

INDETERMINATE SENTENCE PAROLE RELEASE REVIEW
(Penal Code Section 3041.2)

MARIO CATANIO, C-77711

First-degree murder

AFFIRM: _____

MODIFY: _____

REVERSE: _____ **X** _____

STATEMENT OF FACTS

Restaurant owners Henry Martinez and Arlene Boyle hired Mario Catanio to set fire to their restaurant to fraudulently collect the insurance proceeds. Mr. Catanio was paid \$2500 by the owners. The fire developed into a major emergency, requiring fire fighters from seven stations to be dispatched along with five rescue ambulances. While attempting to extinguish the blaze, firefighter Thomas Taylor fell through the roof and died. Eight other firefighters were injured. Mr. Catanio was arrested on September 3, 1981.

GOVERNING LAW

The question I must answer is whether Mr. Catanio 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. Catanio suitable for parole based on his remorse, insight, lack of disciplinary history, self-help programming and vocational upgrades, age, psychological report, and parole plans.

I acknowledge Mr. Catanio has made efforts to improve himself while incarcerated. He earned two associate's degrees while in federal prison and has completed some college coursework in Alcohol and Drug Studies. He has been disciplined only once for serious misconduct. He has participated in self-help programs including Alcoholics Anonymous and victim awareness classes and retreats. He has received positive work evaluations. He plays music in mass. I commend Mr. Catanio for taking these positive steps. But they are outweighed by negative factors that demonstrate he remains unsuitable for parole.

Mr. Catanio's crime was senseless. He set fire to a restaurant without giving any consideration to the risks the conflagration would pose to the firefighters or the public. One firefighter died in

the line of duty and eight others were injured. Mr. Catanio's actions had a devastating and long-lasting impact on Mr. Taylor's loved ones and the community of firefighters. I note that they have written several heartfelt letters and have appeared at Mr. Catanio's parole hearings to express their deep sense of loss even these many years after the fire.

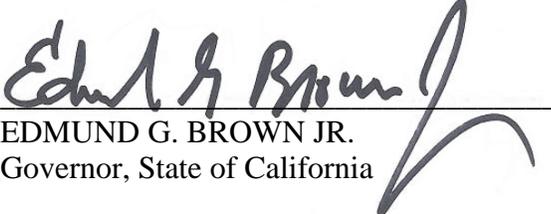
I am concerned Mr. Catanio lacks a proper appreciation for the gravity of his actions. In 2009, he denied any intent to physically harm anyone by committing the arson, calling it an "accident." When asked about Mr. Taylor who died in the fire, Mr. Catanio stated: "I can't blame him ... it was a million to one shot what happened ... the roof caved in ... he was doing his job. I'm not saying he did anything wrong." The psychologist concluded that Mr. Catanio lacked insight, expressed negative attitudes, and showed a lack of remorse and failure to accept responsibility for his actions. I agree. His comments indicate to me that he does not understand that his fire placed many firefighters' lives at risk and resulted in Mr. Taylor's death.

In 2012, Mr. Catanio explained to a psychologist that "I was irresponsible, thought life was a joke" and that "at the time I didn't think that the fire was really wrong." The psychologist noted that "[w]hile he has some insight, his remorse seems more intellectual, albeit his genuineness is clear." It appears from these findings that Mr. Catanio has yet to internalize what he did and why. Mr. Catanio's elevated risk scores support my concerns. In his 2009 comprehensive risk assessment, the psychologist rated him a moderate risk of violence, a moderate risk for general recidivism, and in the moderate range for psychopathy and overall risk for violent recidivism. I encourage Mr. Catanio to continue exploring the factors that led to this crime and the impact it had on the community, especially the families of the firefighter killed and those injured in the fire.

CONCLUSION

I have considered the evidence in the record that is relevant to whether Mr. Catanio 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. Catanio.

Decision Date: December 14, 2012


EDMUND G. BROWN JR.
Governor, State of California