

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

JESUS CECENA, C-08487

First Degree Murder

AFFIRM:

MODIFY:

REVERSE:

_____ X _____

STATEMENT OF FACTS

In 1978, 17-year-old Mr. Cecena drove recklessly after an evening of drinking and smoking phencyclidine (PCP) with his crime partner, a fellow gang member. San Diego City Police Officer Archie Buggs pulled Mr. Cecena over for a traffic stop. Mr. Cecena's crime partner handed him a revolver, Mr. Cecena got out of the car, walked toward Officer Buggs, shot him six times, then continued to shoot as the officer fell to the ground. Officer Buggs fired two or three shots, but did not strike Mr. Cecena. Mr. Cecena fled the scene, leaving Officer Buggs to die in the street.

DECISION

I acknowledge that Mr. Cecena committed this crime when he was 17 years old and that he has since been incarcerated for 42 years. In making this decision, I carefully examined the record for evidence demonstrating Mr. Cecena's increased maturity and rehabilitation, and gave great weight to all the factors relevant to his diminished culpability as a youthful offender—his callousness resulting from his antisocial and gang influences—and other hallmark features of his youth. I also considered the difficult experiences that shaped Mr. Cecena's early life. At age 13, Mr. Cecena's parents went through an acrimonious divorce and his abusive father left the family while his mother became increasingly depressed and turned to alcohol. Mr. Cecena explained his relationship with his father to the Board psychologist in 2018: "Nothing I did seemed good enough for him; he never told me he loved me." In response to feeling abandoned by his parents, Mr. Cecena sought acceptance and protection from a street gang. He also began sniffing paint and using PCP, which grew into an addiction. Mr. Cecena told the psychologist that he started using drugs "to get away from what was going on at home with my mom and dad" and "to fit in" with his fellow gang members.

I also acknowledge that Mr. Cecena is now 59 years old and has made efforts to improve himself in prison. He has not been disciplined in 33 years. He has maintained his sobriety for 33 years. He disassociated from prison gangs in 1990. He has participated in numerous self-help programs, including Alcoholics Anonymous and Criminals and Gangmembers Anonymous. He has earned his GED, his high school diploma, and has completed three vocational certificates. He has worked as a Prison Industry Authority optician, was promoted to a leadership role, and earned exceptional work reviews. I have given great weight to Mr. Cecena's youth at the time of the life crime and his subsequent growth in prison during my consideration of his suitability for parole. However, these factors are outweighed by negative factors that demonstrate Mr. Cecena remains unsuitable for parole at this time.

Mr. Cecena's murder of Officer Buggs was a senseless act that adversely impacted countless lives. Officer Buggs was one of only a small number of African American officers in the San Diego Police Department in 1978, was respected and beloved by his family and the greater law enforcement community. He had worked as a police officer for four years before he was murdered. Before joining the San Diego Police Department, he served in the Army and fought in the Vietnam war. At the 2020 parole hearing, Mr. Cecena acknowledged the harm he caused: "I murdered an innocent human being, a man, 30 years old. He was just doing his job. When I think about it... it tears me apart because he wasn't trying to hurt me that night. Officer Buggs was trying to save me. When I read the police reports describing how I was driving that night, he's trying to save me. And I didn't see that, and I murdered him because of my selfishness, because of the fact that I didn't have no empathy for anybody else but myself. I didn't care about anybody but myself." Previously, Mr. Cecena minimized his role in the offense. At his 2020 parole hearing, Mr. Cecena showed marked improvement in this area. He now acknowledges that he "executed" Officer Buggs and continued to shoot at him as he lay on the ground, and Mr. Cecena has shown genuine remorse and nuanced understanding of victim impact.

Although Mr. Cecena acknowledges the impact of his crime on the victim's family and community, I am concerned that he fails to fully understand the causative factors that led him to murder Officer Buggs. This is Mr. Cecena's fifth parole grant since 2014. The four previous parole grants were reversed on the basis of Mr. Cecena's insufficient insight. Specifically, Mr. Cecena's has not accepted that this murder was gang-motivated, and not just gang-related. Mr. Cecena repeated the same logically inconsistent narrative at his 2020 parole hearing that he gave at his prior hearings: that he killed Officer Buggs solely because he did not want to get in trouble with his father for being pulled over

for driving under the influence. He told the panel, "People are saying I murdered this police officer because my intentions were to murder a police officer. That's not the truth. My intentions to execute this officer was because I didn't want to face my father. I believed at that time, by murdering this police officer, that it would just go away." Mr. Cecena still is unwilling to acknowledge the underlying or causative factors that are in evidence, specifically that he belonged to a gang where killing a peace officer was seen as an ultimate goal, that a more senior and respected gang member handed him a firearm so he could to kill Officer Buggs, and that killing Officer Buggs was a way for Mr. Cecena to gain more respect and power within his gang. Mr. Cecena now admits that he authored a poem shortly after the murder which celebrated Officer Buggs's death and the power of his gang, yet he fails to connect his own written words with his intent.

The psychologist who evaluated Mr. Cecena in 2018 raised concerns about Mr. Cecena's insight, and wrote that Mr. Cecena's "understanding about the precipitants of his controlling offense represented a relative weakness." This psychologist found that Mr. Cecena failed to connect his gang mentality to his violent choices, unless openly confronted with the obvious connection. The panel at Mr. Cecena's 2020 hearing also acknowledged that his insight was lacking, and the Presiding Commissioner said, "[W]e do acknowledge that there is some concern about your motivations in the crime, and I don't want to undervalue that or minimize those concerns." Forty-two years of self-help programming and rehabilitation have provided Mr. Cecena with countless opportunities to deepen his insight. In fact, he has facilitated Criminals and Gangmembers Anonymous and should be an expert in understanding the connection between the politics of gang life and the murder he committed. Mr. Cecena has additional work to do in this area before he can be safely released.

CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Cecena is currently dangerous. When considered as a whole, I find the evidence shows that he currently poses an unreasonable danger to society if released from prison at this time. Therefore, I reverse the decision to parole Mr. Cecena.

Decision Date:
October 9, 2020



GAVIN NEWSOM
Governor, State of California