

INITIAL PAROLE CONSIDERATION HEARING

STATE OF CALIFORNIA

BOARD OF PAROLE HEARINGS

In the matter of the Life) CDC Number: E-62612
Term Parole Consideration)
Hearing of:)
)
DAVID HARRISON)
_____)

SAN QUENTIN STATE PRISON

SAN QUENTIN, CALIFORNIA

AUGUST 3, 2016

12:00 P.M.

PANEL PRESENT:

JOHN PECK, Presiding Commissioner
MIKE GROTTKAU, Deputy Commissioner

OTHERS PRESENT:

DAVID HARRISON, Inmate
JOHN STRINGER, Attorney for Inmate
RICHARD SACHS, Deputy District Attorney
HARRY WANKET, Victim's Next-of-Kin
DANIEL WANKET, Victim's Next-of-Kin
GARY JENKINS, Victim's Next-of-Kin
ANDREW JENKINS, Victim's Next-of-Kin
CHRISTINE WARD, Victim's Support
NENE TOBIN, Observer
CORRECTIONAL OFFICER(S), Unidentified

CORRECTIONS TO THE DECISION HAVE BEEN MADE

_____ No See Review of Hearing
_____ Yes Transcript Memorandum

PATRICK REED, Transcriber, NCCR

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P R O C E E D I N G S

1
2 **DEPUTY COMMISSIONER GROTTKAU:** Commissioner,
3 we're now on record.

4 **PRESIDING COMMISSIONER PECK:** All right. This is
5 an Initial Parole Consideration Hearing for Mr. David
6 Harrison, E-62612. Today's date is 8/3/2016. Time is
7 approximately 12, noon. We're located at San Quentin.
8 Mr. Harrison was received in CDCR on 12/9/1999 from San
9 Diego County. Murder First is the controlling offense
10 with the Use of a Deadly Weapon. The Case Number
11 CRN16848. And Mr. Harrison, excuse me, has a minimum
12 eligible parole date of 3/22/2017. This hearing is
13 being recorded and for the purpose of voice
14 identification each of us will be required to state our
15 first and last name, spelling our last name. And
16 Mr. Harrison, when it's your turn, and you'll go after
17 your attorney, after you spell your last name please
18 give us your CDC Number. So we'll start with me, we'll
19 go around the table to my left. My name is John Peck,
20 P-E-C-K, I'm the Presiding Commissioner.

21 **DEPUTY COMMISSIONER GROTTKAU:** Mike Grottkau, G-
22 R-O-T-T-K-A-U, Deputy Commissioner for the Parole Board.

23 **DEPUTY DISTRICT ATTORNEY SACHS:** Richard Sachs,
24 S-A-C-H-S, Deputy District Attorney, San Diego County.

25 **MR. HARRY WANKET:** I'm Harry Wanket --

1 **PRESIDING COMMISSIONER PECK:** Can we move the
2 microphone over?

3 **DEPUTY COMMISSIONER GROTTKAU:** We'll have you
4 repeat that, sir.

5 **PRESIDING COMMISSIONER PECK:** Yeah, please repeat
6 it.

7 **DEPUTY DISTRICT ATTORNEY SACHS:** Richard Sachs,
8 S-A-C-H-S, Deputy District Attorney, San Diego County.

9 **MR. HARRY WANKET:** I'm Harry Wanket, W-A-N-K-E-T,
10 I'm the father of the victim.

11 **MR. DANIEL WANKET:** Daniel Wanket, W-A-N-K-E-T, I
12 am the brother of the victim.

13 **MS. WARD:** Christine Ward, W-A-R-D, Victim
14 Representative.

15 **PRESIDING COMMISSIONER PECK:** Let's do the video
16 conferencing introductions now. Who do we have on the
17 TV screen?

18 **MR. GARY JENKINS:** I'm Gary Jenkins, J-E-N-K-I-N-
19 S, widower of Anne Marie (phonetic).

20 **PRESIDING COMMISSIONER PECK:** Thank you. Anybody
21 else with you?

22 **MS. TOBIN:** Yes, I'm Nene Tobin, N-E-N-E, T-O-B-
23 I-N, I am paralegal for the San Diego County District
24 Attorney's Office.

25 **PRESIDING COMMISSIONER PECK:** On the phone, now.

1 Who on the phone do we have?

2 **MR. ANDREW JENKINS:** Andrew Jenkins, J-E-N-K-I-N-
3 S, I am the son of the victim.

4 **PRESIDING COMMISSIONER PECK:** Okay.
5 Mr. Stringer.

6 **ATTORNEY STRINGER:** John Stringer, S-T-R-I-N-G-E-
7 R, attorney for Mr. Harrison.

8 **PRESIDING COMMISSIONER PECK:** And Mr. Harrison.

9 **INMATE HARRISON:** David Harrison, H-A-R-R-I-S-O-
10 N, number E-62612.

11 **PRESIDING COMMISSIONER PECK:** Thanks. We also
12 have two correctional peace officers in the room that
13 are here for security purposes who will not be
14 participating in today's hearing. Mr. Harrison, could I
15 get you to raise your right hand like me? Do you
16 solemnly swear or affirm that the testimony you give at
17 this hearing be the truth, the whole truth and nothing
18 but the truth?

19 **INMATE HARRISON:** Yes.

20 **PRESIDING COMMISSIONER PECK:** Okay. Any
21 preliminary objections, counsel?

22 **ATTORNEY STRINGER:** Commissioner, yes. Several
23 due process objections. My client has prepared a packet
24 that lists all of the salient due process objections and
25 I'd like to see if could go through that and/or I'll

1 just accept as it is. But I assume the Board has to
2 rule one way or the other on it.

3 **PRESIDING COMMISSIONER PECK:** I've got to rule on
4 every objection so you make your objection, I'll make
5 the ruling.

6 **ATTORNEY STRINGER:** But the second one has to do
7 with the current Psychological Evaluation.

8 **PRESIDING COMMISSIONER PECK:** That issue has
9 already been addressed.

10 **ATTORNEY STRINGER:** It is --

11 **PRESIDING COMMISSIONER PECK:** And that was
12 addressed before this hearing even started according to
13 -- so if there's -- if there's not anything new on that
14 issue, that issue has been addressed. And you have
15 actually got correspondence from the Board.

16 **ATTORNEY STRINGER:** I do, but what's happened in
17 the interim, as the Board knows, is the implementation
18 of Johnson v. Shaffer has started. And I think in the
19 spirit of that, and because there was confidential
20 material used in the Psych Report, that he would have
21 been entitled to at least a Supplemental Report prior to
22 this hearing. The Board could have done that in the
23 time between these two hearings.

24 **PRESIDING COMMISSIONER PECK:** We're going to go
25 with the Risk Assessment, that's already been addressed.

1 *Johnson v. Shaffer* has been going on. It has nothing to
2 do with his Risk Assessment unless you can provide me
3 something.

4 **ATTORNEY STRINGER:** Well, other than going into
5 the methodology which, of course, would be argument. In
6 other words, I would have liked to have seen this done
7 by, say, you know, one of the doctors that has been with
8 the Board for some length of time, Dr. Venard, or
9 Dr. Smith or someone like that.

10 **PRESIDING COMMISSIONER PECK:** You don't get to
11 pick the --

12 **ATTORNEY STRINGER:** I know, I know.

13 **PRESIDING COMMISSIONER PECK:** -- the doctor. I
14 don't -- just like you don't get to pick the Panel.

15 **ATTORNEY STRINGER:** I know. But there has, you
16 know, there has been times when the Board has ordered a
17 Supplemental Report just to --

18 **PRESIDING COMMISSIONER PECK:** They didn't order
19 it, this went to Dr. Kusaj. Dr. Kusaj reviewed it, I
20 reviewed all the documents, I read everything there is
21 as far as this Risk Assessment. The only thing that
22 they've done is a miscellaneous decision on page 13
23 about family visiting which we have scratched and we've
24 taken into consideration. We've removed that from the
25 Risk Assessment, we're not going to continue using it.

1 **ATTORNEY STRINGER:** So the other objection, and
2 you have the packet of my objections but the other
3 objection would be my client objections to the
4 implementation of Marsy's Law as having the next-of-kin
5 in the hearing. It's his position they should --

6 **PRESIDING COMMISSIONER PECK:** Overruled. Marsy's
7 Law is current California law.

8 **ATTORNEY STRINGER:** And actually, that issue has
9 never been decided, so it would be up to the Board.

10 **PRESIDING COMMISSIONER PECK:** It has been
11 decided.

12 **ATTORNEY STRINGER:** No. No. I know Marsy's Law
13 has.

14 **PRESIDING COMMISSIONER PECK:** Marsy's Law has
15 been decided in 2009.

16 **ATTORNEY STRINGER:** No, I understand that. It's
17 never been decided whether the timing for the
18 statements, do they get the -- in other words, do they
19 get to sit through the whole hearing or do they come in
20 after the hearing is over.

21 **PRESIDING COMMISSIONER PECK:** They can -- they
22 sit through the whole hearing, they're allowed to
23 participate. That's what Marsy's Law says, that's what
24 they're allowed to do.

25 **ATTORNEY STRINGER:** So then the Board does have

1 the list of other due process objections. I don't have
2 it in front of me, that's the only copy.

3 **PRESIDING COMMISSIONER PECK:** Well, I need you to
4 put it on the record.

5 **ATTORNEY STRINGER:** No, there's the large folder,
6 too.

7 **PRESIDING COMMISSIONER PECK:** Well, what's your
8 issue, Mr. Harrison?

9 **INMATE HARRISON:** In what we're trying --

10 **PRESIDING COMMISSIONER PECK:** You wanted to say
11 something. Yeah.

12 **INMATE HARRISON:** Oh, well, I want to make sure,
13 is the Board aware that the BPH itself has rules that
14 there's no supporting evidence for the Psych Eval's
15 opinions? Nothing.

16 **PRESIDING COMMISSIONER PECK:** Okay. I know --

17 **INMATE HARRISON:** And I just --

18 **PRESIDING COMMISSIONER PECK:** I don't know how --
19 now, you've written a letter to the Board. They
20 responded; right? You wrote them again.

21 **INMATE HARRISON:** Right.

22 **PRESIDING COMMISSIONER PECK:** They responded.

23 **INMATE HARRISON:** Right.

24 **PRESIDING COMMISSIONER PECK:** You wrote them
25 again; right?

1 **INMATE HARRISON:** There's a -- yeah, the last one
2 is a current --

3 **PRESIDING COMMISSIONER PECK:** Yeah. You wrote
4 them again; right?

5 **INMATE HARRISON:** (Inaudible.)

6 **PRESIDING COMMISSIONER PECK:** They responded.

7 **INMATE HARRISON:** No, not yet. It's still open.

8 **PRESIDING COMMISSIONER PECK:** Okay. It's not
9 open. It's closed.

10 **INMATE HARRISON:** I haven't received a response.

11 **PRESIDING COMMISSIONER PECK:** You could have
12 wrote them -- written them yesterday, and I have no idea
13 and they're --

14 **INMATE HARRISON:** Right.

15 **PRESIDING COMMISSIONER PECK:** You need to give
16 them time to respond. But as far as everything I've
17 seen, it's already been ruled on. We're going to use
18 the Risk Assessment.

19 **INMATE HARRISON:** Okay.

20 **PRESIDING COMMISSIONER PECK:** That is the
21 finding, that was the finding, that's the finding,
22 today.

23 **INMATE HARRISON:** I was just want to be clear for
24 the record that the Panel is aware of what the BPH's own
25 ruling was as far as no supporting evidence. It's all

1 I'm -- I'm just trying to be clear on that, that's all.

2 **PRESIDING COMMISSIONER PECK:** What do you mean
3 there's no supporting evidence? What are you talking
4 about?

5 **INMATE HARRISON:** Well, I did a Public Records
6 Act to the BPH and the CDC for supporting evidence, any
7 supporting evidence in the record, CDC records as a
8 whole to support any conclusions by the psych. BPH and
9 the CDC concluded there are no records of any kind.

10 **PRESIDING COMMISSIONER PECK:** No records of what?

11 **INMATE HARRISON:** Of any supporting evidence of
12 any kind to support any finding, opinion, diagnosis,
13 anything by the psych for her Psych Evaluation.
14 Nothing. So I just want to make --

15 **PRESIDING COMMISSIONER PECK:** The doctor is
16 allowed to have -- the doctor in the Risk Assessment,
17 actually, CDCR policies, if you look at 2402, indicates
18 that we will have Risk Assessments. And we will
19 consider Risk Assessments in hearings, that's number
20 one. Number two, and you can review that when you've --
21 when we're done with the hearing if you haven't already.
22 Number two, Risk Assessments, Comprehensive Risk
23 Assessments are allowed in every hearing and we use them
24 in every hearing. If there are factual errors in the
25 Risk Assessment, we won't consider them. But after a

1 review of the Risk Assessment that was done in your
2 case, I think you made 72, am I right about that? Was
3 it 72 what? It was a lot. Only one was found factual.
4 The rest were opinions. The doctor is allowed to have
5 an opinion in the Risk Assessment. She's a doctor,
6 we've asked her to do a report, she did the report.
7 Now, frankly, Mr. Harrison, you should be more concerned
8 about us. We're the ones that do the analysis of the
9 Risk Assessment. So you can object the Risk Assessment
10 all you want; right? But we're the ones that make the -
11 - the doctor doesn't make a parole suitability finding,
12 the Panel does. So we've ruled on your Risk Assessment.
13 I've already told you we've taken the part out that was
14 granted, that they thought was an issue regarding
15 visiting and family visiting. That's been stricken,
16 that miscellaneous decision as far as the record; okay?
17 So now, I've already dealt with that one.

18 **INMATE HARRISON:** Right.

19 **PRESIDING COMMISSIONER PECK:** Right? Now,
20 afterwards, I know this is going to shock you, but you
21 have a right to do a writ. So it sounds like, after I
22 make a ruling -- now, I'm not -- right now it's your
23 Initial so I'm kind of giving you a little bit of
24 latitude right now. But pretty soon I'm going to want
25 to get down to why we're here; right? And it's not

1 because of a Risk Assessment; right? It's to find out
2 whether you're a current unreasonable risk of danger to
3 society, that's what we're here to decide; right? So
4 what you have to do when this hearing is done, or what
5 you're compelled to do when this hearing is done I
6 totally support you following the legal system. That is
7 certainly your right and I never want to stand in that -
8 - in the way of that; right? We're going to do what we
9 think is the right decision. But right now, what I
10 really want to deal with is I want to deal with your
11 objections so I can move on with the rest of my life;
12 all right? So the Risk Assessment's done. We're using
13 it. Okay?

14 **INMATE HARRISON:** Okay.

15 **PRESIDING COMMISSIONER PECK:** Okay.

16 Mr. Stringer, I'm still -- I'm anxious to hear why we
17 can't have the victim's in the room as per the law of
18 the state of California. So if you can explain that one
19 to me, I'm all ears.

20 **ATTORNEY STRINGER:** That has never been the
21 subject of a court action, Commissioner.

22 **PRESIDING COMMISSIONER PECK:** It doesn't matter.
23 It's current California law. We have victims in
24 hearings every, not every case, but in many cases.

25 **ATTORNEY STRINGER:** But let me articulate his

1 objection, that is --

2 **PRESIDING COMMISSIONER PECK:** I'm all ears.

3 **ATTORNEY STRINGER:** -- quote, allowing the
4 victim's family, friends, distant acquaintances to retry
5 the case, to enter hearsay evidence into the record, to
6 make deliberately false statements or add irrelevant
7 information into the proceedings. It is --

8 **PRESIDING COMMISSIONER PECK:** Well, let me ask
9 you a question, let me stop you right there. Who said
10 that they're allowed to retry the case? I don't even
11 retry the case. So that's factually inaccurate.
12 Anything else?

13 **ATTORNEY STRINGER:** It is his, my client's,
14 position that only accurate and relevant impact
15 statements are allowed into the record to provide
16 Mr. Harrison the opportunity to rebut inaccurate and
17 deliberately false statements made by any party.

18 **PRESIDING COMMISSIONER PECK:** That's contrary to
19 the law.

20 **ATTORNEY STRINGER:** The next would be the use of
21 the so-called official version of the crime.

22 **PRESIDING COMMISSIONER PECK:** There's no such
23 thing as an official version of the crime.

24 **ATTORNEY STRINGER:** Well, there is as far as the
25 court record and the Probation Officer's Report.

1 **PRESIDING COMMISSIONER PECK:** Okay. This is a
2 shock. Mr. Harrison got found guilty. I'm not going to
3 retry the case. That's not my role, as you know,
4 Mr. Stringer.

5 **ATTORNEY STRINGER:** Yes, I do, Commissioner.

6 **PRESIDING COMMISSIONER PECK:** So I don't know why
7 we're talking about this.

8 **ATTORNEY STRINGER:** Well, because he wants to put
9 these objections on the record for probably --

10 **PRESIDING COMMISSIONER PECK:** Okay, so --

11 **ATTORNEY STRINGER:** -- the purpose of --

12 **PRESIDING COMMISSIONER PECK:** Is there an
13 Appellate -- there's an Appellate Decision, there's a
14 Probation Officer's Report.

15 **ATTORNEY STRINGER:** Yes.

16 **PRESIDING COMMISSIONER PECK:** The Board can use
17 any and all information available to make a
18 determination for public safety as per the law. Is
19 there another issue?

20 **ATTORNEY STRINGER:** Mr. Harrison believes he was
21 not allowed access to the C File and therefore couldn't
22 adequately prepare for the hearing.

23 **PRESIDING COMMISSIONER PECK:** Did you have an
24 Olson Review?

25 **INMATE HARRISON:** Well, no. That's not what the

1 -- under Marsy's Law, I believe Marsy's Law allows the
2 victim's family to attend, to appear, make an impact
3 statement.

4 **PRESIDING COMMISSIONER PECK:** Yes.

5 **INMATE HARRISON:** Absolutely. No question.

6 **PRESIDING COMMISSIONER PECK:** That's the law.

7 **INMATE HARRISON:** What I don't agree with is that
8 Marsy's Law allows them access to my C File, medical
9 files, medical file --

10 **PRESIDING COMMISSIONER PECK:** No one's allowed --
11 they're not allowed access to your C File.

12 **INMATE HARRISON:** That's part of the hearing.
13 Those things are going to come up, those matters will
14 come up in the hearing.

15 **PRESIDING COMMISSIONER PECK:** They are able to
16 participate and be present at the hearing.

17 **INMATE HARRISON:** Yeah.

18 **PRESIDING COMMISSIONER PECK:** That's the law.
19 Now, we did not, in no way did we let the victims look
20 at your medical records. As a matter of fact, I'm not
21 even allowed access to your medical records; right? And
22 in no way do we allow the family members to look at your
23 Central File. But we certainly have a right, the Panel
24 does, with the victims in the room to talk about all
25 issues that are non-confidential with you on the record.

1 That's the law.

2 **INMATE HARRISON:** Okay.

3 **PRESIDING COMMISSIONER PECK:** Mr. Stringer, can
4 you tell I'm losing patience?

5 **ATTORNEY STRINGER:** Yes, Commissioner. I have
6 been in front of you.

7 **PRESIDING COMMISSIONER PECK:** But I'm willing --

8 **ATTORNEY STRINGER:** Been in front of you for many
9 years.

10 **PRESIDING COMMISSIONER PECK:** But I'm willing to
11 spend the next hour talking about your objections, also.

12 **ATTORNEY STRINGER:** No, I see most of these --
13 most of these objections would have to do with the
14 hearing after the fact, not before because the Board
15 hasn't made any statements, or taken any evidence or
16 talked to my client here.

17 **PRESIDING COMMISSIONER PECK:** How do we make an
18 objection to that?

19 **ATTORNEY STRINGER:** Well, you can't. So --

20 **PRESIDING COMMISSIONER PECK:** You have an
21 objection about what's going to happen at the end of the
22 case?

23 **ATTORNEY STRINGER:** No, most --

24 **PRESIDING COMMISSIONER PECK:** Mr. Harrison?

25 **INMATE HARRISON:** We all know what's going to

1 happen at the end, Commissioner.

2 **PRESIDING COMMISSIONER PECK:** We don't know
3 what's going to happen.

4 **INMATE HARRISON:** So I object --

5 **PRESIDING COMMISSIONER PECK:** Well --

6 **INMATE HARRISON:** So I object, but yeah.

7 **PRESIDING COMMISSIONER PECK:** Mr. Harrison, I'm
8 going to remind you of something right now; right? Now,
9 you can be jaded all you want because it sounds like
10 you're jaded, you think that. But frankly, the issue is
11 this. I haven't made up my mind, I haven't heard a word
12 out of your mouth, I don't know how this thing is going
13 to end up. I have no idea how your case, how this
14 hearing is going to go. I haven't heard one ounce of
15 testimony from you. I've reviewed your file, I've read
16 every -- I hesitate to say every because I don't know
17 what I haven't gotten in reality. But whatever I
18 haven't gotten, you're going to have a chance to
19 articulate why you think you're suitable for parole and
20 I'm anxious to hear it. You're going to get a fair
21 hearing. So in no way do I -- do I even -- am I even
22 going to entertain the thought that we made up our mind
23 and we already know how this is going to end up.
24 Because I don't. You understand that?

25 **INMATE HARRISON:** Sure.

1 **ATTORNEY STRINGER:** So I guess, finally,
2 Commissioner, would be the use of the Confidential File
3 if that's going to happen during this hearing.

4 **PRESIDING COMMISSIONER PECK:** As you know,
5 Mr. Stringer, we have the right per Title 15 to use
6 confidential information in order to come to a decision.

7 **ATTORNEY STRINGER:** And you will.

8 **PRESIDING COMMISSIONER PECK:** What I'll do is --
9 but in no way at this point in the hearing am I able to
10 make an assessment of whether we're going to use it or
11 not because we haven't -- I haven't asked any questions
12 yet. I really don't know if it's pertinent or not. But
13 as we move forward, as we talk about issues and as we
14 come closer to --

15 **INMATE HARRISON:** Excuse me.

16 **PRESIDING COMMISSIONER PECK:** -- as we come
17 closer to a -- whether we're going to use it or not I'll
18 let you know, I'll let you lodge an objection if you
19 wish just to protect your client's rights.

20 **ATTORNEY STRINGER:** And the Board would make a
21 separate tape if that was --

22 **PRESIDING COMMISSIONER PECK:** That's the way we
23 do it.

24 **ATTORNEY STRINGER:** Thank you, Commissioner.
25 Unless you want --

1 **PRESIDING COMMISSIONER PECK:** Mr. Harrison, did
2 you want to make a statement?

3 **INMATE HARRISON:** Please. If I understand the
4 law correctly, aren't we entitled to know prior to the
5 hearing? I mean, at this point whether it's going to be
6 used, and if so to --

7 **PRESIDING COMMISSIONER PECK:** How would I know?
8 How would I know?

9 **INMATE HARRISON:** Well, I don't have the
10 confidential. I'm presuming the Board has them so the
11 Board would know if as far as that information is going
12 to be considered or not.

13 **PRESIDING COMMISSIONER PECK:** If I can sort it
14 out in the middle of the hearing I don't need to use
15 confidential information because I've got -- I've got
16 the information on the record without me having to use
17 it. If I can't, and if I think it's pertinent, and if I
18 think I need to use it for one way or the other, I mean,
19 there are -- there sometimes is confidential information
20 that's in your benefit. So I mean, if I think I need to
21 use it at that point I'll talk to my colleague and we'll
22 make that determination. There's no way I would know
23 right now.

24 **INMATE HARRISON:** At that point would you then
25 provided a redacted copy or a summary?

1 **PRESIDING COMMISSIONER PECK:** No. No, because
2 now, Mr. Harrison, I don't know you. I've know you for
3 what, 15 minutes right now; right? But I got a feeling,
4 I just got a feeling; right? That there's not too many
5 things about the law that you haven't read as far as
6 Title 15 goes. Am I right or am I wrong?

7 **INMATE HARRISON:** Some.

8 **PRESIDING COMMISSIONER PECK:** Okay. So you know
9 what it says about confidential information already.
10 You know what Title 14 says; don't you?

11 **INMATE HARRISON:** I'm aware of Title 15 and what
12 I believe what the law says about it.

13 **PRESIDING COMMISSIONER PECK:** Okay. So you know
14 that the Parole Board can use confidential information,
15 you know that I will do a -- if I use it I will do a
16 confidential tape. You know right now, after what your
17 attorney just said, that I'm going to give him a chance
18 to preserve your rights; right? Because we don't allow
19 redacted -- we don't give redacted information, we don't
20 let in-camera reviews because we're not set up for that.
21 Now, if it goes -- if it goes to court, and we use
22 confidential information than a judge can do those
23 things. A judge can make that determination. A judge
24 has the ability to do that but I don't not per -- not
25 per policy. If you've read it, you know it.

1 **INMATE HARRISON:** My understanding of the law of
2 the State Supreme Court law and Appellate law --

3 **PRESIDING COMMISSIONER PECK:** I'm not talking
4 about State Supreme Court law. I'm talking right now
5 about what Title 15 says about confidential information.
6 I am talking about what the courts have decided as far
7 as Parole Board Hearings go as far as confidential
8 information. So that's the ruling, let's move on. What
9 else? And again, if you don't like the ruling, file a
10 writ. That's what the writ process is all about.
11 Mr. Stringer.

12 **ATTORNEY STRINGER:** Other than we are going to
13 assert 5011(b) of the Penal Code because he has a claim
14 of innocence in this and asks that that not be held
15 against him during the hearing.

16 **PRESIDING COMMISSIONER PECK:** Absolute not. I
17 mean, we will absolutely respect Penal Code Section
18 5011. We will -- we will not discuss the life crime
19 with Mr. Harrison if he doesn't want to talk about it
20 and we'll just move on from that.

21 **ATTORNEY STRINGER:** And this packet of objections
22 that he's made, would the Board like to look at that
23 during the break or have that --

24 **PRESIDING COMMISSIONER PECK:** Well, no.

25 **ATTORNEY STRINGER:** Because I would like somehow

1 to have it just admitted just for the record.

2 **PRESIDING COMMISSIONER PECK:** We're not, you know
3 something, that's -- you're asking me -- you're asking
4 me to walk down a slippery slope. And you know, it's a
5 nice try but whatever you submit to me, right, and I --
6 and then -- and that I don't address; right? Then I
7 leave that up to another court to make that decision and
8 I'm just not going to do that. If you want to
9 articulate other objections on the record I'm happy to
10 rule on them.

11 **ATTORNEY STRINGER:** Well, as I said, I think more
12 of the due process objections have to do --

13 **PRESIDING COMMISSIONER PECK:** If you want to make
14 objections --

15 **ATTORNEY STRINGER:** -- would be relevant at the
16 end of the hearing rather than the beginning.

17 **PRESIDING COMMISSIONER PECK:** If you want to make
18 objections let me rule on them; right? But I'm not
19 taking written objections. I'm happy to rule on
20 everything that you want to talk about.

21 **ATTORNEY STRINGER:** And unless Mr. Harrison has
22 something else he wants to address with you directly,
23 we're ready to proceed.

24 **PRESIDING COMMISSIONER PECK:** Mr. Harrison.

25 **INMATE HARRISON:** Well, the question becomes,

1 then, if of all the objections, if this -- my
2 understanding was this was in my file but apparently
3 not.

4 **PRESIDING COMMISSIONER PECK:** Maybe it is.

5 **ATTORNEY STRINGER:** It's not in the 65-Day. I
6 think it's probably in the C File. I don't know if it's
7 in ERMS or if --

8 **PRESIDING COMMISSIONER PECK:** I'd love to get to
9 it but right now I'm in a middle of a conversation right
10 now. Mr. Harrison, what would you like to say?

11 **INMATE HARRISON:** I would like to, if I may,
12 touch one more time just on *Pruitt, Olson* and *Ochoa*.
13 It's the three cases that I rely on for what I was
14 talking about with the confidential and we can be done
15 with that. But I did want --

16 **PRESIDING COMMISSIONER PECK:** We already area
17 done with it.

18 **INMATE HARRISON:** Okay.

19 **PRESIDING COMMISSIONER PECK:** I've already ruled.

20 **INMATE HARRISON:** I know.

21 **PRESIDING COMMISSIONER PECK:** So I don't know
22 what we're still talking about it for. If you don't
23 like the decision you can argue with me all day long
24 about it; right? But if you don't like the decision,
25 send it to a court and let a court review it. And then

1 they could look at the cases that you just brought up.
2 In the mean time I'd kind of like to get your hearing
3 started.

4 **INMATE HARRISON:** Okay.

5 **PRESIDING COMMISSIONER PECK:** Unless you got more
6 objections.

7 **INMATE HARRISON:** Well, there's plenty more but
8 I'm not sure we have time for all them at the rate this
9 is going.

10 **PRESIDING COMMISSIONER PECK:** I'm not sure we do
11 either. But you know something, but I'm willing to
12 listen. What are your objections?

13 **INMATE HARRISON:** Okay. One, first off, I
14 believe that the California Parole Board is not
15 impartial as a whole.

16 **PRESIDING COMMISSIONER PECK:** Okay.

17 **INMATE HARRISON:** Okay.

18 **PRESIDING COMMISSIONER PECK:** We are.

19 **INMATE HARRISON:** Okay. That's one. Marsy's
20 Law, based on what the lawyer, what my counsel
21 discussed --

22 **PRESIDING COMMISSIONER PECK:** I've already
23 addressed that issue.

24 **INMATE HARRISON:** Got that. For the record, Prop
25 89 I object --

1 **PRESIDING COMMISSIONER PECK:** What's Prop 89?

2 **INMATE HARRISON:** The Governor's control, the
3 Governor's ability to review grants.

4 **PRESIDING COMMISSIONER PECK:** Well, that's
5 overruled.

6 **INMATE HARRISON:** I got you. The Psych Eval,
7 again. We've been through that. I believe that the
8 Board of Parole Hearings has a policy or a practice of
9 denying parole to any individual who claims actual
10 innocence as opposed to a different version of the
11 crime, but actual innocence.

12 **PRESIDING COMMISSIONER PECK:** I'm going to
13 overrule that also. I've given plenty of dates to
14 people that have denied -- that have -- that have denied
15 they committed the crime, personally. And that's on the
16 record, that's easy to find out.

17 **INMATE HARRISON:** Any suggestion -- any questions
18 of credibility that aren't backed up with some kind of
19 evidence. Am I clear? Do you understand what I'm
20 saying?

21 **PRESIDING COMMISSIONER PECK:** You think I'm not
22 going to believe you?

23 **INMATE HARRISON:** No, I'm just saying that --

24 **PRESIDING COMMISSIONER PECK:** Then what are you
25 making an objection about credibility for?

1 **INMATE HARRISON:** Because I don't want any -- I
2 mean, you read the Psych Eval so you can see from the
3 objection -- my objections to the Psych Eval that
4 there's a lot of issues that apparently weren't made
5 clear. So I want to make sure that anything that I
6 don't make clear to the Panel, the Panel asks me about
7 and asks me to clarify, ask questions, whatever so that
8 I'm able to know what the Panel does not understand
9 about something I've answered or it's --

10 **PRESIDING COMMISSIONER PECK:** You know, you even
11 have better than that. How many hearings have you been
12 to?

13 **INMATE HARRISON:** My initial.

14 **PRESIDING COMMISSIONER PECK:** I know. So guess
15 what? Here's what you have at the end. If there's
16 something that I didn't ask you, if there's something
17 that you didn't think we covered well enough you have a
18 chance to make a closing statement at the end and that's
19 your responsibility to make sure we have all the
20 information that we have to make a good decision. If
21 you feel I didn't cover something well enough, I
22 certainly don't know you and I don't -- and I only know
23 you through your file. So if there's something that you
24 want to get on the record that we didn't put on the
25 record, we're happy to hear what you have to say at the

1 end.

2 **INMATE HARRISON:** I think what I'm more concerned
3 about, not what I want to put on the record but what the
4 Panel may feel was left unexplained or what the --

5 **PRESIDING COMMISSIONER PECK:** Do you -- do I look
6 bashful to you?

7 **INMATE HARRISON:** No.

8 **PRESIDING COMMISSIONER PECK:** Do you think I'm
9 going to ask questions that I want to talk about?

10 **INMATE HARRISON:** I don't know.

11 **PRESIDING COMMISSIONER PECK:** I'm here to tell
12 you I'd love to talk to you about the life crime but I
13 respect you, I respect your decision to just base it on
14 5011; right? So I can't ask you questions about that.
15 I may -- I may ask a few questions that revolve -- that
16 get a -- that may address insight because *Shaputis* is
17 definitely something (inaudible); right? But as far as
18 the life crime goes, I'm not going to -- I would love to
19 ask you questions about that but I'm not going to. So I
20 don't even know what you're saying, to be honest with
21 you, and I don't know what you're trying to imply. If
22 you think I'm going to -- if there's something that I
23 didn't ask that I want more clarification at, yeah, I'm
24 going to do that. If it's something that would violate
25 your rights, I'm not going to do that.

1 **INMATE HARRISON:** Well --

2 **PRESIDING COMMISSIONER PECK:** Like talking about
3 the life crime. Like making that decision on the life
4 crime. Go on.

5 **INMATE HARRISON:** Well, this Panel is it -- is it
6 -- is it your practice then at such a time, in the event
7 of a denial to state specifically to unsuitability
8 factors, regulation factors or is that -- is that your
9 practice?

10 **PRESIDING COMMISSIONER PECK:** If there is a
11 denial it's my practice to articulate why you're a
12 current, unreasonable risk of danger to society if
13 there's a denial. The same way if there's a grant it's
14 my job to articulate why I don't think you are a
15 current, unreasonable risk of danger to society. So I
16 have to articulate -- I have to articulate both sides
17 both ways. Sometimes there's a little bit of both.
18 Sometimes there's a little bit of good and a little bit
19 of bad. So I usually will try to put a little bit of
20 both on the record no matter what our decision is.
21 Because we're not the final arbitrators, we're not the
22 final decision makers when it comes to your parole
23 suitability. Decision Review will still take a look at
24 this decision no matter what we come to. If it's a
25 grant, then the Governor's Office looks at all cases.

1 The Governor usually looks at grants. So the Governor
2 can reverse our decision. The Governor can send our
3 decision back to En Banc. The Governor can do a lot of
4 decisions if it's a grant. If it's a denial you have
5 the right to do a writ, like I said before. Let a court
6 take a look at it. But our reasons will be well
7 articulated.

8 **INMATE HARRISON:** I would object to any -- in the
9 event the Panel were to find that -- find any fault with
10 my claim of actual innocence, I would object if the
11 Panel fail to in any way articulate how that is,
12 either --

13 **PRESIDING COMMISSIONER PECK:** I've already said
14 to you, I'm going to say it to you again. I'm going to
15 say it a third time. You have the right, we can't
16 compel you to admit guilt for the -- I'm very
17 comfortable with what 5011 of the Penal Code says;
18 right? And I'm not -- I know you seem to think that I'm
19 -- that we're going to deny you parole because you're
20 denying that you committed the crime. We're not.
21 That's not a reason for denying you parole. Unless
22 there's some way that there's a tie-in, which I don't
23 know of at this moment. Unless there's a tie-in to
24 current, unreasonable dangerousness. Don't ask me what
25 that could be because I have no idea. I haven't done

1 your hearing, yet. So we're not going to deny you
2 parole and break the law by saying oh, he doesn't admit
3 to the crime therefore he is not going home. Is that --
4 is that clear?

5 **INMATE HARRISON:** Yes. Okay. Okay. That's
6 fine. That's good.

7 **PRESIDING COMMISSIONER PECK:** Okay.

8 **ATTORNEY STRINGER:** So can I just add one other
9 thing, Commissioner, since --

10 **PRESIDING COMMISSIONER PECK:** God love you.

11 **ATTORNEY STRINGER:** I know. Well, I hope so.
12 Since you did -- the Board did bring up *Shaputis*. In
13 *Shaputis II* pretty much in my opinion, that's 5011(b) of
14 the Penal Code because it allows the Board to rely
15 specifically on the record rather than obviously the
16 fact that the person's asserting factual innocence
17 during the hearing. So that --

18 **PRESIDING COMMISSIONER PECK:** As far as
19 implausibility goes.

20 **ATTORNEY STRINGER:** Yes.

21 **PRESIDING COMMISSIONER PECK:** Yes.

22 **ATTORNEY STRINGER:** So there's no other evidence
23 other than what's just on the record so that's a real
24 dilemma due-process-wise. But that's what the court
25 ruled.

1 **PRESIDING COMMISSIONER PECK:** Yeah. That's what
2 the court ruled. So you know, I mean, the thing that we
3 have to do, you know, I understand, Mr. Harrison, this
4 is an initial for him and I know he has some
5 apprehensions. I can sense it already. But you, you've
6 been doing this for a long time, you know, I mean, we're
7 here for public safety. Whatever we got to do to make
8 sure, without violating Mr. Harrison's rights, which the
9 good thing for Mr. Harrison is that -- is that if we
10 come to a decision that he doesn't, or you, doesn't
11 think that we substantiated why he's a current,
12 unreasonable risk of dangerousness he certainly has the
13 opportunity to bring this to court if he would like to.

14 **ATTORNEY STRINGER:** Well, I know the Panel is
15 very fair.

16 **PRESIDING COMMISSIONER PECK:** You know, we are.

17 **ATTORNEY STRINGER:** I'm not suggest that --

18 **PRESIDING COMMISSIONER PECK:** I've already --
19 I've already been insulted once today, a guy that says
20 where I'm not fair. But it's okay, you know, I got
21 thick skin. It's not true, but especially when I'm
22 accused of not being fair before I've even done a
23 hearing with him before. But Mr. Harrison, I'll give
24 you the benefit of the doubt.

25 **ATTORNEY STRINGER:** Well, it's his initial, so

1 he's --

2 **PRESIDING COMMISSIONER PECK:** I know.

3 **ATTORNEY STRINGER:** -- not exactly familiar with
4 all the nuances of --

5 **PRESIDING COMMISSIONER PECK:** I totally
6 understand. That's why I'm being like, uber patient
7 right now.

8 **ATTORNEY STRINGER:** So then I believe we are
9 ready to proceed.

10 **PRESIDING COMMISSIONER PECK:** Well, let me rule
11 on your -- on your *Shaputis* objection.

12 **ATTORNEY STRINGER:** It just -- it's *Shaputis II*
13 just to be --

14 **PRESIDING COMMISSIONER PECK:** No, I know.

15 **ATTORNEY STRINGER:** -- accurate for the record.

16 **PRESIDING COMMISSIONER PECK:** I know, thank you
17 for the clarification. But your client is not going to
18 talk about the life crime; is that true?

19 **ATTORNEY STRINGER:** Yes.

20 **PRESIDING COMMISSIONER PECK:** Okay.

21 **ATTORNEY STRINGER:** Because he's asserting
22 innocence.

23 **PRESIDING COMMISSIONER PECK:** I know. I know
24 what he was doing. So unless -- it's hard -- it would
25 be difficult for a Panel to deny parole based on

1 implausibility if he doesn't testify. I can't say that
2 his testimony is implausible unless, in the Risk
3 Assessment, there is an indication that there would be
4 an implausible denial; right? That would be directly
5 tied. I don't know that there is, yet. I haven't made
6 that determination, yet. I will as we go through the
7 hearing. So we'll follow the law one way or the other.

8 **ATTORNEY STRINGER:** And the reason I bring that
9 up is because the Probation Officer's Report has nothing
10 positive to say about him and the Board would be able to
11 use that under *Shaputis* solely to evaluate.

12 **PRESIDING COMMISSIONER PECK:** It's an -- it's an
13 old document. I'm not sure we can tie that to current.
14 So I would -- I would reset assured that we're probably
15 not going to say an implausibility of denial based on a
16 POR.

17 **ATTORNEY STRINGER:** I know we keep saying this
18 but I guess we are ready to proceed now.

19 **PRESIDING COMMISSIONER PECK:** I'd love it. Are
20 you read to proceed, Mr. Harrison?

21 **INMATE HARRISON:** Sure.

22 **PRESIDING COMMISSIONER PECK:** All right. Let's
23 go over any disabilities you may have. Do you wear
24 glasses?

25 **INMATE HARRISON:** Reading.

1 **PRESIDING COMMISSIONER PECK:** Got them with you,
2 good.

3 **INMATE HARRISON:** Yes.

4 **PRESIDING COMMISSIONER PECK:** Seem like a pretty
5 smart guy, what's your education level?

6 **INMATE HARRISON:** High school.

7 **PRESIDING COMMISSIONER PECK:** Any mobility issues
8 that I need to know about, wheelchair, walker, cane?

9 **INMATE HARRISON:** Nothing.

10 **PRESIDING COMMISSIONER PECK:** Mental Health
11 Services?

12 **INMATE HARRISON:** No, nothing.

13 **PRESIDING COMMISSIONER PECK:** Okay. Anything
14 that you think you need assistance with in today's
15 hearing?

16 **INMATE HARRISON:** No.

17 **PRESIDING COMMISSIONER PECK:** Counsel, you've
18 talked to your client, do you think he needs any help in
19 today's hearing that he hasn't -- that there --

20 **ATTORNEY STRINGER:** No, he's --

21 **PRESIDING COMMISSIONER PECK:** -- that we didn't
22 bring up?

23 **ATTORNEY STRINGER:** He's very intelligent and I'd
24 stipulate to *Armstrong*.

25 **PRESIDING COMMISSIONER PECK:** We have reviewed

1 your Central File, Mr. Harrison, and you're going to be
2 given the opportunity today to correct or clarify the
3 record. Nothing that happens here today is going to
4 change the findings of the court. We're not here to
5 retry your case. We're going to accept as true the
6 findings of the court. We're here for the sole purpose
7 of determining your suitability for parole. I'm going
8 to talk to you a little bit about your pre-conviction
9 factors. I'll talk about your adolescence, prior
10 criminality. Not going to talk about the life crime as
11 you don't want to talk about it. Certainly going to
12 respect your rights. I am going to talk to about the
13 Risk Assessment, we'll go through the Risk Assessment.
14 And then we'll turn it over to Commissioner Grottkau,
15 he's going to go over how you've been doing while
16 incarcerated. Then, after that, we'll do parole plans.
17 We'll let Mr. Sachs ask the Panel clarifying questions.
18 Mr. Sachs can't ask you direct questions, so I know this
19 is your initial so I want you to make sure that -- it is
20 common practice or what people are -- when somebody asks
21 a question they normally, especially if it's like, I
22 know, I know, I know the answer the that and they want
23 to respond, don't. Because, and you know, I'm the GED
24 Commissioner, so you got -- you're going to have to wait
25 for a minute for me to process what he's saying; right?

1 To go well, do we really care? Is that something that I
2 really want to know? Is that something that's going to
3 affect our decision one way or the other? So let's
4 pause if there is any clarifying that I need from you I
5 will ask you. So just wait for me to respond, to ask
6 the question. As far as -- as far as the way Mr. Sachs,
7 the way you phrase your question, just make sure you
8 don't -- you don't phrase it in a way to say -- can you
9 ask the inmate, or can you ask Mr. Harrison because
10 that's just allowing cross-examination with me as your
11 parrot. So if you have a question of the Panel that
12 you'd like clarification I'm more than willing to do
13 that.

14 **DEPUTY DISTRICT ATTORNEY SACHS:** Yes,
15 Commissioner. Thank you.

16 **PRESIDING COMMISSIONER PECK:** Then your attorney
17 can ask you direct questions if he would like.
18 Afterwards, we're going to listen to what Mr. Sachs has
19 to say about you getting a parole date today. Title 15
20 allows the District Attorney's Office to provide an
21 opinion. Your attorney can make closing statements for
22 you if you would like. You can make a closing statement
23 if you would like and then we're going to hear what the
24 family members, all of them, in multiple forms of media
25 that we have with us can make a statement. All I ask is

1 this from you, Mr. Harrison, is just keep your eyes on
2 the Panel. We're the ones that are making the decision.
3 Have we, other than your objections that I've already
4 ruled on, Mr. Stringer, have we met your client's
5 procedural rights, as in, has he been allowed to review
6 his Central File per an Olson Review, did he get a copy
7 of all the documents that he needs to prepare for
8 today's hearing, is there anything that you feel that
9 your client has -- any information that you feel your
10 client has been denied?

11 **ATTORNEY STRINGER:** Other than what's been
12 articulated, specifically the Confidential File, best to
13 my knowledge, yes, Commissioner.

14 **PRESIDING COMMISSIONER PECK:** Mr. Harrison, do
15 you think you have been reasonably accommodated as far
16 as your documents that you need to prepare for today's
17 hearing?

18 **INMATE HARRISON:** To the best of my
19 understanding.

20 **PRESIDING COMMISSIONER PECK:** Mr. Sachs, did you
21 get a copy of all the pertinent information? Are you
22 prepared to proceed?

23 **DEPUTY DISTRICT ATTORNEY SACHS:** So stipulated,
24 and I am, Commissioner.

25 **PRESIDING COMMISSIONER PECK:** Thank you.

1 Mr. Stringer?

2 **ATTORNEY STRINGER:** Yes, Commissioner.

3 **PRESIDING COMMISSIONER PECK:** Your date of birth
4 is December 29th, 1956, Mr. Harrison.

5 **INMATE HARRISON:** Yes.

6 **PRESIDING COMMISSIONER PECK:** You're the third of
7 three boys. That means you're the youngest?

8 **INMATE HARRISON:** Yes.

9 **PRESIDING COMMISSIONER PECK:** You grew up in San
10 Diego area.

11 **INMATE HARRISON:** Yes.

12 **PRESIDING COMMISSIONER PECK:** Were your parents
13 married?

14 **INMATE HARRISON:** Yes.

15 **PRESIDING COMMISSIONER PECK:** Father was a truck
16 driver, mother was a tax preparer. Is that true?

17 **INMATE HARRISON:** Yes.

18 **PRESIDING COMMISSIONER PECK:** A lot of yeses,
19 probably should leave it at a little -- I'm just kind of
20 going over some preliminary information. How would you
21 describe your childhood?

22 **INMATE HARRISON:** Good.

23 **PRESIDING COMMISSIONER PECK:** Any domestic
24 violence, witnessing domestic violence or any violence
25 toward you when you were growing up?

1 **INMATE HARRISON:** No.

2 **PRESIDING COMMISSIONER PECK:** Your parents
3 divorced when you were ten.

4 **INMATE HARRISON:** I believe so.

5 **PRESIDING COMMISSIONER PECK:** Roughly. Who did
6 you -- who was your primary caregiver?

7 **INMATE HARRISON:** My mother.

8 **PRESIDING COMMISSIONER PECK:** Did you ever have a
9 relationship with your father after they divorced?

10 **INMATE HARRISON:** Yes.

11 **PRESIDING COMMISSIONER PECK:** Did you go visit
12 him on the -- what was the -- what was the visiting?
13 What was the visitation that you had with him?
14 Weekends, summers, nothing?

15 **INMATE HARRISON:** Weekends, pretty much.

16 **PRESIDING COMMISSIONER PECK:** You described him
17 as a cold person who left the family in financial
18 trouble. Is that -- is that accurate?

19 **INMATE HARRISON:** That is not accurate.

20 **PRESIDING COMMISSIONER PECK:** Okay. What's the -
21 - what's accurate?

22 **INMATE HARRISON:** I don't know about cold. He
23 wasn't touchy-feeling but he wasn't cold. He was a very
24 loving father. He was very good -- a very good man.
25 And he did not leave the family in financial troubles.

1 **PRESIDING COMMISSIONER PECK:** Okay. You told the
2 probation officer that you believe that your father
3 didn't initially care for you. Is that true? Did you
4 tell the probation officer that?

5 **INMATE HARRISON:** I don't have a memory of
6 telling the probation officer that.

7 **PRESIDING COMMISSIONER PECK:** Sorry, I have to
8 scroll through multiple screens and I'm not the fastest
9 in the world at doing that. It says, in the Probation
10 Officer's Report, it says Mr. Harrison states he was
11 born in La Mesa, California, has basically lived in San
12 Diego County all his life. His father is a retired
13 truck driver, presently lives in Arizona. And his
14 mother is a tax consultant, lives in Solano Beach.
15 Mr. Harrison's parents divorced when he was ten but he
16 remained with his mother. Additionally, Mr. Harrison
17 has two older brothers. During his childhood,
18 Mr. Harrison stated his life was hard due to the divorce
19 and financial problems. He believes that his father
20 initially didn't care for him and was jealous of his
21 unusually close relationship with his mother. Is that
22 accurate?

23 **INMATE HARRISON:** Is your question -- I didn't
24 say all that. I don't believe that's what I said. I
25 don't have a recollection of saying the financial

1 troubles and all that. We didn't have money but I don't
2 remember any implication that that was my father's
3 responsibility.

4 **PRESIDING COMMISSIONER PECK:** Do you remember --
5 you don't remember saying this statement?

6 **INMATE HARRISON:** That part? No.

7 **PRESIDING COMMISSIONER PECK:** Do you remember is
8 that accurate or inaccurate?

9 **INMATE HARRISON:** There were financial
10 difficulties, yes.

11 **PRESIDING COMMISSIONER PECK:** Do you feel -- no,
12 that's not -- I don't care about that. Do you feel that
13 your father didn't initially care for you and was
14 jealous of you because of your initially close
15 relationship with your mother; is that true?

16 **INMATE HARRISON:** No, I don't think so.

17 **PRESIDING COMMISSIONER PECK:** All right. What
18 year did you graduate high school?

19 **INMATE HARRISON:** Perhaps 1975.

20 **PRESIDING COMMISSIONER PECK:** Perhaps? You don't
21 remember?

22 **INMATE HARRISON:** No.

23 **PRESIDING COMMISSIONER PECK:** Most people
24 remember their high school graduation. You went to real
25 estate classes.

1 **INMATE HARRISON:** Yes.

2 **PRESIDING COMMISSIONER PECK:** Real estate
3 seminars, Palomar College, is that -- did I say it
4 right? Palomar College, is that where you went,
5 construction?

6 **INMATE HARRISON:** I don't recall that.

7 **PRESIDING COMMISSIONER PECK:** Did you -- did you
8 have anything that makes it where your memory is not --
9 maybe there's something in your memory. Do you not
10 remember things?

11 **INMATE HARRISON:** My memory is fine.

12 **PRESIDING COMMISSIONER PECK:** Okay. You just
13 don't remember what year you graduated from high school
14 and you don't remember if you went to classes at Palomar
15 College. Okay.

16 **DEPUTY COMMISSIONER GROTTKAU:** For the record,
17 he's shaking his head, no.

18 **PRESIDING COMMISSIONER PECK:** How was high school
19 for you? Good?

20 **INMATE HARRISON:** Yes.

21 **PRESIDING COMMISSIONER PECK:** You said this in
22 the Risk Assessment, and I wanted to ask you about it
23 because I was curious. When Mr. Harrison was 14 he
24 reported having a negative encounter with police who had
25 shown up at his home one day in search of a relative.

1 He singled out this experience as having influenced the
2 development of his general disdain for law enforcement
3 and self-proclaimed hyper-idealistic attitude about the
4 world and how it should be which fueled his desire to
5 expose all the injustices within it. He said that ever
6 since then he felt strongly about things like justice,
7 honor, retribution and characterized his budding
8 personality as a demanding -- as demanding and
9 idealistic. Is that accurate?

10 **INMATE HARRISON:** No.

11 **PRESIDING COMMISSIONER PECK:** What is the truth?

12 **INMATE HARRISON:** The very beginning is the
13 truth, the 14-year-old encounter with law enforcement
14 was the truth. That was accurate.

15 **PRESIDING COMMISSIONER PECK:** But the doctor just
16 totally got the rest of it wrong?

17 **INMATE HARRISON:** I don't know if she totally got
18 it wrong. I'm not saying it's black or white but I'm
19 not -- I think she's embellished.

20 **PRESIDING COMMISSIONER PECK:** What did she --
21 what did she embellish about with that part?

22 **INMATE HARRISON:** Could you read that again?
23 We'll just go through by and by --

24 **PRESIDING COMMISSIONER PECK:** Can you show -- can
25 you show him a -- do you have a copy of the Risk

1 Assessment maybe on --

2 **INMATE HARRISON:** I do, Commissioner.

3 **PRESIDING COMMISSIONER PECK:** Page 2 of 15, it's
4 easier if he just reads it rather than -- do you have a
5 copy of that, sir?

6 **INMATE HARRISON:** Sure. Okay. The part where he
7 singled out this experience as having influenced his
8 development and general disdain. I don't -- I don't
9 know that I singled it out. She asked me about my --
10 when I was younger, I wrote -- I brought that up. But I
11 don't know that I ever said anything about singling it
12 out or having a general disdain for law enforcement. I
13 never said anything about being hyper, as she puts in
14 quotation marks, hyper-idealistic. There was discussion
15 about such things but I don't remember ever saying
16 anything about being hyper-idealistic attitude toward
17 the world or how it should be. Or anything about
18 exposes injustices.

19 **PRESIDING COMMISSIONER PECK:** Do you think you
20 need to -- do you -- do you feel strongly about justice,
21 honor and retribution?

22 **INMATE HARRISON:** I feel -- well, okay. Justice
23 is important, it's critical to society. Without it you
24 have anarchy, so absolutely, it's vital, it's critical.
25 So I feel very strongly about that. Retribution? No.

1 Honor? Honor is an interesting thing. I mean, it's
2 honor is very subjective but it's important.

3 **PRESIDING COMMISSIONER PECK:** You said that you
4 were a rather self-absorbed workaholic who was more
5 interested in solving others' problems in attaining his
6 own goals than he was establishing and maintaining
7 romantic relationships, for example. According to him,
8 this apparently caused several broken hearts for which
9 he has since apologized to those women even though he
10 claims he never meant to hurt anyone and never did so
11 knowingly. Did you tell the doctor that?

12 **INMATE HARRISON:** No. What I -- what I said was
13 that I like to work, I like to be busy, I like to be
14 productive. There was a lot of talk about being
15 productive. And I talked a lot about that. I also
16 mentioned how, through the years, I had gone back, and
17 had made contact with a couple of young ladies that I
18 dated in high school and had apologized to them because
19 the relationships didn't go well. And that was it, and
20 from that she wrote what she wrote.

21 **PRESIDING COMMISSIONER PECK:** Did you -- let me
22 just ask you, I guess this is the obvious, then I'll go
23 into that. We'll finish the Risk -- we'll finish our
24 conversation later, but is there any reason why you
25 think the doctor just got this thing so wrong?

1 **INMATE HARRISON:** I have no idea. I can't read
2 her mind or her bias or her --

3 **PRESIDING COMMISSIONER PECK:** But I mean, no.
4 But you were there.

5 **INMATE HARRISON:** I was there. I of course, when
6 I walked in, I asked -- the first thing I asked was it
7 to be recorded.

8 **PRESIDING COMMISSIONER PECK:** Yeah, we don't
9 record them.

10 **INMATE HARRISON:** Well --

11 **PRESIDING COMMISSIONER PECK:** They don't record
12 them.

13 **INMATE HARRISON:** I've also been told since that
14 there's no reason why they can't record them, that
15 there's no law that they can't. When I asked that she
16 was very offended, and made it very obvious she was
17 offended and it didn't go well from there. So whether
18 that had an impact on this, I don't know. Whether she's
19 -- I'm not saying she is, or anybody else is, but maybe
20 she doesn't like claims of innocence. Maybe she doesn't
21 because I --

22 **PRESIDING COMMISSIONER PECK:** You're hung up on
23 that; aren't you?

24 **INMATE HARRISON:** Oh, no. I have issues there.
25 Yeah.

1 **PRESIDING COMMISSIONER PECK:** You do. You got
2 big issues with that.

3 **INMATE HARRISON:** As rightly so.

4 **PRESIDING COMMISSIONER PECK:** Okay. So let me
5 just put your mind at ease; right? There is lots of
6 people that come in here and claim innocent.

7 **INMATE HARRISON:** Right.

8 **PRESIDING COMMISSIONER PECK:** Right? You're not
9 the first.

10 **INMATE HARRISON:** Right.

11 **PRESIDING COMMISSIONER PECK:** And you're not
12 going to be the last.

13 **INMATE HARRISON:** I merely put it -- tried to
14 answer your question as to --

15 **PRESIDING COMMISSIONER PECK:** No, it's all good.

16 **INMATE HARRISON:** -- her reasons why she might --
17 I have no idea why she did. No idea. So I'm just
18 guessing. I am just --

19 **PRESIDING COMMISSIONER PECK:** So you thought
20 because you mentioned about recording it that kind of
21 set things off on a bad tone?

22 **INMATE HARRISON:** Well, I know -- she became
23 agitated, or not because she wasn't confrontational
24 obviously but she was clearly not pleased. Because she
25 asked, why? And I told her, I didn't -- I don't want

1 any discrepancies. I don't want this, what happened to
2 happen. And she was offended by that.

3 **PRESIDING COMMISSIONER PECK:** You think she lied
4 in the report?

5 **INMATE HARRISON:** I'll say she got a whole bunch
6 of stuff wrong. And as I -- as I said earlier, there's
7 no, according to BPH and CDC, there's no evidence of any
8 kind to back up anything she said in her report.

9 **PRESIDING COMMISSIONER PECK:** I don't even know
10 what you're talking about. What do you mean there's
11 nothing to back up anything that she says in the report?

12 **INMATE HARRISON:** I did a Public Records Act, I
13 asked for any documents of any kind, anything, anywhere
14 that would support any of her findings, opinions or
15 diagnosis. Anything. Both the BPH and the CDC said
16 there was nothing. So I don't know where she came up
17 with a lot of the stuff she came up with but there's a
18 lot of --

19 **PRESIDING COMMISSIONER PECK:** You don't think her
20 education, and her training has led to how she can make
21 her own -- how she can make assessments based on the
22 testimony you give her or based on the information that
23 you give her? I guess you don't really give her
24 testimony, you give her information.

25 **INMATE HARRISON:** I think that she is probably

1 very qualified to do such a thing. That doesn't mean
2 she gets it right every time. And I think it's --

3 **PRESIDING COMMISSIONER PECK:** Have you ever taken
4 any psychological classes?

5 **INMATE HARRISON:** No.

6 **ATTORNEY STRINGER:** Let me just jump in for a
7 second, Commissioner. I think probably where he's going
8 is he's questioning the methodology --

9 **PRESIDING COMMISSIONER PECK:** I know.

10 **ATTORNEY STRINGER:** -- the psychologist used and
11 that has been the subject of a lot of debate, I mean,
12 just to put it that way, among psychologists.

13 **PRESIDING COMMISSIONER PECK:** Well, we're right
14 here trying to talk about it right now. That's what
15 we're doing. But I understand. Thank you. You were
16 the victim of molestation at 14; is that true?

17 **INMATE HARRISON:** Yes.

18 **PRESIDING COMMISSIONER PECK:** Do you think that
19 had any impact on your life?

20 **INMATE HARRISON:** No, nothing. No.

21 **PRESIDING COMMISSIONER PECK:** You married Anne in
22 '75?

23 **INMATE HARRISON:** I believe so.

24 **PRESIDING COMMISSIONER PECK:** You were 18.

25 **INMATE HARRISON:** I believe so.

1 **PRESIDING COMMISSIONER PECK:** And she was -- how
2 old was she?

3 **INMATE HARRISON:** I don't know, 18.

4 **PRESIDING COMMISSIONER PECK:** You have two
5 children.

6 **INMATE HARRISON:** Yes.

7 **PRESIDING COMMISSIONER PECK:** How was the
8 relationship?

9 **INMATE HARRISON:** Which relationships?

10 **PRESIDING COMMISSIONER PECK:** The relationship
11 with Anne?

12 **INMATE HARRISON:** It was wonderful for a while.

13 **PRESIDING COMMISSIONER PECK:** You were -- you
14 were working at the time?

15 **INMATE HARRISON:** Yes.

16 **PRESIDING COMMISSIONER PECK:** What were you
17 doing?

18 **INMATE HARRISON:** Construction for her father.

19 **PRESIDING COMMISSIONER PECK:** Carpentry work?

20 **INMATE HARRISON:** Some, yes.

21 **PRESIDING COMMISSIONER PECK:** You got your real
22 estate license and then became involved in the real
23 estate business; is that true?

24 **INMATE HARRISON:** Yes.

25 **PRESIDING COMMISSIONER PECK:** You two divorced.

1 What year did you two divorce?

2 **INMATE HARRISON:** I don't know. Early eighties.

3 **PRESIDING COMMISSIONER PECK:** I think I -- I
4 thought you were -- oh, '75, so you're married for --
5 how long were you married; do you know?

6 **INMATE HARRISON:** I don't know.

7 **PRESIDING COMMISSIONER PECK:** Roughly.

8 **INMATE HARRISON:** Five years.

9 **PRESIDING COMMISSIONER PECK:** Okay.

10 **INMATE HARRISON:** Six, seven, something like
11 that.

12 **PRESIDING COMMISSIONER PECK:** Did you two move
13 on?

14 **INMATE HARRISON:** I don't understand the
15 question.

16 **PRESIDING COMMISSIONER PECK:** Okay. So most
17 people get divorced, and then they have kids but they
18 still deal with the kids but they move on with different
19 things in their lives. Did you move on? Did you let
20 her go, did you keep on bothering her, did she keep on
21 bothering you? Was there -- was there -- was there
22 inappropriate behaviors going on between the two of you,
23 and if there were, why and what?

24 **INMATE HARRISON:** What was going on was a lot of
25 disputes over the children, visitation.

1 **PRESIDING COMMISSIONER PECK:** Your issues, her
2 issues, who was -- were you guys going to court on these
3 issues?

4 **INMATE HARRISON:** Yes.

5 **PRESIDING COMMISSIONER PECK:** Frequently?

6 **INMATE HARRISON:** Yes.

7 **PRESIDING COMMISSIONER PECK:** Were you bringing
8 her, I think I read somewhere in one of the reports that
9 you were bringing her back to court to punish her for
10 the divorce; is that true?

11 **INMATE HARRISON:** Not at all.

12 **PRESIDING COMMISSIONER PECK:** That you were
13 trying to financially hurt the family; is that --

14 **INMATE HARRISON:** No.

15 **PRESIDING COMMISSIONER PECK:** -- is that
16 accurate?

17 **INMATE HARRISON:** That's not accurate.

18 **PRESIDING COMMISSIONER PECK:** Were you generating
19 the lawsuits, let's just start there.

20 **INMATE HARRISON:** No.

21 **PRESIDING COMMISSIONER PECK:** She was.

22 **INMATE HARRISON:** Yes.

23 **PRESIDING COMMISSIONER PECK:** Did she have
24 custody of the children, or did you have custody of the
25 children or was it --

1 **INMATE HARRISON:** She had -- she did.

2 **PRESIDING COMMISSIONER PECK:** She had physical
3 custody?

4 **INMATE HARRISON:** Yes.

5 **PRESIDING COMMISSIONER PECK:** So then why were
6 you going back to court? Why was she bringing it back
7 to court if she had physical custody?

8 **INMATE HARRISON:** There were a lot of problems
9 with visitation. Children not being where they were
10 supposed to be when I was to pick them up, for example.
11 So that was a problem. There was just constant -- there
12 were also -- there was problems with just getting that
13 settled.

14 **PRESIDING COMMISSIONER PECK:** Why couldn't you
15 two resolve this without having to keep on going back to
16 court?

17 **INMATE HARRISON:** There were other influences
18 involved, is my understanding of why it continued.
19 Every time I would think something was resolved it would
20 all of a sudden not be resolved and I would find myself
21 back in court.

22 **PRESIDING COMMISSIONER PECK:** It says in the Risk
23 Assessment that you were separated and divorced after
24 about seven years, in '82. Does that sound about right?

25 **INMATE HARRISON:** Yes.

1 **PRESIDING COMMISSIONER PECK:** It says that you
2 two tried to get back together several times; is that
3 true?

4 **INMATE HARRISON:** Yes.

5 **PRESIDING COMMISSIONER PECK:** Didn't work.

6 **INMATE HARRISON:** Correct.

7 **PRESIDING COMMISSIONER PECK:** Why do you think
8 she kept on trying to drag you back to court and ruin
9 your life? That's what you said, kept on dragging him
10 back to court and trying to ruin his life. Did you make
11 that statement or is that not true?

12 **INMATE HARRISON:** I probably made that statement
13 because -- yes.

14 **PRESIDING COMMISSIONER PECK:** Why do you think
15 she was trying to do that?

16 **INMATE HARRISON:** I think she was having a very
17 difficult time letting -- she wanted, apparently wanted
18 out but she was having a difficult time making the
19 break.

20 **PRESIDING COMMISSIONER PECK:** Do you think, I'm
21 sorry, did you -- were you doing things to family
22 members, like harassment? Were you doing any of those
23 type of behaviors to the family?

24 **INMATE HARRISON:** That was later. That did
25 happen later.

1 **PRESIDING COMMISSIONER PECK:** Like changing the
2 mailing address -- mailing address and phone number,
3 ordering unwanted magazine, writing a letter under an
4 assumed name, all that kind of stuff. Were you doing --
5 I guess you put Harry Wanket's name in a Swinger
6 publication?

7 **INMATE HARRISON:** Yes.

8 **PRESIDING COMMISSIONER PECK:** Why would you do
9 all that?

10 **INMATE HARRISON:** Just anger, frustration.

11 **PRESIDING COMMISSIONER PECK:** Did you -- did you
12 detonate a homemade bomb under Gary Jenkins' ex-wife's
13 vehicle?

14 **INMATE HARRISON:** Yes.

15 **PRESIDING COMMISSIONER PECK:** Why would you do
16 that?

17 **INMATE HARRISON:** Gary Jenkins was behind
18 probably 90 percent, 95 percent of the litigation
19 between Anne and I and the divorce. And I had asked
20 Gary repeatedly to get out of my life, to leave me
21 alone. He just found some kind of pleasure in
22 continuing, for whatever reasons. So I did that, I set
23 a pipe bomb off under the vehicle. That was a message
24 to leave me alone. But it was -- it was a very decision
25 to say the least. A very bad decision.

1 **PRESIDING COMMISSIONER PECK:** Well, why under his
2 ex-wife's car?

3 **INMATE HARRISON:** Because it was my attitude at
4 the time was, you want to mess up my family, you want to
5 mess up my visitation with my kids, you want to play
6 these games, I'll mess with your family and that's what
7 I did.

8 **PRESIDING COMMISSIONER PECK:** Well, I would --
9 then why wouldn't it be his vehicle?

10 **INMATE HARRISON:** Got you. Got you.

11 **DEPUTY COMMISSIONER GROTTKAU:** Do you feel you
12 were getting even with him or something?

13 **INMATE HARRISON:** No, I felt I was sending a
14 message and that hopefully these things would just stop.

15 **PRESIDING COMMISSIONER PECK:** I would think that
16 would make things worse. You sound like a really smart
17 guy. I don't know how that would make things better.

18 **INMATE HARRISON:** Yeah.

19 **ATTORNEY STRINGER:** Commissioner, can I just make
20 sure, just for client's benefit, that all federal laws,
21 probation, et cetera, et cetera, all those strictures
22 have already been resolved.

23 **PRESIDING COMMISSIONER PECK:** I have no idea.

24 **ATTORNEY STRINGER:** I wouldn't want him to make
25 any statements that might conflict with that.

1 **PRESIDING COMMISSIONER PECK:** All right. Noted.
2 But I heard what he had to say.

3 **ATTORNEY STRINGER:** I mean, is there anything in
4 the file that would indicate he was on any kind of
5 federal probation that the Board is considering that at
6 all?

7 **PRESIDING COMMISSIONER PECK:** No.

8 **ATTORNEY STRINGER:** Okay. So that's all done.

9 **PRESIDING COMMISSIONER PECK:** Well, and just
10 frankly, most of the time, all those -- all those -- all
11 those -- all that time is frontloaded.

12 **ATTORNEY STRINGER:** Right.

13 **PRESIDING COMMISSIONER PECK:** So it's all
14 frontloaded on the sentence.

15 **ATTORNEY STRINGER:** It's a determinate sentence,
16 so it's --

17 **PRESIDING COMMISSIONER PECK:** So it has to be
18 frontloaded.

19 **ATTORNEY STRINGER:** Yes.

20 **PRESIDING COMMISSIONER PECK:** And then the life,
21 the indeterminate is after that. So I would, just based
22 on my knowledge of corrections, I would think that his -
23 - I don't -- I don't think that there's anything
24 pending. But in no way do I -- I don't -- listen, the
25 feds do it the feds way. I have no way -- I have no way

1 of knowing.

2 **DEPUTY COMMISSIONER GROTTKAU:** Mr. Harrison, do
3 you know if there's anything pending from the federal --
4 from the federal government?

5 **INMATE HARRISON:** Well, I believe I have a
6 probation sentence that would follow release. But
7 there's nothing pending other than that.

8 **PRESIDING COMMISSIONER PECK:** Yeah, I don't think
9 so, either. When I looked at your file I didn't see
10 anything. I didn't see any holds or detainers. I
11 didn't see anything where they would be looking for you
12 for anything to do with that. Were you involved in any
13 kind of relationships when you were going through your
14 divorces, I mean, your divorce?

15 **INMATE HARRISON:** Afterwards. After the final
16 separation and divorce, yeah.

17 **PRESIDING COMMISSIONER PECK:** You had a couple of
18 same sex relationships?

19 **INMATE HARRISON:** Yes.

20 **PRESIDING COMMISSIONER PECK:** You got shot in the
21 face?

22 **INMATE HARRISON:** Yes.

23 **PRESIDING COMMISSIONER PECK:** How'd you get shot
24 in the face?

25 **INMATE HARRISON:** Some guys came out to the

1 property that I was -- where I was at. We got in a
2 little gun fight.

3 **PRESIDING COMMISSIONER PECK:** O.K. Corral kind of
4 gun fight?

5 **INMATE HARRISON:** Sort of.

6 **PRESIDING COMMISSIONER PECK:** Were you involved
7 in a marijuana operation?

8 **INMATE HARRISON:** I wasn't.

9 **PRESIDING COMMISSIONER PECK:** You were just
10 there?

11 **INMATE HARRISON:** To clarify, it was my brother's
12 -- my brother's property next door is where the
13 marijuana was.

14 **PRESIDING COMMISSIONER PECK:** Okay.

15 **INMATE HARRISON:** I wasn't involved in that.

16 **PRESIDING COMMISSIONER PECK:** All right. Why do
17 you think you got involved in criminality? Or do you
18 think you were involved in criminality? I guess we
19 should start with do you really even believe you were
20 involved in criminality. And if the answer is yes, then
21 why? If you weren't, then the -- then the answer just
22 ends. I mean, I --

23 **INMATE HARRISON:** Absolutely, I was. Two
24 reasons, my disenchantment with the legal system and
25 just absolute frustration over years of being dragged

1 back into court, I just was -- I could not get separated
2 from that whole mess. People, for what -- people just
3 didn't want to let it go. And it just got to be
4 overwhelming.

5 **PRESIDING COMMISSIONER PECK:** And it wasn't you
6 that wasn't letting it go. I just want to be clear
7 because you keep on saying people, you say -- I mean,
8 did you have any -- were you responsible for any of
9 this? Or was it -- or were you just a victim here?

10 **INMATE HARRISON:** I don't believe that's possible
11 that anyone is just a victim. I think everybody has
12 responsibility for being involved. I don't think, by
13 any means, I'm squeaky clean in any of this.

14 **PRESIDING COMMISSIONER PECK:** Well, what could
15 you have done -- what could you have done different?

16 **INMATE HARRISON:** I could have not done some of
17 the things I did, clearly. The pipe bomb.

18 **PRESIDING COMMISSIONER PECK:** Like what?

19 **INMATE HARRISON:** The pipe bomb, harassing
20 Mr. Wanket. I clearly did some terrible decisions.
21 They solved nothing, as you said, probably made things
22 worse. Just the people that were hurt, just a lot of
23 very bad repercussions from that. So I think it's more
24 of what I -- as far as what I could have done
25 proactively to resolve, I don't know because I made it

1 very clear for years that I wanted to be left alone.
2 Just quit all this stuff. So I don't know -- I don't
3 know what I could have done at that time to have made it
4 better, to made it to resolve, not better. To made it
5 to resolve the situations.

6 **PRESIDING COMMISSIONER PECK:** Did you have books
7 like How to do a Perfect Crime, and How to Commit It,
8 and The Joy of Cold Revenge and The Revenge Book? Did
9 you have those kind of books?

10 **INMATE HARRISON:** Yes.

11 **PRESIDING COMMISSIONER PECK:** Why?

12 **INMATE HARRISON:** Very, very bad thinking.

13 **PRESIDING COMMISSIONER PECK:** Were you planning
14 on how to commit a perfect crime, and the cold joy of
15 revenge and were you planning on doing this kind of
16 stuff?

17 **INMATE HARRISON:** Other than the things I did,
18 no.

19 **PRESIDING COMMISSIONER PECK:** Did you have four
20 pipe bombs that were fused and ready for detonation?

21 **INMATE HARRISON:** I don't know the number four.
22 There were others.

23 **PRESIDING COMMISSIONER PECK:** So you had pipe
24 bombs.

25 **INMATE HARRISON:** Yes.

1 **PRESIDING COMMISSIONER PECK:** I guess that would
2 be fair to say. Did you have gun powder and other stuff
3 on how to make a bomb?

4 **INMATE HARRISON:** I think there were probably
5 other materials, also.

6 **PRESIDING COMMISSIONER PECK:** Were you -- were
7 you planning on doing more bombings of things?

8 **INMATE HARRISON:** No.

9 **PRESIDING COMMISSIONER PECK:** Then why would you
10 have pipe bombs?

11 **INMATE HARRISON:** To be clear, I didn't have
12 them. They were at somebody else's house.

13 **PRESIDING COMMISSIONER PECK:** Okay. Did you make
14 the pipe bombs?

15 **INMATE HARRISON:** Yes.

16 **PRESIDING COMMISSIONER PECK:** Okay. That's about
17 as clear as I need it.

18 **INMATE HARRISON:** Okay.

19 **PRESIDING COMMISSIONER PECK:** At what point did
20 you -- why did you have -- why were you making pipe
21 bombs?

22 **INMATE HARRISON:** I think it was just, at the
23 time I don't really know why we made that many, why
24 there were so many made. I don't know.

25 **PRESIDING COMMISSIONER PECK:** Were you planning

1 on blowing things up?

2 **INMATE HARRISON:** No.

3 **PRESIDING COMMISSIONER PECK:** But you had pipe
4 bombs before and you blew up a vehicle.

5 **INMATE HARRISON:** They were all part of one
6 batch, I mean, that was one --

7 **PRESIDING COMMISSIONER PECK:** How'd you learn how
8 to make a pipe bomb?

9 **INMATE HARRISON:** Pardon?

10 **PRESIDING COMMISSIONER PECK:** How'd you learn how
11 to make a pipe bomb?

12 **INMATE HARRISON:** Books.

13 **PRESIDING COMMISSIONER PECK:** And you made those
14 pipe bombs for the specific reason of blowing up Gary
15 Jenkins' family members so they would leave you alone?

16 **INMATE HARRISON:** Okay. There was no -- there
17 was no intent of ever blowing up any family member --

18 **PRESIDING COMMISSIONER PECK:** Okay.

19 **INMATE HARRISON:** -- or a car --

20 **PRESIDING COMMISSIONER PECK:** Family members'
21 property.

22 **INMATE HARRISON:** Okay. All right. Exactly.
23 But that was --

24 **PRESIDING COMMISSIONER PECK:** Well, I, you know,
25 frankly, pipe bombs, unfortunately, people get in cars,

1 things blow up. I mean, I don't know how in the world
2 you would -- you would -- could not say people aren't
3 going to get hurt. You don't know when somebody is
4 going to walk out to a vehicle and they're going to get
5 blown up. I mean, frankly, that's a huge public safety
6 risk. I don't think anybody can argue that.

7 **INMATE HARRISON:** That's very true. But the
8 intent was never to hurt anybody. In fact, the pipe
9 bomb was ignited at like two in the morning or
10 something, underneath the vehicle in a driveway. So
11 this wasn't like a pipe I'm throwing through a window of
12 a restaurant because you want to destroy the restaurant.
13 So this was a whole different thing. There was at least
14 thought put into it that nobody would get hurt. And I
15 was like later chastised for not going after Gary
16 myself. So you would have been a lot better off just
17 going after him personally, but that's --

18 **PRESIDING COMMISSIONER PECK:** Where was the
19 vehicle parked?

20 **INMATE HARRISON:** In a driveway.

21 **PRESIDING COMMISSIONER PECK:** Whose driveway was
22 it in?

23 **INMATE HARRISON:** Gary's wife, Pam (phonetic).

24 **PRESIDING COMMISSIONER PECK:** It was in her
25 driveway?

1 **INMATE HARRISON:** Yes.

2 **PRESIDING COMMISSIONER PECK:** And how far did she
3 live away from Gary?

4 **INMATE HARRISON:** Away, a lot, I don't know.
5 Many miles.

6 **PRESIDING COMMISSIONER PECK:** And that was
7 because you were trying to give Gary a message?

8 **INMATE HARRISON:** Yes. But the message had
9 already been given repeatedly before that, leave me
10 alone.

11 **PRESIDING COMMISSIONER PECK:** So I guess the
12 question is, and it's -- and you know this is an
13 important question, is do you think your actions were
14 violent?

15 **INMATE HARRISON:** Okay. Clearly, detonating a
16 pipe bomb is a violent act. But for those who list
17 violence as acts against an individual, it wasn't. But
18 clearly, people define violence differently so I want to
19 make sure we're clear.

20 **PRESIDING COMMISSIONER PECK:** Well, I'm not in
21 prison. You are. So I want to know what you think.
22 It's not -- it's not what I think. I want to know what
23 you think. Guess what, this isn't my Parole
24 Consideration Hearing, sir. It's yours. So I want to
25 know what you think so I can make the assessment of

1 whether you're safe to release. So what do you think,
2 not what I think, what do you think?

3 **INMATE HARRISON:** Clearly, detonating a pipe bomb
4 is a violent act.

5 **PRESIDING COMMISSIONER PECK:** So why did you
6 resort to violence to resolve, according -- let's just
7 say for the sake of argument that everything that you've
8 said so far is accurate. So why would you resort to
9 violence for that situation?

10 **INMATE HARRISON:** Because of the years of
11 frustration, continual court problems, no resolution in
12 sight, no resolution of any kind in sight. Everything
13 that I had attempted to do, every message I had sent,
14 every plea to leave me alone, everything had failed.
15 Everything.

16 **PRESIDING COMMISSIONER PECK:** Did you ever --
17 were you ever involved in -- what was the -- who was the
18 DA that prosecuted you?

19 **INMATE HARRISON:** Larry Burns.

20 **ATTORNEY STRINGER:** Which court, Commissioner?

21 **PRESIDING COMMISSIONER PECK:** Larry Burns, that's
22 the right name.

23 **ATTORNEY STRINGER:** That's a state clerk?

24 **PRESIDING COMMISSIONER PECK:** Yeah, he was a
25 federal -- he was federal first, and then he came back

1 as a Deputy DA and prosecuted Mr. Harrison. Is that
2 correct, Mr. Harrison?

3 **INMATE HARRISON:** Correct.

4 **PRESIDING COMMISSIONER PECK:** Did you ever --

5 **ATTORNEY STRINGER:** For the state crime.

6 **PRESIDING COMMISSIONER PECK:** Yes. Did you --

7 **ATTORNEY STRINGER:** I'm nervous about getting
8 into this federal area if he still has probation on it.

9 **PRESIDING COMMISSIONER PECK:** We're just talking
10 about the state. Well, we're not even talking about
11 that. I want to know if you've ever -- if he's ever --
12 I'm sorry, I started talking to your attorney when
13 you're sitting right here in front of me. Did you ever
14 threaten Mr. Burns?

15 **INMATE HARRISON:** No.

16 **PRESIDING COMMISSIONER PECK:** Did you ever harass
17 him?

18 **INMATE HARRISON:** No.

19 **PRESIDING COMMISSIONER PECK:** Were you ever
20 involved in any kind of behaviors that would be
21 considered threatening?

22 **INMATE HARRISON:** No.

23 **PRESIDING COMMISSIONER PECK:** How would you
24 describe yourself? It's kind of a broad question, I
25 know, but how do you see yourself? What kind of person

1 do you see yourself? The doctor thinks you're
2 narcissistic, the doctor thinks that you're extremely --
3 now I'm sorry, not narcissistic. The doctor thinks
4 you're very narcissistic, and the doctor thought that
5 your personality disorder was at the level of
6 psychopathic, just above the cutoff or threshold
7 commonly used to identify Dissocial or Psychopathic
8 Personality. Now, obviously, I'm just a poor country
9 boy. I read something like that and I go, whoa; right?
10 So I just wondered, this is how the doctor saw you or
11 based on the assessment that she did, how do you see
12 you? How do you see yourself?

13 **INMATE HARRISON:** I'm not really -- I'm not
14 really sure what the question is exactly, where you want
15 me to --

16 **PRESIDING COMMISSIONER PECK:** How do you see
17 yourself?

18 **INMATE HARRISON:** Well, I don't see myself as
19 psychopathic, so --

20 **PRESIDING COMMISSIONER PECK:** If I were to ask
21 you to describe yourself, you've done job interviews
22 before I'm sure, they always go, describe yourself.
23 Tell the -- tell the hiring authority, now you can just
24 substitute Parole Board, tell the Parole Board a little
25 bit about yourself. Tell us how you would describe

1 yourself.

2 **INMATE HARRISON:** Well, as far as -- we'll start
3 with job interviews. I have a super, super high work
4 ethic. Being productive is extremely important to me.

5 **PRESIDING COMMISSIONER PECK:** Okay.

6 **INMATE HARRISON:** I'm very -- I don't need
7 supervision at all. I'm very motivated in my own -- in
8 my own self. I just -- I like to work, I like to
9 produce. I don't like wasted time.

10 **PRESIDING COMMISSIONER PECK:** Yeah. Anything
11 about your personality that you can share with us?

12 **INMATE HARRISON:** Let me see. Things that, more
13 than anything, I'm patient. In this environment there's
14 so much rushing because there's so -- it's such a
15 cramped environment. There's people going so many
16 places with so little time because of the custody issues
17 and so forth. And it's interesting that through the
18 years, just I've always been really, really, really
19 patient with it if --

20 **PRESIDING COMMISSIONER PECK:** Have you always
21 been patient?

22 **INMATE HARRISON:** I don't know if I've always
23 been -- I don't know if I've always been patient but I
24 know all through the years in prison, for many years,
25 and people commented on it regularly, is just because

1 things don't bother me. I realize that there's no
2 cliché, it's almost impossible to over exaggerate the
3 complete unimportance of nearly everything. And it's
4 true because so quickly you could lose everything in
5 your world, your life can change. So I've realized, as
6 far as my personality is now, that things aren't worth -
7 - they aren't really worth getting that upset about or
8 to be that concerned about.

9 **PRESIDING COMMISSIONER PECK:** You've read the
10 Risk Assessment.

11 **INMATE HARRISON:** Sure.

12 **PRESIDING COMMISSIONER PECK:** And the only reason
13 why I'm talking about is because it concerns me.

14 **INMATE HARRISON:** Sure.

15 **PRESIDING COMMISSIONER PECK:** so the big theme is
16 that, and frankly it's the theme in everything that I've
17 read, a lot of things I've read about you, is if you do
18 Mr. Harrison wrong in what he perceives as wrong he's
19 going to go after you. And there's going to be
20 retribution, there's going to be revenge, there's going
21 to be violence, he's going to -- he's going to try to
22 ruin your life.

23 **ATTORNEY STRINGER:** Yeah, I've got it.

24 **PRESIDING COMMISSIONER PECK:** Is that -- is that
25 -- is that true about you?

1 **INMATE HARRISON:** I believe that that assessment
2 has some validity at the time in the 1980s when these
3 things were going on, all this litigation, all this
4 stuff was going on. The frustration, the anger, the
5 complete lack of belief in the judicial system. Since
6 that time I don't have that anger, that anger is not
7 there.

8 **PRESIDING COMMISSIONER PECK:** Well, you still
9 have a -- you still have a lack of trust in the judicial
10 system.

11 **INMATE HARRISON:** That's true. I do.

12 **PRESIDING COMMISSIONER PECK:** So I don't know
13 what's different there.

14 **INMATE HARRISON:** Well, that's true.

15 **PRESIDING COMMISSIONER PECK:** I mean, our first -
16 - our first conversation was in how you totally lack
17 confidence in the Parole Board.

18 **INMATE HARRISON:** Yes, that's true.

19 **PRESIDING COMMISSIONER PECK:** So obviously, we're
20 part of the judicial system here, somewhere we fit into
21 that.

22 **INMATE HARRISON:** Right, but I haven't -- the
23 difference now is, for example, the psych took offense
24 to all my litigation. But the litigation is a very
25 prosocial, I think it's an excellent way to resolve if

1 you have a difference with somebody to resolve it. It's
2 a whole lot better choice than a pipe bomb.

3 **PRESIDING COMMISSIONER PECK:** I'm not going to
4 argue with you.

5 **INMATE HARRISON:** So I think while she took
6 offense with it and said, I think, in her Psych Eval, at
7 the very end, that the litigation establishes evidence
8 of anger, and revenge, retribution. I think that's a
9 little bit unprofessional on her part.

10 **PRESIDING COMMISSIONER PECK:** So you're talking
11 about when she was talking about the legal system, it's
12 on page -- it looks like it's on page 12; right?

13 **INMATE HARRISON:** I think at the very end.

14 **PRESIDING COMMISSIONER PECK:** Yeah. Were you
15 involved in an arson? Did you ever have an arson
16 offense?

17 **INMATE HARRISON:** Yes.

18 **PRESIDING COMMISSIONER PECK:** When was that? Do
19 you remember?

20 **INMATE HARRISON:** Early, mid-eighties, something
21 like that.

22 **PRESIDING COMMISSIONER PECK:** What happened with
23 that?

24 **INMATE HARRISON:** That was an arson of a ski-
25 boat, trailered ski-boat.

1 **PRESIDING COMMISSIONER PECK:** Whose boat was
2 that?

3 **INMATE HARRISON:** Todd Newman's (phonetic).

4 **PRESIDING COMMISSIONER PECK:** Who is Todd Newman?

5 **INMATE HARRISON:** Todd Newman was one of the
6 individuals I had a relationship with.

7 **PRESIDING COMMISSIONER PECK:** Okay. And how did
8 his boat get burned?

9 **INMATE HARRISON:** It was a -- I think it was an
10 incendiary device but I don't know.

11 **PRESIDING COMMISSIONER PECK:** Were you involved
12 with it?

13 **INMATE HARRISON:** Yes.

14 **PRESIDING COMMISSIONER PECK:** And why did you do
15 that?

16 **INMATE HARRISON:** The reason for that was a debt.

17 **PRESIDING COMMISSIONER PECK:** Did he -- he owed
18 you money?

19 **INMATE HARRISON:** Yes.

20 **PRESIDING COMMISSIONER PECK:** How come you
21 couldn't resolve it nonviolently?

22 **INMATE HARRISON:** Because at that time in my life
23 things were very -- well, there were efforts to resolve
24 it before that but it didn't get resolves. And at that
25 time, things were just very bad.

1 **PRESIDING COMMISSIONER PECK:** So you had a 9186,
2 transportation of property taken by fraud, interstate
3 commerce in '80. Is that right? Is that what -- what
4 was that crime?

5 **INMATE HARRISON:** I think that was the federal --
6 I think that was a federal insurance fraud.

7 **PRESIDING COMMISSIONER PECK:** What were you
8 doing? What were you involved in?

9 **INMATE HARRISON:** That was a -- I think that was
10 a -- I think I was reporting a car stolen that wasn't
11 stolen.

12 **PRESIDING COMMISSIONER PECK:** Okay. And then you
13 did it for financial gain?

14 **INMATE HARRISON:** Yes.

15 **PRESIDING COMMISSIONER PECK:** And you were
16 involved in that?

17 **INMATE HARRISON:** Yes.

18 **PRESIDING COMMISSIONER PECK:** All right. And you
19 had five years federal probation for that?

20 **INMATE HARRISON:** I believe so.

21 **PRESIDING COMMISSIONER PECK:** And then -- and
22 then you had the -- was that -- was that bomb, the next
23 bombing where you did the ten years in federal -- did
24 you do ten years in federal prison for that? For the
25 pipe bomb?

1 **INMATE HARRISON:** I was given ten years for the
2 pipe bomb and I was given ten years consecutive for the
3 arson.

4 **PRESIDING COMMISSIONER PECK:** Okay. So both
5 those were together?

6 **INMATE HARRISON:** Yes.

7 **PRESIDING COMMISSIONER PECK:** Okay. So the arson
8 and the pipe bomb, did they happen around similar times?

9 **INMATE HARRISON:** Roughly. I really don't --
10 honestly, I don't remember. I don't remember. But,
11 yeah. Definitely around the same time.

12 **PRESIDING COMMISSIONER PECK:** I hope you would
13 remember --

14 **INMATE HARRISON:** Yeah.

15 **PRESIDING COMMISSIONER PECK:** -- when you do
16 something that gets you sentenced to federal
17 penitentiary, I would hope that that would maybe stick
18 in your head a little bit.

19 **INMATE HARRISON:** The events, not the dates.

20 **PRESIDING COMMISSIONER PECK:** Anything else? Any
21 other conviction, I mean, other than your life crime?

22 **INMATE HARRISON:** Not that I -- not that I
23 recall. The federal, I think there was just the arson,
24 the bomb and the insurance.

25 **PRESIDING COMMISSIONER PECK:** You talked to the

1 doctor about the life crime?

2 **INMATE HARRISON:** No. Other than to deny it
3 completely.

4 **PRESIDING COMMISSIONER PECK:** Okay. The doctor
5 said that you're aware -- you're definitely lacking
6 self-awareness and especially in how you come across.
7 So let me just read what it says and I'm going to give
8 you a chance to say what you want to say; all right?
9 That's the way I roll. It's on page 13; right? And it
10 says, overall, Mr. Harrison displayed some limited
11 insight but is definitely lacking in self-awareness
12 especially in how he comes across. With shallow affect
13 he expressed superficial remorse for the damages,
14 psychological or otherwise, that he inflicted upon his
15 victims in the property crimes. In a similar manner,
16 repeatedly proclaimed that he loves emotions, and that
17 emotions are good while expressing a very restricted
18 range of emotion. He did admit, however, that others
19 tend to perceive him as cold which he partially seemed
20 perplexed over. But at the same time, did acknowledge
21 that he tends to be guarded with others in revealing his
22 feelings, emotions and personal information. He
23 lightheartedly added that others frequently complain
24 that he always knows everything about them but they know
25 nothing about him. This is consistent with a measured

1 level of psychopathy and his personality disorder, both
2 of which if left -- if left unaddressed will remain a
3 motivating factor between antisocial acts for
4 Mr. Harrison. In fact, he doesn't seem to need, I'm
5 sorry, in fact, he doesn't seem to need any personal
6 violence to satisfy his urges for vengeance. He is
7 perfectly capable of enacting his own justice in more
8 indirect ways which indicates that he hasn't necessarily
9 matured out of his prior antisocial mindset. He's
10 simply evolved. Can you respond to that? I know it's a
11 big, old, long sentence, but guess what, you're a smart
12 guy and if you need to review it take a look at it. I
13 mean, I just want you to know, that is of extreme
14 concern.

15 **INMATE HARRISON:** All right. Okay. The limited
16 insight is quite -- the question there is she kept
17 trying to go into the life crime and I wouldn't go into
18 it.

19 **PRESIDING COMMISSIONER PECK:** Okay.

20 **INMATE HARRISON:** I kept telling her, I'm
21 innocent of that, I've got nothing to say about that.
22 So I don't know how she can -- anyway. So there's no
23 insight there. So I would agree that there is limited
24 insight into that because I'm not going to discuss that.
25 I don't know if her perception is that I lack self-

1 awareness how I come across, then that's her perception.
2 I don't know what I can say about that. I completely
3 disagree with any suggestion that I was not very
4 forthcoming and very concerned about Pamela Jenkins, and
5 her family and the repercussions that they suffered
6 because of the pipe bomb. I realize, completely, how
7 emotionally devastating that no doubt was to them. At
8 the time, obviously, I did not. Through the years it's
9 clear what a horrible thing that was that they had to
10 have gone through. Just not only going through it but
11 then to worry about it day to day after that. Why?
12 What's going on? Could it happen again? All that
13 stuff, all the fear. All the -- all the -- just the
14 fear from it. So that's clearly, and we discussed that
15 at length or in depth. I'm not perplexed over anybody
16 who has ever seen me as being cold or distant because
17 that's just my nature. It's probably from my father, I
18 don't know, I'm not cuddly, touchy, I'm just not that
19 way. So I don't know where she gets that I'm perplexed
20 over it at all. It's just very natural for me in a
21 sense. I am somewhat guarded, no question. I don't
22 know, this part about how I know everything about
23 everybody, see what I see, knows everything about them
24 but they know nothing about him. I don't know where
25 that -- I don't know where that comes from other than it

1 could be just come from the fact that we did discuss how
2 I am -- in a group, I tend to be quiet. I tend to
3 listen. I like to listen, I like to hear what's going
4 on, I like to be a part. I don't care about giving my
5 opinion, I don't care about convincing people of
6 anything. I just listen and interact where I need to
7 interact so that could easily come out of that.

8 **PRESIDING COMMISSIONER PECK:** Anything, you know
9 what the word modeling means?

10 **INMATE HARRISON:** Excuse me?

11 **PRESIDING COMMISSIONER PECK:** Modeling, you know
12 what modeling means? Modeling behaviors, do you have
13 any information about that?

14 **INMATE HARRISON:** No.

15 **PRESIDING COMMISSIONER PECK:** Modeling behaviors?
16 Many people do things because they model it after other
17 people that they saw. You grew up in a violent
18 environment you become violent.

19 **INMATE HARRISON:** Sure.

20 **PRESIDING COMMISSIONER PECK:** Just because that's
21 what you saw. It's a simple concept. Any modeling from
22 your behavior?

23 **INMATE HARRISON:** Is modeling a intentional act
24 or is it -- is it --

25 **PRESIDING COMMISSIONER PECK:** Not necessarily.

1 **INMATE HARRISON:** So it's nurturing --

2 **PRESIDING COMMISSIONER PECK:** Could be.

3 **INMATE HARRISON:** You become what you're by. So
4 clearly, I could have gotten something like that from my
5 father. Clearly.

6 **PRESIDING COMMISSIONER PECK:** I'm more looking at
7 the violence.

8 **INMATE HARRISON:** The violence.

9 **PRESIDING COMMISSIONER PECK:** You're blowing crap
10 up, that's violent.

11 **INMATE HARRISON:** Oh, no. Absolutely. But
12 modeling, no. I'm trying to tie that into modeling. I
13 mean, I don't understand.

14 **PRESIDING COMMISSIONER PECK:** I don't either, but
15 I don't know your childhood, I don't -- I don't know
16 your development. I just want to make sure I do know
17 it.

18 **INMATE HARRISON:** Okay. I got you.

19 **PRESIDING COMMISSIONER PECK:** Right?

20 **INMATE HARRISON:** I got you. No, okay. So my
21 father wasn't totally touchy, feely type so I could have
22 gotten that distance, that coldness that I portray now
23 from that. So modeling, but as far as the violence?
24 No.

25 **PRESIDING COMMISSIONER PECK:** You don't -- and

1 you -- I don't want to use the word you don't know why
2 you're -- it sounds like the violence that you were
3 involved in was, and I'm more looking at insight as far
4 as an understanding in your internal factors, I'm not
5 trying to hide the ball on you, I'm just trying to see
6 if you understand what I'm asking you about insight.
7 And I'm not talking about your life crime. I'm talking
8 about your behaviors when you were in the community.
9 Because if you were to look at the written record it
10 would raise, and I can't do it because I can't lift one
11 eyebrow at a time but it would raise eyebrows as to your
12 behaviors when you look at the written report about you;
13 right? So is there anything that you believe, or you
14 have any understanding of why you were involved in the
15 kind of behaviors that you were involved in in the
16 community that led to your violence, led to your -- I
17 mean, I don't -- you definitely do appear to have been
18 revenge oriented from what I've seen. Even by the stuff
19 that you admit. So what was it about you that allowed
20 you to do this? That was sure a long question. Do you
21 understand it?

22 **INMATE HARRISON:** I don't know. I'll answer, you
23 can ask more if I don't get it all. What allowed me to
24 be -- to have that level of frustration -- let me back
25 up. You have the factor, definitely the factors of my

1 lack of belief in law enforcement, judicial system at
2 that time, all that; all right? I had none there. I
3 had a super high frustration level at the system, at
4 people, other people, the things that were going on.
5 Nothing could -- nothing seemed to be able to be
6 resolved. This is -- these are stressors that went on
7 for years, were going on -- this wasn't just like all of
8 a sudden, or these things had been going on in my life
9 forever. It's just a period of a few years that things
10 were just out of -- spiraling out of control and there
11 was no resolution. That was a -- the violence, which it
12 was, was the next step from all the other things I had
13 tried through the years. And it failed that. It was
14 the next step, a very bad next step. Obviously a very
15 horrible thing to do, all the things I did I fully
16 acknowledge that.

17 **PRESIDING COMMISSIONER PECK:** Okay. Well, let's
18 just -- so here's -- so here's the question. We all
19 have things in our lives that happen that we have
20 absolutely no control over.

21 **INMATE HARRISON:** Right.

22 **PRESIDING COMMISSIONER PECK:** I've got to work
23 with Grottkau. You know, I've got no control over that.

24 **DEPUTY COMMISSIONER GROTTKAU:** I'm sorry, I'm
25 sorry.

1 **PRESIDING COMMISSIONER PECK:** I know, it's all
2 good. Right? So I got to work with a lot of people. I
3 got to be around a lot of situations, I've got to deal
4 with a lot of things in my life that I have absolutely
5 not one bit of control over; right? But there's one
6 thing I have total control over, and that's what I do so
7 everything that you described to me were the actions of
8 others that led you to be involved in your behavior.
9 That's the way I heard it, so this is what -- this is
10 why I'm asking you the question again in another way.
11 What was it about you that allowed you to participate in
12 this type of behavior? Do you understand that?

13 **INMATE HARRISON:** Thank you for clarifying, yes.
14 Because I thought you were after causative -- other
15 things. So myself, at that time, it was obviously a
16 lack of maturity, impulsivity, trying to -- trying to my
17 own inability, too. My own -- I think it was just a lot
18 of immaturity, to understand. How to resolve problems,
19 how to find the people, support system, whatever else
20 was needed to help me to understand, to resolve these
21 problems. Obviously what I had done in communicating
22 with people and so forth hadn't worked. So there was a,
23 let's see, there was no way that my frustration led me
24 to -- it didn't lead me there. I want to be careful how
25 I say that because I'm not trying -- it was me. There's

1 no -- I made the decisions, I made the choices; okay? I
2 went and built the pipe bombs, I did that. I made the
3 choice at some point that these other ways aren't
4 working so I'm going to do this instead. Maybe this'll
5 work, maybe this will get people to leave me alone;
6 okay? So the choices -- the choices were made by me,
7 alone, to do these things. So I'm not -- I'm not --
8 this isn't about -- it goes without saying, you can't do
9 anything -- things are -- you don't dance alone; all
10 right? You got to dance with somebody but it's not
11 their fault. Nobody else has any responsibility for my
12 actions. I set those things in motion, I did those
13 things. So I'm --

14 **PRESIDING COMMISSIONER PECK:** That's still the
15 question. You certainly know the legal system. You
16 certainly knew how to resolve things legally.

17 **INMATE HARRISON:** Well, I do now. I didn't then.

18 **PRESIDING COMMISSIONER PECK:** I bet you kind of
19 did then, too.

20 **INMATE HARRISON:** No, I was reacting then. I
21 wasn't doing the legal system myself. I had -- as a
22 part of frustrated, for later where the learning came
23 where I had to learn to do it myself because I felt that
24 I could do as good a job as I was getting from the
25 representation that I had at the time. I think that due

1 to, for example, the divorce of my parents and so forth
2 and my upbringing, I think there was - there had to be
3 some inadequacy in my upbringing because obviously I
4 could not have made the decisions I've made no matter
5 the frustrations. You have to work with your coworkers
6 and you don't make those kind of decisions. Other
7 people go through things I went through, people get
8 divorced all the time, they don't do those things; all
9 right? People go through bad divorces, they don't do
10 those thing. Okay. So clearly, in my upbringing and
11 the choices I made in my upbringing, things I did, lack
12 of supervision, my parents' divorce, my mother was
13 working multiple jobs so there was a lot of things that
14 I'm sure led to me being the kind of person that could
15 make those kind of choice, those kind of decisions.
16 Now, I realize that -- I realized obviously since later
17 on being convicted of this life crime was actually --
18 was, in my mind obviously, an even greater injustice.
19 But I realize at that point that you've got to fix these
20 things through the system. It's their game, as they
21 say, you've got to fix it through the system. You can't
22 be making choices, the prison system is a good example,
23 too. You get -- you have potentially violence
24 encounters every single day, multiple times, every day.
25 Anything can spark something, can ignite something into

1 happening. So I realize the choices, you have to be
2 much more mature, much more aware of other people's
3 feelings, of what other people are going through, other
4 people's motivations, just everything. It's not about
5 an individual. So that you hopefully make better
6 decisions. And I think through the last 27 years I've
7 done a pretty good job of exhibiting that.

8 **PRESIDING COMMISSIONER PECK:** Well, we'll find
9 out. Time is approximately 1:35. I need a break, let's
10 take five.

11 (Off the Record.)

12 **DEPUTY COMMISSIONER GROTTKAU:** Commissioner,
13 we're back on record.

14 **PRESIDING COMMISSIONER PECK:** Thanks. Did they
15 get you some water, Mr. Jenkins? Did you have some
16 water?

17 **DEPUTY COMMISSIONER GROTTKAU:** Harrison.

18 **PRESIDING COMMISSIONER PECK:** Harrison, thank
19 you. Sorry. I was just talking to Mr. Jenkins. Did
20 they get you some water?

21 **INMATE HARRISON:** Yes.

22 **PRESIDING COMMISSIONER PECK:** Are you ready to
23 go?

24 **INMATE HARRISON:** Sure.

25 **PRESIDING COMMISSIONER PECK:** Are we on the

1 record?

2 **DEPUTY COMMISSIONER GROTTKAU:** We are on the
3 record.

4 **PRESIDING COMMISSIONER PECK:** All right. If you
5 focus your attention on Commissioner Grottkau, he's
6 going to -- he might have some questions for you.

7 **DEPUTY COMMISSIONER GROTTKAU:** Okay. At this
8 time I don't have any questions on this part.

9 **PRESIDING COMMISSIONER PECK:** All right. All
10 right. Well, let's go over the Risk Assessment, then.
11 Just I went over a lot of it already but I just want to
12 just put the assessments on the record. The doctor --
13 the doctor said, as far as the mental status
14 examination, Mr. Harrison is a 59 Caucasian male who
15 appears as chronological age, average height, thin, lean
16 build, presents with good grooming and all that stuff
17 doesn't matter. He was asked strategic and relevant
18 questions. Came to the interview with approximately 140
19 document which he has presented. That includes
20 information about his psychosocial history as he
21 perceived would be asked by the examiner as well as
22 documentation regarding his criminal case, and cause for
23 exoneration and finally his parole plans. Mr. Harrison
24 was easily engaging, superficially charming, glib. He
25 tend to portray himself in a positive light by denying

1 many faults. Also acknowledging shortcomings such as
2 being guard in personal relationships and having to
3 learn empathy for others' feelings. Areas within which
4 he claims he is actively working to improve upon and is
5 making significant progress. Mr. Harrison's cognition
6 was intact with the areas of knowledge and information,
7 attention and concentration, memory and abstraction.
8 His level of intelligence is judged at least average if
9 not above. He reported calm, even mood claiming he is
10 accepting the circumstances and is resigned to spending
11 the remainder of his life incarcerated if he's never
12 exonerated for his crime. His affect was most -- was
13 mostly -- his affect was mostly inappropriate and he did
14 not appear bothered or distressed although there were
15 occasional bouts of shallow tearfulness which tended to
16 be short lived. For the most part he presented as
17 jovial, relatable, somewhat sarcastic, incongruent,
18 mildly flamboyant and dramatic with somewhat of a
19 narcissistic flare. He made frequent -- he frequently
20 made light of situations in a somewhat callous manner
21 and he lacked trustworthiness in his decisions and
22 proclamations. His insight was fair in certain respects
23 but poor in others. His judgement, motivation and
24 intentions are questionable. As documented in the POR,
25 Mr. Harrison reported possibly having previously

1 undergone a psychological evaluation through federal
2 probation. Said that he felt the report saw him as very
3 narcissistic. Conversely, he had told the probation
4 officer that while he was housed at the Metropolitan
5 Correctional Center he chose to see a psychologist and
6 stated that he felt the results from talking with the
7 psychologist shows that he was not antisocial or
8 violent. With regard to a personality disorder,
9 Mr. Harrison does seem to evident an enduring,
10 inflexible and pervasive pattern of inner experience and
11 behavior which deviates markedly from the expectations
12 of his culture and manifests in the area of cognition,
13 affectivity and interpersonal functioning.
14 Specifically, he demonstrates restricted and in
15 appropriate affect and emotional response, faulty
16 perception of self, other and events. And impairments
17 in social and interpersonal functioning. That is
18 indicated, by but not limited to, the following traits.
19 Failure to conform to social norms with respect to
20 lawful behaviors. Repeatedly performing acts that are
21 grounds for arrest, deceitfulness, (inaudible) behavior,
22 reckless disregard for the safety of others, consistent
23 irresponsibility, lack of remorse, lack of empathy,
24 being indifferent to or rationalizing. Have hurt or
25 mistreating another. Some degree of impulsivity in

1 certain circumstances, grandiosity, preoccupation with
2 success and power, belief that he is special, unique
3 and/or high status, requiring admiration, entitled,
4 interpersonally exploitative, envious, arrogant and
5 haughty. Because not enough information is known about
6 Mr. Harrison's early childhood, adolescent behavior in
7 order to establish the presence of a conduct disorder
8 which is required for a diagnosis of Antisocial
9 Personality Disorder. At best, the most appropriate
10 diagnosis in that regard would be Adult Antisocial
11 Behavior. However, there is a clear and convincing
12 evidence that Mr. Harrison does meet the diagnosis
13 criteria for a Narcissistic Personality Disorder. Thus,
14 per the DSM-V, the following diagnosis are offered.
15 Narcissistic Personality Disorder and Adult Antisocial
16 Behavior. I'm not going to go through institutional
17 adjustment. Commissioner is going to go over that with
18 you. We're not going to go over parole plans,
19 Commissioner is going to go over that with you. I
20 already read the Psychopathic Personality section. The
21 doctor thought you were above the cutoff. The doctor
22 says, although Mr. Harrison has participated in a very -
23 - in various self-help programs intermittently
24 throughout the years the degree to which he has had a
25 positive treatment response is problematic. During the

1 current interview he admitted he didn't have -- or he
2 didn't care much for groups and often did not openly
3 participate. Rather, he boasted that he tended to act
4 more like a facilitator than a participant, iterating
5 that he is skilled at making other feel comfortable and
6 opening up with him. But he does not do the same in
7 return. He chose -- oh, his choice to pursue
8 correspondence self-help while at San Quentin further
9 demonstrates his resistance to engaging in situations
10 where he risks being vulnerable such as in group
11 setting/context. His solitude leaves no opportunity
12 assess the benefit, parentheses, if any he is receiving
13 especially considered he did not relate anything
14 profoundly deep or insightful that he has learned about
15 himself either writing or verbally during the current
16 interview. Within, I read that part already. The
17 doctor thought that you presented with evidence of
18 insight not only into your violent risk, but your need
19 for treatment, your personality disorder. And you told
20 the doctor that you're learning to have empathy for
21 other people's feelings, according to what the doctor
22 said. When asked to describe how he changed as a
23 person, Mr. Harrison characterized himself formerly as
24 being demanding and idealistic, but not he identifies as
25 someone who has realistic expectations and is tolerant

1 of the injustices inherent in the world. He says that
2 lowering his expectation to meet the status quo has
3 afforded him liberty in no longer suffering the extreme
4 disappoint and dismay which, in the past, led him to act
5 out whenever he -- act out whenever he encountered
6 wrongdoings. He insist that accepting the world as
7 unfair and corrupt alleviates any anger and resentment
8 he otherwise would feel. And thus, he is no longer
9 driver to anger. In a sense, he has given up his need
10 for control. However, he serves in other ways still by
11 immersing himself in paperwork and fighting the legal
12 system through avenues such as appeals, case law, et
13 cetera. And this is indeed consistent with his prior
14 actions which were calculated and an oblique seeking of
15 justice, justice is in quotation marks, and then it says
16 in parenthesis, as Mr. Harrison saw it. Thus, this
17 examiner is not seeing a desistence in his feelings of
18 anger but merely a redirection. Sorry. A lot of
19 reading. As shown by his actions through legal
20 paperwork and making light of using the system in his
21 way to fight his battles, example, boasting about the
22 volume of habeas corpuses that he files. For example,
23 his prepared parole packet, in the section titled
24 questions and answers, regarding question number 60,
25 Mr. Harrison contends that while in the free world he

1 typically thought about the choices and consequences
2 ahead of time before he acted. However, this is rather
3 concerning considering the type of vengeful things he
4 did, especially the arson and pipe bomb incidents. This
5 could indicate that Mr. Harrison is quite diabolical and
6 there is a concern that little has changed in the way of
7 that since he followed up with saying that he is, quote,
8 even more conscious of consequences now. Yet, another
9 apparent contradictory statement is implied with regard
10 to question 64 when he answers his own questions about
11 the contributing factor to his past maladaptive
12 choices/behaviors as being his belief that law
13 enforcement and the legal system were corrupt,
14 hypocritical and unjust. I believe he claims no longer
15 influences choices or behaviors. While that may be
16 somewhat comforting to think about as it pertains to
17 certain aspects of his risk profile, it's quite apparent
18 that the pipe bomb and arson incidents were -- each were
19 personal in nature and not spawned from beliefs about
20 corrupt law enforcement. It is further apparent that
21 Mr. Harrison still evidences difficulty in believing the
22 fairness of the legal system as it pertains to this case
23 and that his -- and that these beliefs have contributed
24 to ongoing behaviors as evidenced by his copious legal
25 findings. Furthermore, the very first chapter of this

1 parole packet is entitled, objections, where he attacks
2 essentially all aspects of the parole suitability
3 process which is rather contradictory to the
4 aforementioned statements. On question number 43,
5 regarding restitution, he admits that he was able to pay
6 off his restitution through the two civil rights actions
7 against CDC that were settled in his favor. He said
8 that the Prison Litigation Format requires that monetary
9 awards in civil rights case brought by his prison go
10 first to pay court ordered restitution. He went on to
11 say that he was, quote, happy to comply with the law
12 despite the fact of his innocence in the crime from
13 which restitution resulted. This does not explain why
14 he previously, just in 2009, engaged in circumventing
15 the mail procedures admittedly in order to not -- to
16 avoid having to pay restitution. This is contrary to
17 his statement that he was, quote, happy to comply with
18 the law, end of quote. If this was true, he would have
19 been happy to comply with restitution all along since
20 this was the law and that he was ordered, in the same
21 fashion, to repay it. The fact that he had to break
22 institutional rules in order to avoid paying restitution
23 demonstrates that he is not willing to comply with the
24 law or with institutional policy when he can get away
25 with doing so. We talked about that. I read that part

1 about limited insight and lacking self-awareness. The
2 doctor thought you were a high risk and the doctor
3 thought you markedly elevated risk relative to long term
4 inmates and average risk relative to other parolees.
5 The doctor said there is numerous risk factors are
6 present. The doctor said, justified why she came to
7 those conclusions. And then also reviewed the
8 confidential memorandums in the Central File which is
9 all listed in the Risk Assessment. Signed by
10 Dr. Lippman, L-I-P-P-M-A-N. Comments about the Risk
11 Assessment, sir?

12 **INMATE HARRISON:** The whole thing?

13 **PRESIDING COMMISSIONER PECK:** You have a right to
14 make a comment about the Risk Assessment if you wish.
15 I'm just giving you that opportunity. You don't have
16 to, you can.

17 **INMATE HARRISON:** I will. Thank you. Well,
18 let's see, as I said before her diagnosis have no
19 supporting evidence of any kind.

20 **PRESIDING COMMISSIONER PECK:** Could I clarify
21 with you?

22 **INMATE HARRISON:** Sure.

23 **PRESIDING COMMISSIONER PECK:** The stuff that you
24 already put on the record, they're on the record. Let's
25 just talk not about those issues because we've already

1 addressed those; right?

2 **INMATE HARRISON:** Yes.

3 **PRESIDING COMMISSIONER PECK:** Ad nauseum; right?

4 Let's talk about specifics that you want to talk about
5 with the Risk Assessment.

6 **INMATE HARRISON:** Okay. I don't think that using
7 litigation to resolve differences of -- to resolve, for
8 example, to challenge the conviction or litigation to
9 bring civil rights actions is in any way connected to
10 pipe bombings or arsons. The motivation behind it, as
11 Ms. Lippman suggested, I disagree with that completely.

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

13 **INMATE HARRISON:** Dr. Lippman suggested -- I feel
14 that using litigation, if people have differences of
15 opinion, or there's a problem, or a violation of rights
16 or whatever where an innocent person would use
17 litigation as opposed to stabbing police officers or
18 other violence in prison and so forth. And I'm aware
19 Ms. Lippman stated in her report that I don't act like
20 an innocent person, that I find very interesting.
21 Although, she never explains what an innocent person
22 acts like. Maybe if I acted more with violent or so
23 forth it might be more along the lines of what she
24 thinks. But I don't know what it is. I do know that,
25 for me, litigation resolves issues. And since it was

1 brought up, the fact that I've been successful at
2 litigation establishes that it wasn't just frivolous, or
3 revenge, or retribution or some vexatious or anything
4 like that. My criminal case, the life offense, a
5 portion of that direct appeal is in court right now, to
6 this day. So there's something in this case beyond just
7 revenge or retribution so for this she suggests, as far
8 as that goes. I would agree with Ms. Lippman to the
9 point that what I did in the 1980's --

10 **PRESIDING COMMISSIONER PECK:** Dr. Lippman.

11 **INMATE HARRISON:** Dr. Lippman, what I would agree
12 with what Dr. Lippman said about lack of empathy, no
13 question. How could anybody do what I did without a
14 lack of empathy? What I did with that pipe bomb is very
15 disturbing to me, very disturbing. And it could only be
16 a lack of empathy for other people. There were little
17 children, there was obviously Gary's ex-wife who had
18 nothing to do with anything. And even if they were
19 involved, it doesn't matter. I mean, it's kind of --
20 it's interesting that rather than go after Gary myself,
21 I took a path horribly wrong but it was, in my mind at
22 the time, it was property. I was hurting a piece of
23 property to send a message. Very, very bad, a terrible
24 decision, no question. Total lack of empathy at the
25 time, no question. But I had enough sense not to go

1 over with a baseball bat and try to resolve the problem
2 with Gary myself, despite what he was doing, despite
3 what other people were doing, I made the decision. It
4 doesn't matter what they were doing; all right? I made
5 the decision to resolve it -- try to resolve it a
6 different way. Terrible lack of empathy, no question.
7 And that is something, she's right, I have worked on. I
8 have tried to work on my coldness, my distance. I tried
9 to work on being closer to people, to someone, but I do
10 have a distrust. I do have a -- law enforcement,
11 especially. But people in general because of idealism
12 but I'm nowhere near what I was like previously. So
13 there are things that I have worked on. I asked
14 Dr. Lippman, I asked Dr. Lippman myself for her to
15 recommend that I see a psych here to work on those
16 issues. She scoffed.

17 **PRESIDING COMMISSIONER PECK:** Well, she can't.

18 **INMATE HARRISON:** Well, she could make a
19 recommendation. She said everything else in her report
20 so she could make a recommendation if she -- anyway.
21 One might -- one might argue that as a psychologist, if
22 she's diagnosing me as a high risk with disorders, she
23 has an ethical duty to do so.

24 **PRESIDING COMMISSIONER PECK:** Right. Well, if
25 you said you brought it up as argument, let me just

1 respond.

2 **INMATE HARRISON:** Sure.

3 **PRESIDING COMMISSIONER PECK:** Mental health is a
4 whole different thing than what a FAD psychological
5 evaluator does. And it's not up to -- unless there is -
6 - unless she came up with the diagnosis of significant
7 mental health issues that required immediate care, she's
8 really -- she really can't refer you. That's what, I
9 mean, if we saw a person that had significant mental
10 illness we'd be compelled to refer you and let the
11 psychiatrists at the institution deal with you, with
12 your mental health issues. But I don't see -- I don't
13 see you as having significant mental health issues. So
14 that's what the issues are. Risk is one thing, mental
15 health issues is something totally different, they're
16 two different factors. But go ahead, I didn't mean to
17 interrupt you.

18 **INMATE HARRISON:** Okay. That's all right. All
19 right. I think part of why I, on that -- on that topic,
20 on that same topic, part of why I wanted -- that I
21 raised that with Dr. Lippman was about getting, you
22 know, having recommend that I see a psych here if
23 there's issues. So it was because I wanted to get
24 deeper into the insight, and issues with empathy and
25 concern. Those are things I wanted to do. So I do

1 acknowledge, I'm fully aware, well, not fully aware, I'm
2 very much aware of the problem of what I did at the
3 time, the lack of empathy then, a lack of concern about
4 other people's feelings and what they would go through
5 when I did what I did, absolutely. And that goes -- I
6 focus a lot of pipe bomb because it was such a terrible
7 thing, but the arson, the harassment of the family, that
8 kind of stuff. Nothing is justified, nothing in any
9 way, shape or form could be possibly justified what I
10 did regardless of what I perceived other people were
11 doing. That doesn't matter. What they do, they do.
12 All I have control over is what I do.

13 **PRESIDING COMMISSIONER PECK:** I'm glad I said
14 that earlier.

15 **INMATE HARRISON:** So, yeah. So I'm aware of
16 that. Yeah, there was a discussion with the doctor
17 about groups. I don't know where she gets this thing
18 about me feeling I lead groups or however she phrased
19 it. But I don't -- I did a number of -- numbers of
20 groups in the feds, when I was in the feds and I found
21 them to be very -- and I find them from what I -- I
22 don't go to groups here but I talk to other that go to
23 them, they're very troubling for me. So I -- in as far
24 as sincerity, I'll put it that way. So with the people
25 who go to the groups because they're going for --

1 sometimes they go for the wrong reasons or whatever
2 reason they go for. That's why I tend to do
3 correspondence courses, I tend to feel that they're
4 better, or they help, they're very helpful for me to do
5 as opposed to the groups. But I don't know where -- I
6 don't know where she came up with this thing about me
7 tending to run groups or however she phrased it.

8 **DEPUTY COMMISSIONER GROTTKAU:** Why do you care
9 why other people go to the group?

10 **INMATE HARRISON:** I don't care why they go. I
11 don't go --

12 **DEPUTY COMMISSIONER GROTTKAU:** You said that's
13 why you take correspondence courses.

14 **INMATE HARRISON:** Correct. I don't care why they
15 go. I don't go for the -- the groups can be very
16 superficial. I said, I mean, they're not -- because so
17 many guys go to the groups to prepare for these
18 hearings, and not necessarily in the right way, I don't
19 want to be a part of the -- of the -- of the falseness
20 of those groups. I don't --

21 **DEPUTY COMMISSIONER GROTTKAU:** Well, why do you -
22 - you're saying it's back on them, you don't want to be
23 part of that group. Why don't you do it for yourself?
24 So why do you care about any of the others?

25 **INMATE HARRISON:** Absolutely. If I could go to

1 the group and without all this other stuff going on
2 that's why I wanted to -- I asked the psych, I'd ask you
3 guys to do the same thing, recommend it to CDC, allow me
4 to go see a psych one-on-one. I'm not opposed to that.

5 **PRESIDING COMMISSIONER PECK:** Okay. Well, let's
6 talk about that for a minute.

7 **INMATE HARRISON:** Sure.

8 **PRESIDING COMMISSIONER PECK:** Go. Go down there
9 and talk to a psych. I'm not stopping you. You don't
10 have to talk -- you know, I don't have to recommend
11 anything. You can -- I have as much to say about you
12 seeing a psych as you have to go to see a psych. Go see
13 one.

14 **INMATE HARRISON:** That's not available. I can go
15 see a psych. If I put in a request saying hey, like,
16 I'm having suicidal thoughts, I'll go see a psych.

17 **PRESIDING COMMISSIONER PECK:** Yeah.

18 **INMATE HARRISON:** All right. But I'm not. I'm
19 not -- I don't have that level to -- they don't have
20 enough psychs to do that.

21 **PRESIDING COMMISSIONER PECK:** So if you want to
22 go see a psych, go down and talk to one.

23 **INMATE HARRISON:** It doesn't work that way.

24 **PRESIDING COMMISSIONER PECK:** Here's how it --
25 here's how it will work if I send you to the psych.

1 It'd be the same thing. They go down there, they see
2 you, they go oh, yeah, okay; right? And then, it's up
3 to -- it's up to them to make the decision whether they
4 -- whether you're in there for long term care or not. I
5 am not a psych, not even close. Believe me. You're
6 looking at me like you're confused.

7 **INMATE HARRISON:** No, I understand what you're
8 saying but I understand how the system works. The
9 system will not --

10 **PRESIDING COMMISSIONER PECK:** So do I.

11 **INMATE HARRISON:** I can walk -- I can go to --
12 but look, I don't have the problems that would warrant
13 seeing a psych to delve into these things. This is more
14 or a personal thing where I want to get -- I would like
15 -- I would love to get better insight, better
16 understanding of who I am, why I behave the way I do. I
17 would -- I'd value that growth in all areas. I value
18 that. But these psychs aren't here for that purpose,
19 they're here for --

20 **PRESIDING COMMISSIONER PECK:** Hire one.

21 **INMATE HARRISON:** Pardon?

22 **PRESIDING COMMISSIONER PECK:** Hire one to have
23 them come in and see you.

24 **INMATE HARRISON:** Well, I'm not -- I don't have
25 the means to do that.

1 **PRESIDING COMMISSIONER PECK:** Oh, so you want
2 CDCR to give you free psychiatric care, is that what
3 you're -- is that what you want?

4 **INMATE HARRISON:** Not what I'm saying what I want
5 at all. That's not even part of the -- part of the
6 discussion. The discussion is --

7 **PRESIDING COMMISSIONER PECK:** Well, what is it?

8 **INMATE HARRISON:** Well, the psych is suggesting I
9 would -- that I have need for such a thing which she
10 won't recommend it. Now, I'm just saying it would be a
11 valuable tool, I have no problem with that. I'm not
12 opposed to it because we're talking about groups, we're
13 talking about these kind of things. I'm not opposed to
14 those things. But there's a -- there's a difficulty
15 with the CDC.

16 **PRESIDING COMMISSIONER PECK:** Well, how many
17 groups have you gone to?

18 **INMATE HARRISON:** No, I don't --

19 **ATTORNEY STRINGER:** You've been --

20 **PRESIDING COMMISSIONER PECK:** No. I'm sorry.

21 **ATTORNEY STRINGER:** Okay.

22 **PRESIDING COMMISSIONER PECK:** How many groups
23 have you gone to?

24 **INMATE HARRISON:** I haven't gone to any groups in
25 CDC.

1 **PRESIDING COMMISSIONER PECK:** Well, then, how the
2 hell do you know?

3 **INMATE HARRISON:** Well, I've gone to many groups
4 in the feds, that what I started out saying.

5 **PRESIDING COMMISSIONER PECK:** And how do you know
6 what anybody's motivation is? And how do you know if
7 they're not preparing for their cases in their own way
8 as far as -- as far as what they do? How do you know
9 these things if you don't even go to the group?

10 **INMATE HARRISON:** I interact with these guys all
11 day long, every day.

12 **PRESIDING COMMISSIONER PECK:** You've never been
13 to a group.

14 **INMATE HARRISON:** True.

15 **PRESIDING COMMISSIONER PECK:** How do you know?

16 **INMATE HARRISON:** I base my observation and
17 opinion on discussions with these guys who go to the
18 groups on a regular basis.

19 **PRESIDING COMMISSIONER PECK:** Yeah, well, I guess
20 that's a good way to make an assessment. Don't go to
21 find out actually what they teach, just go listen to
22 what the guy next to you has to say. Really? That's
23 what you're trying to tell me?

24 **INMATE HARRISON:** That's your --

25 **PRESIDING COMMISSIONER PECK:** That's you --

1 **INMATE HARRISON:** -- interpretation.

2 **PRESIDING COMMISSIONER PECK:** -- telling me that.

3 I don't go but I listen to the other guys and they're
4 not preparing in the right way, those are your words.
5 These guys are not preparing the right way for parole.
6 How do you know?

7 **INMATE HARRISON:** I know what games guys play in
8 this prison to set up --

9 **PRESIDING COMMISSIONER PECK:** Yeah.

10 **INMATE HARRISON:** -- for their Parole Board
11 Hearing.

12 **PRESIDING COMMISSIONER PECK:** We're too stupid
13 over here to figure it out for ourselves; right?

14 **INMATE HARRISON:** No. No. I don't think that at
15 all. You do this for your profession, I have no doubt
16 you know every bit of all the -- no doubt at all.
17 Nobody's pulling anything over on your guys. But for
18 example, when you read chronos, if you look at them
19 closely, and you do, you see those chronos are almost
20 worded the same every time. Over, and over and over.
21 Why is that? It's because these groups teach guys how
22 to do that. Write your chronos.

23 **PRESIDING COMMISSIONER PECK:** What does it matter
24 if it's helping them?

25 **INMATE HARRISON:** Doesn't matter at all, I hope

1 it is helping them.

2 **PRESIDING COMMISSIONER PECK:** That's right. What
3 does it matter if it's helping them? What does it
4 matter?

5 **INMATE HARRISON:** I hope it is helping them. It
6 doesn't matter -- it does matter, I hope it is helping
7 them. But I don't think helping somebody to manipulate
8 is a -- is of a whole lot of value. So I choose instead
9 to do correspondence.

10 **PRESIDING COMMISSIONER PECK:** Well, then don't go
11 to manipulate, go to learn something. That's pretty
12 simple. I would say, from the majority of guys that go
13 to self-help, it may start off to be where they think
14 they're putting something over on someone, but as time
15 goes by they start to learn things and they become more
16 and more aware of themselves. But what does it matter
17 as long as it's benefitting them and as long as it's
18 helping society? And why -- how is it you can judge
19 when you don't even go?

20 **INMATE HARRISON:** To answer your first question,
21 I think it's a great thing. I think it's great if it --

22 **PRESIDING COMMISSIONER PECK:** Well, that's not
23 what you just said, you said it was a bunch of crap and
24 these guys are going to these classes to manipulate.

25 **INMATE HARRISON:** No.

1 **PRESIDING COMMISSIONER PECK:** Which is your
2 words.

3 **INMATE HARRISON:** There's two different
4 situations there. I'm agreeing that it's a great thing.
5 For example, when I was at Ione I was a clerk for the
6 college program; right? I knew a hundred guys or fifty
7 guys in that college program; right? Virtually all of
8 them, maybe take five who were legitimate students, the
9 rest were all just cheating on their tests doing that
10 kind of stuff. So if they benefit from it, great. But
11 by and large it's a farce; all right? The groups, if a
12 guy benefits from it and it's good for society, that's
13 excellent. It's not -- it's super. Fine.

14 **PRESIDING COMMISSIONER PECK:** Okay. Thank you.

15 **DEPUTY COMMISSIONER GROTTKAU:** I had just one
16 question, too. Did you give any thought to the
17 possibility that somebody could, this has to do with the
18 pipe bomb, that somebody could be driving that vehicle,
19 just because it's two in the morning, could have had an
20 emergency?

21 **INMATE HARRISON:** I can't say I thought that at
22 the time, no.

23 **DEPUTY COMMISSIONER GROTTKAU:** Do you think about
24 it now?

25 **INMATE HARRISON:** A lot.

1 **DEPUTY COMMISSIONER GROTTKAU:** Okay. You ready
2 for post-conviction?

3 **PRESIDING COMMISSIONER PECK:** Yes, please.

4 **DEPUTY COMMISSIONER GROTTKAU:** Okay. If I could
5 have your attention. I don't recall under your
6 education that we went over the fact that you have a
7 paralegal from Blackstone Career Institute, you got that
8 in 2011; is that correct?

9 **INMATE HARRISON:** Correct.

10 **DEPUTY COMMISSIONER GROTTKAU:** Is there anything
11 that you've -- we've already discovered you have a high
12 school graduate. There is something to the effect that
13 Palomar College, you received -- and you received your
14 real estate license; is that correct?

15 **INMATE HARRISON:** Correct.

16 **DEPUTY COMMISSIONER GROTTKAU:** Okay. Did I miss
17 anything under your education?

18 **INMATE HARRISON:** No, I don't -- no.

19 **DEPUTY COMMISSIONER GROTTKAU:** Just want to make
20 sure I cover it. Okay. Anything, have you had an
21 opportunity while you've been in the Department of
22 Corrections to learn any kind of vocational trade?

23 **INMATE HARRISON:** No.

24 **DEPUTY COMMISSIONER GROTTKAU:** Okay. And was
25 that -- did you determine you didn't need to because you

1 have experience outside, or --

2 **INMATE HARRISON:** I feel that if I were to leave
3 prison I would be able to, one, either do the paralegal
4 work for a law firm or something. Or go back to real
5 estate, something like that.

6 **DEPUTY COMMISSIONER GROTTKAU:** Okay.

7 **INMATE HARRISON:** So I have other ways to go.

8 **DEPUTY COMMISSIONER GROTTKAU:** That's fine. And
9 you're not required to do that, I'm just trying to kind
10 of get the feedback from you on that. Your post-
11 conviction work history, you're currently unassigned but
12 you have worked as a porter, a library clerk, college
13 program clerk, utility worker, dining room worker, yard
14 worker, scullery and bakery pretty much generally sums
15 it up?

16 **INMATE HARRISON:** Pretty much, yes.

17 **DEPUTY COMMISSIONER GROTTKAU:** Okay. You've
18 received above average to exceptional supervisor work
19 reports, that's a good thing. Shows that you can get
20 along with your supervisor and that you can get along
21 with people around you. Would you agree with that?

22 **INMATE HARRISON:** Yes.

23 **DEPUTY COMMISSIONER GROTTKAU:** Okay. Under your
24 self-help, I see that you were very -- you were fairly
25 active when you were in the Federal Bureau of Prisons.

1 Is that a correct summation?

2 **INMATE HARRISON:** Yes.

3 **DEPUTY COMMISSIONER GROTTKAU:** And from '90 to
4 '94 you had Interpersonal Skills, Positive Affirmations,
5 Dishonesty, Forgiveness, Alternative Healthy Lifestyle.
6 You had Family Communication, Stress Management with
7 Health Families, Dysfunctional Families. Did you think
8 you had a dysfunctional family?

9 **INMATE HARRISON:** No more so than the norm.

10 **DEPUTY COMMISSIONER GROTTKAU:** Okay. And you
11 garnered that through friends, relatives or what? Or
12 your belief of other families?

13 **INMATE HARRISON:** My belief.

14 **DEPUTY COMMISSIONER GROTTKAU:** Belief of other
15 families. Okay. Healthy Adjusted Behavior, you had
16 Problem Solving Using Social Learning Theory, History of
17 Drug Abuse, Discounts in Communication, Transactional
18 Analysis, Conflict Resolution, Biological Effect of
19 Alcohol and Drug Abuse. And I believe you said -- were
20 you ever intoxicated at any time?

21 **INMATE HARRISON:** No. Drugs played -- neither
22 drugs nor alcohol played any part in any of my
23 situations.

24 **DEPUTY COMMISSIONER GROTTKAU:** All right.
25 Alcohol and Drug Communication, Relapse Prevention, was

1 that in relation to drugs and alcohol or was that --

2 **INMATE HARRISON:** Yes.

3 **DEPUTY COMMISSIONER GROTTKAU:** -- other kind of
4 relapse? Okay.

5 **INMATE HARRISON:** No, drugs and alcohol, I
6 believe.

7 **DEPUTY COMMISSIONER GROTTKAU:** Okay. Stress
8 Management, Chemical Abuse Program, Rational Behavior
9 Therapy, Drug and Alcohol Information and Transactional
10 Analysis somewhat sums it up. Is that right?

11 **INMATE HARRISON:** Right.

12 **DEPUTY COMMISSIONER GROTTKAU:** Okay. And then
13 you came over to the Department of Corrections. I did
14 show something involving -- you said that you didn't
15 have any kind of classes while you were over here but
16 did you -- were you involved in Turning Point or PREP
17 program?

18 **INMATE HARRISON:** Correspondence.

19 **DEPUTY COMMISSIONER GROTTKAU:** Correspondence.

20 **INMATE HARRISON:** Correct.

21 **DEPUTY COMMISSIONER GROTTKAU:** Okay.

22 **INMATE HARRISON:** Yes.

23 **DEPUTY COMMISSIONER GROTTKAU:** I did see a
24 certificate. And what did -- what kind of classes did
25 you take within the Turning Point program?

1 **INMATE HARRISON:** Anger Management for one.

2 **DEPUTY COMMISSIONER GROTTKAU:** Okay. Anything
3 else?

4 **INMATE HARRISON:** Yeah. I don't -- a lot of the
5 different social interactions, things like that. Not so
6 much the drugs anymore, drugs or anything like that.

7 **DEPUTY COMMISSIONER GROTTKAU:** All right. And
8 you were on the Inmate Advisory Counsel, you were -- is
9 it correct saying you were a chairman?

10 **INMATE HARRISON:** Yes.

11 **DEPUTY COMMISSIONER GROTTKAU:** Okay. And what,
12 as a chairman, what was your role for that?

13 **INMATE HARRISON:** Liaison between administration,
14 all departments, medical, custody and the inmate
15 population. Trying to resolve concerns on both sides.

16 **DEPUTY COMMISSIONER GROTTKAU:** So you were the
17 go-to guy?

18 **INMATE HARRISON:** I was the chairman, yes.

19 **DEPUTY COMMISSIONER GROTTKAU:** Chairman, okay.
20 You had a seminar, We're All Doing Time; is that
21 correct?

22 **INMATE HARRISON:** What year was that?

23 **DEPUTY COMMISSIONER GROTTKAU:** I believe that was
24 like in 2001 or 2002. It was quite a while ago.

25 **INMATE HARRISON:** I don't recall.

1 **DEPUTY COMMISSIONER GROTTKAU:** Received a
2 laudatory for it.

3 **INMATE HARRISON:** I don't recall.

4 **DEPUTY COMMISSIONER GROTTKAU:** I'm not
5 necessarily going to take the time to dig that back out
6 again, but I did see something to that effect. You just
7 don't recall taking it.

8 **INMATE HARRISON:** I don't recall.

9 **DEPUTY COMMISSIONER GROTTKAU:** Is that correct?

10 **INMATE HARRISON:** Correct, it would have been
11 Calipatria but I don't recall it.

12 **DEPUTY COMMISSIONER GROTTKAU:** Okay. I see you
13 did an insight, remorse, responsibility letter; is that
14 right?

15 **INMATE HARRISON:** Which letter are you referring
16 to?

17 **DEPUTY COMMISSIONER GROTTKAU:** Yeah, I'm asking
18 you. I saw something in there. Without pulling it all
19 back up in the computer again, if you don't recall, I
20 think it was on page 527 of the WatchDox, off the top of
21 my head. Anyway, you had laudatories on volunteer work
22 during the six month lockdown. You had something from
23 Dr. Taylor --

24 **INMATE HARRISON:** Yes.

25 **DEPUTY COMMISSIONER GROTTKAU:** -- the medical

1 director, from Food Service. Do you have some
2 questions? No? You did tell us that you didn't believe
3 necessarily (inaudible) in the classes. And you did
4 correspondence courses, but it took you a little while
5 to get started on that when you came over; is that
6 correct?

7 **INMATE HARRISON:** Correct.

8 **DEPUTY COMMISSIONER GROTTKAU:** And why did you
9 wait?

10 **INMATE HARRISON:** Mostly litigation.

11 **DEPUTY COMMISSIONER GROTTKAU:** Because you were
12 busy with litigation?

13 **INMATE HARRISON:** Very much, so. Yes.

14 **DEPUTY COMMISSIONER GROTTKAU:** Do you believe at
15 this point in time you need any kind of self-
16 improvement?

17 **INMATE HARRISON:** Sure, yes.

18 **DEPUTY COMMISSIONER GROTTKAU:** What type of self-
19 improvement?

20 **INMATE HARRISON:** I think most importantly would
21 be to continue insight into myself, why I do the things
22 I do, what makes me tick. Why I do believe that I'm a
23 bit more distant or cold, as we've discussed, than most
24 people are towards other people and I'm curious why that
25 is. I don't know that it's good, or bad or indifferent

1 but I do believe that it is a factor to have led to the
2 lack of empathy that led to the -- that allowed me to do
3 what I did.

4 **DEPUTY COMMISSIONER GROTTKAU:** Your history shows
5 that you -- retaliation was pretty big with you. Is it
6 -- would you agree with that?

7 **INMATE HARRISON:** Well, I would agree that, yeah,
8 there were some instances right at that period but
9 nothing before or after.

10 **DEPUTY COMMISSIONER GROTTKAU:** All right.

11 **INMATE HARRISON:** So I agree that there was,
12 yeah.

13 **DEPUTY COMMISSIONER GROTTKAU:** Today, do you hold
14 grudges against people that you feel have been against
15 you?

16 **INMATE HARRISON:** No, I don't necessarily feel
17 people are against me. Everybody has their own
18 motivations or their own -- their own views of the
19 world. I don't -- I don't look at it -- I don't
20 personalize it like that.

21 **DEPUTY COMMISSIONER GROTTKAU:** So what classes
22 have you taken, or self-help, that have changed your
23 behavior on that because you were very retaliatory from,
24 let's just say, have you taken any classes that would
25 have addressed that?

1 **INMATE HARRISON:** Well, like part of the PREP
2 here, they're talking about self-reflection, self-
3 examination, cognitive adjustments, things like that.
4 Thought processes, my own thought processes that lead to
5 -- you know, I used the word impulsivity earlier. I
6 don't know that I'm -- I don't know that that was quite
7 correct because I don't -- I'm not rash by any means,
8 I'm not -- I don't -- I don't knee jerk. But clearly,
9 there was a lack of -- I think the more important thing
10 is a lack of empathy. I didn't have -- I was -- I think
11 it's the distance that I had from people that allowed me
12 to not think through or to consider other people's --
13 that other people have feelings, that other people are
14 going to be hurt by this even indirectly. You know, I'm
15 not talking about hurting somebody one-on-one, I'm
16 talking about indirectly, property. They property acts
17 if I'm saying that clearly. I know what I'm trying to
18 say.

19 **DEPUTY COMMISSIONER GROTTKAU:** Would you say
20 you're more calculative, planning, not impulsive but you
21 kind of plan out?

22 **INMATE HARRISON:** No doubt. And when I was doing
23 those criminal acts no doubt I was calculating and
24 planning. Now, I can't say I'm not now because
25 litigation is all about calculating and planning,

1 responsibility, seeing things through. So in a sense, I
2 mean, it's the same type of behavior in that regard but
3 the motivations are different. Well, today, as you sit
4 in front of us, how would you handle if somebody wronged
5 you in the community, if you were in the free community
6 how would you handle that?

7 **INMATE HARRISON:** Let me try to answer this way
8 to start and if it's not clear -- for example, in here,
9 everyone gets wronged or perceived to be -- perceived
10 wronged all the time, every day. People cutting in
11 line, custody staff having a bad day, whatever. And the
12 way I handle those thing is, one, I either ignore it
13 which is usually what I do. I can't ignore custody
14 staff, but when they confront you with something but if
15 somebody cuts a line or somebody says something
16 disrespectful --

17 **DEPUTY COMMISSIONER GROTTKAU:** Okay. I want to
18 hold you up just a second.

19 **INMATE HARRISON:** Okay.

20 **DEPUTY COMMISSIONER GROTTKAU:** Because that is
21 what happens in here. What I'm asking is, you're
22 outside now.

23 **INMATE HARRISON:** Okay.

24 **DEPUTY COMMISSIONER GROTTKAU:** You're not being
25 in a structured environment with somebody watching you

1 all the time. How will you handle if somebody wrongs
2 you in the community?

3 **INMATE HARRISON:** Okay.

4 **DEPUTY COMMISSIONER GROTTKAU:** If you perceive
5 they did something wrong to you, how would you handle
6 that? Because nobody necessarily is watching you.

7 **INMATE HARRISON:** A lot of it comes down to
8 perceiving wrongs. I don't perceive wrongs like I used
9 to, that's a start, it's just a start. So I don't take
10 -- I don't personalize the issue so much anymore. If
11 somebody cuts in front of me on the freeway, in front of
12 me on the freeway or something like that, I'm not going
13 to think they did it on purpose. I'm not going to think
14 why did they do that to me? They're probably in a
15 hurry, they didn't see me, I was in a blind spot,
16 whatever. So I don't personalize the thing. But after,
17 beyond that, if somebody does something now, those
18 things are important. Things aren't -- it's, as I
19 mentioned earlier, it doesn't matter to me to be right
20 anymore. I just don't care because about those kind of
21 things. So if somebody does something, gets in an
22 argument, disrespects me, says something, it doesn't
23 matter to me because they have their own motivations,
24 they have their own things they're dealing with. As
25 long as somebody doesn't physically harm you, you know,

1 if they're just doing some kind of wrong, if you
2 perceive it to wrong, then you can either avoid it,
3 distance yourself from it, go to a third party, somebody
4 who can -- maybe it's a boss, maybe it's in a work
5 situation. You know, a boss who could step in, or a
6 manager or something. So you would resolve it through
7 proper means as opposed to personalizing it, thinking
8 that they're doing this to me and somehow I need to
9 correct it or something.

10 **DEPUTY COMMISSIONER GROTTKAU:** So what happens if
11 I live next door to you, and I build a fence on your
12 property and you realize or you believe that it's on
13 your property? You come and tell me and I say hey, it's
14 my property. What are you going to do?

15 **INMATE HARRISON:** I think the first thing I would
16 do under your scenario, the first thing after I would do
17 at that point then is I would probably get a property
18 map because if I believe it's on my property I would
19 have to believe that for a reason. The reason would be
20 a plot map or whatever is used to determine that and
21 show it to -- look at it and see if I'm correct, first
22 off. And if I think I'm correct then I would show it to
23 my neighbor, try to resolve it through my neighbor.

24 **DEPUTY COMMISSIONER GROTTKAU:** What if they oh,
25 go pound sand.

1 **INMATE HARRISON:** I think it would depend, if
2 it's six inches, if it's ten feet, it's a different
3 story, maybe. I might have to go to a planning
4 commission and say hey, you know, this is built on the
5 wrong place and have them use whatever enforcement
6 mechanisms they have to --

7 **DEPUTY COMMISSIONER GROTTKAU:** What if I say I
8 don't care what the planning commission said, I'm
9 leaving the fence where it is. What are you going to
10 do?

11 **INMATE HARRISON:** Well, I'm not -- at that point
12 I would let the planning commission do what they do or
13 whoever, I don't even know what term I'm using, but
14 whoever deals with those kind of things.

15 **DEPUTY COMMISSIONER GROTTKAU:** Do you believe,
16 and I know you addressed this earlier, it's a common
17 question, do you believe you could be stressed in the
18 free community?

19 **INMATE HARRISON:** I would believe that,
20 absolutely. There are always ways to be stressed,
21 everything. I mean, life is -- life has stressors in
22 it, paying bills, working, transportation, crowds, many
23 things.

24 **DEPUTY COMMISSIONER GROTTKAU:** So what do you do
25 you do when you feel stressed?

1 **INMATE HARRISON:** Usually, in here when I feel
2 stressed I take out a CD player and I put on a Patsy
3 Cline, listen to Patsy Cline music real low and it makes
4 me relaxed.

5 **DEPUTY COMMISSIONER GROTTKAU:** So when is the
6 last time you were angry in the institution where you
7 got mad?

8 **INMATE HARRISON:** I don't recall being mad.

9 **DEPUTY COMMISSIONER GROTTKAU:** You don't get mad?

10 **INMATE HARRISON:** Oh, I think perhaps I do get
11 angry or mad, but what -- I tend to get frustrated, stop
12 at frustration, realize the frustration, if I don't
13 check it, could lead to anger or something worse,
14 perhaps. So I've learned to take frustration, deal with
15 the frustration. If it's frustration for not, what --
16 if I go down to mail out some mail and an officer tells
17 me they don't have time right then, come back later. I
18 don't let that frustrate me or anger me. I just say
19 okay, I'll just come back later. If not later, I'll
20 come back tomorrow.

21 **DEPUTY COMMISSIONER GROTTKAU:** So what happens
22 when something frustrates you, what do you do?

23 **INMATE HARRISON:** If somebody frustrates me I
24 deal with it. If it's, as I said, I either -- if it,
25 for example, the mail. I will go realize that it's not

1 that important. I had that situation happen just a week
2 ago or so where an officer -- it was legal mail, and he
3 said he was too busy, and this, and that and I said
4 that's fine because I really didn't care if it went out
5 that night, or the next night or two days later. It
6 didn't really matter.

7 **DEPUTY COMMISSIONER GROTTKAU:** So do you believe
8 that anybody's out to get you, or the legal system is
9 out to get you?

10 **INMATE HARRISON:** No. To get me personally, no.
11 Certainly not.

12 **DEPUTY COMMISSIONER GROTTKAU:** How about
13 relationships in the future? What would you do if she
14 or he rejects you?

15 **INMATE HARRISON:** I don't have a problem with
16 that at all.

17 **DEPUTY COMMISSIONER GROTTKAU:** Well, what would
18 you do?

19 **INMATE HARRISON:** Well, it depends. If the
20 person -- let's say that I was in a relationship and a
21 person said, look, I want to go off with somebody else.
22 That would be fine. I would have no problem with that,
23 I would encourage them to be happy and hopefully make a
24 very clean, smooth transition.

25 **DEPUTY COMMISSIONER GROTTKAU:** I'm going to go

1 over a couple -- I did see in your file there's a few
2 128Bs. This one is October 8, 2002 from Ironwood State
3 Prison. You had -- you had received some mail labeled
4 legal mail; do you recall that?

5 **INMATE HARRISON:** Yes.

6 **DEPUTY COMMISSIONER GROTTKAU:** Okay. And there
7 was this handwritten as Janet Roberts (phonetic),
8 attorney in fact in Las Vegas. Tell me a little bit
9 about what happened there.

10 **INMATE HARRISON:** That was -- I don't think it
11 was -- it was legal mail, it was legal materials.

12 **DEPUTY COMMISSIONER GROTTKAU:** It was labeled as
13 legal mail.

14 **INMATE HARRISON:** No, I understand that. What
15 I'm saying is I believe what it was, was legal materials
16 and it was written down because the sender wrote it down
17 as legal mail and it wasn't. I believe that's what
18 happened.

19 **DEPUTY COMMISSIONER GROTTKAU:** Did you give them
20 -- did you request them to put legal mail on it?

21 **INMATE HARRISON:** No. And I thereafter
22 instructed them not to do that.

23 **DEPUTY COMMISSIONER GROTTKAU:** Okay. So you're
24 telling me you weren't trying to circumvent any kind of
25 system in here?

1 **INMATE HARRISON:** Not that time. No.

2 **DEPUTY COMMISSIONER GROTTKAU:** Not that time.

3 **INMATE HARRISON:** Well.

4 **DEPUTY COMMISSIONER GROTTKAU:** Why don't you talk
5 about that time if it's -- if it's not that time was
6 there another time?

7 **INMATE HARRISON:** Because we just talked moments
8 ago about the restitution issue.

9 **DEPUTY COMMISSIONER GROTTKAU:** Yes.

10 **INMATE HARRISON:** So I'm not going to sit here
11 and say it's never happened.

12 **DEPUTY COMMISSIONER GROTTKAU:** And that, you got
13 a 128A for that. That was your March 26, 2009 for
14 conduct circumventing restitution procedures; correct?

15 **INMATE HARRISON:** Yes.

16 **DEPUTY COMMISSIONER GROTTKAU:** Okay. Because I
17 did see, and the Commissioner did go over some of this
18 in your questions and answer packet. Number 43, paying
19 off the ten thousand court ordered restitution, you said
20 you were happy to comply with the law.

21 **INMATE HARRISON:** Sure. Yeah.

22 **DEPUTY COMMISSIONER GROTTKAU:** After that, you
23 weren't. Were you --

24 **INMATE HARRISON:** Different situations
25 completely. The restitution is a 55 percent tax that

1 the CDC puts on funds that come into the prison. The
2 restitution is what the court orders, obviously. So
3 while they're very much the same animal, kind of a
4 different situation. And I'm not, in any way, disputing
5 that the -- that I -- that the 128 is accurate, I'm not
6 disputing that at all. I'm just giving you a
7 clarification as to why.

8 **DEPUTY COMMISSIONER GROTTKAU:** Okay.

9 **INMATE HARRISON:** What the difference is.

10 **DEPUTY COMMISSIONER GROTTKAU:** I have the 128B
11 for December --

12 **PRESIDING COMMISSIONER PECK:** Wait a minute. Oh,
13 I'm sorry. Go ahead. Go ahead. I apologize.

14 **DEPUTY COMMISSIONER GROTTKAU:** That's all right.
15 December 26, 2002, this is a very positive one that an
16 incident occurred between a Hispanic and black inmate
17 populations. The incident left the library without an
18 inmate law clerk and you volunteered your legal
19 expertise and services for the duration of the
20 Hispanic/black lockdown. Working four days, five days a
21 week for approximately five months, doing so in addition
22 to your regular job assignment. And it said that you
23 were indispensable to the Law Library operations.
24 That's good. Feels good to do something good; right?

25 **INMATE HARRISON:** Yes.

1 **DEPUTY COMMISSIONER GROTTKAU:** I have another one
2 dated May 17th, 2004, it says this is saying that on
3 February 7, 2003, the following 357 signed a group
4 inmate appeal, 602, while housed at ISP, also making
5 false accusations about the incident against Micks
6 (phonetic). It says the chrono is alleging dishonesty
7 and making complaints against officers knowing it to be
8 false is in violation of Title 15, Rule 3392 to be
9 placed in all inmate files. How are you involved in
10 that?

11 **INMATE HARRISON:** I heard about that. I don't --
12 I had no recollection of that. I know it's -- I suppose
13 it's in my file, that's what I just hear you say. It's
14 2/7/2003?

15 **DEPUTY COMMISSIONER GROTTKAU:** It is May 17th,
16 2004.

17 **INMATE HARRISON:** Wow.

18 **DEPUTY COMMISSIONER GROTTKAU:** And it said on
19 February 2nd, 2003 an incident occurred --

20 **INMATE HARRISON:** Okay, but --

21 **DEPUTY COMMISSIONER GROTTKAU:** -- on the B Yard.
22 Four inmates offered statements making a complaint
23 against Burt (phonetic) Micks, correctional officer at
24 Ironwood knowing the statements to be false. Were you a
25 part of that group?

1 **INMATE HARRISON:** I have no recollection of that,
2 but that's why I wrote this down because I'll go and I
3 want to get a copy of that. I don't recall that. I
4 don't recall -- what yard was that one?

5 **DEPUTY COMMISSIONER GROTTKAU:** It says on B Yard,
6 in front of building four in Ironwood State Prison. On
7 the day of the incident there was a sandstorm and the
8 facility was on modified program with controlled
9 movement therefore these inmates would not have been
10 able to see the incident. Also, the inmates were based
11 -- the inmates were based the group 602 on innuendos and
12 false statements about an officer doing his job in a
13 professional manner. There was a complete investigation
14 by Office of Investigative Services, Internal Affairs,
15 southern region, regarding the incident was conducted.
16 And it says the incident was concluded -- excuse me --
17 on May -- concluded on May 17th, 2004 exonerating the
18 Correctional Officer Burt Micks of all allegations.
19 Anyway, you don't recall that?

20 **INMATE HARRISON:** Nope.

21 **DEPUTY COMMISSIONER GROTTKAU:** Okay. There's
22 another one dated April 25th, 2008. This is threat
23 assessment classification referral and this says that
24 inmate Harrison was placed into Administrative
25 Segregation Unit pending investigation due to his

1 refusal to provide satisfactory explanations for
2 sustaining a bruised right eye. Harrison's injury is
3 partially collaborated in an anonymous note discovered
4 in the building one in-going/out-going mail on April
5 3rd, 2008 which indicated Harrison was a victim to a
6 battery due to an unpaid debt. What unpaid debt did you
7 have?

8 **INMATE HARRISON:** There was no unpaid debt. It
9 was a skinhead that had a problem.

10 **DEPUTY COMMISSIONER GROTTKAU:** And would you like
11 to elaborate on that?

12 **INMATE HARRISON:** Yeah. We were coming off the
13 yard that afternoon or evening, whenever it was, and a
14 guy, an inmate in two building, had overdosed and died.
15 And this young skinhead was making quite lite of it.
16 And I commented to him that, you know, he might be a
17 little more concerned at the time that that guy died.
18 And the kid took offense to it, and followed me to the
19 cell and --

20 **DEPUTY COMMISSIONER GROTTKAU:** Was that
21 Mr. Peterson (phonetic)?

22 **INMATE HARRISON:** Yes. And took a swing at me.

23 **DEPUTY COMMISSIONER GROTTKAU:** Okay.

24 **INMATE HARRISON:** Hit me in the eye. I
25 restrained him, handed him off to a cellie, he broke

1 away from his cellie and attacked me again. I
2 restrained him, handed him to his cellie. Took no
3 actions of any kind to harm him.

4 **DEPUTY COMMISSIONER GROTTKAU:** Okay. Is that --
5 but they still gave you a mutual combat, though, 115.

6 **INMATE HARRISON:** It put me in the hole because I
7 refused to tell them what happened.

8 **DEPUTY COMMISSIONER GROTTKAU:** Why?

9 **INMATE HARRISON:** Why? If I had told them what
10 happened it just makes my life in prison extremely
11 difficult. Well, I could have told them and gone to an
12 SNY yard.

13 **DEPUTY COMMISSIONER GROTTKAU:** Well, do you think
14 it wasn't -- it was dishonest not to talk to them and
15 tell them?

16 **INMATE HARRISON:** Dishonest to tell the staff
17 what happened?

18 **DEPUTY COMMISSIONER GROTTKAU:** Not to tell the
19 staff what happened.

20 **INMATE HARRISON:** Well, I suppose it was
21 dishonest in their eyes, sure. But it was -- this isn't
22 a situation where the --

23 **DEPUTY COMMISSIONER GROTTKAU:** I'm talking about
24 in your eyes.

25 **INMATE HARRISON:** -- truth will set you free.

1 **DEPUTY COMMISSIONER GROTTKAU:** But in your eyes,
2 was it dishonest?

3 **INMATE HARRISON:** Yes, it was dishonest.

4 **DEPUTY COMMISSIONER GROTTKAU:** Okay. You said,
5 in their eyes, that's why. Okay. So do you think it
6 was unjust getting a 115?

7 **INMATE HARRISON:** I think the 115 was dishonest.
8 There was no mutual combat. Staff admitted, everybody
9 knew it. Captain Cook (phonetic) told me specifically
10 you're getting -- you went to the hole, and you're
11 getting the 115 because you didn't tell us what
12 happened. So, yes. I think it was dishonest on their
13 part.

14 **DEPUTY COMMISSIONER GROTTKAU:** Okay. But this
15 says that there was somebody -- that you had a bruised
16 right eye?

17 **INMATE HARRISON:** Yes.

18 **DEPUTY COMMISSIONER GROTTKAU:** But you just told
19 me nothing happened.

20 **INMATE HARRISON:** No, I didn't tell you nothing -
21 - I didn't tell you nothing happened.

22 **DEPUTY COMMISSIONER GROTTKAU:** Okay.

23 **INMATE HARRISON:** He came in the cell after I had
24 made that comment to him about the guy who had OD'd, he
25 came in the cell, swung at me, hit me in the eye.

1 **DEPUTY COMMISSIONER GROTTKAU:** Okay.

2 **INMATE HARRISON:** I then restrain him, what
3 nothing happened was there was no intent on my part of
4 any kind, ever, or any actions taken to harm that child.

5 **DEPUTY COMMISSIONER GROTTKAU:** Why would they say
6 it was because of an unpaid debt?

7 **INMATE HARRISON:** Because that was one of his
8 buddies who wanted to keep me in the hole and not come
9 out.

10 **DEPUTY COMMISSIONER GROTTKAU:** On January 13,
11 2012 there was a disposition of a disapproved property.
12 You had a 128B for that. And it says while inventorying
13 personal property, discovered an alarm clock, floss,
14 scissors, lightbulb, stinger. All unauthorized personal
15 property, informed Harrison the property listed were
16 being confiscated and they were disposing of it. And I
17 don't -- you weren't very happy with that; right?

18 **INMATE HARRISON:** Correct.

19 **DEPUTY COMMISSIONER GROTTKAU:** Do you have any
20 explanation on this?

21 **INMATE HARRISON:** In what way? I don't know what
22 you're asking.

23 **DEPUTY COMMISSIONER GROTTKAU:** One, why did you -
24 - why did you have property that was unauthorized? And
25 two, it sounds like you were upset, you can't take my

1 property, that's not right.

2 **INMATE HARRISON:** The property was -- that's
3 property that, first off, I don't agree that it's all
4 unauthorized. It's property that I came into the
5 institution with, it's property I was -- I was -- it was
6 packed by officers when I went to the hole. When I got
7 out of the hole, the officer coming out of the hole was
8 the one who decided, at that point in his discretion, it
9 was unauthorized. So there was a dispute whether it was
10 or was not unauthorized. We could buy stingers, how
11 could a stinger be unauthorized? We could buy them in a
12 package for one example.

13 **DEPUTY COMMISSIONER GROTTKAU:** Okay. We already
14 went over your 115, and you discussed that. And I see
15 five 128s. There was the conduct circumventing
16 restitution procedures on March 26th, 2009. You had an
17 April 4th, 2009, unauthorized correspondence. Who was
18 that to?

19 **INMATE HARRISON:** Give me a minute, I'll think of
20 it.

21 **PRESIDING COMMISSIONER PECK:** What year is that?

22 **DEPUTY COMMISSIONER GROTTKAU:** That's April 4th,
23 2009, unauthorized correspondence --

24 **INMATE HARRISON:** Yeah. It was at --

25 **DEPUTY COMMISSIONER GROTTKAU:** -- exchanging

1 letters with another inmate --

2 **INMATE HARRISON:** -- CMC, I'm trying to remember.

3 **DEPUTY COMMISSIONER GROTTKAU:** -- at the
4 institution.

5 **INMATE HARRISON:** Rupert (phonetic)?

6 **DEPUTY COMMISSIONER GROTTKAU:** You're exchanging
7 it with another inmate at another institution?

8 **INMATE HARRISON:** I think it was on west -- I
9 think it was CMC, but he was at West Yard and I was on
10 East. Anyway, his name escapes me.

11 **DEPUTY COMMISSIONER GROTTKAU:** Shed some light on
12 that?

13 **INMATE HARRISON:** Yeah, he had been on West Yard,
14 he went to East Yard, or vice versa. We were on East
15 Yard, he went to West Yard and there were some letters
16 that were exchanged.

17 **DEPUTY COMMISSIONER GROTTKAU:** Okay. Did they
18 deem that as another institution?

19 **INMATE HARRISON:** Yes.

20 **DEPUTY COMMISSIONER GROTTKAU:** And what were you
21 writing him about?

22 **INMATE HARRISON:** Just goings on, he was a
23 runner. We were both doing long distance running at the
24 time.

25 **DEPUTY COMMISSIONER GROTTKAU:** Okay.

1 **INMATE HARRISON:** Just general stuff.

2 **DEPUTY COMMISSIONER GROTTKAU:** How about a March
3 11, 2009, operating an unauthorized business.

4 **INMATE HARRISON:** That's my website, my brother
5 set up a website. It's not mine. Had to do with that
6 and my brother, on the website, was selling a couple of
7 legal manuals that I wrote.

8 **DEPUTY COMMISSIONER GROTTKAU:** Website lists two
9 manuals for sale to the public. It says I discovered
10 that -- he discovered that you, Harrison, had someone
11 create a website for you to conduct business of selling
12 legal manuals. And you were selling them for 39.50
13 each. And if you were in the correctional facility,
14 29.50 each. Are you aware of that at the time it was
15 going on?

16 **INMATE HARRISON:** I'm aware that, yeah, my
17 brother did set up a website. He was selling those
18 manuals, yes.

19 **DEPUTY COMMISSIONER GROTTKAU:** All right. Do you
20 see anything wrong with that?

21 **INMATE HARRISON:** I see it wrong in that there's
22 no evidence of any kind that I was profiting from that,
23 or I had anything to do or that I had him set up the
24 website for me, any of that.

25 **DEPUTY COMMISSIONER GROTTKAU:** April 23rd, 2000,

1 and March 20th, 2000, they were both did not show up for
2 the Law Library when ducketed. That's all that was.
3 Commissioner, do you have any questions before I go into
4 parole plans?

5 **PRESIDING COMMISSIONER PECK:** So you had a, I
6 want to make sure I get this clear, I'm a little
7 confused, you had a -- you were trying to -- was it, you
8 had a 128A or B for not -- for having your cellmate get
9 your -- there was something to do with your mother
10 setting information inside your file, I mean, regarding
11 money that you got. I mean, was that -- was there
12 anything -- you know what I'm talking about? Is that
13 anything to do with you or am I mixing up a case with
14 somebody else? Were you trying to circumvent the --
15 where you had to pay the family? No? You're shaking
16 your head, no.

17 **INMATE HARRISON:** No. What I think what you're
18 getting at was the 128 that was written because I had
19 money sent to a cellmate.

20 **PRESIDING COMMISSIONER PECK:** Yeah.

21 **INMATE HARRISON:** Okay.

22 **PRESIDING COMMISSIONER PECK:** Why would you have
23 money sent to a cellmate?

24 **INMATE HARRISON:** To avoid the 55 percent
25 restitution. At that time I had restitution.

1 **PRESIDING COMMISSIONER PECK:** Yeah, that's it.

2 **INMATE HARRISON:** So the CDC would take --

3 **DEPUTY COMMISSIONER GROTTKAU:** Sent him a hundred
4 dollars.

5 **INMATE HARRISON:** Pardon?

6 **DEPUTY COMMISSIONER GROTTKAU:** You had a hundred
7 dollars or something set up on his -- your cellmate.

8 **INMATE HARRISON:** Probably, maybe.

9 **PRESIDING COMMISSIONER PECK:** So how was that
10 working? Tell me how that was working.

11 **INMATE HARRISON:** How which was working what?

12 **PRESIDING COMMISSIONER PECK:** Why did you have
13 money go to your cellmate? Is it -- were you
14 specifically trying to get out of paying restitution?

15 **INMATE HARRISON:** I was trying to get out of
16 paying the 55 percent that the CDC takes out of the --
17 out of the incoming funds. So if we have a hundred that
18 comes in, they take 55 percent out.

19 **PRESIDING COMMISSIONER PECK:** Okay.

20 **INMATE HARRISON:** Okay. So that's why it was
21 done, to avoid that.

22 **DEPUTY COMMISSIONER GROTTKAU:** That's the March
23 26th, 2009, for the record, the 128A.

24 **PRESIDING COMMISSIONER PECK:** How long had that
25 been going on? How long had that been going on?

1 **INMATE HARRISON:** That was it. That was the one
2 time we did it.

3 **PRESIDING COMMISSIONER PECK:** Well, it says --

4 **DEPUTY COMMISSIONER GROTTKAU:** And it was 180
5 dollars.

6 **INMATE HARRISON:** Whatever it was.

7 **DEPUTY COMMISSIONER GROTTKAU:** That was on
8 November 12th, 2008. It was deposited in PV's account
9 on November 14th, 2008. It is evident that Harrison
10 acted in concert with PV to avoid the court ordered
11 restitution fine by circumventing the system and not
12 paying restitution funds as is required by law. The
13 violation occurred on November 12th, 2008. However, I
14 did not become aware of this until March 11, 2009.
15 Harrison did not admit that he had circumvented his
16 restitution.

17 **PRESIDING COMMISSIONER PECK:** He did -- he did
18 admit he circumvented the restitution.

19 **DEPUTY COMMISSIONER GROTTKAU:** Oh, excuse me. I
20 stand corrected. He did admit.

21 **PRESIDING COMMISSIONER PECK:** So you were trying
22 to -- you didn't want CDC to get 55. Is that what you
23 were doing? You didn't want -- you didn't want
24 corrections to get the money?

25 **INMATE HARRISON:** In essence, yeah.

1 **PRESIDING COMMISSIONER PECK:** Or did you not want
2 the victim to get the money?

3 **INMATE HARRISON:** Well, the victim -- that money
4 is -- well, it had nothing to do with the victims. I
5 don't know that that money even goes to the victims but
6 the CDC's 55 percent tax is what I was avoiding.

7 **PRESIDING COMMISSIONER PECK:** Have you paid your
8 restitution?

9 **INMATE HARRISON:** Totally.

10 **PRESIDING COMMISSIONER PECK:** When did you pay
11 your restitution?

12 **INMATE HARRISON:** When?

13 **PRESIDING COMMISSIONER PECK:** Yeah.

14 **INMATE HARRISON:** I don't know. Around that same
15 period or thereafter. It was done in two installments.
16 First, three thousand and then seven thousand, roughly.

17 **PRESIDING COMMISSIONER PECK:** All right. That's
18 all I have. Go ahead.

19 **DEPUTY COMMISSIONER GROTTKAU:** It was shortly
20 after you won some kind of court award; is that correct?

21 **INMATE HARRISON:** There were two.

22 **DEPUTY COMMISSIONER GROTTKAU:** Two court awards.

23 **INMATE HARRISON:** Yeah.

24 **DEPUTY COMMISSIONER GROTTKAU:** One monetary.

25 **INMATE HARRISON:** Both.

1 **DEPUTY COMMISSIONER GROTTKAU:** Two monetary,
2 okay. Thank you. Let's get into your parole plans.
3 And under your support letters, we will acknowledge you
4 had quite a few support letters. And your parole plans,
5 transitional housing. Let me go through it and then
6 I'll ask you a couple questions. There's a November
7 17th, 2015 from the Bible Tabernacle in Canyon County.
8 January 2016, Partnership for Reentry Group in Los
9 Angeles. You had a November 2015, the Parolee Service
10 Center. November 2015 from Crossroads Transitional
11 Living in Santa Ana. Then you had February 2016, Karen
12 Moronis (phonetic), a friend offering a vehicle,
13 residential, assistance. She works for -- and work for
14 her husband. He has an electrical business and have you
15 do whatever possible help. February 2016, Linda
16 Bottiker (phonetic), a friend, to help you get your
17 driver's license, transportation, help with employment.
18 We had a, in support of your parole, January 2016, a
19 Mary Anderson (phonetic), she is from Lakeview United
20 Church of Christ Ministries in Ohio. January 2016,
21 Loretta Fisher (phonetic), a friend in support of your
22 parole. Yet another one from Gina Ellen (phonetic), a
23 friend in support of your parole. Rodney Sai
24 (phonetic), a friend, in support of your parole. Donna
25 Mae Sexton (phonetic), a friend offering you

1 residential. Dave Scott Harrison, Junior (phonetic),
2 your son, in support of your parole. Steven Wayne
3 Harrison (phonetic), your brother from Utah, in support
4 of your parole. Jack Robert Harrison (phonetic), your
5 other brother from Utah. Kathleen Harrison (phonetic),
6 your mother from Utah offering you financial assistance.
7 Nichole Hopler (phonetic), your daughter from Arizona,
8 housing, finance and other support. And I'm kind of
9 stopping it there. You do have a considerable amount of
10 support letters and transitional housing. My question
11 to you is what do you want to do?

12 **INMATE HARRISON:** I would like to go be released
13 to Utah, to my family.

14 **DEPUTY COMMISSIONER GROTTKAU:** And you realize
15 that we don't just -- it would be -- you would need to
16 find a place in California.

17 **INMATE HARRISON:** I understand that.

18 **DEPUTY COMMISSIONER GROTTKAU:** Okay. And so,
19 eventually, you're saying that you would like to
20 petition the parole to have you moved to Utah. But
21 today, being you would have to stay in California, what
22 are your plans? I did read something, you don't feel
23 you need transitional housing.

24 **INMATE HARRISON:** I think -- well, it -- I can --
25 I've got a cousin. That was wrong, I've got a nephew

1 who's down south, San Diego area, Oceanside, I can go
2 there. He's offered. So what I'm saying about not
3 needed transitional housing is I have other places to
4 go; all right? Donna Sexton in Escondido that you
5 mentioned. I have places to go, people that will have -
6 - all means to support, help me get back on my feet and
7 get going. That's not a problem. That's why I'm saying
8 I don't need transitional housing, I have places to go.

9 **DEPUTY COMMISSIONER GROTTKAU:** Okay.

10 **INMATE HARRISON:** But they are available.

11 **DEPUTY COMMISSIONER GROTTKAU:** And you're
12 familiar with transitional housing, and what they can do
13 and help you transition back into the community?

14 **INMATE HARRISON:** Somewhat, not really.

15 **DEPUTY COMMISSIONER GROTTKAU:** Thus the name.

16 **INMATE HARRISON:** I mean, somewhat. I did some
17 of the places that wrote, I had read little tiny blurbs
18 on them. So I got a little bit of information. The
19 support sounds really good, counseling and things that
20 they have, some do, some don't, so they have that. I
21 think it's valuable they have counselors there,
22 different things, I think it'd be fabulous because the
23 people, that's what they do. So they would have,
24 obviously, my nephew wouldn't have that kind of
25 experience. He would have love, and support and all

1 that, that's great. But transitional housings do this
2 professionally so they would -- there'd be a value
3 there.

4 **DEPUTY COMMISSIONER GROTTKAU:** Which cousin?

5 **INMATE HARRISON:** Collin Harrison.

6 **DEPUTY COMMISSIONER GROTTKAU:** Collin Harrison?

7 **INMATE HARRISON:** C-O-L-L-I-N.

8 **DEPUTY COMMISSIONER GROTTKAU:** San Diego, did you
9 say?

10 **INMATE HARRISON:** Oceanside.

11 **DEPUTY COMMISSIONER GROTTKAU:** Oceanside, I'm
12 sorry. Thank you. So that would be your problem, no
13 transitional housing, go to your cousin's or go to
14 Sexton's, is the last name?

15 **INMATE HARRISON:** Right.

16 **DEPUTY COMMISSIONER GROTTKAU:** And what
17 relationship is the Sextons?

18 **INMATE HARRISON:** The Sextons lived very close to
19 where I lived, we were neighbors long ago.

20 **DEPUTY COMMISSIONER GROTTKAU:** Okay. Okay. Is
21 there anything I might have missed on your parole plans
22 and support letters? We do know that you had several
23 others. I just stopped at some point because we realize
24 you have good support in the community.

25 **INMATE HARRISON:** No, that's good.

1 **DEPUTY COMMISSIONER GROTTKAU:** Okay. There were
2 some opposition letters from the San Diego District
3 Attorney and from Mr. Gary Jenkins. Commissioner?

4 **PRESIDING COMMISSIONER PECK:** We're going to use
5 confidential information, Mr. Stringer. Would you like
6 to -- would you like to put your objection on the
7 record?

8 **ATTORNEY STRINGER:** Will the Board be making --

9 **PRESIDING COMMISSIONER PECK:** A confidential
10 tape.

11 **ATTORNEY STRINGER:** -- a tape?

12 **PRESIDING COMMISSIONER PECK:** Yeah, I can't
13 disclose that information, what it is, obviously. But
14 in reviewing the confidential I feel compelled to at
15 least make a confidential tape regarding the
16 information.

17 **ATTORNEY STRINGER:** In your estimation, would
18 that information relate to the issue of suitability?

19 **PRESIDING COMMISSIONER PECK:** I'm not done with
20 the hearing, we're not done with the hearing, yet. But
21 I think it would be unfair for me to wait until the very
22 last minute to let you know what the situation is. I
23 don't know yet, to be -- it could.

24 **ATTORNEY STRINGER:** Just so --

25 **PRESIDING COMMISSIONER PECK:** It just depends on

1 what -- it just depends.

2 **ATTORNEY STRINGER:** Just to preserve the record,
3 then, we would object.

4 **PRESIDING COMMISSIONER PECK:** All right. I'll
5 overrule it based on Title 15, but that at least
6 protects your client's rights with that objection.

7 **INMATE HARRISON:** Are we entitled to know which
8 date, for example?

9 **PRESIDING COMMISSIONER PECK:** Yes. Yeah, we
10 will. And once -- and once we do that I'll give you the
11 date and the type of information.

12 **INMATE HARRISON:** Thank you.

13 **PRESIDING COMMISSIONER PECK:** You are required
14 that information. You'll get it. The problem is this,
15 is that you have made an objection earlier today and I
16 just wanted to make sure that you were getting full
17 disclosure. Once we know what documents we're going to
18 use, the dates, the type, 128, one memo or whatever kind
19 of form it is we'll make sure to get you that letter,
20 we'll get you that information. All right. I don't
21 have any more questions. Mr. Sachs, do you have any
22 clarifying questions?

23 **DEPUTY DISTRICT ATTORNEY SACHS:** I'd just take a
24 brief restroom break and I'll be ready to roll.

25 **PRESIDING COMMISSIONER PECK:** Let's take ten.

1 than seven hundred thousand dollars in the lottery due
2 to his ongoing legal troubles with them?

3 **PRESIDING COMMISSIONER PECK:** Yeah, when you
4 found out they won the lottery, or second place in the
5 lottery, did that upset you?

6 **INMATE HARRISON:** It didn't. I don't know that.
7 Yeah, it probably -- yes. More so than not. I mean, it
8 did have an effect on -- I do definitely recall thinking
9 that it would fuel just more of their litigation.

10 **PRESIDING COMMISSIONER PECK:** I'm sorry,
11 Mr. Sachs, I'm going to jump in and ask just one
12 clarifying.

13 **DEPUTY DISTRICT ATTORNEY SACHS:** Yes, sir.

14 **PRESIDING COMMISSIONER PECK:** When did you find
15 out that they had won the money?

16 **INMATE HARRISON:** I don't recall that.

17 **PRESIDING COMMISSIONER PECK:** What it right --
18 was it any time around the murder?

19 **INMATE HARRISON:** I don't recall when exactly I
20 found that out.

21 **PRESIDING COMMISSIONER PECK:** All right. Go
22 ahead.

23 **DEPUTY DISTRICT ATTORNEY SACHS:** Did he tell
24 Christine Greg (phonetic) as indicated at page 5 of the
25 Court of Appeal Opinion that the matter of her winning

1 the lottery money would be taken care of?

2 **PRESIDING COMMISSIONER PECK:** Did you say that?

3 **INMATE HARRISON:** No.

4 **DEPUTY DISTRICT ATTORNEY SACHS:** Could you ask
5 him if he pre-enacted the crime complete with bloody
6 crime scene photos with Mr. Johnson?

7 **ATTORNEY STRINGER:** I'm going to object to that
8 one.

9 **PRESIDING COMMISSIONER PECK:** And I'm going to
10 agree with your objection. He doesn't want to talk
11 about the life crime.

12 **DEPUTY DISTRICT ATTORNEY SACHS:** Okay.

13 **PRESIDING COMMISSIONER PECK:** I'm not going to
14 ask him any questions on the life crime.

15 **DEPUTY DISTRICT ATTORNEY SACHS:** Okay. I was
16 trying to go before, that's where my thinking was.

17 **PRESIDING COMMISSIONER PECK:** If you want to ask
18 any question that has to do with -- Mr. Harrison said
19 that he did -- that he's innocent. I don't know --

20 **DEPUTY DISTRICT ATTORNEY SACHS:** I can leave it
21 for argument. It's fine. Just a couple more,
22 Commissioner. Could you -- well, let me just throw this
23 out as a clarifying question. Is the website,
24 frominside.com, his website and does he control the
25 content?

1 **PRESIDING COMMISSIONER PECK:** Is that your
2 website and do you control the content, sir?

3 **INMATE HARRISON:** I would have to ask what --
4 it's about me, it's all about me.

5 **PRESIDING COMMISSIONER PECK:** Okay.

6 **INMATE HARRISON:** All right? I write articles,
7 they go on there.

8 **PRESIDING COMMISSIONER PECK:** Tell me a little
9 bit --

10 **INMATE HARRISON:** I'm involved in how it works.
11 My brother does it. My brother set it up.

12 **PRESIDING COMMISSIONER PECK:** Okay.

13 **INMATE HARRISON:** I have him on it.

14 **PRESIDING COMMISSIONER PECK:** Your brother set it
15 up. Is there a -- there is -- I've never been to your
16 website so I don't know. Is there -- is there a way for
17 questions and answers to be said to you?

18 **INMATE HARRISON:** People can email me. Sure.

19 **PRESIDING COMMISSIONER PECK:** How do they email
20 you?

21 **INMATE HARRISON:** I've been locked up a long
22 time. I don't know how people email anybody. They go
23 to the website and can email the website. And then, if
24 my brother looks at it and downloads it --

25 **PRESIDING COMMISSIONER PECK:** Yeah.

1 **INMATE HARRISON:** -- he can send it to me.

2 **PRESIDING COMMISSIONER PECK:** Okay. So it's --
3 so your brother mails you the information?

4 **INMATE HARRISON:** He does. If he doesn't, if
5 it's not -- if it's something that's to me directly, or
6 something that somebody wants me to do -- Duran
7 (phonetic), that was the guy's name, Duran. Sorry. It
8 just came to me. If my brother downloads something that
9 needs -- somebody wants to say anything to me, he'll
10 send it to me.

11 **PRESIDING COMMISSIONER PECK:** Okay. So you're
12 not running a website in here.

13 **INMATE HARRISON:** No.

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

15 **INMATE HARRISON:** Absolutely not.

16 **DEPUTY COMMISSIONER GROTTKAU:** So how do you know
17 -- people know to go to the website, then?

18 **INMATE HARRISON:** You know, I had asked my family
19 that, too. I don't know -- I don't know about that kind
20 of stuff. But people, what do they call it, the words
21 like, people type in a subject and it'll come up. Well,
22 just say judicial corruption, maybe that would like,
23 lead them to it. Or maybe claims of innocence would
24 lead them to it or whatever. I don't --

25 **PRESIDING COMMISSIONER PECK:** So what you do,

1 this is all speculation. Your brother set this things.

2 You don't --

3 **INMATE HARRISON:** Yeah, I don't -- I don't --

4 **PRESIDING COMMISSIONER PECK:** All right. All
5 right. That's fine. Mr. Sachs?

6 **DEPUTY DISTRICT ATTORNEY SACHS:** Yes.

7 Commissioner, was a threat made to Gary Jenkins that the
8 next pipe bomb would be through the kids' window?

9 **PRESIDING COMMISSIONER PECK:** Did you say that?

10 **INMATE HARRISON:** I didn't say that.

11 **PRESIDING COMMISSIONER PECK:** Did you tell
12 anybody that, said that to anybody, was that ever
13 implied or --

14 **INMATE HARRISON:** I've heard that. But I didn't
15 say --

16 **PRESIDING COMMISSIONER PECK:** You never said
17 that?

18 **INMATE HARRISON:** No.

19 **PRESIDING COMMISSIONER PECK:** All right.

20 **DEPUTY DISTRICT ATTORNEY SACHS:** Okay. I have a
21 photograph that we submitted within the ten-day rule. I
22 would ask if you would please kindly take this photo and
23 show it to counsel and ask the inmate to look at it. I
24 have a question about this picture.

25 **PRESIDING COMMISSIONER PECK:** Can you -- can you

1 get that?

2 **DEPUTY DISTRICT ATTORNEY SACHS:** It's a
3 photograph of the inmate.

4 **PRESIDING COMMISSIONER PECK:** All right. Have
5 you seen this? Can you show that to --

6 **ATTORNEY STRINGER:** Commissioner, what would be
7 the relevance to that to suitability?

8 **PRESIDING COMMISSIONER PECK:** I don't know.

9 **DEPUTY DISTRICT ATTORNEY SACHS:** We're going to
10 make the relevance in a moment.

11 **PRESIDING COMMISSIONER PECK:** We'll find out in a
12 minute.

13 **ATTORNEY STRINGER:** That's a newspaper photograph
14 when he was in the --

15 **PRESIDING COMMISSIONER PECK:** Is that a
16 newspaper?

17 **DEPUTY DISTRICT ATTORNEY SACHS:** It is.

18 **PRESIDING COMMISSIONER PECK:** All right. All
19 right. Thank you.

20 **DEPUTY DISTRICT ATTORNEY SACHS:** For the record,
21 the photo is a photo we submitted within the ten-day
22 rule of a newspaper clipping when the inmate was
23 convicted of the crimes that he's here for in prison,
24 today. And the question is, the photograph shows an
25 obvious smirk, a smirk that we've sort of seen here

1 today off and on. Could you ask him what there was to
2 smirk about in terms of him being convicted of these
3 criminal offenses? Why did he have that expression on
4 his face?

5 **PRESIDING COMMISSIONER PECK:** Can you respond to
6 it?

7 **ATTORNEY STRINGER:** Commissioner, I'm going to
8 object to that simply because we don't know what the --
9 we can't go back to the courtroom and see what the
10 circumstances are.

11 **PRESIDING COMMISSIONER PECK:** I'm just going to
12 ask him if he knows. If he doesn't know --

13 **ATTORNEY STRINGER:** You want to answer?

14 **PRESIDING COMMISSIONER PECK:** -- then he doesn't
15 know.

16 **INMATE HARRISON:** Please.

17 **ATTORNEY STRINGER:** Okay.

18 **INMATE HARRISON:** Please.

19 **PRESIDING COMMISSIONER PECK:** Go ahead.

20 **INMATE HARRISON:** That's a good question. And
21 it's a coping mechanism for how I deal with certain
22 situations. I'm probably the only person in the room
23 that can testify to anything of the nature of being
24 convicted of a murder you did not do. And I don't, as
25 my -- as my criminal history attests, I don't react by

1 jumping up and down, hysterics, attacking people. I
2 don't do that. It's just the way I cope with getting
3 through this. I don't play a game, I don't like, I'm
4 not trying to play a game and be something that I think
5 you want to see. I'm just trying to be me. So that's
6 the -- if that's a smirk, if that's how people see it,
7 you know, whatever. I don't -- it just -- it's just how
8 I cope with this kind of situation.

9 **DEPUTY DISTRICT ATTORNEY SACHS:** The article and
10 others have described the expression as showing wicked
11 or sinister type of personality. Does he agree with
12 that?

13 **PRESIDING COMMISSIONER PECK:** I think he already
14 answered that question.

15 **DEPUTY DISTRICT ATTORNEY SACHS:** Then I'm done.
16 Thank you.

17 **PRESIDING COMMISSIONER PECK:** Mr. Stringer?

18 **ATTORNEY STRINGER:** Thank you, Commissioner.
19 Mr. Harrison, if the Board was to grant you parole today
20 you'd be assigned an agent. If your agent put a number
21 of restrictions on your parole such as you advise him of
22 any relationships you might have, you report to him
23 where you are living, whatever your agent wanted you to
24 do would you abide by it?

25 **INMATE HARRISON:** Yes.

1 **ATTORNEY STRINGER:** And in the prison system you
2 have attained a 19 point status; is that right?

3 **INMATE HARRISON:** Security, yes. Yes.

4 **ATTORNEY STRINGER:** That's the lowest you can
5 achieve in the prison setting. Is that accurate?

6 **INMATE HARRISON:** Correct. Based on the crime,
7 correct.

8 **ATTORNEY STRINGER:** And you have been in the
9 California system for how many years?

10 **INMATE HARRISON:** Since 2000.

11 **ATTORNEY STRINGER:** And other than the one mutual
12 combat 115 we discussed there are no other 115s for any
13 type of violence that you perpetrated; is that accurate?

14 **INMATE HARRISON:** Correct.

15 **ATTORNEY STRINGER:** And you don't belong to any
16 disruptive groups, any gangs, anything of that sort?

17 **INMATE HARRISON:** Correct.

18 **ATTORNEY STRINGER:** And all of the work that you
19 have done in the prison system has been known by the
20 correctional officers?

21 **INMATE HARRISON:** Correct.

22 **ATTORNEY STRINGER:** And if you are given parole
23 do you believe you have the necessary marketable skills
24 to obtain some sort of employment or business
25 opportunity on the outside?

1 **INMATE HARRISON:** Absolutely.

2 **ATTORNEY STRINGER:** That's all I have,
3 Commissioner. Thank you.

4 **PRESIDING COMMISSIONER PECK:** Mr. Sachs, close?

5 **DEPUTY DISTRICT ATTORNEY SACHS:** Thank you very
6 much, Commissioners. On behalf of the People we are
7 respectfully opposed to parole. And this is one of
8 those rare cases and I'll explain what I mean by that.
9 We are not in any way seeking or asking the Board to
10 improperly retry the case or look at the merits of
11 something upon which he's already been convicted.
12 However, the recent *In re Bush* case and other cases make
13 it clear that relying upon *Shaputis II* and what our
14 Supreme Court said that an inmate's lack of insight into
15 the causative factors of the crime and an implausible
16 denial are factors of grave and significant concern
17 because in the words of the *Bush* case it shows the
18 inmate is hiding the truth from himself and has not been
19 sufficiently rehabilitated to be safe again in society.
20 That is exactly what is going on here today, and what
21 has happened throughout the years as every court that's
22 ever looked at this case has found the evidence of guilt
23 extreme and overwhelming. We are talking about the
24 death of Anne Marie Jenkins, age 30 years old, who was
25 murdered in a very brutal and most violent matter. And

1 a man who had every motivation and who told people that
2 something was going to happen. And after he said it, it
3 did. We are talking about a man serving a life sentence
4 for a barbaric, sadistic, and callous strangulation and
5 slashing of the throat of his ex-wife and mother of his
6 two children, 31-year-old Anne Jenkins as well as a
7 baby. The killing occurred just a few days after Anne
8 and her husband won more than 727 thousand in lottery
9 winnings. They were also battling, at the time, child
10 support and child custody in court at the time of the
11 murder. This whole idea that he's been allowed today to
12 paint himself of a victim of litigation is beyond a
13 pale, it's ridiculous and it has no bearing at all in
14 the official court records. Looking at even just a
15 couple of places for support for that, the Court of
16 Appeal Opinion on page 3, which is part of the official
17 record in this case, states at the top there were
18 acrimonious, including child custody disputes and
19 litigation over ownership of community property. Quote,
20 Harrison wanted these proceedings to make life miserable
21 for Anne, to drain Anne and her parents financially. He
22 instructed his attorneys to bring Anne and her family to
23 court at least once a month. But yet, he's been allowed
24 to try to paint himself as a victim of litigation. The
25 records repeated other places where he was on an

1 overwhelming and strategic battle to spend her out and
2 spend her dry. And try to recover and capture custody
3 of two children in order to decrease his child support
4 payments. And when it didn't work is when she, not
5 inherited, but won over seven hundred thousand dollars,
6 and he pushed the panic button and did the murder
7 shortly thereafter. This inmate bludgeoned Anne,
8 strangled her with a ligature, slashed her throat with a
9 knife so deep that the cut almost decapitated her neck.
10 He told the witness that he would cut her throat to be
11 sure she'd never talk again because he wanted to die --
12 her to die slowly. He told a witness that he wanted to
13 stand over her, cut her throat and watch her bleed to
14 death. As she laid dead at home her ten-month-old son
15 lay in his crib and cried himself to exhaustion. On the
16 day of this offense, February 17th, 1988, at about 4:30,
17 Gary Jenkins got home from work and found her dead body
18 laying face up in the hallway of the home, being
19 bludgeoned behind the head, strangled and her throat
20 slashed almost to the point of decapitation. He was
21 concerned when the school notified him that the kids
22 were not picked up. The Coroner's Report said the cause
23 of death was strangulation and a fatal wound to the
24 throat that severed her carotid artery. I bring this up
25 because it is inextricably linked to current

1 dangerousness under the Lawrence case. And it was such
2 brutal way to kill somebody that it has to be looked at
3 in light of this length that I'm going to talk about.
4 This killing was meticulously carried out to avoid
5 detection. All the evidence pointed to this inmate but
6 he incredibly denied the crime. But the narratives of
7 all the witnesses proved otherwise. He admitted to
8 another prison inmate that he killed Anne but refused to
9 claim responsibility, instead focused his attention
10 elsewhere. Because of that misplaced focus, rather than
11 acceptance of responsibility, he shows a grave lack of
12 insight and remorse, making him more dangerous than
13 ever. Two days after the killing, Randy Fox (phonetic),
14 a friend residing in the home of the inmate's longtime
15 friend, Bruce Freeberry (phonetic), called the sheriff's
16 unit to report the inmate left three duffle bags at her
17 home -- at the home. This innocent man brought the
18 duffle bags to the home, and Mr. Freeberry, at page 6 of
19 the Court of Appeal Decision, said very clearly that
20 Harrison said something big is going to happen the
21 follow week. Wednesday or Thursday, watch the news, it
22 will all become evident. That's our innocent man
23 talking about the murder that's about to happen, that's
24 imminent. And he stated that the inmate told him one of
25 the bags contained pipe bombs, again watch the news,

1 something's going to happen. Indeed, something did.
2 Following the call, the homicide team met and
3 interviewed Fox in which the -- further information was
4 developed as well as books were found when they executed
5 a search. They found three duffle bags containing fused
6 pipe bombs ready for detonation, four cans of gun
7 powder, materials for constructing bombs, books,
8 applications and order forms for false IDs, and numerous
9 birth certificates in different names all belonging to
10 this inmate. How is it that he has possession of things
11 like that? He has books entitled, The Perfect Crime and
12 How to Commit It, the Joy of Cold Revenge and The
13 Revenge Book. These crimes include chapters such as the
14 Immaculate Murderer, Watch out for the Labs, and we
15 submitted these materials, a central theme of how to do
16 the perfect crime. How to commit a murder and avoid
17 leaving any forensic evidence. They also had forms of
18 harassment similar to the harassment the victim and her
19 family suffered at the hands of this man. Detailed
20 instructions on how to build and detonate destructive
21 devices such as pipe bombs and descriptions of specific
22 murder techniques that were used in this case, slashing
23 and strangulation. In short, this was a perfect match
24 to the actual behavior. And this is covered at page 3
25 of the Probation Officer's Report in which the following

1 is said. It states the two books addressing revenge
2 included the forms of harassment that the defendant
3 employed against Anne and Gary Jenkins and Harry Wanket.
4 They described in detail the books. Still other books
5 found in the bags describe specific murder techniques
6 including throat slashing and strangulation, and
7 detailed instructions on how to build pipe bombs. So no
8 one thinks that I'm making any of this up, it is in the
9 official record at page 3 and 4 of the Probation
10 Officer's Report. And multiple witnesses gave similar
11 accounts about how the inmate disclosed to him his
12 intense hatred for Anne. And he said I'm going to have
13 to kill her, I can't think of any other way to get it
14 off my back. It was a criminal hatred, and some of the
15 disclosers, he said he wanted Anne dead to prevent her
16 from taking his children. And others, he wanted her
17 dead to control money. While in others, he said she
18 knew too many family secrets and her death would prevent
19 his mother from going to jail for her illegal
20 activities. He went further to describe how he was
21 going to kill her by strangulation and slashing her
22 throat. And he confessed to a prison witness that he
23 had his ex-wife killed. And we've attached and
24 submitted those reports, as well. Prior to his arrest
25 he told Yvonne Galvas, G-A-L-V-A-S, Larry (phonetic) and

1 Bailey (phonetic) at different times that he made pipe
2 bombs and he thought he was going to go to jail for a
3 long time. This man has been an insufferable one-man
4 revenge squad ever since. Prior to the murder of Anne,
5 he harassed her and her immediate family to the point of
6 disbelief, and psychologically, emotionally, physically
7 and mentally terrorized and drained them with violent
8 harassments. Some as described vividly in the books
9 found in his duffle bags. He changed the victim's
10 mailing address and phone numbers without her knowledge,
11 ordered unwanted magazines to her home, wrote a letter
12 in an assumed name undermining the victim and her
13 husband's attempt to buy a home, placed an advertisement
14 in the victim's father's name in a Swinger publication
15 soliciting gay sexual acts resulting in over 300 phone
16 calls to his home. He wrote letters to friends and
17 families of the victim's father -- victim's father
18 accusing him of child molestation. And this, of course,
19 is a horrible thing to do to someone. Particularly
20 violent was the detonation of the homemade pipe bombs
21 under Gary Jenkins' ex-wife. I mean, this woman is not
22 even involved in the case but yet in his diabolical
23 sinning, and cunning and crafty way he's blowing up a
24 vehicle of a person who's not even involved in any of
25 this. It's Gary Jenkins' ex-wife. Why would he do such

1 a thing? Because he's dangerous, vindictive, angry and
2 inherently vengeful. But diabolical is the best word
3 you could ever use to describe an act like that. He
4 thought that was going to create problems between Gary
5 and his ex-wife such that it would make it difficult for
6 them to carry on dealing with him. And he thought that
7 that would somehow gain him a strategic advantage. This
8 is triple A criminal thinking and behavior. This is
9 frightening. This man should never be released from
10 prison for doing acts like that. This is a man who can
11 do anything. He has been described over and over again
12 as somebody who is extremely dangerous with
13 sophisticated criminal behavior and thinking. At page
14 14 of the Probation Officer's Report it states very
15 clearly that the pipe bomb did extensive damage not only
16 to the van but sent metal fragments flying into the
17 home. And 11 days later after the bombing, Mr. Harrison
18 telephones Gary Jenkins and says, you're going to meet
19 me at the old Belmar Café and he says no, I'm not. And
20 he says well, then, the next pipe bomb will be through
21 your kids' window and not in the driveway. Officially
22 documented on page 15 of the Probation Officer's Report.
23 And they find in concluding that this man is a sinister
24 and diabolical as they come. It is absolutely unreal at
25 the psychopathic, sadistic, no empathy, no conscience

1 and no feelings, vengeful, jealous, wicked, sinister,
2 cold, arrogant and egotistical, devoid of any
3 conscience. Those are words that have been used to
4 describe him. He's been described as vindictive and
5 vengeful with a penchant for getting even with people,
6 with his lover even drawing comparisons to Adolf Hitler,
7 Ted Bundy and Charles Manson. It is no great surprise
8 that Dr. Lippman has assessed him at a high risk in
9 spite of limited 115 violations and programming because
10 she saw through his narcissistic and scary behavior, his
11 lack of remorse, his lack of insight, his grandiosity,
12 his not accepting responsibility, the letters and the
13 behavior that he's done before show that he nothing
14 other than completely dangerous. The judges that have
15 looked at him before, and have sentenced him have had
16 things to say about him. If perhaps you're questioning,
17 should we believe Richard Sachs about this, look at what
18 the judges have said about him. Judge John Rhoades,
19 1989, sentenced him to 20 years in federal prison for
20 which he served ten. During the Federal Sentencing
21 Hearing, Judge Rhoades described Harrison as a vengeful,
22 arrogant, insensitive human being with a penchant for
23 getting even with his adversaries. The State Court
24 judge in June of 1989, and finally during the sentencing
25 that occurred and judgement, May 3rd, 1990, also had

1 some things to say. Judge Moon described Harrison as
2 wicked, sinister, manipulative and devoid of any
3 conscience. He cautioned the California Department of
4 Corrections to ensure that his communications are
5 monitored, and that his communication with anybody on
6 the outside should also be closely looked at because he
7 has a history of arranging acts of revenge. And he
8 certainly has done every bit of that as borne out by the
9 record. You know, this type of activity that we're
10 talking about is not an activity that we normally see at
11 an average Parole Hearing. He is not amenable to
12 treatment, he refuses psychiatric treatment, does not
13 think that there's anything wrong with him, yet he's
14 been rated a high risk. He's in denial and his denial
15 is entirely implausible, page 216 of the *Shaputis II*
16 case. In light of these crimes, and his institutional
17 behavior and his level of dangerousness he's an
18 unquestionable and unreasonable risk not only to Anne's
19 family, but witnesses in this case, law enforcement, the
20 judiciary, the prosecution team and public safety. This
21 is one of those rare cases based on who we're dealing
22 with that he's at high risk to kill again. In my 30
23 years of a prosecutor I've never seen anybody more
24 dangerous than David Scott Harrison. Even if he remains
25 incarcerated there is no guarantee for the safety of the

1 victim's family, the trial prosecutor, the judiciary or
2 anybody else. This is a man who cries out for a long
3 parole denial to neutralize that threat. That
4 photograph that I showed you shows a very sinister and
5 wicked looking man, and that jives with and matches what
6 the judges who have sentenced him have said about him.
7 It is absolutely clear to us that this man is extremely
8 dangerous and a man who will attack those that he feels
9 are holding him accountable for what he has done. If
10 you look at, also, what he has done just to the victim's
11 next-of-kin in this case, not only the harassments that
12 I've laid out which are extremely brutal, he has also
13 has not spared them from his legal attacks. He's very
14 good at manipulating the legal system. Every legal
15 challenge he's filed has been denied, many repeatedly
16 denied, but he's filed numerous frivolous lawsuits and
17 complaints against Anne Jenkins' family, the witnesses
18 who have testified against him, the prosecutors who have
19 opposed him and the judges who have ruled against his
20 legal challenges. At one point he even sued Andrew, the
21 infant son of the woman he murdered, and he's been on a
22 relentless and personal campaign against Judge Larry
23 Burns, the trial prosecutor in this case, trying to
24 blame him for every single thing that has ever went
25 wrong in his life. And somehow he's trying to say that

1 it's Judge Burns who set him up in this case. I'm not
2 going to take every single thing, I'm nearing the end of
3 what I have to say here, very close to it. But one
4 bears mention, that this website that he's controlling,
5 somehow he's able to do this. He states that over, and
6 over again, this is the highlight. Of all the things he
7 states this is the biggest one. He says Judge Burns
8 said he was morally certain that he, Harrison, did not
9 commit the murder but he bet he could win a conviction.
10 I've spoken with Judge Burns, that's not what was said
11 but this is how he manipulates and twists things around.
12 What he said is, Judge Burns said, I don't know if he
13 did it or he had someone else do it but I'm morally
14 certain he's responsible. And that was said in a
15 conversation with the defense lawyer during the trials
16 early on. But he twisted it, and warped it like he's
17 warped everything else in this case. And everything he
18 says is a maturation, and a twisting of the language,
19 and a frivolous lawsuit and a complaint against other
20 people. Everywhere except himself will he look for
21 responsibility in this case. In closing, I would ask
22 the Board to look at some places in official court
23 records where they said the evidence is overwhelming
24 against this man. At a motion saying his counsel was no
25 good, the court said, at page 9, he had the motive and

1 intent, the evidence was overwhelming. Not only did he
2 plan it, but he predicted something big was going to
3 happen on the day of the murder and he hid what he
4 considered evidence linking him to the murder. His time
5 is unaccounted for during the estimated and reasonably
6 likely time of death. He was seen arguing with the
7 victim at or near the time to the place of the murder.
8 He had the knowledge and the technique effective for
9 slitting a throat, though slightly different than the
10 one used on the victim. He lied to police about
11 important details such as his ownership of a motorcycle,
12 and his whereabouts on the morning of the murder and he
13 made extremely incriminating arguments and statements to
14 a fellow inmate after. In addition, at the Court of
15 Appeal Opinion, at page 14, it states, the prosecution
16 evidence was overwhelming, page 14, DCA Court of Appeal
17 Opinion. Not only did he have motive and intent to kill
18 but he meticulously planned it, predicted something big
19 was going to happen. Left the condominium with
20 sufficient time to commit the crime and make a round
21 trip between the two residences, had specific means and
22 knowledge to carry it out, lied to police and made
23 incriminating statements. This is a *Shaputis II*
24 scenario. This is an *In re Bush* scenario. This man has
25 got overwhelming evidence against him and he's done

1 everything except take -- try to deal with taking any
2 responsibility for what he's done. And I would only say
3 that he has created a one-man revenge squad of absolute
4 fear in terms of how he acts and everything that he has
5 pursued against every person that has ever tried to hold
6 him accountable. My last remark to you, Commissioners,
7 his objection, in my view, is not that he is an innocent
8 man. But his objection instead is, I am David Scott
9 Harrison, I am extremely intelligent and have a very
10 high IQ. I have read books on how to commit the perfect
11 murder, those books are in my possession. Those are
12 books like How to Commit the Perfect Crime, How Not to
13 Get Caught, The Joy of Revenge. I have studied, and
14 executed and did the perfect crime. Thus, it is unfair
15 for anybody to convict me and hold me legally
16 accountable for something I, as smart as I am, have done
17 and I should have got away with. That's what you're
18 dealing with here. Submitted.

19 **PRESIDING COMMISSIONER PECK:** Thank you, sir.
20 Passionate. Mr. Stringer?

21 **ATTORNEY STRINGER:** Thank you, Commissioner.
22 There's an old saying among litigators, and that is that
23 hard cases make bad law. The relevant standard in this
24 case, like it or not, is does Mr. Harrison, as he sits
25 before you now, not 20, 30 years before but as he sits

1 before you now pose an unreasonable risk of danger to
2 society or a threat to public safety. And of course,
3 under *Powell, Rosenkrantz, et cetera*, there must be some
4 evidence before the Board to justify a denial. If you
5 go through his time in the Federal Prison there has been
6 no evidence before this Board that he posed any
7 particular difficulty to that institution, that he was a
8 risk to any of the correctional officers or the other
9 inmates. So we can assume that he did his time in the
10 Federal Prison without any particular problem, at least
11 there's no evidence before this Board that you can
12 arrive at any other conclusion. Within the California
13 CDCR system, his point level is 19 as far as being a
14 security risk goes. That is the lowest you can achieve
15 within the institution. Under Title 15 he does have
16 marketable skills, he does have good support. Some of
17 his skills are still in construction and real estate.
18 Obviously, upon his release, he probably could get a job
19 as a paralegal in many different law firms that deal
20 with criminal trials. He has obviously a good mind and
21 has bettered himself within the institution. But I
22 think more to the point there's no evidence before this
23 Board that he has ever been difficult in the
24 institutions and he's never been a threat to the
25 institutions, or the staff, or the inmates or anyone

1 else. The only thing that's happened to him is that he
2 was forced to defend himself in a fight. And as we all
3 know, several years ago, within CDCR, any time there's
4 an altercation it's mutual combat. They used to assess
5 guilt for whoever started the altercation, but no more.
6 It's just simply mutual combat, everybody goes to the
7 hole. So nothing there. He has a good work ethic, he's
8 demonstrated that within the institutions. As I said an
9 unremarkable disciplinary record. But you know, I've
10 been doing family law for 20 years, and I have seen the
11 worst of everybody when it comes to a divorce. And that
12 includes doctors, lawyers, you name it. For some reason
13 it just brings out the absolute worst in people. It's
14 not an excuse, and I'm not trying to convey it as an
15 excuse but it does -- it does bring out this
16 indescribable emotion among all the parties. I think,
17 under Title 15, the Board can take into consideration as
18 to whether or not the person was under extreme emotional
19 distress at the time the crime was committed. Which he,
20 of course, has said he did not do. But even if you were
21 to take the District Attorney's -- all of his argument
22 as fact, Title 15 would still apply as to the emotional
23 distress. It's a one-time act in Mr. Harrison's life.
24 There's no evidence that it would ever be repeated upon
25 his release. He's been in the prison system so long

1 that he's pretty soon going to be eligible for elder
2 parole. So this is his Initial Hearing, he certainly
3 has been baptized by fire and I would ask that the Board
4 resist the temptation to give him a long period of
5 denial. And particularly allow him to get another
6 Psychological Evaluation. One of the things that
7 bothers me in this evaluation is that the doctor, when
8 assessing him, used the PCL-R which is the old
9 psychopathy checklist. She does not indicate what score
10 he received on the PCL-R or use the other tools that
11 were formally used by the FAD Unit who seems to switch
12 methodology every three or four years. But back in the
13 day, they always used these three tools. And the PCL-R
14 would have a score with it. Always, in the PCL-R, they
15 use the, quote, mean of North American male inmates.
16 Well, if you done any research into this, most of these
17 people are in the Mental Ward that they compare inmates
18 in the institutions to. That's well documented. But
19 even the doctor says on page 14 of 15, after she
20 assesses him at a high risk, Mr. Harrison has clearly
21 adjusted well during his incarceration and he has shown
22 a strong commitment towards his work obligations and
23 seems to find great satisfaction in helping other
24 inmates improve the quality of their lives through the
25 success of litigation. So under the law, unless there

1 is evidence that he does not or is an unreasonable risk
2 to society, I would ask the Board to at least consider
3 him for a date or not a lengthy period of denial. Thank
4 you.

5 **PRESIDING COMMISSIONER PECK:** Thank you.

6 Mr. Harrison?

7 **INMATE HARRISON:** Yes. First off, I never
8 admitted to any prison inmate that I did commit the
9 killing so I hope that anyone who is making a statement
10 otherwise can produce something to that because that's
11 not true. Secondly, I have not harassed or threatened
12 Judge Burns. I would think that if I had there would be
13 some evidence to that effect. That's not a true
14 statement. There's no evidence at any kind that I'm
15 arranging acts of revenge against anybody or have done
16 so. That's a false statement that was made. While I
17 greatly -- I'm sad I have to bring this up, but since it
18 was brought up, I am tremendously sorry for my acts of
19 revenge and the accusations I made against individuals
20 of the victim's family. But I know for the record that
21 there was no denial that those allegations were not
22 true. As to the rest of the statements, grossly
23 misstates the facts. At any rate, I'd like to read just
24 a couple of paragraphs here. This is a declaration by
25 John Carman (phonetic). It's a declaration but he did

1 have it notarized. He says in a telephone with
2 Mr. Desayzer (phonetic) who worked for the California
3 Innocence Project in San Diego. In or about August or
4 September of 2014, Mr. Desayzer discussed his contacts
5 with an agent or agents of the San Diego office of the
6 District Attorney. Mr. Desayzer stated that he had been
7 informed by the agents that it was always believed by
8 the prosecutor and the agents that David Scott Harrison
9 had not committed the murder. The belief was that David
10 Scott Harrison had prior knowledge of the murder and had
11 been prosecuted as an expedient since David Scott
12 Harrison would not cooperate with law enforcement.
13 Mr. Desayzer commented that law enforcement had been
14 unable to connect David Scott Harrison to the actual
15 murder or perpetrators. Finally, Mr. Desayzer expressed
16 to the client that law enforcement agents in pretrial
17 investigations had contacted and interviewed other
18 persons both inside and outside of California who the
19 agents suspected may have committed the actual murder.
20 In a telephone conversation in or about December 2014 or
21 January 2015 with Ms. Burkshal (phonetic) agreed which
22 what Mr. Desayzer had told the client in or about August
23 or September 2014. Adding that the San Diego Innocence
24 Project had abandoned its original research and
25 investigations into the case because of the acceptance

1 by the San Diego Innocence Projects, founded on the
2 opinions then conveyed by the San Diego Office of the
3 District Attorney that while David Scott Harrison had
4 not committed the actual murder, he had prior knowledge
5 of it. Ms. Burkshal expressed that the San Diego
6 Innocence Project will not assist in any matter where
7 the defendant is not completely innocent of the
8 involvement of the crime. Ms. Burkshal acknowledged
9 that David Scott Harrison appears to have been
10 prosecuted and convicted for a murder that he has
11 universally accepted he did not commit. Gratuitously
12 adding, however, that there must have been enough
13 evidence to convict. It's interesting that Mr. Burns is
14 now admitting that he made a statement to the effect of
15 his moral certainty of my innocence which he has denied
16 for a long, long time. But now it appears that he's
17 hedging and saying something a little different, that in
18 fact he doesn't think I committed the murder but may
19 have arranged it or whatever was said. But admitting I
20 did not do the crime. So as far as my claims of
21 innocence, my claims of innocence are true and correct,
22 completely. I have tremendous sorrow the pain and
23 suffering of the family, all they've been through, for
24 directing that anger and that hate toward me is
25 misdirected. I do hope they find whatever peace and

1 closure. I don't know, whatever they can find.
2 Whatever works for them through their religion or
3 whatever. I do hope that comes to them, but I'm not the
4 one.

5 **PRESIDING COMMISSIONER PECK:** Thank you. Let's
6 hear the statements from the family. Who would like to
7 speak first?

8 **MR. HARRY WANKET:** Do I just --

9 **PRESIDING COMMISSIONER PECK:** Just introduce
10 yourself for the record, please.

11 **MR. HARRY WANKET:** I'm Harry Wanket, father of
12 Anne Jenkins, my oldest daughter. And I do believe that
13 David killed her and there's never been a doubt in my
14 mind. There was never anyone else that had a motive or
15 a reason to harm her at all. He threatened me through
16 my wife. My wife was devastated by this, and she wound
17 up with her having an early passing away. So she never
18 got over it, she suffered her whole life. How could
19 this happen? Mourning for my daughter. My other
20 children all suffered over this, including all the
21 grandkids. I just don't think he could ever get out
22 because he's threatened to kill me, it came out in the
23 trial that he had hired someone to come out and come to
24 one of my job sites and kill me. And I didn't know
25 about it until I heard it in trial. So I think he's a

1 danger to society and I don't think he should ever get
2 out. I think that's all I can say.

3 **MR. DANIEL WANKET:** Yes. My name is Daniel
4 Wanket, I am Anne's brother. And I had a lot of
5 thoughts going through my mind so please excuse me. One
6 thing that I keep thinking about in listening is that
7 even the defendant mentioned being accountable for your
8 actions. And when your actions are found to be guilty
9 for a life that has been taken I don't see how then you
10 can continue to have a life. I don't believe in the
11 death penalty but I don't think one should allowed. How
12 do you put a price on a life? So I'll read what I
13 wrote. I am writing to protest against the possibility
14 of parole for David Scott Harrison, ever. I am a very
15 spiritual person who is a Christian, a brother, a father
16 and a human being. I believe in the power of love and
17 in God's forgiveness. And I have forgiven him on some
18 level. We are all human and prone to make mistakes
19 which is why I would not have sought the death penalty.
20 But as a man and a humanitarian I believe one should
21 take responsibility for one's actions. And your actions
22 were proven in a court of law. Especially if those
23 actions were premeditated which David's were. How could
24 you have done all that, read all that, made all the pipe
25 bombs without planning something? The amount of pain

1 and suffering that he has caused his children, which
2 kills me all the time, cannot be weighed or even
3 measured let alone the pain everyone in the family
4 suffered. I lost a sister, a mother and a friend when
5 he took Anne's life. She was all those to me, along
6 with my mother. You know, it's been said before, he had
7 countless -- in his possession he had books, different
8 books. I'm not going to reiterate what he had but it
9 just -- it goes to prove that it was -- the anger he
10 had, the anger that he felt was justified because he
11 didn't get something or didn't like the way things were
12 progressing. And it's interesting to me to hear in his
13 mind how Anne instigated all the lawsuits. But I
14 remember clearly back then that it was the other way
15 around, that she was struggling to keep up with the
16 lawsuits to repay the fines and that's when the family
17 got involved. My father, and then things escalated from
18 there as she was needing more and more financial
19 support. I will not begin to speak for his children,
20 Nicole (phonetic) and Dave and Andrew. I've heard
21 different stories, so I can't tell you what they're
22 thinking but I remember the hurt and confusion when they
23 were young and I was helping to raise them when I could.
24 I wasn't always there. I have family who did not want
25 to come for they were in fear of revenge and

1 retaliation. I don't have the fear, if it's my time to
2 go it's my time to go. I don't have anything that you
3 can take. I have love. But I also -- I believe people
4 have to face the consequences of their actions,
5 especially when they are reiterated, so premeditated, so
6 planned out that bombs were used to try to throw the
7 blame elsewhere or to get revenge in some twisted way to
8 make others pay and suffer for what he couldn't have.
9 So I would like the longest possible term for parole.

10 **PRESIDING COMMISSIONER PECK:** Thank you.

11 **MR. DANIEL WANKET:** Thank you.

12 **PRESIDING COMMISSIONER PECK:** Just so you know,
13 the reason why I was standing up was because I couldn't
14 see you through all these --

15 **MR. DANIEL WANKET:** Oh, that's okay.

16 **PRESIDING COMMISSIONER PECK:** -- computer
17 monitors. That's kind of what that was all about. Are
18 you making a statement, Ms. Ward?

19 **MS. WARD:** Only a backup for Andrew, he is no
20 longer on the phone.

21 **PRESIDING COMMISSIONER PECK:** All right. Let's
22 hear Mr. Gary Jenkins. I think he is on the TV screen.

23 **MR. GARY JENKINS:** Can you hear me?

24 **PRESIDING COMMISSIONER PECK:** I can hear you.

25 **MR. GARY JENKINS:** You can hear me okay? Thank

1 you for the opportunity for me to speak at this Parole
2 Hearing. I wouldn't -- excuse me. I wouldn't be here
3 today if I did not have a great fear of this inmate's
4 capabilities of destroying other lives, even after 20
5 years behind bars. My fear based on the fact that he --
6 that I feel if he were released from prison he would
7 continue his revenge acts, getting even with those he
8 feels have wronged him or, in his words, done injustice
9 to him. Continuing to hurt people that are closest to
10 me, my children, my father-in-law Harry and all of
11 Anne's family. He once had a plan to take my life. Due
12 to the fact I was helping Anne in their bitter custody
13 battle. Until Anne and I won the lottery, he knew then
14 that Anne had the ability to be more powerful than he
15 was. And killing me was no longer his biggest concern.
16 So he turned his attention on destroying Anne. I feel
17 after 20 years -- 28 years his thoughts of killing me
18 are even stronger. Not only did he take Anne's life
19 from her, he took a life away from many others including
20 Nicole and David, their two children, and ten-month-old
21 Andrew, the son of Anne and me who only has two pictures
22 to remember his mother. Yes, they continue to live
23 their lives, but without their mother who had dreams of
24 seeing them grow and becoming young adults. I hope you
25 can crush this inmate's dreams of ever being released.

1 28 years ago I did not believe in the death penalty.
2 Although it takes a lifetime to make the death penalty
3 sentence a reality, I believe in it now. I have been
4 haunted by coming home on February 17th and seeing the
5 love of my life, the mother of our son, laying on the
6 hall floor in a pool of blood. Knowing this inmate has
7 a chance of being released, life would be a hell of a
8 lot stressful if I knew the vengeful person was no
9 longer on this earth. In the past 28 years I have said
10 many prayers when this day came that you would see that
11 this inmate should never be released from prison. I ask
12 you now to give him the longest extension you can give
13 him, please allow us, who have lost an amazing daughter,
14 sister, wife and mother, to continue feeling safe and to
15 keep this inmate where he belongs, behind bars. There's
16 a lot more that I could say but Richard has said it
17 better than I can at this time. The pipe bomb in my ex-
18 wife's car to get me to back off on something that I
19 wasn't pursuing. Could have gone through my kid's
20 windows, which they did, and hurt my children. The
21 court proceedings that David and Anne were going through
22 were because of lack of child support, not custody.
23 Anne would give David the kids anytime, anywhere. It
24 needed to be put on paper when those times were. When I
25 first met Anne I remember sitting on the couch, hearing

1 a knock on the door, Anne getting up and answering it
2 and there stood David, I want my kids. Anne started
3 shaking. She asked him, when will they be returned?
4 When I bring them back is his -- was his response.
5 There I talked to Anne and said you needed to get this
6 corrected. You needed to go back to court and get
7 visitations down and make sense of this bitter custody
8 battle. She couldn't afford it because David would only
9 pay her 25 dollars a month through his mother's checks,
10 35 dollars a month through his mother's checks. Never
11 giving her the full amount of a little 350 dollars for
12 child support. She did take him to court once, and the
13 last time in court the judge basically told them if
14 either one of them would be back in court that he would
15 have them arrested and thrown in jail. After that,
16 pretty much everything quieted down. David was paying
17 child support, he was picking up kids at regular
18 weekends in a place that they made to meet. And picking
19 them up at the same time on Sundays. When Anne and I
20 won the lottery, David was planning on killing me prior
21 to that. Yes, the baseball bat, the phone call, that is
22 all true. When we won the lottery he realized that if
23 he killed me, Anne still had all the money in the world
24 to fight him if he needed to. He was going to destroy
25 her one way or the other. And the only way he saw that

1 was of killing her. I'd like to thank you and
2 (inaudible) for considering my request never to allow
3 this man out of prison. Thank you.

4 **MR. ANDREW JENKINS:** Yeah, can you guys hear me?

5 **PRESIDING COMMISSIONER PECK:** Yeah.

6 **MR. ANDREW JENKINS:** Sorry, you guys are kind of
7 cutting in --

8 **PRESIDING COMMISSIONER PECK:** There's an echo. I
9 don't like it. So you're -- do you -- good. Okay.
10 Now, that should of fixed -- that should fix the
11 problem. Go ahead, sir.

12 **MR. ANDREW JENKINS:** All right. Thank you.
13 Commissioner, I want to start you with the number, and
14 that number is 10,395. In between that there's been
15 three weddings, six births, numerous days of school, too
16 many to count. In fact, all of them. Three
17 graduations, chicken pox and just about every other life
18 achievement a person can have. And that's just counting
19 those of mine and my siblings. Not my children and not
20 their children. Regardless of what that total number
21 adds up to be, the one thing that's always the same is
22 the denominator there. That denominator always stays at
23 zero. Once again, for the record, my name is Andrew
24 Jenkins and I'm February 17th, 1998, just shy of me
25 being ten months old. During an early afternoon nap my

1 mother washing the family car. In the ensuing moments
2 my life was changed forever. To be very, very clear
3 with you guys, this letter is not about me in any way,
4 shape or form because on February 17, 1988, that was
5 10,395 days before the date of this hearing and my
6 mother is Anne Marie Jenkins. There was also the first
7 week, the third day to be exact, that my mother was able
8 to stay home with me and my siblings as a stay-at-home
9 mom, it was also the last. There was no tragic
10 accident, no untimely illness nor any other natural
11 causes that made it be this way. Rather, it was the
12 deliberate, malicious and cowardly actions of the inmate
13 in front of you today. My mother was a strong woman, a
14 woman with three beautiful young children, two of which
15 are the children of this inmate. And given the
16 opportunity to fight I'm sure she would have done so
17 with enough courage and willpower to overcome any
18 injury, any illness or anything else that was presented
19 to her. But she wasn't given that opportunity. For as
20 long as I can remember I've always questioned why my mom
21 and not me? As we've heard today, I was present in the
22 house, and until that point all I had known was the
23 touch, the sound and the warmth of my mom. Why couldn't
24 I go with her? Why couldn't this inmate in front of you
25 keep that bond that my mother and I shared rather than

1 severing it in a blink of an eye? And until this
2 moment, until I wrote this letter, I never had that
3 answer and now I do. You see, I'm a product of my
4 mother, her blood is my blood, her strength, her
5 courage, her passion, they all live inside me. And that
6 is why, God willing, I will be here every single time
7 this inmate comes in front of you one way or another.
8 My mother didn't have the opportunity to fight. The
9 inmate put too much time and effort and energy into
10 making sure of that. But in all his planning, all his
11 efforts, all the blood he shed onto my family's kitchen
12 floor. Once again, the same kitchen floor as those two
13 children called home, he forgot the same blood that down
14 the hall taking a nap, in me. I'm before you today to
15 ensure my mother gets her chance, a chance to fight
16 back, her chance to be heard, her chance to watch over
17 her family and friends in peace knowing the inmate that
18 inflicted such pain and suffering to her will not have
19 the opportunity to harm another person. Some may think
20 this statement is a form of retaliation, a way to get
21 back. Please be reminded that whether he be in prison,
22 be free or even dead, there is no way for this world to
23 get back the beautiful person we lost that day. Nor
24 would my mother and those that have raised allow for me
25 to wish death or even vengeful things toward anyone

1 else. And to do so would mean to be like him, and that
2 we are not. Instead, I am here today providing a
3 statement for my mother, Anne Marie Jenkins, and the
4 safety of those that she loved the most. Her strength
5 and the strength of God do not allow me to fear for
6 myself. Although I have great fear for those we each
7 love, I fear for my grandfather who is in front of you,
8 today. I fear for my father who you just heard from.
9 And I fear for my whole family, one that my mother has
10 not had the opportunity to see in person but has had the
11 opportunity to look over and ensure their safety. Of
12 all of the people that I have mentioned there, my
13 grandfather and father have been harassed and forced to
14 suffer by the actions and malicious malice of this
15 inmate on multiple occasions prior to February 17th of
16 1988. I fear for my wife and children, those means are
17 not going to provide. I fear each night when I hear the
18 smallest of sounds not that it's any intruder but it's
19 one in particular, the inmate in front of you. And I
20 fear that each time the phone rings that we're about to
21 given news that something similar has happened to one of
22 the people I just mentioned. I lived an entire life
23 this way, since my earliest memories. Not because
24 choose to, but because I know that given the opportunity
25 the inmate will certainly do it again. And his targets,

1 list of targets, is going to be very, very specific. No
2 amount of time will rehabilitate this inmate. Rather,
3 each day incarcerated has provided an additional day to
4 calculate his next move, to correct his mistakes while
5 nearly decapitating my mother, the mother of his own
6 children, once again. In fact, his mission of carrying
7 out the perfect murder, and to get revenge on those who
8 sought justice for her. And don't take my word for it,
9 as we've heard today, the proof is in his own website.
10 The one that he stated his brother does where he chooses
11 to continue to find ways to torment and harass all that
12 were involved. There is no remorse, no regret, no
13 acknowledgement and no signs that this inmate -- that
14 his time incarcerated has rehabilitated him in any way,
15 shape or form. Instead, you have in front of you an
16 inmate who chooses to point the finger at anyone and
17 everyone he can, including his own defense team. To
18 this day his only regret is that he was caught, and if
19 given the chance by this Board and the State of
20 California he will attempt to correct it and I guarantee
21 you that. This inmate is not one of transformation and
22 repentant. He has no fear spending the rest of his days
23 in a cell. This inmate is one of vengeance and evil,
24 and your decision today will be the deciding factor in
25 whether or not he has the means to continue on in his

1 ways. The unfortunate reality that we must be here
2 today, but I'd like to thank you for taking the time to
3 listen to me. Through the spirit of my mother I will
4 continue to see that her voice is heard and her justice
5 is served because she would do the same for us. This
6 inmate tried to silence her forever, and forever we will
7 stand up and be her voice. Thank you.

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

9 Ms. Ward, did you have -- I know you're here for
10 support, I was not sure whether that was -- is there an
11 additional statement, or is that --

12 **MS. WARD:** That's it.

13 **PRESIDING COMMISSIONER PECK:** All right. The
14 time is approximately 4:20. We're going to recess for
15 deliberations. All right.

16 **R E C E S S**

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1 **CALIFORNIA BOARD OF PAROLE HEARINGS**2 **D E C I S I O N**

3 **DEPUTY COMMISSIONER GROTTKAU:** Commissioner, it's
4 4:50 p.m. And we're back on record.

5 **PRESIDING COMMISSIONER PECK:** All right. Today's
6 date is 8/3/2016. All parties that were present have
7 returned for the pronouncement of the Panel's decision.
8 Mr. Harrison was received 12/9/1999 from San Diego
9 County, Murder First with Use of a Deadly Weapon was the
10 controlling offense. Mr. Harrison has a minimum
11 eligible parole date of 3/22/2017. According to the
12 California Supreme Court in making a parole eligibility
13 decision this Panel must not act arbitrarily or
14 capriciously, must consider all relevant and reliable
15 information available. In your case, Mr. Harrison, we
16 looked at your Central File, we looked at the FAD Risk
17 Assessment, we looked at a lot of documents that you
18 provided for us. We listened to your testimony, we
19 listened to the family members, we listened to the
20 opinions of the San Diego County District Attorney's
21 Office, we listened to your attorney in order to come to
22 a decision. We did use confidential information. The
23 only bit of confidential information that we used was a
24 letter that was dated February 26th, 2016. I can't

25 **DAVID HARRISON**

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DECISION PAGE 1

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1 disclose the author because that's part of the
2 information. So letter, you got the date. You'll get
3 it in the transcript. The fundamental consideration in
4 making a parole eligibility decision is the potential
5 threat to public safety upon an inmate's release.
6 Denial of parole must be based on evidence in the record
7 of the inmate's current dangerousness. Having these
8 legal standards in mind we find you do pose an
9 unreasonable risk to public safety and you're not
10 suitable for parole. Now, we did consider -- we spent,
11 again, I don't know -- I don't know why we do, but we do
12 this. Even you, Mr. Harrison, everybody wants to retry
13 this case. All right. Here's a news alert. You're
14 guilty. You got found guilty; right? I'm not here to
15 retry your case. I don't have the means, I don't have
16 the ability. I do know this, is that when we -- if we
17 were to look at a *Shaputis II*
18 plausibility/implausibility discussion there are many
19 elements that indicate that you were involved in this
20 life crime. You got found guilty, there are many
21 indications that you were involved in this crime. But I
22 don't know if I -- if this Panel, if we can go out and
23 say that your version is implausible. It's unlikely,
24 but I'm not sure it's implausible. So we didn't use

25 **DAVID HARRISON** **E-62612** **DECISION PAGE 2** **8/3/16**

1 your denying the life crime in any way as a reason for
2 denying you parole. There certainly are other reasons
3 that we're concerned about. So let's just start, as I'm
4 sure you knew, let's just start with the Comprehensive
5 Risk Assessment. That Risk Assessment, that's evidence
6 that was presented to us, that's damning. That's
7 damning, that shows -- damning is so draconian, let's
8 not use damning. Let's use -- let's use, oh, my gosh.

9 **DEPUTY COMMISSIONER GROTTKAU:** I like that.

10 **PRESIDING COMMISSIONER PECK:** How did you get
11 that kind of Risk Assessment; right? I'm not a
12 clinician, but the doctor thinks you're a high risk for
13 future violence. And the doctor said, I'm not going to
14 read the whole thing, I'm just going to incorporate it
15 by reference. If a judge wants to review the Risk
16 Assessment that we used in making this determination
17 they certainly have the opportunity to review it, it is
18 non-confidential. Oh, good. I don't know how to --
19 tell him I don't know how to get him.

20 **MR. GARY JENKINS:** Okay.

21 **PRESIDING COMMISSIONER PECK:** I don't know how to
22 do it. And is there any way you can bring that phone in
23 here? Is it too far? I mean --

24 **MR. GARY JENKINS:** I don't think I can get him in

25 **DAVID HARRISON** **E-62612** **DECISION PAGE 3** **8/3/16**

1 here.

2 **PRESIDING COMMISSIONER PECK:** I don't know how to
3 do it. I only got one phone, and I only got one way and
4 I'll tell you what. Can I call them after we're done
5 and I'll just talk to them on the record? I'll have
6 Mr. -- I'll have your attorney in the room when I do
7 that to make sure that I don't say anything
8 inappropriate.

9 **MR. GARY JENKINS:** I'll get a phone number.

10 **PRESIDING COMMISSIONER PECK:** Get a phone number,
11 we'll call him back when this thing is done. All right?

12 **ATTORNEY STRINGER:** Okay.

13 **PRESIDING COMMISSIONER PECK:** The doctor says
14 that you've clearly adjusted well during your
15 incarceration, you've shown strong commitment towards
16 your work obligations and seems to find a great
17 satisfaction helping other inmates improve the quality
18 of their lives through the success of litigation.
19 However, Mr. Harrison falls short -- hold on a second,
20 I've lost my place -- by failing to take full
21 responsibility for his behavior, externalizing blame and
22 focusing only on certain aspects of his history while
23 admitting other aspects in explaining what contributed
24 to his poor judgement. He also prefers to focus on the

25 **DAVID HARRISON E-62612 DECISION PAGE 4 8/3/16**

1 number of injustices he's had to endure by the legal
2 system as a whole which takes the focus away from his
3 guilt. Even though he maintains innocence in the life
4 crime it is still -- it still undermines the guilt
5 regarding those crimes he actually did commit, admit
6 committing, i.e. the pipe bomb, the arson, the
7 harassment of the Jenkins and the Wankets. Mr. Harrison
8 does not seem to accept the magnitude of his crimes and
9 behavior which include not only severely damaging the
10 property of his victims but also traumatizing them to
11 the point where they have feared for their continued
12 safety. Additionally, the pipe bomb easily could have
13 been lethal to either of his intended victims or to
14 innocent passersby. His superficial expressions of
15 remorse and recognition of the damage he has caused
16 appears disingenuous. His lack of empathy for the
17 feelings of others made it easier for him to develop and
18 carry out such cold, calculated plans of revenge that
19 called for destruction of valuable property, robbing the
20 victims of the sense of well-being. While it is duly
21 noted that Mr. Harrison has, for the most part,
22 demonstrated behavior compliance while in prison he
23 still pushes the envelope, so to speak, as indicated by
24 128 counseling chronos he received in 2009 and the --

25 **DAVID HARRISON** **E-62612** **DECISION PAGE 5** **8/3/16**

1 and the 128B informational chronos from 2012, 2004, 2003
2 and 2002. Despite nonviolent prison behavior the way in
3 which he has attempted to and even been successful in
4 manipulating aspects of the system as well as the
5 current interview by attempting to manage it so that
6 circumstances go in his favor represents interpersonal
7 dominance and poor insight into, hold on a second,
8 insight into his systematic and calculating nature. Not
9 only did he repeatedly deny, minimize and rationalize
10 his behavior, his apparent need for revenge seems to
11 have infiltrated his life to the extent that he
12 essentially couldn't, and still can't, stop himself from
13 retaliating one way or another against those he believes
14 have wronged him. He has admittedly replaced his method
15 of satisfying his need while in prison by using the
16 legal knowledge he's gained in fighting his battles
17 through legal and more appropriate channels. That's not
18 to say his motivations are any different than those that
19 brought him into the system. He clearly -- he has
20 clearly shown that he has violent tendencies, and the
21 entrenched nature of his retaliatory impulses and the
22 cold and calculating way in which he seeks retribution
23 have not remitted. Until he shows considerable insight
24 into these personality dynamics it is the evaluator's

25 **DAVID HARRISON** **E-62612** **DECISION PAGE 6** **8/3/16**

1 opinion that he remains at an elevated risk of violence.
2 That information is totally indicative of a current,
3 unreasonable risk of danger to society. You have a
4 tendency, sir, to paint yourself as a victim. You did
5 that today. You're the one that was harassed, you were
6 the one that was wronged. I felt like I was talking to
7 Robin Hood a lot of times during today's hearing.
8 You're out there to go fight for all the people that
9 have been wronged in the world, and that's fine. But
10 I'm not worried about all those other people, I'm
11 worried about you. I'm worried about what's wrong with
12 you. And I'm worried about what you're working on. So
13 since I really couldn't get that from your testimony
14 today, I had to go back and look at the classes that
15 perhaps you've been attending. And they were devoid.
16 And what was even more concerning to me was not that
17 you're not going to self-help, it was the reason why
18 you're not going to self-help. I am going because other
19 inmates go there to manipulate the system. Who cares
20 why other people go? Why do we care why anyone goes to
21 self-help? You should be going to self-help for you,
22 not for what -- and whatever anybody else is doing,
23 whatever anybody else is -- and then you said they don't
24 learn anything anyway, which I thought was really

25 **DAVID HARRISON** **E-62612** **DECISION PAGE 7** **8/3/16**

1 incredible since you don't go. So it just sounds like
2 you justify, and you're justifying your behaviors rather
3 than embracing something. Now listen, I got to tell
4 you, this may shock you, but I am not perfect in no
5 sense of the word. And I know that every morning I got
6 to look in the mirror and I got to go, John, keep your
7 patience today, because I know what my issues are. But
8 it doesn't appear you know what yours are. You seem to
9 be missing that. You seem to look at what others do,
10 I've been wronged, you've been wronged so let's go to
11 war. Listen, I don't care about your litigation. You
12 do what you think is appropriate; right? If it -- if it
13 keeps you from grabbing a weapon, and grabbing a pen and
14 that keeps people safe -- listen, I used to have people
15 602 all the time and I'd go, write it. Because if that
16 make -- if that makes you comfortable, if that's how you
17 deal with a problem, I'm good with it; right? Because
18 that, sometimes, is the best way to deal with a
19 situation. But the doctor really got it right, you
20 really don't have any really understanding of yourself
21 or even how you come across. You smirk, you laugh, you
22 started laughing when you first came into the hearing,
23 you were not taking this serious, you accused the Board,
24 you accused me and my colleague of stacking the deck

25 **DAVID HARRISON** **E-62612** **DECISION PAGE 8** **8/3/16**

1 before we even started. The Parole Board is not going
2 to let me out. Which is a total misrepresentation of
3 what the process is. If there's one thing that
4 Commissioner Grottkau and I try to be, and that's fair.
5 And listen, I mean, the way you came in, the way you
6 started talking, it was the die is cast, you're not
7 letting me out. I'm not admitting I did the life crime,
8 I'm not -- I'm not fitting into your little boxes or
9 whatever else you were thinking. But the point of the
10 matter is this, is that we didn't make up our minds
11 until the testimony, that's what we base our decisions
12 on. Granted, you had a high risk, there were some
13 obstacles but you could have overcome that. The other
14 issue that we're concerned about with you is I don't
15 know what these 128As are all about when you were at
16 CMC. You got a 128A, you got a 128B. I'm sorry, you
17 got a 128A, a 128A, a 128A. It appears -- I normally
18 would not care about 128s because they normally don't
19 rise to the level -- they're more just corrective
20 actions. You know, don't do that anymore is pretty much
21 how where it starts and the next step is okay, now I'm
22 going to read about why you're not going to do this
23 anymore and then the third level would be a 115
24 disciplinary action. But I am concerned about the

25 **DAVID HARRISON** **E-62612** **DECISION PAGE 9** **8/3/16**

1 restitution. The other ones, yeah, probably not so
2 good. But I don't know whether you're trying to
3 circumvent paying the restitution or not, it seems like
4 you were. That's what it kind of implies in the 128A.
5 I know you've paid the restitution, but I don't know if
6 you really had a choice after this happened. It's not a
7 big issue, it's not a big -- it doesn't -- it's not
8 rising up to the level of oh, this is the big, major
9 issue. But it just says something about you that you
10 should probably reflect at. Remember this,
11 Mr. Harrison, I've got to wear four hats at every
12 hearing; right? I got to wear the hat first, me and my
13 partner, we have to wear the hat of -- we have to kind
14 of do our own little thing. We have to ask you
15 questions, we have to try to figure out on our own where
16 you -- where you are. I don't want to say investigate,
17 but let's just say be questioning and try to figure out
18 on our own where you were at. And then the next step is
19 we got to do a lot of listening, Commissioner and I did
20 a lot of listening today. Listening to you a lot, and
21 listening to what Mr. Sachs had to say, listening to
22 what your attorney had to say and listening to what the
23 family members have to say. And then the other hat that
24 we have to make is we have to make a decision. That's

25 **DAVID HARRISON** **E-62612** **DECISION PAGE 10** **8/3/16**

1 the third hat we have to wear. And then the third hat
2 is we have to try to show you a way. We have to show --
3 we have to provide a path where you can try to figure
4 this all out so you don't -- you're not a current,
5 unreasonable risk of danger to society which we think
6 you are at this moment. So I think you're at a very,
7 very early stage in your rehabilitation. You haven't
8 identified really the issues that are internal with you.
9 When I asked you about why you were involved in criminal
10 behaviors you didn't really have a good answer. You
11 seemed to always want to use external factors rather
12 than internal factors. You know, I mean, people do
13 things to people all the time; right? But that doesn't
14 give anybody the right to do anything. And you seem to
15 use external factors as a justification for your
16 actions, and that's dangerous. I'm sorry, I didn't mean
17 to point, that's a habit; right? That's dangerous. If
18 Commissioner Grottkau could make me lose my temper, and
19 I blame him, Commissioner Grottkau never makes me lose
20 my temper, I choose to lose my temper. He could do
21 something that I may not like but I get to -- I get to
22 pick what my reaction is going to be. I don't know that
23 you've figured that out yet, not by your testimony
24 today, anyway. That's something you need to start

25 **DAVID HARRISON** **E-62612** **DECISION PAGE 11** **8/3/16**

1 working on. Whether, and I don't care whether you go to
2 self-help classes, or I don't care if you figure this
3 thing out through correspondence classes or I don't care
4 if you do book reports. But I know one thing, you're
5 going to have to figure it out with something because
6 what you're doing right now isn't working. I encourage
7 you to read the transcripts when we're done with this.
8 I think I'll turn it over to my partner. Do you have
9 anything you want to add as far as this decision goes?

10 **DEPUTY COMMISSIONER GROTTKAU:** Just to bolster
11 that you just chose not to put in or explore self-help
12 and giving the appearance that you don't need help or
13 improvement. And that was pretty obvious as we went
14 through the whole process that, as the Commissioner
15 said, we all need to improve ourselves in some manner.
16 But you definitely need to get to work. But whichever
17 which way you do it. Commissioner?

18 **PRESIDING COMMISSIONER PECK:** All right. And the
19 other thing that I want to mention because I had wrote
20 it down, but you know something, I forgot. You don't
21 show empathy. Your facial expressions, your -- the way
22 you carry yourself, you don't show like you feel bad for
23 anything that happened. You say I feel bad for the
24 family but your mannerisms don't indicate that you feel

25 **DAVID HARRISON E-62612 DECISION PAGE 12 8/3/16**

1 bad for the family. Again, you smirk, you smile, you
2 laugh at inappropriate times, your -- you know, words
3 are only one small part of communication. A bigger part
4 of communication with you is your nonverbal
5 communication by your mannerisms. And your mannerisms
6 are horrible. I mean, I encourage you to look at
7 yourself in the mirror sometimes because frankly, the
8 way you carry yourself really doesn't show any type of
9 remorse. We're required by law to start at a 15-year
10 denial. You haven't had any 115s, and the 115 that you
11 did get was, you know, I think you were the victim so I
12 didn't -- we didn't hold that against you. I do know
13 that the way it works is everybody gets a write-up. It
14 looks like you -- it looks like you were the victim in
15 this case. I'm sure there was some causative -- maybe
16 you smirked at somebody the wrong way. I don't know
17 what the situation was, but anyway, we're not using that
18 115 as a reason for denying you parole. But the problem
19 with you is this at least -- we ended up with a ten-year
20 denial. Now, you certainly have the opportunity, sir,
21 to do a Petition to Advance. I would like to have been
22 able to go lower with you but you had such a limited
23 level of self-understanding that you're going to require
24 a lot of work. Now, if you jump in, and you start

25 **DAVID HARRISON** **E-62612** **DECISION PAGE 13** **8/3/16**

1 getting way involved you certainly have the right to a
2 Petition to Advance. I encourage you to do that. We
3 did do a term calc with you. We used Murder First as
4 the crime. We used Personal Relationship or Prior
5 Relationship with the Victim, we used Direct. We ended
6 up with a 336 month term. These terms don't matter
7 because of -- but we are required per the *Butler*
8 decision. If you want to look that up you can look it
9 up. The *Butler* decision is why we do term calcs.
10 Frankly, the way it works now is that once you get a
11 parole date, and it gets to the Governor and you hit
12 your minimum eligible parole date you pretty much go.
13 Anyway, we do wish you the best of luck, we encourage
14 your participation in some rehabilitation and thank you
15 for talking to us, today. Good luck. Time is
16 approximately 5:10. This hearing is concluded. Okay.
17 You guys can talk out of the room.

18 **MS. WARD:** Okay.

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

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THIS TRANSCRIPT CONTAINS THE PROPOSED DECISION OF THE BOARD OF PAROLE HEARINGS (BOARD) ANNOUNCED AT YOUR RECENT BOARD HEARING AND IS PROVIDED TO YOU IN COMPLIANCE WITH PENAL CODE SECTION 3041.5, SUBDIVISION (A) (4), AND CALIFORNIA CODE OF REGULATIONS, TITLE 15, SECTION 2254. THIS PROPOSED DECISION WILL BECOME FINAL WITHIN 120 DAYS OF THE DATE OF THE HEARING AS REQUIRED BY PENAL CODE SECTION 3041, SUBDIVISION (B), UNLESS THE BOARD NOTIFIES YOU IN WRITING BEFORE THEN THAT THE PROPOSED DECISION HAS BEEN MODIFIED, VACATED OR REFERRED TO THE FULL BOARD, SITTING EN BANC, DUE TO AN ERROR OF LAW, ERROR OF FACT OR NEW INFORMATION PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 15, SECTION 2042. THEREAFTER, THE GOVERNOR HAS AUTHORITY TO REVIEW THE BOARD'S DECISION AND AFFIRM, MODIFY, OR REVERSE IT PURSUANT TO PENAL CODE SECTIONS 3041.1 AND 3041.2.

DAVID HARRISON E-62612 DECISION PAGE 15 8/3/16

**CERTIFICATE AND
DECLARATION OF TRANSCRIBER**

I, Patrick Reed, as the Official Transcriber,
hereby certify that the attached proceedings:

In the matter of the Life) CDC Number: E-62612
Term Parole Consideration)
Hearing of:)
)
DAVID HARRISON)
_____)

SAN QUENTIN STATE PRISON

SAN QUENTIN, CALIFORNIA

AUGUST 3, 2016

12:00 P.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.



Patrick Reed
August 12, 2016
Northern California Court Reporters
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