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**FILED**

APR 6 - 2005

MARIN COUNTY SUPERIOR COURT  
*R. Mc...*

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF MARIN

In re  
**JERRY RUTHERFORD (C-19059),**  
Petitioner,  
**On Habeas Corpus.**

NO. SC135399A  
**[PROPOSED] ORDER**

Penal Code sections 3041 and 3041.5 require the Board of Prison Terms to provide life prisoners with parole consideration hearings at least one year prior to their minimum eligible parole dates and, if parole is denied, at specified yearly intervals thereafter. Respondents are not currently meeting these time frames. Therefore, the Court adopts the parties' stipulation and orders the following:


- no later than June 6, 2005, respondents will develop a streamlined psychological risk assessment tool to be used in conjunction with subsequent parole consideration hearings;
- no later than June 6, 2005, respondents will develop a plan to provide completed Life Prisoner Evaluation Reports, attorney appointments, and attorney-client interviews far enough in advance of scheduled consideration hearings to allow another inmate to be scheduled if the hearing for the first inmate is postponed or canceled for any reason;
- no later than June 21, 2005, respondents will invite petitioners' counsel to provide input on the development of the plan to eliminate the backlog of overdue parole consideration hearings;
- no later than September 5, 2005, respondents will submit a detailed plan to eliminate the backlog of overdue parole consideration hearings and to conduct future hearings within the statutory time periods; and

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- respondents will eliminate the backlog of overdue parole consideration hearings within 18 months of the Court endorsing the September 5, 2005 plan to eliminate the backlog.
- Nothing in this stipulation limits the ability of either party to seek to add parties that may be necessary for full and effective relief in this matter.

The April 28, 2005 hearing is vacated. The Court will calendar a hearing after reviewing the September 5, 2005 plan.

Dated: 04-08-05

  
VERNA A. ADAMS  
Superior Court Judge

STATE OF CALIFORNIA )  
COUNTY OF MARIN )

IN RE **JERRY RUTHERFORD**

ACTION NO.: **SC135399A**

(PROOF OF SERVICE BY MAIL – 1013A, 2015.5 C.C.P.)

I AM AN EMPLOYEE OF THE SUPERIOR COURT OF MARIN; I AM OVER THE AGE OF EIGHTEEN YEARS AND NOT A PARTY TO THE WITHIN ABOVE-ENTITLED ACTION; MY BUSINESS ADDRESS IS CIVIC CENTER, HALL OF JUSTICE, SAN RAFAEL, CA 94903. ON **April 14, 2005** I SERVED THE WITHIN **[PROPOSED] ORDER** IN SAID ACTION TO ALL INTERESTED PARTIES, BY PLACING A TRUE COPY THEREOF ENCLOSED IN A SEALED ENVELOPE WITH POSTAGE THEREON FULLY PREPAID, IN THE UNITED STATES POST OFFICE MAIL BOX AT SAN RAFAEL, CA ADDRESSED AS FOLLOWS:

<i>JERRY RUTHERFORD CDC NO. C-19059 SAN QUENTIN STATE PRISON SAN QUENTIN, CA 94974</i>	<i>WARDEN SAN QUENTIN STATE PRISON SAN QUENTIN, CA 94974</i>
<i>ATTORNEY GENERAL DEPARTMENT OF JUSTICE ATTN: ANYA BINSACCA 455 GOLDEN GATE AVENUE, STE 11000 SAN FRANCISCO, CA 94102-7004</i>	<i>PRISON LAW OFFICE DONALD SPECTER GENERAL DELIVERY SAN QUENTIN, CA 94974</i>

*I CERTIFY (OR DECLARE), UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.*

DATE: *4/14/05*

*R Ma*  
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