Court of Appeal, Second Appellate District
Eva McClintock
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Court of Appeal, Second Appellate District
Eva McClintock
Electronically FILED on 10/9/2026 by Blanca Rosales, Deputy Clerk

CASE #: B357895, Div: 1

No. _____

IN THE COURT OF APPEAL
OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT, DIVISION TWO

DAVID ADKINS,
Petitioner,

vs.

MARIO RAMIREZ, IN HIS OFFICIAL CAPACITY**,**
Respondent.

DECLARATION OF SARA COOKSEY IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS AND MEMORANDUM OF POINTS AND AUTHORITIES

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Attorneys for Petitioner

DECLARATION OF SARA COOKSEY

I, Sara Cooksey, declare:

1. I have personal knowledge of the facts set forth in this declaration, and if called to testify as a witness thereto, could do so competently under oath.

2. I am the Senior Paralegal Manager at the American Civil Liberties Union Foundation of Northern California ("ACLU NorCal"). ACLU NorCal is a nonprofit public interest law firm based in San Francisco, California that provides free legal services to people whose civil liberties have been threatened by government action. In addition to direct representation, ACLU NorCal advocates for policy changes and engages in impact litigation to ensure that Constitutional rights are protected.

3. I provide this declaration to summarize available public evidence regarding the Governor's exercise of the parole reversal power, both in general and with regard to people who were aged 25 or younger at the time of their controlling offense and with regard to those under age 18 at the time of their controlling offense.

Materials Reviewed

4. There are 15 Executive Reports on Parole issued by the California Governor's Office ("Parole Reversal Reports") published on the internet, corresponding to the years 2011-2025.

5. On July 7, 2026, I accessed the website of the California Governor's Office at https://www.gov.ca.gov/clemency/

parole/[1] and reviewed and downloaded the following report:

a. Executive Report on Parole: Parole Reversal Decisions for the Period January 1, 2025 through December 31, 2025 ("2025 Parole Reversal Report") available at https://www.gov.ca.gov/wp-content/uploads/2026/04/Annual-Executive-Report-on-Parole-2025.pdf.

6. On February 12, 2025, I accessed the website of the California Governor's Office at https://www.gov.ca.gov/clemency/parole/ and reviewed and downloaded the following report:

a. Executive Report on Parole: Parole Reversal Decisions for the Period January 1, 2024 through December 31, 2024 ("2024 Parole Reversal Report") available at https://www.gov.ca.gov/wp-content/uploads/2025/02/Annual-Executive-Report-on-Parole-2024.pdf.

7. On January 24, 2024, I accessed the website of the California Governor's Office at https://www.gov.ca.gov/clemency/ and reviewed and downloaded the following report:

a. Executive Report on Parole: Parole Reversal Decisions for the Period January 1, 2023 through

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[1] According to webpage captures on the Internet Archive (https://archive.org/), sometime between May 11, 2024 and May 24, 2024, links to the Parole Reports from 2019 and onward were relocated to this webpage on the website of the California Governor's Office. The Parole Reports were previously linked from the webpage https://www.gov.ca.gov/clemency/. Paragraphs 7–9 reflect this previous webpage.

December 31, 2023 ("2023 Parole Reversal Report") available at https://www.gov.ca.gov/wp-content/uploads/2024/01/Executive-Parole-Report-2023.pdf.

8. On April 10, 2023, I accessed the website of the California Governor's Office at https://www.gov.ca.gov/clemency/ and reviewed and downloaded the following report:

a. Executive Report on Parole: Parole Reversal Decisions for the Period January 1, 2022 through December 31, 2022 ("2022 Parole Reversal Report") available at https://www.gov.ca.gov/wp-content/uploads/2023/01/Executive-Report-on-Parole-2022.pdf.

9. On May 7, 2022, I accessed the website of the California Governor's Office at https://www.gov.ca.gov/clemency/ and reviewed and downloaded the following three reports:

a. Executive Report on Parole: Parole Reversal Decisions for the Period January 1, 2021 through December 31, 2021 ("2021 Parole Reversal Report") available at https://www.gov.ca.gov/wp-content/uploads/2022/01/2021-Executive-Parole-Report.pdf,

b. Executive Report on Parole: Parole Reversal Decisions for the Period January 1, 2020 through December 31, 2020 ("2020 Parole Reversal Report") available at https://www.gov.ca.gov/wp-content/uploads/2021/02/2020-Executive-Report-

on-Parole-Review-Decisions.pdf, and

c. Executive Report on Parole: Decisions for the Period January 7, 2019 through December 31, 2019 ("2019 Parole Reversal Report") available at https://www.gov.ca.gov/wp-content/uploads/2020/02/Executive-Report-on-Parole-2019-signed.pdf.

10. On May 7, 2022, I accessed the website archive of the California Governor's Office at https://www.ca.gov/archive/gov39/[2] and searched "executive report on parole review decisions." I reviewed and downloaded the following eight reports:

a. Executive Report on Parole Review Decisions: Decisions for the Period January 1, 2018 through December 31, 2018 ("2018 Parole Reversal Report") available at https://archive.gov.ca.gov/archive/gov39/wp-content/uploads/2019/01/2018-Executive-Report-on-Parole-Review-Decisions.pdf,

b. Executive Report on Parole Review Decisions: Decisions for the Period January 1, 2017 through December 31, 2017 ("2017 Parole Reversal Report") available at https://archive.gov.ca.gov/archive/gov39/wp-content/uploads/2018/02/2017-Executive-Report-on-Parole-Review-Decisions.pdf,

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[2] The web address for the California Governor's Office web archive was changed after I visited the website. The new web address is https://archive.gov.ca.gov/archive/gov39/. Links for individual archived Parole Reports in paragraph 10 are current as of October 7, 2026.

c. Executive Report on Parole Review Decisions: Decisions for the Period January 1, 2016 through December 31, 2016 ("2016 Parole Reversal Report") available at https://archive.gov.ca.gov/archive/gov39/wp-content/uploads/2017/09/2016_Executive_Report_on_Parole_Review_Decisions.pdf,

d. Executive Report on Parole Review Decisions: Decisions for the Period January 1, 2015 through December 31, 2015 ("2015 Parole Reversal Report") available at https://archive.gov.ca.gov/archive/gov39/wp-content/uploads/2017/09/2015_Executive_Report_on_Parole_Review_Decisions.pdf,

e. Executive Report on Parole Review Decisions: Decisions for the Period January 1, 2014 through December 31, 2014 ("2014 Parole Reversal Report") available at https://archive.gov.ca.gov/archive/gov39/wp-content/uploads/2017/09/2014_Executive_Report_on_Parole_Review_Decisions.pdf,

f. Executive Report on Parole Review Decisions: Decisions for the Period January 1, 2013 through December 31, 2013 ("2013 Parole Reversal Report") available at https://archive.gov.ca.gov/archive/gov39/wp-content/uploads/2017/09/2013_Executive_Report_on_Parole_Review_Decisions.pdf,

g. Executive Report on Parole Review Decisions: Decisions for the Period January 1, 2012 through December 31, 2012 ("2012 Parole Reversal Report")

available at https://archive.gov.ca.gov/archive/gov39/wp-content/uploads/2017/09/2012_Executive_Report_on_Parole_Review_Decisions.pdf, and

h. Executive Report on Parole Review Decisions: Decisions for the Period January 3, 2011 through December 31, 2011 ("2011 Parole Reversal Report") available at https://archive.gov.ca.gov/archive/gov39/wp-content/uploads/2017/09/2011_Executive_Report_on_Parole_Review_Decisions.pdf.

11. Each of the 15 Parole Reversal Reports listed above is a compilation of that year's Indeterminate Sentence Parole Release Reviews ("Release Reviews") for incarcerated individuals granted parole by the California Department of Corrections and Rehabilitation's Board of Parole Hearings ("Parole Board"). The Parole Reversal Reports do not contain any reference to the Governor's review of Parole Board decisions denying release on parole. The Reversal Reports also do not contain any reference to the Governor's review of Parole Board decisions granting release on parole in cases in which the Governor took no contrary action. Other than a few noted exceptions below that modify a grant of parole, only the Governor's decisions contrary to findings of suitability by the Parole Board are publicized.

12. There is no other publicly available reporting of the Governor's review of parole decisions for this 15-year time-period. Publicly available reporting provides no indication that the Governor reviewed Parole Board decisions denying release on parole over the time period examined by the undersigned.

Age-Determination Methodology

13. I examined each Release Review to determine whether the individual was 25 years of age or younger at the time of the controlling offense, and further, whether the individual was age 17 or younger. In making this determination, I relied on several methodologies described here:

a. First, I relied on the presence of language in the Release Reviews acknowledging the particular individual's "youth offender" status and corresponding rights under California Penal Code sections 3051 and 4801.

b. Second, I relied on any expressed indication in the Release Reviews of the individual's age at the time of the controlling offense; including statements that the individual was a "juvenile," "youth," "teenager", or was in high school the same year as the controlling offense.[3]

c. Third, where the Release Review noted the individual's present age and period of incarceration, I subtracted the number of years of incarceration from the present age to approximate

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[3] One individual identified as a "juvenile" in their Release Review was counted among individuals 17 years of age or younger at the time of their controlling offense in the data analysis at paragraphs 16 through 40. Five individuals identified as a "youth," "teenager," or stating they were in high school the same year as the controlling offense in their Release Reviews were not counted among individuals 17 years of age or younger in the data analysis herein, but were counted as youth offenders aged 25 or younger.

the individual's age at the time of offense.

d. Fourth, where the Release Review noted the individual's present age and date of controlling offense, I subtracted the present age from the date the Release Review was signed by the Governor, approximating the individual's year of birth. I then subtracted the approximate year of birth from the year of the controlling offense to approximate the individual's age at the time of offense.

e. Finally, I searched each individual's unique California Department of Corrections ("CDCR") Number[4] identified on the Release Reviews using the CDCR California Incarcerated Records and Information Search ("CIRIS") portal.[5] For individuals currently in CDCR custody, I subtracted the individual's listed age from the current year, to approximate the individual's year

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[4] Individuals are assigned a unique identification number by CDCR when admitted into a CDCR facility, commonly referred to as a "CDCR Number." It is my understanding that an individual retains the same CDCR Number through the entirety of their sentence, including through parole and, if applicable, readmission for parole violations. Every Release Review contains the individual's CDCR Number.

[5] CIRIS is an online tool to lookup individuals currently in CDCR custody. CIRIS can be searched using an individual's name or their CDCR Number. For individuals currently in CDCR custody, the CIRIS search portal details information about them including their full name, current age, and CDCR Number. CIRIS is available at https://ciris.mt.cdcr.ca.gov/.

of birth. I then subtracted the approximate year of birth from the year of the controlling offense identified in the Release Review to approximate the individual's age at the time of offense.

14. Each of these methodologies, individually and collectively, likely resulted in an undercount of the total number of people 25 years old or under, and those 17 years old or under, at the time of offense who have been reversed by the Governor, for reasons discussed in the succeeding paragraphs. As a result, data in this Declaration concerning individuals who were aged 25 or younger and those aged 17 or younger at the time of offense reflects a minimum, and may significantly underrepresent the total in some instances.

15. The Governor's identification of individuals as "youth offenders" within the meaning of Penal Code sections 3051 and 4801 may reflect an undercount of individuals aged 25 or younger, and those aged 17 or younger, at the time of the controlling offense for two reasons. First, it is possible that the Governor did not acknowledge the rights of particular "youth offenders" under these statutes in individual Release Reviews. The Release Reviews do not consistently identify either the individual's age at the time of the controlling offense, present age, or period of incarceration. Second, the category of "youth offender" was created during the time period I examined and has expanded over time, as explained below:

a. **Years 2011-2013**: Prior to 2014, the Penal Code did not recognize "youth offenders," as presently

defined, as entitled to "youth offender parole hearings." For the years 2011, 2012, and 2013, the Release Reviews do not contain reference to "youth offenders" at all.

b. **Years 2014-2015**: Senate Bill 260, effective January 1, 2014, created the "youth offender parole hearing" and originally defined "youth offender" as limited to individuals who were under 18 years of age at the time of the controlling offense. (Stats.2013, c. 312.) However, from my examination, it appears that the Release Reviews for the years 2014 and 2015, do not consistently identify those entitled to a "youth offender" parole hearing for individuals under 18 years of age at the time of the controlling offense.

c. **Years 2016-2017**: Senate Bill 261, effective January 1, 2016, amended the definition of "youth offender" to include individuals who were under 23 years of age at the time of the controlling offense. (Stats.2015, c. 471.) For the years 2016 and 2017, the Release Reviews identification of "youth offender" captures individuals under 23 years of age at the time of the controlling offense.

d. **Years 2018-2025**: Senate Bill 394, effective January 1, 2018, amended the definition of "youth offender" again to include individuals who were 25 years old or younger at the time of the controlling

offense. (Stats.2017, c. 684.) For the years 2018, 2019, 2020, 2021, 2022, 2023, 2024, and 2025 the Governor's identification within the Release Reviews of the given individual as a "youth offender" corresponds to individuals who were 25 years old or younger at the time of the controlling offense.

Comprehensive Data: 2011-2025

16. The 15 Parole Reversal Reports contained a total of 855 Release Reviews for 706 incarcerated individuals between 2011 and 2025. The number of Release Reviews is higher than the number of individuals whose parole-grants were reviewed because the Governor reviewed the parole-grants of many individuals more than once during this 15-year time-period.

17. Of the 855 Release Reviews between 2011 and 2025, 850 were parole reversals by the Governor of California. One was a referral to the Parole Board for an en banc review,[6] and 4 were modifications of the grant of parole.

18. Of the 850 parole reversals between 2011 and 2025,

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[6] From my review of the Parole Board's En Banc Decisions, the Governor frequently refers individuals to the full Parole Board for en banc consideration under Penal Code section 3041.1 after their grant of parole, but prior to their release. Based on my experience, the Governor issues a Release Review for each en banc referral, but these en banc-referral Release Reviews are not available publicly and not typically included in the yearly Parole Reversal Reports. The inclusion of one en banc-referral Release Review in 2019 appears to be an anomaly. Parole Board En Banc decisions from 2019 onwards available here: https://www.cdcr.ca.gov/bph/executive-board-meetings-overview/enbanc/.

at least 340 were 25 years old or younger at the time of the offense, or at least 40%.

19. Of the 850 parole reversals between 2011 and 2025, at least 121 were under 18 years old at the time of the offense, or at least approximately 14%.

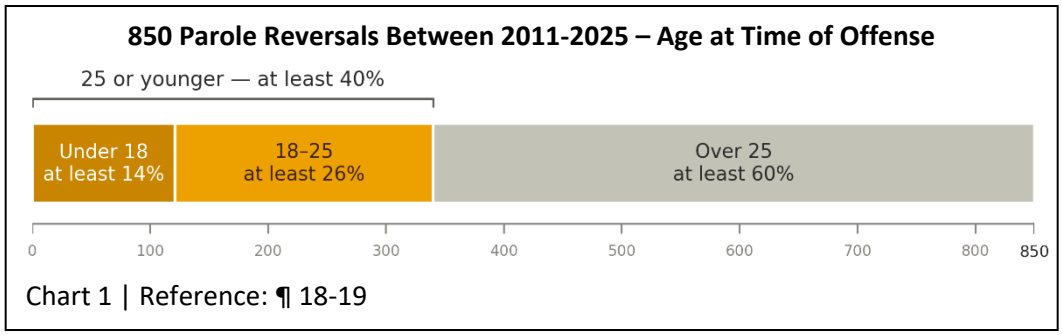


Chart 1 | Reference: ¶ 18-19

20. For the period between 2011 and 2025, the Governor did not reverse the denial of parole by the Parole Board in any case.

21. Of the 706 individuals whose grant of parole was reversed by the Governor at least once between 2011 and 2025, a minimum of 266 of those individuals were 25 years old or younger at the time of the offense, or at least approximately 37%.

22. Of the 706 individuals whose grant of parole was reversed by the Governor at least once between 2011 and 2025, a minimum of 92 of those individuals were 17 years old or younger at the time of the offense, or at least approximately 13%.

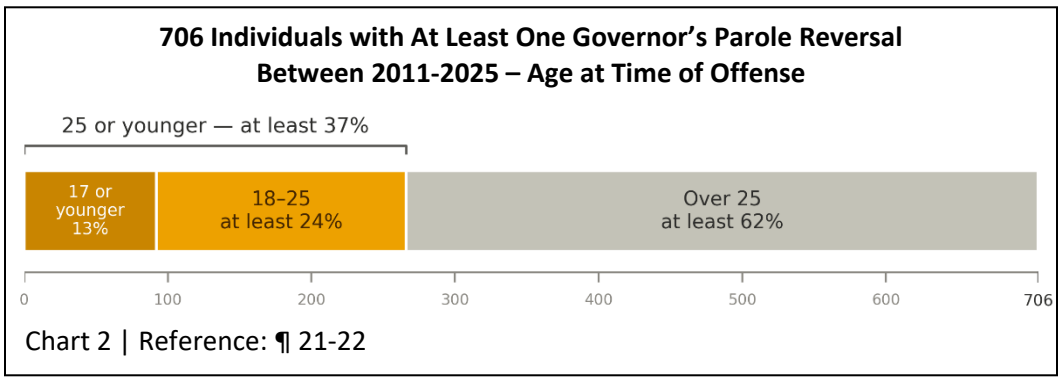


Chart 2 | Reference: ¶ 21-22

23. Based on my review of CDCR's CIRIS portal, of the 706 individuals whose grant of parole was reversed by the Governor between 2011 and 2025, approximately 83 of these individuals are currently incarcerated by CDCR, as of the date of this Declaration, pursuant to the sentence for the life-crime for which they sought parole.

24. Of these 83 currently incarcerated individuals, 57 were 25 years of age or younger at the time of their controlling offense, or at least approximately 68%.

25. Of these 83 currently incarcerated individuals, 8 were 17 years of age or younger at the time of their controlling offense, or at least approximately 9%.

83 Currently Incarcerated Individuals with At Least One Governor's Parole Reversal Between 2011-2025 – Age at Time of Offense

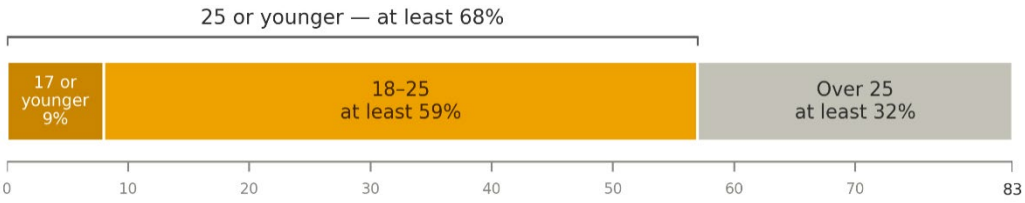


Chart 3 | Reference: ¶ 23-25

Individual Parole Reversal Report Data

26. The 2025 Parole Reversal Report contained 9 Release Reviews. All 9 Release Reviews were parole reversals by the Governor. Of these 9 parole reversals, 6 were for individuals who were 25 years of age or younger at the time of the life-crime, which is over 66% of the parole reversals for 2025. None of the parole reversals for 2025 were for an incarcerated individual who was 17 years of age or younger at the time of the life-crime.

27. The 2024 Parole Reversal Report contained 11

Release Reviews. All 11 Release Reviews were parole reversals by the Governor. Of these 11 parole reversals, 6 were for individuals who were 25 years of age or younger at the time of the life-crime, which is over 54% of the parole reversals for 2024. One parole reversal was for an incarcerated individual who was 17 years of age or younger at the time of the life-crime, which is over 9% of the parole reversals for 2024.

28. The 2023 Parole Reversal Report contained 8 Release Reviews. All 8 Release Reviews were parole reversals by the Governor. Of these 8 parole reversals, 5 were for individuals who were 25 years of age or younger at the time of the life-crime, which is over 62% of the parole reversals for 2023. One parole reversal was for an incarcerated individual who was 17 years of age or younger at the time of the life-crime, which is over 12% of the parole reversals for 2023.

29. The 2022 Parole Reversal Report contained 21 Release Reviews. All 21 Release Reviews were parole reversals by the Governor. Of these 21 parole reversals, 14 were for individuals who were 25 years of age or younger at the time of the life-crime, which is over 66% of the parole reversals for 2022. Three parole reversals were for incarcerated individuals who were 17 years of age or younger at the time of the life-crime, which is over 14% of the parole reversals for 2022.

30. The 2021 Parole Reversal Report contained 33 Release Reviews. All 33 Release Reviews were parole reversals by the Governor of California. Of these 33 parole reversals, 16 were for incarcerated individuals who were 25 years of age or younger

at the time of the life-crime, which is over 48% of the parole reversals for 2021. Three parole reversals were for incarcerated individuals who were 17 years of age or younger at the time of the life-crime, which is over 9% of the parole reversals for 2021.

31. The 2020 Parole Reversal Report contained 33 Release Reviews. All 33 Release Reviews were parole reversals by the Governor of California. Of these 33 parole reversals, 21 were for incarcerated individuals who were 25 years of age or younger at the time of the life-crime, which is over 63% of the parole reversals for 2020. Six parole reversals were for incarcerated individuals who were 17 years of age or younger at the time of the life-crime, which is over 18% of the parole reversals for 2020.

32. The 2019 Parole Reversal Report contained 96 Release Reviews. Ninety-five Release Reviews were parole reversals by the Governor of California, and 1 was a referral to the Parole Board for an en banc review. Of the 95 parole reversals, 52 were for incarcerated individuals who were 25 years of age or younger at the time of the life-crime, which is over 54% of the parole reversals for 2019. Seventeen parole reversals were for incarcerated individuals who were 17 years of age or younger at the time of the life-crime, which is over 17% of the parole reversals for 2019.

33. The 2018 Parole Reversal Report contained 28 Release Reviews. All 28 Release Reviews were parole reversals by the Governor of California. Of these 28 parole reversals, 15 were for incarcerated individuals who were 25 years of age or younger at the time of the life-crime, which is over 53% of the parole

reversals for 2018. Six[7] parole reversals were for incarcerated individuals who were 17 years of age or younger at the time of the life-crime, which is over 21% of the parole reversals for 2018.

34. The 2017 Parole Reversal Report contained 25 Release Reviews. All 25 Release Reviews were parole reversals by the Governor of California. Of these 25 parole reversals, at least 15 were for incarcerated individuals who were 25 years of age or younger at the time of the life-crime, which is 60% of the parole reversals for 2017. Five parole reversals were for incarcerated individuals who were 17 years of age or younger at the time of the life-crime, which is 20% of the parole reversals for 2017.

35. The 2016 Parole Reversal Report contained 99 Release Reviews. All 99 Release Reviews were parole reversals by the Governor of California. Of these 99 parole reversals, at least 59 were for incarcerated individuals who were 25 years of age or younger at the time of the life-crime, which is over 59% of the parole reversals for 2016. Eighteen parole reversals were for incarcerated individuals who were 17 years of age or younger at the time of the life-crime, which is over 18% of the parole reversals for 2016.

36. The 2015 Parole Reversal Report contained 96 Release Reviews. Ninety-five Release Reviews were parole reversals by the Governor of California, and 1 was a modification adding additional conditions of parole. Of the 95 parole reversals,

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[7] One of the individuals committed their life-crimes at 17 and 18 years old. That individual is counted among the 6 individuals identified as under 18 years of age.

at least 27 were for incarcerated individuals who were 25 years of age or younger at the time of the life-crime, which is over 28% of the parole reversals for 2015. At least 14 parole reversals were for incarcerated individuals who were 17 years of age or younger at the time of the life-crime, which is over 14% of the parole reversals for 2015.

37. The 2014 Parole Reversal Report contained 132[8] Release Reviews. All 132 Release Reviews were parole reversals by the Governor of California. Of these 132 parole reversals, at least 40 were for incarcerated individuals who were 25 years of age or younger at the time of the life-crime, which is over 30% of the parole reversals for 2014. At least 17 parole reversals were for incarcerated individuals who were 17 years of age or younger at the time of the life-crime, which is over 12% of the parole reversals for 2014.

38. The 2013 Parole Reversal Report contained 100 Release Reviews. All 100 Release Reviews were parole reversals by the Governor of California. Of these 100 parole reversals, at least 30 were for incarcerated individuals who were 25 years of age or younger at the time of the life-crime, which is 30% of the parole reversals for 2013. At least 14 parole reversals were for incarcerated individuals who were 17 years of age or younger at

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[8] The 2014 Parole Report states there were 133 parole reversals, but two of the Release Reviews are duplicates of each other. That parole reversal is accordingly counted only once in this tally, yielding a total number of 132.

the time of the life-crime, which is 14% of the parole reversals for 2013.

39. The 2012 Parole Reversal Report contained 92 Release Reviews. Ninety[9] Release Reviews were parole reversals by the Governor of California, and 2 were modifications shortening the release date for parole. Of the 90 parole reversals, at least 21 were for incarcerated individuals who were 25 years of age or younger at the time of the life-crime, which is over 23% of the parole reversals for 2012. At least 11 parole reversals were for incarcerated individuals who were 17 years of age or younger at the time of the life-crime, which is over 12% of the parole reversals for 2012.

40. The 2011 Parole Reversal Report contained 72 Release Reviews. Seventy-one[10] Release Reviews were parole reversals by the Governor of California, and 1 was a modification shortening the release date for parole. Of the 70 individuals whose parole was reversed, at least 12 were for incarcerated individuals who were 25 years of age or younger at the time of the life-crime, which is over 17% of the parole reversals for 2011. At least 4 parole reversals were for incarcerated individuals who were 17 years of age or younger at the time of the life-crime, which is over 5% of the parole reversals for 2011.

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[9] The 2012 Parole Report states there were 91 parole reversals in 2012, but in fact there are only 90 parole reversals.

[10] One individual's grant of parole was reversed twice in 2011. Accordingly, that individual is only counted once in this tally. This individual was not apparently 25 years of age or younger at the time of their life-crime.

Governor's Parole Reversals Between 2011-2025 – Percentages Showing Age at Time of Offense

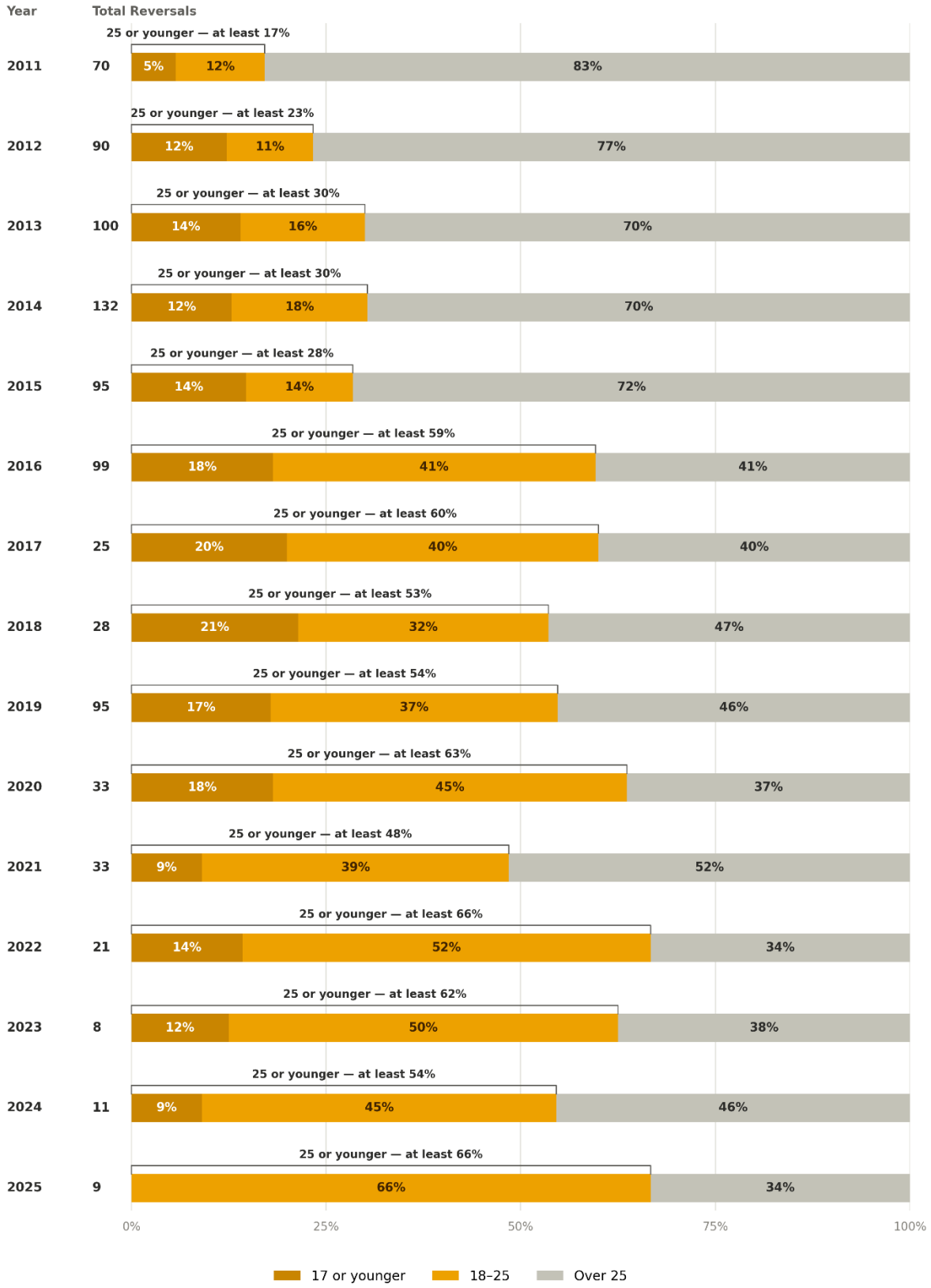


Chart 4 | Reference: ¶ 26-40

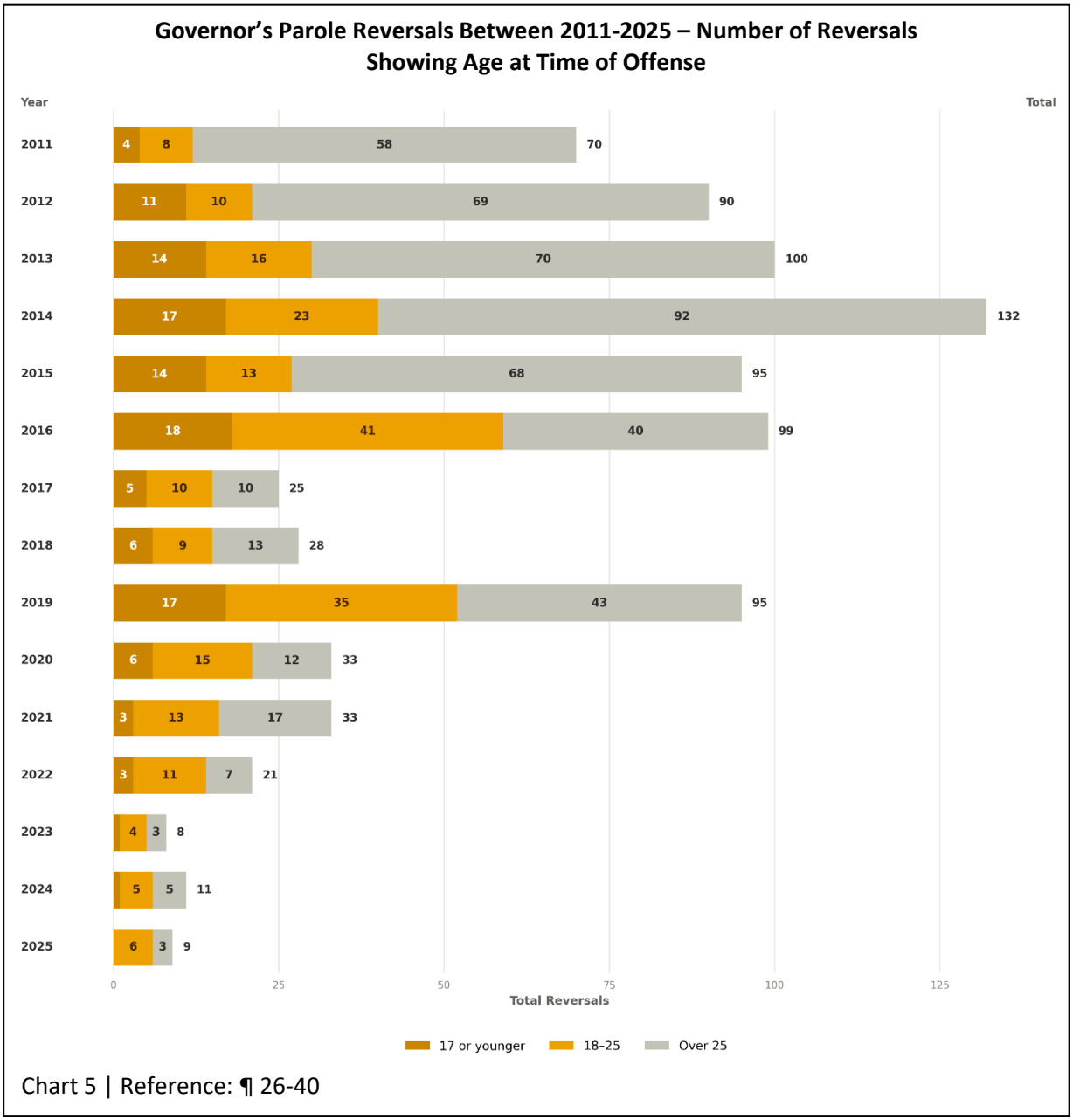


Chart 5 | Reference: ¶ 26-40

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this Declaration was executed at Fresno, California this 7th day of October, 2026.

Sara Cooksey