

**Proposition 57 Aftermath ...**  
**State Prison Inmates Under Review By CDCR**  
**For Expedited (Early) Release** [Updated March 10, 2022]

Name of Convict	Date Committed to Prison	Crimes Convicted and Sentenced Together	Special Notes	State Prison Sentence Imposed	Parole Board Legal Notice: Date Received	Board of Parole Hearings Nonviolent Parole Review Decision
<p><b>Anthony Grayson Aguilar</b></p> <p>SCUK CRCR 14-78584 SCUK CRCR 13-75022</p>	<p>10/23/2015</p>	<p>PC § 1320.5 Bail Jumping</p> <p>VC § 2800.2 Recklessly Evading Peace Officer in Motor Vehicle</p> <p>H&amp;S Code § 11378 [Lake Co. Superior Court] Meth: Possession for Sale</p> <p>H&amp;S Code § 11378 [Yolo Co. Superior Court] Meth: Possession for Sale</p>		<p>80 mos.</p>	<p>07/03/2017</p>	<p><b>09/20/2017: Expedited Release DENIED.</b></p> <p>Decision based on the reasons stated below:</p> <p>Decision: When considering the finding on each of case factors for Anthony Aguilar, AY2292, both aggravating and mitigating, they do tend to show that he poses an unreasonable risk of violence to the community. Release is denied.</p> <p>Statement of reasons: <u>CURRENT COMMITMENT OFFENSE:</u> Mr. Aguilar's offenses are: 2 counts of Health and Safety Code (HS) §11378 – Possession of C/S for Sale (1/22/14); Vehicle Code (VC) §2800.2(a) – Evade/Attempt to Evade Peace Officer/Reckless Driving (11/1/13; and Penal Code (PC) §1320.5 – Failure to Appear (2/26/14), for which Mr. Aguilar was sentenced to a total term of 8 years and 4 months.</p> <p>On 11/1/13, Mr. Aguilar fled after a traffic stop at speeds of up to 100 MPH on a roadway where the posted speed was 35 MPH. During the chase, he once travelled in the opposite lane.</p> <p>In aggravation, Mr. Aguilar's reckless driving rose to the level of a threat of violence; and he was sentenced to two or more felonies as part of the crimes leading to the current prison term. In mitigation, no weapon was used in this offense; and there was no physical injury to any victim. On balance this offense is aggravating because Mr. Aguilar's behavior rose to the level of a threat of violence to the public.</p> <p>On 1/22/14, police observed a vehicle in which Mr. Aguilar</p>

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						<p>was a passenger cross over the double yellow lines. The police signaled a traffic stop, and the driver fled. During the chase, Mr. Aguilar was observed throwing a plastic bag out the rear window. A search of the vehicle yielded 77 grams of meth; 90 grams of marijuana. The package thrown from the vehicle contained controlled substances.</p> <p>In aggravation, Mr. Aguilar was sentenced to two or more felonies as part of the crimes leading to the current prison term. In mitigation, no weapon was used; there was no violence or threat of violence; and there was no physical injury to victims. On balance this offense is mitigating because Mr. Aguilar did not engage violent, threatening, or assaultive behavior.</p> <p>The following details are taken from the Mendocino County Criminal Complaint, filed on 8/27/14. Mr. Aguilar failed to appear on 2/26/14, in his case for violation of VC §2800.2(A).</p> <p>In aggravation, Mr. Aguilar was sentenced to two or more felonies as part of crimes leading to the current prison term. In mitigation, no weapon was used; there was no violence or threat of violence in this offense; and there was no physical injury to any victim. On balance this offense is mitigating because there was no violence, threat of violence, or assaultive behavior involved.</p> <p>When balanced together, the commitment offenses are aggravating because in one of the offenses (evading peace officer), Mr. Aguilar engage in behavior which rose to the level of a threat of violence wherein he drove in a reckless manner in disregard for public safety.</p> <p><u>CRIMINAL RECORD</u>: Mr. Aguilar's prior criminal history began in 2003 and continued until the last of the</p>

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						<p>commitment offenses in 2015. The prior criminal record includes convictions of: HS §11378 – Possession of C/S for Sale (2003); and 2 counts of HS §11377 – Possession of C/S (2007 &amp; 2008). In aggravation, Mr. Aguilar has been convicted of 3 or more felonies; Mr. Aguilar was not free from incarceration for 5 years prior to the commitment offenses, in that he was jailed in March 2013, and the first of the commitment offenses occurred in November 2013; and the prior felony convictions show a pattern of similar repetitive criminal conduct in that the record includes 3 drug related crimes. There are no mitigating factors.</p> <p>On balance the prior criminal record is an aggravating factor because of the repetitive criminal conduct, and Mr. Aguilar was not free from incarceration for a period of five years prior to committing the current offenses.</p> <p><u>INSTITUTIONAL ADJUSTMENT:</u> Mr. Aguilar has been incarcerated on the commitment offenses since 11/2/15, a period of approximately 2 years. During incarceration he suffered the following serious rules violations: 11/6/15 – possession of inmate manufactured alcohol; and 12/20/15 – delaying peace officer. Mr. Aguilar’s file includes the following reliable confidential memos: 9/4/16 and 7/24/17, and both memos refer to his drug issues. Mr. Aguilar has participated in substance abuse, criminal thinking and anger management groups, education classes, and he has worked as a porter. Despite his positive programming, on balance the institutional record shows non-compliance with institutional rules and is an aggravating factor.</p> <p><u>RESPONSE TO LEGAL NOTICE:</u>  In response to Legal Notices Mr. Aguilar provided a letter dated 7/1/17.</p>

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						<p>SUMMARY: On balance, all factors are aggravating factor. Mr. Aguilar engaged in behavior which rose to a threat of violence in the commitment offense; the prior record shows repetitive criminal conduct; and the institutional adjustment show violations of rules. As a result, Mr. Aguilar is denied release at this time.</p> <p><i>Daniel Moeller</i></p>
<p><b>Crystal Sue Aikens</b></p> <p>SCUK CRCR 15-81859</p>	<p>09/17/2015</p>	<p>PC § 459/460(a) Residential Burglary Restitution Owning: \$600</p> <p>PC § 496(a) Receiving Stolen Property &gt; \$950</p>	<p>This defendant is a recidivist who steals from those around her when not incarcerated. She suffered a prior Strike conviction for residential burglary, a separate conviction for felony grand theft, and a separate conviction for receiving stolen property in 2007 – all in the Sonoma County Superior Court. In 2008 she was further convicted of felony burglary in the second degree and felony forgery, also in the Sonoma County Superior Court. In 2011 she was convicted in the Yolo County Superior Court of felony possession of methamphetamine. She had served two prison terms prior to this case.</p>	<p>64 mos.</p>	<p>07/05/2017</p>	<p><b>08/09/2017: Expedited Release GRANTED.</b></p> <p>Decision based on reasons state below:</p> <p>Inmate Crystal Aikens (WF3791) is being reviewed for early release pursuant to Proposition 57. The issue is whether she would pose an unreasonable risk of violence to the community if released at this time. After balancing the four relevant case factors, aggravating and mitigating, they tend to show the inmate does not currently represent an unreasonable risk of violence.</p> <p><u>FACTOR 1 – COMMITMENT OFFENSES</u></p> <p>The inmate is currently serving a 5-year, 4-month prison term for PC 459/460(a), Burglary 1<sup>st</sup> (offense date 06/10/15) and PC 496(a) Receiving Stolen Property (RSP) (offense date 04/26/15). According to the statements in the POR, the burglary appears to have involved the inmate taking personal property belonging to the victim (birth certificate, bank statements, receipts, checks and a bank card) when she packed up and [then] left the motel they were staying in. The RSP charged involved her attempting to sell stolen tools. The one aggravating factor applicable to both crimes is that the inmate was sentenced to prison for two or more felonies. Mitigating circumstances include</p>

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						<p>(1) no weapon was used in either offense; (2) there was no violence or threat of violence in the offenses; (3) the offenses did not involve physical injury to any victim; (4) the inmate was using drugs at the time; and (5) the crimes were limited to property theft.</p> <p>Neither of the commitment offenses involved violence or injury. On balance, they are a mitigating factor.</p> <p><b><u>FACTOR 2 – PRIOR CRIMINAL RECORD</u></b></p> <p>The inmate’s criminal record of felony convictions began in 2007 with a PC 487(a) Grand Theft conviction. The inmate’s other prior felony convictions include PC 459 Burglary 1<sup>st</sup> (2008); Burglary 1<sup>st</sup> (2008); PC 470a [Forged] Driver’s License (stayed) (2008); PC 496(a) RSP (2008); HS 11377(a) Possession of CS (2012); and PC 459 Burglary 2<sup>nd</sup> (2008). Aggravating circumstances related to the inmate’s prior record include (1) she has been convicted of 3 or more prior felonies; (2) she was not free from incarceration for at least 5 years prior to committing the current offenses (last released from custody was 04/06/14; RSP offense occurred 04/26/15); and (3) her prior felonies show a pattern of similar repetitive criminal conduct (property theft). Mitigating circumstances include (1) the inmate’s prior felony convictions are limited to property and drug offenses; and (2) she has no known prior juvenile criminal record.</p> <p>The inmate’s prior felony convictions, although fairly numerous, do not reflect a propensity for physical violence and the majority of the convictions were in 2008 – almost 10 years ago. On balance, the inmate’s prior criminal record is considered a mitigation factor.</p>

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						<p><u>FACTOR 3 – INSTITUTIONAL BEHAVIOR/PROGRAMMING</u></p> <p>The inmate was received into the CDCR on the present term on 12/23/15 and has been in prison for approximately one year and eight months. There are no negative circumstances associated with the inmate's incarceration on the current term. Positive circumstances include (1) other than a February 2017 CDCR-128A counseling chrono for being absent from work, the inmate has remained disciplinary free during her current incarceration; (2) she has attended adult educational classes; (3) completed a Vocational Computer Literacy course; and (4) participated in the Narcotics Anonymous program. Accordingly, the inmate's overall institutional adjustment is a mitigating factor.</p> <p><u>FACTOR 4 – RESPONSES TO LEGAL NOTICES</u></p> <p>No response to the Legal Notices was received.</p> <p>SUMMARY:</p> <p>The inmate's current commitment offenses did not involve violence on her part; her prior criminal history does not reflect a pattern of violence; and she has performed reasonably well while in prison on the current term. Based on these positive aspects of her case, all of the relevant case factors have been deemed factors in mitigation. As such, the inmate is not considered an unreasonable risk of violence to the community at this time and her release is approved.</p> <p><i>Keith Stanton</i></p>
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<p style="text-align: center;"><b>David Matthew Andrews</b></p> <p>SCUK CRCR 14-75785  SCUK CRCR 10-15344  SCUK CRCR 10-10659</p>	<p>05/27/2014</p>	<p>PC § 459/460(b) x 4  Commercial Burglary  Restitution Owing:  \$2,368.88</p> <p>PC § 12021(a)  Felon Possessing Firearm</p> <p>PC § 459/460(a)  Residential Burglary</p>	<p>This defendant is a recidivist. He has two prior felony convictions for the same primary offense – commercial burglary. He was not rehabilitated despite serving a term on parole following a prior prison commitment.</p>	<p>132 mos.</p>	<p>07/05/2017</p>	<p><b>08/16/2017: Expedited Release GRANTED.</b></p> <p>Decision based on the reasons stated below:</p> <p>Decision: When considering together the findings on each of the four factors of Mr. Andrews’ case, both aggravating and mitigating, they show he does not pose an unreasonable risk of violence to the community. Release is approved.</p> <p><u>Commitment Offense(s):</u></p> <p>Mr. Andrews’ current commitment offenses are a mitigating factor in this case.</p> <p>On 5/27/14, Mr. Andrews was sentenced to 10 years for the following 8 felonies arising from multiple cases.</p> <ul style="list-style-type: none"> <li>▪ 4 counts of Burglary 2<sup>nd</sup> PC 459</li> <li>▪ Burglary 1<sup>st</sup> PC 459</li> <li>▪ 2 counts of Possession of Controlled Substance HS 11377(a)</li> <li>▪ POSS F/A EX-FEL PC 12021(a)(1)</li> </ul> <p>In the first case on 11/3/10, Mr. Andrews will [sic] was arrested depending on parole search where law enforcement found methamphetamine, marijuana, a digital scale, burglary tools, disguises and 2 firearms. It was later determined the stolen firearms were from a first-degree burglary committed by Mr. Andrews. He was sentenced to probation and ordered to participate in drug court.</p> <p>Subsequently on 1/25/14, after receiving information regarding Mr. Andrews’ efforts to sell stolen items online, the product of multiple burglaries, law-enforcement using</p>

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						<p>a confidential informant set up a buy rendezvous. Per the arrest [sic] Mr. Andrews was in possession of multiple stolen items including three laptop computers, stolen credit cards/ID cards, multiple personal documents, stage monitors, collectible coins, stolen checks, burglary tools and 7 g of methamphetamine. The stolen items were identified by a variety of victims from multiple burglaries.</p> <p>The aggravating circumstances are Mr. Andrews was convicted of multiple felonies, and he was on parole when he committed the first crime in 2010.</p> <p>The mitigating circumstances are there were no injury to the victims, no weapons was [sic] used and there is no indication of a threat of violence during any of the aforementioned felonies. In addition, all but one offenses possession of a firearm in 2010 are property and drug crimes. In conclusion, the multiple mitigating circumstances outweigh the aggravating circumstances in finding that the current commitment offenses are a mitigating factor.</p> <p><u>Prior Criminal History:</u></p> <p>Mr. Andrews' felony criminal record began in 2005, concluding with the current commitment offenses in 2014. Mr. Andrew's 9 year criminal history is a mitigating factor in this case.</p> <p>Mr. Andrews' criminal history consists of 3 felony convictions. He has 2 convictions for Burglary 2<sup>nd</sup> PC 459 in 2005 and 2007. In 213 he was sentenced to two days in the county jail for Possession of Controlled Substance for Sale HS 11378.</p> <p>The aggravating circumstances are he has 3 or more felony</p>



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						<p>convictions. He was not free from incarceration for more than 5 years before the commitment offense, as he was released to parole on 3/25/10, and returned to CDCR on 6/5/14.</p> <p>Circumstances in mitigation are the offenses are for property crimes notwithstanding the two days he spent in jail for possession for sales, and he has no known juvenile record. Mr. Andrews minimal time in the free community here eight months before he began his burglary spree that led to his current incarceration, is concerning. However there is no indication of violence which supports the conclusion his prior criminal history is a mitigating factor.</p> <p><u>Institutional Adjustment:</u></p> <p>Mr. Andrews has been incarcerated for the commitment offense [sic] since 6/5/14, a period of approximately 38 months. Mr. Andrews' institutional record since his most recent incarceration in CDCR does show compliance with institutional rules and programming. To his credit he has been active since the beginning of his term. He currently participates in AA/NA, vocational welding and multiple modules of rehabilitative programming including cage rage, criminal gangs anonymous, parenting and completion of houses of healing. In addition he is making efforts to advance educationally by participating in college correspondence courses. This author notes two 128-As in 2015 and 2016 for avoiding work. However, the absence of any 115s couple with his participation in a plethora of positive programming, [sic] supports the conclusion that his institutional adjustment is a mitigating factor.</p> <p><u>Legal Notices:</u></p> <p>There were no responses to Legal Notices.</p>

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						<p>Conclusion: When considering each of the aforementioned four criteria, noting the multiple the [sic] mitigating factors, and the absence of any aggravating factors, it is concluded Mr. Andrews does not pose an unreasonable risk of violence to the community.</p> <p>Mr. Andrews' criminal history, including the current commitment offenses consists of primarily property crimes and drugs with no indication of violence. This factor weighs heavily in concluding he does not pose an unreasonable risk of violence to the community.</p> <p><i>Karen Fleming</i></p>
<p style="text-align: center;"><b>Gilbert Benavidez</b></p> <p>SCUK CRCR 15-84153</p>	<p>09/21/2017</p>	<p>PC § 30305(a)(1) Prohibited Person in Possession of Ammunition</p>		<p>8 mos.</p>	<p>11/01/2018</p>	<p><b>12/13/2018: Expedited Release GRANTED.</b></p> <p>Decision based on the reasons stated below:</p> <p>Decision: When considering together the findings on each of the inmate Gilbert Benavidez's (AZ7792) four case factors, the inmate does not pose an unreasonable risk of violence to the community. Release is approved.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offenses aggravate the inmate's current risk of violence. The inmate was sentenced to a total term of 10 years, 4 months, on the current commitment offenses. The commitment offenses are :</p> <ol style="list-style-type: none"> <li>1. HS 11379(a), Transportation for Sale of a Controlled Substance, (Controlling Offense/Principal Term).</li> </ol>

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						<p>2. CVC 2800.2(a), Evading, (Consecutive).  3. PC 30305(a)(1), Prohibited Person in Possession of Ammunition, (Consecutive).</p> <p>Sentence: On 4/1/2016, Inmate was sentenced in Sonoma County, as follows: The mid-term of 3 years on the HS 11379(a); plus, one-third-the-midterm of 8 months on the CVC 2800.2(a); plus, two full-term 3-year HS 11370.2(c) prior conviction enhancements, all consecutive, for a total term of 9 years, 8 months. On 9/21/2017, Inmate was re-sentenced in Mendocino County to the above 9 year, 8 month term; plus, a consecutive one-third the midterm of 8 months on the PC 30305(a)(1) offense, for a total aggregate term of 10 years, 4 months.</p> <p>Facts: On the night of 12/5/2015, police initiated a traffic stop of a vehicle which Inmate was driving. Inmate initially pulled over, but then fled the scene. A vehicle pursuit ensued, involving multiple patrol units, over a total distance of about 8 miles. Inmate drove recklessly at speeds in excess of 90 mph, tossing items out of the vehicle throughout the pursuit. Inmate eventually stopped and was arrested. Police recovered the items Inmate had tossed from the vehicle. In addition, further items were seized from Inmate's person and from inside his vehicle. Total contraband seized included over \$23,000 in cash, over 3 pounds of marijuana, about 3 pounds of methamphetamine, a digital scale and four cell phones.</p> <p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are aggravating circumstances in the case and the following aggravating circumstances make this an aggravating factor in the case:  1. There were one or more victims who suffered a threat of physical injury. Inmate's conduct of driving recklessly at</p>

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						<p>high rates of speed over a distance of 8 miles, while being pursued by multiple police units, constitutes an implied threat of physical injury to bystanders, pedestrians, other drivers, and those participating in the pursuit. Therefore, the current crimes are found to be an aggravating risk factor in the case.</p> <p><u>Case Factor #2 - Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 1992 and continued until the commitment offenses in 2015. The inmate's prior criminal record is a factor mitigating the inmate's current risk of violence. The inmate has the following adult criminal convictions:            1992 - HS 11359, Possession of Marijuana for Sale            1996 - PC 4573.6, Possession of Controlled Substance in Jail/Prison            1998 - PC 245(a)(1), Assault with a Deadly Weapon            1999 - HS 11379(a), Transportation for Sale of a Controlled Substance            2007 - HS 11378, Possession for Sale of a Controlled Substance            2007 - HS 11360(a), Transportation/Sale of Marijuana; HS 11379(a), Transportation of a Controlled Substance; HS 11378, Possession for Sale of a Controlled Substance            2010 - HS 11378, Possession for Sale of a Controlled Substance</p> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence are:            1. The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years. Inmate has no prior PC 667.5(c) violent felony convictions.</p> <p>The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence are:</p>

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						<p>1. The inmate was incarcerated for a felony conviction within five years prior to his current convictions. Inmate was last released from incarceration for a felony (PRCS) on 8/30/2013. Inmate was convicted of the current commitment offenses on 3/3/2016 and 8/29/2017. Thus, Inmate was incarcerated for a felony conviction within five years prior to his current conviction.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record mitigate the inmate's current risk of violence because although Inmate's prior criminal record is extensive, it is predominately for drug-related convictions. These prior convictions are not inherently crimes involving physical injury or threats of physical injury to others. It is noted that these convictions are not accompanied by arming enhancements or weapon possession. Inmate's prior conviction for Assault is now at least 20 years old and has limited probative value in assessing a current risk for violence. Inmate has no prior PC 667.5(c) violent felony convictions. These mitigating circumstances outweigh the aggravating circumstance that Inmate was not able to remain free from felony incarceration for at least five years prior to incurring the current conviction. Thus, this case factor is overall mitigating.</p> <p><u>Case Factor #3 - Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since May 3, 2016, a period of approximately 2 years, 7 months.</p> <p>Educational Programming - Inmate participated in ABE I. He earned Milestone Completion Credits for a Math program in April 2018. Inmate is currently assigned to a painting class (Visual and Performing Arts).</p>

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						<p>Vocational Programming - None indicated.            Work Assignments - Inmate was a Dining Room Worker.            Self-help and Rehabilitative Programming - Inmate has participated in Self-help programming. He is currently assigned to Family Relationships and How it Works (Substance Abuse Recovery Support Group). He has completed Criminal Thinking; Anger Management; and, Substance Abuse Program; having earned milestone completion credits for each program. Inmate participated in GOGI and in CGA. Inmate is a participant in the MHSDS at the CCCMS level of care.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence:</p> <ol style="list-style-type: none"> <li>1. The inmate has not been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison. Inmate has been discipline-free in the current commitment term.</li> <li>2. There is no reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since his last admission to prison.</li> <li>3. The inmate has successfully participated in vocational, educational, or work assignments for a sustained period of time. Inmate has satisfactorily participated in educational or work assignments for a significant portion of his current commitment term.</li> <li>4. The inmate has successfully participated in rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior, such as substance abuse, anger management, or gang involvement, for a sustained period of time. Although Inmate's programming began in 2018, he has consistently applied himself, focused on relevant programming, and made significant strides toward rehabilitation.</li> </ol>

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						<p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence: There are no applicable aggravating circumstances.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence because Inmate has remained discipline-free throughout his current commitment term. He has remained productive with educational or Work assignments. He has intensively participated in self-help programming through much of this last year. Inmate has made efforts to rehabilitate and has demonstrated positive institutional behavior.</p> <p><u>Case Factor #4 - Response to Legal Notice</u></p> <p>There were responses to the Legal Notices in support of release from family members and personal and family friends, all dated from November 2018. Also, letter from Inmate, Gilbert Benavidez, with attached Parole Plan and Relapse Prevention Plan, dated 11/26/2018, all of which were reviewed and considered in this decision. There were responses to the Legal Notices in opposition to release from the Sonoma County District Attorney's Office, dated 11/16/2018, which were reviewed and considered in this decision.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, taking into account the totality of the circumstances, including the Inmate's age (49 years old), the factors mitigating the inmate's current risk of violence outweigh the factors aggravating the inmate's current risk of violence.</p>

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						<p>The Current Commitment Offense is an aggravating case factor. However, it alone does not outweigh the mitigating case factors of Prior Criminal Record and Institutional Adjustment. Inmate's criminal history and controlling commitment offense indicate Inmate's consistent and lengthy involvement in illegally possessing and selling controlled substances. But it does not indicate inherently violent criminal conduct of a nature that causes violent physical injury to others. Inmate's Institutional Adjustment over the last 2 1/2 years demonstrates his successful effort to make positive rehabilitative change. It is significant that Inmate has remained discipline-free in the current commitment term. Thus, the relevant factors assessed under the above criteria tend to show that the Inmate does not pose a current unreasonable risk of violence to the community. The inmate is approved for release.</p> <p style="text-align: right;"><i>Gary Shinaver</i></p>
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**State Prison Inmates Under Review By CDCR**  
**For Expedited (Early) Release** [Updated March 10, 2022]

Name of Convict	Date Committed to Prison	Crimes Convicted and Sentenced Together	Special Notes	State Prison Sentence Imposed	Parole Board Legal Notice: Date Received	Board of Parole Hearings Nonviolent Parole Review Decision
<p style="text-align: center;"><b>Michael Bradford Bitney</b></p> <p>SCTM CRCR 14-79343</p>	<p>07/19/2016</p>	<p>PC § 192.5(c)(1) Vehicular Manslaughter</p> <p>PC § 1170.12 Prior Strike Conviction</p> <p>PC § 667(a) Prior Serious Felony Conviction</p> <p>VC § 20001(b)(2) Leaving the Scene of an Accident Resulting in Serious Injury</p>	<p>Letter of Opposition to Inmate Michael Bitner's Early Release: Dated: 09/29/2020</p> <p>To the Board of Parole Hearing: The Mendocino County District Attorney has received notice that the Board of Parole Hearings (BPH) is reviewing Inmate Michael Bitney (Bitney) for Nonviolent Parole Release.</p> <p>Bitney was committed to the California Department of Corrections and Rehabilitation (CDCR) after violently and intentionally ramming his vehicle through the wall of a motel room for reasons that remain impenetrable to anyone save himself. The ensuing collision claimed the life of a 44-year-old woman named Karen Zuehlsdorf and injured her infant nephew, Cole K. Neither party was known to Bitney.</p> <p>For the reasons stated below, the Mendocino County District Attorney is adamantly opposed to the early release of Michael Bitney.</p> <p>A. <u>Trial Court Procedural History of SCUJ-CRCR-14-79343</u></p> <p>On October 21, 2014, the Mendocino County District Attorney's Office (MCDA) filed a criminal complaint charging Bitney with felony violations of Penal Code section 192(c)(1) [vehicular manslaughter with gross negligence]</p>	<p>264 mos.</p>	<p>09/15/2020</p>	<p><b>11/05/2020: Expedited Release DENIED.</b></p> <p>Decision based on the reasons stated below:</p> <p>Decision: When considering together the findings on each of the inmate Michael Bitney's (BA5347) four case factors, the inmate does pose an unreasonable risk of violence to the community. Release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offenses aggravate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 22 years on the current commitment offenses. The commitment offenses are  PC 192(c) Vehicular Manslaughter With Gross Negligence, with a term of 6 years;  VC20001(b)(2) Fleeing Scene after committing Vehicular Manslaughter, with a 654 stay;  Enhancement VC20001(C) with a 5 year term;  Enhancement PC 1170.12 with a 6 year term;  Enhancement PC 667(a) Prior Felony Conviction of Serious Offense, with 5 year term. Convicted on 5/5/2016 by plea.</p> <p>STATEMENT OF FACTS</p> <p>On 10/17/2014, the inmate drove his truck through a wall of a local tourist motel room. The collision killed a female victim and injured an infant who were staying in the hotel room. Neither victims were known to the inmate. Multiple people saw the inmate flee the scene. Police eventually detained and arrested the inmate.</p> <p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes,</p>

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			<p>and Vehicle Code section 20001 (b)(2) [leaving the scene of a traffic collision resulting in great bodily injury or death]. MCDA additionally alleged that Bitney had fled the scene after committing vehicular manslaughter with gross negligence, in violation of Vehicle Code section 20001 (c), and that Bitney had previously been convicted of a robbery, within the meaning of Penal Code section 1170.12 [prior strike conviction].</p> <p>Bitney was arraigned on this complaint on October 22, 2014. The Mendocino County Public Defender was appointed as his counsel of record, bail was set at \$150,000, and a preliminary hearing was scheduled for November 5, 2014.</p> <p>On October 31, 2014, Bitney's attorney declared a doubt about Bitney's competence to stand trial, and Dr. Kevin Kelly was appointed to examine Bitney. Dr. Kelly met with Bitney, and noted that although Bitney had several signs of mental illness, Bitney's family had reported that Bitney was controlling and manipulative. Dr. Kelly ultimately concluded that Bitney was likely malingering. On December 3, 2014, Mendocino County Superior Court Judge Moorman found Bitney competent to stand trial.</p> <p>On December 15, 2014, Bitney's</p>			<p>there are aggravating circumstances in the case and the following aggravating circumstances make this an aggravating factor in the case:            There were multiple victims who suffered physical injury and threat of physical injury. A female victim was killed and an infant suffered injury due to the inmate's actions. Therefore, the current crimes are found to be an aggravating risk factor in the case.</p> <p><u>Case Factor #2 – Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 1984 and continued until the commitment offenses in 2016. The inmate's prior criminal record is a factor mitigating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions:            1984 PC 211 Robbery (three counts concurrent). Released on 12/13/1986            1989 HS 11350(a) Possession controlled substance felony conviction            1999 HS 11377(a) Possession controlled substance felony conviction</p> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence or significant criminal activity are:</p> <ol style="list-style-type: none"> <li>1. The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years. While the inmate was convicted of a violent felony, three counts Robbery in 1984, this was over 15 years ago.</li> <li>2. The inmate was free from incarceration for a misdemeanor conviction involving physical injury to a victim or a felony conviction for five years or more prior to his current convictions.</li> </ol> <p>The circumstances of the inmate's prior criminal record</p>
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			<p>attorney again declared a doubt about his competence to stand trial. Proceedings were again suspended, and this time Dr. Sylvia Shirikian was appointed to examine Bitney for competence. Dr. Shirikian concluded that Bitney was feigning the symptoms of mental illness to avoid the consequences of his conduct. On January 26, 2015, Mendocino County Superior Court Judge Brennan found Bitney competent to stand trial.</p> <p>On February 9, 2015, Bitney was held to answer as charged at a preliminary examination. On February 25, 2015, Bitney was arraigned on the Information, which was eventually amended to include special allegations under Penal Code sections 1170.12 [prior serious and/or violent felony conviction] and 667(a) [current serious felony offense with a prior serious felony conviction].</p> <p>On June 3, 2015, Bitney's attorney again declared a doubt about Bitney's competence to stand trial. On June 24, 2015, Judge Moorman found Bitney incompetent to stand trial and subsequently committed Bitney to Napa State Hospital (NSH) for restoration.</p> <p>On September 22, 2015, Bitney was admitted to NSH. Less than two months later, NSH discharged Bitney</p>			<p>that aggravate the inmate's current risk of violence or significant criminal activity are:  None  Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record mitigate the inmate's current risk of violence or significant criminal activity because there are no aggravating circumstances per the review criteria.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since July 28, 2016, a period of approximately 4 years, 3 months, 6 days.  The inmate has been involved in the following activities:  RULE VIOLATION REPORTS  None  CONFIDENTIAL  None  VOCATIONAL/EDUCATIONAL/WORK ASSIGNMENTS  Voluntary ABE III  SELF-HELP AND REHABILITATION  Enhanced Outpatient Program  Physical Health and Wellness  Mental Health and Wellness  The inmate has been receiving treatment in the Mental Health Services Delivery System (MHSDS), including EOP. He has a Rehabilitative Case Plan Study, dated 8/7/2020, with the objectives to complete education, self-help, learn a new skill, control anger, and establish a positive support group with other offenders.  The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence or significant</p>

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			<p>after concluding - in what can only be termed a harshly-worded report - that Bitney had been malingering by intentionally falsifying responses on mental health examinations. Judge Moorman thereafter reinstated criminal proceedings.</p> <p>On March 17, 2016, Mendocino County Superior Court Judge Nadel denied Bitney's motion to set aside the Information pursuant to Penal Code section 995. Bitney then entered guilty pleas to all charges and allegations on the First Amended Information, open to the court for sentencing. The case was referred to the Mendocino County Probation Department for the preparation of a pre-sentencing investigation report (PSI).</p> <p>The Mendocino County Probation Department interviewed Bitney for this purpose. After considering the totality of the circumstances, the deputy probation officer recommended that Bitney receive the maximum sentence allowable by law.</p> <p>On July 19, 2016, the case came before Judge Moorman for sentencing. Included in this hearing was Bitney's request that Judge Moorman strike the Penal Code section 1170.12 allegation in the interests of justice. Judge Moorman denied Bitney's request to strike the</p>			<p>criminal activity:</p> <ol style="list-style-type: none"> <li>The inmate has not been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison.</li> <li>There is no reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since his last admission to prison</li> </ol> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> <li>The inmate has limited participation in available vocational, educational, or work assignments. The inmate has a current treatment plan to include continued education. He has begun this plan with some ABE hours, however, this is limited.</li> <li>The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior, such as substance abuse programs. The totality of the inmate's record per the rap sheet reflects a history of alcohol and substance abuse. The commitment offense includes an assaultive crime, vehicular manslaughter. Per the inmate's current treatment plan, he may continue to treat for the circumstances that lead to the crimes that occurred on 10/17/2014.</li> </ol> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity because while the inmate has no confidential memos and no RVRs, this is outweighed by the limited participation in vocational/educational/work assignment hours and the</p>
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			<p>prior strike, and then sentenced Bitney to 22 years in the California Department of Corrections and Rehabilitation. This was the maximum sentence allowable by law once Penal Code section 654 was taken into account.</p> <p>At the time of sentencing, Bitney' s total pre-sentence credits amounted to 3 years, 137 days. This left a nominal remaining sentence of 18 years, 228 days. Even adjusted under Penal Code sections 2033 and 4019, Bitney's expected period of remaining actual incarceration at the time of sentencing was approximately 14 years, 328 days. This sentence was imposed prior to the passage of Proposition 57.</p> <p>Now, however, after serving barely more than four years of this remaining sentence, Bitney has been referred for "Nonviolent" Early Release.</p> <p><u>B. Administrative Review Criteria</u> The Mendocino County District Attorney has limited experience commenting on the Nonviolent Parole Review process, and is not privy to the institutional programming information CDCR traditionally provided to district attorneys before parole hearings. However, after reviewing all available information, we have reached the following conclusion:</p>			<p>limited self-help programming. The inmate is currently working a Rehabilitative Case Plan Study, dated 8/7/2020. However, currently this is not complete. It is recommended that the inmate continue plan participation. Accordingly, the institutional adjustment factor is overall aggravating.</p> <p><u>Case Factor #4 – Response to Legal Notice</u></p> <p>There were response(s) to the Legal Notices in opposition to release from Anna Snyder Kemp 10/7/2020, Daniel, Summer, and Tanner Zuehlsdorf 10/6/2020, Stephen Snyder 10/6/2020, The District Attorney's office 9/29/2020, which were reviewed and considered in this decision.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the passage of time, the inmate's cognitive limitations, the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's current risk of violence or significant criminal activity.</p> <p>Although the inmate's prior criminal record is considered mitigating under the review criteria, it is outweighed by the inmate's current commitment offenses and institutional behavior. The commitment offenses include Vehicular Manslaughter With Gross Negligence, and Fleeing the Scene. A female victim was killed and an infant was injured. As to the institutional adjustment factor, while the inmate has no confidential memos and no RVRs, this is outweighed by the limited participation in vocational/educational/work assignment hours and the limited self-help programming. The inmate is currently working a Rehabilitative Case Plan Study, dated 8/7/2020. However, currently this is not complete. It is</p>

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			<p><b>When considering the known case factors for Inmate Michael Bitney, we believe that <u>this inmate poses an unreasonable risk of violence to the local community</u>. We therefore adamantly oppose early release.</b></p> <p>1. <u>Current Commitment Offense</u></p> <p>Bitney's newest offenses are felony violations of Penal Code section 192(c)(1) [vehicular manslaughter with gross negligence] and Vehicle Code section 20001(b)(2) [fleeing from a traffic collision resulting in death or great bodily injury]. Additionally, because of Bitney's prior conviction for robbery, he admitted special allegations under Penal Code section 1170.12 [prior strike conviction] and Penal Code section 667(a) [current serious felony with prior serious felony conviction]. Finally, Bitney admitted a special allegation under Vehicle Code section 20001 ( c ) that he had fled the scene after violating Penal Code section 192( c )(1) .</p> <p>Prior to committing these offenses, Bitney had been staying at the Beachcomber Motel in Fort Bragg while his travel trailer was being repaired. The Beachcomber Motel is a beachfront property popular with tourists to the region. While staying there, Bitney repeatedly instigated altercations with other motel</p>			<p>recommended that the inmate continue plan participation. For these reasons, the inmate poses a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. The inmate is denied for release.</p> <p><i>Eleanore Adams</i></p>
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			<p>residents. In one of these instances, Bitney used a homophobic slur against another motel guest. Then, on the morning of October 17, 2014, Bitney confronted a man staying in the adjoining room, alleging that the man's dog had bitten one of the cats that Bitney was keeping inside his own motel room.</p> <p>In the early evening of the same day, Bitney intentionally rammed his truck into the man's room. At the time Bitney rammed through the wall of the motel room, Karen Zuehlsdorf, a tourist from Lafayette, California, and Cole, her infant nephew, were inside. The force of the impact mortally wounded Karen by puncturing her heart in two places and inflicting significant trauma on other internal organs. She was covered in debris. Cole was also injured, although his injuries were - through the grace of providence alone - not severe.</p> <p>After ramming the room, Bitney began to back his truck out. When other tourists staying at the motel heard the sound of the collision, they came out from their rooms and attempted to detain Bitney. However, rather than stopping and rendering aid to the woman he had just mortally wounded, Bitney fled from the scene. When he was</p>			
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			<p>stopped by nearby members of law enforcement, Karen's cell phone was still lodged in his vehicle.</p> <p>After law enforcement confronted Bitney with the consequences of his actions, Bitney displayed absolutely no remorse or empathy for the victim. Rather, he repeatedly asked to be released and then feigned a complete lack of understanding of the Miranda advisement - this, despite having been a repeat participant in the criminal justice system. This theme repeated itself throughout the subsequent prosecution, as Bitney repeatedly feigned ignorance of the same criminal justice system in order to malingering.</p> <p>And then, in the course of his interview with Mendocino County Probation, Bitney feigned ignorance of the commitment offense itself, telling the deputy probation officer that he did not remember what had happened. While Bitney admitted that he wished that the commitment offense had not happened, he expressed no remorse for taking Karen Zuehdorf's life or for injuring Cole K. and had a demeanor that the deputy probation officer described as a "lack of affect." The deputy probation officer also noted that Bitney had a "White Pride" tattoo on</p>			
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			<p>his abdomen. Bitney claimed to have received this tattoo during his initial prison commitment (1984); while Bitney claimed that he did not adhere to white supremacist ideology, neither did he take any steps to remove the tattoo.</p> <p>In sum, the commitment offense can be described as nothing other than a senseless act of violence and petty revenge that took the life of one innocent and very nearly took the life of another. Put mildly, this was an aggravated offense.</p> <p>2. <u>Prior Criminal Record</u>            Bitney's record includes three prior convictions for Penal Code section 211 [robbery], all stemming from the same court case in 1984. Bitney served four years in prison for these offenses.</p> <p>After being released from prison, Bitney was convicted of a felony violation of Health &amp; Safety Code section 11350(a) [possession of controlled substance] in 1989.</p> <p>After serving a jail sentence for that offense, Bitney was arrested for attempted robbery; this was pled down to a misdemeanor violation of Penal Code section 487.1 [theft from person] in 1990.</p> <p>In 1993, Bitney was convicted of a misdemeanor violation of Penal Code section 653f(d) [soliciting</p>			

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			<p>controlled substance sales].</p> <p>In 1994, Bitney was convicted of a misdemeanor violation of Vehicle Code section 23152(b) [driving under the influence of alcohol]; as part of his plea agreement, a hit-and-run charge was dismissed.</p> <p>In 1999, Bitney was convicted of a felony violation of Health &amp; Safety Code section 11377(a) [possession of controlled substance] and a misdemeanor violation of Health &amp; Safety Code section 11550(a) [under the influence of a controlled substance].</p> <p>On April 14, 2014, just six months before Bitney killed Karen, Bitney was arrested for Penal Code section 243(b) [battery on a peace officer].</p> <p>On October 17, 2014, Bitney was arrested for his commitment offense.</p> <p>In aggravation, Bitney was previously convicted of three strike offenses. These offenses show that, from an early age, Bitney has been willing to use force and violence against other people when it serves his own interests - whether these interests are real or merely perceived.</p> <p>The only mitigating fact related to Bitney's criminal history is that his criminality - though still frequent - was less severe between his initial prison commitment and this</p>			
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			<p>offense. However, given the seriousness of the offenses underlying both prison commitments, this mitigating fact is not significant. Additionally, the offenses he committed in the interim demonstrate a willingness to use controlled substances. If resumed, this trait can reduce his inhibitions and impair his judgment, putting him at greater risk to reoffend once released.</p> <p>On balance, Bitney's criminal record is an aggravating factor because of its frequency, and because of the serious, felonious acts of violence that bookend this history.</p> <p>3. <u>Institutional Adjustment</u> Contrary to practice in traditional parole proceedings, CDCR does not provide us with information regarding the inmate's institutional adjustment. The Mendocino County District Attorney is therefore unable to assess this factor.</p> <p>4. <u>Conclusion</u> Irrespective of Bitney's institutional adjustment, the Mendocino County District Attorney's Office believes that the senseless nature of Bitney's commitment offense, Bitney's utter lack of demonstrated remorse, Bitney's overt attempts to manipulate the criminal justice</p>			

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			<p>system to his benefit to avoid accountability, Bitney's significant and violent criminal history, and Bitney's pattern of substance abuse are aggravating factors which demonstrate that Bitney poses an unreasonable risk to public safety. For the above-stated reasons, we respectfully ask this Board to deny early release to Inmate Michael Bitney.</p> <p>Sincerely,  <i>Joshua Rosenfeld</i>  Deputy District Attorney</p>			
<p><b>Markeese Mondale Brantley</b></p> <p>SCUK CRCR 17-89909</p>	<p>09/14/2017</p>	<p>PC § 273.5(a)  Corporal Injury to a Spouse</p> <p>PC § 1170.12  Prior Strike Conviction</p>		<p>48 mos.</p>	<p>04/04/2019</p>	<p><b>05/30/2019: Expedited Release DENIED.</b></p> <p>Decision for Brantley, Markeese, AW8132: When considering together the findings on each of the inmate's four case factors, the inmate poses a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. Release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offenses aggravate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 7 years on the current commitment offenses. The commitment offenses are</p> <p>(1) PC 273.5(a) – Corporal injury to a spouse for which the</p>

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						<p>inmate received a term of 4 years, (doubled as a second strike).</p> <p>(2) PC 4573.6 – Possession of drugs in prison for which the inmate received a term of 3 years, consecutive to the other charge.</p> <p>On November 2, 2015, while incarcerated in CDCR on his prior term, Mr. Brantley submitted to a random unclothed body search. As he bent forward at the waist, a small bindle containing .2 grams of marijuana fell from his anus. The Lassen County District Attorney's Office filed the felony charge of PC 4573.6 prior to Mr. Brantley paroling on August 28, 2016.</p> <p>He committed the offense of corporal injury to a spouse nine months later while on active parole. That crime occurred on May 2, 2017, when Mr. Brantley got into an argument with his girlfriend. She threatened to call his parole officer, and Mr. Brantley grabbed her by the throat and began choking her. He said he would kill her before he would go back to prison. She had her cell phone in her hand and Mr. Brantley bit her on the wrist, causing it to bleed, and took her cell phone from her. The victim complained of pain to her neck, left wrist, and right bicep.</p> <p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are aggravating circumstances in the case and the following aggravating circumstances make this an aggravating factor in the case:</p> <p>1. There were one or more victims who suffered physical injury or threat of physical injury. The victim suffered injuries to her wrist, neck, and arm. The inmate caused a bleeding injury while trying to take her cell phone out of her hand. He also choked her, leaving marks on her neck, and stated that he would kill her before he would go back to prison.</p> <p>Therefore, the current crimes are found to be an</p>

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						<p>aggravating risk factor in the case.</p> <p><u>Case Factor #2 - Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 2013 and continued until the commitment offenses in 2017. The inmate's prior criminal record is a factor aggravating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions:            2013 PC 182/211 – Conspiracy to commit robbery            2015 PC 236 - False Imprisonment with violence</p> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence or significant criminal activity are:            1.The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years.</p> <p>The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence or significant criminal activity are:            1.The inmate's prior criminal convictions coupled with his current convictions show a pattern of assaultive behavior that is increasing in severity. The inmate has two prior offenses involving assaultive behavior. In 2013, the inmate was the actual shooter in an armed robbery despite being allowed to plead to conspiracy to commit robbery. The current crime demonstrates a continuation of his violent and assaultive behavior when he attacked his girlfriend to keep her from contacting his parole agent.            2.The inmate was incarcerated for a felony conviction within five years prior to his current convictions. The inmate paroled from state prison on August 28, 2016 and he was convicted of the current offense on July 18, 2017, a period of time less than 5 years.</p>

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						<p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record aggravate the inmate's current risk of violence or significant criminal activity because the inmate was out of custody for only 9 months before committing the current offense involving injury to the victim. The inmate's inability to remain free from incarceration for this period of time is indicative of a current risk of violence. This circumstance is more probative of a current risk of violence because it is more recent in time, therefore outweighing the mitigating circumstance of the inmate's lack of a violent felony conviction as defined by PC667.5(c) within the last 15 years.</p> <p><u>Case Factor #3 - Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since October 5, 2017, a period of approximately 19 months.</p> <p>The inmate has been involved in the following activities:</p> <p>WORK HISTORY: None</p> <p>VOCATIONAL TRAINING: None</p> <p>EDUCATIONAL PROGRAMS: Voluntary e-learning and Alcoholics Anonymous</p> <p>SERIOUS RULES VIOLATIONS: None</p> <p>CONFIDENTIAL INFORMATION: None</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence or significant criminal activity:</p>

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Name of Convict	Date Committed to Prison	Crimes Convicted and Sentenced Together	Special Notes	State Prison Sentence Imposed	Parole Board Legal Notice: Date Received	Board of Parole Hearings Nonviolent Parole Review Decision
						<p>1. The inmate has not been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison.</p> <p>2. There is no reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since his last admission to prison.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity:</p> <p>1.The inmate has no participation in available vocational, educational, or work assignments. The inmate has not held a work assignment while incarcerated. He has not participated in vocational training and his educational programming is limited to one month of e-learning.</p> <p>2.The inmate has no participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior. The inmate has not participated in any programs to address his violence potential. His programming is limited to 3 hours of AA meetings.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity because the inmate has not participated in any meaningful rehabilitative programs while incarcerated. While he is commended for remaining discipline free, he has failed to take advantage of the opportunities available to him that will assist in his transition to the community. He has not furthered his education, or developed any employment skills, or participated in any programming to address his violence potential and the underlying reasons for his</p>



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						<p>criminal behavior. One of his current commitment offenses is possession of marijuana of prison; yet, his work in the area of substance abuse treatment is too minor to merit any consideration.</p> <p><u>Case Factor #4 - Response to Legal Notice</u></p> <p>There were responses to the Legal Notices in support of release from Markeese Brantley, letter dated March 29, 2019, and Lisa Green, letter dated April 17, 2019 which were reviewed and considered in this decision.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the passage of time, the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's current risk of violence or significant criminal activity.</p> <p>There are no mitigating factors to consider in this review. The inmate's criminal history contains violent and assaultive behavior. He committed another assaultive crime less than one year after his last release from prison. While incarcerated, he has done nothing to prepare himself to be a contributing member of the community. The inmate poses a current, unreasonable risk of violence to the community. The inmate is denied for release.</p> <p><i>Kathleen Newman</i></p>

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<p><b>Christopher Ryan Brockway</b></p> <p>SCUK CRCR 16-88012 SCUK CRCR 17-89125</p>	<p>03/21/2017</p>	<p>PC § 30305(a)(1) Prohibited Person in Possession of Ammunition</p> <p>PC § 594(b)(1) Vandalism with Damages over \$400</p> <p>PC § 667.5(b) X 2 Prior Prison Conviction</p>		<p>48 mos.</p>	<p>02/16/2018</p>	<p><b>03/29/2018: Expedited Release DENIED.</b></p> <p>Decision based on the reasons stated below:</p> <p>Decision: When considering together the findings on each of inmate Christopher Brockway's (BC6592), four case factors, the inmate poses an unreasonable risk of violence to the community. Release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1- Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offenses mitigate the inmate's current risk of violence. The inmate was sentenced to a total term of 48 months on the current commitment offenses. The offenses are PC 594(b), Vandalism; PC 30305, Possession of Ammunition by a Felon.</p> <p>On 10/29/2016, in the morning hours, the Mendocino County Sheriff's Deputies were called to a Christian camp regarding a trespasser in the chapel. When they arrived, they found the inmate in the chapel swinging a long metal object breaking property, and attempting to break a large window. They ordered him to drop the object, lie on the floor and place his hands behind his back. He complied and was arrested without incident. On 2/5/2017, the Mendocino Sheriff went to serve a no bail warrant on the inmate for the crime he committed on 10/29/2016. When they located him, he had a rifle shell and a pistol shell in his pocket. He was arrested on the warrant and the new charge of possession of ammo by a felon.</p> <p>After careful review and consideration of the aggravating</p>

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						<p>and mitigating circumstances in both of the current crimes, there are no aggravating circumstances and the following mitigating circumstances make this a mitigating factor in the case:</p> <p>(1)The inmate did not personally use a deadly weapon.  (2)No victims suffered physical injury or threat of physical injury  Therefore, the current crimes are found to be a mitigating risk factor in the case.</p> <p><u>Case Factor #2- Prior Criminal Record</u></p> <p>The inmate’s prior criminal history began in 2009 and continued until the commitment offense in 2017. The inmate’s prior criminal record is a factor that aggravates the inmate’s current risk of violence. The inmate has the following adult criminal convictions: 12/9/2008, 2 counts of Assault in the Second Degree; 12/9/2008, Unauthorized Control of a Propelled Vehicle; 12/9/2008, Theft in the second degree; 10/2/2009, Unauthorized Control of a Propelled Vehicle; 10/26/2009, Attempted Unauthorized Control of a Propelled Vehicle; 6/22/2015 VC 2800.2(a) Felony Evading.</p> <p>The circumstances of the inmate’s prior criminal record that aggravate the inmate’s current risk of violence is that the inmate was incarcerated for a misdemeanor conviction involving physical injury to a victim or a felony conviction within five years prior to his current conviction.</p> <p>The circumstance of the inmate’s prior criminal record that mitigates the inmate’s current risk of violence is that the inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show</p>

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						<p>that the circumstances of the inmate's prior criminal record aggravate the inmate's current risk of violence because the fact that he was convicted of the commitment offense within a year of his parole from his last offense is given greater weight than the fact that he has not committed a violent felony in the last 15 years.</p> <p><u>Case Factor #3- Institutional Adjustment</u></p> <p>The inmate has been incarcerated at CDCR on the current commitment offense since 3/30/2017, a period of approximately 1 year.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence:</p> <p>The inmate has been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison.</p> <p>The inmate has limited or no participation in available vocational, educational, or work assignments.</p> <p>Since 9/6/2017, he has worked continuously in the kitchen as a scullery worker, a main kitchen worker, a dining room cook and a dining room server. It cannot be said that he has participated for a sustained period of time in vocational, educational or work assignments.</p> <p>The inmate has limited or no participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior.</p> <p>The following circumstance of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence.</p> <p><u>Case Factor #4- Response to Legal Notices</u></p> <p>There were responses to the Legal Notices in support of release from Inmate Brockway in an undated letter, and</p>

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						<p>one from Aurora Allen dated 3/1/2018, supporting release which were reviewed and considered in this decision. There was a response to the Legal Notices in opposition to release from the Mendocino County District Attorney's Office dated 3/16/2018, opposing release which was reviewed and considered in this decision.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, the factors aggravating the inmate's current risk of violence, his prior criminal history, and his institutional adjustment outweigh the factors mitigating the inmate's current risk of violence, his commitment offense.</p> <p>Although his commitment offense is mitigating because he did not use a weapon and no one was injured, and there was no threat of injury, the other two factors are aggravating. The prior criminal history is aggravating because he was convicted of the commitment offense within a year of his release his prior crime. His institutional adjustment is aggravating because he received a RVR involving violence as well as his lack of programming to address the issues that brought him to prison. Overall, the inmate does pose an unreasonable risk of violence in the community. The inmate is denied release.</p> <p><i>Stephen Klink</i></p>
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<p><b>Christopher Buenrostro</b></p> <p>SCUK CRCR 16-85077  SCUK CRCR 16-85570  SCUK CRCR 16-85980</p>	<p>07/14/2016</p>	<p>VC § 2800.2(a) Reckless Evading</p> <p>H&amp;S § 11379(a) [Methamphetamine] Transportation for Sale</p> <p>VC § 2800.2(a) Reckless Evading</p> <p>H&amp;S § 11378 [Methamphetamine] Possession for Sale</p>	<p>This defendant is a drug dealer, who further endangers the motoring public and our peace officers by fleeing and recklessly evading police officers in his vehicle when the police try to arrest him.</p>	<p>68 mos.</p>	<p>08/24/2017</p>	<p><b>10/06/2017: Expedited Release DENIED.</b></p> <p>Decision based on the reasons stated below:</p> <p>Inmate Christopher Buenrostro (BA5348) is being reviewed for early release pursuant to Proposition 57. The issue is whether he represents an unreasonable risk of violence to the community if released from prison at this time. The relevant mitigating and aggravating factors were considered and tend to show the inmate does currently pose an unreasonable risk of violence.</p> <p>REASONS:</p> <p><u>FACTOR 1: CURRENT COMMITMENT OFFENSES:</u></p> <p>The inmate is currently serving a 5-year, 8-month prison term for two counts of V2800.2(a) Evading a Peace Officer (offense dates of 02/25/16 and 04/23/16); H11379 Transporting/Import a Controlled Substance (CS) (also on 04/23/16); and H11378 Possession of CS (occurring 04/18/16). In the 04/23/16 crimes, the inmate fled from police in a vehicle, reaching speeds in excess of 100 mph, and was in possession of approximately 242 doses of methamphetamine. In the 04/18/16 possession crime, on 04/16/16, an officer observed the inmate driving with a suspended driver's license. The inmate stopped the vehicle upon seeing the officer and took off running. The officer subsequently located several baggies containing meth and digital scales in his vehicle and the inmate was arrested two days later. In the 02/25/16 offense, the inmate was driving a pick-up truck with passengers and fled from police during a traffic enforcement stop. He reached speeds in excess of 90 mph in a 30 mph zone, ran a red light, ran into a ditch and then fled on foot while continuing to ignore police commands. Meth was found in</p>

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						<p>the truck. Note that the record reflects the inmate was on probation at the time of the crimes.</p> <p>AGGRAVATING CIRCUMSTANCES:            1) The evading offenses posed a threat of violence to the community;            2) The inmate was sentenced to prison for two or more felonies;            3) The inmate was on probation at the time of the commitment offense.</p> <p>MITIGATING CIRCUMSTANCES:            1) No weapon was used;            2) There was no violence or threat of violence to the/any victim;            3) There was no physical injury involved;            4) The inmate was using drugs at the time of the 04/23/16 crime.</p> <p>ANALYSIS:            The inmate was committed to prison for multiple felonies; two of which threatened the community. His repetitive criminality outweighs the mitigating circumstances in view of the magnitude of the threat. The inmate's commitment offenses are therefore an aggravating factor.</p> <p><u>FACTOR 2: PRIOR CRIMINAL HISTORY</u>            The inmate's prior criminal history is limited to one felony conviction in 2011 for H11378, Possession of CS For Sale for which he received probation.</p> <p>AGGRAVATING CIRCUMSTANCES:            1) The inmate's probation was revoked on 03/27/13 and he was sentenced to 365 days jail. He was therefore not free from incarceration for at least 5 years prior to committing the current commitment offenses in 2016.</p> <p>MITIGATING CIRCUMSTANCES:</p>

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						<p>1) The inmate has not been convicted of more than two prior felonies;            2) The inmate has no known juvenile record.</p> <p>ANALYSIS:            The inmate's prior criminal record is not extensive and does not reflect violence or juvenile criminal activity. The inmate's limited number of prior felony convictions and lack of prior violence outweighs the aggravating circumstance that less than 5 years elapsed from his last release from custody till his current crimes. His prior criminal record is therefore a mitigating factor.</p> <p><u>FACTOR 3: INSTITUTIONAL BEHAVIOR/PROGRAMMING</u>            The inmate was received into the CDCR on the current term on 07/28/16 and has been in state prison for a little over one year and two months.</p> <p>NEGATIVE CIRCUMSTANCES:            1) None.</p> <p>POSITIVE CIRCUMSTANCES:            1) The inmate has remained disciplinary free in prison;            2) The inmate has held institutional jobs as a porter, kitchen worker and sewer worker;            3) The inmate has participated in self-help programming such as several AA/NA courses, Living in Balance, Parenting and Toastmasters.</p> <p>ANALYSIS:            The inmate has behaved appropriately during while [sic] incarcerated and programmed in a positive manner. There are no negative circumstances. His institutional adjustment is therefore a mitigating factor.</p> <p><u>FACTOR 4: RESPONSES TO LEGAL NOTICES</u>            A response to the Legal Notices was received from the inmate and was considered.</p>



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						<p><b>SUMMARY:</b>            Although the inmate's prior criminal history is limited and non-violent and he has performed well for the past year while in prison, his commitment to prison for four felonies, two of which created an extreme risk to the public, is deemed to warrant substantial weight when assessing his risk to the community. At this time, the aggravating factor of the commitment offenses is found to outweigh the mitigating factors of the inmate's prior record and recent institutional adjustment. Accordingly, he is determined to an [sic] unreasonable risk of violence to the community at this time and his release is denied.</p> <p><i>Keith Stanton</i></p>
<p><b>Frank John Cabral</b>             SCUJ CRCR 18-94314</p>	<p>03/08/2019</p>	<p>PC § 459/460(b)            Second Degree Burglary</p> <p>PC § 594(b)(1)            Vandalism with Damages over \$400</p> <p>PC § 1170.12(b)(2)            Prior Strike Conviction</p> <p>PC § 11377(a)            Possession of a Controlled Substance</p>		<p>64 mos.</p>	<p>No notification received</p>	<p><b>06/02/2020: Expedited Release GRANTED.</b></p> <p>Decision based on the reasons stated below:</p> <p>Decision: When considering together the findings on each of the inmate Frank Cabral's (#BJ1315) four case factors, the inmate does not pose an unreasonable risk of violence to the community. Release is approved.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u>            The circumstances of the inmate's current commitment offenses mitigate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 5 years and 4 months on the current commitment offense(s). The commitment offenses are PC 459/460(b) Burglary 2nd degree, as a second strike, with a term of 4 years;</p>

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						<p>PC 594(b)(1) Vandalism, as a second strike, with a term of 1 year and 4 months.  Statement of facts:  A jury found the inmate guilty of the above offenses. Based on reports in the central file, the inmate was homeless and had broken into a vacant house, for which he had squatted in before. The inmate took an air mattress. After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are no aggravating circumstances and the following mitigating circumstances make this a mitigating factor in the case:</p> <ol style="list-style-type: none"> <li>1. The inmate did not personally use a deadly weapon.</li> <li>2. No victims suffered physical injury or threat of physical injury.</li> </ol> <p>Therefore, the current crimes are found to be a mitigating risk factor in the case.</p> <p><u>Case Factor-#2 Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 1990 and continued until the commitment offense(s) in 2018. The inmate's prior criminal record is a factor mitigating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions:  1990-11350(A) HS-POSSESS NARC CONTROL SUBSTANCE;  1993 The above offense was sent from Ventura County case no. CR26003 to H67657 and 2 year sentence imposed;  1996 North Carolina offense, 2nd Degree Murder, with an 11-14 year prison term imposed. The inmate was paroled 6/11/2007 for this offense.  The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence or significant criminal activity are:</p>

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						<p>1. The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years. While the inmate has a 2nd degree murder conviction, this occurred in 1996, which is over 15 years past.</p> <p>The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence or significant criminal activity are:</p> <p>None</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record mitigate the inmate's current risk of violence or significant criminal activity because the inmate has no aggravating factors. The inmate's prior violent felony occurred over 15 years ago. The inmate has no recent violent misdemeanors, nor has he had any recent felony incarcerations other than the current offenses. Accordingly, the overall criminal record is mitigating.</p> <p><u>Case Factor #3 -Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offense(s) since April 25, 2019, a period of approximately 1 year and 1 month.</p> <p>The inmate has been involved in the following activities:</p> <p>Rule Violation Reports:</p> <p>None</p> <p>Confidential:</p> <p>None</p> <p>Vocational/Educational/Work assignments:</p> <p>The inmate has over 600 hours of work assignments as a custodian since his admittance 4/2019.</p> <p>Self-Help/Rehabilitation:</p> <p>None</p>

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						<p>The following circumstances of the inmate’s institutional behavior, work history, and rehabilitative programming mitigate the inmate’s current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> <li>1. The inmate has not been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison.</li> <li>2. There is no reliable information in the confidential section of the inmate’s central file indicating the inmate has engaged in criminal activity since his last admission to prison.</li> <li>3. The inmate has successfully participated in work assignments for a sustained period of time. Specifically, the inmate has over 600 hours as a custodian since his admission April 2019.</li> </ol> <p>The following circumstances of the inmate’s institutional behavior, work history, and rehabilitative programming aggravate the inmate’s current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> <li>1. The inmate has no participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior. The inmate's commitment offense is 2nd degree Burglary and vandalism; the inmate could benefit in rehabilitative programming that addresses the social factors that contributed to the situation that resulted in these offenses.</li> </ol> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate’s institutional behavior, work history, and rehabilitative programming mitigate the inmate’s current risk of violence or significant criminal activity because while the inmate has not participated in any self help or rehabilitative programming, this is outweighed by the lack of RVRs, the lack of non-legal behavior, and the sustained</p>
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						<p>participation in work assignments. Accordingly, the institutional adjustment factor is overall mitigating.</p> <p><u>Case Factor-#4 Response to Legal Notice</u></p> <p>There were response(s) to the Legal Notices in support of release from the inmate, letter dated 3/8/2020 which was reviewed and considered in this decision.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the inmate's age, the factors mitigating the inmate's current risk of violence outweigh the factors aggravating the inmate's current risk of violence or significant criminal activity.</p> <p>Per the review criteria, three case factors are mitigating; there are no aggravating case factors. Based on the above mitigating factors, the inmate is eligible for release of this sentence for the commitment offense. The commitment offense is overall not violent. While the inmate had a violent offense in his past criminal history, this occurred in 1996. While the inmate would benefit from self help and rehabilitative programs that would introduce the inmate to financial stability benefits, this is outweighed by the lack of RVRs, and his sustained work assignments. The inmate does not pose a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. The inmate is approved for release.</p> <p><i>Eleanore Adams</i></p>
<p><b>Luis Alberto Chavez-Canaz</b></p>	<p>10/20/2017</p>	<p>PC § 245(a)(2) Assault With a Firearm</p> <p>PC § 29800(a)</p>		<p>64 mos.</p>	<p>04/18/2019</p>	<p><b>07/30/2019- Expedited Release DENIED.</b></p> <p>Decision for Chavez-Canaz, Luis, BE7121: When considering together the findings on each of the inmate's</p>

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SCUK CRCR 16-86710		Felon With Firearm				<p>four case factors, the inmate poses a current, unreasonable risk of violence, or a current unreasonable risk of significant criminal activity in the community. Release denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offense aggravate the inmate's current risk, of violence or significant criminal activity. The inmate was sentenced to a total term of 5 years and 4 months on the current commitment offenses. The commitment offenses are PC 245(a)(2) Assault with a Firearm on Person, and PC 29800(A)(1) Felon/Addict in Possession of a Firearm. When victim refused to give money to inmate's friend outside of a bar, inmate's friend started physically fighting with victim. Inmate, a northerner gang member, pulled out a handgun and shot one round at victim, striking on the inside of victim's left bicep causing injury. After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are aggravating circumstances in the case.</p> <p>The inmate personally used a deadly weapon. Inmate used a handgun to shoot the victim. There was one victim who suffered physical injury. The victim was shot in the arm by the inmate, causing injury. The inmate played a significant role in the crimes as compared to other offenders. Therefore, the current crimes are found to be an aggravating risk factor in the case.</p> <p><u>Case Factor-#2 Prior Criminal Record</u></p>

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						<p>The inmate's prior criminal history began in 2005 and continued until the commitment offenses in 2017. The inmate's prior criminal record is a factor aggravating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions:            PC 12020(A)(4) Carry Concealed Dirk or Dagger (2005)            PC 186.22(A) Participate in Criminal Street Gang (2008)            HS 11352 (A) Transport/Sell Narcotic/Controlled Substance (2008)</p> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence or significant criminal activity are:</p> <p>The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years.</p> <p>The inmate was free from incarceration for a misdemeanor conviction involving physical injury to a victim, or a felony conviction for five years or more prior to inmate's current convictions.</p> <p>The inmate was convicted of PC 186.22(A) Participate in Criminal Street Gang, and HS 11352 (A) Transport/Sell Narcotic/Controlled Substance on 9/9/08, released on 5/19/11, and convicted of the most recent commitment offense on 8/31/17. The inmate was free from incarceration for approximately 6 years 3 months before his current convictions.</p> <p>The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence or significant criminal activity are:</p> <p>The inmate's prior criminal convictions coupled with inmate's current convictions show a pattern of similar criminal conduct that is increasing in severity.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show</p>

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						<p>that the circumstances of the inmate's prior criminal record aggravate the inmate's current risk of violence.</p> <p><u>Case Factor #3 -Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses on November 9, 2017, a period of approximately one year and seven months.</p> <p>The inmate has been involved in the following activities:</p> <p>Serious RVRs: None.  Work: porter and ADA worker  Vocational: None.  Education: None.  Self-Help: substance abuse programing re-entry, family relationships.  Confidential Information: None.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity:</p> <p>The inmate has limited participation in available vocational, educational, or work assignments because inmate's combined total of 4 months of work assignments does not support a sustained period of participation in this area. Inmate has not received any educational achievements, has not completed any vocational training, and has worked minimally up until now.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence or significant criminal activity.</p>



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						<p><u>Case Factor#4 –Response to Legal Notice</u></p> <p>There were no responses to Legal Notices.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the passage of time, the inmate's age (34), and any physical and/or cognitive limitations, the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's current risk of violence or significant criminal activity.</p> <p>Great weight is given to the fact that the commitment offenses involved violence, use of a deadly weapon, and injury to victim, as this evidences inmate's violence. Great weight is given to the fact that the inmate played a significant role in the crimes as compared to other offenders, which shows that inmate will go above and beyond the violence being perpetrated by others, and that inmate will assume a leading role in the violence and crime. Great weight is given to the fact that inmate's criminal behavior has escalated into violence which displays inmate's disregard of public safety, and that inmate has not only continued his criminal behavior but has intensified his criminal mentality to include violence as a norm. Great weight is given to the fact that inmate has not meaningfully participated in rehabilitative or self-help programming, vocational, educational, or work assignments while incarcerated as this shows that inmate has not addressed the circumstances that contributed to inmate's criminal behavior and that inmate has not worked on improving himself so that the public can be reasonably assured the inmate will not return to the community with the same criminal mentality to be a detriment to society rather than a law-abiding and contributing citizen. This violence in conjunction with inmate's continued inability to</p>

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						<p>follow the rules and norms of society and the fact that inmate has not meaningfully participated in rehabilitative or self-help programming to address the circumstances that contributed to inmate's criminal behavior makes inmate an unreasonable risk of violence to the community. The inmate is denied for release.</p> <p><i>Kyros Chakur</i></p>
<p><b>Larry Pewee Commander</b></p> <p>SCUK CRCR 12-20977 SCUK CRCR 19-31630</p>	<p>08/22/2019</p>	<p>PC § 459/460 Second Degree Burglary- Commercial</p> <p>PC § 417.8 Brandishing Weapon to Resist Arrest</p>		<p>44 mos.</p>	<p>09/03/2020</p>	<p><b>10/30/2020: Expedited Release DENIED.</b></p> <p>Decision: When considering together the findings on each of the four case factors, both aggravating and mitigating, they do tend to show that Mr. Commander poses an unreasonable risk of violence to the community. Release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 – Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offenses mitigate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 3 years and 8 months on the current commitment offenses. The commitment offenses are On 07/30/19, the inmate was convicted of a P.C. 459 2nd, commercial burglary. On 05/30/19, the inmate entered a vacant rental property. The inmate fled the scene when a neighbor gave verbal commands to leave the premises. After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are no aggravating circumstances and the following mitigating circumstances make this a mitigating factor in the case:</p>

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						<p>The inmate did not personally use a deadly weapon. There was only one conviction. Therefore, the current crimes are found to be a mitigating risk factor in the case.</p> <p><u>Case Factor #2 - Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 1993 and continued until the commitment offenses in 2019. The inmate's prior criminal record is a factor aggravating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions:</p> <p>2012: P.C. 417.8, exhibiting a firearm/deadly weapon to resist arrest.</p> <p>2012: P.C. 69, obstructing/resisting an executive officer</p> <p>2012: P.C. 422, criminal threats.</p> <p>2001: P.C. 245(a)(1), assault with a deadly weapon.</p> <p>1998: P.C. 245(a)(1), assault by means of force likely to produce great bodily injury.</p> <p>1993: P.C. 245(a)(2)/P.C. 12022.5(a), assault with a firearm and personal use of a firearm.</p> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence or significant criminal activity are:</p> <p>The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years.</p> <p>The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence or significant criminal activity are:</p> <p>The inmate was incarcerated for a felony conviction within five years prior to his current convictions. The inmate's date of last release occurred on 04/26/18 and the inmate suffered the current commitment conviction on 07/30/19. The inmate was free of custody for 1 year and 3 months.</p>

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						<p>The inmate failed to remain free of custody for a meaningful period of time and the lack of remaining free for a sustained period of time outweighs the lack of a P.C. 667.5(c) conviction, thus, the inmate's prior criminal record is aggravating.</p> <p><u>Case Factor #3 - Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since September 12, 2019, a period of approximately 1 year and 1 month.</p> <p>The inmate has been involved in the following activities:  SERIOUS RULE VIOLATION(S):  03/23/2020: Willfully resisting a Peace Officer in the performance of duties.  03/23/2020: Fighting.  CONFIDENTIAL MEMORANDUM(S):  None.  WORK ASSIGNMENT(S):  Landscape Gardening; 2 weeks.  Main Kitchen Cook; 1 month.  VOCATION:  There was no evidence of vocation at this time.  EDUCATION:  There was no evidence of education at this time.  SELF-HELP/REHABILITATION:  There was no evidence of self-help/rehabilitation at this time.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence or significant criminal activity:  The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or</p>

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						<p>significant criminal activity:  The inmate has been found guilty of institutional Rules Violation Reports resulting in physical injury or threat of physical injury since his last admission to prison or has one or more recent serious institutional Rules Violation Reports.</p> <p>The inmate has limited participation in available vocational, educational, or work assignments. The inmate's commitment crime included a theft related crime and the lack of education or vocation is of concern, as a marketable skill would greatly benefit the inmate in obtaining lawful employment upon his release and reduce the chances of returning to crimes for financial gain.</p> <p>The inmate has limited or no participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior. The inmate does not have sufficient self-help to address his recent institutional violence, as demonstrated by the two separate serious rules violations for fight and willfully resisting a peace officer on 03/23/20. The inmate's recent violence demonstrates he must address anger issues and those causative factors that cause him to engage in violence. The recent violent rules violence show the inmate has not removed himself from his violent past, as he has suffered multiple assaultive type convictions from the previous commitments. The inmate's self-help is not sufficient to address his recent violent rules violations.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity because the inmate's self-help is not sufficient to adequately address his institutional violence.</p> <p><u>Case Factor #4 - Response to Legal Notice</u></p>

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						<p>There were response(s) to the Legal Notices in support of release from the inmate, received 07/31/20, dated 09/20/20, which were reviewed and considered in this decision.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the passage of time, the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's current risk of violence or significant criminal activity.</p> <p>The inmate's current commitment offense was mitigating. However, the inmate's prior criminal record was aggravating as the inmate failed to remain free of custody for 5 or more years. Therefore, the aggravating factors outweigh any mitigating factors at this time.</p> <p>In weighing these factors, and taking into account the totality of the circumstances, the circumstances aggravating the inmate's risk outweigh those mitigating the inmate's risk. It is, therefore, determined at this time that the inmate does pose a current, unreasonable risk of violence, or a current, unreasonable risk of significant criminal activity. The inmate is denied for release.</p> <p><i>Ryan Hickey</i></p>
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<p><b>Larry Pewee Commander</b></p> <p>SCUK CRCR 12-20977</p>	<p>04/18/2013</p>	<p>PC § 417.8 Brandishing Weapon to Resist Arrest</p> <p>PC § 69 Resisting Executive Officer By Means of Force</p> <p>PC § 417.8 Criminal Threats</p>		<p>124 mos.</p>	<p>None Received.</p>	<p><b>08/07/2017: Expedited Release DENIED.</b></p> <p>Decision: When considering together the findings on each of the four case factors, both aggravating and mitigating, they do tend to show that Mr. Commander poses an unreasonable risk of violence to the community. Release is denied.</p> <p><u>Case Factor #1 – Current Commitment Offense</u></p> <p>The commitment offenses are: (1) PC §417.8, exhibiting a firearm/deadly weapon to resist arrest; (2) PC §69, obstructing/resisting an executive officer; and (3) PC §422, criminal threats. All three offenses arise from the same course of conduct. The following facts are summarized from the probation report. On 2/22/12 two officers responded to a report that Mr. Commander was damaging a home and tearing up clothing. The clothing belonged to his girlfriend. The officers found Mr. Commander sitting in a chair in a neighbor’s yard. When they approached him, Mr. Commander yelled at them to “get the fuck out of here.” He then sprang out of the chair and brandished a knife at the officers. When the officers drew their firearms Mr. Commander started running away, still carrying the knife. He was soon captured. During his arrest Mr. Commander claimed to have guns and that when he got to he would “take care of you,” meaning the officers. The knife was recovered after a search of the area. Mr. Commander was convicted in Mendocino County on 6/5/12 and sentenced to a term of 10 years 4 months.</p> <p>The aggravating circumstances are: (1) Mr. Commander was personally armed with a knife; (2) there were multiple victims in the commitment offense; (3) there was violence and/or the threat of violence to the victims; and (4) he was</p>

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						<p>sentenced [on] two or more felonies during the commitment term. The mitigating circumstance is there was no physical injury to the victims. When balancing the aggravating circumstances against the mitigating circumstance, Mr. Commander's current commitment offenses are an aggravating factor. Great weight was given to the [personal] use of a knife and the threats to harm the officers in the future.</p> <p><u>Case Factor #2 – Prior Criminal Record</u></p> <p>Mr. Commander's criminal history began in 1993 and continued until the current commitment offense in 2012. He has the following prior felony convictions: (1) assault with a deadly weapon and use of a firearm, PC 245(a)(2)/PC 12022.5 in Mendocino County on 9/24/1993 (a juvenile conviction); (2) PC 245(a)(1), assault with force likely to cause GBI, in Del Norte County on 3/12/1998, which was an offense he committed while he was incarcerated in PBSP; and (3) assault with force likely to cause GBI, PC 245(a)(1), in Mendocino County on 1/7/2002. He was paroled from this commitment on 4/28/2007. He was returned to CDCR twice for parole violations, and the current offense was committed on 2/22/12. The current commitment is his next felony conviction.</p> <p>The aggravating circumstances are: (1) Mr. Commander has a prior conviction for a violent offense pursuant to PC §667/5(c); (2) he has been convicted of three or more felonies; (3) his criminal history shows a pattern of assaultive behavior in that all three of his prior convictions involve a violation of PC §245; and (4) he was not free from incarceration for 5 years prior to the current commitment offense. There are not mitigating circumstances. When balancing the aggravating</p>



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						<p>circumstances against the lack of any mitigating circumstance, Mr. Commander's prior criminal record is an aggravating factor. His criminal history is one of violent behavior.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>Mr. Commander has been incarcerated on the commitment offenses since 5/23/2013, a period of approximately 4 years and two months. During incarceration he had no serious rules violations. He has participated and completed positive programming in Anger Management, Substance Abuse and Criminal Thinking. He has completed vocational training in Auto Body and Computer Literacy. He has worked as a porter, kitchen crewman, clerk and PIA Facilities Maintenance. He is presently assigned as an unskilled ADA worker. After balancing the positive factors against the negative factors, Mr. Commander's institutional record shows overall compliance with institutional rules and is a mitigating factor. He has programmed well and has no rules violations.</p> <p><u>Case Factor #4 – Response to Legal Notices</u></p> <p>There were no responses to Legal Notices. A letter from Mr. Commander dated 7/5/2017 requesting his release as a non-violent offender was read and considered in making this decision.</p> <p><b>SUMMARY:</b> When balancing the aggravating factors in this case, Mr. Commander's Current Commitment Offense and Prior Criminal Record with the mitigating factor of his Institutional Adjustment, the aggravating factors outweigh the mitigating factor. Mr. Commander's criminal history involves repeated acts of violence, and the current</p>

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						<p>commitment offense involves the threat of violence. Mr. Commander poses an unreasonable risk of violence to the community. Release is denied.</p> <p><i>Thomas Sparks</i></p>
<p><b>Brandon Joseph Conwell</b></p> <p>SCUK CRCR 18-92861</p>	<p>05/24/2018</p>	<p>HS § 11378 Possession of a Controlled Substance for Sales</p> <p>PC § 1170.12 Prior Strike Conviction</p>		<p>72 mos.</p>	<p>12/08/2020</p>	<p><b>01/28/21: Expedited Release DENIED.</b></p> <p>Decision for Conwell, Brandon, AW0818: When considering together the findings on each of the inmate's four case factors, the inmate poses a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. Release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offense mitigate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 6 years on the current commitment offense. The commitment offense is HS 11378(a) possession of controlled substance (3 yrs doubled to 6 yrs). On 1/9/18, the inmate was stopped for driving with an expired registration. A search of the vehicle located 7 bags of ecstasy pills (10 pills each), 1.75 grams of ecstasy powder, 3.5 grams of heroin, and 3 grams of methamphetamine.</p> <p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are no aggravating circumstances and the following mitigating circumstances make this a mitigating factor in the case:</p>

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						<p>1. The inmate did not personally use a deadly weapon.            2. No victims suffered physical injury or threat of physical injury.            3. There was only one conviction.            Therefore, the current crimes are found to be a mitigating risk factor in the case.</p> <p><u>Case Factor #2 - Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 2006 (first adult conviction) and continued until the commitment offenses in 2018. The inmate's prior criminal record is a factor aggravating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions:            5/2/06 PC 242 battery, misdemeanor            1/29/07 PC 459 burglary 2nd, misdemeanor            1/29/07 PC 236 false imprisonment (domestic incident)            11/1/07 PC 261.5(c) sex with minor (more than 3 years younger)            12/14/12 VC 23152(b) DUI, misdemeanor            12/14/12 PC 487 grand theft            10/23/13 PC 148(a)(1) obstruction, misdemeanor            1/23/15 PC 211 robbery 1st; PC 236 false imprisonment</p> <p>The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence or significant criminal activity are:</p> <ol style="list-style-type: none"> <li>1. The inmate has a violent felony conviction as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years. The inmate was convicted of 1<sup>st</sup> degree robbery on 1/23/15.</li> <li>2. The inmate was incarcerated for a misdemeanor conviction involving physical injury to a victim and felony convictions within five years prior to the inmate's current conviction. Within five years of the current conviction of</li> </ol>

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						<p>4/27/18, the inmate was in jail for 2012 grand theft and 2013 misdemeanor obstruction and was in prison 2015 robbery/false imprisonment.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record aggravate the inmate's current risk of violence or significant criminal activity because no mitigating circumstances are applicable. The inmate spent his adult life in and out of jail/prison. Within 5 years of the current conviction, the inmate served two jail terms and one prison term as indicated above. The inmate was last released on 11/13/17. The inmate sustained the current conviction less than ½ year later.</p> <p><u>Case Factor #3 - Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since May 31, 2018, a period of approximately 2 years and 8 months.</p> <p>The inmate has been involved in the following activities:</p> <p>Serious rules and violations reports: Tattoo paraphernalia 10/23/20, 5/12/19 Refusing UA 9/1/20 Tattooing 7/19/20,4/8/19 Constructive cell phone possession 4/28/20 Battery on prisoner 9/19/19</p> <p>Work/vocational assignments: Kitchen worker Porter Voc auto mechanic Voc building maintenance Educational assignments: None Self-help or rehabilitative programs: None</p> <p>The following circumstances of the inmate's institutional</p>

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						<p>behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence or significant criminal activity:  None of the mitigating circumstances enumerated under 15 CCR 2249.5(g) is applicable.  The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> <li>1. The inmate has been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since the inmate's last admission to prison and has one or more recent serious institutional Rules Violation Reports. The inmate has been found guilty of 5 serious rules violations during the past 18 months, including battery on prisoner on 9/19/19.</li> <li>2. There is reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since the inmate's last admission to prison. Confidential memo dated 1/13/20 and 9/20/19.</li> <li>3. The inmate has limited participation in available vocational, educational, or work assignments. The inmate has participated in various work and vocational assignments. However, each assignment is short in duration. The longest is vocational building maintenance for 7 months.</li> <li>4. The inmate has no participation in available rehabilitative or self-help programming to address the circumstances that contributed to the inmate's criminal behavior, such as substance abuse.</li> </ol> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity because no</p>

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						<p>mitigating circumstances are applicable. The inmate's institutional behavior is generally poor. The inmate has incurred 5 serious rules violations during the past 18 months, including battery on prisoner on 9/19/19. The inmate's participation in programming is limited as described above. The inmate has not addressed the circumstances of his offenses.</p> <p><u>Case Factor #4 - Response to Legal Notice</u></p> <p>There were response(s) to the Legal Notices in support of release from the inmate received 12/24/20 which were reviewed and considered in this decision.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the passage of time, the inmate's age (33), the inmate's physical and cognitive limitations, the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's current risk of violence or significant criminal activity.</p> <p>Although the current offense did not involve acts of violence, the inmate engaged in violence repeatedly throughout adult life, including robbery 1st and false imprisonment in 2015, for which he served his second prison term. The inmate was released from this second prison term on 11/13/17, then incurred the current conviction less than ½ year later. During the current, third prison term, the inmate engaged in various misconducts, including a serious RVR for battery on prisoner on 9/19/19. The inmate's program participation has been minimal. The inmate has not addressed the circumstances of his offense or his violence.</p> <p>The inmate poses a current unreasonable risk of violence or a current unreasonable risk of significant criminal</p>

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						activity. The inmate is denied for release.  <i>Kate Iwanami</i>
<p><b>Timmy Kent Cooper</b>  SCUK CRCR 18-93998</p>	<p>09/18/2018</p>	<p>PC § 69 X 4 Resisting an Officer</p> <p>PC § 1170.12 Prior Strike Conviction</p> <p>PC § 12022(B)(1) Personal Use of a Weapon While Committing Above Offense</p>		<p>132 mos.</p>	<p>03/17/2021</p>	<p><b>05/12/21: Expedited Release GRANTED.</b></p> <p>Decision for Timmy Cooper, BH4237: When considering together the findings on each of the inmate's four case factors, the inmate does not pose a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. Release is approved.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offenses aggravate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 11 years on the current commitment offenses. The commitment offenses are described below: The inmate has a CSRA score of 1.</p> <p>To prepare for this review, the author reviewed the Disability and Effective Communication System as well as the inmate's record to determine all physical and cognitive disabilities documented for this inmate. In reaching the decision articulated below, the author fully considered any mitigating impact of each documented disability on all of the factors considered.</p> <p>OFFENSES AND ENHANCEMENTS:  (1) PC 69 – Resisting an executive officer for which the inmate received a term of 6 years, (doubled as a second strike).</p>

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						<p>(2) PC 69 – Resisting an executive officer for which the inmate received a term of 16 months, (doubled as a second strike) consecutive to the other charge.</p> <p>(3) PC 69 – Resisting an executive officer for which the inmate received a term of 16 months, (doubled as a second strike) consecutive to the other charge.</p> <p>(4) PC 69 – Resisting an executive officer for which the inmate received a term of 16 months, (doubled as a second strike) consecutive to the other charge.</p> <p>(5) There was an enhancement pursuant to PC 12022 (b)(1) for 1 year for personal use of a deadly weapon.</p> <p>FACTS: On April 17, 2018, the inmate, Timmy Cooper, was trespassing in the crawl space beneath The Office Bar in Ukiah. The inmate refused to come out and made threats to harm law enforcement officers if they came in. The inmate was partially sticking out of the crawl space and officers sprayed him with pepper spray. Thereafter, the inmate crawled further under the building. He ultimately barricaded himself under the building and armed himself with a bicycle seat and a piece of copper pipe. Eventually, three officers crawled in after the inmate and fired Taser probes at him. The inmate surrendered at that time.</p> <p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are aggravating circumstances in the case and the following aggravating circumstances make this an aggravating factor in the case:</p> <p>1. There were one or more victims who suffered physical injury or threat of physical injury. While barricading himself from the police, the inmate made several statements like, "Today is a good day to die" and "I hope nobody has to get hurt or die today." The officers took the statements as threats that he was going to physically harm them. Therefore, the current crimes are found to be an aggravating risk factor in the case.</p>



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						<p><u>Case Factor #2 - Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 1984 and continued until the commitment offenses in 2018. The inmate's prior criminal record is a factor mitigating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions:</p> <p>1984 WI 1768.7(A) – Attempt/Escape/Etc from CYA  1985 PC 211 - Robbery  1985 PC 211 - Robbery  1994 HS 11350 - Possession of controlled substance</p> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence or significant criminal activity are:</p> <p>1.The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years.</p> <p>The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence or significant criminal activity are:</p> <p>1.The inmate was incarcerated for a felony conviction within five years prior to his current convictions. The inmate was released from prison on 11/24/15 and he was convicted of the current offenses on 8/20/18, a period of just 2 years, 9 months.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record mitigate the inmate's current risk of violence or significant criminal activity because the lack of violence in the inmate's criminal history for more than 30 years was given greater weight than his quick return to criminal behavior after his last release from prison. The absence of violent crimes for a long period of time is determined to be</p>
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						<p>more probative to the inmate's current risk of violence.</p> <p><u>Case Factor #3 - Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since September 27, 2018, a period of approximately 2 years, 7 months.</p> <p>The inmate has been involved in the following activities:            WORK HISTORY:            Barber            VOCATIONAL TRAINING:            None            EDUCATIONAL PROGRAMS:            General Education Development            SELF-HELP PARTICIPATION:            Narcotics Anonymous            Transitions            GOGI - Getting Out By Going In            Alcoholics Anonymous            Treatment in MHSDS            SERIOUS RULES VIOLATIONS:            None            CONFIDENTIAL INFORMATION:            None</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> <li>The inmate has not been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison. The inmate received one administrative RVR for being absent from work on 10/24/19.</li> <li>There is no reliable information in the confidential section of the inmate's central file indicating</li> </ol>

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						<p>the inmate has engaged in criminal activity since his last admission to prison.</p> <p>3. The inmate has successfully participated in rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior, for a sustained period of time. The inmate completed the Transitions Program and he attended substance abuse treatment programs throughout the majority of his incarceration.</p> <p>The following circumstances of the inmate’s institutional behavior, work history, and rehabilitative programming aggravate the inmate’s current risk of violence or significant criminal activity:</p> <p>1. The inmate has limited participation in available vocational, educational, or work assignments. The inmate did not participate in vocational training this term. He did participate in the General Education Program, but he was removed shortly thereafter because he had already completed his GED at Folsom prison in the 1990's. His work history is limited to seven months as a barber.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate’s institutional behavior, work history, and rehabilitative programming mitigate the inmate’s current risk of violence or significant criminal activity because the inmate's overall institutional behavior is positive. He has not incurred any serious RVRs, he has not demonstrated any violence or aggression, and there is no evidence in the confidential file that he has participated in criminal behavior while incarcerated. The inmate has steadily participated in rehabilitative programs both on the mainline and through the MHSDS. The inmate’s participation in EOP groups is improving over time.</p> <p><u>Case Factor #4 - Response to Legal Notice</u></p>

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						<p>The Board of Parole Hearings received responses to the legal notices regarding the inmate's nonviolent review. The following responses were reviewed and considered in this decision:            Timmy Cooper, letter received by BPH on March 23, 2021</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the passage of time, the inmate's age of 59 years, the inmate's physical and cognitive limitations, the factors mitigating the inmate's current risk of violence outweigh the factors aggravating the inmate's current risk of violence or significant criminal activity.</p> <p>In this evaluation, the inmate's current offense was deemed an aggravating factor because the inmate made threats against the police officers who were attempting to arrest him for trespassing. However, this factor is outweighed by the mitigating circumstances related to his criminal history and his positive institutional behavior. The inmate has a serious criminal history which includes two robbery convictions in 1985. However, the passage of time, over 35 years, makes his history of violence too remote in time to impact his current risk of violence. Some concern was given to the fact that the inmate reoffended within five years after his last release from prison, but in terms of the inmate's current risk of violence, his lack of violent or assaultive behavior for more than 35 years was deemed more probative. The inmate's positive institutional behavior is a mitigating factor. There is no evidence that he has demonstrated any violent or assaultive behavior while incarcerated. He is an active participant in self-help and other rehabilitative programs and he has remained free from any serious RVRs. Therefore, after considering together the findings on each of the inmate's case factors, the inmate does not pose a</p>

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						<p>current, unreasonable risk of violence to the community. The inmate is approved for release.</p> <p><i>Kathleen Newman</i></p>
<p><b>Timothy Irving Davis, Jr.</b></p> <p>SCUK CRCR 18-94950</p>	<p>08/15/2018</p>	<p>PC § 33215 Possession of Short-Barreled Shotgun</p> <p>PC § 1170.12 Prior Strike Conviction</p> <p>PC § 667.5(b) X 2 Prior Prison Commitment</p>		<p>84 mos.</p>	<p>06/10/2020</p>	<p><b>08/04/20: Expedited Release GRANTED.</b></p> <p>Decision for Davis Jr., Timothy, BH1797: When considering together the findings on each of the inmate's four case factors, the inmate does not pose a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. Release is approved.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offenses mitigate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of seven years on the current commitment offenses. The commitment offenses are:  08/15/2018 - PC 29800(a)(1), Possess/Own Firearm by Felon or Addict (plea to midterm doubled under PC 667(b)-(i)/PC 1170.12, strike prior, for four years) with three one-year enhancements under PC 667.5(b) (Prior Prison Term/Non-Violent New Offense is Any Felony) for a total of seven years.  On or about July 13, 2018 a patrol officer observed a vehicle blocking the entire westbound lane of a road and initiated contact with an individual who had been a passenger in the vehicle. The officer observed a short barreled shotgun on the center console of the vehicle. Upon further investigation, officers located the inmate in a</p>

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						<p>nearby field.            After careful review and consideration of the aggravating and mitigating circumstances:</p> <ol style="list-style-type: none"> <li>1. The inmate did not personally use a deadly weapon.</li> <li>2. No victims suffered physical injury or threat of physical injury.</li> <li>3. There was only one conviction.</li> </ol> <p>Therefore, the current crimes are found to be a mitigating risk factor in the case.</p> <p><u>Case Factor #2 - Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 1998 and continued until the commitment offenses in 2018. The inmate's prior criminal record is a factor mitigating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions:</p> <p>12/18/1998 – PC 459, Burglary, First Degree            09/23/2004 – PC 459, Burglary, Second Degree            05/10/2008 – PC 496(a), Receiving Stolen Property            02/16/2011 – H&amp;S 11378, Possession of Controlled Substance for Sale            02/16/2011 – VC 2800.2(a), Evade or Attempt to Evade Peace Officer While Driving Recklessly            11/08/2013 – PC 459, Burglary, Second Degree            11/08/2013 – VC 10851(a), Vehicle Theft            08/11/2016 - PC 459, Burglary, Second Degree</p> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence or significant criminal activity are:</p> <ol style="list-style-type: none"> <li>1. The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years.</li> </ol> <p>The circumstances of the inmate's prior criminal record</p>

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						<p>that aggravate the inmate's current risk of violence or significant criminal activity are:</p> <p>1. The inmate was incarcerated for a misdemeanor conviction involving physical injury to a victim or a felony conviction within five years prior to the current conviction. On or about March 27, 2018 the inmate was released to post release community supervision due to jurisdictional discharge. The inmate was convicted of the current commitment offense on August 15, 2018, approximately five months later.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record mitigate the inmate's current risk of violence or significant criminal activity because the prior felony conviction is theft related and the inmate's behavior does not display violence or threat of violence. Therefore, the inmates quick recidivism is outweighed by the lack of a violent strike felony.</p> <p><u>Case Factor #3 - Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since August 30, 2018, a period of approximately one year and eleven months.</p> <p>The inmate has been involved in the following activities:  Education – none</p> <p>Work  Dining Room Scullery  Porter</p> <p>Vocation – none</p> <p>Self-Help/Rehabilitation</p>

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						<p>Substance Abuse Recovery Support Groups  Self Awareness and Improvement Groups  Inmate Faith Groups/Not Worship Services</p> <p>Discipline – none</p> <p>Confidential – none</p> <p>The following circumstances of the inmate’s institutional behavior, work history, and rehabilitative programming mitigate the inmate’s current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> <li>1. The inmate has not been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since the last admission to prison, and the inmate has no recent serious rules violations.</li> <li>2. There is no reliable information in the confidential section of the inmate’s central file indicating the inmate has engaged in criminal activity since the last admission to prison.</li> <li>3. The inmate has successfully participated in vocational, educational, or work assignments for a sustained period of time. The inmate has worked as a porter for over seven months and as a dining room worker for approximately three months. The inmate has a verified GED.</li> <li>4. The inmate has successfully participated in rehabilitative or self-help programming to address the circumstances that contributed to the inmate's criminal behavior for a sustained period of time. The inmate has sustained participation in substance abuse recovery support groups. The inmate has participated in self awareness and improvement groups as well. The inmate has also received milestone credits for participation in the inmate's mental health treatment plan activities, as noted</li> </ol>



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						<p>in the inmate's rehabilitative case plan in the central file. The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity:            There are no aggravating circumstances for this case factor.</p> <p><u>Case Factor #4 - Response to Legal Notice</u></p> <p>There were responses to the Legal Notices in support of release from Inmate Davis dated June 12, 2020 with two attachments: Letter dated June 4, 2019 from Marc Hering of Center Point Inc. acknowledging the inmate's interest in aftercare services; Letter dated October 2, 2019 from The Hacienda Christian Life Campus by Pastor Ron Gauthier indicating conditional acceptance into the residential program. which were reviewed and considered in this decision.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the passage of time, the factors mitigating the inmate's current risk of violence outweigh the factors aggravating the inmate's current risk of violence or significant criminal activity.</p> <p>The inmate's case factors are all mitigated. The commitment offense involved possession of a weapon but no assaultive behavior. The inmate's criminal history is primarily theft and drug related with limited evidence of assaultive behavior from a conviction for evading in 2011, approximately nine years ago. The lack of a violent strike felony was deemed to be weightier than the inmate's recidivism. With regard to the inmate's institutional adjustment, great weight was given to the lack of assaultive behavior for almost two years, indicative of a</p>

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						<p>reduced risk of violence. The inmate has provided a support letter demonstrating some insight into the need for ongoing substance abuse treatment. The inmate provided proof that the inmate reached out to two residential treatment programs with the intention of maintaining substance abuse recovery upon release. Careful consideration of all factors indicates that the inmate currently does not pose an unreasonable risk of violence or significant criminal activity to the community. The inmate is approved for release.</p> <p style="text-align: center;"><i>Miranda Neal</i></p>
<p style="text-align: center;"><b>Jodi Marie Dutra</b></p> <p>SCUK CRCR 16-87903</p>	<p>11/09/2017</p>	<p>PC § 4532(b)(1) Escape From Custody</p> <p>PC § 594(b)(1) Vandalism &gt; \$400</p> <p>PC § 1170.12 Prior Strike Conviction</p> <p>PC § 667.5(b) Prior Prison Commitment</p>		<p>60 mos.</p>	<p>03/21/2019</p>	<p><b>05/20/19: Expedited Release GRANTED.</b></p> <p>Decision for Dutra, Jodi, WF9000: When considering together the findings on each of the inmate's four case factors, the inmate does not pose a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. Release is approved.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offenses mitigate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 5 years imprisonment on the current commitment offense(s). The commitment offenses are violations of PC 4532(b)(1) (Escape), sentenced to 4 years, and PC 594(b)(1) (Vandalism), sentence stayed, plus a 1-year PC 667.5(b) enhancement.</p> <p>As documented, the pertinent facts of these offenses are</p>

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						<p>that on October 19, 2016, Ms. Dutra damaged an electronic ankle monitor and evaded electronic monitoring of her whereabouts in violation of a home monitoring agreement. On September 19, 2017 Ms. Dutra was convicted by plea of these offenses.</p> <p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are no aggravating circumstances and the following mitigating circumstances make this a mitigating factor in the case:</p> <ol style="list-style-type: none"> <li>1. Ms. Dutra did not personally use a deadly weapon, and</li> <li>2. No victims suffered physical injury or threat of physical injury.</li> </ol> <p>Therefore, the current crimes are found to be a mitigating risk factor in the case.</p> <p><u>Case Factor #2 – Prior Criminal Record</u></p> <p>The inmate’s prior criminal history began in 2008 and continued until the commitment offenses in 2017. The inmate’s prior criminal record is a factor aggravating the inmate’s current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions: 2008, identity theft (PC 530.5); 2008, fictitious check (PC 476); 2009, conspiracy/robbery (PC 182/211); and 2012, counterfeit apparatus (PC 480(a)).</p> <p>The circumstances of the inmate’s prior criminal record that mitigate the inmate’s current risk of violence or significant criminal activity are: Ms. Dutra has never been convicted of a PC 667.5(c) violent felony in the past 15 years.</p> <p>The circumstances of the inmate’s prior criminal record that aggravate the inmate’s current risk of violence or significant criminal activity are:</p>

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						<p>Noting that she was last released from incarceration for a felony conviction April 18, 2014, Ms. Dutra was incarcerated for a felony conviction within five years prior to her current convictions.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record aggravate the inmate's current risk of violence or significant criminal activity because the temporal proximity of her felony convictions are an indication of criminal propensity that it not ameliorated by the mitigating circumstance that she has never been convicted of a PC 667.5(c) violent felony, and Ms. Dutra's prior criminal record is therefore adjudged to be a factor that aggravates her risk for violent criminality.</p> <p><u>Case Factor #3 - Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since November 21, 2017, a period of approximately 18 months.</p> <p>The inmate has been involved in the following activities: During the 18 months of her current incarceration in CDCR, Ms. Dutra has not been found guilty of any violations of CDCR rules.</p> <p>According to the data recorded in the Strategic Offender Management System, Ms. Dutra has participated in the following activities in CDCR during the following periods of time: GED (completed), Substance Abuse Program, Self Awareness and Improvement Groups, Criminal Thinking, Anger Management, Satellite Kitchen worker, and Fire Fighter Training.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence or significant</p>

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						<p>criminal activity:</p> <ol style="list-style-type: none"> <li>1. Ms. Dutra has not been found guilty of any violations of CDCR rules, and therefore has not been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since her last admission to prison,</li> <li>2. There is no reliable information in the confidential section of Ms. Dutra’s central file indicating Ms. Dutra has engaged in criminal activity since her last admission to prison,</li> <li>3. Ms. Dutra has successfully participated in vocational, educational, or work assignments for a sustained period of time, and</li> <li>4. Ms. Dutra has successfully participated in rehabilitative or self-help programming to address the circumstances that contributed to her criminal behavior for a sustained period of time.</li> </ol> <p>The following circumstances of the inmate’s institutional behavior, work history, and rehabilitative programming aggravate the inmate’s current risk of violence or significant criminal activity:            No aggravating circumstances are evident.            Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate’s institutional behavior, work history, and rehabilitative programming mitigate the inmate’s current risk of violence or significant criminal activity because the above-identified mitigating circumstances, considered together with the absence of any aggravating circumstances, are dispositive that Ms. Dutra’s institutional adjustment is a mitigating factor as indicative of her current risk of violence to the community.</p> <p><u>Case Factor #4 - Response to Legal Notice</u></p> <p>There were responses to the Legal Notices in support of</p>

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						<p>release from Inmate Jodi Dutra, by letters dated October 1, 2018 and March 30, 2019, respectively, which were reviewed and considered in this decision.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the passage of time, the factors mitigating the inmate's current risk of violence outweigh the factors aggravating the inmate's current risk of violence or significant criminal activity.</p> <p>Noting that, with the exception of her 2009 conviction of conspiracy to commit robbery, Ms. Dutra has no documented history of criminality involving overt violence; and noting further that Ms. Dutra's current commitment offenses and institutional adjustment have, for the reasons discussed above, been assessed to be circumstances that mitigate her current risk of violence, it is adjudged that mitigating factors outweigh aggravating factors bearing on Ms. Dutra's current risk of violence to the community, and release is accordingly warranted. The inmate is approved for release.</p> <p style="text-align: right;"><i>James Andres</i></p>

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<p><b>Dennis Earl Finley</b></p> <p>SCUK CRCR 16-86039</p>	<p>07/19/2016</p>	<p>VC § 23153(b) Driving While Under the Influence of Alcohol w/Injury</p>		<p>48 mos.</p>	<p>05/04/2018</p>	<p><b>06/13/2018: Expedited Release GRANTED.</b></p> <p>Decision for Finley, Dennis. When considering together the findings on each of the inmate's four case factors, the inmate does not pose an unreasonable risk of violence to the community. Release is approved.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offense aggravate the inmate's current risk of violence. The inmate was sentenced to a total term of 4 years on the current commitment offense. The commitment offense is VC 23153(b)- Driving Under the Influence with Bodily Injury.</p> <p>On 6/7/16, Mr. Finley was involved in a multi-vehicle collision. When officers arrived at the scene, one victim reported that she suffered head and neck injuries as a result of the multi-vehicle collision. Subsequently, officers approached Mr. Finley, wherein they immediately detected the strong odor of an alcoholic beverage emitting from his breath and person. Mr. Finley's speech was slurred and he was unsteady on his feet, he was transported to a local hospital where he provided a blood sample for analysis and subsequently arrested without incident.</p> <p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are aggravating circumstances in the case and the following aggravating circumstances make this an aggravating factor in the case: There was one victim who suffered physical injury and several others who suffered a threat of physical injury. One</p>

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						<p>victim suffered head and neck pain and the general public as a whole suffered a threat of physical injury as result of the inmate's reckless behavior of driving while intoxicated. Therefore, the current crimes are found to be an aggravating risk factor in the case.</p> <p><u>Case Factor #2 - Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 1987 and continued until the commitment offense(s) in 2016. The inmate's prior criminal record is a factor mitigating the inmate's current risk of violence. The inmate has the following adult criminal convictions:            1987- HS 11350- Possession of Controlled Substance            1987- HS 11355- Sell Material in Lieu of Controlled Substance            1992- PC 487.2- Grand Theft Person            2004- PC 273.5(e)(1)- Corporal Injury to Spouse within 7 years of Prior Specified Conviction.</p> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence are:</p> <ol style="list-style-type: none"> <li>1. The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years.</li> <li>2. The inmate was free from incarceration for a misdemeanor conviction involving physical injury to a victim or a felony conviction for five years or more prior to his current convictions. The inmate was released from custody on 11/20/06, for the offense of Corporal Injury to Spouse, and the current commitment offense occurred on 6/7/16.</li> </ol>



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						<p>The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence are:  The inmate's prior criminal convictions coupled with his current conviction show a pattern of similar criminal conduct that is increasing in severity. His prior criminal record consists of drug related offenses, grand theft person, and corporal injury to spouse. His current conviction increased in severity because the inmate's behavior jeopardized the lives of not only his girlfriend, who was a passenger in the car driven by the inmate, but he also risked the lives of numerous members of the public.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record mitigate the inmate's current risk of violence because he has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years and he was free from incarceration for a misdemeanor conviction involving physical injury to a victim or a felony conviction for five years or more prior to his current conviction.</p> <p><u>Case Factor #3 - Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offense since September 1, 2016, a period of approximately 1 year 9 months.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence:</p> <ol style="list-style-type: none"> <li>The inmate has not been found guilty of</li> </ol>

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						<p>institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison.</p> <p>2. There is no reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since his last admission to prison.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence:</p> <p>1. The inmate has no participation in available vocational, educational, or work assignments.</p> <p>2. The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior. The inmate has been at CDCR for 1 year 9 months, he has participated in a 12 week Narcotics Anonymous course and a Drug and Alcohol Education course. Based on his history of drug use, coupled with his commitment offense which involved driving under influence resulting in physical injury, he could benefit from additional self-help programming, for a sustained period, which addresses the circumstances that contributed to his criminal behavior.</p> <p><u>Case Factor #4 - Response to Legal Notice</u></p> <p>There were response(s) to the Legal Notices in support of release from Dennis Finely (letter dated 5/13/18) which were reviewed and considered in this decision.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, taking into account the totality of the circumstances, including the passage of time, the inmate's age (56), the factors mitigating the inmate's current risk of</p>

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						<p>violence outweigh the factors aggravating the inmate's current risk of violence.</p> <p>The factors mitigating Mr. Finley's current risk overall, his prior criminal history and institutional adjustment, outweigh the factor aggravating his current risk, his current commitment offense.</p> <p>His current commitment offense involved Driving Under the Influence with Bodily Injury, wherein a victim suffered injuries and several vehicles were damaged as a result of his reckless behavior.</p> <p>His prior criminal record consist of drug related crimes, grand theft person, and corporal injury to spouse. Despite his criminal record dating back to 1987, he has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years and he was free from incarceration for a misdemeanor conviction involving physical injury to a victim or a felony conviction for five years or more prior to his current conviction.</p> <p>Lastly, Mr. Finley has been incarcerated for 1 year 9 months, and although he has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior. To his credit he has participated in a 12 week Narcotics Anonymous course and completed the Drug and Alcohol Education Workbook. The tools gained in these programs could assist Mr. Finley in the community.</p> <p>Greater weight is given to his positive institutional adjustment. He has not been found guilty of any Institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison. Therefore, the factors mitigating his current risk overall, outweigh the factors aggravating his current risk. The inmate is approved for release.</p> <p><i>Excel Sharrieff</i></p>

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<p><b>Ja Bee Gee, III</b></p> <p>SCUK CRCR 19-33021</p>	<p>03/19/2020</p>	<p>PC § 422 Criminal Threats</p>		<p>48 mos.</p>	<p>09/13/2021</p>	<p><b>11/12/2021: Expedited Release DENIED.</b></p> <p>Decision for Gee, Ja Bee (AX1840). When considering together the findings on each of the inmate's four case factors, the inmate does pose an unreasonable risk of violence to the community. Release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offense aggravate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 4 years on the current commitment offense. The commitment offense is PC422 – Criminal Threat to Cause GBI/Death – 4 years.</p> <p>On 10/16/2019, the police were called regarding a disturbance. After becoming agitated and angry, the inmate made statements that he was going to blow up his psychiatrist's office building. The inmate's psychiatrist was concerned for her safety and the safety of staff and called the police.</p> <p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are aggravating circumstances in the case and the following aggravating circumstances make this an aggravating factor in the case:</p> <p>1. There were one or more victims who suffered physical injury or threat of physical injury. The inmate threatened to blow up a building, which caused threat of physical injury to the victim.</p> <p>Therefore, the current crimes are found to be an aggravating risk factor in the case.</p>

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						<p><u>Case Factor #2 – Prior Criminal Record</u></p> <p>The inmate’s prior criminal history began in 2006 and continued until the commitment offense in 2019. The inmate’s prior criminal record is a factor aggravating the inmate’s current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions:</p> <p>2006: PC422 – Threaten crime with intent to terrorize  2008: PC422 – Two counts of Terrorist Threat  2015: PC422 – Criminal Threat to Cause GBI/Death  2017: PC4501.1(a) – Battery on non prisoner (in prison offense)</p> <p>The circumstances of the inmate’s prior criminal record that mitigate the inmate’s current risk of violence or significant criminal activity are:</p> <p>1. The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years.</p> <p>The circumstances of the inmate’s prior criminal record that aggravate the inmate’s current risk of violence or significant criminal activity are:</p> <p>1. The inmate was incarcerated for a felony conviction within five years prior to his current conviction. The inmate was convicted of his current offense on 2/21/2020, which is less than one year after he was released from prison to the custody of DSH on 4/10/2019.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate’s prior criminal record aggravate the inmate’s current risk of violence or significant criminal activity because the inmate’s inability to refrain from repetitive criminality for an extended period of time, which includes prior convictions with threatening and assaultive behavior, is more probative of his risk of violence to the community than his lack of</p>

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						<p>violent PC667.5(c) offense in the past 15 years, as it shows lack of impulse control and entrenched criminal lifestyle. Therefore, the inmate's prior criminal record aggravates his current risk of violence or significant criminal activity in this case.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offense since March 24, 2020, a period of approximately 1 year and 8 months.</p> <p>The inmate has been involved in the following activities:</p> <p>Confidential Information:  There is a Confidential Memorandum in the inmate's central file dated April 28, 2020, however, it did not indicate that the inmate has engaged in criminal activity since his last admission to prison.</p> <p>Rules Violations Reports (RVRs):  10/30/2020, 11/17/2020 – Refusing to accept assigned housing – delaying a PO</p> <p>Educational Programming:  None.</p> <p>Vocational Training:  None.</p> <p>Work Assignments:  Dining Room Server (no documented hours)  Main Kitchen Worker (no documented hours).</p> <p>Self-help or Rehabilitative Programming:  Transitions (6 hours)</p> <p>Additionally, the inmate has participated in approximately 175 hours of individual and/or group therapy as a part of the Mental Health Services Delivery System since his last admission to prison.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming</p>

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						<p>mitigate the inmate's current risk of violence or significant criminal activity:</p> <p>1. There is no reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since his last admission to prison.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity:</p> <p>1. The inmate has been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison or has one or more recent serious institutional Rules Violation Reports. The inmate has two recent serious institutional Rules Violation Reports.</p> <p>2. The inmate has no participation in available vocational, educational, or work assignments.</p> <p>3. The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior. Though the inmate has participated in Transitions and individual and/or group therapy as a part of the Mental Health Services Delivery System, which is positive, his limited participation is insufficient to address the circumstances that contributed to his criminal behavior in the commitment offense where he threatened to blow up his psychiatrist's office building, causing threat of physical injury. Additionally, his limited participation in self-help programming is not found to be a sustained period of time.</p> <p><u>Case Factor #4 – Response to Legal Notice</u></p> <p>There were no responses to Legal Notices.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as</p>

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						<p>documented above, and taking into account the totality of the circumstances, including the passage of time, the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's current risk of violence or significant criminal activity.</p> <p>To prepare for this review, the author reviewed the Disability and Effective Communication System as well as the inmate's record to determine all physical and cognitive disabilities documented for this inmate. In reaching the decision articulated below, the author fully considered any mitigating impact of each documented disability on all of the factors considered.</p> <p>The inmate's commitment offense, prior criminal record, and institutional adjustment aggravate the inmate's current, unreasonable risk of violence or significant criminal activity. The inmate's commitment offense was aggravating because it involved threats of violence and physical injury. Additionally, the inmate's prior criminal record is aggravating because the inmate was convicted of his commitment offense less one year after he was released from prison from his prior felony term. Finally, the inmate has been found guilty of a serious rules violation, he has no vocational, educational, or work assignments, and he has limited participation in self-help or rehabilitative programming to address the circumstances that contributed to his criminal behavior in the commitment offense. For these reasons and those detailed above, the inmate is found to pose a current, unreasonable risk of violence or significant criminal activity in the community. The inmate is denied for release.</p> <p style="text-align: right;"><i>Norma Loza</i></p>
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<p><b>Paul Stephen Golyer</b>  SCUK CRCR 18-94319</p>	<p>12/07/2018</p>	<p>PC § 245(a)(1) Assault With a Deadly Weapon  PC § 1170.12 Prior Strike Conviction</p>		<p>48 mos.</p>	<p>04/16/2020</p>	<p><b>06/05/2020: Expedited Release DENIED.</b></p> <p>Decision for Golyer, Paul (BI3039). When considering together the findings on each of the inmate's four case factors, the inmate does pose an unreasonable risk of violence to the community. Release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offense aggravate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 4 years on the current commitment offense. The commitment offense is PC245(a)(1): assault with a deadly weapon (sentenced to 4 years-2 years doubled as a second strike offense)</p> <p>On May 19, 2018, several witnesses observed the Inmate chasing his girlfriend with a knife. The victim (a witness to this event) decided to intervene and protect the inmate's girlfriend. The inmate stabbed the victim in the arm and continued after him. The victim defended himself with a stick and hit the inmate with it until the inmate ran away. After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are aggravating circumstances in the case and the following aggravating circumstances make this an aggravating factor in the case:</p> <ol style="list-style-type: none"> <li>1. The inmate personally used a deadly weapon. The inmate personally used a knife to stab his victim.</li> <li>2. There were one or more victims who suffered physical injury or threat of physical injury. The inmate stabbed the victim, thereby causing him to suffer physical injuries as a result thereof. The inmate was reported to</li> </ol>

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						<p>have chased his girlfriend with a knife. Thus the inmate's girlfriend suffered the threat of physical injury. Therefore, the current crimes are found to be an aggravating risk factor in the case.</p> <p><u>Case Factor #2 – Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 2009 and continued until the commitment offense(s) in 2018. The inmate's prior criminal record is a factor aggravating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions:</p> <p>2009: PC1170.12(b)(2)-attempted armed robbery (first strike offense-Arizona)</p> <p>2012: PC597(a)-cruelty to another's animal (misdemeanor conviction)</p> <p>2016: PC243.2(a)-battery on person (misdemeanor conviction)</p> <p>2017: PC242-battery (misdemeanor conviction-sentenced to 16 days jail)</p> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence or significant criminal activity are:</p> <p>The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years. The inmate's Rap sheet was reviewed and in connection therewith it has been confirmed that the inmate has not been convicted of a violent felony as defined in section 667.5(c) of the Penal Code in the past 15 years.</p> <p>The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence or significant criminal activity are:</p> <ol style="list-style-type: none"> <li>1. The inmate's prior criminal convictions coupled with his current conviction show a pattern of assaultive behavior.</li> </ol>

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						<p>The inmate was convicted of attempted armed robbery in 2009, battery on a person in 2016, battery in 2017 and when coupled with the current conviction of assault with a deadly weapon, demonstrate a pattern of assaultive behavior.</p> <p>2. The inmate was incarcerated for a misdemeanor conviction involving physical injury to a victim within five years prior to his current conviction. The inmate was convicted on July 6, 2017 of misdemeanor battery and sentenced to 16 days jail. The inmate was convicted of the commitment offense on September 12, 2018. Thus, the inmate was incarcerated for a misdemeanor conviction involving physical injury to a victim within 5 years prior to his current conviction.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offense(s) since January 17, 2019, a period of approximately 1 year 5 months.</p> <p>The inmate has been involved in the following activities:  Institutional Rule Violation Reports (Serious)  12/19/2019: tattoo paraphernalia  2/27/2019: destruction of state property  2/27/2019: possession of a cellular telephone</p> <p>Work Assignments:  porter  satellite kitchen work</p> <p>Vocational Assignments:  None</p> <p>Educational Assignments:  None</p> <p>Self-Help &amp; Rehabilitative Programming:  None</p>

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						<p>The inmate has not been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison. A review of the inmate's central file identified that the inmate has not been found guilty of any institutional rules violations resulting in either the threat of physical injury or the occurrence of physical injury to any party since his last admission to prison.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> <li>1. There is reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since his last admission to prison. A confidential memorandum, deemed reliable, dated June 27, 2019 indicates the inmate has engaged in criminal activity since his last admission to prison.</li> <li>2. The inmate has limited participation in work assignments and no participation in available vocational and educational assignments. The inmate has, as a result, not addressed the circumstances that contributed to his criminal behavior in the commitment offense; which increases his recidivism risk and the current risk of violence or significant criminal activity. Vocational, educational and employment upgrades are beneficial to improve an inmate's marketable skills and provide the inmate with an enhanced ability to find lawful employment upon release to the community, which is probative of a reduced risk to recidivate.</li> <li>3. The inmate has no participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior, such as domestic violence. As a result, the inmate has not addressed the circumstances that contributed to his criminal behavior in the commitment offense and his</li> </ol>

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						<p>ability to live a crime free life; which increases his recidivism risk and the current risk of violence or significant criminal activity.</p> <p><u>Case Factor #4 – Response to Legal Notice</u></p> <p>There were no responses to Legal Notices.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the passage of time, the factors aggravating the inmate’s current risk of violence outweigh the factors mitigating the inmate’s current risk of violence or significant criminal activity.</p> <p>To prepare for this review, the author reviewed the Disability and Effective Communication System as well as the inmate’s record to determine all physical and cognitive disabilities documented for this inmate. In reaching the decision articulated below, the author fully considered any mitigating impact of each documented disability on all of the factors considered.</p> <p>Under the review criteria, the inmate’s current commitment offense, prior criminal record, and institutional behavior are considered aggravating. The inmate’s current offense involved the threat and occurrence of physical injury to victims, his prior criminal record demonstrates that he was free from incarceration for less than 2 years prior to his conviction on the commitment offense and his prior convictions coupled with the commitment offense demonstrate a pattern of assaultive behavior. The inmate’s institutional adjustment demonstrates that and he has yet to participate in self-help and rehabilitative programming over a sustained period of time to address his criminal behavior and that he has information, deemed reliable, in the confidential section of his central file indicating he has participated in</p>

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						<p>criminal activity since his last admission to prison. For these reasons, the inmate poses an unreasonable risk of violence or significant criminal activity to the community. The inmate is denied for release.</p> <p><i>Keith Betchley</i></p>
<p><b>Anthony Eugene Gonzales</b></p> <p>SCUK CRCR 17-91243 SCUK CRCR 17-92298</p>	<p>01/18/2018</p>	<p>PC § 422 Criminal Threats</p> <p>PC § 4573 Bringing Drugs into a Jail/Prison</p> <p>PC § 1170.12 Prior Strike Conviction</p> <p>PC § 667.5(b) Prior Prison Commitment</p>		<p>68 mos.</p>	<p>12/16/2019</p>	<p><b>04/10/2020: Expedited Release GRANTED.</b></p> <p>Decision for Gonzales, Anthony (BF2993). When considering together the findings on each of the inmate's four case factors, the inmate does not pose an unreasonable risk of violence to the community. Release is approved.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The inmate's current crimes are: PC 594(b)(1)-Vandalism and PC 4573-Possession of Controlled Substance in Prison/Jail. The convictions occurred in 2017. There are aggravating risk factors in this section, which are:</p> <ol style="list-style-type: none"> <li>1. The inmate personally used a deadly weapon.</li> <li>2. The victim suffered threat of physical injury.</li> </ol> <p>Therefore, the current crimes are an aggravating risk factor in the case.</p> <p><u>Case Factor #2 - Prior Criminal Record</u></p> <p>There are aggravating risk factors in this section, which are:</p> <ol style="list-style-type: none"> <li>1. The inmate was incarcerated for a misdemeanor conviction involving physical injury to a victim or a felony conviction within 5 years prior to the</li> </ol>

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						<p>current convictions.</p> <p>2. The inmate's prior criminal convictions coupled with the current convictions show a pattern of assaultive behavior.</p> <p>They do show a current risk of violence or current risk of significant criminal activity because inmate is a repeat offender with a violent criminal history. His inability to refrain from repeat criminality – especially repeat violent criminal conduct -- for an extended period of time is highly probative as it shows lack of impulse control, entrenched criminal lifestyle and violent propensities. Therefore, the prior criminal history is an aggravating risk factor in the case.</p> <p><u>Case Factor #3 - Institutional Adjustment</u></p> <p>The inmate has not been found guilty of institutional Rules Violation Reports resulting in physical injury or threat of physical injury and has no reliable confidential information of criminal activity since his last admission to prison. In addition, he has successfully participated in rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior for a sustained period of time. Therefore, the institutional behavior is a mitigating risk factor in the case.</p> <p><u>Case Factor #4 - Response to Legal Notice</u></p> <p>There were response(s) to the Legal Notices in support of release, which were reviewed and considered in this decision.</p> <p><b>SUMMARY:</b> The Board of Parole Hearings took into account the relevance of information based on the passage of time, the inmate's age and any physical and cognitive limitations, and the totality of the circumstances</p>

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						<p>of the case factors.            In totality, the mitigating risk factors outweigh the aggravating risk factors. The panel notes inmate is a repeat offender with a violent and assaultive criminal history and one of his current commitment offenses also involved violence, use of a deadly weapon and threat of physical injury to the victim. However, he has programmed in a commendable manner since his incarceration over 2 years ago. He has remained violence-free, worked, participated in some voluntary educational and engaged in extensive self-help programming to address his issues. He is making a concerted effort at rehabilitation. Therefore, the panel finds inmate does not pose a current unreasonable risk of violence or current unreasonable risk of significant criminal activity. His lack of violent behavior in prison for an extended period of time and his overall fair institutional adjustment and positive programming indicate a mitigated risk he would engage in violent behavior if he were to be released from prison. Release is approved.</p> <p style="text-align: right;"><i>Nga Lam</i></p>
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<p><b>Johnny Earl Green</b></p> <p>SCUK CRCR 16-85943 SCUK CRCR 14-79702</p>	<p>07/12/2016</p>	<p>PC § 245(a)(1) Assault with a Deadly Weapon</p> <p>PC § 69 Resisting Executive Officer By Force or Violence</p>	<p>District Attorney's Letter Opposing Early Release, dated April 27, 2018:</p> <p>Dear Board of Parole Hearing: I am in receipt, as of April 24, 2018, of the Board's notice of Nonviolent Parole Release Review for the above-named defendant. For the reasons stated below, I am strongly opposed to the early release of inmate Green.</p> <p>A. Trial Court Procedural History Mendocino County Superior Court Docket Number SCUK CRCR 14-79702</p> <p>By felony two-count complaint filed on or about November 13, 2014, defendant Green was formally charged in Count One with a felony violation of Penal Code §§ 211 and 212.5( c ), robbery in the second degree; and in Count Two with a felony violation of Penal Code § 69, resisting executive officer by means of threat or violence.</p> <p>The defendant was arraigned on the aforementioned complaint on November 14, 2014. The Public Defender was appointed as his counsel of record. Bail was set at \$90,000 and a preliminary hearing was calendared for November 25, 2016.</p> <p>The defendant was held to answer on the aforementioned charges at the conclusion of the preliminary</p>	<p>84 mos.</p>	<p>04/24/2018</p>	<p><b>05/31/2018: Expedited Release DENIED.</b></p> <p>Decision based on the reasons stated below:</p> <p>Do Mr. Green's case factors show that he poses an unreasonable risk of violence to the community? There are four case factors to consider.</p> <p>Statement of Reasons:</p> <p><u>Current Commitment Offense:</u> Mr. Green's current commitment offense are one count of PC 245(a)(1) – Assault w/Deadly Weapon, PC 1170.12 – Prior Strike conviction, PC 667.5(b) – Prior Prison Term, which occurred on 05/29/16. He was convicted of the offense on 07/12/16.</p> <p>On 05/29/16, while he was on parole, he assaulted the victim and hit him on the head with a rock. He then punched and kicked the victim repeatedly. When police made contact with the victim, they observed that he was bleeding from his left ear and complained of pain in the rib area. The victim believed that Mr. Green was going to kill him.</p> <p>Mr. Green's second commitment offense is one count of PC 69, Resisting/Deterring an Officer w/Threat of Violence. He was convicted of the offense on 01/12/15. The total term of his sentence was seven years.</p> <p>On 11/12/14, store employees observed him shoplifting at a market and called police. When police arrived, he physically resisted arrest by grabbing the officer's stun gun and fleeing on foot. The police pursued him and another physical altercation ensued when he resisted arrest. The</p>

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			<p>hearing conducted on November 25, 2016.</p> <p>The defendant was arraigned on the resulting information on December 11, 2014. A jury trial was calendared for January 28, 2015. At the pre-trial conference, conducted on January 12, 2015, the defendant entered a guilty plea to Count Two. Count One was dismissed with a Harvey waiver for all purposes.</p> <p>Letter to Board of Parole Hearings  Re: Johnny Earl Green  April 27, 2018  Page 2</p> <p>The defendant was offered and he accepted a formal grant of probation for 36 months on February 9, 2015. As a term of that probation, the defendant was ordered to serve a "bullet" (365 days) in the Mendocino County jail. In short order, by May 7, 2015, the defendant was arraigned on a petition alleging violation of probation. He admitted violating probation on May 13, 2015. On May 19, 2015, the defendant's probation was permanently revoked and he was sentenced to 24 months in state prison.</p> <p>Mendocino County Superior Court  Docket Number SCUK CRCR 16-85943  By felony two-count complaint filed on June 1, 2016, defendant Green</p>			<p>police officers received minor injuries as a result of the physical altercations. He was ultimately sentenced to state prison after violating his probation terms on this case.</p> <p>The circumstances in aggravation for the assault offense are: (1) The defendant personally hit the victim on the head with a rock, which was deemed to be a deadly weapon (2) There were one or more victims who suffered physical injury or threat of physical injury. He caused serious bodily injury to the victim's head and rib area. He had multiple physical altercations with police officer, wherein the officers received minor injuries.</p> <p><u>Prior Criminal Record:</u> Mr. Green's prior criminal history began in 2004 and continued until the commitment offense(s) in 2016. His prior criminal record is a factor aggravating the inmate's current risk of violence.</p> <p>The defendant has the following adult criminal convictions: (1) PC 245(a)(1) – Assault w/Deadly Weapon not a Firearm w/GBI in 2004, (2) PC 242 – Battery, and PC 69 – Resisting an Officer both Misdemeanors in 2014.</p> <p><u>Institutional Behavior/Rehabilitative Programming:</u> Mr. Green started his term on the current commitment offenses on 07/28/16 and has been incarcerated for approximately 1 year and 10 months.</p> <p>During his current term he has received a rules violation for fighting, which he was found guilty.</p> <p>Mr. Green has had limited participation in available vocational, educational, or work assignments. He has had no participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior.</p>

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			<p>was formally charged in Count One with a felony violation of Penal Code § 245(a)(1), assault on another with a rock; in Count Two with a felony violation of Penal Code § 245(a)(4), assault by means of force likely to inflict great bodily injury; in Special Allegation One it was alleged that the defendant inflicted great bodily injury, within the meaning of Penal Code § 12022.7(a) ; in Special Allegation Two it was alleged that the defendant has previously suffered a prior conviction for Penal Code § 245(a)(1) with a § 12022.7(a) enhancement, within the meaning of Penal Code § 667(a); in Special Allegations Three and Four it was alleged that the defendant has previously suffered separate prior prison commitments, within the meaning of Penal Code § 667.5(b). The defendant was arraigned on the aforementioned complaint on June 2, 2016. The Public Defender was appointed as his counsel of record. Bail was set at \$185,000 and a preliminary hearing was scheduled for June 15, 2016.</p> <p>On June 15, 2016, the defendant accepted the People's early plea offer and pled no contest to Count One. He also admitted the Strike allegation and Special Allegation Three. He agreed to a stipulated state prison commitment of 60</p>			<p><u>Legal Notices:</u> There was a response from the Mendocino County District Attorney in opposition of his early release, which was reviewed and considered in this decision.</p> <p><b>DECISION:</b>  When reviewing all the case factors as documented above, taking into account the totality of the circumstances, including the passage of time, the inmate's age, the inmate's physical and cognitive limitations, the fact that he was previously certified as an MDO and paroled to Atascadero Hospital, the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's current risk of violence.</p> <p>The inmate's commitment offenses were determined to be an aggravating factor, which together with the case factors of the prior criminal history as well as the institutional adjustment, outweigh any and all circumstances that may work to mitigate the inmate's current risk of violence. The inmate reverted to criminal behavior and victimized the community with thefts and violence, and in the process was involved in physical altercations with peace officers, all within five years of his release from custody. Furthermore, the inmate continues to act out with violence within the institution and has not benefitted from rehabilitative or educational programs designed to prevent violence. The inmate is denied release.</p> <p><i>John Garcia</i></p>
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			<p>months with credits limited to 80 percent. The remaining count and special allegations were dismissed with a Harvey waiver for all purposes.</p> <p>On July 12, 2016, the defendant was sentenced to the 60 month state prison commitment, as outlined above.</p> <p><u>B. CDCR Administrative Review Criteria</u></p> <p>While the District Attorney has little experience commenting on and applying the criteria considered in the course of the Nonviolent Parole Review Process, the following effort and resulting comments are tendered for consideration nevertheless:</p> <p>Overall conclusion: When considering the case factors for inmate Johnny Earl Green, to the extent those factors are available to the prosecution for review and comment, it is respectfully asserted that this inmate poses an unreasonable risk of violence to the local community and his early release should be denied.</p> <p><u>Most Recent Commitment Offense (SCUK CRCR 16-85943)</u></p> <p>Inmate Green's newest offense is a felony violation of Penal Code section 245(a)(I), assault on another with a deadly weapon, to wit, a rock. He committed this violent</p>			

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			<p>offense while released on CDCR parole.</p> <p>The defendant was arrested on May 29, 2016 by Ukiah Police Officer Rigby for attacking a homeless inebriate and hitting the man in the head with a rock. When questioned, Green admitted he "took him out." When asked to explain what this meant, Green confirmed he had attacked the victim. Green admitted punching the victim numerous times in the face and then kicking the victim in the ribs. While Green originally denied using a rock, he later admitting hitting the victim over the head with the rock.</p> <p>In aggravation, Green's crime, by definition and by fact, rose to the level of violence. It should be further aggravating that the defendant attacked a man unable to defend himself due to excessive intoxication. Common sense would seem to also militate that committing the commitment offense while on parole should also be aggravating.</p> <p><u>Prior Criminal Record</u></p> <p>The District Attorney has no information regarding the inmate's prior juvenile criminal history, if any. Based on review of the Mendocino County District Attorney's "local history" database, as well as the inmate's state-wide rap</p>			

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			<p>sheet, it is asserted that Green's adult criminal history is the following:</p> <p>October 24, 2002: Green was convicted in Mendocino County of a misdemeanor violation of Penal Code § 148(a), resisting a peace officer. He was granted summary probation with terms for 24 months. This probation was later terminated as unsuccessful on October 18, 2004, based on the underlying facts of the felony next in order.</p> <p>December 20, 2004: While originally charged with attempted murder, Green was ultimately convicted in Mendocino County of a felony violation of Penal Code§ 245(a)(I) with a§ 12022.7 enhancement. Inmate Green was sentenced to CDCR on this matter with a commitment term of 84 months.</p> <p>August 8, 2014: Green was convicted in Mendocino County of misdemeanor violations of Penal Code §§ 242 and 69. Probation was denied and Green was sentenced to 90 days in the Mendocino County jail.</p> <p>The two commitment offenses are intentionally not mentioned in this section, as they are the main focus of the Board's review and have been noted separately.</p> <p>In aggravation, Green has been convicted of six crimes - three</p>			
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			<p>misdemeanors and three separate felonies - that are violent in nature. The prior convictions demonstrate a pattern of violence and repetitive criminal conduct that, by definition and fact, create an ongoing danger to the local community.</p> <p>There are no mitigating factors.</p> <p>On balance, the prior criminal record is an aggravating factor because of the acts of violence at both the misdemeanor and felony level; because of Green's violent, repetitive criminal conduct; because of Green's failure on formal supervision; and the fact that Green was not free from incarceration for a period of five years prior to committing the most recent current offense.</p> <p><u>Institutional Adjustment</u></p> <p>The prosecution has had no information made available to us to be able to participate in an assessment in this regard.</p> <p>Without consideration of Institutional Adjustment, the District Attorney nevertheless respectfully asserts, on balance, that the facts underlying the commitment offenses and Green's Prior Criminal Record are aggravating factors for the reasons stated above. It is respectfully requested that inmate Johnny Earl Green be denied early "nonviolent" parole release.</p>			
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			<p>Candidly, there is nothing in the record demonstrating that this guy is nonviolent.</p> <p>Yours truly, C. David Eyster District Attorney</p>			
<p><b>Johnny Earl Green</b></p> <p>SCUK CRCR 16-85943 SCUK CRCR 14-79702</p>	<p>07/12/2016</p>	<p>PC § 245(a)(1) Assault with a Deadly Weapon</p> <p>PC § 69 Resisting Executive Officer By Force or Violence</p>		<p>84 mos.</p>	<p>09/09/2019</p>	<p><b>01/14/2020: Expedited Release DENIED.</b></p> <p>Decision for Green, Johnny AW9413: When considering together the findings on each of the inmate's four case factors, the inmate poses an unreasonable risk of violence to the community. Release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u> The circumstances of the inmate's current commitment offenses aggravate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 5 years on the current commitment offenses. The commitment offenses are PC 245-Assault with a deadly weapon (2 years doubled to 4 years due to strike prior) and an enhancement for PC 667.5(b)-Prior Prison Term/Non Violent new offense is any felony (1 year) for a total of 5 years. The inmate was convicted of this current commitment offense on 6/15/2016. On 5-29-16, while the inmate was on parole, the inmate assaulted the victim and hit him on the head with a rock. He then punched and kicked the victim repeatedly. The victim believed that the inmate was going to kill him.</p> <p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are aggravating circumstances in the case and the following aggravating circumstances make this an</p>



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						<p>aggravating factor in the case:</p> <ol style="list-style-type: none"> <li>1. The inmate personally used a rock as a deadly weapon to assault the victim; and .</li> <li>2. There was one victim who suffered physical injury or threat of physical injury causing the victim to believe that the inmate would kill him;</li> </ol> <p>Therefore, the current crimes are found to be an aggravating risk factor in the case.</p> <p><u>Case Factor #2 - Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 2004 and continued until the commitment offenses in 2016. The inmate's prior criminal record is a factor aggravating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions: PC 245(a)(1)-Assault w/Deadly Weapon not Firearm with PC 12022.7(a)- GBI (12/20/2004); PC 69-Resisting/Deterring Officer w/Threat/Violence (5/6/2015 and the inmate was released from prison and paroled on 12/4/2015. The inmate was convicted of the following misdemeanor convictions: P242-Battery and P69-Resisting an Officer (11/13/2014).</p> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence or significant criminal activity are:</p> <p>The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years because he was convicted of Assault with great bodily injury on 12/20/2004, which is more than 15 years ago.</p> <p>The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence or significant criminal activity are:</p> <ol style="list-style-type: none"> <li>1. The inmate's prior criminal convictions coupled with his current convictions show a pattern of assaultive behavior because the inmate was convicted of a PC 69-</li> </ol>

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						<p>resisting arrest and battery and assault, while his current conviction also involved Assault with a deadly weapon; and 2. The inmate was incarcerated for a misdemeanor conviction involving physical injury to a victim conviction within five years prior to his current conviction. In addition, the inmate was incarcerated for a felony conviction within five years prior to his current conviction because he was released from prison and paroled on 12/4/2015 for his prior felony conviction for PC 69-Resisting, which is less than 2 years from the current commitment conviction date of 6/15/2016.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record aggravate the inmate's current risk of violence or significant criminal activity because although the inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years, great weight is given to the fact that the inmate has a pattern of assaultive conduct and the inmate was incarcerated for a misdemeanor conviction involving physical injury to a victim and a felony conviction within less than 2 years that involved assaultive conduct against victims.</p> <p><u>Case Factor #3 - Institutional Adjustment</u>  The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since July 28, 2016, a period of approximately 3 years and 6 months.</p> <p>The inmate has been involved in the following activities: During the current incarceration, the inmate was found guilty and assessed for the following serious Rule Violation Reports (RVRS): Refusal to work (10/30/2019); Rape (10/30/2018); and fighting (10/19/2016). There is reliable information in the confidential section of the inmate's</p>

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						<p>central file, dated 11/13/2018, indicating the inmate has engaged in criminal activity since his last admission to prison. The inmate participated in the following positive programming: Adult Basic Education. The inmate's educational progress reports indicated that the inmate needs to show more respect for classroom and school and frequent unexcused absences and ducats are affecting work.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence or significant criminal activity:</p> <p>There are no mitigating factors.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> <li>1. The inmate has been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison because he received two serious RVRs for fighting in 2016 and rape in 2018;</li> <li>2. There is reliable information in the confidential section of the inmate's central file, dated 11/13/2018, indicating the inmate has engaged in criminal activity since his last admission to prison;</li> <li>3. The inmate has limited participation in available vocational, educational, or work assignments because he only participated in ABE for 6 months. The inmate is commended for working on obtaining his GED. However, the majority of his Educational Progress Reports indicated that he has poor work ethics and his performance is unsatisfactory. The inmate needs marketable skills. The inmate needs to participate on his educational, vocational, or work skills for a sustained period of time so that he can obtain work skills or marketable skills so that he can obtain</li> </ol>

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						<p>a job in the community and focus his time in a positive, structured, and deliberate way where he can contribute to the community by obtaining his own property, as opposed to committing assaults on victims;</p> <p>4. The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior, such as substance abuse, domestic violence, or gang involvement. The inmate needs to take programming to address his violence in the community and institution, as evident of the two violent RVRS for violence in institution and history and pattern of assaultive conduct in the community. The inmate needs to participate in rehabilitative or self-help programming for a sustained period of time to address why he continuously violate victims' person and he needs programming on the impact of his violence on the victim in the current commitment offense. He also needs rehabilitative tools to manage his emotions and behavior.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity because great weight is given to the fact that the inmate was recently violent in the institution, has limited participation in self-help or rehabilitative programming and limited participation in available vocational, educational, or work assignments. The inmate's lack of participation in self-help or rehabilitative programming is given great weight because inmate needs to address why he continuously is violent in the community and in a controlled environment, and why he used violence to resolve his disputes. In addition, the inmate needs to participate in work, education, or vocational assignments for a sustained period of time so that he can have marketable skills to</p>

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						<p>obtain a job in the community which would help the inmate spend his time in a structured and pro social way. Without the self-help or rehabilitative programming to address the inmate's criminal behavior, the inmate will continue to re-offend.</p> <p><u>Case Factor #4 - Response to Legal Notice</u>            There were response(s) to the Legal Notices in opposition to release from Mendocino District Attorney's Office, dated 4-27-18, which were reviewed and considered in this decision.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including no known physical and cognitive limitations, the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's current risk of violence or significant criminal activity. Great weight is given to the commitment offense, prior criminal record, and the institutional adjustment. In the commitment offense, the inmate used a deadly weapon that caused a physical harm to the victim. In the prior criminal record, although the inmate was not convicted of a statutory violent felony, great weight is given to the fact that the inmate was incarcerated for felony convictions that occurred less than 2 years from the current conviction date and his prior convictions were all assaultive conduct. In the institutional adjustment, the inmate was commended for attempting to work on his GED, but his overall progress is unsatisfactory due to poor work ethics. Great weight is given to the aggravating factors of being violent in the institution and having limited participation in self-help and rehabilitative programming and limited participating in vocation, work, and educational assignment because the inmate needs to address his violence in the current commitment offense</p>

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						<p>and violence in the institution; and the inmate needs to obtain marketable skills so that he can obtain a law abiding job. Accordingly, based on the totality of the circumstances, the inmate does pose an unreasonable risk of violence to the community. The inmate is denied for release.</p> <p><i>Teresa Meighan</i></p>
<p><b>Joshua Justice Hayes</b></p> <p>SCUK CRCR 14-79287 SCUK CRCR 09-89977</p>	<p>01/06/2015</p>	<p>PC § 459/460(a) Residential Burglary</p> <p>VC § 2800.2 Recklessly Evading a Peace Officer</p> <p>PC § 1170.12 Prior Strike Conviction</p> <p>PC § 667.5(b) Prior Prison Commitment</p>		<p>124 mos.</p>	<p>09/11/2018</p>	<p><b>10/24/2018: Expedited Release DENIED.</b></p> <p>Decision based on the reasons stated below:</p> <p>Decision for Hayes, Joshua AV7282: When considering together the findings on each of the inmate's four case factors, the inmate poses an unreasonable risk of violence to the community. Release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u> The circumstances of the inmate's current commitment offenses aggravate the inmate's current risk of violence. The inmate was sentenced to a total term of 10.4 years on the current commitment offenses. The commitment offenses are PC 459 Residential Burglary - 8 years (Doubled per PC 667(b)/PC 1170.12: Strike prior), VC 2800.2(a) Evading or attempting to evade a peace officer - 1.4 years Consecutive. The court also imposed a 1 year Enhancement, pursuant to PC 667.5(b) Prior prison term. Inmate was convicted on 11/21/14 and sentenced on 1/6/15.</p> <p>On 10/13/14, Victim returned home to find inmate and another with a U-Haul at his residence. The individuals left</p>

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						<p>upon seeing victim. The victim entered his residence to see that his property (computer, laptop, and a tablet) had been taken.</p> <p>A second report was received from another victim who described a similar encounter.</p> <p>Later, deputies caught sight of the same U-Haul and ordered the driver to stop. Inmate told deputies: "Fuck you, I didn't do anything." Deputies advised inmate to exit the vehicle or he would be tased. Inmate was then struck in the arm. He began screaming and left the scene driving at a high rate of speed. Inmate and his partner eventually abandoned the vehicle and attempted to escape on foot.</p> <p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are aggravating circumstances in the case and the following aggravating circumstances make this an aggravating factor in the case:</p> <p>There were one or more victims who suffered physical injury or threat of physical injury. This occurred when inmate and his cohort drove away from the deputies at a high rate of speed and attempted to avoid police contact. Their reckless manner of driving placed not only the pursuing officers at risk, but the general public as well. Therefore, the current crimes are found to be an aggravating risk factor in the case.</p> <p><u>Case Factor #2 - Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 1994 and continued until the commitment offense in 2014. The inmate's prior criminal record is a factor aggravating the inmate's current risk of violence. The inmate has the following adult criminal convictions: VC 2800.2(a) Evading, HS 11350(a) Possession of controlled substance (2011 ); PC 496(a) Receiving stolen property (2006); PC 243(d) Battery with serious bodily injury (2004); PC 12021(a)(1)</p>

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						<p>Possession of firearm by felon, PC 459 2nd Degree Commercial Burglary (1997); VC 10851(a) Vehicle theft (1994).</p> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence are:  Inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years.</p> <p>The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence are:  Inmate was incarcerated for a felony conviction within five years prior to his current conviction. Inmate was convicted of VC 2800.2(a), Evading and HS 11350(a), Possession of controlled substance in 2011, and he was convicted of his current crime in 2014.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record aggravate the inmate's current risk of violence because Inmate has a very recent prior conviction for VC 2800.2(a), Evading or attempting to evade. This conviction occurred in 2011. His current crimes also include a VC 2800.2(a), Evading or attempting conviction. Inmate was convicted for these crimes in 2014. A conviction for VC 2800.2(a) is considered inherently threatening because it puts not only the pursuing officers at risk but the general public as well. Consequently, the fact that inmate's prior recent conviction for Evading or attempting having occurred so shortly before his current conviction for the same crime makes his prior criminal record an aggravating factor.</p> <p><u>Case Factor #3 - Institutional Adjustment</u></p> <p>The inmate was received into the California Department of</p>



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						<p>Corrections and Rehabilitation on the current commitment offenses since January 29, 2015, a period of approximately 3.10 years.</p> <p>The inmate has been involved in the following activities: There is no reliable confidential information in inmate's C-file indicating inmate's participation in illegal activities. Inmate has incurred 115 rule violations: Fighting (2016) Inmate and another were fighting in culinary.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence:</p> <p>There is no reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since his last admission to prison.</p> <p>Inmate has successfully participated in vocational, educational, or work assignments for a sustained period of time. This is evidenced by the 17 months inmate has worked in dining. Inmate has also taken education courses and he did some work for the Protestant chapel. Inmate is now employed as a dorm porter.</p> <p>The inmate has successfully participated in rehabilitative or self-help programming to address the circumstances that contributed to his or her criminal behavior. This is noted by inmate's voluntary participation in NA and CGA even though he is not earning Milestone credits.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence:</p> <p>Inmate has been found guilty of Institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison. This occurred when he received a 115 for Fighting - Resulting in the use of force.</p> <p>Analysis: When balancing the aggravating circumstances</p>

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						<p>against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence because Inmate began programming in a positive manner shortly after his arrival at CDCR. He began with Protestant services and then he started working in dining. Later, inmate got involved in education. However, he was involved in a physical fight with another inmate in 2016. Although the incident occurred on 2/25/16, it nevertheless was an act of violence on the part of inmate. Consequently, inmate's institutional conduct is an aggravating factor.</p> <p><u>Case Factor #4 - Response to Legal Notice</u></p> <p>There were responses to the Legal Notices in support of release from Joshua Hayes, 10/15/18, which were reviewed and considered in this decision.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, taking into account the totality of the circumstances, including taking into consideration all the mitigating factors and all the aggravating factors, the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's current risk of violence.</p> <p>Inmate's instant crimes placed both pursuing authorities and the general public at great risk in his attempts to avoid arrest. On 6/23/11, a little more than 3 years earlier, inmate was sentenced to a new term for the exact same offense. In both instances, inmate displayed a complete disregard for the safety of others. Once in custody, inmate did begin early and positive programming. However, he also incurred a 115 for Fighting - resulting in the use of force. Accordingly, inmate's release at this time would pose an unreasonable risk of violence to the community.</p>

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						The inmate is denied for release. <i>Kenneth Allen</i>
<p><b>Joshua Justice Hayes</b></p> <p>SCUK CRCR 14-79287 SCUK CRCR 09-89977</p>	01/06/2015	<p>PC § 459/460(a) Residential Burglary</p> <p>VC § 2800.2 Recklessly Evading a Peace Officer</p> <p>PC § 1170.12 Prior Strike Conviction</p> <p>PC § 667.5(b) Prior Prison Commitment</p>		124 mos.	09/19/19	<p><b>03/19/2020: Expedited Release GRANTED.</b></p> <p>Decision based on the reasons stated below:</p> <p>Decision for Hayes, Joshua AV7282: When considering together the findings on each of the inmate's four case factors, the inmate poses an unreasonable risk of violence to the community. Release is approved.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The inmate's current crimes are: PC 459 Burglary-Residential – 8 years (Doubled per PC 667(b)(1), PC 1170.12: Strike prior), VC 2800.2(a) Evading or attempting to evade a peace officer – 1.4 years Consecutive. The court also imposed a one 1 year Enhancement, pursuant to PC 667.5(b) Prior prison term. Inmate was convicted on 11/21/14.</p> <p>There are aggravating risk factors in these sections, which are: inmate's reckless driving to avoid arrest placed not only the pursuing officers at great risk for their physical safety but the general public as well. Therefore, the current crimes are an aggravating risk factor in the case.</p> <p><u>Case Factor #2 – Prior Criminal Record</u></p> <p>There are aggravating risk factors in these sections, which are: Inmate has prior convictions for: VC 2800.2(a)</p>

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						<p>Evading, HS 11350(a) Possession of controlled substance (2011), PC 496(a) Receiving stolen property (2006). It is noted for the record that inmate has been convicted of multiple felonies extending beyond the 15 years from the date of review criteria as well. In addition, inmate was released to parole for his VC 2800.2(a) Evading offense in 2011, and he was convicted of his current crimes in 2014. However, they do not show a current risk of violence or current risk of significant criminal activity because the prior Evading felony is distant in time and therefore does not present as a current risk of violence or threat of violence. Therefore, the prior criminal history is a mitigating risk factor in the case.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The inmate has been found guilty of institutional Rules Violation Reports resulting in physical injury or threat of physical injury since last admission to prison and therefore the institutional behavior is an aggravating risk factor in the case (Fighting 2016).</p> <p><u>Case Factor #4 – Response to Legal Notice</u></p> <p>There were response(s) to the Legal Notices in support of release, which were reviewed and considered in this decision.</p> <p><b>SUMMARY:</b> The Board of Parole Hearings took into account the relevance of information based on the passage of time, the inmate’s age, and the inmate’s physical and cognitive limitation and the totality of the circumstances of the case factors.</p> <p>In totality, the mitigating risk factors outweigh the aggravating risk factors because inmate has not been engaged in any violence since 2016, with his rule violation.</p>

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						<p>In that instance, inmate was attacked by another. Inmate has also earned a position as a firefighter. Given his positive programming to that end, and the length of time since he has participated in any violence, inmate's release is warranted. Therefore, the inmate does not pose a current unreasonable risk of violence or current unreasonable risk of significant criminal activity. Release is approved.</p> <p><i>Kenneth Allen</i></p>
<p><b>Dustin Gabriel Henderson</b></p> <p>SCUK CRCR 15-81006</p>	<p>05/17/2016</p>	<p>PC § 245(A)(1) Assault With a Deadly Weapon</p> <p>PC § 1170.12 Prior Strike Conviction</p> <p>PC § 667(A) Prior Serious Felony Conviction</p>		<p>156 mos.</p>	<p>02/26/19</p>	<p><b>04/19/2019: Expedited Release DENIED.</b></p> <p>Decision for Henderson, Dustin, BA2383: When considering together the findings on each of the inmate's four cases factors, the inmate poses an unreasonable risk of violence, and an unreasonable risk of significant criminal activity in the community. Release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 – Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offense aggravate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 13 years on the current commitment offense. The commitment offenses are PC 245(a)(1)-Assault with a Deadly Weapon, and PC 667(a)(1)-Prior Felony Conviction of Serious Offense. The inmate was convicted of this current commitment offense on 2/24/2016. On 3/9/2015, the inmate was involved in a road rage, where the inmate was driving his vehicle and using his vehicle as a weapon, chasing the victim (another driver) down on the road, and then the inmate fired his BB gun into the victim's vehicle,</p>

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						<p>shattering the window.            After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, the following aggravating circumstances make this an aggravating factor in the case:</p> <ol style="list-style-type: none"> <li>1. The inmate personally used a deadly weapon and</li> <li>2. There were one or more victims who suffered physical injury or threat of physical injury.</li> </ol> <p>Therefore, the current crimes are found to be an aggravating risk factor in the case.</p> <p><u>Case Factor #2 – Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 1994 and continued until the commitment offenses in 2015. The inmate's prior criminal record is a factor mitigating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions: Oregon convictions for Attempt to commit crime- Murder and Robbery 1st degree (1994); and Theft 1st degree (1996).</p> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence or, significant criminal activity are:</p> <ol style="list-style-type: none"> <li>1. The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years; and</li> <li>2. The inmate was free from incarceration for a misdemeanor conviction involving physical injury to a victim or a felony conviction for five years or more prior to his current convictions.</li> </ol> <p>There are no aggravating factors.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show</p>

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						<p>that the circumstances of the inmate's prior criminal record mitigate the inmate's current risk of violence or significant criminal activity because there are no aggravating factors. Great weight is given to the fact that the inmate does not have a statutory violent felony and has not had any convictions for five years or more, as the inmate was last convicted of a felony crime in 1996.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since June 23, 2016, a period of approximately 2 years and 10 months.</p> <p>The inmate has been involved in the following activities: During the current incarceration, the inmate was found guilty and assessed for a serious RVR, for fighting (1/7/2017). There is no reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since his last admission to prison. The inmate participated in the following positive programming: vocation computer literacy, Criminal and Addictive Thinking Recovery Group, voluntary GED, visual and performing arts, Vocational Computer &amp; Related Technology, and clerk, laudatory chrono for Participation in Blythe Cancer Resource Center. The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> <li>1. There is no reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since his last admission to prison; and</li> <li>2. The inmate has successfully participated in vocational, educational, or work assignments for a</li> </ol>

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						<p>sustained period of time.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> <li>1. The inmate has been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison for fighting (1/7/2017); and</li> <li>2. The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior. The inmate has not participated in available rehabilitative or self-help programming addressing for a sustained period of time.</li> </ol> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity because the inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior and was violent in the institution. Great weight is given to afore-mention factors because the inmate continues to be violent in the institution as well as violent in the community. While the inmate is commended for participating in vocational programming, the inmate has not addressed his assaultive behavior, as he used a deadly weapon to assault the victim during a road rage incident in the current commitment offense and was involved in violence in the institution. The inmate needs to meaningfully participate in available self-help or rehabilitative programming for a sustained period of time that addresses why he committed the current</p>



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						<p>commitment offense and why he is violent in the institution, as recent as 2017 for fighting.</p> <p><u>Case Factor #4 – Response to Legal Notice</u></p> <p>There were response(s) to the Legal Notices in support of release from the inmate, via letter dated 2/12/2019, indicating that he struggled with addiction since 13 years old, supporting release which were reviewed and considered in this decision.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the inmate's physical and cognitive limitations, the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's current risk of violence or significant criminal activity.</p> <p>The mitigating factors are that the inmate was not convicted of statutory violent felony and his last conviction was in 1996. However, great weight is given to the commitment offense and the institutional behavior. In the commitment offense, the inmate was involved with a road rage issue in which he used a deadly weapon and there was one victim who suffered a threat of physical harm. In the institutional adjustment, the inmate was involved with violence in 2017. He is commended for participating in vocational assignments for a sustained period of time, but the inmate needs to participate in available self-help or rehabilitative programming for a sustained period of time to address the reasons why he was involved in violence in the current commitment offense and why he continued to involved himself with violence in the institution. The inmate indicated in his response, via letter dated 2/12/2019, that he has had a long addiction with substance abuse since he was 13 years old and may want</p>

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						<p>to explore available self-help and other rehabilitative programming regarding this matter if it is part of the reason why he committed his current commitment offense/assaultive behavior. Accordingly, based on the totality of the circumstances, the inmate does pose a current unreasonable risk of violence to the community. The inmate is denied for release.</p> <p><i>Teresa Meighan</i></p>
<p><b>Dustin Gabriel Henderson</b></p> <p>SCUK CRCR 15-81006</p>	<p>05/17/2016</p>	<p>PC § 245(A)(1) Assault With a Deadly Weapon</p> <p>PC § 1170.12 Prior Strike Conviction</p> <p>PC § 667(A) Prior Serious Felony Conviction</p>		<p>156 mos.</p>	<p>No notification to DA</p>	<p><b>04/01/2020: Expedited Release GRANTED.</b></p> <p>Decision for Henderson, Dustin, BA2383: When considering together the findings on each of the inmate's four cases factors, the inmate does not pose an unreasonable risk of violence, and an unreasonable risk of significant criminal activity in the community. Release is approved.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offenses aggravate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 13 years on the current commitment offenses. The commitment offenses are:</p> <ol style="list-style-type: none"> <li>PC 245(a)(1) Assault with a deadly weapon  PC 667(a)(1) Prior felony conviction of serious offense  PC 1170.12(b)(2) Prior conviction of serious/violent felony in another jurisdiction</li> </ol> <p>According to the police report, on March 9, 2015, the inmate was driving his vehicle recklessly and at a high rate</p>

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						<p>of speed while chasing another vehicle. During the chase, the inmate fired several shots at the other vehicle with a pellet gun. Officers responded, initiated a felony car stop, and arrested the inmate.</p> <p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are aggravating circumstances in the case and the following aggravating circumstances make this an aggravating factor in the case:</p> <ol style="list-style-type: none"> <li>1. The inmate personally used a deadly weapon. The inmate fired several shots from a pellet gun at another vehicle while driving recklessly and at a high rate of speed. He was convicted of assault with a deadly weapon.</li> <li>2. There was one victim who suffered threat of physical injury. The inmate fired a pellet gun at another vehicle that was being driven by the victim. The inmate was also chasing the victim while driving recklessly and at a high rate of speed.</li> </ol> <p>Therefore, the current crimes are found to be an aggravating risk factor in the case.</p> <p><u>Case Factor #2 - Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 1994 and continued until the commitment offenses in 2016. The inmate's prior criminal record is a factor mitigating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions:</p> <ol style="list-style-type: none"> <li>1. 11/30/94 OR 161.405 Attempted murder (Oregon)</li> <li>2. 11/30/94 OR 164.415 First degree robbery (Oregon)</li> <li>3. 2/1/96 OR 164.055 First degree theft (Oregon)</li> </ol> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence or significant criminal activity are:</p> <ol style="list-style-type: none"> <li>1. The inmate has not been convicted of a violent</li> </ol>

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						<p>felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years.</p> <p>2. The inmate was free from incarceration for a misdemeanor conviction involving physical injury to a victim or a felony conviction for five years or more prior to his current conviction. The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence or significant criminal activity are: None.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record mitigate the inmate's current risk of violence or significant criminal activity because there are two mitigating circumstances and no aggravating circumstances. Arguably, the 1994 and 1996 felonies might indicate a pattern of assaultive behavior or a pattern of similar conduct that is increasing in severity. However, too much time has passed between the prior offenses and the commitment offense for the conclusion that the offenses are indicative of a pattern. As a result, the prior criminal history factor is mitigating.</p> <p><u>Case Factor #3 - Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses on June 23, 2016, a period of approximately 3 years 9 months.</p> <p>The inmate has been involved in the following activities: Serious and Administrative Rule Violation Reports During Present Incarceration</p> <ol style="list-style-type: none"> <li>1. 1/7/17 Fighting</li> <li>2. 3/10/17 Fighting</li> </ol>

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						<p>Criminal Activity During Present Incarceration: None</p> <p>Vocational Assignments During Present Incarceration: 1. 12/16-1/17 Computer literacy 2. 9/18-8/19 Computer and related technology</p> <p>Educational Assignments During Present Incarceration: 1. 11/17 Voluntary GED</p> <p>Work Assignments During Present Incarceration: 1. 11/17-4/18 Porter 2. 2/19-3/20 Clerk</p> <p>Self-Help/Rehabilitative Programming During Present Incarceration: 1. 8/17 GOGI – How To GOGI Book Course In Cell Program 2. 9/17-4/18 Houses of Healing 3. 1/18 GOGI Increasing Your Peace 4. 4/18 GOGI Tools for Positive Decision Making 5. 8/18-9/18 Storytelling class</p> <p>The following circumstances of the inmate’s institutional behavior, work history, and rehabilitative programming mitigate the inmate’s current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> <li>1. There is no reliable information in the confidential section of the inmate’s central file indicating the inmate has engaged in criminal activity since his last admission to prison.</li> <li>2. The inmate has successfully participated in vocational, educational, or work assignments for a sustained period of time. This is an impressive amount of participation in work and vocational assignments, and therefore warrants a finding of sustained participation.</li> <li>3. The inmate has successfully participated in rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior for a sustained period of time. The inmate has successfully completed several courses that are relevant to the circumstances giving rise to the commitment offense.</li> </ol>

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						<p>Specifically, criminal thinking recovery, anger management, and positive decision-making are all relevant to the commitment offense. While the amount of time spent programming is not as extensive as could be hoped, it is telling that the inmate has not been involved in any violence or criminal behavior since participating in programming. Taken together, a finding of sustained participation in rehabilitative or self-help programming is warranted.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> <li>1. The inmate has been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison. The inmate was found guilty of Rules Violations Reports for fighting, one in January 2017 and the other in March 2017. Fighting involves physical injury or the threat of physical injury.</li> </ol> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence or significant criminal activity because the inmate has not engaged in any violence or criminal behavior for over three years, has participated in relevant programming, and has participated in an impressive amount of vocational and work assignments. While the two violations for fighting are concerning, the violations should be given less weight because they occurred over three years ago, the inmate has not engaged in any violence since, and the inmate has completed courses designed to help the inmate avoid violence. Thus, there are three mitigating circumstances and only one</p>

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						<p>aggravating circumstance, and such aggravating circumstance is entitled to reduced weight. As a result, the institutional adjustment factor is mitigating.</p> <p><u>Case Factor #4 - Response to Legal Notice</u></p> <p>There were response(s) to the Legal Notices in support of release from the inmate dated February 19, 2019, May 13, 2019, and March 19, 2020, and Stephanie Henderson (the inmate's wife) dated March 15, 2019, which were reviewed and considered in this decision.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the passage of time and the inmate's age, the factors mitigating the inmate's current risk of violence outweigh the factors aggravating the inmate's current risk of violence or significant criminal activity.</p> <p>To prepare for this review, the author reviewed the Disability and Effective Communication System as well as the inmate's record to determine all physical and cognitive disabilities documented for this inmate. In reaching the decision articulated below, the author fully considered any mitigating impact of each documented disability on all of the factors considered.</p> <p>In this case, the commitment offense is concerning, particularly given the two violations for fighting the inmate received relatively early in the present period of incarceration. However, the commitment offense and the violations are given less weight because of the passage of time and the inmate's participation in relevant programming. Since March 2017, a period of approximately three years, the inmate has not engaged in any violence or criminal activity, has participated in over 1800 hours of work assignments, has participated in over</p>

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						<p>465 hours of vocational training, and has completed self-help courses that are relevant to the commitment offense. As a result, the mitigating factors outweigh the aggravating factor. The inmate therefore does not pose a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. The inmate is approved for release.</p> <p><i>Brian Nelson</i></p>
<p><b>Steven Gene Hensley</b></p> <p>SCUK CRCR 11-18554 SCUK CRCR 09-89977</p>	<p>01/27/2012</p>	<p>PC § 451(c) x 19 Arson of Forest or Grassland Restitution Owing: \$354,138</p> <p>PC § 273.5 Inflicting Corporal Injury on Spouse</p>	<p>By definition, while very dangerous in rural counties, this form of arson is legislatively deemed only a serious felony, not violent like other forms of arson.</p>	<p>240 mos.</p>	<p>07/05/2018</p>	<p><b>08/13/2018: Expedited Release DENIED.</b></p> <p>Decision for Hensley, Steven, AK7619: When considering together the findings on each of the inmate's four cases factors, the inmate poses an unreasonable risk of violence to the community. Release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 – Current Commitment Offense</u></p> <p>The circumstances of the inmate's commitment offenses aggravate the inmate's current risk of violence. The inmate was sentenced to a total term of 20 years on the current commitment offenses. The commitment offenses are PC 273.5, inflicting corporal injury on spouse, occurring in 2009, and 19 counts of arson of forest land, PC 451(c), occurring in 2011. Following an extensive investigation in Mendocino County, the inmate, Mr. Hensley, was identified and confessed to lighting 20 fires. He was observed by witnesses, was in the areas of the fires at the time of the fires, and left incriminating evidence on scene. The inmate admitted to alcohol and drug abuse at the time of the offenses.</p>



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						<p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are aggravating circumstances in the case and the following aggravating circumstances make this an aggravating factor in the case.</p> <ol style="list-style-type: none"> <li>1. There were one or more victims who suffered physical injury or threat of physical injury. The inmate's wife was punched in the head several times by the inmate and sustained injuries as a result.</li> </ol> <p>Therefore, the current crimes are found to be an aggravating risk factor in the case.</p> <p><u>Case Factor #2 – Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 2009 and continued until the current commitment offense(s) in 2011. The inmate's prior criminal record is a factor mitigating the inmate's current risk of violence. The inmate has the following adult criminal convictions: No prior adult felony convictions.</p> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence are:</p> <ol style="list-style-type: none"> <li>1. The inmate has no prior criminal convictions.</li> </ol> <p>The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence are:</p> <p>None</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal</p>

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						<p>record mitigate the inmate's current risk of violence because he has no priors.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since February 2, 2012, a period of approximately six years, six months.</p> <p>The inmate has been involved in the following activities: The inmate reports he has participated in EOP programs including AA/NA, depression management, anger management, aggression replacement training, and thinking for a change. He has worked in the dining room, yard, main kitchen as a cook, clerk, porter, recreation aid, carpenter, adult care giver, canteen worker and in the PIA office.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence:</p> <ol style="list-style-type: none"> <li>1. The inmate has not been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison.</li> <li>2. There is no reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since his last admission to prison.</li> <li>3. The inmate has successfully participated in vocational, educational, or work assignments for a sustained period of time.</li> </ol>

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						<p>The following circumstances of the inmate’s institutional behavior, work history, and rehabilitative programming aggravate the inmate’s current risk of violence:</p> <ol style="list-style-type: none"> <li>1. The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior, such as domestic violence.</li> </ol> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate’s institutional behavior, work history, and rehabilitative programming aggravate the inmate’s current risk of violence because the inmate received a sentence of 20 years for domestic violence and arson. Although he has participated in some programming, there is no indication that he has addressed the circumstances that contributed to his criminal behavior.</p> <p><u>Case Factor #4 – Response to Legal Notice</u></p> <p>There were response(s) to the Legal Notices in support of release from the inmate received July 20, 2018 and March 28, 2018 which were reviewed and considered in this decision.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, taking into account the totality of the circumstances, including the passage of time, the inmate’s age, the inmate’s physical and cognitive limitations, the factors aggravating the inmate’s current risk of violence outweigh the factors mitigating the inmate’s risk of violence. The inmate caused bodily injury to his wife in the domestic violence offense and has not addressed the circumstances that contributed to the domestic violence or</p>

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						the 19 counts of arson. The inmate is denied for release. <i>Ana Soares</i>
<p><b>Steven Gene Hensley</b></p> <p>SCUK CRCR 11-18554 SCUK CRCR 09-89977</p>	01/27/2012	<p>PC § 451(c) x 19 Arson of Forest or Grassland Restitution Owing: \$354,138</p> <p>PC § 273.5 Inflicting Corporal Injury on Spouse</p>	By definition, while very dangerous in rural counties, this form of arson is legislatively deemed only a serious felony, not violent like other forms of arson.	240 mos.	07/05/2017	<p><b>08/10/2017: Expedited Release DENIED.</b></p> <p>Decision based on reasons state below:</p> <p>Do Mr. Hensley's case factors show that he poses an unreasonable risk of violence to the community? There are four cases factors to consider.</p> <p>Statement of Reasons:</p> <p>1) <u>Current Commitment Offense</u>: Mr. Hensley's current commitment offense are 19 counts of PC 451(c) – arson of structure or forest land which occurred from 07/05/11 through 08/21/11 and PC 273.5 – inflict corporal injury on spouse which occurred on 03/21/09. He was convicted of the offenses on 01/27/12 and received a total term of 20 years.</p> <p>On the arson offenses there was a series of unexplained forest fires in Mendocino County between 07/04/11 and 08/21/11. Mr. Hensley admitted to starting 19 of these unexplained fires.</p> <p>On the 2009 DV offense Mr. Hensley struck his wife in the head and face with his fists. She had numerous injuries to her neck, back and face.</p> <p>The circumstances in aggravation for the arson offenses are: (1) there were multiple victims; (2) he was sentenced [for] 2 or more felonies during his current prison terms and (3) he was on probation or parole at the time of the</p>

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						<p>commitment offenses.</p> <p>The circumstances in aggravation for the DV offense: (1) there was injury or GBI suffered by the victim; (2) there was violence or the threat of violence to the victim; (3) he was sentenced to 2 or more felonies during his current prison terms and (4) he was on probation or parole at the time of the commitment offenses.</p> <p>The circumstances in mitigation for the arson offenses are: (1) no weapon was used; (2) there was no violence or threat of violence to any victims and (3) there was no evidence of any physical injury to any victim.</p> <p>There are no circumstances in mitigation for the DV offense noted.</p> <p>After balancing the aggravating and mitigating circumstances the current commitment offenses are an aggravating factor in this case. There was violence and injury to the DV victim. He was convicted of 19 separate counts of arson. He was on probation at the time of the arson offenses and the DV offense.</p> <p>2) <u>Prior Criminal Record</u>: Mr. Hensley's felony criminal record began in 2009 and continued until the current commitment offenses in 2011.</p> <p>Mr. Hensley's felony criminal record prior to the current commitment offense consists of the following felony convictions or serious juvenile adjudications. Mr. Hensley was on felony probation for PC 273.5 at the time of the arson offenses. That felony probation was terminated and he was sentenced to prison on that offense [as well] as the arson offenses. He does not have any other felony convictions or serious juvenile adjudications.</p> <p>The circumstances in aggravation are: (1) it has been less than 5 years between the date of release from his last</p>

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						<p>incarceration on 05/01/09 and the 07/04/11 offense date for the current arson commitment.</p> <p>The circumstances in mitigation are: (1) no weapon was used in any of the commitment offenses; (2) he has not been convicted of 2 or more felony convictions or serious juvenile adjudications and (3) he does not have any known juvenile record.</p> <p>After balancing the aggravating and mitigating circumstances Mr. Hensley's prior criminal record is a mitigating factor in this case. Because the 2009 DV offense is considered under current commitment offenses Mr. Hensley has no other felony convictions or serious juvenile adjudications prior to the current commitment offenses.</p> <p>3) <u>Institutional Behavior/Rehabilitative Programming</u>: Mr. Hensley started his term on the current commitment offenses on 02/20/12 and has been incarcerated for approximately 5 years and 5 months. During his current term he has not been involved in any negative behavior.</p> <p>During his current term Mr. Hensley has been involved in the following positive behavior: he has participated in Adult Basic Education II. He has worked as [an] assisted care giver, plant ops carpenter, plant ops painter, recreation aide, porter, MAC secretary, janitor, dining room worker, and yard crew worker.</p> <p>Mr. Hensley's overall institutional behavior and rehabilitative programming does show compliance with institutional rules and programs and therefore is a mitigating factor in this case. He has remained violation free and has a steady work history.</p> <p>4) <u>Legal Notices</u>: There was no response from Mr. Hensley in support of his early release.</p>

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						<p><b>SUMMARY:</b> The aggravating circumstances of Mr. Hensley's commitment offenses and prior criminal record outweigh the mitigating circumstances of his institutional behavior and rehabilitative programming. Mr. Hensley has programmed well during his 60 months in prison and has remained violence free. He is to be commended for that. However, the commitment offense involves violence. His criminal record dates back to 1984 and does contain violence, although that was for a robbery in 1991. Also Mr. Hensley [stands] convicted of 19 separate counts of arson. The evidence supports a finding that Mr. Hensley does pose an unreasonable risk of violence to the community at this time. Release is Denied.</p> <p><i>Patrick Reardon</i></p>
<p><b>Jesus Anthony Herrera</b></p> <p>SCUK CRCR 16-86852</p>	<p>09/27/2016</p>	<p>PC § 69 Resisting Executive Officer By Force or Violence</p>		<p>32 mos.</p>	<p>05/16/2017</p>	<p><b>11/07/2017: Expedited Release DENIED.</b></p> <p>Decision based on the reasons stated below:</p> <p>Decision: When considering together the findings on each of the four case factors, both aggravating and mitigating, they demonstrate that Mr. Herrera poses an unreasonable risk of violence to the community. Accordingly, Mr. Herrera is denied release.</p> <p><u>Case Factor #1 – Current Commitment Offense</u> Mr. Herrera's current commitment offense PC69 Resisting Officer with Force and/or Violence, is an aggravating factor in this case.</p> <p>On 8/4/17, Mr. Herrera was in public and appeared to be intoxicated. When an officer attempted to stop Mr. Herrera, Mr. Herrera stated, "Fuck you," charged the</p>

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						<p>officer, slapped the officer's hand and shoved the officer backwards while continuing to swear. The officer deployed a canine, which grabbed Mr. Herrera by the arm. The officer attempted to subdue Mr. Herrera but Mr. Herrera punched the officer and the pair began to grapple. The canine was deployed a second time and bit Mr. Herrera in the knee. After a violent struggle, Mr. Herrera ran away a short distance before the officer caught up to him and another struggle ensued. The canine bit Mr. Herrera again as the grappling continued. Additional officers arrived and subdued Mr. Herrera. The officers confirmed Mr. Herrera's parole status and took him into custody.</p> <p>Mr. Herrera entered a plea agreement and was sentenced to a total term of 2 years, 8 months on the current commitment offense.</p> <p>The aggravating circumstances are: 1) There were two or more officers involved in the commitment offense; 2) There was violence or threat of violence to the officers during the offense; and 3) Mr. Herrera was on parole at the time of the offense.</p> <p>The mitigating circumstances are: 1) No weapon was used; and 2) No physical injury to a victim occurred.</p> <p>When balancing the aggravating circumstances against the mitigating circumstances, Mr. Herrera's current commitment offense is an aggravating factor because of the level of violence involved in the continued resistance of the officers and canine during the offense.</p> <p><u>Case Factor #2 – Prior Criminal Record</u>  Mr. Herrera's prior criminal record is an aggravating factor in this case. His prior criminal history, which began in 1997 and continued until the commitment offenses in 2016,</p>



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						<p>includes the following serious juvenile adjudications and/or adult criminal convictions:</p> <ol style="list-style-type: none"> <li>1. 1997: Age 15: PC 422 Terrorist Threats;</li> <li>2. 1997: Age 15: PC 417.4 Brandish Firearm Replica;</li> <li>3. 2012: PC 273.5 Inflict Corporal Injury on Spouse/Cohabitant;</li> <li>4. 2012: PC 422 Terrorist Threats; and</li> <li>5. 2014: PC 3000.08.</li> </ol> <p>The aggravating circumstances are: 1) Mr. Herrera has been convicted of 3 or more felonies (including serious juvenile adjudications); 2) His criminal record shows a pattern of assaultive behavior; 3) Less than 5 years elapsed between his release from a prior incarceration on 1/14/14 and the current offense on 8/4/16; and 4) His prior felony convictions (including serious juvenile adjudications) show a pattern of similar/repetitive conduct.</p> <p>No mitigating circumstances are present.</p> <p>When balancing the aggravating circumstances against the mitigating circumstances, Mr. Herrera's prior criminal record is an extremely aggravating factor because of the length of the history, as well as the frequency and threatening nature of offenses.</p> <p><u>Case Factor #3 – Institutional Adjustment</u>  Mr. Herrera has been incarcerated on the commitment offense since 10/13 16, a period of approximately 13 months.</p> <p>During incarceration, Mr. Herrera has not incurred any RVRs. He has participated in or completed the following positive programming: Anger Management, Substance Abuse.</p>

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						<p>After balancing the positive factors against the negative factors, Mr. Herrera's institutional record shows overall compliance with institutional rules and is a mitigating factor because he has not incurred any RVRs and is participating in positive programming.</p> <p><u>Case Factor #4 – Response to Legal Notices</u>            No responses to Legal Notices were received.</p> <p><b>SUMMARY:</b> When balancing the aggravating factors in this case, the commitment offense and prior criminal record, with the mitigating factor in this case, institutional behavior, the aggravating factors outweigh the mitigating factor. Mr. Herrera may be commended for his recent rehabilitative efforts. However, those are outweighed by his lengthy and threatening criminal record and the violent nature of his commitment offense. Accordingly, Mr. Herrera is denied release.</p> <p><i>Neal Chambers</i></p>
<p><b>Lonnie Lane Hesser</b></p> <p>SCUK CRCR 16-84306</p>	<p>5/6/2016</p>	<p>PC § 459/460(a) x 3            Residential Burglary</p>		<p>72 mos.</p>	<p>4/24/2018</p>	<p><b>04/23/2018: Expedited Release DENIED.</b></p> <p>The above inmate was referred to the Board of Parole Hearings under the Nonviolent Parole Review Process. However, it has been determined [that] the inmate is not eligible for the Nonviolent Parole Review Process at this time. As a result, this case has been closed by the Board of Parole Hearings and the inmate will not be considered for release at this time.</p> <p>Please direct any inquiries concerning the inmate to the institution where the inmate is housed. We apologize for any inconvenience this may have caused.</p>

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						<p>JURISDICTIONAL REVIEW: BPH does not have jurisdiction, no further review.</p> <p>REVIEW ON THE MERITS: Decision based on the reasons stated below:</p> <p>On 04/06/18 inmate Hesser was found guilty of a division A2 offense for distribution of a controlled substance for a RVR issued on 01/20/17. Based on these findings, BPH does not have jurisdiction to conduct a review.</p> <p><i>Shannon Hogg</i></p>
<p><b>Troy Lightfoot Hoaglin</b></p> <p>SCUK CRCR 19-32601 SCUK CRCR 19-32363</p>	<p>10/10/2019</p>	<p>PC § 529(a)(3) False Personation of Another</p> <p>PC § 69(a) Resisting Arrest</p> <p>PC § 1170.12 Prior Strike Conviction</p> <p>PC § 667.5(B) Prior Prison Commitment</p>		<p>68 mos.</p>	<p>07/13/2021</p>	<p><b>09/09/2021: Expedited Release DENIED.</b></p> <p>Decision for Hoaglin, Troy, AW8693: When considering together the findings on each of the inmate's four case factors, the inmate does not pose a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. Release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offenses aggravate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 4 years 8 months on the current commitment offenses. The commitment offenses are:</p> <p>Case 19-32363. Resisting an Executive Officer with Force, PC 69, 8/29/2019.</p> <p>Case 19-32601. False Personation, PC 529(a)(3),</p>

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						<p>9/12/2019.</p> <p>The inmate was sentenced to the middle term in case 19-32363, doubled to 4 years because of a prior strike conviction. An additional consecutive term of 8 months, one-third of the middle term, was imposed in case 19-32601, for the total term of 4 years 8 months. Imposition of sentence on a prison prior conviction was stayed.</p> <p>On 8/16/2016, the inmate's mother called the Cahto Tribal Administration and requested that the inmate be arrested. There was an outstanding warrant for the inmate's arrest. An officer responded to the call, took a report and left the area. While driving away, the officer was waived down by a witness who reported that the inmate has come to her house, brandished an axe, and threatened to kill her and everyone else in her home. The inmate then left, threatened other individuals outside the home, and started walking toward his mother's home. The officer searched for the inmate, and found him hiding in some bushes in a creek bed. The inmate was arrested, and was taken to the location of his girlfriend, where it was determined that the inmate had "body-slammed" his girlfriend. The inmate became agitated and spit on the officer through the opening of the transportation cage. When the officer arrived at the jail with the inmate, the inmate broke free and ran away. The officer used his taser to stop the inmate, but the inmate continued to physically resist arrest.</p> <p>On 6/22/2019, the inmate was stopped for traffic violations. The inmate verbally identified himself as Nathan Hoaglin, using his brother's name instead of his own. A citation for driving on a suspended license was issued, and the inmate signed the name Nathan Hoaglin. The inmate's true identity was established through subsequent investigation and use of body cam video.</p> <p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes,</p>

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						<p>there are aggravating circumstances in the case and the following aggravating circumstances make this an aggravating factor in the case:</p> <ol style="list-style-type: none"> <li>1. The inmate personally used a deadly weapon, an axe.</li> <li>2. There were one or more victims who suffered physical injury or threat of physical injury. The inmate "body-slammed" his girlfriend, spit on the officer and physically resisted arrest, and threatened to kill other victims with an axe.</li> </ol> <p>Therefore, the current crimes are found to be an aggravating risk factor in the case.</p> <p><u>Case Factor #2 – Prior Criminal Record</u></p> <p>The inmate’s prior criminal history began in 2005 and continued until the commitment offenses in 2019. The inmate’s prior criminal record is a factor aggravating the inmate’s current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions:</p> <p>PC 69, Resisting/Obstructing an Executive Officer with Force, 1/20/2005.  VC 2800.2, Reckless Evading, 1/20/2005.  PC 69, Resisting/Obstructing and Executive Officer with Force, 8/30/2007.  PC 273a(a), Child Abuse, 2/3/2015.  PC 243(d), Battery with Serious Bodily Injury, 4/22/2015.</p> <p>The inmate was released from CDCR on 5/13/2017, and serving the sentences imposed for the PC 273a(a) and PC 243(d) convictions. The inmate was convicted of the PC 69 current commitment offense on 8/29/2019, approximately 2 years 3 months after release.</p> <p>The circumstances of the inmate’s prior criminal record that mitigate the inmate’s current risk of violence or</p>

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						<p>significant criminal activity are:  The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years.  The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence or significant criminal activity are:</p> <ol style="list-style-type: none"> <li>1. The inmate's prior criminal convictions coupled with the current convictions show a pattern of assaultive behavior. All five of the inmate's prior convictions involved either physical injury or the threat of physical injury. The current commitment offense of PC 69 is the inmate's third conviction for this crime. In combination, the inmate's criminal history shows a pattern of assaultive behavior.</li> <li>2. The inmate was incarcerated for a felony conviction within five years prior to the inmate's current convictions. The inmate was released from CDCR on 5/13/2017, and was convicted of the earliest of the current commitment offenses on 8/29/2019, approximately 2 years 3 months after release.</li> </ol> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since November 7, 2019, a period of approximately 1 years 10 months.  The inmate has been involved in the following activities:  Serious RVRs. None.  Confidential Information. None.  Education, Vocational Training and Work Assignments.  Porter,  Landscape Gardening,  Warehouse Worker,  Rehabilitative/Self-Help Programs.  CBI - Lifeskills, 4/3/2021 to present.</p>

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						<p>AA, 6/15/2021 to 8/2/2021. 0.5 hours. Removed for lack of commitment.            NA, 6/15/2021 to 8/2/2021. 1.0 hours. Removed for lack of commitment.            AA, 7/13/2021 to 8/23/2021. No attendance. Removed for lack of commitment.            NA, 7/13/2021 to 8/23/2021. No attendance. Removed for lack of commitment.</p> <p>The following circumstances of the inmate’s institutional behavior, work history, and rehabilitative programming mitigate the inmate’s current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> <li>1. The inmate has not been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since the inmate's last admission to prison.</li> <li>2. There is no reliable information in the confidential section of the inmate's file indicating the inmate has engaged in criminal activity since the last admission to prison.</li> </ol> <p>The following circumstances of the inmate’s institutional behavior, work history, and rehabilitative programming aggravate the inmate’s current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> <li>1. The inmate has limited participation in available vocational, educational, or work assignments. The inmate has worked for only 9 of the inmate's 22 months of current incarceration.</li> <li>2. The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to the inmate's criminal behavior. The inmate began participating in Lifeskills only 6 months ago, and was removed from substance abuse programs for lack of commitment.</li> </ol> <p><u>Case Factor #4 – Response to Legal Notice</u></p>

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						<p>There were no responses to Legal Notices.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the passage of time (22 months), the inmate's age (36), and the inmate's physical and cognitive limitations, the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's current risk of violence or significant criminal activity.</p> <p>To prepare for this review, the author reviewed the Disability and Effective Communication System as well as the inmate's record to determine all physical and cognitive disabilities documented for this inmate. In reaching the decision articulated below, the author fully considered any mitigating impact of each documented disability on all of the factors considered.</p> <p>Inmate Hoaglin's current commitment offenses are an aggravating factor in this decision. The inmate used force and violence to resist arrest by an executive officer. This is the inmate's third conviction for this crime, and the inmate's sixth conviction for a crime involving violence in the last 16 years. The inmate was convicted of the current offenses only 2 years 3 months after serving a prison term for Child Abuse and Battery with Serious Bodily Injury. The inmate's prior criminal record is an aggravating factor in this decision. During the current term of incarceration, the inmate has limited participation in self-help programming to address the inmate's criminal history of violence. The inmate did not participate in programming until April of 2021, after 17 months of incarceration. The inmate's was removed from previous programs for lack of commitment. The inmate's Institutional Adjustment is an aggravating factor. There is no mitigating factor to weigh against the aggravating factors. The inmate is denied for release.</p>



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						<i>Thomas Sparks</i>
<p><b>Kyle Wayne Hunter</b></p> <p>SCUK CRCR 17-88621</p>	05/23/2017	<p>PC § 459/460(a) Residential Burglary</p> <p>PC § 1170.12 Prior Strike Conviction</p> <p>PC § 667.5(B) Prior Prison Commitment</p> <p>PC § 667(A) Prior Serious Felony Conviction</p>		156 mos.	06/21/2021	<p><b>08/16/2021: Expedited Release DENIED.</b></p> <p>Decision for Hunter, Kyle, BD2421: When considering together the findings on each of the inmate's four case factors, the inmate does not pose a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. Release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offenses mitigate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 13 years on the current commitment offenses. The commitment offenses are</p> <p>(1) PC 459/460(a) first degree burglary for which the inmate received a term of 8 years (4 years doubled as a second strike)</p> <p>(2) There were two enhancements for PC 667.5(b) for prior felony convictions (stayed)</p> <p>(3) There was an enhancement for PC 667(a) for prior conviction of a serious or violent felony for which the inmate received a term of 5 years.</p> <p>On or about 12/24/16, the inmate and his two crime partners agreed to burglarize a house. They located the victim's residence and entered by breaking a window. They took jewelry, lap tops, a hand gun, and other items. In the course of these thefts they opened Christmas presents and Christmas Cards. They took things not only of monetary</p>

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						<p>value, but also of sentimental value. The inmate took a gun even though he knew this was forbidden under his parole conditions. The inmate admitted the only reason he committed the crime was to get drugs.</p> <p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are no aggravating circumstances and the following mitigating circumstances make this a mitigating factor in the case:</p> <ol style="list-style-type: none"> <li>1. The inmate did not personally use a deadly weapon.</li> <li>2. No victims suffered physical injury or threat of physical injury.</li> <li>3. There was only one conviction.</li> </ol> <p>Therefore, the current crimes are found to be a mitigating risk factor in the case.</p> <p><u>Case Factor #2 – Prior Criminal Record</u></p> <p>The inmate’s prior criminal history began in 2006 and continued until the commitment offenses in 2016. The inmate’s prior criminal record is a factor aggravating the inmate’s current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions:</p> <p>2006 – VC 10851(a) vehicle theft  2007 – VC 10851(a) vehicle theft  2007 – PC 288(a) lewd and lascivious acts with a child under 14  2008 – PC 290(a)(1) failure to register as a sex offender  2013 – (misdemeanor) VC 23152 DUI alcohol .08  2014 - PC 290(b)-290.018 failure to register as a sex offender</p> <p>The circumstances of the inmate’s prior criminal record that mitigate the inmate’s current risk of violence or significant criminal activity are:</p>
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						<p>None</p> <p>The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence or significant criminal activity are:</p> <ol style="list-style-type: none"> <li>1. The inmate has a violent felony conviction as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years. The inmate was convicted of PC 288(a) lewd and lascivious acts with a child under 14 in 2007. PC 288(a) offenses are classified as violent felonies under PC 667.5(c)</li> <li>2. The inmate was incarcerated for a felony conviction within five years prior to his current convictions. The inmate was released from his last commitment on 10/11/15 and convicted of his current crime on 04/12/17. Thus, he was only able to remain conviction free in the community for 1 year and 6 months.</li> </ol> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record aggravate the inmate's current risk of violence or significant criminal activity because there are no circumstances in mitigation. On the other hand, great weight in aggravation is given to the inmates 2007 conviction for lewd and lascivious acts with a child under 14 since that is a 667.5(c) offense which occurred within 15 years. Also, weighing in aggravation was the inmate's inability to remain in the free community for a sustained period of time after release from his last commitment. These circumstances indicate a propensity for violence and recidivism.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since June 1, 2017, a period of approximately 4</p>

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						<p>years and 2 months.  The inmate has been involved in the following activities:  Rules Violations  - 03/19/21 unauthorized possession of medication (suboxone)  - For informational purposes, it is noted the inmate has a pending rules violation on 04/22/21 for possession of controlled substance in an institution with a status of "postponed."  Confidential Information - None  Vocational Assignments - None  Work Assignments  - Porter  - Yard Worker  Educational Assignments  - Educational Development  - College Onsite  - College AA/AS degree - Total 18 hours of Educational Development  Total College classes: 10 completed  Program Participation  - ISUDT Intensive Outpatient  - ISUDT Outpatient  - Narcotics Anonymous  - Alcoholics Anonymous "unassigned for lack of commitment"  - Celebrate Recovery "unassigned due to lack of commitment"  - Wiccan Services  - Arts in Corrections  - The inmate participated in individual and group therapy sessions through the Mental Health Services Delivery System at the Correctional Clinical Case Management System (CCCMS) level of care</p> <p>The following circumstances of the inmate's institutional</p>

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						<p>behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence or significant criminal activity:</p> <p>1. There is no reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since his last admission to prison.</p> <p>2. The inmate has successfully participated in vocational, educational, or work assignments for a sustained period of time. As a person with a theft related offense the inmate would benefit from participation in assignments to gain the work habits and skills to support himself by legitimate means. He has demonstrated good work habits by participating in work assignments for 3 years for a total of 1,364 hours. He has also participated in college classes earning 34 credits improving his reading and understanding, making himself more employable.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity:</p> <p>1. The inmate has one or more recent serious institutional Rules Violation Reports since his last admission to prison. The inmate incurred a serious rules violation for unauthorized possession of medication on 03/19/21.</p> <p>2. The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior, such as substance abuse. The inmate reported that his commitment offense was committed to satisfy a drug habit. To deal with this issue the inmate has participated in drug programs. However, his recent rules violation for possession of unauthorized medication cast doubt on the effectiveness of his programming. For this reason, his programming is limited.</p>

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						<p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity because great weight is given to the inmate's rules violation for possession of unauthorized medication since the inmate's progress in substance abuse programming as well as his ability to retain employment would be lost if he were to relapse in the community due to failure to internalize his programming. For, this reason the aggravating circumstance of the rules violation outweighs the other circumstances of review.</p> <p><u>Case Factor #4 – Response to Legal Notice</u>            There were no responses to Legal Notices.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the passage of time, the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's current risk of violence or significant criminal activity.</p> <p>To prepare for this review, the author reviewed the Disability and Effective Communication System as well as the inmate's prior record to determine the physical and cognitive disabilities documented for this inmate. In reaching the decision articulated, the author fully considered any mitigating impact of each disability on all the factors considered.</p> <p>The mitigating factor is the inmate's commitment offense because it was a crime against property. However, this is outweighed by the aggravating circumstances of the inmate's prior criminal history and institutional adjustment. In regards to the inmate's prior criminal history, great weight is given to the inmate's 2007</p>

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						<p>conviction for the 667.5(c) violent offense of 288(a) since it shows a propensity to commit violent crime. Weight in aggravation is also given to the inmate's propensity for recidivism since he was only able to remain in the free community for 1 year and 6 months before the conviction on his commitment offense. In regards to the inmate's institutional adjustment, as explained above, the inmate's recent rules violation for possession of unauthorized medication places into question the effectiveness of the inmate's programming in substance abuse. The inmate's commitment offense was committed to get money for drugs. The inmate is denied for release.</p> <p><i>Edward Taylor</i></p>
<p><b>Robert Curtis James</b></p> <p>SCUK CRCR 16-86753 SCUK CRCR 16-87694</p>	<p>01/12/2017</p>	<p>PC § 29800(a)(1) Felon in Possession of a Firearm</p> <p>PC § 530.5(a) Using the Peronal I.D. of Another</p>		<p>60 mos.</p>	<p>08/16/2019</p>	<p><b>11/25/2019: Expedited Release DENIED.</b></p> <p>Decision for James, Robert, BC0606: When considering together the findings on each of the inmate's four case factors, the inmate does not pose a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. Release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offenses mitigate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of five years on the current commitment offenses. The commitment offenses are PC 29800 (possession of firearm by felon), for which the inmate received a sentence of three years, and three counts of PC</p>

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						<p>530.5, for which the inmate received a sentence of eight months per count.  The factual basis for each offense was reviewed from the inmate's file, and no applicable aggravating circumstances were found.</p> <ol style="list-style-type: none"> <li>1. The inmate did not personally use a deadly weapon.</li> <li>2. No victims suffered physical injury or threat of physical injury.</li> </ol> <p>Therefore, the current crimes are found to be a mitigating risk factor in the case.</p> <p><u>Case Factor #2 - Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 2014, and continued until the commitment offenses in 2016. The inmate's prior criminal record is a factor mitigating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions: PC 496 (receiving stolen property) in 2014 and PC 1320(b) (failure to appear on a felony) in 2015.</p> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence or significant criminal activity are:</p> <p>The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years.</p> <p>The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence or significant criminal activity are:</p> <p>The inmate was incarcerated for a felony conviction within five years prior to his current convictions. He served time in county jail 2014 and 2015, and he was released from state prison to Community Re-Entry on 11/24/15.</p> <p>In the 5 years preceding the current conviction, the inmate was incarcerated for a felony conviction. Inmate's last</p>
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						<p>period of incarceration, related to the prior felony conviction ended sometime in 2015. He was convicted of the current offenses on 12/14/2016. As such, the inmate was free from a felony conviction incarceration period for less than 3 years when the inmate was convicted for the current offenses. This tends to show the prior incarceration period did not significantly deter his criminal behavior in the community for substantial period of time.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record aggravate the inmate's current risk of violence or significant criminal activity because, while the inmate has no prior statutorily violent convictions in the past 15 years, the inmate was not free from incarceration for a significant period of time when he was convicted for the current offense. This suggests the prior incarceration did little to deter the inmate's criminal behavior in the community.</p> <p><u>Case Factor #3 - Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since January 26, 2017, a period of approximately two years and nine months.</p> <p>The inmate has been involved in the following activities:</p> <p>Education:  Adult Basic Education and GED Classes  On-Site College</p> <p>Vocation:  None noted.</p> <p>Work:  Dining Room  Yard Crew</p>

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						<p>Landscape Gardener  Self-Help/Rehabilitation:  Substance Abuse Disorder Treatment</p> <p>The inmate has been found guilty of the following RVRs:  Possession of a cell phone 9/26/19; Battery on prisoner 9/3/18; possession of contraband (2-inch metal nail concealed in pen) 5/17/18; use of controlled substance 3/22/18, 2/28/18, 12/28/17, 12/6/17, and 9/7/17; possession of alcohol 12/28/17 and 10/28/17; disobeying orders 11/15/17 and 8/22/17; possession of cellular telephone 9/11/17, possession of tattoo paraphernalia 7/30/17; refusing urine sample 4/12/17; absence from count 4/8/17.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence or significant criminal activity:  There are no applicable mitigating circumstances.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> <li>1. The inmate has been found guilty of an institutional Rule Violation Report resulting in physical injury or threat of physical injury since his last admission to prison, specifically, battery on a prisoner, on 9/3/18.</li> <li>2. There is reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since his last admission to prison.</li> <li>3. The inmate has limited participation in available vocational, educational, or work assignments. His participation in these areas has been sporadic and of relatively short duration. He last participated in any assignment or program in May of this year.</li> <li>4. The inmate has limited participation in available</li> </ol>

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						<p>rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior. His total participation in these types of programs is thus far limited to four months of SUDT.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity because the inmate engaged in violent conduct relatively recently, and his criminal thinking and substance abuse appear to remain relevant. His positive program participation has been limited, and, in light of his numerous RVRs for drug use, his four months of SUDT does not appear to have led to a successful outcome.</p> <p><u>Case Factor #4 - Response to Legal Notice</u></p> <p>There were no responses to Legal Notices.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the passage of time, the inmate's age (24), the inmate's physical &amp; cognitive limitations, the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's current risk of violence or significant criminal activity.</p> <p>The aggravating case factors, the prior criminal record &amp; the institutional adjustment, outweigh mitigating case factor, the current offenses. While the inmate's current offenses do not involve violence or assaultive conduct, it is concerning, the inmate was in possession of a loaded firearm in the community on 7/29/2016, less than 3 years from a prior incarceration period. He has been violent less</p>

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						<p>than 15 months ago when he attacked &amp; injured another prisoner on 9/3/2018. In addition, the institutional adjustment case factor shows limited or no participation in rehabilitation programs addressing the circumstances contributing to his criminal behavior. His rules violations related to use of controlled substances, incurred after his participation in a substance abuse recovery program, demonstrate he did not apply or learn anything from the substance abuse recovery program. As such, the inmate poses a current unreasonable risk of violence to the community or of significant criminal activity to the community. The inmate is denied for release.</p> <p><i>Vijay Desai</i></p>
<p style="text-align: center;"><b>Raymond Devon Jones</b></p> <p>SCUK CRCR 16-85711</p>	<p>08/10/2017</p>	<p>PC § 29800(a)(1) Felon in Possession of a Firearm</p> <p>PC § 30305(a)(1) Prohibited Person in Possession of Ammo</p> <p>PC § 496(a) Possession of Stolen Property</p> <p>PC § 1170.12 X 2 Prior Strike Conviction</p>		<p>64 mos.</p>	<p>03/21/2019</p>	<p><b>05/13/2019: Expedited Release GRANTED.</b></p> <p>Decision for Jones, Raymond- BE0583: When considering together the findings on each of the inmate's four case factors, the inmate does not pose a current, unreasonable risk of violence, or a current unreasonable risk of significant criminal activity to the community. Release is approved.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offenses mitigate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 5 years, 4 months, on the current commitment offenses. The commitment offenses are as follows:</p> <ol style="list-style-type: none"> <li>PC 29800(a)(1) Felon Possess Firearm (4 years</li> </ol>

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						<p>as a Second Striker)</p> <p>2. PC 30305(a) Felon Possess Ammunition (1 year, 4 months)</p> <p>On 4/21/16, the inmate was observed with a methamphetamine pipe in his truck. During a search of the vehicle, 10.7 grams of methamphetamine and a loaded .32 caliber revolver were recovered. The inmate also had a .32 caliber bullet in his pocket.</p> <p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are no aggravating circumstances. The following mitigating circumstances make this a mitigating factor in the case:</p> <ol style="list-style-type: none"> <li>1. The inmate did not personally use a deadly weapon.</li> <li>2. No victims suffered physical injury or threat of physical injury.</li> </ol> <p>Therefore, the current crimes are found to be a mitigating risk factor in the case.</p> <p><u>Case Factor #2 - Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 1994 and continued until the commitment offenses in 2016. The inmate's prior criminal record is a factor mitigating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions:</p> <ol style="list-style-type: none"> <li>1. 1994: PC 211 Robbery First Degree</li> <li>2. 1996: PC 459 Burglary First Degree</li> <li>3. 2005: VC 10851(a) Vehicle Theft</li> <li>4. 2005: PC 134 Prepare False Evidence</li> <li>5. 2014: HS 11377 Possess Controlled Substance</li> </ol>

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						<p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence or significant criminal activity are:</p> <ol style="list-style-type: none"> <li>1. The inmate has not been convicted of a violent felony in the past 15 years. The inmate was convicted of PC 211 Robbery in 1994, but no records indicate that crime was considered violent at the time.</li> <li>2. The inmate's prior criminal convictions, coupled with his current convictions, shows a pattern of similar criminal conduct that is decreasing in severity.</li> <li>3. The inmate was free from incarceration for a misdemeanor conviction involving physical injury to a victim, or a felony conviction for five years or more prior to his current convictions. Records indicate the inmate was released from a prior felony incarceration on 7/25/09, and convicted of the current offenses on 4/26/17, nearly eight years later. The inmate was convicted of felony Possession of Controlled Substance in 2014, but was sentenced to five years of probation.</li> </ol> <p>The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence or significant criminal activity are: None.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record mitigate the inmate's current risk of violence or significant criminal activity because there are no aggravating factors under the review criteria. The inmate has not been convicted of a violent felony, his criminal conduct appears to be decreasing in severity, and he was free from incarceration for nearly eight year prior to the current convictions.</p>

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						<p><u>Case Factor #3 - Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since August 31, 2017, a period of approximately 21 months.</p> <p>The inmate has been involved in the following activities:            Serious Rules Violation Reports:</p> <ol style="list-style-type: none"> <li>1. 3/9/19: Constructive Possession of a Cellular Telephone</li> <li>2. 5/8/18: Constructive Possession of a Cellular Telephone</li> </ol> <p>Vocational/Educational/Work Assignments:</p> <ol style="list-style-type: none"> <li>1. Laundry</li> <li>2. Upholstery Machine Operator</li> </ol> <p>Self-Help/Rehabilitative Programming:</p> <ol style="list-style-type: none"> <li>1. Narcotics Anonymous</li> <li>2. CGA</li> <li>3. Anger Management</li> <li>4. Transition Skills</li> <li>5. GOBI</li> <li>6. Re-entry Substance Abuse Program</li> <li>7. Peacemakers Community Trans (PACT)</li> </ol> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> <li>1. The inmate has not been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison.</li> <li>2. There is no reliable information in the</li> </ol>

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						<p>confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since his last admission to prison.</p> <p>3. The inmate has successfully participated in vocational, educational, or work assignments for a sustained period of time. This is considered successful participation for a sustained period of time and may assist the inmate with obtaining employment in free society.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity:  The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior. While the inmate may be commended for his participation in various programs over the last approximately 7 months, such does not yet rise to the level of being considered successful participation for a sustained period of time.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence or significant criminal activity because while the inmate has not yet successfully participated in self-help and rehabilitative programming for a sustained period of time, that circumstance is outweighed by circumstances present in mitigation. The inmate has not incurred any RVRs involving physical injury, has not engaged in criminal activity in prison, and has successfully participated in work assignments.</p> <p><u>Case Factor #4 - Response to Legal Notice</u></p>



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						<p>There were responses to the Legal Notices in support of release from the inmate, dated 1/14/19, which were reviewed and considered in this decision.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the passage of time, the factors mitigating the inmate's current risk of violence outweigh the factors aggravating the inmate's current risk of violence or significant criminal activity.</p> <p>Under the review criteria, the inmate's current commitment offense, prior criminal record, and institutional behavior are considered mitigating. The inmate's current offenses did not involve assaultive behavior or use of a deadly weapon. Further, the inmate's prior record appears to show criminal conduct which is decreasing in severity, and he was free from incarceration for a felony conviction for nearly eight years prior to the current offenses. Finally, the inmate has not incurred any Rules Violation Reports involving physical injury nor engaged in criminal activity in prison, but has successfully participated in work assignments for a sustained period of time. For these reasons, the inmate does not pose an unreasonable risk of violence to the community. The inmate is approved for release.</p> <p><i>Neal Chambers</i></p>

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<p style="text-align: center;"><b>Dino Blackbear Lincoln</b></p> <p>SCUK CRCR 18-92804</p>	<p>01/29/2019</p>	<p>PC § 422 Criminal Threats</p> <p>PC § 1170.12 Prior Strike Conviction</p>		<p>48 mos.</p>	<p>12/02/2019</p>	<p><b>04/13/2020: Expedited Release DENIED.</b></p> <p>Decision for Lincoln, Dino, B14794: When considering the finding on each of the inmate's four case factors, the inmate does not pose an unreasonable risk of violence to the community. Release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 – Current Commitment Offense</u></p> <p>The inmate's current crimes are PC 422 Threaten Crime with Intent to Terrorize/Criminal Threats (strike prior; convicted on 1/3/19). There are aggravating risk factors in these sections, which are:  The inmate personally used a deadly weapon.  There were one or more victims who suffered physical injury or threat of injury.  Therefore, the current crimes are an aggravating risk factor in the case.</p> <p><u>Case Factor #2 – Prior Criminal Record</u></p> <p>There are no aggravating risk factors in these sections and therefore the prior criminal history is a mitigating risk factor in the case.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The inmate has limited participation in self-help programming addressing the underlying causes of the inmate's criminality, specifically related to the current crimes. Therefore, the inmate's institutional adjustment is an aggravating risk factor in the case.</p>

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						<p><u>Case Factor #4 – Response to Legal Notice</u></p> <p>There were no responses to Legal Notices.</p> <p><b>Summary:</b> The Board of Parole Hearings took into account the relevance of information based on the passage of time, the inmate’s age, and the inmate’s physical and cognitive limitation and the totality of the circumstances of the case factors. In totality, the aggravating risk factors outweigh the mitigating risk factors because the commitment offense involved violence, threats of violence, use of a deadly weapon, and injury to victim; and inmate has not meaningfully participated in rehabilitative or self-help programming, vocational, educational, or work assignments while incarcerated as this shows that inmate has not addressed the circumstances that contributed to inmate’s criminal behavior and that inmate has not worked on improving inmate so that the public can be reasonably assured that inmate will not return to the community with the same criminal mentality to be a detriment to society rather than a law-abiding and contributing citizen. Therefore, the inmate does pose a current unreasonable risk of violence or current unreasonable risk of significant criminal activity. Release is denied.</p> <p><i>Kyros Chakur</i></p>
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<p><b>Noah Myles Luranhatt</b></p> <p>SCUK CRCR 15-81135</p>	<p>09/18/2015</p>	<p>PC § 422 Criminal Threats</p>	<p>District Attorney's Letter Opposing Early Release, dated April 27, 2018:</p> <p>We are in receipt, as of April 2, 2018, of your notice of Nonviolent Parole Release Review for the above-named defendant. For the reasons stated below, I am opposed to the early release of inmate Green.</p> <p>A. <u>Trial Court Procedural History</u></p> <p><b>SCUK CRCR 16-85943</b></p> <p>By felony complaint filed on or about March 26, 2015, defendant Luranhatt was charged with a felony violation of Penal Code section 422, making criminal threats against a Sheriff's Deputy. A Strike allegation was alleged asserting the defendant had previously been convicted of a felony violation of Penal Code section 245(a)(1), assault with a deadly weapon (Mendocino County Superior Court docket number SCUK CRCR 10-15576-002). It was also alleged the defendant had served a prior prison commitment, within the meaning Penal Code section 667.5(b).</p> <p>The defendant was arraigned on the aforementioned complaint on March 27, 2015. The Public</p>	<p>108 mos.</p>	<p>4/3/2018</p>	<p><b>05/8/2018: Expedited Release GRANTED.</b></p> <p>Decision for Luranhatt, Noah, AG4700: When considering the finding on each of the inmate's four case factors, the inmate does not pose an unreasonable risk of violence to the community. Release is approved.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 – Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offense aggravate the inmate's current risk of violence. The inmate was sentenced to a total term of nine years on the current commitment offense. The commitment offense is Regarding [sic] the circumstances of the crime, on 03/25/15, a Mendocino County Sheriff's Deputy conducted a traffic stop on a vehicle. The inmate was the passenger. During the stop, the deputy became suspicious as the inmate was exhibiting unusual behavior. After being informed that the inmate was on active parole for an assault and learning there were two officer safety warnings related to the inmate, the deputy put the inmate in handcuffs to conduct a parole search. As the deputy was applying the restraints, the inmate began tensing his grip, moving around and pulling forward causing the deputy to suspect he was under the influence of a central nervous system stimulant. The inmate was found to be in possession of a hypodermic needle, a small amount of marijuana and a small amount of psilocybin mushrooms and began pleading with the deputy to not take him to jail. The deputy informed the inmate that it would be up to Parole whether or not he went into custody. The Parole Department was contacted and dispatch reported they wanted the inmate taken into custody on a parole hold.</p>

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			<p>Defender was appointed as his counsel of record. Bail was set at \$155,000 and a preliminary hearing was scheduled for April 8, 2015. It is noted in the District Attorney's case file notes that this defendant had also threatened to kill a black Sheriff's Deputy during a prior law enforcement interaction.</p> <p>On April 8, 2015, the defendant pled guilty to the substantive charge. He also admitted as true the Strike allegation and the prior prison allegation.</p> <p>On May 19, 2015, the defendant was sentenced to a suspended state prison sentence of 108 months and placed on formal supervised probation for 36 months. As a condition of probation, the defendant was ordered to serve 180 days in county jail.</p> <p>The defendant violated the terms of his probation in short order. By petition seeking violation of the defendant's probation, filed July 9, 2015, it was alleged that the defendant had been discharged as unsuccessful from the Hilltop substance abuse rehabilitation program on July 2, 2015. It was also alleged that he had failed to keep probation informed of his current</p>			<p>Once the inmate learned he was going to jail, he became threatening and told the deputy that it was now "personal" and stated to the deputy "you better watch your back" as he (the inmate) would "be out of custody soon." The inmate further threatened to kick out the parole [sic] vehicle's windows and beat the deputy's "ass."</p> <p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are aggravating circumstance(s) in the case and the following aggravating circumstances make this an aggravating factor in the case:</p> <ol style="list-style-type: none"> <li>1. There were one or more victims who suffered the threat of physical injury.</li> </ol> <p>Therefore, the current crimes are found to be an aggravating risk factor in this case.</p> <p><u>Case Factor #2 – Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 2011 and continued until the commitment offense. [sic] The inmate's prior criminal record is a factor aggravating the inmate's current risk of violence. The inmate has the following adult criminal convictions: PC 245(a)(1) Assault with Deadly Weapon in 2011. Note that the inmate was released to parole on this offense on 01/05/13.</p> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence are:</p> <ol style="list-style-type: none"> <li>1. The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years.</li> </ol>
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			<p>address and contact information. As of July 8, 2015, the defendant had also failed to provide proof to probation that he had participated in a court-ordered mental health evaluation.</p> <p>The defendant was arraigned on the violation of probation petition on July 19, 2015. A contested probation violation hearing was scheduled for July 28, 2015.</p> <p>The defendant admitted the allegations in the VOP petition on July 28, 2015.</p> <p>Over the District Attorney's objection, the defendant was referred on August 14, 2015 to the drug court team for drug court suitability. Later that same day, the drug court team deemed the defendant unsuitable for drug court participation due to prior violent offenses and lack of ability to meaningfully participate in the drug court program.</p> <p>On August 28, 2015, the court offered the defendant an opportunity to apply for and, if accepted, to participate in and complete the residential Delancey Street program in San Francisco.</p>			<p>The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence are:</p> <ol style="list-style-type: none"> <li>1. The inmate was incarcerated for a felony conviction within five years prior to his current conviction.</li> </ol> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record aggravate the inmate's current risk of violence because the inmate was out of custody less than three years before again committing a crime involving felony violence. The inmate's prior record reflects felony violence. As such, it is probative of a risk for felony violence. Furthermore, the relative short time that elapsed between the inmate's last release from prison and the time he committed the current commitment offense demonstrates the inmate was not deterred from future criminality by incarceration. The inmate's prior criminal record therefore shows an increased risk for felony violence. Accordingly, this aggravating circumstance warrants substantial weight and is deemed to outweigh the fact that the inmate has not been convicted of a crime listed in P667.5(c) during the past 15 years.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offense since October 1, 2015, a period of approximately two years and seven months.</p> <p>The inmate has been involved in the following activities:</p> <p>Education: The inmate attended adult education classes (ABE) from 01/28/16 to 02/29/16 (approx. 1 month); again</p>

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			<p>On September 15, 2015, it was determined that the defendant had been rejected by Delancey Street.</p> <p>On September 18, 2015, it was further determined that the defendant had temporarily escaped from custody during the Delancey Street interview but was successfully recaptured. Only then did the court deny the defendant's request to be reinstated on probation and ordered the suspended state prison sentenced executed upon. The defendant was sentenced to state prison for the nine years previously suspended. He was awarded 135 days credits for actual days in custody and 134 days of 4019 credits.</p> <p>B. <u>Administrative Review Criteria</u></p> <p>While the District Attorney has little experience commenting on and applying the Nonviolent Parole Review Process, the following effort is made nevertheless:</p> <p><b>Overall conclusion: When considering the case factors for inmate Noah Myles Luranhatt, to the extent those factors are available to the prosecution for</b></p>			<p>from 06/10/16 to 01/18/17 (approx. 6 months); and GED classes from 12/08/17 to 05/01/18 (approx.. 5 months).</p> <p>Vocation: The inmate began the Vocational Computer Literacy class on 02/09/17 and completed the course on 03/22/17 (completion certificate noted).</p> <p>Work: No work assignment located on the current term.</p> <p>Self-help/Rehabilitative programs: The inmate completed the following self-help programs:</p> <p>Transitions program (04/28/16 – 05/27/16);  Family Relations (02/15/17 – 09/25/17; [sic]  Criminal Thinking (04/15/17 – 07/31/17);  Substance Abuse (06/13/17 – 08/18/17); and  Anger Management (06/24/17 – 10/12/17).</p> <p>The inmate also participated in a substance abuse class from 08/08/16 to 01/18/17 (approx. 5 ½ months); attended the Arts &amp; Corrections group 04/10/18 to 04/25/18 (15 days); and Old School Gangs Anonymous from 04/24/18 to 05/02/18 (for approx. 2 hours).</p> <p>Currently, the inmate has been assigned to: the Freedom &amp; Choice (self-awareness) group since 01/17/18;  Alcoholics and Narcotics Anonymous since 04/13/18; and  Criminal Gangs Anonymous (CGA) as of 04/19/18.</p> <p>The inmate has not received any Rules Violations reports during his current prison term and no confidential information indicates he has been involved in criminal activity during his current incarceration.</p> <p>The following circumstances of the inmate's institutional</p>

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			<p>comment, it is respectfully asserted that <u>this inmate poses an unreasonable risk of violence to the local community and his early release should be denied.</u></p> <p><u>Current Commitment Offense</u></p> <p>Inmate Luranhatt's newest offense is a felony violation of Penal Code section 422, criminal threats against a peace officer. He committed same while on parole. The defendant was arrested on July 8, 2015 by Deputy Hank Stolfi of the Mendocino County Sheriff's Office for drug-related offenses. Luranhatt then informed the deputy that he (Luranhatt) was going to jail now and had nothing to fear. He claimed to be a "two-time Strike" felon and that Deputy Stolfi had "better watch your back" because this is now "personal." Luranhatt claimed he was a "level four" inmate, referring to his classification level at CDCR. Luranhatt told the deputy that he was going to "do what he had to do" to the deputy, calling the deputy "a punk bitch hiding behind a badge." The deputy's ride-along further</p>			<p>behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence:</p> <ol style="list-style-type: none"> <li>1. The inmate has not been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison.</li> <li>2. There is no reliable information in the confidential section of the inmate's central file indicating he has engage in criminal activity since his last admission to prison.</li> <li>3. The inmate has successfully participated in vocational and educational assignments for a sustained period of time.</li> <li>4. The inmate has successfully participated in rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior for a sustained period of time.</li> </ol> <p>The following circumstances of the inmate's institutional behavior work history, and rehabilitative programming aggravate the inmate's current risk of violence:</p> <p>None.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history and rehabilitative programming mitigate the inmate's current risk of violence because the inmate has not engaged in any serious misconduct while in prison; has attended several rehabilitative programs – both in the areas of education and self-help – and has upgraded vocationally.</p>
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			<p>reported that Luranhatt threatened that Deputy Stolfi had “awakened the dragon” and that Deputy Stolfi had better watch out because the defendant “will be out of custody soon.” The defendant commented on the fact that the deputy had a firearm and was “hiding behind his gun,” but Luranhatt noted that he also had guns. Luranhatt threatened to kick out the windows of the patrol vehicle and beat Deputy Stolfi’s “ass.”</p> <p>In aggravation, Luranhatt’s crime, by definition and by fact, rose to the level of a significant threat of violence. It is further aggravating – or a part of that same aggravation – that the defendant threatened to use a firearm in the future. Common sense would seem to militate that committing the commitment offense while on parole should also be aggravating.</p> <p><b><u>Prior Criminal Record</u></b></p> <p>Luranhatt’s prior juvenile criminal history involves one misdemeanor offense adjudicated in 2006. Luranhatt was made a ward of the</p>			<p><b><u>Case Factor #4 – Response to Legal Notice</u></b></p> <p>There were response(s) to the Legal Notices in support of release from the inmate (undated) which were reviewed and considered in this decision.</p> <p>There were response(s) to the Legal Notices in opposition to release from Mendocino County District Attorney which were reviewed and considered in this decision.</p> <p><b><u>SUMMARY:</u></b> When reviewing all the case factors as documented above, taking into account the totality of the circumstances, including the passage of time, the inmate’s age (27) and any physical and cognitive limitations, the factors mitigating the inmate’s current risk of violence outweigh the factors aggravating the inmate’s current risk of violence.</p> <p>The inmate’s current commitment offense involved the threat of harm against an officer, thus making it an aggravating factor (however, it should be borne in mind that the record reflects the inmate was under the influence of drugs at the time he made the threats and the crime did not involve any actual violence or injury). Additionally, the inmate’s prior criminal record reflects violence and less than five years passed between the time he was last released from prison and the date of [sic] he committed his current commitment offense, thereby making his prior record a factor which also aggravates his risk for violent re-offense. However, these aggravating factors must be balanced against the inmate’s institutional adjustment over the past two years and seven months. During this time, the inmate has completed multiple self-help programs, attended educational classes and completed a computer literacy class. Moreover, he has not engaged in any violence, criminal activity or serious</p>

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			<p>court and placed on juvenile probation on May 13, 2006 for a misdemeanor violation of Penal Code section 496(a), receiving stolen property. Luranhatt thereafter violated this grant of juvenile probation ten separate times, beginning on August 8, 2006 and ending on November 20, 2008. The grant of juvenile probation was terminated in November 20, 2008 as unsuccessful.</p> <p>Luranhatt's adult criminal history began relatively quickly thereafter:</p> <p>July 19, 2010: Luranhatt was convicted of a misdemeanor violation of Penal Code section 242. He was granted summary probation with terms for 12 months.</p> <p>August 17, 2010: Luranhatt was convicted of a misdemeanor violation of Penal Code section 243(e)(1), domestic battery. Surprisingly, Luranhatt was granted deferred entry of judgment on the new offense and ordered to attend anger management classes.</p> <p>November 18, 2010: Luranhatt was</p>			<p>misconduct while incarcerated. The inmate's progress in [sic] and behavior in prison has been good. His prison adjustment demonstrates significant rehabilitative gains and does not suggest a high risk for future criminality. Furthermore, the inmate's prison adjustment is the most current factor, thus making it a factor warranting considerable weight. It is recognized that the inmate's prior criminality – both his current crime and prior record – will always create a risk of violence. However, the issue (and standard) is whether it is an “unreasonable” risk. In view of the inmate's positive prison adjustment for sustained period of time, his risk of violence is no longer considered an “unreasonable” risk. For the foregoing reasons, at this juncture, the mitigating factor of the inmate's positive prison performance is found to outweigh the aggravating factors of his current commitment offense and prior criminal record. Accordingly, the inmate is not considered to be an unreasonable risk of violence. The inmate is approved for release.</p> <p><i>Keith Stanton</i></p>
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			<p>convicted of a felony violation of Penal Code section 243(a)(1), assault with a deadly weapon. On February 8, 2011, Luranhatt rejected probation and was sentenced to 36 months in CDCR.</p> <p>February 8, 2011: Given the commitment to state prison, Luranhatt's deferred entry of judgment was terminated. He was ordered to serve 60 days concurrent on the domestic battery, and 60 days concurrent on the earlier battery probation. The battery probation was terminated as unsuccessful.</p> <p>January 1, 2013: Luranhatt was paroled on his felony commitment. Between February 14, 2013 and March 25, 2015, Luranhatt was a wanted parolee at large five times.</p> <p>May 15, 2015: Luranhatt committed the instant commitment offense.</p> <p>In aggravation, Luranhatt has been convicted of three crimes – two misdemeanors and one felony – that are violent in nature. The prior convictions show a pattern of</p>			

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			<p>violence and repetitive criminal conduct.</p> <p>There are no mitigating factors.</p> <p>On balance, the prior criminal record is an aggravating factor because of the acts of violence at both the misdemeanor and felony level; because of the Luranhatt's violent and threatened violent, repetitive criminal conduct; because of Luranhatt's complete and dismal failure on all forms of supervision; and the fact that Luranhatt was not free from incarceration for a period of five years prior to committing the current offense.</p> <p><b><u>Institutional Adjustment</u></b></p> <p>The prosecution has had no information made available to participate in an assessment in this regard.</p> <p>Without consideration of Institutional Adjustment, the District Attorney respectfully asserts, on balance, that the facts underlying the commitment offense and Luranhatt's Prior Criminal Record are aggravating factors for the reasons</p>			

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			<p>stated above. It is respectfully requested that inmate Noah Myles Luranhatt be denied release.</p> <p><i>C. David Eyster</i></p>			
<p>Cheshire Mila  <b>Maiava</b>    SCTM CRCR 18-93875</p>	<p>06/04/2018</p>	<p>PC § 459/460(b)  Second Degree Burglary</p> <p>PC § 667.5(b) X 2  Prison Prior</p>		<p>48 mos.</p>	<p>02/06/2020</p>	<p><b>04/15/2020: Expedited Release DENIED.</b></p> <p>Decision based on the reasons stated below:</p> <p>Decision for Maiava, Cheshire, BG5120: When considering together the findings on each of the inmate's four case factors, the inmate poses a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. Release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The inmate's current crime is Second Degree Burglary (PC §459). In addition, the sentence was enhanced due to inmate's Prior Strike Conviction (PC § 1170.12). Finally, the court found true two special allegations that the inmate had served Prior Prison Terms (PC §667.5(b)). The inmate was convicted on June 4, 2018.</p> <p>Under the review criteria, there are no aggravating risk factors present in this case. Therefore, the current crime is a mitigating risk factor in the case.</p> <p><u>Case Factor #2 - Prior Criminal Record</u></p> <p>Under the review criteria, the following aggravating risk factor is present: the inmate was incarcerated for a misdemeanor conviction involving physical injury to a</p>

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						<p>victim or a felony conviction within five years prior to the current convictions. The aggravating risk factor shows a current, unreasonable risk of violence or current, unreasonable risk of significant criminal activity because of the inmate's inability to remain crime free in the community for any significant time. This demonstrates that the inmate's prior incarcerations were not a deterrent to criminality, which is probative of the inmate's risk to re-offend. Therefore, the prior criminal history is an aggravating risk factor in the case.</p> <p><u>Case Factor #3 - Institutional Adjustment</u></p> <p>The inmate has been found guilty of institutional Rules Violation Reports resulting in physical injury or threat of physical injury since his last admission to prison. Therefore, the inmate's institutional behavior is an aggravating risk factor in the case.</p> <p><u>Case Factor #4 - Response to Legal Notice</u></p> <p>There were no responses to Legal Notices in this case.</p> <p><b>SUMMARY:</b> The Board of Parole Hearings took into account the relevance of information based on the passage of time, the inmate's age, and the inmate's physical and cognitive limitations, and considered the totality of the circumstances of the case factors. In totality, the aggravating risk factors outweigh the mitigating risk factors because the inmate has engaged in recent violence and threatening behaviors during this term of incarceration. While the inmate's current crime is a mitigating risk factor, this is outweighed by the violence and threatening behaviors the inmate has demonstrated during this term of incarceration. On balance, the aggravating risk factors display an inability to remain</p>

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Name of Convict	Date Committed to Prison	Crimes Convicted and Sentenced Together	Special Notes	State Prison Sentence Imposed	Parole Board Legal Notice: Date Received	Board of Parole Hearings Nonviolent Parole Review Decision
						<p>crime-free in the community and recent and ongoing violence, which in turn demonstrates that the inmate has not successfully participated in positive programming to address his criminality and violent tendencies. This is highly probative of the inmate's current risk to re-offend in a violent or threatening manner upon release. Therefore, the inmate does pose a current, unreasonable risk of violence or current, unreasonable risk of significant criminal activity. Release is denied.</p> <p><i>Kerry Kungz</i></p>
<p><b>Jeremiah Victor Mcosker</b>  SCUK CRCR 16-87308</p>	<p>10/14/2016</p>	<p>PC § 594(b)(1) Vandalism</p> <p>PC § 1170.12 Prior Strike Conviction</p> <p>PC § 667.5(b) Prison Prior</p>		<p>60 mos.</p>	<p>07/30/2019</p>	<p><b>11/15/2019: Expedited Release DENIED.</b></p> <p>Decision based on the reasons stated below:</p> <p>Decision for Mcosker, Jeremiah, BB4724: When considering together the findings on each of the inmate's four case factors, the inmate poses a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. Release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offenses mitigate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 5 years on the current commitment offenses. The commitment offenses are: PC 594(b)(1), vandalism for which the inmate received a term of 4 years (2 years doubled as a second strike). There was an enhancement pursuant to PC 667.5(b) of 1 year for prior conviction of a</p>

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						<p>felony.  The details of the inmate's commitment offenses are as follows: On 09/03/16, the inmate was observed on surveillance footage breaking the window of a pizza parlor. A search of the inmate incident to the arrest, lead to the discovery of about 0.6 grams of methamphetamine and a methamphetamine pipe.  After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are no aggravating circumstances and the following mitigating circumstances make this a mitigating factor in the case:</p> <ol style="list-style-type: none"> <li>1. The inmate did not personally use a deadly weapon.</li> <li>2. No victims suffered physical injury or threat of physical injury.</li> <li>3. There was only one conviction.</li> </ol> <p>Therefore, the current crimes are found to be a mitigating risk factor in the case.</p> <p><u>Case Factor #2 - Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 1996 and continued until the commitment offenses in 2016. The inmate's prior criminal record is a factor aggravating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions:</p> <p>1996 – PC 422 terroristic threats  2003 – VC 10851(a) vehicle theft  2003 – PC 459-460(b) second-degree burglary  2006 – PC 273.5(a) infliction of corporal injury  2012 – VC 10851(a) vehicle theft</p> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence or significant criminal activity are:</p>



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						<p>1. The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years.</p> <p>The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence or significant criminal activity are:</p> <p>1. The inmate was incarcerated for a felony conviction within five years prior to his current convictions. The inmate was released from his last commitment on 10/23/14 and was convicted of the current offense on 09/16/16. These dates are within 5 years of each other.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record aggravate the inmate's current risk of violence or significant criminal activity because the inmate was out of custody for less than 5 years (2 years) before his conviction on the current commitment offenses. The inmate's inability to remain free from incarceration while in the community for such a short period of time is indicative of a current risk of violence. This circumstance is more probative of current risk because it is more recent in time and therefore outweighs the inmate's lack of violent felony conviction within the last 15 years, making this factor a slightly aggravated one.</p> <p><u>Case Factor #3 - Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since November 10, 2016, a period of approximately 3 years.</p> <p>The inmate has been involved in the following activities:  Reliable Confidential Reports of Criminal Activity  - None</p>

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						<p>Rules Violations            04/06/18 – serious – destruction of state property worth less than 400 dollars            12/28/17 – serious – battery on a prisoner            12/09/17 – serious – refusing to accept assigned housing            10/26/17 – serious – battery on a prisoner</p> <p>Vocational Assignments            - None</p> <p>Work Assignments            - Outside Work Crew            - Dining Room</p> <p>Educational Assignments            - Adult Basic Education II</p> <p>Programs            - None are noted in the inmate's central file. However, the inmate is a participant in the mental health delivery system and is taking programs through that system.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence or significant criminal activity:            1. There is no reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since his last admission to prison.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity:            1. The inmate has been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison. The inmate incurred the following violent rules violations            - 10/26/17, battery on a prisoner            - 12/28/17, battery on a prisoner</p>

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						<p>2.The inmate has limited participation in available vocational, educational, or work assignments. The inmate has no participation in vocational assignments, only 3 months participation in work assignments and only 6 months participation in educational assignments. As a person with a commitment offense of vandalism the inmate would benefit from more sustained assignment participation to demonstrate he can operate within the rules of society in a pro-social way.</p> <p>3.The inmate has no participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior including his recent violent rules violations. According to the inmate's central file, he has taken no programs much less any programs to address his victimizing and impulsive behavior.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity because the inmate has shown himself to engage in increasingly violent behavior by incurring two recent violent rules violations and he has yet to take programming to address this demonstrated violent propensity. He also has only limited participation in assignments. These circumstances outweigh the absence of confidential reports of criminal activity because they are more probative of future violence.</p> <p><u>Case Factor #4 - Response to Legal Notice</u></p> <p>There were no responses to Legal Notices.</p>

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						<p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the relatively short passage of time, the factors mitigating the inmate's current risk of violence outweigh the factors aggravating the inmate's current risk of violence or significant criminal activity. The mitigating factor is the inmate's commitment offense because no person's lives were endangered and it was merely a case of felony vandalism. However, this factor is outweighed by the other factors of review. The inmate's prior criminal history was found to be slightly aggravating due to the inmate's inability to remain crime free for a sustained period of time in the community. The inmate's institutional adjustment was found aggravating and given great weight because the inmate had shown a pattern of escalation into violence by incurring two recent violent rules violations while at the same time failing to engage in any programming to mitigate that propensity towards violence or to dedicate his time in a sustained way in assignment participation. Accordingly, based on the totality of circumstances, the inmate poses a current unreasonable risk of violence or a current unreasonable risk of significant criminal activity. The inmate is denied for release.</p> <p><i>Edward Taylor</i></p>
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<p><b>Javier Mejia-Valencia</b></p> <p>SCUK CRCR 18-93534 SCUK CRCR 18-93045</p>	<p>06/12/2018</p>	<p>PC § 459/460(b) Second Degree Burglary</p> <p>VC § 10851(a)/666.5 Theft of a Vehicle With a Prior</p> <p>PC § 667.5(b) Prison Prior</p> <p>VC § 2800.2(a) Evading a Peace Officer</p> <p>PC § 496(A) Possession of Stolen Property</p> <p>PC § 466 Possession of Burglary Tools</p>		<p>64 mos.</p>	<p>05/12/2020</p>	<p><b>06/26/2020: Expedited Release DENIED.</b></p> <p>Decision for Mejia-Valencia, Javier, BG5734: When considering together the findings on each of the inmate's four case factors, the inmate poses a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. Release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offenses mitigate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 5 years and 4 months on the current commitment offenses. The commitment offenses are PC 666.5(a) Vehicle Theft w/ Prior Vehicle Related Theft Convictions, with a 3 year term; PC 459 Burglary 2nd, with a stayed term; VC 2800.2(a) Evade Peace Officer while Driving Recklessly, with an 8 month term consecutive; PC 496(a) Receiving Stolen Property, with an 8 month term consecutive; PC 530.5(a) Use ID of Another to Obtain Personal Identifying Information, with an 8 month term consecutive; Two Enhancements of PC 667.5(b) with a 0 time term and a 1 year term.</p> <p>Statement of Facts: Per the Abstract, the inmate plead to the above on 4/11/2018, except PC 530.5(a) which was plead and convicted on 4/10/2019. Around 12/10/2017, in Napa, a victim reported that his vehicle had been burgled, and items, including credit cards</p>

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						<p>and driver's license had been taken. A few days later, the victim's spouse reported that 5 separate fraudulent charges/transactions had occurred. Similar break-ins were also reported in the area, in at least two other vehicles. Fingerprints were taken, and surveillance footage at local stores where fraudulent transactions occurred were obtained. In January 2018, the inmate was arrested in Mendocino. A search of his residence produced stolen items such as golf clubs and tennis rackets.</p> <p>On October 8, 2017, in Ukiah, a victim reported that his vehicle was stolen. Later, the police recovered the vehicle, however, the radio was missing. Police took fingerprints. After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are no aggravating circumstances and the following mitigating circumstances make this a mitigating factor in the case:</p> <ol style="list-style-type: none"> <li>1. The inmate did not personally use a deadly weapon.</li> <li>2. No victims suffered physical injury or threat of physical injury.</li> </ol> <p>Therefore, the current crimes are found to be a mitigating risk factor in the case.</p> <p><u>Case Factor #2 - Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 2007 and continued until the commitment offenses in 2019. The inmate's prior criminal record is a factor aggravating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions:  2007 PC 12031(a)(2)(c) Gang Member, 3 years probation, 3 months jail  2008 1) VC 10851(a) 10851(A) VC- Vehicle Theft, 2) PC 496D 3) 10851(A) VC- Vehicle Theft, 4) 496D PC, 5)</p>

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						<p>2800.2(A) 6) 2800.4 VC- Evading PO Wrong way driver (3 years probation, 300 days jail)            2011 HS 11377(a) Possess controlled substance, 6 months probation, 6 months jail            2015 PC 496D 3 years probation,90 days jail            2016 VC 2800.4 Evading PO: Wrong way driver            2016 VC 10851(A) Vehicle theft, 2 years prison,concurrent            2016 VC 10851 Vehicle theft &amp; PC666 Vehicle theft, 2 years prison            2016 10851(A) VC-Vehicle theft, 2 years prison            2016 10851(A) VC-Vehicle theft, 2800.4 VC- Evading PO: Wrong way driver, 2 years prison            The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence or significant criminal activity are:            1. The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years.            The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence or significant criminal activity are:            1. The inmate was incarcerated for a felony conviction within five years prior to his current convictions. Specifically, the inmate was released from a prior felony term on 10/12/2016, and his current conviction is on 4/11/2018, 1 year and 5 months later.            Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record aggravate the inmate's current risk of violence or significant criminal activity because while the inmate has no felonies pursuant to 667.5(c), this is outweighed by the inmate's incarceration for a felony within 5 years prior to his current conviction. The inmate's inability to remain crime free in the community for any significant period of time demonstrates prior incarcerations were not a</p>

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						<p>deterrent to criminality and is probative of his risk to reoffend and commit significant criminal activity. Accordingly, the prior criminal record factor is overall aggravating.</p> <p><u>Case Factor #3 - Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since June 21, 2018, a period of approximately 2 years.</p> <p>The inmate has been involved in the following activities:</p> <p>Rule Violation Reports:  8/4/20018 Possession of Alcohol  6/22/2018 Battery on a prisoner  Confidential:  N/A</p> <p>Vocational/Educational/Work Assignments:  Porter  Adult Basic Education II  Yard Worker  Self-Help/Rehabilitation:  Alcoholics Anonymous  Anger management  African drumming</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence or significant criminal activity:</p> <p>1. There is no reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since his last admission to prison.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming</p>



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						<p>aggravate the inmate's current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> <li>1. The inmate has been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison. Specifically, the inmate was found guilty of Battery on an inmate on 6/22/2018.</li> <li>2. The inmate has limited participation in available vocational, educational, or work assignments. While the inmate has begun to apply himself recently in work assignments, this is not as of yet sustained work programming.</li> <li>3. The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior, such as substance abuse, or gang involvement. The inmate has begun to address some of the circumstances that have lead to his criminal behavior, such as attending AA, however, it is not as of yet sustained programming.</li> </ol> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity because while there are no current relevant memos in confidential, this is outweighed by the violent RVR, and the limited programming to address the circumstances that contributed to the multiple commitment offenses. Further, the inmate has one violent RVR, which is given great weight. As such, the totality of the institutional adjustment is aggravating.</p> <p><u>Case Factor #4 - Response to Legal Notice</u></p> <p>There were responses to the Legal Notices in support of release from the Inmate, letter dated 5/22/2020 which</p>

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						<p>were reviewed and considered in this decision.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the passage of time, the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's current risk of violence or significant criminal activity.</p> <p>To prepare for this review, the author reviewed the Disability and Effective Communication System as well as the inmate's record to determine all physical and cognitive disabilities documented for this inmate. In reaching the decision articulated below, the author fully considered any mitigating impact of each documented disability on all of the factors considered.</p> <p>Although the inmate's current commitment offense is considered mitigating under the review criteria, it is outweighed by the inmate's prior criminal record and institutional behavior. The inmate's prior record demonstrates an inability to follow the rules and norms of society as he was free from incarceration for a relatively short period of time, less than two years, before being convicted of the current offenses. The inmate has yet to successfully participate in vocational, educational or work assignments, or self-help and rehabilitative programming to address the circumstances of his criminal behavior, such as substance abuse, or gang involvement, for a sustained period of time. Further, the inmate has one violent RVR.</p> <p>For these reasons, the inmate poses a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. The inmate is denied for release.</p> <p><i>Eleanore Adams</i></p>

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<p><b>Benjamin Austin Miller</b></p> <p>SCUK CRCR 16-87845</p>	<p>02/15/2017</p>	<p>PC § 273.5(a) Inflict Corporal Injury on Spouse/Cohabitant</p> <p>PC § 1170.12 Prior Strike Conviction</p>		<p>72 mos.</p>	<p>10/12/2021</p>	<p><b>12/08/2021: Expedited Release DENIED.</b></p> <p>Decision for Miller, Benjamin, BD0582: When considering together the findings on each of the inmate's four case factors, the inmate poses a current, unreasonable risk of violence or significant criminal activity to the community. Release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offense(s) aggravate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 9 years on the current commitment offense(s). The commitment offense(s) is/are 2 counts of PC 273.5(a)-Corporal Injury on Spouse/Cohabitant (3 years doubled to 6 years per PC667(b)-(i)/PC1170.12 for count 1 and 2 years plus an additional 1-year enhancement per PC667.5(b) for having a prior prison term for count 2). On 10/8/16, inmate assaulted his girlfriend by striking her approximately 6 times in the face, splitting her lower lip. Per victim, he had also struck her and choked her till she lost consciousness the previous night. On 11/6/16, he attacked her again, beating her and then hitting her over the head with a cast iron skillet. She had numerous contusions including one the size of a silver dollar on the right side of her face, one the size of a quarter with swelling on the left side of her forehead, one the size of a baseball on her right shoulder and one the size of a quarter on her left thigh. Victim told the police that inmate had previously assaulted her by striking her in the face multiple times, throwing a coffee cup at the back of her head and placing her in a choke hold. After careful review and consideration of the aggravating</p>

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						<p>and mitigating circumstances in all of the current crimes, there are aggravating circumstance(s) in the case and the following aggravating circumstances make this an aggravating factor in the case:</p> <ol style="list-style-type: none"> <li>1. The inmate personally used a deadly weapon (skillet).</li> <li>2. As documented above, victim suffered numerous physical injuries as a result of inmate's violent behavior.</li> </ol> <p>Therefore, the current crimes are found to be an aggravating risk factor in the case.</p> <p><u>Case Factor #2 – Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 2002 and continued until the commitment offense(s) in 2016. The inmate's prior criminal record is a factor aggravating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions: 2 counts of PC 496(a)-Receiving Stolen Property in 2002; PC 487(d)(2)-Grand Theft Firearm in 2004; VC 2800.2-Evade or Attempt to Evade Peace Officer while Driving Recklessly, VC 10851(a)-Vehicle Theft, PC 496d(a)-Buy/Receive Stolen Vehicle/Trailer/Construction Equipment, PC 496(a)-Receiving Stolen Property, HS 11377(a)-Possession of Controlled Substance, PC 4530(b)-Escape Without Force and PC 459 1st-Residential Burglary in 2005; and, PC 245(a)(4)-Assault with Force Likely to Produce GBI in 2014. (He was also convicted of HS 11359-Possession of Marijuana for Sale in 2002 but it was later reduced to a misdemeanor per Prop 47.)</p> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence or significant criminal activity are:</p> <ol style="list-style-type: none"> <li>1. The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal</li> </ol>

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						<p>Code in the past 15 years.            The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence or significant criminal activity are:            1. The inmate was incarcerated for a felony conviction within five years prior to his current conviction. He paroled on 3/31/16 and re-offended months later, resulting in new convictions on 2/15/17 and 5/8/17, less than two years following his release.            Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record aggravate the inmate's current risk of violence or significant criminal activity because his inability to refrain from repeat criminality for an extended period of time is more probative of his risk of violence to the community than a lack of a violent PC 667.5(c) offense in the past 15 years as it shows lack of impulse control and entrenched criminal lifestyle.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offense(s) since May 11, 2017, a period of approximately 4 1/2 years.            The inmate has been involved in the following activities: Records indicate inmate worked in various capacities from November 2017 to July 2021 (over 4000 hours) and participated in voluntary education from September 2018 to March 2019 (65 hours). He has participated in some mental health treatment but his overall participation in self-help programming is limited. He participated in Peace Circle Keepers in December 2017 (4 hours); Lifers Support Group from August 2018 to May 2019 (36 hours); AA/NA from October 2018 to April 2019 and June 2021 to July</p>
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						<p>2021 (21 hours total), and completed P.R.E.P. Domestic Violence in October 2021 (14 lessons/hours unknown). He was found guilty of disobeying an order on 4/26/19.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> <li>1. The inmate has not been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison.</li> <li>2. There is no reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since his last admission to prison.</li> <li>3. The inmate has successfully participated in work assignments for a sustained period of time - acquiring skills, knowledge and experience which will enhance his ability to reintegrate back into society.</li> </ol> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> <li>1. The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior. Failure to successfully engage in rehabilitative or self-help programming to address the salient issues of one's criminality for a sustained period of time is probative of the risk to re-offend.</li> </ol> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity because although he's remained violence free since his</p>

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						<p>incarceration and has done well in areas such as work, there's been insufficient self-help programming to address his criminality. He's commended for completing a domestic violence course. However, it's not clear how many hours was spent on the course and one correspondent course is not sufficient to address the serious violence involved in his commitment offenses. He needs to engage in substantial and meaningful self-help programming to learn the tools necessary to address his risk factors. Inmate's inadequate programming indicate an aggravated risk that he would engage in violent behavior or significant criminal activity if he were to be released from prison.</p> <p><u>Case Factor #4 – Response to Legal Notice</u></p> <p>The Board of Parole Hearings received responses to the legal notices regarding the inmate's nonviolent review. The following responses were reviewed and considered in this decision: numerous correspondences from inmate, dated 9/17/19, 3/26/20, 5/22/20, 7/22/20, 9/25/20, 10/25/20 (2x), 1/1/21 and 10/18/21; Dennis Coatney (parent), dated 3/22/19; and, Stephanie Miller (victim), dated 6/12/20.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the passage of time, the inmate's age (43), the inmate's physical and cognitive limitations, the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's current risk of violence or significant criminal activity.</p> <p>Inmate's current commitment offenses, prior criminal record and institutional adjustment all aggravate his current risk of violence. He is a repeat offender with a serious criminal history. His current commitment offenses</p>

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						<p>involved repeat domestic violence, use of a deadly weapon and serious injuries to the victim. He has remained violence free since his incarceration and has done well in areas such as work. However, there's been insufficient self-help programming to address his criminality. Inmate's serious criminal history, violent commitment offenses and insufficient programming all indicate an aggravated risk that he would engage in violent behavior or significant criminal activity if he were to be released from prison. The inmate is denied for release.</p> <p><i>Nga Lam</i></p>
<p><b>Benjamin Austin Miller</b>  SCUK CRCR 16-87845</p>	<p>02/15/2017</p>	<p>PC § 273.5(a) Inflict Corporal Injury on Spouse/Cohabitant</p> <p>PC § 1170.12 Prior Strike Conviction</p>		<p>72 mos.</p>	<p>10/13/2020</p>	<p><b>12/10/2020: Expedited Release DENIED.</b></p> <p>Decision for Miller, Benjamin, BD0582: When considering together the findings on each of the inmate's four case factors, the inmate poses a current, unreasonable risk of violence or significant criminal activity to the community. Release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offenses aggravate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 9 years on the current commitment offenses. The commitment offenses are from two combined cases. They were both for PC 273.5(a) corporal injury, with conviction dates of 1/18/17 and 4/12/17. On October 8, 2016, he assaulted his girlfriend, hitting her multiple times, splitting her lip. On November 6, 2016, he attacked her again, beating her and then hitting her over the head with</p>



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						<p>a cast iron skillet. She suffered multiple injuries as a result. He was sentenced to a second strike double term of 6 years for the first conviction, and 2 years for the second. A 1 year enhancement was added per PC 667.5(b). After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are aggravating circumstances in the case and the following aggravating circumstances make this an aggravating factor in the case:  The inmate personally used a deadly weapon, a skillet, and There were one or more victims who suffered physical injury or threat of physical injury, as the victim was injured in both cases, and of course was under the threat of injury. Therefore, the current crimes are found to be an aggravating risk factor in the case.</p> <p><u>Case Factor #2- Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 2001 and continued until the commitment offenses in 2016. The inmate's prior criminal record is a factor aggravating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions: 2001, PC 496(a) receiving stolen property; 2002, H&amp;S 11359(a) possession of marijuana for sale and another PC 496(a) RSP; 2004, PC 487(d)(2) grand theft of a firearm; 2005, first degree burglary, VC 2800.2 reckless evasion, VC 10851(a) auto theft, PC 496D(a) receiving/possessing a stolen vehicle, PC 496(a) receiving stolen property, H&amp;S 11377(a) drug possession, and PC 4530(b), escape from custody; 2014, PC 245(a)(4), ADW with GBI caused.</p> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence or significant criminal activity are:  The inmate has not been convicted of a violent felony as</p>

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						<p>defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years.</p> <p>The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence or significant criminal activity are:</p> <p>The inmate's prior criminal conviction, coupled with his current convictions, show a pattern of assaultive behavior: he has a prior for ADW with great bodily injury, and both of his current convictions involved him assaulting his girlfriend; and</p> <p>The inmate was incarcerated for a felony conviction within five years prior to his current convictions, as he was paroled in March 2016 and convicted in January and April 2017, 10 and 13 months later.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record aggravate the inmate's current risk of violence or significant criminal activity because of the history of repeated assaultive behavior causing injury, as well as the fact he returned to that escalated similar behavior within far less than 5 years of being paroled - in this case, within 13 months. These aggravating circumstances are highly probative of his current risk and far more relevant to that risk than the fact he has no statutorily violent convictions, and outweighs that mitigating factor.</p> <p><u>Case Factor #3- Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since May 11, 2017, a period of approximately 3 years, 7 months.</p> <p>The inmate has been involved in the following activities:            Serious RVR's: Disobeying orders, April 2019.            Vocational: None.</p>

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						<p>Education: High School.            Work: Barber and ADA worker.            Confidential: None.            Self-Help: 67 hours of various CCCMS treatment; assigned to AA in January 2019, but dropped for no attendance; assigned again in January 2020, but no attendance is indicated.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence or significant criminal activity:</p> <p>The inmate has not been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison. In addition, he does not have one or more recent serious RVR's, as the April 2019 RVR was 20 months ago, and is thus not recent.</p> <p>There is no reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since his last admission to prison (a 7/24/19 chrono was reviewed, but not used, as it did not rise to the level of criminal activity); and</p> <p>The inmate has successfully participated in vocational, educational, or work assignments for a sustained period of time, given his work and educational efforts noted.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity:</p> <p>The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior, such as substance abuse or domestic violence. In addition, his crimes involved him engaging in domestic violence against his girlfriend. However, he has taken no domestic violence classes, or any thing related to that area, such as,</p>

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						<p>for example, anger management or AVP. Therefore, his self-help is limited.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity because of the following: The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his repeated criminal behavior. He was convicted of two counts of domestic violence against his girlfriend, and has a prior conviction for ADW with GBI. Further, his assignments to some classes ended due to his failure to participate, calling into question his commitment to addressing the causative factors of his criminality. Therefore, he has not successfully engaged in self-help. Although his efforts at engaging in at least some self-help, work, and educational activities are certainly commendable, these efforts are insufficient and are outweighed by lack of relevant and successful self-help as discussed herein. Therefore, it is evident he has not successfully participated in sustained rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior, thus aggravating his institutional adjustment.</p> <p><u>Case Factor #4- Responses to Legal Notice</u></p> <p>There were response(s) to the Legal Notices in support of release from the inmate, dated 9/17/19, 3/26/20, 5/10/20, 6/20/20, 9/18/20, and 10/25/20; his parents, dated 3/22/19, and his wife (the victim), dated 6/12/20. which were reviewed and considered in this decision.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of</p>
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						<p>the circumstances, including the passage of time, the inmate's age of 42, and any physical and cognitive limitations, the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's current risk of violence or significant criminal activity.</p> <p>As discussed above, all areas were deemed aggravating. Mr. Miller has engaged in repeated assaultive behavior. He has a prior ADW with GBI, and his current crimes were both assaultive in nature, perpetrated against an intimate partner: his girlfriend. He was convicted of both of the current crimes within 13 months after being paroled. Despite being incarcerated for over 3.5 years, he has engaged no notable self-help programming that would indicate he has addressed, or even attempted to address, the underlying reasons for his repeated assaultive criminality and tendency towards domestic violence. This is highly probative of his current risk and likewise shows he is a current unreasonable risk of danger. These facts also outweigh any applicable mitigating factors, and are indicative of an entrenched and violent criminal mindset that has not yet been addressed. As such, the inmate poses a current unreasonable risk of violence to the community. The inmate is denied for release.</p> <p style="text-align: right;"><i>Dale Pomerantz</i></p>

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<p><b>Benjamin Austin Miller</b></p> <p>SCUK CRCR 16-87845</p>	<p>02/15/2017</p>	<p>PC § 273.5(a) Inflict Corporal Injury on Spouse/Cohabitant</p> <p>PC § 1170.12 Prior Strike Conviction</p>		<p>72 mos.</p>	<p>10/11/2019</p>	<p><b>03/02/2020: Expedited Release DENIED.</b></p> <p>Decision for Miller, Benjamin, BD0582: When considering together the findings on each of the inmate's four case factors, the inmate poses a current, unreasonable risk of violence or significant criminal activity to the community. Release is denied.</p> <p>Statement of Reasons:</p> <p><u>Current Commitment Offenses:</u></p> <p>The inmate's current crimes are two (2) counts of PC 273.5(a) Inflict Corporal Injury on Spouse/Cohabitant. The inmate was convicted on 1/18/17 and 4/12/17. Under the review criteria, the following aggravating risk factors are present: (1) The inmate personally used a deadly weapon (cast iron skillet); and (2) There were one or more victims who suffered physical injury or threat of injury. Therefore, the current crimes are an aggravating risk factor in the case.</p> <p><u>Prior Criminal History:</u></p> <p>Under the review criteria, the following aggravating risk factors are present: (1) The inmate was incarcerated for a misdemeanor conviction involving physical injury to a victim or a felony conviction within 5 years prior to the current conviction; and (2) The inmate's prior criminal convictions coupled with the current convictions show a pattern of assaultive behavior or a pattern of similar criminal conduct that is increasing in severity. The aggravating risk factors show a current, unreasonable risk of violence or current, unreasonable risk of significant criminal activity because the inmate's prior felony</p>

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						<p>conviction displays current violent or threat of violent behavior and therefore is highly relevant to the inmate's current risk of violence. Therefore, the prior criminal history is an aggravating risk factor in the case.</p> <p><u>Institutional Behavior:</u></p> <p>The inmate has limited or no participation in rehabilitative or self-help programming addressing the circumstances that contributed to his criminal behavior, specifically related to the current crimes. Therefore, the inmate's institutional adjustment is an aggravating risk factor in the case.</p> <p><u>Legal Notices:</u></p> <p>There were response(s) to Legal Notices in support of release, which were reviewed and considered in this decision.</p> <p><b>SUMMARY:</b> In totality, the aggravating risk factors outweigh the mitigating risk factors because the inmate's current crimes and prior felony convictions display current violent or threat of violent behavior which is highly relevant to the inmate's current risk of violence. Therefore, the inmate does pose a current, unreasonable risk of violence or current, unreasonable risk of significant criminal activity. Release is denied.</p> <p><i>Neal Chambers</i></p>

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<p><b>Devyn Blake Miller</b></p> <p>SCUK CRCR 16-86241 SCUK CRCR 15-83860</p>	<p>09/13/2016</p>	<p>PC § 422 Criminal Threat</p> <p>PC § 140(a) Threatening a Witness/Victim</p> <p>PC § 273.5(a) Inflict Corporal Injury on Spouse/Cohabitant</p> <p>PC § 1170.12 Prior Strike Conviction</p>		<p>84 mos.</p>	<p>09/09/2019</p>	<p><b>01/21/2020: Expedited Release DENIED.</b></p> <p>Decision for Miller, Devyn, BB2832: When considering together the findings on each of the inmate's four case factors, the inmate poses a current, unreasonable risk of violence or significant criminal activity to the community. Release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offenses aggravate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 7 years on the current commitment offenses. The commitment offenses are from two combined cases. The first was a conviction on 12/20/15 for PC 273.5(a) corporal injury. In that case, on November 19, 2015, he assaulted his then girlfriend, punching her in the face and choking her. He received a 1 year sentence for that conviction.</p> <p>The second case involved 8/30/16 convictions for PC 422 criminal threats and PC 140(a) threatening a witness. In that case, in violation of the restraining order from case number 1, in June 2016 he began emailing and calling the victim from the prior case and threatening to kill her, her new boyfriend, and her entire family. He also threatened to do so if she called the police or reported his calls and texts. He received a sentence of 3 years for the PC 140(a), with 3 year enhancement per PC 667(b). A 2 year sentence for the PC 422 was made concurrent.</p> <p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are aggravating circumstances in the case and the following aggravating circumstances make this an</p>



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						<p>aggravating factor in the case:            There were one or more victims who suffered physical injury or threat of physical injury, as he assaulted the victim in the first case, and threatened her and multiple others in the second case.            Therefore, the current crimes are found to be an aggravating risk factor in the case.</p> <p><u>Case Factor #2 - Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 2015 and continued until the commitment offenses in 2016. The inmate's prior criminal record is a factor mitigating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions: Mr. Miller has no adult felony convictions prior to the current commitment crimes.            The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence or significant criminal activity are:</p> <ol style="list-style-type: none"> <li>1.) The inmate has no prior adult felony criminal convictions;</li> <li>2.) The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years; and</li> <li>3.) The inmate was free from incarceration for a misdemeanor conviction involving physical injury to a victim or a felony conviction for five years or more prior to his current convictions.</li> </ol> <p>The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence or significant criminal activity are:            There are no applicable aggravating factors, due to the lack of an adult record prior to the current commitment offenses.            Analysis: When balancing the aggravating circumstances</p>

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						<p>against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record mitigate the inmate's current risk of violence or significant criminal activity because of the lack of any risk aggravating factors to outweigh the multiple factors that mitigate the risk in this category.</p> <p><u>Case Factor #3 - Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since October 20, 2016, a period of approximately 3 years, 3 months.</p> <p>The inmate has been involved in the following activities: Today Mr. Miller's file was reviewed for his programming while incarcerated and his programming is noted. Although commendable, his efforts at programming are far outweighed by his multiple recent serious behavioral incidents in prison, as well as his criminality in prison. During incarceration, he has been found guilty of 3 serious rules violation reports involving violence or injury, or the threat of violence or injury. Two of these acts of violence were within the past 90 days. They are as follows:</p> <p>10/25/19: Found guilty of fighting with an inmate, over a pair of shoes the inmate stole from Mr. Miller's "homie", per Miller's admission.</p> <p>9/21/19: Mr. Miller was found guilty of fighting with an inmate in the day room.</p> <p>12/10/16: Found guilty of battery on an inmate. Mr. Miller is seen fighting with an inmate in the yard, and is described as being the aggressor in the RVR.</p> <p>There is also a reliable confidential memo dated 10/28/19 that indicates criminal activity in prison.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and</p>

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						<p>rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity because These multiple incidences of violent behavior, the two most recent being within the past 3 months, are highly probative of Mr. Miller's current risk of violence. The same holds true for his criminality in prison per the October 2019 memo. At this time, these aggravating circumstances of multiple and recent rules violations involving violence which resulted in physical injury or the threat of physical injury, combined with his criminality in prison, far outweigh any mitigating circumstances in the case. Therefore, the inmate's institutional adjustment is determined to be an aggravating factor in the case.</p> <p><u>Case Factor #4 - Response to Legal Notice</u></p> <p>There were no responses to Legal Notices.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the passage of time, the inmate's age of 22, and any physical and cognitive limitations, the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's current risk of violence or significant criminal activity.</p> <p>As evident from the above discussion, Mr. Miller has consistently engaged in criminality involving the use of violence or the threat of violence since reaching adulthood in July of 2015. He choked and punched his then girlfriend in November 2015, and was convicted of corporal injury as a result. Despite that conviction and the resulting probation and restraining order, in June of 2016 he began threatening that same victim with death, expanding the threats to include her family and new boyfriend. Once in prison, he has engaged in repeated acts of violence, with</p>

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						<p>two fights having taken place within the past 90 days. In addition, he has been engaging in criminal activity in prison as evident from the reliable memo noted above. As a result, his current crimes and his in prison conduct are all aggravating and highly indicative of an enhanced risk of him repeating or continuing this violent behavior. These facts far outweigh any applicable mitigating factors. Therefore, he clearly poses a current, unreasonable risk of violence to the community. The inmate is denied for release.</p> <p><i>Dale Pomerantz</i></p>
<p><b>James Paul Miller</b></p> <p>SCUK CRCR 16-88221  SCUK CRCR 14-78294  SCUK CRCR 10-15426</p>	<p>12/22/2016</p>	<p>PC § 4573.5  Bringing Drugs into Jail/Prison</p> <p>PC § 422  Criminal Threat</p> <p>PC § 12021(c)(1)  Prohibited Person in Possession of a Firearm</p>		<p>48 mos.</p>	<p>10/12/2018</p>	<p><b>11/21/2018: Expedited Release GRANTED.</b></p> <p>Decision based on the reasons stated below:</p> <p>Decision for James Miller, #AV4087: When considering together the findings on each of the inmate's four case factors, the inmate does not pose an unreasonable risk of violence to the community. Release is approved.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offenses mitigate the inmate's current risk of violence. The inmate was sentenced to a total term of 4 years. The commitment offense is PC 4573.5, bringing drugs into prison for which the inmate received 2 years (doubled as a second strike) on the current commitment offenses. The commitment offenses are listed above. The details of the commitment offense are as follows: On 11/14/16, peace officers conducted a traffic stop and determined the</p>

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						<p>inmate had a parole warrant. The inmate was taken to the Mendocino County Jail and a subsequent search revealed he had hidden nine grams of methamphetamine on his person.</p> <p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are no aggravating circumstances and the following mitigating circumstances make this a mitigating factor in the case:</p> <ol style="list-style-type: none"> <li>1. The inmate did not personally use a deadly weapon.</li> <li>2. No victims suffered physical injury or threat of physical injury.</li> <li>3. There was only one conviction.</li> </ol> <p><u>Case Factor #2 - Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 2011 and continued until the commitment offense(s) in 2016. The inmate's prior criminal record is a factor aggravating the inmate's current risk of violence. The inmate has the following adult criminal convictions:  2011 - PC 12021 (c)(1) possession of a firearm  2014 - PC 422 threaten crime with intent to terrorize</p> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence are:</p> <ol style="list-style-type: none"> <li>1. The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years.</li> </ol> <p>The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence are:</p> <ol style="list-style-type: none"> <li>1. The inmate was incarcerated for a felony conviction within five years prior to his current convictions. The inmate was released from his last felony commitment on 02/05/15 and was</li> </ol>

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						<p style="text-align: right;">convicted of the current offense on 12/02/16.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record aggravate the inmate's current risk of violence because the inmate was convicted of his current felony within one year of his release from his last felony commitment. It is also of concern that the prior felony conviction was assaultive in nature -- threatening with intent to terrorize. Therefore, this factor is slightly aggravating.</p> <p><u>Case Factor #3 - Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since 11/12/17, a period of approximately 1 year.</p> <p>The inmate has been involved in the following activities:  Rules Violations: none  Educational Assignments: General Education  Vocational Assignments: Vocational Computer Literacy  Work Assignments: Clerk, and Porter  Programs and Self Help: Anger Management, and Criminal Thinking</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence:</p> <ol style="list-style-type: none"> <li>1. The inmate has not been found guilty of institutional Rules Violations resulting in physical injury or threat of physical injury since his last admission to prison.</li> <li>2. There is no reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since his last</li> </ol>

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						<p>admission to prison.</p> <p>3. The inmate has successfully participated in vocational, educational, or work assignments. I deem this to be sustained participation.</p> <p>4. The inmate has successfully participated in rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence because the inmate has demonstrated he is not inclined to violent or criminal behavior through the absence of rules violations and confidential reports of criminal activity in his record. At the same time, he has demonstrated his pro-social and non-violent orientation by taking programming to address the circumstances of his commitment offense and participating in assignments that show he has learned useful skills and work habits.</p> <p><u>Case Factor #4</u> - Response to Legal Notice</p> <p>There were no responses to Legal Notices.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, taking into account the totality of the circumstances, including the relatively short passage of time and what the inmate has accomplished in that time, the factors mitigating the inmate's current risk of violence outweigh the factors aggravating the inmate's current risk of violence.</p> <p>Overall, the inmate no longer poses an unreasonable risk of violence to the community. His commitment offense involved bringing drugs into prison and as such it is not an aggravating factor. His prior criminal history while</p>

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						<p>relatively short had a frequency of felony convictions that made it slightly aggravating. His institutional adjustment is a mitigating factor. He has completed training for a vocation and demonstrated positive work habits. There are no rules violations or confidential reports which implicate him in criminal activity. Most importantly, he has completed programming in the criminal thinking which was the driving force behind his commitment offense. The mitigating factors outweigh the aggravating factor. The inmate is approved for release.</p> <p><i>Edward Taylor</i></p>
<p><b>Julio Rafael Najera-Leon</b></p> <p>SCUK CRCR 18-96068 SCUK CRCR 18-96356</p>	<p>01/16/2019</p>	<p>PC § 29800(A)(1) Felon in Possession of a Firearm</p> <p>PC § 245(A)(2) Assault with a Firearm</p> <p>PC § 1170.12 Prior Strike Conviction</p> <p>PC § 667.5(B) X 2 Prior Prison Commitment</p>		<p>120 mos.</p>	<p>10/08/2021</p>	<p><b>12/08/2021: Expedited Release DENIED.</b></p> <p>Decision for Julio Najera-Leon, BI4179: When considering together the findings on each of the inmate's four case factors, the inmate poses a current, unreasonable risk of violence or significant criminal activity to the community. Release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offenses aggravate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 10 years on the current commitment offenses. The commitment offenses are</p> <p>Two Cases-</p> <p>Case: CR1896356, Conviction Date: 12/12/18, Sentencing Date: 1/16/19</p> <p>PC 29800(a)(1), felon in possession of a firearm, Sentence: 3 years doubled to 6 years as a result of a prior strike</p>



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						<p>conviction.  Enhancements:  2 enhancements pursuant to PC 667.5(b), prior qualifying prison term, Sentence: 1 consecutive year per enhancement resulting in 2 consecutive years.  On 11/11/18, law enforcement searched the residence where the inmate had stayed the night and located a firearm. Then law enforcement searched a vehicle near the premises and located a sawed-off shotgun. It was determined that both firearms belonged to the inmate.  Case: CR-18-96068, Conviction Date: 12/12/18, Sentencing Date: 1/16/19  PC 245(a)(2), assault with a firearm, Sentence: 1 consecutive year doubled to 2 years as a result of a prior strike conviction.  On 10/16/18, the inmate, during an attempted robbery, was in possession of a firearm.  *A factual basis for this offense was extracted from the Complaint/Information.  After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are aggravating circumstances in the case and the following aggravating circumstances make this an aggravating factor in the case:</p> <ol style="list-style-type: none"> <li>1. The inmate personally used a deadly weapon, to wit, a firearm.</li> <li>2. There were one or more victims who suffered physical injury or threat of physical injury.</li> </ol> <p>Therefore, the current crimes are found to be an aggravating risk factor in the case.</p> <p><u>Case Factor #2 – Prior Criminal Record</u></p> <p>The inmate’s prior criminal history began in 2011 and continued until the commitment offenses in 2018. The inmate’s prior criminal record is a factor aggravating the</p>

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						<p>inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions:</p> <p>2011 - PC 211, robbery  2011 - PC 459, first degree burglary  2015 - PC 30305(a)(1), possession of ammunition by a prohibited individual.</p> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence or significant criminal activity are:</p> <p>There are no applicable mitigating factors present.</p> <p>The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence or significant criminal activity are:</p> <ol style="list-style-type: none"> <li>1. The inmate has a violent felony conviction as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years. The inmate was convicted of PC 211, robbery in 2011.</li> <li>2. The inmate was incarcerated for a misdemeanor conviction involving physical injury to a victim or a felony conviction within five years prior to his current convictions. The inmate was released from CDCR and placed on PCRC supervision. The inmate was convicted of the current commitment offenses on 12/12/18.</li> </ol> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record aggravate the inmate's current risk of violence or significant criminal activity because the inmate sustained a PC 667.5(c) conviction of PC 211, robbery, within the last 15 years. The inmate did not remain free from incarceration the five years prior to sustaining the conviction for the current commitment offenses. The inmate was released from CDCR and placed on PCRC supervision. The inmate was convicted of the current commitment offenses on 12/12/18. This behavior</p>

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						<p>demonstrates a lack of rehabilitation, ongoing criminal thinking, and a disregard for public safety. Absent any mitigating factors to balance against, the aggravating factors control.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since January 31, 2019, a period of approximately 2 years and 11 months.</p> <p>The inmate has been involved in the following activities:  The inmate has sustained the following serious rule violations:  01/19/2021 Constructive Possession of a cellular telephone  11/07/2020 Fighting  06/08/2020 Theft of state property, funds or another personal property  05/12/2020 Fighting  01/19/2020 Fighting  08/26/2019 Delaying a Peace Officer in the Performance of Duties.</p> <p>The inmate has participated in the following:  VOCATIONAL/WORKING/EDUCATIONAL  Dining Room Worker  Satellite Kitchen  Porter  REHABILITATIVE PROGRAMMING  None noted.  MENTAL HEALTH PROGRAMMING  The inmate has participated in approximately 100 hours of mental health programming. The programming groups include the following:  Social Skills  Stress Management</p>

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						<p>Coping Skills  Life Skills  Symptom Management  Therapeutic Groups.</p> <p>The following circumstances of the inmate’s institutional behavior, work history, and rehabilitative programming mitigate the inmate’s current risk of violence or significant criminal activity:</p> <p>1. There is no reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since his or her last admission to prison.</p> <p>The following circumstances of the inmate’s institutional behavior, work history, and rehabilitative programming aggravate the inmate’s current risk of violence or significant criminal activity:</p> <p>1. The inmate has been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison or has one or more recent serious institutional Rules Violation Reports.</p> <p>2. The inmate has limited participation in available vocational, educational, or work assignments. The inmate has participated in some working assignments. However, the duration of his participation does not amount to a sustained period of time.</p> <p>3. The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior. The inmate has not participated in any rehabilitative programming. However, the inmate has participated in approximately 100 hours of mental health programming. However, the internalization of this programming is questionable because the inmate continues to engage in violence and defiant behavior.</p>

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						<p><u>Case Factor #4 – Response to Legal Notice</u></p> <p>The Board of Parole Hearings received responses to the legal notices regarding the inmate's nonviolent review. The following responses were reviewed and considered in this decision: Julio Najera-Leon, dated 10/28/21.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the passage of time, the inmate's age, the inmate's physical and cognitive limitations,, the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's current risk of violence or significant criminal activity.</p> <p>To prepare for this review, the author reviewed the Disability and Effective Communication System as well as the inmate's record to determine all physical and cognitive disabilities documented for this inmate. In reaching the decision articulated below, the author fully considered any mitigating impact of each documented disability on all of the factors considered.</p> <p>The facts of the commitment offenses are aggravating. The inmate was in possession of a firearm during the commission of an attempted robbery. The inmate's criminal history is aggravating, because the inmate has sustained a PC 667.5(c) conviction within the last 15 years. The inmate did not remain free from incarceration the five years prior to sustaining the convictions for the current commitment offenses. The inmate's institutional adjustment is aggravating, because the inmate has sustained rule violations pertaining to violence during his incarceration. The inmate has not participated in a working, vocational, and/or educational program for a sustained period of time. The inmate has not participated in the needed duration and variety of rehabilitative</p>
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						<p>programming that would assist the inmate with effectively identifying and addressing the internal factors that contributed to the commission of a commitment offenses. Overall, the aggravating factors outweigh the mitigating factors. The inmate is denied for release.</p> <p><i>Christine Nijjer</i></p>
<p><b>Michael James Newbolds</b></p> <p>SCUK CRCR 20-33920  SCUK CRCR 19-30027  SCUK CRCR 18-95477</p>	<p>05/20/2020</p>	<p>HS § 11378 X 2  Possession of a Controlled Substance for Sales</p> <p>PC § 1170.12  Prior Strike Conviction</p> <p>PC § 1170.12  Prior Strike Conviction</p> <p>PC § 1320(B)  Failure to Appear</p>		<p>72 mos.</p>	<p>03/17/2021</p>	<p><b>05/07/2021: Expedited Release DENIED.</b></p> <p>Decision for Michael Newbolds, BM4365: When considering together the findings on each of the inmate's four case factors, the inmate poses a current, unreasonable risk of violence or significant criminal activity to the community. Release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offenses mitigate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 6 years on the current commitment offenses. The commitment offenses are (2019) HS 11378 Possession Controlled Substance for Sale, Second Striker, with a 2 year and 8 month term. Convicted on 3/17/2020; (2018) HS 11378 Possession Controlled Substance for Sale, Second Striker, with an 8 month term. Convicted on 1/24/2019; (2018) PC 1320(b) Failure to Appear, with an 8 month term. Convicted on 1/24/2019. Enhancements of PC 12022.1, with a 2 year term.</p> <p>STATEMENT OF FACTS</p> <p>On 12/30/2019, Officers observed the inmate at an AM/PM parking lot. The inmate had outstanding warrants</p>

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						<p>and was detained. Methamphetamine and a knife were taken from his person. The inmate was arrested. Additional meth was found in the vehicle the inmate had been driving. It was indicated that the meth was for the purpose of sales. Previously, on 2/22/2019, the inmate was placed on probation. The inmate was arrested prior on 8/8/2018, while on misdemeanor probation. Deputies executed a probation search of a house. During the search, Deputies observed the inmate holding a water pipe, which contained meth. Meth was also found in the inmate's pocket, and he was arrested. The meth found at the scene was in a quantity that indicated intent for sales.</p> <p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are no aggravating circumstances and the following mitigating circumstances make this a mitigating factor in the case:</p> <p><u>Case Factor #2 – Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 1998 and continued until the commitment offenses in 2019. The inmate's prior criminal record is a factor mitigating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions:</p> <p>1998 Residential Burglary, in the State of Illinois  7/2/2002 PC 243(B) Battery Peace Officer, misdemeanor,  5/22/2003 PC 245(a)(1) Assault with Force Likely to Produce GBI.</p> <p>Released on 03/11/2005, returned from parole, and revocation period complete on 10/15/2008, and discharged on 5/25/2009.</p> <p>(It is noted, per the rap sheet, that the inmate has periods of sentenced jail time for extensive and miscellaneous misdemeanor cases post release from the prior prison</p>

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						<p>term.)  The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence or significant criminal activity are:</p> <ol style="list-style-type: none"> <li>1. The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years.</li> <li>2. The inmate was free from incarceration for a misdemeanor conviction involving physical injury to a victim or a felony conviction for five years or more prior to his current convictions. The inmate was discharged for a prior felony term on 5/25/2009, and convicted of the current offenses on 3/17/2020 and 1/24/2019. More than five years has elapsed between his prior felony prison term and the current convictions. While he has been sentenced to various jail terms in the period between his last release and his current convictions, none are for misdemeanors considered assaultive, or for felonies. Therefore, under the review criteria, this circumstance is considered mitigating.</li> </ol> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since November 5, 2020, a period of approximately 6 months.  The inmate has been involved in the following activities:  SERIOUS RULE VIOLATION REPORTS:  None  CONFIDENTIAL MEMOS:  N/A  VOCATIONAL/EDUCATIONAL/WORK ASSIGNMENTS &amp; SELF-HELP AND REHABILITATION:  The inmate is currently in the Correctional Clinical Case Mgmt System (CCCMS), and has been SNY as of 1/19/2021. The inmate has a Rehabilitative Case Plan</p>
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						<p>Study dated 3/5/21, with goals that include becoming drug free, control anger, and participate in NA and AA programs.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> <li>1. The inmate has not been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison. Further, the inmate has no recent or serious RVRs.</li> <li>2. There is no reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since his last admission to prison.</li> </ol> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> <li>1. The inmate has limited/no participation in available vocational, educational, or work assignments.</li> <li>2. The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior, such as substance abuse programs. The inmate has engaged in the creation of a Rehabilitative Case Plan Study dated 3/5/21, with goals that include becoming drug free, control anger, and participate in NA and AA programs.</li> </ol> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity because while the inmate has no RVRs or confidential memos, this is outweighed by the limited programming. He has not yet successfully participated in self-help and rehabilitative</p>

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						<p>programming to address the circumstances of his criminal behavior, such as substance abuse, for a sustained period of time. The inmate's limited participation in self-help or rehabilitative programming, particularly in the area of substance abuse, is a factor that weighs heavily against those other circumstances present in mitigation. Accordingly, the institutional adjustment factor is overall aggravating.</p> <p><u>Case Factor #4 - Response to Legal Notice</u></p> <p>There were no responses to Legal Notices.</p> <p>SUMMARY: When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the passage of time, the inmate's cognitive limitations, the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's current risk of violence or significant criminal activity.</p> <p>Although the inmate's current commitment offenses and prior criminal record are considered mitigating under the review criteria, it is outweighed by the inmate's institutional behavior. The inmate has yet to successfully participate in vocational, educational or work assignments, or self-help and rehabilitative programming to address the circumstances of his criminal behavior, such as substance abuse, for a sustained period of time. For these reasons, the inmate poses a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. The inmate is denied for release.</p> <p><i>Eleanore Adams</i></p>

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<p><b>James Allen Norton</b></p> <p>SCUK CRCR 18-94594</p>	<p>10/23/2019</p>	<p>PC § 452(C) Arson- Causing Fire of Structure/Forest Land</p> <p>PC § 667.5(B) Prison Prior</p> <p>PC § 667.5(B) Prison Prior</p>		<p>48 mos.</p>	<p>06/29/2021</p>	<p><b>08/25/2021: Expedited Release DENIED.</b></p> <p>Decision for James Norton, BK8813: When considering together the findings on each of the inmate’s four case factors, the inmate poses a current, unreasonable risk of violence or significant criminal activity to the community. Release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate’s current commitment offenses aggravate the inmate’s current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 4 years on the current commitment offenses. The commitment offenses are PC452(c) - Cause Fire of Forest Land (2 years) with two counts PC667.5(b) - Prior Prison Term/Non Violent new offense is any felony enhancements (1 year each) for a total prison sentence of 4 years.</p> <p>On 6/14/18, Mendocino Cal Fire Officer responded to investigate a fire set by the inmate. A witness stated that he observed the inmate reaching down to the vegetation with a lighter.</p> <p>Noted, is a Superior Court of California, County of Solano Criminal Minute Order dated 7/21/21, wherein inmate was remanded to the Department of State Hospitals on a felony charge of PC187(a) – Murder and the matter put off calendar, having been found not competent within the meaning of PC 1367/68.</p> <p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are aggravating circumstances in the case and the following aggravating circumstances make this an aggravating factor in the case:</p>

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						<p>1. There were one or more victims who suffered physical injury or threat of physical injury. The inmate was convicted of PC452(a) – Cause Fire of Forest Land. Under the review criteria, this conviction creates a presumption of threat of violence because it inherently exposes the public and Fire Fighters to threats of physical injury. Therefore, the current crimes are found to be an aggravating risk factor in the case.</p> <p><u>Case Factor #2 – Prior Criminal Record</u></p> <p>The inmate’s prior criminal history began in 1995 and continued until the commitment offense(s) in 2018. The inmate’s prior criminal record is a factor aggravating the inmate’s current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions:</p> <p>2003 – PC243(e)(1) – Domestic battery (M)  2005 – VC23152(b) – Driving with BAC of 0.08 percent or higher (M) and VC14601.2(a) – Driving with a suspended license for DUI (M)  2007 - VC14601.2(a) – Driving with a suspended license for DUI (M) and PC273.5(a) – Inflict corporal injury spouse/cohab  2008 – HS11550(a) – Under the influence of CS without valid prescription  2009 – VC10851(a) – Take vehicle w/o owner’s consent/theft  2015 - HS11550(a) – Under the influence of CS without valid prescription  2016 – PC594(b)(1) – Felony Vandalism  2019 - PC452(c) - Cause Fire of Forest Land with two counts of PC667.5(b) - Prior Prison Term/Non Violent new offense is any felony enhancements (Current commitment offenses)  The circumstances of the inmate’s prior criminal record</p>

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						<p>that mitigate the inmate's current risk of violence or significant criminal activity are:</p> <ol style="list-style-type: none"> <li>1. The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years. The inmate has no felony that falls within the purview of the penal code section or under this analysis.</li> <li>2. The inmate was free from incarceration for a misdemeanor conviction involving physical injury to a victim or a felony conviction for five years or more prior to his current conviction(s). Inmate was paroled on 12/21/09 and received a new conviction for the current commitment offenses on 1/25/19 more than five years later. The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence or significant criminal activity are: <ol style="list-style-type: none"> <li>1. The inmate's prior criminal conviction(s) coupled with his current conviction(s) show a pattern of similar criminal conduct that is increasing in severity. Inmate was convicted of PC243(e)(1) – Domestic battery (M), then VC23152(b) – Driving with BAC of 0.08 percent or higher (M) and VC14601.2(a) – Driving with a suspended license for DUI (M), which escalated to PC452(c) - Cause Fire of Forest Land with two counts of PC667.5(b) - Prior Prison Term/Non Violent new offense is any felony enhancements. Taken together, his prior convictions coupled with the current commitment offenses, demonstrate a pattern of similar conduct with an uptick in severity of his violence or threats of violence.</li> </ol> </li> </ol> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record aggravate the inmate's current risk of violence or significant criminal activity because granted that there has been a lull and gap periods in the inmate's recorded</p>

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						<p>criminal activity, the showing of a pattern of similar criminal conduct that is increasing in severity tips the scale, as it is more probative of his risk of violence to the community and on balance, found weightier than the mitigating circumstances. Therefore, the prior criminal history is an aggravating risk factor in the case.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since November 21, 2019, a period of approximately 1 year and 9 months.</p> <p>The inmate has been involved in the following activities:</p> <p>Serious RVRs:  8/11/20 – Murder (hearing postponed) as noted above, per Superior Court of California, County of Solano Criminal Minute Order dated 7/21/21, inmate was remanded to the Department of State Hospitals on a felony charge of PC187(a) - Murder and the matter put off calendar, having been found not competent within the meaning of PC 1368.</p> <p>Work Assignments:  None</p> <p>Vocational/Educational Assignments:  None</p> <p>Self-help/Rehabilitative programming:  None</p> <p>Confidential Information:  Memoranda dated 8/17/20 and 8/11/20</p> <p>The following circumstances of the inmate’s institutional behavior, work history, and rehabilitative programming mitigate the inmate’s current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> <li>1. The inmate has not been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison.</li> </ol>

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						<p>Inmate has a postponed hearing for a serious and violent rule violation – Murder, dated 8/11/20.</p> <p>The following circumstances of the inmate’s institutional behavior, work history, and rehabilitative programming aggravate the inmate’s current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> <li>1. There is reliable information in the confidential section of the inmate’s central file indicating the inmate has engaged in criminal activity since his last admission to prison. Memoranda dated 8/11/20 were reviewed.</li> <li>2. The inmate has no participation in vocational, educational, or work assignments. Inmate will benefit from participation to help him develop the marketable skills and sustained work ethic needed for a successful reintegration to the free society.</li> <li>3. The inmate has no participation in available rehabilitative or self-help programming to address the circumstances that contribute to his criminal behavior such as substance abuse. Inmate’s effort in this regard needs a jumpstart and he is encouraged to start programming to address the underlining factors that gave impetus to his criminality, because his limited programming lends weight to a reasonable likelihood that he will engage in violence, if he were to be released from prison.</li> </ol> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate’s institutional behavior, work history, and rehabilitative programming aggravate the inmate’s current risk of violence or significant criminal activity because although the inmate has not been found guilty of a serious RVR or one resulting in physical injury or threat of physical injury as indicated (hearing postponed pending a Department of State Hospitals commitment by the court), he has failed to demonstrate any motivation towards seeking out available vocational, educational or work assignments. Inmate also has no participation in available</p>

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						<p>rehabilitative or self-help programming to address the circumstances that contribute to his documented criminality including substance abuse issues and there is reliable information in the confidential section of his central file indicating he has engaged in criminal activity. The lack of targeted rehabilitative/self-programming precludes the inmate from gaining the proper tools that will prevent him from rapid recidivism to criminality. This case factor is an aggravation on his current risk of violence.</p> <p><u>Case Factor #4 – Response to Legal Notice</u></p> <p>There were no responses to Legal Notices.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the passage of time, the inmate’s age (40 years), the inmate’s physical and cognitive limitations, the factors aggravating the inmate’s current risk of violence outweigh the factors mitigating the inmate’s current risk of violence or significant criminal activity.</p> <p>To prepare for this review, the author reviewed the Disability and Effective Communications System as well as the inmate’s record to determine all physical and cognitive disabilities documented for this inmate. In reaching the decision articulated below, the author fully considered any mitigating impact of each documented disability on all the factors considered.</p> <p>Per the foregoing analysis, all case factors are aggravating. Weighing the inmate’s presumptive threat of violence current commitment offense of PC452(c) - Cause Fire of Forest Land with two counts of PC667.5(b) - Prior Prison Term/Non-Violent new offense is any felony enhancements, together with his pattern of similar criminal conduct that is increasing in severity, the</p>



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						<p>reviewed confidential information, scant effort at vocational, educational or work assignment, as well as available rehabilitative/self-help programming to address the circumstances that contribute to his criminal behavior against his mitigated circumstance of no serious RVR (hearing postponed as he is currently remanded to the Department of State Hospitals), cause a finding that the inmate poses a current, unreasonable risk of violence or a current unreasonable risk of significant criminal activity to the community, if he were to be released from prison. The inmate is denied for release.</p> <p><i>Lawrence Nwajei</i></p>
<p><b>Michael Royce Parker</b>  SCUK CRCR 18-93778</p>	<p>07/27/2018</p>	<p>HS § 4573.6(A) Possess a Controlled Substance while in jail/prison</p> <p>PC § 1170.12 Prior Strike Conviction</p>		<p>72 mos.</p>	<p>02/23/2021</p>	<p><b>04/16/2021: Expedited Release GRANTED.</b></p> <p>Decision based on the reasons stated below:</p> <p>Decision for Michael Parker, #BH1117: When considering together the findings on each of the inmate's four case factors, the inmate does not pose an unreasonable risk of violence to the community. Release is approved.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offense mitigate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 6 years on the current commitment offense(s). The commitment offense is:  PC 4573.6, Unauthorized Possession of a Controlled Substance in Jail, committed on 3/28/2018.  Sentence: On 7/27/2018, Inmate was sentenced to the</p>

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						<p>middle term of 3 years, doubled per Strike prior, for a total aggregate term of 6 years.</p> <p>Facts: On 3/28/2018, Inmate was arrested on an outstanding warrant. The arresting officer advised Inmate that it was a felony to carry drugs into the jail. Inmate stated he had no drugs. A cursory search of inmate confirmed no drugs. Once transported to jail (the Mendocino County Sheriff's Detention Facility), a more thorough search of Inmate revealed a cylinder device concealed inside the waistband of his underwear. The device contained approximately half a gram of methamphetamine.</p> <p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are no aggravating circumstances and the following mitigating circumstances make this a mitigating factor in the case:</p> <ol style="list-style-type: none"> <li>1. The inmate did not personally use a deadly weapon.</li> <li>2. No victims suffered physical injury or threat of physical injury.</li> <li>3. There was only one conviction.</li> </ol> <p>Therefore, the current crimes are found to be a mitigating risk factor in the case.</p> <p><u>Case Factor #2 – Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 1997 and continued until the commitment offense in 2018. The inmate's prior criminal record is a factor mitigating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions:</p> <p>1997 - PC 459, First Degree Burglary; PC 496(a), Receiving Stolen Property; two counts of PC 502.7(a), Credit Card</p>

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						<p>Fraud; PC 487h(a) Vehicle Theft            2002 - PC 529.3, False Impersonation            2003 - Possession of Controlled Substance (Idaho)            2004 - CVC 2800.2(a), Evading            2011 - PC 496(a), Receiving Stolen Property            2013 - PC 496(a), Receiving Stolen Property            The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence or significant criminal activity are:            1. The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years. Inmate has no prior PC 667.5(c) violent felony convictions.</p> <p>The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence or significant criminal activity are:            1. The inmate was incarcerated for a felony conviction within five years prior to his current conviction. Inmate was last released from incarceration (discharged) for a felony conviction on 3/12/2015. Inmate was convicted of the current commitment offense on 6/20/2018. Thus, Inmate was incarcerated for a felony conviction within five years prior to his current conviction.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record mitigate the inmate's current risk of violence or significant criminal activity because Inmate's prior criminal history consists predominately of theft-related property crimes. Inmate's history of criminal activity has been primarily motivated by his efforts to support his drug addiction. Inmate did not incur the current conviction until over three years after his last release from felony incarceration. Thus, the mitigating circumstance of no prior violent felony convictions outweighs the single circumstance in aggravation, making this an overall</p>

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						<p>mitigating case factor.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offense since August 23, 2018, a period of approximately 2 years, 8 months.</p> <p>The inmate has been involved in the following activities:  RVR's – Inmate has the following CDC-115/RVR's:  6/25/2020 - Use of a Controlled Substance  6/11/2020 - Use of a Controlled Substance  5/21/2020 - Use of a Controlled Substance  Educational Programming – None indicated.  Vocational Programming – None indicated.  Work Assignments – Inmate was assigned as a Carpenter, Lineserver, Tier Tender, Yard Worker, Kitchen Worker, and Dining Room Worker.  Inmate completed Forestry Firefighter Training Program (FFTP), and Physical Fitness Training, and worked as a Camp Firefighter. Chrono dated 6/11/2020 reflects Inmate was transferred from SCC/FireCamp back to SCC/Facility B, for a higher custody level, due to his refusal to work.  Self-help and Rehabilitative Programming – Inmate is currently assigned to the ISUDT Outpatient Substance Abuse Treatment Program.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> <li>1. There is no reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since his last admission to prison.</li> </ol> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming</p>

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						<p>aggravate the inmate's current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> <li>1. The inmate has been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison or has one or more recent serious institutional Rules Violation Reports. Inmate has no violence-related RVR's in the current term. He does have four serious RVR's within the last year.</li> <li>2. The inmate has limited participation in available vocational, educational, or work assignments. Inmate has no vocational or educational programming. Inmate's work assignments were generally of a short duration. He was transferred out of fire camp for refusing to work. Thus, Inmate's overall participation in these areas is considered limited.</li> <li>3. The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior, such as substance abuse, criminal thinking, or anger management. Inmate was assigned to NA for approximately 4 months in 2019. He has been assigned to ISUDT for approximately the last 4 months. Inmate's intervening substance abuse RVR's indicate that the NA programming was not internalized. Eight months of substance abuse programming over Inmate's last 2 1/2 years of incarceration is considered limited.</li> </ol> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity because Inmate has not yet sufficiently addressed his long-standing Substance Abuse and addiction issues. Inmate has been a drug addict since the age of 16. He is now 43 years old. The Probation Report, Inmate's own self-support letter, and</p>

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						<p>the Appellate Court decision clearly relate that ". . . his drug use drives every one of his crimes." (Appellate Decision dated 1/30/2020, A155003, pg. 3). Inmate has been incarcerated for over 2 1/2 years. He was assigned to NA for approximately 4 months in 2019. He subsequently incurred four Substance Abuse RVR's in 2020. These RVR's have a direct nexus to his current commitment offense. He has now been assigned to ISUDT for approximately the last 4 months, a limited time. Thus, this case factor remains overall aggravating.</p> <p><u>Case Factor #4 – Response to Legal Notice</u></p> <p>The Board of Parole Hearings received responses to the legal notices regarding the inmate's nonviolent review. The following responses were reviewed and considered in this decision: The Inmate, Michael Parker, dated 2/25/2021.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the Inmate's age (43 years old), the factors mitigating the inmate's current risk of violence outweigh the factors aggravating the inmate's current risk of violence or significant criminal activity.</p> <p>To prepare for this review, the author reviewed the Disability and Effective Communication System as well as the inmate's record to determine all physical and cognitive disabilities documented for this inmate. In reaching the decision articulated below, the author fully considered any mitigating impact of each documented disability on all of the factors considered.</p> <p>Two Case Factors, Current Commitment Offense and Prior Criminal Record are mitigating. Neither Inmate's current commitment offense, nor his prior criminal history, reflect overt violence. Inmate's criminality is driven by his substance abuse/addiction issue. However, this issue has</p>

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						<p>historically not resulted in Inmate committing violent crimes, and has not currently caused Inmate to be involved in violent activity within the institution. Inmate is currently in substance abuse programming to address his addiction issue. These facts do not support a conclusion that Inmate is a current risk of violence. Thus, the relevant factors assessed under the above criteria tend to show that the Inmate does not pose a current unreasonable risk of violence to the community. The inmate is approved for release.</p> <p><i>Gary Shinaver</i></p>
<p><b>Nicholas Michael Pollard</b></p> <p>21CR00605</p>	<p>07/14/2021</p>	<p>PC § 664/459/460 Attempted First Degree Burglary</p> <p>PC § 1170.12 Prior Strike Conviction</p>		<p>24 mos.</p>	<p>10/20/2021</p>	<p><b>12/20/2021: Expedited Release GRANTED.</b></p> <p>Decision for Nicholas Pollard, #BP7385: When considering together the findings on each of the inmate's four case factors, the inmate does not pose an unreasonable risk of violence to the community. Release is approved.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offense(s) mitigate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 2 years on the current commitment offense(s). The commitment offense(s) is/are  On 06/17/21, the inmate was convicted of P.C. 664/459 1st, attempted residential burglary, and received the mitigated term of 1 year, which was doubled to 2 years due to the admission of a strike prior conviction. On 04/24/21, the home owner/victim observed the inmate trespassing on his property. The victim remotely observed</p>

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						<p>the inmate through his video surveillance system. Law enforcement responded to the victim's residence and found the inmate hiding in bushes. Law enforcement located heroin on the inmate's person and opined the inmate was under the influence of a controlled substance. The inmate attempted to force entry into the residence through the garage door. The inmate also attempted to gain access to a shed.</p> <p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are no aggravating circumstances and the following mitigating circumstances make this a mitigating factor in the case:</p> <p>There was only one conviction.</p> <p>Therefore, the current crimes are found to be a mitigating risk factor in the case.</p> <p><u>Case Factor #2 – Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 2002 and continued until the commitment offense(s) in 2021. The inmate's prior criminal record is a factor aggravating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions:</p> <p>The inmate's prior adult criminal history began in 2002 and continued until the current convictions in 2021. The inmate has suffered the following felony convictions:</p> <p>2018: P.C. 30305(a)(1), prohibited person in possession of ammunition.</p> <p>2013: P.C. 459 1st, residential burglary.</p> <p>2013: H.S. 11377(a), possession of controlled substance.</p> <p>2013: P.C. 459 2nd, commercial burglary.</p> <p>2012: P.C. 487(a), grand larceny.</p> <p>2012: P.C. 459 1st, residential burglary.</p>



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						<p>There was limited information in the central file about the inmate's previous felony convictions because the inmate's first CDCR commitment started on 05/16/18 for the P.C. 30305(a)(1) conviction. CDCR did not have the abstracts of judgements or minute orders for the 2012 and 2013 residential burglaries to determine if they were "violent" or "serious," as the inmate received grants of probation. The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence or significant criminal activity are:</p> <p>The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years.</p> <p>The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence or significant criminal activity are:</p> <p>The inmate was incarcerated for a felony conviction within five years prior to his current convictions. The inmate's date of last release occurred on 05/02/19 and the inmate suffered the current commitment conviction on 06/17/21. The inmate was free of custody for 2 years and 1 month.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record aggravate the inmate's current risk of violence or significant criminal activity because the inmate failed to remain free from custody for five or more years prior to suffering the current commitment conviction. This failure to remain free of felony convictions for five or more years demonstrates a lack of rehabilitation, ongoing criminal thinking, and a disregard for public safety. There is no evidence the inmate has not suffered a PC 667.5(c) conviction in the last 15 years, however, the inmate's continued criminality and new commitment to CDCR outweigh the mitigating factor.</p>

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						<p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offense(s) since October 4, 2021, a period of approximately 2 months.</p> <p>The inmate has been involved in the following activities:</p> <p>SERIOUS RULE VIOLATION(S): None.</p> <p>CONFIDENTIAL MEMORANDUM(S): None.</p> <p>WORK ASSIGNMENT(S): There was no evidence of work assignment participation at this time.</p> <p>VOCATION: There was no evidence of vocation at this time.</p> <p>EDUCATION: There was no evidence of education at this time.</p> <p>SELF-HELP/REHABILITATION: There was no evidence of self-help/rehabilitation at this time.</p> <p>The following circumstances of the inmate’s institutional behavior, work history, and rehabilitative programming mitigate the inmate’s current risk of violence or significant criminal activity:</p> <p>The inmate has not been found guilty of institutional Rules Violation Reports resulting in physical injury or threat of physical injury since his last admission to prison or does not have one or more recent serious institutional Rules Violation Reports.</p> <p>There is no reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since his last admission to prison.</p> <p>The following circumstances of the inmate’s institutional behavior, work history, and rehabilitative programming</p>
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						<p>aggravate the inmate's current risk of violence or significant criminal activity:</p> <p>The inmate does not have sustained participation in vocation. The inmate's vocation is of considerable weight in this particular review, as the inmate's commitment conduct was a residential burglary for financial gain. The inmate's financial circumstances were most likely a substantial factor in his decision to participate in a theft crime. The inmate has yet to obtain a robust set of marketable skills so as to assist him in obtaining a career upon his release, rather than a mere transitional job. The inmate's knowledge of a set of marketable and career oriented skills, will greatly assist the inmate in pursuing a career, which will have longevity and consistency, thus, providing financial stability. The inmate's achievements in vocation, work assignments and education are recognized, but at this time, they are not sufficient.</p> <p>The inmate has no participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior, such as substance abuse. The inmate has not adequately addressed his substance abuse issues or his criminal thinking. The inmate has not sufficiently addressed the causative factors that permitted him to place his personal interest in higher regard than those he decided to victimize. The inmate's substance abuse was the starting point for his criminal activity that compounded into an attempted residential burglary. Until the inmate adequately identifies the issues that lead to the substance abuse and attends sufficient self-help for those issues, the addiction will continue cause harm to himself and others.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence or significant criminal activity because the</p>

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						<p>inmate has abstained from institutional violence, threats of violence or continued criminal activity. The inmate's work assignments, vocation, education and self-help were aggravating, however, the inmate's commitment conduct did not include violence or threats of violence. The lack of violence in the commitment conduct ultimately resulted in a reduced demand for self-help, which lessened the weight of the aggravating self-help, thus, the inmate's lack of violent serious rules violations and confidential memorandums outweigh the aggravating circumstances. The inmate's commitment conduct and institutional adjustment are "non-violent" (mitigated), therefore, the inmate's institutional adjustment is mitigating despite the lack of sufficient self-help/rehabilitation.</p> <p><u>Case Factor #4 – Response to Legal Notice</u></p> <p>There were no responses to Legal Notices.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the passage of time, the factors mitigating the inmate's current risk of violence outweigh the factors aggravating the inmate's current risk of violence or significant criminal activity. To prepare for this review, the author reviewed the Disability and Effective Communication System as well as the inmate's record to determine all physical and cognitive disabilities documented for this inmate. In reaching the decision articulated below, the author fully considered any mitigating impact of each documented disability on all of the factors considered.</p> <p>The inmate's prior criminal history is aggravating as the inmate was free of custody less than five years. However, the inmate's commitment conduct did not include violence and the institutional is mitigating due to the lack of</p>

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						<p>institutional violence or continued criminal activity. Therefore, the mitigating factors outweigh any aggravating factors at this time.</p> <p>In weighing these factors, and taking into account the totality of the circumstances, the circumstances mitigating the inmate's risk outweigh those aggravating the inmate's risk. It is, therefore, determined at this time that the inmate does not pose a current, unreasonable risk of violence, or a current, unreasonable risk of significant criminal activity. The inmate is approved for release.</p> <p><i>Ryan Hickey</i></p>
<p style="text-align: center;"><b>Donald Gordon Powell</b></p> <p>SCUK CRCR 15-81852</p>	<p>07/24/2015</p>	<p>PC § 496(a)  Receiving Stolen Property &gt; \$950  Valuation = \$22,076.75</p>	<p>The term imposed by the local judge was doubled as the prosecution had alleged and proved up a prior Strike conviction. The Three Strikes law was passed, and then later modified, both by the voters, to ensure "longer prison commitments" for those who fall within the Three Strikes statutes.</p>	<p>48 mos.</p>	<p>07/05/2017</p>	<p><b>08/16/2017: Expedited Release GRANTED.</b></p> <p>Decision based on the reasons stated below:</p> <p>Issue: Does Mr. Donald Powell (CDC# AX-4476) pose an unreasonable risk of violence to the community? When considering Mr. Powell's findings on the four case factors, both aggravating and mitigating, the factors demonstrate that Mr. Powell does not pose an unreasonable risk of violence to the community.</p> <p>Statement of Reasons:</p> <p><u>Current Commitment Offense:</u></p> <p>Mr. Powell's current commitment offenses is a mitigating factor in this case. The commitment offenses are:</p> <p>On 6/9/2015, after the Victim watched Mr. Powell steal his mail which included "Money Orders." The Victim followed him and pointed out Mr. Powell's vehicle to the Police. During the search, the Officers found 19 stolen checks in</p>

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						<p>the names of 11 different Victims. Many of the checks had been altered (even the ones he just took), and either had the names whited out or written over and now had the name of "Donald Powell" on them on the "pay to" line. The checks totaled above 20,000. On 1/19/2016, he was convicted of PC 475(C) Forgery of a completed check, Money Order. On 7/20/2015, he was convicted PC 496(A) Buy/Receive Stolen Property.</p> <p>Mr. Powell's [sic] was sentenced to a total term of 5 years on the above convictions. His convictions will be examined for aggravating and mitigating factors that are common to the cases because the convictions are related in time and type. He has the following aggravating factors (1) there were at least two victims of the above crimes, and (2) he was sentenced to two felonies.</p> <p>His mitigating points are (1) no weapon was used, (2) no violence, (3) no threats to a Victim, (4) no injuries to any Victim, and (5) theft related charges only.</p> <p>Mr. Powell's pervasive factors are that he altered and stole checks a theft related crime; therefore, his current offense is mitigating.</p> <p><u>Prior Criminal Record:</u></p> <p>Mr. Powell's prior criminal history began in 2008 and continued until the commitment offenses in 6/9/2015. His prior criminal record is an aggravating factor. He has the following serious criminal convictions (Adult): on 3/18/2008 – (1) PC 459 Burglary First Degree (Serious Felony per PC 1192.7(c)), (2) PC 459 Burglary Second Degree, (3) PC 476a Non-Sufficient Fund Check, and (4) PC 475(c) Possess Check with Intent to Defraud; and on 10/18/2011 – (5) PC 475(a) Possess Forged Paper and (6)</p>

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						<p>VC 10851 Vehicle Theft.</p> <p>In review of Mr. Powell's prior record, the aggravating points are: (1) he has three or more felony convictions, (2) he was released CDCR on 10/8/2014 and current offense date of 8/6/2015 which is less than 5 years, (3) a pattern of similar repetitive conduct is established by his multiple checks, fraud, and forgery type convictions. Mr. Powell's mitigation factors are the following: (a) the majority of his convictions are theft offenses and (b) he has no known juvenile criminal record. Mr. Powell's criminal history spans nine years, and his history is without a significant source of violent criminal activity.</p> <p>When balancing the aggravating circumstances against the mitigating circumstances, Mr. Powell's prior criminal record is an aggravating factor because he does have multiple convictions and it spans nine years.</p> <p><u>Institutional Adjustment:</u></p> <p>Mr. Powell has been in custody (CDCR) on the current commitment offense since 8/6/2015 (two years). His behaviors during this confinement are the following: (1) No serious rule violations, (2) working with the Dairy as Mechanic, and (3) working in a Substance Abuse Program. Overall, his institutional record does show compliance with institutional rules and programs; therefore, his institutional conduct is a mitigating factor.</p> <p><u>Response to Legal Notices:</u></p> <p>There was a response to the Legal Notices in support of release written by Donald Powell, dated 7/9/2017, which were considered in the decision. There was a response to the Legal Notices in opposition to his release from D.A.'s</p>

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						<p>Office of Shasta County, written by Deputy DA, Stephanie A. Bridgett, dated 7/20/2017, that was considered in this decision.</p> <p><b>SUMMARY:</b> In review, Mr. Powell has eight felony convictions that span nine years; however, the majority of those convictions are theft and paper related, and He does not have an assaultive felony conviction history. When balancing the aggravating factors (his prior criminal history) with the mitigating factors (his current commitment offense and his institutional adjustment), the mitigating factors outweigh the aggravating factor. Thus, Mr. Powell does not pose an unreasonable risk of violence to the community, and his release is approved.</p> <p><i>James Weibacher</i></p>
<p style="text-align: center;"><b>William Villanueva Price</b></p> <p>SCUK CRCR 12-23809</p>	<p>03/19/2013</p>	<p>PC § 273.5(E) Corporal Injury to a Spouse w/Prior Conviction</p>		<p>120 mos.</p>	<p>09/21/2018</p>	<p><b>11/05/2018: Expedited Release DENIED.</b></p> <p>Decision based on the reasons stated below:</p> <p>Decision: When considering together the findings of each of the four factors for inmate William Price (AN8490), they show that he poses an unreasonable risk of violence to the community. Early release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offense aggravate the inmate's current risk of violence. The inmate was sentenced to a total term of 10 years on the current commitment offense. The commitment offense is PC 273.5(e)(1) corporal injury to a</p>



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						<p>spouse/cohabitant with a prior. On 10/07/12, the inmate called the victim "stupid f----g b----" and punched the victim several times, while she was driving. The victim had to exit the vehicle to stop the physical attack. The victim also stated that the inmate had hit her approximately 15 to 20 times on prior occasions. The victim suffered the following injuries: pain and swelling under her right eye and under her upper cheek bone, and a contusion on the right side of the her head.</p> <p>1. There were one or more victims who suffered physical injury due to the inmate's assaultive behavior.</p> <p>Therefore, the current crimes are found to be an aggravating risk factor in the case.</p> <p><u>Case Factor #2 - Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 2009, and continued until the commitment offense in 2012. The inmate's prior criminal record is a factor aggravating the inmate's current risk of violence. The inmate has the following adult criminal convictions: PC 245(a)(2) assault with firearm on person in 2009.</p> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence are:  The inmate has not been convicted of a violent felony as defined in section 667 .5(c) of the Penal Code in the past 15 years.</p> <p>The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence are:  The inmate was incarcerated for a felony conviction within five years prior to his current conviction.</p> <p>Analysis: When balancing the aggravating circumstances</p>

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						<p>against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record aggravate the inmate's current risk of violence because greater weight was given to the fact that the inmate was out of custody for only 4 years before he was convicted of the current offense demonstrating his inability to follow the rules and norms of society when he is not incarcerated.</p> <p><u>Case Factor #3 - Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offense(s) since March 28, 2013, a period of approximately 5 years and 7 months.</p> <p>The inmate has been involved in the following activities: ABE 1, GED, dining room worker, kitchen worker, porter, vocational electronics, creative writing, insight to self-courses, 12 sessions of CCCMS anger management, substance abuse program, and certificate for core beliefs. It is noted that the inmate has been found guilty of the following serious RVRs during his current incarceration period with CDCR: possession of a cellular telephone, possession of alcohol, fighting, use of a controlled substance-morphine, refusal to provide a urine sample, admitted use of a controlled substance-marijuana, refuse to report, use of a controlled substance-THC Marijuana, and positive urinalysis-THC/marijuana.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence:</p> <p>1. There is no reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since his last admission to</p>

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						<p>prison; and</p> <p>2. The inmate has successfully participated in vocational, educational, or work assignments for a sustained period of time (porter, GED courses, ABE, dining room worker, kitchen worker, vocational electronics, and creative writing).</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence:</p> <p>1. The inmate has been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison (fighting on 8/26/15 and 1/22/15); and</p> <p>2. The inmate has limited participation in available rehabilitative or self-help programming, to address the circumstances that contributed to his criminal behavior, such as domestic violence. The fact that the inmate has participated in insight to self-courses, anger management, a core belief program, and 1 week of a substance abuse program do not support a sustained period of self-help programming in relation to his assaultive behavior and criminal conviction for corporal injury to a spouse/cohabitant.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence because greater weight was given to the fact that the inmate has incurred two RVRs for fighting (demonstrating that he cannot remain violence free even when he is incarcerated) and the inmate's limited participation in self-help programming that addresses the circumstances that contributed to his assaultive criminal behavior towards the victim. The inmate's limited self-help</p>

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						<p>programming coupled with his RVRs for fighting make him an unreasonable current risk of violence to the community.</p> <p><u>Case Factor #4 - Response to Legal Notice</u></p> <p>There were no responses to Legal Notices.</p> <p><b>SUMMARY:</b></p> <p>When reviewing all of the case factors as documented above, taking into account the totality of the circumstances, including the passage of time, the inmate's age, the inmate's physical and cognitive limitations, the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's current risk of violence.</p> <p>Greater weight was given to the fact that the commitment offense involved physical violence towards the victim who suffered physical injuries as a result of the inmate's criminal conduct during the commitment offense, the inmate has incurred two RVRs for fighting (demonstrating that he cannot remain violence free and follow CDCR's rules and regulations), and his minimal participation in self-help programming during his incarceration with CDCR to address the circumstances that contributed to his PC 273.5(e)(1) criminal conviction. The aforementioned facts demonstrate that the inmate poses an unreasonable current risk of violence to the community. The inmate is denied for release.</p> <p><i>Cristina Guerrero</i></p>

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<p style="text-align: center;"><b>William Villanueva Price</b></p> <p>SCUK CRCR 12-23809</p>	<p>03/19/2013</p>	<p>PC § 273.5(E)            Corporal Injury to a Spouse w/Prior Conviction</p>		<p>120 mos.</p>	<p>09/20/2019</p>	<p><b>02/12/2020: Expedited Release DENIED.</b></p> <p>Decision based on the reasons stated below:</p> <p>The Board of Parole Hearings (BPH) conducted a review on the merits of the inmate’s case in the nonviolent parole process under current BPH regulations, sections 2449.4 and 2449.5. The BPH finds the inmate poses a current unreasonable risk of violence or current unreasonable risk of significant criminal activity.</p> <p>The inmate has a CSRA score of 1.</p> <p><u>Section 2449.5 (b) &amp; (c) Current Crimes:</u></p> <p>The inmate’s current crimes are PC 273.5(e)(1)-Corporal Injury to Spouse/Cohabitant; sentence doubled per PC1170.12, convicted on 2/5/13.</p> <p>There are aggravating risk factors in this section, which is the victim (inmate’s ex-girlfriend), suffered physical injury and threats of injury.</p> <p>Therefore, the current crimes are an aggravating risk factor in the case.</p> <p><u>Section 2449.5 (d) &amp; (e) Prior Criminal History:</u></p> <p>There are aggravating risk factors in these sections, which are, the inmate was incarcerated for a misdemeanor conviction involving physical injury to a victim and a felony conviction within 5 years prior to the current conviction, and the inmate’s prior criminal convictions coupled with the current convictions show a pattern of assaultive behavior or a pattern of similar criminal conduct that is increasing in severity. (4/24/08)-PC 273.5(e)(1) 3 days jail, (1/28/09)-PC 245(a)(2) - 54 days jail, (11/24/09)-PC 422 &amp; 273.5 - 186 days jail. The inmate was convicted of the current offense on 2/5/13.</p>

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						<p>They do show a current risk of violence or current risk of significant criminal activity because the inmate's prior felony convictions display current violent or threat of violent behavior and therefore is highly relevant to the inmate's current risk of violence. Furthermore, the inmate's prior felony convictions display a continuing pattern of assaultive behavior over an extended period of time, and is highly relevant to the inmate's current risk of violence.</p> <p>Therefore, the prior criminal history is an aggravating risk factor in the case.</p> <p><u>Section 2449.5 (f) &amp; (g) Institutional Behavior:</u></p> <p>Term Start Date: 3/28/13</p> <p>The inmate has no participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior (domestic violence).</p> <p>The inmate has no participation in self-help programming addressing the underlying causes of the inmate's criminality, specifically related to the current crimes. Therefore, the inmate's institutional adjustment is an aggravating risk factor in the case.</p> <p><u>Section 2449.3 Legal Notices:</u></p> <p>There were no responses to Legal Notices.</p> <p><b>SUMMARY:</b> The Board of Parole Hearings took into account the relevance of information based on the passage of time, the inmate's age, and the inmate's physical and cognitive limitation and the totality of the circumstances of the case factors.</p> <p>In totality, the aggravating risk factors outweigh the mitigating risk factors because there are no mitigating risk</p>

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						<p>factors. Therefore, the inmate does pose a current unreasonable risk of violence or current unreasonable risk of significant criminal activity. Release is denied.</p> <p><i>John Garcia</i></p>
<p style="text-align: center;"><b>Jose A. Ramirez</b></p> <p>SCUK CRCR 15-82177</p>	<p>12/14/2015</p>	<p>HS § 11378 Possess a Controlled Substance For Sale</p> <p>PC § 136.1(A)(2) Prevent or Dissuade a Victim/Witness</p> <p>PC § 1170.12 Prior Strike Conviction</p>		<p>72 mos.</p>	<p>08/06/2019</p>	<p><b>11/20/2019: Expedited Release DENIED.</b></p> <p>Decision based on the reasons stated below:</p> <p>Decision for Ramirez, Jose, AY6280: When considering together the findings on each of the inmate's four case factors, the inmate poses a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. Release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offenses mitigate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 6 years on the current commitment offenses. The commitment offenses are PC 136.1(A) Attempt to Prevent/Dissuade Witness Against Testifying, 3 years doubled to 6 years due to a prior strike conviction, HS 11378 Possession of C/S for Sale, 3 years concurrent. The conviction date for these crimes was 10/22/15. The factual basis for each crime was reviewed from the inmate's file, and there were no aggravating circumstances applicable to them.</p> <p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are no aggravating circumstances and the following</p>

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						<p>mitigating circumstances make this a mitigating factor in the case:</p> <ol style="list-style-type: none"> <li>1.The inmate did not personally use a deadly weapon.</li> <li>2.No victims suffered physical injury or threat of physical injury. The inmate attempted to dissuade his sister from testifying against him and was found to have methamphetamine he possessed for purposes of sale.</li> </ol> <p>Therefore, the current crimes are found to be a mitigating risk factor in the case.</p> <p><u>Case Factor #2 - Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 2003 and continued until the commitment offense(s) in 2015. The inmate's prior criminal record is a factor mitigating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions: 2003 PC 245(A)(1) Assault with Force: GBI Likely; 2012 PC 459 Burglary First, 9 months jail; 2014 PC 496(A) Receiving Stolen Property, sentenced to 16 months jail 10/15/14, reduced to a misdemeanor 12/5/14, PC 459 Second Degree Burglary, sentenced to 16 months jail 10/15/14, reduced to a misdemeanor 12/5/14.</p> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence or significant criminal activity are:</p> <ol style="list-style-type: none"> <li>1. The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years. The inmate has no PC 667.5(C) violent convictions.</li> </ol> <p>The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence or significant criminal activity are:</p> <ol style="list-style-type: none"> <li>1. The inmate was incarcerated for a felony conviction within five years prior to his or her</li> </ol>



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						<p>current convictions. On 5/17/12, the inmate was sentenced to serve 9 months jail on a felony conviction for first degree burglary. On 10/15/14, the inmate was sentenced to serve 16 months jail on felony convictions for PC 496(A) Receiving Stolen Property and PC 459 Second Degree Burglary. Both the aforementioned dated are within 5 years of the inmate's conviction date of 10/22/15 on his commitment offenses. The inmates 2014 convictions were reduced to misdemeanors 12/5/14.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record mitigate the inmate's current risk of violence or significant criminal activity because the inmate has not been convicted of a PC 667.5(C) violent offense, and his last conviction involving violent behavior prior to his commitment offenses was in 2003, some 16 years ago. The foregoing mitigating circumstances are found to outweigh the aggravating circumstances of the inmate being sentenced to serve jail time on 3 property crime felony convictions within 5 years of the date of his conviction on the commitment offenses, noting that two of the property crime convictions were subsequently reduced to misdemeanors.</p> <p><u>Case Factor #3 - Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offense(s) since December 25, 2015, a period of approximately 3 years, 11 months.</p> <p>The inmate has been involved in the following activities:  4/23/19 PC 4501 felony conviction - PC 4501 Assault with</p>

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						<p>Force Likely to Cause GBI            Serious RVRs:            Battery on Prisoner 6/13/19, 6/3/17, 7/7/16            Fighting 2/13/19, 4/9/16            Participation in a Riot 2/10/19            Pending Battery Causing Serious Injury 4/24/18</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence or significant criminal activity:            The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> <li>1. The inmate has been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his or her last admission to prison. This includes Battery on Prisoner 6/13/19, 6/3/17, and 7/7/16; Fighting 2/13/19, 4/9/16 and Participation in a Riot 2/10/19.</li> </ol> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity because information in the inmate's file concerning the inmate's programming and institutional behavior was reviewed. The inmate was found guilty of a Rules Violation Report dated 6/13/19 for Battery on Prisoner. The Rules Violation Report indicates a correctional officer observed inmate Ramirez and another inmate striking the victim inmate in the face with their fists. Multiple force options were utilized to stop the attack on the victim inmate. As a result of the inmate's recent violent behavior, approximately 5</p>

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						<p>months ago, it is determined that the inmate's institutional adjustment aggravates his current risk of violence.</p> <p><u>Case Factor #4 - Response to Legal Notice</u></p> <p>There was a response to the Legal Notices in support of release from the inmate, a letter received 9/10/19 which was reviewed and considered in this decision.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the passage of time and the inmate's age, the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's current risk of violence or significant criminal activity.</p> <p>During the inmate's current term of approximately 3 years, 11 months, the inmate has incurred six RVRs that involve physical injury/threat of physical injury, the most recent dated approximately 6 months ago on 6/13/19 for Battery on Prisoner. In 2019 alone, the inmate has been found guilty of RVRs for Participation in a Riot, Fighting and Battery on Prisoner. This recent pattern of violent behavior is found highly probative on the issue of the inmate's current risk of violence. Additionally, the inmate was convicted of a Tate term on 4/23/19 for a violation of PC 4501, Assault with Force Likely to Cause GBI. The underlying offense took place on 4/24/18, when the inmate, and another inmate repeatedly punched the victim inmate in the face and upper torso, refusing to get down when ordered to do so. The victim inmate suffered injuries that included a facial fracture and a laceration to his nose requiring sutures. The foregoing aggravating circumstances are found to outweigh the mitigating circumstances of the absence of a use of a weapon and physical injuries/threat of physical injuries in the</p>

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						<p>commitment offense, the absence of PC 667.5(C) violent convictions and the inmate's positive programming when assessing the inmate's current risk of violence. The inmate is denied for release.</p> <p><i>John Denwir</i></p>
<p style="text-align: center;"><b>Jose A. Ramirez</b></p> <p>SCUK CRCR 15-82177</p>	<p>12/14/2015</p>	<p>HS § 11378 Possess a Controlled Substance For Sale</p> <p>PC § 136.1(A)(2) Prevent or Dissuade a Victim/Witness</p> <p>PC § 1170.12 Prior Strike Conviction</p>		<p>72 mos.</p>	<p>08/10/2020</p>	<p><b>10/13/2020: Expedited Release DENIED.</b></p> <p>Decision based on reasons stated below:</p> <p>Decision for Ramirez, Jose, AY6280: When considering together the findings on each of the inmate's four case factors, the inmate poses a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. Release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offenses mitigate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 6 years on the current commitment offenses. The commitment offenses are PC 136.1(A) Attempt to Prevent/Dissuade Witness Against Testifying, 3 years doubled to 6 years due to a prior strike conviction, HS 11378 Possession of C/S for Sale, 3 years concurrent. The conviction date for these crimes was 10/22/15. The factual basis for each crime was reviewed from the inmate's file, and there were no aggravating circumstances applicable to them.</p> <p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes,</p>

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						<p>there are no aggravating circumstances and the following mitigating circumstances make this a mitigating factor in the case:</p> <ol style="list-style-type: none"> <li>1.The inmate did not personally use a deadly weapon.</li> <li>2.No victims suffered physical injury or threat of physical injury. The inmate attempted to dissuade his sister from testifying against him and was found to have methamphetamine he possessed for purposes of sale.</li> </ol> <p>Therefore, the current crimes are found to be a mitigating risk factor in the case.</p> <p><u>Case Factor #2 - Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 2003 and continued until the commitment offense(s) in 2015. The inmate's prior criminal record is a factor aggravating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions: 2003, PC 245(a)(1) ADW; 2012, PC 459 first degree burglary.</p> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence or significant criminal activity are:</p> <p>The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years.</p> <p>The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence or significant criminal activity are:</p> <p>The inmate was incarcerated for a felony conviction within five years prior to his current convictions, as he served time for the burglary conviction in 2012, and was convicted of the current crimes in October 2015.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal</p>

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						<p>record aggravate the inmate's current risk of violence or significant criminal activity because the rapid return to criminal behavior, in this case within 3 years, is far more probative of Mr. Ramirez' current risk of violence than his lack of any statutorily violent convictions, and far outweighs that sole mitigating factor.</p> <p><u>Case Factor #3- Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since December 22, 2015, a period of approximately 4 years, 9.5 months.</p> <p>The inmate has been involved in the following activities:            Serious RVR's: Dangerous contraband, (an inmate manufactured needle that stuck an officer) May 2016; 3 Fights, March 2020, February 13, 2019, &amp; April 2016; Riot, February 10, 2019; 3 batteries on inmates, June 2019, June 2017, &amp; July 2016; battery on inmate with serious injury, April 2018, for which he received a consecutive 4 year term that has not yet started.</p> <p>Confidential: Reliable memo dated 12/4/16 indicating criminal activity.</p> <p>Work: None.</p> <p>Vocational: None.</p> <p>Education: ABE April to June 2016.</p> <p>Self-Help: Anger Management, 6 hours.</p> <p>Criminal Thinking, 9.75 hours.</p> <p>AA, 18.5 hours.</p> <p>CGA, 21.5 hours.</p> <p>Celebrate Recovery, 1.25 hours. It is noted that he appears to have completed no courses, and was unassigned from several for lack of commitment.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence or significant</p>

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						<p>criminal activity:            There are no mitigating circumstances.            The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> <li>1.) The inmate has been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison, the 8 RVR's involving violence noted above;</li> <li>2.) There is reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since his last admission to prison, the noted memo;</li> <li>3.) The inmate has limited to no participation in available vocational, educational, or work assignments; as he has just 3 months of ABE in almost 5 years and nothing else; and</li> <li>4.) The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior, such as gang involvement. As noted, he was unassigned from several courses, and has limited attendance overall. In the almost 5 years he has been in prison, he has attended 57 hours of self-help. This equals less than 3.5 days, or in terms of a 40 hour work week, less than 1.5 weeks of work in almost 5 years. This is the definition of limited.</li> </ol> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity because of the following: The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal</p>
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						<p>behavior, and has engaged in both criminality and repeated violence while in prison. Overall, he has had 8 violent RVR's: 3 fights, a riot, 3 batteries, and a battery with serious injury. As noted, during the almost 5 years he has been in prison, he has engaged in only 57 hours of self-help. This is not a sustained period of self-help, as analyzed and demonstrated above. In addition, despite taking some Self-Help, he continues to engage in violence, as evident from his most recent RVR for fighting 7 months ago. This shows the classes were ineffective and did not alter his violent behavior. Therefore, he has not successfully engaged in self-help. Furthermore, he has engaged in criminality in prison, as indicated by the reliable confidential memo referenced above. Therefore, it is evident he has not successfully participated in sustained rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior, thus aggravating his institutional adjustment.</p> <p><u>Case Factor #4- Response to Legal Notice</u>            There were no responses to Legal Notices.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the passage of time, the inmate's age of 37, and any physical and cognitive limitations, the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's current risk of violence or significant criminal activity.</p> <p>In reaching the decision articulated herein, the author fully considered any mitigating impact of each documented disability on all of the factors considered. As discussed and analyzed above, all areas were deemed aggravating. Mr. Ramirez has consistently engaged in the use of violence for the past 5 years. His current crime involved him</p>



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						<p>threatening his own sister with harm if she pursued charges against him for burglarizing her house. He was convicted of that crime within less than 4 years after serving time for a prior felony. While in prison after that conviction, he greatly escalated his violent behavior, engaging in 8 acts of violence as noted, the most recent 7 months ago. Also notable is the fact that despite him being sentenced in April 2019 to an additional 4 years (a term which has yet to start) for battering an inmate in 2018, even that did not deter his violence: he has engaged in violent acts twice after that sentencing. Many of his RVR's were received after he engaged in at least some Self-Help, indicating the classes were ineffective at altering his violent behavior. These facts show he has been behaving in the same violent way for at least 5 years now, and appears to have made no changes to reduce or mitigate his risk of violence. Despite being incarcerated for almost 5 years, he has engaged in extremely limited self-help programming: 57 hours. These facts indicate he has not addressed, or seriously attempted to address, the underlying reasons for his repeated violence related criminality. This also suggests he is unable, or unwilling, to correct his violent behavior. This is highly probative of his current risk and likewise clearly shows he poses a current unreasonable risk of violence. These facts also outweigh any applicable mitigating factors, and are indicative of an entrenched and violent criminal mindset that has not yet been addressed. Any mitigating circumstances are so minimal as to have no notable mitigating effect on these aggravating facts. As such, the inmate poses a current unreasonable risk of violence to the community. The inmate is denied for release.</p> <p style="text-align: right;"><i>Dale Pomerantz</i></p>

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<p><b>Billy Joe Rickman</b></p> <p>SCUK CRCR 16-85102 SCUK CRCR 16-86758</p>	<p>12/01/2016</p>	<p>PC § 236/210.5 False Imprisonment/Hostage</p> <p>PC § 245(a)(1) Assault w/Deadly Weapon</p> <p>PC § 1170.12 Prior Strike Conviction</p>		<p>96 mos.</p>	<p>10/06/2020</p>	<p><b>11/18/2020: Expedited Release DENIED.</b></p> <p>Decision based on reasons stated below:</p> <p>Decision: When considering together the findings of each of the four factors for inmate Billy Rickman (BB8011), they show that he poses an unreasonable risk of violence to the community. Early release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 – Current Commitment Offense</u></p> <p>The circumstances of the inmate’s current commitment offenses aggravate the inmate’s current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 8 years on the current commitment offenses. The commitment offenses are PC 245(a)(1), ADW, and PC 236 false imprisonment with force. In March of 2016, he assaulted and beat a man with a baton. In July of 2016, he and a co-defendant entered a residence without permission and assaulted the two women inside, while blocking them from escaping. When police arrived, they tried to prevent them from entering, and he then ran to try and escape. When police caught him, he fought with them, trying to use a knife he had holstered on his waist. The police had to subdue him with a TASER. He was sentenced to a second strike double term of 3 years for the false imprisonment, and 1 year for the ADW. Enhancements of 4 years were added per PC 667.</p> <p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are aggravating circumstances in the case and the following aggravating circumstances make this an aggravating factor in the case:</p>

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						<p>The inmate personally used a deadly weapon, a baton; and There were one or more victims who suffered physical injury or threat of physical injury. In these cases, it was his three victims and the police when he resisted arrest. Therefore, the current crimes are found to be an aggravating risk factor in the case.</p> <p><u>Case Factor #2 – Prior Criminal Record</u></p> <p>The inmate’s prior criminal history began in 1992 and continued until the commitment offenses in 2016. The inmate’s prior criminal record is a factor aggravating the inmate’s current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions: 1992, PC 459 2nd Degree Burglary; 1993, PC 496.1 Receiving Stolen Property; 1993, PC 459 1st Degree Burglary; 1997, H&amp;S 11378 Possession of drugs for sale; 2002, PC 12316(b) Possession of Ammo by felon; 2003, PC 273.5(a) Corporal Injury; 2011, another H&amp;S 11378; 2013, PC 21310 Possession of an illegal Dirk or Dagger.</p> <p>The circumstances of the inmate’s prior criminal record that mitigate the inmate’s current risk of violence or significant criminal activity are:</p> <p>The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years.</p> <p>The circumstances of the inmate’s prior criminal record that aggravate the inmate’s current risk of violence or significant criminal activity are:</p> <p>The inmate’s prior criminal convictions, coupled with his current convictions, show a pattern of assaultive behavior. As is evident, he has a prior conviction for corporal injury, and both of the current crimes were assaultive; and the inmate was incarcerated for a felony conviction within five years prior to his current convictions, as he was paroled in August 2014 and convicted in November 2016, just over 2</p>

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						<p>years later.            Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record aggravate the inmate's current risk of violence or significant criminal activity because of the following: the rapid return to criminal behavior, in this case within just over 2 years, is far more probative of the inmate's current risk of violence than his lack of any statutorily violent convictions, and far outweighs that sole mitigating factor.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since December 22, 2016, a period of approximately 3 years, 11 months.</p> <p>The inmate has been involved in the following activities:            Serious RVR's: cell phones or cell phone parts, January 2019, May 2019, April 2020; hypodermic needle, January 2019.</p> <p>Work: Porter, cook, in PIA egg production, and as a clerk.            Vocational: None.            Education: SOMS shows 1 hour of college in 2019.            Self-Help. 1 certificate for completing a 12 step program in 2017. (The certificate does not indicate the hours; SOMS shows 1 hour of attendance.) It is also noted he was assigned to AA and NA in January 2020 but did not attend, being dropped for a lack of commitment. The same holds true for a February 2020 assignment to Anger Management.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence or significant criminal activity:            The inmate has not been found guilty of institutional Rules</p>

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						<p>Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison;            There is no reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since his last admission to prison.            The inmate has successfully participated in vocational, educational, or work assignments for a sustained period of time, given his work efforts.            The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity:            The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior, as he has at most completed a single 12 step program 3 years ago. He has done nothing else, so his self-help is limited.            Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity because of the following: The lack of any notable self-help is highly probative of his current risk, and indicates an aggravation of that risk. This lack of addressing the reasons for his lifetime of criminality far outweighs the mitigating circumstances and makes his institutional adjustment an aggravating factor.</p> <p><u>Case Factor #4 – Response to Legal Notices</u></p> <p>There were no responses to Legal Notices.</p>

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						<p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the passage of time, the inmate's age of 47, and any physical and cognitive limitations, the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's current risk of violence or significant criminal activity.</p> <p>As is evident, all areas were deemed aggravating, as discussed above. Mr. Rickman has engaged in repeated similar criminality for his entire adult life. His criminality spans a period of 24 years: 1992 to 2016, ages 19 to 43. This is his 6th prison term, and he was convicted of the current crimes just over 2 years after being paroled from his 5th prison term. The current crimes involved the use of violence and caused injury to multiple victims. They also represent a continuation of his prior assaultive behavior, in that he was previously convicted of corporal injury. During the almost 4 years he has been in prison after the current convictions, he has in essence taken no notable self-help to address the reasons for his life-long criminality. These facts show he has not addressed, or seriously attempted to address, the underlying reasons for his repeated criminality. This also suggests he is unable, or unwilling, to correct his violent and criminal behavior. This is highly probative of his current risk and likewise shows he poses a current unreasonable risk of violence. These facts also outweigh any applicable mitigating factors, and are indicative of an entrenched and violent criminal mindset that has not yet been addressed. Any mitigating circumstances are minimal and have little to no mitigating effect on these aggravating facts. As such, the inmate poses a current unreasonable risk of violence to the community. The inmate is denied for release.</p> <p><i>Dale Pomerantz</i></p>
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<p><b>Billy Joe Rickman</b></p> <p>SCUK CRCR 16-85102 SCUK CRCR 16-86758</p>	<p>12/01/2016</p>	<p>PC § 236/210.5 False Imprisonment/Hostage</p> <p>PC § 245(a)(1) Assault w/Deadly Weapon</p> <p>PC § 1170.12 Prior Strike Conviction</p>		<p>96 mos.</p>	<p>10/07/2019</p>	<p><b>03/17/2020: Expedited Release DENIED.</b></p> <p>Decision based on reasons stated below:</p> <p>Decision: When considering together the findings of each of the four factors for inmate Billy Rickman (BB8011), they show that he poses an unreasonable risk of violence to the community. Early release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 – Current Commitment Offense</u></p> <p>On 12/1/2016, the inmate was sentenced for the 11/4/2016 convictions for PC 236/210.5 [False Imprisonment for purposes of Protection From Arrest/Shield] enhanced by PC 1170.12 [Strike Prior], PC 245(a)(1) [Assault with a Deadly Weapon] enhanced by PC 1170.12 [Strike Prior].</p> <p>On 7/28/2016, the inmate used another person as a shield in the attempt to avoid being arrested by law enforcement whom had arrived at a residence to execute an arrest of the inmate. When officers arrived at the scene, the inmate threatened a victim if the person did not assist him in avoiding capture. The inmate then pushed the individual into a door and told him to keep it closed or he would kill him. The inmate was eventually captured when he ran out of another door.</p> <p>On 3/2/2016, the inmate struck another male (victim) several times with an expandable baton during an altercation that turned into a fight. The victim suffered injuries to his face, hands, arms, and legs.</p> <p>There are aggravating risk factors in these sections, which are:</p> <p>The inmate personally used a deadly weapon. As indicated</p>

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						<p>above, the inmate used a baton in the assault upon the victim on 3/2/2016.</p> <p>There were one or more victims who suffered physical injury or threat of injury. Again, the victim of the assault on 3/2/2016 suffered injuries to his face, hands, arms, and legs. Additionally, on 7/28/2016, there were other individuals present at the residence when the inmate used a victim as a shield to avoid arrest. These individuals were all placed in threat of physical injury as a result of the inmate's actions.</p> <p>Therefore, the current crimes are an aggravating risk factor in the case.</p> <p><u>Case Factor #2 – Prior Criminal Record</u></p> <p>The inmate has the following relevant criminal history:            1992- PC 459 [2nd Degree Burglary]; 1993- PC 496.1 [Receiving Stolen Property]; 1993- [PC 459 [1st Degree Burglary]; 1997- HS 11378 [Possession of Controlled Substance for Sale]; 2002- PC 12316(b) [Possession of Ammo by Prohibited Person]; 2003- PC 273.5(a) [Infliction of Corporal Injury on Spouse/Cohabitant]; 2011- HS 11378 [Possession of Controlled Substance for Sale]; 2013- PC 21310 [Possession of Dirk/Dagger].</p> <p>There are aggravating risk factors in these sections, which are:</p> <p>The inmate was incarcerated for a felony conviction within 5 years prior to the current conviction. The inmate was released from his most recent prison commitment on 8/2/2014 and was convicted of his current commitment offenses on 11/4/2016. This is a period of 2 years, 3 months between dates.</p> <p>They do show a current risk of violence or current risk of significant criminal activity because the inmate has been unable to remain free from incarceration for any significant period of time dating back over 18 years. The</p>



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						<p>inmate has continued to engage in significant criminal activity for an extended period of time, demonstrating an unabated criminal disposition that is highly relevant to his current risk of violence.  Therefore, the prior criminal history is an aggravating risk factor in the case.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The inmate has several serious rules violations during this commitment period, but he has not been found guilty of institutional Rules Violation Reports resulting in physical injury or threat of physical injury and has no reliable confidential information of criminal activity since last admission to prison.  However, the inmate has limited participation in self-help programming addressing the underlying causes of the inmate’s criminality, specifically related to the current crimes. The inmate has participated in NA, AA, Anger Management, and Anger Management Meditation. He has also participated in Celebrate Recovery Group meetings. These efforts do not reflect participation for a sustained period. The inmate is in need of rehabilitative and self-help programming participation for a sustained period of time in order to gain the necessary insight into the causative factors behind his assaultive criminal behavior and substance abuse issues.  Therefore, the inmate’s institutional adjustment is an aggravating risk factor in the case.</p> <p><u>Case Factor #4 – Response to Legal Notices</u></p> <p>There were no responses to Legal Notices.</p> <p><b>SUMMARY:</b> The Board of Parole Hearings took into account the relevance of information based on the</p>

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						<p>passage of time, the inmate's age, and the inmate's physical and cognitive limitation and the totality of the circumstances of the case factors.</p> <p>In totality, the aggravating risk factors outweigh the mitigating risk factors because there are no mitigating case factors to consider in the overall analysis. Therefore, the inmate does pose a current unreasonable risk of violence or significant criminal activity. Release is denied.</p> <p><i>Timothy Kelly</i></p>
<p><b>Billy Joe Rickman</b></p> <p>SCUK CRCR 16-85102 SCUK CRCR 16-86758</p>	<p>12/01/2016</p>	<p>PC § 236/210.5 False Imprisonment/Hostage</p> <p>PC § 245(a)(1) Assault w/Deadly Weapon</p> <p>PC § 1170.12 Prior Strike Conviction</p>		<p>96 mos.</p>	<p>10/05/2021</p>	<p><b>11/30/2021: Expedited Release DENIED.</b></p> <p>Decision based on reasons stated below:</p> <p>When considering together the findings of each of the four factors for inmate Billy Joe Rickman (BB5011), they show that he poses an unreasonable risk of violence to the community. Early release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 – Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offenses aggravate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of eight years on the current commitment offenses. The commitment offenses are PC 245(a)(1) (assault with a deadly weapon), for which the inmate received a sentence of one year which was doubled in accordance with PC 667(b)-(i)/PC 1170.12, and PC 236/210.5 (false Imprisonment for purposes of protection from arrest), three years doubled.</p> <p>On 3/2/2016, the inmate struck a man several times with</p>

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						<p>an expandable baton during an altercation. The victim suffered injuries to his face, hands, arms, and legs. On 7/28/2016, the inmate attempted to flee from police officers and entered a residence without permission. He assaulted the two women inside while blocking them from escaping. When police arrived, the inmate tried to prevent them from entering, and he then ran to try and escape. When police caught him, he resisted arrest while reaching toward a knife he had holstered on his waist. After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are aggravating circumstances in the case and the following aggravating circumstances make this an aggravating factor in the case:</p> <ol style="list-style-type: none"> <li>1. The inmate personally used a deadly weapon, namely, a baton.</li> <li>2. There were one or more victims who suffered physical injury or threat of physical injury.</li> </ol> <p>Therefore, the current crimes are found to be an aggravating risk factor in the case.</p> <p><u>Case Factor #2 – Prior Criminal Record</u></p> <p>The inmate’s prior criminal history began in 1992 and continued until the commitment offenses in 2016. The inmate’s prior criminal record is a factor aggravating the inmate’s current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions:            1992: PC 459 (2nd Degree Burglary);            1993: PC 496.1 (Receiving Stolen Property); PC 459 (1st Degree Burglary); 1997: HS 11378 (Possession of Controlled Substance for Sale);            2002: PC 12316(b) Possession of Ammunition by Felon;            2003: PC 273.5(a) Inflicting Corporal Injury on Co-Habitant);</p>

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						<p>2011: HS 11378; 2013: PC 21310 (Possession of Dirk or Dagger) The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence or significant criminal activity are: The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years. The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence or significant criminal activity are:</p> <ol style="list-style-type: none"> <li>1. The inmate's prior criminal convictions coupled with his current convictions show a pattern of assaultive behavior. He was convicted of a PC 273.5 offense in 2003, and his current convictions are the result of two separate assaultive offenses.</li> <li>2. The inmate was incarcerated for a misdemeanor conviction involving physical injury to a victim or a felony conviction within five years prior to his or current convictions. He was twice released on PRCS, on 9/23/12 and 8/2/14, and the date of his current conviction was 11/4/16.</li> </ol> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since December 22, 2016, a period of approximately five years. The inmate has been involved in the following activities: Education: None reported. Work: PIA Egg Production Cook Clerk</p>

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						<p>Trash Operations Self-Help/Rehabilitation: Celebrate Recovery Inmate Faith Group Transitions</p> <p>The inmate has been found guilty of serious RVRs issued on the following dates: Possession of cellular telephone on 4/29/21, 4/11/20, 5/28/19; Possession of drug paraphernalia on 1/21/19; Constructive possession of wireless device component on 1/21/19.</p> <p>The following circumstances of the inmate’s institutional behavior, work history, and rehabilitative programming mitigate the inmate’s current risk of violence or significant criminal activity: There is no reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since his last admission to prison.</p> <p>The following circumstances of the inmate’s institutional behavior, work history, and rehabilitative programming aggravate the inmate’s current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> <li>1.The inmate has been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison or has one or more recent serious institutional Rules Violation Reports. He has been found guilty of a serious RVR within the past year.</li> <li>2.The inmate has limited participation in available vocational, educational, or work assignments. His experience in these areas amounts to less than two years in somewhat sporadic work assignments, with nearly 400 hours of unexcused absence in a recent assignment. He has no participation in education or vocation assignments.</li> <li>3.The inmate has limited participation in available rehabilitative or self-help programming to address the</li> </ol>

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						<p>circumstances that contributed to his criminal behavior. He has taken some positive steps, but in light of his lengthy criminal history and relatively recent assaultive commitment offenses, his participation in a 12-step program more than four years ago and a Transitions assignment nearly a year ago cannot be considered sufficient.</p> <p><u>Case Factor #4 – Response to Legal Notices</u></p> <p>There were no responses to Legal Notices.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the passage of time and the inmate's age, the factors mitigating the inmate's current risk of violence outweigh the factors aggravating the inmate's current risk of violence or significant criminal activity.</p> <p>All factors are in aggravation of risk. The inmate's commitment offenses demonstrated assaultive and dangerous conduct twice in short period of time and soon after his release from prison following prior felony convictions. The balance is further tipped when weighing the inmate's recent misconduct and his limited participation in programs meant to address the circumstances that contributed to his criminal behavior. His institutional behavior does not yet adequately demonstrate rehabilitation. The inmate is denied for release.</p> <p><i>Daniel Blake</i></p>
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<p><b>Christian Ivan Rios-Avila</b></p> <p>SCTM CRCR 20-34042</p>	<p>07/17/2020</p>	<p>PC § 69(A) Resisting Arrest</p> <p>PC § 12022.7(A) Inflicting Great Bodily Injury</p> <p>PC § 69(A) Resisting Arrest</p> <p>PC § 69(A) Resisting Arrest</p> <p>PC § 1170.12 Prior Strike Conviction</p>		<p>64 mos.</p>	<p>07/19/2021</p>	<p><b>09/16/2021: Expedited Release DENIED.</b></p> <p>Decision based on reasons stated below:</p> <p>When considering together the findings of each of the four factors for inmate Christian Rios-Avila (BE5030), they show that he poses an unreasonable risk of violence to the community. Early release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 – Current Commitment Offense</u></p> <p>The circumstances of the inmate’s current commitment offenses aggravate the inmate’s current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 5 years and 4 months on the current commitment offenses. The commitment offenses are:  Los Angeles County – VA145608  On 09/13/17, the inmate was convicted of a P.C. 245(c), assault on a peace officer, and received the median term of 4 years, a V.C. 10851(a), unlawful taking of a motor vehicle, 8 months consecutive, which is one third the median term, and a V.C. 2800.2, reckless evading, 8 months consecutive. On 08/21/17, the inmate (driver of vehicle) swerved his vehicle towards the driver’s side of a patrol vehicle and nearly collided with the patrol vehicle. The inmate then fled from law enforcement while traveling at speeds of 120 miles per hour, making unsafe lane changes, and ultimately losing control of the vehicle while attempting to exit the freeway. The inmate’s vehicle collided with another vehicle. The inmate and occupants then fled by foot after the crash. The inmate’s passenger suffered a cut on the knee. The inmate admitted to ingesting PCP.</p>

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						<p>Mendocino County – SCTMCRCR2034042</p> <p>On 06/19/20, the inmate was convicted of (3) separate counts of a P.C. 69, resisting an executive officer, and received the mitigated term of 16 months for the principle count, which was doubled to 32 due to the admission of a strike prior conviction. The inmate received 16 months consecutive (one third the median term doubled) for the second count (P.C. 69) and 16 months consecutive for the third count (P.C. 69). The inmate was ordered to serve the sentence concurrent to VA145608. On 03/02/19, the inmate was in custody at Parlin Fork Camp. The inmate was visibly intoxicated and had facial injuries consistent with a physical altercation. Correctional staff ordered the inmate to submit to handcuffs. The inmate became combative and resisted correctional staff while they attempted to restrain the inmate. The inmate thrashed and used his legs to kick correctional staff.</p> <p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are aggravating circumstances in the case and the following aggravating circumstances make this an aggravating factor in the case:</p> <p>The inmate personally used a deadly weapon (vehicle). There were one or more victims who suffered physical injury or threat of physical injury. Therefore, the current crimes are found to be an aggravating risk factor in the case.</p> <p><u>Case Factor #2 – Prior Criminal Record</u></p> <p>The inmate’s prior criminal history began in 2014 and continued until the commitment offenses in 2020. The inmate’s prior criminal record is a factor aggravating the inmate’s current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions:</p>



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						<p>The inmate's prior adult criminal history began in 2014 and continued until the current convictions in 2020. The inmate has a lengthy criminal history, including the following felony convictions:            2016: V.C. 2800.2, reckless evading.            2015: P.C. 29800(a)(1), felon in possession of a firearm.            2014: V.C. 2800.2, reckless evading.</p> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence or significant criminal activity are:            The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years.</p> <p>The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence or significant criminal activity are:            The inmate was incarcerated for a felony conviction within five years prior to his current convictions. The inmate's date of last release occurred on 03/27/16 and the inmate suffered the current commitment conviction on 09/13/17. The inmate was free of custody for 1 year and 6 months.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record aggravate the inmate's current risk of violence or significant criminal activity because the inmate has failed to remain free of custody for 5 or more years. It is noted the inmate has abstained from a violent felony conviction within the meaning of P.C. 667.5(c), however, the inmate failed to remain free of custody for a meaningful period of time. Moreover, the inmate's last commitment conduct for similar conduct (V.C. 2800.2), which is extremely dangerous to the community, as he continues to expose pedestrians, civilian motorists and law enforcement to risk of serious or fatal vehicle collisions. The lack of remaining free for a sustained period of time outweighs the lack of a</p>

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						<p>P.C. 667.5(c) conviction, thus, the inmate's prior criminal record is aggravating.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since October 17, 2017, a period of approximately 3 years and 11 months.</p> <p>The inmate has been involved in the following activities:  SERIOUS RULE VIOLATION(S):  08/13/2019: Unauthorized possession of drug paraphernalia.  03/02/2019: Refusing to Provide Urine Sample for Testing.  03/02/2019: Battery Causing Serious Injury.  03/02/2019: Fighting.  01/07/2019: Possession of dangerous contraband.  09/19/2018: Possession of Alcohol.  08/08/2018: Possession of Alcohol.  CONFIDENTIAL MEMORANDUM(S):  None.  WORK ASSIGNMENT(S):  02/26/2019 - 03/03/19: Parlin Fork Camp Firefighter-Baker; 0.0 hours.  10/23/2018 - 02/25/19: Parlin Fork CAMP LABORER; 0.0 hours.  VOCATION:  Vocation Computer &amp; Related Technology; 128.0 hours.  EDUCATION:  AA/AS Degree COLLEGE; 0.0 hours.  Voluntary GED; 0.0 hours.</p> <p>SELF-HELP/REHABILITATION:  SUBSTANCE ABUSE RECOVERY SUPPORT GROUPS  Alcoholics/Narcotics Anonymous; 0.0 hours.  VISUAL AND PERFORMING ARTS Arts in Corrections-</p>

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						<p>Drawing; 0.0 hours.            ANGER MANAGEMENT; 11.75 hours.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence or significant criminal activity:            There is no reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since his last admission to prison.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity:            The inmate has been found guilty of institutional Rules Violation Reports resulting in physical injury or threat of physical injury since his last admission to prison or has one or more recent serious institutional Rules Violation Reports.</p> <p>The inmate has limited participation in available vocational, educational, or work assignments. The inmate's participation in this category is limited at this time, and further participation will assist the inmate in developing a trade or skill that will assist the inmate in obtaining employment upon his release.</p> <p>The inmate's self-help is not sufficient because the inmate has not sufficiently addressed the violent and threatening conduct and substance/alcohol abuse. The inmate's Los Angeles commitment conduct included threats of serious bodily injury when he drove a vehicle at excessive speeds, while under the influence and PCP and caused a motor vehicle collision. At this time, the inmate's self-help is minimal and he continues to consume substances (alcohol) and engage in violence while under the influence. The inmate's recent institutional conduct parallels his first commitment offense, and the continued criminal conduct</p>

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						<p>demonstrates a lack of internalization of self-help and continued willingness to exercise criminal thinking.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity because the inmate's self-help is not sufficient to offset his dangerous commitment conduct, and continued institutional violence, and substance/alcohol abuse. The mitigating circumstances are heavily outweighed by the aggravating circumstances, due to the lack of self-help programming to address the dangerous commitment conduct. Therefore, the inmate's institutional conduct is aggravating at this time.</p> <p><u>Case Factor #4 – Response to Legal Notice</u></p> <p>The Board of Parole Hearings received responses to the legal notices regarding the inmate's nonviolent review. The following responses were reviewed and considered in this decision: the Los Angeles County District Attorney's Office, dated 08/03/21; the Inmate, received 08/06/21.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the passage of time, the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's current risk of violence or significant criminal activity.</p> <p>The inmate's prior criminal history is aggravating as the inmate was free of custody less than five years. The inmate's current commitment offenses are aggravated as it involved the threat of physical injury and actual violence. Furthermore, the inmate's institutional adjustment is aggravating and is heavily weighted. Therefore, the</p>

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						<p>aggravating factors outweigh any mitigating factors at this time.            In weighing these factors, and taking into account the totality of the circumstances, the circumstances aggravating the inmate's risk outweigh those mitigating the inmate's risk. It is, therefore, determined at this time that the inmate does pose a current, unreasonable risk of violence, or a current, unreasonable risk of significant criminal activity. The inmate is denied for release.</p> <p><i>Ryan Hickey</i></p>
<p><b>Daniel Caleb Risch</b>  SCUK CRCR 20-35245</p>	<p>02/24/2021</p>	<p>PC § 496D(A) Possession of Stolen Property- Vehicle</p> <p>PC § 664/10851(A) Attempted Theft of a Vehicle</p> <p>PC § 1170.12 Prior Strike Conviction</p>		<p>32 mos.</p>	<p>04/16/2021</p>	<p><b>06/04/2021: Expedited Release GRANTED.</b></p> <p>Decision for Risch, Daniel, BN2934: When considering together the findings on each of the inmate's four case factors, the inmate does not pose a current, unreasonable risk of violence or a risk of significant criminal activity to the community. Release is approved.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offenses mitigate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 2 years and 8 months on the current commitment offenses. The commitment offenses are</p> <p>(1) PC 496(d)(a) receiving a stolen vehicle for which the inmate received a term of 1 year and 4 months (8 months doubled as a second strike)</p> <p>(2) VC 10851(a)/664 attempted vehicle theft for which the inmate received a term of 1 year and 4 months (8 months doubled as a second strike)</p>

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						<p>On 05/31/20, the inmate was discovered sleeping in a Mercedes vehicle parked on the shoulder of highway 101. He provided a passport which did not belong to him. The Mercedes was later determined to be stolen.</p> <p>On 06/01/20, the two victim's discovered the inmate sitting in their vehicle attempting to start it. The inmate fled when the victims attempted to remove him from the vehicle. He was tackled by the victims who restrained him until law enforcement arrived.</p> <p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are no aggravating circumstances and the following mitigating circumstances make this a mitigating factor in the case:</p> <ol style="list-style-type: none"> <li>1. The inmate did not personally use a deadly weapon.</li> <li>2. No victims suffered physical injury or threat of physical injury.</li> </ol> <p>Therefore, the current crimes are found to be a mitigating risk factor in the case.</p> <p><u>Case Factor #2 – Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 2006 and continued until the commitment offenses in 2020. The inmate's prior criminal record is a factor aggravating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions:</p> <p>2006 – PC 4532(d) escape from jail  2006 – HS 11377(a) possession of a controlled substance  2006 – PC 496(a) receiving stolen property  2011 – PC 211 second degree robbery  2017 – PC 496(d) possession of a stolen vehicle</p> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence or</p>

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						<p>significant criminal activity are:  None  The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence or significant criminal activity are:</p> <ol style="list-style-type: none"> <li>1. The inmate has a violent felony conviction as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years. The inmate was convicted of second degree robbery (a 667.5(c) offense) in 2011.</li> <li>2. The inmate was incarcerated for a felony conviction within five years prior to his current convictions. The inmate was released from his last commitment on 01/05/19 and he was convicted of his current offenses on 03/30/21. Thus, he was only able to remain free of conviction in the community for a little over one year.</li> </ol> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record aggravate the inmate's current risk of violence or significant criminal activity because there are no mitigating circumstances. In aggravation, the inmate exhibited violence in his 667.5.(c) robbery in 2011 and the inmate recidivated quickly in the community upon his last release.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since April 30, 2021, a period of approximately 1 month.</p> <p>The inmate has been involved in the following activities:  Rules Violations  - None  Confidential Information  - None  Vocational Assignment Participation</p>

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						<p>- None  Work Assignment Participation  - None  Educational Assignment Participation  - None  Program Participation  - None</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> <li>1. The inmate has not been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison.</li> <li>2. There is no reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since his last admission to prison.</li> </ol> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> <li>1. The inmate has no participation in available vocational, educational, or work assignments. As a person with property crimes, the inmate would benefit from participation in work, education or vocational assignments to gain the habits and skills to support himself by legitimate means. He is encouraged to do so.</li> <li>2. The inmate has no participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior. The inmate's commitment offense involved a situation where attempted to steal a vehicle. The inmate has, thus far, engaged in no programming to deal with the victimizing circumstances of his commitment offense.</li> </ol>
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						<p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence or significant criminal activity because greater weight is given to the inmate's institutional compliance since it shows he can obey the rules of the institution and so will remain law abiding if released. Lesser weight is given to the absence of assignment participation and programming since his commitment offenses were crimes against property so the need for such assignment and programs participation is less.</p> <p><u>Case Factor #4 – Response to Legal Notice</u></p> <p>There were no responses to Legal Notices.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the inmate's age of 39 and relatively short period of incarceration to date, the factors mitigating the inmate's current risk of violence outweigh the factors aggravating the inmate's current risk of violence or significant criminal activity.</p> <p>In summary, the aggravating factor of the inmate's prior criminal history is outweighed by the mitigating factors of the inmate's commitment offense and institutional adjustment. The inmate's prior criminal history was aggravating due to the inmate's inability to remain out of custody for a sustained period. It was also considered that the inmate had a robbery in 2011. However, that circumstance was given less weight since it occurred over 9 years ago and so was time mitigated. On the other hand, the inmate's commitment offenses were mitigating since they were crimes against property. Finally, the inmate's institutional adjustment was mitigating because the</p>

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						<p>inmate remained institutionally compliant by incurring no rules violations or reports of criminal activity demonstrating he can abide by the rules of the institution and so will do so if released. The inmate is approved for release.</p> <p><i>Edward Taylor</i></p>
<p><b>Harold Lloyd Rogers</b></p> <p>SCUK CRCR 14-78953</p>	<p>12/17/2015</p>	<p>VC § 23152(E)/23550.5(A) [DUI- drugs w/felony prior DUI]</p> <p>PC § 1170.12 Prior Strike Conviction</p> <p>PC § 667.5(b) X 2 Prior Prison Commitment</p>		<p>96 mos.</p>	<p>07/03/2018</p>	<p><b>08/15/2018: Expedited Release DENIED.</b></p> <p>Decision based on reasons stated below:</p> <p>Decision: When considering together the findings of each of the four factors for inmate Harold Rogers (AY6278), they show that he poses an unreasonable risk of violence to the community. Early release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offense aggravate the inmate's current risk of violence. The inmate was sentenced to a total term of eight years on the current commitment offense. The commitment offenses are VC 23152(E)/23550.5(A)(1), DUI within 10 years of other specified violations and PC 667.5(b), prior prison term, as an enhancement. On June 6, 2014 police responded to the scene of a traffic collision. The inmate had hit a tree and evidenced signs of intoxication. He was driving on a suspended license. During the probation investigation, the inmate indicated he had substituted methamphetamine for alcohol as his drug of choice. After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes,</p>

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						<p>there are aggravating circumstances in the case and the following aggravating circumstances make this an aggravating factor in the case:</p> <ol style="list-style-type: none"> <li>1. The inmate personally used a deadly weapon.</li> <li>2. There were one or more victims who suffered physical injury or threat of physical injury.</li> <li>3. The inmate created a threat of violence by driving under the influence of alcohol/drugs and caused an accident and self-inflicted injuries.</li> </ol> <p>Therefore, the current crimes are found to be an aggravating risk factor in the case.</p> <p><u>Case Factor #2 - Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 1985 and continued until the commitment offenses in 2014. The inmate's prior criminal record is a factor aggravating the inmate's current risk of violence. The inmate has the following adult criminal convictions: In 1985 the inmate was convicted of PC 459, first degree burglary, in 1989, PC 470, forgery, in 1991, PC 4573.6, possession of drugs in prison, in 2001, PC 10851 (a), vehicle theft, in 2001, PC 4532(b), escape from custody, in 2007 VC 23152(b)/23550(a), DUI/habitual traffic offender, and in 2009, VC23152(b)/23550.5(a), DUI/habitual traffic offender/multiple offenses within 10 years.</p> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence are:  The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years.</p> <p>The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence are:</p> <ol style="list-style-type: none"> <li>1. The inmate's prior criminal convictions coupled with his current convictions show a pattern of assaultive behavior or a pattern of similar criminal conduct that is</li> </ol>
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						<p>increasing in severity. The inmate has multiple DUI convictions and is a habitual traffic offender.</p> <p>2. The inmate was incarcerated for a felony conviction within five years prior to his current convictions. The inmate was paroled July 15, 2011 and re-offended June 6, 2014.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record aggravate the inmate's current risk of violence. The inmate has a pattern of similar criminal conduct with multiple drug and alcohol related offenses, and coupled with his current DUI conviction, exhibits a pattern that is increasing in severity as this offense involved a traffic accident. He re-offended within three years of his parole for DUI within 10 years and as a habitual traffic offender.</p> <p><u>Case Factor #3 - Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since December 22, 2015, a period of approximately 2 years 8 months.</p> <p>The inmate has been involved in the following activities: He has worked as a porter, a satellite kitchen worker, and as an inmate day laborer.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence:</p> <p>1. The inmate has not been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison.</p> <p>2. There is no reliable information in the confidential section of the inmate's central file indicating</p>

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						<p>the inmate has engaged in criminal activity since his last admission to prison.</p> <p>3. The inmate has successfully participated in vocational, educational, or work assignments for a sustained period of time.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence:  The inmate has limited or no participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior, such as substance abuse. The inmate is an admitted alcoholic/drug addict and has a history of offenses including burglary, forgery, vehicle theft, DUI, habitual traffic offender, as an adult from 1985 to 2014, 29 years, yet he has not participated in rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence because although the inmate has worked while he has been incarcerated, he has not participated in self-help programming or rehabilitation to address the circumstances that contributed to his criminal behavior.</p> <p><u>Case Factor #4 - Response to Legal Notice</u></p> <p>There were responses to the Legal Notices in support of release from the inmate dated July 10, 2018 which were reviewed and considered in this decision.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, taking into account the totality of the</p>

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						<p>circumstances, including the passage of time, the inmate's age, the inmate's physical and cognitive limitations, the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's current risk of violence.</p> <p>The inmate drove intoxicated, endangering the motoring public and causing an accident. His criminal history includes drug and alcohol related offenses exhibiting a pattern of similar criminal conduct that is increasing in severity, with two DUI habitual traffic offender convictions not including the current DUI conviction. He has not participated in rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior. The inmate is denied for release.</p> <p><i>Ana Soares</i></p>
<p><b>Harold Lloyd Rogers</b></p> <p>SCUK CRCR 14-78953</p>	<p>12/17/2015</p>	<p>VC § 23152(E)/23550.5(A) [DUI- drugs w/felony prior DUI]</p> <p>PC § 1170.12 Prior Strike Conviction</p> <p>PC § 667.5(b) X 2 Prior Prison Commitment</p>		<p>96 mos.</p>	<p>07/05/2019</p>	<p><b>09/11/2019: Expedited Release GRANTED.</b></p> <p>Decision for Rogers, Harold, AY6278: When considering together the findings on each of the inmate's four case factors, the inmate does not pose a current, unreasonable risk of violence or a risk of significant criminal activity to the community. Release is approved.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offense aggravate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of eight years on the current commitment offense. The commitment offense is VC 23152(a), DUI within 10 years of other specified violations, with two</p>

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						<p>counts of PC 667.5(b), prior prison term as an enhancement. The inmate was sentenced per strike prior, 667(b)/PC 1170.12.</p> <p>On 6/6/2014 police responded to the scene of a traffic collision. The inmate had lost control of his vehicle, gone off the road and hit a tree. He was transported to the hospital due to pain and a bloody nose. The inmate exhibited signs of intoxication. He was driving on a suspended license, and had a no bail bench warrant out of Mendocino County.</p> <p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are aggravating circumstances in the case, and the following circumstances make this an aggravating factor in the case:</p> <ol style="list-style-type: none"> <li>1.The inmate personally used a deadly weapon. By driving while under the influence of alcohol, the inmate endangered himself and the public.</li> <li>2.There were one or more victims who suffered physical injury or threat of physical injury.</li> </ol> <p>Therefore, the current crimes are found to be an aggravating risk factor in the case.</p> <p><u>Case Factor #2 - Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 1985 and continued until the commitment offense in 2014. The inmate's prior criminal record is a factor aggravating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions: In 1985 he was convicted of PC 459, burglary 1st, in 1989, PC 470, forgery, in 1991, PC 4573.6, possession of drugs in prison, in 2001, PC 10851(a), vehicle theft, in 2001, PC 4532(b), escape from custody, in 2007, VC 23152(b)/23550(a), DUI/habitual traffic offender, and in 2009, VC 23152(b)/VC23550.5(a), DUI/habitual traffic</p>

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						<p>offender/multiple offenses within 10 years.  The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence or significant criminal activity are:</p> <p>The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years.  The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence or significant criminal activity are:</p> <ol style="list-style-type: none"> <li>1.The inmate's prior criminal convictions coupled with his current convictions show a pattern of assaultive behavior or a pattern of similar criminal conduct that is increasing in severity.</li> <li>2.The inmate was incarcerated for a felony conviction within five years prior to his current convictions. The inmate was paroled 7/15/2011 and convicted 10/6/2015, four years later.</li> </ol> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record aggravate the inmate's current risk of violence or significant criminal activity, because although not convicted of a violent felony under PC 667.5(c), the inmate was twice convicted as a DUI/habitual traffic offender, and he was convicted of the current DUI within four years of his prior release from incarceration.</p> <p><u>Case Factor #3 - Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offense since December 22, 2015.  The inmate has been involved in the following activities:  He has worked as a porter, as a satellite kitchen worker,</p>



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						<p>and as an inmate day laborer. The inmate has no rule violations and no confidential information in his file. He previously obtained his GED while at CYA in 1985, and has transmission and auto mechanic training from the community.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> <li>1. The inmate has not been found guilty of institutional Rules Violations Reports since his last admission to prison. The inmate has remained discipline free.</li> <li>2. There is no reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since his last admission to prison.</li> <li>3. The inmate has successfully participated in work assignments for a sustained period of time.</li> </ol> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity:</p> <p>The inmate has no participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior, such as substance abuse. The inmate's main problem has been alcohol or drug abuse by history.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence or significant criminal activity because it is significant that he has no rule violations, no negative confidential information, and has worked so successfully for a sustained period of time.</p>

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						<p><u>Case Factor #4 - Response to Legal Notice</u></p> <p>There were responses to the Legal Notices in support of release from the inmate dated 7/30/2019 and 7/10/2018 which were reviewed and considered in this decision.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the passage of time, the inmate's age, the inmate's physical and cognitive limitations, the factors mitigating the inmate's current risk of violence outweigh the factors aggravating the inmate's current risk of violence or significant criminal activity. The inmate has been incarcerated almost four years on the current offenses. During this period of time he has remained free of rule violations and has worked successfully and for a sustained period of time. He clearly has vocational skills from the community, and previously obtained his GED. Although his commitment offense was aggravating and his prior criminal history is aggravating due to his repeated convictions as a DUI/habitual offender, he has not exhibited drug or alcohol behavior while incarcerated, although it would have been preferable to see the inmate program by attending substance abuse treatment. The inmate is approved for release.</p> <p><i>Ana Soares</i></p>
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<p><b>Jeffrey Miguel Ruano</b></p> <p>SCUK CRCR 09-91948</p>	<p>12/03/2014</p>	<p>H&amp;S § 11351 [Cocaine] Possession for Sale</p> <p>H&amp;S § 11378 [Methamphetamine] Possession for Sale</p> <p>H&amp;S § 11370.2 [Priors x 4]</p> <p>PC § 69 Resisting Peace Officer by Force [San Francisco Co. Superior Court]</p>	<p>Given an unearned chance for rehabilitation at Delancey Street in SF (instead of going straight to prison), this defendant thereafter led CHP and multi-county law enforcement vehicles on a five-county highway, reckless evading car pursuit, which was later used to violate his Mendocino County formal probation.</p> <p>This defendant is also a recidivist. Prior to the violation mentioned above that caused him to be sent to state prison, this convict had already served <u>four</u> prior prison commitments.</p>	<p>220 mos.</p>	<p>07/05/2017</p>	<p><b>08/18/2017: Expedited Release DENIED.</b></p> <p>Decision based on reasons stated below:</p> <p>Decision: When considering together the findings on each of the following four aggravating and/or mitigating case factors for inmate Jeffrey Ruano (AV4947), they tend to show that he poses an unreasonable risk of violence to the community. Early release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 – Current Commitment Offense</u></p> <p>Ruano’s current commitment offense [sic] of HS11351 Possession of controlled substance [for sale], HS 11378 Possession of controlled substance for sale, and PC69 Resisting an executive officer is considered an aggravating factor. On July 16, 2009, while on probation for a prior drug case, Ruano was contacted by police and found to have 110 grams of cocaine and 28 grams of methamphetamine. On June 10, 2011, he was sentenced to 16 years, 8 months in prison. However, the sentence was stayed and he was placed on five years felony probation. Ruano committed multiple violations of probation. At a revocation hearing on October 15, 2014, a police officer testified that he found a switchblade knife and a pipe for smoking methamphetamine in Ruano’s possession during a probation search. In addition, officers testified they pursued Ruano in a high speed chase that lasted over 100 miles through [Alameda,] Solano, Contra Costa, and Santa Clara counties. Ruano was traveling at a high rate of speed, weaving in and out of lanes, and running red lights. The chase ended after officers laid down spike strips on Interstate 680. In December 2014,</p>

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						<p>the trial court revoked Ruano’s probation and imposed the previously imposed sentence of 16 years, 8 months, and 1 year, 8 months for the PC69. The aggravating circumstances include 1) Ruano was sentenced to two or more felonies during the current term; and, 2) he was on probation at the time of the offenses. In mitigation: 1) no weapon was used in the committing offenses; 2) the crimes did not involve violence; and, 3) no one was physically injured. When balancing the aggravating circumstances against the mitigating circumstance [sic], Ruano’s current commitment offense [sic] is an aggravating factor due to the extreme danger Ruano posed to the community during the multi-county high speed chase.</p> <p><u>Case Factor #2 – Prior Criminal Record</u></p> <p>Ruano’s prior criminal record is considered an aggravating factor. He suffered thirteen (13) felony convictions including: HS11351.5 Possession of cocaine base for sale (1987, 1988, and 1991); HS11350 Possession of controlled substance (1989); HS11351 Possession of controlled substance for sale (1992); HS11378 Possession of controlled substance for sale (1996, 1997 – 2 counts, and 2008); VC 10851 Auto theft (1997); VC 2800.2 Evading – 2 counts (1997); and, PC245(a)(1) Assault with a deadly weapon (2006). The factors in aggravation include: 1) Ruano has been convicted of more than 3 felony offenses, as listed above; 2) he was not free from incarceration for at least 5 years prior to the date of the current offense [sic]. Ruano was incarcerated in 2008 on a drug offense and was on probation for that offense when he was arrested on July 16, 2009, and 3) the prior felony convictions show a pattern of similar repetitive criminal conduct. There are no factors in mitigation, therefore, Ruano’s prior criminal record is an aggravating factor.</p>

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						<p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>Ruano has been incarcerated on the commitment offense since December 30, 2014, a period of 2 years, 8 months. His EPRD is February 28, 2021. Ruano is a 53-year old fifth term. He is currently assigned to the scullery. Ruano incurred a serious rules violation on March 13, 2016 for possession of dangerous contraband. There are confidential memoranda, dated March 23, 2016 and June 26, 2015 which contain negative information. According to a chrono dated July 28, 2015, Ruano is a validated in-active member of the Northern Structure. He has not participated in any rehabilitative programs while in custody this term. His institutional adjustment is deemed an aggravating factor.</p> <p><u>Case Factor #4 – Response to Legal Notices</u></p> <p>Letters were received in support of early release from Jacqueline Trujillo and Jeffrey Ruano.</p> <p><b>SUMMARY:</b> When considering together the aggravating factors of Jeffrey Ruano’s current commitment offense, his prior criminality, and his negative institutional behavior, it is clear that Ruano poses an unreasonable risk of harm to the community. His criminal history spans 30 years with persistent misdemeanor and felony convictions, numerous parole and probation violations, and little to no behavior that would suggest that he has been rehabilitated. Early release is denied.</p> <p><i>Kathleen Newman</i></p>

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<p><b>Ivan Ocoltzi Sanchez</b></p> <p>SCTM CRCR 13-73915 SCTM CRCR 13-72354</p>	<p>06/08/2015</p>	<p>PC § 245(a)(1) Assault With a Deadly Weapon</p> <p>PC § 245(a)(1) Assault With a Deadly Weapon</p>	<p>It was found true by a jury that the defendant is a participating member of a criminal street gang.</p>	<p>108 mos.</p>	<p>07/07/2017</p>	<p><b>08/31/2017: Expedited Release DENIED.</b></p> <p>Decision based on the reasons stated below:</p> <p>Decision: After full review and considering together the findings on each of the four of the inmate's case factors, both aggravating and mitigating, they do tend to show that he poses an unreasonable risk of violence to the community. Release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 – Current Commitment Offense</u></p> <p>The commitment offenses are: On 5/16/13 the inmate committed an assault with a deadly weapon in violation of the criminal street gang act [PC 245(A)(1) and PC 186.22(b)]. The inmate a Sureno gang member attacked a rival gang member with a two foot club hitting him. The inmate was also convicted of assaulting his girlfriend on 8/26/13. The inmate attacked her while in possession of a knife, by kicking her leaving lacerations and swelling, black and blue marks on her face. The inmate received a term of nine years.</p> <p>Circumstances in aggravation are [sic] 5/16/13: The inmate used a club/weapon, threatened/injured the victim and he was convicted of multiple offenses.</p> <p>The mitigating circumstances are: None.</p> <p>Circumstances for the 8/26/13 event: The inmate was in possession of a knife, threatened/injured the victim, and was convicted of multiple offenses. Mitigation: None.</p>

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						<p>These circumstances must be balanced relative to risk of physical violence. In the commitment offense there is violence, injury weapons, and gang activity; overwhelming evidence of risk for future violence. The commitment offenses are aggravating.</p> <p><u>Case Factor #2 – Prior Criminal Record</u></p> <p>The inmate’s serious juvenile adjudications or prior criminal history began on 5/23/05 for two misdemeanors for submitting a false insurance claim and PC 148 resisting arrest.</p> <p>The aggravating circumstances are: None.  The mitigating circumstances are: The inmate was not convicted of any felonies and he was not in custody for five years preceding the commitment offense.</p> <p>Balancing the circumstances when there is no aggravation, no felonies and without incarceration preceding the commitment offenses within five years, the inmate’s prior criminal record is mitigating.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The inmate has been incarcerated on the commitment offense since 6/11/15, a period of approximately two years and three months. During incarceration the inmate has committed one rule violation on 9/6/15 for possession of a cell phone. He did completed [sic] substance abuse self-help group lasting five months per Chrono 5/18/16. After three months from incarceration he is in possession of a cell phone, subsequent thereto completed a positive program; however the serious rule violation outweighs the self-help, though very encouraging. Institution adjustment is aggravating.</p>

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						<p><u>Case Factor #4 – Response to Legal Notice</u></p> <p>The inmate submitted a hand printed letter, undated, supporting his early release. This letter was reviewed and considered.</p> <p><b>SUMMARY:</b> The aggravating factors in this case are the commitment offense and his institutional adjustment however his prior record is aggravating. His assault pursuant to gang activity in May 2013 and the assault against [sic] in September 2013 is weighty evidence of future risk for physical violence outweighing his prior record. His prior record is more remote in time and the aggravation is more current; thus, more relevant to current risk. The inmate does pose an unreasonable risk of violence to the community and release is denied.</p> <p><i>Walter Johnson</i></p>
<p style="text-align: center;"><b>Jeremy Lee Simms</b></p> <p>SCUK CRCR 14-75767  SCUK CRCR 14-75532  SCUK CRCR 13-75384</p>	<p>08/08/2014</p>	<p>PC § 487(c) Grand Theft &gt; \$950</p> <p>PC § 459/459(b) Commercial Burglary</p> <p>H&amp;S Code § 11379 [Methamphetamine] Possession for Sale</p>	<p>This defendant is a recidivist who steals from those around him when not incarcerated. He previously suffered a prior Strike conviction for residential burglary in the Mendocino County Superior Court. He also does not learn a lesson from prior punishments. He had previously served <u>six</u> separate prison commitments before these crimes noted to the left.</p>	<p>160 mos.</p>	<p>07/05/2017</p>	<p><b>08/17/2017: Expedited Release DENIED.</b></p> <p>Decision based on the reasons stated below:</p> <p>Decision: When considering together the findings on each of the four of the inmate’s case factors, both aggravating and mitigating, they demonstrate that he poses an unreasonable risk of violence to the community. Accordingly, release is DENIED.</p> <p><u>Case Factor #1 – Current Commitment Offense</u></p> <p>The inmate’s current commitment offenses are an aggravating factor in this case. The commitment offenses are: (1) PC 487 Grand Theft Person; (2) PC 459 Burglary 2<sup>nd</sup>; (3) HS 11379(a) Transport Controlled Substance.</p>



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						<p>On 1/22/14, Simms took cash from the register of a tire store. The [owner] followed Simms to his car and asked Simms to return the cash. Simms sprayed mace on the [owner].</p> <p>In November and December 2013, Simms took items from a residence. When later confronted about returning the stolen items, Simms threatened victims with a sawed off shotgun. When arrested on separate occasions, Simms was found to be in possession of meth, digital scales, pills, needles, a glass pipe, and large sums of cash.</p> <p>The inmate was sentenced to a total term of 20 years, 4 months on the current commitment offenses.</p> <p>The aggravating circumstances are: (Grand Theft/Burglary) there were 2 or more victims, injury to the victim, violence or threat of violence to the victim; and Simms was sentenced to 2 or more felonies.</p> <p>The mitigating circumstances are: (Transport Controlled Substance) no weapon was used.</p> <p>When balancing the aggravating circumstances against the mitigating circumstances, the inmate's current commitment offenses are an aggravating factor because of the violence and injury involved.</p> <p><u>Case Factor #2 – Prior Criminal Record:</u></p> <p>The inmate's prior criminal record is an aggravating factor in this case. The inmate's prior criminal history began in 1995 and continued until the commitment offenses in 2013 and 2014. The inmate has the following serious juvenile adjudications and/or adult criminal convictions:</p>

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						<ol style="list-style-type: none"> <li>1. 6/16/95: PC459 1<sup>st</sup> Burglary 1<sup>st</sup>;</li> <li>2. 6/16/95: PC460(b) Burglary 2<sup>nd</sup>;</li> <li>3. 1/15/98: PC460(a) Burglary 1<sup>st</sup>;</li> <li>4. 1/15/98: PC459(b) Burglary 2<sup>nd</sup>;</li> <li>5. 9/21/01: PC12021(a) Felon Possess Firearm;</li> <li>6. 9/24/03: HS11377(a) Possess Controlled Substance;</li> <li>7. 8/26/04: HS11377(a) Possess Controlled Substance;</li> <li>8. 12/17/08: VC2800.2(a) Evade PO: Disregard Safety;</li> <li>9. 12/17/08: VC10851(a) Vehicle Theft;</li> <li>10. 12/17/08: HS11379 Transport Controlled Substance</li> </ol> <p>The aggravating circumstances are: Simms has been convicted of 3 or more felonies, less than 5 years elapsed between release from prior incarceration on 3/22/12 and the new offense on 11/22/13.</p> <p>There are no mitigating circumstances present.</p> <p>When considering the aggravating circumstances and lack of any mitigating circumstances, the inmate's prior criminal record is an aggravating factor because of the length of the history that involves firearm possession and felony evading.</p> <p><u>Case Factor #3 – Institutional Adjustment:</u></p> <p>The inmate has been incarcerated on the commitment offenses since 8/28/14, a period of approximately 3 years.</p> <p>During incarceration, Simms has not incurred any fully adjudicated RVRs and has participated in college courses.</p> <p>After balancing the positive factors against the negative factors, the inmate's institutional record shows overall compliance with institutional rules and is a mitigating</p>

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						<p>factor.</p> <p><u>Case Factor #4 – Response to Legal Notices:</u></p> <p>There was a response to the Legal Notices in support of release.</p> <p><b>SUMMARY:</b> When balancing the aggravating factors in this case, the commitment offenses and prior criminal record, with the mitigating factor in this case, institutional behavior, the aggravating factors heavily outweigh anything present in mitigation. Simms’ current offenses that involved using mace on a victim, coupled with his lengthy criminal history that includes possession of a firearm and felony evading, demonstrate that he poses an unreasonable risk of violence to the community. Accordingly, release is denied.</p> <p><i>Neal Chambers</i></p>
<p><b>Jeremy Lee Simms</b></p> <p>SCUK CRCR 14-75767 SCUK CRCR 14-75532</p>	<p>08/08/2014</p>	<p>PC § 487(c) Grand Theft &gt; \$950</p> <p>PC § 459/459(b) Commercial Burglary</p> <p>H&amp;S Code § 11379 [Methamphetamine] Possession for Sale</p>	<p>This defendant is a recidivist who steals from those around him when not incarcerated. He previously suffered a prior Strike conviction for residential burglary in the Mendocino County Superior Court. He also does not learn a lesson from prior punishments. He had previously served <u>six</u> separate prison commitments before these crimes noted to the left.</p>	<p>160 mos.</p>	<p>07/05/2019</p>	<p><b>08/29/2019: Expedited Release DENIED.</b></p> <p>Decision for Simms, Jeremy, AU4183: When considering together the findings on each of the inmate’s four case factors, the inmate poses a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. Release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate’s current commitment offenses aggravate the inmate’s current risk of violence or significant criminal activity. The inmate was sentenced to a</p>

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						<p>total term of 20 years, 4 months on the current commitment offenses. The commitment offenses are</p> <p>(1) PC 487(c) – Grand theft from person for which the inmate received a term of 6 years, (doubled as a second strike).</p> <p>(2) PC 459 – Burglary 2nd for which the inmate received a term of 16 months, consecutive to the other charge.</p> <p>(3) HS 11370.2(c) – Possession of controlled substance with prior felony conviction for which the inmate received a term of 3 years, consecutive to the other charge.</p> <p>(4) HS 11379(a) – Transportation of controlled substance for which the inmate received a term of 2 years, consecutive to the other charge.</p> <p>(5) There was an enhancement pursuant to PC 12022.1 for 2 years for committing a crime while on bail.</p> <p>(6) There were six enhancements per PC667.5(b) for prior prison terms (6 years).</p> <p>On 1/22/14, Simms took cash from the register of a tire store. The employee followed Simms to his car and asked Simms to return the cash. Simms sprayed mace on the employee.</p> <p>In November and December 2013, Simms took items from a residence. When later confronted about returning the stolen items, Simms threatened victims with a sawed off shotgun. When arrested on separate occasions, Simms was found to be in possession of methamphetamine, digital scales, pills, needles, a glass pipe, and large sums of cash.</p> <p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are aggravating circumstance(s) in the case and the following aggravating circumstances make this an aggravating factor in the case:</p> <p>1. There were one or more victims who suffered physical injury or threat of physical injury. The inmate, Jeremy Simms, used threats of violence during the commission of</p>

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						<p>his theft crimes. Police reports indicate that in January 2014, the inmate stole money from a cash register then sprayed mace at the store employee who confronted him. In December 2013, the inmate threatened the victim with a sawed off shotgun after being confronted about another theft he committed. Therefore, the current crimes are found to be an aggravating risk factor in the case.</p> <p><u>Case Factor #2 - Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 1995 and continued until the commitment offense(s) in 2014. The inmate's prior criminal record is a factor aggravating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions:</p> <p>06/16/95: PC459 Burglary 1st;  06/16/95: PC460(b) Burglary 2nd;  01/15/98: PC460(a) Burglary 1st;  01/15/98: PC460(b) Burglary 2nd;  09/21/01: PC12021(a) Felon Possess Firearm;  09/24/03: HS11377(a) Possess Controlled Substance;  08/26/04: HS11377(a) Possess Controlled Substance;  12/17/08: VC2800.2(a) Evade PO: Disregard Safety;  12/17/08: VC10851(a) Vehicle Theft;  12/17/08: HS11379 Transport Controlled Substance.</p> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence or significant criminal activity are:</p> <p>1.The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years. The inmate has not incurred any convictions for crimes defined by PC 667.5(c).</p> <p>The circumstances of the inmate's prior criminal record</p>

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						<p>that aggravate the inmate's current risk of violence or significant criminal activity are:</p> <p>1.The inmate's prior criminal convictions coupled with his current convictions show a pattern of similar criminal conduct that is increasing in severity. The inmate has eight prior felony convictions for theft and/or drug crimes, going back to 1995. However, in the current crimes, the inmate's behavior escalated to include violence. After stealing from a cash register, the inmate sprayed mace at an employee who told him to give back the money. When another victim confronted the inmate about his theft crimes, the inmate threatened the victim with a sawed-off shotgun.</p> <p>2.The inmate was incarcerated for a felony conviction within five years prior to his current convictions. The inmate paroled from prison on 03/22/12 and he was convicted of the current offenses on 07/28/14, a period of time less than 5 years.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record aggravate the inmate's current risk of violence or significant criminal activity because the inmate has a long history of criminal activity that includes primarily theft and drug offenses. However, the fact that his criminal behavior is escalating in his most recent crimes to include violence is given great weight. Considerable weight was given to the fact that the inmate was in the community for less than two years when he became involved in criminal activity again.</p> <p>Case Factor #3 - Institutional Adjustment  The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since August 28, 2014, a period of approximately 5 years.</p> <p>The inmate has been involved in the following activities:</p>

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						<p>WORK HISTORY:            PIA Facilities Maintenance, Visiting Porter/Photographer, Clerk, and Outside Work Crew.</p> <p>VOCATIONAL TRAINING:            None</p> <p>EDUCATIONAL PROGRAMS:            College Courses (32 units)</p> <p>SELF-HELP PARTICIPATION:            Parenting Class (Removed due to lack of commitment to program), Katargeo Basic (Removed due to lack of commitment to program), Alcoholics Anonymous (Removed due to lack of commitment to program), Insight Garden Project, Parenting Class, Victim Awareness</p> <p>SERIOUS RULES VIOLATIONS:            05/16/18 Fighting            07/21/17 Fighting</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence or significant criminal activity:</p> <p>1.The inmate has successfully participated in vocational, educational, or work assignments for a sustained period of time. The inmate has maintained a full-time work assignment since August 2015 and receives positive supervisor's reports. In addition, the inmate has completed several college courses and has a GPA of 3.29.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity:</p> <p>1.The inmate has been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison. The inmate was issued two serious RVRs for fighting.</p> <p>2.There is reliable information in the confidential section of the inmate's central file indicating the inmate has</p>
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						<p>engaged in criminal activity since his last admission to prison. A confidential memorandum dated 08/21/18 was read and considered in this decision.</p> <p>3.The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior, such as substance abuse. When the inmate was arrested, he was found to be in possession of methamphetamine and drug paraphernalia. His participation in rehabilitative programs to address substance abuse issues is very limited.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity because the inmate has failed to address the underlying causes of his criminal behavior through participation in substance abuse groups and other rehabilitative programs. Additionally, the inmate was found guilty on two serious RVRs involving violence and there is confidential information indicating that the inmate has been involved in criminal behavior while incarcerated. It is noted that the inmate has made substantial gains in the areas of work skills and educational upgrades; however, these gains are outweighed by his lack of efforts in other areas of rehabilitation, particularly substance abuse treatment.</p> <p><u>Case Factor #4 - Response to Legal Notice</u></p> <p>There were responses to the Legal Notices in support of release from Jeremy Simms, letters dated 07/6/19 and July 18, 2017, which were reviewed and considered in this decision.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of</p>



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						<p>the circumstances, including the passage of time and the inmate's age of 44 years, the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's current risk of violence or significant criminal activity.</p> <p>In this review, the inmate's current offenses, his prior criminal history, and his institutional behavior are all aggravating factors. The inmate has a long criminal history dating back to 1995 that includes thefts, drugs, and other criminal behavior. However, of concern is that the inmate's most recent crimes have escalated to violence when the inmate is being confronted regarding his criminal behavior. This pattern of violent behavior continued during his incarceration resulting in two RVRs for fighting. Some aspects of his incarceration are positive. The inmate is commended for his educational upgrades and his improved job skills; however, at this time, the inmate continues to pose an unreasonable risk of violence to the community. The inmate is denied for release.</p> <p><i>Kathleen Newman</i></p>
<p><b>Jeremy Lee Simms</b></p> <p>SCUK CRCR 14-75767 SCUK CRCR 14-75532</p>	<p>08/08/2014</p>	<p>PC § 487(c) Grand Theft &gt; \$950</p> <p>PC § 459/459(b) Commercial Burglary</p> <p>H&amp;S Code § 11379 [Methamphetamine] Possession for Sale</p>	<p>This defendant is a recidivist who steals from those around him when not incarcerated. He previously suffered a prior Strike conviction for residential burglary in the Mendocino County Superior Court. He also does not learn a lesson from prior punishments. He had previously served <u>six</u> separate prison commitments before these crimes noted to the left.</p>	<p>160 mos.</p>	<p>07/02/2020</p>	<p><b>08/24/2020: Expedited Release DENIED.</b></p> <p>Decision for Simms, Jeremy, AU4183: When considering together the findings on each of the inmate's four case factors, the inmate poses a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. Release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u> The circumstances of the inmate's current commitment offenses aggravate the inmate's current risk of violence or</p>

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						<p>significant criminal activity. The inmate was sentenced to a total term of 20 years, 4 months on the current commitment offenses. The commitment offenses are</p> <p>(1) PC 487(c) – Grand theft from person for which the inmate received a term of 6 years, (doubled as a second strike).</p> <p>(2) PC 459 – Burglary 2nd for which the inmate received a term of 16 months, consecutive to the other charge.</p> <p>(3) HS 11370.2(c) – Possession of controlled substance with prior felony conviction for which the inmate received a term of 3 years, consecutive to the other charge.</p> <p>(4) HS 11379(a) – Transportation of controlled substance for which the inmate received a term of 2 years, consecutive to the other charge.</p> <p>(5) There was an enhancement pursuant to PC 12022.1 for 2 years for committing a crime while on bail.</p> <p>(6) There were six enhancements per PC667.5(b) for prior prison terms (6 years).</p> <p>On 1/22/14, Simms took cash from the register of a tire store. The employee followed Simms to his car and asked Simms to return the cash. Simms sprayed mace on the employee.</p> <p>In November and December 2013, Simms took items from a residence. When later confronted about returning the stolen items, Simms threatened victims with a sawed off shotgun. When arrested on separate occasions, Simms was found to be in possession of methamphetamine, digital scales, pills, needles, a glass pipe, and large sums of cash.</p> <p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are aggravating circumstances in the case and the following aggravating circumstances make this an aggravating factor in the case:</p> <p>1. There were one or more victims who suffered physical injury or threat of physical injury. The inmate, Jeremy</p>

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						<p>Simms, used threats of violence during the commission of his theft crimes. Police reports indicate that in January 2014, the inmate stole money from a cash register then sprayed mace at the store employee who confronted him. In December 2013, the inmate threatened the victim with a sawed off shotgun after being confronted about another theft he committed. Therefore, the current crimes are found to be an aggravating risk factor in the case.</p> <p><u>Case Factor #2 - Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 1995 and continued until the commitment offense(s) in 2014. The inmate's prior criminal record is a factor aggravating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions:</p> <p>06/16/95: PC459 Burglary 1st;  06/16/95: PC460(b) Burglary 2nd;  01/15/98: PC460(a) Burglary 1st;  01/15/98: PC460(b) Burglary 2nd;  09/21/01: PC12021(a) Felon Possess Firearm;  09/24/03: HS11377(a) Possess Controlled Substance;  08/26/04: HS11377(a) Possess Controlled Substance;  12/17/08: VC2800.2(a) Evade PO: Disregard Safety;  12/17/08: VC10851(a) Vehicle Theft;  12/17/08: HS11379 Transport Controlled Substance.</p> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence or significant criminal activity are:</p> <p>1.The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years. The inmate has not incurred any convictions for crimes defined by PC 667.5(c).</p> <p>The circumstances of the inmate's prior criminal record</p>

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						<p>that aggravate the inmate’s current risk of violence or significant criminal activity are:</p> <p>1.The inmate’s prior criminal convictions coupled with his current convictions show a pattern of similar criminal conduct that is increasing in severity. The inmate has eight prior felony convictions for theft and/or drug crimes, going back to 1995. However, in the current crimes, the inmate's behavior escalated to include violence. After stealing from a cash register, the inmate sprayed mace at an employee who told him to give back the money. When another victim confronted the inmate about his theft crimes, the inmate threatened the victim with a sawed-off shotgun.</p> <p>2.The inmate was incarcerated for a felony conviction within five years prior to his current convictions. The inmate paroled from prison on 03/22/12 and he was convicted of the current offenses on 07/28/14, a period of time less than 5 years. As a result of the lack of violence in inmate’s prior criminal record, his prior criminal record is deemed mitigating.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The following circumstances of the inmate’s institutional behavior, work history, and rehabilitative programming mitigate the inmate’s current risk of violence or significant criminal activity:  The inmate has successfully participated in vocational, educational, or work assignments for a sustained period of time.</p> <p>The following circumstances of the inmate’s institutional behavior, work history, and rehabilitative programming aggravate the inmate’s current risk of violence or significant criminal activity:</p> <p>1. The inmate has been found guilty of institutional Rules Violations Reports resulting in physical</p>

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						<p>injury or threat of physical injury since his last admission to prison. Inmate was found guilty of fighting on 5/16/18.</p> <p>2. There is reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since his last admission to prison. Refer to confidential memorandum dated 7/27/20 and 9/14/19.</p> <p>3. The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his or her criminal behavior, such as substance abuse. The inmate is commended for his current participation in (AA and NA meetings), self awareness and victim awareness. However overall, his participation in rehabilitative program is limited.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity because they tend to show that inmate's institutional behavior, work history and self-help rehabilitative programming aggravate inmate's current risk of violence or risk of criminal activity. While inmate is commended for successfully participating in institutional work, education and vocational apartment; this circumstance is outweighed by the fact that he has incurred an RVR resulting in physical injury or threat thereof. Inmate's confidential information reflect that he has engaged in criminal activity while incarcerated. Further, his record show that his participation in self help rehabilitative programming such as substance abuse is deemed insufficient to address the causative factors of his criminal behavior for a sustained period. As such his institutional behavior is deemed probative of his risk of violence.</p>

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						<p><u>Case Factor #4- Response to Legal Notice</u>            There were no responses to Legal Notice.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the passage of time, the inmate's age, the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's current risk of violence or significant criminal activity.</p> <p>Although the inmate's prior criminal record is considered mitigating under the review criteria, it is however outweighed by inmate's current commitment offenses and institutional behavior. The inmate's current commitment offenses involve violent, assaultive behavior resulting in physical injury or threat of physical injury to victims. His prior criminal record involve non violent property and substance abuse related convictions. Since his last admission into CDCR, inmate has successfully participated in institutional work, educational and vocational assignments. However, inmate has been found guilty of multiple RVR's resulting in physical injury or threat of physical injury to victims. Furthermore, there is reliable information in his confidential file that he has engaged in criminal activity while incarcerated. Finally, his participation in self-help and rehabilitative programming to address the circumstances of his criminal behavior, such as substance abuse is deemed insufficient. For these reasons, the inmate poses a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. The inmate is denied for release.</p> <p style="text-align: right;"><i>David Ndudim</i></p>

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<p style="text-align: center;"><b>Jeremy Lee Simms</b></p> <p>SCUK CRCR 14-75767 SCUK CRCR 14-75532</p>	<p>08/08/2014</p>	<p>PC § 487(c) Grand Theft &gt; \$950</p> <p>PC § 459/459(b) Commercial Burglary</p> <p>H&amp;S Code § 11379 [Methamphetamine] Possession for Sale</p>	<p>This defendant is a recidivist who steals from those around him when not incarcerated. He previously suffered a prior Strike conviction for residential burglary in the Mendocino County Superior Court. He also does not learn a lesson from prior punishments. He had previously served <u>six</u> separate prison commitments before these crimes noted to the left.</p>	<p>160 mos.</p>	<p>DA not notified</p>	<p><b>11/05/2021: Expedited Release DENIED.</b></p> <p>Decision for Simms, Jeremy, AU4183: When considering together the findings on each of the inmate's four case factors, the inmate poses a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. Release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offense aggravate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 16 years on the current commitment offense. The commitment offense is HS 11379, transportation of a controlled substance, committed on 12/19/13 and convicted on 7/28/14.</p> <p>Law enforcement investigation, including a report the inmate pointed a shotgun at an individual, led to the acquisition of a search warrant of the inmate's property. The officer's stopped the inmate in the driveway of the inmate's home. The inmate was driving a vehicle that contained multiple baggies of methamphetamine, a digital scale, and other paraphernalia. No firearms were located.</p> <p>The inmate's sentence was enhanced due to a prior strike conviction per PC 667(b)-(i)/1170.12, an on-bail enhancement per PC 12022.1, and 5 prior prison terms per PC 667.5(b) for a total of 16 years. See Second Amended Abstract of Judgment filed on 2/25/19, which was issued for re-sentencing after the inmate's case number 75767 (below) was reduced to a misdemeanor per Prop. 47 PC 487(c), grand theft person, and two counts of PC 459, second degree burglary, committed about 1/22/14 and</p>

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						<p>convicted on 7/28/14. These charges were reduced to a misdemeanor per Prop. 47, as reflected in the minute order dated 12/18/18 (handwritten note on minute order has a date of 2/25/19). The inmate entered a tire store, stole money from the cash register, and then used mace on an employee who followed the inmate outside the store while asking the inmate to return the money.</p> <p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are aggravating circumstances in the case and the following aggravating circumstances make this an aggravating factor in the case:</p> <p>1. There was one victim who suffered physical injury. The victim, a store employee, was maced with chemical spray after following the inmate outside the store and asking for the money back.</p> <p>Therefore, the current crimes are found to be an aggravating risk factor in the case.</p> <p><u>Case Factor #2 - Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 1995 and continued until the commitment offenses in 2014. The inmate's prior criminal record is a factor aggravating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions:</p> <p>1995: PC 459, second degree burglary  1997: PC 459, first degree burglary  1997: PC 459, 2nd degree burglary.  2001: PC 12021(a)(1), felon in possession of a firearm.  2003 and 2004: 4 convictions for PC 11377, possession of controlled substance.  2008: VC 2800.2, 10851, and HS 11379.</p> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence or</p>



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						<p>significant criminal activity are:</p> <ol style="list-style-type: none"> <li>1. The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years.</li> </ol> <p>The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence or significant criminal activity are:</p> <ol style="list-style-type: none"> <li>1. The inmate was incarcerated for a felony conviction within five years prior to the inmate's current convictions. After serving a prior prison term, the inmate was paroled from CDCR on 3/22/12. On 7/28/14, about 2 years and 4 months later, the inmate was convicted of the current offenses.</li> </ol> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record aggravate the inmate's current risk of violence or significant criminal activity because the inmate's inability to refrain from criminal behavior for an extended period of time is more probative of the inmate's current and unreasonable risk of violence and significant criminal activity to the community than the failure to commit a crime contained within a specific class of crimes designated as violent. The quick return to prison indicates jail sentences do not deter the inmate. In addition, though there was no violent felony conviction in 15 years, one of the commitment offenses was grand theft person, wherein the inmate sprayed mace on the employee who was asking the inmate to return the money. This fact pattern could have supported a robbery conviction, using force to take property from another. The best reflection of the risk the inmate currently poses is the most recent behavior, and carries the greatest weight. The inmate's criminal record is an aggravated risk factor in this review.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p>

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						<p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since August 28, 2014, a period of approximately 7 years and 2 months.</p> <p>The inmate has been involved in the following activities:  Hours listed below are the hours the inmate is reported as present during the assignment.</p> <p><b>SERIOUS RULES VIOLATIONS</b>  Sept., Oct., and Nov. 2020: Refusing to Accept Housing-Delaying an officer.  Aug. 2019: Possession of drug paraphernalia.  May 2018 and July 2017: Fighting.</p> <p><b>WORK/VOCATIONAL/EDUCATIONAL ASSIGNMENTS</b>  Dining Room Worker  Kitchen Worker  PIA Housekeeping  Porter  Photographer  Outside Work Crew  College. Withdrew from two classes, one class in progress. Unassigned due to ASU placement.  College. Completed Small Business Management and Business 10.  College. Completed 9 courses with A/B grades, one course with D.</p> <p><b>SELF-HELP/REHABILITATIVE PROGRAMMING</b>  Parenting/Family Support. 1.25 hours.  Katargeo Basic. 0 hours. 16 hours unexcused absences.  AA. 1 hour. 4.25 hours unexcused absences.  Insight Garden Project. 1 hour, 6 hours unexcused absences.  Parenting. 28 hours.  Victims Impact. 24 hours. Completed program.  CONFIDENTIAL: Memos dated 4/4/19 and 8/21/18  The following circumstances of the inmate's institutional</p>

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						<p>behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence or significant criminal activity:</p> <p>1. The inmate has successfully participated in vocational, educational, or work assignments for a sustained period of time. The inmate has participated in well over 2,000 hours of work programming and has completed multiple college courses. Most of this programming was completed earlier in the inmate's prison term.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity:</p> <p>1. The inmate has been found guilty of institutional Rules Violations Reports resulting in the threat of physical injury since the inmate's last admission to prison or has one or more recent serious institutional Rules Violation Reports. The inmate has two rules violations for fighting in 2017 and 2018, which are the violations involving threat of injury. The inmate also has a violation for possession of drug paraphernalia and refusing housing in 2020 and 2019.</p> <p>2. There is reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since his or her last admission to prison. See memos dated 4/4/19 and 8/21/18.</p> <p>3. The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to the inmate's criminal behavior. As documented above, the inmate's time and hours accomplished in self-help programming is limited to the completion of one victim's impact course (24 hours), 28 hours dedicated to parenting, and less than 4 hours in four other programs. This is not a sustained period of programming that would address the reasons for the</p>

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						<p>inmate's criminal behaviors. Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity because the aggravating factors of rules violations, lack of rehabilitative/self-help programming, and confidential information of the inmate's criminal activities outweigh the mitigating factors of educational and work achievement. Besides the criminal activity, the inmate has participated in two events of assaultive behavior, fighting. The inmate is to be commended for the educational and work progress the inmate has achieved, but the weight accorded to the inmate's accomplishment is significantly reduced because of the assaultive nature of the rules violations involving fighting and the criminal activity. Significant amounts of work and education programming cannot be viewed as evidence of change when the negative behavior of the inmate does not change. Because of these facts, the inmate's institutional adjustment is an aggravated factor in this review.</p> <p><u>Case Factor #4 – Response to Legal Notice</u></p> <p>The Board of Parole Hearings received responses to the legal notices regarding the inmate's nonviolent review. The following responses were reviewed and considered in this decision: No letters were received for this review, but letters received from the inmate for prior reviews were read and considered. The date of those letters is 7/6/19 and 7/18/17.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of</p>

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						<p>the circumstances, including the passage of time, the inmate's age, the inmate's physical and cognitive limitations, the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's current risk of violence or significant criminal activity.</p> <p>To prepare for this review, the author reviewed the Disability and Effective Communication System as well as the inmate's record to determine all physical and cognitive disabilities documented for this inmate. In reaching the decision articulated below, the author fully considered any mitigating impact of each documented disability on all of the factors considered.</p> <p>All factors in this review are aggravated, indicating the inmate poses a current risk of violence or significant criminal behavior to the community. The inmate's commitment offenses included a charge of grand theft person, wherein the inmate maced a store employee after stealing cash from the store's register. The injury within the crime aggravates the risk factor. The inmate's prior criminal record is also aggravating because of the inmate's return to prison on the current charges within five years (2 years and about 4 months later). If jail is not a deterrent to criminal behavior, there is reason to believe criminal behavior will continue. The inmate's institutional adjustment is aggravated because of negative behavior during the term and the lack of a sustained period of self-help programming. The inmate has committed two rules violations involving fighting, and confidential information indicates the inmate is involved in criminal activity. The inmate has created a great work/educational programming record, but the self-help programming, which is critical to transforming inmates to law-abiding citizens, is limited. Under all of the circumstances discussed in this review, the inmate poses a current risk of violence or significant criminal activity to the community. The inmate is denied</p>

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						for release. <i>Cory Woodward</i>
<p><b>Jerry Mark Stewart, Jr.</b></p> <p>SCUK CRCR 17-89845</p>	<p>12/07/2017</p>	<p>HS § 11366.8(a) Possession/Storing of Controlled Substances</p> <p>HS § 11379(a) Transportation of a Controlled Substance</p> <p>PC § 1170.12 Prior Strike Conviction</p>		<p>56 mos.</p>	<p>04/04/2019</p>	<p><b>05/31/2019: Expedited Release DENIED.</b></p> <p>Decision for Stewart, Jerry, BD4869: When considering together the findings on each of the inmate's four case factors, the inmate poses a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. Release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offenses mitigate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 4 years and 8 months on the current commitment offenses. The commitment offenses are HS 11379(a)-Transport/Import Controlled Substance, (2 years doubled to 4 years due to strike prior, and HS 11366.8(a)-Possess False Compartment to Store Controlled Substance, (8 months) for a total of 4 years and 8 months. On 5/5/2017, the deputy conducted a traffic stop where the inmate was driving a vehicle. The deputy observed that the inmate displayed signs of being impaired and the inmate admitted that he had prescription medication pills hours before, but was not feeling the effect of them. At some point the deputy searched the inmate's vehicle and recovered the following: a burrito on the passenger seat and noticed that the interior of the burrito was solid. The deputy tore the burrito and saw an aluminum foil and a clear sandwich bag containing methamphetamine; a small</p>

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						<p>Altoids container that had a small amount of methamphetamine; and a yellow shopping bag that contained a clear gallon sized zip lock bag of marijuana. The deputy searched the inmate's person and recovered a piece of aluminum foil that contained methamphetamine. The marijuana found inside the inmate's vehicle weighed 24 grams and the methamphetamine weighed 34.2 grams. After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are no aggravating circumstances and the following mitigating circumstances make this a mitigating factor in the case:</p> <ol style="list-style-type: none"> <li>1. The inmate did not personally use a deadly weapon; and</li> <li>2. No victims suffered physical injury or threat of physical injury</li> </ol> <p>Therefore, the current crimes are found to be a mitigating risk factor in the case.</p> <p><u>Case Factor #2 - Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 1982 and continued until the commitment offenses in 2017. The inmate's prior criminal record is a factor mitigating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions: PC187 2nd- Murder 2nd with an enhancement of PC12022.5-use of firearm (10/7/1982 and released from prison on 5/18/2010).</p> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence or significant criminal activity are:</p> <ol style="list-style-type: none"> <li>1. The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years; and</li> <li>2. The inmate was free from incarceration for a</li> </ol>

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						<p>misdemeanor conviction involving physical injury to a victim or a felony conviction for five years or more prior to his current conviction.</p> <p>The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence or significant criminal activity are: There are no aggravating factors.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record mitigate the inmate's current risk of violence or significant criminal activity because there are no aggravating factors. Great weight is given to the fact that the inmate has not been convicted of a statutory violent felony in the past 15 years; and the inmate was free from incarceration for a misdemeanor conviction involving physical injury to a victim or a felony conviction for five years or more prior to his current conviction. The inmate's only adult felony was for murder with a firearm conviction that occurred more than 30 years ago and was release from prison for this murder on 5/18/2010, more than 7 years from the current commitment conviction dates of 5/30/2017 and 11/9/2017.</p> <p><u>Case Factor #3 - Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since December 21, 2017, a period of approximately 1 year and 5 months.</p> <p>The inmate has been involved in the following activities: During the current incarceration, the inmate did not have any serious Rule Violation Reports (RVRS). There is no reliable information in the confidential section of the</p>



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						<p>inmate's central file indicating the inmate has engaged in criminal activity since his last admission to prison. The inmate has participated in the following positive programming: Landscaping, substance abuse recovery support groups, and Inmate day laborer;</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> <li>1. The inmate has not been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison;</li> <li>2. There is no reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since his last admission to prison; and</li> <li>3. The inmate has successfully participated in vocational, educational, or work assignments for a sustained period of time. By participating in work assignments the inmate is obtaining marketable skills so that he can obtain a job in the community and focus his time in a positive, structured, and deliberate way where he can contribute to the community, as opposed to driving a vehicle that contained methamphetamine and marijuana that were packaged for transport/concealment.</li> </ol> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> <li>1. The inmate has limited or no participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior, such as substance. However, the inmate needs to participate in substance abuse program for a sustained period time and needs to participate in self-help or</li> </ol>

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						<p>rehabilitative programming to address why the inmate was driving a vehicle, observed by the deputy to be impaired, and admitted to taking prescription medication, and was transporting several packages of methamphetamine and a package of marijuana.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity because although the inmate is commended for being disciplinary and violent free in the institution, as well as working on a marketable skill for as sustained period of time. The inmate's lack of participation in self-help or rehabilitative programming is given great weight because the inmate was driving a vehicle, observed to be impaired by the officer, and contained marijuana and several packages of methamphetamine.</p> <p><u>Case Factor #4 - Response to Legal Notice</u></p> <p>There were responses to the Legal Notices in support of release from inmate, via letter dated 4/14/2019, supporting release which was reviewed and considered in this decision.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including no known physical and cognitive limitations, the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's current risk of violence or significant criminal activity.</p> <p>The mitigating factors are that the inmate is commended for staying violence free in the institution and participated</p>

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						<p>in work assignments for a sustained period of time; that the commitment offense did not involve the use of weapon and did not involve physical harm or threat of physical harm against a victim; and that as for the prior criminal record, the inmate was not convicted of statutory violent felony or incarcerated for a felony conviction within 5 years of the current commitment offense, as the inmate had only one prior adult felony conviction for murder with the use of firearm in which he was convicted in 1982 and released from prison in 2010. However, great weight is given to the aggravating factor of having limited participation in self-help and rehabilitative programming to address why the inmate was driving a vehicle appearing to be impaired, admitting that he had prescription medication pills hours before; and why he was transporting methamphetamine and marijuana inside his vehicle. The inmate needs to participate in substance abuse programming and other available programming for a sustained period of time in order to address his criminal behavior in the community. Accordingly, based on the totality of the circumstances, the inmate does pose an unreasonable risk of violence to the community. The inmate is denied for release.</p> <p><i>Teresa Meighan</i></p>

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<p style="text-align: center;"><b>Federico Mariano Trujillo</b></p> <p>SCUK CRCR 18-95102</p>	<p>11/16/2018</p>	<p>VC § 10851(a) Theft of a Vehicle</p> <p>PC § 1170.12 Prior Strike Conviction</p> <p>PC § 667.5(b) Prior Prison Commitment</p>		<p>60 mos.</p>	<p>06/23/2020</p>	<p><b>08/19/2020: Expedited Release GRANTED.</b></p> <p>Decision for Trujillo, Federico, BH9308: When considering together the findings on each of the inmate's four case factors, the inmate does not pose a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. Release is approved.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offenses mitigate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 6 years on the current commitment offenses. The commitment offenses are VC 10851(a) Vehicle theft), enhanced with PC 667.5(b) Prior prison term (1yr.) Convicted 10/25/18.</p> <p>On 7/25/18, officer pulled over a vehicle that the inmate was driving, and found it was stolen. Contact to the owner, Redwood Tree Care Service, did not realize the vehicle was missing from their lot. The company stated it was common practice to leave the keys in the vehicle on their lot. The inmate decided to help himself to the company's vehicle without permission.</p> <p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are no aggravating circumstances and the following mitigating circumstances make this a mitigating factor in the case:</p> <p>The inmate did not personally use a deadly weapon. No weapon was used.</p> <p>No victims suffered physical injury or threat of physical injury. No confrontation was made by the inmate.</p>

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						<p>There was only one conviction. Therefore, the current crimes are found to be a mitigating risk factor in the case.</p> <p><u>Case Factor #2- Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 1996 and continued until the commitment offense(s) in 2018. The inmate's prior criminal record is a factor aggravating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions: PC 459 Burglary 2nd, PC 459 Burglary 2nd (2015); PC 422 Criminal threats to cause GBI/death (2011); PC 212.5(b) Robbery 2nd (1996).</p> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence or significant criminal activity are:</p> <p>The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years. No violent felony's. The 1996 Robbery 2nd does not qualify since it was over 15 years ago.</p> <p>The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence or significant criminal activity are:</p> <p>The inmate was incarcerated for a misdemeanor conviction involving physical injury to a victim or a felony conviction within five years prior to his current conviction. The inmate was released from a prior felony on 7/11/17 and convicted a year and three months later on 10/25/18.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record aggravate the inmate's current risk of violence or significant criminal activity because of the following: While the inmate has not had a violent felony in the last 15</p>

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						<p>years, more weight was given the fact that in a short period of time (1 year and 3 months), the inmate was convicted on the current offense on 10/25/18. The inmate did not learn from previous incarcerations.</p> <p><u>Case Factor #3- Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offense since November 29, 2018, a period of approximately 1 year and 8 months. The inmate has been involved in the following activities:</p> <p>Confidential: Nothing this term.</p> <p>Discipline: Nothing this term.</p> <p>Education: Adult Basic Education III Adult Basic Education II</p> <p>Vocation: Nothing this term.</p> <p>Work Activity: Nothing this term.</p> <p>Self-Help Programming: Criminal Gang Members Anonymous</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence or significant criminal activity:</p> <p>The inmate has not been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison. No violent rule violations.</p> <p>There is no reliable information in the confidential section of the inmate's central file indicating the inmate has</p>

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						<p>engaged in criminal activity since his last admission to prison. No confidential this term.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity:</p> <p>The inmate has limited or no participation in available vocational, educational, or work assignments.</p> <p>The inmate has limited or no participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior.</p> <p>The inmate has participated in criminal gang members anonymous for 27 hours. While this is a good start, it does not reach the level considered as sustained period of time.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence or significant criminal activity because of the following: On a positive note, the inmate has participated in both education and some self-help programming. While the programming was not for a sustainable period of time, more weight was given to the fact that the inmate did not engaged in criminal activity or receive a single rules violation that was serious or administrative. In balance, while we would like to see more programming, the inmate has not been involved in negative activity while incarcerated.</p> <p><u>Case Factor#4- Response to Legal Notice</u></p> <p>There were response(s) to the Legal Notices in support of release from the inmate, dated 6/29/20, which were reviewed and considered in this decision.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as</p>

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						<p>documented above, and taking into account the totality of the circumstances, including the passage of time 1 year and 8 months, the inmate's age of 43, the inmate's physical and cognitive limitations, the factors mitigating the inmate's current risk of violence outweigh the factors aggravating the inmate's current risk of violence or significant criminal activity.</p> <p>The inmate's commitment offense and institutional adjustment were both mitigating. The prior criminal record was found to be aggravating because of the inmate's inability to remain crime free in the community for any significant period of time. In balance, more weight was given to the commitment offense, since it was not violent, and while incarcerated, the inmate did not engage in criminal activity, did not have any rule violations and made an effort to improve his education and participate in some criminal gang member self-help programming to make a change. The inmate does not pose a current unreasonable risk of violence. The inmate is approved for release.</p> <p><i>Michael Grottko</i></p>
<p><b>Laureano Alvarado Valencia</b>  SCUK CRCR 14-76856</p>	<p>05/25/2017</p>	<p>PC § 29800(A)(1) Felon in Possession of a Firearm</p> <p>H&amp;S § 11378 [Methamphetamine] Possession for Sale</p> <p>H&amp;S § 11370.2 [Prior]</p>		<p>68 mos.</p>	<p>11/20/2018</p>	<p><b>12/27/2018: Expedited Release GRANTED.</b></p> <p>Decision based on the reasons stated below:</p> <p>When considering together the findings on each of the inmate's, Laureano Valencia (#BD2426) four case factors, he does not pose an unreasonable risk of violence to the community. Release is approved.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment</p>



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						<p>offenses mitigate the inmate's current risk of violence. The inmate was sentenced to a total term of 5 years 8 months on the current commitment offenses. The commitment offenses are PC 29800(a)(1), felon in possession of a firearm, HS 11378, possession of a controlled substance for sale. Midterm of 3 years on Count 1, 1/3 midterm on Count 2, with a 3 year consecutive enhancement pursuant to HS11370.2(c) for possession of a controlled substance exceeding 1 kilo.</p> <p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are no aggravating circumstances and the following mitigating circumstances make this a mitigating factor in the case:</p> <ol style="list-style-type: none"> <li>1. The inmate did not personally use a deadly weapon.</li> <li>2. No victims suffered physical injury or threat of physical injury.</li> </ol> <p><u>Case Factor #2 - Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 2003 and continued until the commitment offenses in 2017. The inmate's prior criminal record is a factor mitigating the inmate's current risk of violence. The inmate has the following adult criminal convictions:  2003- HS11378, possession of methamphetamine for sale, armed with firearm.</p> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence are:</p> <ol style="list-style-type: none"> <li>1. The inmate has never been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code.</li> <li>2. The inmate was free from incarceration for a felony</li> </ol>

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						<p>conviction for five years or more prior to his current convictions. The inmate was previously released from prison on 4/10/2006, and convicted of the current offenses on 3/16/2017, a period of time in excess of 5 years duration.</p> <p>There are no aggravating circumstances of the inmate's prior criminal record that are applicable.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record mitigate the inmate's current risk of violence because The inmate's criminal history reflects two mitigating circumstances and there are no aggravating circumstances with which to offset. Therefore the inmate's criminal history is mitigating.</p> <p><u>Case Factor #3 - Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since June 1, 2017, a period of approximately 1 year 7 months.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence:</p> <p>The inmate has been involved in the following activities:  The inmate has no Rules Violation Reports.  A review of the inmate's central file indicates the inmate has participated in the following work assignments during his current term.  -Main Kitchen Cook  A review of the inmate's central file indicates the inmate has not participated in any vocational assignments during</p>

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						<p>his current term.</p> <p>A review of inmate's central file indicates the inmate has participated in the following educational assignments during his current term.            11/7/2018-current, Adult ABE I</p> <p>A review of the inmate's central file indicates the inmate has not participated in any self-help or rehabilitative programming during his current term.</p> <p>The circumstances of the inmate's institutional behavior, work history, and rehabilitative programming that aggravate the inmate's current risk of violence are the inmate has no participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence because the inmate has no history of violence, domestic violence, or gang participation. There is no evidence to establish the inmate has substance abuse concerns. Despite the inmate's lack of programming the inmate has been compliant with institutional rules, has engaged in work and recently commenced to improve his education. Therefore, his institutional adjustment is regarded as a mitigating factor.</p> <p><u>Case Factor #4 - Response to Legal Notice</u></p> <p>There were no responses to Legal Notices.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, taking into account the totality of the circumstances, including the passage of time, the factors</p>

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						<p>mitigating the inmate's current risk of violence outweigh the factors aggravating the inmate's current risk of violence.</p> <p>The inmate's prior criminal history, commitment offenses and institutional adjustment were all determined to be mitigating factors. The inmate has no history of violence and there being no aggravating factors, there is nothing to establish the inmate currently poses an unreasonable risk of violence. The inmate is approved for release.</p> <p><i>David Hurd</i></p>
<p><b>Marcos Abel Vasquez</b></p> <p>SCUK CRCR 18-93948</p>	<p>08/17/2018</p>	<p>PC § 594(b)(1) Felony Vandalism</p> <p>PC § 12022(b)(1) Use of a Weapon</p> <p>PC § 1170.12 Prior Strike Conviction</p> <p>PC § 667.5(a) Prior Serious Felony Conviction</p>		<p>72 mos.</p>	<p>07/14/2021</p>	<p><b>09/10/2021: Expedited Release DENIED.</b></p> <p>Decision for Vasquez, Marcos, BH1118: When considering together the findings on each of the inmate's four case factors, the inmate poses a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. Release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offenses aggravate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of six years on the current commitment offenses. The commitment offenses are PC 594(b) (vandalism), for which the inmate received a sentence of two years which was doubled in accordance with PC 667(b)-(i)/PC 1170.12. The sentence also includes a one-year enhancement in accordance with PC 667.5(b) for a prior prison term and a one-year enhancement in accordance with PC 12022(b)(1) for use of a deadly</p>

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						<p>weapon.  On 3/27/18, the inmate smashed a car's windows with a baseball bat.  After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are aggravating circumstance(s) in the case and the following aggravating circumstances make this an aggravating factor in the case:  The inmate personally used a deadly weapon. He used a baseball bat. This was the basis for a PC 12022(b)(1) enhancement.  Therefore, the current crimes are found to be an aggravating risk factor in the case.</p> <p><u>Case Factor #2 – Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 2013 and continued until the commitment offenses in 2018. The inmate's prior criminal record is a factor aggravating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions: PC 245(a)(4) (Assault Likely to Produce Great Bodily Injury) with a PC 186.22(b) gang enhancement in 2013.</p> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence or significant criminal activity are:  The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years.</p> <p>The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence or significant criminal activity are:  The inmate was incarcerated for a misdemeanor conviction involving physical injury to a victim or a felony conviction within five years prior to his current conviction.</p>

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						<p>He was released on parole on 12/27/14 following his 2013 conviction, and the date of his current conviction was 7/12/18.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record aggravate the inmate's current risk of violence or significant criminal activity because the inmate was incarcerated as a result of violent, gang-related criminal conduct a relatively brief amount of time prior to his current conviction, demonstrating that serving time in prison has had little effect on his subsequent behavior.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since August 23, 2018, a period of approximately three years.</p> <p>The inmate has been involved in the following activities:</p> <p>EDUCATIONAL ASSIGNMENTS:  GED: 258 hours  Basic Education: 440 hours</p> <p>VOCATIONAL/WORK ASSIGNMENTS:  None reported.</p> <p>SELF-HELP/REHABILITATIVE PROGRAMS:  CBI Lifeskills: 102 hours  Transitions: 96 hours  Truth Project: 26 hours  Alcoholics Anonymous: 17 hours  Celebrate Recovery: 36 hours  Alcoholics Anonymous (Spanish): 2.5 hours  Socialization, 14 sessions,</p> <p>SERIOUS RULE VIOLATIONS:  10/9/20: Battery on prisoner  1/2/20: Possession of cellular telephone</p>

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						<p>The following circumstances of the inmate’s institutional behavior, work history, and rehabilitative programming mitigate the inmate’s current risk of violence or significant criminal activity:</p> <p>There is no reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since his last admission to prison.</p> <p>The following circumstances of the inmate’s institutional behavior, work history, and rehabilitative programming aggravate the inmate’s current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> <li>1. The inmate has been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison or has one or more recent serious institutional Rules Violation Reports. The inmate was found guilty of battery in 2020, and he has incurred two serious RVRs within the past 21 months.</li> <li>2. The inmate has limited participation in available vocational, educational, or work assignments. He has taken some positive steps in education assignments, but his experience has nevertheless been somewhat sporadic and of short duration. He has had no vocational or work assignments.</li> <li>3. The inmate has no participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior, such as gang involvement.</li> </ol> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate’s institutional behavior, work history, and rehabilitative programming aggravate the inmate’s current risk of violence or significant criminal activity because the inmate's prior history of assaultive and other criminal behavior continues to be relevant during his incarceration</p>

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						<p>in light of his misconduct. His involvement in gangs appears to remain a problem for the inmate which he has yet to meaningfully address.</p> <p><u>Case Factor #4 – Response to Legal Notice</u></p> <p>There were no responses to Legal Notices.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the passage of time, the factors aggravating the inmate’s current risk of violence outweigh the factors mitigating the inmate’s current risk of violence or significant criminal activity.</p> <p>All factors are in aggravation of risk. The inmate's criminal conduct, including assaultive behavior, demonstrated in his prior and current offenses has continued during his incarceration. In light of this, his mixed efforts at addressing his rehabilitative needs do not yet weigh sufficiently in his favor. The inmate is denied for release.</p> <p><i>Daniel Blake</i></p>
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<p><b>Marcos Abel Vasquez</b></p> <p>SCUK CRCR 18-93948</p>	<p>08/17/2018</p>	<p>PC § 594(b)(1) Felony Vandalism</p> <p>PC § 12022(b)(1) Use of a Weapon</p> <p>PC § 1170.12 Prior Strike Conviction</p> <p>PC § 667.5(a) Prior Serious Felony Conviction</p>		<p>72 mos.</p>	<p>07/14/2020</p>	<p><b>09/09/2020: Expedited Release DENIED.</b></p> <p>Decision for Vasquez, Marcos, BH1118: When considering together the findings on each of the inmate's four case factors, the inmate poses a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. Release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offense(s) aggravate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of six (6) years on the current commitment offense(s). The commitment offense(s) is/are</p> <p>PC 594(b)(1) Vandalism 4 years (midterm doubled)</p> <p>PC 12022(b)(1) Enhancement Personal Use 1 year of a Deadly Weapon</p> <p>PC 667.5(b) Prior Prison Term 1 year</p> <p>On March 27, 2018, Vasquez and his crime partner vandalized a vehicle, causing property damage of \$2,500 for repairs. Vasquez took a wooden baseball bat and smashed the windows of the vehicle.</p> <p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are aggravating circumstance(s) in the case and the following aggravating circumstances make this an aggravating factor in the case:</p> <p>The inmate personally used a deadly weapon. Vasquez used a wooden baseball bat to smash the windows of a vehicle.</p>

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						<p>Therefore, the current crimes are found to be an aggravating risk factor in the case.</p> <p><u>Case Factor #2 – Prior Criminal Record</u></p> <p>The inmate’s prior criminal history began in 2013 and continued until the commitment offense(s) in 2018. The inmate’s prior criminal record is a factor aggravating the inmate’s current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions:  2013 PC 245(a)(1) Assault with a Deadly Weapon  PC 186.22(a) Participate in Criminal Street Gang</p> <p>The circumstances of the inmate’s prior criminal record that mitigate the inmate’s current risk of violence or significant criminal activity are:  The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years.</p> <p>The circumstances of the inmate’s prior criminal record that aggravate the inmate’s current risk of violence or significant criminal activity are:  The inmate was incarcerated for a felony conviction within five years prior to his current conviction.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate’s prior criminal record aggravate the inmate’s current risk of violence or significant criminal activity because Vasquez is unable to remain free from incarceration for a lengthy period of time, at least five years or more. The fact that he has not been convicted of a violent felony under PC667.5(c) is outweighed by the fact that he was free from incarceration for less than four years before being convicted of the current offenses. He was released from his last prison term</p>

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						<p>on December 27, 2014 and convicted of his current crime on July 12, 2018. Vasquez was free in the community for only three years and seven months when he re-offended. He is only twenty-seven years-old and is serving his second prison term, which demonstrates that incarceration does not prevent him from engaging in criminal activity.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offense(s) since August 23, 2018, a period of approximately two years.</p> <p>The inmate has been involved in the following activities:  SERIOUS ADMINISTRATIVE AND OR VIOLENT RULES VIOLATION REPORTS:  1/2/20 Possession of a Cellular Telephone  CRIMINAL ACTIVITY: None during this incarceration period.  VOCATIONAL &amp; WORK ASSIGNMENTS: None during this incarceration period.  EDUCATIONAL ASSIGNMENTS:  GED Level 2  Adult Basic Education II  SELF-HELP/REHABILITATIVE PROGRAMS:  Truth Project 26 hours  Alcoholics Anonymous 17 hours  Celebrate Recovery 36 hours  Alcoholics Anonymous/Spanish 2.5 hours</p> <p>The following circumstances of the inmate’s institutional behavior, work history, and rehabilitative programming mitigate the inmate’s current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> <li>The inmate has not been found guilty of institutional Rules Violations Reports resulting in physical</li> </ol>

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						<p>injury or threat of physical injury since his last admission to prison.</p> <p>2. There is no reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since his last admission to prison.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity:</p> <p>1. The inmate has limited participation in available vocational, educational, or work assignments. Vasquez spent a significant number of hours participating in educational assignments, but has achieved very little progress.</p> <p>2. The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity because Vasquez has not yet successfully participated in rehabilitative programs to address the circumstances that gave rise to his commitment offense. He has also not yet successfully participated in vocational, educational or work assignments for a sustained period of time. Vasquez is currently incarcerated for using a bat to smash the windows of a vehicle. He used a deadly weapon and behaved in an aggressive manner, causing significant property damage. The circumstances of his commitment offense are concerning because he served a prior prison term for Assault with a Deadly Weapon. He has not yet</p>

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						<p>successfully participated in relevant programs to address his aggressive and violent behavior. He will consequently repeat the same negative behavior in the community.</p> <p><u>Case Factor #4 – Response to Legal Notice</u></p> <p>There were no responses to Legal Notices.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the passage of time and the inmate's age, twenty-seven years-old, the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's current risk of violence or significant criminal activity.</p> <p>Under the review criteria, the inmate's commitment offense, prior criminal record and institutional behavior are factors that aggravate his current risk of violence. His commitment offense involved aggressive behavior. Vasquez smashed the vehicle's windows with a bat, causing significant property damage. He has a prior felony conviction for Assault with a Deadly Weapon. He is only twenty-seven years-old and is serving his second term, which indicates that his last incarceration did not deter him from further criminal behavior. Vasquez has not yet participated in rehabilitative programs to address his aggressive and violent tendencies and he will exhibit the same behavior when released to the community. The inmate is denied for release.</p> <p><i>Mary Dang</i></p>

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<p><b>Angelo Jovan Want</b></p> <p>SCUK CRCR 12-22772  SCUK CRCR 12-20188  SCUK CRCR 10-11573</p>	<p>05/23/2014</p>	<p>PC § 664/187(a)  Attempted Murder</p> <p>PC § 245(a)(2)  Assault With a Firearm</p> <p>VC § 2800.2(a)  Evading a Peace Officer</p> <p>PC § 422  Criminal Threats</p> <p>PC § 417/186.22(d)  Drawing or Exhibiting a Weapon/Gang Affiliation</p> <p>PC § 1170.12  Prior Strike Conviction</p> <p>PC § 667.5(a)  Prior Serious Felony Conviction</p>		<p>148 mos.</p>	<p>09/09/2019</p>	<p><b>01/16/2020: Expedited Release DENIED.</b></p> <p>Decision for Want, Angelo, AT7716: When considering together the findings on each of the inmate's four case factors, the inmate poses a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. Release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offenses aggravate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 13 years on the current commitment offenses. The commitment offenses are from 3 combined cases, arising from incidents in 2010, 2011, &amp; 2012. The crimes are, in order, PC 422 criminal threats with a PC 186.22 gang finding; VC 2800.2(a) reckless evasion; and PC 245(a)(2) ADW with a firearm. In order of their commission, the facts are as follows:</p> <p>Case #1: In April of 2010, he threatened a rival gang member with a knife, while making statements about his gang. When police went to arrest him the next day, he tried to punch the officer.</p> <p>Case #2: In November 2011, police tried to pull him over for a traffic violation. He led them on a high speed chase, driving recklessly until he crashed the car and then fled on foot, escaping into the forest. He was caught on a later date.</p> <p>Case #3: In July 2012, he shot a man he thought was a rival gang member and then fled the scene. When the SWAT team came to his house to arrest him, he ran off into the fields and farmland, escaping. A month later he was found</p>

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						<p>at a motel, but again tried to run away. He originally had a suspended sentence for the 2010 PC 422, but it was imposed as a result of the other convictions. He was sentenced as follows: 3 years for the ADW, and 8 months each for the 422 and the firearm possession. A 2 year sentence for the evasion was made concurrent. Enhancements of 3 years, 8 months per PC 1170.12 and 5 years per PC 667(a) were added.</p> <p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are aggravating circumstances in the case and the following aggravating circumstances make this an aggravating factor in the case:</p> <ol style="list-style-type: none"> <li>1.) The inmate personally used a deadly weapon, in these cases a knife and a gun; and</li> <li>2.) There were one or more victims who suffered physical injury or threat of physical injury, which hold true in all 3 cases: he threatened a man with a knife and then tried to punch the police officer that was arresting him; he endangered the police and public with his reckless driving while trying to evade the police; and he shot a man.</li> </ol> <p>Therefore, the current crimes are found to be an aggravating risk factor in the case.</p> <p><u>Case Factor #2 - Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 2010 with the PC 422 conviction and continued until the commitment offenses in 2011 and 2012. The inmate's prior criminal record is a factor mitigating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions: Mr. Want has no prior felony convictions.</p> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence or significant criminal activity are:</p> <ol style="list-style-type: none"> <li>1.) The inmate has no prior criminal convictions; and</li> </ol>

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						<p>2.) The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years.</p> <p>The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence or significant criminal activity are:</p> <p>There are no aggravating circumstances.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record mitigate the inmate's current risk of violence or significant criminal activity because of the lack of any prior record and thus the lack of any aggravating factors.</p> <p><u>Case Factor #3 - Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since June 19, 2014, a period of approximately 5 years, 7 months.</p> <p>The inmate has been involved in the following activities: Today Mr. Want's file was reviewed for his programming while incarcerated and his programming is noted. Although commendable, his efforts at programming are far outweighed by his multiple serious and violent behavioral incidents in prison, as well as his significant criminality in prison. During the less than 6 years of his incarceration, he has been found guilty of 5 serious rules violation reports involving violence or injury, or the threat of violence or injury. They are as follows: fighting, May 2016 and November 28, 2018; participation in riots in March 2017 and September 2018, and battery on an inmate November 1, 2018. In addition, there are multiple reliable confidential memos, indicating ongoing significant criminal activity in prison. These are dated May 17, 2016, February 9, 2018, and March 12, 2019. In addition to them all being deemed reliable, their reliability is further enhanced or confirmed</p>



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						<p>by the fact they are consistent with each other. A pending 115 dated 5/9/19 was not considered for this review.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence or significant criminal activity: Please see the above analysis.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity: Please see the above analysis.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity because of the following: These five incidences of violent behavior, as well as his criminality in prison, as recent as less than a year ago, are highly probative of Mr. Want's current risk of violence. At this time, these aggravating circumstances of multiple rules violations involving violence which resulted in physical injury, as well as the ongoing criminality in prison, far outweigh any mitigating circumstances in the case. Therefore, the inmate's institutional adjustment is determined to be an aggravating factor in the case.</p> <p><u>Case Factor #4 - Response to Legal Notice</u> There were response(s) to the Legal Notices in support of release from the inmate, dated 9/25/19, which were reviewed and considered in this decision.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the passage of time, the inmate's age, and any physical and cognitive limitations,</p>

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						<p>the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's current risk of violence or significant criminal activity. As evident from the above discussion, Mr. Want has consistently engaged in criminality involving the use of violence or the threat of violence for nearly the past 10 years. He threatened a man with a knife and tried to punch a police officer in 2010, engaged in reckless evasion in 2011, and shot a man in 2012. Once in prison, he engaged in violence in 2016, 2017, and three times in 2018. In addition, he has been engaging in criminal activity in prison since 2016. As a result, his current crime and his in prison conduct are all aggravating and highly indicative of an enhanced risk of him repeating or continuing this behavior. These facts far outweigh any applicable mitigating factors. Therefore, he clearly poses a current, unreasonable risk of violence to the community. The inmate is denied for release.</p> <p><i>Dale Pomerantz</i></p>
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<p><b>Angelo Jovan Want</b></p> <p>SCUK CRCR 12-22772  SCUK CRCR 12-20188  SCUK CRCR 10-11573</p>	<p>05/23/2014</p>	<p>PC § 664/187(a)  Attempted Murder</p> <p>PC § 245(a)(2)  Assault With a Firearm</p> <p>VC § 2800.2(a)  Evading a Peace Officer</p> <p>PC § 422  Criminal Threats</p> <p>PC § 417/186.22(d)  Drawing or Exhibiting a Weapon/Gang Affiliation</p> <p>PC § 1170.12  Prior Strike Conviction</p> <p>PC § 667.5(a)  Prior Serious Felony Conviction</p>		<p>148 mos.</p>	<p>09/09/2020</p>	<p><b>11/02/2020: Expedited Release DENIED.</b></p> <p>Decision for Want, Angelo, AT7716: When considering together the findings on each of the inmate's four case factors, the inmate poses a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. Release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offenses aggravate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 13 years on the current commitment offenses. The commitment offenses are PC 245(A)(2) Assault with a Firearm, PC 29800(A) Felon in Possession of a Firearm, PC 422 Criminal Threats, VC 2800.2 Reckless Evading, with a 5 year enhancement pursuant to PC 667(A)(1) Prior Serious Felony Conviction for a total term of 13 years.</p> <p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are aggravating circumstance(s) in the case and the following aggravating circumstances make this an aggravating factor in the case:</p> <ol style="list-style-type: none"> <li>1.The inmate personally used a deadly weapon. The inmate threatened one victim with a knife and shot another in the head with a firearm.</li> <li>2.There were one or more victims who suffered physical injury or threat of physical injury. The victim shot in the head suffered a severe physical injury, the person threatened with the knife and the drivers and pedestrians in the vicinity of the inmate's reckless evading suffered a</li> </ol>

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						<p>threat of physical injury.</p> <p>On 4/6/10, the inmate approached a rival gang member with a knife, yelled out his gang allegiance and pointed the knife blade at the victim stating "You're going to die tonight." The next day, Deputies attempted to arrest the inmate and he attempted to punch a Deputy with both fists.</p> <p>On 11/4/11, the inmate failed to yield to the lights and sirens of a patrol vehicle pursuing him, reaching speeds of 100 mph until he lost control of the vehicle. The inmate ran from the vehicle and escaped, but was located and arrested on a later date.</p> <p>On 7/6/12, the inmate shot the victim in the head after the inmate became angry that the victim wanted to become a law enforcement officer and was taking administration of justice classes at college. The inmate referred to the victim as a "narc" and a "pig" before shooting him. A SWAT team attempted to arrest the inmate at his residence, but he was successful in escaping. He was found approximately a month later at a motel and arrested.</p> <p>Therefore, the current crimes are found to be an aggravating risk factor in the case.</p> <p><u>Case Factor #2 - Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 2010 and continued until the commitment offenses in 2012. The inmate's prior criminal record is a factor mitigating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions: No Prior felony convictions.</p> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence or significant criminal activity are:</p> <ol style="list-style-type: none"> <li>1. The inmate has no prior criminal convictions.</li> </ol>

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						<p>2. The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years.  The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence or significant criminal activity are:  None.  Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record mitigate the inmate's current risk of violence or significant criminal activity because there are aggravating circumstances to weigh against the mitigating circumstances of the inmate having no adult felony convictions other than his commitment offenses.</p> <p><u>Case Factor #3 - Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since June 14, 2014, a period of approximately 6 years, 4.5 months.  The inmate has been involved in the following activities:  Serious RVRs:  Possession of Alcohol 6/25/20, 4/3/20  Fighting 6/12/20, 11/28/18, 5/15/16  Possession of C/S in an Institution 5/9/19  Battery on Prisoner 11/1/18  Participation in a Riot 9/25/18, 3/19/17  Disobeying an Order 4/14/17  Work/Vocational Assignments:  Vocational Computer Technology  Vocational Computer Literacy  Yard Worker  Vocational Auto Body</p>

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						<p>Vocational Welding            PIA Facilities Maintenance            Education Assignments:            Literacy Student            Adult Basic Education II            Voluntary E-Learning            Adult Basic Education III            GED            Voluntary GED            Self - Help Participation:            5 Month Substance Abuse Program            Re-entry Substance Abuse            Transitions            GOGI Increasing Your Peace course            GOGI Insight Development</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence or significant criminal activity:</p> <p>1.The inmate has successfully participated in vocational, educational, and work assignments for a sustained period of time. The inmate has several work and vocational assignments with all satisfactory reports. His assignments have included a PIA Facilities Maintenance assignment and several vocational assignments. He also had several education assignments with mostly all satisfactory education progress reports, including his most recent from ABE II with all satisfactory marks. He was also consistent with his hours of participation in Voluntary GED, and completed his voluntary E-Learning assignment. Overall, this area is found to be sustained and successful.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity:</p>
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						<p>1.The inmate has been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his or her last admission to prison. The inmate was found guilty of 3 RVRs for Fighting, the most recent dated 6/12/20. He also has 2 RVRs for Participation in a Riot, and one for Battery on a Prisoner.</p> <p>2.There is reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since his or her last admission to prison. This is noted on confidential memoranda dated 6/16/20, 3/12/19, 2/9/18, and 5/17/16.</p> <p>3.The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his or her criminal behavior, such as gang involvement. The inmate's commitment offenses include shooting a victim in the head that he called a "pig" and a "narc" as he knew the victim wanted to become a law enforcement officer, and threatening a rival gang member with a knife while calling out his gang name. The inmate is commended for his completion of 2 substance abuse programs, the 2 GOGI courses and the Transitions program, but there is no documented participation in self - help to address the inmate's gang involvement. The inmate's self-help has not been sustained and successful to address the circumstances of his criminal behavior, as evidenced his 2020 RVRs for Fighting and Possession of Alcohol.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity because the inmate was found guilty of 3 RVRs for Fighting, the most recent dated 6/12/20, the others from 2016 and 2018. He also has 2 RVRs for Participation in a Riot from 2018 and 2017, and one for Battery on a Prisoner in 2018. This</p>

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						<p>pattern of violent behavior that has extended from 2016 until June of 2020 is found highly probative when assessing the inmate's current risk of violence. Additionally, there are reliable, confidential memoranda indicating the inmate has engaged in criminal activity on the current term, and the inmate has not been found to have engaged in sustained and successful programming to address the circumstances that contributed to his criminal behavior. The foregoing aggravating circumstances are found to outweigh the mitigating circumstances of the inmate's sustained and successful work/vocational/education assignments when assessing the inmate's current risk of violence.</p> <p><u>Case Factor #4 - Response to Legal Notice</u></p> <p>There were response(s) to the Legal Notices in support of release from the inmate, letter dated 9/25/19 which were reviewed and considered in this decision.</p> <p>There were response(s) to the Legal Notices in opposition to release from the County of Fresno District Attorney's Office, letter dated 10/8/20 which were reviewed and considered in this decision.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the passage of time and the inmate's age of 29, the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's current risk of violence or significant criminal activity.</p> <p>The inmate's Institutional Adjustment was found to aggravate the inmate's current risk of violence as the inmate was found guilty of 3 Rules Violation Reports for Fighting, the most recent dated 6/12/20, the others from 2016 and 2018. He also has 2 Rules Violation Reports for</p>



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						<p>Participation in a Riot from 2018 and 2017, and one for Battery on a Prisoner in 2018. This pattern of violent behavior that has extended from 2016 until June of 2020 is found highly probative when assessing the inmate's current risk of violence. Additionally, there are reliable, confidential memoranda indicating the inmate has engaged in criminal activity on the current term, and the inmate has not been found to have engaged in sustained and successful programming to address the circumstances that contributed to his criminal behavior. The inmate's current commitment offenses were also found to have aggravated the inmate's current risk of violence as they include the violent behavior of shooting one victim in the head due to his desire to become a law enforcement officer, and threatening to kill a rival gang member while approaching him with a knife. The foregoing aggravating circumstances are found to outweigh the mitigating circumstances of the absence of any prior felony convictions noting the inmate's first commitment offense took place in 2010 and he is currently 29, and inmate's sustained and successful work/vocational/education assignments when assessing the inmate's current risk of violence. To prepare for this review, the author reviewed the Disability and Effective Communication System as well as the inmate's record to determine all physical and cognitive disabilities documented for this inmate. In reaching the decision articulated above, the author fully considered any mitigating impact of each documented disability on all of the factors considered. The inmate is denied for release.</p> <p style="text-align: right;"><i>John Denvir</i></p>

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<p>Harlan Nelson Hawk <b>Williams</b></p> <p>SCUK CRCR 17-89167</p>	<p>05/04/2018</p>	<p>VC § 2800.2(a) X 3 Evading a Peace Officer</p> <p>PC § 1170.12 Prior Strike Conviction</p> <p>PC § 667.5(a) Prior Serious Felony Conviction</p>		<p>104 mos.</p>	<p>05/12/2020</p>	<p><b>06/29/2020: Expedited Release DENIED.</b></p> <p>Decision for Williams, Harlan, AV4949: When considering together the findings on each of the inmate's four case factors, the inmate poses a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. Release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offenses aggravate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of nine years, four months on the current commitment offenses.</p> <ol style="list-style-type: none"> <li>1. VC2800.2 Reckless Evading (6 years as a Second Striker)</li> <li>2. VC2800.2 Reckless Evading (1 year, 4 months)</li> <li>3. VC2800.2 Reckless Evading (1 year, 4 months)</li> <li>4. PC29800(a)(1) Felon Possess Firearm (8 months)</li> </ol> <p>On 2/7/17, officers attempted a traffic stop on the inmate. The inmate refused to yield and a pursuit ensued, during which the inmate drove at excessive speeds, ran stop signs, drove in oncoming traffic lanes, and crashed into a tree.</p> <p>On 3/2/17, officers attempted a traffic stop on the inmate. The inmate failed to yield and a pursuit ensued, during which the inmate drove at excessive speeds and threw a shotgun out the vehicle window.</p> <p>On 4/25/17, the inmate approached a victim, pulled out a gun, and demanded money. The inmate took \$900 from the victim's wallet and fled.</p> <p>On 6/13/17, officers attempted a traffic stop on the inmate. The inmate failed to yield and pursuit ensued,</p>

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						<p>during which the inmate drove into the hills and crashed his vehicle before fleeing on foot.            After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are aggravating circumstance in the case:</p> <ol style="list-style-type: none"> <li>1. The inmate personally used a deadly weapon, to wit: a firearm.</li> <li>2. There were one or more victims who suffered physical injury or threat of physical injury. The inmate used a gun to take money from a victim, presenting the threat of physical injury. Further, on multiple occasions, the inmate placed other pedestrians and motorists in harm's way, with threat of physical injury, when he drove recklessly in an attempt to evade capture.            Therefore, the current crimes are found to be an aggravating risk factor in the case.</li> </ol> <p><u>Case Factor #2 - Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 2013 and continued until the commitment offenses in 2018. The inmate's prior criminal record is a factor aggravating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions:</p> <ol style="list-style-type: none"> <li>1. 2013: PC422 Criminal Threats</li> <li>2. 2014: VC2800.4 Evading Peace Officer: Wrong Way</li> </ol> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence or significant criminal activity are:            The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years.            The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence or significant criminal activity are:</p>

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						<p>1. The inmate's prior criminal convictions, coupled with his current convictions show a pattern of assaultive behavior.</p> <p>2. The inmate was incarcerated for a felony conviction within five years prior to his current convictions. The inmate was released from a prior incarceration on 8/7/16, and convicted of the current offenses on 4/3/18, less than two years later.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record aggravate the inmate's current risk of violence or significant criminal activity because the inmate's prior felony convictions display a continuing pattern of assaultive behavior over an extended period of time and is highly relevant to the inmate's current risk of violence. Further, the inmate's inability to remain crime free in the community for any significant period of time demonstrates prior incarcerations were not a deterrent to criminality and is probative of his risk to reoffend.</p> <p><u>Case Factor #3 - Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since May 17, 2018, a period of approximately two years, 11 months.</p> <p>The inmate has been involved in the following activities:</p> <p>Serious Rules Violation Reports: None</p> <p>Confidential Information: None</p> <p>Vocational Assignments: None</p> <p>Educational Assignments: None</p>

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						<p>Work Assignments:            1. Inmate Day Labor            Self-Help/Rehabilitative Programming:            1. American Indian Spiritual Circle            2. Congregation Beth Shalom</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> <li>The inmate has not been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison.</li> <li>There is no reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since his last admission to prison.</li> </ol> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> <li>The inmate has limited participation in available vocational, educational, or work assignments.</li> <li>The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior. Records indicate the inmate has participated in self-help programs for approximately nine months, which does not rise to the level of being considered successful participation for a sustained period of time.</li> </ol> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity because he has not yet successfully participated in vocational,</p>
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						<p>educational or work assignments, or self-help and rehabilitative programming to address the circumstances of his criminal behavior for a sustained period of time. The inmate's limited participation in self-help or rehabilitative programming is a factor that weighs heavily against other circumstances present in mitigation, especially in light of the severity of the assaultive behavior in the commitment offenses.</p> <p><u>Case Factor #4 - Response to Legal Notice</u></p> <p>There were responses to the Legal Notices in support of release from the inmate, dated 5/29/20, which were reviewed and considered in this decision.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the passage of time, the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's current risk of violence or significant criminal activity.</p> <p>To prepare for this review, the author reviewed the Disability and Effective Communication System as well as the inmate's record to determine all physical and cognitive disabilities documented for this inmate. In reaching the decision articulated below, the author fully considered any mitigating impact of each documented disability on all of the factors considered. Under the review criteria, the inmate's current commitment offenses, prior criminal record, and institutional behavior are considered aggravating. The inmate's current offenses involved the use of deadly weapon and threat of physical injury to victims. Further, the inmate's prior criminal record demonstrates a pattern of assaultive behavior and he was free from incarceration for less than two years before his current convictions. Finally, the inmate has yet to</p>
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						<p>successfully participate in vocational, educational or work assignments, or self-help and rehabilitative programming to address the circumstances of his criminal behavior, for a sustained period of time. For these many reasons, the inmate poses a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. The inmate is denied for release.</p> <p><i>Neal Chambers</i></p>
<p><b>Harlan Nelson Hawk Williams</b></p> <p>SCUK CRCR 17-89167</p>	<p>05/04/2018</p>	<p>VC § 2800.2(a) X 3 Evading a Peace Officer</p> <p>PC § 1170.12 Prior Strike Conviction</p> <p>PC § 667.5(a) Prior Serious Felony Conviction</p>		<p>104 mos.</p>	<p>05/12/2021</p>	<p><b>06/30/2021: Expedited Release DENIED.</b></p> <p>Decision for Williams, Harlan, AV4949: When considering together the findings on each of the inmate's four case factors, the inmate poses a current, unreasonable risk of violence or a current, unreasonable risk of significant criminal activity to the community. Release is denied.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offenses aggravate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of nine years, four months on the current commitment offenses.</p> <ol style="list-style-type: none"> <li>1. VC2800.2 Reckless Evading (6 years as a Second Striker)</li> <li>2. VC2800.2 Reckless Evading (1 year, 4 months)</li> <li>3. VC2800.2 Reckless Evading (1 year, 4 months)</li> <li>4. PC29800(a)(1) Felon Possess Firearm (8 months)</li> </ol> <p>On 2/7/17, officers attempted a traffic stop on the inmate. The inmate refused to yield and a pursuit ensued, during which the inmate drove at excessive speeds, ran stop signs, drove in oncoming traffic lanes, and crashed into a</p>

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						<p>tree.</p> <p>On 3/2/17, officers attempted a traffic stop on the inmate. The inmate failed to yield and a pursuit ensued, during which the inmate drove at excessive speeds and threw a shotgun out the vehicle window.</p> <p>On 4/25/17, the inmate approached a victim, pulled out a gun, and demanded money. The inmate took \$900 from the victim's wallet and fled.</p> <p>On 6/13/17, officers attempted a traffic stop on the inmate. The inmate failed to yield and pursuit ensued, during which the inmate drove into the hills and crashed his vehicle before fleeing on foot.</p> <p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are aggravating circumstance in the case:</p> <ol style="list-style-type: none"> <li>1. The inmate personally used a deadly weapon, to wit: a firearm on 04/25/17.</li> <li>2. There were one or more victims who suffered physical injury or threat of physical injury. The inmate used a gun to take money from a victim, presenting the threat of physical injury. Further, on multiple occasions, the inmate placed other pedestrians and motorists in harm's way, with threat of physical injury, when he drove recklessly in an attempt to evade capture (02/7/17, 03/02/17, and 06/13/17).</li> </ol> <p>Therefore, the current crimes are found to be an aggravating risk factor in the case.</p> <p><u>Case Factor #2 - Prior Criminal Record</u></p> <p>The inmate's prior criminal history began in 2013 (first adult conviction for misdemeanor drug related offense) and continued until the commitment offenses in 2018. The inmate's prior criminal record is a factor aggravating the inmate's current risk of violence or significant criminal activity. The inmate has the following adult criminal</p>



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						<p>convictions:            2013 PC 422 criminal threat with firearm PC 12022(b)(1)            2014 VC 2800.4 reckless driving while evading</p> <p>The circumstances of the inmate's prior criminal record that mitigate the inmate's current risk of violence or significant criminal activity are:</p> <ol style="list-style-type: none"> <li>1. The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years.</li> </ol> <p>The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence or significant criminal activity are:</p> <ol style="list-style-type: none"> <li>1. The inmate's prior criminal convictions coupled with the inmate's current convictions show a pattern of assaultive behavior. The inmate has two prior assaultive offenses as listed above. The inmate exhibited assaultive behavior in the current offense as noted above.</li> <li>2. The inmate was incarcerated for felony convictions within five years prior to the inmate's current convictions. Within five years of the current offense of 4/3/18 (for three reckless evading), the inmate served his first prison term for concurrent sentences (2 yrs and 8 mos) for the two previous felonies.</li> </ol> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record aggravate the inmate's current risk of violence or significant criminal activity because of the inmate's inability to stay crime free for a sustained period of time.</p> <p><u>Case Factor #3 - Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since May 17, 2018, a period of approximately 3 years and 2 months.</p>

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						<p>The inmate has been involved in the following activities:            Serious rules and violations reports: None            Fighting RVR on 4/30/21 is pending and is not considered.            Work/vocational assignments:            Day laborer            Warehouse worker            Educational assignments: None            Self-help or rehabilitative programs:            American Indian Spiritual Circle            Congregation Beth Shalom            The inmate received 3 hrs of mental health treatment.</p> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> <li>1. The inmate has not been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since the inmate's last admission to prison. Nor does the inmate have a recent serious institutional Rules Violation Report.</li> <li>2. There is no reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since the inmate's last admission to prison.</li> </ol> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> <li>1. The inmate has limited participation in available vocational, educational, or work assignments.</li> <li>2. The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to the inmate's criminal behavior.</li> </ol> <p>Analysis: When balancing the aggravating circumstances</p>
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						<p>against the mitigating circumstances, they tend to show that the inmate's institutional behavior, work history, and rehabilitative programming aggravate the inmate's current risk of violence or significant criminal activity because The inmate has not yet addressed the circumstances of his offences. The inmate has limited programming as noted above although the inmate remains disciplinary free at this time.</p> <p><u>Case Factor #4 – Response to Legal Notice</u></p> <p>The Board of Parole Hearings received responses to the legal notices regarding the inmate's nonviolent review. The following responses were reviewed and considered in this decision: the inmate received 5/29/20 (including enclosure).</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the passage of time, the inmate's age (26), the inmate's physical and cognitive limitations, the factors aggravating the inmate's current risk of violence outweigh the factors mitigating the inmate's current risk of violence or significant criminal activity.</p> <p>Here, all factors are aggravating. The inmate sustained his first adult felony conviction for criminal threat in 2013 and was granted probation. However, the probation was revoked, the inmate received concurrent 2 years when the inmate was convicted of reckless evading in 2014 (2 yrs and 8 mos). Within approximately 2 years of the last released on 8/7/16, the inmate sustained three reckless evading, arising out of three incidents on three different dates and one felon in possession of firearm arising out of an armed robbery. Although the inmate has not had any rules violations at this time and has diligently worked for 2</p>
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						<p>years, the inmate's overall programming is found to be limited. The inmate has not adequately addressed the circumstances of his offenses.</p> <p>The inmate poses a current unreasonable risk of violence or a current unreasonable risk of significant criminal activity. The inmate is denied for release.</p> <p><i>Kate Iwanami</i></p>
<p><b>Jesse Franklin Wolf</b></p> <p>SCUK CRCR 17-91365  SCUK CRCR 17-91354  SCUK CRCR 17-90825</p>	<p>03/09/2018</p>	<p>PC § 29800(A)(1) Felon in Possession of Firearm</p> <p>HS § 11352(A) Transport/Sell a Controlled Substance</p> <p>HS § 11379(A) Transport a Controlled Substance for Sale</p> <p>PC § 12022.1 X 2 Offense Committed While out on Bail</p> <p>HS § 11378 Possession of a Controlled Substance for Sale</p> <p>HS § 11359(B) Possession of Marijuana for Sale</p>		<p>124 mos.</p>	<p>07/21/2021</p>	<p><b>09/17/2021: Expedited Release GRANTED.</b></p> <p>Decision based on the reasons stated below:</p> <p>When considering together the findings on each of the inmate's, Jesse Wolf (#BF9667) four case factors, he does not pose an unreasonable risk of violence to the community. Release is approved.</p> <p>Statement of Reasons:</p> <p><u>Case Factor #1 - Current Commitment Offense</u></p> <p>The circumstances of the inmate's current commitment offenses mitigate the inmate's current risk of violence or significant criminal activity. The inmate was sentenced to a total term of 10 years and 4 months on the current commitment offenses. The commitment offenses are</p> <ol style="list-style-type: none"> <li>(1) HS 11352 transportation of controlled substances for which the inmate received a term of 4 years (2 years doubled as a second strike)</li> <li>(2) PC 29800(a) possession of a firearm by felon for which the inmate received a term of 8 months</li> <li>(3) PC 30305(a)(1) prohibited person in possession of ammunition for which the inmate received a term of 2 years (concurrent)</li> </ol>

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						<p>(4) PC 11378 possession of controlled substance for which the inmate received a term of 8 months (note SOMs indicates 8 months while the abstract of judgment indicates 1 year for this offense)</p> <p>(5) PC 11379(a) transportation of controlled substance for which the inmate received a term (stayed)</p> <p>(6) PC 11379(a) transportation of controlled substances for which the inmate received a term of 1 year</p> <p>(7) HS 11379 possession of controlled substance for sale which the inmate received a term of (stayed)</p> <p>(8) There were two enhancements pursuant to PC 12022.1 for offenses committed while released on bail of two years each for a total of 4 years</p> <p>On 04/19/17, the inmate was asked if there was anything illegal in his vehicle. He responded, "a little bit of meth." Subsequent search of the inmate and vehicle revealed 1.35 ounces of methamphetamine, 1 gram of cocaine and 1 pound of marijuana. The inmate stated he was planning of selling the methamphetamine and marijuana to a female subject in Santa Rosa. The inmate was released on bail for this offense.</p> <p>On 07/13/17, deputies initiated a traffic stop and the inmate was found to have two needles on his person. One needle was empty and the other was loaded with methamphetamine. Further search of the inmate's person revealed two clear plastic baggies of methamphetamine and one clear baggie of heroin. A total of 2 grams of heroin and 13 grams of methamphetamine were found on his person. Deputies also discovered a scale in the center console of his vehicle. The inmate was released on bail for this offense.</p> <p>On 08/24/17, deputies were dispatched to investigate a report of an alarm and encountered the inmate who admitted to them he had used methamphetamine 2 hours prior to contact, and then showed the deputies a baggie of methamphetamine. A search of the inmate's vehicle</p>

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						<p>revealed .38-caliber pistol, 5 bullets, 50 baggies commonly used for drug sales, a scale, vacuum sealed bags of marijuana and 11.3 grams of heroin. The inmate admitted selling heroin for purposes of supporting his own drug habit.</p> <p>After careful review and consideration of the aggravating and mitigating circumstances in all of the current crimes, there are no aggravating circumstances and the following mitigating circumstances make this a mitigating factor in the case:</p> <ol style="list-style-type: none"> <li>1. The inmate did not personally use a deadly weapon.</li> <li>2. No victims suffered physical injury or threat of physical injury.</li> </ol> <p><u>Case Factor #2 – Prior Criminal Record</u></p> <p>The inmate’s prior criminal history began in 2009 and continued until the commitment offense(s) in 2017. The inmate’s prior criminal record is a factor mitigating the inmate’s current risk of violence or significant criminal activity. The inmate has the following adult criminal convictions:</p> <p>2009 – HS 11378 possession of controlled substance for sale  2010 – HS 11377 possession of controlled substance  2011 - HS 11350(a) possession of narcotic substance  2012 – HS 11359 possession of marijuana for sale  2012 – HS 11350 possession of a narcotic substance  2015 – HS 11360(a) sell furnish marijuana/hash</p> <p>The circumstances of the inmate’s prior criminal record that mitigate the inmate’s current risk of violence or significant criminal activity are:</p> <ol style="list-style-type: none"> <li>1.The inmate has not been convicted of a violent felony as defined in subdivision (c) of section 667.5 of the Penal Code in the past 15 years.</li> </ol>

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						<p>The circumstances of the inmate's prior criminal record that aggravate the inmate's current risk of violence or significant criminal activity are:</p> <p>1. The inmate was incarcerated felony conviction within five years prior to his current convictions. The inmate's last felony conviction and related commitment was on 04/03/15 and he was sentenced to a year in jail. He was convicted of his current offenses on 02/01/18.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the circumstances of the inmate's prior criminal record mitigate the inmate's current risk of violence or significant criminal activity because the inmate's prior criminal convictions did not involve violence, threat of violence, or large scale criminal activity. Despite the fact that the inmate was out of custody for less than 5 years before his current convictions, the inmate's lack of violence throughout the inmate's entire criminal history is more probative of current risk, and therefore, outweighs the in prior incarceration for a felony conviction.</p> <p><u>Case Factor #3 – Institutional Adjustment</u></p> <p>The inmate was received into the California Department of Corrections and Rehabilitation on the current commitment offenses since April 12, 2018, a period of approximately 3 years and 5 months.</p> <p>The inmate has been involved in the following activities:</p> <p>Tate Terms:</p> <p>On 05/13/21, the inmate received a Tate Term for PC 4573.6 possession of controlled substances in prison for which he received a term of 2 years. This term arose out of the incident on 08/01/18 that resulted in the serious RVR for Conspiracy to Introduce a Controlled Substance dated 02/07/19. This is a future Tate term</p> <p>Rules Violations</p>

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						<ul style="list-style-type: none"> <li>- 02/07/19 conspiring to introduce controlled substance</li> <li>- 07/20/18 failure to respond to notices</li> <li>- 06/19/18 tattooing</li> <li>Confidential Information - None</li> <li>Vocational Assignments - None</li> <li>Educational Assignments               <ul style="list-style-type: none"> <li>- General Educational Development</li> <li>- Literacy I and II Main</li> </ul> </li> <li>Work Assignments               <ul style="list-style-type: none"> <li>- Porter</li> </ul> </li> <li>Programs               <ul style="list-style-type: none"> <li>- Veterans in Prison</li> <li>- Purpose Driven Live</li> <li>- Page Turners Anonymous</li> <li>- Arts in Corrections Choir</li> <li>- Alternatives to Violence Main</li> <li>- Alpha Program</li> <li>- Narcotics Anonymous</li> <li>- Parenting/Place4grace</li> <li>- CBI Outpatient</li> <li>- AVP Basic,</li> </ul> </li> </ul> <p>The following circumstances of the inmate's institutional behavior, work history, and rehabilitative programming mitigate the inmate's current risk of violence or significant criminal activity:</p> <ol style="list-style-type: none"> <li>1. There is no reliable information in the confidential section of the inmate's central file indicating the inmate has engaged in criminal activity since his last admission to prison.</li> <li>2. The inmate has successfully participated in vocational, educational, or work assignments for a sustained period of time. As a person who gained an income through illegal drug sales, the inmate would benefit from assignment participation to gain the habits and skills to support himself by legitimate means. He has</li> </ol>



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						<p>demonstrated good work habits by working as a porter for 1,042 hours since 2019 and his participation in educational assignments has lead to new understandings which will also assist him in engaging in legitimate sources of income generation.</p> <p>The following circumstances of the inmate’s institutional behavior, work history, and rehabilitative programming aggravate the inmate’s current risk of violence or significant criminal activity:</p> <p>1.The inmate has been found guilty of institutional Rules Violations Reports resulting in physical injury or threat of physical injury since his last admission to prison or has one or more recent serious institutional Rules Violation Reports. These are as follows:</p> <ul style="list-style-type: none"> <li>- 02/07/19 conspiring to introduce controlled substance</li> <li>- 07/20/18 failure to respond to notices</li> <li>- 06/19/18 tattooing</li> </ul> <p>The inmate has limited participation in available rehabilitative or self-help programming to address the circumstances that contributed to his criminal behavior, such as substance abuse. The inmate's commitment offenses involved the possession and sale of drugs to support a habit. The inmate has only engaged 4 days of programming in substance abuse and he has just been assigned to the CBI Outpatient Program.</p> <p>Analysis: When balancing the aggravating circumstances against the mitigating circumstances, they tend to show that the inmate’s institutional behavior, work history, and rehabilitative programming mitigate the inmate’s current risk of violence or significant criminal activity because since 2019 the inmate has avoided rules violations and has instead engaged in sustained assignment participation gaining and demonstrating good work habits.</p> <p>While the inmate could benefit from sustained program participation in substance abuse, less weight is given to</p>

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						<p>this circumstance since the inmate's abuse of substances in the community would not generally place the public at risk of violence and within the prison environment he has apparently avoided any involvement with illegal substances since 2019.</p> <p><u>Case Factor #4 – Response to Legal Notice</u></p> <p>There were no responses to Legal Notices.</p> <p><b>SUMMARY:</b> When reviewing all of the case factors as documented above, and taking into account the totality of the circumstances, including the passage of time, the factors mitigating the inmate's current risk of violence outweigh the factors aggravating the inmate's current risk of violence or significant criminal activity.</p> <p>The inmate's criminal history, including his commitment offense, consists entirely of non-assaultive drug and property crimes. This absence of assaultive behavior continued in the inmate's institutional adjustment. Moreover, to his credit, he avoided any rules violations since 2019, and avoided any confidential reports of criminal activity throughout his incarceration. Since 2019, the inmate's time has been spent in participating in educational and work assignments. While he is encouraged to continue his substance abuse programming, releasing the inmate at this point would not pose an unreasonable risk to the community. The inmate is approved for release.</p> <p><i>Edward Taylor</i></p>