

PAROLE SUITABILITY HEARING

STATE OF CALIFORNIA

BOARD OF PAROLE HEARINGS

In the matter of the Parole
Consideration Hearing of:

CDC Number: **B58812**

ANGELO PAVAGEAU

CALIFORNIA MEDICAL FACILITY

VACAVILLE, CALIFORNIA

APRIL 25, 2023

8:32 AM

PANEL PRESENT:

DAVID NDUDIM, Presiding Commissioner
RACHEL STERN, Deputy Commissioner

OTHERS PRESENT:

ANGELO PAVAGEAU, Inmate
MARK GARDNER, Attorney for Inmate
NIKKI MOORE, Deputy District Attorney
MYA EMIG, Observer
KERRY KUNZ, Associate Chief Deputy Commissioner
EVAN SERNOFFSKY, Reporter with KTVU in Oakland
HEATHER KNIGHT, Columnist, San Francisco Chronicle
MICHAEL AGOGLIA, Family Representative
TYLER BLAKE, Family Representative
DAVID MEYER, Support
RAY BUKATY, Support
SVEN ERIC CARLSON, Brother of victim
UNIDENTIFIED, Correctional Officer(s)

Transcribed by:

PAULA HARDEN

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PROCEEDINGS

DEPUTY COMMISSIONER STERN: Okay, we are recording, Commissioner.

PRESIDING COMMISSIONER NDUDIM: Good morning, everybody. Today's date is April 25th, 2023. The time now is 8:32 a.m. We are conducting this hearing by video conference. Mr. Angelo Pavageau, can you hear and see me, sir?

INMATE PAVAGEAU: Sir, yes sir.

PRESIDING COMMISSIONER NDUDIM: If at any time that changes, please let us know, sir, that we can pause and make any necessary adjustments. For the record, I can hear, and I can see you. Commissioner, can you hear and see Mr. Pavageau?

DEPUTY COMMISSIONER STERN: Yes. Thank you.

PRESIDING COMMISSIONER NDUDIM: Excellent. This is a subsequent parole suitability hearing number 14 for inmate Angelo Pavageau, who is present with his counsel in the BPH Hearing Room. All of the participants are participating remotely and will identify themselves shortly for the record. So, Mr. Pavageau, the record does indicate that you did commit your controlling offense while under the age of 26. So this Panel will give great weight to youthful offender factors in deciding your suitability for parole today. In addition, you also are

1 over 60 and have served for 25 years, which qualifies you
2 for elderly parole consideration. So the Panel will also
3 give special consideration to elderly parole factors in
4 deciding your suitability for parole today. As this
5 hearing is being audio-recorded, for the purpose of voice
6 identification, I will identify the participants and when
7 I do each is asked to state your full name, spell your
8 last name. I'll go first. My name is David Ndudim. The
9 last name is spelled N-D-U-D-I-M. I'm a Commissioner with
10 the Board of Parole hearings, appearing by Microsoft
11 Teams. Commissioner.

12 **DEPUTY COMMISSIONER STERN:** Good morning, Rachel
13 Stern, S-T-E-R-N, Deputy Commissioner, Board of Parole
14 Hearings.

15 **PRESIDING COMMISSIONER NDUDIM:** Thank you. Before I
16 go any further, Mr. Pavageau, let me just remind you, we
17 do have some observers observing this, uh, hearing this
18 morning, including the, uh, victim's members of family. So
19 when you see all of these people appear in the video
20 <inaudible>, so they will all introduce themselves and let
21 you know and let us know, uh, who they represent and what
22 they represent. I'll then go to inmate's counsel.

23 **ATTORNEY GARDENER:** Good morning, everybody. My name
24 is Mark Gardner, G-A-R-D-N-E-R, attorney for Mr. Pavageau.

25 **PRESIDING COMMISSIONER NDUDIM:** Thank you. And now

1 I'm going to Deputy District Attorney for San Francisco
2 County.

3 **DEPUTY DISTRICT ATTORNEY MOORE:** Nikki Moore, M-O-O-
4 R-E, Assistant District Attorney for the city and county
5 of San Francisco.

6 **PRESIDING COMMISSIONER NDUDIM:** Excellent. So, Mr.
7 Pavageau, give us your full name, spell your last name,
8 and also give us your CDCR number.

9 **INMATE PAVAGEAU:** Uh, my name is Angelo Pavageau,
10 Angelo Wilbert Pavageau. P-A-V-A-G-E-A-U, B58812.

11 **PRESIDING COMMISSIONER NDUDIM:** Thank you. We also
12 have attorney Mya Emig observing this hearing. Ms. Emig,
13 if you can please introduce yourself.

14 **OBSERVER EMIG:** Yes, good morning, everyone. I'm
15 attorney Mya Emig, E-M-I-G. I'm an associating attorney
16 with Parole Justice Works. I am observing this hearing via
17 Microsoft Teams. I will not be participating in the
18 hearing, and I will be turning off my camera for the
19 remainder of the hearing. Thank you all. Thank you.

20 **PRESIDING COMMISSIONER NDUDIM:** Thank you so much. We
21 do have an Associate Chief Deputy Commissioner and the
22 supervisor that the <inaudible> put forward observing this
23 hearing. If she can please introduce herself.

24 **ASSOCIATE CHIEF DEPUTY COMMISSIONER KUNZ:** Thank you,
25 Commissioner. Good morning, everyone. My name is Kerry

1 Kunz, Associate Chief Deputy Commissioner with the Board
2 of Parole Hearings. I am observing only today, Mr.
3 Pavageau, everyone, and I will also be turning off my
4 camera. Thank you.

5 **PRESIDING COMMISSIONER NDUDIM:** Thank you. And, we do
6 have, uh, members of the news media observing this
7 hearing. First, I'd like to go to Evan Sernoffsky. If you
8 can please introduce yourself, spell your last name and
9 the organization that you represent.

10 **REPORTER SERNOFFSKY:** My name is Evan Sernoffsky, S-
11 E-R-N-O-F-F-S-K-Y. I'm a reporter with KTVU TV in Oakland.

12 **PRESIDING COMMISSIONER NDUDIM:** Thank you. And then
13 we also have Heather Knight from, uh, if you can please
14 introduce yourself.

15 **COLUMNIST HEATHER KNIGHT:** Hi. My name is Heather
16 Knight. I'm a columnist with the San Francisco Chronicle.
17 My last name is K-N-I-G-H-T.

18 **PRESIDING COMMISSIONER NDUDIM:** Excellent. Thank you
19 so much. We do also have victim's members of the family. I
20 don't know whether you discussed about who wants to go
21 first, but I can go from the list that I do have here. So,
22 if you do, uh, everybody can just start from I believe Mr.
23 Agoglia -- I think I mispronounced that name -- he can go
24 first.

25 **FAMILY REPRESENTATIVE AGOGLIA:** Thank you,

1 Commissioner Ndudim. Um, my name is Michael Agoglia. It's
2 A-G-O-G-L-I-A, and, along with my colleague Tyler Blake, I
3 represent the only surviving victim of Angelo Pavageau's
4 crime, Annette Carlson.

5 **PRESIDING COMMISSIONER NDUDIM:** Excellent. And we'll
6 go to the next, uh, representative, Tyler Blake.

7 **FAMILY REPRESENTATIVE BLAKE:** Good morning,
8 Commissioner. My name is Tyler Blake, and I am, with
9 Michel Agoglia here, representing Annette Carlson.

10 **PRESIDING COMMISSIONER NDUDIM:** Thank you. And we do
11 have, uh, David G. Meyer, uh, listed of the, uh, -- uh,
12 victim's, uh, next-of-kin.

13 **SUPPORT MEYER:** Yes. Good morning. This is David
14 Meyer, last name M-E-Y-E-R, and I am here as support for
15 Eric Carlson.

16 **PRESIDING COMMISSIONER NDUDIM:** Thank you. We also do
17 have, uh, go to Ray Bukaty, and that's support for Ms.,
18 uh, for Wiley. You are mute.

19 **SUPPORT BUKATY:** Good morning, Commissioners. This is
20 Ray Bukaty, B-U-K-A-T-Y, and I'm here to support Eric
21 Carlson. I'll be participating in listening only.

22 **PRESIDING COMMISSIONER NDUDIM:** Thank you. And also
23 we do have, uh, Wiley Carlson. We have the sister-in-law
24 of the victim, Wiley Carlson? <inaudible> and then we also
25 do have, uh, Sven Carlson, sibling of the victim. Looks

1 like they're not with us. Is there anybody that's on this,
2 uh, call, that we -- hasn't introduced themselves yet?

3 **UNKNOWN:** Commissioner, give us one moment --

4 **PRESIDING COMMISSIONER NDUDIM:** Yes?

5 **UNKNOWN:** -- please, thank you.

6 **VICTIM'S BROTHER CARLSON:** My name is Sven Eric
7 Carlson, C-A-R-L-S-O-N, and I am the brother of the murder
8 victim, Mike Carlson.

9 **PRESIDING COMMISSIONER NDUDIM:** Thank you. Any other
10 person that hasn't introduced themselves?

11 **UNKNOWN:** Commissioner, could you hear that?

12 **PRESIDING COMMISSIONER NDUDIM:** I did hear that. I do
13 see -- Mr. Carlson, there's somebody that -- okay, well,
14 over on the other side, is there any other person that
15 hasn't introduced themselves? So, Mr. Pavageau, were you
16 able to hear everybody that introduced themselves?

17 **INMATE PAVAGEAU:** Sir, yes sir.

18 **PRESIDING COMMISSIONER NDUDIM:** Also present in the
19 hearing room are correctional officers who are there for
20 security purposes only and may be relieved from time-to-
21 time throughout this hearing. And as I did mention, this
22 proceeding is being recorded as mandated under Penal Code
23 Section 3042(b), and it will be transcribed as the
24 official record of this hearing. Let me just remind
25 everybody, no other recordings are authorized including a

1 recording available by video conference software. A
2 violation of this provision may result in exclusion from
3 this or future hearing. We are going to take a break -- so
4 everybody just hang around -- to check the quality of the
5 recording and to make sure that everybody can be heard.
6 The time now is 8:40, and we are off the record.

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1 **DEPUTY COMMISSIONER STERN:** Okay, we're back on.

2 **PRESIDING COMMISSIONER NDUDIM:** We are back on the
3 record. The time now is 8:41. We took a brief break to
4 check the quality of the recording, and it looks like
5 everything is working properly. So Mr. Pavageau, this
6 hearing is being conducted by video conference as
7 authorized under Penal Code Section 3041186. So sir, let
8 me remind you, we are not here to reconsider the findings
9 of the trial courts. Now are we here to retry your case.
10 This Panel does accept as true the findings of the court.
11 The primary purpose of today's hearing, sir, is to find
12 out who you are today and to see whether you will pose an
13 unreasonable risk of danger to society in the event that
14 you are released, and in making that determination, we are
15 going to consider several factors. We'll look at your
16 prior criminal history. We'll look at your behavior and
17 your programming since you came to prison. Also look at
18 the parole plans that you have submitted for this hearing
19 and also listen carefully to your testimony today. So,
20 sir, it looks like it's been a while since you went
21 through a full parole hearing. So let me refresh your
22 memory as to how we are going to conduct this hearing
23 today. And what I mean by that is initially the
24 Commissioner and I are going to inquire from you on what
25 we call your pre and post-conviction factors. Those will

1 be the things from the early childhood all the way to the
2 commitment offense, and then we'll look at what you have
3 done since you've been in prison in terms of your
4 programming and your behavior while in prison. After that,
5 we then turn it back to the Commissioners -- not the
6 Commissioners -- turn it back to the attorneys, we'll go
7 first to the San Francisco Deputy District Attorney for
8 any clarifying question to the Panel. After that, we then
9 go to your counsel for any clarifying questions to you.
10 Following that will be closing statements from the Deputy
11 Deputy Attorney to your counsel and then we will go to
12 you, sir, should you wish to make a closing statement to
13 the Panel. After that will be victim impact statements.
14 After that, the Commissioner and I will temporarily depart
15 from this meeting to deliberate on your case and upon
16 reaching a decision, we'll come back and let you know what
17 our decision is today. So far, Mr. Pavageau, do you have
18 any questions as to what I've explained to you?

19 **INMATE PAVAGEAU:** Sir, no, sir. Nothing.

20 **PRESIDING COMMISSIONER NDUDIM:** Excellent.

21 **INMATE PAVAGEAU:** No thank <inaudible>.

22 **PRESIDING COMMISSIONER NDUDIM:** Thank you. So our
23 expectation throughout this hearing is that all parties
24 will treat one another with dignity and respect and to
25 you, Mr. Pavageau, I do strongly encourage you to be

1 completely honest with this Panel. I'd like to start by
2 swearing you in. Would you please raise your right hand,
3 sir? Do you solemnly swear or affirm that the testimony
4 that you give at this hearing will be the truth, the whole
5 truth and nothing but the truth?

6 **INMATE PAVAGEAU:** Sir, yes sir.

7 **PRESIDING COMMISSIONER NDUDIM:** Lower your right
8 hand. You may lower your right hand. So what's your date
9 of birth?

10 **INMATE PAVAGEAU:** My date of birth is 6/16/48, sir.

11 **PRESIDING COMMISSIONER NDUDIM:** Okay. How old are you
12 today?

13 **INMATE PAVAGEAU:** I'm 74, sir.

14 **PRESIDING COMMISSIONER NDUDIM:** How old were you when
15 you committed --

16 **INMATE PAVAGEAU:** Uh, I turned -- I was 24 or 25 in -
17 - in county jail.

18 **PRESIDING COMMISSIONER NDUDIM:** Okay. Before I go any
19 further, I don't know where that little noise is coming
20 from.

21 **ATTORNEY GARDENER:** Sometimes the officers will be
22 going in and out of the room.

23 **PRESIDING COMMISSIONER NDUDIM:** Yeah. It looks -- it
24 looks like it. So, sir, before I go any further, let me
25 conduct an Americans with Disabilities Review with you. So

1 I do see here that you do have a TABE score of -- and
2 transcriber that's T-A-B-E -- of 6.2. Does that sound
3 about right to you?

4 **INMATE PAVAGEAU:** Sir, yes sir.

5 **PRESIDING COMMISSIONER NDUDIM:** So do you have a high
6 school diploma or GED?

7 **INMATE PAVAGEAU:** High school diploma, 1969,
8 graduate.

9 **PRESIDING COMMISSIONER NDUDIM:** Excellent. I do see
10 you are wearing your glasses this morning. Do you see well
11 with those?

12 **INMATE PAVAGEAU:** Yes, I do. Thank you, sir.

13 **PRESIDING COMMISSIONER NDUDIM:** At the table you are
14 sitting at, sir, is a magnifying device. If you need that
15 just call the attention of the officer. They will provide
16 that to you. Did you bring your walker to the hearing?

17 **INMATE PAVAGEAU:** Yes, I did, sir. Thank you.

18 **PRESIDING COMMISSIONER NDUDIM:** What about your, uh,
19 shoes? You -- are you wearing them today?

20 **INMATE PAVAGEAU:** Yes, I am, sir. Yes sir. Thank you.

21 **PRESIDING COMMISSIONER NDUDIM:** So have you been a
22 part of the mental health system at CDCR, either CCCMS
23 level or EOP?

24 **INMATE PAVAGEAU:** No, sir.

25 **PRESIDING COMMISSIONER NDUDIM:** I do not see any

1 other reasonable accommodation listed on form 1073. Before
2 I go to counsel, Commissioner, do you see any other
3 reasonable accommodation listed for Mr. Pavageau?

4 **DEPUTY COMMISSIONER STERN:** No, I don't. I think you
5 covered it.

6 **PRESIDING COMMISSIONER NDUDIM:** Thank you. Counsel,
7 based on our review, do we see any other reasonable
8 accommodation for Mr. Pavageau?

9 **ATTORNEY GARDENER:** Mr. Pavageau has the
10 accommodations he needs. While we're on the topic of the
11 ADA, I do want to point out that he has 6.2 reading level.
12 Um, he was -- his IQ in -- in the 1983 psychological
13 evaluation was 77 and that's on page 2172 of the C-file,
14 and as I wrote in my March 3rd DECS document, he doesn't
15 do well with buzzwords and quiz-type questions and can
16 respond more in depth and to the best of his ability in
17 plain language.

18 **PRESIDING COMMISSIONER NDUDIM:** We'll accommodate
19 that, sir. So based on those responses, sir, this Panel
20 does not see any reason why this hearing cannot be held
21 today. So, Mr. Pavageau, the Panel has reviewed your
22 entire central file, including the voluminous 10 day file,
23 I believe it was almost a thousand pages. We're not gonna
24 be able to talk about everything in that file. So you will
25 have an opportunity during the close -- your closing

1 statement -- to bring, uh, to our attention any issues
2 that you believe should be made -- this Panel should be
3 made aware of. In addition, we also review the
4 Comprehensive Risk Assessment that was authored by Dr.
5 Michael Griffin. Sir, did you get a copy of that
6 Comprehensive Risk Assessment?

7 **INMATE PAVAGEAU:** Yes, sir.

8 **PRESIDING COMMISSIONER NDUDIM:** Were you able to
9 review that Comprehensive Risk Assessment, sir?

10 **INMATE PAVAGEAU:** Sir, yes sir.

11 **PRESIDING COMMISSIONER NDUDIM:** Yes, sir. We've also
12 reviewed the confidential portion of your Central file and
13 consistent with Title 15 will advise you if we are going
14 to be relying on any confidential information in reaching
15 our decision today. So, sir, prior to preparing for this
16 case, I do see that, uh, you last appeared before the
17 Board on April the 15th, 2020. Would that be correct?

18 **INMATE PAVAGEAU:** Sir, yes sir.

19 **PRESIDING COMMISSIONER NDUDIM:** You did receive and
20 entered into a previous stipulation for unsuit --
21 unsuitability, is that right?

22 **INMATE PAVAGEAU:** Sir, yes sir.

23 **PRESIDING COMMISSIONER NDUDIM:** And prior to the
24 2020, uh, appearance, the last time you also appeared
25 before the Board was on March 9th, 2017, where you also

1 requested for a three-year waiver. Is that still correct?

2 **INMATE PAVAGEAU:** Sir, yes sir.

3 **PRESIDING COMMISSIONER NDUDIM:** Okay. So I'm gonna
4 start from the 2020, uh, stipulation, sir. So since 2020,
5 tell this Panel what additional work, and I'm talking
6 about programming, --

7 **ATTORNEY GARDENER:** Commissioner?

8 **PRESIDING COMMISSIONER NDUDIM:** Yes.

9 **ATTORNEY GARDENER:** I -- I wanna do this interruption
10 as early as possible. I did have one more housekeeping
11 issue relating to the, uh, the length of the 10-day file.
12 I just wanted to point out, and I think the Panel's
13 probably already aware, where Mr. Pavageau documents are,
14 because some of them are -- are in and amongst the, um,
15 the documents, the opposition documents. I'll just very
16 briefly, the letter from, uh, CMF Dr. Redding <phonetic>
17 is on 752 of the 10-day file. Uh, letters of support and
18 some of Mr. Pavageau's self-support documents are on page,
19 beginning on page 762, and the rest of his self-support
20 documents begin on page 850.

21 **PRESIDING COMMISSIONER NDUDIM:** Also, I, like I said,
22 this Panel did review those and we do have, we are aware
23 of those documents. So, Mr. Pavageau, uh, my question is
24 since April 15th of 2020, what additional work, and I'm
25 talking about programming, sir, have you done in order to

1 address your risk issues?

2 **INMATE PAVAGEAU:** I've done the DRP program, uh,
3 since that time. Uh, I've done both, uh, DRP programs. Uh,
4 the, uh, uh, Directive, uh, uh, Rehabilitative, uh,
5 Programming and, uh, <inaudible> apart, uh, it's a very,
6 uh, enriching, uh, a very, uh, deep, uh, <inaudible>
7 program on revealing, uh, revealing past and present, uh,
8 life of the individual, uh, revealing problems, uh,
9 solving problems, psychological problems and dysfunctional
10 problems and unforeseen problems of making, uh, decisions
11 with, uh, coping skills.

12 **PRESIDING COMMISSIONER NDUDIM:** Any, any other
13 additional program apart from the DRP program that you
14 talked about?

15 **INMATE PAVAGEAU:** Yes, I did, uh, -- uh, two, uh, uh,
16 Domestic Violence and Domestic Abuse, uh, Awareness
17 Program that, uh, I did, in the mail. I did, uh, Express
18 Myself in the mail with the, uh, the program of, uh, --
19 uh, Domestic Abuse Awareness and I was on the waiting list
20 for Domestic Abuse, uh, Programming with, uh, CDCR.

21 **PRESIDING COMMISSIONER NDUDIM:** So when did you do
22 the domestic violence programming, sir?

23 **INMATE PAVAGEAU:** Uh, on 2023. Uh, I did that, uh,
24 through the mail.

25 **PRESIDING COMMISSIONER NDUDIM:** You have a

1 certificate for that.

2 **INMATE PAVAGEAU:** Sir, yes sir. I have a certificate
3 of completion.

4 **PRESIDING COMMISSIONER NDUDIM:** We'll talk to you
5 about it later on during this hearing, uh, to what you
6 understood about the issues related to domestic violence.
7 So, sir, apart from domestic violence, did you do any
8 other additional programming?

9 **INMATE PAVAGEAU:** Well, from what date would you
10 like, uh, sir?

11 **PRESIDING COMMISSIONER NDUDIM:** From 2020.

12 **INMATE PAVAGEAU:** From 2020, um, I just continued in
13 my, uh, AA program, my NA program, my Veterans
14 Administration, uh, Veterans -- Fellow Veterans program.

15 **PRESIDING COMMISSIONER NDUDIM:** So, sir, in your own
16 estimation, what do you believe are your risk areas?

17 **INMATE PAVAGEAU:** My risk areas at, at this time is,
18 is, uh, staying with my sobriety program, uh, my NA, my AA
19 program, and my, uh, uh, Veteran's Administration program
20 of, uh, psychological PTSD programming. Uh, my, uh, uh,
21 uh, educational program I would try to pursue when I get
22 out.

23 **PRESIDING COMMISSIONER NDUDIM:** Sir, what I mean by
24 risk areas, uh, what I talking about, what specific areas
25 do you believe that this Panel should be concerned about?

1 You've addressed the <inaudible> from what you're telling
2 us this morning, you've addressed domestic violence. You
3 believe that's the risk area for you?

4 **INMATE PAVAGEAU:** I believe it was a risk area for me
5 at one time. I come from a dysfunctional, uh, uh, family,
6 a dysfunctional upbringing, uh, areas of, uh, of, uh,
7 rationalizing, uh, with coping skills, uh, in that area
8 of, of domestic violence and, uh, explosive disorder of
9 not being, uh, able to, to rationalize, uh, effectively to
10 be in control of myself at the time. Uh, my sobriety, uh,
11 was once a factor. I've been in my sobriety for over 20
12 some years now, uh, without, uh, alcohol or drugs.

13 **PRESIDING COMMISSIONER NDUDIM:** Okay. So you talked
14 about domestic violence, you talked about substance abuse.
15 Any other specific risk areas, sir?

16 **INMATE PAVAGEAU:** Uh, outside of sobriety, my PTSD,
17 uh, I've addressed a lot of my issues already concerning
18 control and anger, uh, impulses. Uh, and I, I really
19 addressed it, uh, Restorative, uh, Justice, uh, cognizant
20 behavior. I've done all those, uh, programming to address
21 my issues, uh, that I felt that I didn't have at the time
22 to be, uh, cognizant, aware of what I was doing in a
23 violent control -- uncontrollable rage.

24 **PRESIDING COMMISSIONER NDUDIM:** So there's an
25 important risk area that you have not discussed with us

1 this morning. Do you know what I'm talking about?

2 **INMATE PAVAGEAU:** Sir, no sir.

3 **PRESIDING COMMISSIONER NDUDIM:** So, do you have a
4 problem with sex offending?

5 **INMATE PAVAGEAU:** No, sir. This is my -- I don't have
6 a criminal history. I --

7 **PRESIDING COMMISSIONER NDUDIM:** Yes, you do. Hold on.
8 Hold on, sir. Yes, you do. You're convicted for rape.
9 That's an issue, isn't it?

10 **INMATE PAVAGEAU:** Oh, well, I didn't understand the
11 question, sir. Like I said, I -- I have a conviction now
12 for, for rape, but I didn't have one in the past. I don't
13 have any criminal history in the past.

14 **PRESIDING COMMISSIONER NDUDIM:** Is that a risk area
15 that this Panel should be concerned about?

16 **INMATE PAVAGEAU:** No, sir. It's not an area to be
17 concerned about. Uh, --

18 **PRESIDING COMMISSIONER NDUDIM:** You've done -- have
19 you done any specific programming on sex offending?

20 **INMATE PAVAGEAU:** Yes, I have under, under my Victim
21 Awareness, uh, uh, programming. I have done that. Uh, uh,
22 Victim Offenders running together, uh, Reconciliation
23 programming, uh, Breaking Barriers, uh, Alternative to
24 Violence. Uh, --

25 **PRESIDING COMMISSIONER NDUDIM:** Let me ask you that

1 question again. Have you done any specific programming on
2 sex offending? Not Victim Awareness.

3 **INMATE PAVAGEAU:** Well, no, sir. I don't understand
4 the programming on sex offenders.

5 **PRESIDING COMMISSIONER NDUDIM:** Are you aware there's
6 a programming on sex offending that you can take?

7 **INMATE PAVAGEAU:** No, I'm not aware.

8 **PRESIDING COMMISSIONER NDUDIM:** Are you aware that
9 you can take some correspondence programming on sex
10 offending?

11 **INMATE PAVAGEAU:** Um, no <inaudible>.

12 **PRESIDING COMMISSIONER NDUDIM:** All right. Sir,
13 that's important, again, because you were convicted of a
14 rape offense and you are a PC290 registrant, correct?

15 **INMATE PAVAGEAU:** Correct.

16 **PRESIDING COMMISSIONER NDUDIM:** It is important that
17 you, uh, are aware of your triggers, correct? For sex
18 offending, --

19 **INMATE PAVAGEAU:** Yes.

20 **PRESIDING COMMISSIONER NDUDIM:** -- correct?

21 **INMATE PAVAGEAU:** Yes.

22 **PRESIDING COMMISSIONER NDUDIM:** And given the fact
23 that you have not taken any programming in that area, do
24 you believe you are suitable for parole this morning?

25 **INMATE PAVAGEAU:** I believe I am suitable for parole

1 this morning. Uh, direct, uh, psychological, uh,
2 programming for, uh, -- uh, a rape? Yes, I did commit a
3 rape. I committed a rape during this crime. Uh, I don't
4 have any, any background or any past offenses in rape. I
5 had no, no urges of raping. I, in the course of this
6 crime, I -- under the influence of drugs and alcohol -- I
7 outrageously, out of control, uh, --

8 **PRESIDING COMMISSIONER NDUDIM:** Uh-huh.

9 **INMATE PAVAGEAU:** -- committed this rape.

10 **PRESIDING COMMISSIONER NDUDIM:** How do you know you
11 don't -- hold on, sir. How do you know you don't have any
12 urges to rape when you raped the victim of this crime?

13 **INMATE PAVAGEAU:** Pardon, sir? Would you repeat --

14 **PRESIDING COMMISSIONER NDUDIM:** How do you know --

15 **INMATE PAVAGEAU:** -- that, please?

16 **PRESIDING COMMISSIONER NDUDIM:** How do you know --
17 can you -- can you hear me?

18 **INMATE PAVAGEAU:** yes.

19 **PRESIDING COMMISSIONER NDUDIM:** How do you know, sir,
20 you just told us you do not have any urges to rape,
21 correct?

22 **INMATE PAVAGEAU:** Right.

23 **PRESIDING COMMISSIONER NDUDIM:** How do you --

24 **INMATE PAVAGEAU:** Yes, sir.

25 **PRESIDING COMMISSIONER NDUDIM:** -- know that?

1 **INMATE PAVAGEAU:** How do I know that?

2 **PRESIDING COMMISSIONER NDUDIM:** Yes.

3 **INMATE PAVAGEAU:** I've never -- I've never committed
4 a rape before in my life.

5 **PRESIDING COMMISSIONER NDUDIM:** Yes, you have. Yes,
6 you have. You committed a rape during this crime, sir.

7 **INMATE PAVAGEAU:** Well, I committed a rape during
8 this crime, but never in my -- in my history of my life
9 before this crime.

10 **PRESIDING COMMISSIONER NDUDIM:** Then why did you
11 commit a rape during this crime?

12 **INMATE PAVAGEAU:** I committed a rape during this
13 crime because of my outrageous dysfunctional belief of
14 what I was doing was the right thing at the time to ex --
15 explode on something of someone. I just could not
16 understand why I had this dysfunctional problem at the
17 time, uh, dealing with my father and dealing with what
18 he'd done to my, my fiancé. He raped my fiancé and I
19 exploded on Mr. Carlson. Uh, --

20 **PRESIDING COMMISSIONER NDUDIM:** Because your father
21 is, uh, had sex with your fiancé and that's why you raped
22 the victim of this crime.

23 **INMATE PAVAGEAU:** I can't say directly that was the
24 reason why. It was in the commission of the crime that I
25 was full of drugs and alcohol that gave me a surge of

1 primal at the time and I just and I just -- I just
2 exploded and assaulted, uh, Mrs. Annette Carlson.

3 **PRESIDING COMMISSIONER NDUDIM:** That's why, sir, you
4 need to take some programming to

5 **INMATE PAVAGEAU:** Sir, yes sir.

6 **PRESIDING COMMISSIONER NDUDIM:** -- fully understand
7 why you committed the crime of rape, sir. All right?

8 **INMATE PAVAGEAU:** Sir, yes sir.

9 **PRESIDING COMMISSIONER NDUDIM:** So, Mr. Pavageau, we
10 are going to move to the commitment offense, sir, because,
11 and the reason why that is important is that there's been
12 a lot of inconsistencies from you as to the circumstances
13 and the nature when you committed this crime. So walk us
14 through, sir, what happened on April 18th, 1974?

15 **INMATE PAVAGEAU:** On April, 1974, I exploded, uh,
16 irrationally being full of drugs and alcohol. I exploded.
17 Uh, I had confronted my wife at the time. Uh, she was
18 having an affair with one of my friends or one of my
19 associates, and I left home, uh, after an argument with
20 her, confronted her about that. Uh, three days later, I
21 exploded, uh, walking down the street, left my apartment,
22 walking down the street, and I exploded when I was
23 throwing rocks, pacing up and down the street, throwing
24 rocks. Uh, Mr. Carlson came out to his front porch and
25 said something, and I exploded on him and rushed him and

1 got to fighting with him and rushed him to the floor all
2 the way to his -- in his apartment.

3 **PRESIDING COMMISSIONER NDUDIM:** What'd you do? What'd
4 you do to him?

5 **INMATE PAVAGEAU:** I punched him and punched him and
6 punched him until I knocked him down unconsciously. I then
7 ran upstairs to the bedroom, through the house. Uh, there
8 Mrs. Carlson was in the bed. I put my hand over her mouth
9 and escorted her downstairs and confronted her and Mr.
10 Carlson, uh, with a knife.

11 **PRESIDING COMMISSIONER NDUDIM:** Is that all you did?

12 **INMATE PAVAGEAU:** No, after that, I had tied Mr.
13 Carlson. I beat Mr. Carlson, uh, found a hammer in the
14 house. I struck Mr. Carlson several times. I stabbed Mr.
15 Carlson, uh, several times and beat him some more until he
16 was unconscious and fell to the floor. What else?

17 **INMATE PAVAGEAU:** After that, I confronted Mrs.
18 Carlson. I went upstairs, and I ransacked the place. I had
19 a surge from alcohol and drugs. Uh, Mrs. Carlson was in a
20 night -- nightgown, uh, night underwear, and I had a surge
21 of animal, and I rushed Mrs. Carlson, and I raped Mrs.
22 Carlson.

23 **PRESIDING COMMISSIONER NDUDIM:** Why'd you rape her?

24 **INMATE PAVAGEAU:** Pardon, sir?

25 **PRESIDING COMMISSIONER NDUDIM:** Why'd you rape her?

1 **INMATE PAVAGEAU:** I had a surge, sir, of arousal that
2 surged, it just came over me, and I just rushed Mrs.
3 Carlson and raped her.

4 **PRESIDING COMMISSIONER NDUDIM:** Sir, I just wanted to
5 clear up some issues because, uh, in preparing for this
6 hearing, sir, we took a look at the prior -- your prior
7 statements to the psychologist put in the 2017
8 Comprehensive Risk Assessment and the 2020 Comprehensive
9 Risk Assessment, sir. Prior to engaging the victim, uh,
10 that you killed, did you -- did you have any encounter
11 prior to that incident, uh, that crime, with him?

12 **INMATE PAVAGEAU:** No. I, I didn't, I didn't know the
13 victim. I didn't know Mrs. Carlson or Mr. Carlson.

14 **PRESIDING COMMISSIONER NDUDIM:** So why, Mr. Pavageau,
15 have you been telling all the tall tales about the victim
16 of this crime?

17 **INMATE PAVAGEAU:** Well, sir, I fabricated that --
18 that story out of retaliation. Uh, the, uh, victim's
19 group, uh, confronted my wife and my child coming to visit
20 me on the day I had a parole hearing, uh, many years ago.
21 And they accosted her and threatened her. She was pregnant
22 at the time, and she went and almost lost the baby. Uh,
23 they put, uh, notes on her car threatening her life. She
24 lost a job. In retaliation, in criminal thinking. I
25 responded with criminal thinking, sir.

1 **PRESIDING COMMISSIONER NDUDIM:** When did you decide
2 you were going to tell the truth, sir?

3 **INMATE PAVAGEAU:** I decided, uh, after taking so many
4 of my self-help groups, uh, that it was time to stop being
5 in denial. Uh, my self-help groups, uh, especially with
6 Victim Impact and finding causative behavior defects in
7 myself, in my thinking, in my rationale, in my behavior.
8 And --

9 **PRESIDING COMMISSIONER NDUDIM:** I'm talking about,
10 hold on, hold on. I'm talking about the year that you
11 decided you were gonna do that because apparently 2017,
12 I'm just going back to 2017, you didn't do that. 2020, you
13 didn't do that. You just did that in 2023. So what year
14 did you decide you were gonna come clean and actually say
15 what happened because you accused the victim, correct?

16 **INMATE PAVAGEAU:** Yes.

17 **ATTORNEY GARDENER:** Commissioner --

18 **PRESIDING COMMISSIONER NDUDIM:** What did you do --
19 yes?

20 **ATTORNEY GARDENER:** If I may. I just want to correct
21 something on the record. On page 2841 of the C-File,
22 you'll see that in his 2010 CRA he admits to the hurtful
23 lie about a prior relationship with Frank Carlson.

24 **PRESIDING COMMISSIONER NDUDIM:** But, but he didn't do
25 that in 2017 or 2020, counsel, so that's why I'm trying to

1 find out when he decided to change his mind -- was that
2 last year or was that in 2021?

3 **ATTORNEY GARDENER:** I'm gonna say it's on the record
4 in 2010 that he admits that he lied in the past and did
5 not know him.

6 **PRESIDING COMMISSIONER NDUDIM:** Yeah, but in 2017 and
7 2020, he didn't, he, he was still maintaining that stance.
8 So I want to hear from Mr. Pavageau when he decided he was
9 gonna come clean and tell the truth.

10 **INMATE PAVAGEAU:** Sir, I've been in denial for quite
11 a while, as you have stated. Um, my single point group, as
12 I say is a very in-depth program. Uh, my DRP group, uh, my
13 self-help group. I decided that, uh, to pay attention and
14 to adhere to, to the dialogue and the teaching and
15 tutelage of those self-help programmers. Uh, I read the
16 transcripts again. Uh, Mrs. Annette Carlson's lawyer made
17 a statement that at one of the hearings that she didn't
18 have a vengeous [sic] bone in her body at any time
19 anymore, and my DRP programming and my Victim Impact
20 programming, uh, allowed me to address those issues in the
21 depth in prayer. I --

22 **PRESIDING COMMISSIONER NDUDIM:** When did you take
23 that Victim Impact program, Mr. Pavageau?

24 **INMATE PAVAGEAU:** I took that, uh, in the early
25 2000s, sir.

1 **PRESIDING COMMISSIONER NDUDIM:** Was that before 2020?

2 **INMATE PAVAGEAU:** Yes. Yes, sir.

3 **PRESIDING COMMISSIONER NDUDIM:** Was that before --

4 **INMATE PAVAGEAU:** Before 20 ---

5 **PRESIDING COMMISSIONER NDUDIM:** Was that before --

6 **INMATE PAVAGEAU:** yes.

7 **PRESIDING COMMISSIONER NDUDIM:** -- 2017?

8 **INMATE PAVAGEAU:** Uh, yes, sir. It is, uh, 19, 1998.

9 I took it in 2001. Uh, Victims Offender running together.

10 I took those programs, sir.

11 **PRESIDING COMMISSIONER NDUDIM:** So if you have taken
12 Victim Impact programs, sir, walk us through your
13 understanding of what impact you believe your statements
14 may have had on the victims of this crime and not only the
15 victims but the victim's family members.

16 **INMATE PAVAGEAU:** I think that my statements has been
17 very, very, very degrading and displacing. I believe that
18 I was in the wrong. I regret my, my behavior statements. I
19 regret that I've been in denial <inaudible>

20 **PRESIDING COMMISSIONER NDUDIM:** Now, we're not
21 talking about -- hold on, Mr. Pavageau. We're not talking
22 about you. We're talking about the victims. What impact do
23 you believe your statements would have had on, on your
24 understanding of the impact your statements would've had
25 on the victims of this crime?

1 **INMATE PAVAGEAU:** I would like to express that I feel
2 that my statements was injuring, uh, uh, degrading, uh,
3 hurtful, painful and ashamed. Uh, I think it further
4 tortured them in the suffrage of bereft of grieving, and
5 I'd like to apologize for that, that I didn't have the
6 coping skills or the knowledge of behavior to do, to do
7 without criminal thinking, to address the reality of what
8 I had done and what I was saying at the time.

9 **PRESIDING COMMISSIONER NDUDIM:** So, sir, before --
10 the reason why the record is pretty clear-- you did
11 accuse the victim of having a sexual relationship with
12 you, correct?

13 **INMATE PAVAGEAU:** Yes. That was a fabrication on my
14 part. Like I said, I was in retaliation to the victim's
15 group that accosted my wife and my, my, uh, my son out
16 here in Vacaville in the foyer.

17 **PRESIDING COMMISSIONER NDUDIM:** So sir, you've been
18 in prison now for almost 50 years, correct?

19 **INMATE PAVAGEAU:** Sir, yes sir.

20 **PRESIDING COMMISSIONER NDUDIM:** What's the reason
21 why it's taking you this long to begin to address your
22 understanding of victim impact?

23 **INMATE PAVAGEAU:** Sir? I've been, like I said, I've
24 been in denial, and I had no hope. I am the sum total of,
25 of thinking dysfunctionally [sic] at the time, that the

1 seriousness of what I did was not a grave matter at the
2 time of my, my thinking, my rationale, my respect. I
3 didn't care at the time.

4 **PRESIDING COMMISSIONER NDUDIM:** Now you've, now
5 you've started caring?

6 **INMATE PAVAGEAU:** Well, I've always had a sense of
7 caring, but the top of my thoughts at the time,
8 reactionary thoughts is -- is disrespectful.

9 **PRESIDING COMMISSIONER NDUDIM:** Was there a reason
10 why --

11 **INMATE PAVAGEAU:** <inaudible>

12 **PRESIDING COMMISSIONER NDUDIM:** -- that changed?

13 **INMATE PAVAGEAU:** Yes, sir. There's a reason why it
14 changed. My character defects. I had never given a chance
15 to express character defects. I never had cognizant
16 awareness enough to know that something was
17 psychologically wrong with my thinking and my behavior. I
18 thought --

19 **PRESIDING COMMISSIONER NDUDIM:** What is --

20 **INMATE PAVAGEAU:** -- there was, uh, I -- my behavior?
21 I didn't think that -- my thinking and my -- and my
22 behavior was wrong. I had core belief issues from my
23 upbringing and trying to, to navigate through life with
24 the core beliefs and -- and realities that I believed in
25 from my upbringing, I that -- that didn't work. That

1 wasn't --

2 **PRESIDING COMMISSIONER NDUDIM:** Hold on, hold on.

3 What are your character defects?

4 **INMATE PAVAGEAU:** My character defense? Uh, I have
5 shortcomings. I have anger, I have anger issues, I have
6 self-doubt issues. I had -- I had over-generalizing
7 issues. I had personalizing issues. I had concrete
8 thinking issues, my way or the highway. I had controlling
9 issues. I had anger issues that I'd never been able to
10 address. I would use drugs and alcohol to suppress the
11 nature of those critical thinkings [sic]. Times that I
12 needed to have coping skills I used drugs and alcohol.

13 **PRESIDING COMMISSIONER NDUDIM:** What about denial
14 issues?

15 **INMATE PAVAGEAU:** Repeat that, sir?

16 **PRESIDING COMMISSIONER NDUDIM:** What about denial
17 issues? It's taken you this long, sir. Those are character
18 defects, correct?

19 **INMATE PAVAGEAU:** Denial issues, sir, is -- is also
20 my character defect. Like I said, I had no hope. I had no
21 -- no concern of -- of, uh, of believing that I would ever
22 get out of prison or ever be able to address or confront
23 my victims and apologize to my victims. Those denial
24 issues are very grave. I have never been in any type of
25 trouble before in my life. My aptitude, as far as as you

1 say, uh, IQ was, was very, very low, uh, at the time. And
2 I just haven't been able to, to, to cope with life on a
3 level that was pro-social or empathetical [sic]. I had
4 none -- none of that inside of me before. I just didn't
5 care. My defects was just denial and, and I had no
6 experience.

7 **PRESIDING COMMISSIONER NDUDIM:** It's taken you quite
8 a long time, sir, --

9 **INMATE PAVAGEAU:** And --

10 **PRESIDING COMMISSIONER NDUDIM:** -- to address those
11 issues, correct?

12 **INMATE PAVAGEAU:** Yes, it has, sir. It's -- yes, it
13 has.

14 **PRESIDING COMMISSIONER NDUDIM:** So, do you understand
15 what we mean by causative factors, sir?

16 **INMATE PAVAGEAU:** Yes. I understand <inaudible>
17 causative factors would cause these --

18 **PRESIDING COMMISSIONER NDUDIM:** Hold -- hold on. Hold
19 on. Hold on, Mr. Pavageau. Walk us through your
20 understanding of the causative factors to this crime.

21 **INMATE PAVAGEAU:** My causative factors was engrained,
22 uh, witnessing -- witnessing -- witnessing my father's
23 violence with my mother. Uh, witnessing my father and
24 step-father violently abuse my mother. I was a child. And
25 even in my formative years almost with stepfathers, uh,

1 not being able to respond but having that engrained inside
2 of me that I had no examples other than the rationale to
3 deal with life accordingly, thinking that was the right
4 way to be a man, and I was wrong.

5 **PRESIDING COMMISSIONER NDUDIM:** So, sir, what does
6 witnessing domestic violence growing up have to do with
7 this crime?

8 **INMATE PAVAGEAU:** It had something to do with this
9 crime because I didn't have any coping skills to
10 understand how to respond to the relationship that I was
11 having with my wife and finding her with another man. And
12 I didn't know how to respond to that. And the enormity of
13 the emotions, I didn't know how to respond, but the only
14 way I knew how to respond was in violence.

15 **PRESIDING COMMISSIONER NDUDIM:** So apart from
16 witnessing domestic violence, what other causative factors
17 led you to this crime?

18 **INMATE PAVAGEAU:** The causative factors that led me
19 to this crime was drugs and alcohol and anger, emotional
20 rage, out of control rage, and I didn't want to stay in
21 the home with my wife at the time. So I left the house and
22 I went to the streets, and there I was able to able to
23 express myself in a violent way, but my causative factors
24 is the dysfunction that I had and with my PTSD, I had no
25 rational but to respond as a man of military explosion, a

1 defense factor, uh, and my causative -- <inaudible> was
2 dysfunctional. I don't know, didn't have anything to draw
3 from.

4 **PRESIDING COMMISSIONER NDUDIM:** So, sir, do you know
5 why it's important --

6 **INMATE PAVAGEAU:** <inaudible>

7 **PRESIDING COMMISSIONER NDUDIM:** -- that you
8 understand your causative factors?

9 **INMATE PAVAGEAU:** Yes, I do understand why it's
10 important to have causative factors, because I now know
11 that I could have had a -- a better upbringing or better
12 exposure in life besides a discriminatory lifestyle
13 upbringing, uh, a discriminating in my military, my
14 exposure -- exposure to a military way of life in -- in a
15 war zone. My father, my stepfather's beating and beating
16 and neglecting me and my sisters. I, uh, I just had an
17 enormity of -- of that dysfunction that I could not, did
18 not know what to do with it. I did not know --

19 **PRESIDING COMMISSIONER NDUDIM:** So, sir, Mr.
20 Pavageau, other people have gone through the same
21 experience that you have gone through, but it hasn't led
22 them, sir, to brutally murder somebody and brutally rape
23 another victim. Not only that, sir, you set the house on
24 fire. Did you do that?

25 **INMATE PAVAGEAU:** Yes, I did, sir.

1 **PRESIDING COMMISSIONER NDUDIM:** So you need to
2 understand -- you need to understand those causative
3 factors in order to be self-aware and not place another
4 victim in danger. Correct?

5 **INMATE PAVAGEAU:** I am now, sir, very self-aware, I'm
6 very changed, very astute, that I have coping skills that
7 I can apply. I have people that I can go to. I have a
8 support network that I can rely on. I know to call the
9 parole officer. I know to call the police. I know that
10 there is a way to deal with problems in life besides being
11 controlling, demanding, uh, one-way thinking, concrete
12 thinking, my way or the highway, uh, and to deal with it
13 without violence and to deal with it in a prosocial and
14 respectful way.

15 **PRESIDING COMMISSIONER NDUDIM:** So, sir, we've talked
16 about the impact you've had on your victims. What about
17 your indirect victims? What impact do you -- have you had
18 on your indirect victims? Do you know what that is?

19 **INMATE PAVAGEAU:** Uh, to my understanding it's --
20 that it was a, a ripple effect to those that associated or
21 related to my victims, and it's a ripple effect that
22 endangered the community -- hurt the community. It hurt
23 the association of friends and family.

24 **PRESIDING COMMISSIONER NDUDIM:** Uh, no further
25 questions. I have, uh, by the way, you doing well? You

1 okay?

2 **INMATE PAVAGEAU:** Yes, I'm good.

3 **PRESIDING COMMISSIONER NDUDIM:** Okay. I'll have you
4 turn your attention to Commissioner Stern. Commissioner.

5 **DEPUTY COMMISSIONER STERN:** Thank you. Mr. Pavageau,
6 can you hear me okay?

7 **INMATE PAVAGEAU:** Yes, ma'am.

8 **DEPUTY COMMISSIONER STERN:** All right. So, um, I'm
9 just gonna remind you, I, the Commissioner said this at
10 the beginning of the hearing, but what I'm gonna talk to
11 you about primarily is your, uh, what we call post-
12 conviction factors. So I'm gonna be asking you questions
13 about the progress you've made in prison, about the
14 programs that you've completed, about your behavior, and
15 then, um, we're also gonna talk about your plans for the
16 future. And, again, like the Commissioner said at the
17 beginning of the hearing, we're not gonna talk about every
18 single group that you've done in prison. We're not gonna
19 talk about every document that you've submitted. The
20 Commissioner and I read all of those things in preparation
21 for your hearing, and what I'm gonna mostly be asking you
22 about is things that we need more information about, or
23 things that were not clear to us that will help us make
24 our decision. So don't expect that we will ask you about
25 everything. Um, okay. So I wanna -- I wanna start with

1 your substance abuse history. You were under the influence
2 of quite a lot of substances the night of this crime,
3 correct?

4 **INMATE PAVAGEAU:** Yes, ma'am.

5 **DEPUTY COMMISSIONER STERN:** Okay. What were you under
6 the influence of? I was under the influence of alcohol and
7 cocaine and -- and heroin.

8 **DEPUTY COMMISSIONER STERN:** And what?

9 **INMATE PAVAGEAU:** Heroin.

10 **DEPUTY COMMISSIONER STERN:** Heroin? Okay. Um, I
11 believe you -- there were -- at some point you had said
12 that you had been awake for several days before this?

13 **INMATE PAVAGEAU:** Yes, I was up three, three to four
14 days. Three to four days up.

15 **DEPUTY COMMISSIONER STERN:** Was that common for you
16 at the time to be, um, to be awake for several days at a
17 time?

18 **INMATE PAVAGEAU:** Uh, I had been up, uh, it was
19 common on using, using, uh, cocaine that it was two to
20 three days, sometime four days after using cocaine.

21 **DEPUTY COMMISSIONER STERN:** All right. And when is,
22 when is the last time that you used any, um, illegal
23 substances or drank alcohol?

24 **INMATE PAVAGEAU:** Then or now?

25 **DEPUTY COMMISSIONER STERN:** Now. When is -- when is

1 the last time that you drank or used drugs?

2 INMATE PAVAGEAU: Uh, in 2000, 2001.

3 DEPUTY COMMISSIONER STERN: Okay. I think there was a
4 positive drug test right around 2001, is that right?

5 INMATE PAVAGEAU: Yes.

6 DEPUTY COMMISSIONER STERN: Okay.

7 INMATE PAVAGEAU: It was a positive for
8 methamphetamine.

9 DEPUTY COMMISSIONER STERN: Right. Okay. Um, so
10 substance abuse played a big part in this crime, correct?

11 INMATE PAVAGEAU: Yes, it did, ma'am.

12 DEPUTY COMMISSIONER STERN: All right.

13 INMATE PAVAGEAU: Such a big part.

14 DEPUTY COMMISSIONER STERN: Do you, um, do you use
15 the 12 steps? I know you attend AA groups and NA groups.
16 You've done subsequently -- you've done a lot of --

17 INMATE PAVAGEAU: Yes.

18 DEPUTY COMMISSIONER STERN: -- substance abuse
19 treatment since you've been in prison?

20 INMATE PAVAGEAU: Yes.

21 DEPUTY COMMISSIONER STERN: Okay.

22 INMATE PAVAGEAU: Yes, I have.

23 DEPUTY COMMISSIONER STERN: Which of the 12 steps is
24 most helpful for you?

25 INMATE PAVAGEAU: Uh, the most helpful was, uh, step

1 five, uh, admit to -- admit to God, admit to myself and
2 admit to another human being the exact nature of my
3 wrongs. Step nine, we make amends directly, again,
4 directly, uh, to my victims and those that I have offended
5 in the past. Uh, step, step seven, ask the higher power to
6 help me on a path with a conscience to <inaudible> --

7 **DEPUTY COMMISSIONER STERN:** How do you use step five?

8 **INMATE PAVAGEAU:** I use step five in order to
9 maintain that any and everything who I have wronged or
10 when I may do wrong or may be thinking wrong, to
11 immediately admit the wrong that I've done, and like in
12 step seven, I have character defects I know I've had in
13 the past, and I know that there could be -- could be a
14 relapse of that and I ask to remove my character defects
15 and ask them to move -- remove my shortcomings.

16 **DEPUTY COMMISSIONER STERN:** What are the --

17 **INMATE PAVAGEAU:** And I have also --

18 **DEPUTY COMMISSIONER STERN:** Oh, go ahead. I'm sorry.

19 **INMATE PAVAGEAU:** I've also relied on constantly with
20 my self-help groups, with my AA on as making the self-
21 inventory for myself, a self-searching fearless inventory
22 within my self-help groups along with AA to help me change
23 any character defects and monitor any relapsing that I may
24 have.

25 **DEPUTY COMMISSIONER STERN:** So you, you mentioned

1 making amends. How do you go about making amends for this
2 terrible crime?

3 **INMATE PAVAGEAU:** I know I can't make a direct
4 amends. I do try to make a living -- a living amends
5 through service, through my work, through constant,
6 through constant, uh, AA and NA groups, uh, service in my
7 work, in my church, and in my veterans group. I'm here to
8 be a good testament for those that have problems with
9 alcohol and drugs. I'm a good story and a good example
10 that the higher power works, uh, that there can be a
11 sobriety and a healthy life for myself and others.

12 **DEPUTY COMMISSIONER STERN:** You also talked quite a
13 lot about anger. Um, tell me what you, what you understand
14 about your anger triggers. I know you, you mentioned, um,
15 you know, you have, you have trauma in your past, and as
16 the Commissioner said, many people have trauma in their
17 past and they don't go on to commit crimes. So tell me
18 about, um, what sort of things trigger you to get angry
19 now in 2023?

20 **INMATE PAVAGEAU:** In 2023, uh, um, I don't allow
21 myself to surge -- to surge immediately towards anger. I
22 allow myself to evaluate the situation or the event.

23 **DEPUTY COMMISSIONER STERN:** Okay. But, but what sort
24 of things make you angry?

25 **INMATE PAVAGEAU:** Well, in prison, not, not too much

1 more, nothing in prison makes -- nothing that really can
2 give me a surge of anger without, uh, a retaliation
3 response. I, I try not to live in that, that context of,
4 uh, of life, uh, but -- upset -- to be, to be upset or,
5 uh, annoyed is, uh, racism, uh, over excessive, uh,
6 application of, of a -- a CO, uh, and over, uh, reaction
7 to -- to racism, uh, overreaction to gangs, uh, confront -
8 - confrontation, uh, but anger is -- is a very strong
9 word. I -- I don't allow that within my vernacular
10 anymore.

11 **DEPUTY COMMISSIONER STERN:** And I'm just gonna state
12 for the record, I don't think you've had any, uh, rule
13 violations for violence since, uh, in like 40 years,
14 since, like 50 years, since like 1975. Um, but I wanna ask
15 you, what, what made you angry the night of this crime?

16 **INMATE PAVAGEAU:** What made me the night of this
17 crime was my, my wife at the time. I found her in the bed
18 with somebody when I came home early, and I had an
19 explosion of an emotional response of anger, uh, out of
20 control rage that I, I had never been able to deal with
21 before. Uh, and I didn't have the coping or rationale at
22 the time. I was over -- just overblown with, with anger
23 and rage at the time. I --

24 **DEPUTY COMMISSIONER STERN:** Well, and that's why you
25 were mad -- that's why you were mad at your wife, but

1 what does that have to do with the victims?

2 **INMATE PAVAGEAU:** It wasn't, it, it was a release of
3 explosion. I, it was something I'd never encountered
4 before in my life. You know, I've had anger issues
5 overseas, being in situations, but I, I'd never been that
6 angry before as a child when my father was beating my
7 mother and subverting her and hurling her, I had an angry
8 issue in that context, but an explosive anger on the
9 victims, I, I never had that, that anger to deal with of
10 no way to express -- express it.

11 **DEPUTY COMMISSIONER STERN:** So, --

12 **INMATE PAVAGEAU:** I didn't have any --

13 **DEPUTY COMMISSIONER STERN:** Go ahead, finish.

14 **INMATE PAVAGEAU:** I didn't have any -- any -- any
15 issues. I didn't know my -- my victims. I never -- never
16 had any issues or confrontations or -- or anything with my
17 victims before.

18 **DEPUTY COMMISSIONER STERN:** So I think you mentioned
19 to the Commissioner a little bit ago that, um, he was,
20 that, that the victim was, no, sorry, that you were
21 throwing rocks and the victim came out and told you to
22 stop --

23 **INMATE PAVAGEAU:** <inaudible>

24 **DEPUTY COMMISSIONER STERN:** -- or something.

25 **INMATE PAVAGEAU:** Yes <inaudible> --

1 **DEPUTY COMMISSIONER STERN:** What were you throwing
2 rocks at?

3 **INMATE PAVAGEAU:** At the house, just walking, pacing
4 up and down the street. I left home out of anger. I didn't
5 -- I exploded at the house, and I left my house, and I
6 went to the streets and just basically walking up and down
7 the street. I picked up some rocks and just was throwing
8 them as I walked. And it, it must have hit his, his house
9 or his door, or his porch.

10 **DEPUTY COMMISSIONER STERN:** Uh-huh.

11 **INMATE PAVAGEAU:** He came out and he said something.
12 I don't know what he said. I just exploded and rushed him
13 and pummeled him. It wasn't his fault. He wasn't deserving
14 for that. I did that on an explosive response to -- I
15 don't even know what, what, what he said. I just attacked
16 him for -- for no reason. He didn't deserve that.

17 **DEPUTY COMMISSIONER STERN:** But that made you mad?

18 **INMATE PAVAGEAU:** I, I was already in an explosive
19 state of mind. I -- I, he didn't make me mad. He just, I
20 just ex -- ex -- exploded. I don't even know what he said.
21 I don't know if he said stop or what are you doing or
22 whatever? I -- I don't know.

23 **DEPUTY COMMISSIONER STERN:** Okay.

24 **INMATE PAVAGEAU:** It -- it didn't have to be Mr.
25 Carlson. It could have been anybody at the time that

1 confronted me with anything. I just exploded.

2 **DEPUTY COMMISSIONER STERN:** Yeah, okay --

3 **INMATE PAVAGEAU:** The rage was just <inaudible>

4 **DEPUTY COMMISSIONER STERN:** Okay. I wanna ask you
5 about your parole plans. I see that you have a, um, you've
6 reached out to the Department of Veterans Affairs, um, to
7 possibly be --

8 **INMATE PAVAGEAU:** Yes.

9 **DEPUTY COMMISSIONER STERN:** -- live --go, go to a
10 veterans home? Correct?

11 **INMATE PAVAGEAU:** Yes. Yes, I have. Yes, I have.

12 **DEPUTY COMMISSIONER STERN:** Okay. Um, if you were
13 found suitable for parole, what sort of, um, what is your
14 support system going to look like?

15 **INMATE PAVAGEAU:** Uh, my support system would be, uh,
16 with my family. Uh, I have help, my family as my superior,
17 uh, support network. Uh, my voice would reach out to, uh,
18 my parole officer, my transitional housing, my pastor and
19 my NA and AA and my Veterans Administration psychological
20 group, a social worker.

21 **DEPUTY COMMISSIONER STERN:** How do you know that
22 you're not capable of committing a crime like this again?

23 **INMATE PAVAGEAU:** I know I have changed. I know how
24 to confront my anger if it ever arise in a relapse, if I
25 ever have that -- that type of situation. I know to back

1 away from a situation. I know to take a breath, take a
2 step backwards, evaluate it right. I know to call my
3 parole officer. I know to call the police. I know to call
4 my sponsor. I know to talk to my, my wife, my children,
5 and my pastor.

6 **DEPUTY COMMISSIONER STERN:** So you've talked a lot
7 about, um, PTSD and other, uh, you know, and the, and the
8 trauma that you experienced. Did you, did you ever seek
9 out mental health treatment in prison?

10 **INMATE PAVAGEAU:** No, I haven't reached out for
11 mental health <inaudible> --

12 **DEPUTY COMMISSIONER STERN:** Why not?

13 **INMATE PAVAGEAU:** -- in prison. Because I didn't know
14 I had PTSD.

15 **DEPUTY COMMISSIONER STERN:** You didn't know you had -

16 -

17 **INMATE PAVAGEAU:** I was --

18 **DEPUTY COMMISSIONER STERN:** -- PTSD? You talked about
19 it.

20 **INMATE PAVAGEAU:** Yes, I talked about it. Ms. -- Ms.,
21 uh, Ruttlebush <phonetic> on my first evaluation and
22 second evaluation in '81 and '82, she told me I had war
23 neurosis. I didn't know what was neurosis was. I didn't
24 even seek to <inaudible> explain what war neurosis was.
25 Was neurosis was the descriptive term used for the late

1 coming, uh, uh, posttraumatic stress disorder. So I didn't
2 know nothing about war neurosis.

3 **DEPUTY COMMISSIONER STERN:** Okay. Okay. Um, you're
4 in -- you're in touch with your children, so they'll be
5 supportive of you, correct? Uh, is that right?

6 **INMATE PAVAGEAU:** Yes, my children is there and
7 supportive of me.

8 **DEPUTY COMMISSIONER STERN:** Okay.

9 **INMATE PAVAGEAU:** And do you understand if I ever
10 show any signs of any relapsing, uh, that they will call
11 my parole officer, they will call the police and then
12 we'll call my pastor or my social worker.

13 **DEPUTY COMMISSIONER STERN:** Okay. Just a couple of
14 other questions, Mr. Pavageau. Um, it's been like years
15 and years and years since you attended a parole
16 suitability hearing. Why did you decide to --

17 **INMATE PAVAGEAU:** Yes.

18 **DEPUTY COMMISSIONER STERN:** -- attend this hearing?

19 **INMATE PAVAGEAU:** I decided to attend this hearing
20 because of a moral inventory of self, uh, that I've been
21 in denial and to respectfully apologize to Mrs. Carlson,
22 Mrs. Betty Carlson, and to apologize to Mrs. Annette
23 Carlson and apologized to their family, to the community
24 and his associations -- Mr. Carlson's associates, and to
25 admit that I murdered Mr. Frank Carlson, and I raped Mrs.

1 Carlson, and I had wanted to apologize for that and let
2 them know that he wasn't deserving of that, and it wasn't
3 their fault. And it wasn't nobody's fault but mine, and I
4 regretfully apologize for my immaturity and my outrage,
5 and my insanity that I unleashed upon them, and he wasn't
6 deserving of that. I didn't choose him. It just happened
7 under explosive -- and I was insane at the time. I don't
8 like excuses. And that's why I said to Mrs. Carlson and
9 Mrs. Annette Carlson and to the Carlson family, that my
10 symptoms was just -- I have a family, and I just want them
11 to know their position. I respect with all my heart and
12 soul, and I didn't mean it. And I want them to know that
13 my symptoms was just, if the roles was reversed, I would
14 be in the same position and taking the same stance, and
15 still, again, once again, I apologize to Mrs. Carlson.
16 You've done nothing wrong. I raped you, and I apologize.
17 Mrs. Betty Carlson and the Carlson family, I apologize,
18 again. You didn't deserve this. I understand now. I had to
19 bury my youngest son. He died from a heart attack. I
20 understand what a parent goes through, and I just want you
21 to know that in my abilities that I have today, my soul
22 searching is, is one complete thing to the family, the
23 Carlson family, and to you, Mrs. Anette Carlson. I
24 apologize.

25 **DEPUTY COMMISSIONER STERN:** Commissioner, I don't

1 have any other questions at the moment. I want to look
2 through my notes again, though.

3 **PRESIDING COMMISSIONER NDUDIM:** Thank you,
4 Commissioner. So, Mr. Pavageau, you're doing well? Do you
5 need to take a five minutes break?

6 **INMATE PAVAGEAU:** No, sir.

7 **ATTORNEY GARDENER:** Or anybody else?

8 **PRESIDING COMMISSIONER NDUDIM:** Or -- do you need to
9 take a five-minute break, Mr. Gardner?

10 **ATTORNEY GARDENER:** No, I'm good, but there's like
11 <inaudible>

12 **PRESIDING COMMISSIONER NDUDIM:** Does anybody want to
13 take a five-minute break? Then we'll continue. So, Mr.
14 Pavageau, earlier you told us that you did take some
15 programming in domestic violence, correct?

16 **INMATE PAVAGEAU:** Sir, yes sir.

17 **PRESIDING COMMISSIONER NDUDIM:** So do you understand
18 the types of domestic violence?

19 **INMATE PAVAGEAU:** Repeat that, sir.

20 **PRESIDING COMMISSIONER NDUDIM:** Do you understand the
21 types of domestic violence.

22 **INMATE PAVAGEAU:** I understand that the type of
23 domestic violence that -- I understand, uh, confronting,
24 demanding and controlling.

25 **PRESIDING COMMISSIONER NDUDIM:** Let me ask that

1 question again, sir. Do you understand the types of
2 domestic violence?

3 **INMATE PAVAGEAU:** The types that I understand is
4 domestic violence on a person, uh, a wife or the
5 community.

6 **PRESIDING COMMISSIONER NDUDIM:** I have to be honest
7 with you, sir, it doesn't seem to me from your responses,
8 sir, that you do understand those.

9 **INMATE PAVAGEAU:** That's the best of my ability to be
10 aware of that, and violence of any kind. Violence of any
11 kind is -- is domestic violence on the community or either
12 on a person that is against the person's will that, um,
13 that -- that -- that the behavior of domestic violence is
14 opposed upon a person's will to do what they want or
15 demand it from a controlling person to do controlling
16 violence <inaudible>

17 **PRESIDING COMMISSIONER NDUDIM:** <inaudible> we
18 incorporate the Comprehensive Risk Assessment as part of
19 the record. Uh, sir, I just wanted to touch on, do you --
20 apart from what's written in the, uh, report regarding
21 elderly parole, do you have any other, uh, medical issues
22 that, uh, you need to bring to the attention of the Panel?

23 **INMATE PAVAGEAU:** No, sir.

24 **PRESIDING COMMISSIONER NDUDIM:** And in reviewing the,
25 uh, confidential portion of your Central file, sir, uh,

1 the last confidential memorandum is -- was written on May
2 27th, 2016. And in reviewing the, uh, Comprehensive Risk
3 Assessment, the doctor did diagnosis you, sir, uh, with,
4 uh, alcohol use disorder in sustained remission in a
5 controlled environment, opioid use disorder in sustained
6 remission, uh, stimulant use disorder, cocaine, and meth -
7 - methamphetamine in sustained remission. Uh, doctor did
8 indicate that you do not meet any diagnostic criteria for
9 any other personality disorder at this time. In regards to
10 the static 99, it places you below the average, uh, for,
11 uh, average risk category. Overall, the doctor found you
12 to be a low risk for future violence. At this time, we are
13 going to invite the Deputy District Attorney for San
14 Francisco County for any clarifying questions to the
15 Panel. Ten minutes is recommended. So, Mr. Pavageau, the
16 way we do this is the, uh, district attorney is going to
17 ask questions to the Panel. We'll let you know when to
18 respond to that question. Okay? So just wait for my
19 prompt. Okay, sir?

20 **INMATE PAVAGEAU:** Sir, yes sir.

21 **PRESIDING COMMISSIONER NDUDIM:** Ms. Moore, you may
22 proceed.

23 **DEPUTY DISTRICT ATTORNEY MOORE:** Thank you,
24 Commissioner. Commissioners, if you would ask the inmate,
25 he just said in this hearing that he had a positive test

1 for methamphetamine in 2001. Why did he tell the clinician
2 in January of this year that that was a false positive?

3 **PRESIDING COMMISSIONER NDUDIM:** Mr. Pavageau, did you
4 understand that question?

5 **INMATE PAVAGEAU:** Yes.

6 **PRESIDING COMMISSIONER NDUDIM:** You may respond.

7 **INMATE PAVAGEAU:** I was -- I resolved to say yes, I
8 would use methamphetamine at the time of that urinalysis,
9 but my resolve was that I believed myself that I had a
10 false positive. I had put in for another test, paid for
11 another test, and it said it was not a false positive. I
12 disagreed, and I agreed it was methamphetamine.

13 **PRESIDING COMMISSIONER NDUDIM:** Why did you not tell
14 the truth to the clinician, Mr. Pavageau?

15 **INMATE PAVAGEAU:** Because I thought that the, uh,
16 hep-C medication I was on at the time, interferon, gave me
17 a false positive. And for the Panel, I just agreed that it
18 was methamphetamine, and it was a residue or not, or left
19 over in my blood system or my urine. Uh, but I thought it
20 was a false positive. And --

21 **PRESIDING COMMISSIONER NDUDIM:** Mr. Pavageau -- Mr.
22 Pavageau, are you still engaging in that denial?

23 **INMATE PAVAGEAU:** No, no. I'm admitting that it was
24 methamphetamine. It wasn't

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

1 **INMATE PAVAGEAU:** Yes, in my time -- at the time, I
2 was a criminal, as you say, criminal thinking at that
3 time, and I did a thing to have it retested, but I admit
4 here to the Panel and to the DA that it was
5 methamphetamine.

6 **PRESIDING COMMISSIONER NDUDIM:** Ms. Moore, you may
7 proceed.

8 **DEPUTY DISTRICT ATTORNEY MOORE:** Uh, Commissioner, if
9 you would ask the inmate, he has said various things about
10 what happened between his fiancée and his father, and they
11 go back and forth. On some occasions, he says his father
12 raped his fiancée and on other occasions he said they had
13 an actual consensual affair. Which was it?

14 **PRESIDING COMMISSIONER NDUDIM:** You may respond to
15 that question, sir.

16 **DEPUTY DISTRICT ATTORNEY MOORE:** Uh, for presenting
17 to the public and to in front of someone, I softened that
18 to a relationship and not a rape. Uh, I just wanted to be,
19 uh, socially correct in responding. And I used the word
20 relationship <inaudible>

21 **PRESIDING COMMISSIONER NDUDIM:** So what was it?

22 **INMATE PAVAGEAU:** Uh, it was, he, he raped her.

23 **DEPUTY DISTRICT ATTORNEY MOORE:** In that case,
24 Commissioner, if you would ask him why if his father raped
25 his fiancée, why did he severely beat his fiancée --

1 **PRESIDING COMMISSIONER NDUDIM:** You may --

2 **DEPUTY DISTRICT ATTORNEY MOORE:** -- for being the
3 victim.

4 **PRESIDING COMMISSIONER NDUDIM:** You may respond to
5 that question.

6 **INMATE PAVAGEAU:** I beat her out of anger or rage
7 that she may had done something to provoke him to rape
8 her. She was living in a household with my mother and my
9 father and my sister at the time. I don't know if she did
10 anything provoking. Like I said, I didn't have the, the
11 intelligence or the -- I was immature -- to -- irrational
12 thinking. I was thinking dysfunction and criminal
13 thinking. I responded in that dysfunctional mind I had at
14 the time, at the mindset at the time.

15 **PRESIDING COMMISSIONER NDUDIM:** Were you under the
16 influence when you did that?

17 **INMATE PAVAGEAU:** Yes, sir. I was. I was under the
18 influence.

19 **PRESIDING COMMISSIONER NDUDIM:** Ms. Moore.

20 **DEPUTY DISTRICT ATTORNEY MOORE:** Having now said, as
21 you've said before, that you severely beat her, why did
22 you tell the clinician in January that you had not been
23 violent towards her?

24 **PRESIDING COMMISSIONER NDUDIM:** You may respond to
25 that question, sir. It's a good question.

1 **INMATE PAVAGEAU:** I was in denial, sir. Ma'am, I was
2 in denial. I was trying to do criminal thinking, uh,
3 manipulating the system and manipulating my response.

4 **PRESIDING COMMISSIONER NDUDIM:** So, sir, do you see
5 why that's a problem? As recently as January, you are
6 still in denial, still engaged in criminal thinking. I
7 thought you told us that your programming has helped you
8 in dealing with those issues.

9 **INMATE PAVAGEAU:** Yes, it has. I just tried to be
10 politically correct in responding on not using vulgar or
11 graphic.

12 **PRESIDING COMMISSIONER NDUDIM:** Well, sir, we are not
13 being politically correct. I want you to be truthful in
14 your responses, not only to this Panel but when you speak
15 to the clinician.

16 **INMATE PAVAGEAU:** Yes.

17 **PRESIDING COMMISSIONER NDUDIM:** Thank you. Ms. Moore,
18 you may proceed.

19 **DEPUTY DISTRICT ATTORNEY MOORE:** Uh, Commissioner, if
20 you had asked the inmate, isn't it true that the occasion
21 upon which you found your wife with another man was not
22 the same day as the life crimes? It was earlier and you,
23 in fact, severely beat her for that as well on that
24 occasion?

25 **PRESIDING COMMISSIONER NDUDIM:** You may respond to

1 that question.

2 **INMATE PAVAGEAU:** Pardon, sir?

3 **PRESIDING COMMISSIONER NDUDIM:** You may respond to
4 that question.

5 **INMATE PAVAGEAU:** It was three days earlier.

6 **DEPUTY DISTRICT ATTORNEY MOORE:** And isn't it true
7 you severely beat her, as well?

8 **PRESIDING COMMISSIONER NDUDIM:** Did you beat your
9 wife?

10 **INMATE PAVAGEAU:** Yes, we did, uh, -- uh, a fight.
11 Yes.

12 **PRESIDING COMMISSIONER NDUDIM:** Ms. Moore, anymore
13 questions?

14 **DEPUTY DISTRICT ATTORNEY MOORE:** Uh, thank you,
15 Commissioner. No.

16 **PRESIDING COMMISSIONER NDUDIM:** Thank you so much.
17 So, uh, Mr. Pavageau, we're gonna turn it back to your
18 counsel. Uh, you may respond to him directly. Mr. Gardner,
19 you may proceed.

20 **ATTORNEY GARDENER:** Thank you. Mr. Pavageau, do you
21 remember your 18th birthday?

22 **INMATE PAVAGEAU:** Yes.

23 **ATTORNEY GARDENER:** What happened?

24 **INMATE PAVAGEAU:** Uh, my 18th birthday. I, uh,
25 graduated from school in 1969. I, uh, one month later in

1 July 16, I received a draft notice that I was drafted into
2 the military.

3 **ATTORNEY GARDENER:** Okay. Were you planning to attend
4 college?

5 **INMATE PAVAGEAU:** Yes. I had paid my -- some of
6 tuition to Southern University, Baton Rouge, Louisiana.

7 **ATTORNEY GARDENER:** Okay. Is it correct that you
8 immediately saw terrible, and experienced terrible,
9 violence as soon as you got to Vietnam?

10 **INMATE PAVAGEAU:** Uh, sir, yes sir. It was, uh, it
11 was horrific. It was an experience that I didn't plan to
12 see, uh, of what I had interpreted my mind, what, what the
13 war was. But upon approach to Vietnam, uh, in the
14 beginning, I flew out of Travis, uh, from Travis to
15 Alaska, Alaska to Tokyo, Japan, from Tokyo, Japan to
16 Vietnam. Uh, on approach to land at Bien Hoa <phonetic>
17 airbase, uh, in Vietnam. The Viet Cong -- the Viet Cong
18 were shelling, uh, Bien Hoa airbase at the time, and the
19 plan was -- could not land because they were trying to
20 destroy they landing field. Our plane was -- was diverted
21 to, uh, Tan Son Nhut, Saigon airbase where it landing. We
22 was put onboard on the buses -- excuse me, and bused to --
23 to Long Binh <inaudible> where I was gonna be stationed
24 for the next year. Upon approaching the buses, uh, it was
25 throwing -- it was during the Tet Offense -- it was

1 throwing mortar shells and rockets onto Long Binh
2 <inaudible> at the time. Uh, and the buses was being
3 thrown rocks at and cans.

4 **ATTORNEY GARDENER:** Mr. -- Mr. Pavageau, we probably
5 don't have time to go through all the trauma of Vietnam,
6 but, for example, you saw a friend of yours blowing apart
7 right next to you.

8 **INMATE PAVAGEAU:** Yes, it was doing a convoy mission
9 that we was on, and I drove convoys in Vietnam, and one of
10 my, one of my buddies got shelled by a rocket, uh, um, a
11 mortar. His truck exploded, uh, and it just disintegrated,
12 dis -- disintegrated the whole front cab. I myself, uh, on
13 another mission that we was only go -- able to go once a
14 month on the convoy, we took sniper fire, and I had
15 bullets -- sniper fire bullets in my door, on my hood, in
16 my back wheel. My back door wheels was shot.

17 **ATTORNEY GARDENER:** Mr. Pavageau, I -- I apologize.
18 We need to move on, but would it be safe to say that you
19 turned to using all the drugs and alcohol you could get
20 your hands on to get you through that -- that tour?

21 **INMATE PAVAGEAU:** Well, yes. I -- it's a mind-blowing
22 experience to see so much horrific, uh, dead bodies on the
23 side of the road from recons at night, but it's time to go
24 to sleep. You, you can't sleep.

25 **ATTORNEY GARDENER:** Uh, were you aware that after you

1 got stateside you could turn to the VA for resources, for
2 psychological counseling?

3 **INMATE PAVAGEAU:** Yes. Yes, but at the time in
4 Vietnam, all I had was was, uh, self-medication.

5 **ATTORNEY GARDENER:** But when you got home, did you,
6 why did you not use the VA when you got home?

7 **INMATE PAVAGEAU:** Uh, I didn't use the VA because I
8 didn't want to confront my addiction to the VA and
9 dishonor my -- myself before --

10 **ATTORNEY GARDENER:** Do you know how --

11 **INMATE PAVAGEAU:** <inaudible>

12 **ATTORNEY GARDENER:** -- to, you know how to turn for
13 help?

14 **INMATE PAVAGEAU:** Yes, now. I know that it's -- it's
15 the right thing to do. My whole upbringing was man-up,
16 suck it up, military man-up, suck it up. You're just
17 training. Um, feeling self, self-defeating or self-
18 sabotaging -- sabotaging with drugs and alcohol, it's,
19 it's, uh, a very shame and embarrassing thing to have that
20 you can't rationalize or go for help because you don't
21 want to show that you're less than a man, uh, and that you
22 just, you're just not a man in the eyes or those, you feel
23 less, less worthy or inferior because you're using drugs
24 to maintain yourself as a -- as a man.

25 **ATTORNEY GARDENER:** Okay. I'm gonna, in the interest

1 of -- of time, I'm gonna change course a little bit, um,
2 and just want to straight up, um, yes or no question, not
3 worrying about what you're -- what you're supposed to say
4 or not say. Did you knowingly use meth in 2001?

5 **INMATE PAVAGEAU:** No.

6 **ATTORNEY GARDENER:** Okay. Do you know that domestic
7 violence is not always physical?

8 **INMATE PAVAGEAU:** Yes. I know that this violence is
9 not -- I just haven't been able to articulate that. I know
10 that domestic violence is -- is verbal. I know that
11 domestic violence is sexual, and I know domestic violence
12 is -- is physical violence.

13 **ATTORNEY GARDENER:** Okay. Um, one final question or,
14 or topic. When your -- your son passed away in 2019, how
15 did that help you in terms of, um, increasing your, your
16 empathy and, and um, and rehabilitation?

17 **INMATE PAVAGEAU:** Well, yes, as I mentioned before to
18 the Commissioner, uh, it gave me, uh, an understanding of
19 the, of the grief and pain and suffering to the Carlson's
20 family and Mrs. Carlson of their loss by me murdering
21 their son and through the loss of my son as a parent. I
22 don't think no parent should have to bury their child or
23 lose their child before their time is over, and I'd like
24 to apologize for that. And as I said before, I, my denial,
25 my criminal behavior thinking, I still apologize with all

1 my heart and soul and my symptoms was <inaudible> --

2 **ATTORNEY GARDENER:** You'll get -- you'll get a
3 closing statement. I, I, one more quick question. Um,
4 according to, um, your social worker on March 16th of this
5 year, you were diagnosed with colon cancer, is that
6 correct?

7 **INMATE PAVAGEAU:** Yes. A blood test come back
8 positive with, with colon cancer. I'm waiting for, uh, for
9 treatment and an appointment for an outside, um, doctor.

10 **ATTORNEY GARDENER:** Thank you. Those are all my
11 questions.

12 **PRESIDING COMMISSIONER NDUDIM:** Thank you, counsel.
13 Before we go to closing statements, I want to check back
14 with, uh, Commissioner Stern to see whether you do have
15 any other questions before we proceed to closing
16 statements.

17 **DEPUTY COMMISSIONER STERN:** Uh, no, I don't. Thank
18 you for checking.

19 **PRESIDING COMMISSIONER NDUDIM:** All right. Thank you.

20 **DEPUTY COMMISSIONER STERN:** Can we take a --

21 **PRESIDING COMMISSIONER NDUDIM:** So, what we do --

22 **DEPUTY COMMISSIONER STERN:** -- short break before
23 closing?

24 **PRESIDING COMMISSIONER NDUDIM:** Okay. Yeah, we're
25 gonna, we're gonna do that. So what we're gonna do is to

1 take a 10 minutes break. Uh, the time is 10:01. We are off
2 the record.

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1 **DEPUTY COMMISSIONER STERN:** We are back on the
2 record.

3 **PRESIDING COMMISSIONER NDUDIM:** We're back on the
4 record. The time now is 10:10 a.m. We took a brief break
5 to have everybody <inaudible>. So we're going to go to
6 closing statements. We'll invite the, uh, Deputy District
7 Attorney for San Francisco County for her closing
8 statement. Ten minutes is recommended. You may proceed.

9 **DEPUTY DISTRICT ATTORNEY MOORE:** Thank you,
10 Commissioner. I am mindful of the Commissioner's schedule
11 and the fact that other people will speak. I may go
12 slightly over, but just slightly, and I thank you for your
13 indulgence. At this point, Commissioners, we oppose parole
14 for Mr. Pavageau. He still shows a lack of insight. He's
15 still engaging in denial, and he is still engaging in
16 criminal thinking. This was a vicious and sadistic torture
17 and murder that truly shocks the conscience and shocked an
18 entire city. It was also a calculated crime. He has said
19 today that he was wandering the street and throwing rocks
20 at houses and a rock hit the Carlson house. Somebody came
21 out, and he just rushed him and blamed it on an explosion
22 of rage. What actually happened is different. Mr. Carlson
23 lived just down the block from the inmate. They were on
24 the same block on Kansas Street. He told the police when
25 he was arrested that he had seen the Carlsons outside the

1 house, could identify that it was a young man and woman.
2 On the night in question, three days after he had severely
3 beaten his wife, not the same day. He was not happy at
4 home. His wife wasn't talking to him. He went to see his
5 friend, Lucinda, who refused to have sexual relations with
6 him. He said to her, and she testified to this at trial, I
7 ought to attack you. It was not an explosion of rage, it
8 was a calm statement to her. He then decided to attack the
9 Carlson's. It was a planned attack that required him to
10 climb the trellis and the outside wall to the roof over
11 the kitchen, and from there climbed into an open bedroom
12 window where Annette slept. She awoke to a pillow over her
13 face, suffocating her. She got away and was screaming,
14 which brought Frank upstairs where he found the inmate
15 holding a knife to Annette. The inmate took them
16 downstairs, forced Annette to help him tie up her husband,
17 and then very carefully turned up the stereo to mask any
18 sounds. He then bludgeoned Frank over and over with a
19 hammer until the steel head came off the hammer. He then
20 used a chopping block, a jar of coins, a vase, anything he
21 could pick up while saying why doesn't this bastard just
22 die? The medical examiner, Dr. Boyd Stevens, testified
23 that every inch of Frank's skull was crushed, every inch.
24 His skull was approximately three inches thick. That was
25 only the beginning of the torture for Annette. The inmate

1 then spent three hours sexually assaulting her, not one
2 rape, more than <inaudible> rape, sodomy, etcetera. In
3 between assaults, he calmly demanded information on the
4 value of her jewelry, examining each piece. She begged
5 repeatedly for her life, and he calmly responded he had to
6 kill her because she could ID him. He then beat her in the
7 head with a paper weight, a marble paperweight, wrapped in
8 a towel, broke a wooden chair over her while beating her,
9 breaking her wrist, tried to strangle her with the phone
10 cord. Then finally slashed her wrist. Before she lost
11 consciousness, she saw him wiping his fingerprints off of
12 items. He then poured paint thinner around her, lit it on
13 fire, took the jewelry, calmly left the room, closing the
14 door, and left her to burn to death. He then went
15 downstairs and poured paint thinner around Frank's body
16 and set it on fire. Just a few hours later, after going
17 home and changing his clothes, he reported to work as
18 usual, stopping by the house to ask the police what was
19 going on. This indicated he was not at all in a distraught
20 state of mind about what he had done. This was not an
21 outburst of rage, it was an hours long assault,
22 dispassionate, careful to cover his tracks. As was noted
23 in the 2009 risk assessment and extended period of time is
24 not indicative of an isolated or discreet act of rage. He
25 was careful to remove fingerprints to try to leave no

1 witness alive to attempt to burn down the house to cover
2 his tracks. That story about the rocks is yet another
3 minimization and attempt to make it sound like it wouldn't
4 have happened if the door hadn't been opened by Frank. It
5 is also a form of victim blaming, albeit more subtle than
6 previous attempts. It shows he still lacks insight. He
7 still refuses to accept full responsibility. He's still in
8 denial. He targeted these people and was fully cognizant
9 of what he was doing and then tried to cover up the
10 crimes. When asked by the clinician in 2023 about this
11 crime, he denied any awareness about what triggered this,
12 about what, which is a horrific violence. He had
13 <inaudible> at least 2009, that he has no insight into why
14 he didn't and that <inaudible> there's some kind of noise
15 in the background there -- that clinical factor relevant
16 to his risk for future violence. He denied any awareness
17 about why he sexually assaulted Annette. He still cannot
18 talk about the causative factors for the extreme nature of
19 the violence or for the sexual assault. This crime not
20 only destroyed the Carlson family and Annette, it
21 traumatized and terrorized an entire city. It affected
22 every person who saw this crime, police officers,
23 emergency personnel, firefighters, the medical examiner,
24 but the inmate was not through with the damage he would
25 cause Annette and the Carlson family. After denying any

1 involvement in the crime for years, more than a decade
2 later when his appeals rights had ended, he began to tell
3 a false story about a sexual relationship with Frank,
4 claiming he killed him in a jealous rage. He tried to
5 justify the unjustifiable and blame the victim, and he
6 cowardly lied for 25 years before finally admitting that
7 it was a lie, that he perpetrated it as an act of revenge
8 against the victims because he was mad at victims' rights
9 groups, not mad at <inaudible> victims' rights groups. Now
10 more than 40 years later, he's still justifying that lie,
11 claiming he was mad because his pregnant wife was attacked
12 by victim's advocates. He's gone so far as to say in 2020
13 that his wife was pregnant and lost the baby, which she
14 has just said today is not true. There's no evidence that
15 his wife was attacked. He says it happened when she came
16 to the prison for a parole hearing. She would not have
17 been at the prison for a parole hearing. Inmates families
18 are not able to come to parole hearings. This latest
19 transparent lie shows that he continues to place blame
20 elsewhere, to lack insight into his crime and the
21 causative factors. That life crime remains probative of
22 current and unreasonable danger as the court has held in
23 in re Shaputus. That's just prior violence. From the last
24 two CRAs done, he, uh, in 2020 and 2023, he has minimized
25 or outright denied prior violence that he previously

1 freely admitted to. He admitted he held a gun to his
2 father's head over the incident with his fiancée, shot at
3 the wall, severely beat his fiancée over their affair.
4 He's also said he severely beat his wife after she had an
5 affair when he also admits he was having affairs as well.
6 In the 2020 CRA he denied the severe beating but admitted
7 he had hit both his wife and his fiancée in the head and
8 despite that, denied a history of domestic violence. In
9 the current CRA, he denied any violence of any kind
10 against either one of them. That was just January of this
11 year. His current account is simply not credible. He does
12 not have any insight into domestic violence or his history
13 of problems in relationships. He's continually changing
14 versions and his denials of his own previous report cast
15 doubt on virtually everything he says. He has an extensive
16 history of substance abuse problems which contributed to
17 the life crime and continued to while in prison. Again,
18 he's now saying it was a false positive. Uh, he does not -
19 - he had a private retest done which also came out
20 positive. Despite this history, he does not have written
21 relapse prevention plans. He has no list of triggers. He
22 has not researched available treatment and support
23 programs and is simply relying on his abstinence inside.
24 As we all know, sobriety inside is not the same as
25 maintaining sobriety on the outside and as the clinician

1 said in this CRA, he seems not very concerned about
2 potential risk factors for relapse, and it is unclear how
3 well he would cope with stress outside of the prison
4 environment. He has for the first time ever done parole
5 plans but they are incomplete. He has not researched
6 services he would need such as sexual offender treatment,
7 substance abuse, again, lack of relapse prevention plans,
8 lack of list of triggers, no apparent awareness about
9 internal and external triggers <inaudible> for him. He has
10 a limited appreciation for the extent of the challenges he
11 is likely to face having been incarcerated this long and
12 that inability to articulate, anticipate and cope with
13 stressors is of relevance to future risk. We address the
14 youthful offender parole. He was, uh, almost 26 at the
15 time of this life crime, but under youthful offender,
16 those sentenced to youthful offender, the crime has to be
17 committed or for those -- sorry -- for those sentenced to
18 life without the possibility of parole or LWOP, the crime
19 would have to be committed before the age of 18 in order
20 for youthful offender to apply and for those convicted of
21 first-degree murder with special circumstances, youthful
22 offender is not available. He was sentenced. He was
23 convicted of first-degree murder with special
24 circumstances and sentenced to death. When his sentence
25 was reduced after the death penalty was overturned, he was

1 sentenced to life without parole only because he was
2 sentenced to life with parole only because life without
3 parole did not exist in California. As a matter of law,
4 had LWOP been available, that is what he would have
5 received, and as a result, as a matter of law, he would
6 not be eligible for youthful offender as he was not under
7 18. Certainly it is not what the jury who convicted him
8 anticipated that we would be here today. As for the
9 diminished culpability, one of the hallmark features of
10 youth offender, he certainly recognized the seriousness of
11 this crime and he certainly recognized the possible
12 consequences at the time he did it. He told them that he
13 had to kill her because she could recognize him. He wiped
14 off fingerprints. He set two fires in the house to cover
15 his <inaudible> crimes. He also continued to commit drug
16 offenses in prison until his 40s and in 2001 at 52. He had
17 a string of RVRs up to the age of 44. So those
18 characteristics that led to impulsivity and disregard of
19 consequences were not due to youth but to character
20 defects that continued to manifest themselves for years.
21 He was also diagnosed with adult antisocial behavior
22 continuously until this last CRA. Mr. Pavageau has no
23 decline in cognition and he's not -- and he's able to work
24 a physical job as a porter. While the risk in this CRA is
25 low, this clinician did not at any time note the

1 inconsistency in his versions or question him at all about
2 why he now denied violence that he had admitted to in the
3 past. He did not push the inmate at all on his denial and
4 his continual criminal thinking. The clinician did not
5 seem to take into account his history with regard to
6 rejection within a relationship, something the clinician
7 in 2020 found of high relevance to risk of violence. That
8 has not changed; that history remains. He is regressive in
9 response to perceived rejection. Instability in a
10 relationship often provoked violence, severely beating his
11 wife when he discovered her infidelity, was told his
12 father raped his fiancée and assaulted the fiancée, held a
13 gun to his father's head. This history of violence,
14 particularly to women, remains a factor and his current
15 denial of any DV is a serious concern given his history.
16 He has yet to acknowledge or work through his fears of
17 rejection. He has never been able to articulate any real
18 understanding of the causative factors and continues to
19 say it was explosive insanity. As the clinician noted in
20 the 2017 CRA, his version of the crime changed even during
21 the course of that evaluation. He continues to change his
22 story. He committed one of the worst crimes in this city's
23 history, a crime of appalling savagery and inhumanity. And
24 he committed it over a long period, an extended period of
25 hours, showing that he's capable of entering and

1 sustaining a state of mind for a sustained period where
2 such brutality is acceptable to him. And after this
3 brutality, he went home, changed his clothes and went to
4 work as if nothing had happened. At this point, he, with
5 all of these in account, he's still failing to demonstrate
6 real remorse. He's still failing to look at his actions
7 and his character clearly and understand what and why he
8 did. He still shows a lack of insight and thus he
9 represents a current and unreasonable risk of violence in
10 the community, and we ask that he be denied parole, and we
11 ask that he be given the longest denial period available.
12 Marsy's law mandate that the victim's feelings in this
13 matter can be taken into account. This family has been
14 through this enough. We asked for the longest denial
15 available. Thank you.

16 **PRESIDING COMMISSIONER NDUDIM:** Thank you. We will
17 now go to inmate's counsel, Mr. Gardner.

18 **ATTORNEY GARDENER:** Thank you. We use the word
19 inexplicable, but every individual has a reason for their
20 actions. Forces in his life created a traumatized young
21 man who instead of starting college at 18 and perhaps
22 moving away from the violence and dysfunction of his, of
23 his upbringing, was drafted, sent to Vietnam, and placed
24 in the midst of horrific violence and constant fear, only
25 a teenager who took refuge in drugs and alcohol, only to

1 return after his honorable discharge to more family
2 dysfunction. I know that many individuals with similar
3 stories do not commit atrocious crimes, but every event
4 has its causative chain. A traumatized and drug addicted
5 time bomb up for days on drugs and knocked off his axis
6 committed these crimes -- crimes where one struggles for
7 adjectives to do verbal justice to their offenses. Given
8 the time constraint, I'll incorporate by reference, the
9 Franklin report on page 839 of the 10 day with its social
10 history and youthful offender analysis. The law, the
11 purpose of the hearing, the legal standard is whether or
12 not he -- 49 years later -- poses an unreasonable risk to
13 public safety today. The standard was established in
14 Lawrence in 2008 where the court ruled that the Board and
15 the governor could no longer deny parole based on the
16 commitment offense, and the fundamental consideration is
17 whether the person would pose an unreasonable threat to
18 the public if released on parole. The legal standards
19 apply to an analysis of current dangerousness and current
20 dangerousness drives both suitability and the denial
21 length. The structured decision making framework weighs
22 various factors and is the present guideline in
23 determining whether or not a rational nexus exists. In the
24 case of Mr. Pavageau, the static factor of prior criminal
25 history is mitigating and all of the non-static factors

1 are mitigating. I'll get into why the Comprehensive Risk
2 Assessment is a particularly mitigating low risk when I
3 discuss offender change. Institutionally, he's been 22
4 years without any RVR and that's mitigated his
5 institutional behavior. He has a laudatory chronos from a
6 corrections officer who sees him in his daily environment.
7 He has no violence since 1975 and even back then RVRs were
8 relatively few and far between. He's programmed for many
9 years and has lately been active in VA groups and the
10 ISUDT program. His plans for release: He has family
11 support, and the additional benefits from the Veterans
12 Administration where he -- where he has already reached
13 out and knows how to reach out to. Perhaps the most
14 mitigating are the case-specific factors of age and
15 health. A letter from Dr. Routing <phonetic> on 752 says,
16 Mr. Pavageau, quote, "Mr. Pavageau is a 74-year-old man
17 with chronic obstructive lung disease, a nodule in the
18 lung, advanced liver disease, and prior infection from
19 polio resulting in muscle wasting of the right leg. He's
20 here in a walker today. His chronic lung disease has been
21 progressively getting worse since he was infected with
22 COVID--19 in January of 2021. He required oxygen
23 supplementation for several weeks after the infection that
24 has since been weaned off. He still gets severely short of
25 breath if he exerts himself and now requires three

1 inhalers and a pill daily to allow him to do his basic
2 activities of daily living." In addition, Mr. Pavageau and
3 author -- the author of the Franklin report -- per them,
4 on March 16th of this year, he was diagnosed with colon
5 cancer. Ordinarily I would not pay attention to a 30-year-
6 old psychologic -- to 30-year-old psychological
7 evaluations and decisions, but the documents submitted in
8 opposition emphasized that he is dangerous because he
9 discontinued analysis called Category X in 1991.
10 Apparently concluded that he is a sexual psychopath and
11 have extrapolated from that, that he's, therefore,
12 irredeemable to this day or any day. If the category X
13 report is available as evidence, I could not find it, but
14 it's evaluation concluded that he was a dangerous man and
15 prison was where he belonged, but it was not a permanent
16 diagnosis, implying that he could never be safely
17 released. Contemporaneous Board documents emphasized the
18 dynamic nature of his condition. In the 1993 psychological
19 evaluation, the recent recent Category X report was used
20 in concluding that he was still dangerous, but the
21 clinician wrote, and this can be found on page 2162 of the
22 C file, quote, "However, I further believe that Mr.
23 Pavageau could learn to subdue his inner turmoil. Test
24 data also indicates much guilt, painful introspection,
25 depression, loneliness, and intelligence. In other words,

1 he has the emotional and cognitive resources necessary for
2 psychological development and maturation," unquote. In
3 addition, on page 2163, that psychologist pointed out in
4 reference to their unfavorable findings at the time,
5 quote, "The above conclusions are not offered as permanent
6 or absolute statements regarding Mr. Pavageau's
7 psychology. Rather, they represent the current
8 psychological tensions operating within this matter. The
9 psychological profile is dynamic, hence, it can change,"
10 unquote. Even the 1991 parole Panel said, quote, "A recent
11 category expert court dated June, 1991 by the psych
12 counsel, indicates a need for a longer period of
13 confinement for the protection of the public," unquote.
14 This can be found on page 2794 of the C-file, the emphasis
15 being that he needed a longer period of confinement, not a
16 permanent one. So even in times more contemporaneous to
17 the Category X report, the Board emphasized that
18 mitigating change was possible. Regarding offender change,
19 on page nine of the 2023 CRA, the clinician writes, quote,
20 "Mr. Pavageau does not currently meet criteria for any
21 DSM-V psychiatric condition at this time," unquote, nor
22 does he meet the criteria for a personality disorder and
23 all of his historical risk factors are of low relevance.
24 So it's a very mitigating report. His admission to the
25 hurtful lie about a previous relationship with Frank

1 Carlson was not forced out of him in 2020 or only made in
2 2023 but was made in the 2010 CRA which can be found on
3 page 2841 of the C-file. On page eight of the 2017 CRA,
4 the clinician writes, quote, "Mr. Pavageau stated in his
5 2010 evaluation that his initial account of the crime was
6 a lie, and, in fact, he had never met his victim prior to
7 his commitment offense," unquote. In the 2020 CRA on page
8 three, this clinician writes, quote, "In his previous
9 evaluations, Mr. Pavageau reported that the commitment
10 offense was <inaudible> by his anger and that the male
11 victim would not disclose his relationship with the
12 defendant. However, he has since recanted this story since
13 2010." Nowhere in those CRAs does he revive or perpetuate
14 that past lie. So it's not ambiguous that he cleared that
15 up in 2010. I tried to get out in front of the fact that
16 he doesn't do well with buzzwords and quiz type questions
17 and his capacity to express himself in a BPH friendly way
18 is unlikely to significantly improve with his age, his
19 reading level, and his capacity, but when asked directly
20 about amends, for example, he showed his awareness of the
21 importance of those concepts. He also has numerous self-
22 support documents where he expresses himself to the best
23 of his ability. If found suitable, he will be subject to
24 all general and special conditions of parole and his
25 liberty will be conditioned upon his obeying all laws and

1 following all conditions. For the foregoing reasons, on
2 behalf of Mr. Pavageau, we ask for a finding of
3 suitability, a finding that shall normally be given per
4 Title 15. I'll submit there, but so as to not -- to
5 hopefully not interrupt in the future because, um, I am
6 very loath to speak during the victim's impact phase of
7 the hearing, should there be attorney arguments in
8 opposition during the victim's impact phase, I submit a
9 blanket objection in advance.

10 **PRESIDING COMMISSIONER NDUDIM:** Thank you. So Mr.
11 Pavageau, this is your opportunity to address the Panel
12 with your closing statement. Should you wish to do that,
13 sir, you may proceed.

14 **INMATE PAVAGEAU:** Uh, upon closing, I'd like first to
15 apologize to Mrs. Betty Carlson and her family. I'd like
16 to apologize to Mrs. Annette Carlson for the rape and
17 assault that I did to her. I'd like to humbly pray that
18 they understand my mentality, my aptitude, my
19 intelligence, my immaturity and my dysfunction upbringing.
20 We use the word mitigating. I use the word as excuse. As a
21 parent, the loss of a child, I understand and I ask,
22 please, please, in the grace -- in the grace that God
23 could help you understand what was wrong with me at the
24 time. You wasn't deserving of the wrong that I've done to
25 you and your family, and I pray that their understanding

1 will reach one day. I know I shouldn't ask of anything of
2 you, but I only only ask that you understand.

3 **ATTORNEY GARDENER:** I just wanna mention to Mr.
4 Pavageau -- don't, don't address them directly, and
5 they're not supposed to address you directly.

6 **INMATE PAVAGEAU:** All right. I just humbly, humbly
7 apologize for the wrong I did and hope that peace be with
8 you. Uh, to the Commissioners, yes, I thank you for your -
9 - your patience and your time and your consideration.
10 Thank you.

11 **PRESIDING COMMISSIONER NDUDIM:** Thank you. Uh, we do
12 have victims members of families that are appearing for
13 this hearing today. Um, I don't know whether you've talked
14 about the sequence where who wants to go first and next.
15 Uh, we'll ask that whoever is going to speak to
16 reintroduce yourself and tell us your relationship to the
17 victims. So, uh, if you've discussed the order or the
18 sequence, you may proceed.

19 **FAMILY REPRESENTATIVE AGOGLIA:** Thank you,
20 Commissioner Ndudim. We have, indeed, discussed that, and
21 with your leave, uh, , I would like to go first on behalf
22 of surviving victim, Annette Carlson. Um, I will be
23 followed by the brother of the murder victim -- Frank
24 Carlson --- Eric Carlson, after I'm done. My name, again,
25 is Michael Agoglia, and for nearly 30 years I have had the

1 distinct privilege of representing Annette Carlson in the
2 consideration of parole by this Board. This being the 17th
3 scheduled hearing, uh, Commissioner Ndudim, your -- your
4 count was 14, but I think the discrepancy is because, uh,
5 Mr. Pavageau waived at the very last minute, uh, uh, three
6 interim hearings between 2011 and 2020. Um, I would also,
7 just as a housekeeping matter, uh, District Attorney Moore
8 has already corrected the misstatement, uh, by Mr.
9 Pavageau that he was 24 at the time of the crime. He was,
10 uh, one month away from his 26th birthday. Um, and he has,
11 he did not appear, uh, I think the record was unclear on
12 this, he did not appear in 2017 or 2020. He hasn't, by my
13 recollection, appeared in the last two-plus decades for
14 any parole hearing. Um, in the several decades long that I
15 have known Annette Carlson, she has never once, never once
16 articulated anything sounding in vengeance, in anger or
17 retribution as the reason why she feels compelled to
18 appear before you, Commissioner Ndudim and Deputy
19 Commissioner Stern. Instead, what she immediately goes to
20 is how what she saw about what Pavageau did and how he did
21 it informs his assessment of risk, what it tells us about
22 his dangerousness, what she saw that night about his
23 nature, and that's why the facts of the crime still bear
24 directly on the dangerous, uh, dangerousness assessment.
25 And indeed in re Lawrence did not in any way marginalize

1 the facts of the commitment offense. Indeed said they are
2 directly relevant if they still bear on dangerous --
3 dangerousness to this day. And they do here. The other
4 reason why the actual facts of the crime are essential to
5 be before this Board clearly stated is because Mr.
6 Pavageau's version just articulated is staggering in how
7 it divert -- diverts from the actual crime. He has
8 replaced an admitted lie about a sexual affair being the
9 impetus for this with an entirely new fabrication about
10 rocks and houses and front doors, entirely provably
11 untrue. And so because of their importance, I will walk
12 you through in greater detail some of the awful facts that
13 are essential to understanding this commitment offense. As
14 briefly mentioned, the crime started on the night of April
15 18th, 1974, around 11:00 PM when Pavageau went to the
16 house of an acquaintance in the neighborhood, Lucinda
17 Haley. And, and when she turned away his sexual advances,
18 she testified at trial she did so because his demeanor was
19 disturbing, and before he left, he turned, looked her up
20 and down and said, I ought to attack you. From Ms. Haley's
21 house, he went one block to where the Carlsons lived, and
22 as he would later admit, although complete and utter
23 strangers, he had seen Annette Carlson while in the
24 neighborhood from afar outside of the house doing home
25 improvements. She was a beautiful 24-year-old woman, and

1 it registered. So having been rebuffed by Ms. Haley, the
2 next thing he did was go to the Carlson house. He saw the
3 open window on the second story, went to the side of the
4 house, crawled up the trellis, and entered through that
5 window, and the very first thing Angelo Pavageau did that
6 night was try to kill Annette. He found her lying asleep
7 in her bed, and he took a pillow and tried to suffocate
8 her. She awoke because she couldn't breathe, and she
9 struggled and succeeded in breaking free to see him
10 hovering over her with a knife. She screamed out her
11 husband's name, Frank, Frank, Frank. He came running up
12 the stairs, utterly as shocked as she was at this utter
13 stranger before them with a knife. Pavageau commanded them
14 to go downstairs where he asked them for money. They could
15 only produce six bucks and a jar of coins. He then told
16 Frank to sit in one of the small kitchen chairs. He asked
17 for a rope. They didn't have one, so he used his knife to
18 cut the electrical cord of a lamp, and he handed it to
19 Annette and he made her bind her husband's hands behind
20 him. While seated in that chair, he made her an accomplice
21 in rendering her husband utterly defenseless. And then the
22 very first object Pavageau asked for was a gun intending
23 to murder Frank, as his subsequent actions would reveal
24 vividly. They didn't have one. So he told Annette to bring
25 him a hammer, and then with her standing by her estimate,

1 no more than five feet away, pinned in the corner of their
2 tiny kitchen between a refrigerator and the adjacent wall,
3 she was made to watch as he swung that hammer down with
4 such ferocity and such repetition that it broke on Frank's
5 skull. She screamed uncontrollably. Pavageau went over to
6 her, put the knife to her side and said, shut up, or I'll
7 kill you too. And then he returned. He returned to
8 bludgeon him in the skull with a cutting Board, with a
9 vase, with a can of coins until he was ultimately dead.
10 And the thing that still remains vivid for Annette Carlson
11 is not just this horrific unbearably, gruesome visual that
12 unfolded right before her eyes, but the feeling of
13 profound helplessness as she tried as hard as she could to
14 hold her hands against her mouth, clapping as tight as she
15 could to stop from screaming because she thought if I just
16 did everything he said, he might leave Frank alone, but
17 nothing she could do physically and no amount of summoning
18 her will, could prevent her from uncontrollably screaming
19 as her husband was brutally murdered in front of her. And
20 from that moment to this day, she carries with her this
21 awful guilt, irrational but awful guilt, that she wasn't
22 able to do more to help her husband, but she didn't do all
23 she could to prevent him from being murdered. After
24 Pavageau took Frank Carlson out of the way, he turned his
25 focus back to Annette at knife point leading her upstairs.

1 And as you've heard, for over three hours, committed
2 repeated acts of explosive sexual violence against her
3 raping, sodomizing, forcing her to commit oral copulation
4 in the most demeaning, debasing manner possible. He drew
5 obvious pleasure in the moment from what he was doing to
6 her. That's what he showed her. And as you've heard, there
7 were also savage beatings taking the childhood rocking
8 chair and hitting her with it so many times it shattered
9 into pieces, finding an alabaster paperweight, putting it
10 in a towel and using it like a medieval bludgeon, the
11 emergency room doctor who would later treat her, described
12 in his notes and at trial, but the effect of that savage
13 beating was to detach her skull from her scalp that her
14 head looked like someone had started peeling an orange in
15 a dozen different places all at once. And yet again, what
16 stands out for her are those moments in between those
17 explosive acts of sexual violence where he was utterly
18 calm, dispassionate, conversational. It was as if two
19 people met at a bus stop and were talking about the
20 weather. There was nothing in his affect, in his demeanor
21 that reflected what he had just done downstairs to Frank
22 or what he had just done to her, and what he was about to
23 do. What she saw was someone whose pulse had not quickened
24 a beat as far as you can see, and indeed was very
25 calculating, wiping down surfaces, covering his tracks.

1 And when she begged and begged for her life, just coldly
2 telling her, sorry, you can identify me so I'm gonna have
3 to kill you. And he tried many different ways, strangling,
4 beating and ultimately slashing open -- open her wrists,
5 and when she lied motionless in an enormous pool of blood,
6 he found a can of paint thinner, doused the area around
7 her, lit it, closed the bedroom door behind him and went
8 downstairs where he poured the remainder of the paint
9 thinner on Frank's mutilated body and left, showing up at
10 work just a few hours later. Annette would be in emergency
11 surgery after miraculously -- miraculously with dozens and
12 dozens of fractures in her hands and her arms and her
13 abdomen and her head, but she survived. Um, the emotional
14 scars are with her to this very day, and I'll come back to
15 that in a moment. The thing that is not surprising, but is
16 still staggering in its proportion is how for 49 years,
17 everyone, the police, the jury, the judge, this Board
18 repeatedly, all the clinicians who saw him have asked the
19 same question. Why did you commit these acts against these
20 completely innocent strangers? I submit to this Board that
21 Pavageau has never once come close to even acknowledging
22 the elementary facts of his crime. It was 35 years that he
23 maintained this fiction about the affair, and in its
24 place, you will see nothing in the 2020 record which says,
25 oh, but here's what really happened. He was told instead

1 to prepare to show up and make a run at parole for the
2 first time in decades, and what do we have in its place?
3 Another complete picture. There were no rocks at the front
4 door. Frank Carlson didn't come out and say something to
5 provoke him. The crime began with him crawling into a
6 second story window and immediately trying to kill Annette
7 while she slept. The record there has been static for
8 almost 50 years. It's undisputed. He had all the incentive
9 at his trial to raise any of these defenses. It was sort
10 of inflamed by passion. He was facing murder one with
11 special circumstances, mandatory death penalty. If he had
12 a second-degree murder opportunity by virtue of the facts,
13 he would've made it. He didn't. It's utter nonsense. But
14 what it tells you is he constantly has to displace part of
15 the blame to his victim, Frank. Had he just not said
16 anything, it never would have happened. He is nowhere near
17 demonstrating an understanding of the nature and magnitude
18 of his crimes. You cannot understand, much less explain or
19 offer insight, into that which you don't even admit
20 happened. It is also our understanding that in the recent
21 evaluation, he denied that Annette Carlson was in the room
22 when he killed Frank. That she wasn't there. She wasn't
23 there. He made her tie her husband to the chair. He made
24 her get him a hammer. He made her watch just a few feet
25 away while he committed this barbaric beating of Frank

1 Carlson's defenseless body and skull. There were no
2 punches thrown. There was no fight. He rendered Frank
3 Carlson utterly defenseless before he attacked him with a
4 hammer and a cutting board and a vase and a jar of coins.
5 It is staggering to hear 49 years later that he has to
6 come up with completely new fabrications, provably untrue.
7 It tells you we submit respectfully all you need to know
8 about whether or not he is now or ever will be suitable
9 for parole. He hasn't gained any insight in 49 years.
10 There's no reason to believe it's gonna happen tomorrow,
11 10 years or 50 years from today, and we submit to you that
12 there is an explanation in this record that is the most
13 reliable and compelling one available, and it is the
14 diagnostic X from 1991. On the anniversary of the --
15 approaching anni -- 20 year anniversary of the crime, it
16 was the CDC itself who was unwilling to simply have this
17 tale of the affair stand on its own. The -- the claims of
18 drug use, of -- of -- of family dysfunction, of service in
19 Vietnam, let stand as if they were sufficient to explain
20 what happened that night. And for that reason, they
21 transferred Pavageau to Vacaville for the first time for
22 the specific purpose of conducting this exhaustive
23 evaluation. It wasn't part of a morning, it wasn't part of
24 an afternoon, it wasn't part of a series of -- of five of,
25 so evaluations done that day. It spanned a period of over

1 five and a half months. It was presided over by a Panel of
2 the CDC's best and brightest clinicians, psychologists,
3 psychiatrists who were considered absolutely best in their
4 field in terms of understanding criminal behavior and
5 inmate populations. That's who they assembled so that they
6 could each bear their own independent judgements and
7 experience before coming to a conclusion. He was
8 administered at least seven different personality tests,
9 including the tests that are absolutely the gold standard
10 to this day for clinicians. The PP -- excuse me, the MMPI2
11 -- the MCMI2. Again, the standard testing for personality
12 disorders to this very day. There were by our count at
13 least 16 individual -- 16 difference sessions where he was
14 observed one-on-one or in group, and by their own
15 statements, their deliberations, their consultations,
16 their comparing of each other's observations and notes was
17 quote, "exhausting," close quote. It was by far and away
18 the most professional, the most comprehensive attempt to
19 assess who Angela Pavageau is and why he committed these
20 crimes. And it was in that context that you got the
21 probing examinations of his childhood, of his relationship
22 with his father, of his service in Vietnam where he was a
23 sentry and served in a transportation unit, and -- and
24 what his exposure to potentially stressors in that context
25 were. Those were all factored in and considered, his drug

1 use, his alcohol use, exhaustively with the benefit of
2 every available test they could administer, and the
3 conclusions were unanimous and unequivocal. The best and
4 brightest the CDC had to offer doing the most
5 comprehensive almost six month evaluation concluded each
6 and every one that these were not the crimes of a
7 transient mental illness or some hysterical episode born
8 of drug use, sleep deprivation or PTSD. They were instead
9 the product of someone who is a sadistic sexual psychopath
10 whose condition is of such magnitude that it is not
11 amenable to -- to treatment. He is incurable. And in the
12 intervening period of time, as we have provided in our
13 statement, the science around that diagnosis has only
14 strengthened. Psychiatry and psychology today with the
15 contributions of neuroscience only more firmly believe
16 that sadistic sexual psychopaths like Pavageau do not get
17 better. In fact, that literature provides that the trend
18 is, if anything, but they get worse. The impulses,
19 impulses get stronger and they always acknowledge that, of
20 course, they are fortunately controlled in the
21 institutional setting. So the lack of violence against his
22 intended targets, women, not having happened, tells us
23 nothing about his dangerousness. We submit. We also
24 respectfully say that the nature of the crime and his
25 actions since then do nothing but to corroborate that

1 diagnosis. What Annette Carlson saw, the eyes she stared
2 into of this unworldly, calm, composed, utterly
3 unemotional person in between these episodes of explosive
4 violence, was the hallmark of a sadistic sexual
5 psychopath. The utter inability to offer any insight is
6 exactly what you would expect with someone with his
7 disorder. He can't get the facts right because he cannot
8 admit to what actually happened. He has no understanding.
9 As District Attorney Moore said again and again, he's,
10 he's, he's told this Board, I have no idea really why I
11 did this. I think that's essentially what he said in
12 response to your questions today, you cannot, you cannot
13 dismiss the 1991, uh, diagnostic. The, uh, I -- I'm
14 reminded of the Supreme Court guidance in in re Shaputus
15 which dealt with a material identical case. Current
16 evaluation said low risk. The Board relied on a prior
17 evaluation many years earlier, which is found to be much
18 more probative. Um, um, again, there is nothing that
19 compares to the diagnostic X in terms of the individuals
20 who were involved, the number of individuals involved, the
21 type of testing, the degree of testing, the degree of
22 observation and evaluation. Nothing compares to it, but
23 let me just comment on what I've heard today. Mr. Pavageau
24 admits to having lied repeatedly in January of this year
25 to the evaluation which concluded that he was low risk

1 about acts of violence, savage beatings against his
2 girlfriends and -- and wife. We assume he also lied in
3 telling the underlying facts of the crime as he's lied
4 today to this Board. And wouldn't it be relevant to a fair
5 evaluation of Angelo Pavageau for any CRA to account for
6 the fact that the inmate had completely fabricated the
7 core fundamental facts of the crime? I was provoked, I
8 shouldn't have done it, but I was provoked. Oh, and, and,
9 and the wife was nowhere near the actual grizzly murder.
10 Wouldn't that inform an assessment of dangerousness? Of
11 course it does. It's part of the criteria. He has no
12 understanding of the nature and magnitude of his crimes.
13 In re Shaputus said competent evidence does not evaporate.
14 Its context may change in light of subsequent
15 developments, but it does not disappear, and it made it
16 crystal clear that this Board is under no obligation, is
17 not, quote, "bound to accept," close quote, the current
18 evaluation. They don't compare in terms of their indicia
19 of reliability. The, uh, we want to note for the record
20 that we do believe as District Attorney Moore said that
21 the youthful offender criteria, which Commissioner Ndudim
22 started by mentioning simply do not apply as a matter of
23 law, and that it's a legal error to apply them with
24 Pavageau, uh, given that he was sentenced to death. Um,
25 let me now turn finally to the criteria under Marsy's Law

1 in considering the victim's interest in deciding the
2 appropriate deferral people -- the -- the appropriate
3 deferral period. Excuse me. I've been doing this a long
4 time, and it is fair to say that if in 49 plus years
5 Angelo Pavageau cannot admit the basic facts of his crime,
6 there is absolutely no reason, no fair basis to say he's
7 likely to do that in the next three, five, ten, fifteen or
8 a hundred. It's not going to happen. You've been told why?
9 He's a sadistic sexual psychopath with an incurable
10 condition. It should provide little comfort, little
11 comfort, that the bottom line recommendation was the
12 primary concern for the future should be maintaining a
13 secure environment for his long-term placement, following
14 the conclusion that he has an incurable disorder. We don't
15 have to read between the lines to know what that means,
16 but beyond the fact that we think it's legally correct, it
17 is the right decision based upon the criteria before you.
18 Granting the maximum deferral would give the sole
19 surviving victim of the crimes that night a measure of
20 peace, a measure of repose that she has been denied her
21 entire life. She was told by the justice system in 1974
22 that it'd be set, that it'd be executed and she wouldn't
23 have to worry about this. She didn't understand what was
24 about to come, but less than six years later, he started
25 coming up for parole, and those parole hearings have --

1 were -- occurred on average less than every three years,
2 and that Carlson is an especially soft spoken, gentle
3 person. I know from my direct three decades of personal
4 experience that this is incredibly, incredibly
5 debilitating for her. At least a year before the coming
6 parole hearing, she starts to mentally decompose. She is a
7 shut-in today. Having to vividly relive these events is so
8 awful, and she does so because she cannot shake the
9 obligation to come before you through us and share with
10 you her unique insight into the nature of Angelo Pavageau
11 witnessed that evening and how it bears on dangerousness.
12 But I ask you to factor in her interests as well as the
13 proven unlikelihood that anything material will change
14 about the core understanding of his crimes and deny parole
15 and further the next parole consideration for 15 years.
16 Thank you for your time.

17 **PRESIDING COMMISSIONER NDUDIM:** Thank you. Uh, we
18 will now go to the next, uh, speaker? You're on mute. Mr.
19 Bukaty, it looks like you are on mute. Oh, it looks like -
20 -

21 **SUPPORT BUKATY:** I'm sorry.

22 **PRESIDING COMMISSIONER NDUDIM:** I'm sorry.

23 **SUPPORT BUKATY:** Thank you very much, Commissioner. I
24 appreciate the opportunity to be here. Um, before we
25 listen to me, um, we have a recording. Um, our mother was

1 unable to be here today, and we would like to play that.

2 **PRESIDING COMMISSIONER NDUDIM:** What we would like to
3 do is to, uh, -- <inaudible> somebody -- if you can, uh,
4 identify who is speaking and then you can then --

5 **SUPPORT BUKATY:** <inaudible>

6 **PRESIDING COMMISSIONER NDUDIM:** -- play the
7 recording.

8 **SUPPORT BUKATY:** This is our mother, Elizabeth
9 Carlson.

10 **FAMILY REPRESENTATIVE BLAKE:** Commissioner, this is
11 Tyler Blake. Can you give me presentation access?

12 **PRESIDING COMMISSIONER NDUDIM:** Uh, you know, I don't
13 know whether I can be able to do that. Um, --

14 **SUPPORT BUKATY:** Commissioner --

15 **UNKNOWN:** <inaudible>

16 **DEPUTY COMMISSIONER STERN:** Who is that's wanting --
17 who is it that's wanting presentation access?

18 **FAMILY REPRESENTATIVE BLAKE:** Tyler Blake.

19 **VICTIM'S BROTHER CARLSON:** Tyler Blake.

20 **DEPUTY COMMISSIONER STERN:** I don't think that we are
21 able to do that?

22 **PRESIDING COMMISSIONER NDUDIM:** Yeah, I don't think
23 we are able to do that, Mr. uh, Mr. Blake.

24 **SUPPORT BUKATY:** Can -- can you give it to Eric
25 Carlson?

1 **VICTIM'S BROTHER:** Can you give it to Eric Carlson?

2 **PRESIDING COMMISSIONER NDUDIM:** I didn't hear what
3 you said.

4 **VICTIM'S BROTHER CARLSON:** Can you give access to
5 Eric Carlson?

6 **PRESIDING COMMISSIONER NDUDIM:** I don't believe we
7 can do that, too.

8 **SUPPORT BUKATY:** Okay. Please note we've submitted
9 that in the transfer form so that <inaudible>

10 **PRESIDING COMMISSIONER NDUDIM:** It will be -- it will
11 be part of -- actually a part of the record, Mr. Carlson.

12 **VICTIM'S BROTHER CARLSON:** Thank you very much.

13 **DEPUTY COMMISSIONER STERN:** You -- you also submitted
14 the video statement, correct?

15 **VICTIM'S BROTHER CARLSON:** Yes, that's correct.

16 **DEPUTY COMMISSIONER STERN:** Yeah, we -- we received
17 it. It was reviewed.

18 **VICTIM'S BROTHER CARLSON:** Okay.

19 **PRESIDING COMMISSIONER NDUDIM:** You may proceed. Just
20 reintroduce --

21 **VICTIM'S BROTHER CARLSON:** Um, --

22 **PRESIDING COMMISSIONER NDUDIM:** -- yourself and then
23 you can proceed.

24 **VICTIM'S BROTHER CARLSON:** Thank you. Good morning,
25 everyone. My name is Eric Carlson. I'm the younger brother

1 of Frank Carlson who was murdered by Angelo Pavageau on
2 April 18, 1974. Frank couldn't be here today, but he's
3 with us. I'd like to thank the Board of Parole for the
4 opportunity to speak today. I'm appearing today on behalf
5 of my brother who is not able to speak for himself. I'm
6 here to request the parole Board retain Angelo Pavageau in
7 custody for the maximum term available of 15 years. Frank
8 couldn't be here today. This is a photograph of Frank and
9 Annette on their wedding day. I'm in the photo next to
10 him. He asked me to be the best man at his wedding. I was
11 13 years old, and he asked me to do this for him. I told
12 him that if I did that, that he would have to be the best
13 man at my wedding. I married my wife in 1986. She's here
14 with me today. I had no best man at my wedding. I'm
15 informed that it's still important in your decision that
16 you understand who the victim was and his importance in my
17 life. Frank Carlson was my older brother. I already told
18 you that. What you need to understand is that Frank
19 Carlson was my hero. Sibling relationships can vary.
20 Family dynamics, age differences, and living circumstances
21 will affect them. For me, our nine year age difference
22 made the relationship between us special and unique. Our
23 parents provided both of us all the love and support so
24 necessary to raise a child. My brother was my guide from a
25 very young age. He helped me to process the events around

1 me, to provide wisdom, and to decipher the world. My
2 brother helped me to become who I am today. We are
3 children of San Francisco. We go back four generations on
4 our mother's side. Frank met his wife, Annette, when our
5 family was a member of Ebenezer Lutheran Church on West
6 Portal Avenue. Our dad worked for United Airlines. His job
7 was to keep United's fleet of planes in top shape. He
8 taught us precision, accuracy, and mechanical skills. Our
9 mom had three careers. First, as a registered nurse. When
10 I was in elementary school, she became a retail store
11 manager for a Bay Area retail chain, and at age 65 she
12 became a staff assistant to Congressman Tom Lantos, a
13 legend of the House of Representatives. She lived to help
14 other people and providing answers to people. Wrestling
15 with the impersonal complexities of the federal
16 bureaucracy gave her some meaning. I was born December
17 24th, 1957, Christmas Eve. Even before his death, our
18 mother liked to recount the story of our parents bringing
19 me home from the hospital. According to family legend,
20 after getting settled, the first thing our mother did was
21 to place me in Frank's arms. My baby brother is the best
22 Christmas present I will ever get in my entire life he
23 would explain, and what a short life it was. We had a very
24 ordinary San Francisco childhood. Our parents loved us
25 both and provided us with the necessary moral grounding

1 and life skills required to successfully navigate what was
2 ahead of us. We were taught all the basics. Golden rule.
3 It's better to give than to receive, love thy neighbor,
4 the virtue of hard work, do unto others as you would have
5 them do unto you with dignity and grace inherent in every
6 individual. These are beliefs to which I still subscribe.
7 I'm not a religious person. This event caused me to
8 question many things and whatever faith I may have
9 possessed is also a victim of these crimes. Who could
10 believe in a God that created Angelo Pavageau? From a very
11 young age, I looked up to my brother as my protector. He
12 watched over me. While our parents provided all the
13 necessary grounding rules, responsibilities a healthy
14 individual requires to exist in society, my brother
15 provided insight and perspective. He was my go-to for
16 questions about life that would be awkward for my parents.
17 From an early point in my life, my brother treated me like
18 a peer. We spent a lot of time together, and he schooled
19 me in things like art, music, cards, relationships, and
20 politics. The sixties were a tumultuous era, and San
21 Francisco was at the heart of social change. My brother
22 helped me to understand it, process it, and embrace it.
23 That is why I miss my brother, and why I am shattered
24 that, instead, something very, very bad happened to him,
25 and there was nothing I could do to prevent it or to make

1 his departure from this world less painful than what he
2 had to endure on that terrible night. For my brother, I
3 think my presence in his life was a link to innocence and
4 a happy childhood he could still vicariously enjoy, by
5 having me around him. The nine year age difference meant
6 he could give me things that he, himself, had technically
7 outgrown: Matchbox at Hot Wheels cars; comic books; Mad
8 magazines, <inaudible>. He took me record shopping with
9 him. He was always trying to educate me about music. He
10 and his teenage friends spent weekend nights at the
11 Fillmore, Avalon and Winterland Ballrooms in San
12 Francisco, seeing all the great bands of that era. I was
13 looking forward to joining him at those places once I was
14 old enough. As the years wore on, Frank would continue in
15 the role of my guide and my protector. By 1968, he'd moved
16 out of our family home and was attending San Francisco
17 State where he graduated with a degree in English and
18 journalism. He wasn't around to babysit, but he would
19 frequently drop by our house after school or on the
20 weekends to take me along with him on some kind of errand
21 or expedition. I would ride shotgun in his beat-up old
22 mustang as he took me places in the Bay area I would never
23 have gone at age 11 or 12 had it not been for him,
24 wrecking yards of China Basin where he was always on the
25 lookout for spare parts to keep his car running. Mexican

1 restaurants in the Mission, free concerts in Golden Gate
2 Park. If I know my way around San Francisco today, it's
3 because Frank taught me every street, every road, every
4 freeway, on-ramp or off-ramp, and the viability of
5 shortcuts that still work today. Being with him was always
6 exciting, very adult, sometimes even a little bit
7 dangerous. When we were done, he'd drop me off at home.
8 He'd look me in the eye and give me very specific
9 instructions. Don't tell mom and dad where we went today.
10 By my teenage years, our relationship was changing. We
11 weren't talking about the latest TV episode of The Monkeys
12 or Star Trek anymore. Conversations would become deeper
13 and more adult. He bought me books by his favorite
14 writers, people like Kamoo, Bradbury, and Lovecraft. He
15 was a huge movie fan, so he'd take me to see all the great
16 R-rated movies of the 1970s, like Mash, Godfather,
17 Deliverance; films that required minors to be accompanied
18 by a guardian. Frank and Annette were beginning to collect
19 art. I've learned about Escher, Lautrec and the
20 Impressionists. We finished our evenings at Tommy's joint
21 or pizza places in North Beach. We talked politics, the
22 futility of the Vietnam War or the hideousness of the
23 Nixon administration. He would teach me to drive a stick
24 shift using the BMW he bought to replace the old Mustang.
25 He was giving me advice on girls. I spent a lot of time

1 with Frank and Annette as the third wheel, and it's from
2 them I learned what romantic love really is. He graduated
3 from San Francisco State University of 1970 with a degree
4 in English and journalism. He wanted to be a writer and
5 before his death he was submitting articles to local
6 papers and interviewing at Rolling Stone Magazine. He had
7 a full-time job with Safeway. He and Annette were thinking
8 of starting a family. They were adults, and I was in line
9 right behind them. I could sense our relationship was
10 evolving, and I was looking forward to knowing my brother
11 as an adult from the perspective of being an adult myself.
12 Frank Carlson was my guide and my role model. And on April
13 18th, 1974, he left this world having done nothing
14 whatsoever to promote the wrath of Angelo Pavageau. That
15 date, April 18th, has significance in the minds of many
16 San Franciscans. As a historical footnote, it's not only
17 the date that Angelo Pavageau wrecked unspoken horror on
18 my family, this is the date of the great quake of 1906
19 that killed over 3,000 people. The fact both events
20 happened on the same day has never been lost on me. In the
21 years after it happened, our mother would compare the
22 events of that day to a bomb going off. The immediate
23 victims of the crime were Frank and Annette. The explosive
24 shrapnel scarred the rest of us, and the ring of people
25 affected is a wide one. We've provided the parole Board

1 with correspondence from first responders, members of the
2 police, fire, EMT squads that came to help that night. All
3 of these heroes <inaudible> the violence of the crime, the
4 horror of what they encountered, and how that event has
5 remained with them to this very day, and all of them tell
6 you they have never seen a scene of such utter criminal
7 devastation nor felt sadness of such a monumental quality.
8 After this event, our parents would never be the same. If
9 you asked me to tell me -- if you were to ask me to tell
10 you what the impact of this event was on them, I can only
11 describe what Angelo Pavageau did as truly heartbreaking.
12 He broke our parent's hearts. He broke their hearts, and
13 maybe that's not a crime -- we've already heard in great
14 detail the horror of the actual crimes that he committed -
15 - but I will make the claim that the crime of heartbreak
16 is every bit as profound, cruel, and hurtful as the crimes
17 he committed against my brother and Annette that awful
18 night. The morning after it happened, the police required
19 a family member to go to the morgue to identify the body.
20 Our father took on this responsibility. It would be many
21 years after the crime before he could talk to me about
22 that day, he only said one thing to me. I did what I had
23 to do. Our mother was a different story. She channeled the
24 rage inside her in productive ways. She organized people
25 and worked to change the laws surrounding victims' rights.

1 In the 1980s, these hearings were an annual occurrence for
2 our family. She worked in Sacramento and Washington, DC to
3 give voice to people like us. Caught up in a heartless and
4 complex system that seemed designed to make us want to
5 either give up or shut up. She found meaning working as a
6 staff assistant -- staff assistant to Congressman Tom
7 Lantos as an advocate for military veterans. That was a
8 role she would hold for 25 years until she finally retired
9 at the age of 90. For me, as a teenager, I found the
10 easiest way to deal with this event was to put it away
11 somewhere deep inside of me. I would take it out only if I
12 had to. I never spoke about it. In 1975, I went off to
13 Stanford University where I could make new friends and
14 never have to deal with the sadness inside of me. And like
15 any teen -- teenager with a big problem, I found the
16 easiest way to deal with it was to not deal with it.
17 Fitting in with new friends required subtle re-engineering
18 of my family history. If I was ever asked about my
19 background, I became the lucky only child who received the
20 full attention of his parents. The last thing I wanted to
21 do was share this event with people who were becoming
22 close to me for fear of scaring them away with the
23 inherent horror of the story. And that worked for a while,
24 but I found my inability to have those conversations with
25 people ultimately self-defeating. I've told my friends

1 that I never wanted this event to define me, who I am as a
2 person, but I've also sadly come to realize that this
3 event is as much a part of me as being left-handed or
4 having green eyes. Ignoring it is not an effective
5 strategy, and sharing it is not an easy task for me or for
6 the person who hears it. The wounds I experienced are not
7 physical, they're psychological. Since the day this event
8 took place, my brother and the pain he experienced have
9 never left my mind. He is the first thing I think about
10 when I wake up. He is the last thing I think about when I
11 go to sleep. Death is a natural part of life. We depart
12 this existence in unique and personal ways. Diseases,
13 traffic accidents, natural disasters, and cataclysms are
14 visited upon us. The survivors mourn, the impacts are laid
15 to rest, and slowly the tragedy fades, but not with
16 murder. We have a system that mandates a Hobson's choice.
17 The memory of your loved one requires participation in a
18 system that requires you to keep the pain alive and close
19 to you. If you want your loved one's life to have meaning
20 then you have to keep living the event over and over
21 again. I can check out and move on, but I couldn't do that
22 and live with myself. So here we are today. Fortunately,
23 I'm surrounded by people who understand the impact this
24 event had on my life. People like my wife, who is here
25 today at my side. I need to emphasize to you that she has

1 taken this event and made it as much a part of her own
2 identity as any human can do, and I love her for eternity.
3 We have no children. I watch my parents lose their oldest
4 child, and I am not prepared to experience that pain in my
5 own life. I'm surrounded by friends who know there is no
6 way they could ever replace my brother, but they also
7 understand how their presence in my life helps fill up the
8 hole in my soul that Angelo Pavageau created. I hope by
9 now you understand the effects of my brother's loss on me,
10 my family, and the wide circle of friends that surrounds
11 us. Perhaps the biggest result of Frank's death has been
12 felt by anyone impacted by Frank's life unlived, the good
13 work's undone and the sadness that descended to fill the
14 void left by his passing. Frank Carlson was a good, kind
15 person with nothing but love for his fellow man. Had Mr.
16 Pavageau rung Frank's doorbell and asked for help instead
17 of killing him, I have no doubt that Frank would have
18 helped him. That is the kind of person my brother was.
19 Instead, over the last 49 years, we have had to prepare
20 for 17 hearings on average less than three years apart. I
21 appear today as did my mother before me and my father
22 before me to speak for Frank because what we know about
23 Pavageau compels us to oppose parole because we must do
24 our part despite how horrible this process is for us to
25 ensure that society is kept safe. Mr. Agoglia has

1 presented a well-crafted legal rationale for why our
2 family is requesting Mr. Pavageau stay in the correctional
3 system to be extended by the maximum allowable term of 15
4 years. I'm not a lawyer, so I'm not in a position to
5 expand on that line of thought. At the same time as a
6 layman, a citizen in the state of California and someone
7 directly impacted by these crimes, I can construct a
8 logical line of thinking to support that rationale. A jury
9 of his peers sentenced Mr. Pavageau to death. His sentence
10 was changed. Not because any judge or jury hearing the
11 crime thought Pavageau should ever be considered for
12 parole; simply put, we're operating under terms and
13 conditions that were not the intent of the jury that
14 determined his sentence. As a result of this, my family
15 finds itself appearing in front of this body on average
16 every three years since this crime took place. This is the
17 very definition of cruel and unusual punishment. In his 49
18 years of incarceration, we still don't know why Mr.
19 Pavageau did what he did that terrible night. Along the
20 way, he's only offered lies and excuses that he's been
21 forced to recant. No real acknowledgement of the gravity
22 of his crimes to any of us survivors. No true attempt at
23 an apology. There have been no efforts to atone for his
24 crimes. Aren't these things required of him before he is
25 considered for release? Should the Board determine he is

1 <inaudible> release, I ask you to consider the world into
2 which he would be released. Mr. Pavageau has no marketable
3 skills. How would he support himself? The role of 2023 is
4 in many ways much more complex than the world Mr. Pavageau
5 left in 1974. He does not possess the ability to navigate
6 life. The communities where he might find shelter are not
7 welcoming. He would be very quickly exposed to things that
8 would not support his viability. Cheap addictive drugs
9 like heroin or fentanyl, malnourishment, illness,
10 substandard living conditions. Perhaps if one looks for
11 the most humane action we as a society can take, retention
12 in the correctional system really is the best option. That
13 way you can consider the actions that caused him to be
14 sent there in the first place. I think about his crimes
15 every day of my life. Why shouldn't he? Today, I'm opening
16 up to members of the Board about the single most awful
17 thing I have ever experienced in my lifetime. Something
18 experienced at the age of 16, no less. I've shared things
19 with you today I have yet to do with any professional
20 grief counselor, and I do it gladly in the hope that it's
21 impacting your decision making. In 2010, as our mother was
22 leaving this world, I reassured her that I would take over
23 the responsibility of attending future hearings and
24 working to keep Mr. Pavageau in prison. I knew then how
25 much work these events represented and how emotionally

1 draining they can be, but I also knew how important they
2 were, not only for us, but the people around us and the
3 society we live in. My mother told me each of that was
4 different because the story continues to evolve. She told
5 me that the burden would be eased by the support from
6 people around me. She also said as I go through these
7 hearings that I would experience love like I had never
8 known, and she was right. As part of our efforts to
9 prepare for this hearing, I created a website to tell
10 Frank's story and offer the reader a chance to provide
11 comments to the Board regarding the potential release of
12 Mr. Pavageau to society. The response was humbling and
13 overwhelming. We received over a thousand emails or
14 written expressions of protests, the overwhelming majority
15 from strangers who read the story and were moved to act.
16 Many of them also wrote personal notes of support that
17 were intimate, heartwarming, and extremely emotional. The
18 kindness of strangers is a very real phenomenon. We
19 received letters of support from people that knew Frank
20 and Annette as children, schoolmates, friends or
21 coworkers. They shared stories of moments or events that
22 speak to their humanity and the shared tragedy of Frank's
23 loss and Annette's scarring. One of the emails to me was
24 from a colleague of Frank's that worked with him at the
25 San Mateo Safeway -- Safeway store where Frank was the

1 assistant manager. This is what he had to say. I worked
2 with Frank Carlson at Safeway in San Mateo. Frank was well
3 liked by the regular customers and all the fellow
4 employees. He was one of those special people that
5 everyone liked, probably because Frank genuinely liked
6 everyone. When he spoke about his wife, Annette, we knew
7 he loved her because he glowed. He glowed. On the night of
8 April 18th, 1974, Angelo Pavageau, a complete stranger,
9 broke into Frank and Annette Carlson's home. He terrorized
10 them. He beat Frank to death with his possessions while
11 Frank did what he thought was right to try to protect
12 himself and his wife. He pulverized his skull with a
13 ferocity and intensity that defies description. He beat
14 him to death and the glow, all the beautiful light drained
15 out of him, and then the darkness took over. Angelo
16 Pavageau then shifted his attention to Annette Carlson,
17 the wife Frank loved beyond words and his evil continued
18 as he raped and tortured and hurt her to the point where
19 she almost died. He stole the beautiful jewelry Frank had
20 bought for her, including her wedding ring. Then he set
21 their home on fire and left. And after that was done, he
22 went home, cleaned up and went to work. Later that
23 morning, he would do an innocent drive by of the home to
24 inquire of the police on duty just what the heck had
25 happened to create such a scene of destruction. In a few

1 minutes, you're going to leave this hearing and adjourn to
2 your chambers to evaluate the material presented to you
3 today. And I look to the God I no longer believe in, to
4 provide you the wisdom and the faith that's required to
5 render your decision. The only decision in this instance
6 that is fair and just. May whatever light that remains
7 from that horrible night in 1974 guide your path. Thank
8 you for your time today.

9 **PRESIDING COMMISSIONER NDUDIM:** Thank you, Mr.
10 Carlson. Uh, just before, uh, we go to the next speaker,
11 just wanna let you know just as uh, Commissioner Stern
12 indicated, we do have, uh, the evidence and the, uh,
13 audio, not only, not only that, the transcript of that
14 audio, I believe it's on page 42 of the full, uh, 10 day,
15 uh, report. So that's part of the record, and we've
16 reviewed that. And not only that, also as we as going
17 through this hearing, there's additional opposition
18 documents that's been sent to the Panel. So we all, we
19 have all of those records. Uh, we then now go to the next,
20 uh, speaker. Are there any other speakers that'd like to
21 speak before we uh, <inaudible> Mr. Carlson, if you can
22 mute your audio?

23 **VICTIM'S BROTHER CARLSON:** Uh, yeah. I think we're
24 good.

25 **UNKNOWN:** <inaudible> Commissioner, if you could --

1 **PRESIDING COMMISSIONER NDUDIM:** <inaudible> Carlson
2 <inaudible> hearing. Who would like to go next?

3 **UNKNOWN:** Commissioner --

4 **PRESIDING COMMISSIONER NDUDIM:** Good. You got it. You
5 got it. Is there any other speaker? Mr. Agoglia, I think
6 you are on mute, sir.

7 **FAMILY REPRESENTATIVE AGOGLIA:** My apologies. There
8 are four different buttons apparently we have to click to,
9 um, transfer it over to my audio. But, um, uh, uh,
10 Commissioner Ndudim, I uh, that concludes the presentation
11 on behalf of victims.

12 **PRESIDING COMMISSIONER NDUDIM:** Thank you so much.
13 Uh, the time now is 11:32. Uh, Commissioner Stern and I
14 are going to be temporarily departing from this meeting to
15 deliberate on your case, Mr. Pavageau, and upon reaching a
16 decision, as I indicated, we'll come back and let you know
17 what our decision is. Uh, we are off the record.

18 **RECESS**

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CALIFORNIA BOARD OF PAROLE HEARINGS**DECISION**

DEPUTY COMMISSIONER STERN: We are back on the record.

PRESIDING COMMISSIONER NDUDIM: Thank you Commissioner. The time now is 11:51 a.m., and all of the parties that were previously identified have returned for the issuance of the decision regarding inmate Mr. Angelo Wilbert Pavageau, CDCR number B as in boy, 58812. So, Mr. Pavageau, this Panel C number B as in boy, 5 8 8 12. So Mr. Pavageau, this Panel do see, sir, that you have been incarcerated for almost 50 years. We also do see that you are making progress towards your overall rehabilitation. However, in reviewing the entirety of the evidence present and the record today, sir, we do see that still some additional areas, that I will explain to you in this decision, that you need to work on in addressing your journey of rehabilitation. Therefore, the applicable legal standard in reviewing parole suitability is that the Panel must determine whether the inmate currently poses an unreasonable risk to public safety and a denial of parole must be based on finding that the inmate poses a current danger to society. In addition, this Panel is also required to apply additional laws. The law requires us to

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1 give great weight to youthful factors when determining
2 your suitability for parole today and also the law
3 requires us to give special consideration to elderly
4 factors when determining your suitability for parole. As a
5 result, based on the legal standard of the record, we find
6 that you do pose a current unreasonable risk to public
7 safety at this time and are, therefore, not suitable
8 parole. In reaching our decision, sir, we considered the
9 the following: We reviewed your Central file, we reviewed
10 the Comprehensive Risk Assessment, we reviewed the
11 voluminous documents in the 10-day file and the additional
12 document that was submitted during this hearing, too. We
13 also listened carefully to your testimony, the statements
14 and the powerful statement from the victim's, uh, family
15 members and the information provided to this Panel by the
16 San Francisco Deputy District Attorney.

17 UNKNOWN: <inaudible>

18 PRESIDING COMMISSIONER NDUDIM: Sir, we also reviewed
19 the confidential information in your Central file but did
20 not rely on any confidential information in reaching our
21 decision today. Therefore, our decision is anchored on the
22 following: In regards to your criminal parole history,
23 sir, we do find those to be mitigating. Your record does
24 show an absence of any juvenile arrest nor conviction,

25 ANGELO PAVAGEAU B58812 04/25/23 DECISION PAGE 2

1 including any adult arrest or conviction except for the
2 commitment offense and also do show that you have --
3 there's no documented evidence that you were under a
4 supervised parole. In regards to the your offender self-
5 control, we found this to be aggravating. Sir, as you told
6 us today and the record does show you were clearly out of
7 control. You did admit to this Panel today that you were
8 under the influence when you committed this crime, and the
9 evidence does show, sir, that you had not only responded
10 to anger through violence, that you were selfish, uh, sir,
11 and as you tried to explain to us, sir, uh, you were
12 engaged in victim complex, which you responded in anti-
13 social ways. The record does show, sir, that you did enter
14 the home of these victims and for a period of three to
15 four hours, bound and bludgeoned the victim to death, not
16 only death, sir, you did rape and cause physical injuries
17 to the female victim. And not only that, and attempted to
18 set the, uh, their home on fire using gasoline as an
19 accelerate. Your action throughout the commission of this
20 crime is, frankly, callous, and you did have a criminal
21 attitude when you committed your crime. However, the
22 factors discussed so far are static which means that they
23 do not change. The California Supreme Court has found that
24 after a long period of time, these unchangeable factors
25 **ANGELO PAVAGEAU B58812 04/25/23 DECISION PAGE 3**

1 such as the commitment offense, may no longer indicate a
2 risk of current danger to society in light of a lengthy
3 period of rehabilitated programming. However, something
4 current can make these static factors still remain
5 relevant. So we're going to walk through those areas, sir,
6 where you can demonstrate rehabilitative change. The first
7 will be your programming. So we find those to be neutral.
8 We do do see and acknowledge that you've engaged in
9 programming to address your risk factors. However, as we
10 speak to you today, there are several risk factors that
11 you have not yet sufficiently addressed, and we're talking
12 about your insight into your -- into your commitment
13 offense, your self-awareness, issues with regarding to sex
14 offender, frankly domestic violence, victim impact,
15 criminal thinking, denial management. So we do acknowledge
16 that you've done some work. However, those areas that are
17 pertinent, sir, still need additional work from you. Now,
18 we then turn to your institutional behavior. We find those
19 to be mitigating. So while you've committed some serious
20 institution misconduct, this Panel would like to point out
21 that your last violent institutional misconduct was over
22 four decades ago. And not only that, your last
23 institutional misconduct was in 2001. So we want to
24 commend you for the absence of any for that institutional

25 **ANGELO PAVAGEAU B58812 04/25/23 DECISION PAGE 4**

1 misconduct for almost 20 -- over 20 years. And you do have
2 laudatory chronos from, you know, the COs that you work
3 with that attest to that fact. We then go to your offender
4 change. Sir, we do find this to be aggravating. Talking
5 with you today, sir, while we do see there's some evidence
6 that you are different today than since when you committed
7 your crime, but that change, frankly, is not substantial.
8 Sir, it is not only not substantial, it's not durable. I'm
9 gonna refer back to what you -- when you spoke to the
10 clinician a little over three months ago, sir. You were
11 still engaged in criminal thinking, obfuscation, and,
12 frankly, not being not only honest with that clinician
13 and, frankly, the journey -- the journey for
14 rehabilitation starts with not only being honest with
15 yourself but you have to be honest with the people that
16 are talking to you. Again, while we do see, sir, that you
17 have abstained from further institutional misconduct since
18 2001, not only that, we note you haven't gotten any
19 misconduct for substance abuse. However, when we look at
20 your programming today, we see that there are several gaps
21 in that programming that, again, as I indicated earlier,
22 that have not been adequately, uh, addressed. We talked
23 about that sex offense, sir, you were convicted for rape.
24 You need to do some programming on sex offending to

25 **ANGELO PAVAGEAU B58812 04/25/23 DECISION PAGE 5**

1 understand the impact of your actions then to sufficiently
2 understand the triggers, not only internal but external
3 triggers to that offense and the coping tools to address
4 those issues so that you do not engage in that type of
5 behavior and victimize another individual in the future.
6 Sir, I will also talk to you about domestic violence. It
7 was clear to this Panel, sir, that you are still
8 struggling with that issue. Sir, you were asked about the
9 types of domestic violence. You can't even articulate the
10 types of domestic violence that you engaged in, and we do
11 see, sir, that not only, again, you do not understand
12 that, and we encourage you to continue with that
13 programming. There's also issues with your understanding
14 of victim impact. We talked about denial management --
15 denial of management. Again, we do see that taken
16 together, sir, you do lack sufficient understanding into
17 the insights, into the causative factors that led to your
18 life crime, and, frankly, are still struggling to accept
19 full and complete responsibility for your criminal
20 conduct, and you continue to minimize and deflect blame.
21 And then, again, lack of understanding not only of the
22 harm that you have caused to your victim, ultimately, but
23 this Panel has determined that you have not engaged in a
24 lengthy and sufficient period of positive rehabilitation.

25 **ANGELO PAVAGEAU B58812 04/25/23 DECISION PAGE 6**

1 Therefore, you do present an unreasonable risk to public
2 safety at this time. With regards to your release plans,
3 sir, we find those to be neutral. Sir, we did see the
4 parole plans that you submitted and we talked to you
5 about. We do see that you have acceptance to transitional
6 housing. You do have support in your community. Also, you
7 do have a relapse prevention plan, but there's still gaps
8 in that relapse prevention plan. It doesn't include
9 anything regarding anger. Doesn't include anything
10 regarding sex offenders. So, sir, parole-- a relapse
11 prevention plan is a living document and we encourage you,
12 sir, to continue to update that in your next hearing. We
13 also reviewed the results of the Comprehensive Risk
14 Assessment. The doctor determined you to be a low risk for
15 future violence and as I did mention, as we talked about,
16 we do see there's still areas, sir, that you need to
17 continue to address. In regards to the youth offender
18 factors, sir, we do see and the record does show that you
19 do qualify as a youth offender. And we did give -- see
20 that at the time of the crime parts of your brain are not
21 fully matured and the record does show that you grew up in
22 a tough environment. We also see the hallmark features of
23 youth, the immaturity, the underdeveloped sense of
24 responsibility, the <inaudible> , sir. However, you are
25 **ANGELO PAVAGEAU B58812 04/25/23 DECISION PAGE 7**

1 still struggling with subsequent growth and as was pointed
2 out today, sir, even after 26 years of age, you were still
3 engaged in misconduct. In regards to elderly parole
4 factors, you are qualified as an elderly offender.
5 Therefore, this Panel gives special consideration to the
6 mitigating <inaudible> of your advanced age and the length
7 of your incarceration and all of those medical issues that
8 may mitigate some of your risk factors, and we also
9 listened to the powerful statements from the victim's
10 family members and the district attorney. So what is the
11 nexus, sir? The nexus, sir, that we do know when you
12 committed this crime you talk -- you talked to us today
13 about your acceptance of responsibility, but you are still
14 struggling, as we talked to you today, about why you
15 committed this crime, and the reason being, sir, is that
16 you have not engaged in those programs, understanding
17 those programs, and that -- what that means to us today is
18 that if you do not understand why you committed this
19 crime, and show and demonstrate your inability to
20 recognize those risk factors that led to you committing
21 this crime and, frankly, not taking full responsibilities
22 for your action. At this time, I'd like to pause to see
23 whether Commissioner Stern has additional comments to the
24 decision. Commissioner.

25 **ANGELO PAVAGEAU B58812 04/25/23 DECISION PAGE 8**

1 **DEPUTY COMMISSIONER STERN:** Thank you. Um, I concur
2 Mr. Pavageau, with everything that the Commissioner has
3 told you. I think he's been very clear and very thorough
4 about the, uh, the concerns that we see. I'm just gonna
5 add a couple of things. Um, it's clear that you have, um,
6 done some work and that you have attended some appropriate
7 treatment groups, and I give you credit for that. But the
8 change process that we expect to see from somebody who's
9 been in prison as long as you have been here, been in
10 prison, it's not where it needs to be. You need to
11 continue to think through what you're learning in your
12 programming and in your treatment to really have a better
13 understanding of how you -- of how you could have allowed
14 yourself to commit a crime like this so that you can make
15 sure that it never, ever, ever happens again. And it's
16 just, it's just not quite there yet. And like the
17 Commissioner said, keep working on your parole plans and
18 your relapse prevention plans, the reentry plans. It's
19 really important that those are thorough and comprehensive
20 because you've been in prison for so long. You um, should
21 you be found suitable for parole, you are gonna be
22 entering a completely different reality than the one that
23 you left, and you need to really make sure that you have
24 support and you have thought through how that might look
25 **ANGELO PAVAGEAU B58812 04/25/23 DECISION PAGE 9**

1 for you. Um, I would also just echo what the Commissioner
2 said about sex offender treatment and, um, additional work
3 on victim impact and domestic violence. Commissioner, I
4 have nothing else to add. Thank you.

5 **PRESIDING COMMISSIONER NDUDIM:** Thank you
6 Commissioner. So as I indicated, sir, based on these
7 findings, we conclude that you do pose a current danger to
8 public safety at this time. Accordingly this Panel finds
9 you unsuitable for parole. With regards to the length of
10 denial, sir, as I indicated, there has been an absence of
11 any violent misconduct from you for over four decades. So
12 we do see that you continue to engage in programming and
13 we continue to encourage you to continue to do that.
14 Therefore, this panel does not see that a 15 -- neither a
15 15 nor a 10 year denial is appropriate. Instead, the next
16 parole suitability hearing shall be set in three years'
17 time. You can request an earlier hearing that the denial
18 period we issued today provided there has been a change of
19 circumstance or new information establishing a reasonable
20 likelihood that you do not require an additional period of
21 incarceration. The Petition To Advance, form 1045, will be
22 provided to you. In addition, sir, this Panel is going to
23 make the following recommendation. One is that you
24 continue to abstain from any misconduct. Getting any 128

25 **ANGELO PAVAGEAU B58812 04/25/23 DECISION PAGE 10**

1 or 115, sir, is going to make it difficult for you to be
2 found suitable. We also -- also encourage you, sir, to
3 engage in those programs that we've talked about. Sex
4 offense, domestic violence, criminal thinking, victim
5 impact. Sir, this decision is not final. It will be
6 reviewed by the Board for up to 120 days. You will be
7 notified in writing if there are changes to this decision.
8 On behalf of Commissioner Stern, we want to thank
9 everybody participating in this hearing today. The time
10 now is 12:06 p.m. We are off the record. Thank you,
11 everybody.

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25 ANGELO PAVAGEAU B58812 04/25/23 DECISION PAGE 11

ADJOURNMENT

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.

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CERTIFICATE AND DECLARATION OF TRANSCRIBER

I, Paula Harden, am a disinterested party, and have no interest in the outcome of the hearing. Further, I certify this transcript is a true, complete, and accurate record, to the best of my ability, of the recorded material provided for transcription of proceeding for:

In the matter of the Parole
Consideration Hearing of:

CDC Number: **B58812**

ANGELO PAVAGEAU

CALIFORNIA MEDICAL FACILITY

VACAVILLE, CALIFORNIA

APRIL 25, 2023

8:32 AM

Signed: *Paula Harden*

Transcribed by: Paula Harden

Dictate Express Transcription

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