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4 **STATE OF CALIFORNIA, BOARD OF PAROLE HEARINGS &**
5 **CALIFORNIA DEPARTMENT OF CORRECTIONS/REHABILITATION**

6 LESLIE VAN HOUTEN,)

7 Petitioner,)

8 v.)

9 THE STATE OF CALIFORNIA)
10 BOARD OF PAROLE HEARINGS,)

11 Respondent.)
12 _____)

**MOTION TO RECALL
SENTENCE PURSUANT TO
PENAL CODE SECTION
1170(d)(1)**

13 **TO:** The Board of Parole Hearings (“BPH”) P.O. Box 4036, Sacramento,
14 California 95812-4036 and California Department of Corrections and
15 Rehabilitation (“CDCR”) Secretary, P.O. Box 942883, Sacramento, CA 94283:

16 **INTRODUCTION**

17 In June of 2018, Governor Brown signed Assembly Bill 1812, which
18 amended Penal Code section 1170, subdivision (d)(1) to permit the BPH and/or
19 the CDCR to, “at any time upon the recommendation of the secretary or the
20 Board of Parole Hearings in the case of state prison inmates, or the county
21 correctional administrator in the case of county jail inmates, recall the sentence
22 and commitment previously ordered and resentence the defendant in the same
23 manner as if he or she had not previously been sentenced, provided the new
24 sentence, if any, is no greater than the initial sentence.”

25 This motion respectfully requests that both the CDCR and BPH
26 recommend Leslie Van Houten’s sentence be recalled by the superior court.
27

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**
3 **THE BPH AND CDCR SHOULD RECOMMEND THE RECALL**
4 **OF LESLIE VAN HOUTEN’S SENTENCE PURSUANT TO**
5 **SECTION 1170(d)(1).**

6 Penal Code section 1170, subdivision (d)(1) was recently amended and
7 became effective on June 27, 2018, and now reads:

8 “When a defendant subject to this section or subdivision (b) of
9 Section 1168 has been sentenced to be imprisoned in the state
10 prison or a county jail pursuant to subdivision (h) and has been
11 committed to the custody of the secretary or the county correctional
12 administrator, the court may, within 120 days of the date of
13 commitment on its own motion, or at any time upon the
14 recommendation of the secretary or the Board of Parole Hearings in
15 the case of state prison inmates, or the county correctional
16 administrator in the case of county jail inmates, recall the sentence
17 and commitment previously ordered and resentence the defendant
18 in the same manner as if he or she had not previously been
19 sentenced, provided the new sentence, if any, is no greater than the
20 initial sentence. The court resentencing under this subdivision
21 shall apply the sentencing rules of the Judicial Council so as to
22 eliminate disparity of sentences and to promote uniformity of
23 sentencing. The court resentencing under this paragraph may
24 reduce a defendant’s term of imprisonment and modify the
25 judgment, including a judgment entered after a plea agreement, if it
26 is in the interest of justice. The court may consider postconviction
27 factors, including, but not limited to, the inmate’s disciplinary
28 record and record of rehabilitation while incarcerated, evidence
that reflects whether age, time served, and diminished physical

1 condition, if any, have reduced the inmate’s risk for future
2 violence, and evidence that reflects that circumstances have
3 changed since the inmate’s original sentencing so that the inmate’s
4 continued incarceration is no longer in the interest of justice.

5 Credit shall be given for time served.

6 **A. THE BPH AND CDCR SHOULD RECALL MS. VAN HOUTEN’S**
7 **SENTENCE IN ORDER TO ELIMINATE DISPARITY OF HOW**
8 **HER SENTENCE HAS BEEN APPLIED, PROMOTE UNIFORMITY**
9 **OF SENTENCING, BECAUSE TO DO SO IS IN THE INTEREST**
10 **OF JUSTICE.**

11 In 1978, after three trials, Ms. Van Houten was finally convicted and
12 sentenced to *seven years to life* for conspiracy and first degree murder pursuant
13 to the felony murder rule. After spending approximately 49 years in prison as
14 an exemplary inmate, the commitment offense was the reason why the Governor
15 reversed her second grant of parole. Ms. Van Houten, a youthful offender who
16 committed her crimes at the age of 19, accepted complete responsibility for her
17 actions during the commitment offense. When she entered the house the plan
18 was to kill the victims and she “wanted to participate in that.” (R.T., p. 139.)¹
19 Ms. Van Houten stated: “I take responsibility for the entire crime.” (R.T., p.
20 172.) At the parole hearing, the commissioners found that Ms. Van Houten’s
21 testimony regarding her intent at the time of the crime, was to go into the
22 LaBianca house “with full intent to kill those people. That was the plan. Um,
23 and you accepted responsibility for that.” (C.T. p. 287.) She not only accepted
24 responsibility for her own actions, she accepted responsibility for letting
25 Charles Manson “ ‘do what he did to all of us. I allowed it.’ ” “ ‘I accept
26 responsibility that I allowed [Manson] to conduct my life that way.’ ” (G.R., p.

27 ¹ “R.T.” refers to the Reporter’s Transcript of Ms. Van Houten’s September 6, 2017,
28 parole suitability hearing held at the California Institute for Women. “G.R.” refers
to the second governor reversal of a grant of parole dated January 19, 2018.

1 3; R.T., pp. 172, 211-212.) The hearing Panel found that Ms. Van Houten
2 expressed her sincere, heartfelt, and genuine remorse for the deaths of her
3 victims. (R.T. p. 297.) Ms. Van Houten testified that: “the older I get, the
4 harder it is to live with all of this,” knowing what she did to her victims. (R.T.,
5 p. 105.) “I feel absolutely horrible about [the crime], and I have spent most of
6 my life trying to find ways to live with it.” (R.T., p. 157.)

7 On September 6, 2017, Ms. Van Houten was found suitable for parole for
8 the second time. On January 19, 2018, Governor Edmund G. Brown again
9 reversed the grant of parole, finding that Ms. Van Houten was a youthful
10 offender, and a victim of intimate partner battering by Manson. (G.R., p. 2.)

11 The Governor’s reversal claimed that Ms. Van Houten “shifted blame for
12 her own actions onto Manson to some extent” and in doing so, failed to take full
13 responsibility for her crime and minimized her role. (G.R. p. 3.)

14 However, it has never been disputed that Ms. Van Houten was subjected
15 to the influence and instructions of Charles Manson. (*Manson*, at p. 205.)
16 “Manson’s position of authority was firmly acknowledged. It was understood
17 that membership in the Family required giving up everything to Manson and
18 never disobeying him.” (*Id.* at p. 128.) Manson controlled where Family
19 members slept, what clothing to wear, and when they would eat. (*Id.* at p. 127.)
20 “The Family’s willingness to follow Manson’s directions is salient to the
21 People’s theory of the case. The establishment and retention of his position as
22 the unquestioned leader was one of design.” (*Id.* at p. 128.) Manson would
23 administer double doses of LSD by placing the drug directly on the cult
24 members’ tongues making sure he controlled the dose. (R.T., p. 43.) The Office
25 of the District Attorney of Los Angeles completely agreed with the power and
26 control Manson had over the others in a brief filed with the California Supreme
27 Court in December of 2015, in case number S230851. At Ms. Van Houten’s 2017
Franklin hearing, it became clear that some cult members were not permitted to leave

1 Manson and were threatened with torture if they did try to leave. Ms. Van Houten was
2 not free to leave. Later in the desert, “it was very clear [the cult members] couldn’t
3 leave” Manson. (R.T., pp. 222-223.)

4 It would be *impossible* for Ms. Van Houten to honestly answer
5 commissioners’ questions at parole suitability hearings without casting some
6 blame on Manson if she accurately described the environment surrounding the
7 circumstances of her commitment offense.

8 The Governor cited to no evidence of a nexus between the commitment
9 offense and a current unreasonable risk to public safety other than Ms. Van
10 Houten recognized the power of cults, and in particular people like Manson who
11 persuaded others to act as he so ordered. That understanding is not a risk. In
12 fact, it enables Ms. Van Houten to remain on alert as to never being deceived in
13 a similar manner again. This awareness is just another demonstration of the
14 rehabilitation Ms. Van Houten continues to demonstrate over the decades.
15 Instead, the Governor viewed understanding Manson’s manipulation as blaming
16 Manson, her abuser (while the Governor inconsistently found Ms. Van Houten
17 suffered an intimate partner battering “at the hands of Manson”), for her
18 criminal actions. (G.R., p. 3.)

19 The Governor also recognized that a superior court previously found that
20 “ ‘it is unlikely [Van Houten] could ever find another Manson-like figure if
21 released’ ” (G.R., p. 4.) In the Governor’s second reversal of the grant of
22 parole, by Ms. Van Houten recognizing Manson’s control, the Governor found
23 “she still shifted blame for her own actions onto Manson to some extent,” and
24 therefore failed to take responsibility for her crime.² (G.R., p. 3.) This is a
25 Catch-22, if Ms. Van Houten fails to recognize the true facts how Manson

26 ² The panel found that Ms. Van Houten took responsibility for her
27 crime and did not minimize that “in any way.” (R.T. p. 298.)

1 controlled the cult, she has no insight and remains a risk of danger because
2 someone else might control her upon release. If she does testify to that control,
3 she shifts some blame to Manson and does not take full responsibility, and is
4 denied parole for that reason. The Governor cannot have it both ways.

5 The Governor also found that despite “strong evidence of rehabilitation
6 and no other evidence of current dangerousness” the “aggravated nature of the
7 crime can provide a valid basis for denying parole.” (G.R., p. 2.)

8 While cases have mentioned in dicta that the commitment offense could
9 be so aggravated that the crime alone would be a sufficient reason to deny
10 parole, no published case since *In re Lawrence* (2008) 44 Cal.4th 1181
11 (*Lawrence*), has held that the commitment offense alone was enough to deny
12 parole. In *Lawrence*, the California Supreme Court found that found that
13 immutable circumstances such as the gravity of the commitment offense that is
14 remote, and mitigated by circumstances indicating the conduct is unlikely to
15 recur, do not provide “some evidence” inevitably supporting the ultimate
16 decision that the inmate remains a “threat to public safety.” (*Lawrence*, at p.
17 1191.) Under the *Lawrence* standard, an unreasonable risk to public safety
18 requires a *current* risk to public safety. (*Lawrence*, at p. 1212.) “[T]he
19 aggravated nature of the crime does not in and of itself provide some evidence
20 of *current* dangerousness to the public unless the record also establishes that
21 something in the prisoner's pre- or post-incarceration history, or his or her
22 current demeanor and mental state, indicates that the implications regarding the
23 prisoner's dangerousness that derive from his or her commission of the
24 commitment offense remain probative to the statutory determination of a
continuing threat to public safety.” (*Lawrence*, at p. 1214, italics in original.)

25 When Ms. Van Houten was sentenced after being found guilty in her third
26 trial, she had no convictions prior to the commitment offenses which occurred
27 on August 10, 1969. Ms. Van Houten’s 1971 conviction was reversed on

1 appeal in 1976 due to the absence of her trial counsel. (*People v. Manson* (1976)
2 61 Cal.App.3d 102, 217 (*Manson*)). A second trial resulted in a 30-day
3 deadlocked jury, and a third trial convicted Ms. Van Houten of one count of
4 conspiracy and two counts of first degree murder. The “jury in this third trial
5 was not required to decide that she premeditated and deliberated the murder
6 because the trial court also gave the felony-murder instructions. **Concurrent**
7 **life sentences with the possibility of parole** were imposed.” (*People v. Van*
8 *Houten* (1980) 113 Cal.App.3d 280, 347, emphasis added (*Van Houten*)).
9 At trial Ms. Van Houten “admitted her full participation in the LaBianca
10 homicides. It was conceded that she did not participate in the Tate killings.”
11 Her defense was diminished capacity due to mental illness induced by Charles
12 Manson and prolonged use of hallucinogenic drugs that Manson supplied. The
13 sentence imposed was 7 years-to-life with the possibility of parole, with a
14 minimum eligible parole date of August 17, 1978.

15 It is important to note that Ms. Van Houten’s conviction was based on the
16 felony murder rule where the homicides Ms. Van Houten assisted in committing
17 occurred during the commission of a robbery. The prosecutor’s previous two
18 attempts to convict Ms. Van Houten of premeditated murder at trial had failed.
19 The sentencing court gave “serious attention” to sentencing Ms. Van Houten to
20 probation, after acknowledging that nobody ever convicted of first degree
21 murder in California had ever been granted probation. (Exhibit F, p. 131.) Ms.
22 Van Houten was sentenced to three, seven-years-to-life terms for the three
23 counts, and the court ordered “[a]ll three sentences to be served concurrently.”
24 (Exhibit F, pp. 131-132.) Ms. Van Houten was given credit for having already
25 served eight years and 120 days, making her eligible for parole at the time of
26 sentencing, 40 years ago. No party appealed that sentence.

27 Additionally, prior to her third trial, Ms. Van Houten was released on bail
28 following a hearing at which the trial judge determined that she no longer posed

1 an undue risk to public safety, or a risk to abscond. Ms. Van Houten conducted
2 herself in an exemplary manner while free in the community for 6½ months,
3 until her conviction on July 5, 1978, at which time she was recommitted to
4 prison.

5 Ms. “Van Houten returned to prison with a good attitude, which she has
6 maintained since, as demonstrated by consistently good reports and evaluations
7 concerning her participation and leadership in self-help, service, education,
8 counseling, religious programs, and her work assignments.” (*Van Houten* at p.
9 347.)

10 It has been conceded by all parties, including the Governor, that Ms. Van
11 Houten has been an exemplary inmate, has not received any serious disciplinary
12 reports throughout her almost half-century of incarceration. She earned a
13 master’s degree, received exceptional work ratings, and participated in a vast
14 variety of rehabilitation programs. (G.R., p. 3.) Ms. Van Houten’s commitment
15 to her own rehabilitation included helping others. The record indicated there
16 were over 100 letters from people Ms. Van Houten knew and the “recurrent
17 theme” was the change they witnessed in Ms. Van Houten’s behavior over the
18 years, “and how [she’d been] helping everybody.” Letters also came from the
19 prison staff. That record fit with Ms. Van Houten’s testimony at the parole
20 hearing. (R.T., pp. 189-190.) 117 current inmates, who were an important part
21 of Ms. Van Houten’s life, signed a letter that described how Ms. Van Houten
22 had been an important part of their ongoing rehabilitation. (R.T., pp. 220-221.)

23 The BPH psychologist’s report found Ms. Van Houten was a low risk for
24 violence if paroled. The commissioners also looked at multiple reports dating
25 back 11 years. (R.T., p. 196.) The only negative factors were historical events
26 that Ms. Van Houten could never change. (R.T., pp. 197-198.) The BPH
27 clinician indicated Ms. Van Houten exhibited prosocial behaviors throughout
28 her imprisonment and the risk assessment tools indicated Ms. Van Houten was

1 “well below the cutoff threshold used to identify dissocial or pathologic
2 personalities.” (R.T., p. 198; G.R., p. 3.) The clinician recognized Ms. Van
3 Houten was “living a life of amending” by making efforts to make living
4 amends for her crime. (R.T., p. 201.) Ms. Van Houten’s remorse was sincere,
5 her experience of living in a dysfunctional family, the abandonment by her
6 father, the trauma of the abortion led to addiction and dependence on others and
7 Ms. Van Houten “evidenced an understanding” of what led to the cult and the
8 crime. (R.T., pp. 202-203.) The clinician looked at Ms. Van Houten’s youthful
9 offender status, her subsequent maturity and her elderly age mitigated any risk.
10 (R.T., pp. 203-204.) The conclusion was that Ms. Van Houten was a low risk
11 for future violence, and the presiding commissioner stated: “[a]gain, this is not
12 news.” (R.T., p. 205.) Ms. Van Houten had been taking complete responsibility
13 for the crime without minimizing any of it for more than 20 years ago. (R.T., pp.
14 207-209.)

15 A factor regarding the youthful offender status was the failure to
16 appreciate consequences. The Governor’s 2016 reversal found that when
17 growing up, Ms. Van Houten lacked real consequences. (R.T., p. 217.) While at
18 the ranch, Ms. Van Houten was arrested and released four times without being
19 charged with a crime. Law enforcement found stolen cars, multiple weapons
20 that included a machine gun, and no charges were ever filed against Ms. Van
21 Houten or any of the cult members, including Manson who was on parole.
22 None of the Manson cult members were being charged with any crimes while
23 many of them were being arrested on a routine basis for their ongoing illegal
24 activities. (R.T., pp. 217-218.) There simply were no consequences at the ranch
25 unless one displeased Manson. (R.T., pp. 217-220.)

26 ***SEPTEMBER 6, 2017, 2017 PAROLE HEARING DECISION***

27 The hearing lasted more than six hours and the commissioners
28 unanimously found Ms. Van Houten was again suitable for parole. (R.T. p.

1 276.) The commissioners considered the “huge Central File,” past and current
2 psychological risk assessments, prior Board reports, youthful offender criteria
3 and subsequent growth and maturity, statements submitted to the BPH from the
4 “plethora” of people who knew Ms. Van Houten, Ms. Van Houten’s testimony,
5 the public’s positive and negative comments, a letter from the Los Angeles
6 Police Department opposing parole, Ms. Van Houten’s confidential file that
7 contained no negative information, the April 14, 2016 Parole Hearing
8 Transcripts, the probation officer’s report, progress reports, 2016 Governor’s
9 reversal, the intimate partner battering report by the BPH investigators, the
10 Steinberg psychological report, the Hoyt interview transcripts, and appellate
11 court opinion. (R.T. pp. 277-280, 282-284.) The commissioner wanted to
12 address the reasons given for the first Governor reversal to “enlighten the
13 Governor” regarding his “very difficult decision [he has] to make.” (R.T. p.
14 283.) The commissioner appropriately pointed out that the Governor’s
15 difficulty in trying to rationalize the crime that can never be understood because
16 “it’s truly not understandable.” (R.T. pp. 283-284.)

17 The presiding commissioner found Ms. Van Houten was “very open”
18 about her first three years of incarceration that helped document the changes in
19 Ms. Van Houten’s growth and maturity over the decades. (R.T., pp. 280, 294.)
20 At the parole hearing, Ms. Van Houten testified that at the time of the crime, she
21 went into the LaBianca house “with full intent to kill those people. That was
22 the plan. Um, and you accepted responsibility for that.” (R.T. p. 287.)

23 The hearing Panel was educated in the science behind the adolescent
24 brain development and its relationship to the diminished capacity of youthful
25 offenders, and according to the law, gave great weight to that. The Panel
26 specifically recognized youthful offenders were vulnerable and susceptible to
27 outside pressures, and peer pressures, “there was quite a talk about peer
28 pressures” even before Ms. Van Houten was involved with the Manson cult.

1 (R.T. p. 290.) Being a “very youthful offender” was not an excuse but it gave
2 an understanding how Ms. Van Houten could be more susceptible and become
3 involved with the cult, and the law required great weight be given to that. (R.T.
4 pp. 291-294.) While Manson’s teachings were not real, Ms. Van Houten
5 “believed it to be.” (R.T. p. 292.) Ms. Van Houten’s “great growth and
6 maturity” demonstrated that her youthful characteristics were transitory. (R.T.
7 pp. 295-296.)

8 The panel found that Ms. Van Houten took responsibility for her crime
9 and did not minimize that “in any way.” (R.T. p. 298.) The commissioners
10 considered Ms. Van Houten’s age and recognized that after the age of 50, one is
11 less likely to recidivate. (R.T. p. 298.)

12 ***B. BECAUSE THE TERM “GREAT WEIGHT” HAS RECENTLY BEEN***
13 ***DEFINED WHEN USED AT A PAROLE SUITABILITY HEARING,***
14 ***THE INTERESTS OF JUSTICE REQUIRE A SUPERIOR COURT***
15 ***TO APPLY THAT NEW DEFINITION TO MS. VAN HOUTEN’S***
SENTENCE CONSIDERATIONS.

16 On September 13, 2018, a new case, *In re Palmer* (2018) 5 Cal.App.5th
17 __ [2018 WL 4356791] (*Palmer*), was published that addressed the definition
18 and standard for review of the requirement that the Board of Parole Hearings
19 (BPH or Board) give “great weight” to certain factors bearing on the suitability
20 for release of a life inmate. While *Palmer* dealt with giving “great weight” to
21 the youth factors at a youthful offender parole consideration hearing, the
22 opinion also recognized two other areas where the BPH must give “great
23 weight” to any information or evidence. Those other areas are the intimate
24 partner battering (Penal Code section 4801, subdivision (b)(1)) and the Elderly
25 Parole Program (section 3055, subdivision (c)) (*Palmer* at p. 18, fn. 6.) Ms.
26 Van Houten qualifies under all three categories. She was 19 years old, a
27 youthful offender at the time of the crime; she is currently 69 years old and

1 served 49 years in prison³; and she was battered (or intimidated) by her intimate
2 partner, Charles Manson. The Governor claimed he gave “great weight” to the
3 intimate partner battering and youthful offender categories, but he failed to give
4 “great weight” to the elderly parole category. (Exhibit A)

5 *Palmer* found that in giving “great weight” to a parole suitability factor
6 requires there must be “***substantial evidence, not merely some evidence, of***
7 ***countervailing considerations indicating the offender is unsuitable for***
8 ***release.***” (*Palmer* at p. 28, italics in original, emphasis added.) Because this
9 very issue goes to the heart of the pending petition for writ of habeas corpus,
10 Petitioner respectfully requests this Court use the *Palmer* standard in deciding
11 her pending writ petition that was filed on June 29, 2018.

12 Because “great weight” had never been defined in a parole context until
13 *Palmer*, it was impossible for the Governor to use the correct evidentiary
14 standard when he reversed Ms. Van Houten’s latest grant of parole. Merely
15 stating youthful factors were given “great weight” fails to address the “meaning
16 of the statutory phrase ‘great weight,’ and treat the youth offender factors as no
17 more significant than the regulatory and other factors it conventionally relies
18 upon to determine whether a life prisoner is suitable for release.” (*Palmer*, p.
19 18.)

20 While the Board and Governor are the sole decisionmakers that consider
21 and weigh relevant factors, giving “great weight” to the “youth factors comes
22 from the Legislature. The Legislature ‘is thus accorded the broadest discretion
23 possible in enacting penal statutes and in specifying punishment for crime.’”
(*Palmer*, p. 18, quoting *In re Lynch* (1972) 8 Cal.3d 410, 414.)

24 *Palmer* did not interpret the youth offender statutes to mean that any

25
26 ³ Penal Code section 3055, subdivision (a) requires the Elderly Parole Program apply
27 to inmates at least 60 years old who have served a minimum of 25 years of
28 continuous incarceration.

1 juvenile offender is suitable for parole simply based on his age when he
2 committed the life crime, it only means that life prisoners who committed their
3 controlling offense as a youthful offender are less culpable than adult offenders,
4 and “absent ‘substantial evidence of countervailing considerations,’ [citation] - -
5 should therefore be punished less harshly than otherwise comparable adult
6 offenders.” (*Palmer*, p. 22.)

7 Because the youthful offender changes in the law apply to sentences
8 given to youthful offenders, the superior court should be given an opportunity to
9 apply these legal changes to Ms. Van Houten’s sentence.

10 CONCLUSION

11 As an elected official, Ms. Van Houten recognizes and appreciates the
12 pressures placed on any governor. While Governor Brown will soon leave
13 office, his replacement will still have the same pressures any elected official
14 has. Therefore, recalling Ms. Van Houten’s sentence to let a superior court
15 judge, who does not have the same political pressures, who can consider the
16 changes in the law and mitigating factors without as great a risk of a political
backlash, the interests of justice require recall of sentence in this case.

17 Ms. Van Houten’s conviction was based on the felony murder rule. The
18 prosecutor’s previous two attempts to convict Ms. Van Houten of premeditated
19 murder at trial had failed. The sentencing court gave “serious attention” to
20 sentencing Ms. Van Houten to probation, after acknowledging that nobody ever
21 convicted of first degree murder in California had ever been granted probation.
22 (Sentencing transcripts, p. 131.) Ms. Van Houten was sentenced to three,
23 seven-years-to-life terms for the three counts, and the court ordered “[a]ll three
24 sentences to be served concurrently.” (Sentencing transcripts, pp. 131-132.)
25 Ms. Van Houten was given credit for having already served eight years and 120
26 days, making her *eligible for parole at the time of sentencing*, 40 years ago.

27 This may be the best case for a recall of sentence when the sentencing

1 court apparently anticipated her imminent parole 40 years ago, coupled with the
2 changes in the law regarding youthful offenders, elderly parole, and being a
3 victim of intimate partner battering, all of which were not the law when Ms.
4 Van Houten was sentenced. The BPH and Governor have had ample
5 opportunity to do the right thing but have shown over and over again that the
6 sentencing court needs to modify this sentence if justice is to be served.

7 For all of these reasons, it is respectfully requested Ms. Van Houten be
8 recommended for a recall of her sentence and the appropriate factors be
9 considered by the court.

10 Dated: September 26, 2018 Respectfully submitted,

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13 RICH PFEIFFER
14 Attorney for
15 Leslie Van Houten
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8 Attorney for Leslie Van Houten

DECLARATION OF SERVICE

9 I, the undersigned, declare: I am over the age of eighteen years and not a
10 party to the cause; I am employed in, or am a resident of, the County of Orange,
11 California; where the mailing occurs; and my business address is 14931
12 Anderson Way, PO Box 721, Silverado, CA 92676, and my email address is
13 highenergylaw@yahoo.com. I caused to be served the **MOTION TO**
14 **RECALL SENTENCE PURSUANT TO 1170(d)** by placing copies thereof in
15 a separate envelope addressed to each addressee in the attached service list.

16 I then sealed each envelope and with the postage thereon fully prepaid, I
17 placed each for deposit in the United States mail, at Silverado, California, on
18 September 26, 2018. I declare under penalty of perjury under the laws of the
19 State of California that the foregoing is true and correct.
20 Executed on September 26, 2018 at Silverado, California.

21 _____
22 RICH PFEIFFER

SERVICE LIST:

23 California Department of Corrections and Rehabilitation (“CDCR”) Secretary
24 P.O. Box 942883
25 Sacramento, CA 94283

26 The Board of Parole Hearings
27 P.O. Box 4036
28 Sacramento, California 95812-4036

Los Angeles County District Attorney
Attn: Parole Hearing Division
210 W. Temple St.
Los Angeles, CA 90012

Leslie Van Houten, W-13378, at current address

Motion To Recall Sentence Pursuant to PC 1170(d)(1)