. got up to flee, but was pushed back onto the bed and shot by Mr. Adkins. He then shot Danae P.

CLINICAL ASSESSMENT

**BOARD OF PAROLE HEARINGS
EXECUTIVE OFFICE**P.O. Box 4036
Sacramento, CA 95812-4036**REVIEW OF PRIOR PSYCHOLOGICAL EXAMINATIONS / RISK ASSESSMENTS:**

Given that this is Mr. Adkins' initial parole consideration hearing, there are no prior psychological evaluations or risk assessments included in his record.

MENTAL STATUS EXAMINATION:

Mr. Adkins is a 45-year-old Caucasian male who appeared his stated age. He is tall with a large frame/build. His hygiene and grooming appeared good. His hair was trimmed and combed, and he wore a small patch of hair on his chin, and there were notable tattoos on his arms. He ambulated well, and there were no psychomotor abnormalities noted. His vision and hearing appeared good for the purpose of this interview.

Mr. Adkins was alert and fully oriented. He was able to verbalize his understanding of the purpose of the evaluation in his own words, and provide informed consent to participate in the interview. He demonstrated good eye contact. His speech was normal in rate, tone, and volume. There were no deficits in attention and concentration, and he did not report or exhibit impairments in short or long-term memory. His comprehension was good as he was able to provide detailed and appropriate responses to questions. His thoughts were clear, organized, and linear, and there was no indication of cognitive impairment or psychotic thought processes.

Mr. Adkins reported a stable mood, and his affect or outward emotional expressiveness was consistent with the content of his speech. He appeared somewhat reserved, and became quite tearful and emotional while discussing the commitment offense. He denied symptoms of mood disturbance, and a history of suicidal ideations, plans, or intentions. Mr. Adkins approached the interview in a cooperative and non-defensive manner, and appeared to answer questions in a forthcoming and candid manner. He seemed genuinely regretful of his past decisions/behavior, and quite humbled by his current circumstances. Overall, Mr. Adkins maintained a polite, respectful, and pleasant demeanor. It should be noted that he came to the interview directly from a family visit, and was not able to return to his cell to retrieve any paperwork or documentation.

SUBSTANCE ABUSE HISTORY AND RELATED DISORDERS:

Mr. Adkins described a significant substance abuse history. He began drinking alcohol (beer) at the age of 12 or 13, but claimed that he did not like it, and drank one or two times per week. He also began smoking marijuana at the age of 11 or 12, and by the age of 13, he was smoking on a daily basis until the time of the crime. He used LSD approximately once per month from the age of 12 until the time of the crime, and cocaine at least once per week from the ages of 13 to 16. To a lesser extent, he used a small amount of methamphetamine once per month at the age of 15. Finally, Mr. Adkins reported that he experimented with a number of drugs between the ages of 13 and 15. He tried heroin once or twice, mushrooms approximately six times, and PCP one time. He identified marijuana as his drug of choice.

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Mr. Adkins disclosed that he started using drugs and alcohol to be accepted by his peers. He believes that he used because of his low self-esteem and a desire to fit in with his peers. However, he quickly found that it was an escape from reality. He began to withdraw from peers at school and found that he would rather "get high" than go to school. Mr. Adkins reported that he had been "partying" for two weeks leading up to the commitment offense. He reported that he used marijuana, cocaine, LSD, and alcohol. He stated that he was "very high" and still drinking at the time of the crime. He only remembers some aspects of what occurred during the week of the crime and on the night of the crime. Thus, he indicated that drugs and alcohol influenced his decisions and judgment at the time of the crime. He stated that there was no rational or reason for his behavior, and he does not believe that he would have committed the crime if he had not been using drugs and alcohol.

In prison, Mr. Adkins acknowledged that he continued to use drugs and alcohol until 2002. He used marijuana on a near daily basis, drank alcohol on occasion, and used heroin approximately once per month. He has received several substance-related disciplinary infractions between 1996 and 2002 for use or possession of alcohol, marijuana, and narcotics. Mr. Adkins disclosed that he used drugs and alcohol as an escape from the shame and guilt he was feeling, and to bury himself in self-pity. He explained that in 2002 and 2003, he had an eye-opening experience in which he observed his friends/peers "high," and realized that he did not want to be that person anymore. He chose to get sober, and has remained sober ever since.

Therefore, based on his pattern of substance abuse in the community and in prison, the following diagnoses are offered: *304.40 Cannabis Use Disorder; 305.50 Opioid Use Disorder; 305.00 Alcohol Use Disorder; 304.50 Other Hallucinogen Use Disorder; & 304.20 Cocaine Use Disorder.* All of the aforementioned diagnoses include the following specifiers: *In sustained remission, In a controlled environment*

MAJOR MENTAL DISORDER / PERSONALITY DISORDER:

Mr. Adkins denied a history of mental health problems, treatment, or hospitalizations prior to incarceration. In prison, it appears that Mr. Adkins was initially endorsed as a participant in the Mental Health Services Delivery System (MHSDS) at the Correctional Clinical Case Management Services (CCCMS) level of care in 2012. Records indicate symptoms of mood disturbance including depressed mood, sadness, helplessness, and anxiety. He also reported paranoia and anxiety after witnessing the assault (throat cut) of a friend who was sitting next to him. There is no history of suicidal ideations, attempts, or plans. Mr. Adkins was treated with antidepressant medication (Prozac) with such as diagnoses as Major Depressive Disorder, Recurrent; and Generalized Anxiety Disorder.

A review of mental health records indicated that Mr. Adkins was active and motivated for treatment. This evaluator noted a chrono (2015) submitted by his clinician highlighting the significant progress he had made in individual treatment towards gaining insight into his

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background and offense history. Moreover, he was able to use treatment to discuss his early life experiences as well as the guilt and remorse he felt regarding his crime. He developed prosocial ways to cope with his symptoms and change his maladaptive beliefs. His medications were discontinued in July 2017, and clinicians noted a decrease in his symptoms. Therefore, he was discharged from on 6/21/18. Therefore, given that he has denied symptoms of mood disturbance and has remained stable, there is no evidence to suggest or warrant a diagnosis of a major mental disorder.

Regarding personality functioning, Mr. Adkins has exhibited maladaptive personality traits that have caused impairment in several areas of his life. He has demonstrated a pattern of behavior in which he has failed to conform to the social norms of society as evidenced by his history of aggression, impulsivity, and irresponsibility. Moreover, he described a pattern of behavior as an adolescent in which he failed to conform to the social norms of society including theft/burglary, destroying property/vandalism, running away from home, and truancy. Although Mr. Adkins has demonstrated considerable progress over the course of his incarceration, and has not demonstrated the aforementioned traits, the following diagnosis is offered until he is able to demonstrate a prolonged period of prosocial behavior outside of a controlled environment: *Antisocial Personality Disorder*

INSTITUTIONAL ADJUSTMENT / PROGRAMMING:

Educational and Vocational Upgrading: Mr. Adkins earned his General Equivalency Diploma (GED) in 2009. He was assigned to Voluntary College in 2016, and is currently working towards his Associate of Arts degree through Coastline Community College. In addition, he received a number of certificates through Vocational Office Services, but was unassigned in 2000.

Work History: In addition to the above noted educational and vocational assignments, Mr. Adkins has had a number of job assignments over the course of his incarceration including (but not limited to): Clothing Distribution, Porter, Janitorial, Yard Crew, Maintenance Mechanic, Plant Operations, Painter, Clerk, Barber, and Dining Room. Available supervisor reports indicate performance ratings ranging from satisfactory to exceptional. This evaluator noted several laudatory chronos (5/4/09 & 5/7/09) for his exceptional performance, responsibility, and reliability as a Porter. Likewise, he has been commended for his responsible and mature behavior in his Clerk assignment in 2014, as well as showing respect, integrity, and honesty towards staff and peers in his Clerk assignment in 2017. Currently, Mr. Adkins is currently assigned to Clothing Distribution.

Self-help programming: To his credit, in addition to his involvement in the mental health system, Mr. Adkins has participated in a number of self-help group and programs over the past five years. According to records, he completed the Victim Awareness Workshop in 2013, Criminals and Gang Members Anonymous (CGA) in 2014 and 2015, and Anger Management in 2015. He began participating in the Youth Adult Awareness Program

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(YAAP) that includes tours with high school students, workshops, and classes for at-risk youth (e.g. communication skills). Although he was briefly assigned to Alcoholics Anonymous/Narcotics Anonymous (AA/NA), he has opted out of meetings because of the negative influences in the program. Rather, he stated that he has been doing self-study with an AA book. Finally, Mr. Adkins was involved in the ARC Youth Offender program in 2018 and 2019, and participated in the breast cancer awareness fundraiser in 2018.

Disciplinary record: Mr. Adkins has received more than half dozen CDCR-115 Rule Violation Reports (RVRs) over the course of his incarceration including: Possession of a Controlled Substance/Marijuana (twice in 1996); Mutual Combat (1997); Failure to Report Assignment (2000); Conspiracy to Introduce Narcotics for Distribution/Trafficking (2000), and Possession of Inmate Manufactured Alcohol (twice in 2002). In addition he has received several CDCR-128A counseling chronos between 1993 and 2003 for Disobeying an Order, Refusal to Report, and Unauthorized Areas. Overall, these infractions reflect a history of failing to comply with institutional rules, particularly as it relates to his substance abuse problem, as well as one incident of violence.

When queried further about his disciplinary record, Mr. Adkins accepted full responsibility for his misconduct. He attributed his behavior to "...me being defiant – but more importantly, it was being a drug addict." He reported that he had alcohol and marijuana for personal use, and brought in heroin (in 2000) to trade or sell for marijuana. He disclosed that he maintained a defiant attitude and felt like there was nothing that could be done to affect him since he was in prison. He added that he has come to realize that he was in prison for what he did wrong, and yet he was still breaking the rules. He expressed his regret that he did not come to these realizations earlier in his term or even when he was a teenager, and stated, "I wish I would have known what empathy and remorse was." Mr. Adkins reported that he has avoided violence (since 1997) by avoiding those associations. Indeed, he is commended for remaining disciplinary-free since 2002.

PAROLE PLANS IF GRANTED RELEASE:

Mr. Adkins articulated well-formulated parole plans. He intends to reside in a transitional living home where he will receive job assistance and guidance in re-entering society. He has contacted nine programs, and received acceptance from two programs including Francisco Homes in Los Angeles County (letter in Central File dated 08/02/19) and Delancey Street in San Francisco. Although he can utilize some of the skills he has gained in prison to secure employment, he will also rely on the assistance in transitional living home in this regard. In addition, his sister and mother (who visit him regularly) have offered financial and emotional support, and he has been able to work through his issues with his mother. His brother is deceased, and he has maintained relationships with friends in the community.

Although he has opted out of AA/NA in prison, Mr. Adkins reported that he is committed to attending meetings in the community, and feels that he would benefit from such groups as

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anger management. Likewise, his sister is sober, and he has included her in his recovery process, and she would be aware of the signs if he began heading down the wrong path. He articulated several long-term goals for his life including being able to provide for himself and be financially stable. He stated, "I just want to make my family proud. I don't want the think I did to define who they are when they look at me." He recognizes some of the challenges he may face in terms of securing employment, and he acknowledged his young age and lack of experience in the community. However, he will rely on the guidance and assistance of the transitional living home and seek additional help when needed. Therefore, Mr. Adkins' parole plans seem quite practical and feasible.

It was notable that after discussing his parole plans, Mr. Adkins expressed his mixed emotions regarding the parole consideration process. He indicated that on the one hand, he would like to return to society and prove that he can do better. However, on the other hand, he understands that the victims' families do not want that, and he does not want to hurt them more by going to the board. He added that he does not want his board appearance to seem like he is "rubbing it in their face" or to outweigh what he did to them in the crime.

ASSESSMENT OF RISK FOR VIOLENCE: HCR-20-V3: ²**ANALYSIS OF HISTORIC FACTORS:**

Mr. Adkins presents with a number of historical factors, most of which have diminished in relevance over time. Specifically, he described an early history of harmful experiences and adverse childrearing practices as a child that profoundly impacted his development. In addition to the estrangement from his father and neglect of his mother, he was also subjected to physical and emotional abuse by his older brother. These experiences undoubtedly interfered with his ability to form meaningful relationships and healthy bonds with others, and hindered his ability to learn adaptive ways to express and cope with his emotions.

Mr. Adkins also has an early history of problems with antisocial and violent behavior. He began engaging in delinquent behavior at a young age including theft/stealing and vandalism. His behavior escalated over the course of his adolescence and led to a significant juvenile record and his involvement in the violent commitment offense at a young age. Likewise, his willingness to engage in aggressive and rule-defying behavior for personal gain or satisfaction persisted into his incarceration as reflected in his disciplinary record. However, it should also be noted that the relevance of these issues have declined as Mr. Adkins has made significant progress in this regard as he has avoided violent/aggressive behavior for more than twenty years and has not received an RVR since 2002.

² HCR-20-V³ administration and decision making requires specific knowledge, skills, and abilities established through licensure and training and experience in forensic assessment of violence risk.

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Mr. Adkins acknowledged a history of problems with both intimate and non-intimate relationships. Although he was quite young at the time of the commitment offense, he was involved in a brief live-in relationship with the victim of the crime, and has not been able to establish a long-term relationship. Likewise, Mr. Adkins was apparently drawn to a negative peer group as a youth, and these relationships may have played some role in his criminal behavior and commitment offense. The nature of his disciplinary behavior in prison suggests continued associations with negative peers who likely modeled or reinforced antisocial behavior (e.g. substance abuse). Again, to his credit, Mr. Adkins has made considerable progress in this regard as he has turned his attention towards prosocial peer influences in prison, and forged healthy relationships with his family.

Of particular relevance, Mr. Adkins also has a significant history of problems with substance abuse that began in adolescence and worsened over time. He used and experimented with multiple substances beginning at a young age, and his substance abuse persisted into his incarceration. His substance abuse affected multiple areas of his life, including his school and social life, and played a role in his criminal behavior and violent behavior in the commitment offense. As noted, Mr. Adkins has made considerable progress in terms of achieving and maintaining his sobriety, and he has been quite responsive to substance abuse treatment.

Mr. Adkins was treated for symptoms of depression and anxiety at the CCCMS level of care for a number of years. However, he never required a higher level of care, and he was quite responsive to treatment as he gained adaptive ways to cope with his symptoms. He reported a decline in symptoms over the course of his treatment, and has remained psychiatrically stable since his discharge in 2018. In addition, Mr. Adkins has exhibited maladaptive personality traits (consistent with a personality disorder) and pervasive antisociality including impulsivity, aggressiveness, and a lack of realistic long-term goals. However, his total PCL-R score is below the mean of North American male inmates and below the cutoff or threshold commonly used to identify dissocial or psychopathic personality. Mr. Adkins does not present with hostility, interpersonal dominance, or antagonism. He accepts full responsibility for his criminal behavior and demonstrates remorse and empathy.

ANALYSIS OF CLINICAL FACTORS:

In the clinical domain, to his credit, Mr. Adkins has not evidenced any signs of violent thoughts, intentions, plans, or urges. Likewise, he has remained emotionally and behaviorally stable, and he has recently demonstrated responsiveness to supervision and treatment. Otherwise, Mr. Adkins has struggled to come to terms with his violent behavior in the commitment offense, and is still in the process of fully understanding all of the causative and motivating factors that contributed to his violent behavior in the commitment offense.

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Mr. Adkins offered his account of the commitment offense during the current interview, which is basically consistent with the record. He reported that he has been partying for two weeks leading up to the crime. His crime partner (Hebrock) had been staying off and on with them (he and his girlfriend) at the guesthouse because apparently the police were looking for him. At some point, Mr. Adkins and several others went to get beer. When they returned, Hebrock was scratched up, and had gotten into a fight with one of the females. Kathy told Mr. Adkins that everyone had to leave. Heather called Mr. Adkins and Kathy names, and then Kathy told Hebrock that he had to leave. Mr. Adkins left with Hebrock and went downstairs where they grabbed a shotgun and then went back upstairs. At that point, Hebrock then shot Mr. Adkins' girlfriend (Kathy) in the face. Mr. Adkins grabbed the gun and shot Heather followed by Danaë. He was not sure about everything going on, but they left the scene and dropped Mr. Fielder off at home (and he told his father what happened, and he called the police). Meanwhile, Mr. Adkins and Hebrock fled in Kathy's parent's car, and wound up in Oregon. They told his aunt what happened and she told them to call the police. She then called the police, and they were arrested at the bus station. Mr. Adkins admitted that he gave false information to the authorities after he was arrested because he did not want to get into trouble.

Mr. Adkins stated "I take responsibility for all three shootings." He was also able to describe his experience of remorse and regret. He tearfully stated, "It's really hard for me to talk about — the guilt and shame is extremely intense. It's stronger because I had no idea what remorse was — I had no empathy. I've done so much harm in my life. I feel like there's nothing I can do to fix it. I've created a pain that will never go away for those families and mine that I can never replace." He stated that the remorse has intensified with time and sobriety. He became quite emotional in describing the impact of the crime on the families. He admitted that he did not realize the gravity and long-term effects of the crime for many years, but over time, has developed an understanding of the damage he caused the families. Therefore, it seems that Mr. Adkins' remorse and regret for the crime has intensified over time as he continues to contemplate the depth and effects of his actions. His expressions of sorrow and guilt appeared sincere.

It seems that Mr. Adkins has struggled to understand the underlying causative factors for his violent behavior in the commitment offense. However, he was willing to discuss the insight he has developed thus far. He stated that he was angry because he saw his friend "scratched up." He stated that this triggered his own anger and reminded him of what he experienced as a child, and the helplessness he felt. Mr. Adkins reiterated that he has trouble understanding what occurred because it happened so quickly. He recounted some of the details again, and added that he does not know why he shot the two girls. When asked specifically about his use of such violence in this crime, Mr. Adkins stated, "I think I saw myself in him because he's a little guy...and it made me furious." He concluded that his violence was basically rooted in anger. It should also be noted that he denied any

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prior conflicts or problems with Kathy (or the other victims). Therefore, although it seems that his poor impulse control and underlying anger were triggered by the conflict that ensued with his friend prior to the shootings, it is difficult to understand his motivations for the shooting them, and the deeper reasons for resorting to such violent behavior that was so out of proportion to the situation and level of provocation.

Mr. Adkins was also able to discuss his early history of negative and violent behavior in general, which may have some applicability to the commitment offense. He stated, "I'm starting to connect the dots...it started with feelings of abandonment and low self-esteem. It gave me a flawed belief system that it was me against the world...it led to the behavioral - drinking and drugs. Being slapped around as I got older - it ignited anger in me. I didn't want to be around bullies or people abusing authority. I made me feel like I was being bullied - even if they were trying to correct me." In these ways, it seems that Mr. Adkins recognizes the impact of his early life experiences, and how they contributed to his negative emotions and mindset. It may be useful to further examine how these experiences influenced his personality or character defects and maladaptive coping skills that led to his violent behavior.

Given the significance of drugs and alcohol in the commitment offense, Mr. Adkins was also queried about his understanding of his substance abuse history and relapse prevention. As noted, he reported that he has been working on a relapse prevention plan (through his own self-study). He identified his triggers to relapse including being around people, places, and things associated with substance use, and struggling with low self-esteem, guilt, and shame. Mr. Adkins verbalized several strategies to maintain his sobriety in the community including avoiding people, places, and things associated with drugs/alcohol, continuing to study and learn about ways to stay sober, and paying attention to the sights and smells associated with drugs/alcohol. Finally, he stated that he will attend AA/NA meetings in the community, and has already identified meetings near the transitional living home. Therefore, while Mr. Adkins is certainly commended for maintaining his sobriety and pursuing self-study, it would be beneficial for him to continue to work on a comprehensive relapse prevention plan that includes a complete understanding of the effects of his substance abuse.

Finally, Mr. Adkins was treated for symptoms of depression and anxiety in CCCMS from 2012 through 2018. However, these symptoms did not escalate or worsen over time, but rather, were resolved with treatment and medication. Through his treatment, he was able to gain adaptive ways to manage his symptoms that ultimately warranted a discharge from the mental health system. Thus, Mr. Adkins has remained emotionally and psychiatrically stable, and has been quite responsive to treatment and programs.

ANALYSIS OF RISK MANAGEMENT FACTORS:

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In the risk management domain, Mr. Adkins presented practical, feasible plans for his future. He understands the benefits of a transitional living home where he will receive professional services, support, and structure, and he has been accepted to a program. Mr. Adkins indicated that he will benefit from the personal support of his family (mother and sister) and friends. Although he has not participated in AA/NA in prison, he has found alternative ways to address his substance abuse history, and has identified meetings in the community. Likewise, despite his history of supervision failures and rule violations in prison, Mr. Adkins has demonstrated an ability to comply with institutional rules over the years and has been quite responsive to treatment, which bodes well for future compliance in the community. Finally, given the length of his incarceration and young age at the time of the commitment offense, it is likely that Mr. Adkins will encounter some level of stress associated with transitioning to the free community. However, he has contemplated some of the potential challenges he will face in the community, and seems to be working towards identifying appropriate strategies and resources to address these challenges.

OTHER RISK CONSIDERATIONS**CONSIDERATIONS OUTSIDE OF HCR-20-V3:****YOUTH OFFENDER:**

Mr. Adkins qualifies for youth offender consideration by virtue of his having committed his crime while under the age of 26. It is generally understood that youths' evolving neurological maturity and associated cognitive, emotional, and social capacities (i.e., "hallmarks of youth") diminishes their culpability and deterrability. In conceptualizing Mr. Adkins' violence risk, this evaluator considered his youth development, diminished culpability of juveniles as compared to adults, and his subsequent growth and maturity.

The primary hallmarks of youth revealed in this case include Mr. Adkins' immaturity, impulsivity, imperviousness to punishment, susceptibility to peer influences, and to some extent, his inability to extricate himself from adverse circumstances in the home. The abuse he endured from his older brother and the strained relationship with his mother caused him to escape this situation by acting-out in an antisocial and impulsive manner. In addition to his need for acceptance and affiliation with his peers, he admitted to a significant history of impulsivity in which he did not think about the potential repercussions or punishments of his behavior. Thus, while the role or influence of his peers in the crime remains unclear, it seems that he wanted their acceptance and affiliation. Moreover, in some ways, his ability to fully grasp the potential consequences of his actions was compromised by his youthfulness and impulsivity, and further weakened by the drugs and alcohol. However, his decision to go with his crime partner and retrieve the shotgun suggests some level of understanding of the ramifications.

Mr. Adkins described the ways he has grown and matured over the course of his incarceration. He stated, "It's helped me become the person I am today — not the person I

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was." He emphasized the value of the YAAP program, and indicated that he thinks about his victims every time he does something to improve himself because he is not just doing it for himself. Mr. Adkins reported that he is no longer reactive and impulsive; his perspective has changed such that he no longer sees everything as "bullying" anymore. He reiterated a major point in 2002/2003 when he became sober, and how he has gained new problem solving skills including meditating, doing yoga, walking away, counting to ten, and using his communication skills. He stated that he has learned through his involvement in YAAP that he was a "scared, vulnerable kid" who did not have everything figured out, and came to understand that everybody is not the enemy." He tearfully stated that his ability to see the good in people, and to understand empathy and remorse has been the most significant change in him.

Indeed, although Mr. Adkins' subsequent growth and maturity was limited by his substance abuse problem, it is quite notable that with time and self-reflection, he has been able to address the aforementioned aspects of his youth that contributed to his history of violence. Through his involvement in treatment/programs and self-reflection, he has gained excellent impulse and behavioral control, and has learned more adaptive ways to manage his negative emotions and solve problems. Most notably, he has been able to extricate himself from negative peer influences and associates with sober and like-minded people who educate themselves and identify themselves as winners.

RISK OF FUTURE VIOLENCE: CASE FORMULATION AND OPINIONS

Generally speaking, the current recidivism rates for long term offenders are lower than those of other prisoners released from shorter sentences. The board defines overall risk ratings relative to other life prisoners.

In review, Mr. Adkins was faced with some adverse and harmful experiences in childhood that impacted his overall development and perspective. In addition to his parents' divorce and subsequent estrangement from his father, he felt neglected and abandoned by his mother, and endured physical and emotional abuse at the hands of older brother. These experiences instilled a sense of insecurity and low self-esteem, and likely displayed the use of violence and antisocial behavior to solve problems. To be sure, it seems that Mr. Adkins did not learn adaptive ways to manage or express his negative emotions, and he turned to drugs and alcohol, negative peer influences, and antisocial behavior to escape his circumstances. As such, he developed a juvenile record that reflected impulsive and reckless behavior, and an attitude of defiance and callousness. While the deeper reasons for his violent behavior in the commitment offense remain largely undefined, it seems that along with the significant effects of drugs and alcohol in undermining his judgment and impulse control, Mr. Adkins readily and impulsively reacted to the perceived conflict involving his crime partner with such extreme and nonsensical violence - resulting in the victims' deaths.

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In terms of his institutional adjustment, Mr. Adkins admittedly maintained a negative and defiant attitude when he arrived in prison, and he struggled to come to terms with the guilt and ramifications of his behavior in the commitment offense. He continued to abuse drugs and alcohol, and associate with antisocial peers in order to escape his emotions and circumstances, and he incurred a number of substance-related disciplinary infractions. However, he identifies his decision to get sober as a major turning point in his life as he began to question his past decisions and behavior. He began to pursue opportunities for self-betterment, and engaged in educational upgrading and established a strong institutional employment record. Through self-reflection and involvement in self-help programming (including his work with at-risk youth) and mental health treatment, Mr. Adkins has accepted full responsibility for his behavior in the commitment offense and gained a deeper understanding of remorse and the gravity of his actions in the commitment offense. Much to his credit, he has made considerable progress as he has avoided violent/aggressive behavior for more than 20 years, and remained disciplinary-free since 2002. He has learned more adaptive ways to cope with negative emotions and experiences, and demonstrated a commitment to forging a more positive path in his life.

Based upon an analysis of the presence and relevance of empirically supported risk factors, case formulation of risk, and consideration of the inmate's anticipated risk management needs if granted parole supervision (i.e., intervention, monitoring), Mr. Adkins represents a low risk for violence. He presents with non-elevated risk relative to long-term inmates and other parolees. Low-risk examinees are expected to commit violence much less frequently than all other parolees.

In sum, although Mr. Adkins' presents a low risk for violence, given that he does not have an extensive history of violence prior to or after the commitment offense, it would be beneficial for him to further examine all of the underlying causative factors for his violent behavior in the commitment offense. Moreover, in view of the significance of his substance abuse history, develop a comprehensive relapse prevention plan that addresses his internal/emotional triggers to relapse.

A handwritten signature in black ink, which appears to read "J. Caoile, Ph.D.", is written over a horizontal line.

J. Caoile, Ph.D., CA License #PSY- 19591
Forensic Psychologist
Board of Parole Hearings / Forensic Assessment Division
California Department of Corrections and Rehabilitation

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Reviewed By:

A handwritten signature in cursive script that reads "Teal Kozel, Psy.D.".

Teal Kozel, Psy.D. CA License #PSY-21923
Senior Psychologist, Supervisor
Board of Parole Hearings / Forensic Assessment Division
California Department of Corrections and Rehabilitation

DATE APPROVED: 09/03/19

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DECLARATION OF ELECTRONIC SERVICE AND SERVICE BY U.S. MAIL

Case Name: In re David Russell Adkins
Case Number: 25CJHC00034-01
Party Represented: Respondent

Declaration of Electronic Service

1. I am at least 18 years of age and not a party to this matter.
2. I am employed in the Office of the Attorney General of the State of California. My business address is 300 South Spring Street, Suite 1702, Los Angeles, CA 90013-1230, County of Los Angeles.
3. My electronic service address is Janice.Garcia@doj.ca.gov.
4. On **July 10, 2025**, I electronically served the following document[s]:

RETURN TO ORDER TO SHOW CAUSE; MEMORANDUM OF POINTS AND AUTHORITIES

I electronically served the aforementioned document[s] by emailing them to the following individual[s]:

Avram Frey
American Civil Liberties Union Foundation of
Northern California, Inc.
E-mail Address: sagarwal@acluca.org
Attorney for Petitioner David Adkins

Steven M. Watt
American Civil Liberties Union Foundation of
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Attorney for Petitioner David Adkins

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct, and that this declaration was executed on **July 10, 2025**.

J. Garcia

Declarant

/s/ J. Garcia

Signature

Declaration of Service by U.S. Mail

1. I am at least 18 years of age and not a party to this matter.
2. I am employed in the Office of the Attorney General of the State of California. My business address is 300 South Spring Street, Suite 1702, Los Angeles, CA 90013-1230, County of Los Angeles.
3. On **July 10, 2025**, I served the following document[s]:

RETURN TO ORDER TO SHOW CAUSE; MEMORANDUM OF POINTS AND AUTHORITIES

4. I served the aforementioned documents by mailing them to the following individual[s]:

Avram Frey
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39 Drumm Street
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Steven M. Watt
American Civil Liberties Union Foundation of
New York
125 Broad Street, 18th Floor
New York, NY 10004

Summer Lacey
American Civil Liberties Union Foundation of
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Melissa Camacho
American Civil Liberties Union Foundation of
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1313 W 8th Street, Suite 200
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5. I am readily familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
6. On **July 10, 2025**, I enclosed the documents identified in paragraph [3] in a sealed envelope or package addressed to the persons at the address listed in paragraph [4] and placed the envelope for collection and mailing, following our ordinary business practices.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct, and that this declaration was executed on **July 10, 2025**.

E. Arroyo
Declarant

/s/ E. Arroyo
Signature