

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

ROGER MOORE, C-38192

First-degree murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

On March 6, 1981, Roger Moore and Charles Williams argued with Paul Ward, who was a 68-year-old amputee confined to a wheelchair. Mr. Moore and Mr. Williams beat Mr. Ward to death. The motive for the beating is unclear, but it may have been a robbery gone wrong or because Mr. Moore believed Mr. Ward made a comment about his deformed left arm. Mr. Ward's body was discovered the following day nude from the waist down. His pants were eight feet away. Mr. Ward's wheelchair was folded and lying on its side near the body.

GOVERNING LAW

The question I must answer is whether Mr. Moore will pose a current danger to the public if released from prison. The circumstances of the crime can provide evidence of current dangerousness when the record also establishes that something in the inmate's pre- or post-incarceration history, or the inmate's current demeanor and mental state, indicate that the circumstances of the crime remain probative of current dangerousness. (*In re Lawrence* (2008) 44 Cal. 4th 1181, 1214.)

DECISION

The Board of Parole Hearings found Mr. Moore suitable for parole based on his remorse, acceptance of responsibility for the crime, age, vocational and work ratings, disciplinary-free time, and psychological evaluation.

I acknowledge Mr. Moore has made efforts to improve himself while incarcerated. He has served over 31 years in prison and has not been disciplined for serious misconduct since 1995. He has completed multiple vocational programs and participated in Alcoholics and Narcotics Anonymous, the Dual Diagnosis Chemical Dependency Treatment Program, therapy groups, and other self-help classes. I commend Mr. Moore for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

The cruelty and violence of Mr. Moore's crime is disturbing. Without provocation, Mr. Moore and Mr. Williams senselessly beat an elderly wheelchair-bound amputee to death.

Mr. Moore does not adequately understand the reasons he committed this terrible crime. He vaguely explains that his rage built up over time because he was bullied and teased by kids as he was growing up because of his physical disability. Mr. Moore further explains that he felt abandoned by his birth parents because he was adopted. The psychologist who recently evaluated him said “his reliance on his physical condition and having been put up for adoption as causative factors for his actions in the life crime is limiting and superficial.” I agree. Childhood bullying does not explain the considerable rage Mr. Moore exhibited by brutally beating a 68-year-old to death. Nor does being adopted as a child. I don’t find his attempts to explain his crime very persuasive.

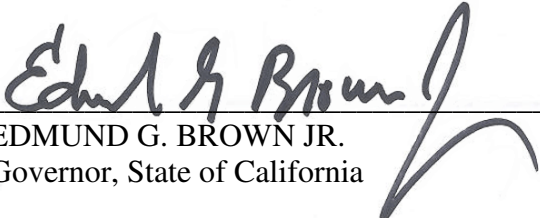
I am also troubled by Mr. Moore’s uncertain psychological state. At his parole hearing, Mr. Moore indicated he was taking medication “for the voices, worried about people jumping on me.” His central file shows that he has received psychological treatment in prison for the past 17 years because of depression, borderline personality disorder, suicide attempts, and sexual issues. The 2008 psychological evaluation indicates that Mr. Moore started hearing voices in childhood. The psychologist who assessed him in 1999 described that at least one year before the crime, Mr. Moore began to have paranoid and delusional thoughts that others were talking about him, laughing about him, or trying to hurt him, and opined that Mr. Moore’s paranoia and failure to take his prescribed psychotropic medication that day contributed to his crime. Despite this extensive mental health history, Mr. Moore could not name his current medication at the hearing. He said he was only taking one drug. At the end of the hearing, his attorney listed three medications Mr. Moore was presently taking. These drugs are commonly used to treat schizophrenia, bipolar disorder, mania, and anxiety, among other issues. Because Mr. Moore does not have a firm understanding of his required mental health treatment and because of the extent of his mental health issues and their connection to the murder, I am not prepared to release him.

Mr. Moore’s recent psychological assessment makes no mention of auditory hallucinations despite his long history of hearing voices. I direct the Board to complete a new psychological evaluation before Mr. Moore’s next hearing that includes a comprehensive description of the extent of Mr. Moore’s mental health issues, his treatment needs, prognosis, and impact of his mental state on his propensity for violence.

CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Moore is currently dangerous. When considered as a whole, I find the evidence I have discussed shows why he currently poses a danger to society if released from prison. Therefore, I reverse the decision to parole Mr. Moore.

Decision Date: September 14, 2012


EDMUND G. BROWN JR.
Governor, State of California